



Eastern Navajo Diné Against Uranium Mining (ENDAUM)  
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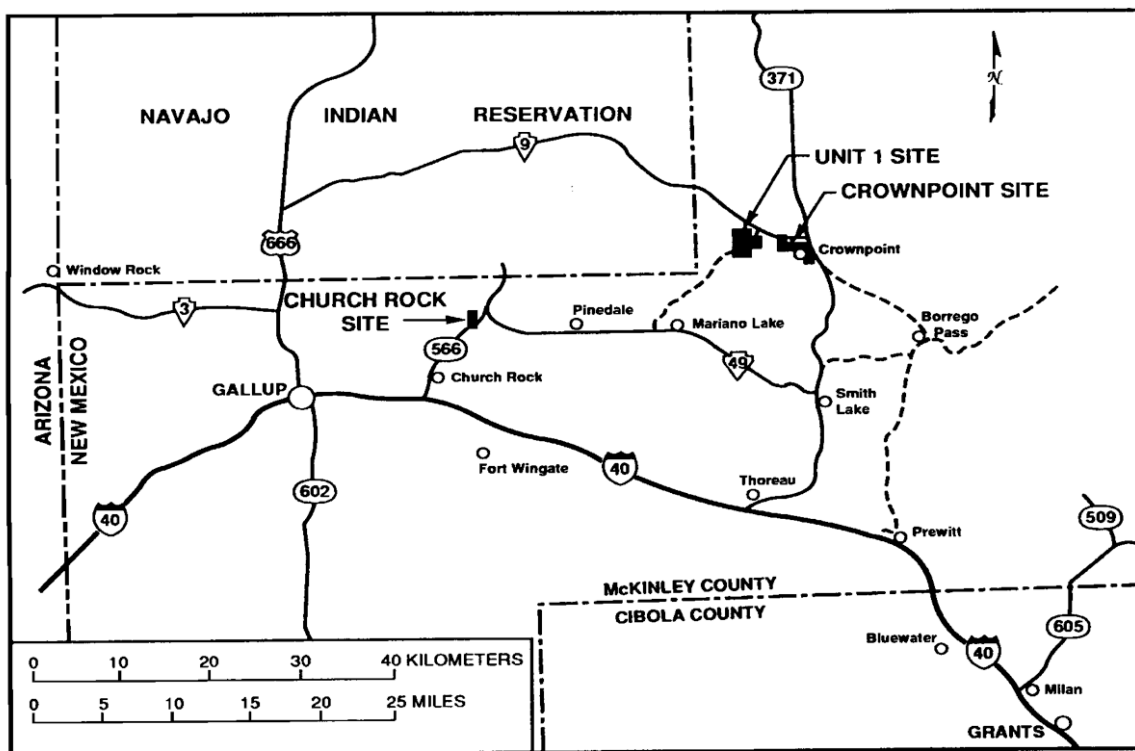


ENDAUM Statement to the NM Indian Affairs Committee, October 27, 2011

My Name is Leona Morgan, I am here on behalf of an Indigenous grassroots community organization called ENDAUM or Eastern Navajo Diné Against Uranium Mining. ENDAUM is a Navajo-led non-profit organization and our membership is primarily Diné people of the Eastern Agency of the Navajo Nation. We work with the Multi-Cultural Alliance for a Safe Environment (MASE) and serve a large constituency of Northern Western New Mexico through our grassroots advocacy for a Safe Environment for all. Our concern is not only safe drinking water for humans, but for the health of all life and future generations.

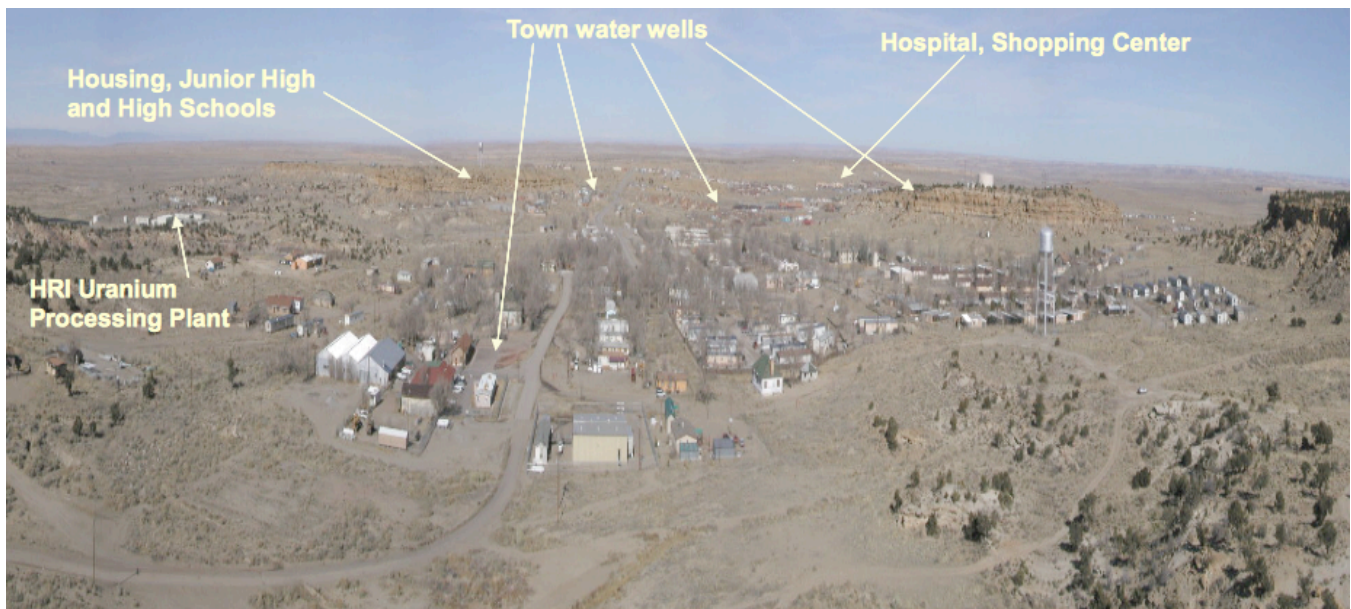
ENDAUM was started in 1994 in response to the company HydroResources, Inc's (HRI) proposed uranium projects. Mitchell and Rita Capitan, Crownpoint residents, realized that proposed In Situ Leach (ISL) uranium mining projects would contaminate the waters of Crownpoint and Churchrock, New Mexico. Mr. Capitan worked for the Mobil company and watched as they successfully extracted uranium using ISL processes, also called In Situ Recovery or ISR. Furthermore, Mr. Capitan watched as they failed to clean the water to its original pristine state. "To date, no remediation of an ISR operation in the United States has successfully returned the aquifer to baseline conditions." (See Attached: In-situ recovery uranium mining in the United States: Overview of production and remediation issues, J.K. Otton, S. Hall U.S. Geological Survey, Lakewood, Colorado, United States of America.)

Regional Map of HRI's proposed ISL sites



ENDAUM is focused on protecting the waters of Eastern Navajo from uranium mining and processing, which is the front end of the nuclear fuel chain. We are concerned about all the nuclear activities in the state where communities are affected by the use of its natural resources and left with the contamination and health effects, but first and foremost we are concerned with the uranium mining and processing proposed in Churchrock and Crownpoint. Two of our Board Members live within 0.5 mile of HRI's proposed sites. Christine Smith of Crownpoint lives next door to HRI's Central Processing Plant. Larry King lives across the highway from Section 8 in Church Rock. Also, our community water wells, schools, churches, residents and burial sites are within 2 miles of the HRI Crownpoint Processing Plant (See Photo above). HRI plans to transport radioactive materials through Navajo communities from Churchrock to Crownpoint (See Map below). We are not just concerned for members of our organization, but *all* residents, workers and future generations that may be affected by these projects.

Aerial Photo of Crownpoint, NM



Being in the checkerboard area, of Eastern Navajo Nation, we are dealing with different agencies depending on the jurisdiction of the land and underground resources, which makes our work to protect our water more challenging and quite laborious to promote the necessary work of clean-up and health studies. In MASE, we work collaboratively to accomplish common goals. We are advocating to different agencies for comprehensive health studies before any mining occurs. Specifically, we are requesting for studies on uranium-exposed communities in this area with respect to our unique cultural land and water uses, on both human and environmental health.

As Indigenous peoples, we have a culture and way of life that was once in complete harmony with our environments, natural laws and cycles. Our way of life has been affected by colonization, theft and desecration of our homelands and countless other ways, including resource extraction and energy development. Indigenous peoples all over the world have been left with the legacy of uranium mining

and milling activities on and adjacent to our homelands since the 1940's. On the Navajo Nation alone, there are over 1100 uranium waste sites associated with approximately 520 abandoned uranium mines. There are also 4 uranium milling sites undergoing remediation, 1 Superfund site, and numerous structures built with contaminated materials. In 1979, Church Rock, NM, located about 15 miles east of Gallup, was affected by the largest uranium spill in history when a tailings pond dam broke and leaked over 94 million gallons of contaminated water into the local Puerco River. That contamination flowed from Church Rock, NM, into Gallup and westward into Arizona. This entire area has never been studied, we are still concerned about the lasting effects of this spill to our waters, our environment, our cultural resources and the future of our people and our way of life.

Since mining first began, tribal leaders and community members have conveyed their concerns about mining and milling impacts, often to deaf ears. In 2007, Navajo leaders and community representatives again testified before Congress. Based on the testimony, Rep. Henry Waxman (D-CA), then-Chair of the House Oversight Reform Committee, convened 5 federal agencies including the Environmental Protection Agency (EPA), Indian Health Service (IHS), Department of Energy (DOE), Bureau of Indian Affairs (BIA) and the Nuclear Regulatory Commission (NRC) and requested that they collaboratively develop and implement a 5-year plan to assess and remediate uranium contamination on the Navajo Nation. In September 2008, the Centers for Disease Control & Prevention (CDC) and the Agency for Toxic Substances & Disease Registry (ATSDR) were requested to participate as well. CDC has collaborated with the EPA on water quality activities and in 2009, ATSDR was mandated by Congress to conduct an epidemiological study in the Navajo Nation. As part of this mandate, ATSDR is to receive \$2 million per fiscal year for three years (as funding is available) to conduct the study.

In 2009, ATSDR developed a Funding Opportunity Announcement (FOA) in the amount of \$1 million/year for 3 years to design and conduct an epidemiological study of health conditions potentially associated with environmental exposures to uranium released from past mining and milling operations on the Navajo Nation. In August 2010, the University of New Mexico was selected to design and conduct the study with Johnnye Lewis as the Chief Investigator. The study will follow a cohort of pregnant Navajo women and evaluate potential associations between uranium exposure during pregnancy and reproductive outcomes. Development of the children will be followed during the first year of life. This study will also assess potential interactions with other heavy metals in the environment and determine activities and sources that may be contributing to increased maternal/fetal uranium exposure. The remaining \$1M of the congressional allocation for the study will be split among CDC/ATSDR, Navajo Nation Division of Health, and the Navajo Area IHS to support the research.

This Birth Cohort study is a small initial step in responding to community requests for comprehensive health evaluations. Many questions remain to be answered beyond this scope, but even this limited effort required direct intervention by congress and is dependent on continued funding. No existing mechanism is dedicated to answering these important questions regarding the health of the community and environment with respect to uranium exposure. There is a need for development of the capacity to respond to the unique characteristics of communities, to provide assessments that consider unique exposures and health context as well as the influence of socioeconomic disparities that have been linked to adverse health outcomes. Such measures require development of appropriate policies to respond to these concerns.

As grassroots people, we do not have the resources available to test and monitor the quality of our water and natural resources or to project possible contamination from various sources. Also, we lack the resources to do health studies without the help from institutions which require ample funds to do so. Currently, the various communities of MASE have been requesting and advocating for funding to do studies in the region. Collectively, as Indigenous peoples, we have our expertise in the environment from centuries of traditional practices and wisdom from living on the land. Today, our entire existence as Indigenous people and our way of life is threatened by uranium and other industries. For these reasons, organizations of Indigenous peoples (in MASE) are seeking for Comprehensive Health Studies that include our unique types of exposure when studying human and environmental health. It is imperative that we study the current health of the people, water, and local environment to know what we are dealing with today.

Our people have been living and dying with the uranium legacy issues for over several generations and still do not have a basis to measure the effects to our communities' health or the contamination to our environment. We cannot go forward with new mining and processing without understanding the risks of radiation exposure, information that comprehensive health studies will provide. This is information that we can pass to our future generations, information our elders did not have. Johnnye Lewis, the Chief Investigator of the Dineh Project, a health study done in our region, has found when taking into account the traditional land uses, cultural activities and current health status of the communities that exposure does increase diseases like hypertension and kidney disease. This work to study health and produce scientific evidence regarding effects from conventional mining and milling has just started, how can we move forward to allow this ISL/ISR industry in the state without first assessing the legacy left from past mining?

As the affected community, we strive toward working directly with agencies to address our concerns. Members of the organizations in MASE have been working on these issues for more than 30 years, collectively for 100's of years. One of the biggest hurdles for grassroots people and stakeholders is not having a seat at the table when decisions are being made regarding our communities. We have been involved in these processes by our own interest and funding. We would appreciate any future meetings on these matters to be held in or near the communities which are being discussed. Many of our members were unable to attend today on this important matter due to constraints of time and money to get here. Also, we invite all of you to our area to visit and see these sites for yourself. Our organization provides tours and is happy to assist with providing any additional information to your committee.

Lastly, along with this statement I have submitted to Mr. Damian Lara for your review a study on the work done by Uranium Resources Incorporated (HRI's parent company) on water restoration in Texas which failed to restore water quality after mining (See Attached: Effects of URI's Kingsville Dome Mine on Groundwater Quality Final Report By George Rice) and a Report by James K. Otton.

I'd like to thank you all for hearing our concerns and holding this extra day to learn more about this issue that is of extreme importance to our communities and survival of our timeless way of life. Ahee'hee (Navajo for Thank you).

## Highlights of the Affected Communities' concerns, work, and perspective:

- Affected Navajo communities have passed resolutions OPPOSING any new uranium mining (Churchrock, Crownpoint + 11 others). Becenti Chapter approved a resolution OPPOSING new mining this year.
- Some impacted communities are backed by the Navajo Nation's enactment of the 2005 Diné Natural Resources Protection Act, which prohibits uranium mining and processing anywhere in Navajo Indian Country. Only a portion of the Eastern Agency of Navajo Nation is protected due to land status.
- The impacts of the Navajo Uranium Legacy are pervasive: 57 of 110 chapters have one or more uranium exposure sources.
- The pace of cleanup is excruciatingly slow; only the top 4 mines out of 520 discrete mines are on a path toward remediation, and at the current pace will take another 2 generations.
- The cost is enormous. A top Navajo EPA official told Al Armendiz, US EPA Region 6 Administrator, this week at the National Environmental Justice Advisory Council that Navajo Nation now estimates cleanup costs at \$850 million, and that's still just an estimate.
- Despite these impacts, NO comprehensive health studies have been done, and the only two studies now ongoing are underfunded and address only some of the known and potential public health effects of uranium exposures.
- Full compensation for uranium workers and their families has not been achieved.
- Most of these points also apply to the Uranium Legacy in the Grants Mineral Belt and to scores of communities throughout the Western US.
- The Federal Government caused most of these mines and mills to be constructed in pursuit of materials for weapons of mass destruction. Yet the Government has addressed only abandoned uranium mill tailings, not the 10,000+ uranium mine features that the US EPA has documented.
- The only thing sustainable about uranium development is the duration of the radiological and toxic hazards contained in the wastes; that's why mill tailings reclamation has to be certified for up to 1,000 years, and no less than 200.
- Cleanup is already outliving the lifespan of production; here are some examples:
  - Northeast Church Rock Mine: produced uranium ore for 13 years ('69-82); was abandoned in 1983; remediation studies began in 2003; final cleanup not expected to be done until 2018 or 2019. That's a period of more than 35 years since the mine closed, more than twice the period of mining.
  - UNC Uranium Mill: operated from 77-82; remediation of groundwater between '88 and 2006; interim reclamation of tailings between 89 and 96; final closure still 5 years away unless NECR Mine wastes are put on top of tailings, which would extend final closure another 7 years.
  - Homestake Mill: built in '58, operated until '90; first groundwater contamination detected by USPHS engineers in '61; first groundwater remediation program launched in '76-'77; third major groundwater restoration technique began in 2000; current estimate for achieving groundwater "action levels" -- which incorporate pollution from upstream uranium operations -- is 2017, and even EPA and the Army Corps of Engineers say that the 2017 date will NOT be met. It's now 50 years since the problem was discovered and groundwater cleanup will have taken just as long as the operational period of the mill. And to THIS day, the final radon cap has NOT been put on top of the tailings pile, exposing the communities within 0.5 to 3.5 miles away.