

MINE CONTACT REPORT FORM

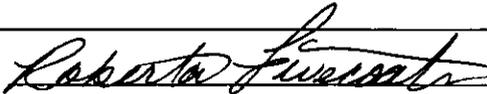
Date of Call: _____ Date of E-mail: 1/16/09, 1/30/09, and 2/5/09

Email to: Elizabeth Lorina, Gonzalez Law Firm _____ DENR Employee Contacted: Roberta Fivecoate _____

Operator Contacted: _____

Company: _____

Telephone: _____

Staff Signature:  _____

On January 16, 2009 I sent the following email to Elizabeth Lorina regarding the need for a clarification in Oglala Sioux Tribe's nominating petition.

From: "Roberta.Fivecoate@state.sd.us" <Roberta.Fivecoate@state.sd.us>
To: elorina@gnzlawfirm.com
Cc: Mike.Cepak@state.sd.us; Eric.Holm@state.sd.us; Rich.Williams@state.sd.us
Sent: Friday, January 16, 2009 3:08:27 PM
Subject: Clarification on Nominating Petition

Dear Ms. Lorina,

I have been trying to contact you during this past week in order to clarify a statement made within the "Nominating Petition for Inclusion on the Preliminary List of Special, Exceptional, Critical, or Unique Lands" provided by you as representation for the Oglala Sioux Tribe. Currently, under "Land Nominated" it is stated "He Sapa (the Black Hills) including the land described in the legal description attached as Exhibit A." As this statement currently reads, it appears as though you are currently attempting to nominate the entire Black Hills and the lands denoted by Powertech in its "Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent to Operate" as this is the land described within Exhibit A of your petition. If this is the case, the petition is currently incomplete. For a nomination of the Black Hills, you would also need to provide a legal description, a map showing the boundary, and a list of all surface and mineral owners in the Black Hills as well as all surface owners within 500 feet of the boundary of the Black Hills.

If it was not your intent to nominate the entire Black Hills please submit a clarifying statement to our office indicating that the lands being nominated are only those being designated within Exhibit A of your petition.

If you have any questions please feel free to contact me.

Sincerely,

Roberta Fivecoate
Minerals and Mining Program
SD Dept of Environment and Natural Resources
523 E Capitol Ave
Pierre, SD 57501
Phone (605) 773-4201
Fax (605) 773-5286

Ms. Lorina responded later that same day with her clarification regarding the statement in the nominating petition. This email is below:

-----Original Message-----

From: Elizabeth Lorina [mailto:elorina@gnzlawfirm.com]
Sent: Friday, January 16, 2009 4:19 PM
To: Fivecoate, Roberta
Subject: Re: Clarification on Nominating Petition

Ms. Coate:

My apologies for not responding earlier; I have not been in the office this week. Is email sufficient for a clarifying statement? If so, please amend as follows:

“the land areas included by Powertech in their proposed mining area”.

If that is not sufficient, I can send a notarized amendment by Wednesday (I have court in Wyoming on Tuesday and Monday is a holiday). Thank you for your assistance.

Elizabeth Lorina
Gonzalez Law Firm
522 7th Street, Suite 202
Rapid City, SD 57701
605-716-6355 (telephone)
605-716-6357 (facsimile)

I responded back on the same day through the following email requesting that she further verify the statement through a letter.

-----Original Message-----

From: Fivecoate, Roberta
Sent: Friday, January 16, 2009 4:41 PM
To: 'Elizabeth Lorina'
Cc: Cepak, Mike; Holm, Eric; Williams, Rich
Subject: RE: Clarification on Nominating Petition

Ms. Lorina,

Thank you for your immediate response. If you could please send us a simple letter stating that the lands being nominated in the petition are the lands listed within Exhibit A, and if you would like to add that these are the lands included by Powertech in their proposed mine area, that would be perfectly acceptable. We would like to have a letter from you on file, though it does not need to be notarized as we are looking at this as a clarification and not a correction on the petition.

Thank you again!

Roberta Fivecoate
Minerals and Mining Program
SD Dept of Environment and Natural Resources
523 E Capitol Ave
Pierre, SD 57501
Phone (605) 773-2909
Fax (605) 773-5286

By January 30, 2009, the letter from Ms. Lorina's office had not yet arrived and I sent the following email to her requesting the clarification.

-----Original Message-----

From: Roberta.Fivecoate@state.sd.us
To: elorina@gnzlawfirm.com
Cc: Mike.Cepak@state.sd.us
Cc: Eric.Holm@state.sd.us
Cc: Rich.Williams@state.sd.us
Subject: Clarification
Sent: Jan 30, 2009 12:39 PM

Dear Ms. Lorina,

I have not received a letter in the mail from you regarding the clarification of lands being designated within your nominating petition. Would you please verify that the lands being nominated through your petition are those specifically indicated within Exhibit A and Exhibit B of your petition?

Thank you!

If you have any questions please feel free to contact me!

Roberta Fivecoate
Minerals and Mining Program
SD Dept of Environment and Natural Resources
523 E Capitol Ave
Pierre, SD 57501
Phone (605) 773-4201
Fax (605) 773-5286

Ms. Lorina responded back through the following email on January 30, 2009 stating that she would send another copy of the letter.

-----Original Message-----
From: elorina@gnzlawfirm.com [mailto:elorina@gnzlawfirm.com]
Sent: Friday, January 30, 2009 3:36 PM
To: Fivecoate, Roberta
Subject: Re: Clarification

Ms. Fivecoate,
I'm not in the office today, but I'll have someone in the office resend a copy of the letter I sent per your previous email. My apologies for any confusion.

Elizabeth

As of February 5, 2009, since a copy of the letter had still not arrived through mail I again contacted Ms. Lorina through the following email requesting a status on the letter and that she provide further clarification regarding the lands being nominated.

From: "Roberta.Fivecoate@state.sd.us" <Roberta.Fivecoate@state.sd.us>
To: elorina@gnzlawfirm.com
Cc: Mike.Cepak@state.sd.us
Sent: Thursday, February 5, 2009 10:37:11 AM
Subject: Nominating petition

Ms. Lorina,

Will you please let me know if you have sent a letter with your clarification regarding the lands being nominated in your petition? If not, will you please verify for me that the lands being nominated through your nomination are specifically those listed within Exhibits A and B of your petition?

Thank you.

Roberta Fivecoate
Minerals and Mining Program
SD Dept of Environment and Natural Resources
523 E Capitol Ave
Pierre, SD 57501
Phone (605) 773-2909

Fax (605) 773-5286

She responded on February 5, 2009 with the following email providing the necessary clarification and status of the letter.

-----Original Message-----

From: Elizabeth Lorina [mailto:elorina@gnzlawfirm.com]
Sent: Thursday, February 05, 2009 11:54 AM
To: Fivecoate, Roberta
Subject: Re: Nominating petition

Ms. Coates,

Yes, the lands in the nominating petition are those within Exhibit A & B. My office has sent the letter via mail twice now. I can fax it if you wish.

Elizabeth Lorina
Gonzalez Law Firm
522 7th Street, Suite 202
Rapid City, SD 57701
605-716-6355 (telephone)
605-716-6357 (facsimile)

I replied through the following email telling her not to worry about a letter at this time and that I would write up a contact memo detailing the clarifications.

-----Original Message-----

From: Fivecoate, Roberta
Sent: Thursday, February 05, 2009 12:26 PM
To: 'Elizabeth Lorina'
Subject: RE: Nominating petition

Ms. Lorina,

Thank you for verifying that the letter has been sent. I am not sure what is going on with the mail since I have still not received either of your letters. Right now I would say don't worry about it. I will put together a contact memo detailing your clarifications and have it placed into the file. If I receive your letters I will also have those placed into the file.

Thank you!

Roberta Fivecoate
Minerals and Mining Program
SD Dept of Environment and Natural Resources
523 E Capitol Ave
Pierre, SD 57501
Phone (605) 773-2909
Fax (605) 773-5286