

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Powertech USA, Inc.: Dewey-Burdock
in Situ Uranium Recovery Facility
Limited-Appeal Hearing
Evening Session

Docket Number: 40-9075-ML

ASLBP Number: 10-898-02-MLA-BD01

Location: Hot Springs, South Dakota

Date: Monday, August 18, 2014

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Pages 1-123

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD PANEL

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LIMITED APPEARANCE SESSION

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In the Matter of: : Docket No.

POWERTECH USA, INC. : 40-9075-ML

: ASLBP No.

(Dewey-Burdock In Situ : 10-898-02-MLA-BD01

Uranium Recovery Facility) :

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Monday, August 18, 2014

5:00 p.m.

Mueller Civic Center

Theater

801 South 6th Street

Hot Springs, South Dakota

BEFORE:

WILLIAM J. FROEHLICH, Chairman

DR. RICHARD F. COLE, Administrative Judge

DR. MARK O. BARNETT, Administrative Judge

P R O C E E D I N G S

5:01 p.m.

CHAIRMAN FROEHLICH: Good afternoon, everyone.

We will resume our Limited Appearance Session, the afternoon session.

We know that there are some people who stayed from the morning session, and there are also many new people this afternoon. So, I will just give an abbreviated introduction as to what we will be doing this afternoon.

My name is William Froehlich. I have been named Chairman of this Atomic Safety and Licensing Board, which has been designated to hear the matters concerning the application of Powertech for an NRC combined source of byproduct material license to construct and operate a proposed in-situ uranium recovery operation called the Dewey-Burdock In-Situ Leach Recovery Project in South Dakota.

We are holding these Limited Appearance Sessions this afternoon. This is in U.S. Nuclear Regulatory Commission Docket 40-9095MLA. The "MLA" stands for Materials License Application.

Today's proceeding was publicly noticed by order of the Court issued July 3rd and was published

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1 in The Federal Register on July 10th, 2014.

2 Once again, let me introduce the Board.

3 To my right is Judge Richard Cole. Judge
4 Cole is a full-time technical judge and has been a
5 member of the panel since 1973. He holds a bachelor
6 of science from Drexel University, a master's degree
7 from Massachusetts Institute of Technology, and a
8 Ph.D. from the University of North Carolina. He is a
9 Diplomat in the American Academy of Environmental
10 Engineers.

11 To my left is Judge Mark Barnett. Judge
12 Barnett is a licensed professional engineer. He holds
13 a bachelor of science and master of science from the
14 University of Tennessee and a Ph.D. from the
15 University of North Carolina. He is currently the
16 Malcolm Pirnie Professor of Civil Engineering at
17 Auburn University. He is a part-time technical judge.

18 This meeting is open to all members of the
19 public and members of the press and media.

20 We do have with us Mr. Eliot Brenner who
21 is Director of the Office of Public Affairs at the
22 Nuclear Regulatory Commission. If you have any
23 questions about the procedures or anything you have
24 heard today, you may speak with him about the
25 background information or anything related to the

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1 contentions that were filed in this case.

2 We have a court reporter, Matt Miller. A
3 full electronic transcript will be made of all
4 comments heard today, and a transcripts of that will
5 be available in about a week and will also be posted
6 on the NRC website. So, when you do take the podium,
7 please speak softly and distinctly, so our court
8 reporter can get down everything you say accurately.

9 We have over here to the right counsel for
10 the parties to the proceeding. They don't get to say
11 anything today. They get their turn tomorrow and the
12 rest of the week when go to the formal evidentiary
13 hearing, which will take place in Rapid City beginning
14 tomorrow morning.

15 This session is for members of the public.
16 The Board wants to hear from the public.

17 I am not going to go into the history of
18 the particular proposal because I did that early this
19 morning. I want to save enough time, so that we get
20 to hear from everyone who wants to speak today.

21 In terms of the order of speakers, we are
22 going to start with the people who have preregistered
23 in advanced and, then, take people who came in
24 afterward.

25 Also, we would be glad, as a courtesy, to

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1 hear from any public officials or elected officials
2 from the area, if there are any of those folks here.

3 Even though I call your name, when you
4 come to the podium, would you please state your name
5 again and spell it for benefit of the court reporter?

6 Again, this is a session where you can't
7 ask any questions and, likewise, you can't ask us.
8 But be assured that we are listening to everything
9 that people have to say and presentations that they
10 make, and this will inform us and also help us in
11 formulating our questions for the evidentiary hearing
12 that begins tomorrow.

13 At this point, I think we will begin. And
14 let me ask if there are any elected or public
15 officials who wish to lead off.

16 (No response.)

17 Then, could we please hear from Sandra
18 Rodgers.

19 MS. RODGERS: My name is Sandra Irene
20 Rodgers. That's S-A-N-D-R-A, Irene, I-R-E-N-E,
21 Rodgers with a "D", R-O-D-G-E-R-S.

22 I am grateful to you, Your Honor, and all
23 the members of your staff for coming here. I want to
24 thank you for all your time and consideration.

25 My comments center on Contention 3, the

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1 groundwater and the effects of the Madison aquifer as
2 it flows through the Wind Cave. I have the Cave
3 narratives of the organic green dye test of 2007 and
4 '08, which explain who, why, and how this was
5 accomplished and the results.

6 Professor Arden Davis of the School of
7 Mines and Technology of Rapid City, South Dakota,
8 oversaw the project, which included nine people. On
9 their second trip, on February the 26th, 2007, they
10 took along the State Hydrology Engineer and a PBS
11 reporter and cameraman that wanted to do a story on
12 the water issues in the park.

13 The case narratives, January the 8th,
14 2007, through 12-14-2007 have been submitted, along
15 with other documentation. I have submitted that to
16 you.

17 I met Professor Arden Davis at a hydrology
18 conference at the Rapid City Convention Center earlier
19 this year, when I joined him at a table during the
20 break for breakfast. In the course of conversation,
21 Professor Davis stated that he knew and respected his
22 friend, my neighbor and friend, a geologist and
23 retired professor of the School of Mines and
24 Technology, Professor Daniel Noble.

25 Dan, will you please stand? Thank you.

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1 (Applause.)

2 Okay. Now I would like to discuss the map
3 that I have of the Wind Cave tours, and on it I made
4 notes from the case narratives that are from the Wind
5 Cave.

6 My artistic side took over, and I want it
7 to look like a map of a treasure, a treasure map.
8 Okay, I'm sorry.

9 By the way, that is Jason in the lakes
10 area with the organic green dye test that flew through
11 the whole lakes area. Okay. Flowed.

12 The underground lakes are at the Formation
13 Friday, and it has a Lakota name that I cannot
14 pronounce, where on the 3rd of December three people
15 prepared for an upcoming dye-tracing project with data
16 loggers and dye bug.

17 And then, six people on February the 26th,
18 including the State Hydrology Engineer -- sorry for
19 any redundancy -- a PBS reporter and cameraman, dumped
20 the organic green dye and What the Hell Lake. They
21 have named all these places. It is incredible.

22 They dumped it after going to the Calcite
23 Lake and, then, to the Rebel River, before returning
24 to What the Hell Lake to dump the one gallon of
25 fluorescein dye, which is organic.

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1 And then, on March the 26th of 2008, Marc
2 Ohms and Jason Walz made the trip to the lakes to
3 check for the dye. What then had to happen was their
4 findings needed to be verified at the lab. Okay.

5 The Wind Cave is explored by experienced
6 cavers who volunteer their time to map, inventory, and
7 assist with biologic, geologic, and hydraulic studies.

8 This is just the tours. This little map
9 here is 123 miles of the cave that has been mapped so
10 far, and there's more to be mapped, and it is
11 connected, many believe it is connected with the Jewel
12 Cave.

13 This is a little map of the Black Hills
14 and the Badlands. And the border -- I put it in
15 fluorescent yellow -- that is the uranium, the richest
16 vein of uranium in probably the world. It surrounds
17 the Black Hills. And when Powertech is issued their
18 permit, there's many companies waiting in line who
19 also want to take our uranium.

20 I can't prove it, but the trees and the
21 plants, all life in the Black Hills, if they take the
22 uranium and other minerals, they are killing the
23 planet and the people that are here. Okay, that's an
24 emotion statement.

25 This is a map of the Minnelusa aquifer and

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1 the Madison aquifer in the center. And that is
2 Montana, South Dakota, Wyoming, and Nebraska with this
3 in the center.

4 And if I have time -- oh, sorry. Okay.
5 I was going to read a poem written by somebody, the
6 last paragraph.

7 "Listen, people. Listen to the animals,
8 the trees, the grasses. They already know what their
9 fate will be. The water, air, and dirt will no longer
10 be able to support life for themselves, much less for
11 you and me."

12 Thank you very much for your time.

13 (Applause.)

14 CHAIRMAN FROEHLICH: Thank you, Ms.
15 Rodgers.

16 MS. RODGERS: Thank you.

17 CHAIRMAN FROEHLICH: Paul Seamans, please.

18 MR. SEAMANS: Thank you for the
19 opportunity to testify.

20 My name is Paul Seamans. That's
21 S-E-A-M-A-N-S. And I am a rancher from Draper, South
22 Dakota. I have traveled 200 miles today to be here in
23 order to testify in opposition to the Dewey-Burdock
24 Project.

25 Some might wonder why a person not from

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1 the Black Hills area would be testifying today, maybe
2 thinking that I don't have a vested interest in the
3 matter. Actually, I do feel that the proposed mine
4 would affect me personally.

5 Many ranchers in my area still rely on
6 Madison aquifer wells for watering livestock. And if
7 radioactive wastewater were to migrate between
8 aquifers, this would make these wells unusable.

9 A bigger concern to me is the possibility
10 of contaminated water entering the Cheyenne River.
11 The Cheyenne enters the Missouri River at Lake Oahe
12 north of Pierre. I would estimate over 50 percent of
13 South Dakotans get their drinking water from the
14 Missouri through various rural water systems,
15 including our largest population area, Sioux Falls and
16 the surrounding area.

17 The possibility of uranium waste
18 contaminating our water supply is not just a local
19 Black Hills issue, but will affect people across the
20 entire State. I think it is interesting that the
21 water that leaves this area via the Cheyenne will come
22 back to this area by way of the rural water systems,
23 most notably, the Mni Wiconi water pipeline that
24 brings Missouri River water back to serve the Pine
25 Ridge Reservation.

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1 Thank you for your time.

2 (Applause.)

3 CHAIRMAN FROEHLICH: Thank you.

4 Georgia Homes, please.

5 MS. HOLMES: My name is Georgia Holmes,
6 H-O-L-M-E-S, and Georgia like the State. I did speak
7 at the DENR process. I am a Council person, Council
8 woman.

9 I did listen to the testimony, most all of
10 them, this afternoon, and I will try not to go over
11 anything in duplication.

12 But I wanted to let you know that I have
13 lived in Hot Springs about 30 years; Custer, about 18,
14 and Nebraska for five years. And as a member of the
15 Hot Springs City Council, I care deeply about our
16 water use, but I am here speaking on my own behalf.

17 I am a medical technologist and daughter
18 of a miner. My family mined the Black Hills for over
19 70 years. My grandfather was a geologist and my
20 father was a well-known miner here in the Black Hills.
21 They owned about 28 surface mines before he passed
22 away in 1988. But my dad did teach me that our water
23 was more precious than any mineral we could mine.

24 He mined most of the rose quartz you see
25 in this area, along with felspar and thallium. But,

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1 since his death, few new surface mines have been
2 opened or mined. And one reason is because of
3 knowledge we now have to protect our forests and, yes,
4 our water. I believe it is a good thing to have this
5 protection, but I believe we may not be doing enough.

6 I became a medical technologist so I could
7 work in the laboratory to help diagnose and to help
8 treat illnesses such as silicosis, lung disease,
9 cancers, and also to study the causes of them. If we
10 can prevent an illness, we must use our knowledge to
11 do just that. Why cause any physical pain if we can
12 prevent it?

13 I support Contention No. 2, as I have
14 worked with radioactive isotopes in the lab, and all
15 employers are required to do QA monitoring and
16 evaluate the amount of radiation employees are exposed
17 to while working. If it reaches an unacceptable
18 level, they are removed from the use of that material.

19 What is our baseline level here in Fall
20 River and when was that level obtained? Was it last
21 year? Two, three, four, twenty-five, or fifty years
22 ago? Or when the last uranium mine was in service?
23 We do have this level evaluated here in the City of
24 Hot Springs, and the water levels that we send to the
25 State are at a safe level. If anyone is interested in

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1 this, it is printed in the local paper for public
2 knowledge.

3 What level will it need to be increased to
4 before it is recognized as a hazard? Do the people in
5 the Dewey-Burdock area know what a safe level is for
6 their family? If so, should they still be living
7 there?

8 We in Fall River and Custer Counties have,
9 unfortunately, given up our control to prevent the
10 sale or use of our water and, also, the spread of
11 contamination into our waters. This was the result of
12 passing a Senate Bill 158.

13 To paraphrase this, our lifeblood could be
14 taken away from us or contaminated with a virus if we
15 allow this permit. And we have no ability to stop
16 this from happening except to plead to you now to vote
17 no.

18 Contention No. 3 asks for an adequate
19 hydrogeological study to be performed to evaluate the
20 migration of the water. I believe this is in the
21 process, and the city has been asked to contribute to
22 the cost. It is not a cheap request.

23 This brings up the subject of what one of
24 our Senators stated to me. "The State of South Dakota
25 can't afford to monitor this problem." We have no NRC

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1 that can regulate this project.

2 President Theodore Roosevelt stated in the
3 early 1900s, as a quote, "Americanism means the
4 virtues of courage, honor, justice, truth, sincerity,
5 and hardihood, AKA the virtues that make America. The
6 things that will destroy America are prosperity at any
7 price, peace at any price, safety first instead of
8 duty first, the love of soft living, and the
9 get-rich-quick theory of life."

10 Another quote from him was, "The nation
11 behaves well if it treats the natural resources as
12 assets which must turn over to the next generation
13 increased, and not impaired in value."

14 And his third quote, which I think speaks
15 to all of us and to me, as a public servant, "Public
16 right comes first and private interest second."

17 Please represent the generations of people
18 to follow us and safe our aquifers and our hills from
19 earthquakes and unsafe waters. We have a serious
20 problem, and I feel it has been ignored over and over.
21 We have two fault lines in the Dewey-Burdock area that
22 generates the Yellowstone. This fault line is already
23 experiencing earthquakes at Yellowstone, and it has
24 been stated that it is a cauldron waiting to erupt.

25 We have warm water springs and hot springs

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1 because they are heated from deep in the earth's
2 crust. We are at risk at this fault if 40 holes are
3 drilled in a 150-square area that is surrounding that
4 fault line and, then, is left to cave-in or move and
5 weaken the sensitive earth's crust.

6 The water that is pumped back into the
7 earth at this area under pressure could also set off
8 more earthquakes that we in the southern hills already
9 experience. We are a catacomb of tunnels. We cannot
10 risk having either the uranium or other metals
11 partially removed, then diluted, and sent back to a
12 distributing area.

13 Eventually, it will contaminate our water.
14 I care too much for the pure water we do have in the
15 Black Hills and our warm water in our city and our
16 historic Evans Plunge.

17 Contention No. 4 deals with the quantity
18 of our water in the natural springs that we hold a
19 license from the State of South Dakota to use. Will
20 this license be compromised? There isn't enough
21 information supplied to have this evaluated. Whose
22 job is this to supply and who is paid to supply the
23 information?

24 Please vote not to give this permit.

25 Thank you.

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1 (Applause.)

2 CHAIRMAN FROEHLICH: Thank you.

3 Ben Sharp, please.

4 DR. SHARP: Hi. My name is Ben Sharp,
5 B-E-N S-H-A-R-P. I'm from Hot Springs. I grew up
6 here. This is my home.

7 I'm speaking to Contentions 3 and 6.
8 Specifically, I will assert that, one, if this mine
9 goes ahead, the aquifers will leak and underground
10 contamination will spread, and, two, there will be no
11 cleanup.

12 I'm a scientist. I have a master's
13 degree. I have a PhD. And for the last 10 years, I
14 have been traveling and representing the Native
15 American Government in international negotiations
16 based on science. But I am back here now. I'm home
17 with my family.

18 I tell you my background not to say that
19 you should trust me because I'm some kind of expert.
20 Precisely the opposite. It's for me to point out that
21 I have spent my professional life creating and
22 analyzing computer models, evaluating scientific
23 evidence, listening to expert testimony, and sometimes
24 this process helps us get closer to the truth. But,
25 just as often, the pretense of a scientific process is

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1 used to manipulate or hide the truth.

2 So, folks, don't be too impressed by
3 experts. Trust your own experience and your common
4 sense. Fair enough, sometimes common sense is wrong.
5 But science is about logic and evidence. So, if your
6 common sense is wrong, a scientist should be able to
7 explain to you the logic and show you the evidence to
8 demonstrate that the truth lies elsewhere. Anytime a
9 scientist resorts to saying, "Trust us. We're the
10 experts," or "Because our computer models say so," it
11 means he is probably lying or trying to hide
12 something.

13 With specific respect to computer models,
14 let's remember that a computer model can only show you
15 the logical consequences of its assumptions. If the
16 assumptions are wrong or based on incomplete data,
17 then the model is wrong.

18 In this case, we can see that the
19 assumptions used in Powertech's hydrological model are
20 not supported by the evidence, and the most relevant
21 data is being withheld from us. The Powertech model
22 assumes outright no vertical leakage of water between
23 aquifers through the so-called separating layers.

24 The best-available evidence to test this
25 assumption comes from extensive geological surveys and

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1 tests done by the Tennessee Valley Authority in the
2 1970s. This was a government survey. It was not
3 conducted privately for a particular company that
4 already knew what answer it wanted.

5 And what did the TVA conclude? We already
6 heard that this morning. The TVA concluded the Fall
7 River and Dakota aquifers leak, and they don't just
8 leak from abandoned bore holes. They leak because the
9 geology itself is fractured in the whole region.

10 Similarly, we also heard this morning
11 about breccia pipes and other fractures allowing the
12 water movement between deeper aquifers in the area,
13 including the Minnelusa and the Madison.

14 Yet, Powertech comes along and reaches the
15 opposite conclusion: the geology isn't fractured.
16 The aquifers don't leak. Trust us. We're the
17 experts. We have a computer model.

18 They never say how the original TVA report
19 got it so wrong, and I guess we are expected to just
20 forget it ever existed. Even better, nobody is
21 allowed to look at the TVA data anymore because
22 Powertech bought it, and it is now
23 commercially-sensitive.

24 Under the rules of data access, they
25 should have to share it anyway. And on August 8th,

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1 the ASLB ordered them to do precisely that. And yet,
2 they still refuse, and their reasoning is that the
3 data somehow isn't relevant because they only bought
4 the data for purposes of improving their profits, and
5 their profitability isn't mentioned under the
6 data-sharing rules.

7 Is that a joke? I mean, why don't they
8 just go out and say they bought that data to paper the
9 walls of their office? And wallpaper isn't mentioned,
10 either.

11 Folks, if that sounds like a stitch-up,
12 it's because it is. In 1980, the TVA concluded, on
13 the basis of these data, that the geology is fractured
14 and the aquifers leak. It couldn't possibly be more
15 relevant to Contention 3.

16 Until the TVA model is made available to
17 these proceedings, not just some expert summary, the
18 actual data, not just to the NRC, but to everyone
19 here, then this process is incomplete. And if the NRC
20 rubberstamps this mining permit before that happens,
21 they are derelict in their duties as public officials.
22 So, I guess we'll see you all back here again next
23 year.

24 My second assertion is that there will be
25 no cleanup. To understand this, we need to think a

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1 bit more big picture than the information being
2 presented to us.

3 Azarga, which has acquired Powertech, is
4 a Chinese company. The United States is in debt to
5 the Chinese Government for \$2 trillion. That debt
6 will never be repaid. Even if the IRS were to
7 confiscate 100 percent of the income of every U.S.
8 citizen, that debt is unpayable. The U.S. can't pay
9 by the usual means of producing things of value and
10 selling them back to China because our manufacturing
11 base has been dismantled and shipped overseas.

12 So, under international free trade
13 agreements which our government has signed, what
14 happens next is the indebted country is forced to
15 liquidate its own infrastructure and natural resources
16 for the benefit of the foreign creditors. In this
17 situation, the creditor country holds all the power.
18 The U.S. Government will have no power to compel a
19 Chinese corporation to do anything, including cleaning
20 up their mess when this project is over or, just as
21 likely, long before that when they have a bad flood or
22 an accident.

23 There will be no cleanup. This same
24 process has happened for decades in dozens of
25 countries all around the world. Foreign corporations

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1 from the creditor nations, they come up, they take
2 what's valuable, and then, they pack up and they
3 leave. And the locals are left to live in a toxic
4 aftermath.

5 If you want to see what that looks like,
6 go to Azerbaijan, go to Papua New Guinea, go to
7 Ecuador. Except on the reservation, most of us here
8 in America don't know what that feels like because,
9 until now, we have always been the creditor nation.
10 Times have changed, folks. Evidently, someone thinks
11 it is our turn.

12 Evidently, someone in Washington is saying
13 to the Chinese, "Hey, be cool, guys. Don't spend your
14 \$2 trillion just yet. We've got some really good
15 water and perhaps a bit of uranium in South Dakota you
16 can have. Just a bunch of cowboys and hippies and
17 Indians out there. We're sure no one will notice."

18 You can put your sign down. I'm almost
19 done.

20 We're noticing. And I say this: nobody
21 asked us in the 1980s before they dismantled Detroit
22 and shipped America's manufacturing capacity overseas.
23 Nobody in this room got rich over the next two decades
24 while the bankers printed \$2 trillion in IOUs to buy
25 back the products that used to be made here at home.

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1 And yet, somehow it is our home that we have raped and
2 processed and shipped overseas to pay the debt?

3 To the politicians who sold us out and the
4 bankers who got rich off of it, I say, "Pay your own
5 bad debts." This is our home, not for sale.

6 To you guys in the NRC, you know, I'm sure
7 you don't feel like the paid agents of a foreign
8 government. I'm no Chinese man in a trench coat has
9 been giving you envelopes full of cash. It's not like
10 in the movies. But, with all due respect, if you
11 rubberstamp this process, that's exactly what you will
12 have become, whether you understand it or not.

13 Finally, to all you guys locally who
14 signed your deals and bought Powertech stock and are
15 trying to push this through to make some quick cash,
16 I mean, you know, all through history in every foreign
17 invasion, every foreign occupation, there are always
18 those local turncoats and petty local officials who
19 are eager to collaborate with the occupying power and
20 sell out their own people for a pocketful of silver.
21 It has been that way for 5,000 years. I guess this
22 time is no different.

23 But this is important. This is our home.
24 These are our lives and our children's lives. So,
25 maybe you need to go home, take a long, hard look in

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1 the mirror, and decide whose side you're on. The rest
2 of us are watching. We're not going anywhere. This
3 is our home. Not for sale.

4 (Applause.)

5 CHAIRMAN FROEHLICH: Richard Ellison.
6 Richard Ellison.

7 MR. ELLISON: Hello. My name is Richard
8 Ellison. That's Richard, then E-L-L-I-S-O-N. I am a
9 resident of Seattle, Washington, but I have been
10 coming here for about 30 years. I first came here --
11 I have family who live here and I have friends who
12 live here.

13 And Dan Noble, funny running into him here
14 tonight; I actually worked with him. It was my first
15 job out of getting out of college, looking at the
16 uptake of cyanide by plants from wastes from gold
17 mining. And now we are trying to looking at the
18 effects of a potential mine down here for uranium,
19 which is a lot more serious runoff.

20 My concern I would like to address is
21 related to peak-storm events, which are not very well
22 dealt with in the final EIS. In fact, it seems that
23 the way they are dealing with the weather and
24 precipitation is that they talk about a year average
25 of about 12.4 inches per inch or a monthly peak of 3.8

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1 inches in May. They are not showing any history for
2 what the peak-storm events are in this area and how
3 they might affect the mining site.

4 It typically impacts on the storage ponds
5 and evaporation ponds, which are located in the
6 100-year flood plain. They will hold, supposedly,
7 each pond will hold 5 cubic yards.

8 Some of the concerns are, if there was to
9 be a peak-storm event, which would cause an overflow
10 of any of these holding ponds or evaporation ponds,
11 the impact to the local wildlifewould be significant;
12 impacts to the runoff into the creeks would be
13 significant.

14 It talks about great blue herons and white
15 pelicans and a variety of other birds that are
16 attracted to the water here. And there is an
17 assumption being made that the holding ponds and
18 evaporation ponds would not attract wildlife, but, in
19 fact, in an area which is a semi-arid desert any pond
20 of water is going to be very attractive to wildlife.
21 It is going to be very difficult to dispel the
22 wildlife from being attracted to these areas.

23 Historically, in a place like California,
24 they try to take guns and shoot them off in the air to
25 try to detract from nesting or coming to visit some of

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1 these ponds. But, if the ponds are holding a toxic
2 soup of metals and salts, they are going to be coming
3 to this pond regardless because it is a semi-arid
4 area. And this needs to be discussed in the FEIS.

5 The peak-storm events which could here --
6 I heard this morning talking about a 20-foot wall of
7 water coming through the area. I heard that there was
8 a derailment a year ago of a train somewhat related to
9 flooding.

10 What are the mitigations proposed? Well,
11 the mitigations that I am reading about are fencing
12 and storm bales, collection ditches, and diversion
13 structures and berms, to direct the water into these
14 holding ponds. But, again, if these holding ponds
15 overflow, then what are the mitigation opportunities
16 that are being passed by, not doing a full evaluation
17 in the EIS?

18 My background, by the way, is I am a
19 biologist. I teach. I am an adjunct professor in
20 some community colleges in Seattle. I teach biology
21 and environmental science. I have written
22 environmental documents like EISes in the past,
23 working for private consulting firms.

24 And those are my comments. Thank you.

25 (Applause.)

1 CHAIRMAN FROEHLICH: Dennis Yellow
2 Thunder.

3 MR. YELLOW THUNDER: Good afternoon.

4 My name is Dennis Yellow Thunder,
5 D-E-N-N-I-S Y-E-L-L-O-W T-H-U-N-D-E-R.

6 I am very honored to be here tonight as a
7 part of the Oglala Sioux Tribe Historic Preservation
8 Office. Some of my colleagues are seated over here
9 who will be speaking tomorrow in Rapid City.

10 I would like to speak today. First of
11 all, I want to ask something of our honorable judges
12 up there. I would like for you to place your hand
13 over your heart, if you could. Just indulge me for
14 one brief moment. Thank you. Do you feel that
15 heartbeat? That's where I'm coming from here today.
16 I'm talking to you from my heart, just as all of these
17 other people have been.

18 I want to address Contention 1(a),
19 protection or lack of protection for our cultural
20 resources, our historical and cultural resources out
21 in the Dewey-Burdock area. As you know, we are very
22 connected to the land. We are very connected to the
23 sacred water that is out there.

24 And I wanted to share some of the stuff I
25 have written for you. Yesterday I was at Lakota Lake

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1 up in the Black Hills. There were many children,
2 families swimming, fishing, having fun. The water out
3 there was clear and clean, ready to drink by everyone,
4 animals, plants, people, birds.

5 And as I said there and I listened, the
6 wind spoke to me from the trees and said, "Help us.
7 Help us to survive. You are the voice that we don't
8 have."

9 The water hit the shore, hit the rocks,
10 and from that rippling noise, I heard more cries,
11 "Help us. You are our voice."

12 Without us, nothing can live. These trees
13 won't grow. The plants won't grow. You will have no
14 water to drink. Future generations will have no water
15 to drink. Nothing can exist without that water.

16 We cannot defend ourselves. So, you must
17 defend us. Please do your best to defend us because
18 it cannot rise up out of this ground to take the
19 fight. So, it is up to you and all the other people,
20 all the wonderful people that are in here today. It
21 is up to us to defend that water. It is up to us to
22 defend our cultural resources out there in
23 Dewey-Burdock.

24 So, I want to explain that to you, here to
25 listen as well as to learn what those things mean to

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1 us. Your ancestors that are buried in the ground in
2 the area of potential effect, they lay in peace, they
3 lay at rest. Would you want your ancestors disturbed?
4 Would you not go into your graveyard and drill holes?
5 Don't come to ours and drill holes to disturb our dead
6 that lay resting for years, centuries, thousands of
7 years.

8 These are way of life. These are our
9 beliefs. These are our traditions that you are here
10 to learn about today, to hear as well as to learn what
11 they mean to us.

12 So, I implore you from my heart to think
13 really, really clearly. And when you lay in bed at
14 night and you hear your heart beating, you will hear
15 the beat of the Black Hills, the heart of the nation.
16 That is what's beating in all of your hearts, all of
17 us here today.

18 So, when it comes to making that decision,
19 feel that heartbeat. The blood pumping to your veins
20 is like the blood pumping through the water on the
21 Mother Earth. When you inject that poison in your
22 blood, it affects your whole body. That's what is
23 going to happen when you start shooting lixivants
24 down into the earth. You are going to be poisoning
25 earth, the blood of Mother Earth. Nobody will

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1 survive, nothing.

2 I feel for all of our future generations,
3 the little children I saw playing in that Hot Springs
4 Creek last night swimming, playing, laughing. They
5 are not going to be able to do that because that water
6 is going to be contaminated.

7 So, I wanted to share some of that with
8 you today in Contentions 1(a) and 1(b), to help you to
9 hear us and to learn. Those are what's important.
10 Those are the things that we are here to defend today.

11 Think about it. When we are talking about
12 our historical and culturally-significant places,
13 these are the stone features that are put upon the
14 ground in Dewey-Burdock. These are the same kinds of
15 features that are created at Stonehenge in England, in
16 Carnac in France, the Maori in New Zealand. They are
17 sacred places and they remain undisturbed because they
18 are sacred.

19 So, I wanted to share about that most with
20 you today and to remind you, when you make your
21 decision, feel that heartbeat.

22 Thank you.

23 (Applause.)

24 CHAIRMAN FROEHLICH: Allen Scott, please.

25 MR. SCOTT: My name is Allen Scott,

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1 A-L-L-E-N S-C-O-T-T.

2 Mr. Chairman and Members of the Board,
3 thank you for the opportunity to let me make a few
4 points today.

5 I'm from Custer, South Dakota. That's
6 about 25 miles from the proposed Dewey-Burdock site.
7 My family homesteaded just a couple of miles from the
8 very project site we're talking about. My family has
9 been here since the 1870s.

10 I am an environmental scientist with over
11 32 years' experience and also the owner of a tourist
12 business in Custer. I support the in-situ uranium
13 project proposed by Powertech.

14 I have heard that some of the opponents of
15 the project have repeatedly stated that this project
16 would hurt our tourism industry. As a local business
17 owner, I don't see how this project could possibly
18 have much effect on it.

19 The project we are talking about is in a
20 very remote area, nearly on the Wyoming border. There
21 are no paved roads to Dewey and no tourist attractions
22 anywhere in the area. I would hazard a guess that
23 only a handful of tourists that ever visited the Black
24 Hills even know where Dewey is, let alone go there.

25 The appearance of a series of well fields

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1 in pastureland will certainly not be any kind of an
2 eyesore and certainly not a deterrent to tourism. A
3 lot of people I've talked to in my business through
4 the summer aren't even aware that an in-situ uranium
5 project has been operating near Crawford, Nebraska,
6 which is only 60 miles from 12729BU over 20 years. I
7 have never heard any business being adversely affected
8 by that project.

9 The Town of Crawford, as a matter of fact,
10 seems very supportive of that project. They say it is
11 a good corporate citizen. Tourism at Fort Robinson,
12 agriculture, and in-situ uranium recovery all coexist
13 very well in that area.

14 The generic and final Environmental Impact
15 Statements include no environmental impacts outside
16 the mining area. The South Dakota DENR, the EPA, and
17 the NRC are there to protect the environment and the
18 aquifers. Do we believe these professionals, whose
19 lifelong jobs are to protect the environment, or do we
20 believe misinformation being spread around?

21 I also believe that, if we don't produce
22 uranium here, then we are going to have to burn more
23 fossil fuels for energy or we will have to import
24 uranium from other countries, by the way, where
25 environmental regulations are sometimes non-existent.

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1 I would rather create the jobs right here under our
2 better environmental controls.

3 In addition, I welcome the jobs, the tax
4 revenue for Custer and Fall River Counties, and the
5 related economic activity for our area. As a local
6 businessman, I can say this unequivocally: we need
7 more year-round jobs.

8 I am an environmentalist by education and
9 experience, and I really believe that this project can
10 be done in a safe manner. I don't see any negative
11 impacts, but, believe me, I see some very real
12 positive impacts.

13 Thank you.

14 (Applause.)

15 CHAIRMAN FROEHLICH: Joe Allen. Joe
16 Allen.

17 MR. ALLEN: J-O-E A-L-L-E-N.

18 I have lived in Fall River County, South
19 Dakota, for 65 years. I'm currently serving a second
20 term as a Fall River County Commissioner. The
21 following comments are of my own and not
22 representative of the full Fall River Commission.

23 During the past several months, I have
24 researched the issue of the feasibility of the
25 proposed in-situ mining operation, proposed at the

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1 Dewey-Burdock site located on the western edge of Fall
2 River County. I have attended the meetings and read
3 the material presented by both the opponents and the
4 proponents. I attended two of Powertech's
5 presentations. I toured the in-situ mining operation
6 located at Crow Butte in northwest Nebraska.

7 I also contacted Dr. Perry Rahn, a
8 well-known professor of geology and hydrology. Dr.
9 Rahn has served the staff of the South Dakota School
10 of Mines and Technology in Rapid City for over 40
11 years. No single individual is more well-read and
12 versed on the underground aquifers of the Black Hills.

13 An example of Dr. Rahn's studies: in the
14 late 1950s, the government conducted a nuclear test
15 located in the Pacific Ocean. The fallout from this
16 test was carried by wind currents and deposited over
17 the proposed Dewey-Burdock site.

18 Twelve years after this test, Dr. Rahn
19 conducted a research project of the Inyan Kara
20 aquifer, finding fallout particles as a result of this
21 nuclear test -- in twelve years. This tells me that
22 permeability of the soils in this area are not suited
23 for in-situ mining operations.

24 Another example of Dr. Rahn's studies: he
25 stated that the underground flow of the water located

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1 under the Dewey-Burdock site flows in a southwest
2 direction at a rate of .05 feet per year. The
3 Cheyenne River is located approximately three miles
4 southeast of the proposed Dewey-Burdock site, three
5 miles.

6 His research points out that the following
7 mining residual fluids in the project are able to
8 migrate through aquifers. Two of several elements are
9 selenium and uranium.

10 Dr. Rahn also states, and I quote, "During
11 a mining operation, hazardous materials are set free
12 within the aquifers. It is like walking by a hornets'
13 nest and the hornets are in there and you just kicked
14 the nest."

15 I cannot grasp the concept that this
16 company proposes to take a fistful of uranium in one
17 hand and a gallon of drinking water in the other hand,
18 mix the two together, and return this water to the
19 soils or aquifers, and expect me to think all will be
20 well. My research and findings are conclusive that
21 this proposed mining site at the Dewey-Burdock site is
22 unacceptable.

23 In the late 1800s one of our respected
24 statesmen and leaders stood before a group of
25 Congressmen and dignitaries and he stated, "Only after

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1 the last tree has been cut down, only after the last
2 river has been poisoned, only after the last fish has
3 been caught, only then will you find that money cannot
4 be eaten." This quote was spoken by Chief Sitting
5 Bull. Not long after these words were spoken, greed
6 and money took the buffalo, the livelihood of Sitting
7 Bull's people.

8 The waters of these Black Hills cannot be
9 compromised for the greed and money of foreign
10 investors.

11 Thank you.

12 (Applause.)

13 CHAIRMAN FROEHLICH: Wayne Bennett,
14 please. Wayne Bennett.

15 MR. BRENNAN: Yes, thank you for allowing
16 me to speak here. My name is Wayne Brennan, spelled
17 B-R-E-N-N-A-N; first name Wayne, W-A-Y-N-E.

18 CHAIRMAN FROEHLICH: Excuse me, Mr.
19 Brennan. There is also a Wayne Bennett.

20 MR. BRENNAN: Is there?

21 CHAIRMAN FROEHLICH: Is he here?

22 (No response.)

23 No? If not -- there's no Mr. Bennett
24 here?

25 Please, Mr. Brennan.

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1 (Laughter.)

2 MR. BRENNAN: Off to a good start.

3 I'm a foreigner, and I come to Hot Springs
4 every year. I have been here for about the last four
5 years. And I have been following this development for
6 quite a while. My contention has to do with
7 Contention 1, but also 2 and 3 interest me as well.

8 My background, I'm an archeologist and
9 ecologist. I specialize in protection of natural
10 culture heritage in the World Heritage Area in the
11 Blue Mountains just west of Sydney. I work for a
12 government agency, but I do not represent that
13 government agency today. I represent myself and a lot
14 of the country and a lot of the people of this
15 country.

16 And what I hear and what I see in the
17 documents that I have looked at and the people I have
18 talked to is very similar to what is occurring in my
19 country, too. There is lot of smoke and mirrors when
20 we have mining companies come into an area, and it is
21 the people that live here that best know how to look
22 after the area, and they are the ones that have to
23 fight for it. And personally, I would like to see
24 back in my country a little bit more respect for the
25 cultural natural heritage.

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1 My contention is with the surveys. They
2 are relatively incomplete. They haven't involved the
3 Native groups that want to be involved. But why do
4 they want to be involved? The process has been a
5 shambles, to say the least, and I don't need to go
6 into details of these.

7 But I think what it shows me across the
8 board is the inaccuracies of these reports, the
9 inaccuracies of the actual work that is being done,
10 and the lies and the deception that is going on to
11 hide these things.

12 In Australia we have a full mines policy,
13 and that has been challenged as well. There is huge
14 concern in our natural areas for all sorts of minerals
15 and poisons that are entering our aquifer systems
16 through all sorts of mining, but uranium in
17 particular.

18 You know, it might take 10,000 years to
19 get down to Edgemont through the aquifers, but what
20 will those people be saying in 10,000 years? "What
21 were these people thinking?" You know, the water
22 already is contaminated. And to think that you can go
23 and just contaminate it because it is already dirty is
24 just lunacy. It's just not rational thought.

25 And for me, I really feel that, again, the

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1 Native Americans are being taken for a ride, as much
2 as the people here in Hot Springs. This land, the
3 Black Hills, is still in contention. This is why
4 people need to be consulted that actually are still
5 required to manage this land. Even though they don't
6 have a mandate, they still feel responsible.

7 The water connects everybody. It connects
8 the totems. It connects the sites. You know, I would
9 hate to think that I have to come back to Hot Springs
10 in 20 years' time and these people can't go to their
11 sacred land, to their ceremonies, because it is a
12 hotspot.

13 I would like to say more, but there's a
14 lot of other people who need to talk. And, you know,
15 this tourism thing, if people know your water is
16 poisoned, they won't be coming. It's first medicine.
17 First medicine it is, indeed.

18 You know, I don't want to see Hot Springs'
19 name being changed to "Hotspot Springs". So, let's
20 just try and get some sanity here because this is
21 madness. This is absolute madness.

22 And the bottom line here we are facing is
23 wide across the world, and people will fight hard to
24 keep their water clean and to keep their country
25 clean.

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1 Thank you.

2 (Applause.)

3 CHAIRMAN FROEHLICH: Thank you.

4 Leola One Feather.

5 MS. ONE FEATHER: Good afternoon.

6 My name is Leola One Feather, L-E-O-L-A,
7 One, O-N-E, capital F-E-A-T-H-E-R. I am from the
8 community of Wounded Knee. I come from Chief Smoke's
9 Band of the Bear People. I come from many lineages of
10 which I carry history today.

11 And I am concerned and I am here today
12 because I want to go back like 100 years. I want to
13 go back to things that are very uncomfortable and I
14 might upset you a little bit, but this is American
15 history.

16 The first violation we have of invasion of
17 our territory after the 1851 treaty is called the
18 Sawyer Expedition. They were funded by the St. Louis
19 Tribune and the Omaha World Herald to come here, to do
20 an exploration through our territory.

21 And at that time our territories came all
22 the way from probably Minnesota, St. Paul, all the way
23 to the Rocky Mountains as far as Canada, all the way
24 to the Kansas Republican River. This is the home of
25 the northern buffalo herd.

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1 So, our people, in this history the
2 buffalo followed the stars, and we followed the
3 buffalo. The buffalo do something very beautiful.
4 When they run, they plow the earth and there they
5 deposit manure.

6 And this is what Americans, foreigners who
7 came here, enjoyed in the agriculture. The land was
8 prepared. It was beautiful. This is what America
9 had, a life. This is America's bread basket.

10 Us Indians at Pine Ridge pay \$3 for a loaf
11 bread. So, we don't benefit. We are
12 economically-deprived for being who we are, for who
13 are grandfathers are and our grandmothers.

14 So, our story today is we have become
15 dependent. When they rewrote the treaty with General
16 Crook in the Chicago rewrite, he wrote the railroad as
17 far Kearney, Nebraska. And at that point, General
18 Wild who was friends with General Red Cloud took 2,000
19 Oglalas captive to enslave them, to have them build a
20 railroad in the South.

21 And at this point, our hero is always the
22 people of Crazy Horse. They didn't go to the fort, so
23 they didn't die. They didn't catch smallpox, cholera,
24 or typhus.

25 And in this battle site, this is how this

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1 economy with these banks were created. So, they had
2 a battle. And from there, the railroad had to build
3 banks to distribute money for violating this treaty.

4 So, right down here at Cascades is the
5 railroad bank. My great-grandmother used to come
6 there to get her railroad check. Not anymore. The
7 money is sitting in escrow. We've never been paid.

8 So, what you see in our history that we
9 teach children is always what we look at as conspiracy
10 to kill us. We are human beings. We were here. And
11 more and more of our people, we can challenge the
12 Bering Strait theory.

13 Right here, this lady presented the cave,
14 the Wind Cave. That is our story. That is our only
15 story. And our story today, I can tell you that this
16 probably happened all over the world. A star fell in
17 the Black Hills. This star contained all the right
18 minerals, complicated carbohydrates, amino acids to
19 create human life. And not too far from there, we
20 came out of this cave. And beneath this cave,
21 Macauchi Dethaha (ph.), is a lake.

22 And we know all these things because our
23 ancestors came from this cave. And as a NAGPRA
24 person, Native American Graves Repatriation and
25 Protection person, I got to read the State files. The

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1 State files minimize who we are as a people.

2 We were very advanced. Our temples were
3 these mountains. The rivers were our holy water where
4 we could come and drink water, where we could bathe.
5 The word to swim and to bathe are the same words.

6 So, we know from the archeological trail
7 the first place we came after the weather was
8 contained and the Buffalo Nation gave us the fire and
9 taught us how to hunt them, we came to Flint Hill.
10 And this is where we made arrowheads and this is how
11 we ceremonially killed the buffalo.

12 So, we know that when there are fallen
13 stars, the Leonid showers and the Perseid showers,
14 this is when we do the "Wagnasa" (phonetic Native
15 American word), which is the buffalo jump site.

16 And as a former monitor, the Oglala Sioux
17 Tribe sent me, when Dakota, Minnesota and Eastern, the
18 latest railroad line, maybe in preparation for
19 Powertech to create a spur to transport uranium
20 directly out of here -- I was that monitor.

21 And what I was able to bring there is you
22 could visibly see hearts all along this route going to
23 Dewey-Burdock. The head guy, an archeologist from the
24 University of South Dakota really feels that in this
25 whole area is that archeologists, paleontologists,

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1 anthropologists, when you work for the government or
2 the State, if you don't do what you are told in every
3 parts, you are retired. So, you have to go along with
4 them until you are older to write your own papers,
5 your dissertations.

6 But if you do not consult with the tribes
7 on what we tell you -- like this other lady talked
8 about the fractures underneath the Dewey-Burdock area,
9 we know that. We know that the Black Hills sits on
10 its own tectonic plate. And everything, the water
11 taken out, the water put back in, will create
12 earthquakes. And someday, if this land separates,
13 this is going to be the only safe place in the Great
14 Plains that is left where there is water, where there
15 is food, where there is wildlife.

16 So, when I was a little girl, Burdock was
17 a very important place to me. My grandfather, they
18 brought us to Wounded Knee after they killed our Chief
19 Crazy Horse at Fort Robinson. Our reservation would
20 have been in the Bears Lot. So, we had to go to Red
21 Cloud Agency. So, my grandfather and his father,
22 Pacer, Tutu, and Bear Foot took 14 families to Wounded
23 Knee, and we're still there.

24 And what we had to do every year was sneak
25 to the Black Hills to do our ceremonies and gather our

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1 medicine when our people got sick. And in the
2 fifties, when they had the uranium in Provo and Igloo,
3 many of our people got sick.

4 And I stand today here in front of you.
5 I have to have a treatment called heavy metal
6 chelation. Rural water, the Oglala Sioux water, rural
7 water delivery system brought me water that almost
8 killed me. And it is not even coming from the
9 Missouri. These are aquifers. The aquifer beneath is
10 contaminated. I almost died. I was blind. I had
11 aluminum, cadmium, mercury, tungsten, barium, tin, and
12 uranium.

13 So, I have survived. I am a radio
14 producer. I did radio programs in California to get
15 people interested in what is happening here to us,
16 because we are not isolated. We have all kinds of
17 technology to reach out to the world to have people
18 come and help us.

19 And in my family, 14 of my grandchildren
20 had to be born C-section because, when this water
21 contaminates the fluid in the mother and the placenta,
22 the placenta dies and the baby dies. And that is what
23 we call genocide.

24 So, maybe the way that I feel as a Lakota
25 woman, the United States developed a war policy

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1 against us. General Sherman said, "Kill those women,
2 too, because they fight as hard as the men." Those
3 were my grandmothers and they died.

4 And we know that this land we fight for
5 comes from our people. So, we are only doing what the
6 Creator told us to do. We are protecting our land.

7 So, I have a little grandson whose name is
8 Anoshwa. He weighed 1 pound and 9 ounces. One
9 summer, nine years ago, 68 babies were born C-section
10 at Pine Ridge Union Hospital.

11 And if that does not present enough
12 evidence that the water on our reservation is
13 contaminated because it has migrated into aquifer,
14 then we know no one cares. There is an active policy
15 to kill us.

16 So, I started a project that the
17 Morningstar Grandmothers, there are 34 of us -- we
18 found a way, we found a man in Colorado who could
19 build us filters. His name was Jack. We have raised
20 enough money for five filters now to deliver these
21 filters to places like Hawaii, to downtown Los
22 Angeles. So, once we make money from these filters,
23 we can deliver these filter systems to indigenous
24 communities where women can have children born without
25 diseases and live adequate lifestyles.

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1 And let me say, while they live, how are
2 they going to eat? Well, now we have to sell that
3 water, so we can produce food and build better homes.

4 So, that is what I have done. All I can
5 say is, right here with some of the fellow tribal
6 members who see my complaints, no one ever sent me to
7 a doctor, never helped me. I found a way. And when
8 I found this chelation therapy, it is very harsh
9 because it takes all the minerals out of your body.

10 We have a medicine here in the Black Hills
11 that we used for 28,000 years now I can take. So,
12 today I am a walking miracle and so is my family, and
13 my 1.9 grandson is 10 years old now. He will be a
14 fluent speaker and he loves this land. We bring him
15 swimming here.

16 So, this is my testimony today. And I say
17 no, because you have to do, under Section 106, you
18 have do these cultural surveys. Our grandmothers are
19 buried there at Dewey-Burdock. And not only 50 feet
20 away, Union Carbide dug a uranium test pit.

21 So, we used to have scaffold burials, but
22 500 years ago our holy people said, "A strange race is
23 coming." So, many of our burials had to go
24 underground. And it's very dangerous because, if
25 somebody did research of all the forts where people

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1 caught cholera, typhus, smallpox, that is the
2 information we need today because none of us are
3 inoculated for those things. So, for our own
4 protection, when we bury our people, we leave them
5 there. Anywhere on the earth is a resting place.

6 So, thank you today for listening to me.
7 And like Dennis, feel with your heart because your
8 children will one day be very thirsty. There might
9 not be no water for them.

10 Thank you.

11 (Applause.)

12 CHAIRMAN FROEHLICH: Thank you.

13 Behr Turner.

14 MR. TURNER: My name is Behr Turner. Behr
15 is spelled B-E-H-R. Turner is spelled T-U-R-N-E-R.

16 I would like to extend my gratitude to the
17 Nuclear Regulatory Commission for allowing me to speak
18 on the Dewey-Burdock In-Situ Uranium Recovery
19 facility.

20 Today I represent myself and my concerns
21 for an area that I love. My educational and
22 professional background is in the environmental
23 assessment field, in which for about four years I
24 specialized in developing assessments for surface
25 waters and groundwater contaminated with plutonium

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1 production byproducts, which include transuranic
2 waste, numerous other heavy metals, and other
3 contaminants that were released into the environment.

4 In summary, acids and in-situ processes
5 make heavy metals biologically available and
6 distribute them. Unfortunately, once heavy metals
7 become biologically available, they are extremely
8 difficult to contain. Sadly, one of the ideological
9 traps of a contaminated environment is the argument
10 that future technologies will be developed to fix it
11 all. To my knowledge, these future technologies have
12 not manifested.

13 When I analyze environmental concerns, I
14 ask myself how future generations whom my children and
15 I will never know would judge the decisions that we
16 make today. The United States was founded July 4,
17 1776. That was over 238 years ago. What geologic and
18 weather-related events will the site of the
19 Dewey-Burdock In-Situ Uranium Recovery facility
20 experience in the next 238 years?

21 I have found that such questions are not
22 legally valid because they are based on a legal term
23 referred to as speculation, a common form of objection
24 used in the court. Furthermore, the legal term "act
25 of God" is used to protect corporations from events

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1 that are outside of human control, such as sudden
2 natural disasters, for example earthquakes, for which
3 no one can be held responsible.

4 I feel it is important to mention that a
5 magnitude 3.5 earthquake did hit the Black Hills at
6 2:43 a.m. on December 12th, 2013, and the earthquake
7 was reported by KOTA Territory News. It is on the
8 internet.

9 My concerns relate to contaminant leaching
10 and excursion, which is a term that basically
11 describes the contaminants leaking out of the in-situ
12 mining sites. My concerns are the following. And
13 what I am going to do is I am going to read from the
14 report. I am just going to give you the title the
15 report and, then, read some excerpts.

16 It says, "An analysis of excursions at
17 selected in-situ uranium mines in Wyoming and Texas".
18 The publication date is July 1986. It was prepared by
19 Staub, S-T-A-U-B, Hinkle, H-I-N-K-L-E, of Oak Ridge
20 National Laboratory. And the other authors were
21 Williams, W-I-L-L-I-A-M-S, Anastasi, A-N-A-S-T-A-S-I,
22 and I can't pronounce the others, but they are from
23 the University of Idaho. Anyway, it is from the Oak
24 Ridge National Laboratory.

25 So, anyway, my concerns are the following:

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1 "The in-situ process clumps injections and
2 extraction wells together that breaks through the
3 nonpermeable substrate." On the nonpermeable, we have
4 already heard expert testimony that the aquifer is
5 fractured or the permeable substrates of the aquifer
6 are already fractured. But, typically, aquifers there
7 have got some sort of nonpermeable cup holding it.
8 So, we've got a bowl there holding the aquifer.

9 So, anyway, "For example, four to twelve
10 injection wells could surround one extraction well."
11 So, you know, twelve, thirteen, seven wells clumped
12 together.

13 So, I am just going to read an excerpt.
14 "The good statistical correlation between the number
15 of holes that penetrate the upper and lower aquifers
16 and the number of excursions suggest the obvious" --
17 this is a scientific report -- "suggest the obvious
18 that somehow vertical excursions are directly related
19 to the intensity of drilling activity."

20 We have a mining process has dense
21 drilling concentrations. We have got a scientific
22 report that says this is obvious. This is from Oak
23 Ridge, Tennessee. This isn't a podunk facility. So,
24 basically, it says this in-situ process permeates the
25 aquifer.

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1 So, I will continue on. My concern No. 2:
2 "Some form of acid provides the pH necessary to
3 release the heavy metals and is diverted through metal
4 pipes." And then, we have got acids that dissolve
5 metals, and we are pumping those acids through metal
6 pipes that compose the injection wells.

7 So, I am going to read another expert.
8 Now we have got acid-dissolving metals pumped through
9 metal pipes. And this is one case study example.

10 But it said, "Three excursion wells were
11 confirmed casing failure incidents." So, they are
12 talking about these excursions and leakages.
13 Basically, they are saying these casing fail.

14 Can someone tell me how we go underground
15 and fix permeated casings when they are broken? We
16 have got acids. We have got aqueous heavy metals. We
17 have diffusion.

18 The third concern, this one directly
19 relates to the Migratory Bird Act. So, one of the
20 things that Powertech is probably going to have to
21 pursue is some form of incidental take statement
22 because, if they are going to be putting wetlands with
23 contaminated water, they are going to have migratory
24 birds in it. To my knowledge, with a lot of the
25 wastewaters and treatments, especially with petroleum

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1 products, the U.S. Fish and Wildlife Service is
2 dealing some heavy-handed blows to Migratory Bird Act
3 violations, and that is what this is setting up. You
4 are basically making contaminated wetlands in the
5 desert.

6 But I will keep reading. "Large volumes
7 of wastewater and solid waste are brought to the
8 surface, and they need to be stored for both
9 short-term and long-term. The wastewaters are highly
10 saline and toxic with heavy metals. These waters are
11 often lethal to life."

12 And unfortunately, these surface ponds and
13 stuff, they leach, they leach. We have the Act of God
14 Policy, and it sounds like, just from the testimony I
15 have heard here, Powertech is doing a really good job
16 of trying to develop some form of monthly or yearly
17 baseline flow data associated with precipitation and
18 stuff. These ponds don't sound very big. We know
19 they are going to attract wildlife. We know they are
20 going to attract migratory birds.

21 And if anybody has a good contact with
22 your Region 6 federal agent for the U.S. Fish and
23 Wildlife Service, I would bake them a cake or
24 something.

25 (Laughter.)

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1 But my main concern is all these wells and
2 earthquakes and contaminated aquifer. So, I will say,
3 in my limited life, I have heard of earthquakes
4 dropping the water tables in Washington State. How
5 will this support structure of aquifers? How will our
6 future be affected by the geological activity with the
7 geologically-active Black Hills with all those holes
8 and the acid-eroded void underneath it? Sadly, such
9 an event would be considered an act of God.

10 We just had an earthquake happen a year
11 ago. This proposal is this Swiss cheese in an aquifer
12 creating voids, and we are in a high-earthquake-prone
13 area. Black Hills is a fault.

14 Sadly, the Institute of Mining has a term
15 for contaminants escaping to above aquifers. It is
16 called excursion, and the term exists because it
17 happens.

18 So, I am going to read these quotes:

19 "There is a serious concern for vertical
20 excursion for several reasons. First, shallow
21 aquifers are likely to be suitable for livestock and
22 domestic use. Second, existing technology does not
23 appear to be adequate for vertical excursion control."

24 Here is another one: "The in-situ mining
25 industry has yet to demonstrate an effective method

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1 for controlling vertical excursions. Vertical
2 excursions in this study generally lasted from several
3 months to several years. A number of excursions that
4 appear to have been brought under control eventually
5 recurred."

6 When I go to church here in Hot Springs,
7 I discuss fishing with the people around here. And I
8 have repeatedly heard that they have concerns with
9 eating the fish from the Cheyenne River and Angostura
10 Lake.

11 I have not read a report on the current
12 heavy metal burdens the environment contains from the
13 previous uranium mine near Edgemont, South Dakota. In
14 Fall River County, water is a limiting factor that
15 affects growth. Will the water be safe and available
16 for future generations?

17 Thank you.

18 (Applause.)

19 CHAIRMAN FROEHLICH: Could we hear now
20 from Cindy Donnell?

21 MS. DONNELL: Hi. I just walked in and I
22 was hoping to see how this process went before I was
23 up. So, thank you to the people in the back for
24 getting me in so quickly.

25 I have only been in office for a little

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1 over a month, but I just wanted to raise just three
2 concerns that have come to my attention in this short
3 time. I am not going to speak personally. I am going
4 to just speak, I'll say, professionally.

5 The three items, the first one is public
6 safety, especially in the transportation of the
7 uranium. If it were to come through the City of Hot
8 Springs, my understanding is that there would have to
9 be additional training for our EMTs and first
10 responders if there was an accident with a vehicle
11 that was transporting uranium. So, that, of course,
12 is a large public safety concern.

13 The other one -- and these are in no
14 particular order of importance; it is just very quick
15 notes that I took coming in here to speak to you
16 professionally -- the other one is we had a gentleman
17 come from the USGS requesting funding from the City of
18 Hot Springs for computerized water-flow programs. As
19 with any organization that comes to the city
20 requesting funding, we ask a lot of questions.

21 And one of the questions I asked was it
22 seems like this is something that should have been
23 done before we even thought about using the water in
24 this area for anything besides basic needs. And I
25 said, "So, do we really have a good model to show what

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1 would happen to our water table if all this water was
2 used?" And I forget the numbers per minute, but I
3 know it is a very, very large number. "To do uranium
4 mining, what would happen to the water table here?"

5 And, you know, he, of course, hesitated in
6 his response. And I said, "When is this report going
7 to be done?"

8 And he said, "Well, it's a five-year
9 program."

10 And I said, "So, this program,
11 computerized flow models are not in place for five
12 years?"

13 And he said, "Yes. You know, we are
14 seeking funding now." It is X number of dollars for
15 the next five years they are requesting from the City
16 of Hot Springs.

17 You know, it just raised a great concern
18 that we are just now looking for the information to
19 really effectively understand the effect on our water
20 table. And it actually went out into Wyoming, down
21 into Nebraska, and the whole Black Hills area.

22 I had lunch today with the Mayor at Rapid
23 City, and he said, "Be sure to ask them what it will
24 do to our water here." So, I just told him the story
25 that I just told you all, that I don't think they

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1 really know, based on the USGS seeking funding for the
2 water-flow modeling.

3 So, I am very concerned about the data
4 that is being used to say, yes or no, whether this
5 will affect our water flow here. Clearly, the USGS
6 doesn't think they have a good amount of data to
7 predict that. So, a major concern of mine as well.

8 The other one is, you know, this is Hot
9 Springs. We are known for our water. And about a
10 year ago, the city purchased the Evans Plunge. This
11 is a major feature, I will say, in Hot Springs. It is
12 very dependent on our water flow. And given the
13 unknown of item 2 here, what is that going to do, even
14 if it drops it a foot or any amount, to one of our
15 most precious attractions here in Hot Springs?

16 So, I am only speaking to you as the Mayor
17 of Hot Springs, and these three concerns that I have
18 that have been brought to my attention through
19 meetings and conversations and public safety meetings
20 and funding requests, and just trying to keep, I'll
21 say, the Evans Plunge afloat.

22 So, I appreciate your time. I really hope
23 that we have good information before we adversely
24 affect the community that is very dependent on its
25 water.

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1 Thank you.

2 (Applause.)

3 CHAIRMAN FROEHLICH: Thank you, Mayor
4 Donnell.

5 At this point, let us please take a
6 10-minute break, and we will resume at 6:35 with the
7 remainder of the speakers who have registered who wish
8 to make comments to the Board.

9 Thank you.

10 (Whereupon, the foregoing matter went off
11 the record at 6:23 p.m. and went back on the record at
12 6:34 p.m.)

13 CHAIRMAN FROEHLICH: Please take your
14 seats. I would like to resume. Please take your
15 seats.

16 The next speaker is Sylvia Lambert,
17 followed by Don Kelley, followed by Mary Jo
18 Farrington, so we can line people up on deck.

19 I ask you please to keep your comments to
20 five minutes, so that we are able to hear from
21 everyone who wishes to speak. Thank you.

22 MS. LAMBERT: My name is Sylvia Lambert,
23 S-Y-L-V-I-A, Lambert, L-A-M, as in Mary, B-E-R-T. I
24 am originally from Pennsylvania, born and raised. I
25 welcome you folks from the East. I have been in the

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1 West for a while, quite a while.

2 This is in regard to Contentions 3, 6, and
3 9. On January 9th this year, 300,000 people in West
4 Virginia experienced toxic chemical poisoning in their
5 drinking water. The company's data not only
6 inaccurately stated the true potency of the chemical,
7 4-methylcyclohexane, but neglected to report the
8 additional toxic mixture of glycol ethers until two
9 weeks later.

10 The Community Right to Know Act of 1986
11 requires the public to have knowledge of hazardous and
12 toxic chemicals at the individual facilities for use
13 in the protection of not just the workers, but the
14 public's health and the health of the environment.

15 This is a diagram of the Dewey-Burdock
16 Project's central processing plant, showing storage of
17 the various chemicals to be used. In Powertech's
18 September 2012 application narrative, nine chemicals
19 are specifically named. Barium chloride, No. 40 --
20 that is this one here -- is stored here. It is stored
21 outside, this is outside here. It will be sulphuric
22 acid and/or hydrochloric acid, hydrogen peroxide, and
23 sodium hydroxide. Sodium hydroxide, which is No. 2
24 here, will be stored here, as precisely indicated in
25 the key notes.

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1 The project's application says, quote,
2 "All chemical storage tanks will be clearly labeled to
3 identify contents and will help ensure the safety of
4 Powertech USA employees and members of the public with
5 regard to the specific chemicals in the event of an
6 accident." That is page 521 of the Dewey-Burdock
7 permit.

8 Here's a closer look at the key notes.
9 No. 2 is clearly the symbol in English for sodium
10 hydroxide, one of the 22 additional unduplicated
11 chemicals listed in the key notes. None of these
12 chemicals are labeled with standard English formulas,
13 though 1, 3, and 4, to my unpracticed eye look part
14 Chinese.

15 Not listed in the key notes are seven
16 chemicals that are made and described in the
17 application, although they may be on the key notes
18 list with non-English labels. What precisely are
19 these 22 chemicals? What is the precise composition
20 of the various chemicals and chemical mixtures that
21 will be used in the proposed uranium mining and ore
22 processing? What dangers do they pose? Have these
23 chemicals and chemical mixtures been tested for human
24 safety? If the company is so sure of the safety of
25 their mining processes, why have they requested an

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1 exemption from the Safe Drinking Water Act?

2 Full disclosure will help local and state
3 first responders and healthcare professionals fully
4 prepare and train for accidents and
5 potentially-dangerous contamination incidents.
6 Emergency response plans must be made before, not
7 after, an incident.

8 We are concerned not only about
9 radiological hazards. We have a right to know all the
10 chemicals that will impact our water during extraction
11 and process, as well as the chemical makeup of the
12 waste disposal into the deep disposal wells.

13 What will be the impact on the ecosystem
14 of the surrounding area from the proposed land
15 application system? The excess waste will be spread
16 on the land for many harmful toxins to seep into the
17 ground and groundwater and, from there, absorbed by
18 plants, animals, and eventually humans.

19 We don't want the formulas, the
20 concentrations, and amounts, but the public has the
21 right to know the character of the chemicals used and
22 the toxic effects of any which are hazardous.

23 When looking at No. 9, I saw the word
24 "gulped," and I did just that. It is alarming to see
25 so many mysteriously-labeled chemicals with no

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1 explanation from the mining company. These are the
2 strange chemicals Powertech will use to contaminate
3 our water. South Dakota doesn't need a West Virginia
4 catastrophe or any of the other types of toxic events
5 so recently multiplying throughout this country.

6 With these failures in Powertech's FSEIS,
7 Contention 3, "Potential Impacts to Groundwater;"
8 Contention 6, "Mitigation Measures," and Contention 9,
9 "Connected Actions," a license for this uranium
10 recovery facility is not in the best interest of the
11 people and should be denied.

12 I hope some of you can read some of those
13 things.

14 Thank you.

15 (Applause.)

16 CHAIRMAN FROEHLICH: Don Kelley.

17 MR. KELLEY: That would be me.

18 Is this on (referring to microphone)?
19 There we go.

20 My name is Don Kelly. And that's D-O-N.
21 The last name, K-E-L-L-E-Y. I'm a retired pathologist
22 who has lived in the Black Hills since 1972.

23 I want to thank you for this opportunity
24 to speak about Contention No. 3. And I want to
25 apologize beforehand for the fact that we have a

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1 little artifact on these slides that the best minds in
2 computer technology locally have not been able to
3 solve.

4 But, at any rate, I am going to limit my
5 remarks to the effects of increasing radioactivity in
6 the environment. So, are there acceptable health
7 risks associated with ISL mining of uranium?

8 In 2006, there was an attempt to look at
9 the effects of past uranium mining in the State. The
10 South Dakota Department of Health simply tallied the
11 rates of cancer cases by counties and found this
12 situation, where the rate of cancer diagnoses in Fall
13 River County was higher than in the State as a whole
14 or in the nation. Although this could make you
15 suspicious that there was a relation between radiation
16 exposure and cancer, we really don't have the kind of
17 information we need to draw such a conclusion. There
18 could be too many other causal factors.

19 In order to draw any firm conclusions, we
20 would need a much more detailed study where every
21 cancer case in the region was checked for such things
22 as the intensity of the radiation source and its
23 distance from the subject, how the radiation made it
24 into the body, the length of exposure, and so forth.

25 We definitely need this type of study to

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1 be done, but since it hasn't been, we have no way of
2 saying that radiation levels in this area in the past
3 have been safe or unsafe for the people living and
4 working here.

5 Related to this is the issue of whether we
6 can determine a safe level of radiation exposure.
7 Some people, particularly those in the nuclear
8 industry, would say, yes, and they base this on
9 statistical probability, such as we see illustrated in
10 this graph showing the increase in cancer and other
11 radiation damage related to radiation dose.

12 In fact, they would say there are a couple
13 of thresholds below which you should feel pretty
14 secure. The lower threshold, the one to the left, is
15 for pregnant women and children. And another one 10
16 times higher is for people with occupational exposure.
17 The lower one considers the fact that rapidly-dividing
18 cells, like in a fetus or a child, are more
19 susceptible to radiation damage, but also considering
20 that radiation damage is cumulative over a person's
21 lifetime, and the fetus or child has a longer lifetime
22 in which to accumulate damage.

23 Notice that, at this low-dose tail-end of
24 the graph, the number of cases is not zero, even
25 though this is the region where we find such things as

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1 diagnostic x-rays or the kind of exposure you might
2 get from drinking water from a source containing
3 mildly-increased amounts of radioactivity.

4 So, what can we say about this low-dose
5 tail region of the graph? Considering those people
6 who do develop cancer or other problems, have we shown
7 that low-dose radiation can't be the cause? No. It
8 has been calculated in fact that in the United States
9 there are approximately 5700 excess cases of cancer
10 developing every year which are caused by diagnostic
11 x-rays. And of those people exposed to low doses
12 without showing effects in their lifetimes, do we know
13 that they and their families have escaped radiation
14 damage?

15 Again, the answer is, no, there can be a
16 form of damage that affects only the dividing cells
17 that produce sperm and eggs. Although the person
18 receiving the radiation shows no effects, later
19 generations can, then, inherit mutations as a result.

20 Just to provide a picture of how radiation
21 can affect cells, here we see a photon -- in the next
22 slide; sorry about that; there we go -- a photon of
23 radiation hitting the genetic material or DNA of a
24 cell. This can, then, result in a variety of
25 mutations or faults in genes that can, then, result in

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1 cancer and other diseases in that individual. Or, if
2 the DNA is that of a sperm or egg, it can pass a
3 mutation along to later generations.

4 As an example, here is a family tree with
5 which I am very familiar in which one of these germ
6 line mutations occurred in one of the grandparents in
7 either the sperm or the egg cell line. The
8 grandparents died without showing any inherited type
9 disease. But, of their three kids, one son and one
10 daughter died of familial cancer of the pancreas.
11 Genetic testing showed that there was a well-known
12 form of mutation present, one that causes not only
13 familial pancreatic cancer, but also malignant
14 melanoma of the skin.

15 So far, two granddaughters have turned up
16 with malignant melanomas -- that's in the bottom row
17 -- and will have to be monitored for pancreatic cancer
18 for the rest of their lives. If these daughters were
19 to have children, they could pass the mutation on to
20 another generation. Of course, we don't know that
21 stray radiation caused the original mutation, but we
22 do know that radiation is quite capable of doing this.

23 Some people in the nuclear industry would
24 not only say that low-dose radiation is of negligible
25 risk, but that it is actually beneficial, providing a

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1 protective effect. They base this on some laboratory
2 studies of certain animals where unexpectedly-low
3 cancer rates were found with radiation exposure. This
4 is the theory of hormesis.

5 On this slide you see listed the
6 organizations which are the ones who work directly on
7 health issues related to radiation. And I have had
8 these things to say about this hormesis theory:

9 One, that it hasn't been shown to be true
10 in humans, and that there is no threshold -- that is
11 no threshold -- level of radiation exposure that can
12 be considered safe.

13 So, knowing what we know about the
14 potential risks of low-dose radiation, why would
15 someone choose to be exposed? We hope that any such
16 decision would be on the basis of well-informed
17 consent, weighing benefits against risks.

18 Many people would say that diagnostic
19 x-rays and radiotherapy are justified risks. Other
20 people choose occupations where they are exposed to
21 radiation. Some of them believe that nuclear energy
22 is necessary for electricity generation, even though
23 increasing numbers of scientists believe that we can
24 provide for our needs with a combination of energy
25 conservation and renewables without relying on

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1 unsustainable extractive sources of energy. And then,
2 there are those who believe that maintenance of the
3 world's nuclear weapon arsenal is important.

4 In view of the risks, particularly those
5 risks to aquifers posed by ISL mining, state medical
6 societies have indicated their opposition to uranium
7 mining, including Colorado and, more recently, South
8 Dakota.

9 So, with the public health in mind, it
10 seems like common sense to eliminate as many
11 unnecessary environmental risk factors as possible and
12 to keep our water supplies as uncontaminated as
13 possible.

14 Thanks for your time.

15 (Applause.)

16 CHAIRMAN FROEHLICH: Thank you, Dr.
17 Kelley.

18 We hear next from Mary Jo Farrington.

19 MS. FARRINGTON: And may I have a little
20 more light now, please? Okay, I will use this here.

21 Good afternoon.

22 My name is Mary Jo Farrington, and my last
23 name is spelled F-A-R-R-I-N-G-T-O-N.

24 And I want to thank you for allowing me to
25 speak. I know it has been a long day and that you

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1 have all had to listen a lot. And so, I appreciate
2 that.

3 I have spent a lot of time trying to think
4 about what is it that I could say today that might
5 make a difference. And four words keep coming up in
6 my head, and these words are: it doesn't make sense.

7 Earlier this year, the NRC announced
8 recommending approval for the proposed Dewey-Burdock
9 In-Situ Leach Mining. The report concludes, quote,
10 "There are no environmental impacts that would
11 preclude licensing the facility."

12 Wait a minute. Public hearings are just
13 now happening many months later, and I think that this
14 was putting the cart before the horse.

15 Now it must be legal for the NRC to do
16 such a thing, but I feel it is very unethical, and it
17 undermines the credibility towards our federal public
18 servants. I think we needed to have the hearings
19 before any kind of licensing.

20 Two, this project doesn't make sense
21 because it is of no value to the United States. Our
22 country does not need uranium. We have a 200-year
23 supply. So, that is not an issue.

24 Three, it does not make sense to allow a
25 foreign country to mine for uranium in South Dakota

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1 and sell it to the highest bidder for who knows what.
2 Bombs? More Fukushimas? We don't want that.

3 Four, it does not make sense to allow our
4 area to be in harm's way. With the yellow cake on the
5 ground and being processed and/or in transport, we are
6 targets for terrorists and natural environmental
7 disasters like earthquakes. And I am glad the man
8 mentioned that we do have earthquakes. So, what
9 happens if this stuff is being stored, getting ready
10 for transport, and there is an earthquake?

11 It does make sense to just leave things
12 the way they are. Don't tamper with it.

13 It does not make sense to give away huge
14 amounts of water or, for that matter, sell it. With
15 climate change, we want to preserve our water, all of
16 our water.

17 It does not make sense to me that the
18 federal government can try to make us accept this
19 project by giving a permit, against the wishes of the
20 majority of the citizens here in our area.

21 The Treaty of 1868 created the great Sioux
22 Reservation, which encompassed all of western South
23 Dakota, including the Black Hills. The U.S.
24 Government further agreed that no persons, with a few
25 exceptions, shall ever be permitted to pass over,

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1 settle upon, or reside in the territory. "Forever"
2 lasted six years when gold was found. These lands
3 have been lived on for thousands of years by
4 indigenous people, and they are many sacred burial
5 sites, many that we don't know.

6 The last thing that we want to do is to
7 poison our land, air, and water for all of us living
8 here. We, as a government, as a national government,
9 as a local government, have got to stop betraying
10 people.

11 I also think there needs to be more
12 investigation of the site that Dewey-Burdock is
13 proposing, not only because of the TVA report, which
14 has finally come to light, but also its close
15 proximity to the Army Depot, which had weapons of mass
16 destruction. And we have reports, and I am sure you
17 have that report, of both arterial and chemical
18 massive amounts of weapons.

19 Now I don't know if they are still being
20 stored there, but I do know that people that have
21 lived in the area have seen military convoys going to
22 that site. So, I am wondering, do we want a foreign
23 company drilling around that Army Depot? Has that
24 been at all looked into?

25 In conclusion, people who have the money

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1 to hire lawyers and workers can bring you any kind of
2 science you want. Citizens who oppose this project
3 are primarily volunteers. I think the NRC obligation
4 is to help sift through all of this and provide the
5 funding necessary for those of us who have research
6 that we want to do. There are many local groups with
7 many valid projects, but we don't have the money.
8 Powertech and Azarga will spend millions of dollars to
9 make billions of dollars.

10 So, we would like to ask the NRC to give
11 us some funds to do the research before any decisions
12 are made, because we feel we have some valid research.
13 Because this is just too important of a decision,
14 unless all the data comes in, so that you in your
15 wisdom have more correct information.

16 I just want to conclude with this one
17 thing. Every week we get articles in the paper about
18 the mistakes that have been made. And this one was
19 dated in June, that \$4.5 billion is earmarked for
20 cleaning up thousands of sites around the country
21 contaminated by creosote and uranium debris.

22 So, we don't want to have this happen.
23 And I know you are going to be listening to all the
24 people these next few days, and I hope that you will
25 give them the support, if they need more research,

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1 because we have the time to make the correct decisions
2 on this. This is our home, and I think you have an
3 obligation to prevent another environmental disaster.

4 Thank you very much.

5 (Applause.)

6 CHAIRMAN FROEHLICH: Jennifer Belitz.

7 MS. BELITZ: I'm going to have my lovely
8 assistant help me with my technology here.

9 My name is Jennifer Belitz. It's spelled
10 J-E-N-N-I-F-E-R B, as in boy, E-L-I-T-Z.

11 Thank you for your time to hear our
12 concerns.

13 I became a resident of beautiful Hot
14 Springs in 2003. I used argue that my original home
15 in North Dakota was God's country, but since the
16 Bakken oil boom, I am easily contradicted.

17 On the bright side, all the chaos up there
18 turns out to be good for our northern hills real
19 estate since people don't want their families living
20 among the semi traffic, the newfound pollution, and
21 recent church robberies not too far from my home.

22 Here I must clarify a previous testimony
23 given by Southern Hills Economic Development Council
24 Representative Cindy Turner when she said that Shed
25 Co. presented a public event here concerning the mine

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1 in Hot Springs. She stated that there were no
2 opposition statements made. And I did speak to her
3 afterwards, and, together, we confirmed that no public
4 comment was allowed to be spoken outloud that night.
5 So, we could only come forward after the meeting.

6 I also informed her of the conversation
7 that I had had subsequently submitted to Benjamin Snow
8 and the Hot Springs Star concerning the higher
9 oilfield wages being associated with higher quality of
10 life, which Benjamin was trying to present.

11 She indicated that none of the invited
12 professionals voiced any concern. And I said that I
13 thought the USGS and the other government agencies
14 were only there to present data and not opinions. The
15 mine, however, was allowed to present opinions, and I
16 feel that that clarification of facts to this Board
17 might be appreciated by the others who did express
18 concern that night.

19 This does lead me to my contentions with
20 the FSEIS, which mostly relate to 3 and 4 about water.
21 In Chapter 1.7, it notes that you, the NRC, met with
22 various coordinating agencies; 1.7.3.3, the USFS noted
23 a concern about the cumulative groundwater effect of
24 the project on USFS-managed Keith Cascade Springs
25 Recreational Area, as it is quoted, where Cascade

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1 Springs is located.

2 And 1.7.3.4, coordination with the U.S.
3 Geological Survey, the NRC staff met with them on
4 December 1, 2009. USGS staff expressed concern that
5 contaminated groundwater may travel from the project
6 area and discharge into Beaver Creek with the proposed
7 project area and south of the proposed project area.

8 Nowhere in the reference list of this
9 chapter do I see any details or where to find details
10 about these meetings or if their concerns were
11 satisfied. I share their concerns. So, I referred to
12 Chapter 4, "Environmental Impacts of Operations," et
13 cetera.

14 I recently learned that the TVA documents
15 similarly are saying the Inyan Kara is a leaky aquifer
16 have not been released by Powertech yet. So, I feel
17 Chapter 4 needs to be entirely rewritten.

18 But, if it is leaky and we introduce a
19 lixiviant to suspend many toxic compounds, including
20 uranium, how will Powertech contain the plumes and how
21 will I be protected or notified if an accident occurs?
22 I live 45 river miles downstream of the proposed
23 Dewey-Burdock site. Does that sounds too far to have
24 an issue? Let's put it this way: with a
25 1-mile-per-hour velocity, it would take slightly less

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1 than two days for toxins to make their way downstream
2 to my land. With a 3-mile-an-hour linear flow rate,
3 which I believe is somewhat conservative, velocity in
4 heaving flooding conditions, the pollutants would only
5 take 15 hours to reach my land via Pass Creek and the
6 Cheyenne River.

7 And Gena Parkhurst asked, "Who uses the
8 Cheyenne for recreation?" I do. My children do.

9 Various health-related research articles
10 would, however, attest that toxins are absorbed at a
11 higher rate in young, growing children. So, that is
12 15 hours to reach my kids playing in the river. It
13 will already have affected the catfish in the river
14 and possibly come into contact with the wild horses,
15 the cattle, and the deer.

16 In Chapter 7, highlighting their
17 monitoring programs, it indicates they do have only
18 one sampling site downstream on Beaver Creek and one
19 downstream on the Cheyenne.

20 7.2.2 indicates soil monitoring only
21 annually. 7.2.4 indicates surface water monitoring
22 only quarterly. And 7.2.5 indicates groundwater
23 monitoring only quarterly. 7.3.1.2 indicates
24 excursion monitoring on monitoring wells at two-week
25 intervals.

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1 Considering I am only 15 to 48 hours
2 downstream, I find these sample intervals inadequate.
3 So, I have great concerns for your containment ponds,
4 subsurface injections, and deep-well injections into
5 the Minnelusa.

6 Let's revisit North Dakota where, although
7 different industry, similar technologies are used,
8 where a weld failed, and then, saltwater leaked,
9 putting acres of my neighbor's land out of use. A
10 leak also happened in a crude pipeline next to my
11 great-grandfather's land, amounting to nine acres of
12 his neighbor's farmland covered with 20,600 barrels of
13 crude, becoming the largest oil spill on U.S. soil.

14 Who noticed it first? Not the high-tech
15 electronic monitors that are supposed to detect
16 pressure variances and give immediate warnings, but it
17 was a neighbor who arrived that morning on his
18 combine.

19 The oil companies in North Dakota are
20 using the most advanced technologies, but these
21 incidents are still happening. In the future of this
22 mine, I believe that they will happen.

23 I realize you don't like us to compare
24 Powertech to other energy companies, but after being
25 told how safe and well-monitored the industry is in

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1 North Dakota, and then, watching their containment
2 pits become inundated with spring floodwaters in 2011,
3 and learn of the subsequent State-issued fines, my
4 confidence is obviously and forgivably low.

5 My confidence that the mine is concerned
6 more for my safety than their economic gain is zero.
7 Therefore, the FSEIS indication of self-reporting by
8 Powertech/Azarga appalls me.

9 I recommend that the NRC choose to
10 Alternative 2, no action, which is so briefly and
11 non-descriptively summarized in FSEIS. That contains
12 the only guarantee that our water will not be affected
13 by Powertech uranium, a China-based company.

14 Thank you.

15 (Applause.)

16 CHAIRMAN FROEHLICH: Thank you.

17 Kathleen Jarvis.

18 MS. JARVIS: Good evening.

19 My name is Kathleen Jarvis,
20 K-A-T-H-L-E-E-N J-A-R-V, as Victor, I-S, as Sam.

21 Just by brief introduction, I am the
22 former Controller of Custer State Park in Custer
23 County. And currently, I am the Business Manager for
24 Delcam Oil.

25 I want to give you just a little bit of

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1 history. I am the daughter of Brigadier General John
2 R. Jarvis, born on a tiny island off the coast of
3 Hiroshima just after we dropped the bomb.

4 In addition, just a brief history with my
5 dad. He was with the U.S. Army Chemical Corps up
6 until the time Congress disbanded that unit.

7 My comment: my concerns regarding the
8 Dewey-Burdock Project are centered around the problems
9 of artesian flow and interactions with the remediation
10 of buried chemical warfare materiel located at Black
11 Hills Army Depot, less than 10 miles to the south.

12 Furthermore, Powertech's experts seem to
13 be unaware that their proposed land application areas
14 are on river terraces that will transmit the applied
15 waste directly into the Beaver Creek Watershed within
16 the Upper Cheyenne River Watershed into the Cheyenne
17 River, to flow eastward throughout the State of South
18 Dakota. Please refer to Exhibits INT-010B, Map,
19 Beaver Creek Watershed, and INT-010P, Beaver Creek
20 final fecal coliform.

21 The problem of artesian flow. Artesian
22 flow occurs when there is a hydrologic connection
23 through faults are highly-permeable strata between
24 groundwater sources high on the landscape and the land
25 surface lower down. Please refer to Exhibit INT-013,

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1 testimony of Dr. Hannan LaGarry.

2 The weight of water in overlying strata
3 exerts pressure downward into water within the
4 uranium-bearing strata, which can, then, be released
5 as artesian water flow, like a fountain, where the
6 topographically-lower uranium-bearing strata is
7 exposed at the surface or where it is punctured by
8 drilling.

9 Artesian flow was observed or predicted by
10 Powertech in their Dewey-Burdock Powertech Project
11 proposal, and was observed directly at the Black Hills
12 Army Depot, less than 10 miles to the south, U.S. Army
13 Corps of Engineers, 1992.

14 In order for artesian flow to occur at the
15 Black Hills Army Depot, the water must originate
16 topographically higher in the Black Hills and pass
17 through the Dewey-Burdock Project area. Were this to
18 happen with oxidant-charged lixiviant, contaminated
19 groundwater would rust any metal-contained ordnance
20 and release its contents into the environment.

21 Concluding remarks: it is very likely
22 that the oxidants used to free the uranium will also
23 cause the destruction of underground storage
24 containers on the buried chemical warfare materiel
25 located at the Black Hills Army Depot, less than 10

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1 miles to the south of the Dewey-Burdock Project area,
2 and release their contents into the area's ground and
3 surface waters.

4 This huge munitions depot handled
5 thousands of tons of chemical warfare agents such as
6 sarin, soman, tabun, GE, and VX, plus mustard,
7 phosgene, and lewisite.

8 Just briefly, the references:

9 U.S. Army Corps of Engineers, 1992,
10 "Preliminary Assessment of Ordinance Contamination at
11 the Former Black Hills Army Depot, South Dakota".

12 Final Archives Search Report, again, U.S.
13 Army Corps of Engineers, "Final Work Plan for Black
14 Hills Army Depot, Remedial Investigation and
15 Feasibility Study at Fall River County, South Dakota,"
16 2012.

17 Final Archives Search Report, "Preliminary
18 Assessment of Ordnance Contamination at the Former
19 Black Hills Army Depot, South Dakota," 1992.

20 LaGarry, H.E.C. Belisle and H. Gaddy,
21 2012. "Revised Lithostratigraphic Correlation of the
22 Arikaree Group from Northwestern Nebraska to
23 Southwestern South Dakota," Proceedings of the 122nd
24 Annual Meeting of the Nebraska Academy of Sciences.

25 Office of the Federal and State Materials

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1 and Environmental Management Program, 2014,
2 Environmental Impact Statement for the Dewey-Burdock
3 Project in Custer and Fall River Counties, South
4 Dakota. Supplement to the Generic Environmental
5 Impact Statement for In-Situ Leach Uranium Mining
6 Facilities, Supplement 4, Volume I.

7 Thank you.

8 (Applause.)

9 CHAIRMAN FROEHLICH: Theodore Ebert,
10 please. Theodore Ebert.

11 MR. EBERT: My name is Theodore Adolph
12 Phillip Ebert, Echo Bravo Echo Tango Romeo -- or Romeo
13 Tango. Excuse me. E-B-E-R-T.

14 I should be used to this by now. I've
15 done this a few times.

16 It's, Your Honor, Your Honor, Your Honor,
17 I can't tell you, as a soldier of this great nation
18 that's faced combat, how proud I am to be here. I
19 can't tell you how grateful I am that there's been
20 experts come up here and speak to you. I feel they
21 have done a lot on my own behalf without me even
22 asking.

23 I say that because I have been in this
24 from the very beginning. I started it along with a
25 few other gentlemen. My goodness, I see it has grown

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1 and grown.

2 When I fought for this country, I fought
3 for democracy, for democracy of we, the people, of the
4 people, by the people. I didn't fight for a country
5 that is we, the corporation, of the corporation, by
6 the corporation. I didn't watch good men die beside
7 me to see the corporate entity decide the fate of the
8 people.

9 I have sat here, and I bring you my new
10 testimony. I have seen two people come up here,
11 marginally, one of them sure said, yes, he wants to
12 drill holes out there; he's for it. I haven't heard
13 anyone else say, "Yeah, let's do this."

14 As a representative of the people, your
15 choice is clear. The people have chosen. They have
16 said no. I guess I'm just asking you to do what the
17 people have elected you to do, say no.

18 I am so grateful for all these experts
19 that have come. You are an answer to my prayer. I
20 have prayed over this. I have asked for consulate
21 help. I have sat in the sweat lodge. I have given
22 flesh offerings for this. And I can't tell you how
23 proud I am to stand here today with these great
24 people.

25 Gentlemen, I have said prayers for you,

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1 too, to help you on this most difficult journey that
2 you have to take. I ask God to help you. I can't do
3 it, but I know He can. He's helped me this far.

4 When I started this journey, I stood
5 before you almost alone. And now, look. This, to me,
6 is true Americanism. This is what I fought for right
7 here.

8 So, anyway, I can't tell you how grateful
9 I am to all of you. Thank you for showing us all here
10 that democracy still stands.

11 (Speaks briefly in Native tongue.)

12 (Applause.)

13 CHAIRMAN FROEHLICH: Adam McLain. Adam
14 McLain, please.

15 MR. McLAIN: You may have to forgive me.
16 I'm a little under the weather. My throat isn't in
17 the best condition.

18 But my name is Adam McLain, and I'm a
19 Black Hills resident.

20 My contentions with this issue are
21 primarily with No. 3. The NRC has requirements for
22 permitting, and one of them is that a minimum of three
23 excursion, as defined in NRC's documentation, NUREG
24 document 1910, 1-9-1-0, it states that there is a
25 minimum of three excursion indicators that must be

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1 selected and upper control limits have to be defined.
2 And those upper control limits are regarding the
3 specific strata that the mining is going to be taking
4 place in. This is all about determining where an
5 excursion, identifying an excursion when it takes
6 place.

7 And what's important here is that the NRC
8 believes that a minimum of three excursion indicators
9 are necessary to be able to provide
10 relatively-adequate control measures on the public
11 safety and on the environmental impact.

12 But what really gets me is, when you look
13 at the Safety Evaluation Report for the Dewey-Burdock
14 Project, on page 119, it lists the excursion
15 indicators, and there are only two possible excursion
16 indicators listed, one of them being chlorides and the
17 other one being electrical conductivity, which is more
18 a measurement of total dissolved solids. But there
19 isn't a third one listed.

20 So, this particular mining company has
21 somehow achieved a permit from the NRC while not
22 meeting the NRC's very own requirements for the
23 permitting process. And that bothers me.

24 You know, this kind of mining has been
25 banned almost everywhere throughout the entire EU.

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1 Once you put the lixiviant down in there and you start
2 these compounding chemical reactions, you can't just
3 turn it off. It is almost like a nuclear reactor in
4 that regard. You can't just turn it off. You can
5 stop putting the lixiviants down there, but these
6 compounding chemical reactions just keep taking place.

7 So, in much of Europe they have to close
8 down these -- they have to keep the wells pumping to
9 keep the lixiviant and keep these compounding
10 chemicals from getting outside of the well system.
11 Even after they have decommissioned the wells, they
12 have to basically put up signs that say, "People stay
13 away from here and don't drink this water." There's
14 many, many countries that have outlawed this practice
15 because it is so unsafe.

16 You know, we have also got a situation
17 where at the end of June the Christensen Ranch in
18 Wyoming, the company doing the mining there reported
19 to the NRC that they have a break in the line that
20 disposes of the deepwater, the toxic water that goes
21 into the deep well, the deepwater well. But, since it
22 is so corrosive, it is a relatively-young mine also,
23 they are losing something like 26 percent of all of
24 the toxic sludge that they are trying to push down
25 into the deepest water they can possibly find.

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1 And they don't even know where the break
2 is. Call it high-tech. Call it whatever you want,
3 but they are not even sure where this water is
4 leaking. It could be going into clean water. It
5 could be going into dirty water. It could be going
6 into just groundwater, just any other ground. We just
7 don't even know where it is going, but 26 percent of
8 all of the wastewater is just being pushed out into
9 unexpected places. And that is a recent finding.

10 So, one of the other things I find kind of
11 interesting is that no ISL mining company would ever
12 propose that we put one of these things near a
13 populated area, particularly like a metropolitan area.
14 And I think it is because everybody knows that this is
15 guaranteed pollution, 100 percent guaranteed
16 pollution. You know, it is proven all over the world.

17 And the one thing that we should focus on
18 the most, though, that this particular Board should
19 focus on the most, is how a third indicator should
20 have been chosen.

21 It would save a mining company an awful
22 lot of money if they just didn't have to report
23 excursions when they happen. And if you guys have
24 really lax rules on what is an excursion is, then in
25 a lot of ways you are helping these mining companies

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1 save a lot of money, at the public's and at the
2 environment's expense.

3 Based on your very own requirements for
4 the permitting process, in order to be consistent, I
5 think you need to deny this permit because it didn't
6 meet your requirements for the permitting process in
7 regards to upper control limits on excursion
8 indicators.

9 And I really appreciate your time. Thank
10 you.

11 (Applause.)

12 CHAIRMAN FROEHLICH: Thank you.

13 Nancy Hilding, please.

14 MS. HILDING: I got here late. Do I have
15 five minutes? All right.

16 I'm dropping all my stuff here.

17 I'm Nancy Hilding. I'm President of the
18 Prairie Hills Audubon Society, which is a West River
19 Chapter of the National Audubon Society.

20 I have a lot of attachments that are
21 exhibits, whatever you call them, that I am going to
22 leave with the lady upfront when I'm finished. And I
23 am going to reference these in my talk.

24 I am supposed to be talking about
25 mitigations, and it is going to be in terms of at-risk

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1 species, wildlife species.

2 And can somebody tell me when I'm halfway
3 through my five minutes?

4 Okay. So, real quick, there's a Fish and
5 Wildlife Service report from September 2000 on
6 selenium from in-situ leach mining and wastewater
7 applications. I do hope in your mitigations that you
8 figure out what went wrong there and make sure that
9 doesn't happen here, as it affects birds.

10 Okay. So, when you have holding ponds,
11 that there be escape routes for little mammals and
12 birds to prevent them from drowning.

13 Okay. So, we are next moving on to
14 something that you probably may not know about. I
15 have some copies, three copies to give to each of you,
16 and it is going to be in here.

17 Your report came in January of 2014. In
18 October of 2013 and September of 2013, the U.S. Fish
19 and Wildlife Service proposed to list the northern
20 long-eared bat and the red knot. The red knot is
21 September; October for -- okay.

22 The bat is common in the Black Hills. It
23 is being taken out by introduced wet nose disease,
24 which is currently closest in Missouri, but likely
25 will eventually reach here. It will likely be

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1 endangered in October. You guys should have known
2 about this. It predated your decision. But it is not
3 listed yet, and it likely will be.

4 It nests in trees in the summer and in
5 caves in the winter. Of concern would be if you are
6 cutting down any trees that they are into a cave which
7 is in the southwest part of the Black Hills.

8 And I think Lindsey McQueen will get into
9 this in the testimony in the future, a concern about
10 your holding ponds becoming more toxic over time, and
11 whether you are going to have lethal doses in that
12 water for wildlife on a chronic or acute level or
13 whether these contaminants will just hurt their immune
14 system.

15 I am giving you the U.S. Fish and Wildlife
16 Service proposed listing report. There is a section
17 on contaminants in there. I suggest you read that.
18 I suggest you will need a supplemental something, and
19 you will need to figure out whether you have them in
20 your area.

21 When you talk about bats, your people who
22 did your research on the ground just sort of said bat
23 species generally. It doesn't look like they found
24 out whether it's on your property or not, not yours,
25 Powertech's. Okay. So, you need to look into that

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1 some more.

2 Okay. The red knot, it is basically
3 mostly in the Atlantic, but it is in 40 states. So,
4 you may need to worry about that, too.

5 New things. Okay. Now I am moving on to
6 the -- so, I give you lots of stuff on, I am giving
7 you a report on the Black Hills. This bat is on page
8 27 of that.

9 Okay. So, sage grouse, I'm moving onto
10 that. It is a big concern for us. We don't want to
11 see the sage grouse extirpated from southwest South
12 Dakota. It is currently, the closest one that we know
13 of is in Wyoming across the border about five or six
14 miles away, down there in Redbird, in that area of old
15 85. The last known one it found not just wandering
16 around, but breeding, and that was 2006 in South
17 Dakota. There was one just across the border in
18 Wyoming on old 85. The last known site of that
19 activity was 2005.

20 Okay. So, you don't just need to worry
21 about whether there's sage grouse on Dewey-Burdock
22 property, but whether there is one with 5.3 miles.
23 The national technical team -- and I have included
24 their report. I am including two reports from
25 Aldridge -- and what's the other guy's name? It's

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1 escaping me. They're in the attachments.

2 You really should be worried about 5.3
3 miles or more for next to a wet. This is no surface
4 occupancy next to a wet. Currently, there is none at
5 that distance from Dewey-Burdock that I'm aware of,
6 but there could be in the future.

7 So, your no surface occupancy
8 recommendations need to be better, and two miles for
9 a road. That's our suggested thing. We are unhappy
10 with your recommendations for mitigations with respect
11 to that.

12 We are unhappy from a NEPA standpoint when
13 in your analysis saying we're just going to a 2005 Bob
14 Hodder study for the area to the south; we're just
15 assuming that is the same. That is unsupportable
16 badness. You have trees. You have different grass
17 heights. You have fire history. You have history of
18 poisoning or chaining the sage. You cannot assume
19 that what you have up there is the same as what is
20 down there. You should have done your own canopy
21 survey for grass and for the brush.

22 I included two studies from you, one from
23 South Dakota and one from North Dakota, a 2005 thing
24 antiquated, which is that when you get to the fringe
25 area, which is here, the height of the grass becomes

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1 more important. And it is substituted by the sage
2 grouse for the canopy. So, the canopy closure stuff
3 for the center range, it's different.

4 I included the articles there. I included
5 an appeal of a Forest Service decision where we
6 referenced these theses. These are the Kaczor and
7 Herman-Brunson theses.

8 Okay. So, all right. So, another thing
9 that you need to worry about is fences are bad for
10 sage grouse, but you are probably going to need fences
11 for bat and for other things. So, what do you do?
12 Some species are going to need fences around holding
13 tanks, and fences are bad for the sage grouse. You
14 know, the polluted water is probably bad for the sage
15 grouse.

16 And one thing that you could do as a
17 mitigation is that, when you leave at the end when you
18 have 2 percent disturbed soil, you could plant
19 sagebrush in there to help recover sagebrush in South
20 Dakota, which has been lost to fire and chaining and
21 poisoning.

22 All right. So, I'm moving on here. One
23 species that you completely ignored is the sturgeon
24 chub. I have included in the attachments the status
25 review from 2001 from the U.S. Fish and Wildlife

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1 Service. In the late 20th century it was petitioned
2 to be listed. They decided, you know, we found more
3 sturgeon chub than we thought we had. Prairie Hills
4 Audubon believes that should be repetitioned and
5 relisted.

6 There was in Idaho, in 1997 or 1998, like
7 27 findings of sturgeon chub in the Cheyenne River; in
8 2006-2007, only two. Cheyenne River is not in
9 attainment for various parameters further downstream.
10 So, the relevance with respect to the sturgeon chub is
11 you have bypassed events, you know, long-term
12 accumulation from all your wastewater application to
13 the ground of contaminants. Whether that is going to
14 end in the Cheyenne River -- at which point in the
15 future we get the sturgeon chub listed, which we
16 believe it should be.

17 Have I used up my five minutes?

18 CHAIRMAN FROEHLICH: You're well over.

19 MS. HILDING: Sorry.

20 CHAIRMAN FROEHLICH: Would you be willing
21 to include your studies in the materials that you are
22 leaving?

23 MS. HILDING: Yes. No, I have this huge
24 stack.

25 CHAIRMAN FROEHLICH: We will include it in

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1 the record of the proceedings and move on to the next
2 --

3 MS. HILDING: I mean, I was worried that
4 there was all this new stuff. There is something else
5 in here that is new, a 2013 report on vegetation
6 transients done in Fall River County. And there is a
7 biological assessment from September 2013 for the area
8 to the south that you are tiering to.

9 So, there is this new stuff that you
10 probably don't have.

11 CHAIRMAN FROEHLICH: If you would be kind
12 enough to leave some copies with Twana Ellis at the
13 desk --

14 MS. HILDING: Yes.

15 CHAIRMAN FROEHLICH: -- we will make sure
16 that it is copied into the record of the Limited
17 Appearance Statements.

18 MS. HILDING: All right. Thanks.

19 CHAIRMAN FROEHLICH: Thank you.

20 MS. HILDING: Thanks a lot.

21 (Applause.)

22 CHAIRMAN FROEHLICH: Linda Tidball.

23 MS. TIDBALL: My name is Linda Tidball,
24 L-I-N-D-A T-I-D-B-A-L-L.

25 I am Linda Tidball. I was raised in the

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1 Town of Dewey, and now I reside in the Town of
2 Edgemont. And I have taught at the school district
3 there for 23 years. My husband and I own two
4 businesses in Edgemont, and I am the mother of three
5 children.

6 I am not here today just speaking on my
7 behalf. I have a petition in support of Powertech's
8 Dewey-Burdock Project signed by 22 members of the
9 Edgemont School staff. I would like to present this
10 list to you and ask that it become part of the record
11 of this hearing.

12 I heard that you didn't feel there were
13 very many people in favor of this. Many people are
14 working, and they are home with their families, and
15 they are allowing the experts to do their job. That
16 is why they are not here.

17 We are concerned about our future energy
18 needs. We are sitting on uranium deposits that will
19 be a tremendous addition to our current energy supply.

20 Also, our school and community would
21 benefit greatly from related economic development. We
22 believe Powertech, for the past seven-plus years, has
23 gone above and beyond requirements to ensure this
24 project is safe and viable.

25 Thank you for your time.

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1 CHAIRMAN FROEHLICH: Thank you.

2 (Applause.)

3 Mary Hollenbeck. Mary Hollenbeck, please.

4 MS. HOLLENBECK: Thank you for the
5 opportunity to speak today.

6 I am Mary Hollenbeck. That's
7 H-O-L-L-E-N-B-E-C-K.

8 I lived and raised my family in Dewey for
9 53 years. I have seven children. I have seen my
10 children, grandchildren, and now great-grandchildren
11 enjoy the lifestyle and wholesome environment of our
12 ranch.

13 Our ranch is across the fence from the
14 Dewey-Burdock Project. We don't own any mineral
15 rights on our ranch and we will not benefit
16 financially from this project.

17 I fully support the Dewey-Burdock Project
18 and I totally support my neighbors' property rights to
19 develop minerals on their ranches.

20 We have marked our calves in Crawford,
21 also a host community for an in-situ project, for
22 about 20 years. So, we have met many people from that
23 area. Early on, we noted the ranchers in that area
24 were very supportive of the in-situ mine in Crawford,
25 regardless if they had the financial interest or not.

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1 The science will be borne out here this
2 week that this project can be done safely and
3 completely within the laws of the State of South
4 Dakota as well as the United States. I have
5 confidence that this professional Board will see
6 through the hype and hysteria and look at the facts
7 and grant a permit, so we can get on living our lives
8 and allowing our children and grandchildren an
9 opportunity to make a living here and raise their
10 families.

11 Thank you for your time and your service
12 on this Board.

13 CHAIRMAN FROEHLICH: Thank you for your
14 comments.

15 Mike Galanda. Mike Galanda.

16 MR. GALANDA: That will be Galanda,
17 G-A-L-A-N-D-A.

18 As in evidence listed past/prior, I just
19 ask -- I'm not a professional economist or anything.
20 I do videos. And one thing I have noticed in my
21 studies is that we have a very vibrant community. And
22 I am very, very concerned about how it could be
23 damaged.

24 Such references is to a town that is
25 called Picher, Oklahoma. She no longer exists. Due

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1 to improper mining, her aquifer was destroyed; her
2 town is gone. She has nobody. FEMA will not support
3 her. She is now a Superfund.

4 We have so many aquifers around here. I
5 don't say I support it or fight it. I just say I ask
6 that you look carefully, so no town or no city such as
7 my own of Rapid City, South Dakota, has to drill or no
8 town in the Black Hills becomes a Picher, Oklahoma.

9 (Applause.)

10 CHAIRMAN FROEHLICH: Thank you.

11 Cindy Brunson.

12 MS. BRUNSON: Hello. My name is Cindy
13 Brunson. The last name, B-R-U-N-S-O-N.

14 I have a couple of documents here that I
15 will share back when I leave.

16 What I am is an egg producer. Me, my
17 husband, and son, we have approximately 15,000 acres
18 in this County. And it is supplied by water from the
19 Inyan Kara and the Madison aquifer.

20 Where I live at Igloo, that is the
21 townsite of the Black Hills Ordnance Depot. And as
22 the testimony has come forward about ordnance and
23 things that is out there, I would only like to testify
24 on this fact: that, as a landowner there, I have seen
25 the Corps of Engineers, how they have done their

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1 cleanup and stuff.

2 And what they do is that they find the
3 spot that they think is contaminated, and they put
4 monitoring wells around the perimeter. And then, they
5 come back from time to time and they check these to
6 see if anything has migrated.

7 But nothing has been hauled away except
8 some chromium that was a paint byproduct. The
9 chemical area, we have where they showered and cleaned
10 up, but the chemical area was actually out on the
11 buffer zone, as we refer to it. Now it is the Buffalo
12 Gap National Grasslands. And there is a very vast pit
13 out there, and they have monitoring wells on the
14 outside of that. And they have no intention of
15 hauling that away.

16 One report that I seen, that there was
17 some mustard gas that had migrated. There is a creek
18 there. Alum Creek goes into Cottonwood, goes in
19 Cheyenne, goes into Angostura. That is the water flow
20 there.

21 And since you have your Dewey-Burdock deal
22 that is going to feed into the same channel, I can
23 really see these people, you know, wanting you to
24 examine that closely. Through personal experience, we
25 had unexplained livestock deaths. Just dropped over

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1 dead. We had two veterinarians come out, do
2 inspections. And anyway, numerous tests were done on
3 the livestock. Finally, the veterinarian told me,
4 "You do not have enough money to do all the required
5 testing that you would ever isolate what killed that
6 livestock."

7 So, I'm just saying this because the
8 public is not going to have enough money against this
9 foreign company if there is contamination, and we
10 don't know that. That is going to be something that
11 is down the road. But it is something that you really
12 should look at.

13 This that I see is all visual. What is
14 going to happen is going to be underground, and you
15 are not going to be able to see what is happening two
16 years down the road.

17 When I came to the Edgemont area in 1987,
18 they were in the process of doing cleanup. And when
19 they were doing that cleanup, when I would drive into
20 town to get my mail, they would have people all over
21 the Town of Edgemont in hazmat suits and Geiger
22 counters. So, they were trying to clean up what was
23 on top of the ground.

24 And as supplier to my ranch, the Inyan
25 Kara and the Madison aquifer, if that would go by the

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1 wayside and that water was not there -- and we have
2 experienced severe drought. We have lived through six
3 or seven years with no adequate water, where there was
4 no dams that were full or anything. The only thing
5 that we had was what was the reserve under the ground.
6 So, we are very, very dependent on this water.

7 And agriculture in the State of South
8 Dakota, that is our No. 1 industry. And you take my
9 15,000 acres out of production -- and more of it is
10 coming to South Dakota because California and these
11 other populated areas, you can't have the food
12 production and stuff in those areas because of
13 regulations and other various things that prohibits
14 it. And our food supply is very, very important,
15 along with our water supply. Those our two of our
16 basic needs.

17 The economic benefits, they all say, just
18 like the school teachers and stuff like that, what it
19 is going to do to the City of Edgemont, or whatever.
20 I went to Powertech when they opened the office here
21 in Hot Springs. And anyway, so my son does pipeline
22 stuff, and he is certified. He works over in the
23 oilfields in Wyoming. So, he's fully insured. So, it
24 is not an issue; he was just some little farm boy, you
25 know, wanting to work.

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1 They told me at the Powertech office that
2 all the work would be done in-house. That doesn't
3 mean development for the local economy. That means
4 that they are going to bring their men in. They might
5 do some basic construction, but that's it. That's the
6 economic benefit.

7 But we have tourism and agriculture right
8 here in our County. And our Governor, Governor
9 Rounds, he had the 2010 initiative, and that was to
10 develop our tourism. And now, you've got it here, and
11 I guarantee you people read a newspaper. And if
12 there's any bad stuff about the uranium mining, that's
13 going to be an economic disaster for our tourism
14 industry.

15 And I wanted to tell you I was the past
16 President of the American Legion Auxiliary, District
17 II, that served most of western South Dakota. And I
18 am so proud that man came up here and told you,
19 because I have talked to vets numerous times, and they
20 cannot understand why you would want to develop
21 something that is for power.

22 Just look at the Middle East. If you've
23 got uranium, you've got power. And why would you want
24 to ship anything out of our State to a foreign nation?
25 And who knows where it could be?

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1 Furthermore -- I'm running out of time --
2 but I grew up on the Rosebud Indian Reservation. I
3 grew up with the Sioux Indians. And anyway, I have
4 attended meetings of both sides, and I want to tell
5 you that the Sioux Indians, this is their burial side.
6 And one slide that always stayed with me was the fact
7 they showed our National Cemetery and showed all these
8 uranium mines on our National Cemetery. And let me
9 tell you, that was a real eyeopener for me.

10 So, I hope with your vast knowledge and
11 all the testimony, that you will make the right
12 decision.

13 Thank you.

14 (Applause.)

15 CHAIRMAN FROEHLICH: Thomas Cook. Thomas
16 Cook. Mr. Cook?

17 DR. COOK: Yes.

18 CHAIRMAN FROEHLICH: Okay, please.

19 DR. COOK: My name is Thomas Cook, and
20 it's spelled T-H-O-M-A-S C-O-O-K, and I have a PhD in
21 chemistry and three years of postdoctoral work at
22 Oregon State University, Wyoming, and Northwestern
23 University. I taught 20 years in university and 40
24 years working in hot-dip galvanizing. I've got a
25 ranch on the Cheyenne River closeby here.

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1 And I put a poll in the newspaper to see
2 how many people were opposed to and how many people
3 were in favor of the uranium mining, and it was
4 approximately 95 percent opposed, about 5 percent in
5 favor.

6 And I questioned the methodology of
7 getting the uranium out of the ground. In this
8 instance, the apparent use of what's called oxygenated
9 water, which is hydrogen peroxide, and carbonated
10 water, which is carbonic acid, which dissolves the
11 aquifer. And the waste products would be going into
12 the aquifer, and I'm presuming that they would be
13 dumping the major part of the waste into the Madison
14 aquifer.

15 And one of Powertech's experts indicated
16 that that waste would go southward and westward,
17 which, of course, would cross the Wyoming border and
18 go into that area. And I am wondering if the federal
19 people allow wastewater, radioactive water, going from
20 one state into another state. So, that is one issue
21 that I wanted to bring up.

22 I have a few more notes here somewhere.
23 But I do have a ranch on the Cheyenne River. I am
24 concerned about tailings and wastewater going into the
25 Cheyenne.

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1 And I am also interested to know about how
2 many trainloads of sodium chloride, ordinary table
3 salt, would be going in as wastewater because of the
4 ion exchange resin, which I presume would be
5 regenerated with sodium chloride.

6 Anyway, I am in opposition. And I
7 appreciate your time, and it has been a long day.
8 Anyway, that's what I have.

9 CHAIRMAN FROEHLICH: Thank you, Mr. Cook.

10 (Applause.)

11 DR. COOK: Thank you.

12 CHAIRMAN FROEHLICH: Matt Lanz, L-A-N-Z.

13 MR. MATT LANZ: Matt Lanz.

14 Okay, I'm going to turn this way.

15 I was here a little bit this afternoon.

16 My heart is just going boom, boom, boom
17 because I am just very passionate, you know, as a lot
18 of people are.

19 And I was here a little bit this
20 afternoon, and I was appalled and ashamed and
21 completely dumbfounded and pissed off and angry, and
22 just right now I've got a lump in my throat because I
23 heard a lot of good things from a lot of good people.

24 And the idiots that open their mouth and
25 think that this is a good thing, okay? I don't know,

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1 it's just like wow. And what really blew me away was
2 the ranchers, okay? These people are supposed to be
3 the stewards and the caretakers of this land. I don't
4 care how they got it. I don't care how they obtained
5 it. And it doesn't belong to them. It doesn't belong
6 to any of us.

7 We are all here (claps his hands together)
8 like that, and we're gone. It's just like a breath
9 coming out of a buffalo's nostrils in the wintertime.
10 Okay? It's just gone. And that's where we're here;
11 we're like that. Okay?

12 And we are here to take care of this land.
13 And to even jeopardize just a small part of it and the
14 water, I mean, it is like we're you guys watching
15 these commercials in the seventies that I would watch
16 about taking care of this country and pollution and
17 stuff. It's like you got kicked around in the sandbox
18 too hard because you lost common sense. And you don't
19 have it.

20 And I taught my kids -- I have been away
21 from my kids for four days. And I have seen the guy
22 on the far end closest to me smirk a lot when people
23 up here are talking. Okay? I raised my kids, 17, 15,
24 and 12. I've been away from them for four days. I
25 don't care how many degrees you've got on your walls,

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1 how much money you make. If you don't have common
2 sense, that is something you cannot go to college for
3 it. You can't buy it. It can't be given to you. You
4 just have it, and you obviously don't have it. You
5 just don't.

6 My kids have it. I wish kids could run
7 this place because it is obvious to them that they
8 would not want this, period. It's just a no-brainer.
9 Okay?

10 It just irritates a guy like me and a lot
11 of people. It's like I'm just up here winging it, and
12 so did everybody else in 1776. Okay? They winged it.

13 And we've got people coming in our country
14 and coming in that don't even belong here from China
15 and Canada and telling us what we're going to do and
16 how we're going to do it, and dah-dah-dah-dah-dah.
17 And enough's enough. I've had it.

18 In fact, I've had it out so much. I got
19 the United States Forest Service on August 26th to
20 come to my house for a meeting at my house because of
21 the bullshit. They're putting up fences and telling
22 me I cannot go and take my kids, the U.S. Forest
23 Service.

24 I asked them on the phone, "What's the
25 first law? Can you go wherever? What's this and this

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1 and that?" You can go anywhere in the United States
2 Forest Service you want. You only can have a fire in
3 the fire pits. Fine. So now, they're putting up
4 fences, telling me and my kids I cannot go there?

5 So, they liked what I had to say, and I
6 talked to them. And I talked to many people just to
7 get where I got. And they're coming down to my place,
8 in my own house. How many times does that happen?
9 Not very often.

10 I live just a few miles away from that
11 water that is going to come up. And one of these days
12 I'm going to have one of our stupid biohazard signs
13 right there.

14 I talked to one -- I don't know who it was
15 -- a year ago on the phone for about an hour. He said
16 this is so safe, we are so terribly safe, that even if
17 one drop gets into the Cheyenne River, we're shut
18 down. If you're so safe, and one drop of water gets
19 into the Cheyenne River, why are you shut down if one
20 drop gets dropped in there?

21 And who's going to blow the whistle? One
22 of your employees certainly isn't. It is really like
23 you guys are like getting back at the people who were
24 mean to you in the sandbox. You know, it is like
25 what; you've been in the steel and glass and concrete

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1 for so long, you don't even know anything anymore.
2 You don't.

3 You live right there. You move your
4 family there and live there, and you risk your family
5 all this hazard that everybody is talking about.
6 Okay? You do that.

7 And I'm telling you I'm that one guy --
8 and I'll say it in front of all kinds of law
9 enforcement -- I would take my gun and I would stand
10 there and I would. How many people are going to be
11 behind? No, I need to know that so many people, like
12 they did back in the days, because back, then, we were
13 all called -- hang on.

14 You've got the worst job in the world,
15 man.

16 (Laughter.)

17 You guys called them a long time rebels,
18 renegades, outlaws. You know what our history books
19 call them now: artists and painters and they call
20 them patriots. We wouldn't be sitting here right now
21 if it wasn't for guys like me. Okay?

22 And then, you're going to take that. How
23 many places in this country are left with pure,
24 frickin' water that's pure clean? It's so beautiful;
25 let's ruin it, because I don't have it. That's what

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1 it's like.

2 And I've got one last thing to say. The
3 love of possession is a disease with them. They take
4 tithes from the poor and weak to support the rich who
5 rule. They claim this Mother Earth of theirs, ours.
6 It's ours; the earth is for us, for their own to fence
7 in their neighbors and to keep them away.

8 If North America had been twice the size
9 it is, there still would not have been enough. The
10 Indian still would be dispossessed of their land. If
11 this country was three times its size, you guys would
12 find a way to muck it up big time.

13 And it's like if I had a bunch of six- and
14 seven-year-olds that know right from wrong, would they
15 want that? No, they want to swim and play and enjoy
16 it and be able to drink good, clean water and eat
17 their snacks.

18 But here, you're telling us we are not
19 going to be able to do that anymore, but it's going to
20 be safe; don't worry. Just like everybody, it's like
21 BP, "It's all safe," right? It's safe.

22 And I appreciate it. I saw you many times
23 talking to -- these people are so passionate.
24 Otherwise, we wouldn't be here sitting in a hot,
25 stuffy room. And you guys have got to go through with

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1 it. Okay?

2 I've been on a few dates, right? And you
3 know when you're not wanted, you just don't keep
4 pursuing it and go on back and go on back, okay?
5 That's going relentless. You know when to leave and
6 be done.

7 You guys should leave and be done and go
8 somewhere else, okay? This is not going to benefit
9 you, maybe you. I don't know how much money you make
10 off it. But you know what? All the oil in Iraq and
11 all the water in the world, I would rather have clean
12 water. I would rather have clean water to drink.

13 I don't know, all the bull, all the
14 riches, that is the richest thing ever, to be able to
15 live and breathe and just to live. And I'm not living
16 in some fantasyland. It can still be there. So, why
17 would you want to ruin what we have left? Why even
18 take that chance? Okay?

19 And that's it, and thanks for your time.

20 CHAIRMAN FROEHLICH: Thank you, Mr. Lanz.

21 MR. MATT LANZ: And I wasn't planning on
22 coming here today. I missed an appointment, and I
23 woke up like that. I had to come into town to run
24 some errands. And I come back this way, and I was
25 like, what's going on? What's going on? Let's stop

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1 in and just hear what they have to say. So, I have
2 nothing better to do today than to come back here.

3 I even tried to work. I'm an artist,
4 self-employed. I can't. I couldn't even work. I was
5 beyond it. I couldn't even.

6 I met a good man over there, Earl Tall.
7 He came to the springs today where I was. I got to
8 work. That's where I'm fortunate and blessed enough
9 to work right there at the springs, at Key Springs.
10 I get to work outside there. I take my kids there.
11 A new friend of mine, Earl Tall, comes up, and he's
12 looking at what's going on. And it's just like that.

13 And so, I bring my kids here today, 17 and
14 15, and they right behind me to speak to you. I don't
15 know what they are going to say. We don't have
16 anything planned.

17 But I didn't see any other children here.
18 And this belongs to them. It doesn't belong to you
19 guys. It belongs to everybody.

20 CHAIRMAN FROEHLICH: Mr. Lanz, thank you
21 for your comments.

22 MR. MATT LANZ: Sorry.

23 (Applause.)

24 CHAIRMAN FROEHLICH: We have two remaining
25 individuals who wish to speak. We're coming up on

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1 eight o'clock, which is the end of the time that we
2 had allotted for this.

3 I would like to call next Leaf Lanz, but
4 ask, please, that he stay within his five minutes,
5 followed by Jared Lanz.

6 And if there is anyone else who wishes to
7 speak to the Board this evening, please get your name
8 to Twana Ellis, so that we could finish not too much
9 after eight o'clock.

10 Thank you.

11 Leaf Lanz, please.

12 MR. LEAF LANZ: Hi. My name is Leaf Lanz.

13 CHAIRMAN FROEHLICH: Speak into the
14 microphone, please.

15 MR. LEAF LANZ: It's spelled L-E-A-F
16 L-A-N-Z.

17 And I didn't bring any papers or anything.
18 I am speaking right here from my heart. I don't know
19 where to start.

20 I'll just start off with saying that I'm
21 in opposition of the uranium mining. And down at the
22 springs, Keith Springs down there, that water is so
23 crystal clear and you can see right to the bottom of
24 the pond and you can drink right out of it. And if
25 like any uranium got leaked, you couldn't do that

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1 anymore.

2 I just want to ask everybody one question:
3 why? Why is Powertech doing this? And the answer is
4 the all-powerful dollar. That is the whole reason
5 behind this.

6 And it's stupid really. Wouldn't you
7 rather have the pure, crystal-clear water source
8 instead of money? Why? Why? It's stupid.

9 And I recently viewed a documentary about
10 fracking and uranium mining and how it destroyed a
11 whole neighborhood, and how they had to ship their
12 water in and drink out of that, because their wells
13 were contaminated with water. And it said that the
14 concrete casings for the pipes, and whatever they do
15 there, failed most of the time. They fail. They
16 crack. They leak and everything else like that. It
17 just doesn't work.

18 And I just today learned from a friend of
19 mine who used to be a driller for a uranium company.
20 He said that the polymer they use to do whatever with
21 the mine, to grease it, or whatever, he says, if you
22 use an electron microscope and zoom-in on it, it is
23 little chains. The molecules are little chains that
24 really, when mixed with any uranium, will never decay
25 or will never go away ever.

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1 So, it is just, why would anybody do that
2 to a water source? People live here. People drink
3 water out of wells.

4 The Wild Horse Sanctuary down there, it
5 has the Cheyenne River running through it with springs
6 that feed into it, and the horses drink out of that.
7 And Dayton O. Hyde worked so hard for that. And all
8 those horses are going to die or be diseased or
9 something and pass that down to generations of horses
10 and destroy them all.

11 And insects, which the birds eat, plants
12 that grow with the water, and all of the animal life,
13 all that will be affected if it is contaminated. And
14 people who like to hunt -- I don't -- but people who
15 like to hunt and eat deer meat and stuff, deer who
16 have eaten plants of that type, they will be
17 contaminated, too. It is just never-ending. It's
18 just bad.

19 And all the birds that travel here and,
20 then, travel to other places, will pick that up and
21 bring it somewhere else.

22 I don't want my kids, if I have any, or if
23 I'm even alive then, to have that kind -- and if they
24 live here, or anybody else who has kids that come and
25 move here, if it's still accessible, to live here and

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1 be drinking that water that is contaminated.

2 You guys are doing, whatever it is, you're
3 doing a really, really bad thing.

4 So, that's all.

5 (Applause.)

6 CHAIRMAN FROEHLICH: Thank you.

7 Okay, Jared Lanz.

8 MR. JARED LANZ: Hello. My name is Jared
9 Lanz.

10 I don't know why this thing is so short,
11 but -- that's J-A-R-E-D L-A-N-Z.

12 But I just have a question. How many of
13 you wear golden rings or have gold teeth? How many of
14 you just wear gold rings, or whatever?

15 Okay. Now people value gold rings and
16 just gold in general. But what if someone valued it
17 so much that they would come up to you and say, "Oh,
18 this won't hurt," and cut off your ring or cut off
19 your finger just to get the ring, because they could
20 not pull of the ring off of your big, swollen knuckle?

21 Or to get the gold from your teeth, they
22 had to take a rock and hit you in the jaw to get that
23 gold. And they would guarantee you, "Oh, it's not
24 going to bleed. It's not going to hurt. It will grow
25 right back. Trust me."

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1 See, that's just exactly what's going on
2 with this no-good uranium. So, yeah, you just
3 guarantee, "Oh, it's totally safe. You don't got to
4 worry about a thing. It's fine," you know.

5 But, like my little brother said, it is
6 just for the money. It's been like that for years and
7 years.

8 And I have a grandfather who lives up in
9 Rapid City. He has a big, huge gold ring on his
10 finger. He has had it for such a long time. When I
11 was a little kid about five years old, or whatever, I
12 would remember looking at that ring, and he would show
13 me all the different symbols on it and say what they
14 mean and stuff. But, yeah, that ring really has
15 value, and he has been on this earth longer than I
16 have. He's like an old, ancient tree.

17 But you can't just go up to him and cut
18 off the finger to take the ring and say, "Oh, that's
19 fine. It's valuable. We need it. Your finger is
20 going to be fine. It's not going to bleed."

21 And just like the uranium mine, it will
22 bleed into the waters, and it will be no good for
23 people. And I hope if it does go into the waters, the
24 no-good snakes who are sitting in this room will drink
25 that water and get sick somehow, because that is the

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1 only way that they're going to wake up.

2 (Speaks a few words in Native tongue.)

3 That's all.

4 CHAIRMAN FROEHLICH: Thank you.

5 (Applause.)

6 The last speaker we have who has signed in
7 is Earl Tall.

8 MR. TALL: (Speaks a few words in Native
9 tongue.)

10 This is my country we're talking about.
11 This land is our land.

12 I wasn't planning on speaking or anything.
13 I came to listen to what everyone had to say.

14 And there's a lot of things that this
15 federal government did. First of all, there's a COO,
16 country-of-origin labeling that they passed, and they
17 don't want to implement it. They need to implement
18 that.

19 I like eating now hamburgers, steaks, and
20 stuff. But I don't think I want to eat any beef from
21 the Edgemont area. No offense. I don't think it
22 would be very good.

23 This morning I was looking in the
24 newspaper, the news. On the news there was a lady
25 that was talking in there on uranium, uranium plants.

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1 And one of the things that she talked about was this
2 creating energy from waste products of uranium. And
3 she said that it's possible this uranium plant will
4 heat this waste and still create energy.

5 We've got tons and tons of waste. Our
6 relatives now in the Southwest, they are all dying of
7 cancer. They couldn't get rid of some of their waste.
8 And that's in Navajo country.

9 We have a lot of it up here, this waste
10 that can be heated and made into energy. I think that
11 should be looked into before you go dig for more
12 uranium.

13 And this on CNN, I think it was. And I
14 think those are things that should be looked into,
15 instead of creating more waste.

16 Our futures depend on this water. We call
17 it sacred, "wacón" (phonetic for an Native word he
18 speaks). And there's no price on it. There's no
19 price on water.

20 And so, I don't like giving a speech
21 already or anything. And I'm like most of these
22 people here that came to speak against this uranium
23 mining. They're all talking through their heart.

24 And it's time to listen to ourselves, not
25 this money. When you die, you might be a billionaire.

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1 You're not going to take that to heaven and spend it.
2 Or you might bury it, but you can't take it with you.

3 And I think we're all going to talk to
4 you. The Lakota people, this land belongs to us. We
5 never gave it up. The United States admitted to
6 stealing it. We didn't accept that money for this
7 land.

8 And I don't think we're going to allow
9 that uranium to happen, either. We're going to die a
10 slow death or might as well give up my life now than
11 wait more than 20 years and die of cancer.

12 And there's a lot of people that think
13 that same way. I represent Wyachi, Kiopi, Kee, and
14 Shoya. I have over 100 grandchildren, 30-40
15 great-grandchildren, and future generations that are
16 coming. And I want to care for our life.

17 And that's all I have to say today.

18 These are some of my grandchildren that
19 spoke, too, just a little while ago, and they give me
20 the courage to come up here and speak today. And like
21 I said, I was just here to listen to what people have
22 to say. And it's clear that nobody here wants it.

23 We fought this uranium back in the
24 seventies, Tennessee Valley Authority, the Union
25 Carbide. This place was designated a National

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1 Sacrifice Area in the seventies. And I guess it's
2 time for us to sacrifice. So, I just wanted you guys
3 to know that I'm willing to sacrifice now. I want my
4 children to grow up. I want my
5 grandchildren/great-grandchildren to grow up healthy,
6 not mutilated, not with four arms or ten fingers on
7 one side. I want them to be healthy.

8 CHAIRMAN FROEHLICH: Thank you. Thank
9 you, Mr. Tall.

10 MR. TALL: Uh-hum.

11 (Applause.)

12 CHAIRMAN FROEHLICH: That concludes the
13 speakers who have signed up to address this Limited
14 Appearance Statement section.

15 With that, I will conclude on today's
16 proceedings.

17 If there are any slides or overheads or
18 any studies that people made reference to, please
19 leave them with our administrative assistant, Twana
20 Ellis, so that they can be included in the record of
21 the Limited Appearance Statements.

22 I thank everyone for their comments, for
23 coming out, for their thoughtful comment, and for
24 speaking to the Board this evening.

25 The evidentiary hearing will begin

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1 tomorrow morning at 9:00 a.m. at the Hotel Alex
2 Johnson. The public is invited. However, I would let
3 them know in advance, although the public is invited
4 as well as the media, the proceedings are more of a
5 trial-like nature. And so, the questioning and the
6 proceedings will be conducted by the panel and the
7 counsel for the parties, as well as the sworn
8 witnesses with prepared testimony in that proceeding.

9 With that, I will conclude this session.
10 And I thank everyone for their attendance. We
11 appreciate it.

12 (Applause.)

13 (Whereupon, at 8:13 p.m., the proceedings
14 were adjourned.)

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