

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - THIRD YEAR, 2021

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

SECTION TWO. FINDINGS

- A. The United States began using Navajo land for uranium mining in 1944 to support the U.S. Military's Manhattan Project. Following World War II, uranium mining on Navajo lands increased due to the Cold War, and the United States Atomic Energy Commission became the sole purchaser of all U.S. mined uranium ore until 1970. The subsequent mining boom led to the creation of hundreds of mines on the Navajo Nation with the Navajo people working in those mines. [Brugge, Doug, Timothy Benally, and Esther Yazzie, *the Navajo People and Uranium Mining*, Albuquerque: University of New Mexico Press, 2006]

According to the U.S. Environmental Protection Agency (EPA) approximately thirty million (30,000,000) tons of uranium ore was extracted during mining operations within the Navajo Nation from 1944 to 1986. [See *Navajo Nation: Clean Up Abandoned Uranium Mines*. (2019, April 12) Retrieved July 9, 2019, from <https://www.epa.gov/navajo-nation-uranium-cleanup>]

- B. Once the Cold War ended and the United States no longer needed uranium ore for nuclear weapons, the uranium mines were abandoned. According to EPA there are approximately five hundred twenty-four (524) abandoned uranium mine sites within the Navajo Nation. [See *Abandoned Uranium Mine Settlements on the Navajo Nation*. (2018, April). Retrieved July 9, 2019, from https://www.epa.gov/sites/production/files/2018-05/documents/navajo_nation_settlement_fact_sheet-2018-01-19.pdf]
- C. The EPA has identified two hundred and nineteen (219) former uranium sites for clean-up and remediation efforts totaling approximately \$1.7 billion. Although these sites are being addressed, there are another three hundred and five (305) uranium sites that have not been addressed. The Navajo Nation estimates that it will cost an additional \$3 to \$4 billion to address the remaining three hundred and five (305) sites, which does not include the cost of long-term monitoring and maintenance of areas. *Id.*
- D. Within the Navajo Nation, there are also four (4) Uranium Mill Tailings Remediation Control Act sites. These sites exist because of the uranium mill processing sites that were decommissioned by the United States. Usually, the radioactive mill tailings were merely capped with clay and rock and left at the former mill sites. As a result, the groundwater underneath these sites has been severely impacted with hazardous waste contamination. These sites are located near Mexican Hat, Utah; Shiprock, New Mexico; Tuba City, Arizona; and Monument Valley, Arizona. *Id.*
- E. Within the Navajo Nation, there is a well-known uranium mill processing site located immediately adjacent to the Navajo Nation in Church Rock, New Mexico that has caused severe heartache for the Navajo people living in that area. On July 16, 1979, the largest hazardous waste spill in the history of the United States occurred when the earthen dam to the pond holding the processing mill's uranium tailings was breached. The spill, releasing over one thousand (1,000) tons of radioactive mill waste and ninety-three million (93,000,000) gallons of acidic radioactive tailings solution into the Puerco River, traveled downstream through the Navajo Nation, to the

community of Sanders, AZ, located nearly sixty (60) miles west of the spill site. The effects of this spill are still being felt today and may be linked to the discovery of elevated levels of uranium in the local school's drinking water. The cleanup and management of these sites is currently being performed and monitored by the United States Department of Energy Office of Legacy Management at an annual cost of approximately of \$4 million. [See *Community Involvement Plan*. (2016). Retrieved July 9, 2019, from https://www.epa.gov/sites/production/files/2017-11/documents/cip_northeast_ChurchRock_kerr-mcgee_quivira.pdf]

- F. The United States continues to avoid or delay its responsibility to clean up uranium contamination within the Navajo Nation. Instead, the United States through the United States Nuclear Regulatory Commission devotes resources to approving new uranium develop projects within the Navajo Nation.
- G. In 1998, the United States Nuclear Regulatory Commission (NRC) approved license SUA-1580 that allows Hydro Resources, Inc. (now NuFuels, Inc.) to mine uranium on four sites within Crownpoint Chapter and Church Rock Chapter - collectively known as the Crownpoint Uranium Project using in-situ leaching method of uranium recovery. In its undisturbed state, uranium remains immobile in a water aquifer and confined to small discreet areas; uranium bearing aquifer are commonly safely used drinking water sources.
- H. In 1998, the NRC granted a source and byproduct materials license to Hydro Resources, Inc. (HRI) to conduct uranium mining, using in-situ leaching technology, at four (4) sites in the Navajo communities of Church Rock and Crownpoint in northwestern New Mexico. By granting a uranium mining license, the in-situ leaching process will pollute Navajo community aquifers with uranium and other heavy metals and cause contamination to air, soil, and other natural resources on lands traditionally used and occupied by the Navajo people.
- I. In-situ leaching mining recovers uranium by injecting chemicals into an aquifer to react with the uranium deposits, causing uranium and other toxic heavy metals to spread throughout the aquifer. During in-situ leaching mining operations, highly contaminated water regularly migrates beyond the mining site.
- J. Once extracted, transporting the uranium yellowcake then creates a risk to contamination during transportation. HRI/NuFuels seeks to mine uranium in the Westwater Canyon

aquifer, which contains high quality water in Church Rock Chapter and is the sole drinking water aquifer for Crownpoint.


- K. At the time the NRC approved the HRI/NuFuels license, no in-situ leaching uranium mine had ever restored a mined aquifer to pre-mining quality.
- L. Since 1998, when the NRC approved SUA-1580, no aquifer with a commercial in-situ leaching mine has been restored to pre-mining quality.
- M. Widespread radioactive and heavy metal contamination from in-situ leaching mining makes aquifer unsuitable for drinking water sources, agricultural use or cultural purposes. In-situ leaching uranium mines also cause radioactive air emissions, leaks and spills of radioactive and toxic liquids and displacement of individuals and communities. In-situ leaching uranium mining deleterious effects last for thousands of years, putting future generations of the Navajo people at risk.
- N. It is in the best interest of the Navajo Nation, Navajo people, Church Rock Chapter, the communities of Manuelito, Lupton, Houck and Sanders affected by the Church Rock mining that resulted in the contaminated waste dumped into the Rio Puerco, Crownpoint Chapter, and surrounding communities and Chapters that the Navajo Nation requests 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.

SECTION THREE. REQUEST UNITED STATES CONGRESSIONAL HEARING

The Navajo Nation hereby requests 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.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th 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 22 in Favor, and 00 Opposed, on this 20th day of October 2021.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

Oct 25, 2021
DATE

Motion: Honorable Rickie Nez
Second: Honorable Thomas Walker, Jr.

Speaker Seth Damon not voting

NAVAJO NATION

914

10/20/2021

Navajo Nation Council 2021 Fall Session

12:23:34 PM

Amd# to Amd#	Legislation 0211-21: Requesting	PASSED
MOT Nez, R	a United States Congressional	
SEC Walker, T	Hearing to be Conducted within	
	the Navajo Nation Regarding....	

Yeas : 22

Nays : 0

Excused : 0

Not Voting : 1

Yea : 22

Begay, E	Daniels	Smith	Tso, E
Begay, K	Freeland, M	Stewart, W	Walker, T
Begay, P	Henio, J	Tso	Wauneka, E
Brown	James, V	Tso, C	Yazzie
Charles-Newton	Nez, R	Tso, D	Yellowhair
Crotty	Slater, C		

Nay : 0

Excused : 0

Not Voting : 1

Halona, P

Presiding Speaker: Damon