

# SAN MIGUEL COUNTY

## BOARD OF COMMISSIONERS

ELAINE FISCHER

ART GOODTIMES

JOAN MAY

August 24, 2015

Ms. Sally Jewell, Secretary of the Interior  
U.S. Department of the Interior  
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Mr. Tom Vilsack, Secretary of Agriculture  
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Mr. Neil Kornze, Director  
U.S. Bureau of Land Management  
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Mr. Tom Tidwell, Chief  
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RE: Amended Regulations Governing Mining on Public Lands and a Petition for Rulemaking  
Pursuant to the Administrative Procedure Act

Dear Secretary Jewell, Secretary Vilsack, Director Kornze and Chief Tidwell,

San Miguel County, Colorado, supports the Grand Canyon Trust's petition for the issuance of amended regulations governing certain types of hard rock mining on public lands managed by the Bureau of Land Management and the U.S. Forest Service. The petition asks the Interior Department and Agriculture Department to amend federal mining regulations to specifically improve oversight of non-operating uranium mines on public lands that remain inactive for extended periods of time while deferring reclamation and closure.

The recent release of contaminated water from the Gold King mine that polluted the Animas River happened to our neighbors in San Juan County and has raised significant issues about the long-term

management of mines on public lands. We are deeply concerned about the lack of comprehensive cleanup efforts that may have contributed to this disaster. The Board of Commissioners believes that the applicable federal regulations are inadequate to fully protect the public interest. The situation that is now impacting our neighbors is a visible reminder of the urgency of the situation. In our high country areas in the east of San Miguel County, there are hundreds of inactive metal mines that are posing risks to our watershed and communities that rely on headwaters streams for clean water.

San Miguel County's land area is comprised of the San Miguel and Dolores river watersheds, two important upper tributaries of the Colorado River, and the heart of the Uravan Mineral District lies within the western portion of our County. According to a 2014 Department of Energy report, the San Miguel-Dolores watershed hosts the nation's highest concentration of uranium mines. In San Miguel County's jurisdiction alone, there are 421 dormant uranium mines clustered around the two rivers, with the vast majority located on lands under Bureau of Land Management jurisdiction.

Historically, the uranium industry has been important to San Miguel County's economic development and these mines were instrumental in contributing to the national defense during the Cold War. Our hardrock mining heritage remains culturally important to residents. Since the early 1980s, however, the uranium industry's presence has significantly diminished in the County. In recent decades only a handful of mines have operated for short periods of time. The last uranium mines in our County ceased production in 2009. At the same time, agriculture has remained an important sector of our County's economy and the tourism and recreation-based industries have become dominant. Both these sectors rely on the sustainable management of public lands as well as the restoration and long-term protection of water quality in the San Miguel and Dolores rivers.

The impacts of non-operating uranium mines continue to be a concern to San Miguel County because our regional watershed is burdened with the legacy of more than 1,300 unreclaimed and abandoned uranium mines. We support the Grand Canyon Trust's petition to improve the environmental performance of non-operating mines, particularly those mines in the Grand Canyon region that are impacting the traditional tribal lands and sacred areas of the Havasupai and other Tribes of the Colorado Plateau. Over the past decade, it is our understanding that a Colorado-based company has operated several mines in the Grand Canyon region that were allowed to resume operations based upon approvals from the 1980s. It is our understanding that the federal public land management agencies involved in these decisions also failed to fully consult with the impacted tribal governments. The County continues to express its concerns to federal agencies with the expectation that they will fully consider the impacts of reopening uranium mines on public lands that are important to indigenous peoples and the other residents across the Colorado Plateau.

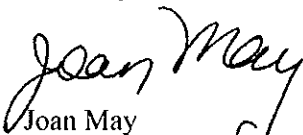
We, too, fully understand the concerns associated with the reopening of long-dormant uranium mines in our own jurisdiction without adequately involving the public and updating as necessary Plans of Operations and reviews conducted under the National Environmental Policy Act (NEPA). It is our understanding that in 2007, in San Miguel County, a company reopened a complex of five uranium mines on BLM land after three decades of inactivity. Although the BLM field office used its discretion to require a new Environmental Analysis of the complex, it did not require an updated hydrological analysis, among other oversights, and a Finding of No Significant Impact was made. Several regional conservation organizations appealed the decision, which was remanded in 2009 to include more analysis of the site, its

hydrology and potential impacts. Since then it appears that little significant progress has been made by the operator to fulfill the conditions of the remand; meanwhile, mine ownership has changed, and the new owner recently announced that the mines will be reopened next year. The County has little authority in regulating mining on federal public lands and relies upon the federal public land management agencies to conduct adequate analysis and make informed decisions based on consultation with relevant state regulatory agencies, local jurisdictions and involvement from the public.

We urge you to accept the petition because it will provide reasonable regulatory guidance for both federal land management agencies and mine operators to ensure that public health, water supplies and the environment are adequately protected in the future by requiring that Plans of Operations are updated and renewed after long periods of inactivity. It is our understanding that a recent assessment of environmental conditions at another dormant mine in San Miguel County found that uranium and other heavy metals had leached from a neglected waste pile and migrated 2.5 miles down a canyon drainage. Although the mine has not operated since the end of the Cold War, it was allowed to retain its original permit until last year without reclaiming the site. The proposal in the petition that would require non-operating mines on public lands to be inspected and to gather and disclose information about site conditions will ultimately be beneficial in protecting clean water supplies. We support the proposal to expand water quality monitoring at uranium mines to prevent long-term problems from developing as well as a requirement for timely closure and reclamation of mines that cease operations.

Although uranium mining in San Miguel County has not been a significant source of economic activity in recent years, mines located here do operate periodically and proposals to reopen old mines routinely surface. During the past several years, the citizens of San Miguel County have advocated strongly for protection of public health and the environment as these proposals have been considered. We urge you to accept the petition from Grand Canyon Trust because we support the proposed changes as a way to increase the federal agencies' ability to update environmental standards for mines and protect public lands.

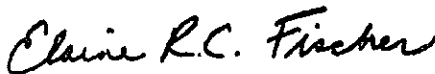
Sincerely,



Joan May  
Chair, San Miguel Board of County Commissioners  
2nd District Commissioner



Art Goodtimes  
3rd District Commissioner



Elaine R.C. Fischer  
1st District Commissioner