



U.S. Forest Service

March 3rd, 2026

Attn: October Jinx Exploratory Drilling Project

Jonathan Manning

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Custer, SD 57730

To whom it may concern:

NDN Collective is a Rapid City-based nonprofit organization that works to build the collective power of Indigenous Peoples, communities, and Nations to exercise our inherent right to self-determination, while fostering a world that is built on a foundation of equity and justice for all people and Mother Earth. The purpose of this letter is to express our unequivocal **opposition** to “Clean” Nuclear Energy Corp’s October Jinx exploratory drilling project being granted a permit, and to urge the US Forest Service (USFS) to enact the mineral withdrawal that was recommended for the Federally controlled lands in the area years ago.

There are myriad reasons that we oppose this project, and along with our objection we must express disappointment with the decision to consider permitting mining activities at a world-class archaeological site which has served as a sacred site of ceremony and religious activity for Indigenous Nations over the course of millenia, and continues to be such to this day. We are not in a situation wherein the unique and impressive character of this landscape is wholly unknown, or even in dispute. It is well-understood by those familiar with the history of Ihankiya Opa, known in English as Craven Canyon, that the cultural, spiritual, and archaeological contents of the Craven Canyon area are nothing short of an extraordinary glimpse into our ancient past. The irreplaceable wonders present there include ceremonial petroglyphs and pictographs on the canyon wall dated as old as 8,000 years ago, among many other artifacts in and around the canyon. If the vibration of the exploratory drilling causes the rock face to fracture off, shattering the petroglyphs, how do we replace them? We don’t, of course. The economic benefit to anyone would be hyper-temporary, and the potential negative impacts to everyone would be permanent.



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To permit any level of risk to such an important piece of our shared human history in the name of potentially enriching a Canadian mining company is, frankly, a tragic failure of the American public lands system and its purpose of benefitting the American public. The history of the Black Hills *is* Indigenous, and in risking the integrity of this piece of Black Hills history USFS is also risking *all* of humanity being robbed of a richer human experience overall and a precious point of connection to pre-modern times.

As the project is proposed on the unceded treaty territory of Oceti Sakowin, known to the United States as the “The Great Sioux Nation,” October Jinx represents another instance of the continued violation by the United States government of Constitutionally affirmed Tribal treaty and human rights, as it pertains to both Tribal governments and their citizens. NDN is staffed almost entirely by members of federally recognized Tribal nations who hold, in addition to the rights represented by the United States’ nation-to-nation agreements with and fiduciary obligations to our various Tribal governments, individual rights conferred to us by said treaties with the United States. More specifically, we are staffed in large part by members of Tribes who are lineal descendants and beneficiaries of the signatories of the 1868 Treaty of Ft. Laramie. As a result, the violations inherent to October Jinx constitute not only a nation-to-nation violation of Constitutional law as per Article VI of the Constitution, but also distinct violations of our individual rights as descendants of treaty signatories, namely our right to “...the absolute and undisturbed use and occupation” of the Black Hills (1868 Treaty of Ft. Laramie), hunting and fishing rights (Wyoming v. Herrera) and rights to free worship and exercise of our religion (Religious Freedom Restoration Act) that would be unduly harmed and placed at risk by the permitting of October Jinx.

In light of the knowing, continuous, and unlawful actions of the United States and the Black Hills National Forest with regard to Indigenous human rights, of which October Jinx is yet another example, it is important to note that the US Constitution, as well as Indigenous human rights, treaty rights, and religious freedom, are not negated by the fact of federal agencies who serve mining companies above the public interest finding those concepts inconvenient. The Black Hills are stolen land, as declared by the Supreme Court in 1980, and no mining company has any rightful business operating on Oceti Sakowin treaty land. Black Hills National Forest has no business colluding and conspiring with mining companies against Indigenous interests, as it has done, illegally, for the last 150+ years. October Jinx is illegal and unconstitutional on its



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face, and it is indicative of a pattern of the continued denial of equal human rights to Indigenous Peoples by the US Forest Service..

We fervently object to the consideration of a Categorical Exclusion for October Jinx, and find that such an Exclusion could only be deemed appropriate by means of focusing on project length while wholly ignoring every other relevant factor in the assessment of project impact. There is no world in which such a woefully incompetent process can be construed as serving the best interests of the public or the environment, and as a consequence the Black Hills National Forest is now understood by many communities to be against them in mission and purpose. And with each decision the Forest Service makes that nonchalantly betrays the wellbeing of the taxpayers it purports to serve, it gets harder to convince them otherwise.

In Fall River County, in 2022, voters raised their voices by passing an ordinance to declare uranium mining a nuisance within the county. The People spoke up for their own protection from international corporate interests who wish to take minerals and leave pollution where the People have to live. At present they are quite aware of the Forest Service's *extremely* tired claim that "exploration is not mining," but they are also able to see state-level applications for the same type of drilling, by the same company, in the same area, which read at the top, "application for mining activities." As you can imagine, it makes the integrity of BHNF's claim about exploratory drilling suspect beyond viability to the communities who actually face the impacts of mining project decisions. The perpetuation of such a bad-faith position on the part of the Forest Service is generationally regrettable, and we find it quite a shame.

October Jinx should never have been proposed by CNEC, and it most certainly should never have been considered by BHNF. Aside from being illegal and unconstitutional, the entire project is materially racist. Indigenous places of worship are consistently targeted by the Forest Service for mining instead of acknowledged as relevant factors in decision-making, which marks a significant departure from the way the same process would be conducted regarding virtually any other house of worship. October Jinx is no exception to that unfortunate and long-standing dynamic. The manner and degree of blatant ethnocultural discrimination and inequality on display here is impermissible in any country that claims its system of law to be based on reason, facts, and the public good.

BHNF should, for the reasons stated above and the multitude of reasons offered up in public comment regarding this project, summarily deny the permit for October Jinx. We hope



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they elect in the future to fully meet the primary responsibility of agencies and employees funded by taxpayer dollars, which *is* to protect the taxpayers' best interests, and is *not* simply fast-tracking any burden that an international mining company wishes the taxpayers to bear.

Thank you for your time,

NDN Collective

Taylor Gunhammer

Lead Organizer

Protect The Hesapa Campaign