

## Uranium mining's past colors Mount Taylor Mine's future

By Kathy Helms May 16, 2018

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GRANTS — Christine Lowery, of Paguate Village, was 4 years old when uranium mining began at Anaconda Mineral Company's Jackpile-Paguate Mine. She has seen the effects it has had on community members. She doesn't want San Mateo residents living next to Mount Taylor Mine to suffer a similar fate through a restart of mining.

The Jackpile mine operated 1953-1982. In December 2013, it was finally added to the U.S. Environmental Protection Agency's National Priorities List for cleanup – something Lowery is not likely to see in her lifetime.



'We have been sacrificed'  
— Christine Lowery, resident

Christine Lowery testified at the hearing about how she chose not to have children because she lives on the lip of the Jackpile Mine. "I am entering the last decades of my life and now we are a Superfund site. There is no such thing as reclamation. You can never put things back. In the old days, even the shepherders knew how dangerous this area was and they would not take their sheep up there to graze because the sheep would get sick. Yes, we were rich in uranium, and we have been sacrificed."

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Lowery shared her experience with the New Mexico Mining Commission at a two-day hearing May 7-8 in Santa Fe. Petitioners Multicultural Alliance for a Safe Environment and Amigos Bravos challenged a permit signed Dec. 29 by the director of the New Mexico Mining and Minerals Division, allowing the Mount Taylor Mine to emerge from standby status. The groups contend that Rio Grande Resources, owner of the mine, has postponed cleanup by obtaining permits allowing it to remain on standby for two decades.

“I come from the Pueblo of Laguna, and while we had jobs for one generation, it has left us with a legacy that we will live with for countless generations to come,” Lowery said. “I have chosen not to have children because I know how hard it is going to be for those grandchildren, and their children that are coming. I know that there is never going to be enough cleanup. The Superfund cleanup – I will be dead and buried in uranium dust before this is done.”

“There is no such thing as reclamation. You can never put things back. In the old days, even the shepherders knew how dangerous this area was and they would not take their sheep up there to graze because the sheep would get sick. Yes, we were rich in uranium, and we have been sacrificed,” she said. “This whole region that you have heard about is pockmarked with holes that are bringing up poison; and we will never, ever be the same.”



Kevin Kamps, radioactive waste specialist at Beyond Nuclear, based in Tacoma Park, Maryland, tells the New Mexico Mining Commission that the nuclear power industry is in rapid decline, not only in the United States, but worldwide. Kamps spoke last Monday at a hearing in Santa Fe on the Mount Taylor Mine permit.  
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### **‘Orwellian’ decision?**

Stuart Butzier, attorney for Rio Grande Resources, said the company plans to reactivate the mine through the investment of large sums of money, the employment of companies and individuals to do the work, and the implementation of concrete plans to bring the mine back into production.

“Petitioners in their appeal say, essentially, that we can have none of that. Why?” Butzier asked. “The reason, according to petitioners, is that the director of the Mining and Minerals Division supposedly made an ‘Orwellian’ decision, by which they mean that the director misinterpreted the Mining Act and the regulations of this Commission – essentially, the director got the law wrong.”

“The director, according to petitioners, when he allowed Rio Grande Resources to invest in reactivating Mount Taylor Mine, supposedly should have recognized that it is a ‘zombie mine’ with no hope of being brought back to life,” Butzier said.

The basic position of the petitioners is that in order to come off standby – even though it may have been in standby mode for literally decades – the mine must be able to immediately produce, Butzier said, otherwise the director made an improper decision.

Butzier claimed that petitioners incorrectly interpreted the terms “mining” and exploration,” as defined in the Mining Act and the Commission’s regulations. “The petitioners say that the efforts that the Rio Grande Resources’ mine will undertake to reactivate, refurbish and put the mine eventually back into production cannot occur, and instead, we have to be in production to meet the definition of mining,” he said.

Holland Shepherd of the Mining and Minerals Division said the Mining Act defines the term “mining” broadly.

### **Expert opinion**

Eric Jantz, an attorney with the New Mexico Environmental Law Center, representing the groups, said the Commission is faced with answering two questions.

“First, is whether the New Mexico Mining Act grants the division director the discretion to designate as operational, a mine that’s not producing any minerals,” Jantz said. “The second question is whether the director abused his discretion in this case. We believe that the evidence we will put on will show that the answer to that question is yes, he did abuse his discretion.”

Jantz offered James “Jim” Kuipers, a professional engineer who grew up in the uranium industry, as an expert witness, and asked for his thoughts on the activities Rio Grande Resources has proposed for reactivation.

Kuipers said he reviews production plans and feasibility studies on a regular basis and has yet to see a plan that appeared to take the longest amount of time it could take to restart. “Every case that I’ve had experience with, the goal of a mining company is to put the mine into production in the most reasonable and shortest timeframe,” he said. “A mine kind of planning to come nine years in the future, that sounds more like a mine that is in the permitting stages than one that would be in a typical state of temporary cessation and ready to go back into operation.”

Kuipers said a lot of the activities proposed at the site, could or perhaps should have been done while the mine was on standby, such as constructing a new water treatment plant. But dewatering is the biggest difference between the Mount Taylor project and any other standby or temporary cessation project in the United States or elsewhere, Kuipers said.

“When we allow a mine to flood, that’s not a decision to keep it on standby. That’s a decision to close the mine,” he said. “As part of reopening that mine, you will have to dewater the mine and everything with it. If the company had truly intended to continue on standby and be able to open up the mine fairly quickly, I don’t think they would have allowed it to flood back in 1992. That’s one of the key things I think the director should have really given a lot more consideration to, was that decision.”

Additionally, if the company’s plan had always been to reopen the mine, the hoists, in particular, would have been left in place, he said. “I would not expect necessary critical equipment to have been removed. Rolling stock, things of that nature, sure. It’s not unusual to take your trucks or other things; but taking your actual hoists and electrical systems, that’s another story,” Kuipers said.

“Nine years to production of a potentially salable commodity, that’s not what I would ever expect in a standby or temporary cessation situation. And in fact, what we’ve heard today is nine years may just be the beginning. They could apply for a modification and get another five years,” he said. “We really don’t know when they’re going to produce. They could stay in this kind of semi-state indefinitely if we don’t make some kind of decision.”

Kuipers said the mine’s 20 years of standby should have passed by now, but that what he heard in testimony was that the mine can continue on indefinite status, literally indefinitely.

“If the Mining Division allows them to go back on active and they don’t do what they say they’re going to do, they shouldn’t be allowed to write a modification. They shouldn’t be allowed to do anything other than recognize the 20 years is done, you’re not actually going into operation,” he said.

If the mine does make it to production, who will purchase the uranium? Kevin Kamps, radioactive waste specialist at Beyond Nuclear, based in Tacoma Park, Maryland, told the Commission that the nuclear power industry is in rapid decline, not only in the United States, but worldwide, despite China building new reactors.

“In the United States, we’ve seen record-breaking numbers of reactor shutdowns just in the last few years. From 2013 until just last year there were six shutdowns,” he said, with many others poised for shutdown in the near-term future. “The demand for uranium is on a steep downward decline. Any notions of a return to productive export is probably false.”



Jim Kuipers, left, a professional engineer and expert in mine design and development, responds to questions from Eric Jantz, attorney for the Multicultural Alliance for a Safe Environment and Amigos Bravos, during a hearing last Tuesday in Santa Fe on the Mount Taylor Mine.

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