



Land Proximity and Uranium on the Navajo Nation



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Introduction

The Indian Mineral Leasing Act (IMLA) of 1938 opened Indigenous lands to allow non-native mining companies to mine and export minerals for the benefit of private owners. The Diné Natural Resources Protection Act (DNRPA) of 2005 closed land on the Navajo Nation to mining companies. Once private companies have used the IMLA to extract the uranium from the mine, the remediation of the land is a battle frequently fought in the courtroom. The case *United States v. Navajo Nation*, "deals particularly with the issue of whether a tribe can recover money damages from the United States under the IMLA for an alleged breach of trust relating to coal leases negotiated between an Indian tribe and a private lessee" (Stone 2006, 149). The policies are not always beneficial to the Navajo people and the companies still leave harmful effects such as water contamination, erosion, radon exposure, etc., damaging the relationship the people once had with the land. This research explores IMLA and DNRPA and how the acts provide adequate land proximity protections from uranium exposure related to mining on the Navajo Nation in the Monument Valley area.

Importance of Diné Bikéyah

Cultural significance of landscape is not one designated area or space, rather viewing the land as a whole, not separate. Navajoland (Diné Bikéyah) holds a social and spiritual bond with the people because of origins and traditions. Grace McNeley's states in "Home: A Family of Land and People," from *Dine Be'ina* journal (quoted in Kelley and Francis 1993),

"The Navajo term kétl'ool - derived from ké, meaning 'feet,' and t'ool meaning 'root system'-expresses the concept of having a foundation for one's life in the earth, much as a plant is rooted in the earth Let us visualize the central root as extending all the way back to Asdzáán Nádleehi, "Changing Woman"-who is Earth Mother herself (158)."

Kelly and Francis (1993, 159-60) explain the spaces being designated for prayer or favored by families (e.g. cornfield, grazing, etc.) but utilize Diné Bikéyah as a whole because of kinship and Mother Earth herself. Diné Bikéyah not only holds the cultural significance but the historical too. Through policies, laws, and treaties, the reduction of the land wounds the connection the land has with the people and vice versa.

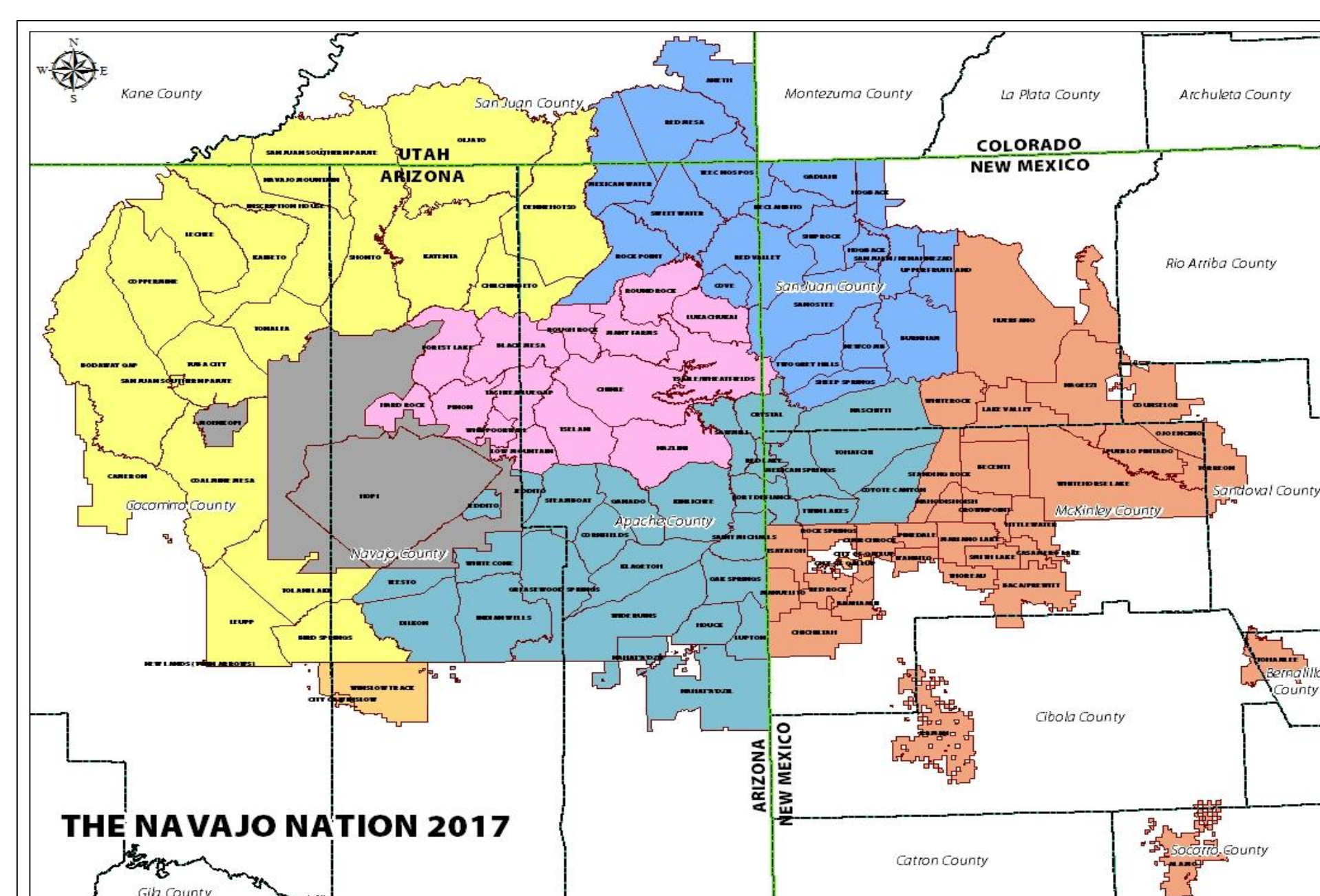


Fig. 1 Updated map from Navajo Land Management GIS Program

Indian Mineral Leasing Act of 1938 and Diné Natural Resources Protection Act of 2005

The Indian Mineral Least Act of 1938 had three purposes Congress recognized, "(1) to achieve uniformity in tribal leasing matters; (2) to increase Indian authority in granting leases; and (3) to protect Indians' economic return on their property" (Stone 2006, 152).

The Diné Natural Resources Protection Act of 2005 signed by former Navajo Nation President Joe Shirley, Jr., "which prohibits all uranium mining within Navajo Indian country, thereby foreclosing an estimated twenty-five percent of the recoverable uranium within the United States" (Cooley 2006, 393).

Does IMLA and DNRPA provide adequate land proximity regulations from uranium mining for the Navajo people in the Monument Valley area?



Fig. 2 Uranium mine tailings behind houses in Monument Valley, AZ

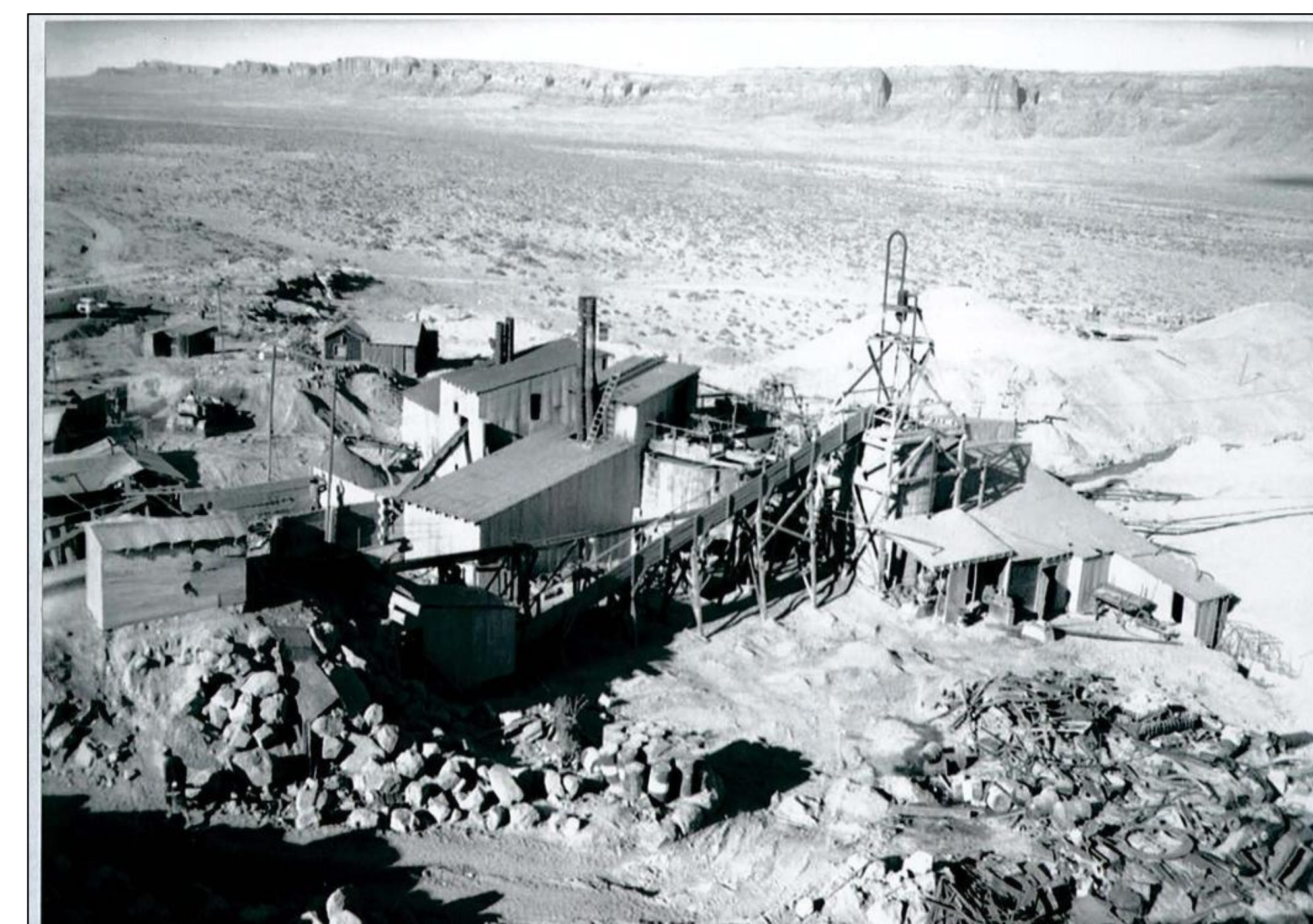


Fig. 4 Monument Valley circa 1950

Methodology

- Interpreting legislation of IMLA and DNRPA
 - How it is applied, enforced, and translated
- Examining geospatial maps from EPA and Google Earth of contamination of spatial land to homes in MV area.
- Analyzing maps and graphs explaining the dangers of proximity to uranium mines
- Investigating the state, federal, and spatial agreements, laws of proximity regulations, health regulations, and compensation agreements

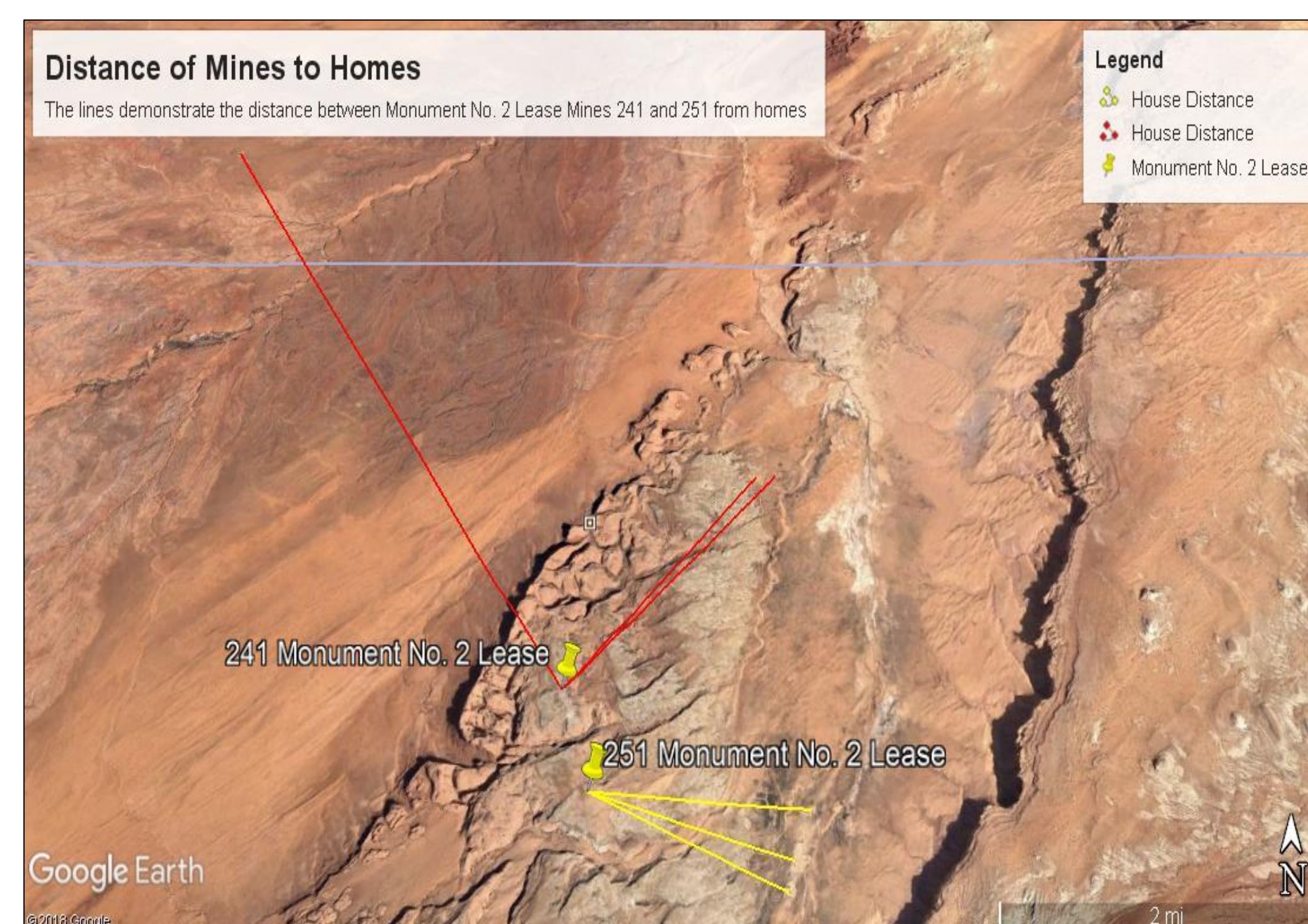


Fig. 3 Distance of Monument No. 2 Lease mines 241 and 251 from homes in Monument Valley

Results

- The IMLA and DNRPA does not provide adequate land proximity protections for the Navajo people against uranium exposure.
- According to U.S. Nuclear Regulatory Commission Regulations Title 10: Code of Federal Regulations Part 20, explains the uranium exposure is not based on proximity but dosage of radon of the suggested site (305-306).
- EPA and NNEPA suggest clean-up of Skyline and Monument No. 2 Lease after site report.
- Future policy: Mining companies and local agencies need to provide residents with knowledge on proximity distances from mines as well as community outreach on uranium exposure.

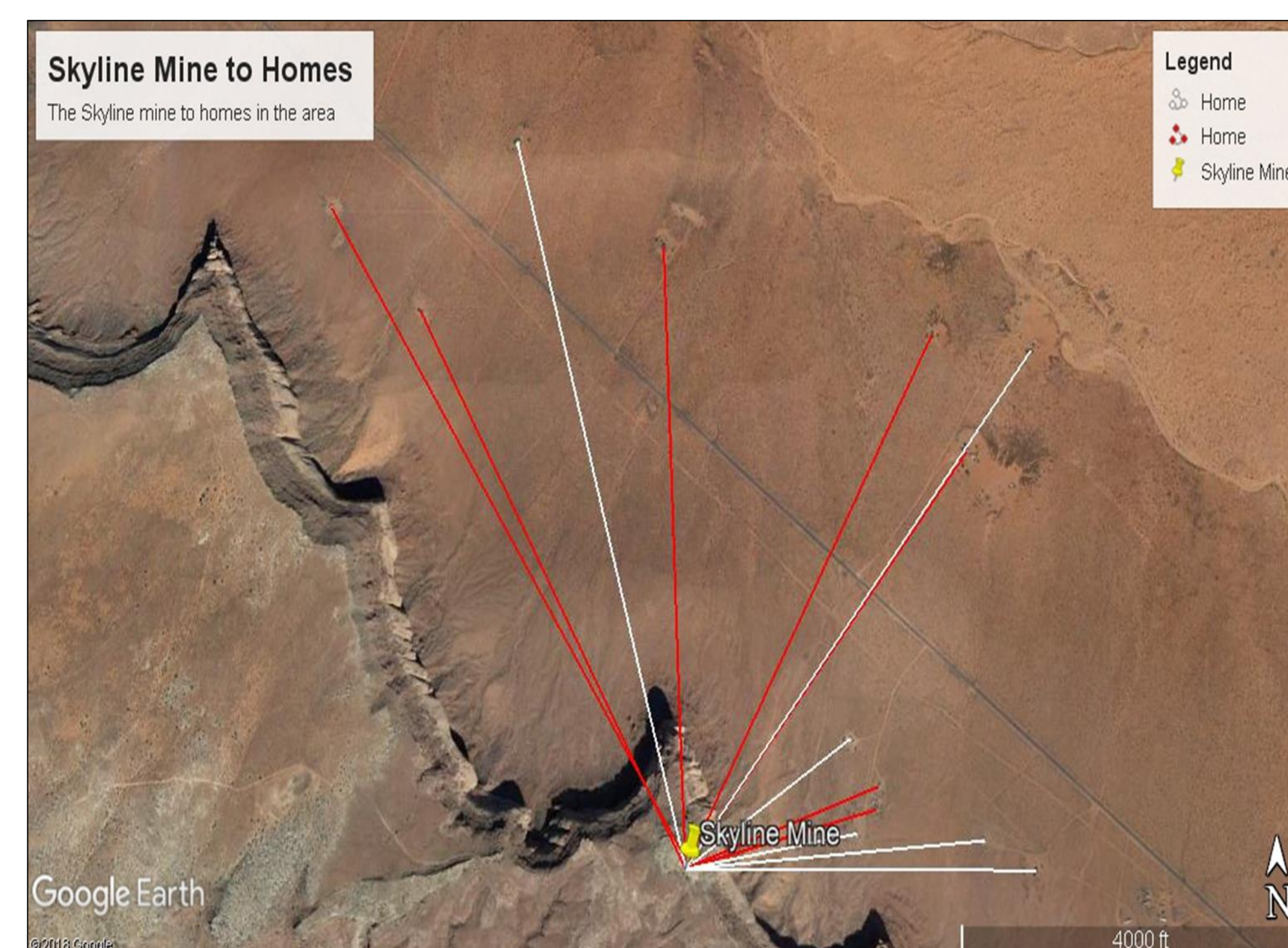


Fig. 5 Distance of Skyline mines from homes in Monument Valley (Map of Fig. 3)

Conclusion

The IMLA and DNRPA does not provide proximity regulations for the Navajo people from uranium exposure. One allows mining to destroy a nation, and the other halts uranium from damaging the land and relationships the Navajo people have with the land. Regulations from the U.S. NRC provide regulations for families, single-persons, agriculture, etc., exposed to uranium for long periods of time if they meet a certain dosage exposure or extraction methods.

As a result of few regulations, land proximity regulations need to be added to the IMLA and DNRPA for the safety of people living near mines as well as advocacy for the Navajo people. The first step, is clean-up remediation before the land proximity regulations are added. The Navajo Nation Environmental Protection Agency (NNEPA), EPA, Navajo Nation government, and chapter houses advocating for the Navajo people to raise awareness about long exposure to uranium mines from living sites.



Fig. 6 Monument Valley

References

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