



January 16, 2024

Dear Madam President and Members of the Commission:

On behalf of the Red Water Pond Road Community Association, Buffalo Magpie Organizing, and White Mesa Concerned Community, I write to supplement the request for a thematic hearing dated December 23, 2023, to apprise the Commission of recent developments that increase the urgency and need for the Commission to review and report on the United States' human rights record regarding uranium development in Indigenous communities. As noted in the petition, the United States has largely disregarded its obligations to Indigenous communities under the American Declaration on the Rights and Duties of Man, the Charter of the Organization of American States and other human rights instruments that the United States has ratified.

Since the Indigenous communities submitted their petition for a thematic hearing, the price of uranium has risen dramatically. Currently, the spot price of uranium, which is the price on the open market, is \$91 per pound. *See,*

<https://www.cameco.com/invest/markets/uranium-price>.

For context, the spot price of uranium over the last decade has fluctuated between approximately \$20 and \$50 per pound. *Id.*

More significantly, the long-term contract price of uranium, which shows the average price of uranium between suppliers and nuclear utilities over several years based on contracts between suppliers and utilities, is currently at \$68 per pound. *Id.* This long-term contract price is typically considered a more reliable indicator of the uranium commodity market, since it reflects the price uranium consumers are paying to supply their utilities over a term of years. By comparison, the long-term contract price of uranium over the last ten years has fluctuated between \$20 and \$42 per pound, with some isolated short-term spikes above \$42 per pound. *Id.*

These recent increases in the price of uranium are likely the result of geopolitical circumstances, in addition to deliberate policy choices by the United States government. The multiple taxpayer subsidies of the nuclear industry, including uranium mining, in

the Inflation Reduction Act and the Infrastructure Investment and Jobs Act have undoubtedly contributed to the dramatic and precipitous increase in uranium prices.

As a result, uranium mines across the United States that have lain dormant for decades are now producing uranium and contaminating the areas in which they are located. Notably, the uranium mine operator Energy Fuels has reopened its Pinyon Plain mine near the Grand Canyon in Arizona and its Pandora and La Sal uranium mines in Utah. See, <https://www.energyfuels.com/2023-12-21-In-Response-to-Surging-Prices,-Supportive-Government-Policies,-and-a-Domestic-Focus-on-Security-of-Supply,-Energy-Fuels-Has-Commenced-Production-at-Three-of-its-U-S-Uranium-Mines>. Each of these mines will produce ore that the operator will truck to the White Mesa Mill, which Energy Fuels also operates, for processing. The White Mesa Mill is located in the Ute Mountain Ute community, which is one of the communities requesting a thematic hearing. Moreover, the U.S. government's largesse to the uranium mining and processing industry substantially increases the chances that proposed uranium mines in other Indigenous communities such as the Navajo Nation and Oglala Lakota will begin producing – and contaminating resources – in those communities in the near future.

We firmly believe that in light of the recent uptick in uranium mining activity in the United States, a thematic hearing on the impact of uranium development on the human rights of Indigenous communities is more urgent than ever.

Respectfully,



Eric Jantz
Legal Director
New Mexico Environmental Law Center
ejantz@nmelc.org

Cc: Red Water Pond Road Community Association
Tonia Stands, Buffalo Magpie Organizing
White Mesa Concerned Community