

TRANSCRIPT OF PROCEEDINGS

PUBLIC COMMENTS REGARDING PROPOSED AIR
QUALITY PERMITS FOR THE PINENUT, CANYON AND
EZ MINES AND A GENERAL AQUIFER PROTECTION
PERMIT (3.04 GP) FOR THE EZ MINE

HOSTED BY: Arizona Department of Environmental Quality
David L. Lelsz, Ph.D., Hearing Officer

Sinagua Middle School Auditorium
Flagstaff, Arizona
Thursday, January 6, 2011

PERFORMANCE REPORTERS, INC.
121 East Birch Avenue, Suite 501
Flagstaff, Arizona 86001
TELEPHONE: (928) 213-1040

REPORTED BY:
JOHN A. DAL SIN, RPR
AZ CCR NO. 50270

P R O C E E D I N G S

1
2 THE HEARING OFFICER: Today is January 6th,
3 2011, and the time is now 6:22 p.m., Arizona time.

4 The location is the Sinagua Middle School
5 Auditorium in Flagstaff, Arizona. And again, my name
6 is Dr. David Lelsz, and I have been appointed by the
7 Director of ADEQ to preside at this hearing.

8 The purpose of our meeting today is to
9 provide the public an opportunity to present oral
10 arguments, data and views regarding the proposed
11 permits in the form of comments on the record.

12 I am here tonight assisted by Naveen
13 Savarirayan, and he is going to help me tonight in
14 taking your comments. He is the one that is going to
15 be taking your speak slips.

16 The public notice regarding these
17 proposed permits was published in the "Kingman Daily
18 Miner", the "Arizona Daily Sun" and the "Arizona
19 Republic" on November 12th, 2010 and November 19th,
20 2010 and also on ADEQ's website. Copies of the
21 proposed permits have been available at the ADEQ office
22 and on ADEQ's website at that time.

23 Today we are going to be conducting what
24 is called an "oral comment period". I am going to call
25 speakers in the order that we have collected the

1 comment slips. Any comments at this hearing that you
2 want to have the Department formally consider must be
3 given in writing or on the recording here tonight.

4 We will begin with a brief description of
5 the permits, a relatively brief overview of what they
6 cover. The Department of Environmental Quality is
7 proposing to issue Air Quality Permits for the Pinenut,
8 Canyon and EZ Mine that Trevor mentioned, as well as a
9 General Aquifer Protection Permit for the EZ Mine that
10 Carrolette mentioned.

11 The Air Quality Permits for the Pinenut,
12 Canyon and EZ Mine allow the Department to regulate air
13 quality from mine vent shafts, on-site generators and
14 dust from ore piles and haul truck operations. The
15 mine vents are subject to federal health limits for
16 radiation exposure from radon, which has been
17 incorporated into this permit.

18 The Water Quality General Aquifer
19 Protection Permit allows the Department to regulate the
20 non-stormwater impoundments from within the operational
21 area of the site.

22 Please note that the comment period for
23 the proposed permits ends January 14th, 2011. All
24 written comments must be postmarked, if sent via U.S.
25 mail, or received, if sent by email, by ADEQ by 5:00

1 p.m. on January 14th of this year.

2 Written comments may be mailed to Trevor
3 Baggione of the Air Quality Division at the Arizona
4 Department of Environmental Quality. That address is
5 1110 Washington Street in Phoenix. The zip code is
6 85007. Or you can send an email to tb4@azdeq.gov.

7 Based on the comments received tonight
8 and other additional comments that may be received
9 prior to the end of the comment period, a document will
10 be prepared to address the issues in the form of a
11 "Responsiveness Summary". This summary will include
12 responses to both written and oral comments.

13 A brief comment about the speaker slips
14 tonight. Speaker slips can be pooled, up to a maximum
15 of three, five minutes apiece, for a total of fifteen
16 minutes. If three people want to pool their speaker
17 slips and one person speak for fifteen minutes, you may
18 do that.

19 If a person would like to speak again,
20 they will need to fill out a new speaker slip and give
21 it to Naveen. And it will be put into the queue with
22 the rest of the speaker slips.

23 I am now going to open the proceedings
24 for the oral comments, but before I do, are there any
25 questions or comments about the format or procedures

1 that we are going to use tonight? Any questions about
2 the format or procedures?

3 Do I see a hand? Anybody?

4 (No response.)

5 THE HEARING OFFICER: All right.

6 I also want to make sure that everyone
7 keep the noise to a minimum. And as I said about the
8 cell phones, please put them on vibrate.

9 And I am going to apologize in advance
10 for mispronouncing names.

11 Naveen, if I could have those speaker
12 slips, please.

13 Naveen is going to be keeping time, with
14 the help of his device on stage.

15 If you could, approach the microphones.
16 You have five minutes to speak. During the first four
17 minutes of your time, the timekeeper will be green;
18 during the last minute of your time, you will see the
19 flashing yellow, or the yellow; and when your time is
20 done, brace yourself.

21 (Whereupon, a loud, shrill beep was heard.)

22 THE HEARING OFFICER: You will hear the tone,
23 and you will see the red light. We will allow you to
24 finish up your comments, if you already have not done
25 so. As to everybody else, finish speaking, and then we

1 will call on the next person.

2 Now I am going to begin by calling the
3 first two individuals. Please, will the first person
4 approach the most convenient microphone to them, and
5 would the second person in the queue approach the other
6 microphone, if you can.

7 The first person to speak tonight is Lisa
8 Paffrath. The second person will be Taylor McKinnon.

9 MS. PAFFRATH: My name is Lisa Paffrath. I live
10 here in Flagstaff. I am a realtor specializing in
11 properties in the Williams, Arizona area, specifically,
12 Route 64.

13 My biggest concern is with the trucks
14 that will be using Route 64 with the uranium.

15 Route 64 is probably one of the most
16 dangerous highways we have right now in the state. My
17 biggest concern is the additional safety issues or
18 accidents on that highway, since it is a major route to
19 the Grand Canyon from the west.

20 I have been on that road, and I have seen
21 people pass in a no-passing lane, on a hill. I was
22 there two years ago when there was a major accident,
23 where someone was killed because of the amount of
24 people speeding and passing illegally.

25 And my biggest concern right now is with

1 the additional traffic. Twelve truckloads a day
2 doesn't sound like a lot, but it is a lot when you
3 figure how many additional trucks carrying uranium
4 there will be on Route 64 in Williams.

5 Thank you.

6 THE HEARING OFFICER: Thank you, ma'am.

7 Taylor McKinnon?

8 MR. MCKINNON: I am Taylor McKinnon, with the
9 Center for Biological Diversity. And we will be
10 submitting written comments in addition.

11 My comments will focus on reviewing what
12 we learned at the December hearing, the public
13 information session that ADEQ hosted. Thank you for
14 hosting that.

15 We learned at that hearing that the
16 applicable protection permit does not require baseline
17 aquifer water quality monitoring, it does not require
18 water quality monitoring during mining, and it does not
19 require aquifer water quality monitoring following
20 mining. So there is no mechanism by which water
21 contamination, groundwater contamination, can be
22 detected. That's a problem.

23 The second problem is that the permits do
24 not require a remediation plan. In their worst-case
25 scenario, if the groundwaters were contaminated, there

1 is no plan in place by which to clean that up.
2 Further, there is no bonding required to ensure that
3 such a plan can be paid for.

4 And I think that the biggest problem
5 facing the permits is that there is really no way,
6 physically, to remediate aquifers that will be
7 contaminated by uranium that are thousands of feet
8 beneath the earth. And we have seen water quality
9 exceeding limits of the thirty micrograms per liter at
10 four of the existing mines that are up on the strip.
11 So there's precedent for that water quality contamin-
12 ation. I will leave it at that.

13 I will ask you guys to deny these permits
14 under your authority, under ARS 49-104, because you
15 cannot ensure, the federal government cannot ensure,
16 and the Mining Appropriations, cannot ensure that
17 irretrievable harm won't result from the proposed
18 mining.

19 Thank you.

20 THE HEARING OFFICER: The next two folks to
21 speak at the hearing will be Dawn Hubbs; and next will
22 be Linda Webb. Dawn Hubbs first, please.

23 MS. HUBBS: Thank you. Good evening. My name
24 is Dawn Hubbs. I am the Program Manager for the
25 Hualapai Department of Cultural Resources, and I am

1 here tonight on behalf of our Chairman, Wilfred
2 Whatoname, Sr., and the Tribal Council. I thank you
3 for the opportunity to comment tonight.

4 Today the Hualapai Reservation encom-
5 passes approximately one-seventh of our aboriginal
6 territory.

7 The Hualapai Nation reaffirms social,
8 cultural, historical, territorial and legal
9 affiliations with the Grand Canyon, the Colorado River
10 and the tributaries to the Colorado River in the Grand
11 Canyon, including Red Butte, which is now recognized as
12 eligible for inclusion to the National Register as a
13 Traditional Cultural Property. These cultural
14 landscapes are associated together as a unitary whole,
15 in which Hualapai traditional beliefs are reflected
16 through contemporary practices. It is evident that
17 Hualapai cultural and historical territorial
18 affiliations are extensive, both chronologically, prior
19 to European contact, and geographically, beyond the
20 present boundaries of the Hualapai Indian Reservation.

21 Many places that hold religious, cultural
22 and historic significance for the Hualapai people are
23 located on lands that are currently managed by these
24 various federal government agencies, including permit
25 submittals in the areas under consideration by ADEQ for

1 Denison's EZ, Pinenut and Canyon mines.

2 In 2009, the Hualapai Tribal Council,
3 through Resolution NO. 67-2009, made it clear that the
4 Hualapai Nation opposes all uranium exploration and
5 mining.

6 In October of 2009, the National Congress
7 of the American Indian's Resolution No. PSP-09-088c
8 also recognized the Hualapai objections to uranium
9 exploration and mining on sacred and sensitive land.

10 Today it's here. And once again, the
11 Hualapai Nation formally expresses our opposition to
12 the resurrection of uranium mining by the Denison Mines
13 Corporation and all other uranium mining adjacent to,
14 in, around or near the Grand Canyon.

15 The ADEQ and Denison Mines Corporation
16 have yet to demonstrate that the concentrated mining
17 will not impact the northern Arizona Indian tribes,
18 groundwater resources the Colorado River's water
19 supply, cultural, ecological and natural resources and
20 the wildlife that are native to the Hualapai and the
21 surrounding Indian nations.

22 A concern not actually addressed is the
23 cumulative impact that mining operations will create,
24 specifically in regard to the stockpiling and
25 transportation of uranium ore that will occur near the

1 Hualapai Reservation and, consequently, to urban
2 communities and the Grand Canyon National Park,
3 Coconino and Kaibab National Forests.

4 Additionally, Hualapai operations and a
5 robust tourist industry depends on natural resources,
6 naturally derived from the Grand Canyon. Corruption of
7 these natural resources will inevitably impact the
8 Hualapai Nation's tourism, businesses and many cases of
9 the environmentally conscious. There are numerous
10 visitors who come to our area to enjoy this natural
11 state. A large segment of patrons would be deflated by
12 the thought of extensive uranium mining and the threat
13 of contamination of the water flowing through the Grand
14 Canyon.

15 We are very alarmed that Denison Mining
16 Corporation may be permitted to resume mining, even at
17 the Arizona 1 Mine. As a practical matter, we expect
18 formal consultation before the Interior Department
19 considers operating and opening any and all uranium
20 mining sites that have the potential to impact the
21 Hualapai Nation.

22 We intend to pursue our rights under
23 President's order 131-75 to consultation on this
24 matter.

25 On the state level, the Arizona state

1 government has a legal obligation, under Executive
2 Order 2006-14, to engage in meaningful governor-
3 to-governor consultation with Indian tribes.
4 "Consultation" does not really mean visiting, but
5 rather, engaging in a cooperative, meaningful dialogue.

6 The ADEQ must not act until it
7 demonstrates an understanding and acknowledgement of
8 the history of impacts left on people in this area by
9 mining.

10 Our opposition to uranium mining is not
11 new. We, along with the Havasupai, Navajo and Hopi
12 Tribes, have repeatedly made our views known on these
13 uranium mines on or near tribal lands.

14 We look to you, as trustees of our land,
15 to incorporate our experiences and our views in your
16 decision making as mandated by Executive Order 2006-14.

17 Thank you very much on behalf of the
18 Hualapai Tribal Council.

19 THE HEARING OFFICER: Linda Webb.

20 MS. WEBB: For me to get to the microphones is
21 real difficult. I hope that everyone can hear me
22 adequately. I will try to keep my voice up.

23 I am Linda Webb. I live at Howard Mesa,
24 and I am president of the Howard Mesa Ranch Property
25 Owners Association.

1 We would like to go on record as being
2 opposed to any and all mining in the area for uranium,
3 on the basis of the water quality issues in particular.
4 Water quality is an extremely important issue in the
5 Southwest, it is an extremely important issue in
6 Arizona. We ALL live downstream of the Colorado, in
7 one way or another. And anything that affects the
8 Colorado River and water affects all Arizonans, and
9 affects all the people in the Southwest.

10 In an area where the water frequently,
11 outright drops and is regulated to the nth degree, the
12 ideal would prohibit a lot of mining that could
13 possibly contaminate that watershed, because we have no
14 way of cleaning up, with all of our technology. It's
15 incomprehensible to me.

16 First of all, the situation would begin
17 of beginning at 10:00 o'clock to wash your hands. All
18 of it derives from the mining companies complying, and
19 it has no implied guarantees that we can prevent
20 something before it happens.

21 Someone might ask, "What would you
22 consider an acceptable tolerance".

23 My answer is: Zero. There is no
24 acceptable tolerance when it comes to contamination of
25 our water supply.

1 We would proceed directly to the
2 worst-case scenario if this is approved. There has to
3 be an independent monitoring step. Unfortunately, the
4 MC has a bad checking history. And they have great
5 numbers of people. But when it comes to the dollars
6 and cents, we can't have people within the industry
7 monitoring their own quality. It has happened before.
8 And unfortunately, we have appealed to the nations
9 around us -- the Navajo, the Hopi -- and we have seen
10 the inadequacy of their inspecting of things.

11 So we are requesting that, minimally,
12 there must be an independent agency there to monitor
13 compliance and work, as a minimal requirement. And
14 then there will have to be definite production goals,
15 that they are not heading for bankruptcy, like a lot of
16 companies in the '50s and '60s, and walk away. And the
17 taxpayers have to clean up after them.

18 We have got to learn from our mistakes.
19 And I think it's time to stop this once and for all.
20 We don't know all the questions to ask. And therefore,
21 we totally oppose any contamination of the water. It's
22 not worth it. We cannot replace our water.

23 Thank you.

24 THE HEARING OFFICER: Thank you, ma'am.

25 The next two speakers are Sara Presler

1 and Tom Mackin.

2 MS. PRESLER: Good evening.

3 My name is -- Excuse my voice.

4 My name is Sara Presler. I am the Mayor
5 of the City of Flagstaff. My office is 211 West Aspen,
6 Flagstaff, Arizona 86001.

7 I am here this evening, Hearing Officer
8 Lelsz and ADEQ, to request that you deny the air
9 quality permit for Denison Mines.

10 You are charged with protecting human
11 health and the environment. The Flagstaff City Council
12 in December of 2010, passed a resolution in opposition
13 to uranium mining.

14 As an elected official in northern
15 Arizona, it is my responsibility to also protect the
16 human health and environment of our citizens. And in
17 being elected to represent a majority voice of our
18 citizens, we recommend to the State, to the Governor's
19 office, and to ADEQ to deny the air quality permits.

20 I was raised in Mohave County, and I
21 currently live in Coconino County. I am very grateful
22 that you are hosting this hearing here in our fair city
23 so that members of the community can come out and talk
24 to you directly.

25 I do have a certified copy of the

1 Council's resolution that I will submit to you in
2 writing following my comments.

3 When we know about something, we have a
4 responsibility to do better. I have reviewed the 1986
5 plan, EIS recommendation, and the statement. The
6 hazardous materials along and their passage through our
7 community should be enough to deny these permits. The
8 environmental contamination and industrialization of
9 our landscape will significantly and detrimentally
10 affect our economy in northern Arizona.

11 Not only are these companies backed by
12 foreign investors, therefore not returning enough to
13 the economy of Arizona, but half of our sales tax
14 collected in Flagstaff come from tourism. That means
15 that the pay of every police officer is paid for by a
16 tourist. So when we talk about hazardous material,
17 environmental contamination and the industrialization
18 of our landscape, that has a direct, significant and
19 measurable effect on our Flagstaff economy.

20 Water is life, especially here in the
21 Southwest. And radioactive waste and materials
22 penetrating our water supply is not the future that our
23 citizens nor I request.

24 Clearly, ADEQ does not have the authority
25 to regulate cultural enforcement, but they can take it

1 into account when determining whether it is in the best
2 interest and in the good faith of the State to issue
3 such permits.

4 I ask you to seriously consider the
5 detrimental effect to cultural resources in and around
6 the Flagstaff area.

7 Here in the state of Arizona, we are
8 donors to the federal government of our tax dollars.
9 In Flagstaff, when the rest of the state is down in its
10 economy, we are a donor city to the State of Arizona.
11 Having created in Flagstaff alone over a hundred jobs
12 this last year, the average wage of those jobs being
13 eighty-five thousand dollars a year, we understand
14 firsthand that the State of Arizona is in a very
15 significant and severe economic crisis.

16 Additional monitoring by RCA and B to
17 reopen and rebirth these mines is not in our state's
18 best economic interest, let alone the anticipated
19 hazardous effects from operator error.

20 We would urge, as the City of Flagstaff,
21 for the State of Arizona to invest its resources in
22 renewable, clean and progressive industries.

23 Uranium mining is not that.

24 You may hear from Flagstaff citizens
25 about their independent economic benefit as employees

1 of this mine. But it is and remains my responsibility
2 to present to you on behalf of the majority of our
3 citizens that if we allow for these mines to continue,
4 that it will have severe detriment to our community

5 Further, self-monitoring of mining
6 activities is like a fox watching the hen house. And
7 that is why, as an elected official, I call upon you
8 and the State of Arizona to deny the air quality
9 permit.

10 Thank you.

11 (Applause.)

12 THE HEARING OFFICER: Tom Mackin.

13 MR. MACKIN: Good evening. And thank you for
14 the opportunity tonight to speak before you.

15 My name is Tom Mackin. I am currently
16 the president of the Arizona Wildlife Federation. I
17 have been a resident of Flagstaff for over twenty-seven
18 years. And for the last twenty-five years my family
19 and I, along with many other sportsmen, citizens and
20 other concerned individuals, have toiled hundreds, if
21 not thousands, of hours each year in the area
22 surrounding the Grand Canyon to improve wildlife
23 habitat, to improve the availability of the necessary
24 items that all of us, all of our species, require.
25 Those include food, water, shelter and space.

1 I would now like to read a resolution
2 adopted by the Arizona Wildlife Federation in March of
3 2008.

4 The Arizona Wildlife Federation has
5 supported resolutions calling for the reform of the
6 Mining Act of 1872, the prohibition of or severe
7 limitations of legal expiration in critical wildlife
8 habitat areas and continuing protection of the North
9 Kaibab Game Reserve. The Arizona Wildlife Federation
10 also supports the withdrawal from mining, mineral
11 exploration and mineral entry for all of the federal
12 lands adjacent to the Grand Canyon National Park within
13 Coconino County.

14 Arizona is known throughout the world as
15 the "Grand Canyon State". The land adjacent to the
16 Grand Canyon provides important habitats for a wide
17 diversity of wildlife, native plants and important
18 riparian areas. The lands are also home to numerous
19 indigenous cultures, which have co-existed for
20 centuries, with the important and unique natural
21 resources of the Grand Canyon.

22 Recently, thousands of mining claims have
23 been filed in the irreplaceable and fragile
24 environment. The planned exploration and potential
25 land development in these areas threatens these unique

1 species and residents of these areas.

2 Over the past forty years, several mining
3 activities have left indelible scars on the landscape
4 and on the health of many of its residents. The lack
5 of any conformance to the Mining Act of 1872 heightens
6 the risks to all species dependent on these lands and
7 waters. The things in these lands that are affected
8 for many of these areas' species are dramatically
9 similar. Food, water, shelter and space. Any activity
10 that alters, threatens or limits any of these features
11 should be viewed with intense scrutiny and great
12 caution.

13 The mission statement of the Arizona
14 Wildlife Federation states that we are a nonprofit
15 organization dedicated to educating, inspiring and
16 assisting individuals and organizations to value,
17 conserve, enhance, manage and protect wildlife and
18 wildlife habitat.

19 Our concern regarding the claims and
20 claims activities in this area prompt us to request
21 immediate withdrawal and protection in perpetuity of
22 these important lands from any similar development
23 interests. This concern and request is similar to
24 those of numerous other organizations, as well as those
25 of the Coconino County Board of Supervisors and other

1 concerns devoted to the City of Flagstaff.

2 Thank you very much for accepting my
3 comments.

4 THE HEARING OFFICER: Yes, sir.

5 Bryan Bates and Ernie Webb, please.

6 MR. BATES: My name is Bryan Bates. I have
7 lived here in Flagstaff for thirty-two years. My
8 current allegiance is to the community college, and my
9 address is P.O. Box 3601, Flagstaff 86003.

10 First, I want to share that the
11 government has done its absolute best to make sure that
12 we break every problem to parts, such that when we
13 understand the parts that we won't always understand
14 the connections. Therefore, I want to say that the
15 government infrastructure in many ways interferes with
16 our relatively good ecological management. So I don't
17 hold the Arizona Department of Environmental Quality
18 responsible for that. I think you have inherited a
19 major problem.

20 But we have a major issue not only here
21 in Arizona, but world wide, and that is protecting
22 genetic diversity. A prominent biologist at Harvard
23 University said that it's probably the greatest problem
24 we face. And that goes back to preserving the genetic
25 diversity -- microbes, flora, insects, as well as all

1 other organisms.

2 What we are dealing with in this is the
3 potential effects of genetic cautions. We are all
4 aware of, through the National Academy of Science, the
5 potential cancerous, potential radioactivity. And
6 thus, we have a responsibility to make sure that we
7 know where the genetic information is going to be from
8 the millions and millions of years from evolution.

9 Now, the uranium and other metals that
10 are deposited in these sites is relatively stable. It
11 has been there for some time. As we all know, every
12 action has an equal and opposite reaction. Therefore,
13 any disturbance is going to cause a migration of
14 particles, a migration that cannot be monitored,
15 particularly when it's a thousand feet below the
16 surface of the earth.

17 Now, Donald Mills of the U.S. Geological
18 Service, along with Martha Hahn, two scientists at the
19 Grand Canyon National Park, have shared with me that
20 there is a greater extension of faults throughout the
21 Grand Canyon region than we have ever known. This
22 report came out just this last year. I think it was in
23 March of 2010. The migration of water through the
24 aquifers that lie beneath the surface is much more
25 extensive than we have ever hypothesized previously.

1 Therefore, we have to begin to look at the effect of
2 migration of radionuclides, whether uranium, polonium,
3 vanadium or other minerals, and how those remaining
4 assets, organisms and ecosystem stability in the long
5 term. And when I say "long term", I am talking about
6 millions of years. Our perception is oftentimes based
7 upon when is the next paycheck, when is the next event
8 of significance in our personal lives. And we have
9 become characters of fast food. That has limited our
10 perception such that we don't always see the longer
11 term implications. And that is actually what is of
12 most value in these proceedings that you are holding.

13 So when we look at the long-time needs,
14 what is really one of the crux issues that has yet to
15 be resolved is not only the mining, if mining proceeds,
16 but waste disposal. This country does not yet have a
17 viable waste disposal process; and therefore, to create
18 additional genetic toxins and allow them to be
19 migrating, whether from the back of trucks or whether
20 through aquifers, through the atmosphere or elsewhere,
21 we've really got to have some control process in the
22 long-term maintenance. And the best way to make sure
23 that we control genetic diversity is to manage it now.

24 To paraphrase a prominent physicist, he
25 says that nuclear energy is kind of like chain saw,

1 when you use too much energy to get energy.

2 So I would like to finally share that the
3 doctrine from the U.S. Supreme Court in the Colorado
4 River case explicitly protects Native American assets
5 to water quantity and water quality.

6 So there are numerous different issues
7 here, and I would encourage the ADEQ to reject this
8 permitting and request a full environmental impact
9 statement.

10 Thank you, sir.

11 THE HEARING OFFICER: Thank you.

12 I have been reminded we have about sixty-
13 two folks that signed in tonight. If you have not yet
14 signed in and wish to speak, please do so.

15 Ernie Webb.

16 MR. WEBB: My name is Ernie Webb. I live at
17 3628 Whitetail Loop, Williams, Arizona.

18 I would like to first state that I oppose
19 these mines because of the threat to the water supply,
20 wildlife and the personal health of the citizens in the
21 area.

22 If these mines are allowed to open, one
23 of the things that I would like to emphasize is the
24 need to do monitoring of particle sizes smaller than
25 2.5 microns.

1 Prior to moving here to Arizona, I spent
2 twenty-nine years at the U.S. Chemical and Biological
3 Development Center in developing protection devices
4 against biological and chemical materials.

5 When this country was in the business of
6 developing biological materials for warfare, we
7 specifically targeted 1.5 micron particles. And going
8 down to one micron. And the reason is the lethality
9 with respect to those particles getting into the water.
10 So it is essential to monitor below 2.5 microns because
11 of the danger of those particles. And we specifically
12 targeted those particles when we were developing
13 weapons that required entry into the wild.

14 The other thing that I would like to make
15 a brief comment on is the issue regarding the trucking.
16 The trucking should be the most sealed and most secure
17 trucking that is possible to transport these materials.
18 I think it's absolutely appalling to think that the
19 Denison profit line would take precedence over personal
20 safety. The trucks need to be the most secure that can
21 be had to transport these materials.

22 Thank you.

23 THE HEARING OFFICER: Do we have someone here
24 from the Grand Canyon Trust tonight? If we do, I can't
25 quite read your name.

1 And also, Greg Webb.

2 Please state your name.

3 MS. WOODY: Hello. My name is Hertha Woody.

4 I am from Shiprock, New Mexico, where a
5 uranium tailing was left there by Kerr-McGee and
6 Vanadium Corporation of America. Approximately two
7 hundred thirty acres of tailings piles sit at the heart
8 of my home town.

9 I came to Flagstaff over ten years ago
10 for college and worked in a lab for two years under the
11 Native American Cancer Research Program at Northern
12 Arizona University.

13 The objective of the program was to
14 explore the relationship between cancer disparities on
15 the Navajo Nation and environmental uranium. I have
16 learned since that there are many forms of uranium,
17 including ways in which uranium can become bio-
18 available, which means it can be taken up as by
19 vegetation as well as livestock, and people can be
20 exposed to these toxic species of uranium.

21 The Navajo perspective can be understood
22 in the light of the many abandoned mines left behind
23 after the mining boom, and also a general fear
24 surrounding environmental uranium exposure and
25 increased risk of cancer.

1 Uranium has poisoned many of our
2 communities, including the community of Cameron, which
3 is one of the towns displayed on your hauling routes on
4 your website.

5 I have concern that I don't know if ADEQ
6 has contacted the Navajo Nation to let these
7 communities know that you want to transport uranium
8 through their towns. I have been informing these
9 communities of the uranium hauling routes through the
10 Navajo Nation. Currently, I work at Grand Canyon
11 Trust. I work to advocate for the land and its people
12 by advocating and empowering the communities that are
13 affected by environmental racism and injustices by
14 corporations, mining corporations.

15 A couple of months ago, in November, I
16 attended the National Congress of American Indians
17 Conference in Albuquerque, New Mexico. NCAI is the
18 largest and oldest and most representative of Native
19 American and Alaska Native organizations of tribal
20 governments and communities. All five hundred and
21 sixty federally recognized tribal nations passed a
22 regulation in support of the Grand Canyon Watershed
23 Protection Act, HR 644, Resolution Albuquerque 10-025.
24 And the act of that resolution is in opposition of any
25 uranium mining near the Grand Canyon.

1 And I have copies here.

2 Last month I also attended the Western
3 Navajo Agency meeting here in Flagstaff, on December
4 18th. I have the copies here as well. That's
5 Resolution 352-13-4. The resolution from all eighteen
6 Western Navajo Agency chapters and towns, they do not
7 want any uranium ore transported through their towns.
8 The Navajo Nation is concerned about the uranium
9 contamination of their land and how this has put such
10 an unequal cancer burden on our people, on the Navajo
11 people.

12 My sister, my daughter and I drive
13 through these routes, on Highway 98, through Cameron,
14 through Tuba City, Kayenta and Dennehotso, to get to
15 our home town, Shiprock. I don't want to be following
16 any trucks. I like to roll my window down. I do not
17 want to find out that these roads are contaminated.

18 These hauling trucks should have a better
19 way to contain dust, other than trucks. Denison stated
20 last time that more secure trucks would be extremely
21 expensive. That doesn't mean that they shouldn't be
22 there.

23 I also want these tailings to be treated
24 like contaminated soil from a Superfund site or, at
25 least, covered with a solid lid that has extra

1 protection along the seams.

2 I want to end my comments with a quote by
3 Phillip Lee. He is a former Navajo Engineering
4 Construction Authority employee. He helped clean up
5 the radioactive soil in at the Kerr-McGee uranium mine
6 in Shiprock. He began chemotherapy for renal cell
7 carcinoma just this past September, in 2010. He was
8 diagnosed in August, 2009. He worked from January,
9 1985 to around about September, 1986, operating a
10 scraper and hauling contaminated soil for disposal at
11 the Shiprock Uranium Mill Tailings Remedial Action
12 site. He was breathing the contaminated dust.

13 Please deny these permits.

14 Thank you.

15 THE HEARING OFFICER: Yes, ma'am.

16 (Applause.)

17 THE HEARING OFFICER: Greg Webb, and then Sandy
18 Bahr, please.

19 MR. WEBB: Hello. My name is Greg Webb. I live
20 at 3628 Whitetail Loop in Williams, Arizona.

21 I want to, first of all, state my
22 opposition to these mines in any way, shape or form.

23 I have spent most of the last ten years
24 as a seasonal park ranger with the National Park
25 Service. Six of those seasons were at the Casa Grande

1 National Monument, which is located in the Valley, and
2 I also spent some time as a private tour guide at the
3 Grand Canyon.

4 Water, air, business is the stuff of
5 life. Energy is very important, but there are other
6 ways to get it. The water issues are just paramount,
7 are extreme. In some of the areas, these may be
8 mitigated or I think should be at the most extreme
9 level if this is approved. A ceiling on everything.
10 Trucks should not just be going down the road where the
11 tarp is loose with material in there.

12 As far as the water, contamination is
13 bad. Period. The water supplies up here are not just
14 the water supplied from the Grand Canyon. Water flows
15 from the Colorado Plateau, also flows down the
16 Christian Sound into the Berry River system, the Salt
17 River System. These are water issues of the entire
18 state of Arizona if these waters are contaminated. So
19 I don't think there are any measures, from what I am
20 seeing, to really protect these. And I think those
21 measures need to be there or these permits need to be
22 denied.

23 And I thank you for our time, sir.

24 THE HEARING OFFICER: Sandy Bahr, and then Art
25 Babbott.

1 MS. BAHR: Thank you for the opportunity to
2 address you this evening. I am Sandy Bahr. I am the
3 Director for the Sierra Club Grand Canyon Chapter, and
4 the Grand Canyon Chapter is the Arizona Chapter.

5 We have been concerned about Grand Canyon
6 and the lands around Grand Canyon since the beginning
7 of the Sierra Club, and we continue to work to protect
8 these lands.

9 First off, I want to say that we are
10 adamantly opposed to the development and opening of
11 these three proposed uranium mines, all of which are in
12 close proximity to Grand Canyon National Park, all of
13 which risk the important resources of the greater Grand
14 Canyon ecoregion, including the air, the water, the
15 soil, the wildlife, and people who might be subjected
16 to radioactive dust.

17 I think the Arizona Department of
18 Environmental Quality may need to take a step back and
19 think about its mission and look at its overarching
20 statutes relative to permitting these mines.

21 Arizona Department of Environmental
22 Quality has a responsibility, pursuant to Title 49,
23 which is where it gets its authority, to ensure that it
24 develops policies, plans and programs to protect the
25 environment, and also to promote and coordinate the

1 protection and enhancement of the quality of water
2 resources consistent with the environmental policy of
3 the State. Furthermore, the statute requires that the
4 agency prevent and abate water pollution.

5 The Arizona Department of Environmental
6 Quality also has delegated authority under the Federal
7 Clean Air Act. And I think everyone knows -- Well,
8 perhaps not some elected officials! But most people
9 know the Federal Clean Air Act has a strong public
10 health mandate.

11 Also, the statute specifically says the
12 policy of this state is that no further degradation of
13 the air of the state of Arizona by any industrial
14 pollutants shall be tolerated.

15 So it's within that context that we think
16 the Department of Environmental Quality should review
17 these permits, and should deny them.

18 We also want to reiterate our concern
19 about the agency doing an about-face and considering a
20 general permit for aquifer protection relative to these
21 mines. Specifically, the EZ Mine we are talking about
22 today. We think it is inappropriate to permit these
23 mines with a general permit, and it is an abuse of
24 discretion by the Department and the Department's
25 Director.

1 The bottom line is: This is just not any
2 place. We are talking about the Grand Canyon, we are
3 talking about the Colorado River, we are talking about
4 aquifers that have ceased to feed some springs that
5 also feed the Colorado River.

6 We will be submitting more detailed
7 written comments on that, but I wanted to remind you of
8 some testimony from David Kramer, who is a professor at
9 the Department of Geoscience, University of Nevada, Las
10 Vegas. And his comment said: On the basis of this
11 research, his research, and that of others, I am
12 profoundly concerned that mining in or near the Tusayan
13 Ranger District and federal land managed by the Bureau
14 of Land Management in the vicinity of Kanab Creek will
15 damage the quantity and quality of Grand Canyon springs
16 and the domestic animals that depend on those springs.
17 The springs support a wide diversity of animals, birds,
18 insects and plants and provide water for back-country
19 hikers and Native Americans.

20 And we will be submitting the full
21 testimony with our comments, as well as comments
22 provided by Abe Springer and other hydrologists and
23 hydrogeologists.

24 I'm running out of time!

25 EZ Mine doesn't qualify for a type 3.04

1 general aquifer protection permit. If you look at the
2 provisions for providing these, one of them is: The
3 cost of issuing individual permits cannot be justified
4 by any environmental or public health benefit that may
5 be gained from issuing individual permits.

6 By that criterion alone, you should at a
7 minimum require an individual permit.

8 EZ Mine should require a closely
9 monitored impact to the aquifers of a closure plan, and
10 have a much, much larger bond. All of which would be
11 required under an individual permit.

12 We also have some significant concerns
13 about air quality. We think that ADEQ should have
14 looked more closely at these mines, considering the
15 status of Grand Canyon National Park as a class 1
16 attainment area.

17 And with that, I thank you for your time.
18 And again, we urge the Department of Environmental
19 Quality to think about its mandate to protect the
20 environment and the health of the people of Arizona and
21 to deny these permits.

22 THE HEARING OFFICER: Thank you.

23 Art Babbott.

24 MR. BABBOTT: Thank you.

25 Good evening. I appreciate ADEQ

1 listening to public comments here.

2 My name is Art Babbott. I live at 1414
3 North Rim Drive, Flagstaff 86001.

4 For identification purposes, I am a
5 member of Flagstaff City Council, and am the City
6 Council member who voted in favor of the resolution
7 regarding the uranium mining -- or in opposition to
8 uranium mining on federal lands in proximity to the
9 Grand Canyon National Park.

10 I would just like to read three of the
11 recitals from that resolution.

12 Whereas, uranium mining on federal public
13 lands surrounding Grand Canyon National Park risks con-
14 tamination of groundwater, springs and, ultimately, the
15 Colorado River; and

16 Whereas uranium mining on federal public
17 lands surrounding Grand Canyon National Park will
18 industrialize the landscape with roads, power lines,
19 mining infrastructure; and

20 Whereas the trucks from the uranium mines
21 on the south rim of the Grand Canyon will travel to
22 Flagstaff on their route to the mill, because they are
23 not permitted to travel through Grand Canyon National
24 Park.

25 As an individual here, I am clearly

1 expressing to you my desire for ADEQ to deny the
2 application for air quality and water permits by
3 Denison Mines. I believe the continuation of expansion
4 of mining operations on federal and private land
5 surrounding the National Park really goes against the
6 qualities and the attributes which attract so many of
7 us who live here and the millions and millions of
8 people who come here to experience a really natural
9 place in this part of the Colorado Plateau.

10 With regard to the air quality permit, I
11 do not have some of the history in this part of the
12 plateau that many of the people do here, but I have
13 seen over time the continued deterioration through
14 airborne particulate pollution that are a disability,
15 and has been incredibly impacted as a result of that
16 particulate contamination. I believe that the approval
17 of the air quality permit and the approval and
18 permitting of these mines will exacerbate that problem
19 substantially.

20 I am not a scientist, but I am a public
21 policy person, and I really would encourage the
22 Department to look at a broad, long-term water policy
23 perspective when you are looking at your permits. The
24 risks that are associated to our city and our aquifer
25 up here are so substantial and so substantive that the

1 regulatory burden that must be put on an applicant I
2 believe should be of incredibly high standards.

3 I absolutely concur with speakers who
4 oppose the general permit for this. The risks I do not
5 believe warrant a general permit.

6 With that said, I just want to reiterate
7 to you the importance of us looking at this not in
8 terms of five-, ten- and twenty-year windows but, as
9 some of the other speakers have said, in terms of
10 multi-generational windows, that once that generation
11 should occur, either through dish and settlement ponds,
12 will be with us for thousands and thousands and
13 thousands of years.

14 Thank you for your time. I appreciate
15 you coming up.

16 THE HEARING OFFICER: Allison Clough, and
17 then Nikke Alex.

18 DR. CLOUGH: Hello. I'm Allison Clough, a
19 family physician.

20 The ADEQ and those who enrich themselves
21 from mining uranium on the Colorado -- on the Coconino
22 Plateau appear to have forgotten, never to have known
23 or simply not to care that our region has already
24 suffered heavily from uranium mining.

25 I will briefly list health consequences

1 which we, Native Americans and recent arrivals alike,
2 face daily because of what the Navajos have called
3 "Leetsoh", the yellow monster, mined on the Navajo
4 Reservation for thirty years, since 1948.

5 First, exposure to the radioactive ores,
6 tailings and dust causes leukemia, lung and
7 reproductive cancers. Young Navajo women, according to
8 studies by the U.S. Government, are seventeen times
9 more likely to suffer from cancer than are American
10 women outside of the reservation. In a study recently
11 published by the University of Arizona, one hundred
12 thirty-three of one hundred fifty Navajo miners at
13 Shiprock, New Mexico in 1970 died of cancer. Across
14 the reservation, by the end of 1999 over a thousand
15 Navajo miners had died of cancer. Before 1970,
16 physicians documented their amazement that cancer was
17 absolutely rare among the Navajo people.

18 Second, in the late 1970's healthy,
19 active children in several Navajo communities grew
20 deformed, weakened and died. Physicians thought it was
21 a new genetic disease. It took over twenty years to
22 demonstrate what should have been clear from the start:
23 Heavy metals, including arsenic, lead and uranium
24 leached into the water and soil, contaminating plants,
25 animals, and the people who ate them. We had minimal

1 disease on the Coconino Plateau.

2 In addition to poisoning the water,
3 mining robs us of water. The high desert of the
4 Coconino Plateau is productive, but our aquifers are
5 limited. As water is mined along with the minerals,
6 springs and lakes will dry.

7 Uranium mining poisons the land. Where
8 people used to graze sheep, horses and cattle there are
9 sterile fields of gravel, even in allegedly restored
10 areas. And I am speaking specifically of Cameron.

11 I have friends near Black Falls who used
12 to raise and gather their own food and drink sweet
13 spring water. They now drive to Flagstaff for food,
14 and they haul water and canned soda. They, who
15 survived the mining and the heavy metals, are
16 succumbing to the devastation of diabetes brought about
17 by the standard American diet of the poor and newly
18 sedentary lives.

19 The ranching and wildlife lands where new
20 mines are proposed or which will be contaminated if old
21 mines reopen may seem small to a wealthy nation, but
22 they are critical elements in the food security of the
23 Coconino Plateau.

24 Finally, downwind of Nevada nuclear test
25 sites the Coconino Plateau has suffered increases in

1 leukemia, breast and thyroid cancers. Long after the
2 yellowcake sickened the people who took it from the
3 earth, who purified and transformed it into the most
4 powerful weapon ever known, leetsoh has come back.

5 Uranium mining will not meaningfully or
6 lastingly enrich the people of the Coconino Plateau.
7 We do not need uranium for power. We must realize that
8 our wealth is our health -- clean air, pure water,
9 wholesome food and the outdoor lifestyle we enjoy. The
10 health of all the people of the Coconino Plateau will
11 only be harmed by uranium mining.

12 Thank you for this opportunity.

13 THE HEARING OFFICER: Nikke Alex. And then Jim
14 McCarthy.

15 MS. ALEX: (Introduces herself in the Navajo
16 language.)

17 Hello. My name is Nikke Alex, and I am
18 here from the community of Dilkon, Arizona. But I grew
19 up in New Mexico, in the Church Rock area, which was in
20 the 70's largely mining uranium. And still today
21 communities are forced to drink contaminated water and
22 to live on still radioactive land.

23 I can reiterate again the legacy that
24 Navajo people have with uranium -- not only mining, but
25 milling and ore transportation.

1 I take issue that the U.S. Department of
2 Justice Radiation Exposure Compensation Program is
3 working. I have worked with deceased miners for many
4 Navajos, but also worked with numerous claims. And a
5 big part of where my dedication to protecting the
6 environment and also my people's health came from my
7 grandmother. And my grandmother was an ore
8 transporter, and has recently contracted leukemia. And
9 I strongly believe that it is because of her work in
10 ore transportation. And while there are people with
11 three thousand radiation exposure compensation program,
12 I filed hundreds of claims where people were sick, my
13 people were sick, and yet the U.S. are not working with
14 them, much that people were exposed to, not only in
15 mining, but milling, ore transportation, and people who
16 were exposed at test sites.

17 And I come here today to strongly oppose
18 these permits, these uranium permits, and also to
19 give a voice to young people -- I am a young Navajo
20 person -- and in seeing that your taking action will
21 affect my future. And the cleanups will be left up to
22 me and generations after me.

23 And I am here also to speak for our
24 mother, our land, our water, our sky, that these are
25 important elements in our life and our livelihood, that

1 people have said that we still haul water, and my
2 friends and my family members still haul water. And
3 other communities still haul water as well. And they
4 are forced to drink contaminated water. And these are
5 all forms of environmental racism. And justice needs
6 to be brought to these communities. And so I speak to
7 people in these surrounding areas that it's not
8 economic, that people are making for economic, for
9 people that's social and health aspects as well.

10 And I thank you for listening to my
11 comments. And again, I strongly oppose these permits.

12 THE HEARING OFFICER: Thank you.

13 (Applause.)

14 THE HEARING OFFICER: We are going to take a
15 brief break -- ten minutes, I should think -- and we
16 are going to reconvene.

17 It is 7:21, and we are going to be back
18 here at 7:31.

19 (Recess taken.)

20 THE HEARING OFFICER: The time is 7:31. We will
21 begin. We are going to start with Jim McCarthy. But
22 before we do, if you have prepared remarks, would you
23 please submit those to ADEQ? You can send those to
24 Trevor. And his email address is tb4@azdeq.gov. Or
25 you can submit them to me tonight.

1 Jim, would you please begin?

2 MR. McCARTHY: Hello. My name is Jim McCarthy.
3 I live in Flagstaff. You have my address on the record
4 already, on the card.

5 The main issue is trust.

6 First of all, I'd like to tell you that
7 I'm a mechanical engineer; my father is an electrical
8 engineer, who worked in the nuclear industry for
9 General Electric. So I have always been pretty spring-
10 loaded, I believe, in technological solutions
11 directions.

12 However, I'm going to tell you about an
13 experience I had when I worked at Garrett, which is now
14 Honeywell, and I worked in a group that made valves.
15 And we were charged with making valves to replace the
16 valves which failed at Three Mile Island. You may
17 remember that that was a nuclear plant on the East
18 Coast that came very close to being a large disaster.
19 And it happened because a valve failed, one valve
20 failed.

21 And what did I learn from that? I
22 actually read the failure report for the Three Mile
23 Island incident, especially the part having to do with
24 the valve failure. And what blew me away was that they
25 didn't even consider that this valve might fail opened.

1 If it failed in closed position -- in other words, it
2 was not open -- they had a backup. But they didn't
3 have a backup for if it would fail not closed.

4 So the lesson learned for me is that the
5 nuclear industry really cannot be trusted. At least,
6 that part of it.

7 And I think the lesson learned for
8 tonight is that if a permit is granted, there needs to
9 be very stringent monitoring by the government. To
10 just expect the mining companies to monitor themselves
11 is kind of humorous at best, and dangerous at worst.

12 I haven't read the details, but there
13 will be a lot of issues. If there's a big storm event,
14 then the retention ponds could be washed out. You
15 know? Someone might say, "Well, the plan is for a
16 hundred-year storm event". That means that if the mine
17 is open twenty-five years -- which it may not be. I'm
18 just using this as an example-- there would be a
19 one-in-four chance that that would fail. That is
20 unacceptable. So there needs to be a rigorous
21 causes-and-effects analysis.

22 I guess the bottom line is that when you
23 consider the probability of failure, which some may say
24 is rather small, maybe, that you should also look at
25 the potential of how serious the consequences could be.

1 The only logical conclusion is that unless there is
2 some very strict and rigorous test analysis and very
3 rigorous monitoring, that it really doesn't make any
4 sense to build this mine.

5 Based on what I know about it, what I've
6 read and what I've heard tonight, it really does not
7 make sense to put these mines in and in fact, from
8 where I'm standing, that the State should give them
9 their water and air permits.

10 I am on the Flagstaff Water Commission.
11 I am certainly not speaking on their behalf tonight,
12 but in that role, they may be sensitive to water
13 quantity and quality issues. And there is a lot of
14 concern, that there could be both surface water and
15 groundwater contamination as a result of these mines.

16 I am also a Grand Canyon backpacker. And
17 I backpack from Herman Basin over to Indian Ruins up by
18 Angel Trail. And guess where that goes. Right under
19 the Orphan Mine.

20 The Park Service makes it very clear to
21 us that we shall not drink any of the water in that
22 area. That's because there was a mine there. So, I
23 don't know. I mean, are we way better than we were
24 then?

25 But the evidence is that we shall not

1 drink the water in the area. I don't want to have that
2 same problem with other areas in the state.

3 The last thing I will mention is that I
4 went to a lecture about the Orphan Mine at the Grand
5 Canyon given by the manager of the mine. This was
6 many, many years ago. And I asked him a question. I
7 said: "Well, was there any problem with cancer in the
8 workers?"

9 And he said: "That's the sad part."

10 Thank you.

11 THE HEARING OFFICER: Next will be Klee Benally,
12 and then Alicyn Gitlin, please.

13 Klee Benally, and then Alicyn Gitlin.

14 MR. BENALLY: (Introduces himself in the Navajo
15 language.)

16 My name is Klee Benally, originally from
17 Black Mesa, on the Dine' Nation.

18 Presently I live here in Flagstaff. I
19 have been in a lot places, in residence, in northern
20 Arizona, including some time I spent in school near the
21 Grand Canyon, in Tusayan particularly.

22 I have two questions now, before making
23 my comments.

24 First question. How is this decision
25 going to be made? Is it administrative, by one

1 individual, or is it all the folks within ADEQ that are
2 making this decision?

3 Can you answer that?

4 THE HEARING OFFICER: Actually, I cannot. We
5 are taking comments on the record. There is an
6 opportunity to address those questions to both
7 Carrolette Winstead from the Water Quality Division and
8 Trevor Baggione from the Air Quality Division. You can
9 definitely do that. But this right now is not the time
10 for that.

11 MR. BENALLY: OK. I just want to know who I'm
12 talking to. So I will make my comments to you.

13 THE HEARING OFFICER: Carrolette, would you
14 raise your hand?

15 MS. WINSTEAD: (Raises hand.)

16 THE HEARING OFFICER: This is Carrolette
17 Winstead, from the Water Quality Division of the
18 Arizona Department of Environmental Quality, and she
19 can definitely answer your questions.

20 MR. BENALLY: You know, I wish you all had some
21 formal practice like this when you were deciding to
22 approve the wastewater for so many people. But that's
23 another matter.

24 So I am very concerned, and it's very
25 alarming, and it's really insulting, that a meeting

1 like this is happening and consideration is being made
2 while our people are still suffering in our communities
3 because of the harmful legacy, the tragic legacy, of
4 uranium mining and milling, and the use of uranium.

5 We have a lot of testimony that was
6 shared tonight. Many people have articulated the
7 concerns, the impacts, that are still being felt today.
8 And this is why it's insulting. Because there are over
9 a thousand abandoned uranium mines in and around the
10 Navajo Nation, and they haven't been cleaned up yet.
11 So why are we considering an air permit that has --
12 There is no language in here, and hopefully there will
13 be some full environmental impact statement when this
14 is done, to consider the impacts. Why are we not
15 considering that legacy, the context of the impacts
16 before we even look at a new permit (holding up
17 document)? Why aren't we cleaning up the water and
18 tailings in other communities right outside Tuba City?
19 Why aren't we cleaning up those areas? Why are these
20 mines, these companies, these corporations allowed to
21 continue to desecrate holy areas like Red Butte for the
22 Havasupai Nation? Why are they continued to be allowed
23 to leave their waste, their piles of tailings uncleaned
24 up? The air and the water have been contaminated.
25 Nothing is being talked about that tonight, but it

1 sounds like you are trying to move forward on this
2 permit process before cleaning up the rest of this
3 harmful legacy. Uranium has already seriously harmed
4 our communities, and you are considering to allow three
5 more mines to open. But these three mines are just the
6 tip of an iceberg. How many more mines are they
7 considering they lack permits for? I've heard upwards
8 of almost ten thousand new applications, depending on
9 where the price of uranium is going.

10 So we have to shut them down now. We
11 have to continue to send that message. And this is
12 what I urge you to do tonight. I urge you to rip up
13 this document (indicating), not allow it to go forward,
14 and leave uranium in the ground, and then commit to
15 cleaning up those abandoned mines, commit to cleaning
16 up the poisoned water in our communities, commit to
17 cleaning up our communities so we can have healthy
18 communities, free from the impacts that were mentioned
19 earlier.

20 I also want to note that there's no
21 guarantee that you can ensure that our communities will
22 be safeguarded from the impacts, the harmful impacts of
23 uranium. And that's something that must first be
24 considered before any type of permit on the air quality
25 is to be allowed.

1 Secondly, there are twenty-seven million
2 people, approximately, that consume water or use water
3 for agricultural purposes from the Colorado River. And
4 therefore, they must be heard as well.

5 So again, I urge you tonight to shut
6 these mines down in whatever way you can, if that means
7 denying the air quality permits, and leave the uranium
8 in the ground.

9 (Appause.)

10 THE HEARING OFFICER: Alicyn Gitlin, and then
11 Trevor Ritter.

12 MS. GITLIN: Hello. My name is Alicyn Gitlin.
13 I'm a counseling coordinator for the Sierra Club
14 Banking and Construction Campaign.

15 I'm here to remind you the Grand Canyon
16 is a national treasure, and it really deserves the
17 greatest protection you can offer.

18 I am here tonight to ask you to deny the
19 permits for the Canyon, EZ and Pinenut mines and to
20 deny the general aquifer protection permit for the EZ
21 Mine.

22 These permits do not adequately protect
23 the air and water quality. And we also do not know how
24 to clean up when contamination occurs.

25 As I could point out, pretty much

1 everywhere we have lived we have found contamination
2 around the uranium mines. According to USGS studies,
3 published in 2010, all surveyed mining sites near Grand
4 Canyon have elevated uranium levels, even those that
5 were reclaimed. And although they were visually
6 restored, elevated uranium and other contaminants were
7 prevalent.

8 Also, flash floods in northern Arizona
9 have spread or reclaimed one mine, and are still alive
10 and flooding that mine. Both places were located near
11 mine with surveys. Contamination was found, indicating
12 that dust is released from tarp-covered ore trucks.

13 At the reclaimed mine, upwards of three
14 levels of uranium were found at a distance from the
15 road. At the reclaimed Pigeon Mine, U.S. General
16 reported concentrations above background in two
17 samples. And they go on to say the proximity of these
18 two samples to the road indicates the dust from trucks
19 may contribute to these elevated concentrations.

20 And in Church Rock, New Mexico, they
21 found twenty times background when they were checking
22 for those violating ore haulers. That had a deep long
23 aquifer, historic springs, valuable to both humans and
24 wildlife.

25 The USGS clearly states in their 2010

1 report that vector types accomplished for downward
2 migration of surface and groundwater.

3 I have eleven water sample locations that
4 measured uranium levels in the Red Round Rock aquifers,
5 five and six top uranium concentrations were from
6 mining locations. The other five concentrations were
7 all lower. They were all from unmined locations, but
8 they were lower. So even though all of these locations
9 were near Buster Pipe, five of the six top uranium
10 concentrations were from mining areas.

11 I also would like to remind you that part
12 of the water quality is related to water quantity. And
13 these mines, let me say that they were all dried up,
14 pushing the aquifer near the mines.

15 All of these data indicate that uranium
16 mining is bad for our water, our air and our health.
17 And these permits cannot adequately protect us there.

18 Thank you.

19 THE HEARING OFFICER: Thank you.

20 Trevor Ritter, and then Michael
21 Ghiglieri.

22 MR. RITTER: My name is Trevor Ritter. I'm from
23 Phoenix, Arizona. And I am not a public official, nor
24 am I a scientist. I am just interested in hiking in
25 and around the Canyon.

1 But I am here opposed to you granting
2 these permits, which I think will lead to mining,
3 increasing mining next to the Grand Canyon National
4 Park.

5 Are we aware that the Grand Canyon is one
6 of America's iconic landscapes, and it should be
7 protected from these foreign uranium mining companies,
8 or any mining company.

9 Let the nuclear power plants in Asia get
10 their uranium from some other place, other than the
11 Grand Canyon. That's where uranium from the Denison
12 Mines would likely go. Those are their customers.

13 Would it be worth it to risk permanently
14 contaminating the groundwater in and around the Grand
15 Canyon with radiation so someone in Asia can get
16 electrical power?

17 No. It's a bad deal.

18 If it were to expose Native Americans,
19 Arizonans and tourists from virtually everywhere to
20 hazardous radioactive dust that is on the ground and
21 roadways from mining and the transportation of radio-
22 active ore, no. That's a very bad deal.

23 Would it be worth it to have huge mining
24 trucks using the same crowded roads and infrastructure
25 that millions of tourists use? No. I grew up in

1 western Pennsylvania, in a mining area, and I know for
2 sure that's a bad deal.

3 Is it worth endangering the hundreds of
4 millions of direct economic benefit to Arizona that
5 comes from Grand Canyon tourism? Even a portion of it.
6 On one hand, you have the world's natural wonder; and
7 on the other hand, you have the profits of a Canadian
8 mining company. Is it worth it? Really?

9 Do our public officials get it?

10 I read that the water permit doesn't
11 require independent monitoring before or during mine
12 operations. What kind of deal is that? During a
13 checkup does your family doctor refuse to take your
14 child's temperature until there's a serious fever? No.
15 The doctor takes a proactive approach, takes a reading
16 at every checkup.

17 Who decided we have to protect the
18 Canadian mining company's interests? Denison. Their
19 legal interests. Over the environment, over our Grand
20 Canyon area.

21 ADEQ must be proactive in protecting the
22 environment and the health of all Arizonans.

23 Finally, I'd like to remind everyone here
24 about a company called "British Petroleum" and what it
25 told the Federal Mineral Management Service in March,

1 2009. According to the "Times-Picayune", BP assured
2 the Service that a blowout was so unlikely that "A
3 blowout scenario, and blowout planning, is not required
4 for the operations proposed".

5 So the Mineral Management Service then
6 granted British Petroleum an exclusion from public
7 review of the environmental impact of drilling. Then
8 came the largest environmental disaster in U.S.
9 history.

10 Let's not repeat these mistakes. Stop
11 uranium mining around the Grand Canyon. It's just not
12 worth it.

13 Thank you.

14 THE HEARING OFFICER: Michael Ghiglieri, and
15 then Susan Ash.

16 MR. GHIGLIERI: My name is Michael Ghiglieri.
17 I've been a resident of Arizona for decades, and worked
18 in the Grand Canyon from '76 to the present. I have
19 more than three thousand days in the Canyon, on the
20 river. In thirty-two years I visited probably a
21 minimum of three or four hundred seeps and springs, all
22 tiny, valuable, irreplaceable oases, for wildlife and
23 flora.

24 I am talking as a Ph.D. in ecology from
25 the University of California at Davis, and I have quite

1 a bit of experience in what is called the "weak link"
2 in any ecological system, the most critical resource.

3 The most critical resource in Arizona,
4 and in Grand Canyon, is water.

5 Arizona is the "Grand Canyon State", as
6 it says on every license plate, and Grand Canyon is one
7 of the wonders of the world. Grand Canyon is one of
8 the very few crown jewel national parks to which Park
9 Service employees aspire for at least one year of their
10 life to be a superintendent there, at the top of the
11 heap.

12 Grand Canyon is also a World Heritage
13 site. Grand Canyon is also subject to the mercy of
14 land management on both Coconino, Kaibab, all the
15 plateaus around, because of the fault systems, aquifer
16 float channels, which are poorly understood and
17 unpredictable at this point.

18 Grand Canyon is arguably the single
19 most important economic and iconic natural resource in
20 the state of Arizona. So risking it for anything is
21 questionable. And what are you going to get to
22 replace it?

23 What do the citizens of the United States
24 or Arizona, or even locally, get from uranium mining in
25 and around Grand Canyon? Nothing. They get absolutely

1 nothing.

2 So anyone who does risk assessment,
3 balances risk against potential gain, when there is
4 zero potential gain, why you taking a risk?

5 In psychological terms, a corporation
6 such as this one, this mining corporation, all
7 corporations, by their structure, are psychopathic.
8 And I don't say this to throw out sort of a buzz word.
9 They literally have no internal conscience as to the
10 consequence of their actions to those around them.
11 Their driving mission and their driving force is
12 profit. That's it. That's all there is.

13 Legally speaking, no corporation, if you
14 remember what has passed in the history of the United
15 States, makes corporations legal psychopaths.

16 So there's only one entity at this point
17 that stands between the people of Arizona, the wildlife
18 of Arizona, the heritage of Arizona, Grand Canyon in
19 general. The only entity that stands between all of
20 that and destruction is you guys. If you fail, by
21 granting permits, when anything goes wrong afterward,
22 you are as culpable as if you went out there with a
23 nuclear weapon and exploded it on the surface. This
24 could teach you to think very clearly about the
25 possible consequences of your actions, because no one

1 will ever forgive you.

2 Thank you.

3 (Applause.)

4 THE HEARING OFFICER: Lisa, you are next. And
5 then Stanley Clitso.

6 MS. ASH: My name is Lisa Ash. And I do not
7 represent anyone, except myself, today.

8 And I want to state for the record how
9 strongly opposed I am to any and all mining.

10 Several people have gotten up here
11 tonight and spoken very eloquently about all the
12 reasons why this should not happen.

13 I have been to countless meetings like
14 this in several different states that I have lived in.
15 The scenario always seems to play out in the same way.
16 The facts are clear. The right thing to do is to not
17 grant the permit, not allow the corporation to do what
18 it does best, as was just stated.

19 But that doesn't happen. The environment
20 always is the loser. Always. People who fight for
21 conservation get burned out day after day after day
22 because they are fighting a losing battle.

23 My only hope here by speaking tonight is
24 that people who are in the position to make the
25 decision for Flagstaff, for the Grand Canyon, for the

1 wildlife, finally do the right thing. Because to do
2 anything other than deny these permits is the wrong
3 thing. And whatever explanation you can give us for
4 doing it is just a pathetic rationalization for doing
5 the wrong thing.

6 Thank you.

7 (Applause.)

8 THE HEARING OFFICER: Stanley Clitso, and then
9 Tommy Rock.

10 MR. CLITSO: Good evening. My name is Stanley
11 Clitso. I'm here from Kayenta, Arizona. I am the
12 Kayenta Chapter President. And I come on behalf of my
13 community.

14 I think one of the main concerns here is
15 water contamination. In our culture (speaking in
16 Navajo), water is life. And I think that that is
17 something that's been reiterated time and time again
18 this evening.

19 Many of our wells are contaminated from
20 uranium and arsenic and other components. And it is a
21 shame, you know, that if this should happen, that the
22 proposal would be going to my community, which I am
23 adamantly opposed to, because, as I have heard, there
24 still will be some sort of contamination concentration,
25 levels of contamination from these trucks. And as a

1 leader of my community, I will oppose the transport of
2 uranium through our communities.

3 We are one of the eighteen chapters that
4 opposed this just this past month, and along with the
5 Navajo Nation President. I think it is a major concern
6 because presently our people are still greatly affected
7 by the tragedies that have occurred in the previous
8 thirty or forty years. And there is no complete
9 remediation of these sites, and also there is no
10 compensation whatsoever to the people that have been
11 contaminated and have lost their lives. I, for one,
12 have lost my father, my grandfathers, my grandmothers,
13 because they used to live next to these sites. And
14 there are a lot of children in my community which are
15 still affected to this day because of the contam-
16 ination on the surface of the land. And Grand Canyon,
17 a sacred site to the Navajo people. And the Navajo
18 Reservation lies on the border of the Grand Canyon.

19 And for these reasons I really don't see
20 no reason why ADEQ should approve these permits.

21 I've heard a lot of talk from the people
22 that are opposed to this, and I will be another one of
23 them.

24 And this evening, I just want to say
25 thank you for your time.

1 THE HEARING OFFICER: Thank you, sir.

2 Tommy Rock. And then Diane Welles,
3 please.

4 MR. ROCK: Hi. My name is Tommy Rock. I am
5 with Navajo EPA. I'm with the public water system
6 program. And first, I want to say that as the Navajo
7 Nation EPA, we haven't heard anything about this going
8 through the Navajo Nation. This is the first time I
9 learned about this. And I'm going to take it back to
10 Window Rock and make sure that we're covered on this.

11 And another thing, also. Not only are
12 you talking about Navajo Nation when you're talking
13 about the contamination. You're talking about this
14 reservation and that reservation. That small
15 reservation. And there are very few. You're talking
16 about two people who are two nations, in effect, which
17 I identify with.

18 And also, that in those areas where
19 you're going to go through, you eventually -- I'm
20 from Monument Valley. But from Monument Valley to
21 Page, Tuba City, Cameron, it's based on tourism. It's
22 economically based on tourism. They go up there, and
23 they go through the small communities, there are a lot
24 of choices to make. So that's why I get income from a
25 lot of individuals on the Navajo Nation.

1 And also, since working for the Navajo
2 EPA, with public water, and I do a lot with water for
3 the Navajo Nation, and regulated water as well. And
4 some areas have high mining, a lot of heavy metals,
5 with a lot of those wells. And when it comes to mining
6 and clean-up, that's also an issue as well.

7 And in Shiprock, Monument Valley and King
8 Valley and Tuba City, they not only clean from uranium,
9 but clean down from these issues with a lot of those.
10 And an example would be the nitric from Shiprock, and
11 it's getting bigger.

12 So that's an issue that we are facing
13 with Navajo EPA, that we're trying to find a way to
14 solve that issue as well. So when you're talking about
15 letting them uranium mine off the reservation,
16 personally I'm against it. And since a lot of the
17 uranium mining has happened on the reservation in the
18 past, from prior testimony, a lot of people saying that
19 they have a lot of family members that passed away with
20 uranium mining or uranium milling, and I'm the same
21 way. I have a lot of family that passed away. And
22 there still is an effect. And one of the future over
23 there, it's not economically feasible to just continue
24 with the uranium mining because it's not the mining.
25 The whole process is not economically feasible. We

1 should be doing something more renewable energy. Why
2 can't we just employ some renewable energy so that
3 uranium mining -- Uranium mining is a finite
4 resource. It's not -- It's just for finance.

5 Thank you.

6 THE HEARING OFFICER: Diane Welles.

7 And then Berta Benally.

8 Diane Welles?

9 MS. WELLES: Yes.

10 THE HEARING OFFICER: Yes, ma'am.

11 MS. WELLES: Good evening, everyone. I work and
12 live at Grand Canyon National Park.

13 Denison Corporation is based in Canada;
14 therefore, the majority of mining profits will go to
15 Canada and Denison's CEO and upper management.

16 A small minority of the money will go to
17 those actually working at the mining sites. I hope
18 these miners have a generous health insurance package.
19 They will certainly need it when they develop cancer
20 and other uranium mining-related illnesses.

21 Denison sells uranium to other countries.
22 So what will the U.S., and specifically the local area
23 of Arizona, get out of these mining ventures?

24 We get temporary employment, and thus a
25 temporary boost to the level of the economy, as the

1 employees spend their wages.

2 Per Denison's CEO, on NPR yesterday, the
3 mine sites will be worked for two to four years.

4 We get long-term air and water contam-
5 ination and desecration of areas sacred to many.

6 The mine at the bottom of the Grand
7 Canyon closed down less than four years ago. Yet this
8 closed mine still continues to contaminate the creek
9 drainage below it.

10 As mentioned earlier tonight, hikers are
11 warned against drinking the water. I sometimes joke at
12 the back country joggers, "Well, if you do drink the
13 water, you don't have to worry about carrying a
14 flashlight."

15 In 1979 a uranium mine was built and
16 contaminated Rio Puerco, Little Colorado and Colorado
17 River, that runs through the Grand Canyon. The effects
18 of that spill are still being seen today, as many
19 people have spoken very personally about their own
20 relatives dying from uranium contamination on the
21 Navajo Nation and other areas.

22 I don't agree at all with any further
23 uranium mining in the Southwest. We still haven't
24 cleaned up our messes from the 1979 spill, and earlier.
25 As mentioned earlier, we have contaminated water

1 underneath the Navajo Nation. My coworker has to bring
2 in her water. She has encountered radioactivity, and
3 her friends' relatives have been affected by that.

4 I say: Just say "No" to any further
5 uranium mining in the Southwest and big profits for a
6 company not based in the United States. Go slowly.

7 THE HEARING OFFICER: Berta Benally, and then
8 Nikki Cooley.

9 MS. BENALLY: Good evening. My name is Berta
10 Benally. I'm a resident of northern Arizona.

11 Thank you for holding this hearing. I
12 hope that you will be holding many more.

13 Where was the ADEQ when that wastewater
14 on the San Francisco peaks, for the Forest Service, was
15 agreed upon? Why wasn't there any open hearing then?

16 That's just one of my questions. I have
17 another question, which I will ask you later.

18 I am opposed to all uranium mining in the
19 Grand Canyon and the Northwest Plateau region in the
20 state of Arizona and New Mexico and Utah and Colorado.

21 The mining laws of 1872 need to be
22 changed, or at least be looked at very carefully.
23 There are over seven hundred and fifty thousand permits
24 that are allocated to be mined around the Grand Canyon
25 and the Northwest Plateau that were issued over the

1 years. I know Denison has come in with a few of them.
2 The city of Tusayan, which is just unincorporated, is
3 built upon the tailings from the Orphan Mine. It's
4 still hot. Years ago, a radiologist or geologist came
5 up with a Geiger counter, right through the town, and
6 it went click-click-click-click-click. It's built upon
7 tailings. The football field at the high school, the
8 tailings there still have it. Bill Thurston, who was
9 the owner of Tusayan and the Orphan Mine, dumped the
10 tailings in Tusayan.

11 The cancer rate for long-term residents
12 of the canyon is abnormally high. The people around
13 the open pit mines, which are in the Cameron area and
14 the Tuba City area, have a very high cancer rate, a lot
15 of people and children, and many, many, many birth
16 defects. This is still happening. The water in Tuba
17 City and Cameron and Grey Mountain is contaminated and
18 is unsafe to drink.

19 When ADEQ held hearings in Tusayan many
20 years ago, before the uranium mines were built, but
21 when the mines were proposed, ADOT stated, "You will
22 not make new roads or go through our highways".

23 I hope you are in touch with ADOT still,
24 and I hope that that still stands.

25 Plus that's a nuclear-free zone.

1 There is no safe way to mine uranium. No
2 matter what they say, it will seep into the water.
3 This is proven.

4 At this time, think about you're doing.
5 Nuclear energy is not safe. It has a terrifying effect
6 on the future of our planet.

7 The Havasupai, the Hopi, the Hualapai,
8 the Navajo have continuously opposed all uranium
9 mining. It's about time that you started to listen to
10 them. Please deny these permits.

11 The endangered condors were released from
12 the Northwest Plateau, because this is a chosen area
13 that was clean and was safe. The condors are doing
14 fine, and they are growing. If you have the nuclear
15 air at the mines, that will also affect them.

16 The rare metals processing plant still
17 has uranium contamination. People that live around
18 there that are downwind, many lawsuits are going on.
19 There are many, many lawsuits.

20 My brother-in-law worked with the ore
21 processing plant, and he wore no protective clothing.
22 His wife washed his clothes. She saw an oncologist. I
23 asked the doctor to run a Geiger counter over her, but
24 they didn't do that.

25 My brother-in-law is blind, and he is

1 dying of cancer.

2 I have a question. And this is relating
3 to the Page Generating Station.

4 I heard rumors a few months ago that Page
5 was contemplating going nuclear. Do you know anything
6 about that?

7 THE HEARING OFFICER: At this time we are
8 restricting ourselves to comments on the permits that
9 are under consideration.

10 There are two ADEQ staff members that can
11 speak to those two permits. They may know something
12 about the Page Generating Station, but tonight we are
13 restricting ourselves to comments about the permits
14 that we have before us.

15 MS. BENALLY: I would ask you to deny the
16 permits to these corporations, deny all future uranium
17 mining.

18 Thank you.

19 THE HEARING OFFICER: Thank you.

20 Nikki Cooley, and then Edmond Tilousi.

21 MS. COOLEY: (Introduces herself in the Navajo
22 language.)

23 My name is Nikki Cooley. I am a Dine'
24 woman from Shonto, Arizona. I currently live here in
25 Flagstaff, Arizona. And I am a river guide, I am a

1 mother, I am a sister, I am a daughter, and I am a
2 Dine' woman who is very much opposed to this framework
3 and approving the permits for the Denison Mining
4 Company.

5 You say in your fact sheet that you
6 require strictest monitoring, document recording, and
7 so on, from the mining companies.

8 But that's not good enough. Because you
9 say you "require" that of them, I don't believe that
10 they will do it, because their only goal probably is to
11 mine that uranium, to make that money. But think about
12 those who opposed it, who oppose any uranium mining.
13 Our objective is to lead a happy, successful and, most
14 importantly, a healthy life.

15 I urge you to deny issuing these permits
16 to the Denison Mine for the health of all the people
17 and all the animals who breathe the air, who drink the
18 water and step upon the earth.

19 I am going to give you some numbers.
20 Thirty-one; 1979; 1991; 2005; one hundred thousand.

21 I am thirty-one years old. I was born in
22 1979. In that year Church Rock Mine released uranium
23 from a stove. That's the same year I was born.
24 Thirty-one years later, the government has not cleaned
25 it up.

1 People cannot drink the water. It's
2 unsafe. They probably can't butcher their sheep,
3 because they are contaminated.

4 1991 is the year my grandfather, my
5 paternal grandfather, died of cancer. He was probably
6 given thirty days to live. I lost my grandfather. He
7 worked in the uranium mines in Utah for most of his
8 life to make money for his family. But further, my
9 grandmother washed my grandfather's clothes and drank
10 that water. All the kids did. And she got breast
11 cancer. And I know it's from there. Although the
12 uranium mines say we have to prove it.

13 One hundred thousand. That number is the
14 settlement that my grandmother finally accepted after
15 years of fighting the uranium companies and the
16 government for acknowledgement that my grandfather
17 actually worked in those mines, died from cancer that
18 he contracted from the uranium mines.

19 One hundred thousand. That is not worth
20 a life, or any life. Just because you cannot see it in
21 the air or the water or the earth with your naked eyes
22 does not mean it's not hurting you. The trucks that
23 went from Shonto to Kayenta to Tuba, Cameron, they're
24 messing with my air that my family is breathing, will
25 breathe. Why do you continue to consider approving

1 these permits for these mining companies, these big
2 corporations, who are only going to be here a few
3 years? We want to live here forever.

4 I urge Arizona Department of
5 Environmental Quality to deny approving of these
6 permits for the health of the people.

7 You are the people, the public, that
8 showed up. Those who could not make it, those who
9 cannot speak any more, like my grandfather, are your
10 monitors. Please deny it.

11 We will keep asking you and we will keep
12 monitoring you. Please deny these permits.

13 THE HEARING OFFICER: Thank you, ma'am.

14 Edmond Tilousi, and then Deon Ben.

15 MR. TILOUSI: Hi. Can you hear me?

16 THE HEARING OFFICER: Yes, sir.

17 MR. TILOUSI: My name is Edmond Tilousi, and I
18 am the Vice Chairman of the Havasupai Tribe.

19 I've heard a lot of comments about the EZ
20 Mine, Pinenut Mine and Canyon Mine.

21 As you can see on your map -- I was
22 looking at the map here -- we're surrounded by mines.
23 There are seven hundred and thirty-two tribal members
24 who live on the Havasupai Reservation, at the bottom of
25 the Grand Canyon.

1 We have been fighting uranium mining for
2 the last thirty years. There was also a mine within
3 the Havasupai family reservation many years ago, but I
4 guess the quality of the uranium mine wasn't good
5 enough. So they stopped mining it.

6 The Grand Canyon Mine also is another
7 area where Havasupai consider this area of Red Butte
8 sacred to their religion. And it is the center of our
9 universe, the center of our religion, the Havasupai.

10 And also EZ Mine, Pinenut Mine, Arizona 1
11 Mine, they are only eighteen miles, as the crow flies,
12 from the Supai Village and the Havasupai Nation. As
13 you can see, we are surrounded by uranium mining.

14 The other concerns for us are of the kind
15 of contamination of the water, the air. And I've heard
16 many people here voice their concern about the land and
17 the impact of these mines. And so I urge you that you
18 cannot issue these permits.

19 You know, cancer is growing on our reser-
20 vation. There's maybe one or two a year. But they are
21 growing. There was a time when cancer wasn't present.
22 But we are growing with it, as you can see, from
23 Pinenut and EZ Mines, and Arizona 1 Mine.

24 So if you issue these permits, we are in
25 danger of contamination from these uranium mines. And

1 the wind and the water and the floods that happen in
2 northern Arizona frequently is another concern of ours.

3 Another concern too is the Canyon Mine,
4 which lies in the Havasupai Creek, in our watershed.
5 It's another concern of ours, because it will
6 contaminate the springs and Havasu Creek, which is what
7 Havasupai rely on as drinking water and to grow their
8 crops.

9 So I urge you, and the Havasupai people
10 urge you: Do not issue these permits.

11 Thank you very much. And thank you for
12 having me.

13 THE HEARING OFFICER: Thank you, sir.

14 Deon Ben, and then Cathy Ann Trotta.

15 MR. BEN: Good evening. My name is Deon Ben. I
16 live at 200 South Blackbird Roost. I've been a
17 resident in Flagstaff for the past eight years, and am
18 a long-life resident of northern Arizona. For all my
19 life.

20 I am standing here to first thank you
21 guys for allowing us to voice our comments and giving
22 us the opportunity to speak.

23 And then also I am voicing my opinion.
24 My opinion is to oppose -- I am opposing any uranium
25 mining and also opposing any lease or any permit that

1 you are wishing or that you will be reviewing to grant
2 to the mining company. For reasons such as a long-time
3 resident of northern Arizona, and having to deal with
4 family matters of my own, and me being the first
5 generation of my entire family, my maternal and
6 paternal side, to be uranium-free. My folks, my
7 grandparents and other generations have passed on due
8 to cancer, and also contaminated with uranium to this
9 day still. A lot of the family members that I have
10 lost and put into the ground were due to the
11 irresponsible actions of the uranium mining that has
12 occurred within the past decade here in the Southwest
13 region.

14 We had encounters here with Kerr-McGee
15 Mining in northwestern New Mexico, and also the mining
16 up in the King Valley. I had a chance to work with
17 both mines, that I have lost.

18 And I speak for them this evening. I
19 speak for my grandparents, for my grandfather, who
20 still is a survivor today, to voice their opinion and
21 to voice their concerns with the uranium mining that is
22 being considered within the Grand Canyon area.

23 I worked throughout the Grand Canyon
24 National Park for a number of months. And as I worked
25 there, I was really engaged in the PD and the

1 atmosphere, that is the dust and the energy that the
2 Grand Canyon invested. And I don't think that is a
3 subject that should even be considered as an area to be
4 mined or to be desecrated in any shape or form with any
5 of the travel that they have been considering for the
6 uranium from the Grand Canyon area and then through
7 Flagstaff and through the Navajo Nation. I think that
8 ADEQ should really consider what they are going to do.
9 Because if you issue or grant the mines the permits,
10 you are going to be waking up a lot of monitors
11 throughout the tribes that you are trying to grant
12 further, any other permits, and also the City of
13 Flagstaff, because we are at home, this is our home,
14 and this is what we are going to fight for, for every
15 morning.

16 And as I conclude here, I'd ask ADEQ to
17 decline any air or water quality permits to any mining
18 company from today into the further future.

19 And you will continue hearing the voices
20 of the Dine' people and also the people of Flagstaff.
21 And that's two peoples. And my family. That's why we
22 are here again tonight.

23 So thank you very much.

24 THE HEARING OFFICER: Thank you.

25 Cathy Ann Tratta, and then David Taylor.

1 MS. TRATTA: Thank you for your time.

2 My name is Cathy Ann Tratta. I have
3 lived in Flagstaff since 1977. I am representing
4 myself, and not a particular organization. But I have
5 my own experience on the Colorado Plateau hiking, and
6 in the Grand Canyon. I served in an executive position
7 in northern Arizona for years, and I have been very
8 concerned about the tragedy that has occurred on the
9 Plateau related to the uranium mining.

10 The companies that have worked here have
11 shown no responsibility. It's obvious and evident from
12 all the testimony you have gotten from diseased people
13 who are members of the Navajo Nation.

14 And just one quick example. In 1977 I
15 was a trail engineer to the Peach Springs, where they
16 were looking at a mine, a uranium mine.

17 They were right about the Havasupai area.

18 At that time the company was recombined.
19 And they at that time were serving as a trust. And any
20 recommendations in the report, it was stated that they
21 should not mine in this area because of the water
22 contamination and the flash flooding. It was highly
23 dangerous.

24 In '82, I think it was, they allowed them
25 to do that with their permit. And we now know that the

1 material that was mined went right into Supai, water
2 and the air. So my cases were history. You have all
3 the history of contamination in your records (holding
4 up documents). And I really request that you do not
5 grant any of these permits. They do not take
6 responsibility.

7 And the other thing I wanted to bring up
8 is: Nothing is going to help what the devastation
9 would be to the Colorado Plateau.

10 So economic development is occurring, and
11 the decisions have been made that if corporations who
12 do not have responsible records have some of their
13 shares and some of these out to other companies. And
14 so I am asking you to handle this in a different way,
15 not with mining activity. Obviously, you haven't had
16 success with that. This is an issue of national
17 security and national health. And if you review again
18 the previous proceeding, you will see no consideration
19 of the health and well-being of people in the Grand
20 Canyon, people in the United States, tourists, anyone.
21 It's not there. And then I go back also to a meeting
22 that was held in the 1970's to locate cancer cases in a
23 little community by microbiologists. It occurred in
24 Denmark. And the proceedings of that showed that
25 continued even small amounts of uranium could cause

1 cancer. And that cancer would affect the enzymes and
2 other aspects. They were concerned with what it's
3 going to do the human being. And the person that wrote
4 that was a very well known environmentalist.

5 So I request that you consider all the
6 testimony that these people have made known here, and
7 do not grant the permits.

8 Thank you.

9 THE HEARING OFFICER: That you, ma'am.

10 David Taylor.

11 MR. TAYLOR: Thank you very much.

12 (He introduces himself in the Navajo
13 language.)

14 I will spare you the rest of the Navajo
15 introduction -- with my Missouri twang!

16 I am an attorney with the Navajo Nation
17 Department of Justice. My primary -- as a matter of
18 fact, my only obligation with the Navajo Nation
19 Department of Justice is to deal with uranium-related
20 matters throughout Navajo Indian country.

21 The most important thing that I have to
22 say this evening is that to my knowledge, as my friend
23 Tommy Rock pointed out, the Navajo Nation has not been
24 formally advised of the issues involved in these
25 permits, to my personal knowledge. It's possible that

1 it has happened. I would hope that it would have been
2 brought to my attention. As I have said, I am the
3 person at the Navajo Department of Justice most
4 involved with these issues. But quite frankly, we are
5 engaged -- Tommy is engaged, I am engaged -- in
6 environmental triage. And it's possible that there has
7 been notification, but it hasn't come to our attention.

8 But we do request formal government-
9 to-government consultation on this matter between
10 Arizona DEQ and the Navajo Nation. And we hope that
11 that can happen in the near future.

12 Secondly, all of these things -- And
13 being that I am a lawyer, that means nothing. I am
14 liable to put my foot in my mouth here it this goes
15 long. What I want to do is: After hearing all of
16 these things, it strikes me that five or six years ago
17 I knew nothing about this. Absolutely nothing. I was
18 trying cases in Missouri, and I was a reasonably good
19 lawyer, but didn't know anything about uranium. And
20 now I come out here and discover this amazing story. I
21 really don't think that very many people have a concept
22 of the magnitude of the problem. So I am going to do
23 that. This is kind of my story, and I will give it to
24 you very, very briefly.

25 Twenty-five or thirty years ago I was

1 Assistant Attorney General in Missouri, and hired to do
2 superfund cases, superfund plaintiffs and superfund law
3 sources past in the lame duck session of Jimmy Carter's
4 presidency, if I remember right. Anyway, my case, the
5 one that I filed, and the cases that I was in charge of
6 for the Missouri prosecuting bench -- maybe a few of
7 you will remember Times Beach. Times Beach, up to now,
8 were the two cases that led to passage of the United
9 States Superfund Law.

10 In Missouri we had twenty-six thousand
11 contaminated sites throughout the state. Times Beach
12 was one. We incinerated. It took twenty years to
13 incinerate that, to get it done, to get it cleaned up.
14 At a cost of about a hundred million dollars. And we
15 finally did get it done. The total amount of dioxin-
16 contaminated material that was cleaned out of the state
17 of Missouri was two hundred and twenty-six thousand
18 tons.

19 You have heard mentioned in discussion
20 this evening of the Church Mine site in New Mexico. At
21 that one abandoned uranium mine site, that one, in the
22 state of New Mexico, there are one point two million
23 tons of contaminated material.

24 Now in the state of Arizona, your state,
25 we don't have any idea, we are clueless, as to the

1 amount of contaminated material on Navajo lands in the
2 proximity of the area that these permits may be issued.

3 It seems to me that Arizona -- and I see
4 the yellow light flashing, so I am getting close to the
5 end here -- would be well advised to, at the very
6 least, characterize the amount of contaminated soil in
7 this state -- and I can speak and make that request --
8 on Navajo lands before any new uranium permits are
9 issued. That just seems to me to make common sense.

10 So that's my comment. The request is for
11 government-to-government consultation.

12 Thank you.

13 (Applause.)

14 THE HEARING OFFICER: Do we have any more
15 speaker slips?

16 (No audible response.)

17 THE HEARING OFFICER: Is there anyone else to
18 speak to this public hearing?

19 (No audible response.)

20 THE HEARING OFFICER: Is there anyone else to
21 speak to this public hearing?

22 (No audible response.)

23 THE HEARING OFFICER: Is there anyone else to
24 speak to this public hearing?

25 (No audible response.)

1 THE HEARING OFFICER: I am going to remind
2 everyone here that if you want to be on --

3 MR. ROCK: Can I make a further comment?

4 THE HEARING OFFICER: Please.

5 MR. ROCK: Hi. I spoke before, so you know who
6 I am. But as a Navajo kid I have a nickname, and
7 they're trying to help clean up the uranium on Navajo
8 and build the '08 electric line. I just wanted to
9 point that out, that it is going on. And five years
10 they have to clean up the uranium issue.

11 Thank you.

12 THE HEARING OFFICER: Could you state your name
13 again for the record, please?

14 MR. ROCK: Tommy Rock. I'm with Navajo EPA,
15 public water system. I'm an environmental specialist
16 for that program.

17 THE HEARING OFFICER: Thank you.

18 I want to remind everybody that those who
19 have signed in tonight for this hearing will be added
20 to the list of folks who received the responsiveness
21 summary. Comments are due to the Department, if sent
22 by U.S. mail, they need to be postmarked by January 14,
23 2011; if sent via email, they need to come in by 5:00
24 p.m. on January 14, 2011; written comments may be
25 mailed to Trevor Baggione, of the Air Quality Division

1 of the Arizona Department of Environmental Quality.
2 The address is 1110 Washington Street in Phoenix. The
3 zip code is 85007. Email, pb4@azdeq.gov.

4 Seeing no one else to comment for this
5 public hearing, I will close at 8:36 p.m.

6 Thank you very much for coming, everyone.

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1 STATE OF ARIZONA)
2 COUNTY OF COCONINO) REPORTER'S CERTIFICATE

3

4 I, John A. Dalsin, do hereby certify that
5 I am a Certified Court Reporter within the State of
6 Arizona and a Registered Professional Reporter;

7 I further certify that the foregoing
8 proceedings were taken in stenotypy by me at the time
9 and place herein set forth and were thereafter reduced
10 to typewritten form, and that the foregoing constitutes
11 a true and correct transcript of the notes taken at
12 that time;

13 I further certify that I am not related
14 to nor employed by or for any of the parties or
15 attorneys herein nor in any way interested in the
16 outcome of the within action;

17 In witness whereof I have hereto affixed
18 my signature this 12th day of January, 2011.

19

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JOHN A. DAL SIN
Arizona Certified
Court Reporter No. 50270

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