

**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 1/10th the amount of the surety bond that would be required to adequately secure restoration and decommissioning.

NOMINATOR: Oglala Sioux Tribe
By their attorneys:
Elizabeth Lorina
Gonzalez Law Firm
522 7th Street, Suite 202
Rapid City, SD 57701
elorina@gnzlawfirm.com
605-716-6355 (telephone)
605-716-6357 (facsimile)

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 the Oglala Sioux Tribe, a federally recognized 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

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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. Yet 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, Ms. Joyce Whiting, 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, 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:

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

(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, ethnologic¹, 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.

Furthermore, it is unknown how accurate the list of identified cultural resources is. Without the input of the unique expertise of the Oglala Sioux Tribe’s THPO, the list must be assumed to be incomplete and inaccurate.

¹ 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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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,



/s/ Elizabeth Lorina
Elizabeth Lorina
Attorney for the Oglala Sioux Tribe
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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

570
MINERALS & MINING

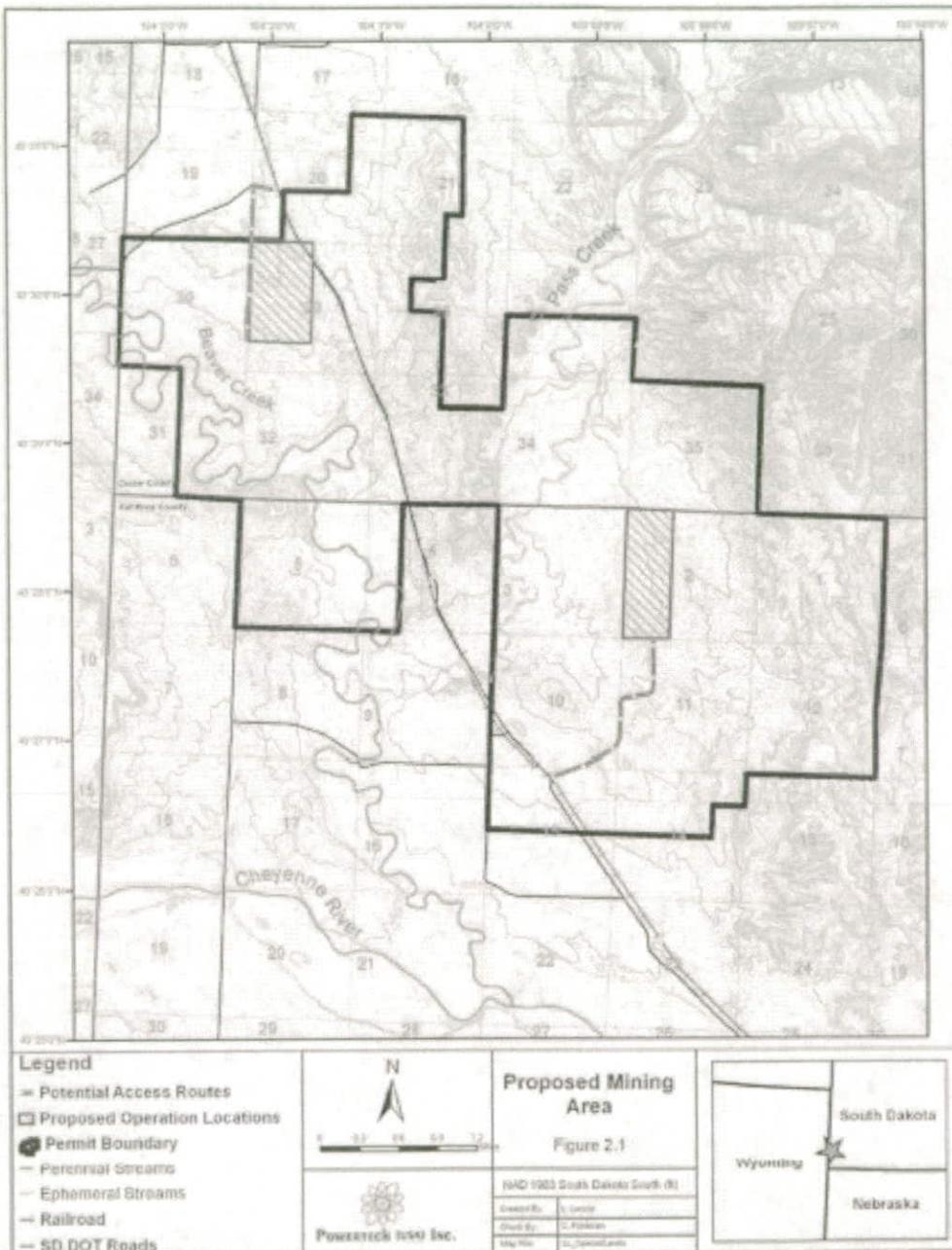


Figure 2-1. Proposed Mining Area With Proposed Facility Locations and Potential Access Routes to Those Facilities.

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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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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: Elizabeth Lorina
Company: _____
Telephone: _____
Staff Signature: _____ \s/

Mr. Holm:

In this email, please find attached the petition of my client, the Oglala Sioux Tribe, regarding Powertech, which has a December 28, 2008 (a Sunday) deadline. A signed copy will be mailed tomorrow, via USPS. Please contact my office if you have any questions or concerns.

Thank you.

Elizabeth Lorina
Gonzalez Law Firm
522 7th Street, Suite 202
Rapid City, SD 57701
605-716-6355 (telephone)
605-716-6357 (facsimile)

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