

Remarks presented by Karen B. Maute, President of Piedmont Residents In Defense of the Environment (PRIDE), a chapter of the Blue Ridge Environmental Defense League (BREDL)

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The Governor is aggressively fast tracking legislation to lift the moratorium on uranium mining and exercising blatant disregard for the Constitution of Virginia. The Coal and Energy Commission is complicit.

The Virginia Coal and Energy Commission, through its Uranium Subcommittee, secured the National Academy of Sciences (NAS) and the Chmura reports. Both the NAS and Chmura reports explored risks and benefits regarding uranium mining and milling in Virginia and at Coles Hill. The highly anticipated NAS report, funded by Virginia Uranium, Inc., cited "steep hurdles" that needed to be overcome before mining and milling should be considered. Both reports urged transparency in all of Virginia's deliberations on the issue. Both reports failed to indicate that uranium mining and milling could be done in a manner that would safeguard human health, the environment and the economy.

In the January of 2012 correspondence with his Secretaries, Governor McDonnell cited Article V, Section 8 of the Constitution of Virginia as giving him the authority to form the Uranium Working Group. The Governor exceeded the authority granted to him by Article V, Section 8. It does not grant him authority to form an inter-agency review process nor create a draft statutory and conceptual regulatory framework.

Article V, Section 8. Information from administrative officers. The Governor may require information in writing, under oath, from any officer of any executive or administrative department, office, or agency, or any public institution upon any subject relating to their respective departments, offices, agencies, or public institutions; and he may inspect at any time their official books, accounts, and vouchers, and ascertain the conditions of the public funds in their charge, and in that connection may employ accountants. He may require the opinion in writing of the Attorney General upon any question of law affecting the official duties of the Governor.

The Coal and Energy Commission, Governor McDonnell and the Uranium Working Group are drafting the conceptual regulatory framework for the benefit of one company. If the General Assembly elects to adopt the Uranium Working Group's regulatory framework for one company, it will be in violation of the Constitution of Virginia by enacting "special law".

Article IV, Section 14, The General Assembly shall not enact any local, special, or private law in the following cases: (18) Granting to any private corporation, association, or individual any special or exclusive right, privilege, or immunity.

Verbiage which alludes to special legislation for VUI:

Jan. 18, letter from C&EC to Governor McDonnell, "...we do suggest that the draft regulations and any ensuing adjustment to the statutory moratorium relate specifically to the uranium deposit at Coles Hill..."

Jan. 19, letter from McDonnell to Secretaries. "...perform an onsite analysis with appropriate experts to ensure all necessary issues that may be unique to the Coles Hill site have been considered."

Apr. 13, letter from McD Uranium Subcommittee, "With that information, we will all hopefully be in a better place to form a fully educated opinion as to whether or not mining and/or milling of uranium in Pittsylvania County is in the best interests of that region and the Commonwealth."

The Uranium Working Group lacks citizen representation on all levels and has decreased transparency which the NAS and Chmura reports stressed as an essential component to the process. Virginia's Constitution states, the people are the source of power. The Governor and the Coal and Energy Commission need to be reminded for whom they work.

ARTICLE I, Section 2. of Virginia's Constitution, People the source of power. That all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them.

The Coal and Energy Commission and Governor McDonnell appear to have formed a government separate from and independent of the government of Virginia for the purpose of one corporation to mine and mill uranium in the Commonwealth of Virginia. This too is a violation of the Constitution of Virginia.

Article I, Section 14. of Virginia's Constitution entitled, Government should be uniform, which states "That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

PRIDE, a member of the KTB coalition, is in firm support of keeping the current moratorium on uranium mining in Virginia. At present, the Governor and Coal and Energy Commission's actions are not consistent with a government concerned with common benefit, protection, and security of the people, producing the greatest degree of happiness and safety, nor effectually securing against the danger of maladministration as required by Virginia's Constitution.

Article I, Section 3. Government instituted for common benefit. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal

The citizens of Virginia are being railroaded by the Governor and the Coal and Energy Commission. This train needs to be derailed.