

**January 21, 2010 Oversight Hearing
Subcommittee on National Parks, Forests and Public Lands
Oral Testimony of C.H. Huckelberry**

Mr. Chairman Grijalva, Ranking Member Bishop and subcommittee members, thank you for holding this hearing on the proposed mineral withdrawal and for inviting Pima County to testify. How public lands are used is of great importance to the residents of and visitors to southern Arizona, and so, I greatly appreciate this opportunity to convey concerns on behalf of our residents, the majority of whom reside in the Tucson metropolitan area.

By way of background, you should know that much of this nation's copper has come from mines located in Pima County. Mineral extraction remains an important part of local employment. Unfortunately, we are also living with the adverse legacy of mining today. Air pollution, water pollution, blighted landscapes, and lands that are fallow and unproductive are the legacy most remembered. Reclamation, mitigation, and environmental remediation have been largely forgotten.

The 1872 Mining Law fosters this legacy because it treats mining as a privileged use above all others, regardless of the costs it imposes. The Southern Arizona Public Lands Protection Act of 2009 (HR 2944) would go a long way toward addressing this inequity.

Mineral withdrawals are not new to Pima County. Our Board of Supervisors first requested a mineral withdrawal in 1928, resulting in creation of the 29,000-acre Tucson Mountain Natural Resource Park. Pima County again sought Congressional intervention for a mineral withdrawal in 1959, when Interior re-opened a portion of Tucson Mountain Park to mining. This led to creation of the Saguaro National Park's western unit.

In 1962, Congress withdrew large areas of private land in the Tucson basin from mineral entry following a series of nuisance claims filed on urban development lands. Maps are included in my written testimony showing these past withdrawals. In 1962, the population in Pima County was approximately 270,000; today we number more than one million people. Urban development now fills the area of the 1962 withdrawal. Mineral withdrawals were a good land-use tool in 1962, and another mineral withdrawal is needed today. Without such a tool, the highest and best use of any tract of land or any body of water, under the current 1872 Mining Law, will always be a mine, regardless of any other factor.

The landscape of the western United States is littered with mining claims that survive indefinitely, whether mining occurs or not. The 1872 Mining Law makes it possible for individuals to lock up access to minerals, even when there is no real intent to mine. By requiring a determination of who actually does have valid claims to the mineral estate of the nation, withdrawals provide a vital public service. Federal land-managing agencies have long avoided any discretionary examination of these claims, choosing to leave the mess to some future generation. Today, there are 3,800 mining claims on federal minerals within County open-space preserves and parks. Pima County has repeatedly requested that the agencies initiate their own validity examinations; but such has not occurred, and it

has seldom occurred elsewhere without a federal action and will likely never occur without a Congressional mandate.

A new mineral withdrawal would support implementation of the Sonoran Desert Conservation Plan, which includes provision for future economic development while balancing protection of natural and cultural resources. Under the Sonoran Desert Conservation Plan, Pima County and our many partners have devised a cross-jurisdictional blueprint for where growth and conservation should occur.

On February 20, 2007, the Pima County Board of Supervisors voted to request a permanent mineral withdrawal of all federal lands within the Coronado National Forest in Pima County and on County-owned preserves. Our preserve, Forest and other Federal lands are too important for our water supply, economy, environment, and cultural resources, to allow new mining to be given automatic preference over all other uses.

HR 2944 would also help protect Pima County's recent investments of over \$150 million in public preserves and open spaces. We consider this bill a necessary, although partial response to the problems created by federal and state preferences given to mining over all other land and water uses. Ultimately, reform of the 1872 Mining Law will be needed to fully address mining impacts on land and water.

Again, thank you for inviting Pima County to provide testimony on these important issues. Pima County supports HR 2944, the "Southern Arizona Public Lands Protection Act of 2009" and urges its adoption.