

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE
23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, AND NAABIK'ÍYÁTI' COMMITTEES; REQUESTING THE COMMISSIONERS OF MCKINLEY COUNTY TO ESTABLISH A MORATORIUM ON URANIUM DEVELOPMENT AND CONDUCT PUBLIC HEARINGS ON THE POTENTIAL IMPACT OF SUCH MINING

WHEREAS:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee of the Navajo Nation Council has legislative authority and oversight over all matters related to education on the Navajo Nation. 2 N.N.C. § 401 (C) (1).
- B. The Naabik'íyáti' Committee of the Navajo Nation Council is empowered to assist and coordinate all testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. § 701 (A) (6).

SECTION TWO: FINDINGS

- A. The Navajo Nation and its People have been substantially harmed by the exploration for and the mining, production, processing, milling and transportation of uranium ore, yellowcake and other radioactive products on and near the Navajo Nation.
- B. Over five hundred (500) uranium mines were left abandoned in Navajo Indian Country, along with four extremely large deposits of uranium mill tailings.
- C. Navajo uranium miners, their families and their communities continue to suffer debilitating and lethal impacts from past uranium mining.
- D. In 2005, in legislative response, the Navajo Nation enacted the Diné Natural Resources Protection Act (Act) of 2005. 18 N.N.C. § 1301 et seq.
- E. The Act was adopted, in part, on the finding that the mining and processing of uranium ore on the Navajo Nation and in Navajo Indian Country has created substantial and

often irreparable harm to the economic, ecological and public health well-being of the Navajo Nation and its People. 18 N.N.C. § 1301 (F).

- F. The Act was further predicated on the finding that future mining and processing of uranium can be expected to generate further economic and health related damage to the land and the People of the Navajo Nation. 18 N.N.C. § 1301 (G).
- G. The Navajo Nation prohibited any further mining and processing of uranium on any sites within the Navajo Nation. 18 N.N.C. § 1303.
- H. In 2012, out of heightened concern with the increase in uranium mining activity surrounding the Navajo Nation, the Navajo Nation Council adopted, and the President of the Navajo Nation signed, the Radioactive and Related Substances Equipment, Vehicles, Persons and Materials Transportation Act in 2012. (Radioactive Transportation Act) 18 N.N.C. 1304 *et seq.*
- I. The Radioactive Transportation Act regulates the transportation across the roads of the Navajo Nation of uranium ore, yellowcake, radioactive waste and other radioactive products, other than those used for medical purposes, where such jurisdiction applies.
- J. There is now renewed interest within McKinley County to undertake additional uranium development.
- K. The Navajo Nation and McKinley County share an extensive common border, natural resources and people; with 79% of the County population being Native American by census category. U.S. Census July 1, 2017, Population Estimates
- L. The McKinley County Supervisors were asked, in 2016, to enact a three year moratorium on uranium mining, processing and exploration. **See Exhibit A.**
- M. The County would also, pursuant to the moratorium, hold at least six public meetings to collect information on the impacts of uranium mining to be used as a basis for any ordinances regulating uranium development in the County.
- N. The proposed moratorium has the support of the Eastern Navajo Agency Council and the Diné Medicine Men Association, Inc. **See Exhibit B.**

- O. To date, the McKinley County Commissioners have taken no action on the moratorium or holding public hearings on such uranium activity.
- P. The Navajo Nation finds it to be in the best interest of the Navajo Nation and its People to see the McKinley County Commissioners adopt such a moratorium and hold such public hearings.

NOW, THEREFORE, BE IT RESOLVED:

- A. The Navajo Nation hereby endorses the moratorium on uranium development within McKinley County and the holding of public hearings, as found in **Exhibit A**.
- B. The Navajo Nation hereby requests the McKinley County Commissioners to adopt the moratorium resolution and conduct public hearings on the consequences of uranium development to McKinley County, its environs and its residents.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23rd 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 11 in Favor, and 00 Opposed, on this 09th day of August 2018.

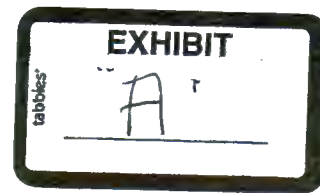


Seth Damon, Chairman Pro Tem
Naabik'iyáti' Committee

Motioned: Honorable Leonard Pete
Second : Honorable Jonathan Perry

Chairman Pro Tem Seth Damon not voting

Pursuant to § 700 (D), A quorum of the committee shall be satisfied by the presence of two (2) members of each Standing Committee or a majority of delegates of the Navajo Nation Council.



ORDINANCE No. ____-16- ____

McKinley County, New Mexico

An Ordinance Establishing a Moratorium on Uranium Mining, Processing and Exploration;
Establishing Information Gathering Meetings; Establishing Penalties

WHEREAS, uranium mining and processing, including conventional milling and *in situ* leach (ISL) mining, occurred in McKinley county from the 1950s until the 1990s; and

WHEREAS, many companies operating uranium mines during this time failed to adequately or completely remediate uranium mining waste; and

WHEREAS, as a result there remain hundreds of unremediated, partially remediated, or inadequately remediated uranium mines in McKinley County; and

WHEREAS, an ISL pilot project in McKinley County failed to restore groundwater to pre-mining conditions; and

WHEREAS, no commercial ISL uranium mine in the United States has returned groundwater to pre-mining quality; and

WHEREAS, unremediated, inadequately remediated, and partially remediated uranium mines have resulted in widespread contamination of water, thereby preventing tens of millions of gallons of water from being used for domestic or agricultural purposes or other beneficial uses; and

WHEREAS, groundwater and surface water contaminated by unremediated, inadequately remediated, and partially remediated uranium mines has caused or contributed to significant economic damage to McKinley County government and businesses; and

WHEREAS unremediated, inadequately remediated, and partially remediated uranium mines, have contaminated significant soil resources in McKinley County; and

WHEREAS contaminated soil from unremediated, inadequately remediated, and partially remediated uranium mines has resulted in substantial economic damage to McKinley County businesses; and

WHEREAS, the United Nuclear Corporation uranium mine and mill complex in Churchrock has been declared a Superfund site under the Comprehensive Environmental Response, Compensation and Liability Act and continues to contaminate soil and water; and

WHEREAS, Churchrock, located in McKinley County, is the site of the nation's largest nuclear accident, the July 16, 1979 United Nuclear Corporation mill tailings spill, the environmental and public health impacts of which persist to the present; and

WHEREAS, recent epidemiological and public health studies have linked several diseases, including cancer, heart disease, kidney disease, hypertension, and autoimmune dysfunction to living in close proximity to unremediated, inadequately remediated, or partially remediated uranium mines; and

WHEREAS, the uranium market has been depressed for over twenty years and shows no signs of recovery making the purported economic benefits of new uranium mining unlikely; and

WHEREAS, McKinley County's future is rooted in environmentally and economically sustainable industries; and

WHEREAS, the uranium mining industry has failed to take financial responsibility for the costs of fully remediating uranium mines and mills, causing the economic burden for clean-up to fall on Federal, state, and local taxpayers; and

WHEREAS, all McKinley County residents have the right to clean, sanitary drinking water and a healthy environment; and

WHEREAS, the public health, environmental, and economic impacts of the uranium mining and processing industry have not been thoroughly studied, assessed, inventoried or quantified; and

WHEREAS, McKinley County possesses authority to regulate land use within the County's boundaries; and

WHEREAS, McKinley County has authority pursuant to its inherent police powers to protect the public health, safety and welfare; and

WHEREAS, McKinley County has the authority and obligation to prevent nuisances; and

WHEREAS, McKinley County possesses the legal authority to impose a reasonable moratorium on any noxious, dangerous, hazardous, industrial or other activity the County deems a threat to the public health, welfare, safety, environment, resources or economy; and

WHEREAS, this exercise of County authority does not conflict with nor is pre-empted by any state or federal law,

THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF MCKINLEY COUNTY THAT:

1. The McKinley County Commission hereby enacts a three year moratorium on all uranium mining, processing and exploration within County boundaries, effective within thirty (30) days of enactment of this Ordinance;
2. During the three year moratorium, the County will hold a minimum of six public meetings to collect information on the impacts of uranium mining in McKinley County in order

to determine whether it is necessary and desirable to develop an ordinance regulating uranium development in McKinley County;

3. Before the end of the three year moratorium, the Commission shall consider the need for additional time to compile and analyze information on the impacts of uranium mining, processing, and remediation, and may extend the moratorium for a reasonable period of additional time, not to exceed 6 months, only if substantial progress toward an ordinance regulating uranium development in McKinley County has been made;

4. Violation of this Moratorium by engaging in uranium mining, processing, or exploration shall be punished as set forth in NMSA 1978, § 4-37-3 or by enjoining the activity violating this ordinance;

5. If any part of this Ordinance is, for any reason, held to be unconstitutional, invalid or void, the remaining portion shall not be affected since it is the express intention of the McKinley County Board of Commissioners to pass such part separately and independently from every other part.

6. This moratorium shall not be effective on any lands within the jurisdiction of any Indian tribe.

APPROVED, ADOPTED and PASSED THIS ____ DAY OF _____, 2016.

BOARD OF COUNTY COMMISSIONERS



**RESOLUTION
OF THE
EASTERN NAVAJO AGENCY COUNCIL
THE NAVAJO NATION**

No. ENAC-08/17-008

**SUPPORTING THE DINE NATURAL RESOURCES AND PROTECTION ACT (DNRPA)
AND THE CREATION OF A MCKINLEY COUNTY URANIUM TASK FORCE**

WHEREAS:

1. The Eastern Navajo Agency Council is established under the Legislative Branch of the Navajo Nation and certified by Resolution IGRS-251-01; and
2. Pursuant to 26 N.N.C. Section 103 (D) (4), the Eastern Navajo Agency Council, a consortium of elected Chapter Officials representing thirty-one (31) certified Navajo Nation Chapters, agree to address and undertake common goals and interests for the benefit of the Eastern Navajo Agency Chapters; and
3. Pursuant 2 N.N.C SECTION: 4028; the Eastern Navajo Agency Council is vested with government authority to review all matters affecting the community to make most appropriate recommendations when necessary to the Navajo Nation, County, State, Federal and other local agencies; and
4. Tribal Indian lands and private lands surround the City of Gallup and that past uranium mining has resulted in hundreds of abandoned mines that have contributed to contamination of land, air and water; and
5. Eastern Navajo Agency Council is aware that there was strong opposition in any further uranium mining, due to the serious effects and contamination; and
6. Eastern Navajo Agency Council is aware that due to the strong opposition to new uranium mining and processing, the DNRPA – Dine Resources Protection Act became effective since April 15, 2005
7. The McKinley County, New Mexico and the Navajo Nation have been long time partners in many aspects, when it comes to business, health and what is in the best interests of all its people and culture; and
8. The Navajo Nation Council, in 2005, banned uranium mining on the Navajo Nation.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Eastern Navajo Agency Council supports the Dine Natural Resources and Protection Act (DNRPA) and the creation of a McKinley County Uranium Task Force.
2. Further, the McKinley County Commission refrain from any involvement with companies or industries who are interested in uranium production, as long as DNRPA is in place.
3. Further, the McKinley County Commission should introduce a similar moratorium, and should implement a Task Force to work with relevant stakeholders on the effects of past and proposed uranium development, which is not in the best interests of all the people.

CERTIFICATION

I hereby certify that the foregoing resolution was approved by the Eastern Navajo Agency Council at a duly called meeting at Nageezi Chapter, Navajo Nation, New Mexico, at which a quorum was present and the same was passed by a vote of 62 in favor, 00 opposed, 07 abstained, this 26th day of August 2017.

Moved by: Rapheal Martin, Pinedale Chapter
Seconded: Johnny Johnson Tse'i'ahi Chapter



President, Jamie Henio

ATTEST



W. Wanda Arviso, Secretary



Dine' Medicine Men Association, Inc.

Diné Bi Nahagha' Yee Da' Ahoota'

P.O. Box 4574

Gallup NM 87301

RESOLUTION

#91017-2

By Virtue of the Inherent Rights of the Dine' Medicine Men's Association, Inc. and the Dine' Traditional Medicine-People, urging the McKinley County Commissioners to honor and respect the DNRPA- Dine' Natural Resources Protection Act which became Law on April 2005, that addressed the fact that uranium ore mining had contaminated drinking water, air, land, and can have long health effects which was proven in many of the McKinley County community's and at nearby Gallup area, and where many of the uranium mine cleanup has not been implemented in same area.

Whereas:

- 1. The Dine' Medicine Men Association, Inc. is a non-profit organization incorporated with the Navajo Nation of Commerce and has been in existence since the early 1970s, and**
- 2. Dine' traditional medicine people always have had the commitment to teach, preserve and protect the welfare of the Dine' people as well as the welfare of the Dine' Nation through providing exceptional protocols of the traditional knowledge of the distinctive oral philosophy of Indigenous way of life on the basis of the Dine' Ancient Oral Sacred Philosophy of the Spiritual Belief Foundation. Hence, it always has been the moral principle that guided the ceremonial sacred songs and prayers interwoven with intellectual and oral proceedings of planning and teaching with dignity and integrity which is still the foundation of Dine life way since time immemorial; and**
- 3. The local and national elected leaders are bestowed to protect their peoples equally as Dine people, and as their children..**
- 4. Dine' people have the right to self-determination and culture. By virtue of this right the Dine' people freely determine their political status and freely pursue their economic, social, and cultural development. The right of self-determination is the fundamental human right and cannot be desecrated, discriminated, and taken away by any business entity or any governing institute; and**
- 5. Dine' Medicine Men Association is aware that Tribal Indian lands and nearby private lands surround the City of Gallup and is aware that past uranium mining has resulted in hundreds of abandoned mines that have contributed to contamination of land, air and water; and**

NAVAJO NATION

RCS# 1217

2018 Summer Session

8/9/2018
03:30:09 PM

Amd# to Amd#	Legislation 0173-18: Requesting	PASSED
MOT Pete	the Commissioners for McKinley	
SEC Perry	County Establish a Moratorium	
	on Uranium Development...	

Yea : 11

Nay : 0

Excused : 4

Not Voting : 9

Yea : 11

Begay, K
Begay, NM
Begay, S

BeGaye, N
Brown
Jack

Perry
Pete
Tso

Tsosie
Witherspoon

Nay : 0

Excused : 4

Daniels

Filfred

Smith

Yazzie

Not Voting : 9

Bates
Bennett
Chee

Crotty
Damon

Hale
Phelps

Shepherd
Slim