

**H.R. 1980, H.R. 2070, H.R. 2621,  
AND H.R. 3155**

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**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS  
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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**LEGISLATIVE HEARING ON H.R. 1980, TO AUTHORIZE THE GOLD STAR MOTHERS NATIONAL MONUMENT FOUNDATION TO ESTABLISH A NATIONAL MONUMENT IN THE DISTRICT OF COLUMBIA, "GOLD STAR MOTHERS NATIONAL MONUMENT ACT OF 2011;" H.R. 2070, TO DIRECT THE SECRETARY OF THE INTERIOR TO INSTALL IN THE AREA OF THE WORLD WAR II MEMORIAL IN THE DISTRICT OF COLUMBIA A SUITABLE PLAQUE OR AN INSCRIPTION WITH THE WORDS THAT PRESIDENT FRANKLIN D. ROOSEVELT PRAYED WITH THE NATION ON JUNE 6, 1944, THE MORNING OF D-DAY, "WORLD WAR II MEMORIAL PRAYER ACT OF 2011;" H.R. 2621, TO ESTABLISH THE CHIMNEY ROCK NATIONAL MONUMENT IN THE STATE OF COLORADO, AND FOR OTHER PURPOSES, "CHIMNEY ROCK NATIONAL MONUMENT ESTABLISHMENT ACT;" AND H.R. 3155, TO PRESERVE THE MULTIPLE USE LAND MANAGEMENT POLICY IN THE STATE OF ARIZONA, AND FOR OTHER PURPOSES, "NORTHERN ARIZONA MINING CONTINUITY ACT OF 2011."**

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**Thursday, November 3, 2011  
U.S. House of Representatives  
Subcommittee on National Parks, Forests and Public Lands  
Committee on Natural Resources  
Washington, D.C.**

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The Subcommittee met, pursuant to call, at 10:05 a.m. in Room 1334, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, Lamborn, Tipton, Johnson of Ohio, Grijalva, Kildee, and Garamendi.

Also Present: Representative Gosar.

Mr. BISHOP. I appreciate all the guests who have joined us here. The Chair notes the presence of a quorum. The Subcommittee on National Parks, Forests, and Public Lands is meeting today to hear

testimony on four bills that fall within our jurisdiction: H.R. 1980, the Gold Star Mothers National Monument; H.R. 2070, the World War II Memorial Prayer Act; H.R. 2621, the Chimney Rock National Monument Establishment Act; and H.R. 3155, the Northern Arizona Mining Continuity Act.

Under the rules, the opening statements are limited to the Chairman and Ranking Member. However, I ask unanimous consent to include any other Member's opening statement in the hearing record if submitted to the clerk by the close of business today. Hearing no objection, so ordered.

We are pleased to have the sponsors of all the bills here with us today. The first three that we will hear testimony on are the Gold Star Mothers Act, the World War II Memorial Act, and the Chimney Rock National Monument Act. To those sponsors and those who are testifying on them, I am glad you do these bills. It is about time. We are happy to start the process on all of those.

We also have witnesses here for the Northern Arizona Mining Continuity Act. We are pleased to have you here. I understand we are happy to welcome Senator McCain and Senator Bennet, and I understand that Senator Hatch is talking on the Floor now, but he intends to join us momentarily also to talk about these bills.

We have a long list of witnesses. I want to say something just very briefly about all the bills.

**STATEMENT OF HON. ROB BISHOP, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. I have already stated something about the three that I think are great. The fourth one I also think is great. It deals with Arizona. We will hear some unique testimony.

Unfortunately I have already heard testimony on this bill in this Committee before and in other committees before. So the testimony and the expertise have run the gamut from experts from the State of Arizona who have told us about the bill to Louise Slaughter talking about the bill in the Rules Committee meeting.

So I have heard all of this several times before. I think you are going to hear some unique spins. I think you are going to hear the Administration come forward, auditioning for the roles of Petruchio and Katherine in Taming of the Shrew because they will tell us the sun is the moon, the day is night, that green is red and black is white. And it is a unique concept, but they will do it.

We are talking about the Arizona Strip, an area the size roughly of the State of New Jersey. So I am glad you are here to represent that. In the infinite opinion of the lands artists that we do have, they want to control a million acres of potential energy development along this strip, which is something akin to saying that if there was a terrorist threat to the Statue of Liberty, they would close down the boardwalk at Atlantic City.

The 1 million acres is the size roughly of the State of Delaware. I mean, this is excessive. The Secretary at one time told us that he had withdrawn this because the Congress would make even more Draconian limitations if he had not stepped in. So, to our good friends from the Senate, shame on you for even thinking of that.

The way we will approach this is in the—oh, I am sorry. I will yield first of all to the Ranking Member for comments that I am sure he has for these bills.

**STATEMENT OF HON. RAÚL GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. GRIJALVA. Good morning, Mr. Chairman, and to our colleagues, welcome, and to the Members of the Subcommittee and to all the witnesses that have agreed to testify today.

I am going to utilize this opening statement time to talk about the real focus of this morning's hearing, and that is the Grand Canyon. Other than the international mining industry, their lobbyists, I am puzzled as to whose benefit H.R. 3155, the so-called Northern Arizona Mining Continuity Act, is really being put forward for.

It can't be for the millions of annual visitors who come to the Grand Canyon for its pristine beauty, its unique natural qualities, as President Teddy Roosevelt had the foresight to protect this special place for future generations. Speaking before a group of Arizonans that assembled on that day, on this now visited site, celebrated as the crown jewel of our national parks, he told them, "It is your own interest and the interest of all the country to keep this great wonder of nature as it is now." So obviously this legislation is not for that legacy.

It can't be for the California-Nevada water utilities, both of which have supported a cautious approach toward mining in the Colorado River Basin, weighed favorably toward protection and not risky exploitation of resources relied on by millions of Americans for their drinking water. We are putting at risk water use for agriculture that provides foods for hundreds of millions of people across this country. So obviously it is not for them.

It can't be for the thousands of people dependent on tourism in northern Arizona to feed their families. The Grand Canyon and the Colorado River are the lifeblood of northern Arizona's tourism industry. The Grand Canyon is a year-round source of employment and revenue for that region. So it is not for the Grand Canyon, and it can't be for the people that depend on that. And the people that do come to visit are not there to tour uranium mines.

It can't be for the region's Native Americans, many of whom still live with the ravages of past uranium mining in the region. On October 30, The New York Times article reported on cleanup efforts at a site that is finally nearing completion after decades of indifference and neglect. This is one site, but there are hundreds of former sites yet to be addressed, leaving that cleanup cost to the American taxpayer.

So it can't be for the Obama Administration that has painstakingly studied the impacts, the potential for harm and have chosen to recommend 1 million acres of Federal forest land be removed from hard rock mining for 20 years as allowed under Federal Land Use Management Regulations. It can't be for the millions of Arizonans and Americans not included 30 years ago in the agreement that led to the Arizona Wilderness Act of 1984, who will be told that this legislation limits the protections around the canyon for the benefit of the international uranium mining industry and for-

eign competitors even though high-level staff involved in this agreement have confirmed and will again today that it was never the intent of the legislation to make the land around the Grand Canyon permanently available for uranium mining. The words mine, mining or uranium were never mentioned in the 1984 bill.

So I am stumped as to why the Republican Majority would stand silently with foreign mining corporations pushing for blindly risking the crown jewel of our national park system in the Colorado River, lifeblood to hundreds of millions of people, usurping a national public process which obtained close to 300,000 comments overwhelmingly in favor of the withdrawal.

This legislation is an attempt to intimidate the Administration, short-circuiting a national scientific and public review process all because they didn't get their way in terms of this withdrawal. This is nothing more than an attempt by the Majority to risk millions of tourism jobs for maybe a few hundred projected short-term jobs.

This legislation is an insult to Arizonans and the American taxpayers, an assault on the tourism industry in northern Arizona and a snapshot of what is wrong with our political system. When money dictates public policy, the interests of the American people are tossed on the way seats of hard rock mining.

The Grand Canyon and the Colorado River are far too important to allow the short-term gains from mining to leave permanent scars on the crown jewel of our national parks. So, with that, Mr. Chairman, I welcome again and thank the witnesses and yield back.

[The prepared statement of Mr. Grijalva follows:]

**Statement of The Honorable Raúl M. Grijalva, Ranking Member,  
Subcommittee on National Parks, Forests and Public Lands**

Good morning, Mr. Chairman and Members of the subcommittee. I want to thank all of the witnesses that have agreed to testify before us today.

H.R. 1980, H.R. 2070 and H.R. 2621 are all pieces of legislation that I firmly support, so I want to spend my five minutes on the real focus of this morning's hearing: The Grand Canyon.

Other than the international uranium mining industry and their lobbyists, I am puzzled as to whose benefit H.R. 3155—the so-called Northern Arizona Mining Continuity Act—is being put forward.

**It can't be** for the millions of annual visitors who come to the Grand Canyon for its pristine beauty and unique natural qualities. President Teddy Roosevelt had the foresight to protect this special place for future generations. Speaking before a group of Arizonans assembled at what is now is the most visited site in a celebrated collection of National Parks, he told them that—and I quote: "It is in your own interest and the interest of all the country to keep this great wonder of nature as it is now. It can't be for Teddy."

**It can't be** for the California and Nevada water utilities, both of which have supported a cautious approach toward mining in the Colorado River Basin and weighed favorably toward protection, not risky exploitation of a resource relied on by millions of Americans for their drinking water. We are putting at risk water used for agriculture that provides food for hundreds of millions of people across the country. It can't be for them.

**It can't be** for thousands of people who depend on tourism in Northern Arizona to feed their families. The Grand Canyon and Colorado River rafting are the lifeblood of the Northern Arizona tourism industry. The Grand Canyon railroad out of Williams, Az takes tourists year round to the Grand Canyon, not uranium mines. It can't be for them.

**It can't be** for the region's Native Americans, many of whom still live with the ravages of past uranium mining in the region. An Oct 30th New York Times article reported on clean-up efforts at a site that is finally nearing completion after decades of indifference and neglect. That is one site, but there are hundreds of former sites yet to be addressed, leaving the clean-up to the American taxpayer.

**It can't be** for the Obama administration that has painstakingly studied the impacts, potential for harm, and have chosen to recommend that 1,000,000 acres of federal forest land be removed from hard rock mining for 20 yrs, as allowed under federal land use management regulations.

**It can't be** for the millions of Arizonans and Americans not included in the agreement of 30 yrs ago that led to the Arizona Wilderness Act of 1984. We are being told that this legislation limits the protections around the canyon for the benefit of international uranium mining industry and foreign competitors, even though high level staff involved in the agreement have confirmed—and will again today—that it was never the intent of the legislation to make the land around the Grand Canyon permanently available for uranium mining. The words “mine”, “mining”, or “uranium” are never mentioned in the 1984 bill.

So I am stumped as to why the Republican majority would stand solidly with foreign mining corporations, pushing for blindly risking the crown jewel of our national parks system and the Colorado River, lifeblood to hundreds of millions of people, usurping a national public process, which obtained close to 300 thousand comments overwhelmingly in favor of the full withdraw.

This legislation is an attempt at intimidating the administration, short circuiting a national scientific and public review process all because they did not get their way.

This is nothing more than an apparent attempt by the Republican delegation to risk millions of tourism jobs for maybe a few hundred projected, short term jobs.

This legislation is an insult to all Arizonans and the American taxpayers, an assault on the tourism industry in northern Arizona, and a snapshot of what is wrong with our political system. When money dictates public policy, the interests of the American people are tossed on the waste heaps of hard rock mining.

The Grand Canyon and the Colorado River are far too important to allow the short term gains from mining to leave permanent scars on the crown jewel of our National Parks. Water relied on by 25 million Americans is much more important than the profits of foreign mining giants.

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Mr. BISHOP. Thank you. All right. To the witnesses, this is how we will try to run this, and I am going to give a couple of you some options. Senator McCain, as the senior Member on the Senate on this side, we are going to ask you to go first. Senator Bennet, I am going to go through Senator McCain and Senator Hatch if he shows up on this particular bill. They are going to talk about the Arizona bill. Representative Tipton is going to talk about the issue in Colorado. I will give you your option because I realize I don't know what your schedule is. I know how busy the Senate is. Excuse me. I have something caught in my cheek right there. Just a minute.

So I will give you the option. If you would like to go after Senator McCain and Senator Hatch and then leave us, feel free to do it. If you would like to wait until the other representatives who are not on the Committee have talked about the Arizona bill and then speak at the same time Tipton does on Colorado, I will give you that choice as well. So it will be up to you.

Senator BENNET. Mr. Chairman, if I could ask for one other option, which is if we run out of time, if you wouldn't mind my submitting the statement for the record, I would do that as well.

Mr. BISHOP. That is fine. That will be fine too.

Senator BENNET. Thank you. And I just wanted to say how glad I am to see Congressman Lamborn and Congressman Tipton this morning. Thank you, Mr. Chairman.

Mr. BISHOP. We will be happy to do that.

Senator BENNET. Great.

Mr. BISHOP. But we would rather hear your voice.

Senator BENNET. Oh, that is fine.

Mr. BISHOP. With that, Senator McCain, if you are prepared, we would love to hear your testimony.

**STATEMENT OF HON. JOHN McCAIN, A UNITED STATES  
SENATOR FROM THE STATE OF ARIZONA**

Senator McCAIN. Thank you, Mr. Chairman. And given the large number of witnesses and panels that you have, I will try to be uncharacteristically brief. And may I say that it is a pleasure to be back here, a committee on which I had the honor of serving for four years and enormous responsibilities that this Committee has to the present and future of this nation and the protection of our most treasured assets.

I have a prepared statement I would like to have submitted for the record, Mr. Chairman, if you would. This is all about an issue that took place when I was a Member of this Committee. I worked closely with Congressman Udall. You will hear people who were not here that have a very different interpretation of the facts and events of the two-year period that we went through in putting together a landmark Arizona wilderness bill, which I was very happy to be part of.

And by the way, you will hear from a member of the staff, a former staff member at the time who will disagree with my assessment of what took place. The fact is that staff member was not there at every meeting. There were Member-level meetings and discussions on this issue.

Former Congressman Bob Stump, who as you know is a former chairman of the House Armed Services Committee and a distinguished Member, was insistent, insistent that these lands that are now being proposed to be put under permanent wilderness status would be open to exploration, mining, multiple-use lands. That was the price of the agreement by Congressman Stump. And anybody who wants to characterize the legislation in a different way should look at the record at the time the Wilderness bill was passed and the statements that were made.

Anyone, anyone who says that Bob Stump's insistence that this be multiple-use land as a price for his support for this wilderness bill is mischaracterizing the facts, and shame on them for doing so.

So all I can tell you is that we came to an agreement after two years of negotiations and agreements for a landmark bill that preserved 3 million acres of our most beautiful State in permanent pristine status. The price for that was that the Arizona Strip be open for multiple use, all of it, all of it. And anyone who characterizes it as different were not there or are not telling the truth.

The people of Arizona and the people of this country deserve to have this part of our State be exploited for mining. America needs it. America needs the kinds of materials. We need the jobs. Even though we have Members of Congress who want our State boycotted and cost us jobs, we want jobs in Arizona. We want people to come to Arizona and hire people. And we believe that this is important for our national security interests and for the financial interests and the job opportunities for many of my fellow citizens. And we encourage them to come to our State and establish their businesses and their work there.

So again, this is an example, frankly, Mr. Chairman, of elections have consequences. I can guarantee you if the 2008 elections had turned out differently we wouldn't be discussing this issue. We

would be adhering to the provisions that were agreed to by the Arizona delegation at that time. I thank you, Mr. Chairman.

[The prepared statement of Senator McCain follows:]

**Statement of The Honorable John McCain, a U.S. Senator from the State of Arizona, on H.R. 3155, the Northern Arizona Mining Continuity Act of 2011**

Thank you, Chairman Bishop, for the opportunity to testify about the importance of safeguarding multiple use management policy in northern Arizona. The legislation introduced by myself and Congressman Trent Franks, along with a majority of the Arizona Congressional delegation, would prevent the Secretary of the Interior from implementing his proposed 1 million acre mining withdrawal in northern Arizona. I hold Secretary Salazar in high esteem but this withdrawal is fueled by an emotional public relations campaign designed by some of the same environmental groups whose longtime mission has been to kill mining and grazing jobs on the Arizona Strip as well as tourism jobs at the Grand Canyon.

Mr. Chairman, Senator Hatch and I have served our respective states for many years and the aspiration by the environmental community to halt mining in the Grand Canyon region is old news to us. It existed during the last uranium rebound in the late 1970s and early 1980s with thousands of mining claims staked in the same areas of the "northern parcel" of the proposed withdrawal area. The difference is that back then, the environmental community put their aspirations aside to constructively work with stakeholders to reach a historic agreement on wilderness designation in the Arizona Wilderness Act of 1984 (P.L. 98-406). While credit is due to my good friend, the late-Congressman Mo Udall, for shepherding the Act through Congress, Title III of the bill (also known as "the Arizona Strip Wilderness Act") was developed through negotiations led by the late-Congressman Bob Stump. The Act ultimately designated over 250,000 acres of wilderness on the Arizona Strip and released about 600,000 acres of federal land for multiple-use development.

During negotiations on the 1984 Act, Congress struggled with how to legislatively "release" non-Wilderness lands from being locked-up as administrative or "*de facto*" Wilderness, but also allow for some flexibility in preserving these lands through responsible land management. Some argued for enacting so-called "hard release language" which proscriptively enforced a multiple-use mandate on non-Wilderness lands. Others wanted "soft release language" which continued restrictions on non-Wilderness lands so as to preserve their wilderness characteristics. What made the Arizona Wilderness Act the gold standard of stakeholder collaboration and bipartisan compromise is that it utilized so-called "compromise release language" and intentionally authorized the presence of "*non-wilderness uses as determined appropriate thought the [BLM] land management planning process.*" (House Report 98-643, Part 1, pages 34-35).

Until now, that compromise allowed for uranium mining to coexist with the some of our most treasured natural resources. Unfortunately, several of the same environmental groups who once supported the compromise and singed-off on uranium mining near the Grand Canyon have come back to ask this Administration to toss out the existing land use plans and implement a massive and arbitrary withdrawal knowing full well that uranium mining is a principal activity and job creator on the Arizona Strip. There is no scientific evidence that modern-day uranium mining in the withdrawal area has violated drinking water quality standards in the Colorado River. The true goal of this withdrawal is to permanently restrict access to a nationally significant uranium resource, which is precisely what we sought to prevent under the 1984 Wilderness Act. What the Secretary proposes is nothing other than *de facto* Wilderness.

Mr. Chairman, if the decision is made to move forward with the proposed withdrawal, the Department of the Interior will be casting aside that historic compromise and ignoring the land management planning process that has resulted in the bulk of the withdrawal area being open to uranium mining. Future wilderness proposals will be deserving of even greater scrutiny once it becomes clear that negotiated agreements like those contained in the Arizona Wilderness Act are neither genuine nor enduring.

I fully agree that the Grand Canyon deserves to be protected for the enjoyment of future generations. However, it is totally irresponsible to move forward with the proposed withdrawal as it lacks sufficient scientific justification and flies in the face of the legislative history behind the Arizona Wilderness Act. I urge the Committee to pass this bill.

Mr. BISHOP. Thank you very much, Senator. Once again, Senator, if you would like to stay with us, you are welcome to. If you have other obligations, we understand that as well. Appreciate it.

Senator Bennet, this is your time to make a decision. Do you want to go now, or do you want to wait?

Senator BENNET. I would be happy to go now, Mr. Chairman.

Mr. BISHOP. Feel free, please.

**STATEMENT OF HON. MICHAEL BENNET, A UNITED STATES  
SENATOR FROM THE STATE OF COLORADO**

Senator BENNET. Thank you, Chairman Bishop, and to the Ranking Member. I want to thank all of you for the opportunity to testify at today's hearing on the Chimney Rock National Monument Establishment Act. I have been pleased to work on similar legislation in the Senate over the last two Congresses, and I have enjoyed working with Congressman Tipton on this bipartisan effort.

I also want to recognize Ricky Lightfoot, seated behind me, a distinguished archeologist who has worked extensively at Chimney Rock. Ricky is joining us today from beautiful Mancos, Colorado. And I am here to testify in support of H.R. 2621.

Chimney Rock is located roughly 20 miles west of Pagosa Springs in the southwest part of Colorado. This 40,700-acre site is located on San Juan National Forest land, recognized as perhaps the most significant historical site managed by the entire Forest Service throughout the country. The twin spires of Chimney Rock depicted in the photo on the screens above attracted the ancestors of the modern Pueblo Indians to this area nearly 1,000 years ago.

This unique culture had their main settlement in Chaco Canyon, New Mexico, and had a settlement at what is now Mesa Verde National Park near Cortez. I might say that all of these sites are in Congressman Tipton's district.

The Chaco people established a remote outpost at the base of Chimney Rock called the Great House Pueblo. The Great House is situated just south of the twin spires and is now displayed on the screens above. Chimney Rock has incredible historical and cultural significance, yet the site lacks a designation equal to that stature. This discrepancy is why countless preservation groups have become involved with Chimney Rock. They came together in 2009 and asked me to carry legislation to designate Chimney Rock a national monument in the Senate, and I have now been pleased to work with Congressman Tipton on his companion bill in the House.

Put simply, a national monument designation is warranted for Chimney Rock, and that new designation will drive economic development and job creation throughout the region. The measure was drafted with the help of the Forest Service, historical preservation organizations, Native American tribes and dozens of other local stakeholders.

I would draw the Committee's attention to a number of the letters I brought with me today from several of the organizations involved in that robust stakeholder process. We have letters of support from a bipartisan group of Archuleta County commissioners who have extended their unanimous support for the bill; the Republican mayor of Pagosa Springs, Colorado, the town nearest to

Chimney Rock; the Pagosa Springs Area Chamber of Commerce; and the Pagosa Springs Community Development Corporation.

I would like to submit these letters sent to Congressman Tipton and me into the record to illustrate the broad level of local support for this popular legislation. Thank you, Mr. Chairman.

[NOTE: The letters submitted for the record on H.R. 2621 have been retained in the Committee's official files.]

Senator BENNET. My Chimney Rock Bill in the Senate, nearly identical to Congressman Tipton's legislation, was reported out of the Senate Energy Committee in a bipartisan voice vote. I am hopeful that the House Natural Resources Committee will see fit to lend similar support to Congressman Tipton's efforts as we move toward enacting this popular legislation into law.

Thank you again, Mr. Chairman, and to the Ranking Member for allowing me the opportunity to testify today on this important topic. Thank you, Mr. Chairman.

[The prepared statement of Senator Bennet follows:]

**Statement of The Honorable Michael F. Bennet, a U.S. Senator from the State of Colorado, on H.R. 2621: Chimney Rock National Monument Establishment Act**

Chairman Bishop, Ranking Member Grijalva (Gra-HALL-va), I thank you for the opportunity to testify at today's hearing on the Chimney Rock National Monument Establishment Act.

I've been proud to work on similar legislation in the Senate over the last two Congresses. And I've enjoyed working with Congressman Tipton on this bipartisan effort.

I also want to recognize Ricky Lightfoot—seated behind me—a distinguished archaeologist who has worked extensively at Chimney Rock.

Ricky is joining us today from beautiful Mancos, CO.

I am here to testify in support of H.R. 2621, The Chimney Rock National Monument Establishment Act.

Chimney Rock is located roughly 20 miles west of Pagosa Springs—in the southwest part of Colorado.

This 4,700 acre site is located on San Juan National Forest land and is recognized as perhaps *the most significant* historical site managed by the entire Forest Service.

The twin spires of Chimney Rock—depicted in the photo on the screens above—attracted the ancestors of the modern Pueblo Indians to this area nearly a thousand years ago.

This unique culture had their main settlement in Chaco Canyon, New Mexico, and had a settlement at what is now Mesa Verde National Park near Cortez.

The Chaco People established a remote outpost at the base of Chimney Rock called *The Great House Pueblo*. The Great House is situated just south of the twin spires and is now displayed on the screens above.

The House was built from six million stones, 5,000 logs and 25,000 tons of earth and clay. All of these materials were arduously hauled 1,000 feet up from the valley floor.

We think they established this outpost to observe a rare lunar event. The so-called "major lunar standstill," occurs once every 18.6 years when the moon appears to rise in the exact same spot three nights in a row.

The Chaco People built the *Great House Pueblo* to observe this spectacular celestial event. There are only two other places in the world where ancient people used stone structures to mark a lunar standstill. Stonehenge is one of them.

Chimney Rock has incredible historical and cultural significance. Yet the site lacks a designation equal to that stature. This discrepancy is why countless preservation groups got involved with Chimney Rock.

This constituency, coupled with a bipartisan group of local officials, Colorado counties, municipalities and tribes have joined in an effort to give Chimney Rock the proper designation.

They came together in 2009 and asked me to carry legislation to designate Chimney Rock a National Monument in the Senate. And I've now been pleased to work with Congressman Tipton on this companion bill in the House.

This legislation will provide much-needed protection, and much-deserved recognition, for the site.

Passage of this bill will also provide increased tourism and economic development in southwest Colorado.

Put simply, a National Monument designation is warranted for Chimney Rock and that new designation will drive economic development and job creation throughout the region.

The measure was drafted with the help of the Forest Service, historical preservation organizations, Native American tribes and dozens of other local stakeholders.

I would draw the Committee's attention to a number of letters I brought with me today from several of the organizations involved in that robust stakeholder process.

Here I have letters of support from:

- A bipartisan group of Archuleta County Commissioners, who have extended their unanimous support for this bill.
- The Republican Mayor of Pagosa Springs, Colorado—the town nearest to Chimney Rock.
- The Pagosa Springs Area Chamber of Commerce.
- And the Pagosa Springs Community Development Corporation.

I'd like to submit these letters, sent to Congressman Tipton and me, into the record to illustrate the broad level of local support for this popular legislation.

My Chimney Rock bill in the Senate—nearly identical to Congressman Tipton's legislation—was reported out of the Senate Energy Committee in a bipartisan voice vote last Congress.

I'm hopeful the House Natural Resources Committee will see fit to lend similar support to Congressman Tipton's measure as we move towards enacting this popular legislation into law.

Thank you Chairman Bishop and Ranking Member Grijalva for allowing me the opportunity to testify today on this important topic.

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Mr. BISHOP. Thank you, Senator. And as always, if you would like to stay over here on the true side of Capitol Hill, you are welcome to. If you have other obligations and need to go, we understand.

Senator BENNET. Thank you.

Mr. BISHOP. With that, let me turn next to the sponsor of 35, whatever the number is, Representative Franks from Arizona, and then we will hear from one of our former colleagues on this Committee, Representative Flake from Arizona. Representative Franks.

**STATEMENT OF HON. TRENT FRANKS, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF ARIZONA**

Mr. FRANKS. Thank you. You just promoted me, Mr. Chairman, and I appreciate it. You called me Senator Franks.

Mr. BISHOP. I sincerely apologize. I will never do that to you again.

Mr. FRANKS. I appreciate that.

Mr. BISHOP. I am sorry. I profusely apologize for doing that.

Mr. FRANKS. I didn't come here to be insulted, Mr. Chairman.

[Laughter.]

Mr. BISHOP. Congressman Franks, please.

Mr. FRANKS. Mr. Chairman, first of all, I want to thank you for holding this hearing and allowing me to testify on H.R. 3155 this morning, the Northern Arizona Mining Continuity Act of 2011. And if I could ask you, sir, I would like to see an ASU study here, the Western Business Roundtable letter and a report from Tetra Tech prepared for the American Clean Energy Resources Trust placed into the record—

Mr. BISHOP. So ordered.

Mr. FRANKS.—because I will be referencing those in my testimony here.

Mr. BISHOP. So ordered.

[NOTE: The letter and report submitted by Mr. Franks have been retained in the Committee's official files.]

Mr. FRANKS. Mr. Chairman, this legislation will stop the United States Department of the Interior from banning mining in a vast area of Arizona that represents the Nation's second largest domestic source of uranium ore. The Department of the Interior intends to withdraw as early as this month, as you stated earlier, 1 million acres of Arizona land with the goal of preventing uranium mining on that land for the next 20 years.

Studies by Dr. Charles Sanchez and Dr. John Chesley of the University of Arizona have shown no threat to the Colorado River by mining this uranium. According to the results, uranium mining "in the main channel of the Colorado River are generally consistent with the normal weathering of uranium-containing geomeidia within the watershed and rule against major contamination from uranium mines."

Regarding agricultural soils in the lower Colorado River region, the study concludes, "No increase in the bio-available uranium after 35 years of irrigation and fertilization." Regarding uranium exposure to food crops, the study concludes, "Potential uranium exposure to vegetable and food crops produced in the lower Colorado River region are negligible relative to health risks."

Mr. Chairman, with all of this data and the total lack of any evidence from the Bureau of Land Management indicating the unsafe operation of uranium mines, the Obama Administration is still willing to make up to approximately 326 million pounds of the best uranium ore in the country off limits. And that is actually uranium, Mr. Chairman. The ore would be much more than that of course.

This nonsensical effort by the Obama Administration is a step in precisely the wrong direction for the American economy, making the U.S. even more dependent on foreign powers and potentially creating a serious national security threat going forward.

Mr. Chairman, Mohave County, a county in my district that will be directly impacted by Secretary Salazar's needless withdrawal of prime mining lands on the Arizona Strip, already has an unemployment rate of 10.6 percent. The rate is even higher in specific areas of the county: Butler, area of Kingman, 16.2 percent; the Golden Valley area, 21.3 percent; and Dolan Springs, 23.7 percent unemployment.

The locking up of a million acres of mining in northern Arizona ignores the economic realities of the state and will do fiscal harm to the local area. An economic analysis performed by Tetra Tech detailing the benefits of the uranium mining industry in the northern Arizona uranium district concluded that there will be \$29.4 billion in output over the 42-year lifespan of the project, including \$2 billion in Federal and State corporate taxes and \$40 million annually in payroll.

Mr. Chairman, uranium mining would create more than 1,000 jobs directly related to mining operations and many more jobs would be created as a result of the economic activity associated

with the mining. Additionally, of America's existing 104 operating nuclear reactors, 90 percent of them now import the uranium that they use from foreign countries, including Russia and Kazakhstan, as opposed in the 1970s when America was 100 percent self-sufficient. This potentially creates a serious national security threat going forward.

Mr. Chairman, in 1984, Congress passed the Arizona Wilderness Act to specifically recognize the uranium potential of 490,000 acres of BLM and 500,000 acres of Forest Service lands by releasing them from the wilderness study classification so they could be mined. The bill was a collaborative effort that included the mining and livestock industries, the National Parks Conservation Association and the Wilderness Society and the Sierra Club.

Mr. Chairman, according to the United States Geological Survey, northern Arizona uranium reserves total about 326 million pounds of uranium or enough to power the entire State of Arizona for 80 years. By prohibiting the exploitation of northern Arizona uranium reserves, the Obama Administration will potentially weaken America's long-term national security, our economic security and our ability to be energy self-sufficient.

This legislation would stop the Obama Administration from eliminating our country's most significant source of uranium. And I want to thank you again, sir, for holding this hearing. It is my hope that the Members of the Subcommittee will appreciate the importance of moving this legislation forward.

[The prepared statement of Mr. Franks follows:]

**Statement of The Honorable Trent Franks, a Representative in Congress from the State of Arizona, on H.R. 3155, the Northern Arizona Mining Continuity Act of 2011**

Mr. Chairman, I want to thank you for holding this hearing and allowing me to testify on H.R. 3155, the Northern Arizona Mining Continuity Act of 2011.

Mr. Chairman, this legislation will stop the U.S. Department of the Interior from banning mining in a vast area of Arizona that represents the nation's second largest domestic source of uranium ore.

The Department of the Interior intends to withdraw, as early as this month, 1 MILLION acres of Arizona land with the goal of preventing uranium mining on that land for the next 20 years. Studies by Dr. Charles Sanchez and Dr. John Chesley of the University of Arizona have shown no threat to the Colorado River by mining this uranium. According to the results, uranium "in the main channel of the Colorado River are generally consistent with the normal weathering of uranium containing geomedial within the watershed and rule against major contamination from uranium mines". Regarding agriculture soils in the Lower Colorado River Region, the study concludes "no increase in bioavailable uranium after 35 years of irrigation and fertilization." Regarding uranium exposure to food crops, the study concludes "potential uranium exposure to vegetable and food crops produced in the Lower Colorado River Region are negligible relative to health risks".

Mr. Chairman, with all of this data and the total lack of any evidence from the Bureau of Land Management indicating the unsafe operation of the uranium mines, the Obama Administration is still willing to make up to approximately 326 million pounds of the best uranium in the country off-limits. This shameful effort by the Obama Administration is a step in precisely the wrong direction for the American economy, making the U.S. even more dependent on foreign powers and potentially creating a serious national security threat going forward.

Mr. Chairman, Mohave County, a county in my District that will be directly impacted by Secretary Salazar's needless withdrawal of prime mining lands on the Arizona Strip, already has an unemployment rate of 10.6%. The rate is even higher in specific areas of the county; Butler area of Kingman (16.2%), Golden Valley (21.3%), and Dolan Springs (23.7%). The locking up of a million acres of mining lands in Northern Arizona ignores the economic realities of the State and will do fiscal harm to the local area.

An economic analysis performed by Tetra Tech detailing the benefits of the uranium mining industry in the North Arizona Uranium District concluded that there will be \$29.4 billion in output over the 42-year lifespan of the project, including \$2 billion in federal and state corporate taxes and \$40 million annually in payroll.

Mr. Chairman, uranium mining would create more than a thousand jobs directly related to mining operations, and many more jobs would be created as a result of the economic activity associated with the mining.

As indicated by the Governor of Arizona, "if instituted, this uranium mining ban would deal a blow to future economic growth near the Grand Canyon."

Additionally, of America's existing 104 operating nuclear reactors, 90% now import the uranium they use from foreign countries, including Russia and Kazakhstan, as opposed to the 1970's, when America was 100% selfsufficient. This potentially creates a serious national security threat going forward.

Mr. Chairman, in 1984, Congress passed the Arizona Wilderness Act that specifically recognized the uranium potential of 490,000 acres of BLM land and 500,000 acres of Forest Service lands by releasing them from wilderness study classification *so that they could be mined*. The bill was a collaborative effort that included the mining and livestock industries, the National Parks Conservation Association, the Wilderness Society, and the Sierra Club.

To this day, uranium mining activities on these lands have a record of productive operation and successful reclamation without impacting the environment or our awe-inspiring National Parks. The nearest mine would be about 6 miles from the Grand Canyon National Park boundary and 10 miles from the Canyon itself. Mr. Chairman, that is from where we are sitting now to Falls Church, Virginia.

According to United States Geological Survey, northern Arizona uranium reserves total about 326 million pounds—or enough energy to power the entire state for Arizona for 80 years. By prohibiting exploitation of the northern Arizona uranium reserves, the Obama Administration will potentially weaken America's long-term national security, our economic security, and our ability to be energy selfsufficient. This legislation would stop the Obama Administration from eliminating our country's most significant source of uranium.

Mr. Chairman, thank you again for holding this hearing today. It is my hope that the members of this subcommittee will appreciate the importance of moving this legislation forward. Thank you.

NOTE: An attachment entitled "Economic Impact of Uranium Mining on Coconino & Mohave Counties, Arizona" dated September 2009 has been retained in the Committee's official files.

Mr. BISHOP. Thank you, Congressman. I appreciate that. I would like to welcome back Congressman Flake. And I am not going to say anything about titles with you.

Mr. FLAKE. Thank you. I appreciate that.

Mr. BISHOP. But you are recognized for five minutes.

Mr. FLAKE. Thank you, Mr. Chairman.

Mr. BISHOP. Wait, let me say, Congressman Franks, if you would like to stay with us, if you would like to join us on the dais, we can ask unanimous consent for that. We would be happy to do that. If you need to leave for other business, we understand that as well.

Mr. FRANKS. I am grateful, Mr. Chairman. I have a markup in Judiciary that I will have to leave it in your capable hands. Thank you, sir.

Mr. BISHOP. No one wants to stay here with me. I am getting a complex about this. Thank you. Now, Representative Flake, please.

**STATEMENT OF HON. JEFF FLAKE, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF ARIZONA**

Mr. FLAKE. Thank you, Mr. Chairman. It is nice to be back here. I have enjoyed my stint for 10 years on the Resources Committee.

I come in support of H.R. 3155. A lot has been said about this already, so I will just summarize. The Administration claims that it is undergoing a deliberative process, but it is crystal-clear that

they plan to move as early as the end of the month with this unnecessary long-term withdrawal of lands in the Arizona Strip to new mining claims, with a decision anticipated at the end of the month.

This regulatory overreach is based on specious environmental concerns, as was outlined by Congressman Franks. It violates a longstanding, negotiated legislative agreement, as was outlined by Senator McCain, who was here and participated in those negotiations. It conflicts with our energy security goals. That was also outlined by Congressman Franks. And it endangers desperately needed economic activity in the region.

You will hear more from public officials who are affected and whose constituents and others are affected. Congressman Franks mentioned the high unemployment rate in some of these small towns, and that is an acute problem there that can be solved with this economic activity that has so many ancillary benefits.

As many of you know, Chairman Simpson in the Appropriations Committee included a provision that would put a hold on the withdrawal of this million acres. Unfortunately that Appropriations bill is foundering. The end game for the appropriations process this year is a mystery, and so I am heartened by the action of this Committee to bring this bill or to move this bill forward. That is why we need freestanding legislation to do this because the appropriations process has simply broken down.

I come from northern Arizona. My great, great grandfather settled in northern Arizona, so I have been there for five generations. Believe me, those of us who were raised in northern Arizona are sensitive to environmental concerns. If I did anything that would endanger the pristine wonder that is the Grand Canyon, I would be ridden out of town and out of the state on a rail by my own family and by others in northern Arizona.

But the arguments that are going to be put forward by some that there are environmental dangers, and part of the problem stems from this area is called the Arizona Strip. It has been forever, the area between the Colorado River and the Utah line. And some people assume, well, that means strip mining or something like that. And you have some Members of Congress talking about some glow that will come from the Grand Canyon might be uranium glow, not the sunset and just outlandish, outlandish claims about what this really does.

This type of mining is so-called breccia pipe mining. It is low impact. After a few years and after reclamation of a few years, the locals won't even know where the mine was. The impact on water use in the environment are minimal, and it does not affect—it is well beyond, outside the boundaries of the Grand Canyon National Park. And that is why this settlement was negotiated in the eighties to allow multiple use in these areas and still does protect and set aside more lands at that time to protect this pristine wonder that we have that is the Grand Canyon.

So I thank the Chairman for bringing this bill forward, and I urge its passage, and I yield back the balance of my time.

Mr. BISHOP. Thank you, Congressman Flake. And once again, if you wish to stay and join us, feel free to. If you have other obligations—yes, I got the drift, yes.

Mr. FLAKE. I have other obligations, sorry.

Mr. BISHOP. Thank you. Representative Runyan, we are happy to have you here as a Member of our full Committee but not necessarily this Subcommittee, and we appreciate your bill. If you would like to address the Gold Star Mothers—what is the official—you know the official title. If you would like to address that bill, you are so recognized.

**STATEMENT OF HON. JON RUNYAN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. RUNYAN. Thank you very much, Chairman and Ranking Member Grijalva, for holding this hearing and allowing me to testify and also for inviting Judith Young to testify. I would personally like to thank Judith for her service as chairwoman of the Gold Star Mothers National Monument Fund and for traveling from my district from Morristown, New Jersey, to testify today on the important work she does on behalf of the Gold Star Mothers and as a Gold Star Mother.

H.R. 1980, the Gold Star Mothers National Monument Act of 2011, authorizes the Gold Star Mothers Monument Foundation to build a Gold Star Mothers monument on Federal lands within the District of Columbia as a unit of the national park system. This legislation only authorizes the use of Federal lands in Washington, D.C., and does not authorize Federal funding. All funds for construction are to be raised by the Gold Star Mothers National Monument Foundation. Let me be clear. All funds must be raised by the Gold Star's National Monument Foundation. This will not cost the taxpayers a dime.

During World War I, mothers of sons and daughters who served in the Armed Forces displayed flags bearing blue stars representing pride in their sons and daughters and their hope that they would return home safely. For more than 650,000 of these brave mothers, their hopes were shattered when their children never returned home.

Afterwards, many of them began displaying flags bearing gold stars that represented the sacrifice that their sons and daughters made in the historic service to our country. Over the years, the gold star has come to represent a child who has been killed by serving in the Armed Services during either war or peace.

In 1929, Congress passed a law authorizing the Federal Government to disperse funds for Gold Star Mothers and widows of those who were killed while serving in the Armed Services during World War I. The funds authorized travel to battlefields of Europe to visit the burial sites of their loved ones. On June 23, 1936, Congress passed a Senate resolution which established the last Sunday in September as Gold Star Mothers Day.

Mr. Chairman, our Gold Star Mothers have sacrificed so much for their country, and it is time we give them something back. This legislation deserves full consideration by this Committee and Congress, and I thank you for allowing me to testify and probably having the least controversial bill here in your hearing today. I yield back. Thank you.

[The prepared statement of Mr. Runyan follows:]

**Statement of The Honorable Jon Runyan, a Representative in Congress from the State of New Jersey, on H.R. 1980, "The Gold Star Mothers National Monument Act of 2011"**

Chairman Bishop and Ranking Member Grijalva, thank you for holding this hearing today, for allowing me to testify, and for inviting Judith Young to testify. I would also like to personally thank Ms. Judith Young, the Chairwoman of the Gold Star Mothers National Monument Fund, for traveling from Moorestown, New Jersey to testify today and for the important work she does on behalf of the Gold Star Mothers.

H.R. 1980, The Gold Star Mothers National Monument Act of 2011, authorizes the Gold Star National Mothers Monument Foundation to build a Gold Star Mothers National Monument on federal lands within the District of Columbia as a unit of the National Parks System. This legislation only authorizes the use of federal lands in Washington, D.C., it does not authorize federal funding. All funds for construction are to be raised by the Gold Star Mothers National Monument Foundation. Let me be clear, all funds must be raised by the Gold Star Mothers National Monument Foundation; this will not cost the taxpayer a single dime.

During World War I, mothers of sons and daughters who served in the Armed Forces displayed flags bearing a blue star to represent pride in their sons or daughters and their hope that they would return home safely.

For more than 650,000 of these brave mothers, that hope was shattered, and their children never returned home. Afterwards many of them began displaying flags bearing gold stars to represent the sacrifice that their sons and daughters made in heroic service to our country. Over the years the gold star has come to represent a child who was killed while serving in the Armed Forces, during either war or peacetime.

In 1929 Congress passed a law authorizing the Federal Government to disburse funds for Gold Star Mothers and widows of those who were killed while serving in the Armed Forces during World War I. The funds authorized travel to the battlefields of Europe to visit the burial sites of their loved ones.

On June 23, 1936, Congress passed a Senate resolution which established the last Sunday in September as Gold Star Mother's Day.

Mr. Chairman, our Gold Star Mothers have sacrificed so much for their country, it is time that we give them something back. This legislation deserves full consideration by this Committee and Congress.

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Mr. BISHOP. Well, maybe not. We will see about that one. But once again, thank you for being here. If you would like to stay and join us on the dais, feel free to do so. Once again, if you have other obligations, I understand that as well.

Mr. RUNYAN. I got a little banged up in the congressional football game last night, so I am going to go see the orthopedic surgeon.

Mr. BISHOP. I don't even know how to respond to that one. All right. Whatever.

[Laughter.]

Mr. BISHOP. Thank you. We have two bills whose sponsors are part of our Committee, Representative Tipton—I am sorry. I let the Senator from Colorado go first on this. I apologize to you for that, but you have to stay here anyway. So would you like to talk about the Chimney Rock bill this time?

**STATEMENT OF HON. SCOTT TIPTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. TIPTON. I would, Mr. Chairman. Thank you, and I thank the Ranking Member as well for convening today's hearing, including my bill, H.R. 2621, to designate the Chimney Rock in southwestern Colorado as a national monument. I would like to thank Senator Bennet for taking the time to be here in support of the bill, and his contribution on the legislation in the Senate has been instru-

mental in getting the bill where it is today. I am proud to work with him on this bipartisan effort.

I would also like to thank Ricky Lightfoot from my hometown in Cortez, Colorado for being here today to share his expertise on this treasured area, and I look forward to hearing his testimony.

Chimney Rock is considered by the historic preservation community and the archeological community to be one of the most significant archeological sites in the Western United States. However, many Coloradans may never have heard of this historic treasure right in our own backyard. Once held sacred by the ancestors of the modern Pueblo Indians who made the journey to this northernmost outpost of the Chacoan civilization, Chimney Rock is one of only three such known sites to exist.

The area is known primarily as a gathering place by these early Native Americans to observe the rare and dramatic lunar standstill. Centuries ago, hundreds of early Native Americans called the area home, and archeologists have uncovered ancient farming areas, homes and other structures indicating that this was a major cultural center for early Americans.

Despite the unique nature of this area, the Chimney Rock site of the San Juan National Forest is lacking a designation worthy of its historical and cultural significance. The area is currently under the management of the United States Forest Service, and it is covered under the USFS Organic Act, which has no provision to address the preservation and management of such a historic and culturally significant site as Chimney Rock.

As a national monument, Chimney Rock will carefully be preserved and restored so that future generations will have the opportunity to be able to visit the awe-inspiring site, interpret its meaning and study the people that built these structures so long ago.

This designation would increase attention and interest and generate new tourism opportunities for the Four Corners area, potentially generating badly needed revenue and expand potential new jobs for the Southwestern Colorado region that has been ravaged by double digit unemployment. Chimney Rock would remain open to many of the traditional uses for this area. This would ensure that local ranchers will be able to keep utilizing the land they depend on for grazing. Outdoorsmen will continue to be able to take advantage of the game opportunities in the area and will allow for the continued use of Chimney Rock by members of the Indian tribes for their traditional ceremonies.

The national monument designation requires no additional Federal funds and therefore no increase in Federal spending. However, it does allow for private supporters to be able to work with the Forest Service to improve and maintain this valued area. This allows for the preservation of the Chimney Rock in a way that is fiscally responsible. This legislation is a great example of a community-based effort to establish one of its most valued areas as a national monument, taking into account all of the various interests affected by that designation and doing so in a way that does not increase costs to American taxpayers.

I am proud to have the support of the Archuleta County commissioners and the Pagosa Springs Chamber of Commerce, among others, in making Chimney Rock a national monument. This would

create a win/win situation for this remarkable historic cultural area, the State of Colorado and the communities, Native American tribes and future generations of visitors.

Mr. Chairman, than you for allowing me to comment on this bill, and I would like to be able to submit for the record letters of support from the Chamber of Commerce and the other county commissioners out of Archuleta County.

Mr. BISHOP. Without objection.

[The prepared statement of Mr. Tipton on H.R. 2621 follows:]

**Statement of The Honorable Scott Tipton, a Representative in Congress from the State of Utah, on H.R. 2621, "Chimney Rock National Monument Establishment Act of 2011"**

Thank you Mr. Chairman for convening today's hearing and including my bill, H.R. 2621, to designate Chimney Rock in Southwestern Colorado as a National Monument. I want to thank Senator Bennet for being here today in support of the bill. His contribution on this legislation in the Senate has been instrumental in getting the bill where it is today and I'm proud to work with him on this bipartisan effort. I also want to thank Ricky Lightfoot from my hometown of Cortez, Colorado for being here to share his expertise on this treasured area and I look forward to hearing his testimony.

Chimney Rock is considered by the historic preservation community and the archeological community to be one of the most significant archeological sites in the Western United States, however, many Coloradans may have never heard of the historic treasure right in our own backyard. Once held sacred by the ancestors of modern Pueblo Indians who made the journey to this northernmost outpost of the Chacoan Civilization, Chimney Rock is one of only three such sites known to exist.

The area is known primarily as a gathering place by these early Native Americans to observe the rare and dramatic lunar standstill. Centuries ago, hundreds of early Native Americans called the area home and archeologists have uncovered ancient farming areas, homes and other structures indicating that this was a major cultural center for early Americans.

Despite the unique nature of this area, the Chimney Rock site of the San Juan National Forest is lacking a designation worthy of its historical and cultural significance. The area is currently under the management of the U.S. Forest Service, and is covered under the USFS Organic Act, which has no provision to address the preservation and management of such a historic and cultural significant site as Chimney Rock. As a National Monument, Chimney Rock will be carefully preserved and restored so that future generations will have the opportunity to visit the awe-inspiring site, interpret its meaning, and study the people that built these structures so long ago.

This designation would increase attention and interest and generate new tourism opportunities for the Four Corners area, potentially generating badly needed revenue and expand potential for new jobs in the Southwest Colorado region ravaged by double-digit unemployment. Chimney Rock would remain open to many of the traditional uses for this area. This would ensure that local ranchers will be able to keep utilizing the lands they depend on for grazing, outdoorsman will be able to continue to take advantage of the game opportunities in the area, and would allow for the continued use of Chimney Rock by members of the Indian tribes for traditional ceremonies.

The national monument designation requires no additional federal funds, and therefore no increase in spending. However, it does allow for private supporters to work with the Forest Service to improve and maintain this valued area. This allows for the preservation of Chimney Rock in a way that is fiscally responsible.

This legislation is a great example of a community based effort to establish one of its most valued areas as a national monument taking into account all of the various interests affected by that designation and doing so in a way that does not increase costs to American taxpayers.

I'm proud to have the support of the Archuleta County Commissioners, and the Pagosa Springs Chamber of Commerce, among others. Making Chimney Rock a national monument would create a win-win situation for this remarkable historic, cultural area, the state of Colorado, the local communities, Native Indian tribes and future generations of visitors.

Thank you, Mr. Chairman.

Mr. BISHOP. Thank you. And now last but certainly not least, Representative Johnson, Member of our Committee. And you also have the World War II Memorial Prayer Act. You are recognized to introduce that if you would.

**STATEMENT OF HON. BILL JOHNSON, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF OHIO**

Mr. JOHNSON OF OHIO. Well, thank you, Mr. Chairman and Ranking Member Grijalva, for holding this hearing today and for considering this legislation that I sponsored, H.R. 2070, the World War II Memorial Prayer Act of 2011.

You know, on June 6, 1944, America embarked upon a great campaign, a campaign to fight and resist tyranny and a campaign designed to protect the very survivability of our Nation and advance the cause of freedom and liberty for the rest of the world.

On that day, President Roosevelt offered a prayer to our Nation and to the many men who were going to go into harm's way in what was going to be a very, very dangerous mission. This legislation would direct the Secretary of the Interior to place a plaque at the World War II memorial or to inscribe onto the World War II memorial this prayer, which has been entitled "Let our Hearts be Stout."

Mr. Chairman, I would like to submit a copy of the prayer for the record if there is no objection.

[The prayer submitted for the record follows:]

My Fellow Americans:

Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so, in this poignant hour, I ask you to join with me in prayer:

Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.

President Franklin D. Roosevelt—June 6, 1944

Mr. JOHNSON OF OHIO. I believe that there are several areas within the memorial that would be suitable for the prayer's placement, but the Department of the Interior would have the discretion on final placement. Furthermore, my intention is that the cost for the plaque or the inscription would be paid for not by taxpayer dollars but by private donations from individuals at no cost to the American taxpayers.

The Administration's witness, who is on the second panel, will testify against this legislation today by saying that it violates the Vietnam Memorial Visitor Center Act of 2003, and I wanted to take this opportunity to preempt their testimony. The legislation passed in 2003 stated that the reserve, commonly referred to as the National Mall, is a completed body of civic art and therefore should not be altered and therefore prohibits new commemorative displays on the National Mall.

However, in the legislation passed in 2003, Congress allowed for a commemorative work to go forward by allowing a plaque to be placed on the Lincoln Memorial where Martin Luther King, Jr. gave his famous "I Have a Dream" speech. And I am glad they did that.

Furthermore, in 2009, Congress passed a provision in the 2010 Interior spending bill that directed the Secretary of the Interior to place a plaque on the World War II Memorial honoring Senator Bob Dole for his work in getting the memorial built. And I am glad that they did that.

I worked closely with the Congressional Research Service and legislative counsel while writing this legislation to make sure that the language in H.R. 2070 that is before us today is as close as possible to the 2009 provision that authorized the plaque to be placed honoring Senator Dole.

I think it is disingenuous for the Administration to say that this legislation should not go forward, and if Congress and the American people decide that this plaque or inscription is as important as I think it is, then it should be placed on the memorial. More importantly, the question of whether the prayer is added to the memorial should be left up to the men and women to whom the memorial is dedicated to.

The memorial was built to honor the 16 million who served in the Armed Forces of the United States during World War II and the more than 400,000 who died during the war, and it seems to me that if the few remaining World War II veterans are supportive of the prayer being added, we as a country, as a Nation, should honor that request.

The American Legion is supportive of the legislation, and I also have a letter of support from the Ohio Christian Alliance, and, Mr. Chairman, without objection, I would like to have those included in the record.

[The letters in support of H.R. 2070 follow:]



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For God and Country

June 7, 2011

Honorable Bill Johnson  
United States House of Representatives  
317 Cannon House Office Building  
Washington, DC 20515

Congressman Johnson:

As the nation's largest veterans' service organization, The American Legion stands proudly by the words of the preamble to our constitution. *"For God and Country we associate ourselves together for the following purposes..."* One of the most important purposes we stand together as an organization to support is *"...To preserve the memories and incidents of our associations in the Great Wars..."*

Your legislation, H.R. 2070, the "World War II Memorial Prayer Act of 2011" would bolster the already reverential World War II Memorial in Washington, DC with a plaque citing the words of President Franklin Delano Roosevelt's prayer "Let Our Hearts Be Stout", delivered to the nation to offer solace and support on D-Day, June 6, 1944. As the words of that prayer buoyed a troubled nation through that difficult time, so too may these words give solace to future generations that struggle with the troubles of the world.

The purpose of memorials is not solely to remember the sacrifices of those who have gone before, but to give strength and encouragement to future generations for eternity. The words of the prayer could not be more apt, and should inspire Americans to *"...let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be."*

The American Legion thanks you for your leadership in this area, and offers our full support to H.R. 2070, the "World War II Memorial Prayer Act of 2011."

For God and Country,

A handwritten signature in black ink, appearing to read "Tim Tetz".

Tim Tetz, Director  
National Legislative Commission



*Advocating for Life, Faith, and Freedom in the Public Square*

November 3, 2011

**TO:** Chairman Hasting and Members of the House Natural Resources Committee  
**FROM:** Chris Long, President of Ohio Christian Alliance  
**RE:** H.R. 2070, FDR's D-Day Landing Prayer

Chairman Hastings, Ranking Minority Member Markey, and distinguished Members of the House Natural Resources Committee:

We are honored to submit this letter of support for H.R. 2070, legislation that will include FDR's D-Day Landing Prayer at the WWII Memorial in Washington, D.C. We would like to express appreciation to Congressman Bill Johnson of Ohio's 6<sup>th</sup> District and the 41 co-sponsors of this legislation.

Sixty-seven years ago, on the morning of June 6, 1944, as Allied forces were landing on the beaches in Normandy, President Roosevelt went to the airwaves and prayed with our nation for God's blessing and protection upon our brave fighting men. He prayed, *"Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity...."*

President Roosevelt's prayer articulated the great crusade that was underway to liberate millions suffering under tyranny. He nobilized the war effort and paid honor to the fallen and those veterans who fought courageously in the conflict. It is only fitting that succeeding generations learn of this prayer that was offered at that most poignant moment in our nation's history. We are encouraged by the support that this legislation is receiving. Veterans and veterans groups across the nation are in support of adding FDR's D-Day Landing Prayer to the WWII Memorial in Washington, D.C. This prayer represents an important piece of American history. Historians indicate that President Roosevelt hand wrote the prayer which was an inspiration to a nation engaged in a great world war of which the outcome was still very much uncertain. The prayer gave hope to millions of Americans.

We therefore urge members of Congress to support the FDR D-Day Prayer inclusion and pass the legislation that will allow its placement at the WWII Memorial in Washington, D.C. We commend Congressman Johnson and the Congressional co-sponsors of this historic legislation.

Mr. JOHNSON OF OHIO. Lucky for us, today this Committee will hear the testimony of Poppy Fowler on today's second panel. Poppy is 87 years young and bravely served our Nation during the Second World War in the Pacific Theater. He served as a rear gunner on an SB2C hell diver in the Naval Air Group 15 and completed 35 missions during his three-plus years in the Navy.

I had the pleasure of escorting Poppy a few weekends ago on an honor flight to Washington, D.C., to see the memorial for the first time, and I believe that he is a true American hero, and I look forward to his testimony today.

During the honor flight, I also had the opportunity to speak to a number of World War II veterans about this legislation, and all were supportive of including the President's prayer on the memorial. I believe the President's prayer gave solace, comfort and strength to our Nation. But more important, it gave comfort to the

brave warriors who put their lives on the line as we fought against tyranny and oppression.

Those words should be included among the tributes to the greatest generation, memorialized on the national mall, and I will continue to work with the Committee to see that the President's words are appropriately added to the memorial. And I am happy to answer any questions that other Committee Members may have. Mr. Chairman, with that, I yield back the balance of my time.

[The prepared statement of Hon. Bill Johnson follows:]

**Statement of The Honorable Bill Johnson, a Representative in Congress  
from the State of Ohio**

Thank you Mr. Chairman and Ranking Member Grijalva for holding this hearing today and for considering legislation that I sponsored, H.R. 2070, the World War II Memorial Prayer Act of 2011.

This legislation would direct the Secretary of Interior to place a plaque at the World War II Memorial or to inscribe onto the World War II Memorial this prayer, which has been entitled "Let Our Hearts Be Stout."

I would like to submit a copy of the prayer for the record if there is no objection from any of the Members of the Committee.

I believe that there are several areas within the Memorial that would be suitable for the prayer's placement, but the Department of the Interior would have the discretion on final placement.

Furthermore, my intention is that the cost for the plaque or inscription would be paid for by private donations from individuals, at no cost to the American taxpayers.

The Administration's witness who is on the second panel will testify against this legislation by saying that it violates the *Vietnam Memorial Visitor Center Act of 2003* and I wanted to take this opportunity to pre-empt their testimony.

The legislation passed in 2003 stated that the Reserve, commonly referred to the National Mall, is a completed body of civic art and therefore should not be altered and therefore prohibits new commemorative displays on the National Mall.

However, in the legislation passed in 2003, Congress allowed for a commemorative work to go forward by allowing a plaque to be placed on the Lincoln Memorial where Martin Luther King, Junior gave his famous 'I have a dream speech.'

Furthermore, in 2009 Congress passed a provision in the 2010 Interior spending bill that directed the Secretary of Interior to place a plaque on the World War II Memorial honoring Senator Bob Dole for his work in getting the Memorial built.

I worked closely with the Congressional Research Service and Legislative Counsel while writing this legislation to make sure that the language in H.R. 2070 is as close as possible to the 2009 provision that authorized the plaque to be placed honoring Senator Dole.

I think it is disingenuous for the Administration to say that this legislation shouldn't go forward and if Congress and the American people decide that this plaque is as important as I think it is then it should be placed on the Memorial.

More importantly the question of whether the prayer is added to the Memorial should be left up to the men and women who the Memorial is dedicated to.

The Memorial was built to honor the 16 million who served in the armed forces of the U.S. during World War II and the more than 400,000 who died during the war, and it seems to me that if the few remaining veterans are supportive of the prayer being added, we as a country should honor that request.

The American Legion is supportive of the legislation and I would ask that their letter of support be included in the record.

The Ohio Christian Alliance also has sent a letter of support that I also ask be submitted for the record (pause for Chairman Bishop to enter it in the record)

Lucky for us, this Committee will hear the testimony of George 'Poppy' Fowler on today's second panel. Poppy is 87 years young and bravely served our nation during the Second World War in the Pacific Theater. Poppy also was a charter member of the WWII Memorial Fund to help raise money for the construction of the Memorial.

He served as a rear gunner on a SB2C Helldiver in the Naval Air Group 15 and completed 35 missions during his three plus years in the Navy.

I had the pleasure of escorting Poppy a few weekends ago on an Honor Flight to Washington, D.C. to see the Memorial and I believe that he is a true American hero and I look forward to his testimony.

During the honor flight trip I also had the opportunity to speak to a number of World War II veterans about this legislation and all were supportive of including FDR's prayer on the Memorial.

I believe that President Roosevelt's prayer gave solace, comfort and strength to our nation as we fought against tyranny and oppression.

Those words should be included among the tributes to the Greatest Generation memorialized on the National Mall and I will continue to work with the Committee to see that this plaque is added to Memorial.

I am happy to answer any questions Committee Members may have and with that I yield back the balance of my time.

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Mr. BISHOP. Thank you. I appreciate all of those from the House and the Senate who have testified on these four bills. I am now going to call up the second panel. I would ask that Robert Abbey, who is the Director of the Bureau of Land Management; Mary Wagner, who is the Associate Chief of the U.S. Forest Service; Mr. George "Poppy" Fowler, World War II veteran; Ms. Judith Young, who is the Chair of the Gold Star Mothers National Memorial Foundation; and Mr. Ricky Lightfoot, who is the former President of the Crow Canyon Archeological Center, to join us at the table if they would.

For those of you who may not have joined us before, some of you are old hats at this. Some of you are not. Your written statement will obviously be included in the record. At the same time, we are happy to hear your oral statement at this time. We ask you to maintain to five minutes. You will see the clock that is in front of you. When the light is green, it means the clock is running down. When the light goes yellow, you have one minute in which I hope you will sum up. And then when it comes on red, that is it. Yes, if you would do that, please.

We will start first with Director Abbey and then go to Associate Chief Wagner. I will tell you both at this time this panel is talking only about the three bills, Chimney Rock, Gold Star Mothers and the World War II plaque. I will give you your option since I already kind of expanded the field in the first panel with the Members of Congress who were here. If you would like to give your entire testimony now on the fourth bill, the Arizona Strip one, as well, please feel free to do that, but the next panel will be talking specifically about that, and I would hope you would be able to stay for that. If you only want to talk about these three now, however you want to structure your testimony is fine with me. So, Director Abbey.

**STATEMENT OF ROBERT V. ABBEY, DIRECTOR, BUREAU OF  
LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR**

Mr. ABBEY. Well, thank you, Mr. Chairman. And I am going to restrict my testimony at this point in time to the three bills that are on the agenda.

Mr. Chairman and other Members of the Committee, thank you for the opportunity to appear before this Subcommittee to present the Department of the Interior's views on the two National Park Service bills on today's agenda. Peter Maye, Associate Regional Director for Lands, Resources and Planning for the National Capital Region of the National Park Service, is accompanying me and will be happy I am sure to answer any questions regarding these two bills.

I would like to submit the Department's full statement on these two bills for the record and briefly summarize them. H.R. 1980 would authorize the Gold Star Mothers National Monument Foundation to establish a monument in the District of Columbia. The Department cannot support H.R. 1980 because it does not conform to the Commemorative Works Act. This position is consistent with the findings of the National Capital Memorial Advisory Commission.

H.R. 1980 is in conflict with the Commemorative Works Act in two key areas. First, the Act states that a military commemorative work may be authorized only to commemorate a war such as the Korean War or a branch of the Armed Forces, such as the Navy Memorial. Second, the Act permits consideration of memorials only if the last surviving member of that group being commemorated has been dead for 25 years.

While the proposed commemoration is outside the scope of the Commemorative Works Act, other suitable options to honor the Gold Star Mothers could be explored. Should the Committee choose to advance this legislation, the Department would encourage consideration of language to provide direction regarding the disposition of unspent funds, and we would be happy to provide suggested language.

H.R. 2070 would direct the Secretary of the Interior to install in the area of the World War II Memorial a suitable plaque or an inscription of the words that President Franklin Delano Roosevelt prayed with the Nation on June 6, 1944, the morning of D-Day. The Department cannot support H.R. 2070, which essentially proposes adding another new commemorative work as an addition to the existing World War II Memorial and as such is contrary to the Commemorative Works Act.

We support the continued application of this law, which by prohibiting encroachment by new commemoration on an existing one respects the design of the completed work of civic art without alteration or addition of new elements. The Commemorative Works Act specifically states that a new commemorative work shall be located so that it does not encroach upon an existing one. It is not a judgment as to the merit of this new commemoration. It is simply that altering the memorial in a way proposed by H.R. 2070 will dilute the elegant memorial's central message.

The Department strongly believes that the World War II Memorial as designed accomplishes its legislative purpose to honor the members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that conflict.

**Statement submitted for the record by the National Park Service, U.S. Department of the Interior, Concerning H.R. 1980, a Bill to Authorize the Gold Star Mothers National Monument Foundation to Establish a National Monument in the District of Columbia.**

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on H.R. 1980, a bill that would authorize the Gold Star Mothers National Monument Foundation to establish a national monument in the District of Columbia.

The Department cannot support H.R. 1980 because it does not conform to the Commemorative Works Act. This position is consistent with the finding of the

National Capital Memorial Advisory Commission, which reported its views to the House Committee on Natural Resources on August 17, 2011.

This bill proposes to both establish a national monument to mothers of members of the Armed Forces who have died in the service to our country, and to designate the monument as a unit of the National Park System. H.R. 1980 also directs that the monument be established according to the requirements of the Commemorative Works Act of 1986.

The Department appreciated the opportunity to discuss the proposal with the Gold Star Mothers National Monument Foundation when it met with National Park Service staff and the National Capital Memorial Advisory Commission. Of course we believe that recognition of the role of mothers of members of the Armed Forces is important. We also believe that commemoration should be accomplished in a manner consistent with the Commemorative Works Act as enacted by Congress. We also note that the Gold Star program itself is a commemorative program. It is to recognize and honor those who have sacrificed their lives in service to our Country, as well as their mothers. Memorials are not always bricks and mortar. The Gold Star program is an excellent example, and it is a commemoration that has endured in various ways for almost a century.

H.R. 1980 is in conflict with the Commemorative Works Act in two key areas. First, the Act states that a military commemorative work may be authorized only to commemorate a war or similar major military conflict, such as the Korean War, or a branch of the armed forces, such as the Navy Memorial. Secondly, the Act permits consideration of memorials only if the last surviving member of the group being commemorated has been dead for 25 years.

While the proposed commemoration is outside the scope of the Commemorative Works Act, other suitable options to honor the Gold Star Mothers could be explored.

The Department also notes that the legislation directs that the memorial be established as a unit of the National Park System. Ordinarily, the National Park Service does not recommend such designation without first conducting a Congressionally-authorized Special Resource Study to determine if the resource warrants designation as a national park.

We further note that H.R. 1980 does not contain language providing for the disposition of unspent funds that may be privately raised for a memorial. The Department recommends legislative sponsors include such provisions in proposals to establish memorials regardless of the proposed location. Should the committee choose to advance this legislation in some form, the Department would encourage consideration of language to provide direction regarding unspent funds and we can assist the committee with suggested language.

That concludes our prepared testimony on H.R. 1980, and we would be happy to answer any questions you may have.

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**Statement submitted for the record by the National Park Service, U.S. Department of the Interior, on H.R. 2070, a Bill to Direct the Secretary of the Interior to Install in the Area of the World War II Memorial in the District of Columbia a Suitable Plaque or Inscription with the Words That President Franklin D. Roosevelt Prayed with the Nation on June 6, 1944, the Morning of D-Day.**

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on H.R. 2070, a bill which directs the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin Delano Roosevelt prayed with the Nation on June 6, 1944, the morning of D-Day.

The Department cannot support H.R. 2070, which essentially proposes adding another commemorative work to the existing World War II Memorial and as such is contrary to the Commemorative Works Act. We support the continued application of this law which, by prohibiting encroachment by a new commemoration on an existing one, respects the design of this completed work of civic art without alteration or addition of new elements.

The World War II Memorial was authorized on May 23, 1993, by Public Law 103-32. In 1994, Congress approved its placement in the area containing the National Mall in Public Law 103-422. Its location at the site of the Rainbow Pool was approved in 1995 by the National Park Service (NPS) on behalf of the Secretary of the Interior, the Commission of Fine Arts (CFA), and the National Capital Planning Commission (NCPC). In July 1997, the CFA and the NCPC reaffirmed prior approvals of the Rainbow Pool site in recognition of the significance of World War II as

the single-most defining event of the 20th Century for Americans and the world. Even so, there were challenges to the establishment of this memorial. The design we see today was painstakingly arrived upon after years of public deliberations and spirited public debate.

The Commemorative Works Act specifically states that a new commemorative work shall be located so that it does not encroach upon an existing one. It is not a judgment as to the merit of this new commemoration, simply that altering the Memorial in this way, as proposed in H.R. 2070, will necessarily dilute this elegant memorial's central message and its ability to clearly convey that message to move, educate, and inspire its many visitors. The Department strongly believes that the World War II Memorial, as designed, accomplishes its legislated purpose to honor the members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that conflict. It should not be altered in the manner suggested by H.R. 2070.

The views of the Department are consistent with those of the National Capital Memorial Advisory Commission, which reviewed this proposal at its meeting on September 14, 2011, and with the views of the American Battle Monuments Commission (ABMC) which was also represented at that same meeting. The ABMC, charged by the Congress in Public Law 103-32 to design and build the World War II Memorial, concurred that no additional elements should be inserted into this carefully designed Memorial.

That concludes our prepared testimony on H.R. 2070, and we would be happy to answer any questions you may have.

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Mr. BISHOP. Thank you. Ms. Wagner?

**STATEMENT OF MARY WAGNER, ASSOCIATE CHIEF, U.S.  
FOREST SERVICE, U. S. DEPARTMENT OF AGRICULTURE**

Ms. WAGNER. There we go. Mr. Chairman, Ranking Member Grijalva, and Members of the Subcommittee, I am happy to be here today to offer the Administration's remarks on H.R. 2621, the Chimney Rock National Monument Establishment Act.

Chimney Rock was designated as an archeological area and a national historic landmark in 1970. It lies within the San Juan National Forest and is surrounded by the Southern Ute Indian Reservation. The site remains archeologically and culturally significant to many descendant tribes. The purpose of the monument would be to preserve, protect and restore the nationally significant resources of Chimney Rock and adjacent land and provide for public interpretation and recreation consistent with the protection of the resources.

Mr. Tipton and Mr. Bennet did a wonderful job describing those significant national resources. Those resources in addition to the strong bipartisan effort and strong community support for the monument establishment supports the merits of designating this area as a national monument, and the Department supports H.R. 2621.

I would like to offer several just minor modifications that are detailed in my written testimony that would improve our ability to manage resources in the area. And in conclusion, the Forest Service looks forward to working with the Subcommittee to meet the intent of the bill. I look forward to answering any questions you might have.

[The prepared statement of Ms. Wagner follows:]

**Statement of Mary Wagner, Associate Chief, Forest Service, U.S. Department of Agriculture, Concerning, H.R. 2621, Chimney Rock National Monument Establishment Act**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 2621, the "Chimney Rock National Monument Establishment Act". While the Department supports H.R. 2621, I would like to offer modifications that would address some technical concerns with the bill and which would improve our ability to manage resources in the area.

Designated as an Archaeological Area and National Historic Landmark in 1970, Chimney Rock lies on 4,100 acres of San Juan National Forest land surrounded by the Southern Ute Indian Reservation. Between A.D. 900 and 1150, the ancestors of modern Pueblo Indians occupied the lands surrounding Chimney Rock, and the site remains archaeologically and culturally significant to many descendant tribes. At 7,600 feet, Chimney Rock is also the most northeasterly and highest Chacoan site known. Chacoan culture refers to the way of life of ancient ancestors of modern Pueblo Indians and continues to be important to the native people in the region.

The Forest Service values archaeological and cultural resources and considers it part of the agency's mission to preserve and interpret them for the public. We believe the rich history, spectacular archaeological, cultural, scientific, watershed, and scenic resource values, as well as community support, merits the designation of the area as a National Monument.

Section 3 of H.R. 2621 would establish the Chimney Rock National Monument in the State of Colorado by designating 4,726 acres surrounding the Chimney Rock Archaeological Area within the San Juan National Forest as a National Monument as depicted on the map titled "Boundary Map, Chimney Rock National Monument" dated January 5, 2010. The purpose of the monument would be to preserve, protect, and restore the nationally significant archaeological, cultural, historic, geologic, hydrologic, natural, educational and scenic resources of Chimney Rock and adjacent land; and to provide for public interpretation and recreation consistent with the protection of the resources.

Section 4 of the bill addresses the administration of the proposed National Monument. It provides for continued use of the Monument by members of Indian tribes for traditional and cultural uses. The Secretary of Agriculture would also be authorized to allow uses of the Monument consistent with the purposes of its establishment. These uses include: vegetative management treatments including timber harvest and the use of prescribed fire only if the Secretary deems it necessary to address the risk of wildfire, insects, or diseases; scientific research; the use of mountain bikes and motorized vehicles; installation, construction and maintenance of a public utility right of way under certain circumstances; and grazing in existence on the date of enactment of the bill. We feel that the continued use of this area for hunting and other recreational use compatible with the designation should also be explicitly addressed in this section.

Section 4(j) references the Department of Interior when designating a manager; this needs to be corrected to read "Department of Agriculture". Additionally, 4(i) would provide that signs, fixtures, alterations, or additions needed in connection with the designation or advertisement of the Monument may be paid for only with non-federal funds or amounts made available of such purposes in the previous appropriation acts. While we appreciate the concern with limiting the costs associated with designation of the Monument, this provision may undercut the ability of the Forest Service to meet the objectives of the bill.

Section 5 would require the Forest Service to develop a management plan not later than 3 years after the date of enactment and in consultation with Indian Tribes with cultural or historic connections to the Monument. The management plan must identify the authorized uses for the Monument. In developing the management plan, the Secretary would provide an opportunity for comment to the public and such entities as State, Tribal government, local, and national organizations with an interest in the management and use of the Monument. The San Juan National Forest land management plan would have to be amended to incorporate the management plan for the Monument.

Section 6 allows the Secretary to acquire land and any interest in land within or adjacent to the boundary of the National Monument by (1) purchase from willing sellers with donated or appropriated funds; (2) donation; or (3) exchange.

Section 7 of the bill would withdraw all Federal land within the national monument, subject to valid and existing rights, from entry, appropriation, or disposal under the public laws; location, entry, and patent under the mining laws; and from operation of the mineral leasing, mineral materials, and geothermal leasing laws ex-

cept for issuance of gas pipeline rights-of-way within existing easements. Section 8 of the bill would stipulate that nothing in this Act affects anything related to reserved water rights, tribal rights, fish and wildlife jurisdiction, and adjacent uses.

In conclusion Mr. Chairman, the Forest Service looks forward to working with you and the Subcommittee to carry out the intent of the bill. I would be happy to answer any questions you may have. Thank you.

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Mr. BISHOP. Thank you. We will turn now to Ms. Young. The first bill that the Director talked about was the one of which you are concerned, the Gold Star Mothers act, so we will talk about that one. Then we will actually turn to Mr. Fowler, give you a chance to talk about the plaque. And then finally, Mr. Lightfoot, if you would talk about what the Associate Chief of the Forest Service just mentioned, I would appreciate that.

So five minutes each. Ms. Young, you are on.

**STATEMENT OF JUDITH C. YOUNG, CHAIR,  
GOLD STAR MOTHERS NATIONAL MONUMENT FOUNDATION**

Ms. YOUNG. All right. Mr. Chairman and Members of the Committee—

Mr. BISHOP. I don't think your microphone is on.

Ms. YOUNG. All right, OK.

Mr. BISHOP. Perfect.

Ms. YOUNG. Thank you. Mr. Chairman and Members of the Committee, good morning. I am Judith Young, Chairman of the National Monument Foundation, and I want to thank you for the opportunity to be here today. I also want to thank the Committee for your work over the years to enhance the American experience through the national park system, our parks, our public lands and specifically our natural monuments.

Through your Committee's legislative initiatives and dedicated work, you have permitted the American people, both young and old, to reflect, to remember and to honor the sacrifices of our men and women in uniform and their families through the magnificent memorials and monuments that are on the National Mall and the other locations throughout the great country of ours.

Today I am privileged to speak to you in support of H.R. 1980, the Gold Star Mothers National Monument Act of 2011. I want to personally thank Representative Jon Runyan for introducing this important legislation and the bill's 63 cosponsors, including seven Members of the House Committee on Natural Resources.

Throughout our history the fighting spirit of the American warrior has never been questioned. The men and women of our Armed Forces continue to display their valor in the finest traditions of the generations who have served since the Continental Army. We, the American people, continue to be blessed by their acts of bravery and selfless service.

At the same time, the families of our military members also serve and sacrifice in their own personal way. The Gold Star tradition has been around for nearly a century as a reminder of their sacrifice. During World War I, flags were displayed in homes, businesses, schools and churches bearing the blue star, which represented each member who was serving. If the service member gave their life, then a gold star was replaced over the blue one.

For this simple but powerful expression of love and devotion came the distinction of being a Gold Star Mother. These are the mothers who rocked the cradle of our military men and women. Being a Gold Star Mother is not a status that one pursues. Rather, it is a state of being that descends upon us as a result of having raised our children with the spirit and sense of duty for service to our country.

With that knock on the door, that fateful day our lives are changed forever. But as unwelcome as the distinction of being a Gold Star Mother might be, we have chosen to transform our loss and our grief into service to others. We believe that we can honor the legacy of our sons and daughters by serving others.

This brings me to the current legislation and our efforts to establish a national monument here in the National Capital region. The region is replete with monuments and memorials to the warrior and rightly so. But the sacrifices of families go largely unrecognized except perhaps a comment during a speech.

The purpose of the Gold Star Mothers National Monument is to honor those mothers who know the grief of losing a son or daughter in the service of our country. It will also promote a bond of kinship and engage support for our veterans who have stepped forward and answered the call to duty and defense of our country. In large measure, by honoring the mothers, it will recognize and honor the sacrifices of each of the families.

Over the years, Gold Star Mothers have collectively invested millions of volunteer hours in support of our warriors and their families and personal service at our Nation's veterans hospitals, to individual veterans in our local communities. In serving this way, the mothers have turned their loss into a positive force for others. Our executive director and sculptor of the monument, which is Andrew Chernak, is a Vietnam veteran, and he also is a Purple Heart recipient, he has said it perhaps the best. If you want to know quiet greatness, spend a little time in the presence of a Gold Star Mother.

As I am sure the Members of this Committee fully understand and appreciate, the significance of a monument or a memorial is not only in the structure itself but also in its placement. To provide the greatest honor, monuments need to be placed where they can be easily accessed and seen by the greatest number of people. To do this otherwise would convey the impression, rightly or wrongly, that the purpose of this monument has less significance and standing.

Although there are many locations, Arlington is the national resting place of warriors and a symbol of the national hometown cemeteries across the country where our sons and daughters have eternal rest. It is our hope and desire to see a place near the visitor's center at Arlington National Cemetery. Everyone laid to rest in Arlington had a mother who nurtured them.

And I just want to say the mothers are not military. Their sons and daughters were, but the mothers themselves are not military. So the other gentleman that said that we should not be reserve because of the military, that doesn't hold true to us. And we are not asking to be on the Mall.

[The prepared statement of Ms. Young follows:]

**Statement of Judith C. Young, Chair,  
Gold Star Mothers National Monument Foundation, on H.R. 1980**

Mister Chairman and members of the Committee, good morning. I am Judith Young, the Chair of the Gold Star Mothers National Monument Foundation, and I thank you for the opportunity to be here today.

I also want to thank the Committee for your work over the years to enhance the "American Experience" through the National Park System, our forests and public lands, and specifically through our national monuments.

Through your Committee's legislative initiatives and dedicated work you permit the American people (both old and young, alike) to reflect, to remember, and to honor the sacrifices of our men and women in uniform and their families through some of the magnificent memorials and monuments here on the National Mall, and many other locations throughout this great country of ours.

Today I am privileged to be able to speak with you in support of H.R. 1980, The Gold Star Mothers National Monument Act of 2011. I want to personally thank Representative Jon Runyon for introducing this important legislation and the bill's 63 Co-Sponsors, including 7 members of the House Committee on Natural Resources (Bordallo, Denham, Flores, Garamendi, Johnson, Lamborn, Pallone).

Throughout our history, the fighting spirit of the American Warrior has never been questioned. The men and women of our Armed Forces continue to display their valor in the finest traditions of the generations who have served since the Continental Army. We, the American people, continue to be blessed by their acts of bravery and selfless service.

At the same time, the families of our military members also serve and sacrifice in their own personal way.

The Gold Star tradition has been around for nearly a century as a reminder of their sacrifices. During World War I, flags were displayed in homes, businesses, schools and churches bearing a blue star representing each member of the family who was serving in harm's way. If the service members gave their life, a gold star was stitched over the blue one. From this simple, but powerful, expression of love and devotion came the distinction of being a Gold Star Mother.

Being a Gold Star Mother is not a status that one pursues. Rather, it is a state of being that descends upon us as a result of having raised our children with the spirit and sense of duty for "service to country." With the knock on the door on that fateful day, our lives are forever changed. But as unwelcome as the distinction of being Gold Star Mother might be, we have chosen to transform our loss and grief into service to others. We believe that we can honor the legacy of our sons and daughters by serving others.

That brings me to the current legislation and our efforts to establish a national monument here in the National Capitol Region. The region is replete with monuments and memorials to the Warrior (and rightly so), but the sacrifices of the families go largely unrecognized—except perhaps with a comment during a speech.

The purpose of the Gold Star Mothers National Monument is to honor the Mothers who know the grief of losing a son or daughter in the service of our country. It will also promote a bond of kinship and engage support for our Veterans who have stepped forward and answered the call to duty in defense of our nation. In large measure, by honoring the mothers it will recognize and honor the sacrifices of each family.

Over the years Gold Star Mothers have collectively invested millions of volunteer hours in support of our Warriors and their families, in personal service at our nation's Veterans hospitals, and to individual Veterans in their local communities. In serving this way, the Mothers have turned their loss into a positive force for others. Our Executive Director and the Sculptor of the monument, Andrew Chernack, has perhaps said it best: If you want to know quiet greatness, spend a little time in the presence of a Gold Star Mother.

We believe it only fitting and proper that through H.R. 1980 a national monument be established and authorized for placement here in the National Capitol Region. Our hope and desire is to see it placed near the Visitor's Center at Arlington National Cemetery. Although there may be other locations, Arlington is the national resting place of warriors and is emblematic of other national and hometown cemeteries across the country where our sons and daughters have eternal rest. Everyone laid to rest in Arlington had a mother who nurtured them, worried about them and prayed for them. We therefore believe it fitting that a monument to Gold Star Mothers should be placed nearby.

As I am sure the members of this Committee fully understand and appreciate, the significance of a monument or memorial is not only in the structure itself, but also in its placement. To provide the greatest honor, monuments need to be placed where

they can be easily accessed and seen by the greatest number of people. To do otherwise will convey the impression—rightly or wrongly—that the purpose of the monument has less significance and standing than it otherwise would have if properly located.

I want to reinforce the provision of H.R. 1980 regarding expenses. All costs associated with the Gold Star Mothers National Monument will be borne through private funds raised through work of the Gold Star Mothers National Monument Foundation. No Federal funds are being requested or expected. Our fund raising efforts are already underway.

America's Gold Star Mothers proudly honor those who fought, those who died, and those who did not return from all prior wars and conflicts. It is only proper that we honor them with the Gold Star Mothers National Monument. I therefore urge your favorable consideration of H.R. 1980.

Again, I thank you for privilege of being able to speak with you today.

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Mr. BISHOP. Thank you, ma'am. I appreciate your testimony. We will now turn to Mr. Fowler for your comments. First of all, we thank you sincerely for your service to this country. We are honored to have you here. We would like to hear from you for up to five minutes about the plaque issue, sir.

**STATEMENT OF GEORGE "POPPY" FOWLER,  
WORLD WAR II VETERAN**

Mr. FOWLER. Thank you, Mr. Chairman. This is relatively new to me. Gentlemen, in relation to H.R. 2070, my name is George A. Fowler of Coolville, Ohio. I have been asked to give testimony to a cause that recently came to my attention.

On June 6, 1944, prior to D-Day, our President, Franklin Roosevelt, desired to have a national day of prayer for the upcoming undertaking. I feel with no doubt that it would be appropriate that this prayer be inscribed in some manner at the World War II Memorial.

Those reading this prayer would be able to recall sacrifices made by our military, also those on the home front. This prayer came at a perilous time, yet it was answered in victory at a dear cost of lives. Today this prayer can pertain to any military action. Under present circumstances, it is also appropriate. I feel this prayer also pertained to other military operations at this time.

On June 6, 1944, the Marianas campaign was underway. I had the privilege to participate as a radio gunner on the dive bomber from the carrier Essex in Air Group 15. It was only by the grace of God that I returned to my family. Also, those reading this prayer may look at our great Nation and ask what may I do to keep this freedom alive and also remembering the loved ones that were lost.

May God bless all in making this decision. Thank you for your time. And, sir, I remain your servant.

[The prepared statement of Mr. Fowler follows:]

**Statement of George 'Poppy' Fowler, Veteran of World War II, on H.R. 2070**

Gentlemen and women in relation to H.R. 2070.

My name is George A. Fowler of Coolville, Ohio. I have been asked to give testimony to a cause that recently came to my attention.

On June 6th, 1944, prior to D-Day, our President Franklin Roosevelt desired to have a national day of ' for the upcoming undertaking.

I feel, with no doubt, that it would be appropriate that this prayer be inscribed in some manner at the World War II Memorial.

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I feel this prayer also pertained to other military operations at that time.

On June 6, 1944, the marvelous campaign was underway. I had the privilege to participate as a radio-gunner on the dive bomber from the carrier Essex – air group 15. It was only by the Grace of God that I returned to my family.

Also, those reading this prayer may look at our great nation and ask what I may do to keep this freedom alive and also remembering loved ones.

May God bless all in making this decision. Thank you for your time.

I remain your servant.

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Mr. BISHOP. Thank you for your time and effort and testimony. Mr. Lightfoot, can I interrupt here for just a second? I apologize for this. But in our first panel, Senator Hatch, as I said, was supposed to be part of our first panel, and he was held up by speaking on the Senate Floor. And he has now arrived and joined us on the dais. With all due respect, if I could insert Senator Hatch here, and then we will hear your testimony, which is about the one bill that relates to the Forest Service in particular.

Senator Hatch, we are happy to have you here, and we would recognize you now at this time for any comments you wish to make.

**STATEMENT OF HON. ORRIN HATCH, A UNITED STATES  
SENATOR FROM THE STATE OF UTAH**

Senator HATCH. Well, thank you, Chairman Bishop, Ranking Member Grijalva, and Members of this important Committee. And I want to thank the panel for their courtesy.

I thank you for the opportunity to share a few remarks on H.R. 3155, the Northern Arizona Mining Continuity Act of 2011, introduced by Congressman Trent Franks of Arizona. I have co-sponsored a companion bill in the Senate, S. 1690, with Senator John McCain of Arizona, and I would like to recognize Supervisor Buster Johnson of Mohave County, Arizona, who will testify here today.

Supervisor Johnson represents the unanimous views of the county commissioners from southern Utah who also strongly support this legislation. H.R. 3155 would have an impact on the Arizona Strip region, which sits directly south of the Utah-Arizona border and which is very important socially and economically to the communities and businesses in southern Utah.

In short, economic activity in the Arizona Strip usually means jobs for southern Utahans. Mr. Chairman, the Northern Arizona Mining Continuity Act is simply an effort to restore an agreement that was forged leading up to the passage of the Arizona Wilderness Act of 1984. There will be some who may attempt a logical dance to show that the Act did not in fact guarantee the right for future uranium mining in this area, and I can agree that no one involved in those negotiations believed any guarantees were established. But those of us who were negotiating the terms of the Arizona Wilderness Act have a clear understanding of the process that allowed it to become law.

I submit for the record a letter sent by me and Senator Dennis DeConcini dated June 5, 2009, to Secretary of the Interior Ken Salazar.

[The letter to the Secretary of the Interior follows:]

**United States Senate**

WASHINGTON, DC 20510

June 5, 2009

The Honorable Ken Salazar  
Secretary  
Department of the Interior  
18<sup>th</sup> and C Street, N.W.  
Washington, D.C. 20240

Dear Mr. Secretary:

It has come to our attention that advocacy groups have submitted a request to your office regarding mining restrictions in the Arizona Strip. We write to strongly oppose the withdrawal of any part of the Arizona Strip and similar National Forest lands south of the Grand Canyon from mineral entry that would ultimately block further uranium mining in the area.

As you may know, in the period between 1983 and 1984 we worked together with then House Interior Committee Chairman, Mo Udall, Congressman Bob Stump, then Congressman John McCain and Senate colleagues Barry Goldwater and Jake Garn in a thoroughly collaborative process that led to the designation of 285,000 acres of Bureau of Land Management (BLM) lands and 102,000 acres of U.S. Forest Service (USFS) lands as wilderness and for the release of 490,000 acres of BLM lands and 50,000 acres of USFS lands from Wilderness Study Areas. These efforts were carried out with the understanding and intention that this action would allow uranium mining on the BLM and National Forest lands where, according to the U.S. Geological Survey (USGS), more than 40 percent of the nation's best uranium potential exists.

This carefully crafted compromise provided new Wilderness designations to ensure that the Grand Canyon watershed was fully protected and allowed mining and grazing to continue in the remaining areas of the region. The agreement led to the passing of the Arizona Wilderness Act by large majorities in both the House and Senate. It is important to note that research conducted by USGS and preliminary findings by the University of Arizona confirm that uranium exploration and mining pose no threat to the Grand Canyon watershed or to the Park.

We believe strongly that the recent calls for a withdrawal of the area and last year's questionable House Natural Resources Committee "Emergency" Resolution violate the spirit of that 1983/84 agreement. Moreover, with depressed market conditions during much of the intervening time between 1984 and today, only five uranium mines have been drilled, mined, and reclaimed. Even with nearly 15,000 claims in the area in question, any future mining will likely follow a similar pattern with only a handful of mines operating at a time.

As you know, a very large proportion of human carbon emissions result from electric power generation. As the nation begins an effort to reduce these emissions, we believe that the continuation of our nation's 90 percent dependence foreign uranium imports would be a dangerous policy, made only more dangerous by any decision that would lock out 40 percent of our best domestic uranium resources.

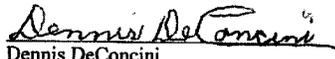
The mere threat of a withdrawal has already had a negative impact on needed uranium mining activity. As long as this uncertainty remains, no banks will lend money, and prudent company Boards of Directors will not commit financial capital to mining projects on the Arizona Strip and similar lands south of the Grand Canyon. Moreover, the BLM's director of mining has indicated that BLM is unlikely to grant mining companies access to perfect their valid claims under the current scenario.

To break this impasse, we recommend you take the following steps:

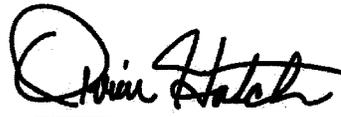
- Request a National Academy of Sciences/National Research Council review under Section 204(c) of the Federal Land Management Policy Act to determine whether an objective basis exists to withdraw the lands. Section 204(c) calls for a public process and documentation of the basis, duration and impacts on the environment, local communities and the national minerals policies. Such a process would help ensure decisions are well-informed and public.
- Announce that exploration and mining can continue as envisioned in the 1984 Wilderness Bill agreement provided that companies follow all applicable state and federal environmental laws, including reclamation.

We hope this clarification of the background and agreements which led to the passage of the 1984 Arizona Wilderness bill will be helpful to you. Our late Senate colleague Barry Goldwater loved the Grand Canyon and believed that our actions then provided necessary protections. Time, scientific evidence, and ground mining practices have borne that out.

Sincerely,



Dennis DeConcini  
United States Senator (Retired)



Orrin G. Hatch  
United States Senator

Senator HATCH. As you know, Mr. Chairman, Senator DeConcini was the Democratic Senator from Arizona at the time that the Arizona Wilderness Act was negotiated. Let me just read a portion of that letter signed by Senator DeConcini: "This carefully crafted compromise provided new wilderness designations to ensure that the Grand Canyon watershed will be fully protected and allowed mining and grazing to continue in the remaining areas of the region. The agreement led to the passing of the Arizona Wilderness Act by large majorities in both the House and the Senate."

And the letter further states, "We believe strongly that the recent calls for withdrawal of the area in last year's questionable House Natural Resources Committee emergency resolution violate the spirit of that 1983-84 agreement."

Now, Mr. Chairman, I ask that a copy of this letter be made part of the record along with my statement, my full statement.

Mr. Chairman, it is true that no party to those negotiations believed that the agreement trumped environmental laws or protections for the Grand Canyon. But Secretary Salazar's proposed withdrawal of these uranium resources is not about threats to the environment or to the Grand Canyon. Careful environmental studies by the Bureau of Land Management and by the Arizona Geological Survey make it clear that uranium mining in this area pose no real threat to the environment, to water quality or to the Grand Canyon. In fact, the August 2010 mineral report by the BLM recognized that withdrawing these resources would have far-reaching economic implications for the region.

Now I have heard some complain that different proponents of this legislation claim different numbers of job losses related to the Secretary's withdrawal. That is the result of different assumptions of how much mining activity would take place. However, there is no question that this withdrawal will lead to a loss of future jobs and economic activity in this depressed region of the country. The Secretary is withdrawing these lands because he believes that mining activity would be pursued on them.

The proposed withdrawal of this area from mining would be the Interior Department's latest move to stifle jobs in rural America. It is an unfortunate and dangerous trend that the Obama Administration continues to aggressively shut down domestic energy production. I cannot remember a time that our Nation had a greater need than right now for the high-paying jobs, the hefty oil and mineral royalties that would be generated for the Federal treasury or the enhanced energy security that would come from greater domestic energy production.

President Obama has too often steered our Nation in the wrong direction with regard to domestic energy jobs and energy security. This legislation will help to correct that course in relation to domestic uranium reserves. And as you know, Mr. Chairman, the United States is more than 80 percent dependent on foreign nations for our uranium needs.

The legislation before this Committee would increase jobs, boost Federal royalties and increase our domestic energy security. Once again, Mr. Chairman, I want to thank you and all of the Members here, especially Ranking Member Grijalva, for holding this hearing today. And I hope this Committee will give favorable consideration to H.R. 3155, the Northern Arizona Mining Continuity Act. And I apologize for interrupting the testimony here today, and I appreciate your great kindness in allowing me to go forward.

[The prepared statement of Senator Hatch follows:]

**Statement of The Honorable Orrin G. Hatch, a U.S. Senator from the State of Utah, on H.R. 3155, Northern Arizona Mining Continuity Act of 2011**

Chairman Bishop, ranking member Grijalva, and members of this important committee, I thank you for the opportunity to share a few remarks on H.R. 3155, the Northern Arizona Mining Continuity Act of 2011, introduced by Congressman Trent Franks, of Arizona. I have cosponsored a companion bill in the Senate, S. 1690, with Senator John McCain of Arizona.

I would like to recognize Supervisor Buster Johnson of Mohave County, Arizona, who will testify here today. Supervisor Johnson represents the unanimous views of the county commissioners from southern Utah who also strongly support this legislation.

H.R. 3155 would have an impact on the Arizona Strip region, which sits directly south of the Utah/Arizona border, and which is very important socially and economically to the communities and businesses in southern Utah. In short, economic activity in the Arizona Strip usually mean jobs for southern Utahns.

Mr. Chairman, the Northern Arizona Mining Continuity Act is simply an effort to restore an agreement that was forged leading up to the passage of the Arizona Wilderness Act of 1984. There will be some who may attempt a logical dance to show that the Act did not, in fact, guarantee the right for future uranium mining in this area. And I can agree that no one involved in those negotiations believed any guarantees were established.

But those of us who were negotiating the terms of the Arizona Wilderness Act have a clear understanding of the process that allowed it to become law. I submit for the record a letter sent by me and former Senator Dennis DeConcini dated June 5, 2009, to Secretary of the Interior Ken Salazar. As you know, Mr. Chairman, Senator DeConcini was the Democratic Senator from Arizona at the time that the Arizona Wilderness Act was negotiated.

Let me read a portion of that letter signed by Senator DeConcini:

“This carefully crafted compromise provided new Wilderness designations to ensure that the Grand Canyon watershed was fully protected and allowed mining and grazing to continue in the remaining areas of the region. The agreement led to the passing of the Arizona Wilderness Act by large majorities in both the House and Senate.”

And the letter further states:

“We believe strongly that the recent calls for a withdrawal of the area and last year’s questionable House Natural Resources Committee Emergency Resolution violate the spirit of that 1983/84 agreement.”

Mr. Chairman, it is true that no party to those negotiations believed that the agreement trumped environmental laws or protections for the Grand Canyon, but Secretary Salazar’s proposed withdrawal of these uranium resources is not about threats to the environment or to the Grand Canyon. Careful environmental studies by the Bureau of Land Management and by the Arizona Geological Survey make it clear that uranium mining in this area pose no real threat to the environment, to water quality, or to the Grand Canyon. In fact, the August 2010 Mineral Report by the BLM recognized that withdrawing these resources would have far reaching economic implications for the region.

I’ve heard some complain that different proponents of this legislation claim different numbers of job losses related to the Secretary’s withdrawal. That is the result of different assumptions of how much mining activity would take place. However, there is no question that this withdrawal will lead to a loss of future jobs and economic activity in this depressed region of the country. The Secretary is withdrawing these lands, because he believes that mining activity would be pursued on them.

The proposed withdrawal of this area from mining would be the Interior Department’s latest move to stifle jobs in rural America. It is an unfortunate and dangerous trend that the Obama Administration continues to aggressively shut down domestic energy production.

I cannot remember a time that our nation had a greater need than right now for the high paying jobs, the hefty oil and mineral royalties that would be generated for the federal treasury, or the enhanced energy security that would come from greater domestic energy production.

President Obama has too often steered our nation in the wrong direction with regard to domestic energy jobs and energy security. This legislation will help to correct that course in relation to domestic uranium reserves. As you know, Mr. Chairman, the United States is more than 80 percent dependent on foreign nations for our uranium needs. The legislation before this committee would increase jobs, boost federal royalties, and increase our domestic energy security.

Once, again, Mr. Chairman, I thank you for holding this hearing, today, and I hope this committee will give favorable consideration to H.R. 3155, the Northern Arizona Mining Continuity Act. Thank you.

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Mr. BISHOP. Thank you, Senator. We appreciate your testimony. Once again, I will make you the same offer I made your colleagues, that you can stay here if you would like and participate with the rest of it. No one else took me up on that offer, and I am feeling really personal about this. But if you would like to go and have other appointments, I understand that as well.

Senator HATCH. Well, we have so many problems over there, I think I had better get back.

[Laughter.]

Mr. BISHOP. Amen. All right. With that, Mr. Lightfoot, I apologize once again for interrupting you. I appreciate your patience with that. We will now ask for your testimony on the Chimney Rock piece of legislation.

**STATEMENT OF RICKY LIGHTFOOT, TRUSTEE AND FORMER  
PRESIDENT AND CEO, CROW CANYON ARCHEOLOGICAL  
CENTER**

Mr. LIGHTFOOT. Thank you, Mr. Chairman and Members of the Committee. I am here today to speak in support of H.R. 2621, the Chimney Rock National Monument Establishment Act. I am here as a resident of southwestern Colorado, a representative of the professional archeological community and a trustee and former president and CEO of the Crow Canyon Archeological Center in Cortez, Colorado.

Crow Canyon is a private, not-for-profit organization that employs 50 people and conducts archeological research and public education programs in the American Southwest in collaboration with American Indians. Chimney Rock is a visually striking land form in southwestern Colorado that rises 1,000 feet above the surrounding flood plain to an elevation of 7,600 feet.

The Chimney Rock is nationally important because of a unique complex of archeological sites that display the architectural design and exquisite stone masonry styles of the Chacoan culture. The Chacoan culture flourished for over 300 years between 850 and 1150 A.D. It was a complex of the ancestors of the modern Pueblo Indians of New Mexico and Arizona. The Chacoan culture represents the highest achievement of Pueblo culture in both architecture, political achievements, economy, widespread trade as far as the Valley of Mexico, the development of an elite leadership organization. It is a massive complex which is best represented and preserved today at the Chaco Canyon National Historical Park in northern New Mexico.

Chaco Canyon was designated in 1987 as a UNESCO World Heritage Site, and the Chimney Rock site is a part of that cultural complex and deserves the same kind of recognition for its position as a part of the Chacoan culture. The Chimney Rock, as was previously stated, was recognized in 1970 when it was listed on the National Register of Historic Places.

The archeological sites at Chimney Rock are dominated by a Chacoan style great house that was built in the eleventh century to command a huge view of the surrounding landscape and to allow observations of rare astronomical phenomena. Every 18.6 years, the moon, as seen from the Chacoan Great House, rises between two stone spires or chimneys during an event known as the Northern Lunar Standstill.

Two major episodes of construction at the site have been tree-ring dated to A.D. 1076 and 1094, both of which were years in which this phenomenon occurred. The monument also includes many other small sites that are the residences of the local community that lived at Chimney Rock before and during the use of the

Great House. Also, as previously stated, the present-day American Indian groups, many Indian groups in the American Southwest, look to Chimney Rock as an important part of their history and cultural heritage.

Chimney Rock is already under Forest Service management, and under H.R. 2621, this would not change. No additional Federal appropriations would be required because of a well-established and successful public-private partnership between the Forest Service and a local nonprofit organization, the Chimney Rock Interpretive Association. This nonprofit has 100 volunteers and five staff members who each year guide tours of approximately 11,000 visitors each year to visit the site as well as greeting and providing interpretive services to another 4,000 visitors at a small visitor center located at the site.

The Chimney Rock Interpretive Association charges a fee for the tours, and those fees go toward maintaining the site. The monument designation would not require additional funding, in part because the visitor's center is already in place and the interpretive association would continue to provide tours and interpretive services in collaboration with the Forest Service.

Chimney Rock is a hidden jewel tucked away in the San Juan National Forest. Providing monument status is important for two reasons. First, the monument designation would give Chimney Rock the recognition it clearly deserves and ensure its protection in perpetuity. Second, establishing Chimney Rock as a monument would enhance economic development in southwestern Colorado. It has widespread local support. As Congressman Tipton stated, the Archuleta County Commission, the town of Pagosa Springs, the Pagosa Springs Chamber of Commerce, the Chimney Rock Interpretive Association and many other regional businesses, including Crow Canyon, are in support of the monument because we believe it would increase tourism and have a positive economic impact in the Four Corners region.

H.R. 2621 also lists archeological research as one of the activities permitted in the new monument, and it is important that this provision stay a part of the bill so that research and interpretation of the archeological sites would continue for the benefit of the public. The archeological research is an important source of new information about the monument and supports the interpretive and educational programs.

We also support the bill because it protects existing uses of the area that do not conflict with preservation of the sites, including grazing and access by American Indians for religious purposes. Thank you, Mr. Chairman.

[The prepared statement of Mr. Lightfoot follows:]

**Statement of Ricky R. Lightfoot, Trustee and Former President and CEO, Crow Canyon Archaeological Center, Cortez, Colorado, in Support of H.R. 2621**

I am here today to speak in support of H.R. 2621, the Chimney Rock National Monument Establishment Act, which would designate Chimney Rock in southwestern Colorado as a national monument. I am a resident of the region, a representative of the professional archaeological community, and a trustee of the Crow Canyon Archaeological Center in Cortez, Colorado. Crow Canyon is a private, not-for-profit organization that employs 50 people and conducts archaeological research

and public education programs in the American Southwest in collaboration with American Indians.

Chimney Rock is a visually striking landform in the southern Colorado Rockies that rises 1,000 feet above the surrounding floodplain to an elevation of 7,600 feet. Chimney Rock is nationally important because of a unique archaeological site complex that exhibits the architectural design and exquisite stone masonry styles that are characteristic of the Chaco culture, an ancient society whose members were ancestors of modern Pueblo Indians of New Mexico and Arizona. Chaco culture flourished for three centuries, between A.D. 850 and 1150, with its political and religious center located in north central New Mexico, a place preserved today as Chaco Canyon National Historical Park. The significance of these spectacular ruins at Chaco Canyon was recognized in 1987 when the park was designated a UNESCO World Heritage Site. Chimney Rock is located approximately 90 miles northeast of Chaco Canyon, and it served as an outpost in the Chaco regional settlement system. The national importance of Chimney Rock as a cultural site was recognized in 1970 when it was listed on the National Register of Historical Places.

The archaeological sites at Chimney Rock are dominated by a Chaco-style "great house" built in the late eleventh century to command a huge view of the surrounding landscape, and specifically to allow observations of rare astronomical phenomena. The great house at Chimney Rock is at the highest elevation of any Chacoan great house, and it is positioned precisely to serve as a lunar observatory. Every 18.6 years, the moon, as seen from the Chacoan great house, rises between two stone spires, or chimneys, during an event known as the Northern Lunar Standstill. Two major episodes of construction at the site have been tree-ring dated to AD 1076 and 1094, both of which are years in which the Northern Lunar Standstill would have occurred. The Monument would also include a large number of smaller sites that are the residences of the local community that lived at Chimney Rock before and during the use of the great house. Present-day American Indian groups in the Southwest consider Chimney Rock to be an important part of their history and cultural heritage and especially many Pueblo Indian groups who trace their descent from the people who lived in the Four Corners area centuries ago.

The importance of the Chimney Rock archaeological complex was recognized as early as the 1920s by the Colorado Historical Society, which carried out the first excavations there from 1920 to 1928. The University of Colorado collaborated with the Forest Service in the early 1970s to develop the site for visitor access. University of Colorado researchers have worked at Chimney Rock several times since then, including as recently as 2009.

Chimney Rock is already under Forest Service management, and under the H.R. 2621 this would not change. No additional appropriations would be required because of a well-established and successful public-private partnership between the Forest Service and a local not-for-profit organization, the Chimney Rock Interpretive Association (CRIA). The Chimney Rock great house site has been open for public visitation since the 1970s, and since 1988 the Chimney Rock Interpretive Association has provided site tours and interpretive information at the site. Currently about 100 CRIA volunteers and 5 staff members lead two-hour walking tours for about 11,000 visitors a year and give interpretive information to another 4,000 people at a small visitors' center. The Chimney Rock Interpretive Association charges a fee for the tours, and those fees go into maintaining the site. Monument designation would not require any additional federal funding because visitor facilities are already in place, and the Chimney Rock Interpretive Association would continue to give tours and prepare educational materials for visitors in collaboration with the Forest Service.

Chimney Rock is a hidden jewel tucked away in the San Juan National Forest National Forest. Providing national monument status is imperative at this time for two reasons. First, monument designation would give Chimney Rock the recognition it clearly deserves and ensure its protection in perpetuity. Second, establishing Chimney Rock as a monument would enhance economic development in southwestern Colorado. Monument designation has strong local support from the Archuleta County Commission, the Town of Pagosa Springs, the Pagosa Springs Chamber of Commerce, the Chimney Rock Interpretive Association, and countless other regional businesses and organizations such as Crow Canyon that would benefit from the increased tourism afforded by national monument status. Chimney Rock is related to other major archaeological attractions in southwestern Colorado and northwestern New Mexico, including Chaco Canyon National Historical Park, Aztec Ruins National Monument, and Mesa Verde National Park. These sites attract visitors from all over the nation and the world. With the added visibility that national monument status would bring, Chimney Rock would increase heritage tour-

ism in Archuleta County and in the Four Corners region. That will translate into additional jobs in the private sector businesses in the region.

H.R. 2621 lists archaeological research as one of the activities permitted in the new Monument, and it is important that this provision stay in the bill so that research and interpretation of the archaeological resources would continue for the benefit of the public. The bill does not request or require any additional federal funding for research, but states that well-designed research will be permitted. Archaeological research has been and will continue to be one of the sources of new information about the Monument that supports interpretive and educational programs.

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Mr. BISHOP. Thank you. We appreciate the panel. We ask you to stay there for questions potentially from those up here on the dais. I will go last obviously. Mr. Lamborn, I will recognize you for questions if you have any.

Mr. LAMBORN. Thank you, Mr. Chairman, and thank you all for being here. And I want to thank the sponsors of these bills. I think these are all excellent pieces of legislation. And I particularly want to single out my friend and colleague from Colorado, Representative Tipton, for this Chimney Rock bill. And maybe I have a little bit of a vested interest. I represent another part of Colorado, and if people are coming to see some of the natural beauty of Colorado in another part of the state, which this will increase, then they are also going to come through my part of the state, Colorado Springs, and spend their tourism dollars there as well perhaps.

But beyond that, this is just a good thing to do because Colorado has such amazing natural beauty, and this highlights a certain portion, and it will bring it to people's attention so they can enjoy the lovely creation that we have all been blessed with in this world, especially in our corner of the world in Colorado.

So I want to thank the representative for bringing this legislation. And at this point, Mr. Chairman, I don't have any further questions. I would like to yield to my colleague from Colorado if he wants to use the extra time. Otherwise, I will just yield back to you, Mr. Chairman.

Mr. TIPTON. Well, thank you, Congressman Lamborn. I appreciate that, and I think you speak to something that no matter where we come from, we recognize particularly in this economic climate we are all in this together, and we particularly have a great resource in the State of Colorado. And I would like to thank the panel for being here as well and would like to recognize my friend and a colleague from the standpoint that I had the privilege of being able to serve on the board for Crow Canyon Archeological Center, and in my mind's eye, I think it is probably the most advanced archeological research center in the United States. Ricky was CEO and president of that and I think elevated that to a very high level, and so your opinion particularly on this is important.

Ricky, can you maybe—I don't particularly recall, but would it be reasonably accurate to say down at Mesa Verde National Park that we get three-quarters of a million visitors a year coming into that park?

Mr. LIGHTFOOT. That is right, about three-quarters of a million a year. I think the economic impact of the monument is in part because of the additional attention that it gets as a monument rather than a Forest Service archeological area, and also many of those dollars are through private organizations that are promoting tour-

ism throughout the entire region. The grand circle concept of getting people to drive around and visit these national parks, national monuments and archeological treasures are really part of how the private industry takes advantage of these kinds of congressional actions.

Mr. TIPTON. Yes. Has it been your experience working in the archeological field, because I know through Crow Canyon you have day digs, a lot of school programs, that as we create an awareness that we actually enhance our ability to be able to preserve and to be able to grow the knowledge for the rest of the country, for our citizenry?

Mr. LIGHTFOOT. Well, certainly working with educating children in the local area, it improves the protection for those sites because the archeological treasures of the Southwest have always been vulnerable to vandalism. And one of the best ways to counteract that is not through law enforcement because there are just too many acres of land out there that can't be policed but through public education and getting people to appreciate the value of what they have by not destroying sites rather than seeing people take something away from the American public by looting sites.

Mr. TIPTON. You know, and if I missed it, I do apologize, but I thought it was pretty remarkable. Chimney Rock, one of three locations in the world that are used to be able to follow this lunar event that happens every 18.6 years as the moon traverses from its southernmost rising point to the northernmost rising point, what are those other locations? Is it Stonehenge, and is there one in Scotland? Is that accurate?

Mr. LIGHTFOOT. I am not sure what those other locations are, but I know that it is characteristic of the Chacoan culture to really position sites carefully with respect to solar and lunar observatories or to position sites or to create these kinds of observatories where rare lunar phenomena as well as the solstices and equinoxes are just a part of integration of how they chose to build their sites, the locations and the orientations and so forth. So it is very much a part of that culture that is often unrecognized or underappreciated to the extent to which they understood the movement of the astronomical bodies.

Mr. TIPTON. OK. Thank you.

Mr. BISHOP. Thank you. Mr. Grijalva.

Mr. GRIJALVA. Thank you, Mr. Chairman. Just a couple of quick clarification questions and a request. And I too want to say that the Chimney Rock designation from the comments that I have heard today is something that is very important and needed. I would just like to tell my colleagues because it is such a special place, as the gentleman just talked about, let us hope nobody stumbles onto some uranium in the process because it could jeopardize the whole thing.

Ms. Young, if I may, and if you would provide us the courtesy if you feel like it, if you could provide us the name and the service branch for your family member so that that can be part of the record as well.

Ms. YOUNG. My son was a Marine. He was in reconnaissance. And his name was Sergeant Jeffrey Young. He was 22 years old. He was killed in the Marine barracks bombing on October 23, 1983.

Mr. GRIJALVA. Thank you. I appreciate that.

Ms. Wagner, two quick questions. H.R. 2621, the bill appears to include a mistaken reference to an employee of the Department of the Interior as manager of the monument. That needs to be a Forest Service designation, correct?

Ms. WAGNER. Right. That is one of the little technical modifications in the written testimony we are suggesting.

Mr. GRIJALVA. OK. And I am assuming the next technical point would be can you explain how the prohibition of Federal funds for signs, fixtures, alterations, additions that contain within the bill, is that going to impact the ability to manage that designation properly?

Ms. WAGNER. Yes. We think the flexibility to use the great partnerships, the public-private partnership that has been cultivated, is really going to be beneficial to the long-term management of the site. So we would favor the ability to use private resources, volunteers, as well as Federal resources to continue the stewardship of the monument.

Mr. GRIJALVA. OK. Appreciate it. Yield back.

Mr. BISHOP. Thank you, Representative Grijalva.

Representative Tipton, do you have five minutes of questions for your own?

Mr. TIPTON. Thank you, Mr. Chairman. I won't use all of that. Ranking Member, I thank you for those questions and certainly appreciate your answers. You know, we do have a couple of tweaks that we will certainly be able to make as this bill advances, and I do appreciate that. And I guess I would just like to close again with a comment following up on Mr. Lightfoot's comments in regards to the uniqueness of this.

Here in the United States we have a location that is probably only replicated, but in a different form across the oceans that was established by the Chacoan culture, a unique American treasure that is here that is well worthy of preservation.

I know from my heart growing up down there as well, the love that we see locally and the commitment to be able to participate and to volunteer to be able to make this treasure protected and accessible and viewable is incredibly important. And a good piece of legislation, appreciate the comments from the committee and the support on that as well. So, with that, Mr. Chairman, I yield back.

Mr. BISHOP. Thank you. We are happy to have Representative Kildee here. Mr. Kildee, do you have questions?

Mr. KILDEE. Thank you, Mr. Chairman, but I have no questions at this time and would yield back.

Mr. BISHOP. Thank you. That is fine. Representative Johnson.

Mr. JOHNSON OF OHIO. Thank you, Mr. Chairman. Director Abbey, a lot of my questions are going to be directed to you obviously on my legislation. They are going to be quick because I have quite a few of them, and I want to make sure I get a chance to ask Mr. Fowler some questions as well.

Are you aware that there are two examples of Congress overriding the 2003 law to allow for plaques to be placed on the National Mall on existing memorials?

Mr. ABBEY. I am not. And in Congressman—

Mr. JOHNSON OF OHIO. OK. You are not aware.

Mr. ABBEY. I am not. But if I could, Mr. Chairman, as Director of the Bureau of Land Management, I am not an expert on the Commemorative Works Act.

Mr. JOHNSON OF OHIO. OK.

Mr. ABBEY. But we do have an individual here that I would like to switch seats with so he could answer your questions, Peter Maye with the National Parks Service.

Mr. JOHNSON OF OHIO. OK. That is fine.

Mr. ABBEY. OK. Thank you.

Mr. JOHNSON OF OHIO. Well, I still have some questions for you, Mr. Abbey, so don't run off too far.

Mr. ABBEY. I will be back. I will be back.

Mr. JOHNSON OF OHIO. So are you aware of the two instances?

Mr. MAYE. Yes, I am.

Mr. JOHNSON OF OHIO. OK. You are aware. What are the first three words of the preamble to the Constitution of the United States?

Mr. MAYE. We the people.

Mr. JOHNSON OF OHIO. We the people. So the Congress represents the voice of the American people, correct?

Mr. MAYE. That is right.

Mr. JOHNSON OF OHIO. OK. So, if the Congress decides again to override that 2003 law to place a plaque at the World War II Memorial commemorating the President's D-Day prayer, do you think this Administration should oppose and prevent that commemorative from being added?

Mr. MAYE. We have not in the past. I don't see why we ever would.

Mr. JOHNSON OF OHIO. OK. So you would support that if Congress passes it?

Mr. MAYE. Yes.

Mr. JOHNSON OF OHIO. We will press on.

Mr. MAYE. Right.

Mr. JOHNSON OF OHIO. Do you think that the veterans' opinion on the memorial that was built to honor the 400,000-plus men who gave the ultimate sacrifice and the 14 million who served during the war be given priority in this issue?

Mr. MAYE. In our actions, we respond to what the Congress tells us to do in terms of commemoration.

Mr. JOHNSON OF OHIO. OK. Well, that is very good. Mr. Abbey, do you know—I am relating back to your testimony. Do you know, what is the official motto of the United States? Either of you. Do either of you know what the official motto—Mr. Abbey, I would like to hear from you first.

Mr. ABBEY. In God We Trust.

Mr. JOHNSON OF OHIO. OK. All right. Then you might be aware that the U.S. House overwhelmingly passed a resolution just this past Tuesday that reaffirmed the belief that In God We Trust is our national motto. In your testimony, you said that adding the President's D-Day prayer, a prayer to the God in whom our Nation has acknowledged that we trust and whom the President acknowledged in whom we trusted, that gave solace and comfort to a Nation and to the men and women that were going to fight that crit-

ical battle on that day, you said that that would dilute the central message of the memorial. How so?

Mr. MAYE. The memorial was very carefully planned and required an extensive process.

Mr. JOHNSON OF OHIO. I am aware of that. How will placing the President's prayer dilute the—what is the central message of the—

Mr. MAYE. It is to commemorate the servicemen who served in the war.

Mr. JOHNSON OF OHIO. OK. That is right. That is right. And what better way to commemorate that than to recognize what the commander-in-chief said on that day? Do you have a personal opinion on that?

Mr. MAYE. I do not have a personal opinion on it. I know that the memorial is a response to the specific direction of the Congress and was developed very carefully, both programmatically and design-wise.

Mr. JOHNSON OF OHIO. That has been waived twice, right?

Mr. MAYE. Yes, it has.

Mr. JOHNSON OF OHIO. So why wouldn't the Department's response simply be that? If the Congress says do it, we have no problem with it. Why is there an opposition and these words of diluting the central message? How can putting the President of the United States' message to the American people and the world on D-Day dilute the message of the World War II memorial? I don't understand.

Mr. MAYE. The—

Mr. JOHNSON OF OHIO. I got it. Thank you. I appreciate that. OK. No response. You know, and let me say, gentlemen, I understand that you are simply testifying on behalf of the Department, that you do not oversee the National Mall for the Bureau of Land Management. I know that. I do, however, hope that I can work with the Secretary to continue this work because I think it is so very, very important and meaningful to the people who served.

I hope to get some additional time, and with that, I will yield back, Mr. Chairman.

Mr. BISHOP. We will welcome Mr. Gosar. I ask unanimous consent that he be allowed to sit on the dais and participate in our meetings today. Do you have questions on these particular bills?

Dr. GOSAR. I would like to yield my time to my colleague, Mr. Johnson.

Mr. BISHOP. OK.

Mr. JOHNSON OF OHIO. I thank my colleague for yielding.

Mr. Fowler, is it OK if I call you Poppy?

Mr. FOWLER. Call me anything. I have been called many names.

Mr. JOHNSON OF OHIO. Can you expand a little bit on your experiences during World War II and how your faith helped you get through the war?

Mr. FOWLER. Well, I had a chance one time to go to become a minister, but I turned it down to go to war. Also, at that particular time, my minister gave me a testament. I wish I had brought it. It is together with duct tape. Within it is many things. We all had God within us when we were aboard ship, regardless of where it

was. Before we took off on flights every morning, we either had mass or had a Protestant minister to give us a prayer.

God took us through. God will take this Nation through. It said Israel went against God so many times, but he come and he said, if you will be my people, I will be your God. It still stands today. Without that, this Nation could fail. It is prayer today, people, that is keeping this Nation where it is supposed to be. If we would all pray for peace, I think it would come.

Mr. JOHNSON OF OHIO. Thank you.

Mr. FOWLER. Not only that, but God played a most important part not only in my life but even those who even didn't know God.

Mr. JOHNSON OF OHIO. I have heard it said that there are no atheists in foxholes.

Mr. FOWLER. No. And God said also, remember this, greater love hath no man than to lay down his life for his friends. We left many, many people—we lost over 50 percent of our squadron, original squadron, at the bottom of the Pacific Ocean or on those islands. Many have not been found or returned even yet.

Mr. JOHNSON OF OHIO. Thank you, Poppy. Are you worried that future generations might see the World War II memorial and think that the faith of the men and women who served there might not have been important to them?

Mr. FOWLER. Well, Congressman Johnson, I saw when I was just recently over to the World War II Memorial, when we came back to Columbus, there were over 400 people there. Out of that 400, I would say 100 of them were small children. Would they not know why we were there?

Mr. JOHNSON OF OHIO. Yes.

Mr. FOWLER. And so therefore, even at the memorial visit, there were many, many small children asking questions and different things and even congratulating what I had done. But I did not do it. We left the heroes at the bottom of that ocean.

Mr. JOHNSON OF OHIO. So you are saying it would be important if I may interpret—

Mr. FOWLER. It was very important because it causes them to ask questions.

Mr. JOHNSON OF OHIO. It would be important for our young people to see the President's prayer to know the role that faith played in his decisions and those of the men that served.

Mr. FOWLER. Yes. Absolutely.

Mr. JOHNSON OF OHIO. OK. Well, that is why I think the same way, and that is why I think this legislation is so important to honor the faith of the men, not only the men who fought but our President, who offered that prayer. I thank you for your heroic service. I am enjoying getting to know you more. I enjoyed our trip to the memorial a couple of weeks ago as part of the honor flight. I thank you for your testimony today. And, Mr. Chairman, thank you again, and Ranking Member Grijalva, for holding this important hearing on this legislation. Thank you very much.

Mr. BISHOP. Thank you. I appreciate it. Do Members of the Committee have other questions? If not, I just have one for Mr. Lightfoot. I did not want to run you off of the panel there, but very quickly, if no single visitor ever came to see this, is there still value in preserving this area?

Mr. LIGHTFOOT. Well, I would hope that it will increase visitation. But, yes, I believe the site deserves protection just because of the important information that it contains.

Mr. BISHOP. Good. I appreciate that very much. I do want just for the record to note that there was uranium there. They mined it. That is why they left. It is gone.

With that, I want to thank the panel for actually being here. I appreciate your testimony. Your written testimony is part of the record. Thank you for your time and your attendance here.

We would like to call up the next panel. Mr. Abbey and Ms. Wagner, if you would like to stay, that would be kind of you as we deal with the next bill. We would also like to call up—who am I calling up here? I am slow. Mr. Abbey, Ms. Wagner. Oh, Mr. Buster Johnson, who is the Supervisor for Mohave County in Arizona; Dr. Karen Wenrich, the research geologist from the U.S. Geological Survey, who is retired from that; Mr. Mark Trautwein, who is the former staff consultant for the Environment, Energy, and Public Lands Committee with the U.S. Committee on Interior and Insular Affairs.

If you would join us at the podium, I would be grateful. Our purpose in this panel is to discuss H.R. 3155. Once again, we are happy to have you here. As I explained to the second panel—I am sure you understand the drill. Your written testimony is part of the record. Right now, if there is anything else you want to add in addition to that written, that is fine as well. We would like to have your oral testimony here. Green light means the time is counting down. You have five minutes. Yellow light means you have one minute to conclude. Red light means we would like you to end at that time.

So once again, thank you for being here as part of this testimony. Director Abbey, I appreciate the fact that you did not speak toward this bill in the prior panel, and so we would recognize first you and then Ms. Wagner to talk about this particular bill. And notice that when you go by my rules you actually get more time to speak to us. Thank you.

Mr. ABBEY. Thank you.

Mr. BISHOP. So, Director Abbey, if you would go first.

**STATEMENT OF ROBERT V. ABBEY, DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR**

Mr. ABBEY. Well, thank you, Mr. Chairman, and Members of the Subcommittee, for the opportunity to present the Administration's views on H.R. 3155. This bill would prohibit the Secretary of the Interior from exercising his authority under the Federal Land Policy and Management Act to withdraw lands in the Grand Canyon watershed from location and entry under the 1872 Mining Law.

The Administration opposes H.R. 3155. We urge the Committee to allow the comprehensive environmental review process, which was begun more than two years ago, to continue to a final decision. This process includes broad participation by 11 Federal, State, tribal and county cooperators. Interested stakeholders in the public have sent in nearly 380,000 comment letters.

We want to emphasize that a final decision on the proposed withdrawal has not yet been made and will not be made until sometime

after the 30-day waiting period. I am accompanied by Mary Wagner, Associate Chief of the U.S. Forest Service, who can answer questions on management of Forest Service lands.

The Grand Canyon has long been recognized as one of the Nation's most treasured landscapes. It has been a national park since 1919, and its cultural significance goes back thousands of years. It is a sacred place of origin to many Native Americans.

Likewise, the Grand Canyon is a cornerstone of the region's economy. Over 5 million people a year visit the lands in and around Grand Canyon. Hunting, fishing, tourism and other outdoor recreation generate billions of dollars in economic activity. Millions of people living in seven States in the United States and in Mexico depend upon the Colorado River for water for drinking, irrigation and industrial use as well as for hydropower. And of course mineral resources, particularly high-grade uranium, are found in this area.

There are few places in the country where the resource management challenges are more difficult or the stakes greater than the area surrounding the Grand Canyon. Underground aquifers and watersheds extend far beyond the boundaries of the national park. Land and water use management decisions affect the entire area.

Science, caution and an eye to future generations must guide the management of the Grand Canyon and surrounding lands. This is why in July 2009 Secretary Salazar announced a proposed withdrawal of these lands from new mining claims for 20 years. All other existing uses of these lands continue unaffected. The Secretary's action prompted the Bureau of Land Management, along with the Forest Service, the U.S. Geological Survey, the National Parks Service, the U.S. Fish and Wildlife Service and 11 other State, tribal and Federal cooperating agencies to start a comprehensive effort to analyze the potential impacts of the proposed withdrawal.

We included a 2010 USGS report in this comprehensive effort. The report acknowledged uncertainty as data is sparse but concluded that more thorough investigation is required to better understand groundwater flow paths, travel times and contribution from mining. A draft of this comprehensive environmental analysis was released in February 2011 for public review and comments.

Based on scientific analysis done thus far, 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 1 million-acre mining withdrawal as the preferred alternative. A final decision on a course of action will not be made until the Secretary signs a record of decision.

The Administration opposes H.R. 3155 because it cuts short the thorough and deliberative process in which the public and a wide variety of stakeholders have engaged since the Secretary's July 2009 announcement. As part of a comprehensive and responsible energy policy, we will continue to authorize development of uranium in northern Arizona, Wyoming and other places across this country. Even with a full withdrawal, we estimate the development of up to 11 mines in the area over the next 20 years, including the four mines that are currently authorized.

The Grand Canyon took thousands of years to create, and the process of making important decisions about its future should not be cut short.

Again, Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify.

[The prepared statement of Mr. Abbey follows:]

[The joint prepared statement of Mr. Abbey and Ms. Wagner on H.R. 3155 follows:]

**Joint Testimony of Robert V. Abbey, Director, Bureau of Land Management, U.S. Department of the Interior, and Mary Wagner, Associate Chief, Forest Service, U.S. Department of Agriculture, on H.R. 3155, Northern Arizona Mining Continuity Act of 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.

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Mr. BISHOP. Thank you. Ms. Wagner, do you have additional testimony for this particular bill?

Ms. WAGNER. I will just offer that the Bureau of Land Management and the Forest Service collaborated on offering joint testimony, which has just been delivered by Director Abbey. Director Abbey’s remarks reflect the Administration position on the bill, and I am here to answer any questions specific to the Forest Service.

Mr. BISHOP. Thank you. We would like to recognize Supervisor Johnson from Mohave County, Arizona, for your testimony, please.

#### **STATEMENT OF BUSTER JOHNSON, SUPERVISOR, MOHAVE COUNTY, ARIZONA**

Mr. JOHNSON. Thank you, Mr. Chairman, Ranking Member Grijalva, Committee Members. My name is Buster Johnson. I am the Chair of the Mohave County Board of Supervisors in Arizona. I am here representing the Board of Supervisors and the 200,000-plus people in our county.

I also co-chair the Arizona-Utah Economic Coalition comprised of Mohave County, Arizona; Washington, Kane, San Juan, Garfield Counties in Utah; along with the town of Fredonia, which is in Yavapai County, Arizona, and am representing their interests as well. Our unemployment rate is currently 11 percent. My brothers in the Navajo Nation are at a staggering 52 percent.

I have six resolutions from five Navajo Nation chapters and one Navajo township. The resolutions ask for consultation with the

Federal Government regarding jobs for their people. Mohave County has a history of diverse economic opportunities ranging from livestock, grazing, to tourism and significantly mining. We respect and take a responsibility for protecting the Grand Canyon National Park.

This mining will not take place in the park or anywhere close to the Grand Canyon. As you can see from the attached slide, the park currently generates over 4 million visitors and range from 2 million in 1970 to a high of over 4-1/2 million in 1993. Tourism generates some \$650 million annually in economic activity. Most of that activity is on the south rim. And as the slide shows, with activity in Mohave County growing tremendously in the last 10 years, most of the accompanying jobs are low-wage and seasonal jobs, which is consistent with the tourist industry.

So, Mr. Chairman, Mohave County, while it benefits somewhat from this activity, would starve if it were dependent upon the tourism as a primary source of income. Our county is made up of hard-working, middle class Americans who rely on mining and service industries connected with the State, Federal and private lands on which we live.

Since 1980, we have had over 260 percent growth rate. Fifty-five percent of our population over 25 have a high school education or less. Of our 19 industry sectors, mining is the third highest in average wage of \$51,485 annually. Now compare that with tourism, which has the second lowest wage for all industries, and you get an average difference of nearly \$36,000, right at a 70 percent loss of income.

Our medium household income is a little less than \$40,000 and about twice the average income of a tourism job. You can raise a family, buy a house and pay taxes in the mining industry. In the tourism industry, you can rent an apartment, get a second job and look to the government for assistance.

As the Federal Government controls 91.7 percent of land in the area, with only 5 percent in private hands, without your cooperation, there is no economy and no future. I believe we have a slide to show that.

As you can see from the next slide, tourism and visitation to the park, the arguments that tourism and mining are mutually exclusive activities are simply not substantiated by the facts. In 1987, at the time of the Grand Canyon National Park's most dramatic visitation growth, the highest level of breccia pipe mining also occurred.

Rather than seeing a drop in visitation, tourism growth actually tracked mining and actually increased based on the actual facts. Saying that the Grand Canyon will suffer because of mines is a bogus straw man. Tourism growth has not suffered because of mining and actually does better when mining is in full swing.

The mining that is going to be brought into Mohave County and southern Utah means over 1,000 jobs and \$29 billion to our economy. As a county supervisor for the past 15 years, my goal has always been to create a vibrant economy so that our children will be able to stay in Mohave County and raise their families. What this impending withdrawal will do is rip apart one of our economic opportunities to the detriment of the people I represent.

Mr. Chairman, this is wrong. I would like the Ranking Member of the Subcommittee to explain to us why he believes we cannot protect the Grand Canyon and allow mining to occur at the same time. My declaration that these activities are compatible is not just wishful thinking. It is historically factual.

The opponents of mining have chosen to ignore the fact that mining with environmentally sound reclamation was conducted from the early 1980s and that the price of uranium collapsed in 1993. No mining at all occurred from 1993 to 2010, and the Denison Mine, which is now operating, is following and often exceeding all environmental and safety laws and has received awards for their safety from our Federal Government.

At the same time, President Obama's Interior Department is hellbent on closing off opportunities for some of these safe and sound mining activities across northern Arizona. It makes utterly no sense, and the Ranking Member and the Secretary of the Interior both know it. The fact is that as soon as Secretary Salazar ordered these lands to be segregated in July 2009, corporate investment and exploration flows, and the result was immediate.

The withdrawal is a reckless policy, and responsibility for it rests with Ranking Member Grijalva and his co-conspirators, the Department of the Interior. I appreciate the fact that those who are actually elected to represent the people who live in this part of Arizona and Utah are willing to stand in support of their people, their families, their jobs. I am referring to Representative Franks and Gosar, Flake, along with our Senators Kyl and McCain. And I would be happy to answer any questions, Mr. Chairman.

[The prepared statement of Mr. Johnson follows:]

**Statement of Buster Johnson, Commissioner, Mohave County, Arizona,  
on H.R. 3155: Northern Arizona Mining Continuity Act of 2011**

The Secretary of Interior, Kenneth Salazar plans to deprive the people of this nation of 42 percent of all domestic source of uranium critical to the national defense.

He plans to do this by withdrawing from multiple use the over 1 MILLION ACRES in the Arizona Strip and Kaibab National Forest in northern Arizona from multiple use, so that he can end uranium mining in the area.

In laying forth this plan, he is acting as a rogue representative of bureaucratic government—operating against the will of Congress, directions from the President, and in violation of federal law.

His actions are those of an appointed official who believes that he is free of the law's restraints; he believes, obviously, that he is above the law that governs the rest of our American society.

The members of the Arizona Utah Local Economic Coalition call upon the Congress to put a stop to the outlaw proposal by the Secretary. The members formed the Coalition when it became clear that the Secretary felt himself free to disregard the law.

His renegade, unilateral plan to withdraw from uranium mining over 1 MILLION ACRES in the Arizona Strip District of the Bureau of Land Management is:

- (1) harmful to the United States;
- (2) contrary to Congress' exercise of its Constitutional authority to manage public lands;
- (3) in violation of Presidential Executive Orders,
- (4) contradictory to an energy plan led by a fellow cabinet member;
- (5) in violation of federal statutes and regulations;
- (6) economically and socially destructive to the citizens of northern Arizona and southern Utah;
- (7) totally deceitful to citizens of the United States; and contradicted by sound science and economic and social evidence.

His plan defies the will of Congress. In the 1984 Arizona and Utah Wilderness Acts, Congress designated the land as multiple use so that Uranium mining could continue.

Article IV, Section 3, clause 2, provides that: "The Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States"

When Congress acted to designate the Arizona Strip as multiple use so that mining could continue, it adopted into law an agreement made between ranchers, the uranium industry and environmentalist organizations. In exchange for designation of wilderness areas in Utah and Arizona, the environmentalists and the Departments of Interior and Agriculture, through President Reagan's Secretary of Interior William Clark, Secretary of Agriculture John Block and Chief of the Forest Service Max Peterson, agreed to leave the Arizona Strip open for uranium mining. The Sierra Club, which now actively urges shut down of uranium mining, agreed to the land use settlement by Congress.

Now, 27 years later, the Sierra Club, the ranking member of this Committee and Secretary Salazar have set out to unravel the agreement that has allowed uranium mining to continue while land managers and federal and state environmental quality agencies have assured that no environmental harm has been done.

This Congress has urged local governments and citizens to compromise, to collaborate in order to resolve land use issues. Congress passed the Owyhee Public Lands Management Act of 2009 which embodied a historic agreement by ranchers and environmentalists that resolved decades of bitter contention over use of the public lands.

If the Secretary is allowed to flaunt the will of Congress, as he now proposes to do, every local government, every land owner—rancher, farmer, miner—will avoid collaborative efforts with organizations that lie in wait to undo agreements.

His plan defies the orders of his superior, President Obama. In two Executive Orders issued this calendar year of 2011 the President ordered the Secretary and other cabinet members to avoid adverse impacts on jobs and economic stability.

In Executive Order 13563, the President in January, 2011, directed that the Secretary and all other Department heads assure that the regulatory system was "promoting economic growth, innovation, competitiveness and job creation." The Secretary's maverick proposal to withdraw the land from uranium mining terminates any possibility for economic growth in all of northern Arizona and southern Utah. Evidence received by the Coalition during a public hearing on September 7, 2011, proved that over 1,000 new jobs will be eliminated, over \$40 MILLION in annual payroll will be lost, \$2 BILLION in federal and state corporate income taxes will never be paid, and over \$175 MILLION in taxes and fees will be lost to local governments.

The result of the Secretary's proposal will be the exact opposite of what the President ordered.

In Executive Order 13575, the President in June, 2011, directed that Secretary Salazar and all cabinet members "coordinate and increase the effectiveness of Federal engagement with rural stakeholders including. . . local governments..regarding the needs of rural America." Every member of the Coalition knows that the Secretary did not coordinate his proposal with them as the elected governing bodies of the local governments affected by the proposal. Evidence produced at the September 7, 2011 hearing made it clear that the Secretary's proposal is contrary to the economic and social needs of rural northern Arizona and southern Utah.

The arrogance of Secretary Salazar may be unparalleled in modern history; it is hard to believe that a member of the President's own cabinet would set out to deliberately violate the orders of the President. But, believe it or not, the Secretary acts in defiance of the President, the Congress and the people—in order to serve anti-mining environmental interests.

His plan defies the energy policy of the nation, declared by his superior, President Obama, and led by his fellow Cabinet member Secretary of Energy, Dr. Steven Chu. The energy goal is to develop clean energy, including nuclear energy. The land Secretary Salazar has chosen to withdraw from uranium mining supplied 42 percent of our nation's domestic uranium.

Congress has set an energy policy that calls for expanding nuclear generation of electricity. The Secretary's proposal is counter-productive to that policy. As an executive appointee he is creating a severe road block to implementation of Congressional policy set by the Energy Policy Act of 2005.

In line with its pursuit of vigorous development of nuclear energy, Congress directed a study by the Congressional Budget Office as to the future needs for nuclear generation.

In its study “Nuclear Power Roles in Generating Electricity”, May 2008, the CBO said that the Act “provides incentives for building additional capacity to generate electricity using innovative fossil fuel technologies and an advanced generation of nuclear reactor designs that intended to decrease costs and improve safety.”

The CBO study points out that by the end of “the next decade [2020] demand for electricity in the United States is expected to increase by about 20 percent, according to the Energy Information Administration. That projected increase—coupled with concerns about the effects of greenhouse gas emissions on the environment—has encouraged policymakers to reassess the role that nuclear power might play both in expanding the capacity to generate electricity and in limiting the amount of greenhouse gases produced by the combustion of fossil fuels.”

The study concludes that “prospects that new nuclear power plants will be planned and financed in the next decade are greater than at any time since the 1970s...”

In March of this year, Secretary Chu testified to the House Subcommittee on Appropriations on Energy and Water Development that the nation “must rely on a diverse set of energy sources including renewables like wind and solar, natural gas, clean coal and nuclear power. We look forward to a continued dialogue with Congress on moving that agenda forward.”

So, while Secretary Chu wants to work with Congress to further nuclear power, Secretary Salazar defies Congress by proposing to over-ride the designation of land for uranium mining that will make it far more expensive and difficult to develop nuclear energy.

His plan defies sound public policy. At a time when the President urges freedom from reliance on foreign sources of fuel, the Secretary increases the reliance on foreign nations, including Russia, for uranium critical to the already existent reactors in this country.

In his state of the Union address, President Obama urged the need to become more independent of foreign nations for supply of energy. Secretary Salazar’s proposal increases our dependence on foreign uranium—with Russia being one of the major nations on which we would be dependent.

Congress too has expressed the danger of relying on foreign nations for production of minerals critical to our energy, defense and production interests. Just five months ago, twenty two bipartisan members of the United States House of Representatives introduced H.R. 2011, the National Strategic and Critical Minerals Policy Act of 2011 which the House press release said “as part of the American Energy Initiative. . .will help strengthen and improve our national mineral policy by requiring a government wide survey of American mineral resources, demands and factors impacting mineral development. . .”

Warning of the danger resulting from the fact that the nation imports a majority of minerals needed for renewable energy projects, the House announcement pointed out that H.R. 2011 “directs the Secretary of the Interior to coordinate a government wide assessment of the Nation’s mineral resources and availability to meet current and future strategic and critical mineral needs.”

Yet, at a time when this House has pending a Bill directing him to address the dangers of the imbalance of import-export of necessary minerals, Secretary Salazar proposes to drastically increase our reliance on foreign uranium.

Section 4 of the Bill requires the Secretary to submit a report within six months of passage that includes an assessment “of the non-fossil-fuel mineral potential of lands under the jurisdiction of the Bureau of Land Management and the Forest Service and an identification of all such lands that have been withdrawn, segregated and otherwise restricted from mineral exploration and development.”

Representative Gosar of Arizona and Representative Bishop of Utah who have spoken in support of retaining the Arizona Strip in multiple use, are co-sponsors of H.R. 2011.

Just one week ago today, Representative Harris of Maryland told a joint hearing by the House subcommittees on Energy and Environment and Investigations and Oversight that “nuclear energy is an integral component of America’s energy portfolio. One hundred and four currently operating commercial nuclear reactors deliver a clean, affordable and reliable energy source that supplies 20 percent of America’s electricity.”

How in good conscience, and in the name of sound public policy, can a member of the cabinet propose to eliminate mining of uranium in an area rich with deposits of high quality, inexpensive, usable uranium that makes up 42 percent of our domestic supply?

The members of the Coalition are counting on the Congress to prevent implementation of the Secretary’s rogue actions that are contrary to the will of Congress, the directions from the President, and inconsistent with national policy.

His plan ignores the facts and endangers the economic stability and social cohesiveness of northern Arizona and southern Utah.

The Secretary claims that his proposal will not eliminate domestic jobs and will not harm the local economy for the citizens within the territory governed by members of the Coalition.

The Secretary claims that tourism jobs are the backbone of the economy of northern Arizona and southern Utah. He is dead wrong, and he knows it.

The Secretary knows the facts. No one in his position could be so naïve as to believe what he says. The data is clear and is evident for anyone to see. His agent, the Arizona Strip District Manager sat during the September 7, 2011 hearing and heard evidence that belies the Secretary's statements. We know the Manager well; he is a professional and a man of his word. He said that he would make sure that the decision makers heard what he heard at the hearing. We take him at his word.

We know that the Secretary was furnished all the information that was produced as testimony and documentary evidence at the hearing.

The economic evidence came from economic development managers of each of the members of the Coalition. To a person they testified that tourism jobs are among the lowest paid jobs in the states of Arizona and Utah. The Coalition heard evidence that mining jobs are at worst, the second highest salaries in the states, and that they are the best jobs available for high school graduates who make up the majority of workers in the area impacted.

The Coalition heard evidence of the economic blight that has occurred since mining jobs dried up when prices went down several years ago, and evidence that tourism did not replace, did not even begin to replace, the mining incomes as a resource upon which the communities could rely. One witness testified that the type of visa issued to and for tourism, or hospitality, workers caused a drain on the economy rather than a boost. The reason is that the tourism workers do not buy and own property that is the source of property taxes, and they do not spend their money in the local area.

The Coalition heard evidence that as families move away when mining jobs dry up, the social cohesiveness of the communities dissolves. The communities rely on family members to serve as volunteer emergency services technicians, teachers aides, coaches, firefighters, search and rescue workers, parent-teacher workers, service club members, and other public outreach positions that local governments in the area cannot afford to hire.

The Secretary knows that the economy and the social cohesiveness of the area will be harmed virtually beyond repair if mining is foreclosed.

The only reasonable hope for any economic and social resurgence in the areas that once were plush with mining incomes is that mining be available when the prices prompt vigorous operations. But, with the specter of withdrawal hanging over the land, there will be no such operations of even existing mines.

The Secretary and his employees urge that the withdrawal will not affect existing mining or present mining claims. But that is disingenuous as this Committee knows. No company will risk exploration and implementation costs when there is the specter hanging in the air that all mining may be shut down once the withdrawal has taken place.

We know, as you do, that once the bureaucracy shuts down or locks down public land, there never is a relaxation of those regulations and restrictions. Rather, the restrictions expand beyond what the government committed at the time of lock-down. We know, as you do, that our experience with the Grand Escalante Monument in our area demonstrates that fact. When the Monument was designated, the government committed that there would be no change in livestock grazing, hunting and recreation use. Quite the contrary, grazing has been drastically reduced, hunting has been severely reduced to the point of virtual elimination, and motorized recreation is non-existent.

The Coalition heard the following testimony as to the economic harm that will result, in spite of what the Secretary says:

1. Justin Fischer is in a good position to observe the changes and adverse impacts that occur with the restriction of land use on federal lands by the government. He pointed out first that Garfield County is not one time mentioned in the DEIS analysis. He has studied the transition of communities from the natural resource production economy of the 70s to the current day. Wages in Garfield County have gone down to the point at which they are either the lowest or next to lowest, average wise, in the State of Utah. It has the highest unemployment, its school populations have nose-dived, and all of these conditions have resulted from federal land use changes through wilderness and monument lock-downs. He pointed out further that the only reason that employment is as high as it is rests with the use of H2B Visas used

by foreign nationals coming in to the County to hold tourism jobs. Most of the money earned by such workers is not spent in the County. H1B Visas that allow technical workers to come into the Country are rare. The NEPA study does not even consider this aspect of the job market in Garfield County. He testified that the EIS focuses on the bottleneck of having only one mill operating in Blanding; it did not even consider, perhaps the writers did not even know of, the potential for output by the mill in Kickapoo in Garfield County. The Coalition finds that the EIS analysis is completely flawed and deficient when it ignores an entire County that is impacted heavily by the withdrawal, and ignores a mill that exists in the County, contending that production is bottlenecked because there is only one mill available.

2. Bremner also pointed out that there is no consideration in the DEIS analysis given to the fact that mining jobs are the highest paying jobs that high school graduates can get in the area, and that most of the available workers are high school graduates. The town of Escalante is surrounded by monuments and wilderness, and it should be the most plush community in the land if there were truth to the myth that tourism dollars do effectively fill the economic void resulting from natural resource production termination. But, instead school populations are down because families have departed because there are no jobs. The socio-economic study in the DEIS does not even refer to the bonding of citizens in rural communities like Garfield County and its towns, or to the social structure that is decimated by the removal of families from that bonding cohesiveness.
3. Commissioner Leland Pollock of Garfield County testified as to the importance of mining and mining jobs to local communities and their citizens. When coal mining was allowed, Garfield County's economy boomed. When the Federal Government took away the coal industry, local officials were told that tourism would replace the economic support previously given by the coal industry. That did not obviously happen. 300 million tons of some of the cleanest coal available anywhere in the world are locked down by Federal Regulations in the County, and the County has an unemployment rate of 17 percent. The evidence as to the coal mining impact on the economy is relevant to the issue now before the Coalition because it shows the pattern of federal control being expanded over all economic resources throughout the area covered by the members of the Coalition. Commissioner Pollock pointed out that next, the timber industry was taken from Garfield County. The reasons given of course were that the loggers were ruining the forests, but without logging the forests are sick, infested by Bark Beetles and subject to devastating forest fires that have destroyed many elements of the natural environment including wildlife and natural scenery. So, the policy of shutting down logging backfired on the natural environment in Garfield County, leaving the forests in deplorable condition. All the adverse impacts from coal and timber shut downs are coming again through the withdrawal of mining which will impact jobs now and in the future.

His plan violates the Federal Land Policy Management Act, NEPA, and federal regulations issued by the Bureau of Land Management and the Council on Environmental Quality

1. FLPMA requires in 43 U.S.C. 1712 that the Secretary coordinate all federal plans, policies and management decisions with local government. The withdrawal provisions of FLPMA, 43 U.S.C. 1714 do not exempt the withdrawal decisions from the coordination mandate, and the provisions of 1714 make it clear that coordination is required prior to the act of withdrawal. For example, Section 1714 requires that after making a withdrawal, the Secretary must submit a report to Congress that contains all of the following regarding local governments:

“ . . .the Secretary shall furnish to the committees [of Congress]:

“(2) an inventory and evaluation of the current natural resource uses and values of the site and adjacent public and nonpublic land and how it appears they will be affected by the proposed use, including particularly aspects of use that might cause degradation of the environment, and also the economic impact of the change in use on individuals, local communities, and the Nation;

. . .

(7) a statement of the consultation which has been or will be had with other Federal departments and agencies, with regional, State, and local government bodies, and with other appropriate individuals and groups;

. . .

- (8) a statement indicating the effect of the proposed uses, if any, on State and local government interests and the regional economy;
2. The Secretary did not consult with or coordinate with the local governments that are members of the Coalition as to issuance of the Order of Segregation or the proposed withdrawal. In fact, when given an invitation to meet with the members of the Coalition prior to the first meeting of the Coalition, he sent the District Manager but neither came himself nor sent the Arizona State Director.
  3. The Secretary failed to provide early notice to the members of the Coalition or, to the knowledge of Coalition members, any other local government in southern Utah or Northern Arizona. The members of the Coalition were afforded no opportunity whatsoever to participate with "meaningful" involvement in the "development" of the decisions to Segregate or to notify the proposal to withdraw.
  4. In simple terms the Secretary violated the terms of FLPMA. His plan is deceitful in that claims that it is based upon concerns for environmental harm that might occur as a result of uranium mining.

For the reasons set forth in the Findings and Conclusions issued by the Coalition at the conclusion of its public hearing, it is clear that the Secretary is deceiving or attempting to deceive the public by claiming there is concern about environmental harm that might be done by uranium mining. Even his own land managers in the District admit that there is no environmental harm being caused by mining.

Mr. BISHOP. Thank you. Dr. Wenrich, a retired member of the USGS, we appreciate you being here. We also appreciate the honor you helped with this country in being part of the group that won the Nobel Prize. So thank you for being here. We are ready to have your testimony.

**STATEMENT OF KAREN WENRICH, RESEARCH GEOLOGIST,  
U.S. GEOLOGICAL SURVEY, RETIRED**

Dr. WENRICH. Thank you, Chairman Bishop and Ranking Member Grijalva.

Mr. BISHOP. Can I ask you to pull that closer to you?

Dr. WENRICH. OK. My testimony is based on data from many of the 160 publications which I authored and co-authored as an employee of the U.S. Geological Survey and the International Atomic Energy Agency. I will also talk about a vital geological component of the district that has not been addressed in the withdrawal. That is value added by rare earth elements and other strategic metals that are in the deposits.

First, it is imperative to address the staggering geological importance of northern Arizona uranium. According to USGS studies, the proposed withdrawal area contains an estimated uranium endowment in excess of 326 million pounds, which is 40 percent of the U.S. uranium resources. Despite such conclusive government-authored statements, both the draft environmental impact statement and the recently released final EIS have failed to recognize the significance of this enormous uranium district of polymetallic deposits.

Through bureaucratic sleight of hand, these two documents have erroneously and dramatically minimized the significance of the resource, both the size of the endowment and its impact on domestic energy production. Additionally, the EIS totally fails to address the vast resource of an additional 40 energy strategic metals that are rich in this vast valuable mineral deposit.

All of the northern Arizona withdrawal parcel lies within a corridor 45 miles wide and 110 miles long that essentially contains all of the known uranium deposits. It is almost as though the govern-

ment located the area with the most mining claims and divined it to be worthy of withdrawal. As a former U.S. Geological Survey employee, it is my recollection that the objective of the withdrawals was to select an area to preserve that minimized the loss of mineral wealth to our Nation, not to maximize it.

This corridor to be withdrawn is in the heart of essentially the total resource of the northern Arizona breccia pipe uranium district, and therefore any withdrawal alternatives B, C, or D would destroy future development of this world class resource and the United States' major uranium reserves, with the byproduct rare earth elements and base metals that could fulfill our goal of uranium independence as a major step in our road to energy independence.

The Secretary says that a 20-year withdrawal is in order because we need to evaluate the impacts of a handful of additional mines that are currently exempt from the withdrawal. However, we just finalized an EIS that evaluated eight mines that were mined in the 1980s, and wasn't that enough of a handful already? Why is it necessary? Is it because the Secretary didn't find the results he wanted because there was no contamination deemed to have been caused by these mines?

First of all, the Secretary's EIS shows no environmental impacts that cannot be readily mitigated. Second, the Department of the Interior's EIS fails to honestly recognize the many environmental attributes of breccia pipe mining. This is the kind of clean mining any serious pro-environmental advocate should be promoting that can be held up to countries throughout the world as a model to emulate in the goal to clean, safe and environmentally friendly mining.

Third, the Secretary chooses to ignore the research work that has already been done both inside the Department of the Interior, USGS results, and the preliminary findings of the University of Arizona that much of the uranium in the Colorado River is naturally occurring, a key indication that the industrial activity does not harm the water quality for drinking water and agricultural activities that depend on the river for water.

The fact that environmental groups engaged in fearmongering with downstream water users in Las Vegas and southern California does not make the case for prohibiting breccia pipe uranium mining. That such fears are scientifically ungrounded is demonstrated by research by the Arizona Geological Survey in their calculations of the non-effect of a hypothetical truck spill on the drinking water quality of the Colorado River.

Four, knowing that no breccia pipe uranium tailings are produced or left onsite in northern Arizona and deliberately trying to confuse the Moab tailings issue next to the Colorado River with breccia pipe mining is grossly misleading. There is no relationship between the Moab tailings and breccia pipe mining and no tailings will be left onsite in the breccia pipes.

Similar to the way the BLM has downplayed the significance of uranium resources, it has vastly overstated the environmental harm caused by past and potential uranium development. A case in point is the danger to the region's watershed, particularly the Colorado River, caused by rare and inconsequential oil spills.

In response to concerns about the contamination of the vast and enormously valuable water resource, John Spencer of the Arizona Geological Survey and I calculated just how much damage could be done by such a hypothetical oil spill, calculations that a high school student could do and certainly the BLM and other Department of the Interior agencies should have done.

These calculations are presented as a published report by the Arizona Geological Survey and conclude that although the Colorado River water and the Grand Canyon contains 4 ppb, approximately 60 metric tons of dissolved uranium derived by natural weathering of rock over the Colorado River drainage basin are carried annually by the Colorado River through the Grand Canyon.

We considered a hypothetical worst-case accident which a truck hauling 30 metric tons of 1 percent uranium was overturned by a flash flood in Kanab Creek and its entire load is washed 60 kilometers down Kanab Creek into the Colorado River, where it is pulverized and dissolved over one year to become part of the dissolved uranium content of the river.

This addition of 660 pounds of uranium over one year would increase uranium in the Colorado River water from 4 ppb to 4.02 ppb. Given that the EPA maximum level for uranium in drinking water is 30 ppb, this increase would not only be trivial but undetectable against much larger natural radiation and river water content.

Mr. BISHOP. Dr. Wenrich, can I ask you to quickly sum up there.

Dr. WENRICH. Sure. I just want to conclude that when calculations are done, if six mines are produced as according to the EIS, there would be a value added of \$17 million to the \$475 million from the uranium mining, and that 17 million would be from rare earth element mining and another 10 million from additional metals, strategic base metals. And this is a savings, an economic savings of our foreign debt. Retaining our own sources of energy and strategic metals is critical to our economic and security survival.

And by the wave of the executive wand, these huge metal resources will be stricken from the United States' strategic metals stockpile just when our jobless rate is huge and China's strong arm is reaching globally to control the world's strategic metals.

[The prepared statement of Dr. Wenrich follows:]

**Statement of Karen Wenrich, PhD, CPG, Concerning H.R. 3155,  
Northern Arizona Mining Continuity Act of 2011**

Chairman Bishop and Ranking Member Grijalva, thank you for giving me the opportunity to voice my support of H.R. 3155, the Northern Arizona Mining Continuity Act of 2011. The northern Arizona proposed withdrawal is a subject of great importance to me, as well as to the uranium mining industry, the nuclear energy industry, the residents of Arizona and southern Utah who are eager to work, and to all who operate on our nation's public lands. I will focus my comments today primarily on the geologic and economic significance of northern Arizona uranium ore deposits and the previous successes of the regulatory system in monitoring and protecting the environment from any harm by mining. I will refer to some of the numerous studies which I authored and co-authored as an employee of the U.S. Geological Survey, the International Atomic Energy Agency, and as a certified professional consulting geologist. Additionally, I will be referring to reports produced by experts in the uranium industry who have spent most of their careers in the northern Arizona uranium district with years of hands on experience mining and protecting the environment. I will also present a new vital geological component of the district that has not been publically disclosed to-date.

### Significance of Northern Arizona Uranium

First, it is imperative to address the staggering geological importance of northern Arizona uranium. According to two USGS studies (Otton, et.al. 2010 and Finch, Wenrich, et.al. 1987—Attachment D), the proposed withdrawal area contains an estimated uranium endowment in excess of 326 million lbs, and has “the potential of becoming the second most important uranium-producing region in the United States”. Despite such conclusive government-authored statements, both the Draft Environmental Impact Statement and the recently released Final EIS have failed to recognize the significance of this enormous district of uranium and polymetallic ore deposits. Through bureaucratic slight of hand, these two documents have erroneously and dramatically minimized the significance of the resource—both the size of the endowment and its impact on domestic energy production. But numbers don't lie. According to the Nuclear Energy Institute, the 326 million lbs of uranium present in this district is the equivalent to enough electric power for the 8 million people of New York City for 57 years. Additionally, the Environmental Impact Statement (EIS) totally fails to address the vast resource of an additional 40 energy strategic metals that are rich in this vast valuable mineral district. As Gene Spiering, V.P. of Exploration, Quaterra Resources, explains the reason for the EIS's gross understatement of the uranium resource:

The major error . . . is the assumption that mineralized uranium breccia pipes are uniformly distributed throughout the region and that the potential loss of uranium is directly proportional to the number of acres withdrawn, not which lands are withdrawn. Exploration has demonstrated that nearly all the known mineralized pipes and all of the economically viable uranium deposits in northern Arizona have been found in a N-S trending mineralized “corridor” that is approximately 45 miles wide by 110 miles long. (Spiering, et.al. 2010, Exploration and discovery of blind breccias pipes: the potential significance to the uranium endowment of the Arizona Strip District, Northern Arizona—Presentation to SME Annual Meeting-Phoenix, AZ.) (Attachment B)

The 800 to 1,000 breccia pipes drilled outside of this corridor have been barren of ore. All of the northern Arizona withdrawal parcel lies within this uranium-rich corridor because the government simply located the area with the most mining claims and divined it to be worthy of withdrawal. As a former U.S. Geological Survey employee it is my recollection that the objective of wilderness and other land withdrawals was to select an area to preserve as wilderness that minimized the loss of mineral wealth to our nation, not to maximize it. The corridor to be withdrawn is the heart and essentially the total resource of the northern Arizona breccia pipe uranium district, and therefore, any withdrawal (Alternatives “B”, “C” or “D”) would restrict indefinitely future development of this world-class resource and the United States' major uranium reserves that could significantly fulfill our domestic uranium needs as a major step in our road to energy independence.

Why are northern Arizona breccia pipe uranium mines so desirable? The Secretary says that a 20-year withdrawal is in order because we need to evaluate the impacts of the handful of additional mines that are currently exempt from the withdrawal. Yet the Secretary has not laid out a process in his EIS that would give hope to the nation's electricity consumers that this fuel for electricity would ever be available in the future. It is the Secretary's clear intention with this EIS not to impose just a “temporary” 20-year ban, but, in fact, to forever close off access to this fuel supply. (1) First of all, the Secretary's EIS shows no environmental impacts that cannot be readily mitigated. (2) Secondly, the Department of the Interior's EIS fails to honestly recognize the many environmental attributes of breccia pipe uranium mining. This is the kind of clean mining any serious pro-environmental advocates should be promoting that can be displayed to countries through the world as a model to emulate in the goal to clean, safe, and environmentally friendly mining. (3) Thirdly, the secretary chooses to ignore the research work that has already been done, both inside the Department of the Interior's USGS results and the preliminary findings by the University of Arizona in its ongoing study which according to the Environmental Working Group shows “. . .that much of the uranium in the (Colorado)River is naturally occurring, a key indication that the industrial activity does not harm the water quality for drinking water and agricultural activity that depends on the River for water.” (February 23, 2009, Environmental Working Group, “Study May Hamper Fears over Uranium Mines Effects on Colorado River”) (attachment C) The fact that environmental groups engaged in fear mongering with downstream water users in Las Vegas and southern California does not make the case for prohibiting breccia pipe uranium mining. That such fears are scientifically ungrounded is demonstrated by research by the Arizona Geological Survey in their calculations of the non-effect of a hypothetical ore-truck spill on the drinking water

quality of the Colorado River (attachment A). (4) Fourthly, knowing that no breccia pipe uranium tailings are produced or left on site in northern Arizona and deliberately trying to confuse the Moab, Utah mill tailings issue next to the Colorado River with breccia pipe mining is grossly misleading. There is no relationship between the Moab mill tailings and breccia pipe uranium mining. (5) Finally, recognizing the weakness of his environmental arguments, in football terms, the Secretary called an “audible” between the Draft EIS and Final EIS and switched the “emergency” away from the environment (the original justification for the withdrawal) to ostensible social and cultural reasons in a crass attempt to use Native Americans and the injustices the Federal government committed against them in the 1950s under a totally different set of circumstances. At that time the issue was national defense and the Soviet threat. Today’s environmental laws imposed upon industry safeguard the public against any such social, cultural or environmental impacts. It’s a shame those same laws were not in effect in the 1950s to protect the public against its own government. Of the three legs the Secretary chose to build his stools foundation, none of them stand as a reason to deny this source of fuel to the nation’s electricity consumers.

The Secretary says that a 20-year withdrawal is in order because we need to evaluate the impacts of the handful of additional mines that are currently exempt from the withdrawal. Yet the Secretary has not laid out a process in his EIS that would give hope to the nation’s electricity consumers that this fuel for electricity would ever be available in the future. It is the Secretary’s clear intention with this EIS not to impose just a “temporary” 20-year ban, but, in fact, to forever close off access to this important energy supply. Our economy needs the jobs and energy self-sufficiency today, not 20 years down the road.

#### **Inciting Fear through Emotional Hysteria**

Similar to the way the Bureau of Land Management (BLM) has downplayed the significance of the uranium resources, it has vastly overstated the environmental harm caused by past and potential uranium development. A case in point is the “danger” to the region’s watershed—particularly the Colorado River—caused by rare and inconsequential ore spills. In response to concerns about contamination of the vast and enormously valuable water resource, Jon Spencer of the Arizona Geological Survey and I calculated just how much damage could be done by such a hypothetical ore spill—calculations that a high school student could do and certainly the BLM and other Department of Interior agencies should have done. These calculations are presented as a published report by the Arizona Geological Survey (attachment A) and conclude the following:

“Colorado River water in the Grand Canyon region contains about 4 µg/l (micrograms per liter) of uranium (equivalent to 4 parts per billion by mass), with approximately 15 cubic km annual discharge. Thus, approximately 60 metric tons of dissolved uranium, derived by natural weathering of rock over the Colorado River drainage basin, are carried annually by the Colorado River through the Grand Canyon. We considered a hypothetical, worst-case accident in which a truck hauling thirty metric tons (66,000 lbs) of 1%-uranium ore is overturned by a flash flood in Kanab Creek and its entire load is washed 60 km down Kanab Creek into the Colorado River where it is pulverized and dissolved over one-year to become part of the dissolved uranium content of the river (such a scenario is extremely unlikely, if not impossible). This addition of 300 kilograms (660 lbs) of uranium over one year would increase uranium in Colorado River water from 4.00 ppb to 4.02 ppb. Given that the EPA maximum contaminant level for uranium in drinking water is 30 ppb, this increase would be trivial. Furthermore, it would be undetectable against much larger natural variation in river-water uranium content.” (*cited from Spencer & Wenrich, 2011, Breccia Pipe uranium Mining in the Grand Canyon Region and Implications for Uranium levels in Colorado River Water, Arizona Geological Survey Open-File Report OFR-11-04, Version 1.0, 13 p.—Attachment A.*)

Anyone in a decision-making role over the withdrawal of the northern Arizona lands should review the new PBS documentary that was just televised called “Radioactive Wolves of Chernobyl”. Chernobyl was unquestionably the world’s worst nuclear disaster with radioactive emissions equivalent to 400 Hiroshima bombs and understandably created worldwide emotional concern. Yet, even here perhaps things are not quite as bad as expected. Because there are no people within 1100 square miles around the reactor, a lush wilderness has been regenerated. The wolves, beavers, eagles, falcon, bison, and moose are thriving. Radiation levels in the animals are high, but still after 25 years there are no signs of mutations in any of the creatures with the possible exception of door mice living right at the site of the nuclear accident. The abundant eagles are a sign that the eco-system is in robust health. This is a good example of how the emotional hype has portrayed this disaster as

a barren wasteland that could never recover. Northern Arizona contains natural uranium that cannot even remotely be compared to Chernobyl—yet, one would think from the emotional hysteria that people expect Chernobyl-style contamination. The worst that can happen is what is happening naturally in the Grand Canyon today—millions of tons of high-grade uranium are eroding naturally into the Colorado River and its tributaries. If anything, mining will help remove this natural river water “contaminant”.

#### **An Attempt to Dismiss Scientific Facts by Invoking a Smoke Screen**

Accusations of conflict of interest have been asserted for my ownership and sales agreement of 61 mining claims that I have held on the Arizona Strip since 2009. The research on which this report is based was begun in 1978 and 95% of it was completed by 2002. I challenge anyone to find errors in this testimony, specifically any that could even remotely be impacted from my claim ownership during the past two years. For Mr. Grijalva to attempt to dismiss 30 years of solid scientific data from a renowned, certified researcher in this uranium district for a recent agreement that is 6 months old is nothing more than smoke and mirrors and is not in the very spirit from which he insists this withdrawal is based—to save a natural resource for the American people by presenting all available data. Minerals are also a natural resource and just as the American tourist should have the opportunity to view the beauties of northern Arizona so should the American consumer have the opportunity to benefit their lifestyle from mining of the minerals from northern Arizona. Previous mining of this wealth from 1980–1990 has proven that the two goals are not mutually exclusive and can successfully coexist.

Furthermore if there is any conflict of interest, it is with ranking member Representative Grijalva who sits on the board of directors for the Center for Biodiversity, one of the organizations that has been the driving force for this land withdrawal. Because of this conflict of interest Mr. Grijalva should be excusing himself from any committee deliberations on this withdrawal or any lobbying of the executive branch of government to complete this withdrawal.

#### **Value Added to the Breccia Pipe Ore with the Recovery of Energy Strategic Rare Earth Metals**

This unique Arizona polymetallic-rich uranium, breccia-pipe district is known for its large reserves of high-grade uranium that have been estimated by the U.S. Geological Survey to comprise over 40% of the U.S. domestic uranium resources, and the highest-grade in the U.S. Up until the past 5 years the price of most metals had been sufficiently depressed so that little was done to explore or study the presence of the polymetallic ores, rich in the district's uranium deposits. In just 3 years since 2008, the price of most rare earth elements (REE) has increased over 10-fold. This is true of all Energy Critical Elements, including Co and Cu, also heavily enriched in the breccia pipe ore. These important metals commonly comprise over 1% of the ore.

Rare earth elements (REE) are significantly enriched in the breccia pipe ores. However, last month REE research completed in Nancy, France by Wenrich, Lach and Cuney by Laser Mass Spectroscopy and the Electron Microprobe proved that within the breccia pipes these energy strategic and critical metals are enriched in the actual uraninite crystal, the ore mineral found in the breccia pipes. This is significant because it facilitates the economic removal of these strategic energy metals. The current supply of REE will not be able to keep up with the new and ever growing global demand. This potential shortage could seriously impact U.S. renewable energy sources, communications, and defense industries, leaving the US, currently with no operating REE mines, and very vulnerable to control by REE-rich China. These strategic, multi-use elements are known to occur only in very few economic deposits around the world. With over 97% of the world's supply presently produced by China, and with the Chinese demand soon matching, if not eclipsing, its own internal supply, the U.S. could soon be left in the cold. Currently China has export taxes on REE of 15–20% and has put restrictions on the amount exported. We are already feeling the pinch in the skyrocketing price of terbium (a heavy REE)-needy compact fluorescent bulbs, bulbs that new government restrictions are requiring the average American to replace their incandescent bulbs with. Forecasts now predict a critical shortage of REE for the rest of the world outside of China by as early as 2012. In 2008 China produced 97% of the world's REE, India 2.2%, Brazil 0.5% and Malaysia 0.3%.

REE are indispensable in a wide variety of clean energy technologies. They are used in the advanced nickel-metal hydride (NiMH) batteries, which are found in most modern hybrid cars. Powerful neodymium (Nd, a light REE) magnets enable the new generation of wind turbines, electric and hybrid electric cars (Prius), and

generators. REE phosphors illuminate compact fluorescent light bulbs (Tb), and elements such as cerium (Ce) and neodymium (Nd) have been used for decades as coloring agents in synthetic gemstones and glass, and Ce has been used as a polishing compound for over a half century. In the defense sector REE are required for military electronics, communications and surveillance equipment, and missile guidance systems. Tomahawk cruise missiles use REE magnets in tail control fins; and samarium (Sm)-cobalt(Co) magnets are used for flight control surfaces on missiles, Sidewinders, Phoenix, etc. Cerium has been used to treat water, particularly arsenic-rich waters. In essence, it can be safely said that with the past decade of advanced technology U.S. energy and national security are heavily dependant on REE.

The U.S. has these REE at their fingertips in the Arizona breccia pipe province. To recover the REE from the breccia pipes would not require new techniques to be developed. Removal of the REE from the uraninite has previous precedence. REE were extracted as a by-product of uranium mining in Canada during 1966–1970 and 1973–1977. “For a short period of time heavy REE were extracted from the raffinate fluids that emanated from the chemical processing of uraninite at Blind River, Ontario” (Mariano and others, 2010). “At Elliot Lake an yttrium concentrate [including REE] was obtained from the residual ion-exchange solutions after leaching uranium ores with sulfuric acid. . .The filtered and dried product graded 60–70% REO including 30–35%  $Y_2O_3$ .” (Lucas and Ritcey, 1975, cited in Henderson, 1984, p.441).

The analyses of the REE in the breccia pipe uraninites have shown that they are rich in some of the rarer and more expensive of the REE, such as dysprosium, europium, neodymium and terbium. For example, below is a graph of neodymium, essential to the super strong magnets needed in wind turbines, versus uranium for over 60 bulk rock breccia pipe analyses. The actual Nd in the uraninite lattice is significantly higher than that shown in the graph. The correlation between neodymium and uranium is evident from the trend of this graph, which follows from the concentration of neodymium, as well as all of the REE, in the uraninite crystal structure.

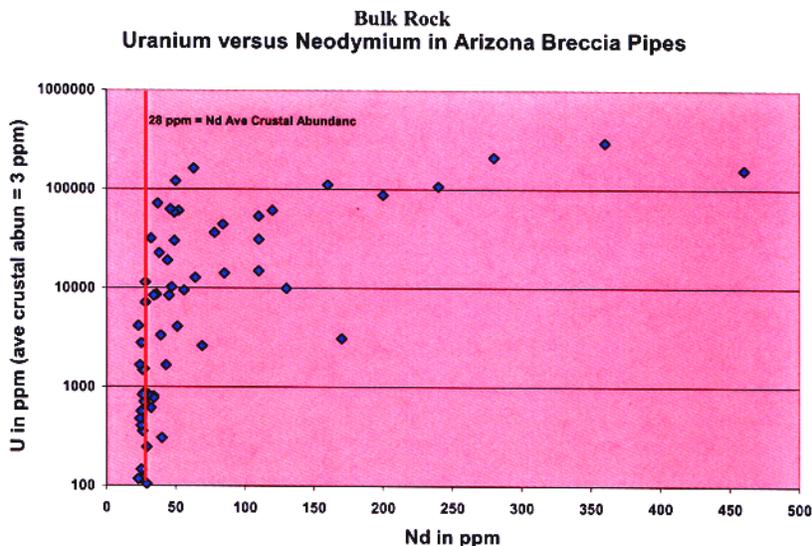


Table 1. Rare earth element content of Sage orebody sample, South Rim. All element concentrations are in parts per million (ppm). Data are from Wenrich, Lach & Cuney (analyses done in CREGU, University Henri Poincare, Nancy, France, Sept 2011)

Rare Earth Elements	Sage Orebody	Average Crustal Abundance
La	52	30
Ce	409	60
Pr	127	8
Nd	922	28
Sm	588	6
Eu	189	1
Gd	837	5
Tb	120	1
Dy	583	3
Ho	90	1
Er	200	3
Tm	20	0.5
Yb	286	3
Lu	12	0.5
Y	2426	2

### Summary

The northern Arizona EIS assumes that 6 mines producing 1800–2400 tons of uranium ore/day could be operating. Assuming an average grade of 0.65%  $U_3O_8$  this district would produce approximately 9.5 million lbs of  $U_3O_8$  per year. Uraninite studied by Wenrich, Lach, and Cuney in France showed the total REE content of the uraninite to be 0.43%. Therefore, 40,850 lbs of REE could be produced from the 9.5 million pounds of  $U_3O_8$ . Yttrium, commonly considered to be a REE since it is associated with them, makes up another 0.25% bringing the total REE to 0.68%. The REE by-products would have a value added of \$15 million dollars based on today's REE prices and the individual element concentrations in the uraninite. Another \$1.8 million from yttrium brings the total to \$16.8 million annually. Finding domestic sources of REE would be an enormous boost to our economy—this is \$16.8 million that will remain in our country rather than increasing our foreign debt. Additionally, the amount of copper, cobalt, nickel, silver, lead and zinc that constitute over 1% of the ore can, and will, also be mined as by-product metals at today's prices. They will add another approximate \$10 million dollars to the economic savings of our foreign debt. Retaining American jobs to mine and process domestic sources of energy strategic metals is critical to our economic and security survival.

By the wave of the executive wand these huge metal resources will be stricken from the United States strategic metal stock pile just when our jobless rate is huge and China's strong arm is reaching globally to control the world's strategic metals. We won't need to worry about invaders marching into our country with guns, they won't need to, we will be conquered by loss of our economic strength and our inability to produce our domestic mineral wealth. How can we turn our back on domestic uranium to fuel our 20% energy source in nuclear power? At the same time we will be denying the American consumer rare-earth elements needed for wind turbines, solar panels and our new energy efficient compact fluorescent light bulbs, batteries and critical military components.

This submitted testimony presents to the Committee sound historical and scientific data that underscores the importance of energy resources in these Arizona breccia pipe deposits that contain natural, metal-bearing ore deposits that have a

safe record of production to meet domestic energy needs. These ore deposits are now also recognized to contain an important and essential source of energy critical elements (REE, copper and cobalt) for the continued progression of American diversification of industry, employment opportunities, national security, and elevated living standard for its citizens today and its children tomorrow. These deposits should be available to be developed to the fullest and safe extent for the American consumer.

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Mr. BISHOP. All right. Thank you very much. We appreciate your testimony. Mr. Trautwein.

**STATEMENT OF MARK TRAUTWEIN, FORMER STAFF CONSULTANT, ENVIRONMENT, ENERGY, AND PUBLIC LANDS, U.S. COMMITTEE ON INTERIOR AND INSULAR AFFAIRS**

Mr. TRAUTWEIN. Mr. Chairman, I appreciate the opportunity to be back where I was privileged to work for more than 15 years as the full Interior Committee's staff consultant on Environment, Energy, and Public Lands for Chairman Mo Udall and Chairman George Miller. It is in that capacity that I appear today, representing only myself and no organization. And, Mr. Chairman, I note with pleasure that while a lot of things have changed around here since I left that the House's attitude about the Senate remains the same, and that is a good thing to note.

I am here to address assertions that Secretary Salazar's withdrawal order on the Arizona Strip is incompatible with the Arizona Wilderness Act of 1984. I am intimately familiar with that law because Chairman Udall designated me as the lead staffer responsible for all aspects of that legislation. Mr. Chairman, there is no basis for the claim that the Arizona Wilderness Act contains a promise that uranium mining would proceed unfettered indefinitely on lands not designated wilderness and that the Secretary's order breaks that promise.

The Arizona Wilderness Act was essentially a statewide Forest Service wilderness bill. However, on the strip, BLM was years from completing its wilderness review, and extensive wilderness study areas with inter-wilderness protections of indefinite duration were an obstacle to a company anxious to develop certain valuable mineral deposits.

Title 3 of the Act short-circuited the BLM process and settled this issue. Those lands not designated in wilderness were simply relieved of their interim wilderness protection, restoring them to general multiple use management. Both the statute and the committee report make clear that on BLM lands, that is all the so-called release provision does, remove interim protections that preserve the land's suitability for wilderness designation. The Secretary has acted well within this realm.

A few salient facts to highlight. The lands covered in the Secretary's withdrawal order are mostly not the same lands that are released in 1984. Many of them were incorporated into the two national monuments established a decade later and permanently withdrawn from new mineral entry, the same thing the Secretary has done, only temporarily. Other released lands are not covered by the Secretary's order. Those that are constitute a decided minority of the lands released in 1984, and Congress never reviewed for anything the majority of lands covered in the order.

For those lands, the Secretary's withdrawal order does not amount to a de facto wilderness declaration. Wilderness is permanent. The Secretary's order is temporary. Wilderness affects many potential activities. The Secretary's order covers only one thing, new mining claims under the 1872 Mining Law, and leaves intact existing mining claims, and there are thousands, so that claimants can develop their rights.

There is no rational basis for saying that the Secretary's order stops mining or for calling it de facto wilderness. In the case of the strip lands, the 1984 wilderness review never assessed the impact of uranium mining on the hydrology of the Grand Canyon ecosystem. This was completely beyond the scope of wilderness review. To argue now that a 27-year-old wilderness statute precludes the Secretary from assessing that impact and taking even limited action on non-wilderness lands by mislabeling it as de facto wilderness is perverse.

Even if the Secretary were proposing wilderness, it wouldn't be contrary to the Arizona Wilderness Act because by design, it fully contemplates that lands on the strip and elsewhere will be subject to periodic wilderness review. On Forest Service lands, this is explicit. The agency would conduct new wilderness reviews with every forest plan revision. The Committee report discusses this in excruciating detail.

On BLM lands, the expectation is implicit in the affirmation of the land management process. In any case, the Act and Committee report are clear that the only thing Title 3 ended was the immediate wilderness issue before Congress in 1984, namely the conflict between interim wilderness protections of indefinite duration and two contemporary uranium mining concerns.

Release and its meaning were debated in great detail throughout the 1980s, and Chairman Udall was adamant in opposing successfully the many versions of no-more amendments, that this was it for wilderness, that lands released must be developed and so on. It is frustrating to hear this argument disinterred when it was decisively defeated long ago.

Even if we focus strictly on lands the statute and the Committee said in effect would now be managed for multiple use, the Secretary has acted fully within the meaning of that term. Multiple use doesn't mean singular use or any use or every use. It means the managing agency considers many competing uses and attempts to balance its often conflicting mandates. It can't permit all uses everywhere all the time. It has to make choices in a dynamic way on the basis of new facts and goals over time.

So when the committee report says lands are released to the land management process, it expects the Secretary to use its discretion to make these choices and seek this balance. That is very much what the Secretary has done here. And while it is perfectly legitimate to argue the merits of his action, in no way has he violated either the Arizona Wilderness Act or congressional intent expressed in the Committee report.

Mr. Chairman, in conclusion, I think it is not only wrong to read the Act as a limitation on the Secretary's power to manage new lands in new ways based on new evidence to meet new challenges decades after its passage, it is dangerous. Thank you very much.

[The prepared statement of Mr. Trautwein follows:]

**Statement of Mark Trautwein, Former Staff Consultant on Environment, Energy and Public Lands, U.S. House Committee on Interior and Insular Affairs, on H.R. 3155, The Northern Arizona Mining Continuity Act of 2011**

Mr. Chairman, it is a great pleasure to be back where I was privileged to work for more than 15 years. From 1979 until 1991, I had the honor of serving Mo Udall and, from 1991 to 1995, George Miller, as the full committee's staffer responsible for its jurisdiction over public lands, wilderness and national parks.

I am here today, representing myself only, to address certain assertions made in an October 12 letter signed by 12 Members of the House and Senate in which they argue that Secretary Salazar's mineral withdrawal order on the Arizona Strip breaks a promise made in Arizona Wilderness Act of 1984. The legislative history, it is argued, establishes that the Act was a final disposition of all land status on the Strip and that uranium mining issues would proceed forever without restriction outside designated wilderness. I am intimately familiar with that Act because Chairman Udall made me responsible for managing it, including gathering information, negotiating with all interested parties, and drafting bill and committee report language. I strongly disagree with the October 12 letter's broken promise theory and know of nothing implicit or explicit in the Arizona Wilderness Act, Mr. Udall's sponsorship of it, or the events leading to its passage, to support it. I have no useful expertise on any threat posed by uranium mining to the Grand Canyon ecosystem and offer no opinion on it. However, I am confident that the actions of Secretary Salazar are entirely consistent with both the letter of the Arizona Wilderness Act of 1984 and Congressional intent behind it.

Mr. Chairman, the 1984 Arizona Wilderness Act was essentially a Forest Service RARE II wilderness bill. On the other hand, BLM was still in the middle of its wilderness review process. It had created WSA's on the Strip and elsewhere in Arizona that had interim protections of indefinite duration and was years away from recommendations on which lands to designate as wilderness and which to release from those protections. This was a problem for a particular mining company—Energy Fuels Nuclear—that believed it had discovered valuable uranium deposits called Brescia pipes inside some of those WSAs and was anxious to develop them. So the company initiated negotiations with environmental and other interest groups for an agreement to short-circuit the BLM process and go directly to Congress with a stakeholder settlement. Eventually, that agreement became Title III of the Arizona Wilderness Act.

Neither the history nor the provisions of Arizona Wilderness Act support the idea that these events settled issues addressed by Secretary Salazar's order. On the contrary, the two are entirely different in scope and purpose. The Arizona Wilderness Act is a wilderness act. It considered whether certain lands met the conditions set forth in the 1964 Wilderness Act for inclusion in the wilderness system. The withdrawal order addresses the hydrology of the Grand Canyon ecosystem and the impact of one particular activity, uranium mining, on water quality. Watershed issues were never considered or addressed anywhere in the process leading to passage of the Arizona Wilderness Act and are beyond the scope of wilderness review.

In addition, the 1984 law and the withdrawal order do not even cover the same inventory of lands. The Arizona Wilderness Act considered only those lands in BLM and Forest Service wilderness study areas. It never examined at all vast tracts affected by the order because those lands did not meet the criteria required to receive interim protection while they were studied for their wilderness suitability. And the plain facts are that land status on the Arizona Strip already has changed, and profoundly so, since passage of the Arizona Wilderness Act and in ways that affect mining. ACEC's have been designated and two large national monuments proclaimed, and implicitly if not explicitly ratified by Congress, all without any objections that Congressional intent of 1984 had been abused.

In fact, many of the lands released in 1984 were incorporated into the Vermillion Cliffs and Grand Canyon-Parashant monuments in 2000 and 2001 and consequently withdrawn from new mineral entry. Other released lands are not covered by the Salazar order. While it is true that some released lands are included, the majority are not. Most of the lands that are covered in the order were never reviewed at all by Congress for anything, not even for wilderness, in 1984.

Even if Secretary Salazar were proposing to designate more wilderness, which he is not, his order would not violate the alleged promise of the Arizona Wilderness Act. That act, by its own language, is not the final disposition even of the wilderness question on the Strip, much less land use questions of entirely different scope and

impact. The statute's release language clearly requires the Forest Service to reconsider in subsequent planning cycles, supposedly every ten years, the wilderness suitability of all lands not already designated. This is no accident. Release language was an extremely contentious issue throughout the wilderness debates of the 1980s. Opponents argued persistently that lands not designated wilderness should be barred from future wilderness consideration. Some went even further with proposals that amounted to a Congressional directive that multiple use lands are free of any conservation protections or that no more wilderness ever be designated. Mr. Udall was the prime opponent of this argument and he defeated every 'no more'-type amendment he ever confronted. The bill as enacted adopted his position—that released lands should be eligible for reconsideration as wilderness—as did all other RARE II wilderness bills.

BLM lands are not subject to the same statutory cyclical planning process as Forest Service lands. Therefore, they did not require any comparable release language. Had it been necessary, however, Mr. Udall obviously would have taken the same position, that future reviews of land status are necessary and proper and that no Act of Congress, either implicitly or explicitly, ought to foreclose the possibility that future citizens, future agencies and future Congresses might propose additional protections on these lands. To see the defeated argument of so many years ago returning as if it had won is discouraging to say the least, especially when it has been stretched to argue against an action that is not wilderness, that addresses lands not even considered in the formulation of the Arizona Wilderness Act and protects those lands to an entirely different object and in an entirely different way.

It is true, of course, that lands released from wilderness study areas by the Act lost their interim protections, to be managed for multiple use under applicable law. It is also true that the committee report accompanying the Arizona Wilderness Act contains language generally laying out the desires of the interested parties and specifically describing how uranium mining might proceed with respect to lands outside BLM's Grand Wash Cliffs Wilderness and the Forest Service's Kanab Creek Wilderness. But the language makes it clear that even on those two sites and certainly elsewhere on all released lands, potential development was subject to the agency's full complement of land management tools and requirements. Those tools would include the ones Secretary Salazar has deployed. The report language cited by the October 12 letter provides no evidence at all that a promise has been made and broken.

To release lands back to multiple use, as the Arizona Wilderness Act did, only meant that exploration and development could take place as determined by the relevant agencies acting in accordance with applicable law, not that it must. The Secretary's order is entirely consistent with that position as his authority to withdraw lands temporarily from new mineral entry is a recognized part of his land management options. Even if Secretary Salazar were proposing wilderness on lands already considered by the Arizona Wilderness Act, he would not be violating either its language or its spirit. He is not, and both the Act and its legislative history belie the notion that it was intended to be some kind of barrier against potential new protections, freezing lands use decisions made in 1984 for all time, despite new facts and new evidence or new values.

I am utterly confident that this is exactly what Mr. Udall would have hoped would happen, that the Arizona Wilderness Act would be the catalyst for continuing concern and attention to protection of the Grand Canyon ecosystem, not less.

If there is a promise implicit in the Arizona Wilderness Act that Mr. Udall's work would be the final word on the Arizona Strip not to be rewritten by those who came after him, I am quite certain Mr. Udall did not share it. In fact, I can think of no idea more contrary to Mo's most fundamental beliefs about the work he cared about so deeply.

Mo was proud of his legacy as the greatest conservation legislator in American history. Thanks to his leadership, the national park system, the national wildlife refuge system, and the national wilderness preservation system were all more than doubled in size. The Alaska Lands Act was the single greatest stroke of conservation in the history of man. At every step of assembling that legacy, Mo's work was informed by what he often referred to as his 'love of the land'. He believed it was the duty of every generation to exercise its own love of the land to meet future challenges he could never anticipate. The suggestion that he would have thought that any citizen or group of citizens, the Secretary of the Interior or the Congress of the United States was precluded by some deal or some judgment he had made a generation earlier from taking new action to express that love, on the basis of new information and new evidence in an entirely different context, is just utterly antithetical to everything he believed.

Mo was Jeffersonian in his belief that every generation has the right and the duty to create its own world. He saw conservation as a *dynamic* process across time, an ongoing story to be written and rewritten every generation. He often talked about how as a younger man the mountains that ring Tucson were distant things, and that the city limits didn't even reach a ring of parks and wilderness areas that nearly surround it. But in his lifetime, Tucson had grown up to and beyond those mountains. The natural areas that used to be so distant are now islands in an urban sea. For him, it was evidence that you could never be visionary enough when it came to the land and you could never deny any generation its opportunity and its responsibility to take care of it.

I don't know what Mo would have thought about the impact of uranium mining on the hydrology of the Grand Canyon ecosystem nor do I have a worthwhile opinion on that question. But I do know the charge Mo would have given me. He would have wanted to know two things—is there credible evidence of a problem that requires action, and is the solution proposed reasonable and effective. In the matter before you today those are the questions members of this subcommittee and this Congress, in the House and the Senate, should address.

Mo's legacy is and always will be an enduring one. But Mo did not legislate on stone tablets. And he did not protect lands to *prevent* others from loving the land but to *inspire* them to carry on the great work. In the end, that is his true legacy, and if his work is to be invoked, let that be the cause it serves.

Mr. Chairman, I am grateful for the opportunity to testify on this important matter.

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Mr. BISHOP. Now beginning our questioning process for this panel. I know there is going to be multiple requests for rounds, so Mr. Grijalva, go ahead. Have at it. We will come back to you a couple of times I believe.

Mr. GRIJALVA. Thank you very much, and let me thank the witnesses for being here today. In a partial I think for the record response, earlier we heard the issue of national security and to be able to produce our own uranium so that we don't import as much as we are importing now and that would enhance our national security.

It should be noted, a Russian company within that 1 million acres that is being talked about controls 642 claims. And Members of the House, including Representative Bachus, Peter King, Mr. McKeon, Ros-Lehtinen, all wrote to the Obama Administration concerned about that, and to quote them, "We remain concerned that Iran could receive uranium supplies through direct or secondary proliferation." The House Members wrote in opposition to those claims, about the claims from a Russian company that bought out an American company. National security.

The issue of who is representing who in the area, you know, Coconino Board of Supervisors is on record supporting the withdrawal, the City of Flagstaff. The Navajo Nation in 2005 not only banned uranium mining on their land but banned all processing on their land, on Navajo Nation land.

So, in this debate about what to do with this withdrawal, the opposition is not isolated to one or two people I would add, and those 300,000-plus comments in the withdrawal, the vast majority of them favorable. While it is not a popularity contest, one should not claim purity of opinion because they represent an area that happens to support opening those areas up.

Central Arizona project is opposed to it. Metropolitan Water District of Southern California, Southern Nevada Water Authority. And so let us not narrow the scope of the opposition. It is wide and it is deep.

Mr. Abbey, is it correct that even with the full million acre withdrawal, uranium mining on existing valid claims will still be permitted?

Mr. ABBEY. That is true.

Mr. GRIJALVA. OK. And even with the withdrawal, mining will be permitted on over 1.2 million acres of the Arizona Strip, is that correct?

Mr. ABBEY. Those acres would still be available for mining, yes.

Mr. GRIJALVA. And the U.S. Geological Survey said this withdrawal, the million acres, would affect approximately 12 percent of available uranium in Arizona. That is correct as well?

Mr. ABBEY. I don't know that, Congressman.

Mr. GRIJALVA. And, Mr. Trautwein, thank you for your testimony again reemphasizing the point, but was the Arizona Wilderness Act of 1984 a wilderness act or a mining act?

Mr. TRAUTWEIN. It was a wilderness act. It obviously considered some concerns of interest to the mining industry. But the purpose of the act was to designate wilderness and resolve issues regarding interim wilderness protections.

Mr. GRIJALVA. And the 1984 Wilderness Act doesn't contain any language that discusses mining at all with regard to the Arizona Strip.

Mr. TRAUTWEIN. The Act itself does not discuss mining per se, no.

Mr. GRIJALVA. And so is it your understanding that when enacted, the 1984 Act, that was going to be the final word on future mining in the Arizona Strip?

Mr. TRAUTWEIN. Not at all. As I said in my testimony, we were resolving a particular issue unique to that time of an immature BLM wilderness review process on the strip that was an obstacle to uranium mining by one particular company I might add at that time. It was fully expected that the Act itself and the Committee report make clear that these lands that were not designated as wilderness—and again, this is a minority of the lands that are being withdrawn by the Secretary, and a majority of the lands that were released have since been withdrawn for mineral entry.

Mr. GRIJALVA. Thank you.

Mr. BISHOP. Mr. Johnson, do you have questions?

Mr. JOHNSON OF OHIO. I do. Thank you, Mr. Chairman.

Mr. Abbey?

Mr. ABBEY. Yes, sir.

Mr. JOHNSON OF OHIO. Last week the Secretary announced that you will now be the head of a merged BLM and OSM. I have a few questions around that merger. First, can you tell me when and how you first learned of the Secretary's plans to merge the two agencies?

Mr. ABBEY. Well, first, Congressman Johnson, I am not the head of the OSM or the Bureau of Land Management merger.

Mr. JOHNSON OF OHIO. Are you going to be the head of the resulting agency?

Mr. ABBEY. Not necessarily.

Mr. JOHNSON OF OHIO. But you are aware of it.

Mr. ABBEY. I am aware of the proposal to consolidate the Office of Surface Mining with the Bureau of Land Management.

Mr. JOHNSON OF OHIO. OK. Are you aware, have any assessments or analysis been conducted in the past that evaluated the impacts of merging all or part of OSM statutory responsibilities with BLM or what is now ONRR?

Mr. ABBEY. We have underway right now steps to do just that, to assess the consequences of moving forward in a consolidated fashion so that we can share some of our similarities between the Office of Surface Mining and the Bureau of Land Management as well as the respect—the SMCRA, the authorities of SMCRA, which requires—

Mr. JOHNSON OF OHIO. So are you saying that the announcement was to consider merging? Because what I have heard is that an announcement has been made that the two agencies will be merged. What you are testifying to now sounds more like you are evaluating the implications of that and how it complies with existing law. Which is it?

Mr. ABBEY. The secretarial order announced a consolidation of the Office of Surface Management with the Bureau of Land Management.

Mr. JOHNSON OF OHIO. OK. All right. How can we merge or how can the Secretary merge the regulatory functions of OSM with the coal-leasing functions of BLM into a single agency when SMCRA, as you just mentioned it, specifically prohibits this?

Mr. ABBEY. Well, the consolidation is part of the Department's ongoing efforts to make government work better by increasing efficiencies and all that.

Mr. JOHNSON OF OHIO. OK. I understand that.

Mr. ABBEY. You understand that.

Mr. JOHNSON OF OHIO. But to do that requires congressional approval because there are existing laws on the books, right?

Mr. ABBEY. The proposed consolidation will honor the intent and requirements of SMCRA.

Mr. JOHNSON OF OHIO. No. You told me it wasn't a proposed merger. You told me that the Secretary had announced the merger of the two departments. So is it proposed or is it announced?

Mr. ABBEY. It is an announced consolidation of the two bureaus.

Mr. JOHNSON OF OHIO. OK. So it is not a proposal. The Secretary has decided to merge these two agencies, correct?

Mr. ABBEY. That is true.

Mr. JOHNSON OF OHIO. OK. All right. Well, so then it is a violation of SMCRA, would you not agree?

Mr. ABBEY. I do not.

Mr. JOHNSON OF OHIO. You do not?

Mr. ABBEY. I do not.

Mr. JOHNSON OF OHIO. You pick and choose which laws we comply with and which ones we don't? You want me to read it to you?

Mr. ABBEY. The consolidation has not occurred yet, Congressman Johnson.

Mr. JOHNSON OF OHIO. But you said it is going to.

Mr. ABBEY. At the conclusion of assessment and reviews and consultation.

Mr. JOHNSON OF OHIO. Has the Solicitor issued an opinion or anything in writing in support of the Secretary's order?

Mr. ABBEY. The Office of the Solicitor has been involved in these discussions.

Mr. JOHNSON OF OHIO. Has he issued a report?

Mr. ABBEY. They have not issued a formal opinion.

Mr. JOHNSON OF OHIO. OK. All right. You know, to be brutally honest, Mr. Abbey, I am confused because not more than just a few minutes ago you testified on behalf of the Secretary that you would deny placing a commemorative on the World War II memorial because there is existing law that prohibits that. Yet we have on the books an existing law that says that these two agencies, that the Office of Surface Mining and Reclamation cannot assume the responsibilities of another agency that has authority over coal mining and minerals and such.

I am confused. The Department is citing a 1950s era law to justify the action and ignoring the 1970s law that I believe prohibits the merging. How do you justify that?

Mr. ABBEY. My testimony previously was based upon our feeling that your bill was inconsistent with the Commemorative Works Act.

Mr. JOHNSON OF OHIO. That is not my question. How do you justify violating the 1970s law that superseded the 1950s law that said that these two agencies can't be merged? How do you justify that?

Mr. ABBEY. Our actions will not violate that law. The actions that we take—

Mr. JOHNSON OF OHIO. If you merge the two agencies, it will without congressional relief from that law.

Mr. ABBEY. Under the consolidation, the Office of Surface Mining will continue to have a—it will be a separate entity within the Bureau of Land Management responsible for implementing SMCRA.

Mr. JOHNSON OF OHIO. Well, that is not what the law says. That is not what the law says. You know, if you are a simple, two-wheel wagon rut mule farm boy like me, I can tell you I am confused, and I guarantee you the American people are confused as well.

Mr. Chairman, my time has expired, but if we have a chance for a second round, I have some additional.

Mr. BISHOP. There will be a chance for a second round. The gentleman from California, Mr. Garamendi.

Mr. GARAMENDI. The proposed action of withdrawal is not yet complete. The decision, the final decisions, have not been made. Yet this legislation would terminate the process and keep these areas open, presumably for some national security reasons, that is, we need the uranium. Is that why? The advocate, the author of the bill is not here, but I presume that must be why he wants to do it. Or maybe it is for the jobs that could occur if there were unlimited opportunities for exploration.

I understand that there are 11 claims that exist that are not yet in production. Is that correct, Mr. Abbey?

Mr. ABBEY. We project that even with a full withdrawal if that is the Secretary's decision that there would likely be up to 11 mines developed.

Mr. GARAMENDI. And those must be based upon some existing claims.

Mr. ABBEY. They would be based upon valid, existing rights of the existing claims.

Mr. GARAMENDI. So presumably there is some significant opportunity since there are only four mines in existence now to more than double the number of mines that are in the area, almost triple them. Also, it is not testimony that has been received, but I will assert, having studied this matter for some time, that there is ample uranium fuel available today to really power the entire world for about 1,000 years if we were to utilize the full recycling of existing uranium stocks.

The uranium that would be mined here would be used in low light-water reactors that consume about 3 percent of the power, the energy in uranium. With the AREVA or the reprocessing system, you can consume another 3 percent, leaving something like 94 percent of the power of the energy in uranium behind to be disposed of in places like Yucca Mountain, which are controversial.

The U.S. Government between 1960 and 1994 developed a recycling mechanism that would consume 90 percent of that energy. It was set aside even though it had proved itself to be viable with some 30 years of operation in what is known as an integral fast reactor and a pyroprocessing system. If the United States were to pursue what it has spent some 12 to \$15 billion perfecting, we could consume the existing used nuclear material, which is now called waste, and not need to mine another ounce of uranium.

We have chosen not to do that for reasons that are obscure and incorrect, but if we would do it, we would not need to mine. So this is not a national security issue at all. This is an issue of choices that have been made. Now, if you want to promote some mining opportunities and some jobs, then go ahead and do this and see what the result would be. Additional contamination, additional problems that have already existed. There is a reason why the Navajo Nation has decided not to allow any more exploration in mining on the Navajo Reservation, because they have found it to create health hazards as well as contamination problems.

So I would suggest that the argument that is being made that the Nation needs this material for the nuclear energy industry is incorrect. In fact, we have more than enough if we chose to recycle what we already have. And I would suggest we ought to do that and not do more mining in these particular areas that are potentially withdrawn when the Secretary comes to make his final decision.

I have a question for the witness that was previously with the USGS. Are you now employed, or are you just retired? This would be Professor—rather Dr. Karen Wenrich.

Dr. WENRICH. I am a private consultant. I did work after the USGS for the International Atomic Energy Agency for three years as their senior uranium geologist, but I am a private consultant right now.

Mr. GARAMENDI. And who employs you now?

Dr. WENRICH. I was doing some consulting work for some of the people putting together the EIS because they were basing it on a lot of my publications.

Mr. GARAMENDI. OK. So you are employed by those who are advocating this piece of legislation.

Dr. WENRICH. Not just them. I also have been employed by the BLM actually. I was hired to teach a class.

Mr. GARAMENDI. But you are employed by those who are advocating the legislation?

Dr. WENRICH. I work for whoever would like to pay me to do some uranium research and answer their questions.

Mr. GARAMENDI. I am afraid I am out of time, but thank you.

Mr. BISHOP. Representative Gosar, do you have questions?

Dr. GOSAR. Yes. Director Abbey, I know my colleague preceded me kind of going about this same discussion. In Secretary Salazar's October 19 letter to me, the Secretary states that even with a full withdrawal, development of up to 11 mines in the area over the next 20 years is reasonably foreseeable, including the four mines that are currently under approved operating plans. A Bureau of Land Management press release announces the release of the final draft environmental statement, the FEIS, a similar claim that has as many as 11 uranium mines that could be operational over the next 20 years under the preferred alternative, including the four mines currently approved.

I would like to expand on this. The Secretary's preferred decision withdraws over a million acres subject to valid existing rights. Can you define how the agency defines valid existing rights? Because a lot of different language has been used over the past two years on what specifically is not subject to withdrawal, and I know that all of us are concerned about the ever-changing landscape by the Federal Government. Can you give me a definition?

Mr. ABBEY. Well, valid existing rights is based upon rights that are possessed under the 1872 Mining Law that exists for a subject mining claim. What this means is if there is a discovery, a verification of discovery at the time of the withdrawal and the existence of a valuable mineral deposit, then that right will be honored.

Dr. GOSAR. So at what timeframe does something have to be defined as a valid existing right?

Mr. ABBEY. It would have to be a discovery, and that discovery would have to have the existence of a valuable mineral deposit at the time of the withdrawal. Now a validity exam would not be performed until we received a mining plan of operation from a proponent. At that point in time, we would move forward with the validity examination.

Dr. GOSAR. So that would be at the final decision?

Mr. ABBEY. It would result in a final decision, whether or not there was valid existing rights.

Dr. GOSAR. But that could be determined at that final decision.

Mr. ABBEY. Once a determination was made, that would be a final decision.

Dr. GOSAR. But are we talking—at the release of the final environmental impact study—two years ago, when the temporary withdrawal was first announced—so all of these would follow through?

Mr. ABBEY. The existing mines? We have over 3,000 mining claims.

Dr. GOSAR. Oh, I understand. I am more worried about—

Mr. ABBEY. About a million acres.

Dr. GOSAR. I am worried about this aspect because it seems like we are forever changing the mantra of how we define that. So it is not subject to the final discussion or the final claim. It is just about the discovery of that mining ore, that ore, and coming to a final decision.

Mr. ABBEY. At the point in time that we conducted a validity exam, we would look at those two criteria: was there a discovery at the time of the withdrawal and whether or not it was an economic recovery or discovery.

Dr. GOSAR. So out of these 11 sites the Department claims could come to fruition are deemed valid existing rights by the Department today? Would all 11 be deemed that?

Mr. ABBEY. No. No. This is just a projection.

Dr. GOSAR. Just a projection. Where does the Department get this 11 number?

Mr. ABBEY. It would be based upon historic mining, it would be based upon our knowledge of various claims. It would be based upon information that has been shared with us by the companies themselves. But we have not conducted a formal validity exam of any proposal that are likely to come forth.

Dr. GOSAR. Are you aware of the FEIS proposal that there were 30 proposed mine sites?

Mr. ABBEY. We are aware in the EIS that if there is not a full withdrawal that we project up to 30 mines would be developed.

Dr. GOSAR. So now we are moving this number again. The BLM has regulations addressing when to require a valid existing rights determination for lands that have been segregated or withdrawn on, 43 C.F.R. 3809-100, right?

Mr. ABBEY. Yes.

Dr. GOSAR. Specifically, the law states that the BLM can allow exploratory operations in order to collect information from a mineral exploration point if such a report was not completed before the withdrawal goes into effect, but a claim was put in. Why wouldn't all 30 of these potential mines be subject to the special provisions under Federal code?

Mr. ABBEY. Because we have not conducted a valid existing right determination of any of those claims. What we have projected in the final EIS or even in the draft EIS is that if there is no withdrawal that there would likely be up to 30 mines to be developed in this area. That is not based upon a recognition of valid, existing rights. That is based upon what we project to occur in the next 20 years. They could be based upon new mining claims being filed out there.

Dr. GOSAR. But isn't it existing based upon what we defined in the determination that these are existing mining claims? The 30, not 11, the 30.

Mr. ABBEY. Well, what we do know, Congressman, is that there are over 3,000 mining claims today in this area.

Dr. GOSAR. But in this area that we are talking about and which this bill is talking about, there are 30 claims, not 11.

Mr. ABBEY. In this area that the bill is talking about, there are over 3,000 mining claims.

Dr. GOSAR. What we are talking about in regards to this determination is 30, not 11, in this withdrawal.

Mr. ABBEY. What we are talking about in our analysis is that we project based upon valid existing rights that there would likely be 11 mines developed even with a full withdrawal.

Dr. GOSAR. Thirty potential though.

Mr. ABBEY. The 30 represents the likelihood of 30 mines being developed if the withdrawal was not in effect.

Mr. BISHOP. All right. There will be time for additional questions here from everybody. Let me take my chance to do a few here. Supervisor Johnson, if I could deign to ask questions from somebody else here, what have the local BLM officials said about this proposed withdrawal?

Mr. JOHNSON. Mr. Chairman, we were told at one of our meetings of the Arizona-Utah Coalition by Scott Florence—he is the Arizona Strip district manager—that the regular resource planning process basically wasn't followed. What that means is at the lower level, when they see a problem or they have a concern, they work it from the bottom up.

This came from Secretary Salazar from the top down. So I am not aware that Secretary Salazar has ever set foot on our land, so it must have come as a vision.

Mr. BISHOP. OK. So there was some disconnect between what those on the ground are saying with what those here in Washington are saying in this, right?

Mr. JOHNSON. Yes.

Mr. BISHOP. Your slides were very interesting. What is the conclusion that you made from the slides about tourism in the Grand Canyon when mining was its peak in the eighties?

Mr. JOHNSON. That they both grew at the same time. When mining was at its peak, the tourism was at its peak. They go hand in hand.

Mr. BISHOP. So these horrible mines are not driving people away out of fear of glowing in the dark from the Grand Canyon.

Mr. JOHNSON. No, not at all. And I think they actually enhance it because we have more people there who actually can go to the Grand Canyon and enjoy it.

Mr. BISHOP. They are apparently not driving away your constituency either at the same time?

Mr. JOHNSON. No, no. The only thing driving away our constituency is lack of jobs, sir.

Mr. BISHOP. Dr. Wenrich, you did a couple of hypothetical surveys, i.e., as to a truck accident. And I appreciate your comments that this stuff is not going to be kept onsite, so obviously some of the considerations that were being made in the EIS are making assumptions that are not practical in reality. But you said that when you found there would be no significant increase in uranium in the Colorado River if a couple of truckloads were to actually be dumped in the river, how many truckloads of ore would it take to see an elevation in contamination that goes above EPA's safe standards?

Dr. WENRICH. Well, the EPA safe standard is 30 parts per billion. To get the level up to 32 parts per billion, it would take 8,000 trucks each hauling 66,000 pounds of ore.

Mr. BISHOP. OK. I am sure we can find that many drunk truck drivers to actually accomplish that for you. Director Abbey in his statement said that the EPA standards found levels of uranium in

15 springs and five wells in his EIS that are higher than the EPA standard. First of all, is that a logical justification, and is that a justification for closing uranium mining?

Dr. WENRICH. Well, first of all, he said that they were from natural sources or from mines, and I don't know of any more than one that could even possibly be related to mines. Most of them are from the natural uranium erosion in the Grand Canyon. And I am actually quite terrified that we would mix mining with natural erosion. I am not sure I understand why we would penalize the mining industry because of natural erosion. In fact, you could even make the statement that the mining industry would remove some of the uranium that is getting into the system naturally.

Mr. BISHOP. The uranium mines could be presented. Is there enough rainfall that takes place on the strip to assume that it could actually erode down to that area and run it into the Colorado River or the Grand Canyon?

Dr. WENRICH. Well, if a mining company was sloppy with their ore piles, it could be a problem, but they haven't been. There was one very, very minor mishap, but the ore didn't go anywhere, and it was all picked back up within a few feet. That was a flash flood. For the most part, the groundwater table is down 2,000 feet, and the ore is well above that. And there has been really no evidence of any contamination into the water system. There have been all kinds of studies done subsequent to the mining, and the mines that were done in the 1980s and early 1990s, you can't even find where the mines used to be.

Mr. BISHOP. Thank you. That seems consistent with the testimony we have had at other hearings on this particular issue at the same time.

Mr. Trautwein, I am troubled by your testimony. While it is technically correct, it is technically correct in a way that gives me some kind of concern or heartburn at the same time. For example, when in your written testimony you say that the designation of the two large national monuments proclaimed and implicitly if not explicitly ratified by Congress, all without any objection, that the congressional intent of 1984 had been abused. That is technically correct.

It is also an inaccurate statement at the same time because that is not necessarily what people were saying about it at the time. It is true that the Act itself did not have some of the prohibitions you mentioned or talk about them. But the report did and the agreement did. I find it troubling when Senator McCain, former Senator DeConcini, Senator Hatch all come here and have a different opinion of what was happening at the time than you have given and so does the BLM district director who was there at the time.

In his statements, after some 27 years, it seems that those negotiations and agreements have been forgotten. A withdrawal from the mining entry is in direct conflict with the good-faith efforts put forth by the stakeholders and a mockery of the stakeholders' negotiation process.

Now what you said is technically accurate, but this is the spirit of what happened at that particular time. Now, Mr. Abbey, this is one of the things for which we have difficulty. If you recall in the 30 seconds that I am going to lose because I can't say this and then

ask you a question, so I am going to quit and come back to you in the next round. Be ready for me.

Mr. Grijalva, do you have other questions?

Mr. GRIJALVA. Yes. Thank you, Mr. Chairman.

Mr. Trautwein, in the proposed withdrawal that the Administration put forth designating the area as wilderness, is there a difference between wilderness and a simple withdrawal from mining? Because I think we are getting—

Mr. TRAUTWEIN. Well, they are totally not the same thing. As I said, wilderness covers many, many activities. The withdrawal order covers this single activity. To call this a wilderness, a de facto wilderness, is tantamount to saying that anytime the Secretary or the agency chose to close a road for public safety reasons or declined to open a road, anytime it declined to issue an oil and gas or coal lease, anytime it refused to site a solar power plant or a wind farm on multiple use lands that he was turning those lands into de facto wilderness when they are not comparable at all.

Mr. GRIJALVA. Thank you. Director Abbey?

Mr. ABBEY. Yes.

Mr. GRIJALVA. My understanding, 300,000-plus public comments were submitted to the draft environmental impact statement that your agency prepared. Are you able to tell the Committee what percent of the comments were in favor of the full million acre, or are we at that point yet?

Mr. ABBEY. Yes. Well over 90 percent of the comments we received were favorable of the entire withdrawal.

Mr. GRIJALVA. And in terms of the amount of public comments, how would you categorize them compared to other processes that—

Mr. ABBEY. A little higher than most, even though many of our issues today are becoming more and more controversial. The fact is that we received close to 380,000 submissions during scoping as well as the public review process. It is not just the numbers that we received. It was the substance of the responses that we received and the data and the information that they provided and the passion that they had relative to protecting these areas.

Mr. GRIJALVA. And if you could briefly describe the nature of the comments that you received from tribal governments, native peoples during your consultations.

Mr. ABBEY. Well, the tribes who did comment, and there were many, were unwavering in their support for the full withdrawal right from the beginning. When the issue was first surfaced during scoping, the tribes that participated, and we had actually two tribes serve as cooperating agencies as part of the planning process, but all of the tribes were very supportive of a full withdrawal to protect their heritage and to protect the areas that they most value.

Mr. GRIJALVA. And let me thank you and your agency for the government-to-government consultations you have had with the various tribal governments. It is a practice that I would hope more agencies undertook here. But I appreciate that. I know the tribal government does as well.

Ms. Wenrich, let me ask you a couple questions. Do you stand to benefit personally if the Department's proposed withdrawal is

terminated? In other words, would you benefit financially if the bill you are testifying on were enacted and became law?

Dr. WENRICH. Just like everybody in northern Arizona, I stand to benefit from having a job. But if you are thinking that that is going to affect my testimony, I might point out to you that I am a research scientist with a Ph.D. I have done almost all of this research prior to this.

Mr. GRIJALVA. OK. But I am asking if—well, Mr. Chairman, let me just submit for the record copies of a Securities and Exchange Commission filing by American Energy Fields, Incorporated that states that the witness will receive at least \$225,000 for selling 61 uranium claims that she currently owns in northern Arizona once, once the withdrawal is terminated. Is that SEC filing correct, Ms. Wenrich?

Dr. WENRICH. I think you need to give me the courtesy of explaining the fact—

Mr. GRIJALVA. The courtesy is all yours.

Dr. WENRICH.—that everything that I have done in this research was prior to me owning those claims that I started two years ago. All research is based on previous work that was done long prior to this when I was a government scientist and when I worked for the International Atomic Energy Agency. As a scientist, I believe in giving all the facts, and I challenge you to find where my facts are erroneous. So I think whatever my career opportunities are, it is irrelevant to what I am presenting here.

Mr. GRIJALVA. The question, is the filing correct or not?

Dr. WENRICH. I just said it was correct.

Mr. GRIJALVA. It was?

Dr. WENRICH. Yes, it is correct.

Mr. GRIJALVA. Thank you. Out of time, sir.

Mr. BISHOP. Mr. Gosar.

Dr. GOSAR. Mr. Chairman, I would like to officially—I know that before I got here, we had a statement presented by Mr. Grijalva that is incorrect. I want to submit for the record a letter from the CAP Board dated May 3, 2011. It officially talks about the CAP water has not officially taken any stance on regards to Mr. Franks' bill. But in their letter they submit that clearly states that they are not opposed but just encourage compliance with environmental law.

Mr. BISHOP. OK. I will allow for the separate filing.

[The letter from the CAP Board follows:]

**Lower  
Colorado  
River  
Water  
Quality  
Partnership**

**CAP**

CENTRAL ARIZONA PROJECT

David V. Modeer  
General Manager  
Central Arizona Project  
P.O. Box 43020  
Phoenix, Arizona 85080-3020  
623-869-2333



Jeffrey Kightlinger  
General Manager  
Metropolitan Water District of  
Southern California  
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Los Angeles, California 90054  
213-217-6000



SOUTHERN NEVADA  
WATER AUTHORITY

Patricia Mulroy  
General Manager  
Southern Nevada  
Water Authority  
1001 South Valley View  
Las Vegas, Nevada 89153  
702-258-3100

May 3, 2011

Northern Arizona Proposed Withdrawal Project  
Attn: Scott Florence, District Manager  
Bureau of Land Management  
Arizona Strip District Office  
345 East Riverside Drive  
Saint George, UT 84790-6714

Dear Mr. Florence:

Draft Environmental Impact Statement for Northern Arizona Proposed Withdrawal Project

This letter is being sent in response to the Bureau of Land Management's (BLM's) Draft Environmental Impact Statement (DEIS) for the Northern Arizona Proposed Withdrawal Project in the vicinity of Grand Canyon, Arizona. The DEIS documents potential environmental impacts of the proposed 20-year withdrawal of approximately one million acres of land from new mining claims under the General Mining Law of 1872. As part of the DEIS, four alternatives were evaluated: "No Action" (i.e., subject lands would remain open to mining); or either approximately 1,000,000; 650,000; or 300,000 acres of federal land to be withdrawn from operations for 20 years. The stated purpose of the withdrawals would be to protect areas along the Grand Canyon and the Colorado River from adverse effects of mining, except those effects stemming from valid existing rights.

BLM is commended for its leadership in evaluating the environmental effects of uranium and other mineral exploration and mining in the Grand Canyon area. The Colorado River provides a critical supply of municipal drinking water, agricultural irrigation water, water for wildlife habitat, and water for recreation for the Lower Basin states of Arizona, California, and Nevada. Protection of the Colorado River's water quality is vital to maintaining these beneficial uses. The Central Arizona Project (CAP), Metropolitan Water District of Southern California (Metropolitan), and Southern Nevada Water Authority (SNWA) are stakeholders with vested interests in the water quality of the municipal drinking water supplies for Arizona, California, and Nevada, respectively.

Mr. Florence  
May 3, 2011  
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CAP operates and maintains a 336-mile long aqueduct system that supplies approximately 1.5 million acre-ft of Colorado River water to central and southern Arizona. CAP, which serves nearly 80% of the state's 6.5 million residents, supplies water to Pima, Pinal, and Maricopa Counties, including the greater Tucson and Phoenix metropolitan areas as well as numerous other cities and towns, tribal communities, industries, and farms.

Metropolitan is a consortium of 26 cities and water districts that provides drinking water to nearly 19 million people in Los Angeles, Orange, San Diego Counties, and parts of Riverside, San Bernardino, and Ventura Counties. The Colorado River is a principal water source for Metropolitan's 5,200 square-mile service area.

SNWA is a cooperative agency comprising representatives from the Big Bend Water District, Clark County Water Reclamation District, Las Vegas Valley Water District, and the cities of Henderson, Boulder City, Las Vegas, and North Las Vegas. SNWA gets nearly 90 percent of its water supply from the Colorado River and serves approximately 2 million people in the Las Vegas area.

Recently, CAP, Metropolitan, and SNWA signed a three-party memorandum of understanding to form the Lower Colorado River Water Quality Partnership (Partnership). The Partnership's purpose is to identify and implement collaborative solutions to address water quality issues facing the Colorado River and our respective agencies. Protecting the Colorado River's water quality is of paramount importance and, as such, the potential for degradation of Colorado River water quality through increased uranium mining in the Grand Canyon area is an issue of concern to the Partnership.

The U. S. Environmental Protection Agency has established drinking water standards for uranium and other radiological compounds due to their toxicity and carcinogenicity. Uranium is a radioactive constituent with significant associated health concerns. In addition to the potential public health impacts if not managed appropriately, exploration and mining of radioactive material near a drinking water source may impact the public's confidence in the safety and reliability of that water supply. Historical uranium mining has led to considerable environmental damage, with subsequent cleanup efforts taking decades to complete. One prime example is the uranium mill tailings pile that sits along the Colorado River near Moab, Utah. Although removal of the 16-million-ton tailings pile is underway, the remediation of this site comes with considerable costs and the prolonged threat to the Colorado River persists until final cleanup is complete. It is therefore critical that potential water quality effects are fully understood prior to the exploration and mining of uranium and other minerals in all areas proximate to the Colorado River and its tributaries.

The DEIS for the Northern Arizona Proposed Withdrawal Project indicates that all of the alternatives evaluated would result in a negligible increase in uranium concentrations in the Colorado River over historical background levels. It should be noted, however, that the effects of increased mining within the subject area may affect consumer confidence over the safety and reliability of the Colorado River for its use as a municipal drinking water supply, irrespective of any definitive public health impacts. Considering the tragic aftermath of the recent earthquake and tsunami in Japan, the public has a heightened concern over the potential for even minute amounts of radiation in water supplies. As such, it is critical that a comprehensive water quality monitoring program be in place to inform stakeholders and ensure long-term protection of the Colorado River from threats of uranium and other regulated constituents impacted by mining operations for all alternatives being investigated.

Mr. Florence  
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The DEIS also addresses the issue of water usage in the affected areas as a result of mining operations. Because extended drought in the Colorado River Basin has threatened available water supplies, CAP, Metropolitan, and SNWA have substantial concerns over additional consumptive uses of water that could result from extensive mining activities. Exploration and mining within the subject area may also lead to increased erosion and sediment loading along the tributaries to the Colorado River, potentially affecting salinity levels. CAP, Metropolitan, and SNWA participate on the Colorado River Basin Salinity Control Forum and are committed to efforts to control salinity inputs along the Colorado River. We request that the Final EIS clearly identify the potential impacts of large-scale exploration and mining activities in the subject area on salinity loading to the Colorado River. Each of these issues, water quantity impacts and water quality impacts, is important to CAP, Metropolitan, and SNWA.

Lastly, it is not clear whether the DEIS evaluated worst-case scenarios for each of the alternatives should the mitigation measures designed to prevent downstream transport of uranium-bearing material fail. Given the uncertainty in the location and number of mines to be operated under each alternative, the Partnership requests that worst-case scenarios be fully evaluated in the Final EIS in terms of the water quality effects on the Colorado River and its tributaries. As the Colorado River serves as a primary water supply to over 26 million people in Arizona, California, and Nevada, this information is of vital importance in evaluating the withdrawal alternatives.

The Partnership recognizes the significant efforts taken by BLM to evaluate the environmental effects of mineral exploration and mining on the water quality of the Colorado River. We appreciate the opportunity to comment on this DEIS and look forward to receiving the Final EIS and Record of Decision that identifies an alternative which ensures the long-term protection of the Colorado River and its tributaries. CAP, Metropolitan, and SNWA firmly believe that all efforts possible should be made to safeguard the public's drinking water sources. Thus, federal agencies with oversight over mineral exploration and mining operations in the Lower Colorado River Basin must use their authority to prevent any potential for deterioration of this critical water supply for millions of people. We thank you for your efforts to fully investigate this important issue.

Sincerely,



David Modeer  
 General Manager  
 Central Arizona Project



Jeffrey Kightlinger  
 General Manager  
 Metropolitan Water District  
 of Southern California



Patricia Mulroy  
 General Manager  
 Southern Nevada  
 Water Authority

cc: The Honorable Ken Salazar

Dr. GOSAR. Mr. Abbey, let us go back here to our previous discussion.

Mr. ABBEY. Please. Yes.

Dr. GOSAR. OK? If the withdrawal is finalized to date, right now—

Mr. ABBEY. Yes.

Dr. GOSAR.—how many claims are defined as to have valid existing rights?

Mr. ABBEY. I could not give you that answer because we have not conducted validity exams.

Dr. GOSAR. So then, you know, in regards to if this withdrawal is necessary, wouldn't all of this analysis be done, all compliance

with Federal land development be done with or without the withdrawal?

Mr. ABBEY. The number of mines that would exist under a withdrawal versus without a withdrawal would be different.

Dr. GOSAR. But according to this, as of today, it should be 30 based upon what is defined in this law, what we have cited earlier on 3809-100. There should be 30. If I am reading this right, it should be 30 as defined.

Mr. ABBEY. No. Congressman, again, we are not in the position of telling you exactly how many valid existing rights exist within the 3,300 mining claims that are out there today.

Dr. GOSAR. So let me ask you this. At what point can the agency deem these invalid in your administration or any other administration in the future? Are we talking about 20 years from now? Can they no longer utilize the special provisions to this?

Mr. ABBEY. No. What we would normally do is wait until we receive a specific proposal before conducting a validity exam. Now this is the Bureau of Land Management. We would wait for a mining plan of operation to come forward, and at that point in time, if the area was withdrawn, we would conduct a validity exam.

Dr. GOSAR. OK. Ms. Wagner, isn't most of the problems with the Native Americans actually indicated by the government's role in uranium mining?

Ms. WAGNER. To me or to Ms. Wenrich?

Dr. GOSAR. Wait a minute. I am sorry. Isn't the Native Americans' problem with uranium mining predominantly based upon what has happened—I mean Karen, I am sorry—problems with government mining of uranium?

Dr. WENRICH. Yes, that is correct. Unfortunately we are mixing apples and oranges. The modern mining is so different from what was done in the 1950s, and they are basing all of their emotion on what was left over in the 1950s when nobody thought to clean up piles of tailings and waste rock. Nobody ventilated the mines and nobody worried about miners who smoked being irradiated 10 times more than somebody who didn't smoke. So, yes, that is correct. All of this is based on old mining.

Dr. GOSAR. And I know a lot of this. I mean, I am citing October 20, 2011, Thursday, The Daily Sun out of Flagstaff talks about EPA wraps up uranium mine cleanup on the Navajo Nation. And that is not really true, is it? We got lots more problems because of government mines, don't we?

Dr. WENRICH. There are still some, but they have done a pretty good job of cleaning most of it up. But there are still some.

Dr. GOSAR. Well, what about the Tuba City Mine, the dump site?

Dr. WENRICH. I think most of that has been pretty well cleaned up because as I drove by about a year ago, it was very different than it had been 10 years ago.

Dr. GOSAR. Well, not really.

Dr. WENRICH. Oh, OK.

Dr. GOSAR. We have a problem, OK? This is overseen by the Department of the Interior, and we have a huge plume that is moving into water supplies all the way around that dump, implicating not only Tuba City but the Hopi Tribe as well. But once again, this was

under the government, and so there is a very different type of a rules scenario and process than was before.

Dr. WENRICH. I might point one thing out though. In that area, the uranium is right at the surface in a chimney formation, and it is very difficult to determine what is naturally occurring and getting into the water system from what is left over from the old mining. Granted, there is enormous contamination from the old 1950s mining and mill site.

Dr. GOSAR. Mr. Chair, just for the record, a petition where 187 Navajos are opposed to withdrawal for economic benefits for the record as well.

[The petition submitted by Dr. Gosar has been retained in the Committee's official files:]

Dr. GOSAR. You know, and that is our biggest problem is we are finding a source of problems is the Federal Government itself, and there is no bigger critic than my family of uranium mining in the past from western Wyoming. But what we have to deal is facts, not hearsay, not scare tactics but the facts. And I am seeing it very clouded and misrepresented. So my time is up, and I thank you.

Mr. BISHOP. Mr. Garamendi.

Mr. GARAMENDI. I think the gentleman should add to it that these were private mines that were operated during that period of time in the fifties and that the operators abandoned the mines and the Federal Government was left to clean it up. And whether the cleanup is complete or not or whether it was done as well as it should have been done is a question, but again, it was private mines. My understanding is there are some 3,000 claims, mining claims, in the area that is going to be withdrawn. Is that correct?

Mr. ABBEY. That is correct.

Mr. GARAMENDI. OK. And the analysis made by the Bureau of Land Management is that of those 3,000 there is a probability that some 11 would, could prove to be actual mines, is that correct?

Mr. ABBEY. That is correct.

Mr. GARAMENDI. Now the process of proving up a claim is quite different than filing a claim, is that correct?

Mr. ABBEY. That is correct.

Mr. GARAMENDI. So what we are talking about here is the 3,000 claims have been filed. It is up to the claimant to then prove that an actual mine can exist, and that does require that there be a mining plan and the various environmental things go forward. And based upon the analysis done by the Department, by the Bureau, is that of the 3,000, perhaps 11 would prove to be actual mines. Is that correct?

Mr. ABBEY. That is the projection that we made based upon an assessment.

Mr. GARAMENDI. But the other 2,989 could also prove to be mines, is that correct?

Mr. ABBEY. We would conduct a validity exam to determine whether or not they had valid existing rights.

Mr. GARAMENDI. But it is up to the claimant to pursue it, correct?

Mr. ABBEY. It would be up to the claimant to pursue it.

Mr. GARAMENDI. OK. So there is some potential for an enormous number of mines here, but the odds are there is likely to be only

11. That is two and a half times more than exists today I think by rough mathematics. So we are talking about here an area that is to be withdrawn that nonetheless has some 3,000 existing claims on it, unproven but existing claims. So what is the problem here? What is the problem? I think the problem is one of politics and perception rather than reality.

The reality is that a good deal of mining could take place in these areas that are going to be withdrawn, and therefore, we are down to a perception problem. Let us beat up the Bureau of Land Management and the Secretary because that seems to be a pretty good sport now here in this capital when in reality there is the potential already existing in this area of a whole lot of mining to go on.

Whether it should or should not we can debate. But the fact is that the withdrawal does not change the reality on the ground that there are 3,000 existing claims that the claimant could if they chose to prove up and get a mine underway. Now there are environmental issues and there are mining laws and all the rest that need to be done.

And by the way, what does the Federal Government get out of this? Is there a royalty? No, there is not a royalty. It is our, our, the American public's, uranium. And the American public, operating through the Secretary, has decided no more claims. There are already 3,000, no more needed. Thank you. Enough already. And by the way, the U.S. taxpayer has been left to clean up the old mines in this area. We don't need anymore. The withdrawal is appropriate. The Secretary will make a final decision when the time comes. This bill is totally inappropriate. I yield back.

Mr. BISHOP. Thank you. Let me engage I guess in politics for a second here. The 3,000 mine claims that are still out there, Dr. Wenrich, what would have to be the condition before any of those could actually be identified or move forward?

Dr. WENRICH. Thank you for the opportunity. I think there is a lot of misunderstanding here over the mining law and the process. First of all, as Mr. Abbey has said, each holder of the claims has to prove that they have valid uranium on those claims. It is impossible for 95 percent of those claims to prove that because they have been denied the opportunity to drill on those claims and make a discovery. Without a discovery, they cannot fulfill the Bureau of Land Management's validation of these claims. And so it is very misleading to say that.

So basically every one of the claim holders out there is going to lose its money. Also to say that the Federal Government gets nothing is erroneous. Just ask me every time I have to write a check for those claims I have been accused of having to the Bureau of Land Management. It is significant. We pay hundreds of thousands of dollars in maintenance fees.

Mr. BISHOP. Let me see if I can restate that in words that I understand by myself.

Dr. WENRICH. I am sorry. OK.

Mr. BISHOP. It simply means that those 3,000 claims could have been done were they allowed to drill in there, produce the ore, make the statement, all of which have been precluded by the Secretary's withdrawal.

Dr. WENRICH. Correct.

Mr. BISHOP. So, if they had done that before 2009, it would be possible to do that. That is why we are going to end up with around 11 mines—

Dr. WENRICH. Exactly.

Mr. BISHOP.—because those are the only ones that have actually done that before 2009 when Secretary Salazar made his very precipitous action. Ms. Wenrich, I have one last question to you, and I think it is only fair to ask you this. Do you stand by the data you have submitted to this group?

Dr. WENRICH. I absolutely do. And whether I hold any mining claims that I have had since only two years has absolutely no bearing on all the research and everything I have stated in here. I would like to think that I have the utmost of scientific integrity.

Mr. BISHOP. Thank you. Mr. Abbey, did the EIS reveal damage, direct damage, substantiated damage to the Grand Canyon watershed as a result from uranium mining?

Mr. ABBEY. The draft EIS stated that there was incomplete and unavailable information that added uncertainty to the analysis and cited potential risk of mining.

Mr. BISHOP. Thank you. And I appreciate that. That is one of the things that worries us on why we are proceeding to make some final statements with, you know, incomplete data at that particular point. I do have some concern though. You know, if the Department is willing to allow 11 mines to go forward with the great risk that this would bring to the Grand Canyon and to all the people in Los Angeles and Las Vegas who would be drinking the water, where is the humanity if you actually are going to allow 11 mines to go forward?

Mr. ABBEY. It is based upon the rights that were conveyed to miners by the 1872 Mining Law.

Mr. BISHOP. But those 11 mines won't destroy people and destroy all the visitors that are going to come to the Grand Canyon?

Mr. ABBEY. Mr. Chairman, the question that is before the Secretary at this point in time is not whether to stop cautious and moderate uranium development but whether to allow unprecedented levels of uranium mining in this area without knowing the full consequences of that action.

Mr. BISHOP. And your data so far is not close to that. But I have to say this. And you notice I was maybe saying something with sarcasm, which I am not known to do. But if you are willing to go forward with 11 mines, that says something about the overall concept that is going along here and some of the rhetoric that is taking place in this entire debate, in the entire debate.

Now does anyone happen to know how much uranium we import into this country? If you don't, that is not unacceptable. I think the next panel will go into that in some detail. Does anyone happen to know that?

Mr. JOHNSON. I believe, Mr. Chairman, we import 90 percent of it.

Mr. BISHOP. OK. And yet somebody testified that 40 percent of all our resources are actually here in this particular area in the United States.

Mr. JOHNSON. Yes, sir. And also, because of the high grade, it will make other uranium sites around the United States useful again as far as mining.

Mr. BISHOP. All right. I appreciate all of you, and I am ready to move on. But, Mr. Abbey, I have to ask you three last questions.

Mr. ABBEY. Please.

Mr. BISHOP. And I know you are going to be ready for these. Is the BLM doing any work on potential Antiquities Act designations?

Mr. ABBEY. No.

Mr. BISHOP. Has the Secretary or anyone in the Department asked BLM for input on any potential designations?

Mr. ABBEY. Under the Antiquities Act?

Mr. BISHOP. Yes.

Mr. ABBEY. No.

Mr. BISHOP. OK.

Mr. ABBEY. Mr. Chairman, could I make one statement though?

Mr. BISHOP. I have 37 seconds. Go for it.

Mr. ABBEY. In response to an allegation that was raised. The integrity of the BLM's planning process and NEPA analysis has not been jeopardized. I think where the local field manager, in this case a district manager, made a statement is that the decision whether or not to withdraw this area is a decision of the Secretary of the Interior. It is not his decision to make.

When the Secretary selected the preferred alternative as the full withdrawal, it was based upon a recommendation that came from me, from the Director of the National Parks Service, from the Chief of the U.S. Forest Service and the Director of the U.S. Geological Survey. That is normal when it is a secretarial decision and not a decision to be made by the district manager.

Mr. BISHOP. Mr. Abbey, I will conclude here. And I don't have any—do you have any other questions before I ramble on here, if we are ready—do you have any for these witnesses before—let me just close this panel out then and make this last rambling comment.

It is frustrating to me that the preferred alternative from the Interior Department matches the original withdrawal concept, especially based on the data that has been presented by Interior versus the data that has been presented by other groups so far.

Mr. Abbey, there was a time when you and the Secretary, Representative Hastings, Representative Simpson and I had some private conversations. And I said that there were some frustrations we felt in moving forward with wildlands, which was the topic at that point, because we did not trust what would happen in the future. You made accommodations with that and I want to publicly acknowledge that, and I appreciate those accommodations. Even though you didn't withdraw the order, I still trust your accommodations on that.

This is the same kind of situation in which a prior Congress, the Members sat down and they made accommodations. Maybe not technically within the bill, but the accommodations were clearly there. And all those who were involved in it understood it. And now once again we are going back on those accommodations, which means looking forward to the future, I hope you can understand why some of us want to always insist there is hard-release lan-

guage everywhere because we don't have a whole lot of faith in what can happen in the future. And this is a classic example of that.

Anyway, I appreciate it. Now, Mr. Abbey, Ms. Wagner, if you would like to stay for the other panel, you are welcome to. If you don't want to, you are welcome to do whatever you want to do at this stage. I would even invite you up on the dais because no one else has accepted that offer from me so far. We will see what happens. But I appreciate that.

With that, this panel is excused with expression of gratitude for your willingness to come here and speak to us. I would like to now invite another panel. And once again, Director Abbey and Ms. Wagner, if you would like to stay, you are welcome to. If you don't, that is your choice.

I would like to invite Mr. Harold Roberts, who is the Executive Vice President of Denison Mines; Mr. Richard Myers, who is Vice President of the Nuclear Energy Institute; and Mr. Stephen Verkamp, who is the President of Verkamp's, Incorporated. If they would come and join us.

Gentlemen, we appreciate you being here. I think you heard the drill on every other panel before. You still know the bit. Your written record is already—oh, good grief. Your written statement is already in the record. And this is the oral portion to it, five minutes before you, green go, yellow get ready to stop, please stop at red if possible. And with that, we would like to turn first to Mr. Roberts from the Denison Mines for your comments to the Committee if you would, please.

**STATEMENT OF HAROLD ROBERTS,  
EXECUTIVE VICE PRESIDENT, DENISON MINES**

Mr. ROBERTS. Thank you, Mr. Chairman, Ranking Member Grjalva, Members of the Committee. I appreciate the opportunity to speak to the Committee today. Again, my name is Harold R. Roberts. I am Executive Vice President, U.S. Operations, for Denison Mines USA Corp.

Denison is a publicly traded company with uranium recovery operations in the Western U.S. as well as properties in Canada, Mongolia and Zambia. Our holdings in the U.S. include three operating uranium mines in Utah, two operating mines in northern Arizona and the only operating uranium mill in the U.S., located in southeastern Utah. We currently directly employ over 350 people in our U.S. mining and milling operations.

I am here today to voice our support for H.R. 3155, the Northern Arizona Mining Continuity Act of 2011, and to express our concerns about the negative impact from the Department of the Interior's plan to withdraw from mineral entry over 1 million acres in northern Arizona. This action will have long-lasting, negative effects on our company, other exploration and mining companies and most importantly will negatively impact the long-time residents and citizens of the Arizona Strip.

On the Arizona Strip, Denison currently employs 60 people earning from \$35,000 to \$115,000 per year plus benefits. The company also hires an additional 15 subcontractors. In addition to our two operating mines on the Arizona Strip, the company has plans to

open mines on three additional ore deposits in the next two years. While the withdrawal will not affect the currently operating mines, it will potentially jeopardize the plans for the three additional ore deposits controlled by Denison and possibly takes those property from us and eliminates the future jobs.

The two current mines in the Arizona Strip will be mined out in one to three years, and the new mines are critical to maintaining and growing the current workforce. The uranium deposits in northern Arizona called breccia pipes are unique in that the ore grades are some of the highest in the U.S. The surface disturbance for a fully developed mine is relatively small, less than 20 acres or about the size of a WalMart parking lot. The mines are generally dry, and the timespan from development through full reclamation is less than six to eight years.

Once fully mined out, the reclaimed sites exhibit no evidence of past activity and are returned to the original land use. The Bureau of Land Management's own draft environmental impact statement on the withdrawal stated that there is no contamination of the Colorado River watershed, and that quote is in my testimony. I won't repeat it here. It has been talked about enough today already. Denison acquired the Arizona mines from my former employer, Energy Fields Nuclear, who discovered, permitted, operated and successfully reclaimed five breccia pipe mines in northern Arizona in the 1980s and early nineties.

The reclaimed sites demonstrate that these deposits can be developed with little or no impact to the environment while still providing high-paying jobs to local and state economies in Arizona and Utah. The current perception that uranium mining is detrimental to the environment of northern Arizona is not supported by the history of similar operations. In the 1980s, at the time Energy Fields was operating on the Arizona Strip, similar cries for protection of the area were heard.

Working with environmental groups and Federal and State legislators, a landmark compromise between the environmental and mining communities resulted in the Arizona Wilderness Act of 1984. This also added more than a million acres of land to the national wilderness preservation system and provided that mining and grazing be allowed in those areas released for multiple use and not designated as wilderness if conducted in a responsible and sustainable manner.

The Act specifically directed that nearly half a million acres of Bureau of Land Management lands and 50,000 acres of Forest Service lands be released from wilderness study area status with the understanding and intention that uranium mining would be allowed on the Arizona Strip and in the Kaibab National Forest.

Since the passage of the Act, uranium mining activities in northern Arizona have a proven track record of production and reclamation that has not impacted the Grand Canyon. Rather than respect a longstanding and carefully crafted compromise agreed to by all parties, the current Administration would rather march forward with their goal of locking up even more Federal lands to responsible authorized multiple use in the West.

The Administration is effectively eliminating high-paying local jobs instead of stimulating job growth in the local depressed econ-

omy of northern Arizona and southern Utah. The proponents of the Arizona Strip withdrawal talk of stopping uranium mining in the Grand Canyon. This is a convenient, self-serving distortion of the truth. There currently is no mining in the Grand Canyon, nor are there plans for future mining in the Grand Canyon National Park.

The ore from Denison's Arizona Strip mines is shipped for processing to the White Mesa Mill located near Blanding, Utah. The mill currently employs 150 people, approximately 60 percent of whom are Native American. Ore from the Arizona Strip mines currently supplies approximately 25 percent of the conventional ore feed to the mill and because of the high grade provides approximately 45 percent of the uranium production. Loss of this production will have a significant impact on the White Mesa Mill operations. In the long-term, Denison is counting on our Arizona Strip production as well as other companies' future mines on the Strip to continue to provide a significant volume of feed to the White Mesa Mill.

The proponents of the withdrawal promote the erroneous theory that the withdrawal will not impact the long-term exploration potential of the area. This could not be further from the truth. The withdrawal area was carefully chosen by the Department of the Interior and environmental groups to encompass all of the proven breccia pipe uranium deposits and to cover all of the area of the highest known occurrences of mineralized braccia pipes. The withdrawal area covers the largest percentage of mining claims in the region, which is not surprising in that the mining companies only stake claims in areas of highest potential.

Mr. BISHOP. Can I ask you to quickly summarize?

Mr. ROBERTS. As a reasonable person, I find it incredible that the Secretary of the Interior would announce earlier this year that the final environmental impact statement would have the full withdrawal area as the preferred alternative before the final document was published and without regard to any of the no-impact findings on the historical mining activities.

The Secretary has essentially made his decision on the withdrawal that day. As an individual taxpayer and businessman, I also find it incredible that the Secretary and this Administration would spend possibly millions of dollars on an environmental impact statement and then totally ignore its findings and the hard work put forth by the employees of the Bureau of Land Management and the U.S. Geological Survey. This action results in a total waste of taxpayer dollars and is an outright slap in the face to those hardworking employees.

Mr. BISHOP. Thank you.

Mr. ROBERTS. Thank you, Mr. Chairman.

[The prepared statement of Mr. Roberts follows:]

**Statement of Harold R. Roberts, Executive Vice President, Denison Mines (USA) Corp., Concerning H.R. 3155, Northern Arizona Mining Continuity Act of 2011**

Mr. Chairman, members of the committee, I appreciate the opportunity to speak to the Committee today. My name is Harold R. Roberts. I am Executive Vice President, U.S. Operations for Denison Mines (USA) Corp. Denison is a publicly traded company with uranium recovery operations in the western U.S., as well as properties in Canada, Mongolia, and Zambia. Our holdings in the U.S. include three operating uranium mines in Utah, two operating mines in northern Arizona, and the

only operating uranium mill in the U.S., located in southeastern Utah. We currently directly employ over 350 people in our U.S. mining and milling operations. I am here today to voice our support for H.R. 3155, the Northern Arizona Mining Continuity Act of 2011 and to express our concerns about the negative impact from the Department of Interior's plan to withdraw from mineral entry over one million acres in northern Arizona. This action will have long lasting negative effects on our company, other exploration and mining companies, and most importantly will negatively impact the long time residents and citizens of the Arizona Strip.

On the Arizona Strip, Denison currently employs 60 people, earning from \$35,000 to \$115,000 per year, plus benefits. The Company also hires an additional 15 sub-contractors. In addition to our two operating mines, the company has plans to open mines on three additional ore deposits in the next two years. While the withdrawal will not affect the currently operating mines, it potentially jeopardizes plans for the three additional ore deposits controlled by Denison, and possibly takes those properties from us and eliminates future jobs. The two current mines will be mined out in one to three years, and the new mines are critical to maintaining and growing the current work force.

The uranium deposits in northern Arizona, called breccia pipes, are unique in that the ore grades are some of the highest in the U.S., the surface disturbance for a fully developed mine is relatively small, less than 20 acres, the mines are generally dry, and the time span from development through full reclamation is less than six to eight years. Once fully mined out, the reclaimed sites exhibit no evidence of past activity and are returned to the original land use. In fact, the Bureau of Land Management's own Draft Environmental Impact Statement on the withdrawal stated that there is no contamination of the Colorado River watershed from uranium mining, stating:

"It is also important to recognize that, . . . there is currently no conclusive evidence from well and spring sampling data that (modern) breccia pipe uranium operations in the north Parcel have impacted the chemical quality of groundwater in the regional R-aquifer."

Denison acquired the Arizona mines from my former employer, Energy Fuels Nuclear, who discovered, permitted, operated, and successfully reclaimed five breccia pipe mines in northern Arizona in the 1980s and early 1990s. The reclaimed mine sites demonstrate that these deposits can be developed with little or no impact to the environment, while still providing high paying jobs to the local and state economies in Arizona and Utah. The current perception that uranium mining cannot be conducted with little or no impact to the environment of northern Arizona is not supported by the history of similar operations. In the 1980s, at the time Energy Fuels was operating on the Arizona Strip, similar cries for protection of the area were heard. Working with environmental groups and federal and state legislators, a landmark compromise between the environmental and mining communities resulted in legislation designating nearly 300,000 acres of Bureau of Land Management lands and more than 800,000 acres of National Forest lands as wilderness. The Arizona Wilderness Act of 1984 (P.L. 98-406) also added more than a million acres of land to the National Wilderness Preservation System, and provided that mining and grazing be allowed in those areas released for multiple use and not designated as wilderness, if conducted in a responsible and sustainable manner. The Act specifically directed that nearly half a million acres of Bureau of Land Management Lands and 50,000 acres of Forest Service lands be released from wilderness study area status ***with the understanding and intention that uranium mining would be allowed on the Arizona Strip and in the Kaibab National Forest.***

Since the passage of the Act, uranium mining activities in Northern Arizona have a proven track record of production and reclamation that has **not** impacted the Grand Canyon. Rather than respect a longstanding and carefully crafted compromise agreed to by **all** parties, the current Administration would rather march forward with their goal of locking up even more federal lands to responsible, authorized multiple use in the West. The Administration is effectively eliminating high paying local jobs instead of stimulating job growth and the local depressed economy of northern Arizona and southern Utah.

The proponents of the Arizona Strip withdrawal talk of stopping uranium mining in the Grand Canyon. This is a convenient, self serving distortion of the truth. There currently is no mining in the Grand Canyon, nor are there plans for future mining in the Grand Canyon National Park.

The ore from Denison's Arizona Strip mines is shipped for processing to the White Mesa Mill located near Blanding, Utah. The Mill currently employs 150 people, approximately 60% of who are Native American. Ore from the Arizona Strip mines currently supplies approximately 25% of the conventional ore feed to the Mill, and because of the high grade, provides approximately 45% of the uranium production.

Loss of this ore production will have a significant impact on the White Mesa Mill operations. In the long term Denison is counting on our Arizona Strip production, as well as other companies' future mines on the Arizona Strip to continue to provide a significant volume of the feed to the White Mesa Mill.

The proponents of the withdrawal promote the erroneous theory that the withdrawal will not impact the long term exploration potential of the area. This could not be further from the truth. The withdrawal area was carefully chosen by the Department of Interior, and environmental groups, to encompass all of the proven breccia pipe uranium deposits, and to cover all of the area of the highest known occurrences of mineralized breccia pipes. The withdrawal area covers the largest percentage of mining claims in the region, which is not surprising in that the mining companies only staked claims in the areas of highest potential.

As a reasonable person, I find it incredible that the Secretary of Interior would announce earlier this year that the Final Environmental Impact Statement would have the full withdrawal area as the preferred alternative, before the final document was published and without regard to any of the no impact findings on the historical mining activities by the Departments experts. This is clearly in conflict with the intent of the National Environmental Policy Act, and in conflict with the Department's procedures. I also find it curious that the Secretary would choose to ignore the wishes of his own BLM Resource Advisory Council whose members voted in August to overwhelmingly oppose the withdrawal. The withdrawal decision should be based on sound science and factual findings, not on the baseless claims of environmental groups, special interests and their vote-seeking elected officials.

As a taxpayer and businessman, I also find it incredible that the Secretary and this Administration would spend possibly millions of dollars on an Environmental Impact Statement, and then totally ignore its findings and the hard work put forth by the employees of the Bureau of Land Management and the U.S. Geological Survey. This action results in a total waste of taxpayer dollars and is an outright slap in the face to those hard working employees.

Mr. Chairman, I would be pleased to answer any questions from the Committee.

Mr. BISHOP. I appreciate it. Mr. Myers.

**STATEMENT OF RICHARD MYERS, VICE PRESIDENT OF POLICY DEVELOPMENT, PLANNING, AND SUPPLIER PROGRAMS, NUCLEAR ENERGY INSTITUTE**

Mr. MYERS. Chairman Bishop, Ranking Member Grijalva, Members of the Subcommittee, thank you for the opportunity to join you today. My name is Richard Myers. I am Vice President for Policy Development with the Nuclear Energy Institute.

NEI is the U.S. nuclear energy industry's Washington-based policy organization. Just by way of context, America's 104 nuclear power plants represent approximately 10 percent of our generating capacity. However, because they operate at such high levels of reliability and efficiency and safety, they produce 20 percent of this country's electricity supply, and they represent nearly three-quarters of our emission-free, carbon-free generation.

Worldwide, more than 150 new nuclear projects are in the licensing and advanced planning stage, with 65 reactors currently under construction. In the United States, the U.S. Department of Energy projects that U.S. electricity demand will rise by 24 percent by 2035, which means our Nation will need hundreds of new power plants to provide electricity to meet rising demand and replace aging infrastructure.

Nuclear energy is the only proven technology that can provide emission-free, affordable baseload electricity. As a result, our industry will see sustained growth in demand for materials, components, services and fuel. The forecasts generally agree that world uranium production by 2030 must rise by at least two-thirds from the current level and possibly double.

NEI's primary goal is to ensure a diverse, competitive and reliable supply of uranium to bolster America's energy security. Given that uranium supply is a strategic priority, we fully support H.R. 3155 and the companion legislation in the Senate.

U.S. nuclear plants consume approximately 50 million pounds of uranium a year. More than 90 percent of that comes from foreign sources. In 2010, nearly one-quarter of U.S. uranium requirements were met by down blended Russian high enriched uranium extracted from nuclear weapons. This weapons-grade material is converted into low-end rich uranium fuel. This arrangement expires in 2013, however, and will leave a gap in U.S. demand that must be filled from other supply sources.

Additional U.S. uranium supply like the breccia pipe uranium deposits in northern Arizona are strategically important. The draft environmental impact statement on the northern Arizona land withdrawal generally found either no impact or minor temporary impacts that could be readily mitigated. This conclusion was validated by the Arizona State agencies responsible for environmental protection and management of State lands. Let me quote from the comments filed by the Arizona Department of Environmental Quality: "The environmental risks posed by mining in Arizona have been successfully managed by both State and Federal environmental requirements. Modern technologies and permits ensure that new and reactivated mining claims can be safely worked with minimal environmental impact. A broad withdrawal of Federal lands is unwarranted. Rather than a blanket prohibition, proposed new mining facilities should continue to be evaluated on a case-by-case basis."

In our preliminary analysis of the Interior Department's final EIS, NEI has found nothing that would appear to justify an extreme action like the proposed withdrawal of one million acres. In both the draft EIS and the final EIS, we believe both documents are extremely well done and in fact make a compelling case for the so-called no-action alternative under which mine development would be allowed subject to the extensive Federal and State regulatory requirements that exist.

A recent analysis by Tetra Tech, an environmental consulting firm, found that development of northern Arizona's uranium would have a major economic benefit, direct and indirect economic benefit of 29.4 billion during the period in which the mines would be in operation. Tax revenues from the mining companies could reach \$2 billion in Federal and State corporate income taxes and \$168 million in severance taxes to the State.

The proposed land withdrawal is designed to protect against situations, circumstances and practices of the 1950s and 1960s when uranium was mined at the Federal Government's behest and on the Federal Government's account, principally for nuclear weapons purposes.

Mr. Chairman, we could spend all afternoon sitting here listing practices and actions that were taken in the 1950s and 1960s that were inappropriate and would never be taken in today's environment. Those situations in the uranium area, those situations and practices simply no longer exist.

Thank you, Mr. Chairman. I would be happy to answer any questions.

[The prepared statement of Mr. Myers follows:]

**Statement submitted for the record by Richard J. Myers, Vice President, Policy Development, Planning and Supplier Programs, Nuclear Energy Institute**

Chairman Bishop and Ranking Member Grijalva, thank you for the opportunity to testify today. My name is Richard Myers. I am Vice President for Policy Development, Planning and Supplier Programs for the Nuclear Energy Institute (NEI). NEI is responsible for establishing nuclear industry policy on matters affecting the nuclear energy industry, including regulatory, financial, technical and legislative issues. NEI's 375 members include all companies licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, suppliers of fuel, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

America's 104 nuclear power plants represent approximately 10 percent of our electricity generating capacity. However, because they operate at such high levels of reliability, safety and efficiency—they provide 20 percent of this country's electricity supply and nearly three-quarters of our emission-free generation. When ranked by performance over the last three years, the U.S. has the top three best-performing nuclear reactors in the world, seven of the top 10 and 16 of the top 20.

Nuclear power plants operate in 31 states and produce substantial economic value in revenues from electricity sales—\$40 billion to \$50 billion each year—and employ over 100,000 workers. Nuclear energy companies buy over \$14 billion each year in materials, fuel and services from domestic suppliers in all 50 states.

Worldwide, more than 150 new nuclear plant projects are in the licensing and advanced planning stage, with 65 reactors currently under construction. In addition, the U.S. Department of Energy projects that U.S. electricity demand will rise 24 percent by 2035, about one percent each year. That means our nation will need hundreds of new power plants to provide electricity to meet rising demand and replace aging infrastructure. Nuclear energy is the only proven technology that can provide emission-free, affordable baseload electricity.

As a result, our industry will see sustained growth in demand for materials, components, services and fuel. The World Nuclear Association's 2011 Market Report<sup>1</sup> shows that world uranium production in the reference scenario must rise by at least two-thirds by 2030 from the current level and, under some circumstances, uranium supply must double. Bringing new uranium mines into production requires careful, time-consuming planning and permitting well in advance of exploration and production of uranium, and we cannot afford to remove high-quality reserves from consideration without good cause.

NEI's primary goal is to ensure a diverse, competitive and reliable supply of uranium to bolster America's energy security. Given that uranium supply is a strategic priority, NEI fully supports H.R. 3155, The Northern Arizona Mining Continuity Act of 2011, and S. 1690, the companion legislation in the Senate. The Administration has proposed that approximately one million acres of federal land in the Arizona Strip be withdrawn and unavailable for uranium mining for 20 years, and this legislation would block that withdrawal.

My testimony today will cover two major areas:

- NEI's perspective on world uranium supply and demand, and the importance of U.S. uranium supply, including potential future supply from northern Arizona.
- NEI's preliminary assessment of the final environmental impact statement (EIS) on the northern Arizona land withdrawal, which was published last week by the Interior Department's Bureau of Land Management. We are unable to find any impacts identified in the final EIS that would justify the proposed withdrawal.

**Uranium Supply and Demand**

The uranium resources in the Arizona Strip represent some of the highest-grade ores located in the United States. In fact, according to the Interior Department's final EIS, these uranium resources are higher grade than 85 percent of the world's uranium resources. These resources could represent as much as 375 million pounds

<sup>1</sup>*The Global Nuclear Fuel Market: Supply and Demand 2011–2030*, World Nuclear Association, September 2011.

of uranium, approximately 40 percent of U.S. reserves, twice current world demand and more than seven times current U.S. annual demand.

A recent analysis by Tetra Tech, Inc., an environmental consulting firm, found that development of northern Arizona's uranium resources would have a significant economic benefit. Tetra Tech's analysis showed a direct and indirect economic benefit of \$29.4 billion<sup>2</sup>, or an average annual impact of \$700 million during the period in which mines would be in operation. Federal, state and local governments would receive tax revenues from the mining companies, including \$2 billion in federal and state corporate income taxes, and \$168 million in severance taxes to the state. Since the ore from northern Arizona mines would likely be taken to the White Mesa Mill in Blanding, Utah, for processing, trucking companies could expect revenues of approximately \$1.6 billion during operation of the mines.

The uranium market is an international market, and will continue to be so, with commercial uranium mining on six continents. History and recent events make it clear, however, that maintaining U.S. capability in uranium production must be a strategic part of our domestic energy supply strategy.

The world's nuclear power plants currently consume more uranium than is produced. Current worldwide uranium demand is approximately 180 million pounds per year. Worldwide production is approximately 140 million pounds per year, with the balance coming from secondary sources of supply, including inventories held by the U.S. and Russian governments. U.S. uranium production in 2010 was approximately four million pounds.

U.S. nuclear power plants consume approximately 50 million pounds of uranium per year. More than 90 percent of that comes from foreign sources. In 2010 nearly a quarter of U.S. uranium requirements were met by downblended Russian high-enriched uranium extracted from nuclear weapons. This weapons-grade material is converted into low-enriched uranium fuel in what is popularly called the "megatons to megawatts" program. This arrangement expires in 2013, however, and will leave a gap in U.S. demand that must be filled from other supply sources. In that context, even relatively small additions to U.S. uranium supply—such as might be achieved by producing the breccia pipe uranium deposits in northern Arizona—are strategically important.

In addition, approximately 55 percent of world uranium supply comes from the 10 largest mines: Four in Kazakhstan, two in Africa, two in Australia, and one each in Russia and Canada. This heavy dependence on uranium production from a relatively small number of large mines represents a supply vulnerability: Any interruptions in production can cause disruption in the market. These interruptions do occur: From fires (at Olympic Dam in Australia in 2001); from mine flooding (as at the Rabbit Lake, Cigar Lake and McArthur River mines in Canada in the 2003–2008 period); from floods caused by cyclones (as at the Ranger open pit mine in Australia in 2006, 2007 and 2011); from in situ leaching supply shortages (as at the Beverley mine in Australia in 2010); and from leaching acid supply shortages (as in Kazakhstan in 2007).

U.S. nuclear energy companies manage this potential vulnerability by diversifying their sources of supply. Additional U.S. uranium supply, including future supply from the high-grade deposits in northern Arizona, is an important part of a diversified supply portfolio.

### **The Northern Arizona Land Withdrawal**

There is no current or proposed uranium mining inside the Grand Canyon National Park, which encompasses 1.2 million acres and includes a buffer zone to protect the Grand Canyon. The one million acres proposed for withdrawal lie outside the park boundaries.

Withdrawing one million acres from future mining would upset a longstanding and carefully crafted compromise developed in 1984 between the mining industry and the environmental community, and supported by the Arizona congressional delegation led by former House Interior Committee Chairman Mo Udall, Sen. Barry Goldwater, and then-Congressman John McCain. In the early 1980s, legislation was crafted that designated approximately 300,000 acres of Bureau of Land Management land and approximately 100,000 acres of National Forest Service lands as wilderness. The Act added over one million acres of land to the National Wilderness Preservation System, and provided that mining and grazing be allowed in those areas not designated as wilderness, if conducted in an environmentally responsible

<sup>2</sup>*Economic Impact of Uranium Mining on Cocino and Mohave Counties, Arizona*, Tetra Tech Inc., September 2009. The \$29.4 billion economic impact consists of \$18.9 billion in direct sales and \$10.5 billion in indirect impact. The analysis assumed a conservative uranium price of \$50 per pound.

and sustainable manner. The Act also specifically directed nearly half-a-million acres of Bureau of Land Management lands and 50,000 acres of Forest Service lands be released from wilderness study with the understanding and intention that this would allow uranium mining on the Arizona Strip and Kaibab National Forest. Since the passage of the Arizona Wilderness Act of 1984 (P.L. 98-406), there is no evidence that uranium mining and reclamation have impacted the Grand Canyon.

During the 1980s, seven mines in the Arizona Strip produced approximately 19 million pounds of uranium, with a temporary surface disturbance of approximately 20 acres per mine—about the size of a Wal-Mart parking lot. A statement by the Arizona State Legislature notes that “in the 1980s, uranium mining operations existed that have now been so well reclaimed that it is difficult to discern where these mines existed.”

**The Draft Environmental Impact Statement.** The Draft EIS (DEIS) on the northern Arizona land withdrawal was published for public comment in February. The DEIS considered potential impacts on air emissions, water resources, soil resources, vegetation, fish and wildlife, wilderness resources, and recreation and tourism. In general, the DEIS found either no impact or minor, temporary impacts that could be readily mitigated. This conclusion was validated by the Arizona state agencies responsible for environmental protection and management of state lands.

The high-grade uranium resources in northern Arizona are found in “breccia pipe” formations. These are compact formations that can be developed with minimal environmental impact. In its comments on the Interior Department’s draft EIS, the Arizona Land Department said: “[T]he DEIS reveals nothing in the recent history of mining the breccia pipes in northern Arizona. . .that would appear to justify any withdrawal. Going back to the start of the Hack Mine complex in 1981, there has been no incident or event during this 30-year period that would. . .warrant a withdrawal.”

In its comments<sup>3</sup> on the draft EIS, the Arizona Department of Environmental Quality (ADEQ) noted that the draft EIS ignored state and federal programs designed to protect the environment, and saw no basis for a blanket withdrawal. “As the lead regulatory agency responsible for the protection of Arizona’s environment, ADEQ closely regulates uranium mining activities in northern Arizona. The **environmental risks posed by mining in Arizona have been successfully managed by both state and federal environmental requirements** currently in place. The State of Arizona has adopted the Aquifer Protection Permit program specifically designed to protect its precious groundwater resources. This State program provides added protection to the federal environmental laws. It is important that the BLM consider not only the federal programs, but also Arizona’s unique environmental requirements when making its decision.” (*Emphasis added.*)

ADEQ continued: “The DEIS does not give full consideration to modern uranium mining technology or ADEQ-issued permits that require environmental controls, financial assurance, and reclamation. These **modern technologies and permits ensure that new and reactivated mining claims can be safely worked with minimal environmental impact.** A broad withdrawal of federal lands in response to concerns that new mining operations will pose unacceptable environmental risk is unwarranted. Rather than a blanket prohibition of new claims, proposed **new mining facilities should continue to be evaluated on a case-by-case basis under existing federal and state environmental permitting programs.**” (*Emphasis added.*)

The Arizona Geological Survey conducted an analysis of possible contamination of water resources as a result of uranium mining and found no cause for concern. In an April 28, 2011, letter to Governor Janice Brewer, the state geological survey stated: “We conclude that even the most implausible accident would increase the amount of uranium in the Colorado River by an amount that is undetectable over amounts of uranium that are normally carried by the river from erosion of geologic deposits. Even if the entire annual uranium production from an operating mine were somehow implausibly dumped into the river, the resulting increase in uranium concentration in river water would increase from 4.0 to 12.8 parts per billion (ppb) for one year, which is still far below the 30 ppb EPA Maximum Contaminant Level.”

The Arizona Geological Survey told the governor that “we believe the fears of uranium contamination of the Colorado River from mining accidents are minor and transitory compared to the amounts of uranium that are naturally and continually eroded into the river. . . . Uranium has been eroding out of these deposits into the Colorado River and other streams and creeks for millions of years and will continue to do so for millions more.”

<sup>3</sup>Arizona Department of Environmental Quality, comment letter to BLM, May 4, 2011

**The Final Environmental Impact Statement.** In its preliminary analysis of the Interior Department's final EIS, published on October 26, NEI has found nothing that would appear to justify an extreme action like the proposed withdrawal of one million acres.

The EIS identifies four alternative courses of action, but only two alternatives are of significant interest. Alternative A is the so-called "no action" alternative, under which continued uranium mining would be allowed, subject to the safeguards and requirements of federal and state laws and regulations. Alternative B is the proposed one-million-acre land withdrawal. It is commonly assumed that there would be no mining under Alternative B, but that is not the case. Uranium mining would occur under both alternatives, because a number of mines are already operating or permitted as valid existing claims in the proposed withdrawal area and would, therefore, not be subject to the land withdrawal proposed.

Under Alternative B (the withdrawal scenario) the final EIS estimates 11 uranium mines would operate in the withdrawal area over the 20-year period. Under Alternative A, the number of mines increases to 30, an increase of 19 mining projects above Alternative B. The true measure of environmental impact, therefore, is the difference between 11 and 30 mining projects.

It is instructive to compare the differences between Alternative A and Alternative B from various perspectives. For example, under Alternative A, the total acres disturbed for exploration and development over 20 years would be 1,364 acres; under Alternative B, 164 acres—a difference of 1,200 acres over 20 years or 60 acres per year.<sup>4</sup> Sixty acres per year in a one-million-acre tract of land is a relatively trivial difference—certainly not large enough to justify a draconian step like a 20-year, one-million-acre land withdrawal.

In terms of water usage, according to the final EIS, Alternative A would consume 316 million gallons; Alternative B, 116 million gallons. The difference is 200 million gallons over 20 years or 10 million gallons per year. This seems relatively insignificant in a nation where residential water consumption is 26 billion gallons per day, and water for consumed for irrigation was 134 billion gallons per day.

**Land Disturbance.** The Administration proposes to withdraw 1,006,545 acres, divided among three parcels: the North Parcel with 549,995 acres (the area likely to see the highest level of development); the South Parcel (134,454 acres) and the East Parcel (322,096 acres).

Because breccia pipe deposits of uranium are so compact, the amount of land disturbed temporarily by mining is relatively small—less than 0.2 percent of the one million acres proposed to be withdrawn.<sup>5</sup> The final EIS states: "Even if the entire anticipated disturbance occurred in one sub-basin or area, which is not likely based on locations of past uranium mines, **the impact to overall soil productivity and watershed function would be small because the level of disturbance represents a very small fraction of the respective parcel areas.** In addition, the magnitude of the direct impact would be somewhat less than the total anticipated disturbed area because not all the disturbance would occur at once: some areas would be reclaimed prior to disturbance related to other sites. Thus, **disturbance impacts would be minor because of the small amount of relative disturbance and would generally be of short duration, about 5 years, which is the average lifespan of a mine from development through reclamation activities.**"<sup>6</sup> (*Emphasis added.*)

**Water Resources.** The final EIS provides an exhaustive body of data on potential impacts on water resources. None of it seems to justify the proposed land withdrawal.

On the impact on Colorado River water quantity and quality, the final EIS asserts that "water quantity impacts could vary between 0% and 0.002% of the average minimum flow in the Colorado River. . . . Water quality impacts could vary from no mine to at least one mine which might contribute impacted water to the R-aquifer. If any impact would occur, **the resultant concentration of uranium or arsenic would not be expected to exceed estimated ambient levels.**"<sup>7</sup> (*Emphasis added.*)

On the water quality in deep aquifer springs, the FEIS finds nothing that would threaten drinking water standards:

<sup>4</sup>U.S. Interior Department Bureau of Land Management, Final Environmental Impact Statement on the Northern Arizona Land Withdrawal, October 2011, 2:35.

<sup>5</sup>About 945 acres out of about 550,000 acres for the North Parcel, 107 acres out of about 134,000 acres for the East Parcel, and 312 acres out of about 322,000 acres for the South Parcel

<sup>6</sup>Ibid, 4:111.

<sup>7</sup>U.S. Interior Department Bureau of Land Management, Final Environmental Impact Statement on the Northern Arizona Land Withdrawal, October 2011, 2–40.

“North Parcel: From no to 11 mines might contribute impacted water to the R-aquifer. If any impact would occur, the resultant concentration of uranium or arsenic might exceed ambient levels (4.9 mg/L uranium and 2 mg/L arsenic), but not drinking water standards (30 µg/L uranium or 10 µg/L arsenic) at the Kanab and Showerbath spring complex. If as many as 11 mines contribute impacted water to the R-aquifer, the projected maximum resultant concentration is 14 µg/L for uranium and 4 µg/L for arsenic.

“East Parcel: From no to 1 mine might contribute impacted water to the R-aquifer. If any impact would occur, the resultant concentration of uranium or arsenic might exceed ambient levels (1.7 µg/L uranium and 10 µg/L arsenic), but not drinking water standards (30 µg/L uranium or 10 µg/L arsenic) at the Fence Fault spring complex. If as many as 1 mine contributes impacted water to the R-aquifer, the projected maximum resultant uranium concentration is 1.8 µg/L; resultant maximum arsenic concentration would not be expected to exceed ambient levels.”<sup>8</sup>

In part, the lack of impact on water resources reflects the local geology. As the final EIS notes,<sup>9</sup> the “modern (post-1980) breccia pipe uranium mine sites in the study area are . . . characterized by well-cemented, very low permeability breccias and adjacent formation rocks. . . . In each case, these ore deposits are on the order of 1,000 feet or more above the R-aquifer system and are underlain by the poorly permeable breccias and siltstones/mudstones of the Hermit Formation and Supai Group. Therefore, **conditions are not favorable for downward migration of leached minerals and constituents (such as uranium and arsenic) from the ore deposits to the R-aquifer.**” (*Emphasis added.*)

*Air Quality Impacts.* The final EIS finds<sup>10</sup> that “[n]one of the proposed mines would have potential emissions in quantities large enough to trigger a PSD [prevention of significant deterioration] review...Therefore, each mine would be considered a minor source relative to the PSD permitting process and would only require a State of Arizona Class II Non-Title V air quality permit. Compliance with the permit and the applicable state regulations would minimize the air quality impacts of mine operation. . . .

“Mining operations related to all of the alternatives would be expected to result in increases in ambient air pollutant concentrations. Use of the unpaved and paved roads by the ore haul trucks would result in potential increases in fugitive dust and vehicle exhaust emissions. However, **these impacts would be localized and temporary** when they did occur and would be minimized by speed limit restrictions on unpaved roads. However, exceptional wind events have the potential for fugitive dust to be transported beyond several kilometers. The extent of the impact is dependent on the proximity of the mining activity to the Grand Canyon National Park boundary. Areas of the Park that are closer to mining operations could be impacted greater than areas that are farther away.” (*Emphasis added.*)

When considering the relative impacts of various industrial activities, it is instructive to compare emissions. For example, the Salt River Project’s Navajo Generating Station in Page, AZ, produces these pollutants (in tons per year):<sup>11</sup>

CO — 2,010  
 NO<sub>x</sub> — 33,221  
 PM<sub>10</sub> — 3,943  
 PM<sub>2.5</sub> — 2,817  
 SO<sub>2</sub> — 3,944  
 CO<sub>2</sub> — 20.1 million

By comparison, Denison Mines’ Arizona 1 Mine in the North Parcel has the potential to emit these pollutants (in tons per year):<sup>12</sup>

CO — 0.28  
 NO<sub>x</sub> — 1.3  
 PM<sub>10</sub> — 324  
 PM<sub>2.5</sub> — 5.7  
 SO<sub>2</sub> — 0.08

Even multiplying the emissions from operation of the Arizona 1 Mine by 30 times (the number of potential mines in the withdrawal area), total emissions from uranium mining in northern Arizona are trivial and incidental compared to emissions—which are judged acceptable under air quality control regulations—from a large

<sup>8</sup> Ibid, 2:37.

<sup>9</sup> Ibid, 3:62–63.

<sup>10</sup> Ibid, 4:17–18.

<sup>11</sup> U.S. Interior Department Bureau of Land Management, Final Environmental Impact Statement on the Northern Arizona Land Withdrawal, October 2011, 3:23.

<sup>12</sup> Ibid, 3:29

coal-fired power plant in the same region. (The sole exception would be PM<sub>10</sub>, and only if all 30 mines were operating at the same time and that, of course, would not occur.)

*The Uranium Legacy.* NEI concludes that the proposed land withdrawal is not justified by any information in the Interior Department's environmental assessment. The proposed land withdrawal is designed to protect against situations and circumstances that no longer exist—specifically, the uranium mining practices of the 1950s and 1960s, when uranium was mined at the federal government's behest and on the federal government's account, principally for nuclear weapons purposes. Uranium mining in those days was conducted in ways that would not be acceptable today—without National Environmental Policy Act reviews, without air quality and water quality permits, absent any requirement for reclamation and financial bonds to ensure that reclamation occurs, with none of the multiple protections required today to protect public and worker health and safety and the environment.

It is a grievous mistake to judge today's uranium mining activities by practices and standards from 50 to 60 years ago. Yet that, apparently, is what the Interior Department has done in its final EIS. The final EIS' preoccupation with the past appears early in the document<sup>13</sup>: "There is a history of hardrock mining activities in the Grand Canyon watershed dating back to the 1860s. In some cases, these mining activities have left lasting impacts within the watershed, primarily associated with older copper and uranium mines. . . . These historical impacts and the recent increase in the number and extent of mining claims located in the area have raised concerns that future hardrock mining activities in the Grand Canyon watershed, particularly for uranium, **could** result in adverse effects on resources. . ." (*Emphasis added.*)

"Could result in adverse impacts" is a long distance—and many decades—from "will result in adverse impacts."

Arizona Gov. Brewer raised this issue in an October 30, 2009, letter to Interior Secretary Ken Salazar, in which she objected to the proposed land withdrawal. "Most environmental concerns raised by the legacy of uranium mining in Arizona and the southwest United States are the result of activities that occurred prior to the existence of modern environmental laws and generally resulted from detonation, disposal, ore-processing (milling) and weapons manufacturing sites—activities not associated with modern uranium extraction," she said. "In the Colorado Plateau region of northern Arizona that includes the proposed withdrawal area, ore extraction and production at existing uranium mines has minimal environmental impact on the surrounding land, water, and wildlife because of modern environmental laws."

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Dr. GOSAR [presiding]. Thank you. First of all, Mr. Verkamp, thank you for being here. We may disagree on a variety of issues, but to see a constituent travel all the way to D.C. is certainly a pleasure, and I hope that you reward us with good weather forward. So you are recognized for five minutes.

**STATEMENT OF STEPHEN VERKAMP,  
PRESIDENT, VERKAMP'S INC.**

Mr. VERKAMP. Thank you, Mr. Chairman. So I want to thank the Committee and the Chairman, Acting Chairman. I am here to speak in support of H.R. 855, the Grand Canyon Watersheds Protection Act sponsored by Congressman Grijalva, and in opposition to H.R. 3155.

My name is Stephen Verkamp, and I spent my entire childhood living within 50 yards of the edge of the South Rim of the Grand Canyon. My grandfather, John G. Verkamp, built a souvenir and handicrafts store in 1906, 13 years prior to the area becoming a national park. Until closing the store in 2008, we were the longest, continuous family owned business in the entire national parks system of the United States.

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<sup>13</sup> *Ibid.*, 1:5.

When we speak of the Grand Canyon, it must be understood that the canyon does not start at the edge of the rim, nor is it an arbitrary line on a map but rather is the sum total of the entire area surrounding those edges. Wildlife is not concerned with man's arbitrary map-making. The public lands surrounding the national park are likewise critical to the integrity of the wild nature of the environment. They must be protected.

As a kid living on the rim of the canyon, I recall playing on a dirt football field where the underlay for the field was constructed from orphan mine, the uranium mine, tailings. I can further recall chunks of uranium ore falling off the truck on the road below our residence. Naturally, being kids, we would pick up these pieces of ore with our hands and examine them.

These mining practices were life-threatening and a total outrage. Later in my adult life, I was privileged to be the first full-time Federal judge with jurisdiction over Grand Canyon National Park and the national forests that surround the canyon and are the subject matter of H.R. 855. These experiences strongly deepen my understanding of this area.

I mention these personal experiences to express my grave concern about what could be the outcome if Congressman Franks' bill is passed and new uranium claims are developed around the Grand Canyon. A major impact on the areas in question will be the dust pollution that will certainly create an enormous problem. The actual and potential mines in the South Rim are bounded on the east by state highway 89 and on the west by highway 64.

These two highways are both single-lane and heavily burdened with tourist vehicle traffic to the Grand Canyon. The area we are talking about is all within what can best be described as a dust bowl due to the extremely dry conditions of northern Arizona. The ore trucks would have to use dirt roads to reach these highways, in this case, apparently Blanding, Utah.

There is simply no way that a relentless parade of ore trucks could do anything except seriously create safety and air quality issues. It is my personal experience, any single vehicle in this area, whether it is hunter, casual user or other people just visiting the area, create an enormous cloud of dust that can literally be seen for miles and which hovers in the area for an unbelievably long time.

I can only imagine what huge ore trucks will create. There are no other ways to transport ore to its destination other than by use of the two highways I mentioned. This is all on the South Rim where a large majority of the claims have been located.

The prevailing southwest to northeast winds in that area will carry the truck dust directly into the national park and surrounding area. The impacts I have described do not begin to touch on the economic costs of allowing new uranium mining. It is estimated that the regional economy centered on the Grand Canyon exceeds \$700 million each year.

According to the 2010 National Park statistics, more than 1.4 million vehicles entered one or the other of the two roads I have mentioned. At a conservative two persons per vehicle, nearly 3 million tourists visited the park by vehicle alone in 2010.

The cost to taxpayers of restoring mined-out areas amount to millions of dollars paid by taxpayers, like the case of the orphan mine. These companies frequently walk away or file bankruptcy after they have taken the ore. In my personal experience, the effect of major and minor changes in the park and surrounding forests affect tourist visitation and small businesses in very real ways.

For example, several years ago there was not enough entrance stations into the Grand Canyon park. This fact spread on the internet like wildfire. Sales in our store were greatly reduced by this seemingly small issue. The New York Times and other media ran these stories because everyone in the country has a special love for this incredible place. The tourists went other places, such as Las Vegas, rather than wait the long entrance lines.

Another example involved the closing of the national park in the mid-nineties when Congress shut down the government. The economic impact on our family business was so great that my father actually wrote a check to the Grand Canyon Park Service to try to help keep the park open. Once again an outside event created an economically devastating impact on businesses within the park and surrounding areas, such as Tusayan, Williams, Flagstaff, Belmont and other areas in the area.

In closing, I would like to submit a letter signed by me and the many Arizona business owners and others who support Secretary Salazar's ban on new uranium claims surrounding the Grand Canyon. I want to thank you, the Committee, the Subcommittee and the Chairman for allowing me to testify today.

[The prepared statement of Mr. Verkamp follows:]

**Statement of Stephen Verkamp, President, Verkamp's Inc.,  
Flagstaff, Arizona**

Mr. Chairman I appreciate the opportunity to testify before the members of this subcommittee. I am here to speak in support of H.R. 855, the Grand Canyon Watersheds Protection Act, sponsored by Congressman Grijalva, and in opposition to H.R. 3155.

My name is Stephen Verkamp and I spent my entire childhood living within 50 yards of the edge of the south rim of the Grand Canyon.

My grandfather John G. Verkamp built a souvenir and handicraft store in 1906, 13 years prior to the area becoming a national park. Until closing the store in 2008 we were the longest, continuous family-owned business in the entire national park system in the United States.

When we speak of "The Grand Canyon" it must be understood that the Canyon does not start at the edge of the precipice. Nor is it an arbitrary line on a map, but rather it is the sum-total of the entire area surrounding those edges. Wildlife is not concerned with mans arbitrary map making.

The public lands surrounding the national park are likewise critical to the integrity of the "wild" nature of the environment and must be protected!

As a kid living on the rim of the Canyon, I recall playing on a dirt football field where the under-lay was constructed from Orphan uranium mine tailings.

I can recall chunks of uranium ore falling off the truck on the road below our residence. Naturally, being kids we would pick up these pieces of ore with our hands and examine them. These mining practices were life threatening and a total outrage.

Later in my adult life, I was privileged to be the first full time federal judge with jurisdiction over Grand Canyon National Park and the National Forests that surround the Canyon and are the subject matter of H.R. 855. These experiences, I believe, strongly deepens my understanding of this area.

I mention these personal experiences to express my grave concern about what could be the outcome if Congressman Franks' bill is passed and new uranium claims are developed around the Grand Canyon.

A major impact on the areas in question will be the dust pollution that will inevitably create an enormous problem.

The actual and potential mines on the South Rim are bounded on the east by Highway 89 and on the west by Highway 64. These two highways are all single-lane and heavily burdened with tourist vehicle traffic to the Grand Canyon. The area we are talking about is all within what can best be described as a “dust bowl” due to the extremely dry conditions of northern Arizona. The ore trucks would have to use dirt roads to reach these highways.

There is simply no way that a relentless parade of ore trucks could do anything except create serious safety and air quality issues.

It’s my personal experience any vehicle creates an enormous cloud of dust that can be seen for miles. I can only imagine what huge ore trucks will create. There are no other ways to transport ore to its destination other than by use of the highways I mentioned. The prevailing southwest to northeast winds will carry the truck dust directly into the national park and surrounding area.

The impacts I have described do not begin to touch on the economic costs of allowing new uranium mining.

It is estimated that the regional economy centered on Grand Canyon exceeds \$700,000,000.00 each year. According to the 2010 national park statistics more than 1,440,234 vehicles entered one or the other of the roads in the park we have discussed. At a conservative 2 persons per vehicle nearly three million tourists visited the park by vehicle alone.

The costs to taxpayers of restoring mined out areas amount to millions of dollars paid by taxpayers like the case of the Orphan Mine.

In my personal experience the effect of major and minor changes in the park and surrounding forests affect tourist visitation and small businesses in very real ways.

For example, several years ago there were not enough entrance stations into the park. This fact spread on the Internet like wildfire. Sales in our store were greatly reduced by this seemingly small issue. The New York Times and other media ran these stories because everyone in the country has a special love for this incredible place. The tourists went other places such as Las Vegas rather than wait the long entrance lines.

Another example involved the closing of the National Park in the mid 90’s when congress shut down the government. The economic impact on our family business was so great that my father wrote a check to the Grand Canyon Park Service to try to help keep the park open. Once again, an outside event created an economically devastating impact on businesses within the park.

In closing, I would like to submit a letter signed by me and the many Arizona business owners who support Secretary Salazar’s ban.

I want to thank the Chairman and members of the subcommittee for allowing me to testify at today’s hearing.

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Dr. GOSAR. Thank you, Mr. Verkamp. In keeping with tradition, I am going to allow the first questions to Mr. Grijalva.

Mr. GRIJALVA. Thank you, Mr. Verkamp, thank you for being here. The Department of the Interior conducted dozens of public and tribal meetings, has reviewed over 380,000 comments during the withdrawal process. And let me ask you, do you believe that the agency is moving forward and is being responsive to the concerns of the local communities around the Grand Canyon National Park as you have seen this process unfold?

Mr. VERKAMP. Thank you, Congressman. I would say that the people that I know—and I know a good majority of the people both in Grand Canyon, Flagstaff and the surrounding areas. I have many, many friends on the reservation. I have seen the mile pilings that are supposedly cleaned up out there, which is certainly not true. And I would say the vast majority of people that I know are totally opposed to this for the reasons I have stated, the impact on their livelihood.

So I would say, Congressman, yes. I have studied this issue a lot, and a lot of the people have already kind of made their positions known on it. And so definitely I am very interested in the numbers

that have shown the degree of support or nonsupport for increasing this big footprint of industrial activity that will take place.

Mr. GRIJALVA. Yes. And if I may again, sir, it has been asserted here many times by the Majority that uranium mining will occur miles away from the Grand Canyon and as a result won't pose a threat to the park itself. There is a picture of the Kanab North Uranium Mine, which is located, oh, about 10 miles from the boundary. You can see the park, the main canyon in the distance. You can see the creek that takes water down into the Colorado. Do you think that the mine might present a risk to the Grand Canyon and the Colorado River just from the photograph?

Mr. VERKAMP. Well, it looks to me like the drainage eventually goes into the Colorado River. And if anyone has been up to see the Atlas Mine situation, which the taxpayers had to totally fund to get cleaned up, it is mostly cleared up, but it cost billions of dollars. And this was one of those companies supposedly that was going to show us some of this environmentally sensitive way they have of cleaning up situations. So I have no doubt that eventually water runs downhill, and that water and that drainage—I don't recognize it—will get to the Colorado River without a doubt.

Mr. GRIJALVA. Thank you, sir.

Mr. Chairman, I don't have any questions for the other witnesses. Just as a reasonable person, I think we as reasonable people lose perspective on this debate and this discussion and this legislation, and as we go forward, the debate will intensify and more and more of the American people are going to become aware of the implications of this legislation, because it is not simply about a mining company and their profit line. It is not simply about trying to thwart the ability to create jobs in a region. It is an issue about something that is the connection to the heritage of this country. It is about a value and a spirit of the American people, and it is a national symbol that we are talking about.

I think Carville once said it when he was talking about the economy, that it is the Grand Canyon, stupid, and it is. That is what is at stake here. And I think that to minimize the potential of intended and unintended consequences on a national symbol, the connection to our past, to our heritage, and something that not only is the crown jewel of our national park system but is considered one of the wonders of the world.

And so for people like myself from Arizona, I am not here because I don't want uranium mining and I am opposing Mr. Franks' legislation. That is not why. I am here as a person from Arizona and as a citizen of this Nation to say we are potentially risking the very symbol that has sustained what this country was in the past and generation after generation have enjoyed and wondered and thought about what that meant. And so it is not about anti-mining. It is about pro-Grand Canyon. And so the debate will come down to that. And we are not destroying mining by saying for the sake of the Grand Canyon, the crown jewel, 12 percent of the available land for uranium mining will be withdrawn for 20 years so that we may provide a buffer and some level of security for the generations to follow that their national symbol will be there and that the ability to not only visit but enjoy and contemplate what that means will be available to the American people.

That is why I stand in opposition, because I am for the Grand Canyon, and I believe as this legislation goes forward, the debate will intensify and the American people will come to the realization that what is really at stake and what is really at risk here.

With that, thank you, Mr. Chairman, and I yield back.

Dr. GOSAR. Thank you very, very much. At this time, I will also acknowledge Mr. Garamendi for his five minutes.

Mr. GARAMENDI. Thank you very much. This question goes to Mr. Myers. The Chairman has asked how much uranium we import. Is it true that some of that uranium actually is part of a national security strategy in an agreement with Russia, the former Soviet Union, to deal with their highly enriched uranium?

Mr. MYERS. Yes, sir, that is correct. As I said in my statement, about one-quarter of our uranium and about one-half of our fuel comes from down-blended Russian high-enriched material.

Mr. GARAMENDI. And the United States also has a significant stockpile of the same material, is that correct?

Mr. MYERS. Yes. The United States has a stockpile of the same material.

Mr. GARAMENDI. OK. Now earlier on I opined that we have several thousands of tons of spent nuclear fuel, used nuclear fuel, is that correct?

Mr. MYERS. Yes.

Mr. GARAMENDI. And we at this time have no permanent repository for that, is that correct?

Mr. MYERS. We have a repository identified and fully characterized and judged to be suitable that the Obama Administration has decided to terminate the program.

Mr. GARAMENDI. So the answer is I am correct with the statement I made, correct?

Mr. MYERS. We currently do not have a repository.

Mr. GARAMENDI. Thank you. Now do we have the ability from past research to recycle that material in an integral fast reactor with pyroprocessing that can consume 90 percent of the total energy and reduce the longevity of the waste to some 2- to 300 years?

Mr. MYERS. Mr. Garamendi, I really appreciated your comments earlier and your enthusiasm for this concept, and we completely share it. Yes, it is on paper.

Mr. GARAMENDI. Thank you. Now, if that is the case——

Mr. MYERS. Can I finish, sir?

Mr. GARAMENDI. Please.

Mr. MYERS. And on paper, it is a very appealing concept because it does eliminate and uses fuel material that would otherwise be discarded as a waste product and eliminates both the toxicity and the volume of material that has to go to a permanent repository. But, and like many things in life, there is always a but, these technologies are not yet ready for deployment at commercial scale and they are not at the moment even remotely economic. So we still have if you talk to the experts a significant amount of technology research and development to do and a significant amount of funding that has to come from somewhere to support that before we can truly talk about reprocessing and full recycle of spent nuclear fuel. But I am absolutely convinced, as I sense you are, that that is the

future and we need to move in that direction with all possible speed.

Mr. GARAMENDI. I thank you very much, and I agree with all possible speed. And in fact, your industry has about \$20 billion set aside in some coffer here at the Federal Government for the—

Mr. MYERS. Well, it is an accounting entry unfortunately, Mr. Garamendi. It has been spent by the government on other things.

Mr. GARAMENDI. And there are lawsuits about that. But the fact of the matter is that we do have a solution to the spent nuclear fuel problem that would really put aside this issue totally, that we really do not need to mine additional uranium. We could use the spent nuclear fuel and that technology, the integral fast reactor pyroprocessing, also could use the material that does not make it into the existing fuel cycle, that is, set aside at various waste piles.

My point here is that it is perfectly correct for the Secretary to withdraw this area from mining for the next 20 years, at which time, if we had any sense at all here in this Nation and around the world, we would move expeditiously to a full closing of the nuclear fuel cycle, solving multiple problems along the way, including this potential environmental problem.

The argument that I am making is set this land aside, don't do more mining in this area, withdraw it from the mining, get on with a solution to the nuclear waste problem, which actually is an extraordinarily valuable asset, containing some 97 percent of the energy, and if you use the PUREX recycling process, 94 percent of the energy. That is what we ought to do in our wisdom. We ought not to spoil additional land near and adjacent to the Grand Canyon, which the Ranking Member has correctly described as an extraordinary, extraordinary part of this world. So there is a solution and we ought to move on it. Mr. Myers, final comment?

Mr. MYERS. Mr. Garamendi, I completely agree with you about the long-term promise of recycling and reprocessing and closing the nuclear fuel cycle. I would just mention, though, that we do believe that this is a decade or more away.

Mr. GARAMENDI. Here I will reclaim my time. It is not a decade away. The reactor operated safely for 30 years. The pyroprocessing system continues to exist in a laboratory in Idaho. What we need is to spend about \$10 billion over the next 10 years to create the demonstration plant. And your industry should be fully in support of that. We do not need an additional 30 or 40 years of research. What we really need is to move on.

Mr. Chairman, I appreciate the additional time. Thank you very much.

Dr. GOSAR. Thank you. Mr. Roberts, in his testimony, Mr. Verkamp asserts the cost to taxpayers of restoring mined-out areas amount to millions of dollars paid by taxpayers like the case of the orphan mine. As a representative of a company that currently does business on the Strip, I would like to get some clarification on that statement. Under existing Federal law, the statement is not correct, right?

Mr. ROBERTS. Well, Mr. Chairman, we are required to submit surety evidence or surety bonds for the reclamation of our mines, all of our mines, and also including our milling facility in Utah. So we have somewhere around a half a million dollars of surety bond

against just the Arizona one mine, and actually we are double bonded I call it. We have a bond to the BLM. We also have a similar bond to the State of Arizona because there is no crossover in their jurisdictions.

So the money is set aside to reclaim the property if for some reason we should be able to do that or shouldn't be able to do that in the future. So it is a little bit of an evolution of the process. I respect what has happened in the past with a lot of the legacy sites and the history of mining. A lot of that was done under U.S. Government jurisdiction, under U.S. Government uranium purchase programs. The government really basically did not allow for costs to be included in the payments to the miners or to producers for the cost of reclamation. So basically the government was stuck with that.

In the case of the orphan mine, you know, it was mined early on as a copper mine starting back in the early 1900s. There was no regulations for permitting and bonding at that time. Subsequently it was mined for uranium. Interestingly enough, actually my former employer, Energy Fields Nuclear, made a proposal to the Park Service to reclaim the orphan mine at our expense, and this was done in 1986. And I know this because I made the proposal. I investigated the site. I put the proposal together. We were told by the Park Service that they were not allowed to do that because these type of actions had to go to competitive bid, and that was the end of it.

Dr. GOSAR. So let me get this straight. So your company offered to clean up the orphan mine at your expense and you were refused, right?

Mr. ROBERTS. That is correct.

Dr. GOSAR. Wow. Another good purchase of the Federal Government. I want to point out this poster board that we have up here. This actually shows a site that had been mined and the reclamation after it, so it is very, very different. I am actually one who actually goes, touches and does. So I have been at the mine and I have seen all the protocol. And being out there, the site that we looked at, you could not find the mine site except for what was required by the Federal Government to keep in operation a spring, a pumping station.

So just for an FYI, and I am very well aware that a lot of the environmental groups sure like the way the roads are uptaked and your maintenance of them. So Mr. Roberts again. Mr. Verkamp states, as he recalls as a child—and I think a lot of us understand this because, you know, our past, which again I would like to point out that the Federal Government conducted uranium mining activities, not private industry.

He states that uranium ore was falling off trucks and kids were playing with it. Is this even plausible today with current State and Federal laws and regulations?

Mr. ROBERTS. Well, it is clearly not plausible today. I mean, I understand his comment. And when I look back knowing the history of the government-subsidized program, the government-mandated mining programs—an example is on the Navajo reservations—I can understand what he describes might have happened. That clearly

isn't what happens today with modern mining techniques, modern mining regulation and the way we do business today.

You know, all U.S. industry has a history of not understanding the risks and hazards of their industry, and it was a lack of knowledge. The mining business is no different. So, you know, I always tell people judge us by the way we do things today, not the way the Federal Government did things back in the 1950s. You know, our ore haulage program today is very sophisticated, very robust. All of our trucks are secured to make sure the ore is safe. The trucks are tarped. You know, we have no desire to spread uranium ore down the highway any more than the local citizens do. It is of great value to us. We spend a lot of money finding the ore. We spend a lot of money mining the ore, and we want it to get to the mill. We certainly don't want it spread down the highway.

So we go to great lengths to make sure that we are not going to be spilling any uranium ore on the highways or anywhere else where a member of the public may come in contact with it.

Dr. GOSAR. And I was very impressed when I came out there. That was one of my questions, and I was very rewarded with seeing how the trucks and the technology actually looks like a Saran wrap where actually we see pneumatics actually put a tarp down and seal the tarp. So I am very impressed.

Mr. Verkamp, I would like to get back to you and make sure when you talk that your mike is on because I couldn't hear you last time.

Mr. VERKAMP. OK. I am sorry.

Dr. GOSAR. I would like to get some clarification on your testimony. You opened your testimony by stating you are here to support H.R. 855 and against H.R. 3155. You don't mention the Secretary's proposed actions. Do you support the Secretary of the Interior's proposed action, the withdrawal of 1 million acres subject to existing right?

Mr. VERKAMP. Yes.

Dr. GOSAR. Then I am slightly confused about your testimony. You state that the development of projects will create an enormous dust pollution problem, serious safety and air quality issues and major visibility issues at the park. That is not supported by chapter 4 of the final EIS. Your testimony implies you are completely opposed to uranium mining in the Strip. But according to the Bureau of Land Management's press release announcing the release of the final draft environmental statement claims, that as many as 11 uranium mines could be operational over the next 20 years under the preferred alternative, including the four mines currently approved.

If you are supporting the Secretary's proposed action, is your support based on the assumption that none of the sites the Secretary claims could be operational over the next 20 years will ever come to fruition?

Mr. VERKAMP. I don't have any specific technical—can you hear me all right—information about, you know, the governmental action. I am from Grand Canyon and I know the area. I know it hands on. And anyone who tells me that a dust situation there is not going to be critical I don't think understands the place. It is going to take them, if they are going to go out to Blanding, they

are going to be on dirt roads for 40 miles probably, and as I said, that dust just goes everywhere. And if anybody wants to say that that doesn't impact air traffic as well as just people going into the Grand Canyon, I don't agree with that.

And the other thing that hasn't been mentioned is the safety factor. I don't care how sure they are now about how they can contain it on a truck because the traffic out there is going to require, if they pull into the main road, either the one on 64 or 89, they are going to have to have street lights out there, and people go through that area at 65, 70 miles an hour.

So I am not convinced that that is not a problem as much as they are suggesting. I have some question, and I am dubious about the new techniques that are being used by mining companies when I see down in the southeastern part of the country that they are blowing the tops out of mountains to get coal. So I am dubious about the environmentally sensitive nature of some of this hauling.

Dr. GOSAR. So let me rephrase this. So you are in support of the 11 mines that would be allowed to go forward or not?

Mr. VERKAMP. If I had my way, there wouldn't be any mines within that area, period.

Dr. GOSAR. OK, OK. My last statement that I would like to make is I agree with Congressman Grijalva. I love the Grand Canyon. You know, I am newer than you are. You know, I have been there 27 years. I love it. I love its beauty. I also love the business of it. But I disagree with Mr. Grijalva in the fact that they are not mutually exclusive. There is a place for both. And I think that is what the agreement was all about was working.

And when I look and I actually touch and see, what the American people want us to do is have common sense, is provide energy, provide the technology, institute the technology and work with industry and people. I am well aware of the value of what the Grand Canyon proposes in economics, but I also challenge you, what is that wage per person. Is it 20,000? Is it 30,000? Is it part-time? Is it full-time?

We have to have a mitigation problem in regards to our economy, and everything should be on the table. And this is all about common sense. It should be about a government working with people, not dictating and saying no because as this issue will show you, the Federal Government is the biggest problem and has been.

So, with that being said, with no further comment, I agree with this legislation, and I am opposed to the way the Secretary has done their dictation. If there is no further business, without objection the Subcommittee stands adjourned. And I want to thank all the witnesses who came forward today. Thank you.

[Whereupon, at 1:27 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

**Statement of The Honorable Edward J. Markey, Ranking Member,  
Committee on Natural Resources**

Theodore Roosevelt, the President who used the Antiquities Act to first protect the Grand Canyon from development said the following: "We regard temples and Roman triumphal arches and Gothic cathedrals as a priceless value. . .but we are, as a whole, still in that low state of civilization where we do not understand that it is vandalism to destroy or to permit the destruction of what is beautiful in nature."

Today, we are considering yet another Republican attempt to establish a permanent uranium mining zone next door to one of the planet's most iconic landmarks, Grand Canyon National Park. While we have made important strides over the last century, H.R. 3155 threatens to return this nation to the low state of civilization President Roosevelt found us in a century ago.

As we consider this legislation, we should remember a few important facts.

[Slide One—Horn Creek warning sign]

First, uranium mining has already harmed the Grand Canyon and the people who call the area home.

Just a single uranium mine caused permanent radioactive contamination of an entire creek within the Park. The water in Horn Creek is so radioactive that the Park Service warns hikers not to drink it, unless DEATH BY THIRST is the only other option.

Native People who live in and around the Canyon still suffer higher rates of illness and death as the terrible legacy of the last uranium boom in the area.

But rather than learning a lesson from this unfortunate tragedy, the Republican Majority has again offered legislation that could lead to unchecked uranium mining around Grand Canyon National Park.

[Poster Two—Map of the withdrawal]

Next, it is important to make absolutely clear that the Department of the Interior's proposed mining withdrawal will not stop current mining operations. The proposed withdrawal ONLY prevents new uranium mining around the Grand Canyon.

According to the Department's own analysis, there could still be eleven operational uranium mines near the Grand Canyon over the next 20 years, even if the withdrawal occurs. That number is too high, but given the complete inadequacy of the Mining Law of 1872, that is the reality.

But apparently that is not good enough for the Majority. It appears that for Republicans, the only appropriate amount of uranium mining is UNLIMITED uranium mining.

H.R. 3155 will PERMANENTLY strip the Interior Department of the power to protect lands around the Grand Canyon from uranium mining.

Even if widespread environmental contamination occurred—even if a huge waste spill took place that poisoned the drinking water of millions of Americans in Los Angeles and Las Vegas—even if the rate of severe illness spiked among families living near the Canyon—the Department of Interior would be powerless to stop any new mining. Congress has NEVER taken such a rash step before.

[Poster Three—Map]

If H.R. 3155 were enacted, there would be nothing to stop development of a uranium mine on every square mile of land around the Grand Canyon with at least one mining claim; that is the Republican vision for this beloved, international landmark.

Each year, Grand Canyon National Park generates \$700 million dollars in local revenue and supports more than 12,000 jobs. These jobs—not to mention the entire economies of several major cities—depend on clean water and clean air. We should not put all of this at risk to increase the quarterly profits of a few foreign-owned mining conglomerates.

The simple truth, Mr. Chairman, is that water flows downhill. When we are talking about Grand Canyon National Park and the Colorado River, do we really want that water to contain uranium? Do we really want to return to a state of such low civilization that we allow something so beautiful to be so vandalized?

The American people say no and we should say no as well. I yield back.

[A letter submitted for the record by the Western Business Roundtable on H.R. 3155 follows:]



November 2, 2011

The Honorable Trent Franks  
2435 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Franks:

I am writing on behalf of the multi-sector members of the Western Business Roundtable to express our support for "*The Northern Arizona Mining Continuity Act of 2011*" (H.R. 3155). We appreciate your leadership in introducing this important legislation, which would bar the Department of Interior's unilateral withdraw of a huge swath of Western federal lands from access for minerals exploration and production.

In 2009, Secretary of the Interior Ken Salazar proposed the emergency withdrawal from new location and entry under the 1872 Mining Law, of 1,010,776 acres of federal lands in the so-called "Arizona Strip" (Coconino and Mohave Counties, Arizona).

Logically, "emergency withdrawal" implies several things: 1) evidence that environmental degradation is occurring; 2) evidence that the current suite of environmental laws, regulations, agreements, etc. cannot be applied to fix the problems; 3) evidence that the problems are of such scope that emergency withdrawal is the only way to safeguard the resources being impacted.

Here, the misapplication is beyond obvious: not only is there a comprehensive set of environmental laws and regulations in place (Clean Air Act, Clean Water Act, Federal Land Policy and Management Act, National Environmental Policy Act, Endangered Species Act), but there is a good track record of compliance by uranium producers. In fact, the evidence points to the fact that current system of protections – down to and including specific project reviews – is working well.

In fact, even a Draft Environmental Impact Statement ordered by Secretary Salazar confirms that fact. The DEIS considered potential impacts on air emissions, water resources, soil resources, vegetation, fish and wildlife, wilderness resources, and recreation and tourism. Its conclusion: there is "no conclusive evidence" that modern mining in the region is causing any significant environmental degradation.

With this elaborate system of checks and balances in place, it is far from clear what problem the Department is seeking to solve with this huge withdrawal of lands. Barring some abrogation of duties by the federal land managers in question to properly enforce federal environmental compliance requirements, what exactly is the extraordinary emergency that would justify simply shutting off a million acres of land from an otherwise legal activity?

As you well know, the problems caused by this withdrawal are many, and not only for Arizona. It has profound implications for the nation's economic and energy/minerals security. Beyond the federal, state and local economic consequences (which are huge), three facts are worth emphasizing:

- Nuclear power currently accounts for approximately 20 percent of the nation's electrical production (zero-emissions power, we might add).
- The United States currently imports 90 percent of the uranium necessary to power those plants.
- The U.S. Geological Survey estimates that the Arizona Strip holds 42 percent of the United States' undiscovered uranium endowment (the equivalent of 13 billion barrels of oil).

This withdrawal of lands is just the latest in a growing string of Administration actions that are virtually guaranteeing our nation's long-term dependence on foreign (and often hostile) sources of energy and minerals. Such profound policy incoherence is placing our nation's security and economic success in serious jeopardy.

Thank you for your leadership on behalf of U.S. economic, energy and minerals security, most recently evidenced through introduction of H.R. 3155.

Sincerely,



Holly Propst  
Executive Director / General Counsel  
Western Business Roundtable

*The Western Business Roundtable is a broad-based coalition of companies doing business in the Western United States. Our membership is comprised of a coalition of corporations and organizations representing a broad cross-section of Western business including, among others: manufacturing; mining; electric power generation, transmission and distribution; energy infrastructure development; energy supply exploration/development and transportation; energy services; and environmental engineering.*

*We work to defend the interests of the West and support policies that encourage economic growth and opportunity, freedom of enterprise and a sound approach to conservation and environmental stewardship.*

[A statement submitted for the record by The Wilderness Society on H.R. 3155 follows:]

**Statement submitted for the record by The Wilderness Society on H.R. 3155, The Northern Arizona Mining Continuity Act of 2011**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide a statement on behalf of The Wilderness Society regarding H.R. 3155, the Northern Arizona Mining Continuity Act of 2011. The Wilderness Society works on behalf of its 500,000 members and supporters to protect wilderness and inspire Americans to care for our wild places and our public lands and forests.

On behalf of our 500,000 members and supporters nationwide, we oppose H.R. 3155 because it will place one of America's most important natural icons—the Grand Canyon—at risk from increased uranium pollution.

The Grand Canyon has a rich history of conservation dating back over 100 years. In 1903, President Theodore Roosevelt gave a seminal speech on the rim of the Grand Canyon, in which he urged Americans to preserve this historic natural landmark:

In the Grand Canyon, Arizona has a natural wonder which, so far as I know, is in kind absolutely unparalleled throughout the rest of the world. I want to ask you to do one thing in connection with it in your own interest and in the interest of the country—to keep this great wonder of nature as it now is. . . .

Leave it as it is. You cannot improve on it. The ages have been at work on it, and man can only mar it. What you can do is to keep it for your children, your children's children, and for all who come after you, as one of the great sights which every American if he can travel at all should see.

Five years later, in 1908, using the powers vested in him by Congress through the Antiquities Act, President Roosevelt designated the Grand Canyon as a national monument.

For 100 years, this stunning landmark has endured. And yet now it is imperiled by uranium pollution that threatens the sublime beauty that President Roosevelt urged us to preserve.

Some have asserted that the Arizona Wilderness Act of 1984 (PL 98–406) is evidence that Congress intended uranium development to take place in perpetuity along the Arizona Strip and that the proposed mining withdrawal somehow violates this intent. Neither the language of the Arizona Wilderness Act nor the act's legislative history supports this assertion, and The Wilderness Society wishes to clarify the record on this issue.

A review of the legislative language and history of the Arizona Wilderness Act finds that nothing in the legislative record supports or suggests that the legislation was meant to be the final disposition on the status of Bureau of Land Management (BLM) lands in the Arizona Strip. Perhaps the strongest support for the interpretation that the Arizona Wilderness Act was not meant to be a final disposition of wilderness lands in Arizona comes from Congress itself. Since the passage of the Arizona Wilderness Act, Arizona's congressional delegation has sponsored and passed multiple pieces of legislation creating new wilderness areas across the state.

Then there is the language of the law itself. In addition to designating wilderness areas in the Arizona Strip, the Arizona Wilderness Act released non-designated lands in the Strip from section 603 of the Federal Land Management and Policy Act (FLPMA). In particular, the legislation stated that released lands need not be managed to maintain their suitability for wilderness designation. However, the legislation contains no language preventing future consideration of Arizona Strip lands for wilderness. Instead, non-designated lands are managed under section 202 of FLPMA, which requires, among other things, consideration of wilderness values and, where appropriate, protection of lands with wilderness character. This means that the BLM must consider and, as appropriate, protect lands with wilderness character through the local land management process.

In regards to National Forest lands, Congress clearly intended that, after a pause, the Forest Service should review the wilderness values of released lands and make wilderness recommendations. This language was a carefully crafted compromise which appeared in dozens of statewide forest wilderness bills in the 1980s. Section 103(a)(2) of PL 98–406 states:

With respect to the national forest system lands in the State of Arizona which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands designated for wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised. (emphasis added)

The intention to continue wilderness reviews after a pause was discussed in the Senate Report 98–463 accompanying the Arizona Wilderness Act, which states:

In short, the wilderness option must be considered in each future planning generation if the particular land in question still possess wilderness attributes. . . [T]he language also provides that lands recommended for wilderness in future generations of plans shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, upon implementation of such plans. (emphasis added)

It is simply false to suggest, as some have done, that the Arizona Wilderness Act required that non-wilderness lands would be open to uranium mining in perpetuity, and such a reading does not comport to the legislative history of the legislation. While non-wilderness lands are made available to non-wilderness uses, such uses are not required—they are merely one option to be considered in the land management planning process. The House Report accompanying the legislation, H. Rep. 98–463, makes this clear, stating that the legislation “releases certain other lands for such non-wilderness uses as are determined appropriate through the land management planning process.” (emphasis added)

Congress has adopted this approach because it affords land managers the ability to make decisions based on sound science, updated information, and current societal values. Despite numerous efforts to enact such a provision, since passage of the Wil-

derness Act in 1964, Congress has rejected every effort to enact legislation to permanently release lands from consideration for wilderness.

It is exactly the approach anticipated by the Arizona Wilderness Act that the Department of the Interior (Department) is now undertaking in the lands surrounding the Grand Canyon. Through the land management planning process, and after careful review of public comment, and recent scientific information, the Department is now considering which non-wilderness uses are appropriate on these lands.

As opposed to new wilderness, which limits a suite of activities beyond new mining claims, the Department is considering a limited mineral withdrawal that is necessary to preserve the fragile ecology and scenery of the Grand Canyon. This should not be confused with designating wilderness, which is, of course, a prerogative Congress has reserved for itself.

Arizona has doubled its population since the last wilderness legislation passed in 1990. Land management must keep pace with the growing demand for environmental conservation and high quality outdoor recreation. Wilderness areas are more important than ever in balancing our growth and providing our communities with natural amenities and sustainable local economies.

For the benefit of present and future Americans, we urge the Committee to heed the words of President Theodore Roosevelt, honor the language of the Arizona Wilderness Act, and preserve the majesty of the Grand Canyon by rejecting H.R. 3155.

