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Comments: Pe' Sla is one of the Oceti Sakowin's most revered and sacred sites. It is the Heart of Everything That Is. The proposed project is within a mile of Pe' Sla. Any permitting and approval of the proposed mining exploration project must be denied.

"The United States Department of the Interior's Bureau of Indian Affairs informed the Great Sioux Nation (Oceti Sakowin) on March 10, 2016, of its decision to take Pe' Sla, a 2,022-acre sacred site in the Black Hills of South Dakota, into federal Indian trust status.

In 2012, the Rosebud, Shakopee Mdewakanton, Crow Creek, and Standing Rock Sioux Tribes worked together to raise \$9 million to purchase the land. The tribes petitioned the Secretary of the Interior to take the land into trust status so that it could retain its original character as a sacred site.

At a meeting of the tribes last week, the Cheyenne River Sioux Tribe presented the other tribes with an initial financial contribution confirming its long-term commitment to the Pe' Sla land initiative. Chairman Herold Frazier said of the contribution, "We must all work together to protect our sacred sites."

The Oceti Sakowin, Seven Council Fires of the Lakota, Nakota, Dakota Oyate (or Sioux Nation), has revered the high-mountain prairie named Pe' Sla as a sacred site for time immemorial. Pe' Sla was originally protected by the 1868 Sioux Nation Treaty until the United States unconstitutionally seized the land in the aftermath of the Battle of the Little Bighorn in 1876 Pe' Sla was then sold for non-Indian homesteads and used to graze cattle.

The four Sioux tribes collaborated to reacquire the land in 2012 and return it to its rightful status. Throughout the process, the tribes worked to accommodate state and local interests - including a law enforcement compact; right-of-way agreement; and provisions for cooperation to prevent invasive species, fight fires, secure ambulance service, and obtain general liability insurance.

The tribes' goal is to keep the land in its original and natural state, reintroduce buffalo and natural species, and preserve the area for traditional ceremonies. In the spring of 2015, the first calves were born to buffalo reintroduced to Pe' Sla."

The Cheyenne River Sioux Tribe believes all mineral exploration and mineral development in the Black Hills is a violation of the Tribe's rights under the Fort Laramie Treaties of 1851 and 1868 and other laws. The traditional teachings of the Lakota people are that the Paha Sapa lands are sacred and the mining harms Unci Maka - the Earth. Mining and the collateral effects endangers the health and safety of the people while leaving the land basically unusable - even with reclamation -- for future uses. Mining and its collateral impacts present unnecessary dangers to our sacred water, the natural world, and our invaluable and irreplaceable cultural resources.

The Cheyenne River Sioux Tribe is strongly opposed to any exploration or development of minerals in the Black Hills that would harm and threaten our cultural and sacred site known as Pe' Sla, and traditional, cultural, and spiritual use of those land. This proposed exploration project threatens the integrity of the archeological, historical, cultural, and sacred sites in the Black Hills. The project also threatens to harm the land, water, air, natural resources, and fish and wildlife in the Black Hills.

Historically, the Tribe has been opposed to other mining projects including the proposed Dewey-Burdock in situ uranium mine, the proposed Mineral Mountain Resources Rochford exploration project, the proposed F3 Gold Jenny Gulch exploration project, and the proposed F3 Gold Newark exploration project. We hold the Black Hills sacred and do not believe in their desecration.

Furthermore, the Oceti Sakowin, the Seven Sacred Council Fires, has consistently asserted that the United States should recognize that the Black Hills are not within the scope of the General Mining Act of 1872 and they advocate for removing the Paha Sapa, our Treaty territory, from all federal mining and mineral leasing laws. The Lakota, Dakota and Nakota Peoples that comprise those Seven Sacred Council Fires never consented or agreed to mining in our sacred Paha Sapa.

The Tribe is pleased that the Federal Government signed Public Land Order No. 7956 (Dec. 26, 2024). The order to withdraw approximately 20,574 acres of lands administered by the Black Hills National Forest Service in Pennington County, South Dakota, from mining and other forms of entry, appropriation, and disposal under the public land laws, mining laws, and mineral and geothermal leasing laws of the United States should be expanded to include all Forest Service lands in the Black Hills.

The protection of Pe' Sla and a proposed Graphite Mineral Exploratory Drilling Project

The Tribe is aware that the Forest Service is considering a proposal to allow Pete Lien and Sons to perform exploratory drilling for minerals, including graphite, in the Black Hills. The Project location is southwest of Rochford, South Dakota, near Pe' Sla. Two laydown/staging areas would be used to store equipment and tools. The Project would involve the use of trucks and other vehicles to haul materials to and from drill sites, the use of construction equipment, and on-site staging or storage of vehicles, equipment, material, and fuel.

The Tribe's Concerns with the Proposed Project

The Tribe has legitimate concerns that the proposed exploration would cause irreparable harm to archeological, historical, cultural, and sacred sites and areas present in and around the proposed Project area. These issues should be addressed through government-to-government consultation and full compliance with federal law and tribal law, including Section 106 of NHPA as well as Executive Order No. 13007 on Indian Sacred Sites and Executive Order No. 13175.

The Tribe has legitimate concerns that the proposed exploration may cause environmental harms to the land, water, fish, wildlife, and natural resources in the Black Hills, including surface lands, subsurface structures, water, threatened and endangered species, and other natural resources. These issues should be addressed through government-to-government consultation and detailed environmental analysis under NEPA, including a comprehensive Environmental Impact Statement ("EIS"). The significance of these sacred lands, the project's proximity to them and the magnitude of the potential environmental impacts on drinking water, endangered species and historic resources require this EIS to address these serious concerns.

The Tribe has more legitimate concerns that the proposed exploration would have significant impacts on its cultural resources as well as its religious and cultural practices in the Black Hills and at Pe' Sla. Without government-to-government consultation with the Tribe, there is no way the Forest Service can adequately assess the significance of cultural resource impacts, let alone make a finding that the proposed Project would have no significant impacts on such cultural resources and on the cultural and religious practices at and around the site.

The Tribe is concerned with the direct, indirect, and cumulative impacts the proposed Project would have on cultural and religious resources at the proposed exploration sites and at Pe' Sla and on the religious and cultural practices that take place at Pe' Sla and in the Black Hills generally.

Demand for Government-to-Government Consultation

All of these issues should be addressed through government-to-government consultation between the Forest Service and the Tribe before the Project moves forward so that the Cheyenne River Sioux Tribe's concerns about

the project are fully understood. We would ask that this meeting be conducted at Pe' Sla so that the USFS is able to grasp the importance of our sacred site to us.

Specific Action Steps

The Cheyenne River Sioux Tribe requests the Forest Service:

- 1.To reject any mineral exploration projects in the sacred Black Hills;
- 2.Ensure that all NEPA, NHPA, and government-to-government consultation occurs;
- 3.Coordinate targeted site visits of the proposed exploration site with the Oceti Sakowin and its cultural and natural resource experts;
- 4.Conduct an extensive survey of all cultural and religious resources at and near the proposed exploration sites with the Tribe and its cultural and natural resource experts; and
- 5.Conduct an extensive survey of all waterways - surface and below ground - that may be impacted by the proposed project.