

Target: Protecting the Rights of Indigenous People

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Cameco, the largest uranium mining company in the world, is seeking to expand its Crow Butte mine near Crawford, Nebraska. The mine expansion will impact the water rights and threaten the health, livelihood and sacred sites of both the Oglala and Lakota Sioux Tribes. Petitioners representing the rights of the indigenous peoples to be impacted have moved to intervene in the permit process now occurring before the US Nuclear Regulator Commission. Rock the Earth has joined with the Center for Water Advocacy to support their right to intervene and have their concerns considered in the permitting process.

On February 22, Rock the Earth joined with the Center for Water Advocacy ("CWA") to oppose Crow Butte Resources' ("CBR") Uranium Mine Expansion.

Overview:

Located near Crawford, Nebraska, The Crow Butte Mine produces 800,000 to 1 million pounds of yellowcake uranium per year (current price \$89lb). The Crow Butte Mine is owned by Canadian-based Cameco, Inc. which calls itself the largest uranium company in the world. Cameco Resources (formerly Crow Butte Resources or "CBR"), a Cameco subsidiary that owns the mine, represents 10% of Cameco's uranium reserves.

The Issue at Hand:

CBR is asking the NRC for a permit to expand uranium mining in and around towns, farms, and Indian territories, directly impacting indigenous peoples' water rights and threatening their health, livelihood and sacred sites. CBR's process currently consumes and contaminates 4.7 billion gallons of water per year from the High Plains Aquifer which is also the water source to communities in eight western states.

On November 12, 2007, five Petitioners from parts of the poorest region in the United States asked the Nuclear Regulatory Commission (NRC) to participate in decisions relative to uranium mining and its harmful effects in northwestern Nebraska and the Lakota (Sioux) Pine Ridge Indian Reservation in Southwest South Dakota. According to NRC sources, this is the first request to intervene in an NRC proceeding relating to the expansion of an existing uranium mining operation in approximately 17 years. The petitioners are Thomas Cook, Slim Buttes Agricultural Development Corp., Western Nebraska Resources Council, Debra White Plume, and an Oglala Lakota nonprofit organization called Owe Aku.

Rock the Earth and the CWA supported the Petitioners' right to intervene in the mine permit process.

The petition challenges CBR's request to pump an additional 2.4 billion gallons of groundwater a year to expand its operations. CBR's application is made while drought is depleting the aquifers at 160% of recharge.

In addition to the use of additional valuable water resources, CBR has admitted to:

1. A spill of approximately 300,000 gallons of radioactive liquid waste at its mine in Crawford, Nebraska
2. Failure to clean up one-third of the spills equaling approximately 100,000 gallons of radioactive liquid waste
3. Admission that a broken coupling led to a one gallon per minute leak for several years into the Brule aquifer.

As one member of the Western Nebraska Resources Counsel stated, "In our book, you clean up your first mess before you are allowed the opportunity to create a new mess."

Petitioners asked the NRC for a chance to submit evidence that a slow-moving, underground radioactive plume of contaminated water is moving through several inter-connected aquifers-the Arikaree, Brule and High Plains aquifers. The Arikaree aquifer lies directly under the Oglala Lakota Pine Ridge Indian Reservation. Petitioners believe there is a link between 98 wells that were closed on the Western side of the Reservation because of radioactive contamination and unusual incidences of cancer, kidney disease, birth defects, miscarriages and infant brain seizures.

Indigenous

Petitioners from Native American communities also assert that the United Nations Declaration of the Rights of Indigenous Peoples applies. Article 32 acknowledges that Indigenous peoples have a right to "free, prior and informed consent" with respect to development, utilization or exploitation of mineral resources. It further provides that "states shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental impact." To date, no opportunity

has been provided for members of the Oglala Sioux Tribe or Native communities to analyze CBR's License Amendment or its affect on Indigenous lands and resources. Petitioners, Rock the Earth and the CWA stress that it would be entirely consistent with international human rights standards if the NRC affirms the Indigenous peoples' right to intervene in the permit process for CBR's application.

On April 29, 2008, the NRC's Atomic Safety and Licensing Board Panel of three judges agreed with our position and ruled that Petitioners will be allowed to participate in the administrative proceedings! To read the opinion, go here.

Uranium Mining
and the Environment:

The CBR mine was one of the first ISL uranium mines and has been in continuous operation since 1991. As a result, it is often cited as a precedent by other mining companies seeking to do ISL - and there may be up to 14 in the next 3 years. ISL mining is happening in the Black Hills, Arizona, Colorado, Texas, Wyoming, and next to the Grand Canyon.

No ISL mine has ever restored water quality to its pre-mining baseline. Large water supplies are being converted from drinking water to undrinkable wastewater to promote nuclear power mostly for foreign profit. ISL also releases radon into the air as well as thorium, radium, arsenic and other toxins into the water. There is also frequent contamination from spills and leaks.

Citizen Action is Needed!

None of the Presidential contenders have taken a favorable position on nuclear materials mining, use, power, weapons or disposal and cleanup (other than some Democratic resistance to Yucca Mountain). You Can!

Write letters to editors, letters to congress and state reps to educate them about the true costs of nuclear material and the need to tighten controls and regulation at all steps. Transition to renewable energy to fulfill your personal, family and community needs.

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Links:

Rock the Earth Amicus Brief to NRC, dated Feb. 22, 2008

Rock the Earth Press Release

NRC Ruling of April 29, 2008 granting Petitioners standing to participate in the license and permit proceedings.

Save Crow Butte

Center for Water Advocacy