

Re: HB 1071

I oppose HB 1071 introduced by Representative Weisgram on 1/10/24 on the following reasons:

Western South Dakota is Treaty Territory under the 1851 & 1868 Fort Laramie Treaties, and therefore South Dakota is violating U.S. Government to Government relations within Treaty Boundaries that include western South Dakota and the entire Black Hills region.

This bill transfers power from the Legislature to the Governor, which will prevent State lawmakers the ability to make sound decisions that would be in the best interest of the public.

South Dakota, nor the federal government, has still not cleaned up the old abandoned uranium mines for the past 80 years. When will this be done?

This portion is very concerning:

discontinuance of certain-of-the-federal-government's-responsibilities-with-respect-to-sources-of-radiation regulatory authority of the Commission and the assumption thereof by this state

Cleaning up the past contamination of uranium mining should be the top priority for the State and the federal agencies, NRC and EPA, need to be held accountable. I believe this bill would cause more damage by discontinuing regulations with the U.S. Government.

As an example in Wyoming, which is an "Agreement State", has had to pay out at least \$1.4 million to take over the regulations of their uranium mining and milling. This will cost them more with the recent inflation and has and does fall on their tax-payers. Will this bill do the same to South Dakota tax-payers?

Uranium Mining and mining causes radioactive waste and puts our communities, rather locally, or downwind and downstream, in harm's way.

This bill prevents mandated tribal consultation and/or allows for needed public comment.

And finally, remember our history of the past uranium mining in South Dakota that has contaminated drinking water sources that still have an impact on our rural and tribal communities downstream. We must protect our land and water from radiation and mining contamination.

Water is Life.

Thank you,

Carla Marshall
P.O. Box 3184
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Respectfully,

Dear House State Affairs Committee members,

Please oppose HB 1071 <https://sdlegislature.gov/Session/Bill/24868>

HB 1071 would let the Governor make agreements with the federal government to extend state authority over uranium mining/milling and handling of other radioactive materials. An agreement under this bill would eliminate the Nuclear Regulatory Commission and the National Environmental Policy Act (NEPA) process for uranium mining/milling or various other projects that handle radioactive material. This would shut tribal governments out of the permitting process by eliminating requirements for tribal consultation. The public's ability to learn about and perhaps oppose projects involving radioactive materials would also shrink.

Regulating and monitoring uranium (and other radioactive material) is more complicated than controlling other pollutants due to radioactivity. The federal government created a special agency to do this...not leaving the task of watching over radioactive threats to the public and environment, up to the EPA. It cost Wyoming at least \$1.4 million to take over regulating uranium mining and milling. With recent inflation, it would cost more to the SD taxpayer. It is better to leave this cost with the federal government.

Our country still does not know what to do with radioactive waste. The half-life of plutonium-239 is 24,1000 years. Radioactive chemicals can be a threat longer than most civilizations last. It is better to leave the regulation of such materials to the federal government who has more money, resources and can deposit wastes in states other than the state(s) where the radioactive waste was created.

The bill is vague saying - *"This authority is granted only under the condition that moneys are made available for the establishment of an adequate radiation protection program prior to the signing of this agreement."*

What is an "adequate radiation protection program"? That is not defined. The bill just requires the money to pay for it to exist, not that an adequate program will actually be created. It does not say what sort of projects the Governor will want to regulate. Will the Governor want to regulate a radioactive waste disposal site and approve importation of rad-waste to SD?

The legislature should keep the authority to approve such delegation at the legislature and not give it to the discretion of a governor. If authority is granted it should be more specific as to what type of radioactive projects you expect the governor to regulate in SD.

Thanks,

Nancy Hilding
President
Prairie Hills Audubon Society