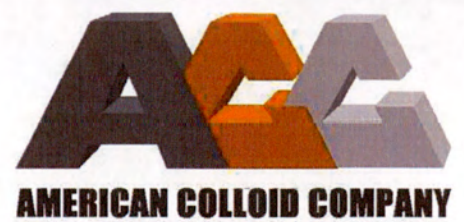


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MINERALS & MINING PROGRAM



PERMITTING & RECLAMATION DEPARTMENT
P.O. Box 2010 • Belle Fourche, South Dakota 57717
PH. (605) 892-6950 • FAX (605) 892-6979

September 24, 2024

Eric Holm
Department of Environmental and Natural Resources
Minerals and Mining Program
523 E Capitol Avenue
Pierre, SD 57501-3182

RE: American Colloid Company Notice of Intent to Conduct Mineral Exploration Operation

Eric:

Enclosed is ACC's application for the notice of intent to conduct mineral exploration operation, check, bond, and associated forms. Should you have any questions or concerns please contact me at your earliest convenience. You may reach me by telephone at 605-892-5203 or by email at jonathan.madill@mineralstech.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jonathan Madill', is written over a faint, larger version of the same signature.

Jonathan Madill
Environmental Affairs Supervisor



Enclosures (1)

Department of Agriculture and Natural Resources
Minerals and Mining Program
523 East Capitol Avenue
Pierre, South Dakota 57501-3182
605 773-4201; Fax: 605 773-5286

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

Pursuant to SDCL 45-6C

Operator's name: Ameican Colloid Company

Mailing Address: PO Box 2010
Belle Fourche SD 57717

Telephone: 605 892 5203

Resident agent (if out-of-state corporation):

Resident agent address:

Telephone:

PAID
SEP 30 2024

Ck#
Rec't# \$250

Legal description of area to be explored by Section, Township, and Range:

County: Butte

Give a 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, number of holes to be drilled, number of drill pads to be constructed, proposed depth for each test hole, length of existing access roads and/or new access road construction).

Exploration will consist of auger drilling to obtain a small amount of bentonite for analytical purposes. Maximum depth of drilling will be approximately sixty feet. Exploration activities will be conducted on selected portions of the lands included within Appendix "A". Drill holes will be placed (augured) on a grid pattern of approximately 150' X 150' between placement of holes. Exploration will be conducted, weather permitting. Access to and throughout the proposed exploration area will be via existing roads and trails. Limited off-road sampling will be conducted. Off-road sampling will be conducted in such a manner as to not cause any significant surface disturbance. No roads will be constructed during this operation. Exploration and drilling will be conducted using a four-wheel drive truck, with a rear mounted, auxiliary powered, auger drill. Over the life of the exploration project, 1000 holes are projected to be deeper than 50 feet.

Date exploration will commence: Upon approval or October 20th.

What legal authority does the operator have to conduct exploration on the above-described land? Include a copy if available.

 Deed x Lease US Forest Service Permit Pending US Forest Service Permit x Other

Will the operator conduct uranium exploration? Yes x No If yes, a permit pursuant to SDCL 45-6D must be obtained.

INSTRUCTIONS:

Please 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 payable to the Department of Agriculture and Natural Resources pursuant to Section 17.
4. A surety 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 SD 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.

Joseph M. Mott
Signature
Title: *Environmental Affairs Supervisor*

Date: *9-24-2024*

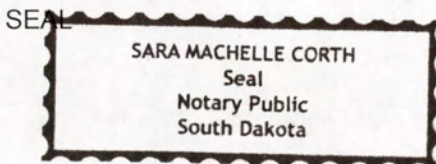
STATE OF *South Dakota*
COUNTY OF *Butte*

On this *24* day of *September*, 20*24*, before me personally appeared

Joseph M. Mott, who acknowledged himself to be the *Environmental Affairs Supervisor*
(Title)
for *American Colloid Company* and that he is authorized to execute the Notice of Intent for the
(Operator)
purposes contained therein.

Sara Mott
Notary Public

My Commission Expires: *4-7-2028*



FOR DEPARTMENT USE ONLY

DATE APPROVED: BOND AMOUNT: EXNI NUMBER:

Chairman, SD Board of Minerals & Environment

STATE OF SOUTH DAKOTA
BEFORE THE SECRETARY OF

THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

IN THE MATTER OF THE)
APPLICATION OF)

CERTIFICATION OF

Notice of Intent to Conduct Mineral Exploration)
operation)

APPLICANT

STATE OF South Dakota)

COUNTY OF Butte)

I, Jonathan Madell, 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 1-41-20 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 1-41-20, 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."

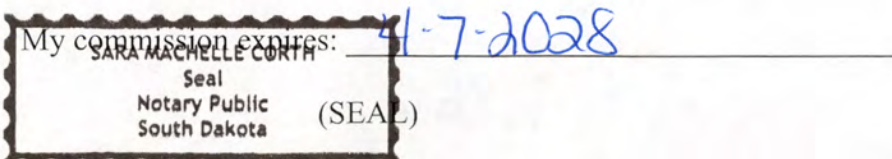
Dated this 24 day of September, 2024.

Applicant (print) Jonathan Madill on behalf of American Colloid Company

Jonathan Madill
Applicant (signature)

Subscribed and sworn before me this 24 day of September, 2024.

Sara Lorch
Notary Public (signature)



**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE
ALL FACTS AND DOCUMENTS PERTAINING TO
SDCL 1-41-20 (1) (a) THROUGH (e).
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**

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CERTIFICATE OF NOTIFICATION AND NEGOTIATION WITH SURFACE OWNER/SURFACE LESSEE

Surface Owner/Lessee: Kenneth Kudlock Family Trust

Surface Owner/Lessee Address of Record: 11052 Kudlock Lane

Well Name/Project Description: 4K 3V

Township 9 Range 1 Section 5, 6, 7, 8, 17, 18 County B.H.

Date Surface Owner/Lessee Notified and Served with All Three Pages of this Form: 9-23-2024

In accordance with SDCL 45-5A, I hereby certify,

- 1) I notified the above listed surface owner or lessee of the proposed drilling operations, sufficiently disclosing the plan of work and operations so as to enable the surface owner to evaluate the effect of drilling operations on the surface owner's use of the property;
- 2) I included with this notice a copy of all three pages of this form, advising the surface owner of his or her rights and options under SDCL 45-5A; and
- 3) That to the best of my knowledge and belief, an agreement regarding compensation for damages to livestock and surface land resulting from drilling operations on the described property has been or is being negotiated with the surface landowners or lessees, as listed above.

Operator Name: American Colloid Company

Joseph M. Mudd
Signature

Environmental Affairs Supervisor
Title

9-24-2024
Date

RIGHTS OF SURFACE OWNERS AFFECTED BY MINERAL EXPLORATION

(Taken from SD Codified Law Chapter 45-5A)

45-5A-4. Compensation to surface owner for losses—Determining damages--Payment. The mineral developer shall pay the surface owner a sum of money equal to the amount of damages sustained by the surface owner for loss of agricultural production, lost land value, and lost value of improvements caused by mineral development. The amount of damages may be determined by any formula mutually agreeable between the surface owner and the mineral developer. In determining damages, consideration shall be given to the period of time during which the loss occurs and the surface owner may elect to be paid damages in annual installments over a period of time. However, the surface owner shall be compensated for harm caused by exploration only by a single sum payment. The payments contemplated by this section shall only cover land directly affected by mineral development. Payments under this section for lost land value shall be paid only to the title holder of such land. Any reservation or assignment of such compensation apart from the surface estate except to a lessee of the surface estate is prohibited.

45-5A-4.1. Treble damages for failure to negotiate in good faith. If any mineral developer fails or refuses to conduct good faith negotiations with the surface owner to determine damages pursuant to § 45-5A-4, whether or not arising out of an existing contract or lease, the court, in any subsequent litigation arising out of the mineral developer's failure or refusal to negotiate in good faith, may, at its discretion, award treble damages on all or part of any recovery by the surface owner.

45-5A-5. Notice to surface owner of proposed surface disturbing development activities. The mineral developer shall give the surface owner written notice of proposed surface disturbing mineral development activities at least thirty days before the date operations are commenced. Surface disturbing activities include well site construction, road building, grading, excavation, demolition, and related activities. This notice shall be given to the record surface owner at the surface owner's address as shown by the records of the county register of deeds at the time the notice is given. This notice shall sufficiently disclose the plan of work and operations to enable the surface owner to evaluate the effect of drilling operations on the surface owner's use of the property. Included with this notice shall be a form prepared by the Department of Agriculture and Natural Resources advising the surface owner of his or her rights and options under this chapter.

45-5A-5.1. Notice to surface owner and surface lessee prior to entry on land for mineral exploration activities. A mineral developer shall provide the surface owner, and surface lessee, if any, with at least seven days notice by registered mail to the address shown by the records of the county treasurer at the time the notice is given or by hand delivery prior to entry on the land for mineral exploration activities that do not disturb the surface such as surveying and well staking. This notice shall include:

- (1) The name, address, and telephone number of the mineral developer or the mineral developer's designee;
- (2) An offer to discuss the proposed exploration plan with the surface owner, and surface lessee if any, before the exploration operations begin; and
- (3) A diagram of the approximate location or the proposed drilling site. The notice required by this section is deemed to be received by the surface owner and surface lessee immediately, if hand delivered, and seven days after mailing if sent by registered mail. The notice required by this section is in addition to the notice required by § 45-5A-5.

45-5A-5.2. Damages for failure to provide notice. The surface owner, and surface lessee, if any, may seek actual and punitive damages in the court of proper jurisdiction if the mineral developer fails to provide the notice required by § 45-5A-5 or the notice required by § 45-5A-5.1.

45-5A-5.3. Exception to notice requirement. The provisions of §§ 45-5A-5 to 45-5A-5.2, inclusive, do not apply if the mineral developer and surface owner or surface lessee have an existing use agreement or contract regarding the property at issue.

45-5A-6. Responsibilities of developer. The mineral developer is responsible for all damages to property, real or personal, resulting from the lack of ordinary care by the mineral developer. The mineral developer is also responsible for all damages to property, real or personal, resulting from an interference caused by mineral development.

45-5A-7. Time for notice of damages to developer. The affected surface owner, to receive compensation, pursuant to §§ 45-5A-8 and 45-5A-9, shall notify the mineral developer, in writing, of the damages sustained by the affected surface owner within two years after the injury becomes apparent or should have become apparent to a reasonable person.

45-5A-8. Offer of settlement by developer. Unless both parties provide otherwise by written agreement, within sixty days after the mineral developer receives notice of damages the mineral developer shall make a written offer of settlement to the person seeking compensation for the damages. The person seeking compensation may accept or reject any offer so made within sixty days of receipt.

45-5A-9. Action for compensation. If the person seeking compensation receives a written rejection, rejects the offer of the mineral developer, or receives no reply, that person may bring an action for compensation in the court of proper jurisdiction.

45-5A-10. Other remedies not precluded. Any remedy provided by this chapter does not preclude any person from seeking other remedies allowed by law.

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

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In preparing this reclamation plan, please address each item in detail, referencing SDCL 45-6C-8 and 45-6D-9. Please refer to the reclamation standards outlined in 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 in ARSD 74:11.

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

All reasonable measures, to include limiting surface disturbance caused by moving equipment in and out of exploration areas, placing drill hole cuttings back into hole immediately after drilling, and ultimately seeding areas immediately surrounding drill holes to ensure growth around drill holes will be taken to insure no unnecessary or undue degradation of lands occurs. The following is being submitted in support of the above-listed drilling notice.

Exploration activities are scheduled to begin upon approval, or October 20, 2024 at the earliest. Reclamation on this project will be ongoing, as drilling is completed.

Exploration will be conducted only when weather permits, that is dry and/or frozen, to reduce the impact on soils and vegetation

2. Provide a proposed timetable for seeding and replanting indicating when and how the reclamation plan will be implemented. Such timetable shall be developed in consultation 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.

Reclamation of all disturbed areas will be completed immediately after sampling and will meet or exceed the seeding recommendations from the NRCS (addendum). All cuttings and materials extracted from the drill hole will be placed back into the drill hole.

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

Reclamation of all disturbed areas will be conducted immediately after sampling. Areas immediately surrounding drill holes will be seeded and raked, as necessary, to ensure adequate revegetation around drill holes.

4. Describe the anticipated temporary and permanent plugging and capping procedures to be used. Please 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 in ARSD 74:11.

ACC will comply with ARSD 74:11:08 plugging regulations. All cuttings and materials extracted from the drill hole will be placed back into the drill hole. Given the nature of bentonitic material and formations, no special handling or procedures are expected for the plugging and capping. However, in the event that plugging and capping steps are required, ACC will utilize crude bentonite material sourced from a local plant and/or mine. ACC will submit a report on all test holes that penetrate an aquifer and the method used to plug the hole.

5. Provide the estimated cost of implementing and completing the proposed reclamation, and, the estimated cost of plugging and sealing each test hole.

Please refer to Bond Calculation addendum for a detailed breakdown of associated reclamation costs. Average cost per hole = \$13.29 plus mobilization. Total cost for bonding this project is not expected to exceed \$20,000. ACC will maintain a bond with the state of South Dakota with Arch Insurance in the amount of \$50,000 payable to the South Dakota Department of Agriculture and Natural Resources to cover exploration activities.

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.

Signature

Date:

Title:



United States
Department of
Agriculture

Soil
Conservation
Service

Hwy 85 South
Box 4
Belle Fourche, SD 57717

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August 24, 1982

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NOV 04 1982

Mr. Ron Sieg
American Colloid Company
5 6th Ave.
Belle Fourche, South Dakota 57717

SOUTH DAKOTA DEPARTMENT OF
WATER AND NATURAL RESOURCES
OFFICE OF WATER QUALITY

Dear Mr. Sieg,

Recommendations for reseeding the following range sites:

	Full Seeding	Double Rate	% in Mixture	# PLS Per ac.
Shallow - Thin Upland				
Western Wheatgrass	10# x 2	x 30%	=	6# per ac.
Green Needlegrass	6# x 2	x 30%	=	3.6# per ac.
Sideoats Grama	6# x 2	x 10%	=	1.2# per ac.
Blue Grama	1.5# x 2	x 30%	=	1# per ac.
Thin Claypan				
Western Wheatgrass	10# x 2	x 50%	=	10# per ac.
Blue Grama	1.5# x 2	x 50%	=	1.5# per ac.
Dense Clay, Saline Lowland, Overflow, Claypan, Clayey				
Western Wheatgrass	10# x 2	x 80%	=	16# per ac.
Green Needlegrass	6# x 2	x 20%	=	2.4# per ac.
Porus Clay				
Little Bluestem	4# x 2	x 40%	=	3.2# per ac.
Prairie Sandreed	4# x 2	x 40%	=	3.2# per ac.
Sand Bluestem	9.5# x 2	x 20%	=	4# per ac.

Rate in these recommendations are double the amounts in a normal range seeding.

Attached is a copy of Range Seedings. Tables I & II that may be used if other species are desired.

If you need further information, please let us know.

Sincerely,

Charles J. Logan
Charles J. Logan
District Conservationist



Addendums

Map 1.0

Exhibit A Legal Location

Drilling Notification Bond Calculation

NRCS Approved Seed Mix

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Exhibit A Legal Locations 4K 3V Exploration Project

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Description</u>	<u>Owner</u>
9 N	1 W	5	Portions of section	Kudlock
9 N	1 W	6	Portions of section	Kudlock
9 N	1 W	7	Portions of section	Kudlock
9 N	1 W	8	Portions of section	Kudlock
9 N	1 W	8	Portions of section	ACC
9 N	1 W	9	Portions of section	ACC
9 N	1 W	15	Portions of section	ACC
9 N	1 W	17	Portions of section	Kudlock
9 N	1 W	18	Portions of section	Kudlock
9 N	1 W	24	Portions of section	ACC
9 N	1 W	25	Portions of section	ACC
9N	2 W	32	Portions of section	ACC
9N	2 W	33	Portions of section	ACC

TABLE 1

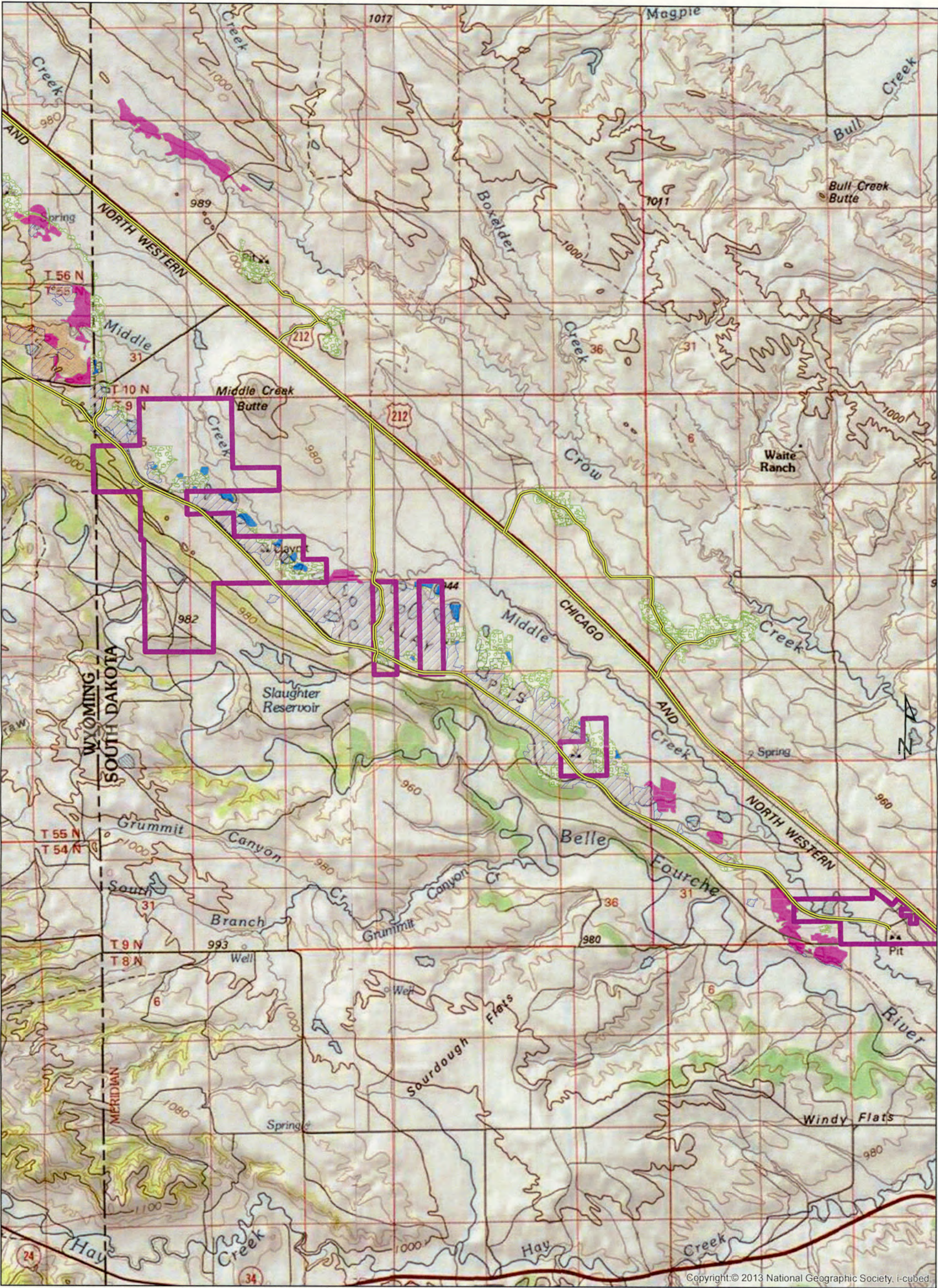
Drilling Notice Bond Calculation

Assumptions:	Drill stakes removed per hour:	5
	Daily Travel Distance:	20
	Travel time to site (roundtrip):	1.5
	Daily hours for removal work:	6.5
	Drill stakes removed daily:	32.5
	Total stakes to be removed:	1000
	Days to complete removal:	30.8
	Hourly pay rate (\$):	\$25.00
	Mileage pay rate (per mile):	\$0.75
	ATV costs paid per day:	\$100






ITEM	DAILY	PROJECT	RATE	TOTAL
Total Vehicle Mileage (mi)	20	615.4	\$0.75	\$461.54
Total Travel Time (hr)	1.5	46.2	\$25.00	\$1,153.85
Labor: Removal of Stakes (hr)	6.5	200.0	\$25.00	\$5,000.00
ATV Costs (days)		30.8	\$100.00	\$3,076.92
Reclamation/Reseed (stakes)	32.5	1000	\$0.15	\$150.00

Contingency/unknowns	7%	
Contractor profit	10%	
Administrative Fee	18%	
	35%	\$3,444.81

Cost Per Stake \$13.29 **Total** \$13,287.12



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- | | | | |
|---|------------------|---|-----------|
|  | Notice of intent |  | POND |
|  | BOND RELEASE |  | RECLAIMED |
| | |  | PRELAW |

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Map 1.0
9/20/2024
Notice of Intent to Conduct Exploration

American Colloid Company
PO Box 2010
Belle Fourche, SD 57717