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Organization:

Title:

Comments: To: US Forest Service

Regarding: October Jinx Project #67625

My name is Denise Giago. I am a resident of the Black Hills region and live in Pennington County. I am also an enrolled member of the Oglala Lakota Nation. The purpose of this letter is to ask the Forest Service to complete a full environmental impact study, conduct meaningful Tribal Consultation, reject this project permit, and ultimately honor the work the Forest Service itself did, and to suggest a full mineral withdrawal to protect this special and unique area.

The October Jinx uranium exploration project is part of the larger Chord project. As you are aware, Nexus Uranium has purchased claims totaling approximately 6,380 acres in the Craven Canyon area. I mention this because many of the comments you receive will be about stopping uranium MINING in the area. To this, you may say, "This is just exploration." However, the fact that this Canadian company has purchased so many claims and that, on its own website, it makes it clear that it plans to adopt a "hub-and-spoke" strategy in Fall River County, with the Chord project as the "hub" and Wolf Canyon, Dead Horse, and RC claims as the "spoke," suggests that a full mining operation is exactly what Nexus plans.

In November 2022, the residents of Fall River County passed an ordinance declaring uranium mining an unlawful nuisance. This ordinance was enacted with the specific aim of stopping proposed uranium projects, particularly because of the risks of water contamination. There has been debate over the validity of this ordinance because of the language used regarding mining rather than exploration. However, the Forest Service classifies exploration as "mining activity." It's easy to see why, as exploration involves many of the same processes and environmental risks related to habitats, surface and groundwater, aquifers, and historic, cultural, and ceremonial sites. The Forest Service frequently claims that its "hands are tied" regarding mining permits due to the 1872 Mining Act. However, there are numerous clear exceptions to this area that fall under 45-6B-33.3 for special, exceptional, critical, or unique land. This area also falls under section (3). The land has scenic, historic, archaeological, topographic, geologic, ethnological, scientific, cultural, or recreational significance. All the reasons that justify rejecting this permit.

Quoting from the 2011 EA for Mineral Withdrawal by the Hell Canyon Rangers District Forest Service, "...the proposed withdrawal includes consideration of the viewshed of the natural landscape as seen from the Rock Art sites. Additionally, archaeological and paleoenvironmental investigations in Craven Canyon indicate that there is still much to be learned about post-Pleistocene deposits and post-Pleistocene human activities. Much of the area north of Craven Canyon along what is known as Long Mountain has yet to be surveyed. Therefore, the proposed action also includes areas that are likely to contain additional archeological discoveries on Long Mountain." It further states, "This action is needed to preserve unique prehistoric and historic cultural properties in and surrounding Craven Canyon."

Honestly, I believe including the full Mineral Withdrawal document as evidence to oppose this project is warranted. The Forest Service staff who authored the withdrawal invested years studying the area, and their findings are well documented. As a Lakota citizen, I must quote this specific paragraph from Chapter 1 of the Mineral Withdrawal, which states:

"The importance of Craven Canyon from a cultural use perspective cannot be overstated. For peoples' whose culture, history, values, morals, and beliefs are largely or wholly oral rather than written, places serve as "indispensable aids for remembering and imagining" (Basso 1996:7). Lakota, Cheyenne, Arapaho, Kiowa, and

many other plains peoples regard the Black Hills as sacred (La Pointe 1976). These peoples have a special connection to rock art sites in the Black Hills because they are the descendants of the people who made them. The rock art sites in Craven Canyon, and indeed the canyon itself, continue to serve as landscape repositories of history, beliefs, wisdom, and inspiration. When one place or one rock art site is damaged or altered, the corresponding piece of history, moral value, or belief is also threatened because the particular place which served as the heuristic device for remembering is no longer intact. Thus, any adverse effect in Craven Canyon is rightly viewed as an affront to Plains Native American culture and Indigenous human rights."

The historic town of Edgemont has witnessed the rise and fall of uranium mining, leaving behind a toxic legacy. The residents and the community deserve better than to be caught in another cycle of boom-and-bust industries that leave environmental hazards. Craven Canyon and Edgemont sit at the southern gateway to the Black Hills. This area is a prime destination for outdoor recreation and tourism, with world-class hiking, biking, camping, kayaking, and more. It is well known that tourism accounts for the bulk of our state's revenue, with mining contributing only 1%. This project would cause significant adverse effects on the town of Edgemont and the entire Black Hills region, both economically and environmentally.

This region is also unique because it lies along the Desert Line, making it particularly arid. It is made even drier by the ongoing drought. This arid climate makes reclamation difficult, if not impossible. Evidence of historic mining and exploration is already riddled across the area scarring the landscape.

The truth is, no projects in the Black Hills should be fast-tracked, especially one in an area of such historic and cultural importance. As a Lakota, this project is a direct violation of my Religious Freedom, as laid out in the Religious Freedom Act, a federal law, primarily 18 U.S.C. § 247 and the FACE Act (18 U.S.C. § 248), which prohibit obstructing, damaging, or interfering with religious practice, property, or individuals exercising their faith. Violations include force, threats of force, or property destruction, with penalties ranging from fines to imprisonment based on severity. The FACE Act (18 U.S.C. § 248) protects access to places of worship, prohibiting violent, threatening, or obstructive actions.

The October Jinx exploration project would involve large trucks and equipment, lights, noise, and dust, potentially 24 hours a day, in an area clearly used for ceremonial purposes that require quiet and isolation. This would violate my right to unobstructed access to and the practice of my religion under the Religious Freedom Act, and my property rights under the 1868 Fort Laramie Treaty, and Article VI of the U.S. Constitution.

In conclusion, I will let the community members who are scientists, hydrologists, archaeologists, and biologists speak to the specifics of threats to the landscape, aquifers, rock walls, and the many diverse and endemic species that inhabit this truly special and unique landscape. I will, however, implore you, the Forest Service, to remember the oath you took, which binds you to support and defend the U.S. Constitution and uphold the public's trust. The number and diversity of comments on this project, as well as the Fall River County Ordinance, make the Will of the People you serve clear; we do not want this project. Please conduct a full environmental impact study, complete meaningful Tribal consultation, and ultimately reject this permit and recommend this entire region for a Mineral Withdrawal.

Thank you,
Denise Giago