



Mr. Fernando Martinez  
Director, Mining and Minerals Division  
New Mexico Energy, Minerals and Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

November 4, 2014

Re: Request for Public Hearing; Mt. Taylor Mine, Permit No. C1002RE, Revision 14-1 Renewal of Standby Status

Dear Director Martinez:

Having received notice of the above matter on October 6, 2014, the Multicultural Alliance for a Safe Environment (“MASE”) requests a public hearing on Rio Grande Resources’ (“RGR”) application to renew standby status for the Mt. Taylor Mine, Permit Revision 14-1. MASE requests a public hearing on the following grounds.

First, MASE members are and will continue to be impacted by pollution from the Mt. Taylor Mine during an additional standby period. MASE has significant concerns about the environmental impacts of the Mt. Taylor mine and that those impacts will be aggravated if RGR is granted a stand-by permit without requiring any reclamation of existing pollution sources. Specifically, the Mt. Taylor Mine site contains a 6.8 acre ore stockpile, containing 60,000 tons of ore. Standby Status Revision Application at 4 (Oct. 12, 2014). Further, the site also contains an 11.5 acre radioactive waste pile. *Id.* Finally, the site contains several evaporation ponds that receive runoff from the waste pile and ore stockpile. *Id.* at 4-5. RGR has not submitted a schedule for remediating any of these radioactive waste sources.

RGR’s failure to voluntarily conduct interim reclamation efforts and the Mining and Minerals Division’s (“MMD”) continuing failure to require such efforts represents an ongoing violation of MASE members’ human rights, as guaranteed by the Convention on the Elimination of All Forms of Racial Discrimination or CERD. Indeed, the United Nations Committee for the Elimination of Racial Discrimination (“CERD Committee”), which oversees implementation of the CERD, made two very important findings with respect to radioactive waste in the United States. The CERD Committee expressed concern that environmental justice communities, such as San Mateo, Milan and downstream tribal communities in New Mexico, continue to be disproportionately affected by environmental pollution from extractive industries. Committee on the Elimination of Racial Discrimination, *Concluding Observations on the Combined Seventh to Ninth Periodic Reports of the United States of America* at ¶ 10 (Aug. 29, 2014), CERD/C/USA/CO/7-9. The CERD Committee also recommended that the United States clean up radioactive waste near minority and indigenous communities “as a matter of urgency.” *Id.* at

¶ 10(c). As a government responsible for implementing the CERD's provisions<sup>1</sup>, the MMD is responsible for the ongoing human rights abuses caused by the Mt. Taylor Mine.

Second, Rio Grande Resources' representations about the future economic viability of the Mt. Taylor Mine are troubling, particularly in light of the representations RGR made in its last permit revision to standby status. In its June, 2010, permit revision application for standby status, RGR made unreasonably optimistic predictions about the chances of the Mt. Taylor Mine resuming ore production for sale. *See*, June 2010 application at § 1.6. At that time, uranium spot prices were approximately \$46/lb. [http://ycharts.com/indicators/uranium\\_spot\\_price](http://ycharts.com/indicators/uranium_spot_price) (last viewed Oct. 30, 2013). Currently, the spot price for uranium is \$36.50. <http://www.uxc.com/review/UxCPrices.aspx> (last viewed Oct. 30, 2013). Therefore, RGR's projections about the imminence of the so-called "nuclear renaissance" lack any credibility, which in turn reinforces MASE's demand for interim reclamation. Further, RGR has failed to identify where it anticipates the ore from the Mt. Taylor Mine will be milled, and in fact, there are currently no uranium mills in the United States that are accepting ore for processing.

Finally, based in part on the above two reasons, MASE is concerned that the New Mexico Mining Act regulations providing that inactive mines may be placed on stand-by status are becoming an avenue for mining companies to postpone reclamation activities nearly indefinitely. RGR has avoided any reclamation activities for over 20 years. The Mt. Taylor Mine has already polluted alluvial groundwater on site, and further investigation would likely reveal additional air and water contamination. It is also highly speculative whether the Mt. Taylor Mine will be economically viable "in the relatively near future" or even ever. It is not the Mining Act's intent to allow a mine to sit idle for well over two decades on the mere hunch that it someday may again become economically viable.

Thank you for your attention to this matter, and please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,



Eric Jantz  
Staff Attorney

---

<sup>1</sup> The CERD Committee noted that the CERD's provisions were applicable at all levels of government in the United States. *Concluding Observations on the Combined Seventh to Ninth Periodic Reports of the United States of America* at ¶ 5(c).