

Kimberly MacMillan

From: **Kurt Schwarz** <krschwa1@verizon.net>

Date: Tue, Mar 29, 2011 at 11:45 AM

Subject: Comment Draft EIS Northern Arizona Proposed Withdrawal

To: NAZproposedwithdrawal@azblm.org

Dear BLM,

Please find attached the comments of the Maryland Ornithological Society on the draft environmental impact statement regarding the proposed northern Arizona withdrawal of lands in the Grand Canyon Region. Please enter these comments into the record.

Regards,

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MARYLAND ORNITHOLOGICAL SOCIETY, INC.



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March 29, 2011

Northern Arizona Proposed Withdrawal Project
Attn: Scott Florence, District Manager
Bureau of Land Management, Arizona Strip District Office
345 East Riverside Drive
St. George, UT 84790
NAZproposedwithdrawal@azblm.org

To the Bureau of Land Management:

The Maryland Ornithological Society (MOS) appreciates the opportunity to submit these comments on the draft environmental impact statement (EIS) on the Northern Arizona Proposed Withdrawal concerning lands in the Grand Canyon region. We value the Grand Canyon and its tributary watersheds for their diverse population of birds and other forms of wildlife and for their splendor as a great unspoiled landscape, one of our national treasures.

MOS favors the withdrawal as proposed by Secretary of the Interior Ken Salazar and described in the EIS as Alternative B. His proposal is to withdraw 1 million acres of BLM public lands and national forest from the operation of the Mining Law of 1872 for 20 years, the maximum allowed by law.

MOS is a statewide nonprofit organization established in 1945 and devoted to the study and conservation of birds. Currently we have 15 chapters and approximately 1,500 members. Some are scientists and naturalists, but our membership includes people of all ages and all walks of life, from physicists to firefighters, legislators to landscapers. Birding is one of the fastest-growing outdoor recreational activities. MOS members travel to areas of federal lands on birding and nature-watching vacations throughout the United States. We spend money on food, lodging, guide services, books, and souvenirs to support the local economy wherever we go.

Background

Three years ago the Grand Canyon was jeopardized by a rush of uranium claims – 1,100 of them staked within five miles of the canyon proper. Recognizing this problem, on June 25, 2008, the House Committee on Natural Resources adopted a resolution initiating a withdrawal of 1 million acres of federal lands adjoining Grand Canyon National Park. Then-Secretary of the Interior Dirk Kempthorne refused to make the withdrawal. Conservation groups sued to compel the Secretary to act, citing a mandate in section 204(e) of the Federal Land Policy and Management Act of 1976. The issue had not yet been resolved in court when Secretary Salazar stepped in and resolved it by making a two-year emergency withdrawal and proposing the 20-year withdrawal under consideration here. We compliment Secretary Salazar for taking swift action and for following through with this long-term withdrawal proposal.

Impacts on Wildlife Values

Members of MOS have visited all three parcels of the proposed withdrawal and have appreciated their wildlife values. The South Parcel includes the highways and the Grand Canyon Railway that take visitors to Grand Canyon Village on the South Rim. The North and East Parcels are traversed by highways taking visitors to the North Rim, to Vermilion Cliffs National Monument, and to three wilderness areas. Two long-distance trails pass through the withdrawal area: the Arizona Trail (hiking and bicycling) through the South Parcel and the Hayduke Trail (hiking) through the North Parcel along Kanab Creek and Hack Canyon.

In the greater Grand Canyon region 373 species of birds have been recorded, reflecting diverse habitat types, including the riparian zone along the Colorado River, the desert uplands and cliffs, and the coniferous forest. The Grand Canyon is also a reintroduction site for the federally endangered California Condor. This species is sensitive to disturbance, which mining would create, and would also be subject to poisoning by mining wastes.

Wildlife values are discussed at length in the EIS on pages 3-115 to 180 and pages 4-119 to 161. We compliment the authors for the treatment of wildlife linkages (pages 3-115 to 118), wildlife by vegetation community (page 3-119), and management indicator species (pages 3-120 to 125). Special-status species are discussed, including species listed under the Endangered Species Act and species listed for special attention by BLM, Forest Service, National Park Service, and Arizona Game and Fish Department. The EIS discusses a wide range of potential impacts on wildlife, such as habitat loss and fragmentation, groundwater drawdown, exposure to chemical and radioactive contaminants, and vehicle traffic.

The analysis in Appendix B of “reasonably foreseeable development scenarios” is a valuable aid to understanding the mining activities that could occur under different alternatives. Number of new mines, number of new “exploration projects,” miles of new roads, acres of surface disturbance, water usage in millions of gallons – these predictions help us compare the alternatives with respect to their likely impacts on wildlife populations and wildlife habitat.

The Withdrawal Is Needed

The Maryland Ornithological Society urges the Department of the Interior to complete the withdrawal of 1,010,776 acres as described in Alternative B. Without it, there would be unacceptable damage to wildlife habitat. The Mining Law of 1872 gives the holders of mining claims substantial rights against the United States Government. Mining claimants are exempt from many of the laws and regulations that protect the public values of the national forests and BLM public lands. Thus, the staking of mining claims is likely to compromise the conservation status of federal lands in the Grand Canyon area.

The other three alternatives are not adequate to protect the wildlife habitat jeopardized by mining. Alternative A (the no-action alternative) withdraws no land and thus leaves the entire area open to staking of new mining claims. Alternative C withdraws 652,986 acres. Alternative D withdraws 300,681 acres.

MOS supports Alternative B because it is clearly the best alternative for wildlife habitat and wildlife populations. The following consequences of Alternative B, as predicted by BLM’s reasonably foreseeable development analysis, are of special value for wildlife:

New mines are held to 7, in contrast to 26 in Alternative A, 14 in Alternative C, and 22 in Alternative D.

Exploration projects are held to 11, in contrast to 728 in Alternative A, 207 in Alternative C, and 431 in Alternative D.

New roads are held to 6.4 miles, in contrast to 22.4 in Alternative A, 12.1 in Alternative C, and 19.1 in Alternative D.

Surface disturbance is held to 164 acres, in contrast to 1,364 in Alternative A, 532 in Alternative C, and 951 in Alternative D.

Reduce Risk from Existing Claims

BLM should undertake to reduce the risk of development on claims existing at the time of the segregation in 2009. Those claims in the North Parcel are of special concern to MOS because Kanab Creek and Hack Canyon have high wildlife values as a consequence of containing the only perennial streams in the withdrawal area.

All seven new mines predicted for Alternative B are within the North Parcel. These should be reduced to zero, if possible, leading to corresponding reductions in impacts of roads, surface disturbance, etc. Possible approaches include: (1) buying-out the mineral rights, (2) exchanging the rights for federal lands elsewhere, or (3) exchanging the rights for mineral rights under the Mineral Leasing Act of 1920 (generally fossil fuels, phosphates, and sodium). BLM should submit recommendations to the Secretary of the Interior on how to avert any new mines in the withdrawal area.

We also urge BLM to carry out an aggressive program of cancelling non-valid claims. A mining claimant under the Mining Law has rights against the United States Government only when a valuable mineral deposit has been discovered on the claim. The BLM should investigate all claims that had been staked before the segregation took effect on July 20, 2009. Any claim that lacks a qualifying mineral deposit should be cancelled.

Fluctuations in the uranium market are pertinent. To be valid, a claim must have had a mineral deposit that was valuable at the time it was staked and that was still valuable on July 20, 2009. A graph in Appendix B indicates that uranium market prices were much lower in 2009 than in 2007-2008 (EIS, Figure B-4 at page B-20). Claims that were valid in 2008 may have lost validity before the segregation took effect.

Conclusion

In summary, the Maryland Ornithological Society supports the 20-year withdrawal as in Alternative B. We urge BLM to review all previously staked mining claims and cancel those that lack a qualifying mineral deposit. Where valid existing rights exist, those should be acquired by purchase or exchange, so no further impacts can mar the Grand Canyon.

Thank you for considering our comments.

Sincerely,

Kurt Schwarz
MOS Conservation Chair