

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

**RECEIVED  
DEC 30 2008  
MINERALS & MINING PROGRAM**

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- OPERATOR:** Powertech (USA), Inc., subsidiary of Canadian firm Powertech Uranium Corp. (PWE.TO), which itself is a penny stock company trading at CDN \$0.35/share on the Toronto Stock Exchange (TSX). As of June 30, 2008, Powertech Uranium Corp., the Operator's parent, had a current balance sheet net worth of about \$7.5 million which is a fraction of the amount required for the proposed project and is less than 1/10<sup>th</sup> the amount of the surety bond that would be required to adequately secure restoration and decommissioning.
- NOMINATOR:** Debra White Plume  
P.O. Box 71  
Manderson, SD 57756  
Email: [Lakota1@gwtc.net](mailto:Lakota1@gwtc.net)  
(605) 455-2534  
(308) 862-1297 cel
- LAND  
NOMINATED:** He Sapa (the Black Hills) including the land described in the legal description attached as Exhibit A.
- LAND MAP:** Attached as Exhibit B.
- NOMINATOR'S  
INTEREST IN  
SUCH LANDS:** Nominator is an Oglala Lakota and a member of the Oglala Sioux Tribe, which tribe is acknowledged to be the original inhabitants of the region that includes the proposed mining area. He Sapa (the Black Hills) is known in the Lakota tradition as the heart of everything that is. It is our most sacred land. It is the most unique land that we know.
- REASONS FOR  
ESTABLISHING  
BOUNDARIES:** The "Clearance" being sought would be valid for seven (7) years and would cover any mining permit filed within five (5) years. He Sapa (the Black Hills) has been the sacred land of the Lakota people since time immemorial. None of the Operator's Request reflects any consultation with any representative of the Oglala Sioux Tribe or the Black Hills Sioux Nation Treaty Council. Yet

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the Archeological Tables from Augustana College dated October 16, 2008 show that the majority of the cultural resources at the mining area are Native American. Most of these are related to the history of the Oglala Lakota. The letter dated December 1, 2008 from the Archeological Research Center of the South Dakota Historical Society states that there are at least two prehistoric sites recommended as eligible for the National Register of Historic Places and that there are 76 sites that have not been evaluated for significance. The Tribal Historical Preservation Officer (THPO) of the Oglala Sioux Tribe has not been notified. There is also a reference to a Memorandum of Agreement (MOA) dated September 2008 and a statement that, “[p]roviding the current MOA is followed, it is recommended that the project proceed as planned.” The undersigned submits that in the absence of consultation with the Oglala Sioux Tribe or the Black Hills Sioux Nation Treaty Council, any such recommendation is arbitrary, capricious and without validity. In addition, there is no reason to believe that Operator Powertech will comply with the MOA as it has no track record and no experience in conducting actual mining operations. Finally, because the Oglala Sioux Tribe is not a party to the MOA, and the SD DENR is not a party to the MOA, there is no legally effective enforcement mechanism for noncompliance with the MOA. For the foregoing reasons, the entire He Sapa (Black Hills) is sacred and must be included on the preliminary list of Special, Exceptional, Critical or Unique Lands.

**APPLICATION OF  
SDCL 45-6B-33.3:**

The undersigned submits that the assessment required by ARSD 74:29:10:07 clearly indicates that the lands described in the notice of intent to operate constitute special, exceptional, critical, or unique lands. See ARSD 73:29:10:09(3). ARSD 74:29:10:03(6) requires Operator to include in the Request a detailed assessment of whether the lands included in the proposed mining operation meet the criteria of SDCL 45-6B-33.3 ***including all information and data necessary to support the assessment and its conclusions.*** The Request fails to include all such information and data because of the omission of any information from the Oglala Sioux Tribe as to the cultural and ethnological values of the area.

Specifically, SDCL 45-6B-33.3 provides that:

[L]and is special, exceptional, critical, or unique if it possesses one or more of the following characteristics:

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(1) The land is so ecologically fragile that, once it is adversely affected, it could not return to its former ecological role in the reasonably foreseeable future;

(2) The land has such a strong influence on the total ecosystem of which it is a part that even temporary effects felt by it could precipitate a system-wide ecological reaction of unpredictable scope or dimension; or

(3) The land has scenic, historic, archaeologic, topographic, geologic, ethnologic, scientific, cultural, or recreational significance.

SDCL 45-6B-33.3(3) sets a clear standard – if the land has “significance” in any of the following ways: scenic, historic, archaeologic, topographic, geologic, ethnologic<sup>1</sup>, scientific, cultural or recreational (including hunting and fishing which are the subject of separate treaty rights that benefit me as an Oglala Lakota and a member of the Oglala Sioux Tribe.

The Request is devoid of any discussion of the ethnologic values of any of the 190 cultural resources identified to date as existing within the mining area. Further, although Section 5.2 purports to cover Historic, Archeological, Ethnological, and Cultural matters in sufficient detail, it fails to conduct any cultural discussions except to note that a sacred bald Eagle nest is in a cottonwood tree in SE1/4, SW1/4, Section 30, Township 6 South, Range 1 East. The Eagle and the Cottonwood tree are both associated with sacred Lakota ceremonies and should be respected. This alone indicates that these lands should be respected as culturally significant and unique for purposes of including them on the preliminary list.

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 as well

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<sup>1</sup> Defined as - 1: a science that deals with the division of human beings into races and their origin, distribution, relations, and characteristics 2 : anthropology dealing chiefly with the comparative and analytical study of cultures : cultural anthropology.

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as consultation with the Black Hills Sioux Nation Treaty Council  
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  
(it being a Sunday, it is re-signed on Monday, December 29, 2008 with a notary).

Respectfully submitted,

Debra White Plume

*Debra white Plume*

Debra White Plume

December 28, 2008

\* Signed at Manderson, SD, Pine Ridge Indian Reservation.

Subscribed and sworn to before me this

29<sup>th</sup> day of Dec., 20 08

*[Signature]*  
Signature of Notary

exp: 9-07-2013

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**Exhibit A – Legal Description**

T6S-R1E, Custer County

Section 20: E2NE4, E2SE4, SW4SE4, S2NW4SE4, SE4SW4, S2NE4SW4

Section 21: W2, W2W2NE4, W2NW4SE4

Section 27: S2

Section 28: N2NW4, SW4NW4, SW4

Section 29

Section 30

Section 31: E2

Section 32

Section 33: NW4, SW4, SE4, S2NE4

Section 34

Section 35

T7S-R1E, Fall River County

Section 1

Section 2

Section 3

Section 4: W2W2

Section 5

Section 10

Section 11

Section 12

Section 14: NW4, W2NE4, NE4NE4

Section 15: N2

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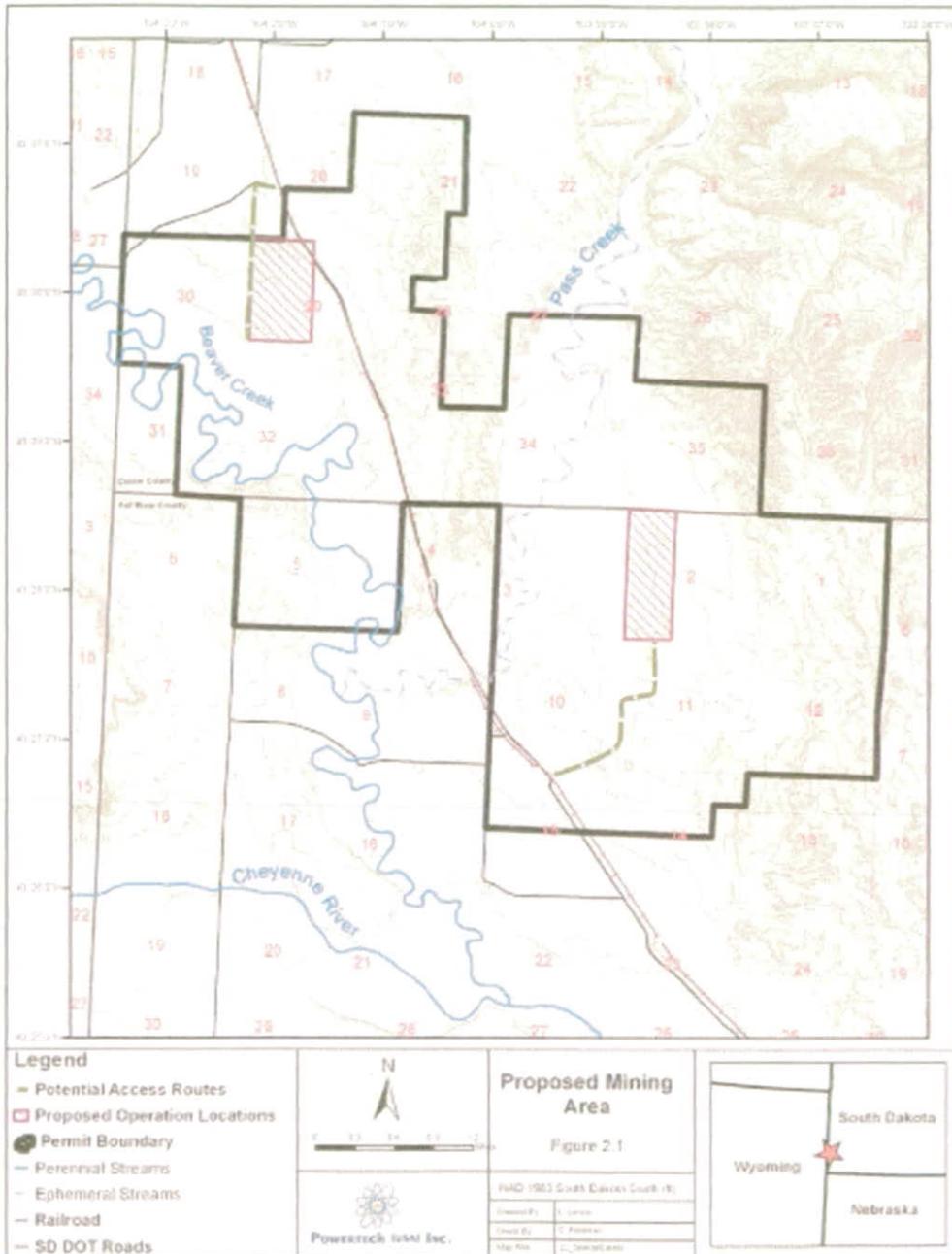
Exhibit B - Map

[Attached]

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RSI-1764-08-007

*JUL 0*  
*MINERALS & MINING*



**Figure 2-1. Proposed Mining Area With Proposed Facility Locations and Potential Access Routes to Those Facilities.**

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Exhibit C – Surface and Mineral Owners

[ATTACHED - APPENDIX A OF REQUEST]

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**APPENDIX A  
SURFACE AND MINERAL OWNERS**

**SURFACE OWNERS**

Bakewell-Andis Ranch, LLP  
16730 East Inca Avenue  
Fountain Hills, AZ 85268-4524

Chris and Amy Daniel  
550 E. Sawgrass Trail  
Dakota Dunes, SD 57049

Daniel Properties, LLC  
c/o Chris Daniel  
550 E. Sawgrass Trail  
Dakota Dunes, SD 57049

Everett and Dawn Englebert  
27449 Dewey Road  
Burdock, SD 57735

GCC Dacotah, Inc.  
501 North St. Onge Street  
Rapid City, SD 57702

w/ a copy to  
James S. Nelson, Esq.  
Gunderson, Palmer, Goodsell & Nelson  
P.O. Box 8045  
Rapid City, SD 57709-8045

Estate of Herman P. Heck  
Attn: Keith Campbell  
2630 Jackson Blvd  
Rapid City, SD 57702

Peterson & Son, Inc.  
c/o Wayne Peterson  
27389 Burdock Loop  
Edgemont, SD 57735

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Dakota Dunes, SD 57049

Daniel Properties, LLC  
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Putnam & Putnam, LLP  
c/o John A. Putnam  
778 Cedar Street  
Dewey, SD 57735

Putnam & Putnam Partnership  
c/o John A. Putnam  
778 Cedar Street  
Dewey, SD 57735

Donald and Pat Spencer  
27269 Elbow Canyon Rd.  
Edgemont, SD 57735-7613

U.S. Department of the Interior Bureau o  
310 Roundup St.  
Belle Fourche, SD 57717

**MINERAL OWNERS**

Irene R. Andersen  
27360 S. Flat Top Road  
Edgemont, SD 57735

Bakewell-Andis Ranch, LLP  
16730 East Inca Avenue  
Fountain Hills, AZ 85268-4524

Black Stone Minerals Company, L.P.  
Attn: Minerals Management and Legal  
1001 Fannin, Suite 2020  
Houston, TX 77002-6709

Chris and Amy Daniel  
550 E. Sawgrass Trail  
Dakota Dunes, SD 57049

Daniel Properties, LLC  
c/o Chris Daniel  
550 E. Sawgrass Trail  
Dakota Dunes, SD 57049

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27269 Elbow Canyon Rd.  
Edgemont, SD 57735-7613

**SURFACE OWNERS WITHIN 500 FEET (NOT PREVIOUSLY LISTED)**

Hell Canyon Ranger District, BHNF  
1225 Washington  
Newcastle, WY 82701

Clayton J. Sander  
12469 Willow Creek  
Custer, SD 57730

South Dakota School and Public Lands (land adjacent to project)  
500 East Capital Ave.  
Pierre, SD 57501

Craig Stodart  
HCR 59 Box 42  
Edgemont, SD 57735

MINE CONTACT REPORT FORM

Date of Call: \_\_\_\_\_ Date of E-mail: 12/28/08  
Telephone call to: \_\_\_\_\_ DENR Employee Contacted: Eric Holm  
Operator Contacted: Debra White Plume  
Company: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Staff Signature: \_\_\_\_\_ \s/

28 December 2008

Eric Holm, Natural Resources Project Engineer  
Mineral and Mining Program  
South Dakota

Greetings Mr. Eric Holm:  
In this email, please find attached my petition regarding Powertech which the deadline is 28 December 2008 to file.  
I will also mail one to you tomorrow when the post office opens.  
I can be reached at 605-455-2155 or 605-455-2534 or 308-862-1297 or at this email address if you have questions.  
Thank you.

Sincerely,

Debra White Plume

Debra White Plume  
Owe Aku, Bring Back the Way  
lakota1@gwtc.net  
www.bringbacktheway.com