



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
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April 7, 2022

Jonathan Madill
Environmental Affairs Supervisor
American Colloid Company
PO Box 2010
Belle Fourche, SD 57717-5010

Dear Mr. Madill:

The department has completed its review of the Notice of Temporary Cessation for Large Scale Mine Permit No. 6 submitted to our office on March 31, 2022. Based on our review, the Notice of Temporary Cessation is procedurally incomplete. American Colloid needs to address the following items to complete the Notice of Temporary Cessation:

1. Temporary Cessation Form and Item number 5 (ARSD 74:29:09:02(4)): Please explain how the verification of reclamation status of old areas is a reason for non-production under the mine permit. If this verification has no bearing on when production resumes under the permit, it should be removed from the form. Also, American Colloid needs to discuss the current demand for the clay (none or low) and why it cannot be mined at this time.

Also, it appears that you only listed the names and addresses for surface and mineral owners in Sections 6, 8, 9, 10, and 24; T9N-R1E. Please note that American Colloid is required to list the names and addresses of **all** surface and mineral owners in **all** of the sections listed in T9N-R1E, T9N-R2E, and T10N-1E on the temporary cessation form. Proof of consultation with any surface owners that are different than the mineral owners is required to be submitted to our office.

Finally, please verify that the Bureau of Land Management is a mineral owner in Sections 6 and 10; T9N-R1E.

2. Item number 1, Plan for Resumption of Mining Activities (ARSD 74:29:09:02(5)): Please note since Mine Permit 6 is one of our older permits, American Colloid was never granted authority by the Board of Minerals and Environment to submit technical revisions for minor modifications to the operation. Under this permit, modifications to the operation can only be approved through a mine permit amendment application or a new mine permit

application. Therefore, in this section, please change the statement to “ACC will submit a mine permit amendment application or a new mine permit application for approval of any proposed modifications.

3. Item number 2, Description of Measures Taken to Comply with Concurrent, Interim, and Final Reclamation (ARSD 74:29:09:02(6)): On the most recent annual report, American Colloid reported 21.30 acres of unreclaimed land under Mine Permit 6. In past discussions with Dane Wendland of American Colloid, we determined that these areas were not reclaimed. We are willing to work with American Colloid to verify the status of these 21.30 acres, but for this Notice of Temporary Cessation, American Colloid should assume these acres are not reclaimed and discuss plans for completing the reclamation of these areas during the period of temporary cessation.
4. Item number 3, Measures Taken to Maintain the Site (ARSD 74:29:09:03(1, 2, 4, 6, 7, 8, 10, and 11)): Please address the following subsections of this regulation:
 - (1) Please address whether there are any current erosion issues at the mine site, and if so, what erosion control measures will be used besides revegetation to control it now and during the temporary cessation period.
 - (2) Please address what measures will be taken to limit access to the mine site during the period of temporary cessation, such as locked gates, fences, and warning signs.
 - (4) Please describe how American Colloid plans to control noxious weeds during the temporary cessation period.
 - (6) Please address whether there are any containment liner systems at the site, and if not, please state that this subsection does not apply.
 - (7) Please address whether there are any process ponds at the site, and if not, please state that this subsection does not apply.
 - (8) Please address how fire protection will be maintained during any reclamation or erosion control work at the mine site during the period of temporary cessation.
 - (10) Please address whether there are any processing systems with motorized components at the site, and if not, please state that this subsection does not apply.
 - (11) Please address whether there are any surface or ground water monitoring requirements at the site, and if not, please state that this subsection does not apply.
5. Item number 4, Existing Condition of Affected Land (ARSD 74:29:09:02(8)): Please address the amount of reclaimed and unreclaimed acreage at the mine site as reported on the most recent annual report. Also please address any current mining areas that have not been reclaimed.

6. ARSD 74:29:09:08: After reviewing the map submitted with the Notice of Temporary cessation, I did not see anything on the map that warrants it to be marked confidential. The reclaimed and mined areas are the same areas shown on past annual report maps which is considered public information and cannot be considered confidential. I did not see anything on the map that showed remaining bentonite reserves. If you want to submit a new map showing only remaining reserves, that map can be marked confidential. Also, if you want to submit a new map, please break it down into several smaller maps.

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

Sincerely,

\S/

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