

**H.R. 1373, “GRAND CANYON CENTENNIAL
PROTECTION ACT” AND H.R. 2181,
“CHACO CULTURAL HERITAGE AREA
PROTECTION ACT OF 2019”**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS,
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

Wednesday, June 5, 2019

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LEGISLATIVE HEARING ON H.R. 1373, TO PROTECT, FOR CURRENT AND FUTURE GENERATIONS, THE WATERSHED, ECOSYSTEM, AND CULTURAL HERITAGE OF THE GRAND CANYON REGION IN THE STATE OF ARIZONA, AND FOR OTHER PURPOSES, “GRAND CANYON CENTENNIAL PROTECTION ACT” AND H.R. 2181, TO PROVIDE FOR THE WITHDRAWAL AND PROTECTION OF CERTAIN FEDERAL LAND IN THE STATE OF NEW MEXICO, “CHACO CULTURAL HERITAGE AREA PROTECTION ACT OF 2019”

**Wednesday, June 5, 2019
U.S. House of Representatives
Subcommittee on National Parks, Forests, and Public Lands
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:02 a.m., in room 1324, Longworth House Office Building, Hon. Debra A. Haaland [Chairwoman of the Subcommittee] presiding.

Present: Representatives Haaland, DeGette, Horsford, Gallego, Lowenthal, Case, Grijalva (ex officio); Westerman, Webster, Curtis, Fulcher, and Bishop (ex officio).

Also present: Representatives Luján, O'Halleran, and Gosar.

Ms. HAALAND. The Subcommittee on National Parks, Forests, and Public Lands will now come to order. The Subcommittee is meeting today to hear testimony on H.R. 1373, the Grand Canyon Centennial Protection Act, and H.R. 2181, the Chaco Cultural Heritage Area Protection Act of 2019.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chair and the Ranking Minority Member. Therefore, I ask unanimous consent that all other Members' opening statements be made part of the hearing record, if they are submitted to the Clerk by 5 p.m. today.

Hearing no objection, so ordered.

In addition, I would like to ask unanimous consent that Representatives Luján, O'Halleran, and Gosar be allowed to join us and participate on the dais.

STATEMENT OF THE HON. DEBRA A. HAALAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Ms. HAALAND. Thank you all for attending this Subcommittee on National Parks, Forests, and Public Lands legislative hearing on

H.R. 1373, the Grand Canyon Centennial Protection Act, and H.R. 2181, the Chaco Cultural Heritage Area Protection Act of 2019.

I would like to start by expressing my gratitude to Chairman Grijalva and Representative Luján for introducing these bills that preserve the sacred and ancestral lands of the Pueblo people and other Native Americans in those areas, and also the irreplaceable resources they hold.

I would also like to thank our witnesses, many of whom have traveled great distances to join us today.

Since 2008, Chairman Grijalva has championed the central provisions of the Grand Canyon Centennial Protection Act. It was encouraging in 2012 when the Obama administration acted to protect over 1 million acres surrounding the Grand Canyon National Park with a 20-year moratorium on new mining claims. However, recent actions by this Administration suggest they may be seeking to end this moratorium, exposing tribal communities and Arizonans to the dangerous impacts of uranium mining.

We need to act to ensure that political expediency doesn't undermine these existing protections which are so essential to the economic and cultural viability of the region. It would be especially appropriate to make the protections permanent on this year, the 100th anniversary of the establishment of the Grand Canyon National Park.

Closer to my home, the Chaco Cultural Heritage Area Protection Act of 2019 would permanently protect the integrity of sacred sites in and around the Chaco Culture National Historical Park by prohibiting Federal oil and gas leasing within a 10-mile radius of the park. This action would prevent the degradation of cultural resources, preserve the environment, and protect the health of the surrounding communities.

Earlier this year, I, with members of this Committee, went to Chaco Canyon in New Mexico to learn more about the importance of the region and to better understand the threats that nearby oil and gas extraction pose. We used cutting-edge technology to examine pollution coming off of oil and gas operations, which form a toxic cloud that hangs over parts of northern New Mexico.

Long before these extractive and polluting industries came to be, this region was the heart of the Chacoan culture from 850 to 1250 A.D. The Sovereign Pueblo Nations of New Mexico and the Navajo Nation still have intimate connections with the Greater Chaco Region, recognizing the area as a spiritual place to be honored and respected.

Over hundreds of years, my ancestors engineered and constructed massive multi-story structures that became the ceremonial, administrative, and economic center of the region. In recognition of the area's outstanding universal value, Chaco culture was recognized as a World Heritage Site by UNESCO in 1987.

Today, thousands of ancestral sites are spread across the landscape, both within and beyond the boundaries of Chaco Culture National Historical Park. With the Trump administration's continued push for energy dominance, these sacred sites and national treasures are threatened by extraction. Extraction in this sacred place will only scar our land, contaminate our air and water, and create health risks for our communities.

Just last week, Secretary Bernhardt joined Senator Martin Heinrich and tribal leaders on a tour of Chaco Canyon. Following that meeting, Secretary Bernhardt acknowledged the region's significance, but committed to only a 1-year moratorium on oil and gas leasing within the Chaco landscape. While I appreciate this gesture, it should be clear to anyone who has visited Chaco that 1 year is inadequate to protect the cultural significance of this land.

It is my priority, as it should be that of the Trump administration, to permanently protect this place—in recognition of its significance to our Native American culture, this country's history, the public health of nearby communities, and others around the world. It is time for our words to become actions. We must protect both of these exceptional sites, Chaco Canyon and the Grand Canyon, in perpetuity.

I would like to thank the sponsoring Members and witnesses again for being here today. I look forward to hearing your testimony.

[The prepared statement of Ms. Haaland follows:]

PREPARED STATEMENT OF THE HON. DEBRA A. HAALAND, CHAIR, SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

Thank you all for attending this Subcommittee on National Parks, Forests, and Public Lands' legislative hearing on H.R. 1373, the Grand Canyon Centennial Protection Act, and H.R. 2181, the Chaco Cultural Heritage Area Protection Act of 2019.

I would like to start by expressing my gratitude to Chairman Grijalva and Representative Luján for introducing these bills that preserve the sacred lands of our ancestors and the irreplaceable resources they hold.

I would also like to thank our witnesses, many of whom have traveled great distances to join us today.

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We need to act to ensure that political expediency doesn't undermine these existing protections, which are so essential to the economic and cultural vitality of the region. It would be especially appropriate to make these protections permanent, on this year, the 100th Anniversary of the establishment of Grand Canyon National Park.

Closer to home for me, the Chaco Cultural Heritage Area Protection Act of 2019 would permanently protect the integrity of sacred sites in and around the Chaco Culture National Historical Park by prohibiting Federal oil and gas leasing within a 10-mile radius of the park. This action would prevent the degradation of cultural resources, preserve the environment, and protect the health of the surrounding communities.

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Long before these extractive and polluting industries came to be, this region was the heart of the Chacoan Culture, from 850 to 1250 A.D. The sovereign Pueblo nations of New Mexico and the Navajo Nation still have intimate connections with the Greater Chaco Region—recognizing the area as a spiritual place to be honored and respected.

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the region. In recognition of the area's "Outstanding Universal Value," Chaco Culture was recognized as a World Heritage Site by UNESCO in 1987.

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I would like to thank the sponsoring Members and witnesses again for being here today. I look forward to hearing your testimony.

Ms. HAALAND. And before I recognize the Ranking Member it has come to our attention that we have votes.

Would you like to give your opening statement now? We have a little bit of time.

OK. Thank you. I will recognize the Ranking Member for his opening statement, and then we will have to recess.

**STATEMENT OF THE HON. JOHN R. CURTIS, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. CURTIS. Thank you. As Chair Haaland noted in her opening remarks, the Subcommittee meets today to consider two pieces of legislation, H.R. 1373 and H.R. 2181. I will note that both of these bills are Democrat-sponsored, and that there is no Republican bill being considered at the hearing today.

Collectively, the two bills before us would withdraw well over a million acres of land from mineral development in Arizona and New Mexico. I am not opposed to mineral withdrawals when appropriate and, in fact, have sponsored two pieces of legislation withdrawing a total of over 2 million acres of Federal land from extraction.

I must, however, raise a few concerns with the proposals before us today, which I fear lack the necessary consensus that is critical for measures of this scope.

As a member of the House Foreign Affairs Committee, I experienced firsthand how our domestic mineral production policy impacts the greater international community. Sending our resources to allies abroad opens opportunities to protect our interest, while also benefiting the international partners. For this reason, mineral withdrawals, particularly of such large scale, should be analyzed carefully.

However, the most concerning part of this hearing is that the Arizona bill, H.R. 1373, continues the Committee's troubling trend of taking up legislation introduced in another Member's district without consultation or support from that Member. For this reason, I yield the remainder of my time to my friend from Arizona, Mr.

Gosar, whose northern Arizona district contains a large portion of the lands covered by H.R. 1373.

[The prepared statement of Mr. Curtis follows:]

PREPARED STATEMENT OF THE HON. JOHN R. CURTIS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF UTAH

As Chair Haaland noted in her opening remarks, the Subcommittee meets today to consider two pieces of legislation: H.R. 1373 and H.R. 2181. I will note that both of these bills are Democrat sponsored, and that there is no Republican bill being considered at the hearing today.

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As a member of the House Foreign Affairs Committee, I experience firsthand how our domestic mineral production policy impacts the greater international community. Sending our resources to allies abroad opens opportunities to protect our interests, while also benefiting international partners. For this reason, mineral withdrawals, particularly of such a large scale, should be analyzed carefully.

However, the most concerning part of this hearing is that the Arizona bill continues the Committee's troubling trend of taking up legislation introduced in another Member's district without consultation or support from that Member.

With that in mind I'd like to ask unanimous consent that Mr. Gosar of Arizona, a member of the Full Committee, whose district is directly impacted by H.R. 1373, be allowed to sit on the dais and to participate in today's hearing. I yield the remainder of my time to my friend from Arizona, Mr. Gosar, whose Northern Arizona district contains a large portion the lands covered by H.R. 1373.

Dr. GOSAR. I thank the gentleman from Utah for his strong leadership and for yielding me time.

As he noted, Representative Curtis is always very thoughtful and considerate when it comes to considering potential mineral withdrawals and legislative actions that occur in another Member's district. And, like the gentleman from Utah, I strongly oppose both of these land bill grabs being debated today.

H.R. 1373, the so-called Grand Canyon Centennial Protection Act, is an anti-mining, anti-American attack on my district. Depending upon what map you look at, somewhere in the range of 30 to 40 percent of the proposed withdrawal lands in this bill are in my district. The rest are in Representative O'Halleran's district. And none of the lands—let me repeat—none of the lands are in Representative Grijalva's district.

Having said that, the majority of the mining claims are in my district. In fact, just about all of the active and historic mines are in my district. And the main point of this bill is to lock up these lands in my district. This unnecessary legislation seeks to impose a 1-million-plus acre land grab on the Arizona Strip, and permanently prohibit mining and other multiple-use activities. This dangerous bill threatens both our national security and energy security, and seeks to permanently sequester critical minerals that contain the highest grade and largest quantity of uranium reserves in the entire country.

As Deputy Director Nedd notes in his testimony, the proposed withdrawal area covers an area 80 percent the size of Delaware. Well, let's think about that, folks. This bill seeks to impose a

lifetime ban on mining and other multiple-use activities on more than 1 million acres, an area of land that is nearly the size of Delaware.

Keep in mind that this area where such activities are desired and were explicitly designated for such use through an Act of Congress supported by the entire Arizona and Utah delegations, and large majorities of both chambers. This fundamentally flawed legislation has existed in one form or another for more than a decade, and has failed to gain any traction over that time.

In 2009, Dr. Madan Singh, Director of the Department of Mines and Mineral Resources for the state of Arizona testified in strong opposition to a nearly identical bill. Dr. Singh testified there is no threat to the Colorado River or surrounding watersheds if uranium mining in the area was allowed to occur. In fact, successful uranium mining in the area occurred in the 1980s. These mines were reclaimed, and you can't tell where they existed. There was no damage done to the Grand Canyon watershed or surrounding communities.

Mr. Chairman, I ask unanimous consent to have these documents submitted for the hearing record.

Ms. HAALAND. Without objection.

Dr. GOSAR. I am thrilled that Mohave County Supervisor Buster Johnson is here today. Buster knows the issue better than most, and we have been fighting this proposed land grab for years.

Thanks for your strong leadership, Buster. It is truly appreciated.

The last time Buster and I were together and debating this topic was at a field hearing in Kingman in 2016, where we heard testimony from more than 30 different witnesses and from across the spectrum that opposed Representative Grijalva's proposed land grab of this area. The witnesses provided testimony—including the Arizona Governor, the State Game and Fish Commission, CEOs, representatives from local cattleman and farm bureau groups, and countless other individuals and organizations. In fact, more than 150 groups of elected officials and concerned citizens were on record in opposition to Representative Grijalva's proposal at that time.

Madam Chair, I ask permission to submit the press release from the field hearing in Kingman from 2016 for the Committee record.

Ms. HAALAND. Without objection.

Dr. GOSAR. In short, H.R. 1373 will harm education revenues, kill jobs, infringe on private property rights, and undermine American energy security.

It is opposed by the people of my district, and I urge its rejection.

Ms. HAALAND. The gentleman's time has expired.

Dr. GOSAR. Thank you, and I yield back.

Ms. HAALAND. Thank you. The Subcommittee stands in recess, subject to the call of the Chair. We will be back as soon as we vote. Thank you so much.

[Recess.]

Ms. HAALAND. Thank you all so much for all of your patience. And thank you, Ranking Member Curtis, and also Mr. Gosar, for your opening statement.

We will now come to order. Under our Committee Rules, oral statements are limited to 5 minutes, but you may submit a longer statement for the record, if you choose.

The lights in front of you will turn yellow when there is 1 minute left, and red when the time has expired.

After the witnesses have testified, Members will be given the opportunity to ask questions.

The Chair now recognizes Mr. Michael Nedd, Deputy Director of Operations for the Bureau of Land Management.

Thank you so much, Mr. Nedd. You have 5 minutes.

STATEMENT OF MICHAEL D. NEDD, DEPUTY DIRECTOR OF OPERATIONS, BUREAU OF LAND MANAGEMENT, WASHINGTON, DC

Mr. NEDD. Good morning, Madam Chair, Mr. Ranking Member, and members of the Subcommittee. Thank you for the opportunity to present testimony today. I am Michael Nedd, the Deputy Director for Operations of the Bureau of Land Management. I will briefly summarize the written statement of H.R. 1373, the Grand Canyon Centennial Protection Act, and H.R. 2181, the Chaco Cultural Heritage Area Protection Act of 2019.

H.R. 1373 would permanently withdraw over 1 million acres of Federal land in the state of Arizona from public land, mining, mineral and geothermal leasing laws. In January 2012, the Secretary of the Interior administratively withdrew this area from the mining laws for a 20-year period to study the effects of exploration and development of uranium and other minerals, as directed by the President. The Department is currently assessing critical minerals resources on public lands and offshore lands.

Uranium, like oil and gas, solar, wind, geothermal, and other energy sources remains a vital component of a responsible and comprehensive energy strategy. Additionally, uranium has been identified by the U.S. Geological Survey as a critical mineral necessary to the economics and national security of the United States. The Department continues to study the impacts of mining in the withdrawal area to provide future policy makers with the scientific data necessary to make informed decisions.

The Department has concerns about the size and scope of the withdrawal contained in the legislation. With that said, the Department respects Congress' authority over territory or other property belonging to the United States. If Congress chooses to move forward with a permanent withdrawal, the Department recommends several modifications to the bill, including boundary adjustments to ensure local availability of minerals material for nearby communities, and to enable environmentally responsible development of critical minerals such as uranium and other mineral resources.

Last, the sponsor may wish to consider language permitting lands within the proposed withdrawal to be conveyed or leased under the Recreation and Public Purpose Act for public purposes or exchange to facilitate economic development for local communities.

H.R. 2181 would withdraw approximately 201,000 Federal surface acres and approximately 334,000 acres of Federal sub-

surface mineral estates surrounding the Chaco Culture National Historical Park in northwestern New Mexico from the public land, mining, mineral, and geothermal leasing laws. In Fiscal Year 2018, the total revenue generated from responsible minerals development on Federal lands in New Mexico alone was over \$1.3 billion.

The Secretary also recognized there are some places that may benefit from enhanced protection. Striking the appropriate balance for public lands use is an important mission that the Department takes seriously. Early last week, Secretary Bernhardt traveled to New Mexico and visited a Chaco cultural area, along with New Mexico Senator Martin Heinrich and tribal leaders. Following that visit, the Secretary expressed a great sense of appreciation of the site managed by the National Park Service, and a better understanding of the tribal leaders' views of its cultural significance.

The Secretary has directed the BLM to promptly publish a draft resource management plan that includes an alternative that reflects the tribal leaders' views, which are similar to the proposed legislation boundaries included in H.R. 2181. At the Secretary's direction, the BLM will also defer leasing within the 10-mile buffer zone for 1 year. The Constitution gives Congress the power to dispose of and make all needful rules and regulations respecting the territory or other properties belonging to the United States, and we respect Congress' role in this regard. As such, the Department has no objection to H.R. 2181.

Thank you for the opportunity to testify. I am happy to answer any questions you may have on these bills.

[The prepared statement of Mr. Nedd follows:]

PREPARED STATEMENT OF MICHAEL D. NEDD, DEPUTY DIRECTOR FOR OPERATIONS,
BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR ON H.R. 1373
AND H.R. 2181

Statement on H.R. 1373, Grand Canyon Centennial Protection Act

Thank you for the opportunity to testify on H.R. 1373, the Grand Canyon Centennial Protection Act. H.R. 1373 would permanently withdraw over 1 million acres of Federal lands in the state of Arizona from the public land, mining, mineral, and geothermal leasing laws.

Under President Trump and Secretary Bernhardt's leadership, the Bureau of Land Management (BLM) has made it a top priority to develop the vast domestic energy resources on public lands in an environmentally responsible manner to create jobs, lower costs for working Americans, and build a strong economy. The Secretary recognizes, however, that there are some places that may benefit from protections. Striking the appropriate balance for public lands use—whether it be energy development, recreation, grazing, or conservation—can be a challenge, but it is a mission the Department of the Interior (Department) takes seriously.

The United States has an extraordinary abundance of mineral resources, both onshore and offshore, and is a major mineral producer, but relies on other countries for more than 50 percent of dozens of minerals that are vital to our economy and security. To address this vulnerability, in 2017 the President issued Executive Order 13817, A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals, calling upon agencies across the Federal Government to develop a report that lays out a strategy to reduce the Nation's susceptibility to critical mineral supply disruptions. The Department is currently assessing critical mineral resources, including mapping on Federal public lands and offshore lands. Uranium, like oil and gas, solar, wind, geothermal, and other energy sources, remains a vital component of a responsible and comprehensive energy strategy. Additionally, uranium has been identified by the U.S. Geological Survey (USGS) as a critical mineral necessary to the economic and national security of the United States. The Department continues to study the impacts of mining in the area proposed for permanent withdrawal to

provide future policy makers with the scientific data necessary to make informed decisions.

The Department has concerns about the size and scope of the withdrawal contained in the legislation; at over 1 million acres, the withdrawal covers an area that is 80 percent of the size of the state of Delaware.

Under Article IV, Section 3, Clause 2 of the Constitution, Congress has the “power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States,” and we respect Congress’ role in this regard.

If Congress chooses to move forward with a permanent withdrawal, the Department recommends several modifications to the bill, including boundary adjustments to ensure local availability of mineral materials for nearby communities and to enable environmentally responsible development of uranium and other mineral resources, if determined to be appropriate through site specific analysis. The sponsors may also wish to consider language permitting lands within the proposed withdrawal to be conveyed or leased under the Recreation and Public Purposes Act for public purposes or exchanged to facilitate economic development for local communities.

Statement on H.R. 2181, Chaco Cultural Heritage Area Protection Act of 2019

Thank you for the opportunity to present the views of the Department of the Interior (Department) on H.R. 2181, the Chaco Cultural Heritage Area Protection Act of 2019, which would withdraw approximately 200,652 Federal surface acres and approximately 333,827 acres of Federal subsurface mineral estate surrounding the Chaco Culture National Historical Park (CCNHP) in northwestern New Mexico from the public land, mining, mineral, and geothermal leasing laws.

Under President Trump’s and Secretary Bernhardt’s leadership, the Bureau of Land Management (BLM) has made it a top priority to responsibly develop the vast domestic energy resources on public lands to create jobs, lower costs for working Americans, and build a strong economy. In Fiscal Year (FY) 2018, the total revenue generated from responsible mineral development on Federal lands in the state of New Mexico alone was over \$1.3 billion, the vast majority of which came from oil and gas operations. The Federal disbursement to the state of New Mexico was over \$634 million; the remainder was directed to the U.S. Treasury for the benefit of all American taxpayers.

The Secretary also recognizes there are some places that may benefit from enhanced protection. Striking the appropriate balance for public lands use—whether it be energy development, recreation, grazing, or historic preservation—can be a challenge, but it is a mission the Department takes seriously.

Early last week, Secretary Bernhardt traveled to New Mexico and visited CCNHP, along with New Mexico Senator Martin Heinrich and Tribal leaders. Following that visit, the Secretary gained a greater sense of appreciation of the site managed by the National Park Service, and a better understanding of the Tribal leaders’ views of its cultural significance.

In response, the Secretary has directed the BLM to develop and publish a draft Resource Management Plan that includes an alternative reflecting the Tribal leaders’ views, which are similar to the proposed legislative boundaries included in H.R. 2181. The Secretary also directed the BLM to defer leasing within the 10-mile buffer zone for 1 year.

Under Article IV, Section 3, Clause 2 of the Constitution, Congress has the “power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States,” and we respect Congress’ role in this regard. As a result, the Department has no objection to H.R. 2181.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. MICHAEL NEDD, DEPUTY DIRECTOR
OF OPERATIONS, BUREAU OF LAND MANAGEMENT

Mr. Nedd did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative O'Halleran

Question 1. Mr. Nedd, much was made about abandoned mines near the Grand Canyon, but that debate focused mainly on proximity to the Rim, rather than on the impacts these mines have had on communities and the environment.

1a. How far is the Orphan mine from the Rim?

1b. What has the Department of the Interior done to prioritize remediation of the Orphan mine?

1c. How much longer will this process take?

1d. How much will it cost?

Question 2. During the hearing, it was suggested that uranium imports are a national security and energy supply risk.

2a. Why do utilities support the import of Uranium? Is it less expensive?

2b. Does the United States import uranium from a diverse group of nations? Are the majority of imports from long-standing allies?

2c. What percentage of uranium is imported from Russia?

Question 3. Is it true that Wyoming and New Mexico have by far the largest Uranium reserves and constitute over two-thirds of the national supply?

3a. Are mines in these states already developed?

3b. Are these mines free from contamination?

3c. What is the remediation plan for these mines?

Question 4. Much was made of USGS' ongoing studies in the region.

4a. Have these studies ever been funded at the level recommended in their strategic plans?

4b. At current funding levels, when will these studies be completed?

4c. Will these studies complete all of the goals outlined in their initial planning documents?

Question 5. One issue with detecting uranium in the Grand Canyon region is that, as experts have testified in the past, the groundwater hydrology is not well understood.

5a. Does USGS currently have a detailed mapping of groundwater flow patterns throughout the region's that would be impacted by mining?

5b. Can USGS say definitively what the impacts of mining on groundwater have been?

5c. How many well sites does USGS maintain around each operating mine in the region?

Question Submitted by Representative Curtis

Question 1. Chairwoman Haaland read a statement from Representative Luján during the hearing: "The BLM has testified that this legislation would not affect tribal interests or allottees, while the bill itself includes language that recognizes the rights of Navajo allottees such as yourself, Ms. Hesuse, to continue to develop their lands." Rep's Haaland and Luján were referring to testimony from you on May 16 before the Senate Committee on Energy and Natural Resources, Subcommittee on Public Lands, Forest and Mining regarding S. 1079. In answer to this question from Senator Mike Lee: "Do you know how tribal allottees and horizontal drilling on allotted lands might be affected by the protection zone and by this legislation?" you answered, "It is my understanding that Tribal and allottees would not be affected by this withdrawal. However, there will be challenges given the intermixing of public, tribal and private land and of course the geography of the lands."

Were you referring to a specific analysis that BLM has done of the allottee resources contained within the exclusionary zone that shows how they will be affected by the withdrawal, or was it a general answer to the plain language of the bill? If there has been an analysis, how thorough was it? Did the study assess the resource potential, ownership of the fluid minerals, and geological factors that would affect how well allottee resources could be developed if the exclusionary zone were enacted, and the economic impacts of stranded minerals?

Questions Submitted by Representative Gosar

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Question 2. Besides uranium, flag stone, sand and gravel, vanadium, copper, oil, coal, rare earths as well as other critical and strategic metals would be locked away forever under Rep. Grijalva's bill. Deputy Director Nedd, are you concerned that H.R. 1373 seeks to lock away critical and strategic minerals on a one-million-plus-acre swath of land forever?

Question 3. Uranium is critical for nuclear power, the most reliable and clean zero-emission energy source. If the socialists pushing the Green New Deal really want to transition off fossil fuels, it defies logic and common sense that they oppose all domestic mining and think we can just import enough of those minerals from Russia and China to make this transition occur. Sheer insanity. Deputy Director Nedd, is there enough domestic mining taking place in this country for us to transition to 100 percent wind, solar and batteries for all our energy needs and have all the minerals necessary for those energy sources and that transition be produced in America?

Question 4. You testified that Uranium is on the critical minerals list. Deputy Director Nedd, is importing 99 percent of the uranium we need for nuclear reactors an energy security risk? How about a national security risk?

Question 5. The breccia pipe formations in the withdrawal area in H.R. 1373 represent the largest deposits of uranium in the United States and contain the largest quantities of reserves and the highest grades of American uranium ore by a factor of 6. The withdrawal area constitutes the bulk of a 326,000,000 acre uranium reserve which the Nuclear Energy Institute estimates would provide California's 45 million residents 22.5 years of electricity. Are you concerned that H.R. 1373 seeks to lock away the largest quantities of reserves and the highest grades of American uranium in the country?

Ms. HAALAND. Thank you, Mr. Nedd. Thank you for that valuable testimony.

The Chair will now recognize Members for questions. Under Committee Rule 3(d), each Member will be recognized for 5 minutes, and I would like to recognize myself for 5 minutes.

Mr. Nedd, last month, when you testified before the Senate Committee on Energy and Natural Resources on the Chaco

Cultural Heritage Area Protection Act, you stated that the BLM places a strong emphasis on government-to-government relations with tribes, and continues to work closely with tribes.

Unfortunately, that does not seem to be the case. Oil and gas leasing in the area continues, despite calls from the National Congress of American Indians, the Navajo Nation, and the All Pueblo Council of Governors for a moratorium on leasing until a comprehensive assessment of cultural resources in the region is completed.

Can you briefly describe the efforts your agency has made to engage with tribal governments on leasing decisions?

Mr. NEDD. Madam Chair, it is my understanding that at the beginning of any planning process or attempt to lease, the agency will reach out with phone calls, with letters, and on-site visits by the local manager. It is my understanding that, over the many years, there have been contacts or discussion with the tribes. And as we sit here today, in that planning effort we continue to be open to consultation and meeting with the tribes.

Ms. HAALAND. Thank you, Mr. Nedd.

Second, how has the January 31, 2019 BLM memorandum on updating oil and gas leasing reforms influenced BLM's decision to propose leasing in the Chaco area, despite the known opposition and concerns?

Mr. NEDD. I am sorry, Madam Chair. I didn't hear your question. What was the question?

Ms. HAALAND. How has the January 31, 2019 BLM memorandum on updating oil and gas leasing reforms—that is the title of the memo—influenced BLM's decision to propose leasing in the Chaco area, in spite of the known opposition and concerns from tribes and other groups?

Mr. NEDD. Yes, Madam Chair, thank you for that question. The memorandum laid out some guidance for the BLM to exercise the discretion that is given to the Secretary. In that context, again, BLM reaches out to the community, reaches out to stakeholders in deciding, again, what will be leased, what will not be leased. So, I see the aim as just laying out some guidance, but doesn't get us away from consultation or from working with our stakeholders.

Ms. HAALAND. Do you believe that these internal policies should supersede legal and moral obligations to consult with Indian tribes?

Mr. NEDD. Madam Chair, what I will say is our policy is and should continue to be consistent with the law, or the regulatory framework that is in place. So, that is our attempt whenever we put out a regulation or a policy.

Ms. HAALAND. Thank you, Mr. Nedd. When speaking about oil and gas extraction around Chaco Culture National Historical Park, BLM has stated that it is a top priority for the agency to develop the vast domestic energy resources on public lands, to create jobs, lower costs for working Americans, and build a strong economy. Did you know that in New Mexico, where Chaco is located, more than twice as many jobs depend on outdoor recreation as the energy and mining sectors combined?

Mr. NEDD. Madam Chair, I don't have the specific—you just mentioned about the numbers. But what I do know, energy and

minerals is a vast resource, and helps to support this country. And the Department's position is to environmentally and responsibly develop those resources where appropriate.

Ms. HAALAND. Thank you. And I just would like to emphasize that outdoor recreation is over billions of dollars for revenue in New Mexico, as I am sure it is in other states. So, our public lands are a viable resource for jobs and our economy.

Last question. When making leasing decisions, does the BLM consider the economic benefits of clean air and water, especially in light of the world's largest methane cloud in New Mexico? It hovers over the northwestern portion of our state. And the water intensity of hydraulic fracturing in arid regions. I am talking, southwest New Mexico is 5,000 feet of high desert.

Mr. NEDD. Madam Chair, thank you for the question. The answer is yes on the NEPA. BLM takes into consideration the effects or the impact on the environment, the air, the social aspect, and BLM then tries to strike a balanced approach to how resources will be developed or how resource will be used, whether it is for recreation or other types of activity.

Ms. HAALAND. I yield, and I will now recognize Mr. Curtis for 5 minutes.

Mr. CURTIS. Thank you, Madam Chair. I would like to yield the balance of my time to my friend from Arizona, Congressman Gosar.

Dr. GOSAR. Thank you, Ranking Member.

Mr. Nedd, I am going to go through some things, some facts about H.R. 1373. The bill has zero Republicans, and is a partisan attack on my district. Located within this withdrawal are 19,789 acres of privately held land. Also located in there are 4,204 acres owned by the Arizona State Land Department for the benefit of Arizona's schoolchildren. Locking away these resources will cost Arizona and Utah hundreds of millions of dollars in lost revenues that will help communities and schools.

Dr. Singh testified that in 2009—this is an important fact—over 55.6 percent of the total geography—the total geography—of Arizona has already withdrawn from mineral exploration and mining, over 50 percent has been withdrawn.

The Obama administration priorly had at least 31 domestic mineral withdrawals. Their whole attack was to prevent mining and unilaterally enact a 1 million acre withdrawal for 20 years in 2012. It is not 2032, is it?

Mr. NEDD. No, it is not.

Dr. GOSAR. So, what is the urgency, do you feel, about this bill?

Mr. NEDD. Say again, Congressman.

Dr. GOSAR. What is the urgency with this bill? If it is not 2032, and there is a 20-year moratorium, what is the rush over there?

Mr. NEDD. I don't know, Congressman.

Dr. GOSAR. There are other things that we know. The House Science Committee found that Russia funneled cash to the extreme organizations to intentionally undermine important American energy projects. Are you aware of that, Mr. Nedd?

Mr. NEDD. No, I am not.

Dr. GOSAR. It should be no surprise that many of the same groups that are strong supporters of Representative Grijalva's 1-million-acre land grab are exactly some of these people. It is pretty

interesting that they want the United States to be reliant on groups like Russia and Kazakhstan for 99 percent of our uranium. That is pretty amazing.

This bill is an anti-mining anti-American attack on my district, because many of the mines are on my side and in my district. Is that true, Mr. Nedd?

Mr. NEDD. That is my understanding, Congressman.

Dr. GOSAR. So, isn't it interesting that the problem that we see here is we hear Russia, Russia, Russia, and it seems like it is Russia, Russia, Russia over on the other side. It is unbelievable.

Besides uranium, flagstone, sand and gravel, vanadium copper, oil, coal, rare earths, as well as other critical and strategic minerals, would also be locked up under Representative Grijalva's bill. Would that not be the case?

Mr. NEDD. That is my understanding, Congressman.

Dr. GOSAR. Has Arizona really mapped effectively this withdrawal area?

Mr. NEDD. Can you repeat that, please?

Dr. GOSAR. Has the BLM really mapped effectively this withdrawal area for all different types of resources?

Mr. NEDD. I believe we have a good understanding. One may argue what is extensive, but I believe we have a good understanding, yes.

Dr. GOSAR. Uranium is a critical element for nuclear power, is it not?

Mr. NEDD. Yes it is, Congressman.

Dr. GOSAR. So, now we bring up the Green New Deal. And one of the things that keeps coming from the other side is that we are going to go on all renewables. That is about 7 percent of our portfolio, is it not?

Mr. NEDD. Somewhere around there. I don't have the exact number, Congressman.

Dr. GOSAR. Yes. Are you familiar with Mr. Shackelford's comment that it is lunacy that you could think that renewables could actually power the world? We at least have to have nuclear power. You are aware of that commentary?

Mr. NEDD. I am not, Congressman.

Dr. GOSAR. It is a really good one, because if we are going to depend upon renewables, we wouldn't have a tree standing.

Director Nedd, is there enough domestic mining taking place in this country for us to transition to 100 percent wind, solar, and geothermal, and battery storage?

Mr. NEDD. That is not my understanding, Congressman.

Dr. GOSAR. Who controls almost all the rare earth dictations in the world?

Mr. NEDD. Say again.

Dr. GOSAR. Who dictates the availability of rare earths in the world? Is it the United States? Is it Russia? Is it China?

Mr. NEDD. There are a number of foreign countries, Congressman.

Dr. GOSAR. The majority is China. Well over 80 percent. They have a monopoly on it. And everyone's cell phones and everything, they have to have these rare earths. So, it is pretty interesting, where these are located.

I yield back.

Ms. HAALAND. Thank you, Mr. Gosar.

The Chair now recognizes Mr. Lowenthal for 5 minutes.

Dr. LOWENTHAL. Thank you, Chairwoman Haaland. And thank you to all our witnesses for being here to testify on these two incredibly important bills that we have before us.

Back in April, as the Chair of the Energy and Mineral Resources Subcommittee, I had the good fortune of traveling to New Mexico with Chair Grijalva and Vice Chair Haaland, where we had a chance to hear firsthand about the threats that the extractive industry has on the environment, on sacred sites, and on the public health in the Southwest. I, along with the Chair and the Vice Chair, had a chance to see the tremendous—although the sky was clear and it looked like a beautiful day, when we looked through a special photography, we saw the plumes of methane escaping into the air. I am not talking about a little bit. The entire sky was filled with methane, which was not readily apparent if you were not able to investigate that, or see that.

Chaco Canyon, which was right there where we were looking at these plumes, right near there, is a national treasure. It is a culturally important place for many tribes. And I can tell you, after having been there, like the Grand Canyon it is truly a special place.

With that, I would like to turn to you, Deputy Director Nedd, for just for one question. Mr. Nedd, currently over half of our uranium supplies come from our strongest allies—we are talking about Australia and Canada—while the U.S. Department of Energy estimates that we already have access to enough uranium to meet our military needs until 2060. Let me say that again—the Department of Energy says we have enough uranium to meet our military needs until 2060.

Former Secretary of Energy Moniz has been quoted saying he has never considered uranium to be a major security issue. And even the Heritage Foundation—we are talking about the Heritage Foundation—in a November 2018 publication wrote, “There is no compelling evidence that foreign-sourced uranium places current or future military operations at risk.”

Even if we agreed with this premise that uranium mining was a national security issue—and I do not agree with that premise—it is important to note that the Grand Canyon region only holds 0.29 percent of known U.S. uranium reserves. That is less than three-tenths of 1 percent of known U.S. uranium reserves.

Your written testimony states that one of the Department’s recommended modifications to the Grand Canyon Centennial Protection Act would be to enable the development of uranium, which is entirely antithetical to the point that we are discussing today in this legislation.

Mr. Nedd, why is the Administration insistent on mining uranium from the edge of the Grand Canyon, of all places, when there is no compelling need to develop new domestic supplies, and even less of a case to be made that this is the place to develop these supplies?

Mr. NEDD. Thank you, Congressman. The Administration has clearly laid out a strategy where it identified uranium as critical

to the economic and national security. And the Administration has clearly laid out their case as to be less dependent on foreign resources.

Dr. LOWENTHAL. Of our allies? We are talking about Australia and Canada, which is a major source of where we—so we are worried that there could be a shut-off of uranium from our allies?

Mr. NEDD. Congressman, again, the Administration has laid out their position to be less dependent on those sources, and to develop the resources here in an environmentally responsible manner.

Dr. LOWENTHAL. And even though the Heritage Foundation and also former Secretary Moniz said there is no need to have this as a national security issue?

Mr. NEDD. Congressman, I am not familiar with those statements. I am sorry.

Dr. LOWENTHAL. Thank you, and I yield back.

Ms. HAALAND. Thank you, Mr. Lowenthal. The Chair now recognizes Mr. Fulcher for 5 minutes.

Mr. FULCHER. Thank you, Madam Chair. And Mr. Nedd, thank you for your testimony.

Mr. Nedd, the information that I get does differ from my good colleague from California, and what he just shared. The information that I have been privy to indicates that uranium is, in fact, a product that is constricted, and we are way too dependent on unfriendly sources for that. And therein lies probably the single biggest concern that I have about this.

I think maybe sometimes we take for granted the safety that we have had in this Nation. Sometimes we may take for granted the fact that, for the most part, we don't have to worry about the same threats that many nations do.

So, with these deposits in this region potentially being taken off the table, can you share your thoughts about what that does to the domestic availability, the sources we can actually control ourselves for uranium?

Mr. NEDD. Thank you for the question, Congressman. It is my understanding, with not having it domestically available, it then impacts our ability to have these critical minerals used for everyday things we use: cell phones, automobiles, computers, even appliances in our home. And the Administration has laid out its position that, to achieve the economic and national security, we need to develop the resources that are available to us in an environmentally sound manner.

Mr. FULCHER. Thank you, Mr. Nedd.

Madam Chair, I yield the balance of my time to Mr. Gosar.

Dr. GOSAR. I thank the gentleman. This past Monday, the Energy Information Agency reported that domestic uranium production has collapsed. For First Quarter 2019, production totaled 58,481 pounds. Our 98 domestic operating nuclear power plant reactors require roughly 50 million pounds annually. Thus, domestic production for calendar year 2019 is on pace to be a fraction of about 1 percent of that total demand. We will be importing roughly 99 percent—those are the numbers we are getting—from Russia and Kazakhstan because of the flood of the market from them.

The U.S. Navy, which is rapidly depleting stockpiled uranium, supported adding uranium to the critical mineral list. You testified that uranium is on the critical mineral list, did you not?

Mr. NEDD. Yes, I did, Congressman.

Dr. GOSAR. And was it the U.S. Navy that actually had impetus on that designation?

Mr. NEDD. I believe they were a part of it. It is a number of them. Other agencies, too.

Dr. GOSAR. Director Nedd, is importing 99 percent of the uranium that we need for nuclear reactors an energy security risk? And is it very important to this country, as far as electrical grid appropriation?

Mr. NEDD. That is my understanding, Congressman.

Dr. GOSAR. The comment was made that—"on the edge of the Grand Canyon." Are any of these on the edge of the Grand Canyon? The mine sites.

Mr. NEDD. No, they are not, Congressman.

Dr. GOSAR. Do individuals walk across these breccia pipes?

Mr. NEDD. That is not my understanding.

Dr. GOSAR. They do. They are exposed. Some of them are exposed.

OK, so what is so critical about these breccia pipes, Mr. Nedd? Are they less concentrated, or are they six or seven times more concentrated than any other known reserve?

Mr. NEDD. Congressman, I don't have enough knowledge about those—

Dr. GOSAR. About six times. They are about six times as concentrated. So, they are like a plug. It is like a stopper in the ground.

The geological formation in Arizona—we have a basin subsurface called caliche clays. They are clays. And what ends up happening, we ask water to perpetrate down into these caliche clays, forming basins. And what these breccia pipes do is they impede that. So, when they actually mine this breccia pipe they go down, clear it out. It is a very small footprint. And then there is the ability for water to permeate to lower reaches of access for water holding. Does that sound like it is a bad deal?

Mr. NEDD. Again, Congressman, I don't have the depth of expertise to be able to address that question, so I will take your word at it.

Dr. GOSAR. Well, in Dr. Singh's commentary over and over again there is no perpetration in regards to radioactivity in the water, any different than what it is currently. And currently water seeps through these breccia pipes and runs, so everybody is exposed to it.

So, it is very interesting, what we see here.

I will yield back.

Ms. HAALAND. Thank you, Mr. Gosar. Without objection, I would like to enter for the record an information sheet from the U.S. Energy Information Administration, showing the sources and shares of U.S. purchases of uranium produced in foreign countries in 2017, and it shows Russia at 18 percent. Without objection.

Next, Mr. Horsford, the Chair recognizes you for 5 minutes.

Mr. HORSFORD. Thank you, Chairwoman Haaland, for organizing today's legislative hearing on H.R. 1373 and H.R. 2181.

H.R. 1373, the Grand Canyon Centennial Protection Act, which I am proud to co-sponsor, would permanently prohibit new mining claims on roughly 1 million acres surrounding the Grand Canyon National Park. This bill would protect the integrity of the Grand Canyon and the Colorado River watershed. It would ensure clean water for all communities and habitat that depend on the Colorado River, which supplies drinking water for more than 1 million people in my home state of Nevada.

Unfortunately, the area surrounding the park is being targeted by uranium mining companies who wish to open mines directly adjacent to Grand Canyon Park. Uranium companies have long argued the need to mine in the region. However, the benefits of mining in the Grand Canyon are meager, compared with the economic and ecological impact of the park.

While uranium and other hardrock mining can help foster economic activity and—I take objection with the assertion that this bill will somehow squelch mining, all together—has done so in my home state. I support mining. Mining is an important part of our economy in my state, as well as in other states. But it has to be done in a responsible manner, particularly an environmentally responsible manner. And it has to be done in consultation with the communities that it impacts. Without diligent oversight and planning, mining can have numerous adverse effects that impact environmental and public health.

For example, in my district, the main water source for the town of Yerington and the Yerington Paiute Tribe is contaminated by the Anaconda Mine. The issue has persisted for decades, endangering the health of my constituents, and forcing families to stop drinking water from their taps. And literally, they are having to bring in bottled water to the local residents. Sadly, clean-up of this site and the sites like it takes much longer than it should, leaving families to choose between leaving their homes or living amongst health hazards.

Mr. Nedd, why is there no requirement to monitor groundwater in or near uranium mines?

Mr. NEDD. Congressman, there are requirements to monitor the environment to understand the impact. And USGS has been—

Mr. HORSFORD. Are they specifically related to groundwater near uranium mines?

Mr. NEDD. My understanding is the USGS has been doing a study for a number of years in that area that includes water.

Mr. HORSFORD. OK. If you could please provide that information to the Committee, I would appreciate it.

There is currently a 20-year moratorium on new mining claims surrounding Grand Canyon National Park. However, this moratorium is only administrative. The Trump administration, which has expressed an intention to develop more uranium, can withdraw it at any time. That is why this bill is necessary. I hope the Trump administration will respect the moratorium. But we cannot stand by and trust that this Administration will make the right decision.

Millions of people living in Nevada, Arizona, and California depend on the water that flows through the Grand Canyon. This bill protects their water source and their livelihood.

Mr. Nedd, under the Trump administration, the BLM has made the development of domestic mineral resources a top priority, committing to do so in an environmentally responsible way. Unfortunately, in a rush to open an unprecedented number of mines on our public lands, including in Nevada, the agency has often failed to adequately consult with the impacted communities and implement the necessary safety precautions.

How is the BLM ensuring that uranium and other resources are being developed in an environmentally responsible way?

Mr. NEDD. Thank you for the question, Congressman. As I mentioned before, the BLM goes through a NEPA process, the National Environmental Protection Act. And in that context, we are looking at what impacts maybe come from development, and looking at how best to mitigate those impacts. We do engage stakeholders and local communities, and we do make every effort to develop those resources in an environmentally sound and balanced manner.

Mr. HORSFORD. Do you agree you can improve on that?

Mr. NEDD. Congressman, I think it is always a continuous process. But the BLM works very hard to engage every single individual who shows an interest.

Mr. HORSFORD. Thank you, Madam Chair.

Ms. HAALAND. Thank you, Mr. Horsford. The Chair recognizes Mr. Westerman for 5 minutes.

Mr. WESTERMAN. Thank you, Madam Chair. Thank you, Mr. Nedd. And I want to pick up where Mr. Horsford left off.

Mining is important. When we look at these devices we all carry around—I believe the last thing I read is they have 60 to 65 different elements and minerals, a lot of rare earth minerals in those devices. But most of those minerals are produced in other countries.

Before I came here to Congress, I used to do a lot of engineering work, not in mining, but I dealt with a lot of Federal agencies in permitting, and I know how rigorous the permitting process is and what great standards we have in this country to make sure that we are good stewards of our environment. And I would dare say that we do environmental stewardship better than anybody else in the world, not to mean we can't improve on it.

But Mr. Nedd, to elaborate a little bit more on what we do to ensure that we are being good environmental stewards, how does that stack up with other countries? Have you ever looked at that to see how many incidents we have in America in mining, compared to other countries, and how our standards stack up to the rest of the world?

Mr. NEDD. Certainly, Congressman. Thank you for the question. I have been in energy and minerals development for over 12 years, and I have had an opportunity to meet with delegates and individuals from foreign countries. And I think America is second to none. We certainly work harder than any other country to make certain we develop these resources in an environmentally responsible manner.

Mr. WESTERMAN. Thank you for that.

I would like to yield the remainder of my time to the gentleman from Arizona, Mr. Gosar.

Dr. GOSAR. Mr. Nedd, right now the Colorado River has a threshold of uranium actually occurring. Is that true?

Mr. NEDD. I am not familiar with that, to be——

Dr. GOSAR. Of four parts per billion. And that is naturally occurring, because what ends up happening is that these breccia pipes are soluble in water and air. So, when they are exposed, when we get monsoons, when we get snow, it melts, it dissolves, and carries it down to the Grand Canyon.

It is interesting that that is quite a bit lower than what the EPA sets as a threshold of 30 parts per billion. Four is less than thirty, right?

Mr. NEDD. That is less than—my math tells me——

Dr. GOSAR. There is some monitoring, it is my understanding, that goes on along all this. No one gets away without water treatment. We see it in Resolution Copper over and over again, where we are remediating the water. We are remediating tailing piles, and all that stuff. Yes, I agree, the past hasn't been great for mining. But the new mining techniques are impressive. You can have your clean air, your clean water, and mining, too.

So, coming back to that, it seems to me that if these are naturally occurring uranium piles, and it constantly is dissolving into surface water that runs down into the Grand Canyon, it would seem to me that it would be better to take it out than to leave it in. It just seems kind of odd to me that we have this fight over this. It is really impeccable.

Have you seen this map before? This is the current allocation of the Grand Canyon estate.

Mr. NEDD. I can't say I have seen this exactly. It is challenging to my eyes from here.

Dr. GOSAR. Well, my point is mine sites aren't even close to the rim, are they?

Mr. NEDD. No, they aren't.

Dr. GOSAR. That is exactly my point. It is interesting how we skew the facts on this application.

So, remediation, have you seen the remediation on this? Have you been there?

Mr. NEDD. There is ongoing remediation, yes.

Dr. GOSAR. Yes. Typically, once they get it done, it takes 4 to 7 years in that area. It is about a 40-acre footprint. You can't tell. I have actually been out there with groups, and we said, "Find it." And they couldn't find it.

So, it seems like we are leaving it better than we actually found it with the mining application. You know, Arizona is where whiskey is for drinking and water is for fighting over, and we all want clean water. And it seems to me like this is a time for a come-to-Jesus moment on this.

With that, I will yield back.

Ms. HAALAND. Thank you. The Chair recognizes Ms. DeGette for 5 minutes.

Ms. DEGETTE. Thank you so much, Madam Chair.

Mr. Nedd, I was very interested in a question that the Chair asked you, and I didn't really hear you answer her question. She

remarked that in her home state the revenues from recreation and tourism are, I think she said, about double from energy extraction. And we are finding the same thing throughout the Rocky Mountain West and Southwest.

In my home state of Colorado—and you know I am a fourth-generation Coloradoan—when I was young it was agriculture and oil and gas development. But now we are seeing the economy shift more and more to recreation and the outdoors. So, I just want to ask you a couple of questions about that.

And these should be pretty easy questions. Does the BLM believe that there is a role for protection of public lands that would not involve oil and gas leases?

Mr. NEDD. Thank you for that question, Congresswoman. The Secretary believes there are some areas that are special and deserve enhanced protection. So, in the multiple use he does believe there are some areas that deserve that kind of protection—

Ms. DEGETTE. Exactly. And multiple use doesn't mean every thing every place. It means you have to look at each particular area to decide what is the appropriate use. Some areas might be appropriate for oil and gas leasing, some might be available for mechanized recreation, others might be characterized as wilderness or other types of land. So, wouldn't that be an accurate description of the BLM's diverse policy?

Mr. NEDD. Well, the BLM has a multiple use.

Ms. DEGETTE. That is right.

Mr. NEDD. And in that context it is commercial, conservation, recreation, and the BLM works hard to, again, have a balanced approach to how we develop resources or other use.

Ms. DEGETTE. Thank you. And I appreciate you clarifying that, because what we are seeing in Colorado—and I think probably in Arizona and New Mexico, other parts of the Southwest—is sometimes we feel that this Administration, their default view is to issue oil and gas leases, and then to look at the appropriateness later. Is that a policy of your agency, sir?

Mr. NEDD. The President and the Administration have laid out what it is calling an all-of-the-above energy strategy. And—

Ms. DEGETTE. Sir, excuse me. You are not answering my question. My question is, is the Administration's policy to issue the oil and gas leases first, and then to determine whether it is appropriate for that area?

Mr. NEDD. The Administration's policy is to develop the resources we have in an environmentally sound manner.

Ms. DEGETTE. Yes, I understand you said that. But how do you do that? Do you assume that it is going to be appropriate for oil and gas, and then look at it? Or do you have another process? It is not a difficult question.

Mr. NEDD. Well, we go through our land use planning process. And from that land use planning process we—

Ms. DEGETTE. And what are the criteria in the land use planning process?

Mr. NEDD. The criteria is to look at the values and the best use of those properties, and then the BLM makes a decision based on that.

Ms. DEGETTE. OK. And the values, what determines what the values are?

Mr. NEDD. Congresswoman, there are a number of things that go into that, including the economic value, including the social values, including listening to stakeholders and communities.

Ms. DEGETTE. OK. This leads to my last question, which is about the Chaco bill. And, by the way, I have been to Chaco, it is an amazing, magical place, and I know Mr. Gosar really treasures it, as well as the rest of us.

But 3 weeks ago, the Administration said in front of the Senate that it was going to go ahead and do oil and gas leasing. Then, apparently, the Secretary went and looked at this area with a Senator, and came back and announced that there was a moratorium on new leasing for 10 miles of Chaco to allow time for Congress to consider legislation. Do you have any idea what changed in that interim time and with that visit?

Mr. NEDD. Congresswoman, I know the Secretary has been out there. He says that some places deserve an enhanced protection, and he has made a decision, so we are going to follow that decision.

Ms. DEGETTE. Thank you. And, by the way, I apologize, Mr. Gosar. The Grand Canyon bill is in your state, not Chaco. Chaco is in the Chair's state, sorry.

Thank you, and I yield back.

Ms. HAALAND. Thank you, Ms. DeGette. The Chair recognizes Mr. Gosar for 5 minutes.

Dr. GOSAR. Mr. Nedd, multiple use was a benefit for the western states to have Federal land. But we share the revenues, right?

Mr. NEDD. Yes, Congressman.

Dr. GOSAR. It was supposed to be 50/50 until the Budget Act deal Paul Ryan signed, and it is 52/48 now. Isn't that true?

Mr. NEDD. My understanding, it is less than 50 percent, and sometimes we debate what that is—

Dr. GOSAR. Well, 52 to the Federal Government, 48 to the states. So, now, when we talk about revenue sharing and about this multiple use, who generates the biggest chunk of that money? Is it mining, oil and gas, or is it recreation?

Mr. NEDD. It is energy and minerals. It would be mining, oil and gas, and such.

Dr. GOSAR. Are you aware of any study, a peer-reviewed study, that shows any disturbance to water with fracking?

Mr. NEDD. Not that I am aware of.

Dr. GOSAR. That is what I keep saying. You can't find that. It is hard to find, so with peer-reviewed, it is a lot of scare tactics.

You made a comment that they are not mutually exclusive. So, having mining, recreation, all those can be done at the same time, can they not?

Mr. NEDD. There are places where that has been successfully done, yes.

Dr. GOSAR. The point of dependable, affordable energy is that you have to have an economy that is based on business. Is that true?

Mr. NEDD. From my business economics class, yes.

Dr. GOSAR. OK. So, to be able to travel, you have to have some money set aside from a business, unless you work for the Federal

Government. Right? I mean they just print money. That is why we are \$22 trillion in debt.

But you have to have that disposable money to go out to enjoy those sites, right?

Mr. NEDD. That is my understanding, my belief.

Dr. GOSAR. Yes. So, there is the dependency upon a predicated, predictable, low-cost energy factor, to the whole process of enjoying our public lands. Right?

Mr. NEDD. That is my understanding.

Dr. GOSAR. Now, I also understand that out West we have problems funding our public schools. Have you followed that?

Mr. NEDD. To some degree in my home state, yes.

Dr. GOSAR. The Federal Government doesn't pay taxes on that land, does it?

Mr. NEDD. I am not familiar with—

Dr. GOSAR. They don't.

Mr. NEDD. No, they don't.

Dr. GOSAR. They don't, so we are constantly dependent upon that multiple use for the money to come into our school districts to actually fund public education. And when you don't do that, then we are dependent upon robbing Peter to pay Paul.

There has to be a different way in which to break this argument. I brought up earlier that 55 percent—55 percent—of the geography of Arizona has been whisked away in a moratorium for mining and anything else.

Let me ask you the next question. When you do a withdrawal and you go into, like, a wilderness—this is where they want to go, OK? Does that restrict multiple use on that land?

Mr. NEDD. Generally, when the wilderness is established, it restricts various types of use, unless there is a valid and existing use, yes.

Dr. GOSAR. OK, so forest thinning is problematic, grazing is problematic, even airplane travel is problematic. Is that true?

Mr. NEDD. Again, unless when it was established, the legislation or enabling act allowed those uses, yes.

Dr. GOSAR. Well, I distinctly remember in my first term having the Park System trying to have no flights over the Grand Canyon, and we were able to mitigate that with quiet air technology. Are you aware of that at all?

Mr. NEDD. Vaguely.

Dr. GOSAR. Yes, individuals and environmental groups didn't want people that are disabled to be able to enjoy the Grand Canyon with a flyover. That is pretty interesting to say, "Listen, we are going to wall this off. We are going to abuse the multiple-use doctrine that we established with the states," and then our public schools are faced with constant funding problems. This just keeps—you can't make this stuff up. You can't make this stuff up.

Mr. Nedd, I appreciate you. I thank you very, very much. And thanks for coming today.

Ms. HAALAND. Thank you, Mr. Gosar. The Chair recognizes Chairman Grijalva.

Mr. GRIJALVA. Thank you very much, Madam Chair. And thank you very much for this hearing on two very significant pieces of legislation.

Mr. Nedd, a couple of quick questions. Do you know, in reviewing the legislation and your recommendation, in terms of the acreage involved with the Grand Canyon ban, how much of that acreage in the legislation is private?

Mr. NEDD. Congressman, it is my understanding somewhere around 19,000 acres is private surface.

Mr. GRIJALVA. And the legislation—and I would suggest that the Department and the people that work with you go back through that legislation. The withdrawal area and where the ban on uranium mining would be is all Federal land. There is no public land that belongs to the state or municipality. Nor is there a private land. We were very scrupulous about making sure that was the issue. And based on what you find out, I would suggest you to communicate that to the Committee.

Uranium mining. What is the amount of royalties that we get from uranium mining?

Mr. NEDD. Congressman, I don't have a number to give you, in terms of royalty we have collected from—

Mr. GRIJALVA. If hardrock mining is considered mining—and, right now, based on the 1872 law, the answer is zero, isn't it?

Mr. NEDD. Again, under the 1872 mining law there are no royalties that are paid, Congressman.

Mr. GRIJALVA. On Federal land.

Mr. NEDD. On Federal land, yes.

Mr. GRIJALVA. State land adjacent to it they pay. They pay royalties there, but they don't pay on Federal land. So, there is no net return for the taxpayer from hardrock mining and uranium mining in this case, in particular.

The other issue is, in reviewing specifically uranium mining, how much of the extracted uranium on Federal land—or any land, any particular private or other public land, or tribal land—how much of that is for domestic use, and how much is exported?

Mr. NEDD. Congressman, I do not have a specific figure to give you here. We can get that information.

Mr. GRIJALVA. That would be very important, because this energy self-sufficiency dominance begs the question about how much we are sending out of the country with no royalties being paid to the American taxpayer.

Chaco Canyon. How long is the pause for, in terms of the protection that was laid out by the Secretary?

Mr. NEDD. The Secretary said at least for the next year there would be no leasing.

Mr. GRIJALVA. And implied in that, at least I think I am interpreting it as a direction to this Committee to hurry up and make that permanent so it is codified into law. Would that be an assumption of yours?

Mr. NEDD. I cannot speak to his assumption. I can speak to what I have heard from the Secretary, and he would like to have 1 year while we continue the resource management plan. And he asked us to get a draft out as soon as we can.

Mr. GRIJALVA. But if the Secretary felt that for a year, based on his conversations with the tribal leaders, other community people, and the Senator, obviously, that it was necessary to impose a 1-year moratorium on activity and extraction around Chaco, one

could assume that that was not made without consideration for one of the options being studied to make that permanent. Correct?

Mr. NEDD. Again, Congressman, the Secretary has asked for the 1-year, and he has asked us to incorporate an alternative that represents the views of the tribal leaders.

Mr. GRIJALVA. But we heard on that trip that Mr. Lowenthal was mentioning, that he led into New Mexico and Chaco Canyon in particular—what we heard from tribal leadership across the board was a permanent protection for that significant site to Native people and to the history of the Nation.

So, I am taking that to heart, that that is what the Secretary wanted. I think we should be about the business of giving him what he wants. But that is down the road.

Thank you. I yield back.

Ms. HAALAND. Thank you, Chairman Grijalva. The Chair recognizes Mr. O'Halleran for 5 minutes.

Mr. O'HALLERAN. Thank you, Madam Chair. I have been sitting here kind of in amazement, but I do have a couple questions. I wasn't going to ask this panel any questions, but I have to.

Does the Department of the Interior have a full concept of the groundwater patterns under the Basin that is affected in Arizona?

Mr. NEDD. Congressman, it is my understanding the USGS has been doing studies. I cannot speak specifically whether they have it full, but I know they have been doing studies for a number of years, and have a good idea of sort of what are the various aspects of that.

Mr. O'HALLERAN. Well, my information coming from the USGS is no, they don't. They don't have it for the sea aquifer, the area around the Grand Canyon, or many other areas in that area. They have been trying to get money and funding to drill monitoring wells so they can get that understanding. They had a program, as part of a cleanup and restoration of the Navajo Nation uranium mines, to find out the contamination process in that area, and they have not started that process at all.

And now it is going to be 2035 if we even get funding for them. Are you familiar with the Navajo reservation and the uranium mines on the Navajo reservation?

Mr. NEDD. Peripherally, if I may say that, Congressman.

Mr. O'HALLERAN. The 530-some mines that have not been reclaimed.

Mr. NEDD. I do not have the exact number, but—

Mr. O'HALLERAN. Earlier we heard that 3 or 4 percent parts per billion was a dangerous level for uranium. Is that true?

Mr. NEDD. Again, I do not have that specificity of detail, Congressman.

Mr. O'HALLERAN. Well, the EPA, on all those 500 or some odd mines has indicated that none of them are safe. Not one of them is safe. And I have an issue, when it is has been over 70 years that these uranium mines have been exposed to our citizens, and yet nothing has been cleaned up.

We had to go out and sue. Did you know that, in order to get the money to help clean up, that we had to go out and sue mining companies in order to get some of the money? Not all of it, just some of it, \$1.7 billion. Did you know that?

Mr. NEDD. Again, I don't have specifics on that, Congressman, that I can respond to.

Mr. O'HALLERAN. Thank you. Do you know that the U.S. government is on the hook for the rest of it, the citizens of America, and that right now is running easily in the hundreds of millions of dollars, and with an unknown amount of money into the future? Because that only addresses about 200 mines of the 500-and-some-odd mines that need to be remediated. Did you know that?

Mr. NEDD. Again, no, Congressman.

Mr. O'HALLERAN. Have you ever been down to Havasupai?

Mr. NEDD. I have.

Mr. O'HALLERAN. What do you think of it?

Mr. NEDD. Like much of the West—well, much of the United States—I think it is a beautiful area, and I enjoy visiting the various parts of the western United States.

Mr. O'HALLERAN. Great. Well, welcome to Congressional District 1, and I am sure they like folks like you being down there.

On the other case, do you know if that water is safe or not? Their main source of water, their only source of water, and a tremendous impact on their economy, do you know if that is safe or not?

Mr. NEDD. Again, Congressman, I don't have the specific details. However, while I was in that area I drank water, so I am assuming the water I drank is safe.

Mr. O'HALLERAN. Right now, but we don't know with additional uranium mining, we don't know if it is safe or not right now from uranium contamination.

Do you know that there is a mine in production on and off? Because the prices in America are so low that that is why we are seeing so much import—or so high we are seeing so much import from outside the country on uranium.

And we have heard statistics earlier about the amount of uranium on a total basis in America that is within the area that we are talking about. But that mine within 6 miles from the Grand Canyon has had a multitude of issues of not paying correct attention to the regulatory issues on how to address the mine in and of itself. It has taken water out of that mine and sprayed it all over the land up there. It has not appropriately addressed the issues to the Arizona Department of Environmental Quality, or to the Federal Government. And there appears to have not been enough thought in this whole process, as far as how much—and I will yield, I will get back to that later.

Ms. HAALAND. Thank you, Mr. O'Halleran. I thank the witnesses for their valuable testimony and the Members for their questions.

Thank you very much, Mr. Nedd, for taking your time to be here with us today. And I now invite the second panel to take their places at the witness table.

[Pause.]

Ms. HAALAND. As with the first panel, oral statements are limited to 5 minutes, but your entire statement will be part of the hearing record.

The lights in front of you will turn yellow when there is 1 minute left and red when time has expired.

After the witnesses have testified, Members will be given the opportunity to ask questions.

The Chair now recognizes Chairman Grijalva of the Natural Resources Committee.

Mr. GRIJALVA. Thank you very much. I thank you, Chairwoman Haaland, I appreciate this hearing very much.

I wasn't planning on making an opening statement on today's proceeding, but I feel the need to respond to some of the misinformation that has been put out about the legislation, H.R. 1373, the Grand Canyon Centennial Protection Act.

I want to make sure we are all looking at the same bill text, because it seems there is some confusion between the bill and previous versions which included a national monument. This bill is a simple mineral withdrawal. It doesn't limit multiple use. It doesn't limit non-mining activities in the region, period.

Letters of opposition submitted to the record already today oppose a monument. But bipartisan polling shows that 78 percent of Arizonans support a mineral withdrawal around the Grand Canyon. We have received letters of support from across the spectrum from tribal communities, from local governments, those governments most impacted by this ban, and the state has not taken a position on the proposal. To suggest the bill receives significant opposition is factually incorrect. We have received support from hundreds of businesses and community organizations, and thousands of Arizonans who recognize that these protections are the right path forward for northern Arizona and the Grand Canyon.

This legislation only involves Federal land, not other public lands belonging to other jurisdictions, nor private land.

I want to thank my colleague, Mr. O'Halleran, who represents the vast majority of the lands touched by this proposal, who has been a strong voice for advocating for these protections, and a good partner in putting this legislation together.

The people of Arizona know the facts. Uranium mining is a threat to our precious water resources, to our tribal communities, and to one of our greatest national treasures.

I strongly support the legislation, Madam Chair. I urge my colleagues to make sure they are looking at the most updated version of this proposal, and that they are considering the facts when they weigh in on the legislation.

Again, Ms. Haaland, thank you and I look forward to today's proceeding. I appreciate the indulgence, and I yield back.

Ms. HAALAND. Thank you, Chairman.

The Chair now recognizes Mr. O'Halleran for 30 seconds to introduce the Honorable Carletta Tilousi.

Mr. O'HALLERAN. Thank you, Madam Chair. And let me get to that part of my notes, please.

It is my pleasure to introduce Councilwoman Carletta Tilousi of the Havasupai Tribe. Councilwoman Tilousi has been a tireless advocate of the Havasupai Tribe and the Grand Canyon. She was born and raised in Supai Village at the bottom of the Grand Canyon, the Councilwoman is committed to ensuring that the Havasupai ancestral homeland remains a safe place to live. The Councilwoman has served on the Tribal Council for seven terms, and has served as a U.S. delegate. The Councilwoman is also president of the Red Rock Foundation, which focuses on tribal, educational, and environmental issues.

Ms. HAALAND. Thank you, Mr. O'Halleran.

And Councilwoman, before you begin your testimony, I notice that you have a number of tribal members with you today, and I would like to acknowledge their presence and thank all of you also for coming today. Thank you so much.

Councilwoman, you have 5 minutes.

**STATEMENT OF THE HON. CARLETTA TILOUSI,
COUNCILWOMAN, HAVASUPAI TRIBE, SUPAI, ARIZONA**

Ms. TILOUSI. Good morning, Chairwoman Haaland, Ranking Member, and Subcommittee members. My name is Carletta Tilousi. I am an elected member of the Havasupai Tribal Council. I am here on behalf of the Havasupai Tribe to support H.R. 1373, the Grand Canyon Centennial Protection Act, which we understand will permanently ban new uranium mines on the rims of our canyon home, and any new mining claims.

There are currently 831 uranium claims on Federal lands next to my reservation, the Havasupai Tribe, and also the Grand Canyon National Park.

The Tribe supports the bill because it will permanently protect a million acres of public lands from mining that will contaminate Havasu Creek in my village.

Our village also has beautiful waterfalls that attract millions of tourists from all around the world. However, many Americans feel falsely, or believe that the Grand Canyon is already protected from mining and development. However, the 1872 Mining Law allows any mining company to come on to Federal public lands and stake claims and conduct mining operations on public lands.

Uranium mining has already poisoned and will continue to poison the springs and waters of my Grand Canyon home. It will be poisoning the land, the plants, the animals, and the people that live there, including all the visitors that come visit the Grand Canyon.

We, the Havasupai people, live in one of the most remote canyons in North America. Our village is located at the bottom of the Grand Canyon, only accessible by horse, helicopter, or hiking in.

The Havasupai means "people of the blue-green water." My family and my ancestors have lived in the canyon for thousands of years. Havasupai Creek is spring-fed and naturally flows through our village, year-round. It is our main source of water that has sustained my family, my people, the plants, and animals for many years. It has created beautiful blue-green waterfalls that we live and enjoy in our home.

The Tribe has fought for over 30 years to protect our waters from current and proposed mining on Federal lands located on the rims of the Grand Canyon.

Currently, a uranium mine called Canyon Mine is located right above Havasu Creek and in the flood plain of the canyon. Our village has recently experienced devastating floods that came right through our village, coming right off the rims of the canyon. There is a large potential of groundwater contamination from the mines that are being proposed on the rim of the Grand Canyon. The water from Havasu Creek flows directly through my village and

drains right into the Colorado River, which is the primary source of water for millions of cities located downstream, such as Las Vegas, Phoenix, Tucson, and Los Angeles.

The legacy of uranium mining has already caused radioactive contamination of the Colorado River, and any additional contamination will add further to the problem.

The catastrophic effects of uranium mining is well known to Native Americans in the Southwest. There are hundreds of contaminated sites in Arizona and New Mexico that were left abandoned by uranium mining.

After decades of struggling, Canyon Mine recently opened and immediately caused unanticipated contamination. Reports recently showed that Canyon Mine left and pierced a perched aquifer, causing 18 gallons of water per minute to leak into the mine shaft since early 2017.

In 2018, 9.6 million gallons of groundwater spilled into the mining shaft at Canyon Mine.

The mining company is supposed to store the contaminated water on site, per the plan of operations approved by the Kaibab Forest Service. They did not have the proper plan or the back-up plan to address this issue, so they started spraying it all over the site in attempts to evaporate the pond.

Canyon Mine sits above the largest aquifer in the Southwest, a sole source for Havasu Creek and the Grand Canyon National Park.

According to the National Academy of Science, there are no safe levels of consumption of ionizing radiation. The only safe level is zero. The Havasupai Tribe is on the front lines of uranium contamination. Every day, my people fear groundwater contamination. Once our water is contaminated, there will be no more Havasupai, and we will continue to affect all humans and animals living downstream.

For these reasons we, the Havasupai, request your support for H.R. 1373 to permanently protect the natural resources of Grand Canyon that will include the animals, plants, and the people that live there, as well as millions of visitors around the world.

I have lost direct family and friends because they were exposed to uranium. Every day I miss them, and I hope that nobody will experience the pain that I have went through.

Thank you for allowing me to tell my story.

[The prepared statement of Ms. Tilousi follows:]

PREPARED STATEMENT OF CARLETTA TILOUSI, TRIBAL COUNCIL OF THE HAVASUPAI
TRIBE ON H.R. 1373

My name is Carletta Tilousi and I am an elected Member of the Havasupai Tribal Council. I am here on behalf of the Havasupai Tribe to support H.R. 1373, which will permanently ban uranium mining and the establishment of new mining claims on Federal lands located next to the Grand Canyon National Park and the Havasupai Indian Reservation. The Tribe supports the Bill because it will permanently protect 1 million acres of public lands from mining, including uranium mining that threatens Havasu Creek, which flows through our homeland and forms our famous waterfalls.

The Grand Canyon is a world famous natural wonder and a national treasure. Millions of people visit the Grand Canyon every year. Many Americans falsely believe that public lands like the Grand Canyon, and the Federal lands surrounding the Grand Canyon, are already protected from development and mining. However,

the 1872 Mining Law, that is still a valid U.S. law, allows mining companies to stake mining claims and conduct mining operations on public lands.

Uranium mining has already poisoned and will continue to poison the Grand Canyon. It will poison the groundwater and aquifers that feed into the Colorado River. It will poison the land, the plants, the animals, the people that live there, and the visitors.

The Havasupai Tribe is one of the most remote communities in North America. We are located at the bottom of the Grand Canyon in Supai Village, which is accessible only by horse, helicopter, or 8-mile hike. My people have lived in the canyon for thousands of years. There are no roads or cars in our Village. Havasu Creek is a natural, spring-fed creek that flows through our Village year-round. It is our only source of water—for our people, livestock, crops, and orchards. It creates beautiful blue-green waterfalls that are visited by thousands of tourists each year. It is the lifeblood of our Tribe. Havasupai means “People of the Blue Green Waters.” The Tribe has fought for over 30 years to save our waters from current and proposed mining operations on Federal lands next to the Grand Canyon National Park and the Havasupai Indian Reservation. Currently, a uranium mine, called Canyon Mine, is located above Supai Village in the Havasu Creek watershed and floodplain. In fact, our village has experienced several recent devastating floods.

The water from Havasu Creek flows into the Colorado River, which is the primary source of water for millions of people in large cities located downstream including Las Vegas, Phoenix, Tucson, and Los Angeles. The legacy of uranium mining has already caused radioactive contamination of the Colorado River, and additional contamination will only add to the problem.

The catastrophic effects of uranium mining are well-known to the Native Peoples of the Southwest. There are hundreds of contaminated mining sites in Arizona and New Mexico that have been abandoned by mining companies. After decades of struggle, the Canyon Mine recently opened and has immediately caused unanticipated contamination. For example, reports show that the mining shaft pierced a perched aquifer causing approximately 5 to 9 gallons of water per minute to leak into the mine shaft since early 2017. In 2018 alone, 96,000,000 gallons of groundwater spilled into the mining shaft at Canyon Mine. The mining company must store the contaminated water on site; however, they do not have enough capacity, so they spray the contaminated water into the air in an attempt to speed evaporation.

Canyon Mine sits above the largest aquifer in the Southwest. This aquifer is the sole source of water for Havasu Creek, and Grand Canyon National Park. We share the same water. According to the National Academy of Sciences, there is no safe level of human consumption of ionizing radiation—the only safe level is zero. In total, as of 2018, there are 831 uranium mining claims on Federal lands surrounding the Grand Canyon. These cannot be allowed to proceed.

The Havasupai Tribe is on the front line of any uranium mining contamination, but all people, all life downstream will be affected. For these reasons, the Havasupai Tribe requests your support for H.R. 1373 to permanently protect the natural resources of the Grand Canyon including the animals, plants, and the people that live there as well as the millions of visitors from around the world.

Ms. HAALAND. Thank you, Councilwoman. The Chair now recognizes Mr. O’Halloran for 30 seconds to introduce the Honorable Coral Evans.

Mr. O’HALLERAN. It is my pleasure to introduce Flagstaff Mayor Coral Evans. Mayor Evans is the third generation of her family to live in Flagstaff, where she is a tireless advocate for improving the lives of Flagstaff residents and ensuring the city’s tourism economy remains strong.

Mayor Evans has been recognized by numerous business groups for her efforts to strengthen Flagstaff’s economy. These awards include the Greater Flagstaff Chamber of Commerce’s Anthem Award, and she was named Arizona’s Most Influential Woman in Business by Arizona Business Magazine.

And she has a tireless concern about the safety and welfare of the citizens of Flagstaff.

Thank you, Madam Chair.

**STATEMENT OF THE HON. CORAL EVANS, MAYOR, CITY OF
FLAGSTAFF, ARIZONA**

Ms. EVANS. Chairwoman Haaland, Ranking Member Young, Subcommittee members and guests, my name is Coral Evans. I am the Mayor of the city of Flagstaff, Arizona. Thank you for allowing me to be here today to testify on an issue that is very important to my community: H.R. 1373. I ask that my entire statement be included in the record.

I would also like to say thank you to our Congressman, Tom O'Halleran, and Chairman Grijalva for their support and leadership on this issue.

Flagstaff is known as the gateway to the Grand Canyon. It is the largest city in northern Arizona, with a growing population of over 75,000 people. It is the most popular starting point for those visiting the Grand Canyon National Park, one of the seven natural wonders of the world. Our city and businesses rely on the nearly 6 million visitors who come to the Grand Canyon each year and visit and stay in our community, which is only 85 miles from the national park.

The Grand Canyon National Park is the lifeblood of our community and our economy, and protecting it now and for future generations is of paramount interest. For this reason we strongly support H.R. 1373, the Grand Canyon Centennial Protection Act. As you know, this legislation will enact a permanent moratorium on uranium mining for approximately 1 million acres in and around Grand Canyon National Park.

Let me be clear. Uranium mining is important in the United States and the world economy, but uranium contamination is not. Between 1956 and 2009, it is estimated that mining companies extracted almost 23 million pounds of uranium in the Grand Canyon region as a resource for nuclear power plants and weapons. Unfortunately, the history of uranium in northern Arizona is one of destruction and waste. It is estimated that there are nearly 500 abandoned uranium mines on the Navajo Reservation alone, and estimates of nearly 2,000 more mines abandoned in and around the Grand Canyon. These abandoned mines are permanently destroying natural water resources and land, and could have irreversible effects on the Grand Canyon watershed and the land around it. We cannot allow this to happen to one of nature's most beautiful landscapes.

Water in Arizona is our most precious resource. It is life. For this reason, Madam Chair, the city of Flagstaff has passed a resolution in support of this bill. I ask that you unanimously consent that this resolution will be inserted into the hearing record.

Chairman Grijalva has and continues to be a champion for our community and the Grand Canyon. His commitment to this issue is well known. We applaud his determination on this critical issue.

Unfortunately, in 2017, the U.S. Forest Service began the process of lifting the uranium ban at the Grand Canyon. If the ban is lifted, what are some of the potential impacts on Flagstaff?

First, our water supply could be permanently polluted. This is unacceptable. We have a limited water supply, and we work extremely hard to protect it.

Second, the ban could also affect tourism. Most of our economy is based on tourism in the Grand Canyon and the surrounding areas. Many of the businesses and their staff, as well as support workers for the Grand Canyon and other tourist-based industries, live and work in Flagstaff.

Finally, the city is concerned that lifting the 20-year moratorium may lead to dangerous and harmful radioactive materials being transported through our community.

Madam Chair, the Administration has the obligation to clean up the hundreds—potentially thousands—of abandoned mines in the region, some of which have permanently polluted aquifers, negatively impacting many in northern Arizona, including sovereign nations. Before the Administration considers lifting the ban, they need to clean up every single one of the legacy mines. This would be the right thing to do.

Madam Chair, it is extremely important to enact H.R. 1373 to permanently protect these lands and water that are so valuable and precious to Flagstaff, Arizona and surrounding communities. We are extremely thankful to Chairman Grijalva for championing this issue, and we thank you for your leadership in holding this hearing today. I am happy to answer any questions that you or any of the other Subcommittee members may have. Thank you for this opportunity.

[The prepared statement of Ms. Evans follows:]

PREPARED STATEMENT OF CORAL EVANS, MAYOR, CITY OF FLAGSTAFF, ARIZONA ON
H.R. 1373, THE GRAND CANYON CENTENNIAL PROTECTION ACT

Chairwoman Haaland, Ranking Member Young, Subcommittee members and guests, I am Coral Evans, Mayor of Flagstaff, Arizona. Thank you for allowing me to be here today to testify on an issue that is so important to my community, H.R. 1373. I ask that my entire statement be included in the record. I also want to thank our Congressman, Tom O'Halleran, and Chairman Grijalva for their support and leadership on this issue.

Flagstaff is known as the gateway to the Grand Canyon. It is the largest city in northern Arizona with a growing population of over 75,000 and is the most popular launching point for those visiting Grand Canyon National Park, one of the seven natural wonders of the world.

Our city and our businesses are reliant on the nearly 6 million visitors who come to the Grand Canyon each year and visit and stay in our community, which is only a short 85 miles to the National Park. We welcome these visitors with some of the finest amenities, including great hotels, eclectic restaurants and some of the finest craft breweries in the United States. All of this is housed in a community surrounded by some of the most beautiful peaks in the West and land that is 7,000 feet above sea level, which is a welcome respite from the desert heat.

Grand Canyon National Park is the lifeblood of our community and economy and protecting it now and for future generations is of paramount interest. For this reason, we strongly support H.R. 1373, the Grand Canyon Centennial Protection Act. As you know, this legislation will enact a permanent moratorium on uranium mining for approximately 1 million acres in and around Grand Canyon National Park.

Let me be clear: uranium mining is important to the United States and world economy, but uranium contamination is not. Between 1956 and 2009, it is estimated that mining companies extracted approximately 23.3 million pounds of uranium in the Grand Canyon region as a resource for nuclear power plants and weapons. Unfortunately, its history in northern Arizona is one of degradation and waste. It is estimated that there are nearly 500 abandoned uranium mines on the Navajo Nation reservation alone and estimates of nearly 2,000 more abandoned in and around the Grand Canyon. These abandoned mines are permanently destroying water resources and land, and could have irreversible effects on the Grand Canyon watershed and land around it. We cannot allow this to happen to one of nature's most beautiful landscapes. In Arizona water is our most precious resource, it is life.

We must protect this asset. The future of our communities is dependent on water and access to that water.

For this reason, Madame Chair, the city of Flagstaff has passed a resolution in support of this bill. I ask for unanimous consent that this resolution be inserted in the hearing record: https://naturalresources.house.gov/imo/media/doc/Flagstaff_2019_FinalResolution.pdf.

Chairman Grijalva has, and continues to be, a champion for our community and the Grand Canyon. His commitment to this issue is well known over the years. In March 2008, Chairman Grijalva introduced his first bill to withdraw lands from mineral exploration near the Grand Canyon. Over the years, he has held several Committee hearings on this subject at the Grand Canyon and pressured both Republican and Democratic administrations to withdraw these sensitive lands from exploration. Because of his continued pressure, in January 2012, then-Interior Secretary Ken Salazar ordered a 20-year moratorium on new mining claims in the approximately 1 million acres in and around the Grand Canyon. We applaud his determination on this critical issue. Unfortunately, however, in November 2017, the U.S. Forest Service began the process of lifting the uranium ban at the Grand Canyon.

If the ban is lifted, what are some of the potential effects on Flagstaff? First, our water supply could be permanently polluted. This is unacceptable. We already have a limited water supply and we work incredibly hard to protect these resources. The City has gone so far as to purchase the Red Gap Ranch, 40 miles east of town, to secure an additional water source to ensure that we have a 100-year water supply. In addition, we have an aggressive water recycling program and other sustainability measures to ensure that we protect our water resources. Every summer our residents are requested to limit their water use to comply with our robust water conservation enforcement program. Water is a precious commodity to the City and if we somehow poison our aquifers, we simply can't survive.

Second, lifting the uranium ban will also effect tourism. Most of Flagstaff's economy is based on tourism to the Grand Canyon and surrounding areas. For instance, we have several rafting outfits and other tour operators that conduct business out of the City. Many of these businesses and their staffs, as well as support workers for the Grand Canyon and these tourist-based industries, live and work in Flagstaff. If tourists are reluctant to visit the Grand Canyon because of potential exposure and/or opposition to uranium mining, this could negatively impact some of our businesses and economy.

Finally, the City is concerned that lifting the 20-year moratorium may lead to dangerous and harmful radioactive materials being transported through the City. Again, Flagstaff has very limited water supplies and a catastrophic accident or leak in and around Flagstaff may permanently and negatively affect the water supply that is so critical to the City's existence. We can't allow this to happen.

Madame Chair, the Administration has an obligation to clean up the hundreds, potentially thousands, of abandoned mines in the region some of which have permanently polluted aquifers that have negatively impacted many in northern Arizona including sovereign nations. Before the Administration considers lifting the ban, they need to clean up every one of the legacy mines. It is the right thing to do.

Madame Chair, it is critically important to enact H.R. 1373 to permanently protect these lands and water that are so valuable and precious to Flagstaff and surrounding communities. We are incredibly thankful that Chairman Grijalva is championing this issue and we thank you for your leadership in holding this hearing today. I'm happy to answer any questions you or the other Subcommittee members may have. Thank you for the opportunity to be here today.

Ms. HAALAND. Thank you very much, Mayor Evans.

The Chair now recognizes Ms. Amber Reimondo, Energy Program Director at the Grand Canyon Trust.

**STATEMENT OF AMBER REIMONDO, ENERGY PROGRAM
DIRECTOR, GRAND CANYON TRUST, FLAGSTAFF, ARIZONA**

Ms. REIMONDO. Good morning. Thank you, Chairwoman and Ranking Member Curtis, and all the Committee members for this opportunity to speak in support of the Grand Canyon Centennial Protection Act.

I am Amber Reimondo, the Energy Program Director for the Grand Canyon Trust. I am truly honored to be here to speak today alongside my hometown mayor, the Honorable Coral Evans, and the Honorable Carletta Tilousi, Councilwoman of the Havasupai Tribe. We are allied members of diverse communities who are directly and adversely affected by ongoing uranium mining in the Grand Canyon region. We are united in support of permanently protecting the Grand Canyon from uranium mining.

The Grand Canyon Trust is a regional conservation organization based in Flagstaff, Arizona. The trust's mission is to safeguard the wonders of the Grand Canyon and the Colorado plateau, while supporting the rights of its Native peoples. We have been working to protect the Grand Canyon from uranium mining and other threats since the trust was founded in 1985.

The Grand Canyon Trust supports Havasupai's fight to prevent their sole source of drinking water from being permanently contaminated by the Canyon Mine. We support protecting the watershed, ecosystems, and cultural heritage of the Grand Canyon region for current and future generations.

For seven decades, uranium mining has left a deadly legacy of air, water, and soil contamination across Utah, Colorado, New Mexico, and Arizona. In 2005, the Navajo Nation banned uranium mining on their land, encompassing nearly 18 million acres located in three of the Four Corners states. The Havasupai, Hopi, and other Grand Canyon-affiliated tribes have also banned uranium mining, and are unified in supporting the administrative 20-year ban on new claims on more than a million acres of public lands surrounding Grand Canyon National Park.

Despite the temporary ban ordered by the Secretary of the Interior in 2012, pre-existing mines have already demonstrated the risks of uranium mining on public lands within the withdrawal area. Since the spring of 2017, miners have needed to continually remove contaminated water from the mine shaft at Canyon uranium mine.

When re-opening the Pinenut Mine in 2009, where the mine shaft was supposedly capped and safe from water intrusion, the company discovered that the mine shaft had actually flooded with nearly 3 million gallons of contaminated water that was contaminated by being exposed to uranium ore.

And at the nearby Kanab North Mine, located on the Grand Canyon's north rim, radioactive dust has contaminated soils well beyond its fenced perimeter.

Uranium mining in the Grand Canyon region is an unnecessary threat to our tourism-based economies and the people who depend on the Grand Canyon. The Grand Canyon Trust supports communities, businesses, and hundreds of education, science, and other organizations that are sustained by the Grand Canyon's enduring assets of clean air and water, and by its natural human heritage.

The National Park Service recently reported that 6.3 million visitors to Grand Canyon National Park in 2018 spent \$947 million in communities near the park. The spending supported 12,558 jobs in the local area, and had a cumulative benefit to the local economy of \$1.2 billion.

Breccia pipe uranium mining supports few and temporary jobs. Permanently contaminating the Grand Canyon threatens the loss of billions of dollars to the backbone of our regional economy.

Through the Grand Canyon Centennial Protection Act we have an opportunity to prevent new uranium mining on 1 million acres of critically important public lands that border Grand Canyon National Park, and in so doing the opportunity to safeguard the Grand Canyon region and the people, wildlife, and economies that depend upon it. In this Grand Canyon National Park Centennial year, we proudly join with citizens of many political persuasions and personal histories to stand with one united voice in supporting the Grand Canyon Centennial Protection Act.

In conclusion, we want to thank the Havasupai people for being the Grand Canyon's guardians since time immemorial. We also want to thank Chairman Grijalva for his years of leadership in defending the Grand Canyon. And last, we thank the bill's cosponsors and the majority of Arizona voters who support permanently protecting the Grand Canyon from uranium mining.

I will be happy to answer any questions.

[The prepared statement of Ms. Reimondo follows:]

PREPARED STATEMENT OF AMBER REIMONDO, ENERGY PROGRAM DIRECTOR, GRAND CANYON TRUST ON H.R. 1373

Thank you, Chairwoman Haaland, Chairman Grijalva, and Committee members for this opportunity to speak in support of the Grand Canyon Centennial Protection Act.

I am Amber Reimondo, the energy program director for the Grand Canyon Trust. I am truly honored to speak today, alongside my hometown mayor, the Honorable Coral Evans, and the Honorable Carletta Tilousi, Councilwoman of the Havasupai Tribe. We are allied members of diverse communities who are directly and adversely affected by ongoing uranium mining in the Grand Canyon region. We are united in support of permanently protecting the Grand Canyon from uranium mining.

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Despite the temporary ban ordered by the Secretary of the Interior in 2012, pre-existing mines have already demonstrated the risks of uranium mining on public lands within the withdrawal area. Since the spring of 2017, miners have needed to continually remove contaminated water from the mineshaft at Canyon uranium mine. When re-opening Pinenut Mine in 2009, where the mineshaft was supposedly capped and safe from water intrusion, the company discovered that the mineshaft was flooded with nearly 3 million gallons of water contaminated by exposed uranium ore. And at the nearby Kanab North Mine, located on the Grand Canyon's north rim, radioactive dust has contaminated soils well beyond its fenced perimeter.

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In this, Grand Canyon National Park’s centennial year, we proudly join with citizens—of many political persuasions and personal histories—to stand with one united voice in supporting the Grand Canyon Centennial Protection Act.

In conclusion, we want to thank the Havasupai people for being the Grand Canyon’s guardians since time immemorial. We also want to thank Chairman Grijalva for his years of leadership in defending the Grand Canyon. And last, we thank the bill’s co-sponsors and the majority of Arizona voters² who support permanently protecting the Grand Canyon from uranium mining.

I’ll be happy to answer any of your questions.

Ms. HAALAND. Thank you so much, Ms. Reimondo.

The Chair now recognizes the Honorable Buster Johnson, District 3 Supervisor on the Mohave County Board of Supervisors. You have 5 minutes, Mr. Johnson.

**STATEMENT OF THE HON. BUSTER D. JOHNSON, SUPERVISOR
DISTRICT 3, MOHAVE COUNTY BOARD OF SUPERVISORS,
LAKE HAVASU CITY, ARIZONA**

Mr. JOHNSON. Thank you, Madam Chair. It is an honor to appear before you to represent Mohave County, the county most impacted by the Chairman’s bill.

Public service is a noble calling. After nearly 23 years of service, the one thing upon which I pride myself more than anything else is keeping my word, honoring the commitments which others and I have made to the people of Arizona, which brings you to the bill before us. Fundamentally, it is a direct attempt to undo the commitment given in 1984 to the people of Arizona.

Senator McCain shared that Chairman Udall required of both industry and environmentalists compromises that led to the creation of over 1 million acres of BLM and Forest Service wilderness as buffers to the Grand Canyon National Park in exchange for release of lands to multiple use. Validation of the 1984 compromise comes from the statements of numerous individuals who were privy to, including two witnesses who were stakeholders upon whom Chairman Udall relied to gain passage of the 1984 compromise: Mr. Russ Butcher, who served as Southwest Director of the National Park and Conservation Society; and Bill Lamb, who served as a BLM area manager of the Arizona Strip.

But this agreement was real, as evidenced by the fact that hardrock mining was allowed in every subsequent Federal land management plan until the withdrawal. This is what District Manager Bill Lamb said about his role in opening it up—I quote:

¹ <https://www.nps.gov/grca/learn/news/grand-canyon-economic-benefit.htm>.

² https://www.grandcanyontrust.org/sites/default/files/resources/Grand_Canyon_Arizona_Poll_Key_Findings_Aug_2018.pdf.

"In 1982, I was assigned to be the District Manager for the BLM's Arizona Strip. At that time there were serious negotiations going on with environmental organizations, uranium mining proponents, and the BLM to work out an arrangement where lands could be designated for wilderness, and yet provide for responsible uranium development. I worked closely with congressional delegations in both Utah and Arizona, the Sierra Club, National Parks and Recreation Associations, and other groups, including the local residents, to find a workable solution to the wilderness-vs.-uranium issue.

With a clear understanding by all stakeholders that any conflict between wilderness and mining would be resolved, a wilderness bill was passed creating the Arizona Wilderness Act. After some 27 years it seems that those negotiations and agreements have been forgotten, where the long hours, days, and months of negotiation through field trips, face-to-face meetings, conference calls, and written communications brought a compromise that provided a balanced use of the Arizona Strip. These efforts would be lost with the mineral withdrawal proposed for the area.

The responsible uranium mining after establishment of the wilderness in 1984 has not had any negative impacts on the wilderness areas or the Grand Canyon National Park. A trip to the mining sites has shown that restoration is complete and natural where any evidence of mining cannot be found. A withdrawal from mining entry is in direct conflict with the good-faith effort put forth by stakeholders, and a mockery of the stakeholder negotiation process. I believe a withdrawal would have a negative effect on the local economy, where uranium mining would create jobs during a time when the economy is in need of a boost. Uranium mining poses no threat to the pristine nature of the Arizona Strip or the mining operations, and breccia pipe formations can be restored to their natural condition after a short extraction time frame." End of quote.

The testimony of Mr. Butcher is also compelling. Quote:

". . . To sum up the personal opinion regarding breccia pipe uranium mining on public lands surrounding Grand Canyon National Park, while such activities must be carried out with extreme care and due diligence, as was demonstrated by EFN in the late 20th century, I continue to view such activities as posing no credible threat of environmental harm to either the Grand Canyon National Park or the Colorado River that flows through it. . . . Consequently, on the merits, I can see no credible justification for a 1.1 million acre withdrawal from mineral entry of lands to the north and south of the park. Furthermore, such a withdrawal from mineral entry directly contradicts the good-faith negotiations of the 1984 agreement. . . . The wilderness study areas not placed in the National Preservation System were released back to multiple use status, including the mining of uranium. As one of the persons who actively participated in that collaborative process, I can state unequivocally that we achieved the negotiated compromise on the basis of allowing such activities as mineral extraction to go forward under appropriate Federal oversight of released lands." That is the end of the quote.

As we meet today, this Nation's nuclear power plants are importing 98 percent of the fuel needed to run these plants from foreign sources. Nuclear power provides 20 percent of this country's requirement for energy.

What I don't understand is why America's utilities are importing so much, though we have such vast supplies right here in our own backyard in northern Arizona. Arizona is part of the solution to America's nuclear fuel imbalance, and we should prepare to play a constructive role.

As a supervisor who represents the county where the uranium and the Grand Canyon are located, I can tell you that if I had even the slightest indication that mining would affect the Canyon or the health of the people I represent, I would be adamantly opposed to it. But the canyon, the people, over \$29 million worth of economic benefit, and the security of our Nation is what is at stake.

Thank you for your time.

[The prepared statement of Mr. Johnson follows:]

PREPARED STATEMENT OF BUSTER D. JOHNSON, SUPERVISOR DISTRICT 3, MOHAVE
COUNTY BOARD OF SUPERVISORS ON H.R. 1373

Chairman Grijalva, Ranking Member Bishop, it is an honor to appear before you to represent Mohave County, the county most impacted by the Chairman's bill.

Public service is in my view, a noble thing. After nearly 23 years of service to the people of my county, the one thing upon which I pride myself more than anything else is keeping my word; honoring the commitments which others and I have made to the people of Arizona and to the United States.

Keeping your word as a public official is more important than taking a stand or being "right" on an issue. There are two professions where you don't have to be right and you can still keep your job at least for a season—one is predicting the weather and the other is politics. I respect two things as a Supervisor: the commitments and promises made by others, some of whom served before me and honoring my own commitments and promises.

Which brings me to the bill before us. Fundamentally, it is a direct attempt to undue the commitment given in 1984 to the people of Arizona by former House Interior Committee Chairman Morris Udall, Senator Barry Goldwater, Senator Dennis DeConcini, Congressman Bob Stump, then-freshmen House Member and later Senator John McCain along with Utah's former Senators Jake Garn and Orrin Hatch and former Chairman of this Committee, James V. Hansen, also from Utah.

Before his death, Senator McCain shared that Chairman Udall required of both industry and environmentalists compromises that lead to the creation of over 1 million acres of BLM and Forest Service Wilderness as buffers to the Grand Canyon National Park in exchange for releasing lands to multiple use those BLM lands north of the Colorado River outside the Park on the Arizona Strip in Mohave County and National Forest lands south of the Grand Canyon National Park in Coconino County.

Validation of the 1984 compromise comes from the statements of numerous individuals who were privy to it including two witnesses who were stakeholders upon whom Chairman Udall relied to gain passage of the 1984. Mr. Russ Butcher, who served as Southwest Director of the National Park and Conservation Society and Bill Lamb who served as BLM Area Manager of the Arizona Strip shared testimony, which I respectfully request be included in the record of this Hearing.

That this agreement was real is evidenced by the fact that hard rock mining was allowed in every subsequent BLM and Forest Service Resource Management Plan (RMP) and Forest Plan up until the withdrawal.

Here is what the District Manager, Bill Lamb said about his role in opening up these lands for mining as part of this 1984 Agreement which lead to passage of the 1984 Arizona Wilderness Act:

Arizona Strip 1984 Wilderness Designation Negotiation

By Bill Lamb

Former District Manager of the Arizona Strip BLM District from 1982 to 1992

In 1982 I was assigned to be the District Manager for the BLM Arizona Strip District. At that time there were serious negotiations going on with the environmental organizations, uranium mining proponents and the BLM to work out an arrangement where lands could be designated for wilderness and yet provide for responsible uranium development. I worked closely with the Congressional Delegations in both Utah and Arizona, the Sierra Club, National Parks and Recreation Associations and other groups, including the local residents to find a workable solution to the wilderness vs. uranium issue. With a clear understanding by all stakeholders that any conflict between wilderness and mining would be resolved, a wilderness bill was passed creating the Arizona Wilderness Act of 1984. After some 27 years, it seems that those negotiations and agreements have been forgotten where the long hours, days and months of negotiations through field trips, face to face meetings, conference calls and written communications brought about a compromise that provided a balanced use of the Arizona Strip. These efforts would be lost with the mineral withdrawal proposed for the area.

The responsible uranium mining after establishment of the wilderness in 1984 has not had any negative impacts on the wilderness areas or the Grand Canyon National Park. A trip to the mining sites has shown that restoration is complete and natural where any evidence of mining cannot be found. A withdrawal from mining entry is in direct conflict with the good-faith effort put forth by the stakeholders and a mockery of the stakeholder negotiation process. I believe a withdrawal would have a negative effect on the local economy where uranium mining would create jobs during a time when the economy is in need of a boost. Uranium mining poses no threat to the pristine nature of the Arizona Strip where the mining operations in breccia pipe formations can be restored to their natural condition after a short extraction time frame.

Bill Lamb

Centerville, Utah

The testimony of National Parks and Conservation Association Southwest Regional Director Butcher is likewise, so compelling that I want to share portions of it with the Committee:

Testimony submitted to the House Subcommittee on National Parks, Forests and Public Lands—April 8, 2010

My name is Russell D. Butcher. I reside in San Diego County, California. For more than 45 years, my career, which has focused on parkland and wildlife conservation and on environmental negotiating, has included serving on the staffs of such nonprofit advocacy organizations as the National Parks Conservation Association (NPCA), National Audubon Society, and Save-the Redwoods League. From 1984–1990, I served as a member of the U.S. Bureau of Land Management's Arizona Strip District Advisory Council. And I have authored a number of books, most recently including guidebooks to the national park system and the national wildlife refuge system.

In the early 1980s, as the Pacific Southwest regional director for NPCA, I became concerned about alleged threats to the integrity of Grand Canyon National Park and the Colorado River from uranium mining activities near the park on the "Arizona Strip"—a New Jersey-size area that extends northward from the canyon to the Utah state line.

Following a first-hand examination of mine sites in the Kanab Creek area being developed by the then active company, Energy Fuels Nuclear (EFN), I was convinced that these particular activities were extremely unlikely to pose any credible risk of environmental harm to either the park or the river. Two reasons stood out: (1) Contrary to my preconception, development of these sites did not involve open-pit mining operations, as typically occurs in copper mining, for example. Instead, only a small footprint of surface disturbance, encompassing perhaps as much as 20 acres, was associated with accessing a subsurface, narrow, vertically aligned uranium ore-bearing geological structure known as a breccia

pipe. (2) EFN officials expressed an unqualified and emphatic commitment to raising the bar extremely high in terms of conducting their mineral extraction and post-mining reclamation activities in the most environmentally sensitive and exemplary manner possible. Judging by what I saw—both on the ground and from the air, their words of reassurance were borne out by their actions. In short, there was no justification, in my opinion, for becoming alarmed over these relatively small-scale resource extraction activities on public lands administered by the U.S. Bureau of Land Management (BLM).

Late in 1980, I revisited the most active EFN site—the Pigeon Mine. What I saw came as a pleasant surprise: Not only was the entrance to the mine itself completely sealed, but all visual evidence of the limited mine-related surface disturbances and the access road had been superbly well restored. In fact, I felt that if I were to bring someone who knew nothing about the former mining activities to the site, that person would logically assume that this was undisturbed wilderness. More than 20 years have since elapsed. By now I have to assume that the shrubby high-desert vegetation has continued to grow and thrive, making the area appear even more as if it had never been disturbed by man.

Now here we are at the start of the second decade of the 21st century, with alarm again being raised over the renewed commercial interest in extracting high-grade uranium on BLM and U.S. Forest Service lands adjacent to Grand Canyon National Park. The new sense of alarm, I believe, is in large part based upon the sheer number of mineral claims—totaling approximately 5,000—that have been filed with the federal government.

It is important, however, to factor in the answer to what I believe is a relevant question: What percentage of those mineralized claims would ever likely prove to contain an economically viable deposit of uranium ore? The answer: Only a very small percentage—roughly one out of every 35 claims for a total of perhaps 125 sites containing uranium of sufficient quality and quantity to merit a company's financial investment to extract the uranium ore. Add to this small percentage the fact that the footprint of surface disturbance is both on a small scale and capable of being easily reclaimed after the mining activity has ceased. Regarding a risk of dissolved uranium contamination of underground waters caused by mining activity, it is worth noting a statement in a February 18, 2010, news release issued by the U.S. Geological Survey: "Analysis of historical water-quality data for more than 1,000 water samples from 428 sites in northern Arizona shows that dissolved uranium concentrations in areas without mining were generally similar to those with active or reclaimed mines."

To sum up my personal opinion regarding breccia pipe uranium mining on public lands surrounding Grand Canyon National Park, while such activities must be carried out with extreme care and due diligence, as was demonstrated by EFN in the late 20th century, I continue to view such activities as posing no credible threat of environmental harm to either Grand Canyon National Park or the Colorado River that flows through it. In the unlikely event that a particular mine proposal appears to pose a specific risk of degrading the quality of visitor experience or impairing the quality of waters or other natural resources within the park, every effort should then be made by the land-management agency, in close consultation and cooperation with the National Park Service, to avoid any such potentially harmful impacts.

Consequently, on the merits I can see no credible justification for a 1.1 million-acre withdrawal from mineral entry of lands to the north and south of the park. Furthermore, such a withdrawal from mineral entry directly contradicts the good-faith intentions and understandings of all the stakeholders who in 1984 met and successfully negotiated the designation of BLM and Forest Service wilderness areas on the Arizona Strip that were ultimately approved by Congress and signed into law. The wilderness study areas not placed in the National Wilderness Preservation System were released back into multiple use status, including the mining of uranium. As one of the persons who actively participated in that collaborative process, I can state unequivocally that we achieved the negotiated compromise on the basis of allowing such activities as mineral extraction to go forward under appropriate federal oversight on the released lands.

Respectfully submitted,
Russell D. Butcher

In summary, As we meet here today, this Nation's nuclear power plants are inexplicably importing 98 percent of the fuel needed to power those plants from foreign sources; much of it from Russia and Kazakhstan Nuclear power provides 20 percent of this country's daily requirement for energy. As one who is deeply concerned about climate change, I know the Chairman shares my view that nuclear power is a clean safe way to provide electricity to our people. What I do not understand is why America's utilities are importing so much even though we have vast supplies of it right in our own back yard in northern Arizona. The U.S. military and our domestic uranium producers have raised this issue with the Commerce Department and the President is expected to make a decision shortly to address that imbalance and restore health to our domestic industry. Such a finding would mean that this Arizona resource would be needed simply to protect legitimate American National Security concerns. Arizona is thus part of the solution to America's nuclear fuel imbalance and we should prepare to play a constructive role. As the supervisor who represents the county where the uranium and Grand Canyon are located I can tell you that if I had even the slightest indication that mining would affect the Canyon or the health of the people I represent I would be adamantly opposed to it but the Canyon and people are protected and the economic benefit of over \$29 billion and the security of our Nation are what is at stake.

QUESTIONS SUBMITTED FOR THE RECORD TO THE HON. BUSTER JOHNSON,
SUPERVISOR, DISTRICT 3, MOHAVE COUNTY BOARD OF SUPERVISORS

Questions Submitted by Rep. Gosar

I want to respond to something Mr. Lowenthal said at the hearing there being little to no uranium in the withdrawal area in H.R. 1373. If there weren't significant mining deposits in the area, Rep. Grijalva wouldn't have introduced a form of this bill every year since 2008.

Question 1. There were a lot of lies and misinformation thrown around at the hearing alleging harm from uranium mining to the Grand Canyon. The Grand Canyon National Park is already protected by the Grand Canyon Protection Act, Clean Air Act, Clean Water Act, numerous other state and Federal regulations, the 1.02 million acre Grand Canyon-Parashant National Monument, two other national monuments, two national recreation areas and seven wilderness areas. The proposed withdrawal is miles away from the actual Grand Canyon itself. Any uranium operation will also have to comply with all state and Federal environmental laws and go through the normal NEPA process correct?

Answer. Yes, you are correct.

Question 2. No one in this room wants to harm the Grand Canyon or the Colorado River. And lifting the arbitrary, political ban unilaterally implemented by the Obama administration won't contaminate the Colorado River or cause harm to the Grand Canyon. And actual science supports these facts. The Arizona Geological Survey published a report finding that uranium mining would not contaminate the Colorado River, the Grand Canyon or surrounding watersheds. The study concluded that under an absolute "worst-case, mining-related uranium spill into the Colorado River, an increase of 0.02 ppb uranium would be trivial in comparison to the EPA drinking water Maximum Containment Level of 30 ppb uranium." Are you aware of this report and is it legitimate?

Answer. Yes, I am aware of this report and I find it to be thoroughly researched and legitimate.

Question 3. Republican Leader Bishop asked for the Arizona Land Trusts previous comment letter on the proposed withdrawal. I would like to also submit the State Land Trusts comment letter from 2011 (see other attachment). The comment letter describes losses to the state land trust in the range of \$1.5 million to \$18.5 million for each individual mine in a breccia pipe. Are you concerned about the loss of those state revenues and the harm this will cause to education in Arizona?

Answer. Yes, I am concerned about the loss of the state revenues and the damages this will have on our educational system that relies on this money not only for today's expenditure but for the future of our educational system.

Question 4. Industry studies have shown direct adverse impacts from the current Obama withdrawal to rural portions of six counties in Arizona (Mohave, Coconino) and Utah (Kane, Garfield, San Juan and Washington) of between 2,000-4,000 lost

jobs and \$29 billion in overall economic activity in the region at peak production. Are you concerned about these job losses and can you elaborate on what a permanent withdrawal would do to employment in Mohave County?

Answer. Since the withdrawal, Mohave County and the surrounding areas affected have seen a number of miners leave the area to seek employment elsewhere. A permanent ban will only make things worse. We have already seen the trickle-down effect of what happens when this occurs. Other supporting businesses in the area have had to scale back their businesses and some have outright closed down. You see some head of households able to find employment in neighboring states which leaves some families broken as the children and wife will stay behind to try and maintain the home front. This leads to problems in the schools as well as children seem to act up without a father figure around. As families move out of some of these once prominent areas, the enrollment rate in the schools are falling which in turn brings less revenue to the educational districts. What we are seeing is once thriving, stable communities are becoming deserted places with vacant houses and businesses. If a permanent ban is put into place, it will only get worse and some of the towns and cities near the Arizona Strip could become ghost towns in under 10 years. When this occurs the chances of bringing back a viable community is oftentimes nonexistence.

Ms. HAALAND. Thank you very much, Mr. Johnson.

Thank you all for your valuable testimony. The Chair will now recognize Members for questions. Under Committee Rule 3(d), each Member will be recognized for 5 minutes. I would like to first recognize Mr. O'Halleran for 5 minutes.

Mr. O'HALLERAN. Thank you, Madam Chairwoman. I appreciate your willingness to welcome me here today, and in Committee. As you know, I am honored to represent Arizona's 1st Congressional District, including the Grand Canyon.

The Grand Canyon is like any place in the world: home to some of my constituents, sacred to some of my constituents, and respected for the wonder it is around the world.

I am proud to be a champion of the Grand Canyon Centennial Protection Act, because it will ensure the canyon remains safe and vibrant, protect northern Arizona's economy, and protect the water supply of the Southwest.

I proudly represent Coconino County on both the north and south rims of the Grand Canyon. For over a decade, Coconino County has been supportive of protecting the health of the Canyon's residents, the downstream water supply, and northern Arizona's recreation economy, having passed two separate resolutions in support of the mineral withdrawal bill.

Uranium mining has a toxic legacy in northern Arizona. My constituents still suffer from the effects of the mining that occurred during the cold war over 70 years ago, and still an impact. Cancer rates, which are directly linked to uranium mining activity in the region, are at a troubling high level. Today, the Federal Government is still compensating miners, millers, and haulers for their exposure to uranium. We cannot allow this to become normal.

Water is essential to communities of all sizes around the Southwest. This is especially true for communities like Havasupai, where there is a single water supply, and uranium contamination would be disastrous. Similarly, communities above the Canyon's rim and the park itself rely on groundwater pumped from the local aquifers. Contamination of these aquifers would mean that cities and towns would have no water.

There is a superfund site at the edge of the Grand Canyon right now. It has 300 parts per billion at the base of the stream right there. And in the worst scenario, if uranium found its way into the Colorado River itself, it would jeopardize the water supplies of major western cities, including Las Vegas, Phoenix, and Los Angeles.

Tourism forms the backbone of northern Arizona's economy, and the Grand Canyon forms the heart of that sector. The National Park Service recently released a report indicating that visitors to the Grand Canyon spent \$1.2 billion in the local economy in 2018. Grand Canyon National Park supports over 12,000 jobs. Downstream, Lake Mead supported an additional \$336 million a year in economic benefit. If the Canyon or the river were endangered by contamination, these economic benefits could disappear overnight. Conversely, prohibiting uranium mining would strengthen the tourism economy by ensuring that the Canyon and river remain the center of the state's tourism economy for generations to come.

The Grand Canyon is simply too special to mine in or near, and I am proud to support legislation that will preserve the park, protect citizens of northern Arizona, downstream communities, and strengthen the economy.

With that, Madam Chair, I yield.

Ms. HAALAND. Thank you, Mr. O'Halleran. The Chair now recognizes Mr. Bishop for 5 minutes.

Mr. BISHOP. Supervisor Johnson, thank you for coming all the way from Arizona to do this.

I understand there are basically two congressional districts that would be impacted by this particular piece of legislation, that Mr. O'Halleran has a portion of it, but the majority of the mines would actually be in Mr. Gosar's district.

Mr. JOHNSON. Yes, sir.

Mr. BISHOP. All right. You are the supervisor of this particular area. I understand there are about 4,000 acres that are not Federal land, they are owned by the Arizona State Land Department.

Mr. JOHNSON. Yes, sir.

Mr. BISHOP. And that the State of Arizona Land Department—at least last time this bill was introduced—had actually done a study as to the effectiveness of the development of these resources and the impact that they would have.

Mr. JOHNSON. Yes, sir.

Mr. BISHOP. Have you introduced that as part of your written statement?

Mr. JOHNSON. No, I haven't, sir.

Mr. BISHOP. It would be nice. There is some time before we get that. If we could get, once again, a copy of what the state of Arizona had said, as far as the impact that these potential mines would have, if we could get a copy of that, that would be very helpful, I think, could be part of the record.

Mr. JOHNSON. I will get it for you, sir.

Mr. BISHOP. If those 4,000 acres that are not owned by the Federal Government were indeed locked up by this particular piece of legislation, what impact will that have on your county?

Mr. JOHNSON. It has a tremendous impact not only on my county, but on Utah, also, just for the fact that the money that comes from state land goes into the school system. So, that is a big bonus there, plus the jobs that are created.

A lot of people are talking about tourism being a driving force. Tourism has always worked side by side, when uranium was going on there. And actually, the biggest concentration of visitors was during the uranium boom. But the jobs for mining are well superior to the jobs from the tourism industry.

Mr. BISHOP. So, it is not an either-or situation. It has worked together in the past, and it could work together in the future, as well.

Mr. JOHNSON. Yes, sir.

Mr. BISHOP. One could complement the other. And, as you say, the money that comes from these resources actually goes into funding the education system of the entire state of Arizona, just as money comes in from Federal lands that helps the entire state of Utah and their education system. What about for emergency services in your county?

Mr. JOHNSON. We get the public land, PILT money comes in that goes to the county that pays for our sheriffs and response crews.

Mr. BISHOP. So, would you lose some money that would go to essential services if the state land was locked up within this area?

Mr. JOHNSON. I don't believe we would on that one, sir, I don't.

Mr. BISHOP. When we talk about mining we have preconceived notions, either of what deep-shaft mining would be doing, or open pit mining would be doing, and a lot of people think it is open pit. Is the uranium mining process in your area—is that done differently than the traditional open-pit approach would be?

Mr. JOHNSON. Yes, sir. It basically looks like an hourglass, a big one. It is a small footprint. The footprint of the whole process may be 10 to 20 acres. They go down beside—say if this glass of water was the breccia pit, they go down beside it and take the rock out from below, and then transport it to the mill, and then bring back the rock that is of no use for uranium, and put it back in the hole. So, it is a very small footprint.

Mr. BISHOP. So, unlike a copper pit in my state, which is huge—and it is actually enjoyable to look at right now, you can see it from outer space—these would be a small footprint. You go down. Once they have extracted the uranium, then you will once again fill it up again.

And is it really visible on where that footprint was, once it has been reclaimed?

Mr. JOHNSON. No, they have pretty strict laws on the reclamation, and they have taken miners back out who have actually worked in some of these mines, and they can't locate it, where it is at, after a few years, sir.

Mr. BISHOP. All right. If I remember right from the years past, when we have talked about this particular issue, the state of Arizona did conduct a survey. Did they conclude that there was a danger to the Grand Canyon if you do any of this kind of activity?

Mr. JOHNSON. They concluded there was no danger, sir.

Mr. BISHOP. And no danger to the drinking water, despite what newspapers in Las Vegas said at the time, there is no danger to the drinking water that would be going down, as well?

Mr. JOHNSON. No, sir. And there is uranium naturally occurring in the Grand Canyon and in the Colorado River water.

Mr. BISHOP. Well, we should get rid of that, shouldn't we?

Mr. JOHNSON. We should try.

Mr. BISHOP. I yield back.

Ms. HAALAND. Thank you, Mr. Bishop. The Chair recognizes Chairman Grijalva for 5 minutes.

Mr. GRIJALVA. Thank you, Madam Chair.

Ms. Reimondo, page 39 of the Administration's Critical Minerals Strategy Report released yesterday very explicitly includes a goal. This is the goal: "To complete a thorough review of withdrawals from applicable mining laws and areas restricted from mineral exploration and development on the Federal mineral estate, including reducing the size of or revoking an existing withdrawal." I am concerned that the Grand Canyon withdrawal moratorium would be targeted under this policy, which is one of the reasons that I appreciate so much Madam Chair expediting the hearings on this.

Could you maybe elaborate a bit on why uranium mining near the Grand Canyon does little to address any real or imagined supply concerns that we keep hearing about.

Ms. REIMONDO. Sure. Thank you, Mr. Chairman. The uranium supplies that are available around the Grand Canyon that are known, recognized as being valid by the Federal Government are an extremely small portion of the total amount of known uranium reserves around the entire country. In fact, they are about 0.29 percent of the entire known minable reserves in the entire country.

Mr. GRIJALVA. Which begs the question that, with that limited uranium supply in the area, under any scenario, why take the risk, and not—

Ms. REIMONDO. We would agree.

Mr. GRIJALVA. Councilwoman Tilousi, I was going to ask you. Your community, Hopi, Navajo, Inter-Tribal Council of Arizona, American Indian Congress, and tribes and nations from across the country have all supported this legislation, the withdrawal in the past, the monument in the past as a permanent protection for the Grand Canyon.

The role and the presence of Indian Country in this discussion—your tribe, in particular—why is that something that members of this Committee should take into consideration as we go forward in examining this legislation?

Ms. REIMONDO. I believe the support from the Subcommittee is very important because we are talking about human life. We are talking about a small population of Native Americans such as the Havasupai of 776 people still left. And we deserve clean water. That is why it is important.

Mr. GRIJALVA. Mayor, the community of Flagstaff, a beautiful community, and thank you for your hospitality on the occasion that I had the pleasure of being there.

We talked about the economy, and we talked about the essential role that mining, according to your colleague, plays in the whole economy of the region. You mentioned it in your statement, the

tourism, the visitors, and what that means, and how that drives not only the revenue for the city, but the employment and other business activities that go on in Flagstaff.

Ms. EVANS. Thank you, Chair Grijalva. Tourism is the No. 1 industry in Flagstaff, and the No. 1 industry in northern Arizona. There are approximately 13,000 jobs in northern Arizona that are directly tied to tourism, and that tourism is directly tied to the Grand Canyon.

Lifting the ban, we think, will affect tourism. We have several rafting outfits, as well as tour operators that conduct business in the Grand Canyon that are based out of Flagstaff. If tourists are reluctant to visit Flagstaff or the Grand Canyon because of the potential exposure—our opposition to uranium mining—that will negatively impact some of our businesses, and definitely our economy.

Mr. GRIJALVA. Madam Chair, as we go forward with this, I appreciate the hearing and look forward to moving the legislation. I yield back.

Ms. HAALAND. Thank you, Chairman Grijalva. The Chair recognizes Mr. Gallego for 5 minutes.

Mr. GALLEGO. Thank you to our witnesses for being here today, and thank you to Chairman Haaland for calling this hearing. I want to recognize Chairman Grijalva's leadership of introducing the Grand Canyon Centennial Protection Act, which I am proud to be an original co-sponsor of.

This bill is critical, not only to Arizonans, but those who travel from around the country and the world to visit the Grand Canyon, many of whom fly into Sky Harbor International Airport in my district. Even more importantly, however, this bill safeguards Arizona's ecosystems, environment, and a critical watershed used by millions of Arizonans.

Councilwoman Tilousi, indigenous communities in particular rely on this watershed as the sole source of drinking water for their people, which is why I am happy to have Councilwoman Tilousi from the Havasupai Tribe here to testify. Councilwoman Tilousi, can you describe your tribe's historical relationship to the Grand Canyon watershed, especially Havasu Creek and its importance to your tribe's access to clean water?

Ms. TILOUSI. Our relationship to the water goes as far as our name. Havasupai means people of the blue-green water. What we do is we farm with the water, and we also sustain ourselves by utilizing the water in ceremonial activities, such as the sweat lodge, and use it for blessings. And we are also consuming it directly. And that is our main concern, is keeping it clean and keeping it protected. And we would like to protect everybody, not just the Havasupai, but all the people that are living downstream.

Mr. GALLEGO. What previous impacts have mining operations—what have they done, in terms of your watershed or other negative impacts in your areas?

Ms. TILOUSI. Our village is supplied by the largest groundwater aquifer in the Southwest, which is the Redwall-Muav Aquifer. When Canyon Mine started operating, they started piercing into the aquifer, and it started spraying all over the place, and it is already contaminating animals at the Canyon Mine site. And it is

also spraying into the air, and there is no control over that, or monitoring by the mining companies or the Forest Service. And we deeply fear about the further contamination that is going to happen.

Mr. GALLEG0. If this Administration were to succeed in ending the emergency mineral withdrawal around the Canyon, what impact could increased uranium mining operations have on Havasupai's tourism economy?

Ms. TILOUSI. The impacts to our tourism economy, if approved, will be beneficial to the tribe. We are not a gaming tribe. We are solely dependent on tourism. And we open our canyon homes to visitors to enjoy our waterfalls. And we would like to continue to be an independent tribe, as far as economic development. And we would like to protect all our visitors.

Mr. GALLEG0. Thank you.

Ms. Reimondo, many arguments against a permanent mineral withdrawal rest on the claim that uranium can be mined safely, posing no threat to water resources. In your experience with this sort of mining, can a guarantee that water will not be contaminated—can they make that guarantee? Can you name any examples of mines in this region or beyond where this has not been the case, and water resources were impacted?

Ms. REIMONDO. No. The short answer is that they cannot guarantee that in the Grand Canyon region, namely because there is not required groundwater monitoring at every mine site. So, if groundwater contamination were to occur, or perhaps already has occurred from a mine that operated in the 1980s, it is very possible that we just wouldn't know about it, because we don't have adequate monitoring systems in place.

Mr. GALLEG0. And is there any historic example of some type of groundwater contamination that occurred from a mining operation in your memory?

Ms. REIMONDO. Yes. An older operation was the Orphan Mine on the south rim. And there is very likely contamination of Horn Creek due to that operation.

And then, on the north rim, pretty recently, Pinenut uranium mine had been on standby for a couple of decades. During that time, the mine shaft was thought to be safely capped and no water infiltration was supposed to happen. Unfortunately, in 2009, the mining company went back to reopen that mine, lifted the cap, and found 3 million gallons of radioactive water—surprise—inside of the mine shaft.

Mr. GALLEG0. And to your memory, at that point, while they were going through the permitting process, any guarantees that there would be no way that this could be contaminated?

Ms. REIMONDO. I think the mining companies have said that, but nobody knows. So, they can't say that with truthfulness.

Mr. GALLEG0. Thank you. I yield back.

Ms. HAALAND. Thank you, Mr. Gallego. And I will recognize myself for 5 minutes.

Thank you all so much for being here today. We appreciate you taking this time.

Councilwoman Tilousi, proponents of extraction and mineral development often highlight the economic benefits that these

activities generate. But experience tells us that dollars and jobs aren't reflective of the true costs of these activities, which include lasting impacts to public and individual health, as well as land, air, and water quality.

For example, my own Laguna Pueblo has experienced devastating social and economic effects from the Jackpile uranium mine. As an elected official of a tribe that has lived in and around the Grand Canyon for hundreds, if not thousands of years, including the time since this area has been targeted for uranium mining, can you speak to how the Havasupai have been impacted by mining in this area?

Ms. TILOUSI. One of our most sacred sites called Red Butte, Wii'i Gdwiisa, is located right next to Canyon Mine. And that is a religious site to my people, it is the site of our creation stories, and we feel that it is piercing the lungs of our Mother Earth.

Red Butte is already being threatened and contaminated, and that is where we gather our cedar, our sage, and go there for pilgrimages and prayer. And that has already been impacted, and our hearts have been broken to watch this uranium mining company come onto Federal lands and start staking claims, and start mining uranium. We see that, and it really hurts our culture, our religion, and our identity, and that is what has deeply affected my community.

Ms. HAALAND. Have you had to delay or postpone or just all together cancel pilgrimages to this area because of the mining?

Ms. TILOUSI. We fear to go to Red Butte. We understand that there is already radiation exposure because of the disturbance of the earth. We go there with no choice but risking our lives to do our ceremonial duties. And we just recently went back there in November, and we were fully aware that we may be exposed, but we also had to do our duty as Native Americans, and continue our ceremonial duties. And, yes, we fear that we will be contaminated.

Ms. HAALAND. And without exposing anything that you don't want to expose about your culture and traditions, for the record can you help us to understand how important it is that you perform these cultural and traditional duties throughout the year, and what it means to the future of your people?

Ms. TILOUSI. It is very important for us to continue our religious and ceremonial duties, even though we have to risk our lives. We feel that our next generation has to take the steps of continuing our ceremonial duties.

We also know that the mountain is not only sacred to the Havasupai, but it is also sacred to Navajos, Hopis, and other tribes that come there to gather their medicinal purposes. That is why many of the traditional practitioners from other tribes do not go there anymore to get their herbal plants to continue their ceremonies, because they are aware that there is radiation already being exposed.

Ms. HAALAND. Thank you. One last question. In light of the impacts that we have kind of discussed here today, the impacts of uranium mining, why is it particularly important that the Federal Government engage in consultation with tribal communities that will be impacted by these decisions? And do you feel that it is enough?

Ms. TILOUSI. Canyon Mine was grandfathered in as a claim in the 1980s. They are currently operating on a 30-year mining operation plan. During that time, we were not consulted and were still not consulted, along with the neighboring tribes. Canyon Mine does exist there because it was already grandfathered in, and that is why we are very concerned that tribal sovereignty is not being recognized in that our tribal governments deserve to know what is happening on our aboriginal territories. And there needs to be further consultation on Canyon Mine, specifically.

Ms. HAALAND. Thank you, Councilwoman. I yield my time, and the Chair recognizes Mr. Gosar for 5 minutes.

Dr. GOSAR. I thank the Chair.

Supervisor Johnson, in your testimony you discuss the landmark passage of the 1984 Arizona Wilderness Act, and the historic bipartisan cooperation that ushered it through Congress. What significant stakeholders were also at the table when this legislation was formulated? Were environmental groups there?

Mr. JOHNSON. Yes, sir.

Dr. GOSAR. Can you elaborate which ones?

Mr. JOHNSON. I would have to look back at my notes, I don't have all the lists of them—it would take up too much of your time here.

Dr. GOSAR. Let's go on to the next one—within this withdrawal area there are 4,204 acres of state-owned land. Is that true?

Mr. JOHNSON. Yes, sir.

Dr. GOSAR. How about the 19,000 acres of private land. Is that true?

Mr. JOHNSON. Yes, sir.

Dr. GOSAR. Interesting. And most of these mine sites are in Coconino County or Mohave County?

Mr. JOHNSON. Mohave County.

Dr. GOSAR. Are they close to the edge of the Grand Canyon?

Mr. JOHNSON. No, not at all.

Dr. GOSAR. Can you see them from the Grand Canyon?

Mr. JOHNSON. No.

Dr. GOSAR. What type of method of mining actually happens? Is this one of those big, open-pit mines like they use with copper that you see down in southern Arizona?

Mr. JOHNSON. No, sir. It is a very small footprint, 10 to 20 acres, at the most. That is with reclamation, parking, and everything else.

Dr. GOSAR. Are there tailings associated with this type of mining technique?

Mr. JOHNSON. No, sir. All the uranium is removed and taken to Blanding, Utah, and the rock that is not uranium is brought back and placed back inside the hole.

Dr. GOSAR. Let me get this straight. We have precipitation in the form of snow, rain. We have exposed breccia pipes, which allows that to go into solution. Does it not?

Mr. JOHNSON. Yes, sir.

Dr. GOSAR. So, the profile of the Grand Canyon has side vents and then springs that come out. Is that true?

Mr. JOHNSON. Yes, sir.

Dr. GOSAR. So, there has been a constant leach of uranium in the water supply.

Mr. JOHNSON. Yes.

Dr. GOSAR. Naturally?

Mr. JOHNSON. Naturally.

Dr. GOSAR. It seems to me like we would want to get this material out.

Mr. JOHNSON. That would seem obvious to me, too.

Dr. GOSAR. And it would also actually permeate refilling of aquifers, subsurface aquifers. Is that true?

Mr. JOHNSON. It could, yes, sir.

Dr. GOSAR. Are you aware that a 2011 study conducted by the U.S. Geological Survey shows a hypothetical worst-case scenario, a uranium mining spill, would have virtually no effect on water quality?

Mr. JOHNSON. Yes, sir.

Dr. GOSAR. Have you seen a decrease in mining because of this withdrawal in Mohave County?

Mr. JOHNSON. It has pretty much stopped the mining up there in that area. Yes, sir.

Dr. GOSAR. Besides mining, are other things forbidden in this withdrawal? Like, say, for impugning the economic impact of Mohave County?

Mr. JOHNSON. Yes, sir. I believe it will affect us greatly.

Dr. GOSAR. What percentage of the Nation's uranium deposits are located in this area?

Mr. JOHNSON. I don't know the percentage, but I know that we have the richest uranium in the United States, and the sixth or fifth richest in the world. The quantity we can bring out is over 300 million pounds of uranium, and some say as high as 500 million pounds.

Dr. GOSAR. Yes, there is enough even in this area to supply over 22 years for the whole state of California. That is how compact it is.

In this mining process, do they use the leaching techniques, where they actually use water?

Mr. JOHNSON. No, sir.

Dr. GOSAR. No water?

Mr. JOHNSON. No, sir.

Dr. GOSAR. Interesting, interesting. So, I would like to have entered in the record a study on water quality from the Arizona Geological Survey.

Ms. HAALAND. Without objection.

Dr. GOSAR. Mr. Johnson, you were at the hearing that we had out in Mohave County.

Mr. JOHNSON. Yes, sir.

Dr. GOSAR. Did you see a vocal minority against the mining?

Mr. JOHNSON. I saw a very small percentage of people against it.

Dr. GOSAR. That were against it?

Mr. JOHNSON. Yes, sir.

Dr. GOSAR. So, everybody was for it. Right?

Mr. JOHNSON. Yes, sir.

Dr. GOSAR. OK.

Mr. JOHNSON. Overwhelmingly.

Dr. GOSAR. And how long have you been a supervisor in Mohave County?

Mr. JOHNSON. Going on 23 years, sir.

Dr. GOSAR. So, you have seen the good times and the bad.

Mr. JOHNSON. Yes, sir.

Dr. GOSAR. Supervisor Johnson, thank you for coming all this way. We are blessed. Thank you. I hope you are not in too much pain. Thank you.

Mr. JOHNSON. Thank you, sir.

Ms. HAALAND. Thank you, Mr. Gosar. Before we move on to the next panel, I would like to submit for the record the USGS report, "Informing Future Decision-Making on Uranium Mining: A Coordinated Approach to Monitor and Assess Potential Environmental Impacts from Uranium Exploration and Mining on Federal Lands in the Grand Canyon Region, Arizona."

There is a general lack of understanding regarding the local and regional groundwater flow systems, so I would like, without objection, to enter this into the record.

Dr. GOSAR. Chairwoman?

Ms. HAALAND. Yes?

Dr. GOSAR. Could I also have "Northern Arizona Uranium is Key to US National Security" put in the record, as well?

Ms. HAALAND. Without objection.

Dr. GOSAR. Thank you.

Ms. HAALAND. Thank you, Mr. Gosar.

I thank the witnesses for your valuable testimony. Thank you so very much, and the Members for your questions.

I now invite the third panel to take their places at the witness table.

[Pause.]

Ms. HAALAND. As with the first two panels, oral statements are limited to 5 minutes, but your entire statement will be part of the hearing record.

The lights in front of you will turn yellow when there is 1 minute left, and they will turn red when time has expired.

Thank you all for being here today. I am truly appreciative, and welcome you wholeheartedly into this hearing room.

The Chair now recognizes the Honorable E. Paul Torres, Chairman of the All Pueblo Council of Governors, an organization that is comprised of the 20 governors of the sovereign Pueblo Nations of New Mexico, and one in Texas.

Chairman Torres has also served as the Governor of Isleta Pueblo for two terms, and has been a champion for the welfare and socio-economic prosperity of his people.

Chairman Torres has also been a strong advocate for the protection of tribal sovereignty and the preservation of traditional practices and ceremonial places.

Thank you for being here today to share your perspectives on the importance of the Greater Chaco Region. Chairman, you have 5 minutes.

**STATEMENT OF THE HON. E. PAUL TORRES, CHAIRMAN, ALL
PUEBLO COUNCIL OF GOVERNORS, ALBUQUERQUE, NEW
MEXICO**

Mr. TORRES. Thank you, Madam Chair.

[Speaking Native language.] Good afternoon.

My name is Paul Torres, and I am the Chairman of the All Pueblo Council of Governors, or APCG. I thank the Committee for addressing the important matter of irreplaceable Pueblo cultural resources in the Greater Chaco Region currently at risk from oil and gas development.

For over 2,000 years, Pueblo people lived in Chaco Canyon. Eventually they moved outward, into the land they now occupy, like spokes moving away from the eye of a wheel. Their time in Chaco Canyon and their movement between Chaco and their eventual Pueblo land left behind many cultural resources. By cultural resources, I am referring to vast Pueblo structures, shrines, or other sacred sites and natural formations with culturally relevant modifications. This landscape is called the Greater Chaco Region, and you can feel the heartbeat of our people when you are in it.

Many Pueblos maintain a significant connection to the Greater Chaco Region. Our people still remember it as a vital part of our present identity through song, prayer, and pilgrimage. It is hard to put into words how important Chaco is to us, as Pueblo people. Even those outside Indian Country, including within the field of archeology, recognize Chaco Canyon's importance in telling the story of the people of this continent.

But the Greater Chaco Region sits atop an oil field that is under tremendous pressure for development from the oil and gas industry, and this is where the problem lies.

Today, the major center point of Chaco Canyon is protected by the boundaries of the Chaco Culture National Historical Park, which is recognized as a UNESCO World Heritage site. But many important cultural resources in the Greater Chaco Region are located outside these boundaries, and much of the Greater Chaco Region has not been studied for cultural resources.

APCG's position regarding oil and gas development in the Greater Chaco Region is two-part. First, APCG takes the position that no oil and gas development should take place within a designated withdrawal area, consisting of approximately 10 miles surrounding the park. Second, APCG takes the position that, even for development outside the withdrawal area but within the Greater Chaco Region, rigorous identification and analysis of cultural resources, in accordance with Federal statutes, must take place before any steps toward oil and gas development occur.

Until recently, the Department of the Interior deemed the withdrawal area around the park unavailable for oil and gas development. This Administration reversed the policy. Since reversal, the BLM has held quarterly oil and gas lease sales that include parcels in the withdrawal area and throughout the Greater Chaco Region. Despite our concerns and offers of assistance, the BLM has not conducted anything close to the type of studies required by law, or to effectively protect our cultural resources.

APCG has a number of requests for you.

First, this Committee has before it the Chaco Cultural Heritage Area Protection Act, which would legislatively remove Federal land in the withdrawal area from future oil and gas development. We ask that you vote in favor of this important bill. After a recent trip to see Chaco, DOI Secretary Bernhardt has said DOI will defer leasing within the withdrawal area during the coming year. Passage of this legislation would make this permanent.

Second, we ask that you, as a Committee, encourage DOI to conduct sufficient cultural resource studies for development outside the withdrawal area, but within the Greater Chaco Region.

Thank you for your time.

[The prepared statement of Mr. Torres follows:]

PREPARED STATEMENT OF E. PAUL TORRES, CHAIRMAN, ALL PUEBLO COUNCIL OF GOVERNORS ON H.R. 2181

The All Pueblo Council of Governors (“APCG”)¹ thanks the Committee for the opportunity to testify on the Chaco Cultural Heritage Area Protection Act of 2019, H.R. 2181. The bill was introduced by Representative Luján, and its companion bill was introduced by Senator Udall—true champions for Indian Country. We thank them for their steadfast support.

BACKGROUND

Cultural Resources

For over 2,000 years, Pueblo people lived in Chaco Canyon, eventually moving outward into the land the Pueblos currently occupy—like spokes moving away from the eye of a wheel. Their time in Chaco Canyon, movement outward across the landscape, and continued interaction with Chaco Canyon after departure left behind many cultural resources. These include vast pueblo structures, shrines and other sacred sites, and natural formations with culturally relevant modifications and meanings. This landscape is now called the Greater Chaco Region and includes all of the San Juan Basin.²

Many Pueblos maintain a significant and ongoing connection to the Greater Chaco Region. Our people still remember it as a vital part of our present identity through song, prayer, and pilgrimage. It is hard to put into words how important the Greater Chaco Region is to us as Pueblo people. Even those outside Indian Country, including within the field of archaeology, recognize Chaco Canyon’s importance in telling the story of the people of this continent.

Today, the major center point of Chaco Canyon is protected from oil and gas development by the boundaries of the Chaco Culture National Historic Park (“Park”), which is recognized as a UNESCO World Heritage Site.

However, many important cultural resources in the Greater Chaco Region are located outside the boundaries of the Park. And, as much of this area has not been studied, many cultural resources’ locations remain unknown. Even the cultural resources that fall within the boundaries of the Park suffer the effects of activity taking place outside.

Oil and Gas Development

On top of being a place of great cultural importance, the Greater Chaco Region sits atop an oil field that is under tremendous pressure for development from the oil and gas industry, and this is where the problem lies. Upwards of 90 percent of the land in the Greater Chaco Region is already leased for oil and gas development, and the remaining land comes dangerously close to Chaco Canyon itself.³

Until recently, the Department of the Interior (“DOI”) deemed the area surrounding the Park—now called the withdrawal area—unavailable for oil and gas development. This Administration reversed the policy, including allowing fracking.

¹APCG is comprised of the New Mexico Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni, and one Pueblo in Texas, Ysleta Del Sur.

²In some instances, the term “Greater Chaco Landscape” has been used, but it refers to the same area of land.

³The BLM—Farmington District Office is the primary agency regulating the San Juan Basin, and portions of the San Juan Basin also extend into the BLM—Rio Puerco Field Office’s district boundary. The majority of available land in the Farmington District Office has been leased.

Since reversal, DOI has held quarterly oil and gas lease sales that include parcels within the withdrawal area and throughout the Greater Chaco Region. DOI has not conducted the type of cultural resource identification and analysis that would be required to protect cultural resources from the effects of oil and gas development or to comply with its Federal statutory obligations.

However, DOI seems to be coming to the understanding that oil and gas development in the withdrawal area is not appropriate. Despite including parcels located within the withdrawal area in lease sales, after significant pressure from the Pueblos and others, DOI has withdrawn them before the lease sales take place.⁴ And Secretary Bernhardt's recent announcement after a visit to the Greater Chaco Region that DOI will take appropriate action to defer leasing within the withdrawal area during the coming year was welcome news. The New Mexico State Land Office also recently issued a moratorium on future mineral development within the withdrawal area.

But DOI has permitted parcels that are just outside the withdrawal area to be sold during lease sales despite Pueblo protests, signaling that DOI may not slow down development outside the withdrawal area despite lacking necessary cultural resource studies.

APCG'S POSITION

No Development in Withdrawal Area

APCG takes the position that no oil and gas development should take place within a designated withdrawal area—defined in the Chaco Cultural Heritage Area Protection Act⁵ and consisting of approximately 10 miles surrounding the Park. This is because any parcel located within this area is likely to contain or impact important cultural resources and because development in this area is likely to affect cultural resources in the Park.

Rigorous Cultural Resource Studies for Development Outside Withdrawal Area and Within Greater Chaco Region

For development outside the withdrawal area but within the Greater Chaco Region—and specifically within the jurisdictions of the Bureau of Land Management's ("BLM") Farmington and Rio Puerco Field Offices—DOI must conduct rigorous and Pueblo-led identification and analysis of cultural resources before any steps toward oil and gas development occur, including lease sales. This is because the Greater Chaco Region undeniably contains significant cultural resources, which Pueblo experts are best situated to identify.

In a big-picture sense, we ask that DOI work with the Pueblos to study where cultural resources are likely to be located across the landscape so that DOI can make more informed decisions about development early on, as required by the Federal Land Policy and Management Act and other laws. In a parcel-by-parcel sense, we ask that DOI identify and analyze the cultural resources that would be affected by oil and gas development on a particular parcel before listing it in a lease sale, as required the National Historic Preservation Act ("NHPA"), the National Environmental Policy Act ("NEPA"), and other laws.

Such studies would benefit everyone. First, they would help protect irreplaceable cultural resources and carry out DOI's statutory obligations. Second, if done properly and early in the oil and gas development process, these studies would also save DOI, developers, and the Pueblos time and money.

LEGAL DEFICIENCIES

DOI in its sale of leases on parcels in the Greater Chaco Region is violating the NHPA and NEPA, which require sufficient study of cultural resources before DOI takes any steps toward oil and gas development. Because of the cultural significance and concentration of cultural resources in the Greater Chaco Region, these studies must be especially rigorous and must incorporate qualified experts, such as Pueblo representatives, able to identify our cultural resources. Thus far, DOI has not conducted any studies sufficient to identify our cultural resources before holding lease

⁴This has meant protesting parcels under the BLM Farmington and Rio Puerco Field Offices.

⁵APCG and DOI have until recently discussed a general area of approximately 10 miles surrounding the Park as making up the withdrawal area. In recent years, as part of work on the Chaco Cultural Heritage Area Protection Act, congressional members, with input from DOI and the Pueblos, have created more clarity on the boundaries of the withdrawal area by specifying its parameters and producing an associated map. The Act's boundaries are now the best description of the withdrawal area—which has shifted slightly over time.

sales in the Greater Chaco Region and is therefore in breach of the NHPA and NEPA.

DOI has argued that a literature review is sufficient to meet its requirements. This involves reviewing existing records and studies available to the BLM. But there is a significant gap in existing literature about the Greater Chaco Region because much of the land has not been surveyed and the surveys that have taken place are often outdated and absent contribution from Pueblo people. While archaeologists are trained to identify archaeological features, they often lack the cultural expertise of Pueblo representatives. Because Pueblo representatives are able to identify their cultural resources, which can include natural features, that archaeologists overlook, they must be included in cultural resource studies. In fact, when the BLM took Pueblo representatives on a sample field investigation leading up to the March 2018 lease sale, Pueblo representatives identified important cultural resources of which the BLM had not been aware. This led to the deferral of the BLM Farmington Field Office's oil and gas lease sale citing cultural resource study adequacy concerns.

DOI has also argued that, for purposes of the Section 106 process of the NHPA (and similarly NEPA), the primary time for conducting cultural resource studies is at a later step in the oil and gas development process. But, as a lessee gains a property interest in a purchased lease, this commitment of Federal resources to a lessee is out of step with the legal processes mandated in the NHPA and NEPA.

Additionally, DOI has acted arbitrarily and capriciously by its ad hoc removal of some parcels but not others from particular lease sales. In the March and December 2018 lease sales, DOI withdrew all of the protested parcels, both in and out of the withdrawal area, due to concerns that sufficient study of cultural resources under the NHPA and NEPA had not taken place.⁶ Then, in the March 2019 lease sale, DOI for no discernable reason withdrew only parcels located within the withdrawal area and permitted the sale of leases on protested parcels outside. These parcels were located very near or adjacent to parcels that had been previously withdrawn. As no cultural resource studies were conducted in the interim, the decision to move forward leasing those parcels was arbitrary and capricious under the Administrative Procedure Act.

Beyond these legal deficiencies are likely many others, including DOI's failure to live up to its trust responsibility to tribes.

REQUESTS

APCG has a number of requests for you that we believe together will help protect the cultural resources in the Greater Chaco Region.

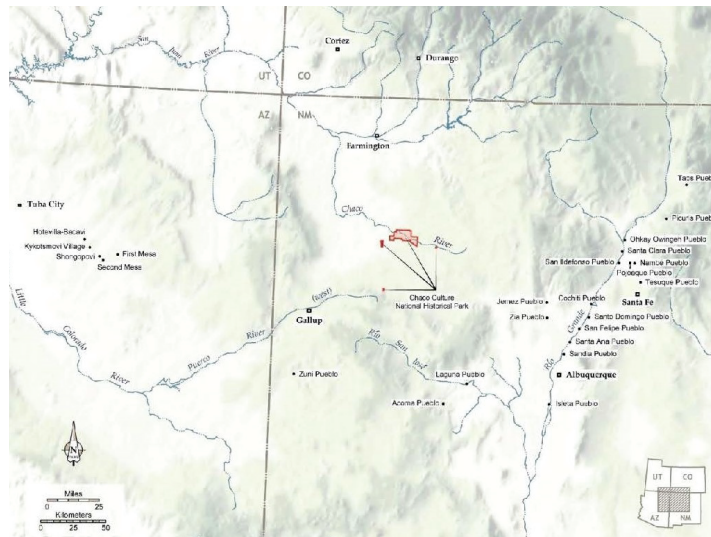
First, we ask that you support the Chaco Cultural Heritage Area Protection Act, which will legislatively remove minerals owned by the U.S. Government in the withdrawal area from future leasing and development. This will make permanent DOI's past and now current position that land in this area is unavailable for development due to the cultural resources that would be harmed. And it will respond to Secretary Bernhardt's recent statement regarding the Greater Chaco Region that DOI will respect Congress's role in determining how Federal lands should be managed.

Second, we ask that you put pressure on DOI to prospectively identify and analyze the cultural resources that would be affected by oil and gas development outside the withdrawal area but within the Greater Chaco Region, as required by Federal law. Related to this request, we ask that you urge DOI, as part of fulfilling its statutory obligations, to increase cultural resource inventories by partnering with Pueblos on a cultural resource study outside of the withdrawal area in the Greater Chaco Region. APCG asks this Committee to encourage DOI to move forward with a study and to request that it necessarily include the area of reasonable foreseeable development outside the withdrawal area.⁷

⁶See for example, the BLM's Press Release and statement on its March 2018 deferral: <https://www.blm.gov/press-release/blm-defers-oil-and-gas-lease-sale-parcels-new-mexico>.

⁷This is a discrete area where development is likely to occur, and the BLM has released a map for reasonable foreseeable development in the jurisdiction of its Farmington Field Office.

Attachment 1
Location of Chaco Canyon, Pueblos, and the Hopi Tribe



Map Credit—Archaeology Southwest

Ms. HAALAND. Thank you very much, Chairman Torres. The Chair now recognizes Vice President Myron Lizer of the Navajo Nation.

Welcome, Mr. Vice President. You have 5 minutes.

**STATEMENT OF THE HON. MYRON LIZER, VICE PRESIDENT,
 NAVAJO NATION, WINDOW ROCK, ARIZONA**

Mr. LIZER. Thank you. Good morning, Chairwoman Haaland and members of the Subcommittee. My name is Myron Lizer, and I am the Vice President of the Navajo Nation. I appreciate the opportunity to testify in support of H.R. 2181, the Chaco Cultural Heritage Area Protection Act of 2019, to permanently protect the sacred Chaco landscape for our children and future generations whose culture and history is intimately connected to this special place.

As Native people, we are connected to the land, and it is important to preserve sacred landscapes. Chaco Canyon is a very special place. It is truly impressive, with stone walls standing at least 30 feet into the sky, large round kivas in every great house, and thousands of artifacts dating back thousands of years.

It is also widely understood that the Chaco Canyon region was a special gathering place where many indigenous peoples and clans converged to trade and share goods, stories, ceremonies, traditions, and knowledge.

Aside from Chaco's contributions to the field of archaeology and history, this place is sacred and deserves permanent protection. It

is important that we continue to protect sacred sites in places like Chaco so indigenous people can continue to teach and share their history. Oftentimes our culture and stories are told through landscapes such as Chaco. The knowledge held by the land, structures, and artifacts need to live on for future generations.

For many tribes in the Greater Chaco Region, this place holds great cultural significance. The sun dagger, ball courts, petroglyphs, great houses, and over 430,000 other artifacts have greatly informed our past and existence.

With any type of development, especially oil and gas, the risk for disturbances of any structures and artifacts that surround the development is always increased. Oil and gas development activities will also increase the amount of emissions, such as particulate matter, methane, and volatile organic compounds.

Furthermore, with more than 90 percent of the public lands in northwest New Mexico already leased for energy development, there should not be a need to lease more Federal lands in the areas near the park.

Recently, on May 28, 2019, now Navajo Nation President, Jonathan Nez, along with other local tribes, accompanied Secretary of the Interior David Bernhardt, who visited the Chaco Culture National Historical Park to discuss protection of the park from natural resource development. Based on that visit, we understand that Secretary Bernhardt has agreed to hold off on issuing any new leases for natural resource extraction in the area for 1 year for the purpose of updating its resource management plan. We applaud the Secretary's decision.

However, we also need to have a more permanent solution provided by H.R. 2181 and Senate Bill 1079.

H.R. 2181 would provide long-term protection for this critically important landscape, but it should not also act in lieu of the Bureau of Land Management's responsibility to listen to our community and protect these lands through the administrative process.

President Nez and I also want to make clear that we oppose any talk of potential uranium mining in the area, and we want to make sure that it cannot be developed.

Uranium mining has been detrimental to the Navajo people, and we want to make sure that it does not harm anyone again. Navajo law also supports a moratorium on uranium mining, processing, and transportation activity on the Navajo Nation. For the protection of the cultural, historic knowledge, public health, and our environment, the Navajo Nation supports the Chaco Cultural Heritage Area Protection Act, sponsored by Congressman Ben Ray Lujan, as well as Senator Udall's companion Senate bill.

The Greater Chaco Region is a living landscape meant to be accessible for tribal communities to support the continuance of cultural practices vital to our present identity. The bill also protects the land, structures, and environment from any unanticipated adverse effects associated with unchecked oil and gas development in the region.

I appreciate the invitation and the opportunity to testify before the Committee.

[Speaking Native language.] Thank you.

[The prepared statement of Mr. Lizer follows:]

PREPARED STATEMENT OF MYRON LIZER, VICE PRESIDENT, THE NAVAJO NATION ON
H.R. 2181

Good Morning Chairwoman Haaland, Ranking Member Young and members of the Subcommittee. My name is Myron Lizer and I am the Vice President of the Navajo Nation. I appreciate the opportunity to testify in support of H.R. 2181, the Chaco Cultural Heritage Area Protection Act of 2019, to permanently protect the sacred Chaco landscape for our children and future generations whose culture and history is intimately connected to this special place.

As native people, we are connected to the land and it is important to preserve sacred landscapes. Chaco Canyon is a very special place—it is truly impressive with stone walls standing at least 30 feet into the sky, large round kivas in every great house, and thousands of artifacts dating back thousands of years—it is a splendor to see. It is also widely understood that the Chaco Canyon region was a special gathering place where many indigenous peoples and clans converged to trade and share goods, stories, ceremonies, traditions, and knowledge. Our people have long settled in the area and many of our traditional stories are connected to Chaco and the surrounding region. Aside from Chaco's contributions to the field of archeology and history, this place is sacred and deserves permanent protection.

It is important that we continue to protect sacred sites and places like Chaco so indigenous people can continue to teach and share their history. Often times, our culture and stories are told through landscapes such as Chaco. The knowledge held by the land, structures, and artifacts need to live on for future generations. For many tribes in the greater Chaco region, this place holds great cultural significance. The Sun Dagger, ball courts, petroglyphs, great houses, and over 430,000 other artifacts have greatly informed our past and existence. We should all appreciate and honor the contributions of great societies, one of which is Chaco.

With any type of development, especially oil and gas, the risk for disturbances of any structures and artifacts that surround the development is always increased. Whether confirmed or not, our people living in this region talk about slight tremors that are increasing in frequency and they are concerned. Oil and gas development activities will also increase the amount of emissions such as particulate matter, methane, and volatile organic compounds which can also affect the surrounding environment but more important, affect our people living in the area along with their livestock. The Navajo Nation has an ugly history with uranium mining and its long-lasting effect on human life, our animals, and our environment. We cannot go through another environmental disaster if we can prevent it now.

Furthermore, with more than 90 percent of the public lands in Northwest New Mexico already leased for energy development, there should not be a need to lease more Federal lands in the areas near the park.

Recently, on May 28, 2019, Navajo Nation President Jonathan Nez along with Pueblo tribal leaders and Senator Martin Heinrich, met with Secretary of Interior David Bernhardt at the Chaco Culture National Historic Park to discuss protection of the park from natural resource development. This was the first visit by Secretary Bernhardt to the park. Based on that visit, we understand that Secretary Bernhardt has agreed to hold off on issuing any new leases for natural resource extraction in the area for 1 year for the purpose of providing the Bureau of Land Management time to complete its updated resource management plan. We support the development of sustainable management so long as it prevents Federal oil and gas extraction within the area designated in H.R. 2181 located in and around the Chaco Cultural National Historic Park. We applaud the Secretary's decision, however we also need a more permanent solution provided by H.R. 2181 and S. 1079.

H.R. 2181 would provide long-term protection for this critically important landscape filled with cultural objects and sacred sites, but it should not also act in lieu of BLM's responsibility to listen to our communities and protect these lands through the administrative process. Furthering the partnership between agencies and Indian tribes will help ensure that tribes will be consulted and that a scientific and archaeological analysis would be conducted to guarantee cultural sensitivity, even on leases that may have already been executed within the Chaco region.

President Nez and I also want to make clear that we oppose any talk of potential uranium mining in the area and we want to make sure that it cannot be developed. Uranium mining has been detrimental to the Navajo people and we want to make sure that it does not harm any families again. Navajo law also supports a moratorium on uranium mining, processing, and transportation activity on the Navajo Nation.

For the protection of the cultural and historic knowledge, public health and our environment, the Navajo Nation supports the Chaco Cultural Heritage Area Protection Act sponsored by Congressman Ben Ray Lujan as well as Senator Udall's

companion Senate bill. The Greater Chaco Region is a living landscape, utilized by our ancestors and meant to be accessible for tribal communities to support the continuance of cultural practices vital to our present identity. The bill also protects the land, structures and environment from any unanticipated adverse effects associated with unchecked oil and gas development in the region.

I appreciate the invitation and the opportunity to testify before the Committee. Ahéhee'.

Thank you.

Ms. HAALAND. Thank you, Mr. Vice President.

The Chair now recognizes the Honorable Timothy Menchego, Governor of the Pueblo of Santa Ana.

Welcome, Governor.

**STATEMENT OF THE HON. TIMOTHY MENCHEGO, GOVERNOR,
PUEBLO OF SANTA ANA, NEW MEXICO**

Mr. MENCHEGO. [Speaking Native language.] Thank you, Madam Chair, members of the Committee. I appreciate the time and the opportunity to be able to speak my comments in my language. That is the total importance of our identity.

Language is an identifier, a total identifier for Native people, and not only Native people, but indigenous people, the minority people around the world.

I talked about emergence, how we were led, our stories of migration, the patterns, the pathways of how we made it to Chaco Canyon. From that point, tribes split, separated, but we still were led by leadership, spiritual, traditional leadership. Regardless of how far our settlements have taken us, we still have a tie, we still have our heart with Chaco Canyon.

It is important, as some of my previous brothers have mentioned, for the future the longevity, our identity. Granted, time has happened and occurred; granted, we have had encroachment and settlement. There is a foundation. It is our people. It is our Pueblo people that are the basis, that are the foundation. We are still living descendants. We are still actual remnants of what Chaco Canyon was. Visit any Pueblo in New Mexico. Speaking for Santa Ana Pueblo, you can see the patterns of the buildings, the structures, the way they are built, the way they are designed, the representation of the kivas that are also found in Chaco, as well as Mesa and other outliers.

Today, we are here to talk about H.R. 2181 and the definite need for this bill to be implemented for permanent protection. As with APCG and their comments—and being part of APCG, we do support what APCG has proposed and presented.

The 10-mile buffer needs to be protected almost immediately, if not yesterday. We don't know the facts. We don't know the aftermath. For example, sometimes there are concerns of seismic activity for proposed and potential fracking. We don't want to open that little bit of Pandora's box to see what the aftermath and after-effects are. Curiosity, as they say, is what killed the cat. We don't want to be curious. We want to know and we want to do what we know is right immediately for the future generation of our people, so they can continue to have their identity, to understand, and to

know where they came from, where they settled, and what direction they need to continue forward in the future.

Thank you for the opportunity to speak.

[The prepared statement of Mr. Menchego follows:]

PREPARED STATEMENT OF TIMOTHY MENCHEGO, GOVERNOR OF THE PUEBLO OF
SANTA ANA ON H.R. 2181

The Pueblo of Santa Ana thanks the Committee for the opportunity to testify on the Chaco Cultural Heritage Area Protection Act of 2019, H.R. 2181. The bill was introduced by Representative Luján, and its companion bill was introduced by Senator Udall—true champions for Indian Country. We thank them for their steadfast support.

BACKGROUND

Cultural Resources

The Pueblo of Santa Ana, hereinafter referred to by our traditional name of “Tamaya,” is located in north-central New Mexico along the Rio Grande River. Our reservation encompasses approximately 150,000 acres in Sandoval County. Our Pueblo nation currently has over 800 enrolled members.

Although the Tamayame have occupied their current site in central New Mexico since at least the late 1400s, our ancestry can be traced back to Chaco Canyon (850 A.D.), a major trading and cultural center of the ancestral Pueblo world.

The Greater Chaco Region, which includes all of the San Juan Basin, describes the vast archaeological, cultural, and natural landscape(s) emanating from Chaco Canyon through the Four Corners Regions to the existing Pueblo nations of today. The existence of Chaco Canyon and the Greater Chaco Region is important to who we are as Pueblo people even today, helping us connect with our ancestors, reminding us where we came from, and teaching us about why we do the things we do. As Tamayame, Chaco Canyon and the Greater Chaco Region are intimately tied to the experiences of our ancestors and intimately connected to our collective memory. The Greater Chaco Region is where our ancestors lived for generations developing the foundations of our current cultural practices, traditions, and beliefs that continue to define our identity as Tamayame today. To lose these sacred places would be to erase our identity as Pueblo people.

Therefore, the Greater Chaco Region is a living landscape, depended on by all generations of many of our Pueblo nations and communities. When our people left Chaco, we moved outward across the landscape to our current lands. These migration paths left many cultural resources behind, and they are themselves part of the story of who we are. As Tamaya, we have an inherent responsibility to protect these life-affirming resources for the continuity of our identity. Many of these cultural resources remain unidentified in the Greater Chaco Region. While archaeologists are adept at recognizing many types of archaeological resources, including potsherds, room blocks, and pithouses, many of our vital cultural resources important to the Pueblos are outside the domain of archaeology. For example, many of these cultural resources which are not archaeological include natural formations with culturally relevant uses, modifications, and/or meanings. For Tamaya, and for other Pueblos, all ancestral Pueblo archaeological resources are cultural resources, but not all cultural resources are archaeological in nature. Therein lies the major issue.

Although our tribal representatives at Tamaya have the expertise in identification and analysis and the inherent responsibility to protect the integrity of our cultural resources, we are forced to rely on Federal agencies, as our trustees, to safeguard these resources in a period of unchecked oil and gas development. Unfortunately, these agencies are often unable or unwilling to take the necessary first step needed to engage with our tribal experts to identify these significant cultural resources. This necessary first step includes providing us with the opportunity to survey nominated lease parcels and potential drilling sites before Federal action is taken.¹

¹ See “Uncited Preliminary Brief (Deferred Appendix Appeal) of Amici Curiae All Pueblo Council of Governors and National Trust for Historic Preservation, in Support of Appellants,” *Dine Citizens Against Ruining Our Environment, et al v. Ryan Zinke, et al*, Civ. No. 18–2089 (Sept. 7) (10th Cir. 2018) (describing violations of the National Historic Preservation Act and implementing regulations in failing to consult with Pueblo tribal governments when considering applications for permits to drill (“APDs”), in order to gather required information about potentially affected historic properties, including traditional cultural properties (“TCPs”), and how approving the APDs would adversely affect Pueblo TCPs).

Oil and Gas Development

Today, the major center point of the Greater Chaco Region, Chaco Canyon, is protected by the boundaries of the Chaco Culture National Historic Park, which is recognized as a UNESCO World Heritage Site. Unfortunately, the location of Chaco Canyon and the Greater Chaco Region is also its greatest peril. The Greater Chaco Region sits atop an oil field that is under tremendous pressure for development from the oil and gas industry. Upwards of 90 percent of the land in the region, primarily managed by the BLM Farmington District and Rio Puerco Field Offices, is already leased for oil and gas development, and the remaining land comes dangerously close to Chaco Canyon itself.

Currently, oil and gas development is overwhelming this fragile and sacred landscape. The BLM Farmington Field Office, whose boundaries include the primary bulk of the New Mexico portions of the Greater Chaco Region, has exhausted nearly all available lands for leasing. Due to developments in oil and gas technology, previously inaccessible reaches of oil are now open, dangerously encroaching upon Chaco Canyon. This renewed interest by industry has spilled east into a portion of the neighboring BLM Rio Puerco Field Office that juts into the Greater Chaco Region. Under the guise of “streamlining,”² the BLM issued Instruction Memorandum 2018–034, “Updating Oil and Gas Leasing Reform—Land Use Planning and Lease Parcel Reviews,” which has made an already fraught situation worse by strictly adhering to a mandatory quarterly leasing schedule, dismantling many land management processes, and all but ensuring oil and gas leases are sold within a minimum 6-month time frame. This rush to sell leads to incomplete and inadequate analyses under the National Environmental Policy Act (“NEPA”) and the National Historic Preservation Act (“NHPA”).³

Until recently, the Department of the Interior (“DOI”) deemed the area surrounding the Park—now called the withdrawal area—unavailable for oil and gas development. This Administration reversed the policy, including allowing fracking. Since reversal, DOI has held quarterly oil and gas lease sales that include parcels within the withdrawal area and throughout the Greater Chaco Region. DOI has not conducted the type of cultural resource identification and analysis that would be required to protect cultural resources from the effects of oil and gas development or to comply with its Federal statutory obligations.

However, DOI seems to be coming to the understanding that oil and gas development in the withdrawal area is not appropriate. Despite including parcels located within the withdrawal area in lease sales, after significant pressure from the Pueblos and others, DOI has withdrawn them before the lease sales take place. Secretary Bernhardt’s recent announcement after a visit to the Greater Chaco Region that DOI will take appropriate action to defer leasing within the withdrawal area during the coming year was welcome news. The New Mexico State Land Office also recently issued a moratorium on future mineral development within the withdrawal area.

THE PUEBLO OF SANTA ANA’S POSITION

Like APCG, the Pueblo of Santa Ana firmly believes no oil and gas development should take place within the withdrawal area. For this reason, we support the Chaco Cultural Heritage Area Protection Act of 2019, which would legislatively remove United States land in the withdrawal area from oil and gas development. And we ask that you as a Committee support this legislation.

²See BLM Instruction Memorandum 2018–034, “Updating Oil and Gas Leasing Reform—Land Use Planning and Lease Parcel Reviews.”

³Under the NHPA and its implementing regulations, Pueblo cultural resources may be considered historic properties or traditional cultural properties under proper analysis and may be eligible for listing on the National Register of Historic Places. Under the NHPA, when a Federal undertaking takes place, a process, often referred to as the Section 106 process, begins. Section 106 is a critical, step-driven process, meant to determine: (1) the area of potential effects; (2) the identification of historic properties; (3) the assessment of adverse effects; and (4) the resolution of adverse effects. The Section 106 process is where meaningful tribal consultation is required to advise the agency on the identification and evaluation of historic properties, including those of traditional religious and cultural importance. NEPA incorporates the NHPA analysis into its environmental assessments and environmental impacts statements, requiring simultaneous analyses in order to assess the full impact of an undertaking.

In addition to protecting the withdrawal area from oil and gas development, and despite the future of H.R. 2181 and the Administration's temporary moratorium in the region, we must complete cultural resource studies outside the withdrawal area. Like APCG, the Pueblo of Santa Ana takes the position that, for development outside the withdrawal area but within the Greater Chaco Region, rigorous identification and analysis of cultural resources must take place before any steps toward oil and gas development occur. Because the Greater Chaco Region undeniably contains significant cultural resources, which Pueblo experts are best situated to identify, the Pueblo of Santa Ana maintains that the identification and analysis of cultural resources must incorporate Pueblo representatives.

REQUESTS

First and foremost, we ask that this Committee support the Chaco Cultural Heritage Area Protection Act of 2019, which will help protect the withdrawal area from oil and gas development.

Additionally, we ask that this Committee help amplify the Pueblos' requests for cultural resource studies outside the withdrawal area but within the Greater Chaco Region. As previously outlined, the migration paths of our Pueblo people are deeply important to who we are today and contain cultural resources, many of which only Pueblo people will be able to identify. For this reason, cultural resource studies must be Pueblo-led.

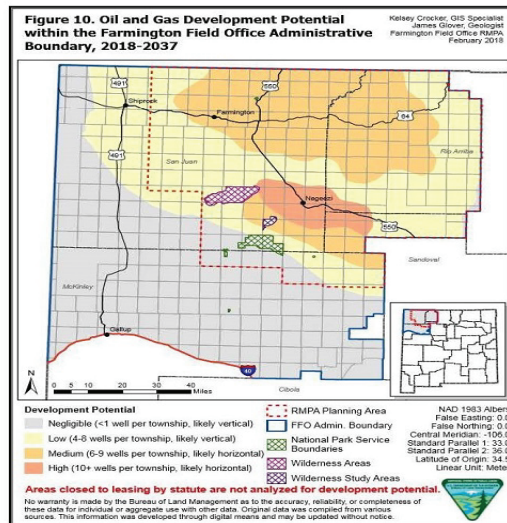
More holistically, we ask that DOI work with the Pueblos to study where cultural resources are likely to be located across the landscape so that DOI can make more informed decisions about development early on, as required by the Federal Land Policy and Management Act and other laws.

In a parcel-by-parcel lens, we ask that DOI work with Pueblos to identify and analyze the cultural resources that would be affected by oil and gas development on a particular parcel before listing it in a lease sale, as required the NHPA, NEPA, and other laws. To reiterate, we are most concerned about land within the jurisdictions of the BLM Farmington and Rio Puerco Field Offices at this time.

To facilitate cultural resource studies, and at the invitation of DOI, the Pueblos submitted to DOI a proposal to conduct a Pueblo-led study of the cultural resources in the Greater Chaco Region. Pueblo leadership has since met with officials from the BLM and the Assistant Secretary-Indian Affairs' Office, who have stated they will offer a counter proposal for a pilot project that would cover less land. I ask that this Committee encourage DOI to move forward with this study and urge DOI to include the area of reasonable foreseeable development outside the withdrawal area.⁴

Such studies would benefit everyone. They would help protect irreplaceable cultural resources and carry out DOI's statutory obligations. If done properly and early in the oil and gas development process, these studies would also save DOI, developers, and the Pueblos time and money.

⁴See Attachment 1 "Map—Oil and Gas Development Potential within the Farmington Field Office Administrative Boundary, 2018–2037.

Attachment 1**Map—Oil and Gas Development Potential within the Farmington Field Office Administrative Boundary, 2018-2037**

Map Credit—U.S. Department of the Interior, Bureau of Land Management—New Mexico State Office, “Reasonably Foreseeable Development Scenario for Oil and Gas Activities—Mancos Gallup RMPA Planning Area, Farmington Field Office, North-western New Mexico”

Ms. HAALAND. Thank you very much, Governor.

The Chair now recognizes Mr. Samuel Sage, Community Services Coordinator of the Counselor Chapter House.

Mr. Sage.

STATEMENT OF SAMUEL SAGE, COMMUNITY SERVICES COORDINATOR, COUNSELOR CHAPTER HOUSE, FARMINGTON, NEW MEXICO

Mr. SAGE. Thank you. Chair Haaland and also Chair Grijalva, thank you for this opportunity to share with you why I support H.R. 2181, Chaco Cultural Heritage Area Protection Act of 2019.

I also appreciate the collaboration with the All Pueblo Council of Governors and the Navajo Nation, ensuring that tribal trusts and allotment lands within the 10-mile buffer are not impacted.

[Speaking Native language.] My name is Samuel Sage. I am a U.S. Army military police veteran, and I am also an allotment landowner with my siblings. We receive royalty payments from time to time, but they are decreasing.

In 2003, when I was a chapter president of a counselor chapter, I found out that BLM, Bureau of Land Management, was not consulting with our local chapter government. BLM was ready to approve their resources management plan, which they had revised without tribal consultation.

In 2004, the counselor chapter which I was the president of at that time, joined a lawsuit with San Juan Citizens Alliance versus DOI Gale Norton for BLM failing to consult with Native American government and communities. The outcome of the lawsuit did not go in our favor, but at the time, under the leadership of Farmington field office manager Steve Henke, an agreement to consult with Navajo Nation communities was drawn up and agreed upon. To this date, the agreement has not been honored. BLM is still failing to engage in meaningful tribal consultation, and continuing to ignore the impacts of drilling on our landscape, and the concern of the Navajo Nation and local residents.

In 2013, full-scale horizontal drilling and hydraulic fracking overran our community under the title “Exploratory Drilling.” Soon there were more than 100 wells. This devastated our community with increasing traffic, truck drivers who had no regard for the safety of the local communities, school buses, and emergency vehicles. The dirt roads used to be wagon trails. They were never built for heavy truck traffic. The roads became worse during inclement weather, and were unpassable. After the drilling, the pump jacks that went up, the air quality changed. A majority of the wells leaked, and the smell of rotten eggs because of the hydrogen sulfide. Certain valleys became worse.

And, in 2019, the allotment landowners and their heirs were approached by BLM-contracted land agents to sign to consent for oil and gas development. The land agents would say, “I need your signature for oil and gas development. If you sign, this is how much money you will get.” Anywhere from 10K to 100–400K+. No explanations were given at the time, and also that this was a one-time thing.

The BLM turned families and community members against each other. Some people regret that they agreed to lease their lands, and to the new type of hydraulic fracking. And also every day we see oil and gas pump trucks from the ground pump, and then there is water spill contamination, cattle walking in the wastewater pits, and elderlies and children getting sick.

I thank you at this time that I can offer you this really short oral testimony. I believe that the Chaco Protection Act is a good step that will help to protect ancient lands, as well as our lives of the community. Although there are various opinions on oil and gas development among allotment landowners, many also strongly support this bill. Thank you.

[The prepared statement of Mr. Sage follows:]

PREPARED STATEMENT OF SAMUEL SAGE, COMMUNITY SERVICES COORDINATOR,
COUNSELOR CHAPTER HOUSE ON H.R. 2181

Chair Haaland and distinguished members of the Subcommittee, thank you for this opportunity to share with you why I support H.R. 2181—Chaco Heritage Area Protection Act of 2019. Thank you as well for taking the time to visit Chaco Cultural National Historical Park and the surrounding Greater Chaco Region on April 14, 2019. I applaud your commitment to learning firsthand about the issues facing this leaguered cultural landscape and dedicating to exploring solutions to ensure meaningful protections for this area.

To'di'ch'i'nii (Bitter Water clan), Bit'ahnii (Within-his-cover). My name is Samuel Sage. I am a U.S. Army Military Police Veteran. I am from Counselor Chapter community. Counselor Chapter is where I work.

Growing up on my homeland was wonderful, clean and noise free. Early mornings sun raise, cool breeze from the east would bring the smell of rain, wet dirt. It was quiet. You could hear a vehicle off in the distance, along roosters crowing from your neighbors, who were 5 miles away. Nights were beautiful, stars were bright and sparkling. It seems like you could actually reach up and touch the stars. Navajo traditional medicine people and herbalists had no problems gathering plants for medicinal purpose. The plants grew every year and wildlife were abundant.

In 2003, I found out the Bureau of Land Management (BLM) were not consulting with our local chapter government. BLM were ready to approve their Resources Management Plan, which they had revised without tribal consultation.

In 2004, Counselor Chapter, which I was the President at the time, joined a Lawsuit with San Juan Citizen Alliance v. U.S. DOI Gale Norton for BLM failing to consult with Native American Government and communities.

In 2006, the outcome of the lawsuit did not go our way. The judge stated BLM did everything correctly. Later, BLM-Farmington Field Office under the leadership of Steve Henke made a 10-point agreement to consult with Navajo Nation and communities. To this day the agreement was not honored and has gone nowhere.

In 2013, full scale hydraulic fracturing over ran our community under the title "Exploratory Drilling." This event devastated our community. The sudden increase in truck traffic; truck drivers had no regard for the safety of the local community members, school buses, emergency vehicles. The local dirt roads were never built for heavy truck traffic. They were wagon trails turned into bladed gravel roads. Increase in dust was being stirred up by the traffic. The conditions became worst during inclement weather and impassable. After the drillings and pump jacks were set up the quality of the air changed. Because the majority of the wells were leaking, the air smelled like rotten eggs. Certain valleys became worst. Bright lights from the flaring were so bright and the noise of the drilling rigs was constant. None of these impacts were explained to the community members by BLM. Industry just quietly moved into the community and started their destructions.

In 2014, Indian Allotment Landowners and their heirs were approached by BLM Contracted Land Agents to obtain signatures for consent for Oil & Gas Development. The Land Agents' conversation with the Allotment Landowner and Heirs would go like, "I need your signature for Oil & Gas Development. If you sign this is how much money you are going to get." (10K-400+K)

Of course, when money is mentioned people jump to sign. No explanation was ever given that this was a one-time thing. This type of event by BLM & Industry turned families against each other, along with community members.

Some of the community elders were abused, threatened—with bodily harm over the money they received by their own family members. One elderly lady had a hard time cashing a large amount on her check. Bank wouldn't help her. She ended up at car dealership. She was thinking if she purchased a vehicle she would get some cash back. Instead the dealership took the check and she ended up with six (6) vehicles. Some adult children and grandchildren got power of attorney to handle their finances, which turned out the money being all spent. Little or none went to benefit the parents. There are approximately four killings unresolved as a result of money. The saddest thing was the people that received a large amount of money went back to the Farmington Field Office-Indian Individuals Minerals Office asking when they will receive another check, after all their money was spent.

In March 2018, BLM deferred the sale of 25 lease parcels covering more than 4,000 acres in Rio Arriba, San Juan, and Sandoval Counties. Citing Cultural resources concerns, BLM stated in a press release:

Secretary of the Interior Ryan Zinke announced Thursday that he directed the BLM to defer its scheduled Farmington Field Office lease sale so the agency could complete an ongoing analysis of more than 5,000 cultural sites in the proposed leasing area.

To date, BLM has yet to complete its analysis of cultural sites in the Greater Chaco region. What's more, BLM has proceeded to lease in the region despite its acknowledged need for more rigorous cultural surveys.

In December 2018, BLM proposed to lease additional lands for oil and gas development in the Greater Chaco region. After public uproar, BLM withdrew selling lands in the Farmington Field Office. They kept selling lands in Sandoval County, which is part of the Rio Puerco Field Office, many of which are within 20 miles of Chaco Cultural National Historical Park. BLM did this after previously deferring the sale of lands in Sandoval County. BLM sold leases even though it had yet to complete the analysis of cultural sites BLM indicated it needed to complete in to justify leasing in the Greater Chaco area.

In March 2019, BLM proposed to lease more than 11,000 acres in the Greater Chaco region, including Farmington and Rio Puerco Field Offices for oil and gas development. The public responded with another opposition, including the filing of more than 30,000 protest letters. BLM deferred only nine parcels totaling 1,500 acres that happened to be within 10 miles of Chaco Cultural National Historical Park. Again, BLM proceeded to sell lands that it previously deferred in the Farmington and Rio Puerco Field offices. BLM sold these leases even though it had yet to complete the analysis of cultural sites that BLM indicated it needed to complete in order to justify leasing in the Greater Chaco area. BLM continues to push to open up more lands for oil and gas development in Greater Chaco.

Today, BLM is moving forward with this lease sale despite acknowledging a need to pause in order to fully account for the impacts to cultural sites in the region.

BLM has failed to properly follow their own process in obtaining informed consent for oil development, they failed to consult with families and the community in the leasing process, and there were no ethnographic studies or cultural resources inventories of the area before leasing.

Above all, BLM and Industry tells us how safe fracking is. There have been television commercials stating how safe fracking is. We had a large 36-storage tank facility holding oil and produced water explode and catch fire. The fire burned for five (5) days, spewing toxic smoke. Industry conducted their own investigation. Their findings were never made public or to the community members living in the area.

In April 2019, it was discovered of 2 WPX pipeline failures in Southwestern area of Counselor community in the Greater Chaco area. 300 barrels of oil and 100 barrels of produced water were spilled. The neighboring Navajo Chapter and Counselor were not notified. Industry, again investigated the cause and reports not made the local Navajo governments.

The life of our community has been changed and is now unbalanced. People now regret they agreed to lease their land for this new type of fracking and drilling. Everyday, we see the oil and gas being pumped from the ground, the water spilling out and contaminating the land, our cattle walking in the waste-water pits and the elders and children getting sick more. There are much the oil companies should do to mitigate this damage:

- To restore our roads
- To save and protect our water
- To fence off wastewater
- To stop leaks and reduce toxic air emissions
- To be honest with every allotment owner and explain the dangers and risks they are taking.

Today, our traditional medicine people and herbalist are having a hard time locating and gathering plants for medicinal purposes. The plants are no there, in the area. They have to travel to the mountains to gather the plants. Early mornings are no longer quiet, you can hear truck traffic, pump jacks, drilling rigs and clinking of metal pipes. Bright lights, dust in the air, along with the smell of rotten eggs. Wildlife have left the area. In some areas the vegetations are drying up. Community members are complaining about the ground rumbling and shaking after midnight to early in the morning. While the cities are enjoying the benefits of the extraction and we are left with the negative impacts.

I believe the Chaco Protection Act will help our ancient land as well as our living communities.

Thank you.

Ms. HAALAND. Thank you very much, Mr. Sage. And thank you for your service to our country.

The Chair now recognizes Ms. Delora Hesuse, a Navajo Nation Indian allottee.

You have 5 minutes, Ms. Hesuse.

**STATEMENT OF DELORA HESUSE, NAVAJO INDIAN ALLOTTEE,
NAGEEZI, NEW MEXICO**

Ms. HESUSE. I would like to thank Chairwoman Haaland and the Ranking Member of the Subcommittee. Thank you for the opportunity to bring voice to those Navajo tribal members who are being forgotten with this bill: Indian allottees.

I am Delora Hesuse, a citizen of the Navajo Nation Nageezi Chapter of the people born for the Mexican clan. My chapter is in the Greater Chaco Region, and near the Chaco Culture National Historical Park. My grandmother was a councilwoman for the Nageezi Chapter for 8 years, and my father was a Navajo Nation Council Delegate for the Nageezi chapter for 20 years.

Many people don't understand our Native American heritage, and the fact that many individuals, Navajo Nation members such as I, own private land and minerals underneath them. This is a steadfast personal property right that sustains our livelihoods and way of life. H.R. 2181 would put many of our mineral rights off limits, and stop much-needed source of income to feed, shelter, clothe, and protect our families. This income is important to us.

In 2015, the Federal Indian Mineral office distributed \$96 million to 20,835 allottees. That is a huge source of income to us. My ancestors were allotted the land and mineral rights by the U.S. government many generations ago. It pains me to see that my own leaders, both tribal and in Congress, are supporting a bill that would put my oil and natural gas rights off limits and prevent my family from receiving income from a valuable energy resource that we own.

I am not alone. Many other Indian allottees in the Greater Chaco Region agree with me. In fact, I have a petition signed by 131 of us allottees opposing this buffer bill.

I also have my other petition signed by many allottees that state that the environmentalist voice is not our voice. Our voices as allotted landowners are being silenced by the environmentalists claiming to speak for all of us.

These lands were given to our great-great-grandparents to exchange for citizenship, and we have rights as citizens and landowners to develop our lands for oil and gas as we see fit.

I have two resolutions for the Heurfano and Nageezi chapters signed by our chapter president supporting us Navajo allotment owners, and recognizing our opposition to this bill. These chapter resolutions call for a meeting with Senator Udall and Heinrich so that we can express our concerns with the bill and how it would limit our rights.

I am disappointed that the Interior Department, which is supposed to manage our mineral rights entrusted to benefit of allottees, has stopped leasing for a year. This action delays income to us allottees in the short term. But, more importantly, sends a strong signal to oil and gas companies that investment in the area is risky and uncertain in the long term.

I am participating actively in the Resource Management Planning process, which is under pressure from the environmentalist groups and others opposed to responsible oil and natural gas development in the area. I continue to feel that the Department of the Interior and Members of Congress are ignoring the

voice of Indian allottees and listening only to the environmental groups like Diné Care and other outside groups that will keep oil and gas from being developed.

Besides not being realistic, it would deprive my family of income to sustain our way of life. Our voices should and must be heard equally, along with environmental specialist interest groups. In fact, with the Interior Department's trust responsibility, our voices should carry more weight than the outside special interests, but that is not the case.

The bill would put off my mineral rights and the mineral rights of thousands of allottees. While the bill claims to not affect my mineral rights, in fact, many allottee lands are surrounded by Federal lands that would be withdrawn by this bill. If BLM lands are withdrawn around our allotments, oil and gas companies cannot access our land. They will be destroyed from developing the minerals on my behalf, because it just doesn't make sense to pinpoint my small amount of minerals stranded amongst Federal minerals. What will be small to them, however, is not small to me.

I, too, care deeply about the Chaco culture heritage. After all, I am a Navajo who lives right in the Greater Chaco Region. But the Chaco Culture National Historical Park already protects the great houses. Artifacts that might be outside the park are protected through the National Historic Preservation Act. Any developments of my minerals and minerals of other allottees—

Ms. HAALAND. Ms. Hesuse, I am so sorry, your time has expired.

Ms. HESUSE. OK. Thank you.

[The prepared statement of Ms. Hesuse follows:]

PREPARED STATEMENT OF DELORA HESUSE, NAVAJO INDIAN ALLOTTEE, NAGEEZI
CHAPTER ON H.R. 2181

Chairwoman Haaland, Ranking Member Young and members of the Subcommittee, thank you for the opportunity to bring voice to those Navajo tribal members who are being forgotten with this bill—Indian allottees.

I am Delora Hesuse, a citizen of the Navajo Nation, Nageezi Chapter. My chapter is in the Greater Chaco Region and near the Chaco Culture National Historic Park. My grandmother was a Councilwoman for the Nageezi Chapter for 8 years, and my father was a Navajo Nation Council Delegate for the Nageezi Chapter for 20 years.

Many people don't understand our Native American heritage and the fact that many individual Navajo Nation members such as I own private lands and the minerals underneath them. This is a steadfast personal property right that sustains our livelihoods and way of life. H.R. 2181 would put many of our mineral rights off limits and stop a much-needed source of income to feed, shelter, clothe and protect our families. I'm not exaggerating the importance of this income. In 2015, the Federal Indian Minerals Office distributed \$96 million to 20,835 allottees.¹ That's a significant source of income in an area that continues to struggle with unemployment.

My ancestors were allotted the land and mineral rights by the U.S. Government many generations ago, and it pains me to see that my own leaders, both tribal and in the U.S. House of Representatives and Senate, are supporting a bill that would put my oil and natural gas rights off limits and/or seriously prevent my family from receiving income from the valuable energy resources that we own.

I am not alone. Many other Indian allottees in the Greater Chaco Region agree with me. In fact, I have here a petition signed by 131 of us allottees opposing this buffer zone bill.

I also have with me another petition signed by many allottees that states that the environmentalists' voice is not our voice. Our voices as Allotted landowners are being silenced by environmentalists claiming to speak for all of us. These lands were

¹*Final Audit Report: Bureau of Indian Affairs' Federal Mineral Office*, Office of the Inspector General, U.S. Department of the Interior, February 3, 2017.

given to our great, great grandparents in exchange for citizenship, and we have rights as citizens and landowners to develop our lands for oil and gas as we see fit.

I also have two resolutions from the Huerfano and Nageezi chapters signed by our chapter presidents supporting us Navajo Allotment landowners and recognizing our opposition to this bill. These chapter resolutions call for a meeting with Senators Udall and Heinrich so that we can express our concerns with the bill and how it will limit our rights.

I am disappointed that the Department of the Interior, which is supposed to manage our mineral rights in trust to the benefit of my family and all other allottees, has stopped leasing for a full year. This action delays income to us allottees in the short term, but more importantly, sends a strong signal to oil and gas companies that generate the income on our behalf that investment in the area is risky and uncertain in the long term.

I have been participating actively in the Resource Management Planning (RMP) process which is under pressure from environmental groups and others opposed to responsible oil and natural gas development in the area. I continue to feel that the Interior Department and Members of Congress are ignoring the voice of Indian allottees and listening only to environmental groups like Diné Care and other outside groups that want to keep oil and natural gas from being developed at all.

Besides not being realistic, it would deprive my family of income to sustain our way of life. Our voices should and must be heard equally along with the environmental special interest groups. In fact, with the Interior Department's trust responsibility, our voices should carry much more weight than that of outside special interests, but that is not the case with this bill.

The bill would put off limits my mineral rights and the mineral rights of thousands of allottees. While the bill claims not to affect my mineral rights, in fact, many allottee lands are surrounded by Federal lands that would be withdrawn by this bill. If BLM lands are withdrawn around our allotments, that means oil and gas companies cannot access our lands, because they won't be able to access the Federal lands.

Furthermore, since the oil and gas is accessed using horizontal drilling, putting the Federal lands and minerals off limits will mean my minerals are also off limits. Because of the checkerboard pattern of lands, where allottee lands are often surrounded by BLM lands, particularly in the northeast segment of the buffer, if companies cannot access all minerals along the lateral of a horizontal well, they will not access any.

Companies will simply be discouraged from developing the minerals on my behalf because it just doesn't make sense economically or technologically to pinpoint my small amount of minerals stranded amongst Federal minerals. What may be small to them, however, is not small to me. Companies will be discouraged from developing in all areas of the buffer at all, even on allottee lands.

I too care deeply about the Chaco cultural heritage. After all, I'm a Navajo who lives right in the Greater Chaco Region. But the Chaco Culture National Historic Park already protects the Great Houses. Artifacts that may be outside the park are protected through the National Historic Preservation Act. Any development of my minerals and the minerals of other allottees is done in strict accordance with the Act, to make sure they are protected. Not only do we insist upon it, but that is the law of the land.

I urge the Committee not to pass this bill. Thank you for the opportunity to testify today.

QUESTIONS SUBMITTED FOR THE RECORD TO DELORA HESUSE, NAVAJO INDIAN ALLOTTEE

Question Submitted by Rep. Curtis

Question 1. Chairwoman Haaland read a statement from Representative Luján to you during the hearing: "The BLM has testified that this legislation would not affect tribal interests or allottees, while the bill itself includes language that recognizes the rights of Navajo allottees such as yourself, Ms. Hesuse, to continue to develop their lands." Representatives Haaland and Luján are referring to testimony from BLM's Mike Nedd on May 16 before the Senate Committee on Energy and Natural Resources, Subcommittee on Public Lands, Forest and Mining regarding S. 1079. However, what they're referring to is an answer to a specific question from Senator Mike Lee: "Do you know how tribal allottees and horizontal drilling on allotted lands might be affected by the protection zone and by this legislation?" Mr. Nedd answered

"It is my understanding that Tribal and allottees would not be affected by this withdrawal. However, there will be challenges given the intermixing of public, tribal and private land and of course the geography of the lands." Taken in context, it appears that Mr. Nedd was not saying that BLM had studied the impacts of the bill, but was just referring to the plain language of the bill. He appears to be agreeing with your testimony about how it will be difficult to develop allottee minerals if Federal lands are closed off. Could you elaborate on why it will be difficult to develop allottee minerals if an exclusionary zone is enacted by this bill?

Answer. The "bill" would put off limits to mineral rights of thousand allottees. While the "bill" claims not to affect mineral rights, in fact, many allottee lands are surrounded with Federal lands and other lands.

If BLM lands are withdrawn around our allotments, that means oil and gas companies cannot access our lands, because they won't be able to access the Federal lands. No need for a Buffer Zone—companies are in compliance.

Currently, numerous Navajo Allotment Lands in Nageezi, NM are leased for new oil and gas development, but no development has taken place on these allotment lands due to leases not being approved for new oil and gas development on BLM lands in Nageezi, NM. Majority of BLM lands are adjacent to Navajo allotment lands. Navajo allotment owners are being told that proposed leases on BLM lands are not being approved due to proposed amendments to Range Management Plan have not been approved. Proposed amendments to the Range Management Plan not being approved has dramatically impacted new oil and gas development on Navajo allotment lands that have been leased out for new oil and gas development. Creating the 10 miles buffer zone will have the same impact as the proposed amendments not being approved to the Range Management Plan. New oil and gas development on just Navajo allotment lands in Nageezi, NM will not be economical for oil and gas companies. Basically it means, if the buffer zone is created there will be no new oil and gas development in Nageezi, NM.

Question Submitted by Rep. Gosar

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development on just Navajo allotment lands in Nageezi, NM will not be economical for oil and gas companies. Basically it means, if the buffer zone is created there will be no new oil and gas development in Nageezi, NM.

Ms. HAALAND. Thank you. They will ask questions as we go along. I appreciate all of you being here. I am very grateful.

Before I start Member questions, I would like to, on behalf of Assistant Speaker Ben Ray Luján, read this statement because he couldn't be here with us today.

Ben Ray Luján Statement

"The BLM has testified that this legislation would "not affect" tribal interests or allottees, while the bill itself includes language that recognizes the rights of Navajo allottees to continue to develop their lands.

Let me read Section 6 of the bill here, which states:

Nothing in this Act—

- (1) affects the mineral rights of an Indian Tribe or member of an Indian Tribe to trust land or allotment land; or,
- (2) precludes improvements to, or rights-of-way for water, power, or road development on, the Federal land to assist communities adjacent to or in the vicinity of Federal land.

These are protections of sacred lands that would benefit the health and safety of many and the BLM has said it would not impact the rights of allottees.

This legislation would only withdraw over 900,000 acres, but would only withdraw 316,076 acres of oil, natural gas, coal, and other minerals. The remainder of these minerals in this area are owned by private, state, and tribal entities and are not changed by this legislation."

We will enter this statement into the record, without objection.

Thank you, all of you, for that valuable testimony. The Chair will now recognize Members for questions. Under Committee Rule 3(d), each Member will be recognized for 5 minutes. I will recognize Chairman Grijalva for 5 minutes.

Mr. GRIJALVA. Thank you, Madam Chair. And thank you, all of you, for coming. And again, thank you for your hospitality when we visited Chaco, a very moving and very important visit for those of us who went. Thank you for the time all of you took to educate some of us, and reinforce the importance all through it.

Chairman Torres, Governor Menchego, or Mr. Vice President Lizer, I don't know if you were part of the meeting with Secretary Bernhardt, but I was at that meeting. Could you relay, either one of you or all three of you, the sense that you had from that meeting, and the fact that there is a pause for a year on any further development around Chaco?

Mr. TORRES. Thank you, Mr. Chairman. Yes, I was at the meeting with Secretary Bernhardt and Senator Heinrich, along with four other tribal leaders. And I thought that the meeting went well, and I was happy that Secretary Bernhardt did that moratorium for a year, because it is a start.

We have been addressing this Chaco issue for years and years, and at least we have made a dent in it, in one way. So, we are happy for that.

Mr. GRIJALVA. I think it should be noted, too, that in the big lands package that was passed at the beginning of this year, the Yellowstone Gateway was withdrawn for protection from mineral extraction. The Mato Valley in Washington State, withdrawn from mineral extraction. And those were public lands. My point being that this is not something that we are creating a precedent here. This has been done, and that is why the application to this case, the case at the Grand Canyon, is so important. It is something that has been done in the past.

All of you mentioned identity, both the significance as a sacred site for Chaco, and also the significance of identity for members. If any one of you would care to just elaborate a little more on that, because I think people think we are just talking about an abstract piece of old building. We are not. We are talking about something much more profound and deep. And I think that needs to be stated.

Mr. MENCHEGO. Thank you for the question, Chairman Grijalva and members of the Committee.

Identity is understanding who we are as indigenous people, particularly for the Pueblos. We teach our children at an early age customs, practices, traditions. The identity spans to a place of emergence in our stories, emergence pathways, migrations. We understand where we came to places of settlement, why we settled there, and why we migrated and moved forward.

We come to a new era, a new age where we have permanent settlements now. They are no longer temporary. But the identity, the correlation with Mesa Verde, Bears Ears, Chaco Canyon, smaller outliers and current settlements, such as the village at Santa Ana Pueblo, the identity and the relation is our pattern of building, our use of structure.

At one point in time it has been said and identified to have had a mother language. The Keres-speaking people are a unique language that have no linguistic ties to outer regions or outer areas. We all talked, we all shared, we all equally lived on a daily basis. And we still have that consideration, that need, that desire and practice for community to be one, to know each other, to wake and sleep with each other, to make sure we understand that our actions from the previous day or the day of carries on to the next day.

We all dwell with one another. We are all brothers and sisters. That is the type of cultural and humanitarian identity that we strive to provide to our younger generation for the future.

Mr. GRIJALVA. Thank you.

Madam Chair, before I yield back, I just want to say that these two pieces of legislation address something that I am sure we will continue to debate to some extent in this Committee. But the fact of the matter remains that, with Chaco Canyon, this is about preserving a sacred site, yes, primarily. But it is also about preserving for this Nation and all of us an understanding of what our identity is in relationship to our Nation and to our countries. It is vital and it is profound, and it needs to be preserved. I am glad we have a 1-year pause. I think this gives us the opportunity to make it permanent.

And with regard to the Grand Canyon, sometimes I want to rip my hair out and yell, "It is the Grand Canyon, stupid." I mean you can't jeopardize this resource that has all these cross-overs, from indigenous people to the reliance on that source of water to bring life to 40 million people in this country. And to jeopardize it because of, primarily, an agenda that is driven more by greed than by need. I think it is a mistake.

So, I appreciate it very much, Madam Chair. Thank you for the hearing, and I look forward to working with you and moving these items. I yield back.

Ms. HAALAND. Thank you, Chairman Grijalva. The Chair recognizes Ranking Member Curtis for 5 minutes.

Mr. CURTIS. Thank you, Madam Chair. Thank you to all of our witnesses for being here. I am going to direct my questions primarily to Ms. Hesuse.

Am I correct in assuming that you and your peers are opposed to this bill, not because you don't care about Chaco culture or the land that your family has been on for decades, but because of your rights as a private landowner?

Ms. HESUSE. Correct.

Mr. CURTIS. What options, if any, does this bill leave for you to access the minerals that are rightfully yours?

Ms. HESUSE. We cannot access our minerals because of the surrounding lands that are near our allotment lands.

Mr. CURTIS. The bill specifically says that the prohibition of leasing and development applies only to Federal lands, not tribal lands. Won't your land and the lands of the other allottees still be available for leasing and development?

Ms. HESUSE. No, we won't, because we need this BLM land—tribal and private lands. And you cannot access drilling and mineral rights with just allotted land. We need other lands to get our resources.

Mr. CURTIS. Proponents of this bill claim that tribal lands will not be affected, only Federal lands. But if what they say is true, that development on Federal lands will harm cultural resources and air quality near the park, then why is development fine on Indian lands, not on Federal lands? Is development done any differently on your lands, compared to Federal lands?

Ms. HESUSE. No.

Mr. CURTIS. That is very good. Thank you, and thanks to all of you.

Madam Chair, I yield my time.

Ms. HAALAND. Thank you, Ranking Member Curtis. Thank you so much, all of you, again for being here and taking the time.

I will start with you, Chairman Torres. My understanding is that you and other tribal leaders met with Secretary Bernhardt last week. Is that correct?

Mr. TORRES. Yes, that is.

Ms. HAALAND. After visiting Chaco Canyon, Secretary Bernhardt stated that he, "walked away with a greater sense of appreciation of the magnificent site managed by the National Park Service, and better understanding of the tribal leaders' views of its cultural significance."

Do you believe that Secretary Bernhardt's 1-year moratorium on oil and gas leases is adequate to protect the significant cultural and natural resources in the Greater Chaco Region?

Mr. TORRES. Well, as I stated earlier, it is a step forward. It is not adequate for 1 year. We all know that. We need something permanent there, and that is what we have been working on for years. One year is not adequate, Madam Chair.

Ms. HAALAND. Thank you. And I guess, for those of us who feel that we have a cultural and traditional tie to Chaco Canyon, I guess I—you know, somebody mentioned that it is not just a pile of rocks. No, it is a carefully thought-out community that our ancestors planned and executed over centuries.

When I think about the time and effort it took to build one of those walls, it is astounding to think that they could have sustained that effort in building that grand scheme over that many years. And I guess I am interested and I will just ask each of you. When you have someone like Secretary Bernhardt at this sacred place, how do you talk about the importance of protecting this? What do you say, exactly, to him if you only had one thing to say about Chaco Canyon, essentially, what would it be?

Mr. TORRES. And you are asking me?

Ms. HAALAND. Yes, and I will ask each of you, and we will just go down.

Mr. TORRES. I think that the most important part is to leave it for the generations that are coming behind us, and that we also need it to remember where we come from, who we are, and where we are going. Thank you.

Ms. HAALAND. Thank you, Chairman.

Vice President Lizer?

Mr. LIZER. Madam Chair, thank you. Thank you for that question and the opportunity to respond. I wasn't present there, our honorable President Nez was there. Maybe to some, Secretary Bernhardt's response was surprising, but I think he saw the need. And those that are not innate to this culture, they use the words "magical," "uplifting," "positive," and "energy." But, I think, for our people that are innate to this site, the need to protect it is well documented in our laws, our preservation.

I would like to offer preservation of the voices of the past to teach us of our future. To further echo the Honorable Torres' words here.

It has been said that our Native cultures, or our Native traditions of the past will tell us of our future. But being an oral society, being an oral culture, much of our Native people here, the stories must continue to go on as we tell to our next generation and our next generation. It tells us of where we came from, who we are, and those tribes that are very adept at holding on to their culture, more power to them. Those that are willing to progress more, pass maybe, say, economic development, you know, to each their own.

I would like to also recognize the fact that this is all affecting Federal land, and we would balance the rights of the allottees on their portions. So, we are respectful of that, as well.

Ms. HAALAND. Thank you. Thank you, Mr. Vice President. Governor Menchego?

Mr. MENCHEGO. Thank you, Madam Chair, for the inquiry. If there was a way we could tell Secretary Bernhardt, or one statement that we could make to help him understand what Chaco is, I would offer him the comment to be able to close his eyes for a moment, stand in a location within one of the ruins, and try to feel that place being alive at one point in time. The smell of smoke. The sound of commotion, people talking amongst each other, and knowing that the ruins weren't in rubble as they are now, and with some of the walls and the room blocks still standing, but they were fully erected structures that served a purpose.

So, as Native people, it is hard to relay to an individual that is not born or integrated into the culture.

As young kids—using myself as an example—at the village I grew up going into our kivas, I grew up being integrated into the cultural homes, seeing how our homes and our rooms are built side by side. The first time that I went to Chaco, it amazed me to see the multitude of kivas, to see the multitude of room blocks, and further extend my knowledge, because I learned song and dance and practice and action, how to go into a kiva, how to come out of a kiva, what it represented.

It is kind of hard to help an individual that is not born of our culture and our tradition, but the only thing I could offer, and the only comment I feel that I would be able to offer to Secretary Bernhardt and anybody else that visited Chaco for the first time, or without knowledge or understanding, is to close their eyes and try to imagine what that place felt like when it was active. And it is still alive. All our places of religion and places of power remain alive, but for the fact that it was inhabited and once a bustling city that moved, it was a livelihood for our ancestors. Thank you.

Ms. HAALAND. Thank you very much, Governor.

Mr. Sage?

Mr. SAGE. Thank you, Chair. I am grateful that the Secretary made a trip out there with Senator Heinrich. Many times that is what it takes for somebody from this side of the river to understand exactly what we are talking about, and to understand what the individuals up here are expressing. We know it is alive, and he felt it. So, we were very grateful for that.

But as far as for the 1-year moratorium, we were cautiously still trying to accept that. Is it really going to happen, or not? But a lot of times that is what it takes, is a face-to-face, in-person, on-site visit for them to really understand what is being discussed and what the challenges and struggles are that the people living there are experiencing.

And I think many times in the past, many things were written and passed without even making any contact with the surroundings as it was being described. Thank you.

Ms. HAALAND. Thank you, Mr. Sage.

Ms. HESUSE, what would you tell someone about how you feel about Chaco Canyon?

Ms. HESUSE. Hello again. Thanks for hearing us out. I respect Chaco Canyon. I am a Native, and that is the way we are brought up. And I think we should all respect our monuments. I see what everyone is saying, and I do have respect. Then I also want to say

that I come from a family of healers. My grandmother was a medicine woman. My uncle was a hand trembler.

I don't know where—just through media and everything, somehow we became the bad person. But I am just speaking for an allottee, that I had the opportunity to lease my allotment.

But I do respect all the monuments, and I am glad he went out to see the monument because I do. And who wouldn't?

But I really appreciate you hearing me out. Thank you.

Ms. HAALAND. Thank you very much, Ms. Hesuse.

Thank you all very much. Thank you, Governor, all of you, for speaking your Native language here in my Subcommittee room. It is a blessing to all of us, and I am very grateful.

I thank the witnesses for their valuable testimony and the Members for their questions.

The members of the Committee may have some additional questions for the witnesses, and we will ask you to respond to these in writing.

Under Committee Rule 3(o), members of the Committee must submit witness questions within 3 business days following the hearing, and the hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, this Committee stands adjourned. Thank you.

[Whereupon, at 1:24 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

ACHP—ADVISORY COUNCIL ON HISTORIC PRESERVATION,
WASHINGTON, DC

April 30, 2019

Hon. DEB HAALAND, *Chairman*
Hon. DON YOUNG, *Ranking Member*
House Subcommittee on National Parks, Forests, and Public Lands
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Haaland and Ranking Member Young:

I am writing to the Subcommittee to convey the support of the Advisory Council on Historic Preservation (ACHP) for H.R. 2181, the Chaco Cultural Heritage Area Protection Act of 2019. The ACHP has a long history of concern for the protection of the unique resources of the Greater Chaco region and is pleased to see the Congress take steps to promote their long-term preservation.

Charged by the National Historic Preservation Act of 1966 (NHPA) to advise the President and the Congress on historic preservation matters, the ACHP's perspective on the challenges facing Chaco is twofold. First, a primary mission of the ACHP is to oversee and frequently engage in the federal historic preservation review process, established by Section 106 of the NHPA. In that capacity, the ACHP has been involved in Section 106 reviews for oil and gas development in the Chaco region for over two decades. We are fully aware of the threats that such development can pose to the fragile historic properties that comprise the Chacoan cultural heritage. Recently, I wrote to the acting Secretary of the Interior, stressing the need for a comprehensive approach to protection and sound management that has long been unmet, as evidenced by the continued recurrence of proposed lease sales that threaten to damage these sites and encroachment from approved development.

Similarly, the NHPA directs the Secretary of the Interior to coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the ACHP. To meet this statutory responsibility, the ACHP brings its expertise in the protection of historic

properties, taking particular note of the treaty obligations of the United States government to protect and preserve the nation's World Heritage Sites for future generations. Chaco Culture National Historical Park and associated properties managed by the National Park Service and the Bureau of Land Management were inscribed in the World Heritage List in 1987 as the Chaco Culture World Heritage Site in recognition of their "Outstanding Universal Value." It is one of only 23 such sites in the United States.

The official "Statement of Outstanding Universal Value" for the Chaco Culture World Heritage Site, updated by the United States in 2014, states:

. . . threats to its integrity from adjacent development (including associated utilities and roads), energy exploration, extraction, as well as transportation projects and proposals have increased.

. . . A long-term goal for the property is to ensure that interventions that may occur within or adjacent to the property—including development, energy exploration, extraction, and transportation projects—do not have a negative impact on the property's Outstanding Universal Value, authenticity and integrity.

Chaco also is a place of transcendent spiritual and traditional cultural importance to Indian tribes of the region. Many Pueblos and Indian Tribes in the Four Corners region recognize that the Chaco Culture area is rich with sacred sites of utmost importance to them. The threats posed by continued development are not merely physical impacts on historic properties; they can impair the traditions and tribal way of life that has endured for centuries.

H.R. 2181 would take great strides in addressing these concerns and ensuring the long-term protection of this unique resource. By creating the "Chaco Cultural Heritage Withdrawal Area," the legislation would remove development threats on federal lands within and adjacent to the Chaco National Historical Park and other portions of the World Heritage Site. It should be noted that by doing so the Congress would be fulfilling the obligations of the World Heritage Convention for states party to protect their World Heritage Sites and, where necessary, to create buffer zones for that purpose. The Operational Guidelines for the Implementation of the World Heritage Convention state:

103. Wherever necessary for the proper protection of the property, an adequate buffer zone should be provided.

104. For the purposes of effective protection of the nominated property, a buffer zone is an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection

. . .

The provisions of H.R. 2181 would in large part meet the threats identified in the Chaco Culture World Heritage Site Statement of Outstanding Universal Value.

The ACHP urges the Subcommittee to support this important step. At the same time, we would note that other actions, such as a comprehensive management plan for lands under the control of both the National Park Service and the Bureau of Land Management, the protection from development for non-federal lands within the Chaco landscape, and the engagement of local Indian tribes in the management of the greater Chaco Culture area, are desirable to further protect and preserve these important resources. The ACHP would welcome the opportunity to work with the Congress and the Administration in the future to advance these goals.

Sincerely yours,

MILFORD WAYNE DONALDSON,
Chairman.

RESOLUTION NO. 2019-13**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF SUPPORTING CONGRESSMAN RAUL GRIJALVA'S PROPOSED HOUSE BILL TITLED "GRAND CANYON CENTENNIAL PROTECTION ACT" WHICH WILL ENACT A PERMANENT BAN ON URANIUM MINING ON MORE THAN ONE MILLION ACRES OF LAND AROUND THE GRAND CANYON****RECITALS:**

WHEREAS, advocating for and supporting actions that lead to the advancement of social and environmental justice for the Indigenous community is a City Council goal; and

WHEREAS, the Mayor and City Council of Flagstaff have historically opposed actions furthering radioactive pollution in the region, including the adoption of Resolution No. 2010-74, which expressed support for Secretary of Interior Salazar's proposal to withdraw approximately one million acres of federal lands surrounding Grand Canyon National Park from uranium mining for 20 years; Resolution No. 2245, which urged President Clinton and Congress to not transport radioactive waste from contained storage until scientific decisions are made concerning permanent nuclear waste storage and declaring Flagstaff a Nuclear Free Zone; and Resolution No. 2018-06 reaffirming Council's support of the Secretary of the Interior's 2012 order to withdraw 1,006,545 acres of federal land surrounding the Grand Canyon National Park from new uranium mining for 20 years; and

WHEREAS, the Coconino County Board of Supervisors Resolution No. 2008-09 opposes "Uranium development on lands in the proximity of the Grand Canyon National Park and its watersheds;" and

WHEREAS, the Tusayan Town Council Resolution No. 2011-03-2302 supports the 2012 Grand Canyon Mineral Withdrawal; and

WHEREAS, the Hualapi Tribal Council Resolution No. 67-2009 opposes uranium exploration and mining; and

WHEREAS, the Flagstaff City Council adopted Resolution No. 2017-38, which expresses the Council's opposition to uranium mining and the transportation of uranium ore through the city of Flagstaff and Indigenous lands in the region, and reaffirms Flagstaff as a nuclear free zone; and

WHEREAS, during the Cold War, 30 million tons of uranium ore were mined on or adjacent to the Navajo Nation leaving more than 500 abandoned mines; and

WHEREAS, many Indigenous community members already affected by living in close proximity to abandoned uranium mines are still seeking relief from radioactive waste in these areas that have remained for decades at many of the mines creating elevated levels of radiation;

WHEREAS, potential health effects of uranium mining include lung cancer from the inhalation of radioactive particles, as well as bone cancer and impaired kidney function from exposure to radionuclides in drinking water; and

WHEREAS, Congress acknowledged that radiation exposure from the mining, transport and processing of uranium has affected and continues to affect thousands of individuals and in 1990 passed the Radiation Exposure Compensation Act (RECA) to provide compensation to individuals who have developed and are developing cancers and other serious diseases caused by uranium mining; and

WHEREAS, uranium mining threatens the Havasupai Tribe, which relies heavily upon clean and safe water of surrounding springs and the integrity of the land to sustain the physical, cultural, religious and economic needs of its people.

WHEREAS, the exploration and mining of uranium is known to cause serious, detrimental and irreversible human health and environment impacts that directly conflict with the federal government's duty to manage the public lands for the protection and preservation of the places that possess cultural, religious and historic importance to the Native people; and

WHEREAS, uranium mining in the Grand Canyon region has left a toxic legacy of polluted water, air, and soil at more than 500 highly containment mine and mill sites that remain un-reclaimed within the Navajo Nation and these sites increase

the risk of disease and death of people living in communities throughout Northern Arizona; and

WHEREAS, to protect, for current and future generations, the watershed, ecosystem, and cultural heritage of the Grand Canyon region in the State of Arizona, and for other purposes is vital for the health and well-being of all; and

WHEREAS, the Grand Canyon National Park, a world heritage site located 85 miles north of the city of Flagstaff, Arizona, is an integral part of the Northern Arizona landscape and plays an integral role in the tourism economy of the city of Flagstaff; and

WHEREAS, the Grand Canyon National Park attracts nearly six million visitors per year who contribute significantly to the Flagstaff tourism economy; and

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY FLAGSTAFF, AS FOLLOWS:

That the Flagstaff City Council affirms its support of for Congressman Raul Grijalva's proposed house bill titled "Grand Canyon Centennial Protection Act," which will enact a permanent ban on uranium mining on more than one million acres of land around the Grand Canyon.

PASSED AND ADOPTED by the City Council of the city of Flagstaff this 19th day of March, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Submissions for the Record by Rep. Grijalva

**COCONINO COUNTY BOARD OF SUPERVISORS
RESOLUTION 2019-08**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF COCONINO
COUNTY, ARIZONA, IN SUPPORT OF THE PERMANENT WITHDRAWAL
OF THE GRAND CANYON AND SURROUNDING WATERSHED ACREAGE
FROM MINING AND OTHER FORMS OF WITHDRAWAL AND
APPROPRIATION OF PUBLIC LANDS**

WHEREAS, Coconino County previously adopted a resolution (No. 2008-09) which stated clearly that the County "opposes uranium development on lands in the proximity of the Grand Canyon National Park and its watersheds"; and

WHEREAS, U.S. Rep. Raul Grijalva, along with 27 cosponsors including Rep. Tom O'Halleran, introduced H.R. 1373, the Grand Canyon Centennial Protection Act, on February 26th, 2019 which will prohibit all mining and other extractions within the Grand Canyon National Park and its watershed, protecting over one-million acres from mining contamination; and

WHEREAS, the negative health impacts of uranium mining are evident throughout the County and within the Grand Canyon National Park and its watershed with radioactive waste from uranium mining;

NOW THEREFORE BE IT RESOLVED, that the Coconino County Board of Supervisors reaffirms Resolution 2008-09 and opposes uranium mining in the Grand Canyon National Park and its watershed;

AND BE IT FURTHER RESOLVED, that Coconino County supports and urges passage of legislation that will permanently prohibit future mining and other forms of withdrawal and appropriation of public lands in the Grand Canyon National Park and its watershed.

PASSED and ADOPTED this 2nd day of April, 2019.

AYES: 4

NO'S: 1

ABSENT: 0

COCONINO COUNTY BOARD OF SUPERVISORS

Art Babbott, Chairman

ATTEST:

APPROVED AS TO FORM:

Lindsay Daley
Clerk of the Board

Rose Winkeler
Deputy County Attorney

**HAVASUPAI TRIBE
HAVASUPAI TRIBAL COUNCIL
SUPAI, ARIZONA**

Resolution No. 12-19

**Resolution to Support H.R. 1373 to Permanently
Ban Mining near Grand Canyon**

WHEREAS, The Havasupai Tribe is a federally recognized sovereign Indian Tribe organized on June 8, 1880 by Presidential Executive Order and subsequently by Section 16 of the Indian Reorganization Act (the "Tribe"); and

WHEREAS, The Amended Constitution of the Havasupai Tribe of the Havasupai Reservation (the "Constitution") provides, at Article V, Section 2 "The Havasupai Tribal Council may take any and all actions necessary and proper for the exercise of the foregoing powers and duties, including those powers and duties not enumerated above, and all other powers and duties now or hereafter delegated to the Tribal Council, or vested in the Tribal Council through its inherent sovereignty"; and

WHEREAS, The Constitution further provides at Article XI, "Mining, exploration, or surveying for uranium on the reservation shall be prohibited";

WHEREAS, the Havasupai, the Havasu 'Baaja, are the People of the blue-green water that emits from the Redwall-Muav aquifer at the springs on our reservation and that flows through Havasu Creek cascading over the magnificent waterfalls on its way to the Colorado River;

WHEREAS, the Redwall-Muav aquifer underlies the Coconino Plateau including the underneath the Canyon uranium mine and other proposed mines and discharges 96% of its water directly to springs and into Havasu Creek on the Havasupai Reservation;

WHEREAS, there is contaminated groundwater at the Canyon uranium mine site and it may contaminate the Redwall aquifer resulting in direct contamination to the sole source of our water which will harm our being as Havasu 'Baaja;

WHEREAS, the water from the Redwall-Muav aquifer is the sole source for all water in the Village of Supai for drinking, domestic use, tourism, livestock, and wildlife;

WHEREAS, the Tribal Council finds that the Secretarial Withdrawal of the federal lands around Grand Canyon was intended to provide scientific information about the effects of uranium mining on the land, the water, the wildlife and the people but the studies have not been adequately funded and there is much to still be studied about the harms from uranium mining;

WHEREAS, we, the Havasu 'Baaja, will be the ones who suffer the consequences of not knowing the science and not knowing the effects of uranium mining around the Grand Canyon;

WHEREAS, our aboriginal lands include the sacred site on which Canyon Mine is located, we are the Indians who lived and grew crops with water from the springs at Indian Gardens in Grand Canyon National Park, we have always lived in our canyon home and will always remain here, we cannot be relocated and remain Havasu 'Baaja;

WHEREAS, we have opposed uranium mining in this area for over 40 years and will continue to do so for all time;

WHEREAS, the United States has a trust obligation to protect us and an obligation to protect and preserve the Grand Canyon region that cannot be met if mining is permitted to continue and to increase on the Coconino Plateau.

NOW, THEREFORE BE IT RESOLVED by the Havasupai Tribal Council that we support H.R. 1373 and any similar federal legislation that will permanently ban uranium mining and the establishment of new mining claims near the Grand Canyon.

BE IT FURTHER RESOLVED, that the Tribal Chairwoman, or in her absence the Vice Chairman or designee, is hereby authorized and directed to take actions necessary to carry out the purposes of this Resolution.

CERTIFICATION

The foregoing Resolution is adopted pursuant to the authority of Article V, Section 1 of the Amended Constitution of the Havasupai Tribe, a federally recognized sovereign Indian Tribe and Article II of the Bylaws of the Havasupai Tribe at the Special Council meeting of the Tribal Council on the 15th day of March, 2019 by a vote of 4 for; 0 opposed and 3 abstained.

HAVASUPAI TRIBAL COUNCIL:

By: _____
Muriel Coochwyetewa, Chairwoman

ATTEST:

Hope Manakaja, Tribal Secretary

THE HOPI TRIBE

MEMORANDUM

TO: Stewart Koyiyumptewa, Program Manager
Hopi Cultural Preservation Office

FROM: Theresa A. Lomakema, Tribal Secretary
Hopi Tribal Council

DATE: April 12, 2019

SUBJECT: **THE HOPI TRIBE TO SUPPORT THE GRAND CANYON
CENTENNIAL PROTECTION ACT OF 2019—A.I. #023-2019/H-
025-2019**

On April 9, 2019, the Hopi Tribal Council by motion and majority vote approved the Action Item and Resolution mentioned above.

By passage of this Resolution, the Hopi Tribal Council hereby supports other governmental and non-governmental institutions and organizations that join Hopi in opposing continuing efforts to undermine the Northern Arizona Mineral Withdrawal.

Furthermore, the Hopi Tribe supports the Grand Canyon Centennial Protection Act of 2019 to permanently withdraw approximately one million acres surrounding the Grand Canyon from mineral entry under the General Mining Law of 1872.

**HOPI TRIBAL COUNCIL
RESOLUTION H-025-2019**

- WHEREAS, the Constitution and By-Laws of the Hopi Tribe, ARTICLE VI—POWERS OF THE TRIBAL COUNCIL, SECTION 1(a), (k) and (l) authorizes the Hopi Tribal Council “To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe, . . .”; “To protect the arts, crafts, traditions, and ceremonies of the Hopi Indians.”; and “To delegate any of the powers of the Council to committee’s or officers, keeping the right to review any action taken.”; and
- WHEREAS, the Hopi Tribe has repeatedly stated that past contamination from uranium mining should be cleaned up before any additional uranium mining is approved, and we oppose the continued use of the archaic 1872 Mining Law to justify uranium mining; and
- WHEREAS, the Hopi Tribe has stated that we believe the Federal, State and local governments should focus on and address the existing threat to human life and that Congress replace the 1872 Mining Law with a Sacred Sites Act and mining law fit for life in the 21st Century and into the future; and
- WHEREAS, Hopi people emerged into this World at the Grand Canyon, known to us as *Ongtupqa* or Salt Canyon. *Ongtupqa* is our birthplace as a People and these lands contain the testimony of our ancestors’ occupation and use for thousands of years, manifest in the prehistoric ruins, the rock “art” and artifacts, and the human remains of our ancestors, *Hisatsinom*, People of Long ago, who continue to inhabit them; and
- WHEREAS, the Grand Canyon is a Traditional Cultural Property of the Hopi Tribe and these “public lands” are part of our ancestral lands, and *Hopisinom* have returned to *Ongtupqa* on salt gathering pilgrimages since time immemorial and continue to do so today; and
- WHEREAS, for over a thousand years, the springs and waters of the Hopi Mesas have provided life to *Hopisinom* and the legacy of past uranium mining has left wounds on our land, our water, and our people. These wounds are not scars, for they have not healed. Two of our Villages, Upper and Lower *Munqapi* (Moenkopi) are now threatened by a uranium contaminated plume of ground water from the former Rare Metals uranium mill near Tuba City; and

- WHEREAS, *Hopisinom* and many other Native American people suffer an ongoing legacy of death by cancer, chronic health problems, and radioactive contamination including water contamination on tribal lands. We know firsthand from our experience at *Munqapi*, that the contamination will travel, that it does not stay in one place, and that it spreads contamination as it moves; and
- WHEREAS, the 1872 mining law is a 19th Century tool of archaic law used to “discover,” “claim,” and “take” Native Americans’ lands and continues today as a policy of disregard and disrespect toward the beliefs and sacred ties that Hopi and Native American people have with the Earth. The legacy of uranium mining has devastated the people and the land, and the 1872 mining law continues to destroy the land and lives of *Hopisinom*, Native Americans and Americans alike; and
- WHEREAS, over two thousand mining claims have been filed around the Grand Canyon on United States Forest Service and Bureau of Land Management lands. Therefore, we support the Proposed Action that would protect one million acres around the Grand Canyon from uranium mining and exploration by withdrawing the Tusayan Ranger District and Federal land managed by the Bureau of Land Management in the vicinity of Kanab Creek and in Rock House Valley from location, entry, and patent under the mining laws; and
- WHEREAS, *Koyanishqatsi*, told in Hopi history and prophecy, is life out of balance, or a state of life that calls for another way of living. This state of life characterizes the risks we face together in modern times. If Americans are to live together in America in the 21st Century, we must call together for another way of living. The laws of the past that are now being used against all American people must be consigned to the past and replaced with laws that support life and not destruction and death.
- NOW THEREFORE BE IT RESOLVED that the Hopi Tribe supports other governmental and non-governmental institutions and organizations that join us in opposing continuing legislative efforts to undermine the Northern Arizona Mineral Withdrawal.
- BE IT FURTHER RESOLVED that the Hopi Tribe agrees that a qualifying threat to the Grand Canyon continues to exist and we continue to offer our complete support for the Grand Canyon Centennial Protection Act of 2019 to withdraw these lands pursuant to the Federal Land Policy Management Act.
- BE IT FINALLY RESOLVED that the Hopi Tribe enthusiastically supports the Grand Canyon Centennial Act of 2019 to permanently withdraw approximately one million acres surrounding the Grand Canyon from mineral entry under the General Mining Law of 1872.

CERTIFICATION

The Hopi Tribal Council duly adopted the foregoing Resolution on April 9, 2019 at a meeting at which a quorum was present with a vote of 18 in favor, 0 opposed, 1 abstaining (Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by ARTICLE VI—POWERS OF THE TRIBAL COUNCIL, SECTION 1(a), (k), and (l) of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said Resolution is effective as of the date of adoption and does not require Secretarial approval.

Timothy L. Nuvangyaoma, Chairman
Hopi Tribal Council

ATTEST:

Theresa A. Lomakema, Tribal Secretary
Hopi Tribal Council

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 67-2009
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

**(Position of the Hualapai Tribe's Opposition to Uranium
Exploration and Mining)**

- WHEREAS**, the Hualapai Reservation encompasses approximately one-seventh of the aboriginal territory of the Hualapai Tribe, and many places outside our Reservation boundary hold religious, cultural, and historic significance for the Hualapai people; and
- WHEREAS**, many places that hold religious, cultural, and historic significance for the Hualapai people are located on lands that are currently managed by various federal agencies of the federal government, including but not limited to the areas within the Kaibab National Forest, Bureau of Land Management and National Park Service; and
- WHEREAS**, the Hualapai Tribe considers the entire Grand Canyon from rim to rim to be a culturally significant landscape which includes hundreds of particular places that hold religious and cultural significance; and
- WHEREAS**, the Federal Government has responsibilities, both legal and moral, to manage public lands in a way that shows proper respect for places that hold religious and cultural and historical importance to Indian tribes; and
- WHEREAS**, uranium exploration and mining cause many adverse humanitarian and environmental impacts that are inconsistent with the management of public lands for the preservation of the integrity of places that hold tribal religious, historical and cultural significance; and
- WHEREAS**, the federal law known as the 1872 Mining Law is an anachronism; under this law the federal government gives away valuable natural resources to private companies, with the mining claims of those private companies taking precedence over other public interests, including the public interest in preserving places that hold religious and cultural importance for Indian tribes; and
- WHEREAS**, the 1872 Mining Law was enacted during the "robber baron" era of American history; in the historical context of the relations between the Hualapai Tribe and the United States, the 1872 law was enacted at about the same time as two traumatic events in Hualapai history: the war that the U.S. Army fought against the Hualapai people from 1866 to 1868 and the forced removal of many of the Hualapai people to La Paz in 1874; and
- WHEREAS**, during the Administration of President Clinton, the Solicitor for the Department of the Interior issued a legal opinion that federal land managing agencies do have discretion to deny permission to develop mining claims, in effect, if the costs associated with mitigating damage to the environment, cultural resources and ethereal belief of a tribe would render the extraction of the minerals not economically viable (Solicitor, "Regulation of Hardrock Mining," M-36999 (Dec. 27, 1999)), the Bush Administration issued a Solicitor's opinion that reached a contrary conclusion (Solicitor, "Surface Management Provisions for Hardrock Mining," M-37007 (Oct. 23, 2001)); and
- WHEREAS**, the Department of the Interior has proposed the withdrawal of nearly one million acres of federal lands in the Grand Canyon watershed from new mining claims under the 1872 Mining Law, an action that would put these lands off limits for mineral exploration and extraction for 20 years, and which has the immediate effect of putting these lands off limits for two years while the Secretary of the Interior considers whether to make the proposed withdrawal final; and
- WHEREAS**, various federal agencies have invited public comment on proposed uranium explorations and uranium mining within areas apparently not covered by the Secretary's proposed withdrawal;

NOW THEREFORE BE IT RESOLVED THAT the Hualapai Tribe formally declares strong opposition on proposed exploratory drilling and uranium mining;

1. Commends the Secretary of the Interior for the proposed withdrawal of federal lands from claims under the 1872 Mining Law and calls for the Secretary to make a final decision to proceed with the withdrawal;
2. Opposes proposals by uranium mining companies to conduct exploratory drilling for uranium within the jurisdiction of various federal land managing agencies;
3. Calls upon the Secretary of the Interior to conduct a review of Solicitor's opinions on the regulation of hardrock mining;
4. Supports efforts in Congress to repeal or substantially amend the 1872 Mining Law;
5. Opposes exploration for uranium and uranium mining without tribal approval on all Hualapai ancestral lands including lands under the sovereign authority of the Hualapai Tribe.

CERTIFICATION

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 9 constituting a quorum were present at a Regular Council Meeting thereof held on this 3rd day of September 2009; and that the foregoing resolution was duly adopted by a vote of 9-for, 0-oppose, pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.

Wilfred Whatoname, Sr., Chairman
Hualapai Tribal Council

ATTEST:

Adeline Crozier, Assist. Secretary
Hualapai Tribal Council

NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MKE-17-058

TITLE: Opposing the Reversal of Mineral Withdrawals that Would Adversely Impact Tribal Lands, Waters, Resources, or Native People

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, because the link of Native peoples to their lands is fundamental to their identities, cultures, and populations, the NCAI has historically prioritized lands and resources issues; and

WHEREAS, in 2012, largely at the request of Tribes and other stakeholders, the prior Administration withdrew 1,006,545 acres of public lands near the Grand Canyon from new uranium and other hard rock mining claims, to protect the region and the Colorado River from environmental degradation; and

WHEREAS, Congressional members have urged the Departments of the Interior and Agriculture to review mineral withdrawals made during the previous Administration and lift those that they feel are without merit; and

WHEREAS, the mining industry has been advocating for the Administration to lift mining moratoriums and allow mineral exploration on federal lands; and

WHEREAS, expanded uranium mining near the Grand Canyon poses a threat to the health, safety and environmental integrity of the Grand Canyon region and all 40 million people who depend on Colorado River water; and

WHEREAS, uranium mining at the Grand Canyon and in other areas would pose significant risks to the waters on which nearby tribes rely, and threaten their very existence as a people.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) hereby opposes any efforts by the Administration or Congress to reverse mineral withdrawals that would negatively impact tribal lands, natural resources, cultural resources, tribal water rights, or Native people; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2017 Annual Session of the National Congress of American Indians, held at the Wisconsin Center in Milwaukee, WI, Oct 15, 2017–Oct 20, 2017, with a quorum present.

Jefferson Keel, President

ATTEST:

Juana Majel Dixon, Recording Secretary

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE
COMMITTEE'S OFFICIAL FILES]

- Letter from the Wilderness Society in support of H.R. 1373 and H.R. 2181, dated June 4, 2019.
- Testimony on H.R. 2181 by Paul F. Reed, Preservation Archaeologist, Archaeology Southwest, dated May 29, 2019.
- Letter from the National Wildlife Federation in support of H.R. 1373, dated June 5, 2019.
- Letter from the National Wildlife Federation in support of H.R. 2181, dated June 5, 2019.
- Letter from the National Parks Conservation Association in support of H.R. 1373 and H.R. 2181 from Ani Kame'enui, Director of Legislation and Policy, dated June 4, 2019.

Submissions for the Record by Rep. Haaland

- EIA paper titled, "Nuclear Explained: Where Our Uranium Comes From—Basics."
- USGS report titled, "Informing Future Decision-Making on Uranium Mining: A Coordinated Approach to Monitor and Assess Potential Environmental Impacts from Uranium Exploration and Mining on Federal Lands in the Grand Canyon Region, Arizona. Updated March 2014.
- Statement from Rep. Luján on H.R. 2181.
- Letter from multiple organizations addressed to Senators Tom Udall and Martin Heinrich, and Representatives Ben Ray Lujan, Debra Haaland, and Xochitl Torres Small in support of H.R. 2181, dated June 4, 2019.

Submissions for the Record by Rep. Grijalva

- Resolution No. 0316 from the Inter Tribal Association of Arizona and Resolution 0609 from the Inter Tribal Council of Arizona.
- Grand Canyon Trust report titled, "Uranium Mining in the Grand Canyon Region," dated January 2019.
- Boatman's Quarterly Review article by Dr. David Kreamer titled, "Uranium Mining in the Grand Canyon—Biting My Tongue In Front of Congress."
- Washington Post article by Cindy McCain and Mark Udall titled, "Congress must reach across the aisle and protect the Grand Canyon," dated February 17, 2019.
- Joint report by the Nuclear Energy Agency and the International Atomic Energy Agency titled, "Uranium 2016: Resources, Production and Demand."
- Report by the Minerals Council of Australia titled, "Submission to the United States Department of Commerce Section 232 National Security Investigation of Imports of Uranium," dated September 10, 2018.

- Comments by the Government of Canada to the U.S. Department of Commerce, submitted September 25, 2018.
- E&E article by Dylan Brown titled, “Uranium—Import quota battle heats up,” dated February 11, 2019.
- Bloomberg article by Ari Natter titled, “Uranium Imports Aren’t a Threat, Obama’s Energy Chief Says,” dated April 16, 2019.
- Heritage Foundation Backgrounder by Katie Tubb titled, “National Security Imperative Lacking, Protectionism Abounding in Section 232 Uranium Case,” dated November 2, 2018.
- FiveThirtyEight article by Maggie Koerth-Baker titled, “It’s One Thing for Trump to Like Uranium. It’s Another For Him To Save It,” dated February 21, 2018.
- Bulletin of the Atomic Scientists article by Steve Fetter and Erich Schneider titled, “The New York Times was wrong; Russian uranium deals don’t threaten world supply security,” dated May 19, 2015.

Submission for the Record by Rep. Bishop

- Letter addressed to Secretary of the Interior Salazar from Arizona State Land Commissioner Maria Baier, dated November 30, 2011.

Submissions for the Record by Rep. Gosar

- Testimony submitted by the Arizona Department of Mines and Mineral Resources from Dr. Madan Singh, dated July 21, 2009.
- Press Release from the Office of Rep. Gosar titled, “Government Land Grabs: Exposing the Truth.”
- Report from the Arizona Geological Survey titled, “Breccia-Pipe Uranium Mining in the Grand Canyon Region and Implications for Uranium Levels in Colorado River Water,” dated April 2011.
- PowerPoint presentation titled, “Northern Arizona Uranium is Key to US National Security,” dated October 2, 2018.

