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October 30, 2009

Grand Canyon Mining Withdrawal Project  
ATTN: Scott Florence, District Manager  
Bureau of Land Management  
Arizona Strip District Office  
345 East Riverside Drive  
St. George, Utah 84790-6714

RE: Notice of Intent To Prepare an Environmental Impact Statement for a Proposed Withdrawal  
in the Vicinity of the Grand Canyon, Arizona  
74 Fed Reg. 43152

Dear Scott:

The Northwest Mining Association (NWMA) appreciates the opportunity to participate in the public scoping process for the Environmental Impact Statement (EIS) to address potential effects of the Secretary of the Interior's proposal to withdraw, subject to valid existing rights, 993,549 acres of public and National Forest System lands in Coconino and Mohave Counties in Arizona from location and entry under the 1872 Mining Law. NWMA does not believe withdrawal of this area is necessary, and is vigorously opposed to the proposal. Set forth below is the rationale for our opposition to the proposed withdrawal and the identification of several issues that must be considered in the EIS.

NWMA is a 114 year old, 1,750 member, non-profit, non-partisan trade association based in Spokane, Washington. NWMA members reside in 40 states and are actively involved in exploration and mining operations on public and private lands, especially in the West and including the area proposed for withdrawal. Our diverse membership includes every facet of the mining industry including geology, exploration, mining, engineering, equipment manufacturing, technical services, and sales of equipment and supplies. NWMA's broad membership represents a true cross-section of the American mining community from small miners and exploration geologists to both junior and large mining companies. More than 90% of our members are small businesses or work for small businesses. Most of our members are individual citizens.

Our members have extensive first-hand experience with locating mining claims, exploring for mineral deposits, finding and developing mineral deposits, permitting exploration and mining projects, operating mines, reclaiming mine sites, and ensuring that exploration and mining projects comply with all applicable federal and state environmental laws and regulations. Many

NWMA members have claims within the area the Department proposes to withdraw from mineral entry and are adversely affected by this proposal.

The stated purpose of the withdrawal “would be to protect the Grand Canyon watershed from adverse effects of locatable hardrock mineral exploration and mining for up to a 20-year period.” However, NWMA firmly believes a withdrawal is not necessary to protect the Grand Canyon. Existing law, including the Clean Air Act (CAA), the Clean Water Act (CWA), the Federal Land Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA), Forest Service and Bureau of Land Management policy, as well as applicable state and local permitting and financial assurance requirements provide sufficient authorities and tools for the protection of resources while providing for multiple use of the area.

NWMA shares the belief that the values of Grand Canyon National Park must be protected. We believe there exists, without the proposed withdrawal, the protections in place to ensure the park is protected while allowing the development of critical domestic mineral resources.

Importantly, we must recognize that the uranium deposits in breccias pipes are dry and the orebodies are located several hundred to over 1000 feet above the nearest underlying aquifer. In addition, all mining plans incorporate controls on surface water both inside and outside the mine site as well as water used in the mines themselves in the course of operation.

The General Mining Laws confer a statutory right to U.S. citizens to enter upon open National Forest System (NFS) lands reserved from the public domain to search for and develop locatable minerals and engage in activities reasonably incident for such uses. However, pursuant to the Organic Administration Act of 1897, the Forest Service can adopt regulations governing those operations providing that the regulations do not prohibit prospecting, developing, or mining valuable deposits of locatable minerals. The Forest Service adopted such regulations governing locatable mineral operations that affect the surface of NFS lands in 1974. Those regulations, which were re-designated in 1981 as 36 CFR part 228, subpart A, were judicially upheld as a permissible exercise of the Forest Service’s authority conferred by the Organic Administration Act to regulate locatable mineral operations authorized by the United States mining laws.

Operations covered by the Forest Service regulations include all prospecting, exploration, development, mining, production and processing of locatable minerals and all uses reasonably incident thereto on NFS lands regardless of whether such operations take place within or outside the boundaries of a mining claim. The regulations require that all locatable mineral operations must be conducted to minimize, prevent or mitigate adverse environmental impacts to surface resources, including impacts to surrounding lands under the jurisdiction of other federal agencies. At the earliest practical time miners are required to reclaim NFS lands on which locatable mineral operations are conducted.

All miners whose proposed operations might cause significant disturbance of surface resources are required to submit a notice of intent to conduct operations to the Forest Service. All miners whose proposed operations will likely cause significant disturbance of surface resources must submit and obtain Forest Service approval of a plan of operations. In evaluating a proposed plan of operation, the Forest Service considers the environmental impacts of the proposed mineral operation through the NEPA process, including any cumulative impacts associated with the plan

and whether the proposed operation represents part of a well-planned, logically sequenced mineral operation.

Locatable mineral exploration and development on NFS Lands authorized by the United States mining laws also must comply with other applicable federal and state laws, regulations and rules. This includes federal environmental statutes that protect surface and ground water, air, cultural resources, threatened and endangered wildlife, as well as those which regulate transport, storage, use and disposal of fuel, chemicals and other hazardous materials. Reasonable conditions, which are required to ensure that environmental impacts to surface resources are minimized without impermissibly interfering with the proposed operations, are set forth in an approved plan of operations.

The Forest Service Minerals Program Policy states that the Forest Service will “foster and encourage private enterprise in the development of economically sound and stable industries, and in the orderly and economic development of domestic resources to help assure satisfaction of industry, security, and environmental needs.”

The BLM manages mining operations on public lands under the 1872 Mining Law and FLPMA. Other state and Federal laws also play a critical role in ensuring that hardrock mining operations on public lands occur in an environmentally sound manner. FLPMA and BLM’s 43 CFR 3809 surface management regulations require that all locatable mineral activities on public lands comply with state and Federal Laws, such as the Clean Water Act; Clean Air Act; Endangered Species Act; National Environmental Policy Act; Wilderness Act; and National Historic Preservation Act, ensuring that mining operations meet today’s cultural and environmental needs. The BLM has accomplished this through the principles of sustainable development, promulgation of surface management regulations, issuance of policy guidance, and implementation of an active program to remediate abandoned mine lands.

BLM’s 43 CFR 3809 surface management regulations were issued under the authority of FLPMA in 1981 and amended in 2000 and 2001. The regulations provide a sound framework to prevent unnecessary or undue degradation of public lands during hardrock mining and reclamation.

Under the regulations, all mining and milling activities are conducted under a plan of operations approved by the BLM, and following environmental analysis under NEPA. The BLM must disapprove any mining operation that would cause unnecessary or undue degradation of the public lands. In accordance with applicable laws, regulations and policies, the BLM is working to assure that mineral development is completed in a way that protects the environment in the State of Arizona and the values for which the Grand Canyon National Park was established.

As with the Forest Service, the NEPA process includes full public input and involvement and is a critical element to decision-making under the BLM’s surface management regulations. Each NEPA analysis must address the economic, cultural, and environmental consequences to the residents in the immediate vicinity of the proposed action. If warranted, the NEPA analysis will also address potential impacts that extend beyond the immediate area of the proposed plan of operations. Each NEPA analysis would account for the cumulative impacts of all the operations that precede the subject proposal while anticipating the impacts of operations yet to be proposed.

The uranium industry in northern Arizona that operated from the 1970's onward was subject to the environmental laws outlined above. All the exploration sites and exhausted mines were fully reclaimed. Reclamation was so thorough that at many locations, no evidence of past disturbance can be found. In addition, comprehensive water quality testing was required during and after operations which resulted in no evidence of contamination. There have been no documented incidents of detrimental effects from these operations. Clearly, the environmental laws and regulations in place are working.

Furthermore, the history of mineral exploration and development on these lands demonstrates that a withdrawal is unnecessary. For example, the Tusayan Ranger District has been extensively explored in past decades, and there have been thousands of mining claims on the district. Generally, only one out of ten prospects, or targets, becomes a viable, mineable deposit. Additionally, each breccia pipe target is covered by a group of claims, usually three or four, maybe more. Therefore, to think that every current claim will have a mine is ridiculous.

In addition, the actual breccias pipe deposits make up a very small proportion of the acres that have undergone mining claim activities. Breccia pipe mine deposits, by their very geological formation, are very small and compact in the area disturbed and, historically, have been quite easily reclaimed because of the minimal amount of surface activity that takes place.

The BLM needs to consider the environmental impacts of *not* developing the uranium resource in this area. If the breccias pipes are not developed, the energy lost must be replaced by some other resource. We must consider the environmental impacts of replacing this energy with coal, natural gas, solar arrays, or wind turbines. All of these other sources have their own material needs and carbon footprint.

The U.S. currently gets 20% of our electrical energy production from nuclear energy. It is critical that we have a secure domestic supply of the uranium needed for nuclear generating stations. We already are importing over 90% of our needed uranium. According to USGS Report C.1051, the Arizona Strip holds 42% of the nation's estimated undiscovered uranium endowment. This is the equivalent of 13 billion barrels of oil and is carbon-free energy. To withdraw this critical resource from location and entry under the Mining Law, with no environmental benefit or necessity, is short-sighted and dangerous.

In addition, the proposed withdrawal violates the Mining and Minerals Policy Act of 1970 (MMPA), in which Congress clearly stated "that 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, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs..." For clarification, Congress defined minerals to include "all minerals and mineral fuels including...uranium."

The MMPA further states that "it shall be the responsibility of the Secretary of the Interior to carry out this policy..." Unnecessarily restricting access to uranium reserves that can help provide the nation with carbon-free electricity generation and making it impossible to maintain a stable domestic supply of a critical mineral is in obvious contradiction to the intent of the MMPA. Therefore, the Secretary's proposed withdrawal is a clear violation of federal law.

Importantly, the lands in question have already undergone evaluation and decision for withdrawal. In the 1980's, the uranium industry, government and environmental groups agreed on the terms of the Arizona Strip Wilderness Protection Act of 1983, which became law in 1984. The act, drafted by Arizona lawmakers Mo Udall, Barry Goldwater, Bob Stump, Jake Garn, and John McCain, sought to keep open for multiple use, including mineral entry, much of the acreage being targeted by this proposal. The clean operations of the uranium industry in that area to date have been a testament to this having been the right decision. This withdrawal proposal ignores that history by issuing a segregation and proposal for withdrawal, rather than ordering a study to determine if a segregation is even in order.

As stated above, we believe that existing environmental laws, regulations and financial assurance requirements have been shown to be, and will continue to be, effective in protecting the environment. However, as an alternative to a withdrawal and to assuage concerns about watershed protection, the BLM and Forest Service could promulgate surface management regulations specific to this area to provide the desired level of protection.

Another alternative to a withdrawal is to have an independent study of the watershed impacts from uranium mining. The National Research Council of the National Academy of Sciences would be an appropriate entity to complete such a study.


Finally, the economic impact of the proposed withdrawal must be considered. Obviously, the economic impact from the job losses in northern Arizona and southern Utah would be significant. Since the revival of the uranium industry in 2004, at least \$30 million has been added to the Arizona economy. According to an economic study recently completed, the industry was set to pump in more than \$1 billion over the next several years and over \$10 billion during the anticipated long-term healthy uranium market due to renewed interest in nuclear energy. The industry would add hundreds of jobs at salary levels 50% higher than the average in the area, at a time when those jobs are desperately needed.

Another economic consideration is the cost to the government, i.e. U.S. taxpayers, of the proposed withdrawal. Federal law provides that prospectors and miners have a statutory right to locate mining claims for exploration, development and production of minerals. Mining claims in good standing provide these miners with vested property rights, and blocking such rights would likely subject the United States to substantial takings litigation. Furthermore, the land management agencies clearly do not have the funding and resources required to perform in a timely manner the mineral examinations required under a withdrawal scenario.

The Northwest Mining Association firmly believes the proposal by the Secretary of the Interior to withdraw nearly 1 million acres of public lands from location and entry under the Mining Law is unnecessary to protect federal lands, including lands and resources within Grand Canyon National Park, from the effects of mineral exploration and development. The proposal also dangerously and unnecessarily removes from production a significant percentage of our nation's uranium reserves. The existing comprehensive framework of environmental laws, regulations and financial assurance requirements protect the environment, ensure public participation in the process and ensure that modern mines are reclaimed and do not become tomorrow's abandoned mines.

For all the reasons stated above, the Secretary of the Interior should immediately cancel the withdrawal proposal. In the absence of that action, we urge the BLM to thoroughly analyze the devastating consequences of the Secretary's proposal and select the "No Action" alternative.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Skaer".

Laura Skaer  
Executive Director