

RAPID CITY

Charles L. Riter
Allen G. Nelson
James P. Hurley
Michael M. Hickey
Terry L. Hofer
Rod Schlauger
Daniel F. Duffy
Jeffrey G. Hurd
John H. Raforth
Terry G. Westergaard
Steven R. Nolan
Gregory J. Erlandson
Eric J. Pickar
Sarah E. Baron Houy
Jacob M. Quasney
Jessica L. Fjerstad
Mark F. Marshall
Of Counsel

SIOUX FALLS

Victoria M. Duehr
Kathryn L. Hoyme

*Attorneys also admitted in
Nebraska, North Dakota,
Minnesota and Missouri*



BANGS McCULLEN
LAW FIRM

Reply to Rapid City Office

Writer's e-mail address: mhickey@bangsmccullen.com

May 21, 2013

RECEIVED
MAY 23 2013
MINERALS & MINING PROGRAM

Mr. Mike Cepak
Department of Environment
and Natural Resources
523 East Capitol Ave.
Joe Foss Building
Pierre, SD 57501

**Re: Application for a Large Scale Mine Permit by
Powertech USA Inc.**

Dear Mr. Cepak:

I have enclosed for your information and records a *Notice of Appearance* and *Petition to Intervene* on behalf of the Wild Horse Sanctuary, Susan Watt and Dayton Hyde in the above matter.

With the filing of this *Notice of Appearance* and *Petition*, I am requesting that my clients be admitted as an intervener in the above matter. I am not requesting that any existing deadlines be modified or extended by virtue of this request.

By copy of this letter, I have advised the hearing officer, Rex Hagg, and counsel for Powertech and the State of South Dakota of my requested intervention.

Thank you for your cooperation and if you have any questions, please advise.

Sincerely,

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

Michael M. Hickey

MMH:bah
Enclosures

cc: Clients
Max Main, Charles McGuigan, Bruce Ellison, Rex Hagg



RAPID CITY

First Interstate Gateway
333 West Boulevard
Suite 400
P.O. Box 2670
Rapid City, South Dakota
57709-2670
P. (605) 343-1040
F. (605) 343-1503

SIOUX FALLS

5919 S. Remington Place
Suite 100
P.O. Box 88208
Sioux Falls, South Dakota
57109-8208
P. (605) 339-6800
F. (605) 339-6801

RECEIVED

MAY 23 2013

MINERALS & MINING PROGRAM

STATE OF SOUTH DAKOTA

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF THE LARGE
SCALE MINE PERMIT APPLICATION
OF POWERTECH (USA) INC.

Notice of Appearance

Please take notice and be advised that Michael M. Hickey of Bangs, McCullen, Butler, Foye and Simmons, L.L.P., hereby appears on behalf of Wild Horse Sanctuary, Dayton Hyde and Susan Watt in the above entitled action, and requests that copies of all further pleadings, affidavits, motions or otherwise be served upon the undersigned attorneys.

Dated this 21st day of May, 2013.

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

BY:



MICHAEL M. HICKEY
333 West Blvd., Suite 400
P.O. Box 2670
Rapid City, SD 57709
Phone: (605) 343-1040
mhickey@bangsmccullen.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served copies of this legal document upon the persons herein next designated, all on the date below shown, by depositing copies thereof in the United States mail at Rapid City, South Dakota, postage prepaid, in envelopes addressed to said addressees, to wit:

**Mike Cepak
Minerals and Mining Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501
Facsimile: (605) 773-4068**

**Max Main
Bennett, Main & Gubbrud
618 State Street
Belle Fourche, SD 57717-1489**

**Charles D. McGuigan
Office of the Attorney General
1302 E. Hwy. 14, Suite 1
Pierre, SD 57501-8501**

**Bruce Ellison
P.O. Box 2508
Rapid City, SD 57709**

**Rex Hagg
Whiting, Hagg, Hagg,
Dorsey & Hagg
P.O. Box 8008
Rapid City, SD 57709**

which are the last addresses of the addressees known to the subscriber.

Dated this 21st day of May, 2013.


MICHAEL M. HICKEY

RECEIVED
MAY 23 2013
MINERALS & MINING PROGRAM

STATE OF SOUTH DAKOTA

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT**

**IN THE MATTER OF THE LARGE
SCALE MINE PERMIT APPLICATION
OF POWERTECH (USA) INC.**

Petition to Intervene

Please take notice and be advised that Michael M. Hickey of Bangs, McCullen, Butler, Foye and Simmons, L.L.P., on behalf of the Wild Horse Sanctuary, Dayton Hyde and Susan Watt, hereby requests permission to intervene in the above described contested case presently pending before the Board of Minerals and Environment based upon the following:

Petitioners own and operate the Wild Horse Sanctuary, which is located near the large scale mine proposed by the Applicant, Powertech (USA), Inc. The Sanctuary provides a home for wild horses and is a nationally recognized attraction which brings substantial numbers of visitors to South Dakota and the Black Hills.

Petitioners understand that Powertech intends to operate an In Situ mine for the purpose of extracting uranium. This process will

require the withdrawal of large quantities of water which will adversely impact the operation of the Wild Horse Sanctuary and the tourist industry in South Dakota. The mining operation as proposed will potentially contaminate the air, land and water in, below, and around the proposed mining site, all to the detriment and injury of the Wild Horse Sanctuary. Additionally, the applicant lacks sufficient resources to provide adequate financial assurance for reclamation and the proposed mine is not in the public interest.

This Petition to Intervene is filed in accordance with the provisions of SDAR 74:09:01:01 and SDCL Chapters 45-6B and 34A-1.

Dated this 21st day of May, 2013.

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

BY:



MICHAEL M. HICKEY
333 West Blvd., Suite 400
P.O. Box 2670
Rapid City, SD 57709
Phone: (605) 343-1040
mhickey@bangsmccullen.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served copies of this legal document upon the persons herein next designated, all on the date below shown, by depositing copies thereof in the United States mail at Rapid City, South Dakota, postage prepaid, in envelopes addressed to said addressees, to wit:

Mike Cepak
Minerals and Mining Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501
Facsimile: (605) 773-4068

Max Main
BENNETT, MAIN & GUBBRUD
618 State Street
Belle Fourche, SD 57717-1489

Charles D. McGuigan
Office of the Attorney General
1302 E. Hwy. 14, Suite 1
Pierre, SD 57501-8501

Bruce Ellison
P.O. Box 2508
Rapid City, SD 57709

Rex Hagg
Whiting, Hagg, Hagg,
Dorsey & Hagg
P.O. Box 8008
Rapid City, SD 57709

which are the last addresses of the addressees known to the subscriber.

Dated this 21st day of May, 2013.



MICHAEL M. HICKEY