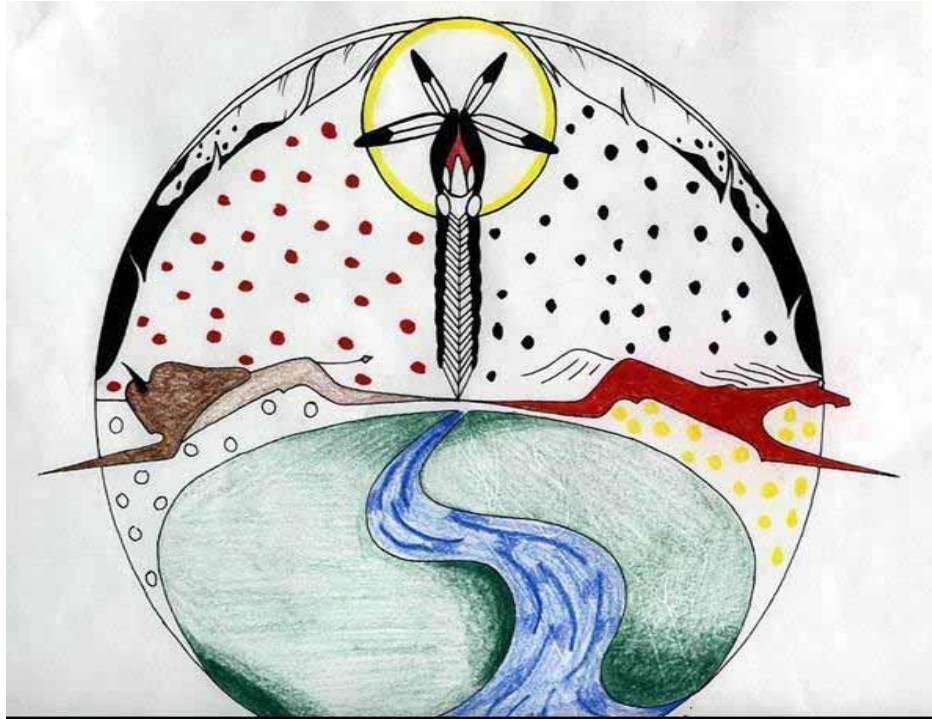

CRYING EARTH RISE UP!



ENVIRONMENTAL JUSTICE & THE SURVIVAL OF A PEOPLE: URANIUM MINING & THE OGLALA LAKOTA PEOPLE

PROTECTION OF SACRED WATER MOTHER EARTH
1851 & 1868 FT. LARAMIE TREATY TERRITORY

“SOME DAY THE EARTH WILL WEEP, SHE WILL BEG FOR HER LIFE, SHE WILL CRY WITH TEARS OF BLOOD. YOU WILL MAKE A CHOICE, IF YOU WILL HELP HER OR LET HER DIE, AND WHEN SHE DIES, YOU TOO, WILL DIE.” --*John Hollow Horn, Oglala Lakota, 1932*



EDUCATIONAL CAMPAIGN WINTER 2008-2009
A FOLLOW-UP TO THE WATERBOOK PRINTED IN 2007
BY OWE AKU, *BRING BACK THE WAY*
MANDERSON, SOUTH DAKOTA 57756-032

**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
URANIUM MINING AND THE OGLALA LAKOTA PEOPLE**

Crying Earth Rise Up!

Environmental Justice & The Survival Of A People: Uranium Mining & the Oglala Lakota People

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USA

www.bringbacktheway.com

Acknowledgements

This publication is a follow-up to the Water Book published by Owe Aku during 2007. The Water Book is available for a limited time on the Internet at www.bringbacktheway.com. The Water Book served to bring an updated awareness to the Oglala Lakota people and our allies to the conditions of the environment and health of our people on the Pine Ridge Indian Reservation and to the role uranium mining plays on Mother Earth.

At the time of publication of the Water Book, Owe Aku was in the early stages of talking with other activists, families, traditional leaders, and environmentalists about forming an alliance to take a formal look at the conditions of life on Pine Ridge and in the surrounding Treaty Territory. It is from those discussions that the collective action described in this publication was born. A true alliance was born to do this important work.

Much information included in this publication was accessed from video footage that is provided by the Lakota Media Project of Owe Aku, much thanks to the camera operators who got themselves to meetings, conferences, workshops, etc. to film and document speeches, dialogues, debates, etc.

Much thanks to the folks who did research and double-checked and triple-checked facts and factoids for each other, for scouring the Internet, making phone calls to friendly and not-so-friendly government and mining officials, and reading reading reading news publications, watching documentaries and taking notes (even at the theatre!) etc.

Much thanks to the Earth Angel and Earth Warrior who traveled all over Pine Ridge to get water samples, for following the “chain of evidence” procedures, and getting things done the “official” way!

The artwork on the front cover of this publication is courtesy of Cante Ohitika (Brave Heart), a young Lakota/Seminole artist who donates his services to Owe Aku.

Owe Aku does not receive federal or state funding, but operates on donations received from the generosity of people and organizations who support our work. Tax-deductible donations can be sent to the address above.

A wopila (thank you) goes out to all environmentalists, activists, Earth Warriors, Earth Angels, and all people who work to live a “green” life and to help others (including governments and corporations) to live a “green” life. We especially remember those who started out with us on this effort, and who have left for the Spirit World from illnesses caused by mining impacts on the world.

Editor

Debra White Plume, Owe Aku

**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
URANIUM MINING AND THE OGLALA LAKOTA PEOPLE**

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**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
URANIUM MINING AND THE OGLALA LAKOTA PEOPLE**

INTRODUCTION TO THIS PUBLICATION

This publication is intended to provide awareness about the Lakota worldview of water, about In Situ Leach/Recovery Uranium mining and its effects, about work to challenge the corporations from continuing to mine uranium and to build new uranium mining developments. From word one, it is important for the reader to know that from the Lakota perspective, there is no line drawn between human beings and the environment. Commonly, when reading literature about the impacts of mining, there are statements about the effects of mining on the environment and the effects of mining on human beings. That line doesn't exist in the Lakota mind.

In the Lakota way of being, we have a philosophy that is bedrock to our way of life, that is the saying: "Mitakuye Oyasin", which is in itself a "prayer", which is said at certain points in our way of life, which means "All My Relations." Our role in Creation, in the Universe, is seamless, there is no line between us and the environment, human health and the environment are connected.

This publication is also intended to provide awareness about In Situ Leach/Recovery Uranium mining and its effects as there are ISL uranium mines to the southern border of Pine Ridge Reservation, to our western border, and there are mines planned to our northern border. There are plans to develop additional mines near the existing mines. We will be surrounded by uranium mining if these corporations get their way. To our north, there are already several abandoned uranium mines from years ago, when TVA did open pit uranium mining in the southern Black Hills, near the small town of Edgemont, South Dakota. There are still waste piles enclosed at the site of these old mines.

The drinking water on the Pine Ridge Indian Reservation was acknowledged as unfit for human consumption by the United States government when they funded the Rural Water Project in the late 1980's. This project's purpose is to provide drinking water to our people on the Pine Ridge, water from the Missouri River that will be delivered through a pipeline. So far, pipeline has been laid across hundreds of miles and millions of dollars have been spent, and still no one on Pine Ridge has received one drop of Missouri River water. *Endangered water supplies do not need more contamination coming in from new uranium mines.*

Do the contaminants in the drinking water on Pine Ridge come from the old abandoned uranium mines and their waste piles in the Edgemont area? From the uranium mines in Wyoming and Nebraska? From minerals naturally occurring? From the Badlands bombing range? Maybe the answer is "yes" to all questions. All drinking water tests and studies conducted during the past 30 years reveal contaminants in the water. The most recent test results were received the day this paper went to print, showing illegal levels of radioactive elements in the drinking water, water from wells in the Arikaree Aquifer.

From the Lakota spiritual point of view, water is our relative, we are obligated to protect our relative. All of Creation is our relative. Our future generations will be impacted by the effects of uranium mining, we are obligated to protect them, our coming generations, our relatives, from the impacts of uranium mining.

Protection of our coming generations and of water includes stopping any new contaminants from entering our drinking water and our human bodies. That is the point where this work of "Crying Earth Rise Up" begins, to challenge the corporate uranium mines from renewing their existing mining permits, to challenge the corporations in the process they've begun to attain new permits. There are plans for new mines in Nebraska, Colorado, Wyoming, and South Dakota. This publication also includes information about the corporations intent to start new uranium mines in the Heart of Everything That Is, the sacred He Sapa (Black Hills).

This publication looks at the global view on water, and environmental justice, at what laws governmental entities on Pine Ridge are creating, at what other native ngo's and individuals are doing to protect water, earth, air, land, people, all of Creation. This publication is developed to provide an overview of the impacts our peoples/nations are facing, what can be done in the "paper warpath", what direct actions are being implemented. We have included links to provide the opportunity for further research. This publication is intended to provide the awareness also that there is solidarity among indigenous peoples everywhere. After all, we all share one Mother, our sacred Mother Earth.

**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
URANIUM MINING AND THE OGLALA LAKOTA PEOPLE**

OWE AKU, BRING BACK THE WAY

Owe Aku, Bring Back the Way, is a grassroots nonprofit, nongovernmental organization founded in 1997 on the Pine Ridge Homeland in 1851 & 1868 Ft. Laramie Treaty Territory. The purpose of Owe Aku is to preserve and revitalize the Lakota Way of Life. Our major work consists of gatherings and other training sessions of indigenous people to concentrate on sharing and strengthening our Lakota ways of life; the activist training project called Unite to Fight which encompasses decolonization work, cultural identity revitalization, training in social change work, working collectively, and direct action; the Lakota Media Project, which provides training/experience in learning to create documentaries; our work to protect our Ft. Laramie Treaty Territory and Treaty Rights; and Human Rights and International Justice. (For more info visit our website at www.bringbacktheway.com)

INTRODUCTION OF CRYING EARTH RISE UP!

Crying Earth Rise Up! is long term priority of the work of Owe Aku to engage in the protection of sacred water inside treaty boundaries. This part of our work is conducted through Treaty Rights and Human Rights education and action in regards to drinking water and environmental protection. We began this work in 2005, conducting research into drinking water quality and the health conditions of our people on the Pine Ridge. This work includes public education concerning the sacredness of water, drinking and surface water quality on the Pine Ridge, and uranium mining and its effects, on the Pine Ridge, in Nebraska and South Dakota and on other reservations. This work includes action to protect the water, treaty territory and the Lakota people, and supporting and working collectively with the Black Hills Sioux Nation Treaty Council, the Oglala Sioux Tribe, ngo's and individuals. This work is currently intense in opposing the world's largest uranium producer, Cameco, Inc. in their license renewal to mine uranium at Crow Butte Operations near Crawford, NE and their proposed expansion of the North Trend uranium mine. This work includes providing education regarding the Powertech, Inc. proposed uranium mine near Edgemont, SD.

LAKOTA WORLDVIEW OF MNI: WATER



For many generations, our Lakota people lived on the plains and followed the stars for ceremony. Our ancient Creation story teaches us that Tunkasila made all of Creation, woman and man and taught us to be a good relative to all of Creation.

Mni, Water is a Sacred Gift of Creation. Mni is the Adornment of Mother Earth, Woope is the companion of Mother Earth, Woope is the daughter of Tunkasila. Woope is the Law.

Mni is our first home, when we arrive here on Mother Earth, the water of our mothers' womb is our first dwelling. Water is our first medicine. Without water, there is no life.

The Spirit of Mni is also in the Star Nation. In the form of steam, the Spirit of Mni enters the Human Body to nourish the Spirit. Steam & Fog on Mother Earth are as the Stars in the Sky are the sacred breathe of Tunkasila. Mni is part of every daily and ceremonial aspect of Lakol Wicohan, our Lakota lifeway.

**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
URANIUM MINING AND THE OGLALA LAKOTA PEOPLE**

1868 FT. LARAMIE TREATY

After the coming of the white man, and many years of war making, many Bands of the Oceti Sakowin -Seven Council Fires-sometimes known historically as the Great Sioux Nation-entered into the 1868 Fort Laramie Treaty with the United States. The Oglala Band of the Lakota Nation is one of these Bands.

In the Treaty, our ancestors retained a land base that includes many current “states” in America.



Our Treaty Territory contains our sacred land and Ceremonial Sites, and billions of dollars worth of Minerals, Plants, and Water.

Our ancestors and the United States government officials smoked our Sacred Pipe together and the U.S. Congress ratified the Treaty, so our people believe that the Treaty is true and binding, as long as the water flows and sweet grass grows.

Following decades of the United States governments’ violation of the treaty though the unilateral passage of many acts and laws and regulations, the Lakota land base began to shrink. Treaty violations became a way of life for the American government. The miners wanted the gold. The pioneers wanted the land. So the 1851 and 1868 Ft. Laramie Treaties were violated by the USA.

On June 30, 1980, the United States Supreme Court ruled that the illegal taking of lands inside 1868 Ft. Laramie Treaty Territory boundaries was the ripest, rankest case of land theft in the history of America and awarded \$17.5 million. The Oglala Lakota Council Fire has to this day refused to accept the money, maintaining the bedrock belief that all actions after the 1868 Ft. Laramie Treaty were enacted unilaterally and are treaty violations.

PINE RIDGE INDIAN RESERVATION

Through America’s Treaty violations and the decimation of the Buffalo Nation, the Oglala were forced onto the reservation through several U.S. federal government actions including the 1877 Act which in violation of the treaty, took the Black Hills area, ceded hunting rights, took 7 million acres of treaty territory, and created the reservations. The Pine Ridge is located in southwestern South Dakota, near the Wyoming and Nebraska state lines. The Pine Ridge was designated Prisoner Of War Camp #344. The first choice for the “new” homeland of the Oglala was located near the town that is now known as Crawford, Nebraska; but the US government forced us to move to our current location.



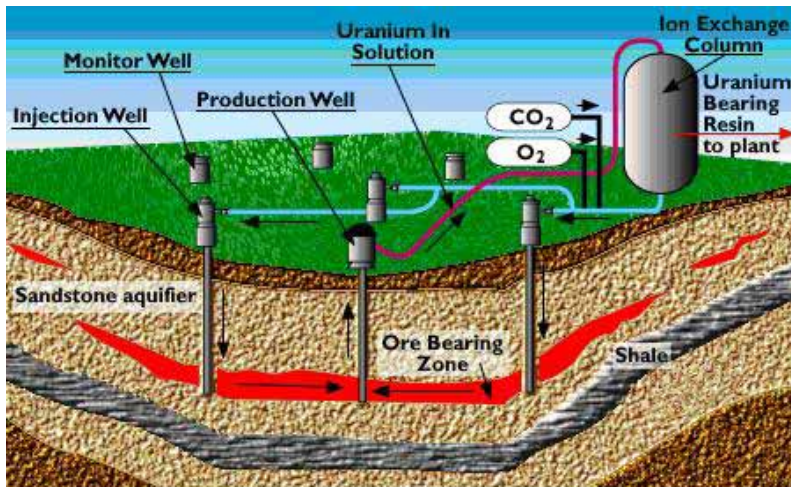
**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
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“Pine Ridge Indian Agency” (Official Bureau of Indian Affairs-BIA-terminology)

The US Dept of Interior BIA Census reports there are 48,000 Oglala Lakota people, with 25,000 tribal members currently residing on Pine Ridge. 65% of our population is age 25 and under. Pine Ridge has been the 1st, 2nd, or 3rd poorest county in America since the US Census began. Pine Ridge includes the Shannon, Bennett, and Jackson Counties inside its borders. There is an 89% unemployment rate on Pine Ridge. Able-bodied people want to work-there are just no job opportunities. (see BIA Labor & Statistics Report at the Dept of Interior website.)

WHAT IS SITU LEACH MINING: “ISL”?

ISL Mining and Yellow Cake Production Process



In Situ Leach Mining is also called In Situ Recovery Mining (ISL or ISR)

One type of mining that uses water is known as “In Situ Leach Mining”. This is a mining method used to extract uranium ore from underground. ISL mining involves injecting solutions deep underground into the uranium ore body through injection wells, then different pipes known as the ‘production well’ pulls up the injected

solution (the uranium ore attaches to the injected solution) from deep in the ground. All of the piping is placed in drill holes which puncture the aquifers, presenting potential for leaks of uranium-bearing water to escape and enter clean groundwater. From these pipes, the uranium ore enters the production plant above ground, the solution and dirt debris is shaken off in huge vats, and the remaining uranium ore is then sent through a drying process to turn the raw ore into a fine powder called “yellow cake”. ISL mining then reuses some of the same water to repeat the process. It is necessary to drill thousands of holes deep in the ground to conduct the ISL mining method, some holes are for injection pipes, other pipes are used for the extraction of the uranium.

Substances such as arsenic and radioactive contaminants such as Radium 226 & 228, Thorium 230 and other contaminants are also stirred up and can enter groundwater as a result of ISL mining through leaks in the thousands of pipes used to conduct ISL mining.

The ISL process presents the potential for leaks in the pipes that are used to “extract” the uranium ore out of the ground. Such leaks can allow the radioactive water to seep out of the pipe and back into the groundwater, this has happened at ISL mines all over the world. (for more info see the www.wise-uranium.com).

Water that is used to pull the uranium ore out of the ground is re-used a number of times to repeat the extraction process, some of this water is then stored in “evaporation ponds”. The evaporation ponds are utilized to store the used water as well as the “sludge” of the contaminants while the water (and contaminants) evaporate into the air. The “sludge” is later packaged and shipped as a radioactive waste product to a nuclear waste dump for permanent storage.

ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
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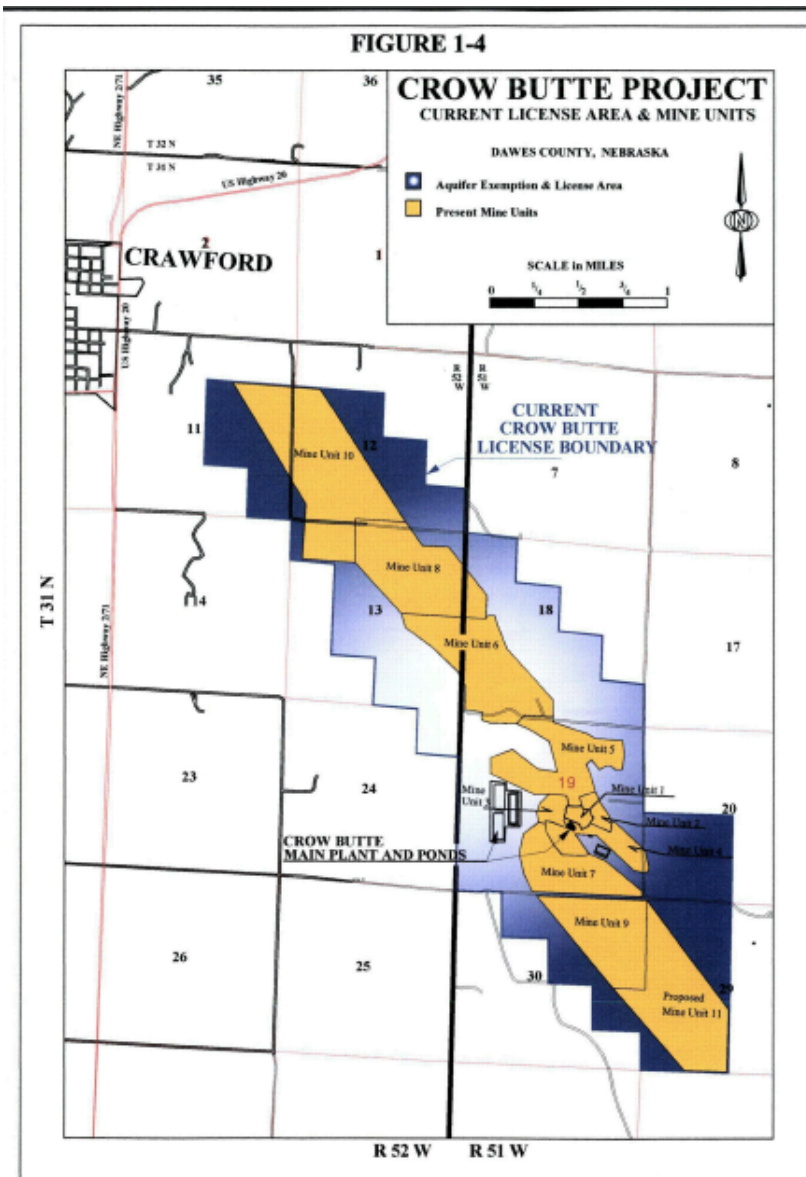
ISL URANIUM MINE AT CRAWFORD, NEBRASKA



Cameco, Inc. is the worlds' largest uranium producer.

There is an "In Situ Leach" mine at Crawford, NE owned by Cameco, Inc., the multinational energy corporation headquartered in Saskatoon, Saskatchewan, Canada. This mine is located near the land formation of Crow Butte, and is known as the "Crow Butte Operations" mine. There are 8,000 wells-holes drilled deep into the ground and aquifers-at Cameco's Crow Butte Operations ISL uranium mine.

MAP OF CROW BUTTE OPERATIONS MINE PERMIT BOUNDARIES



Crow Butte ISL mine:

was licensed by the NRC in 1998 to begin ISL mining

includes 2,100 acres

uses 5,000 to 9,000 gallons of water per minute to ISL mine

mines to a depth of 400 to 900 feet underground

produces 800,000 pounds of "Yellow Cake" per year

the "Yellow Cake" is stored in 55-gallon steel drums until transported to Canada

"Yellow Cake" is used to fuel Nuclear Power Plants and to make nuclear bombs through production of one of the world's most powerful, dangerous elements: Plutonium

**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
URANIUM MINING AND THE OGLALA LAKOTA PEOPLE**

WASTE DISPOSAL AT AN ISL URANIUM MINE

At ISL uranium mines there is waste material that must be stored. There are three methods approved by the Environmental Protection Agency. These methods include underground injection into a deep disposal well, storage in an evaporation pond, and land application after treatment. Crow Butte Operations has three “evaporation ponds” where they store the contaminated water and “sludge” of radioactive waste. The ponds, big as a football field, are lined with thick vinyl. They are 17 to 20 feet deep, and filled with waste water and “sludge” from the ISL mining process. When these evap ponds are full, the mine uses deep disposal wells to dump waste water, which will be stored there forever. This part of the mining process is monitored by Nebraska’s Environmental Quality through an Underground Injection Control Permit (UIC) which allows Cameco to dump the waste water beneath the lowermost drinking water aquifer. According to the Mechanical Integrity Testing report by Cameco of Feb 23, 2006, Cameco has dumped 270 million gallons of waste water underground since 1996.



THIS PRACTICE OF UNDERGROUND STORAGE IS REFERRED TO AS UNLICENSED UNDERGROUND NUCLEAR WASTE DUMPS.

The High Plains Aquifer is under the Crow Butte Operations uranium mine and the Eastern portion of Pine Ridge Reservation. The Arikaree Aquifer, under Pine Ridge, is the source of drinking water for many families.



The Crow Butte Operations Uranium Mine has spilled or leaked thousands of gallons of contaminated water into our land, air, and ground water since they began ISL mining. According to the mine manager, at the 2007 Nebraska Senate Hearing on Water in Chadron, NE, he acknowledged that 300,000 gallons of waste water was spilled onto the land and surface water and Cameco had to scoop up the contaminated soil, put it in containers and ship it to a low level nuclear waste dump for storage. Cameco was able to gather only one-third of the spill.

Crow Butte can be seen in the background. Photo Taken in the summer of 2008 by Owe Aku LMP.

**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
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CAMECO, INC. LIST OF LICENSE VIOLATIONS, SPILLS, & LEAKS AT THE CROW BUTTE OPERATIONS ISL URANIUM MINE AT CRAWFORD, NE AS OF JULY 28, 2008

Prepared by Shane Robinson, Aligning for Responsible Mining (ARM) on behalf of Western Nebraska Resources Council (WNRC)

- June 19, 2008: Power outage resulting in loss of flow to the well field and exceedance of the 100 PSIG NDEQ Class III UIC permit limitation.
- June 4, 2008: Exceeding of Well Head Manifold Pressure Limitations
- May 15, 2008: CM9-5 Monitor Well Excursion
- May 30, 2008: CM9-3 Monitor Well Excursion
- April 29, 2008: 30 day response to self identified license violation for missed 5-year MIT re-tests
- Jan 24, 2007: 2006 Annual pond inspection report is 45 days past due and has been recorded as a self identified reporting violation
- Sept 26, 2006: Monitor well placed on excursion status
- May 5, 2006: Evaporation Pond 4 Liner Leak
- March 31, 2006: CBR became aware of the noncompliance of 3 violations listed below on July 1, 2003 and failed to provide written notification to NDEQ as required by Title 122, Chapter 21 §001.06 until May 12, 2006.
- Jan 18, 2006: CM8-21 Monitor Well Excursion
- Oct 27, 2005: 5-Year Mechanical integrity test failure at well 12340-31 leak detected
- Aug 4, 2005: CM9-16 Monitor Well Excursion
- July 4, 2005: Mechanical integrity test failure at well 1723-14
- June 27, 2005: SM6-12 Monitor Well Excursion
- May 2, 2005: CM5-19 Monitor Well Excursion
- June 16, 2005: SM6-28 Monitor Well Excursion
- May 14, 2004: leak detected at Pond 1
- Dec 23, 2003: Monitor well placed on excursion status
- July 1, 2003: Violations of Permit by releasing well development water upon the surface of the ground **(continued until March, 31, 2006)**
- July 1, 2003: Violation of Permit by using Chadron Formation well development water as drilling water **(continued until March, 31, 2006)**
- July 1, 2003: constructed injection wells and mineral production wells in a manner that had the potential to allow the movement of fluid containing contaminants into an underground source of drinking water, in violation of Title 122, Chapter 4, §001 **(continued until March, 31, 2006)**
- Dec 26, 2002: Monitor well placed on excursion status
- Sept 10, 2002: Monitor well placed on excursion status
- April 4, 2002: Monitor well placed on excursion status
- Dec 4, 2001: Monitor well placed on excursion status
- March 2, 2001: Monitor well placed on excursion status
- Sept 10, 2000: Monitor well placed on excursion status
- May 26, 2000: Monitor well placed on excursion status
- April 27, 2000: Monitor well placed on excursion status
- March 6, 2000: Monitor well placed on excursion status
- July 2, 1999: Monitor well placed on excursion status
- Aug 7, 1998: Spill of 10,260 gallons of injection fluid
- March 21, 1998: Monitor well placed on excursion status



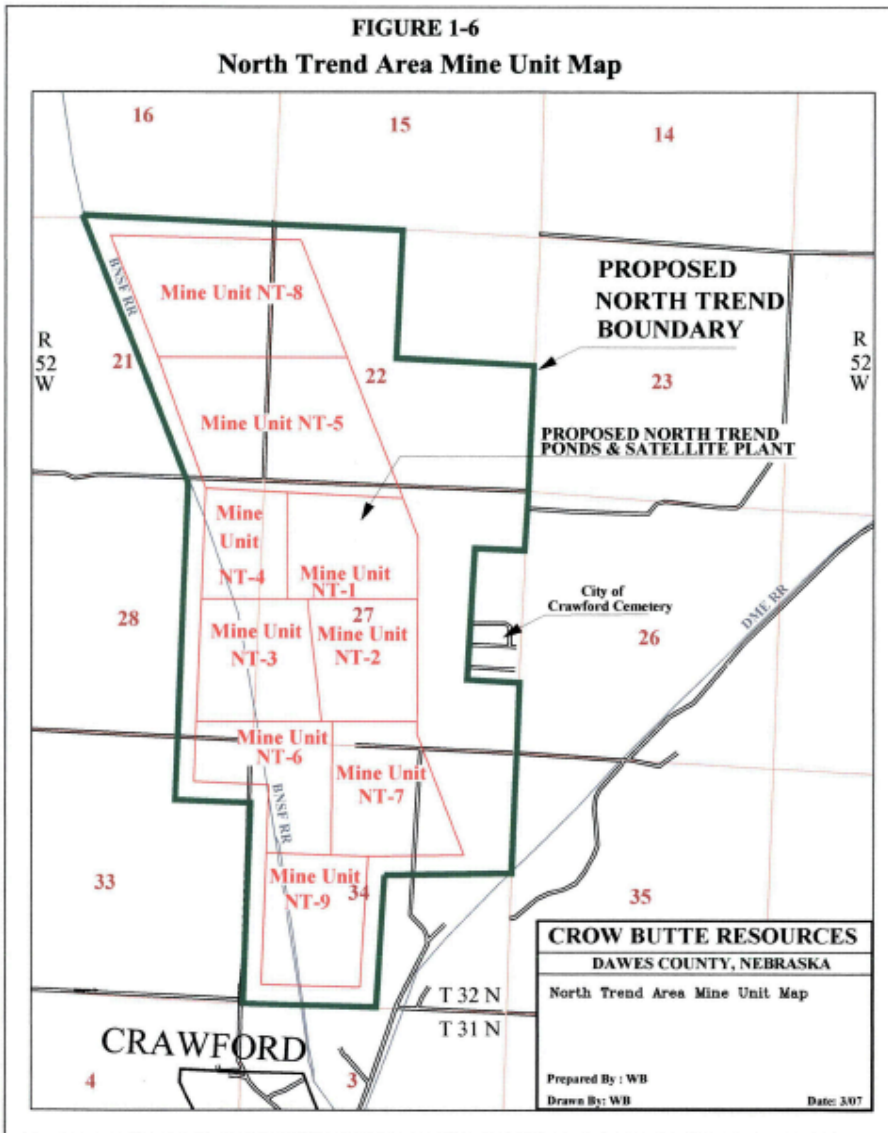
“Yellow Cake”

**“THEY HAVE CREATED SOMETHING
THAT CANNOT BE DESTROYED: NUCLEAR WASTE.”**

-WINONA LADUKE

ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
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MAP OF COMECON'S PROPOSED EXPANSION: NORTH TREND PERMIT BOUNDARIES



Will occupy 2100 acres .5 miles north of Crawford (near the cemetery and the “Treaty Tree”)

Estimates recoverable reserve at 5 million pounds of uranium oxide

Will produce 500,000 to 600,000 pounds of ‘yellow cake’ a year

Will mine uranium for at least 11 years

The uranium to be mined is at 400 to 800 feet depth

Water for the ISL mining would come from the Chadron aquifer

The water/chemical solution containing the uranium ore will be put into a tank on a truck and transported several miles over gravel roads to the Crow Butte Operations processing plant to be turned into “yellow cake”

“It’s hard to see life for the coming 7 generations with the contaminants coming from uranium.”
–Milo Yellow Hair

To see the video with this interview go to: <http://www.youtube.com/watch?v=sH3-AZKYuvA>

“Cameco doesn’t care who they hurt.”-Loretta Afraid of Bear-Cook.

“We’re trying to stop this uranium mine, everyday we use this water to pray.”-Joe American Horse

“The amount of water they are predicting they’ll use is 2.6 billion gallons each year, this water will be gone.” –Buffalo Bruce of Western Nebraska Resource Council

To see the video with these interviews go to: <http://www.youtube.com/watch?v=sMZPYheel15c>

**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
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**CAMECO, INC. PROPOSES EXPANSION OF EXISTING URANIUM MINE PERMIT AND
WE BEGIN TO CHALLENGE CAMECO'S NORTH TREND EXPANSION APPLICATION**

During 2007, Cameco, Inc. announced its decision to expand its existing uranium mine to include the development of a new ISL mine to be located north of Crawford, NE, approximately 8 miles from the existing Crow Butte Operations ISL mine based on exploratory drilling which determined deposits of uranium ore that would be profitable for the corporation.

Many environmentalists had been following the announcements by Cameco, Inc. During 2006, we began to learn about the Nuclear Regulatory Commission's process for reviewing mine applications and the permitting process by not only the NRC, but the state as well. A state government can create its own laws to regulate some of the operations of ISL mining within its state, such as the Underground Injection Control permit which allows corporations to seek aquifer exemptions, and to dump their waste water deep underground. If a state has these laws in place, the corporation will prepare and submit their UIC permit application to the state, who then takes action through public hearings and comments before it decides to grant the permit. The Environmental Protection Agency has regulations which govern what these corporations have to abide by. Nebraska does have state regulations and laws in place to govern its own UIC permitting and enforcement process.

Other aspects of the permitting process must go through the NRC. As we monitored the NRC website waiting for the Cameco, Inc. application to appear, we began to make contact with the NRC Site Manager for this part of the country who watches over Cameco, Inc. We also made contact with officials in the pertinent state governmental departments of Nebraska.

We made presentations about the proposed mines in many different venues with environmental groups, government entities, Lakota civic and cultural ngo's, families, Tiospaye, Treaty Council, and in the homes of relatives and friends, at conferences, gatherings, and on KILI Radio. We began writing articles, doing interviews, and created posters, flyers, and a number of PSA's for distribution about ISL uranium mining and its impacts.

Through this process of community awareness and education, people, groups, families, stepped up and decided to question this process, we made allies with other ngo's, attorneys, and science experts in this field. These activities resulted in collective action to challenge Cameco, Inc. in its proposed expansion of the North Trend ISL Uranium Mine.

In November, 2007, seven petitioners filed an intervention with the Nuclear Regulatory Commission to seek "standing" with the NRC. "Standing" is a term that identifies reasons why you should have a right to have a say in the permitting process, the criteria is strict and rigid, and is determined by federal regulations.

We had to list in our petitions the reasons why we were putting up this challenge. We read many times the application of Cameco, which is about 1000 pages long. We read studies. We put our list together of the parts of the application that we had a problem with. These are called "contentions". The "contentions" also have to meet definite criteria based on federal law regulations and have to be accompanied by evidence. Our legal team developed the petitions and submitted them to the NRC in November of 2007. In January 2008, there were oral arguments held in front of a three judge panel at Chadron, NE. Our attorneys presented oral arguments on our contentions. There were attorneys there representing the NRC and Cameco. Several months later, the Judges ruled in our favor, and admitted three petitioners with standing to continue in the case against Cameco's North Trend Expansion application. This is the first time in 17 years that an individual or organization filed against a uranium mining application for ISL mining in the United States.

**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
URANIUM MINING AND THE OGLALA LAKOTA PEOPLE**

PETITIONERS ADMITTED IN THE CHALLENGE TO NORTH TREND URANIUM MINE EXPANSION

In May of 2008, the NRC Judges Panel admitted three petitioners including Owe Aku, Western Nebraska Resource Council, and Debra White Plume giving the three petitioners “standing” to proceed in the process. The Judges later admitted the Oglala Sioux Tribe and the Black Hills Sioux Nation Treaty Council on Contentions A, B, and C and later admitted Contention E.

CONTENTIONS ADMITTED IN THE CHALLENGE TO NORTH TREND URANIUM MINE EXPANSION

The judges admitted 3 of 6 contentions for the hearing process. These contentions are:

Contention A. The Applicant (Cameco) does not accurately describe the environment affected by its proposed mining operations or the extent of its impact on the environment as a result of its use and potential contamination of water resources through mixing of contaminated groundwater in the mined aquifer with water in surrounding aquifers and drainage of contaminated water in the White River

Contention B. The proposed expansion will use and contaminate water resources resulting harm to public health and safety through mixing of contaminated groundwater in the mined aquifer with water in surrounding aquifers and drainage of contaminated water in the White River

Contention C: Reasonable consultation with Tribal Leaders regarding the prehistoric Indian camp located in the area surrounding CBR’s proposed North Trend Expansion Project has not occurred as required under NEPA and the National Historic Preservation Act.

Contention E: There are two parts to this argument. One is that Crow Butte failed to disclose its foreign ownership, the other is that the Atomic Energy Act and other laws prohibit the NRC from granting an ISL uranium mining license to a foreign company.

The Contention on Foreign Ownership is a very important piece of this work. In their ruling, the judges panel said that “this issue is potentially fatal” to the company’s forthcoming license renewal and it must be handled separately and before anything else.

A HEARING HAS BEEN SCHEDULED FOR THE FOREIGN OWNERSHIP ISSUE. THE DATE IS MARCH 24, 2009 AT 9AM AT THE FEDERAL COURTHOUSE IN RAPID CITY SD. THE ATOMIC LICENSING BOARD JUDGES PANEL WILL PRESIDE OVER THE CASE IN THE COURTOOM OF JUDGE KAREN SHRIER. THE HEARING IS OPEN TO THE PUBLIC.

JUDGES ADMIT NEW CONTENTION ON ARSENIC IN NORTH TREND CHALLENGE

At the time when we filed our petition, the Johns Hopkins study regarding Arsenic had not been released so we submitted briefs to include it as a Contention based on new information. The oral arguments on this issue were held in September and October of 2008 and in January of 2009 the judges ruled in our favor that our Contention on Arsenic will be admitted as part of our Contention B regarding contamination of groundwater mixing with surrounding aquifers.

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AMICUS BRIEFS FILED WITH OUR CHALLENGE TO THE NORTH TREND EXPANSION

The Oglala Sioux Tribe, the Center for Water Advocacy, and Rock the Earth submitted Amicus Briefs to the panel of judges.

AFFIDAVITS FILED WITH OUR CHALLENGE TO THE NORTH TREND EXPANSION

Individuals and ngo's submitted supporting Affidavits including Winona LaDuke, Honor the Earth (sacredness of water), Harvey White Woman of the Oglala Band of the Lakota Nation (failure to consult with the Oglala Sioux Tribe, historical preservation, Winters Doctrine), and the thirteen Indigenous Grandmothers (spiritual value and nature of water).

ATTORNEYS IN THE NORTH TREND EXPANSION

Attorneys in the North Trend Expansion case include David Frankel, Bruce Ellison, and Shane Robinson, there are additional legal team members who assist with research, writing, etc.

Expert Witnesses and Observers include Paul Robinson of the Southwest Research and Information Center. For more info please go to the website: <http://www.sric.org/>

THE SECOND CHALLENGE TO CAMECO, INC.

CAMECO FILES TO RENEW ITS EXISTING LICENSE FOR THE CROW BUTTE ISL MINE

In early 2008, Cameco filed its intent to renew its existing license for the Crow Butte Operations ISL mine. When the application appeared on the NRC website, we downloaded it and began preparing to challenge their application.

PETITIONS FILED TO CHALLENGE CROW BUTTE OPERATIONS LICENSE RENEWAL

On July 28, 2008, 13 individuals and groups filed petitions with the NRC to seek standing to challenge the application of Cameco. We again read the thousand plus page application, listed our contentions, and our attorneys filed briefs with the NRC regarding our challenge to Cameco's plan to renew their existing license which governs their ISL mine at the existing Crow Butte Operations site.

PETITIONERS GRANTED STANDING TO CHALLENGE THE CROW BUTTE OPERATIONS

In a ruling released on November 21, 2008, the Atomic Licensing Board Judges panel granted standing to 10 of the 13 petitioners who filed their petitions. The 10 individuals and organizations granted standing to proceed in the challenge process include the individuals Joe American Horse, Sr., Beatrice Long Visitor-Holy Dance, Debra White Plume, Thomas Cook, and Loretta Afraid Of Bear-Cook and the organizations Owe Aku/Bring Back the Way and the Western Nebraska Resource Council; two family groups American Horse Tiospaye, and the Afraid Of Bear/Cook Tiwahe, and the governmental entity of the Oglala Sioux Tribe, and the Black Hills Sioux Nation Treaty Council Oglala Delegation were admitted to intervene as an interested governmental body.

CONTENTIONS ADMITTED IN THE CHALLENGE TO CROW BUTTE OPERATIONS

We submitted a total of 23 Contentions in our petition to intervene in the license renewal of Crow Butte Operations. Oral arguments on the contentions raised by the petitioners were held on Sept 30 and Oct 1, 2008. Following the hearing, the attorneys and staff of Cameco, Inc., the

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attorneys and staff of the NRC, the Judges Panel, the petitioners and their attorneys toured the Pine Ridge Reservation.

On Nov 21, 2008, the ALB Judges admitted 9 of the 23 contentions including the **failure to disclose non-radiological impacts, failure to consult regarding cultural resources, failure to disclose impact on surface waters, including The White River, failure to disclose fractures and faults connecting the mined aquifer and drinking aquifers, failure to disclose that wastes are released on-site, failure to include recent research, failure to account for the value of non-degraded wetlands, and failure to disclose foreign ownership.**

AMICUS BRIEFS FILED IN THE CHALLENGE TO THE CROW BUTTE LICENSE RENEWAL

The International Indian Treaty Council submitted an Amicus Brief regarding the rights of indigenous people under international human rights law.

ATTORNEYS IN THE CHALLENGE TO THE CROW BUTTE LICENSE RENEWAL

Attorneys in the challenge to Cameco's application for license renewal include David Frankel, Bruce Ellison, Thomas Ballanco, Shane Robinson, and Elizabeth Lorina of the Gonzalez Law Firm. There are additional members of the legal team who do research, writing, etc.

CAMECO, INC. ANNOUNCES INTENTION TO BUILD TWO MORE ISL URANIUM MINES

Cameco is preparing to submit ISL mining applications to the NRC to develop two MORE uranium mines: the Three Crow (2009) south of Ft Robinson State Park and the Marsland (2011) which is near the existing Crow Butte Operations Mine, south of Crawford.

HOW DID A FOREIGN OWNED CORP. BUY A URANIUM MINE AT CRAWFORD NEBRASKA?

- 1980 Crow Butte uranium deposit discovered
- 1990 government approved production
- 1991 operations began
- 1994 Cameco, Inc. (Canadian-based) purchased Geomex Minerals Inc., one of the owners of the Crow Butte operation
- 1998 through its wholly owned US subsidiary, Cameco acquired the 58% interest of the operation held by Uranerz USA Inc.
- 2000 through its wholly owned US subsidiary, Cameco acquired the 10% interest of the operation held by Kepco Resources America, becoming the sole owner



The world's largest aquifer, the High Plains Aquifer, is estimated to be more than two million years old and to hold about 650 trillion gallons. It underlies eight states, stretching 800 miles from SD to Texas. It is threatened by contamination and depletion. Canadian-owned Cameco uses 4.7 billion gallons per year from groundwater that is now depleting at 160% of its recharge rate.

Cameco has about \$13 Billion in stock value on the Toronto and NY Stock Exchanges. Last years' gross revenue exceeded \$2 billion.

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Cameco, Inc. voted 7th worst company in the world by Censored News: Dec 31, 2008

Cameco uranium mining and Sithe Global/Navajo Nation, tied for the seventh Worst Company in the World. For more info please see <http://www.bsnorrell.blogspot.com/>

State regulators in Wyoming fined Cameco, Inc. \$1.4 million for license violations at the Smith and Highland ISL uranium mines in Wyoming. The state of Nebraska recently fined Cameco, Inc. \$100,000 for license violations at the Crow Butte Operations ISL uranium mine.

At the Sept 2008 NRC Hearing held in Chadron, NE, the NRC's regional licensing branch chief, Bill von Till, acknowledged that "restoration of the aquifer to baseline (pre-mining) is unachievable". During the hearing, Mike Griffin, an executive representing the mining corporation Uranium One, said that it isn't achievable to restore groundwater that has been used in mining back to the 30 parameters used to measure baseline standards: "If you can't show the water has been restored you have to go back to the NRC and show that the contaminated water will not travel away from the mining site."

Following what water protectors in Port Hope, Ontario say was a ten year period of Cameco dumping its toxic cocktail of uranium, arsenic and radium into Lake Ontario (the drinking water source of Port Hope residents), "after three months of Cameco denials that anything was wrong, the company has been ordered to clean up its act by the Canadian Nuclear Safety Commission" according to the Families Against Radiation Exposure organization in Port Hope. For more info: <http://www.ph-fare.com>

WHERE IS COMECCO?

Crow Butte ISL Uranium Mine in Crawford, Nebraska, USA (Ft Laramie Treaty Territory)
Smith ISL Uranium Mine in Wyoming, USA (Ft Laramie Treaty Territory)
Highland ISL Uranium Mine in Wyoming, USA (Ft Laramie Treaty Territory)
Cigar Lake ISL Uranium Mine in Saskatchewan, Canada
Rabbit Lake ISL Uranium Mine in Saskatchewan, Canada
Key Lake ISL Uranium Mine in Saskatchewan, Canada
McArthur River ISL Uranium Mine in Saskatchewan, Canada
Centennial Uranium Deposit in Canada (owned by Cameco and Areva)
Inkai ISL Uranium Mine in Kazakhstan (A country bordered by [Russia](#), [Kyrgyzstan](#), [Turkmenistan](#), [Uzbekistan](#), [China](#) and the [Caspian Sea](#).)
Kintyre Uranium Exploration in Australia
Angela Project, Alice Springs Uranium Exploration in Australia
ArnhemLand Uranium Exploration in Australia
Ashburton-Turee Creek Uranium Exploration in Australia
Paterson Uranium Exploration in Australia
Baker Lake Uranium Exploration in Canada (the Nunavut Band of Inuit Territory, it is land of caribou calving grounds. The Nunavut Band is the 1st in Canada to Incorporate its tribe.)
Port Hope, Ontario Uranium Dioxide Conversion Facility, Canada
Bruce Power (provides nuclear electricity) Ontario, Canada
Centerra Gold, Inc. Kyrgyz Kumtor Project, China
Centerra Gold, Inc. REN Gold Mine, Tuscarora Mts, Elko, Nevada (WesternShoshone Territory)
(Cameco owns 53% of Centerra, Gold, Inc. Centerra Gold calls itself: "a child of Cameco")
Kumtor Gold Mine in Kyrgyz Republic, China
Boroo Gold Mine in Mongolia
Gatsuurt Gold Mine In Mongolia

The global giant Cameco, Inc. is either mining or exploring in 9 countries with 66 active mining projects. It holds 5.9 million hectares (1 hectare = 2.471 acres) of land in Canada, Australia, USA, Mongolia, and Africa. Cameco is the world's largest uranium producer and controls the world's largest uranium deposits.

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Atomic Licensing Judges Panel in the challenge to Cameco License Renewal of Crow Butte Operations ISL Mine



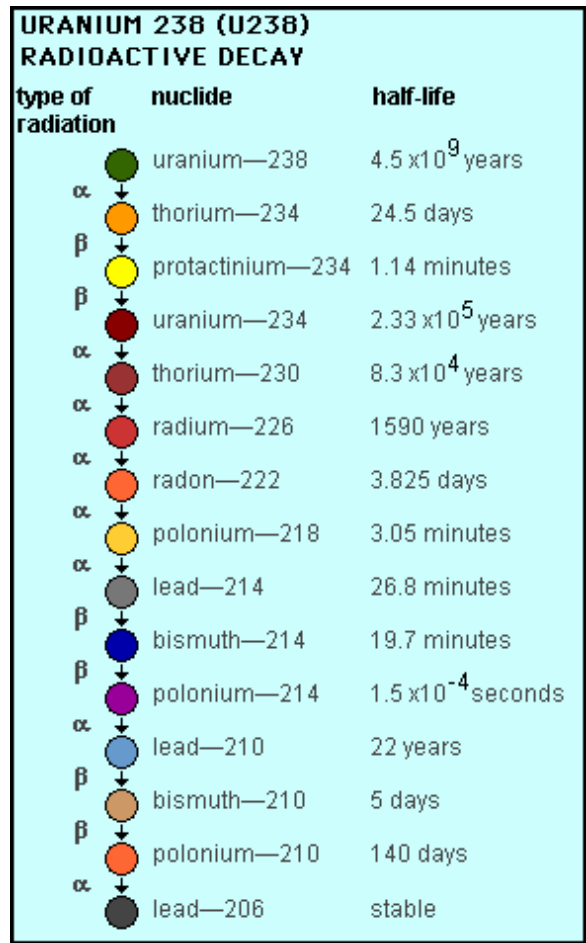
Legal Team for Petitioners: Shane Robinson, Elizabeth Lorina, Monique, and Thomas Ballanco

**HEALTH IMPACTS OF URANIUM
US AGENCY FOR TOXIC SUBSTANCES AND DISEASE
REGISTRY URANIUM FACT SHEET**

WHAT IS URANIUM? Uranium is a common naturally occurring and radioactive substance. It is a normal part of rocks, soil, air, and water, and it occurs in nature in the form of minerals. Natural uranium is a mixture of three types or isotopes called U-234 (²³⁴U), U-235 (²³⁵U), and U-238 (²³⁸U). All three are the same chemical, but have different radioactive properties.

Half-Life of Uranium: One of the radioactive properties of uranium is half-life: the time it takes for half of the isotope to give off its radiation and change into another substance. The half-lives are around 200,000 years for ²³⁴U, 700 million years for ²³⁵U, and 5 billion years for ²³⁸U.

What happens to uranium when it enters the environment? Uranium is naturally present throughout the environment. Human activities, wind, streams, and volcanoes can move the uranium around and change the levels that you are exposed to. Uranium is found in soil where it may stay for billions of years. It exists as dust in the air and the dust settles onto surface water, soil, and plants. Uranium enters water by dissolving soil, eroding soil and



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rocks, or in releases from processing plants. Larger particles settle into the bottom of lakes, rivers, and ponds and join uranium that is there naturally. Some plants may absorb uranium or may stick to the root surface.

How might I be exposed to uranium? Breathing air or drinking water in a place that has higher than background levels of uranium. Eating food grown in areas with higher than background levels of uranium. Working in factories that process uranium or with phosphate fertilizers, or living near any type of mine. Living near a coal-fired power plant.

How can uranium affect my health? All uranium mixtures (natural, depleted, and enriched) have the same chemical effect on your body. Large amounts of uranium can react with the tissues in your body and damage your kidneys. The radiation damage from exposure to high levels of natural or depleted uranium are not known to cause cancer.

How likely is uranium to cause cancer? Humans and animals exposed to high levels of uranium did not have higher cancer rates. The Committee on the Biological Effects of Ionizing Radiation (BEIR IV) reported that eating food or drinking water that has **normal** amounts of uranium will most likely not cause cancer.

Uranium can decay into other radioactive substances, such as radium, which can cause cancer if you are exposed to enough of them for a long enough period of time.

How does uranium affect children? If children were exposed to very large amounts of uranium, it is possible that they might have kidney damage like that seen in adults. We do not know whether children differ from adults in susceptibility to health effects of uranium exposure.

It is not known if exposure to uranium can affect the developing human fetus. In laboratory animals, high doses of uranium in drinking water resulted in birth defects and an increase in fetal deaths. Measurements of uranium have not been made in pregnant women, so we do not know if uranium can cross the placenta and enter the fetus. In an experiment with pregnant animals, only a small amount of the injected uranium reached the fetus.

Has the US federal government made recommendations to protect human health?

The EPA requires that spills or accidental releases of uranium waste into the environment containing 0.1 curies or more of radioactivity must be reported to the EPA. The EPA is currently working to develop an appropriate drinking water limit for uranium based on a broad range of human and animal health studies.

References: Agency for Toxic Substances and Disease Registry (ATSDR). 1999. [Toxicological Profile for uranium](#). Atlanta, GA: U.S. Dept of Health and Human Services, Public Health Service.

For info contact: Agency for Toxic Substances and Disease Registry, Div of Toxicology, 1600 Clifton Rd, NE, Mailstop F-32, Atlanta, GA 30333 Ph: 1-888-422-8737 FAX: (770)-488-4178 Email: ATSDRIC@cdc.gov

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“In the days of my Grandfather’s Grandfather, this was the land of our people. We had 10,000 campfires. Today, we go to Crow Butte for Hanbleciya, that is, we did until Cameco put their uranium mine at the base of Crow Butte.” -Joe American Horse at the January, 2008 Hearing in Chadron NE regarding the land where the Cameco Crow Butte ISL Uranium Mine is located near Crawford, NE. He is one of the Petitioners challenging Cameco’s license renewal for the Crow Butte ISL mine.

Joe American Horse, member of the Oglala Sioux Tribe on the Pine Ridge, is currently a Justice on the Oglala Sioux Tribe’s Supreme Court. He is former Tribal President and is the Naca (Decision Maker) of his American Horse Tiospaye in the Slim Butte Area, living near and relying on the White River.

ENVIRONMENTAL PROTECTION AGENCY ON DRINKING WATER STANDARDS

Most drinking water sources have very low levels of radioactive contaminants ("radionuclides"), most of which are naturally occurring, although contamination of drinking water sources from human-made nuclear materials can also occur. Most radioactive contaminants are at levels that are low enough to not be considered a public health concern. At higher levels, long-term exposure to radionuclides in drinking water may cause cancer. In addition, exposure to uranium in drinking water may cause toxic effects to the kidney. To protect public health, EPA has established drinking water standards for radioactive contaminants combined radium 226/228 (5 pCi/L); beta emitters (4 mrems); gross alpha standard (15 pCi/L); and uranium (30 µg/L).

What radionuclides are regulated in drinking water and what are their health effects?

Contaminant	MCL (year promulgated)	Source	Health Effect
Combined radium-226/-228	5 pCi/L (1976)	Naturally occurs in some drinking water sources.	Some people who drink water containing radium –226 or -228 in excess of the MCL over many years may have an increased risk of getting cancer.
(Adjusted) Gross Alpha	15 pCi/L (not including radon or uranium) (1976)	Naturally occurs in some drinking water sources.	Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Beta Particle and Photon Radioactivity	4 mrem/year (look-up table) (1976)	May occur due to contamination from facilities using or producing radioactive materials.	Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Uranium	30 µg/L (2000)	Naturally occurs in some drinking water sources.	Exposure to uranium in drinking water may result in toxic effects to the kidney. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Environmental Protection Agency website: www.epa.gov

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Christina Voorman

DRINKING WATER TESTS CONDUCTED ON THE PINE RIDGE RESERVATION IN 2008 AND 2009

Water samples were taken from 10 homes on the Pine Ridge in various communities. In 6 out of the 10 homes tested, the results showed MCL's (Maximum Contaminant Level) for gross alpha emitters (radionuclides) that exceeded legal limits. When drinking water test results reveal contaminants higher than the MCL, that drinking water is considered by the EPA to be unfit for human consumption. Two test results showed illegal MCL for arsenic.

“The reason why I started the water tests on Pine Ridge was a health concern. I know about the huge health problems and did a lot of research of these extreme rates of cancer, diabetes, and kidney failure. Contaminated drinking water is a big threat to little children, that is why in Germany the MCL for uranium is different for adults (15pC/L) than children (02pC/L). Six of our 10 samples are definitely a health risk for alpha emitters. The water result from one home for gross alpha was 42pC/L. That is much too high for drinking water.” Homes included in the test sampling were in the locations of Porcupine, Manderson, Potato Creek, and Sharps Corner. Water sources included the Rural Water Pipeline and wells into the Arikaree Aquifer.

WATER SAMPLES TESTED IN 2009

Four homes participated in the water testing done in early 2009. Two of these homes were on the Pine Ridge, and two were in Crawford, Nebraska. The test results for all four homes showed illegal MCL's for alpha emitters, uranium, uranium activity and arsenic.

The drinking water from four additional homes were tested in the fall of 2008, with the test results returning in early 2009. Two of the four homes test results came back with illegal MCL's for radionuclides. More testing needs to be done. In all three rounds of this independent water sampling, although some of the test results showed clean drinking water, illegal MCL's for contaminants were found.

The laboratory utilized in the testing was the same lab used by the Cameco uranium mine and the Oglala Sioux Tribe Rural Water Program as tests can be done only by lab's certified to test radioactive substance such as uranium.

The tribal members on Pine Ridge and the citizens of Crawford have all been made aware of the test results and want to participate in further testing. It costs about \$1600 to complete four tests in the required time period to be acceptable under standards established by the EPA. The drinking water tested on Pine Ridge comes from the Arikaree Aquifer and the White River Alluvium. The testing was conducted by Aligning for Responsible Mining (ARM).



Debra White Plume

ARSENIC

THE UNITED STATES EPA OFFICE OF DRINKING WATER HAS SET A MAXIMUM CONTAMINANT LEVEL (MCL) FOR ARSENIC IN DRINKING WATER OF 10 PPB. THE WORLD HEALTH ORGANIZATION RECOMMENDS A PROVISIONAL DRINKING WATER GUIDELINE OF 10 PPB. A RECENT ARSENIC REPORT OF THE INDIAN HEALTH SERVICE STATES THERE ARE MORE THAN 120 WELLS ON PINE RIDGE WITH MCL'S OF ARSENIC HIGHER THAN THAT ALLOWED BY LAW, MOST OF THE HOMES NOW RECEIVE RURAL WATER PIPELINE WATER OR THE RESIDENTS HAVE MOVED AWAY OR DIED. THE INDIAN HEALTH SERVICE PROVIDED FILTERS FOR THE HOMES STILL OCCUPIED.

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AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

Arsenic and Its' Impacts on Health: Because it targets a number of metabolic processes, arsenic affects nearly all organ systems of the body.

Cancer: Arsenic is known to cause cancer in humans. Ingested inorganic arsenic is strongly associated with lung and skin cancers and may cause other cancers of the bladder, kidneys, and liver. Skin cancer associated with eating or drinking of inorganic arsenic may take more than 1 year to develop; noncarcinogenic skin effects typically develop weeks or months after exposure. Skin cancer associated with eating or drinking arsenic may take 30 to 40 years to develop.

Cardiovascular: Acute arsenic poisoning may cause internal bleeding and inflammation of the heart resulting in shock. Long-term ingestion of arsenic in drinking water has resulted in pronounced changes in blood vessels outside the heart and brain.

Gastrointestinal: Seen primarily after acute and short-term arsenic ingestion.

Kidneys: Acute poisoning may cause renal failure.

Liver: Eating or drinking of inorganic arsenic may kill liver cells and elevate levels of liver enzymes.

Neurological: Arsenic-exposure can destroy a person's nerve cells, leading to nervous system disorders

Reproductive: Increased frequency of spontaneous abortions and congenital malformations has been linked to arsenic exposure.

Respiratory: Inhaling high concentrations of arsenic compounds irritates the lining of the nose, throat, and lungs.

Hematologic: Bone marrow depression may result from arsenic poisoning and may first appear as a shortage of all types of blood cells. Note: Unlike other forms of arsenic, arsine gas causes a hemolytic syndrome (destruction of red blood cells.)

Skin: Pigment changes and thickening of the skin on hands and feet are characteristic of long term arsenic exposure. Noncarcinogenic skin effects typically develop several years after exposure. Skin thickening caused by arsenic may later become malignant.

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Bruce Ellison, Attorney



David Frankel, Attorney and
Legal Director of ARM

LEGISLATIVE HEARINGS ON URANIUM

by Tom Cook



Yesterday morning, August 21, 2007, a full-attendance session of Nebraska's legislative Natural Resources Committee held a public hearing at Chadron State College. The hearings were held per Legislative Resolution 105 calling for an 'Interim Study to examine uranium mining with respect to water consumption in, expansion in, and contracts with the State of Nebraska.' Nine committee members attended, plus staff & attorneys; eight or ten Cameco Corp. officials along with their attorney; and Debra White Plume, of Owe Aku, and I.

Chairman Leroy Loudin of District 49 (including the Nebraska Panhandle) set the Cameco Inc. power-point presentation for the end of the session and invited 'any others' to present first.

Debra White Plume testified against Cameco and the entire industry, following the contents of her 'water book', of which she gave a copy to the clerk. Her clear language was met with attentiveness. Senators had questions about the many water studies she referred to as having been done on Pine Ridge, the 98 polluted water wells, and geological questions involving Thorium 280 and other 'background, possibly naturally-occurring' radiation. Debra reaffirmed at all times her belief that the entire industry 'is not safe and should not expand.'

I addressed the committee urging no expansion of the currently-licensed Crawford mining by Cameco because of water flow, per White Plume's note that the headwaters for Lakota water begins in Crawford. I said in my 32 years of experience along the White River, the river dried up only 2, 3 times as it is now. I inspected the Whitney Irrigation Project dam and found that it is equally low, looking like a mud puddle, and questioned a correlation between Cameco's 9,000 gallon-per-minute license for water usage and the very disappearance of water downstream.

I objected to the settling ponds at the Crow Butte mines, questioning why a foreign entity (a Canadian company) is releasing radioactive material on US soil to make a profit in violation of environmental international law, and asked if such a site could be termed a 'dirty bomb.'

I read the 'International Precautionary Principle' adopted at the 1992 Earth Summit for all mining activities, and urged the committee to acknowledge, adopt, and apply the same to all mining activities in Nebraska. "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context, the proponent of an activity, rather than

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the public, should bear the burden of proof. The process of applying the Precautionary Principle must be open, informed and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action."

I stated that the Chadron Native American Center, High Plains Community Development Corporation, the Nebraska Indian Commission, and the Oglala Sioux Tribe all have vital interests to the same water flow, and would be interested in the stated precautionary principle, as potentially-affected-parties.

Cameco's-Presentation

The site manager, safety superintendent, radiation safety officer, geologist, and other officials of Crow Butte Resources, Inc. in Crawford then presented a one-hour power point layout of their company & industry. Cameco, CCJ on the NYSE, is the dominant nuclear energy supplier in the world and is the largest producer of uranium in the US. Cameco's regional office is in Denver, and headquarters in Saskatoon, Canada. Their 2,600-acre ISR (In Situ Recovery) mine at Crow Butte has only two full-producing production mines, with an additional four or six in development. They expect their present consumptive water flow of 4,400 gpm to increase to 9,000 gpm by fall. In 1991, the year they began, Cameco 'recovered' 105 pounds of uranium. By 2006 the amount had increased to 800,000 lbs. The contract price for 2007 is \$37 per pound, whereas the 'spot' price for same is now at \$130. per pound. The company employs 58 people and 19 full-time contractors. They have a \$3.4 million payroll and \$6.8 million in payments to businesses.

Two new mining areas have been applied for, one in the high country north of Crawford 'where the ore tends to.' This is in anticipation of needs attending 20 new nuclear power plants applied for by 2020. Leaks, accidents, and mistakes (enumerated extensively by White Plume earlier) were over viewed, from pin holes in containment ponds leaking 10 gal per week to a broken pipe seam that spilled 3,000 gallons of radioactive water. Soil from the contamination of two thousand gallons was removed to 'Pathfinder' low-level radioactive waste dump in Wyoming, and the remaining ground containing 1,000 gallons of the stuff has been cordoned off as-a-'sacrifice-area.'

'We control everything that we do,' was the power-point message. The legislators toured Cameco's operations in the afternoon, but Debra and I did not accompany them.



Attorneys for Cameco, Inc. of Winston & Strawn, one of the world's largest law firms.



Attorneys for the Nuclear Regulatory Commission (Two attorneys from earlier hearings have been replaced by these attorneys).

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WHO IS THAT URANIUM MINER IN THE HEART OF EVERYTHING THAT IS? (BLACK HILLS)

WHAT IS POWERTECH, INC.? AND WHY ARE THEY IN THE HE SAPA?

Powertech, Inc. is a recently formed foreign-owned uranium exploration corporation from Vancouver, British Columbia, Canada with an office in Denver, CO and Edgemont, SD. Powertech has ISL mining plans for Wyoming, and currently is engaged in the permitting process for ISL uranium mines in South Dakota and Colorado.

Powertech intends to submit permit applications for uranium mining at its 7,000 acre Indian Springs ISL mine and 5 sections of land at its open-pit Centennial Projects in Colorado. (see www.nunnglow.com and www.powertechexposed.com).

Even closer to home for the Oglala Lakota in South Dakota, Powertech (PT) has completed exploratory drilling in the Dewey-Burdock uranium mine permit areas, which straddles Fall River and Custer counties 12 miles west of Edgemont. PT utilized several thousand drill holes made by the Tennessee Valley Authority (TVA) 20-30 years ago when TVA explored and mined the area. From 1951 to 1964, TVA produced 1,500,025 pounds of yellow cake from this uranium deposit. TVA sold their claims when the Three Mile Island Nuclear Power Plant approached a melt-down, and the horror of Chernobyl happened. Powertech, Inc. USA acquired the property in the Edgemont area in 2005.

“In April 1986, Chernobyl' was an obscure city on the Pripiat' River in north-central Ukraine. Almost incidentally, its name was attached to the V.I. Lenin Nuclear Power Plant located about twenty-five kilometers upstream. On April 26, the city's anonymity vanished forever when, during a test at 1:21 A.M., the No. 4 reactor exploded and released thirty to forty times the radioactivity of the atomic bombs dropped on Hiroshima and Nagasaki. The world first learned of history's worst nuclear accident from Sweden, where abnormal radiation levels were registered at one of its nuclear facilities. Ranking as one of the greatest industrial accidents of all time, the Chernobyl' disaster and its impact on the course of Soviet events can scarcely be exaggerated.” from: <http://www.loc.gov/exhibits/archives/cher.html>

PT submitted a “Notice of Intent to Operate” an ISL uranium mine and a “Request for Determination of Special, Exceptional, Critical, or Unique Lands” to the SD Dept of Natural Resources (SDDNR) for their mine permit area. This step in the process of preparing to ISL uranium mine is done in order to determine whether the lands are eligible for inclusion on the preliminary list of Special, Exceptional, Critical, or Unique Lands and it begins the process for individuals or organizations to file a petition to nominate such lands for inclusion on such list. Petitions to intervene in the process were submitted to the SDDNR to oppose Powertech.

THE BATTLE TO PROTECT HE SAPA

Nominating petitions for land designation were filed by the Oglala Sioux Tribe, Debra White Plume, Defenders of the Black Hills, and Charmaine White Face. A hearing was held in Pierre, SD on Feb. 19, 2009. During the “Public Comment Period”, written comments were submitted by the Rosebud Sioux Tribe, Liliias Jones, PhD., Sylvia Lambert, Elaine Big Eagle, and Susan Hart Gronwall in support of the land and nominating petitioners. Their comments included the ancient and spiritual relationship of the Lakota and other Tribes to the area, the importance of protecting the habitat of the bald eagle, and specific concerns about the groundwater and impacts of ISL mining to the permit area as well as throughout the region. The

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Archeology Laboratory, Augustana College, Sioux Falls, SD conducted a Cultural Resources Evaluation of the area, finding 217 sites including several that were recommended for further evaluation for eligibility on the National Register of Historic Places prior to mining activity occurring. Prehistoric sites, many carbon dated to 4,000 years ago, included 200 hearths, stone circles, artifact scatters, living site, cairns, burial sites, rock shelters dating from Paleoindian-Early Archaic, Middle Archaic, Late Archaic-Woodland eras. The state archeologist recommended to the SD DNR Judge that more evaluation be conducted, but he was ignored. (to see these documents go to <http://denr.sd.gov/>)

The sacredness of water and of the He Sapa as the Heart Of Everything That Is, Ft Laramie Treaty Rights, the system of the He Sapa as an entire connected ecological system, the cultural and historical aspect of the He Sapa as an intact cultural resources system, and failure to consult tribal experts were included on the White Plume petition and the petition of the Oglala Sioux Tribe; the presence of a bald eagle nest, the area serving as an aquifer recharge area, and the archeological report, and other aquifer issues were included in the Defenders of the Black Hills petition and that of Charmaine White Faces' petition. However, in spite of this evidence, testimony and comments, the SDDNR judge ruled in favor of Powertech, granting the clearance to mine on this land. Bruce Ellison, attorney for White Plume, filed a motion for continuance and to have a hearing near the mine permit area, such as Hot Springs, and for the hearing to include a site visit to the mine area, but the motion was denied. However, the judge did state that there will be another hearing, witnesses, and a site visit, referring to the mine permit Powertech must file with the SD DNR and the NRC. The Board of Minerals and Environment is comprised of 9 members appointed by the Governor to serve 4-year terms. Incidentally, the Governor of SD (Gov Rounds) has a sister who has a husband who has a job working for Powertech!

WHAT HAPPENS NEXT?

Powertech, Inc. submitted their Underground Injection Control permit application to the EPA in March of 2009, to seek aquifer exemption in the mine permit area. This exemption is necessary for Powertech to do ISL mining and to utilize deep disposal wells to permanently store waste water underground. There is a time period when folks and organizations can submit comments to the EPA regarding Powertech's UIC application. For more info see: <http://www.epa.gov/region08/water/uic/>

Powertech has also submitted their ISL uranium mining application to the NRC to mine uranium out of the aquifers in the He Sapa. There is a 60 day time period to file an intervention with the NRC to seek standing once the document is published either at the NRC website or in the Federal Register.

An official with the NRC has notified Owe Aku that Powertech's application release date to the public is March 16, 2009. For more info go to: www.nrc.gov

Water Pollution A Major Concern In SD If Powertech Given ISL Mining Permit

Jan 2, 2009

Rapid City, SD - Environmental and conservation groups, including the *Sierra Club* of SD, warn that water pollution will be a major concern if the Canadian-based mining company Powertech is given a state permit to mine for uranium near Edgemont. Shirley Frederick, with the *Sierra Club's* Black Hills Group, says there's a high likelihood that aquifers will become polluted if an injection-well recovery system is used to mine the ore. "Powertech is going to do ISL uranium mining. They inject a solution into an aquifer, dissolve the uranium in the aquifer; then remove the solution, extract the uranium, reinject the solution, and that becomes a closed loop. It's a huge potential for contamination of the aquifer." *David Law, Public News Service – SD*

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MAP OF POWERTECH'S URANIUM MINE PERMIT BOUNDARIES

RSI-1764-08-007

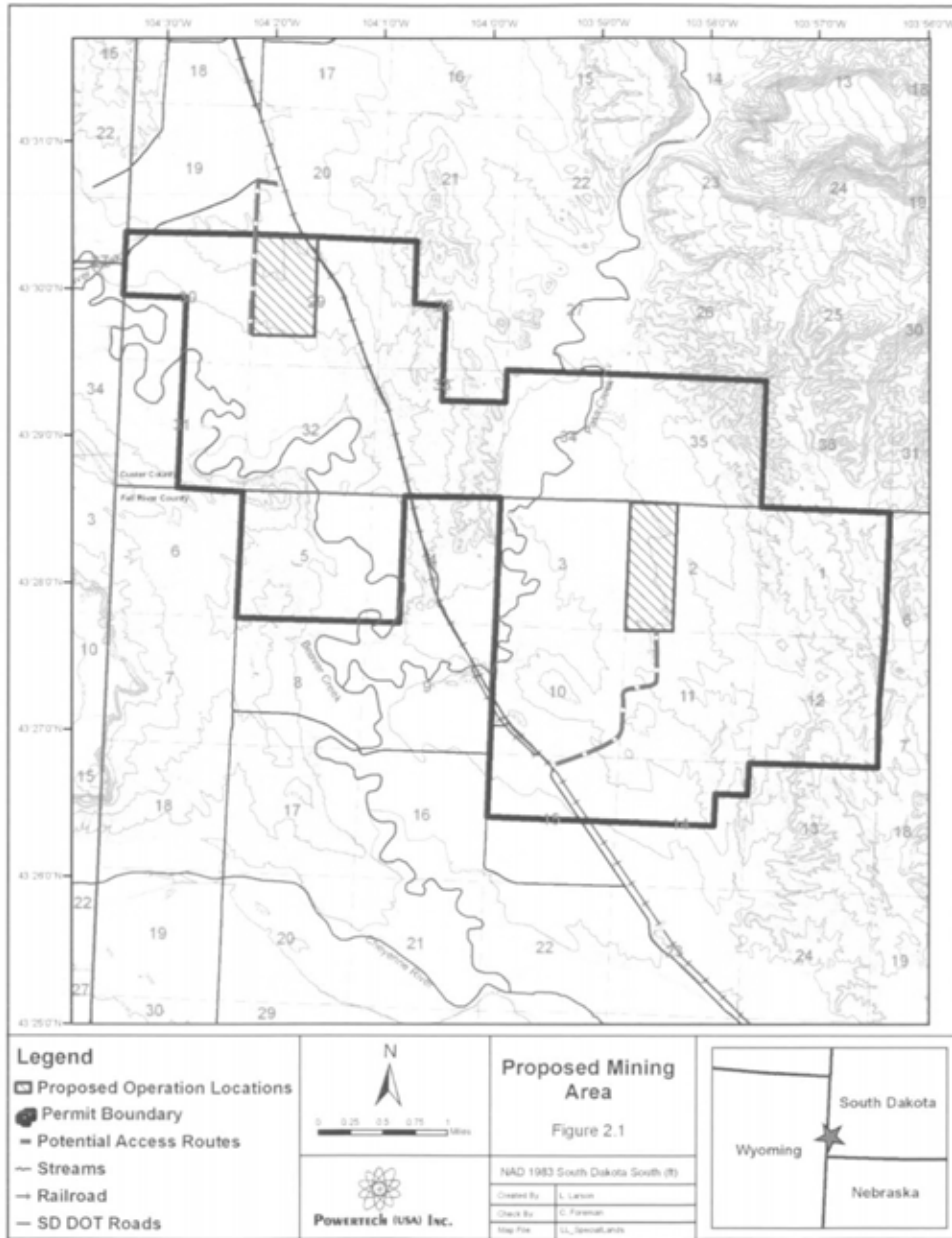


Figure 2-1. Proposed Mining Area With Proposed Facility Locations and Potential Access Routes to Those Facilities.

Powertech:

Plans to begin uranium extraction in 2011 and operate for 15 years

Permit area is 10,580 acres

Will mine to a depth of 400-800 feet

Will use 4000 gallons of water per minute

Will use evap ponds, deep disposal well, and land application to get rid of radioactive water

Will extract 1 million pounds uranium per year

Will have 4000-8000 wells in the ground

Includes surface water of Pass Creek and Beaver Creek

Thirty-eight people live within a 6 mile radius of the mine. The processing plant will be located in the Burdock area. Once this area is mined out, Powertech plans to utilize the area as a processing site for “yellow-cake” extracted from its mines in Wyoming and Colorado, with time period included in its EPA application. The Burlington Northern Sante Fe Railroad runs through the center of the mine area. PT really has a small asset base if you exclude the highly speculative Value of uranium leases it pegs at \$33 mm to buttress its balance sheet-it really does not have the cash to do actual mining or even post a real surety bond.

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"Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" Memorandum from President Clinton: -Feb 11, 1994:

Today I have issued an Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. That order is designed to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice. That order is also intended to promote nondiscrimination in Federal programs substantially affecting human health and the environment, and to provide minority communities and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment. The purpose of this separate memorandum is to underscore certain provisions of existing law that can help ensure that all communities and persons across this Nation live in a safe and healthful environment. Environmental and civil rights statutes provide many opportunities to address environmental hazards in minority communities and low income communities. Application of these existing statutory provisions is an important part of this Administration's efforts to prevent those minority communities and low income communities from being subject to disproportionately high and adverse environmental effects.

I am therefore today directing that all department and agency heads take appropriate and necessary steps to ensure that the following specific directives are implemented immediately: In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by the National Environmental Policy Act of 1969 (NEPA), 42 V.S.C. section 4321 et seq. Mitigation measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental effects of proposed Federal actions on minority communities and low-income communities. Each Federal agency shall provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.

The EPA, when reviewing environmental effects of proposed action of other Federal agencies under section 309 of the Clean Air Act, 42 V.S.C. section 7609, shall ensure that the involved agency has fully analyzed environmental effects on minority communities and low-income communities, including human health, social, and economic effects. Each Federal agency shall ensure that the public, including minority communities and low-income communities, has adequate access to public information relating to human health or environmental planning, regulations, and enforcement when required under the Freedom of Information Act, 5 V.S.C. section 552, the Sunshine Act, 5 V.S.C. section 552b, and the Emergency Planning and Community Right-to- Know Act, 42 V.S.C. section 11044.

http://www.epa.gov/fedfac/documents/executive_order_12898.htm

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“THE 1851 AND 1868 FT LARAMIE TREATIES ARE THE LAW. WE ARE FOREVER OPPOSED TO URANIUM MINING IN OUR TREATY LANDS.” CHIEF OLIVER RED CLOUD OF THE OGLALA BAND, LAKOTA NATION & ITANCAN OF THE BLACK HILLS SIOUX NATION TREATY COUNCIL



**BLACK HILLS SIOUX NATION TREATY COUNCIL
RESOLUTION REGARDING Uranium Mining and Sacred Water
WITHIN 1851 & 1868 FT. LARAMIE TREATY TERRITORIES**

Oct 14, 2007

The 1851 & 1868 Ft. Laramie Treaties are the Supreme Law of the Land, entered into by our ancestors and their Allies to protect our freedom and sovereignty, our land, air, water, all of natural creation as well as our people and our future generations.

It is the responsibility of the Black Hills Sioux Nation Treaty Council to actively protect and preserve Treaty Territory and the integrity of our relationship to these Territories and to the 1851 & 1868 Ft. Laramie Treaties.

The BHSNTC: believes it is necessary to actively protect and preserve the environment of the 1851 & 1868 Ft. Laramie Treaty Territory and the health of the tribal membership and all living natural creation, including the groundwater source of drinking water; stands forever opposed to Uranium mining within the boundaries of the 1851 & 1868 Ft. Laramie Treaties and declares this Territory to be a Nuclear Free Zone and requires all BHSNTC member delegates' Indian Reorganization Act Tribal Governments to enact Tribal Legislation and Laws to support this Resolution and to develop and fund endeavors which will protect this Territory, Treaty Rights, and our environment, people, and coming generations; forever opposes, within the boundaries of the 1851 & 1868 Ft. Laramie Treaties, the ISL/R Mining of Uranium, as it poses significant environmental and health risks and involves injecting substances into the aquifer as part of the extraction process; and requires all of its member delegates to work together to oppose ISL/R Mining including the Cameco, Inc. Uranium Mine and its North Trend expansion, the Powertech, Inc. Uranium Mine, and any Uranium mining projects that may arise in order to protect our respective landholdings and the sacred Black Hills.

Any future exploration, drilling, testing, and mining must be thoroughly scrutinized and investigated by the BHSNTC prior to any such entity gaining through any IRA Governments approval in our Territory: residence within our boundaries; hiring of any tribal member; development of any draft contracts and/or agreements, pilot projects, fundraising endeavors, or any such action which may in any manner or method impact the environment, natural creation, people within our boundaries.

RESPECT THE SANCTITY OF WATER: A GLOBAL VIEW ON WATER by Kent Lebsock, International Justice and Human Rights Office, NYC

Greetings from New York City, an urban island surrounded by three rivers and a harbor, which is only relevant in so much as this is a short piece on water from a place far-far-away. Although I am now a contented resident of NYC, I have lived in the desert. I didn't like it much. Unquestionably, it is beautiful and powerful, but it never rained. There was never moisture in the air. Living in a stark land of infrequent rain and air so dry it peeled your skin, I learned to never take advantage of water and to respect its sanctity, purity, cleansing and healing properties. Of course, Indigenous elders have known this forever. The way we are



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taught to live our lives and our relationship with the earth, air, sky, and animate beings have always made the paramount sanctity of water an ever-present aspect of Indigenous cultures. Whether in the frozen ice and snow of the North, the wet and sopping jungles of the South or the vast deserts and arid plains that stretch around the Earth, our peoples have always understood the binding, unifying, life-giving, force of water. Like everything else in our territories, we are the guardians of water and are charged with conveying that responsibility.

COMMUNICATION IN INTERNATIONAL FORUMS: INTERNATIONAL DECADE FOR ACTION “WATER IS LIFE” One way Indigenous peoples have assumed that responsibility is by communicating to international forums like the United Nations that there can be no separation between human rights and what others refer to as conservation, sustainable development and ecological preservation. Joining with Indigenous peoples, there now exists an expanding network of organizations, grassroots movements and even nations who are confronting the "developed" world's assault on water and water resources. In recognition of this struggle, the UN declared the decade 2005-2015 to be an "International Decade for Action–Water for Life."

Admittedly, the UN and its 'theme' decades are often very ineffective. However, they do serve a purpose, especially outside of the US, which ignores most international law and standards. International decades can focus attention on specific issues, provide much needed information in places it is often difficult to reach, and begin the dialogue on resolution of the life-threatening challenges humanity is creating. With respect to Water for Life, many nations with far fewer resources than the US, along with UN agencies [for example the Commission on Sustainable Development (CSD), UN Development Program (UNDP), and UN's Educational, Scientific and Cultural Organization (UNESCO) are developing projects designed to address issues relative to the diversity of problems growing from humanity's failure to treat water as sacred. These issues range from sanitation to protection of coral reefs to relocation of island nations' populations whose homelands are being literally buried under water as global warming causes sea levels to rise (Manhattan may be one of those islands one day if the course of warming is not reversed). Most importantly, the Decade is attempting to encourage international cooperation and understanding to protect the most important aspect of life: water.

THE NEED FOR INTERNATIONAL COOPERATION ON WATER

Here are a few facts the UN has provided on why international cooperation on water is a significant need in the 21st century:

- Nearly half of the land on earth contains river basins that transverse national boundaries;
- Almost half of the world's population lives within internationally shared river basins;
- Although less is known about underground aquifers, at least 274 underground water sources cross international borders and 15% of the Earth has water beneath its surface;
- Treaties and treaty making are a critical aspect of protecting the sanctity of water. The UN has identified at least 3,600 treaties relating to water beginning as far back as 805 A.D. (don't let anyone say Lakota treaties are "outdated"). In the last century alone, more than 200 water-related treaties have been signed;
- Although there are hundreds of treaties, international law on water (like international law on most things) is evolving and somewhat vague. There is a convention (multi-national treaty) which simply provides "*States must utilize their international watercourses in an equitable and reasonable way and without causing significant harm to their neighbors.*" Seems obvious enough. Nonetheless, only 16 nations have ratified the Convention since the UN passed it in 1997, thereby removing it so far from the realm of effective international law; and
- The same Convention did not address aquifers, an increasingly critical component of water resources equally in need of protection from unrelenting abuse. To address this problem, an additional 19 articles have been added to the Convention in order to fill the gap. Again though, since the

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Convention has not been ratified by the requisite number of nations (35), it is not binding international law.

THREATS HUMAN BEINGS POSE TO SURVIVAL: FAILURE TO RESPECT WATER

Here are some facts indicating the threat human beings are posing to our own survival because of our failure to respect the natural world's most sacred gift.

- There are 1.1 billion people, 18% of the world's population, who lack access to safe drinking water. About 2.6 billion people, 42% of the total, lack access to basic sanitation;
- Only 1% of the total water resources on earth is available for human use. While 70% of the world's surface is covered by water, 97.5% of that is salt water. Of the remaining 2.5% that is freshwater, almost 68.7% is frozen in ice caps and glaciers;
- 70% of all available freshwater is used for agricultural irrigation. Yet because of inefficient irrigation systems, 60% of this water is lost to evaporation or is returned to rivers and groundwater aquifers before it has the opportunity to provide sustenance to agriculture;
- About 90% of sewage and 70% of industrial wastes in developing countries are discharged into water courses without treatment, often polluting the usable water supply;
- At any time, half of the world's hospital beds are occupied by patients suffering from water-borne diseases;
- Freshwater ecosystems have been severely degraded: it is estimated that about half the world's wetlands have been lost, and more than 20% of the world's 10,000 known freshwater species have become extinct, threatened or endangered
- Water use increased six-fold during the 20th Century, more than twice the rate of population growth.
- While water consumption in industrialized countries runs as high as 380 litres/capita/day in the US and 129 litres/capita/day in Germany, in developing countries 20-30 litres/capita/day are considered enough to meet basic human needs. (In other words, the US uses at least 20 times more water per person than the vast majority of the world.);
- In parts of the US, China and India, groundwater is being consumed faster than it is being replenished, and groundwater tables are steadily falling. Some rivers, such as the Colorado River western US and the Yellow River in China, often run dry before they reach the sea;

KNOWLEDGE WITHOUT ACTION IS USELESS

Of course, facts and figures can help to identify the problem and, hopefully, demonstrate its urgency but in the end, knowledge without action is fairly useless. In the Lakota home land, the threat to water, water resources, and the aquifer has long been recognized. Not content to simply recognize the existence of the problem, Owe Aku, along with many other grass-roots organizations, is fighting to stop further contamination of this powerful, life-supporting Lakota resource. From the Missouri River to the Ogllala Aquifer, from the Platte to the Powder, Lakota water sources are being threatened with depletion, extinction and contamination. Damns, mining, exploration, ranching, farming and even supplying fresh water via the Ogllala Aquifer to the drought-starved, over-populated cities of the Southwest are all present-day weapons of greed. Water in our country is under attack by Euro-American corporations STILL profiting from the territory we are obligated to protect.

Now, with the world-wide energy crisis and the economic downturn, the settler-nations colonizing Indigenous lands are reinvigorating their resource pilfering. Not content to simply take the water, their objective is to also ensure that it is returned to the Earth with radioactive contamination that can bring destruction for centuries to come. For this reason, Owe Aku applauds the efforts the United Nations is undertaking to protect sacred mni. We hope to join with like-minded allies from around the world and offer that our ancient ways and wisdom, carried by our elders and leaders, can be a valuable resource in developing adequate programs and strategies. At Owe Aku, we are working to "bring back

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the way" so that this precious resource is not taken from the generations to come and so that we may stand proudly as their ancestors who chose to act in defending the sanctity of the Natural World.

Hecetu. Wopila.

United Nations internet links on the Water Decade: <http://www.un.org/waterforlifedecade/index.html>
www.un.org/waterforlifedecade/pdf/sg_report.pdf www.unwater.org/worldwaterday/flashindex.html

UN General Assembly adopts the Declaration in September 2007

With an overwhelming majority of 143 votes in favour, only 4 negative votes cast (Canada, Australia, New Zealand, United States) and 11 abstentions, the United Nations General Assembly (GA) adopted the Declaration on the Rights of Indigenous Peoples on September 13, 2007. The Declaration has been negotiated through more than 20 years between nation-states and Indigenous Peoples. Les Malezer, Chair of the International Indigenous Peoples' Caucus, welcomed the adoption of the Declaration in a statement to the General Assembly:

"The Declaration does not represent solely the viewpoint of the United Nations, nor does it represent solely the viewpoint of the Indigenous Peoples. It is a Declaration which combines our views and interests and which sets the framework for the future. It is a tool for peace and justice, based upon mutual recognition and mutual respect."

**TO LEARN MORE ABOUT THE DECLARATION ON THE RIGHTS OF THE INDIGENOUS PEOPLE
GO TO THE WEBSITE: [HTTP://WWW.IWGIA.ORG/SW248.ASP](http://www.iwgia.org/sw248.asp)**

WHAT IS ENVIRONMENTAL JUSTICE?

TO NATIVE PEOPLES, ENVIRONMENTAL JUSTICE GOES BEYOND THE ISSUE OF DISPROPORTIONATE TOXIC, NUCLEAR CONTAMINATION & HEALTH EXPOSURE OF OUR ELDERS, MEN, WOMEN, YOUTH, CHILDREN & OUR TRADITIONAL FOOD



ENVIRONMENTAL JUSTICE INCLUDES: issues of exploitation, ecological damage, restoration of natural resources, compensation for victims of exposures & protection & healing of biological diversity that sustains us & allows us to practice our culture, language, & spirituality; the protection of all areas that are sacred & that are culturally & historically significant to our peoples and it addresses economic development & social justice issues towards building sustainable communities with safe & sustainable jobs & livelihoods

ENVIRONMENTAL JUSTICE: means the decolonization of our minds & recognition of traditional knowledge as the foundation of who we are, it addresses ethical & policy issues concerning biotechnology, ownership of life, introduction of genetically modified organisms into the environment & policy issues on intellectual property rights of Indigenous knowledge; it means developing & maintaining education and language programs that teaches adults and the younger generation what their relationship is to the sacredness of our Mother Earth, it means understanding and defending our treaties and to exercise our right to self-determination as Indigenous peoples; it means to claim our inherent right to protect our traditional land, water, air and our future generations

In the United States, it means the right to develop our own tribal environmental protection programs with our own water and air quality standards, and seek delegated authority to implement our own environmental programs - which strengthens our sovereignty

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In the United States and Canada, it means to have the right to fully protect our environment and all natural resources in our traditional territories, reserves and reservations by applying, monitoring and enforcing our own tribal-based environmental, historical, sacred areas, endangered species and conservation laws

Environmental Justice means to be active-from the grassroots to tribal government-in all policy decisions from local, tribal, state, national and international levels where policy development is made that affects our future generations and all life that sustains us and our Mother Earth.

Statement is provided by Indigenous Environmental Network: www.ien.org

PEOPLE/ORGANIZATIONS/ STANDING UP RESISTING EXTRACTIVE MINING

IMMEDIATELY IMPACTED LOCAL NATIVE COMMUNITY TAKES ACTION:

CHADRON NATIVE AMERICAN CENTER passes Resolution No. 020309, on Feb. 3, 2009 which finds that there is a substantial public interest at stake due to uranium mining; namely, the health, safety and well being of Nebraska residents and the environment; a uranium mine located in Crawford, Nebraska, has been operating since 1987 pursuant to permits issued by the NE Dept of Environmental Quality and a source materials license from the US Nuclear Regulatory Commission; and RESOLVED, that CNAC hereby refers to the Nebraska Attorney General this matter of alleged violations of the Nebraska Alien Ownership Act by Crow Butte Resources, Inc., a Nebraska corporation, and its Canadian parent company, Cameco, Inc.

The Oglala Sioux Tribe pass Ordinance 2007-40 which declares the Pine Ridge Reservation and Ft Laramie Treaty Territory to be a nuclear free zone and promises to prosecute to the fullest any individual or organization or corporation which may cause nuclear pollution or contaminants to enter these boundaries. The Ordinance was passed on Aug 7, 2007.

The Great Plains Tribal Chairmen's Association pass a Resolution declaring Ft Laramie Treaty Territory a nuclear free zone and promise to prosecute to the fullest any entity, agency, individual or corporation who causes nuclear pollution to enter the territory.

Uranium Explorers Get Run Off the Pine Ridge: BHSN Treaty Council & Owe Aku Challenged NAEG on their right to explore for uranium on Pine Ridge, all entities run them off: Tribal Council, Court, Treaty Council, Owe Aku, Tokala Society! NAEG is excluded Oct. 2007.

The Dine Nation (Navajo) On April 29, 2005 the Navajo Nation President Joe Shirley, Jr., signed what is believed to be the first Native American tribal law banning uranium mining and milling. www.sric.org

Aligning for Responsible Mining (2007) is formed, comprised of native and non-natives dedicated to responsible mining practices and environmental protection. Engages in challenges to ISL uranium mine in Nebraska.

POWERTECH, INC. USA FACES OPPOSITION IN COLORADO

Help Us Stop Uranium Mining in Northern Colorado We are Coloradoans Against Resource Destruction (CARD). We **need your help** to protect northern Colorado from the environmental, health, and economic impacts of uranium mining by Powertech or any other mining company. These local and regional

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resources are severely threatened by uranium mining: Water - Surface, and Sub-Surface, Air Quality, Residents (Health and Welfare), Property Values, Livestock, Wildlife.

New IAEA Radiation Warning Symbol

Scientist Dr. Gordon Edwards recently wrote, “Uranium ore bodies are among the deadliest mineral deposits on earth. They harbor large quantities of dangerous radioactive materials” (pacificfreepress.com). Radium, a decay product of uranium commonly found in uranium mine tailings piles, has been labeled by the British Columbia Medical Association as a *superb carcinogen* because microscopic quantities can cause bone and head cancers, anemia, and leukemia.. A uranium mine releases radon, which blankets the ground hundreds of miles downwind from a uranium mine as solid radioactive fallout. To find out how you can help, go to www.nunnglow.com



WESTERN SHOSHONE FACE GIANT GOLD MINER ON SACRED MT. TENABO by Brenda Norrell

Western Shoshone demonstrated outside federal court in Reno, Nevada, demanding that Barrick Gold halt destruction of their sacred Mount Tenabo. Nearby at Pyramid Lake, about 150 Paiutes and supporters gathered to protest, who said the Pyramid Lake Marina operator has held Paiutes and their cultural items "hostage." The Federal District Court in Reno, Nevada is scheduled to begin a two day injunction hearing. Western Shoshone are asking the court to protect the world-recognized Shoshone spiritual area, Mt. Tenabo from what would be one of the US' largest open pit cyanide heap leach gold mines. Recently, the U.S. Bureau of Land Management approved the construction of the mine, wholly owned and operated by Canadian multinational mining giant Barrick Gold Corp. Western Shoshone communities, the Western Shoshone Defense Project and Great Basin Resource Watch filed suit immediately and a partial temporary restraining order was put in place in early December.

Mt. Tenabo is home to local Shoshone creation stories, spirit life, medicinal, food and ceremonial rocks and plants and continues to be used to this day by Shoshone for spiritual ceremonies and cultural practices. Over the years, tens of thousands of individuals and organizations from across the US and around the world have joined with the Shoshone and voiced their opposition to this mine—in fact, the mine is referred to as the “most opposed mine in the world”. The Cortez Hills Expansion Project area is within the 1863 Treaty of Ruby Valley territory of the Western Shoshone Nation. The Mine would blast and excavate a massive open pit on Mt Tenabo over 900 acres in size, with a depth of over 2,000 feet. It would include several new waste disposal and processing facilities (including a cyanide heap-leaching facility). The Mine would include an extensive groundwater pumping system to dewater Mt Tenabo and transport the pumped water away from Mt Tenabo, and would permanently destroy approximately 6,800 acres of land on and around Mt Tenabo, over 90% of which is classified as federal "public" land.

from: <http://www.bsnorrell.blogspot.com> for more info: www.wsdp.igc

NAVAJOS VOW FIGHT AGAINST NEW URANIUM MINES *Santa Fe, New Mexico—*

For the first time in US history, the NRC will be challenged in Federal appeals court for its approval of a source materials license for an *ISL* uranium mine. The Navajo communities of Crownpoint and Church Rock, NM, with the New Mexico Environmental Law Center, Eastern Navajo Dine against Uranium Mining, and Southwest Research and Information Center will fight the NRC and Hydro Resources, Inc., demanding that they stay off of Navajo lands in NM. NMELC will present oral arguments on May 12, 2008 to a panel of Federal judges in Denver asking that the NRC decision to allow mining be set aside.

“The importance of our hearing on May 12 cannot be overstated,” states Eric Jantz, NM Environmental Law Center attorney. “We are talking about the land, water, air and health of two whole communities. There are people on this land grazing cattle and hauling daily drinking water.”

ENDAUM is the first community group ever to fight the NRC on a source materials permit for an *in situ* leach uranium mine. This fight is becoming even more significant, as the price of uranium has increased tremendously during the past seven years. Subsequently, the state of NM has seen a dramatic

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rise in the number of exploratory permits requested by mining companies during the past year, with a dozen applications currently under review.

Hydro Resources, Inc. has four proposed mines in the Church Rock-Crownpoint region. In 2006, the NRC approved the license for all four sites. The NM Environmental Law Center filed a lawsuit in 2007 against the NRC to overturn the license. The NMELC argues that the NRC has violated the Atomic Energy Act, the National Environmental Policy Act, and its own regulations when it issued decisions on numerous issues. The NMELC's clients are appealing the following points: HRI failed to prove that it will protect groundwater from contamination by uranium and other toxic heavy metals, the company failed to ensure that the health of residents near the mines would be protected from damaging radioactive air emissions, and HRI's proposed financial bond for the site is inadequate to ensure that the site(s) would be cleaned up in the event that the company is unable to undertake reclamation of the land and/or water impacted by the mining. Because of the NRC's bias in favor of industry, a victory for NMELC's Navajo clients would set a major precedent in NM. For more info: go to www.nmenvirolaw.org

Southwest Research and Information Center is a multi-cultural organization working to promote the health of people and communities, protect natural resources, ensure citizen participation, and secure environmental and social justice now and for future generations. For more info see: <http://www.sric.org/>



WATER PROTECTORS CALL FOR CONGRESSIONAL OVERSIGHT HEARING ON NRC

This is the front of a postcard we made to send to the Committee on Energy & Commerce.

Thanks to Rock the Earth for this post card. www.RocktheEarth.org

To Mail the Card the address is:

Henry Waxman, Chairman
Committee on Energy & Commerce
2125 Rayburn House Office Bldg
Washington, DC 20515



On the back of the postcard it says: "Why is the NRC Intentionally Frustrating the Rights of the Public?"

Dear Chairman Waxman,

Why is the Nuclear Regulatory Commission (NRC) Staff intentionally frustrating the rights of the public, denying them access to challenge the NRC decisions? The NRC's own judges said so in a recent ruling:

"Procrustes could not have devised a more odious method of frustrating petitioners than NRC proposes here." -NRC Atomic Licensing Board Panel ruling In Re: Crow Butte Resources (Renewal) Nov 21, 2008.

The NRC is frustrating the public's right to intervene under the Atomic Energy Act of 1954.

Please start oversight hearings immediately.

Sincerely, Name _____ Address: _____

Please take a moment and send such a message to Chairman Waxman on this issue.

FOR MORE INFO, GO TO: www.bringbacktheway.com or www.savecrowbutte.org

Lila wopila. (Thank you in the Lakota language).

Thanks to the Tides Foundation, Honor the Earth, Western Mining Action Network, Rock the Earth, 13 Indigenous Grandmothers, WBAI Radio, NETSS, KILI Radio, 7th Generation Fund, Impact Fund, and the many individuals and grassroots fundraisers whose generosity and vision help make our work possible.

Thanks to the folks who wrote Affidavits, Amicus Briefs, who gave their time and expertise to research, write, development, and debate of the things we have to do to fight the good fight, for standing with us.

We remember those who started out with us, and who we will see again when we get to the Spirit World.

**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
URANIUM MINING AND THE OGLALA LAKOTA PEOPLE**

NOTE ON ISL URANIUM MINING WASTE WATER:

Dumping wastewater underground takes it out of the hydrological cycle and is a huge consumption of water (9,000 gallons per minute x 60 minutes x 24 hours x 365 days = 4.73 billion gallons per year; of which about 2% bleed is put into the deep injection disposal = 94,608,000 gallons per year taken out of the hydrological system).

If Cameco's North Trend Amendment is granted and flow increases to 13,500 gallons per minute, the amount of water pumped increases to 7.095 BILLION GALLONS per year and the bleed equals 2%, or 141,912,000 gallons per year taken out of the hydrological system. If Cameco receives their ISL uranium mining permit, Cameco plans to operate the North Trend ISL Uranium mine for 11 years.

How much water is 94,608,000 gallons per year x 11 years for the North Trend ISL Uranium Mine?
How much water is 94,608,000 gallons per year x 11 years for the Three Crow ISL Uranium Mine?
How much water is 94,608,000 gallons per year x 11 years for the Marsland ISL Uranium Mine?

**ENVIRONMENTAL JUSTICE AND THE SURVIVAL OF A PEOPLE:
URANIUM MINING AND THE OGLALA LAKOTA PEOPLE**

“This is about the human right to water. This is about stopping genocide. There are only the existing Oglala Lakota People, there is no island somewhere back in the old country where we can get more Lakota people. When we are gone, we are gone forever. If all of our drinking water sources are contaminated, this is certain death for our people. That may not occur in my lifetime, but it will happen, it is just a matter of time. Then we will all be gone, and that is genocide.

A writer somewhere said that the entire nuclear cycle is about Mother Nature vs Father Greed. I think he is right.” -*Debra White Plume*

**REGARDING CAMECO’S CROW BUTTE URANIUM MINE AND THE
PINE RIDGE INDIAN RESERVATION:**

“CONTAMINANT PATHWAYS

There are two principal pathways through which contaminated water could migrate away from Crow Butte Resources well fields and into adjacent areas: 1) along the White River alluvium (modern river alluvium); and 2) along faults. The White River alluvium can receive contaminants from three sources: a) from surface spills at the Crow Butte mine site; b) from waters transmitted through the Chamberlain Pass Formation where it is exposed at the land surface; and c) through faults. Contaminants within the White River can be transmitted into the areas where the alluvium intersects faults downstream from Crawford. Once into the White River alluvium, every rain event will push the contaminants a little bit downstream. In the case of the White River, downstream is to the N-NE and directly onto the Pine Ridge Reservation. Residential users, agricultural users, wildlife, and the City of Crawford all receive water supplies from the White River alluvium.

The second pathway is through faults. These faults can receive contaminants from three sources: a) from surface spills into the White River alluvium; b) from waters transmitted through the Chamberlain Pass Formation; and c) from underground excursions, which can be of either lixiviant or uranium-laden water. Once into the faults, contaminants could migrate along the groundwater gradient (which is generally eastwards) northeastward towards the Pine Ridge Reservation or southeastward toward Chadron and the majority of the remaining High Plains Aquifer. Uranium could also be drawn upwards into parts of the High Plains Aquifer by high-capacity irrigation wells, some of which are known to be within major fault zones (northernmost Sheridan County, Nebraska).” *LaGarry opinion is available upon request. Go to: www.savecrowbutte.org*

**Crying Earth Rise Up!
Environmental Justice & The
Survival Of A People:
Uranium Mining &
the Oglala Lakota People**
Owe Aku, Bring Back the Way
Manderson, South Dakota 57756-0325
USA
www.bringbacktheway.com