

BEFORE CHIP CAMERON, FACILITATOR

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IN RE: U.S. Department of Energy Draft Uranium :
Leasing Program Programmatic Environmental Impact :
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Naturita, Colorado
Thursday, April 25, 2013

PURSUANT TO NOTICE to all parties in
interest, the above-entitled matter came on for
public hearing on Thursday, April 25, 2013,
commencing at 7:03 p.m., at 141 West Main Street,
Naturita, Colorado, before Candice F. Flowers,
Certified Shorthand Reporter.

1 P R O C E E D I N G S

2 MR. CAMERON: Good evening,
3 everyone. I'm Chip Cameron, and I want to welcome
4 you to the Department of Energy's public hearing on
5 the department's Draft Uranium Leasing Program,
6 Programmatic Environmental Impact Statement. We
7 are going to try to not bombard you with a lot of
8 acronyms tonight, but one that you are going to
9 hear is PEIS, and that stands for Programmatic
10 Environmental Impact Statement.

11 And it's my pleasure to serve as your
12 facilitator for tonight's meeting; and in that
13 role, I'm going to try to help all of you have a
14 productive meeting tonight. I'm a private
15 contractor working for Argonne National Lab in
16 Chicago, who is giving support to the Department of
17 Energy on this Programmatic Environmental Impact
18 Statement.

19 I just want to go over a few logistics
20 with you so that you know what to expect, and I
21 want to tell you about the objectives for the
22 meeting; secondly, the agenda for the meeting; and
23 third, just to talk about some simple guidelines
24 that will help us to have a productive meeting
25 tonight.

1 In terms of the objectives for the
2 meeting, there are two objectives, and the first
3 one is to give you information about what's in the
4 PEIS. And in a few minutes, Ray Plienness, who is
5 right here, from the Department of Energy will be
6 giving you an overview of the PEIS.

7 And the second objective, and the
8 important one, is to hear your comments, your
9 concerns, your advice, your recommendations, on the
10 alternatives and potential impacts that are
11 identified in the PEIS.

12 The Department has also requested written
13 comments on the PEIS, and that comment period has
14 been extended from May 16th to May 31st. And Ray
15 will tell you a little bit more about that. And
16 hopefully what you hear from Ray in his
17 presentation and what you hear from Ray and the
18 experts who are supporting the Department, both
19 before we started and after the meeting, hopefully
20 that will help you to prepare your written comments
21 if you want to submit any.

22 But I just want to assure you that
23 anything that you say to the Department tonight
24 will carry as much weight as the written comments,
25 and you can do both. You can speak tonight and you

1 can submit a written comment, if you want. And we
2 do have a sign-up sheet for people who want to talk
3 tonight. We are taking a transcript, and Candice
4 over here is our court reporter, and that
5 transcript will be publicly available to all of
6 you.

7 The agenda for the meeting tonight is
8 straightforward. After I'm done, we are going to
9 have Ray come up and talk about the draft PEIS.
10 After Ray's done, we are going to go straight to
11 listening to you; listening to you who have signed
12 up to speak tonight. And what I'll do is I will
13 call your name and ask you to come up here and talk
14 to us tonight.

15 After we're done with the comments, we
16 are going to go into an informal session by the
17 posters, because the posters have a lot of
18 information. And the informal session is going to
19 give you an opportunity to talk as much as you want
20 to the Department and the Department's experts
21 about the draft PEIS; ask questions about it, talk
22 about concerns, whatever. So that's where we'll
23 finish the evening up.

24 In terms of guidelines for the meeting
25 tonight, I'm going to ask you to follow a

1 four-minute time for your comments tonight. And we
2 can afford to be liberal with that, but at some
3 point in that four-minute range, I might have to
4 ask you to sum up for us then. That's the time
5 limit that we have been using in all the other
6 meetings that we have been talking about.

7 Secondly, the Department is here to
8 listen carefully to what you have to say tonight,
9 so they are not going to be responding to you after
10 you give your comment, but they will carefully
11 consider your comments as they prepare the final
12 environmental impact statement.

13 And with that, I'm going to ask Ray
14 Plieness to come up, and he is the document manager
15 for this Programmatic Environmental Impact
16 Statement, and he is also the hearing officer
17 tonight. So I'm going to turn it over to Ray.

18 MR. PLIENESS: Thank you, Chip. I
19 see that most of the people are on that side. This
20 is aiming that way. I had a similar problem last
21 night in Telluride, so I'm going to go ahead and
22 just set myself up correctly the first time and not
23 let this be where it is just because it is. Can
24 everybody see the screen and me? All right.

25 As Chip mentioned, I am Ray Plieness with

1 the Office of Legacy Management, Department of
2 Energy. Tonight we are here to talk about a
3 document that's about 1,200 pages between the
4 summary as well as two volumes. We've put a lot of
5 technical effort into that document to try to
6 understand and consider the impacts that this
7 program would have on the environment, but what's
8 really missing is public input. That's what this
9 four-day tour has really been about, is to try to
10 get out into the local areas and understand the
11 concerns as well as the thoughts on our
12 alternatives from the public.

13 We were in Grand Junction on Monday
14 night, Montrose Tuesday. Last night we were in
15 Telluride, and the final meeting for the PEIS draft
16 public hearing is here in Naturita today.

17 The presentation overview, we'll talk a
18 little bit about the purpose and need for this
19 document; the proposed action of the document; then
20 into the uranium lease history, a little bit about
21 the background; as well as cooperating agencies, a
22 critical part of the document and critical
23 assistance for us in developing that document;
24 consultation with the Fish and Wildlife Service,
25 the status of that to date; as well as the five

1 alternatives, including the preferred alternative;
2 and last but not least, the next steps.

3 The purpose and need for this action is
4 basically summarized in two activities: One is the
5 Atomic Energy Act and the other is the 2005 Energy
6 Policy Act. Those basically identify the need for
7 a domestic uranium supply, and our action really is
8 to consider our Uranium Leasing Program.

9 The proposed action takes into
10 consideration that mission requirement and will
11 evaluate basically two things: First and foremost,
12 should we continue this program, and if we do
13 continue the program, what management structure and
14 approach do we take to that program in the future.

15 Little bit of history about the Uranium
16 Lease Program. There were three previous programs.
17 It started back in 1940 -- actually, 1948 to '62
18 was the first program, '74 to '94, and then we
19 moved on to a program in '96 to 2008. From that
20 program with those three periods, the leased tracts
21 produced 8 million pounds of uranium, 42 million
22 pounds of vanadium, and generated \$65 million in
23 royalties.

24 The royalties in this program come from
25 two sources: There is an annual royalty paid

1 whether there's any production or not. That helps
2 us pay for the administration of this program. And
3 then there is also the royalty for production. If
4 there is actually ore taken out, there is a royalty
5 required to be paid.

6 Currently the program administers 31
7 lease tracts of which 29 of those tracts are
8 leased. On those lease tracts, we have nine mines.
9 Those are all associated with eight lease tracts.
10 Two additional lease tracts are currently not
11 active. The program of -- the lease tracts
12 basically run along Highway 141, south of Gateway,
13 north of Egnar and in between.

14 In proceeding with this program, that
15 NOI -- I know Chip said we wouldn't use acronyms,
16 but that's the notice of intent. The notice of
17 intent to develop the PEIS came in July 2007.
18 Almost a couple of -- approximately four months
19 later, under a lawsuit, the program was put into a
20 stay status. We were sued, and the lawsuit
21 basically indicates that we were not adequately
22 identifying within our -- at that time, it was a
23 Programmatic Environmental Assessment. We had not
24 adequately evaluated endangered species, and we
25 also had violated NEPA.

1 Based on that fact, we had a judgment
2 against us. A court order on October 18 said we
3 could not do any more actions on the lease tracts.
4 After that, there was a petition to allow health
5 and safety issues on the lease tracts, as well as
6 noxious weed management and other management things
7 that were protective of people and health but would
8 not continue any mining operation or advance that
9 type of an operation, and that was accepted by the
10 judge.

11 In the development of this PEIS, we had a
12 lot of help from partners that know various areas
13 about wildlife, roads, those types of activities.
14 On the federal side, the Bureau of Land Management
15 assisted. The 25,000 acres that are actually
16 withdrawn, they manage the surface. So if we don't
17 have mining activity, they still have
18 responsibility for the surface and we work with
19 them to collectively work on multi-use for the
20 remainder of the lease tracts, as well as the
21 Environmental Protection Agency, which provided a
22 lot of information on ecological considerations and
23 other regulatory rules on the environment.

24 The State of Colorado had three
25 participants: The Department of Transportation for

1 all the transportation issues that would be
2 associated with this program. The Division of
3 Reclamation, Mining and Safety. They manage not
4 only all the mines off the lease tracts, but if
5 there is a mine on a lease tract, they are a very
6 active participant and the regulations that they
7 have apply to these lease tracts as they would any
8 other mine in the state of Colorado. And last but
9 not least, the Colorado Parks and Wildlife for the
10 endangered species as well as other wildlife
11 considerations.

12 We also had four county groups
13 participate: Mesa, Montrose, as well as San Juan
14 and San Miguel Counties participated in the
15 process, and we had five Indian tribes elect to be
16 cooperating agencies as well.

17 Consultation of Fish and Wildlife
18 Service, we started informal consultation about a
19 year ago. We have basically come to the conclusion
20 that for the majority of the endangered species, we
21 would not have a negative impact on the species or
22 on their critical habitat. We believed that was
23 true for all activities for all species. In our
24 last consultation, however, for water depletion,
25 anything in the upper Colorado River, any water

1 depletion above .1 acre-feet is considered an
2 adverse effect. Our program at its peak, assuming
3 19 mines, would use up to 19.1 acre-feet per year,
4 and consequently we will be in formal consultation
5 with the Fish and Wildlife Service.

6 So what did we evaluate in the PEIS?
7 Basically, 14 resource areas were considered, from
8 air quality, acoustic environment, transportation,
9 cultural resources, as well as visual resources. I
10 won't go through the list entirely, but what we
11 used for information on this is site-specific
12 information as well as any other information we
13 could acquire from either national or international
14 sources.

15 We tried our best to do everything on a
16 conservative basis in consideration of what those
17 impacts might be, but basically in three areas:
18 Exploration, mine development, as well as
19 reclamation. So we considered each of these
20 resource areas against those activities. I think
21 the impacts are summarized -- they are on a board
22 over here, but they are also summarized in Tables
23 4.1 and 4.7 of the summary that was also available.

24 Another critical thing that was evaluated
25 was cumulative impacts. Those are the impacts of

1 this action added on to the other activities that
2 are either past, present, or foreseeable that are
3 in the regional area that this could impact. We
4 used a 50-mile radius from the lease tracts.
5 That's identified in the PEIS. We find from that
6 that once we come up with the impacts, we also look
7 at ways to minimize those impacts. Our cooperating
8 agencies have a lot of input on this and
9 assistance. They came up with a lot of things that
10 they said, well, if we impact that resource, here's
11 ways to minimize that impact.

12 We categorized those into three things:
13 Compliance measures, those are things that are
14 required by a federal, state, or local law.
15 Mitigation measures, these are things that are
16 either in the existing leases as we administer them
17 today or could be added to the leases. And then
18 there are those things we call best management
19 practices. And those are things the industry does
20 on a routine basis as just something that happens
21 in part of doing their work.

22 The five alternatives: Alternative 1 I
23 would classify as your no mining alternative. It
24 would basically reclaim the nine mines that exist
25 and any other contamination or any other areas that

1 are impacted by historical activities, and we would
2 then put them in a position where DOE would still
3 maintain the program but would not allow leasing at
4 this time. It wouldn't mean that leasing couldn't
5 happen in the future activity, but in accordance
6 with this evaluation, it would put a hold on it
7 until another evaluation was done.

8 Alternative 2 would be very similar to
9 Alternative 1, with the exception that after
10 reclamation was completed, we would work towards
11 moving into the Department of Interior and Bureau
12 of Land Management for their multiple use program.
13 They actually would have a right of refusal, but we
14 would hope to work with them to allow the land to
15 go back to the public domain to be available for
16 their use as they see fit.

17 Alternative 3 would take us back to 2007
18 before we had the Programmatic Environmental
19 Assessment. There were 13 lease tracts at that
20 time that were leased. We would go back to that
21 period and allow those leases to continue for ten
22 more years or a reasonable time past that.

23 Alternative 4, our preferred alternative,
24 would continue the 31 lease tracts that we
25 identified earlier for a ten-year period or another

1 reasonable period. Another reasonable period,
2 that's not a lot longer than that but maybe a
3 little longer than that.

4 Last but not least is Alternative 5. The
5 difference between Alternative 4 and 5 is time.
6 The leases -- the existing leases we have, 29 of
7 them, were signed in 2008. This alternative would
8 allow them to continue for the ten-year lease
9 period they started with, so they would be
10 completed in 2018, versus Alternative 4, which the
11 ten years would start at the end of this process if
12 it was selected as the alternative we proceed with.
13 So basically those two are just a time issue.

14 The preferred alternative is Alternative
15 4, as I mentioned. After evaluation of this
16 particular alternative for 31 lease tracts, it
17 assumed 19 mines were operating at any given time;
18 and in operation, that means they have already been
19 developed and are actually mining. All of our
20 transportation and other resource considerations
21 are based on that assumption. At the maximum lease
22 tract activity in 1980, we had 20 mines operating,
23 so it's a little less than that, but we think
24 that's a reasonable peak, 19 mines.

25 Potential impacts: All five alternatives

1 for various resource areas indicate impacts. Our
2 potential impacts are generally between negligible
3 to moderate. Alternatives 1 and 2, their impacts
4 are based on reclamation and would have the least
5 potential impacts. Alternatives 3, 4, and 5 would
6 have more potential impacts and basically
7 graduated. 3 would have less than 4, 4 would have
8 less than 5. The reason 5 would have more impacts
9 than 4, even though the resource availability on 31
10 lease tracts is the same, is based on the timing.
11 Alternative 5 would require that activity to happen
12 in a shorter time frame.

13 Potential cumulative impacts: We find
14 that the overall contribution of the Uranium
15 Leasing Program to cumulative impacts within the
16 50-mile region would be considered minor.
17 Generally, the range of overall cumulative impacts
18 would be between negligible and moderate. With the
19 implementation of compliance measures, mitigation
20 measures, as well as any other best management
21 practices, we believe that the ULP activities would
22 be in compliance with all federal, state, and local
23 laws.

24 We started this process on June 21st,
25 2011, and we presently have a draft that was

1 submitted on March 15th of this year. The comment
2 period is presently set to conclude May 31st of
3 this year. So that's a -- a critical part for us
4 is coming out and talking about this, getting
5 comments. With that, we would take the comments
6 back to analyze each and every one of them and come
7 up with what we call our final Programmatic
8 Environmental Impact Statement. We expect to do
9 that by the end of this calendar year, sometime in
10 the December time frame.

11 And then most critical, for those that
12 really want to know what are you really going to
13 do. That's called a record of decision, and that
14 is really when we say, we have done all this
15 documentation and this is what we are going to do:
16 Either select an alternative that's existing,
17 modify it, or something else, but it is the record
18 of decision that determines where we go in the long
19 term. We expect to have that done by March of next
20 year.

21 With that, I want to just re-emphasize
22 for me personally, it's been an interesting trek
23 over the last four days. I really applaud and
24 appreciate your personal time. I know you are
25 taking your personal time to come out to these

1 meetings.

2 Chip, please.

3 MR. CAMERON: Thank you, Ray. It's
4 time now to listen to your perspectives on this,
5 and we are going to go first to Tony Lobato, then
6 Jane Thompson and John Reams.

7 TONY LOBATO: My name is Tony
8 Lobato. I have got a couple observations from this
9 program, which I support, by the way. Since the
10 conception of the DOE and the drilling of all the
11 lands around here, not only the ones that are
12 currently withdrawn, since the DOE basically
13 outlined the Uravan Mineral Belt and the vast
14 amount of that is currently held by private
15 companies and individuals, such as me -- I
16 currently have 50 mining claims in my name and as
17 an agent for 425 more, is there any way we could
18 possibly curtail this environmental impact
19 statement in part or all in the future when they
20 required us to do it --

21 THE COURT REPORTER: I can't hear
22 you, sir.

23 TONY LOBATO: I would really
24 appreciate it if there is some way we can
25 re-implement it because in the beginning, the DOE

1 has done all the drilling on the Uravan Mineral
2 Belt, not just what they have got reserved. Thank
3 you.

4 MR. CAMERON: Thank you for your
5 comment. We are going to go to John Reams.

6 JOHN REAMS: My name is John Reams.
7 I live in Naturita. And on behalf of the Western
8 Small Miners Association, which I'm the president
9 of, we really support Alternative 4. That makes
10 the most sense to us. So we will probably put a
11 written comment together with the other stuff later
12 for you.

13 As an owner of a construction company,
14 Reams Construction Company, we have worked on the
15 reclamation of a lot of these original leases where
16 they were shut down and reclaimed, and they were
17 done very well. So we've worked for the DOE on
18 that through different contractors to do the
19 reclamation. The reclamation was done well, so I
20 don't have any problem with the way these things
21 will get reclaimed in the end.

22 And then also with the other hat on, as
23 the owner of Tomcat Mining Corporation, we actually
24 worked for Cotter Corporation in contract mining.
25 And we know how Cotter did with the mines they had

1 and how well they were taken care of.

2 So with that, I support Alternative 4
3 with all these others. Thank you.

4 MR. CAMERON: Thank you, John.
5 We're going to go to Glen Miller next and then Troy
6 Wallace.

7 GLEN WILLIAMS: My name is Glen
8 Williams with Cotter Corporation out of Nucla. I'm
9 a big proponent of responsible natural resource
10 development. And I believe that all these lease
11 tracts that the DOE has, we should try to develop
12 them and produce the ores we can responsibly
13 produce from them as much as we can.

14 The program has been in place for a long
15 time. I believe it's effective. I believe it's
16 employed quite a few people, paid a lot of
17 royalties to DOE, and I just feel that with the way
18 the mine permitting is going these days, bonds are
19 substantial and they cover everything I have seen
20 that needs to be covered with any of the
21 reclamation activities that are required on these
22 mines these days. And I feel that it's a good way
23 to go. It will help the area.

24 The one alternative that I would not
25 recommend is the Alternative 1. It seems to me

1 that if DOE was to find that they were not going to
2 lease the properties out anymore, there is no
3 reason for them to manage them and they should
4 return them to the public domain so that those
5 minerals could be mined by private individuals on
6 BLM ground. It's multiple purpose and mining is
7 part of that program, so that's all I have. Thank
8 you very much.

9 MR. CAMERON: Thank you, Glen. I
10 saw that you looked a little bit confused when I
11 called you down here because I said Glen Miller
12 instead of Glen Williams, and we actually did have
13 a gentleman named Glen Miller at the Grand Junction
14 meeting, but that's Glen Williams. Troy Wallace.

15 TROY WALLACE: I had second thoughts
16 about talking, but working on the newspaper, I get
17 a lot of comments that have to do with junk science
18 from watching all these movies about zombies and
19 other things like that, and I just want to
20 encourage the use of sound science.

21 My uncle and grandfather worked in Uravan
22 and my mother and my grandmother lived there. My
23 grandmother is still living today and she's in her
24 90s and my grandfather died in his 90s. So I
25 really don't think that it limits your life span.

1 And as far as I know, I'm not a mutant and she
2 lived in Uravan before I was born. I think there's
3 a lot of junk science that has influenced all these
4 impact statements and everything else.

5 Basically that's what I have to say, is
6 just we need to go by science and not by emotions
7 from other areas.

8 MR. CAMERON: Thanks, Troy. Is
9 there anybody else who wants to come up and talk to
10 us?

11 Jane, do you want to reconsider?

12 JANE THOMPSON: My name is Jane
13 Thompson, and I'm the president of the Rimrock
14 Historical Society. We are working very hard right
15 now to preserve the history of the Uravan Mineral
16 Belt, the town of Uravan, and the uranium mining
17 industry, which we are all very proud of.

18 I would also like to say that I'm third
19 generation to live in Uravan. My grandparents
20 moved there when there were no houses. They lived
21 in a tent town. The Rimrockers just leased from
22 the County 17 acres in Uravan that the County just
23 had acquired from Dow Chemical, and we plan to
24 build a museum and an RV park to sustain the
25 museum. And we would appreciate the support and we

1 are very, very proud of our uranium history.

2 MR. CAMERON: Thanks, Jane.

3 We still have time for anybody else who
4 might want to come up and talk. If we don't have
5 anybody else now, Ray is going to come up and close
6 this part of the meeting out for us, and then we
7 are going to adjourn to the posters and just talk
8 about whatever you want to talk about with Ray and
9 the DOE experts. Ray.

10 MR. PLIENESS: Thank you. What will
11 happen from here is comments that we receive will
12 become a part of the record, as well as all written
13 comments that we get by May 31st. In addition, any
14 comments that we receive after May 31st that we can
15 still utilize in our evaluation, we'll do so. From
16 that, we will develop a response-to-comments
17 document and make any changes and recommendations
18 that we need to in the final EIS. So from these
19 comments -- without a doubt, there will be changes
20 to the final EIS. What those will be will still be
21 determined by the comments. So each and every one
22 of your comments will be considered and ultimately
23 be provided to the decision-makers before they make
24 their final record of decision sometime early next
25 year.

1 I want to thank you all again for coming
2 out. I know it is your personal time and with that
3 comes responsibilities at home and other things. I
4 just -- it brings out good emotions in me when a
5 lot of people decide to come out and spend their
6 time providing input to the system, so thank you.
7 And please do take an opportunity to see anybody
8 with one of these white badges. If you have any
9 questions, please take the time to ask. Thank you.

10 (Proceedings concluded at 7:37 p.m.)

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