

The most talked-about mining project in the Black Hills area remains the proposed Energy Transportation Systems, Inc. (ETSI) coal slurry pipeline from Wyoming to Louisiana. The final Environmental Impact Statement (EIS) for the project, which would use over 20,000 acre-feet of water a year from the Madison Formation, is due in late June. Citizens and officials from the area are anxiously awaiting the document. Few changes from the Draft EIS are anticipated, and landholders in the Black Hills area are contemplating lawsuits to stop the project.

The most significant change in mining plans in the area has been the loss of momentum among companies who want to mine uranium. With the drop in uranium prices, and determined citizen resistance, no new exploration permits or permit renewals have been filed in the last few months. Several permits have expired without renewal, and no large-scale uranium mining is now expected in the area until at least 1983.

The many court cases involving uranium continue, however. One, filed by the Custer County Commissioners against the State Conservation Commission over the location of exploration permit hearings involving Gulf Minerals and Rexcon, Inc., ended when Circuit Judge Jeff Davis upheld the Commission's ruling; that the County had requested a local hearing too late. However, a hearing was held in Custer County in February on Tennessee Valley Authority's (TVA) exploration permit. The permit was granted, but a decision was made not to appeal that decision.

Union Carbide Corporation (UCC), which has been the focus of much uranium-related litigation, has closed its Black Hills office. Its public relations man, Dudley Blancke, has been promoted to handling UCC's public and governmental affairs for Utah, Wyoming, Colorado and South Dakota.

But the many lawsuits involving UCC continue. Most of them involve the

proposed mine in Craven Canyon in the southern Black Hills. Despite the extensive testimony on the mine's effects that was given in January, Circuit Judge Robert Miller supported the State Conservation Commission's renewal of the project's permit. Judge Miller said that there was enough evidence to support the Commission's decision, and that there was no evidence that the project would cause environmental harm.

Two lawsuits have recently involved the availability of information on mining activities. In a Freedom of Information Act suit between the National Forest Service and the Black Hills Alliance, a stipulation is being negotiated whereby TVA drill hole locations will be given to the Alliance in exchange for dismissal of part of the suit. Information on UCC's drill sites has not been released and is still being pursued.

Discovery proceedings have begun in the lawsuit filed against the National Forest Service and others by the Black Hills Alliance and others. The suit attempts to get the agency to follow its own regulations in dealing with the Craven Canyon project and asks for a comprehensive EIS on uranium mining in the Black Hills area. So far, the Forest Service has refused to give out the locations of test holes, the geological reports on UCC's core samples, and other information key to understanding the effects uranium activities might have on the environment.

An important change in the lawsuit took place in early June, when Indian religious leaders from the Standing Rock Reservation agreed to join the Black Hills Alliance and the other plaintiffs. The reservation leaders are joining under the Indian Freedom of Religion Act, which is designed to allow access to native religious sites. David Spotted Horse, spokesperson for the group, stated that the rock carvings, ceremonial herbs and plants, and golden eagles in Craven Canyon all hold religious significance for the Lakota people and are endangered by UCC's project.

--more--

In another action involving the Freedom of Religion Act, members of the Dakota American Indian Movement and their allies founded Yellow Thunder Camp about twelve miles from Rapid City in early April. The group is also reclaiming the site under the 1868 Fort Laramie Treaty and an 1897 law allowing those who live near National Forests to claim Forest Service land for church and school sites. The Camp has applied to build permanent buildings on its 800-acre claim which, it is hoped, will become the first of many such self-sufficient communities in the Black Hills. The Camp has declared its claim off-limits to mining companies.

In a related development, the Oglala Sioux Tribe's suit for return of the Black Hills to Lakota control has been dismissed by the 8th Circuit Court of Appeals. The Tribe plans to continue pushing the suit, which also asks for damages for the mining done in the last 104 years in the area and for the suffering of the Lakota people during that period.

To add to the stack of lawsuits, another was filed in late May which concerns former uranium activity, during which uranium mill tailings were used in home and playground construction. In January, 1980, the Brafford family evacuated its Edgemont home after South Dakota officials notified them that their home contained high levels of radioactivity. The high levels were discovered as early as 1971, but no one informed the Braffords when they purchased the home in late 1978. The mill operated until 1974, when it was bought by Tennessee Valley Authority. The Braffords are suing the Denver-based Susquehanna Corporation, whose subsidiary operated the mill, for \$40 million in damages to the family, which includes three small children.

The near-passage of the Uranium Initiative last November has caused a flurry of activity by legislators, who now understand that South Dakotans are concerned about nuclear activities in their state. Many laws were proposed in this year's session, but none passed. Most were referred to the Legislature's Interim Study

Committee, which is gathering testimony and proposed changes during the summer.

The South Dakota Department of Health also proposed radiation control regulations early this year. The regulations omitted exploration and set no maximum levels for radiation exposure. At hearings in the end of February before the Board of Environmental Protection, the regulations were so sharply criticized that they were sent back for redrafting.

The Rapid Valley Water Company, two of whose wells were publicized in early October as being far over federal radiation standards, received a fourth test showing high radioactivity in January. Their well number 3, which showed the highest readings, was shut down on January 19, due in part to citizen pressure on the Company, which originally maintained that there was no danger.

Despite the slowdown in exploration, people in western South Dakota remain aware of uranium and related issues. The future of the industry in the area depends on the nuclear industry as a whole, pending legislation, and the continuation of student activism.

--by Liliias Jones