Presentation for Public Hearings

# Draft Uranium Leasing Program Programmatic Environmental Impact Statement

April 2013

U.S. Department of Energy
Office of Legacy Management

U.S. DEPARTMENT OF ENERGY | Legacy Management

# Welcome

- Draft Uranium Leasing Program Programmatic Environmental Statement (Draft ULP PEIS) issued by U.S. Department of Energy (DOE) on March 15, 2013
- Public comment period has been extended to May 31, 2013
- Four hearings are being held in Colorado

  - Grand Junction (April 22, 2013);

  - Montrose (April 23, 2013);

  -Telluride (April 24, 2013); and

  - Naturita (April 25, 2013)

# Presentation Overview

- Purpose and Need for Agency Action
- Proposed Action
- Uranium Leasing Program (ULP)

Background

- Cooperating Agencies
- Consultation with USFWS
- Five Alternatives Evaluated
- Preferred Alternative
- Next Steps

# Purpose and Need for Agency Action

- To support the implementation of the Atomic Energy Act (AEA)(42 U.S.C. § § 2096-2097), which authorized and directed DOE to develop a supply of domestic uranium
- To issue leases for the mining of uranium and other source materials to effectuate the provisions of the AEA, and the implementation of the Energy Policy Act of 2005 (Public Law [P.L.]109-58)
- In support of these statutes, DOE needs to determine the future course of the ULP, including whether to continue leasing some or all of the withdrawn lands and Government-owned patented claims (referred to as "DOE-managed lands") for the exploration and production of uranium and vanadium ores.

# Proposed Action

- DOE's proposed action is to decide whether to continue the ULP and, if it decides to continue the ULP, to determine which alternative to adopt in order to manage the ULP. DOE developed the range of reasonable alternatives by carefully considering DOE's underlying need for action and comments received during the public scoping period for this Draft ULP PEIS.

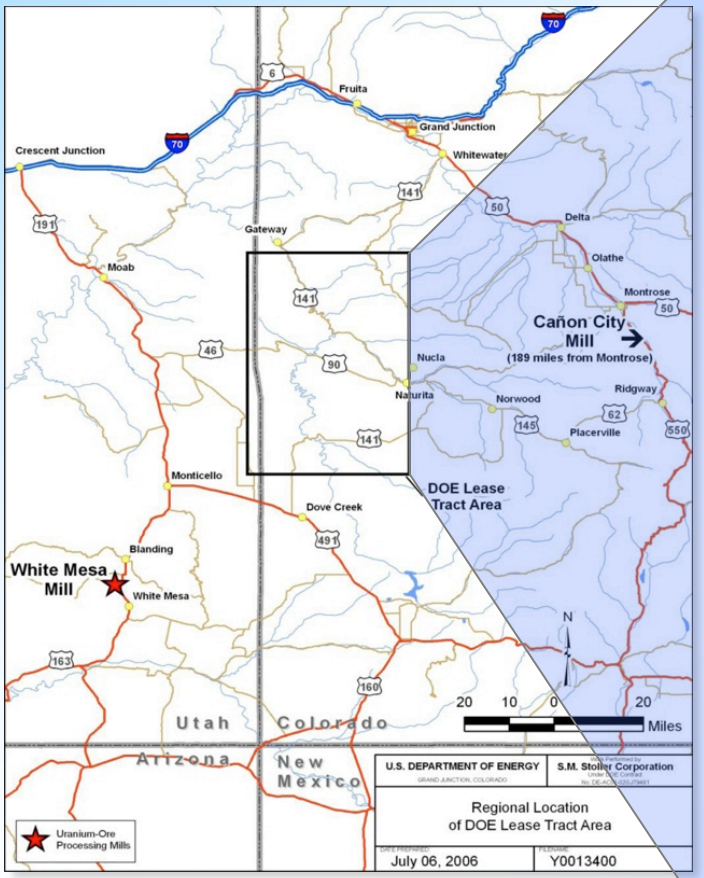
# Uranium Leasing Program Background

- The Uranium Leasing Program began in the late 1940s, when the U.S. Atomic Energy Commission was authorized to withdraw lands from public use to ensure an adequate reserve of uranium and vanadium ores and associated minerals for the nation's defense program.
- The ULP has administered the program through three previous leasing periods:
  - 1948 – 1962, 1974 – 1994 and 1996 – 2008
- These leasing periods collectively:
  - Produced 8.1 million pounds of uranium;
  - Produced 41.7 million pounds of vanadium; and
  - Generated $65 million in royalties to the federal government.

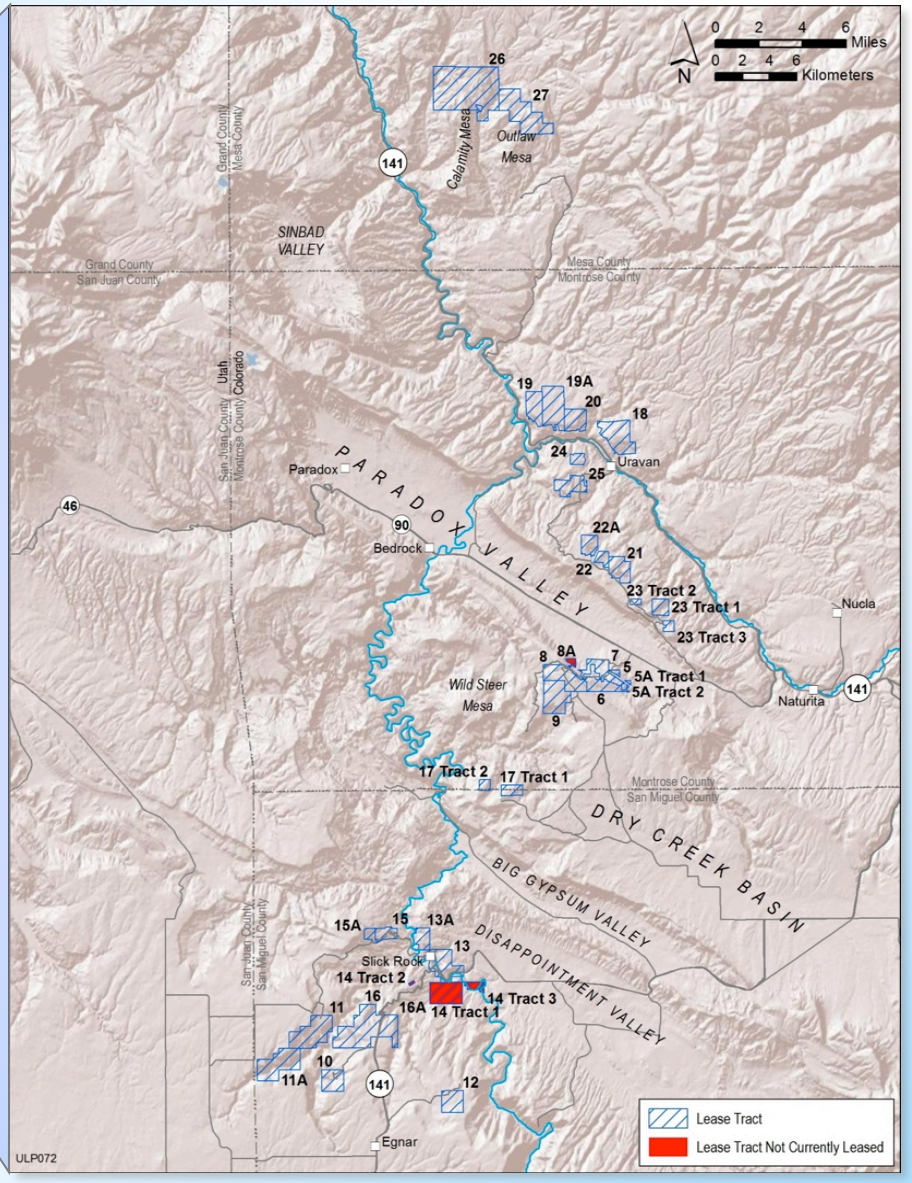
# Uranium Leasing Program Current Status

- DOE currently manages 31 lease tracts (approximately 25,000 acres), all located within the Uravan Mineral Belt in southwestern Colorado.
  - There are 29 lease tracts actively held under lease.
    - Eight of these lease tracts have existing mines on them; these mines are currently maintained in standby status.
  - Two additional lease tracts are currently inactive and will remain so indefinitely.

# Lease Tract Maps




*Regional Location Map*




*Lease Tract Location Map*

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# Uranium Leasing Program Current Status (cont.)

- After DOE published its NOI, the U.S. District Court for the District of Colorado issued two Orders in a lawsuit in which plaintiffs had alleged that DOE's July 2007 PEA and FONSI violated NEPA and the Endangered Species Act (ESA). Colorado Environmental Coalition v. DOE, No. 08-cv-1624 (D. Colo.). As a result of those two Orders, issued on Oct. 18, 2011, and Feb. 27, 2012, all the ULP leases are currently stayed

# Cooperating Agencies

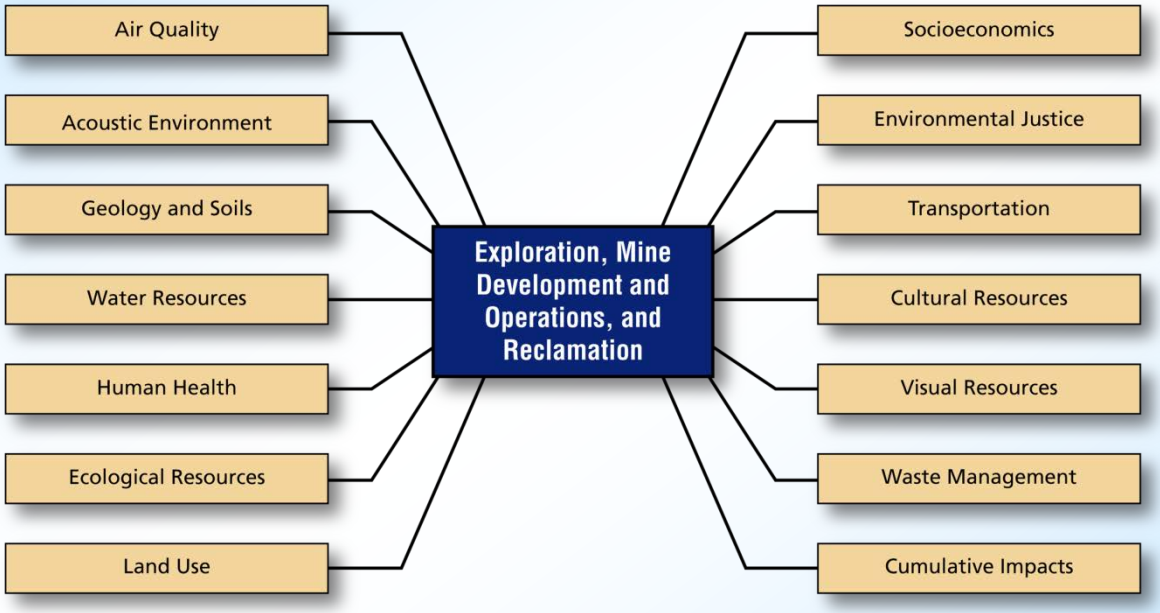
- Federal - U.S. Department of the Interior (DOI), Bureau of Land Management (BLM); and U.S. Environmental Protection Agency (EPA)
- State - Colorado Department of Transportation (CDOT); Colorado Division of Reclamation, Mining, and Safety (CDRMS); and Colorado Parks and Wildlife (CPW)
- County - Mesa County Commission; Montrose County Commission; San Juan County Commission; and San Miguel County Board of Commissioners
- American Indian Tribal Government - the Pueblo of Acoma Tribe; the Pueblo de Cochiti Tribe; the Pueblo de Isleta Tribe; the Navajo Nation; and the Southern Ute Indian Tribe.

# Consultation with USFWS

- Section 7 of the ESA requires Federal agencies to consider the effect of their undertakings on species listed under the ESA and to consult with the U.S. Fish and Wildlife Service (USFWS) to ensure that the action or actions that they fund, authorize, or permit are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of the critical habitat of such species
- DOE and the USFWS have been in informal consultation, and DOE has submitted a biological assessment (BA)
- The BA finds that ULP activities would have no effect on 8 species and on the designated critical habitat for 5 species. ULP activities may affect, but are not likely to adversely affect 9 species or the critical habitat for the 4 Colorado River endangered fish species (Note that the determination for the endangered fish species has been reassessed recently and will be revised to “may affect, and are likely to adversely affect”)

# What Was Evaluated in the Draft ULP PEIS

- **Fourteen Environmental Resource Areas Were Evaluated for Potential Impacts from Exploration, Mine Development and Operations, and Reclamation:**




- Site-specific information on the lease tracts was used as the basis for the evaluation. The information includes the location of existing permitted mine(s), activities conducted to date, amount of ore generated, and royalty realized.

# What Was Evaluated in the Draft ULP PEIS (cont.)

- **Cumulative Impacts -** Potential impacts from the alternatives are considered in combination with impacts of past, present, and reasonably foreseeable future actions.
- **Measures to Minimize or Prevent Potential Impacts are also identified for all phases of mining -** exploration, mine development and operations, and reclamation.
- Three categories of measures apply to ULP activities: (1) *Compliance measures – required by applicable regulations,* (2) *Mitigation measures – required by DOE as identified in current leases or that could be added to the leases when modified,* and (3) *Best management practices or BMPs – best industry practices and activities that should be considered, as practicable.*

# Five Alternatives Evaluated

- *Alternative 1:* DOE would terminate all leases, and all operations would be reclaimed by lessees. DOE would continue to manage the withdrawn lands, without leasing, in accordance with applicable requirements.
- *Alternative 2:* Same as Alternative 1, except once reclamation was completed by lessees, DOE would relinquish the lands in accordance with 43 CFR Part 2370. If DOI/BLM determines, in accordance with that same Part of the CFR, the lands were suitable to be managed as public domain lands, they would be managed by BLM under its multiple use policies. DOE's uranium leasing program would end.

# Five Alternatives (Continued)

- *Alternative 3:* DOE would continue the ULP as it existed before July 2007 with the 13 then-active leases, for the next 10-year period or for another reasonable period, and DOE would terminate the remaining leases.
- *Alternative 4:* DOE would continue the ULP with the 31 lease tracts for the next 10-year period or for another reasonable period.
- *Alternative 5:* This is the No Action Alternative, under which DOE would continue the ULP with the 31 lease tracts for the remainder of the 10-year period, as the leases were when they were issued in 2008.

# Preferred Alternative is Alternative 4

- DOE's preferred alternative for the management of the ULP is Alternative 4. DOE would continue to allow, after appropriate NEPA analysis, the exploration, mine development and operations, and reclamation of uranium mines on the 31 lease tracts that are being managed under the DOE ULP.
- Assumed and evaluated the exploration, mine development and operations, and reclamation of as many as 19 mines (of various sizes) in operation at the same time.

# Potential Impacts of the Five Alternatives

*The Draft PEIS evaluations of the five alternatives for the various resource areas indicate that the potential impacts are generally negligible to moderate.*

- Alternatives 1 and 2 – DOE would terminate all existing leases and all activities would be reclaimed by the lessees. Potential impacts could result from reclamation activities only. Potential impacts from future use of the lands could result from Alternative 2.
- Alternatives 3, 4, and 5 – Potential impacts for Alternative 3 would be less than Alternatives 4 and 5 resulting from exploration, mine development and operations, and reclamation activities on 12 versus 31 lease tracts.
- Alternative 5 could result in the highest annual potential impacts of all the alternatives, primarily because the assumptions used as basis for the analysis require the most activities, area of disturbance, ore tonnage generated, and water utilized.

# Potential Impacts of the Five Alternatives (cont.)

- Potential cumulative impacts on the various environmental resources (e.g., air quality, water quality, soils, ecological resources, socioeconomics, transportation) and human health from various past, present, and reasonably foreseeable projects and activities within the 50-mi (80-km) region of influence, when added to activities related to the ULP, would vary by resource but would generally range from negligible to moderate. The overall contribution of the ULP to these impacts is considered to be minor
- With the implementation of compliance measures, mitigation measures, and suggested best management practices, potential impacts from ULP activities are expected to be minimized and would be in compliance

# Next Steps

- Consider public comments in preparing the Final PEIS
- Issue Final PEIS (planned Fourth Quarter Calendar Year 2013)
- Issue Record of Decision (planned First Quarter Calendar Year 2014)

# For Further Information

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- You can continue to stay informed by visiting the ULP PEIS website at:
  http://ulpeis.anl.gov