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Court Upholds Grand Canyon Uranium Mining Ban

Havasupai Tribe, conservation coalition celebrate key win for protecting water, wildlife, and sacred lands

PHOENIX, *Ariz.*— Arizona’s Havasupai Tribe and a coalition of conservation groups are praising Judge David Campbell’s [decision today](#) to uphold the U.S. Department of the Interior’s 20-year ban on new uranium mining claims across one million acres of public lands adjacent to Grand Canyon. The court ruled that the decision complied with federal environmental laws and that it was not too large, as plaintiffs had argued. At stake is protecting the aquifers and streams that feed the Colorado River and Grand Canyon from toxic uranium mining waste and depletion.

The Havasupai Tribe, Grand Canyon Trust, Sierra Club, Center for Biological Diversity and National Parks Conservation Association had intervened in the lawsuit filed by mining and uranium-industry trade associations and uranium prospector Gregory Yount in U.S. District Court in Arizona. The tribe and groups helped to defend Interior’s decision to protect Grand Canyon’s springs and creeks, wildlife and vistas from new toxic uranium-mining pollution. The groups and tribe were represented by public-interest law firms Earthjustice and Western Mining Action Project.

"The Havasupai support the withdrawal of the lands from mining for the protection of our homes and our water. The ruling today by Judge Campbell recognizes the unique and important resources on the lands south of Grand Canyon that are our aboriginal homelands and within the watershed that feeds our springs and flows into our canyon home," said **Havasupai Chairman Rex Tilousi**.

"The lands surrounding Grand Canyon are full of natural beauty," said **Ted Zukoski, an Earthjustice staff attorney** who helped represent the groups in the lawsuit. "The life-giving waters and deer, elk, condors, and other wildlife found there deserve protection from the toxic pollution and industrialization threatened by large-scale uranium mining. That is why it was critical to defend these lands from this self-serving attack by the uranium industry."

In January 2012, then-Interior Secretary Ken Salazar issued the 20-year ban that prohibits new mining claims and mine development on existing claims without valid permits. The mining industry lawsuit asserted that the Interior Department’s exhaustive, 700-page evaluation of environmental impacts was inadequate.

“The court’s ruling affirms conclusions by five federal agencies, including scientists from the U.S. Geological Survey,” said **Grand Canyon Trust’s Roger Clark**. “Uranium mining poses unacceptable risks to Grand Canyon’s water, wildlife, and people. It should be permanently banned from our region.”

Uranium pollution already plagues Grand Canyon and surrounding area. Proposals for new mining have prompted protests, litigation, and proposed legislation. Because dozens of new mines threaten to industrialize iconic and sacred natural areas, destroy wildlife habitat, and pollute or deplete aquifers, scientists, tribal and local governments, and businesses have all voiced support for the protections enacted by Interior.

Judge David G. Campbell of the U.S. District Court for Arizona summarized his ruling dismissing all uranium mining industry claims by stating that the Secretary of the Interior had the authority to “err on the side of caution in protecting a national treasure – Grand Canyon National Park.”

“This decision to uphold the limits on mining is great news for Grand Canyon National Park and the greater Grand Canyon region, as well as the many visitors, businesses and organizations, local governments and Native American tribes who care about the park and the surrounding public lands,” said **Sandy Bahr, Sierra Club’s Grand Canyon chapter director**. “We will continue to do all we can do to ensure that uranium mines are not allowed to contaminate the groundwater and threaten streams and drinking water. This decision helps with that enormously.”

One of the great symbols of the American West, Grand Canyon was first protected as a national monument by Theodore Roosevelt in 1908, and is surrounded by millions of additional acres of public lands that include wilderness areas, two national monuments, lands designated to protect endangered species and cultural resources, and old-growth ponderosa pine forests. The canyon area is also home to the Havasupai, Kaibab Band of Paiutes, Hualapai and Navajo tribes and has been designated a “World Heritage” site. The greater Grand Canyon region attracts about five million tourists and recreationists per year.

“This decision confirms what the American people already knew — that protection of this critical watershed from uranium mining is a no-brainer. It’s just sound science and responsible management,” said **Katherine Davis, a public lands campaigner with the Center for Biological Diversity**. “Grand Canyon gives us an unparalleled opportunity to explore and understand our cultural and ecological heritage, and we have to protect that.”

Interior’s study of the mining time-out showed that without a withdrawal in place, 26 new uranium mines and 700 uranium exploration projects would be developed, resulting in more than 1,300 acres of surface disturbance and the consumption of 316 million gallons of water. Under the ban, existing mine operations are projected to have about one-tenth of the surface impacts and one-third the water usage over a 20-year period. If new uranium mining were allowed, uranium levels in some springs could rise to twice the level of Environmental Protection Agency (EPA) drinking water standards and aquifers could be severely depleted, endangering public health and wildlife, and compromising the values of the tribes who consider the springs sacred.

Water utilities in Arizona, California and Nevada have expressed serious concerns about possible contamination of the Colorado River if uranium mining is permitted around the Grand Canyon and the potential devastating effect it could have on the 25 million people in their states that rely on water from the Colorado River for drinking and agriculture.

“After an extensive review process and substantial public participation, Secretary Salazar made a strong, affirmative decision to protect one of the world’s most enduring landscapes and the sustained health of indigenous communities that live within the watershed of Grand Canyon,” said **Kevin Dahl of the National Parks Conservation Association**. “This effort to compromise that appropriate decision, had it succeeded, would have put all of us at risk.”

The uranium mining companies have 60 days to appeal Judge Campbell’s decision to the Ninth Circuit Court of Appeals and are likely to do so, given their past statements.

“If the mining companies do appeal, we’ll be there to defend the Secretary’s – and Judge Campbell’s – prudent decisions,” said Zukoski.

LEGAL DOCUMENT: <http://earthjustice.org/sites/default/files/files/FINAL%20Order%20-%20Grand%20Canyon%20withdrawal.pdf>

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