

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
POWERTECH (USA) INC.,)	Docket No. 40-9075-MLA
)	
(Dewey-Burdock In Situ Uranium Recovery)	
Facility))	

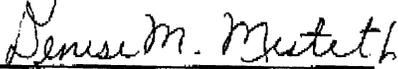
Declaration of Denise Mesteth

1. My name is Denise Mesteth. I am the Director of the Oglala Sioux Tribe Tribal Land Office. In my duties as the Director of the Tribal Land Office, I oversee the management of Tribal lands, including evaluation, issuance, and administration of all leases on Tribal land. The Oglala Sioux Tribe relies on Tribal land leases for revenue on an annual basis. Revenue from these leases is critical to the essential governmental functions of the Tribe.
2. I am aware of the license application recently submitted to the Nuclear Regulatory Commission (NRC) by the Canadian company Powertech Uranium Corp., doing business as Powertech (USA) Inc. ("Powertech" or "Applicant") for the proposed Dewey-Burdock in-situ leach uranium mine in southwest South Dakota.
3. Among the lands the Tribe grants leases for are lands potentially affected by the Dewey-Burdock in-situ leach uranium mine site. The Tribe grants leases to land in proximity to the lands proposed for mining, for domestic purposes and for agricultural purposes, including ranching, stock raising, and conservation. The lands subject to leasing support water development activities including the beneficial use of both groundwater and surface waters for domestic and agricultural purposes. Even where not leased, the lands are valuable to the Tribe. The spiritual, cultural, and socioeconomic well-being of the Tribe and its members requires that activities which affect these lands be conducted consistent with Tribal beliefs and values. Whether leased or not, these lands provide the Tribe, its members, and its lessees with the benefits of water, wildlife, air, solitude and quiet, and natural beauty.
4. Should any of the lands owned or leased by the Tribe, or any of the lands or waters in the vicinity of or associated with Tribal lands, become threatened in any way with surface or ground water, land, or air contamination as a result of in-situ leach uranium mining, the value of these lands, and the leases, would be diminished. As a result, not only would the long-term value of the Tribe's lands be threatened, but also the Tribe's ability to maintain the leased condition of any lands affected.

5. The proposed mining activity may adversely impact the valuable land and water resources of the Oglala Sioux Tribe. If the project were to be halted, or the project be made subject to the strictest environmental controls, the interests of the Oglala Sioux Tribe would be protected, as the potential for impact to the Tribe's land and water resources would be diminished or outright eliminated.

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.

Executed on April 2, 2010 at Pine Ridge Indian Reservation.


Denise Mesteth
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