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Secretary Ryan Zinke
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Zinke,

Congratulations on your recent appointment. Would you please give a few minutes of your time to Public Land Order 7787 that serves as another unfortunate example of political overreach by the previous administration. May I present a short history.

PLO 7787, effective January 21, 2012, withdrew from mineral entry some 1 million acres of BLM and USFS lands located in northern Arizona. PLO 7787 removed this acreage from "hard rock mining", but kept oil and gas, mineral leasing and materials leasing intact. The intent of PLO 7787 was to close this area to uranium exploration which would eventually lead to ending uranium mining when the known deposits were exhausted. The reason was the perceived threat of uranium pollution in the watershed of the Colorado River and Grand Canyon announced by environmental groups such as Sierra Club, Environmental Working Group, and Center for Biological Diversity.

However, the astounding fact about the process behind this PLO is that it ignored a statute that was based on a study completed in the area decades ago. This acreage was specifically set aside to remain open to mineral entry and uranium mining by the compromise agreement between Congress, DOI, industry, the State of Arizona and some of the same environmental groups. That agreement is the Arizona Wilderness Act of 1984 (H.R. 4707) which passed with bi-partisan support.

Uranium mining has been ongoing for most of the time in this area since the 1950's when uranium ore was trucked from the Orphan Mine located on a patented claim on the canyon rim near Grand Canyon Village through Grand Canyon National Park. Upon termination of mining at Orphan, the claim was transferred to the park and subsequent uranium mining has occurred on public lands outside the park to this day. The only reported accidents occurred in the early 1980's when a small amount of stockpiled ore was washed away during a flash flood in Hack Canyon and an ore-hauling truck overturned on a highway in route to the mill in Blanding, Utah.

The operator in both instances, Energy Fuels Nuclear, Inc., cleaned up the sites and there was no environmental damage reported.

With respect to water testing done in the region, one small drainage was found that contains elevated uranium values. That drainage, Horn Creek, is located immediately below the Orphan Mine and below the uranium horizon. However, there is no proof as to whether the elevated values are natural because of the close proximity to that uranium deposit or from the impacts of the actual mining. Horn Creek and the Orphan Mine formed along the same fault which is the likely explanation. And surprisingly, uranium from a number of undisturbed deposits of this type located within the Park is eroding naturally into the tributary system.

PLO 7787 was preceded by a Notice of Proposed Withdrawal published in Federal Register Vol. 74, No. 138 on July 21, 2009. This Notice effectively shut down exploration activity in the area as of that date. DOI then spent over two years completing an EIS (ref. Northern Arizona Mineral Withdrawal Final Environmental Impact Statement and Record of Decision dated January 9, 2012) that failed to demonstrate that significant impacts or irreparable harm had come to the area from 50 years of uranium mining and exploration activity. Nor did it demonstrate significant risk of pollution from continued uranium mining since the earlier mentioned study pertaining to H.R. 4707. And it subsequently has been discovered that an employee(s) in the USGS Energy Geochemistry Laboratory in Lakewood, CO “intentionally manipulated” results from testing of samples collected for the EIS process (ref. DOI Office of Inspector General Report No. 2016-EAU-010 June 2016 and accompanying memo of June 15, 2016 from Deputy Inspector General Mary Kimball).

Secretary Salazar signed PLO 7787 despite clear scientific evidence that did not support a withdrawal and despite a number of pleas to not go through with the withdrawal including from the Governor of Arizona and Arizona State Senate (ref. Gov. J. Brewer letter to Sec. Salazar of October 30, 2009 and State Senate letter to Sec. Salazar of April 13, 2011, respectively). Congressman Rob Bishop – UT-01, first brought public attention to the political motivation by issuing a news release (Ref. News Release, May 23, 2012, Leaked Emails Reveal Interior Dept. Ignored Lack of Scientific Evidence to Support Ban on Uranium Development).

How do I know about all this? I am one of a hand full of people who worked many years in this area. In 1979, early in my career as a geologist, I was assigned projects in northern Arizona to explore for these breccia pipes that can contain uranium deposits that are the highest grades found in the USA. Efforts shifted to this region due to declining prices of yellowcake that rendered lower-grade deposits such as those being mined in Utah and Wyoming uneconomic. A land rush commenced resulting in tens of thousands of claims being staked. I worked in the area until 1988 when prices finally forced exploration efforts to stop although mining of known deposits continued.

In 2004, as the uranium market began to recover, I was hired to start a new exploration program in the area. My company (VANE Minerals (US) LLC (one of the smaller ones) spent over \$6M assembling a land position and conducting exploration drilling. Our land position

included over 300 unpatented mining claims on BLM and USFS lands. The withdrawal essentially was a “taking of property” which resulted in our loss of most of that investment and gutted our company.

The issue I struggle with is that land withdrawals of this magnitude (over 5,000 acres) are, by law, supposed to have Congressional approval, yet this was done by clear political directive while ignoring existing statute. PLO 7787 was brought to light on two occasions by the Wall Street Journal in their op-eds of September 23, 2011 and January 19, 2012. Legal efforts are ongoing by the National Mining Association and American Exploration & Mining Association.

The underlying motivation of the radical environmentalists is anti-mining and anti-nuclear. Consequently, they play on the fear that somehow disturbing and mining these deposits on lands outside the Parks and Monuments will pollute. Uranium is a naturally-occurring element. It exists in unknown concentrated amounts in breccia pipes in and around Grand Canyon above the water table, but never-the-less slowly leaches and dilutes naturally into the ecosystem. Common sense indicates that mining of these high-grade deposits removes the perceived threat from the area and transports it where it can be processed and converted to clean energy, in effect a remediation.

Mr. Secretary, PLO 7787 conflicts with President Trump’s recent Executive Order on Energy Independence (E.O. 13783) and your Secretarial Order 3349. Section 1(c) of E.O. 13783 states:

(c) Accordingly, it is the policy of the United States that executive departments and agencies (agencies) immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.

Clearly, PLO 7787 burdens the development of domestic energy resources and should be rescinded. I know you have a lot on your plate, but I would appreciate it if you could review this issue and begin the process to terminate PLO 7787.

Thank you very much for your time.

Sincerely,



Kris K. Hefton
Director and COO