



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

221 MALL DRIVE, SUITE #201
RAPID CITY SD 57701
danr.sd.gov

August 6, 2025

Timm Commer
DTRC LLC
106 Glendale Drive, Suite A
Lead, SD 57754

Re: **EXNI 466 for DTRC LLC Exploration Drilling in Sections 14; T5N-R2E, Lawrence County**

Dear Mr. Commer:

The department is in receipt of the Exploration Notice of Intent (EXNI) that you filed with our office on June 17, 2025. The department has determined the Notice of Intent to be procedurally complete. Based on our review of your Notice, we determined the following restrictions are required:

1. This project shall be conducted and reclaimed in such a manner as to prevent any violation of the beneficial uses of specified water quality criteria of any water resources in the area. In accordance with ARSD Chapter 74:51:02 and 74:51:03, all surface waters of the state have been assigned the following beneficial uses:
 - 9) Fish and wildlife propagation, recreation, and stock watering assigned to lakes;
 - 10) Irrigation waters and fish and wildlife propagation, recreation, and stock watering for streams

In addition, several of the drainages crossed or encountered in the exploration area are tributaries to Burno Gulch Creek. From its headwaters in Section 14 T5N R2E to its confluence with False Bottom Creek, Burno Gulch Creek is also assigned these additional beneficial uses under ARSD 74:51:03:

- 3) Coldwater marginal fish life propagation waters; and
 - 8) Limited-contact recreation waters.
2. Any discharge from the site shall be directed to a settling pond or flat vegetated area to allow suspended solids to settle out. For any discharge into a dry draw, gulch or surface water resource, a South Dakota Surface Water Discharge permit may be required prior to discharge.
3. To ensure optimal soil erosion protection, all affected lands shall have adequate sedimentation and erosion control measures applied pursuant to SDCL 45-6C-32 and according to Best Mineral Management Practices. These measures shall be in the form of waterbar construction on access roads where appropriate; revegetation of roads; road embankment slopes; and the installation of straw bale or silt fence type sediment filters wherever necessary. DTRC LLC shall inspect, clean out, repair, or upgrade the sediment controls as necessary to prevent degradation of surface waters of the state.

4. All topsoil shall be salvaged and stockpiled whenever possible for use in reclamation.
5. When drilling fluids are used and/or when ground water is encountered during drilling, the fluids shall be sufficiently contained to prevent overland flow or discharge to any waters of the state. If water tanks are used in lieu of mud pits, they shall also be sufficiently contained.
6. When mud pits are being utilized in drilling a hole, where possible, these pits shall be constructed on the uphill side of the drill pad or away from highwalls.
7. DTRC LLC shall spray weeds up to 50 feet from all disturbed and surrounding areas, including along access roads within the exploration permit boundary. Weed control on all disturbed or reclaimed areas is required until this EXNI is released of reclamation liability by the Board of Minerals and Environment.
8. During periods of active exploration drilling, DTRC LLC shall provide, via email, a weekly schedule outlining when and where holes will be drilled so the department can plan inspections and witness plugging activities.
9. DTRC LLC shall maintain a 50-foot operational buffer from any private well within the exploration area.
10. All test holes shall be capped, sealed and plugged according to ARSD 74:11:08 (Plugging Standards) immediately following drilling and probing.
11. If surface casing is used in exploration holes, the following requirement shall be met:
 - a) Prior to removal of surface casing, the hole shall be plugged in accordance with ARSD 74:11:08 to a level just below the bottom of the surface casing.
 - b) Following step a), the casing will be removed (when possible) or cut off at least one foot below the ground surface.
 - c) The remainder of the hole will be plugged in accordance with ARSD 74:11:08.
12. DTRC LLC shall notify the department, in writing, when exploration drilling penetrates an aquifer. Notification shall be provided as soon as possible, but not more than 90 days after penetration of the aquifer. Notification shall include the location of the test hole penetrating the aquifer.
13. Where affected roads and drill pad areas are no longer necessary for further exploration purposes, reclamation must be completed on these disturbed areas within 12 months. If DTRC LLC plans to continue exploration in disturbed areas but must temporarily cease exploration activities, reclamation must be completed within 24 months. DTRC LLC may submit a request to extend these deadlines as necessary to the department.
14. Reclamation must be completed on all affected acreages within 12 months following completion of all exploration activities allowed under this Notice.
15. The following seed mix shall be used for reclamation of the affected areas:

Big bluestem	1.67 PLS/acre
Sideoats grama	0.54 PLS/acre
Western wheatgrass	8.02 PLS/acre

Slender wheatgrass	2.11 PLS/acre
Green needlegrass	0.54 PLS/acre
Little bluestem	0.21 PLS/acre
Western Yarrow	0.01 PLS/acre
Purple prairie clover	0.06 PLS/acre

16. DTRC LLC shall have a qualified biologist survey the project area and surrounding vicinity for active and inactive bird nests, with a focus on raptor nests. Document species, nest status, and distance to proposed exploration. Submit active nest data to SDGFP to determine appropriate buffer distances.
17. DTRC LLC shall have a qualified biologist survey all live or dead trees (DBH \geq 3 inches) and geological features (e.g., rock crevices, caves, mine openings) within the project area, especially within 300 feet of drill pads or disturbance zones, for potential bat roosts. Do not remove potential roosts during the active bat season (May 1–September 30). Emergence surveys may be required to confirm use. If bats or active roosts are found, maintain a 300-foot buffer. Submit all roost locations, observations, and survey results to SDGFP.
18. DTRC LLC shall conduct the necessary archaeological studies as outlined in the July 30, 2025, letter from the Archaeological Research Center prior to disturbance of any areas identified as requiring additional study.
19. During the conduct of its exploration activities, DTRC LLC shall avoid bones, artifacts, foundation remains, or other evidence of previously unrecorded past human use. For specific direction regarding avoidance of these sites, please contact the SD Archaeological Research Center.
20. If any artifacts or other archaeological or cultural resources are discovered during exploration activities, the activities shall be halted and the State Archaeologist notified at once.

Please note that we have assigned your Notice of Intent the following number: **EXNI-466**. This Notice allows you to conduct only the type and amount of work which is hereby being approved. Any additional work must be covered by the submission of a new Notice to our office. DTRC LLC may commence with the operation contingent upon compliance with the above restrictions and submittal and approval of the reclamation bond for this project.

Thank you for your interest in and consideration for the natural resources of South Dakota.

Sincerely,

\S/

Phil Nesbitt
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 Minerals, Mining, and Superfund Program
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cc: Mandy Pearson, Department of Game, Fish and Parks
 Dustin Lloyd, Archaeological Research Center
 Roberta Hudson, Pierre Office