

SUMMIT COUNTY CITIZEN VOICE

Colorado: Court ruling puts uranium mining on hold

October 19, 2011 by Bob Berwyn

Judge rules that Department of Energy violated environmental laws with leasing approval

SUMMIT COUNTY — Uranium mining in southwestern Colorado is on hold following an Oct. 19 ruling by U.S. District Court Judge William Martinez.

The court ruled that the U.S. Department of Energy acted arbitrarily and capriciously” by failing to analyze site-specific impacts when it approved a leasing program on 42 square miles of federal land in Mesa, Montrose and San Miguel counties.

The Energy Department approved the leasing program under an environmental assessment, concluding with a formal “Finding of No Significant Impact.” A coalition of environmental groups challenged the approval and asked the court to order an in-depth environmental impact statement based on the potential for the mining and related activities to significantly affect the quality of the human environment.

Judge Martinez declined to go that far, instead remanding the decision back to the energy department with orders to conduct a study that considers site-specific impacts. According to the ruling, the Energy Department has indicated it will do a complete environmental impact statement.

Uranium mining in the area started after World War II, when Congress authorized the Atomic Energy Commission to withdraw federal lands from public use and lease them to uranium mining companies.

A background section of the court ruling explains that the first leasing program conducted between 1949 and 1962, produced more than 1.2 million pounds of uranium and 6.8 million pounds of vanadium, worth \$5.9 million in royalties to the federal government.



A mine in a uranium-bearing sandstone formation near Moab, Utah. PHOTO VIA WIKIPEDIA AND THE CREATIVE COMMONS

Under a second round of leases started in 1974 (including lands in Utah and New Mexico) mining companies produced 6.5 million pounds of uranium and 33.4 million pounds of vanadium, generating \$53 million in royalties to the federal government.

In 1994, the remaining leases expired, which triggered the review process at issue in the current court case.

Conservation groups called this week’s decision a major victory for clean air, clean water and endangered species on public lands.

“We are pleased that Judge Martinez agreed with the groups, as well as local governments, who have been requesting the federal government take responsible steps to disclose the full range of impacts of mining uranium on public lands in combination with the impacts from Energy Fuels’ proposed uranium mill,” said Hilary White, executive director of Sheep Mountain Alliance. “

This is an important ruling that will help ensure that any uranium mining and milling that may take place in the Dolores River watershed is protective of the environment and human health. We look forward to the Environmental Protection Agency's leadership in disclosing the full impacts of uranium activity in this important watershed," she said.

The ruling invalidates the Department's approval of the program; suspends each of the program's 31 existing leases; enjoins the Department from issuing any new leases; and enjoins any further exploration, drilling or mining activity at all 43 mines approved under the program pending satisfactory completion of new environmental reviews under the National Environmental Policy Act and Endangered Species Act.

"The Department of Energy has thumbed its nose at environmental laws for too long; today's ruling is a big course correction," said Taylor McKinnon, public-lands campaigns director at the Center for Biological Diversity.

Uranium mining and milling under the lease program will deplete Colorado River basin water and threaten to pollute rivers with uranium, selenium, ammonia, arsenic, molybdenum, aluminum, barium, copper, iron, lead, manganese, vanadium and zinc. Selenium and arsenic contamination in the Colorado River basin from abandoned uranium-mining operations have been implicated in the decline of four endangered Colorado River fish species and may be impeding their recovery.

"Even small amounts of some of these pollutants, like selenium, can poison fish, accumulate in the food chain and cause deformities and reproductive problems for endangered fish, ducks, river otters and eagles," said Josh Pollock of Rocky Mountain Wild. "It is irresponsible for the Department of Energy to put fish and wildlife at risk by allowing uranium leases without adequate analysis of necessary protections to prevent pollution."

The Colorado Environmental Coalition, Information Network for Responsible Mining, Rocky Mountain Wild, Center for Biological Diversity and Sheep Mountain Alliance sued the Department of Energy and Bureau of Land Management in July 2008 for approving the program without analyzing the full environmental impacts from individual uranium-mining leases across more than 20,000 acres, and for failing to ensure protection of threatened and endangered species before authorizing the program.

Plaintiffs were represented by attorneys Travis Stills of the Energy Minerals Law Center, Jeff Parsons of the Western Mining Action Project and Amy Atwood of the Center for Biological Diversity