

RAPID CITY

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SIOUX FALLS

Victoria M. Duehr
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*Attorneys also admitted in
Nebraska, North Dakota,
Minnesota and Missouri*



BANGS McCULLEN
LAW FIRM

Reply to Rapid City Office

Writer's e-mail address: mhickey@bangsmccullen.com

June 6, 2013

RECEIVED
JUN 10 2013
MINERALS & MINING PROGRAM

Mike Cepak
Minerals & Mining Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501

**Re: Powertech (USA), Inc.,
Application for Large Scale Mine Permit**

Dear Mr. Cepak:

I enclose the original **Election of Participation** and **Certificate of Service** on behalf of the Black Hills Wild Horse Sanctuary, Dayton Hyde and Susan Watt.

If you have any questions, please advise. Thank you.

Sincerely,

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

Michael M. Hickey

MMH:ke

Cc: Clients
Max Main
Charles McGuigan
Rex Hagg

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STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

RECEIVED
JUN 10 2013
MINERALS AND MINING PROGRAM

BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF POWERTECH)
(USA), INC. APPLICATION FOR) ELECTION OF PARTICIPATION
LARGE SCALE MINING PERMIT)
(Dewey-Burdock Project))

TO: All Persons who filed Petitions to Intervene in the above captioned matter:

You filed or signed a petition or sent comments to the Department of Environment and Natural Resources regarding the Powertech large scale mine permit application currently pending before the Board of Minerals and Environment. To clarify your intent, you must elect: A) to participate as a full party in the formal contested case proceeding, including presenting testimony subject to cross examination, offering exhibits, cross examining other witnesses, making and defending objections, addressing legal argument, and having the option to appeal to the courts if desired; or B) provide sworn testimony only during the public comment period of the contested case proceeding subject to cross examination by the parties and questioning by the Board; or C) rely on the information you may have already filed with the Department. Election of options B or C will waive some of the rights, and relieve you of some of the obligations, you have if you participate as a full party under Option A.

YOU MUST RETURN THIS FORM TO MIKE CEPAK, DENR
MINERALS AND MINING PROGRAM, ON OR BEFORE JUNE 14, 2013.

FAILURE TO COMPLETE AND RETURN THIS WILL BE CONSTRUED AS
AN ELECTION TO PROCEED UNDER OPTION B. A PERSON MAY
CHANGE THEIR PARTICIPATION STATUS AS PROVIDED IN THE
BOARD'S PROCEDURAL ORDER.

 X (A) I wish to participate as a full party in this proceeding by presenting testimony subject to cross examination, offering exhibits, cross examining other witnesses, making and defending objections, addressing legal argument, and having the option to appeal to the courts if desired. I understand that if I am appearing on my own behalf, I do not need to be represented by a lawyer, but that all corporations, partnerships, nonprofit associations, and other legal entities must have a lawyer represent them if they participate as a party.

 (B) I wish to offer my sworn testimony at the beginning of the contested case hearing. I understand that due to the large number of parties, I may be limited to 10-15 minutes. I understand my testimony will be subject to cross examination and I will not have all the rights nor obligations of a full party.

 (C) I wish to rely on the petition or any other comments I have already submitted to the Department. I do not wish to testify or participate as a full party in these proceedings.

DATE: June 6, 2013

SIGNATURE: 

PRINTED NAME: Michael M. Hickey

ADDRESS: Bangs, McCullen Law Firm

 P.O. Box 2670

 Rapid City, SD 57709-2670

TELEPHONE: (605) 343-1040

EMAIL: mhickey@bangsmccullen.com

**Mail to: Mike Cepak, DENR Minerals and Mining Program, Foss Building,
523 E. Capitol Ave., Pierre, SD 57501**

RECEIVED
JUN 10 2013
MINERALS & MINING PROGRAM

STATE OF SOUTH DAKOTA

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT**

**IN THE MATTER OF THE LARGE
SCALE MINE PERMIT APPLICATION
OF POWERTECH (USA) INC.**

Certificate of Service

The undersigned hereby certifies that he served copies of the
Election of Participation upon the persons herein next designated, all
on the date below shown:

**Mike Cepak
Minerals and Mining Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501
Facsimile: (605) 773-4068**

**Max Main
Bennett, Main & Gubbrud
618 State Street
Belle Fourche, SD 57717-1489**

**Charles D. McGuigan
Office of the Attorney General
1302 E. Hwy. 14, Suite 1
Pierre, SD 57501-8501**

**Rex Hagg
Whiting, Hagg, Hagg,
Dorsey & Hagg
P.O. Box 8008
Rapid City, SD 57709**

and upon each of the persons shown on the attached list, by depositing
copies thereof in the United States mail at Rapid City, South Dakota,
postage prepaid, in envelopes addressed to said addressees, which are the
last addresses of the addressees known to the subscriber.

Dated this 6th day of June, 2013.

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

BY:



MICHAEL M. HICKEY
333 West Blvd., Suite 400
P.O. Box 2670
Rapid City, SD 57709
Phone: (605) 343-1040
mhickey@bangsmccullen.com
***Attorneys for Black Hills
Wild Horse Sanctuary,
Dayton Hyde and Susan Watt***

**In the Matter of the Large
Scale Mine Permit Application
of Powertech (USA) Inc.**

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Juli Ames-Curtis
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Waste'Win Young
Tribal Historic Preservation Office
N. Standing Rock Ave.
Fort Yates, ND 58538

FAILURE TO COMPLETE AND RETURN THIS WILL BE CONSTRUED AS
AN ELECTION TO PROCEED UNDER OPTION B. A PERSON MAY
CHANGE THEIR PARTICIPATION STATUS AS PROVIDED IN THE
BOARD'S PROCEDURAL ORDER.

RECEIVED
JUN 10 2013
MINERALS & MINING PROGRAM

✓ (A) I wish to participate as a full party in this proceeding by presenting testimony subject to cross examination, offering exhibits, cross examining other witnesses, making and defending objections, addressing legal argument, and having the option to appeal to the courts if desired. I understand that if I am appearing on my own behalf, I do not need to be represented by a lawyer, but that all corporations, partnerships, nonprofit associations, and other legal entities must have a lawyer represent them if they participate as a party.

_____ (B) I wish to offer my sworn testimony at the beginning of the contested case hearing. I understand that due to the large number of parties, I may be limited to 10-15 minutes. I understand my testimony will be subject to cross examination and I will not have all the rights nor obligations of a full party.

_____ (C) I wish to rely on the petition or any other comments I have already submitted to the Department. I do not wish to testify or participate as a full party in these proceedings.

DATE: 6-5-13

SIGNATURE: Gardner B Gray

PRINTED NAME: GARDNER B. GRAY

ADDRESS: PO Box 153

Plunder SD 57773

TELEPHONE: 605-673-3730

EMAIL: gbogray@yahoo.com

Mail to: Mike Cepak, DENR Minerals and Mining Program, Foss Building,
523 E. Capitol Ave., Pierre, SD 57501

6-5-13

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MINERALS & MINING PROGRAM

Dear Mr. Cepak:

I can only hope that our telephone conversation a few weeks ago will stir you to include in your comments / testimony that you are aware that there is no in situ operation in this county that has ever been returned to baseline, that almost always, water, land and air remain dangerous with chemicals and uranium decay and compounds.

With a simple review of in situ mining in this county, it becomes obvious that Power Tech should not be allowed, nor any other outfit for that matter, to mine uranium in the Black Hills.

Thank you for your attention:

Gardner Gray



Mr. Gardner B. Gray
PO Box 153
Pringle, SD 57773

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DATE: 6.6.13
SIGNATURE: Terri Baker
PRINTED NAME: Terri Baker
ADDRESS: 705 N. River Street
Hot Springs, SD
57747
TELEPHONE: 605.891.8824
EMAIL: _____

Mail to: Mike Cepak, DENR Minerals and Mining Program, Foss Building, 523 E. Capitol Ave., Pierre, SD 57501

I once again object to the hearing date. I run a small business and we are open 6 days a week, which does not give me much time to go to the deeds office to look over the permit. Plus get ready to try and protect my water!!

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DATE: 7 Jun 13
SIGNATURE: Dahl H. McLean
PRINTED NAME: Dahl H. McLean
ADDRESS: 11853 Acorn Ridge Rd
Speanfish, SD 57783
TELEPHONE: (605) 920-1973
EMAIL: dahl@live.com

Mail to: Mike Cepak, DENR Minerals and Mining Program, Foss Building,
523 E. Capitol Ave., Pierre, SD 57501

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_____ (C) I wish to rely on the petition or any other comments I have already submitted to the Department. I do not wish to testify or participate as a full party in these proceedings.

DATE: 6-5-13
SIGNATURE: 
PRINTED NAME: Cheryl Fair
ADDRESS: 12909 Shep's Canyon Rd
Hot Springs, SD 57747

TELEPHONE: 605-745-4535
EMAIL: jf314cf@goldenwest.net

Mail to: Mike Cepak, DENR Minerals and Mining Program, Foss Building,
523 E. Capitol Ave., Pierre, SD 57501

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DATE: 6/7/2013

SIGNATURE: Cliff Riffle

PRINTED NAME: CLIFF RIFFLE

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57702

TELEPHONE: 877-2057

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X _____ (C) I wish to rely on the petition or any other comments I have already submitted to the Department. I do not wish to testify or participate as a full party in these proceedings.

DATE: 6/5/13

SIGNATURE: Jon Fair

PRINTED NAME: Jon Fair

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TELEPHONE: 605-745-4535

EMAIL: JF314@GOLDENWEST.NET

Mail to: Mike Cepak, DENR Minerals and Mining Program, Foss Building,
523 E. Capitol Ave., Pierre, SD 57501

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_____ (B) I wish to offer my sworn testimony at the beginning of the contested case hearing. I understand that due to the large number of parties, I may be limited to 10-15 minutes. I understand my testimony will be subject to cross examination and I will not have all the rights nor obligations of a full party.

X _____ (C) I wish to rely on the petition or any other comments I have already submitted to the Department. I do not wish to testify or participate as a full party in these proceedings.

DATE: June 6, 2013

SIGNATURE: Carol J. Laverick

PRINTED NAME: Carol L. Laverick

ADDRESS: P.O. Box 281

Custer, SD 57730

TELEPHONE: 605-673-3359

EMAIL: Buzz.Murph@gmail.com

Mail to: Mike Cepak, DENR Minerals and Mining Program, Foss Building,
523 E. Capitol Ave., Pierre, SD 57501

FAILURE TO COMPLETE AND RETURN THIS WILL BE CONSTRUED AS
AN ELECTION TO PROCEED UNDER OPTION B. A PERSON MAY
CHANGE THEIR PARTICIPATION STATUS AS PROVIDED IN THE
BOARD'S PROCEDURAL ORDER.

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DATE: 6-4-13

SIGNATURE: *George J. Corrigan*

PRINTED NAME: GEORGE J. CORRIGAN

ADDRESS: 446 S 5TH ST

HOT SPRINGS

S.D. 57747

TELEPHONE: _____

EMAIL: _____

Mail to: Mike Cepak, DENR Minerals and Mining Program, Foss Building,
523 E. Capitol Ave., Pierre, SD 57501

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DATE: 6/5/13
SIGNATURE: Rebecca R. Leas, Ph.D.
PRINTED NAME: REBECCA R. LEAS Ph.D.
ADDRESS: 6509 Seminole Lane
Rapid City, SD 57702
TELEPHONE: 605-791-2951
EMAIL: RRLAS@RAP.MIDCO.NET

Mail to: Mike Cepak, DENR Minerals and Mining Program, Foss Building,
523 E. Capitol Ave., Pierre, SD 57501

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DATE: 6/5/13
SIGNATURE: *Rick V. Summerville*
PRINTED NAME: Rick V. Summerville
ADDRESS: 6509 Seminole Lane
Rapid City, SD 57702

TELEPHONE: 605-791-2951

EMAIL: _____

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