

Northern Arizona Proposed Withdrawal Project
Mr. Scott Florence, District Manager
U.S. Bureau of Land Management
Arizona Strip District Office
345 East Riverside Drive
St. George, UT 84790

Dear Mr. Florence,

It has come to my attention that the BLM intends to issue a supplemental to the Draft EIS for the Northern Arizona Withdrawal Project concerning the economic modeling of the affected counties and cities in Arizona and Utah. While this action is commendable, it is very much short of the requirements placed upon the BLM as the responsible agency.

NEPA at part 1502.9 (a) states

If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.

Additionally part 1905.9 (c) requires:

c) Agencies:

1. Shall prepare supplements to either draft or final environmental impact statements if:
 - (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or
 - (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.**
- 2. May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.**

Unfortunately, the Draft EIS is so inadequate that for many of the sections of the DEIS written, that there *exists* no meaningful analysis. Many of the required analyses were simply not performed and many sections of the DEIS were so biased that the requirement at Section 1902.9(a):

The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all **major points of view** on the environmental impacts of the alternatives including the proposed action.

was not met at all. The Draft EIS is, in fact, a consistently biased document.

As stated in Section 1902.9 c) (II), if there is significant new information relevant to environmental concerns and bearing on the proposed action or its impacts a supplement to the Draft EIS shall be made.

Such comments were submitted to the BLM by several people and organizations (including myself) and the information submitted should trigger a supplemental all by themselves. The totality of all the deficiencies in this DEIS should certainly make a supplemental DEIS mandatory.

I will outline below the deficiencies that I have noted that should require a supplemental Draft EIS as required by NEPA.

New Information Bearing on the Proposed Actions

Comments submitted by Quaterra Resources, Inc. (Eugene D. Spiering), DIR Exploration, Inc. (Larry D. Turner), and ACERT provide new information regarding the mineable uranium endowment of the withdrawal area and show that the Northern Arizona Proposed Withdrawal Area (NAPWA) could have around 110 economically viable breccia pipes or more containing 165,000 tons (330 million pounds) of U3O8 verses the 45 breccia pipes containing 33,155 tons (66,310,000 pounds) U3O8.

The new information submitted shows that the USGS's uranium endowment estimate was misapplied. Larry Turner's comments provided the geological basis for why the 45 mile wide by 100 mile long North-South trending area is the sweet spot for higher grade breccia pipes and therefore contains more high grade economical uranium containing breccia pipes. The additional 12% withdrawal of uranium resources in the NAPWA has been shown by geological evidence provided by DIR Exploration, Inc., to be much greater than that.

The current DEIS underestimates the mineable uranium endowment by nearly five times. This has monumental effects on the accuracy and subsequent analysis of the completed DEIS. While the number of mines considered to be developed during the next 20 years may not change much, the total value of the mineable uranium resource is drastically undervalued both in the NAPWA and in those lands previously withdrawn from mineral entry. The new information submitted indicates that the NAPWA would be a uranium resource that would be in production for several generations and provide a long-lasting economic contribution to northern Arizona and southern Utah.

A related issue to the above, is the new information submitted by Quaterra Resources, Inc. regarding hidden or blind breccia pipes and their probable addition to uranium resources not considered by the USGS's uranium resource estimate. The use of new exploration techniques such as VTEM, enables these hidden uranium bearing pipes to be discovered, evaluated, and mined when they could not have been previously. There is geological evidence that also indicates that so-called hidden or blind breccia pipes may contain higher than usual amounts of uranium.

A second new issue with information submitted is the unaddressed issue of rights-of-way across Federal lands in the NAPWA to access State Trust or Private lands for mineral exploration projects. NEPA requires that this issue be analyzed because it is a direct/indirect consequence of the proposed actions. This issue was not at all considered in the DEIS.

A third issue with new information submitted pertains to the cumulative effect that uranium mining might have on the uranium "contamination" of the Colorado River and the Grand Canyon water shed. The current DEIS capitulates on whether uranium mining has the capacity to contaminate the

Colorado River with out any meaningful analysis at all. No cumulative effects analysis was performed. This in itself, is a violation of the NEPA statues and requires redress. Simply stating without supporting analysis that the Colorado River would not be contaminated by uranium exploration and mining is not sufficient.

Secretary of the Interior, Ken Salazar, in his comments at the Grand Canyon in June of this year stated that protection of the Colorado River from possible contamination was one of the major reasons for selecting the total withdrawal of the NAPWA as the preferred option. Obviously, the Secretary has not read or possibly understood the DEIS that he commission as it it currently written, or he would have noticed that the matter of possible river contamination was not adequately addressed in the DEIS.

The Arizona Geologic Survey has issued OFR-11-04 that speaks to the kind of analysis that would be required by NEPA to adequately address the possibility of uranium mining contaminating the Colorado River.

In addition, the more than 30 ore-grade and lightly mineralized uranium breccia pipes within the Grand Canyon National Park should have been identified and some estimation of their yearly erosion of uranium and other metals from these exposed deposits and the distribution of the contaminating metals in the surrounding areas estimated as part of the current resource condition analysis for Chapter 3 of the DEIS.

This goes to the heart of comparing natural sources of uranium contamination as compared to a reclaimed breccia pipe mine. It would also let the Park service know where to erect warning signs within the GCNP to warn visitors of perceived natural radiation hazards similar to signage found in the Horn Creek drainage basin.

NEPA required the above analyses, but they were not carried out. While technically and scientifically, the above information is not new, it seems that it is new to the authors of the DEIS since it was in no way addressed in the DEIS.

Additional Alternatives Proposed

Lee Allison, AZ State Geologist, proposed in his comments an alternative that deserves analysis.

Analysis that was required to be performed in detail in the DEIS but was not

NEPA requires that:

"If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion."

Simply not doing the analysis required by the Description of Relevant Issues when these issues are clearly required by the NEPA, creates a document that precludes meaningful analysis because no context is provided for the reader and the user. In addition, the NEPA statues require that:

"The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all **major points of view** on the environmental impacts of the alternatives including the proposed action."

Generally speaking, the analyses that were not performed were those that would have presented context and would have spoken to the Alternative A (No Withdrawal) argument. As a result of these omissions, the DEIS is a largely biased document as it does nothing proactive to present the point of view that Alternative A is a viable and defensible alternative.

Examples are listed below:

1) The Arizona Wilderness Act of 1984 is not mentioned in the DEIS at all even though it is the landmark piece of legislation that defined the land areas available for mineral entry and uranium exploration and mining. Analysis of this Act and the historical context with regards to the current situation is essential to understanding why the No Action Alternative is a viable alternative. The current "controversy" is old news and a solution was agreed to in 1984 that resulted in an Act of Congress.

Not including this piece of legislation does not provide any balance to the DEIS and include all major points of views as required by NEPA. Included in the analysis of this act should be the number of mining claims that were registered by exploration companies shortly after this Act and the present day number of mining claims that "caused such an emergency" as to require the emergency withdrawal of over one million acres from mineral entry.

Many of the comments submitted were specifically or generally about this issue. A discussion of this Act and the number of mining claims during the 1980s as compared to the current time period provides context and a Major Point of View that is lacking in the current version of the DEIS.

2) The Air Quality Cumulative Impact Analysis was not done. This analysis would have provided context for the quantities of pollutants that uranium exploration and mining were responsible for compared to the current Air Quality conditions.

Comments were submitted by Gregory Yount of The NAU Project, LLC in this regard that showed that the analysis was a simple one and easily performed.

3) The Energy Value of the uranium in the NAPWA was never calculated as required by Table 3.1-1 of Chapter 3 of the DEIS. This is particularly important given the new information submitted in comments regarding the actual estimated mineable uranium resources in the NAPWA.

In addition, the energy value of the uranium resource previously withdrawn was not calculated. Those areas previously withdrawn but in the N-S trending area that has the greatest uranium potential need to be analyzed for the actual estimated uranium resource and the value of that energy resource.

A conservative estimate of the energy value in the NAPWA would be over 560 billion dollars. Of this, about 40% could be produced in the 20 year time span of the proposed withdrawal. Thus the yearly "Energy Value" would be 11.2 Billion Dollars per year.

Not doing the required Energy Value analysis creates a substantial bias as to the worth of uranium exploration and mining as compared to the tourism industry in the Study Area and does not present a Major Point of View as required by NEPA.

4) The equivalent amount of other energy-producing commodity represented by uranium production was not analyzed as required by Table 3.1-1 of the DEIS. Specifically: coal, petroleum, natural gas,

wind power, or solar. The analysis of the equivalencies should cover their cost to build, land and water usage, equivalent quantity, and a general sense of their environmental impacts. The analysis needs to also be performed for those lands previously withdrawn.

5) The analysis of Green House Gas (GHG) reduction by the uranium resource within the NAPWA was improperly excluded from analyses. The GHG production from uranium exploration and mining was calculated, but the reduction of GHGs by the use of the uranium from the NAPWA was excluded. NEPA requires that all direct and indirect effects be analyzed.

6) Mitigating measures are not seriously explored or proposed for most of the potential problems identified and analyzed. NEPA requires otherwise, and this omission implies bias on the part of its preparers.

7) Not analyzed is the issue of prior existing right and the most probable outcome that nearly all mining claims will be voided by the withdrawal when subject to a mineral examination. The general public has been lead to believe that existing claims could proceed and does not really understand what "Valid Existing Right" means. The direct impact that any of the withdrawal Alternatives has on the claim owner was not analyzed. The economic impact on the claim holder (loss of time and money invested) was not analyzed and the loss of revenue to the BLM for the maintenance fees paid by the claim owners was also not analyzed.

8)Not analyzed is the effectiveness of the existing regulatory framework: federal, state, and local laws and regulatory bodies. An analysis of this framework would determine any flaws and weaknesses in the existing regulatory framework and mitigating measures could be proposed by the DEIS as required by NEPA. The National Mining Association specifically proposed just such analysis be done as part of the EIS during the scoping period prior the the development of the DEIS. This omission again particularly implies bias on the part of its preparers.

9) The DEIS fails to include the work done by the BLM when it developed its Resource Management Plan (RMP). The RMP developed by the BLM concluded that most of the Arizona Strip should remain open to mineral entry. This 5 year effort by the BLM involving thousands of stakeholders should have been an integral part of the DEIS.

In addition to missing analysis, the serious lack of scientific basis in the assumptions and modeling of the Water Resources sections of the DEIS are an obvious violation of the NEPA. NEPA requires that:

the agency's evaluation of such impacts based upon theoretical approaches or research methods (be) generally accepted in the scientific community. For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, ***provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason.***

There were many comments submitted on the validity of assumptions and the general low level of scientific analysis performed in the Water Resources sections of the DEIS. As potential impact on water resources was one of the primary reasons for the 2 year withdrawal and the EIS in the first place, it seems particularly disappointing that this section is such a technical and scientific under-performer. It is basically unusable! The water resource sections of the DEIS do not meet **ANY** of the requirements

set forth by NEPA above.

To continue, NEPA requires that every effort to disclose and discuss. "...in the draft statement all *major points of view* on the environmental impacts of the alternatives." This was simply not done. In fact, judging by the large number of omissions present in the DEIS, a concerted effort was made not to present the point of view of the No Action Alternative. The omissions and direct errors in logic and analysis are so numerous that the institutional competency of the BLM, managing agency of the NEPA process in this case, is thrown into serious question.

The multitude of errors in the DEIS are amply documented in the comments submitted. Many of the omissions in analysis or lack of scientific rigor cited above, provide the basis for a supplemental all by themselves. The fact that there are so many errors and omissions of such a serious nature makes a supplemental mandatory.

The BLM, as the lead agency, has the statutory responsibility and obligation to publish, for comment, a Supplemental Draft EIS for the Northern Arizona Withdrawal Proposal.

Please consider this letter as a legal notification that your statutory obligations must be fulfilled.

Gregory Yount
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