Document #547 Angel, Bradley Green Action

From: Bradley Angel [bradley@greenaction.org]
Sent: Friday, February 18, 2005 11:09 AM
To: moabcomments
Cc: 'David L. Sakrison'; sarahmfields@earthlink.net
Subject: Request for short extension of Public Comment Perios on draft EIS for Moab Atlas project

On behalf of our constituents living in communities along the Colorado River south of Moab in California, Arizona and Nevada, we request a three week extension of the public comment period on the draft EIS. I have recently been notified that some of these constituents, including Native Nations along the Colorado River, may be interested in submitting comments. Please let me know if the comment period can be briefly extended. Thank you.

Document #549 Whiteskunk, Selwyn Ute Mountain Ute Tribe

UTE MOUNTAIN UTE TRIBE
P.O. Box 248
Towaoc, Colorado 81334-0248
(970) 565-3751

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February 17, 2005

Donald R. Metzler
Moab Federal Project Director
U.S. Department of Energy
2597 B ¾ Road
Grand Junction, CO 81503

Dear Mr. Metzler:

The Ute Mountain Ute Tribe hereby submits the following comments regarding the Draft Environmental Impact Statement for the Remediation of the Moab Uranium Mill Tailings, Grand and San Juan Counties, Utah (DOE/EIS-0355D).

Beginning in the spring of 2002, the Ute Mountain Ute Tribe voiced its opposition to the International Uranium Corporation ("IUC") alternative, an alternative that proposes to transport the Atlas pile to the IUC facility located adjacent to the Ute Mountain Ute Tribal community of White Mesa, Utah. Via Resolution #2002-60 (copy enclosed), the Ute Mountain Ute Tribal Council opposed the construction of the slurry line to the IUC facility and the transportation of the materials to the operation. On February 14, 2005, the Tribal Council, through Resolution #2005-021 (copy enclosed), reaffirmed its opposition to the IUC alternative for remediation of the Moab Uranium Mill tailings. The February 14, 2005 Resolution of the Tribal Council opposes the IUC facility from receiving mill tailings, contaminated soils and cover materials regardless if the mode of transportation is by slurry line or truck. As you are aware, there has been, and continues to be, strong opposition to the IUC alternative from a majority of the community members of White Mesa who would be most impacted by that particular alternative.

In addition to the Ute Mountain Ute Tribe, the Southern Ute Indian Tribe and the Navajo Utah Commission of the Navajo Nation Council have both joined the chorus of voices opposing the IUC alternative. Copies of the letter from the Chairman of the Southern Ute Indian Tribe and Resolution NUCJUN-293-03, by the Navajo Utah Commission of the Navajo Nation Council, are enclosed.

When International Uranium Corporation first offered their unsolicited proposal to DOE, their plan noted how the city of Moab would benefit from the relocation of the

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Chief Jack House, Last Traditional Chief 1886-1972

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Atlas Pile. Their proposal neglected to discuss any impacts to the community of White Mesa, its air, its water, its people and most important, its future.

Fortunately, the Draft EIS paints a far clearer picture of the negative impacts associated with the IUC alternative. Throughout the drafting of this document nearly all of the Cooperating Agencies involved have been aware of the issues that should have removed the IUC alternative from consideration early in the process.

The negative impacts and features of the IUC proposal are very clear.

COST- The IUC alternative could cost upwards of $75 million dollars more than the Klondike Flats option, especially when considering the unknown Cultural Resource and Traditional Cultural Properties issues. The costs associated with these unknown Cultural Resource and Traditional Cultural Properties issues could dramatically increase the total cost of the IUC alternative. The Tribe believes the Draft EIS, by failing to account for these costs, is flawed. If these costs would have been included in the Draft EIS, the IUC alternative would be shown to be an even bigger fiscally irresponsibly alternative. The Tribe asserts that it is simply not reasonable to include for consideration an alternative that, if selected, would saddle U.S. taxpayers with an additional burden of at least $75 million dollars. (DOE EIS-0355-D, Summary S-9)

CULTURAL RESOURCES AND TRADITIONAL/TRIBAL CULTURAL PROPERTIES- One hundred and twenty one (121) prehistoric sites have already been identified as potentially being impacted by the IUC alternatives. Approximately one dozen Traditional Cultural Properties would also be impacted with little opportunity to mitigate those effects. Finally, the unknown; it is anticipated that many other sites will be discovered if construction were to occur increasing costs and delaying the project. (DOE EIS-0355-D, Summary S-9; Volume 1-pg. 3-56; pg. 3-155; pg. 3-157; pg. 3-175)

GEOLOGIC INSTABILITY- The potential of geologic instability creating a conduit for contaminants to reach the Navajo Aquifer, the sole source of culinary water for White Mesa and Bluff, Utah is an alarming proposition. In the event, however unlikely, that the Navajo Aquifer underlying the community of White Mesa were to become contaminated there is no alternative currently available to provide water to the community. Although this issue is considered to be a remote risk, it is a risk nonetheless; one with potentially serious and long term consequences. The Tribe strongly believes this risk is reason enough to remove the IUC alternative from consideration. (DOE EIS-0355-D, Summary S-12)

SOCIOECONOMIC ISSUES- Although jobs would be created during slurry line construction, including positions for Tribal members, the jobs would be few and short lived. Once operating, IUC operations would not provide many more jobs than are already available. Due to the fact that much of the financial information regarding the IUC proposal has been deemed confidential, as proprietary information, the DEIS does not paint a clear picture as to how many and what types of jobs would be available to

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White Mesa residents. Finally, the short term job benefits do not outweigh the negative environmental impacts.

HUMAN HEALTH IMPACTS – By Press Release dated April 15, 2003, the U.S. Department of Energy Grand Junction Office determined to eliminate the Green River alternative from consideration as an off-site alternative for collection of the Moab uranium mill tailings. The Department of Energy determined to delete the Green River alternative based on its proximity to populated areas, among other reasons. The IUC facility is a short distance from the White Mesa community and along a major thoroughfare used by Tribal members on a daily basis. Due to its proximity to the White Mesa community, the IUC alternative should also be removed from the list of potential sites.

ENVIRONMENTAL JUSTICE- On February 11, 1994, President Clinton signed Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 Fed. Reg. 7629 (1994). The purpose of the Order is to focus federal attention on the environment and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice. As the Department of Energy correctly points out in the Draft EIS the White Mesa Ute Reservation is adjacent to the IUC site and the area south of the IUC site (including the White Mesa Ute Reservation) has a minority population and poverty rate, both greater than 50%. However, the Tribe believes the Draft EIS fails to adequately address environmental justice issues of the White Mesa community.

Section 1-1 of Executive Order 12898 requires that each Federal Agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. While the Draft EIS adequately identifies the disproportionate adverse impacts, it fails to appropriately address these same adverse impacts. The Draft EIS identifies the "[d]isproportionate adverse impacts to minority and low-income populations would occur under this [IUC] alterative as a result of unavoidable adverse impacts on potential traditional cultural properties located on and near the White Mesa Mill site, the proposed White Mesa Mill pipeline route, White Mesa Mill borrow area, and Blanding borrow area." DOE EIS-0335D, 4.4.18. These disproportionately adverse impacts include at least eleven potential traditional cultural properties that would be unavoidably and adversely affected and the extremely high likelihood that additional traditional cultural properties would be located. The Tribe submits the appropriate manner to address these disproportionately adverse impacts to minority and low-income populations is to remove the IUC alternative from consideration. To do otherwise, fails to comply with the intent of Environmental Justice and dismisses the importance of traditional cultural properties to the Ute people, as well as the Navajo and Hopi cultures.

In addition, the U.S. Department of Energy anticipates dealing with the impacts to these Traditional Cultural Properties and an additional yet unknown number of additional

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sites at some later date. Dealing with the impacts at an unknown later date is inadequate and contrary to the goal of the Draft EIS, which is to find a preferred alternative.

As a cooperating agency the Ute Mountain Ute Tribe has discussed the uncertainties of all of the alternatives including river migration, duration of workers exposure to radiation, congressional appropriations and cultural resource issues. It can be safely said that the IUC alternative has the most unanswered questions. Based on these uncertainties the Ute Mountain Ute Tribe respectfully requests that the IUC option is removed from further consideration.

Although the U.S. Department of Energy Grand Junction Office has worked closely with the Tribe and other Cooperating Agencies we remain skeptical of the decision making process in Washington, D.C. We encourage the local U.S. Department of Energy staff who have professionally steered the Draft EIS program through the NEPA process to persuade upper management at the Department of Energy's headquarters to utilize sound engineering, rational science, fiscal responsibility, and recognition of the significant opposition of the Ute Mountain Ute Tribe to remove the IUC alternative from consideration.

Sincerely,

Selwyn Whiteskunk, Chairman
Ute Mountain Ute Tribal Council

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RESOLUTION NO. 2002-60
UTE MOUNTAIN UTE TRIBAL COUNCIL
REFERENCE: INTERNATIONAL URANIUM CORP./WHITE MESA URANIUM MILL SLURRY LINE PROPOSAL

WHEREAS, the Constitution and By-laws of the Ute Mountain Ute Tribe, approved June 6, 1940 and subsequently amended, provides in Article III that the governing body of the Ute Mountain Ute Tribe is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Tribal Council exercised in this Resolution; and

WHEREAS, the Ute Mountain Ute Tribal Council is responsible for programs that will improve the economic, social, and general overall welfare of the members of the Ute Mountain Ute Tribe; and

WHEREAS, the Ute Mountain Ute Tribe has an opportunity to declare a position regarding International Uranium Corporation's proposal to construct a slurry line from the defunct Atlas Mill/Moab, Utah to White Mesa Mill near the tribal community of White Mesa, Utah in order to deliver mill tailings, contaminated soils and cover material to the White Mesa Mill for processing and/or permanent storage; and

THEREFORE BE IT RESOLVED, that the Ute Mountain Ute Tribal Council hereby opposes International Uranium Corporation's proposal to construct the slurry line and to receive the mill tailings and directs the United States Department of Energy to consider other alternatives for remediation of the Atlas Mill tailings that do not impact the tribal community of White Mesa, Utah; and

BE IT FINALLY RESOLVED, that the Chairman of the Ute Mountain Ute Tribal Council is authorized to sign the Resolution and is further authorized to take such action as may be necessary to carry out the intent of this Resolution.

The foregoing Resolution was duly adopted this 13th day of March 2002.

Judy Knight-Frank

Judy Knight-Frank, Chairman
Ute Mountain Ute Tribal Council

Mariea Rivera

Mariea Rivera, Recording Secretary
Ute Mountain Ute Tribal Council

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DATE: FEBRUARY 14, 2005 **RESOLUTION NO. 2005-021**

RESOLUTION
UTE MOUNTAIN UTE TRIBAL COUNCIL
REFERENCE: REAFFIRMING THE UTE MOUNTAIN UTE TRIBE'S OPPOSITION TO THE INTERNATIONAL URANIUM CORPORATION ALTERNATIVE FOR REMEDIATION OF ATLAS MILL SITE/MOAB URANIUM MILL TAILINGS

WHEREAS, the Constitution and By-Laws of the Ute Mountain Ute Tribe, approved June 6, 1940 and subsequently amended, provide in Article III that the governing body of the Ute Mountain Ute Tribe is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Tribal Council exercised in this Resolution; and

WHEREAS, the Ute Mountain Ute Tribal Council is responsible for programs that will improve the economic, social, and general overall health and welfare of the members of the Ute Mountain Ute Tribe; and

WHEREAS, the International Uranium Corporation operates the White Mesa Mill near the tribal community of White Mesa, Utah; and

WHEREAS, the Ute Mountain Ute Tribe has an opportunity to declare its position regarding the International Uranium Corporation alternative for the remediation of the now defunct Atlas Mill site/Moab uranium mill tailings; and

WHERAS, on March 13, 2002, the Ute Mountain Ute Tribal Council, by Resolution No. 2002-60, opposed International Uranium Corporation's proposal to receive mill tailings from the now defunct Atlas Mill site/Moab uranium mill tailings. A copy of Ute Mountain Ute Tribal Council Resolution No. 2002-60 it attached.

NOW, THEREFORE BE IT RESOLVED, that the Ute Mountain Ute Tribal Council hereby reaffirms its opposition to the International Uranium Corporation receiving mill tailings, contaminated soils and cover material from the defunct Atlas Mill site/Moab uranium mill tailings; and

BE IT FURTHER RESOLVED, that the Ute Mountain Ute Tribal Council directs the United States Department of Energy to consider other alternatives for remediation of the Atlas Mill site/Moab uranium mill tailings that do not impact the tribal community of White Mesa, Utah; and

BE IT FINALLY RESOLVED, that the Chairman of the Ute Mountain Ute Tribal Council is authorized to sign this Resolution and is further authorized to take such action as may be necessary to carry out the intent of this Resolution.

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Resolution Number 2005-021

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This foregoing Resolution was duly adopted this 14th day of February, 2005.

Selwyn Whiteskunk, Chairman
Ute Mountain Ute Tribal Council

CERTIFICATION

This is to certify that there was a quorum of 5 Tribal Council members present at the official meeting of the Ute Mountain Ute Tribal Council held on February 14, 2005, that 4 voted for this Resolution, that 0 opposed, and 1 abstained, and this Resolution was, therefore, duly adopted.

Cheryl Ward, Recording Secretary
Ute Mountain Ute Tribal Council

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Resolution Number 2005-021

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RESOLUTION NO. 2002-60
UTE MOUNTAIN UTE TRIBAL COUNCIL
REFERENCE: INTERNATIONAL URANIUM CORP./WHITE MESA URANIUM MILL SLURRY LINE PROPOSAL

WHEREAS, the Constitution and By-laws of the Ute Mountain Ute Tribe, approved June 6, 1940 and subsequently amended, provides in Article III that the governing body of the Ute Mountain Ute Tribe is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Tribal Council exercised in this Resolution; and

WHEREAS, the Ute Mountain Ute Tribal Council is responsible for programs that will improve the economic, social, and general overall welfare of the members of the Ute Mountain Ute Tribe; and

WHEREAS, the Ute Mountain Ute Tribe has an opportunity to declare a position regarding International Uranium Corporation's proposal to construct a slurry line from the defunct Atlas Mill/Moab, Utah to White Mesa Mill near the tribal community of White Mesa, Utah in order to deliver mill tailings, contaminated soils and cover material to the White Mesa Mill for processing and/or permanent storage; and

THEREFORE BE IT RESOLVED, that the Ute Mountain Ute Tribal Council hereby opposes International Uranium Corporation's proposal to construct the slurry line and to receive the mill tailings and directs the United States Department of Energy to consider other alternatives for remediation of the Atlas Mill tailings that do not impact the tribal community of White Mesa, Utah; and

BE IT FINALLY RESOLVED, that the Chairman of the Ute Mountain Ute Tribal Council is authorized to sign the Resolution and is further authorized to take such action as may be necessary to carry out the intent of this Resolution.

The foregoing Resolution was duly adopted this 13th day of March 2002.

Judy Knight-Frank

Judy Knight-Frank, Chairman
Ute Mountain Ute Tribal Council

Mariea Rivera

Mariea Rivera, Recording Secretary
Ute Mountain Ute Tribal Council

JAN-09-2004 FRI 04:15 PM SO UTE INDIAN TRIBE FAX NO. 9705630396 P. 02/02

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SOUTHERN UTE INDIAN TRIBAL COUNCIL

POST OFFICE BOX 737
IGNACIO, COLORADO 81137
970-563-0100
FAX 970-563-0396

Howard D. Richards, Sr., CHAIRMAN
Pearl E. Casias, VICE-CHAIRPERSON
Vida B. Fieldsly, COUNCIL MEMBER/TREASURER
Melvin J. Baker, COUNCIL MEMBER
Jequalyn Dutchin, COUNCIL MEMBER
Clement J. Frost, COUNCIL MEMBER
Jimmy R. Newton, Jr., COUNCIL MEMBER

January 9, 2004

Mr. Harold Cuthair, Vice-Chairman
Ute Mountain Ute Tribal Council
Towaoc, Colorado 81334

Dear Vice-Chairman Cuthair:

This letter is intended to express the support of the Southern Ute Indian Tribe for the Ute Mountain Ute Tribe's stated position opposing the proposal to construct a slurry line from Moab, Utah to the White Mesa Mill near the Ute Mountain Ute White Mesa Community. The Southern Ute Indian Tribal Council understands your concern for your tribal members and the environment if a slurry line is built to transport mill tailings and contaminated soil to the White Mesa Mill for processing or storage, and we share your concern.

Please convey to the United States Department of Energy as well and other decision makers, our opposition to the proposal and our concurrence with your request that alternatives to this proposal be considered.

Sincerely,

Howard D. Richards, Sr.
Chairman
Southern Ute Indian Tribe

The Legislative Branch
The Navajo Nation

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Lawrence Morgan
Speaker of the Navajo Nation Council

**RESOLUTION OF THE
NAVAJO UTAH COMMISSION
OF THE NAVAJO NATION COUNCIL**

NUCJUN-293-03

OPPOSING THE TRANSPORTATION, STABILIZATION AND STORAGE OF URANIUM MILL TAILINGS AT THE WHITE MESA MILL OUTSIDE BLANDING, UTAH, NEAR THE UTE RESERVATION AND REQUESTING THE U.S. DEPARTMENT OF ENERGY TO KEEP RECLAMATION ACTIVITIES IN VICINITY OF ORIGINAL MILLING SITE IN MOAB, UTAH.

Whereas:

1. The Navajo Utah Commission was established by the Intergovernmental Relations Committee of the Navajo Nation Council by Resolution No. IGRJN-134-92 to develop and maintain efficient governmental services to the Navajo People residing on the "Utah Strip" of the Navajo Nation; and

2. The uranium industry has left a devastating legacy with the Navajo people with lingering illnesses and lost of life; the Navajo people are distrustful and suspicious with the additional suffering inflicted by a slow restitution process; and

3. The Navajo people are rightfully leery of expanding the White Mesa Mill operations by 270 acres and fear accommodation of International Uranium Corporation (IUC)'s relentless quest for importation of other hazardous, radioactive waste material from across the country; and

4. The Navajo people have seen disappointment in government projects that accorded minimal respect to traditional beliefs and cultural practices and are anticipating, if any, token translation and presentation of highly technical information to predominately Navajo and Ute speakers regarding the proposed White Mesa Mill expansion; and

5. As citizens of the State of Utah, the Navajo people do not support the further desecration of scenery and environment with construction of an unsightly slurry pipeline of considerable distance.

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Resolution NUCMAY-293-03
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NOW THEREFORE BE IT RESOLVED:

1. Opposing the transportation, stabilization and storage of Uranium Mill Tailings at the White Mesa Mill outside Blanding, Utah, near the Ute Reservation and requesting the U.S. Department of Energy to keep reclamation activities in vicinity of original milling site in Moab, Utah.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by Navajo Utah Commission at a duly called meeting in Navajo Mountain, Utah, at which a quorum was present and the same was passed by a vote of 5 in favor, 0 opposed, and 0 abstention, this **11th** day of **June, 2003**.

Russell Gould, Chairperson
NAVAJO UTAH COMMISSION

MOTION: Francis Redhouse
SECOND: Willie Grayeyes