

Uranium mining lawsuit filed

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By D. Dion

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Norwood, Colo. -

Plaintiffs in a lawsuit filed last week are hoping to put a stick in the spokes of the Department of Energy, and slow the rapidly turning wheel of uranium mining and development in western San Miguel and Montrose Counties. The DOE awarded 16 uranium mining leases to four companies this summer.

The complaint was brought by four environmental groups, Colorado Enironmental Coalition, Information Network for Responsible Mining, Center for Native Ecosystems and Center for Biological Diversity. They allege that the DOE did not follow federal law in determining the environmental impacts associated with the leasing.

"The DOE went forward based on the 2007 assessment and finding of no impact," said Travis Stills, the attorney handling the suit. "The crux of the complaint is based on the fact that the DOE needed to do an environmental impact statement. Federal law requires that they take a comprehensive look at the whole program."

By the "whole program" Stills means the uranium mill proposed on adjacent private land to process the uranium after it is mined. That mill, the Piñon Ridge Mill, has already filed for a permit in Montrose County. It would be one of just two mills operating in the U.S. — the other mill is owned by Denison Mines and is in Blanding, Utah. Piñon Ridge is owned by Energy Fuels, which won four of the DOE leases on 6,600 acres.

"It's laughable to say that (the mining leases and the proposed mill) are unrelated," said Stills. "Everybody knows that these are one proposal, and the mill couldn't be more centrally located in this proposal."

Stills and the suit also point to the wave of interest generated in uranium development associated with the DOE activity and the proposed mill — some 10,000 uranium mining claims were filed on public lands last year.

Joanna Waldrin, of the DOE, said that her agency is not yet prepared to comment on the complaint.

"The only thing that I can say is that we've received the complaint and are reviewing it carefully," said Waldrin.

In 1970, the National Environmental Policy Act was passed to help public agencies make policies based on an "understanding of environmental consequences." NEPA is also meant to insure that the public is made aware of the consideration given to the environmental consequences. According to the lawsuit, the DOE failed to follow NEPA procedure — the agency filed an EA, or an environmental assessment, that found there was no impact, rather than taking a more inclusive look at the project in an EIS, or environmental impact statement. The four plaintiffs did make comments on the project during the public comment period of the EA. Stills said that when the same area was used for mining and milling in the 1940s and 50s, when the Town of Uravan was created to help the country develop uranium for munitions, there was no NEPA and no means of publicly regulating the ill effects of the industry. Many of the workers and miners were poisoned by the radiation, winning two huge class action lawsuits against Union Carbide, and a half-century later, the reclamation of the old mill site is still not complete.

"The DOE has taken the position they don't have to look at the past problems. But if you don't look at the

history, how can you avoid this happening again,” said Stills. “We’re facing another boom-bust cycle with no real idea of what the consequences might be.”

The District Court will have 60 days from the July 31 filing of the complaint to evaluate the suit.