

Grand Junction Daily Sentinel: Court victory for uranium mill

By [Gary Harmon](#)

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Montrose County's approval of a conditional-use permit for a uranium mill near Naturita has withstood a legal challenge from the Telluride-based Sheep Mountain Alliance.

The Colorado Court of Appeals in an opinion released Thursday upheld the county's process, which led to the approval of the permit.

"This is a great Christmas present," Montrose County Commissioner Ron Henderson said Thursday, noting it will be welcomed in particular in the West End of the county.

"I'm glad we got this news today," Henderson said. "It comes at a good time. The businesses on the West End need a boost. Perhaps help is finally on the way."

The Sheep Mountain Alliance also is moving to frustrate Energy Fuels Inc.'s plan for the \$150 million mill in Denver District Court, where it is challenging the issuance of a radioactive-materials-handling license by the Colorado Department of Public Health and Environment.

The Sheep Mountain Alliance was disappointed with the Colorado Court of Appeals decision, spokeswoman Jennifer Thurston said, noting the ruling needs additional study.

"This is really a minor part of our litigation," Thurston said, noting the alliance's suit against the Health Department contains "many more substantial issues and broader issues than this zoning case in Montrose County."

Energy Fuels officials, however, called the decision "a major step forward" for the mill. "The appellate court's well-reasoned decision verifies the quality of our project and the thoroughness of the regulatory review process," Steven Antony, president and CEO of Energy Fuels, said in a statement.

The company remains optimistic it will fend off the challenge to the radioactive-materials license in Denver District Court, Antony said.

In the ruling, a three-member panel unanimously upheld the decision of Montrose County District Judge James Schum and noted the alliance drafted some of the conditions that were included in the final permit.

The appellate panel ruled the county met the requirements of the state's Open Meetings Law and rejected arguments that the county had abused its discretion in approving a permit.

The court also found the county acted within its authority "in concluding the proposed mill tailings do not constitute hazardous waste" in the context of the permit.

The decision also upheld the ability of the mill to process 500 tons of ore per day on an average annual basis, meaning it could on some days process more than 500 tons of ore.