

20 years Origin Story

The Crownpoint Case:



20 years of attorneys:

(left to right)

Susan Jordan, Johanna Matanich, Lila Bird, Geoff Fettus, and Diane Curran (volunteer, Harmon, Curran, Spielberg + Eisenberg), and Eric Jantz (page 2)

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What has your biggest success been?

Our organization, with the help of the Law Center and other groups, was able to educate our elected Tribal officials and our President at the time and get our elected officials to listen to us and understand what we were talking about, where we're coming from with uranium contamination. We were also successful in getting a Navajo Nation law passed to ban uranium mining in Navajo Country.

What would justice look like for the Church Rock community?

A total ban on new uranium mining... at the county level also. And cleanup. Compensate the workers [who worked in the industry after 1971 who do not qualify for the federal Radiation Exposure Compensation Act]. That would be justice. Clean up all the mine legacy waste...not only here, but in other communities that are facing the same problems. The mess left behind by all mines.

If the Secretary of the New Mexico Environment Department showed up tomorrow, what would you tell him?

Listen to the affected communities and their concerns – all communities, not only indigenous ones. We collaborate with other communities in the Grants area; some of them are non-Native, and they're also facing issues from uranium legacy contaminants left behind. Let's start doing work to clean up the environment and compensate communities based on their needs.

If the Law Center got hit by a bus – the whole office – what would you do?

First thought – that is never going to happen! Who's going to represent us? That would be a huge, tremendous loss. We'd have to start from ground zero. I would be forever in shock because the companies that we've been so far lucky to keep away from our communities, once they found out, they would come charging in. That would be a huge catastrophe.

"To all the people who donate to keep the NMELC going, I extend my deep appreciation." –Larry J. King

Chris and his colleagues at the Southwest Research and Information Center (SRIC), particularly Paul Robinson, have worked for decades with residents of uranium-impacted communities in New Mexico and around the world. Chris is an expert in the health impacts of uranium, and has been a critical partner in studying how uranium-contaminated groundwater has affected Diné (Navajo) residents, including pregnant women and their children. When Uranium Resources, Inc. (URI) first hatched its Crownpoint Uranium Project scheme, the uranium mines and mills of the Grants Uranium Belt had been shuttered for less than a decade, and many in the region were keen for a mining renaissance. Chris recounted the early days of the case to NMELC's Shelbie Knox.

SRIC was aware that Uranium Resources, Inc. (URI) had filed an application for a "radioactive source materials license" with the Nuclear Regulatory Commission (NRC) and a groundwater discharge plan with the New Mexico Environment Department (NMED), as far back as 1987 because two executives brought applications to SRIC, thinking we would be impressed with their proposal.

In 1992-1993, people in Crownpoint called and started asking SRIC what they thought about the proposal and asked us to come to meetings. We did so. In October of 1994, there was a large article in the *Gallup Independent* about the project, with notes that the NRC was proposing to approve the project. At that time, we paid notice to that article, and got a copy of the NRC document. In January 1995, while attending a meeting in Mariano Lake Chapter, I was told that there was a guy who wanted to meet me...it turned out that it was Mitchell Capitan taking his lunch break.

Mitchell wanted to see if SRIC could meet with a new group that ended up calling itself ENDAUM – the Eastern Navajo Diné Against Uranium Mining. SRIC helped them file a petition for leave to intervene in NRC licensing "Crownpoint Uranium in solution mining project".

I had known [Washington D.C.-based attorney] Diane Curran through her work on uranium and mining. We got some free help from her about how to put together pleadings and perfunctory affidavits. By April 1995, the collection of documents compiled by ENDAUM and SRIC served as the initial pleadings for the case.

Soon thereafter, the Law Center graciously presented me with the *Karl Souder Water Protection Award*. During that time, I had been talking to Doug (Meiklejohn) about what was going on in Crownpoint.

Fast forward a year, and ENDAUM asked for the Law Center's representation, which was granted. Susan Jordan was the first lawyer to work on the case with ENDAUM and SRIC. Everything from the Spring of 1995 was redone in better legal format by Susan and Diane, and filed in August 1997.

Before the licensing board judges could act on petitions to intervene, NRC issued the license to URI in January 1998. We went from challenging a *proposed* license to a license, which changed the rules of the game in the middle of the game.

If you challenge an NRC license, you have to go into that with eyes wide open. We don't think NRC has ever denied a materials source license, so you're fighting an uphill battle. The licensing board asserts objectivity and fairness, and then generally looks out for the licensee or applicant, and has disdain for the opponents of the license. Any assertion of fairness is false from the moment they utter it. Challenging licenses before NRC is a deck stacked against the intervenors. For example, it seems that whenever a holiday season came around, we had major deadlines in our case. We always had to work through Christmas and New Year's, burning through the midnight oil to prepare the pleadings and briefs...every time.

Chris' story is extensive – you can read the full interview online.

Still, we knew from day one that URI was undercapitalized, and surviving on the "pot of yellowcake at the end of the rainbow". That is, it was depending upon the recovery of the uranium market. But there remains a lot of uranium on the open market, and New Mexico's ore is lower grade and has higher costs than other sources around the world.

In retrospect, all of us – ENDAUM, the community, NMELC, SRIC – have been successful that there was no uranium produced under that license, and it is unlikely that any uranium will be produced under that license. We need to keep uranium in the ground, and not release it. We need to protect the water resources and water supply for Crownpoint and Church Rock. But throughout that process, as tedious and expensive and frustrating as it was, the overall result was to raise awareness of the fact that the uranium industry is looking to develop these resources at the expense of Diné communities.

I would also say that none of us would have been able to accomplish these things without the legal assistance of the New Mexico Environmental Law Center and Diane Curran. All of the attorneys with whom we've worked are brilliant, gifted people who have made their marks on environmental law over the years. And the generosity of a lot of donors and foundations ...without them, we couldn't have done this.

Chris Shuey (right) overlooks the proposed Crownpoint minesites with former ENDAUM Coordinator Lynnea Smith. (Photo: Shelbie Knox, 2002)

