



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

August 20, 2021

Mark Hughes  
PO Box 533  
Custer, SD 57730-0533

RE: EXNI-437 – Mark Hughes - 5,000 Ton Bulk Sample Operation

Dear Mr. Hughes:

The department has completed its review of the Exploration Notice of Intent application received on November 23, 2020 and supplemental information submitted January 13 and 25, February 22, March 15 and 18, 2021. Based on our evaluation, we have found the application to be complete. As a result of our review, the department has issued the following restrictions that will apply to the Notice of Intent:

1. To ensure optimal soil erosion protection, all affected lands shall have adequate sedimentation and erosion control measures pursuant to SDCL 45-6C-32 and according to Best Mineral Management Practices. These shall include waterbars on access roads where appropriate, revegetation of roads and road embankment slopes, and straw bales or silt fences wherever necessary. All sediment control structures shall be inspected, cleaned out, repaired, or upgraded as necessary to prevent overland flow of water or sediments.
2. The seed mix provided by the Custer County NRCS does not match the seed mix required by the US Forest Service. Therefore, prior to reclamation activities at the site, the seed mix must be agreed upon and approved by the two agencies. Please provide a copy of the agreed upon seed mix to the department.
3. No discharge of water or sediments from the site is permitted.
4. All topsoil shall be salvaged and stockpiled for use in reclamation.
5. All topsoil stockpiles shall be seeded with an approved seed mix to prevent weed infestation and minimize problems in reclamation.
6. Weed spraying to control the spread of noxious weeds on disturbed areas of the site must occur on an annual basis.
7. Each trench must be reclaimed as the subsequent trench is being developed. No more than two trenches may be disturbed at any time. To operate any subsequent trench reclamation must be complete on one of the two prior trenches. Reclamation is considered complete when all required grading, topsoil placement, and seeding has been completed.

8. In the event of a temporary cessation of exploration activities, reclamation of all disturbed areas must occur within one year after the date of cessation. If operations are ceased for a period longer than one year due to the expiration of the US Forest Service Plan of Operations, the operator may request an extension on the reclamation timeline from the department by providing a written statement from the US Forest Service indicating it is actively working on approving a new plan of operations for the site.
9. If any artifacts or other archaeological or cultural resources are discovered during exploration activities, the activities shall be temporarily halted and the state archaeologist notified at once.
10. Your operation is approved for the removal of not more than 5,000 tons of material as a bulk sample. Any material removed in excess of 5,000 tons will require either a new exploration notice of intent or a mine permit.
11. The US Forest Service Plan of Operations must be maintained and kept up to date during operations. If, at any time the US Forest Service Plan of Operations becomes invalid or is past its expiration date, all operations must cease until the plan of operations is renewed.
12. In addition to these restrictions, the restrictions included in the Plan of Operations issued by the US Forest Service shall also be followed.

Please note that we have assigned your Notice of Intent the following number: **EXNI-437**.

Please be advised that this Notice of Intent allows you to conduct only that type and amount of work outlined in the Notice which is hereby approved. Any additional work must be covered by the submission of a new Notice to our office. You may commence with the operation contingent upon compliance with the above conditions.

If you have any questions, please feel free to contact me at (605) 773-4201.

Sincerely,

\s/

Roberta Hudson  
Engineering Manager I  
Minerals and Mining Program  
E-mail: [Roberta.hudson@state.sd.us](mailto:Roberta.hudson@state.sd.us)

cc: Lisa Nesselbeck, Archaeological Research Center  
Stan Michals, Department of Game, Fish and Parks  
Jonathan Manning, Southern Hills Ranger District