

**NOTICE OF HEARING  
POWERTECH (USA) INC.  
APPLICATION FOR URANIUM EXPLORATION PERMIT**

*Copies to Custer Co.  
Comm., Fall River  
Co. Comm., JP, BME  
List, + Uranium  
Regs List 10/29/08*

Notice is hereby given that the South Dakota Department of Environment and Natural Resources has received a permit application to conduct exploration for uranium from Powertech (USA), Inc., 5575 DTC Parkway Suite 140, Greenwood Village, Colorado 80111-3012. Powertech (USA), Inc.'s resident agent is CT Corporation Systems, 319 Coteau Street, Pierre, South Dakota 57501. The exploration area is generally located approximately 13 miles northwest of Edgemont in Sections 29, 30, and 32; T6S-R1E, Custer County and Sections 2, 10, and 11; T7S-R1E, Fall River County.

In accordance with SDCL 45-6D and SDCL 1-26, a hearing on the issuance of the permit will take place before the South Dakota Board of Minerals and Environment on November 19, 2008, beginning at 10:30 a.m. CST at the Matthew Environmental Education and Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota.

The operation will consist of drilling 30 condemnation and exploration holes for uranium in the Lakota and Fall River Formations. Each condemnation/exploration hole will be approximately 300 feet to 800 feet in depth. The holes will be logged radiometrically for uranium.

The permit, if approved, only authorizes those exploratory activities identified in the permit application and does not authorize the commencement of uranium mining activities. If the company decides to proceed with uranium mining at a later date, a state mine permit application and additional public hearings will be required.

The Board's action will be either to approve or disapprove the uranium exploration permit application. This hearing is an adversary proceeding; in accordance with SDCL 45-6D-26, persons that filed written objections to or statements in support of the application with the Department on or prior to October 28, 2008, have the right to intervene in the proceeding. Persons intervening will have the following rights at the hearing: to be present, to be represented by a lawyer. Individuals may represent themselves at the hearing; organizations must be represented by a lawyer. These and other due process rights will be forfeited if not exercised at the hearing. The decision based on the hearing may be appealed to the circuit court and the State Supreme Court as provided by law.

If the amount in controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the public hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making special arrangements is (605) 773-4201. Persons desiring further information regarding this hearing may contact Roberta Fivecoate, Minerals and Mining Program, at the above address or by calling (605) 773-4201.

Steven M. Pirner, P.E.  
Secretary  
Department of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 29, 2008

Rapid City Journal  
ATTN: LEGAL AD DEPARTMENT  
PO Box 450  
Rapid City, SD 57709-0450

Dear Sir:

Please publish the enclosed notice in your paper as "legal notice" for **two** issues on **November 5 and 12, 2008**. If for any reason you are unable to publish this notice on the dates specified, please immediately notify the Minerals and Mining Program at 773-4201.

After publication, submit a statement of billing for publishing the notice along with an Affidavit of Publication. Your billing should be sent to the following:

Minerals and Mining Program  
523 East Capitol Avenue  
Pierre, SD 57501-3182

Sincerely,

\s/

Patty McQuay  
Minerals and Mining Program  
(605) 773-3755

Enclosure: Powertech Notice of Hearing



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and NATURAL RESOURCES

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October 29, 2008

Black Hills Pioneer  
ATTN: LEGAL AD DEPARTMENT  
PO Box 7  
Spearfish, SD 57783-0007

Dear Sir:

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October 29, 2008

Brookings Register  
ATTN: LEGAL AD DEPARTMENT  
PO Box 177  
Brookings, SD 57006-0177

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October 29, 2008

Capital Journal  
ATTN: LEGAL AD DEPARTMENT  
PO Box 878  
Pierre, SD 57501-0878

Dear Sir:

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October 29, 2008

Custer County Chronicle  
ATTN: LEGAL AD DEPARTMENT  
PO Box 551  
Custer, SD 57730-0551

Dear Sir:

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October 29, 2008

Edgemont Herald-Tribune  
ATTN: LEGAL AD DEPARTMENT  
PO Box 660  
Edgemont, SD 57735-0660

Dear Sir:

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October 29, 2008

Hot Springs Star  
ATTN: LEGAL AD DEPARTMENT  
PO Box 1000  
Hot Springs, SD 57747-1000

Dear Sir:

Please publish the enclosed notice in your paper as "legal notice" for **two** issues on **November 4 and 11, 2008**. If for any reason you are unable to publish this notice on the dates specified, please immediately notify the Minerals and Mining Program at 773-4201.

After publication, submit a statement of billing for publishing the notice along with an Affidavit of Publication. Your billing should be sent to the following:

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