

PUBLIC HEARING FOR THE  
DEWEY-BURDOCK UNDERGROUND  
INJECTION CONTROL DRAFT PERMITS  
AND PROPOSED AQUIFER EXEMPTION

May 11, 2017

1:00 p.m. to 8:07 p.m.

St. James Catholic Church

310 Third Avenue

Edgemont, SD 57735

1           REGIONAL JUDICIAL OFFICER SUTIN: Good  
2           afternoon, everyone. We're going to get  
3           started. Thank you all for coming today. My  
4           name is Elyana Sutin, and I am the Regional  
5           Judicial Officer for the Environmental  
6           Protection Agency in Denver, Colorado. I will  
7           be presiding over the hearing today.

8           In addition to myself, we have other staff  
9           for EPA here to assist to ensure that everybody  
10          one who wants to make comments today has the  
11          ability to do so. So I want to introduce those  
12          folks to you. In case you have any questions,  
13          you can reach out to one of them.

14          Douglas Minter is sitting here at the table.  
15          Douglas is the manager of the Underground  
16          Injection Unit in the Office of Water Protection  
17          at EPA.

18          Valois Shea works with Douglas in the  
19          Underground Injection Unit.

20          Lynne Newton is back here at the  
21          registration table. She also works with Douglas  
22          and Valois.

23          Lisa McClain-Vanderpool is back here. She  
24          is our Public Affairs Specialist in the Office  
25          of Communications.

1           And then we also have Sisay Ashenafi, who is  
2           in our Community Involvement Office. He's a  
3           Community Involvement Specialist.

4           On March 6, 2017, EPA issued two draft  
5           Underground Injection Control, or UIC,  
6           permits -- excuse me -- area permits to  
7           Powertech USA, Inc., for injection activities  
8           related to uranium recovery near Edgemont,  
9           South Dakota.

10          The draft permits include a UIC Class III  
11          area permit for injection wells for the in-situ  
12          recovery of uranium and a UIC Class V area  
13          permit for deep injection wells for disposal of  
14          treatment of in-situ recovery process waste  
15          fluids.

16          The EPA is also proposing an aquifer  
17          exemption approval for -- in connection with the  
18          draft UIC Class III area permit. We are here  
19          today to listen to your comments on these area  
20          permits and aquifer exemption.

21          The public comment period is open until  
22          May 19th, 2017. Today is the last of five  
23          hearings that we've held in relation to this  
24          project. The first was in Valentine, Nebraska  
25          two weeks ago; we had hearings in Rapid City on

1 Monday and Tuesday; and yesterday we had  
2 hearings in Hot Springs.

3 In a moment, Ms. Shea will explain in a  
4 little bit more detail about the project that is  
5 being proposed today. But before I turn it over  
6 to her, I just want to explain a little bit  
7 about how the hearing will work today.

8 We will take testimony from 2:00 to 5:00  
9 with a possibility of a short break, and then we  
10 will take an hour break from 5:00 to 6:00, and  
11 then come back and take more testimony from 6:00  
12 to 8:00. I will call speakers to the microphone  
13 up here if you have filled out a card at the  
14 registration table. So if you would like to  
15 speak and have not filled out a card, please do  
16 so.

17 When it is your turn to speak, please state  
18 your name before you begin your testimony. In  
19 order to be fair to everyone, we will limit  
20 testimony to five minutes each. We will signal  
21 to you when you have one minute left to speak  
22 with a yellow triangle. And then when your five  
23 minutes is up, the red stop sign will be lifted,  
24 and I will ask you to complete your testimony.

25 Please try and be respectful of the time so

1           that everyone who wants to speak has the  
2           opportunity to do so. Please try to be as  
3           succinct and on point as you can. If I find you  
4           are straying from the topic at hand, I will  
5           interrupt and ask that you please return to the  
6           issue before us.

7           If we have time at the end and everyone has  
8           had the chance to speak who wants to and you  
9           have more to say than the five minutes you were  
10          given, then I will allow folks to come back up  
11          and finish their comments.

12          After you finish your testimony, members of  
13          the panel may ask clarifying questions. We are  
14          not here today to explain the basis for the  
15          proposal -- the notice does that -- nor can we  
16          engage in back-and-forth discussion of the  
17          proposal or respond to your comments during this  
18          hearing.

19          The purpose of the hearing is to receive  
20          your input. We will consider and then respond  
21          to all comments received during this hearing as  
22          well as all written comments in the final  
23          permits and aquifer exemption determination. As  
24          I said, we will not be answering questions  
25          during the hearing.

1           We are recording the hearing today, so be  
2           assured that your comments will be considered.  
3           The court reporter sitting to my left will be  
4           preparing a transcript of today's proceeding  
5           that will be available for anyone who wants to  
6           see it. The transcript is part of the record  
7           and will be included in the docket for this  
8           matter.

9           The docket is where EPA collects materials  
10          it has considered in its action, including  
11          public comments. The docket is available on the  
12          internet for review, or you can review a hard  
13          copy in Denver's -- EPA's Denver office. The  
14          transcript of this hearing will also be  
15          available on the docket.

16          If you have written comments of your  
17          testimony, please give a copy to our staff at  
18          the registration table, or you can leave it here  
19          with me. This will be helpful as the court  
20          reporter prepares the transcript. If you have  
21          other written comments or supporting  
22          documentation, you may also leave that with us,  
23          and we will make sure they are entered into the  
24          docket for this action.

25          You also may submit written comments

1 directly to the docket through May 19th.  
2 Instructions for submitting comments can be  
3 found at the registration table.

4 Once the final permits are issued and the  
5 aquifer exemption determination has been made,  
6 anyone who participated in these hearings,  
7 either through oral testimony or written  
8 comments, has the right to appeal the Agency's  
9 decision to the Environmental Appeals Board.

10 At this time, I'll turn it over to Ms. Shea,  
11 who's going to provide a little bit more  
12 background and information.

13 MS. SHEA: Good afternoon, everyone. Thank  
14 you so much for coming to our public hearing  
15 today.

16 I'm just going to give as brief a  
17 presentation as I can to kind of explain the  
18 background and context for the comments you're  
19 going to hear today, and explain a little bit  
20 about the permit requirements that we're asking  
21 you to comment on.

22 First, I would like to talk about the  
23 Underground Injection Control program so you  
24 understand what we do in our program. This  
25 program is authorized under the Safe Drinking

1 Water Act. Its mission is to protect  
2 underground sources of drinking water from  
3 injection through injection wells.

4 An underground source of drinking water is  
5 defined in the UIC regulations as an aquifer or  
6 portion of an aquifer which supplies any public  
7 water system, or which contains a sufficient  
8 quantity of groundwater to supply a public water  
9 system, and currently supplies drinking water  
10 for human consumption, or contains fewer than  
11 10,000 milligrams per liter total dissolved  
12 solids.

13 The UIC program classifies injection wells  
14 into six classes based on the type of injectate  
15 and the purpose for injection. The two classes  
16 we'll be talking about today are Class III,  
17 which is for the in-situ recovery of a mineral  
18 deposit, in this case uranium, and then a Class  
19 V, which is -- Class V deep wells, which inject  
20 into or above an underground source of drinking  
21 water, in this case for the disposal of treated  
22 ISR waste fluids. Our regulations allow us to  
23 exempt a portion of the USDW if it meets certain  
24 criteria.

25 As Judge Sutin said, we issued two draft



1 area permits on March 6, 2017. I guess I  
2 already talked about the first and second draft  
3 permits. So the Class III area permit is for  
4 injection wells for in-situ recovery of uranium  
5 from the Inyan Kara aquifers.

6 And then the second is a Class V area permit  
7 for deep injection wells that will be used to  
8 inject treated ISR waste fluids after they are  
9 treated to meet radioactive and hazardous waste  
10 fluids standards, and that will be injected into  
11 the Minnelusa aquifer.

12 The EPA is also proposing an aquifer  
13 exemption in connection with the Class III area  
14 permit that will exempt the uranium portion --  
15 uranium-bearing portions of the Inyan Kara group  
16 aquifers in that area where the Class III  
17 injection wells will be injecting for the  
18 purpose of mobilizing the uranium in the ore  
19 deposit so that it can be recovered.

20 The EPA also did three other documents that  
21 we are taking comment on. One was a draft  
22 Environmental Justice Analysis document. The  
23 second is a Cumulative Effects Analysis  
24 document, which looks at the effects of all the  
25 injection wells under the area permit. And then

1 a draft document explaining the process and  
2 consideration of our tribal consultation  
3 process.

4 We began tribal consultation a couple years  
5 ago, sent out an invitation letter. And at that  
6 time, eight tribes responded, and we've met with  
7 seven of the tribes. We are expecting to  
8 continue our consultation process further,  
9 hopefully meeting with additional tribes. And  
10 we will not issue any final draft permit  
11 decisions until our tribal consultation process  
12 is complete.

13 And we are requesting review and comment on  
14 all of the documents, and they can be found on  
15 our website. And the public notice has that  
16 website, and the public notice is sitting on  
17 that table over there.

18 There are other agencies that regulate the  
19 Dewey-Burdock site. One is the Nuclear  
20 Regulatory Commission, which has issued a  
21 license for the site. The South Dakota  
22 Department of Environment and Natural Resources  
23 has proposed a large-scale -- a large-scale mine  
24 permit which regulates the whole site. They  
25 have not yet finished their public review

1 process.

2 The Bureau of Land Management has a plan of  
3 operations, and I don't know the status of that  
4 plan of operations yet. And then there's  
5 another draft permit or proposed permit from the  
6 DENR for the groundwater discharge permit for  
7 the land application and the treated ISR waste  
8 fluids on the surface in case the Class V  
9 injection wells cannot be permitted or used or  
10 do not dispose of the full volume of waste  
11 fluids that need to be disposed of.

12 So this shows the map of the Dewey-Burdock  
13 area. I just have to figure out what -- there  
14 we go. It's -- this is the permit boundary. It  
15 lies along the South Dakota-Wyoming border here,  
16 and this is the border between Fall River and  
17 Custer Counties. There are -- there's the Dewey  
18 area -- Dewey area, and the Burdock area.

19 There are four proposed wellfields in the  
20 Dewey area and ten proposed wellfields in the  
21 Burdock area. The color codes here that show  
22 the outline of the ore deposits are based on  
23 which Inyan Kara aquifer the ore deposit is  
24 located in. And then these dots are the  
25 proposed locations for the two deep Class V

1 injection wells.

2 This is the Cheyenne River running just  
3 south of the site, and then it travels further  
4 down to where we are today in Edgemont. And  
5 Beaver Creek is a tributary to the Cheyenne  
6 River. Pass Creek is also a tributary, but it's  
7 not shown here because it's not -- it doesn't  
8 flow all year round, so it didn't make it onto  
9 this map. But it's there.

10 So this slide gives an idea of what the  
11 wellfield layout will be. These -- this grid  
12 pattern is the pattern of injection wells and  
13 production wells. The injection wells will be  
14 used to inject the lixiviant, which consists of  
15 the groundwater from the Inyan Kara Aquifer with  
16 carbon dioxide and oxygen added in order to  
17 mobilize the uranium, and that fluid will be  
18 brought to the surface through a production  
19 well. So that's the grid you're seeing here.

20 This line of wells on the outside of the  
21 perimeter are monitoring wells, and I'll explain  
22 more about them in a different slide. And then  
23 this dashed green line is the aquifer exemption  
24 boundary, which is located 120 feet outside of  
25 the perimeter monitoring well.

1           So I just wanted to talk a little bit about  
2           the quality of the Inyan Kara aquifers.  
3           Naturally occurring Inyan Kara groundwater  
4           outside of the wellfields is naturally high in  
5           sulfate, manganese, and in some places iron.

6           In order for it to taste good to drink, it  
7           has to be treated with reverse osmosis. In the  
8           area where the uranium deposits are located, the  
9           wells there also show high levels of gross  
10          alpha, radium, and radon.

11          So it can be treated for drinking to remove  
12          these, but you still will get the gross alpha,  
13          radium, and radon if you take a shower or  
14          launder your clothes. So the radioactive decay  
15          series of uranium eventually results in radium,  
16          which quickly decays to radon and daughter  
17          elements which emit alpha radiation.

18          Human skin can block alpha radiation, so  
19          it's not a threat to you outside your body, but  
20          if you were to breathe in the radon gas, it does  
21          decay inside your lungs, and that's the danger  
22          you hear from radon. So there's an increased  
23          risk of wells in this area for radon exposure.

24          This is a vertical cross-section through the  
25          Inyan Kara aquifers, and I color-coded the

1           uranium deposits to match the maps. So you can  
2           see that the red are in the lower Chilson, the  
3           green in the Upper Chilson, and then the blue  
4           were in the Lower Fall River. And this is the  
5           vertical extent of the proposed exemption area.

6           And then once again, the exemption -- I have  
7           lost my -- there it is. I guess it takes awhile  
8           to warm up. So this is the proposed boundary,  
9           120 feet outside of the perimeter monitoring  
10          well ring.

11          This diagram is kind of a cartoon of the ISR  
12          process. And I talked about, the lixiviant is  
13          injected into the injection wells, pulled  
14          through the uranium ore deposits, pick up the  
15          uranium, and then brought to the surface through  
16          the production wells, taken to the processing  
17          plant where uranium is removed from the  
18          solution, and then most of the water comes back  
19          to be recycled through the uranium ore deposit,  
20          and more oxygen and CO2 is added.

21          So you're hearing about a maximum pumping  
22          rate of 8,000 gallons per minute. Most of that  
23          water does -- is recycled back, but a  
24          percentage, 1 to 3 percent for most of the time,  
25          is bled off. And that's the amount of water

1           that would be lost from the Inyan Kara aquifer  
2           by this process.

3           If the EPA ever does issue a final permit,  
4           Powertech would not automatically be allowed to  
5           start injecting and recovering uranium. There  
6           are a number of tests required to characterize  
7           the geology and hydrology for each of the  
8           wellfields that you saw.

9           And the crucial question being answered by  
10          all the data that they have to collect and that  
11          we would analyze is, can the uranium-bearing  
12          fluids be contained both horizontally inside  
13          this ore-bearing injection zone and also  
14          vertically?

15          And the major test that will provide us that  
16          information is a wellfield pump test. So this  
17          line demonstrates the water table over most of  
18          the Dewey-Burdock area. The wells actually flow  
19          to the surface.

20          During a pump test, the water table is  
21          lowered into what we call a cone of depression.  
22          And if this is possible to maintain through the  
23          pump test, that shows us that the groundwater --  
24          let's see. Sorry about that. I forgot which  
25          slide my arrow is, my arrow drawing. So that

1 demonstrates that the groundwater can flow -- be  
2 contained by flowing into, towards the wellfield  
3 area.

4 Then we also look at the response in the  
5 overlying and underlying monitoring wells during  
6 the pump test. And if we don't see any change  
7 in water level in these wells, then that tells  
8 us that the confining zone is good and the  
9 injection fluids can be contained vertically.

10 So under wellfield operation, we would  
11 expect to see the same type of behavior. These  
12 are the perimeter monitoring wells. And to  
13 demonstrate horizontal containment, we would see  
14 the water tables lowered.

15 If it starts to rise, that's an early  
16 warning system that possibly we're losing  
17 containment here, and then we have to change the  
18 pumping arrangement and recovery --  
19 injection/recovery arrangement in order to keep  
20 horizontal control of these.

21 And then the overlying and underlying  
22 monitoring wells are monitored throughout the  
23 process through groundwater restoration until  
24 the groundwater is restored.

25 So these arrows just demonstrate that the



1 permit requires that injection interval  
2 groundwater is always flowing in towards where  
3 the wellfield is in order to contain the  
4 injectate from moving away from the wellfield.

5 So once again, this is -- just talks about  
6 how there are numerous requirements for --  
7 requirements for rigorous geologic and  
8 hydrologic characterization in both the Class  
9 III and the Class V permits, to show that  
10 injection activity will not cause migration of  
11 injectate into underground sources of drinking  
12 water.

13 And the Class III permit requirements  
14 include -- there's several of them, but the  
15 major ones that I wanted to talk about is  
16 Powertech has to show a map of all the plugged,  
17 abandoned exploration drill holes, the historic  
18 boreholes you've heard about.

19 We want to see a map of that located within  
20 the perimeter monitoring well ring for each  
21 wellfield, and then identify which of those that  
22 have to be replugged because they were leaking.

23 And then we want to see, also, copies of any  
24 new or historic drill logs that have been  
25 annotated to indicate there was evidence of a

1           fault or a fracture or a joint for any of the  
2           drill holes located inside the perimeter  
3           monitoring well ring.

4           UIC regulations do allow us to approve ISR  
5           activity in the areas where there is a breach of  
6           confining zone. But in these situations, extra  
7           monitoring is required on these breaches to make  
8           sure that the fluids are not moving vertically  
9           out of the zone.

10          So this represents a breach through the  
11          confining zone. This is the ore deposit that  
12          would be developed. We would look -- we would  
13          add extra monitoring wells in this area to make  
14          sure that no contamination is moving through  
15          each of the confining zones.

16          Then after uranium recovery is completed,  
17          the draft permit requires that once wellfield  
18          restoration is also completed and approved by  
19          the Nuclear Regulatory Commission, then  
20          Powertech has to start implementing its proposed  
21          post-restoration monitoring plan --  
22          post-restoration monitoring plan. It's hard for  
23          me to say.

24          This plan we would look at before the  
25          wellfield pump tests have to begin because we

1           have to -- we want to see a boundary  
2           downgradient of the wellfield. These arrows  
3           represent the direction of groundwater flow.

4           And we would have Powertech choose where  
5           they want to put a boundary of monitoring wells  
6           so that we can have them monitor any contaminant  
7           movement out of the wellfield that might occur  
8           after groundwater restoration is complete.

9           Because the final compliance boundary is our  
10          aquifer exemption boundary here, the underground  
11          source of drinking water lies outside it but the  
12          permit requires that no ISR contaminants may  
13          move across this aquifer exemption boundary into  
14          the underground source of drinking water.

15          We want to find out if there are any  
16          contaminants before they get to the aquifer  
17          exemption boundary, so Powertech would choose a  
18          good location for this monitoring boundary and  
19          then monitor it to detect contaminants.

20          If contaminants are detected, then they have  
21          to have a backup line of monitoring wells, and  
22          they have to do some sort of remediation to  
23          clean up the source inside the wellfield and  
24          then also the contamination. And then this  
25          would be an iterative process.

1           If contamination continues to move, then  
2           there is another line of monitoring wells and  
3           requirements for cleanup until finally they can  
4           demonstrate that no contaminants would cross the  
5           aquifer exemption boundary.

6           I probably just -- oh, to do this, we do  
7           have to establish baseline constituent  
8           concentrations, and that would be the permit  
9           limit. We want to make sure that no  
10          contaminants cross in concentrations above  
11          what's already there.

12          The baseline monitoring would begin before  
13          the wellfield pump tests, and then the strategy  
14          for developing the baseline and for monitoring  
15          the compliance boundary is based on RCRA, the  
16          Unified Guidance, which is the statistical  
17          analysis that establishes baseline and detection  
18          of contaminants. And this strategy has been  
19          implemented for many years by the RCRA program  
20          and has proven successful, so we're relying on  
21          it here too.

22          Now, the deep Class V injection wells, we  
23          are requiring the most protective, stringent  
24          well construction requirements that we have  
25          under our regulation, and that's for Class I

1 wells, to make sure that the wells are  
2 well-constructed and will not allow leakage  
3 through confining zones or from the well.

4 And there are also numerous requirements for  
5 rigorous geologic and hydrologic  
6 characterization to verify the injection  
7 activity does not migrate -- cause migration of  
8 injectate into USDWs.

9 The other important aspect is that Powertech  
10 must demonstrate that in the area where the  
11 injection wells are located, the Minnelusa  
12 aquifer is not an underground source of drinking  
13 water, which means that it would have total  
14 dissolved solids above 10,000 milligrams per  
15 liter.

16 We do have a historic sample from an oil and  
17 gas test well in that area that showed in that  
18 location the Minnelusa is 16- to 21,000  
19 milligrams per liter. Let's -- if it turns out  
20 that once the wells are drilled and the  
21 Minnelusa aquifer has total dissolved solids  
22 below 10,000 milligrams per liter, then it would  
23 be an underground source of drinking water and  
24 no injection would be allowed. The EPA would  
25 not authorize any injection into that.

1           The Class V permit does require the  
2           injectate is treated to below radioactive waste  
3           standards and hazardous waste standards.

4           This is a geologic cross-section that just  
5           shows the Minnelusa formation through this area.  
6           This would be the Minnelusa injection zone.  
7           There is a thickness at the base that acts as a  
8           confining zone between the Minnelusa injection  
9           zone and your Madison aquifer. We wanted to  
10          make sure that there's adequate confinement so  
11          that no contaminants migrate down to the  
12          Madison.

13          And then we would also look at this upper  
14          confining zone that protects the Unkpapa and  
15          Sundance aquifers as well as the Lakota, the  
16          Chilson, and Fall River aquifers of the Inyan  
17          Kara.

18          I think I'm going to skip ahead to the next.  
19          I can come back to this. So the Minnelusa is a  
20          very interesting aquifer. It actually has --  
21          its character changes across this boundary  
22          called a dissolution front. Close to the  
23          outcrop, the overburden of the Minnelusa is not  
24          heavy enough to overcome the pressure of the  
25          Madison aquifer. Go back to this slide.

1           The Madison is a very high-pressure aquifer,  
2           and as you know, down here it flows to the  
3           surface, and the Minnelusa aquifer is not a  
4           high-pressure aquifer.

5           So in areas where the overburden is thin,  
6           the Madison aquifer has actually pushed through  
7           and dissolved out this anhydrite mineral that  
8           composes most of the Minnelusa aquifer.  
9           Anhydrite is a sulfate, a calcium sulfate, and  
10          it's what causes the Minnelusa to have high  
11          total dissolved solids and not be a USDW in  
12          areas farther away from its outcrop.

13          So around Hot Springs, this anhydrite has  
14          been dissolved away by the Madison limestone.  
15          And you can see what's called a collapsed  
16          breccia in the Minnelusa formation that you can  
17          actually see at the surface in Hot Springs.

18          And there are a lot of drinking water wells  
19          of good quality near Hot Springs because there  
20          is -- all the anhydrite has been removed. And  
21          the zone of active dissolution of the anhydrite  
22          is what is shown along this line here.

23          So above, to the northeast of this  
24          dissolution front, you get good quality --  
25          drinking water quality in the Minnelusa aquifer.

1 Downgradient of the dissolution front, you still  
2 have all that anhydrite mineralization, and  
3 that's what causes the Minnelusa not to be an  
4 underground source of drinking water in the  
5 Dewey-Burdock area.

6 This slide shows that same dissolution zone  
7 that was shown in red, and it kind of covers  
8 this area. Hot Springs is here. The  
9 Dewey-Burdock area is over here. All these dots  
10 are either oil and gas wells or test wells that  
11 were drilled looking for oil and gas. And many  
12 of them actually, in the record on the state  
13 website, contain the drilling logs.

14 And I was able to -- I looked at all of  
15 these wells, and you can actually see there's  
16 thick Minnelusa with lots of anhydrite down in  
17 this area. It's starting to fade away. Many of  
18 these well logs show missing anhydrite and thin  
19 Minnelusa, and then up here it's -- the  
20 Minnelusa is much thinner and there's no  
21 anhydrite. So this also can be verified looking  
22 at oil and gas wells. I think I probably talk  
23 about that in this slide, too.

24 So the Class V permit requirements, we want  
25 to verify the integrity of that Minnelusa



1           confining zone by looking at the drill logs of  
2           the deep Class V wells themselves and then the  
3           plugged oil and gas wells shown in the previous  
4           slide.

5           Also looking at the groundwater levels of  
6           the Minnelusa and the Madison aquifers, as I  
7           said, the Madison aquifer is very high-pressure.  
8           It has a high groundwater level that's above the  
9           ground.

10          The Minnelusa doesn't have as high of a  
11          pressure, so we expect to see different levels  
12          when we -- when Powertech, if they drill these  
13          wells and actually isolate and measure the  
14          groundwater levels, we expect to see different  
15          water levels in the Minnelusa and Madison  
16          aquifers.

17          Then also looking at the sulfate  
18          concentration, where we have that anhydrite in  
19          the confining zone where you see high sulfate,  
20          in that area where there isn't a confining zone,  
21          that's where the sulfate is low and it's  
22          drinking-water quality.

23          Then also we will look at a comparison of  
24          the Madison and Minnelusa water chemistry.  
25          Where there is -- where they are separate and

1 have a good confining zone, it's very different  
2 water chemistry. But up near Hot Springs where  
3 there is no confining zone between the Madison  
4 and the Minnelusa, the water chemistry looks  
5 very similar, almost the same.

6 I just wanted to mention quickly that there  
7 are treatment and storage ponds for the Class V  
8 injectate. Radium is the only radioactive waste  
9 expected to occur in our ISR waste fluids. As I  
10 mentioned, the uranium does eventually decay to  
11 radium, and that's the longest-lived radioactive  
12 element we expect to see.

13 It can be treated and removed from the  
14 injectate by mixing it with -- mixing the waste  
15 fluids with barium chloride and then putting  
16 them into these settling ponds where the barium  
17 settles out the uranium. And then it flows into  
18 these outlet ponds, and it would flow, then, to  
19 the Class V injection well, where it would be  
20 expected to meet radioactive waste standards.

21 This is my final slide. I just want to  
22 emphasize the importance of our public review  
23 process to us. We issue draft permits in order  
24 to propose a set of permit requirements that we  
25 feel are as protective as we can make under our

1           UIC regulations.

2           But we know that they are not perfect, and  
3           we want your input on how they can be made  
4           better. Or if they are just not going to do the  
5           job at all, we want to hear that, too.

6           Our UIC regs require that we have a 30-day  
7           comment period. But as I mentioned, the number  
8           of documents we have to review, we thought that  
9           we should give everyone more time to review  
10          these documents, so our public comment period  
11          has gone from March 6th to May 19th, which is a  
12          week from this Friday.

13          Our regulations also require us to hold a  
14          public hearing if one is requested, but we knew  
15          we wanted to hear from as many people as we  
16          possibly could, so that's why we scheduled five  
17          days of public hearings. And let's get to that  
18          now. We want to hear your comments.

19          Jacque is going to record them for us, and  
20          then we will respond to those before we issue a  
21          draft permit. Thank you very much.

22                 REGIONAL JUDICIAL OFFICER SUTIN: Okay.  
23                 Let's get started.

24                 Our first speaker is Bill Curran.

25                 BILL CURRAN: Good afternoon. I'm Bill

1 Curran. I have a small hobby ranch.

2 REGIONAL JUDICIAL OFFICER SUTIN: We need  
3 you to -- yeah, please. Thank you. That way  
4 the court reporter can hear you.

5 BILL CURRAN: I'll start again.

6 Good afternoon. Bill Curran. I have a  
7 small hobby ranch up in the general area --

8 COURT REPORTER: I can't hear. I'm sorry.  
9 Just pull it up so everybody can hear.

10 BILL CURRAN: Anyhow, I have a small hobby  
11 ranch up in the general area of where this  
12 mining project is going to take place, so it's  
13 kinds of near and dear to my heart. I don't  
14 have anybody leasing my land. I do own mineral  
15 rights, but I'm not entertaining any offers from  
16 mining companies or anything of that nature.

17 I did take an interest in this because it is  
18 so close to my property, and it appeared to me  
19 that we had a lot of people who were objecting  
20 to the project on the basis of the emotion. We  
21 had government looking at this with science and  
22 saying, Yeah, it looks safe. And it appears  
23 that way that most of the permits have now been  
24 issued.

25 A few years ago, there was a hearing that I

1 believe the State held. If Susan Henderson was  
2 here, I would be able to ask her because Susan  
3 has been to every one of these. But I can't  
4 remember how many years ago it was. It was up  
5 at Rapid City at, I believe, the Ramada Inn.

6 And before the hearing, I went up and down  
7 the road and talked to every one of my neighbors  
8 and asked them if they were in favor of the  
9 project. All of them but one signed a petition  
10 in favor of the project. The one that didn't  
11 sign it had just moved to the area and didn't  
12 know anything about it up or down or whatever.

13 What I did want to get across today to these  
14 folks who have come here to hear us is that all  
15 of the local people are in favor of it. The  
16 people most directly affected by this mining  
17 project are in favor of it. And I want to turn  
18 this petition over to them.

19 They actually are the same -- pretty much  
20 the same landowners today that were there then.  
21 And like I say, everyone here in the area is in  
22 favor of it. I am still in favor of it. I  
23 would certainly hope all those were. Thank you.

24 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
25 Mr. Curran.

1           Keith Anderson.

2           Don Matt. Yeah, we'll call him --

3           I'm sorry. You're here. I apologize.

4           Mr. Matt, you'll be next.

5           DON MATT: I had a long walk.

6           KEITH ANDERSON: My name is Keith Anderson.

7           I'm a professional engineer and licensed in  
8           South Dakota, Wyoming, and Nebraska. I also  
9           live on a ranch 20 miles northwest of Edgemont.  
10          I don't think you've heard from a lot of people  
11          with sincere concerns about this project over  
12          the past several days. I doubt you'll hear from  
13          anybody who has more educational background,  
14          personal experience, and direct personal  
15          interest in the Dewey-Burdock property than I  
16          have.

17          I was born and raised on that ranch. It's  
18          been in our family since 1908. I moved there in  
19          1952, and I've lived there off and on ever  
20          since. We have a pretty direct connection to  
21          the uranium properties. My dad worked -- went  
22          to work in the mines in the late 1950s and 1960s  
23          to supplement the ranch income.

24          I worked at the uranium mill while I was  
25          going to college to pay for my college

1 education. I got out of South Dakota State  
2 University with a degree in engineering and no  
3 college debt, so I have been very much involved  
4 with the uranium business over the years.

5 My second job after college, I was hired as  
6 a hydrologist on the Dewey-Burdock project in  
7 1976, and I worked there in various capacities  
8 until 1989. Some of you may have reviewed the  
9 hydrology work that was done on the  
10 Dewey-Burdock property in the 1970s and '80s.  
11 That was done by me or people under my direct  
12 supervision.

13 The aquifer testing that you guys have  
14 reviewed in considering this permit was aquifer  
15 testing that I did. So I feel I have direct,  
16 firsthand knowledge of the project and  
17 hydrogeology and geochemistry of this project.

18 You've heard from a lot of people who have  
19 sincere emotional concerns about this project,  
20 and I understand that. In a lot of cases,  
21 people are fearful for things they don't  
22 understand.

23 I guess what I would hope would be that this  
24 country, these kinds of decisions are based on  
25 the facts and on knowledge and not based on fear

1 and emotion.

2 So I appreciate your taking the time to  
3 listen to us today, and I just want to speak in  
4 support of granting these permits for Powertech.

5 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
6 Mr. Anderson.

7 Mr. Matt.

8 DON MATT: My name is Don Matt. I am  
9 currently living in Edgemont, South Dakota. I  
10 have a relative whose first wife grew up here.  
11 She died of cancer at 37. The only thing he  
12 will say is, "Don't drink the water."

13 As a young man, I lived a few years in Utah  
14 where I had to comfort a roommate from  
15 St. George, Utah, who lost a 19-year-old brother  
16 to cancer. Children there used to write their  
17 names in the nuclear fallout dust covering  
18 automobiles.

19 A July 2017 eleven-page special report to  
20 *The Oregonian* printed there were an estimated  
21 400,000 atomic veterans ordered to be nuclear  
22 guinea pigs under or near atomic test blasts and  
23 the reluctance of government experts to  
24 acknowledge ongoing health problems.

25 Salt Lake's *Deseret News* spent years



1       documenting the culture of insensitivity and  
2       denial of first the Atomic Energy Commission and  
3       then the Nuclear Regulatory Commission, a  
4       cosmetic change that made little actual  
5       difference.

6           More recently, I knew a Rapid City,  
7       South Dakota photographer who loved vacationing  
8       in the beautiful Utah areas with the  
9       aftereffects of hundreds of uranium mines and  
10      nuclear tests. He died of cancer.

11          I could not resist picking up a copy of the  
12      book titled, *The Day They Bombed Utah* by John  
13      Fuller. The list of nuclear problems and losses  
14      is mind-numbing. These countless examples  
15      demonstrate an ongoing culture of denial and  
16      insensitivity that carries forward to this day.

17          I can see why regulators would block out  
18      things which could cost them their jobs and  
19      bring billions of dollars in lawsuits.  
20      According to paid engineers working for the  
21      Chinese uranium mining company Azarga, they and  
22      the Nuclear Regulatory Commission are best  
23      qualified to look after our safety and welfare.  
24      Not everyone always sees it that way.

25          In 2007, then-candidate Barack Obama stated,

1           quote: "The NRC is a moribund agency that needs  
2           to be revamped and has become captive to the  
3           industries that it regulates." That's according  
4           to a *Keene, New Hampshire Sentinel* interview."

5           A ProPublica website article dated  
6           December 26, 2012 on Wyoming in-situ mining  
7           notes, quote: "The Safe Drinking Water Act  
8           forbids injecting industrial waste into or above  
9           drinking water aquifers, but the EPA issued what  
10          are called aquifer exemptions that gave mine  
11          operators at the ranch permission to ignore the  
12          law. Over the last three decades, the Agency  
13          has issued more than 1500 such exemptions  
14          nationwide, allowing energy and mining companies  
15          to pollute portions of at least 100 drinking  
16          aquifers."

17          A USGS study published by Otton in 2009  
18          found that, quote: "To date, no remediation of  
19          an ISR operation in the United States has  
20          successfully returned the aquifer to its  
21          baseline."

22          Tree rings throughout the West provide an  
23          historic record of droughts lasting as long as  
24          30 years. This would drastically argue against  
25          proposed calculations of water recharge.

1           When tritium from nuclear fallout moved  
2           through groundwater in the Inyan Kara group at  
3           15 feet per day, it indicated possible flaws in  
4           the rocks or porous lenses. This data was  
5           either ignored or explained away.

6           A recent paper said the 1963 data showing  
7           much faster velocity is an unresolved issue.  
8           That's from the South Dakota Academy of  
9           Science's Proceedings, Volume 93, 2014, page 28.

10          Recent experiments by Duke University  
11          published on October 26, 2010 showed placing CO2  
12          underground for greater than 30 [sic] days,  
13          quote, "could pose a risk to overlying fresh  
14          groundwater," unquote.

15          They further said, quote: "Potentially  
16          dangerous uranium and barium increased  
17          throughout the experiment -- throughout the  
18          experiment in some samples." This showed  
19          underground storage of CO2 creates carbonic acid  
20          and is not harmless.

21          No exemption should allow placing nuclear  
22          waste in waters which could be used by  
23          agricultural animals and thus indirectly by  
24          humans. Thank you.

25          REGIONAL JUDICIAL OFFICER SUTIN: Thank you,

1 Mr. Matt.

2 Isaiah Cox.

3 ISAIAH COX: My name is Isaiah Cox, and I am  
4 a student at Hot Springs Middle School.

5 And I see how mining the uranium would be  
6 good. It could open up some jobs, but it can  
7 also close some jobs, too. For instance, like  
8 ranchers and farmers, well, you need water, you  
9 know, and I've heard that this will poison the  
10 water. So that's not really good, so -- yeah.

11 Well, animals and plants need water, so --  
12 and also, I'm not sure if any of you have heard  
13 of Evans Plunge, but it is pretty much a water  
14 park, you know. Lots of people go there, and  
15 it's one of the -- it's a pretty big company, I  
16 guess -- well, water park.

17 But if they continue with this, it will  
18 close down along with many other places, closing  
19 other jobs, too. And yeah, some people told me  
20 to, like, speak from my heart, not like write  
21 anything down. So yeah, forgive me if I mumble  
22 and, like, shake or freeze. Okay.

23 But anyway, I asked somebody earlier today  
24 what the -- what it would be used for. And they  
25 said that they don't really know, but it will,

1           like -- they were kind of, do it -- well, they  
2           were like, do their research, and then, like,  
3           they will get, like, a client, but they don't  
4           really know what it would be used for now.

5           So I would -- well, I'm against it. I hope  
6           you can see this, and yeah -- and, I guess,  
7           so...

8           REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
9           Mr. Cox.

10          Kurt Barker.

11          KURT BARKER: Hi. My name is Kurt Barker.

12          I'll put it right next to my mouth. How  
13          does that sound? Your Honor, Ms. Shea,  
14          Mr. Minter, thank you for the opportunity to  
15          speak. I commend you for the patience and the  
16          discipline to sit through these hearings.

17          And I can't help but think about the priest  
18          who was responsible for the construction of this  
19          building. He used to have a very clever way of  
20          acknowledging people who volunteered for very  
21          difficult tasks. He would say, "There are a lot  
22          of ways to get to heaven, you certainly didn't  
23          pick the easiest one."

24          And I think if he were here today watching  
25          what you are doing, he would probably be

1           thinking that again. So I just hope the folks  
2           here from all over remember that. But thank you  
3           for hosting this and entertaining all of our  
4           comments.

5           I grew up in the Edgemont area. My wife and  
6           I live west of Edgemont and west of the project  
7           area. And as ranchers, we work every day to  
8           triangulate concerns about water, grasslands,  
9           and cattle in a way that builds soil health,  
10          because soil health and water health is the  
11          basis of our livelihood and our future.

12          Accordingly, if this project wasn't  
13          protective of our health and environment and  
14          especially our water, we wouldn't consider  
15          supporting it.

16          So as you reflect on the many hours of  
17          testimony that you've heard so far, four days  
18          already, I believe, because this is the fifth  
19          day, and the testimony you'll continue to hear,  
20          I would simply ask that you consider the real  
21          stakeholders in this process, the people who  
22          live here and ranch in the project area.

23          As a stakeholder myself, two thoughts come  
24          to mind. The first one is the Nuclear  
25          Regulatory Commission has established that --

1           and I'm going to quote -- that "there are no  
2           environmental impacts that would preclude the  
3           licensing of this facility." That is a very  
4           succinct, clear statement: "There are no  
5           environmental impacts that would preclude the  
6           licensing of this facility."

7           The second thought that comes to mind is a  
8           broader thought, and that is that uranium is the  
9           fuel for nuclear power, of course, and nuclear  
10          power is the only carbon-free, large-scale  
11          source of power that's available 24 hours a day,  
12          seven days a week.

13          So as I think of these two points -- no  
14          environmental impacts and fuel for the only  
15          carbon-free, large-scale source of power -- I  
16          wonder, shouldn't the property rights of the  
17          owners of this fuel be considered?

18          This uranium is not the property of the  
19          horse in town over by Hot Springs or the amateur  
20          environmentalists who were shipped in from  
21          outside the county. It's the property of the  
22          landowners, of which I am one.

23          The economist Adam Smith said: "The first  
24          and chief design of every system of government  
25          is to maintain justice to prevent the members of

1           society from encroaching on one another's  
2           property or seizing what is not their own."

3           Powertech -- Powertech has complied with all  
4           the requirements of the law. They have prepared  
5           and submitted a full-blown environmental impact  
6           statement. They have prepared and submitted a  
7           site-specific supplemental impact statement.

8           The scientists at NRC and at your agency  
9           have reviewed both and concluded, again, there  
10          are no environmental impacts that would preclude  
11          licensing of the facility. Or, to use words  
12          that Adam Smith might have used, it would say,  
13          There are no environmental impacts that encroach  
14          on another's property.

15          So typical teams at your Agency and at the  
16          NRC have determined that this project doesn't  
17          encroach on our neighbors, but despite that,  
18          you've been asked to deny property rights that  
19          help make this country great. That's what it  
20          amounts to.

21          So we urge you to deny the request of others  
22          to encroach on our property. I urge you to  
23          issue the final permits for this project. And  
24          once again, I thank you for your very kind and  
25          polite attention.



1 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
2 Mr. Barker.

3 Mike Koopman.

4 MIKE KOOPMAN: Good afternoon.

5 Let me start with, I was born here in  
6 South Dakota. South Dakota gave me an  
7 education, which I followed up at the School of  
8 Mines. And because of that background, I first  
9 started -- when I left college, I worked for  
10 Homestake, and then I was offered a chance to  
11 join the -- what would be Wyoming's version of  
12 the DENR, which they call -- over there it's the  
13 DEQ.

14 And I think I'm probably unique in that  
15 being -- having a background in soft rock, I am  
16 a geological engineer. I am also a registered  
17 professional geologist. I went to work for the  
18 state of Wyoming. Some of these in-situ  
19 projects were interesting over there.

20 And some of the early mines were, as you can  
21 imagine with any early mining thing, there was  
22 heap leach things where they would take the  
23 minerals, put them on a rubber sheet, pour that  
24 full of acid, and then pull off the remaining  
25 solution. That was okay. That was in its

1           infancy.

2           And as in-situ went along, the department I  
3           was with, we were responsible for looking at  
4           more and more in-situ practices. In fact, we  
5           were responsible for being part of the siting,  
6           part of the construction oversight, part of  
7           the -- watching the production returns,  
8           monitoring that, and in some cases part of the  
9           closure.

10          So I think I'm probably one of the few, if  
11          any, here in South Dakota that has seen the  
12          aspect of uranium from not only the enforcement  
13          aspect, the environmental aspect.

14          I also worked in the industry and Shirley  
15          Basin out of Casper for many years. So I've  
16          seen the loop of industry and regulation, et  
17          cetera.

18          From what I've seen, from the projects that  
19          I was involved with, directly permitting and the  
20          mine plans, et cetera, this project being  
21          proposed right here is probably the optimum from  
22          what I have seen as far as safety, as far as  
23          recovering most, if not all, of the solution  
24          that's being injected.

25          Some of those early ones were not

1 necessarily covered by state and federal regs,  
2 which is why some of them were pretty bad. This  
3 one has a whole slew of constraints. And the  
4 opinion by anybody who has looked at this so far  
5 from a scientific point is that it's valid, it's  
6 safe, and it will work.

7 And I can tell you, having had hands-on,  
8 been in the trenches checking pipes that carry  
9 solutions and everything, I can tell you that  
10 it's valid and it's safe. And from what I can  
11 see from this project, this one would be far  
12 above my expectations.

13 So I know emotions run high when you start  
14 talking about water and its availability, but I  
15 would encourage the EPA and others involved here  
16 to look at the background scientific  
17 information, what it supports.

18 If you need, step to those agencies -- and I  
19 would say one would be that agency in Wyoming  
20 who has done several of these -- to find out,  
21 you know, how things went over there.

22 Do you have a hiccup once in a while? Sure,  
23 you have a hiccup once in a while, as with any  
24 mining operation.

25 AUDIENCE MEMBER: That's poison. That's not

1 a hiccup. That's poison.

2 REGIONAL JUDICIAL OFFICER SUTIN: Excuse me.

3 No commenting during folks' testimony.

4 MIKE KOOPMAN: I see a lot of you mouthing  
5 objections out there, but I doubt that you've  
6 been in the trenches.

7 So I would encourage you to proceed with  
8 permitting, to do all you can so this thing gets  
9 going soon. It would have a -- such an economic  
10 benefit in Fall River and Custer Counties, and  
11 we could surely use all the above.

12 Thank you very much.

13 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
14 Mr. Koopman.

15 Gardner Gray.

16 GARDNER GRAY: I was going to -- I had a  
17 list of what I was going to talk about, some of  
18 which I spoke yesterday, so I decided not to  
19 repeat that. And so these are not necessarily  
20 immediately connected except in the larger  
21 picture. And I just -- I won't take much time,  
22 I just want to briefly talk about some of those  
23 points.

24 I've been reviewing the Black Hills  
25 hydrology study, which I mentioned yesterday.

1           And what it says is that the Madison and the  
2           Minnelusa are heavily utilized. The Minnelusa  
3           is one the largest aquifers in the area, and  
4           it's utilized heavily. It isn't a -- it isn't  
5           an aquifer that no one uses and is unusable.  
6           It's being used, and yet they want to put all  
7           this waste into the Minnelusa.

8           The Black Hills -- oh, the Black Hills water  
9           is a recharge, actually, for outside water, for  
10          example, in the Ogallala. That's pretty  
11          general. The hydraulic connection between  
12          aquifers exists, and there are two -- these two  
13          aquifers, the Madison and the Minnelusa, are  
14          connected to surface water resources. They are  
15          not disconnected.

16          Part of the -- a major part of the success  
17          of this operation is the non-transmissibility  
18          between aquifers. Well, this shows that there  
19          is transmissibility, that they do connect and  
20          that they're hydraulically connected.

21          There are numerous fractures -- it goes on  
22          to mention there are numerous fractures and  
23          solutions, and openings that have created  
24          extensive secondary porosity and permeability.  
25          Just another example of these aquifers are not

1 impermeably protected.

2 Both the Madison and the Minnelusa aquifers  
3 are potential sources for numerous large  
4 artesian springs in the Black Hills and  
5 hydraulic connection between the two aquifers in  
6 other locations.

7 So once again -- I mean, this is the Black  
8 Hills hydrology study. I didn't write it. I  
9 just read some of it. I am not a hydrologist,  
10 so I don't make up my own opinions. I look at  
11 this. And if that's what it says, then I think  
12 these guys know what they are doing.

13 Apparently, because I'm opposed to this, I'm  
14 an irrational, emotional person, but I would  
15 take issue with that. I'm concerned for the  
16 water in the area, not just for east of here,  
17 but for here.

18 If you lose your water, you won't have to  
19 worry about raising cattle or growing grass  
20 because you're not going to be able to do it.

21 There are ranchers in the Nebraska outfit  
22 that have sold their land, sold their cattle,  
23 and moved out of town because the contamination  
24 in that area from that ISL mining.

25 And it's been mentioned already that there

1 is no ISL mine that has ever been cleaned up.  
2 It's just a fact. I don't make these things up.  
3 I read them, and if I -- if I honor the source,  
4 then that's what it means. That's what it says.

5 There's an ISL mine in Texas called -- I  
6 think it's the Texas Dome. Same old, same old.  
7 People in the area, they take their water out of  
8 the tap. Well, it's radioactive.

9 And I take issue with the statement that  
10 only -- that radium is the only solution, only  
11 toxin that is a result of this mining when the  
12 NRC clearly states in their application from  
13 this company, Azarga, that it's not true.

14 And as a final statement, I would simply say  
15 that Azarga doesn't have to -- Azarga/Powertech  
16 doesn't have to clean this up. They aren't  
17 required to clean it up because it can't be  
18 cleaned up. You cannot clean up radioactive  
19 material. It remains radioactive. It might be  
20 in a solid, it might be energy, but it's  
21 radioactive. You can't lie down next to it, you  
22 can't put it in your mouth without getting into  
23 trouble. You can't do those things.

24 They want you to believe that irradiation is  
25 safer; all these X-rays we have, they are safe.

1 Well, they are cumulative. Oh, I'm running out  
2 of time, aren't I? Well, I already talked a  
3 little bit more than I figured I would. So very  
4 quickly let me end with this.

5 The NRC says that Powertech only has to meet  
6 a standard that says A-L-A-R-A, as low as  
7 reasonably achievable. It doesn't say they have  
8 to clean it up. It says they only have to reach  
9 that measure of -- as whatever I said. I'm  
10 getting too old to do this.

11 AUDIENCE MEMBER: You said, "Reasonably  
12 achievable."

13 AUDIENCE MEMBER: "As low as reasonably  
14 achievable."

15 GARDNER GRAY: There you go, as low as  
16 reasonably achievable. It just kind of went out  
17 of there.

18 That's no guarantee at all. That's just not  
19 a guarantee. It's not enough. I will end with  
20 that, and thank you very much for your  
21 attention.

22 REGIONAL JUDICIAL OFFICER SUTIN: Thank you  
23 very much, Mr. Gray.

24 Sophia Black Cloud.

25 SOPHIA BLACK CLOUD: (Speaking in indigenous



1 language.)

2 My name is Sophia Mahpiya Sapa. My  
3 traditional name is Flower Woman. I am from the  
4 Hunkpapa Tribe, Standing Rock Sioux, the Great  
5 Lakota Nation.

6 I just quickly want to start with saying  
7 that on my way in, I wanted to pick up some of  
8 the local sage, and I pulled over to grab some  
9 to have with me while I spoke. And right in  
10 that bush of sage was this turtle shell from  
11 Edgemont here in the front of your city.

12 And so it looked like it hadn't been --  
13 there was still some fresh flesh on it. And so  
14 I filled it with the sage from the bush that I  
15 found it in and want it tested. I want to know  
16 if this turtle died of natural causes, things  
17 like that. This is exactly what we're here to  
18 fight for today, is to make sure these  
19 four-legged relatives of ours don't go unspoken  
20 for.

21 So I have a lot that I want to say. I have  
22 been here for the last four days of these  
23 hearings, and I've heard everywhere from  
24 scientists, doctors, teachers, people from  
25 Rapid City, reservations, other states, and

1 anywhere from our four-legged friends and in  
2 between.

3 So I'd like to start with two things before  
4 I go into my reading, and it was the man that  
5 first spoke about the uranium first here  
6 earlier. He's probably paid by Powertech to say  
7 those things. I've heard many speak on what he  
8 spoke on, and it just -- I've heard the  
9 scientists, I've heard the doctors, I've heard  
10 landowners, so on and so forth.

11 The second landowner that was in favor of  
12 the mining should not have the right to  
13 jeopardize or -- you know, he was in favor of  
14 the landowners have the right to make that  
15 decision for all of us to start mining, and he  
16 should not have the right to jeopardize drinking  
17 water for the entire Black Hills. Should not.

18 We are the original landowners. Also,  
19 scientists, teachers, doctors, Environmental  
20 Protection Agency, so on and so forth, we are  
21 the original on that.

22 So then I'd also like to say before I go on  
23 to my reading that these companies, large  
24 corporations, they continue today to steal our  
25 resources. For instance, in the Black Hills,

1 we're all talking about our gold, uranium,  
2 plutonium, coal, oil, trees by the thousands  
3 daily, and the effect of all of that is our  
4 water.

5 All of our resources are being stolen and  
6 sold still. You have tried to buy us, and we  
7 have said no. You pay anyways, but we don't  
8 want it. We don't want your money. We want our  
9 Paha Sapa, Black Hills. Paha Sapa.

10 No uranium. We don't want it. We didn't  
11 want it then. We didn't want it in the '50s,  
12 '70s, the 2000s, and we sure the hell don't want  
13 it now. We didn't want it when you showed up  
14 here on your boats. We don't want it. We  
15 didn't need it then, we don't need it now.

16 So I'd like to give you the turtle with the  
17 sage in it. And then I'm going to read. It's  
18 called, "A Gathering of Sioux in Honor of Chief  
19 Sitting Bull."

20 Sitting Bull said: "We must teach the  
21 children to read and write so the white men  
22 cannot cheat us, and we must hold onto our land  
23 until the young folks can speak English and look  
24 out for our own interests."

25 A gathering of Sioux in honor of Chief

1           Sitting Bull, 1890, December 15th. Hunkpapa  
2           Lakota Sioux and other tribal police conspired  
3           with the U.S. Cavalry to attack Chief Sitting  
4           Bull and those who fought to defend him.

5           On that day, our most honored of all chiefs  
6           was held and killed by Sioux warriors. This was  
7           the day respect also died for our people.

8           It is our way to mourn for one year when one  
9           of our relatives enters the spirit world.

10          Tradition is to wear black while mourning our  
11          lost one. Tradition is not to be happy, not to  
12          sing and dance, and enjoy life's beauty during  
13          mourning time. Tradition is to suffer with the  
14          remembering of our lost one and to give away  
15          much of what we own and to cut our own hair  
16          short.

17          But Sitting -- but Chief Sitting Bull was  
18          much more than a relation to just one family.  
19          He represented an entire people, our freedom,  
20          our way of life, all that we are. And for 127  
21          years, we as a people have mourned our great  
22          leader.

23          We have followed tradition in our mourning.  
24          We have not been happy. We have not enjoyed  
25          life's beauty. We have not danced or sung as a

1 proud nation. We have suffered remembering our  
2 great Chief and have given away -- given away  
3 much of what was ours.

4 And tens of thousands of Lakota Sioux have  
5 worn they hair short for 127 years and blackness  
6 has been around us for 127 years. During this  
7 time, the heartbeat of our people has been weak,  
8 and our lifestyle has deteriorated to a  
9 devastating degree.

10 Our people now suffer from the highest rates  
11 of unemployment, poverty, alcoholism, drug  
12 addiction, and suicide in the country. We as a  
13 people are to blame for this loss of respect  
14 within our own nation and for the continuing  
15 destruction of our own people. Our only excuse:  
16 Ignorance.

17 Sitting Bull foresaw our stupidity, but we  
18 would not listen. Sitting Bull said what would  
19 become of our people, and it has. If we are to  
20 deal with these problems, we must look into  
21 their origin, our present-day leadership.

22 The new tribal government system has failed  
23 to reveal our nation, has failed to protect our  
24 people. It is a disgrace to all past Lakota  
25 leaders. But the response --

1 REGIONAL JUDICIAL OFFICER SUTIN: Ms. Black  
2 Cloud, your time is up.

3 SOPHIA BLACK CLOUD: -- for the  
4 destruction --

5 REGIONAL JUDICIAL OFFICER SUTIN: Please  
6 wrap up.

7 SOPHIA BLACK CLOUD: -- of our people's lives  
8 must be shared with our second form of  
9 leadership, our traditionals -- chiefs, medicine  
10 men, pipe carriers. These traditional leaders  
11 must accept the fact that they too have not  
12 represented their position as they should be  
13 represented.

14 The people, the men, and children have been  
15 paying the price for inadequate leadership since  
16 the death of Chief Sitting Bull. This is the  
17 kind of leadership that our people can no longer  
18 tolerate, and I'm going to finish up.

19 Are we to continue to die? Are we to  
20 continue to watch our children suffer without  
21 realizing what must be done without standing  
22 together as one force to protect our children's  
23 lives? Have we as a people given up? Simply,  
24 no, for a whole new generation is born to carry  
25 out our great Chief's instructions.

1           We are the new generation, and we will make  
2           a change. We will lead ourselves. We will  
3           rebuild our nation's respect, and the great  
4           Lakota nation will rise again.

5           REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
6           Ms. Black Cloud.

7           Miengun Pamp.

8           MIENGUN PAMP: Hi. My name is Miengun Pamp.  
9           I spoke two times so far.

10          Obviously I'm here in opposition to the  
11          whole project. You know, there's just a lot to  
12          say about it, so I don't think I'll sit here all  
13          day and spew big, huge emotional speeches at you  
14          or anything. I don't have one today.

15          It's just common sense honestly at this  
16          point. Like, no matter how foolproof something  
17          is, there's always going to be a problem, and  
18          when you're dealing with something to this  
19          extent, you know, the dangers of it, it's a  
20          little ridiculous to take that chance.

21          Like a hiccup, you know, a little bump in  
22          the road, that's millions of people. That's,  
23          you know, hundreds of lives that would be gone  
24          so fast.

25          It's a generational problem. Like

1           genetically, you would be affected, your kids  
2           are affected, anything that survived after that  
3           would be affected. It's, you know, just a  
4           little idiotic to let it go, you know, oh, it'll  
5           be fine. But if it's not, there's nowhere to  
6           go. There's no out. You wouldn't even know it  
7           was happening until it was too late.

8           Just figured I'd say how I felt one last  
9           time, and everybody have a nice day.

10           REGIONAL JUDICIAL OFFICER SUTIN: Thank you.  
11           Debra White Plume.

12           DEBRA WHITE PLUME: Can you hear me? Okay.  
13           Greetings, Mitakuyepi. Greetings to you of the  
14           Environmental Protection Agency of the United  
15           States of America. My name is Debra White  
16           Plume. My Lakota name is Wioweya Najin Win.

17           I'm Oglala Lakota from the Pine Ridge  
18           homelands, maybe 60 miles south of here. And I  
19           am Cheyenne on my mother's side, Northern  
20           Cheyenne, who escaped from prisoner of war  
21           status at Crawford, Nebraska back in the day.

22           Now, I'm familiar with Crawford, Nebraska  
23           because that's where there's an in-situ leach  
24           uranium mine owned by Cameco Incorporated. I'm  
25           the lead plaintiff against that corporation.



1           They want to renew their license and start a new  
2           mine, North Trend; a new mine, Three Crow; a new  
3           mine, Marsland. One of the men who used to work  
4           for Cameco at Crow Butte, he's part of Powertech  
5           and Azarga.

6           I don't trust these uranium corporations  
7           because I've been in this battle for the  
8           protection of sacred water for 27 years now.  
9           When we filed against Cameco, we were the first  
10          ones to challenge a uranium corporation in  
11          America in 17 years. That was ten years ago.  
12          It's been 27 years now since anybody challenged  
13          a uranium corporation.

14          Now, this place where we stand here today is  
15          our ancestral territory. You're not the first  
16          peace commission to come out here. One came 149  
17          years ago and negotiated the 1868 Fort Laramie  
18          Treaty, the 1851 Horse Creek Treaty with our  
19          ancestors. That treaty retained a land base and  
20          water right where we stand here today. This is  
21          my people's land.

22          We call the Black Hills He Sapa. To us it's  
23          the heart of everything that is. Now, I don't  
24          want you to let Azarga encroach on our ancestral  
25          territory. This is not just a little community

1 of Edgemont. This is not just a little county.  
2 This is ancestral territory of the Lakota  
3 nation, the Cheyenne nation, the Arapahoe  
4 nation.

5 Now, you heard about a hiccup. For us -- I  
6 mean, what happened in Hanford is not a hiccup.  
7 Fukushima is not a hiccup. At Cameco, their  
8 deep disposal wells leaked disposal waste for  
9 four years before they found that leak. Now,  
10 these mines up here, they leaked in the disposal  
11 wells, too.

12 I don't want you to approve a permit that's  
13 going to allow them to punch 4,000 holes through  
14 our aquifer. I don't want you to give them a  
15 permit that's going to allow them deep disposal  
16 wells. Because as much as the industry stacks  
17 the deck, bringing specialists here on the  
18 payroll, they are still not perfect science  
19 about uranium mining.

20 Ask the people at Fukushima, ask the people  
21 at Hanford, ask the people living nearby Cameco,  
22 and they'll tell you.

23 This is a public comment period, not a time  
24 for scientists and experts to come up here and  
25 impress each other with their big words. This

1 is time for everyday people like me to come and  
2 speak to you government officials.

3 I'm a mother, I'm a grandmother, I'm going  
4 to be a great-grandmother in November, the first  
5 time I'm going to be a great-grandmother. I  
6 want my takoja tiwahe's baby to come into a  
7 world where there's clean water. I want her to  
8 stand here someday as a great-grandmother,  
9 welcoming her great-grandchild into a world  
10 where there's clean water. I'm going to tell  
11 you, to the Lakota people, water is our first  
12 medicine. We know it's finite.

13 It came here from the Star Nation. The  
14 water that's here is the water that was here  
15 when the dinosaurs came. There is no more  
16 water, people. I ask you to look at your papers  
17 when you go home and think about the Minnelusa.  
18 That's a Lakota word. It means swift water, the  
19 Lakota aquifer. That's another Lakota word.

20 These waters are named by our people because  
21 we were here since time immemorial, and we want  
22 to be here far into the future. These deep  
23 disposal wells, they are maybe not just for  
24 Azarga. Maybe they want to bring in Cameco's  
25 waste from Wyoming, from Nebraska.

1           You don't know because they didn't line that  
2           out, did they? They didn't line that out in  
3           their application. I don't trust these people.  
4           They are fat, taker corporations, and they want  
5           to encroach on us.

6           Corporations come in to little communities  
7           that want jobs, nice homes, a future for their  
8           children. That's what Powertech and Azarga did.  
9           They came in here. Now they have people  
10          standing up saying we're encroaching on  
11          Edgemont.

12          This water is for 16 million people. Beaver  
13          Creek, Pass Creek, they flow into the Cheyenne,  
14          which is 30 minutes from my home, which flows  
15          into the Missouri, which I drink from.

16          REGIONAL JUDICIAL OFFICER SUTIN: Ms. White  
17          Plume, your time is up, so I need you to wrap up  
18          your comments, please.

19          DEBRA WHITE PLUME: Okay. What I want to  
20          say is that the -- I mentioned the treaty. I  
21          want to mention the United Nations Declaration  
22          on the Rights of Indigenous People, which says  
23          governments must have free and prior informed  
24          consent of Native peoples before they bring  
25          development in, and we didn't give that.

1           Our Oglala Sioux Tribe said no to uranium  
2           mining, no to radioactive waste coming in, and I  
3           say that, too, on behalf of my grandchildren, my  
4           coming generations, all the animals and the  
5           standing silent nations, the plants that we need  
6           here.

7           So I ask you to take this home. Take this  
8           home to your offices, share your paperwork,  
9           share your paperwork and study it. And don't  
10          think of this as a science experiment because we  
11          live here. So I thank you for coming, and I  
12          thank you for listening to me.

13          (Speaking in indigenous language.)

14          REGIONAL JUDICIAL OFFICER SUTIN: Clarence  
15          Anderson.

16          CLARENCE ANDERSON: My name is Clarence  
17          Anderson. I've lived in this area most of my  
18          life. I began working at the uranium mill in  
19          1960, and I worked there until we shut it down  
20          in -- shut the property down in 1989. I had  
21          raised my family here. I have four children,  
22          nine grandchildren, I have eleven  
23          great-grandchildren that have been raised in  
24          this area.

25          And I want you to know that in all of the

1 work experience I've had, one thing or another,  
2 I have no concern whatsoever about the  
3 technology being used on this project. I also  
4 want you to understand that I was able to raise  
5 a family here because of the income that was  
6 provided at this job for me and hundreds,  
7 hundreds of other people that have worked  
8 through this uranium industry over the years.

9 I think that one of the things that come to  
10 light for me, we were operating in the '50s,  
11 '60s, and '70s, the old mining time when we  
12 would have went underground, extract the ore,  
13 and then bring it into the mill and, press it  
14 and grind it, leach it, and strip it.

15 The same thing that's going to be done by  
16 Powertech, but it'll done in place. It won't be  
17 the disturbance to the ground, the material.  
18 When we were going to mine, we would have  
19 drained the aquifer. We would have had to pump  
20 the aquifer dry to get in there and mine.

21 This won't be the case here. There is a lot  
22 of talk about the water permit and how much  
23 water is going to be extracted in this. Valois  
24 said earlier, a big share of that will be put  
25 back into the aquifer, so -- but I just want to

1 say that I think this is an extremely safe  
2 method of operation, and I'm very strongly in  
3 favor of it. Thank you.

4 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
5 Mr. Anderson.

6 Ingrid Grimes. Ingrid Grimes?

7 Jim Grimes?

8 Nancy Kile.

9 NANCY KILE: My name is Nancy Kile. I live  
10 in Sioux County, Nebraska. I was born and  
11 raised in Crawford, Nebraska area. Please  
12 accept these as my comments to the formal  
13 hearing record.

14 Deceptive language is snake oil,  
15 descriptions like uranium recovery, and the use  
16 of simple soda pop solutions. Then to top it  
17 off, hiding radioactive waste in deep injection  
18 wells that pass through groundwater aquifers.

19 Who will cover the cost of having hazardous  
20 training for rural emergency responders,  
21 contaminated workers, equipment? Who will clean  
22 up license areas soils that contaminated -- that  
23 are contaminated because of toxic wasteland  
24 applications?

25 Who will monitor the spray discharge of the

1           evaporation pond poisonous wastewater as it  
2           settles on the surrounding fields and prairie?

3           Count on hazardous delivery spills occurring  
4           on your county roads. Be ready to evacuate your  
5           home when it does. If you doubt it, come to  
6           Crawford. I'll give you a tour. The casual  
7           transport of yellowcake is lethal to wayside  
8           communities. Boreholes and toxic flush  
9           extraction and mining yellowcake endangers  
10          downstream communities far into the future.

11          Don't let Cameco bring hazardous poisonous  
12          waste up here. Don't do your neighbor like  
13          that. Keep it in the ground. No aquifer  
14          exemptions.

15          REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
16          Ms. Kile.

17          It's 3:30. We're going to take a ten-minute  
18          break. We'll start up again at 3:40.

19          (A recess was taken from  
20          3:30 p.m. to 3:40 p.m.)

21          REGIONAL JUDICIAL OFFICER SUTIN: Okay.  
22          We're going to get started, if folks could take  
23          their seats.

24          Our next speaker is Tonia Stands.

25          TONIA STANDS: Okay. I just want to start



1           with this. And I forgot to give this to you  
2           yesterday. And I meant to tell you a history,  
3           and I was telling that story yesterday about  
4           this water. This water is very sought after  
5           water. I have two more. So -- okay.

6           My name is Tonia Stands, and I'm from  
7           Oglala, South Dakota, right east of here. And  
8           I'm a full-blooded Oglala Lakota woman from  
9           Oglala. And I was raised by my grandmas who  
10          have direct connection with this land.

11          I was trying to tell you yesterday. And as  
12          a child, I was brought into this area for many  
13          different reasons throughout the year. My  
14          grandparents, they would come in a certain way  
15          into the Black Hills, into these doors, and  
16          we're supposed to come in like that.

17          And so what I was telling you yesterday was,  
18          we weren't citizens of this country even though  
19          we're the original people to the Black Hills.  
20          If you want to talk about stakeholders, you want  
21          to bring that into such an area, I mean, that's  
22          just like the audacity, you know, an insult to  
23          us that you have more, I guess, privilege over  
24          us.

25          And you're using your white privilege to

1           come over us and our religious beliefs in  
2           connection to this land and what's under this  
3           land. So you want to -- you want to talk about  
4           stakeholders, you're insulting us. We were  
5           forced out of here.

6           You know, they named Harney Peak after  
7           William K. Harney because the Standing -- Chief  
8           Standing Rock went over there to hunt, and he  
9           left his family there, women and children. And,  
10          you know, General Harney came in and slaughtered  
11          that whole camp, so they named our sacred site  
12          after him.

13          And that's Inyan Kara, under all -- from  
14          that top of this peak, the highest point, that's  
15          connected to the bottom of this. And you can't  
16          take us away from that because we were born --  
17          and you guys, go to Wind Cave. There's a nice  
18          little sign there that says we came out of  
19          there. And you'll acknowledge that.

20          And then come in here and have the audacity  
21          to say you're a stakeholder. This land was  
22          stolen. This land was taken. And we were  
23          forced out to a reservation. And we were  
24          disconnected. And we didn't have religious  
25          freedom. Look at this church, where we all get

1           to stand in. You want to be respectful? Let's  
2           go stand in our church.

3           This is our church, this whole Black Hills  
4           area, from the top to the bottom. And the  
5           reason I know this is because my grandmas, we  
6           come from Oglala, and we gather -- we gather our  
7           plants and fruits and vegetables, and everything  
8           is provided for us here. That's our agreement  
9           with this land and the entities, the elements of  
10          this land. Those are our relatives.

11          We come out of -- we come out of Wind Cave,  
12          and -- and you want to take that apart and  
13          discombobulate that and misconstrue it. But we  
14          are the original people to this land. This is  
15          the center of the universe, the whole world.  
16          The whole universe started right here, and we  
17          have those in our language. We have those  
18          connections still.

19          And we have an oath and a duty to protect  
20          the sacred because they don't have a voice.  
21          They are considered animals, and no, those are  
22          our relatives. They have moms and dads, and  
23          they drink out of these creeks. And this whole  
24          area is our -- is our home. We're the real  
25          stakeholders here.

1           And I come from Oglala, and we still make  
2           our trek here and gather our fruits and our  
3           vegetables, our food and our medicines. And you  
4           know what? Whew. I -- I have a friend that  
5           lives in this area, and I gathered some tipsila,  
6           which is our fruit. They are all deformed.  
7           They are all sick. So we can't come here and  
8           gather our food there. They destroyed it, and  
9           they want to keep destroying it.

10           They don't tell you -- they don't tell the  
11           public about their evaporation ponds and their  
12           leaks and their spray mists. And those blow  
13           right into the Cheyenne River.

14           And you know what? I live in this range  
15           where my dad lives right here by Red Shirt by  
16           Cheyenne River, and my mom lives in Oglala, and  
17           we get exposed to this uranium.

18           The old pit mine, my dad's house, which I  
19           just slept in last night, the radon levels are  
20           coming up from the basements. Independent  
21           studies -- they are coming up from the basement  
22           when it rains, the precipitation. We're already  
23           at risk, and this is going to continue.

24           So what I'm going to say is this: Our  
25           Oglala people came here, and you're detaching us

1 from that. We can't ever come back here.

2 Here we go, she cut me off. But I want to  
3 offer my water to you, and tell you this: That  
4 we got this water over here in Hot Springs.  
5 They call it kidney water, and it comes right  
6 from this aquifer, Inyan Kara, and this is  
7 sought-after water. It's healing water. And  
8 this is the same water these guys here want to  
9 contaminate and claim.

10 You know, and we learned a lot from Crow  
11 Butte. They won't clean up their -- out of the  
12 their area of mining site, and neither will you.

13 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
14 Ms. Stands.

15 Judy Schumacher.

16 JUDY SCHUMACHER: I didn't know my number  
17 was going to come up so quick.

18 I'm Judy Schumacher. I live down in Provo,  
19 South Dakota. I don't agree with this mining.  
20 I don't want it. It's dangerous at best. I  
21 grew up in Buffalo, South Dakota, and back in  
22 the -- I'm going to say late '50s to -- probably  
23 into the late '60s, maybe early '70s, they did  
24 some uranium mining up there.

25 And they left these little divots in the

1 ground where they dug, and these little divots  
2 collect water. Well, in dry years, when these  
3 little divots do get a little bit of water in  
4 them and the cows drink out of them and the  
5 sheep drink out of them, they get -- black cows  
6 will turn white, sheep lose their wool. They  
7 are down to their skin, get sunburned.

8 My husbands and I lived for quite some time  
9 in eastern South Dakota in a little town called  
10 Brandon. Well, it's not so little anymore. But  
11 anyway, they had a nuclear power plant right on  
12 the edge of the Sioux River.

13 When they turned it on, they turned it off  
14 immediately because it melted down. There still  
15 are no trees growing there. There is no grass  
16 growing there. The river is polluted. There  
17 were a lot of people just south of where that  
18 power plant was who died from cancer.

19 My daughter was born there, and we lived  
20 there for three years until she was three. When  
21 she was 22 years old, she had to have a  
22 hysterectomy because she had cancer.

23 My father-in-law worked in this mill that  
24 was over here. He died from pancreatic cancer.  
25 Soft tissue cancer is caused by radioactivity.

1 If you get too many X-rays, you will die from  
2 soft tissue cancer.

3 Now, who's going to buy this uranium you're  
4 wanting to dig up? What's going to happen to  
5 it? What's going to happen with these sediment  
6 ponds when they dry up? Are -- you know, is it  
7 still going to be able to rain in them and get  
8 all of that uranium active again?

9 What about other people's wastewater, is it  
10 going to be allowed to be dumped down the holes?  
11 Nobody is answering these questions. Nobody can  
12 answer them.

13 It's just -- it's scary. I've seen way too  
14 much. And yeah, I'm emotional. I have a right  
15 to be emotional. Thank you.

16 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
17 Ms. Schumacher.

18 AUDIENCE MEMBER: We're moms, too.

19 REGIONAL JUDICIAL OFFICER SUTIN: Janie  
20 Stein.

21 JANIE STEIN: Good afternoon.

22 Nuclear energy is not carbon-free. Remember  
23 that these regulations are only as safe as the  
24 people that are using the regulations and doing  
25 them well and doing them perfectly.

1 AUDIENCE MEMBER: Amen.

2 JANIE STEIN: The science in the 1950s told  
3 us that uranium mining, the way they did it then  
4 was safe. Let's talk to the Dine people about  
5 that.

6 Let's talk to the original people of the  
7 land about justice and environmental justice.  
8 Let's see what they have to say about it.

9 We've been hearing testimony the last few  
10 days. I've sure learned a lot. And we've heard  
11 from many experts, the facts and figures and  
12 statistics about why this is a bad idea to  
13 continue this project, the Dewey-Burdock uranium  
14 project.

15 We have just begun to hear about treaty  
16 rights, and I've just begun learning about  
17 treaty rights and all the issues that are  
18 connected with them.

19 My husband and I are learning about a lot of  
20 different connections with all of these issues.  
21 And as a matter of fact, all waters are  
22 connected, and we are all downstream when it  
23 comes right down to it. So this is everybody's  
24 issue.

25 Treaties between nations are the highest



1 laws of the land. Treaties are still in place  
2 which ensure that the Black Hills are the lands  
3 of the Lakota people. They should be consulted,  
4 and they are the ones to approve the cultural,  
5 archaeological, and religious surveys that take  
6 place, and they should have the final say about  
7 what goes on here.

8 When I was at Standing Rock, I saw firsthand  
9 the blatant racism and brutality that gave rise  
10 to the genocide of the first people of this  
11 land. This attitude continues in our country  
12 today and is evidenced by this project, which is  
13 attempting to force a dangerous and unnecessary  
14 threat to our land and water, forcing this upon  
15 we, the many people who do not want it. This  
16 project will benefit only a few who will profit  
17 in money, but risk the loss of their souls. We  
18 are all downstream.

19 To reiterate, this is Lakota land. The  
20 United States government should honor the  
21 treaties with them. This project should not go  
22 forward at all unless and until the old mines  
23 have been cleaned and tribal-approved cultural,  
24 religious, and archaeological surveys take  
25 place, and true, genuine consultation with the

1 tribes happens.

2 For the sake of the land, for the sake of  
3 the water, to maintain the integrity of the  
4 Environmental Protection Agency, for your own  
5 and our own personal humanity, for the sake of  
6 your children, our children, future generations,  
7 I urge you to do everything in your power or  
8 influence to shut this project down immediately.

9 And my T-shirt reminds us all today that  
10 only we can resist fascist liars. Let's  
11 remember that in the coming days.

12 Thank you very much.

13 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
14 Ms. Stein.

15 Sylvana Flute.

16 SYLVANA FLUTE: (Speaking in indigenous  
17 language.)

18 Good afternoon. I greet all of you with a  
19 good heart. I am Sylvana Flute of the Sisseton  
20 Wahpeton Oyate from northeast South Dakota.  
21 These are my nephews. We are members of the  
22 Oceti Sakowin, Seven Council Fires of the  
23 Dakota, Lakota, and Nakota Nation.

24 I walk in both worlds as a Dakota with a  
25 drop of a wasichu French blood. I am an

1 indigenous person of North America. I am a  
2 human being. I am a mother, a grandmother, and  
3 a life-giver.

4 I come to help protect all our future  
5 generations. I come to remind you there is no  
6 such thing as a safe uranium system. Think or  
7 research Fukushima, Japan that continues to leak  
8 radiation into our earth's ocean, contaminating  
9 and killing living creatures in the ocean, and  
10 it's spreading this way.

11 I also come before you as an endometrial  
12 cancer survivor, a very rare cancer, a new  
13 cancer that is not hereditary. And I actually  
14 had to go to Mayo Clinic for radiation,  
15 chemotherapy to kill the cancer. I have to get  
16 it cut out every time there is a tumor. And  
17 I've had four major surgeries to remove the  
18 tumor and any cancer margins.

19 We must think of our children. We must also  
20 protect those who are never given a choice, the  
21 wildlife and living creatures in the water.  
22 Uranium causes cancer. When the uranium leaks  
23 into the water, you will have no drinkable water  
24 here. Cancer rates and death rates will  
25 increase.

1           I am against the uranium mining and waste  
2           disposal. We all -- we all that come from  
3           Sisseton Wahpeton are against it. We come here  
4           to support all our people. I want all our  
5           children to have a future, to be with your loved  
6           ones. And think about what's going on here  
7           because our children are our future. And  
8           without that water, what future will they have?

9           REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
10          Ms. Flute.

11          Abrey Flute.

12          ABREY FLUTE: (Speaking in indigenous  
13          language.)

14          My name is Abrey Flute. My traditional name  
15          is Hiha Sila, Owl Boy. And I think out of all  
16          the Native Americans here, I'm probably the most  
17          colonized maybe.

18          But you know, we had a voice from the future  
19          come up here, and it was that young man right  
20          there, you know. He showed us that he's  
21          fighting for his future in this, you know,  
22          county, in this town.

23          You know, he's a warrior, an akicita, in my  
24          book. For him to come up here and say the  
25          things he said, you know, it moved me, you know.

1 And it showed me that, you know, this is a right  
2 fight to fight for.

3 And I would like to also say that I'm pretty  
4 sure, you know, you guys aren't bad people, you  
5 know. We're all human. We all bleed, and we  
6 all, you know, need essential things, like  
7 water, food, and certain things.

8 I'm pretty sure that this is a tough job to  
9 come up here and do, but I would like to say  
10 that, you know, I answered the call to Standing  
11 Rock and stood with my people there. I answered  
12 the call here and stood with everybody here.

13 And I just wanted to say that oil and  
14 uranium should not be coming out of the ground.  
15 Mother Earth did not ask for this. You know,  
16 you can come up with any scientific thing. You  
17 can come up here with papers and say, you know,  
18 the facts, you know, things that have come up.

19 But the future is created by those that are  
20 searching for the uncertain and that are  
21 discovering the unknown. And go ahead and put  
22 down, you know, this uranium project, but who's  
23 to say that, you know, the people who are  
24 willing to govern it and oversee it will be here  
25 in 15 years, 20 years when young men like him

1           have to fight for decisions that adults chose  
2           for them and that they didn't choose themselves.

3           So, you know, I just want to say, just  
4           wanted to say that and hau.

5           REGIONAL JUDICIAL OFFICER SUTIN: Thank you.  
6           Waniya Locke.

7           WANIYA LOCKE: (Speaking in indigenous  
8           language.)

9           I grew up on the Missouri River. I am from  
10          Standing Rock. I have been a part of this  
11          preliminary hearing, and I sat in some of rounds  
12          like this before against NAGRPA.

13          I want to reaffirm that you guys are guests  
14          within our home territory. We are Lakota-Dakota  
15          people, and we should be able to address you in  
16          our own language. So I ask respectfully that  
17          you bring a Lakota-Dakota translator when you  
18          come to our home.

19          I ask that you stand here with us and have  
20          an honest, open ear because there's only 2.5  
21          percent drinkable water.

22          I ask again that you have tribally approved  
23          archaeologists, tribally approved surveyors, and  
24          understand that we are fighting for the future,  
25          and we should not be going up against our own

1 government agencies to protect our future.

2 I also ask that you take into consideration  
3 everything that has been happening within our  
4 world. Hanford, Washington, is the same time as  
5 during your hearings. That's direct evidence.  
6 Crow Butte is direct evidence. This is within  
7 our land, our territory, where we, me and my  
8 people, have been here for thousands and  
9 thousands of years.

10 And the EPA is supposed to protect the  
11 environment. And I don't think it's right that  
12 I have to stand up against the EPA granting  
13 permits. I feel that you guys should stand with  
14 the people. I feel that you should protect the  
15 environment and the future that comes with this.

16 We as adults make these decisions, and I can  
17 honestly say I go home every night to my  
18 children, and I look at my children and say, I  
19 stood up for you today.

20 I stood up for my daughter who is going to  
21 carry my grandchildren. I stood up for her  
22 daughter that's not even here yet, as a  
23 matriarch, as the backbone.

24 Respect our sovereignty and recognize us as  
25 human beings and understand that we have a say.

1 Even if we did not grow up in Edgemont, this is  
2 still our land.

3 (Speaking in indigenous language.)

4 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.  
5 Martha -- Marta Bates.

6 MARTIN BATES: Not Martha.

7 REGIONAL JUDICIAL OFFICER SUTIN: Sorry.  
8 Martin. I apologize. I'll put my glasses on.

9 MARTIN BATES: You're not the first that's  
10 called me Martha Bates. Martin Bates is my  
11 name.

12 Thanks for having this hearing again and an  
13 opportunity for us to be here. And I just want  
14 to read this. I went out to the George S.  
15 Mickelson Trailhead this morning. I looked  
16 around down there for any acknowledgement of the  
17 people that were here before, and I didn't see  
18 anything on the sign.

19 So I looked online to see if there was  
20 anything here, and I found a page that wasn't a  
21 state page, it wasn't a South Dakota page. It  
22 was a user of the trail that apparently built a  
23 site.

24 And this person who likes trails,  
25 Rails-to-Trails, and he's ridden the trail in



1           its entirety. My wife and I rode part of it,  
2           but we got tired by the time we got to the top  
3           of that hill outside of Deadwood a few years  
4           ago.

5           It said bicycling the length of the George  
6           S. Mickelson Trail, it's easy to see why the  
7           Black Hills remain sacred land to the Lakota  
8           nation. He said Lakota nation, I understand  
9           it's really Oceti Sakowin and some others.  
10          Consider that. So I wanted to just remind you  
11          of that.

12          I looked all over on the state page. And I  
13          actually called the state coordinator, and she  
14          called back while I was listening to other  
15          testimony, so I will find out what she says  
16          about that. But I think at least this state  
17          is -- irrelevant to this, but at least the State  
18          of South Dakota should acknowledge the people  
19          that were here before.

20          Everything that they have starts with Custer  
21          and Wild Bill somebody or other, and that's the  
22          history. They act as though that's the  
23          beginning of time here, and the railroad, of  
24          course, is the beginning.

25          Well, I can't introduce myself in my

1 original tongue. I don't even know the creation  
2 story, the creation place that I came from.  
3 Most of my blood is from Scotland area and what  
4 used to be called Britain. I think I'm mostly  
5 Brit, not sure because I don't have the history.

6 A couple thousand years ago, Christianity  
7 started, and that's what this is here, symbols  
8 and icons around here of Christianity. Only  
9 2,000 or so years ago that began. That's an  
10 Abrahamic religion. Judaism started about  
11 1,000 years before that possibly, around there.  
12 So we really don't have history.

13 I want to speak a little bit to the folks  
14 from Caucasia. I say that lightly, the  
15 Caucasians here. I want to say that our -- we  
16 don't have that history. Perhaps we're a little  
17 jealous of that, that we can't go back and find  
18 our original place of origin. The people that  
19 testified here can.

20 And our job now is to, as descendants of  
21 these people, is to do whatever we can -- sorry.  
22 I feel strongly about things, and this comes  
23 up -- to allow us to protect their stories and  
24 their history. And that's -- that's why I'm  
25 here.

1           There might be -- somebody told me, a Lakota  
2           person actually told me that there might be a  
3           good way for -- my wife and I were up at  
4           Standing Rock, and we learned a lot. We heard  
5           stories of this sort of thing everywhere, I mean  
6           everywhere. They are trying to -- I won't talk  
7           about those, but everywhere.

8           We've been traveling through the  
9           Transwestern pipeline, we've ben traveling the  
10          old flat, we've been traveling to the outside of  
11          the -- the edge of the Grand Canyon, where they  
12          are going to take uranium across the mainland  
13          again and again. Put that out there.

14          So I keep hearing stories, so we went to  
15          hear and to see them first place -- firsthand.  
16          So we can't do it again. We shouldn't step on  
17          the rights of other people who have acquired the  
18          land, bought from whoever stole it during those  
19          broken treaties. We can't do it. We can't do  
20          that that way.

21          I say -- when I was in the Air Force, we  
22          had -- it was that time of the sexual harassment  
23          training that we had to do, and I was part of  
24          the conducting of it. We had a saying: No  
25          means no. If a person -- if a potential sexual

1 partner says "no," it means no. And there's  
2 real wisdom about that.

3 And so I say that if the people that hold  
4 this land sacred say "no," "no" means no. "No"  
5 means no. "No" means no.

6 (Audience chanting.)

7 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
8 Mr. Martin.

9 AUDIENCE MEMBER: Mni Wiconi.

10 REGIONAL JUDICIAL OFFICER SUTIN: Next if we  
11 can Rube Tifft. Rube Tifft. Sorry I got that  
12 wrong.

13 RUBE TIFFT: I was wondering what this is.  
14 Okay. Okay. This is a test hole cap. This is  
15 from the '40s and '50s and the '60s. In that  
16 duration, when they dug a test hole, they dug a  
17 foot down, and they set this in the hole, and  
18 then they piled some dirt on it.

19 As you can see, this one had a couple little  
20 holes poked in it so it wouldn't hold no water,  
21 you know, but this was a test hole plug.

22 What I would like to bring to -- I was  
23 raised on a ranch east of Sturgis 60 miles,  
24 Township 7, Range 13. Well, in -- I was  
25 probably 17 when my dad allowed them to dig

1 three uranium test holes.

2 Well, the one was out on what we call the  
3 hay field, which was 160 acres, and there was a  
4 lake bed there that covered at least 40 acres,  
5 grew some grass, ducks there. Growing up, I  
6 mean, there was set water year-round.

7 Well, they dug a hole in the corner of it.  
8 Well, the first thing that occurred was the  
9 neighbor a mile north, he had a deep well, and  
10 he was all pissed off because his water started  
11 pumping up that mucky stuff from the test -- the  
12 lake bed, and eventually ruined his well. And  
13 he passed away bitter at my dad for allowing it  
14 to happen.

15 Well, as the years went by, that 40 acres,  
16 which there was an ancient Indian campground,  
17 teepee rings, and it was known as an area where  
18 they used to camp, because that water always  
19 drifted, and it filled the dam, irrigation.

20 It went dry, turned into white soil, prairie  
21 dogs took over, the dam started going dry. I  
22 started digging dugouts to water the cows. The  
23 grass didn't put up the hay.

24 Our house well was 30-foot deep. One of the  
25 nicest wells you'd ever drink water out of. It

1           started going -- getting lower and lower, so I  
2           dug one 40 feet deep, but that didn't help much  
3           because it was shallow water and, well,  
4           eventually Bud Wenzel, which his actual name was  
5           Walter Wenzel, he -- he passed away. The family  
6           sold their place because they had no water on  
7           it.

8           A few years later, Oscar Davidson, he was 5  
9           miles east of where they dug that test hole, and  
10          he was pumping up mucky water. Well, it just  
11          drained that whole lake bed aquifer right down  
12          into the deep water.

13          And well, you know, it wouldn't run the  
14          amount of livestock that it ran when I was a  
15          kid, and by '95, I give up my dream. Quit. And  
16          I didn't have a big enough place to go on, and  
17          the little place wasn't producing.

18          What scares me is these test holes sit open.  
19          They are not filled. If they were filled, it  
20          would be different. You start pressurizing it  
21          up, water raises, down it goes into the deep  
22          water, or maybe it comes up into the shallow  
23          water. But you're going to have a problem.  
24          Water courses are changed all the time.

25          Homestake changed a lot of water courses

1 over the years. You talk to people that mined  
2 in there, well, water courses are changed. It  
3 might come up; it might go down. But it's going  
4 to affect things.

5 In this area, you've got alkali, which is a  
6 form of Epsom salts, selenium. And you got  
7 layers. You go along the Cheyenne River, you'll  
8 find 6-foot layers of pure -- pure stuff. Well,  
9 you dig through that and water caves down in,  
10 pretty soon water -- water gets contaminated  
11 with that stuff.

12 And these open test holes are an issue. I  
13 mean, the one that caved in, why, you could have  
14 dumped a car in there before I left. That's in  
15 the top. I mean, they went through a 60-foot  
16 base in the ground that was full of water. So  
17 down it went.

18 Well, all I'm saying is, all these open test  
19 holes, I wrote President Trump a letter, and I  
20 says, I bet you in ten years, if they do it,  
21 I'll bet you a dollar that you can't drink  
22 Hot Springs water. So I guess that's my  
23 testimony. Thank you.

24 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
25 Mr. Tifft.

1 Edward Starr.

2 EDWARD STARR: (Speaking in indigenous  
3 language.)

4 I welcome everybody here that's here for the  
5 EPA hearing. My name is Edward Starr. I live  
6 in Oglala, and my grandfather has been here for  
7 ages and ages. My grandfather, in that time  
8 they had no need for any kind of money. Then  
9 500 years ago, three boats came, and they  
10 brought some people.

11 Along with that, they brought Christians,  
12 and what followed them Christians was a person,  
13 an anti-Christ. You know what an anti-Christ  
14 is. They are the ones that killed a man named  
15 Jesus Christ.

16 Now that -- and they -- and they brought the  
17 power of the money, the anti-Christ, called it  
18 capitalism.

19 I have a dollar bill that I wanted to show  
20 you something. We all know, we all seen the  
21 pyramid with the eye on top. That eye  
22 represents anti-Christ, anti-Christ. And  
23 there's 13 layers of rocks here. And those  
24 represent the 13 Satanic families. And we've  
25 got 13 stripes sitting up here.



1           And if you look on the other side, it's a  
2           military emblem. I was in the Army. My cap,  
3           first class cap, I had a gold emblem on my head.  
4           But on the right side of it, he's holding 13  
5           arrows. On the other side is an olive branch  
6           with 13 olives on it. And there's a shield  
7           right in here, it's got 13 stripes.

8           And right above the head, there's a group of  
9           stars. There's 13 of them. And the tail  
10          feathers, there's 13 of them. That's what you  
11          call capitalism. It has occupied the whole  
12          Northern Hemisphere.

13          I went to boarding school, and they told me  
14          I was going to be an intelligent, civilized  
15          citizen. But I resisted all the way through. I  
16          ran away several times from school because I  
17          grew up traditionally. I preferred to stay in  
18          my -- in that way.

19          But I realize today we are in a spiritual  
20          war that started 500 years ago for us. Our  
21          Lakota, Dakota, Nakota people and all the Native  
22          Americans on Turtle Island that we are standing  
23          on are in a spiritual war.

24          When that anti-Christ, this God's eye came,  
25          he came with the money. And if you look on

1           that -- they say he has a number 666 on his  
2           head. So if you look at this, all of these,  
3           anything you buy has that, the mark of the beast  
4           on it.

5           Because if you look at a bar code, the  
6           first -- there's two long lines in the middle,  
7           but there's two more long lines, and at the end  
8           there is another long line. And if you take  
9           accounting Cobalt, you know that those are  
10          sixes.

11          And so someday they are going to put those  
12          codes on our skin. And there are 800 FEMA camps  
13          that are across the nation, and the one for  
14          South Dakota is right here, FEMA camp. And they  
15          are building a -- equipping it with coffins that  
16          can hold up to five bodies.

17          So if you refuse this mark under your skin,  
18          you're going to be sent here, and you're going  
19          to die here. And that's coming soon. So I just  
20          wanted to say that.

21          I worked in Igloo, South Dakota back in '75.  
22          And I got -- I don't know if that's where I got  
23          cancer or if it's from the Slim Buttes area.  
24          There was 37 holes, test holes there. And they  
25          say capping is not -- just this cover right

1           here, that's not capping.

2           Capping is between layers, like that picture  
3           you had up here. They force cement between the  
4           water and this other sediment, uranium, and  
5           that's capping. That's what needs to happen.

6           If that doesn't work, that doesn't work,  
7           what happened, the radon, radium will come up.  
8           And it happened in the reservation. At that  
9           18- -- oh, 1981. We had a sudden death of --  
10          SIDS, a lot of babies were dying. The doctors  
11          at Pine Ridge Hospital said those are something  
12          in the air.

13          REGIONAL JUDICIAL OFFICER SUTIN: Mr. Starr,  
14          your time is up, so I need you to wrap up,  
15          please.

16          EDWARD STARR: Okay.

17          But the officials heard about it, heard the  
18          doctors' statements, and they fired all of them.  
19          They transferred them out.

20          But uranium isn't safe, never was and it  
21          never will be. We have sacred sites all over  
22          here, and all our relatives and ancestors, they  
23          are buried all over the Black Hills. And we  
24          don't want what happened in Japan, contaminating  
25          the whole Pacific ocean now, and we don't want

1           that to happen here.

2           (Speaking in indigenous language.)

3           REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
4           Mr. Starr.

5           Charles Kelsey.

6           CHARLES KELSEY: As she said, my name is  
7           Charles Kelsey. I live east of Edgemont. I  
8           have a small horse training ranch there, and I  
9           live near the Cheyenne River. I like to fish  
10          there. I eat the fish from the Cheyenne River.  
11          I am retired.

12          I retired after 35 years of doing radiation  
13          protection. I've worked in several countries  
14          and have worked in several states in the U.S.  
15          doing radiation protection. In other words,  
16          protecting people from radiation. I've done  
17          that for 35 years. So I know a lot about it.

18          I've had a lot of experiences with it. I've  
19          had experiences where there have been problems,  
20          where technical failures, where there had been  
21          human errors, and we've had to deal with some  
22          problems. But we have, over time, dealt with  
23          those problems.

24          And as I say, learned a lot about protecting  
25          people from radiation. I've worked in several

1 industries over the years, including the ISR  
2 industry to protect people from radiation.

3 I've worked -- in that time, I've worked  
4 with many regulators, such as these. I've  
5 worked with professionals that have worked in  
6 all these industries, and I have -- as I say,  
7 I've seen a lot of examples of a lot of things  
8 over time.

9 The one -- I have learned a few things about  
10 radiation that are not obvious to a lot of  
11 people. One thing I've learned is that no  
12 matter where I go in this world, and I turn on a  
13 radiation detector, the radiation clicks, it --  
14 or, the detector clicks. Doesn't matter where I  
15 am. That means there is radiation everywhere  
16 all the time. There always has been and there  
17 always will be.

18 I've also learned that no matter where I am,  
19 if I take a sample and have it studied, there's  
20 uranium. It doesn't matter where I am, it's  
21 always there. And it always has been, so it's  
22 just a fact of life.

23 I've also learned that if you look around  
24 yourselves, start counting off, that if we're  
25 typical of people in this country, you can --

1           you can bet that one in five of us, no matter  
2           where we live in this country, we're going to  
3           die of cancer.

4           So when you hear of this person or that  
5           person or the other person dying of cancer,  
6           that's just the way it is in this country. One  
7           in five people die of cancer.

8           AUDIENCE MEMBER: We never had cancer.

9           CHARLES KELSEY: Whatever the causes.

10          AUDIENCE MEMBER: We never did.

11          REGIONAL JUDICIAL OFFICER SUTIN: Please  
12          don't interrupt.

13          CHARLES KELSEY: Those are just a few things  
14          that I've learned in my experience in radiation  
15          protection.

16          As I say, I'm retired, and my interest in  
17          this community continues to be protecting people  
18          from radiation. So I'm here to answer  
19          questions, to work with people, to help with the  
20          understanding of radiation.

21          And I am here to try to help ensure that  
22          this operation, if it goes on, will be done with  
23          the concern for people and to protect people  
24          from radiation.

25          The one additional thing that I have learned

1 in working with professionals like these is that  
2 they really are looking out after our best  
3 interest. And I truly believe that whatever  
4 their decision is, that that decision will be  
5 for our best interest. And I have learned that  
6 through 35 years of working with professionals  
7 like this.

8 So I'm willing to take their decision and  
9 live with it and try to help people around here  
10 live with it the best that they can. That's all  
11 I have.

12 REGIONAL JUDICIAL OFFICER SUTIN: Thank you  
13 very much, Mr. Kelsey.

14 AUDIENCE MEMBER: Not in my area. Not in my  
15 area.

16 REGIONAL JUDICIAL OFFICER SUTIN: Excuse me.  
17 Excuse me. Please, excuse me. If you are going  
18 to make those sorts of comments when people are  
19 speaking, I'll have to ask you to leave. This  
20 is an area where everyone needs to feel  
21 comfortable speaking.

22 Next if we can have Kathleen Bailey.

23 KATHLEEN BAILEY: I have to make a  
24 disclaimer. I'm from out of state, but no one  
25 shipped me here. I drove up in a 1994 Toyota

1 Corolla with my dog, and I'm staying at a  
2 campsite. I just got in on Monday so I could be  
3 at all of these. I'm here from -- so I can be  
4 at all these meetings.

5 AUDIENCE MEMBER: Use the mic.

6 KATHLEEN BAILEY: I didn't want them to take  
7 my time by doing that. I'm here from my passion  
8 and heart. No one shipped me here. You  
9 wouldn't hear me anyway if I was at the mic.

10 I don't have the eloquence or the knowledge  
11 of the majority of the people that spoke today,  
12 so I'll be repeating what I've said in the  
13 last -- in the meetings, all the meetings I've  
14 attended.

15 I, Kathleen F. Bailey from Englewood,  
16 Colorado, stand here before you again to repeat  
17 loudly and clearly that I oppose the proposed  
18 aquifer exemption decision for the Dewey-Burdock  
19 uranium in-situ recovery site located near  
20 Edgemont, South Dakota under the authority of  
21 the Safe Drinking Water Act and UIC program  
22 regulations in connection with the Class III  
23 area permit to exempt the uranium-bearing  
24 portions of the Inyan Kara Groom aquifers.

25 The EPA has proven itself to have devolved



1           into nothing more than a taxpayer \$8 billion  
2           dollar agency dedicated to supporting and  
3           promoting exemptions for the very industries  
4           that continue to cause massive environmental  
5           contamination, the legacy of which is left to  
6           the local residents for generations.

7           At issue, the portions of the Inyan Kara  
8           aquifer the EPA proposes to exempt have  
9           historically been used as a source of drinking  
10          water, are currently used as a source of  
11          drinking water, and can be a future source of  
12          drinking water.

13          EPA's current Title 40 146.4 declares, "The  
14          proposed aquifer exemption area must not be a  
15          current or future source of drinking water using  
16          the criteria at 40 CFR 146.4."

17          With this specific aquifer exemption  
18          approval, they will set a precedent eliminating  
19          that second part of protecting the future --  
20          exempt an aquifer that could be used as a future  
21          source of water. They will set a precedent to  
22          eliminate that because they have not included it  
23          with this exemption proposal.

24          And the evidence of the convoluted joint  
25          efforts between EPA and Azarga/Powertech to meet

1 the only consideration they want to continue  
2 under their own 40 146.4. The current source of  
3 drinking water was recorded in 11- -- on the  
4 November 17, 2016 memorandum by Valois Shea, EPA  
5 and Powertech worked cooperatively to manipulate  
6 the status as "no current use" from the targeted  
7 portions of an Inyan Kara group in order to  
8 eliminate the current use protection.

9 Per the 11/17/16 EPA memorandum, currently  
10 there are multiple wells drawing from the  
11 targeted portions of the Inyan Kara group  
12 aquifers that were historically and currently  
13 used for both human and livestock consumption.

14 Many of these residences are currently  
15 abandoned, and therefore the EPA and  
16 Azarga/Powertech can say they are not currently  
17 using the water. But at least one of the  
18 residents continues to uses the well water, Well  
19 16, from the targeted portion of the aquifer.

20 To create -- to create a "no current use"  
21 status from which the EPA and Azarga/Powertech  
22 are trying to base this aquifer exemption  
23 proposal, Powertech promised to permanently  
24 provide the resident with bottled water for  
25 drinking if they agreed to let Powertech severe

1           and seal off the waterline from their well to  
2           their home.

3           The resident agreed, and the waterline from  
4           the well to the home was severed and sealed.  
5           However, Well 16 continued to be used for the  
6           resident's livestock, which under South Dakota  
7           law is still considered the same as a well -- as  
8           well water used for human consumption, a fact  
9           that the EPA at that time was willing to also  
10          ignore.

11          This was sufficient back in November 2016  
12          for the EPA to conclude. Based on CZA  
13          calculations, the EPA has concluded that the  
14          portions of the Inyan Kara aquifers proposed for  
15          exemption do not currently serve as a source of  
16          drinking water.

17          Per Valois Shea in one of the last meetings,  
18          she informed me that since that November 16 --  
19          November 17, 2016 memorandum, they corrected  
20          themselves, and on March 6, 2017, to get around  
21          the Well 16 issue, they simply removed two  
22          wellfields within all of the wellfields that  
23          they were going to be drilling from -- from out  
24          of drilling target because they determined that  
25          those particular two wellfields are what fed

1           that Well 16. And yet, they're in the middle of  
2           all the well -- in-situ welling that's going to  
3           go on and will contaminate the entire area.

4           I publicly denounce this current effort by  
5           the EPA, and I demand the EPA follow its own  
6           laws and environmental protection mandate and  
7           not approve this Inyan Kara aquifer group for  
8           exemption because, in fact, this Inyan Kara  
9           aquifer group is indeed a current and future  
10          source of drinking water that requires and  
11          mandates protection.

12          I wish to state two additional alarming  
13          facts. What the EPA also won't tell you is that  
14          uranium in-situ recovery mining has consistently  
15          resulted in contamination. And per the U.S.  
16          Geological Survey, to date there has been no  
17          successful mitigation of the contamination  
18          resulting from uranium in-situ recovery mining.  
19          So the current status as a drinking water source  
20          and a future drinking water source will be  
21          permanently lost if this is approved.

22          What the EPA has also not disclosed is that  
23          the Nuclear Regulatory Commission has approved  
24          that the Class III underground injection  
25          disposal wells approved for the uranium mining

1 wastewater disposal will also be made available  
2 for injection disposal for other radioactive  
3 waste fluids from other sources, such as  
4 municipal water treatment plants, well past when  
5 the mining activities stop, which will be an  
6 ongoing continuous source of income for  
7 Azarga/Powertech.

8 REGIONAL JUDICIAL OFFICER SUTIN:

9 Ms. Bailey, your five minutes is up.

10 KATHLEEN BAILEY: And I'm done. Thank you.

11 REGIONAL JUDICIAL OFFICER SUTIN: Thank you  
12 very much.

13 Isaiah Cox.

14 ISAIAH COX: I'm Isaiah Cox, and I didn't  
15 think I'd be back here so soon. But anyway,  
16 well -- I will -- for one, I want to, like, tell  
17 everyone here to sign up to speak. You know,  
18 even if you don't really have that much to say,  
19 you should still sign up or write a comment.  
20 There's a comment box over there.

21 But anyway, so you want to, like, mine  
22 this -- mine it -- or mine the uranium. Sorry  
23 if I sound weird. But anyway, if one person who  
24 lives there, if they don't want it, I don't  
25 think you should do it just because of that one

1 person, mainly because it's their -- they live  
2 there, too.

3 It's not just, like -- everyone is -- like,  
4 everyone's voice should matter, sort of. That  
5 one person, that should kind of change it to  
6 where it -- you at least take that into  
7 consideration, if you're not. And it's not even  
8 our land. Well, it's not our land first, you  
9 know.

10 So the people who had this land before we  
11 came, they aren't -- they don't want this, you  
12 know. So why are you trying to take this away  
13 from them?

14 Thank you. And that is all.

15 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.  
16 Mark Brown.

17 MARK BROWN: Good afternoon. I'm Mark  
18 Brown. I grew up in Edgemont. I recently got a  
19 nuclear engineering degree, and I happen to be  
20 in town for this thing.

21 So I don't really understand the opposition  
22 to the water. You say you're going to poison  
23 the water, but uranium is already in the ground,  
24 it's already poisoning the water. Why do you  
25 think there's radon in the basements? The alpha

1           decay there -- uranium decays, and then it  
2           decays into radon, and then it ultimately decays  
3           and gives you cancer.

4           Why wouldn't it make more sense to get rid  
5           of the uranium in the water already? You're  
6           cleaning the water. It does not make any sense  
7           to -- to do it. And it works. It works in  
8           Uzbekistan. It works in Kazakhstan. It works  
9           in Australia. It works in Wyoming. It works  
10          around the world. It's a tested, tested method  
11          of uranium -- removing uranium, so I don't  
12          understand.

13          You say you don't poison the water. I lived  
14          in Flint, Michigan. I have seen water being  
15          poisoned. This is not it. This is cleaning the  
16          water. You say it's like Fukushima or like  
17          Chernobyl. I was in Chernobyl eight months ago.  
18          It is nothing like that. Nothing at all. I do  
19          not understand the opposition to this. It  
20          doesn't make sense to me.

21          Thank you.

22          REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
23          Mr. Brown.

24          So at this time, those are all of the folks  
25          that have signed up to speak. Is there anyone

1           else who would like to speak that has not?

2           Oh, excuse me. We have more cards. I  
3 apologize.

4           Our next speaker, Will Leigh.

5           WILL LEIGH: (Speaking in indigenous  
6 language.)

7           Hello, everybody. My name is Will Leigh,  
8 and I'd like to read a letter from my Oyate.

9           We all use worldwide resources that our  
10 earth has provided for her two-legged children  
11 for centuries. Out of her love for us, we are  
12 still here today. It is out of that love and  
13 nature that I pray for your spirit to not become  
14 stagnant, which has occurred over time of  
15 ignoring history, our history.

16           We should utilize our past to stop burning  
17 ourselves in the same fire, this representing  
18 the choices we make to destroy our Grandmother  
19 Earth, expecting different results to make what  
20 was once created perfect for us a supposedly  
21 better place.

22           For our brothers and sisters that have been  
23 led astray from their bond with Grandmother  
24 Earth by greed, let them be made aware of --  
25 that that is a huge hunger that shall never be



1 fulfilled. The emotion your spirit yearns for  
2 is the connection every child should have with  
3 their mother.

4 The biggest bandwagon to self-destruction is  
5 greed, a conception that the more currency you  
6 have will fill the emptiness that only Mother  
7 Earth can make whole. Let your spiritual roots  
8 grow. Spiritual connection with Grandmother  
9 Earth is true happiness, and we will not allow  
10 this to happen to our communities any longer.

11 Do not mistake our kindness as indigenous  
12 people as a weakness among a misunderstood  
13 nation. We will not be easily pushed aside time  
14 after time. I stand before you today not only  
15 for the people standing along beside me, but for  
16 your children, for what you have sold out for.

17 Through my -- though my humble spirit  
18 instilled in me through my connection with the  
19 earth, I pray persistently for every one among  
20 us that we may remove the veil from our  
21 spiritual consciousness and that Grandmother  
22 Earth forgive our naive curiosity derived from  
23 the discerning spread of greed.

24 The ways of our ancestors to forage  
25 consistently without depleting our precious

1 resources are either chosen to be forgotten or  
2 stomped out. What is happening now here with  
3 the mine is just one of the many events of a  
4 bigger picture that will be another little  
5 expression of cause and effects.

6 We will soon no longer exist if we do  
7 nothing. If we fail to compromise, the entity  
8 that plagues our lands with chaos will spread.  
9 Where are the men hiding, in their planning  
10 rooms? They send out others, others that are  
11 programmed with paper printed, and the faces of  
12 people that are derived from all people. For  
13 that is afflicted by any decision that is made  
14 by the government for mankind.

15 That's from my Oyate.

16 (Speaking in indigenous language.)

17 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
18 Mr. Leigh.

19 Andrew Blanchflower.

20 ANDREW BLANCHFLOWER: Hello, everyone.  
21 Thanks for the indigenous people of this place  
22 for patience here and continued welcome and  
23 support that I feel here.

24 Mostly that's why I'm here, is to stand in  
25 support of that. I saw you guys in Valentine,

1 and kind of good to see familiar faces. You  
2 guys, like, must really know each other by now.

3 But I notice that you guys are getting paid,  
4 and we're not. Like, I'm not getting paid, but  
5 you're getting paid.

6 So I'm -- so I'm questioning, like, people,  
7 like, why oppose it? But I'm kind of, like, why  
8 do -- I don't know why anyone is strongly  
9 supporting this. I don't know how it benefits  
10 anyone. The best is we get all these people to  
11 come up from the industry. They are all from  
12 the industry. Some way or another, they are all  
13 or have been or are getting paid to be here.

14 I don't know where all the guys in cowboy  
15 hats went, but they were all kind of sneering  
16 and stuff like that. But I don't know. It kind  
17 of becomes this partly political thing rather  
18 than what is the right thing to do here as  
19 human-being people.

20 Like this false dichotomy between science  
21 and emotion. Like science -- if you look at the  
22 word "science," it says the observation of the  
23 natural world. We are the natural world.  
24 That's what science is. So science has been  
25 co-opted and trampled into representing

1 corporate interests. So what I'm seeing here is  
2 corporate interest.

3 I know, EPA, whatever you want to call  
4 yourself, you are probably really good people.  
5 You have children, families, homes and that to  
6 go to. You're not really the people to rant at.  
7 We can never get close to those people.

8 But you can tell your people that there is  
9 resistance to this, and there is going to  
10 continue to be resistance to not just this, but  
11 the corporate -- corporate corpse that is taking  
12 away life from all of us. It's sucking life out  
13 of us.

14 The relative that spoke about money, the  
15 system is of control. Money is the system of  
16 control. You know, would you be here if you  
17 weren't getting paid? Question your life if  
18 that is the case.

19 If that is the case that you would not be  
20 here, you are now enslaved. You are doing  
21 something against your will. As you write all  
22 this down, as you write all this down, stir  
23 up -- do a really good job.

24 So mostly, I just want to say that, really.  
25 I don't know why to be strongly for getting

1           uranium out of the ground other than to give  
2           profit to a corporation, the corporation of the  
3           United States, the corporation of whatever it's  
4           called, Azarga or whatever it's called.

5           So yeah, the best -- the best I can hear is  
6           it's not that bad for you from the people from  
7           the industry. Oh, uranium, it's not that bad  
8           for you. You know, we're -- you're going to die  
9           of cancer. The water is contaminated anyway.

10          It's like -- so I don't know why that is  
11          enough for this project to continue. I don't  
12          know why the premise is that the people who  
13          aren't getting paid have to come here and say  
14          stop. I don't know why it isn't the other way  
15          around. I don't know why the corporation isn't  
16          coming to the people and asking, is it -- does  
17          this make any sense? Can we do this?

18          So maybe -- maybe -- I was at Standing Rock.  
19          I'm English. This is a global issue. There are  
20          some local people here. I want to respect local  
21          settlers who own title to land. You don't own  
22          land. We all know you don't own land.

23          But these -- it's a global issue. It's a  
24          local issue. It's uranium. It's not a local --  
25          uranium isn't local. It affects the whole

1 world.

2 I'm English, and I -- my children, my wife  
3 are American. We currently live with the -- on  
4 the Sicangu Rosebud over there. That's where  
5 we're residing at the moment. But -- yeah,  
6 mostly I just wanted to say that.

7 In which reality would we prefer to live in,  
8 one where people come out of the goodness of  
9 their heart or one where there are paid. People  
10 paid -- obviously paid by corporations to sneer  
11 and deride people for having an emotional  
12 response to something that is actually quite an  
13 emotional issue.

14 So yeah, just mostly that. There will be  
15 resistance. There is resistance. Expect that.  
16 And we'll see what happens, I guess. If you --  
17 if you, your bosses, the people who pay you and  
18 enslave you decide to go ahead and grant the  
19 permits. So I request that you don't grant the  
20 permits.

21 Maybe I will request that you grant them so  
22 that we can, like, get on with this and get rid  
23 of the corporations and -- no. Formally, I'm  
24 requesting that you do not grant the permits.  
25 And that they better watch out, seriously.

1 All right. Thank you.

2 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

3 Robert White Mountain.

4 ROBERT WHITE MOUNTAIN: Good afternoon. I  
5 was going to introduce myself in my language,  
6 but I think it's -- I will skip that because it  
7 takes too long. I want to save my time so I can  
8 talk. Last time I got cut off.

9 My name is Robert White Mountain. I'm  
10 Hunkpapa Lakota from Standing Rock. And I'm  
11 just here trying to understand both sides  
12 because I was taught that. I'm a fair person,  
13 so I have to look at both sides. And I have.

14 You know, I've not an expert in all this,  
15 but I've been working on this for quite a while.  
16 My first experience with this was 36 years ago  
17 right up here, right up the road where they were  
18 trying to destroy some very sacred sites that  
19 our people have.

20 And that's really important, not only for  
21 our people, because it also is important for  
22 everybody, to protect these sacred sites,  
23 because it explains life as we know it here on  
24 earth. And if we destroy these, you know, it's  
25 like we are -- you know, we're lost.

1           You know, our Lakota people and our  
2           indigenous people, we have records that go back  
3           millions of years. Millions. Not thousands,  
4           not hundreds, billions. We understand this land  
5           for billions and billions of years since we were  
6           put here, since we came here. So it's not  
7           something that we are not familiar with.

8           We are -- we've been here, we always will  
9           be, and that's just the way it is. And now we  
10          see that, you know, since the last 500 years,  
11          our guests have come over here.

12          You know, I think there's a lot of  
13          disrespect from our guests. Because you would  
14          think you would come over here and you own this  
15          land, but you don't. Because if you really look  
16          at it, the government has been in a position  
17          where nobody ever owns the land. As long as you  
18          keep paying your taxes, you can live on it.

19          But you never will own it because it's under  
20          a parliamentary system. So then we go back to  
21          all that. Anyway, that's a long story. So  
22          basically, nobody will ever own this land  
23          because of the way it's set up.

24          So if you say, I have these 140 acres. If  
25          you don't pay the taxes on that 140 acres, it's



1 not yours. It goes to the next guy. That's  
2 just the way it is.

3 So we all have to live here. I look at all  
4 of this, you know. It was -- I look at this  
5 town, you know. I was driving around this town,  
6 and I heard a gentleman say there was uranium  
7 mining here for 29 years. And, you know, I was  
8 like, Okay. I look around, you know. Mining  
9 towns, they're usually -- you know, when there's  
10 a mining town, it grows.

11 I mean, a town will grow and grow and grow  
12 until finally it busts. The mine will close  
13 down, and slowly it dies out. That's just the  
14 record of everything -- all over, all over, all  
15 over the land here.

16 You know, so -- you know, it's like you had  
17 29 years of mining here, but this town is so  
18 tiny. There's nothing here. Why -- where is  
19 the growth? So where is the -- where is the  
20 lucrative point in mining?

21 So then you think back through the basics of  
22 human beings, who are we? We are all human  
23 beings. I'm a Hunkpapa Lakota, but I'm still  
24 the same as you. I still have the same red --  
25 same blood. I still have lungs and a heart and

1 everything else as you. I'm no different.

2 But I look out for my kids. I look out.

3 I'm a father, I'm a grandfather, I'm a

4 great-grandfather. I have great-grandkids.

5 I look out for these kids because I also --

6 you know, I don't really care for what happened

7 in the last 500 years. But it's the relatives

8 that -- you guys are all here. And you guys

9 aren't going to go. You should go home, but you

10 ain't going. So we've got to leave here, you

11 know. We have to live together.

12 But we can't live together if we're

13 poisoning each other. No matter how safe

14 science says it is, there is no proof of how to

15 fix this, clean this water up. No proof. No

16 track record at all.

17 And we're still going to take this risk for

18 our kids, the kids standing in the back? You're

19 going to have kids, you know. Why take the risk

20 when you have so many alternative energies?

21 I heard one gentleman say, you cut down wind

22 because it kills birds. Well, that's been

23 fixed, too. They made them bigger and slower so

24 they don't kill birds. You know, solar, well,

25 it's got so cheap everybody can afford solar.

1           There's so much power in the sun that will  
2           power everything for 36-, 40,000 years. Okay.  
3           You got those two things down. You can find out  
4           about those.

5           What about magnetic? We have -- we have,  
6           you know -- we have a gravity pull that's so  
7           much magnetic power in this earth that's  
8           untapped. And it's very safe. All these other,  
9           the geothermal, all these different kinds of  
10          alternative energies that we have at our  
11          disposal that Mother Earth has created that's  
12          brought for us to live, to enjoy. We don't need  
13          to go underneath the ground.

14          You know, I look at the Bible, and I see  
15          this thing called the forbidden fruit. And it  
16          says that Adam went over there, and he grabbed  
17          that fruit, and he ate it. It could be  
18          anything. To me, the forbidden fruit is what's  
19          underneath the ground.

20          REGIONAL JUDICIAL OFFICER SUTIN: Mr. White  
21          Mountain, your time is up.

22          ROBERT WHITE MOUNTAIN: You can't touch it.  
23          It's all good. I knew you'd cut me off.  
24          So the forbidden fruit is what we have  
25          underneath the ground.

1           There's two worlds here. We have the  
2           underworld and we have the above world. We have  
3           two worlds that we live in. We live in both.

4           Maybe some of you guys don't know how you  
5           live in both, but we do. But we do. And so we  
6           have to protect that underneath as much as we  
7           can because it's going to affect above, too.  
8           Thank you.

9           REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
10          Mr. White Mountain.

11          It is a little after 5:00, so we will be  
12          breaking until 6:00. We'll return then and take  
13          more testimony. Thank you.

14          We'll go off the record at this point.

15          (A recess was taken from  
16          5:03 p.m. to 6:05 p.m.)

17          REGIONAL JUDICIAL OFFICER SUTIN: Good  
18          evening, everyone. We're going to get started,  
19          so if you want to take your seats. My name is  
20          Elyana Sutin, and I'm the Regional Judicial  
21          Officer for the Environmental Protection Agency  
22          in Denver, Colorado.

23          We're not going to go through the formal  
24          remarks this evening. I think most folks who  
25          were here this afternoon heard the remarks. But

1 I will just walk through briefly what the  
2 process is for speaking this evening so that if  
3 you were not here and are interested in  
4 providing testimony, you know what we're doing.

5 So I will just read briefly what we're here  
6 for. On March 6, 2017, EPA issued two draft  
7 Underground Injection Control, or UIC, area  
8 permits to Powertech USA, Inc. for injection  
9 activities related to uranium recovery near  
10 Edgemont, South Dakota.

11 The draft permits include a UIC Class III  
12 area permit for injection wells for the in-situ  
13 recovery of uranium, and a UIC Class V area  
14 permit for deep injection wells for disposal of  
15 treated in-situ recovery process waste fluids.

16 The EPA is also proposing an aquifer  
17 exemption approval in connection with the draft  
18 UIC Class III area permit.

19 We are here today to listen to your comments  
20 on these area permits and aquifer exemption. We  
21 will take testimony from 6:00 to 8:00 p.m. I  
22 will call speakers to the microphone who have  
23 filled out a card at the registration table.  
24 When it is your turn to speak, please state your  
25 name before you begin your testimony.

1           We will allow people five minutes to speak.  
2           After four minutes, you, will see a yellow  
3           triangle that shows you have one minute left,  
4           and then at five minutes the red stop sign will  
5           go up, and I will let you know that you need to  
6           complete your testimony.

7           We ask that you be succinct and stay on  
8           point. If I find that the testimony is straying  
9           from the topic at hand, I will ask you to return  
10          to the issue before us.

11          If we have time, if everyone has had the  
12          opportunity to speak who has not spoken, you are  
13          able to come back up and finish your testimony  
14          if you had more to say.

15          After finishing your testimony, members of  
16          the panel may ask clarifying questions, but we  
17          are not here to explain the proposal nor are we  
18          here to answer questions during the hearing. We  
19          are recording the hearing tonight, so be assured  
20          your comments will be considered.

21          The court reporter sitting to my left will  
22          be preparing a transcript of the proceeding and  
23          it will be available to anyone who wants to see  
24          it.

25          The transcript is part of the record, and it

1 will be included in the docket for this matter.  
2 The docket is all of the collected materials EPA  
3 has used to consider its action, including  
4 public comments. The docket is available on the  
5 internet for your review or you can see a hard  
6 copy at EPA's Denver office.

7 If you have written copies of your  
8 testimony, please give a copy to our staff. You  
9 can provide it to me or at the registration  
10 table. That will be helpful in preparing the  
11 transcript. If you have other written comments  
12 or documentation that you would like to provide,  
13 you can also leave that with us and we will make  
14 sure that it gets in to the docket.

15 You can -- after tonight, you can submit  
16 written comments. The comment period will go  
17 for another week until May 19th, so you -- we  
18 encourage and you are welcome to submit written  
19 comments after these hearings are over.

20 Once the final permits are issued and the  
21 aquifer exemption determination has been made,  
22 anyone who participated in these hearings,  
23 either through oral testimony or written  
24 comments, has the right to appeal the Agency's  
25 final decision to the Environmental Appeals

1 Board.

2 So with that, we will get started with  
3 testimony. First speaker, Linda Tidball.

4 LINDA TIDBALL: My name is Linda Tidball,  
5 and I have taught here in the Edgemont school  
6 system for 25 years now.

7 I moved to the Dewey area when I was five  
8 months old, and so I grew up in Dewey on a  
9 ranch, and I'm actually the fifth generation of  
10 rancher. And I would consider my relatives to  
11 be good stewards of the land. Ranchers are not  
12 very successful if they don't have water and do  
13 not take good care of the land.

14 I totally support this project. I have been  
15 to numerous presentations on how it works. I  
16 listened to engineers and people who are  
17 educated in this deal, and trust that they, too,  
18 know the science and would not want to  
19 contaminate our water.

20 There was some misconception that all of us  
21 standing back there were paid by the  
22 corporation. I think there were two people here  
23 that are paid by corporations. So the rest of  
24 us were totally community members volunteering.

25 I also enjoy natural resources. I didn't



1           see any horses or bicycles out there today. So  
2           I'm assuming everyone used oil products to get  
3           here. I do that, too. And I'm so glad that  
4           technology has brought us as far as it has so  
5           that we are able to use natural resources.

6           And I know previously some of the uranium  
7           mining had spills and mishaps and it wasn't as  
8           safe as it is. But many, many things in our  
9           lives are different because of advanced  
10          technology and education.

11          And I was fortunate to go to the School of  
12          Mines on Monday for the math contest. I got to  
13          take a group of our wonderful kids from our  
14          area, and it was interesting visiting with math  
15          and science teachers.

16          And they were questioning why, why would  
17          people be opposed to that. In-situ is one of  
18          the safest mining processes there are. And I  
19          was sitting with engineers who have been  
20          educated on this process.

21          And so I am in total favor. I've lived  
22          here, with the exception of the time I went off  
23          to college. I wanted to come back and raise my  
24          kids here, my grandkids. So I want it on the  
25          record that I totally support this project.

1 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
2 Ms. Tidball.

3 Mary Helen Pederson.

4 MARY HELEN PEDERSON: My name is Mary Helen  
5 Pederson. I do not live in Edgemont anymore,  
6 but 61 years ago I came over here from the  
7 Rosebud to go to school at the high school here.  
8 I lasted one semester.

9 Because when I come over here, I thought, I  
10 got to wondering, What in the world is going on  
11 here? What's wrong with this sky? It's not  
12 clear. It's -- it's -- I don't know.

13 And then I found out that there was uranium  
14 all around here.

15 So I spent my lifetime checking out  
16 on scientists and stuff that have studied  
17 uranium, and I found out that one of the biggest  
18 uses for uranium was to have -- to make bombs  
19 and stuff with it, and what devastation they  
20 could -- they could prove.

21 A person -- innocent people couldn't even  
22 have a chance for life. They would be killed.  
23 Actually, they would be melted in just a few  
24 seconds. We proved that with the Japanese  
25 people. I don't think we're any stronger than

1           they are.

2           And then they had all this uranium. They  
3           didn't quite know what to do with it. So they  
4           thought they should put it to good use. They  
5           come out with all kinds of advertisements, if  
6           you used uranium on your skin, your skin will  
7           just glow, and you will be beautiful. And  
8           people bought that.

9           And there's movies out about it. There's --  
10          like the movie about the girls that had to paint  
11          the illuminous dials on watches and what  
12          happened to them. There's all kinds of  
13          scientists out there that prove what uranium  
14          will do for you.

15          True, like some of the people talked about,  
16          there's uranium, you know, all over the world.  
17          But as long as Mother Earth has taken care of it  
18          and it's down underneath, she knows how to take  
19          care of it.

20          It's only when we have greedy people that  
21          come along and want to dig it up and do all  
22          these wonderful things with it and try to  
23          convince all of us that this is the best thing  
24          that ever happened to us in the world, then  
25          Mother Earth gets a little mad and things kind

1 of go off and, mistakes happen and leaks happen.

2 And the people around here that are  
3 listening to these engineers out of the  
4 engineering, mining college up there in  
5 South Dakota, they evidently didn't go to really  
6 check out the scientific information on uranium.  
7 Because there's all kinds of websites out there  
8 that you can go to and learn everything you want  
9 to know.

10 There's pictures of what uranium does to  
11 you. There's -- I have a friend right here,  
12 didn't happen in Edgemont, but she's got 90  
13 percent uranium in her body. She is going to  
14 die from it, from uranium. You know, call it  
15 cancer. You can call it all kinds of fancy  
16 names that the doctors have made up for all this  
17 stuff that goes wrong with the person.

18 But she has been contaminated with uranium  
19 to 97 percent, and I know she's going to talk  
20 later so she can talk more about that.

21 I took home -- yesterday I went to  
22 Hot Springs. I took home all of your wonderful,  
23 wonderful pamphlets there. I can pick every one  
24 of them apart. Like the Class III area permit  
25 does not allow the Inyan Kara aquifer outside

1 the aquifer exemption boundary to be impacted by  
2 any contaminates resulting from uranium  
3 recovery.

4 How are you going to guarantee that? Are  
5 you going to put your life on it? No. You  
6 don't live here. You're only paid to come here  
7 and tell us what you can do. You are the  
8 Environmental Protection Agency. Do your job.

9 That's what you are set up to do is protect  
10 all of us from the corporations coming in here,  
11 raping us.

12 I could go on about the Superfund that Mark  
13 Hollenbeck wouldn't let on the land so they  
14 could declare it a Superfund. You've seen  
15 pictures of those things. I know some have been  
16 sent to you, those big dumps out there. And  
17 that's where they want to start up again.

18 We had a big rain here in 2013, I believe it  
19 was, or '14, that they got nine inches of rain  
20 over there by Dewey-Burdock. What does it do?  
21 It fills up those holding ponds.

22 REGIONAL JUDICIAL OFFICER SUTIN:  
23 Ms. Pederson, your time --

24 MARY HELEN PEDERSON: Well, I'm done. I can  
25 go on and on on your literature alone. That's

1           lies.

2           REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
3           Ms. Pederson.

4           Sarah Peterson.

5           SARAH PETERSON: My name is Sarah Peterson,  
6           and I'm going to finish how Mary Helen started  
7           before I go back to what I was going to say.

8           Yes, there was a Superfund application for  
9           the Diamond Mine at Dewey-Burdock. And two  
10          people from the EPA, I'm not sure who they were,  
11          came up and were thrown off the land.

12          They could not do the investigative work to  
13          determine whether the Superfund cleanup was  
14          needed.

15          They came back the next summer -- and I  
16          don't understand how this works -- they got  
17          thrown off again. This is the federal -- you're  
18          a federal agency. And you have the federal  
19          court behind you. Why didn't you come out with  
20          the court order to get back on the land to  
21          protect us and clean up the mess that was left?

22          You know, I -- I just think of the IRS. If  
23          they knocked on my door, I couldn't say, Get out  
24          of here. I would be put in jail and everything  
25          taken away from me. I don't get this.

1           I will start where I was going to start now.  
2           Going back. It was in 2013, the first hearing  
3           for the South -- the DENR, the South Dakota  
4           Water Board was held on this issue. The Atlas  
5           storm blizzard, the 150-year blizzard came and  
6           people barely got -- most people didn't make it.  
7           But the judges were all there, and I --

8           Somebody's testimony was talking about the  
9           rancher that had their water disconnected. I  
10          think I know who that was because he was out in  
11          the hallway with Powertech signing the papers  
12          right before he came in and commented. And he  
13          said, Oh, yeah they are taking care of me. Oh,  
14          they are giving me such a good deal. They're  
15          going to bring me clean water.

16          And I also heard the young man who is the  
17          nuclear scientist, the young nuclear scientist  
18          that grew up here. He said this actually cleans  
19          the water. Well, I was at another hearing, a  
20          hearing down in Crow Butte, and they were  
21          talking about restoring -- by the way, Crow  
22          Butte operated for at least five years without a  
23          permit because it had expired, and it took the  
24          NRC -- they continued to operate it and it took  
25          the NRC five years to get the hearing together

1 to issue another permit.

2 I don't know, I was listening to all five  
3 days of the testimony and the judges were asking  
4 them about the water in this one aquifer that  
5 was going to be cleaned up as soon as they were  
6 done.

7 They talked about working on it and working  
8 on it and they -- they said, We've done the best  
9 we can. So they asked the NRC for an exemption  
10 to that aquifer. That's all they have to do.  
11 It's messed up. Well, then we'll just exempt it  
12 from the Clean Water Act. And this is what I'm  
13 hearing. I can see this is what's going to  
14 happen here, too.

15 Mary Helen was talking about, this water  
16 will not go past a certain point, the  
17 contaminates. How can you do that? How can you  
18 do that? The EPA says after in-situ leach  
19 mining, the water can never be restored to  
20 baseline. Never. That's what your Agency says.

21 And I have been to hearings, the NRC  
22 hearings for this, and I'm scared because I see  
23 what happens when -- there was a leak, this safe  
24 in-situ leach process with all the detection  
25 wells, there are 125 million gallons of -- of



1 the toxic waste down at Crow Butte that leaked,  
2 and none of their detection wells got it. And  
3 it leaked. There was a pin hole in one of their  
4 pipes. It leaked for years.

5 And this is what happens. And that kind of  
6 stuff just never is brought out. It's always  
7 exempted. They are called excursions because  
8 the companies -- the EPA does come up here to  
9 check things.

10 When Mark Hollenbeck was a representative  
11 here, House Bill 154 took away the rights of the  
12 State to regulate and do the water and gave it  
13 to you. And you can't even get on the project  
14 area.

15 REGIONAL JUDICIAL OFFICER SUTIN: Your time  
16 is up, Ms. Peterson. Thank you.

17 Tim O'Connor. Tim O'Connor.

18 Okay. Hunter Hollenbeck.

19 HUNTER HOLLENBECK: My name is Hunter  
20 Hollenbeck. My dad is Mark Hollenbeck. And  
21 he's been the manager of Powertech since I was  
22 two years old. Right now I'm 12 years old.

23 Besides working on this uranium project, my  
24 dad is a certified organic rancher. Very close  
25 to this project site.

1           I love ranching. I try to help my dad with  
2           it every chance I get. My long range plan is to  
3           live and work off the ranch, too. However, I'm  
4           going to need a job.

5           Do you think it'll be operating by the time  
6           I'm out of college? If all goes well, that will  
7           be about eight years from now.

8           The main reason I wanted to speak here today  
9           is to let you know that not only do my parents,  
10          my three sisters, and the ranch by  
11          Dewey-Burdock, but so does my uncle, my grandma,  
12          and my grandpa who used to live in Dewey until  
13          my grandpa died a couple years ago, and now  
14          Grandma lives in Edgemont. Also my aunt and her  
15          family live in this area, and I know almost  
16          everyone who ranches near us, and a good many  
17          people in town.

18          My mom is a teacher in Edgemont, and she  
19          knows that our school could use a few more  
20          students. So I hope people with kids would get  
21          some jobs here.

22          The main point I wanted to make is that my  
23          dad would never take any risks with our water or  
24          our land or environment or anything. Our family  
25          and land is what makes it all happen.

1 Over the years I've learned a lot about  
2 in-situ mining process, and I know it would be  
3 safe and our water will be fine. I want people  
4 from other towns to learn more about it so that  
5 they could quit trying to stop it and let it get  
6 started.

7 That's it for now. I appreciate you letting  
8 a teenager voice his strong opinion on this.  
9 Thank you.

10 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
11 Mr. Hollenbeck.

12 Carl Shaw.

13 CARL SHAW: Good day to each of you. My  
14 name is Carl Shaw. I am a former mayor of  
15 Edgemont, South Dakota, the host community for  
16 the Dewey-Burdock project.

17 With few exceptions, this community is  
18 strongly in support of Powertech's proposed  
19 in-situ uranium project. The Dewey-Burdock site  
20 is about 13 miles northwest of our community,  
21 and we expect that our schools, our  
22 infrastructure, and our business will see the  
23 benefits of this project.

24 Powertech has been a good corporate citizen  
25 of Edgemont since they opened their office here

1 two years ago. They have been very open with us  
2 in explaining the project in detail.

3 We look forward to the economic activity  
4 that it will bring to our small community. Over  
5 the years we've had an awful lot of kids from  
6 our area earn engineering and science degrees,  
7 and then have to go elsewhere to find meaningful  
8 work. Others have gone to Wyoming or North  
9 Dakota to work in technical and service-oriented  
10 jobs.

11 Personally, I look forward to having good  
12 jobs nearby so that our young people can stay  
13 here or return here to work and raise a family.

14 As an elected official, I take my office and  
15 responsibilities very seriously. And I think  
16 our city council did that when they passed this  
17 resolution of support for the Dewey-Burdock  
18 project. I have a copy of it right here.

19 Jim Turner was our mayor when this was  
20 signed, but Jim has since passed away. So I  
21 will do the honors of presenting this to you  
22 with this copy of the resolution in support for  
23 the Dewey-Burdock project, and ask that it be  
24 included in the record of this hearing.

25 In conclusion, I want to emphasize my

1           personal strong support for the Dewey-Burdock  
2           project, and I hope you will finalize this  
3           subject and commence quickly and without unduly  
4           burdening the company. More than ten years is  
5           more than enough time to get this project  
6           started. Thank you.

7           REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

8           JOHN PUTNAM: John Putnam.

9           I have an aversion to microphones, just so  
10          you know.

11          Good evening. Thank you for the opportunity  
12          to speak here today. My name is John Putnam,  
13          and I'm from the heart of Dewey-Burdock. I live  
14          and work on my ranch, which was homesteaded by  
15          my great-grandfather about 120 years ago. I am  
16          one of only two people that live inside the  
17          boundaries of the mine permit area.

18          I am also a resident of Argentine Township.  
19          Much of the Dewey-Burdock ISR project is located  
20          in Argentine Township. And I just deposited the  
21          resolution for the -- in the box over there. So  
22          Argentine Township has signed a resolution in  
23          support of the project.

24          We live and ranch there. Our families  
25          depend on the groundwater for our livelihoods

1 and our everyday life. If anyone's livelihood  
2 or quality of life were at risk with this  
3 project, it would be us.

4 I request that you rule on the side of  
5 science and not emotion on these permits. Thank  
6 you.

7 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
8 Mr. Putnam.

9 Eileen Ohliger.

10 EILEEN OHLIGER: Hello, my name is Eileen  
11 Ohliger, and currently I'm residing in  
12 Hot Springs, South Dakota. Previous to this  
13 time I've sent in written comments to you guys,  
14 and I would like you to just know that I don't  
15 support this.

16 And the reason being, I'm originally from  
17 New Jersey. And being from New Jersey and  
18 seeing what has happened with the pollutants  
19 with, like, Oyster Creek with the nuclear plant,  
20 having friends at home currently that have  
21 issues, that -- I have a friend that recent- --  
22 that currently lives outside of where the plant  
23 was, in what is considered a Superfund area that  
24 has been cleaned up. His dogs go outside and  
25 they still get blisters on their feet. There's

1 loads of people that have cancers.

2 What I have seen coming from the east coast  
3 and coming from an area where there -- they  
4 supposedly, you know, the EPA come in and  
5 cleaned up, I've seen oil spills, I've seen  
6 things with the nuclear plant. I have -- I'm in  
7 this area for a reason, because this is a very  
8 clean, pristine -- and the water here is very  
9 clean.

10 Coming from New Jersey, I also know that  
11 companies, they do things for money. And right  
12 now, I believe, for me personally, is that this  
13 is very greed-driven. Because to me, yes, you  
14 say about uranium and mining uranium, well, it  
15 doesn't look to me that uranium -- and research  
16 that I've done -- I worked for the public school  
17 system for 25 years, back out east.

18 And I've done a lot of research and I've  
19 done a lot of reading, and it doesn't seem to me  
20 that the money for uranium is what it's about.  
21 To me what my concern is is that Superfund  
22 sites, what happens with all the contaminates,  
23 everything that's going to be put into the  
24 ground or put someplace else, and supposedly be  
25 cleaned up.

1           To me it seems more like an issue that is,  
2           where -- where are they going to put this? And  
3           what happens if an outside company comes in and  
4           purchases, you know, money rights. Are we just  
5           going to become a toxic dump here?

6           I'm not saying that New Jersey is a toxic  
7           dump, but I'm from New Jersey for a couple  
8           hundred years. And I have seen what has  
9           happened with pollution, with big corporations.  
10          With people being, in my opinion, greed-driven  
11          for money, money, and not seeing what happens  
12          afterwards.

13          Because a number of years later, there's  
14          still things that happen, and there's still  
15          effects on people and animals and plants and  
16          everything. And it's my concern that out here,  
17          if this does become like a Superfund site, a  
18          place where people are going to allow other  
19          countries -- if it's so safe, why are these  
20          people not doing this where they live? Why are  
21          they not doing this where they live?

22          Live where you live, drink the water that's  
23          there, live in that area, and see. Because in  
24          my lifetime, I have seen what has happened out  
25          east, and seen what has happened in a lot of



1 different, different ways.

2 And I've seen what's happened with water,  
3 too. And to me, it's an issue with water.  
4 Everyone needs water. Water is precious. Why  
5 even take the chance? I -- I just don't -- I  
6 just can't understand.

7 You know, coming from where I've come from  
8 and then living in a such a beautiful area like  
9 this with, you know, so many beautiful people  
10 and surroundings and just everything is really,  
11 you know, very well-cared for, why even consider  
12 anything like this at all? Why even consider  
13 this? For money, for monetary purposes? To  
14 eventually become a toxic -- you know, a dump  
15 area.

16 Things may have not happened now and people  
17 are saying, okay, well, yes, it's clean, we  
18 wouldn't want to do anything to hurt, you know,  
19 our families and our relatives. You wouldn't  
20 want -- nobody wants that to happen.

21 But in the long run, there is no proof that  
22 this would be -- you know, if there is any  
23 contamination, that this will be cleaned up,  
24 this will be restored to its -- you, know, its  
25 exact condition.

1           And this is not just about us here. This  
2           will spread out. This water is not just this  
3           concentrated area here. This water supplies  
4           many millions of people. Every little  
5           tributary, every little thing is connected.

6           And I've seen what salt water does. They  
7           say salt water, you can't drink salt water. You  
8           can't drink brackish water either. Because  
9           where I lived, there was fresh and salt water,  
10          comes together, makes brackish water.

11          The animals, the fish get parasites. It  
12          needs to be monitored for bacteria. There's a  
13          tremendous amount of issues that would come  
14          later on.

15          Yes, it might seem like it's okay now. But  
16          like I said, in my lifetime and what I've seen,  
17          I don't -- I don't think it's a good idea. I  
18          think it's -- you know, it's a pretty -- it's a  
19          bad idea. And I've already sent, you know, in  
20          my comments and stuff previous for my entire  
21          family.

22          Thank you, guys, for coming in to listen to  
23          everyone, too. Thanks.

24                 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.  
25                 Miles Englebert.

1 MILES ENGLEBERT: Hello. My name is Miles  
2 Englebert, and I live and ranch on Dewey Road  
3 with my family. I've been a part of that  
4 community my whole life with going to preschool  
5 and graduating from Edgemont two years ago.

6 My ranch is on the proposed Dewey-Burdock  
7 site, and I support the Dewey-Burdock project.  
8 My support may come as a great surprise to the  
9 opponents who live in Rapid City, Nemo,  
10 Pine Ridge, Hot Springs, and other areas.

11 In reality, they have very little at stake  
12 except they will likely share the economic  
13 benefits to the state and local region.

14 I've taken the opportunity to become  
15 familiar with this project. And I am  
16 comfortable with it proceeding on our property.  
17 I'm saying this as a rancher who values water as  
18 much or more than anyone, as water is imperative  
19 to our way of life, to our very existence here.

20 I want to have the opportunity to come back  
21 here and ranch. And if I thought this project  
22 would jeopardize my chance of coming back and  
23 ruining my family ranch in any way, I would not  
24 have any support with this project at all.

25 It would be nice to get these permits

1           finalized as quickly as possible without making  
2           Powertech jump through a bunch of new hoops.  
3           This has taken far too long.

4           And I look forward to having good jobs  
5           nearby so myself and my brothers have the  
6           opportunity to come back and ranch and work off  
7           the ranch as well so we can live here. Thank  
8           you.

9           REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
10          Mr. Englebert.

11          Kathleen Jarvis.

12          KATHLEEN JARVIS: Hi, how are you? My name  
13          is Kathleen Jarvis.

14          REGIONAL JUDICIAL OFFICER SUTIN:  
15          Ms. Jarvis, can you bring the mic down.

16          KATHLEEN JARVIS: Thank you. My name is  
17          Kathleen Jarvis. I'm the former controller of  
18          Custer State Park, former city finance officer  
19          of Hermosa, I currently work in the oil and gas  
20          industry.

21          The proposed Dewey-Burdock project ISL mine  
22          near Edgemont, South Dakota Environmental Impact  
23          Statement, the SEIS, fails to consider connected  
24          actions.

25          Comment: My concerns regarding the

1 Dewey-Burdock project are centered around the  
2 problems of artesian flow and interactions with  
3 the remediation of buried chemical warfare  
4 material located at the Black Hills Army Depot  
5 less than ten miles to the south.

6 Furthermore, Powertech's experts propose  
7 land application areas on river terraces and  
8 deep well injection into aquifers within the  
9 project boundaries under the sanctions of EPA  
10 permits to be exempted from the Safe Drinking  
11 Water Acts, SDWA 1977 and 1986.

12 Surface water flow in channels is ephemeral,  
13 except for perennial Beaver Creek. U.S. Army  
14 Corps of Engineers permits under Section 404 of  
15 the Clean Water Act, it will be required before  
16 conducting work in jurisdictional wetlands.

17 The Dewey Burdock project will transmit the  
18 applied and/or injected waste directly into the  
19 area of the Beaver Creek watershed, within the  
20 upper Cheyenne River watershed of the Cheyenne  
21 River to flow eastward through the state of  
22 South Dakota and into the Missouri River  
23 affecting the entire Missouri River Basin.

24 Water quality: Other areas are dealing with  
25 primary and secondary water quality issues. See

1 the Southern Black Hills Water System Appraisal  
2 Report.

3 For example, the town of Edgemont has  
4 quality concerns with primary drinking water  
5 standards relative to some categories of  
6 radionuclides, example, alpha particles that can  
7 result in increased risk of cancer.

8 Edgemont has shown a test of 17 milligrams  
9 per liter on alpha particles and the U.S.  
10 Environmental Protection Agency limit is 15  
11 milligrams per liter.

12 The problem of artesian flow: Artesian  
13 springs act as a relief valve for the aquifers  
14 and are an important mechanism in controlling  
15 water levels in these aquifers. Spring flow of  
16 many large artesian springs changes over slowly,  
17 very slowly in response to long-term climatic  
18 conditions.

19 Artesian spring flow could be diminished by  
20 large scale well withdrawals near springs, thus  
21 impacting surface water resources. Large scale  
22 development of the aquifers has the potential to  
23 influence the balance of the unique and dynamic  
24 plumbing system in the Black Hills area that  
25 controls interactions between groundwater levels

1           and artesian spring flow.

2           Artesian flow occurs when there is a  
3           hydraulic connection through faults or highly  
4           permeable strata between groundwater sources  
5           high in the landscape and the land surface lower  
6           down. The weight of the water in overlying  
7           strata exerts pressure downward into water  
8           within the uranium-bearing strata, which can be  
9           released as artesian waterflow like a fountain.

10          When topographically lower uranium-bearing  
11          strata is exposed at the surface or where it is  
12          punctured by drilling, artesian flow was  
13          observed or restricted by Powertech in their  
14          Dewey-Burdock project proposal, and was observed  
15          directly at the Black Hills Army Depot less than  
16          ten miles to the source -- excuse me, to the  
17          south. U.S. Army Corps of Engineers, 1992.

18          In order for artesian flow to occur at the  
19          Black Hills Army Depot, the water must originate  
20          topographically higher in the Black Hills and  
21          pass through the Dewey-Burdock project area.

22          Were this to happen with oxidant-charged  
23          lixiviate, contaminated groundwater would rust  
24          any metal-contained ordnance and release the  
25          contents into the environment.

1           Concluding remarks: It is very likely that  
2           the oxidants used to free the uranium will also  
3           cause the destruction of underground storage  
4           containers, i.e., buried chemical warfare  
5           material located at the Black Hills Army Depot  
6           less than ten miles to the south of the  
7           Dewey-Burdock project area, and release their  
8           contents into the area's ground and surface  
9           waters.

10           This huge munitions depot handled thousands  
11           of tons of chemical warfare agents such as  
12           sarin, soman, toban, GB, and VX, plus mustard,  
13           phosgene, and Lewisite.

14           References: U.S. Army Corps of Engineers,  
15           1992 preliminary assessment of ordnance  
16           contamination at the former Black Hills Army  
17           Depot, South Dakota.

18           U.S. Army Corps of Engineers, 1992, "Final  
19           Archive Search Report, Preliminary Assessment of  
20           Ordnance Contamination at the former Black Hills  
21           Army Depot," South Dakota, Huntsville, Alabama.

22           U.S. Army Corps of Engineers, 2012, "Final  
23           Work Plan for Black Hills Army Depo Remedial  
24           Investigation and Feasibility Study."

25           REGIONAL JUDICIAL OFFICER SUTIN:



1 Ms. Jarvis, your time is up. I need you to wrap  
2 up.

3 KATHLEEN JARVIS: Thank you.

4 REGIONAL JUDICIAL OFFICER SUTIN: Thank you  
5 very much.

6 Next if we can have Rowan, Isla, Tamarach,  
7 Sea Usia.

8 Go ahead when you are ready.

9 ROWAN, ISLA, TAMARACH, SEA USIA

10 BLANCHFLOWER: (Singing in indigenous language.)

11 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.  
12 Thank you very much.

13 Next if we can have you Earl Tall, please.

14 That's a hard act to follow.

15 EARL TALL: I heard a lot of good things  
16 from these young people today, our future  
17 generations. I spoke a couple days ago in  
18 Rapid City, and I talked about the Bible. And  
19 we all know that this land is stolen land. This  
20 land belongs to Lakota people. And we need to  
21 be consulted if anything is going to happen on  
22 this -- in these Black Hills.

23 I want to talk a little bit about the water.  
24 Water. You guys heard, water is life. Mni  
25 Wiconi. Water is more precious than gold or

1           uranium or any -- whatever monetary value you  
2           have. It's keeps everyone alive, including you  
3           guys.

4           I talked at a NRC hearing a couple years ago  
5           in Hot Springs. And I mentioned the United  
6           States should implement this COOL, Country Of  
7           Origin Labeling. Lakota people, we like our --  
8           we like to eat meat, hamburgers, steak. And  
9           with that Country Of Origin Labeling at least  
10          we'll know where that meat is coming from. I'd  
11          sure hate to eat a cow that comes from this area  
12          with all the previous mines that are here.

13          This -- I was here just for the afternoon.  
14          I have COPD, breathing difficulties. Just being  
15          here in this atmosphere is getting me sick. You  
16          guys might think it's -- you guys are safe here,  
17          but you're not. Uranium doesn't discriminate.

18          And that's -- there's no -- there's no way  
19          to clean our waters. No matter what kind of  
20          scientific -- how many scientists or geologists,  
21          whatever you -- they tell you that you could  
22          purify this water, it's just BS.

23          Our -- when we've been here for thousands of  
24          years, this place was pristine. In 500 years  
25          since Columbus thought he was in India, 500

1           years since then, you notice how this water, our  
2           atmosphere, everything changes in just 500  
3           years.

4           Our people were -- at one time there was  
5           scalps, people paid for scalps for Indian  
6           scalps. And smallpox, and blankets were given  
7           to us with smallpox in it to get rid of us. Our  
8           women and children were massacred, and yet we're  
9           still here. We're not going nowhere.

10          A lot when -- a lot of you are gone and move  
11          on, we'll still be here.

12          REGIONAL JUDICIAL OFFICER SUTIN: Mr. Tall,  
13          your time is up, so I need you to wrap up,  
14          please.

15          EARL TALL: Okay.

16          REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

17          EARL TALL: Well, in wrapping up, I guess  
18          I'd like to say the Black Hills are still not  
19          for sale.

20          REGIONAL JUDICIAL OFFICER SUTIN: Is Tim  
21          O'Connor here?

22          Next, can we have Alex Good Cane Milk.

23          ALEX GOOD CANE MILK: Hello, cousins. How's  
24          it doing today?

25          All right, got to see some smiles. All

1 right.

2 So, my name is Alex Good Cane Milk. I am  
3 Yankton Sioux Hunkpapa, and I'm here to talk  
4 about common sense. So there's pros and cons to  
5 having common sense, you know.

6 Pro, that you have it. A con is that you  
7 have to deal with those that don't have it. So  
8 we'll just let that sink in for a little bit,  
9 you know.

10 You're willing to let something, doesn't  
11 matter what it is, destroy something that you're  
12 trying to live off of. Why would you allow  
13 uranium in your homes when you know it's going  
14 to destroy the lands you live off of, the water  
15 you drink, the animals you hunt, and the food,  
16 the plants that you eat.

17 That's common sense to me. I don't know  
18 about you guys, you know. And then yeah, think  
19 about all the money, that's awesome. But how  
20 long does that last? We all have money, big  
21 stacks of it, but then we spend it, right? And  
22 it's gone, you know. You always can make more  
23 of it.

24 But you destroy this land, you can't make  
25 more of it. You just can't. Proven fact.

1 Common sense.

2 You know, so I just wish that you guys would  
3 use your common sense. I realize what you are  
4 doing. And don't be that person that messed it  
5 up for everybody. We all know who that is.  
6 Don't be that person. That's all I'm saying.  
7 You guys have a good day.

8 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.  
9 Sophia Blackcloud.

10 SOPHIA BLACKCLOUD: Hello, again. I'm just  
11 going to finish off where I left off before I  
12 was stopped, so. Okay. So again, I was reading  
13 out of literature that I thought was important  
14 to my people and for the people of this town to  
15 hear.

16 So it is time for -- it is time for us to  
17 begin. It is time for our tired nation to stop  
18 right where we are and look back, see where we  
19 came from and where we are now and where we are  
20 going on.

21 It is time to remember Sitting Bull and all  
22 that he was and is to our people and to our way  
23 of life. And it is time to talk with respect  
24 within our nation.

25 We must demand it without compromise.

1           Compromise comes once respect is obtained. In  
2           1990 December 15th -- or, I'm sorry, in 2017,  
3           December 15th will be exactly 127 years since  
4           the murder of Chief Sitting Bull.

5           On that day the mourning of our Chief must  
6           come to an end. December 15, 2017 let us gather  
7           together as one people, as one nation, a nation  
8           the Great Spirit chose out of all other Indian  
9           nations to send us, his messenger, the sacred  
10          White Buffalo Calf Pipe Woman, to bring us the  
11          sacred pipe to worship him and to share with all  
12          other nations.

13          On December 15th, let 100 drums gather. It  
14          must be a time of celebration, of living, of  
15          rebuilding and moving on. Our warriors will  
16          sing a new song, a song of a new beginning, a  
17          song of victory. Let our warriors sing clear  
18          and loud, so the heartbeat of our people will be  
19          heard by Sitting Bull and all of our ancestors  
20          in a spirit world. And our two worlds will  
21          become one again.

22          We are a whole new generation fully educated  
23          and very capable of assuming control over our  
24          own affairs, capable of doing business with the  
25          U.S. and other countries with far greater effect

1           than what is being done now.

2           We are a new generation capable of  
3           rebuilding our nation. And this is the  
4           direction we must move in and move together as  
5           one. The direction we will move in is that of a  
6           modern high-tech world, but in that world there  
7           is nothing that we are not capable of  
8           understanding.

9           In our new generation we now have people  
10          educated in almost every kind of job skill that  
11          exists. We must learn to use our education  
12          towards rebuilding our nation and securing a  
13          better future for our children. We now have the  
14          knowledge of two ways of life. And we can  
15          balance them equally.

16          Knowledge with wisdom, high-tech machinery,  
17          with tradition, Indian businessmen listening to  
18          their chiefs, and chiefs listening to Indian  
19          businessmen.

20          Chief Sitting Bull lives in the spirit  
21          world. We know this is true. We know also that  
22          he would want us to live and rebuild so our  
23          children can have good, happy lives and the old  
24          people restful last years.

25          Many times Sitting Bull would ride around

1           camp and sing messages to the people. Let us  
2           send to our great Chief a new song to sing when  
3           he rides around the people in the spirit world.

4           Look at our children, they are going to live  
5           again. They are going to live again, Sitting  
6           Bull says as he rides.

7           On December 15th, let us gather as one  
8           nation to honor Chief Sitting Bull and the  
9           warriors who stand by him. Let us together --  
10          let us come together to honor his dreams, his  
11          words of wisdom, his strength, his leadership.  
12          Let us gather to celebrate his memory with  
13          pride, commitment, and a new beginning and a new  
14          direction. Let us come together as one and then  
15          move together as one.

16          We are the Great Teton Lakota Nation. Let  
17          the spirit of Sitting Bull leap with joy that  
18          his people have been awakened.

19          Written by Warrior Who Comes Home Alone.

20          And so that's all that I wanted to read and  
21          I'm done. I've gotten a chance. Thank you.

22          But then I had a couple of other things that  
23          I wanted to bring up aside from speaking with my  
24          people.

25          REGIONAL JUDICIAL OFFICER SUTIN: You just



1 have a minute, so yeah.

2 SOPHIA BLACKCLOUD: Okay. Well, I was -- I  
3 went around the town and I tried to find ice.  
4 So in doing that, certain people wanted to tell  
5 me directions, others didn't. Mainly children  
6 were happy to oblige, once again with just  
7 kindness.

8 And so it seemed that everybody was afraid  
9 to come here to speak or to have a voice in this  
10 town. So it makes me wonder what is being  
11 taught.

12 You said your wife was a teacher,  
13 Mr. Hollenbeck. Your poor son. I'm sorry,  
14 Mark, I feel for you. I really do. I really  
15 do. You're not being taught the truth.

16 AUDIENCE MEMBER: You don't know what the  
17 truth is.

18 SOPHIA BLACKCLOUD: You're not being taught  
19 about other people's rights. About water.  
20 You -- it just, it makes me afraid for the  
21 future of the children that --

22 REGIONAL JUDICIAL OFFICER SUTIN:  
23 Ms. Blackcloud, I'd ask that you address your  
24 comments to us and not to people in the crowd.

25 SOPHIA BLACKCLOUD: Okay. So then I wanted

1 to know, your local dump right now, I guess  
2 there's being drilling -- oil drilling done  
3 here. And I want to know where that water and  
4 whatnot is being dumped. Because I heard from  
5 your local town that it's being dumped right  
6 back into your dump.

7 It's not being disposed of properly. So  
8 therefore, it's back in your water that you're  
9 drinking. Your water jugs are not filled in the  
10 back. The water we gave you, you're not  
11 drinking.

12 REGIONAL JUDICIAL OFFICER SUTIN:

13 Ms. Blackcloud, your time is up.

14 SOPHIA BLACKCLOUD: That's all I have to  
15 say. Again, it feels more cold like, and it  
16 just -- it doesn't feel -- if I owned half of a  
17 town or mayored it, I'm sure that I'd have half  
18 the town behind me as well.

19 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
20 Ms. --

21 SOPHIA BLACKCLOUD: Money doesn't rule  
22 everything. Think with your heart.

23 REGIONAL JUDICIAL OFFICER SUTIN: Tasina  
24 Smith.

25 TASINA SMITH: Hi, again. I spoke

1           yesterday. My name is Tasina Sapa Win. That  
2           means Black Shawl Woman in Lakota.

3           (Speaking in indigenous language.) Of the  
4           Cheyenne River Sioux Reservation which is, you  
5           know, running right through -- the Cheyenne  
6           River, runs right through this town. This  
7           beautiful, beautiful town.

8           So I'm back again to first say this: First  
9           and foremost, this is completely illegal. The  
10          Black Hills belong to the Lakota. You need to  
11          recognize that right now, and foremost, before  
12          we can go on with anymore permits.

13          We need to start recognizing our treaty,  
14          recognizing our children's future. I mean, we  
15          have people who, you know, are so ignorant of  
16          the facts here. Really, ultimately, when I hear  
17          from locals or from the opposite side, all they  
18          can really come up with is money as a pro to  
19          this permit being granted. That's really all it  
20          is.

21          So when we have, like, all this statistics  
22          showing and then also evidence of Crow Butte and  
23          what happened there, and how the uranium mine is  
24          still not cleared up, and you left a mess there,  
25          where it's contaminating that water in the

1 earth. I mean, you have the facts showing. So  
2 the only other thing I can think of other than,  
3 you know, ignorance or, you know, greed is  
4 racism at its finest.

5 And for you to be the agency that is going  
6 to either grant or deny this permit, you're  
7 either granting or denying racism in your  
8 country yet again, and inflicting genocide on  
9 our people yet again.

10 Because when it leaks and it contaminates  
11 this -- the aquifers underneath, it will go  
12 right into the Cheyenne River, which then goes  
13 into the Missouri River, which 20 million people  
14 downstream rely on for drinking water, these are  
15 facts we're looking at. Not opinions. We need  
16 to go by facts.

17 Another fact, you know, 500 years my people  
18 have been through attempted genocide. Where  
19 this country has been built on the backs of  
20 slaves and off the profits of indigenous  
21 resources, on stolen land. Recognize this.  
22 Understand it.

23 Do you have a conscience? Will you be able  
24 to go home if you were to permit this and  
25 actually look into your family's eyes and said

1           you did something right?

2           It's scary. You guys literally have the  
3           power of my child's future in your hand, and his  
4           health and his well-being. You have that power,  
5           not me, not any of these people in this room.  
6           You do. Please make the right decision. You  
7           know what's right.

8           We shouldn't even be coming to this and  
9           having to voice this. We shouldn't. You  
10          shouldn't have to hear what we have to say. You  
11          should already know what's right. I mean, you'd  
12          be a mass murderer. Would you be able to let  
13          that rest on your conscience until the day you  
14          die?

15          Please don't poison me. And most of all,  
16          please don't poison my son. Please don't poison  
17          those children that were just standing up here.  
18          That took a lot of courage to sing you a song.  
19          I know when I was that age, I didn't have that  
20          strength and courage. But they get it.

21          Our children are the betterment of our  
22          generation. They have -- they know more. They  
23          get history, they have recent history with us.  
24          They'll know all this. They'll find out.

25          Don't be that part of history where you're

1           going to be the ones to blame. When we're all  
2           contaminated, when we're all dying of cancer at  
3           skyrocket rates. Don't be that. Be somebody  
4           that we can actually trust. You're the  
5           Environmental Protection Agency. Live up to  
6           your damn name, please.

7           Because if you don't start respecting us,  
8           not -- I'm not just talking about indigenous  
9           people, I'm taking about everybody, every single  
10          one of us, you are our relatives, too. We have  
11          the same hearts, the same minds, the same lungs,  
12          the same air we breathe, the same food we eat,  
13          the same atmosphere we're exposed to.

14          We live in this world together. We need to  
15          co-exist together. And find renewable energy,  
16          and ways with renewable energy. Start funding  
17          towards it. Because this addiction to uranium  
18          and fossil fuels is killing you.

19          REGIONAL JUDICIAL OFFICER SUTIN: Ms. Smith,  
20          your time is up.

21          TASINA SMITH: All of us. Respect us,  
22          please. Or once again, expect more of us to  
23          come. Thank you.

24          REGIONAL JUDICIAL OFFICER SUTIN: Thank you.  
25          Kathleen Bailey.

1 KATHLEEN BAILEY: Again, the profound truth  
2 of the chronic abuse of the indigenous peoples.  
3 I can't -- I'm here -- I -- I've already spoken  
4 three times and presented all that I was capable  
5 of presenting.

6 Right now, I apologize, but I want to throw  
7 out some data response to some of what was said  
8 by those from the industry.

9 I learned -- I had to learn about  
10 radionuclides because of an issue that we had at  
11 a simple water treatment plant, and the levels  
12 of radionuclides that were ever increasing in  
13 the byproducts, the sludge. And so I learned  
14 all about it from EPA documents mostly.

15 And they list each of the radionuclides,  
16 uranium, radium-226, -228, radon, gross alpha,  
17 gross beta, and all the cancers that are  
18 associated with chronic exposure for each of  
19 those radionuclides.

20 There is a dose concentration. There's low  
21 risk. Those are low risk radiation sources.  
22 However, low risk does not mean zero risk, and  
23 the risk that they were talking about is the  
24 risk of developing these diseases.

25 They are called scol- -- and I cannot

1 pronounce it. I don't even know if I spelled  
2 it. I wasn't prepared to talk about this.

3 But again, it's from an EPA document,  
4 stochastic effects from chronic exposure to low  
5 dose radiation. And it is heartbreaking to hear  
6 this sort of thing danced around as if it is  
7 nothing.

8 And I heard this when this particular  
9 municipality was continuing to say it's no more  
10 radiation than that from living in a brick home.  
11 The concentration when you are pulling out these  
12 naturally occurring radioactive elements  
13 changes. The exposure changes when you're  
14 working with them.

15 Yellowcake is an intensified collection of  
16 uranium. Uranium is pretty much the mother of  
17 radium-226, -228, radon, gross alpha and gross  
18 beta. And you are concentrating, you are  
19 pulling it out from its natural form in doing  
20 that.

21 Every time you have any radioactive element,  
22 radionuclide in low dose, and that volume  
23 changes through whatever the processing, water,  
24 pulling out it out of the water, whatever, you  
25 are creating a higher value in that Rem, the



1 real Rem, that is calculated with the picocuries  
2 per liter or picocuries per gram when dealing  
3 with a soil or a sludge.

4 It's picocuries per gram if you're dealing  
5 with water solution; it's picocuries per  
6 liter -- I think that it's liter, and I  
7 apologize, I forget. I wasn't prepared to talk  
8 about this.

9 And then if you're going to identify the  
10 Rem, which is the measurement of the radiation  
11 dose that you are getting every year in that  
12 exposure to that low dose radiation, it's called  
13 millirem.

14 It's in -- it's in -- it's the measure of  
15 the radiation equal to -- a Rem is a radiation  
16 equal to X-ray, an equal level of X-ray. And it  
17 does take a high level of Rem from radionuclides  
18 to equal that.

19 But the result is health effects. And the  
20 result is most often cancer. Not everyone in  
21 the population will get it. More people are  
22 more susceptible than others, that's why it's  
23 called a low risk.

24 Those who are statistically calculated to be  
25 susceptible to that are a small enough number

1           that they are actually almost written off. But  
2           when you are the person who has developed the  
3           cancer because of your reaction to that chronic  
4           exposure to that level of radiation, it is 100  
5           percent risk.

6           So it should never be minimized, laughed at,  
7           or talked about. It took almost a year to prove  
8           the difference between living in a brick home  
9           and being exposed to the sludge that this  
10          particular municipality started storing in 2011,  
11          '12, '13, '14, and '15 sludge at levels that  
12          were so high, when they finally uncovered on  
13          site where these people were working -- and this  
14          is a water plant -- and the levels skyrocketed  
15          in 2009.

16          And they started stockpiling when the state  
17          finally stopped them from disposing in a  
18          municipal treatment -- municipal landfills  
19          because the radiation level went through the --  
20          was so high. Or, not the radiation level, the  
21          concentration of the radionuclides were so high.

22                 REGIONAL JUDICIAL OFFICER SUTIN:

23          Ms. Bailey, your time is up. I need you to wrap  
24          up, please.

25                 KATHLEEN BAILEY: Okay. So when they

1 started stockpiling, a year later three people  
2 got cancer at the site and two of their wives.  
3 The following year, another person got cancer at  
4 the site, in '13. He's one of the few still  
5 surviving and fighting. And one -- another one  
6 got it in 2015 and died. All on the same site.

7 And we get the same thing. You can't prove  
8 that it's associated with the radiation from the  
9 radionuclides. And it is -- it breaks my heart  
10 to have otherwise intelligent, capable engineers  
11 and workers and everything minimize -- and --  
12 minimize a proven consequence of this level of  
13 exposure, even at low dose. And I just had to  
14 throw that out.

15 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
16 Ms. Bailey.

17 Isaiah Cox.

18 ISAIAH COX: Well, I'm Isaiah Cox. And I'm  
19 here a third time. And I'm here because I  
20 believe that we can save this land, you know.  
21 And anyway, so, let's take the earth, you know,  
22 as a paint, like a painted circle, but it's  
23 filled with different kind of paints on the  
24 inside. So it's pretty much beautiful.

25 And anyway, if you start taking the uranium

1 out, and just fill it in with, like, black  
2 paint, you know, it becomes less beautiful, as  
3 you can tell because -- and, if you continue to  
4 do this, eventually the whole circle will become  
5 black. So that's one reason why you shouldn't  
6 do this.

7 Also is that, when you really think about  
8 it, water is money. I mean, think about it.  
9 Because humans eat, like, animals and stuff and  
10 vegetables. But the -- like, the vegetables and  
11 the animals, they need water. So water is  
12 pretty much the same as life.

13 And well, that life will feed other life,  
14 and that life would end up being humans, and we  
15 would -- and we created the money pretty much.  
16 So in that case, water is money then. If you  
17 try to continue to mine the uranium, water will  
18 become money.

19 So one more thing is that, why would you try  
20 to ruin such a beautiful place, you know?  
21 That's something I don't get, because if you're  
22 trying to -- like, if you're doing this for  
23 money, all right, think about it, you don't --  
24 well, money isn't the solution to everything.

25 So why would you do this if you can easily

1           just get what you need by actually working for  
2           it instead of doing something, like, the easy  
3           way, you know? So.

4           REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
5           Mr. Cox.

6           Kenneth Barker.

7           KENNETH BARKER: Thank you for this  
8           opportunity to speak. My name is Kenneth  
9           Barker. I didn't come prepared to speak. I've  
10          been branding calves this afternoon, so I'm not  
11          dressed for it, but I -- I just feel compelled  
12          to let you know that if wasn't for uranium, I  
13          wouldn't be here in Edgemont.

14          I've lived here for pretty close to 60 years  
15          now. I'm 83 years old now. And also, I have  
16          some land in -- down near Crow Butte mining at  
17          Crawford, Nebraska, adjoins that. And the well  
18          is okay, everything is good.

19          And I'd just ask you not to let this  
20          emotional propaganda overpower our engineering  
21          studies. Thank you.

22          REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
23          Mr. Barker.

24          Don Matt.

25          DON MATT: Thank you. One young man here

1       said we need some smiles. So I'm going to share  
2       something that a tribal elder shared at a tribal  
3       interpolicy meeting. He said, They tell me that  
4       they called us Indians because Columbus was  
5       looking for India. He said, I'm just really  
6       thankful that Columbus was not looking for  
7       Turkey.

8           After hearing some of the testimony here  
9       today, I went home and I went to the internet,  
10      and I've given the EPA a copy of this. I  
11      believe you still have it.

12           This is from the Congressional Research  
13      Service. And it's called: Indian Water Rights  
14      Under the Winters Doctrine, An Overview. This  
15      is an 11-page review, and I'm going to quote  
16      from it.

17           Starting off in the summary, the first  
18      paragraph says: Although the federal government  
19      has authority to regulate water, it typically  
20      defers to the states to allocate water resources  
21      within the state.

22           The federal government maintains certain  
23      federal water rights, though, which exist  
24      separate from state law.

25           I'm going to repeat that: Separate from

1 state law.

2 You as the EPA are the guardians of federal  
3 water rights.

4 And this is from the Congressional Review:  
5 In particular, Federal reserved water rights  
6 often arise in questions of water allocation  
7 related to federal lands, including Indian  
8 reservations. Indian reserved water rights were  
9 first recognized by the U.S. Supreme Court in  
10 Winters versus United States in 1908.

11 Under the Winters Doctrine, when Congress  
12 reserves land, i.e. for an Indian reservation,  
13 Congress also reserves water sufficient to  
14 fulfill the purpose of the reservation.

15 And I'm going to skip to page 5, to the  
16 heart of the matter here. Paragraph heading,  
17 Water Quality: Degradation of water quality  
18 would undermine the water's use for reservation  
19 purposes. Courts have recognized water quality  
20 as another element of Indian reserved water  
21 rights. Reserved water rights.

22 Federal courts -- federal courts have ruled  
23 that reserved water rights holders can seek  
24 legal protection from water quality degradation  
25 by other water users. Specifically, in the

1 United States versus Gila Valley Irrigation  
2 District, the Ninth Court approved a District  
3 Court's finding that a reserved water right was  
4 impaired when other users' actions increased the  
5 salinity of water used by a tribe for irrigation  
6 of agricultural crops.

7 I spent two and a half years as a Native  
8 American journalist for the Confederate, Salish,  
9 and Kootenai tribes in Montana. And this I can  
10 assure you, that as an EPA, this issue of water  
11 rights, water quality, mining, it looks to me  
12 like you're going to be facing this over and  
13 over and over in your careers.

14 I would urge you to become acquainted with  
15 this doctrine. I would urge you to defend and  
16 protect water quality rights. And thank you.

17 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
18 Mr. Matt.

19 Tonia Stands.

20 TONIA STANDS: Hello. I'm Tonia Stands.  
21 I'm from Oglala, South Dakota. And I just want  
22 to put this sign up and let everybody look at  
23 this. And it says: Crow Butte uranium is  
24 evidence, is the proof of what can go wrong.

25 And we stand on this. Right now we live --



1 the White River goes by the Crow Butte uranium  
2 mine and, you know, we keep -- we keep -- we're  
3 debating over scientific and -- you know,  
4 yesterday in Hot Springs I got to speak and I  
5 got cut off and -- but what I want to state is  
6 this, is you know, our spirituality, you know,  
7 when you think about the reality of our -- of  
8 our -- of our genocide and surviving that in  
9 many various forms that have -- that we have  
10 endured, you know, you think about smallpox  
11 blankets, you think about tuberculosis, you  
12 know, the Spanish flu, you know, these are real,  
13 real close to my heart because my grandmas  
14 passed this collective knowledge, intellectual  
15 knowledge, intellectual property, you know, and  
16 that comes through us.

17 You know, and we collect this knowledge.  
18 And what's in me is my grandmas and my grandpas.  
19 We come from Oglala into Oelrichs, and Oglala  
20 into Smithwick. Those are natural tracks for us  
21 to gather our plants, our berries, our tipsila.  
22 There's so many out there.

23 And when you think about, again, water is  
24 life and how it puts back into those natural  
25 elements. And we don't have that right. And

1 we'll keep talking about religious freedom. You  
2 know, 1978, we don't -- we don't have access to  
3 our religious freedom.

4 They are -- they are governed by national  
5 parks, and we can't just go and pray and, you  
6 know, and do the things that we used to do here.  
7 We can't do that. And right here where the  
8 proposed site is, I mean, we don't want expose  
9 too much, but it's not a checkerboard. You  
10 remember that. It is not a checkerboard.

11 And you can't take it and say, Oh, this area  
12 is sacred, this area is sacred, this area is  
13 sacred. Well, I'm going to go and mine here and  
14 here where it's not sacred. You know, they did  
15 that at Crow Butte.

16 Oh, we know it's sacred, we know that. And  
17 they didn't consult with us. Again, they went  
18 to the state, the state preservation officer of  
19 Nebraska. And don't detach yourself on that.  
20 That is the Environmental Protection Agency.  
21 Again, we keep reiterating that.

22 And how do you -- how do you have a program  
23 in-situ leach recovery program with these  
24 guidelines, and you're a federal agency, and  
25 your -- your chain of command is higher than the

1 state. And how are you not going to regulate or  
2 look at Crow Butte?

3 And you know what, they -- I went to these  
4 NRC hearings. And you know what they said in  
5 there? They have a monitor system. Go back  
6 through the record, they have a monitor system.

7 They have from the beginning, failures upon  
8 failures. And I sat in that courtroom and they  
9 said, For sure way that we have a monitor system  
10 is the snow. The snow melts and let's us know  
11 that we have a leak because our monitor systems  
12 are failing.

13 And do they tell us that? No, they don't  
14 tell us that. You know, we live down on the  
15 reservation, and you have to really look at this  
16 and they are sitting up right here in front of  
17 our reservations.

18 They don't want us here. They want us gone  
19 so they can keep profiting off our sacred Black  
20 Hills. So they are on purposely doing this.

21 And my grandmas, they used to come and camp  
22 here in the park. That was our campsite. They  
23 detached us from that and sent us to the  
24 reservations. And then when we -- we got a pass  
25 to get off the reservation, we come back here to

1           our home, we can't come back here.

2           They -- they have this land, land steal in  
3           the Black Hills. So these guys, you know,  
4           immigrants came in here, and all they had to do  
5           was get a tool, a mining tool, strike it on the  
6           ground, and there's a whole land area that  
7           became theirs. That's how easy this land grab  
8           in the Black Hills became.

9           You stole it. Our treaties, they confined  
10          us to the reservations, took our rights. And  
11          they were -- when we were off our reservation  
12          area, you know, we had to get a pass. And they  
13          would hunt us down. And each town, they have a  
14          hang site where, if they caught an Indian, they  
15          would take them up there and hang them.  
16          Rapid City has a hangman's cliff.

17          And this is the reality. We can't come  
18          here, you know. You're supposed to protect the  
19          environment, you know. You have this in-situ  
20          leach mining program, and it destroys our  
21          aquifers.

22          And you remember those are in Lakota. Those  
23          are in Lakota. Those -- those are -- the mining  
24          operations that they want to operate in, those  
25          are in Lakota.

1 REGIONAL JUDICIAL OFFICER SUTIN: Your time  
2 is up, Ms. Stands. Thank you.

3 REGIONAL JUDICIAL OFFICER SUTIN: Robert  
4 White Mountain.

5 ROBERT WHITE MOUNTAIN: I'm back. Thank  
6 you, EPA, for doing this hearing. I just wanted  
7 to say a couple things. First of all, something  
8 is kind of troubling. During the break here I  
9 was outside, and I really didn't feel good  
10 about -- we came here, you know, just to voice  
11 our opinions.

12 And in return, we had some young men from  
13 this town go by and say racial things to us.  
14 Try to incite a riot, you know. It's like, why  
15 is this turning racial? Why? We're all human  
16 beings. It doesn't need to get racial. Doesn't  
17 need to get violent. I just wanted to share  
18 that.

19 And also, you know, I feel for this  
20 community. And I realize that -- I've traveled  
21 all over this country, and I see that, as I feel  
22 for this community because you have no jobs, you  
23 have no growth here, you know.

24 This -- there was a mine here for 29 years,  
25 but this town didn't even grow. It was just

1           like a little dead town, you know, really.  
2           It's -- you're depending on this gold to come in  
3           and revive this town.

4           There's like gazillions of towns all over  
5           this United States that are in just the same  
6           situation as this town. All kinds of towns that  
7           are dying in this whole country. So I feel for  
8           this community in that respect.

9           At the same time, I've been learning more  
10          about this process. I talked with the manager,  
11          Mr. Hollenbeck. I just met him, so I don't mean  
12          to -- but he was explaining part of the stuff  
13          there, you know, and he -- at the end he said,  
14          It's a theory. It's a theory of how we're going  
15          to be able to clean the water and be able to get  
16          it back to its -- you know, at least drinkable  
17          or usable. It's a theory.

18          So that kind of like, this doesn't sit good  
19          with me, you know. Then I talked to a couple  
20          local residents here, and they informed me, you  
21          know, that -- how -- I was always wondering how  
22          the Cheyenne River got poisoned to the point  
23          where my relatives in Cheyenne River can't even  
24          eat the fish. They come out two heads, three  
25          heads, four heads, whatever. Why can't they eat

1 the fish?

2 So I kind of -- I talked to a local resident  
3 here, and he informed me, you know, that  
4 there's -- okay. So, part of this process that  
5 you say is safe, that might be possibly safe.  
6 But the biggest thing, you know -- and everybody  
7 is talking about the aquifers and all this.  
8 That's important, you know.

9 And another thing that wasn't really talked  
10 about too much today that I have noticed is the  
11 waste. I was told that there's billions -- not  
12 billions. But there's tons of waste right over  
13 here, buried under some dirt, and nothing will  
14 grow on top of that. It's all white.

15 So that was -- that was the -- the way that  
16 they handle this waste, was just to make more  
17 waste and to destroy more land here. So that's  
18 like -- that's my concern.

19 Okay. Now, you're saying the process itself  
20 might be a little bit safe, and you're still --  
21 you know, it's a theory that could be safe.  
22 It's not 100 percent. There's no 100 percent  
23 guarantee that it's completely safe. I haven't  
24 heard that yet.

25 And so then you've got all these tailings.

1           You got all the leftovers from all this mining.  
2           And that's poisoning. So I really had -- how is  
3           it that Cheyenne River can't eat their fish?  
4           Then I find out today why. I didn't really  
5           know. I didn't understand why.

6           It's because where they are mining, this  
7           mine here back in '60 to '89, they had a whole  
8           bunch of tailings and a whole bunch of this dust  
9           that was piled up there somewhere by the river.  
10          And then the rains came and it pushed it out  
11          into the river, and it poisoned all the way down  
12          the river.

13          So it might -- it might not -- it may not  
14          have poisoned here, but it poisoned everybody  
15          down river. And that's something you guys have  
16          to live with. This community has to live with  
17          that.

18          You know, I'm not trying to give you any  
19          kind of -- any kind of emotional dramatics or  
20          any kind of emotional, you know, what do you  
21          call it -- the other guy said, whatever,  
22          propaganda, you know.

23          I'm just talking to you straight up.  
24          Straight up. Man to man, person to person,  
25          human to human. That's all. No propaganda.



1 Not trying, to you know, to do anything. I'm  
2 just trying to inform my opinion of what I  
3 think. You know, whatever I feel, that's it.  
4 No propaganda. That's all.

5 And I was here 36 years ago over here. I  
6 kind of noticed, I went out -- we got surrounded  
7 over here when we were trying to defend our  
8 sacred site from what they did here, what they  
9 mined here. We defended over there 36 years  
10 ago.

11 That was in Craven Canyon, to defend some  
12 great sacred writings here. I noticed that  
13 there was a couple guys around here. Because we  
14 got surrounded. You know, they surrounded us  
15 and it was under siege. I remember that. All  
16 we were doing was trying to protect. That's  
17 all.

18 But anyway, that's a little -- I wanted to  
19 finish that. But like I said, I feel for this  
20 community, you know, because it's -- you know, I  
21 look around, I see it. But you know, there's  
22 also other ways to make money.

23 You could bring industry here, you can bring  
24 alternative energy and create a plant here, some  
25 sort of jobs. You could get all kinds more jobs

1           than what you're go- -- what you're investing in  
2           with this mine.

3           Because you're going to kill lots more  
4           people that are down river because you -- you  
5           have no way -- there's no way to -- EPA -- I  
6           mean, I see all these tailings, all these open  
7           mines, and all these open -- all these, whatever  
8           you call these, test sites, boreholes. They are  
9           not covered and they are dangerous. They are  
10          still dangerous to the people.

11          It's like, we need to really clean those up.  
12          You know, as EPA, as a person to person, we  
13          really need to clean these up. It's very  
14          important, you know, environmental protection,  
15          protect the environment. And I really feel  
16          that. So I thank you for your time. I know  
17          you're going to cut me off, so.

18          REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

19          At this time, those are all the folks that  
20          have signed cards to speak. If there is anyone  
21          in the audience who has not spoken yet today or  
22          over the course of the last four days who would  
23          like to get up and speak, please do so.

24          Have you signed a -- will you sign a card?

25          DOROTHY ROWLAND SUN BEAR: Yeah, I'll sign

1           one.

2           REGIONAL JUDICIAL OFFICER SUTIN:   Dorothy  
3           Rowland Sun Bear.

4           DOROTHY ROWLAND SUN BEAR:   Hello, everyone.  
5           My name is Dorothy Rowland Sun Bear.   I come  
6           from Wounded Knee, South Dakota on the  
7           Pine Ridge Indian Reservation.   Concentration  
8           Camp 344.

9           I oppose this uranium mine.   America is  
10          built on stolen land.   They came and stole our  
11          land here, and they are digging holes  
12          everywhere.   The Black Hills are like cheese  
13          now.   So full of holes.   We need to stop.

14          Recognize our treaties and stop mining in  
15          our Black Hills.   Stop stealing our natural  
16          resources.   Leave it in the ground.   Thank you.  
17          (Speaking in indigenous language.)

18          AUDIENCE MEMBER:   Excuse me.   I'll be right  
19          outside having lunch.   We found a turtle out  
20          here, and it's got a deformed face from your  
21          waters.

22          AUDIENCE MEMBER:   Would you like to see your  
23          turtle?   We found it out here sitting eating  
24          lunch.

25          AUDIENCE MEMBER:   We're going to take it to

1           safer waters. Would never put it back in these  
2           waters.

3           AUDIENCE MEMBER: Thank you.

4           REGIONAL JUDICIAL OFFICER SUTIN: Thank you.  
5           Anyone else who would like to get up and speak  
6           who has not spoken yet?

7           Carol Harding.

8           CAROL HARDING: I'm Carol Harding. I have  
9           lived in Edgemont about maybe 43 years. I'm a  
10          school teacher. I've been a teacher for  
11          probably 30 years here in our system, and this  
12          isn't typical of me at all. And thank God none  
13          of my family is here.

14          So, but I came as a school teacher here. I  
15          married a hometown boy, who has grown up here  
16          and lived here all his life except for when he  
17          went to college. And so we've made our home  
18          here. We've raised three kids.

19          They are adults and they come home all the  
20          time. They drink our water all the time. I  
21          would never, ever advocate something that I felt  
22          would harm my children or my grandchildren,  
23          because now I have two precious babies. And  
24          they come home to our house still.

25          And I'm passionate about where I live, and

1           how I feel our community is. And it saddens me  
2           when other people come from other places and put  
3           down our community when they don't live here.

4           And I'm also very sad about whoever the  
5           young people were that said racial slurs to you,  
6           because that is not typical of the majority of  
7           our kids. And I'm sorry that they did it.

8           I wish I knew who it was, because I'm also a  
9           huge advocate for our kids here. But I'm  
10          also -- I clomp on them pretty hard when they  
11          don't respect adults or other nationalities or  
12          whatever it is. There's no excuse for rudeness,  
13          and I'm sorry. I apologize for them.

14          But anyways, I'm very happy to live here.  
15          I'm very happy to raise my children here, and  
16          now our grandchildren come. And I support the  
17          project. I don't know a lot about it, that's  
18          very true.

19          But I do know some of the people involved,  
20          and I trust their judgment with the scientific  
21          knowledge they have and who they have turned to  
22          for evidence and the answers. Thank you.

23                 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
24                 Ms. Harding.

25                 Anyone else in the audience who has not

1 spoken who would like to?

2 (Pause.)

3 Is there anyone else who would like to  
4 speak? I'll ask for those folks who have spoken  
5 several times, your comments needs to be  
6 addressed to us and not to the folks in the  
7 audience. Okay. Thank you.

8 AUDIENCE MEMBER: Do it any ways.

9 WANIYA LOCKE: I, too, am an educator. I  
10 have a bachelor's in Native American studies and  
11 linguistics, and I also have a criminal justice  
12 degree. And as an educator, I truly cannot look  
13 at my students and honestly tell them that they  
14 have a bright future when uranium mines, copper  
15 mines, pipelines are coming in every single day.

16 I, too, am from South Dakota. I, too, grew  
17 up in small-town communities. And we are  
18 literally in the last stages. The environmental  
19 fight has been going on since the '60s, and  
20 we're still fighting it. We're still fighting  
21 racism. We're still fighting social injustice  
22 and social ailments.

23 And what it all boils down to is money. All  
24 our social ailments boil down to money, and  
25 corporations that have bought out our governing

1           systems.

2           So I'm asking you guys to really listen to  
3           the people that have come here with good hearts,  
4           good words, and that actually have -- that  
5           actually have a stake in this.

6           Because my children do have a stake in this.  
7           They have a claim to the Hills. My children are  
8           truly Lakota-Dakota children that speak their  
9           own language, that can trace back their  
10          ancestors nine generations prior to Europeanism.  
11          So they should be acknowledged, and their future  
12          should be considered.

13          So as a true educator that has taught at  
14          prestigious schools, that has taught at private  
15          schools, that has taught at college level, I  
16          honestly cannot look at my students and tell  
17          them, You can grow up to be anything you want,  
18          but you can't have clean air, you can't have  
19          clean water.

20          So this uranium permit is huge. You have to  
21          factor in all the other water uses that are  
22          going on in South Dakota. And the fact that  
23          DAPL had a spill in Spink County after we stood  
24          out there for nine months protesting against a  
25          government system and our worst fears were

1 confirmed.

2 And then you look at Washington at the same  
3 time again, Hanford, Washington has got  
4 evacuated, a small town like this. This is  
5 evidence. This is pure, 100 percent evidence.  
6 This is not fact or opinion, nor does it have to  
7 do with race. An entire town was evacuated.

8 So as an educator, I'm asking you to really  
9 think of the future. Why should we educate  
10 young children if I can't promise them drinking  
11 water or clean air?

12 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

13 KATHLEEN BAILEY: Sorry. Me again.

14 REGIONAL JUDICIAL OFFICER SUTIN: Please say  
15 your name for the court reporter.

16 KATHLEEN BAILEY: Kathleen Bailey. I just  
17 wanted to respond, and I don't know if this  
18 was -- I am one of the people who are coming  
19 from outside of the state. And I wanted to  
20 assure you, this is not disrespect to the state,  
21 this is not disrespect to the citizens.

22 This is my personal concern for a rare  
23 commodity, our water. And I am a treehugger  
24 since the '60s. I was born in '49. So, yes, I  
25 am an environmentalist by heart. And all, from



1 the amoeba on up to all life forms, I'm just  
2 focusing on this water, because this is the  
3 source.

4 I'm trying to stop an action that threatens  
5 an incredibly important aquifer that actually  
6 addresses more than just the state of  
7 South Dakota. So it is a huge, huge, important  
8 moment that this be stopped. Because this  
9 changes everything if it is approved, and it  
10 will impact many aquifers all over our country.

11 So it is also a selfish thing that I am  
12 doing, because I live, my children live, my  
13 grandchildren live, even though I'm not a  
14 South Dakotan. But I had to come up here  
15 because I feel so much about this, because I  
16 can't stand silent while it's happening  
17 anywhere.

18 So I'm not here to offend anyone, and I do  
19 have a different side than some of you, a  
20 different opinion. But I'm not here to offend  
21 you. I'm here to defend water, from my  
22 perspective. I don't mean for anybody to take  
23 it personally, as far as a citizen here. Thank  
24 you.

25 REGIONAL JUDICIAL OFFICER SUTIN: Ms. Kile.

1 Please state your name.

2 NANCY KILE: My name is Nancy Kile. I'm  
3 from Sioux County, born and raised in Crawford,  
4 Nebraska where Crow Butte is at. And I just  
5 wanted to -- to state about the fact that we  
6 aren't welcome here and we're intruding on this  
7 community, and those kind of things.

8 And I just want to say that I trusted my  
9 town leadership as well. I trusted what was  
10 going on in my hometown.

11 During the time period -- my mom was a  
12 resident of Crawford area since the early '40s.  
13 She came from Oglala. She came to Crawford  
14 because there was jobs there.

15 There's an Indian camp on the White River  
16 there, and we still would like it surveyed and  
17 reach into that history of the people who  
18 belonged to this land in this area. And we're  
19 going to do that. And we're going to -- we're  
20 going to talk about Squaw Creek Road that runs  
21 by Cameco.

22 But Mom was a resident of Crawford. She was  
23 diagnosed with lung cancer in 2004, and died in  
24 Crawford nine months later. During that time  
25 period, one of the many Crow Butte Resources

1           documented violations was an undetected  
2           poisonous spill into an underground source of  
3           drinking water that lasted for two and a half  
4           years, spanning from July 1, 2003 through  
5           March 31, 2006.

6           My community, since the Oglala Sioux Tribe  
7           and the consolidated intervenors has interrupted  
8           that mine permitting, something happened. My  
9           community became encased in racism and hate.

10          My people said that Oglala were trying to  
11          take their jobs. My people criminalized poverty  
12          on each other and Oglala. Something happened.  
13          That is not who we are. Don't become that.  
14          Don't let your kids become that because you want  
15          tax relief and school funding and money for your  
16          elites. Don't sell out to a federal agency.

17          REGIONAL JUDICIAL OFFICER SUTIN: Ms. Kile,  
18          I'm sorry. But I asked --

19          NANCY KILE: And talk about private  
20          property --

21          REGIONAL JUDICIAL OFFICER SUTIN: Ms. Kile.

22          NANCY KILE: -- rights. Thank you.

23          REGIONAL JUDICIAL OFFICER SUTIN: Is there  
24          anyone else who would like to make a comment?  
25          We have five minutes left. Okay. Mr. Matt.

1 (Comments from Audience Members.)

2 REGIONAL JUDICIAL OFFICER SUTIN: I will  
3 allow both to make comments. When Mr. Matt is  
4 done, you can go, Ms. Stands.

5 DON MATT: When you look at the graph of the  
6 price of uranium, it looks like a roller coaster  
7 going down, down, down, and just rolling out on  
8 the flat.

9 Now, the question that this raises is, why  
10 is this being pushed so hard?

11 One of the things I heard today was that  
12 they have the option of bringing in outside  
13 nuclear waste and storing it here. There may  
14 not be a market for uranium anytime shortly, but  
15 if they are bringing in outside nuclear waste,  
16 my concern is, Mr. Hollenbeck has complained  
17 about having to jump through countless hoops.

18 Now, if we start bringing in outside people  
19 who have not been reviewed and have not had to  
20 jump through those countless hoops, what is  
21 happening to our protection?

22 I would suggest that if outside nuclear  
23 waste comes in, that it should be only somebody  
24 who has had to jump through every stinking hoop  
25 that Mark Hollenbeck has had to jump through.

1           Because they may not have the reliability that  
2           Mark has. And that's my final comment.

3           REGIONAL JUDICIAL OFFICER SUTIN: Thank you,  
4           Mr. Matt.

5           Ms. Stands, you can get up and speak. I  
6           will just say that comments need to be addressed  
7           to us, not to the audience, and relevant to the  
8           decision before us.

9           TONIA STANDS: Okay.

10          REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

11          TONIA STANDS: Yeah, I think everything that  
12          I'm talking about is relevant. And I'm Tonia  
13          Stands, and I'm from Oglala, South Dakota again.

14          What I want to say is, you know, we have --  
15          we have this origin story amongst our people,  
16          and it goes back, way, way back when this land  
17          was all red.

18          So, you see the strip that goes around the  
19          Black Hills, we're tied to this land and we  
20          lived in a time when all the nations, every  
21          single animal, nation, had -- we all talked the  
22          same language.

23          We had this magical communication between  
24          each other. And then we came to this time where  
25          we were going to -- we were going to lose that.

1           So they all came amongst each other, you know.  
2           It wasn't one that was on top of the other, or  
3           there wasn't a chain of command. They were all  
4           equal.

5           Now, when they came together, they had this  
6           great race around the Black Hills. And whoever  
7           would win this race was going to be the chosen  
8           nation that was going to be the voice.

9           Because we were going to come into this time  
10          exactly right now, when these -- there's every  
11          single creature -- you know, you have these  
12          crazy words for them. But we don't have those  
13          words. Those are our relatives. And we have  
14          direct relationships with them still.

15          And you know, we stand against this uranium  
16          because, you know, we come from people that  
17          drink out of these rivers. That's why the  
18          Cheyenne River people are called Cheyenne River,  
19          you know.

20          It's not this town that's Cheyenne River,  
21          it's these people that were forced out of here  
22          that migrated that way, were forced onto the  
23          reservation, and they are Cheyenne River.

24          So let that sink in. Okay. There's a whole  
25          nation, a reservation that -- that gets direct

1           impact from this river. And that tells so much.  
2           It connects us to this land, you know.

3           We have names for these rivers, and they are  
4           our relatives that we treat them on human  
5           status. They are just like us, and they have  
6           families, and we honor that. And we -- and we  
7           respect that.

8           Well, going back to this origin story of the  
9           red earth, when the earth was red. Well, you  
10          know, they did that great race around the Black  
11          Hills and, you know, ever since I was born, ever  
12          since I was a baby, my dad took me on that great  
13          race.

14          Every year we run around the Black Hills.  
15          It's called the Sacred Hoop 500-mile run. And  
16          I've been running that for as long as I can  
17          remember. And they -- they keep that. We have  
18          to keep that alive. And we have to be -- we owe  
19          that oath and we owe that duty to these silent  
20          nations that can't talk, that's in those waters.

21          And we hunt. I can't even hunt no more.  
22          You cut them up, and they are all, like,  
23          deformed, and there's white spots all over them.  
24          And down here, my dad lives, you know, we go on  
25          that river. We can't even go get our boats and

1 go down the river like we want to. We can't do  
2 that on White River, either.

3 And you know, our tribe monitors these water  
4 tests, so I have water tests from our tribe.  
5 And in the spring, when the run-offs come down  
6 in this community of Red Shirt, it floods all  
7 the way over to where my family lives. And I  
8 have to go tell them, Don't go by the river.  
9 Leave the river alone. Go, you know.

10 And these people in this community, I go  
11 down each house, each house like that, and I --  
12 I'm not lying, every one of my relatives in  
13 their house has cancer. And my auntie that  
14 lives at the corner house, she survived three  
15 cancers.

16 I can't bring them here to tell their story,  
17 so I'm here for them. And I'm here for the  
18 silent nations that we owe. We owe that oath  
19 and that duty to them to speak up for them.

20 And I never -- I never ever wanted to,  
21 like -- I humble myself and I'm not -- you know,  
22 I'm not -- I don't want to over-exert myself,  
23 but you know what, ever since we've been on this  
24 journey to stand against uranium, these animals,  
25 animals, you know, our relatives, have shown



1           themselves to us.

2           We've gone to Wind Cave, and we don't -- we  
3           don't -- we don't -- we know the buffaloes are  
4           powerful. Those are our people. Those are our  
5           relatives. We know that so they -- they come to  
6           us and it's like they are -- they are sharing  
7           their pain and they are sharing their stories  
8           with us.

9           And you know today, we were just standing  
10          out here, we didn't ask for this little turtle  
11          to come across. And you know, he went across,  
12          and so we took him off the road because we  
13          didn't want him to get hit.

14          Well, when we picked him up and looked at  
15          him, his whole beak, his whole little mouth is  
16          deformed. I'm like why, why, do they keep  
17          showing themselves to us?

18          You know, we have a duty, and we're  
19          fulfilling that duty. And there's no -- they  
20          don't -- they don't speak about that. And that  
21          is old. That is old. As old as that red dirt  
22          is, that is as long as we have to protect this.

23          And it's a prophesy, and that's what we're  
24          fulfilling. They are encroaching and they won't  
25          stop. And you know, over here on the winding

1 side, just like full of uranium. They are  
2 coming. They are coming. And our aquifers are  
3 going to get destroyed.

4 It's all going down around us, and this is  
5 our, kind of the last, you know, refuge from  
6 what's going on around us. And we always live  
7 on this, we were raised on this. The Black  
8 Hills were never for sale.

9 With the U.S. government, they have a big  
10 bank account. They want us to take that money  
11 because they know they stole it. They know  
12 that. They have that money. And they want us  
13 to take that money, oh, it's like the feel bad  
14 money, the guilt money, the blood money, you  
15 know, the resource money.

16 Nothing. We just want it back. We just  
17 want to go pray like we always did. We want to  
18 have that freedom. And for me, because I've  
19 always come here with my grandmas, I want to  
20 continue that and keep that alive for them. You  
21 know, and I want to see the relatives.

22 And I'll end on this note. This morning we  
23 were leaving. And I really don't believe in  
24 these animals coming up to me. I feel like Snow  
25 White. But they keep coming.

1           And this morning in Red Shirt, my boyfriend,  
2           he said something, and he, "hagh." He said  
3           that. And this bird came out of nowhere and it  
4           was eating, and it was, "hagh, hagh" and it was  
5           looking down upon us in this tree.

6           And I said, Look at him, he's saying -- he's  
7           laughing at you because you said that. You  
8           know, because we were arguing about packing and  
9           what to take and what not to take. And then,  
10          "hagh," and you know. See, you're supposed to  
11          listen to me. See, we were having this little  
12          discussion.

13          Well, this bird was just standing there.  
14          And they never show themselves to us. And I'm  
15          telling you, this is a spiritual connection.  
16          And it's older. We can go back through billions  
17          of years, not thousands and centuries, billions.  
18          And we can name how the earth, how this universe  
19          began. So please remember that. Okay? Thank  
20          you.

21          REGIONAL JUDICIAL OFFICER SUTIN: Thank you  
22          very much. Thank you all for coming. We really  
23          do appreciate every single comment that was  
24          provided by all of you today, the last three  
25          days, our day in Valentine. We take all these

1           comments seriously.

2           We will review them and we will be  
3           thoughtful as we move forward in our -- in  
4           determining how to move forward with these  
5           permits.

6           So I will conclude the -- these hearings  
7           today. I will just say one more time, the  
8           comment period closes on May 19th, and we will  
9           be taking written comments until that time. So,  
10          if you have other things that you would like to  
11          say that you haven't had a chance to say, please  
12          submit your comments.

13          The hearing is now closed. Thank you all.

14          (The proceeding was concluded at 8:07 p.m.)

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## C E R T I F I C A T E

STATE OF SOUTH DAKOTA }  
COUNTY OF PENNINGTON } SS:

I, Jacqueline K. Perli, Registered Professional Reporter, do hereby certify that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; that the foregoing is a true and accurate record of the proceeding to the best of my understanding and ability.

I further certify that I am neither counsel for, related to, nor an employee of any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Dated this 1st day of June, 2017.

/s/ Jacqueline K. Perli

Registered Professional Reporter  
Black Hills Reporting  
1601 Mt. Rushmore Rd., Ste. 3280  
Rapid City, SD 57701  
605.721.2600  
Notary Public  
My commission expires: May 9, 2019

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