

Ms. L. Elaine B. Eagle
720-B ELDENE LANE
RAPID CITY SD 57701-6578

RECEIVED
DEC 29 2008
MINERALS & MINING PROGRAM

Thursday, December 25, 2008

Mr. Eric Holm
Minerals & Mining Program
Dept. of Environment & Natural Resources
Joe Foss Bldg
523 EAST CAPITOL
PIERRE SD 57501-3182

RE: **Defenders of the Black Hills vs. PowerTech**

Dear Mr. Eric Holm:

Once upon a time . . . Once there was a way to get back home.
Once there was a way to get back home again. Flee pretty bird . . .
do not cry & I will sing a lullaby.

This is the story of Harry the Eagle. He was a big, beautiful, partly brown & partly white Bald Eagle. They said he was becoming extinct. And, so, he was allowed to go back home & be with his wife for life & his three little bald eagle chicks. They were so cute! And, always, they were hungry with their mouths wide open, chirping, waiting to be fed, wanting to be fed, needing to be fed by Harry, the big, beautiful, brown, bald eagle and his wife for life.

Now Mr. & Mrs. Harry & Harriette Big Beautiful Brown Bald Eagle were known in the area to fly higher than any other birds of prey. They would soar on the four winds high & far. They could see for miles & miles with their eagle eyes. The little mice would jump up & run & hide when even their shadows would appear; but, their favorite food, fish was getting harder & harder to find. There was no more fish to be found in the rivers that used to swell abundantly with all different kinds of fish. They had only to swoop down & take their pick with their talons.

But, now the rivers looked like a trickle of water & some were completely dried up. And, the water tasted bad & seemed to have a glow to it. There was no living thing to be found for miles around. Until one day, as they soared over Bear Butte, they heard a singing, a wailing, more like a crying and they knew that the other two-leggeds, called, "Human Beings" of the Lakota Teton Sioux bands were praying for them. They gave thanks for all of them: the wingeds of the sky, the four-leggeds, the creeping & crawling ones, the swimmers of the waters & the green, growing things and called them their relatives.

They also knew that by their giving thanks to the Great Spirit, the Creator & maker of all, the one that they called "Wakan Tankan", the Great Mystery, He would then hear their prayers & He would send them, Mr. & Mrs. Big Beautiful Brown Bald Eagle. As they soared high in the sky overhead, swirling in a circle, the two of them in sync together, it was as a sign that their prayers were heard.

But, by this time, there was no food to bring home to their nest of three little eagle chicks with their fluffy, downy soft feathers & their beaks wide open, chirping noisily when they seen their parents coming home.

The End.

It is my hope & prayer that after receiving this letter, you will enforce the laws already on the books protecting the bald eagles in the state of South Dakota. Please see page 3 of the enclosed Attachment: "Defenders of the Black Hills PRESS RELEASE November 20, 2008."

Thank you. I appreciate your time & attention to this concern.

Page Four

12/25/08

Mr. Eric Holm Letter Continued:

Sincerely,

A handwritten signature in dark ink that reads "L. Elaine B. Eagle". The signature is written in a cursive, flowing style.

L. Elaine B. Eagle,

a/k/a: Lois Elaine Big Eagle

605-545-3091 Alltel cell phone #

605-791-3074 home phone #

e-mail address: *lebigeagle@hotmail.com*

cc: Rapid City Journal

Dakota, Nakota & Lakota Newspapers

Defenders of the Black Hills

Enclosures

/e

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Fwd: re- defenders

From: LewJas@aol.com
 Sent: Thu 12/04/08 4:01 AM
 To: lebigeagle@hotmail.com
 @ 5 attachment(s)

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In a message dated 04/12/2008 09:50:29 GMT Standard Time, LewJas writes:

Defenders of the Black Hills

P. O. Box 2003, Rapid City, SD 57709 Phone: (605) 399 -1868

www.defendblackhills.org/joomla

Email: bhdefenders@msn.com

UPDATE REPORT

Hello Defenders:

The past three months were running over with deadlines to submit comments to federal agencies, tabling at Pow Wows, giving speeches, and attending a hearing in Pierre, SD. Our gratitude to all who helped in these efforts, to all who generously gave donations so we could accomplish the work, and to those who provided the opportunities to participate. The following are short summaries of some of those activities as well as upcoming events.

1. Nuclear Regulatory Commission GEIS Comments - Defenders submitted comments before Nov. 7th to the Nuclear Regulatory Commission on their Draft Generic Environmental Impact Statement for areas in Wyoming, South Dakota, Nebraska and New Mexico. Our comments were specific to the area as delineated in the Fort Laramie Treaty of 1868. If you wish a copy of Defenders' comments, please send a letter to the above address requesting the NRC - GEIS Comments.

2. Craven Canyon Exclusion from mining - The US Forest Service filed an application with the Bureau of Land Management to withdraw 3,968.7 acres in Fall River County to protect the existing Native American petroglyphs in the Craven Canyon area from damage by mining. The site will be protected for the next 20 years. Defenders submitted comments thanking the Forest Service for their foresight and also supported the withdrawal of the land to protect and preserve this area sacred to many Native American nations.

3. Presentation given to DIA - Democracy in Action is a women's group located in western South Dakota interested in legislative action. Charmaine gave a presentation on Nov. 18th and spoke about the need for state and federal legislation. In this region of SD, WY, NE, she recommended a moratorium in SD on further uranium exploration and mining until the 230 open pit abandoned uranium mines and prospects in SD are cleaned up, and the more than 4,000 uranium exploratory wells are filled, capped, and marked.

Three federal bills are needed to protect the public and the environment from further radioactive pollution.

1) A federal bill to monitor and regulate radioactive particles in the smoke from coal-fired power plants needs to be passed by Congress.

2) A federal bill is needed to regulate and monitor radioactive particles in oil.

3) A federal bill needs to be passed to clean up **ALL** of the abandoned open-pit uranium mines and prospects in the United States, and to seal all exploratory bore holes or wells.

4. LNI and Defenders Raffle - The Lakota Nation Invitational Basketball Tournament will be held Dec. 17-20th at the Rushmore Plaza Civic Center in Rapid City. Defenders plans on having an information table. Winners in the Defenders Winter Raffle will be drawn on Dec. 20th. The Raffle has always helped with our general expenses. Items this year include paintings by Billy Swift Hawk, a tipi lamp, a star quilt, and jewelry. Tickets are \$1 each or 6 for \$5. If you wish to have a name in the drawing, send your ticket requests with the correct amount to the above address.

5. Black Hills Pow Wow Defenders handed out information at the Black Hills Pow Wow on Oct. 10-11-12, 2008, and also the organization was honored to be able to participate in four Grand Entries on Friday and Saturday. Charmaine White Face, Coordinator, carrying a war club symbolic of her position, and Clifford White Eyes, Board member, elder advisor and veteran, carried a spear as they danced in front of a banner which read "No Uranium Mining in Great Sioux Nation Territory - www.defendblackhills.org/joomla".

The banner was donated by Coloradans Against Resource Destruction who are allies with Defenders against a common adversary, Powertech (USA), a Canadian company exploring for uranium in the region. The banner was carried by Garvard Good Plume, Wanbli Okiciza, Michael Elk Head, and Scott Clifford. More than 600 dancers followed. Wopila tanka (thank you very much) to the Black Hills Pow Wow Association for their strong support.



6. SD Board of Minerals - The SD Board of Minerals granted to Powertech (USA) another exploratory permit for 30 more uranium exploratory wells near Edgemont. Powertech is a Canadian company which is also operating in Wyoming but have backed out of their operations in Colorado. They want to explore in a certain area where there will be no uranium so they can build their uranium processing plant. The information on the permit request was sent in the last newsletter.

Defenders had a form letter for those wishing to object to granting the permit. Twenty-seven individuals and three organizations submitted letters of objection. Defenders had seven members attended the hearing held before the Board of Minerals in Pierre, SD, on Nov. 19th.

The next step in the process is appealing the Board decision in SD Circuit Court. This is the same procedure that was used in 2007 when Defenders appealed the previous decision to allow Powertech to drill 155 uranium exploratory wells. Powertech already has 4,000 wells in the same area. A copy of Defenders Press Release is included.

PRESS RELEASE

Nov. 20, 2008

"Board Decision Endangers Bald Eagles and Archaeologic Sites"

Pierre, SD - A decision made by the South Dakota Board of Minerals and Environment ignored recommendations by the SD Game, Fish, and Parks Department [GF&P] to protect a bald eagle nest, and the SD Archaeologist to study five possible cultural resource sites in an area slated to become a uranium processing plant.

Even though the recommendations were given to the Board in an information packet from the SD Department of Environment and Natural Resources [DENR] at a hearing on Nov. 19, 2008, and Defenders of the Black Hills used the recommendations as a part of the grounds for denial of a permit to drill 30 more uranium exploratory wells, the Board granted the permit. Powertech (USA) Inc., a Canadian uranium mining company, wants to build a uranium processing plant on the site in question.

The GF&P letter dated Oct. 17, 2008, stated that the no exploration activity should be conducted on the land in question for 7 months per year, between Feb. 1 and Aug. 31, "to avoid disruption of bald eagle activity at the nest" and also a nearby redtail hawk nest. Defenders of the Black Hills further asked about compliance with other federal laws, the Migratory Bird Treaty Act, and the Bald and Gold Eagle Act which would protect the bald eagles. The Board did not respond.

Mike Fosha, the Assistant State Archaeologist for the SD State Historical Society who gave testimony at the hearing, also talked about several sites that still needed to be studied. In a letter dated Oct. 15, 2008, to the DENR, Fosha said "Before any recommendation on these sites can be made, a report outlining their avoidance or their archaeological potential from a cultural resources perspective must be reviewed by this office... Five sites have not been evaluated and require additional archaeological investigation before any recommendation can be made concerning their eligibility for nomination to the NRHP." [National Register of Historic Places]

Defenders again stated that the Board of Minerals must deny the permit as the State Archaeologist did not have time to conduct a review or make a recommendation. Without such a review and recommendation, irreplaceable archaeological and historic sites could be destroyed. Defenders also questioned Powertech's comments that a Cultural Resources evaluation was conducted as it did not state the date or who conducted the evaluation.

Gary Heckenliable, from ACTION for the Environment, had a statement presented which further questioned the financial viability of the Canadian company to reclaim the land after the mining operation ceases. Heckenliable asked the Board to consider the financial capabilities for a reclamation bond when Powertech's shares are currently at 22 cents per share. His statement reminded the Board of their previous permit to Brohm Mining Company, another Canadian company, who mined gold and left an abandoned mine whose cleanup is now being paid by South Dakota taxpayers.

Garvard Good Plume Jr., in his individual testimony, quoted a study from the South Dakota School of Mines regarding the old abandoned uranium mines in the area contaminating ground water. He stated: "No more uranium exploratory wells should be drilled until all the aquifers are cleaned up, safe, and protected."

According to state law, SDCL 45-6D-29., the Board may deny a permit for any of the following reasons:

- (1) The application is incomplete or the surety has not been posted;
- (2) The applicant has not paid the required fee;

(3) The adverse effects of the proposed uranium exploration operation on the historic, archaeological, geologic, scientific, or recreational aspects of affected or surrounding land outweigh the benefits of the proposed uranium exploration operation;

(4) The proposed uranium exploration operation will result in the loss or reduction of long-range productivity of watershed lands, public and domestic water wells, aquifer recharge areas, or significant agricultural areas; or

(5) The proposed uranium exploration operation will adversely affect threatened or endangered wildlife indigenous to the area.

The next step in the process is an appeal of the Board of Minerals decision in state court.

For more information call Charmaine White Face, Coordinator at 605-399-1868.

7. University of Michigan and Defenders of the Black Hills Partnership

The University of Michigan in partnership with Defenders will be conducting a radon study on the Pine Ridge Reservation this winter. Radon is a naturally occurring radioactive gas but can be increased when uranium is disturbed either at the surface or below in groundwater. Radon causes lung cancer among other health risks. Yet, if detected, there are easy, inexpensive ways to correct the situation. However, without knowing if radon is in your house, then the entire family is at risk.

The best time to determine the presence of radon in homes is in the winter months when windows and doors are usually kept closed. Small canisters are opened and left undisturbed for four days someplace in the home. After four days, the canisters are sent back to the University where they will be analyzed for radon.

We are very fortunate to be able to work with Professor Dr. Kim Kearfott, Nuclear Physicist, from the University. She worked extensively in determining if radon was in homes in the Southwest. Our deepest gratitude to Professor Kearfott for her time and expertise.

8. Powertech Mining Company Requests Special, Exceptional, Critical or Unique Lands

Deadline for Comments - December 28, 2008

The following is a Notification of Request for Determination of Special, Exceptional, Critical or Unique Lands and Notice of Intent to Operate. This notice is from the SD Department of Environment and Natural Resources [DENR]. Powertech, the uranium mining company, submitted the request to DENR as they want to mine in the area in question.

The decision by DENR will be to determine if the land Powertech wants to mine should be excluded from being available for mining operations.

The land is located approximately 13 miles north-northwest of Edgemont, SD, on 9,425 acres where Powertech want to do large scale uranium mining in the Dewey-Burdock area, according to Powertech's application. Located in the area is a bald eagle nest which is listed as a threatened species under the state of South Dakota. The SD Game, Fish and Parks has recommended no activity in the area from Feb. to August due the bald eagle nest. There are also many archaeological sites in the area. According to the application, there is at least one site for every 8 acres. [We will also send copies of the application if you wish one.]

Powertech wants clearance of the area to do uranium mining. We are recommending no clearance for uranium mining in order to protect and preserve all the cultural resources (archaeological sites) including some that have not been studied, and also for protection of the bald eagles. Other concerns are the radioactive pollution of ground and surface water.

Please send your letters of comments to:

Eric Holm, Minerals and Mining Program
Dept. of Environment and Natural Resources
Joe Foss Building - 523 East Capitol,
Pierre, SD 57501-3182

The deadline for submitting a nominating petition or comment is December 28, 2008.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
788 2026
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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

Pursuant to ARSD 74:28-10-06, the Department of Environment and Natural Resources hereby notifies you that Powertech (USA) Inc., PO Box 812, Edgemont, SD 57735, has submitted a Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent to Operate. Powertech has submitted the Request to the Department for purposes of determining whether the lands potentially affected by their mining operation are eligible for inclusion on the preliminary list of special, exceptional, critical, or unique lands.

The Department has reviewed the Request and has found it to be substantially complete. Please contact Eric Holm or Patricia Plummer, Minerals and Mining Program, (605) 743-4221 if you would like to receive a copy of the Request and all supplemental information or you may view this information on the Internet at <http://www.state.sd.us/denr/RequestInfo.htm>.

Any other questions, or requests for additional information should be directed to Eric Holm at

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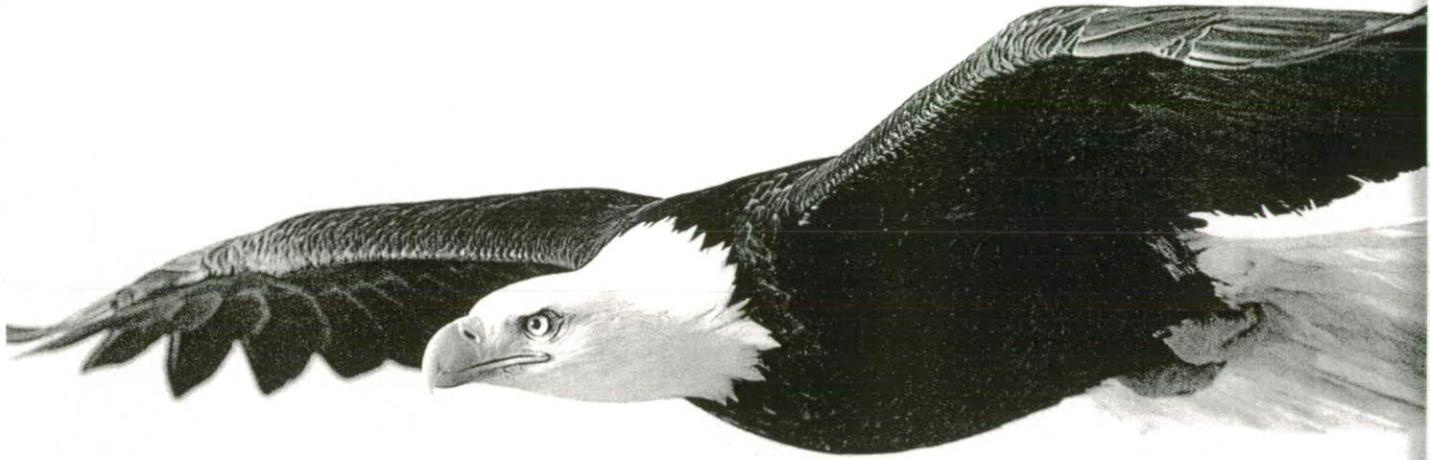


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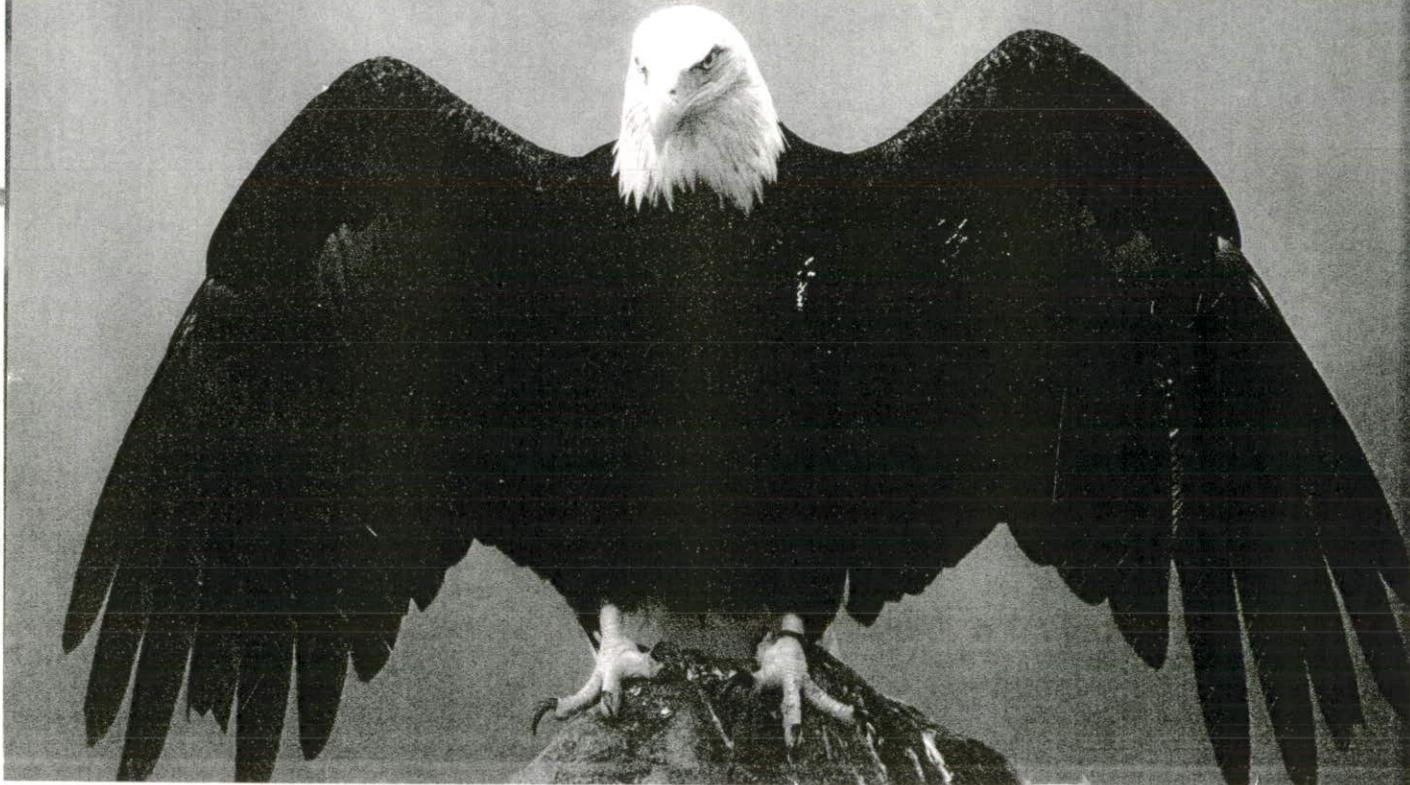
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