



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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**NOTICE OF DETERMINATION OF
SPECIAL, EXCEPTIONAL, CRITICAL, OR UNIQUE LANDS
BENTONITE PERFORMANCE MINERALS, LLC.**

The Department of Agriculture and Natural Resources has made its determination regarding a Notice of Intent to Operate and Request for Determination of Special, Exceptional, Critical, or Unique Lands from Bentonite Performance Minerals, LLC., 554 US Highway 212, Belle Fourche, South Dakota 57717. The Notice of Intent to Operate was submitted as required under ARSD 74:29:10 for purposes of requesting the department to determine whether the lands potentially affected by the mining operation are eligible for inclusion on the preliminary list of special, exceptional, critical, or unique lands.

The proposed operation involves mining for bentonite on land approximately seven miles northwest of Belle Fourche, South Dakota. Bentonite Performance Minerals, LLC will affect approximately 228 acres during the 15-year life of the Larsen Mine. Several pits will be mined during the project. Topsoil, subsoil, and overburden will be stripped and stockpiled or used to backfill and topsoil previously mined pits. Bentonite will be hauled from each pit along US Highway 212 to Bentonite Performance Minerals LLC's processing plant in Colony, Wyoming. Reclamation will be conducted concurrently with the mining operation. The land will be reclaimed to its present use of rangeland.

In accordance with ARSD 74:29:10:08 and 74:29:10:09, the department has determined that the lands described in the Notice of Intent to Operate do not constitute special, exceptional, critical, or unique lands. This determination is based on the on-site inspection of the proposed lands to be affected, examination of the established preliminary list, consultation with other agencies, and evaluating information provided with the Notice of Intent to Operate. In addition, no nominating petitions pertaining to the lands described in the Notice of Intent were filed with the department.

The lands described in the Notice of Intent to Operate are considered cleared from special, exceptional, critical, or unique characteristics in accordance with ARSD 74:29:10:15. This clearance will remain in effect for seven years. If a mine permit application is not submitted within the seven-year period, the Board of Minerals and Environment may declare the clearance void and the lands may be reevaluated.

Bentonite Performance Minerals, LLC. may appeal the department's determination by filing a petition for a contested case hearing pursuant to SDCL 1:26 within seven days after receipt of the determination. The hearing on the appeal shall be confined to the determination of the lands as special exceptional, critical, or unique and whether an environmental impact statement and socioeconomic study will be required.

Persons desiring further information may contact Eric Holm, Minerals, Mining, and Superfund Program, at (605) 773-4201.

Hunter Roberts
Secretary
Department of Agriculture and Natural Resources

October 24, 2024