



KRIS MAYES
Attorney General

Office of the Attorney General
EXECUTIVE OFFICE

Phone: 602-542-7000
www.azag.gov

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VIA CERTIFIED MAIL AND EMAIL

Nicole Branton
Supervisor, Kaibab National Forest
US Department of Agriculture
Forest Service, Southwest Region
800 South 6th Street
Williams, AZ 86046
(928) 635-8200

Re: Supplemental Environmental Impact Study Needed for Pinyon Plain Mine

Dear Ms. Branton:

I am writing to request the Forest Service issue a supplemental Environmental Impact Study (“EIS”) for the Pinyon Plain Mine (“the Mine”). The original EIS, completed 38 years ago, is based on an outdated, inaccurate understanding of the risks posed by the Mine to groundwater supplies across the Grand Canyon region.

The Mine, operated by Energy Fuels Resources, Inc. (“EFRI”), is located on the culturally, historically, and geologically significant lands of the Baa Nwaavjo I’tah Kukveni – Ancestral Footprints of the Grand Canyon National Monument. These lands include the Red Butte Traditional Cultural Property and the Kaibab National Forest. In addition, the Mine sits atop the Coconino and Redwall-Muav Aquifers and is a mere seven miles from the Nation’s treasure and natural wonder of the world: The Grand Canyon. The Forest Service is tasked with stewarding this remarkable land. To do so effectively, it is vital that the Forest Service acts with a current, accurate understanding of the region’s complex hydrogeology.

The Forest Service developed its EIS for the Mine 38 years ago.¹ When operations at the Mine resumed in 2012 after decades of being on “stand-by status,” a court found that resuming operations “was not an approval of a new project” thus, a

¹ US Department of Agriculture, Forest Service. *Final Environmental Impact Statement: Canyon Uranium Mine*. (Sept. 1986), https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5346657.pdf.

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new NEPA analysis was not required.² Nevertheless, a supplemental EIS is now necessary because scientific advances in groundwater modeling unequivocally show that the 1986 EIS's claim that the Mine is not a threat to regional water supplies is wrong. Failure to supplement the EIS could result in devastating consequences for the region—especially for vulnerable communities like the Havasupai Tribe.

The Forest Service's 1986 EIS contends "construction and operation of the [M]ine will not impact the Redwall-Muav aquifer" because "[g]round water flows, if they exist, are likely to be at least 1,000 feet below" the Mine.³ The Forest Service's assumptions about groundwater depth were proven incorrect in 2016 when EFRI likely punctured the Coconino aquifer during shaft sinking operations.⁴ EFRI has since pumped out tens of millions of gallons of water from the mine shaft.⁵

Likewise, advances in hydrogeology undermine the Forest Service's claim that the Redwall-Muav aquifer is unaffected by the Mine. A new, peer-reviewed study suggests Grand Canyon-area groundwater systems, including the Coconino aquifer EFRI punctured in 2016⁶, are far more interconnected than the 1986 EIS posits.⁷ In fact, aquifers are linked through fault pathways that act as fluid superhighways—allowing heavy metals and other mining byproducts to travel to other groundwater reservoirs across the region.⁸ These pathways make it "highly likely" that mining contaminants will be transported between the Coconino and Redwall-Muav aquifers and into the broader Grand Canyon region.⁹

Aquifer connectivity is a vital issue for communities down-gradient from the Mine like the Havasupai Tribe, which relies solely on the Redwall-Muav aquifer for drinking water at Supai village and to supply Havasu Falls.¹⁰ Contamination from the Mine's operations could quickly spread to the Redwall-Muav aquifer, endangering the Havasupai, other vital waters in the Grand Canyon, and the many plants and animals that rely on that water. The Forest Service should not ignore the devastating environmental, spiritual, cultural, and economic impacts of such widespread

2 *Grand Canyon Tr. v. Williams*, 98 F. Supp. 3d 1044, 1064 (D. Ariz. 2015), *aff'd sub nom. Havasupai Tribe v. Provencio*, 876 F.3d 1242 (9th Cir. 2017), withdrawn and superseded on denial of reh'g en banc, 906 F.3d 1155 (9th Cir. 2018), and *aff'd in part, vacated in part, remanded sub nom. Havasupai Tribe v. Provencio*, 906 F.3d 1155 (9th Cir. 2018).

3 US Department of Agriculture, Forest Service. *Final Environmental Impact Statement: Canyon Uranium Mine*, at vii and 4.38.

4 Grand Canyon Trust, *Canyon Mine: Why No Uranium Mine is "Safe" for the Grand Canyon Region*, April 2020, https://www.grandcanyontrust.org/sites/default/files/resources/Canyon_Uranium_Mine_Report_April_2020.pdf, at 18.

5 Grand Canyon Trust, *History of Flooding at Pinyon Plain Mine (Formerly Canyon Mine)*, June 14, 2024, <https://www.grandcanyontrust.org/history-flooding-water-canyon-mine-pinyon-plain-mine>.

6 Grand Canyon Trust, *Canyon Mine: Why No Uranium Mine is "Safe" for the Grand Canyon Region*, at 18.

7 L.J. Crossey et al., *Hydrotectonics of Grand Canyon Groundwater*, 52 *Annu. Rev. Earth Planet. Sci.* 521, 540 (2024).

8 L.J. Crossey et al., *Hydrotectonics of Grand Canyon Groundwater*, at 541.

9 *Id.* at 540.

10 *Id.* at 542.

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contamination.

In light of this new evidence about the adverse effects of mining operations on Arizona's groundwater, I urge the Forest Service to develop a supplemental¹¹ EIS for the Mine, as required by NEPA,¹² and to ensure appropriate measures based on current science are taken to protect the groundwater systems, ecosystems, and communities impacted by uranium mining in the area.

Sincerely,



Kris Mayes
Attorney General
State of Arizona

cc:

Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105
R9.info@epa.gov

¹¹ The agency has discretionary authority to “prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so”. 40 C.F.R. § 1502.9(d)(2). The purpose of NEPA is to ensure the protection of the environment, placing upon the federal government the duty “to use all practicable means and measures to foster and promote the general welfare, create and maintain conditions under which humans and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans,” including but not limited to: protecting natural resources, “attain[ing] the widest range of beneficial uses of the environment without degradation, risk to health or safety,” and preserving “important historic, cultural, and natural aspects of our national heritage.” 40 C.F.R. § 1500.1

¹² 40 C.F.R. § 1502.9(d)(1)(ii)