



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 20, 2009

Mark Hollenbeck
Powertech (USA) Inc.
PO Box 812
Edgemont, SD 57735-0812

Dear Mr. Hollenbeck:

In accordance with SDCL 45-6B and ARSD 74:29:10:13, you are being notified of the SD Board of Minerals and Environment's action for the following:

Type of Action: Scenic and Unique Lands Determination Nominating Petition Hearing

Applicant: Powertech (USA) Inc.

Legal Description: E1/2 NE1/4, E1/2 SE1/4, SW1/4 SE1/4, S1/2 NW1/4 SE1/4, SE1/4 SW1/4, and S1/2 NE1/4 SW1/4 Section 20, W1/2, W1/2 W1/2 NE1/4, and W1/2 NW1/4 SE1/4 Section 21, S1/2 Section 27, N1/2 NW1/4, SW1/4 NW1/4, and SW1/4 Section 28, Section 29, Section 30, E1/2 Section 31, Section 32, NW1/4, SW1/4, SE1/4, and S1/2 NE1/4 Section 33, Section 34, and Section 35; T6S-R1E, Custer County and Section 1, Section 2, Section 3, W1/2 W1/2 Section 4, Section 5, Section 10, Section 11, Section 12, NW1/4, W1/2 NE1/4, and NE1/4 NE1/4 Section 14, and N1/2 Section 15; T7S-R1E, Fall River County.

Date of Determination: On February 19, 2009, the SD Board of Minerals and Environment determined that land described in the Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent to Operate is not eligible for inclusion on the list of special, exceptional, critical, or unique lands.

Enclosed is a copy of the signed Request for Determination.

If you have any questions, please feel free to contact our office.

Sincerely,

Eric Holm
Natural Resources Engineer
Minerals and Mining Program
Telephone: (605) 773-4201

Enclosure

Department of Environment and Natural Resources
Minerals and Mining Program
Joe Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501-3182
Telephone: (605) 773-4201 Fax: (605) 773-5286

RECEIVED
AUG 21 2008
MINERALS & MINING PROGRAM

REQUEST FOR DETERMINATION
SPECIAL, EXCEPTIONAL, CRITICAL,
OR UNIQUE LANDS AND NOTICE OF
INTENT TO OPERATE

Name of Operator Powertech (USA) Inc.

Office Address 310 2nd Ave / P.O. Box 812
 Edgemont, SD 57735

Telephone (605) 668-8308

Local Address Same as Office Address

Telephone Same as Office Telephone

Legal Description See Chapter 2.0, Proposed Mining Area, in the Attached Document.

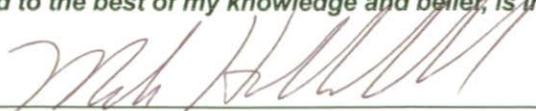
County Fall River and Custer

Name and Address of Surface Owner See Appendix A in the Attached Document

Name and Address of Mineral Owner See Appendix A in the Attached Document

Name and Address of Surface Owners Within 500 Feet of the Proposed Mining Operation
 See Appendix A in the Attached Document

I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

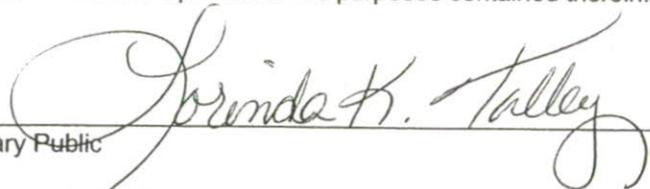
Signature 

Title Project Manager Date 8-20-08

STATE OF South Dakota
COUNTY OF Pennington

On this 20th day of August, 2008, before me personally
appeared Mark Hollenbeck who acknowledged himself to be
Project Manager for Powertech (USA) Inc.
(Title) (Operator)

and that he is authorized to execute this Request for Determination of Special, Exceptional, Critical, or Unique Lands and
Notice of Intent to Operate for the purposes contained therein.



Notary Public
My Commission Expires LORINDA K. TALLEY, Notary Public
Pennington County, South Dakota
My Commission Expires June 6, 2014

SEAL

FOR DEPARTMENT USE ONLY

The land described in this Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent
to Operate () is (X) is not eligible for inclusion on the list of special, exceptional, critical, or unique lands.

/s/ _____ Date December 31, 2008
Secretary, Department of Environment and Natural Resources

Operator Appeal Date January 7, 2009

Intervenor Contest Date February 19, 2009

The land described in this Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent
to Operate () is (X) is not eligible for inclusion on the list of special, exceptional, critical, or unique lands.

/s/ _____ Date February 19, 2009
Chairman, SD Board of Minerals and Environment