

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL

In the Matter of)
POWERTECH, INC.) Docket No. _____
(In Situ Leach Facility, Dewey-Burdock, SD) License SUA-_____

STATE OF SOUTH DAKOTA)
) SS:
COUNTY OF FALL RIVER)

AFFIDAVIT OF DAYTON HYDE

I, Dayton Hyde, hereby state as follows:

1. I make this affidavit in connection with a Petition to in the Application of Powertech, USA, d/b/a Powertech (a Canadian corporation), a/k/a The Dewey-Burdock Project concerning *in situ leach* uranium mine near Edgemont, South Dakota (the "Mine"). My physical address is 12165 Highland Road Hot Springs, South Dakota 57747. The mailing address for me is Box 932, Hot Springs, SD 57747.
2. I have authorized attorneys Bruce Ellison, David Frankel, and other attorneys working with the Clean Water Alliance to represent me in this matter. I am fully familiar with the facts stated in this affidavit, and where opinions are expressed, I am competent to state such opinions based on my training, knowledge, experience and expertise. If sworn as a witness, I am competent to testify to the contents of this affidavit.
3. My home address is The Black Hills Wild Horse Sanctuary, 12165 Highland Road, Hot Springs, SD 57747 which is also the place of my business.
4. I have lived on the Sanctuary property for twenty-two years. My assistant Susan Watt moved to South Dakota in 1996 and also resides on the Sanctuary. The Black Hills Wild Horse Sanctuary consists of several thousand acres of privately owned land and another large acreage leased from the Oglala Sioux Tribe.

5. Twenty two years ago I left my Oregon ranch with a dream to seek a large acreage where I could give freedom to captured wild horses. The late governor of South Dakota, George Mickelson flew me over a fascinating wilderness area which had been donated to the South Dakota Community Foundation by Honeywell Corporation, which had intended the land for a weapons testing area. The Governor feared that the land might fall into the wrong hands, and this unique wilderness with spectacular scenery and great religious significance to the Native Americans be lost to the wrong kind of development. As I promised Governor Mickelson, I formed the Institute of Range and the American Mustang (IRAM) a 501 c 3 non profit registered in the state of South Dakota. I bought land and set up what is known now as The Black Hills Wild Horse Sanctuary. Several hundred captured wild horses were shipped in by the Bureau of Land Management.

6. The early years were a financial struggle, but eventually, by giving tours and by donations from caring individuals who believed in my dream, the project was successful. Recently, the Black Hills, Badlands, and Lakes Association awarded me their Lifetime Achievement Award, for creating a major tourist attraction which attracts people from all over the world. The movie *Hidalgo* which was filmed here brought in over two million dollars to the community. Each year the Sanctuary visitors spend thousands of dollars through out the state and local area. Just like other ranches, IRAM pays property taxes.

7. The land is protected by a Conservation Easement which forbids development, and visitation to this irreplaceable wild land is only by guided tours, ensuring good behavior by thoughtless individuals. Movie and television crews love not only the spectacular beauty of the land but the fact that the area is essentially road less and looks the way it did thousands of years ago.

8. The Cheyenne River, which flows through the Wild Horse Sanctuary, is the primary water source for the wild horses, domestic horses, cattle and wildlife protected on our land. The Sanctuary is currently home to over 500 wild horses, 150 domestic horses and 80 head of cattle. If this water becomes contaminated, we will have no way to water the horses and the land will become useless as one of America's greatest private wilderness areas and wild horse sanctuaries.

9. The Cheyenne River flows through our land downstream from where the Beaver and Pass Creeks flow through the Dewey-Burdock project area and into the Cheyenne River. It is thus down stream from any surface or surface impacting spills or leaks of mine waste or other contaminates containing toxic and/or carcinogenic heavy metals and arsenic by the proposed Powertech mining operation;

10. Now the dream of providing a Sanctuary for unadoptable wild horses, preserving

the undomesticated land and holding sacred the Native American Ceremonial Sites may become a nightmare due to the attempt by certain companies to revive uranium mining in neighboring areas and even on the Sanctuary itself. Water is a precious commodity in this area. Our eleven thousand acres are watered by five wells and several miles of the Cheyenne River. Part of the Inyan Kara aquifer flows through the Sanctuary and beyond. The mining companies propose to drill a series of wells into the uranium deposits located in the underground aquifers, pump down thousands of gallons of water, and pump up uranium water to be processed for mineral content, then flush the resulting water back down into the wells.

11. The land here is highly fractured and there is no way the mining companies can guarantee that the Inyan Kara, the Madison, and the other major aquifers will not become polluted and unusable to Man and animals. Our horses and cattle can sicken and die, along with the people. This whole area could become a cancer ridden death zone.

12. There is no way the uranium can be extracted safely. Present mining operations have a history of accidents and spillages. In the early fifties, Edgemont was severely contaminated and required millions of tax payer dollars for clean up. It will be impossible to clean up our wells and aquifers once they are contaminated. There will be no one living in the area once our water is polluted. The two million year old Cheyenne River itself stands to be polluted.

13. The companies are cultivating the locals, talking about the supposed millions they will bring into the area and the jobs they will create. It is the same old story and people have short memories. Bear in mind, these are largely Canadian companies and the market for uranium yellowcake would be China and India. In the US the bonds for clean up are notoriously low. Too often the operators take their profits and skip out, leaving cleanup cost to the public. All the money in the world and the best of intentions won't clean up a poisoned aquifer, and such pollution can travel far from the mining areas. It is far better leave uranium and the other poisons locked up where Nature put them.

14. I have worked hard and long to create the Black Hills Wild Horse Sanctuary. Daily flights of helicopters hunting for minerals drive our wild horse herds back and forth in panic. The sight of survey stakes driven into our private land is a grim reminder that we face troubled times. Uranium deposits ring the Black Hills up thrust. We should not let Uranium Mining to get a foothold. I happen to love South Dakota. I don't want it to become the Leukemia capitol of the world.

15. Future generations will only see a deathscape instead of a place that has kept its beauty since the last ice age. Land that represents what the West was in the times of

Native dominance, trappers and mountain men and when wild horses thundered in freedom across the plains.

This Affidavit is submitted in accordance with 10 C.F.R. Section 2.304(d) and 28 U.S.C. Section 1746. I declare under penalty of perjury that the foregoing is true and correct.

Dayton O. Hyde

Dayton O Hyde
President and Founder
Institute of Range and American Mustang
Black Hills Wild Horse Sanctuary
P.O. Box 932
Hot Springs, South Dakota 57747

Sworn and subscribed to this 26 day of February 2010.

Cheryl Ann McClain
Notary Public

My Commission Expires:
(SEAL)

My commission expires:
September 8, 2012

