



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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October 15, 2026

Jennifer Henson
Environmental Specialist
Bentonite Performance Minerals, LLC.
554 US Highway 212
Belle Fourche, SD 57717

Dear Ms. Henson:

The department has developed additional completeness and technical comments on Bentonite Performance Minerals' (BPM) large scale mine permit application submitted on September 4, 2026, for the proposed Larsen Mine. In addition to the comments in the September 5, 2026, letter, BPM will need to address the following comments in order to complete the application:

1. SDCL 45-6B-6(3) and ARSD 74:29:02:03: In Table 2, Mineral Ownership on page S-2 of the application, Shear is listed as 50 percent mineral owner in SW1/4 SE1/4 Section 2 and in NW1/4 NE1/4 and SE1/4 NE1/4 Section 11. However, the other 50 percent mineral owner is not identified for these sections in the table. Please submit a revised table with the identity of the other 50 percent mineral owner for these sections.
2. SDCL 45-6B-38 and ARSD 74:29:07:05: Please verify the state of Wyoming has no issues with BPM hauling petroleum contaminated soil from the Larsen Mine to its petroleum contaminated soil facility at the Colony Plant. Please note that for the Security Mine permit application, the state of Wyoming would not allow BPM to dispose of this soil at the facility. If this is still the case, BPM will need to address other options for petroleum contaminated soil disposal in the Larsen mine permit application.
3. SDCL 45-6B-40 and ARSD 74:29:07:07(3): In the last sentence of Section 3.2.9 on page RP-6 of the application, BPM states that "At this time, no fertilizer or other soil amendments have been identified to be added to the topsoil to establish and maintain vegetative cover". Please explain what BPM based this conclusion on since the Board of Minerals and Environment can require BPM to analyze topsoil prior to placement to determine if fertilizer or other amendments are required.

4. ARSD 74:29:07:02(5): Please discuss in Section 3.3 on page RP-10 whether BPM plans to install a new gate or use the existing gate to control access to the mine site.
5. Section 2.3, page OP-3: In this section, BPM states the Larsen Operating Plan Map (Figure 5) shows the general timeframes for the mining of different areas. However, after reviewing Figure 5, it does not show or indicate any general timeframes. Please revise the statement if the figure was not intended to show general timeframes.
6. Appendix B – Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasure Plan: The Stormwater Pollution Prevention Plan (SWPPP) in this Appendix has an effective date of December 19, 2023. However, the copy of the General Permit for Storm Water Discharges Associated with Industrial Activities in Appendix D of the SWPPP expired on September 30, 2017. Please verify if the General Permit was reissued, and if so, please replace the copy in Appendix D with the reissued version. If it was not reissued, please explain the reasons why it was not reissued and why the expired permit was included in the mine permit application.

Alos, the Spill Prevention Control and Countermeasure Plan (SPCCP) in Appendix C of the SWPPP has an effective date of November 2021. Is there an updated version of the SPCCP? If so, please replace the copy in Appendix C with the updated version.

Finally, BPM may need a surface water discharge permit to pump water out of the mine pits. For more information, please contact DANR's Water Quality Program.

7. American Colloid's Mine Permit 471 includes information on a 1/4 inch underground water pipeline in SW1/4 NW1/4 NE1/4 Section 11 five to six feet underneath the haul road which discharges into a stock water tank. This was not discussed in the Larsen mine permit application. Please include a discussion of the pipeline in the application and address any impacts to the pipeline during construction of the upgraded haul road.

As with the September 5, 2026, letter, the information requested in this letter must be filed with the Butte County Register of Deeds office. Proof of filing, such as a letter from the register of deeds office, is required to be submitted. If you have any questions, please feel free to contact our office.

Sincerely,

\s/

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