



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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July 15, 2024

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

Dear Ms. Henson:

Our staff has completed its review of the Request for Determination of Special, Exceptional, Critical, or Unique Lands for the Larson Project submitted to our office on June 20, 2024. Based on our review, we have determined that the Request for Determination is incomplete. The following information will need to be submitted to complete the application:

1. SDCL 45-6B-33.3 (1) and (2): In the Ecological Evaluation on page 4 of the Request for Determination, Bentonite Performance Minerals (BPM) mainly discusses the requirements of SDCL 45-6B-92 (1) and (3) that its consultant followed during development of the vegetation and wildlife baseline surveys. Please note since the requirements of SDCL 45-6B-92 only apply to the development of the reclamation plan and various baseline surveys **and not** the Request for Determination, SDCL 45-6B-92 **should not** be referenced in this section.

In this section, BPM is required to address:

- Whether or not the proposed mine area is so ecologically fragile that once it is adversely affected, it could not return to its form ecological role in the reasonably foreseeable future; and
- Whether or not the area has such a strong influence on the total ecosystem of which it is a part that even temporary effects felt by it could precipitate a system-wide ecological reaction of unpredictable scope or dimensions.

In this section, BPM needs to include these two items in its discussion and data from the vegetation and wildlife baseline surveys to support its conclusions. Since this was somewhat addressed in the Scientific Section on pages 6 through 9 of the Request for Determination, BPM should either copy or move this information to this section to help support its conclusions. Also, please note that BPM can use the critical resource data in the survey to support its conclusions in the Request. In addition, BPM can mention

American Colloid's reclamation under Mine Permit 471 just to the southeast of the Larson area and BPM's past reclamation to show that the area can be returned to rangeland.

2. SDCL 45-6B-33.3(3): In the Geologic section on page 6 of the Request for Determination, please address whether the geology describe in this section is unique. Also, in the Vegetation section on page 6 of the Request for Determination, please remove the reference to critical resources required under SDCL 45-6B-92 since it only applies to the development of the reclamation plan and various baseline surveys **and not** the Request for Determination. Please note that BPM can use the critical resource data in the survey to support its conclusions in the Request.

Finally, in the Request for Determination for the Security Project, BPM included an Archaeological Context Summary for public review which gave a summary of the general archaeologic and cultural history of the area without disclosing the archaeologic sites discovered during the Level III survey. It had similar information to that found in the Cultural Context section on page 6 through 13 of the Level III report for the Larson Project. Please include an Archaeological Context Summary for the Larson Request for Determination.

BPM will need to send by certified mail the above requested information to the review agencies which received a copy of the original Request for Determination. Also, this information will need to be filed with the Butte County Register of Deeds office. Proof of filing with the Register of Deeds and proof of mailing to the review agencies will need to be submitted to our office.

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

Sincerely,



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