

Hello Defenders,

A lot has happened since our last newsletter. Some of the topics were covered at the Sept. meeting, but since then, even more has occurred, all good for a change. If you have any comments, please let us know at the above address or phone number. Thank you.

Black Hills Update Treasurer Brian Brademeyer gave an update on four current Black Hills issues. Brian was involved in the litigation issue for years prior to the formation of Defenders. Defenders was established in Aug., 2002. However, we support the protection, preservation, and restoration of the Black Hills so we are very concerned about the final outcome of these issues.

First: Another environmental lawsuit on the 1997 Black Hills Revised Forest Management Plan, filed in the District of Colorado on May 31, 2013, was dismissed by the District Court for lack of timeliness. A previous Black Hills lawsuit filed in 2011 in the District Court of Wyoming had been dismissed, arguing in part that only the Colorado District court had jurisdiction on the claims raised which were compliance with the 2000 settlement Agreement on the Beaver Park lawsuit.

These two suits are now being combined under an appeal to the Tenth Circuit Court which was filed in Denver on June 7, 2013, with briefings to occur during this October and November. These suits allege that the Forest Service has failed to protect wildlife and wildlife habitat as agreed to in the Settlement Agreement, and thus have never complied with the terms of that Settlement Agreement. The Plaintiffs, (all allies of Defenders including Biodiversity Associates, Native Ecosystems Council and Prairie Hills Audubon) are asking that the Interim Direction given by the Chief of the Forest Service for Black Hills Wildlife Management in his 1999 Forest Plan Appeal Ruling be reinstated while the case is being heard, and until the Black Hills Forest Plan can be amended to bring it into compliance with Federal wildlife and environmental laws.

Second: Dr. Chad Hanson from southern California spent three days in late September with Brian, touring the Black Hills recent beetle and fire areas with the U.S. Forest Service and other local environmentalists. Dr. Hanson has submitted a petition to the US Fish and Wildlife Service (USFWS) to list the Black Hills population of black-backed woodpeckers as a Threatened and Endangered Species under the Endangered Species Act (ESA). The USFWS has responded positively in its required 90-day response to the petition, suggesting that this species deserves

more investigation for protection under the ESA. Dr. Hanson will return to the Black Hills next May for additional field work during the nesting season, and will hold additional public meetings and speaking engagements.

The logging and fire suppression has hurt the woodpecker as they need old, dead trees to build their nests. Other species, birds, insects, animals, depend on the woodpecker. Defenders should help sponsor these efforts to protect this rare woodpecker species in the Black Hills.

Third: The Forest Service has made a decision to grant a 3100 foot roadway easement to Capital Properties, LLP, for a new access road near Keystone within the Norbeck Wildlife Preserve. A few years ago, a portion of this property was traded to the Forest Service for lands with high development potential near Hill City and Rockerville. Defenders opposed this land trade, suggesting that this Capital Properties parcel should be purchased by the Federal government. This would have prevented the current development and road access request, which is to a subdivision of the property called Rushmore Campground and Resort. Defenders was not notified of this easement request, but only learned about it through the public notice of the decision in the Rapid City Journal. The consensus at Defenders September meeting was for Brian to appeal this road easement decision on behalf of Defenders, objecting to both the lack of public notice and to the easement itself.

Fourth: Although the Pine Beetle epidemic is stopping, the US Forest Service will continue with their logging projects, including those within the Norbeck Wilderness area.

National Guard and the National Grasslands Charmaine will write a letter to the Commander at the National Guard asking for a copy of the study on the naturally occurring uranium in the Buffalo Gap National Grasslands area which was slated for a training area. However, she is still recommending a state law be enacted to provide permanent protection for South Dakota soldiers or others from being subjected to any naturally occurring nuclear radiation while in training in the state.

Uranium Issues and Updates

Powertech The SD Board of Minerals and Environment began the hearings for the large scale mining permit at the Ramkota Inn in Rapid City. (Defenders is not a party to the hearings as one

of our old unwritten rules is to move on to another issue once there are many other organizations and others involved.) Gary Heckenliable from ACTion for the Environment, and Sylvia Lambert, a Defender, were present and intervenors at the Hearing. They gave an update. Powertech, the Canadian mining company that plans on mining Uranium near Edgemont cannot be sued as they are a Canadian company. However, the intervenors have good lawyers so the hearing is going good. Sylvia said that some intervenors only had 5 minutes to comment, and that the last three days were very technical. The hearing lasted for a week and is to be reconvened in Nov. 2013.

UPDATE: The SD Board of Minerals and Environment has postponed the hearing until after all the permits are granted by the federal Nuclear Regulatory Commission, the federal Environmental Protection Agency, the state Water Management Board, and any other entities that need to grant a permit to Powertech. This will take a few years as there will also be public input by the federal agencies.

Film: Abandoned Mines in the Northern Great Plains (9 mins) A short film about the abandoned mines in the Northern Great Plains was shown at the end of the meeting. It was filmed by Crystal Zevon from Massachusetts who was working on a documentary called Searching for Occupy. The film shows Charmaine White Face in traditional dress explaining how the abandoned uranium mines are affecting the Great Sioux Nation.

Federal Bill on Abandoned Mines At the meeting, Charmaine reported that the Bill had been sent to Representative Raul Grijalva, AZ. However, there were questions from his staff about how the cleanup of the abandoned uranium mines would be funded. A suggestion was made that a small tax on all stock speculations could pay for the cleanup.

UPDATE: A delegation from the Forgotten Navajo People met with the Congressman in Phoenix, AZ, and his staff to talk about the Bill. There are more than 1300 abandoned uranium mines in the Southwest, in Arizona and New Mexico. Congressman Grijalva is strongly behind the Bill and is also adding a public education component. He is submitting it as a stand alone bill, with questions about funding it left to after it is approved, as the need for the bill is so great. As soon as the Bill is finally approved by the Legislative Research department, it will receive a Bill Number then more Representatives will be contacted asking for their support.

More than 150 signatures on thank you letters to Congressman Grijalva were collected at the Black Hills Pow Wow and hand delivered to the Congressman in Washington, DC, by another

friend and ally, Dr. Margaret Flowers. We are asking more people to send thank you letters to him as the letters will help in his efforts to get the Bill passed. Letters can be sent to Congressman Raul Grijalva, 1511 Longworth HOB, Washington, DC 2051

Keystone XL Pipeline A short update of the Keystone XL Pipeline was given. Charmaine has given presentations on the XL Pipeline and just finished one at Rosebud a few days before the meeting. Handouts were available on the trains that currently carry oil from the Bakken Range in North Dakota. President Obama has said he wants to know the effect on Climate Change caused by the Pipeline before he will give approval.

Energy has to be about more than one pipeline. The net effects of the pipelines impact on our climate will be absolutely critical to determining whether this project [Keystone XL] can go forward Our national interest will be served only if this pipeline does not significantly exacerbate the climate problem.

President Barack Obama, June 25, 2013, Georgetown University, Washington, DC

The railroad industry is expanding to carry more and more oil building more tanker cars and railroad tracks. The Oil industry doesn't care if the oil is carried by the Pipeline or by rail.

In the meantime, the State Department posted the first set (approximately 100,000) of the public comments on the Draft Supplemental Environmental Impact Statement (SEIS) of the more than 1.2 million comments that were received. The comments can be viewed at <http://www.regulations.gov/#!docketDetail:D=DOS-2013-0011>

All comments will be posted before the completion of the Final SEIS. After the Final SEIS is completed, then the Department will give the public another opportunity to comment during the National Interest Determination (NID) period. That period will be given at a later date, probably next Spring, 2014.

ND Oil Wastes Speaking of the Bakken Range in North Dakota, the oil wastes are radioactive. The North Dakota Health Department will be doing a study with one of the oil companies to determine how much radiation is in the waste. (We consider this letting the fox in the hen house to count all the chickens.) Our concerns are that the oil waste is also contaminating the aquifers, creeks, and rivers including the Missouri River. National Geographic magazine did an excellent article in their March, 2013, issue, however, they did not discuss the radioactive oil waste.

Deadwood Standard Gold Mine Gary Heckenliable gave an update. The SD Department of Environment and Natural Resources has not heard a word about this planned gold mine in 5 months. Possibly this is due to the price of gold dropping from \$1300 to \$900 an ounce. He will keep us informed of any new developments.

Other Gary also reported that another Canadian mining company wants to mine the tailings on White Wood Creek for gold, but the state is against it. White Wood Creek has been badly polluted in the past by the tailings from Homestake Gold Mine.

Black Hills Pow Wow Tabling We received a small grant from Western Mining Action Network and the Indigenous Environmental Network to pay for our expenses to table at the Black Hills Pow Wow. The two main handouts were 8 Ways of Radiation in the Northern Great Plains (adding the North Dakota oil wastes), and the thank you letter to Rep. Grijalva.

Passing of Imogene Taken Alive Our condolences to the Taken Alive and Dog Eagle families, and all friends and relatives of Imogene Taken Alive. She was one of the Kahtela grandmothers, and a strong supporter of the 1868 Treaty. Her wisdom was given at many meetings in a gentle and respectful manner. She will be deeply missed by many of us.

Compiled and submitted by Charmaine White Face, Coordinator

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