

**TESTIMONY TO THE SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS AND PUBLIC LANDS
OF THE HOUSE NATURAL RESOURCES COMMITTEE HEARING ON
THE GRAND CANYON WATERSHEDS PROTECTION ACT OF 2009
H.R. 644
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Thank you, Mr. Chairman and members of the subcommittee for convening this hearing. It is an honor to testify before you today.

My name is Bill Hedden. I am the executive director of the Grand Canyon Trust. I am also president of the North Rim Ranch LLC, which owns and operates an 850,000 acre public lands cattle ranch adjacent to the Grand Canyon.

The Trust is a regional conservation group dedicated to protecting and restoring the Colorado Plateau, which encompasses more than 120,000 square miles of spectacular canyon country formed by the upper Colorado River and its tributaries. It includes the Grand Canyon and the largest concentration of national parks, monuments, and recreation areas in the United States. It is also home to some of our country's most diverse and vulnerable populations of plants and animals.

Throughout our history, the Trust has sought to protect Grand Canyon National Park from threats within and outside of the Park's boundaries. We worked closely with Senator McCain in passing the 1987 Grand Canyon Overflights Protection Act to restore the Canyon's "natural quiet" by reducing noise from aircraft tours over the Park. In 1991, we successfully negotiated with owners of Navajo Generating Station a decision to reduce by 90 percent the coal plant's sulfur emissions that were impairing visibility within the Grand Canyon. The Trust later assisted in passing the Grand Canyon Protection Act of 1992 to assure that water releases from Glen Canyon Dam would minimize adverse impacts to ecological, cultural, and recreational values along the Colorado River. Today I encourage you to continue that tradition of protecting this unique place.

Need for Immediate Action

There really is only one Grand Canyon. There are places where we shouldn't allow industrial developments like uranium mining, and the Grand Canyon is preeminent among those special places.

The Grand Canyon Watersheds Protection Act would prevent new mining claims in the last unprotected watersheds that drain directly into the Park. The bill will withdraw from mining federal lands in the Kanab Creek area and in House Rock Valley managed by the Bureau of Land Management, as well as in the Tusayan Ranger District of the Kaibab National Forest south of the Canyon. A small portion of the proposed withdrawal area located in the Tusayan District lies within the Little Colorado Watershed.

In 1908, President Theodore Roosevelt established Grand Canyon National Monument. According to historian Donald Hughes, the “primary effect” of establishing the monument “... was to forbid prospecting and mining on all lands in the Grand Canyon.” Other actions by federal and tribal governments now prohibit uranium mining in major watersheds of the Colorado River within Grand Canyon. These include the Paria, Little Colorado, Diamond, Spencer, Whitmore, and Separation Canyon watersheds.

More than a year ago, administration officials testified that there were nearly 11,000 uranium mining claims, most filed in the last few years, within the area proposed for withdrawal. Under Secretary of Agriculture Mark Rey testified to this subcommittee on June 5, 2008 that there are “...approximately 8,500 mining claims filed in the portion of the proposed withdrawal under the Bureau of Land Management’s management and 2,100 claims have already been filed in the portion of the proposed withdrawal under the Forest Service’s management.”

New claims are still being filed, placing the Grand Canyon and the Colorado River, which supplies drinking water for nearly 25 million people, at risk. Letters of concern about new uranium mining have been submitted by directors of the Metropolitan Water District of Southern California, the former Governor of Arizona, and the Southern Nevada Water Authority.

Last year, members of the House Committee on Natural Resources recognized these risks and passed an Emergency Resolution to forestall another uranium boom. On June 25, 2008, the U.S. House of Representatives Committee on Natural Resources issued an Emergency Resolution directing the Secretary of the Interior to withdraw nearly one million acres of federal land near Grand Canyon National Park, referencing the map associated with the Grand Canyon Watersheds Protection Act of 2008.

Chairman Grijalva, thank you for your leadership and thanks to those members of the Committee who joined in taking this decisive action to halt new mining claims. Regrettably, threats from uranium mining around the Grand Canyon have accelerated since your vote.

The Secretary of Interior ignored the Resolution and changed the rules that required his compliance. Despite our lawsuit challenging this failure to act, authorizations for exploratory drilling are continuing in direct violation of the Emergency Resolution. We are challenging these actions in court. The Resolution was based on the Committee's finding that an emergency exists due to the potential development of hundreds of uranium claims within a few miles of the Park. A Secretarial withdrawal pursuant to the

Resolution would prevent the development of mining claims for three years after the date of the withdrawal and not affect valid and existing mineral rights.

New state permits are now being issued to begin operations at three uranium mines located within the proposed withdrawal area. Arizona state aquifer and air permitting has been reinitiated on three existing mines in the Grand Canyon area—the Canyon, Pinenut and Arizona One mines. The deadline for public comment is tomorrow. All three mines were built in the 1980s, are owned by Denison Mines, a Canadian and Korean-owned company, and are not subject to the emergency resolution.

This weekend, Havasupai tribal members are planning to protest the opening of one of these mines located near the base of Red Butte. It is their sacred place of emergence and a prominent landmark for visitors when entering Grand Canyon National Park.

Uranium mining is threatening the sacred places and waters of people who have lived in the Grand Canyon for centuries. We must not further industrialize the lands around the park and we cannot risk poisoning the waters that drain directly into it. We have seen that happen before.

Damages Caused by Uranium Development

Damages caused by prior uranium development in our region are well-documented. Native people are still suffering from the poisonous filth left behind during the last big uranium boom. In 2005, the Navajo Nation outlawed uranium mining and processing on its 27,000 square-mile reservation.

At Chairman Grijalva's March 28, 2008 hearing in Flagstaff, Navajo President Joe Shirley said: *The tragedy of uranium's legacy extends not only to those who worked in the mines, but to those who worked and lived near the mines that also experienced devastating illnesses. Decades later, the families who live in those same areas continue to experience health problems today. The remnants of uranium activity continue to pollute our land, our water, and our lives. It would be unforgivable to allow this cycle to continue for another generation.* Hopi, Kaibab Paiute, Hualapai, and Havasupai leaders joined President Shirley in testifying to ban uranium mining on public lands surrounding the Grand Canyon.

Hundreds of mines and mills were developed in watersheds upstream from Grand Canyon. In 1979, an earthen dam breached, releasing eleven hundred tons of radioactive mill wastes and ninety million gallons of contaminated water into a tributary of the Little Colorado River. The EPA and the U.S. Department of Interior acknowledge that contaminated water from many additional impoundments of toxic tailings has washed into our region's watercourses. Collectively, these events correlate with documented risks and harm to people's health.

Near my home in Utah, DOE contractors are just now beginning to remove a 16-million ton pile of uranium mill tailings from the Colorado River's floodplain. Following

bankruptcy of the responsible company, more than \$1 billion in taxpayers' dollars will be spent to restore the land and water at the site, where milling operations, but not contamination of the river, ceased twenty five years ago.

Grand Canyon watersheds form steep tributaries and narrow canyons that become torrents during downpours, such as occurred in Havasu Canyon less than a year ago. In 1984, a flash flood washed four tons of high-grade uranium ore down Kanab Creek and into the Grand Canyon. Extreme weather events such as these are becoming more frequent, and flooding risks will increase in the Southwest as the climate warms. According to the most recent government report on climate change, "...a warmer atmosphere and an intensified water cycle are likely to mean not only a greater likelihood of drought for the Southwest, but also an increased risk of flooding."

The Orphan Mine continues to contaminate springs below Grand Canyon's South Rim. National Park Service contractors recently removed the mine's surface structures within the fenced industrial area adjacent to Powell Point, a popular Canyon overlook. The price tag to complete the cleanup is estimated to exceed \$15 million.

New uranium mining similarly threatens groundwater and springs throughout the Grand Canyon. Radioactive residues from previous mining activities continue to contaminate Grand Canyon's springs and streams. The National Park Service advises against "drinking and bathing" in Kanab Creek, Horn Creek, and the Little Colorado River where "excessive radionuclides" have been found.

Precipitation falling on plateaus north and south of the Park creates Grand Canyon's only native waters - waters derived in place - as they percolate through porous, faulted, and fractured rock units to discharge later as springs and seeps below the canyon's rim. Mining mobilizes uranium that has been trapped in sedimentary layers for millions of years. When oxidized, it readily dissolves and can become a persistent poison in springs such as those feeding Vasey's Paradise, Thunder River, and Elves Chasm.

The National Park Service also reports, "Spring discharge... provides base flow to the Colorado River, and provides drinking water to wildlife and Park visitors in an otherwise arid environment. Springs also support valuable riparian habitats, where species diversity is 100 to 500 times greater than the surrounding areas. Grand Canyon springs are often locations of exceptional natural beauty and many hold cultural significance to Native Americans in the region."

I believe that mining and industrialization are incompatible with protecting the experiences of millions of annual visitors from around the world, and I am also concerned about cumulative threats to wildlife. Exploratory drilling and uranium mining in Grand Canyon's watersheds increase construction and heavy vehicle traffic on crowded roads and in remote areas, producing visibility-impairing dust and disruptive noise. New roads and power lines fragment the landscape, interrupt wildlife movement, and reduce natural habitat for endangered species such as the California condor. Native

vegetation is destroyed, increasing opportunities for invading species. Remember that many of the claims at issue are within a mile or two of the Park visitor center.

Why HR 644 is Needed

The Grand Canyon Watershed Protection Act is needed because the 1872 Mining Law is generally administered as allowing private companies to mine on all public lands that have not been formally withdrawn. Once valid rights are established, regulations do little to prevent the potential for long-term contamination. And rosy scenarios about how mining has improved must bear a difficult burden of proof. In a study comparing predicted to actual water quality impacts from hard rock mining, 100 percent of mines predicted compliance with water quality standards, but 76 percent of those mines exceeded water quality standards after operations began.

Agency policies also tend to favor mining interests in expediting mineral development. In 2007, the Kaibab National Forest used a so-called categorical exclusion to approve exploratory drilling of 39 test holes in the Havasu watershed without any analysis of environmental impacts and little public notice or input. When it approved the exploration, the Forest Service said the 1872 Mining Law specifically authorizes mining on public lands, and it could not prohibit the activity.

The Trust joined with the Center for Biological Diversity and Sierra Club in filing a suit to challenge this abrogation of duties under the National Environmental Policy Act. The case was settled last year when the Forest Service agreed to rescind the approval and prepare environmental assessments for public review before authorizing any further drilling activities. The Forest Service has begun the NEPA process. In November, the Grand Canyon Trust joined others in submitting extensive “scoping comments.”

As described earlier, the Arizona Department of Environmental Quality is issuing final permits for three uranium mines in the area. Federal agencies granted approval in the 1980s, and state permits issued more than a decade ago are still considered valid despite the enormous subsequent increase in claims in the immediate area. Mining will be allowed to proceed, even though little research has ever been done to evaluate the likelihood of groundwater contamination. Without baseline data, it is impossible to assess contamination to aquifers that supply springs in Grand Canyon National Park .

A June 5, 2009 letter sent to Secretary of Interior Ken Salazar by former U.S. Senator Dennis DeConcini representing Arizona and Senator Orrin Hatch from Utah said: “It is important to note that research conducted by the USGS and preliminary findings by the University of Arizona confirm that uranium mining and exploration pose no threat to the Grand Canyon watershed or to the Park.” Their statement mischaracterizes the Final Report submitted to the Water Quality Center in December 2008. We agree with what the report actually says: “Continued measurements should be made such that a baseline can be made before future mining activity commences or accidental release occurs.” In the absence of such data, all uranium development in Grand Canyon watersheds should stop.

We also reject the Senators' proposal that mining and exploration be permitted while a National Academy of Sciences Research Council conducts a public process to review impacts of uranium mining in the region. Such a process would allow private interests to profit as known risks and liabilities to public interests accumulate.

The Grand Canyon Watershed Protection Act is an appropriate response to the recent surge in unproven uranium claims on the very borders of Grand Canyon National Park.

Our National Interest

President Theodore Roosevelt considered the Grand Canyon to be *the* natural wonder in America. He firmly believed that the national interest requires protecting it from the pressures of industrial exploitation.

Whatever your thoughts on the future of nuclear power, a mining boom that defiles the Grand Canyon in search of small amounts of uranium is in nobody's best interest. Uranium deposits around the Grand Canyon are not needed to meet our energy needs. Uranium deposits in all of Arizona represent only .004% of the world's reasonably assured uranium supply. Uranium reserves in the region comprise less than eight percent of our domestic reserves, while more than 80 percent of U.S. reserves are found in Wyoming and New Mexico. Uranium is also abundant in such closely allied countries as Canada and Australia.

Many of our region's leaders and citizens are expressing concerns about this issue. Today, the Grand Canyon Trust is releasing a poll reporting that two-thirds of voters in the counties that surround Grand Canyon, and virtually the same number throughout Arizona, support stopping future mining claims on publicly owned lands near the Park. Clearly, Arizonans agree that we should protect the Grand Canyon for future generations.

The Grand Canyon Watersheds Protection Act complements a series of foresighted actions that began in 1908, when President Roosevelt designated the Grand Canyon as a National Monument.

We join him today in asking that "in the interest of the country...keep this great wonder of nature as it now is. ... man can only mar it. Leave it as it is."

Thank you. I would be pleased to answer any of your questions.

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