

1 damage it, you can't take that back.
2 4500000000.00 years is the half-life of uranium.
3 That's a long time. And the law of karma is
4 exacting.

5 So I guess I would just leave you with a
6 question. I know you're not answering
7 questions, but when you joined the EPA or --
8 what gave you the right to make decisions that
9 affect our lives? What gives you that right?
10 And you just think about that, because I love
11 this place.

12 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
13 Mr. Davis.

14 April Smith.

15 APRIL SMITH: That came up so fast. I want
16 to thank Mr. Davis because I have this, like,
17 concise thing I was going to say and not be
18 emotional, and I really appreciate that he went
19 there. So thank you.

20 I think that companies like Powertech come
21 into places like South Dakota because the
22 population is so small and people here, they
23 work hard every day and they just try to get by.
24 And they don't have time to come to things like
25 this, and they can't educate themselves about

1 precedence to change their own laws is spelled
2 out in EPA's 11/17/16 Aquifer Exemption
3 Technical Memorandum done by Valois Shea.

4 As recorded in that 11/17/16 memorandum, EPA
5 and Powertech worked cooperatively to manipulate
6 the status of the current drinking water use
7 from these targeted portions of the Inyan Kara
8 group in order to eliminate the current use
9 protection from exemption under the current 40
10 146.4 criteria.

11 And then they intend to eliminate the "or
12 future source of drinking water" protection of
13 an aquifer simply by considering -- simply by
14 not including future-source drinking water in
15 their aquifer exemption proposal.

16 If this proposed aquifer exemption were to
17 be allowed, the future source of drinking water
18 that now protects aquifers -- clean water
19 aquifers, that protection of that status will be
20 eliminated by this precedent-setting aquifer
21 exemption.

22 Currently -- based on the 11/17 EPA
23 memorandum, currently there are multiple wells.
24 This is permanent well -- wells that were used
25 and some are currently used as well water for

1 human consumption and livestock consumption.
2 There are multiple wells drawn from the targeted
3 portions of the Inyan Kara aquifers that were
4 historically and currently used for both human
5 and livestock consumption.

6 Many of these residences are simply
7 currently abandoned, and therefore, the EPA and
8 Azarga/Powertech can say for those residents
9 they are -- there is no one currently using this
10 water from the Inyan Kara group for drinking
11 water.

12 But at least one resident continues to use
13 the water, Well 16, from this targeted portion
14 of the aquifer.

15 In order to create a no-current-use status
16 from which the EPA and Azarga/Powertech are
17 trying to base this particular aquifer exemption
18 proposal, Powertech promised to permanently
19 provide the resident with bottled water for
20 drinking if they agreed to let Powertech sever
21 and seal off the house -- the well to the house,
22 the well to the home. The resident did agree,
23 and the waterline from the well to the house was
24 severed and sealed.

25 However, Well 16 continues to be used for

1 livestock for this resident. And at that
2 time --

3 REGIONAL JUDICIAL OFFICER SUTIN:

4 Ms. Bailey, your time is up, so I need you to
5 wrap up.

6 KATHLEEN BAILEY: Okay. And I will continue
7 in minutes after?

8 REGIONAL JUDICIAL OFFICER SUTIN: If there's
9 time, yes.

10 KATHLEEN BAILEY: Sure.

11 But at that time, this was sufficient for
12 the EPA in this memorandum to conclude, based on
13 the CZA calculations, the EPA has concluded that
14 the portions of the Inyan Kara aquifers proposed
15 for exemption do not currently serve as a source
16 of drinking water.

17 And the last meeting I attended, Valois --
18 Valois informed me that after this November 17
19 memorandum in 2016, a March 6, 2017 memorandum
20 was created in which two of the mining wells
21 were simply pulled out of those UIC mining
22 well -- injection wells from that group because
23 they somehow devised that those two sites were
24 what fed that Well 16. However --

25 REGIONAL JUDICIAL OFFICER SUTIN:

1 Ms. Bailey, I really need you to wrap up.

2 KATHLEEN BAILEY: Okay.

3 What the EPA also has not disclosed is that
4 residents -- is that once approved, the Class
5 III underground injection disposal wells have
6 been approved by the NRC for uranium mining
7 wastewater disposal to be made available for
8 injection disposal of other radioactive waste
9 fluids from other sources, such as a municipal
10 water treatment plant, well past when uranium
11 mining activities has stopped.

12 And per the USGS to date, there has been no
13 successful mitigation of the contamination
14 resulting from uranium in-situ recovery mining.

15 REGIONAL JUDICIAL OFFICER SUTIN:

16 Ms. Bailey --

17 KATHLEEN BAILEY: So your current status of
18 future source of drinking water will be
19 permanently lost if this exemption is approved.

20 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
21 Please stop.

22 KATHLEEN BAILEY: Thank you.

23 REGIONAL JUDICIAL OFFICER SUTIN: Ben Good
24 Buffalo, please.

25 BEN GOOD BUFFALO: (Speaking in indigenous

1 language.)

2 A treaty is a contract between two or more
3 sovereign nations. That is as binding today on
4 the governments that signed it as when agreed to
5 more than 100 years ago.

6 (Speaking in indigenous language.)

7 You violated all these treaties, our
8 treaties. At the very beginning -- yesterday I
9 was at Rapid City, two days of that comments,
10 talking, and I kind of felt bad. I felt bad
11 because what these two ladies are going through.

12 And all these people in our council, in our
13 traditional ways, the men discuss what's best
14 for the tribe. And they always consider the
15 women the backbone of that nation. So there's a
16 different government, different structure.

17 (Speaking in indigenous language.)

18 I can't see those at all. I said I heard a
19 lot of what the women went through, and I felt
20 bad. But (speaking in indigenous language)
21 that's how you -- the White America is. It's
22 always been that way that. A lot of our
23 ancestors have told us about how it has been.

24 And we are a very spiritual nation. We are
25 a warrior nation, but spiritually. In our

1 language, there is no cuss words. There is
2 nothing bad. It's all humor. When something
3 bad happens to somebody and I should get mad,
4 they make it into -- they all start laughing.

5 A lot of what I heard here is not
6 compromising. It's all power. Somebody wants
7 this done. And I know -- it cannot be done
8 because of what it represents.

9 (Speaking in indigenous language.)

10 When something like this is taking place
11 when life are concerned, think about it. Think
12 about it. (Speaking in indigenous language.)
13 The people, we think about it.

14 And I was thinking about this treaty here.
15 And I think sometimes this treaty belongs, this
16 EPA, this should be on the reservation. I don't
17 see them there. I don't even see them there at
18 all. That's where the people are. The people
19 are there to -- like him, Hollenbeck, they want
20 to talk to him, like you. And they want to know
21 what's the best direction, but there's none of
22 that.

23 And I personally can say this: Mni Wiconi.
24 This word means a lot. Mni Wiconi. Life.
25 Water is life. There's four elements that we

1 use in our spiritual ceremonies -- water, air,
2 fire, and Grandmother Earth. Grandmother Earth
3 makes an altar for us. It's universal. The
4 whole world is the altar.

5 Why would somebody come and start poisoning
6 the water? It's not good. Not good for our
7 coming generation, the seventh generation. The
8 seventh generation is a very important
9 generation for us.

10 REGIONAL JUDICIAL OFFICER SUTIN: Mr. Good
11 Buffalo, your time is up.

12 BEN GOOD BUFFALO: And today it's not going
13 to be -- I see it's not going to be dealt with.

14 (Speaking in indigenous language.)

15 I hope you study this treaty. I'm going to
16 pass it on to you other people. I hope you have
17 a job tomorrow.

18 REGIONAL JUDICIAL OFFICER SUTIN: Thank you
19 very much.

20 Did Tonia Stands come into the room?

21 AUDIENCE MEMBER: She went to prepare a
22 meal.

23 REGIONAL JUDICIAL OFFICER SUTIN: How about
24 Tim O'Connor?

25 Okay. Next we can have Paul Nabholz.

1 PAUL NABHOLZ: I'm Paul Nabholz. I live
2 just north of Battle Mountain here in Fall
3 River. In the late '70s, I worked at Los Alamos
4 in modeling fracture flow hydraulics at the
5 Fenton Hill Geothermal project, so that was some
6 of the early fracking.

7 I was a drilling engineer on a National
8 Science Foundation drill ship doing geologic
9 research worldwide in the late 1980s. And as a
10 South Dakota professional engineer, I've
11 attended about ten years' worth of the
12 hydraulic -- western hydrology conferences up at
13 Rapid.

14 And I've been very impressed with the look
15 of the in-situ mining. It's such a low-impact
16 mining compared to the old open pit mines.

17 And then, I guess here about six or seven
18 years ago, I drilled my own personal water well
19 into the Inyan Kara that's 580 feet deep, and
20 I've really enjoyed the water and don't expect
21 it to change much.

22 I've been off-grid for more than a dozen
23 years. I've been on solar electric power, and I
24 installed solar hot water heating in the last
25 three years.

1 Given that, I support the injection of
2 wastewater into the Minnelusa because it's a
3 cleaner solution than surface application via
4 center pivots. And so I think that's a good way
5 to handle the in-situ mining waste.

6 And I've been disappointed in most of the
7 opponents that have not taken the time to study
8 the mining issue with the Inyan Kara formation.

9 At the most recent Western South Dakota
10 Hydrology conference, Professor James Stone's
11 research showed that the majority of the freed
12 uranium after mining is trapped in the
13 formations within 100 feet of the mining zones,
14 so it keeps it out of the rest of the water.
15 It's not going to contaminate the entire
16 aquifers by any means.

17 And finally, I think that the Powertech
18 project makes a lot of sense and will provide
19 needed jobs.

20 AUDIENCE MEMBER: 80 needed jobs. 80. As
21 opposed to 35,000 people who need their water.

22 REGIONAL JUDICIAL OFFICER SUTIN: Excuse me,
23 sir. We're not commenting on other people's
24 comments. If you would like to get up and speak
25 on your own, you can do that. Okay?

1 AUDIENCE MEMBER: Okay.

2 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
3 Mr. Nabholz.

4 REGIONAL JUDICIAL OFFICER SUTIN: Next if we
5 can have Chas Jewett.

6 CHAS JEWETT: Hello. Hi. My name is Chas
7 Jewett. I'm a member of the Cheyenne River
8 Sioux Tribe. I'm a resident of -- hey.

9 I'm a resident of Rapid City, and I grew up
10 in -- on the Cheyenne River Indian Reservation
11 along the Moreau River. And the Moreau River is
12 in northwest South Dakota, and we had 103
13 abandoned uranium mines up there.

14 We can't drink the water up there -- well,
15 we can, just not the women and the -- pregnant
16 women and the children. Everyone else, go
17 ahead.

18 So that's what you guys are looking forward
19 to down here in the southwest because that's
20 what these companies do. These companies aren't
21 even from here. They come in here, they buy a
22 few politicians, have some really well-spoken
23 lobbyists that work for them. They say
24 "organic," and I want to throw up in my mouth.

25 But, you know, I think that we are a small

1 state, 750,000 people. We're a cheap date. You
2 can come in here with a few thousands dollars,
3 buy a few folks, and you can do whatever you
4 want. But, you know, there's no regulatory
5 authority looking over in the state. There's no
6 water -- they changed the laws.

7 So you guys are the only people who can help
8 us here. So help us, you know. You're here to
9 listen to us, and we're telling you water is
10 life out here. We need water to drink. We're
11 all water drinkers in here, except for a couple
12 of guys. Well, I don't know what they drink.

13 But, you know, we all need water. And we're
14 not -- you know, this is -- you know, we've had
15 a lot of different things that have come up here
16 today. But what we haven't talked about is
17 white supremacy, and white supremacy allows that
18 for 500 years us, as tribal people, kept saying
19 no, and it doesn't matter.

20 We said no to the project up in Standing
21 Rock. And what did you guys do? They brought
22 up guns and tanks. So we can say no. We've
23 been saying no. Your consultation process is
24 rigged for the industry, and all of this is
25 really rigged for the industry.

1 But we the people, right here, are telling
2 you we don't want it. 98 percent of the people
3 in Rapid City said we don't want it. We don't
4 want it. Listen to us. Hear us. Thank you.

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

7 We are pretty close to 5:00, so I think that
8 at this point we will take the break, and we
9 will be back here again at 6:00.

10 So we will temporarily go off the record.
11 Thank you.

12 (A recess was taken from
13 4:58 p.m. to 6:00 p.m.)

14 REGIONAL JUDICIAL OFFICER SUTIN: Good
15 evening, Everyone. My name is Elyana Sutin, and
16 I am the Regional Judicial Officer from the
17 Environmental Protection Agency in Denver,
18 Colorado. Thank you all for coming today. I
19 will be chairing this hearing.

20 In addition to myself, we have several other
21 staff from EPA here to help assist, make sure
22 everyone who wants to speak has the opportunity
23 to do so. And I would like to introduce them to
24 you. Douglas Minter is manager of the
25 Underground Injection Unit in the Office of

1 Water Protection in Denver.

2 To my right is Valois Shea. She works with
3 Douglas in the Underground Injection Unit.

4 Lynne Newton is in the back at the
5 registration table. She also works with Douglas
6 and Valois in the Underground Injection Unit.

7 And then we have Lisa McClain-Vanderpool,
8 who is our public affairs specialist.

9 Sisay Ashenafi, who is also standing in the
10 back by the registration table. So if you have
11 any questions, please find one of those folks.

12 On March 7, 2017 -- excuse me. On March 6,
13 2017, EPA issued two draft Underground Injection
14 Control, or UIC, area permits to Powertech USA,
15 Inc., for injection activities related to
16 uranium recovery near Edgemont, South Dakota.

17 Draft permits include a UIC Class III area
18 permit for injection wells for the in-situ
19 recovery of uranium and a UIC Class V area
20 permit for deep injection wells for disposal of
21 treated in-situ recovery process waste fluids.

22 The EPA is also proposing an aquifer
23 exemption approval in connection with the draft
24 UIC Class III area permit.

25 We are here today to listen to your comments

1 on these area permits and aquifer exemption.
2 The public comment period is open until
3 May 19th, 2017. In addition to this hearing, we
4 will hold another hearing tomorrow in Edgemont,
5 at the St. James Catholic Church. We have also
6 held four other hearings, one in Valentine,
7 Nebraska, and two in -- yesterday and Monday in
8 Rapid City.

9 In a moment, Ms. Shea will explain in more
10 detail what was proposed in the notice. But
11 before I turn it over to her, I'd like to
12 explain a little bit about how the hearing will
13 work today.

14 We will take testimony from 6:00 to 8:00,
15 and I will call speakers to the microphone up
16 here on the podium if you have filled out a card
17 at the registration table. When it is your turn
18 to speak, please come up to the podium, and
19 state your name before you begin your testimony.

20 In order to be fair to everyone, we are
21 limiting testimony to five minutes each, and I
22 please ask that everyone respect that time so
23 that everyone has the opportunity to speak who
24 wants to, especially if they haven't had the
25 chance or the opportunity yet.

1 When five minutes has passed, I will ask you
2 to complete your testimony. Please try to be as
3 succinct and on point as you can. If I find
4 that you're straying from the topic at hand, I
5 will interrupt and ask you please to return to
6 the issue before us.

7 If we have time at the end and you haven't
8 been able to complete your testimony, I will
9 allow people to get back up and finish their
10 comments.

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

19 We will consider and then respond to all
20 comments received during this hearing as well as
21 all written comment in the final permits and
22 aquifer exemption determination. As I said, we
23 will not be answering any questions during the
24 hearing.

25 We are recording the hearing tonight, so be

1 assured your comments will be considered. The
2 court reporter sitting to my left will be
3 preparing a transcript of tonight's proceeding
4 that will be available for anyone who wants to
5 see it.

6 The transcript is part of the record and
7 will be included in the docket for this matter.
8 The docket is where EPA collects materials it
9 has considered in its action, including public
10 comments. The docket is available on the
11 internet for your review, or you can view a hard
12 copy at the EPA's Denver office. The transcript
13 of this hearing will also be available on the
14 docket.

15 If you have written copies of your
16 testimony, please give a copy to our staff at
17 the registration table, or you can hand it to
18 one of us. This will be helpful as we prepare
19 the transcript.

20 If you have other written comments or
21 supporting documentation that you would like to
22 provide, you may leave that with us as well, and
23 we will make sure that it is entered into the
24 docket of this action.

25 You may also submit written comments

1 directly to the docket through May 19th. And
2 instructions for doing so can be found back at
3 the registration table.

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

10 So I will now ask -- or one other thing.
11 When you're giving your testimony, we will hold
12 up signs when you have one minute left. It's --
13 a yellow triangle is one minute, and then when
14 your testimony is done, the red stop sign
15 indicates that your time is up.

16 So at this point, I will hand the microphone
17 over to Ms. Shea, and she will provide a little
18 bit more information about this project.

19 MS. SHEA: Good evening, everyone. Thank
20 you so much for coming back for our evening
21 session. And we really appreciate the fact that
22 you are here with us and providing comment and
23 listening to the comments of others.

24 As Judge Sutin said, we have -- the EPA has
25 issued two draft Underground Injection Control

1 permits. One is for the injection to recover
2 uranium from ore deposits in the Inyan Kara
3 group aquifers.

4 With that draft permit is also a proposed
5 aquifer exemption decision to exempt the uranium
6 deposit-bearing areas of the Inyan Kara aquifers
7 from protection under the Safe Drinking Water
8 Act so that uranium can be mobilized and removed
9 from the aquifer.

10 The second draft permit is for deep Class V
11 injection wells into the Minnelusa aquifer. In
12 addition to these documents, we have also issued
13 an Environmental Justice Document and a
14 Cumulative Effects Analysis document, and then
15 we have a document that discusses our tribal
16 consultation process to date.

17 We have received interest -- or intent of
18 consultation from a number of tribes, and we
19 have met with most of those, and we hope to
20 continue this process and meet with additional
21 tribes. We will not issue a final permit
22 decision until our tribal consultation process
23 has been completed.

24 So thanks again for being here. Your
25 comments are important to us. As Judge Sutin

1 said, we will consider each of them before
2 issuing a final permit decision. Thank you.

3 REGIONAL JUDICIAL OFFICER SUTIN: Okay.
4 We'll get started.

5 Our first speaker this evening, Chris
6 Pannill.

7 CHRIS PANNILL: Thank you guys for coming
8 all the way from Colorado. I love your guys'
9 state. I have family there. So -- my name is
10 Chris Pannill. I'm a candidate for Ward 4 city
11 councilman, and I'm also a licensed emergency
12 medical technician.

13 I just want to invite you guys, the EPA
14 needs to come visit the Evans Plunge here in
15 Hot Springs because that is part of the Madison
16 aquifer.

17 And a lot of people come there to use that
18 to swim, to soak, a lot of -- to heal and stuff.
19 Our veterans in our community use that water to
20 heal and stuff. So we need our aquifers to be
21 protected. So let me just start.

22 We drink water. If these water aquifers be
23 contaminated, then we will have no clean water
24 to drink. As a licensed EMT, we will see more
25 hospital visits. We will have more ambulance

1 rides here to Rapid City. This means severe
2 dehydration cases.

3 We must prevent these causes -- must prevent
4 these cases from happening so that the ambulance
5 EMTs and personnel can be used for serious
6 emergencies, like heart attacks and stroke
7 victims.

8 I will be quoting from the *Emergency Care*,
9 *12th Edition* on how water is used in part of the
10 human body. About 60 percent of the -- of the
11 body is made up of water, and without it, this
12 fluid, the functions of the cells would cease.

13 Water is distributed throughout the body
14 both inside and outside the cells and balancing
15 the distribution is an important part of
16 maintaining normal cellular function.

17 Normally water is divided among the spaces
18 in the body, with the following percentages
19 representing averages. Intracellular, 70
20 percent is water that is inside the cells.
21 Intravascular is 5 percent; that is water that's
22 in the bloodstream. Interstitial is 25 percent;
23 this is water that can be found between the
24 cells and the blood vessels.

25 We regulate the levels of water in our body

1 by drinking fluids and making excretions like
2 uranium. This allows us to constantly adjust
3 our hydrations -- the hydration based on the
4 levels of activity. Inside our bodies, fluid is
5 distributed appropriately through a number of
6 factors.

7 The brain and the kidneys regulate thirst
8 and eliminate excess fluids. Large proteins in
9 our blood plasma pull fluid into the
10 bloodstream. The permeability of both cell
11 membranes in the walls of capillary cells
12 determine how much water can be held and pushed
13 out of the cells and blood vessels. Each of
14 these factors help us regulate the amount of
15 distribution of fluid.

16 If any of these factors were to be
17 interfered with, fluid levels and distribution
18 can become problematic. Dehydration is the
19 abnormal decrease in the total amount of water
20 in the bo- -- in the body. This may cause, by
21 decreased fluid intake, a significant loss of
22 fluid from the body by one or more variety of
23 means.

24 Remember, however, that maintaining a
25 balance of water while in a healthy

1 gastrointestinal system, severe vomiting or
2 diarrhea can also become symptomatic. After the
3 amount of water in the body, fluid can be lost
4 as well as through rapid -- rapid breathing or a
5 respiratory distressed patient and profuse
6 sweating. Plasma protein in the body can be
7 lost without injuries, like burns.

8 Dehydration from losing more fluid than the
9 patient takes on is very common in hot weather,
10 when the patient sweats a great deal of -- does
11 not drink enough liquid to keep this fluid for
12 this heat exhaustion. This is from Brady
13 *Emergency Care, 12th Edition* from Daniel Limmer
14 and Michael F. O'Keefe.

15 If our water is contaminated, then our youth
16 will not be protected. Our citizens will not be
17 protected. Our future is at stake. We must
18 protect our youth and help our EMTs and first
19 responders by leaving the uranium in the ground.

20 As a candidate for city council, and if I
21 get elected, quote, I will fight to protect our
22 youth and citizens of Hot Springs.

23 So I'm asking you to stop the mining in the
24 wells to protect the American citizens. I don't
25 see -- I don't want to see the Black Hills

1 become a third world country. I just hope
2 the --

3 REGIONAL JUDICIAL OFFICER SUTIN:

4 Mr. Pannill, your time is up.

5 CHRIS PANNILL: -- from water -- I'll finish
6 real quick -- for World Vision to bring clean
7 water to 22 kids and families overseas. So
8 let's not turn the Black Hills into a
9 third-world country.

10 As I stated before, as a candidate for city
11 council, if I'm elected, I will fight to protect
12 Hot Springs, Black Hills, and the reservations.

13 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
14 Dennis Yellow Thunder.

15 DENNIS YELLOW THUNDER: How's that? Okay?

16 Good evening, everyone. My name is Dennis
17 Yellow Thunder, and I'm a concerned member from
18 the Oglala Sioux Tribe. I'm here tonight to
19 make comment on the UIC draft permits that EPA
20 is issuing.

21 But before I do that, I want to give you --
22 I want to have something for you. Is it okay if
23 I give you just a handout? Okay. This -- if
24 you look at this...

25 If you look on this sheet here, this handout

1 that I gave you, it clearly states on there that
2 this -- and the story that I bought a bottle of
3 water from the Hotel Alex Johnson when we were
4 testifying there. I was at -- there was some
5 hearings going down there concerning the same
6 case. I bought a bottle of water there.

7 Happened to read the label. On the back of
8 that label, it clearly states the Hotel Alex
9 Johnson bottled water is drawn from deep in the
10 Madison formation at the base of the Bighorn
11 Mountains, Wyoming.

12 That clearly -- that's proof that that
13 water, those aquifers that we're attempting to
14 contaminate are all connected. The Madison, the
15 Arikaree, the Inyan Kara, the Minnelusian, the
16 Ogallala, White, all those formations are
17 interconnected. You contaminate one, the
18 Minnelusian, you contaminate all of them.

19 I say again, if you contaminate one, you
20 contaminate all of them. You pierce Mother
21 Earth one time into that ground, into her
22 system, and you inject this poison down there,
23 you're going to affect millions of people. Not
24 just this community here, not just the Black
25 Hills area, but all the way down to Texas.

1 That's a long -- the Ogallala aquifer covers all
2 of that.

3 I'm sure you're all well aware of that. You
4 probably have wells in Colorado that are
5 connected. Mr. Hollenbeck is getting oil and
6 water from his well because of the fracking
7 that's going on in the Colorado Plateau.
8 There's no difference in that.

9 I just wanted to go on record stating that I
10 also have a personal stake in this battle, in
11 the destruction and the poisoning that can occur
12 to the human system. My daughter and I are
13 faced with it every day.

14 When your child, when your granddaughter is
15 born without an anus, without a kidney, and a
16 heart on the other side, you have a personal
17 stake in this. It affects us every day.

18 Would you -- I know you can't answer, but
19 imagine, would you be -- would you -- how would
20 you feel if your child, your grandchild was
21 affected in that way by the poisoning of the
22 water?

23 And that's just not my granddaughter.
24 There's seven different reservations going down
25 that way that water is going to flow through,

1 every one of those reservations, everyone has a
2 granddaughter, a grandson, daughter, sons that
3 are going to be affected by this.

4 You have to look at the big picture. That's
5 who's going to be affected by it, along with
6 everybody else in here that has granddaughters
7 and grandchildren and children and the future
8 generation.

9 Very honored to see the youth here today,
10 expressing themselves from their heart. The
11 contamination that they fear is going to happen.

12 But quickly, I want to mention a few things.
13 We've met before, Valois, Mr. Minter. We've met
14 here in Hot Springs, we've met in Bismarck,
15 we've met again in Rapid City covering these
16 same things. And there were some issues that
17 came up then that date back several years.

18 Number one is we need to conduct independent
19 cultural surveys on the Dewey-Burdock area. EPA
20 should require borehole identification plugging.
21 Fence posts and sloppy sealants ain't going to
22 work.

23 EPA should require additional pump tests.
24 Existing data is admittedly incomplete. The EPA
25 should also require, prior to permitting, no

1 staged process. And also very important, this
2 is EPA's first UIC permit. You've got to do it
3 right, got to be careful what you do.

4 And you're putting the cart before the horse
5 again by issuing a draft permit while all of
6 these safety regulations haven't been met. So
7 you're putting the cart before the horse. If
8 you remember, the ASLB required you to do
9 consultation again, do adequate consultation
10 with the tribes. And you'll find that all of
11 these tribes are opposed. I'll stop there.

12 Thank you very much for your time tonight.

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

15 Perry Holmes.

16 PERRY HOLMES: My name is Perry Holmes. I'm
17 a resident of Hot Springs. I've lived here for
18 over 30-some years and have been a resident of
19 the Black Hills longer than that.

20 I am opposed to the Dewey-Burdock Class III
21 injection wells and aquifer exemptions and Class
22 V disposal wells. The absolute main reason I'm
23 against this is I drink water. And I notice a
24 lot of you have plastic bottles up here, but
25 there's a water fountain out front. And I'm

1 wondering if this goes through, we'll all have
2 to carry plastic bottles around after a bit.

3 My wife's family have been miners in the
4 Hills, and I know that most of them probably
5 oppose using aquifers for getting rid of junk
6 from your mines and stuff like that. I have
7 children and grandchildren that I hope will be
8 able to use this water.

9 The information about this stuff that you're
10 dumping back into the wells proves basically it
11 is dangerous and poisonous, otherwise they
12 wouldn't be trying to get rid of it.

13 We have people coming to the Hills through
14 the tourist agencies and stuff like that. That
15 is a rather large business we have here. Will
16 those people all have to be bringing a lot of
17 bottled water with them to see Mount Rushmore
18 and Crazy Horse?

19 And will they also have to -- will we have
20 to close down Evans Plunge because of
21 contaminated water that's coming into our
22 system? This is something I know a lot of
23 people haven't talked about, but that is a big
24 business in our area, the recreation and
25 tourism.

1 I think most people in mining and stuff that
2 have been mining in this area even would agree
3 with me that this is probably not the brightest
4 idea of dumping waste material back into an
5 aquifer area.

6 I hope to be able to live here and even be
7 buried here with my children. And I hope it's
8 not because of the water that I have to be
9 buried.

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

12 I'm sorry if I got this wrong. Melody
13 Suchumek. Melody?

14 Will Leigh.

15 WILL LEIGH: (Speaking in indigenous
16 language.)

17 My name is Will Leigh, and I'm 21 years old.
18 I'm from Virginia. And I would like to ask --
19 if you could imagine the laugh that your
20 grandchildren are going to have or whose laugh
21 they are going to have, whose eyes they are
22 going to have, or maybe your child's grandchild,
23 what little quirky saying they're going to keep
24 living on that came from you or your sister or
25 somebody that you love.

1 And then imagine looking into those same
2 eyes that come from you or your husband and
3 having to explain why the way things are with
4 the water, why and how things weren't always
5 this way.

6 I know that a lot of the people that came
7 here are proud to bring up their children as
8 water-protectors, as people who value the earth.
9 And so I guess what it comes down to is there
10 might be different versions of reality at play
11 here.

12 And I know it's kind of weird to say that
13 there's more than one reality or something, but
14 when there's -- the biggest question I have is,
15 Why? Why are you doing this? And why -- why
16 are you taking, coming here and -- sorry. Just
17 a little bit nervous.

18 You guys have control. You're in control of
19 how this goes, how this is set up, and what
20 becomes of all these people coming up here and
21 saying these things. The reason you're in
22 control is because of 500 years of genocide.
23 And that's something that you're going to
24 continue if you approve this.

25 Right now, you have the chance to be

1 water-protectors, too. And I hope that you'll
2 realize where the power that is invested in your
3 Agency, it's -- what it came from.

4 And when there's so many people involved in
5 an agency and so many different decisions are
6 broken up into so many different parts, it might
7 be easy not to feel responsible, but you guys
8 have the power. You set this up, and you're
9 making this decision. So that means you have
10 the responsibility.

11 And that's something that I'm glad that I
12 can be able to look into my grandchild's eyes
13 and say that I took that responsibility,
14 whatever that I had, and I used it to protect
15 the water.

16 (Speaking in indigenous language.)

17 Thank you.

18 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
19 Theodore Ebert.

20 THEODORE EBERT: My name is Theodore Adolph
21 Philip Ebert. I've been going at this with
22 these deals for -- since the beginning. I'm one
23 of the original opponents that filed suit
24 against Powertech to stop this in federal court.
25 So I've been in this from the beginning. I

1 appreciate all of you being here. Even you,
2 Mark. Good to see you again.

3 I say that because, Mitakuye Oyasin, I
4 believe this, we are all related. We're all
5 here on this planet, and we're all here for a
6 reason. Tunkasila didn't put each other, all of
7 us in each other's life for no reason. We're
8 all here because this is where exactly we're
9 meant to be right now. Everyone here is meant
10 to be here, all right here.

11 We have to choose what we are going to do.
12 I can't believe the pressures that you guys are
13 under. You know, your director of the EPA just
14 got terminated or he quit or whatever because of
15 the pressures that were being put on him.

16 So I can understand that you guys are under
17 those same pressures. But if you make the wrong
18 decision and it's not politically correct, I
19 won't be seeing you guys again.

20 And I would not want that on you. Because
21 you have families. I respect that. I'm a
22 soldier. I was a soldier. I fought for this
23 country. I faced the enemy. I had bullets
24 going by my head, men dying near me. I was
25 lucky. I came through those things unscathed.

1 Those guys are all my heroes. They are all my
2 heroes.

3 There was a time that I lost sight of who I
4 was and why I was there. I lost sight. I
5 became just a machine. I no longer saw a
6 wounded man or cared. I no longer saw an enemy
7 before me, just an object, meant nothing to me.

8 My commander noticed that, and he sent me
9 home for a brief time. He said, Go see your
10 family. So I was at home. I sat there for a
11 long time. I said nothing to anyone.

12 One of my aunt's children came up to me and
13 sat there with me. And it took me a while, but
14 I realized that I regained who I was. I became
15 okay with being a soldier again because I
16 realized why I was there. I wasn't there for
17 me.

18 I was there for everyone here in this room
19 that never would have to do what I had to do so
20 that they would not have to face those things.
21 I was there for my children, for your children,
22 for your grandchildren, for your
23 great-grandchildren, so they'd have a place to
24 live on this great planet.

25 Now, this is about water here. This isn't

1 about uranium ore. It's about water. This
2 corporation -- and you and I know both know,
3 you're learned people. You've been doing this a
4 while. You've seen the international community
5 and how it works.

6 So you and I both know that if you give
7 these people that water -- and it's not 8,000
8 gallons a minute. I understand that they just
9 increased the request to 8 billion gallons a
10 year; is this correct? If I'm wrong, tell me
11 I'm wrong.

12 That equivocates closer to 15,000 gallons a
13 minute. Now, this is a free gift. This is not
14 anything that these people are going to be
15 charged for. This is free to them. They do not
16 even have to mine uranium there.

17 They can open up a water bottling plant out
18 there, and they can sell that water to whomever
19 they choose. Once they have this permit, that's
20 all they have to do. They never have to mine
21 uranium out there. The water is a gift to them,
22 free. They can do with it what they want. So
23 I'm definitely against this. I hope you can see
24 that.

25 I know Mark knows that. Him and I, we

1 sat -- we eat lunch together sometimes, so we
2 understand each other. We both have families.
3 He's got a family. I got a family. We respect
4 each other in this way.

5 So he knows, that man knows I'm not his
6 enemy. From my heart to his, he knows that. He
7 knows that as a member of this community, in the
8 event that all this falls through -- and he's on
9 the verge of losing everything he has.

10 He knows that us as a community will come
11 together to help him in any manner we can to see
12 to it that he makes it through that. We know
13 that, and he knows that. I told him that
14 before, too.

15 So anyway, you guys, I wish you the best in
16 your decision-making process, and I'm sure happy
17 that I'm not in your shoes. Sometimes you just
18 gotta do what's -- just because it has to be
19 done. I've lost many jobs. I've got
20 court-martialed a few times, and I paid the
21 price for things that I just refused to do and I
22 said this isn't going to happen, not on my
23 watch.

24 So bless you guys. Thank you.

25 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,

1 Mr. Ebert.

2 Susan Sugzda -- Sugzda. I'm saying that
3 wrong.

4 SUSAN SUGZDA: Pretty close.

5 Good evening. I'm Susan Sugzda from the
6 western Custer County area. I've done a little
7 basic cost input analysis, and the costs of this
8 project would be thousands of gallons of free
9 water from aquifers in a drought-prone area.

10 Benefits: One would be lots of money, I
11 guess, to the companies, which I understand are
12 Canadian and Chinese, and in the future likely
13 others will want to also have the chance; and a
14 few local jobs, which I believe will turn out to
15 be fewer than we've been led to believe
16 probably, possibly.

17 So the result is that the benefits simply,
18 in my opinion, don't -- are not worth the
19 extensive cost. In the past around here,
20 companies that have done mining have simply gone
21 bankrupt and disappeared.

22 So are there bonds being expected from the
23 company to pay for the desalination and the
24 decontamination of the free water to them that
25 then becomes kind of costly to the rest of us

1 left with the problem?

2 The EPA stands, obviously, for the
3 Environmental Protection Agency, and we ask that
4 you do what we pay -- we taxpayers pay you to
5 do, and that is to protect our water from
6 contamination. Thank you.

7 REGIONAL JUDICIAL OFFICER SUTIN: Thank you
8 very much.

9 Tasina Sapa Win.

10 TASINA SAPA WIN: (Speaking in indigenous
11 language.)

12 My name is Black Shawl Woman. I am from the
13 Cheyenne River Sioux Tribe from a little
14 community called Swift Bird. I live right by
15 the Missouri River.

16 I'm also here to talk on behalf of the
17 International Indigenous Youth Council. And
18 what we are is a grassroots organization that
19 started in Standing Rock that empowers youth in
20 their comm- -- or to become leaders in their
21 indigenous communities through activism that
22 primarily circulates around social and
23 environmental justice, treaty recognition, and
24 tribal sovereignty.

25 I'm -- I could come up here and give you a

1 huge speech. I could give you a bunch of
2 statistics. I could tell you pretty much
3 everything that you've already heard from these
4 fine people in this crowd.

5 But instead, I'd rather tell you exactly
6 what comes from my heart. And I'm looking at
7 you right now in your eyes, and I'm going to
8 plead with you to make the right decision here.

9 I'm also a young mother of a beautiful
10 five-year-old boy. He will be six here in a
11 couple weeks, and he changed my life at a young
12 age. And I made him a promise when he was born,
13 and that was to protect him at all costs.

14 And by protecting him, that's why I'm
15 standing up here, not just him, but for all
16 children of our future.

17 Where I come from, Cheyenne River deals with
18 a lot of addictions that are like alcoholism,
19 meth addiction, gambling. The list goes on.
20 Addiction has enablers. These companies and
21 this government are addicted to nonrenewable
22 energy.

23 And just like all addictions, they have
24 enablers. The EPA is being an enabler to
25 addicts. Addictions to what? The cruel profit

1 of indigenous resources -- money, power, and
2 greed.

3 Just like all addictions, they need -- they
4 need help, and I'm begging that the EPA help
5 this country. These companies are foreign. How
6 could you let foreign companies come into this
7 country and drill toxic, lethal chemicals out of
8 the earth and then not clean up after
9 themselves? That jeopardizes our health, my
10 son's future, clean aquifers everywhere.

11 I saw your presentation yesterday, and I
12 seen a point that you made saying that the
13 aqu- -- the water that you found underneath is
14 undrinkable. Yeah, maybe undrinkable to humans,
15 but it's not undrinkable to the earth. It's not
16 undrinkable to the soil. It's not undrinkable
17 to the plants or the rivers that it will be
18 flowing into. We need water.

19 I mean, Standing Rock and the indigenous
20 people of this land have shook the world, opened
21 the eyes of the public, and now we are saying to
22 stop. Please stop. We don't want to be sick
23 anymore. We don't want cancer rates
24 skyrocketing, diseases going unexplained.

25 Mni Wiconi. Let that stick with you,

1 please. Because it is life, not uranium,
2 nuclear power to fund -- I mean, they are going
3 to be using it for nuclear energy, foreign
4 companies, some of which are not even allied
5 with the United States.

6 So you're going to be helping companies that
7 are foreign that are not exactly allied with the
8 United States for nuclear power? That's scary.
9 And it should scare you, too.

10 So what I'm asking one last time, you know,
11 is please respect us. Honor our treaty of 1851,
12 1868. Honor our indigenous rights as people --
13 not just as indigenous, but as human people.
14 This is not just as an indigenous problem.

15 This is a human problem, an all-life
16 problem, all of life -- the four-legged, the
17 wind, the water, the plants, the earth. And
18 it's a serious problem.

19 Please start respecting us, or you'll be
20 expecting more of us. Thank you.

21 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

22 Dr. Hannan LaGarry.

23 DR. HANNAN LAGARRY: My name is Dr. Hannan
24 LaGarry. I am a professor at Oglala Lakota
25 College on the Pine Ridge Reservation.

1 In 2014, I served as an expert witness on
2 behalf of the Oglala Sioux Tribe and the
3 consolidated interveners in opposition to
4 Powertech's license renewal.

5 As part of that proceeding, I had the
6 opportunity to review some belatedly disclosed
7 data from Powertech after the hearing had
8 concluded.

9 On November 12th, 14th, and 15th in 2004,
10 myself and three student assistants reviewed
11 drillers' notes and borehole logs prepared by
12 the Tennessee Valley Authority that was
13 disclosed by Powertech. This review was
14 conducted at the Powertech offices in Edgemont.

15 We were able to review drillers' notes from
16 4,177 boreholes, 56 percent of the total of
17 7,515 that were available to us. In this data
18 we found written records from drillers of 140
19 open, uncased holes; 16 previously cased,
20 redrilled open holes; 4 records of artesian
21 water; 13 records of holes plugged with wooden
22 fence posts; 6 records of holes plugged with
23 broken steel; 12 records of faults within or
24 beside drilled holes; 7 notations, "Do not
25 record this value on drill hole maps"; 2

1 notations, "Do not return this data to the
2 landowner"; and 63 redacted borehole logs.
3 Redacted borehole logs are those things you see
4 in top secret documents where they are blacked
5 out. So the TVA had some secrets to keep.

6 Many of these notes contained references to
7 water at various levels and poor, muddy, or
8 destroyed samples coming from the holes. We
9 also found that in the datasets we reviewed,
10 lots of records had been moved or were missing.
11 This data, Powertech attempted to suppress it,
12 but the Atomic Safety and Licensing Board
13 overruled them.

14 When it was time to make this testimony
15 public, Powertech objected, but the Atomic
16 Safety and Licensing Board overruled them. In
17 the final partial initial decision, this
18 testimony resulted in license conditions
19 requiring Powertech/Azarga to exhume all
20 7,500-plus borehole logs and examine them to
21 make sure that they were properly plugged. This
22 work has not been done.

23 Powertech appealed this decision and these
24 license conditions, but the Atomic Safety and
25 Licensing Board denied the appeal, and those

1 license conditions stand to the present time.

2 Thank you.

3 REGIONAL JUDICIAL OFFICER SUTIN: Thank you
4 Dr. LaGarry.

5 Tonia Stands. Tonia Stands.

6 TONIA STANDS: Hello again. Hello again.

7 I'm Tonia Stands.

8 (Speaking in indigenous language.)

9 That's my Lakota name, first Lakota name.
10 So I hold that with all my heart because my
11 grandma gave that to me. I really honor that.

12 And the reason I'm going to tell you about
13 my grandma and my Lakota name is there's a huge
14 ancient connection through me that is, I guess,
15 intellectual property. I'm not a scientist.
16 I'm not -- I don't have no American degree.

17 But through me -- time has passed through
18 me, and I know things about this place and about
19 this water.

20 And you know, I look at you, and I think I
21 would love for you to understand what this place
22 means to them, the whole nation of people that
23 speak Lakota, Dakota, and Nakota language.
24 We're all one nation.

25 And we don't -- and we come out of the

1 ground. We come out of Wind Cave. You can go
2 to Wind Cave, and there's a nice little sign
3 that points at a hole in the ground, and it
4 tells that story. And you can't take that away
5 from us, and you can't deny that.

6 And we -- we -- they made this country on a
7 religious freedom, you know. It's the
8 constitutional right we have, religious freedom.
9 And you know, it -- and I'm -- I'm -- I was born
10 in 1978. And in that year, in 1978, as old as I
11 am, that is as long as we've had religious
12 freedom.

13 We can't go access these sacred sites
14 because now they are in -- not on our property.
15 All I can tell you is this is the mecca, this is
16 the center of the universe. We have --
17 everything is a relative. We have a Lakota,
18 Dakota, Nakota name for each element that
19 science hasn't even caught up with.

20 We have cultures that are like polar
21 opposites. And the reality is the President is
22 the center of everything, but in our way of
23 life, it's the inner circle. That -- that's who
24 we -- that's who leads us -- our children, our
25 elders, never, ever, ever a man.

1 And we're led -- and our people are led by
2 the women. We're natural multitaskers. We can
3 just have this all figured out and food on the
4 table, everything done, and smiling. So -- and
5 we honor that.

6 And you guys come from a culture that's,
7 again, the polar opposites. And you look at
8 that, and you don't even have -- you couldn't
9 even vote. You couldn't even vote. That's
10 how -- that's how in that little amount of time
11 that you've come, but yet we lived that since
12 the beginning of time.

13 So anyway, I come from Oglala, which is
14 about, you know, as the bird flies, right over
15 here. Well, through my family that comes from
16 there, our territorial homeland guardians, we go
17 south, my grandmas that raised me.

18 So they brought me into this area and, you
19 know what, I grew up off the land. I didn't
20 have running water, electricity. I lived in a
21 house that my grandpa built, my great-grandpa.
22 And my great-grandpa, we lived here, and we were
23 pushed back to a reservation, and we couldn't
24 come back out here without a pass.

25 So my grandmas come through Hot Springs, and

1 they used to tell the story, and they used to
2 cry. We don't go through Main, we go right up
3 here. There was an old road through there.

4 And they told the story how when they would
5 come, everybody would come out of their houses
6 and stare at them and throw stuff at them, and
7 it was sad. They took that connection away.

8 REGIONAL JUDICIAL OFFICER SUTIN: I'm sorry,
9 Ms. Stands, but your time is up, so I need you
10 to wrap up, please.

11 TONIA STANDS: I'm going to come back,
12 though.

13 REGIONAL JUDICIAL OFFICER SUTIN: Please do.
14 Thank you.

15 Jackie Gericke.

16 JACKIE GERICKE: My name is Jackie Gericke.

17 I, my husband, and two small children moved
18 from Ocean County, New Jersey to Hot Springs,
19 South Dakota 25 years ago. Before we moved, we
20 didn't check the local business climate, we
21 didn't check out the schools, we didn't
22 seriously investigate the housing market.

23 Although I had a three-month temporary
24 position, we didn't even have permanent jobs.
25 We moved here for the beautiful night sky, for

1 the clean air, and especially the clean water.

2 You see, where we moved from, our local
3 wells had become contaminated. Luckily, there
4 was another source of water. It was the
5 Cohansey aquifer. All of our relatively shallow
6 wells were mandatorily capped, and a municipal
7 water system was hurriedly installed.

8 Problem was, I felt that it was only a
9 matter of time before the aquifer itself was
10 contaminated, and there was only sand between
11 the wells and the new municipal water source.

12 Another environmental issue that caused us
13 to leave our home was the fact that we lived
14 only a few miles from the Oyster Creek nuclear
15 power plant. It's been clearly shown that there
16 are much higher rates of cancers among people
17 who live and children who are born near nuclear
18 power plants.

19 While there, we were involved with what is
20 known as the Tooth Fairy Project, where
21 researchers collected children's baby teeth to
22 measure the amount of radioactive strontium-90
23 that was contained within those baby teeth.

24 Strontium-90 is emitted by power plants,
25 nuclear weapons testing, fallout, and other

1 sources of radiation. Because it so resembles
2 calcium, the body is fooled into depositing it
3 into bones, in children's baby teeth where it
4 forever emits radiation.

5 The children in our county showed a
6 statistically significant higher amount of
7 radiation in their teeth than children in other
8 areas.

9 My health means more to me than money. Your
10 health means more to me than money. Clean water
11 is our most precious resource. We drink it. We
12 bathe in it. We cook it with it. We water our
13 pets and livestock with it. We water our
14 gardens. Water is life. And that single
15 resource, clean water, is worth more than any
16 amount of gold we receive from a short-lived,
17 short-sighted mining program.

18 There's not many places that can claim to
19 have the water resource we have. We are talking
20 pristine, untouched, unspoiled, nonrenewable
21 aquifer water which took thousands, if not
22 millions of years to form.

23 We shouldn't even consider any project that
24 could jeopardize this incredibly valuable
25 resource, especially when the consideration is

1 for the material wealth of a few.

2 I am here today to ask you to consider the
3 future, when clean water is even more rare than
4 it is today. I moved here for the water. I've
5 met others who have moved here for this clean
6 environment. There are people who live here for
7 this clean environment.

8 Extreme conservation must be used. I know
9 you'll take extreme care in making your
10 decision, and I pray that it's the right
11 decision.

12 I never in a million years expected to be
13 before the Environmental Protection Agency of
14 the United States and ask that you please not
15 allow our water to be poisoned. But that is
16 what I am doing here today. I am asking that
17 you not allow our water to be poisoned.

18 Thank you.

19 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

20 Debra Johnston. Debra Johnston?

21 Lisa Wolf.

22 LISA WOLF: Greetings. Thank you. I sent
23 in a written statement by e-mail, but I had to
24 speak when I heard comments about how safe
25 nuclear power and nuclear waste are.

1 I'm the chairwoman of a Nevada nonprofit
2 called the White Buffalo Nation. We are
3 dedicated to mending the Sacred Hoop of Life.
4 My youngest daughter was born in a barn in the
5 straw in Wisconsin near where Miracle had been
6 born in 1996.

7 And I came to South Dakota the end of
8 February to help with the reestablishment of
9 Oceti Sakowin traditional government. I do a
10 radio program I've been doing since -- well,
11 Standing with Standing Rock, Savage Sovereignty,
12 and Water Protectors we've been doing since
13 August because this is Lakota, Dakota, Nakota
14 land.

15 Today as we -- as you consider permitting
16 the request of Powertech/Azarga, the West Lake
17 Landfill is on fire underground in Montana. The
18 Hanford Nuclear Site in Washington state has
19 seen a tunnel collapse. According to my friend
20 Bob Nichols of *Veterans Today*, Your Radiation
21 This Week, we are at evacuation levels for
22 radiation pretty much across North America as it
23 is.

24 In fact, Pierre -- Pierre, South Dakota is
25 reading at 7,929 counts per minute, and I

1 believe safe levels break off at 100. This is
2 from EPA data, by the way.

3 So one of the things that we've been
4 focusing on on my radio program, which is titled
5 Utopian Realities: From Concept to Planetary
6 Restoration/S.L.O.P.E. Earth Aid Now, is
7 solutions to extinction-level threats. We
8 feature scientists, such as Professor John
9 Searl, Searl Effect Generator, reenergy,
10 radiation remediation. We feature people who
11 have products that bioremediate the body to drop
12 heavy metal toxicity.

13 And now I live in Hot Springs, and I've been
14 getting water -- I was getting water from
15 Cascade Springs. And then Susan Henderson told
16 me that, as far as she knew, it was radioactive.
17 So I spent the morning on the phone with the
18 USGS and found in fact that there are showing to
19 be high levels of strontium.

20 And then it was suggested to me that I reach
21 out to friends from Pine Ridge and Wounded Knee
22 and ask that there be a Standing Rock-style
23 encampment in Edgemont. And then I was told by
24 another person that that wasn't wise because the
25 airborne radiation there from those open

1 boreholes and the uranium mining that's already
2 happened is so high that it's not safe.

3 So I would ask the Environmental Protection
4 Agency to be matriotic, to love this land, and
5 to put your time and your energy and your money
6 into supporting alternatives, into supporting
7 healing the earth, instead of supporting a death
8 machine and a death culture.

9 There's no need, and it's time to tell
10 people what's really going on. My friends who
11 are scientists laugh at the thought of nuclear
12 power plants and how ridiculous it is to cause
13 so much damage to boil water to make power.

14 REGIONAL JUDICIAL OFFICER SUTIN: Ms. Wolf,
15 your time is up.

16 LISA WOLF: When we all know that those
17 materials ultimately are for weapons of
18 destruction. Let's support life. Thank you.

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

21 Joseph Farrell.

22 JOSEPH FARRELL: Hello. I am Joe Farrell.
23 I'm a licensed Wisconsin master plumber. I have
24 a plumbing contractor's license in this state.
25 I was a licensed well pump installer in the

1 state of Wisconsin.

2 So that people don't engage in ad hominem
3 arguments, I have worked in nuclear power
4 plants. They are one of the safest places you
5 work because if you make a mistake, the results
6 are catastrophic. So I have a lot of respect
7 for how dangerous nuclear power is.

8 I'm not philosophically opposed. I just
9 think there's got to be better alternatives,
10 given the fact that they still haven't figured
11 out what to do with the waste and because it's
12 so dangerous, you have to work so carefully
13 around it, so as not to really create another
14 Chernobyl. But my concern is not based on that.
15 It's -- I'm concerned about the 4,000 wells that
16 are going to be drilled there.

17 Right before Hannan's presentation, I was
18 going to say that on a very conservative
19 estimate, a half a percent failure rate nobody
20 is going to dispute. That means at least 20 of
21 those wells are going to be open sources of
22 contamination.

23 And what worries me and -- is the fact that
24 they are using oxygenation. And in Wisconsin,
25 we were weren't allowed to chlorinate wells

1 because it's an oxygenation process that
2 releases arsenic, and we had a lot of arsenic
3 over in some of the aquifers there.

4 And the hydrologists made some mistakes, and
5 the arsenic was traveling places they didn't
6 expect. The solution was they drilled wells
7 into aquifers that were deeper and were safe.

8 They had some well drillers who got sloppy,
9 had -- the annular's places were not sealed
10 correctly, and they created an open source of
11 contamination into the contaminated aquifer.

12 So I'm real concerned about those wells.
13 And this may sound really callous to a lot of
14 people in the audience, it's not humans and
15 drinking water I'm worried about because there's
16 a lot of plumbers and equipment installers,
17 they'll sell you for a really expensive price,
18 there's ways to get water safe to drink for
19 humans. They'll make a lot of money doing it.
20 I'm not going to be one of them because I'm not
21 into that.

22 But my big concern is that if -- and most of
23 the people who are proposing this are proponents
24 of these wells. If they are wrong and their
25 calculations -- because no one seems to be

1 disputing them.

2 If they are wrong in their calculations and
3 they ruin the aquifers, I live over in Oral.
4 All my neighbors are ranchers. Some of them I
5 know are third generation, there's probably some
6 fourth generation over there. You're not going
7 to be able to save the beef in this state.

8 No matter how good your marketing campaign
9 is, you know, "Eat South Dakota beef; it glows
10 in the dark" is just not going to cut it. So
11 you're going to destroy the beef industry.

12 I really wish there would be more ranchers
13 that would show up at this. I understand
14 it's -- for Native Americans, I understand the
15 respect for the earth and stuff.

16 But the ranchers, they need to get on board
17 opposing this. Because if the Powertech is
18 wrong and their data is wrong and they ruin that
19 aquifer, the face of South Dakota will change.

20 We'll no longer be a community where I live
21 of ranchers. That's all going to go away.
22 There's generations who have done that, and
23 that's all going to go away. And so I have a
24 real concern about those wells.

25 And I'm going to get in touch with

1 Dr. Hannan. Yeah, those guys are a lot sloppier
2 than I thought. Having worked in a nuclear
3 power plant, I thought they would be a lot more
4 careful. They are really sloppy in their well
5 drilling.

6 You need to really regulate them. You need
7 to have an NRC person on every well if they are
8 going to continue to do that because you need to
9 have some stern controls. They are not
10 controlling themselves, and probably because
11 they are an outside company.

12 And that's all I have to say. Thank you.

13 REGIONAL JUDICIAL OFFICER SUTIN: Thank you
14 very much.

15 Roger Pfeifle. Roger Pfeifle. Sorry if I
16 pronounced your last name wrong.

17 ROGER PFEIFLE: My name is Roger Pfeifle.
18 I'll read here what I wrote.

19 I've been trained as a chiropractic doctor;
20 therefore, my concern is not just about the
21 water, which is an immense concern, but also
22 about the overall quality of life pertaining to
23 the human condition. For example, the health of
24 the humans and the environment in which we live.

25 It is therefore prudent to consider the

1 purpose of the uranium operation, which is
2 obvious: Feed the nuclear industry, which feeds
3 the nuclear threat of water contamination.
4 That's what they're going to do with this
5 uranium.

6 Corporations have been proven to be
7 sociopathic. The power structure of the human
8 race has proven -- the power structure of the
9 human race has proven itself to be psychotic and
10 severely corrupt.

11 You who sit in regulatory positions are
12 playing a fool's game if you think you can be
13 reasonable with these institutions. True human
14 beings do not want to live like this. If you
15 are making excuses for this industry, you are
16 losing your humanity.

17 This should concern you. It should also
18 concern you that there is an international
19 justice movement gaining traction on the planet,
20 and anyone involved in the degradation of and
21 threatened -- and threats to human life is
22 going to be held accountable.

23 You are on this list if you allow this
24 malicious insult to our beautiful homeland, our
25 beautiful Black Hills, our beautiful lives to

1 continue. We have heard all the promises and
2 assurances of the corporate hierarchy. You
3 should know by now they cannot be trusted.

4 I pray for your well-being. I pray you -- I
5 pray you have the courage to handle the immense
6 pressure this question is asking.

7 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
8 Danielle Rose.

9 DANIELLE ROSE: My name is Danielle Rose. I
10 live in Hot Springs and Eagle Butte.

11 (Speaking in indigenous language.)

12 My Lakota greeting was I greet each of you
13 from this side of the room all the way around to
14 here with a warm heart and a hearty handshake.
15 My Lakota name is First Cloud. I was named
16 after Chief White Swan's -- one of his three
17 daughters, First Cloud. I'm a tribal member of
18 Cheyenne River, and I grew up near Green Grass.

19 Today I want to express my disagreement with
20 the permits by using the medicine wheel. Most
21 of you know, that's divided into four quadrants
22 with the colors yellow, white, black, and red.
23 Well, those colors represent the races.

24 Yellow is for Asian or Oriental, and they're
25 responsible for spirituality. White is for

1 Caucasians, and they are responsible for the
2 physical and introspection, going inside of
3 self.

4 The black, of course, is African-Americans,
5 and they are responsible for the water. And
6 red, of course, is us Native Americans, and
7 we're responsible for the land, or Mother Earth.

8 I beg you to listen to the learned speakers
9 that have presented today. I'm -- I've learned
10 so much. And I'd like to ask that you in your
11 position -- and I know you have a lot of
12 responsibility, especially in this current
13 administration. It must be very difficult.

14 But I ask you to look inside yourself, look
15 at your heart, and have the courage to do what's
16 right and protect the water and protect Mother
17 Earth.

18 (Speaking in indigenous language.)

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

21 Kathleen Jarvis.

22 KATHLEEN JARVIS: It's May 10th, 2017.
23 Uranium mining EPA hearings. Public information
24 sessions and hearing for the proposed
25 Dewey-Burdock Project ISL mine near Edgemont.

1 The South Dakota Environmental Impact Statement,
2 the SEIS, fails to consider connected actions.

3 My name is Kathleen Jarvis. I am born on a
4 tiny island off the coast of Hiroshima just
5 after the bomb was dropped. Comment: My
6 concerns regarding the Dewey-Burdock Project are
7 centered around the problems of artesian flow
8 and interactions with the remediation of buried
9 chemical warfare material located at the Black
10 Hills Army Depot less than 10 miles to the
11 south.

12 Furthermore, Powertech's experts propose
13 land applications on river terraces and deep
14 well injection into aquifers within the project
15 boundaries under the sanction of EPA permits to
16 be exempted from the Safe Drinking Water Act,
17 SDWA 1977 and 1986.

18 Surface water flow in channels is ephemeral,
19 except for perennial Beaver Creek. U.S. Army
20 Corps of Engineers permits under Section 404 of
21 the Clean Water Act will be required before
22 conducting work in jurisdictional wetlands.

23 The Dewey-Burdock Project will transmit the
24 applied and/or injected waste directly into the
25 area of the Beaver Creek watershed within the

1 Upper Cheyenne River watershed of the Cheyenne
2 River to flow eastward through the state of
3 South Dakota and into the Missouri River,
4 affecting the entire Missouri River Basin.
5 Refer to Exhibits A through L.

6 I actually prepared overheads. Pictures are
7 worth a thousand words, if I might. Exhibit A
8 is the Dewey-Burdock location, within the
9 four-state -- Wyoming, South Dakota, Nebraska
10 area.

11 Exhibit B is the Dewey-Burdock project in
12 relationship to the national forests. Exhibit C
13 is the Missouri River Basin, and I wish to point
14 out Rapid City, South Dakota. This is the
15 Dewey-Burdock in relationship to the Cheyenne
16 River.

17 Exhibit D is the Beaver Creek watershed
18 within the Upper Cheyenne River watershed.
19 Within that context, this is the Cheyenne River.
20 This is the Upper Cheyenne River watershed.
21 This is the Beaver Creek watershed, the Beaver
22 Creek and the Pass Creek. This is
23 Dewey-Burdock.

24 Exhibit E, this is the actual boundaries of
25 the project, Dewey-Burdock Project, showing

1 the -- excuse me, Beaver Creek coming through
2 the Chilson wellfield and the open pit Burdock.
3 These are all the tributaries, et cetera.

4 In addition, I have for you Exhibit F, which
5 is a Google shot, a wide-angle shot of the
6 Beaver Creek. Please bear in mind the
7 relationship of these features with the Chilson
8 wellfield.

9 In addition, Exhibit G -- I apologize, I did
10 have this in overhead. We're technically
11 disabled right now. This is the drainage coming
12 off of the Black Hills across the Chilson
13 wellfield.

14 In addition, this is a closer shot in
15 relationship to the Beaver Creek and the Chilson
16 wellfield. Again, a closer shot of that with
17 the Beaver Creek and the Chilson.

18 Exhibit J is the close-up shot of the actual
19 Chilson wellfield. You can see the pock marks
20 with the fact that it is a drainage area for the
21 Black Hills themselves.

22 What I have given as Exhibit K is the
23 relationship between the Burdock open pit mines
24 and the Chilson wellfield --

25 REGIONAL JUDICIAL OFFICER SUTIN:

1 Ms. Jarvis --

2 KATHLEEN JARVIS: -- Burdock, et cetera.

3 REGIONAL JUDICIAL OFFICER SUTIN: Your time
4 is up, so I need you to wrap up, please.

5 KATHLEEN JARVIS: If I might continue.

6 The Dewey-Burdock Project will transmit the
7 applied and/or injected waste directly into the
8 area of the Beaver Creek watershed. Within the
9 Upper Cheyenne River watershed of the Cheyenne
10 River to flow eastward throughout the state.

11 Water quality: Other areas are dealing with
12 primary and secondary water quality issues. See
13 Southern Black Hills Water System Appraisal
14 Report.

15 For example, the town of Edgemont has
16 quality concerns with primary drinking water
17 standards relative to some categories of
18 radionuclides, example, alpha particles that can
19 result in increased risk of cancer. Edgemont
20 has shown a test of 17 milligrams per liter on
21 alpha particles, and the U.S. Environmental
22 Protection Agency limit is 15 milligrams per
23 liter.

24 REGIONAL JUDICIAL OFFICER SUTIN: I'm sorry,
25 Ms. Jarvis. If we have time, you can come back

1 up, but I need to make sure that everyone has
2 the opportunity to speak.

3 KATHLEEN JARVIS: Okay. That's fine.

4 The last was the relationship of the
5 wellfields with the Black Hills Army Depot.
6 That in and of itself has critical conditions to
7 this project.

8 REGIONAL JUDICIAL OFFICER SUTIN: Thank you
9 very much.

10 Jennifer Belitz. Jennifer Belitz?

11 JENNIFER BELITZ: Jennifer Belitz. I've
12 been here for 17 years raising my two kids in
13 the southern Black Hills. I own property along
14 the Cheyenne River. I have animals that drink
15 from it. I have an Inyan Kara domestic well
16 that supplies household water and drinking water
17 for my livestock.

18 I haul my family's drinking water from a
19 Minnelusa well. I have well log data with me
20 from a neighbor's well that is in the same
21 formation as my family well. And on the
22 driller's notes it says: Note the flowing cave
23 formation at the water level, in the Ferguson
24 well, which is in the Minnelusa formation, which
25 is what we get our drinking water from.

1 I do understand the interest a mining
2 company would have in ISL at the Dewey-Burdock
3 location. I do however feel that my water and
4 the water of my community could be irreversibly
5 harmed, besides the inadequate standards for the
6 settling pond waste that could potentially
7 contaminate the river, the Cheyenne River, and
8 the much-utilized Angostura Reservoir, which is
9 what the lady was -- before me was just talking
10 about.

11 Today we're talking about the aquifers, the
12 Inyan Kara and the Minnelusa. Both we utilize.
13 For the Class III area permit for the Inyan
14 Kara, I believe that these proposed mining
15 activities pose a risk to my Inyan Kara water by
16 undetected or late-detected excursion, as I am
17 downgradient from the mining activity.

18 As far as the Class V area permit for
19 disposing the in-situ mining waste fluids into
20 the Minnelusa formation, the Minnelusa aquifer
21 is a high-quality aquifer. It is well utilized
22 in the southern Black Hills.

23 In addition to the domestic Minnelusa well
24 that we haul our drinking water from, this
25 aquifer sits approximately 1,000 feet below my

1 property, making it a potential drinking water
2 source for my family and livestock for
3 generations to come.

4 According to the atlas of the Black Hills,
5 the Minnelusa aquifer flows from the proposed
6 ISL site to my property. The contaminants
7 injected are likely to pollute this potential
8 drinking water source sometime in the future.

9 When I spoke with four hydrologists at the
10 USGS on March 29, 2017, I learned the following:
11 Yes, the flow model in the Atlas of Water
12 Resources of the Black Hills does indicate that
13 the Minnelusa flows from Dewey-Burdock to the
14 southeast, which is where I live. However, they
15 tell me that you can't judge just from the model
16 of the flow system in that figure. The water in
17 these aquifers can be really hard to track their
18 flow.

19 In cave environments, such as the Minnelusa,
20 which our well log data did say that there was a
21 cave, the underground water almost flows like a
22 river. There are local and regional impacts on
23 some of the flow systems that are not indicated
24 in the figure, and some of them are unknown.

25 According to a national data -- national

1 water database, there are minimum -- a minimum
2 of 125 wells drilled into the Minnelusa aquifer
3 in Fall River County, and I believe that there
4 are more.

5 My own family's well was drilled
6 approximately 20 years ago, and there is no
7 record of it in the current state DENR well log
8 data site. Speaking with a DENR employee May 9,
9 2017, I was told that many well logs were not
10 submitted, especially those during or before the
11 1980s.

12 We know that the Minnelusa aquifer and the
13 Madison aquifer mix. In the Atlas of Water
14 Resources of the Black Hills, again it indicates
15 that Cascade Springs is mostly Madison water but
16 with dissolved Minnelusa minerals. The Cascade
17 is a utilized drinking water source.

18 The Cascade Falls is a highly visited
19 swimming area attraction, and the 1890
20 irrigation system from this water provides many
21 acres of hay, fruit, vegetable production,
22 livestock watering ponds for area landowners,
23 including my own pond, hayfields, and apple
24 orchard.

25 Another publication by the USGS indicates

1 the Minnelusa aquifer is hydrologically
2 separated by the underlying Madison aquifer by
3 shales. However, in many areas the Minnelusa is
4 in hydraulic connection with the Madison.

5 Some information from deep well injection
6 from North Dakota I found interesting because I
7 grew up there, and I have witnessed a lot of the
8 oil boom in that area. They are injecting waste
9 into the ground, and I thought that maybe
10 something we could compare to the Minnelusa
11 here.

12 And I found it's very incomparable because
13 they are injecting up to a mile down, well below
14 any drinking water, and one of the requirements
15 is that it has to be in a formation that is
16 confined in the upper and lower zones.

17 REGIONAL JUDICIAL OFFICER SUTIN:
18 Ms. Belitz, your time is up. I need you to wrap
19 up, please.

20 JENNIFER BELITZ: Okay. Just my summary up,
21 so because of the scientific data, I believe
22 that the EPA should not even consider permitting
23 that Class V permit in the deep -- for deep
24 injection into the Minnelusa. The Minnelusa is
25 too shallow, it's unconfined, and it is known to

1 mix with a very important aquifer, and it itself
2 is an important and currently used aquifer.

3 Thank you.

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

6 Mark Sperlich.

7 MARK SPERLICH: Thank you for coming, and
8 thank you for hearing us. My name is Mark
9 Sperlich. I used to farm, eastern part of
10 South Dakota. And I know of a guy who just
11 moved here from Iowa, and he just said here a
12 month or so ago that a town in Iowa about the
13 size of Hot Springs was just informed that their
14 drinking water has been contaminated by
15 nitrates, probably because of surface runoff
16 from all the hog confinement areas.

17 So I'm thinking, if surface water can
18 contaminate an aquifer in Iowa, the injection
19 into the -- into the ground certainly can
20 contaminate it.

21 And I am not an expert on any hydrolysis and
22 all that. But I found it interesting that in
23 the very first article in *Hot Springs Star*,
24 there was -- where they talked about Powertech,
25 there was also an article about a cleanup at a

1 uranium mine in Colorado, I believe.

2 But they were talking about firsthand
3 knowledge. The one guy said that the tools seem
4 to have just been dropped as they left, and he
5 could feel the heat through his gloves as he was
6 trying to clean them up.

7 And I'm thinking, I don't think they planned
8 on that. That was probably something they
9 hadn't planned on or noticed or realized or
10 something went wrong, and it took years for the
11 state or the government to come up with a Super
12 cleanup to clean that up, and it's unfortunate
13 that they just walked away because then the
14 taxpayer had to pay for it.

15 And with this being a foreign company, I
16 don't see how we're going to be able to get them
17 to clean it up, even if it were possible to
18 clean it up.

19 So I would say while you have the ability,
20 make sure that you get enough fund money from
21 them beforehand so that it takes the profit away
22 from them so that if they do it properly,
23 supposedly, that they get their money back.
24 Otherwise, they are just going to consider it a
25 point of -- what do you call it -- operating

1 expense to pay the fine. And then they'll just
2 leave, and we have to deal with it.

3 So please do not give this to them, and make
4 it high enough so that it's mandatory. As much
5 money as they plan on making, make them pay that
6 ahead of time. If that would deter them from
7 being sloppy, that would be money well spent.

8 Thank you.

9 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
10 Cindy Brunson.

11 CINDY BRUNSON: I'm a local rancher. I live
12 at the Black Hills Ordnance Depot at Igloo,
13 South Dakota. We arrived in this area in 1987.
14 When I came to Edgemont, they -- the Tennessee
15 Valley Authority, they had hazmat suits on and
16 Geiger counters -- Geiger counters going around
17 Edgemont, picking up uranium tailings from the
18 old site.

19 Unfortunately, we moved to a ranch
20 unbeknowing [sic] that there was uranium mining
21 done there, and there was holes after holes,
22 borings that were never plugged. They -- you
23 could drop a rock down them, and it sounded --
24 seemed like it went endlessly, you know. I have
25 no idea what depth these were. But anyway,

1 nobody ever did anything to plug any of these
2 holes.

3 So my concern is, there's a possibility of
4 cross-contamination because of these borings,
5 just like that man from the university over at
6 Pine Ridge said, that, you know, they haven't
7 expressed or told everybody about all the
8 borings that were never plugged.

9 As a rancher, you know, first I would like
10 the EPA to go back and have those areas cleaned
11 up from the old uranium mining that was never
12 ever cleaned up. And it's my understanding that
13 the landowners won't let you back on because
14 they feel they might be liable for the cleanup
15 now that all these companies are gone.

16 I want to talk about the water. We have
17 Inyan Kara; that's what waters our whole ranch.
18 And the master plumber is right, there should
19 have been more ranchers here because the beef
20 industry in this county would go by the wayside
21 if there's no water.

22 The cultural resources that you were
23 wondering about and stuff like that, as a
24 rancher, when I want to put a pipeline and I'm
25 several miles away from where you're going to

1 put this site, I have to do this study. And the
2 reason why is because pre-historic Indians were
3 in the area.

4 Well, then you just follow the trail, and it
5 goes up to Craven Canyon, where the petroglyphs
6 are. And anyway, that's relatively close to
7 where the mining is. So I'm quite sure all the
8 Natives that have spoken here really know that,
9 you know, this is a sacred ground to them.

10 The water, it might not be a high quality,
11 but I guarantee you, without it, this ranchland
12 would sit vacant, because there is no way you
13 can run a ranch without water.

14 The ranchers that kind of got on board with
15 this in the area, why, they offered them
16 high-dollar leases. Ranching isn't profitable
17 every year. You can go to the bank with this
18 added income of this lease, and you can look a
19 lot better on your balance sheet.

20 A lot of promises were made that, Oh, if we
21 damage the water, we'll clean it up. And to my
22 knowledge -- I have a veterinarian out of
23 Crawford, Nebraska, where they have the uranium
24 mining down there, and he said that his water is
25 so bad that he cannot even stand to go down in

1 the basement.

2 And he had a high quality, and they are
3 supposed to stay with the water standards down
4 there. So I hate to think what the Inyan Kara
5 is going to look like or taste like or be like
6 after you get done with this mining process.

7 My other concern, I am active with veterans.
8 I'm a life member of the VFW and American Legion
9 Auxiliary. And I'm concerned about our vets
10 because I don't really believe this uranium will
11 be used for a nuclear plant. I believe our men
12 or women are going to face it in a nuclear
13 attack or something like this. And so I'm not
14 interested in letting a foreign company take any
15 of our natural resources to use against us.

16 So thank you.

17 REGIONAL JUDICIAL OFFICER SUTIN: Thank you
18 very much.

19 CINDY BRUNSON: Also, there was a lot of
20 reference to this, and I would strongly suggest
21 you get a copy of this because it would be very
22 helpful to explain a lot of these comments that
23 these people have been giving to you today.

24 REGIONAL JUDICIAL OFFICER SUTIN: Robert
25 White Mountain.

1 ROBERT WHITE MOUNTAIN: Feels like I'm
2 walking up on a talent show or something.

3 (Speaking in indigenous language.)

4 My name is Robert White Mountain. I'm a
5 Hunkpapa Lakota. On my mother's side, I come
6 from Sitting Bull, his tiyospaye. On my
7 father's side, I come from Rain in the Face.
8 And this lady that talked before me, I didn't
9 quite get her name, but she brought up a thing
10 that -- before I talk about that, I just want
11 you to -- I think everybody is going to raise
12 their hand if you're -- who drinks water? So
13 everybody who drinks water, raise your hand. I
14 think that's everybody.

15 So I had another question. Who all loves
16 water and would like to protect it?

17 All right. So my grandfather told me one
18 time, he said, "What is a Lakota?" And so he
19 told me what a Lakota is. Now, I'm a Hunkpapa
20 Lakota. That's what they call me. He said,
21 "What is a Lakota?"

22 A Lakota, he explained to me, is someone
23 that claims to be an ally to the spirit of all
24 that is. And water is part of all that is.
25 Water is part of all creation. So if we love

1 water, we want to protect water, we're all
2 Lakota, and we're all related. We all breathe.
3 We all drink. We all sleep. We all have red
4 blood. We're all related. Even though we may
5 be different colors, whatever it is, but we're
6 all related.

7 And 36 years ago, I was a young man, and I
8 was at Craven Canyon, and they have some
9 petroglyphs there they were trying to destroy
10 for uranium mining. And these petroglyphs tell
11 history from the beginning to the end on how we
12 are all related, how we all come from the same
13 place. But that's a long story. I won't get
14 into that.

15 But anyway, it just explains -- to me, just
16 told me, you know, that through these
17 petroglyphs -- we studied those for a long time.
18 We also were put under siege for being there 36
19 years ago. And three -- two years ago, I was
20 telling the story to some young kids around a
21 fire over here in a cabin in the Black Hills
22 here. And I was telling about how we were
23 praying. All we did was pray for the water.

24 We prayed for the land, and we got
25 completely surrounded by cops. We got

1 completely surrounded by vigilantes on
2 horseback. Had 250 cops and vigilantes
3 surrounding us because we wanted to pray for the
4 land.

5 End result was -- end result of that whole
6 thing was that I was able to stop the uranium
7 mining right there at Craven Canyon, and we have
8 saved that sacred site.

9 But now it's under fire again because of
10 what's going on here today, and I really -- I
11 really -- you know, I went up on the hill and I
12 fasted and I prayed several times, a couple
13 times. And I went up in the Badlands.

14 And after this last time I went up there and
15 I fasted and prayed for four days and four
16 nights, I come to realize, you know, though
17 that -- what that teacher was telling me that,
18 you know, some day throughout your spiritual
19 life or your life, you'll realize that someday
20 you are going to look at people and you're not
21 going to see the color, that you're going to see
22 that we're all related.

23 So after this last time I went up on the
24 hill, I fasted and prayed. After that, I came
25 down, and it was a whole different meaning for

1 me. So it was -- it was to a point where I
2 could not see color.

3 I can look at that guy not as a white guy or
4 black guy, I look at him because he's a human
5 being, and we all are human beings and we all
6 need water.

7 I'm sorry. You know, but the basic thing is
8 we all -- we have so much alternative things
9 that we can do besides destroy ourselves,
10 besides destroy man. You know, I heard a
11 gentleman talking, and he said, you know, the
12 wind -- wind is bad because it kills birds.
13 Solar is bad because you still have to use
14 natural materials to make the panels, costs too
15 much. But I never heard anything about
16 magnetic.

17 REGIONAL JUDICIAL OFFICER SUTIN: Mr. White
18 Mountain, your time is up. I think you need to
19 wrap up.

20 ROBERT WHITE MOUNTAIN: I never heard
21 anything about geothermal. Those are all
22 renewable energies. They don't stop, they are
23 not expensive, and they don't cost -- you know,
24 if you use -- and they are all renewable. We
25 don't have to kill ourselves over it.

1 So I just -- you know, to conclude here, you
2 know, that this land was all taken illegally.
3 That's all going to be settled eventually, but
4 that's not for us to say right now because it
5 was all taken illegally. We all know that.

6 But I won't talk about that here, so -- but
7 the thing is, what we're talking about right now
8 is that we're all human. We are all of the
9 human family. We all have to live, and we all
10 want to live together as one family. Thank you.

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

13 Jeff LaRive.

14 JEFFREY LARIVE: Show biz.

15 So my name is Jeffrey LaRive. I'm fourth
16 generation here in Hot Springs. I admire the
17 preparedness of the previous speakers. I am not
18 prepared. But I am here to say that once this
19 resource is extracted and the coffers have been
20 lined for Powertech, they will move on. They
21 are not concerned about your drinking water or
22 your children's drinking water or your quality
23 of life here in Hot Springs.

24 They will be living in a gated community in
25 Vail or an alpine lodge in Switzerland. So if

1 you're mistaking this for energy independence or
2 caring about our community, you're kidding
3 yourselves. This is about using us and moving
4 on. And that's all I can see. Thank you.

5 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

6 We are close to the 8:00 hour. I know that
7 there were several folks that wanted to get back
8 up and speak. I would ask that if you have more
9 to say that you come tomorrow to Edgemont.

10 If there is someone who is not able to come
11 to Edgemont tomorrow, I will take one more
12 speaker, and we'll end there.

13 Have you spoken before, ma'am?

14 LINSEY MCLEAN: Yes.

15 REGIONAL JUDICIAL OFFICER SUTIN:

16 Ms. McLean, come on up.

17 LINSEY MCLEAN: I'll be brief.

18 My name is Linsey McLean. I know that the
19 EPA has, to date, approved all of the
20 applications that have come before you for Class
21 III and Class V UIC wells. And I know that all
22 of these wells have commonalities that are
23 requirements for this approval.

24 However, this Dewey-Burdock area has five
25 other factors that would preclude this permit

1 that other sites already permitted do not have
2 and that makes this site very different.

3 Number one, there's no concentrated
4 roll-front left to mine profitably. It's all
5 been mined out by the TVA a long time ago.

6 Number two, no ability to dewater the area,
7 and that was determined by the TVA also and why
8 they abandoned the site, so that there's no
9 ability to confine the communicating aquifers.

10 Number three, the old boreholes were
11 actually holes that they actually were going to
12 use as their wellfield that they abandoned, and
13 that makes this situation even worse.

14 Number four, the proximity of Igloo, which
15 is the most dangerous collection of unstable
16 nerve gasses and old, unstable munitions in the
17 world buried there. Igloo is downgradient of
18 Dewey-Burdock.

19 Moving wastewater will destabilize Igloo and
20 pick up even more toxins and move them and
21 likely cause an event of epic proportions.

22 And finally, number five, the open boreholes
23 and the fence posts and at least some of them
24 have allowed contamination to the aquifer of
25 microorganisms that are known to organify metals

1 and make them unrecoverable by ion exchange.

2 With the history of now high levels of
3 naturally occurring organic uranium in other
4 mine sites where they're finding this where
5 there was no contamination by microorganisms
6 like Dewey-Burdock, this situation is very
7 relevant.

8 And so with the low levels of uranium in the
9 proposed site, coupled with the high proportion
10 of unrecoverable uranium likely, this will not
11 be a profitable mining operation. And so if
12 there ever was a case for denying a permit, this
13 is one. Thank you.

14 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

15 I want to thank you, everyone, for coming to
16 testify today. We really do appreciate and want
17 all your comments.

18 Please come tomorrow, and we will be in
19 Edgemont, same format. 1:00 to 2:00 we will
20 have an information session. From 2:00 to 5:00
21 will be an open hearing, and we'll take
22 testimony. We'll take a break from 5:00 to
23 6:00, and then more testimony from 6:00 to 8:00.
24 So please come if you have more to say.

25 At this point, I will conclude this hearing.

1 And the hearing is now closed. Thank you again
2 for coming.

3 (Proceeding was concluded at 8:02 p.m.)
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C E R T I F I C A T E

1
2
3 STATE OF SOUTH DAKOTA }
4 COUNTY OF PENNINGTON } SS:

5
6 I, Jacqueline K. Perli, Registered Professional
7 Reporter, do hereby certify that said proceedings were
8 taken by me stenographically and thereafter reduced to
9 typewriting under my supervision; that the foregoing
10 is a true and accurate record of the proceeding to the
11 best of my understanding and ability.

12
13 I further certify that I am neither counsel for,
14 related to, nor an employee of any of the parties to
15 this case and have no interest, financial or
16 otherwise, in its outcome.

17
18 Dated this 31st day of May, 2017.

19
20 /s/ Jacqueline K. Perli

21
22 Registered Professional Reporter
23 Black Hills Reporting
24 1601 Mt. Rushmore Rd., Ste. 3280
25 Rapid City, SD 57701
605.721.2600
Notary Public
My commission expires: May 9, 2019

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