

American Lands Access Association

2010 Mid Year Report

John Martin

S. 787: Clean Water Restoration Act

A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

April 2, 2009: Introduced

Jun 18, 2009: Committee on Environment and Public Works. Ordered to be reported with an amendment in the nature of a substitute favorably.

April 9, 2010: Still in Committee

This bill was considered in committee which has recommended it be considered by the Senate as a whole. Although it has been placed on a calendar of business, the order in which legislation is considered and voted on is determined by the majority party leadership.

S. 787 States:

(8) this Act will treat, as 'waters of the United States', those features that were treated as such pursuant to the regulations of the Environmental Protection Agency and the Corps of Engineers in existence before the dates of the decisions referred to in paragraph (10), including--

- (A) all waters which are subject to the ebb and flow of the tide;
- (B) all interstate waters, **including interstate wetlands**;
- (C) all other waters, such as intrastate lakes, rivers, streams (**including intermittent streams**), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds;
- (D) all impoundments of waters of the United States;
- (E) tributaries of the aforementioned waters;
- (F) the territorial seas; and
- (G) wetlands adjacent to the aforementioned waters;

This bill puts control of all US Surface waters under the control of the US Army Corps of Engineers and the **EPA**.....

Support

Ducks Unlimited
Earthjustice
American Whitewater
League of Conservation Voters

Oppose

National Mining Association
National Corn Growers Association

American Rivers
Clean Water Action
Sierra Club
U.S. Public Interest Research Groups
Natural Resources Defense Council
Environment America
National Wildlife Federation
Southern Environmental Law Center

Effects to Rockhounding: Will give the **EPA** the authority to close, restrict or regulate access roads which follow or cross wetlands, seasonal streams, dry river or stream beds even if they are on private property.

Rockhounds should oppose this bill because it gives too much authority to the Environmental Protection Agency without the necessary checks and balance of due process.

S. 796: Hardrock Mining and Reclamation Act of 2009

A bill to modify the requirements applicable to locatable minerals on public domain land, and for other purposes.

April 2, 2009 Introduced

July 14, 2009: Committee on Energy and Natural Resources. Hearings held. Hearings printed: S.Hrg. 111-116.

April 9, 2010 Still in Committee

Hardrock Mining and Reclamation Act of 2009 - Prohibits the issuance of a federal patent for any mining claim, millsite, or tunnel site (claim or site) unless the Secretary of the Interior determines that: (1) a patent application was filed by September 30, 1994; and (2) all application requirements were fully complied with by such date. Prescribes a mandatory claim maintenance fee and location fee for each claim or site. States that failure to perform assessment work, pay a mandatory maintenance or location fee, or file timely notice of location shall: (1) conclusively constitute forfeiture; and (2) make the claim or site null and void. Subjects production of locatable minerals from any mining claim to a royalty of between 2 % and 5% of the value of the production, not including reasonable transportation, beneficiation, and processing costs. Authorizes the Secretary to grant royalty relief. Directs the Secretary to establish a comprehensive inspection, collection, fiscal, and production accounting and auditing system to: (1) determine accurately any royalties, interest, fines, penalties, fees, deposits, and other payments owed; and (2) collect and account for such payments in a timely

manner. Requires a permit to engage in the following activities on federal land: (1) mineral activities that would disturb surface resources, including land, air, water, and fish and wildlife; and (2) exploration and mineral activities that involve more than casual use of the land. Prescribes requirements for mining permits. Requires an operator to give the Secretary specified financial assurances before beginning any mineral activities requiring an exploration or mining permit in order to ensure reclamation and restoration of any land or water adversely affected by the activities. Establishes the Hardrock Minerals Reclamation Fund for the reclamation and restoration of land and water resources adversely affected by past hardrock minerals and mining and related activities in abandoned hardrock mine states, and on Indian land located within the exterior boundaries of abandoned hardrock mine states. Subjects each operator of a hardrock minerals mining operation to an abandoned mine land reclamation fee.

H.R. 699: Hardrock Mining and Reclamation Act of 2009

To modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

January 27, 2009 Introduced

February 26, 2009 the bill has been referred to the following committees:

[House Natural Resources, Subcommittee on](#)
[House Natural Resources, Subcommittee on Energy and Mineral Resources](#) --
Hearings Held

April 9, 2010 Still in Committee

Hardrock Mining and Reclamation Act of 2009 - Applies this Act to any mining claim, millsite claim, or tunnel site claim located under the general mining laws or used for beneficiation or mineral processing activities, regardless of whether legal and beneficial title to the mineral is held by the United States. Conditions federal issuance of a patent for any such mining or millsite claim upon specified determinations by the Secretary of the Interior. Subjects production of locatable minerals to a royalty of 8% of the gross income from mining. Imposes a 4% royalty upon federal lands subject to an existing permit, and specified royalties on certain federal land added to an existing operations permit. Prescribes a hardrock mining claim maintenance fee for each unpatented mining claim, mill, or tunnel site on federally owned lands. Designates certain wilderness study areas, areas of critical environmental concern, and related areas as not open to location of mining claims. Permits a state or local government or Indian tribe to petition the Secretary of the Interior for withdrawal of specific federal land from operation of the general

mining laws in order to protect specific values. Instructs the Secretary to ensure that mineral activities on federal land subject to a claim are carefully controlled to prevent undue degradation of public lands and resources. Prescribes requirements for the exploration permit process and for operations permits, including financial assurances. Requires restoration of lands to a condition capable of supporting prior uses or other beneficial uses. Establishes the Locatable Minerals Fund composed of: (1) penalties, fees, and royalties; (2) the Hardrock Reclamation Account, and (3) the Hardrock Community Impact Assistance Account. Amends the National Materials and Minerals Policy, Research and Development Act of 1980 to direct the Secretary of Agriculture to initiate prompt actions to improve the availability and analysis of mineral data in public land use decision-making with respect to National Forest System lands. Amends the Energy Policy Act of 1992 to subject certain oil shale claims to the reclamation requirements of this Act. Repeals the Building Stone Act and the Saline Placer Act.

Support

Earthworks

Oppose

National Mining Association
Northwest Mining Association

Rockhounds should oppose these legislation acts because if passed it will make filing and maintaining small claims such as club, society or federations may have or trying to establish nearly impossible and if filing is allowed the filing fees will be expensive with recurring annual fees and royalty fees based on annual material removal.

S. 799: America's Red Rock Wilderness Act of 2009

A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

April 2, 2009 Introduced

Apr 2, 2009: Read twice and referred to the Committee on Energy and Natural Resources.

April 9, 2010 Still in Committee

America's Red Rock Wilderness Act of 2009 - Designates specified lands in the following areas of Utah as components of the National Wilderness Preservation

System: (1) Great Basin; (2) Zion and Mojave Desert; (3) Grand Staircase-Escalante; (4) Moab-La Sal Canyons; (5) Henry Mountains; (6) Glen Canyon; (7) San Juan-Anasazi; (8) Canyonlands Basin; (9) San Rafael Swell; and (10) Book Cliffs and Uinta Basin. Sets forth administrative provisions regarding: (1) filing by the Secretary of the Interior of a map and a legal description of each designated wilderness area with appropriate congressional committees; (2) the exchange of state-owned lands within such areas; (3) federal reservation of water rights; (4) measurement of setbacks for roads with wilderness; (5) authorized livestock grazing; and (6) withdrawal of such lands from disposition under certain public land laws.

Support

Sierra Club
Robert Redford
Barbara Boxer, D-CA
Southern Utah Wilderness Alliance

Oppose

Utah Legislators
Orrin Hatch
BRC

H.R. 1925: America's Red Rock Wilderness Act of 2009

To designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in Utah for the benefit of present and future generations of Americans.

April 2, 2009 Introduced

Oct 1, 2009: The bill has been referred to the following committees:

[House Natural Resources, Subcommittee on](#)
[House Natural Resources, Subcommittee on National Parks, Forests and Public Lands](#) -- Hearings Held

April 9, 2010 Still in committee

America's Red Rock Wilderness Act of 2009 - Designates specified lands in the following areas of Utah as components of the National Wilderness Preservation System: (1) Great Basin; (2) Zion and Mojave Desert; (3) the Grand Staircase-Escalante; (4) Moab-La Sal Canyons; (5) Henry Mountains; (6) Glen Canyon; (7) San Juan-Anasazi; (8) Canyonlands Basin; (9) San Rafael Swell; and (10) Book Cliffs and Uinta Basin. Sets forth administrative provisions regarding: (1) filing by the Secretary of the Interior of a map and a legal description of each designated wilderness area with appropriate congressional committees; (2) the exchange of state-owned lands within such areas; (3) federal reservation of water rights; (4)

measurement of setbacks for roads with wilderness; (5) authorized livestock grazing; and (6) withdrawal of such lands from disposition under certain public land laws.

WASHINGTON, D.C., Oct 1, 2009 - Today, House Natural Resources Ranking Member Doc Hastings joined the entire Utah Congressional delegation in opposing the America's Red Rock Wilderness Act of 2009 (H.R. 1925) – a bill that would lock up 9.5 million acres of land in Utah and block energy development, job creation and public land access. Of the 146 cosponsors of the bill, not a single one is from the state of Utah.

Rockhounds should oppose these legislation bills because, if enacted, would designate 9.4 million acres of land managed by the Bureau of Land Management (BLM) in Utah (11% of the state) as Wilderness. This will restrict access or close access to prime collecting areas in the state of Utah.

S.2921: California Desert Conservation and Recreation Act

A bill to provide for the conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area, to require the Secretary of the Interior to designate certain offices to serve as Renewable Energy Coordination Offices for coordination of Federal permits for renewable energy projects and transmission lines to integrate renewable energy development, and for other purposes.

December 21, 2009 Introduced -- California Desert Protection Act of 2010 - Amends the California Desert Protection Act of 1994.

December 21, 2009 [Senate Energy and Natural Resources](#)

April 9, 2010 still in committee with no (0) co-sponsors

California Desert Protection Act of 2010 - Amends the California Desert Protection Act of 1994 to, among other things: (1) establish or designate national monuments, wilderness areas, a special management area, and off-highway vehicle recreation areas; (2) release specified wilderness study areas; (3) adjust national park and preserve boundaries; and (4) specify land withdrawals, exchanges, and acquisitions.

Amends the Wild and Scenic Rivers Act to designate specified segments of rivers and creeks as components of the National Wild and Scenic California Desert Protection Act of 2010 Rivers System.

Amends the Energy Policy Act of 2005 to direct the Secretary of the Interior to designate Renewable Energy Coordination Offices (the Offices) in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Utah, and Wyoming for the coordination of federal permits for renewable energy projects and transmission lines to integrate renewable energy development.

Establishes a process and procedures (including deadlines) for consideration of right-of-way use authorizations applications for the construction of wind and solar electricity generation facilities.

Requires programmatic environmental impact statements analyzing the impacts of the development of solar, biomass, wind, geothermal energy, and associated electric transmission capacity on Bureau of Land Management (BLM) lands, National Forest System lands, and on military installations in the Mojave and Colorado Deserts in Arizona, California, and Nevada.

Requires a study analyzing the impacts of a program to develop large-scale renewable electricity generation projects on military installations in the Mojave and Colorado Deserts in California and Nevada.

Establishes the California Desert Mitigation Bank Pilot Program under which eligible lands in the California Desert Conservation Area shall be made available as habitat mitigation zones to serve as mitigation for the development of renewable energy projects on non-federal land.

Requires a report on the Offices and renewable energy permitting policies and processes in the western states.

Authorizes grants for the development, construction, and acquisition of advanced electric transmission properties.

Senator Dianne Feinstein (D-CA) introduced this legislation that would withdraw 1.6 million acres of desert landscapes from public access. The 1.6 million acres is larger than the state of Connecticut and this legislation will close access to some of the best rockhound collecting areas in Southern California. Rockhounds should oppose this legislation in its current version and they (we) should contact our elected officials to encourage them to keep the access roads and trails to collecting areas open for motorized vehicle travel.

H.R. 2454: American Clean Energy and Security Act of 2009 (CAP and TRADE)

To create clean energy jobs, achieve energy independence; reduce global warming pollution and transition to a clean energy economy.

6/26/2009--Passed House amended. American Clean Energy and Security Act of 2009 - Sets forth provisions concerning clean energy, energy efficiency, reducing global warming pollution, transitioning to a clean energy economy, and providing for agriculture and forestry related offsets. Includes provisions: (1) creating a combined energy efficiency and renewable electricity standard and requiring retail

electricity suppliers to meet 20% of their demand through renewable electricity and electricity savings by 2020; (2) setting a goal of, and requiring a strategic plan for, improving overall U.S. energy productivity by at least 2.5% per year by 2012 and maintaining that improvement rate through 2030; and (3) establishing a cap-and-trade system for greenhouse gas (GHG) emissions and setting goals for reducing such emissions from covered sources by 83% of 2005 levels by 2050.

May 15, 2009 Introduced

Jun 26, 2009 Passed House 219 -212

Jul 7, 2009: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 97.

This is the most restrictive and regulating bill to come before congress in US history. If passed and signed into law it will have some controlling effects on each and every one of us in our daily lives. Even the short summary is too long to place in this article and the full text of the bill is over 1000 pages. To see the full text of the bill go to <http://www.govtrack.us/congress/bill.xpd?bill=h111-2454> .