

FALL RIVER COUNTY MINUTES OF NOVEMBER 26, 2012

The Fall River Board of County Commissioners met in special session on November 26, 2012. Present: Mike Ortner, Joe Falkenburg, Joe Allen, Deb Russell and Sue Ganje, Auditor. Absent: Anne Cassens.

The Pledge of Allegiance was given and the meeting called to order at 9:00 AM.

The agenda was reviewed for conflicts; none were indicated.

Motion by Falkenburg, seconded by Russell, to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

An applicant for assistance met with the Board. Motion by Russell, seconded by Allen, to approve \$372.00 in electricity assistance for CP #12-36, with a repayment plan. With no further discussion and all voting yes on a roll call vote, the motion carried.

Cassens entered the meeting at 9:06 AM.

The Board moved to the courtroom at 9:08 AM for a continued hearing on the water right application made by Powertech, Inc., for an in situ uranium mine in Fall River County. Ortner presided over the hearing, which was held to provide information to the Board to aid in making a recommendation to the State Water Board. Numerous county and out-of-county residents were on hand to provide comment on the proposed mine.

Powertech Project Manager Mark Hollenbeck has submitted a request for post-mining land use and reclamation seed mixture approval. Hollenbeck presented a PowerPoint presentation explaining the history of uranium mining and the in situ process that will be used at the proposed Dewey-Burdock Project. Groundwater would be used to extract the ore, with ninety eight percent of the water being recycled. The operation will be regulated by the state, the Nuclear Regulatory Commission and the U.S. Environmental Protection Agency. Hollenbeck estimates a significant economic impact to the area through payroll and associated taxes.

A number of persons expressed concerns about safety, the quality of the recycled water returned to the ground, the quantity of water used and the dispersal of waste by-product. Additionally, several opponents noted that there is no assurance that Powertech would have the financial resources to provide for clean up or compensation should a problem arise, and urged the Commission to request the State demand an escrow account be established for any resulting issues.

Ortner noted that the state hearing on the matter has been postponed until an undetermined later date, possibly March of 2013. Cassens suggested the Commission intervene as a proponent of the project, with conditions regarding the afore-mentioned concerns. Since the Commission has not yet decided on specific language as a limitation on being a proponent

at this time, Ortner suggested opposing the project unless concerns are addressed, adding that the Commission does not have much power in the approval process. Motion by Falkenburg, seconded by Russell, to oppose the permit until such time as concerns over bonding, safety and water quality are satisfied, ensuring that any water used for mining operations in Fall River County is put to beneficial use, does not impair existing rights and does not constitute a waste of water, as per S.D.C.L. 46-5-46. With no further discussion and all voting yes on a roll call vote, the motion carried.

The Board recessed at 12:10 PM for lunch.

The Board reconvened at 1:00 PM for a conciliation session with Catherine Duenwald, Administrative Law Judge with the South Dakota Department of Labor and Regulations, Union representatives Mike Smith and Pete Bardeson, Union attorney Jay Smith and Union Stewards Jason March, Joan Nettinga and Jan Simunek. Motion by Russell, seconded by Cassens, to enter into Executive Session for negotiations. With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 1:12 PM.

The Board came out of Executive Session at 2:52 PM. Motion by Falkenburg, seconded by Russell, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 2:52 PM.

/s/Michael P. Ortner

Michael P. Ortner, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor