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Resources and Development Committee votes to table legislation reaffirming “uranium ban” on Navajo Nation

Work session will be held with all parties before reconsidering legislation

WINDOW ROCK – Legislation to reaffirm the Diné Natural Resources Protection Act of 2005, which prohibits uranium mining on any sites within the Navajo Nation until mining impacts are eliminated or substantially reduced, went before the Resources and Development Committee for consideration on Tuesday, where it was tabled until a work session is completed in 30 days.

The committee arrived at their decision to table after nearly two hours of discussion.

As a condition to the tabling decision, committee members decided that Legislation No. 0372-12 will be placed back on their agenda one week after the work session has been completed between all involved parties.

Prior to deliberation on the legislation, Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), along with members from the Eastern Navajo Diné Against Uranium Mining, a Diné-led grassroots organization, provided a report in which they requested for the committee’s support to uphold the 2005 Act.

The drafting of Legislation No. 0372-12 was prompted after Uranium Resources, Inc. and their consultant, former Navajo Nation President Albert Hale, delivered a presentation before the RDC on Aug. 21, discussing their plans for in-situ recovery mining in areas of Crownpoint and Churchrock, N.M.

“What we want to do today is reaffirm this issue again. As you know, the effects of uranium are going to affect our beautiful country,” said Delegate Yazzie, the legislation’s co-sponsor.

The group clarified that their primary intent was to protect from contamination the water sources of communities situated near the proposed mining sites.

In her report, ENDAUM coordinator Leona Morgan cited that once contamination of a water supply occurs, there is no way to reverse the damage – a response to URI’s claim in a prior RDC meeting that the company will be able to restore groundwater to a pre-mining state.

Responding to ENDAUM reps’ statements regarding the high quality of water in Crownpoint, Council Delegate Leonard Tsosie said, “Without evidence, it is hard for me to say that the water you are trying to protect is good water.”

Delegate Tsosie pointed out that, though the issue is a controversial one, arguments for or against uranium mining need to be supported by data gleaned from scientific studies when presented before the committee, and ultimately the full Council.

As for his opinion on the topic, Delegate Tsosie stated, "We don't need to reaffirm, I don't think. I think the better course is to protect Navajo sovereignty is to regulate. A ban won't get us anywhere." Council Delegates Leonard Pete (Chinle) and George Apachito (Alamo, Ramah, Tohajiilee), however, both expressed misgivings about the possibility of further uranium mining and processing activities.

"I do believe in the preservation and protection of our natural resources. All the damage that has been done, it is irrecoverable," said Delegate Pete.

Delegate Pete added that on his own time, he has poured through books on groundwater, wells, and geology, and from his study, established the stance that when environmental damage occurs, it is difficult for recovery to be accomplished within one's lifetime.

"This is a hazard," said Delegate Apachito, of proposed continuation of uranium mining.

Delgate Apachito recalled a recent university study which found that there was a correlation between uranium mining activities and negative impacts on livestock. With that in mind, he expressed to the committee that he supported the proposed legislation, and then asked his colleagues, "But what do we need to do to do more?"

Council Delegate Roscoe Smith (Crystal, Fort Defiance, Red Lake, Sawmill) was concerned with how the issue would unfold as the process moved forward, and requested for the opinion of Navajo Department of Justice attorney David Taylor.

Taylor candidly admitted that he was not sure, but provided the committee with "one minor legal point."

"We do not have a ban on uranium mining. We have moratorium on mining and processing," clarified Taylor. "The terms of the moratorium are that we cannot have future uranium mining and processing until all of the impacts from past mining and processing have been remediated.

As the committee had also stated previously to the parties involved in the controversial Grand Canyon Escalade development project last month, an understanding by all parties in any development issue is crucial before moving forward on a decision.

The committee voted 4-0 in favor of the decision to hold a work session in which all parties can be involved so as the committee is able to reach an informed decision on the matter when reconsidering the legislation in the near future.

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