

Meeting Notes: Special Meeting, Sat., March 26, 2011

1:00-5:00 pm (MST) Mother Butler Center, Rapid City, SD

**Opening Prayer:** Philip Farrell

**Opening Remarks:** Charmaine White Face, Coordinator

First of all, Defenders is an environmental non-profit organization under American law. Defenders is not a Treaty organization. This is the first Defenders meeting in over a year due to the Coordinators health, but that is improving. She has been looking for a replacement for a few years but no one wants the responsibilities and duties of an unpaid position with a lot of work. However, there are a number of important issues arising and we must deal with them.

When Defenders first started, we stopped at a listing of 32 issues of concern. There were more then and there are new ones starting up now. We must keep doing what we can because we don't work for ourselves. This work is for Grandmother Earth, the plants, animal, birds, insects, water, water life, and air. If these are all healthy, then human beings can be healthy too. We have a responsibility to do this work, as it has been and continues to be human beings who are creating the problems.

Representatives from three other environmental organizations are present and each have been working on some of the issues. They will be giving us updates. Thank you to everyone who has come today.

**1. SD Legislature and Proposed Uranium Mining - Liliias Jarding, Coordinator, Clean Water Alliance**

There are six companies looking at mining Uranium here. They have been dealing mainly with Powertech Uranium Mining Company which plans on mining in the southwestern Black Hills near Edgemont. Hearings on Powertech will be before the Nuclear Regulatory Commission Board next year.

In the meantime, the state of South Dakota's Department of Environment and Natural Resources (DENR) has returned Powertech's application two times as it was not complete and they wanted more information. Powertech went to the SD Legislature which passed SB158 and took DENR out of any kind of regulation. This allowed Powertech to bypass the questions raised by DENR and not complete their SD application. So now there will be NO local regulation of this Canadian mining company in South Dakota, and the federal Environmental Protection Agency in Denver does not have the manpower to adequately watch over Powertech's operation when it begins. The federal application still needs to be completed at the Nuclear Regulatory Commission. It might take two years for that to be completed. The good part is that with the bill in the state legislature, people living east of the Missouri River in South Dakota are learning more about uranium mining in western South Dakota.

On April 20th, there will be an Earth Day Event with speakers and a film festival about uranium at the Elks Theatre in Rapid City.

### **Water Report & Radioactive Fallout from Japan - Charmaine White Face**

For many years, water tests were obtained and analyzed by the Coordinator. The results are now available in a report. The results show man-disturbed uranium as far south on the Missouri River as Yankton, SD. Copies have been sent to the EPA, Bureau of Reclamation, SD Department of Environment and Natural Resources, the Great Plains Tribal Chairmen's Association, Tribal Chairmen from Standing Rock, Cheyenne River, Lower Brule, Crow Creek, and Pine Ridge Indian Reservations, and some individuals involved with the tests. Copies were also sent to mayors of towns along the Missouri River. More testing was needed, but the laboratory costs were too much for Defenders budget of donations. One foundation, the Swiss Fund, did provide for some of the tests.

The results can be used as a base line now by tribes, towns, counties, communities, even individuals to see how much fallout from Japan has come to this region. Tests for uranium isotopes, radionuclides including gross alpha, beta, and gamma levels as well as Cesium, Plutonium, and Iodine should be done and compared with the results from Defenders water

report. She encouraged communities to raise \$500-600 to do their own water tests. The report is available through a written request with a small donation for postage and copying costs to Defenders of the Black Hills, PO Box 2003, Rapid City, SD 57709, or through email to bhdefenders@msn.com

**Discussion:** Question- were the Tribal governments aware of this before the report came out? Yes, test results on the reservations were sent to the tribal chairmen, and the tribes have passed resolutions declaring the reservations to be nuclear-free areas, but the tribal governments need to do more like pressing lawsuits against EPA and the state for not protecting the air and water. This report can assist and legal precedent has already been set by other tribes[Northern Cheyenne] and clean water [Isleta Pueblo].

Lilias mentioned that she has access to health studies showing high cancer rates in the counties. Fall River County has high cancer rates. Charmaine mentioned an IHS health study that shows lung cancer in this Region is the highest in the nation among Native Americans. Radioactive pollution is one of the main causes of lung cancer. Radon gas, a decay product of uranium, is one of the main causes and studies in SD show many counties are very high in radon gas. She also urged everyone to drink distilled water, and learn to distill their own water.

**2. Proposed oil well drilling near Bear Butte** [In the meeting, this item was deferred until after Item No. 4 waiting for someone who was going to talk about this.] Charmaine explained that last Fall, the SD Board of Minerals and Environment approved a permit to Nakota Energy LLC to begin drilling for oil near Bear Butte. They already have a couple of wells and storage tanks in place. However, the review under SD Historic Preservation laws were not completed and Bear Butte is a National Historic Landmark.

She said that the disrespect that has been shown by the SD legislature to the sacredness of this mountain must not occur again. Rather, she recommended using the fact that Bear Butte as a National Historic Landmark requires National hearings on whether the entire United States wants oil wells and their smell, sound, and sight to mar the area surrounding Bear Butte. She also strongly urged everyone to submit letters to:

Jason Haug, Historic Preservation Director  
South Dakota State Historical Society  
State Historic Preservation Office  
900 Governors Drive

Pierre SD 57501-2217

Fred Steece, Supervisor  
SD DENR  
PMB 2020  
Joe Foss Building  
523 E. Capitol  
Pierre, SD 57501

Although the notice in the newspapers said written comments would only be accepted until March 30, 2011, according to state law, comments must be accepted until the end of any hearing. Another hearing, open to the public for verbal comments, will be held on Thursday, April 21, 2011, at 10:15 AM (CDT) at the Joe Foss Building, 523 East Capitol, Pierre, SD.

Charmaine strongly encouraged everyone to attend the hearing and also to let others know so as many people as possible could attend. We must begin planning now.

**Discussion:** A gathering place to meet for coffee and lunch during the hearing date was discussed. John Luke Flying Horse, Sr., Philip Farrell, and Howard Eagleman are the committee to arrange a meeting place in Pierre for April 21st for 8:00 am to 5:00 pm.

Potluck lunch is planned on being available for those attending the hearing. Everyone is encouraged to attend, and voice their opinion. Gathering place to be announced.

### **3. Black Hills - Logging - Brian Brademeyer, Treasurer**

#### **Okawita Paha Project / Great Sioux Nation Peace Park**

This is about logging in a Wildlife Area near Harney Peak. The Okawita Paha Project, and the idea of a Great Sioux Nation Peace Park has been proposed for a number of years. The idea

was for the National Park Service to take over the Norbeck area as logging then would be eliminated in order to protect this wildlife environmental area. The Forest Service has not been protective of wildlife in this area and he was involved in many lawsuits to protect the Norbeck.

Last year he started an organization called Friends of the Norbeck to stop the logging as he lives there. They lost a court case, an injunction to stop the logging for Pine Bark Beetles, and logging will impact about one-third of the area. Tomorrow in the Rapid City Journal will be an article about the lawsuit. The area is to be protected under a Wildlife Preservation Act but it is being set up for a federal waiver to open the entire area to logging. A portion of the Norbeck area will also be burned to protect the towns of Keystone and Mount Rushmore, not to protect wildlife. They have appealed their case but he doesn't think the courts will uphold it.

Another way to protect this wildlife area, as one-half is wilderness, is that both are compatible with a sacred landscape designation such as Okawita Paha. President Obama, under the Antiquities Act could do this and letters were sent last year requesting this, but no response.

**Discussion:** 1. Promote more traditional ceremonial use of the area which is lawful as it is federal land and is protected by the American Indian Religious Freedom Act.

2. Philip stated that under SD law, non-Indians do not have jurisdiction. Requested everyone to check out SD law.

3. Charmaine stated possibility of using Articles from the UN Declaration on the Rights of Indigenous People about the protection of aboriginal sacred sites and lands, but also stated we need a lawyer and a court to determine the case.

4. Brian will chair a Working Group to work specifically on this issue: a) to plan use; b) to encourage younger peoples involvement; c) camp grounds are available to hold meetings and gatherings; d) other ideas. Date to be announced for Working Group meeting.

#### **4. Gold Mining again in the Black Hills - Gary Heckenliable, Organizer**

## **ACTion for the Environment**

Gary was involved years ago when Wharf Mine first began in the Black Hills. The process to remove the gold involves cyanide which gets into the water. Wharf wants to expand their mine near Terry Peak as they think there is a lot more gold under the ground and gold prices are high. The new mine will remove two mountains and two ski lifts as well as impacting 200+ houses. There is a lot of opposition. The DENR did approve of saving the Terry Cemetery, very small area, and Charmaine has contacted some Tribal Historic Preservation Officers to share their expertise. She knows there are sacred places and burial sites in there but they have not be exposed to the public in order to stop any exploitation.

Gary further explained that there is a SD law that says a company can only mine so much land and then they have to reclaim a portion of the land before they can continue. The application will go to the Board of Minerals and Environment for final approval in the Fall, 2011. Wharf Gold Mine has 5 pages of violations. To get a copy of the 5 pages of Wharf Mine violations, or to receive a copy of the SD Mine Reclamation Law, contact Mike Cepak, SD DENR, Joe Foss Building, 523 E Capitol, Pierre, SD 57501, or online, go to SD DENR.

## **5. Planning for Black Hills Prayer Gathering**

Every year, except last year, Defenders has held a Prayer Gathering to pray for the good health of Grandmother Earth and the Black Hills, and to give thanks for all they give to us. We have gone to sacred places in the Black Hills to do this and have caravanned to not expose such sites to exploitation.

Roger Milk, an elder from Rosebud, said that Tunkasila hears our prayers wherever we are at. He recommended we hold the Gathering this year near Rapid Creek where we've lost so many members.

A Prayer Gathering for the Black Hills will be held on June 18th near Rapid Creek with a Sunrise Ceremony, and larger prayer gathering at 10:00 AM.

Potluck lunch will follow, and a meeting if the people so wish. Place to be announced. Everyone is invited to attend as the Gathering is non-denominational.

## **6. Planning for next Treaty Council Meeting**

Letters will be sent to the Treaty Council advisors about the date, time, place, topics they recommend for the next Treaty Council Meeting.

## **7. Other Items for Discussion**

A) Discussion on groups that want to sell the sacred Black Hills. A bumper sticker stating: The Black Hills are not for sale. was recommended. It would cost \$500 to have one printed locally. Need donations for this project.

B) People need to become more informed of non-ionizing radiation caused by cell phone towers. Bees, ants, ducks, others being disoriented through electromagnetic fields and it also affects the immune system. WiFi is a new form of electromagnetic pollution. On the internet, look up the Cell Phone Task Force

This is an environmental justice issue as telephones are expensive to install in the rural areas of the reservations. Cell phones and cell phone towers are built to enable better communication but this brings health problems with cell phone towers.

C) Standing Rock Sioux Tribe has sold oil to Missouri Valley Petroleum but the Tribal Council and the people were not aware of this transaction. More information will be gathered and sent to the Coordinator.

D) Mitchell Wisecarver, Charmaine's son, stated that our ancestors planned for seven

generations down the road. They didn't think only of themselves, or just what was going to happen in their backyard, but they thought about everything in the environment and how to protect it for their great-great-grandchildren. He asked what is going to be here for the seventh generation to come? He also informed the group that the Coordinator cannot take on as much as she has in the past. He thanked the men from Wakpala for volunteering to set up the meeting site for the April 21st meeting in Pierre, and hoped that more would volunteer to handle more projects.

E) Discussion on the next postal mailing. Many on the reservations do not have email or even phones. Postal mailings must continue.

**Closing Prayer:** Mitchell Wisecarver

An excellent pot luck meal followed.

Submitted by Charmaine White Face, Coordinator

## **Help Protect Bear Butte!**



Photos by Jason Haug, State Historic Preservation Office

**Plan to attend the Hearing**

**On Oil Well Drilling near Bear Butte**

**Thursday, April 21, 2011, at 10:15 AM (CDT)**

**Joe Foss Building, 523 East Capitol,**

**Pierre, South Dakota**

**Pot luck lunch and gathering place to be announced.**