

**Joint Testimony of
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**Subcommittee on National Parks, Forests and Public Lands
House Committee on Natural Resources**

On H.R. 3155, Northern Arizona Mining Continuity Act of 2011

November 3, 2011

Good morning. Thank you for inviting the Department of the Interior and the Department of Agriculture to testify on H.R. 3155, the Northern Arizona Mining Continuity Act, which would prohibit the Secretary of the Interior from exercising his authority under the Federal Land Policy and Management Act (FLPMA) to withdraw lands in the Grand Canyon watershed from location and entry under the 1872 Mining Law. The Administration opposes H.R. 3155 and urges the Committee to allow the comprehensive environmental review process defined in law, begun more than 2 years ago, to continue to a final decision. This is a process that has not been undertaken by Federal agencies alone, but rather has involved the commitment and work of numerous federal, state, tribal, and county cooperators, the time of interested stakeholders who attended numerous tribal and public meetings, and the care and effort of the public, who have sent nearly 380,000 comment letters during this review. We want to emphasize that a final decision on the proposed withdrawal has not yet been made, but will be sometime after the current 30-day waiting period.

Background

Crafted by the immense power of the Colorado River, the Grand Canyon and the greater ecosystem that surrounds it have long been recognized as one of the Nation's most treasured landscapes. It is an iconic symbol of our country's majesty. While the Grand Canyon has been a National Park since 1919, its cultural significance goes back thousands of years. The Grand Canyon and its environs are known as home or a sacred place of origin to many Native Americans, including the Havasupai, Hualapai, Navajo, Hopi, Zuni, Southern Paiute, and others.

Likewise, the Grand Canyon is a cornerstone of the region's economy. Hunting, fishing, tourism, and other outdoor recreation generate billions of dollars in economic activity in the Grand Canyon area. Far beyond the majestic views of the canyon, millions of people living in seven states in the U.S. and in Mexico depend upon the Colorado River for water for drinking, irrigation, and industrial use, as well as for hydropower. Multiple dams provide for a significant portion of the electrical power needs of much of the rural

Rocky Mountain and Desert Southwest. And, of course, mineral resources, particularly high-grade uranium, are found in this area. The National Forest System lands in the area are located in the Kaibab National Forest, including lands on the Tusayan Ranger District and on the North Kaibab Ranger District. These lands are set aside for public recreation and a habitat for birds and animals. The Bureau of Land Management (BLM) and the U.S. Forest Service take very seriously their responsibility to manage these public lands and its unique resources.

There are few places in the country where the resource management challenges are more difficult or the stakes greater than in the area surrounding the Grand Canyon. For example, underground aquifers and watersheds extend far beyond the boundaries of the park, and as a result of this interconnection, land and water use management decisions being made throughout this desert region affect the overall ecosystem. Lands in this area are managed by many different entities, including the National Park Service, the BLM, the U.S. Forest Service, the Kaibab Band of Paiute Indians, the Havasupai Tribe, the Hualapai Tribe, the Navajo Nation, the State of Arizona, and numerous private landowners.

Analyzing Potential Impacts

Science, caution, and an eye to future generations must guide the management of the Grand Canyon and surrounding lands. It is for these reasons that in July 2009, Secretary of the Interior Ken Salazar announced a proposed withdrawal of these lands from location and entry under the 1872 Mining Law, subject to valid existing rights, for 20 years. During the segregation period, all other existing uses of the lands in question are permissible—with the exception of the location of new mining claims. Since the announcement, the BLM along with the Forest Service, U.S. Geological Survey, the National Park Service, the U.S. Fish and Wildlife Service and 11 other cooperating agencies have undertaken a comprehensive effort to analyze the potential impacts of the proposed withdrawal and a number of alternatives in accordance with the National Environmental Policy Act. As noted above, this process has involved a tremendous amount of public engagement, including the commitment and effort of the cooperating agencies, which included state agencies, counties, and tribes. Nearly 380,000 public comment letters have been received and 41 meetings with seven tribes and six public meetings have been held. The Draft Environmental Impact Statement (EIS) was released on February 18, 2011, followed by a public comment period that was extended until May 4, 2011. Four alternatives were analyzed that included:

- No withdrawal (which would allow new mining claims to be filed).
- Withdrawal of approximately 300,000 acres for 20 years.
- Withdrawal of 650,000 acres for 20 years.
- Withdrawal of approximately 1 million acres for 20 years.

The USGS is playing a substantial role in the NEPA process, and its 2010 report was included in the Draft EIS. As part of its evaluation, the USGS analyzed soil and sediment samples at six sites that experienced various levels of uranium mining in the Kanab Creek area north of Grand Canyon National Park, including mined and reclaimed sites,

approved mined sites where operations have been temporarily suspended, and exploratory drill sites that were drilled but not mined. Uranium and arsenic were two elements consistently detected in the areas disturbed by mining in values above natural background levels.

Samples from 15 springs and five wells in the region contained dissolved uranium concentrations greater than the U.S. Environmental Protection Agency maximum allowed contaminant for drinking water. The springs and wells sampled are close by or in direct contact with mineralized orebodies, and the concentrations detected are related to natural processes, mining, or both. The USGS also looked at surface water in the region. The report found that floods, flash floods, and debris flows caused by winter storms and intense summer thunderstorms occur in the region and can transport substantial volumes of trace elements and radionuclides. The USGS report notes that fractures, faults, sinkholes, and breccia pipes occur throughout the area and are potential pathways for downward migration of surface water and ground water.

The USGS report acknowledges uncertainty as data is sparse in this region and often limited. The timing and location of water quality information in the area is important because the potential effects of breccia-pipe uranium mining may be localized and appear rapidly or may be more dispersed during longer time scales. The data evaluated for 1,014 water samples from 428 sites indicate that about 70 sites have exceeded the primary or secondary maximum contaminant levels for certain major ions and trace elements, such as arsenic, iron, lead, manganese, radium, sulfate, and uranium. The USGS concluded that a more thorough investigation is required to better understand groundwater flow paths, travel times, and contributions from mining.

Based on the analysis that has been done, the public comments received, and the incomplete or unavailable information about impacts of chemical and radiation hazards on fish and wildlife, springs and waterways, the Secretary selected the full one million-acre mining withdrawal as the preferred alternative in the Final EIS. This was done in consultation with the BLM, the National Park Service, the USGS, and the U.S. Forest Service.

On October 27, 2011 the BLM published the Final Environmental Impact Statement. A final decision on a course of action will not be made until the Secretary signs a Record of Decision.

H.R. 3155

H.R. 3155 would prohibit the Secretary of the Interior from extending, renewing, or issuing a notice of segregation or withdrawal of the public lands and Forest Service lands described in Public Land Order (PLO) 7773 without the express authorization of Congress. In PLO 7773 the Secretary exercised the emergency withdrawal authority to withdraw the subject lands until January 2012 to allow sufficient time for a final decision to be made on the proposed withdrawal. H.R.3155 would also void any such notice of segregation or withdrawal of the described lands. The Administration does not support

H.R. 3155 because it cuts short the thorough and deliberative process in which the public and a wide variety of stakeholders have engaged.

H.R.3155 is also built on an inaccurate characterization of the environmental analysis conducted for the proposed withdrawal. For example, the bill states that the Draft Environmental Impact Statement (DEIS) “determined that no conclusive evidence from well and spring sampling data that modern-day breccia-pipe uranium operations in the northern portion of the Grand Canyon region has impacted the chemical quality of groundwater in the regional-aquifer.” In fact, the DEIS instead states that “incomplete and unavailable information adds to uncertainty of analysis” and cites the potential risks listed above.

Moving Forward

Uranium, like oil and gas, solar, wind, geothermal, and other energy sources, remains a vital component of a responsible and comprehensive energy strategy. We will continue to authorize development of uranium in northern Arizona, Wyoming, and other places across the country. In addition, even if the Secretary ultimately selects the preferred alternative as the final decision on the proposed withdrawal, new operations can be authorized on valid existing mining claims in the proposed withdrawal area. The analysis in the DEIS shows that, even with a full withdrawal, development of up to 11 mines in the area over the next 20 years, including the four mines currently authorized, is reasonably foreseeable.

Finally, it should be noted that a withdrawal, if determined to be appropriate, would not be permanent and would not stop uranium development or roads, or other activities typically prohibited in wilderness areas. Again, as stated above, all other existing uses of the lands in question are permissible—with the exception of the location of new mining claims

Conclusion

The Grand Canyon is a unique treasure that draws tourists from all over the world. It is a powerful and inspiring landscape, that overwhelms our senses through its immense size—277 river miles long, up to 18 miles wide, and a mile deep. It took many millennia to create, and the process of making important decisions about its future should not be cut short. The Administration takes very seriously its stewardship of this iconic landscape, the quality of the region’s water and the myriad of resources on behalf of the American public.

Thank you again for the opportunity to testify on H.R. 3155. We would be glad to answer your questions.