

July 27, 2022

Senator Joe Manchin
Chairman
Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Manchin and Esteemed Members of the Committee,

Our groups write to share with you our opposition to S.4066, Fueling Our Nuclear Future Act of 2022, sponsored by Ranking Member Barrasso. This bill removes protections in current law for Indigenous communities and cultures and perpetuates environmental injustices and harm to federally managed lands and water resources attached to them.

No matter your view of nuclear power, the US already has a devastating radioactive and toxic legacy of uranium contamination that disproportionately affects Indigenous communities. This legacy is undeniable and ongoing. S. 4066 would risk making this injustice worse.

Of highest concern is that S. 4066 amends Section 2001 of the Energy Act of 2020 ([42 U.S.C. 16281](#)) by striking clause (vi) in subsection (a), paragraph 2, subparagraph (D), which states that the Department of Energy shall consider options for acquiring or providing HA-LEU “that does not require extraction of uranium or development of uranium from lands managed by the Federal Government, cause harm to the natural or cultural resources of Tribal communities or sovereign Native Nations, or result in degraded ground or surface water quality on publicly managed or privately owned lands;” **This is unacceptable. Federal lands, natural and cultural resources of Tribes and Tribal nations, and water resources continue to be at great risk from uranium extraction and processing. We must focus our efforts on strengthening protections for communities, public lands, and water resources, not weakening them as we move toward a carbon free future.**

The dangers of uranium operations are far from theoretical and the need to avoid exacerbating harm is clear. This is especially important when taking into account that uranium mining is governed by the extremely permissive 1872 General Mining law, which places industrial mines above all other considerations of public lands including public health, cultural resources or recreation. Take for example lingering contamination on Tribal reservation lands—including over 500 abandoned uranium mines still in need of clean up on the Navajo Nation.¹ This contamination lingers in homes, dust, and water sources, meaning babies born today are suffering the impacts of operations from decades ago.²

¹ <https://www.epa.gov/navajo-nation-uranium-cleanup>

² <https://www.npr.org/transcripts/473547227>

Federally managed lands that hold great significance to Tribes and Tribal nations are impacted by uranium mining contamination. The Grand Canyon, significant to at least eleven federally recognized Tribes and Tribal nations,³ is the location of the closed Orphan Mine site on the South Rim of Grand Canyon National Park. Orphan Mine⁴ is the likely cause of contamination of Horn Creek⁵ inside the Canyon, leaving taxpayers with a \$15 million bill for cleanup thus far. Other current mines pose ongoing threats to Tribal communities like the Pinyon Plain Mine⁶ (formerly Canyon Mine) on the Kaibab National Forest, less than 10 miles from the South Rim of the Grand Canyon and within the Havasupai Tribe's Red Butte Traditional Cultural Property. Pinyon Plain Mine has been in existence since the late 1980s but has yet to commercially mine uranium ore as the operator awaits uranium market prices high enough to justify their operation. The underground mine sits atop an aquifer that supplies the Havasupai's water source and Havasu Creek, which flows through the Tribe's village of Supai. Pinyon Plain Mine has experienced significant, ongoing shaft flooding—an aquifer contamination risk—since 2016.⁷

Additionally, though the White Mesa Mill⁸ in southeastern Utah was designed and built as a conventional uranium mill, it also processes uranium bearing low-level radioactive wastes known as “alternate feed.”⁹ Once the mill processes alternate feed for extremely small amounts of uranium relative to the sheer volume of material processed (usually less than 1% of the processed material is uranium),¹⁰ the leftover toxic and radioactive waste is disposed of in onsite waste pits. The mill creates significant environmental harms for the Ute Mountain Ute Tribe,¹¹ whose community of White Mesa sits less than four miles downgradient from the mill's more than 200 acres of toxic, radioactive, and acidic waste impoundments that will remain a threat in perpetuity, even after the mill eventually closes down. The mill is currently in violation of the Clean Air Act,¹² and there is confirmed and worsening groundwater contamination in a shallow aquifer beneath the mill¹³ for which the operator denies responsibility. The Ute Mountain Ute Tribe is concerned that contamination will continually accelerate,¹⁴ particularly given the inadequate set of regulatory requirements to which the mill is subjected.

³ <https://www.nps.gov/grca/learn/historyculture/associated-tribes.htm>

⁴ <https://www.nps.gov/grca/learn/management/orphan-mine-site-2016-soil-investigation.htm>

⁵ <https://www.theguardian.com/commentisfree/2015/aug/25/uranium-mining-grand-canyon-groundwater-contamination>

⁶ <https://www.grandcanyontrust.org/havasupai-tribe-letter-department-energy-re-uranium-mining-concerns>

⁷ <https://www.grandcanyontrust.org/history-flooding-canyon-mine> and <https://www.grandcanyontrust.org/canyon-mine-uranium-and-arsenic-contamination-graph>

⁸ <https://www.grandcanyontrust.org/business-radioactive-waste-key-takeaways-memo>

⁹ <https://www.grandcanyontrust.org/radioactive-waste-report-white-mesa-mill>

¹⁰ <https://www.grandcanyontrust.org/business-radioactive-waste-key-takeaways-memo>

¹¹ <https://www.grandcanyontrust.org/ute-mountain-tribal-council-opposes-strategic-uranium-reserve>

¹² <https://www.grandcanyontrust.org/epa-unacceptability-notice-white-mesa-uranium-mill>

¹³ <https://www.sltrib.com/news/environment/2018/10/21/ute-tribal-members-living/>

¹⁴ <https://www.grandcanyontrust.org/ute-mountain-tribal-council-opposes-strategic-uranium-reserve>

These are only a few examples of the harm that comes to tribal communities, cultural resources, federally managed lands, and water resources as a result of uranium production and it is bad policy for the government to incentivize uranium operations while removing basic safeguards.

We ask you not to support S. 4066 due to the disregard for environmental and social injustices it would carry, and the threat to Tribal nations and the environment that would result.

Thank you for your consideration,

Grand Canyon Trust

Earthjustice

The Wilderness Society

Earthworks

Powder River Basin Resource Council

Black Hills Clean Water Alliance

Malach Consulting

Tucson Audubon Society

Copper Country Alliance

Center for Biological Diversity

Uranium Watch

Wild Arizona

New Mexico Environmental Law Center