

The Devil's Dirt

Southern Ute tribe fights for removal of toxic waste from ancient burial ground.



It is said there is a common bond among aboriginal peoples the world over, a spiritual connection to the earth and natural forces shared across far-flung lands and millennia of time. The bond forms the basis for many similar religions practiced among different aboriginal groups.

The Newe Indians, known to non-Natives as the Western Shoshone of Nevada, have a word for it: *shundahai*, meaning, peace and harmony with all creation.

Principles like *shundahai* don't tend to get included in government policy. Yet, when it comes to aboriginal "religious" beliefs about land use, the concept of *shundahai* transcends things like Nuclear Regulatory Commission (NRC) policies and guidelines. It is not written about in any Environmental Protection Agency (EPA) compendium of laws or regulations. The State of Utah Radiation Control Board does not make decisions based on those beliefs—but native groups believe they have legal rights that should force

the government to protect their sacred beliefs.

Likewise, mining and waste disposal companies do not plan for the mitigation of spiritual disruption and desecration in their applications for permits and amendments to their licenses to operate or expand. They do not post bonds to mitigate spiritual damage brought about by their enterprises.

On broad White Mesa, three miles south of Blanding on U.S Highway 191 and some three miles north of the Southern Utes reservation in San Juan County, there are billions of pounds of dirt with a nasty history. What's being done with the dirt, where it's been and what it's been used to do, forms the conceptual basis of one of the more unconventional challenges to Utah's increasing stature as a radioactive waste dump.

Just outside the reservation, the International Uranium Corporation (IUC) wants to expand a site where it is currently holding uranium-laced mill tailings from other former processing sites around the United States. IUC is in business to ostensibly "recycle" the uranium from the "alternate feed" materials (the official regulatory name for toxic uranium mill tailings that are brought to another mill site) to produce new uranium fuel for the nuclear power industry. IUC's own records reveal that a tiny fraction of the material imported has been converted to recycled uranium and that the value of that material alone could not keep the company in business.

Thus, opponents claim, White Mesa is not a "recycling plant"—it's a toxic waste dump that uses recycling as an excuse for the government to clear the poisonous tailings out of other communities into the proximity of the politically powerless Southern Utes for storage, perhaps forever. The EPA has agreed. In some of its documents, the agency called IUC's White Mesa recycling operation "a sham (toxic waste and tailings) dump" because IUC was really just holding the billions of pounds of toxic dirt, while only processing a small portion to "recycle" uranium.

To add to the Utes' bitter feelings, the entire mill site and the area around it

are part of the federally mapped White Mesa Archeological District that was inventoried by the Bureau of Land management in 1980. All of White Mesa is considered "sacred ground" by the Southern Utes and with good reason—the mesa is a gigantic cemetery filled with their dead ancestors and myriad cultural and Indian religious ceremonial sites, according to the BLM study.

Now IUC has applied to the federal government to bring in additional thousands of tons of radiation-laced mill tailings and unprocessed ore from Tennessee, New Jersey and California to add to its already massive stockpile of toxic material. This is just too much for the Southern Utes to bear.

Laced with varying degrees of radioactivity, the dirt also contains a witches' brew of heavy metal compounds like lead and other heavy trace metals that are known carcinogens high on the EPA list of human health threats. If IUC is successful in winning all of its current applications, the holding cells that contain the tailings that have already been hauled to White Mesa will be too small and the mill site will have to expand onto adjacent fallow "sacred ground."

IUC bought the uranium mill in 1997 from Energy Fuels Corporation, the company that built the site beginning in 1980. Energy Fuels was allowed by the BLM and the NRC to set up the facility, even though the BLM knew of the existence of the archeological resources and human graves. In fact, the study was conducted to find out what lay in the path of Energy Fuel's mill construction plans. Despite the result of the study, the mill was still permitted to be built on top of Indian graves.

When the bottom fell out of the uranium market, Energy Fuels closed White Mesa Mill and filed for bankruptcy. The bankruptcy staved off any reclamation of the mill site until IUC came along bought the facility and began a new kind of business—the extraction of uranium from the so-called "alternate feed materials."

There is a reason this happened. The federal BLM and EPA were pitted

against NRC and the U.S. Department of Energy (DOE). The latter two agencies were in a bind. They had to move the radioactive materials from other areas of the country the government itself had polluted as part of the nation's top secret atomic bomb development program. Despite the known hazardous content of the materials, they were moved to White Mesa without full-blown environmental impact studies being conducted.

Now, this summer, the State of Utah Radiation Control Board is supposed to assume authority over regulating IUC at White Mesa, and the Southern Utes see this as a chance to get out of the federal cross-agency problem and in front of a group that can help them.

To members of Utah aboriginal groups whose religions are directly connected to sacred ground like White Mesa, the operation of a mill tailings dump and uranium recycling plant directly on top of thousands of years of aboriginal graves and cultural sites is an abomination. To members of the LDS church—to choose a local analogy—it would be as if someone built a nuclear waste dump at the Bureau of Land Management's Martin's Cove in Wyoming, where Mormon pioneers froze to death—a place the church refers to as "sacred ground."

Now, a push to close the mill—based not on health and safety arguments, but on the basis of religious discrimination and laws pertaining to the desecration of graves and cemeteries—is emerging.

This unconventional and emotional approach surfaced at a Utah Radiation Control Board meeting in Salt Lake City May 2. Activists got on the agenda to protest not only the expansion of the site but also to start the ball rolling to try to get it shut down.

Environmental and cultural activists and two members of the Southern Ute tribe told the RCB that the accelerating dumping of toxic and radioactive uranium tailings from around the United States (material that originally comes from two different continents) at the IUC site was not only a potential

health threat, but also a desecration of their huge cemetery.

Yolanda Whiskers Badback, packing an infant in a traditional carrier, kicked off the meeting with a pile of information. Bypassing the typical health and environmental issues, Badback got right to the spiritual point. "I don't like what they are doing to our sacred ground. This (the tailings) is not supposed to be mixed with our ancestors. They are ruining our sacred ground."

"Help us," pleaded Thelma Whiskers, Yolanda's sister. "Help my people to shut this place down," she asked members of the radiation board. "That's where my people, my ancestors, are buried," said Whiskers, a member of the Southern Ute tribe. "They are laying right there under that ground and they are dumping on them whatever they are hauling down there. My ancestors are buried right there and look what they are doing to them."

Bradley Angel, the executive director of Greenaction, a San Francisco-based health and environmental justice group, followed Whiskers to the microphone. Angel has a home in Grand County and spends most of his time there. He also has a lot of information about the White Mesa Archeological District.

"In the packets you were handed," he told board members, "there are pictures of a skeleton, of human remains, unearthed (during the original White Mesa Mill construction done before IUC owned the site). If I did the desecration that was done to the ceremonial kivas, to burial sites and the hundreds of other ancient, ancient, sites out there, I would be in jail, hopefully. But, I guess if your company's doing this with the blessing of various government agencies, it seems to be perfectly OK. We're here to tell you that it's not OK. It's not moral, it's not ethical and it's not legal."

Bradley's remarks were the first salvo in a promised legal battle, complete with a phalanx of eager volunteer lawyers, to clear IUC off White Mesa. The battle line will be drawn, says Bradley, beginning with the issue of First Amendment guarantee of freedom of religion. The approach is a new twist

on arguments used for years by urban environmental activists, who claim that the location of hazardous sites in inner cities is a form of environmental racism.

“Of course it’s racist, absolutely. There is no other way to look at it,” says Ken Sleight, a long time environmental and human rights activist who lives up Pack Creek Canyon south of Moab, in San Juan County. Sleight attended the radiation board meeting and produced photos of blowing dust he said came right off tailings piles at IUC and headed out over populated areas. Sleight has been railing about the lack of knowledge surrounding the health issues related to the content of IUC’s tailings mounds.

Sleight recently asked the San Juan County Commission to act as an advocate to request federal and/or state air monitoring and epidemiological studies for the areas of San Juan County where dust from White Mesa’s tailings might blow. *City Weekly* obtained a copy of a tape recording of Sleight’s exchanges with Commission Chairman Lynn Stevens, who frequently interrupted Sleight and asked questions laced with ridiculing overtones. When Sleight showed the commission pictures he took of dust blowing off the White Mesa area, Stevens asked, “If you think it’s so dangerous, why did you go up there [to take the pictures]?”

At the May 2 hearing in Salt Lake City, Thelma Whiskers described similar treatment as she struggled to articulate her feelings of anger and the discrimination and ridicule she has suffered at the hands of certain San Juan County residents, including some employees of IUC. IUC President and CEO Ron Hochstein apologized to Whiskers at the conclusion of the meeting for the hazing she got at another public meeting.

In the end, Stevens said San Juan County would do “nothing” to seek health information about the tailings that would be beyond anything the federal government might release in connection with its hearings to determine if tailings from Moab’s Atlas mill will be moved to White Mesa. As Sleight was leaving, one of the commissioners is heard on the tape saying: “Nice to see

you again, Ken. Don't hurry back."

"That's their attitude," says Sleight. "They line up with the company, not behind the health of their own people."

The people of Utah have read and read about "radioactive waste" that's been, or will be, shipped into the state. But few, if any, know the hideous history of most of the material that, in this case, covers the ancestral dead of the Southern Utes.

The hills around Shinkolobwe, Katanga Province, located in the Democratic Republic of Congo of Africa, don't look too different than the terrain in Cottonwood Wash outside of Blanding, Utah. Shinkolobwe's rocks are tan, cream, gray and the color of rust. Mineral-rich golden, black and bluish sands leak from seams between harder layers of differing compositions. It is a high spot overlooking the southern edge of one of the most vast and wild regions in the world, a place larger than all of Western Europe—the Congo River Basin. Only the Amazon collects and drains more water from the Earth's surface and eventually deposits it in an ocean. It is a primordial place, a breeding ground in the initial human inhabitation of the planet.

As is the case with the buttes bordering Cottonwood Wash, the dry ridges of Shinkolobwe appear nondescript to the uninitiated. Barren, withered and mercilessly burned by the heat of the day. On closer inspection, Shinkolobwe's hills begin to take on another meaning. Shinkolobwe's geology is a canvas. Nature has colored the flanks of these ridges in ways that are also a common sight in the American West and in rugged outcroppings that range up the Continental Divide to the Arctic Circle. These are rock and dirt pictures painted over millions of years--pictures that offer clues to the trained observer.

Aboriginal inhabitants lived for generations near the hills of Shinkolobwe, just as they have in the sprawling areas of the West sharing this geologic look.

Despite their separate beginnings, these peoples had something in common. While they undoubtedly knew the land, they knew nothing much about what was *in* the land. If the hunting was good, the reasons to remain nearby were more compelling.

In Adam Hochschild's book *King Leopold's Ghost*, one can read about the events that made it possible to find and mine the material that comprises much of the tailings on White Mesa. Those events began as a colonial, greed-driven rampage. It was a bizarre and successful land grab undertaken by a sexually dysfunctional Belgian potentate with too much time and not enough land on his hands. Natives who refused to work as slave labor had their arms, hands and penises hacked off. Severed heads were posted on sticks. The Congo River became a watery highway of carnage.

It was into this country the young Joseph Conrad shipped as a steamboat officer in search of adventure—only to find the source material for his classic, *Heart Of Darkness*. Hochschild writes that Conrad's Kurtz was a composite of at least two real men in the employ of King Leopold. One of them was a sadistic, venal trader and avid butterfly collector named Leon Rom, around whose garden the severed heads served as decoration.

Leopold used the wiles and deceit of the ersatz Welsh "journalist" and explorer John Morton Stanley and the complicity of U.S. President Chester Arthur to lay claim to the vast holdings he amazingly named the "Congo Free State." It was and remains the largest piece of real estate ever "owned" by one man.

It was a British shipping clerk, Edmund Dene Morel, who blew the whistle on Leopold's slaughter when he noticed the booty that was offloaded from the Congo was reciprocated with only more guns and troops being sent to the region—not finished goods and food.

When word of the deprivations—an estimated eight to 20 million inhabitants of the Congo Basin killed—began to leak and then cascade to the outside

world through Morel's allies, like the Bishop of Canterbury and Mark Twain, the government of Belgium was forced to "annex" Leopold's "Free State" and make it a "traditional" colony—the Belgian Congo. The killing didn't stop—it simply became more diversified. The French got into the act on the north side of the Congo River and the Germans, under Kaiser Wilhelm, kept up the slaughter to the south and east of the Congo Basin.

After a time, the interlopers made it all the way to the end of the river where Katanga's mineral treasure was there for the taking. In 1915, an obscure prospector, Richard Rich Sharp, found himself at the end of the 3,000 miles of waterways that comprise the main Congo system. Where the water ended, Sharp found the Shinkolobwe Hills.

Sharp could read the geological paintings. Where the locals only saw the tans, grays, creams, blues and greens, Sharp saw copper, lead, zinc and another new substance that was just beginning to emerge as a precious metal. Sharp found uranium in the form of luminous pitchblende ore so radioactively potent, legend had it that one tribe's warriors would spread the dirt on their faces and they would glow in the dark, thereby scaring the hell out of potential enemies. These people were called the "Ghost Warriors."

Sharp reported his find to the keepers of the Belgian prefect and immediate steps were taken to hold the discovery a secret. Natives were impressed into digging out and accumulating the extremely "hot" ore—up to 65 percent pure uranium. Hapless workers strung from the mines to the transportation and refining of the pitchblende were clueless about the harmful effects of radiation.

The highly radioactive material was transported to the river and it began a tortured trip toward the Atlantic, and eventually to a plant at Olen, outside Antwerp. In 1922, the Belgians announced to an unsuspecting world that they had produced a gram of radium from the Katanga pitchblende at their new mill. By 1926, the Belgians had a monopoly on radium production and were charging \$70,000 U.S. dollars a *gram*. The material was used in the

first prototypes of X-ray machines. Fabulous profits were extracted from the Shinkolobwe ore.

The atom was on the loose. The Ghost Warriors' eerie paint would provide the basis for the launch of the modern Atomic Age as prospectors fanned out into remote places to look for the most expensive substance on the planet.

The United States, in a race to beat Nazi scientists to the destructive potential of the atom, spirited a 2,000 ton Shinkolobwe stockpile out of the Congo in 1940. The Nazis captured 1,200 tons of Shinkolobwe ore piled at Olen when they invaded Belgium in the same year. The Olen ore was not enough to produce the kind of atomic reaction that could have led the Nazis to fabricate a bomb. But the 2,000 tons of Shinkolobwe ore shipped to the United States would be commingled with material from Port Radium, Northwest Territories, Canada (another saga of aboriginal misery) in New York State and at the Mallinckrodt Chemical Company in St. Louis, where the ultra-hot ore was stored in what is now the downtown area for secret refinement as part of the Manhattan Project. The combined African and Canadian stockpiles then went on to be forged into the Nagasaki and Hiroshima bombs. After the war, the United States got the rest of the Shinkolobwe stockpile, the other 1,200 tons, from the plant at Olen and added to its supply.

Eventually, a substantial amount of the radioactive leavings that launched the United States as the first nuclear world power would be brought to White Mesa, "bad spirits" and all. Every location the Shinkolobwe and Port Radium tailings have ever touched in Missouri and New York has been declared an environmental disaster area.

Superfund site? That'll be the case with White Mesa, too. Oh, yeah."

Steve Erickson is executive director of the non-profit watchdog group Citizens Education Project. Erickson conjures up a scenario where IUC

eventually walks away from the White Mesa site when it's too full to take any more material for recycling. "They can't make anything near what they would need to make selling off the tiny amount of uranium they get from that material," says Erickson. According to IUC records, it's taken some 500 billion pounds of tailings so far to produce about 1.1 million pounds of recycled uranium. That's about 2,272 tons per pound.

"The rest of the material is overburden—waste that's being left right there," Erickson says. "Who knows what's in that stuff? The heavy metals and other junk? Nobody." No matter what happens when White Mesa eventually must close, as it must, Erickson says, "it will have to be bad. They can bury the stuff there, which has its own set of horrible consequences. Or they could look at moving it—but to where? And to think they are seriously thinking of moving the Moab tailings down there. It's insane, it really is insane."

Ron Hochstein, IUC's president and CEO, is an affable Canadian based out of Denver. He keeps the permit applications to bring more material to White Mesa on track. He has answers to every health question that's raised. Most of the dissent is based on ignorance, he says. "We just have to do a better job of educating the community about what we do," he says. He was hazy on the archeological issues sprung on him at the May 2 meeting, but he promises to catch up.

"We have people in place to deal with that," was the best he could do when interviewed after the meeting. Hochstein also insisted that IUC is not venturing outside its existing tailings cells onto new ground—but he also failed to volunteer the information that expansion must take place, according to their federal permit applications, if all the "alternate feed" materials IUC wants to import to Utah are allowed to come. He disputes the idea that dust blows off of IUC's tailings into adjacent San Juan County—even if witnesses say they have seen it (as this reporter did on Saturday, May 17). Hochstein also said that White Mesa tailings that have had uranium recycled from them could eventually be shipped away to places like Envirocare in Tooele County,

but no such plan yet exists.

There is also a familiar colonial overtone surrounding IUC, the White Mesa operation and the Southern Utes. Hochstein's bosses operate in much the same way King Leopold ran his business dealings in the Congo in comfort from afar. The Congolese made him a billionaire, but Leopold never set foot in Africa his entire life.

Similarly, the founders and principals in IUC don't live anywhere near or hang out in Utah. They do make money off of the continued piling up of tailings over the heads of Yolanda Whisker's dead ancestors, however. IUC's chairman is Lukas Lundin, a 45-year-old graduate of New Mexico Tech and the son of Geneva, Switzerland resident and mineral and oil developer Adolph Lundin. The Lundins have holdings in at least 14 companies dealing in oil and mineral exploration and extraction all over the world—including in the U.S. State Department listed "terrorist" nation of Syria. When not working in the family concerns from his Vancouver, Canada offices, the younger Lundin rides off-road motorcycles across the world's deserts in races like the Las Vegas to Reno over-the-desert race and the Dakar motorcycle rally. He didn't return numerous phone calls *City Weekly* placed to his secretary at his Vancouver offices.