

**United States Department of the Interior
Bureau of Land Management**

**Public Scoping Comment Summary
for the
Daneros Mine Plan Modification
Environmental Assessment**

Monticello Field Office
435 North Main
Monticello, UT 84535

DOI-BLM-UT-Y020-2013-023

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Daneros Mine Plan Modification Environmental Assessment Public Scoping Comment Summary

Introduction

Energy Fuels Resources Inc. has applied to the BLM Monticello Field Office to modify the Mine Plan of Operations for the Daneros Mine in San Juan County. The modified plan proposes expanding facilities at the existing Daneros mine site, adding ventilation holes and associated access roads, and constructing new facilities at two nearby historic mine sites – Bullseye and South Portal Area. The proposed modification would increase surface disturbance from 4.5 acres to 46 acres, and all disturbed acres would be reclaimed. The proposal also includes features to improve safety, efficiency, and future reclamation. Under the modified plan, total production of uranium ore is expected to increase from 100,000 tons over seven years to 500,000 tons over 20 years.

The existing Daneros Mine is an underground uranium mine operated by Energy Fuels. It is located in Bullseye Canyon, in the central portion of the Colorado Plateau in southeastern Utah, approximately 4.8 miles southwest of Fry Canyon. Uranium mining has occurred in Bullseye Canyon and the surrounding areas since the 1950's. The Plan of Operations was submitted in 2009 and approved in 2011.

More detailed information about the proposed project is included in the plan modification, available on the Monticello Field Office website at www.blm.gov/ut/st/en/fo/monticello.html.

Public Comment Process

As part of the National Environmental Policy Act (NEPA) process, a public notice/legal ad and a press release outlining the proposed action as well as the BLM's intent to prepare an Environmental Assessment (EA) analyzing the request and proposal were posted. The legal ad was posted in two newspapers of record for the region, the San Juan Record on February 12, 2014, and the Times Independent on February 13, 2014. The plan modification and the press release were posted to the BLM NEPA Bulletin Board at <http://www.blm.gov/ut/enbb/index.php> and the Monticello Field Office website. The BLM invited the public to provide comments on the proposal beginning February 5, 2014 through March 14, 2014.

Public Comments

During the comment period, 9 comment letters were received: 1 from EPA Region 8, 1 from the National Park Service, 2 from cultural groups – The Hopi Tribe and The Navajo Nation, 2 from environmental advocacy groups, and 3 unique letters from individuals. Additionally, the BLM received 2,045 form letters generated from the Southern Utah Wilderness Alliance website. Comments were categorized by topic and each comment was given an identification number. Comments received during the public comment period will be summarized in the EA and considered during the impact analysis. Individual comments organized by commenter are provided in Table 1. A summary of the comments by topic is provided below.

Alternatives

Comments noted that the BLM must consider a reasonable range of alternatives including a No Action alternative. One comment suggested developing an alternative that eliminates the existing waste pile and the permanent, aboveground disposal of all waste rock. Another comment recommended an alternative that includes using synthetic liners for catchment basins.

Air Quality

The National Park Service expressed concern over fugitive dust and gaseous pollutants adversely affecting the air quality of Bridges National Monument and made the suggestion that the BLM address this in the EA and consult with the USGS on mitigation techniques. The EPA expressed concern regarding radon emissions from the new air vents and noted that any modification will require the submittal of a Modification Approval request to the Utah Division of Air Quality. One comment suggested including an analysis of the impacts from radon emissions from the mine when the mine is reopened via access to the Bullseye, Spook, and Jim Putts Portals. Another commenter asked that the BLM not grant a permit to development that will result in exceedances of national ambient air quality standards, prevention of significant deterioration increment limits, air quality related values, and standards for hazardous air pollutants, and asked for a full-scale quantitative analysis and modeling of air quality impacts in the planning area. Several comments expressed concern about radon and radon progeny emissions.

Connected Action

A commenter stated that the White Mesa Mill is a connected action and the full environmental impacts from the Mill, alone and in association with the Daneros Mine, must be identified and analyzed.

Cultural

The Navajo Nation expressed concern about sacred sites located in the Valley of the Gods and asked that the Nation be informed of any inadvertent discoveries of Navajo habitation sites, plant gathering areas, human remains and objects of cultural patrimony in accordance with the Native America Graves Protection and Repatriation Act. The Hopi Tribe stated they are opposed to uranium mining pursuant to the doctrine of discovery and the 1872 Mining Law, and the BLM's categorical exclusion for such proposals, particularly near a National Monument. Both tribes would like to be kept informed about the progress of the project. Other general comments discussed minimizing impacts to cultural resources in the White Mesa Archaeological District and compliance with National Historical Preservation Act consultation and identification requirements.

Cumulative and Indirect Effects

Commenters asked the BLM to assess the cumulative and indirect effects of the proposed mine expansion for a range of resources, including air quality, surface and ground water quality, human health, soil, vegetation, fish, wildlife, and special status species within and proximal to the White Mesa Mill as well as for historical mining activities.

Environmental Justice

Two commenters asked the BLM to assess the impacts of uranium mining and milling operations in San Juan County on the low-income and tribal communities, suggesting that these two bear the brunt of impacts from uranium industry operations in the County.

Fish and Wildlife

Comments recommended minimizing the impacts to fish and wildlife habitat. One comment asked the BLM to assess the impacts of the mining operations on the wildlife in the area, with particular attention to the impacts on the food chain from the releases of chemicals and radioactive particles into the air, water, and soils. Another comment asked for an assessment of the biological pathways of exposure and ecotoxicity values for uranium and associated radionuclides, including the cumulative pathways associated with the historic uranium mining operations in the vicinity of the Daneros Mine. One comment asked the BLM to include an analysis of the radiological and nonradiological constituents that accumulate in the drainage catchment basins, suggesting that any water that remains after a storm event will likely be used by wildlife in the area and could be contaminated.

General

One commenter asked the BLM to review the decision by the Forest Service in the Robin Redbreast mine. Another comment asked the BLM to include an analysis of the potential effects on the natural environment. One comment expressed frustration with the area being overrun with debris left from years of mining and suggested that the mining companies act responsibly and that the BLM and county enforce the regulations.

Hazardous Waste and Radioactive Contamination

One comment said the EA must assess the impact from long-term (perpetual) presence of the mine waste rock, ore pads, contaminated soils, and other contaminated materials from the mining operations on the soils, water, air, flora and fauna, and human community. Two comments recommended containing contamination by using a synthetic liner under the ore pad during operations. Another comment expressed concern about leachate potential in the uranium waste rock piles for the decades prior to reclamation and asked for a description of how the mine owner will monitor leachate production from the waste rock and ore piles. One comment asked for an analysis of the radiological aspects of catchment basins, including the disposal of accumulated sediments, and an alternative that includes synthetic liners for the catchment basins. A commenter asked the BLM to conduct radiation surveys in the proposed action area to fully determine the radionuclide emissions for the existing mine and assess those emissions to the air, soils, water, wild and domestic animals, vegetation and human population. Another comment asked the BLM to establish a radiological clean-up standard for technologically-enhanced, naturally occurring radioactive materials at uranium mine sites.

Health and Safety

Commenters asked the BLM to assess the qualitative and quantitative health and safety impacts to mine workers and members of the public, including an analysis of the impacts to aboveground workers from the release of radon and radon progeny from the underground workings since MSHA regulations do not protect workers from exposure to radionuclides aboveground. One commenter expressed concern about radon vents being readily available to the public with no fencing or warning signs. One commenter asked the BLM to assess Denison's emergency response planning for the underground operation, including an evaluation of their compliance with MSHA emergency response requirements. Two comments expressed concern about MSHA violations at the uranium mines operated by Energy Fuels and its predecessor, Denison Mines.

Monitoring and Mitigation

Several comments recommended monitoring programs for radioactive particulates, such as uranium and radon progeny; leachate/sulfide mineral oxidation products; and dust. One general comment asked for a detailed discussion of proposed mitigation measures.

Noise

Commenters asked for an analysis of the noise levels at the Daneros mine and the impacts to the local wildlife and livestock, as well as to workers.

Policy and Process

Several comments suggested preparing an EIS rather than an EA due to the potential for significant direct, indirect, and cumulative impacts. Comments asked that BLM demonstrate compliance with the undue degradation standard; present an environmental analysis and information in a manner that facilitates, rather than impedes public comment; fully consider all comments and scientific opinions; address the full range of environmental impacts and appropriate mitigation measures; and offer a reasonable range of alternatives.

Proposed Action

One comment asked that any analysis related to the “life of the project” be longer than 20 years. Another commenter suggested using solar power for energy production to power the mine. One comment stated that the Quality Assurance Plan does not provide the BLM or the public with enough information to evaluate the plans and determine their adequacy and how they might be improved.

Reclamation and Remediation

One comment suggested that the EA include mitigative measures for reclamation and remediation of the mine during periods of cessation of operation and after completion of mining. A comment expressed concern about the ability of the land to recover from clearance of vegetation. Commenters addressed the need for radiological standards for reclamation for the waste rock areas, ore pads, and other areas. One comment stated the EA must include information regarding radioactive cleanup action levels for catchment basins for reclamation and remediation purposes.

Recreation and Visual

One commenter asked the BLM to consider the area as it is currently used for recreation in addition to future use once the mine is fully reclaimed, and recommended reducing the final size of the permanent waste piles to protect recreation and visual features.

Socioeconomics

Commenters asked the BLM to analyze the economic and social impacts associated with the uranium boom-and-bust economy in the Four-Corners region over the past 50 years. Another commenter asked that the miners be allowed to camp in the mining area and not in Fry Canyon to reduce traffic and interactions with ranching operations and families in the area.

Special Management Areas

Comments request an analysis of the impacts to Bridges National Monument, due to expansion of the mine, and recommend this analysis include impacts from vehicle traffic, dust, radioactive emissions, air quality, lighting, and noise.

Transportation and Access

One commenter asked that the County maintain the road from Highway 95 to the mine site rather than the mine operators or its subcontractors, citing past experience and concern about more damage to the road.

Vegetation

Several comments expressed general concern about the potential impact to vegetation and recovery time. One commenter recommended the EA include a discussion of test vegetation plots and an analysis of the success of the proposed seed mixture in past revegetation efforts on soils similar to those that will be placed on the reclaimed area of the mine.

Visual

One comment asked the BLM to consider how lighting at the mine site could adversely affect the quality of the night sky viewed from the nearby Monument. Another comment suggested reducing the final size of permanent waste piles to reduce visual impacts.

Water Resources

Comments asked the BLM to analyze the potential impacts to surface and groundwater from the proposed mining, transporting, and milling operations. A commenter suggested conducting baseline studies for contamination levels to be used for comparison to future water quality monitoring. One comment asked the BLM to review water rights to determine if Energy Fuels has secured all the water rights necessary for the operation of the mine. A commenter asked the BLM to fully characterize the underground environment in the area of the proposed mine expansion, to determine whether aquifers will be protected. One comment asked the BLM to assess the long-term impacts of storm events after the mine has been reclaimed.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
1	Air Quality	U.S. Dept. of Interior, National Park Service	<p>The Daneros mine area and the Radium King access road are less than 10 miles west and directly upwind of Natural Bridges National Monument.</p> <p>Due to its close proximity to the Monument, the proposed expansion of the mine and associated operations could affect resource conditions and visitors' experiences in Natural Bridges. We are particularly concerned about surface disturbance associated with the proposal, including the construction of new mine sites, mine facilities, and access roads; increased vehicle traffic on existing unpaved access roads; construction of new stockpile areas for ore, topsoil, and other materials; and the increased number of wind-erodible stockpiles over the 20-year life of the project. All of these could result in increased emissions of fugitive dust that could adversely affect air quality, air quality related values such as visibility, and the quality of the Monument's night skies.</p>	Air emissions will be analyzed and potential effects described in the EA.
2	Visual	U.S. Dept. of Interior, National Park Service	Lighting associated with the proposed mine expansion also could adversely affect the quality of night skies viewed from the nearby Monument.	The potential impacts to visual resources are discussed in the checklist.
3	Noise Air Quality	U.S. Dept. of Interior, National Park Service	In addition, mine operations could generate noise that could adversely affect natural sounds conditions, and may emit gaseous pollutants that could adversely affect air quality.	The potential effects of noise and air emissions will be analyzed and documented in the EA.

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4	Air Quality Mitigation	U.S. Dept. of Interior, National Park Service	We ask that BLM address these issues in the Environmental Assessment of the project and identify appropriate mitigation measures to adequately protect Monument resources, values, and visitor experiences.	The proposed action is to modify the existing plan of operations (plan) for the Daneros Mine. Under the proposed action all mitigation measures that were carried forward as conditions of approval (COA) in the existing plan authorization would also apply to the proposed plan modification unless waived or modified as a result of BLM's environmental analysis of potential impacts. The proposed plan modification includes built-in measures designed to mitigate potential environmental impacts, including air quality. Mitigating measures incorporated into the proposed action include those required by the UDAQ. The environmental analysis will help determine the effectiveness of these measures as well as identify any additional mitigation measures that may be needed.
5	Air Quality Mitigation	U.S. Dept. of Interior, National Park Service	With respect to dust emissions, we suggest that BLM consult on mitigation techniques with the U.S. Geological Survey due to their ongoing research on this topic.	The EA will address dust emissions/control. Also, see response to Comment 4.
6	General	U.S. EPA, Region 8	We would like to review the Environmental Assessment when it is completed.	Comment noted. The commenter will be added to mailing list for review of EA.

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7	Air Quality	U.S. EPA, Region 8	<p>Our main concerns regard radon emissions from the new air vents proposed under the mine plan modification.</p> <p>As noted in the December 2013 Plan of Operations, the Daneros Mine is subject to 40 CFR Part 61, specifically Subparts A and B. Authority for implementing and enforcing these Subparts is the Utah Division of Air Quality (UDAQ). Any changes made to the April 30, 2012 plan submitted to UDAQ, and approved on May 23, 2012, that constitute a modification requires the submittal of a Modification Approval request to, and prior approval by, UDAQ, as required by 40 CFR §61.07.</p> <p>It doesn't appear that the May 23, 2012 approval from UDAQ, included in the proposed mine modification plan, covers the 2014 Plan with installation of up to eight additional vent holes</p>	<p>Analysis assumptions include compliance with all applicable state and federal regulations, including 40 CFR Part 61 governing radon emissions and other hazardous air pollutants. UDAQ has determined that a modified construction approval is not necessary at this time.</p>
8	Air Quality	U.S. EPA, Region 8	<p>The information to be used as the basis for the request to modify the existing emissions approval (or the actual request to the UDAQ) should be included in the EA. This would include an updated estimate of radon-222 emissions and the associated COMPLY-R modeled dose estimate.</p>	<p>See comment #7. BLM documents regulatory compliance with a copy of the approval letter. UDAQ has determined that a modified construction approval is not necessary at this time. Operator letter of application (137 pages) is available from UDAQ.</p>
9	Native American Religious Concerns	The Hopi Tribe	<p>The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and the Traditional Cultural Properties, and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the BLM, Monticello Field Office's continuing solicitation of our input and your efforts to address our concerns.</p>	<p>The BLM will continue to work with the Hopi Tribe to address any concerns.</p>

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10	Native American Religious Concerns	The Hopi Tribe	The Hopi Cultural Preservation Office understands the proposed modification involves 46.3 acres of surface disturbance, and the area of potential effect has been surveyed for cultural resources and no prehistoric sites were identified. However, as we stated in our enclosed letter dated November 4, 2008, regarding a Daneros mine expansion, we oppose uranium mining pursuant to the doctrine of discovery and the 1872 Mining Law, and the BLM's categorical exclusions for such proposals, particularly near a National Monument.	The BLM recognizes the Hopi Tribe's opposition. However, the BLM is required by law to consider such mining. As a result, a formal EA is being prepared for the Daneros Mine Plan Modification in compliance with NEPA. The BLM will conduct additional consultations with the Hopi in order to address any specific concerns they may have related to the proposed project.
11	Native American Religious Concerns	The Navajo Nation	We have some concerns with the proposed project. After cross-referencing the Historic Preservation Department – Traditional Culture Program (HPD-TCP) Sacred Sites Database, there are numerous Cultural Sacred Site located within the proposed project area, especially the area known as the Valley of the Gods. The Nation understands the project area lies within public, private and State trust lands, so all we can emphasize is our concerns with the proposed project area. We request the Navajo Nation be kept updated with the progress of the proposed project.	The BLM will continue to provide updates to the Navajo Nation for this proposed project in order to address any specific concerns they may have.
12	Native American Religious Concerns	The Navajo Nation	If the project inadvertently discovers Navajo habitation sites, plant gathering areas, human remains and objects of cultural patrimony, the HPD-TCP request that we be notified respectively in accordance with the Native America Graves Protection and Repatriation Act (NAGPRA).	The EA will include the following (Condition of Approval #18 - June 2011): The operator shall immediately notify the BLM authorized officer of any cultural resources discovered as a result of operations under this authorization. The operator shall suspend all activities in the vicinity of such discovery and protect it until notified to proceed by the authorized officer. The BLM would notify the Navajo Nation.

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13	Policy and Process	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	BLM should prepare an EIS complete with full analysis and information regarding these risks. The EIS should be commenced without the initial drafting of an environmental assessment as the proposed mine expansion will undoubtedly have a significant impact on the human and/or natural environment and the proposed expansion is considered an environmentally controversial issue.	The primary purpose of an EA is to briefly provide sufficient evidence and analysis for determining whether to prepare an EIS or a FONSI. By regulation, the analysis performed for an EA may lead to the determination that an EIS is required. (s.1508.9(a))
14	Alternatives	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	BLM must consider a reasonable range of alternatives. For this proposed uranium mine modification and expansion, the consideration of more environmentally protective alternatives is also consistent with the Federal Land Policy and Management Act's (FLPMA) requirement that BLM "minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved." 43 U.S.C. §1732(d)(2)(a).	Reasonable alternatives that meet the purpose and need will be analyzed in the EA to ensure that no unnecessary or undue degradation occurs to public lands.
15	Policy and Process	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	To comply with NEPA's hard look requirement, the BLM must gather and analyze empirical data; perform detailed evaluations of the impacts to natural resources, including impacts to nearby lands with wilderness character, Areas of Critical Environmental Concern, Special Recreation Management Areas, Natural Bridges National Monument, riparian resources, air quality, water quality, wildlife and fish species, amphibians and invertebrates, soils (including erosion and fugitive dust generation), vegetation, cultural and visual resources; evaluate and analyze the impacts to other users from the proposed action and reasonable alternatives; and disclose the analyses in the NEPA document for public review and comment.	The BLM intends to comply with NEPA, including the requirement to take a hard look.

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16	Cumulative	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	Pursuant to NEPA, BLM must analyze the indirect and cumulative effects of the mine expansion, including: the effects on human health and safety; the effects on the environment (including nearby Natural Bridges National Monument) resulting from the increase in truck traffic to and from the mine and mill with respect to dust generation, the potential for roadside contamination from uranium ore, traffic safety, night lights, and noise; the impacts to air and water quality of increased mining and subsequent ore processing at the White Mesa Mill; the impacts on Native American tribes affiliated with the area and the pre-historic archaeological resources. The BLM must assess the cumulative effects of the proposed mine expansion in conjunction with other existing and foreseeable energy-related projects in the area including seismic exploration, oil and gas drilling, and potash development; domestic livestock grazing; ORV events and other special recreation permits in the area; and other foreseeable actions, uses and impacts to the public lands managed by BLM's Monticello Field Office.	The analysis of indirect and cumulative impacts, with appropriate spatial and temporal boundaries, is a requirement under NEPA. Indirect and cumulative impacts will be included in the EA.

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17	Cumulative	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	<p>Pursuant to NEPA, the scope of indirect and cumulative impacts analyzed by BLM must include uranium milling at White Mesa Mill and mining at other mines owned by Energy Fuels in Utah, Colorado, and Arizona. If the proposed action is approved, mined ore from the Daneros and Energy Fuels' other mines would be milled at the White Mesa Mill. The BLM's analysis must include the incremental impact of the action when added to other past, present and reasonably foreseeable future actions at White Mesa Mill. This includes impacts relating to past, present, and reasonably foreseeable processing and storage of uranium ore and alternate feed at the Mill. BLM's analysis must be searching; it should seek, analyze and disclose all violations of regulatory or other emissions standards at the Mill, and it should include federal scientific findings, including any and all findings published by USGS, relating to dust, air, and water emissions from the Mill. The BLM must analyze and disclose the potential impacts of those indirect and cumulative impacts to a range of resource values, including but not limited to air quality, surface and ground water quality, human health, soil, vegetation, fish, wildlife, and special status species within and proximal to the White Mesa Mill. In undertaking that analysis, the BLM should rely at least in part on other federal research and literature reviews exploring the potential impacts of uranium-related emissions to various resource values. USGS in particular has generated significant findings and other peer-reviewed resources relating to uranium in connection with the White Mesa Mill, and in connection with and support of the Northern Arizona Mineral Withdrawal. BLM should engage USGS to obtain all of those resources and appropriately integrate their findings and uncertainties into its analysis of indirect and cumulative impacts here.</p>	See response to Comment 16.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
18	Baseline Data	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	Baseline studies that assess the current existing conditions, as well as the contamination levels from previous mining activities, must be conducted in order to properly characterize the setting of the area and immediate vicinity of the proposed expansion. Contamination concentrations from previous mines must be identified to provide a baseline in which to compare potential future impacts to soils, water quality (both surface and ground), and air quality, among other considerations.	Energy Fuels has conducted baseline studies to assess the current conditions of the project area and the studies are included in Energy Fuels' Plan of Operations. If determined necessary after analysis of existing data, additional baseline information could be required. This information will be considered in assessing potential environmental impacts and formulating needed mitigation.
19	Baseline Data	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	The information regarding the existing baseline should also be used to inform the public and the decision-makers of the impacts that have been caused by previous and ongoing mining activities in the vicinity. For example, sampling of radiological contaminants along existing haul routes would provide useful and necessary information on the expected roadside contamination caused by the dust which emanates from trucks hauling uranium ore, which are merely covered with a tarp system designed to cover loads of gravel and other aggregates.	See response to Comment 18.
20	Monitoring and Mitigation	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	BLM must provide a detailed discussion of proposed mitigation measures to ensure that environmental consequences have been fairly evaluated and impacts will be mitigated effectively.	See response to Comment 4.
21	Policy and Process	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	BLM must provide the public with an explanation of both the data used in analyzing the potential effects of the proposed expansion and the methods used to conduct the analysis, as well as an opportunity to provide comments and propose corrections or improvements.	The BLM intends to prepare an EA consistent with BLM NEPA guidelines in order to ensure compliance with CEQ regulations and the law.

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22	Policy and Process	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	Where there is scientific uncertainty, BLM cannot simply dismiss opposing scientific opinion and authority, but must provide a discussion of the support for its decision not to rely upon it. Accordingly, BLM must complete a conforming NEPA analysis that fully considers and responds to public comments, including opposing scientific opinion, and justifies any contradicting conclusions.	See response to Comment 21.
23	Policy and Process	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	BLM must present environmental analysis and information in a manner that facilitates, rather than impedes, public comment	See response to Comment 21.
24	Policy and Process	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	Unnecessary or undue degradation standard: BLM's duty to prevent unnecessary or undue degradation (UUD) under FLPMA is mandatory, and BLM must, at a minimum, demonstrate compliance with the UUD standard.	Regulations at 43 CFR Subpart 3809 establishes standards to ensure that operations are conducted in a manner that prevents unnecessary or undue degradation of public lands. Those standards are stated at 43 CFR 3809.5 and 3809.415. The BLM will ensure that the proposed operations comply with regulations applicable to operations conducted under the mining laws.

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25	Cultural Resources	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	Approval of the proposed mine modification is an "undertaking," pursuant to the NHPA, thus BLM must comply with the NHPA, including the Section 106 consultation and identification requirements, prior to approving the proposed modification.	<p>Seven cultural resources inventories were conducted for the Daneros Mine project between 2008 and 2013. A total of 212 acres were inventoried covering the Area of Potential Effect (APE), including buffer areas around all project components and access roads. The Cultural Resource Inventory reports for the Daneros Mine project are on file with the BLM Monticello Field Office and the Utah State Historic Preservation Officer (SHPO).</p> <p>No prehistoric sites were found. Six non-eligible and one eligible National Register of Historic Places (NRHP) historic sites were found in the APE. The BLM has determined that the project would result in no adverse effect to historic properties, provided that the eligible site is avoided or a mitigation plan developed and implemented with the SHPO and the BLM. The SHPO concurs with the BLM determination of eligibility and effect for the undertaking.</p>
26	Air Quality	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	BLM must not permit development that will result in exceedances of national ambient air quality standards, prevention of significant deterioration increment limits, air quality related values, and standards for hazardous air pollutants. Thus, BLM must conduct a full-scale quantitative analysis of the air quality impacts in the planning area and model these impacts.	The EA will include appropriate air quality analysis.

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27	Water Resources	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	BLM must comply with Section 313 of the Clean Water Act (CWA), which requires that all federal agencies ensure compliance with state water quality standards when permitting federal land activities. 33 U.S.C. § 1323(a). This is in addition to the BLM's duty to ensure compliance with section 401 of the CWA, and its duty under FLPMA and the 43 CFR Part 3809 regulations to prevent "unnecessary or undue degradation" of public lands as a result of water quality impacts.	The EA will include appropriate water quality analysis to ensure compliance with CWA. Also, see response to Comment 24.
28	Water Resources	The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (SUWA)	BLM must analyze the potential impacts to surface and ground water from the mining, transporting, and milling operations that will result from the proposed modifications. Such impacts include not only contamination and pollution, but also depletion of ground water that could subsequently affect seeps, springs, streams and other surface water. Although the Utah State Engineer can grant the applicant a valid water right, such water right does not give the holder the right to drill a ground water well on public lands. BLM has ultimate authority to allow or disallow drilling of ground water wells and diversion of water on public lands managed by BLM.	The EA will analyze potential impacts to surface and ground water.
29	Cumulative Connected Actions	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	1.2 Any proposed actions at the Daneros Mine should be considered and understood for their connections to other proposed actions in the region, historical uranium mining activities, and the overall conservation and recreation based values of the area. All potential and cumulative impacts from the mine's expansion and operations should be analyzed.	See response to Comment 16.

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30	Policy and Process	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>2.1 The December 2013 Plan of Operations Modification (Plan Modification) for the Energy Fuels Resources (USA) Inc. (Energy Fuels) Daneros has the potential for significant environmental impacts and should be the subject of an Environmental Impact Statement (EIS). The Plan Modification is for the expansion of the Daneros Small Mine Operation (SMO) (State ID: S0370121) to a Large Mine Operation LMO) (State ID: M0370126).</p> <p>2.5 The proposed expansion of the Daneros Mine and perpetual presence of waste rock from the mine, with respect "Context," involves a specific locale and an action that will have both short-term and long-term significant impacts to the human and natural environment. The mine will expand ten-fold, from 4.5 acres surface impact to 46.3 acres. The Daneros will have the largest surface impact of any permitted uranium mine in Utah. The Daneros is in the vicinity of Natural Bridges National Monument. The expected amount of ore produced would increase from 100,000 tons of ore to 500,000 tons. The expected length of operation would increase from 7 to 20 years. The expanded mine will now require an Air Quality Permit and, due to the fact that power from electricity or natural gas is not available at the site, Energy Fuels expects to use diesel generators to provide power for the mining operation, greatly increasing gaseous and particulate emissions.</p>	<p>The Daneros Mine would not be the largest uranium mine in Utah in terms of either surface disturbance or mine production. Regardless, with exception of radiation, the potential impacts associated with uranium mines are generally the same as those of other types of mining operations and, in comparison to other mines in Utah, the Daneros is considered a small to moderate sized mine. As with other types of mines, the degree of environmental impact at uranium mines is not necessarily commensurate with total acres disturbed. Potential environmental effects of each mining operation are site-specific. An EA is being prepared to analyze the potential environmental impacts of the proposed project. Also, see responses to Comments 13 and 55.</p>

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31	Health and Safety	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>2.6 Public health and safety: The Daneros Mine and the cumulative impacts from historical uranium exploration and development in the region will continue to have significant environmental and health and safety impacts.</p> <p>These potential significant impacts must be identified and evaluated in the context of an EIS.</p> <p>Significant impacts include impacts from the emission of radionuclides and chemical constituents from the radon vents, waste rock (development rock) piles, stockpiled ore, ore pads, contaminated rock and soil, and windblown materials. The impacts from the releases of effluents to air and water courses from the proposed mine expansion have potentially significant impacts.</p>	An EA will be prepared to analyze the potential environmental impacts of the proposed project, including air and water quality. Also, see response to Comment 13.
32	Health and Safety	Uranium watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INEFORM)	Significant health and safety impacts are relevant to mine workers and to members of the public who are engaging in recreational activities at Natural Bridges, Fry Canyon, and public lands in the vicinity of the Daneros Mine.	Potential impacts to human health and safety will be analyzed and documented in the EA.
33	Air Quality	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	The Daneros SMO suspended operation at the end of 2012. It is not known if or when the proposed LMO will commence. The reopening of the existing SMO and mine expansion would include reopening old mine openings and the release of radon from old underground mine workings. This will cause a significant release of radon and other emissions. In addition to using the Bullseye Portal and South Portal, Energy Fuels proposes to use the old Spook Portal and former Jim Butts Portal for ventilation, allowing accumulated radon and radon progeny to be released to the atmosphere.	The terms LMO and SMO are used by the Division of Oil, Gas and Mining (UDOGM). The BLM is considering a proposed modification of the proponents existing plan of operations. The EA will address radon emissions.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
34	Air Quality	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>The emission of radon and radon progeny is a significant effect that cannot be mitigated through any BLM action. The mines are required to exhaust radon from the mines to protect the health of the underground workers. The amount of radon and radon progeny and radioactive and hazardous particulates (from blasting and diesel generators) exhausted from the mines will always have the potential to have a significant impact on the health and safety of the workers, public, and natural environment. As the mine operation expands, the emission of radon and radon progeny into the community will only increase, and the potential for adverse effects will increase.</p>	<p>Radon emissions from the mine would be monitored and controlled in accordance with standards implemented under UDAQ and EPA's regulations. The EA will address radon and other radionuclide emissions.</p>
35	Reclamation and Remediation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>2.7 Unique characteristics of the geographic area:</p> <p>The Daneros Mine is in a unique area due to the variation of the topography and ecology in the area for the mines and mining activities associated with the installation of radon vents, exploration drilling, and access roads. Some of the impacted area includes a variety of shrubs, trees, and other vegetations. With limited rainfall, the ability of the land to recover from clearance of vegetation is limited. The estimated time frame of 3 to 5 years for re-vegetation is irresponsible. Aerial photographs show that this area would take decades to recover from the clearance of the vegetation. Unique characteristics include its location in an area and with permanent and ephemeral watercourses.</p>	<p>Reclamation objectives are not necessarily to return the site to pre-mine conditions, yet to provide for long-term soil stability, hydrologic functions, and biotic integrity that allows for proper functioning ecological conditions of the mine site. Although 3-5 years is a reasonable timeframe for meeting these objectives, repeated reclamation efforts (beyond 3-5 years) may be required on some sites, including installation of BMPs to mitigate erosion until vegetation has been successfully established, and post-closure management and monitoring of reclamation efforts. The Reclamation Plan for the Daneros Mine takes into account ecological site conditions and includes taking any necessary measures to promote the establishment of a self-sustaining vegetative cover until reclamation is established that meets performance standards.</p>

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
36	Special Management Areas	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	The expanded mine is near Natural Bridges National Monument.	Comment noted.
37	General	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>2.8 Degree to which effects are likely to be highly controversial:</p> <p>There are already controversies regarding the nature and extent of the effects associated with the expansion of the Daneros Mine. These controversies include:</p> <p>The effects of the emission of radon, radionuclides, hazardous constituents from the ore, and particulates from blasting, transportation, diesel generators, trucks and equipment</p> <p>Extent of surface impacts from exploration drilling, roads, access routes, and vent hole installation</p> <p>Timing of reclamation</p> <p>Revegetation standards</p> <p>Reduced ability of the land to heal</p> <p>Amount of cover on the waste rock piles</p> <p>Reclamation standards associated with the long-term presence of uranium and uranium progeny at the mine sites</p> <p>Presence of historical impacts from earlier mining activities</p> <p>Proximity to Fry Canyon and Natural Bridges National Monument.</p>	The BLM will analyze the effects of the Proposed Action and document that analysis in an EA. Based on its analysis, the BLM will determine the degree to which effects on the human environment may be highly controversial and that determination will be taken into consideration when deciding whether to prepare a FONSI or an EIS.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
38	Health and Safety	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>2.9 Degree to which effects are highly uncertain or involve unique or unknown risks:</p> <p>The effects and risks (including cumulative effects and risks) associated with the emission of radon and other radionuclides from the current and future mining operation involve unique and unknown risks.</p> <p>The effects of the perpetual storage of the waste rock piles are unknown, particularly because reclamation standards for the emission of radionuclides from the piles, ore pads, and contaminated soils have not been established.</p> <p>Radioactive sands and fine particulates remain radioactive for millions of years.</p> <p>Intense rainfall (flash flood) and snowmelt events can mobilize and transport mine waste with associated radioactive material and trace elements long distances during relatively short periods.</p>	<p>The BLM will analyze the effects of the Proposed Action and document that analysis in an EA. Based on its analysis, the BLM will determine the degree to which effects on the human environment may be highly uncertain or would involve unique or unknown risks. That determination will be taken into consideration when deciding whether to prepare a FONSI or an EIS.</p>
39	Policy and Process	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>2.10 Consideration of whether the action may establish a precedent for future actions with significant impacts:</p> <p>The consideration and environmental review of Plans of Operations and amendments for all uranium mines on federal public lands. This includes uranium-mining activities in Utah, Arizona, Colorado, New Mexico, Wyoming, South Dakota, and other states.</p> <p>Radiological standards for reclamation of the waste rock areas, ore pads, and other areas contaminated by radionuclides at uranium mining operations.</p>	<p>The BLM will analyze the effects of the Proposed Action and document that analysis in an EA. Based on its analysis, the BLM will determine whether the action may establish a precedent for future actions with significant effects. That determination will be taken into consideration when deciding whether to prepare a FONSI or an EIS.</p>

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
40	Cumulative Connected Actions		<p>2.11 Consideration of whether the action is related to other actions with cumulatively significant impacts:</p> <p>The proposed expansion of the Daneros Mine is related to the historic uranium mining in the area and the degradation of public lands from those activities.</p> <p>The expansion of the Daneros Mine is also related and directly connected to the operation of the White Mesa Uranium Mill, south of Blanding, Utah. Without the White Mesa Mill, there would be no facility to process the ore from the Daneros Mine, so Mine would not operate. Thus, the Daneros Mine is considered a connected action with the White Mesa Mill. At a minimum, the full environmental impacts from the Mill, alone and in association with the Daneros Mine, must be identified and analyzed.</p> <p>The expansion of the Daneros Mine is directly related and connected to the need for a new tailings impoundment to be constructed at the White Mesa Mill for the deposition and storage of uranium mill tailings in the foreseeable future. A new tailings impoundment would destroy unique and significant cultural resources (e.g., large pit houses and related structures) that are part of the White Mesa Archeological District and have been found eligible for inclusion in the National Register of Historic Places.</p>	<p>The EA will address direct, indirect and cumulative impacts. Also, see response to comment 16.</p>

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
41	Cumulative	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	The cumulative significant effects of those related uranium mining facilities and activities (past, current, and reasonably foreseeable) include: Impacts - on transportation to water, soils, and air quality of land disturbance over the short- and long-term from waste rock and contaminated areas over the short- and long-term from the emission of radon from radon vents of the release of other radionuclides into the environment to known cultural resources in the White Mesa Archeological District on low-income and tribal communities in San Juan County.	See response to Comment 16.
42	Cumulative	Uranium watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	The cumulative impacts of extensive uranium mining in San Juan County, or the Colorado Plateau have never been assessed.	See response to Comment 16.
43	Health and Safety Environmental Justice	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	There has never been an assessment of the disproportionately high and adverse human health and environmental effects to low-income and tribal communities in Utah from the mining and processing of uranium ore in San Juan County, pursuant to applicable requirements for Environmental Justice in Minority Populations and Low-Income Populations.	The EA will include the appropriate level of analysis for Environmental Justice. A comprehensive study of health effects of uranium mining and the history of the uranium industry in Utah is beyond the scope of analysis for the proposed action.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
44	Health and Safety	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	For all of these past, present, and reasonably foreseeable actions/operations, the BLM must fully analyze the quantitative as well as qualitative impacts to human health and safety and the environment. Simply listing these actions/operations, or briefly discussing generalized impacts, does not fulfill the BLM's duty to conduct the "hard look" required by NEPA. Because of the potential for significant environmental impacts from the proposed action, as well as in conjunction with these other actions/operations, an EIS is required.	See responses to Comments 13 and 15.
45	Air Quality	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>2.12 Any effects that threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment:</p> <p>The expansion of the Daneros Mine has the potential to threaten violation of the National Emission Standards for Hazardous Air Pollutants for radionuclides, specifically, 40 C.F.R. Part 61, Subpart B—National Emission Standards for Radon Emissions From Underground Uranium Mines. The expansion of the mining operation will result in an increase in the amount of radon emitted from the underground mining operations. The increase has the potential for the mines to exceed the standard for one or more receptor points. As the La Sal Mines Complex, in La Sal, Utah, expanded, the radon emissions increased so that the mine complex exceeded the 40 C.F.R. Part 61 Subpart B radon emission standard.</p>	See responses to Comments 7,8 and 34.
46	Health and Safety	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	The expansion of the Daneros Mine threatens the violation of laws and requirements related to the worker environment. The number of Mine Safety and Health Administration (MSHA) violations has increased as operations have expanded at the mines owned and operated by Energy Fuels (previously Denison Mines Corp.).	Impacts to worker health and safety will be analyzed based on the assumption that stringent standards and regulations administered by MSHA would be adhered to and, that these standards are sufficient to protect worker health.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
47	Policy and Process	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>2.13 The EA developed for the Daneros Mine expansion will be, essentially, a document that is similar to an EIS. The Plan Modification is extensive and involves complex technical and environmental information and issues. A full EIS with more detailed examination of the environmental impacts is warranted by the extent and complexity of the issues and impacts. The proposed EA will be far longer and more complex than the brief environmental analysis expected for an EA and Finding of No Significant Impact.</p> <p>The BLM has not provided the public with information regarding why the BLM determined that an EA, not an EIS, was the appropriate NEPA document. One of the reasons that the BLM is not requiring the development of an EIS at this time is so that Energy Fuels (or an Energy Fuels' contractor), rather than the BLM, will be able to prepare the EA.</p> <p>The BLM and Energy Fuels have signed an Memorandum of Understanding (MOU) for the preparation of the EA.3 If the BLM determined that an EIS was warranted, the permittee would not be preparing the NEPA document.</p>	See response to Comment 13.
48	Policy and Process	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	2.14 An EIS is required to determine the full range of environmental impacts and the appropriate mitigative measures needed to address those impacts.	See response to Comment 13.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
49	Purpose and Need	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>3.1 Timeliness, Purpose and Need: The Plan Modification for the expansion of the Daneros Mine and NEPA review is premature. At this time there is no viable uranium market, and the reopening and expansion of the mine is not guaranteed. Without a market to support the mining and processing of uranium ore, any permit associated with this Environmental Analysis will sit on a shelf for an undetermined amount of time and become outdated. BLM should seriously consider the unlikelihood of mining activities resuming and expanding at the Daneros Mine. The BLM should consider the overall purpose and need for an expansion that will exist primarily on paper and for speculative economic purposes. If and when the viability of the uranium market returns to the region, then the impacts and operations of the Daneros Mine should be analyzed at that time and under contemporary mining regulations. This is especially important in an industry that will see significant regulatory changes and developments at the federal level in the next several years. The lack of current activity at the Daneros and other permitted uranium mines in Utah should form the contextual bedrock of a No-Action alternative in the Environmental Analysis, and it should be carefully considered in the review.</p>	<p>The area of the proposed action is on public lands which are open to location and operations under the mining laws. The BLM is responding to a specific proposal to modify an existing authorized plan of operations. It is outside the scope of analysis of the proposed action and inconsistent with BLM policy to conduct a market analysis as a condition for responding to the proposal.</p>

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50	Policy and Process	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>3.2 On February 5, 2014, the BLM Monticello Field Office issued a press release:</p> <p>“BLM Seeks Public Input on Proposed Uranium Mine Plan Modification.” That press release was misleading. The release stated: “The BLM-Utah will be preparing an environmental assessment to analyze potential impacts associated with proposed changes to Energy Fuels’ operating plan for a uranium mine in eastern Utah.” At the time of the press release the BLM was in the process of arranging a MOU with Energy Fuels for the preparation of the EA. That MOU was not signed until February 14, 2014. So, actually, Energy Fuels will be preparing the EA, with BLM oversight. The BLM should have waited until after the MOU was signed to issue the press release. The BLM should have stated that Energy Fuels, not the BLM, would be preparing the EA. The BLM should also have explained why they had determined that an EA, rather than an EIS, was the appropriate NEPA document.</p>	<p>Consistent with BLM policy, an EA may be prepared by the applicant. However, the BLM assumes complete control over the scope and content of the EA to ensure compliance with all provisions of NEPA, including the CEQ regulations. Also, see response to Comment 13.</p>
51	Policy and process	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>3.3 In general, the Plan Modification should have contained much more information about Daneros Mine LMO and the potential impacts of the expansion of mining operations. The Modification Plan lacks sufficient data and baseline information required for a full analysis of the environmental impacts. There are several references to documents, including the documents related to the SMO application and approval process that are currently not readily available for public review. Any data and information referenced by the Plan Modification should be readily available to the public.</p> <p>The referenced documents should have been included in the application or a link to those records provided. The Plan Modification should have included the October 2, 2012, application for an Air Quality Permit.</p>	<p>The BLM determined that the plan of operations meets the content requirements specified at 43 CFR 3809.401(b)</p>

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
52	Policy and Process	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	3.4. Given the inadequacies of the Modification Plan and obvious conflict of interest, it was not appropriate for the BLM to sign a MOU with Energy Fuels that allowed Energy Fuels to prepare the EA.	See response to Comments 50 and 51.
53	Policy and Process	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	3.5. Unauthorized Work: Commenters have reason to believe there may have been unauthorized work done at the Daneros Mine site that was not authorized in the 2009 Plan of Operations (POO) for the Daneros SMO, which was approved by the BLM in 2011. The BLM should inspect the existing operation and determine whether all work since 2011 was described in the POO, evaluated in the SMO EA, and approved by the BLM. Possible unauthorized work could include the moving of soils and rock in Bullseye Canyon.	BLM conducts periodic site inspections at the Daneros Mine and is unaware of unauthorized work at the site. Regardless, inspection and compliance of the existing operation is outside the scope of analysis for the proposed action.
54	Water Resources	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	3.6. Water Rights: The Environmental Analysis must review the water rights, including rights to water not owned by Energy Fuels, associated with the Plan Modification, and determine whether Energy Fuels has secured all the water rights necessary for the operation of the mine.	As indicated in table 2-1 of the plan modification, the proponent is aware of the need to appropriate necessary water rights through the Utah Division of Water Rights.
55	Air Quality	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	3.7. Air Quality Permit: The BLM should not complete the NEPA analysis until the Utah Division of Air Quality (DAQ) has issued a final Approval Order for the new Air Quality Permit associated with the Modification Plan. Energy Fuels submitted the Notice of Intent to the DAQ on October 2, 2012. As of this date, the DAQ is still reviewing and considering comments on the March 15, 2013, proposed Approval Order (DAQEIN144920002-13) that were submitted to the DAQ. The information contained in the final Approval Order and DAQ responses to comments should be available to the public prior to commenting on the draft Daneros Mine NEPA documents.	As indicated in table 2-1 of the plan modification, the application for an Approval Order is under review by the DAQ. Performance standards specified at 43 CFR 3809.420(a)(6) require operations to comply with all pertinent Federal and state laws. Utah Division of Air Quality issued Air Order # DAQE-AN144920002-14, on July 8, 2014. A copy of the approval has been attached to the plan modification.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
56	Cumulative	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	3.8. DOE AUM Report to Congress: The Department of Energy (DOE) is in the process of identifying and evaluating abandoned uranium mines (AUMs) associated with the United States nuclear weapons program. These mines were developed and operated from 1947 to 1970. The DOE has identified 1,380 AUMs in Utah. Most of these mines were in Grand, San Juan, Garfield, and Emery Counties. The DOE AUM report to Congress is due in July 2014. The Daneros Mine NEPA review must take into consideration all data and information associated with historic uranium mining activities and their impacts in the area of the Daneros Mine. This information is pertinent to the discussion of the cumulative impacts of the propose mine expansion.	See response to Comment 16.
57	Reclamation Monitoring and Mitigation	Uranium watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	3.9. Reclamation and Remediation: The Environmental Analysis must clearly address the mitigative measures. The Environmental Analysis must include both measures for reclamation and remediation at the site: during operation, during periods of cessation of operation, and after completion of mining operations.	See response to Comments 4 and 35.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
58	Policy and Process	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	3.10. The Environmental Analysis must consider the fact that the BLM has not developed regulations or guidelines that are specific to uranium mining operations, which have their own unique environmental impacts and issues. The lack of a specific uranium mining regulatory program means that the BLM lacks the background, information, data, and expertise to assure minimal site and environmental degradation from the operation of the Daneros Uranium Mine or any other uranium mine. The BLM has failed to identify and explain exactly what is meant by “unnecessary or undue degradation” at a uranium mine during all phases of a uranium mine operation. Clear and unambiguous regulatory language is missing when it comes to the degradation of land, air, and water from radioactivity and other environmental contaminants and impacts associated with uranium mining. This lack of expertise and an adequate regulatory program is reflected by the BLM’s minimal oversight of uranium mining operations in southeast Utah over the past 30+ years.	See response to Comment 24.
59	Alternatives	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	3.11. Waste Rock Disposal Alternative: The proposed expansion includes the development of new waste rock piles, which will contain many thousands of tons of material, and remain in place in perpetuity. The BLM should develop an alternative in the Environmental Analysis that eliminates the existing waste pile and eliminates the permanent, above-ground disposal of all waste rock. The potential for disposing of all or a significant portion of the waste rock underground should be thoroughly analyzed. This alternative should consider how the progressive disposal of waste rock back into the underground workings of the mine could occur and reduce the longterm surface impacts at the site. The existing historical mine workings may provide room for the underground disposal of much of the waste rock on the surface.	See response to Comment 14.

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60	Recreation Visual Water Resources	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	Because the Daneros Mine is located in an attractive and interesting part of the Colorado Plateau and is accessible by a fairly short side road off the main route, the general vicinity of the mine already attracts visitors and holds potential for recreational use in the future once the mine is fully reclaimed. Reduction of the final size of the permanent waste piles on site could help protect these features and reduce visual impacts. In addition, because the Daneros Mine is considered a dry mine, BLM should analyze whether the disposal of waste rock in the workings will provide additional protections for water quality and the site itself.	Under the initial plan modification proposed in March, 2013, the total surface disturbance at the South Portal Area would have been 37 acres. The current proposal would disturb roughly 21 acres at the South Portal, a 16-acre reduction is surface disturbance or approximately 43 percent. The area of surface disturbance was reduced largely to lessen potential impacts to visual resources by downsizing the development rock pile and relocating it to the north side of County Road B258. Also, see response to Comment 14.
61	Reclamation Radioactive Contamination	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	3.12. The BLM must establish a radiological clean up standard for Technologically-Enhanced, Naturally-Occurring Radioactive Materials (TENORM) at uranium mine sites. The BLM must not leave it to the mine owner to establish such a standard.	The ore mined at Daneros is Naturally Occurring Radioactive Material (NORM), not TENORM. Developing bureau-wide reclamation standards for TENORM is beyond the scope of analysis for the proposed action. Reclamation standards for mines, including monitoring requirements, are based on site-specific impacts analyzed in the EA and mitigation proposed as a result. Specific reclamation and monitoring standards would be attached as conditions of approval to any BLM decision authorizing the action. The EA will include analysis of radiological effects.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
62	Policy and Process	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>4.1. The Environmental Analysis must consider the impacts from all phases of the LMO:</p> <p>1) Pre-existing environmental impacts, 2) exploration (throughout life of mine), 3) construction, 4) operation, 5) long periods of non-operation, 6) reclamation and remediation, and 7) during the long-term (that is, forever), when there will be no one responsible for inspections, repair, and maintenance of the remediated site. The normal phase for currently permitted uranium mines in Utah is the years (often decades) when the mines are in non-operational status. The impacts during lengthy periods of nonoperation include or are a result of: infrequent inspections, lack of enforcement of mine suspension regulations, erosion, dispersion of contaminants into the environment, delay in reclamation activities, accumulation of trash and junk, transformer impacts, general site degradation, and general regulatory indifference.</p>	See response to Comments 16, 30 and 53.
63	Air Quality Radioactive Contamination Monitoring and Mitigation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>4.2. The Environmental Analysis must fully determine the radionuclide emissions from the existing mine and assess the impacts of those emissions to the air, soils, and water, wild and domestic animals, vegetation, and human population. This would include conducting radiation surveys of the mines, ore piles, waste rock piles, access and haul roads, vents, exploration drilling sites, and any other location that has been potentially impacted by the mining operations since the 1950s. It would also include vegetation sampling and assessment in the vicinity of the mines and radon vents.</p>	<p>The mine operator monitors air emissions in accordance with 40 CFR Part 61, Subparts A and B to ensure compliance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP). Based on monitoring results during past mine operations, the mine did not exceed the effective dose equivalent of 10 mrem/year, as required by 40 CFR 61.22. Past air quality monitoring will be considered in analysis of the potential environmental effects from radionuclide emissions at the mine. This analysis will be documented in the EA. Also, see response to Comments 7, 15, 18 and 34.</p>

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
64	Air Quality	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.3. Due to the likelihood of regional transport of air emissions from the Daneros Mine, the Environmental Analysis must include a regional air-transport analysis to determine the long-range (as well as short-range) potential for, and impacts from, emissions and particulate transport.	The EA will include appropriate air quality analysis. See response to Comment 16.
65	Fish and Wildlife	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.4. The Environmental Analysis must evaluate the impacts of the mining operation on the wildlife in the area, with particular attention to the impacts on the food chain from the releases of chemicals and radioactive particles into the air, water, and soils in the Daneros Mine area.	The EA will include impacts to wildlife.
66	Fish and Wildlife	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.5. The Environmental Analysis must include an analysis of the radiological and nonradiological constituents that accumulate in the drainage catchment basins. Any water that remains in the basins after a storm event will probably be used by wildlife in the area. The potential for the consumption of contaminated water by wildlife and the impacts from that consumption must be assessed.	The EA will include impacts to wildlife.
67	Health and Safety	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.6. The Environmental Analysis must assess Denison's emergency response planning for their underground operation. This would include an evaluation of the Mines' compliance with MSHA emergency response requirements.	See response to Comment 46.
68	Environmental Justice	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.7. The Environmental Analysis must assess the impacts of the mining operation with respect to Environmental Justice. There has never been an assessment of the impacts of uranium mining and milling operations in San Juan County on the low income and tribal communities. These low-income and tribal communities bear the brunt of impacts from uranium industry operations in San Juan County.	See response to Comment 43.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
69	Indirect and Cumulative	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>4.8. The Environmental Analysis must include the indirect and cumulative impacts from uranium milling at White Mesa Mill and mining at other mines owned by Energy Fuels or proposed uranium mine projects in Utah, Colorado, Arizona, and New Mexico. If the proposed action is approved, mined ore from the Daneros and Energy Fuels' other mines would be milled at the White Mesa Mill. The BLM's analysis must include the incremental impact of the action when added to other past, present and reasonably foreseeable future actions at White Mesa Mill. This includes impacts relating to past, present, and reasonably foreseeable processing and storage of ore and uranium-bearing materials at the Mill. The Environmental Analysis must address the potential impacts of those indirect and cumulative impacts to a range of resource values, including, but not limited, to air quality, surface and ground water quality, human health, soil, vegetation, wildlife, and special status species within and proximal to the White Mesa Mill.</p> <p>In undertaking that analysis, the BLM should rely at least in part on other federal research and literature reviews exploring the potential impacts of uranium-related emissions to various resource values. This would include studies by the US Geological Survey (USGS). The BLM should engage USGS to obtain all of those resources and appropriately integrate their findings and uncertainties into its analysis of indirect and cumulative impacts here.</p>	See response to Comment 16.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
70	Cultural Resources	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.9. The Environmental Analysis must assess the impacts of the Daneros mining operation with respect impacts to numerous cultural resources on White Mesa (a site that has been determined to be eligible for the National Register) from the disposition and perpetual storage of tailings from the processing of ore from the Daneros and other mines on federal lands in San Juan County and elsewhere (including Colorado, Arizona, and New Mexico). The processing of ore from the expanded Daneros Mine will eventually require the construction of a new tailings impoundment at the White Mesa Mill. The new impoundment, like the others, will cause the destruction of unique and significant archeological resources. It may cause impacts to cultural resources on land transferred to the owners of the Mill by the BLM. The BLM has retained responsibilities for those cultural resources and is required to conduct inspections of those cultural resource areas at least every three years. Even though the BLM has never implemented their inspection responsibilities, they still have responsibility for those cultural resources.	See response to Comment 16.
71	Hazardous Waste Reclamation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.10. The Environmental Analysis must assess the impacts from the long-term (perpetual) presence of the mine waste rock, ore pads, contaminated soils, and other contaminated materials from the mining operations on the soils, water, air, flora and fauna, and human community.	See response to Comments 15, 26, 27 and 32
72	Reclamation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.11. The Environmental Analysis must state the water and soil and waste rock cleanup standards that will be used for reclamation of the mine areas. If clean-up standards have not been established, then the BLM must consider standards that 1) are as low as reasonably achievable, 2) at or as close to background, 3) meet or exceed the standards for cleanup of soils at uranium mill sites, or 4) meet or exceed Environmental Protection Agency (EPA) TENORM guidelines.	See response to Comment 61.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
73	Health and Safety	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.12. The Environmental Analysis must assess the potential hazard to the public of having radon vents readily accessible to the public, with no fencing or warning signs.	Vents are gated to prevent access and located in a remote area with little traffic. Also, see response to Comment 63.
74	Air Quality	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.13. The Environmental Analysis must determine the actual amount of radon that is being received at relevant off-site locations (receptor points) and evaluate the impacts from the radon and radon progeny.	See response to Comment 63.
75	Cumulative	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.14. The Environmental Analysis must assess the cumulative potential for the facilities and activities at the Daneros Mine to result in unnecessary or undue degradation of the public lands and resources.	See response to Comment 16 and 24.
76	Noise	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.15. The Environmental Analysis must include an analysis of the noise levels at the Daneros Mine and the impacts to local wildlife and livestock from that noise. Noise sources include: ventilation shaft fans, diesel generators and compressors, trucks and equipment, ore handling and loading, and blasting. Impacts of noise levels on feeding, mating, birthing and nesting, rearing of young, and other wildlife activities must be analyzed.	See response to Comment 3.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
77	Health and Safety	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.16. The Environmental Analysis must include an analysis of the impacts to the construction workers as a result of moving any soils and other materials that were previously contaminated by historical mining activities. It must include an analysis of the impacts to the above-ground workers from the release of radon and radon progeny from the underground workings. The MSHA regulations do not protect workers from exposure to radionuclides above ground.	See response to Comment 32.
78	Air Quality - Climate Change	Uranium watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.17. The Environmental Analysis must assess the impacts from climate change related to this project over the life of the proposal.	The checklist address climate change to the degree necessary.
79	Water Resources	Uranium watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.18. The Environmental Analysis must consider the placement of synthetic liners in the catchment basins so that contaminated water is contained and radiologically contaminated sediments will not migrate into soils and groundwater.	The EA will analyze effects to surface and groundwater and consider reasonable and necessary mitigation.
80	Vegetation Reclamation	Uranium watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.19. The Environmental Analysis must include a discussion of test vegetation plots and an analysis of the success of the proposed seed mixture in past re-vegetation efforts on soils similar to those that will be placed on the reclaimed areas of the mine.	See response to Comments 18 and 35.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
81	Reclamation and Remediation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.20. The Environmental Analysis must include a description of Daneros Mine site's historical mining impacts and provide information regarding which impacts, such as soil contamination, will be remediated as part of the reclamation of the Daneros Mine. The public should have a full understanding of the previous impacts that might not be reclaimed as part of the new mining operations.	Use of public lands for operations conducted under the mining laws is governed by regulations at 43 CFR Subpart 3809. Operations authorized by the mining laws must be conducted in a manner that prevents unnecessary or undue degradation. This standard requires that a mine operator reclaim areas disturbed by its operation. Mine operators have no legal obligation to clean up historic mine sites or reclaim previous mine disturbances as a precondition to approval of new mining operations.
82	Water Resources	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.21. The Environmental Analysis must fully characterize the underground environment in the area of the proposed mine expansion. There is a lack of information about the hydrogeology in the project proposal. Without this information, the BLM and the public cannot determine whether aquifers will be protected.	The EA will include an analysis of potential impacts to ground water.
83	Water Resources	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.22. The Drainage Plan for the Daneros LMO is based on a 100-year/6 hour storm event. The Environmental Analysis must assess the impacts of storm events that exceed the design basis for the Drainage Plan. The Environmental Analysis must also assess the long-term impacts of storm events after the mine has been reclaimed.	Surface water control design is based on a 100-year/24 hour peak discharge estimate.
84	Fish and Wildlife	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.23. The Environmental Analysis must assess the Biological Pathways of Exposure and Ecotoxicity Values for Uranium and Associated Radionuclides for the Daneros Mine LMO, including the cumulative pathways associated with the historic uranium mining operations in the vicinity of the Daneros Mine.	

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
85	Air Quality	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.24. The Environmental Analysis must include a full description and analysis of the sources of radioactive particles and radioactive gases; the nature of those particles and gases; their potential to impact mine workers, the public, wildlife, vegetation, and domestic animals; and potential health and environmental effects.	See response to Comments 7, 26, 31, 32, 63 and 84.
86	Monitoring and Mitigation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.25. Inspection Schedule: Usually the BLM inspection documents are copied to the Utah Division of Oil, Gas and Mining (DOG M) and posted on the DOGM Mineral Files webpage. The last BLM inspection for the Daneros Mine posted by DOGM is dated July 17, 2011. There may have been subsequent inspections, but they have not been posted. The BLM should have inspected the Daneros Mine at least annually, and certainly after the mine suspended operation, to assess the adequacy of the interim management actions. The BLM must make sure that all Daneros Mine inspections are copied to DOGM and posted. If the last inspection was in 2011, an inspection is surely due. The Environmental Analysis must discuss the schedule of BLM inspections, during periods of operation and non-operation. The Environmental Analysis must also include a full description of the aspects of the mining operations that are inspected and the standards that the BLM expects the mine to adhere to during all phases of the mine operation. If the BLM does not have a guidance document that documents the various aspects of a uranium operation inspections, the BLM must development such a guidance.	Inspection and compliance of the existing operation is outside the scope of analysis for the proposed action. Also, refer to response to Comment 7.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
87	Socioeconomics	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.26. The Environmental Analysis must analyze the economic and social impacts associated with the uranium boom-and-bust economy in the Four-Corners region over the past 50 years. That uranium boom-and-bust cycle is currently in the “bust” phase. The uranium mines in Utah and Colorado that began production about 2007 were all closed by the end of 2012, and there is no indication as to when any of them will resume operation. The last operating mines (Arizona) will close during the summer of 2014. All of these mines provided ore to the White Mesa Mill near Blanding, Utah—the only operating conventional uranium mill in the United States—and are owned by the same company that owns the Mill. That Mill, too, will cease processing ore this summer. There is no evidence that these mines, including the Daneros Mine, will produce ore anytime in the near future or in the long-term. The future of uranium mining and uranium ore processing in southeast Utah and surrounding states is unknown. Data regarding the number of employees at the mines that supply ore to the White Mesa Mill is available on the MSHA website.	The EA will include the appropriate level of analysis for socioeconomic considerations.
88	Special Management Areas	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.27. Proximity to Natural Bridges National Monument: The Environmental Analysis must include a full analysis of the impacts of the expansion of the Daneros Mine on Natural Bridges National Monument. This would include impacts from truck and vehicle traffic, dust and other gaseous and particulate emissions, radioactive emissions, night lights, and noise.	Refer to response to Comment 15.
89	Special Management Areas	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.28. Proximity to Fry Canyon: The Environmental Analysis must include a full analysis of the impacts of the expansion of the Daneros Mine on Fry Canyon. This would include impacts from truck and vehicle traffic, dust and other gaseous and particulate emissions, radioactive emissions, and noise.	Refer to response to Comment 15.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
90	Reclamation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.29. The Modification Plan includes some discussion of interim reclamation actions. The Environmental Analysis must identify and assess possible interim reclamation actions throughout the life of the mine. The BLM must identify and require appropriate mitigative reclamation activities throughout the life of the mine in order to protect the environment and health and safety of the workers and the public.	The Plan Modification includes measures for interim reclamation. Refer to response to Comments 4 and 35.
91	Hazardous Waste	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.30. Ore Storage Pad: The ore pad itself relies on a natural geologic barrier to contain any migration of radionuclide or toxic materials. The BLM should analyze the possibility that such contamination could be reduced by using a synthetic liner in the ore pad during mine operations. The Plan Modification does not address the length of time that ore may be stored at the site. It is possible that ore will be produced at the Daneros Mine and remain on site for lengthy periods, because years of idleness and brief production runs, if any, are the normal course of operations for the region's uranium mines. Although the Plan does say that all hazardous materials will be removed from the mine site during extended periods of downtime, it doesn't limit the length of those periods. The BLM should place operational limits on the amount of time that ore can be stored openly at the Daneros Mine.	There would be no long-term storage of ore at the mine. Ore storage would be very short term. As stated in the Plan Modification, ore will be transported to the mill on a daily to weekly basis. As also stated in the Plan, ore would be removed prior to periods of temporary closure.
92	Cumulative	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.31. Cumulative Impacts: The Environmental Analysis must fully assess the cumulative impacts from historical mining operations at the Daneros Mine site, and historical mining activities in the surrounding area, including mining activities on U.S. Forest Service lands.	See response to Comment 16.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
93	Proposed Action	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	4.32. Power Generation: The Environmental Analysis should consider an alternative method of energy production at the mine. Energy Fuels expects to rely on diesel generators to provide the necessary power for the mine operation. The production of energy via solar power generation should also be considered and analyzed, because the Daneros Mine is in an area of minimal precipitation and plenty of sunshine.	See response to Comment 14.
94	Proposed Action	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.1. Section 1.2 (Background), page 1-2, states: "This Modification is designed to facilitate mineral development activities for a minimum of five and up to approximately 20 years of continued production." The Environmental Analysis must consider the fact that the mine will be in operational status for much longer than 20 years. Three of the Energy Fuels mines in San Juan County have been permitted for over 30 years, with production occurring for only a limited number of years. It is likely that a mine that would produce for 20 years might not be in operation and non-operational status for 40 to 50 years, if not longer. The Environmental Analysis must recognize and consider that the so-called "life of the project" will be a lot longer than 20-years.	The EA will analyze the impacts of the Plan Modification as proposed.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
95	Reclamation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.2. Section 3.2.3 (Construction of Development Rock Areas), page 3-5, describes various angles of repose for the waste rock piles during the operation of the mine. During reclamation the angle of the slopes will be reduced and topsoil (when there is any), soil, and rock to create a cover (which will eventually erode). But, the history of uranium mining in Utah shows that there will be long periods of non-operation (often lasting for decades). As a result, there will be the low-grade ore piles, waste rock piles, and possibly stockpiled ore that will be at angles greater than the natural angle of repose, increasing the amount of degradation of the piles and dispersal of contaminants through the actions of wind and water. The Environmental Analysis must fully assess these processes and the impacts of having unreclaimed ore piles, ore pads, low-grade ore, waste rock piles, contaminated soils on site for decades without any reclamation and remediation work on these elements of the mining operation.	The EA will analyze the effects of the Proposed Action, including an interim management plan during periods of non-operation, and includes appropriate mitigation and reclamation standards.
96	Reclamation and Remediation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.3. Section 3.2.6 (Installation of Drainage Control Structures), pages 3-7 to 3-8, includes information about catchment basins (retention ponds) to receive runoff during storm events. The Environmental Analysis should include information about what will happen to the sediments that accumulate in those ponds. Historically, levels of radionuclides that are higher than other contaminated soils in the area accumulate in the uranium mine runoff retention ponds; for example, the La Sal No. 2 Mine in Lisbon Valley, San Juan County. The Environmental Analysis must include information regarding radioactive cleanup action levels for those ponds for reclamation and remediation purposes.	BLM agrees that the reclamation plan needs to be amended to clarify disposal of sediments in catchment basins as necessary.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
97	Air Quality	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.4. Section 3.3 (Construction of Vent Holes and Access Roads), pages 3-11 to 3-13. The Environmental Analysis must include an analysis of the impacts from radon emissions from the mine when the mine is reopened via access to the Bullseye, Spook, and Jim Butts Portals. The reopening of old mine workings causes the release of accumulated radon into the atmosphere. The conditions underground are hazardous to the workers. The Utah Division of Air Quality must approve the use of the Bullseye, Spook, and Jim Butts Portals for mine ventilation. Old mine openings should not be reopened until radon monitoring devices are in place. Several years ago inspectors from the MSHA inspected the newly re-opened Beaver Shaft Mine in La Sal, Utah. Inspectors ordered mine workers out of the mine due to the high levels of radon underground. A similar situation will likely occur when Daneros Mine workers go underground and radon is emitted above ground when old mine workings are exposed. The impacts to workers and the surrounding area from the radon and radon progeny emitted from those workings must be analyzed. Also, above ground workers will be exposed to radon and radon progeny from the reopening of old mine workings. MSHA regulations do not protect the above ground workers from radioactive gases and particulates.	See response to Comments 7, 26, 34 and 63.
98	Air Quality	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.5. Section 3.3 (Construction of Vent Holes and Access Roads), pages 3-11 to 3-13. The BLM should not give blanket approval for the installation of additional vent holes. The mine owner should request a modification to the plan of operations when it intends to construct new vents, because the exact location of the vent holes is not know at this time and the emission of radon has the potential to adversely impact nearby workers if they are placed in the wrong area.	The EA will analyze the impacts of the proposed Plan Modification.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
99	Hazardous Waste Monitoring and Mitigation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.6. Section 3.6.1 (Rock Characteristics, Potential for DRAs to Produce Leachate), page 3-19, states: "The UNSAT-H simulations predict that leachate production under all three potential reclamation cover profiles will be negligible, with estimated percolation beyond 9.8 feet of approximately 0.0004 inches (0.001 centimeters) per year." There is no relevant information on the potential for the waste rock piles to produce leachate during the decades before any reclamation covers are placed on the piles. Currently, there are a number of permitted, un-reclaimed uranium waste rock piles on BLM administered land in Utah that have been there for over 30 years. The Environmental Analysis must include a full analysis of the leachate potential for waste rock piles for the decades prior to reclamation. The Environmental Analysis must include a description of how the mine owner will monitor the leachate production from the waste rock piles, low-grade ore piles, stockpiled ore, and ore pads during mine operation.	The proposed action is to modify the existing plan of operations (plan) for the Daneros Mine. Under the proposed action all mitigation measures that were carried forward as conditions of approval (COA) in the existing plan authorization would also apply to the proposed plan modification unless waived or modified as a result of BLM's environmental analysis of potential impacts. The current authorization requires sampling of waste rock piles to monitor for acid generation potential. The EA will include analysis of the potential for acid leachate generation based on waste rock characterization and accepted simulation studies to determine if modification of existing monitoring requirements is warranted or if additional mitigation is needed.
100	Hazardous Waste Monitoring and Mitigation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.7. Section 3.6.2 (Rock Management Plan), page 3-20, states: "These potentially acid forming or deleterious materials will then be covered with an upper zone composed of inert materials prior to reclamation. The upper zone is designed to serve as a buffer to prevent upwards migration of products of sulfide mineral oxidation into the soil layer during evaporation and/or transpiration." The Environmental Analysis must analyze the impacts from the upwards migration of sulfide mineral oxidation products during the many years (possibly decades) that the potentially acid-forming materials will be exposed to the atmosphere prior to the placement of an upper zone of materials during reclamation. The Environmental Analysis must also evaluate the impacts of the products from sulfide mineral oxidation from low-grade ore piles during the decades before the piles will be removed.	Refer to response to Comment 99.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
101	Proposed Action	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.8. Section 3.7 (Quality Assurance Plans) page 3-20, does not provide the BLM or the public with enough information to evaluate the plans and determine their adequacy and how they might be improved.	BLM disagrees that quality assurance through proposed monitoring is inadequate.
102	Hazardous Waste Alternative	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.9. Section 4.3 (Reclamation Plan, Drainages), page 4-3, does not provide any information regarding the reclamation of the runoff holding and catchment basins (retention ponds). There is no information regarding the cleanup and disposal of sediments or other materials that contain levels of radioactivity above background. The Environmental Analysis must include an analysis of the radiological aspects of these catchment basins, disposal of accumulated sediments, and an alternative that includes synthetic liners for these catchment basins.	See response to Comment 96.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
103	Hazardous Waste Reclamation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	<p>5.10. Section 4.7 (Reclamation Plan, Isolation and Control of Acid-Forming, Toxic, or Deleterious Materials), page 4-7, discusses a radiation cleanup standard for contaminated soils at the mine site. The Plan Modification proposes a standard that is based on a dose limit. Any cleanup standard should be based on a level of radiation in the soils that is based on the number of pico Curies per gram (pCi/g) of radium. Such a radiological cleanup standard has been established by the EPA for the cleanup of soils at uranium mill sites during reclamation. The Plan Modification references an Nuclear Regulatory Commission (NRC) dose standard, but that standard applies to operating uranium mills, not reclaimed facilities that are released for public entry. The cleanup standard that the BLM should consider is found at 40 C.F.R. Section 192.32(b)(2). This standard applies to material similar to that found at uranium mine sites. The standard is “(i) 5 picocuries per gram (pCi/g), averaged over the first 15 centimeters (cm) below the surface, and (ii) 15 pCi/g, averaged over 15 cm thick layers more than 15 cm below the surface.” The BLM should also consider using the background at the site as the standard. The BLM must also consider site-specific standards that have been established by the EPA for uranium mine reclamation and EPA guidance. The BLM must not leave the establishment of a radioactive cleanup standard to the mine owner. It is the BLM’s responsibility to establish standards for the cleanup of deleterious radioactivity at uranium mine sites.</p>	<p>The EA will analyze effects to public health and safety from the various project components, including reclamation. Also refer to response to Comments 4 and 61.</p>

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
104	Air Quality	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.11. Section 5.5 (Air Quality Monitoring), pages 5-4 to 5-5, discusses compliance with 40 CFR Part 61 Subpart B, National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Radon from Underground Uranium Mines. The application refers to an approval of construction letter of May 23, 2012 (Attachment J). The Approval to Construct letter does not include the application for the Approval to Construct, submitted to the DAQ pursuant 40 C.F.R. § 61.07. Therefore, there is no information in Attachment J regarding the number and location of the ventilation shafts or other radon emission sources that were approved by the DAQ in 2012. The BLM must obtain a copy of the application for the Approval to Construct and make that document available as part of the NEPA record on the BLM Daneros Mine web page.	Refer to response to Comments 7 and 8. BLM documents regulatory compliance with copy of approval letter. UDAQ has determined that a modified construction approval is not necessary at this time. Operator letter of application (137 pages) is available from UDAQ.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
105	Air Quality Monitoring and Mitigation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.12. Section 5.5 (Air Quality Monitoring), pages 5-3 to 5-5, discusses compliance with 40 CFR Part 61 Subpart B, National Emissions Standards for Hazardous Air Pollutants (NESHAPS) for Radon from Underground Uranium Mines. The application refers to an Approval of Construction letter of May 23, 2012 (Attachment J). The Approval to Construct states that the meteorological data used to determine the radon dose to the nearest receptors is from the Bullfrog Basin on Lake Powell. However, there is no information that demonstrates that the meteorological conditions at the Bullfrog Basin are in any way similar to the meteorological conditions at the Daneros Mine. The Daneros Mine is in a area with a variety of surface topography. The mine is near Fry Canyon and the Natural Bridges National Monument where people reside and recreate. Given the variable surface topography at the Daneros Mine, it is doubtful that the radon exposure calculations that rely on the meteorological conditions at Bullfrog Basin will be a reliable way of determining the dose to the nearest receptors, including the surface workers themselves. Additionally, the mine owners are not required to measure radon emissions when the Daneros Mine is not operating. However, natural updrafts from the mine and the flow of air from the mine portals during periods of non-operation means that, even during periods of non-operation, the mine will emit radon and radon progeny into the atmosphere. The radon progeny are taken up by soils in the vicinity of the vents and portals and accumulate in the soils are a source of further dispersion of radiological contamination. The Environmental Analysis must consider these factors in its analysis of the radiological impacts of the Daneros Mine expansion.	See responses to Comments 7, 26, 34 and 63. Also, it is important to note that mine openings are sealed during periods of non-operation so there would be no venting through natural updrafts.

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Comment Number	Resource	Name/Organization	Comment Text	BLM Response
106	Air Quality Monitoring and Mitigation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.13. Section 5.5 (Air Quality Monitoring), pages 5-3 to 5-5, does not include any information regarding the monitoring of radioactive particulates, such as uranium and radon progeny. The emission and dispersal of radioactive particulates is a major environmental and health hazard. The Environmental Analysis must consider the failure of the Plan Modification to include any monitoring for radioactive particulates at the mine site and any plan to measure and reduce those particulates during mine operation.	Refer to response to Comment 34.
107	Health and Safety Monitoring and Mitigation	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.14. Section 5.6 (Radiation Monitoring), page 5-5, has a brief discussion of the MSHA regulation of worker exposure to dust and radiation. However, MSHA does not regulate worker exposure to uranium, radon progeny, diesel fumes, and other particulates at the mine surface. The Daneros Mine has already been cited by MSHA for exposures of workers to unacceptable levels of noise and diesel emissions underground. The Environmental Analysis must include a full analysis of the radioactive and nonradioactive hazards to workers—both aboveground and underground—and their health and safety impacts.	The EA will analyze effects to public health and safety from the various project components. MSHA does regulate worker exposure at the surface as well as underground but radon and diesel fumes dissipate rapidly in open-air conditions so regular monitoring is not required. MSHA does conduct annual gamma and radon sampling.
108	Air Quality	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.15. Section 6.1.1 (Interim Management Plan: Mine Portals and Vent Holes), page 6-1, does not consider the possible emission of radon and radon progeny from open mine vent holes during periods of non-operation, which may last for decades. The Environmental Analysis must include an analysis of the emission of radon and radon progeny from radon vents during periods of non-operation due to natural air flows, when measurement of those emissions is not required. The Environmental Analysis must also analyze the impacts when the mine access portals and vents are reopened after lengthy periods of non-operation when unvented radon has accumulated underground.	See response to Comment 105.

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Public Scoping Summary - Daneros Mine Plan Modification**

Comment Number	Resource	Name/Organization	Comment Text	BLM Response
109	Health and Safety	Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM)	5.16. Section 8.9 (Worker Health and Safety), pages 8-14 to 8-15: This section fails to discuss the numerous citations from MSHA at the uranium mines owned and operated by Energy Fuels and its predecessor, Denison Mines. The many citations and monetary penalties demonstrate that the company and its contractors require closer scrutiny and attention with respect the health and safety of the mine workers. There is no discussion of the types of violations, why the violations occurred, their implications, and what Energy Fuels intends to do to reduce or eliminate health and safety violations at their uranium mining operations. There is no discussion of the unique worker health and safety issues associated with the reopening of old uranium mine workings, including instability and radon levels. There is no discussion of the lack of regulation of worker exposure to radon, radon progeny, uranium, and other radioactive particulates above ground. The Environmental Analysis must include a full assessment of worker health and safety issues, including a description and analysis of the health and safety violations at Energy Fuels/Denison Mines uranium mines since 2006, the beginning of the last uranium boom.	The EA will analyze effects to public health and safety resulting from the various project components. Impacts to worker health and safety will be analyzed based on the assumption that stringent standards and regulations administered by MSHA would be adhered to and, that these standards are sufficient to protect worker health. A review of the operators compliance history at other mines is outside the scope of analysis for the proposed action.
110	Special Management Areas	George and Frances Alderson	BLM, in exercising its authority for surface management, should hold mine impacts to the smallest possible surface area and make sure nothing is done to disqualify the area from future designation as wilderness.	See response to Comment 24.
111	Policy and Process	George and Frances Alderson	We urge BLM to conduct an Environmental Impact Statement on this proposal, in view of the large change in surface area affected, from 4.5 to 46 acres, and the likely impacts on a proposed wilderness area.	See response to Comment 13.

**Table 1
Public Scoping Summary - Daneros Mine Plan Modification**

Comment Number	Resource	Name/Organization	Comment Text	BLM Response
112	General	George and Frances Alderson	BLM should study the decision made by the Forest Service in the Robin Redbreast mine project in May 2007 (GMUG National Forests). In that case the analysis by the FS, documented in an EIS, proved the mine would have many serious impacts harming public uses and degrading wilderness values. The forest supervisor's decision required the miners to use less damaging sites for the mine operations and for the mule and helicopter bases. The decision honored the miners' rights, and it also used the agency's authority to the fullest to protect the public values of the Uncompahgre Wilderness.	See response to Comments 14 and 24.
113	General	George and Frances Alderson	We ask BLM to include in the EIS analysis of the potential effects on human health and the natural environment both from the Daneros expansion and also the transporting and milling at the White Mesa Mill.	An EA is being prepared that will analyze the potential effects on human health and safety resulting from the various project components, including onsite activities and offsite transportation.
114	Transportation and Access	Sandy L. Johnson	1. Road maintenance - During the last mining operation of a few years ago, the county turned over road maintenance from Highway 95 to the mine site to the mine operation. As well intentioned as the blade may have been, I strongly recommend that this not be done in the future. What was a newly graveled 1.5 miles stretch of county road, beginning at the highway turnoff, is no longer graveled because the road operator for the mining operation kept pulling dirt over the gravel. Time and time again. Side access roads became practically inaccessible because the bar ditches kept getting deeper and deeper with each pass of the blade. In many places the road was widened considerably. In one place it was even closed and relocated. Now, I don't mind the wider road or even the relocated stretch of road. What bothers me is the blind eye the BLM and county turned to all of this. The county should maintain the road and not turn it over to the mining operation or its subcontractors.	Use of San Juan County Class B roads is controlled by the County. Routine maintenance is done by the County and/or its authorized agents without prior approval by BLM. Any road realignment outside the established route requires BLM approval.

**Table 1
Public Scoping Summary - Daneros Mine Plan Modification**

Comment Number	Resource	Name/Organization	Comment Text	BLM Response
115	Air Quality - Dust	Sandy L. Johnson	2. Dust control- During the last go round of this mine, there was supposed to be dust control. It was in the plan. But it was never enforced. Fry Canyon was covered in dust all week while the trucks and mine traffic were running the roads. The trees, brush and grass were covered with dirt. Not only should dust suppression be in the plan again, it must be enforced. It would be good if the county would just gravel the road all the way to the mine.	Dust emissions resulting from travel on dirt roads leading up to and including the site will be mitigated in accordance with the Dust Control Plan attached to the plan modification. Conditions for use of public roads are set by appropriate local, county or state road departments. BLM authorization of publicly maintained roads is not required. However, the EA will include analysis of the environmental effects associated with transportation (mine related traffic) on the Fry Canyon road.
116	Transportation and Access Socioeconomics	Sandy L. Johnson	3. Mine camp - I ask that the miners be allowed to camp up in the mining area and not down in Fry Canyon. With the increase in the size of the mining operation and with the good well that exists there, the miners should camp right there. That would reduce some of the traffic on the road as they travel to and from work. They drive way too fast for a dirt road anyway. I do have cows in the area. And, unfortunately, there was a lot of drinking with the miners previously. Sometimes they would shoot guns. I not only have cows in the area in the winter, my family and I live there. It just was not a good situation over all.	The BLM is responding to the proponent's plan of operations. The proponent is not requesting that mine workers be allowed to camp at the mine site. The proposed camp area for mine workers at Fry Canyon is on private land and BLM cannot dictate the use of private property. The plan modification indicates that miners be housed at the Fry Canyon Lodge or they may live in other local communities and be bussed to the mine daily.
117	General Reclamation	Sandy L. Johnson	I am not against mining and the folks working to make a living. But this area is overrun with debris left from years of mining and unreclaimed areas. I use these lands to make my living, too. I have to act responsibly. I expect the same from the mining companies. The BLM and the county have regulations they should enforce with mining just like they do with grazing.	See response to Comment 81.
118	Special Management Areas	Danielle Montague-Judd	The Daneros Mine is close to Natural Bridges National Monument. The dust, radioactive emissions, truck traffic to the White Mesa Mill, and the cumulative long-term degradation of the land will have a negative impact on this area for many decades.	See response to Comments 1,2, 15, 16, and 37.

**Table 1
Public Scoping Summary - Daneros Mine Plan Modification**

Comment Number	Resource	Name/Organization	Comment Text	BLM Response
119	Health and Safety	Danielle Montague-Judd	The mine owner, Energy Fuels Resources Inc. (EFR), and its predecessor, Denison Mines Corp., and their contractors have histories of non-compliance with federal Mine Safety and Health Administration regulations, including those associated with their responsibility for the fatal death of a mine worker in 2010.	See response to Comment 109.
120	Air Quality	Danielle Montague-Judd	The reopening of old mine workings and portals will cause accumulated radon to be released from the mines and have a greater impact on underground mine workers.	See response to Comments 7, 26, and 63.
121	Cultural Resources	Danielle Montague-Judd	Continued uranium mining on the Colorado Plateau will require continued expansion of the tailings impoundments at the White Mesa Uranium Mill, south of Blanding in San Juan County. Expansion of the impoundments will likely destroy more of the unique, archaeologically and culturally significant underground pit houses, storage areas, burials, and other artifacts in the area.	See response to Comment 40.
122	Reclamation and Remediation	Danielle Montague-Judd	EFR currently has seven other permitted, but non-operational uranium mines in Utah (La Sal Complex, Pandora, Energy Queen, Rim, Sage, Tony M, Pine Ridge), with no schedule for when these mines will reopen or when they will close and be remediated. All but one of these mines is in San Juan County. No further mining should occur until EFR has scheduled the remediation of existing permitted mines.	Remediation of EFR's other mines are beyond the scope of analysis for the proposed action and BLM has no authority to require such action as a precondition to authorizing the Daneros Mine Plan Modification. See response to Comment 81.
123	Policy and Process	Danielle Montague-Judd	The BLM should develop a full Environmental Impact Statement (EIS) for the Daneros Mine expansion.	See response to Comment 13.
124	General	Form Letter (2,045)	I urge the BLM to conduct a comprehensive analysis of the potential effects to human health and the natural environment from the proposed expansion of the Daneros uranium mine and the associated transporting and milling of the uranium ore at the White Mesa Mill near Blanding, Utah. The BLM must disclose these impacts and risks to the public, and subsequently deny the mine expansion proposed by Energy Fuels.	See response to Comment 15.

Attachment A
Press Release and Public Notice



Bureau of Land Management

Utah
News

MONTICELLO FIELD OFFICE
435 NORTH MAIN . MONTICELLO, UT 84535
PHONE (435) 587-1500 . FAX (435) 587-1518
[HTTP://WWW.BLM.GOV/UT/ST/EN.HTML](http://www.blm.gov/ut/st/en.html)

For Immediate Release
Feb. 5, 2014

Contact: Brian Quigley, (435)587-1500

BLM Seeks Public Input on Proposed Uranium Mine Plan Modification

Monticello, Utah—The Bureau of Land Management (BLM) Utah Monticello Field Office is seeking public input on a proposed modification to the Plan of Operations for the Daneros Mine in San Juan County. The BLM-Utah will be preparing an environmental assessment to analyze potential impacts associated with proposed changes to Energy Fuels' operating plan for a uranium mine in eastern Utah. Until close of business March 14, 2014, the public is invited to provide comments to help the BLM identify relevant issues that will influence the scope of the environmental analysis—including alternatives—and guide the process for developing the environmental assessment.

The modified plan proposes expanding facilities at the existing Daneros mine site, adding ventilation holes, and constructing access roads and new facilities at two nearby historic mine sites—Bullseye and South Portal Area. The proposed modification would increase surface disturbance from 4.5 acres to 46 acres, and all disturbed acres would be reclaimed. The proposal also includes features to improve the safety, efficiency, and future reclamation. Under the modified plan, total production of uranium ore is expected to increase from 100,000 tons over seven years to 500,000 tons over 20 years.

More detailed information about the proposed project is included in the plan modification, which can be viewed on the Monticello Field Office website at:
<http://www.blm.gov/ut/st/en/fo/monticello.html>.

Information is also available on the Environmental Notification Bulletin Board at:
<https://www.blm.gov/ut/enbb/index.php>. Search using the term "Daneros Mine".

This public scoping is part of the initial stages of this process and an early opportunity for public comment. The public is encouraged to participate by reviewing the Plan Modification and providing written comments regarding issues or concerns that should be considered during the planning process for this project. Scoping comments will be accepted by until March 14, 2014.

Please note that the most useful comments are those that contain new technical or scientific information relevant to the proposed Plan Modification. Comments should be as specific as possible. Comments which contain only opinions or preferences will not receive a formal response but may be considered in the BLM decision-making process. Please reference "Daneros Mine Plan Modification" when submitting comments. There will be further opportunities for public comment following completion of the draft EA.

Written comments may be mailed or emailed to the following addresses:

Mail

Bureau of Land Management
Monticello Field Office
Attn: Minerals Program
P.O. Box 7
Monticello, UT 84535

Email

blm_ut_mt_minerals_comments@blm.gov

To be most helpful, please submit comments before the close of the scoping period. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. BLM will not consider anonymous comments. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

For further information, please contact Brian Quigley at (435)587-1500. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's multiple-use mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. In Fiscal Year 2012, activities on public lands generated \$4.6 billion in revenue, much of which was shared with the States where the activities occurred. In addition, public lands contributed more than \$112 billion to the U.S. economy and helped support more than 500,000 jobs.

-BLM-

Follow us on Twitter [@BLMUTah](https://twitter.com/BLMUTah)

Public Notice

The Bureau of Land Management (BLM) Utah Monticello Field Office is seeking public input on a proposed modification to the Plan of Operations for the Daneros Mine in San Juan County. The BLM-Utah will be preparing an environmental assessment to analyze potential impacts associated with proposed changes to Energy Fuels' operating plan for a uranium mine in eastern Utah. Until close of business March 14, 2014, the public is invited to provide comments to help the BLM identify relevant issues that will influence the scope of the environmental analysis—including alternatives—and guide the process for developing the environmental assessment.

The modified plan proposes expanding facilities at the existing Daneros mine site, adding ventilation holes and associated access roads, and constructing new facilities at two nearby historic mine sites—Bullseye and South Portal Area. The proposed modification would increase surface disturbance from 4.5 acres to 46 acres, and all disturbed acres would be reclaimed. The proposal also includes features to improve the safety, efficiency, and future reclamation. Under the modified plan, total production of uranium ore is expected to increase from 100,000 tons over seven years to 500,000 tons over 20 years.

More detailed information about the proposed project is included in the plan modification, which can be viewed on the Monticello Field Office website at: <http://www.blm.gov/ut/st/en/fo/monticello.html>.

Information is also available on the Environmental Notification Bulletin Board at: <https://www.blm.gov/ut/enbb/index.php>. Search using the term "Daneros Mine".

This public scoping is part of the initial stages of this process and an early opportunity for public comment. The public is encouraged to participate by reviewing the Plan Modification and providing written comments regarding issues or concerns that should be considered during the planning process for this project. Scoping comments will be accepted until March 14, 2014.

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Written comments may be mailed or emailed to the following addresses:

Mail

Bureau of Land Management
Monticello Field Office
Attn: Minerals Program
P.O. Box 7
Monticello, UT 84535

Email

blm_ut_mt_minerals_comments@blm.gov

To be most helpful, please submit comments before the close of the scoping period. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. BLM will not consider anonymous comments. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety. For further information, please contact Brian Quigley at (435) 587-1503.

Submitted to:

San Juan Record
Times Independent

Attachment B
Tribal Consultation and Scoping Letters



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Monticello Field Office
P.O. Box 7
Monticello, UT 84535
<http://www.blm.gov/utah/monticello>



IN REPLY REFER TO:

UTU-74631
(UTY-020)

Liz Thomas
Southern Utah Wilderness Alliance
Staff Attorney
PO Box 968
Moab, UT 84532

FEB 10 2014

Subject: Scoping Comments, Daneros Mine Plan Modification, UTU-74631, Bullseye Canyon, San Juan County, Utah.

Dear: Ms. Thomas:

The Bureau of Land Management (BLM) Utah Monticello Field Office is seeking public input on a proposed modification to the Plan of Operations for the Daneros Mine in San Juan County. The BLM-Utah will be preparing an environmental assessment to analyze potential impacts associated with proposed changes to Energy Fuels' operating plan for a uranium mine in eastern Utah. Until close of business March 14, 2014, the public is invited to provide comments to help the BLM identify relevant issues that will influence the scope of the environmental analysis—including alternatives—and guide the process for developing the environmental assessment.

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Written comments may be mailed or emailed to the following addresses:

Mail: Bureau of Land Management
Monticello Field Office
Attn: Minerals Program
P.O. Box 7
Monticello, UT 84535

Email: blm_ut_mt_minerals_comments@blm.gov

To be most helpful, please submit comments before the close of the scoping period. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. BLM will not consider anonymous comments. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety. For further information, please contact Brian Quigley at (435) 587-1503.

Sincerely,

s/ Donald Hoffheins
Donald K. Hoffheins
Field Manager

TMcDougall;kmj; Danerosscoopingltr 02.07.2014



Daneros Scoping Mailing List

Letters Sent To:

Southern Utah Wilderness Alliance

Liz Thomas

Staff Attorney

P.O. Box 968

Moab, Utah 84532

Uranium Watch

Sarah Fields

76 South Main Street, #7

P.O. Box 344

Moab, Utah 84532

Sandy Johnson

Fry Canyon

Lake Powell, Utah 84533

Natural Bridges National Monument

Jim Dougan

Superintendent

HC-60 Box 1

Lake Powell, Utah 84533-0001

Glen Canyon National Recreation Area

Todd Brindle

Superintendent

P.O. Box 1507

Page, Arizona 86040-1507

San Juan County Commission

Bruce Adams

Chairman

P.O. Box 9

Monticello, Utah 84535

Daneros Scoping Mailing List

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Regional Engineer
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Price, Utah 84501

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Director
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Salt Lake City, Utah 84114-4870

Utah Division of Water Quality
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UPDES Engineering Section Manager
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Salt Lake City, Utah 84114-4880

Utah Division of Water Quality
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Ground Water Section Manager
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Salt Lake City, Utah 84114-4870

Utah Division of Solid and Hazardous Waste
Scott Anderson
Division Director
P.O. Box 144880
Salt Lake City, Utah 84114-4880

Daneros Scoping Mailing List

U.S. Department of Labor
Mine Safety and Health Administration
Michael Okuniewicz
Supervisory Inspector
Salt Lake City, Utah Field Office
125 South State Street, Room 8220
Salt Lake City, Utah 84138

U.S. EPA Region 8
Howard Cantor
Acting Regional Administrator
80C – EISC
1595 Wynkoop St
Denver, CO 80202-1129

Attachment C
Comment Letters



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Southeast Utah Group
Arches and Canyonlands National Parks
Hovenweep and Natural Bridges National Monuments
2282 S. West Resource Boulevard
Moab, Utah 84532-3298

L7619 (SEUG-RSS)

March 7, 2014

Memorandum

To: Manager, Monticello Field Office, Bureau of Land Management

From: Superintendent, Southeast Utah Group, National Park Service

Subject: Scoping Comments on Daneros Mine Plan Modification DOI-BLM-UT-Y020-2013-023

Thank you for the opportunity to provide scoping comments on the proposed modifications to the Plan of Operations for the Daneros uranium mine in San Juan County. The Daneros mine area and the Radium King access road are less than 10 miles west and directly upwind of Natural Bridges National Monument.

The Monument was the first designated International Dark Sky Park and is recognized internationally for the exceptional natural quality of its night sky. Many of the visitors to Natural Bridges come to view the stars and attend night-sky programs.

Due to its close proximity to the Monument, the proposed expansion of the mine and associated operations could affect resource conditions and visitors' experiences in Natural Bridges. We are particularly concerned about surface disturbance associated with the proposal, including the construction of new mine sites, mine facilities, and access roads; increased vehicle traffic on existing unpaved access roads; construction of new stockpile areas for ore, topsoil, and other materials; and the increased number of wind-erodible stockpiles over the 20-year life of the project. All of these could result in increased emissions of fugitive dust that could adversely affect air quality, air quality related values such as visibility, and the quality of the Monument's night skies. Lighting associated with the proposed mine expansion also could adversely affect the quality of night skies viewed from the nearby Monument. In addition, mine operations could generate noise that could adversely affect natural sounds conditions, and may emit gaseous pollutants that could adversely affect air quality.

We ask that BLM address these issues in the Environmental Assessment of the project and identify appropriate mitigation measures to adequately protect Monument resources, values, and visitor experiences. With respect to dust emissions, we suggest that BLM consult on mitigation techniques with the U.S. Geological Survey due to their ongoing research on this topic.

If you have any questions regarding these scoping comments, please contact me at 435-719-2101 or kate_cannon@nps.gov.

cc: Superintendent, Hovenweep and Natural Bridges National Monuments

From: Allen, Dana
To: blm_ut_mt_minerals_comments@blm.gov
Cc: Diaz, Angelique
Subject: FW: Environmental Analysis scoping for Daneros Uranium Mine
Date: Thursday, March 13, 2014 10:58:29 AM

Thank you for your letter of February 10, 2014 asking EPA to comment on the proposed modification to the Plan of Operation for the Daneros Mine in San Juan County, Utah. We would like to review the Environmental Assessment when it is completed. If you could please send us an email to let us know when the EA is posted or send us a hard copy. Thank you.

Our main concerns regard radon emissions from the new air vents proposed under the mine plan modification.

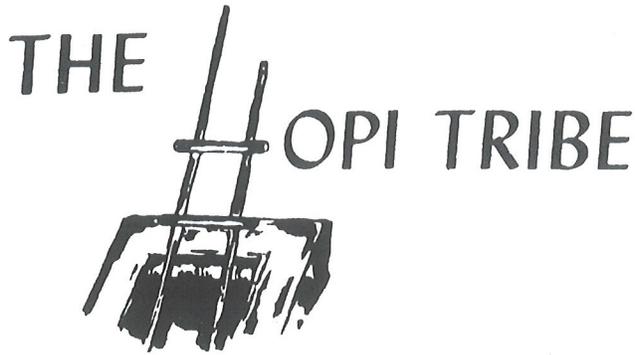
- As noted in the December 2013 Plan of Operations, the Daneros Mine is subject to 40 CFR Part 61, specifically Subparts A and B. Authority for implementing and enforcing these Subparts is the Utah Division of Air Quality (UDAQ). Any changes made to the April 30, 2012 plan submitted to UDAQ, and approved on May 23, 2012, that constitute a modification requires the submittal of a Modification Approval request to, and prior approval by, UDAQ, as required by 40 CFR §61.07.
- It doesn't appear that the May 23, 2012 approval from UDAQ, included in the proposed mine modification plan, covers the 2014 Plan with installation of up to eight additional vent holes
- The information to be used as the basis for the request to modify the existing emissions approval (or the actual request to the UDAQ) should be included in the EA. This would include an updated estimate of radon-222 emissions and the associated COMPLY-R modeled dose estimate.

Dana Allen
allen.dana@epa.gov
(303) 312-6870

EPA Region 8 (EPR-N)
1595 Wynkoop St.
Denver, CO 80202-1129

and

Angelique D. Diaz, Ph.D.
diaz.angelique@epa.gov
303.312.6344



RECEIVED
MONTICELLO FIELD OFFICE
14 FEB 18 PM 1:31
DEPT. OF THE INTERIOR
BUREAU OF LAND MGMT

Herman G. Honanie
CHAIRMAN
Alfred Lomahquahu Jr.
VICE-CHAIRMAN

February 10, 2014

Donald K. Hoffheins, Field Manager
Attention: Don Simonis, Archaeologist
Bureau of Land Management, Monticello Field Office
P.O. Box 7
Monticello, Utah 84535

Dear Mr. Hoffheins,

Thank you for your correspondence dated February 4, 2014, regarding a proposed modification to a Mine Plan of Operations for the Daneros underground uranium mine on Bureau of Land Management (BLM) land near Natural Bridges National Monument.

The Hopi Tribe claims cultural affiliation to the earlier identifiable cultural groups on the Monticello Field Office. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and Traditional Cultural Properties, and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the BLM, Monticello Field Office's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office understands the proposed modification involves 46.3 acres of surface disturbance, and the area of potential effect has been surveyed for cultural resources and no prehistoric sites were identified. However, as we stated in our enclosed letter dated November 4, 2008, regarding a Daneros mine expansion, **we oppose uranium mining pursuant to the doctrine of discovery and the 1872 Mining Law**, and BLM's categorical exclusions for such proposals, particularly near a National Monument

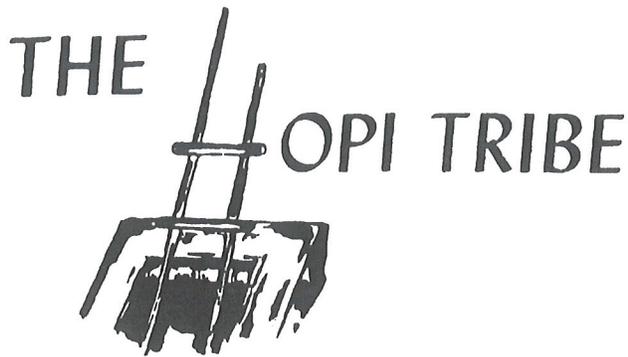
If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office at 928-734-3619 or tmorgart@hopi.nsn.us. Thank you again for your consideration.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

Enclosure: November 4, 2008, letter

xc: Utah State Historic Preservation Office



RECEIVED
MONTICELLO FIELD OFFICE
14 FEB 18 PM 1:34
DEPT. OF THE INTERIOR
BUREAU OF LAND MGMT

Benjamin H. Nuvamsa
CHAIRMAN

Todd Honyaoma, Sr.
VICE-CHAIRMAN

November 4, 2008

Thomas A. Heinlein, Field Office Manager
Attention: Laura Kochanski, Archaeologist
Bureau of Land Management, Monticello Field Office
P.O. Box 7
Monticello, Utah 84535

Dear Mr. Heinlein,

This letter is in response to correspondence dated October 27, 2008, regarding the Bureau of Land Management (BLM) analyzing a Plan of Operations for expansion of a proposed uranium mining operation, the Daneros Mine Project in Bullseye Canyon near Natural Bridges National Monument. Because the Hopi Tribe claims ancestral and cultural affiliation to prehistoric cultural groups in the Monticello area, and the Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, we appreciate the BLM's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office considers the archaeological sites of our ancestors to be Traditional Cultural Properties. We understand a cultural resources survey of the project area identified no National Register eligible prehistoric sites. However, we oppose uranium mining pursuant to the doctrine of discovery and 1872 mining law, and the BLM's application of categorical exclusions for such proposals, particularly near a National Monument. We further understand that new legislation is required to address our concerns.

If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Leigh J. Kuwanwisiwma", is written over the word "Respectfully,". The signature is fluid and cursive, extending to the right across the line.

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: Utah State Historic Preservation Office



THE
NAVAJO
NATION

RECEIVED
MONTICELLO FIELD OFFICE

14 FEB 18 PM 1:19



Historic Preservation Department, POB 4950, Window Rock, AZ 86515 • PH: 928.871.7198 • FAX: 928.871.7886

BEN SHELLY
PRESIDENT

February 10, 2014

REX LEE JIM
VICE-PRESIDENT

Don Simonis
Native American Consultant
PO BOX 7
Monticello, UT 84535

Dear Mr. Simonis:

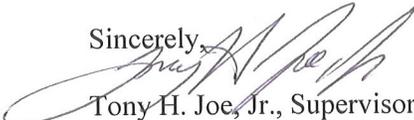
On July 20, 2010, the Historic Preservation Department – Traditional Culture Program (hereafter, HPD-TCP) received the proposed Department of Interior (DOI), Bureau of Land Management **New Route Design of Four Motorized Vehicle Routes near Red Canyon, Peters Point, Comb Wash and Daneros Mine.**

We have some concerns with the proposed project. After cross-referencing the HPD-TCP Sacred Sites Database, there are numerous Cultural Sacred Site located within the proposed project area, especially the area known as Valley of the Gods. The Nation understands the project area lies within public, private and State trust lands, so all we can emphasize is our concerns with the proposed project area. We request the Navajo Nation be kept updated with the progress of the proposed project.

If the proposed project inadvertently discovers Navajo habitation sites, plant gathering areas, human remains and objects of cultural patrimony, the HPD-TCP request that we be notified respectively in accordance with the Native America Graves Protection and Repatriation Act (NAGPRA). *The Navajo Nation claims cultural affiliation to all Anasazi people (periods from Archaic to Pueblo IV) of the southwest. The Navajo Nation makes this claim through Navajo oral history and ceremonial history, which has been documented as early as 1880 and taught from generation to generation.*

In conclusion, the HPD-TCP appreciates the Department of the Interior for consulting the Navajo Nation pursuant to 36 CFR 800.1 (c)(2)(iii). If you have any questions, concerns, or require additional information, do not hesitate to contact me at 928-871-7750. Thank you for your cooperation.

Sincerely,


Tony H. Joe, Jr., Supervisory Anthropologist
Traditional Culture Program
Historic Preservation Department



southern
utah
wilderness
alliance

March 13, 2014

BLM – Monticello Field Office
Attn: Minerals Program
PO Box 7
Monticello, UT 84535

Sent via email:

blm_ut_mt_minerals_comments@blm.gov, tmcdouga@blm.gov

Re: Daneros Mine Plan Modification, DOI-BLM-UT-Y020-2013-023

Monticello Field Office Minerals Program,

The Southern Utah Wilderness Alliance, Grand Canyon Trust, and the National Parks Conservation Association (hereafter, “SUWA”) appreciate the opportunity to participate in the public decision-making process for the Daneros Mine Modification proposal. SUWA has a long-standing interest in Utah’s public lands, including the public lands that are within the Monticello field office. SUWA members and staff enjoy a myriad of activities on BLM-managed public lands in the Monticello field office area, including hiking, biking, wildlife and nature viewing, photography, and quiet contemplation in the solitude offered by wild places.

SUWA has concerns about the proposed mine expansion and the potential effects it would have on the environment, public lands’ natural and cultural resources, and the health and safety of the public. SUWA submits the following comments on the above noted mine modification proposal.

I. National Environmental Policy Act

The National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*, requires, among other things, agencies to take a hard look at the potential impacts and conduct environmental analysis of the direct, indirect, and cumulative impacts of proposed actions, as well as assess the effectiveness of proposed mitigation measures, consider a range of reasonable alternatives (including an alternative that minimizes environmental impacts), and solicit and respond to public comments.

Southern Utah Wilderness Alliance
Liz Thomas
435-259-5440
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A. BLM Must Consider Preparing an Environmental Impact Statement for the Proposed Daneros Mine Expansion

Significance as used in NEPA “requires considerations of both context and intensity.” 40 C.F.R. § 1508.27. The *context* refers to the “affected region, the affected interests, and the locality,” of the proposed action, while *intensity* “refers to the severity of impact.” *Id.* Significance varies with the setting of the proposed action, and in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant and must be considered by the agency.

In evaluating intensity, the BLM’s analysis must include:

- The degree to which the proposed action affects public health or safety;
- Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas;
- The degree to which the effects on the quality of the human environment are likely to be highly controversial;
- The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks
- The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration;
- Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts;
- The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Id.

If the federal agency prepares an environmental assessment and issues a finding of no significant impacts (FONSI), the FONSI must present “**reasons** why an action . . . **will not** have a significant effect on the human environment . . .” 40 C.F.R. § 1508.13 (emphasis added). An agency “cannot avoid its statutory responsibilities under NEPA by merely asserting that an activity it wishes to pursue will have an insignificant effect on the environment.” *Steamboaters v. FERC*, 759 F.2d 1393 (9th Cir. 1985). And, if an agency decides an Environmental Impact Statement (EIS) is not necessary, “it must supply a “convincing statement of reasons” to explain why a project’s impacts are insignificant.” *League of Wilderness Defenders – Blue Mountains Biodiversity Project*,

184 F. Supp.2d 1058, 1064 (D. Or. 2002) (*quoting Save the Yaak Comm. v. Block*, 840 F.2d 714, 717, (9th Cir. 1988); *see also, National Parks and Conservation Association v. Babbitt*, 241 F.3d 722, 735 (9th Cir. 2000) (an environmental assessment’s “speculative and conclusory statements are insufficient to demonstrate that the mitigation measures would render the environmental impact so minor as to not warrant an EIS”), and 40 C.F.R. § 1508.9 (an environmental assessment must provide “sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.”).

An EIS must be prepared if “substantial questions are raised as to whether a project . . . may cause significant degradation of some human environment factor.” *Greenpeace Action v. Franklin*, 14 F.3d 1324, 1332 (9th Cir. 1992); *NPCA* at 730 (“if the EA establishes that the agency’s action *may* have a significant effect upon the . . . environment, an EIS must be prepared.” (*quoting Foundation for North American Wild Sheep v. United States Dep’t of Agriculture*, 681 F.2d 1172, 1178 (9th Cir. 1982)(emphasis in original)). A “plaintiff need only raise substantial questions whether a project **may have** a significant effect on the environment; the plaintiff does not have to show that significant effects will in fact occur.” *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998), *cert denied* 527 U.S. 1003, (1999). *See also, Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1149-50 (1988) (an EIS must be prepared if “substantial questions are raised as to whether the project . . . may cause significant degradation” to the environment; plaintiff need not show that “significant effects *will in fact* occur . . . raising substantial questions whether a project may have significant effect is sufficient.”).

Comment: The presence of any of the “significance factors” listed in 40 C.F.R. § 1508.27 raises a substantial question regarding the impacts of the project and warrant the preparation of an EIS. *See e.g. National Parks and Conservation Association v. Babbitt*, 241 F.3d 722, 731 (9th Cir. 2001). The proposal to expand uranium mining operations from 4.5 acres to 46 acres of disturbance; to allow ore production to increase from 100,000 tons over seven years to 500,000 tons over 20 years; trucking the ore approximately 40 miles on dirt and paved roads to the White Mesa Mill; processing and milling the uranium ore; expanding the development rock and stockpile storage capacity at three mine sites to 391,000 cubic yards; and constructing eight new vent holes and associated access roads is highly controversial and will almost certainly have significant effects on the environment. The proposed modifications involve a high degree of uncertain and unknown risks to public health and safety; air quality; water quality and water quantity at nearby seeps and springs and the larger groundwater aquifer; wildlife; historic and cultural resources – including those eligible for listing on the National Register of Historic Places;¹ Natural Bridges National Monument and its renown dark night skies; vegetation; soils; and recreation.

¹ The Navajo and Hopi tribes submitted comment letters for the initial Daneros mine project proposal, which expressed concern with the proposed mining operation. In particular, the Navajo Nation’s Traditional Cultural Program’s letter stated:

In addition, a decision to approve the proposed modification may establish a precedent for future expansions and modifications with significant effects. The proposed mine expansion is related to other actions – including transporting, processing and milling the ore – for which it is reasonable to anticipate a cumulatively significant impact on the environment. The presence of several of these factors clearly raises a substantial question as to whether the Daneros mine expansion project may have a significant effect on the human environment

Comment: BLM should prepare an EIS complete with full analysis and information regarding these risks. The EIS should be commenced without the initial drafting of an environmental assessment as the proposed mine expansion will undoubtedly have a significant impact on the human and/or natural environment and the proposed expansion is considered an environmentally controversial issue.

B. BLM Must Consider a Reasonable Range of Alternatives

The range of alternatives is “the heart of the environmental impact statement.” 40 C.F.R. § 1502.14. NEPA requires BLM to “rigorously explore and objectively evaluate” a range of alternatives to proposed federal actions. See 40 C.F.R. §§ 1502.14(a), 1508.25(c). “An agency must look at every reasonable alternative, with the range dictated by the nature and scope of the proposed action.” *Nw. Env'tl. Defense Center v. Bonneville Power Admin.*, 117 F.3d 1520, 1538 (9th Cir. 1997). An agency violates NEPA by failing to “rigorously explore and objectively evaluate all reasonable alternatives” to the proposed action. *City of Tenakee Springs v. Clough*, 915 F.2d 1308, 1310 (9th Cir. 1990) (quoting 40 C.F.R. § 1502.14). This evaluation extends to considering more environmentally protective alternatives and mitigation measures. See, e.g., *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1122–23 (9th Cir. 2002) (and cases cited therein). For this proposed uranium mine modification and expansion, the consideration of more environmentally protective alternatives is also consistent with the Federal Land Policy and Management Act’s (FLPMA) requirement that BLM “minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved.” 43 U.S.C. §1732(d)(2)(a).

After cross-referencing the HPD-TCP Sacred Sites Database, there are many cultural areas and sites within the proposed area of the project. The further extraction of uranium ore would pose a great threat to this region of cultural significance and would further more damage the cultural entities involved between neighboring tribes of the southwest and that the proposed project is not in the best interest of the Navajo Nation at this time.

The Hopi Tribe’s Cultural Preservation Office stated that the Hopi “ claims ancestral and cultural affiliation to prehistoric cultural groups in the Monticello area, and the Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and Traditional cultural Properties. . . [It] considers the archaeological sites of our ancestors to be Traditional Cultural Properties . . . [and] we oppose uranium mining pursuant to the doctrine of discovery and 1872 mining law [] particularly near a National Monument.”

NEPA requires that an actual “range” of alternatives be considered, such that the Act will “preclude agencies from defining the objectives of their actions in terms so unreasonably narrow that they can be accomplished by only one alternative (i.e. the applicant’s proposed project).” *Col. Envtl. Coal. v. Dombeck*, 185 F.3d 1162, 1174 (10th Cir. 1999), citing *Simmons v. U.S. Corps of Engineers*, 120 F.3d 664, 669 (7th Cir. 1997). This requirement prevents the environmental impact statement (EIS) from becoming “a foreordained formality.” *City of New York v. Dep’t of Transp.*, 715 F.2d 732, 743 (2nd Cir. 1983). See also *Davis v. Mineta*, 302 F.3d 1104 (10th Cir. 2002).

Further, in defining what is a “reasonable” range of alternatives, NEPA requires consideration of alternatives “that are practical or feasible” and not just “whether the proponent or applicant likes or is itself capable of carrying out a particular alternative”; in fact, “[a]n alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable.” Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations, Questions 2A and 2B*, available at <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>; 40 C.F.R. §§ 1502.14, 1506.2(d).

C. BLM Must Take a Hard Look at the Proposed Modifications, Including the Direct, Indirect, and Cumulative Impacts

NEPA dictates that agencies take a “hard look” at the environmental consequences of a proposed action and the requisite environmental analysis “must be appropriate to the action in question.” *Metcalf v. Daley*, 214 F.3d 1135, 1151 (9th Cir. 2000); *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989). “NEPA ‘prescribes the necessary process’ by which federal agencies must ‘take a “hard look” at the environmental consequences’ of the proposed courses of action.” *Pennaco Energy, Inc. v. U.S. Dept. of the Interior*, 377 F.3d 1147, 1150 (10th Cir. 2004) (quoting *Utahns for Better Transp. v. U.S. Dept. of Transp.*, 305 F.3d 1152, 1162–63 (10th Cir. 2002)) (internal citation omitted). The fundamental objective of NEPA is to ensure that an “agency will not act on incomplete information only to regret its decision after it is too late to correct.” *Marsh v. Or. Natural Resources Council*, 490 U.S. 360, 371 (1990) (citation omitted). In order to take the “hard look” required by NEPA, BLM must assess impacts and effects that include: “ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.” 40 C.F.R. § 1508.8.

In order to meet these requirements “an agency must set forth a reasoned explanation for its decision and cannot simply assert that its decision will have an insignificant effect on the environment.” *Marble Mountain Audubon Soc’y v. Rice*, 914 F.2d 179, 182 (9th Cir. 1990) (citing *Jones v. Gordon*, 792 F.2d 821, 828 (9th Cir. 1986)). Similarly, “an agency cannot avoid its statutory responsibilities under NEPA merely by asserting that an activity it wishes to pursue will have an insignificant effect on the environment. The

agency must supply a convincing statement of reasons why potential effects are insignificant.” *Public Serv. Co. of Colo. v. Andrus*, 825 F.Supp. 1483, 1496 (D. Idaho 1993) (citing *The Steamboaters v. FERC*, 759 F.2d 1383,1393 (9th Cir. 1985)) (internal quotes and citations omitted).

The courts are very clear with respect to an agency’s statements its NEPA analysis that “[a] conclusory statement unsupported by empirical or experimental data, scientific authorities, or explanatory information of any kind not only fails to crystallize the issues, but affords no basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives.” *Seattle Audubon Society v. Moseley*, 798 F. Supp. 1473, 1479 (W.D. Wash. 1992), aff’d 998 F.2d (9th Cir. 1993) (emphasis added).

NEPA regulations define “indirect effects” as:

[Those impacts that are] caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

40 C.F.R. § 1508.8(b).

NEPA regulations define “cumulative impact” as:

[T]he impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 C.F.R. § 1508.7 (emphasis added).

To satisfy NEPA’s hard look requirement for cumulative impacts, the BLM must do two things. First, the BLM must catalogue the past, present, and reasonably foreseeable uses and management actions in the area that might impact the environment. *Muckleshoot Indian Tribe v. U.S. Forest Serv.*, 177 F.3d 800, 809–10 (9th Cir. 1999). Second, the BLM must analyze these impacts in light of the proposed action. *Id.* If the BLM determines that certain actions are not relevant to the cumulative impacts analysis, it must “demonstrat[e] the scientific basis for this assertion.” *Sierra Club v. Bosworth*, 199 F.Supp.2d 971, 983 (N.D. Cal. 2002). A failure to include a cumulative impact analysis of actions within a larger region will render the NEPA analysis insufficient. *See, e.g., Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062, 1078 (9th Cir. 2002) (finding that the

BLM failed to consider the impact of foreseeable future timber sales, within a larger geographic district than the proposed timber sale, on the spread of cedar root fungus).

Comment: To comply with NEPA's hard look requirement, the BLM must gather and analyze empirical data; perform detailed evaluations of the impacts to natural resources, including impacts to nearby lands with wilderness character, Areas of Critical Environmental Concern, Special Recreation Management Areas, Natural Bridges National Monument, riparian resources, air quality, water quality, wildlife and fish species, amphibians and invertebrates, soils (including erosion and fugitive dust generation), vegetation, cultural and visual resources; evaluate and analyze the impacts to other users from the proposed action and reasonable alternatives; and disclose the analyses in the NEPA document for public review and comment.

Comment: Pursuant to NEPA, BLM must analyze the indirect and cumulative effects of the mine expansion, including: the effects on human health and safety; the effects on the environment (including nearby Natural Bridges National Monument) resulting from the increase in truck traffic to and from the mine and mill with respect to dust generation, the potential for roadside contamination from uranium ore, traffic safety, night lights, and noise; the impacts to air and water quality of increased mining and subsequent ore processing at the White Mesa Mill; the impacts on Native American tribes affiliated with the area and the pre-historic archaeological resources. The BLM must assess the cumulative effects of the proposed mine expansion in conjunction with other existing and foreseeable energy-related projects in the area including seismic exploration, oil and gas drilling, and potash development; domestic livestock grazing; ORV events and other special recreation permits in the area; and other foreseeable actions, uses and impacts to the public lands managed by BLM's Monticello Field Office.

Comment: Pursuant to NEPA, the scope of indirect and cumulative impacts analyzed by BLM must include uranium milling at White Mesa Mill and mining at other mines owned by Energy Fuels in Utah, Colorado, and Arizona. If the proposed action is approved, mined ore from the Danaros and Energy Fuels' other mines would be milled at the White Mesa Mill. The BLM's analysis must include the incremental impact of the action when added to other past, present and reasonably foreseeable future actions at White Mesa Mill. This includes impacts relating to past, present, and reasonably foreseeable processing and storage of uranium ore and alternate feed at the Mill. BLM's analysis must be searching; it should seek, analyze and disclose all violations of regulatory or other emissions standards at the Mill, and it should include federal scientific findings, including any and all findings published by USGS, relating to dust, air, and water emissions from the Mill. The BLM must analyze and disclose the potential impacts of those indirect and cumulative impacts to a range of resource values, including but not limited to air quality, surface and ground water quality, human health, soil, vegetation, fish, wildlife, and special status species within and proximal to the White Mesa Mill. In undertaking that analysis, the BLM should rely at least in part on other federal research and literature reviews exploring the potential impacts of uranium-related emissions to various resource values. USGS in particular has generated significant findings and other

peer-reviewed resources relating to uranium in connection with the White Mesa Mill, and in connection with and support of the Northern Arizona Mineral Withdrawal. BLM should engage USGS to obtain all of those resources and appropriately integrate their findings and uncertainties into its analysis of indirect and cumulative impacts here.

1. Baseline Information Must Be Sufficient to Permit Analysis of Impacts

Importantly, 40 C.F.R. § 1502.15 requires agencies to “describe the environment of the areas to be affected or created by the alternatives under consideration.” Establishment of baseline conditions is a requirement of NEPA. In *Half Moon Bay Fisherman’s Marketing Ass’n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988), the Ninth Circuit states that “without establishing . . . baseline conditions . . . there is simply no way to determine what effect [an action] will have on the environment, and consequently, no way to comply with NEPA.” The court further held that “[t]he concept of a baseline against which to compare predictions of the effects of the proposed action and reasonable alternatives is critical to the NEPA process.”

Comment: Baseline studies that assess the current existing conditions, as well as the contamination levels from previous mining activities, must be conducted in order to properly characterize the setting of the area and immediate vicinity of the proposed expansion. Contamination concentrations from previous mines must be identified to provide a baseline in which to compare potential future impacts to soils, water quality (both surface and ground), and air quality, among other considerations.

Comment: The information regarding the existing baseline should also be used to inform the public and the decision-makers of the impacts that have been caused by previous and ongoing mining activities in the vicinity. For example, sampling of radiological contaminants along existing haul routes would provide useful and necessary information on the expected roadside contamination caused by the dust which emanates from trucks hauling uranium ore, which are merely covered with a tarp system designed to cover loads of gravel and other aggregates.

2. Mitigation Measures Must Be Described with Specificity and Must Include Commitments for Action

NEPA requires that BLM discuss mitigation measures in an EIS. 40 C.F.R. §§ 1502.14, 1502.16. Also, under NEPA, BLM’s Finding of No Significant Impact (FONSI) is lawful only if “BLM has made a convincing case that no significant impact will result there from or that any such impact will be reduced to insignificance by the adoption of appropriate mitigation measures.” *Defenders of Wildlife*, 152 IBLA 1, 6 (2000) (citations omitted). In general, in order to show that mitigation will reduce environmental impacts to an insignificant level, BLM must discuss the mitigation measures “in sufficient detail to ensure that environmental consequences have been fairly evaluated.” *Communities, Inc. v. Busey*, 956 F.2d 619, 626 (6th Cir. 1992). Simply identifying mitigation measures,

without analyzing the effectiveness of the measures, violates NEPA. Agencies must “analyze the mitigation measures in detail [and] explain how effective the measures would be . . . A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA.” *Nw. Indian Cemetery Protective Ass’n v. Peterson*, 764 F.2d 581, 588 (9th Cir. 1985), *rev’d on other grounds*, 485 U.S. 439 (1988). NEPA also directs that the “possibility of mitigation” should not be relied upon as a means to avoid further environmental analysis. Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations*, available at <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>; *Davis v. Mineta*, 302 F.3d at 1125.

Further, general statements that BLM will conduct monitoring are also not an appropriate form of mitigation. Simply monitoring for expected damage does not actually reduce or alleviate any impacts.

Comment: BLM must provide a detailed discussion of proposed mitigation measures to ensure that environmental consequences have been fairly evaluated and impacts will be mitigated effectively.

3. BLM Must Assess Potential Impacts and Alternatives Using Quality Data and Scientifically Acceptable Methods of Analysis, Which Are Disclosed to the Public for Comment

BLM cannot evaluate consequences to the environment, determine avoidable or excessive degradation, and assess how best to designate and protect its lands and resources without adequate data and analysis. NEPA’s hard look at environmental consequences must be based on “accurate scientific information” of “high quality.” 40 C.F.R. § 1500.1(b). Essentially, NEPA “ensures that the agency, in reaching its decision, will have available and will carefully consider detailed information concerning significant environmental impacts.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. at 349. The Data Quality Act and BLM’s interpreting guidance expand on this obligation, requiring that influential scientific information use “best available science and supporting studies conducted in accordance with sound and objective scientific practices.” Treasury and General Government Appropriations Act for Fiscal Year 2001, Pub.L. No. 106-554, § 515. *See also* Bureau of Land Management, Information Quality Guidelines, available at http://www.blm.gov/nhp/efoia/data_quality/guidelines.pdf

Further, both data and analyses must be disclosed to the public, in order to permit the “public scrutiny” that is considered “essential to implementing NEPA.” 40 C.F.R. § 1500.1(b). BLM’s guidelines for implementing the Data Quality Act also reiterate that making data and methods available to the public permits independent reanalysis by qualified member of the public. In this regard, NEPA “guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. at 349. NEPA not only requires that BLM

have detailed information on significant environmental impacts, but also requires that the agency make this information available to the public for comment. *Inland Empire Public Lands Council v. U.S. Forest Service*, 88 F.3d 754, 757 (9th Cir. 1996).

Where there is scientific uncertainty, NEPA imposes three mandatory obligations on BLM: (1) a duty to disclose the scientific uncertainty; (2) a duty to complete independent research and gather information if no adequate information exists unless the costs are exorbitant or the means of obtaining the information are not known; and (3) a duty to evaluate the potential, reasonably foreseeable impacts in the absence of relevant information, using a four-step process. Unless the costs are exorbitant or the means of obtaining the information are not known, the agency must gather the information in studies or research. 40 C.F.R. § 1502.22. Courts have upheld these requirements, stating that the detailed environmental analysis must “utiliz[e] public comment and the best available scientific information.” *Colorado Environmental Coalition v. Dombeck*, 185 F.3d 1162, 1171-72 (10th Cir. 1999) (citing *Robertson v. Methow Valley Citizens’ Council*, 490 U.S. at 350); *Holy Cross Wilderness Fund v. Madigan*, 960 F.2d 1515, 1521-22 (10th Cir. 1992).

As the Supreme Court has explained, while “policymaking in a complex society must account for uncertainty,” it is not “sufficient for an agency to merely recite the terms ‘substantial uncertainty’ as a justification for its actions.” *Motor Vehicle Manufacturers Ass’n v. State Farm Mutual Automobile Ins. Co.*, 463 U.S. 29, 52 (1983). Instead, in this context, as in all other aspects of agency decision-making, “[w]hen the facts are uncertain,” an agency decision-maker must, in making a decision, “identify the considerations he found persuasive.” *Small Refiner Lead Phase-Down Task Force v. EPA*, 705 F.2d 506, 520 (D.C. Cir. 1983), quoting *Ind. Union Dept., AFL-CIO v. Hodgson*, 499 F.2d 467, 476 (D.C. Cir. 1974).

Comment: BLM must provide the public with an explanation of both the data used in analyzing the potential effects of the proposed expansion and the methods used to conduct the analysis, as well as an opportunity to provide comments and propose corrections or improvements.

4. BLM Must Respond to Public Comments and Specifically Address Scientific Uncertainty and/or Differing Scientific Opinions

Under Council for Environmental Quality (CEQ) regulations implementing NEPA, BLM must respond to substantive comments made during the public comment period for an EIS. 40 C.F.R. § 1503.4. An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

1. Modify alternatives including the proposed action.

2. Develop and evaluate alternatives not previously given serious consideration by the agency.
3. Supplement, improve, or modify its analyses.
4. Make factual corrections.
5. Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

40 C.F.R. § 1503.4(a). Importantly, while agencies must attach comments considered “substantive” to the EIS (40 C.F.R. § 1503.4(b)), a comment need not be substantive to trigger the agency's response requirement.

NEPA requires that, in preparing a final EIS, BLM must discuss “any responsible opposing view which was not adequately discussed in the draft statement and indicate the agency's response to the issue raised.” 40 C.F.R. § 1502.9. The Council on Environmental Quality interprets this requirement as mandating that an agency respond in a “substantive and meaningful way” to a comment that addresses the adequacy of analysis performed by the agency. Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations.² BLM's NEPA Handbook elaborates upon this requirement, providing that: comments relating to inadequacies or inaccuracies in the analysis or methodologies used must be addressed; interpretations of analyses should be based on professional expertise; and where there is disagreement within a professional discipline, “a careful review of the various interpretations is warranted.” Handbook H-1790-1, Section V.B.4.a., p. V-11.

Failure to disclose and thoroughly respond to differing scientific views violates NEPA and obligates an agency to perform a compliant environmental analysis prior to approving a proposed action. *See, Robertson v. Methow Valley Citizens Council, supra* (EIS should reflect critical views of others to whom copies of draft were provided and respond to opposing views); *Sierra Club v. Bosworth*, 199 F.Supp.2d 971 (N.D.Cal. 2002) (failure to disclose and analyze scientific opinion that opposed post-fire logging violates NEPA); *Seattle Audubon Society v. Lyons*, 871 F.Supp. 1291, 1381 (W.D.Wash. 1994) (An EIS must “disclose scientific opinion in opposition to the proposed action, and make a good faith, reasoned response to it.”); *Seattle Audubon Society v. Moseley*, 798 F.Supp. 1473, 1482 (W.D.Wash. 1992) (NEPA requires that the agency candidly disclose in its EIS the risks of its proposed action, in its EIS the risks of its proposed action, and that it respond to the adverse opinions held by respected scientists.”).

Comment: Where there is scientific uncertainty, BLM cannot simply dismiss opposing scientific opinion and authority, but must provide a discussion of the support for its

² The U.S. Court of Appeals for the Tenth Circuit has found that the “Forty Questions” are “persuasive authority offering interpretive guidance” on NEPA from CEQ. *Davis v. Mineta*, 302 F.3d 1104, 1125 (10th Cir. 2002).

decision not to rely upon it. Accordingly, BLM must complete a conforming NEPA analysis that fully considers and responds to public comments, including opposing scientific opinion, and justifies any contradicting conclusions.

5. BLM Must Present Environmental Analysis and Information in a Manner that Facilitates, Rather than Impedes, Public Comment

NEPA requires BLM to “[e]ncourage and facilitate public involvement in decisions which affect the quality of the human environment.” 40 C.F.R. § 1500.2(d). A critical part of this obligation is presenting data and analysis in a manner that will enable the public to thoroughly review and understand the analysis of environmental consequences. For this reason, NEPA requires the use of high quality data and the disclosure of the methodology underlying proposed decisions, as discussed above, and also explicitly requires that an EIS “be written in plain language” and presented in a way that “the public can readily understand.” 40 C.F.R. § 1502.8. These requirements are specifically reinforced for an EIS; the “primary purpose” of this document is “to allow for informed public participation and informed decision making” so its language must be “clear” and “supported by evidence that the agency has made the necessary environmental analyses.” *Earth Island Inst. v. U.S. Forest Service*, 442 F.3d 1147, 1160 (9th Cir. 2006); 40 C.F.R. § 1502.1.

Therefore, “an EIS must be organized and written so as to be readily understandable by governmental decisionmakers and by interested non-professional laypersons likely to be affected by actions taken under the EIS.” *Oregon Environmental Council v. Kunzman*, 817 F.2d 484, 493 (9th Cir. 1987). Accordingly, where a plan is so unclear as to not permit review and understanding, it may be deemed “incomprehensible” and in violation of NEPA. See, e.g., *California, ex rel. Lockyer v. U.S. Forest Service*, 465 F.Supp. 2d 942, 949-950 (N.D.Cal. 2006) (management plan for Giant Sequoia National Monument was “incomprehensible” because it referenced but did not explain its reliance on certain law and regulations, and because it contained conflicting statements regarding applicable standards for management, which were never clarified).

II. Federal Land Policy and Management Act

The Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1701 *et seq.*, is BLM’s organic act and guides the agency in managing public lands, drafting land use plans, and ensuring that the public has been involved in such decisions.

1. Unnecessary or Undue Degradation Standard

FLPMA requires that: “In managing the public lands the [Secretary of Interior] shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.” 43 U.S.C. § 1732(b). In this context, because the imperative language “shall” is used, “Congress [leaves] the Secretary no discretion” in how to administer FLPMA. *Natural Resources Def. Council v. Jamison*, 815 F.Supp. 454, 468

(D.D.C. 1992). BLM’s duty to prevent unnecessary or undue degradation (UUD) under FLPMA is mandatory, and BLM must, at a minimum, demonstrate compliance with the UUD standard. *See Sierra Club v. Hodel*, 848 F.2d 1068, 1075 (10th Cir. 1988) (the UUD standards provides the “law to apply” and “imposes a definite standard on the BLM”). FLPMA also mandates that the public lands be managed “without permanent impairment of the productivity of the land or quality of the environment.” 43 U.S.C. 1702(c).

III. National Historic Preservation Act

BLM has special stewardship responsibilities with respect to cultural resources on land that is under the agency’s “jurisdiction or control” under the National Historic Preservation Act (NHPA), 16 U.S.C. § 470 *et seq.* A federal “undertaking” triggers the Section 106 process under NHPA, which requires BLM to “make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey.” 36 C.F.R. § 800.4(b)(1). As part of this duty, BLM must account for information communicated to it by parties expressing an interest in historic properties affected by the undertaking. *Pueblo of Sandia v. United States*, 50 F.3d 856, 860–61 (10th Cir. 1995).

To satisfy the Section 106 compliance requirement, the Responsible Agency Official must consult with the State Historic Preservation Officer(s) (SHPO) and appropriate Tribes and/or Tribal Historic Preservation Officer(s) (THPO). In addition, Section 106 regulations require BLM to “make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey.” 36 C.F.R. § 800.4(b)(1). As part of this duty, BLM must account for information communicated to it by parties expressing an interest in historic properties affected by the undertaking. *Pueblo of Sandia v. United States*, 50 F.3d 856, 860–61 (10th Cir. 1995).

Comment: Approval of the proposed mine modification is an “undertaking,” pursuant to the NHPA, thus BLM must comply with the NHPA, including the Section 106 consultation and identification requirements, prior to approving the proposed modification.

IV. Clean Air Act and Clean Water Act

FLPMA and its implementing regulations require that BLM comply with all federal, state, and local environmental laws. *See* 43 U.S.C. § 1712(c)(8); 43 C.F.R. §§ 1610.3-2, 2920.7(b)(3). Thus, BLM is obligated by FLPMA to comply with the environmental standards established in the Clean Air Act, 42 U.S.C. §§ 7401, *et seq.*, and the Clean Water Act, 33 U.S.C. §§ 1251, *et seq.*

Comment: BLM must not permit development that will result in exceedances of national ambient air quality standards, prevention of significant deterioration increment limits, air quality related values, and standards for hazardous air pollutants. Thus, BLM must conduct a full-scale quantitative analysis of the air quality impacts in the planning area and model these impacts.

Comment: BLM must comply with Section 313 of the Clean Water Act (CWA), which requires that all federal agencies ensure compliance with state water quality standards when permitting federal land activities. 33 U.S.C. § 1323(a). This is in addition to the BLM’s duty to ensure compliance with section 401 of the CWA, and its duty under FLPMA and the 43 CFR Part 3809 regulations to prevent “unnecessary or undue degradation” of public lands as a result of water quality impacts.

Comment: BLM must analyze the potential impacts to surface and ground water from the mining, transporting, and milling operations that will result from the proposed modifications. Such impacts include not only contamination and pollution, but also depletion of ground water that could subsequently affect seeps, springs, streams and other surface water. Although the Utah State Engineer can grant the applicant a valid water right, such water right does not give the holder the right to drill a ground water well on public lands. BLM has ultimate authority to allow or disallow drilling of ground water wells and diversion of water on public lands managed by BLM.

Comment: BLM must analyze the waste water treatment design at the mine site in detail, not only to ensure compliance with the CWA, but also to fulfill the agency’s obligations under FLPMA and NEPA to describe the mine operations with respect to waste water treatment and review possible impacts. This review must also include a review of all reasonable alternatives for the waste water treatment design.

Thank you for your consideration of SUWA’s concerns. I look forward to receiving the EIS. If you have any questions, please contact me by phone or email.

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Thomas". The signature is written in a cursive, flowing style.

Liz Thomas
Neal Clark
Field Attorneys

*SUWA Letter to Monticello Field Office
Daneros Mine Modification – Scoping Comments
March 13, 2014*

Uranium Watch

P. O. Box 344
Moab, Utah 84532
435-260-8384

via electronic mail

March 14, 2014

Bureau of Land Management
Monticello Field Office
Attn: Minerals Program
P.O. Box 7
Monticello, Utah 84535
[blm ut mt minerals comments@blm.gov](mailto:blm_ut_mt_minerals_comments@blm.gov)

Re: Scoping Comments — Daneros Mine Plan Modification (UTU-74631; NEPA: DOI-BLM-UT-Y020-2013-023)

1. INTRODUCTION

1.1. These comments are submitted on behalf of Uranium Watch, Living Rivers, the Glen Canyon Group of the Sierra Club, and Information Network for Responsible Mining (INFORM). Our organizations appreciate the opportunity to participate in the public decision-making process for the Daneros Mine Plan Modification. Uranium Watch, Living Rivers, the Sierra Club, and INFORM has a long-standing interest in the public lands of Utah and nearby Colorado, including the public lands that are the responsibility of the Bureau of Land Management's Monticello Field Office. Our members and staffs enjoy many activities on lands in Southeast Utah and Southwest Colorado, including hiking, biking, wildlife and nature viewing, photography, educational research, visiting, and travel. Our organizations have had an long-standing interest in uranium mining and milling issues in this region.

1.2. The Daneros Mine is of special interest and concern because of its location on public lands on the Colorado Plateau approximately ten miles from Natural Bridges National Monument. This region is important to recreational users and conservationists, provides habitat for wildlife, and includes the Colorado River. Any proposed actions at the Daneros Mine should be considered and understood for their connections to other proposed actions in the region, historical uranium mining activities, and the overall

conservation and recreation based values of the area. All potential and cumulative impacts from the mine's expansion and operations should be analyzed.

2. NEED FOR ENVIRONMENTAL IMPACT STATEMENT

2.1. The December 2013 Plan of Operations Modification (Plan Modification) for the Energy Fuels Resources (USA) Inc. (Energy Fuels) Daneros has the potential for significant environmental impacts and should be the subject of an Environmental Impact Statement (EIS). The Plan Modification is for the expansion of the Daneros Small Mine Operation (SMO) (State ID: S0370121)¹ to a Large Mine Operation LMO) (State ID: M0370126).²

National Environmental Policy Act (NEPA) documents must provide useful analyses, not only of the effects of the proposed action, but also of these effects in combination with past, present, and future actions. This can only be accomplished within the context of an EIS for the Daneros Mine. The Bureau of Land Management (BLM) must commence an EIS process at this time and not wait until the finalization of the EA. This is based on the information below.

2.2. The BLM National Environmental Policy Act Handbook (H-1790-1, January 2008) includes a discussion on determining whether an EA or EIS is appropriate (Chapter 7). Section 7.2 (Actions Requiring an EIS) states, in part:

Actions whose effects are expected to be significant and are not fully covered in an existing EIS must be analyzed in a new or supplemental EIS (516 DM 11.8(A)). You must also prepare an EIS if, after preparation of an EA, you determine that the effects of the proposed action would be significant and cannot be mitigated to a level of nonsignificance (see section 7.1, *Actions Requiring an EA*). If you determine during preparation of an EA that the proposed action would have significant effects and cannot be mitigated to a level of nonsignificance, you do not need to complete preparation of the EA before beginning preparation of an EIS (516 DM 11.7(E)) (See section 8.4.1, *Significant Impacts – Transitioning from an EA to an EIS*).

2.3. Section 7.3 discusses the meaning of Significance. The Council on Environmental Quality (CEQ) regulations explain in 40 CFR 1508.27 that "Significantly," as used by NEPA, requires considerations of both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national),

¹ <http://linux1.ogm.utah.gov/WebStuff/wwwroot/minerals/mineralsfilesbypermit.php?S0370121>

² <http://linux1.ogm.utah.gov/WebStuff/wwwroot/minerals/mineralsfilesbypermit.php?M0370126>

the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, for a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short-term and long-term effects are relevant.

(b) Intensity. This refers to the severity of effect. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action....” (40 CFR 1508.27). Note that to determine the severity of effect, you must look at direct, indirect, and cumulative effects (40 CFR 1508.25(c)).

2.4. The CEQ regulations (40 C.F.R. § 1508.27) include the following ten considerations for evaluating intensity of effects (direct, indirect, and cumulative):

- Impacts that may be both beneficial and adverse
- Public health and safety
- Unique characteristics of the geographic area
- Degree to which effects are likely to be highly controversial
- Degree to which effects are highly uncertain or involve unique or unknown risks
- Consideration of whether the action may establish a precedent for future actions with significant impacts
- Consideration of whether the action is related to other actions with cumulatively significant impacts
- Scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places
- Threatened or endangered species and their critical habitat
- Any effects that threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

2.5. The proposed expansion of the Daneros Mine and perpetual presence of waste rock from the mine, with respect "Context," involves a specific locale and an action that will have both short-term and long-term significant impacts to the human and natural environment. The mine will expand ten-fold, from 4.5 acres surface impact to 46.3 acres. The Daneros will have the largest surface impact of any permitted uranium mine in Utah. The Daneros is in the vicinity of Natural Bridges National Monument. The expected amount of ore produced would increase from 100,000 tons of ore to 500,000 tons. The expected length of operation would increase from 7 to 20 years. The expanded mine will now require an Air Quality Permit and, due to the fact that power from electricity or natural gas is not available at the site, Energy Fuels expects to use diesel generators to provide power for the mining operation, greatly increasing gaseous and particulate emissions.

2.6. Public health and safety: The Daneros Mine and the cumulative impacts from historical uranium exploration and development in the region will continue to have

significant environmental and health and safety impacts.

- Significant impacts include impacts from the emission of radionuclides and chemical constituents from the radon vents, waste rock (development rock) piles, stockpiled ore, ore pads, contaminated rock and soil, and windblown materials. The impacts from the releases of effluents to air and water courses from the proposed mine expansion have potentially significant impacts.
- Significant health and safety impacts are relevant to mine workers and to members of the public who are engaging in recreational activities at Natural Bridges, Fry Canyon, and public lands in the vicinity of the Daneros Mine.
- The Daneros SMO suspended operation at the end of 2012. It is not known if or when the proposed LMO will commence. The reopening of the existing SMO and mine expansion would include reopening old mine openings and the release of radon from old underground mine workings. This will cause a significant release of radon and other emissions. In addition to using the Bullseye Portal and South Portal, Energy Fuels proposes to use the old Spook Portal and former Jim Butts Portal for ventilation, allowing accumulated radon and radon progeny to be released to the atmosphere.
- The emission of radon and radon progeny is a significant effect that cannot be mitigated through any BLM action. The mines are required to exhaust radon from the mines to protect the health of the underground workers. The amount of radon and radon progeny and radioactive and hazardous particulates (from blasting and diesel generators) exhausted from the mines will always have the potential to have a significant impact on the health and safety of the workers, public, and natural environment. As the mine operation expands, the emission of radon and radon progeny into the community will only increase, and the potential for adverse effects will increase.
- These potential significant impacts must be identified and evaluated in the context of an EIS.

2.7. Unique characteristics of the geographic area:

- The Daneros Mine is in a unique area due to the variation of the topography and ecology in the area for the mines and mining activities associated with the installation of radon vents, exploration drilling, and access roads. Some of the impacted area includes a variety of shrubs, trees, and other vegetations. With limited rainfall, the ability of the land to recover from clearance of vegetation is limited. The estimated time frame of 3 to 5 years for re-vegetation is irresponsible. Aerial photographs show that this area would take decades to recover from the clearance of the vegetation. Unique characteristics include its location in an area and with permanent and ephemeral watercourses.

- The expanded mine is near Natural Bridges National Monument.

2.8. Degree to which effects are likely to be highly controversial:

There are already controversies regarding the nature and extent of the effects associated with the expansion of the Daneros Mine. These controversies include:

- The effects of the emission of radon, radionuclides, hazardous constituents from the ore, and particulates from blasting, transportation, diesel generators, trucks and equipment
- Extent of surface impacts from exploration drilling, roads, access routes, and vent hole installation
- Timing of reclamation
- Revegetation standards
- Reduced ability of the land to heal
- Amount of cover on the waste rock piles
- Reclamation standards associated with the long-term presence of uranium and uranium progeny at the mine sites
- Presence of historical impacts from earlier mining activities
- Proximity to Fry Canyon and Natural Bridges National Monument.

2.9. Degree to which effects are highly uncertain or involve unique or unknown risks:

- The effects and risks (including cumulative effects and risks) associated with the emission of radon and other radionuclides from the current and future mining operation involve unique and unknown risks.
- The effects of the perpetual storage of the waste rock piles are unknown, particularly because reclamation standards for the emission of radionuclides from the piles, ore pads, and contaminated soils have not been established.
- Radioactive sands and fine particulates remain radioactive for millions of years.
- Intense rainfall (flash flood) and snowmelt events can mobilize and transport mine waste with associated radioactive material and trace elements long distances during relatively short periods.

2.10. Consideration of whether the action may establish a precedent for future actions with significant impacts:

- The consideration and environmental review of Plans of Operations and amendments for all uranium mines on federal public lands. This includes uranium-mining activities in Utah, Arizona, Colorado, New Mexico, Wyoming, South Dakota, and other states.

- Radiological standards for reclamation of the waste rock areas, ore pads, and other areas contaminated by radionuclides at uranium mining operations.

2.11. Consideration of whether the action is related to other actions with cumulatively significant impacts:

- The proposed expansion of the Daneros Mine is related to the historic uranium mining in the area and the degradation of public lands from those activities.
- The expansion of the Daneros Mine is also related and directly connected to the operation of the White Mesa Uranium Mill, south of Blanding, Utah. Without the White Mesa Mill, there would be no facility to process the ore from the Daneros Mine, so Mine would not operate. Thus, the Daneros Mine is considered a connected action with the White Mesa Mill. At a minimum, the full environmental impacts from the Mill, alone and in association with the Daneros Mine, must to identified and analyzed.
- The expansion of the Daneros Mine is directly related and connected to the need for a new tailings impoundment to be constructed at the White Mesa Mill for the deposition and storage of uranium mill tailings in the foreseeable future. A new tailings impoundment would destroy unique and significant cultural resources (e.g., large pit houses and related structures) that are part of the White Mesa Archeological District and have been found eligible for inclusion in the National Register of Historic Places.
- The cumulative significant effects of those related uranium mining facilities and activities (past, current, and reasonably foreseeable) include:

Impacts —

- on transportation
 - to water, soils, and air quality
 - of land disturbance over the short- and long-term
 - from waste rock and contaminated areas over the short- and long-term
 - from the emission of radon from radon vents
 - of the release of other radionuclides into the environment
 - to known cultural resources in the White Mesa Archeological District
 - on low-income and tribal communities in San Juan County.
- The cumulative impacts of extensive uranium mining in San Juan County, or the Colorado Plateau have never been assessed.
 - There has never been an assessment of the disproportionately high and adverse human health and environmental effects to low-income and tribal communities in Utah from the mining and processing of uranium ore in San Juan County,

pursuant to applicable requirements for Environmental Justice in Minority Populations and Low-Income Populations.

- For all of these past, present, and reasonably foreseeable actions/operations, the BLM must fully analyze the quantitative as well as qualitative impacts to human health and safety and the environment. Simply listing these actions/operations, or briefly discussing generalized impacts, does not fulfill the BLM's duty to conduct the "hard look" required by NEPA. Because of the potential for significant environmental impacts from the proposed action, as well as in conjunction with these other actions/operations, an EIS is required.

2.12. Any effects that threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment:

- The expansion of the Daneros Mine has the potential to threaten violation of the National Emission Standards for Hazardous Air Pollutants for radionuclides, specifically, 40 C.F.R. Part 61, Subpart B—National Emission Standards for Radon Emissions From Underground Uranium Mines. The expansion of the mining operation will result in an increase in the amount of radon emitted from the underground mining operations. The increase has the potential for the mines to exceed the standard for one or more receptor points. As the La Sal Mines Complex, in La Sal, Utah, expanded, the radon emissions increased so that the mine complex exceeded the 40 C.F.R. Part 61 Subpart B radon emission standard.
- The expansion of the Daneros Mine threatens the violation of laws and requirements related to the worker environment. The number of Mine Safety and Health Administration (MSHA) violations has increased as operations have expanded at the mines owned and operated by Energy Fuels (previously Denison Mines Corp.).

2.13. The EA developed for the Daneros Mine expansion will be, essentially, a document that is similar to an EIS. The Plan Modification is extensive and involves complex technical and environmental information and issues. A full EIS with more detailed examination of the environmental impacts is warranted by the extent and complexity of the issues and impacts. The proposed EA will be far longer and more complex than the brief environmental analysis expected for an EA and Finding of No Significant Impact. The BLM has not provided the public with information regarding why the BLM determined that an EA, not an EIS, was the appropriate NEPA document. One of the reasons that the BLM is not requiring the development of an EIS at this time is so that Energy Fuels (or an Energy Fuels' contractor), rather than the BLM, will be able to prepare the EA. The BLM and Energy Fuels have signed an Memorandum of

Understanding (MOU) for the preparation of the EA.³ If the BLM determined that an EIS was warranted, the permittee would not be preparing the NEPA document.

2.14. An EIS is required to determine the full range of environmental impacts and the appropriate mitigative measures needed to address those impacts.

3. GENERAL COMMENTS

3.1. Timeliness, Purpose and Need: The Plan Modification for the expansion of the Daneros Mine and NEPA review is premature. At this time there is no viable uranium market, and the reopening and expansion of the mine is not guaranteed. Without a market to support the mining and processing of uranium ore, any permit associated with this Environmental Analysis will sit on a shelf for an undetermined amount of time and become outdated. BLM should seriously consider the unlikelihood of mining activities resuming and expanding at the Daneros Mine. The BLM should consider the overall purpose and need for an expansion that will exist primarily on paper and for speculative economic purposes. If and when the viability of the uranium market returns to the region, then the impacts and operations of the Daneros Mine should be analyzed at that time and under contemporary mining regulations. This is especially important in an industry that will see significant regulatory changes and developments at the federal level in the next several years. The lack of current activity at the Daneros and other permitted uranium mines in Utah should form the contextual bedrock of a No-Action alternative in the Environmental Analysis, and it should be carefully considered in the review.

3.2. On February 5, 2014, the BLM Monticello Field Office issued a press release: "BLM Seeks Public Input on Proposed Uranium Mine Plan Modification." That press release was misleading. The release stated: "The BLM-Utah will be preparing an environmental assessment to analyze potential impacts associated with proposed changes to Energy Fuels' operating plan for a uranium mine in eastern Utah." At the time of the press release the BLM was in the process of arranging a MOU with Energy Fuels for the preparation of the EA. That MOU was not signed until February 14, 2014. So, actually, Energy Fuels will be preparing the EA, with BLM oversight. The BLM should have waited until after the MOU was signed to issue the press release. The BLM should have stated that Energy Fuels, not the BLM, would be preparing the EA. The BLM should also have explained why they had determined that an EA, rather than an EIS, was the appropriate NEPA document.

3.3. In general, the Plan Modification should have contained much more information about Daneros Mine LMO and the potential impacts of the expansion of mining operations. The Modification Plan lacks sufficient data and baseline information required for a full analysis of the environmental impacts. There are several references to

³ Memorandum of Understanding, Between the Bureau of Land Management, Monticello Field Office, and Energy Fuels Resources (USA) Inc., for the Preparation of an Environmental Assessment, February 14, 2014.

documents, including the documents related to the SMO application and approval process, that are currently not readily available for public review. Any data and information referenced by the Plan Modification should be readily available to the public. The referenced documents should have been included in the application or a link to those records provided. The Plan Modification should have included the October 2, 2012, application for an Air Quality Permit.

3.4. Given the inadequacies of the Modification Plan and obvious conflict of interest, it was not appropriate for the BLM to sign a MOU with Energy Fuels that allowed Energy Fuels to prepare the EA.

3.5. Unauthorized Work: Commenters have reason to believe there may have been unauthorized work done at the Daneros Mine site that was not authorized in the 2009 Plan of Operations (POO) for the Daneros SMO, which was approved by the BLM in 2011. The BLM should inspect the existing operation and determine whether all work since 2011 was described in the POO, evaluated in the SMO EA, and approved by the BLM. Possible unauthorized work could include the moving of soils and rock in Bullseye Canyon.

3.6. Water Rights: The Environmental Analysis must review the water rights, including rights to water not owned by Energy Fuels, associated with the Plan Modification, and determine whether Energy Fuels has secured all the water rights necessary for the operation of the mine.

3.7. Air Quality Permit: The BLM should not complete the NEPA analysis until the Utah Division of Air Quality (DAQ) has issued a final Approval Order for the new Air Quality Permit associated with the Modification Plan. Energy Fuels submitted the Notice of Intent to the DAQ on October 2, 2012. As of this date, the DAQ is still reviewing and considering comments on the March 15, 2013, proposed Approval Order (DAQE-IN144920002-13) that were submitted to the DAQ. The information contained in the final Approval Order and DAQ responses to comments should be available to the public prior to commenting on the draft Daneros Mine NEPA documents.

3.8. DOE AUM Report to Congress: The Department of Energy (DOE) is in the process of identifying and evaluating abandoned uranium mines (AUMs) associated with the United States nuclear weapons program. These mines were developed and operated from 1947 to 1970. The DOE has identified 1,380 AUMs in Utah. Most of these mines were in Grand, San Juan, Garfield, and Emery Counties. The DOE AUM report to Congress is due in July 2014. The Daneros Mine NEPA review must take into consideration all data and information associated with historic uranium mining activities and their impacts in the area of the Daneros Mine.⁴ This information is pertinent to the discussion of the cumulative impacts of the propose mine expansion.

⁴ <http://www.lm.doe.gov/aum/>

3.9. Reclamation and Remediation: The Environmental Analysis must clearly address the mitigative measures. The Environmental Analysis must include both measures for reclamation and remediation at the site: during operation, during periods of cessation of operation, and after completion of mining operations.

3.10. The Environmental Analysis must consider the fact that the BLM has not developed regulations or guidelines that are specific to uranium mining operations, which have their own unique environmental impacts and issues. The lack of a specific uranium mining regulatory program means that the BLM lacks the background, information, data, and expertise to assure minimal site and environmental degradation from the operation of the Daneros Uranium Mine or any other uranium mine. The BLM has failed to identify and explain exactly what is meant by “unnecessary or undue degradation” at a uranium mine during all phases of a uranium mine operation. Clear and unambiguous regulatory language is missing when it comes to the degradation of land, air, and water from radioactivity and other environmental contaminants and impacts associated with uranium mining. This lack of expertise and an adequate regulatory program is reflected by the BLM’s minimal oversight of uranium mining operations in southeast Utah over the past 30+ years.

3.11. Waste Rock Disposal Alternative: The proposed expansion includes the development of new waste rock piles, which will contain many thousands of tons of material, and remain in place in perpetuity. The BLM should develop an alternative in the Environmental Analysis that eliminates the existing waste pile and eliminates the permanent, above-ground disposal of all waste rock. The potential for disposing of all or a significant portion of the waste rock underground should be thoroughly analyzed. This alternative should consider how the progressive disposal of waste rock back into the underground workings of the mine could occur and reduce the longterm surface impacts at the site. The existing historical mine workings may provide room for the underground disposal of much of the waste rock on the surface.

Because the Daneros Mine is located in an attractive and interesting part of the Colorado Plateau and is accessible by a fairly short side road off the main route, the general vicinity of the mine already attracts visitors and holds potential for recreational use in the future once the mine is fully reclaimed. Reduction of the final size of the permanent waste piles on site could help protect these features and reduce visual impacts. In addition, because the Daneros Mine is considered a dry mine, BLM should analyze whether the disposal of waste rock in the workings will provide additional protections for water quality and the site itself.

3.12. The BLM must establish a radiological clean up standard for Technologically-Enhanced, Naturally-Occurring Radioactive Materials (TENORM) at uranium mine sites. The BLM must not leave it to the mine owner to establish such a standard.

4. ENVIRONMENTAL ANALYSIS

4.1. The Environmental Analysis must consider the impacts from all phases of the LMO: 1) Pre-existing environmental impacts, 2) exploration (throughout life of mine), 3) construction, 4) operation, 5) long periods of non-operation, 6) reclamation and remediation, and 7) during the long-term (that is, forever), when there will be no one responsible for inspections, repair, and maintenance of the remediated site. The normal phase for currently permitted uranium mines in Utah is the years (often decades) when the mines are in non-operational status. The impacts during lengthy periods of non-operation include or are a result of: infrequent inspections, lack of enforcement of mine suspension regulations, erosion, dispersion of contaminants into the environment, delay in reclamation activities, accumulation of trash and junk, transformer impacts, general site degradation, and general regulatory indifference.

4.2. The Environmental Analysis must fully determine the radionuclide emissions from the existing mine and assess the impacts of those emissions to the air, soils, and water, wild and domestic animals, vegetation, and human population. This would include conducting radiation surveys of the mines, ore piles, waste rock piles, access and haul roads, vents, exploration drilling sites, and any other location that has been potentially impacted by the mining operations since the 1950s. It would also include vegetation sampling and assessment in the vicinity of the mines and radon vents.

4.3. Due to the likelihood of regional transport of air emissions from the Daneros Mine, the Environmental Analysis must include a regional air-transport analysis to determine the long-range (as well as short-range) potential for, and impacts from, emissions and particulate transport.

4.4. The Environmental Analysis must evaluate the impacts of the mining operation on the wildlife in the area, with particular attention to the impacts on the food chain from the releases of chemicals and radioactive particles into the air, water, and soils in the Daneros Mine area.

4.5. The Environmental Analysis must include an analysis of the radiological and non-radiological constituents that accumulate in the drainage catchment basins. Any water that remains in the basins after a storm event will probably be used by wildlife in the area. The potential for the consumption of contaminated water by wildlife and the impacts from that consumption must be assessed.

4.6. The Environmental Analysis must assess Denison's emergency response planning for their underground operation. This would include an evaluation of the Mines' compliance with MSHA emergency response requirements.

4.7. The Environmental Analysis must assess the impacts of the mining operation with respect to Environmental Justice. There has never been an assessment of the impacts of uranium mining and milling operations in San Juan County on the low income and tribal

communities. These low-income and tribal communities bear the brunt of impacts from uranium industry operations in San Juan County.

4.8. The Environmental Analysis must include the the indirect and cumulative impacts from uranium milling at White Mesa Mill and mining at other mines owned by Energy Fuels or proposed uranium mine projects in Utah, Colorado, Arizona, and New Mexico. If the proposed action is approved, mined ore from the Daneros and Energy Fuels' other mines would be milled at the White Mesa Mill. The BLM's analysis must include the incremental impact of the action when added to other past, present and reasonably foreseeable future actions at White Mesa Mill. This includes impacts relating to past, present, and reasonably foreseeable processing and storage of ore and uranium-bearing materials at the Mill. The Environmental Analysis must address the potential impacts of those indirect and cumulative impacts to a range of resource values, including, but not limited, to air quality, surface and ground water quality, human health, soil, vegetation, wildlife, and special status species within and proximal to the White Mesa Mill. In undertaking that analysis, the BLM should rely at least in part on other federal research and literature reviews exploring the potential impacts of uranium-related emissions to various resource values. This would include studies by the US Geological Survey (USGS). The BLM should engage USGS to obtain all of those resources and appropriately integrate their findings and uncertainties into its analysis of indirect and cumulative impacts here.

4.9. The Environmental Analysis must assess the impacts of the Daneros mining operation with respect impacts to numerous cultural resources on White Mesa (a site that has been determined to be eligible for the National Register) from the disposition and perpetual storage of tailings from the processing of ore from the Daneros and other mines on federal lands in San Juan County and elsewhere (including Colorado, Arizona, and New Mexico). The processing of ore from the expanded Daneros Mine will eventually require the construction of a new tailings impoundment at the White Mesa Mill. The new impoundment, like the others, will cause the destruction of unique and significant archeological resources. It may cause impacts to cultural resources on land transferred to the owners of the Mill by the BLM. The BLM has retained responsibilities for those cultural resources and is required to conduct inspections of those cultural resource areas at least every three years. Even though the BLM has never implemented their inspection responsibilities, they still have responsibility for those cultural resources.

4.10. The Environmental Analysis must assess the impacts from the long-term (perpetual) presence of the mine waste rock, ore pads, contaminated soils, and other contaminated materials from the mining operations on the soils, water, air, flora and fauna, and human community.

4.11. The Environmental Analysis must state the water and soil and waste rock clean up standards that will be used for reclamation of the mine areas. If clean-up standards have

not been established, then the BLM must consider standards that 1) are as low as reasonably achievable, 2) at or as close to background, 3) meet or exceed the standards for clean up of soils at uranium mill sites, or 4) meet or exceed Environmental Protection Agency (EPA) TENORM guidelines.

4.12. The Environmental Analysis must assess the potential hazard to the public of having radon vents readily accessible to the public, with no fencing or warning signs.

4.13. The Environmental Analysis must determine the actual amount of radon that is being received at relevant off-site locations (receptor points) and evaluate the impacts from the radon and radon progeny.

4.14. The Environmental Analysis must assess the cumulative potential for the facilities and activities at the Daneros Mine to result in unnecessary or undue degradation of the public lands and resources.

4.15. The Environmental Analysis must include an analysis of the noise levels at the Daneros Mine and the impacts to local wildlife and livestock from that noise. Noise sources include: ventilation shaft fans, diesel generators and compressors, trucks and equipment, ore handling and loading, and blasting. Impacts of noise levels on feeding, mating, birthing and nesting, rearing of young, and other wildlife activities must be analyzed.

4.16. The Environmental Analysis must include an analysis of the impacts to the construction workers as a result of moving any soils and other materials that were previously contaminated by historical mining activities. It must include an analysis of the impacts to the above-ground workers from the release of radon and radon progeny from the underground workings. The MSHA regulations do not protect workers from exposure to radionuclides above ground.

4.17. The Environmental Analysis must assess the impacts from climate change related to this project over the life of the proposal.

4.18. The Environmental Analysis must consider the placement of synthetic liners in the catchment basins so that contaminated water is contained and radiologically contaminated sediments will not migrate into soils and groundwater.

4.19. The Environmental Analysis must include a discussion of test vegetation plots and an analysis of the success of the proposed seed mixture in past re-vegetation efforts on soils similar to those that will be placed on the reclaimed areas of the mine.

4.20. The Environmental Analysis must include a description of Daneros Mine site's historical mining impacts and provide information regarding which impacts, such as soil contamination, will be remediated as part of the reclamation of the Daneros Mine. The

public should have a full understanding of the previous impacts that might not be reclaimed as part of the new mining operations.

4.21. The Environmental Analysis must fully characterize the underground environment in the area of the proposed mine expansion. There is a lack of information about the hydrogeology in the project proposal. Without this information, the BLM and the public cannot determine whether aquifers will be protected.

4.22. The Drainage Plan for the Daneros LMO is based on a 100-year/6 hour storm event. The Environmental Analysis must assess the impacts of storm events that exceed the design basis for the Drainage Plan. The Environmental Analysis must also assess the long-term impacts of storm events after the mine has been reclaimed.

4.23. The Environmental Analysis must assess the Biological Pathways of Exposure and Ecotoxicity Values for Uranium and Associated Radionuclides for the Daneros Mine LMO, including the cumulative pathways associated with the historic uranium mining operations in the vicinity of the Daneros Mine.

4.24. The Environmental Analysis must include a full description and analysis of the sources of radioactive particles and radioactive gases; the nature of those particles and gases; their potential to impact mine workers, the public, wildlife, vegetation, and domestic animals; and potential health and environmental effects.

4.25. Inspection Schedule: Usually the BLM inspection documents are copied to the Utah Division of Oil, Gas and Mining (DOGGM) and posted on the DOGGM Mineral Files webpage. The last BLM inspection for the Daneros Mine posted by DOGGM is dated July 17, 2011. There may have been subsequent inspections, but they have not been posted. The BLM should have inspected the Daneros Mine at least annually, and certainly after the mine suspended operation, to assess the adequacy of the interim management actions. The BLM must make sure that all Daneros Mine inspections are copied to DOGGM and posted. If the last inspection was in 2011, an inspection is surely due. The Environmental Analysis must discuss the schedule of BLM inspections, during periods of operation and non-operation. The Environmental Analysis must also include a full description of the aspects of the mining operations that are inspected and the standards that the BLM expects the mine to adhere to during all phases of the mine operation. If the BLM does not have a guidance document that documents the various aspects of a uranium operation inspections, the BLM must develop such a guidance.

4.26. The Environmental Analysis must analyze the economic and social impacts associated with the uranium boom-and-bust economy in the Four-Corners region over the past 50 years. That uranium boom-and-bust cycle is currently in the “bust” phase. The uranium mines in Utah and Colorado that began production about 2007 were all closed by the end of 2012, and there is no indication as to when any of them will resume operation. The last operating mines (Arizona) will close during the summer of 2014. All of these mines provided ore to the White Mesa Mill near Blanding, Utah—the only

operating conventional uranium mill in the United States—and are owned by the same company that owns the Mill. That Mill, too, will cease processing ore this summer. There is no evidence that these mines, including the Daneros Mine, will produce ore anytime in the near future or in the long-term. The future of uranium mining and uranium ore processing in southeast Utah and surrounding states is unknown. Data regarding the number of employees at the mines that supply ore to the White Mesa Mill is available on the MSHA website.⁵

4.27. Proximity to Natural Bridges National Monument: The Environmental Analysis must include a full analysis of the impacts of the expansion of the Daneros Mine on Natural Bridges National Monument. The would include impacts from truck and vehicle traffic, dust and other gaseous and particulate emissions, radioactive emissions, night lights, and noise.

4.28. Proximity to Fry Canyon: The Environmental Analysis must include a full analysis of the impacts of the expansion of the Daneros Mine on Fry Canyon. The would include impacts from truck and vehicle traffic, dust and other gaseous and particulate emissions, radioactive emissions, and noise.

4.29. The Modification Plan includes some discussion of interim reclamation actions. The Environmental Analysis must identify and assess possible interim reclamation actions throughout the life of the mine. The BLM must identify and require appropriate mitigative reclamation activities throughout the the life of the mine in order to protect the environment and health and safety of the workers and the public.

4.30. Ore Storage Pad: The ore pad itself relies on a natural geologic barrier to contain any migration of radionuclide or toxic materials. The BLM should analyze the possibility that such contamination could be reduced by using a synthetic liner in the ore pad during mine operations. The Plan Modification does not address the length of time that ore may be stored at the site. It is possible that ore will be produced at the Daneros Mine and remain on site for lengthy periods, because years of idleness and brief production runs, if any, are the normal course of operations for the region's uranium mines. Although the Plan does say that all hazardous materials will be removed from the mine site during extended periods of downtime, it doesn't limit the length of those periods. The BLM should place operational limits on the amount of time that ore can be stored openly at the Daneros Mine.

4.31. Cumulative Impacts: The Environmental Analysis must fully assess the cumulative impacts from historical mining operations at the Daneros Mine site, and historical mining activities in the surrounding area, including mining activities on U.S. Forest Service lands.

⁵ <http://www.msha.gov/drs/drshome.htm>

4.32. Power Generation: The Environmental Analysis should consider an alternative method of energy production at the mine. Energy Fuels expects to rely on diesel generators to provide the necessary power for the mine operation. The production of energy via solar power generation should also be considered and analyzed, because the Daneros Mine is in an area of minimal precipitation and plenty of sunshine.

5. SPECIFIC SECTIONS OF PLAN OF OPERATION MODIFICATION

5.1. Section 1.2 (Background), page 1-2, states: “This Modification is designed to facilitate mineral development activities for a minimum of five and up to approximately 20 years of continued production.” The Environmental Analysis must consider the fact that the mine will be in operational status for much longer than 20 years. Three of the Energy Fuels mines in San Juan County have been permitted for over 30 years, with production occurring for only a limited number of years. It is likely that a mine that would produce for 20 years might not be in operation and non-operational status for 40 to 50 years, if not longer. The Environmental Analysis must recognize and consider that the so-called “life of the project” will be a lot longer than 20-years.

5.2. Section 3.2.3 (Construction of Development Rock Areas), page 3-5, describes various angles of repose for the waste rock piles during the operation of the mine. During reclamation the angle of the slopes will be reduced and topsoil (when there is any), soil, and rock to create a cover (which will eventually erode). But, the history of uranium mining in Utah shows that there will be long periods of non-operation (often lasting for decades). As a result, there will be the low-grade ore piles, waste rock piles, and possibly stockpiled ore that will be at angles greater than the natural angle of repose, increasing the amount of degradation of the piles and dispersal of contaminants through the actions of wind and water. The Environmental Analysis must fully assess these processes and the impacts of having unreclaimed ore piles, ore pads, low-grade ore, waste rock piles, contaminated soils on site for decades without any reclamation and remediation work on these elements of the mining operation.

5.3. Section 3.2.6 (Installation of Drainage Control Structures), pages 3-7 to 3-8, includes information about catchment basins (retention ponds) to receive runoff during storm events. The Environmental Analysis should include information about what will happen to the sediments that accumulate in those ponds. Historically, levels of radionuclides that are higher than other contaminated soils in the area accumulate in the uranium mine runoff retention ponds; for example, the La Sal No. 2 Mine in Lisbon Valley, San Juan County. The Environmental Analysis must include information regarding radioactive cleanup action levels for those ponds for reclamation and remediation purposes.

5.4. Section 3.3 (Construction of Vent Holes and Access Roads), pages 3-11 to 3-13. The Environmental Analysis must include an analysis of the impacts from radon emissions from the mine when the mine is reopened via access to the Bullseye, Spook, and Jim Butts Portals. The reopening of old mine workings causes the release of

accumulated radon into the atmosphere. The conditions underground are hazardous to the workers. The Utah Division of Air Quality must approve the use of the Bullseye, Spook, and Jim Butts Portals for mine ventilation. Old mine openings should not be re-opened until radon monitoring devices are in place. Several years ago inspectors from the MSHA inspected the newly re-opened Beaver Shaft Mine in La Sal, Utah. Inspectors ordered mine workers out of the mine due to the high levels of radon underground. A similar situation will likely occur when Daneros Mine workers go underground and radon is emitted above ground when old mine workings are exposed. The impacts to workers and the surrounding area from the radon and radon progeny emitted from those workings must be analyzed. Also, above ground workers will be exposed to radon and radon progeny from the reopening of old mine workings. MSHA regulations do not protect the above ground workers from radioactive gases and particulates.

5.5. Section 3.3 (Construction of Vent Holes and Access Roads), pages 3-11 to 3-13. The BLM should not give blanket approval for the installation of additional vent holes. The mine owner should request a modification to the plan of operations when it intends to construct new vents, because the exact location of the vent holes is not know at this time and the emission of radon has the potential to adversely impact nearby workers if they are placed in the wrong area.

5.6. Section 3.6.1 (Rock Characteristics, Potential for DRAs to Produce Leachate), page 3-19, states: “The UNSAT-H simulations predict that leachate production under all three potential reclamation cover profiles will be negligible, with estimated percolation beyond 9.8 feet of approximately 0.0004 inches (0.001 centimeters) per year.” There is no relevant information on the potential for the waste rock piles to produce leachate during the decades before any reclamation covers are placed on the piles. Currently, there are a number of permitted, un-reclaimed uranium waste rock piles on BLM administered land in Utah that have been there for over 30 years. The Environmental Analysis must include a full analysis of the leachate potential for waste rock piles for the decades prior to reclamation. The Environmental Analysis must include a description of how the mine owner will monitor the leachate production from the waste rock piles, low-grade ore piles, stockpiled ore, and ore pads during mine operation.

5.7. Section 3.6.2 (Rock Management Plan), page 3-20, states: “These potentially acid-forming or deleterious materials will then be covered with an upper zone composed of inert materials prior to reclamation. The upper zone is designed to serve as a buffer to prevent upwards migration of products of sulfide mineral oxidation into the soil layer during evaporation and/or transpiration.” The Environmental Analysis must analyze the impacts from the upwards migration of sulfide mineral oxidation products during the many years (possibly decades) that the potentially acid-forming materials will be exposed to the atmosphere prior to the placement of an upper zone of materials during reclamation. The Environmental Analysis must also evaluate the impacts of the products from sulfide mineral oxidation from low-grade ore piles during the decades before the piles will be removed.

5.8. Section 3.7 (Quality Assurance Plans) page 3-20, does not provide the BLM or the public with enough information to evaluate the plans and determine their adequacy and how they might be improved.

5.9. Section 4.3 (Reclamation Plan, Drainages), page 4-3, does not provide any information regarding the reclamation of the runoff holding and catchment basins (retention ponds). There is no information regarding the cleanup and disposal of sediments or other materials that contain levels of radioactivity above background. The Environmental Analysis must include an analysis of the radiological aspects of these catchment basins, disposal of accumulated sediments, and an alternative that includes synthetic liners for these catchment basins.

5.10. Section 4.7 (Reclamation Plan, Isolation and Control of Acid-Forming, Toxic, or Deleterious Materials), page 4-7, discusses a radiation cleanup standard for contaminated soils at the mine site. The Plan Modification proposes a standard that is based on a dose limit. Any cleanup standard should be based on a level of radiation in the soils that is based on the number of pico Curies per gram (pCi/g) of radium. Such a radiological cleanup standard has been established by the EPA for the cleanup of soils at uranium mill sites during reclamation. The Plan Modification references an Nuclear Regulatory Commission (NRC) dose standard, but that standard applies to operating uranium mills, not reclaimed facilities that are released for public entry. The cleanup standard that the BLM should consider is found at 40 C.F.R. Section 192.32(b)(2). This standard applies to material similar to that found at uranium mine sites. The standard is “(i) 5 picocuries per gram (pCi/g), averaged over the first 15 centimeters (cm) below the surface, and (ii) 15 pCi/g, averaged over 15 cm thick layers more than 15 cm below the surface.” The BLM should also consider using the background at the site as the standard. The BLM must also consider site-specific standards that have been established by the EPA for uranium mine reclamation and EPA guidance. The BLM must not leave the establishment of a radioactive cleanup standard to the mine owner. It is the BLM’s responsibility to establish standards for the cleanup of deleterious radioactivity at uranium mine sites.

5.11. Section 5.5 (Air Quality Monitoring), pages 5-4 to 5-5, discusses compliance with 40 CFR Part 61 Subpart B, National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Radon from Underground Uranium Mines. The application refers to an approval of construction letter of May 23, 2012 (Attachment J). The Approval to Construct letter does not include the application for the Approval to Construct, submitted to the DAQ pursuant 40 C.F.R. § 61.07. Therefore, there is no information in Attachment J regarding the number and location of the ventilation shafts or other radon emission sources that were approved by the DAQ in 2012. The BLM must obtain a copy of the application for the Approval to Construct and make that document available as part of the NEPA record on the BLM Daneros Mine web page.

5.12. Section 5.5 (Air Quality Monitoring), pages 5-3 to 5-5, discusses compliance with 40 CFR Part 61 Subpart B, National Emissions Standards for Hazardous Air Pollutants

(NESHAPS) for Radon from Underground Uranium Mines. The application refers to an Approval of Construction letter of May 23, 2012 (Attachment J). The Approval to Construct states that the meteorological data used to determine the radon dose to the nearest receptors is from the Bullfrog Basin on Lake Powell. However, there is no information that demonstrates that the meteorological conditions at the Bullfrog Basin are in any way similar to the meteorological conditions at the Daneros Mine. The Daneros Mine is in a area with a variety of surface topography. The mine is near Fry Canyon and the Natural Bridges National Monument where people reside and recreate. Given the variable surface topography at the Daneros Mine, it is doubtful that the radon exposure calculations that rely on the meteorological conditions at Bullfrog Basin will be a reliable way of determining the dose to the nearest receptors, including the surface workers themselves. Additionally, the mine owners are not required to measure radon emissions when the Daneros Mine is not operating. However, natural updrafts from the mine and the flow of air from the mine portals during periods of non-operation means that, even during periods of non-operation, the mine will emit radon and radon progeny into the atmosphere. The radon progeny are taken up by soils in the vicinity of the vents and portals and accumulate in the soils and are a source of further dispersion of radiological contamination. The Environmental Analysis must consider these factors in its analysis of the radiological impacts of the Daneros Mine expansion.

5.13. Section 5.5 (Air Quality Monitoring), pages 5-3 to 5-5, does not include any information regarding the monitoring of radioactive particulates, such as uranium and radon progeny. The emission and dispersal of radioactive particulates is a major environmental and health hazard. The Environmental Analysis must consider the failure of the Plan Modification to include any monitoring for radioactive particulates at the mine site and any plan to measure and reduce those particulates during mine operation.

5.14. Section 5.6 (Radiation Monitoring), page 5-5, has a brief discussion of the MSHA regulation of worker exposure to dust and radiation. However, MSHA does not regulate worker exposure to uranium, radon progeny, diesel fumes, and other particulates at the mine surface. The Daneros Mine has already been cited by MSHA for exposures of workers to unacceptable levels of noise and diesel emissions underground. The Environmental Analysis must include a full analysis of the radioactive and non-radioactive hazards to workers—both aboveground and underground—and their health and safety impacts.

5.15. Section 6.1.1 (Interim Management Plan: Mine Portals and Vent Holes), page 6-1, does not consider the possible emission of radon and radon progeny from open mine vent holes during periods of non-operation, which may last for decades. The Environmental Analysis must include an analysis of the emission of radon and radon progeny from radon vents during periods of non-operation due to natural air flows, when measurement of those emissions is not required. The Environmental Analysis must also analyze the impacts when the mine access portals and vents are reopened after lengthy periods of non-operation when unvented radon has accumulated underground.

5.16. Section 8.9 (Worker Health and Safety), pages 8-14 to 8-15: This section fails to discuss the numerous citations from MSHA at the uranium mines owned and operated by Energy Fuels and its predecessor, Denison Mines. The many citations and monetary penalties demonstrate that the company and its contractors require closer scrutiny and attention with respect the health and safety of the mine workers. There is no discussion of the types of violations, why the violations occurred, their implications, and what Energy Fuels intends to do to reduce or eliminate health and safety violations at their uranium mining operations. There is no discussion of the unique worker health and safety issues associated with the reopening of old uranium mine workings, including instability and radon levels. There is no discussion of the lack of regulation of worker exposure to radon, radon progeny, uranium, and other radioactive particulates above ground. The Environmental Analysis must include a full assessment of worker health and safety issues, including a description and analysis of the health and safety violations at Energy Fuels/Denison Mines uranium mines since 2006, the beginning of the last uranium boom.

Commenters will supplement these scoping comments upon receipt of new information.

Sincerely,

Sarah M. Fields
Program Director
Uranium Watch

John Weisheit
Conservation Director
Living Rivers
P.O. Box 466
Moab, Utah 84532

Sarah M. Fields
Nuclear Issues Chair
Glen Canyon Group/Sierra Club
P.O. Box 622
Moab, Utah 84532

Jennifer Thurston
INFORM
P.O. Box 27
Norwood, Colorado 81423

From: [George Alderson](mailto:George.Alderson@blm.gov)
To: blm_ut_mt_minerals_comments@blm.gov
Subject: Comments re Daneros Mine project
Date: Thursday, February 20, 2014 8:23:15 AM

Dear BLM:

Please consider this message as our comment on the proposed expansion of the Daneros mine. We have been visiting southern Utah for work and pleasure starting in 1963. We saw the area surrounding the Daneros mine project on a memorable trip in 2004, and we appreciate its great public values. It is the proposed Upper Red Canyon Wilderness area, as proposed in America's Red Rock Wilderness Act, cosponsored by our own congressman and many others. A few miles away are Natural Bridges National Monument and several other proposed wilderness areas.

BLM, in exercising its authority for surface management, should hold mine impacts to the smallest possible surface area and make sure nothing is done to disqualify the area from future designation as wilderness.

We urge BLM to conduct an Environmental Impact Statement on this proposal, in view of the large change in surface area affected, from 4.5 to 46 acres, and the likely impacts on a proposed wilderness area.

BLM should study the decision made by the Forest Service in the Robin Redbreast mine project in May 2007 (GMUG National Forests). In that case the analysis by the FS, documented in an EIS, proved the mine would have many serious impacts harming public uses and degrading wilderness values. The forest supervisor's decision required the miners to use less damaging sites for the mine operations and for the mule and helicopter bases. The decision honored the miners' rights, and it also used the agency's authority to the fullest to protect the public values of the Uncompahgre Wilderness.

We ask BLM to include in the EIS analysis of the potential effects on human health and the natural environment both from the Daneros expansion and also the transporting and milling at the White Mesa Mill.

In the end, we believe BLM will see the wisdom of rejecting the proposal.

Sincerely,
George & Frances Alderson
112 Hilton Ave.
Catonsville, MD 21228
Email: george7096@verizon.net

JOHNSON
Fry Canyon
HC 60 Box 220
Lake Powell, UT 84533

RECEIVED
MONTICELLO FIELD OFFICE
14 FEB 25 AM 10:39
DEPT. OF THE INTERIOR
BUREAU OF LAND MGMT

February 22, 2014

Bureau of Land Management
Monticello Field Office
Attn: Minerals Program
P.O. Box 7
Monticello, UT 84535

Re: UTU-74631 - Daneros Mine Plan Modification

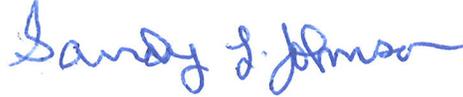
As the grazing lease holder in the area of the Daneros mine, I have several comments to make regarding my experience with the previous mining operation and the proposed mine plan modification.

1. Road maintenance - During the last mining operation of a few years ago, the county turned over road maintenance from Highway 95 to the mine site to the mine operation. As well intentioned as the blade operator may have been, I strongly recommend that this not be done in the future. What was a newly graveled 1.5 miles stretch of county road, beginning at the highway turnoff, is no longer graveled because the road operator for the mining operation kept pulling dirt over the gravel. Time and time again. Side access roads became practically inaccessible because the bar ditches kept getting deeper and deeper with each pass of the blade. In many places the road was widened considerably. In one place it was even closed and relocated. Now, I don't mind the wider road or even the relocated stretch of road. What bothers me is the blind eye the BLM and county turned to all of this. The county should maintain the road and not turn it over to the mining operation or its subcontractors.
2. Dust control - During the last go round of this mine, there was supposed to be dust control. It was in the plan. But it was never enforced. Fry Canyon was covered in dust all week while the trucks and mine traffic were running the roads. The trees, brush and grass were covered with dirt. Not only should dust suppression be in the plan again, it must be enforced. It would be good if the county would just gravel the road all the way to the mine.
3. Mine camp - I ask that the miners be allowed to camp up in the mining area and not down in Fry Canyon. With the increase in the size of the mining operation and with the good well that exists there, the miners should camp right there. That would reduce some of the traffic on the road as they travel to and from work. They drive way too fast for a dirt road anyway. I do have cows in the area. And, unfortunately, there was a lot of drinking with the miners previously. Sometimes they would shoot

guns. I not only have cows in the area in the winter, my family and I live there. It just was not a good situation over all.

I am not against mining and the folks working to make a living. But this area is overrun with debris left from years of mining and unreclaimed areas. I use these lands to make my living, too. I have to act responsibly. I expect the same from the mining companies. The BLM and the county have regulations they should enforce with mining just like they do with grazing.

Sincerely,



Sandy L. Johnson

Cc: San Juan Co.
Energy Fuels - White Mesa Mill

From: [Danielle Montague-Judd](mailto:Danielle.Montague-Judd@blm.gov)
To: blm_ut_mt_minerals_comments@blm.gov
Subject: Comments on the Daneros Uranium Mine Expansion
Date: Sunday, March 02, 2014 12:17:24 PM

To Whom It May Concern:

I am commenting on the scope of the EA for the proposed expansion of the Daneros Uranium Mine in San Jan County, UT. There are a number of concerns related to this expansion that must be addressed. Specifically:

--The Daneros Mine is close to Natural Bridges National Monument. The dust, radioactive emissions, truck traffic to the White Mesa Mill, and the cumulative long-term degradation of the land will have a negative impact on this area for many decades.

--The mine owner, Energy Fuels Resources Inc. (EFR), and its predecessor, Denison Mines Corp., and their contractors have histories of non-compliance with federal Mine Safety and Health Administration regulations, including those associated with their responsibility for the fatal death of a mine worker in 2010.

--The reopening of old mine workings and portals will cause accumulated radon to be released from the mines and have a greater impact on underground mine workers.

--Continued uranium mining on the Colorado Plateau will require continued expansion of the tailings impoundments at the White Mesa Uranium Mill, south of Blanding in San Juan County. Expansion of the impoundments will likely destroy more of the unique, archaeologically and culturally significant underground pit houses, storage areas, burials, and other artifacts in the area.

- EFR currently has seven other permitted, but non-operational uranium mines in Utah (La Sal Complex, Pandora, Energy Queen, Rim, Sage, Tony M, Pine Ridge), with no schedule for when these mines will reopen or when they will close and be remediated. All but one of these mines is in San Juan County. No further mining should occur until EFR has scheduled the remediation of existing permitted mines.

- The BLM should develop a full Environmental Impact Statement (EIS) for the Daneros Mine expansion.

Thank you for considering these requests and for the opportunity to comment.

Sincerely,
Danielle Montague-Judd
Wanship, UT

From: [Southern Utah Wilderness Alliance](#) on behalf of
To: blm_ut_mt_minerals_comments@blm.gov
Subject: Please Deny the Daneros Mine Expansion
Date: Friday, February 14, 2014 11:19:46 PM

Feb 15, 2014

Mr. Donald Hoffheins
UT

Dear Mr. Hoffheins,

Scarred landscapes, contaminated water, and deadly gases are current reminders of the historic uranium mining and milling operations in southeastern Utah. Old abandoned uranium mines on our public lands pose health, safety and environmental risks to residents, visitors and wildlife. These issues should be resolved before additional uranium mining on public lands, such as the proposed expansion to the Daneros uranium mine, are approved.

The lands surrounding the proposed uranium mine expansion are recognized around the world for their scenic beauty, geologic wonders, archeological treasures, dark skies, clean air and unspoiled wilderness.

I urge the BLM to conduct a comprehensive analysis of the potential effects to human health and the natural environment from the proposed expansion of the Daneros uranium mine and the associated transporting and milling of the uranium ore at the White Mesa Mill near Blanding, Utah. The BLM must disclose these impacts and risks to the public, and subsequently deny the mine expansion proposed by Energy Fuels.

Sincerely,