



Rex Scott, District 1

TO: Melissa Manriquez, Clerk of the Board

FROM: Rex Scott, District 1 Supervisor

RE: Resolution for May 16 Agenda

DATED: May 3, 2023

Please add the attached resolution to the Board of Supervisors agenda for May 16, 2023. It is titled:

RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS OPPOSING THE PERMITTING FOR MINING NEEDS ACT AND THE MINING REGULATORY CLARITY ACT, AND SUPPORTING MEANINGFUL MINING REFORM

Thank you.

RESOLUTION NO. 2023-___

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
OPPOSING THE PERMITTING FOR MINING NEEDS ACT AND THE MINING REGULATORY CLARITY ACT,
AND SUPPORTING MEANINGFUL MINING REFORM**

WHEREAS, Pima County and the Pima County Board of Supervisors have long advocated for meaningful reform of the 1872 Mining Law, acknowledging that mining is necessary and should occur in places and with methods that protect the health, safety, and welfare of our County's residents; and

WHEREAS, on January 2, 2023, the "Permitting for Mining Needs Act of 2023" was introduced as H.R. 209 in the United States House of Representatives; and

WHEREAS, on April 25, 2023, the "Mining Regulatory Clarity Act" was introduced as S. 1281 in the United States Senate; and

WHEREAS, both Acts do not provide meaningful mining reform and instead would make it easier for mining companies to gain access to federal lands at the expense of all other uses such as recreation, tourism, conservation, watershed protection, climate mitigation, traditional uses by Tribal Nations, cultural and historic preservation, healthy forest management, and other uses that contribute significantly to the local, state, and national economies; and

WHEREAS, both Acts would allow mining companies to "... use, occupy, and conduct operations on public land, with or without the discovery of a valuable mineral deposit." This includes dumping waste and tailings on federal land without the need to prove valid mining claims, as well as on federal land absent of claims; and

WHEREAS, both Acts would authorize actions where mining companies secure rights on our federal public lands through unpatented mining claims without proving that the claims are valid, actions that have occurred for too many years; and

WHEREAS, both Acts are intended to legislatively reverse recent decisions by the United States District Court for the District of Arizona ("District Court") in 2019 and the Ninth Circuit Court of Appeals ("Ninth Circuit") in 2022 halting the construction of the proposed Rosemont Mine on the eastern slopes of the Santa Rita Mountains, located in Pima County, and the dumping of waste rock and tailings on 2,500 acres of unpatented mining claims in the National Forest; and

WHEREAS, the District Court's ruling, which the Ninth Circuit later affirmed, confirmed a long-standing concern, raised by Pima County since the beginning of the Rosemont Mine federal review process in 2006, that Federal agencies such as the U.S. Forest Service failed to consider whether Rosemont held valid unpatented mining claims; and

WHEREAS, the District Court's ruling confirmed that the Forest Service needs to consider reasonable alternatives when reviewing mining proposals, providing the opportunity for a more balanced approach to public lands management.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Pima County Board of Supervisors opposes the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act, as well as any similar legislation that attempts to allow mining projects on public lands in areas without mining claims and in areas with unproven mining claims, and supports meaningful mining reform;
2. The Pima County Board of Supervisors calls on Arizona's Congressional delegation to oppose the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act;
3. The Pima County Board of Supervisors directs the County Administrator and the County's Federal lobbyists to take the necessary measures to communicate Pima County's opposition to the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act;
4. The Pima County Board of Supervisors directs that communications to our Congressional delegation emphasize Pima County's support for meaningful mining reform and our record of supporting mining projects in Pima County that adhere to local health, safety, and conservation guidelines;
5. The Pima County Board of Supervisors opposes piece-meal legislation that does not address the issue of mining reform comprehensively; and
6. The Pima County Board of Supervisors affirms support for the rulings by the District Court and the Ninth Circuit Court of Appeals, which is consistent with past resolutions and actions of the Pima County Board of Supervisors.

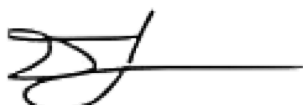
Passed by the Board of Supervisors of Pima County, this _____ day of _____, 2023.

Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board



Daniel Jurkowitz, Deputy County Attorney