

ORDINANCE No. ____-16- ____

McKinley County, New Mexico

An Ordinance Establishing a Moratorium on Uranium Mining, Processing and Exploration;
Establishing Information Gathering Meetings; Establishing Penalties

WHEREAS, uranium mining and processing, including conventional milling and *in situ* leach (ISL) mining, occurred in McKinley county from the 1950s until the 1990s; and

WHEREAS, many companies operating uranium mines during this time failed to adequately or completely remediate uranium mining waste; and

WHEREAS, as a result there remain hundreds of unremediated, partially remediated, or inadequately remediated uranium mines in McKinley County; and

WHEREAS, an ISL pilot project in McKinley County failed to restore groundwater to pre-mining conditions; and

WHEREAS, no commercial ISL uranium mine in the United States has returned groundwater to pre-mining quality; and

WHEREAS, unremediated, inadequately remediated, and partially remediated uranium mines have resulted in widespread contamination of water, thereby preventing tens of millions of gallons of water from being used for domestic or agricultural purposes or other beneficial uses; and

WHEREAS, groundwater and surface water contaminated by unremediated, inadequately remediated, and partially remediated uranium mines has caused or contributed to significant economic damage to McKinley County government and businesses; and

WHEREAS unremediated, inadequately remediated, and partially remediated uranium mines, have contaminated significant soil resources in McKinley County; and

WHEREAS contaminated soil from unremediated, inadequately remediated, and partially remediated uranium mines has resulted in substantial economic damage to McKinley County businesses; and

WHEREAS, the United Nuclear Corporation uranium mine and mill complex in Churckrock has been declared a Superfund site under the Comprehensive Environmental Response, Compensation and Liability Act and continues to contaminate soil and water; and

WHEREAS, Churckrock, located in McKinley County, is the site of the nation's largest nuclear accident, the July 16, 1979 United Nuclear Corporation mill tailings spill, the environmental and public health impacts of which persist to the present; and

WHEREAS, recent epidemiological and public health studies have linked several diseases, including cancer, heart disease, kidney disease, hypertension, and autoimmune dysfunction to living in close proximity to unremediated, inadequately remediated, or partially remediated uranium mines; and

WHEREAS, the uranium market has been depressed for over twenty years and shows no signs of recovery making the purported economic benefits of new uranium mining unlikely; and

WHEREAS, McKinley County's future is rooted in environmentally and economically sustainable industries; and

WHEREAS, the uranium mining industry has failed to take financial responsibility for the costs of fully remediating uranium mines and mills, causing the economic burden for clean-up to fall on Federal, state, and local taxpayers; and

WHEREAS, all McKinley County residents have the right to clean, sanitary drinking water and a healthy environment; and

WHEREAS, the public health, environmental, and economic impacts of the uranium mining and processing industry have not been thoroughly studied, assessed, inventoried or quantified; and

WHEREAS, McKinley County possesses authority to regulate land use within the County's boundaries; and

WHEREAS, McKinley County has authority pursuant to its inherent police powers to protect the public health, safety and welfare; and

WHEREAS, McKinley County has the authority and obligation to prevent nuisances; and

WHEREAS, McKinley County possesses the legal authority to impose a reasonable moratorium on any noxious, dangerous, hazardous, industrial or other activity the County deems a threat to the public health, welfare, safety, environment, resources or economy; and

WHEREAS, this exercise of County authority does not conflict with nor is pre-empted by any state or federal law,

THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF MCKINLEY COUNTY THAT:

1. The McKinley County Commission hereby enacts a three year moratorium on all uranium mining, processing and exploration within County boundaries, effective within thirty (30) days of enactment of this Ordinance;
2. During the three year moratorium, the County will hold a minimum of six public meetings to collect information on the impacts of uranium mining in McKinley County in order

to determine whether it is necessary and desirable to develop an ordinance regulating uranium development in McKinley County;

3. Before the end of the three year moratorium, the Commission shall consider the need for additional time to compile and analyze information on the impacts of uranium mining, processing, and remediation, and may extend the moratorium for a reasonable period of additional time, not to exceed 6 months, only if substantial progress toward an ordinance regulating uranium development in McKinley County has been made;

4. Violation of this Moratorium by engaging in uranium mining, processing, or exploration shall be punished as set forth in NMSA 1978, § 4-37-3 or by enjoining the activity violating this ordinance;

5. If any part of this Ordinance is, for any reason, held to be unconstitutional, invalid or void, the remaining portion shall not be affected since it is the express intention of the McKinley County Board of Commissioners to pass such part separately and independently from every other part.

6. This moratorium shall not be effective on any lands within the jurisdiction of any Indian tribe.

APPROVED, ADOPTED and PASSED THIS ___ DAY OF _____, 2016.

BOARD OF COUNTY COMMISSIONERS