

RESOLUTION OF RESIDENTS OF RED WATER POND ROAD AND PIPELINE CANYON ROAD CONCERNING PROPOSED ASSESSMENT AND CLEANUP OF THE UNITED NUCLEAR CORP. NORTHEAST CHURCH ROCK MINE, NAVAJO NATION, MCKINLEY COUNTY, NEW MEXICO

August 11, 2006

WHEREAS,

1. More than 50 Navajo families who live in the Red Water Pond Road area of Coyote Canyon Chapter and the Pipeline Canyon Road area of Standing Rock Chapter have occupied the lands of these areas for many years before uranium mining began in the late-1960s; and
2. At least 20 families live within one-half mile of the abandoned United Nuclear Corp. (UNC) Northeast Church Rock Mine (NECRM) located in Section 35, Township 17 North, Range 16 West of McKinley County, New Mexico (see attached map); and
3. At least 30 families live within 1.5 miles of the abandoned and partially reclaimed Kerr-McGee Church Rock Mine (KM-CRM) and the UNC Uranium Mill Tailings Facility (UNC-MTF) located in Section 2 of T16N, R16W, and Section 36 of T17N, R16W; and
4. Radiation monitoring conducted by the Church Rock Uranium Monitoring Project (CRUMP), in collaboration with the Navajo Nation Environmental Protection Agency (NNEPA), the U.S. Environmental Protection Agency (USEPA), and other tribal, federal and state agencies, in 2003 revealed levels of gamma radiation significantly above background along Red Water Pond Road between NECRM and KM-CRM, on Pipeline Canyon Road north of the UNC-MTF, and on NM 566 next to the UNC Mill; and
5. Residents say that mine wastes were used to construct the portion of Red Water Pond Road that exhibited the high radiation levels; and
6. CRUMP's monitoring also revealed gamma rates more than 20 times higher than background and uranium levels more than 40 times greater background on Navajo Reservation lands abutting the waste pile on the northern side of the UNC NECRM and within 500 feet of occupied Navajo residences; and
7. Living in such close proximity to these abandoned uranium facilities and on lands contaminated by such harmful and unnatural levels of radiation threatens the health of the residents and their livestock; and

8. Until recently, no one from government agencies or the uranium mining companies informed the families of the hazardous, toxic and radioactive conditions at the mining and milling sites in the area; and
9. Some residents, not knowing the dangers present at the UNC NECRM, walked across the site and allowed their livestock to wonder onto the site; and
10. Local livestock have been observed and photographed grazing on and next to the mine and drinking water from mine water ponds at the site; and
11. Residents of the area are aware of studies conducted in the uranium mining areas of northeastern New Mexico in the 1980s that showed that cattle and sheep that grazed and watered in those areas had significantly higher levels of radioactive substances in their edible muscle and organs than livestock that grazed and watered in non-mining areas, and that people who ate the contaminated animals had higher risks of developing long-term health problems; and
12. The USEPA, at the request of the Navajo Nation, has determined that the UNC NECRM represents an "imminent and substantial" danger to the public health, and as a result, has initiated a "time-critical removal" action under authority of the federal Superfund law; and
13. Local residents have been told that "removal" may include physical removal of wastes from the site or covering of such wastes; and
14. The USEPA and NNEPA have requested that UNC construct a fence around the NECRM to prevent human and livestock entry in order to protect human and animal health; and
15. Such fencing will restrict local residents' access to forage, timber, medicinal herbs and other natural resources that are located on the mesa to the south and west of the NECRM site; and
16. Local residents have personal knowledge that archeological and cultural resources are present at the NECRM and that these resources should be protected during all site investigation and clean-up activities; and
17. UNC has proposed a sampling plan that will determine the levels and extent of contaminants present at the NECRM site and may also involve collecting soil samples and conducting radiation surveys next to Navajo homes in the area; and

18. Well 14T-586, which served Red Water Pond Road homes until it was shut down in 2003 because of poor water quality, is still being used for livestock watering because residents have few other nearby options; and
19. Several large-diameter wells that were drilled by mining companies still exist in the area and may be suitable for drinking water supplies; and
20. Local residents have observed what they believe is an increase in certain health problems and diseases in the local population, and increasing ill health among livestock that are raised in the area; and
21. No short-term or long-term human health study has ever been conducted in this area despite its lengthy history of uranium mining, and past studies of livestock health did not include animals from the Red Water Pond Road and Pipeline Canyon Road areas; and
22. Conducting human and livestock health studies in the area would benefit the local residents and the Navajo Nation as a whole.

NOW, THEREFORE BE IT RESOLVED BY RESIDENTS OF THE RED WATER POND ROAD AND PIPELINE CANYON ROAD AREAS OF THE NAVAJO NATION THAT,

- A. USEPA should require that all mining wastes and contaminated materials and soils present at the UNC NECRM be physically removed from the site such that the land, which is held in trust by the U.S. for the use of the Navajo people, is returned to its natural, pre-mining condition such that reclamation allows for future redevelopment for human occupancy.
- B. The proposed fence should be constructed to extend past the Navajo Reservation line to include the area located immediately north of the NECRM waste pile, an area that has been identified by CRUMP as having high levels of gamma radiation and uranium in soils, but should not be extended to interfere with existing homesites.
- C. Fencing of most of Section 35 (T17N, R16W) and parts of Sections 34 (T17N, R16W) and Section 3 (T16W, R16W) should not preclude access to active, permitted grazing areas on Sections 3 and 4; if necessary, a gate should be constructed west of the mine site to allow access from the Red Water Pond Road community to grazing areas on the mesa to the west and south of the mine site.
- D. UNC should improve existing dirt roads and trails outside of the mining-disturbed areas to permit vehicle access to the top of the mesa by local residents who have grazing permits for the area.

- E. An explicit timeline for the installation of the fence and the start of the site studies should be prepared and shared with local residents, and periodically updated as circumstances warrant.
- F. UNC should provide hay and wood to the local residents for the duration of the clean-up project in replacement for the loss of forage and timber.
- G. UNC's sampling plan should:
 - (1) include an assessment of the extent of contamination on Red Water Pond Road between the NECRM and the KM-CRM, and recommendations for replacing the road with clean materials;
 - (2) incorporate a second "background" sampling site that is located next to the unnamed arroyo that parallels Red Water Pond Road at a location approximately 1 mile west of the KM-CRM site;
 - (3) describe steps to determine if groundwater has been affected in and around the NECRM, including in the unnamed arroyo that received mine water discharges at the NECRM and the unnamed arroyo that parallels Red Water Pond Road;
 - (4) provide for sampling of soils at depths greater than 3 feet;
 - (5) contain a list of the materials that will be sampled and the hazardous and radioactive substances that will be analyzed; and
 - (6) select a member of the community who has OSHA certification to serve on the on-site assessment team.
- H. Specific plans for off-site assessments in and around homes and in the residential area should be reviewed in detail with the residents prior to implementation by UNC and its consultants.
- I. The Navajo Department of Water Resources should assess converting capped exploration wells into water supply wells.
- J. A qualified cultural resource expert from the Navajo Historic Preservation Department should consult with local residents about the presence of burial sites, ceremonial sites, traditional cultural properties and locations of ceremonial plants and herbs that are or may be present on the NECRM site and surrounding areas, and all legally required and culturally appropriate steps should be taken to protect and preserve those resources during site investigation and clean-up activities.

- K. The Navajo Nation Human Health Research Board should expeditiously authorize qualified agencies and institutions to work with residents of the Red Water Pond Road and Pipeline Canyon Road areas to design and conduct a scientifically valid and culturally appropriate health study, and the U.S. EPA or other agencies of the U.S. Government should provide funding for such a study.
- L. The Navajo Nation is requested to provide a qualified veterinarian to examine livestock in the area of the abandoned mines and UNC uranium mill to assess their overall health and, if needed, make recommendations for further examination and testing of livestock tissues and organs.
- M. The U.S. Bureau of Land Management, with the consultation of NNEPA and the Navajo Abandoned Mine Lands Department, should conduct an evaluation of the integrity of previous reclamation of the KM-CRM site, and make recommendations for any improvements or changes thereto.
- N. NNEPA should prepare and present to the community a report on groundwater contamination under and around the UNC mill tailings site.
- O. UNC should work with McKinley County, the Navajo Nation and the Bureau of Indian Affairs as needed to improve the portion of Pipeline Canyon Road that traverses Section 36 to prevent or mitigate against periodic flooding that leaves the road unpassable by standard vehicles.
- P. The Navajo Nation should work with the Bureau of Indian Affairs and McKinley County to develop and implement a plan for improving Red Water Pond Road on both sides of the unnamed arroyo, including replacing damaged cattle guards.

CONCURRENCE:

The undersigned residents of Red Water Pond Road and Pipeline Canyon Road areas concur with the foregoing resolution by their signatures affixed below:

<i>Jennie B. Lewis</i>	[Redacted]	<i>Standing Rock</i>	<i>Aug 12, 2006</i>
Name	Address	Chapter	Date
<i>Julia Lewis</i>	[Redacted]	<i>Standing Rock</i>	<i>Aug 12, 2006</i>
Name	Address	Chapter	Date
<i>Sara Montoye</i>	[Redacted]	<i>Standing Rock</i>	<i>Aug 12, 2006</i>
Name	Address	Chapter	Date

x Louise [redacted] Church Rock NM 87311 8-12-06
 Name Address Chapter Date

Harry [redacted] Church Rock NM 87311 8-12-06
 Name Address Chapter Date

Evangelinity [redacted] Leupp 8-12-06
 Name Address 87068 Chapter Date

Helen Riggs [redacted] Leupp 8-12-06
 Name Address Chapter Date

Stephen Colvin Jr [redacted] Leupp 8-12-06
 Name Address Chapter Date

Jeanette Dickson [redacted] Leupp 8-12-06
 Name Address Chapter Date

Maez [redacted] Church Rock 8-12-06
 Name Address Chapter Date

Nelson [redacted] Coyote Canyon 8-12-06
 Name Address Chapter Date

Alfred Murphy Sr. [redacted] Church Rock 8-12-06
 Name Address Chapter Date

Wilford Murphy [redacted] Standing Rock 8/12/05
 Name Address Chapter Date

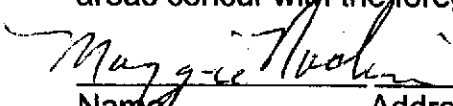

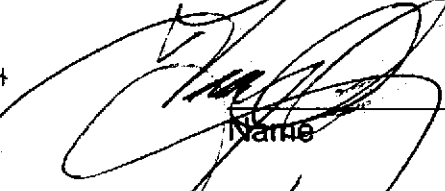

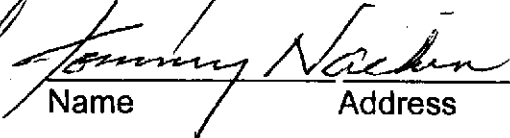
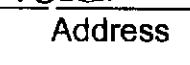
Miss Taylor [redacted] Standing Rock 8/12/06
 Name Address Chapter Date

Alice S. Benallie [redacted] Leupp 8-12-06
 Name Address Chapter Date

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CONCURRENCE:

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		Church Rock	08-12-06
Name	Address	Chapter	Date
		Church Rock	8-12-06
Name	Address	Chapter	Date
		Church Rock	08-12-06
Name	Address	Chapter	Date

Della Lisle [redacted] Churchrock 8/12/06
Name Address Chapter Date

Marlene Murphy [redacted] Church Rock 8/12/06
Name Address Chapter Date

Mary L. Jim [redacted] Churchrock Standing Rock 8/12/06
Name Address Chapter Date

Mary L. [redacted] Pinedale 8/12/06
Name Address Chapter Date

Sistah Wero [redacted] Churchrock, NM 8-12-06
Name Address Chapter Date

Andrew Leslie [redacted] Standing Rock 8-12-06
Name Address Chapter Date

Maureen [redacted] Pinedale 8-12-06
Name Address Chapter Date

Henry B. [redacted] [redacted] [redacted]
Name Address Chapter Date

Murphy [redacted] Pine Dale 8/12/06
Name Address Chapter Date

Carmen Martin [redacted] Honck 8/12/06
Name Address Chapter Date

Bridgett Martin [redacted] Pine Dale 8/12/06
Name Address Chapter Date

[redacted] [redacted] Pinedale 8/12/06
Name Address Chapter Date

Vanessa Nor [Redacted] Coyote Canyon 8/14/06
Name Address Chapter Date

Olivia Felson [Redacted] Coyote Canyon 8/14/06
Name Address Chapter Date

Jack Askew [Redacted] Coyote Canyon 8-14-06
Name Address Chapter Date

Angelia Hood [Redacted] Coyote Canyon 8/14/06
Name Address Chapter Date

Kathleen Davis [Redacted] Coyote Canyon 8-14-06
Name Address Chapter Date

Peterson Bell [Redacted] Coyote Canyon 8-14-06
Name Address Chapter Date

TERAPITA K. BELL [Redacted] Coyote Canyon 8-14-06
Name Address Chapter Date

KEE RHEYANN JR [Redacted] PINEDALE 8-14-06
Name Address Chapter Date

Paul H. Arisco [Redacted] Church Rock 8-14-06
Name Address Chapter Date

Becky B Arisco [Redacted] Church Rock 8-14-06
Name Address Chapter Date

Robert B Arisco [Redacted] Church Rock 8/14/06
Name Address Chapter Date

James B Arisco [Redacted] Pinedale 8/14/06
Name Address Chapter Date

RWPR, PCR Residents' Resolution, August 15, 2006

<i>Sara Leslie</i>	[Redacted]	<i>Churchrock</i>	<i>8-12-06</i>
Name	Address	Chapter	Date
<i>Mary Livingston</i>	[Redacted]	<i>Churchrock</i>	<i>8-12-06</i>
Name	Address	Chapter	Date
<i>Eunice Harrison</i>	[Redacted]	<i>Churchrock</i>	<i>8-12-06</i>
Name	Address	Chapter	Date
<i>Sharon Lusk</i>	[Redacted]	<i>Churchrock</i>	<i>8-12-06</i>
Name	Address	Chapter	Date
<i>Victoria J. Gunn</i>	[Redacted]	<i>Julius</i>	<i>8/12/06</i>
Name	Address	Chapter	Date
<i>Gloria J. Gunn</i>	[Redacted]	<i>Churchrock</i> <i>Julius, NM 87311</i>	<i>8/12/06</i>
Name	Address	Chapter	Date
<i>Vera Murphy</i>	[Redacted]	<i>Crystal</i>	<i>8-12-06</i>
Name	Address	Chapter	Date
<i>John L. [Redacted]</i>	[Redacted]	<i>Cherokee NM</i>	<i>8-12-06</i>
Name	Address	Chapter	Date
<i>Lucretia Whitlock</i>	[Redacted]	<i>St. Stephens</i>	<i>08-27-06</i>
Name	Address	Chapter	Date
<i>Lilla Whitlock</i>	[Redacted]	<i>Churchrock, NM</i>	<i>8/27/06</i>
Name	Address	Chapter	Date
<i>Nathaniel Wero</i>	[Redacted]	<i>Churchrock</i> <i>NM</i>	<i>8-27-06</i>
Name	Address	Chapter	Date
<i>[Redacted]</i>	[Redacted]	<i>Tse-Yu-Toh</i>	<i>8/27/06</i>
Name	Address	Chapter	Date

Eugene Jee Church Rock 8-14-06
Name Address Chapter Date

Walter Adams Church Rock 8-14-06
Name Address Chapter Date

Johnny Hogan Church Rock 8-14-06
Name Address Chapter Date

Christina Church Rock 8-14-06
Name Address Chapter Date

RENA LRL Church Rock 8-14-06
Name Address Chapter Date

LITHA LIVINGSTON Church Rock 8-14-06
Name Address Chapter Date

Marilyn Livingston Church Rock 8-14-06
Name Address Chapter Date

Annie Livingston Church Rock 8-14-06
Name Address Chapter Date

Jimmie Salinas Church Rock 8-14-06
Name Address Chapter Date

Dorothy Livingston Church Rock 8-14-06
Name Address Chapter Date

Annie Gray Church Rock 8-14-06
Name Address Chapter Date

Seta Lee Church Rock 8-14-06
Name Address Chapter Date

Marie Jim [redacted] Churchrock NM 8/14/06
 Name Address Chapter Date

Shirley Lewis [redacted] S/lock 8-14-06
 Name Address Chapter Date

Jennie B Lewis [redacted] S/lock 8-14-06
 Name Address Chapter Date

Anna Bessie Churchrock Churchrock 8-14-06
 Name Address Chapter Date

Cleo P. Buckley PO Box Churchrock 8-15-06
 Name Address Chapter Date

~~Name Address Chapter Date~~

William B. [redacted] S/lock 9/1/06
 Name Address Chapter Date

Luddy [redacted] Coyote Canyon 8/17/06
 Name Address Chapter Date

Edith Hood [redacted] Coyote Canyon Churchrock NM 8/17/06
 Name Address Chapter Date

J. Hood [redacted] Coyote Canyon 8/17/06
 Name Address Chapter Date

Anna Hood [redacted] Coyote Canyon 8/17/06
 Name Address Chapter Date

J. B. Bell [redacted] Coyote Canyon 8/17/06
 Name Address Chapter Date

RWPR, PCR Residents' Resolution, August 15, 2006

X Peter C Bee [redacted] Churchrock 8/17/06
Name Address Chapter Date

* Jim Benally [redacted] Church Rock, NM 8/17/06
Name Address Chapter Date

* John [redacted] Church Rock NM 8/17/06
Name Address Chapter Date

Karen Benally [redacted] Church Rock N.M. 8/17/06
Name Address Chapter Date

Jack [redacted] Gallup NM 8/20/06
Name Address Chapter Date

Ned Yazzie [redacted] Church Rock 8-20-06
Name Address Chapter Date

Marie Ann [redacted] Church Rock 8-20-06
Name Address Chapter Date

Marie Kuli [redacted] Church Rock 8-20-06
Name Address Chapter Date

Marge Gray [redacted] Church Rock NM 8/20/06
Name Address Chapter Date

Henry P. [redacted] Churchrock 8-23-06
Name Address Chapter Date

Name Address Chapter Date

Name Address Chapter Date

HARRISON BENALTY [REDACTED] SHIPROCK NM 08-27-06
 Name Address Chapter Date

Rebecca Yazzie Nakai [REDACTED] Church Rock, NM 8/29/06
 Name Address Chapter Date

Grace Conroy [REDACTED] Church Rock NM 8/27/06
 Name Address Chapter Date

Courtney Conroy [REDACTED] Church Rock NM 8/27/06
 Name Address Chapter Date

Annelle Slim [REDACTED] Church Rock NM 8/27/06
 Name Address Chapter Date

Christa Jech [REDACTED] S.R. Ogilvie 8/27/2006
 Name Address Chapter Date

Anne L. Ng [REDACTED] Standing Rock 8/27/06
 Name Address Chapter Date

Olta L. Ng [REDACTED] Standing Rock 8/27/06
 Name Address Chapter Date

Linda Jim [REDACTED] S. Rock 8/29/06
 Name Address Chapter Date

Mary L. Jim [REDACTED] S. Rock 8/29/06
 Name Address Chapter Date

Name Address Chapter Date

Name Address Chapter Date

Jerletia Castana [Redacted] Standing Rock 8/27/06
Name Address Chapter Date

Melvin Wero [Redacted] Churchrock 8/27/06
Name Address Chapter Date

Hope Martinez [Redacted] Standiford 8/27/06
Name Address Chapter Date

Sharon Wero [Redacted] Church Rock 8/27/06
Name Address Chapter Date

David L. [Redacted] [Redacted] SRock 8-28-06
Name Address Chapter Date

Roger Lewis [Redacted] Standing Rock 8-28-06
Name Address Chapter Date

Tom Lewis churchrock Standing Rock 8/28/06
Name Address Chapter Date

Name Address Chapter Date

Name Address Chapter Date

Name Address Chapter Date

Name Address Chapter Date

Name Address Chapter Date