



FOR IMMEDIATE RELEASE
Wednesday, August 1, 2018

**Mining Commission Issues Final Order on Mt Taylor Mine Permit
“Active” Mining Operations Do Not Need to Actively Mine**

SANTA FE – The Mining Commission issued its Final Order on the Mt Taylor uranium mine operating permit, declaring that essentially anything a mining company does that “disturbs” the land is mining and that a mine operating permit does not require that actual ore extraction take place.

The Order clarifies the narrow 4-3 decision the Commission took earlier in July, denying the petition from the Multicultural Alliance for a Safe Environment (MASE) and Amigos Bravos asking the Commission to reverse the decision to issue the permit.

MASE and Amigos Bravos will appeal the decision to the New Mexico Court of Appeals.

Commissioner Dennis McQuillan of the New Mexico Environment Department (NMED), which had entered the case on the side of the Mining and Minerals Division (MMD) and Rio Grande Resources (RGR), the Mt Taylor mine owner, signed the Order. He argued that a “plain reading” of the definition of mining allows the Mining and Minerals Director to consider all land disturbance to be mining.

Eric Jantz, staff attorney at the New Mexico Environmental Law Center, which represents MASE and Amigos Bravos, said, “The New Mexico Mining Act and the Commission’s rules already state that a mining permit covers both the area of extraction and related ‘disturbed’ areas. Instead of providing clarity that a mining permit actually means a permit to produce marketable minerals, the Commission’s decision and this Order have removed mining as a requirement under the Mining Act. Apparently, it is now sufficient to disturb land and call yourself a mining operation.”

Susan Gordon, MASE coordinator, expressed her frustration with the Order and the earlier decision. She said, “This Order makes it clear that the State of New Mexico has no interest in dealing with the decades of harm that uranium mining has caused to the environment and the health of communities that surround uranium mining sites. The Commission had an opportunity to tell a mine owner that has not produced or cleaned up for almost 30 years that it was time to shut down and clean up. They talk about jobs, but there are plenty of jobs that can be created cleaning up not just this mine but abandoned uranium mining sites all across the area.”

During the hearing, several of the commissioners raised the same questions MASE and Amigos Bravos had raised about issuing a permit when no mining would take place.

Stephen Wust, designee for the State Land Commissioner, said that he understood the dual mission of the Mining Act to provide revenue and preserve the land, which is the balancing act the State Land Office also has. He said he had concerns about the permit, especially on the trigger for enforcement if RGR does not meet its timeline of activities that are supposed to lead to production later. He was worried because he just got vague answers. The “enforcement capability may be there but enforcement triggers and requirements seem to be lacking.”

Rod Ventura, the alternate environmental representative, who became chair of the Commission during the hearing when John Heaton recused himself for conflict of interest, echoed Wust on what the mining act means. The purpose of the Mining Commission, he said, is to deal with the balance between the environment and mining’s economic activity. Given the decades of non-production at Mt Taylor and the eight years until possible future production under the permit, it did seem arbitrary to put this mine into active status.

Economic analysis was a contentious issue at the hearing. When MASE and Amigos Bravos attempted to present evidence that showed there would not be a market for uranium production in the foreseeable future, the Mining and Minerals Division counsel asked the Commission to block the testimony, which Chair Heaton did, before he recused himself.

Joe Zupan, Executive Director of Amigos Bravos, said, “The Mining Act clearly states that its purpose is to promote economic activity while protecting the environment. The Commission’s refusal to hear testimony on the lack of any foreseeable economic activity is puzzling at best. Allowing RGR to avoid cleaning up the mine is irresponsible and sends a bad signal to other mining operations, that if they can just continue doing something at their mine site they can avoid final cleanup.”

Eric Jantz added, “The Commission Chair, John Heaton, supported the MMD’s argument that the Mining Act does not require an economic analysis to leave standby status, which is what the mine has been under since 1999. Economic analysis is required to go from active to standby but the MMD Director similarly prevented my clients, MASE and Amigos Bravos, from offering economic analysis on RGR’s last standby permit in 2012. It is clear that the corporation and the Division are afraid of getting economic information into the record, because it would make it clear that there is no future for uranium mining in New Mexico.”

###