

# PUBLIC LANDS FOR THE PEOPLE

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A 501 (c) (3) Non - Profit Corporation



*PLP exists to "Represent and assist outdoor user groups and individuals interested in keeping public and private lands open to prospecting, mining and outdoor recreation through education, scientific data and legal means."*

## March 2025 Legislative Update

### 2025 Renewed Push for Mining Regulatory Relief

Hello Friends!

Thank you for signing our online petition awhile back regarding our proposed critical minerals legislation to the National Defense Authorization Act (NDAA). You are getting this update because you previously signed our petition and to let you know we are renewing our push for mining regulatory relief. Our membership base has already raised over \$5,000 of our \$10,000 goal to fund the effort. Your financial support to get us to \$10,000 would be greatly appreciated.

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The first week of April 2025, Public Lands for the People (PLP) is getting back to Washington, DC in a renewed effort to provide regulatory relief to small miners across the United States. Idaho legal researcher Jann Higdem and California legal researcher Clark Pearson are dusting off the proposed critical minerals legislation we proposed a few years back and have refined and updated a few items. They are meeting with various Federal Senate & House representatives and their legislative directors to propose finally fixing the domestic mining and supply chain problems. Here is a link to the final updated proposal: <https://www.publiclandsforthepeople.org/ndaa/>

All miners are encouraged to tell their Federal Congressional House and Senate representatives to support and sponsor this amendment to the National Defense Authorization Act (NDAA) for the need of the mining industry, our national security and our domestic supply chain.

We have restarted courting new Senator sponsors and co-sponsors. After that, we will be moving the proposed bill out of Senator Lee's resource committee and into the Chairman of the Armed Services Senator Roger Wickers committee for final passage for fiscal year 2026. We will also be working on a identical bill for the House side.

The key Senators on the resource committee that need your immediate encouragement to support are as follows:  
Click the links below to call or email these Senators:



**Chairman Of Senate Energy & Resources Committee**

[Mike Lee](#)

Utah

**Republican Members**

[John Barrasso](#) Wyoming

[James E. Risch](#) Idaho

[Steve Daines](#) Montana

[David H. McCormick](#) Pennsylvania

[Jim Justice](#) West Virginia

[Bill Cassidy](#) Louisiana

[Cindy Hyde-Smith](#) Mississippi

[Lisa Murkowski](#) Alaska

[John Hoeven](#) North Dakota

Researchers Pearson and Higdem also plan to meet with a representative of the Department of Government Efficiency (DOGE), at the White House.

## **In simple terms, how many problems does this proposed legislation resolve and fix for the average small miner? Here are just 10 of many more...**

- 1 It eliminates prohibitive State mining permits and State suction dredge mining bans under the Federal authority exercising the Supremacy and Property clause of the U.S. Constitution.
- 2 It establishes once and for all that suction dredgers are not dischargers requiring any federal or State Clean Water Act discharge permits.
- 3 It establishes that Mom and Pop mining operations are exempt from MSHA reporting requirements.
- 4 It re-establishes RS-2477 access rights to miners with unpatented mining claims.
- 5 It allows a Federal or State permit system; but not at the same time, and at the discretion of the operator.
- 6 Establishes a clear bright line for the definition of “Casual Use” not requiring any preapprovals out of respect for the “Rights of Self-Initiation” under the Mining Law codified under 30 U.S.C. section 22.
- 7 It eliminates agency or Presidential mineral withdrawals on public lands and stops the abuse of the 1906 Antiquities Act that allows the creation of new national monuments with just the President’s pen.
- 8 It terminates the U.S. Forest Service minerals management authority and places it under the B.L.M. as the 1905 Transfer Act intended (codified under 16 U.S.C. section 472).
- 9 It clarifies the right of occupancy on your mining claim while mining, not requiring a Notice *or* Plan of Operations.
- 10 It overturns the People of CA v. Rinehart, the CA Supreme court case, establishing that State regulations can be found to unlawfully materially interfere with U.S. federal mining law and that the miner can sue for damages caused by environmental advocates and State actors acting outside their legal authority.

In a broader sense, the key elements that the proposed legislation intends to resolve:

1. This legislation will provide regulatory certainty that is critical for the mining industry and American investment in critical minerals.
2. It will provide relief from America’s dependency on China and other unfriendly nations for critical minerals essential for our high-tech and military needs, which is essential for America’s national security.
3. This legislation will help to curb the devastating environmental destruction occurring in China, which has profound and unwelcome effects on the United States and the world.
4. It will help prevent the theft of intellectual property by eliminating the need for American companies to re-locate manufacturing to China to secure a critical mineral supply chain.
5. It will promote environmentally responsible mining and reclamation practices here in the United States.

Summarized sections of the proposed legislation:

Section 101: Allows for the reimbursement of legal fees when a miner prevails in court when the federal government acted in bad faith.

Section 102: Resolves access issues created by Travel Management Plans and allows access via historical RS2477 routes/roads. Eliminates duplication—state or federal regulations apply, but not both. The miner can choose whether to fall under state regulations in states (i.e. Nevada) that have a working knowledge of the needs of miners and reasonable

regulations. It allows miners to choose federal regulations in states that are hostile to mining (i.e. California). It also allows miners to file a complaint for undue material interference.

Section 103: Clearly defines “casual use” not requiring a permit, regardless of an ACEC designation upon the land. Places clear mitigation time limits on reviews and approvals. Places clear requirements for published best management practices and due process to operators through notices of non-compliance. Clearly defines a Notice of Intent (NOI), is not a major federal action under NEPA or the ESA. Establishes minimum qualifications for those reviewing a Notice of Plans of Operations (POO).

Section 104: Provides clarity and exemptions to the Clean Water Act where mine operations are not adding a pollutant or introducing a foreign substance.

Section 105: Provides exemptions to the Mine Safety and Health Administration (MSHA), rules provided the operation does not have employees. (These proposed changes were reviewed and blessed by the top three administrators at MSHA—Kevin Stricklin, Emily Hargrove, Brian Goepfert—during our in-person meeting in May 2018). Provides clear due process for MSHA non-compliance that eliminates punitive, mine-killing citations while still incentivizing compliance.

Section 106: To review and revise regulations of the DOI, USDA, EPA and MSHA consistent with this Act. The USDA-Forest Service would lose minerals management authority unlawfully granted by the 9<sup>th</sup> circuit bench in the 1970’s.

Section 107: Provides for the non-binding of federal consent decrees without the express consent of mine owners.

Section 108: Provides for the mineral patent holder to opt out of duplicative state regulation unless the state declared its intentions to further regulate mine development at the time of patent issuance.

Section 109: Provides for the restoration of federal lands that are presently minerally withdrawn by administrative action. Provides opportunities to locate, explore and produce critical minerals for America’s national security.

Section 110: Provides for the removal of the 1980 Nuclear Regulatory Commission (NRC), rule regarding “source material” limits for critical minerals. The NRC adopted International Atomic Energy Agency (IAEA), rules that effectively banned processing of ore and mine tailings in the United States that exceed 0.05% content thorium and/or uranium. The NRC rule should apply only to uranium, which can be used for weapons, and exclude thorium, which is associated with most rare earths. Modification would allow American mining companies to establish a “thorium bank” and share costs. Current alternatives are to rebury tailings or ship them to China—which has a complete rare earth supply chain and a monopoly. NRC can adopt reasonable safeguards currently in use by Australia and Canada while still exercising environmental stewardship.

### [Public Lands for the People Petition – National Security Amendments to the NDAA Petition](#)

PLP has raised \$5,500 towards our \$10,000 goal to pay for the cost of trips to Washington DC in order to get renewed traction on our push for regulatory relief for the mining industry; with a focus on small miners. This is a once in a lifetime opportunity to get REAL relief from our elected officials – Please send a generous donation to PLP now and help push this effort across the finish line!

### [Join/Donate | Public Lands For The People](#)

If you like the work PLP does, please help PLP help you and join or renew today to know how to effectively and professionally counter the agencies while making Prospecting, Mining and Reclamation Great Again!

Supporting PLP’s Grand Raffle also helps us continue to fight for your rights. A book of 12 tickets is only \$10. We have a lot of great high value prizes. You can't win if you don't enter! Tickets are available to purchase by phone for the 2025 Grand Raffle Drawing. The growing list of the prizes for the 2025 Grand Raffle is published on our PLP Facebook site. You can call our toll-free number (844)-PLP-1990 which is (844) 757-1990 or Mail a Check (to the address below) and specify the number of ticket books you wish to have mailed to you. The drawing date and location is October 11<sup>th</sup> at the 2025 Red Mountain, California PLP Fallfest event.

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