

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
POWERTECH (USA) INC.,)	Docket No. 40-9075-MLA
)	
(Dewey-Burdock In Situ Uranium Recovery)	ASLBP No: 10-898-02-MLA-BD01
Facility))	

Hearing Exhibit

Exhibit Number: Exhibit OST-045-R

Exhibit Title: Declaration of Dr. Craig Howe

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
POWERTECH (USA) INC.,) Docket No. 40-9075-MLA
)
)
(Dewey-Burdock In Situ Uranium Recovery)
Facility))

DECLARATION OF DR. CRAIG HOWE

1. My name is Dr. Craig Howe. The brief curriculum vitae (CV) included with this testimony is an accurate description of my professional training and cultural background, as they apply to Lakota culture.
2. I earned my PhD in architecture and anthropology at the University of Michigan. My dissertation title was *Architectural Tribalism in the Native American New World*.
3. I have continued to apply and expand on my academic work while teaching in the Graduate Studies Department at Oglala Lakota College, and at Grinnell College, the University of Saskatchewan, and Washington University in St. Louis. The brief CV also lists numerous articles, books, exhibits, and other applications of Lakota cultural understandings.
4. The attached resume accurately lists my experience in developing and carrying out investigations and analysis of cultural resources using a variety of methodologies. **(Exhibit OST-046)**.
5. I used my interdisciplinary training to work within the fields of American Indian history, museum studies, tribal histories, and K-12 education.
6. I am a founder and the director of the Center for American Indian Research and Native Studies (CAIRNS).
7. I am an enrolled member of the Oglala Sioux Tribe.
8. My skills, knowledge and abilities make it possible to work on projects with both the archaeologists and tribal monitors performing the required work and identifying both historic archaeological sites and Traditional Cultural Properties (TCPs) both within and outside of reservation boundaries.

9. Although I am bound by confidentiality laws, agreements, and customs that prevent full disclosure, my work has included fieldwork with tribal experts to record oral narratives relating to past events and landscapes. I am committed, professionally and personally, to upholding the federal, tribal, and state laws and agreements in a way that protects cultural patrimony, objects of cultural patrimony, human remains, sacred objects, unassociated funerary object, oral histories, and other tangible and intangible aspects of the cultural resources of the relevant tribes that may have a right of possession, right of return, or other interest that requires confidentiality in carrying out my work.
10. I have reviewed the Compilation and Evaluation of Existing Information for the NEPA Review of Lakota Historic, Cultural, and Religious Resources for the Dewey-Burdock ISR Project that was authored by Paul R. Nickens. (Exhibit NRC-224). It is my opinion that the document does not provide a comprehensive, accurate, or reliable review of the literature addressing cultural resources that would be impacted by the Dewey-Burdock Project.
11. My opinion, in part, is based on the misrepresentation of my work and the maps I helped create. My work was represented on page 22 and cited as foundational resources for the document. Dr. Nickens' review was based on a fundamental misinterpretation of my work. This type of misinterpretation is common among single-discipline archeologists that lack interdisciplinary training and background in the culture of the specific tribe(s).
12. For example the map on page ii is a drawing by Amos Bad Heart Bull, which is a famous map of the Black Hills. It shows key landmarks in Lakota history, including the Race Track. The map was taken from a book of drawings by Amos Bad Heart Bull. There are reference points that assist in mapping the route of the Race Track. For instance, a little above half way up the right side of the drawing is a frontal view of the face of a bear with "Mato BaHa" beneath it. That is what is known today as Bear Butte. Beneath (south of) it is a circle indicating the location of Rapid City. Continuing clockwise around the Race Track, Buffalo Gap is indicated by the dark rectangle, and just above the horizontal line where two pages of the book meet, is a squiggly line indicating the Cheyenne River (only the "yenne" portion of the word can be seen at the bottom left edge of the image). The Cheyenne River is clearly outside of the Race Track. Near the bottom of the drawing, the Race Track begins its arc upwards, following an unnamed river. That river is almost certainly Beaver Creek. Therefore, the star indicating the D-B project should be located east of the river which is also where the Race Track is indicated on the map.
13. The last sentence of the first paragraph on page 13 states that the Amos Bad Heart Bull map is "mythically" representational but geographically inaccurate. This is an assertion that is unsupported by research or evidence.
14. Page 13 also includes a story ascribed to Jake Herman. Its source is not provided. However, an authentic narrative published in 1917 related to the emergence of Lakota ancestors onto this world was not mentioned.

15. The paragraph on page 16, Section 2.2 is factually wrong on a number of key points. First, the 1868 Fort Laramie Treaty stipulated three categories of Lakota lands, not just the “Great Sioux Reservation.” In addition to the reservation stipulated in Article 2, the treaty stipulated unceded lands in Article 16 and a hunting territory in Article 11. Second, the U.S. Congress prohibited treaties between the U.S. and Indian tribes in 1871. Therefore, there was no treaty in 1877. The 1877 Act is how the U.S. took the Black Hills and other reservation lands, plus all of the hunting territory and the unceded lands away from Lakotas. This is not only a fundamental error, this important historical error would offend and cause persons with the necessary cultural information to avoid any oral interviews, field surveys or other efforts based on Nickens’ report.
16. The map on page 18 fails to show the unceded lands and the hunting territory that were stipulated in the 1868 Fort Laramie Treaty. The omission of these lands not only misrepresents the historical landscape but would be taken as an affront by many Lakotas.
17. I created the map reproduced on page 22. This map was not intended to provide exacting evidence as to the location of the Race Track. Instead, it was based on existing interpretations of the location of the Race Track. This Race Track does not align with the Race Track on Amos Bad Heart Bull’s drawing. The Nickens report does not address the discrepancy and I was never contacted to explain how the understanding of the Race Track and its location have developed since the map on page 22 was produced.
18. When viewed in context of the actual locations of the terrestrial landmarks used by the Lakota, the D-B project is located on top of the Race Track. Yet, the Race Track was not identified as within the category of “properties of traditional religious and cultural importance” that would be impacted. Nickens Page 11, Section 2.1.
19. Involvement of qualified persons would have confirmed specifics as to how star knowledge is an important means of locating and ascribing cultural meaning to individual cultural properties and landscape level features. The generalized approach taken by Dr. Nickens’ report is not sufficient and cannot be corrected by doing more literature searches.
20. In my opinion, oral interviews, conducted in accordance with necessary rituals and protocols, would have alerted Dr. Nickens to his errors and helped identify the correct locations of the Race Track and other important terrestrial landmarks.
21. In my opinion, the Amos Bad Heart Bull map should be considered an accurate representation of the Race Track that can then carefully and critically be used to locate the Race Track.
22. Had NRC Staff published a document for public comment, I could have provided information and other corrections for NRC consideration and inclusion in a corrected analysis.

23. The errors I have noted are mere examples. If I were working in a professional capacity to design and carry out a cultural resources analysis, I would not have relied heavily on Dr. Nickens work product and recognized that his archeological focus and limited academic background does not provide the interdisciplinary professional training and cultural background required.

I declare under penalty of perjury that the foregoing is true and correct.

This document was executed on June 28, 2019 at Martin, South Dakota.

/s/ Dr. Craig Howe
Craig Howe, PhD.