tal Justice Analysis Specific Comments

No.	Page	Section	Type
J1	18	3.4.1	T, I
J2	21	4.0	T
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J4	22	4.0	C
J5	22	4.0	E
J6	22	4.0	C

J7	22	4.0	C
J8	23	4.0 Figure 5	A
J9	24	4.0 Table 12	C

J9
Cont

J0 Cont			
J10	25	5.0	C
J11	27	6.2	T

J12	30	10.0	C

Comment and Requested Modification

Powertech requests correcting the following typographical error, for consistency with Table 8:
The U.S. ~~mean~~ median death rate per 100,000 people due to unintentional injury is 50.8 ~~27.3~~.
In the 1st paragraph under this section, last line, Powertech requests changing "Figure 2" to "Figure 1".
In the 2nd paragraph, 1st sentence, Powertech requests removing "draft" in "The EPA is proposing to issue two UIC ~~draft~~ permits" since the draft permits have been issued.
Waste generated on site will be 11e.(2) byproduct material regulated by NRC, not hazardous waste according to RCRA. The statement at the top of this page that the waste fluids will undergo "treatment to meet … hazardous waste standards" implies that hazardous fluid exists on site. Language in the draft permit already prohibits injection of hazardous waste into the Class V wells. Powertech requests removing references that characterize site waste as hazardous waste because this is not accurate; it is 11e.(2) byproduct material.

In the 1st full paragraph on this page, the statement is made that "Certain types of UIC permits have been identified as priority permits, including permits for Class V deep injection wells and Class III ISR wells" by EPA Region 8 "due to the potential for significant public health or environmental impacts." In light of the evidence that there has never been an off-site impact to non-exempt groundwater after decades of uranium ISR operation in the U.S., Powertech requests explanation as the source of this "potential for significant public health or environmental impact."

In the last paragraph in this page, 1st sentence, the statement is made that there will be "approximately 4,000 Class III injection wells." As described in comment #E1 in Table 3, Powertech currently estimates that approximately 1,461 injection wells will be required over the life of the project. Powertech requests updating this statement as follows:
The project will involve the injection of lixiviant, consisting of injection-interval groundwater with added oxygen and carbon dioxide, into the uranium ore deposits targeted by 14 wellfields (shown in Figure 5) containing approximately 1,461 ~~4,000~~ Class III injection wells.

In the last paragraph in this page, Powertech requests correcting the order of wellfield development as follows (refer to comment #F8 in Table 2 and #C25 in Table 4):

It is the EPA's understanding that one wellfield in the Dewey Area and one wellfield in the Burdock Area will be active, while one wellfield in each area may be undergoing groundwater restoration and one wellfield in each area may be undergoing construction). Alternately, Powertech may develop either the Burdock or Dewey wellfields first, followed by those in the other area.

Please refer to **Attachment A-10** for specific comments related to the currently proposed aquifer exemption boundary and a proposed alternate solution. Powertech requests updating Figure 5 and the associated text to incorporate the proposed alternate solution.

☐Powertech requests the following updates to Table 12 to document the hearing process for the water appropriation permits and groundwater discharge plan.

☐Powertech also requests clarification that the NPDES permit is associated with storm water pollution prevention and not surface discharge of any process wastewater.

☐Powertech also requests correction of the specific NRC license type (refer to Exhibit 016).

Requested changes are shown below.

Table 12. Additional State and Federal Permits Powertech is required to obtain.

Issuing Agency	Description	Status
South Dakota Department of Environment and Natural Resources (SDDENR)	Uranium Exploration Permit	Application submitted July 2008; approved by South Dakota Board of Minerals and Environment November 2008
	Scenic and Unique Lands Designation	Submitted August 2008; SDDENR determined lands described by applicant do not constitute special, exceptional, critical, and unique; February 2009.
	Large-Scale Mine Permit	Application submitted September 2012; deemed procedurally complete January 2013; recommended for approval April 2013; hearing held Fall 2013; further hearings and process postponed until the NRC and the EPA have completed their actions and the State Water Management Board has decided the water rights.
	Water Appropriation Permits • Madison • Inyan Kara	Applications submitted June 2012; recommended for approval November 2012; hearing held Fall 2013; further hearings and process postponed until the NRC and the EPA have completed their actions.
	Air Quality Permit	Application submitted November 2012; SDDENR determined that an operating air permit will not be required, February 2013.
	Groundwater Discharge Plan	Application submitted March 2012; recommended for approval December 2012; hearing held Fall 2013; further hearings and process postponed until the NRC and the EPA have completed their actions.
	National Pollutant Discharge Elimination System Water	Application not yet submitted.

	Discharge Permit (Stormwater Discharge)	
U.S. Nuclear Regulatory Commission	Source and Byproduct Material License (10 CFR Part 40)	Submitted August 10, 2009. Final license issued April 8, 2014
U.S. Bureau of Land Management	Plan of Operations	Application submitted August 2009; revised document submitted January 2011 and under review.
US Army Corps of Engineers	Clean Water Act Section 404 Permit	Application not yet submitted

The statement is made that "The EPA has included additional protective monitoring requirements to ensure that any ISR contaminants migrating out of the ISR wellfield are detected." Refer to Attachments A-6 through A-9, which describe how NRC license requirements are adequate to ensure protection of the non-exempt aquifers surrounding the wellfields. See also **Attachment A-3**, which proposes geochemical modeling using site-specific data as an alternate solution to post-restoration groundwater monitoring. Powertech requests changing this sentence as follows:

The EPA has included additional ~~protective monitoring~~ requirements to conduct geochemical modeling using site-specific data to ensure that ~~any~~ ISR contaminants potentially migrating out of the ISR wellfield ~~are detected~~ will not cause a violation of MCLs or otherwise adversely affect human health outside of the exempted aquifer.

In the 2nd paragraph, 3rd sentence on this page, Powertech requests correcting the following typographical error:
These requirements will help ensure that there ~~these~~ will be no radiological health or environmental impacts above regulatory/health standards resulting from ISR activities at the Dewey-Burdock Project Site or from the transportation of yellowcake from the site.

In the first number list, the statement is made that monitoring requirements "to verify no ISR contaminants cross the aquifer exemption boundary" have been included to address downgradient private wells completed in the injection zone. As described in **general comment #G-1**, industry standard practices have prevented any off-site impact to non-exempt groundwater after decades of uranium ISR operations in the U.S. These include, but are not limited to, excursion monitoring/corrective actions, maintaining hydraulic control of each wellfield and conducting groundwater restoration in accordance with NRC or Agreement State requirements. To Powertech's knowledge, all currently operated ISR facilities are required to monitor private wells in proximity to their projects, yet **comment #G-1** describes how no impacts to private wells have ever been documented. Therefore, no additional monitoring is needed to protect private wells in the vicinity of the Dewey-Burdock Project. See also **Attachment A-3**, which proposes to use geochemical modeling using site-specific data to verify that there will be no endangerment to non-exempt aquifers.

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Ex. 5 Deliberative Process (DP)

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25. Comments on draft Environmental Justice	
Document ID	Commenter
00036	Ex. 6 Personal Privacy (PP)

00527

Ex. 6 Personal Privacy (PP)

Clean Water Alliance

00528

Ex. 6 Personal Privacy (PP)

Aligning for Responsible Mining

00565

Ex. 6 Personal Privacy (PP)

Thunder Valley Community Development Corporation

07461
(5/9 Rapid City hearing)

Ex. 6 Personal Privacy (PP)

07461
(5/9 Rapid City
hearing)

Ex. 6 Personal Privacy (PP)

07461
(5/9 Rapid City
hearing)

Ex. 6 Personal Privacy (PP)

Analysis document
Comment

1. Introduction

In April of 2017, the US Environmental Protection Agency (EPA) released draft permits for uranium recovery and wastewater disposal associated with the proposed Dewey-Burdock in-situ recovery project. In accordance with EPA policy and Executive Order 12898, the EPA also conducted an environmental justice (EJ) analysis concerning the mine's possible environmental or health impacts on minority and low-income communities. The report finds that "the city of Edgemont is a potentially overburdened community" based on its low-income status and accumulation of environmental health risks, but that the Dewey-Burdock project is not expected to meaningfully change this status. The EPA also recognizes the need for consultation with tribal communities for whom "the Black Hills is an area of cultural importance," although it recognizes that consultation activities are not a part of the EJ analysis. Finally, the EJ analysis mentions several times that the EPA will conduct "enhanced public

We find the EJ analysis deficient in several connected ways.

First, the analysis appears at odds with broad public understandings of environmental justice, scholarly expansions on public understandings, as well as the narrower, pragmatic definition of EJ used by the EPA.

Second, although the draft EJ analysis and the EPA's actions seem to suggest an understanding that the project might affect Lakota and other tribal relationships with the Black Hills, the draft EJ analysis as written does not allow the EPA to acknowledge the possible burden the proposed project might place on the **culture, religion, or**

2. Defining environmental justice

The concept and practice of environmental justice emerges directly from the activism of people of color and Native peoples directly affected by extractive industries, refineries and processing plants, and hazardous waste repositories. In fact, much of this activism was responding to uranium mining, processing, waste disposal, and nuclear weapons testing. In South Dakota, Native and non-Native groups alike devoted many years in the 1970s and 80s to proving that drinking water on the Pine Ridge and Cheyenne River reserves had been contaminated by past mining activities, resulting in undue health burdens for their people. The organization Women of All Red Nations (WARN) conducted many of the first drinking water tests on South Dakota reservations and fought for environmental justice on a national and international scale (LaDuke and Churchill 1985). The Indigenous Environmental Network (IEN) emerged to help facilitate the extremely influential 1991

Based on EO 12898, the EPA defines environmental justice in the following way.

"Environmental justice (EJ) is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies."

The EPA goes on to define the meaning of meaningful involvement:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health
- The public's contribution can influence the regulatory agency's decision

We will return to this definition in a moment, but first it is important to contrast these principles originally agreed upon at the 1991 Summit (which can be viewed in full at http://www.ejnet.org/ej/principles.html). These include, most notably,

4) Environmental Justice calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.

7) Environmental Justice demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.

11) Environmental Justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-

In contrast to the EPA's definition of environmental justice, the 1991 Summit identified the specificity of particular activities (e.g., uranium mining) and the specificity of particular communities and their relations with land and law (e.g., Native peoples) as fundamental to achieving environmental justice. Here, environmental justice did not simply mean the absence of harms or equality of distribution of risks, but also the proactive recognition of historic relationships with specific land and environments as well as industries.

Scholars of environmental justice have focused closely on the twin problems of distribution of environmental harms and benefits and participation in public decision-making processes (Holifield 2001, Holifield et. al. 2010, Schlosberg 2009, Young 1996). What both social scientists and political theorists commonly argue is that public contribution rarely has the chance to influence the regulatory agency's decision. Nonetheless, individuals and organizations participate wholeheartedly and without pay in public hearings like those conducted by the EPA in South Dakota and Nebraska for the Dewey-Burdock project. In the case of the Dewey-Burdock project, public comments were overwhelmingly against the project. Although not always couched in this terminology, we would suggest that many of the speakers were attempting to demonstrate to the EPA that the proposed Dewey-Burdock project does not produce just outcomes for marginalized populations in South Dakota. Whether their public comments meet the threshold for 'meaningful participation' depends on how willing the EPA is to modify its approach and adhere to its own principles.

The EPA has continued to expand upon its definition of environmental justice through its EJ 2014 and 2020 Action Agendas. EJ 2014 went a long way toward strengthening the EPA's capacity to recognize possible overburdened communities, as the Dewey-Burdock analysis via EJ Screen and expanded use of participation and outreach meetings demonstrates. However, the EPA has also recognized the difficulty of integrating EJ into all aspects of agency practices, including permitting, public relations, and actual results. This includes

The EJ 2020 Action Agenda sets out 4 strategies for enhancing environmental justice towards Native peoples. These are:

1. Strengthen consideration of tribes' and indigenous peoples' issues, their involvement in EPA's decision-making processes, and responsiveness to their concerns when EPA directly implements federal environmental programs.
2. Help federally recognized tribal governments build capacity and promote tribal action on environmental justice.
3. Address disproportionate impacts, improve engagement, promote meaningful involvement, and improve responsiveness to the environmental justice concerns of indigenous peoples.

Is the permitting process the EPA is conducting for the Dewey-Burdock project consistent with these strategies and goals? Although enhanced public participation was conducted in the spring of 2017, this outreach focused almost completely on the potential health and water quality impacts of the project. While we find these very important, information from the draft environmental justice report was only mentioned, but not explained or referenced in any substantial manner by EPA officials. Although we took the time to download and comment on this report, it is likely that many more participants would have done so if the EPA representatives had explained their findings more substantially.

The EJ analysis is insufficient in the EPA's own standards. Yet ultimately the standards of environmental justice today, as thirty years ago, should be responsive to debates and actions in the public sphere, including proposals emerging from social movements. Our next section examines in more detail perspectives on environmental

3. Native American perspectives on environmental justice

Environmental justice scholarship and activism features various assertions of (and mobilizations against) environmental (in)justice in the US from the perspectives of Native peoples, ranging from industrial pollution and contamination (Johnston, Dawson, and Madsen 2010; Voyles 2015) to hydroelectric power (Howe and TallBear 2006; Lawson 2009) and oil and natural gas development (Estes 2014; Allard 2016) to the threats which climate change poses to traditional food sources and ecosystems (Doerfler, cited in Scheman 2012; Dittmer 2013; Whyte 2017; Wildcat 2009). Importantly, nearly all Native-led engagements with questions of environmental justice are grounded in claims and relationships to land, some aspects of which are legally enshrined by treaties with the US government. Many scholars and activists, including Tsosie (1996; 2009), Whyte (2013), and various Lakota, Dakota, and otherwise-affiliated Native individuals who testified during the EPA public comment sessions, have noted that their communities' complexly reciprocal relationships with the land escape capture by the narrowly defined terms of federal treaties. Despite this important caveat, treaties remain an important ground from which Native individuals and communities have articulated their visions for environmental justice. This emphasis on land, water, and treaty rights extends to Lakota articulations of

It wasn't until the 1970s that the health effects of uranium mining began to be noticed by people in the region. A South Dakota Department of Health study in 1976 already found elevated cancer rates around Edgemont (Tupper 2015). Downstream on the Pine Ridge reservation, WARN was conducting the first water tests, which found elevated levels of radioactive elements consistent with toxicity from uranium mining. It would be more than 25 years before an alternative water source was finally in place. Throughout the 1980s, WARN, the Black HIlls Alliance, Defenders of the Black Hills, and other Native and non-Native led groups sought to connect treaty

Since the initial wave of activism in the 1980s, groups such as Owe Aku and the Black Hills Clean Water Alliance have been working to amplify both Native and non-Native concerns related to uranium mining into advocacy for clean water. Just as these groups' organizing and advocacy strategies are built upon previous iterations of the environmental justice movement in the Black Hills, so too are their concerns with potential environmental harm from the proposed Dewey-Burdock project grounded in and made more significant by past and ongoing experiences of contamination from historic uranium mining activities. The cumulative effects of past uranium mining, which remain in South Dakotan waterways, bodies, communities today, have been repeatedly cited by the public as one of the most meaningful reasons that contemporary uranium mining is seen as an

5. Conclusion

Outlined above is a broad understanding of the environmental justice concerns the Dewey-Burdock raises for two scholars of environmental politics in South Dakota. Our expertise comes from being students and scholars learning from the individuals and organizations expressing concerns about the Dewey-Burdock project and from a commitment to do our part in amplifying and translating these concerns into concepts recognizable to the EPA. We have attempted to enhance the picture of what environmental justice could look like if the concerns of Lakota and other tribal communities were properly recognized as part of the permitting process. Our brief outline is insufficient to be counted as an environmental justice analysis in its own right; we only seek to With this in mind, we do not see how the proposed permits for the Dewey-Burdock project can be issued and retain any valence of environmental justice.

In addressing some of the problems highlighted above, the EPA has a chance to set a precedent for working with Native communities in a manner more consistent with the goal of creating environmental justice.

Bibiography of cited references is included

ENVIRONMENTAL JUSTICE AND NATIONAL HISTORIC PRESERVATION ACT ISSUES

The issues involving the EPA's DRAFT Environmental Justice (EJ) Analysis and its National Historic Preservation Act (NHPA) report are linked and will be discussed briefly in this section.

The primary shortcoming of the DRAFT Environmental Justice Analysis is its limitation to a 20-mile radius. While it is true that Edgemont qualifies for impacted status, the 20-mile limitation effectively eliminates people who live downstream and on the Lakota reservations and who are impacted by the destruction of treaty,

Note that both EJ and NHPA analysis should have been completed as part of a full tribal government-to-government consultation before the draft permits or aquifer exemption were released. There has, at this point, already been a violation of trust by the EPA that will be difficult or impossible to remedy.

The EJ analysis includes Table 12, which purports to list "Additional State and Federal Permits Powertech is required to obtain" (p. 24). This Table is misleading in several ways that make it look like the company faces few hurdles.

First, the table does not include the Clean Air Act permit that the EPA says is required.

Second, it does not indicate the current status of either the state water appropriation permits or the state Groundwater Discharge Plan. These permits have not just been "recommended for approval"; they have been put on hold for several years.

And **third**, the NRC's Source Material License is under appeal in federal court, and this is not mentioned.

The EPA also states conclusions about the mining process and its outcomes that are not supported by experience or science in the EJ analysis. This is discussed elsewhere in these comments.

The EJ analysis mentions that the public in the White Mesa mill area, where the company wants to take its 11e wastes, is 49% American Indian and Native Alaskan. After making this statement, the agency fails to do an EJ analysis of that site, simply saying that the Dewey-Burdock waste would be a small percentage of the waste at the site. This begs the question – What are the impacts of the mill on the nearly half of the population of the area that should be protected under EJ guidelines? There should at least be a reference to a complete analysis

8. COMMENTS ON THE DRAFT ENVIRONMENTAL JUSTICE (EJ) ANALYSIS FOR THE DEWEY-BURDOCK UIC PERMITTING ACTIONS

The Town of Buffalo Gap, SD, with a history of high uranium levels in the water (higher than found in Edgemont, SD) should be included in the EJ analysis to the same extent as Edgemont, SD.

Section 1.3 of the EJ Analysis states that the EPA used a 20-mile buffer zone measured from the location of the Dewey-Burdock Project Area Boundary without considering the flows of water or related aquifers that impact areas farther away such as Buffalo Gap, SD. The EPA found that 'Based on the preliminary screening processes, the City of Edgemont, South Dakota was identified as a community for which the EPA should conduct additional

[ATTACHMENT: "Drinking Water Systems Radiological Chemical Data Proximity of Cheyenne River" (image)]

The Town of Buffalo Gap, SD, shown in close proximity to the Project Area

Boundary, should be included in the EJ Analysis. Like Edgemont, SD, the Town of Buffalo Gap, SD, is a potentially overburdened community.

Section 11.0 of the EJ Analysis describes additional, enhanced public participation and outreach requirements that should be made available to the residents of Buffalo Gap, SD.

11.0 Conclusions

The screening process using EJSCREEN identifies the City of Edgemont as a potentially overburdened community. Thus, the EPA has determined that it is appropriate to conduct enhanced public participation and outreach activities with the aim of encouraging public involvement in the permitting process. The EPA is exercising its discretion to hold a number of public informational meetings and public hearings following issuance of the draft UIC permits and to allow for a longer comment period than that required by regulation. The EPA also proposes to implement appropriate permit requirements intended to ensure protection of the underground sources of drinking water and to facilitate public notification and access to information in the event of noncompliance with permit requirements. The EPA will continue to assess potential EJ considerations and is inviting review and Buffalo Gap, SD tested 500% higher for Uranium in its water than Edgemont, SD. Based on the foregoing, the Town of Buffalo Gap, SD should be included in the EJ Analysis.

Besides these general concerns, I would like to discuss several issues with the draft permits. The first is that the Environmental Justice (EJ) section does not adequately consider the impacts of the proposed mine and deep disposal wells on Lakota people. The area covered in considering EJ issues is inadequate, as they include no reservation lands. Environmental Justice concerns should clearly include the Pine Ridge and Cheyenne River Reservations, which will be directly impacted if this project is permitted, as they are downstream.

I want to support the comments from the two University of Minnesota students on your analysis of environmental justice. You need to look at how your Agency's actions, your permits, your inactions are affecting or how they are not considering an already marginalized people.

And while the stated focus of these public hearings is on these draft permits and the exemption from the Safe Drinking Water Act for parts of the Inyan Kara aquifer, I want to focus my comments on another draft document being presented, the so-called Environmental Justice Analysis for this proposed project.
I'm troubled by the way that public input on the EPA's EJ and tribal consultation processes has been underemphasized here when, in fact, these proposed permits and proposed aquifer exemption are questions of environmental justice in really important ways, and these considerations of environmental justice or injustice ought not to be bracketed off from the rest of the project approval process.
So my concerns with the EJ process are many. First, as many people have been noting yesterday and today, the proposed project area as well as this place where we are meeting today is contained within treaty territory, as defined by the 1851 and 1868 Fort Laramie Treaties.
And therefore, when developing the National Historic Preservation Act draft compliance and Environmental Justice draft analysis documents, the EPA's analysis is already flawed in saying that the site in question is not
So even if I agreed with the bounded nature of the EPA's considerations with regard to environmental justice, considering only a 20-mile buffer zone around the proposed project area, even within those bounds I would consider its environmental justice process inadequate. But I don't agree with those boundaries.
And I'm concerned about the way that this analysis for environmental justice fails to account for potential impacts of this project beyond these geographic boundaries, and also the failure to recognize the way the environmental follow-up in this project stands to build upon layers of historic environmental injustice
I am no expert when it comes to geology, and I'm hopeful that you will listen to the many scientists, hydrologists, geologists who are working hard to understand the geology of this region better and have reason to question the safety of this proposed project and its -- and its ramifications for communities beyond this bounded 20-mile area.

But I'm also concerned about the EPA's failure to recognize that the communities who stand to be harmed by this project have experienced significant historic injustice when it comes to land and resource development. Even if we look only to past uranium projects, we find a more nuanced understanding of injustice in this region. Just yesterday we heard further confirmation that the Cheyenne River is in fact polluted as a result of past mining activities with impacts for downstream communities, including Pine Ridge, Cheyenne River, and other
I'm also not -- no expert on lived experience of these layers of injustices, and this is not just as a result of uranium mining, but of land theft, logging activities, other mining operations that all over have been, continued to be made possible by colonial dispossession of native lands and resources.

And my hope is that you will listen to all these people gathered here today, explaining these layered impacts of these projects on their communities. I hope that you will listen when they tell you that your mechanisms for tribal consultation are inadequate at best and insulting at worst. And I hope you will rethink your definition of
So today I also want to make comments with respect to the draft Environmental Justice Analysis that the EPA produced for this project.

Environmental justice is defined by the EPA as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and
But the concept and definition of environmental justice were developed not by the EPA itself, but by social movements led by Native nations, black activists, migrants, poor people, and women, namely the people standing behind me here today.
Environmental justice was institutionalized via executive order in 1994 and '95 and developed and expanded via agency plans. But while the EPA's definition of environmental justice has narrowed significantly, ours, for those

The two parts to the EPA's Analysis of the Dewey-Burdock Project on Environmental Justice primarily concern first the assessment of the project area, which is defined as 20 miles surrounding the Dewey-Burdock project itself, and even within this area that includes the community of Edgemont, the EPA concludes that there are, in fact, communities that qualify as overburdened and face -- have significant health impacts related to past
But mostly what I want to talk about today is whether participation and consultation are adequate to the EPA's stated standards of fair treatment and meaningful involvement of the folks who have gathered here today.
And so I guess my question, my main question is why limit environmental justice analysis to these communities, the 20 miles surrounding Dewey-Burdock, when historically and legally, we all know that this is tribal land and, at The EPA, it seems to me, implicitly agrees with this sentiment for in the EJ analysis, in the second part, they attempt -- they state that they attempt to take enhanced measures to collect input from Native peoples, including, they argue, these very public participation meetings today which were located, supposedly, closer to
Many speakers have already commented on consultation, and I think that they are far more qualified to do so than I. So I just want to use my remaining time to comment on public participation in environmental review.
And I think what we need to ask ourselves is -- and the EPA, is whether participation today qualifies as meaningful. What is a meaningful contribution and comment to this project?
The gracious EPA agents are at pains to tell us that we -- that our comments are being listened to and heard and will be responded to in the final permits that they will grant, but we all know that actions speak louder than
And the inadequacy of the EPA analysis could be fixed based on our comments that we give today, but I hope you understand our extreme skepticism that it will be. For example, after the head of the EPA's EJ division, Mustafa Ali, resigned two months ago and indicated that the department's future could be at risk under the
So to me and many EJ scholars, what meaningful commitment and -- or, comment and participation might do would recognize the participants who are speaking here today, especially those who come from Native nations,
And possible conditions that you could all attach to future permitting that would create meaningful participation would recognize this: By expending -- expanding the spatial and historical parameters of the Environmental Justice Analysis beyond the immediate 20-mile radius; to include the long history of dispossession, broken
This would recognize that what justice means is something far more than what goes on in this five-minute speech or anything like that, but much longer, a process of redress and reconciliation.
I think that in order to do this, you would have to recognize that the expert analysts are the people in this room and who have spoken to you over the last few days and not the experts from Powertech and their consultants.
So I suggest that perhaps one thing you might think about doing is, instead of using us and our free time to supplement their income and projects, is instead to hire everyone in this room to complete the consultation process of the environmental justice draft permit. I think that this would begin to develop a meaningful
Thank you to everyone who has spoken today, and I look forward to submitting longer written comments to this panel.

EPA Notes

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