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October 3, 2018

Governor Dennis Daugaard
Attn: Secretary Steve Emery
Attn: State Water Management Board
Jeanne Goodman, Engineer
Office of the Governor
500 East Capitol Avenue
Pierre, SD 57501
Fax: (605) 773-4711

Re: Preserving the Sacred Black Hills and the Clean Water in Rapid Creek

Dear Governor Daugaard:

In regard to South Dakota's waters, one of the state's top priorities should be preserving the quality of Rapid Creek as drinking water. Rapid City is the second largest city in South Dakota, with 70,000 residents and over 2.4 million visitors each year. Our Sioux Nation tribes have about 20,000 Lakota, Nakota and Dakota people resident in the area. As you know, the Black Hills of South Dakota are sacred lands to the Great Sioux Nation, preserved by the 1851 and 1868 Sioux Nation Treaties as our "permanent home" and we want to see the Black Hills area preserved in its pristine ecological condition. The State of South Dakota and local businesses are reliant on the pristine ecological condition of the Black Hills for tourist visitation to Rapid City, Mt. Rushmore, and the Sturgis "Bike" Rally.

Rapid City draws its "raw" water from Rapid Creek. It is filtered through stone, gravel, sand and charcoal. Then chlorine is added, and it is sent to the people of Rapid City to drink. Without having a public hearing or referring the matter to the State Water Management Board, and without conducting a Safe Drinking Water Act or National Historic Preservation Act Section 106 review, the Chief Engineer has issued a temporary water permit to Mineral Mountain Resources to use water for exploratory gold mining near Rochford, SD, with the authorization to draw 1.8 million gallons of water from Rapid Creek. That permit expired on May 1, 2018. Now MMR is seeking a new temporary water permit and the Water Management Board scheduled a hearing on October 4, 2018 in Pierre, SD. The Water Management Board has scheduled a hearing in Pierre, SD rather than Rapid City despite the Pennington County Commission Resolution call for such hearings to be held in Rapid City. We agree with the Pennington County Commission's Resolution, and we believe that the people in the affected area should be heard in the area where the water is impacted. So please call upon the Water Board to reschedule the hearing for next month in Rapid City, SD.

MMR does not say that it has a plan to return the water to Rapid Creek, but its past experience near Keystone where contaminants entered Battle Creek provides the State insight into the possible dangers. The Homestake Gold Mine was sued by the EPA, State DENR, and the Cheyenne River Sioux Tribe to

require clean-up of Whitewood Creek because the cyanide solution gold mining process had turned the creek into a Super Fund site. Surely, that experience indicates that the State Water Management Board should have a public hearing on any proposal for gold mining along Rapid City's main source of drinking water.

We respectfully request that you demonstrate the State's commitment to clean, safe drinking water in Rapid City and the Black Hills by calling upon the State Water Management Board to hold a hearing on this important question of whether to renew a permit to draw water for gold mining along Rapid Creek. We hereby request a State Water Management Board hearing on the MMR request for any further water permitting and we are copying the Chief Engineer and the State Water Management Board. We hope that you will make the same request.

I look forward to hearing from you on this important issue.

Sincerely,

Rodney M. Bordeaux, President
Rosebud Sioux Tribe

cc: Chief Engineer, DENR
State Water Management Board, DENR
Pennington County Commission