

Department of Agriculture and Natural Resources
Minerals, Mining, & Superfund Program
523 East Capitol Avenue
Pierre, South Dakota 57501-3182
605 773-4201; Fax: 605 773-5286

**APPLICATION FOR
SMALL SCALE MINING PERMIT**

Pursuant to SDCL 45-6B and ARSD 74:29
Relating to Mineral Extraction in Operations
Affecting Less Than 10 Acres Per Year and
Removing Less Than 25,000 Tons Per Year

Operator's name:

Mailing address:

Telephone:

Resident agent (if out-of-state corporation):

Resident agent address:

Resident agent telephone:

Legal description of affected land:

County:

Name and address of surface owner:

Name and address of mineral owner:

Minerals to be mined:

Size (acres) of affected land:

Proposed starting date:

Proposed completion date:

Estimated acres disturbed per year:

Estimated working days per year:

Estimated tonnage mined per year:

Estimated duration (years) of operation:

Estimated tons of ore per year:

Reclamation type:

Overburden/waste tons per year:

Applicant affirms that the mining or milling will be conducted pursuant to SDCL 45-6B or any regulations promulgated thereunder, that he will grant access to the SD Board of Minerals and Environment or its agents to the area under this small scale mining permit from the date of application and during the life of the permit as necessary to assure compliance with SDCL 45-6B.

I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Signature

Date: _____

Title: _____

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 20_____, before me personally appeared

_____, who acknowledged himself to be the _____
(Title)

for _____ and that he is authorized to execute the Notice of Intent for the
(Operator)
purposes contained therein.

Notary Public My Commission Expires: _____

SEAL

FOR DEPARTMENT USE ONLY

DATE APPROVED: BOND AMOUNT: PERMIT NUMBER:

Chairman, SD Board of Minerals & Environment

INSTRUCTIONS

Please reference SDCL 45-6B and ARSD 74:29. This small scale mining permit must be accompanied by:

1. A narrative description of the type of mining operation proposed and how it will be conducted pursuant to Section 54(7). This should include a description of the initial work to develop the operation and a description of the workings during the operation.
2. A narrative description of the measures to be taken to comply with the operating and reclamation requirements of SDCL 45-6B-37 through 45-6B-46 pursuant to Section 54(9).
3. A map showing information sufficient to locate the affected land, including existing and proposed roads or access routes to be used in connection with the mining pursuant to Section 54(5).
4. A wildlife survey pursuant to Section 54(8).
5. A fee of \$100 payable to the Department of Agriculture and Natural Resources pursuant to Section 55.
6. A list of the names and addresses of the landowners of the affected land.

Before a hearing on the permit may be conducted by the SD Board of Minerals and Environment, the applicant must submit the following:

1. Certified mail receipts confirming mailing of notice to all surface owners and lessees pursuant to Section 17.
2. A copy of the affidavit of publication of notice pursuant to Section 16.
3. Proof of filing a copy of the application with the Register of Deeds pursuant to Section 15.
4. A copy of instruments of consultation from all surface landowners, if different than the owner of the minerals, including written receipt of the operating and reclamation plans pursuant to Section 12 and 13.
5. A surety in an amount to be determined by the department, not to exceed \$38,500, pursuant to Section 20 and 55.

SMALL SCALE APPLICATION GUIDELINES

(Include with the permit application)

These guidelines are intended to more fully explain the items listed under "Instructions" on the Small Scale Mining Permit application. When completing the "Instructions", please address each item, in detail, referring to the applicable sections of the statutes (SDCL 45-6B) and the accompanying regulations (ARSD 74:29). The regulations further define the statutes, give guidelines in developing operating and reclamation plans, and define the permit review procedure to be followed by the department. The applicable statutes and regulations have been listed in each item below to help you indicate, pursuant to ARSD 74:29:02:01, which sections of the small scale mine permit application fulfill the statutory application requirements and describe how the information meets those requirements. Please address every item fully and leave nothing to our imagination!

1. A narrative description of the type of mining operation proposed and how it will be conducted.

Provide a narrative description of the proposed mine operation extending through the periods involving groundbreaking, topsoil removal, overburden removal, and mining. Within this description, include an itemization of equipment used in the mining operation (loader, dozer, truck, conveyor, wash plant, sluice box, trommel, crusher), and give a general description of the operation. In this description, include the guidelines set forth in SDCL 45-6B-32, SDCL 45-6B-33, and ARSD 74:29:07:02.

2. A narrative description of the measures to be taken to comply with the operating and reclamation requirements of SDCL 45-6B-37 through 45-6B-46, ARSD 74:29:02, and ARSD 74:29:06 through ARSD 74:29:08.

Previously Mined Land (SDCL 45-6B-8, SDCL 45-6B-9, and ARSD 74:29:07:17):

Identify any previous surface mining disturbance incurred prior to July 1, 1971 and any previous underground mining disturbance incurred prior to July 1, 1980 which will not be disturbed by the area of affected land. Reclamation of these areas is not required to be addressed in the reclamation plan. Also, identify any underground mine openings and workings which will be intercepted by surface mining activities. These openings and workings are required to be sealed during reclamation.

Grading (SDCL 45-6B-37, ARSD 74:29:07:03, and ARSD 74:29:07:04):

Describe how the affected land will be regraded after mining so as to create a final topography appropriate to the proposed reclaimed land use selected. Indicate how and when grading will occur. Also, indicate if any backfilling will occur and how this will be accomplished. If backfilling is unfeasible, please indicate why it is unfeasible.

Refuse Disposal (SDCL 45-6B-38, ARSD 74:29:07:05, and ARSD 74:29:07:13):

Describe how you intend to keep the mine area clean, orderly, and free of refuse. Please indicate how and where you intend to safely dispose of general trash, abandoned equipment, used equipment parts, oversize rock, reject materials derived from crusher or wash plant and mill tailings. Also, indicate how you intend to dismantle and remove any buildings and structures if they will not be used as part of the reclamation plan.

Revegetation (SDCL 45-6B-39, ARSD 74:29:02:10, and ARSD 74:29:07:06):

Describe the process which will be involved in revegetating the affected land after mining. A seed mixture developed in consultation with the local conservation district (and the Dept. of Game, Fish, and Parks if wildlife habitat is postmine land use) is required. The local conservation district will also recommend planting seasons and methods, fertilization needs, mulching, and watering provisions necessary to attain a suitable vegetative cover as part of its seed mix recommendation.

Topsoil Salvage (SDCL 45-6B-40 and ARSD 74:29:07:07):

Describe how overburden and topsoil is to be removed, stored, and protected from wind and water erosion during storage and how topsoil stockpiles will be identified. Also, please describe how overburden and topsoil will be replaced, including a timetable of when it will be replaced. If topsoil is not replaced on reclaimed backfill areas within a short time after mining, a vegetative cover should be established over the pile for stabilization. The local conservation district office can assist you in finding a quick cover seed mixture for all topsoil storage piles.

Hydrologic Balance (SDCL 45-6B-41, ARSD 74:29:02:11, ARSD 74:29:07:08 through ARSD 74:29:07:12, and ARSD 74:29:07:27):

Describe the mining operation in relation to the ground and surface water features in the region. Will mining be conducted below the ground water table or within a creek bed? What is the depth of the ground water and/or the nearest well? Where will mining take place in relation to any streams, lakes, ponds, springs, or wells? Will any surface runoff or streams need to be diverted around the operation? Will the operation require the use of water and/or chemicals? Will any ponds or dams be required for the operation? Describe how potential adverse impacts (sedimentation, chemical pollution, dewatering, etc.) to these features will be minimized during mining and reclamation.

Slides, Subsidence, or Damage Protection, Fencing (SDCL 45-6B-42 and ARSD 74:29:07:16):

Describe how you intend to minimize hazards from slides or subsidence. Note that all highwalls must be reduced to the natural angle of repose upon abandonment. Describe how the highwall will be posted and fenced during operation. If highwall reduction is unfeasible, adequate fencing may be prescribed.

Spoil Piles, Weeds (SDCL 45-6B-43, ARSD 74:29:07:14, and ARSD 74:29:07:15):

Describe how you intend to stabilize the affected land (including spoil piles, tailings piles, fines from crushers or wash plants, oversize, etc.) so as to control weeds, erosion, and air and water pollution. Describe how noxious weeds shall be controlled during the mining and reclamation phases of activity.

Landowner Consultation (SDCL 45-6B-12, SDCL 45-6B-44 and ARSD 74:29:06:01):

Before a mine permit application is submitted, the operator, Department of Agriculture and Natural Resources, and the surface owner is required to confer on and determine the postmining land use of the affected land. If possible, all adjacent landowners shall also be consulted during development of the reclamation plan. The operator is required to submit an instrument of consultation with the surface owner granting permission to enter and commence the operation and containing written receipt of the operating and reclamation plan. Also, the operator shall submit consultation with the adjacent landowners containing written receipt of the reclamation plan.

Reclamation Choices, Operator Requirements (SDCL 45-6B-45, ARSD 74:29:06:02 through 05, ARSD 74:29:07:01, and ARSD 74:29:07:18 through ARSD 74:29:07:26):

These statutes and supporting regulations set forth certain reclamation requirements for the operator depending upon what final reclamation type (forest, rangeland, crops, wildlife habitat, recreation, industry, homesites, future mining) is selected. Under SDCL 45-6B-7(1), please provide a narrative description of the reclamation type selected, the reason for choosing the reclamation type, and the acreage accorded to each reclamation type. Describe how you intend to comply with the requirements set forth in the applicable sections of SDCL 45-6B-45 and ARSD 74:29:07:18 through ARSD 74:29:07:26 for each reclamation type selected. Pursuant to ARSD 74:29:06:02, please address all sections of this regulation in developing the reclamation type in your reclamation plan. In ARSD 74:29:06:03 through 05, please note special requirements for industrial, homesite, or future mineral exploration land uses.

Reclamation Timetable, Planting not Required under Certain Conditions (SDCL 45-6B-46):

This section states that all reclamation must be completed by the operator "with reasonable diligence" within a five-year period. It also considers certain cases where reclamation may be delayed if just cause is shown.

Concurrent and Interim Reclamation (ARSD 74:29:08)

ARSD 74:20:08 requires that concurrent and interim reclamation be conducted along with final reclamation. Please submit detailed plans and timetables for interim and concurrent reclamation.

Postclosure Plan (SDCL 45-6B-91):

This plan shall include, at a minimum, a description of the activities, methods, procedures, and processes necessary to ensure the continued effectiveness of reclamation and compliance with applicable performance standards during the postclosure period after the reclamation bond is released. The plan shall address treatment of any tailings to ensure continued neutralization, operation of monitoring systems, inspection and maintenance activities, and

procedures for maintaining the final vegetative cover and controlling erosion and fugitive dust. The postclosure period shall last 30 years unless it is adjusted by the SD Board of Minerals and Environment. The postclosure bond will be determined before the reclamation bond is released by the Board. Even though this plan is required for a small scale permit application, a postclosure period and bond may not be necessary after reclamation is completed.

Critical Resources (SDCL 45-6B-92):

Describe all critical resources which may be potentially affected by the operations. This includes wildlife, aquatic resources, vegetation, water, visual resources, soils, cultural resources, air quality, noise, and lands designated as special, exception, critical, or unique. Please use the guidelines listed in SDCL 45-6B-92 in addressing each critical resource.

3. Provide a map showing the location of the affected land and existing and proposed roads or access routes to be used in conjunction with the mining operation. The map also needs to show the proposed location of the mine permit boundary, crusher, wash plant, equipment storage area, mill, topsoil pile, overburden pile, tailings impoundment, and any other affected land.
4. Contact the Department of Game, Fish, and Parks, Rapid City, SD, phone: 605 394-2391, regarding requirements for an on-site wildlife survey. Please provide our office with a copy of the survey report.
5. Submit a fee of \$100 payable to the Department of Agriculture and Natural Resources pursuant to SDCL 45-6B-55.
6. Submit a list of the names and addresses of the landowners of the affected land. Also, submit a copy of instruments of consultation from all surface landowners, if different than the owner of the minerals, including written receipt of the operating and reclamation plans pursuant to SDCL 45-6B-12 and 13.
7. Submit proof of filing a copy of the application with the Register of Deeds pursuant to SDCL 45-6B-15. Also, submit proof of complying with all local and county zoning ordinances pursuant to SDCL 45-6B-4 and ARSD 74:29:02:02.
8. Submit a reclamation surety in an amount to be determined by the department, not to exceed \$38,500, pursuant to SDCL 45-6B-55. The bonding instrument (certificate of deposit, surety bond, or a letter of credit) is required to be submitted before the small scale mine permit is issued.