



Enviros defend Interior on mining withdrawals in face of industry lawsuits

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Environmental groups and Arizona's Havasupai Tribe moved this week to intervene in an industry lawsuit against the Interior Department's ban on new mining claims near Grand Canyon National Park.

Attorneys for Earthjustice and the Western Mining Action Project filed the motion on behalf of the tribe, the Sierra Club, the Center for Biological Diversity and other groups.

"DOI's environmental analysis demonstrates the harm uranium mining has caused," the motion says, "and will likely cause in the future if allowed to occur absent DOI's withdrawal."

Matthew Putesoy, Havasupai tribal vice chairman, said in a statement, "The Havasupai Tribe has long opposed mining on our aboriginal lands because of the threat uranium mining poses to our traditional uses, practices, sacred places, and to the plants, wildlife, air and water."

The environmentalists' motion responds to a lawsuit filed late last year by Arizona uranium prospector Gregory Yount, who

argues that Interior failed to comply with National Environmental Policy Act guidelines for reviewing the withdrawal.

"NEPA requires that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason," Yount said in the complaint he filed without an attorney.

Last week, the Northwest Mining Association, which has members affected by the withdrawal, filed the latest industry lawsuit. NWMA says Interior moved forward with the ban on new claims with scant justification, a flawed review and a predetermined decision.

While the ban applies only to new mining claims for the next 20 years, NWMA fears it will also affect existing ones. Interior has said claims must pass a validity test, including an analysis of a mine's economic viability.

"It will not only prevent the location of new claims in the area," the suit says, "but the withdrawal also slows and/or prevents the development of valid existing rights."

The NWMA lawsuit is similar to another complaint filed last month by the National Mining Association and the Nuclear Energy Institute. All three groups called the mining withdrawal unconstitutional (E&ENews PM, Feb. 27).