

**STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT**

**In the Matter of the Application of
Powertech (USA) Inc. for a Large
Scale Mining Permit (Dewey-Burdock
Project) (Designated Permit No. 480).**

**RECEIVED
SEP 13 2013
MINERALS & MINING PROGRAM**

**Powertech's Motion to Allow Narrative Testimony
Powertech's Motion In Limine**

September 9, 2013

Comes now Susan R. Henderson, representing herself, to strenuously object to Powertech's Motion to Allow Narrative Testimony and Powertech's Motion In Limine which seeks to characterize nonpublic documents and exhibits as hearsay thereby eliminating them from consideration by the Board in making its ruling.

It is my feeling that the Board of Minerals and Environment has a fiduciary responsibility to the citizens of South Dakota to protect the environment and to protect South Dakota's citizens' normal right to clean air, clean water, and a safe environment. Citizens must be protected so that they may pursue their normal livelihoods, enjoy clean air and water in towns, municipalities, and cities and also in their homes and local businesses. Agriculture, private single family homes, and wildlife must also be protected.

A large part of this responsibility requires that citizens be represented fairly and to the best of their abilities. Many people who object to the Powertech project will have problems speaking out as eloquently as Powertech's lawyers, paid experts, and employees. Some will need the right to simply submit a written concern. Others have spent considerable time researching the various issues involved in this case and will need to submit various documents, exhibits, pictures, films, newspaper and magazine articles and other exhibits that will shed valuable light on the issues of this permit application.

I believe the Board has a responsibility to listen to these voices and allow documents that present an opposing view.

We the people should have this right. To restrict this right, given to us originally by the United States Constitution is simply wrong.

The hearing chair has broad powers already to restrict testimony, control harassment of witnesses and accept or reject various exhibits. I wonder why these powers are not sufficient. This project will have far reaching effects on South Dakota and its environment for decades to come. We need the right to present the other side of the argument. Please grant us that right by rejecting both the motion to allow narrative testimony and the motion in limine.

Respectfully submitted,
Susan R. Henderson

