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NOV 23 2020

MINERALS &amp; MINING PROGRAM

NOTICE OF INTENT TO CONDUCT  
MINERAL EXPLORATION OPERATION  
(Excluding Uranium)

Pursuant to SDCL 45-6C

PAID

NOV 23 2020

\$250

Ck#

Department of Environment and Natural Resources  
Minerals and Mining Program  
Joe Foss Building  
523 East Capitol Avenue  
Pierre, South Dakota 57501-3182  
Telephone: (605) 773-4201 Fax: (605) 773-5286

Name of Operator: Mark Hughes

Address:

Box 533  
Custer, SD. 57730

Name and Address of Operator's Resident  
Agent in South Dakota:

Telephone Number:

Telephone Number:

(605) 440-1036

Brief Description of the Type of Exploration to be Conducted. Include a list of all minerals to be explored and a description of methods (e.g. drill rig type, proposed depth for each test hole, length of access road construction, and/or other).

Mechanical exploration by use of bobcat and backhoe. minerals sought are gold, garnet, tantalum, and hematite. gravel also to be made by use of grizzly. Access road is a 2 track and no construction needed at this time. Road length approx .775 mile.

Will the Operator Conduct Uranium Exploration? Y ☐ N ☒ If Yes, a Permit Pursuant to SDCL 45-6D Must be Obtained.

Date Exploration Will Commence:

May 15 2021

Legal Description of Land to be Explored by Section, Township, and Range:

T4S; R3E; NE 1/4 Section 3

County:

Custer

What Legal Authority Does the Operator Have to Conduct Exploration on the Above-Described Land? Attach copy if available.

☐ Deed ☐ Lease ☐ US Forest Service Permit ☒ Pending US Forest Service Permit

☐ Other \_\_\_\_\_

INSTRUCTIONS (Reference SDCL 45-6C):

This Notice of Intent Must be Accompanied by:

1. A Plan of Reclamation Pursuant to Section 8.
2. A Topographic Map Pursuant to Section 9.
3. A Fee of \$250 Pursuant to Section 17.
4. A Surety Bond in an Amount to be Determined by the Department Pursuant to Section 19.
5. Any Written Landowner Consultations Giving Alternative Preferences for the Reclamation of the Affected Land Pursuant to Section 16.

Applicant affirms that the surface owner has been notified of the proposed mineral development and that said surface owner is aware of his rights to compensation for damages to property pursuant to SDCL 45-5A. Applicant hereby affirms that the mineral exploration will be conducted pursuant and subject to the provisions of SDCL 45-6C, and all regulations promulgated thereunder, that he will grant access to the Board of Minerals and Environment or its agents to the area under notice from the date of the notice and thereafter to assure compliance with the provisions of SDCL 45-6C.

**I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.**

Mark Hughes  
Signature

10/19/2020

Date

\_\_\_\_\_  
Claim owner  
Title

STATE OF South Dakota

COUNTY OF Custer

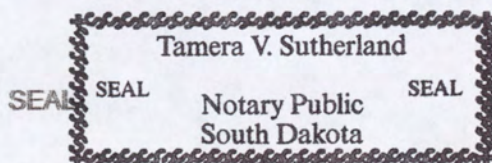
On this 19<sup>th</sup> day of November, 20 20, before me personally appeared Mark Hughes

the Claim Owner (Title) for Mark Hughes (Operator) who acknowledged himself to be

and that he is authorized to execute this Notice for the purposes contained therein.

Tamera V. Sutherland  
Notary Public

My Commission Expires: 11/8/25



**FOR DEPARTMENT USE ONLY**

DATE APPROVED: BOND AMOUNT: EXNI NUMBER:

\_\_\_\_\_  
Chairman, SD Board of Minerals & Environment

NOV 23 2020

## STATE OF SOUTH DAKOTA

MINERALS &amp; MINING PROGRAM

## BEFORE THE SECRETARY OF

## THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE  
APPLICATION OF

Mark Hughes  
 STATE OF South Dakota  
 COUNTY OF Custer

CERTIFICATION OF

APPLICANT

I, Mark Hughes, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which provides:

*"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:*

- (1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:*
  - (a) Has intentionally misrepresented a material fact in applying for a permit;*
  - (b) Has been convicted of a felony or other crime involving moral turpitude;*
  - (c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
  - (d) Has had any permit revoked under the environmental laws of any state or the United States; or*
  - (e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*
- (2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.*

*All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification,*

consideration of the application may be suspended and the application may be rejected as provided for under this section.

*Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."*

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

*"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."*

Dated this 19 day of November, 20 20.

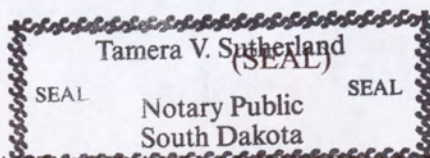
Marks Hughes  
Applicant (print)

Mae Hughes  
Applicant (signature)

Subscribed and sworn before me this 19<sup>th</sup> day of November, 20 20.

Tamera V. Sutherland  
Notary Public (signature)

My commission expires: 11/8/25



**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE  
ALL FACTS AND DOCUMENTS PERTAINING TO  
SDCL 1-40-27 (1) (a) THROUGH (e).  
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT  
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**

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EXPLORATION RECLAMATION PLAN

Pursuant to SDCL 45-6C-8 and 45-6D-9

In preparing this Reclamation Plan, please address each item in detail, following SDCL 45-6C-8 and 45-6D-9. Also, refer to the reclamation standards outlined under SDCL 45-6C-27 through 45-6C-34, SDCL 45-6D-33 through 45-6D-39, and the state's hole plugging regulations as detailed under ARSD 74:11.

- 1.) Describe the type of reclamation the operator proposes to achieve in the reclamation of the affected land.

Reclamation will be ongoing, filling in behind the dig. Topsoil to be replaced and seeded at discretion. No drilling or blasting to take place.

- 2.) Provide a proposed timetable for seeding and replanting indicating when and how the reclamation plan will be implemented. Such timetable shall be developed after consulting with the County District Conservationist as to the nature of the soils and native vegetation in the area of the proposed operation. These recommendations shall be followed, if any are provided, and copies of all correspondence shall be provided to the Department.

As said above the seeding and replanting can take place directly following the exploration. Allowable time for doing so. Following Conservationist recommendations.

- 3.) Describe how the reclamation plan will rehabilitate the affected land.

The affected land will be restored as good as possible. The digs will be sloped and contoured smooth. All guidelines in place will be followed.

- 4.) Describe the anticipated temporary and permanent plugging and capping procedures to be used (refer to SDCL 45-6C-28 through 45-6C-30, SDCL 45-6D-33 through 45-6D-35, and the state's hole plugging regulations as detailed under ARSD 74:11).

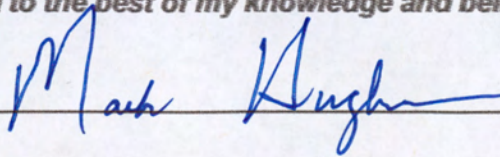
No hole drilling.

- 5.) Provide the estimated cost of: a) implementing and completing the proposed reclamation and; b) the estimated cost of plugging and sealing each test hole.

No hole drilling. Estimated cost for reclamation on this project is a fuel cost average \$500.00 to \$1000.00

***I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.***

Operator Signature:



Title: Claim holder

Date: 10/19/2020