



May 25, 2017

Monument Review
MS-1530
U.S. Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

RE: Bears Ears National Monument

Dear Secretary Zinke,

The Utah Mining Association (UMA) appreciates the unprecedented opportunity to comment on the designation of the Bears Ears National Monument. Too often the acrimonious debate over public lands issues has centered on the false choice between conservation and multiple-use. We strongly believe the two are not mutually exclusive, and we supported the efforts of U.S. Representative Rob Bishop and the Utah congressional delegation to end the gridlock and bring a more reasoned, balanced approach to public land use in Utah through the Public Lands Initiative (PLI) legislative process.

As you know, mining is the beginning of the supply chain for everything our highly technological society uses or consumes on a daily basis. The federal government needs to enact policies and incentives that will ensure access to mineral deposits, reduce permitting delays and encourage investment and production of America's vast mineral resources to supply the strategic and critical metals and minerals necessary to create and sustain U.S. manufacturing jobs, a robust economy, energy security and our standard of living. It is within that context that we are pleased to offer the following comments.

While we recognize there are lands worthy of protection, particularly legitimate antiquities, the number one priority for the mining industry regarding federal public lands management is access to public lands for prospecting, exploration, development, mining, production and processing.

Mineral deposits are rare and hard to find. Discovery, delineation and development of ore bodies require years of fact-finding, including ground, aerial and satellite reconnaissance, exploration drilling, environmental baseline gathering, workforce hiring and training, mine and mill planning, design and construction and closure and reclamation.

In a 1999 report, the National Research Council of the National Academy of Sciences recognized just how rare economically viable mineral deposits are:

Only a very small portion of Earth's continental crust (less than 0.01%) contains economically viable mineral deposits. Thus, mines can only be located in those few places where economically viable deposits were

formed and discovered. *Hardrock Mining on Federal Lands*, National Research Council, National Academy Press, 1999, p. 2-3.

Without access to public lands for exploration, those economically viable deposits cannot be discovered, and there will be no future mine to provide the corresponding economic and societal benefits.

We feel Congress needs to reform, or put sideboards on, the use of the Antiquities Act to designate national monuments. At the very least, the designation of a national monument should require the consent of the state.

In the case of the Bears Ears National Monument, we feel the designation of the monument is overly broad and not in keeping with the statutory language of the Antiquities Act, which states, in part, that national monuments:

shall be confined to the smallest area compatible with proper care and management of the objects to be protected.

While there may be sufficient reason to designate protections for antiquities located in the area of the Bears Ears National Monument, we believe those areas, whether protected through a national monument or other protected status, should be kept to the smallest area possible. Doing so would allow the Bureau of Land Management to fulfill their statutory mandate to manage federal public lands for multiple use.

The *Federal Land Policy and Management Act* of 1966 (FLPMA) 43 U.S.C. 17.01 *et seq* lists twelve policies with respect to the public lands of the United States. Section 102(a)(12) states that it is the policy of the United States that:

the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber and fiber from the public lands including implementation of the *Mining and Minerals Policy Act* of 1970 (30 U.S.C. 21a) as it pertains to the public lands;

The *Mining and Minerals Policy Act* of 1970 declares, in part:

[t]hat it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries,

The U.S. minerals industry operates in a highly competitive global environment. The search for new mineral deposits occurs around the globe. Major mining companies operate internationally and weigh many factors in determining whether the potential return on mineral investment is worth the geologic, economic and political risk.

There can be no question that mining creates new wealth and provides high paying jobs with an indirect job multiplier more than twice the national average. As mining companies weigh the geology/mineral potential, economic and political risk, they will invest in mineral development where they can obtain access to the land; access to regulatory approvals; access to capital; and access to the resources necessary to build and operate the mine such as people, water and energy.

We also must recognize we are entering a period of resource nationalism where many countries, led by China, are asserting control over natural resources located within their country. Unlike the Arab oil embargo of the early 70's, countries like China are using resource nationalism not to control the market or the market price for a given commodity, but to attract long term manufacturing jobs. Manufacturing requires minerals. Manufacturing concerns require a stable and affordable supply of metals and minerals. In a nutshell, resource nationalism says "if you want our minerals, locate your manufacturing facility in our country."

This is most evident and transparent in China with rare earth minerals. China currently controls 97% of global rare earth production. Rare earths are required not only in wind turbines and hybrid vehicles, but also in dozens of consumer products like flat screen TV's, computer monitors, and energy saving CFL light bulbs. China is telling these manufacturing concerns that they have a choice. They can hope to obtain the rare earths they need in the global market place at the global commodity price, or they can relocate their manufacturing facility in China and be guaranteed a supply of rare earths at a discount. China has been very transparent in this policy because first and foremost they want to create manufacturing jobs.

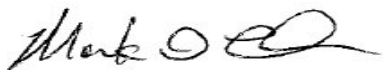
If the United States is going to compete in this global mineral environment fueled by resource nationalism, it must adopt policies that guarantee access to lands with mineral deposits, must provide a competitive tax regime, and must reduce permitting delays.

In conclusion, the Utah Mining Association urges you to carefully review the scope of the Bears Ears National Monument to determine if the antiquities present can be sufficiently protected while reducing the size of the monument. We also encourage you to carefully review whether a national monument designation is the best means to protect those antiquities.

As I stated earlier, we supported the Public Lands Initiative and its goal of ending the gridlock and conflict regarding public lands management in eastern Utah. Through the PLI process, the Utah congressional delegation convened a true "bottom-up" approach that gave every stakeholder an opportunity to participate and have their concerns heard and addressed. As with any compromise, we knew going in we wouldn't get everything we wanted, but we believe the PLI resulted in a reasoned, balanced approach to public land management. That's something a national monument designation can never accomplish.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Compton", with a stylized flourish at the end.

Mark Compton
President