

TEXT OF RESOLUTION BELOW

ADOPTED BY THE MAYOR AND COUNCIL June 6, 2023

RESOLUTION NO. 23626 RELATING TO FEDERAL LEGISLATION; OPPOSING THE PERMITTING FOR MINING NEEDS ACT OF 2023 AND THE MINING REGULATORY CLARITY ACT, INTRODUCED IN THE CONGRESS AS H.R. 209, S. 1281 and H.R. 2925; CALLING ON ARIZONA'S CONGRESSIONAL DELEGATION TO OPPOSE THIS AND SIMILAR LEGISLATION; SUPPORTING THE CLEAN ENERGY AND MINERALS REFORM ACT; AND DECLARING AN EMERGENCY.

- 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 (with an equivalent act introduced in the House as H.R. 2925);
- 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;
- and WHEREAS, the proposed mining operations at Rosemont threaten an area of public lands that provide a disproportionately high amount of water for runoff and groundwater recharge for the Tucson basin, and are proposed for an area that is recognized worldwide for its extraordinary biodiversity;
- and WHEREAS, the _____, would enact meaningful mining reform, including the establishment of royalties on mining operations and a leasing system similar to what applies to oil and gas industries, while protecting national parks and monuments and other public lands and key environmental resources:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA,
AS FOLLOWS:

SECTION 1. The Mayor and Council opposes the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act, as well as any similar legislation, including but not limited to H.R. 209, S. 1281 and H.R. 2925, that attempts to allow mining projects on public lands in areas without mining claims and in areas with unproven mining claims; and that makes 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.

SECTION 2. The Mayor and Council calls on Arizona's Congressional delegation to oppose the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act, as well as any similar legislation.

SECTION 3. The Mayor and Council supports the Clean Energy Minerals Reform Act, as sponsored by Sen. Heinrich and Rep. Grijalva, which would enact meaningful mining reform while protecting national parks and monuments and other public lands and key environmental resources; and call on Arizona's Congressional delegation to support this legislation.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution, including but not limited to taking measures necessary and appropriate to communicate the City of Tucson's 4 opposition to the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act and its support for the Clean Energy Minerals Reform Act.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this Resolution become effective immediately, an emergency hereby is declared to exist, and this Resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, June 6, 2023.

_____ MAYOR

ATTEST: _____

CITY CLERK APPROVED AS TO FORM:

REVIEWED BY: _____

Supporting and introductory material below

June 6, 2023

Subject: Resolution: Opposing Federal Legislation, To Include H.R. 209, S. 1281 and H.R. 2925 that Facilitates Mining Operations at the Expense of the Protection of Sensitive Public Lands, including the Santa Rita Mountains; and Supporting Federal Legislation, to Include the Clean Energy Minerals Reform Act, that Protects Public Lands and Enacts Meaningful Regulatory Reform for Mining Operations (City Wide and Outside City) Page: 1 of 2 Issue –

This item has been scheduled as directed by the Motion made by Councilmember Dahl and approved by the Mayor and Council at the Study Session of May 23, 2023 for consideration and adoption of the attached Resolution expressing the Mayor and Council’s support for federal legislation, specifically the Clean Energy Minerals Reform Act, that would enact meaningful mining operations reform and protect

sensitive public lands; and opposing federal legislation, including the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act, as well as any similar legislation, including but not limited to H.R. 209, S. 1281 and H.R. 2925, that makes 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.

City Manager's Office Recommendation –The City Manager’s Office recommends that the Mayor and Council consider and take action on the proposed Resolution.

Background – 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 on April 25, 2023, the “Mining Regulatory Clarity Act” was introduced as S. 1281 in the United States Senate (with an equivalent act introduced in the House as H.R. 2925). These 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. Additionally, these 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. These Acts would authorize actions where mining companies secure rights on federal public lands through unpatented mining claims without proving that the claims are valid, actions that have occurred for too many years; and they are intended to legislatively reverse recent decisions by the United States District Court for the District of Arizona in 2019 and the Ninth Circuit Court of Appeals in 2022 halting the construction of the proposed Rosemont Mine on the eastern slopes of the Santa Rita Mountains,

MAYOR & COUNCIL COMMUNICATION MAYOR AND COUNCIL COMMUNICATION

Resolution: Opposing Federal Legislation, To Include H.R. 209, S. 1281 and H.R. 2925 that Facilitates Mining Operations at the Expense of the Protection of Sensitive Public Lands, including the Santa Rita Mountains; and Supporting Federal Legislation, to Include the Clean Energy Minerals Reform Act, that Protects Public Lands and Enacts Meaningful Regulatory Reform for Mining Operations (City Wide and Outside City) Page: 2 of 2 JUN06-23-179 located in Pima County, and the dumping of waste rock and tailings on 2,500 acres of unpatented mining claims in the National Forest. These proposed mining operations at Rosemont threaten an area of public lands that provide a disproportionately high amount of water for runoff and groundwater recharge for the Tucson basin, and are proposed for an area that is recognized worldwide for its extraordinary biodiversity. A separate legislative Act, the Clean Energy Minerals Reform Act, as sponsored by Sen. Heinrich and Rep. Grijalva, has been proposed and would enact meaningful mining reform, including the establishment of royalties on mining operations and a leasing system similar to what applies to oil and gas industries, while protecting national parks and monuments and other public lands and key environmental resources.

Present Consideration – The attached Resolution, if adopted, would express the Mayor and Council’s support for the Clean Energy Minerals Reform Act while opposing federal legislation that would compromise critical public lands in favor of mining operations. Legal Considerations – The City Attorney has prepared the attached Resolution for Mayor and Council consideration. Respectfully submitted,
Michael J. Ortega, P.E. City Manager MJO/MR/dg City Attorney’s Office Attachment: Resolution

