

DOE ULP PEIS Public Scoping Meeting
August 11, 2011

IN RE:

Notice of Intent to Prepare the Draft Programmatic
Environmental Impact Statement for the Uranium Leasing
Program.

PURSUANT TO NOTICE to all parties in interest, the
above-entitled matter came on for public hearing on
Thursday, August 11, 2011, commencing at 7:00 p.m., at
117 S. Main Street, Monticello, Utah, before Lisa
Persichitte Reed, Certified Realtime Reporter within
and for the State of Colorado.

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

2 MS. DEBORAH SULLIVAN: Would you like us to
3 record your statement, or would you prefer that we go
4 through the entire meeting?

5 MR. JOHN WEISHEIT: Well, I was --

6 MS. DEBORAH SULLIVAN: It is entirely up to
7 you. You are our sole attendee. I would like to give
8 you the option. We will do the entire presentation
9 again for your benefit, or our court reporter will be -
10 - is here and will take your comment.

11 MR. JOHN WEISHEIT: Well, why don't we go
12 ahead and do it, because somebody might show up.

13 MS. LAURA KILPATRICK: We've been practicing
14 all week.

15 MS. DEBORAH SULLIVAN: Good evening. Welcome
16 to this public scoping meeting for the notice of intent
17 to prepare the draft Programmatic Environmental Impact
18 Statement for the Uranium Leasing Program.

19 The development of a Programmatic
20 Environmental Impact Statement, or PEIS, as it will be
21 referred to for the rest of the evening, for this
22 project by the Department of Energy's Office of Legacy
23 Management is required by the National Environmental
24 Policy Act, NEPA.

25 My name is Deborah Sullivan, and I will serve

1 as the facilitator for this event. My role is to
2 ensure that this meeting runs on schedule and that
3 everyone has an opportunity to speak. I am with the
4 Department of Energy's Office of Legacy Management.

5 There are two main purposes for tonight's
6 meeting. First, to provide you an overview of the
7 purpose and need, proposed action, and proposed
8 alternatives being considered for evaluation, and how
9 you can participate in this NEPA process.

10 Second, and most importantly, is to receive
11 and record your formal comments on the scope of the
12 draft PEIS. We anticipate that this program -- this
13 portion of the program will begin at approximately
14 7:15.

15 The agenda for tonight's meeting reflects
16 these purposes. We will begin with DOE's overview
17 presentation by Laura Kilpatrick regarding the proposed
18 scope of the PEIS, as indicated in the notice of
19 intent. Laura is the DOE program manager for the
20 Uranium Leasing Program. If you would like to provide
21 oral comments at this meeting and haven't signed up
22 yet, please do so at the registration table. Your
23 comments will be transcribed by the court reporter and
24 made part of the administrative record.

25 We will now proceed with the DOE overview

1 presentation.

2 MS. LAURA KILPATRICK: Thank you. So Laura
3 Kilpatrick, I'm the ULP program manager. And as
4 Deborah stated, the first thing we're going to do is
5 give you an overview. We're going to talk about the
6 purpose and the need for our action. We're going to
7 talk about the proposed action, the program's
8 background, the proposed alternatives, and the next
9 step.

10 With regard to the purpose and need for the
11 DOE action, the Environmental Assessment that we did in
12 2007 did say that we would continue to do all the NEPA
13 that was required in the future for all activities that
14 were upcoming. And we have gotten information from
15 some of the lessees that they would like to do extended
16 exploration plans, and we're thinking that mining plans
17 are forthcoming. Because of the fact that the Pinon
18 Ridge Mill is not yet online, but will be built in the
19 next couple of years, and the price of uranium is low,
20 we thought it was a good time to do all this. So we
21 are trying to figure out how we should proceed in the
22 future.

23 And basically, we're trying to decide if we
24 should continue the way the Programmatic Environmental
25 Assessment indicated we would with the extended leasing

1 program or not. That is part of it, which is why, as
2 you know, when we looked at all of our alternatives, we
3 ended up with a couple things that we potentially could
4 look at or not.

5 The ULP program background, the program
6 started in the 1940s by the Atomic Energy Commission.
7 And initially, the BLM withdrew approximately 700,000
8 acres to DOE -- well, to AEC at that time. And AEC and
9 the USGS went through all the geological data and
10 determined that -- actually, created the data and went
11 through all it, and determined that approximately
12 25,000 acres out of the 700,000 acres were the most
13 viable acreage, and the rest of the acreage was
14 relinquished back to BLM.

15 There were previously three periods of time
16 during which the program has been administered. And
17 there was a misunderstanding last night, so I'll just
18 clarify. During those three periods of time, so 1948
19 to 1962, 1974 to 1994, and 1996 to 2008, those periods
20 collectively produced 8.1 million pounds of uranium,
21 41.7 million pounds of vanadium, and generated \$65
22 million in production royalties to the federal
23 government.

24 DOE currently manages 31 lease tracts, which
25 is 25,000 acres approximately. It's all located within

1 the Uravan Mineral Belt in southwestern Colorado. There
2 are currently 29 lease tracts actively held. One of
3 them was combined -- well, actually two of them were
4 combined, 7 and 7A, and one of them was dropped by the
5 lessee. They chose not to pay the royalties.

6 Those two -- well, the second tract, the one
7 where the royalties weren't paid and another one which
8 we never let, which was too close to the river, those
9 two are going to be out there and just left inactive
10 for the duration until we know for sure what we're
11 going to do.

12 And you have a map in your package. I think
13 it's a folded one, right?

14 MR. JOHN WEISHEIT: Yes.

15 MS. LAURA KILPATRICK: So if you look at that
16 one, it might actually be easier, because it seems like
17 every time I do this, you can't see the color.

18 But Ed calculated for me some acreage
19 numbers, which is pretty helpful, which I didn't
20 actually have on Tuesday, just so you know, at least I
21 don't think I did. I didn't have it Monday for sure.

22 So basically, if you look at the rectangle in
23 the left picture, you can see where all the lease
24 tracts are located. If you look at the one on the
25 right-hand side, Ed calculated for me that that

1 comprises approximately 830,000 acres. And of that, we
2 have 25,000 acres. So when you look at the lease
3 tracts, that is a total. And that's approximately 3
4 percent. And two-thirds of the remainder is public
5 land owned by BLM or the Forest Service, and one-third
6 is owned by private, state, or mixed ownership. So
7 that at least gives you that kind of information.

8 The five alternatives -- I wanted to clarify
9 a little bit between 1 and 2 because, actually, in
10 Telluride, it seems maybe I wasn't quite clear, and
11 people were expressing opinions that I think if they
12 understood a little better, they might not have.

13 But the first two alternatives are to
14 terminate the leases. The first one, though -- the
15 difference between the two is the first one is to
16 terminate the leases, reclaim everything, and then hold
17 them in case in the future we ever need them.

18 The second one, though, is to terminate the
19 leases, clean everything up, and relinquish back to
20 BLM. In that event, we have absolutely no control over
21 what happens, but it's hard for me to picture that they
22 wouldn't be relet, because they were the best acreage
23 out there in the first place, so that is the
24 distinction there.

25 The third alternative is, basically, just to

1 continue as we were before the programmatic EA, and
2 that was we would just have the 13 previously existing
3 leases on which there are currently eight mines that
4 are in abeyance, and we canceled the 18. That is sort
5 of that idea.

6 MR. JOHN WEISHEIT: So out of the 31, 18 were
7 canceled and 13 were held?

8 MS. LAURA KILPATRICK: Right. Exactly. And
9 then the fourth one -- the difference between the
10 fourth and the fifth would be that the fourth one would
11 basically be going with the July 2007 programmatic EA
12 and the FONSI, the Finding of No Significant Impact.

13 But in addition to that -- so in addition to
14 having 31 leases, in addition to that, the idea would
15 be to look at whether it makes sense to have a longer
16 term, because -- I mean, really, it's a pretty big
17 process every time, you know, you need to do this kind
18 of programmatic environmental work. I mean, it's just
19 a big process, so does it make sense to do more 20
20 years, 30 years, 12 and a half? I'm not sure. So the
21 idea would be to potentially look at more years.

22 And the fifth one, the reason we call it the
23 no-action alternative, and some people seem confused
24 about that, is not because there is no action. There
25 certainly is action. We would continue the program

1 exactly the way it is today, but the reason we call it
2 no action is because there is no change, so it would be
3 exactly the way it was determined to be by the 2007
4 Programmatic Environmental Assessment. That is the
5 distinction. I think maybe I wasn't quite clear on
6 those before.

7 So then the next steps, then, are to get as
8 many comments as possible from the public. The
9 comments are due September 9th. And there are a number
10 of ways you can provide those comments, but we are
11 looking seriously for as many alternatives we can get
12 from the public. Because what we did was we just sat
13 down and thought of the couple we could think of to
14 begin with knowing, sort of, what potentially some
15 people's thoughts would be, but there are all kinds of
16 alternatives out there that I'm sure we haven't thought
17 of, so we are really looking for that.

18 And then after that, depending on how much
19 information we get, we'll then be considering the
20 public scoping comments, redevelop the alternatives,
21 and work on the draft PEIS.

22 When the public gets that, just so you know,
23 which is the next thing, we draft the PEIS for public
24 comment, you get the draft EIS, then you get the set of
25 tables, which would have in it all the comments. And

1 it wouldn't be like, you know, The first person said
2 this, the second person agreed. It would be like, you
3 know, 100 people said this and 27 said this, and then
4 we would address what we did with each comment, it's
5 within the scope, it's outside the scope, we've
6 included it, so all that would be in there.

7 And then the public has an opportunity to
8 look at all that and comment on it, and we would have
9 another series of meetings. I imagine we would have
10 all four meetings. I don't know, maybe we need to come
11 to Moab, I don't know what we need to do, but there was
12 a suggestion to come to Grand Junction and to New
13 Mexico. We need to look at that. We don't know
14 whether we would do that or not, but we would then have
15 those meetings and we would get everybody's comments.
16 We would consider all the comments, and then we'd
17 prepare a final PEIS. The final PEIS would be issued,
18 and then we issue the record of decision.

19 And it's impossible for us to say at the
20 moment, really, how much time all that would take. We
21 have no idea, really. It depends on the kind of
22 comments we get to begin with, how expansive the
23 alternatives are, you know, and just kind of what
24 happens down the road. We'll do the best job we can,
25 but we have absolutely no idea. We can't give you a

1 time, really.

2 So then the last slide is just, other than
3 today, getting your comments in. If you want to
4 contact anyone, if you look at the notice of intent,
5 there is a copy of that in your package, it actually
6 has my personal e-mail at work and it has my phone
7 number, my direct number. Otherwise, you can send
8 comments to the ulpeis@anl.gov, and it will come to me
9 and will also go to our contractors who will be working
10 on, really, the environmental substance of the
11 document. And you can also look at the Web site that
12 was listed down here, the one that's ulpeis.anl.gov,
13 and it will give you all the information about the
14 status of the environmental work. It will also refer
15 you over to the Office of Legacy Management site that
16 has all the ULP program information on it. So if there
17 is anything that's not on that ANL site, it will be on
18 our site.

19 So with all that information, I think you can
20 pretty much contact anybody and get just about as much
21 information as you might want. Thank you.

22 MS. DEBORAH SULLIVAN: Thank you, Laura. Now
23 it's your time, Mr. Weisheit, to receive your comments.
24 So if you would like to come up here and address the
25 audience with your oral comments on the ULP PEIS, or if

1 you would rather prefer to give them directly to the
2 court reporter, that's your prerogative.

3 MR. JOHN WEISHEIT: I can sit right here --

4 MS. DEBORAH SULLIVAN: You can sit right
5 there.

6 MR. JOHN WEISHEIT: -- so she can hear me?

7 MS. DEBORAH SULLIVAN: You can give them
8 directly to her, or you can give them to the audience.
9 It is entirely up to you.

10 MR. JOHN WEISHEIT: Thank you for going to
11 the trouble of coming to Monticello, and thank you for
12 letting me speak, even though I'm the only one here.

13 MS. LAURA KILPATRICK: We're glad you came.

14 MR. JOHN WEISHEIT: I'm glad I came, too.

15 For the record, my name is John Weisheit, W-
16 e-i-s-h-e-i-t. I live in Moab, Utah, and I have lived
17 there since 1987. I've been a river guide since
18 1980.

19 I became an environmental activist in 2000
20 because I was becoming alarmed at some of the
21 ecological problems of the Colorado River, because I am
22 convinced that it is probably the most endangered river
23 in the United States, and climate changes concerned me
24 quite a bit.

25 And so what I'm mostly concerned about as a

1 Colorado River activist is that the current situation
2 in the Colorado River is that there is actually more
3 demand than supply.

4 The Bureau of Reclamation just did a study
5 called the Basin and Study Supply and Demand Interim
6 Report, and it was published July 9th. It said in the
7 next 40 years, the Colorado River will decline by 1
8 million acre-feet, which is a significant amount of
9 water.

10 The study also shows that the exact amount of
11 demand is exactly 1 million acre-feet more than the
12 supply, so that means -- that's why the reservoirs,
13 even though we had a nice snowpack this year, overall,
14 the supply of the Colorado River is being eroded and
15 the reservoirs are going down.

16 And so one of the reasons why I am concerned
17 about this is, actually, I'm concerned about the 2005
18 Energy Policy Act, because that Energy Policy Act is
19 affecting the Colorado River, especially the upper
20 basin of the Colorado River, because what it's allowing
21 is 2 million acres of potential development for oil
22 shale and tar sands. It's allowing for gas companies
23 to work in tight shale deposits where they are
24 currently fracking.

25 And so Grand County, where I live, is

1 accepting a considerable amount of waste. And a lot of
2 these oil and gas projects are going to be surrounding
3 Canyonlands National Park and Arches National Park. So
4 cumulatively, the Energy Policy Act is hurting the
5 Colorado plateau.

6 And most of the water that comes out of the
7 Rockies is diverted to cities like Denver, and it's
8 diverted to cities like Salt Lake City before it gets
9 to the Colorado plateau where all these activities are
10 taking place.

11 So the Colorado plateau is where it picks up
12 selenium, salt from all the marine shales and
13 sandstones and limestones. And so cumulatively,
14 between uranium and oil shale and tar sands and oil and
15 gas activities, it's going to affect the Colorado
16 River.

17 So the end users of the Colorado River are
18 places like San Diego; Tijuana, Mexico; Tucson. And I
19 know that -- Congressman Grijalva has initiated an act
20 in Congress that has not yet passed, and it's called
21 the Lower Colorado River Protection Act. And it also
22 has, of course, the Grand Canyon Watersheds Protection
23 Act, which is discussing the uranium leasing by BLM in
24 Arizona near the Grand Canyon.

25 So the point is, is that the lower basin is

1 aware, since they are the end users of the Colorado
2 River, that water quality is going to be seriously
3 diminished as the volume of the Colorado River is
4 decreased as a result of climate
5 change/overconsumption.

6 So I guess what I need to know -- I have some
7 questions. I guess I need to know -- have some
8 assurances that -- well, sorry. There is no Upper
9 Colorado River Protection Act. There is no Canyonlands
10 Watersheds Protection Act or Colorado National
11 Monument, you know. So there is no public awareness,
12 and I think that might be the reason why there is
13 nobody here tonight, because they don't drink this
14 water.

15 Monticello gets water from the Abajos. Moab
16 gets water from the La Salles. Grand Junction gets
17 water from Grand Mesa. They have irrigation water for
18 Colorado, so it's really a problem of the lower basin.

19 So I think for this EIS, it wouldn't hurt to
20 have some cooperating agencies involved from the lower
21 basin states since this kind of mining activity could
22 create some problems for them. And to illustrate why
23 this makes sense is because when Moab's uranium waste
24 pile was removed and the DOE did an EIS back in -- I
25 think it was finalized in 2005, one of the most -- the

1 biggest stakeholders was the Metropolitan Water
2 District. They applied a lot of political clout to get
3 that pile moved, and we're very thankful for that. And
4 by the way, thank you for moving that. I am incredibly
5 grateful to the Department of Energy for doing that,
6 because I think they made a wise choice.

7 But the reason why the Metropolitan Water
8 District was so concerned is because they are the end
9 users of the Colorado River water. And if a flood
10 lifted the pile into Lake Powell and consequently Lake
11 Mead, they would be the sufferers of that pollution.

12 So in view of the fact that -- I am not
13 entirely convinced that the lower basin states even
14 know about this. They may not even know about the tar
15 sands/oil shale PEIS that Argonne is doing right now.
16 And so maybe you should consult with some of the bigger
17 water users like the Southern Nevada Water Authority in
18 Las Vegas and the Metropolitan Water District in
19 southern California and the Central Arizona Project in
20 Arizona and also the Nation of Mexico since they have a
21 pipeline to Tijuana and see if they have concerns about
22 the water quality issues. And maybe they would provide
23 some guidance and some -- they have lots of scientists,
24 and maybe they could devise a proposal to remediate
25 these and lower the radiological elements that are

1 flowing down the Dolores River into the Colorado River.

2 So I also have a question. For example, the
3 Department of Interior has secretarial orders about
4 scientific integrity for EIS's, and there is also a
5 secretarial order about adjusting -- studying climate
6 change and water, and I know that these activities do
7 need water and the Dolores River is totally dependent
8 on releases from McPhee Reservoir and federal contracts
9 from the Bureau of Reclamation.

10 So it seems like the Bureau of Reclamation
11 should be another consulting/cooperating agent since
12 they are going to probably provide the water for these
13 activities. And that would mean that -- the state
14 agency for McPhee Reservoir is the Montezuma County
15 Water District. They are in Cortez, I believe. Maybe
16 they should be consulted.

17 Because the stream flow of the Dolores has
18 been curtailed considerably because of McPhee
19 Reservoir, the Fish and Wildlife Service should
20 definitely be consulted, and I'm sure you will.

21 But I digress, does DOI give secretarial
22 orders for studies to be done on climate change for
23 EIS's?

24 MS. DEBORAH SULLIVAN: Laura is going to be
25 serving as the hearing officer for the Department of

1 Energy during the formal comment period. She will not
2 be responding to any questions for tonight.

3 MR. JOHN WEISHEIT: Then I'll find out and
4 make sure they are in my comments.

5 MS. LAURA KILPATRICK: One thing I did forget
6 to say, just so you know, we have sent a letter to as
7 many agencies we could think of asking them to be
8 cooperating agencies. So just so you know, we are
9 definitely doing that.

10 MR. JOHN WEISHEIT: But the metropolitan
11 district is a water purveyor. I guess they are a state
12 -- I don't even know if they are a state agency. I
13 really don't know what they are. I know they are not a
14 federal agency, but they get federal water.

15 Anyway, I think it would -- maybe I should
16 call them and have them get involved. I will do that.

17 So what I want is -- Utah and, I'm sure,
18 Colorado wants jobs, but I also know that Utah and
19 Colorado are very much concerned about the legacy left
20 behind. I mean, we have health problems, and friends
21 of mine have died of cancer, miners.

22 And also, I'm concerned that a lot of this
23 uranium is just going to end up on the open market. And
24 if I remember right, the 2005 Energy Policy Act was
25 about removing foreign dependency on energy. So that

1 doesn't quite make sense. So maybe I like Alternative
2 2, which is, if I understand right, is no leasing,
3 remediate the existing operations, and return it back
4 to BLM?

5 MS. DEBORAH SULLIVAN: That's right.

6 MR. JOHN WEISHEIT: And if I can think of
7 another alternative between now and September 9th, I'll
8 let you know. I haven't actually thought of one yet.

9 I appreciated what Jennifer Thurston said of
10 cheating on the line (phonetic). I thought she had
11 some pretty good ideas. So why don't I, for now, say
12 that I support her ideas as an alternative, which I
13 believe was energy efficiency, energy conservation, and
14 with the idea being instead of exploiting natural
15 resources, why don't we do what -- make what we have
16 more efficient and with more conservation, which is
17 actually what the Bureau of Reclamation should do with
18 our water problems, so -- similarly for our energy
19 problems.

20 And what else? There was one more thing that
21 I can't remember. Oh, maybe some of these tracts could
22 be used for wind or solar or whatever, and maybe they
23 could have a secondary use, and maybe that would be a
24 good consideration. So I can't think of anything else.
25 But thank you very much.

1 MS. DEBORAH SULLIVAN: Thank you very much,
2 John.

3 Okay. So that concludes this session of the
4 hearing on the scope of the programmatic EIS for the
5 Uranium Leasing Program.

6 For John's benefit, please note that you may
7 continue to submit your comments on the scope of the
8 PEIS until the scoping period closes on September 9,
9 2011. And you'll find the information you need in your
10 handouts for submitting those comments.

11 And with that, if there are no further
12 comments, then thank you. Have a safe journey home and
13 good night.

14 (The proceedings concluded at 7:28
15 p.m., August 11, 2011.)

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1 C E R T I F I C A T E

2 STATE OF COLORADO))ss.
3 COUNTY OF)

4 I, Lisa Persichitte Reed, do hereby certify that I
5 am a Certified Realtime Reporter and Notary Public
6 within the State of Colorado. I further certify that
7 these proceedings were taken in shorthand by me at the
8 time and place herein set forth, that it was thereafter
9 reduced to typewritten form, and that the foregoing
10 constitutes a true and correct transcript to the best
11 of my ability. I further certify that I am not related
12 to, employed by, nor of counsel for any of the parties
13 or attorneys herein, nor otherwise interested in the
14 result of the within action. In witness whereof, I have
15 affixed my signature and seal this 22nd day of August,
16 2011.

17

18

Lisa Persichitte Reed
Certified Realtime Reporter

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20 My commission expires April 12, 2012.

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