



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**NOTICE OF DETERMINATION OF  
SPECIAL, EXCEPTIONAL, CRITICAL, OR UNIQUE LANDS  
JOSEPH NONNAST**

The Department of Agriculture and Natural Resources has made its determination regarding a Notice of Intent to Operate and Request for Determination of Special, Exceptional, Critical, or Unique Lands from Joseph Nonnast, 21573 Cloverleaf Place, Nemo, South Dakota 57759. The Notice of Intent to Operate was submitted as required under ARSD 74:29:10 for purposes of requesting the department to determine whether the lands potentially affected by the mining operation are eligible for inclusion on the preliminary list of special, exceptional, critical, or unique lands.

The proposed operation involves the processing of historic mine tailings to recover gold. Mr. Nonnast plans to skim the sand tailings and process them through gravitational recovery equipment for gold. No chemicals will be used during processing of the tailings. Less than two acres will be disturbed over the life of the mining operation. Any topsoil underneath the tailings will be stripped and stockpiled for use in final reclamation. During final reclamation, affected areas will be regraded prior to topsoil placement and seeding. Operations will be conducted annually between the months of April and October.

In accordance with ARSD 74:29:10:08 and 74:29:10:09, the department has determined that the lands described in the Notice of Intent to Operate do not constitute special, exceptional, critical, or unique lands. This determination is based on the on-site inspection of the proposed lands to be affected, examination of the established preliminary list, consultation with other agencies, and evaluation of information provided with the Notice of Intent to Operate. In addition, no nominating petitions pertaining to the lands described in the Notice of Intent were filed with the department.

The lands described in the Notice of Intent to Operate are considered cleared from special, exceptional, critical, or unique characteristics in accordance with ARSD 74:29:10:15. This clearance will remain in effect for seven years. If a mine permit application is not submitted within the seven-year period, the Board of Minerals and Environment may declare the clearance void and the lands may be reevaluated.

Joseph Nonnast may appeal the department's determination by filing a petition for a contested case hearing pursuant to SDCL 1:26 within seven days after receipt of the determination. The hearing on the appeal shall be confined to the determination of the lands as special exceptional, critical, or unique and whether an environmental impact statement and socioeconomic study will be required.

Persons desiring further information may contact Roberta Hudson, Minerals, Mining, and Superfund Program, at (605) 773-4201.

Hunter Roberts  
Secretary  
Department of Agriculture and Natural Resources

August 2, 2023