

**MINUTES  
of the  
SECOND MEETING  
of the  
URANIUM POLICY SUBCOMMITTEE  
of the  
INDIAN AFFAIRS COMMITTEE  
and the  
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**October 28, 2009  
Room 305, State Capitol  
Santa Fe**

The second meeting of the Uranium Policy Subcommittee was called to order by Senator Lynda M. Lovejoy on Wednesday, October 28, 2009, at 10:12 a.m. in Room 305 of the State Capitol in Santa Fe.

**Present**

Sen. Lynda M. Lovejoy, Co-Chair  
Rep. Patricia A. Lundstrom, Co-Chair  
Rep. John A. Heaton  
Sen. David Ulibarri  
Rep. Jeannette O. Wallace

**Absent**

Sen. Vernon D. Asbill

**Staff**

Damian Lara

**Guest List**

The guest list is in the meeting file.

**Wednesday, October 28 — State Capitol**

Senator Lovejoy provided an overview of the purpose for a second subcommittee meeting. The subcommittee needed to finalize its recommendations to the Indian Affairs Committee (IAC) and the Radioactive and Hazardous Materials Committee (RHMC). Open for discussion was the recommendation for the scope of work of the five-year plan currently being drafted by the federal Environmental Protection Agency (EPA) and possibly seeking some type of congressional hearings or hearing-style field meetings.

Bill Brancard, director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, provided a synopsis of the EPA's progress on the five-year plan and the state agencies' input and recommendations provided thus far to the EPA. The subcommittee discussed the relevant needs of the community, the perspectives of the federal agencies versus the perspectives of the state agencies in addressing the uranium legacy and the significant

obstacles to the uranium legacy cleanup.

Upon a motion made by Representative Lundstrom and seconded by Representative Wallace, the subcommittee voted without objection to recommend that a joint letter on behalf of the IAC and the RHMC be sent to the EPA requesting that the scope of work for the five-year plan, currently titled "Health and Environmental Impacts of Uranium Mining and Milling in the Grants Mineral Belt", include:

- assessment and development of strategies to address and clean up the risks to human health from legacy uranium sites (both mining and milling) in the following priority order: 1) contaminated water supply sources; 2) pathways that may pose a threat to human health and the environment; 3) contaminated surface materials and air; and 4) potentially contaminated structures;
- input, participation and cooperation from critical federal agencies such as the federal Department of Energy's Office of Environmental Management and Office of Legacy Management; the Department of the Interior's Office of Surface Mining Reclamation and Enforcement, Bureau of Land Management, Bureau of Indian Affairs, United States Forest Service and United States Geological Survey; the Nuclear Regulatory Commission; the United States Army Corps of Engineers; and other critical state and federal agencies that can assist in the uranium legacy cleanup;
- an ongoing public participation process and assessment of benchmarks and goals; and
- identification of funding and federal statutory authority limitations to fully address and clean up uranium legacy risks to human health and the environment.

Senator Lovejoy allowed the audience to briefly share their recommendations and thoughts for solutions to the uranium legacy. The subcommittee then took up discussion of involvement in the uranium legacy by the New Mexico congressional delegation. The committee tried to balance the need for continued advocacy and awareness of uranium legacy cleanup and the need to remain focused on specific cleanup efforts by federal agencies and funding needs.

The subcommittee highlighted the achievements of its trip to Washington, D.C., and the need to continue to engage the federal government in the uranium legacy. The presentations on federal legislation and regulations governing the uranium legacy cleanup by the federal agencies in Washington, D.C., were extremely informative and invaluable in the subcommittee's understanding of the federal structure for addressing the uranium legacy cleanup.

Upon a motion made by Representative Lundstrom and seconded by Senator Ulibarri, the subcommittee voted without objection to request that the New Mexico Legislative Council approve a trip to Washington, D.C., by the same members who attended the last trip to meet with

federal agencies and members of Congress in order to continue to learn about the federal process as it relates to federal appropriations for and the legislation and regulation of the uranium legacy cleanup.

The subcommittee indicated that the savings from the cancellation of a three-day IAC meeting in Mescalero could be used to cover the costs of a trip to Washington, D.C.

The subcommittee voted unanimously to recommend that if the New Mexico Legislative Council denies the subcommittee a trip to Washington, D.C., the IAC and the RHMC should request that Congress convene committee or subcommittee hearings on the issue of the uranium legacy cleanup.

After the discussion on the probabilities of the New Mexico Legislative Council approving a trip to Washington, D.C., the subcommittee directed staff to seek an attorney general opinion on the legality of the mining industry covering the expenses of an educational trip to Washington, D.C., for the members to learn about the federal process as it relates to federal appropriations for and legislation and regulations governing the uranium legacy cleanup.

Upon a motion made by Representative Lundstrom and seconded by Senator Ulibarri, the subcommittee voted without objection to request that the New Mexico Legislative Council continue the Uranium Policy Subcommittee and reappoint its members.

Subcommittee members indicated that, during the member follow-up and any formal correspondence, language should be used to ensure that the old uranium industry not be confused with the new regulated uranium industry and that the uranium legacy cleanup not be confused with future uranium development. Additionally, subcommittee members indicated that efforts to move forward with the uranium legacy cleanup should not in any manner give the impression that the subcommittee is against future uranium development.

There being no further business before the subcommittee, the second meeting of the Uranium Policy Subcommittee was adjourned at 1:05 p.m.