

STATEMENT OF
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AMERICAN CLEAN ENERGY RESOURCES TRUST
PUBLIC LISTENING SESSION
UNITED STATES HOUSE OF REPRESENTATIVES
APRIL 11, 2016
CONCERNING
“GOVERNMENT LAND GRABS—EXPOSING THE TRUTH”

Representative Gosar, thank you for the opportunity to speak at this hearing today. My name is Pam Hill. I am the Executive Director of the American Clean Energy Resources Trust (ACERT), based in Kanab, Utah, north of the Arizona Strip. We are a coalition of uranium exploration, mining and milling companies that have properties on federal and state lands in northern Arizona, Utah and other western states.

I am here as ACERT’s representative to voice our opposition to the proposed Grand Canyon Watershed National Monument. As someone who has been fortunate enough to have worked in the uranium industry since the early 1980s, I have witnessed first-hand the discovery and development of one of this country’s most unique and valuable energy resources. I have also seen this important resource gradually chipped away at by those opposed to uranium mining until almost all of the uranium-rich public lands in northern Arizona have been withdrawn from our right to explore and mine. To give you an idea of how this ever-increasing encroachment led by the federal government and its environmental allies occurred over the years, I will walk you through the milestones.

Soon after the tremendous worth of the Arizona Strip uranium deposits was realized in the late 1970s and early 1980s, Energy Fuels Nuclear, Inc., the primary claimholder in the region and my former employer, approached Congress to discuss a legislative solution that would release to exploration and mining some of the 44 Wilderness Study Areas (WSA’s) that existed on Bureau of Land Management and Forest Service lands in northern Arizona. We were told that the only way to speed up the 10-year wilderness designation process was to obtain the approval of all of the stakeholders in the region and return to Washington, D.C. with a compromise that would then be included in a wilderness bill. After several months of negotiation among ideologically disparate interest groups and governmental entities, including the National Parks and Conservation Association, the Wilderness Society, the

Arizona Wildlife Federation, the Sierra Club, grazers, timber companies, local businesses, civic groups, regulatory agencies, and local, county and state governments, a unique piece of legislation was forged. The compromise added 387,000 acres to the National Wilderness Preservation System and released 540,000 acres to multiple use (including mining). The Arizona Strip Wilderness Bill was introduced in 1983, sponsored by the entire Utah and Arizona Congressional delegations, including Congressman Bob Stump of Arizona, Interior Committee Chairman, Morris Udall, Senators John McCain and Orin Hatch. In fact, the Bill was written by Mr. Stump's Chief of Staff, Lisa Jackson Atkins, the current Arizona State Land Commissioner.

Fast forward to 2009—a new century and a different world in which a compromise like the Arizona Strip Wilderness Bill of 1983 could never be repeated. Northern Arizona uranium mines were placed on standby in the mid-1990s because of excess supply and low demand of uranium; however, in 2005, the worldwide construction of new nuclear power plants caused a dramatic price increase and a resurgence of interest in northern Arizona deposits. Regional and national environmental groups felt threatened by the renewal of uranium exploration and mining and persuaded their friends in Congress and the new Obama Administration to stop uranium mining anywhere within hundreds of miles of the Grand Canyon. Thus, the Northern Arizona Uranium Withdrawal was implemented by the Department of the Interior in January 2012, after a long, drawn out EIS of highly questionable scientific merit. The EIS was so suspect that even a National Park Service employee questioned it saying, "...the potential [negative] impacts [of uranium mining] stated in the Draft EIS are grossly overestimated and even then they are very minor to negligible." The withdrawal locked up 1.7 million acres to exploration and mining for a minimum 20 years. More than 2,000 mining claims in northern Arizona and tens of millions of dollars spent on exploration were rendered virtually worthless. Hundreds of current and potential high-paying jobs were lost in a rural area in which seasonal, tourism-related, minimum wage jobs are the norm.

Even before the Northern Arizona Uranium Withdrawal was implemented by Secretary Salazar, it became apparent that the land grab would not stop with the Withdrawal, and the first drafts of the Proposed Grand Canyon Watershed National Monument began to appear. It reminds me of the old saying, "More is not necessarily better; sometimes it's just more." In the case of the proposed monument, it will mean more and permanent restrictions on land use for not only the mining industry but for all other multiple users on public lands. To think otherwise is delusion. Just use the Grand Staircase Escalante National Monument in southern Utah as an example of "more".

Finally, I think it is important to recognize what has happened here. The Constitution of this country is clear. The authority of Congress and Congress alone to regulate public lands is sweeping. Article IV, Section 3 of the Constitution provides: "The Congress shall have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the

United States.” In 1802, Chief Justice John Marshall held for the Supreme Court that the Property Clause grants to Congress an “absolute and indisputable” power of governing. Justice Joseph Story, perhaps the greatest scholar ever to sit on the high court, observed in his magisterial three-volume treatise on the Constitution, written in 1833, that this power of Congress is “clearly exclusive and universal; and their legislation is subject to no control.”

Likewise, Section 3 of the 1964 Wilderness Act states:

Congressional approval. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress.

Led by Senators Goldwater & DeConcini and House Interior Committee Chairman Morris Udall, Bob Stump and others, the Legislative Branch did its job in 1983-84 and offered the compromise to which I’ve already referred...one that would allow uranium mining provided that Industry followed the environmental laws associated with such mining. This is a \$29 billion resource containing the largest deposits of high grade ore in the Nation equal to a 40 year supply of electricity for California’s 40 million people—the resource is staggering and provides fuel for clean nuclear power. What the Administration did through the 2012 Salazar withdrawal and is now being asked to do by superimposing a National Monument on these lands is to usurp authority granted specifically to the Legislative Branch and replace the properly developed Legislative Branch Arizona Wilderness Act with what amounts to Executive Branch fiat. Congress does have a right to change previous agreements, but it should not sit back and allow the Executive Branch unfettered actions that violate both the spirit and the textual authority granted to it by the Constitution. That’s what this political fight is all about because no evidence has been presented in the public arena that indicates modern uranium mining to be a source of concern for public health particularly in the Colorado River Drainage.

I would like to thank you Representative Gosar for holding this hearing and also thank you and Mohave County Supervisor Buster Johnson, who is Chairman of the Arizona-Utah Coalition of Uranium Counties for his leadership there and in Mohave County as we try to preserve this valuable resource for the people.

