

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

January 22, 2020

Alexander H. Herrgott  
Executive Director  
Federal Permitting Improvement Steering Council  
1800 F Street, NW  
Washington, DC 20405

Dear Mr. Herrgott,

I am writing in strong opposition to the Federal Permitting Improvement Steering Council's recent decision to unilaterally add non-energy mining as a new covered infrastructure sector under Title 41 of the Fixing America's Surface Transportation Act (FAST-41). The Council should immediately reconsider this decision.

According to the Environmental Protection Agency, the mining industry is the nation's most polluting industry, and the potential risks of mining projects go well beyond those for other sectors that qualify for FAST-41. For example, toxic mine waste often requires permanent storage facilities and indefinite monitoring and treatment. Even with modern technology, accidental acid seepage and waste releases are commonplace, and threats to local communities, fisheries, and drinking water resources persist for decades—if not in perpetuity—after a mine is no longer in operation. The nation witnessed this at the Gold King Mine in Colorado in 2015, where three million gallons of toxic materials (including cadmium, lead, and arsenic) poured into a nearby river from an abandoned hardrock mine.

Expediting permit approval for such projects is completely inappropriate. Mining projects were deliberately excluded by Congress as a FAST-41 qualifying sector because of the very significant and well-documented risks. The Council's hasty decision to vote for such a significant policy change demonstrates a disregard for public health and a gross misunderstanding of the environmental risks of mining activities.

It is deeply concerning that the Council took this action at the direct request of the mining industry. There is little demonstrated need to expedite permitting of these mining projects. While the mining industry complains about long permitting timelines, they refuse to provide data to back up their claims, instead relying on anecdotal evidence that ignores the responsibility of the companies themselves for deficient applications, intermittent financing, corporate indecision, or other self-inflicted factors entirely separate from federal environmental review processes. Independent

analysts tell a different story. In 2016, the Government Accountability Office published a report finding that the U.S. Forest Service and the Bureau of Land Management approve mine plans on average in just two years.<sup>1</sup>

In justifying its decision to add mining to FAST-41, the Council claimed to hold a commitment to transparency and the desire to increase stakeholder participation. This is simply not credible. The Trump administration is actively weakening protections under numerous environmental laws. Just one week before the council's vote, the administration proposed regulations that would severely weaken the regulations that govern the National Environmental Policy Act (NEPA). Attempts to justify this decision by citing existing NEPA protections are disingenuous and deeply misleading to the public.

Manipulating the jurisdiction of FAST-41 reeks of questionable motives and suggests the Council puts the interests of mining corporations over our nation's public health and the concerns of local communities. I urge the Council to immediately reconsider this decision and follow the direction of Congress to eliminate FAST-41 consideration for non-energy mines.

Sincerely,



Raúl M. Grijalva  
Chair  
House Committee on Natural Resources

---

<sup>1</sup> U.S. Government Accountability Office, *HARDROCK MINING: BLM and Forest Service Have Taken Some Actions to Expedite the Mine Plan Review Process but Could Do More*, GAO-16-165, January 2016.