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HOUSE MEMORIAL 50

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Patricia A. Lundstrom

A MEMORIAL

REQUESTING THE CREATION OF A URANIUM MINING TASK FORCE.

WHEREAS, the Grants mineral belt, situated between Gallup and the Pueblo of Laguna in New Mexico, contains one of the world's richest uranium deposits; and

WHEREAS, beginning in the 1950s and 1960s, private companies began extensive exploration, mining and milling activities related to the uranium deposits located in the Grants mineral belt on private, state, federal and tribal lands; and

WHEREAS, these activities continued through the 1990s, resulting in the mining and milling of more than one hundred seventy-five thousand tons of uranium ore from lands located in New Mexico; and

WHEREAS, unremediated contamination resulting from past

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1 uranium exploration, mining and milling activities constitutes  
2 a continuing threat to the health and well-being of residents  
3 of northwestern New Mexico; and

4 WHEREAS, state and federal studies have repeatedly shown  
5 that surface water, ground water and soils were and remain  
6 irreversibly contaminated by past uranium mining and milling  
7 activities; and

8 WHEREAS, the recent increase in demand for new sources of  
9 uranium and the subsequent spike in the price of uranium has  
10 led to increased interest in resuming uranium mining and  
11 milling in New Mexico; and

12 WHEREAS, the federal energy information administration has  
13 estimated that New Mexico has reserves of at least three  
14 hundred forty-one million pounds of yellowcake that can be  
15 mined at a cost of fifty dollars (\$50.00) per pound or less;  
16 and

17 WHEREAS, over the past five years, the mining and minerals  
18 division of the energy, minerals and natural resources  
19 department has received twenty applications for the drilling of  
20 exploration holes related to uranium mining, eight of which  
21 have been approved and eleven of which have been withdrawn or  
22 denied, with the remainder still being processed; and

23 WHEREAS, the federal nuclear regulatory commission is  
24 processing applications for the construction of new in situ  
25 leach mining facilities to be located near Church Rock and

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1 Crownpoint, New Mexico; and

2 WHEREAS, interest has been expressed in reopening the  
3 underground uranium mine located on Mount Taylor; and

4 WHEREAS, in March 2010, the United States tenth circuit  
5 court of appeals ruled that Hydro Resources' Section 8 property  
6 near Church Rock is not Indian country, and subsequently, the  
7 federal nuclear regulatory commission has issued a uranium  
8 mining license to Hydro Resources; and

9 WHEREAS, New Mexico regulates uranium mining and milling  
10 activities through the department of environment and the mining  
11 and minerals division of the energy, minerals and natural  
12 resources department; and

13 WHEREAS, the ground water quality bureau of the water and  
14 waste management division of the department of environment is  
15 responsible for reviewing and acting on applications for ground  
16 water discharge permits, which permits would be required for  
17 any facility that may potentially impact ground water,  
18 including uranium mining and milling facilities; and

19 WHEREAS, the interim legislative Indian affairs committee  
20 at its meeting on October 2, 2008, voted without opposition to  
21 form a subcommittee to look into ways in which the New Mexico  
22 Mining Act and other state statutes and rules may need to be  
23 amended to provide adequate environmental protection in view of  
24 modern uranium mining techniques, which request was approved by  
25 the New Mexico legislative council; and

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1           WHEREAS, the New Mexico Mining Act subcommittee of the  
2 Indian affairs committee met on October 30, 2008 and, following  
3 a six-hour meeting, voted without opposition to support a  
4 memorial and accompanying appropriation request in the 2009  
5 legislative session requesting the appointment of a technical  
6 task force during the 2009 interim to continue a study of  
7 statutory and regulatory changes that may be necessary to  
8 protect New Mexico's natural resources from adverse  
9 environmental impacts that could result from the implementation  
10 of new uranium mining techniques in New Mexico and to advise  
11 the mining and minerals division of the energy, minerals and  
12 natural resources department on continuing efforts to clean up  
13 abandoned uranium mine sites in New Mexico;

14           NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
15 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the governor be  
16 requested to appoint a uranium mining task force, whose members  
17 shall include representatives from the mining and minerals  
18 division of the energy, minerals and natural resources  
19 department, the water and waste management division of the  
20 department of environment, the historic preservation division  
21 of the cultural affairs department, the Indian affairs  
22 department, the New Mexico bureau of geology and mineral  
23 resources at the New Mexico institute of mining and technology,  
24 the Navajo Nation, the uranium mining industry, environmental  
25 interest groups, a representative from the northwest New Mexico

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1 council of governments, a representative from McKinley county,  
2 a representative from Cibola county, a member of the senate and  
3 a member of the house of representatives, each of whom  
4 represents a district that may be affected by the resumption of  
5 uranium mining and milling activities in New Mexico; and

6 BE IT FURTHER RESOLVED that the governor be requested to  
7 designate the mining and minerals division of the energy,  
8 minerals and natural resources department to provide  
9 administrative support to the uranium mining task force; and

10 BE IT FURTHER RESOLVED that the uranium mining task force  
11 be requested to prepare a report to the governor and the  
12 legislature that provides information and recommendations  
13 regarding the prospects for the resumption of uranium mining  
14 and milling activities in New Mexico, including the location  
15 and extent of such activities; the potential adverse impacts,  
16 if any, on New Mexico's natural and cultural resources that may  
17 result from the resumption of uranium mining and milling  
18 activities; the adequacy of New Mexico's current statutes and  
19 administrative rules to protect New Mexico's natural and  
20 cultural resources from any potential adverse impacts resulting  
21 from the resumption of uranium mining and milling activities;  
22 and revisions to New Mexico's current statutes and  
23 administrative rules that may be necessary to protect New  
24 Mexico's natural and cultural resources from any potential  
25 adverse impacts resulting from the resumption of uranium mining

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1 and milling activities; and

2 BE IT FURTHER RESOLVED that the uranium mining task force  
3 present its report to the governor and to the appropriate  
4 interim legislative committees by October 1, 2011; and

5 BE IT FURTHER RESOLVED that copies of this memorial be  
6 transmitted to the governor, the secretary of energy, minerals  
7 and natural resources, the secretary of environment, the  
8 secretary of Indian affairs, the state geologist and the state  
9 historic preservation officer.