Defenders of the Black Hills

PO Box 2003, Rapid City, SD 57709

JANUARY 19, 2008 Report

Dear Defenders,

Rather than send out monthly letters, the Board of Directors at their November Annual Board Meeting decided that quarterly updates would be sent to the membership, especially for those who do not have internet access. As we do not have paid membership, and continue to operate on donations, this is more cost efficient for the organization.

Board Report

The Board is trying to expand the fundraising capacities of DOBH. Prior to November, fund raising rested primarily with the Coordinator and a grant writer. However, this often proved to be inefficient as the Coordinator completed other tasks as well. The Board has since created a Fundraising Committee and will be working on increasing the capacity of DOBH through many diverse means depending on the expertise and experience of the member.

For the past two years, DOBH has not applied for large grants and the office doors closed two and a half years ago. The operations have continued in the Coordinator's home. Yet, the projects have expanded as more information came in from volunteer researchers all over the country, and as more collaborations with others came into being such as with the uranium and nuclear pollution issue. There are a number of old projects that still need to be completed such as the Bear Butte Legal Fund. The existing projects also need to keep going such as trying to protect the Black Hills forests from further devastation. Anyone interested in being a part of a committee, please email us at bhdefenders@msn.com or send a letter to the above address.

^^^^

Americaïئ/2s Giving Challenge

Defenders is signed up at <u>Giveline.com</u> to offer opportunities to purchase items and donate to Defenders at the same time. Through Giveline we learned about America's Giving Challenge and a chance to win \$50,000 so please pass the message on. Most important! T his Challenge ends Jan. 31, 2008 !!

About The Challenge: With our partner the Case Foundation, Parade Magazine is presenting America's Giving Challenge and awarding \$500,000 to charities whose supporters have attracted the most unique donors to their cause using new and innovative online tools.

Who can participate: Anyone with access to the Internet, a willingness to try something new, and the passion and commitment to advocate on behalf of a cause they care about. The entire

Challenge is designed to take place online, involving the use of such everyday activities as e-mailing, blogging, and social networking. To champion a cause you must be a legal U.S. resident aged 13 years or older. Anyone can donate to a cause using a valid credit card or other form of payment accepted by our donation processing partners Network for Good and GlobalGiving.

How it works:

There are two ways to get involved:

Champion a Cause and have the chance to get \$50,000 for the charity of your choice. The eight individuals whose charity badges attract the most unique donors through the America's Giving Challenge will get \$50,000 for their cause.

Give to a Cause and help the charity you care about get \$1,000. The 100 nonprofits with the greatest number of total donations made to them through America's Giving Challenge will each get \$1,000.

The Challenge will close January 31 at 3pm EST.

A quick note about unique donations:

To succeed at the Challenge, the objective is to get as many people as you can to donate to your cause. Duplicate donations from the same individual will only be counted once. For more information, please read America's Giving **Challenge Rules** and **Frequently Asked Questions**

^^^^

Get Well Cards and Letters One of the elder women who was declared to be a Kahtela last September, 2007, is in a long term care facility due to complications from surgery last year. Please send cards and encouraging letters to her to help her speedy recovery.

Stella Pretty Sounding Flute

Sanford Long Term Care Facility

Room 213

Chamberlain, SD 57325

^^^^

April 19, 2008 Meeting The next meeting of DOBH will be held on Saturday, April 19, 2008. This will also be a commemoration of the beginning of the signing of the Fort Laramie Treaty of 1868. A committee to plan the meeting needs to be convened. Anyone wishing to be on the committee, please email Charmaine White Face at bhdefenders@msn.com, or mail a letter to her at PO Box 2003, Rapid City, SD 57709. The place of the meeting has not been decided. If

you or your community or organization would like to host the April meeting, please let us know as well.

^^^^

Bear Butte Update SD Governor Mike Rounds letter regarding his plan for an agricultural easement at Bear Butte is attached. Questions are arising about the perpetual easement for agricultural use, the free, prior and informed consent of Indigenous people for whom Bear Butte is sacred, and the impact on a National Historic Landmark. Should such an easement trigger the National Environmental Policy Act and require an Environmental Impact Study?

^^^^

Notice of Public Hearing on Injection Control Well permits

March 12, 2008 - Pierre, SD

The following notice is very important regarding the ground water and injections into ground water by mining companies. EVERYONE is encouraged to get a copy of the proposed rules, study them, and make comments. These rules need to be closely studied as they could AFFECT planned uranium in situ leach (recovery) mining which occurs in groundwater.

Note: written comments must reach the Department by Feb. 20, 2008, in order to be considered. Call 605-773-3296 to receive a free written copy.

Water Management Board

Notice of Public Hearing to Amend Rules

Underground Injection Control-Class III Wells

A public hearing will be held in the Matthew Environmental Education and Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on March 12, 2008, at 8:30 AM (CST), to consider the proposed amendments of rules numbered:

74:55:01:01 to 74:55:01:61 inclusive

The effect of the proposed rule amendments will be to update the requirements an applicant must meet to obtain a state Class III Underground Injection Control Well permit. The updates include more comprehensive requirements for the permit application, well construction, well mechanical integrity testing, plugging of wells and drill holes, baseline water quality sampling, remedial action, ground water restoration and post closure activities.

The reason for adopting the proposed rule amendments is for human health and safety, and the protection of the environment, ground water resources, and other natural resources from the impacts of Class III Underground Injection Control mining operations.

Persons interested in presenting information for or against the proposed rule amendments may do so by appearing in person at the hearing or by sending written comments to the South Dakota Department of Environment and Natural Resources, Ground Water Quality Program, Joe Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Material sent by mail must reach the department by February 20, 2008, to be considered.

After the hearing, the board will consider all written and oral comments it receives on the proposed rule amendments. The board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at 605-773-3296 at least 48 hours before the public hearing if you have disabilities for which special arrangements must be made.

An electronic version of the rules is available on the department's web site at <u>http://www.state.</u> <u>sd.us/denr/DES/Ground/groundprg.htm</u> or copies of the proposed rules may be obtained without charge from the

Ground Water Quality Program

South Dakota Department of Environment and Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501

Phone: 605-773-3296

Steven M. Pirner

Secretary of the Department of Environment and Natural Resources

^^^^

Uranium Update

1. Powertech Exploratory Well Appeal For those who did not hear before, we lost our appeal to stop the uranium exploratory well drilling for 160 more wells in the southwestern Black Hills. By the time the appeal process was finished, Powertech Uranium Mining Company had already drilled 60 wells as the Judge refused to issue a stay. By the time the appeal was sent to a higher court, it could have been possible for the remaining wells to be completed. Our deepest gratitude to the Oglala Sioux for providing the legal funds in this case.

2. Crow Butte ISL Uranium Mine A number of years ago, in 2004, during Defenders meeting held on Dec. 17th, we asked Deb White Plume and their family organization, Owe Aku, to work on comments for the Nuclear Regulatory Commission regarding the Crow Butte Uranium Mine near Crawford, NB. As they live on the Pine Ridge Reservation, we were concerned the aquifers were being affected by the Crow Butte ISL mine. On Jan. 16, 2008, through their

attorneys, the Nuclear Regulatory Commission held a hearing to determine if they and some other plaintiffs have standing to be able to comment on the Crow Butte operations. No decision was reached at the time of this writing. Defenders work has always been to increase awareness of a problem and when a community or group can work on that issue, then Defenders has achieved it's purpose. We wish good luck to all the plaintiffs in the Crow Butte ISL Mine hearing.

3. Health Surveys General Health Surveys are currently being conducted in the communities of Wakpala and Rock Creek which are both located on the Grand River on the Standing Rock Reservation. Water samples for uranium were also collected. The Grand River receives radioactive water runoff from the 89 Cave Hills and Slim Buttes abandoned uranium mines. More surveys need to be completed on the Cheyenne River Reservation. Four villages along the Moreau River also receive water runoff from the Slim Buttes abandoned uranium mines. We would like to survey all the communities in western South Dakota eventually.

If you are interested in helping to complete the surveys, please send a letter or email asking either for a sample, or for the number of surveys you need for your community. A survey needs to be completed for each person in a household. Privacy is of the utmost importance. The statistical data is what we need for communities in western South Dakota and northwestern North Dakota.

4. Hearing on proposed Uranium mining near Bellfield, ND There is a possibility of uranium mining starting up again in western North Dakota counties which will affect the groundwater. ND State geologist Ed Murphy said the time to put rules in place is before the uranium activity gets underway. Belfield was the center and a processing site for past uranium mining, and many abandoned mines are located nearby.

A Public Meeting will be held at 6:30 PM on Tuesday, Feb. 12, 2008, at the Belfield Memorial Hall in Belfield, ND, to discuss uranium mining rules.

We strongly encourage everyone to attend this meeting.

^^^^

Defenders of the Black Hills

P. O. Box 2003, Rapid City, SD 57709

MEMORANDUM DATE: Jan. 21, 2008

TO: Great Plains Tribal Chairman's Association

RE: Request for Strategy Meeting on Radioactive Pollution

Dear Tribal Chairperson,

First of all, wopila tonka, thank you very much for the passage of a resolution declaring all of the

reservations in the Upper Midwest to be nuclear free areas. At the time that I gave the presentations to you on all the abandoned uranium mines in the Region, I was under the impression that they could be cleaned up, albeit at great expense. However, since then, we have learned that there is no technology available to clean up any abandoned uranium mine and the public is being misled.

The leaders of the states in the Upper Midwest seem not to be concerned about the radioactive pollution that is affecting the plants and animal, the surface and ground water, and the human beings. But you have proven your concern as evidenced by your Resolution. As leaders of the Region's Tribes, you have the ability to impact the situation for the good of all the people and environment of the area.

We strongly see the need, and respectfully request a Strategy Meeting on Radioactive Pollution with tribal leaders and tribal attorneys to discuss ways to deal with this extremely harmful situation. Representatives from the Northern Cheyenne who are knowledgeable with the air pollution case they won should be invited. Representatives from Isleta Pueblo in New Mexico who are familiar with their water pollution case which they also won should be invited.

Nuclear radiation not only causes cancer but also birth defects and stillbirths, and diabetes. Think of all the Native American people afflicted with these problems. The most susceptible are the children and young adults. The federal agencies have been aware of this situation of nuclear pollution for decades. They have not informed the public as they don't know how to fix it. We need to find and demand that the public and the environment be protected now.

An ancient philosopher named Hillel once said, If I am not for me, who is? If not now, when? In our case, as we care for one another as a collective, the phrase would be, If we are not for us, who is? If not now, when?

Thank you for your consideration of our request.

Sincerely,

Charmaine White Face, Coordinator

^^^^

7 WAYS RADIOACTIVITY AFFECTS THE UPPER MIDWEST

Uranium - 238 is a naturally occurring element that slowly disintegrates in 14 steps to a final, non-radioactive element known as Lead 206. The decay products are just as radioactive, if not more, than U-238 itself. When these decay products are disturbed in any way, they begin their unstoppable, expanding radioactive processes. Yet, uranium mining companies and

а

governments continue to plan for new ways to mine uranium. Check out the Decay Chain of Uranium 238 at <u>http://www.defendblackhills.org/joomla/index.php?option=com_content&task=v_iew&id=124&Itemid=27</u>

1. Above Ground Detonations of Atomic Bombs in the Southwest

According to the National Cancer Institute, during the above ground detonations of atomic bombs in Nevada from 1951-1963, the radioactive fallout was spread throughout the United Sates and Canada. (See the Above Ground Detonation map at <u>www.defendblackhills.org</u>) One of the radioactive contaminants, lodine-131, was inhaled and/or ingested by the children of that era, who now have a high incidences of thyroid cancer and thyroid disease.

2. Abandoned Uranium Mines and Prospects It is estimated that more than 1,000 abandoned uranium mines and prospects were dug in MT, WY, ND and SD. (See Abandoned Mines map at www.defendblackhills.org/jooml

) The radioactive dust, and

water runoff from these abandoned mines and prospects has been spreading throughout the region for the past 35 to 40 years.

3. Abandoned Uranium Exploratory Wells More than 4,000 uranium exploratory well holes, some large enough for a man to fall into, are located in the southwestern Black Hills with an additional 3,000 holes in WY, 10 miles west of the town of Belle Fourche, SD, for a toal of 7,000 uranium exploratory wells. These holes, 600 - 800 feet deep were usually not capped, filled, or even marked. Cross contamination of radioactive materials to underground water sources (aquifers) is the primary concern

4. Abandoned ICBM Missile Silos and Radar Stations from the Cold War Era

In the 1950s, hundreds of missile silos and radar stations were built and manned in the Upper Midwestern United States. The US Air Force used small nuclear power plants in some of the remote radar stations to power the equipment. What about the hundreds of missile silos? The US Air Force is still responsible for monitoring the sites although there is no way to control the underground radioactive pollution that could be contaminating aquifers in the region.

5. Coal The geology of the upper Midwestern Region shows that the area contains wide expanses of uranium which is often mixed in coal. The coal laced with uranium, which is mined in North Dakota and Wyoming, is sometimes burned locally, or shipped to power plants in the Eastern and Western parts of the United States. During the strip mining of the coal, radioactive dust and particles are released into the air and carried by the wind through the Midwest and to the South and East.

6. Radon Gas Radon gas is a tasteless, odorless, radioactive gas emitted naturally as one of the decay products of Uranium. In areas where uranium has been disturbed, whether in digging a foundation for a house or in the natural movements of the Earth, radon gas may be emitted in the air, or through contaminated water. Lung cancer can begin when radon gas is breathed by human beings.

7. Current and Planned Uranium Mining Exploratory wells for uranium are currently being drilled in the southwestern Black Hills by Powertech Uranium Mining Co., a Canadian corporation. Another Uranium company has also been approaching ranchers to secure leases in southwestern SD for future uranium mining. The Crow Butte ISL mine near Crawford, NB, is planning on expanding its operations. Existing Uranium companies in Wyoming are also planning on expanding their operations, and a hearing is planned in Belfield, ND, to talk about new ND rules for Uranium mining pattered after SD. Yet, SD and WY laws are very lax in any kind of environmental and human protection from radioactive pollution.

^^^^

Tetuwan Oyate

Teton Sioux Nation Treaty Council

PO Box 140, Manderson, SD 57756 Established in 1893 by Chief He Dog

Statement in Response to the Secession from the USA

There is a provision within the Fort Laramie Treaty of 1868 describing the way the Treaty could be changed. Article 12 states that the Fort Laramie Treaty of 1868 could only be changed by three-fourths of the Tetuwan adult male approval. This was done specifically to protect the people, the land, and our way of life. What are now called reservations were originally created as prisoner of war camps by the USA when they invaded the Treaty territory in violation of the Treaty. Now we are living as an occupied nation similar to the situation in Iraq where the USA imposes its own form of government and laws.

In the late 1870s, the USA forced two leaders, Spotted Tail and Red Cloud, into trying to change the 1868 Fort Laramie Treaty. Even though they eventually signed what the USA wanted, they also knew that without three-fourths of the Tetuwan adult male approval, the Treaty was not changed. There has never been the three-fourths Tetuwan adult male approval necessary to change the Fort Laramie Treaty of 1868. However, this effort at secession continues to remind the world that we still have an international treaty with the USA.

As an occupied nation, we seek our freedom and independence. As an already ancient nation, we cannot secede from an occupying nation that we are not a part of. We are a separate nation from the USA even though they have imposed their citizenship upon us.

Thank you for your interest in this issue.

Charmaine White Face, Zumila Wobaga, Spokesperson

Jan. 23, 2008

Let the Spirit lead. Tony Black Feather, UN Delegate 1984-2004