

Congress of the United States
Washington, DC 20510

October 12, 2011

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Salazar:

We are writing to urge you to reconsider moving forward with a proposed 20-year withdrawal of approximately 1 million acres of federal mineral estate in northern Arizona. We predict such a decision, if finalized, would kill hundreds of potential jobs in our states and erode the trust needed for diverse stakeholders to reach agreement on how to protect and manage public lands in the future.

Grand Canyon National Park is an Arizona icon and a natural wonder that attracts visitors from around the world. The Colorado River that flows through the park is the lifeblood of the West, providing drinking water for millions in seven states. We share your desire to protect Grand Canyon National Park and the region's water supplies from adverse environmental effects that may be associated with hardrock mineral exploration and development. We disagree that the proposed withdrawal is necessary to achieve that objective. In our view, the draft Environmental Impact Statement (EIS) on the proposed withdrawal actually demonstrates that uranium mineral development would pose little, if any, threat to the park or water quality in the region. Thus, we are concerned that this proposed withdrawal is more about social agendas and political pressure than about the best available science.

The aspiration on the part of the environmental community to ban all mining activity in the Grand Canyon region is not new. It existed during the last uranium rebound of the late 1970s and early 1980s. The difference is that, back then, the environmental community put their aspirations aside to constructively work with the mining and livestock industries and Congress to reach an historic agreement on wilderness designations and multiple use land policy – an agreement that ultimately became Title III of the Arizona Wilderness Act of 1984 (P.L. 98-406). The Act designated over 1.1 million acres of wilderness on the Arizona Strip while, at the same time, releasing another 540,000 acres of federal land for multiple-use development; how that development would be conducted was left to the land management planning process. The Act is rightfully held up as the gold standard of stakeholder collaboration and bipartisan compromise. Until now, it has allowed sustainable uranium mining to co-exist with the protection of some of our most treasured natural resources. If the decision is made to move forward with the proposed withdrawal, you will be casting aside that historic compromise and ignoring the land management plans developed through the land management planning process that identify the bulk of the proposed withdrawal area as open to uranium mineral development.

The Legislative History of the Arizona Wilderness Act of 1984

It is important that you review and fully consider the legislative history of the Arizona Wilderness Act of 1984 before making a final decision regarding the proposed withdrawal. At that time, former House Interior Committee chairman, the late Rep. Morris Udall, led the Arizona congressional delegation (including then-Rep. John McCain) in crafting the legislation. The legislative history strongly substantiates that there was a compromise regarding wilderness protection and continued uranium exploration and development on the Arizona Strip. That compromise was originally embodied in a free-standing bill, the Arizona Strip Wilderness Act of 1983 (H.R. 3562). The Arizona Strip Wilderness Act of 1983 was incorporated into the Arizona Wilderness Act of 1984 at Title III. A review of the House committee report (H.Rpt. 98-643, Part 1, pages 34-35) accompanying the bill demonstrates the clear recognition by Congress that the lands not designated as wilderness had significant uranium mineral potential, and that the land-management planning process would govern that future development. It states:

There is also a great desire on the part of the Bureau of Land Management and all the interest groups concerned to lay the wilderness issue to rest. This is particularly true for those companies engaged in uranium exploration and mining, as the current wilderness status of large acreages in the Arizona Strip constitutes an impediment to rational and coordinated exploration and development. Likewise, environmental groups feel that uranium activities should be excluded from certain key areas and that immediate wilderness designation for such areas is far preferable to relying on interim wilderness study protection. To this end, a broad coalition of groups and individuals sat down during the early months of 1983 and worked out an agreement that has since received the support from the Administration, the State of Arizona, the local congressman, both senators and virtually every other interest party of which the Committee is aware. Indeed, the Committee's hearings revealed nearly unanimous support for the Arizona Strip proposal. Accordingly, Title III of H.R. 4707 designates the following Arizona Strip lands as wilderness, and releases certain other lands for such non-wilderness uses as are determined appropriate through the land management planning process.

[T]he Committee has not included these lands in wilderness in recognition of their significant mineral (especially uranium) potential. In leaving these lands open for mineral exploration and potential development, the Committee emphasizes that this is an environmentally sensitive area that should be managed by the Bureau of Land management to minimize adverse impacts on the current remote and wild values. The Committee understands that the type of mining that will take place here is of a low impact, underground type.

The hearing record on the Arizona Strip Bill is also instructive. It demonstrates that the stakeholders truly believed a “win win” had been struck and were willing to testify in support of the compromise. The following excerpts are taken from the testimony offered on October 21, 1983 on the Arizona Strip Wilderness Act of 1983 before the House Subcommittee on Public Lands and National Parks:

Testimony of Michael D. Scott, Regional Southwest Director, The Wilderness Society.

It [H.R. 3562] is supported by, among others, the mining industry, local government, the livestock industry, and conservationists. This unusual combination of support is not an accident. It represents many months of work at forging a compromise acceptable to the entire range of interests on the Arizona Strip." (Page 296)

At the same time that the Strip emerged as a top conservationist priority, energy companies, most notably Energy Fuels Nuclear (EFN), began to discover significant uranium deposits. As you know, Mr. Chairman, in most cases there are no significant minerals in wilderness or wilderness candidate lands. As unfortunately happens on occasion, some of these significant uranium deposits overlapped with outstanding wildlands in the Strip. Fortunately, EFN, is not a typical hard-rock mining company. Conservationists and EFN decided to discuss those differences. (Page 297)

Statement of Representative Bob Stump.

For many months, several divergent groups, who would usually be viewed as adversaries, have worked together to form a consensus on wilderness designation and multiple use for the Arizona Strip. The legislation which you have before you today is the result of those efforts and is proof positive that give and take on the part of all participants can result in a compromise which will address all concerns. (Page 271)

The key and important factor in this agreement is that it expresses the needs and desires of the ranching, mining, local government, public land managers and environmental communities... and example of business interests and environmental concerns working together. (Page 272)

Almost 800,000 acres were included in the Bureau of Land Management Wilderness Study Areas in the Arizona Strip. H.R. 3562 designates approximately 165,996 of those acres as well as 122,604 acres in the Paiute Primitive Area, Paria Primitive Area and Vermillion Cliffs Natural Area, as wilderness. The remaining 620,000 acres or 79% of the BLM Wilderness Study Areas will be released to multiple use. (Page 272)

Testimony of Gerald Grandey, Vice President, Energy Fuels Corporation.

Of what we know today, the Arizona Strip appears to be the only area in the United States that has the potential to produce relatively high grade uranium ore, which even at today's depressed market is capable of competing with foreign sources of the material, such as South Africa, Canada, and Australia. (Page 106)

The benefits to be had from the passage of the Arizona Strip Wilderness Act of 1983 are clear. The wilderness in question will be decided once and for all ending many years of potential controversy and debate. In the areas released to

multiple use, our Company and others with active programs in the Arizona Strip will be able to conduct exploration in a cost effective and responsible manner.
(Page 284)

Testimony of Russ Butcher, Southwest Regional Representative, National Parks Conservation Association.

It was exactly one year ago that we first met and began talking formally with the top officials of Energy Fuels Nuclear, talking about the company's uranium exploration and mining activities north of the Grand Canyon, and about the relationship of these activities to an array of Federal wilderness study areas.
(Page 120)

The proposed withdrawal is a "de facto wilderness" designation; it will unravel decades of responsible resource development on the Arizona Strip in a misguided effort to "save" the Grand Canyon from the same form of uranium mining that environmental groups once agreed to. Moving forward with the proposed withdrawal will call into question the Department's interpretation of wilderness-release language in other legislation and its commitment to multiple-use policy in the years ahead. If the decision is made to finalize the proposed withdrawal, all future wilderness proposals will assuredly face even greater scrutiny as it will be clear that negotiated agreements, such as those contained in the Arizona Wilderness Act, are neither genuine nor enduring.

Again, we agree that the Grand Canyon deserves to be protected for the enjoyment of future generations. However, moving forward with the proposed withdrawal flies in the face of the legislative history regarding mineral development and responsible land management planning. We strongly urge you to reconsider the proposed withdrawal.

Sincerely,

Kevin L. Hatch

William J. E.

Don Kyr

John Barrasso

front/backs
En Ca

David Shepherd

Paul A. Goss

John McLean

Jeff Fleck

Steve Chaffetz

Bob [Signature]
