



Office of Peace, Justice & Creation Stewardship
 Under the auspices of Catholic Charities of Gallup Diocese
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October 4, 2007

Chief
 Rules Review and Directives Branch
 Mail Stop T-6D59
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555-0001

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RULES AND DIRECTIVES
 BRANCH
 10/10/07

Dear Sir,

On the occasion of NRC's public meeting held in Gallup, N.M., September 27, 2007, for the purpose of "seeking public comment for a 'generic environmental impact statement' (GEIS) for uranium recovery operations, including in situ leach recovery facilities and conventional mills," we are writing to express strong opposition to the proposed GEIS.

- There is nothing "generic" about the multi-layered, highly intertwined and convoluted underground alluvial water channels formed by mid-continental U.S. ocean waters alternately advancing and receding over a period of 74 to 98 million years ago. Twenty experts in hydrology and geology have presented scientific evidence of these facts in testimony to the U.S. Nuclear Regulatory Commission in the case involving Hydro Resources Inc.'s proposed in situ leach uranium mining project in Crownpoint and Church Rock, New Mexico.

In addition, we want to make clear that the **Catholic community of Gallup Diocese** opposes all future uranium mining or milling in Church Rock, Crownpoint, Mount Taylor and elsewhere in New Mexico and the Southwest, based on moral, ethical, spiritual and environmental justice principles.

As Catholic community, we also stand in active solidarity with the Navajo Nation in defending and upholding their **2005 Diné Natural Resources Protection Act** banning all future mining and milling of uranium on Navajo lands.

"We belong to the Earth. The Earth does not belong to us," Chief Seattle reminded us in 1854. Though it is obvious that human life, all living things are totally dependent on the integral functioning of the bio-systems of Earth, our western civilization continues to pathologically regard the Earth as a material resource to be fully exploited for development and corporate economic profit. Rather, we regard the Earth as a communion of subjects, all of us participating in the one web of life. The reality of global warming also challenges us to see that there are moral, ethical and environmental justice principles and values involved in every human decision that impacts the one community of life to which we all belong.

Bishop Pelotte's Pastoral Statement: "God's Sacred Gift of Water"

Learning of the renewed threat of uranium mining in the Diocese of Gallup, Bishop Donald Pelotte responded by issuing a pastoral statement, *"God's Sacred Gift of Water,"* addressed to all people of faith in the diocese. The bishop intended to place discussion of this critical issue within the much wider context of the covenant relationship each person has with our Creator and all God's Creation.

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For people of faith, there are foundational beliefs which underpin our covenant relationship with God and guide decisions and actions in daily life:

- Creation of the Universe is the first blessing, the first revelation of the Creator's love and goodness. In the book of Genesis, after God had created the Universe, the Earth and all living beings, God looked upon all that God had created "and saw that it was good."
- All human beings are created in the image and likeness of God and we are part of this love-imbued Creation.
- We are entrusted with a sacred vocation to reflect God's love and care for Earth, all people and creatures, ensuring the continuation of Earth's community of life for present and future generations.

In his pastoral statement, Bishop Pelotte clearly addresses the renewed threat of uranium mining as an environmental crisis impacting sacred and vital water reserves essential for all life. Thus, it is a deeply spiritual, moral and ethical challenge for all people of faith. There is only one community of life on Earth, and water and life are inseparable.

Whenever life-sustaining water reserves are threatened, we are all challenged anew to deepen our respect and appreciation of water as God's sacred gift and to exercise responsible stewardship in defending and conserving precious water resources in our desert environment.

The pastoral statement clearly identifies proposed in situ leach uranium mining projects on Navajo lands, in New Mexico and the Southwest, as imminent threats to the aquifers, people, lands, plants, animals, wildlife and surrounding communities as well.

Irreversible contamination of Aquifers and Water Sources by In Situ Leach Technology

Numerous scientific and medical experts warn that invasive, experimental in situ leach uranium mining technology to be used would invade and irreversibly contaminate water reserves in the aquifers, as well as pollute soil and air in the region, at a time of continuing drought in the Southwest, increasingly exacerbated by global warming. There is no scientific evidence showing that water sources once contaminated by in situ leach uranium mining have ever been restored to pre-operation quality standards, or safe levels for drinking or use.

- In Kleberg County, Southwest Texas, near the King Ranch, Teo Saenz and his family and neighbors are struggling to protect their land and water from pollution from Uranium Resources Inc.'s underground in situ leach uranium mining and from regulatory neglect from the state government. Teo's family, neighbors and the City of Kingsville use the Goliad aquifer for their drinking water. Because of concerns about contamination from radioactive and chemically toxic substances caused by URI's mining operations, several of Teo's neighbors have had to shut down their water wells. For years, Teo and his neighbors have tried to get Uranium Resources Inc. to clean up the heavy metals and radioactive materials created by URI's mining operation as required by their Texas Natural Resources Commission (TNRCC) permit, **to no avail**. ("Uranium Mining Pollution near the King Ranch," www.txpeer.org/toxictour/uri.html)

Nuclear Power not a Renewable Energy

Claims that nuclear generated power is a cure-all panacea and preferred energy alternative to curb global warming are not grounded in reality. The entire nuclear chain, which comes at a sacrificial price threatening the life of human communities, animal and wildlife, natural habitats and ecosystems, includes uranium mining,

processing, enrichment, fuel use, weapons testing and deployment, transporting radioactive waste along major highways, railways, and nuclear waste dumping on Native lands.

In the U.S., nuclear energy requires enormous public subsidies: lavish federal grants, loan guarantees and risk insurance, all at taxpayers' expense. And the lingering problem of how to safely dispose of radioactive waste remains to be solved. At the same time, we know that technology exists for earth friendly energy alternatives derived from solar energy, wind power, and other renewable sources.

The so-called nuclear resurgence is really about getting U.S. taxpayers to pay wealthy electric utilities to use a failed technology none of these companies would even touch if they had to use their own money. **These priorities are not only misplaced, they are dangerous and potentially catastrophic.** Because the climate crisis is real, we are going to need to expend serious resources to address it. But using \$15 Billion in subsidies already authorized, and another potentially \$50 Billion for new nuclear reactors (with a mere \$1.2 Billion in Bush administration funding for renewable energy and energy efficiency programs in 2008) will not help the climate: as Amory Lovins of Rocky Mountain Institute points out, **"every dollar invested in nuclear expansion will worsen climate change by buying less solution per dollar..."**

Most nuclear promoters also ignore proliferation and terrorism entirely. Even waste material from a peaceful power plant could be used in "dirty bombs" that could render entire cities uninhabitable. In the real world nuclear power plant accidents happen. Yet the U.S. Nuclear Regulatory Commission does not even require nuclear power plants to protect themselves from rocket-propelled grenades.

Energy and climate issues are going to dominate public discussion for years. We all need to be sure that energy choices made now reflect concern for the entire Earth community, the common good of present and future generations, are effective at addressing the climate crisis and do not bring us atomic meltdowns, more radioactive waste, less security and more nuclear weapons proliferation.

We choose a clean, safe, sustainable energy future and reject the death-dealing nuclear fuel chain.

Peace blessings,

Sister Rose Marie Cecchini, MM

Sister Rose Marie Cecchini, MM
Coordinator

Documents Enclosed:

- 1) Pastoral Statement, "God's Sacred Gift of Water," Bishop Donald Pelotte, Gallup Diocese.
- 2) 2005 Dinè Natural Resources Protection Act, Navajo Nation Council.
- 3) City of Gallup Resolution R2006-43, "A Resolution in Support of the Dinè Natural Resources Protection Act."
- 4) "Uranium Mining Pollution near the King Ranch," www.txpeer.org
- 5) "Summit Declaration Demands Worldwide Ban on Uranium," "Indigenous World Uranium Summit, Window Rock, AZ, Navajo Nation, USA, December 4, 2006.
- 6) "The Trail of Radioactive Contamination: The Nuclear Labyrinth."
- 7) "Message of Victoria Tauli-Corpuz, Chairperson of the UN Permanent Forum on Indigenous Issues, on the Occasion of the Adoption by the General Assembly of the Declaration on the Rights of Indigenous Peoples."

God's Sacred Gift of Water

by Bishop Donald E. Pelotte, SSS;

Water and life are inseparable. In the beautiful, yet fragile environment of New Mexico, we have continual reminders that without water life is not possible. Whenever life-sustaining water reserves are threatened by drought, contamination or wasteful use, we are challenged anew to deepen our appreciation of water as God's sacred gift and to exercise responsible stewardship in defending, preserving and conserving vital water resources. We are all interconnected and called to reverence the scarce and sacred gift of water.

The sacredness of water is conveyed in the Scriptures and our Catholic tradition. Creation of the universe is the first grace, the first revelation of God's love and goodness. Human beings, created in the image and likeness of God, are part of this love-imbued creation. This is evident at the dawn of creation, as described in Genesis: "God said, 'Let the water under the sky be gathered into a single basin, so that the dry land may appear'..." "God called the dry land 'the earth' and the basin of the water God called 'the sea.' God saw how good it was." (Genesis: 1:9-10) In the bap-

tism of Jesus, water is the element used to symbolize spiritual cleansing and a sign of God's grace conferred upon God's anointed One: "After Jesus was baptized, he came up from the water and behold, the heavens were opened, and he saw the Spirit of God descending like a dove and coming upon him." (Matthew 3: 16) The Bible, the sacraments and Catholic tradition clearly communicate the sacred nature and benefits of water; how water nourishes our bodies and souls and is both literally and symbolically the giver of life.

In the 1998 Pastoral Statement of the Roman Catholic Bishops of New Mexico, "Partnership for the Future," particular issues contributing to the environmental crisis in New Mexico were identified and recognized as deeply moral and ethical challenges for all people of faith. There is now an imminent threat to the people, lands and aquifers in Church Rock and Crownpoint that necessitates a statement from me, as Bishop of the Catholic Diocese of Gallup in New Mexico and Arizona, in order to voice clear opposition to the in-situ leach uranium mining projects proposed by Hydro Resources Inc., of Lewisville, Texas. Numerous scientific and medical experts warn that the invasive technology to be used would invade and

irreversibly contaminate the water resources in the aquifers, as well as the soil and air of this bio-region upon which over 50,000 people and local communities are completely dependent. There is no evidence that uranium desecrated water can ever be restored to safe levels for drinking or use. Such contamination and destruction of vital water resources by outside corporations intent on maximizing profits at the expense of the health and well-being of human populations, animals, native plants and land are clearly deeply moral, ethical and social justice issues that concern us all.

As stated in "Partnership for the Future," we invite public policy makers and public officials to focus directly on environmental issues while seeking the common good of their communities, which by necessity includes the good of our planetary home. We call on them to eradicate actions and policies which perpetuate various forms of environmental racism, and to work for an economy which focuses more on equitable sustainability rather than unbridled consumption of natural resources, maximization of corporate profits and acquisition of goods.

Catholic Social Justice Teachings offer a clear guide for understanding the moral and ethical dimensions of the environmental challenges facing us in New Mexico, particularly in respect to water:

A God centered and sacramental view of the universe which grounds human accountability for the fate of the earth;

A consistent respect for human life which extends to respect for all creation;

A world view affirming the ethical significance of global interdependence and the common good;

An ethics of solidarity promoting cooperation and a just structure of sharing in the world community;

An understanding of the universal purpose of created things which requires equitable use of the earth's resources;

An option for the poor which gives passion to the quest for an equitable and sustainable world;

A conception of authentic development offering a direction for progress which respects human dignity and the limits of material growth. ("Renewing the Earth," November 14, 1991, p. 5)

With this sacred view of earth and all creation, we continue to live out our covenant relationship with our Creator by being responsible stewards and caring brothers and sisters in God's family.



Resolution of the Navajo Nation Council

TWENTIETH NAVAJO NATION COUNCIL – THIRD YEAR, 2005

An Act Relating to Resources, and Diné Fundamental Law; Enacting the Diné Natural Resources Protection Act of 2005; Amending Title 18 of the Navajo Nation Code

BE IT ENACTED:

Section 1. Enactment of the Diné Natural Resources Protection Act of 2005

The Navajo Nation Council hereby enacts the Diné Natural Resources Protection Act of 2005.

Section 2. Purpose

The purpose of the Diné Natural Resources Protection Act of 2005 is to ensure that no further damage to the culture, society, and economy of the Navajo Nation occurs because of uranium mining within the Navajo Nation and the Navajo Indian Country and that no further damage to the culture, society and economy of the Navajo Nation occurs because of uranium processing until all adverse economic, environmental and human health effects from past uranium mining and processing have been eliminated or substantially reduced to the satisfaction of the Navajo Nation Council.

Section 3. Amendments to Title 18 Navajo Nation Code

The Navajo Nation Council hereby amends the Navajo Nation Code, Title 18, as follows:

§ 1301. Findings

A. The Navajo Nation Council finds that the wise and sustainable use of the natural resources in Navajo Indian Country traditionally has been, and remains, a matter of paramount governmental interest of the Navajo Nation and a fundamental exercise of Navajo tribal sovereignty.

B. The Navajo Nation Council finds that the Fundamental Laws of the Diné (*Diné Bi Beeha'ani*), as set forth in the 2002 Amendments to Title 1 of the Navajo Nation Code, Resolution No. CN-09-02, support preserving and protecting the Navajo Nation's natural resources, especially the four sacred elements of life — air, light/fire, water and earth/pollen — for these resources are the foundation of the peoples' spiritual ceremonies and the Diné life way, and that it is the duty and responsibility of the Diné to protect and preserve the natural world for future generations.

C. The Navajo Nation Council finds that the Traditional (*Diya Diné Bi Beehaz'aani Bitse silei*), which are codified in Title 1 as sections 3 and 4 of the Fundamental Laws of the Diné, provide that it is the right and freedom of the people to be respected, honored and protected with a healthy physical and mental environment.

D. The Navajo Nation Council finds that the Diné medicine peoples' interpretation of the Diné Natural Law (*Nahasaan doo Yadihi Bitsaadee Beehazaanii*), which is codified in Title 1 as 5 of the Fundamental Laws of the Diné, mandates respect for all natural resources within the four sacred mountains and is symbolized by the Sacred Mountain Soil Prayer Bundle (*Dahndiiyee*), to maintain harmony and balance in life and a healthy environment, and their recitation of the ceremonies and stories that have been passed down from generation to generation warn that certain substances of the Earth (*doo nal yee dah*) that are harmful to the people should not be disturbed, and that the people now know that uranium is one such substance, and therefore, that its extraction should be avoided as traditional practice and prohibited by Navajo law.

E. The Navajo Nation Council finds that the social, cultural, natural resource, and economic damage to the

Navajo Nation from past uranium mining and processing is ongoing due to (i) the continuing need for full monetary compensation of former Navajo uranium workers and their family members for their radiation and mining-induced diseases, (ii) the presence of hundreds of unremediated or partially remediated uranium mines, tailings piles, and waste piles located in Navajo Indian Country, and (iii) the absence of medical studies of the health status of Diné who live in uranium mining-impacted communities.

F. The Navajo Nation Council finds that the mining and processing of uranium ore on the Navajo Nation and in Navajo Indian Country since the mid-1940s has created substantial and irreparable economic detriments to the Nation and its people in the form of lands lost to permanent disposal of mining and processing wastes, lands left unproductive and unusable because they are the sites of hundreds of abandoned uranium mines that have not been successfully reclaimed, surface water and ground water left unpotable by mining and processing operations; livestock that could not be marketed because they were believed to have been contaminated by uranium; Navajo workers who lost thousands of person-years to gainful economic activity as a result of their mining-induced illnesses and deaths, and the families of Navajo uranium workers whose livelihoods, agricultural lands and homesites were diminished in value because of the illnesses and premature deaths of the workers.

G. The Navajo Nation Council finds that there is a reasonable expectation that future mining and processing of uranium will generate further economic detriments to the Navajo Nation. These economic detriments include, but are not limited to, the potential damage projected to the land, water, vegetation, and other natural resources of the Navajo Nation by uranium mining and processing operations, the forbearance or forfeiture of the Navajo Nation from using these natural resources for other economic purposes, the potential remediation costs for damage projected to the natural resources on lands within the Navajo Nation, the potential injury to livestock from uranium mining, including, but not limited to, losses in livestock production, veterinary and other costs, and the potential injury to human beings from uranium mining, including, but not limited to, loss of wages, loss of consortium, medical costs, loss of access to and use of vegetation used in traditional ceremonies, loss of current and future potable water supplies, and other costs.

H. The Navajo Nation Council finds that uranium is and has been expressly left unregulated by the federal government, and is currently unregulated by any tribal entity within Navajo Indian Country.

§1302. Definitions

For purposes of this Act, the Navajo Nation Council adopts the following definitions:

A. Navajo Indian Country shall mean all lands within the territorial jurisdiction of the Navajo Nation as defined in 7 N.N.C. §254 and 18 U.S.C. §1151.

B. Natural resources shall have the same meaning as set forth in 2 N.N.C. §692(A).

C. Person shall mean any natural person or any other entity including domestic or foreign corporations, partnership, associations, responsible business or association agents or officers, any of the several States or a political subdivision of the state or agency of the state, department or instrumentality of the United States and any of its officers, agents or employees.

D. Remediation shall mean the permanent closure of uranium mining and processing site, waste piles and associated buildings for the purposes of eliminating or substantially reducing releases of radioactive and toxic substance to the air, land and water in such ways as to prevent or substantially minimize human exposure to such substances now and for future generations.

E. United States shall mean the federal government of the United States of America and any of its agencies, departments, subdivisions, or instrumentalities or officers, agents, or employees thereof.

F. Uranium mining shall mean the extraction of uranium or uranium ores by mechanical means including, but not limited to, surface mining, open pit mining or underground mining. Uranium mining shall not include extraction of uranium or uranium ores by solution mining.

G. Uranium processing shall mean the alteration of uranium ores from their natural state by mechanical or chemical including, but not limited to, crushing, grinding, and in situ leach mining or solution mining.

§1303. Prohibition of Uranium Mining

No person shall engage in uranium mining and uranium processing on any sites within Navajo Indian Country.

Section 4. Codification

The provisions of this Act which adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The office of Legislative Counsel shall include these sections in the next recodification or supplement of the Navajo Nation Code, to the extent practicable.

Section 5. Savings Clause

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, or any other court of competent jurisdiction, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

Certification

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 63 in favor and 19 opposed, this 19th day of April 2005.

Lawrence T. Morgan, Speaker
Navajo Nation Council

Motion: Mark Maryboy
Second: Harry Hubbard

Action by the Navajo Nation President

I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this 29th day of April 2005.

Joe Shirley, Jr., President
Navajo Nation

CITY OF GALLUP
RESOLUTION R2006-43

A RESOLUTION IN SUPPORT OF THE DINE NATURAL RESOURCES
PROTECTION ACT

WHEREAS, the Navajo Nation Council passed the Dine Natural Resources Protection Act which was signed into law by President Shirley on April 29, 2005; and

WHEREAS, the City of Gallup supports the efforts of the Navajo Nation to protect its natural resources from future damage by uranium mining and processing; and

WHEREAS, the City of Gallup could also be impacted by mining on and adjacent to the aquifer beneath and held by the Navajo Nation; especially at Church Rock ; and

WHEREAS, the process of in situ leach mining loosens uranium from the host rock and could result in random flows through groundwater; and

WHEREAS, the process uses our scarce water resources as a tool; and

WHEREAS, the disposal of contaminated waste water from the mining process creates a hazardous waste problem; and

WHEREAS, with regard to all natural resources reasonable precaution should be followed; and

NOW THEREFORE, be it resolved by the Council of the City of Gallup that we support the Navajo Nation Law banning all uranium mining and processing on Navajo Land.

PASSED, ADOPTED AND APPROVED THIS 28th DAY OF NOVEMBER, 2006.
CITY OF GALLUP, MCKINLEY COUNTY

BY: Bob Rosebrough
BOB ROSEBROUGH, MAYOR

ATTEST:

Patty Holland
PATTY HOLLAND, CITY CLERK

Vote:
Mayor Rosebrough AYE
Councilor Armijo AYE

Councilor Butler
Councilor Gonzales
Councilor Nechero

AYE
AYE
AYE

Motion made by: Councilor Armijo

Seconded by: Councilor Butler



Uranium Mining Pollution near the King Ranch



This week's stop on the **Texas Toxic Tour** takes us to Kleberg County, in Southeast Texas, near the famous King Ranch. This is the story of Teo Saenz and his family and neighbors, who are struggling to protect their land and water from pollution from Uranium Resources Inc.'s underground mine, and from regulatory neglect from the state government. Listen and watch this story unfold through interviews with area residents and pictures of URI's mining operations.

Life Next to a Uranium Mine

Arriving in 1839, Teo's family was among the first settlers in the area. "My wife's grandfather came to this area, so we all have a very deep respect for the land, and the future for our kids, and the next generation," he says. Now Teo and his neighbors live next to an underground or "in-situ" uranium mine run by Uranium Resources Inc.

Teo's family and neighbors and the City of Kingsville use the Goliad aquifer for their drinking water. Because of concerns about contamination from radioactive and chemically

Audio & Video

Listen to the **URI pollution story**

Featured in our interview are: Mark Walsh & Teo Saenz.



Video:

- [Quicktime 656 Kb](#)
- [Quicktime 1.3 MB](#)

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End

toxic substances such as arsenic, molybdenum, and selenium caused by uranium mining operations, several of Teo's neighbors have had to shut down their water wells. "We're about three quarters of a mile from the [mining] production area, so we would be the first ones hit by any migration of uranium or radium or arsenic," explains Teo.

For years Teo and his neighbors have tried to get Uranium Resources Inc. to clean up the heavy metals and radioactive materials created during the their mining operation as required by their Texas Natural Resources Conservation Commission (TNRCC) permit, to no avail. Now the company is on the verge of declaring bankruptcy, ceasing operations, and leaving Texas taxpayers with a massive pollution clean-up job.

What is In-Situ Uranium Mining?

In South Texas, uranium is found in the rock lining fresh water aquifers that provide water for drinking and irrigation. During in-situ uranium mining, hundreds of wells are drilled into the aquifer to inject a bicarbonate/oxygen solution to separate uranium from the ore. The mining solution frees the uranium and other metals such as arsenic, molybdenum, and selenium from the aquifer rock. In addition, Radium-226, a significantly more radioactive element than uranium, is also freed in this process.



The mining solution which now contains uranium and many undesired other byproducts such as arsenic is then pumped to the surface, where the uranium is chemically stripped out at an extraction facility. The contaminated water, minus the uranium, is then recombined with bicarbonate/oxygen and pumped back into the aquifer. When mining in an area is done, the company is required to clean the remaining hazardous and radioactive contaminants out of the aquifer. At many mine sites, state agencies have not ensured proper clean-up, and in some cases - any clean-up at all.

Radioactive Spills

Spills of highly radioactive water containing the leached-out uranium, other toxic materials and uranium-heavy process fluids are common in the in-situ uranium mining process. Hundreds, if not thousands of spills have occurred at the Texas mines, documented in part by thousands of pages of self-reporting sent to the TNRCC by the mining companies.⁽¹⁾ In the recent 5-month period from January to May 1999 at the URI mine, at least three spills totaling 15,000 gallons of uranium-contaminated water have occurred.⁽²⁾

Health Risks of Uranium Mining

Uranium-238 poses little health hazard as long as it remains outside the body. If inhaled or ingested, however, its radioactivity poses increased risks of lung and bone cancer. Uranium is also chemically toxic at high concentrations and can cause damage to internal organs, notably the kidneys. Animal studies suggest that uranium may also affect reproduction, the development of the fetus, and can increase the risk of leukemia and other soft tissue cancers. ⁽³⁾

Radon Releases from Uranium Mining in Texas

In 1982, the Texas Department of Health studied the radium and radon concentrations at four typical South Texas in-situ uranium mines. The study concluded that large amounts of radon, (Rn-222), is released by both conventional and in-situ mines. ⁽⁴⁾ Both Radium and Rn-222 are potent human carcinogens. ⁽⁵⁾ At the George West facilities in South Texas, between 1977 and 1986, studies estimate that approximately 40,000 curies of radon were released into the environment. ⁽⁶⁾ The EPA takes action to reduce radon levels in schools when radon levels measure 4 pico curies per liter, which is one trillionth of a curie.

Fighting for their Land

In 1997, Uranium Resources announced their intention to open a new production area, named Area 3. Kleberg County officials and a landowners group called South Texas Opposes Pollution (STOP), filed a request with the TNRCC to hold a contested case hearing. County officials and local citizens were opposed to the fact that the TNRCC was authorizing a new mining area before the previous mining areas had been restored. URI's TNRCC permits stated that URI had to restore at least one of its two mining areas before opening a third. The County knew that URI was in a tight financial condition and did not have adequate bonds for clean up and well plugging. The surrounding landowners believed that URI was simply trying to avoid the cost of clean up while it pocketed its profits from the mining.

TNRCC Opposes Citizens Rights

Even though TNRCC staff had sent out a letter to the nearby landowners notifying them that they had a legal right to a hearing on the new permit for Area 3, the TNRCC Commissioners, appointed by Governor George Bush, did not want the public slowing down the uranium mining. On January 21, 1998, the TNRCC Commissioners denied the



County's request for a hearing, contradicting their own staff by claiming that, although it was obviously a directly affected party, the County had

no legal right to a hearing. The TNRCC then issued an order allowing URI to begin drilling in production area 3 and URI began mining.

Winning the Battle – Losing the Aquifer?

Over two years after the TNRCC allowed Area 3 mining to begin, Kleburg County and Teo Saenz and his neighbors won the legal battle for the right to a contested case hearing to decide whether the permit should have ever been approved. The Travis County District Court ruled on February 29, 2000 that the TNRCC must grant a hearing on URI's plan to open a new uranium mining area. This ruling marks the sixth time in the last several years that a court has had to step in to protect citizens rights to participate in permit decisions implemented by the Bush-appointed TNRCC Commissioners.

But the damage had already been done. After mining as much uranium as it could from Area 3, URI stopped mining months ago. In a March 31, 2000 press release, URI admits, "the company has exhausted all of its available sources of cash to support continuing operations and will be unable to continue in business beyond June 2000 unless it can secure a cash infusion."

Inheriting Pollution

Now, as the neighbors feared, Uranium Resources Inc. is on the verge bankruptcy. Teo Saenz is worried that the land and water near him will never be adequately cleaned up. "My inheritance was land, and we're giving them polluted water and soil," he says. "That's not a very good inheritance for our kids".

Join *Texas PEER* soon for another stop on the **Texas Toxic Tour**.

Sources:

1. *TNRCC Reports*
2. *URI reports to TNRCC and TDH reveal*
 1. *a 2/23/99 spill caused by a faulty check valve on well 5704B. Approximately 2,000 gallons of extraction water with a concentration of 9 PPM uranium spilled on the ground,*
 2. *an 11/2/99 spill caused by a cracked joint in a line from the RIX in Production Area. Approximately 1,000 gallons of bleed water with a concentration of 1.5 PPM uranium spilled onto the ground, and*
 3. *a 1/25/99 spill caused by a broken meter for well 6168A. Approximately 12,000 gallons of extraction water with a concentration of 1.5 PPM uranium spilled onto the ground.*
3. *Agency for Toxic Substances and Disease Registry, ATSDR Public Health Statement: Uranium, Atlanta: ATSDR, December 1990.*
4. *Marple, ML and TW Dziuk, "Radon Source Terms at In Situ Uranium Extraction Facilities in Texas" in Proceedings of the Sixth*

- Annual Uranium Seminar, American Institute of Mining, Metallurgical, and Petroleum Engineers, Inc., New York, 1982.*
5. *Radium and radon are potent human carcinogens. Radium, via oral exposure, is known to cause lung, bone, brain, and nasal passage tumors. Radon, via inhalation exposure, causes lung cancer. Chronic exposure to radon in humans and animals via inhalation has resulted in respiratory effects (chronic lung disease, pneumonia, fibrosis of the lung), while animal studies have reported effects on the blood and a decrease in body weights. Limited evidence from epidemiological studies suggests that uranium or radon exposure may result in a decreased ratio of live male to female births in humans. (Sources: US Environmental Protection Agency, "Health Data from," <http://www.epa.gov/ttnuatw1/hlthef/radionuc.html> Agency for Toxic Substances and Disease Registry (ATSDR). Toxicological Profile for Uranium (Draft). U.S. Public Health Service, U.S. Department of Health and Human Services, Atlanta, GA. 1989, 1990.)*
 6. *Specific calculations done by Resnikoff, based on Marple and Dziuk methods for measurement. "Radiation Exposures Due to Mining, Milling, and waste Disposal Operations in South Texas" Marilyn de la Merced, M.S., Ian Fairlie, Ph.D., and Marvin Resnikoff, Ph.D. November 199, p. 36-38.)*



Toxic Texas

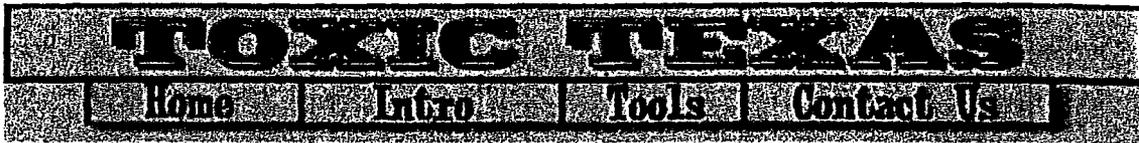
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Uranium Mining Pollution near the King Ranch



This week's stop on the **Texas Toxic Tour** takes us to Kleberg County, in Southeast Texas, near the famous King Ranch. This is the story of Teo Saenz and his family and neighbors, who are struggling

to protect their land and water from pollution from Uranium Resources Inc.'s underground mine, and from regulatory neglect from the state government. Listen and watch this story unfold through interviews with area residents and pictures of URI's mining operations.



Life Next to a Uranium Mine

Arriving in 1839, Teo's family was among the first settlers in the area. "My wife's grandfather came to this area, so we all have a very deep respect for the land, and the future for our kids, and the next generation," he says. Now Teo and his neighbors live next to an underground or "in-situ" uranium mine run by Uranium Resources Inc.

Teo's family and neighbors and the City of Kingsville use the Goliad aquifer for their drinking water. Because of concerns about contamination from radioactive and chemically

Audio & Video

Listen to the **URI pollution story**

Featured in our interview are: Mark Walsh & Teo Saenz.

 **Video:**

- [Quicktime 656 Kb](#)
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End

toxic substances such as arsenic, molybdenum, and selenium caused by uranium mining operations, several of Teo's neighbors have had to shut down their water wells. "We're about three quarters of a mile from the [mining] production area, so we would be the first ones hit by any migration of uranium or radium or arsenic," explains Teo.

For years Teo and his neighbors have tried to get Uranium Resources Inc. to clean up the heavy metals and radioactive materials created during the their mining operation as required by their Texas Natural Resources Conservation Commission (TNRCC) permit, to no avail. Now the company is on the verge of declaring bankruptcy, ceasing operations, and leaving Texas taxpayers with a massive pollution clean-up job.

What is In-Situ Uranium Mining?

In South Texas, uranium is found in the rock lining fresh water aquifers that provide water for drinking and irrigation. During in-situ uranium mining, hundreds of wells are drilled into the aquifer to inject a bicarbonate/oxygen solution to separate uranium from the ore. The mining solution frees the uranium and other metals such as arsenic, molybdenum, and selenium from the aquifer rock. In addition, Radium-226, a significantly more radioactive element than uranium, is also freed in this process.



The mining solution which now contains uranium and many undesired other byproducts such as arsenic is then pumped to the surface, where the uranium is chemically stripped out at an extraction facility. The contaminated water, minus the uranium, is then recombined with bicarbonate/oxygen and pumped back into the aquifer. When mining in an area is done, the company is required to clean the remaining hazardous and radioactive contaminants out of the aquifer. At many mine sites, state agencies have not ensured proper clean-up, and in some cases - any clean-up at all.

Radioactive Spills

Spills of highly radioactive water containing the leached-out uranium, other toxic materials and uranium-heavy process fluids are common in the in-situ uranium mining process. Hundreds, if not thousands of spills have occurred at the Texas mines, documented in part by thousands of pages of self-reporting sent to the TNRCC by the mining companies.⁽¹⁾ In the recent 5-month period from January to May 1999 at the URI mine, at least three spills totaling 15,000 gallons of uranium-contaminated water have occurred.⁽²⁾

Health Risks of Uranium Mining

Uranium-238 poses little health hazard as long as it remains outside the body. If inhaled or ingested, however, its radioactivity poses increased risks of lung and bone cancer. Uranium is also chemically toxic at high concentrations and can cause damage to internal organs, notably the kidneys. Animal studies suggest that uranium may also affect reproduction, the development of the fetus, and can increase the risk of leukemia and other soft tissue cancers. ⁽³⁾

Radon Releases from Uranium Mining in Texas

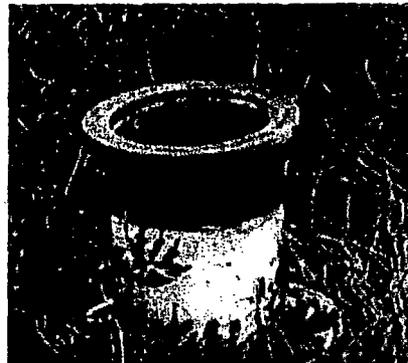
In 1982, the Texas Department of Health studied the radium and radon concentrations at four typical South Texas in-situ uranium mines. The study concluded that large amounts of radon, (Rn-222), is released by both conventional and in-situ mines. ⁽⁴⁾ Both Radium and Rn-222 are potent human carcinogens. ⁽⁵⁾ At the George West facilities in South Texas, between 1977 and 1986, studies estimate that approximately 40,000 curies of radon were released into the environment. ⁽⁶⁾ The EPA takes action to reduce radon levels in schools when radon levels measure 4 pico curies per liter, which is one trillionth of a curie.

Fighting for their Land

In 1997, Uranium Resources announced their intention to open a new production area, named Area 3. Kleberg County officials and a landowners group called South Texas Opposes Pollution (STOP), filed a request with the TNRCC to hold a contested case hearing. County officials and local citizens were opposed to the fact that the TNRCC was authorizing a new mining area before the previous mining areas had been restored. URI's TNRCC permits stated that URI had to restore at least one of its two mining areas before opening a third. The County knew that URI was in a tight financial condition and did not have adequate bonds for clean up and well plugging. The surrounding landowners believed that URI was simply trying to avoid the cost of clean up while it pocketed its profits from the mining.

TNRCC Opposes Citizens Rights

Even though TNRCC staff had sent out a letter to the nearby landowners notifying them that they had a legal right to a hearing on the new permit for Area 3, the TNRCC Commissioners, appointed by Governor George Bush, did not want the public slowing down the uranium mining. On January 21, 1998, the TNRCC Commissioners denied the



County's request for a hearing, contradicting their own staff by claiming that, although it was obviously a directly affected party, the County had

no legal right to a hearing. The TNRCC then issued an order allowing URI to begin drilling in production area 3 and URI began mining.

Winning the Battle – Losing the Aquifer?

Over two years after the TNRCC allowed Area 3 mining to begin, Kleburg County and Teo Saenz and his neighbors won the legal battle for the right to a contested case hearing to decide whether the permit should have ever been approved. The Travis County District Court ruled on February 29, 2000 that the TNRCC must grant a hearing on URI's plan to open a new uranium mining area. This ruling marks the sixth time in the last several years that a court has had to step in to protect citizens rights to participate in permit decisions implemented by the Bush-appointed TNRCC Commissioners.

But the damage had already been done. After mining as much uranium as it could from Area 3, URI stopped mining months ago. In a March 31, 2000 press release, URI admits, "the company has exhausted all of its available sources of cash to support continuing operations and will be unable to continue in business beyond June 2000 unless it can secure a cash infusion."

Inheriting Pollution

Now, as the neighbors feared, Uranium Resources Inc. is on the verge bankruptcy. Teo Saenz is worried that the land and water near him will never be adequately cleaned up. "My inheritance was land, and we're giving them polluted water and soil," he says. "That's not a very good inheritance for our kids".

Join *Texas PEER* soon for another stop on the **Texas Toxic Tour**.

Sources:

1. *TNRCC Reports*
2. *URI reports to TNRCC and TDH reveal*
 1. *a 2/23/99 spill caused by a faulty check valve on well 5704B. Approximately 2,000 gallons of extraction water with a concentration of 9 PPM uranium spilled on the ground,*
 2. *an 11/2/99 spill caused by a cracked joint in a line from the RIX in Production Area. Approximately 1,000 gallons of bleed water with a concentration of 1.5 PPM uranium spilled onto the ground, and*
 3. *a 1/25/99 spill caused by a broken meter for well 6168A. Approximately 12,000 gallons of extraction water with a concentration of 1.5 PPM uranium spilled onto the ground.*
3. *Agency for Toxic Substances and Disease Registry, ATSDR Public Health Statement: Uranium, Atlanta: ATSDR, December 1990.*
4. *Marple, ML and TW Dziuk, "Radon Source Terms at In Situ Uranium Extraction Facilities in Texas" in Proceedings of the Sixth*

- Annual Uranium Seminar, American Institute of Mining, Metallurgical, and Petroleum Engineers, Inc., New York, 1982.*
5. *Radium and radon are potent human carcinogens. Radium, via oral exposure, is known to cause lung, bone, brain, and nasal passage tumors. Radon, via inhalation exposure, causes lung cancer. Chronic exposure to radon in humans and animals via inhalation has resulted in respiratory effects (chronic lung disease, pneumonia, fibrosis of the lung), while animal studies have reported effects on the blood and a decrease in body weights. Limited evidence from epidemiological studies suggests that uranium or radon exposure may result in a decreased ratio of live male to female births in humans. (Sources: US Environmental Protection Agency, "Health Data from," <http://www.epa.gov/ttnuatw1/hlthef/radionuc.html> Agency for Toxic Substances and Disease Registry (ATSDR). Toxicological Profile for Uranium (Draft). U.S. Public Health Service, U.S. Department of Health and Human Services, Atlanta, GA. 1989, 1990.)*
 6. *Specific calculations done by Resnikoff, based on Marple and Dziuk methods for measurement. "Radiation Exposures Due to Mining, Milling, and waste Disposal Operations in South Texas" Marilyn de la Merced, M.S., Ian Fairlie, Ph.D., and Marvin Resnikoff, Ph.D. November 199, p. 36-38.)*



Toxic Texas

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Nov. 30 - Dec. 2, 2006

Indigenous World Uranium Summit

NEWS RELEASE

FOR IMMEDIATE RELEASE:
Monday December 4, 2006

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Summit Declaration Demands Worldwide Ban on Uranium

Indigenous Groups Honor Recipients of Nuclear-Free Future Awards In Their Efforts to Stop Uranium Development

WINDOW ROCK (ARIZONA), NAVAJO NATION, USA — Individuals, tribes and organizations from Indigenous Nations and from Australia, Brazil, Canada, China, Germany, India, Japan, the United States and Vanuatu are calling for a ban on uranium mining, processing, enrichment, fuel use, and weapons testing and deployment, and nuclear waste dumping on Indigenous Lands.

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"Our Mother Earth needs protection from the destructive forms of uranium if we are to survive," said Manny Pino, a member of Acoma Pueblo and professor of sociology at Scottsdale Community College in Arizona. "Everyday we are at risk from radioactive materials that threaten our future generations. Indigenous people all over the World are saying these threats must end, and they are taking united actions to achieve that goal."

The Summit's more than 350 participants from nine countries and 14 states of the U.S. said they are particularly concerned that nuclear proliferation ignores basic human rights and natural laws.

"Indigenous People have sacrificed enough," said Norman Brown of the Dineh Bidziil Coalition. "From this day forward, we will take actions to restore respect and legal rights for tribal peoples worldwide. This may take us generations, but we have established the framework to do so with the convening of this historic meeting."

Lynnea Smith, a staffer for Eastern Navajo Diné Against Uranium Mining (ENDAUM), which has waged a 12-year battle to stop proposed new uranium mining in the Navajo communities of Church Rock and Crownpoint in northwestern New Mexico, said, "The Summit was held on the Navajo Nation to highlight the fact that uranium mining has had disastrous consequences for our land and people's health, and to recognize the Navajo Nation's

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Past, present and future generations of Indigenous Peoples have been disproportionately affected by the international nuclear weapons and power industry. The nuclear fuel chain poisons our people, land, air and waters and threatens our very existence and our future generations. Nuclear power is not a solution to global warming. Uranium mining, nuclear energy development and international agreements (e.g., the recent U.S.-India nuclear cooperation treaty) that foster the nuclear fuel chain violate our basic human rights and fundamental natural laws of Mother Earth, endangering our traditional cultures and spiritual well-being.

We reaffirm the Declaration of the World Uranium Hearing in Salzburg, Austria, in 1992, that "uranium and other radioactive minerals must remain in their natural location." Further, we stand in solidarity with the Navajo Nation for enacting the Diné Natural Resources Protection Act of 2005, which bans uranium mining and processing and is based on the Fundamental Laws of the Dine. And we dedicate ourselves to a nuclear-free future.

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Agency sponsors were the Office of the President of the Navajo Nation; Office of the Speaker of the Navajo Nation Council; the Navajo Nation Environmental Protection Agency, Abandoned Mine Lands Reclamation Department, Division of Health, Division of Social Services, and Department of Resource Enforcement/Navajo Rangers; and the Haaku Water Office at Acoma Pueblo.

Small business sponsors were ExerPlay, Inc., of Cedar Crest, N.M.; LaMontanita Co-op in Albuquerque; Oasis Mediterranean Restaurant in Gallup, N.M.; Rokzoo Screen Printers of Cottonwood, Ariz.; and Tribal Sovereignty T-Shirts of Wheatfields, Ariz. Food preparation was by the Morgan family of Houck Chapter (Ariz.), Navajo Nation, and Pee Wee's Katering Kitchen of Gallup, N.M.

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Other award recipients were:

- ❑ Sun Xiaodi, a former Chinese uranium miner who was jailed in 2005 for exposing unsafe conditions in mines in Gansu Province and who was “disappeared” again earlier this year in retaliation for publicly disclosing those conditions; his award was accepted by Feng Congde with Human Rights in China in New York City.
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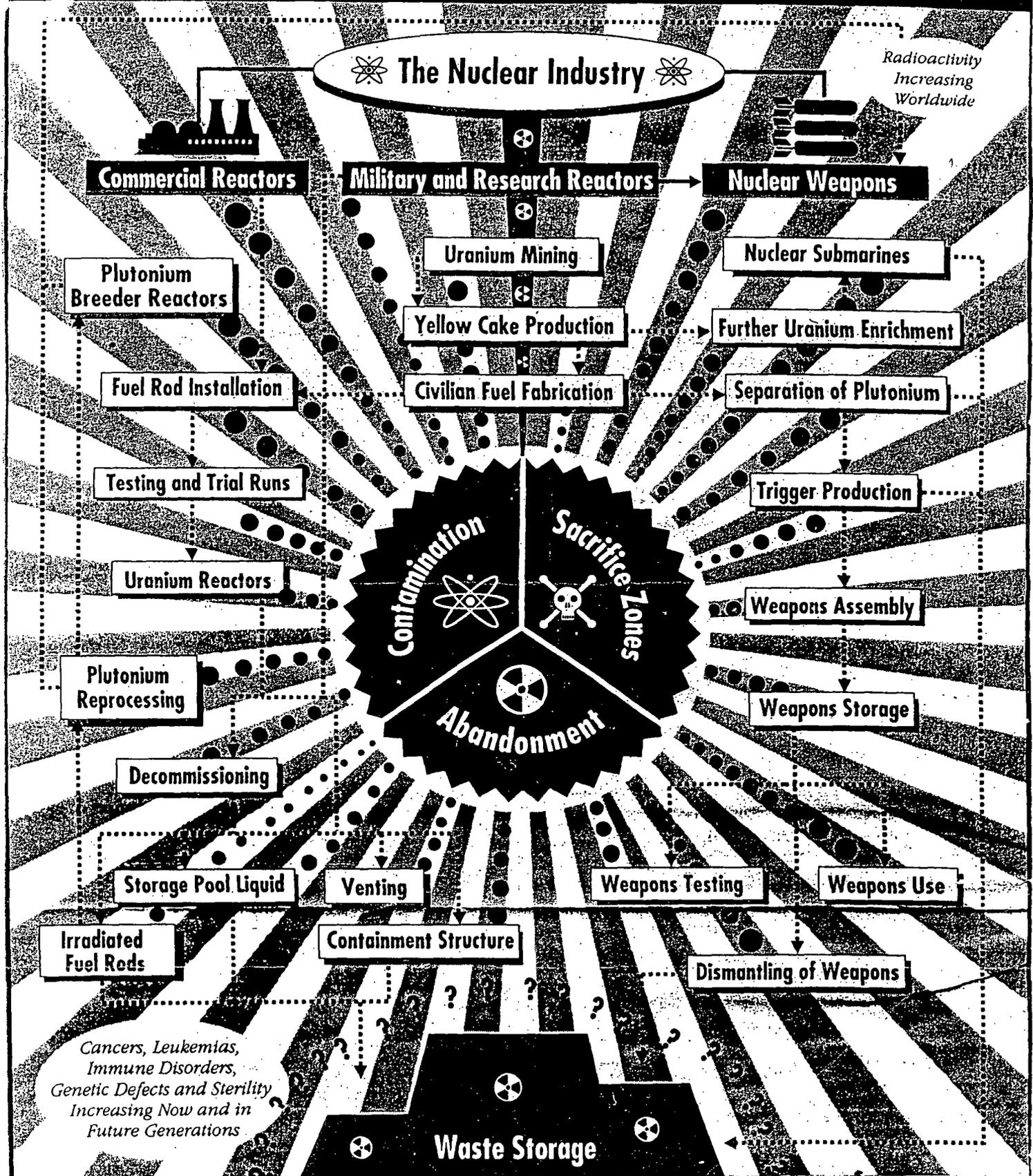
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The Nuclear Labyrinth



At this time the only known protection of life from an increased burden of radioactivity is to immediately cease the nuclear industry and to constantly monitor the poison we have created.

The Nuclear Labyrinth may be reproduced for educational purposes with the full inclusion of address line.

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1400 Shattuck Avenue #41, Berkeley, CA 94709 USA. fax: 510-649-9605.



INDIGENOUS PEOPLES INDIGENOUS VOICES

**PRESS RELEASE
NEW YORK, 13 SEPTEMBER 2007**

**MESSAGE OF VICTORIA TAULI-CORPUZ, CHAIRPERSON OF
THE UN PERMANENT FORUM ON INDIGENOUS ISSUES,
ON THE OCCASION OF THE ADOPTION BY THE GENERAL ASSEMBLY OF
THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**

Through the adoption of the Declaration on the Rights of Indigenous Peoples, the United Nations marks a major victory in its long history towards developing and establishing international human rights standards. It marks a major victory for Indigenous Peoples who actively took part in crafting this Declaration. The 13th of September 2007 will be remembered as an international human rights day for the Indigenous Peoples of the world, a day that the United Nations and its Member States, together with Indigenous Peoples, reconciled with past painful histories and decided to march into the future on the path of human rights.

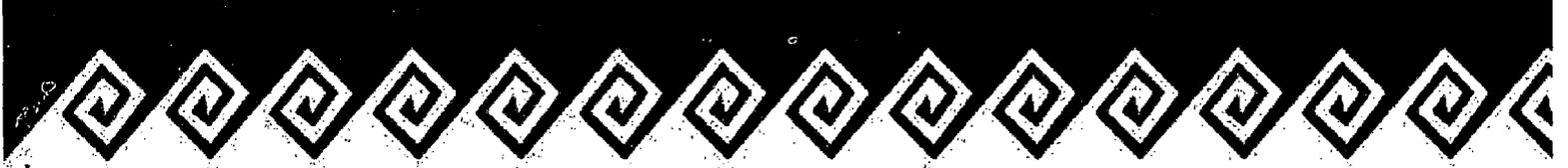
I hail representatives of Indigenous Peoples who patiently exerted extraordinary efforts for more than two decades to draft and negotiate the Declaration. This Declaration has the distinction of being the only Declaration in the UN which was drafted with the rights-holders, themselves, the Indigenous Peoples. I hail the independent experts and representatives of States and NGOs who contributed actively to this process. This magnificent endeavour which brought you to sit together with us, Indigenous Peoples, to listen to our cries and struggles and to hammer out words which will respond to these is unprecedented.

The long time devoted to the drafting of the Declaration by the United Nations stemmed from the conviction that Indigenous Peoples have rights as distinct peoples and that a constructive dialogue among all would eventually lead to a better understanding of diverse worldviews and cultures, a realignment of positions and, finally, to the building of partnerships between states and Indigenous Peoples for a more just and sustainable world.

For the UN Permanent Forum on Indigenous Issues, the Declaration will become the major foundation and reference in implementing its mandate to advise members of the Economic and Social Council and the UN agencies, programmes and funds on indigenous peoples' human rights and development. It is a key instrument and tool for raising awareness on and monitoring progress of indigenous peoples' situations and the protection, respect and fulfillment of indigenous peoples' rights. It will further enmesh and operationalize the human rights-based approach to development as it applies to Indigenous Peoples. It will be the main framework to



United Nations



guide States, UN bodies, Indigenous Peoples and civil society in making the theme of the Second Decade of the World's Indigenous Peoples "Partnership for Action and Dignity" a reality.

The United Nations Permanent Forum on Indigenous Issues is explicitly asked in Article 42 of the Declaration to promote respect for and full application of the provisions of the Declaration and follow-up the effectiveness of this Declaration. On behalf of the Permanent Forum on Indigenous Issues, I commit the Forum's devotion to this duty.

This is a Declaration which sets the minimum international standards for the protection and promotion of the rights of Indigenous Peoples. Therefore, existing and future laws, policies, and programs on indigenous peoples will have to be redesigned and shaped to be consistent with this standard.

Effective implementation of the Declaration will be the test of commitment of States and the whole international community to protect, respect and fulfill indigenous peoples collective and individual human rights. I call on governments, the UN system, Indigenous Peoples and civil society at large to rise to the historic task before us and make the UN Declaration on the Rights of Indigenous Peoples a living document for the common future of humanity.

For further information:

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