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Attn: Rochford Mineral Exploratory Drilling Project

8221 S. Mount Rushmore Rd.

Rapid City, SD, 57702

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. We are commenting today to voice our full-throated opposition to the Rochford Mineral Exploratory Drilling Project ("RMEDP") proposed by Pete Lien & Sons ("PLS") in the area of the well-known, sacred prayer site known as Pe' Sla. There are a multitude of reasons that we oppose this project, and the depth of our objection cannot be overstated. This is one of the single most offensive drilling projects ever considered by the Forest Service, and we believe that in addition to a total withdrawal of consideration of RMEDP, an apology to the public on the part of the Black Hills National Forest ("BHNF") for recklessly endangering a beloved public interest is in order. Both Tribes and the public have been denied, by process and technical errors on the part of BHNF, the ability to fully participate in a process that impacts them directly. As such, the People are entitled to an extension of the comment period, an Environmental Impact Study, and meaningful Tribal consultation. Any issue that pertains to Pe' Sla carries with it not only the presence, but an abundance, of well-documented, extraordinary circumstances which outweigh any supposed "benefits" of desecrating a sacred site and demand to be considered with professionalism and integrity.

Firstly, RMEDP 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 RMEDP 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 permanently, instantly, and irreversibly harmed by the implementation of RMEDP.

In light of the knowing, unlawful actions of the United States and the Black Hills National Forest with regard to Indigenous human rights, of which RMEDP is yet another example, it is important to note that the illegality of a crime does not simply vanish because the perpetrator finds it inconvenient to be held accountable for it. 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. BHNF has no business colluding and conspiring with mining companies against Indigenous interests, as it has done, illegally, for the last 150+ years. RMEDP is illegal and unconstitutional on its face, and it is indicative of a pattern of continued theft and anti-Indigenous racism which marks the spirits of both U.S. mining policy and the administration of Forest Service operations.

Comments in support of the Indigenous vision of land stewardship in the Black Hills number in the thousands, consistently. We would doubt very seriously that 1,000 comments in support of continuing to exploit and destroy the Black Hills by mining have ever been submitted in the combined history of public commenting. And that is

probably because mining makes up barely 1% of South Dakota's economy, which literally pits this deeply problematic industry against the other 99% of society. It's difficult to see how such a condition would even be possible without the special favor that the U.S. Forest Service has given to Pete Lien and other mining companies since its founding. The precedent of public will in these matters has been set. And you, BHNH, are public servants who have been collaborating with mining companies to damage the home we all love so much instead of honoring our will.

RMEDP would consist of drill holes that run up to 1,000 feet deep, which is well beyond the necessary depth to puncture the groundwater over which the project sits, and each drill pad would run a risk of introducing volatile axle grease, machine fuels, and other harmful substances, directly into the aquifer. It would also happen within the same watershed as Rapid Creek and Pactola, which supplies drinking water to Ellsworth Air Force base. The very same environmental characteristics, social health consequences, and national security concerns that propelled citizens of the Black Hills to advocate so vigorously for the Pactola mineral withdrawal are present at Pe' Sla and within RMEDP. Already, comments in support of protecting Pe' Sla are coming in at nearly the same clip as they did for protecting Pactola, and it is quite possible they will exceed the number of comments for the Pactola withdrawal. Clearly, the People care a great deal about this watershed and protecting the water their children drink. Again, the public will is quite clear on this matter, and it is only Pete Lien & Sons and BHNH standing in the way of the greater good.

The circumstances in which Pe' Sla came to be understood by the broader community as a sacred site must also be discussed here. In 2016, four Ojibwe ("Great Sioux Nation") Tribes paid a combined \$9 million to the Reynolds family to purchase the land in and around Pe' Sla. The Tribes then worked nation-to-nation with the Department of the Interior and other agencies to put the land into federal trust and craft a Memorandum of Understanding which recognized the religious and cultural significance of Pe' Sla and designated it as a place to be respected the same as any religious holy site. Notably, neither the State of South Dakota or Pennington County, SD at all dispute the cultural and religious significance of Pe' Sla, and neither of the two opposed the MOU in any way.

It's quite difficult to think of another time in the entire colonial history of the Black Hills where all parties agreed to such an extent about what should be done with a parcel of land there. And now, regrettably, BHNH has collaborated with Lien & Sons to directly and intentionally attack the validity of Indigenous cultural sites altogether. Because the sacredness of Pe' Sla is so well-known and undisputed, it is disingenuous to pretend as though RMEDP isn't designed specifically to harm it. The actions of Lien and the Forest Service regarding this project seem to suggest that they are actively trying to create, in real time, "a more ripe and rank case of dishonest dealings" to be found in the history of this country than even the theft of the Black Hills itself as described by the Supreme Court.

There is no question that RMEDP should never have been proposed by PLS or considered by BHNH in the first place. Aside from being illegal and unconstitutional, the entire project is immoral, racist, and impermissible in any country that claims its system of law to be based on reason, facts, and the public good. BHNH should exercise its power to withdraw RMEDP immediately and never consider it again. Then it should apologize to all Tribes and citizens who have been wronged by their proposition that destroying Indigenous sacred sites and rudely scolding the public for objecting to it is - somehow - not betraying the Earth, their community, their descendants, and the country.

Thank you for your time,

NDN Collective

Taylor Gunhammer, Local Organizer