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Testimony
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Committee on Resources
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Oversight Hearing on “Sustainable Development Opportunities in Mining Communities” Part II

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It is a pleasure to testify before this committee. I have worked here on staff and later in a number of capacities, mostly relating to mining and land use, exploration, and a number of legislative efforts. I carefully read the title of this hearing which was given to me as, “Sustainable Development Opportunities in Mining Communities, Part II.”

There are always development opportunities as we are limited only by our imagination, influenced perhaps by a number of other factors. I will address the sustainable mineral opportunities issue first. Many mines have had amazing longevity, large mines and small mines. Often the demand for a commodity will wax and wane depending on the needs for the economy of the time. Throughout U.S. history, miners roamed the west from one mine employment site to another as new mines were opened and old ones closed, or new uses of old commodities injected life into mineral properties. In recent years there has been a trend away from sustained mineral use toward recreation, home sites, ski villages, etc. Much of this activity has been on mineral land since it is the only way to get title to remote federal land since the demise of an assortment of homestead laws. Ownership is achieved through a patented or even on occasion an unpatented mining claim. This may be good for homebuilding but it is not good for long term mineral use and employment based on that use.

New concepts in ore deposition can lead to discovery of a whole new mine, or even a use of an accessory mineral may overtake the original mineral, for example porphyry copper on old gold mines.

During the last decade, there have appeared to me alarming new trends. There has been a breakdown in the working of the mining law, and land access is restricted or denied over much of the national resource lands. This has occurred under a strong dollar, cheap foreign imports, and an explosion in popular environmentalism which in this case I would define as organized anti-exploration and mining. As costs to operate have gone up, opportunities in mineral employment have left the country, and I might add, many of the mineral employment centers have left as well. This is also a significant factor in our balance of trade deficits.

Western mineral development is largely public land development and eastern mineral development is private mineral development. Of course in public land states where patented mining claims have been issued these islands have to some extent become private land.

The breakdown of the mining law and an atmosphere of hostility toward mining directly effects opportunity for sustained development in all these communities. I believe it also affects the competitiveness of the entire American economy as America gives up once domestic sources for raw materials and relies on other nations, some friendly some not, and some that will change. This is not to say I favor protectionism, just a level playing field. Many mineral resources have to develop markets for their product. Once that market is taken over by a foreign competitor it may not come back.

Government likes definite numbers: acreage of wilderness, employment, production numbers, tax revenue, etc. This is understandable. However, it rarely if ever accounts for the ingenuity of an idea, or the potential of discovery. Over the years attempts have been made at quantifying undiscovered minerals using probable, possible, or inferred categories to describe various known states of guessed at mineral reserves. However, if they can't be tested, they don't count, and if mineral land is placed off limits through de jure or de facto restrictions, the potential will remain unknown and will fail to sway a land use board against a known value, even one angry voice raised in favor of no change.

If the topic of this hearing is sustainability of mineral development and employment in an area, under today's legal land use pattern, I would say it is unlikely development can be sustained long past the current operation.

In order to achieve sustainability, which is possible, you would have to reform and update the American mining law, and

reform and update all the raft of withdrawals including Wilderness with a big W as it basically enshrines a 1964 zoning pattern on public resource lands forever. What town in the United States today could live with a 1964 road pattern as its sole zoning base. Yet American mineral producers are asked to do just that. And no, the planning process did NOT take into account mineral resources in the boundaries. They didn't have a clue, anymore than Tucson Arizona foresaw the expansion of housing outward in 1964 for today's housing market. They had a more flexible process and have been able to handle growth.

This is our dilemma. The political will to make these changes may not be there. If this is the case, we will continue on until some crisis forces us to visit these solutions.

I am attaching some papers I have written in conjunction with others on these issues. For nearly ten years I was with the Public Resource Foundation in an effort to come up with and pass a model Mining Law Bill. That model bill is not attached and I would refer you to Putnam Livermore in San Francisco if you are interested. Other articles demonstrate a progression since the Wilderness Act in 1964 to eliminating exploration and discovery for mining law minerals in our national resource lands.

Mineral resources on Public resource lands are separated into locatable mineral resources; the hard to find minerals, and secondly leaseable minerals; the bedded mineral deposits or more easily found ones. Withdrawals affect both. With leaseable minerals there is enough information to get a sense of how much of the resource broadly exists and how much is currently under development. An attached article, I did years ago, indicates that potash in the U.S., a key fertilizer mineral is most in need of some attention in order to sustain mineral development. History would show that potash imports cut off from Germany in WWI led to great hardship by American Farmers.

Finally attached is the new discovery Patuxent River Agate, a petrified bone material from of all places, Maryland. This was my discovery which last year became the Maryland State Gemstone by a strong vote. Six years ago this fine quality state gemstone did not exist. If it can be found in an eastern urban/suburban environment, what else is out there on those National Resource lands? Lands that were set aside for wise use, I might add, not for no use. If you don't look, you won't find.

We are entering a new era. China, India, and other nations are for the first time competing for natural resources, resources we have historically had nearly all to ourselves. Where will the next generation get their minerals to sustain not only mining communities, but industrial communities all over this nation? I think this committee's attention to this issue is important.