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**Subject:**

FW: Attn: Steven Pirner

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**From:** Jim Woodward [mailto:jbw@frii.com]

**Sent:** Monday, April 22, 2013 11:57 PM

**To:** DENR INTERNET INFORMATION

**Cc:** Cepak, Mike

**Subject:** Attn: Steven Pirner

Hello Mr. Pirner,

I have had the opportunity to review the recommendation of the Department for conditional approval of Powertech (USA) Inc.'s application for a Large Scale Mine Permit. In the document, you note that petitions to intervene must be filed with the Department no later than April 22, 2013. As you are aware, ARSD 74:29:01:09 allows a person to request permission to intervene in the permit application proceedings by filing a petition within 20 days for large scale operations after the date of the last publication of the notice of filing. Although an undated notice of filing was issued in mid-January, ARSD 71:29:01:08 states that "Before the notice of filing is published, the applicant must file all additional information contained in its response to completeness deficiencies with the office of the register of deeds in the county in which the affected land is located. Proof of the filing with the register of deeds and an affidavit of publication of the notice of filing shall be transmitted to the department." In response to completeness deficiencies, Powertech filed additional information on December 4, January 10, April 2, April 5, April 9, and April 11. It does not appear that a notice of filing was published after April 11 in accordance with ARSD 71:29:01:08. Such a notice would trigger the 20-day period for filing a petition to intervene, as called for in ARSD 74:29:01:09. If such a notice was in fact published, would you please direct me to the appropriate link on the Department's website?

Also, would you please add me to the "interested persons mailing list" for this matter?

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[www.powertechexposed.com](http://www.powertechexposed.com)