

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Crow Butte Resources, Inc.
Marland Expansion Area
Limited Appearances Session

Docket Number: 40-8943-MLA-2

ASLBP Number: 13-926-01-MLA-BD01

Location: Chadron, Nebraska

Date: Sunday, October 28, 2018

Work Order No.: NRC-3959

Pages 1-83

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

+ + + + +

ATOMIC SAFETY AND LICENSING BOARD PANEL

+ + + + +

LIMITED APPEARANCE SESSION

-----x

In the Matter of: : Docket No.
CROW BUTTE RESOURCES, INC.: 40-8943-MLA-2
(Marsland Expansion Area) : ASLBP No.
: 13-926-01-MLA-BD01

-----x

Sunday, October 28, 2018

Chadron State College
Sandhills Room
1000 Main Street
Chadron, Nebraska

BEFORE:
G. PAUL BOLLWERK, Chair
THOMAS J. HIRONS, Administrative Judge
RICHARD E. WARDWELL, Administrative Judge

1 APPEARANCES:

2 On Behalf of Crow Butte Resources, Inc.:

3 TYSON SMITH, ESQ.

4 of: Winston & Strawn, LLP

5 101 California Street

6 San Francisco, CA 94111

7 (415) 591-6874

8 trsmith@winston.com

9

10 On Behalf of the Nuclear Regulatory Commission:

11 MARCIA SIMON, ESQ.

12 EMILY MONTEITH, ESQ.

13 of: U.S. Nuclear Regulatory Commission

14 Office of the General Counsel

15 Mail Stop - O-14A44

16 Washington, D.C. 20555-0001

17 (301) 287-9176 (SIMON)

18 (301) 415-0926 (MONTEITH)

19 Marcia.simon@nrc.gov

20 emily.monteith@nrc.gov

21

22

23

24

25

1 On Behalf of the Oglala Sioux Tribe:

2 THOMAS BALLANCO, ESQ.

3 945 Taraval Avenue, #186

4 San Francisco, California 94116

5 (650) 296-9782

6 harmonicengineering@gmail.com

7 AND

8 DAVID CORY FRANKEL, ESQ.

9 P.O. Box 3014

10 Pine Ridge, South Dakota 57770

11 (605) 515-0956

12 arm.legal@gmail.com

13

14

15

16

17

18

19

20

21

22

23

24

25

P-R-O-C-E-E-D-I-N-G-S

2:01 p.m.

CHAIR BOLLWERK: Good afternoon. I'd like to begin this afternoon by introducing ourselves.

In accord with the provisions of the Atomic Energy Act and the regulations of the Nuclear Regulatory Commission we are members of an Atomic Safety and Licensing Board. This Board was appointed to conduct an adjudicatory hearing in connection with the application submitted by Crowe Butte Resources, Incorporated in May 2012 requesting an amendment to its source materials license issued under 10 Code of Federal Regulations Part 40 that authorizes the operation of its existing In Situ Uranium Recovery, or ISR Facility near Crawford, Nebraska.

Specifically, Crowe Butte Resources asks that the NRC authorize the operation of a satellite ISR facility, the Marsland Expansion Area, or MEA, site which is located in Dawes County, Nebraska, some 11 miles to the southeast of Crowe Butte Resource's Crawford Central Processing Facility.

To my left is Dr. Richard Wardwell. Judge Wardwell is a civil engineer specializing in hydro-geological and waste disposal matters and a full-time member of the Panel. To my right is Dr. Thomas

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Hirons. Judge Hirons is a nuclear engineer and a
2 part-time Panel member. My name is Paul Bollwerk.
3 I'm an attorney, a full-time panel member and the
4 Chairman of this Atomic Safety and Licensing Board.

5 Each of us is an independent
6 administrative judge appointed by the five-member
7 Nuclear Regulatory Commission as members of the Atomic
8 Safety and Licensing Board Panel. Members of the
9 Panel are designated by the Agency's chief
10 administrative judge acting at the behest of the
11 Commission to serve on three-judge licensing boards
12 such as this one that preside over hearings in agency
13 licensing or enforcement proceedings in which the
14 Atomic Energy Act permits a hearing to be held
15 relative to the construction or operation of nuclear
16 power plants, the use of nuclear materials, or the
17 storage of nuclear waste.

18 The Panel's administrative judges do not
19 work for or with the NRC staff relative to the staff's
20 own technical review of such licensing and enforcement
21 matters. Rather, we are charged with deciding in the
22 first instance what issues will be litigated in a
23 hearing and for those issues we find litigable, making
24 a determination regarding their substantive validity
25 in terms of granting, conditioning or denying the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 requested license, or sustaining or modifying the
2 proposed enforcement action.

3 Our decisions on hearing matters generally
4 are subject to review first by the Commission as the
5 Agency's supreme court and then by the federal courts
6 including an appropriate instances the United States
7 Supreme Court.

8 With regard to this afternoon's session I
9 should explain that as part of our function relative
10 to the licensing proceedings for the proposed Marsland
11 In Situ Uranium Recovery Facility we are here to
12 entertain oral limited appearance statements from
13 members of the public in accordance of Section
14 2.315(a) of Title 10 of the Code of Federal
15 Regulations.

16 So there will be a common understanding
17 about both what is involved in this particular
18 adjudicatory proceeding and with respect to the
19 limited appearance process, I'd like to take a few
20 minutes to provide some background about both.

21 In a proceeding like this one to license
22 an in situ recovery facility such as that proposed by
23 Crowe Butte Resources there are generally two types of
24 issues that can be raised, both relating to safety
25 matters under the Atomic Energy Act and those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 regarding environmental matters arising under the
2 National Environmental Policy Act of 1969, or NEPA.

3 Moreover, in a licensing proceeding like
4 this one Atomic Energy Act safety-related or NEPA
5 environmental-related issues referred to as
6 contentions come before an NRC hearing board as
7 specific challenges to the application and the NRC's
8 staff's associated NEPA review raised by an
9 individual, a group or a governmental entity in a
10 hearing petition.

11 In this proceeding the Commission issued
12 a notice in the *Federal Register* in November of 2012
13 outlining the process for becoming a party in a
14 hearing contesting the Crowe Butte Resources
15 application.

16 In January 2013, the Oglala Sioux Tribe
17 and a group consisting of three individuals and two
18 organizations, collectively referred to as the
19 Consolidated Petitioners, each filed intervention
20 petitions challenging various aspects of the Crowe
21 Butte Resources application and the accompanying
22 environmental report or ER.

23 In a May 2013 decision, LBP-13-6, reported
24 in volume 77 of the Nuclear Regulatory Commission
25 Issuances at page 253, the Board found that while the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 individuals and organizations affiliated with the
2 Consolidated Petitioners had failed to establish their
3 standing or legal interest in the proceeding. The
4 tribe did have standing and it proffered two
5 admissible Atomic Safety Act safety or NEPA-related
6 environmental contentions, or issue statements, a
7 decision the Commission subsequently affirmed in CLI-
8 14-2, which is reported in volume 79 of NRC Issuances
9 at page 11.

10 One of those issues, Contention 1, raised
11 NEPA and National Historic Preservation Act cultural
12 resource concerns. Thereafter, with the June 2014
13 issuance of a portion of the NRC's draft Environmental
14 Assessment concerning cultural resources matters for
15 the Marsland facility, in October 2014 the Licensing
16 Board granted an NRC staff motion seeking resolution
17 of that contention in the staff's favor.

18 Entitled "Failure to Include Adequate
19 Hydro-geological Information to Demonstrate Ability to
20 Contain Fluid Migration," the other admitted tribal
21 issue statement, Contention 2, as originally framed,
22 challenged the adequacy of hydro-geological
23 information in the Crowe Butte Resources application
24 on both Atomic Energy Act-related safety and NEPA-
25 related environmental grounds.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 With the issuance of the remaining
2 portions of the NRC staff draft Environmental
3 Assessment in December 2017 and the staff's final
4 Environmental Assessment in April 2018, the focus of
5 the environmental portions of Contention 2 shifted
6 from Crowe Butte Resources' environmental report to
7 the staff's environmental documents as reflected in
8 Board rulings in March and July of 2018.

9 Accordingly, when the Licensing Board
10 convenes an evidentiary hearing in this proceed in
11 Crawford, Nebraska in the Crawford Community Building
12 on Tuesday, October 30th, 2018 beginning at 8:00 a.m.
13 Mountain Time, the concerns under consideration
14 relative to Contention 2 will be: first, whether the
15 descriptions of the affected environment are
16 insufficient to establish the potential effects of the
17 proposed in situ recovery operation on the adjacent
18 surface water and groundwater resources.

19 Second, whether a description of the
20 effective porosity, hydraulic conductivity and
21 hydraulic gradient of site hydrogeology is absent
22 along with other information relative to the control
23 and prevention of exclusions.

24 Third, whether an acceptable conceptual
25 model of site hydrology adequately supported by data

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 presented in the site characterization has been
2 adequately developed to demonstrate with scientific
3 confidence that the area hydrogeology including
4 horizontal and vertical hydraulic conductivity will
5 result in the confinement of extraction fluids and
6 expected operational and restoration performance;

7 And fourth, whether the NRC staff's
8 Environmental Assessment contains unsubstantiated
9 assumptions about the isolation of the aquifer in the
10 ore-bearing zones.

11 This in a nutshell describes the NRC
12 adjudicatory process relating to this proceeding and
13 this naturally prompts the question what then are the
14 limited appearances in which the Board has invited
15 public participation?

16 Oral limited appearance statements, which
17 will be transcribed and placed into the official
18 Agency docket for this proceeding, are intended as an
19 opportunity for members of the public to express their
20 views on and may help the Board and the parties in
21 their consideration of the issues in this proceeding.

22 Indeed, as you can see, like the Board,
23 parties to this proceedings: Crowe Butte Resources,
24 the NRC staff and the Oglala Sioux Tribe, were invited
25 to be here to listen to what was said this afternoon.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And in that regard I'd like to take a second now to
2 have the representatives of the parties identify
3 themselves for the record.

4 Why don't we begin with Crowe Butte
5 Resources, then the NRC, and finally the Oglala Sioux
6 Tribe?

7 MR. SMITH: Good afternoon, Your Honors.
8 Tyson Smith for Crowe Butte Resources. I have with me
9 Doug Pavlick, General Manager, U.S. Operations for
10 Cameco Resources.

11 CHAIR BOLLWERK: Good afternoon. Thank
12 you for coming.

13 MS. SIMON: Good afternoon, Judge
14 Bollwerk. This is Marcia Simon with the NRC staff.
15 Seated with me is Jean Trefethen, who is the
16 Environmental Project Manager for the Marsland
17 Expansion Area. Seated behind me is Tom Lancaster,
18 who is the Safety Project Manager, as well as Emily
19 Monteith, who is co-counsel for this proceeding.
20 Thank you.

21 CHAIR BOLLWERK: Thank you for coming this
22 afternoon.

23 At this point I don't see anyone -- any of
24 the representatives of the Oglala Sioux Tribe, their
25 attorneys, here, but if they should come later, we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 will have then introduce themselves.

2 MS. BLACK: Excuse me.

3 CHAIR BOLLWERK: Yes.

4 MS. BLACK: My name is Darla Black. I'm
5 the Vice President for the Oglala Sioux Tribe. We
6 also have Trina Lone Hill from the Oglala Sioux Tribe,
7 Richard Broken Nose from the Oglala Sioux Tribe,
8 Dennis Yellow Thunder from the Oglala Sioux Tribe,
9 Robert Two Crow from the Oglala Sioux Tribe, Tim Mentz
10 from -- which --

11 MR. MENTZ: Standing Rock.

12 MS. BLACK: -- Standing Rock Sioux Tribe.

13 CHAIR BOLLWERK: All right. Thank you for
14 letting us know that. My understanding is that you
15 all will be speaking as individuals, correct?

16 MS. BLACK: Yes, sir.

17 CHAIR BOLLWERK: That's all right. Well
18 again, if there's someone here that is representing
19 the tribe, you can certainly sit at the table and
20 introduce yourselves, but if you're a representative
21 of the tribe, then you cannot speak in terms of
22 limited appearance because if the tribe -- the tribe
23 is a party to the proceeding and their
24 representatives, if they have someone here officially
25 representing them, cannot speak on a limited

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 appearance basis. That's the understanding we had
2 with the tribal attorneys.

3 So I would -- again, you don't have to
4 have anybody seated at that table. I'm not trying to
5 force anybody here, but if you're sitting there --

6 (Off-microphone comment.)

7 CHAIR BOLLWERK: Oh, they've arrived?
8 Okay.

9 Go ahead, have a seat.

10 MR. BALLANCO: Thank you, Your Honor.

11 CHAIR BOLLWERK: All right. We were just
12 doing appearances.

13 MR. BALLANCO: Good afternoon, Your Honor.
14 This is Tom Ballanco for the Oglala Sioux Tribe.

15 CHAIR BOLLWERK: Thank you, sir.

16 MR. FRANKEL: Thank you, Your Honor.
17 David Frankel for the Oglala Sioux Tribe.

18 CHAIR BOLLWERK: All right. Glad to have
19 you here, gentlemen. Thank you for coming.

20 All right. So let me emphasize again that
21 notwithstanding the parties' presence here today, this
22 is an opportunity to hear from interested members of
23 the public. Consequently, the representatives of the
24 admitted parties will not be making statements this
25 afternoon. Rather, like the Board, they are here to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 listen.

2 Finally, let me just say a word about the
3 procedure for making a statement. Individuals who
4 preregistered will be afforded an opportunity to speak
5 first at this session. Once we have heard from those
6 who have preregistered, we'll move on to anyone who
7 registers here this afternoon. For anyone who did not
8 preregister who wishes to make a statement, on the
9 table on the back there's a sheet to write your name
10 and affiliation, if any. We will collect those sheets
11 from time to time and call the speakers in order as
12 they sign in. If you did not preregister, you must
13 sign in if you wish to speak.

14 Additionally, if you want to provide your
15 views to the Board but don't wish to make an oral
16 statement, there are sheets on that table that you can
17 complete and leave in the box that's on the table.
18 These written limited appearance statements will be
19 reviewed by Board members and placed in the Agency's
20 official docket for the proceeding as well. So again,
21 those are back there on clipboards in the back. If
22 you'd like to leave your thoughts with us but you'd
23 prefer not to speak, you're certainly welcome to do
24 that. Just feel free to go back there, grab a
25 clipboard. There are some pens and go ahead and write

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 down whatever you'd like us to know.

2 With regard to the oral statements, we'll
3 keep a watch on the time each speaker is taking and
4 we'll advise you when you need to conclude your
5 remarks. For the session given the number of
6 preregistrations and the size of the audience
7 presently, we'll begin by permitting statements for up
8 to five minutes. If however we see that the list of
9 speakers is growing, we reserve the right to shorten
10 the time allotted for each presentation to ensure that
11 everyone who wishes to speak has an opportunity to do
12 so.

13 All right. And again, we had about 20
14 preregistrations. I don't know that everyone's here.
15 So at this point we'll go ahead and allow five minutes
16 per statement, but we may have to cut that back,
17 because obviously we want everyone here to get an
18 opportunity to be able to address the Board.

19 Finally, as a matter of courtesy it's
20 important to allow the Board and the parties to hear
21 fully the remarks of each speaker without intrusions.
22 Accordingly, we would ask that you respect each
23 individual's right to address the Board by not unduly
24 interrupting with verbal comments or other sounds,
25 either supporting or opposing the viewpoint being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 espoused.

2 Also, as a matter of courtesy to the
3 speakers and the Board all cell phones should be
4 turned off or placed on vibrate and any cell phone
5 conversations should be conducted outside of this
6 room.

7 With this explanation let's begin with our
8 first speaker. And in that regard to assure that
9 things move along smoothly we're going to announce
10 several names and ask that the individual -- that the
11 additional speakers who are in the on-deck circle, so
12 to speak, come up in the vicinity of the podium so
13 they can begin their remarks promptly after the
14 preceding speaker is finished. And I should add
15 obviously we have a podium. We also have a table with
16 a microphone on it. Feel free to sit or stand,
17 whichever you feel most comfortable doing.

18 With all that said, let's begin with our
19 first speaker, and that would be Chase Conrad, then
20 followed by Roberta Bell and Nancy -- I don't know if
21 it's Kile or Kiley, and then Dennis Yellow Thunder.

22 MR. CONRAD: Sit or stand? What's the --

23 CHAIR BOLLWERK: Either way. Whichever
24 you're happy with.

25 MR. CONRAD: I'll sit. Hello, Your Honor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 My name is Chase Conrad. I grew up in the Black Hills
2 and now live and work out of Martin, South Dakota.
3 I'm fresh out of college and have never spoken in a
4 public forum like this, but I'm here because of my
5 concern for this land that I love and because of the
6 lack of attention paid to treaty obligations.

7 I am not a scientist and I did not find
8 any materials from the Board which would help me
9 easily understand whether or not Crowe Butte Resources
10 has adequately demonstrated an ability to contain
11 fluid migration, but I am a concerned member of the
12 public who hopes you take the Oglala Sioux Tribe's
13 contentions seriously.

14 This region of the country is already
15 scarred with uranium contamination which will have
16 lasting effects on my generation and those to follow.
17 The EPA reports 669 old uranium mines and prospects in
18 the Southern Black Hills, few of which have been
19 cleaned up, and respond responsible for the
20 dangerously high level of uranium mill wastes found in
21 the Cheyenne River and Angostura Reservoir, not far
22 from our hearing today.

23 I understand the in situ mining for the
24 concerned mine encompasses a different practice than
25 those responsible for this contamination, but I fail

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to see why any more uranium mining should be allowed
2 in this watershed or within the boundaries of the 1968
3 Fort Laramie Treaty until the uranium mines already
4 affecting the long-term health of our communities and
5 lands are cleaned up and addressed.

6 I'm also here because I'm not confident
7 that the Government or Cameco will take responsibility
8 for any pollution should disaster occur, bearing in
9 mind there are already at least four Superfund sites
10 within the borders of the 1868 Fort Laramie Treaty
11 which have not yet been addressed. Those sites
12 include Ellsworth Air Force Base and the Gilt Edge
13 Mine in South Dakota, Mystery Bridge Road in
14 Evansville, Wyoming and the Oglala groundwater
15 contamination in Nebraska.

16 I'm also concerned in here because it's
17 often indigenous peoples who suffer the external costs
18 of uranium, even if it is used only for energy
19 purposes. Really the effects of uranium end up in the
20 back yards of those who profit from it. No matter
21 where this uranium goes, it is not unlikely it will
22 have negative effects on other indigenous peoples
23 perhaps in other parts of the country. The legality
24 of this needs to be weighed in your decision, Your
25 Honors. And I point to other U.S. tribes still

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 suffering the effects of uranium contamination after
2 uranium was stored in their communities as evidence.

3 Further, any environmental assessment must
4 take into account the cultural and historical
5 interests of indigenous peoples. The complete lack of
6 consultation which has taken place with tribal
7 citizens who hold cultural and historical significance
8 in the affected areas is a violation of the United
9 Nations Declaration on the Rights of Indigenous
10 Peoples, to which the United States and Canada are
11 signatories. This declaration on the rights of
12 indigenous peoples articulates what governments must
13 and must not do with respect to the indigenous peoples
14 of the land in which they now operate.

15 Article 19 of the United Nations
16 Declaration of the Rights of Indigenous Peoples
17 states, quote, "States shall consult and cooperate in
18 good faith with indigenous peoples' concerns through
19 their own representative institutions in order to
20 attain free, prior and informed consent before
21 adopting an implementing legislative or administrative
22 measures that may affect them," unquote.

23 I am not indigenous, but as someone taking
24 part in this consultation I do not believe it has
25 taken place in good faith. If I had not happened to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 check *Native Sun News* two months ago, or if a writer
2 with the paper had not picked up the story because the
3 Board was threatening to cancel this hearing, I would
4 not be aware of the hearing. I have yet to see one
5 piece of advertisement from the Board or Crowe Butte
6 Resources regarding this hearing. It has been back
7 door and inaccessible.

8 I went to the *Federal Register* to read the
9 August 2nd's minutes and I am still not sure which
10 grounds the Board expects me to cover today, neither
11 has free nor prior nor informed consent been obtained
12 for any significant portion of the indigenous citizens
13 affected.

14 Regarding the Dakota Access Pipeline,
15 which also violated treaty obligations on hunting
16 grounds, on October 22nd Victoria Tauli-Corpuz, a
17 United Nations expert on the rights of indigenous
18 peoples, admonished the U.S. saying, quote, "The tribe
19 was denied access to information and excluded from
20 consultations at the planning stage of the project and
21 environmental assessments failed to disclose the
22 presence and proximity of the Standing Rock Sioux
23 Reservation. Those are regarding Dakota Access
24 Pipeline. I think they're relevant parallels to our
25 situation today.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So if you take international law or the
2 rights of indigenous people seriously, I would assume
3 you will suspend considerations for the expansion of
4 the Crowe Butte uranium mine until proper consultation
5 has been carried out. Thank you.

6 CHAIR BOLLWERK: Thank you very much for
7 coming. Appreciate your coming and giving us your
8 comments.

9 The next -- is Roberta Bell here?

10 (No audible response.)

11 CHAIR BOLLWERK: Nancy Kile, K-I-L-E, I'm
12 pronouncing it. Is the E silent or is it --

13 MS. KILE: Kile.

14 CHAIR BOLLWERK: Kile? Thank you.

15 MS. KILE: Good afternoon. My name is
16 Nancy Kile. I live in Sioux County about eight miles
17 east of the headwaters of the White River, which is
18 about 10 miles west of Cameco at Crawford. I work in
19 Crawford. I was born in Crawford.

20 There are over 26,000 private wells
21 downstream of the proposed mine site that could be
22 affected by inevitable lack of containment and
23 breaches of confinement as evidenced in every mine in
24 history.

25 No toxicology of the potential and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 inevitable leaks is or was being considered, was not
2 in the NEPA or possible environmental impact studies.
3 No testing is currently being required for uranium
4 specifically. Uranium is known to concentrate in the
5 waste water and new research has shown that organified
6 forms of uranium are not able to be extracted by
7 conventional means. No heavy toxic metals are
8 required for testing and no specific chemical forms of
9 such are tested for so that true toxicity can be
10 established in wastewater and leaks.

11 No studies have been done to assess the
12 biologicals in the area as a baseline, something that
13 EPA feels important to assess true toxicity since we
14 cannot test for every chemical known to man. However,
15 Mother Nature keeps score on such and will show
16 environmental damage even when our traditional
17 chemistry testing is lacking. Wastewater
18 contamination and migration of lack of containment
19 will cause crops grown in contaminated water from
20 these affected wells to contaminate the resulting
21 crops that go into the human food market.

22 Lack of containment is inevitable with
23 every mine of this kind. Breaches of containment will
24 toxify the Niobrara River and surrounding areas that
25 is one of the last pristine areas of the U.S. never to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 be reclaimed. Toxic metals and radiation cannot be
2 successfully cleaned up after this.

3 These points of environmental concern are
4 supported by the testimony of Lindsey McLean,
5 environmental biochemist, who is a federally approved
6 expert witness in the Crowe Butte case. I submit her
7 complete assessment here. This operation cannot be
8 confined. Cameco at Crowe Butte must effectively
9 monitor the local human impacts of the existing site
10 before expanding toward the Niobrara River
11 communities. Thank you.

12 CHAIR BOLLWERK: Thank you. Thank you for
13 coming.

14 The next speaker would be Dennis Yellow
15 Thunder. Then we'll have Tonya Sands, Scott Weston
16 and the Darla Black.

17 MR. YELLOW THUNDER: Good afternoon,
18 gentlemen.

19 CHAIR BOLLWERK: Good afternoon.

20 MR. YELLOW THUNDER: Appreciate you coming
21 such a long way to be with us here today. And if I
22 may, I would like to give you a picture, if that's
23 possible.

24 CHAIR BOLLWERK: Yes.

25 MR. YELLOW THUNDER: Okay?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR BOLLWERK: Thank you.

2 MR. YELLOW THUNDER: It's proof that what
3 we're talking about here today is the water and
4 contamination that will occur for the MEA expansion.

5 And first let me introduce myself. My
6 name is Dennis Wakeeya Zee, or Dennis Yellow Thunder
7 and I come from the federally-owned head tiospaye in
8 Wakpamni Lake, South Dakota.

9 I've been in -- active in this battle for
10 quite a while, maybe four years going on five years
11 now and I've tasted firsthand the dangers of uranium
12 mining, if you can get that, I've tasted the dangers
13 of uranium mining firsthand, personally, and affected
14 me personally. And my comments today are going to be
15 in regard to that personal issue that arises with the
16 contamination, and I'll get to that.

17 But first, let me say that there are many,
18 many discrepancies in the staff's conclusions about
19 the final Environmental Impact Statement. Number one
20 is the fact that there is no proof that this lixiviant
21 can be properly contained, although these gentlemen
22 here say it can be.

23 Number two, the faulty Environmental
24 Impact Statement does not address fully all of the
25 concerns that have been brought forth by the Oglala

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Sioux Tribe in regards to the survey. A cultural
2 survey hasn't been conducted in either -- fully
3 conducted within the Dewey Burdock Region or nor has
4 an attempt been made for the expansion area for survey
5 of those cultural resources that exist out there, they
6 are there, which you haven't conducted although
7 attempts have been made by the staff.

8 In regard to the documents that I have
9 read that attempts have been made by staff to do the
10 survey, although there was some issues brought about
11 by that, therefore the staff survey was not conducted,
12 which does not meet NEPA requirements. Is still
13 stands in that position because no survey has been
14 conducted, NEPA has not fully conducted or has not met
15 the requirements of NEPA.

16 Number three, these gentlemen here and the
17 staff have not provided adequate data on the porosity
18 and the migration of the fluids that are going to be
19 used throughout the proposed expansion. There's no
20 proof that they can contain that, although they say
21 the thicknesses of the two layers in between and the
22 -- is okay, but they can't prove that that -- how
23 porous that area is.

24 Number four, there's concerns about the
25 faults and fissures that Mr. -- or Dr. Hannan LaGarry

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 has reiterated over and over to both the staff and to
2 these gentlemen here and the seismic activity that
3 occurs out there. The Black Hills is in an uplift and
4 it's still moving today. So there's no proof that you
5 can say that there's no faults there. Twenty-five
6 years of research in that whole northwestern region
7 where we're sitting here today proves that those
8 faults are there and those uplifts are there, those
9 fissures, those brachial tubes, they're all there. We
10 can't deny that fact although we attempt to deny these
11 things.

12 And there are a host of other concerns
13 brought about by the tribal position statement and the
14 rebuttal, but most dangerous of all is the simple fact
15 that there is no need for an expansion. They've
16 already got Crowe Butte. It's been contaminating us
17 since '91. '83. Back years and years we've been
18 facing that contamination and that's running down the
19 White River. And the gradient of that goes right onto
20 the reservation on down to Mr. Mentz' reservation,
21 down in Standing Rock, Shine River, on down. We're
22 the ones that are getting that.

23 That's what happens in environmental
24 justice. Who suffers the most in an environmental
25 justice case? We do. You don't. We're the ones that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 are left with the dangers, the damage, the sicknesses,
2 the illnesses, the heartache that we have to face day
3 in and day out because of the fact that you want to
4 expand an already contaminated area, make it more to
5 further the contamination that we have to face and our
6 grandchildren have to face and the generations after
7 that. You yourself know the life capacity of uranium
8 goes on for years, thousands of years.

9 CHAIR BOLLWERK: Just let me tell you
10 you're right at six minutes, so --

11 MR. YELLOW THUNDER: Let me finish.

12 CHAIR BOLLWERK: All right.

13 MR. YELLOW THUNDER: Let me finish. As I
14 was mentioning, I went to get -- talk to you about the
15 bitter taste of the personal aspects of what happens
16 with uranium contamination.

17 I live in Ogallala, South Dakota. My
18 daughter lived there. She had her husband there. We
19 drank that water in that area over there close to the
20 Red Shirt Table along there. The reality of it is
21 that that -- and we say that uranium is the cause of
22 it and the personal issues of that is I had a
23 granddaughter that was directly impacted by that.

24 When you see your grandchildren suffering
25 from what is the contamination when their internal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 organs are born -- when they're born with internal
2 organs on the outside of their body, when they have no
3 anal orifice to which it can properly defecate and
4 have to have a colostomy bag for the rest of their
5 life, those are the dangers that I'm talking about.
6 Those are the dangers that we face. The Oglala Sioux
7 Tribe, Shine River, Rosebud, all of us have children
8 like that.

9 Now you must be very fortunate in that you
10 don't have to face those kinds of heartaches that I'm
11 talking about. That's the personal side of it when
12 your children are born with those kinds of birth
13 defects caused by and related to and proven scientific
14 method the empirical studies that are done, that those
15 are caused by contamination of our water for over the
16 years so our children are born with those deficiencies
17 and those handicaps that she has to bear for the rest
18 of her life, and so does the family. Our family and
19 other families put up with that heartache, put up with
20 that sadness, put up with that hospital, going to the
21 hospital.

22 So, yes, in closing I just want you to
23 take a look at that paper that I gave you. On there,
24 it says that this bottle of water which I got at the
25 hotel in Johnson is drawn from deep in the Madison

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 formation, the base of the Big Horn Mountains in
2 Wyoming. And you can't tell me that those aquifers
3 are not linked together. They are. You have the
4 Arikaree Group, you have the Inyan Kara, you have the
5 Madison formation, Ogallala formation, the most
6 important one. They are all linked together.
7 Contaminate one, you contaminate them all.

8 And the studies, these gentlemen here can
9 say that that water is not potable by humans, but
10 there's a proof right in front of you, gentlemen,
11 those aquifers are linked together and that water that
12 was -- all the Rapid City you are drinking is drawn
13 from deep within the Madison formation. It's potable
14 water and you can't say that it isn't.

15 So I want to thank you for your time.
16 Take into consideration all of these facts that are
17 very crucial to us as our survival into the 21st
18 Century. I know you don't have to do that. Thank
19 you.

20 CHAIR BOLLWERK: Thank you, sir, for
21 coming and speaking with us today.

22 The next speaker would be Tonya Sands, if
23 she's here.

24 (No audible response.)

25 CHAIR BOLLWERK: No? How about Scott

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Weston?

2 (No audible response.)

3 CHAIR BOLLWERK: How about then Darla
4 Black? And after that would be Jim Red Willow, Bill
5 Means and Richard Broken Nose.

6 MS. BLACK: Good afternoon. (Native
7 language spoken.)

8 First of all, I want to greet you in my
9 beautiful Lakota language, and what I said in my
10 beautiful Lakota language is it's a beautiful
11 afternoon. It's a beautiful afternoon. And the
12 concerns that we have today first of all is our
13 belief, our traditional cultural belief in water is
14 life. It goes even further than that. As women we
15 carry children that are in water which becomes a whole
16 new topic regarding our spirituality and our way of
17 life.

18 But what I came here to say is this issue
19 that we have with water is not just going to affect
20 us. It will affect all the residents surrounding
21 Crowe Butte. It doesn't matter what color your skin
22 is, whether you're white, whether you're brown,
23 whether you're black or you're yellow. It something
24 that we all need to think about.

25 On the Pine Ridge Indian Reservation we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have an influx of cancer. Many, many rates of cancer
2 death. Different types of cancer that never affected
3 my people. Lupus. And there's quite a few.

4 So today I come here first of all to tell
5 you that you violated a part of one of the federal
6 guidelines of consulting with the tribes, the tribes
7 that are going to be affected surrounding this area.
8 See, consultation is important because it's a way of
9 what you're doing today. It's a way of sitting down
10 and putting all the cards on the table, putting all
11 the laws on the table and what's going to affect you
12 or benefit you, but how is that going to affect us.

13 And the message I want to convey today is
14 I'm going to request that you consult with our tribes.
15 You consult with our tribes and you also allow our
16 SHPO office and THPO offices to take a look at that
17 site, because what's significant to us and what's
18 sacred to us may not be sacred to you. But these
19 things were orally taught by our ancestors as the rest
20 of the testimony that you'll hear this afternoon.

21 So that is my purpose for coming here.
22 (Native language spoken), all my relations. Thank
23 you.

24 CHAIR BOLLWERK: Thank you for coming very
25 much.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The next speaker would be Jim Red Willow,
2 then Bill Means, then Richard Broken Nose and then
3 Mario Gonzales.

4 MR. RED WILLOW: Good afternoon, gentlemen
5 and those in the audience. My name is Jim Red Willow.
6 I am a descendent of Hopping Bear, the signer of the
7 1851 treaty. And what we discuss are within the
8 boundaries of the 1851 treaty, the 1868 treaty,
9 unseated territories.

10 So my testimony today, if I may say, is
11 that I will be speaking later on in any future
12 hearings that for sure will be coming up, but at this
13 time I would like to reserve the rest of my time here
14 and submit my testimony, written testimony, and also
15 that I request that we have electronic or written
16 recordings of this meeting to be given to our tribe,
17 the Oglala Sioux Tribe, so that in the event that this
18 is pursued further that we would have resource
19 material to rely upon, and in a timely manner. I
20 would like to recommend that we have these records of
21 these proceedings within 30 days and that they be
22 given to the Oglala Sioux Tribe. And I believe you
23 have the addresses of those that are in charge of
24 natural resources.

25 So that is what I'd like to -- and I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 believe that November 8th is the deadline for
2 submitting written testimony. Am I correct?

3 CHAIR BOLLWERK: This Board does not have
4 at this point any deadlines for submitting written
5 testimony, all the testimony we received already of --
6 in terms of the evidentiary hearing we'll be doing
7 next week.

8 MR. RED WILLOW: Yes, but you still can
9 accept recommendations or comments?

10 CHAIR BOLLWERK: You can -- yes, you can
11 certainly -- you can submit a written limited
12 appearance statement at any time you'd like to.

13 MR. RED WILLOW: Thank you. That's my
14 comment.

15 CHAIR BOLLWERK: Thank you, sir, for
16 coming. Appreciate it.

17 All right. The next speaker then would be
18 Bill Means, then Richard Broken Nose and then Mario
19 Gonzales and then Thomas Brings.

20 Is Bill Means here?

21 PARTICIPANT: No.

22 CHAIR BOLLWERK: All right. How about
23 then Richard Broken Nose?

24 MR. BROKEN NOSE: Hello to the members of
25 the Board of Directors. My name is Richard Broken

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Nose, Oglala Sioux Tribe. I was working for the
2 Treaty Council.

3 I don't know much about the uranium, but
4 I heard about the uranium many, many times, and they
5 say it's a deadly, deadly. And I was looking one of
6 those papers. It's safety on -- safety. What is a
7 safety? Is it danger or is it good, or what is it,
8 you know? And I remember when I was a little boy,
9 probably about like eight years old, I have a grandma
10 mention something and it's on one of those papers,
11 yellowish color of dirt. Someday non-Indians are
12 going to disturb the universe (Native language spoken)
13 in the air, the hole -- they make holes on the
14 universe and the air will come up.

15 And she said it's going to affect the
16 human, human lives, a life, a human life that
17 deteriorating the body or the inside. And I realized
18 that maybe -- she mentioned that, maybe she mentioned
19 the cancer, or heart, lungs, liver. It could affect
20 the bones. I don't know. And yet we have in the
21 paper it say safety. Where do we get that safety? Do
22 we know much about -- deeply, deeply what uranium
23 could do to the United States people?

24 And why do we want to use it, the uranium?
25 Is it to kill the people or what is it? And it's a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 good question. I assume they make atomic bombs and
2 whatever to kill other nations, other people. And yet
3 we have a black Bible call. It's not ours. It came
4 from Europe some place, a black book. It says in
5 there thou shalt not kill and thou shalt not steal.
6 Are we honest and truth to God, to (Native language
7 spoken.)? You know, are we honest or truthful?

8 And that's why my grandma was mentioning.
9 I never thought of anything of it, but I was looking
10 at a paper. Yellowish colored dirt. It's going to
11 affect a lot of human lives. And we have a
12 territorial treaty of 1851 in North Dakota, South
13 Dakota, Nebraska, Wyoming and Montana.

14 Treaty. What is a treaty? Face to face
15 like this to talk about whatever. And yet again so-
16 called the United States Government is violating every
17 treaty from 1787 or '86, over 300 treaties. And yet
18 they brought a Bible to us and preach us thou shalt
19 kill, thou shalt not steal. It's a pretty good
20 question. But couple years ago some ladies went to
21 talk to the Pope. He wants some answers and he wants
22 some questions. So I said to myself, I wish I could
23 face him. I could tell him who we are, where we come
24 from.

25 So it's going to disturb the universe, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 whole globe of universe, and I think we're heading
2 that way. We're heading that way. But some, we don't
3 care, I guess. We just want the dollars. Just want
4 the dollars. We don't worry about the human. We
5 don't worry about the people. We don't worry about
6 the babies, unborn child. Anything that man has made,
7 how long did it last? How long does it last? Maybe
8 50 years or maybe less than 50 years. You won't be
9 here and I won't here, but our own generations behind
10 us, it's going to affect them pretty bad. And it is
11 going to affect the globe, the universe, the (Native
12 language spoken.)

13 CHAIR BOLLWERK: Sir, you're at six
14 minutes --

15 MR. BROKEN NOSE: So we have to --

16 CHAIR BOLLWERK: You're at six minutes as
17 well, so I think you need to sort of --

18 MR. BROKEN NOSE: Pardon me?

19 CHAIR BOLLWERK: I think you need to bring
20 your remarks to a conclusion so we can make sure
21 everybody here gets a chance to speak today.

22 MR. BROKEN NOSE: Sorry.

23 CHAIR BOLLWERK: You're at six minutes, so
24 you need to bring your remarks to a conclusion so we
25 can make sure everybody gets a chance to speak. Thank

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you.

2 MR. BROKEN NOSE: So we need to think
3 about those, remember those. We have to be honest and
4 truthful. Thank you.

5 CHAIR BOLLWERK: Thank you, sir. Thank
6 you for coming and talking with us today.

7 The next speaker. Is Mario Gonzales here?

8 (No audible response.)

9 CHAIR BOLLWERK: Thomas Brings. Robert
10 Two Crow.

11 Sir, what is your name?

12 MR. GONZALES: Mario Gonzales.

13 CHAIR BOLLWERK: You're Mario Gonzales?
14 Okay. Thank you, sir.

15 MR. GONZALES: Are we being recorded
16 today?

17 CHAIR BOLLWERK: Yes, there's a transcript
18 being made. Let me just make -- Thomas Brings would
19 be next, then Robert Two Crow, then Garvard Good
20 Plume, Jr., and then Leola One Feather.

21 All right, sir. Go ahead.

22 MR. GONZALES: Mr. Chairman and honorable
23 members of the Licensing Board Panel, my name is Mario
24 Gonzales and I'm an enrolled member of the Oglala
25 Sioux Tribe and I'm here today to just state my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 personal views on the Crowe Butte Resources Marsland
2 expansion in situ leech uranium facility. I would
3 like to discuss basically tribal treaty rights and
4 water rights.

5 First of all, I'd like to discuss the 1851
6 Fort Laramie Treaty. That treaty recognized Oglala
7 Sioux tribal title as well as the title of other Teton
8 Sioux tribes and the Yankton Sioux tribes to a 60
9 million acre area which includes the Crowe Butte
10 expansion facility. And that treaty also had language
11 at the very end that all the tribes reserve the right
12 to hunt, fish and pass over these territories.

13 So then we go to the 1868 treaty, and the
14 1868 treaty carves out a 26 million acre reservation,
15 basically all of western South Dakota, as a permanent
16 homeland, a permanent reservation called the Great
17 Sioux Reservation. And that reservation also -- or
18 the treaty also had provisions that said that the
19 tribe would relinquish all territory outside the
20 reservation as hereinafter provided. That referred to
21 Article 16 and Article 11. Article 16 said that this
22 area where -- that's under discussion here would be
23 part of the unseated territory. And then Article 11
24 says that -- said that the Sioux would have rights to
25 occupy this area as long as there were buffalo there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to justify chase.

2 Well, then we go to the Black Hills Act,
3 1877. It started out as an agreement, and what
4 happened was after gold was discovered by the Custer
5 expedition in 1874, there was a gold rush. And
6 Congress then attempted to purchase the Black Hills
7 portion of the remainder of that Great Sioux
8 Reservation. When the tribes refused to sell, the
9 Government could not get the requisite three-fourths
10 signatures required for accession under Article 12 of
11 the 1868 treaty, Congress confiscated the area. It's
12 really important, that the 1877 act, because many
13 people don't realize that not only did Congress
14 confiscate the Black Hills, they also confiscated this
15 area.

16 Article 1 of the 1877 act said that the
17 right to hunt is extenuation -- Article 16 is
18 abrogated. Excuse me, the territory is abrogated. So
19 it's Article 1 of the '77 act that allowed this area
20 to be opened up for non-Indian homesteaders and
21 occupation. So that there is really important to
22 understand.

23 So what we have here today is a situation
24 where we still have rights here, because the 1851
25 treaty right to fish was never extinguished. We still

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have fishing rights in Whitney Dam and in the White
2 River, off-reservation fishing rights. And we also
3 have off-reservation water rights to the White River
4 under the Winters doctrine. Winters -- United States
5 v. Winters, which held that tribes on a reservation
6 are created -- there was enough water implied to meet
7 the present and future needs of the reservation. So
8 we rely on the White River.

9 But over the years I realized that -- was
10 -- the Nuclear Regulatory Commission was established
11 in 1974, was it? So a lot of this uranium money
12 probably occurred before that time. So I understand
13 that. But nevertheless, you're not in a position to
14 do something here. Because if we go back to the Black
15 Hills Act, Article 8 says that the Oglala Sioux and
16 other tribes would be subject to the laws of the
17 United States and each individual will be protected of
18 his rights of personal property and life.

19 The Supreme Court, in Ex parte Crow Dog,
20 interpreted the subject of laws of the United States
21 of being only the trust responsibilities law. And
22 then Article 8 also said that each individual will be
23 protected of his rights of person, property and life.
24 So that's important. The Government has a trust
25 responsibility to protect the person, property and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 life of our tribal members. It's the same act that
2 took this area also made that a condition.

3 And so the federal courts have held that
4 the United States has a trust responsibility as well
5 as its agencies, including your agency. You have a
6 trust responsibility to protect our rights under
7 Article 8 of the 1877 act. And that isn't being done.

8 Now the treaties and that act are the
9 supreme law of the land and it's got to be enforced.
10 The treaties and law trumped any regulations of this
11 agency. It's got to be upheld, the treaty rights, to
12 protect us -- person, property and life. And by
13 allowing an application -- by allowing this May --
14 with the May 2012 application of the Crowe Butte
15 Resources to amend the existing source materials
16 license for the Crowe Butte in situ remaining recovery
17 site to authorize the ISR facility with the Marsland
18 expansion area should be rejected on the basis that --
19 of the tribe's -- Oglala Sioux Tribe's contentions.
20 Thank you.

21 CHAIR BOLLWERK: Thank you, sir. Thanks
22 for coming today and speaking with us.

23 The next speaker would be Thomas Brings.
24 Is Mr. Brings here?

25 (No audible response.)

1 CHAIR BOLLWERK: How about Robert Two
2 Crow? And after Mr. Two Crow, Garvard Good Plume,
3 Jr., Leola One Feather and Tim Mentz.

4 Good morning.

5 MR. BRINGS: Good morning.

6 CHAIR BOLLWERK: Good afternoon, I should
7 say.

8 MR. BRINGS: Oh, good afternoon.

9 CHAIR BOLLWERK: Sorry.

10 MR. BRINGS: How you doing? My name is
11 Thomas Brings and my comments will stress the
12 continued need and request for a hard look, cultural
13 survey for the Crowe Butte uranium mine area, not just
14 the expansion, but the whole area. It is vital that
15 the Oglala Sioux Tribe is granted the opportunity to
16 conduct a traditional cultural survey of the expansion
17 areas of the Crowe Butte project and take another look
18 at the previous findings of the archeological survey
19 in place.

20 The approval of the 1992 amendment of the
21 National Historic Preservation Act established Section
22 101(d)(6)(A) and (B) that allow the Indian tribes to
23 identify historic properties of religious and cultural
24 significance. These standards were developed in
25 environmental documents to comply with Section 106.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Indian tribes must be consulted on the effects of the
2 undertakings on historical properties.

3 The federal agency who is taking the lead
4 in the endeavor won't be able to make a knowledgeable
5 decision if the Oglala Sioux Tribe is not allowed to
6 make a Class 3 hard look survey and identify cultural
7 and historical properties that are important to what
8 the tribe holds sacred.

9 In 36 CFR 800.8, coordination with the
10 National Environmental Policy Act required the federal
11 lead agency to take a hard look when considering
12 potential adverse effects. In the section of
13 800.8(c)(1), Standards for Developing Environmental
14 Documents to Comply with Section 106 states, "Consult
15 regarding the effects of undertaking on historical
16 properties with the SHPO, THPO, Indian tribes that
17 might attach religious and cultural significance to
18 historical properties, other consulting parties and
19 the council were appropriate during the NEPA scoping,
20 environment analysis and the preparation of NEPA
21 documents."

22 The National Environmental Policy Act
23 obligates every federal agency to prepare an adequate
24 Environmental Impact Statement before taking any major
25 action, which also includes issuing a uranium license.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The statute does not permit an agency to act first and
2 comply later.

3 The Oglala need to show any -- that any
4 construction at the site would cause permanent damage
5 to resources. Without an acceptable survey of the
6 site the ability to show these potential effects would
7 be practically impossible.

8 On July 20th, 2018 the United States Court
9 of Appeals for the District of Columbia Circuit
10 decided in the matter of Oglala Sioux Tribe v. the
11 U.S. Nuclear Regulatory Commission and United States
12 of America, Powertech (USA), Incorporated. At the
13 Dewey Burdock uranium mine the EIS decided that it did
14 not satisfy NEPA because it failed to adequately
15 address the environmental effects of the project on
16 Native American cultural, religious and historical
17 resources. The decision goes on to state, "The EIS in
18 this proceeding does not contain an analysis of the
19 impacts of the project on the cultural, historical and
20 religious sites of the Oglala Sioux Tribe and the
21 majority of other consulting Native American tribes.
22 Because the cultural, historical and religious sites
23 of the Oglala Sioux Tribe have not been adequately
24 catalogued, the EIS does not include mitigation
25 measures sufficient to protect this Native American

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 tribe's cultural, historical and religious sites."

2 The Oglala Sioux Tribe maintains they were
3 not afforded the opportunity to discuss the effects of
4 the Crowe Butte project that it has had on the
5 cultural and religious properties that are considered
6 significant. The archaeologists who conducted the
7 surveys for the company of drilling and mining
8 projects do not have the knowledge of the expansion
9 the Lakota have to the water, land, air or the
10 cultural environment. The archaeologists are not able
11 to identify what is important to the Lakota people.
12 They cannot identify our stone features, cultural
13 sites and sacred landscapes that are attached to
14 water.

15 The knowledge of these and the ceremonies
16 that were and are passed from one generation to the
17 next through oral interpretations. There are no
18 individuals in modern science or technology who have
19 the ability to describe or interpret this knowledge.
20 The archaeologists who are doing the surveys for the
21 Crowe Butte expansion and other mining projects fall
22 into this category of the uninformed.

23 The ability to identify and catalog
24 potential items of cultural, historical and religious
25 significance to the Oglala Sioux Tribe -- a thorough

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 survey needs to be conducted by persons who are
2 knowledgeable in aspects of what is important to the
3 tribe. The survey needs to be conducted by members of
4 the Oglala Sioux Tribe with a methodology developed
5 for these purposes. And that's all I have. Thank
6 you.

7 CHAIR BOLLWERK: Thank you, sir, for
8 coming and speaking with us today.

9 The next speaker would be Robert Two Crow,
10 then Garvard Good Plume, Jr., then Leola One Feather,
11 and then Tim Mentz, Sr. Is Mr. Robert Two Crow here?

12 MR. TWO CROW: Sorry. I apologize. Good
13 afternoon, gentlemen. I greet you very honorably, the
14 Atomic Safety Licensing Board members. My purpose
15 here is to present a modern definition of Lakota
16 culture.

17 We, the Oglala, we have to understand the
18 Lakota culture as a dynamic process that provides,
19 that describes their identity, continued survival, and
20 depicts a complex way of life that is both traditional
21 and modern. This socialization methodology is
22 influenced by four key cultural factors: land, family,
23 language, and belief. Number one, the Lakota
24 considered the land to be their mother. Two, the
25 Lakota family structure connects them to their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 relatives and the past. Three, language is the
2 lifeblood and fabric for passing on knowledge. Number
3 four, the belief system energizes spirituality and
4 acknowledges a power greater than humans.

5 Indian reservations in South Dakota are
6 home by choice for the Oglala. Despite the many
7 challenges from external powers, the Lakota people
8 continue to practice cultural ways that help them
9 reinvent their Lakota identity, and this is
10 accomplished through local tribal governments, modern
11 education, being bilingual, and planning rigorous
12 nation-building efforts.

13 Modern technology is now an effective
14 tool. Indigenous knowledge spurs renewed tribal
15 strength. Tribal confidence and self-esteem is now a
16 highlight among the youth. Children play and laughter
17 is heard in homes and at school. Besides radios and
18 newspapers, other media, such as television, laptops,
19 and cell phones are now popular icons in Lakota
20 country. Surprisingly, all of the above has become
21 popular practices, but being Lakota and being
22 indigenous remains a consensus among many Oglala
23 living on and off reservations.

24 The Lakota culture is honorable and
25 modernized. Lakota cultural practices and beliefs are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 respected by other tribal nations throughout the
2 United States and abroad. The Lakota people are
3 successful and have the legal right to impact federal
4 government action and decisions that affect tribal
5 ownership of property and especially when a permit is
6 going to be authorized for the removal of inherent
7 natural resources by mining operations.

8 The modern Lakota society and culture
9 expects the American government and its regulatory
10 agencies to respect the right to be heard and to be
11 included in all negotiations, and that is required by
12 law. It is the right thing to do, and thank you.

13 CHAIR BOLLWERK: Thank you, sir, for
14 coming and speaking with us today. Next, we would
15 have Garvard Good Plume, Jr. Is he here? Leola One
16 Feather, Tim Mentz, Sr., and then Kyle White, followed
17 by Lynn Cuny.

18 MR. MENTZ: Good afternoon. My name is
19 Tim Mentz, Sr. I'm a member of the Standing Rock
20 Sioux tribe. Also, a Lakota from the northern lands
21 of the Thithuwan of the Oceti Sakowin, the Seven
22 Campfire People. Today, I want to just share the oral
23 perspective of water. I appreciate Vice President
24 Darla Black opening up the comment for women. I bring
25 you just the concept of the oral knowledge

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 representing all the kungsi at home on the Pine Ridge
2 Reservation where my relatives are at but also on
3 Standing Rock.

4 The comments I present here today are
5 derived from the Lakota Dakota's perspective. That
6 perspective describes the Lakota oral knowledge that
7 we now have to write on paper to support our
8 connection to water, the land, the air, and the
9 cultural environment within the Crow Butte proposed
10 expansion area. There is no individual in science or
11 technology that has the ability or any present day
12 archaeologist who has the ability to describe this
13 oral knowledge.

14 The archaeologists who conduct
15 archaeological surveys in the Lakota homelands and
16 treaty territory are generally trying to control the
17 Lakota narrative. These individuals cannot recognize
18 or identify what is important to us, as stated by our
19 THPO from Oglala. They cannot identify our cultural
20 sites, stone features, and sacred sites, as was
21 previously shared, that are attached to water. These
22 resources and sacred sites describe our Lakota world
23 view that are present today in the environment
24 surrounding the sacred Black Hills.

25 This oral knowledge was held by the Lakota

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Dakota knowledge carriers. The male's interpretation
2 of the Lakota Dakota perspective on the connection to
3 water was the guide for the kungsi, the grandmothers,
4 back to the areas that she gave birth to her Lakota
5 children so her daughter would also bring life into
6 this world at that location. For a non-Indian to try
7 to understand this is not the responsibility of the
8 Lakota, but if they want to request this information
9 legal weight must be afforded the Lakota's world view
10 coming from the perspective of Lakota natural laws.
11 The spiritual and intangible aspects of the structure
12 of a Lakota family's connection to the water source,
13 land, air, and that which is connected to the genesis
14 story of the Lakota is to cultural landscapes that
15 also contain our sacred sites.

16 It's hard for the Lakota Dakota to share
17 this knowledge openly as its proprietary information
18 for the individual and was held communally by the
19 Oceti Sakowin, the Seven Campfire People. Where you
20 find water you will find the tangible and the
21 intangible evidence of the Lakota Dakota people.

22 I want to share the cultural tie to water
23 that is a part of natural law from kungsi, from
24 grandma. The Lakota Dakota of Oceti Sakowin had an
25 oral practice of knowledge of the water and how it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 related to life. This created the cultural tie to the
2 first water, also known by our grandmothers (kunsi).
3 The kunsi guarded this gift and controlled this water
4 knowledge very carefully, giving this gift to the
5 daughter by sharing this knowledge within the winyan
6 (woman) ceremony. When a girl became a partner or
7 life companion, a wife, to a man, prior to the living
8 relationship, part of this knowledge was also known as
9 mni wiconi and was given to the young lady in a four-
10 day ceremony who had to be separated from the camp.
11 Kunsi and relatives would get her ready to accept
12 womanhood as she would eventually carry water within
13 her body (tiwakan) to the Lakota Dakota to develop
14 this child. Eventually part of this discussion was
15 the center of the water ceremony used to ask for a
16 sacred being (a wakanyeja), a child, to be conceived
17 by the mother.

18 This was later interpreted in the English
19 language as Lakota and Dakota natural laws. At the
20 beginning of this life between women and man they
21 would decide when to ask for a nagi, (a spirit). They
22 knew a nagi of a wakanyeja (child) was wakan (sacred)
23 and the calling for the nagi by the woman and the man
24 created the spirit work of wicapi oyate, (the star
25 nation). For this to happen by natural law, it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 required good quality water, water that was understood
2 to also have a nagi (a spirit). It was therefore very
3 important for a family to go seasonally to seek this
4 area from a selected generational water source, the
5 source of water that the spirit child will be
6 developed in. Particular rivers and drainages were a
7 part of the history of the particular family
8 structure, revisited continuously in the Lakota's
9 Makoche Waste. All was synchronistic, timely,
10 deliberate, and a spiritual movement.

11 The water sources and the landscape
12 surrounding the He Sapa (sacred Black Hills) were most
13 sought after by the young couples wanting to start a
14 family. Tiospaye (the large family units with a
15 leader), these areas that were occupied seasonally
16 were selected by the Lakota in Makoche Waste for
17 calling a nagi to be wanted by the parents of the
18 woman and man.

19 Where this water was located, the quality
20 and purity of the water was central, very important,
21 to bringing a spiritual gift, a wakanyeja, to the
22 Lakota people. This nagi developed within the first
23 water source it knew and for some time grew up in the
24 woman's womb until birth. The Lakota have a name for
25 the womb and it had a spiritual Lakota designation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 called thamni. This was the first spirit liquid or
2 mni wiconi (water of life) that the wakanyeja
3 developed in, knew, and lived in. The development of
4 the thamni was very sacred (wakan), the most wakan of
5 mni (water).

6 The winyan knew that eventually the birth
7 of a child was a spiritual happening that exposed the
8 developed spirit. This started with the breaking of
9 the water or the thamni, followed by the child coming
10 out that created the natural laws that that little
11 nagi would be guided by. Everything the mother
12 exposed herself to during her time of carrying the
13 child, included the water she drank, the source of the
14 water and the purity of the water which the Lakota
15 understand had helped shape what this little child
16 would eventually become because it was from thamni,
17 the child's first water.

18 Natural laws required that the thamni is
19 supposed to hit or spill on unci maka (Grandmother
20 Earth) during birth to replenish her. It ties this
21 little living nagi to unci maka at that sacred spot,
22 and the after birth was buried at that location or
23 nearby it. By this process, the man would
24 continuously come back or was drawn spiritually back
25 to this location and would place his hanblecheya,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 stone ring, to this area, where the spirit door was
2 opened (thiyopa yugan).

3 Because a good pure water source was
4 nearby it tied this water source to this sacred site.
5 The wakanyeja then learned how to crawl, walk and
6 sleep on unci maka (Grandmother Earth). The kungsi
7 required the wakanyeja to sleep on the ground to
8 remind him he came from the earth; the Lakota Dakota
9 call that makagna (lives in the earth).

10 This proposed Crow Butte expansion area is
11 within the area where Lakota families for generations
12 are connected to. The Lakota men have spiritual
13 areas/locations connected to the water that are within
14 the expansion area that contain sacred sites. The
15 position of the Oglala Sioux Tribe is "these oral
16 comments must carry some legal weight within the NEPA
17 process and historic properties within the Crow Butte
18 expansion must be identified and documented for
19 consideration in the final NEPA decision document."
20 Any potential adverse effects to the cultural and
21 environmental resources must include the participation
22 of the Oglala Sioux Tribe and other member bands of
23 Oceti Sakowin.

24 I will conclude and hand in my written
25 statement that also includes the historic ties to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 water and the importance of water that I continue on.
2 With limited time, I'll stop right here.

3 CHAIR BOLLWERK: All right. Thank you,
4 sir. Thank you for coming. The next speaker would be
5 Kyle White, then Lynn Cuny, then Shelby Ross, and then
6 Trina Lone Hill.

7 MR. WHITE: Good afternoon. My name is
8 Kyle White. I'm an enrolled member of the Oglala
9 Sioux tribe. I'd like to bring up a few points on
10 your July 20th ruling on contention N, failure to take
11 the requisite "Hard Look" and environmental justice
12 impacts. You stated that OST has not provided a
13 factual support for that contention, and OST alleges
14 that full examination of all the impacted
15 environmental communities and institutions within a
16 50-mile radius of the CBR facility is required. And
17 then you go on to say that it's not a requirement and,
18 because it's a rural area, a four-mile buffer zone is
19 sufficient and that the OST does not provide factual
20 support of that.

21 In 2012, there was a study that was
22 conducted by South Dakota School of Mines and
23 Technology on the Cheyenne River looking at uranium
24 concentrations and the transport through sediment in
25 the Cheyenne River, and that study is tasked the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 geochemistry of the upper Cheyenne River watershed
2 within the abandoned radium-mining region of the
3 Southern Black Hills, South Dakota, USA, Rohit Sharma,
4 Keith Putrika, and James Stone.

5 And some of the things that come out of
6 that paper, uranium concentration that was due to
7 increase after activity. Concentration is along the
8 White River or the Cheyenne River, which is
9 approximately 19 miles. And algae uranium
10 concentrations are within the Angostura Reservoir.

11 And a quote out of that paper is delta
12 sediments of Angostura Reservoir were markedly rich in
13 vanadium zinc and uranium. Uranium was also elevated
14 from the mine drainages at near uranium mine sample
15 near Dewey. Uranium concentrations and sediment
16 samples collected from the Cheyenne River catchment
17 were generally higher with the average of 22 parts per
18 million in upstream sediments compared to those
19 nearest Angostura Reservoir, which was 14 parts per
20 million average.

21 Based on those results of that study, you
22 know, we can assume that, you know, sediments
23 transport is similar to that, which is occurring in
24 the White River and that the uranium concentrations
25 are elevated. Currently, there is no study on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 White River and the White River watershed which looks
2 at those concentrations of uranium through sediment
3 transport. Until there's some type of study, you
4 know, I think that the NRC should implement that 50-
5 mile buffer zone for impacts to the people of the
6 Oglala Sioux tribe. You know, we're a minority, and
7 through, you know, through the EPA's Office of
8 Environmental Justice, you know, people of a tribe
9 should have access to decision-making, you know, to
10 ensure that we have a healthy environment in which to
11 live, learn, work, and continue to have access to
12 quality water for our spiritual practices.

13 The USGS, J.K. Otton, and S. Hall in 2009
14 stated that today no remediation of an ISL operation
15 in the United States has successfully returned the
16 aquifer to baseline conditions. Often, at the end of
17 the monitoring or at the end of the mine, contaminants
18 continue to increase. J.L. Rojas, Division of Nuclear
19 Fuel Cycle, International Atomic Agency, in Vienna,
20 "Introduction to In Situ Leaching of Uranium," pages
21 7 through 20, and on page 8 it's quoted that it's
22 difficult to predict the performance of an ISL
23 project. There have been a great many more
24 unsuccessful than successful ISL projects. Since this
25 process involves several competing chemical reactions

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 taking place under ground and natural uranium deposit,
2 the chemical and geological parameters affecting flow
3 rates, reaction, rates, and uranium production vary
4 significantly from one ore deposit to another and even
5 in that same ore deposit.

6 Crow Butte. The mine has had 56
7 violations since its operation began in 1991. The
8 most recent were in 2008, a violation cited by
9 Nebraska Department of Environmental Quality for a
10 period of July 1st, 2003 through March 31st, 2006,
11 almost a three-year period. The violations cite
12 releasing the well development water upon the surface
13 of the ground during CBR's well development and the
14 drilling process, a violation using the Chadron
15 formation well development water as drilling water, a
16 violation of constructing injection wells and mineral
17 production wells in a manner that has a potential to
18 allow movement of fluid containing contaminants into
19 an underground source of drinking water, and violation
20 of CBR becoming aware of the non-compliance on or
21 about March 31st, 2006 and failing to report those to
22 the Nebraska DEQ.

23 CHAIR BOLLWERK: You're at six minutes.
24 Do you have much more?

25 MR. WHITE: Yes, I got a few more. With

1 the alarming number of violation that CBR has since
2 1991, you know, the evidence is there to support that
3 claim that there, that Crow Butte is an unsuccessful
4 ISL project. CBR has a documented problem with
5 notifying Nebraska DEQ when they're aware of non-
6 compliance. And with that track record, CBR can be
7 considered a risk to endangering the water quality for
8 people in the area who rely on quality drinking water
9 and also for cooking and in agriculture.

10 Further investigation to be taken to
11 ensure NEPA's requirements follow the 9th Circuit D.C.
12 Court in their July 2018 ruling for a case number 17-
13 1059, stated in the Dewey Burdock case that NRC has a
14 practice of issuing licenses before the NEPA is
15 completed and views the NEPA process as a formality.
16 To continue this practice, to continue the practice
17 goes against that authority, which is higher than that
18 of this board here.

19 NEPA needs to be examined for
20 environmental justice impacts, as well as the Oglala
21 Sioux tribe having the right to participate in a Class
22 III Cultural Survey to determine impacts to
23 traditional cultural properties, as the other tribes
24 involved in previous proceedings do not speak for the
25 Oglala Sioux and are not located in a proximity that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 has closer than that of the Pine Ridge Reservation.
2 Thank you.

3 CHAIR BOLLWERK: Thank you, sir, for
4 coming and speaking with us. Next will be Lynn Cuny-
5 White, then Shelby Ross, then Trina Lone Hill. Is
6 Lynn Cuny-White here? Shelby Ross and then Trina Lone
7 Hill.

8 MS. CUNY-WHITE: (Native language spoken.)
9 My name is Lynn Cuny-White. My Lakota name is She
10 Helps Her People. I come from the Crow Creek Sioux
11 tribe, which is along the river on the eastern part of
12 the state, and I'm also Oglala. I come from Black Elk
13 and American Horse on my Oglala side.

14 I'm here today just as a member of the
15 Oceti Sakowin and bringing that perspective of a
16 woman, you heard a lot of our tribal members talking
17 about the water and how it coincides with winyan and
18 the woman and how we give life and how all of the
19 water coincides with all of our cultural protocols of
20 giving life. And I just wanted to reiterate that,
21 just like how we are connected to our child, the
22 umbilical cord surrounded by water, we, as women, as
23 Lakota women, as Dakota women, we are also connected
24 to this earth, our mother, and the water. And so it's
25 really important for us culturally, as Lakota-Dakota

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 people, to have clean water that provides life.

2 As a little girl, I was always told that
3 when we first wake up, you know, we say our prayers
4 and the first thing we do is we take a drink of water.
5 What does that do to our people if we aren't allowed
6 to do that, to take a drink of clean water? Life as
7 we know it might diminish. So I'm here today to
8 remind you that we do and always have had a cultural
9 connection to the water, and with this uranium we are
10 not allowed that safe clean water that we have always
11 had.

12 CHAIR BOLLWERK: Thank you for coming and
13 speaking with us this afternoon. Next would be Shelby
14 Ross and then Trina Lone Hill and then Jane Sayre.

15 MS. LONE HILL: (Native language spoken.)
16 Good afternoon. My name is Trina Lone Hill. My
17 Lakota name is (Native language spoken), which is
18 roughly translated as They Encourage Her On.

19 I come here today offering my comments in
20 my capacity as an enrolled tribal member of the Oglala
21 Sioux Tribe, also known as the Oglala Lakota Nation.
22 I represent myself, my (Native language spoken) and my
23 fellow tribal citizens. I'm here to strongly oppose
24 the application for a uranium recovery facility within
25 the Marsland Expansion Area. The Marsland Expansion

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Area is located within Dawes County, Nebraska. This
2 is approximately 50 miles from our Pine Ridge Indian
3 Reservation, our tribe's current home, and within our
4 treaty territory and aboriginal homeland.

5 Our tribe became involved in this
6 proceeding to reassert our treaty claims to the
7 Marsland Expansion Area and to protect our tribal
8 cultural heritage items and sacred sites within that
9 area. As a citizen of the Oglala Lakota Nation, I am
10 very concerned about the negative environmental
11 impacts the mining activity would have on our land,
12 our water, and our natural and cultural resources,
13 resources we need for survival as human beings, as
14 well as for our survival as a tribe.

15 Treaty rights. The Oglala Sioux Tribe is
16 a tribal nation that is part of the Oceti Sakowin, the
17 Seven Council Fires, which is also known as the Great
18 Sioux Nation. The tribe has rights to its land and
19 resources based on its status as aboriginal to this
20 land. However, my tribe also has rights negotiated
21 for and ratified by Congress under the Fort Laramie
22 Treaty of 1851 and the 1868 Sioux Nation Treaty.
23 Additionally, it has rights under the act of March
24 2nd, 1889, which created the Pine Ridge Indian
25 Reservation.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The Marsland Expansion Area is within the
2 boundaries of the tribe's lands under the Fort Laramie
3 Treaty of 1851 and the 1868 Sioux Nation Treaty, the
4 unceded lands. The United States is our trustee, thus
5 the United States must protect the tribe and its land,
6 water, and other resource rights to its lands in all
7 of its decisions that might affect the tribe.

8 The uranium recovery facility within the
9 Marsland Expansion Area will certainly affect our
10 lands, water, and resource rights. It will devastate
11 them and further exacerbate the damage already done by
12 Crow Butte mining. I cannot overstate the historical
13 and cultural significance of these lands to my tribe,
14 my fellow tribal citizens, my family, and myself.

15 The United States must uphold its treaty
16 obligations and trust responsibility to the tribe and
17 its tribal citizens first and foremost. The United
18 States is our trustee. It cannot put the interest of
19 others, especially non-Indian corporate America, above
20 protecting the tribe's sacred rights to its lands and
21 resources, tribal cultural heritage items, and sacred
22 sites.

23 Protecting land to which we hold a
24 historic relationship is essential to our cultural
25 survival. The Marsland Expansion Area and the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 surrounding land contain tribal cultural heritage
2 items and sacred sites that help us remain connected
3 to our way of life and who we are as a people. We
4 have worked hard to protect our tribal cultural
5 heritage items and sacred sites. Their existence and
6 protection is a core value of our people.

7 The United States must, alongside the
8 tribe, undertake a full analysis of the tribal culture
9 heritage items and sacred sites that would be affected
10 by the uranium recovery facility pursuant to its
11 statutory duty under the National Historic
12 Preservation Act and its trust responsibility to the
13 tribe. There is no doubt that the toxic and
14 disruptive impacts of uranium mining will harm our
15 cultural heritage items and sites we hold sacred.

16 Environmental Impacts. Protecting the
17 land and water from environmental degradation is also
18 essential. Our people rely on this land, water, and
19 other resources for our home. Mother Earth must be
20 protected. The United States must undertake a full
21 analysis of all the environmental impacts and
22 potential impacts that would result from the uranium
23 recovery facility pursuant to its statutory duty under
24 the National Environmental Policy Act and its trust
25 responsibility to the tribe.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The horrific effects of uranium mining to
2 the environment are no secret. Studies state that
3 uranium mining, processing, and reclamation have the
4 potential to affect surface water quality and
5 quantity, groundwater quality and quantity, soils, air
6 quality, and biota. Disposal sites represent
7 significant potential resources of contamination for
8 thousands of years and long-term risks remain poorly
9 defined.

10 We cannot survive without clean water and
11 uncontaminated soils, and we certainly should not risk
12 potentially thousands of years of contamination for a
13 company to make profits.

14 Timing. True in-depth consideration of
15 the impacts and potential impacts to tribal cultural
16 heritage items, sacred sites, and the environment
17 overall must take place before the Board acts. In
18 fact, the recent D.C. Circuit Court in the PowerTech
19 case confirmed this requirement. The United States
20 owes my tribe and its tribal citizens treaty and trust
21 obligations, as well as statutory duties, to fully
22 consider the potential impacts on our tribe's culture
23 heritage and environment before making a decision
24 about issuing a license to the uranium recovery
25 facility within the Marsland Expansion Area, and it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 must undertake such consideration in consultation with
2 the tribe.

3 If the Board takes a hard look, it will
4 certainly find that the potential devastation to land
5 and water wrought by uranium mining is most certainly
6 not worth the risk and, in this instance, is not in
7 line with United States treaty and trust obligations
8 to our tribe and its citizens. I ask you to reject
9 the efforts of Crow Butte resources to operate a
10 satellite uranium recovery facility within the
11 Marsland Expansion Area in Dawes County, Nebraska.

12 I also want to add a few things here.
13 I'm the former tribal historic preservation officer
14 for the Oglala Sioux Tribe, and I have dealt with the
15 NRC, EPA, and all of these things. And we have to
16 educate these federal agencies all the time. There's
17 high turnover rates in many of these positions, and so
18 we're constantly educating about these cultural
19 issues, a lot of these cultural issues, you know. We
20 are the aboriginal people of this nation, yet you
21 barely read about our history in these books in this
22 local land here. You don't hear of our treaty lands.
23 You don't hear that these were our areas, yet these
24 are our treaty areas. And, you know, we have to keep
25 educating and, you know, these extracted industries,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 they are erasing our footprint, our history, you know,
2 everything that is about us as Lakota people and other
3 tribes that have connections here. You know, our
4 history is being erased daily, and that, you know,
5 it's so upsetting to me.

6 You know, everyone touched on the impacts,
7 the water, the contamination, you know, our trees, our
8 cottonwoods are not reproducing along these waterways
9 anymore because of the contamination. Our very
10 religious practices, you know, our most sacred Sun
11 Dance ceremonies are being impacted by these trees not
12 growing anymore. And so, you know, everything is
13 interconnected, but I just wanted to offer these
14 comments and thank you for allowing me to speak today.

15 CHAIR BOLLWERK: Thank you for coming. We
16 appreciate it very much you coming and speaking with
17 the Board. Next speaker would be Jane Sayre and Jake
18 Stewart, and then Misty PlentyWolf.

19 MS. SAYRE: My name is Jane Sayre. I'm a
20 landowner and resident of Scotts Bluff County. And as
21 we know, pollution doesn't honor county lines, state
22 lines, or any lines. And my quote I want to start
23 with today because I'm from a family of dumb farmers.
24 Even dumb farmers know that in this country water goes
25 where it wants. This is a quote from the audience of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the Crying Earth Rise Up educational screenings held
2 in Crawford, Nebraska earlier.

3 I've been a third-generation Nebraska girl
4 since the day I was born. Since I was old enough to
5 understand a sentence, my father told me I was
6 standing on top of the largest freshwater body on the
7 planet and that I had a responsibility to make sure
8 that was safeguarded. He also told me a little bit
9 later when I was a little bit older, "Janey, someday
10 you're going to pay more for a gallon of water than
11 you do for a gallon of gas." That's when water was
12 free, and I laughed, my silly dad. Here we are.

13 We have a shortage of freshwater. I don't
14 even know if there's a statistic on it now. All of
15 our water is polluted. This is what my primary
16 concern is regarding the Cameco operation, that it
17 cannot be contained. I'm not opposed to their
18 operation. I'm opposed to their polluting our water,
19 our land.

20 Cameco at Crow Butte must be effectively
21 monitoring the level of human right impacts of the
22 existing site before expanding toward the Niobrara
23 River communities. I agree with every word our Lakota
24 relatives have shared with us today.

25 To date, no technology exists which can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 prevent contamination of our aquifers and also no
2 technology exists which can clean them up once they're
3 contaminated. We're stewards of this earth. It's our
4 responsibility. We can't allow this to happen.

5 To date, here, there's no lab for testing
6 or monitoring the uranium. This is irresponsible.
7 This is unacceptable.

8 And I'm going to stop there with one thing
9 I'm confused about. I looked up this word lixiviant,
10 which they're claiming is a term used to describe the
11 chemical solutions used in uranium mining. But it,
12 again, like fracking, it doesn't tell what chemicals
13 those are, and so I'm going to presume that they're
14 proprietary. This is unacceptable. It doesn't even
15 make common sense. Even a dumb farmer knows that if
16 you don't know what's being put into your water, you
17 can't know how to clean it up.

18 I beg you, I implore you, do the right
19 thing. Put these systems in place if you're going to
20 allow this mining that can protect our people, our
21 water, and our land from being contaminated
22 infinitely, millions of years. Thank you.

23 CHAIR BOLLWERK: Thank you for coming and
24 speaking with us this afternoon. Next will be Jake
25 Stewart and then Justin Rowland.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. STEWART: Good afternoon, gentlemen.
2 Thank you for coming up here to Dawes County. I am
3 Dawes County Commissioner Jake Stewart. I have been
4 put in charge of representing the people of Dawes
5 County. You're maybe going to hear just a little bit
6 different view than what you've heard for the last
7 hour and a half, okay? So bear with me.

8 One of the facts is that Marsland
9 Expansion through the Crow Butte resources is my
10 backyard. I'm a fourth generation farm and rancher
11 through that area. That's within ten miles where I
12 grew up. I went to country school in this area. I
13 played in the dirt that they're getting ready to mine
14 in. I swam in the rivers that run right through
15 there. My family has been established there from
16 1890. These are important facts that there's been
17 people established in this area.

18 Crow Butte Resources is a good neighbor to
19 Dawes County and the people that live in Dawes County.
20 And as a third-term commissioner, I represent those
21 3500 voters for this county and the economic footprint
22 that comes along with this decision. I know it's
23 important, and I know people are trying to make sure
24 that they paint you a good picture that you can go
25 back to so you can think about this, how is this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 impacting Nebraska, the United States, but especially
2 how is it impacting Dawes County?

3 Crow Butte Resources has been here setting
4 up since the late 80s, 1989 into 1991. They have been
5 a good neighbor. They have made an economic impact as
6 far as jobs. Over 80 people, that's including
7 subcontractors, that come from all over this area. I
8 may be one of the only people in this room, and I'm
9 willing to bet less than three, that are born and
10 raised in this area right here, not only right here in
11 Chadron where we're living but right there in the
12 backyard of Marsland where this expansion is getting
13 ready to happen.

14 Gentlemen, this is an important decision.
15 I understand that nothing is perfect, but we need to
16 be able to look at the decisions and who owns this
17 land in Dawes County. This land has been bought over
18 and over again. We understand that. We understand
19 that we are all citizens of the United States. I
20 understand that. But it's hard for me to look back
21 and to think if I'm out on a wrestling mat and I've
22 got another referee trying to call my moves, is that
23 right? We're bringing people in from different states
24 to have an impact on this. Where's the voice for the
25 people of Dawes County that have made sure that they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 put representation with their vote in place?

2 Yes, this is important. And, yes, you do
3 need to make a pretty big decision here, and I want
4 you to understand that when something like this comes
5 into the area, I want to protect my family, too. I
6 want to protect all the people that live in and around
7 here. But the facts come down to it. They have been
8 in this area. They have been in situ mining in this
9 area, and they're looking for an expansion to improve
10 not only lives, to energy, but to the economic
11 footprint that I have talked about before.

12 Gentlemen, I thank you for your time.

13 CHAIR BOLLWERK: Thank you, sir, for
14 coming and speaking with us. Next will be Justin
15 Rowland and then Elecia.

16 MR. ROWLAND: I come from a family that
17 settled along the White River for the past 152 years,
18 and we record everything in our own family, where
19 we've been, where we've lived, where we've moved,
20 where mothers, grandmothers give --

21 CHAIR BOLLWERK: Just one second. Is Joe
22 here? Can you see if you can get that -- it's pretty
23 directional. I think that's part of the problem.
24 You're good.

25 MR. ROWLAND: So our ancestors are forced

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to live along this very river, the White River, back
2 in 1877, 152 years ago, when our ancestors were forced
3 to settle at Crazy Horse along the river. Our
4 grandmothers were pregnant when they first showed up,
5 after they wiped out Custer and fought all those wars
6 and they came down here and they were forced to go
7 into a POW camp. So they all got a number, and then
8 they went to the reservations and wherever they were
9 forced to live. They found the springs, and they gave
10 birth to their babies in those springs. And a
11 generation later, they gave birth to their next
12 generation and so on and so on. We still have these
13 ties, which I'm the youngest one in my family and they
14 sent me up here. Why did they send me and not any of
15 my grandmothers or grandfathers? It's really nerve-
16 racking to get up here when you can wash away my
17 ancestry like that.

18 I just want you to know that it hurts.
19 Not only the relatives here but the Cheyennes and when
20 they showed up my ancestors took in Cheyennes, and
21 we're not going to ever learn anything about them but
22 they lived here, as well, and they took in Cheyennes.
23 So they moved and moved from one valley to the next
24 valley going back and forth through one spring to the
25 next spring. We still have those springs. We still

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 own those springs. So far, our ancestors can tell us
2 they never sold their water rights. They never sold
3 the mineral rights. They never sold any rights to
4 anything. We're not going to sell our rights, and my
5 cousins aren't going to sell their rights, and we're
6 still going to hang on to everything we've got.

7 So I'm letting you know that this is my
8 future you're messing with, not just me but everybody.
9 I have cousins and sisters and they all live in this
10 community, as well. Shattered. And that's all I'd
11 like to let you all know. Thank you.

12 CHAIR BOLLWERK: Thank you, sir, for
13 coming and speaking with the Board. Next speaker will
14 be Elecia. Am I pronouncing that correctly?

15 ELECIA: No.

16 CHAIR BOLLWERK: No. All right. Then you
17 can correct me then.

18 ELECIA: You want me to correct? Elecia.

19 CHAIR BOLLWERK: Elecia. E-L-E-C-I-A. Do
20 I got that spelled right?

21 ELECIA: Yes.

22 CHAIR BOLLWERK: Okay, all right. Go
23 ahead.

24 ELECIA: May I have a drink of this water?

25 CHAIR BOLLWERK: Absolutely.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. PLENTYWOLF: You just stand there?
2 You know, if she really did faint drinking this water
3 like that because it's poison, that could be a very
4 real reality with all that's going on in the world.
5 You guys sit here behind these tables and act like you
6 take in this water you're drinking for granted. This
7 water right here is the water of life. Sacred alter
8 woman and I'm a Lakota winyan and I come from these
9 Black Hills like the rest of my people. I don't know
10 where you come from if you don't come from this earth,
11 if you can't feel the very real effects that are going
12 on in this world from your actions. There are very
13 real karma, consequences, to your actions. It's
14 called karma.

15 I look at you. You're grown men. And
16 someone like me, I look like you, part of me. I don't
17 know where exactly you come from or what families you
18 represent, but half of me is Wasicu like you. But I
19 know where my people come from, where I come from,
20 that half of me.

21 My great-great-grandfather, Chief Standing
22 Bear, went on that wild west show and met a nurse
23 because he got sick over there because those lands are
24 so contaminated from the killing, the abuse, the rape,
25 the torture, the pollution, that he got sick over

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there and about died. For a Lakota to come from pure
2 lands like this before you guys step foot here, they
3 were pure. They were heaven on earth. Nothing was
4 wild here, even though there was buffalo roaming.
5 Rivers were beautiful. You could drink straight out
6 of them. The air was fresh. We did not know nothing
7 of pollution. We see smoke go rise up into the air.
8 We knew it went straight to the creator of all of us.

9 This water here, you drink it so casually.
10 It tastes so good. It's so refreshing. It's nice and
11 cold. When my grandfather got sick over there in
12 Germany on the wild west show, he ended up in a
13 hospital right there on the border of Austria. He met
14 the woman who literally nursed him back to health, and
15 she had compassion and love in her heart to see a
16 strong Lakota man and everything that he stood for and
17 where he comes from, all the great and grand things
18 that our people are made of. He fell in love with her
19 because he seen the beauty in a white woman.

20 You, a white man, to think maybe you do
21 have a heart connected to your mind to know that you
22 come from this earth, too. You don't come from this
23 land, you come from across seas and you guys came here
24 because of what was going on over there. You sought
25 a new future for your families back in the 1890s when

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 all you settlers came to these lands. You don't
2 belong here, and neither does your pollution or your
3 drilling or any of your extractions on the words of
4 progress. Those are words. You don't feel the
5 destruction that happens every day in the heartbeat of
6 this earth, how she's crying for help because you
7 don't care about her life.

8 Water is life. You don't care about
9 yourselves very much obviously or you weren't taught
10 to, and maybe that's not your fault. Any one of you
11 and all the four directions of this world, all seven
12 directions because the creator is within each and
13 every one of us, to make change happen and to do
14 something about it right now. You guys sit there and
15 you pull strings or else someone is pulling your
16 strings controlling you. Our culture is connected to
17 this earth, and he listens to us if we're sincere in
18 our heart and in our minds and if we speak from the
19 heart and if we speak up and we know we want clean
20 water, we want clean air, we want a healthy earth for
21 not just us right here right now, this is great for us
22 right now, but we're not thinking of us. I see
23 grandchildren, seven generations down, just how my
24 ancestors seven generations up thought of me right
25 here right now before you guys were even here. They

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 had prophesies of you guys coming here with your
2 destructive ways, your abuse, your rape, your genocide
3 with the blind eye.

4 You know, we all have a creation story,
5 and I really would love to hear yours. But our
6 creation story, we come from this land. We belong to
7 this land. This land don't belong to us. You think
8 we're that foolish or that naive to think we can own
9 something so great, so grand, and so majestic? Only
10 the creator of this earth has that power and that kind
11 of love.

12 We strive to be great, to use our minds to
13 see beautiful, a beautiful future. You bring us to
14 this college, and this is really nice. You see this.
15 Your grandfathers and grandmothers who came to this
16 land seen this for your children, not just you, your
17 children, your grandchildren who are in these
18 classrooms learning, soaking up this education, this
19 knowledge you teach.

20 You guys are very ballsy and have big
21 gorilla balls to pull the shit you do around the
22 world. The mass genocide is unspeakable and no one
23 wants to speak on it. Your ancestors killed your own
24 ancestors to get away from you because you murdered
25 your own people and you raped and tortured them. You

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 didn't care what they looked like or where they came
2 from. You, white men just like you, and we have to
3 see you every day because you came and you slaughtered
4 a buffalo just to get to us because we were better
5 than what you guys stood for and you couldn't stand
6 it. And why hold grudges or let your ego, it's all
7 egotistical bullshit.

8 My life is a blessing because my people
9 survived your fucking genocide. And all my people out
10 there who feel that fucking same oppression, that same
11 generational trauma day after day, from the day you
12 wake up to the day you go to bed, and you sleep and
13 you dream about the shit that was done way before you
14 even got here to this moment in time. You're a human
15 being, unless you come from somewhere else, I suggest
16 you get the fuck off this earth because we can't live
17 like this no more. We can't stand the abuse, we can't
18 stand the oppression, we can't stand the ugly fucking
19 looks you all give us because we come from this earth.
20 We are made of this earth, and we will die of this
21 earth.

22 A nice drink of this water. Remember this
23 prayer. (Native language spoken.) Please bless this
24 water, bless this land, bless my people, open the
25 minds up to the world so that they may see the damage

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that is being done to every single one of us. Every
2 single part of this earth that is being hurt, raped,
3 tortured, and killed off in the name of progress,
4 technology, bioengineering, the waste of our beautiful
5 natural resources. And our lives are at stake because
6 they are too ignorant to see what the damage that is
7 being done or they don't care about their babies, they
8 don't care about their mom or dad, their grandma,
9 their grandpa, the fights, the blood that's been
10 spilled. For them to even be here, the millions of
11 people that were murdered and that continue to be
12 murdered everyday under the oppression of a system
13 that is built to control, manipulate, and snuff out a
14 human being for being a human being.

15 I mean, if you don't love yourself that
16 much and you sit there and act like you do, we got
17 people killing themselves every day because they feel
18 they have no control. Do you really feel like you
19 have control? Do these hearings really make a
20 difference? Will this end up at the Supreme Court
21 where rallies and riots have to happen and SWAT teams
22 have to come out and people have to get snuffed out
23 again and again because you guys don't know when to
24 stop. And we say stop.

25 You don't care about my life. I really

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 don't want to care about yours, but everything in my
2 being and in my heart, everything I was taught, says
3 to respect, honor, have compassion, honesty,
4 integrity. Discipline takes on so many forms, and you
5 guys abusing your power. The white man alone abusing
6 power and controlling this whole earth, putting a stop
7 to everything that naturally flows. What are you
8 going to do when every last spring can't even be drank
9 from because every part of this earth is dug into by
10 a drill mine drilling for uranium, oil, or Nestle
11 getting all the water they want and selling it and
12 only paying \$200. You guys really built great fucking
13 system for yourselves to a oppress every single
14 person, and you have no guilt or shame. What is wrong
15 with you? Where is your fucking tears? Anything? Is
16 your mom still alive? Do you have granddaughters
17 being born? You're grandparents now? Don't you pray?

18 CHAIR BOLLWERK: Do you have much more,
19 ma'am?

20 MS. PLENTYWOLF: Don't you wonder how you
21 got here? I pray you do. I pray you learn or I pray
22 you go back to wherever you came and tell them to
23 stop, all of your people. Tell them to back off and
24 leave it alone if you want to live. People are dying
25 every day. Today is a good day to die, too, right?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Remember that when you drink water.

2 ELECIA: Yes, this is just the beginning.

3 MS. PLENTYWOLF: Water for everyone on the
4 house.

5 CHAIR BOLLWERK: Ma'am, can I have your
6 name for the record, please?

7 MS. PLENTYWOLF: Sacred Alter Woman, but
8 my English name is Misty Dawn PlentyWolf. Remember
9 that.

10 CHAIR BOLLWERK: Thank you very much. All
11 right. At this point, I think we're right at 4:00, a
12 little past. We'll take a five-minute break and see
13 if there's anyone else here who wants to speak. And
14 at that point, then we will adjourn today's session.
15 We'll see if anyone comes. I think we're almost done.
16 Maybe the easiest way to do this, let me go through my
17 list, and if there's no one here that wishes to speak
18 I guess we'll just adjourn. How's that? All right.

19 Roberta Bell, Tonya Sands, Scott Weston,
20 Bill Means, Garvard Good Plume, Jr., Leola One
21 Feather, Shelby Ross? Those are the other names I
22 had. Any of those folks here want to say anything?
23 All right.

24 Again, I would remind you anyone here that
25 doesn't want to leave us with a written appearance

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 statement, they're back in the back. Please feel free
2 to write down your comments and leave them with the
3 Board. We appreciate everyone coming today. We
4 appreciate everyone taking the time to come and talk
5 with us about the Crow Butte Marsland application. We
6 will have an evidentiary hearing on hydrogeological
7 issues starting 8 a.m. down in Crawford on Tuesday
8 morning, so if you're interested in that hearing
9 please come and join us. It's open to the public, and
10 we anticipate it's going to last Tuesday, Wednesday,
11 and Thursday.

12 Do any of the Board members have any
13 comments? No. All right. Then hearing no further
14 anyone interested in speaking, we adjourn this limited
15 appearance session. Thank you very much.

16 (Whereupon, the above-entitled matter went
17 off the record at 4:05 p.m.)

18

19

20

21

22

23

24

25