



July 7, 2017

Monument Review
MS-1530
U.S. Department of the Interior
1849 C Street NW.
Washington, DC 20240

Re: Docket No. DOI-2017-0002, Review of Certain National Monuments Established Since 1996

Dear Secretary Zinke:

The Arizona Mining Association (AMA), Arizona Rock Products Association (ARPA), Arizona Mining Industry Gets Our Support (AMIGOS), and the Southern Arizona Business Coalition (SABC) are jointly submitting comments for the four national monuments located in the state of Arizona that meet the criteria for review as established in Executive Order 13792 issued on April 26, 2017. These are the Sonoran Desert, Vermillion Cliffs, Ironwood Forest and Grand Canyon-Parashant National Monuments.

The AMA is a non-profit corporation comprised of entities engaged in mining and mineral processing in Arizona. In 2014, AMA member companies produced approximately 65% of the nation's newly-mined copper, along with significant amounts of associated valuable co-products (e.g., gold, silver, selenium, tellurium and molybdenum). Arizona's hard rock mining industry employs approximately 12,000 people and has an estimated direct and indirect impact on the Arizona economy of nearly \$4.29 billion. The AMA is the unified voice of responsible, sustainable and safe mining in Arizona. Through our advocacy, we help Arizona continue to be a premier location for mining investment in the U.S. *Several of our member companies have been profoundly and unfairly impacted by the National Monument designations that we address in these comments.*

ARPA is the oldest mining related trade organization in Arizona and for 60 years has been providing representation for 45 member companies involved with the production of aggregates, asphaltic concrete, ready mix concrete, asphalt, lime products, and portland cement used in nearly every private and public construction **project in Arizona**. Arizona's aggregate mining industry employs approximately 6,275 people directly and 9,450 indirectly for a total of 15,950 and has an estimated direct and indirect impact on the Arizona economy of \$3 billion. Our producer members are combined with over 60 associate members that provide related transportation, contracting, mining supplies and consulting services. *Several of our producer members have been directly impacted by the loss of valuable aggregate and limestone resources as a consequence of these monument designations.*

AMIGOS is a trade association of hundreds of businesses that depend on the mining industry to provide jobs for tens of thousands of Arizona workers. AMIGOS members include heavy equipment firms, machinery suppliers, construction companies, banks, manufacturers, transportation firms, tire dealers, chemical companies, engineering firms, insurance firms. As suppliers to the mines and other industry in Arizona, AMIGOS members have the ability to serve most industrial needs in this state and in neighboring states.

SABC is a not-for-profit corporation **created to promote Arizona's growth and prosperity, which benefits all businesses**. Our future and the futures of our children depend on a sustainable business environment that encourages the responsible development of natural and human resources. Focusing on the strengths and

opportunities of our region, SABC champions responsible industries to come to Arizona, supports their growth and advocates for their success and longevity.

Inappropriate Usage of the Antiquities Act

The Antiquities Act of 1906 was originally designed to protect historic and archeological sites and objects. **The Act includes a requirement that reservations of land not exceed “the smallest area compatible with the proper care and management of the objects to be protected.”** Under recent Presidential Administrations, the Act has been used for far more expansive purposes. For example, President Obama made over 20 designations during his tenure in office resulting in over 564 million acres of land being removed from multiple use. Rather than focusing on historical and archeological sites and objects as required by the Antiquities Act, recent designations have emphasized geological and biological resources. National monuments in Arizona provide several specific examples of this overreach.

The designation of Ironwood Forest National Monument (IFNM) extended far beyond what was needed to protect certain archeological and historical sites. Three sites listed on the National Register of Historic Places lie within the IFNM – the Los Robles Archeological District (13,000 acres), the Cocoroque Butte Archeological District (480 acres) and the Santa Ana de Cuiquiburitac Mission site (80 acres). These sites could easily be protected by a designation far smaller than the 128,917 acres of federal land reserved in 2000 plus the additional 60,000 acres of entrapped State Trust Lands and private lands. **In fact, President Clinton’s** June 2000 proclamation emphasizes the protection of biological and geological resources. The opening sentence states, *“The landscape of the Ironwood Forest National Monument is swathed with the rich, drought-adapted vegetation of the Sonoran Desert.”* Much of the data on the flora, fauna and geology of the IFNM that informed **the President’s decision** came from the Arizona-Sonoran Desert Museum, a zoo and botanical garden in Southern Arizona with a mission to protect desert habitat.

The national monument status is not needed to protect species in the area, such as bighorn sheep, the lesser long-nosed bat, the pygmy owl and the Nichols Turk’s Head Cactus. In 2006, the 9th Circuit Court of Appeals issued a ruling that resulted in the delisting of the pygmy owl as an endangered species. Another species, the Nichols Turk’s Head Cactus, has received protection as an endangered species since 1976. It is also protected by CITES (Convention on International Trade in Endangered Species) and the Arizona Native Plant Law. **Efforts to reintroduce the bighorn sheep are underway under the management of the Arizona Game and Fish Department. The lesser long-nosed bat may migrate through but does not settle within the monument.** Using the Antiquities Act to designate an expansive national monument such as the IFNM for the protection of biological and geological resources represents an abuse of executive authority that is designed to protect historical and archeological sites.

Similarly, the Vermillion Cliffs National Monument encompasses 279,568 acres in northern Arizona along the border with Utah. The proclamation issued by President Clinton in November 2000 refers to remnants of rock art and prehistoric settlements as well as some historic travel routes. However, the land management plan that was in place prior to its designation as a national monument effectively protected these features while allowing for appropriate multiple uses. The emphasis of the official proclamation is clearly on the protection of geological features. Evidence of this can be found in the proclamation itself which states, *“The monument is a geological treasure. Its centerpiece is the majestic Paria Plateau, a grand terrace lying between two great geologic structures, the East Kaibab and the Echo Cliffs monoclines.”*

The proclamation for the Grand Canyon – Parashant National Monument issued by President Clinton in January 2000 contains similar language. The first paragraph states. *“The monument is a geological treasure. Its Paleozoic and Mesozoic sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the geologic history of the Colorado Plateau. Deep canyons, mountains, and lonely buttes testify to the power of geological forces and provide colorful vistas.”*

The January 2001 proclamation for the Sonoran Desert National Monument issued by President Clinton echoes the same theme of protecting **geological and biological resources**. It begins with the statement, *“The Sonoran Desert National Monument is a magnificent example of untrammelled Sonoran Desert **landscape**.”* The proclamation goes on for seven paragraphs explaining the value of geological and biological resources in the region. It only devotes a single paragraph to mention of *“**rock art sites, lithic quarries, and scattered artifacts**.”*

We ask that the Department of Interior recommend a reduction in the size of the national monuments under review in Arizona so that they are in compliance with the mandate of the Antiquities Act to reserve the smallest area possible to protect objects and sites of archeological and historical importance.

Lack of Coordination with State, County and Local Governments and Other Stakeholders

In 2000, President Bill Clinton established five new National Monuments in Arizona. In an official letter sent to Interior Secretary Gale Norton on April 6, 2001, then-Governor Jane Dee Hull expressed frustration over the lack of coordination with her administration and the absence of public input by stating, *“**My fundamental concern with the five new National Monuments is the inadequate selection process through which they were established... I believe the inadequacy of the selection process was the direct result of a nearly complete failure on the part of the former administration of the Department of Interior to provide meaningful opportunity for Arizona residents and qualified experts to participate.**”* This inadequate public input process resulted in the designation of national monuments that 1) far exceed the size necessary to protect objects of historic and archeological significance, 2) severely restrict land uses allowed under the Federal Land Policy Management Act (FLPMA), 3) minimize the role of local stakeholders in land management decisions, and 4) unduly stretch the resources available to BLM to appropriately care for and manage the lands.

An example can be found with the designation of IFNM in June 2000. President Clinton made this designation after a very brief three-month period during which virtually no public outreach occurred, and state officials were not consulted. The only significant local support came from a resolution passed by the Pima County Board of Supervisors in March 2000. Mine operators, ranchers with livestock grazing leases, farmers with agricultural leases, advocates of outdoor recreation and other stakeholders had no viable opportunity to participate in the truncated process. In contrast to the normal process that would occur to withdraw land from mining, President Clinton eliminated the opportunity to develop thousands of mineral-rich acres with the stroke of a pen.

We recommend that state, county and local governments, business and industry, and other stakeholders be invited to fully participate in the process of designating national monuments and consulted before lands are withdrawn from mineral exploration and other uses allowed under the FLPMA. We further recommend that future decisions be based on fully vetted and credible scientific and economic data rather than political ideology.

Impacts on Jobs and Arizona’s Economy

Arizona is the **United States’ leading producer of copper and home to one of the nation’s** richest uranium deposits. Only 18% of land in the state of Arizona is privately owned. The federal government is the largest land owner in Arizona, which means that our economy is disproportionately affected by the cumulative effects of ill-advised federal land use decisions that restrict development.

Mining is one of the historic “5 C’s” (copper, cotton, climate, citrus, cattle) **that built Arizona’s economy from** territorial days to the present. Of particular importance is the fact that mining is an export-oriented industry, meaning that almost all the ore mined in Arizona is sold outside the state. This means that new money comes in to Arizona which grows the overall size of the economy. The total economic impact of hard rock mining was \$4.29 billion in 2014, according to research by the L. William Seidman Research Institute at the W.P. Carey

School of Business at Arizona State University. The hard rock mining industry directly employs nearly 12,000 Arizonans. These are high quality jobs, with the average labor income per mining employee being over twice the average for all Arizona workers. Another 31,800 indirect jobs result from purchases made by mining companies and their employees. For example, mining companies purchased \$2.77 billion from Arizona-based suppliers in 2014. **Arizona's state and local governments rely on tax revenue from mining companies to provide the services that our citizens expect.** In 2014, mining companies generated a total of \$482 million in local and state tax revenues.

Natural aggregates, including crushed stone and sand and gravel, are a basic raw material used for residential, business, and government construction projects. The aggregates industry is literally the foundation of our **state's infrastructure and is a significant contributor to the economic wellbeing of Arizona, generating \$3 billion** in direct and indirect economic impact and employing approximately 6,275 mostly skilled workers and 9,500 indirectly across a wide range of occupations and industries. Impacts are felt throughout the broader economy as the industry supports \$830 million in state earnings (i.e., wages), and \$120 million in state and local tax revenue. Every \$1 million of rock products output created \$1.7 million of additional spending and each rock products worker supported an additional 1.5 jobs in the economy.

Because mines are located wherever the minerals are located, their presence is especially crucial for rural communities in Arizona. In many rural areas, the mines have been the largest employers for several generations. The designation of national monument status confers rigorous limitations on mining exploration and operations beyond what is necessary to protect historical and archeological resources. The direct result of national monuments that encompass more land than necessary is a loss of employment and economic development potential. This lost potential hits rural communities that struggle with high unemployment and low average wages particularly hard. IFNM in Southern Arizona and Grand Canyon – Parashant National Monument and Vermillion Cliffs National Monument in northern Arizona provide specific examples of this lost economic potential.

It is important to note that all mining activities are conducted in strict accordance with a multitude of existing environmental laws which are designed to protect the biological and geological features of this region. The most important is the National Environmental Policy Act (NEPA) which uses a science-based public process to identify and mitigate unnecessary impacts to federal lands. Even without the protection of the Antiquities Act, it is extremely unlikely that any mining activity would be permitted to impact a sensitive historic or archeological site.

Ironwood Forest National Monument (IFNM): The IFNM surrounds and partially encompasses the Silver Bell Mining District, a historic copper mining district. Active mining has occurred in this region for over 130 years according to the Arizona Geological Survey. The Silver Bell Mine owned by Silver Bell Mining L.L.C. and ASARCO has produced copper and other minerals for over 65 years. Fully one-third of the area encompassed in the IFNM is either State Trust Lands or privately owned. These lands have effectively lost all economic potential as a result of the national monument designation.

The designation of IFNM had the effect of preventing any mining activities beyond what was in operation in 2000. At the time of the designation, the state government estimated that it would lose \$100 million in mineral rights. This does not include financial losses to private companies or the lost employment potential for the mines. Within the boundaries of IFNM, Silver Bell Mining, L.L.C. and ASARCO have 880 acres of fee land and 4,050 acres of unpatented claims. The company has been unable to conduct any further exploration or development activities in the area. This situation is further documented in the comments dated June 30, 2017 submitted by Silver Bell L.L.C. which are fully supported by the undersigned entities. Another project, the East Silverbell Porphyry Copper Project, which was being pursued by a publicly traded Canadian company called JABA Inc, also came to a halt in 2000 as a consequence of the designation.

Since the designation, further restrictions on land usage within the monument have been put in place. It took the Bureau of Land Management (BLM) thirteen years to complete the IFNM Management Plan due to a

process that became overly politicized. This plan identified several areas within the monument as having wilderness characteristics, which resulted in severe limitations on uses authorized by the FLPMA. A 2014 BLM transportation plan called for further road closures and travel restrictions within the monument.

Proponents of the designation of the IFNM and the IFNM Management Plan (2013) have cited a desire to permanently stop mining in the area as their rationale for supporting land use restrictions. These restrictions are in direct conflict with the multiple use mandate of the FLPMA and the rights of mining companies established in the 1872 Mining Law.

We recommend reducing the size of the IFNM so that it more appropriately protects the sites of archeological and historical significance without unduly restricting the rights of private companies to conduct mining exploration and development activities or impact the State Trust Lands from using Trust Lands to their highest and best use.

Grand Canyon-Parashant National Monument and Vermillion Cliffs National Monument: In the United States, 60% of emissions-free energy is produced by nuclear power. As of 2015, 94% of the uranium purchased for U.S. nuclear reactors came from foreign countries due to insufficient domestic uranium ore production. The Canyon Mine, operated by Energy Fuels is fully permitted is scheduled to go into production in late 2017, making Arizona only the fourth state in the country with active uranium production.

Environmentalists have fought for years to permanently ban uranium mining throughout the region known as the Arizona Strip in the northern part of the state. The grade of uranium ore in the Arizona Strip is among the highest in the country. The Arizona Strip includes two National Monuments currently up for review: Vermillion Cliffs National Monument and Grand Canyon-Parashant National Monument. Uranium deposits in these monuments have been off limits for exploration and development since 2000.

On January 9, 2012, the U.S. Department of Interior vastly expanded areas withdrawn from mining. The hastily created Northern Arizona Withdrawal affected 1.07 million acres in the Arizona Strip for a period of 20 years. Efforts to *permanently* ban uranium mining in this region through the creation of an expanded Grand Canyon Watershed National Monument were unsuccessful under President Obama due to significant state and local opposition. Ironically, the withdrawal was purposefully created to protect the Grand Canyon but the **government's own technical** studies retroactively failed to demonstrate that modern uranium mining actually impacted the Grand Canyon in any meaningful way.

According to a 2009 study by Tetra Tech, an environmental consulting firm, the economic losses associated with the Northern Arizona Withdrawal are very significant for an area that has long suffered from a high unemployment rate (**Tetra Tech, "Economic Impact of Uranium Mining on Mohave and Coconino Counties, Arizona," September 2009**). Native Americans comprise a large portion of the population in the Arizona Strip and would stand to benefit from the employment opportunities presented by uranium mining in an area with few other major industries. The estimated total potential economic benefits of uranium mining in the area are \$29 billion over the projected 42-year life span of the mines. These mines would create an estimated 390 direct jobs including miners, geologists, engineers and other professional and support staff and another 688 indirect jobs. The indirect jobs include an estimated \$1.6 billion in revenues over the life of the mines for trucking companies to ship the ore from the mines to processors. Federal, state and local governments would also benefit. Over the life of the mines, federal and state (primarily Arizona, with some benefits in neighboring Utah) governments would receive an estimated \$2 billion in corporate income tax. Mining companies would pay an additional \$168 million in state severance taxes and \$9.5 million in payments and fees to local governments.

We ask that the Department of Interior recommend reducing the sizes of the Grand Canyon-Parashant National Monument and Vermillion Cliffs National Monument so that they encompass "**the smallest area compatible with the proper care and management of the objects to be protected**" as required by the Antiquities Act. The economic benefits of uranium mining, the usage of modern mining techniques that protect the

environment, and the need for more stable domestic supplies of uranium for nuclear power plants render such expansive national monuments ineffective and counterproductive.

Northern Arizona Withdrawal

While not a monument designation, the Northern Arizona Withdrawal is a closely related abuse of federal authority over land use. The Arizona Wilderness Act of 1984 was a historic compromise that created a six to eight-mile buffer zone around Grand Canyon National Park in the form of 300,000 acres of designated BLM lands and 800,000 acres of National Forest Wilderness Areas while releasing lands with high potential for mineral extraction, livestock grazing and recreational purposes. The 2012 Northern Arizona Withdrawal by the Department of Interior removed over one million acres of land in the Arizona Strip from mining development and undermined the compromise that had worked well for 28 years. The enormous amount of land withdrawn was the result of a highly politicized process that focused on historic mining practices and ignored the credible scientific evidence related to modern safe uranium mining in the area.

State and local opposition to the Northern Arizona Withdrawal was widespread. The governors of both Arizona and Utah opposed the withdrawal as did the entire Utah Congressional delegation, all Republican members of the Arizona Congressional delegation, lawmakers in the affected counties and towns and the Arizona BLM Resource Advisory Council. Numerous industry groups representing mining, agriculture and tourism also submitted letters of opposition. This widespread local and state opposition was largely ignored as the Obama Administration moved forward with one of the most ill-conceived withdrawals in American history.

We strongly urge the Department of Interior to revoke the Northern Arizona Withdrawal and accordingly amend the BLM Resource Management plan. State, county and local governments, business and industry, and other stakeholders must be invited to fully participate in the process and are consulted before lands are withdrawn from mineral exploration and other uses allowed under the FLPMA.

Sonoran Desert National Monument

The 496,000 acre Sonoran Desert National Monument is located in a rugged part of south-central Arizona **between the Tohono O’odham Nation and Phoenix. This area has long-established corridors for drug smuggling and human trafficking.** Visitation to the monument is low due to ongoing safety concerns. The BLM must expend resources in an attempt to ensure visitor safety in the area, putting park rangers at risk. In 2010, the Chief Ranger for the Sonoran Desert National Monument requested guidance from the Department of Interior in making land closure decisions because he had previously been unable to prove that the threats posed by **cross-border illegal activity met the legal standard of “extreme danger” due to staffing limitations** (U.S. Government Accountability Office, “**Border Security: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands**, November 2010, page 21). According to **the FY 2014 Manager’s Annual Report (the most recent year available)**, activities to mitigate the impacts **resulting from illegal human and drug trafficking is the “primary workload for monument staff.”** Removal of trash and abandoned vehicles and the closure of illegal roads are the main activities.

We ask that the Department of Interior recommend rescinding the Sonoran Desert National Monument because it is inappropriate to spend scarce BLM resources on activities better suited to a law enforcement agency.

Concluding Recommendations

On behalf of Arizona’s mining industry, we make the following recommendations for Secretary Zinke’s review:

- Reduce the size of Grand Canyon–Parashant, Vermillion Cliffs and IFNM so that they more appropriately reflect the acreage needed to protect objects and sites of historic and archeological

significance while still allowing for multiple land uses permitted by the FLPMA, including mining exploration, development and operations.

- Rescind the Sonoran Desert National Monument given the resources required to combat illegal immigration and drug trafficking activities. These activities are better conducted by law enforcement agencies.
- Repeal the 2012 Northern Arizona Withdrawal of 1.07 million acres in the Arizona Strip because the Withdrawal does nothing to protect the Canyon but does further increase our reliance on foreign governments for uranium.
- Modernize the Antiquities Act by:
 - 1) Requiring Congressional approval for designations as proposed by recently introduced S. 33 - Improved National Monument Designation Act cosponsored by 27 Senators;
 - 2) Creating specific and enforceable requirements for participation among state, county and local governments and the public. This must include consultation with the Governor and deference to state and local land use policy; and
 - 3) Requiring sound scientific and economic analyses of proposed designations before the designations can be made.

Thank you for the opportunity to comment on this matter of great importance to Arizona's mining industry.



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