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MINERALS & MINING PROGRAM

January 8, 2009

Roberta Fivecoate  
Department of Environment and Natural Resources  
PMB 2020  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3182

RE: Nominating and Hearing Schedule, Powertech

Dear Ms. Fivecoate:

Enclosed is a replacement page of the Oglala Sioux Tribe's petition, now with a notarized signature.

Thank you, and please contact my office with any other questions or concerns.

Sincerely,



Elizabeth Lorina

NOMINATING PETITION  
FOR INCLUSION ON THE PRELIMINARY LIST OF  
SPECIAL, EXCEPTIONAL, CRITICAL, OR UNIQUE LANDS  
(ARSD 74:29:10:16)

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The conclusion in Section 6.0 of the Request that there will be a minimal impact on cultural resources is misplaced because of the lack of consultation with the Oglala Sioux Tribe or the Black Hills Sioux Nation Treaty Council and also lack of any substantive discussions concerning cultural values of the mining area. There is no discussion of the sacredness of He Sapa (Black Hills) or of the sacred landscapes that might be included in the mining area. Only by consultation with the THPO of the Oglala Sioux Tribe may a determination be made as to the cultural significance of the mining area and any artifacts identified therein.

SURFACE AND  
MINERAL OWNERS:

Pursuant to ARSD 74:29:10:20, a list of surface and mineral owners is attached as Exhibit C.

The undersigned hereby submits this Nominating Petition on December 28, 2008 via email (it being a Sunday, it is re-signed on Monday, December 29, 2008 and mailed via the United States Post Office that same day).

Respectfully submitted,



Elizabeth Lorina  
Attorney for the Oglala Sioux Tribe  
Gonzalez Law Firm  
522 7<sup>th</sup> Street, Suite 202  
Rapid City, SD 57701  
605-716-6355 (telephone)  
elorina@gnzlawfirm.com

State of South Dakota ) SS.  
County of Pennington )

Subscribed and sworn to before me a notary public for the State of South Dakota on this 8<sup>th</sup> day of January, 2009.



My commission expires: July 31, 2013

