

Communities and Uranium

THE WORK CONTINUES

The prospects of renewed uranium mining in New Mexico and Arizona had residents of mining-impacted communities — and several members of SRIC’s staff — on the move this spring. Groups from Churchrock and Crownpoint chapters of the Navajo Nation traveled to Denver to hear oral arguments in a lawsuit seeking to overturn federal licensing of proposed *in situ* leach (ISL) mines in their communities. Residents of Laguna Pueblo, Cebolleta Land Grant, Acoma Pueblo, Milan, New Mexico, and various Navajo communities facing ongoing impacts of abandoned mines met three times in Grants, New Mexico, to organize a multicultural alliance to advocate for safe energy and resist new uranium development. SRIC staff gave expert testimony in court depositions and at a congressional field hearing on Flagstaff, Arizona, on March 28 about potential impacts of new uranium mining on both sides of the Grand Canyon. And community members featured in an award-winning and new documentary on the impacts of uranium and coal development on traditional Navajo ways gathered in Window Rock on April 17 for a screening of the film, *Woven Ways*. Short discussions of each of these actions follow. Further details are available at www.sric.org.

ORAL ARGUMENTS IN ENDAUM V. NRC

Twenty-eight people from the Churchrock and Crownpoint areas of the Navajo Nation, including nine middle school students holding placards reading, “Say no to uranium, say no to sickness,” joined supporters from Colorado and South Dakota in Denver on May 12 to witness the culmination of a 14-year-long citizen intervention in the federal licensing of Hydro Resources, Inc.’s (HRI), Crownpoint Uranium Solution Mining Project.

The 10th Circuit Court of Appeals heard oral arguments by lawyers for Eastern Navajo Diné Against Uranium Mining (ENDAUM), SRIC and two Navajo women in a federal lawsuit (ENDAUM v. NRC) that



Oral Arguments for ENDAUM versus NRC were heard on May 12. Supporters from the Navajo Nation, Colorado, and South Dakota attended.

seeks to overturn a license issued by the U.S. Nuclear Regulatory Commission to HRI in January 1998 allowing the company to conduct ISL mining (a form of uranium processing) at two sites in Churchrock and two in and near Crownpoint — the two most populace chapters in the Eastern Navajo Agency.

ENDAUM members, who first petitioned to intervene in NRC’s licensing of the HRI project in late-1994 and early-1995, gathered on the steps of the Federal Court House in Denver prior to the hearing to tell reporters that ISL mining would harm their water supplies.

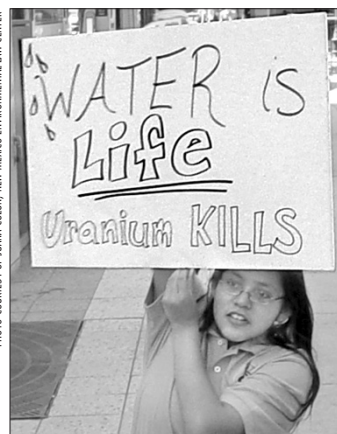
“When I worked in uranium mining, I saw how much water was used, and it was a fraction of what is being proposed now,” Mitchell Capitan, an ENDAUM co-founder, told *Indian Country Today*. Capitan said his opposition to ISL mining formed in the 1980s when he worked as a laboratory technician at a test-scale ISL mine operated by Mobil Oil Co. a few miles west of Crownpoint, and

learned that a company with the resources of Mobil could not successfully restore the aquifer to its original water quality, even on a pilot scale.

“They walked all over us,” Capitan’s wife, Rita, said of uranium companies that operated in the Crownpoint area in the 1970s. “This time they won’t. They’re outsiders; why should we let them come in and take what we have?”

Savanna Cowboy, 15, a student at Crownpoint Middle School, told Associated Press reporter Ben Neary that the school is about a half-mile from HRI’s proposed processing uranium plant. “I know for a fact what uranium can cause,” Cowboy said. “It causes health problems, health effects and contaminates the water really bad.”

Debra White Plume of Owe Aku/Bring Back the Way, a nonprofit Lakota organization from the Pine Ridge Reservation, said she OA/BBW attorney David Frankel



Meriel Simpson from Crownpoint Middle School shows her support for ENDAUM and her community.

drove to Denver to attend the hearing to support the Navajo communities and learn more about the NRC licensing process now that her organization and other groups in South Dakota and Nebraska have been granted standing to intervene in NRC’s review of the expansion of the Crow Butte ISL mine near Chadron, Nebraska. “I want to stand by my brothers and sisters of the Diné Nation and their allies who work to protect their precious water from the uranium corporations,” White Plume said. “Any cases that involve uranium companies and the NRC relate to our work — to not have the companies come into our area.”

Inside the packed courtroom, Eric Jantz with the New Mexico Environmental Law Center told the three-judge panel that the NRC failed to fulfill its congressional mandate to protect public health and safety by:

- declaring radiation from existing mine waste at HRI’s Section 17 mine site “background,” thereby allowing neighbors to be exposed to radiation doses that exceed NRC limits and exempting HRI from having to clean up the waste;
- allowing HRI to risk contaminating good-quality groundwater outside of the mining zone at its Churchrock Section 8 mine by conducting a full-scale leaching experiment first; and
- proposing a level of financial surety, or bond, that is based on flushing the aquifer too few times to restore groundwater quality to pre-mining conditions.

With respect to groundwater protection, Jantz said the HRI proposes to leach uranium “in the same aquifer where the town of Crownpoint gets its water.” In response, Judge David M. Ebel said, “I can’t even begin to understand that.”

Later in the hearing, Judge Carlos Lucero asked HRI attorney Anthony Thompson, “What’s to keep this water from flowing into the municipal drinking water?” According to Neary’s AP report, Thompson said the company would be responsible for monitoring wells in the area and would always pump more water from the ground than it would inject back in to make sure that nothing flowed away from the sites. But Lucero seemed unconvinced. “In other words,

the licensee’s checking himself?” the judge asked. “You don’t have the city or some independent body doing it?” The judge, echoing a concern that ENDAUM and others had been citing throughout the lengthy adjudication of HRI’s license, said there would be no way to know whether the Hydro Resources’ plan would work to protect citizens’ drinking water until the process started.

Jantz also argued that NRC’s draft and final environmental impact statements for the project violated the National Environmental Policy Act by misleading the public into thinking that the existing radioactive waste at the Section 17 would be cleaned since the wastes were placed at the site by human activities. Jantz was assisted at the hearing by Washington, D.C., attorney Diane Curran and by Zacheree Kelin, a DNA-Peoples Legal Service lawyer representing intervenors Marilyn Morris and Grace Sam of Pinedale Chapter.

A decision by the court on ENDAUM’s appeal is not expected for several months.

WOVEN WAYS

A new award-winning documentary, *Woven Ways*, interweaves stories of five Navajo families with the land and livestock that sustain their culture and economy, and why they believe that uranium and coal mining threaten their health and traditional ways.

Directed by Linda Helm Krapf, *Woven Ways* had its first showing in Navajo Country at the Navajo Nation Museum on April 17, and soon thereafter, received the Best Documentary Film Award at the Rainier Independent Film Festival in Seattle.

The film’s only narration consists of the words of the Diné who raise cattle and sheep on lands adjacent to



Navajo weaver Sarah Natani

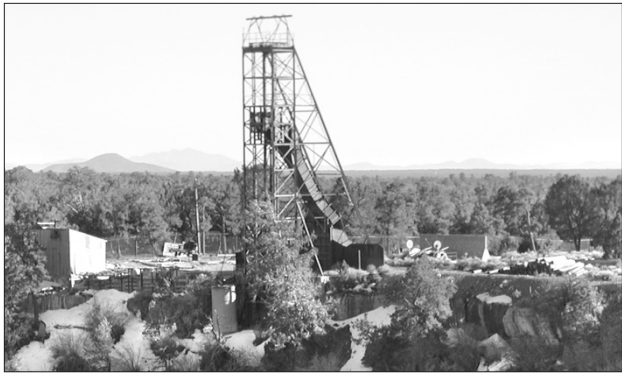


Navajo weaver Grace Tsosie, Board member of ENDAUM

uranium waste dumps and near proposed coal mines and power plants. They suffer from deliberating injuries they attribute to their past work in underground uranium mines and from respiratory distress that they say comes from living in the shadows of coal-burning power plants. The film also features the story of a group of Navajo girls from Borrego Pass, New Mexico, who have learned the ways of traditional sheep herding and rug weaving on their way to

attaining college educations in the hopes of bringing positive change to Navajo Country.

Viewers can learn more about the film by visiting www.wovenways.org, or by contacting Linda Helm Krapf at lindahkrapf@comcast.net or linda@wovenways.org. Copies of the film are available on DVDs, and Krapf is encouraging people to circulate the film at schools, in communities and on public-access television. Screenings of the film will be at the Talking Sticks Film Festival in Santa Fe, June 21–26, 2008, and at the Heard Museum in Phoenix on November 1 in conjunction with the annual Navajo Weavers’ Marketplace Event. Donations to support *Woven Ways* are tax-deductible through the International Center for Global Communications, Inc.



The abandoned Orphan (uranium) Mine rises above the lip of the South Rim of the Grand Canyon National Park.

POST-71 URANIUM WORKERS UPDATE

Advocates for including post-1971 uranium workers in the compensation scheme of the federal Radiation Exposure Compensation Act (RECA) are circulating a petition to Congress in support of possible RECA amendments this year and into a new Congress in 2009. The petition states simply, "We, the undersigned, are in favor of extending the RECA program to include all miners, mill workers, and ore haulers that worked in the uranium industry up to and including 1990."

Linda Evers of Milan, New Mexico, one of the founders and volunteer workers for the group, Post-71 Uranium Workers Committee, said she is busy summarizing data from nearly 1,550 informal surveys her group has circulated among former uranium workers in an effort to document their exposure histories and health problems. Data from the survey are being supplied to Congress as part of the basis for amendments to extend compensation eligibility to people who worked in uranium operations between 1971 and 1990.

"The petition came about because we needed something simple that people could use to support amending RECA to include Post-71 workers," said Evers. "Anyone can sign the petition, you don't need to be a former uranium worker."

Completed petitions, or even petitions with a single signature, should be sent to Attention Post 71 Petition, P.O. Box 1591, Grants, New Mexico, 87020. Former uranium workers wishing to complete a survey, or people interested in getting a petition, should contact Linda Evers at (505) 287-2304.

GRAND CANYON URANIUM MINING

Rising uranium prices have spurred exploration and talk of new mining throughout the Colorado Plateau, including on federal public lands on both sides of the Grand Canyon. More than 3,000 uranium mining claims have been staked within 10 miles of Grand Canyon National Park since 2005 alone, and a number of tribal governments and environmental groups have weighed in, opposing new uranium development and supporting proposed federal land-withdrawal legislation around the Canyon. SRIC's uranium impact technical staff was invited to contribute to policy discussions and legal actions addressing both past and prospective mining impacts around the Grand Canyon.

The proposed legislation, H.R. 5583, would withdraw nearly 1 million acres of U.S. Forest Service and U.S. Bureau of Land Management lands on both sides of the Grand Canyon from mineral development under the 1872 Mining Law. The bill was introduced in March by Arizona congressman Raúl M. Grijalva, whose House Subcommittee on National Parks, Forests and Public Lands held a joint hearing with the House Subcommittee on Energy and Minerals in Flagstaff, Arizona, on March 28 to take testimony on the potential impacts of uranium development around the Grand Canyon.

In opening remarks at the March 28 hearing, Grijalva said that his proposed legislature is needed "to prevent

further degradation of the environment of the Canyon and especially to protect the people who live in and near the Canyon from the dangers of this radioactive metal. The legacy of uranium mining is still not behind us," he said, "and until we have learned to safely mine and process this material, this is no place to be moving forward with new mines."

Leaders of five Indian nations — Navajo, Kaibab-Paiute, Hopi, Hualapai and Havasupai — all agreed that no uranium mining should occur in and around the Grand Canyon because its lands and waters are sacred to Native Americans of the region and the Canyon itself is "homeland" for the Hualapai and Havasupai tribes.

"The Grand Canyon was formed by Hualapai Warrior in our creation stories," said Charlie Vaughn, Hualapai chairman. "This land is sacred to the Hualapai, who are concerned that restraint will not be exercised.... It is our concern that the proliferation of mining activity near the

Grand Canyon may affect the water that flows underground and issues at places like Havasu Falls."

Chris Shuey, who directs SRIC's Uranium Impact Assessment Program, testified that not enough is known about how mining of the uranium-rich breccia pipes near the Canyon will affect groundwater flows and water quality in dozens of springs that discharge from the

Canyon walls on both the South and North Rims. He said water quality monitoring in creeks near an abandoned mine located on the South Rim suggests that the potential for groundwater impacts on a larger regional scale is real.

Shuey testified that recent hydrologic studies identified mine wastes at the abandoned Orphan Mine on the South Rim slope as the "probable source" of high uranium levels in two nearby creeks. "Salt Creek and Horn Creek had the highest uranium levels in 20 springs and seeps tested" in a 2001 U.S. Geological Survey (USGS) study, he said, adding that water quality in the vast majority of springs and creeks monitored by USGS and the National Park Service met most federal primary drinking water standards and that the overall water quality was good to excellent.

Shuey said at least five radiation surveys conducted over the last 20 years at the upper level of the Orphan Mine, located on the edge of the South Rim between two popular Canyon overviews, Maricopa and Powell Points, demonstrated that "radiological impacts of uranium mining last virtually forever, and certainly long after ore was last produced." (Uranium production at the Orphan Mine ended in 1969.) He said similar long-term environmental impacts have been documented in residential areas around abandoned mines in Navajo communities in New Mexico, and that preliminary results of community-based health studies indicate that living near abandoned mines may contribute to a variety of chronic diseases.

Forest Service and National Park Service officials, conservationists and river runners, local government officials, and mining industry advocates also testified at the hearing. (Their written statements can be viewed at <http://resourcescommittee.house.gov>; click on "Subcommittees," then on "National Parks, Forests and Public Lands," then on "Hearings and Markup" and scroll down to see the lineup for the March 28 hearing.)

One industry witness, Dr. Karen Wenrich, showed photos of uranium mines that had been reclaimed after operating for several years in the 1980s on public lands in the Arizona Strip, north of the Grand Canyon. Wenrich said the photos are proof that the uranium industry has improved its

mining and reclamation practices such that the mistakes of the 1950s, '60s and 70s would not be repeated.

Taylor McKinnon, a staffer for the Center for Biological Diversity (CBD) in Flagstaff, provided *Voices from the Earth* photos he took of the largely unreclaimed Kanab North Mine, also located in the Arizona Strip a few miles from the mine sites featured in Wenrich's pictures. McKinnon asserted that industry practices have in fact not changed, citing his visit to a uranium exploration site south of the Canyon on the day after the Grijalva hearing, at which time he said he observed and took pictures of yellowish-gray drilling muds spilling from the bottom and over the top of a trailer and into a local drainage.

McKinnon recited his field experience in a declaration filed in early April in support of a petition by CBD, Sierra Club's Grand Canyon Chapter, and Grand Canyon Trust in federal court in Phoenix for a temporary restraining order (TRO) to stop uranium exploration by VANE Minerals, Inc., in the Tusayan Ranger District of the Kaibab National Forest. The Ranger District had approved VANE's plan to drill 1 to 8 exploration holes at each of eight locations in the Forest in late December. The sites are located within eight to 25 miles of the Park's southern boundary, east of Arizona Route 67.

The environmental groups sought the TRO to challenge the Forest Service's decision classifying the exploration program as a "categorical exclusion" from environmental review requirements of the National Environmental



The Canyon (uranium) Mine sits idle on U.S. Forest Service lands near the town of Tusayan, Arizona, about 10 miles south of the Grand Canyon. New owner Denison Mines Corp. has indicated the mine could be brought on line as soon as various regulatory permits are renewed.

Policy Act (NEPA). On April 5, a federal judge agreed with the environmental plaintiffs, issuing a preliminary injunction halting further exploration by VANE and ordering the Forest Service to revisit its environmental review responsibilities under NEPA.

SRIC Research Director Paul Robinson said in a declaration on behalf of the plaintiffs' petition that the Ranger District Decision Memo failed to identify, or require VANE Minerals to provide, critical environmental baseline data at the proposed exploration sites. Robinson said the lack of data on existing levels of uranium, other heavy metals and radionuclides in soil, plants and animals prevents the Forest Service from determining "if exploration activity results in increases in the concentrations [of these toxic substances] at the proposed sites," or interferes with the development of newborn deer and antelope in fawning habitats within the Tusayan District.

Robinson also cited the Tusayan Ranger District's Decision Memo's lack of data on groundwater quality that may be affected by drilling into uranium-bearing breccia pipes, absence of mitigation for migratory birds and other wildlife from mistaking drilling mud pits for ponds, and failure to include an inventory of Native American traditional cultural properties and "heritage sites" that could be disrupted by exploration activities. ✈

More information on uranium issues around the Grand Canyon may be obtained from the following web sites:

www.grandcanyontrust.org/whatsnew/02_29_08uranium2.php

www.biologicaldiversity.org/news/press_releases/2008/uranium-exploration-03-12-2008.html

www.biologicaldiversity.org/news/press_releases/2008/uranium-exploration-03-28-2008.html

www.biologicaldiversity.org/news/press_releases/2008/uranium-exploration-04-05-2008.html