



FOR IMMEDIATE RELEASE: July 31, 2024

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Navajo President Buu Nygren issues executive order to enforce laws to ban irresponsible, unsafe transport of radioactive material across Navajo Nation

WINDOW ROCK, Ariz. – Navajo Nation President Buu Nygren today issued an executive order to require an agreement be in place prior to the transport of radioactive material through the Navajo Nation.

for Navajo sovereignty. It's our job as the executive branch to enforce these laws."

Citing the Navajo Nation Natural Resources Protection Act of 2005 and the Navajo Nation's 2012

Radioactive and Related Substances, Equipment, Vehicles, Persons and Materials Transportation Act, he said Navajo laws regarding the transportation of radioactive materials have been in place for well over a decade.

"We're a land of laws," President Nygren said. "As the executive branch, as the President of the Navajo Nation, we're here to enforce these laws to make sure nobody's breaking these laws."

Yesterday, Energy Fuels Resources, Inc., owner of the Pinyon Plain Mine south of Grand Canyon did not provide notice to Navajo Nation officials of the transport of and estimated 50 tons of uranium mine ore through the heart of the Navajo Nation.



Navajo President Buu Nygren today signed Executive Order No. 05-2024 Related to the Transport of Uranium on and through the Navajo Nation. With him was Navajo Nation Attorney General Ethel Branch, Navajo EPA Direct Stephen Etsitty and Navajo Nation Chief of Police Ron Silver-smith.

The executive order will be in effect for the next six months.

"This was much needed," the President said. "We're taking this stance of interpreting and executing the law to ensure the safety of our people and respect

The company's failure to seek approval from the Navajo Nation for the transport of radioactive materials across its land disregards the Nation's governmental authority and sovereignty, President Nygren said.

“If you're going to smuggle uranium into our borders and across our Nation and outside, that's pretty much illegal,” he said. “I'm very disappointed that this is happening in this day and age.”

Navajo Nation Attorney General Ethel Branch said that anyone who comes into Navajo territory must conduct themselves in a responsible manner that complies with Navajo law and protects the health, safety and welfare of the Navajo people.

“Particularly with something as sensitive as uranium, where there is a long legacy of contamination and disproportionate impact to the Navajo people,” she said. “Anyone bringing those substances onto the Nation should undertake that activity with respect and sensitivity to the psychological impact to our people, as well as the trauma of uranium development that our community continues to live with every day.”

The Navajo people are identified as being in the 95th percentile of people exposed to uranium in the United States. Uranium exposure on the Navajo Nation has caused adverse reproductive health impacts and resulted in disproportionately high rates of hypertension and cancer.

Navajo Nation Chief of Police Ron Silversmith said police officers encountered Energy Fuels' contracted trucks on their return to the Pinyon Plain Mine. He said their trailers were empty and they were likely returning for a second load.

“Our officers were out there early this morning to ensure they don't come through again,” Chief Silversmith said. “It is our duty to ensure the well-being and safety of our Navajo people. Navajo law enforcement has a duty to protect and serve. We also have the duty to ensure that laws have been

followed as far as motor carrier operations that travel through the Navajo Nation.”

Stephen Etsitty, executive director of the Navajo Nation Environmental Protection Agency, said he met with Energy Fuels Resources representatives in April 2024. He said he informed them of the Navajo Nation Natural Resources Protection Act of 2005 which places a moratorium on uranium mining on the Navajo Nation.

He also informed Energy Fuels representatives of the Navajo Nation's 2012 Radioactive and Related Substances Equipment Vehicles, Persons, and Materials Transportation Act, which prohibits the transport of uranium mining products within the Navajo Nation unless it complies with Transportation Notice and other requirements.

“I informed them of this particular law that we're invoking in this executive order, which is generally known as the Radioactive Materials Transport Act,” he said. “I encouraged them to understand that this law is in effect and that we would be concerned, and we will be using this law in regard to these issues of imminent transport.”

Etsitty said Energy Fuels had been duly informed and it's up to the company how it is going to respond to today's executive order.

President Nygren said the Nation is taking a strong position because of the news that Energy Fuels trucks were on the Nation without prior notification.

“To me, that's a complete disrespect to our Nation, our tribal sovereignty and everything that we represent as a government,” he said.

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THE NAVAJO NATION

EXECUTIVE ORDER No. 05-2024

RELATED TO THE TRANSPORT OF URANIUM ON AND THROUGH THE NAVAJO NATION

WHEREAS:

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo Nation government. 2 N.N.C. § 1005(A);
2. The President shall have the power to issue an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation. Executive orders shall have the force of law. 2 N.N.C. § 1005(C)14;
3. Under the Navajo Nation Radioactive and Related Substances, Equipment, Vehicles, Persons and Materials Transportation Act of 2012 (the Act), “the Navajo Nation opposes generally the transportation of radioactive and related substances, equipment, vehicles, persons and materials over and across Navajo Nation lands.” 18 N.N.C. § 1304(A);
4. Pursuant to the Act, “no person or entity may transport any [radioactive or related substances] on or across Navajo Nation lands” without “at least four days advance notice of its intent to transport any Products on or across Navajo Nation lands.” 18 N.N.C. §1307(A), (B);
5. “It is the duty and responsibility of the Diné to protect and preserve the beauty of the natural world for future generations[.]” 1 N.N.C. § 5;
6. Our laws, Diné bi beehaz’áanii, embody Diyin bitsááqǫ́é’ beehaz’áanii (Traditional Law), Diyin Diné bitsááqǫ́é’ beehaz’áanii (Customary Law), Nahasdzáán dóó Yádiłhił bitsááqǫ́é’ beehaz’áanii (Natural Law), and Diyin Nohookáá Diné bi beehaz’áanii (Common Law). These laws provide sanctuary for the Diné life and culture, define our relationship with the world beyond the sacred mountains, and protect and preserve the balance we maintain with the natural world. 1 N.N.C. §2;
7. The Navajo Nation has a long and troubled history with uranium mining, resulting in over 500 abandoned uranium mine sites on Navajo Nation lands, and four very

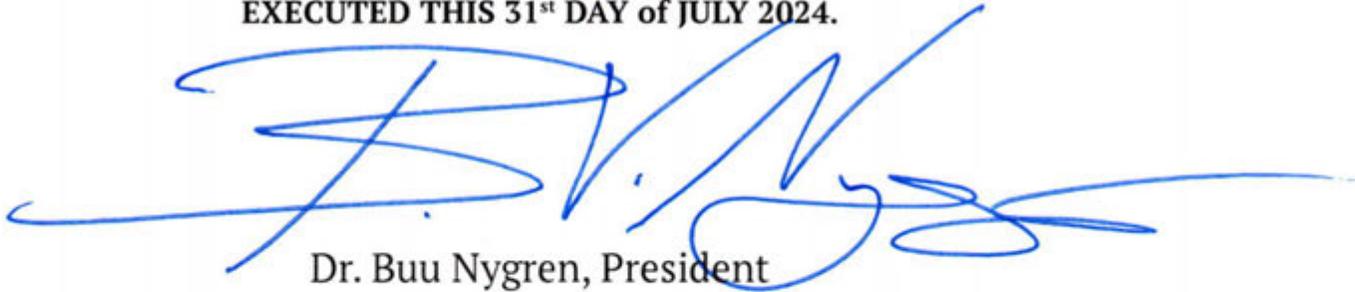
large piles of uranium mill tailings located on or adjacent to Navajo Nation lands, both leaching contaminants into surface and ground water. 18 N.N.C. § 1304(F);

8. The Navajo People and the Navajo Nation government have been substantially harmed by this uranium exploration, mining, production, processing, milling and transportation, including the largest accidental release of radioactivity in United States history. 18 N.N.C. § 1304(F);
9. The Navajo People continue to suffer the catastrophic and lethal consequences of radioactive-related activities and accidents, while hazardous radioactive waste continues to contaminate the Navajo environment resulting in lasting devastation to land, water, public health, and psychological health;
10. The Navajo People are in the 95th percentile for uranium exposure in the United States, which has caused many health impacts on reproduction and disproportionately high rates of hypertension and cancer risk;
11. With this history of exploitation and harm, it is necessary for the Navajo Nation to protect its citizens from potential catastrophic consequences related to the transport of radioactive materials;
12. The transport of radioactive and related materials across the Navajo Nation has a severe and direct effect on the health, psychological health, safety, and welfare of the Navajo Nation and its citizens;
13. The Navajo Nation has the inherent authority to regulate transportation of radioactive materials to protect the health, safety, welfare and environment of the Navajo Nation and its citizens, visitors and guests;
14. The Navajo Nation finds it necessary to “ensure that any future Activities occurring within, on or over Navajo Indian country are performed in a manner that protects the Navajo Nation environment and water resources, the health and safety of Navajo citizens and guests and visitors alike, and the welfare of the Navajo Nation.” 18 N.N.C. § 1304(I);
15. In accordance with the Act and federal law, the Navajo Nation is in the process of promulgating regulations to impose reasonable licensing fees and minimum requirements for the safe transport of radioactive materials across the Navajo Nation that are expected to be promulgated within the next six months.

THEREFORE, I, DR. BUU NYGREN, President of the Navajo Nation, by the authority vested in me, hereby ORDER the following:

For the next six months any and all transportation of radioactive and related substances, equipment, vehicles, persons, and materials must be conducted pursuant to an agreement with the Navajo Nation that ensures compliance with the Act and provides for the protection of the health, safety and welfare of the Navajo People.

EXECUTED THIS 31st DAY of JULY 2024.



**Dr. Buu Nygren, President
THE NAVAJO NATION**

ATTEST:



**Ethel Branch, Attorney General
NAVAJO NATION DEPARTMENT OF JUSTICE**