



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 22, 2024

Matthew Naasz
Gunderson, Palmer, Nelson, and Ashmore LLP
PO Box 8045
Rapid City, SD 57709

Mr. Naasz,

The department has reviewed the application for Exploration Notice of Intent for Lotus Minerals, LLC received by our office on May 13, 2024. We have found the application to be incomplete. Please address the following items:

1. SDCL 1-41-20: Please submit a Certification of Applicant. A link to the form may be found on the Minerals, Mining, and Superfund webpage at <https://danr.sd.gov/Environment/MineralsMining/Exploration/ExplorationIntent.aspx>.
2. SDCL 45-6C-7(8): Please provide the mineral lease which show Lotus Minerals, LLC has permission of the mineral owner to conduct mineral exploration activities. In addition, we noted there is access into the site across property belonging to Mr. Chord. Please include a copy of the access agreement through his property.
3. SDCL 45-6C-8(1) and SDCL 45-6C-16: In the application it states, "All surface reclamation (regarding contouring, travel route rehabilitation, seeding, etc) travel restrictions and time will be as directed by Lotus Minerals LLC in accordance with SDCL 45-6C-16." SDCL 45-6C-16 indicates the surface owner, not the operator, has the right to dictate these actions. Please include the agreement between the surface owner and Lotus Minerals LLC which allows for Lotus Minerals LLC to have authority over these decisions.
4. SDCL 45-6C-8(2): The seed mix provided in the reclamation plan does not match the seed mix provided by the NRCS District Conservationist. Please correct the seed mix.
5. SDCL 45-6C-19: Please note a revision to this statute will take effect on July 1, 2024, and the statewide exploration surety increases to \$100,000. If you are not planning to provide the new increased statewide bond for this exploration, please provide an estimated cost of completing the proposed reclamation, and the estimated cost of plugging and sealing each test hole.

Please address the items outlined above. If you have any questions, please feel free to contact me at (605) 773-2909.

Sincerely,

\s/

Roberta Hudson, P.E.
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Minerals, Mining, & Superfund Program
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Cc: Nathan Chowning, Lotus Minerals LLC