

Affidavit of Publication

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MAR 05 2009

State of South Dakota

SS

County of Fall River

MINERALS & MINING PROGRAM

Anne I. Cassens of said county being first duly sworn, on oath says, That she is the publisher of Edgemont Herald Tribune, a weekly newspaper published in the city of Edgemont, in Said County of Fall River, and state of South Dakota; that she has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within said County of Fall River and State of South Dakota, for at least one year prior to the first publication of the attached public notice, and that the:

SD DENR Notice of
Hearing
Legal Notice # 2009-021

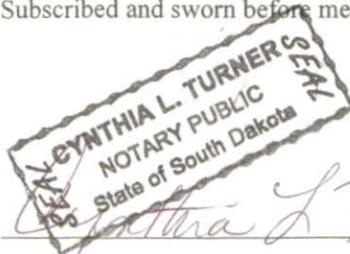
a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspapers for 2 successive week (s) to wit:

2/4 2009
2/11 2009
_____ 2009
_____ 2009

That the full amount of the fee charged for the publication of the attached public notice insure to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person whomsoever; that the fees charged for the publication thereof are \$ 71.76

Signed: Anne Cassens

Subscribed and sworn before me this 28 day of February 2009.



Notary public, in and for the County of Fall River, South Dakota. My commission expires February 28, 2013.

NOTICE OF HEARING NOMINATION OF LANDS TO PRELIMINARY LIST LEGAL NOTICE #2009-021

NOTICE OF HEARING NOMINATION OF LANDS TO THE PRELIMINARY LIST OF SPECIAL, EX- CEPTIONAL, CRITICAL, OR UNIQUE LANDS

Notice is hereby given that the South Dakota Department of Environment and Natural Resources has received three petitions to nominate lands for inclusion on the preliminary list of special, exceptional, critical, or unique lands. These petitions were received from Charmaine White Face and the Defenders of the Black Hills, PO Box 2003, Rapid City, SD 57709-2003, Debra White Plume, PO Box 71, Manderson, SD 57756-0071, and the Oglala Sioux Tribe, through its attorney, Elizabeth Lorina, Gonzalez Law Firm, 522 7thth Street, Suite 202, Rapid City, SD 57701. The nominated area includes land 12 to 17 miles northwest of Edgemont, South Dakota.

These nominating petitions pertain to a "Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent to Operate" submitted by Powertech (USA), Inc., PO Box 812, Edgemont, SD 57735-0812. The Notice of Intent to Operate involves a proposed in situ leach uranium operation that will be a minimum from the Fall River and Lakota formations in the Dewey-Burdock region northwest of Edgemont, South Dakota.

The legal description of the nominated area is 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.

In accordance with SDCL 45-6B and SDCL 1-26, a consolidated hearing on the petitions to nominate the land to be included on the preliminary list of special, exceptional, critical, or unique lands will take place before the South Dakota Board of Minerals and Environment on February 19, 2009, at 11:00 AM CST. The hearing will be held at the Matthew Environmental Education and Training Center, 532 East