


United States Nuclear Regulatory Commission Official Hearing Exhibit	
In the Matter of:	POWERTECH USA, INC. (Dewey-Burdock In Situ Uranium Recovery Facility)
	ASLBP #: 10-898-02-MLA-BD01
	Docket #: 04009075
	Exhibit #: APP-010-00-BD01
	Admitted: 8/19/2014
	Rejected: Other:
	Identified: 8/19/2014 Withdrawn: Stricken:

APP-010

June 20, 2014

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

Before Administrative Judges:

**William J. Froehlich, Chairman
Dr. Richard F. Cole, Special Assistant
Dr. Mark O. Barnett, Special Assistant**

In the Matter of:)	
)	
POWERTECH USA, Inc.)	
(Dewey-Burdock Project)	Docket No 40-9075-MLA
In Situ Uranium Recovery Facility))	ASLBP No. 10-898-02-MLA-BD01
)	
_____)	

WRITTEN TESTIMONY OF MICHAEL FOSHA

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1. WITNESS BACKGROUND INFORMATION

Q.1. Please state your name, position and employer, including duration of employment.

A.1. Michael Fosha, 1992 - Present, Assistant State Archaeologist, South Dakota State Historical Society, Archaeological Research Center, Rapid City, SD and 2012 - Present, Adjunct Faculty, Black Hills State University, Spearfish, South Dakota. My curriculum vitae is provided as Exhibit APP-011.

Q.2. Please state your education and work experience.

A.2. Bachelor of Science, Anthropology, Kansas State University; Master of Arts, Anthropology, University of Kansas. For approximately 30 years I have been involved in the discipline of Archaeology. This has included the mitigation of complex archaeological sites, National Register evaluation of Archaeological Sites, Survey and Geo-archaeological investigation of Archaeological Sites, analysis of material culture, research, teaching, outreach, public education of the human past, mining archaeologist and chief review of archaeological investigations pertaining to mining activities and those on state land.

2. CONTENTION 1A

Q.3. Are you familiar with the credentials of Archeology Laboratory at Augustana College (ALAC)?

A.3. Very familiar. I find them to have shown the highest standards in Plains and Northern Plains cultural resource management and research.

Q.4. Aside from the Level III cultural resources survey performed by ALAC for the Dewey-Burdock Project, are you familiar with other Level III surveys performed by ALAC in South Dakota?

A.4. I am familiar with many of the projects undertaken by ALAC in South Dakota and surrounding states some of which are nearly identical to the Dewey-Burdock Project in scope and environmental setting.

Q.5. Have you read the Level III cultural resources survey reports for the Dewey-Burdock Project?

A.5. Yes

Q.6. What is your opinion on the adequacy of the Level III cultural resources survey performed by ALAC for the Dewey-Burdock Project?

A.6. My conclusion is summarized in a February 11, 2013 letter to the South Dakota Department of Environment and Natural Resources regarding Powertech's proposed large scale

mine permit, which is provided as Exhibit APP-012. For convenience, the conclusion is restated below:

From a cultural resource perspective, the lands within the above mentioned project have been fully inventoried with additional archeological testing on sites that may be impacted during the current phase of construction ... This office has no further reservations concerning the granting [of] a large scale mine permit for this project.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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POWERTECH USA, Inc.)	Docket No. 40-9075-MLA
)	ASLBP No. 10-898-02-MLA-BD01
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AFFIDAVIT OF MICHAEL FOSHA

I declare under penalty of perjury that my statements in prefiled Exhibits APP-010 (Michael Fosha Initial Testimony) and APP-011 (Michael Fosha CV) are true and correct to the best of my knowledge and belief.



Michael Fosha

Executed in Rapid City, SD
this 19 day of June, 2014