



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 29, 2026

Teresa Fox
1110 Ash Street
Whitewood, SD 57793

Dear Ms. Fox:

The department has completed its review of the supplemental information for the mine permit amendment application to Small Scale Mine Permit 477 submitted on April 28, 2026. Based on our review, the application is procedurally incomplete. The following items will need to be addressed in order to complete the application:

Procedural Completeness Comments

1. ARSD 74:29:03:03: After reviewing the information submitted on April 28, 2026, we need additional information for the following subsections of this regulation:
 - a. ARSD 74:29:03:03(7), ARSD 74:29:02:11(9), ARSD 74:29:07:02(4), ARSD 74:29:07:04, and ARSD 74:29:07:07: Since the vat is a new facility at the mine, we need more details on the reclamation of the vat area. Specifically, we need information on the following:
 - i. Location where the materials from the removed vat will be disposed during final reclamation;
 - ii. The disposal of water in the vat prior to its demolition;
 - iii. Address each section of ARSD 74:29:07:04 for regrading and final slope of the vat area;
 - iv. Address each section of ARSD 74:29:07:07 regarding topsoil salvaging and placement in the vat area;
 - v. Address erosion control in the vat area in accordance with ARSD 74:29:02:11(9); and
 - vi. Address how the design of the vat minimizes impacts to surface water in accordance with ARSD 74:29:07:02(4).

Please note that for the grading and topsoil requirements of ARSD 74:29:07:04 and 74:29:07:07, you can refer to the applicable sections in Mine Permit 477 in addressing the requirements of these regulations.

Also, under ARSD 74:29:03:03(7), you need to include a statement that refers to the approved reclamation plan in Mine Permit 477 and state that there will be no changes to the reclamation plan for the remainder of the mine area.

2. Please submit calculations showing that the ditches and berms shown on the map submitted on April 28, 2026, will be able to divert and contain the maximum 19,000 gallons of water in the vat in the event of an instantaneous and catastrophic failure of the vat without overtopping.

Please submit proof of filing of the information requested in this letter with the Lawrence County Register of Deeds. Proof of filing can be in the form of a letter from the Lawrence County Register of Deeds stating that the information is available for public review at its office.

Finally, even though it is not part of the mine permit amendment application, please list the names of the people we met during the July 2, 2025 inspection and state that you have authorized them to conduct mining activities under Mine Permit 477.

If you have any questions concerning these comments, please feel free to contact me.

Sincerely,

\S/

Eric Holm
Engineer III
Minerals, Mining, and Superfund Program
Telephone: (605) 773-4201
E-mail: eric.holm@state.sd.us