

# THE MINING LAW OF 1872



To spur the 1848 California gold rush, Congress put a law on the books to incentivize mining on our public lands.

Little did they know this law would be virtually unchanged for 150 years.

The Mining Law of 1872 (Mining Law) grants generous rights to miners on public lands, including giving mining priority over all other uses of public lands.

This centuries-old law does nothing to protect our natural and cultural treasures. There are no environmental protections. There are no requirements for tribal or community input. Agencies cannot deny a mine, even if it causes irrevocable harm to the environment. Mining companies pay *zero* royalties on the minerals they take. And they often abandon the toxic mess they make, leaving communities and taxpayers with the consequences.

## BACKGROUND

Bad actors have a long history of exploiting the mining claims to try to block other land uses like clean energy development, recreation, or conservation.

The Mining Law governs the extraction of minerals, like gold, silver, copper, & lithium, that will be key in the clean energy transition.

A 19<sup>th</sup>-century law cannot oversee a 21<sup>st</sup>-century clean energy transition.



Mining companies pay **ZERO** royalties for minerals taken from our public lands thanks to the Mining Law.

## STAKING A MINING CLAIM IS EASIER THAN YOU THINK

### 1 FIND SOME LAND

As long as you are a U.S. citizen aged 18 or older, you are eligible to stake a mining claim on U.S. federal lands. *Foreign adversaries welcome!*

### 2 FIND A MINERAL

*Time to put your prospector hat on!*  
The Mining Law requires some evidence that minerals are physically present on that land.

### 3 STAKE YOUR CLAIM (LITERALLY)

Physically plant wood or metal stakes at the four corners of your claim. (up to 20 acres per claim, *but file as many claims as you want!*)

### 4 SOME PAPERWORK & FEES

Submit an application to BLM describing your plot. Fees vary based on claim type, but range around \$8-\$11 per acre.

### ☑ THAT'S IT!

Within 60 days, BLM will approve your claim or get back to you with any deficiencies in your claim. This is now the overriding priority use of this land — BLM or the U.S. Forest Service cannot deny your right to mine on this land.

## FAST FACTS ABOUT MINING



Mining is the number one source of toxic pollution in the United States.

There are over **500,000** abandoned mine lands across the nation.

It will cost an estimated **\$54 billion** to clean them up.

The vast majority of clean energy minerals are located within **35 miles** of tribal lands.

**\$300 BILLION**

worth of minerals have been extracted from our public lands by mining companies without them paying a cent in royalties to the American people.



## SEE THE PROBLEM?

It may have seemed like our nation's lands & natural resources were inexhaustible to a gold prospector in 1872. However, we now understand they are limited, and responsible usage requires a balance between development and stewardship.

The Mining Law is woefully inadequate to meet the needs of a 21<sup>st</sup>-century just clean energy transition that ensures all communities have a voice and our natural & cultural treasures remain intact.