Letter ID	Commenter Name	Category	Topic Comment	Text
00008	Ex. 6 Personal Privacy (PP)	Invasion of Treaty Rights	Treaty Rights, EJ	Subject: South Dakota Uranium Mining I oppose the allowance of these mining permits, as they endanger the drinking water in nearby areas, as well as intrudes on Indigenous-owned spaces.
00026		Undue burden on Tribes: mining exploitation	General tribal, EJ	Subject: Uranium mining/aquifer S. D. I am writing to oppose the plan to dump wastes from uranium mining under the aquifer in S. D. This is not wise from many standpoints. Once again our Native American tribes are threatened with a real risk to their drinking water.
00099		Undue burden on Tribes: mining impacts	General tribal, EJ	Why would anyone think that it should be allowed to issue permits that would needlessly expose the Lakota Oyate to the devastation of uranium mining and continue America's war against Red Nations' peoples.
00113		Undue burden on Tribes: more vulnerable to impacts	General tribal, EJ	As the wife, and mother, of enrolled members of the Oglala Sioux Tribe, I am even more concerned what impact this project will have on the well being of my native brothers and sisters. It is clear, if history is any indicator, that this proposed project will leave them most vulnerable.
00137		Sacred Black Hills	General tribal, EJ	Not to mention, the Black Hills are sacred ground to the Lakota people. After everything that happened at Standing Rock, the brutality and the suppression of our fellow people, please help our country learn from past mistakes. These short-term risks our country is taking with the environment are not worth the detrimental effects they will have for decades. I know you pursued your career to make a change for the greater good. You have the chance to take a stand against environmental catastrophe. Please deny the Dewey-Burdock permit.
00160		Undue burden on Tribes: Exploitation Sacred Black Hills Invasion of Treaty Rights Impacts a large number of Tribes	General tribal, EJ, NHPA	Native Americans have been consistently exploited in our nation and have had sacred lands taken from them to allow for the extraction of resources too many times. The Dewey-Burdock project would continue and encourage this trend, whether it is intentional or not. Uranium mining and the technologies associated with this process also create a danger and risks for an accident or mistake to be made along the way. A lot can go wrong, particularly when injecting wastewater from uranium mining back down into aquifers. There are preventative measures put into place to avoid and deal with accidents, but when it comes down to it, there is no way to guarantee safety. [...] When considering the wellbeing and interests of Native American tribes, the Dewey-Burdock project oversteps onto the rights and important lands that these tribes cherish. There are still plenty of agreements that must, but may not be reached with these tribes and as the Nuclear Regulatory Commission states, "The NRC identified 23 Native American tribes that attach historical, cultural, and religious significance to sites within the Dewey-Burdock ISR Project area" (NRC, 2014). Twenty-three is a very large number and they should all have a voice that is heard and acknowledged by our democratic system to prevent this project from occurring. The value of historic land and loss of culture cannot be made up with money.
00174			General tribal, EJ	Subject: Opposition to Dewey Burdock Uranium Aquifer Mining [...]

		Sacred Black Hills		Crazy Horse told his people he wanted them to remember him whenever they saw the Black Hills. This is sacred land. Visitors to this area come for contemplation, rejuvenation, and inspiration. I believe strongly in the value of our natural environment. These treasures must be protected as unique and important to our history, the people who live in the Black Hills, travelers to the area, the larger environment, and the people of the world
00245	Ex. 6 Personal Privacy (PP)	Undue burden on Tribes: Water resources Exploitation Loss of Black Hills	EJ	Subject: Dewey-Burdock NO Dear Ms. Shea, I testified at one of the hearings that were held at the Ramkota in Rapid City. I would like to reiterate my comments here. I am 100 percent against the dewey-burdock plan to "mine" for uranium and to dump waste in our aquifers. 1.Environmental in...justice: Native American Tribes have put up with a multitude of ways in which their lands have been stolen. Now the plan seems to be to strip them of clean safe water.
00429		Invasion of Treaty Rights Sacred sites not respected & at risk	General tribal, EJ	Another subject about this project that gives me reason to pause is the proposal to do this on Native American land. I was able to witness the lack of respect given to Natives during the construction of the Dakota access pipeline. Sacred sites were not respected nor was a cease order given, when requested from other government agencies, when sacred sites where at risk. With all that is considered in this project I don't think the E.P.A. would be standing up to their name by allowing these permits. Please consider rejecting the permits for these projects. Thank you for your time.
8050 (10/5 Hot Springs hearing)		Whole earth is sacred Invasion of Treaty Rights Sacred Black Hills	Treaty Rights, EJ, NHPA	My name is Ex. 6 Personal Privacy (PP) I am Oglala Lakota and Cheyenne from the beautiful Pine Ridge homeland. I am from the 1851 and 1868 treaty territory lands and waters of ancestral territory, great cultural significance. Your process wants us to identify sacred sites, but Mother Earth is a sacred site. We have sacred places here which correlate to star constellations. That's how old we are. We can't name for you a specific date. It goes back too far. I recognize you as a department, invader, and settler government who occupies our ancient and sacred Mother Earth right now. Your laws require you to be here today so you can determine whether or not Powertech/Azarga can further violate lands, water, and all of life with permits. You're not the decision-makers. I know that. The EPA's decision to issue or deny permits to inject toxic water into groundwater impacts my family as the aquifers in the Black Hills connect to the Arikaree and Ogallala Aquifers where I live, as do the surface waters and the mine site connect to the surface waters where I live along the banks of Wounded Knee Creek. My blood obligates me to voice my opposition to the uranium mining and injection wells that will go into the ground. This water we are given is finite, and through this water, we are given life. We are obligated to protect sacred water for coming generations and Mother Earth. In this place, there are petroglyphs of my nation. These mountains, we named them -- Hinyan Kaga Paha, Mato Paha, Mato Tipila, Pe Sla, Inyan Kara. These are our names that your fed gov goes by, too. A decision to issue permits will unleash a monster that cannot be destroyed. Remember that old saying: Whatever befalls the Earth, befalls the people of the Earth. It is the insane act of Fat Taker to poison your own water to put money into someone else's pocket, Canada's pocket, China's pocket. In order to feed an insatiable beast, who will never be satisfied, that's Fat Taker. That's corporations.

8136	Anonymous	Sacred sites not identified and protects	EJ, NHPA	Additionally, it is unconscionable to think of doing this without protecting areas sacred to the Lakota, and no authentic examination this area has been done to show where the areas might be. Stop this project NOW!
8148	Ex. 6 Personal Privacy (PP)	Sacred Black Hills Treaty Rights: How does the EPA take EJ and Treaty Rights into account in decision-making process:?	General tribal, EJ	Also, in its revised draft permits, the EPA acknowledges that the Lakota and other indigenous nations have important cultural, spiritual, and legal ties to the Black Hills. But then the EPA says it won't consider these issues in making its decisions. This is a clear violation of the requirement that these types of issues must be considered during the permitting process.
8268		Individual	EJ	The EPA's draft environmental justice analysis raises important points related to the significance of the Black Hills as a sacred site and related to treaty obligations, but the EPA appears to separate these issues from their responsibility to protect underground sources of drinking water. As the EPA states, "The purpose of the UIC regulations is to prevent the movement of fluids containing contaminants into USDWs if the presence of those contaminants may cause a violation of a primary drinking water regulation or otherwise adversely affect human health." **The EPA must consider potential adverse impacts to human health from a cultural perspective as well as from a technical/scientific perspective, and the EPA must remember that per Article 6 of the US Constitution, treaties remain the supreme law of the land.** The EPA cannot separate scientific and technical questions from cultural and legal questions. Further, an environmental justice analysis must do more than just pay lip-service to an expanded study area. In particular, specific impacts to specific Indigenous communities are not considered. The Black Hills sits up-gradient and serves as a headwaters zone for watersheds to the east. In particular, Wakpa Waste, or the Cheyenne River, flows from the Dewey-Burdock area through the northwestern corner of the Pine Ridge Indian Reservation and serves as the southern boundary of the Cheyenne River Reservation before joining the Missouri River. At a bare minimum, specific impacts to Oglala Sioux Tribe and Cheyenne River Sioux Tribe lands and members must be considered in relation to this proposal, particularly in light of the prior contamination both reservations have experienced as a result of historic mining activities.
00396	N/A	Sicangu Lakota Treaty Council	Treaty rights, EJ, tribal consultation, NHPA, ARPA, AIRFA, NAGPRA, NEPA	SICANGU LAKOTA TREATY COUNCIL RESOLUTION NO. 2017-02 WHEREAS, the Rosebud Sioux Tribal Council has established a Sicangu Lakota Treaty Council to protect, analyze, educate, and study issues related to the Fort Laramie Treaty of 1851 and the Fort Laramie Treaty of 1868, and other related treaties; and WHEREAS, the Sicangu Lakota Treaty Council to consider and protect the Sicangu Lakota Way of Life pertaining to cultural practices and sacred sites within the treaty boundaries makes the following recommendation, and WHEREAS, the Rosebud Sioux Tribe or Sicangu Lakota Oyate is a successor Tribe to the bands of the Dakota/Nakota/Lakota Oceti Sakowin Tribes also known as the Great Sioux Nation that are signatory bands to the Fort Laramie Treaties of 1851 and 1868; and

				WHEREAS, the Oceti Sako win tribes of the Lakota, Dakota, and Nakata consider the Black Hills of South Dakota embodies ancient sacred sites to include and not limited to Inya Kaga, Ki Iyanka Ocanku Sa (Red Race Track), Wasun Wiconiye (Wind Cave), Mato Tipila (Bear Butte), Hihan Kaga (Black Elk Peak), Buffalo Gap, Pesla, and WHEREAS, the Sicangu Lakota Treaty Council determines that the Dewey Burdock Uranium Mine Injection Wells are within the sacred site Ki Iyanka Ocanku Sa or Red Race Track which is held as a spiritual and sacred site, and WHEREAS, the Policy Statement in the EPA's policy is to consult on a government-to-government basis with federally recognized governments when EPA actions and decisions may affect tribal interests. Consultation is process of meaningful communication and coordination between EPA and tribal officials prior to EPA taking actions or implementing decisions that may affect tribes. As a process, consult includes several methods of interaction that may occur at different levels. The appropriate level of interaction is determined by past and current practices, adjustments made through its Policy the continuing dialogue between EPA and tribal governments, and program and regional of consultation procedures and plans. and WHEREAS, the United States Environmental Protection Agency Region 8 is requesting public comment by May 19, 20177, on two Underground Injection Control (UIC) Draft Area Permits and one associated proposed aquifer exemption decision for the Dewey-Burdock uranium in-situ recovery (ISR) site located near Edgemont, South Dakota, under the authority of the Safe Drinking Water Act and VIC program regulations. The Dewey-Burdock site is located in southwestern Custer County and northwestern Fall River County, on the Wyoming/South Dakota border, and WHEREAS, the EPA Region 8 UIC Program is issuing two Draft UIC Area Permits to Powertech (USA) Inc. of Greenwood Village, Colorado, for injection activities related to uranium recovery. One is a UIC Class ill Area Permit for injection wells for the ISR of uranium; the second is a UIC Class V Area Permit for deep injection wells that will be used to dispose of ISR process waste fluids into the Minnelusa Formation after treatment to meet radioactive waste fluids into the Minnelusa Formation after treatment to meet radioactive waste and hazardous waste standards. The EPA is also proposing an aquifer exemption approval in connection with the Class III Area Permit to exempt the uranium-bearing portions of tine Inyan Kara Group aquifers, and WHEREAS, the EPA is also seeking comment on two options for approval of the aquifer exemption that Powertech requested related to the Class ill permit application. The two options are discussed in the Auquifer Exemption Draft Record of Decision available on the EPA Region 8 UI Program Website, and WHEREAS, the Sicangu Lakota Treaty Council has determined that both of the proposed injection wells are located within the 1851 and 1868 Fort Laramie Treaty Boundary lines, and therefore in violation of the Fort Laramie Treaty of 1851 and 1868, WHEREAS, Article 6 if the US Constitution states that "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." And WHEREAS, the American Indian Religious Freedom Act (AIRFA) (16 U.S.C. 1996) AIRFA establishes the policy of the federal government "to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including, but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites and

				WHEREAS, the Archeological Resources Protection Act of 1979. (ARPA) (16 U.S.C. 470aa-mm) ARPA requires federal agencies to consult with tribal authorities before permitting archeological excavations on tribal lands (16 U.S.C. 470cc(c)). It also mandates the confidentially of information concerning the nature and location of archeological resources, including tribal archeological resources, and WHEREAS, the National Historic Preservation Act (NHPA) Regulations Implementing Section 106 (36 CFR Part 800) The regulations implementing Section 106 of the NHPA require consultation with Indian tribes throughout the historic preservation review process. Federal agencies are required to consult with Indian tribes on a government-to-government basis, in a manner that is respectful of tribal sovereignty. The regulations require federal agencies to acknowledge the special expertise of Indian tribes in determining which historic properties are ofreligious and cultural significance to them, and WHEREAS, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 , et. seq.) NAGPRA requires consultations with Indian tribes, traditional religious leaders and lineal descendants of Native Americans regarding the treatment and disposition of specific kinds of human remains, funerary objects, sacred objects and other items. Under the Act, consultation is required under certain circumstances, including those identified in Sections 3002(c), 3002(d), 3003, 3004, and 3005, and WHEREAS, the National Environmental Policy Act (NEPA) Implementing Regulations 40 CFR Part 1500 NEPA requires the preparation of an environmental assessment (EA) or environmental impact statement (EIS) for any proposed major federal action that may significantly affect the quality of the human environment. While the statutory language of NEPA does not mention Indian tribes, the Council on Environmental Quality (CEQ) regulations and guidance do require agencies to contact Indian tribes and provide them with opportunities to participate at various stages in the preparation of an EA or EIS. CEQ has issued a Memorandum for Tribal Leaders encouraging tribes to participate as cooperating agencies with federal agencies in NEPA reviews. Section 40 CFR 1501.2(d)(2) requires that Federal agencies consult with Indian tribes early in the NEPA process, and WHEREAS, the EPA states that "Class V wells are used to inject non-hazardous fluids underground. Most Class V wells are used to dispose of wastes into or above underground sources of drinking water. This di sposal can pose a threat to ground water quality if not managed properly.", and near the Black Hills which the Oceti Sakowin Tribes considers sacred, and WHEREAS, the Sicangu Lakota Treaty Council reminds the EPA that according to Lakota oral history there are underground water channels or chambers in the Black Hills region that reach the Oglala Aquifer and that said the injection wells toxic chemicals or substances could harm water sources, wells and supplies that are used by humans within tbe said Treaty Boundaries, and WHEREAS, The Sicangu Lakota Treaty Council opposes any permits to be granted by the EPA for mining, injection wells, fracking, or any type of activities that will hann tbe Sacred Black Hills and the Oceti Sakowin Tribes within the Fort Laramie Treaty of 1851 and 1868, and THEREFORE, BE IT RESOLVED, that the Sicangu Lakota Treaty Council hereby strongly urges and requests the EPA to deny both permits and any future permit applications relating to Uranium mining or the extraction of minerals or rare earth elements. CERTIFICATION This is to certify that the above Resolution No. 2017-02 was duly passed by the Sicangu Lakota Treaty Council on May 2, 2017, Motion to approve by Shane Red Hawk. Second by Delano Clairmont with a vote of Four (4) in

				favor, Zero (0) opposed, and One (1) not voting. The said resolution was adopted pursuant to authority vested in the Sicangu Lakota Treaty Council under the laws of the Rosebud Sioux Tribe. A quorum was present. ATTEST: Fremont Fallis - Chairman Sam High Crane - Vice-Chairman
00472	Ex. 6 Personal Privacy (PP)	Individual	General tribal, NHPA, EJ	The Tribal sovereignty and cultural issues have not been genuinely addressed.
00525	Harold Frazier	Cheyenne River Sioux Tribe	Treaty rights, Winters rights, NHPA, EJ, trust responsibility,	As the Chairman of the Cheyenne River Sioux Tribe ("Tribe"), I am contacting the U.S. Environmental Protection Agency ("EPA") to submit the Tribe's official comments on the EPA's Region 8 Underground Injection Control Draft Area Permit and Proposed Aquifer Exemption decision for Dewey-Burdock Uranium In-Situ Recovery Site. The Cheyenne River Sioux Reservation is located wholly within the exterior boundaries of the State of South Dakota. (A map showing the location of the Tribe's Reservation is enclosed herewith.) However, our rights and trust resources extend beyond our Reservation borders as a matter of federal law, and they are rights for which the United States owes us a fiduciary duty. [...] The Tribe's Rights and Trust Resources in the vicinity of the Dewey-Burdock Uranium Mine • Reserved water rights: The Tribe enjoys reserved water rights in the Missouri River Basin as well as related groundwater in an amount sufficient to fulfill the purposes of the Reservation. See Winters v. United States, 207 U.S. 564 (1908); Arizona v. California, 373 U.S. 546, 600 (1963). These reserved water rights are a trust resource for which the United States owes a fiduciary duty. These rights are a function of the Tribe's extant treaty rights. See Treaty of Fort Laramie with the Sioux, Etc., 11 Stat. 749 (Sep. 17, 1851); Treaty with the Sioux -Brule, Oglala, Mniconjou, Yanktonai, Hunlcpapa, Blackfeet, Cuthead, Two Kettle, Sans Arc, and Santee, 15 Stat. 635 (Apr. 29, 1968). The Tribe retains reserved water rights in off-Reservation waterways and other bodies of water in the Missouri River Basin as well as groundwater and aquifers outside its Reservation. • Hunting and fishing rights: The Tribe enjoys hunting and fishing rights in Lake Oahe, the reservoir of the Missouri River that are subject to the United States' trust duty. The rights are a function of the Tribe's extant treaty rights and have been preserved by Congress. See Treaty of Fort Laramie with the Sioux, Etc., 11 Stat. 749 (Sep.17, 1851); Treaty with the Sioux-Brule, Oglala, Mniconjou, Yanktonai, Hunlcpapa, Blackfeet, Cuthead, Two Kettle, Sans Arc, and Santee, 15 Stat. 635 (Apr. 29, 1868); Act of Sep. 3 1954, Pub. L. 83-776, 68 Stat. 1191. Numerous off-Reservation tributaries and aquifers belong to the Lake Oahe hydrologic system and consequently will impact the Tribe's retained hunting and fishing rights in Lake Oahe. • Historic. spiritual, and cultural resources: There are numerous sites of historic, spiritual, and cultural significance to the Tribe throughout the Tribe's large aboriginal territory, but especially within the boundaries of the lands reserved to the Tribe in the *Treaty of Fort Laramie with the Sioux, Etc.,* 11 Stat. 749 (Sep. 17, 1851). Furthermore, the Tribe's reserved water 1ights themselves constitute a spiritual and cultural resource in light of the primary role that water plays in Lakota religious sacraments, which require environmenta1ly and ritually pure water. (A map showing the Tribe's 1851 territory is enclosed herewith.) *United States Trust Duty* The United States has a two-fold trust duty to the Tribe. Courts have long recognized the "existence of a general trust relationship between the United States and the Indian people." *United States v. Mitchell,* 463 U.S.

				206, 225 (1983). The courts are clear that "any Federal government action is subject to the United States' fiduciary responsibilities toward the Indian tribes." *Nance v. EPA,* 645 F.2d 701, 711 (9th Cir. 1981) (emphasis in original) (citing *Seminole Nation v. United States,* 316 U.S. 268, 297 (1942)). Secondly, the federal government has a specific trust duty to protect the rights reserved in the 1851 and 1868 Fort Laramie Treaties. The Tribe was a party to the 1851 and 1868 Fort Laramie Treaties, which reserved land and water to the Tribe in order to fulfill the purpose of the Reservation to provide for self-sufficiency. *See Winters* v. *United States,* 207 U.S. 564 (1908). The reserved water right recognized in the *Winters* doctrine, and reserved for the Tribe, includes the right to clean, safe water. *See, e.g., United States v. Gila River Irrigation Dist.,* 920 F. Supp. 1444, 1448 (D. Ariz. 1996). Likewise, the Tribe has retained its right to hunt, fish, and gather on the Reservation and in Lake Oahe. Act of September 3, 1954, Pub. L. 83-766, 68 Stat. 1191; *South Dakota* v. *Bourland,* 508 U.S. 679, 697 (1993) (noting that Congress explicitly has reserved the Cheyenne River Sioux Tribe's original treaty rights, including the right to hunt and fish, on Lake Oahe); *see also United States* v. *Dion,* 476 U.S. 734, 738 (1986) ("Indians enjoy exclusive treaty rights to hunt and fish on lands reserved to them .... "). The Tribe's water rights include a right to water that is sufficient in amount and quality to support hunting and fishing rights. *United States v. Adair,* 723 F.2d 1394, 1409, 1411 (9th Cir. 1983). As a result of the federal government's trust responsibilities to the Tribe, the EPA must ensure that such trust resources are preserved in any activity that may impact the Tribe's rights, including the Underground Injection Control Draft Area Permit and Proposed Aquifer Exemption decision for Dewey-Burdock Uranium In-Situ Recovery Site. [...] *Tribe's Requests Concerning the Underground I11jection Control Draft Area Permit and Proposed Aquifer Exemption decision for Dewey-Burdock Uranium In-Situ Recovery Site* **1. The Dewey-Burdock Uranium In Situ Recovery Site Poses a Serious Threat to Tribal Rights that the EPA Must Thoroughly Evaluate** The Dewey-Burdock Uranium Mine is proposed to be sited within the Tribe's 1851 territory and in areas that impact aquifers and tributaries that affect Cheyenne River Sioux Reservation lands and waters. As such, the Dewey-Burdock Uranium Mine will have se1ious impacts on (a) the Tribe's treaty rights and reserved water rights, (b) the Tribe's cultural resources; and (c) the Tribe's religious exercise, as set forth in further detail below. **a. The Dewey-Burdock Uranium Mine Poses a Serious Threat to the Tribe's Treaty Rights and Reserved Water Rights** The proposed Dewey-Burdock Uranium Mine is proposed to be sited in areas that affect aquifers, watersheds, and tributaries that are hydrologically connected to the waters that affect Cheyenne River Sioux Reservation lands and waters. These lands and waters have been guaranteed to us by Treaty, and the United States must act as our fiduciary in protecting them as a matter of federal law as set forth above. In 2005, when a drought threatened the Tribe's only source of drinking water, which is drawn from an intake project at the confluence of the Cheyenne River and the Missouri River at Lake Oahe, the U.S. Army Corps of Engineers determined that a loss of this water source would devastate our Tribe. As a consequence, we are vigilant in our monitoring and stewardship of our waters. The Cheyenne River, the waterway that gives our Reservation its name, constitutes the southern border of our Reservation and flows into the Missouri River (Lake Oahe) at precisely the place where the United States has built the water intake that serves our entire Reservation. The Cheyenne River also flows through the Black Hills very close to the site of the proposed

				Dewey Burdock Uranium Mine. Other historical uranium mines and other metal mines have been sited near the Cheyenne River in the Black Hills. The Tribe has collected water samples over many years from the Cheyenne River in an effort to protect the health, safety, and welfare of our people. These samples show levels of 16-32 pCiPl (Pico liter series per liter) in the Cheyenne River. This demonstrates that past uranium mining has, and future uranium mining will, migrate out of the resources and will not be contained. We have also seen high levels of radiation on the Moreau River, another tributary of the Missouri River, caused from past uranium mining upstream. In light of these facts, the Cheyenne River Sioux Tribe strongly opposes any and all current, new, or ongoing uranium mining projects in lands and waters that affect our Reservation. The current analyses of the Dewey-Burdock Uranium Mine specifically identifies the Cheyenne River and its tributaries as an area that will be affected by the Dewey-Burdock Uranium Mine. Significantly, however, the current analyses conspicuously do not address the impacts of the mining activity on the Cheyenne River Sioux Tribe. There is no risk data concerning human health impact of the Dewey-Burdock Uranium Mine on the Cheyenne River Sioux people as it relates to the aquifers, watersheds, or tributaries that feed our Reservation. There is no analysis of impacts to fish and wildlife on our Reservation and in Lake Oahe, to which we have rights embodied in both Treaty and federal statute. There is also no analysis of impacts upon plants that we rely upon for food and medicine. […] In light of its fiduciary duty to the Cheyenne River Sioux Tribe, until the EPA has thoroughly evaluated the above impacts to the Tribe, any authorizations of the instant uranium mine violates federal law and would be arbitrary and capricious. […] I appreciate the EPA's request for comments on this important issue. As noted above, these comments are *preliminary.* [ATTACHMENT: “Sioux Treaty lands and surrounding area” and untitled map (images)]
00523	Harold Frazier	Cheyenne River Sioux Tribe	Trust responsibility, EJ, NHPA, tribal consultation, Winters rights,	Therefore, the purpose of these comments is to insist that the EPA must act as a fiduciary by both consulting with the Tribe on any impact to those rightas and by protecting those rights from harm. Please note that these comments do not satisfy the EPA’s consultation obligation to the Tribe. Moreover, they should be considered a preliminary sataement of some of the Tribe’s concerns regarding the Dewey-Burdock Mine. The Tribe cannot fully assess its concerns until it has had an opportunity to engage in meaningful government-to-government consultation on these issues as described more fully herein. **b. The Dewey-Burdock Uranium Mine Poses a Serious Threat to the Tribe's Cultural Resources** The site of the proposed Dewey-Burdock Uranium Mine is within the Tribe's 1851 territory. Specifically it is in the vicinity of the Black Hills, among the most sacred sites to the Lakota people. Our people lived in this area, hunted in this area, and made religious pilgrimages in this area from time immemorial. Our Tribal Historic Preservation Officer advises that the site of the proposed mine has the potential to contain numerous sites of cultural and spiritual significance. While it is our understanding that some efforts have been made to identify cultural resources in the project area, the EPA has not consulted with the Tribe pursuant to the National Historic Preservation Act. **c. The Dewey Burdock Uranium Mine Poses a Serious Threat to the Tribe's Religious Exercise**

				Water is an essential aspect of the Lakota religion. It figures prominently in our theology as the origin of our creation as Lakota people and as a key aspect of how we became who we are today. In addition, water is a key component of many of our religious ceremonies. While many or our religious sacraments require either water or ritual deprivation thereof, water is an essential component of one of our most important religious sacraments, the *inipi* ceremony or sweat lodge. Importantly, this sacrament requires that we use only water that is both environmentally and ritually pure. As noted above, the Tribe has very limited access to water on the Reservation and relies solely on water drawn from the confluence of the Cheyenne River and the Missouri River at Lake Oahe for its drinking water and which represents reserved water rights of the Tribe. Upstream contamination of these waters in which the Tribe owns reserved water rights has the very serious potential to affect the Tribe's and its members' religious exercise in violation of the Religious Freedom Restoration Act. **2. The EPA must engage in meaningful government-to-government consultation with the Tribe** As described herein, the Underground Injection Control Draft Area Permit and Proposed Aquifer Exemption decision for the Dewey-Burdock Uranium In-Situ Recovery Site poses serious threats to the Tribe's reserved water rights, hunting and fishing rights, cultural and spiritual sites, and religious exercise in ways that implicate federal statutes and treaty rights. As further described herein, as a function of its fiduciary duty to the Tribe and as a matter of federal law, the EPA must engage in meaningful government-to-government consultation with the Tribe on the issues discussed herein and other issues that may arise. On May 12, 2017, officials of the Cheyenne River Sioux Tribe, including myself, attended the public hearing on the Dewey-Burdock Uranium Mine in Rapid City, South Dakota. At that hearing, our representatives and other representatives of the *Oceti Sakowin* (the Great Sioux Nation) provided testimony consistent with the comments herein. Furthermore, at that hearing, the EPA's representative confirmed explicitly that the EPA does not consider any public hearing or written public comments such as these to constitute meaningful government-to-government consultation with the Tribe and that we can expect to have further contact with the EPA. In addition, Cheyenne River Sioux Tribal Historic Preservation Officer Steve Vance received an email from you on May 18, 2017 advising that "the public comment period is different from our Tribal consultation process," and further advising that "[t]he EPA Tribal consultation process is currently in progress for Dewey-Burdock." The Tribe looks forward to such consultation. Your email instructed the Tribe to contact you or EPA Region 8 Tribal Advisor, Patrick Rogers. As such, we have submitted a formal letter under separate cover requesting government-to-government consultation with the EPA on the Dewey-Burdock Mine to both you and Mr. Rogers. As set forth in that letter, the Tribe believes that such consultation must encompass the following *at a minimum:* • Provide the Tribe with all pertinent information concerning the impact on the Tribe's rights before consultation in a timely manner. • Coordinate with the Tribe before consultation begins, especially with development of an agreement on consultation timelines. • Consult only with Tribal representatives who have been authorized to engage in government-to-government consultation by the Tribal government. • Make every effort to conduct Tribal consultation at the seat of Tribal government, Eagle Butte, South Dakota or elsewhere on the Cheyenne River Sioux Reservation. • Ensure that federal participants in Tribal consultation have actual decision-making authority.

				• Provide written confirmation that the agency has considered tribal comments and concerns and the agency's response, whether positive or negative. • Obtain resolution of approval from the Tribe that the agency has satisfactorily consulted with the Tribe and the Tribe agrees with the agency's response to Tribal concerns in each instance. Finally, the EPA must be aware that consultation required under the National Historic Preservation Act concerning cultural and spiritual resources is not sufficient to meet the United States' obligation to consult about reserved water rights, treaty rights, or other religious freedom issues. The Tribe reserves the right to submit supplementary comments after engaging in government-to-government consultation with the EPA. Further, in addition to these comments, a formal request for consultation has been sent to you under separate cover. Please do not hesitate to contact me if you should have any questions.
00555	Dave Archambault II	Standing Rock Sioux Tribe	Treaty rights, EJ, general tribal	1. The Draft Dewey Burdock Permit Violates the 1868 Fort Laramie Treaty The Treaty of Fort Laramie of April 29, 1868 is denominated "Treaty with the Sioux - Brule, Oglala, Minneconjou, Yanktonai, Hunkpapa, Blackfeet, Cuthead, Two Kettle, Sans Arcs, and Santee ... " (15 Stat. 635). The Standing Rock Sioux Tribe is comprised of the Y anktonai, Hunkpapa, Blackfeet and Cuthead bands of the Lakota and Dakota Nation. Accordingly, Standing Rock is a signatory to the 1868 Fort Laramie Treaty and our Tribe is entitled to the rights prescribed therein. The 1868 Fort Laramie Treaty established the Great Sioux Reservation. The boundaries of the Reservation were described in Article 2: The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri River where the 46th parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the 104th degree of longitude west from Greenwich, thence north on said meridian to a point where the 46th parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations of the east back of said river, shall be and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons, except those herein designated and authorized so to do, and except such officers, agents, and employees of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article. (15 Stat. 635). The Black Hills are a significant part of our Treaty Reservation. In the negotiations for the 1868 Treaty, our forefathers emphasized the importance of the Black Hills to our Tribe and ensured that our Treaty Reservation included the Black Hills. This is sacred land. The Black Hills are integral to our creation story, and remain an important place for pilgramage and ceremony by our Tribal members. They are the spiritual center for the Lakota and Dakota Nation. The late David Blue Thunder, a prominent Sicangu ceremonial leader, explained that "The Black Hills are the heart of our home, and the home of our heart." (S. Hrg. 99-844, p. 234, statement of David Blue Thunder). It is akin to Jerusalem or Bethlehem, for Christianity and Judaism.

				It is unlikely that EPA would suggest that uranium mining waste be permitted to be injected into disposal wells at those sacred places. EPA should not permit injection wells for uranium mining wells at the Dewey Burdock project location in the Black Hills. Article 12 of the 1868 Treaty was supposed to ensure that our sacred lands would not be taken or despoiled without our consent: No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians. (15 Stat. 638). Nevertheless, as explained by the Standing Rock Sioux Tribal leader Aljoe Agard to the U.S. Senate Committee on Indian Affairs: Members of the committee, there are only two things that caused the government to break the 1868 treaty and deny our rights to the Black Hills. These two things were gold and greed. Once many white men learned there was gold in the Black Hills, they began to move in, driven by greed ... Our efforts to protect land made the Government angry. The Government decided that we must give up our land. They tried everything - negotiations, threats, and then fierce attacks by the Army. Nothing worked. We refused to sell our land. How could we sell it? As Crazy Horse said, "One does not sell the earth upon which the people walk." And when General Custer tried to wipe us out, we defeated him at the great battle of Little Big Horn. The Government then decided to starve us into selling our land. They cut off all our rations and dent a commission to make an agreement with us. But the usual threats and bribes did not work. Under the 1868 treaty, no agreement was valid unless it was approved by three-fourths of the adult male Sioux. Less than 10 percent of our men approved the agreement. Having totally failed to either fight us, bribe us, or starve us into selling our land, Congress tried to pass a law trying to take our Black Hills. But it is my firm belief, and the firm belief of the Sioux Nation, that these illegal acts did not succeed in tearing the sacred Paha Sapa away from us. (S. Hrg. 99-844, pp. 44-45, statement of Aljoe Agard). The title to the Dewey Burdock project area remains disputed by the Standing Rock Sioux Tribe. In the case of United States v. Sioux Nation of Indians, 448 U.S. 371, 387 (1980), the United States Supreme Court ruled that the taking of Sioux Nation treaty lands under the Act of February 2, 1877 and other laws violated the 5th Amendment of the United States constitution. In affirming a judgment of $108 million, the Court described the treatment of the Sioux Nation by the United States as "(a) more ripe and rank case of dishonorable dealings will never, in all probability, be found in our nation's history." The Standing Rock Sioux Tribe and Oceti Sakowin Oyate have not accepted the award of money damages, and have continuously insisted that land restoration be the cornerstone of a settlement of the outstanding Treaty claims under the 1851 and 1868 Treaties. As explained by Aljoe Agard: It has been over 100 years since the Federal Government broke faith with our people and illegally tried to take the Black Hills from us ... we will continue our fight for the restoration of our sacred lands. We have not given up in 100 years and we will not give up now. (S. Hrg. 99-844, p. 44).

				The Standing Rock Sioux Tribe and Oceti Sakowin Oyate have rejected a monetary settlement of the issues litigated in the United States v Sioux Nation case, and have insisted that land restoration be the cornerstone of any settlement. Consequently, there is a cloud on the title to the land impacted by the proposed Dewey Burdock project. There is uncertainty with respect to future land use in the area, as the Oceti Sakowin Oyate pursues our claim. Ultimately, the proposed Dewey Burdock UIC permit violates Article 2 of the 1868 Fort Laramie Treaty and must be denied. The requirements of the United Nations Declaration of the Rights of Indigenous Peoples apply to the Dewey Burdock UIC permits. Article 29 paragraph 2 prohibits approval of the proposed permits without the consent of the Standing Rock Sioux Tribe: States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent. (U.N. Doc. A/RES/61/295, Sept. 13, 2007). In Article 3 7, paragraph 1, the U .N. Declaration requires compliance with our Treaty rights: Indigenous peoples shall have the right to the recognition, observance and enforcement of treaties. These requirements are incorporated into the laws of the United States, pursuant to Executive Order 13175 on Consultation and Coordination with Indian Tribal Governments. E.O. 13175 provides that: The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian .. . treaty and other rights. Agencies shall... honor treaty rights and other rights. (65 Fed. Reg. 67249). The proposed Class V UIC permit violates the 1868 Fort Laramie Treaty, the United Nations Declaration of the Rights of Indigenous Peoples and Executive Order 13175. The EPA must deny the Dewey Burdock permit application.
8291	Charmaine White Face	Defenders of the Black Hills	EJ, Treaty rights	[...] From the above statements in the Cultural Resources portion, it is obvious that Environmental Justice has not been afforded to the Indigenous peoples of the area regarding the protection of burial areas and a sacred site. The sites we have mentioned in this report are located within the proposed mining area and not the additional 20 mile buffer zone. The very fact that the Black Hiils are sacred and have their own area of influence that extends 50 miles past the physical confines of the Black Hills is not even addressed. In addition, the United States passed a federal law, the March 3rd Act of 1871 which states: " That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe..." [U.S. Statues at Large, 16:566.] The 1868 Fort Laramie Treaty was made and ratified by Congress in 1868, nearly three (3) years prior to the March 3rd Act of 1871. In Section 7.2 of the EPA report, it says that the U.S. Supreme Court stated that the 1877 Act abrogated the 1868 Fort Laramie Treaty. This is a gross error on the part of the Supreme Court as no mention was made of the U.S. government NOT upholding their own law, the 1871 Act, or of upholding the U.S. Constitution, Article

				VI. Moreover, the Supreme Court based their decision in the Black Hills case on a Fifth Amendment taking from American citizens. The Sioux Nation of Indians were not American citizens at the making of the 1868 Treaty. The 1868 Treaty was made between two separate and distinct nations. The identification and acknowledgment of the 1868 Fort Laramie Treaty as an International Treaty between two distinct nations is upheld in the United Nations in the "Study on treaties, agreements and other constructive arrangements between States and indigenous populations : final report" by Miguel Alfonso Martinez, Special Rapporteur (1999). In accordance with the UN Treaty Study, the 1894 Sioux Nation Treaty Council is continuing to pursue the total enforcement of the 1868 Fort Laramie Treaty. It would behoove the U.S. government and their federal agencies to support these efforts rather than continuing to acknowledge and use the illegal Indian Reorganization Act Tribal governments that they created to "puppet" the wishes of the U.S. rather than the people of the Sioux Nation. Furthermore, we consider the incursion by the United States into the 1868 Treaty Territory to be an illegal occupation of our Territory the same as the Nazi Germany occupation of France and many other European countries during World War II. Although the EPA as a regulatory agency purports to "lack the authority to resolve these disputes" it is still incumbent upon individual American citizens who work for the federal government and take an oath to to uphold the federal laws and Constitution, to do just that: uphold the federal law: March 3rd Act of 1871; and the U.S. Constitution, Article VI which states: '..treaties are the Supreme Law of the land..." This proposed mining area is located within the 1868 Fort Laramie Treaty Territory. In essence, the United States recognizes that Treaties made before March 3rd, 1871, are still valid. The 1868 Fort Laramie Treaty meets that requirement and indeed has been upheld in many federal courts except for the return of the land. Therefore, our position is that the U.S. Environmental Protection Agency does not have the legal authority to make any decisions on land that does not legally belong to the United States. Defenders of the Black Hills has been involved for more than a decade in efforts to protect the environmental and cultural resources of the land area planned for the In Situ Recovery of Uranium by Powertech/ Azarga Corporation. We are an organization of volunteers without racial or tribal boundaries whose mission has been to protect the entire environment of the 1868 Fort Laramie Treaty territory. As a Disclaimer for those of us from the Sioux Nation, our participation in submitting these comments in no way relinquishes our legal right to the upholding and enforcement of the 1868 Fort Laramie Treaty. Respectfully submitted by Charmaine White Face, Coordinator
00202	Ex. 6 Personal Privacy (PP)	Individual	EJ, general tribal	Subject: Azarga Uranium/Black Hills, South Dakota [...] This project will most heavily impact the indigenous peoples on the Pine Ridge Indian Reservation and their health and rights should be an utmost priority in the decision making process. The negative impacts far outweigh any positive ones and clearly highlights the need for this project to be shut down permanently. Please act in favor of protecting of the health of our nation, its people, wildlife and the earth.

00226	Ex. 6 Personal Privacy (PP)	Individual	EJ, general tribal	Subject: Permits and Exemption Dear Ms. Shea, It is my understanding that the EPA has issued two draft Underground Injection Control (UIC) Area Permits to Powertech (USA) Inc., for injection activities related to a proposed uranium recovery project in the southern Black Hills region in Custer and Fall River Counties of South Dakota. I strongly urge you to reconsider any decision to allow permits to mine any region that impacts Native American lives. We all know how Native Americans are considered second class citizens in this country; how their lands are up for grabs; and how their health is not as important as expanding drilling for oil, uranium, copper and so on. These substances are not for consumption here (not that this would be acceptable) but to enrich the companies that sell them overseas. Please do not continue to perpetuate these injustices and do not approve any draft permits or any aquifer exemption. Thank you.
00240		Individual	EJ, general tribal	Subject: Comments on Dewey-Burdock Class III and Class V Injection Well Draft Area Permits [...] Both permits would needlessly expose the Lakota Oyate to the devastation of uranium mining and continue a record of disregarding the health and welfare of native populations.

Letter ID	Commenter Org.	Topic Comment	Text
00281	Individual	EJ, general tribal	Subject: Comments on Dewey-Burdock Proposal For me the most important argument against the proposed permits is that the Lakota community seems nearly unanimously against them. The recent findings of elevated uranium levels in a local reservoir only reinforce lack of trust in any uranium mining operation. I have learned the bitter historical truth that we white Americans stole most of the Lakota land, kidnapped their children, nearly obliterated their culture, almost caused the extinction of the bison, and massacred their people on multiple occasions. I benefit from these actions in part because my house sits on some of the stolen land. The debt of justice we owe is staggering; for the land alone the Supreme Court has placed the price at over one billion dollars (counting interest and inflation). Against that debt, to refrain from more uranium mining seems to me to be a small payment.
00285	Individual	EJ, general tribal	Subject: Uranium mining and storage comment We are writing to ask that the EPA DENY permits to Powertech/Azarga Uranium Corporation for uranium mining and storage on Lakota lands. Comment deadline is today. My husband is a retired biologist and I am a 63 yr old schoolteacher from KS. We are done with all the wrongs that we have heaped on the original inhabitants of this country. Particularly by a foreign company. This is blatant environmental racism, it is wrong, and we need to do better.

00326	Ex. 6 Personal Privacy (PP)	Individual	EJ, general tribal	Indigenous people object to the rape of the earth on which they live. This disregard for human voices, let alone those of their ancestors and spirits, is medievally cruel and shameful. Please contact me directly with any further questions.
00494	Ex. 6 Personal Privacy (PP)	Individual	EJ, general tribal	We have spoken to people that reside in and around our area who have made comments about their relatives using certain lands for sacred and spiritual activities, burials etc. that have not **been** respected **and .-e** visibly contaminated by uranium activities. Blatant dsrespect of an indigenous cunure and tislorical abuse! No one should be allowed to do this to any cutture!
07443	Ex. 6 Personal Privacy (PP)	Individual	EJ, general tribal	The white men from Europe have already stolen the whole of America from the original Aborigines who lived here and almost committed genocide on their population. Now you want to go and commit more pollution and ravage their land so it's uninhabitable forever. Have you no conscience?? Even considering this proposal is absurd!
07462 (Hot Springs hearing)	Ex. 6 Personal Privacy (PP)	Individual	EJ, general tribal	It's like, Well, on religious grounds, you know, this is -- that's illegal, you know. Just on that alone, you can't -- you can't build there, you can't do whatever, you know -- wipe out the people living in this area because you want money or whatever. It's disgusting that anybody would do that, like, let people do that, let people suffer for money, for things you won't even see, you know. It should be denied on the grounds of, you know, just common decency, you know. It's horrible that, you know, someone who will allow this and they see no benefit from it. Just, you know, I was told to so it's okay. I'll just let it go. It's just part of the job, you know. [...] These people have to live here. This is lasting effects. I don't want my kids to have to avoid South Dakota because their life will be shortened by 20 years by drinking a bottle of water from here. It's ugly, you know. These people tell stories of, you know, Oh, my mother brought me out here, you know, I drink from these waters, I learn things, lessons, cultural lessons, religious lessons, you know. Who we are as a people is defined by these lands, and to destroy them is just spitting on us, who we are, who we will be, who are our kids are going to be. Leave something for them to, you know, learn from. Leave something for them to, you know, see. That's, you know, begrudged for time.
07462 (Hot Springs hearing)	Ex. 6 Personal Privacy (PP)	Individual	EJ, general tribal	Ex. 6 Personal Privacy (PP) (Speaking in indigenous language.) I ask forgiveness in advance of the elders and the people of this land. I do not know your language well, and out of respect, I should or at least have a translator here. So in the future, I suggest that happen. Thank you for allowing us this time to speak. I'm a water-protector. I heard it said that you also are a water-protector. I can't think of a higher honor, at least for me. But it goes beyond water. It's all life. I don't get paid financially to be who I am. I am who I am because I was created to be this, and I'm grateful. I had the opportunity not long ago up in Standing Rock to stand with some of the finest men, women, and children that I've had the honor of knowing, to stand up against great atrocities, much like many that have happened well over 500 years and many that happened that were far worse than what we're going through.

				It shames me to know that these beautiful people from here have to continue to fight the same battle over and over and over and over simply so they can remain here on the lands that they were born on and their ancestors held in great regard and cared for and tended to, to have to protect them so that their children no longer have to be poisoned. This is wrong. Every bit of it is wrong. It disgusts me, and I have no understanding how it could not disgust you. I hope it does. When you go home, please, look in your children's eyes, look in your mother's eyes, look in your grandmother's eyes, look in your dog's eyes, in your cat's eyes, would you like them to be poisoned? Do you think that's fair and proper?
07463 (Edgemont hearing)	Ex. 6 Personal Privacy (PP)	Individual	EJ, general tribal	Ex. 6 Personal Privacy (PP) Okay. I just want to start with this. And I forgot to give this to you yesterday. And I meant to tell you a history, and I was telling that story yesterday about this water. This water is very sought after water. I have two more. So -- okay. My name is Tonia Stands, and I'm from Oglala, South Dakota, right east of here. And I'm a full-blooded Oglala Lakota woman from Oglala. And I was raised by my grandmas who have direct connection with this land. I was trying to tell you yesterday. And as a child, I was brought into this area for many different reasons throughout the year. My grandparents, they would come in a certain way into the Black Hills, into these doors, and we're supposed to come in like that. And so what I was telling you yesterday was, we weren't citizens of this country even though we're the original people to the Black Hills. If you want to talk about stakeholders, you want to bring that into such an area, I mean, that's just like the audacity, you know, an insult to us that you have more, I guess, privilege over us. And you're using your white privilege to come over us and our religious beliefs in connection to this land and what's under this land. So you want to -- you want to talk about stakeholders, you're insulting us. We were forced out of here. [...] And then come in here and have the audacity to say you're a stakeholder. This land was stolen. This land was taken. And we were forced out to a reservation. And we were disconnected. And we didn't have religious freedom. Look at this church, where we all get to stand in. You want to be respectful? Let's go stand in our church.
8050 (10/5 Hot Springs hearing)		Individual	EJ, treaty rights, general tribal	(Speaking in indigenous language.) I'm here today to talk about how we as indigenous people, Lakota people of this land have continuously be -- have been dehumanized. The court reporter here is going to put into the transcript that there was native language spoken without any interpretation of our language, and so our voices continue to be silenced, and so we have to speak in our -- in the English tongue. And so because they are not from here, they do not understand that, and so they do not respect us enough to offer that to us, to our elders who spoke as well. I noticed how while he was speaking, no typing was occurring. And so, you know, those are things that are continuously an issue. We are dehumanized through the treaties. We are not afforded those rights. Our inherent sovereignty is not being upheld. The United States Constitution treated as -- as treaties are supreme laws of the land.

8109	Ex. 6 Personal Privacy (PP)	Individual	EJ, general tribal	[...] Scope of the Project The project encompasses 4,282 hectares of predominantly private land approximately 13 miles NW of Edgemont and 46 miles W of the Pine Ridge Reservation. It includes injection, recovery and monitoring wells in 14 wellfields (Class III) and up to 6 wells (Class V) for wastewater disposal. The permit area and one-mile buffer is located within the Great Plains physiographic province on the edge of the Black Hills in Custer and Fall River Counties, SD and contains 10,580 acres of wildlife habitat which supports medium and small-sized mammals as well as avian species. (BA, pp. 2 and 13) **Comment:** The Black Hills area is not only popular for tourism, but more importantly, is a sacred site for Native Americans, and their rights should receive priority consideration when it comes to any possible disturbance to their sacred lands. [...] Finally, it seems hazardous projects like this one have been disproportionately located near Native American lands or poorer areas. This is unjust and is particularly egregious when one considers that Native Americans have always had great respect for the land and the environment. We are at a critical point with our planet due to pollution, environmental damage and global warming and have a limited time to address these issues before some or all of them are not correctable. All of our efforts should be directed at finding and pursuing clean energy sources so that future generations will not have to suffer the consequences of our reckless disregard for our own planet. Sincerely, Ex. 6 Personal Privacy (PP)
00031		Individual	NHPA, tribal consultation, EJ	4. Consideration of legal and cultural impacts In addition to the possibility of technology failure, the cultural significance to the area must also be taken into consideration. The Black Hills have been home the The Lakota, or the Sioux tribe, for generations. Because of this, the EPA is required to comply with the National Historic Preservation Act under the EPA's Tribal Policy on Consultation and Coordination with Indian Tribes. These people have been interested in the potential outcomes of the Powertech operation, and as such have requested the EPA provide them with a concise and well researched identification of potential effects of the proposed project. These are historic and sacred lands, and as such the EPA continues to provide the tribe with as much information as possible, however these potential cultural impacts must be weighed against the benefits.
00036		Individual	EJ, general tribal	Legal precedent - most notably Lyng v. Northwest Indian Cemetery Protective Association - suggests that even in the most extreme circumstances, the religious and cultural significance of a place will not prevent the completion of mining and resource extraction projects, as the significance of the whole (in our case, the Black Hills) is conceived by permit-granting institutions as separate from its part (the Dewey-Burdock project area), and the latter is not seen by the federal government to impose a substantial burden on the exercise of religious or cultural rights. Nonetheless, the EPA has still undertaken enhanced outreach activities, including extensive public participation hearings closer to the Oglala Sioux Tribe and Cheyenne River Sioux Tribe, in order to hear their concerns. To us, this action shows the EPA has some interest in accounting for the impact this project would have on Lakota and other Native peoples. This document thus presents an argument that the historic environmental justice concerns of the Lakota, Dakota, and other tribes must be taken into account more substantially and meaningfully as a condition of this and any future EPA permitting in the Black Hills region.

00036	Ex. 6 Personal Privacy (PP)	Individual	NHPA, EJ, tribal consultation	4. Meaningful involvement and consultation Adequate attention to this history would further require the EPA revisit its existing approach to meaningful involvement and tribal consultation with regard to the proposed Dewey-Burdock project. While the EPA docket detailing the draft Class III and Class V permits for the project contains a draft document detailing plans for compliance with the National Historic Preservation Act (NHPA), including plans for tribal consultation, these plans do not feature as part of the EJ analysis, which we strongly feel they should. In this draft NHPA compliance document, the EPA details its plans to first conduct "inform and educate" sessions with tribes prior to beginning government-to-government consultation. The EPA notes in this document that after meeting with Oglala Sioux Tribal leaders, the EPA "was informed that the Tribe considered these meetings to be "inform and educate" meetings rather than government-to-government consultation." Such a difference in interpretation cannot characterize a legitimate consultation process, and we are left wondering why it is that meetings which the EPA considered to be consultative were instead considered to be informational by the Tribe. At the public comment sessions in Rapid City on May 8-9, Lakota testifiers reminded the EPA that those public hearings do not qualify as meaningful tribal consultation. We urge the EPA to remember this, along with the EPA's own definitions of EJ, articulated in EO 12898 and the EJ 2020 Action Agenda, which state that people, and particularly Indigenous peoples, must participate, be meaningfully involved in, and indeed influence the direction of decision-making processes related to environmental justice - not simply have knowledge of those decision-making processes. We feel that meaningful tribal consultation could result in the EPA adjusting the draft UIC permits in question as well as the EJ analysis itself, perhaps by expanding its 20-mile buffer zone of interest around the proposed project site or, for example, implementing a watershed analysis approach instead. At the hearings in May, Ms. Valois Shea reassured all those present that the EPA permits in question would not be issued until the tribal consultation process was completed. We hope the EPA takes this promise seriously and soon embarks upon a meaningful tribal consultation process which stands up not just to the standards of Lakota and other Native EJ scholars and activists, but indeed the stated standards of the EPA itself.
00280		Individual	NHPA, EJ	A full survey of cultural and historical sites is needed before mining or deep disposal is allowed. Cultural and historical sites must be protected. The black hills in particular are a site of extreme cultural and historic significance and should not be mined.
00294		Individual	NHPA, EJ	Direct impacts to cultural resources are a significant topic that should be discussed in the policy. According to the Tribal Energy and Environmental Information Clearinghouse, increases in human access and disturbances can result in unauthorized removal of artifacts around the site (Tribal Energy and Environmental Information Clearinghouse, 2017).
00528	David Frankel	Aligning for Responsible Mining	EJ	... Buffalo Gap, SD, should be included in the EJ 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. [ATTACHMENT: "Location of the Study Area, which includes the Dewey-Burdock Project Area and a 20-mile buffer measured from the approximate Project Area Boundary, and the Edgemont Area, which includes a 5-mile buffer around the City of Edgemont" (image)]

				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 evaluation to determine if the area is a potentially overburdened community as discussed in Section 2.5." [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 comment on this draft EJ analysis. [ATTACHMENT: "00528_DavidFrankelARMCommentsEPADBJune2017-7.0final.pdf"] 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. For the foregoing reasons, and based on the foregoing comments, the undersigned hereby object to the issuance of the proposed permits to Powertech.
00565	Nick Tilsen	Thunder Valley Community Development Corporation	EJ	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. Along the same line, the importance of the Black Hills to Lakota people is mentioned, but not analyzed. Instead, it is mentioned and then ignored. Also, the Black Hills are considered in a historic context, rather than in a modern context that recognizes their continuing importance to the Lakota people. Cultural resources are mentioned, but no analysis is done. A thorough cultural analysis should be part of any consideration of an area that is of critical spiritual significance to the Lakota. These omissions are glaring and thoroughly undermine the Environmental Justice section.

00565	Nick Tilsen	Thunder Valley Community Development Corporation	NHPA, EJ	As mentioned above, the analysis of cultural and historical resources must not ignore the current cultural importance of those resources and their modern uses. The Black Hills are sacred to the Lakota, much like Jerusalem is to the Jews or the Vatican is to Catholics. Sacred cultural and historical resources must be fully protected, and doing this relies on the involvement of knowledgeable Lakota people, plenty of time, adequate finances, and the willingness to put the sacred above the dollar. Some places should not be subjected to uranium mining. Lakota people who are sharing their ancient knowledge, which they have spent a lifetime learning, should be offered compensation for their efforts and given credit for resulting information.
07459 (Valentine hearing)	Ex. 6 Personal Privacy (PP)	Individual	EJ, UNDRIP	Ex. 6 Personal Privacy (PP) speaking in indigenous language.) My name is Ex. 6 Personal Privacy (PP) from the Lakota Oyate of the Oceti Sakowin, indigenous people of Turtle Island. On behalf of my tiyospaye and tiwahe, family and extended family, I am here today to stand in opposition and resistance to the Dewey-Burdock in-situ uranium mining and waste disposal application in the Black Hills. The proposed mine, if developed, will cause irreparable damage to our ancestral homelands and aquifers. It will destroy cultural and historical sites, ancestral graves, and prayer sites. [...] Even now, without the United States's commitment to the U.N.'s Declaration on the Rights of Indigenous Peoples, I wonder how meaningful these consultations really are.
07459 (Valentine hearing)		Individual	NHPA, EJ, tribal consultation	And the Lakota Nation -- the importance of the Black Hills to the Lakota Nation, that is our birthplace, that is our creation story, that is where we come from. And destroying and -- not only the water that's in that area, but also the culturally and spiritually significant areas that are in that area. So I am asking that you provide us with meaningful consultations with the local tribes, including not only the Lakota Tribes, but in the surrounding states, Wyoming as well. And I'd also like to ask that there be a full cultural and historical survey of the area to determine any culturally significant or spiritually significant sites to our tribe and other local tribes. And I would also like that that tribal consultation be defined by the local tribal -- tribal people, not defined by the laws and regulations that are set out for a tribal consultation. And I'd also like to ask that the EPA comply with the Section 106 of the National Historic Preservation law, which is the NHPA law, which also defines and clearly states that there must be formal consultation with local tribes. [...] And to please recognize our right as a sovereign nation and to conduct those meaningful consultations.
07460 (5/8 Rapid City hearing)		Individual	NHPA, EJ	Secondly, there is -- the entire area of the Black Hills is very, very important, and it's very -- it's a very sacred place. And in that area there's sacred sites, traditional Lakota burial sites as well as different parts of, you know, where you would find historical petroglyphs and different sacred sites like that.

07460 (5/8 Rapid City hearing)	Ex. 6 Personal Privacy (PP)	Individual	Tribal consultation, NHPA, EJ	Ex. 6 Personal Privacy (PP) I, too, am an educator. I have a bachelor's in Native American studies and linguistics, and I also have a criminal justice degree. And as an educator, I truly cannot look at my students and honestly tell them that they have a bright future when uranium mines, copper mines, pipelines are coming in every single day. I, too, am from South Dakota. I, too, grew up in small-town communities. And we are literally in the last stages. The environmental fight has been going on since the '60s, and we're still fighting it. We're still fighting racism. We're still fighting social injustice and social ailments. And what it all boils down to is money. All our social ailments boil down to money, and corporations that have bought out our governing systems. So I'm asking you guys to really listen to the people that have come here with good hearts, good words, and that actually have -- that actually have a stake in this. Because my children do have a stake in this. They have a claim to the Hills. My children are truly Lakota-Dakota children that speak their own language, that can trace back their ancestors nine generations prior to Europeanism. So they should be acknowledged, and their future should be considered. So as a true educator that has taught at prestigious schools, that has taught at private schools, that has taught at college level, I honestly cannot look at my students and tell them, You can grow up to be anything you want, but you can't have clean air, you can't have clean water. We are also requesting, as someone from Standing Rock, to have true and meaningful consultation with tribes, not to just sit there and listen, but to have true, meaningful consultation with tribally approved archaeologists and tribally approved surveyors, because (Speaking in indigenous language), the Black Hills belong to us. They are historical, they are spiritually significant to our people, and we stand in opposition of the uranium mine. Mni Wiconi. Water is life.
07462 (Hot Springs hearing)		Individual	NHPA, EJ	The cultural resources that you were wondering about and stuff like that, as a rancher, when I want to put a pipeline and I'm several miles away from where you're going to put this site, I have to do this study. And the reason why is because pre-historic Indians were in the area. Well, then you just follow the trail, and it goes up to Craven Canyon, where the petroglyphs are. And anyway, that's relatively close to where the mining is. So I'm quite sure all the Natives that have spoken here really know that, you know, this is a sacred ground to them.
07462 (Hot Springs hearing)		Individual	NHPA, EJ	Ex. 6 Personal Privacy (PP): Hi. Bonjour. (Speaking in indigenous language.) My name Ex. 6 Personal Privacy (PP) I'm from Lansing, Michigan. My clan i I just figured if everybody is introducing themselves in the proper way, I probably should. The thing that I missed last time was, I wanted to say that what I saw at Standing Rock was nobody -- nobody looked over on the lands. Nobody respected what was there, you know. I want proper geographic surveys of the land that you guys are going to be putting whatever holes in. Probably shouldn't do that anyways. I'd say no to that, just for the record. But I mean, like one of the most horrible things I've ever seen is when, you know, these people were allowed to make this pipeline path or whatever, people watched bones being pushed up out of the ground.

				I don't know how many people heard about it or saw pictures of it, but you could see it when that ground was, you know, pulled up. There were bones sticking out of it. That was people's ancestors, family members, grandparents, mother, fathers, children. It's a horrible thing, you know, that was allowed to happen. So you know, it has to be voiced that that should be, you know, looked at, and it should definitely be looked at while under supervision of tribal members or something. Because from the sounds of it, from earlier testimonies, even if there are, you know, things found, Oh, let's just sweep it under the rug and pretend it wasn't there, you know. Oh, it's just meaningless.
8050 (10/5 Hot Springs hearing)	Ex. 6 Personal Privacy (PP)	Individual	NHPA, EJ	My name is Ex. 6 Personal Privacy (PP) The EPA wants to disregard the cultural impact of the proposed Dewey-Burdock uranium mining project and evaluate impacts from only a technical and scientific perspective. The dictionary defines "culture" as the customs, art, history, and intellectual achievements of a people or nation. Disregarding indigenous culture in your evaluation is just a perfect reflection of what our American culture has become. Putting the almighty dollar, or yuan or ruble in this case since Azarga is mostly a Chinese and Russian company, ahead of what really matters, what is right, what is safe, and good for all. Disregarding indigenous culture in your evaluation shows just how little you know about indigenous culture. Culture is so much more than arrowheads in a field somewhere or an ancient burial site. I'm no expert on it, but I've learned this: Native Americans know, respect the land. Disrespect the land, and eventually it could disrespect you, us. That's more than an intellectual achievement of their culture. It's a basic principle of the people and one that ironically and sadly seems to be so very lacking from American culture. You are overlooking so much more than you know by disregarding it. The EPA is responsible for its own cultural and scientific analysis, and you can't rely on the NRC's flawed, inadequate, and still-tied-up-in-court record on cultural impact of this project. The EPA cannot prove that this project is safe and makes no effort to respect indigenous culture and the Earth, so it should deny the permits.
8050 (10/5 Hot Springs hearing)	Reno Red Cloud	Individual Administrator, OST Water Resource Department	Water concerns, tribal consultation, EJ	[...] Because our concern is, to drill and pull water from these aquifers, the Madison, Minnelusa, and then inject the wastewater into the Inyan Kara, that's insane. Anything that is a contaminant should not be brought out or put back into the ground. As a water administrator for the Water Resource Department, I have deep concerns because we're right downstream from the aquifers and the surface waters. All this mining and all this -- you know, all the pipelines, everything that's going on now is just -- it's just destroying our planet, destroying our Unci Maka. So my concern today is with these draft water permits. I know the State of South Dakota Water Management Board is waiting on you guys' decision, but I would like to see you look at our concerns from the environment. Because I know the Environmental Protection Agency, you're supposed to have a source water protection program, and I would like to see that implemented in these decisions. And you've got different parties involved in this. You've got the State of South Dakota, the federal. But what about our tribal input? That needs to be part of the decision-making process.

				So what our concerns are today, I would like to have considered and acted upon in this decision of these draft water permits. That's just my concern. And I know that our tribe is going to be looking with EPA for future consultation, too, so that's going to be scheduled. But just -- I just have concerns that our culture, our livelihood, our survival is in our water because water is sacred to us. Thank you.
8050 (10/5 Hot Springs hearing)	Ex. 6 Personal Privacy (PP)	Individual	NHPA, EJ Scope of CEA and other analyses, treaty rights, tribal consultation,	My name is Ex. 6 Personal Privacy (PP) I have a bunch of things to say because I have a lot of concerns about the hundreds of pages of these draft permits. One important thing to say is that the EPA's requesting information on traditional cultural properties, on potential adverse effects to traditional cultural properties, per Section 106 of the National Historic Preservation Act. If that is true, then these draft permits should not have been issued prior to meaningful tribal consultation taking place, period. Period. So I can't believe that you're actually concerned about that because -- because that's the case. The second thing that is really concerning is that in these documents, you say that the Nuclear Regulatory Commission's review of cultural resources appears sufficient. The Atomic Safety Licensing Board disagrees with you. The D.C. District Court of Appeals disagrees with you. The NRC's analysis of cultural resources has been deemed illegal, and so it doesn't give me a lot of confidence in the EPA that your documentation doesn't reflect that. The third thing that I wanted to bring is that the EPA can't just consider impacts to underground sources of drinking water or effects to human health from a scientific perspective or from a legal perspective. You also ask for feedback on your environmental justice analysis, which I have a lot to say about, and I'll be providing written comments. But one of the things that I have concerns about is that the EPA is trying to say that treaties -- that we acknowledge that treaties exist, and that we acknowledge the Black Hills is a sacred site, but that those issues are separate from the scientific considerations of threats to underground sources of drinking water. There's a lot of things to say about that, but one thing is that that's illegal, that the EPA can't separate those things out. And there -- that's by your own law. So the last thing I want to do is just read out to you a few regulations under your own system of law that requires you to consider issues of treaty and issues related to culture and spiritual significance. The National Historic Preservation Act, Section 101(d)(6)(B) requires any federal agency, that includes the EPA, to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking. That is this project. Executive Orders 13007 and 13175 require the federal government to honor treaty rights and avoid any action that may adversely affect access to, ceremonial use of, or the physical integrity of sacred sites. That also applies to this project, and the EPA is bound by those orders. Article Six of the U.S. Constitution says that treaties remain the supreme law of the land. The Supreme Court in 1980 ruled that the U.S. Government indeed violated the 1851 and 1868 Fort Laramie treaties and stole this

				land. I don't think any of those laws have asterisks behind them that say, you know, these apply, but if an agency decides that they don't want to abide by them, then they don't have to. That's not true of any of these. National Historic Preservation Act, executive orders, the U.S. Constitution, Supreme Court law, the NRC's decision, the D.C. Court of Appeals, these -- you can't -- the EPA is not allowed to ignore -- this is your own system of law that holds you to these things. So I wanted to remind you today that you all have obligations and that if you continue to fail to fulfill those obligations, then we will be here to remind you of them.
8050 (10/5 Hot Springs hearing)	Lilias Jarding	Individual	NHPA, EJ Treaty rights Tribal consultation	My name is Dr. Lilias Jarding. I am, among other things, a Ph.D. in environmental policy, and I also come to you today as president of Clean Water Alliance. You will have full written comments from me before the December deadline. PRESIDING OFFICER HALL: Thank you. LILIAS JARDING: First things first: Cultural resources must be protected. EPA's attempts to remove consideration of cultural and spiritual issues is illegal. You also should not piggyback on an insufficient Nuclear Regulatory Commission process that's been declared insufficient via federal appeals court. Second, the treaty has been talked -- treaties have been talked about in detail, and I will not add any details except to say that the treaties must be respected. Full tribal consultation you have scheduled is my understanding; however, it should have been done before the 2017 draft permits. And it should be respected and put into action. It should come first. You may or may not be aware that in -- after 1874, there was a minerals rush in the Black Hills as a result of General Custer coming into the area. We are experiencing this again in the Black Hills, and we are on guard.
8149	Ex. 6 Personal Privacy (PP)	Individual	EJ, NHPA	In its revised draft permits, the EPA acknowledges that the Lakota and other indigenous nations have important cultural, spiritual, and legal ties to the Black Hills. But then the EPA says it won't consider these issues in making its decisions. This is a clear violation of the requirement that these types of issues must be considered during the permitting process. [...] The current plan to identify and protect cultural resources is totally inadequate. It allows unqualified Powertech employees to self-monitor and determine the locations of cultural sites when they think they encounter one using heavy equipment. This creates a situation in which cultural resources are very likely to be destroyed. A thorough, tribally-designed process for cultural resources identification and protection should be undertaken and completed before any permit is issued or any earth is moved.
8158	Anonymous	Individual	Tribal consultation NHPA, EJ	Draft permits should not have been issued until meaningful Tribal consultation was completed. The EPA has jumped the gun, and now the damage has been done, as the results of Tribal consultation were not included in the draft permits. This means the public cannot consider and comment on the issues raised by the Tribes as part of the review process. [...] In its revised draft permits, the EPA acknowledges that the Lakota and other indigenous nations have important cultural, spiritual, and legal ties to the Black Hills. But then the EPA says it won't consider these issues in making

				its decisions. This is a clear violation of the requirement that these types of issues must be considered during the permitting process. [...] The current plan to identify and protect cultural resources is totally inadequate. It allows unqualified Powertech employees to self-monitor and determine the locations of cultural sites when they think they encounter one using heavy equipment. This creates a situation in which cultural resources are very likely to be destroyed. A thorough, tribally-designed process for cultural resources identification and protection should be undertaken and completed before any permit is issued or any earth is moved.
8181	Ex. 6 Personal Privacy (PP)	Individual	EJ	[It's hard to believe that] after substitute teaching for over twenty years on Pine Ridge Reservation, have to demand that an Agency of my government obey the legal requirement that it respect the culture of a people who lived on American soil long before our white government even existed. [...] After World War II, and on past my seven-year-old self, I remember, too, that, when we took in refugees, we were respectful of their cultures. As an ethical practice, this was very formative for me and has stayed with me all my years. It was a way, I felt, for me to help fulfill the promise that the world be a better place. For me, it is imperative that government regulatory entities and private mining companies take part in fulfilling this promise by making the utmost ethical effort to respect the culture of the Native American people who have always lived here and to whom the Black Hills legally belong. Please throw out your draft permits based on incomplete cultural information and start over now, with proper and meaningful Tribal consultation. Do a thorough, respectful and tribally-designed process for identification and protection of Native American cultural resources. It's the right thing to do and it's the law. Protecting the integrity of indigenous watereverybody's wateris also the law, and is the right thing to do.
8254.2	Mike Faith	Chairman, Standing Rock Sioux Tribe	Tribal consultation, EJ, NHPA, ignored tribal comment (process),	I am requesting a government-to-government meeting with EPA to articulate our concerns with ther evised draft permits, environmental justice report, and National Historic Preservation Act section 106 compliance. We are concerned with the extent that in inssuing the revised permits, the EPA ignored our Tribe's comments to the 2017 drafts. [...] I understand that this letter and future Tribal correspondence relating to the Dewey Burdock UIC permits will be part of the public record for this EPA Region 8 docket. Please contact Standing Rock Department of Water Resources Director Doug Crow Ghost at [HYPERLINK "mailto:dcrowghost@standingrock.org"]. (701) 854-8534, or Environmental Protection Agency/Department of Environmental Regulation Program Director Allyson Two Bears at [HYPERLINK "mailto:atwobears@standingrock.org"]. (701) 854-3823 to arrange a government-to-government meeting with the Standing Rock Sioux Tribe on this important issue. Thank you for your attention to this matter. Sincerely, Mike Faith, Jr, Chairman Standing Rock Sioux Tribe
8263	Ex. 6 Personal Privacy (PP)	Individual	Treaty rights, Tribal consultation,	The Dewey Burdock Project is located in 1868 Ft. Laramie Treaty territory, an area reserved by Constitutional law for the Oceti Sakowin, or Seven Council Fires of the Great Sioux Nation. This area is sacred ground to them, and the Oglala Sioux Tribe has been in federal court and administrative appeals over the project for years, arguing for

			NHPA, EJ	protection of water and cultural resources threatened by what would be the first-ever mining of uranium in the aquifers of the state of South Dakota. Proper consultation was not done; there is NO Indigenous consent for the project -- and rightly so.
8267	Anonymous	Oglala Sioux Tribe	NHPA, NEPA, Treaty rights, EJ	EPA DEWEY-BURDOCK Uranium Cumulative Impacts Report Magpie Buffalo, 7 Sacred Rites, Maka San, and Aquifer Teachings First, the Nuclear Regulatory Commission process for the proposed Dewey-Burdock project thus far has not allowed for tribal members, on and off reservations, to provide meaningful input on the cultural and spiritual significance of the proposed Dewey-Burdock site, which is an ancient winter camp area for Lakota people, and the potential for the project to desecrate, demolish, and destroy this important and sacred area. The US Court of Appeals for the District of Columbia ruled in 2018 that the NRC staff has failed to comply with the National Environmental Policy Act. The legal challenges raised by Oglala Sioux Tribe in this matter (Docket No. 40-9075-MLA) remain unresolved to date. The longer history of this region involves its designation by the US government as part of a "national sacrifice area."Honeywell Corporation's attempts in the late 1980s to establish a weapons testing range in Hell's Canyon are part of this legacy, attempts which were thwarted by grassroots organizing by Lakota spiritual leaders/practitioners and the Cowboy and Indian Alliance. Land in this Hell's Canyon area was thereafter returned to the Oglala Sioux Tribe. The history of this winter camp area, which includes the proposed Dewey-Burdock site, is much older, however. Part of this history is detailed in the attached affidavits, used as testimony in the aforementioned unresolved case between the Oglala Sioux Tribe and the Nuclear Regulatory Commission. The Lakota elder testimony contained within these affidavits represents just a small percentage of the cultural and spiritual knowledge and wisdom held by Lakota people, with great relevance for the proposed Dewey-Burdock project. Relevant US legislation/Executive Orders to this matter include: Antiquities Act (1906) National Park Service Organic Act (1916) Historic Sites Act (1935) Wilderness Act (1964) National Historic Preservation Act (1966) National Environmental Policy Act (1970) Protection and Enhancement of the Cultural Environment: Executive Order 11593 (1971) Endangered Species Act (1973) Archaeological Resources Protection Act (1979) Abandoned Shipwreck Act (1987) National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties (1990) Native American Graves and Repatriation Act (1990) Indian Sacred Sites: Executive Order 13007 (1996) Relevant treaties/case law to this matter include: Johnson v. McIntosh (1823) Treaty of July 5, 1825 with the Sioune and Oglala Tribes (1825) Fort Laramie Treaty (1851) Fort Laramie Treaty (1868)

				Antarctica Treaty (1959) (Demonstrating colonial/imperial theft.) United States v. Sioux Nation of Indians (1980) (Docket 74, proving the theft/illegal taking of the Black Hills in violation of the 1868 Fort Laramie Treaty) City of Albuquerque v. Browner (1993) (Isleta Pueblo win against the City of Albuquerque, affirming that Isleta residents have the right to clean river water for the purposes of farming and religious ceremony.) Washington State Department of Licensing v. Cougar Den, Inc. (2019) (Affirming that the 1855 treaty between the United States and the Yakama Nation forbids the State of Washington to impose a fuel tax on Yakama Nation members.) Herrera v. Wyoming (2019) (Affirming that the Crow Tribe's hunting rights, as established in the 1868 treaty between the United States and the Crow Tribe, in exchange for lands comprising most of what is currently Montana and Wyoming, did not expire upon the establishment of the State of Wyoming.) Despite the colonial system's efforts at appropriation, including through Western disciplines such as anthropology, archaeology, and paleontology, sacred site wisdom tied to star knowledge and ongoing spiritual practice intellectually, culturally, and spiritually belongs to the Lakota people. Lakota people have ancient connections to the Black Hills, including the DeweyBurdock winter camp area: sacred sites above and below ground, caves, fault lines, and ancient migration sites. Elders and spiritual practitioners have vast knowledge far beyond the comprehension of the Western education system, and this knowledge cannot be appropriated, diminished, or dismissed. [ATTACHMENTS: (1) Images from Lakota Star Knowledge: Studies in Lakota Stellar Theology, (2) Table summarizing relevant experience, (3) Testimonies regarding Oglala cultural resources]
8286	Ex. 6 Personal Privacy (PP)	Individual	EJ, NHPA, Tribal consultation,	I submit the following comments regarding the proposed Dewey-Burdock ISL uranium mine and deep disposal wells in South Dakota along the southwest edge of the sacred Black Hills. 1. The EPA has acknowledged that the Lakota and other indigenous nations have important cultural. spiritual, and legal ties to the Black Hills. Draft permits should not have been issued until meaningful Tribal consultation was completed pursuant to the National Historic Preservation Act, so that the public can consider and comment on the issues raised by the Tribes as part of this review process. The current plan to identify and protect cultural resources is totally inadequate. It allows unqualified Powertech employees to self-monitor and determine the locations of cultural sites during mining activities. This creates a situation in which cultural resources are very likely to be destroyed. A thorough, tribally-designed process for cultural resources identification and protection must be undertaken prior to the issuance of any permit or any earth moving activities.
8252	Lilias Jarding	Clean Water Alliance	EJ, NHPA, Concerns about scope of analyses, Treaty rights, Tribal consultation	Dear Ms. Robinson: Thank you for your consideration of these comments on Docket Number EPA-R08-OW-2019-0512, the proposed Dewey-Burdock project in the Black Hills of South Dakota. While there are some major problems in the changes the EPA made between the issuance of the draft water permits for this project in 2017 and the issuance of the revised draft permits this year, the EPA did move in the right direction on at least one point. This was the agency's decision to acknowledge the cultural, spiritual, and legal ties that the Lakota and other indigenous nations have to the Black Hills. We also appreciate your decision to include the entire Black Hills in some of your discussion of the impacts of the proposed Dewey-Burdock

			Concern about relying on information from PT	project. Unfortunately, these steps in the right direction are followed by EPA's complete dismissal of indigenous cultural and spiritual issues as outside your scope, or as the EPA put it: The Black Hills is a sacred site to many Tribal Nations and Tribal members. Tribal Nations and Tribal members describe impact by historic and present-day mining activities in the Black Hills not only with regard to environmental and other impacts to physical resources, but also based their interests in the preservation of the area for spiritual, religious and cultural purposes. While recognizing these interests, the EPA's authorities to address potential impacts from its SDWA actions are limited to the protection of underground sources of drinking water. After all that, your failure to consider these issues is in clear disdain of the National Historic Preservation Act, the environmental review process, and the many comments that you have received. It should be clear to you that water is a spiritual issue, a cultural issue, and a treaty issue. You cannot separate water from spirituality or water from culture or water from treaties and say that you will only consider one or the other. We urge you to look at these matters in more depth and to give full consideration to Tribal concerns, followed by appropriate action – the denial of these permits. Related topics that should be studied – but that are not covered in the current documents – include: • The large number of Tribal members who live in the Black Hills. • The socioeconomic status of Lakota residents of the Black Hills as an impacted population based on income, health, life expectancy, housing, and other measures. • The socioemotional impacts on indigenous people, many of whom are deeply impacted by Powertech's proposal to destroy land and water. • Specific measures to protect publicly-known cultural, historical, and sacred sites. • A process other than allowing non-qualified Powertech staff to self-monitor on cultural issues, determine the importance of sites as they're encountered by heavy equipment, and then perhaps have time to arrange for the protection of cultural and/or sacred sites. This is a recipe for destruction of cultural sites. Some of us have friends who are heavy equipment operators or have been heavy equipment operators, and we know the industry standard. • Protection of landscape-scale cultural and spiritual sites. As for tribal consultation more generally, first, the original draft permits should not have been issued until proper and meaningful Tribal consultation had taken place. Second, tacking on consultation late in the process does not give Tribal issues sufficient consideration. And third, holding meaningless consultation when you have already said you'll ignore issues that are likely to be raised during that consultation is disingenuous and violates the spirit and the letter of the law. Piggybacking on the failed NRC cultural resources process would not fulfill the EPA's responsibilities in this matter any more than it has fulfilled the NRC's responsibilities. Speaking of piggybacking, the EPA revised draft permit documents still put far too much faith in the opinions of Powertech and of other agencies. The EPA must develop its own research and information in this process. In particular, as discussed at length in earlier comments, it must not use the applicant as its source for information that forms the basis of the discussion of the problems that will arise during this project.

				[…]
00268	Ex. 6 Personal Privacy (PP)	Individual	General tribal, EJ,	The Indigenous peoples (also known as Native Americans or Indians) creations stories come from Mother Earth. The instructions, to protect Mother Earth were giving to us since the beginning of time. I live with oil and gas and witnessed the environmental and health impacts. We're in the next wave of assimilation, our land has been mortgaged out to those who don't know its value or how important it is to our people. We have left our future, our children's futures, and the question of a healthy environment in your hands and what do we have left? We have continuously been forced to assimilate to live how their society thinks is the only way. Everything has been taken repeatedly, every promise broken. And we have to accept it. Our lands have been taken, mined, and extracted of resources that will never be available again because of white man's GREED. It's destroying us. White people in the capitol, who don't live anywhere near the devastation that we have to deal with on a daily basis, are making decisions that don't affect them. Yet they profit from selling out the people they claim to represent. We were forced to relocate here, and it is the only lands that we have left that ties us to our ancestors. The intruders can leave whenever they want, we don't have that option. We will have to deal with the aftermath of the irreparable environmental destruction. These white people are only here to profit off our oil, which is another flood of the same invaders who came to our lands centuries ago. These people have no ties to this community, their roots aren't here. They came from Europe and settled here. They have no respect for our Mother Earth. They don't know any better because their history proves their trail of destruction. They blinded our people with lies and greed. They told us how safe it is to extract oil and to build their pipelines. We do not know if our water is safe to drink, if the air is safe to breathe, if our land is healthy to sustain life. We are surrounded by flares while our people die in the winter. We live next to the 2 encroachers on our lands. We see pipelines running through the lands as if they are veins of our Mother Earth. The poison isn't going to end. "A review of the ethnographic literature demonstrates that the Black Hills was a sacred area for several Tribes, and that it has been encoded as an important landmark in tribal narratives." According to the National Park Service, many tribes have potential cultural affiliation with Black Hills. Traditional ceremonial activities which demonstrate the sacred nature of Black Hills to tribes include: Personal Rituals: Prayer offerings (bundles and cloths), sweatlodge ceremonies, vision quests, funerals. Group Rituals: Sun Dance. Sacred Narratives: Origin legends, legends of culture heros, and legends of the origins of ceremonies and sacred objects. Today we are seeking to: (1) continue our religious practice as we have traditionally (2) maintain the land that has ancestral significance and provides deep ties to our culture that has been severely affected by colonization and American expansion, (3) preserve the land in its natural state and maintaining its deep, religious connections, and finally, (4) protect and preserve the soil – it is the foundation of healthy land and water.
07459 (Valentine hearing)	Ex. 6 Personal Privacy (PP)	Individual Vice President OST	EJ, general tribal	Ex. 6 Personal Privacy (PP) (Speaking in indigenous language.) First of all, I want to greet you. I'm from the Oglala Sioux Tribe. I am the vice president of the Oglala Sioux Tribe. I'm an elected official. However, I also want to point out that as a member of the Oglala Sioux Tribe, in our traditional ways and our traditional beliefs, we also believe that water is sacred to us. As a woman, 90 percent of your body is water. When you carry a child, that child lives in water before they are born. There is major spiritual significance we are talking about here. Historical. It's our way of life and our belief system.

07459 (Valentine hearing)	Ex. 6 Personal Privacy (PP)	Individual	EJ	We need -- we work -- as a Lakota people, in spirituality, we are connected to the land, that everything is alive -- the rocks, the trees, the vegetation, the animals. Everything is effective. When you hear the term "mitakuye oyasin," it means "all my relations." It means all the elements in the universe. And I ask them to come pay attention, to call for their attention to this center. There's something we call a hocoka. It is where we center, where the voice -- where we call our voice from. And the Black Hills is our hocoka. It is the center of the universe.
07459 (Valentine hearing)		Individual	EJ	And you remember this, you know, Christians, they have Jerusalem, their mecca. You know, the Black Hills is our mecca. That is the center of the universe. That's where everything started. We know that because our -- our history -- we were, we raised that. We grow our kids like that. We don't forget that ever. And that's been our philosophy. Don't you ever forget that. You come out of Wind Cave. So you know what, if we could ever get down there and look at it, which we can't, given though that's our home -- can you imagine that, never, ever going back in your home? Yeah. And you want to go in there and -- it's just really overwhelming. You know, because we swim, we fish, we just -- we're not in -- and that's our home. That's where we come out of. Go to Wind Cave, and they'll tell you that, too. And those aquifers down there, there's caves where we lived. And that -- those petroglyphs, those are all ours, and you take that away from us.
07461 (5/9 Rapid City hearing)		Individual	EJ, general concern	Ex. 6 Personal Privacy (PP) Hello. And thank you for calling my name again. I am a mother first and foremost, so that's why I wasn't here, I guess, when you called my name the first couple of times. So thank you. Again, my name is Ex. 6 Personal Privacy (PP) and I am a descendent of Sitting Bull's tribe. My father is full Lakota Hunkpapa Sioux, and my mother is Aztec. And with that being said, I was born in Mobridge, South Dakota. And, quickly, two of my mother's family from Santa Barbara, California was taken off of the reservation for reasons of my mother's family's doings. So I was raised in Santa Barbara, California where as a child I was raised on the beach and in the mountains and had a father who was not around physically, but very much so in my ear and in my heart, and we wrote and spoke quite often. And being raised in California gave me the opportunity to see the drilling offshore and the drilling in our mountains. And as a child, swam amongst pipelines in our ocean that leaked just horrible toxins into the water we were literally swimming in. So I started to question that as a very young child. And then in elementary school, my first recollection of being introduced to knowledge of the Sioux Indians, as my elementary schoolbooks wrote, was horrific. And so I remember as a young child being turned off altogether to the white man's way of learning. It didn't explain who I was at all. It was just incredible the things that were written in my elementary schoolbook. And so anyway, so growing up in California, again, was able to see those things. And then became a woman and started having children and -- sorry, that clock is -- then started having children of my own and wanting to teach them who I was and where I came from. And after my father showing up on my doorstep after 20-some-odd years and reminding who I was after I had had children and that I wasn't teaching them truths and things that he had been teaching me my whole life, he then brought me back home to the Standing Rock Reservation, Fort Yates, North Dakota.

				And I fell in love. I fell in love with everything about who I was, who my family was. But then I started to take a good look around at what was really going on, and to who I was, and started reading and teaching myself what the school systems had failed to teach me about water and things like the Fort Laramie Treaty. [...] And so now looking into things and trying to get my children -- I now am a resident here in Rapid City, all the way from California, and trying to get to my hometown in North Dakota. And then seeing what's going on there, I just feel like -- it's like the blind leading the blind. You just don't know what you are doing. My great-great-grandfather fought for me to have these Black Hills. They are in our name, my last name. We belong to those Black Hills. You guys belong to the Black Hills. And the fact that you're willing to jeopardize that -- my three-year-old daughter was here. She is a water-protector. She knows how important water and those Black Hills mean to our family. You know, we go there to touch the ground and the water. And to think that I heard the lady yesterday say that those waters are dirty and contaminated, it just -- because you take a dump, you just don't not wipe again. Do you know what I mean? You just -- you don't keep contaminating things. You clean up the messes you guys have already created, and you help us protect these rights that you guys gave us, that we allowed you to give us. So I can see my time is up, and that's all I've been able to concentrate -- I could go on forever and a day. But I'm here fighting for my great-great-grandfather who fought for me to be here and to protect those Black Hills, and that's exactly what I'm going to do. I'm going to protect these free rights, and my children are going to do the same. So, my father fought in 1981 that uranium, and they won. And that's what we intend to do today.
07463 (Edgemont hearing)	Ex. 6 Personal Privacy (PP)	Individual	Water concern, EJ, general tribal	This is a public comment period, not a time for scientists and experts to come up here and impress each other with their big words. This is time for everyday people like me to come and speak to you government officials. I'm a mother, I'm a grandmother, I'm going to be a great-grandmother in November, the first time I'm going to be a great-grandmother. I want my takoja tiwahe's baby to come into a world where there's clean water. I want her to stand here someday as a great-grandmother, welcoming her great-grandchild into a world where there's clean water. I'm going to tell you, to the Lakota people, water is our first medicine. We know it's finite. It came here from the Star Nation. The water that's here is the water that was here when the dinosaurs came. There is no more water, people. I ask you to look at your papers when you go home and think about the Minnelusa. That's a Lakota word. It means swift water, the Lakota aquifer. That's another Lakota word. These waters are named by our people because we were here since time immemorial, and we want to be here far into the future.
07463 (Edgemont hearing)		Individual	EJ	So I'd like to give you the turtle with the sage in it. And then I'm going to read. It's called, "A Gathering of Sioux in Honor of Chief Sitting Bull." Sitting Bull said: "We must teach the children to read and write so the white men cannot cheat us, and we must hold onto our land until the young folks can speak English and look out for our own interests."

				A gathering of Sioux in honor of Chief Sitting Bull, 1890, December 15th. Hunkpapa Lakota Sioux and other tribal police conspired with the U.S. Cavalry to attack Chief Sitting Bull and those who fought to defend him. On that day, our most honored of all chiefs was held and killed by Sioux warriors. This was the day respect also died for our people. It is our way to mourn for one year when one of our relatives enters the spirit world. Tradition is to wear black while mourning our lost one. Tradition is not to be happy, not to sing and dance, and enjoy life's beauty during mourning time. Tradition is to suffer with the remembering of our lost one and to give away much of what we own and to cut our own hair short. But Sitting -- but Chief Sitting Bull was much more than a relation to just one family. He represented an entire people, our freedom, our way of life, all that we are. And for 127 years, we as a people have mourned our great leader. We have followed tradition in our mourning. We have not been happy. We have not enjoyed life's beauty. We have not danced or sung as a proud nation. We have suffered remembering our great Chief and have given away -- given away much of what was ours. And tens of thousands of Lakota Sioux have worn they hair short for 127 years and blackness has been around us for 127 years. During this time, the heartbeat of our people has been weak, and our lifestyle has deteriorated to a devastating degree. Our people now suffer from the highest rates of unemployment, poverty, alcoholism, drug addiction, and suicide in the country. We as a people are to blame for this loss of respect within our own nation and for the continuing destruction of our own people. Our only excuse: Ignorance. Sitting Bull foresaw our stupidity, but we would not listen. Sitting Bull said what would become of our people, and it has. If we are to deal with these problems, we must look into their origin, our present-day leadership. The new tribal government system has failed to reveal our nation, has failed to protect our people. It is a disgrace to all past Lakota leaders. But the response -- [...] Ex. 6 Personal Privacy (PP) - for the destruction -- - of our people's lives must be shared with our second form of leadership, our traditionals -- chiefs, medicine men, pipe carriers. These traditional leaders must accept the fact that they too have not represented their position as they should be represented. The people, the men, and children have been paying the price for inadequate leadership since the death of Chief Sitting Bull. This is the kind of leadership that our people can no longer tolerate, and I'm going to finish up. Are we to continue to die? Are we to continue to watch our children suffer without realizing what must be done without standing together as one force to protect our children's lives? Have we as a people given up? Simply, no, for a whole new generation is born to carry out our great Chief's instructions. We are the new generation, and we will make a change. We will lead ourselves. We will rebuild our nation's respect, and the great Lakota nation will rise again.

07463 (Edgemont hearing)	Ex. 6 Personal Privacy (PP)	Individual	EJ	You know, they named Harney Peak after William K. Harney because the Standing -- Chief Standing Rock went over there to hunt, and he left his family there, women and children. And, you know, General Harney came in and slaughtered that whole camp, so they named our sacred site after him. And that's Inyan Kara, under all -- from that top of this peak, the highest point, that's connected to the bottom of this. And you can't take us away from that because we were born -- and you guys, go to Wind Cave. There's a nice little sign there that says we came out of there. And you'll acknowledge that. [...] This is our church, this whole Black Hills area, from the top to the bottom. And the reason I know this is because my grandmas, we come from Oglala, and we gather -- we gather our plants and fruits and vegetables, and everything is provided for us here. That's our agreement with this land and the entities, the elements of this land. Those are our relatives. We come out of -- we come out of Wind Cave, and -- and you want to take that apart and discombobulate that and misconstrue it. But we are the original people to this land. This is the center of the universe, the whole world. The whole universe started right here, and we have those in our language. We have those connections still. And we have an oath and a duty to protect the sacred because they don't have a voice. They are considered animals, and no, those are our relatives. They have moms and dads, and they drink out of these creeks. And this whole area is our -- is our home. We're the real stakeholders here. And I come from Oglala, and we still make our trek here and gather our fruits and our vegetables, our food and our medicines. And you know what? Whew. I -- I have a friend that lives in this area, and I gathered some tipsila, which is our fruit. They are all deformed. They are all sick. So we can't come here and gather our food there. They destroyed it, and they want to keep destroying it. [...] So what I'm going to say is this: Our Oglala people came here, and you're detaching us from that. We can't ever come back here. Here we go, she cut me off. But I want to offer my water to you, and tell you this: That we got this water over here in Hot Springs. They call it kidney water, and it comes right from this aquifer, Inyan Kara, and this is sought-after water. It's healing water. And this is the same water these guys here want to contaminate and claim.
07463 (Edgemont hearing)		Individual	EJ, general tribal	Ex. 6 Personal Privacy (PP) : Yeah, I think everything that I'm talking about is relevant. And I'm Tonia Stands, and I'm from Oglala, South Dakota again. What I want to say is, you know, we have -- we have this origin story amongst our people, and it goes back, way, way back when this land was all red. So, you see the strip that goes around the Black Hills, we're tied to this land and we lived in a time when all the nations, every single animal, nation, had -- we all talked the same language. We had this magical communication between each other. And then we came to this time where we were going to -- we were going to lose that. So they all came amongst each other, you know. It wasn't one that was on top of the other, or there wasn't a chain of command. They were all equal.

				Now, when they came together, they had this great race around the Black Hills. And whoever would win this race was going to be the chosen nation that was going to be the voice. Because we were going to come into this time exactly right now, when these -- there's every single creature -- you know, you have these crazy words for them. But we don't have those words. Those are our relatives. And we have direct relationships with them still. [...] We have names for these rivers, and they are our relatives that we treat them on human status. They are just like us, and they have families, and we honor that. And we -- and we respect that. Well, going back to this origin story of the red earth, when the earth was red. Well, you know, they did that great race around the Black Hills and, you know, ever since I was born, ever since I was a baby, my dad took me on that great race. Every year we run around the Black Hills. It's called the Sacred Hoop 500-mile run. And I've been running that for as long as I can remember. And they -- they keep that. We have to keep that alive. And we have to be -- we owe that oath and we owe that duty to these silent nations that can't talk, that's in those waters. And we hunt. I can't even hunt no more. You cut them up, and they are all, like, deformed, and there's white spots all over them. And down here, my dad lives, you know, we go on that river. We can't even go get our boats and go down the river like we want to. We can't do that on White River, either. And you know, our tribe monitors these water tests, so I have water tests from our tribe. And in the spring, when the run-offs come down in this community of Red Shirt, it floods all the way over to where my family lives. And I have to go tell them, Don't go by the river. Leave the river alone. Go, you know. And these people in this community, I go down each house, each house like that, and I -- I'm not lying, every one of my relatives in their house has cancer. And my auntie that lives at the corner house, she survived three cancers. I can't bring them here to tell their story, so I'm here for them. And I'm here for the silent nations that we owe. We owe that oath and that duty to them to speak up for them. And I never -- I never ever wanted to, like -- I humble myself and I'm not -- you know, I'm not -- I don't want to over-exert myself, but you know what, ever since we've been on this journey to stand against uranium, these animals, animals, you know, our relatives, have shown themselves to us. We've gone to Wind Cave, and we don't -- we don't -- we don't -- we know the buffaloes are powerful. Those are our people. Those are our relatives. We know that so they -- they come to us and it's like they are -- they are sharing their pain and they are sharing their stories with us. And you know today, we were just standing out here, we didn't ask for this little turtle to come across. And you know, he went across, and so we took him off the road because we didn't want him to get hit. Well, when we picked him up and looked at him, his whole beak, his whole little mouth is deformed. I'm like why, why, do they keep showing themselves to us? You know, we have a duty, and we're fulfilling that duty. And there's no -- they don't -- they don't speak about that. And that is old. That is old. As old as that red dirt is, that is as long as we have to protect this.

				And it's a prophesy, and that's what we're fulfilling. They are encroaching and they won't stop. And you know, over here on the winding side, just like full of uranium. They are coming. They are coming. And our aquifers are going to get destroyed. It's all going down around us, and this is our, kind of the last, you know, refuge from what's going on around us. And we always live on this, we were raised on this. The Black Hills were never for sale. With the U.S. government, they have a big bank account. They want us to take that money because they know they stole it. They know that. They have that money. And they want us to take that money, oh, it's like the feel bad money, the guilt money, the blood money, you know, the resource money. Nothing. We just want it back. We just want to go pray like we always did. We want to have that freedom. And for me, because I've always come here with my grandmas, I want to continue that and keep that alive for them. You know, and I want to see the relatives. And I'll end on this note. This morning we were leaving. And I really don't believe in these animals coming up to me. I feel like Snow White. But they keep coming. And this morning in Red Shirt, my boyfriend, he said something, and he, "hagh." He said that. And this bird came out of nowhere and it was eating, and it was, "hagh, hagh" and it was looking down upon us in this tree. And I said, Look at him, he's saying -- he's laughing at you because you said that. You know, because we were arguing about packing and what to take and what not to take. And then, "hagh," and you know. See, you're supposed to listen to me. See, we were having this little discussion. Well, this bird was just standing there. And they never show themselves to us. And I'm telling you, this is a spiritual connection. And it's older. We can go back through billions of years, not thousands and centuries, billions. And we can name how the earth, how this universe began. So please remember that. Okay? Thank you.
07463 (Edgement hearing	Ex. 6 Personal Privacy (PP)	Individual	Not from Lucita's categorized list	Ex. 6 Personal Privacy (PP) The science in the 1950s told us that uranium mining, the way they did it then was safe. Let's talk to the Dine people about that. Let's talk to the original people of the land about justice and environmental justice. Let's see what they have to say about it.
8050 (10/5 Hot Springs hearing)	k	Individual	EJ	First of all, I would like to address my people who are here. (Speaking in indigenous language.) I just told them that, in my language my Lakota name is the Last One to Return, and that was given to me by my grandmother because my father was in the U.S. military. And out of five brothers, he was the last one who came home from the military. And he -- he died later on. He was in the U.S. Army. And my -- that was my given Lakota name. My English name is Dar Red Hawk. And I'm also Lakota from Pine Ridge, South Dakota, on the reservation. And on my grandmother and my great-grandmother's side, I'm also Northern Cheyenne, and I'm the great-great-great-granddaughter of Crazy Horse. And, you know, I just wanted to say that all this poisoning thing that is going on on all lands, especially Native land, they are trying to get rid of us, but we're still here. And we are the -- and our ancestors still live within us. And I'm really proud of that because I'm also -- I've also been educated in a white man's world. And there are a lot of us out there, Natives, who have degrees, who teach, and who pass our knowledge on to the younger ones.

				And I'm really proud of Mr. Andrew Catt for bringing his grandkids because they are the next generation who are going to learn about what's been going on on our Native lands, as well as -- as well as that land that doesn't exist on the reservation. And I -- I do a lot of medicinal herbs, like a botanist, but I brought some plants and herbs here that I study. And through my great-grandfather and some uncles of mine, they taught me the study of plant life. I have five plants here that grow within the Black Hills and the reservation lands. And one time out of every year, we go to harvest these. This is -- it's called -- you call it kinnikinnick. It's the bark and the inner layer of the chokecherry tree that we dry and we smoke in our pipes. It's nonchemical. There's no chemicals in it. It's natural. And my grandfather used to say when you smoke that, you smoke it with reverence and respect to Mother Earth. And there's actually healing properties in all these plants. And he says, the kinnikinnick, if you smoke it without the medicinal -- without the chemicals in it, it has a healing power for your lungs and your upper gastric system. And I also have sage. And a lot of you do use sage, I know, a lot of cooking. For us, we make tea out of it, and that's also good for your upper gastric and your gastrointestinal. And those of you who don't understand, that means your esophagus that goes down to your stomach. We smudge. I don't know if any of you know what smudge is. What we do is when we get up in the mornings, we pray with it for -- for good, for our health, for the health of the people. And that helps -- we believe, that takes away the bad spirits and help us be more focused. But it's in the belief system. It's in our belief system that this works for us. Another one is cedar. And cedar also works the same as sage. We burn it. We can make tea of it. And I used to live in southern Illinois where it's really humid. And with my plants -- with my study of plants and herbs, I got to know a lot of plants and herbs everywhere I went. And I -- I suffer with a lot of allergies now to the environment, to the Earth, just different things that -- the poisonous things that's put into our Earth comes up in the water, whatever you eat, the animals, the food, the vegetation life. Well, I came home one time -- and I used to really abuse Benadryl. Benadryl is good for allergies, for hives, whatever, in the white man's world. I'm sorry I have to use that term, but -- so I went to a ceremony, and my uncle gave me this herb. He said, Use this. He said, I'll show you how to use it and when to use it. And this herb, when you burn it, you let it burn until it fizzles out, and then you inhale the smoke a little, hold it, and breathe it back out, just a couple of seconds. And it's good for allergies, it clears my head. I have sinusitis. I don't know if you can tell by my voice. But it really helps. And I've never gone to the -- I go to the hospital, but I haven't gone to the hospital for any allergy pills because of this. And we use it sparingly. All the plants and plant life that we use, we use it sparingly. It works for us. If you allow this injection or the pollution of our land to continue, you will make our plants sick also. And with that, it won't work for us because plants are our powerful medicine. You have to believe in it, and that's where the pharmaceutical people get their knowledge from, is our plants. You know, and I hate to say it, but even pharmaceutical companies abuse our land. They add chemicals to things that would make this even more powerful. But they give it to you in milligrams, in drops, whereas the real thing

				works a lot better because it's -- it's not powered up, it's not powered down. It's just natural the way it is, you know. And I just wanted to bring this to your attention because if you kill the planet, if you kill our water, this also goes. And you'll lose your pharmaceutical stuff. None of the plants and herbs are going to work for even people out there who need it. And incidentally, the aquifers, seven states rely on this aquifer. And if you kill these aquifers, you're going to kill plant life, even the food you eat. Nebraska, Kansas, Missouri, they are all fully agricultural places. They grow the corn, the wheat. What about the beef? I know a lot of us are beef-eaters, and some of us are vegetarians or want to be or whatever. But just think, if you kill the water, you kill everything, yourself eventually. Like the gentleman who was up here, he said he got sick because of tailings. I know you guys probably sit up there in D.C., high and mighty because you don't know what our life is like downstream, you know. I just want to bring that to your attention because with the study of plant life, medicinal herbs, there's a lot of us who still live this way. And I'm proud to say that I am one of them. And we have elderly at home, young children we teach. We're teaching our language back to the children. Thank you for our elderly who are here who can do that for us before everything is lost -- plant life, the cattle, the food we eat. [...] I will. Well, I just wanted to bring this to everybody's attention because this is my concern also, is our medicinal herbs. Thank you for listening to me.
8050 (10/5 Hot Springs hearing)	Ex. 6 Personal Privacy (PP)	Individual	Treaty rights, EJ	Good afternoon. I'm not up here to try to be a speechmaker of any kind, so just bear with me a moment because I just felt like I, as a human being, need to get up here and be a human being first of all. And what I was taught is the first thing... (pause.) And my brother, Milo Yellowhair, I think said it best, the whole thing what I was thinking anyway when I was sitting there listening all day. And you gave the opportunity for us to come up there and speak like -- like people are supposed to, speak out, whatever. You give us opportunity to come up here and express what needs to be expressed. The things that come across my mind are, the questions are: Have you ever heard about the 1868 treaty? Do you know it? Why hasn't the government ever honored that treaty with us after they found the gold in our hills? And why did they end up killing all our people over it? And never was there consultation of them opening to colonization in this territory for us. It was the Great Sioux Reservation in 1868. It was. It stood. And everybody knew that in America. It was our land, and you left us alone for a brief minute until you found the gold. And then you came and ravaged our land and killed our people almost extinct with the buffalo. Remember the one that became the national symbol recently? There's so much hypocrisy with this government. They've never lived up to the treaties, never. They treat us -- we're the second-rate citizens in this country. We should be like the Saudis. That gold came out of our hills.

				Do you know the creation -- our creation stories? Have you heard of our creation stories? We came out of the Black Hills. We came out of Wind Cave. That's what they've told us all our whole lives. That's our -- where we came from. We've always been around here. What they call South Dakota, North Dakota, all this region, we've always been here. That's why they made all these reservations around here, around the Great Sioux Reservation. All those prisoners of war camps are all in our -- what they gave us after they found the gold and before colonization. They never honored that. They just killed us, and then put us on -- into prisoner of war camps. But we always spoke up, and we've always resisted. And we became radicals, or whatever they want to call it, for people that want to stand up and save their lives and their people. You know that's true. There's nothing that's changed. It's not -- the history books say that, and they still say that. And we're saying that we made it to now. We're resilient. We made it. Look at us. We can speak our language, sing our songs still. We're here dancing. And we're still around after what was done to us and is being done to us with our water. We've always protected our water. That's what we were about. We were the natural people. That's what we were about. That wasn't -- we didn't give that up; that was taken away. That was taken from us. And so we're trying to reclaim it. And we are because we're here, and you're trying to listen to us and ask us. But you know as human beings, you know as human beings -- you're a mother, sister, grandmother. I am. So I'm appealing to that part of you because we're talking about the future. We're talking about the future of the planet. We're talking about the future of our -- all people. We happen to be the first people, the first nation here. So we get to say. You get to hear us. Yay. I hope you do. I think you do. I feel your heart connected to mine personally. I just said that because I met you two out in the hallway, and I'm thinking of you. I hope you're thinking of my people. I just hope you are. I hope you both, all of you are, all the EPA or whatever. Anyway, Tina Baldomaro, Standing Rock Sioux Tribe, American Indian Movement.
8050 (10/5 Hot Springs hearing)	Ex. 6 Personal Privacy (PP)	Individual	EJ	Okay. My name i Ex. 6 Personal Privacy (PP) and I am from Oglala, South Dakota. And I could say that I grew up in this area in Hot Springs. And ever since I was a little girl, my grandmothers and my grandfathers brought me here to pray. And at a young age I started running a -- we call it the Sacred Hoop Run around the Black Hills to honor our spiritual obligation to protect the waters and to protect the silent nations. And the silent nations are the animals that don't have a voice. And they are not animals. They are -- you know, that's the -- they're our relatives. And when they -- earlier they were talking about the Great Race. And when we ran it, we were all in the same language. We could all share the same language and communicate with each other. And the reason I want to, you know, talk about that, because we have that. We are those people that won that Great Race around the Black Hills. And the reason that, you know, we have this obligation is that, you know, we're in that time. We're in that time where the relatives don't have a voice to come here and talk to you personally. You sitting there, you have no kind of sense or logic that they are talking to you. They are just -- just a -- you have that eminent domain in your head that they're not -- they're not important. You sitting there, you have that disrespect towards them.

				And we're here. We're the people that have to remind you of that, that have to teach you about that. What we live in is a machine, money and progress. That's what you call it, progress. You're progressing into a nuclear state. You're progressing us into something that we can't even manage. We didn't even know Superfunds existed until the EPA -- the EPA started taking a look at it a long time ago. And now we're here, and it's going to be 2020. And again, you know, that was -- that was my idea that, you know, we have an EPA, they're going to protect the environment. You're not going to protect the environment. We all know your agency is in bed -- in bed with the system that's going to manipulate this progress, this so-called progress. You know, we went to the State of South Dakota's -- South Dakota legislation to change this culture of irrelevance to our sacred sites off the reservation. And that's another manipulated system. You contain us to the reservation. But under those, our Black Hills are not for sale, you know. The genius minds and our spirituality, how our ancestors, they foresaw that, you know, you all would come and destroy the headwaters. That's why in those treaties it says "headwaters." We give no consent to that. Those headwaters that are below us, we lived down there. We came out of Wind Cave. Those aquifers that you're mining in, those are ours. They are in Lakota. We came out of that cave. And like it's something, you know, inferior to say you come out of a cave. Huh. You look at us and look how superior we are. Who in their right mind would go destroy headwater aquifers for the rest of these -- uranium, the radioactiveness. I don't care what kind of degree or experience you have. You just need common sense to understand that uranium is radioactive for billions of years. Put that in your vocab. Put that across your forehead. Billions of years. You're going to be long gone. We're going to destroy this Earth? Not me. But we come from here. We have the say. We have the right. And we're saying no, no to deep injection well. That's disgusting to think of that process. And that's our mother. Let's go put a bunch of waste in your stomach and see how well you do. Let's go inject some waste in your liver, in your brain, and let's see how well you do. These people don't have a choice. You're not giving them a choice. And we're not weaponizing our cultures, weaponizing anything. Our culture is peace. We come with wowachanoa, and that means peace. Go in your history books. It said that peace pipe. That's why we're here. We're in peace. Here's my five-minute mark. And I wish I could continue, but I -- I -- this is minimal. But again, think about that. Go home and put that on your forehead, billions of years. That's how -- what you're causing here.
8050 (10/5 Hot Springs hearing)	Ex. 6 Personal Privacy (PP)	Individual	EJ	(Speaking in indigenous language.) First of all, I want to explain myself, as a spiritual leader and for spiritual leaders on Pine Ridge Reservation, how important these elements are for us, the connections we make. First of all, the fire; tate, the wind; and the water; and Unci Maka, Grandmother Earth. How she provided everything. She's the only one in our belief system that's woman. She provides everything for us. Skyscrapers, everything you see in the world, Grandmother Earth. And today, these corporations, this monopoly, this -- and as a head man of the Warrior Society, Black Hills Treaty Council, I came here before, I talked here before to different people. Not the same. I know they are not the same. (Speaking in indigenous language.)

				Everything that's on Earth, we are related to it all, the whole people. When we make a prayer, that's a universal prayer. It's not just for a certain group. No, it's universal. (Speaking in indigenous language.) Everything, I believe. America, it's so much dollar signs in their eyes. My grandpa talked about the eyes, you know, on the dollar bill. And he said something that he'd really -- and I believe him. (Speaking in indigenous language.) And today everything, money, money, money, money. People are given jobs to do something, and corporations get money. And (speaking in indigenous language). And they're going to ruin it for themself. And it's happening. It's happening today. (Speaking in indigenous language). You sit there wondering what I'm saying, what I -- what I like to see happen. (Speaking in indigenous language.) Corporations are out there doing this project over here. I wish they'd come to our reservation and talk to us spiritual -- talk to the people out there, not this here. To me, this environment, come in here and talk and, (speaking in indigenous language). I don't have faith in you. I don't. Something's in the way. Something. I -- I don't know what it is. (Speaking in indigenous language.) Wish you would come down there and talk to the people. Why else are we here? Because there's a lot of concerned Lakotas over there. There's a lot of concerned Lakotas over there that are afraid to come here and talk. So when you say (Speaking in indigenous language). I'll tell you that much. And I wish you would look into that. We need for you and the corporations that are doing all the project out here to come out there and talk. Set it up. Make headline news so we will know. (Speaking in indigenous language.) That's all I just want to say.
8193	Ex. 6 Personal Privacy (PP)	Individual	EJ	The Black Hills or the HeSapa are very sacred for us as they tell of our creation, our traditional teachings, it holds spaces for our spiritual ceremonies, and it provides our natural foods and plant medicines. It is also home to wildlife. This land is our "Church" and where we put our prayer altars -- it is known to us as "The Heart of Everything That Is." The HeSapa holds eons of memory in our DNA and Water is our main entity - Mni Wicozani; Water is Life. Water is Alive. Water is Sacred. Says so in the Christian Bible, too.
00036		Individual	EJ	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 participation and outreach activities" given that UIC wells have the "potential for significant public health or environmental impacts." These included several public comment sessions in the Black Hills area.

				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 health of Native peoples.
00036	Ex. 6 Personal Privacy (PP)	Individual	EJ	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 People of Color Environmental Justice Summit, which directly led to Executive Order 12898, signed by President Clinton in 1994. 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 • Community concerns will be considered in the decision making process • Decision makers will seek out and facilitate the involvement of those potentially affected 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 [HYPERLINK "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-determination.

				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 understandings of treaty rights, which the EPA admits has been "a major evolution in EPA's understanding of environmental justice and tribal rights" (EPA 2016, 43). 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. 4. Promote intergovernmental coordination and collaboration to address environmental justice concerns in Indian country and in areas of interest to tribes and indigenous peoples throughout the United States. 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 justice elaborated by Native peoples.
00036	Ex. 6 Personal Privacy (PP)	Individual	EJ, Treaty rights	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 environmental justice. Contemporary Lakota concerns with the impacts of proposed uranium mining activities, including the proposed Dewey-Burdock project, are grounded in a longer history of negative fallout from and concerted opposition against harmful mining projects in the Black Hills region. [...] 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 rights to environmental justice in a meaningful way based on their histories of contamination, activism, and experience with the EPA and other federal institutions as well as private corporations. 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 environmental injustice. The lack of understanding of this history of local and regional environmental justice movements and their connection with the fight for treaty rights (Ostler 2011) is one of the most troubling aspects of the EPA's draft EJ analysis.

00036	Ex. 6 Personal Privacy (PP)	Individual	EJ	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 highlight the striking absences within the EPA's draft EJ analysis. 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. Works Cited Allard, LaDonna Bravebull. 2016. "Why the Founder of Standing Rock Sioux Camp Can't Forget the Whitestone Massacre." Yes! Magazine, September 3, 2016. http://www.yesmagazine.org/people-power/why-the-founder-of-standing-rock-sioux-camp-cant-forget-the-whitestone-massacre-20160903. Dittmer, Kyle. 2013. "Changing Streamflow on Columbia Basin Tribal Lands-Climate Change and Salmon." Climatic Change 120: 627–41. Doerfler, Jill. 2003. "Where the food grows on water: The continuance of scientific racism and colonization." Unpublished manuscript. Cited in Scheman, Naomi. 2012. "Toward a Sustainable Epistemology." Social Epistemology: A Journal of Knowledge, Culture and Policy 26 (3–4): 471–89. Environmental Protection Agency. 2016. "Environmental Justice 2020 Action Agenda." https://www.epa.gov/sites/production/files/2016-05/documents/052216_ej_2020_strategic_plan_final_0.pdf. Estes, Nick. 2014. "Declaring War on KXL: Indigenous Peoples Mobilize." National Lawyer's Guild Mass Dissent. Special Issue: "Environmental Justice and Indigenous Resistance Movements" 37(3). Grossman, Zoltan. 2002. "Unlikely Alliances: Treaty Conflicts and Environmental Cooperation Between Native American and Rural White Communities." Ph.D. thesis, Madison: The University of Wisconsin. Halder, Bornali. 2002. "Mitaku'oyasin: An Anthropological Exploration of Lakota Sioux Environmental Activism." Ph.D., Oxford: University of Oxford. Holifield, Ryan. 2001. "Defining Environmental Justice and Environmental Racism." Urban Geography 22 (1): 78–90. Holifield, Ryan, Michael Porter, and Gordon Walker, eds. 2010. Spaces of Environmental Justice. Chichester, West Sussex, U.K.; Malden, MA: Wiley-Blackwell. Howe, Craig and Kim TallBear, eds. 2006. This Stretch of the River: Lakota, Dakota, and Nakota Responses to the Lewis and Clark Expedition and Bicentennial. Sioux Falls, SD: Pine Hill Press. Howe, Craig, Lydia Whirlwind Soldier and Lanniko L. Lee, eds. 2011. He Sapa Woihanble: Black Hills Dream. St. Paul, MN: Living Justice Press.

				Jarding, Lilias Jones. 2011. “Uranium Activities’ Impacts on Lakota Territory.” Indigenous Policy Journal 22 (2). http://articles.indigenouspolicy.org/index.php/ipj/article/view/48. Johnston, Barbara Rose, Susan Dawson, and Gary Madsen. 2010. “Uranium Mining and Milling: Navajo Experiences in the American Southwest.” In Smith, Sherry L. and Brian Frehner. Indians & Energy: Exploitation and Opportunity in the American Southwest. Santa Fe, NM: School for Advanced Research Press. LaDuke, Winona, and Ward Churchill. 1985. “Native America: The Political Economy of Radioactive Colonialism.” Journal of Ethnic Studies 13 (3): 107–32. Lawson, Michael. 2009. Dammed Indians, Revisited: The Continuing History of the Pick-Sloan Plan and the Missouri River Sioux. Pierre, SD: South Dakota State Historical Society Press. Ostler, Jeffrey. 2011. The Lakotas and the Black Hills: The Struggle for Sacred Ground. New York: Penguin Books. Schlosberg, David. 2009. Defining Environmental Justice: Theories, Movements, and Nature. Oxford University Press. Sharma, Rohit K., Keith D. Putirka, and James J. Stone. 2016. “Stream Sediment Geochemistry of the Upper Cheyenne River Watershed within the Abandoned Uranium Mining Region of the Southern Black Hills, South Dakota, USA.” Environmental Earth Sciences 75 (9): 823. Thunder Hawk, Madonna. 2007. “Native Organizing before the Nonprofit Industrial Complex.” In The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex, edited by INCITE! Women of Color Against Violence, 101–106. Tsosie, Rebecca. 1996. “Tribal Environmental Policy in an Era of Self-Determination: the Role of Ethics, Economics, and Traditional Ecological Knowledge.” Vermont Law Review 21: 225–333. Tsosie, Rebecca. 2009. “Climate Change, Sustainability, and Globalization: Charting the Future of Indigenous Environmental Self-Determination.” Environmental & Energy Law & Policy Journal 4 (2): 188–255. Tupper, Seth. 2015. “Rapid City Journal Special Project: Radioactive Legacy.” Rapid CIty Journal, November 1. http://rapidcityjournal.com/app/pages/uranium/. Voyles, Traci Brynne. 2015. Wastelanding: Legacies of Uranium Mining in Navajo Country. Minneapolis, MN: University of Minnesota Press. Weaver, Jace. 1996. Defending Mother Earth: Native American Perspectives on Environmental Justice. Maryknoll, NY: Orbis Books. Whyte, Kyle Powys. 2013. “Justice Forward: Tribes, Climate Adaptation and Responsibility.” Climatic Change 120: 517–30. Whyte, Kyle Powys. 2017. “Our Ancestors’ Dystopia Now: Indigenous Conservation and the Anthropocene.” In Routledge Companion to the Environmental Humanities, edited by Ursula K. Heise, Jon Christensen, and Michelle Niemann, 206–215. New York, NY: Routledge. Wildcat, Daniel R. 2009. Red Alert! Saving the Planet with Indigenous Knowledge. Golden, CO: Fulcrum Publishing. Young, Iris Marion. 2011. Justice and the Politics of Difference. Princeton University Press. Young, Phyllis. 1996. “Beyond the Water Line.” In Defending Mother Earth: Native American Perspectives on Environmental Justice, edited by Jace Weaver, 85–98. Maryknoll, NY: Orbis Books.

00527	Lilias Jones Jarding, Ph.D.	Clean Water Alliance	EJ; NHPA; Tribal consultation;	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, historical, and cultural sites. 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 of this issue and, if one doesn't exist yet, it should be done as part of the Dewey-Burdock process and before further action is taken by the EPA.
00565	Nick Tilsen	Thunder Valley Community Development Corporation	EJ	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.
07461 (5/9 Rapid City hearing)	Ex. 6 Personal Privacy (PP)	Individual	EJ	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.
07461 (5/9 Rapid		Individual	EJ; tribal consultation; Treaty rights	Ex. 6 Personal Privacy (PP) Hi. My name is Ex. 6 Personal Privacy (PP) I'm a graduate student in geography at the University of Minnesota in Minneapolis. I grew up in Sioux Falls, eastern part of the state. And I am humbled by all the people

City hearing)			NHPA;	who have spoken yesterday and today, and a lot of what I am going to say is to reiterate what other folks have said. 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 located on tribal lands. [...] 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 experienced in this region. [...] 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 Native communities. [...] 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 environmental justice.
07461 (5/9 Rapid City hearing) Ex. 6 Personal Privacy (PP)		Individual	EJ; Adequacy of public process; Tribal consultation;	Ex. 6 Personal Privacy (PP) Okay. Thanks a lot for allowing me to speak today. My name is Kai Bosworth. I'm also a graduate student in the Department of Geography at the University of Minnesota. I hold an M.A. in Environmental Studies with an interdisciplinary focus on Environmental Justice from Macalester College, as well as a B.A. from the University of Minnesota. And I grew up in Spearfish, South Dakota. 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 enforcement of environmental laws, regulations, and policies." 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 social movements, has expanded drastically. 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 environmental activities on the land. 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 very least, that the project does indeed impact Native nations. 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 tribal communities so that -- to facilitate their appearance here today. 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 words.

				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 current administration. 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, as the experts on the region, its water and its land. 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 treaties, and contamination of Native land and bodies. 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 participation by including us in a real dialogue. Thank you to everyone who has spoken today, and I look forward to submitting longer written comments to this panel.
8143	Anonymous	Individual	EPA must do own eval; Boreholes; EJ, NHPA	The EPA must do its own full evaluation of the proposed Dewey-Burdock project and cannot "piggyback" its evaluation on the work done by other state or federal agencies. The EPA must require Powertech/Azarga to properly plug all historic boreholes and reclaim historic abandoned mines in the project area before they issue any future permits. Failing to do this would allow a continued dangerous situation for our aquifers, rivers, reservoirs, and landowners. Per Article Six of the U.S. Constitution, treaties are the "supreme law of the land." The EPA cannot just brush off this fact. The EPA must consider potential negative impacts to human health from a cultural perspective, as well as from a technical/scientific perspective. The EPA said that the Nuclear Regulatory Commission's review of cultural resources "appears sufficient." Actually, this review has been ruled "not sufficient" by a federal court. The EPA should perform a cultural resource review that follows federal law.
00537	Nadine Padilla Travis Miller	Native Research Solutions	Not from Lucita's categorized list	Please accept these comments on behalf of Native Research Solutions (NRS). Native Research Solutions (NRS) is an Indigenous-led organization that provides legal research to grassroots communities working on social justice and human rights issues. NRS specializes in Federal Indian Law, Environmental Law and Water Law. NRS is dedicated to supporting and working with communities impacted by natural resource exploitation, racial discrimination, and other social injustices. NRS works with communities to protect the health and livelihood of the people, the environment, sacred sites, and water resources. NRS works with tribal governments and organizations to assert tribal sovereignty and fulfill tribal self-determination. NRS stands in solidarity with the Lakota Nation and other tribes in enforcing treaty rights and protecting sacred sites. [...]

				To Indigenous peoples, contamination of water also raises cultural concerns. To Indigenous peoples, water, in particular, holds special meaning and is regarded as a sacred element. Indigenous cultures all over the world recognize a simple predicate: water is life. Water is identified as the first medicine. It is the first environment in which we live while we are being carried in our mothers. It is an offering made in prayer ceremonies and is a spiritual being in and of itself. All of these factors should be considering in evaluating the requested permits. […] The Black Hills, known as *Paha Sapa* to the Lakota, are the center of their spiritual and cultural universe. To the Lakota, throughout all of Creation, *Paha Sapa* has been "The Heart of Everything That Is." Lakota medicine man Pete Catches, describes the relationship between *Papa Sapa* and the Lakota: To the Indian spiritual way of life, the Black Hills is the center of the Lakota people. There ages ago, before Columbus came over the sea, seven spirits came to the Black Hills. They selected that area, the beginning of sacredness to the Lakota people… The seventh spirit brought the Black Hills as a whole--brought it to the Lakota forever, for all eternity, not only in this life, but in the life hereafter. The two are tied together. Our people that have passed on, their spirits are contained in the Black Hills. This is why it is the center of the universe, and this is why it is sacred to the Oglala Sioux. In this life and the life hereafter, the two are together.[29] Many sites are sacred because it is a location where an event of great spiritual significance occurred. The late Native American scholar Vine Deloria, Jr. writes, "Tradition tells us that there are, on this earth, some places of inherent sacredness, sites that are Holy in and of themselves."[30] Vine Deloria, Jr. writes, "Every society needs these kinds of sacred places. They help to instill a sense of social cohesion in the people and remind them of the passage of the generations that have brought them to the present. A society that cannot remember its past and does not honor it is in peril of losing its soul."[31] The EPA should deny the permits because environmental justice policy requires nothing less. The EPA should deny these permits in order to restore relationships with tribal communities and in recognition of the long history of environmental racism towards Native American communities as they have endured the burdens of energy production for this country. The EPA defines "environmental justice" 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 enforcement of environmental laws, regulations, and policies." Here, fair treatment and meaningful involvement of Indian tribes requires doing more. Instead of proceeding through the process with the end goal being approving the permits in the most hasty, least expensive manner possible, consider the long-term impacts from these mines. Consider at what cost these mines are approved- destruction of historic sites, the unburying of Native American gravesites, desecration of sacred sites, lost water resources, and a continued policy of treating Indian communities as expendable populations. […] **V. Rates of Violence Towards Native American Women Increase in Mining Towns and the EPA Has an Obligation to Consider These Impacts and Deny the Mine Permits.** The EPA should deny the mine permits due to the social dangers that accompany mine projects, particularly the impacts to Native American women. When a mine operation opens, transient workers move in for employment, primarily male workers, often skewing the malefemale ratio in the community. This has led to an increase in more women working in strip clubs and bars. This new sex industry has brought unwanted problems to once-smaller communities. Crimes against women, particularly domestic violence and sexual assaults, rise as the

population of mine workers grows.[40] In North Dakota, the oil boom resulted in a 162% increase in the violent crime rate from 2002 to 2012.41 On the Fort Berthold Reservation, sexual assaults have increased by 75%.[42] Sexual violence against Native American women is extremely high as 1 in 3 Native women has been raped or experienced an attempted rape.[43]

Bringing in transient mine workers only exacerbates these problems. Sex trafficking among young Native people has also increased in communities after mine operations begin.[44] The EPA has a responsibility to study and evaluate increased rates of violence towards Native American women as a result of mining booms, and other secondary impacts to vulnerable populations.

VI. EPA Should Recognize and Follow United Nations Human Rights Principles and Deny the Permits.

The EPA should look to principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) when working with Native American communities. The UNDRIP requires that state and federal governments, in good faith, receive "free, prior, and informed consent" from tribal nations on any project affecting their lands, territories, or resources.[45] Clearly, the Lakota have not given consent to mine uranium in the Black Hills. UNDRIP recognizes that "respect for indigenous knowledge, cultures, and traditional practices contributes to sustainable and equitable development and proper management of the environment."[46]

Indigenous peoples throughout the world believe in principles of natural law as opposed to western concepts of law. Whereas western law prohibits the mix of church and religion with law, Indigenous peoples rely on cultural and religious teachings as the ultimate source of law. Natural law is a set of laws that originates from the earth and recognizes all living beings as equal. It is the belief that all beings in creation are connected and that there are familial relationships among all of creation. Natural law recognizes the role of a human as a steward of the land, to look after the land, and protect the land for future generations rather than using the earth and its resources for temporary gain. It is a concept that recognizes that the lives of human beings may end, but the world will regenerate and continue on without humans.[47]

Natural law is based on principles of respect and responsibility. These principles are reflected in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Article 25 of the Declaration states, "Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally-owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard."[48] To grant the proposed permits to Powertech, the EPA violates this internationally-recognized human right.

In early 2017, United Nations Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz visited Indigenous communities throughout the US. Ms. Tauli-Corpuz summarized her findings, recommending that a full environmental impact statement be done in every case where an extractive industry project affects Indian tribes.

In addition, the UN Special Rapporteur noted the challenges that exist in the consultation process between tribal governments and the US government. The Special Rapporteur mentioned Executive Order 13175 as a well-intentioned but confusing and disjointed framework that "suffers from loopholes, ambiguity, and a general lack of accountability."[49] The Special Rapporteur went on to write, "The breakdown of communication and lack of good faith involvement in the review of federal projects has left tribal governments functionally unable to participate in consequential dialogue with the United States on projects affecting their lands, territories, and resources."[50]

				As a signatory to the UN Declaration on the Rights of Indigenous Peoples, the United States has an obligation to meet its human rights obligations and provide for fair and meaningful engagement of tribal governments. The UN Special Rapporteur reminds US agencies: The goal of tribal consultation is not simply to check a box, or to merely give tribes a chance to be heard. Rather, the core objective is to provide federal decision makers with context, information, and perspectives needed to support informed decisions that actually protect tribal interests. Treaty rights, the federal trust responsibility to tribes, environmental justice, and the principles enshrined in the Declaration all must be given life and meaning in federal decisions that impact tribes.[51] The EPA should fulfill its human rights responsibilities under the UN Declaration on the Rights of Indigenous Peoples and deny the mine permits. Thank you for your consideration of these comments.
07460 (5/8 Rapid City hearing)	Ex. 6 Personal Privacy (PP)	Individual	Not from Lucita's categorized list	And now I was inspired by my brother, Ex. 6 Personal Privacy (PP) to come up here and stand with the Cheyenne, the Sioux, Lakota/Nakota/Dakota. Because growing up, all I've seen from the law, from what we are supposed to entrust our faith into, what we call a diplomatic system of justice, as politicians or bureaucrats would call, but all I've seen was corruption, oppression on my people. And I see the same in the Sioux Nation. And so if this project is granted its permit, there will be people like me to stand in its way to fight to the fullest. And out of this will only be sorrow, grief, bloodshed, more hatred and distrust for our government. And all my life, I despised the U.S. government for its oppression and colonialism that it has spread in this ground that we call home, the indigenous land that we now call home. And so in my opinion, I would have to deny the permits for this mining project.
8050 (10/5 Hot Springs hearing)	Ex. 6 Personal Privacy (PP)	Individual	Not from Lucita's categorized list	(Speaking in indigenous language.) Greetings, Relatives. I'd like to first start by greeting each and every one of you with a warm and heartfelt handshake. My name is Ex. 6 Personal Privacy (PP) and my Lakota name is Ex. 6 Personal Privacy (PP) and of Oglala Lakota, otherwise known as Ex. 6 Personal Privacy (PP) I am a father, a community organizer, a nonviolent direct action trainer, and a representative from the International Indigenous Youth Council. First off, I would like to acknowledge that this is indigenous land. Under Article Six of the U.S. Constitution, under our treaties, I would like to just remind you that you are our guests, and we are still the hosts. That being said, the indigenous concerns about the pollution to the water and the use not only for drinking water but for ceremonial use is preposterous that we even have to be standing here talking about the importance -- the cultural importance of our water. Because not only do we need it to survive here whenever we're alive, you know, it's what is provided to the plants to make use of our bodies after we're gone. And also it is what we are surrounded in in the womb. Clean water is a basic human right that our children are entitled to. They are the ones who are going to inherit this world from us. And it's selfish to put their futures on the line for profits, and to line the pockets of a select few individuals and corporations.

				Historically, we have never received any justice from past mining endeavors coming from corporations, blatant disregard for indigenous people's health, and also from the shortcomings of our government and agencies to help protect and keep our water clean. I am a father of a six-year-old. She comes to these things with me. She goes all over with me. And so she is starting to see the work that we do, the importance of water and sovereignty, and how those two things are intertwined. So she knows that our water right now stands in the face of danger, and that we are here to make sure that you guys are held accountable. Like I said, it's unfair to our youth to put their water and their future on the line whenever it comes to these things. They are learning the importance of water, and they are starting to see that the ways that this society and this government are running, they -- their futures and their lives are not taken into consideration. If you really want to help our people, then I call upon you landowners to hand over the deeds of your land to our children. Because not only is land integral to the growth of our nation, but also the connection to the land is what really sustains us and it grounds us. And so having land back in our control, that we would have the autonomy to decide to do what we please, it would greatly affect our youth and help to drop the suicide rates because it would help to give our youth a sense of pride and the fact that they are on the land that we had traditionally inherited from our ancestors. Our youth are tired of standing silent while older people make decisions for us. And as you can see, youth all over the country and youth all over the world are starting to stand up for their futures. That being said, should these permits go through? We have one thing to say: Respect us or expect us. He hecetu.
07642 (Hot Springs hearing)	Tasina Sapa Win	International Indigenous Youth Council	Not from Lucita's categorized list	TASINA SAPA WIN: (Speaking in indigenous language.) My name is Black Shawl Woman. I am from the Cheyenne River Sioux Tribe from a little community called Swift Bird. I live right by the Missouri River. I'm also here to talk on behalf of the International Indigenous Youth Council. And what we are is a grassroots organization that started in Standing Rock that empowers youth in their comm- -- or to become leaders in their indigenous communities through activism that primarily circulates around social and environmental justice, treaty recognition, and tribal sovereignty. I'm -- I could come up here and give you a huge speech. I could give you a bunch of statistics. I could tell you pretty much everything that you've already heard from these fine people in this crowd. But instead, I'd rather tell you exactly what comes from my heart. And I'm looking at you right now in your eyes, and I'm going to plead with you to make the right decision here. I'm also a young mother of a beautiful five-year-old boy. He will be six here in a couple weeks, and he changed my life at a young age. And I made him a promise when he was born, and that was to protect him at all costs. And by protecting him, that's why I'm standing up here, not just him, but for all children of our future. Where I come from, Cheyenne River deals with a lot of addictions that are like alcoholism, meth addiction, gambling. The list goes on. Addiction has enablers. These companies and this government are addicted to nonrenewable energy.

				And just like all addictions, they have enablers. The EPA is being an enabler to addicts. Addictions to what? The cruel profit of indigenous resources -- money, power, and greed. Just like all addictions, they need -- they need help, and I'm begging that the EPA help this country. These companies are foreign. How could you let foreign companies come into this country and drill toxic, lethal chemicals out of the earth and then not clean up after themselves? That jeopardizes our health, my son's future, clean aquifers everywhere. I saw your presentation yesterday, and I seen a point that you made saying that the aqu- -- the water that you found underneath is undrinkable. Yeah, maybe undrinkable to humans, but it's not undrinkable to the earth. It's not undrinkable to the soil. It's not undrinkable to the plants or the rivers that it will be flowing into. We need water. I mean, Standing Rock and the indigenous people of this land have shook the world, opened the eyes of the public, and now we are saying to stop. Please stop. We don't want to be sick anymore. We don't want cancer rates skyrocketing, diseases going unexplained.
00537	Nadine Padilla Travis Miller	Native Research Solutions	EJ; Trust Responsibility	The EPA needs to visit tribal reservations, view the conditions, learn the history, and listen to Indian communities most impacted. Simply consulting the tribes, receiving comments without truly considering the alternative of denying the mine permits, is nothing more than going through the motions and checking off a box. The trust responsibility places additional duties on the federal government to protect places of prayer relied on by Indian communities.