



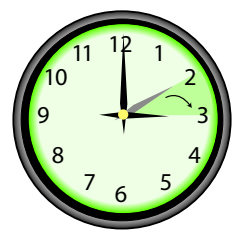
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Weather, F6



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Journal



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SUNDAY, MARCH 9, 2014

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CONCUSSIONS STILL A CONCERN FOR CHL



Journal file

Rapid City Rush forward Andrew Martin, center, collides with Quad City Mallards defenseman Bobby Preece, during a Dec. 3, 2010, Central Hockey League game at the Rushmore Plaza Civic Center Ice Arena. The hit caused Martin to suffer a concussion and led to his retirement as a player. Preece now plays for Rapid City.

LIVING ON THIN ICE

Jim Holland
Journal staff

It was one concussion too many for Andrew Martin.

The fast-skating, high-scoring forward from Brampton, Ontario, signed with the Rapid City Rush in 2010 after playing hockey in the United Kingdom in 2008-2009.

His season got off to a good start with five goals and seven assists in 19 games.

But that season, and ultimately his career, came literally to a crashing halt

during a home game on Dec. 3, 2010, against the Quad City Mallards.

A teeth-rattling collision with then-Quad City defenseman Bobby Preece took Martin completely off his skates. He didn't lose consciousness, but he still had to use the boards to steady himself as he made his way back to the bench.

"I was looking one way. He was looking the other way. He got his head up at the last second, and he got his hands and his elbows up in my face. It was one of those things where I didn't even see him coming. We just



Benjamin Brayfield, Journal staff

Chiropractor Ryan Swenson adjusts Rapid City Rush defenseman Ryan Palmer before a game against the Denver Cutthroats.

kind of crossed paths," Martin recalled.

Martin finished the game, making an unsuccessful shot attempt during a shoot-out deciding Quad City's 5-4 win that night. But he knew something wasn't right.

He had suffered a concussion, a hit to the head that causes the brain to move inside the skull, a sudden movement that can cause it to swell.

» Concussions, A5

Uranium mine foes in regroup mode

Ecological and tribal cultural issues part of opposition strategy

Joe O'Sullivan
Journal staff

In the wake of a recent setback for their cause, opponents of a proposed uranium mine near Edgemont are planning their strategy and gearing up for an August federal hearing, where they will attack the methods used by federal nuclear regulatory officials who have given initial approval to the mining plan.

A quick glance at the Nuclear Regulatory Commission's initial report on the proposed uranium mine near Edgemont seems to indicate that all signs are go for federal approval of Azarga Uranium Corp's proposed Dewey-Burdock uranium mine.

The NRC recently issued a draft operating license, and its staff recommended approving the project in an environmental impact statement for the proposal put forth by Powertech Uranium that is now being pursued by Azarga Uranium, a Hong Kong-based investment group that recently merged with Powertech.

Mining opponents, however, are rallying around the prospect of a hearing scheduled in August that they hope will give voice to some of their concerns — and the commission's process to approve it.

And increasingly, tribal officials are expressing grave concerns over the approval process and the prospect that mining could damage cultural sites.

In August, attorneys representing opponents of the proposed mine will make their case before an NRC board, arguing that the study was incomplete and did not fully address water issues, ignores tribal cultural issues and does not look out for endangered species.

» Uranium, A8

Fall River sheriff had not paid property taxes in five years

Delinquency found by sheriff's opponent; sheriff calls it an 'oversight'

Andrea J. Cook
Journal staff

The sheriff dismissed it as an oversight.

An opponent in the 2010 primary race said he discovered it by accident.

And no one is saying why



Jarman

Mraz

the county treasurer suddenly resigned as the information came to light last week.

In any event, the curious sequence of events will almost

certainly energize the upcoming Fall River County sheriff's race.

It all began when Brett Jarman, a former Edgemont police chief who unsuccessfully ran for the county's top law enforcement job in 2010, said that while on the county's website reviewing his taxes, he discovered that Sheriff Rich Mraz hadn't paid his property taxes in five years.

"It just blew my mind," said Jarman, who added the discovery "was a fluke."

Jarman, who along with Mraz lives in Edgemont, then made the 25-mile drive on Wednesday to the courthouse in Hot Springs and raised the ante by paying more than \$6,000 to claim the certificate the county took in 2010 after Mraz failed to pay 2008 taxes due in 2009.

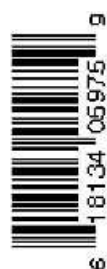
At the time, Mraz and his wife, Jennifer, owed approximately \$1,157 in taxes on their home and a lot in Edgemont. Interest and penalties increased

the 2009 tax obligation to more than \$1,600, according to the Fall River County Treasurer's website.

To buy the certificate, Jarman also had to pay Mraz's past-due taxes for 2010, 2011 and 2012, along with the 2013 taxes, payable this year.

Later on Wednesday, Mraz redeemed the certificates by paying his taxes.

» Tax, A4



ON THE WEB

10 signs you're ready for spring

In honor of the time change, we look forward to the ways we prepare for warmer weather at rapidcityjournal.com/wonder

THE BIG NUMBER

239

Number of people on the Malaysian jet that disappeared from radar Friday and remains missing.

» Find out more on E10

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» From A1

Uranium

Known as the Atomic Safety and Licensing Board, it is made up of judges who will hear those contentions over the project's environmental impact statement and licensing process. The meeting will take place in either Rapid City, Hot Springs or Custer, according to David Frankel, an attorney representing Clean Water Alliance and other opponents.

On Aug. 18 — the first day of proceedings — members of the public will be able to make comments.

If the commission issues Azarga an operating license before August, opponents plan to sue within days to get a judge to put that license approval on hold.

"We're on a hair-trigger," Frankel said.

Tribes raising concerns

The project, which would be about 15 miles northwest of Edgemont, would employ scores of in-situ mines — underground sites where the company would inject oxygenated water into the ground to absorb uranium. The water would then be pumped back to the surface, where uranium would be extracted and processed.

Mining opponents have a host of objections to the

mine, but two main ones that will be heard in August deal with old Indian burial grounds and whether water polluted during the mining could spread through the region's aquifers.

Frankel says Azarga is relying on cultural assessments performed by Augustana College that didn't excavate any areas to determine if Native American graves are on the proposed mine's approximately 10,500 acres. The area was known as a camping spot and hosts old burial sites for tribes such the Oglala Sioux and the Standing Rock Sioux, according to Frankel.

"They're about to bulldoze an area where they're not sure what's under there," Frankel said.

But Mark Hollenbeck, the former state legislator and Edgemont mayor who is the project manager for the proposed mine, dismisses the concerns over destruction of burial grounds. Hollenbeck said that seven Native American tribes spent time at the site last year checking on possible burial or cultural sites.

"They certainly found some properties they were interested in," Hollenbeck said. "And so our first goal is to avoid those."

In light of the fact that Azarga is working with the tribes on that end, concerns about disturbing burial grounds is "a little

premature," Hollenbeck said. The company is also working with area tribes through what's known as a programmatic agreement, he added.

But Jeffrey Parsons, an attorney representing the Oglala Sioux Tribe, said Azarga still has a responsibility to make a full survey of tribal cultural assets at the site. And Oglala Sioux Tribal President Bryan Brewer told the NRC as much in a Feb. 5 letter.

"It is a poor excuse for NRC to provide the Tribes and public an after-the-fact opportunity to comment on any cultural reviews outside (the official environmental assessment) process," Brewer wrote.

That is one of the reasons the tribe is not comfortable signing the programmatic agreement, Brewer wrote.

A representative of the Standing Rock Sioux Tribe goes even further, accusing the NRC of pushing ahead with the project without adequately involving the tribe.

"Due to the complete lack of confidence, bad faith and ill will that the Nuclear Regulatory Commission has shown towards (Standing Rock) as well as other tribes we will have to decline to participate in this consultation," wrote Wasta Win Young, historic preservation officer for the tribe.

Maureen Conley, a spokeswoman for the NRC, defends her agency's processes. In an email, Conley wrote that NRC "staff has been independently and thoroughly reviewing Azarga's application, following procedures set forth in NRC regulations."

Since 2010, NRC staffers have had numerous meetings, phone calls and webinars with area tribes, according to Conley.

"The NRC staff has consulted in good faith with (Standing Rock) and other tribes, and the staff has repeatedly invited (them) to take a more active role in consultations," Conley wrote.

Aquifer questions

Parsons, the tribal attorney, said the project site also contains thousands of improperly closed boreholes from uranium exploration in the 1970s. He says that means the aquifers may not have "confined" the heavy metals activated by the mining so they do not stay within in a specific area, despite Azarga's assertion that they have.

"That's a big deal here, because they make the great assumption is that this entire aquifer is confined on the top and confined on the bottom," Parsons said. "They haven't inventoried any of those holes. They say, 'well, we'll look after we get all

the permits.' At that point, from our perspective, the ship has sailed."

Hollenbeck disputes that Azarga has not surveyed the aquifers.

"We have certainly looked at the old pump tests, as well as we did our own pump tests," he said. "Our hydrologists are completely confident that we can contain the fluids."

Further, opponents will argue that the environmental impact statement did adequately explore the impact the mine will have on water quantity in the aquifers or discuss any efforts Azarga will take to lessen any negative impacts regarding the aquifers.

'Death by delay'

Parsons and Frankel both acknowledge that if they lose the contention hearings, they will likely appeal. And Hollenbeck knows if the NRC issues Azarga an operating license before the hearing, mining

opponents will sue to have it put on hold.

"That is certainly their game plan," Hollenbeck said. "It always has been. The science is not on their side and they know it."

Even with a federal operating license, Azarga will still need approval from the Environmental Protection Agency and two state permitting boards, which have held hearings but issued no rulings.

Opponents protested vigorously at the start of those board meetings, both of which were put on hold until the federal agencies rule on the projects. To Hollenbeck, the objections for the scheduled August hearing are more of the same.

"They actually go to classes and learn how to do this," he said, calling the methodology "death by delay."

Contact Joe O'Sullivan at 394-8414 or joe.osullivan@rapidcityjournal.com

» From A6

Newsmaker

elected, winning elections in 1970 and 1972 to two-year terms in the post. He served with South Dakota's most recently elected Democratic governor, Dick Kneip.

Voters in the 1972 election adopted major amendments to the South Dakota Constitution that changed the executive branch of state government — and inadvertently ended Bill Dougherty's time in elected office.

One of the constitutional changes expanded the governor's term of office to four years from two. Election of the lieutenant governor as a separate officer also was eliminated.

Instead, each party's

nominee for governor ran on a joint ticket with the party's candidate for lieutenant governor.

While lieutenant governor Dougherty refused to cast the deciding vote in the Senate for a state income tax that Democrats wanted.

Bill Dougherty planned to run for the Democratic nomination for governor in 1974. Dick Kneip wanted a third term and received clearance from the South Dakota Supreme Court.

Kneip defeated Dougherty in the Democratic primary that June and went on to win again in the November general election.

A Democrat hasn't won election for governor in South Dakota since then. Dougherty put his influence and connections to work in a new career as a lobbyist at

the legislative sessions.

He often paired with one of the other modern legends, Jeremiah Murphy of Sioux Falls, who was a Republican.

Although they were officially independent of one another, they worked together on many issues for four decades, often representing business clients including those from the tobacco and alcohol industries.

Those are the kinds of stories Catie Dougherty hears first-hand at the Capitol this winter from the people still around who knew the two Irish-Catholics. They were among the best for a long time, to the point they had become a single word — "murphyanddougherty" — in the aisles of the Senate and House

and the halls around the chambers.

Catie said she plans to attend the University of South Dakota this fall as a political science major. She has her eyes on law school after that. The admiration she feels for her grandfather, her father and her uncle is clear when she talks about them.

"Definitely, I want to follow in my family's footsteps. I definitely have political aspirations," she said.

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