

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 exemption to Mine Safety and Health Administrative (MSHA) rules provided operations have no employees.
- Provides clear due process for MSHA non-compliance that eliminates punitive, mine-killing citations by MSHA while still incentivizing compliance.

Section 106:

- Review and revise regulations of the DOI, USDA, EPA and MSHA consistent with this Act.

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- Provides for the restoration of federal lands that are presently minerally withdrawn by administrative action. This will provide more opportunities to stake more mineral claims in the U.S. for rare earth minerals and metals.

America imports over 92% of needed critical and strategic minerals and metals from foreign sources, including China and Russia.

On August 13, 2018, President Donald Trump signed the National Defense Authorization Act, which, for the first time, recognized critical and strategic minerals and metals as an essential part of our national defense.



December 20, 2017: President Trump signed Executive Order #13817, requiring the federal government to develop and implement a strategy to reduce the nation's dependence on foreign sources for critical and strategic minerals and metals.

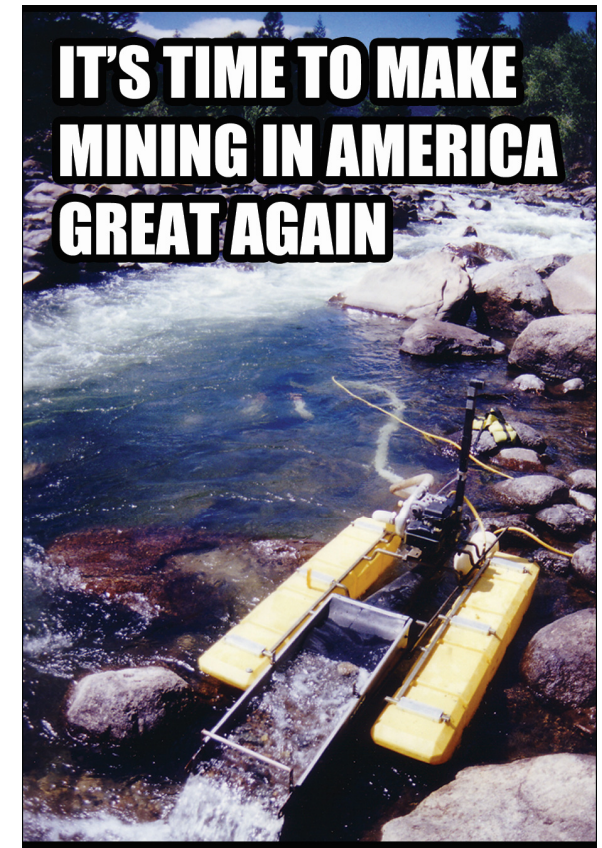
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PLP

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Public Lands for the People has been fighting for the rights of miners and other public land users since 1990.

No other group representing miners has come close to our proven track record regarding legislation and litigating when necessary and appropriate.

PLP has a **"NO COMPROMISE"** policy when it comes to your rights.



Did you know under the Mining Acts of 1866 and 1872, you have a federally protected right to access, occupy and work your claim? These rights are under constant attack by special interests that are against multiple-use of public lands.

PLP made numerous trips to Washington, DC, where they met with key members of the House and the Senate Armed Services Committee to advocate for a critical and strategic minerals and metals provision in the National Defense Authorization Act (NDAA). This approach was eventually adopted by large mining concerns and pushed through in fiscal year 2019.

The time is now to Make Mining in America Great Again!

PLP has written the Small Miner Amendments to meet this goal.

SMALL MINER AMENDMENTS

Summary Goal:

To provide clear **regulatory certainty** and agency accountability to exploration level permitting requirements under the 1872 Mining Act. To provide millions of dollars of cost savings to operations in exploration and development phases without compromise to environmental health or miner safety.

Section 101:

- Amends the Equal Access to Justice Act (EAJA) to allow the payment of attorney fees and expenses to all prevailing mine owners/operators in a federal court action.

Section 102:

- Removes presently overlapping and duplicative, and conflicting regulation at the State and Federal level.
- **Resolves the RS-2477 battles** by use of "implied easements."
- Eliminates hostile State regulatory authority by the affirmative discretion of owner/operator and removes issues such as State suction dredging bans.
- The 1955 Multiple Surface Use Act is further clarified so the mine owner can file a complaint for undue material interference, providing cost effective relief from unreasonable agency action. Chevron **deference to agencies will be limited** in scope.

Section 103:

- Clearly provides definitions to BLM for "casual use" language not requiring a permit.

- Places clear **mitigation time limits** that an agency shall act upon otherwise operations shall be "approved by operation of law" giving true regulatory certainty for mine planning and cost analysis projections.
- Places clear requirements to published best management practices and **due process** given to operators through notices of non-compliance without shutting down entire mining operations, which avoids costly down time for the mine.



Republican Congressman Paul Gosar (left) of Arizona speaks with Scott Harn, Editor of ICMJ's Prospecting and Mining Journal, and Clark Pearson of PLP.

- Clearly states that a **NOI is not a major federal action** within the meaning of NEPA or agency action within the meaning of the ESA. This overturns a recent job killing ruling by the 9th circuit court of appeals and reestablishes the previous 40-year rulings providing **reasonable regulation** of the mining industry.