



## Commission hears more from mining opposition

22 HOURS AGO • BY CURT NETTINGA

### *Cheyenne River bridge set to close*

HOT SPRINGS – While the Fall River County Commission has filed as interveners opposing the Powertech (USA) water permits, several concerned citizens from Hot Springs and the surrounding area were at the Feb. 20 meeting to reiterate their opposition.

The commission filed notice last fall to be opposition interveners in the water permit hearings - with stipulations – including road maintenance and an on-site inspector. Commission chair Mike Ortner said that the previous week the county had also filed to be interveners in the hearings for Powertech’s large scale mining permits as well.

“We learned that we can file to be an intervener in those hearings without being in support or opposition to the project,” Ortner said.

Those at Thursday’s meeting noted that “a total of 427 people who oppose this thing” had been obtained through signature petitions at a recent event.

“We have these petitions, supporting Fall River County in its opposition to the water permits,” Jerri Baker said. “What other information do you need? Most of the people in the area are in opposition.”

Ortner said that he has remaining questions about the wastewater disposal, adding, “I don’t believe that the state is going to issue a permit for the deep well injection,” of the wastewater.

Commissioner Joe Allen said that if he had to vote for or against the project right now, he would vote against it, primarily because of the deep water injection. “I think it’s too much of a risk with a company that has not done this before,” Allen said. “I believe that tourism could also suffer if people begin to associate us with uranium.”

Brenda Gamache asked why the county was no longer listed as an intervener for the water permits, to which Ortner responded that they were interveners.

“Nobody removed us or changed our status,” he said.

“But you’re not listed as interveners,” Gamache replied, to which Ortner said he would double check with the Department of Environment and Natural Resources to ensure that the county’s status had not changed.

Ed Harvey of Hot Springs noted that the passage of Senate Bill 158 two years earlier had taken DENR oversight of deep water injection wells away. “All of that rests with the EPA (Environmental Protection Agency) now,” he said.

“And I have to tell you that your dependency on the EPA and NRC (Nuclear Regulatory Commission) are grossly misplaced,” said Susan Henderson. “I have talked to them and rules have been waived in other instances at in situ mining sites.”

“We are in a drought,” Baker said. “All of our aquifers are below normal levels. There are other ways for us to support our county and town, rather than something that could poison our water. It’s not worth it.”

“You’re playing with fire guys and girls,” Henderson chided the commission. “If you screw this up, it could have long-ranging effects.”

Deputy States Attorney Pat Ginsbach, Register of Deeds Melody Engebretson and Director of Equalization Susie Hayes spoke with the commission, in hopes of getting a little guidance on a problem that is occurring more and more often.

According to Ginsbach, a developer will plat a subdivision in the county, delineating lots and roads, but then at some point will vacate that plat. When subsequent sales take place, the seller is using a legal description from a plat that does not exist.

“We have explained the problem to the folks down at Southern Hills Title and are still talking with them,” Ginsbach said.

The commission agreed that the problem seems to be an issue for the developer – who is selling the property with an invalid legal description – and the title company who has been insuring a title based on the same flawed information.

County Highway Superintendent Randy Seiler brought a maintenance agreement on new highway signs to be put up in the county. The state Department of Transportation will put up the new signs, at an estimated cost of \$300,000 – which is covered by the state. The county, with the maintenance agreement, is charged with taking care of the signs after installation.

The commission voted 3-2 not to approve the agreement, although after discussion, commissioner Joe Falkenburg said that he would change his vote.

“It really irritates me,” Falkenburg said, “that the state is spending this money that they don’t have, but I guess there is not much we can do.”

Seiler also said that the state was recommending that the Cheyenne River Bridge, the old metal bridge that sits west of Highway 79, be posted with a five-ton weight limit. The commission had heard a poor bridge report on the structure last year and did not choose to undertake repairs, based on the extreme cost and lack of use.

“I would make a motion that we close the bridge to all but foot traffic,” Commissioner Deb Russell said, “and only at the individual’s risk.”

Russell’s motion was approved and the bridge will be closed to motorized traffic this spring.

The commission agreed not to return a \$30 filing fee, but agreed to repay the \$50 that was bid on piece of property in Edgemont during the county’s tax deed auction.

“He was the winning bidder, but looked at the site after the auction and decided that he didn’t want to have it,” Commissioner Anne Cassens said. “I don’t think he should get it back.”

Ortner agreed, although he pointed out that in the long run it would be less expensive to the county not to pursue the matter.

In other action, the commission:

- Approved travel and lodging for themselves at the Commissioner Workshop in Pierre next month.
- Approved a plat for the new Hot Springs Ambulance Service, adjacent to Fall River Hospital.
- Gave approval to advertise for a full-time dispatcher due to a retirement.