

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0211-21_

SPONSOR: Kee Allen Begay, Jr.

TITLE: An Action Relating to Resources and Development Committee and Naabik'iyáti' Committee and the Navajo Nation Council; Requesting a United States Congressional Hearing to be Conducted within the Navajo Nation Regarding the United States' Approval of Uranium Mining within the Navajo Nation, Long-Term Effects of Uranium within the Navajo Nation, and the Remediate and Reclamation Effects of the Uranium Mining within the Navajo Nation

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0211-21

DATE: October 6, 2021

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; REQUESTING A UNITED STATES CONGRESSIONAL HEARING TO BE CONDUCTED WITHIN THE NAVAJO NATION REGARDING THE UNITED STATES' APPROVAL OF URANIUM MINING WITHIN THE NAVAJO NATION, LONG-TERM EFFECTS OF URANIUM MINING WITHIN THE NAVAJO NATION, AND THE REMEDIATE AND RECLAMATION EFFECTS OF THE URANIUM MINING WITHIN THE NAVAJO NATION

PURPOSE: The purpose of this legislation to request a United States Congressional Hearing to be conducted within the Navajo Nation regarding the United States' approval of uranium mining within the Navajo Nation, long-term effects of uranium mining within the Navajo Nation, and the remediate and reclamation effects of the uranium mining within the Navajo Nation.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson

Website Posting Time/Date: _____

Posting End Date: 10-13-21

Eligible for Action: 10-14-21

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL—Third Year, 2021

INTRODUCED BY

Lee Allan Begay Jr
Primary Sponsor

TRACKING NO. 0211-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND
NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL;
REQUESTING A UNITED STATES CONGRESSIONAL HEARING TO BE
CONDUCTED WITHIN THE NAVAJO NATION REGARDING THE UNITED
STATES' APPROVAL OF URANIUM MINING WITHIN THE NAVAJO NATION,
LONG-TERM EFFECTS OF URANIUM MINING WITHIN THE NAVAJO NATION,
AND THE REMEDIATE AND RECLAMATION EFFECTS OF THE URANIUM
MINING WITHIN THE NAVAJO NATION

BE IT RESOLVED:

SECTION ONE. AUTHORITY

- A. Pursuant to 2 N.N.C. § 102 (A), the Navajo Nation Council is the governing body of the Navajo Nation.
- B. Pursuant to 2 N.N.C. §§ 164 (A)(9), 500 (C), and 501 (B)(4)(a), the Resources and Development Committee is established as a standing committee of the Navajo Nation Council with oversight of land, environmental protection and cultural resources and authority to review and recommend resolutions to the Navajo Nation Council to accomplish or impact the Resources and Development Committee purposes.

1 C. Pursuant to 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(7), the Naabik'íyáti' Committee
2 is established as a Navajo Nation Council standing committee with authority to review
3 and continually monitor the programs and activities of federal and state departments and
4 to assist development of such programs designed to serve the Navajo people and the
5 Navajo Nation through intergovernmental relationships between the Navajo Nation and
6 such departments.

7 8 **SECTION TWO. FINDINGS**

9 A. The United States began using Navajo land for uranium mining in 1944 to support the
10 U.S. Military's Manhattan Project. Following World War II, uranium mining on Navajo
11 lands increased due to the Cold War, and the United States Atomic Energy Commission
12 became the sole purchaser of all U.S. mined uranium ore until 1970. The subsequent
13 mining boom led to the creation of hundreds of mines on the Navajo Nation with the
14 Navajo people working in those mines. [*Brugee, Doug, Timothy Benally, and Esther*
15 *Yazzie, the Navajo People and Uranium Mining, Albuquerque: University of New*
16 *Mexico Press, 2006*] According to the U.S. Environmental Protection Agency (EPA)
17 approximately thirty million (30,000,000) tons of uranium ore was extracted during
18 mining operations within the Navajo Nation from 1944 to 1986. [See *Navajo Nation:*
19 *Clean Up Abandoned Uranium Mines. (2019, April 12) Retrieved July 9, 2019, from*
20 *<https://www.epa.gov/navajo-nation-uranium-cleanup>*]

21 B. Once the Cold War ended and the United States no longer needed uranium ore for
22 nuclear weapons, the uranium mines were abandoned. According to EPA there are
23 approximately five hundred and twenty-four (524) abandoned uranium mine sites within
24 the Navajo Nation. [See *Abandoned Uranium Mine Settlements on the Navajo Nation.*
25 *(2018, April). Retrieved July 9, 2019, from*
26 *[https://www.epa.gov/sites/production/files/2018-](https://www.epa.gov/sites/production/files/2018-05/documents/navajo_nation_settlement_fact_sheet-2018-01-19.pdf)*
27 *[05/documents/navajo_nation_settlement_fact_sheet-2018-01-19.pdf](https://www.epa.gov/sites/production/files/2018-05/documents/navajo_nation_settlement_fact_sheet-2018-01-19.pdf)*]

28 C. The EPA has identified two hundred and nineteen (219) former uranium sites for clean-
29 up and remediation efforts totaling approximately \$1.7 billion. Although these sites are
30 being addressed, there are another three hundred and five (305) uranium sites that have

1 not been addressed. The Navajo Nation estimates that it will cost an additional \$3 to \$4
2 billion to address the remaining three hundred and five (305) sites, which does not
3 include the cost of long-term monitoring and maintenance of areas. *Id.*

4 D. Within the Navajo Nation, there are also four (4) Uranium Mill Tailings Remediation
5 Control Act sites. These sites exist because of the uranium mill processing sites that
6 were decommissioned by the United States. Usually, the radioactive mill tailings were
7 merely capped with clay and rock and left at the former mill sites. As a result, the
8 groundwater underneath these sites has been severely impacted with hazardous waste
9 contamination. These sites are located near Mexican Hat, Utah; Shiprock, New Mexico;
10 Tuba City, Arizona; and Monument Valley, Arizona. *Id.*

11 E. Within the Navajo Nation, there a well-known uranium mill processing site located
12 immediately adjacent to the Navajo Nation in Church Rock, New Mexico that has
13 caused severe heartache for the Navajo people living in that area. On July 16, 1979,
14 the largest hazardous waste spill in the history of the United States occurred when the
15 earthen dam to the pond holding the processing mill' s uranium tailings was breached.
16 The spill, releasing over one thousand (1,000) tons of radioactive mill waste and ninety-
17 three million (93,000,000) gallons of acidic radioactive tailings solution into the Puerco
18 River, traveled downstream through the Navajo Nation, to the community of Sanders,
19 AZ, located nearly sixty (60) miles west of the spill site. The effects of this spill are still
20 being felt today and may be linked to the discovery of elevated levels of uranium in the
21 local school's drinking water. The cleanup and management of these sites is currently
22 being performed and monitored by the United States Department of Energy Office of
23 Legacy Management at an annual cost of approximately of \$4 million. [See *Community*
24 *Involvement Plan. (2016). Retrieved July 9, 2019, from*
25 *https://www.epa.gov/sites/production/files/2017-11/documents/cip_northeast_Church*
26 *Rock_kerr-mcgee_quivira.pdf*]

27 F. The United States continues to avoid or delay its responsibility to clean up uranium
28 contamination within the Navajo Nation. Instead the United States through the United
29 States Nuclear Regulatory Commission devotes resources to approving new uranium
30 develop projects within the Navajo Nation.

- 1 G. In 1998, the United States Nuclear Regulatory Commission (NRC) approved license
2 SUA-1580 that allows Hydro Resources, Inc. (now NuFuels, Inc.) to mine uranium on
3 four sites within Crownpoint Chapter and Church Rock Chapter – collectively known
4 as the Crownpoint Uranium Project using in-situ leaching method of uranium recovery.
5 In its undisturbed state, uranium remains immobile in a water aquifer and confined to
6 small discreet areas; uranium bearing aquifer are commonly safely used drinking water
7 sources.
- 8 H. In 1998, the NRC granted a source and byproduct materials license to Hydro Resources,
9 Inc. (HRI) to conduct uranium mining, using in situ leaching technology, at four (4) sites
10 in the Navajo communities of Church Rock and Crownpoint in northwestern New
11 Mexico. By granting a uranium mining license, the in-situ leaching process will pollute
12 Navajo community aquifers with uranium and other heavy metals and cause
13 contamination to air, soil, and other natural resources on lands traditionally used and
14 occupied by the Navajo people.
- 15 I. In-situ leaching mining recovers uranium by injecting chemicals into an aquifer to react
16 with the uranium deposits, causing uranium and other toxic heavy metals to spread
17 throughout the aquifer. During in-situ leaching mining operations, highly contaminated
18 water regularly migrates beyond the mining site.
- 19 J. Once extracted, transporting the uranium yellowcake then creates a risk to
20 contamination during transportation. HRI/NuFuels seeks to mine uranium in the
21 Westwater Canyon aquifer, which contains high quality water in Church Rock Chapter
22 and is the sole drinking water aquifer for Crownpoint.
- 23 K. At the time the NRC approved the HRI/NuFuels license, no in-situ leaching uranium
24 mine had ever restored a mined aquifer to pre-mining quality.
- 25 L. Since 1998, when the NRC approved SUA-1580, no aquifer with a commercial in-situ
26 leaching mine has been restored to pre-mining quality.
- 27 M. Widespread radioactive and heavy metal contamination from in-situ leaching mining
28 makes aquifer unsuitable for drinking water sources, agricultural use or cultural
29 purposes. In-situ leaching uranium mines also cause radioactive air emissions, leaks
30 and spills of radioactive and toxic liquids and displacement of individuals and

1 communities. In-situ leaching uranium mining deleterious effects last for thousands of
2 years, putting future generations of the Navajo people at risk.

3 N. It is in the best interest of the Navajo Nation, Navajo people, Church Rock Chapter,
4 Crownpoint Chapter, and surrounding communities and Chapters that the Navajo Nation
5 requests a United States Congressional Hearing to be conducted within the Navajo
6 Nation regarding the United States' approval of uranium mining within the Navajo
7 Nation, long-term effects of uranium mining within the Navajo Nation, and the
8 remediate and reclamation effects of the uranium mining within the Navajo Nation.

9
10 **SECTION THREE. REQUEST UNITED STATES CONGRESSIONAL HEARING**

11 The Navajo Nation hereby requests a United States Congressional Hearing to be
12 conducted within the Navajo Nation regarding the United States' approval of uranium
13 mining within the Navajo Nation, long-term effects of uranium mining within the
14 Navajo Nation, and the remediate and reclamation effects of the uranium mining within
15 the Navajo Nation.