



# Tribes, conservation groups sue Forest Service over Canyon Mine

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WINDOW ROCK – The Havasupai Tribe and three conservation groups Thursday sued the U.S. Forest Service over its decision to allow Energy Fuels Inc. to operate a uranium mine near Grand Canyon National Park without formal tribal consultations on the Red Butte sacred site and without updating a 1986 federal environmental review.

Energy Fuels' Canyon Mine is located 6 miles south of the park boundary. Since completion of the 1986 environmental review, the Forest Service in 2010 designated Red Butte – immediately adjacent to the mine – and surrounding areas as a Traditional Cultural Property. The designation means it is eligible for inclusion in the National Register of Historic Places and meets the definition of a “historic property” under the National Historic Preservation Act.

Although the Forest Service recognized Red Butte as a sacred site of critical religious and cultural importance to several tribes, especially the Havasupai, its 1986 approvals did not analyze the mine’s potential impacts to Red Butte as a historic property. The lawsuit alleges the Forest Service violated the National Historic Preservation Act by failing to undertake any process to consult with interested tribes on how potential adverse impacts might be avoided.

“Sacrificing water, culture and wildlife for the uranium industry was a bad idea in 1986; doing so now while ignoring 27 years of new information is absurd,” Taylor McKinnon with the Center for Biological Diversity said.

Havasupai Chairman Don Watahomigie said the tribe regrets that the Forest Service is not protecting Red

Butte. “The Havasupai are returning to the federal courts to protect our people, our religion and our water,” he said.

The mine’s original approval in 1986 was the subject of protests and lawsuits by the Havasupai Tribe and others objecting to potential impacts on regional groundwater, springs, creeks, ecosystems and cultural values associated with Red Butte.

## NO CONSULTATION

Despite President Barack Obama’s commitment to honoring a nation-to-nation relationship with Indian Country and this week's release of an action plan from Washington designed to strengthen the protection of Indian sacred sites, “There was really no consultation” on Red Butte, Watahomigie said Friday.

“We've always considered it a sacred site and it's a designated TCP. The mine is within the TCP area and it seems the Forest Service really had no concern with it being inside the TCP area. That is one of the concerns we have now.

“We're going to be having a consultation meeting hopefully with Navajo, Hopi, Zuni and Hualapai down in Supai and see what we can do. We invited the people that have a concern in the area and traditional, religious, and cultural ties to the area. We're asking them to come and meet,” he said. “We'll see what else we can come up with. We're working on this lawsuit and we just started. We'll be pursuing this pretty strongly.”

Plaintiffs in the suit also include Grand Canyon Trust, Center for Biological Diversity and Sierra Club. The suit seeks injunctive relief ceasing all mine operations and enjoining the Forest Service from authorizing or allowing any further mining related activities at the Canyon Mine site pending compliance with the law.

“It just reopens a huge story and sore spot in the 1980s when the Havasupai fought this all the way to the Supreme Court and lost,” Roger Clark of Grand Canyon Trust said. “What happened was the mining company went ahead and opened up the area, did everything but sink the shafts, and then locked the gate on it and walked away for over 20 years” when uranium prices crashed. “Now, the Forest Service is allowing them to move forward in sinking the shaft and continuing on under the previous record of decision without any updates.”

#### MINING IMPACTS

The mine falls within the million-acre “mineral withdrawal” approved by the Obama administration in January 2012 to protect Grand Canyon’s watershed from new uranium mining impacts. The withdrawal prohibits new mining claims and mine development on old claims lacking “valid existing rights” to mine. Last April, the Forest Service determined there were valid existing rights for the Canyon Mine.

Pre-mining exploratory drilling drained groundwater beneath the mine site, eliminating an estimated 1.3 million gallons per year from the region’s springs. Municipal wells, seeps and springs in Grand Canyon, including Havasu Springs and Havasu Creek, are fed by groundwater threatened by the mine, according to plaintiffs.

Waters and soils in the Grand Canyon already have been impacted by previous uranium mining. The Orphan Mine, located near Canyon Mine on the south rim, operated for a decade before ceasing operations in 1969. In 1995, elevated levels of uranium and other radioactive materials were detected within Horn Creek, which flows into the Colorado River from the south rim. The Park Service warns visitors not to drink the water within Horn Creek “unless death by thirst is the only other option,” according to the complaint.

Aquifer Protection Permits issued for Canyon Mine by Arizona Department of Environmental Quality do not require monitoring of deep aquifers and do not include remediation plans or bonding to correct deep aquifer contamination, according to plaintiffs.

Sandy Bahr, chapter director for Sierra Club’s Grand Canyon Chapter, said that after 27 years, the Forest Service is still ignoring the significant and harmful impacts of uranium mining. “The agency should be a steward of these lands and their resources, not a broker for the uranium mining industry.”

Energy Fuels estimates there are 1.6 million tons of uranium in the high-grade “breccia pipe,” or broken rock, deposit at Canyon Mine. The company has begun refurbishment of surface facilities and expects to begin production in 2015. The ore will be processed at the company’s White Mesa Mill in Blanding, Utah.