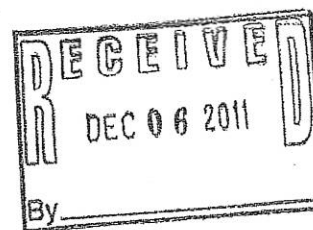


Janice K. Brewer  
Governor

ARIZONA STATE  LAND DEPARTMENT

Maria Baier  
State Land  
Commissioner



November 30, 2011

Honorable Kenneth L. Salazar  
Secretary  
U. S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

**Re: Proposed Withdrawal of Federal Lands in Northern Arizona from Location and Entry under the 1872 Mining Law – Final EIS**

Dear Secretary Salazar:

The Arizona State Land Department (ASLD) has reviewed the above referenced Final Environmental Impact Statement (FEIS) for the proposed withdrawal of approximately one million acres of Federal lands in northern Arizona from location and entry under the 1872 Mining Law. The ASLD had the privilege to serve as a Cooperating Agency from the beginning of the EIS process and was impressed by the dedication, hard work and, mainly, the patience of the Bureau of Land Management (BLM) personnel assigned to the project, especially Project Manager Chris Horyza of the BLM's Arizona State Office and Scott Florence, Manager of the BLM's Arizona Strip Office. However, as a Cooperating Agency, the ASLD is well aware (as we suspect you are, too), that **the FEIS found nothing that would justify the Withdrawal** of any of the lands included in the study area. Primarily for that reason, the ASLD is opposed to any Withdrawal and supports Alternative A, the "No Action" alternative, as the logical and scientifically sound choice. There are other factors in our opposition to the Withdrawal as detailed below.

There are approximately 57,617 acres of State Trust land within the boundaries of the Northern and Eastern Parcels (see page 1-9 of the FEIS), specifically addressing Alternative B for the full Withdrawal and as the Preferred Alternative. In accordance with the Arizona State Enabling Act and the Constitution of the State of Arizona, the ASLD is charged with managing the State Trust lands on behalf of fourteen beneficiaries, primarily K-12 schools and the State universities, generating as much income as possible for the Trust and insuring that the income stream continues in the future. Although the State Trust lands are technically not included in any of the three Parcels under any of the Alternatives, any Withdrawal of Federal lands would severely limit, if not prevent, the ASLD's ability to generate income from the mineral resources, including uranium, present on these State Trust lands. At the time the proposed Withdrawal was announced in July 2009, the ASLD had 35 Exploration Permits (the State's equivalent of a Federal Mining Claim) and another 12 pending applications, all in the North Parcel area. By the end of 2009, all of the applications had been withdrawn and all but five or six of the existing Exploration Permits had been cancelled. When contacted, all of the applicants and permittees said they had withdrawn their applications or cancelled their Permits due to the uncertainty over

the proposed Withdrawal of Federal lands. The ASLD is now back up to eleven Exploration Permits within the proposed withdrawal area, again, all still in the North Parcel. Estimates from former uranium mining operations in the area indicate that the royalty income to the ASLD from an individual mine in a breccia pipe would be in the range of \$1.5 to \$18.5 million. Thus, the potential loss of income to the Trust and the State's school systems would be significant since the ASLD anticipates more than one mine on these State Trust lands within the proposed Withdrawal area.

The ASLD has been similarly impacted in the recent past by the creation of the Vermilion Cliffs and the Grand Canyon – Parashant National Monuments and others. All or parts of 27 sections in Vermilion Cliffs and of 51 sections in Grand Canyon – Parashant are State Trust lands included within their boundaries. Here, too, while these State Trust lands are technically NOT a part of the National Monuments and are considered open by the ASLD, all of these 78 sections of State Trust lands have been effectively closed to mineral exploration and development. Mineral and mining interests have told the ASLD they would not even consider trying to prospect or mine on State Trust or other open lands within the boundaries of a National Monument, again resulting in a loss of potential revenue for the Trust and its beneficiaries.

There continues to be concern on behalf of the permittees, and the ASLD as well, about access to State Trust lands if the Withdrawal is approved. The State's right to access landlocked State Trust lands for exploration projects, or for any new roads required for new mines, that require crossing interspersed or adjacent Federal lands will involve coordination and the issuance of some instrument (e.g. a right-of-way) regarding the route from either the BLM or the U. S. Forest Service (USFS). If a Withdrawal is authorized, it should be clear that access to State Trust lands would not be impeded in any way.

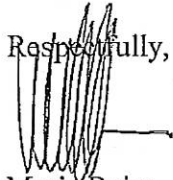
The Economic Analysis prepared for the FEIS investigated the ten-year history of uranium mining during the 1980's, during which the mining was of a similar scale to what is expected in Alternative A, and found no problems with the mining, no negative impacts on water or the environment, and, perhaps most importantly, that tourism actually increased over this time period. Earlier drafts of the EIS seemed to dismiss this period of mining because there was no monitoring or good record keeping, but there was no monitoring or record because **nothing** went wrong that would have required or necessitated it. The FEIS does frequently cite the Orphan Mine as a bad example, but this mine is also not reflective of the recent breccia pipe mining or further exploration required that of the 1980's; it is more akin to the uranium mining that took place on the Navajo Reservation in the 1940's thru 1960's which everyone acknowledges was a disaster.

In many of its responses to comments on the Draft Final EIS, the BLM noted that it will develop a "Best Management Practices and Monitoring Plan" (BMP) guide for future uranium mining in the Withdrawal area and presumably throughout the western US. This seems like a far more reasonable approach and viable alternative than the Withdrawal. The original perceived need for a withdrawal carried the unfounded assumption that the current regulatory framework was not working. The proposed BMP would resolve that discrepancy. The ASLD would gladly help in this BMP process, and we suspect other Cooperating Agencies would do likewise.

Lastly, mining, especially the breccia pipe mines, has a relatively small and self-contained surface footprint, including access routes, and bonded reclamation plans. Mine traffic and haul trucks may stir up a little dust but they are on defined roads which are well-tended by water trucks or use other dust-suppression measures.

In summary, the ASLD sincerely hopes that you will give proper weight to the overwhelming scientific evidence that was developed in the FEIS, which found nothing in the recent history of mining the breccia pipes in northern Arizona, and nothing in the Reasonably Foreseeable Developments, that would 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 appear to justify the level of concern that would warrant a Withdrawal. And it is obvious from the earlier history that uranium mining and tourism can coexist with both prospering at the same time. Because of the reasons listed above, and the potential negative impacts on the Arizona State Trust lands and their beneficiaries, the ASLD supports Alternative A, the "No Action" alternative, and does not believe a Withdrawal of Federal lands in Northern Arizona from location and entry under the 1872 Mining Law is justified or warranted. Thank you for your attention to our concerns.

Respectfully,



Maria Baier  
Arizona State Land Commissioner

cc: Honorable Janice K. Brewer, Governor of Arizona  
Kevin Kinsall, Governor's Policy Advisor for Natural Resources  
Honorable John McCain, Member of Congress  
Honorable Jon Kyl, Member of Congress  
Honorable Paul Gosar, Member of Congress  
Honorable Trent Franks, Member of Congress  
Honorable Ben Quayle, Member of Congress  
Honorable Ed Pastor, Member of Congress  
Honorable David Schweikert, Member of Congress  
Honorable Jeff Flake, Member of Congress  
Honorable Raul Grijalva, Member of Congress  
Honorable Gabrielle Giffords, Member of Congress  
Honorable John Huppenthal, Superintendent of Public Instruction  
Vanessa Hickman, Deputy State Land Commissioner  
Stephen Williams, Director, Natural Resources Division  
Joe Dixon, Minerals Section Manager  
Scott Florence, District Manager, Arizona Strip Office, U. S. BLM, St. George, UT  
Chris Horyza, EIS Project Manager, U.S. BLM, Arizona State Office, Phoenix, AZ