



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 22, 2025

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 July 16, 2025. 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 July 16, 2025, we need additional information for the following subsections of this regulation:
 - a. ARSD 74:29:03:03(5): Submit a map showing the location of the ditch that will direct spillage from the vat, the pit the spillage will be directed to, and any other trenches or berms that will be constructed to divert spillage from Iron Creek.
 - b. 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. I have attached a copy of these regulations for your reference.

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.

- c. ARSD 74:29:03:03(10): Please submit the signed certified mail return receipt from the US Forest Service showing that it received a copy of the mine permit amendment application. Also, please submit any correspondence from the Forest Service indicating if any changes are required to the current plan of operations as a result of the mine permit amendment.

ARSD 74:29:03:03(11) and ARSD 74:29:03:05(2): Please submit the signed certified mail return receipts from the South Dakota Department of Game, Fish, and Parks, the Lawrence County Natural Resources Conservation Service, the South Dakota Archaeological Research Center, and the South Dakota Department of Health as proof that the agencies received a copy of the mine permit amendment application. Also, we discovered that only the mine permit amendment application form was submitted to the South Dakota Department of Health for review. Please note that in your agency consultation, all information included in the July 16, 2025, submittal was required to be provided to all the review agencies. If it was not done in the last submittal, please submit all information in the July 16 submittal and the information requested in this letter to South Dakota Department of Game, Fish, and Parks, the Lawrence County Natural Resources Conservation Service, the South Dakota Archaeological Research Center, and the South Dakota Department of Health. A copy of the certified mail return receipts can be submitted as proof of filing.

In addition, you need to mail the information for the Archeological Research Center to the following address instead of the State Historical Society:

Dustin Lloyd
South Dakota Archaeological Research Center
PO Box 1257
Rapid City, SD 57709 -1257

Finally, the South Dakota Department of Health has a new contact. Her name is Whitney Lutkemeier, and any future correspondence with that department net should be addressed to her. The updated address is:

Whitney Lutkemeier
South Dakota Department of Health
600 East Capitol Avenue
Pierre, SD 57501-2536

2. Please submit drawings and calculations showing that the ditch proposed to direct spillage from the vat to a mine pit, and the mine pit itself that will contain the spillage, will be able to 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. The calculation must also consider precipitation that collects in the containment pit.

Please submit proof of filing of the original mine permit amendment application form, the June 26, 2025 letter from Amber Vogt of the Lawrence County Planning and Zoning Office, the supplemental submitted July 16, 2025, and 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 application 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,

AS/

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