



BUILDING PARTNERSHIPS TO ADDRESS ABANDONED MINE LANDS

Shared Legacy, Shared Responsibility, Shared Opportunity

This document is prepared* as a background working paper for the delegates of the April 26, 2018 Abandoned Mine Lands Summit:

“Good Samaritan Protection to Enhance Abandoned Mine Land Cleanup – Finding a Path Forward”

The summit will be held at the Colorado School of Mines in Golden, Colorado. The summit is a collaborative effort of the Mining and Metallurgical Society of America, Colorado School of Mines and Trout Unlimited.

The ultimate outcome of this Summit is to establish a diverse coalition of stakeholders working to advance pilot/demonstration project-focused Good Samaritan legislation that will provide the liability protection necessary to enable nonprofits, states, local governments and industry—practitioners and stakeholders alike—to address cleanup of Abandoned Mine Lands (AML) to the benefit of watersheds, wildlife habitat and communities.

During the Summit, delegates will review and clarify the legislative and political barriers preventing significant progress on voluntary AML cleanup efforts, explore avenues for coalition-building and partnerships, and identify candidate sites for AML “Good Samaritan” demonstration projects.

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Introduction

Orphaned and abandoned¹ hardrock mine sites are located across the American landscape with the majority located in the Western United States. Many of these mines were developed over the past century and a half, long before the environmental regulations of the 1970s were enacted and long before the technological and scientific advances that now shape the modern mining industry. These mines:

- Fueled the Industrial Revolution;
- Initiated and built America's infrastructure;
- Helped America win two World Wars; and
- Electrified America.

Although the owners and operators of these abandoned mine sites are long gone, we the members of Society still benefit from the minerals, metals and energy these mines produced as well as the infrastructure and commerce that resulted from their development. As such, we have a ***shared legacy***, a ***shared responsibility***, and a ***shared opportunity*** to address the problem together.

Some legacy mine sites present a broad spectrum of challenges such as landform instability, ongoing water quality issues and public safety hazards. A majority (approximately 80%²) of mine legacy sites are small and present minimal to moderate risks to communities and the environment, some of which state and federal agencies are already addressing in partnership with academia, communities, conservation groups, and industry. To some stakeholders, legacy sites represent unsightly scars on the landscape, while other stakeholders look upon the same structures and landforms as silent and beautiful monuments that should be preserved for future generations. Many sites are ideal for renewal into functioning wildlife habitat, while others have the potential to be repurposed for other beneficial uses, such as renewable energy deployment, agriculture, shopping centers, recreation and housing, research facilities, eco parks, landfills, and others.³ Furthermore, some legacy sites are situated within or near viable mining districts, and the potential for future recovery of remaining mineral resources of importance to society should be supported and encouraged.

¹ The term *abandoned* and *orphaned* are most often used interchangeably. However, some jurisdictions consider *orphaned* sites to be those for which no responsible party or owner can be determined, whereas *abandoned* sites may still have an identified responsible party that is otherwise unable or unwilling to carry out site rehabilitation.

² Western Governors' Association and National Mining Association joint report, *Cleaning UP Abandoned Mines: A Western Partnership*, 1998.

³ *101 things to Do With a Hole in the Ground*, Georgina Pearman, Post-Mining Alliance, 2009.

It is the intent of the April Summit to find common ground among a diverse group of stakeholders with a shared interest and commitment to address orphaned and abandoned mine lands in the United States. During the Summit, practitioners and stakeholders will review and clarify the legislative and political barriers preventing significant progress on voluntary AML cleanup efforts. An objective is to build consensus on the critical language and programmatic components needed to advance “Good Samaritan” legislation focused on pilot/demonstration projects. After the building blocks for the legislation are identified, avenues for partnership and the ideal process for selection of candidate demonstration sites will be explored. The goal of the final afternoon session is for participants to collaboratively establish an action plan.

Drawing Inspiration from Past Success

An international delegation of diverse stakeholders came together in 2008 for a roundtable discussion regarding legacy mine sites. To prepare for this dialogue, the International Council of Mining and Metals (ICMM) and the World Conservation Union (IUCN) engaged the Post-Mining Alliance to coordinate a survey and canvass input from practitioners and stakeholders regarding best practices and possible solutions to address legacy mine issues. Respondents included stakeholders from industry, regulatory authorities, indigenous communities, and non-governmental organizations, each bringing with them the specific terminology adopted by their respective communities, disciplines and legislative jurisdictions. Although the terms **reclamation**, **restoration**, **remediation**, **rehabilitation**, **revitalization** or **rejuvenation** are often used interchangeably, these words have nuanced meanings for different users, and some have specific definitions in different pieces of legislation. Furthermore, these words can communicate very different expectations to different stakeholders as to what a legacy site might look like after monies have been spent to achieve the intended post-mining land-use. Therefore, to facilitate the roundtable dialogue, the idea of **regeneration** was presented to the international delegation as a more universal term to describe all “activities that enhance post-mining landscapes for the benefit of the environment and affected communities.”⁴

⁴ Roundtable Report for the IUCN-ICMM Roundtable on Restoration of Legacy Sites held in Toronto on March 2-3, 2008 (http://cmsdata.iucn.org/downloads/iucn_icmm_post_mining_alliance_2008_legacy_roundtable_report.pdf).



Shared Legacy • Shared Responsibility • Shared Opportunity

The intended outcome of the Summit is to bring a diverse group of stakeholders together to address the complex issues surrounding legacy mine sites, beginning with building consensus on a path forward to advance Good Samaritan legislation that will protect those willing and able to voluntarily improve orphaned and abandoned mines sites in the United States.

Figure 1 below captures four basic sets of activities that enhance and improve abandoned mine lands, or the “4 Rs” of AML work. Regardless of the “R” word practitioners and stakeholders agree to use, the aim is to build relationships with interested stakeholders who have expertise in one, several, or all four dimensions to collaboratively find a path forward to collectively address our **shared legacy**, assume our **shared responsibility**, and seize upon our **shared opportunity**.

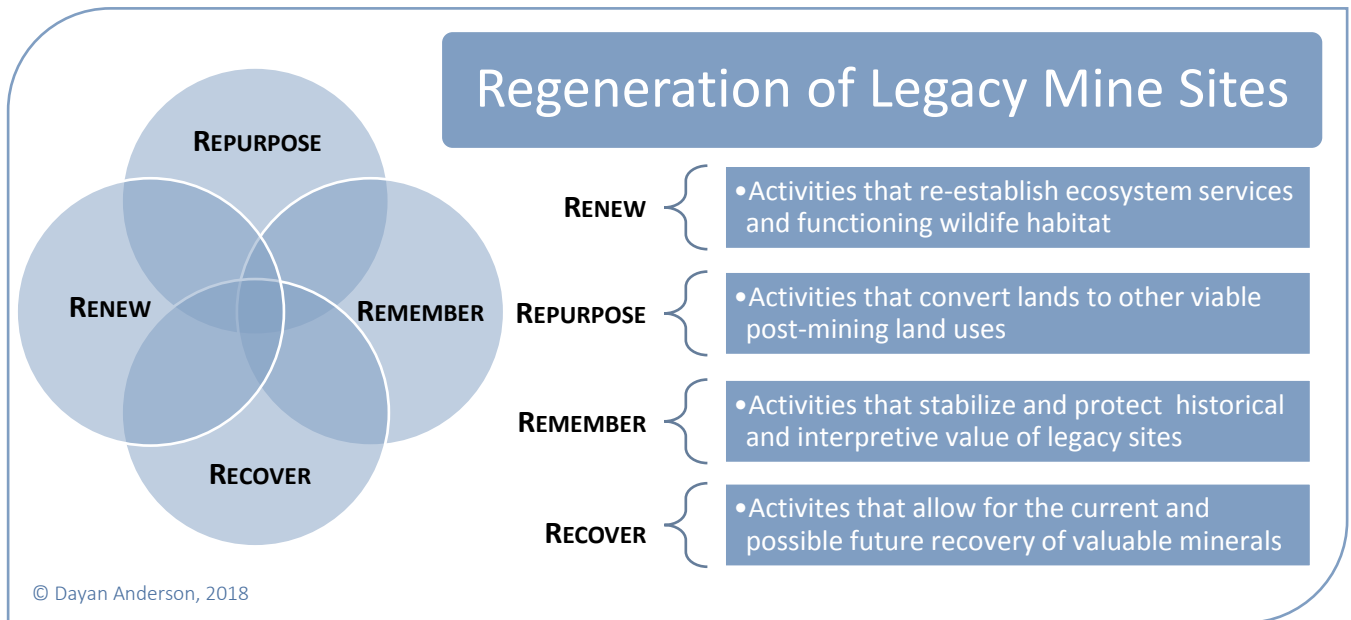


Figure 1