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

AMENDMENT TO
MINING/MILLING PERMIT NO. 477

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Operator's name: Teresa Fox

Mailing address: 1110 Ash Street
Whitewood, SD 57793

Telephone: 605-639-5642

Local address: 1110 Ash Street
Whitewood, SD 57793

Telephone: 605-639-5642

Resident agent (if out-of-state corporation): none

Resident agent address: none

Resident agent telephone: none

Legal description of affected land: S1/2 SW1/4 Section 23, T5N R1E BHM

County: Lawrence

Description of amendment: Time extension November 1, 2030 mining with final reclamation complete November 1, 2033.
Please see attached sheet for additional equipment
There will be no other changes to the approved mining and reclamation plan under Mine Permit 477 as defined in the mine permit application.

Name and address of surface owner:

United States Forest Service
2014 North Main Street
Spearfish, SD 57783

Name and address of mineral owner:

Teresa Fox
Robert Wallace
1110 Ash Street
Whitewood, SD 57793

INSTRUCTIONS:

This amendment application must be accompanied by:

1. The contents of the permit amendment pursuant to ARSD 74:29:03:03.
2. A fee of $1,000 payable to the Department of Agriculture and Natural Resources pursuant to SDCL 45-6B-14 for a large scale operation. A fee of $100 payable to the Department of Agriculture and Natural Resources pursuant to SDCL 45-6B-55 for a small scale operation.

Prior to Board approval of the permit amendment, the operator must submit the following:

1. Proof of filing a copy of the amendment with the Register of Deeds pursuant to ARSD 74:29:03:05(1), ARSD 74:29:03:08, and ARSD 74:29:03:10.
2. A surety in an amount to be determined by the department pursuant to ARSD 74:29:03:04.
3. A copy of instruments of consultation from all surface landowners, if different than the owner of the minerals pursuant to SDCL 45-6B-12 and 13.

Applicant hereby affirms that the mining and milling will be conducted pursuant to SDCL 45-6B, or any regulations promulgated thereunder; that he will grant access to the SD Board of Minerals and Environment or its agents to the area under application from the date of the application and during the life of the permit as is necessary to assure compliance with SDCL 45-6B.

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.

Teresa Fox X Date: 6-23-2025
Signature

Title: owner/operator

STATE OF South Dakota

COUNTY OF Lawrence

On this 23rd day of June, 2025, before me personally appeared Teresa Fox, who acknowledged himself to be the owner (Title) for Permit 477 (Operator) and that he is authorized to execute the Amendment to Mining/Milling Permit for the purposes contained therein.

CORY C. HECKENLAIBLE NOTARY PUBLIC SEAL STATE OF SOUTH DAKOTA

Notary Public My Commission Expires: My Commission Expires January 29, 2027

FOR DEPARTMENT USE ONLY

DATE APPROVED: BOND AMOUNT: PERMIT NUMBER:

Chairman, SD Board of Minerals & Environment

ADDITIONAL BOND AMOUNT:

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STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

IN THE MATTER OF THE APPLICATION OF)
Teresa Fox Ironstreak Placer - 477)
STATE OF South Dakota)
COUNTY OF Lawrence)

CERTIFICATION OF APPLICANT

I, Teresa Fox, 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 23 day of June, 20 25.

Applicant (print) Teresa Fox

Applicant (signature)

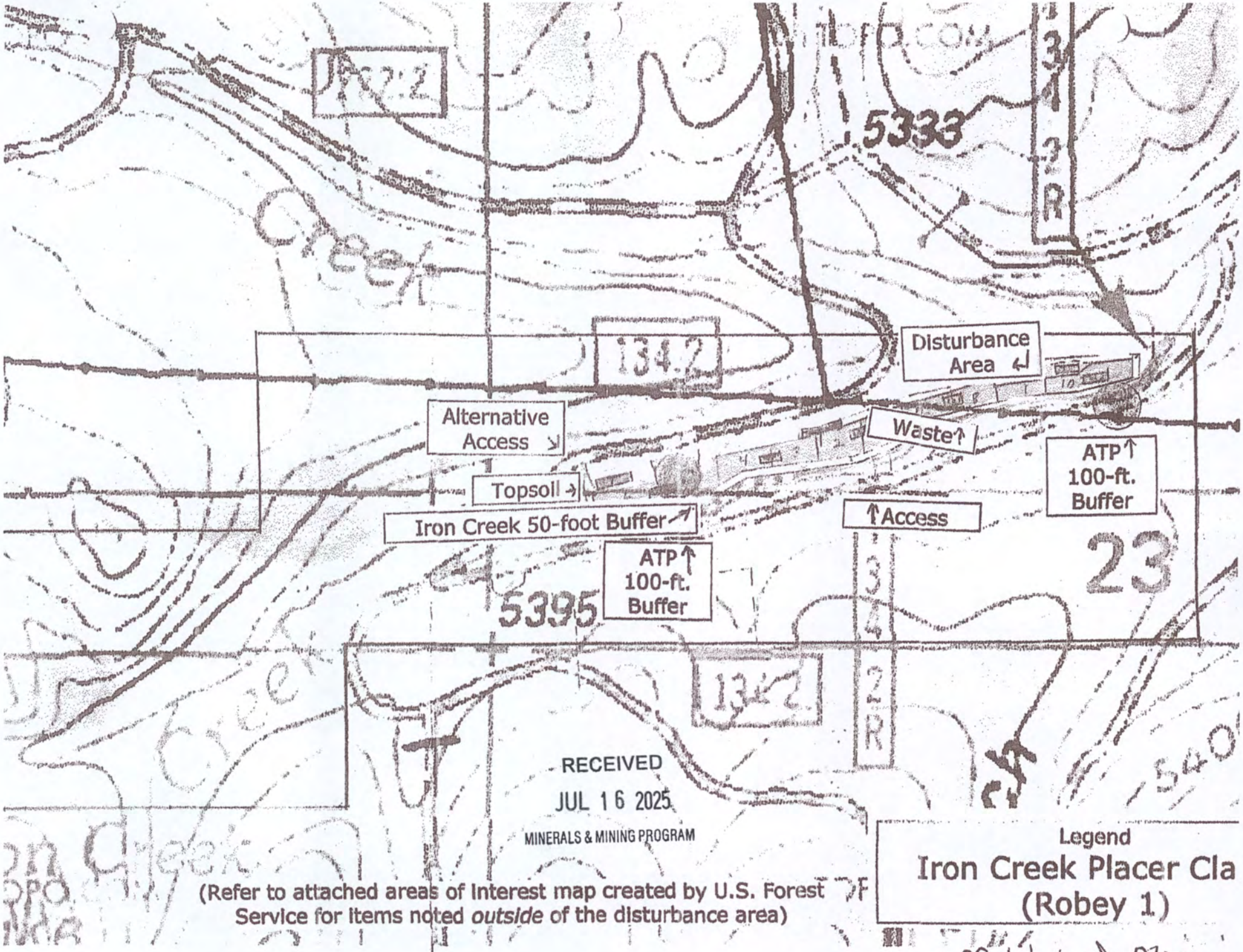
Subscribed and sworn before me this 23rd day of June, 2025.

Notary Public (signature)

My commission expires: My Commission Expires January 29, 2027

(SEAL)

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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(Refer to attached areas of Interest map created by U.S. Forest Service for items noted *outside* of the disturbance area)

Affected Land Map

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ARSD 74:29:03:03(5) - Refer to attached affected land map

One large and two small water tanks have been replaced by one large holding tank (vat) which will serve as water source and sediment containment for the recirculating trommel operation. Dimensions of the vat are 10 feet wide x 50 feet long x 5 feet deep with a total capacity of 19,000 gallons.
To prevent vat contents from entering Iron Creek a ditch will direct spillage into the mining pit away from Iron Creek. If ditch is not feasible, trenching, a berm and existing pit sufficient to hold 125% of vat contents will contain possible spillage creekside.

ARSD 74:29:03:03(6) - *Estimated cost:* Total reclamation expense $1500.00.

ARSD 74:29:03:03(7) *reclamation proposed*
Reclamation of the vat area will include removal, backfill and contour. Area will be seeded with an approved US Forest Service seed mix as recommended by US Forest Service in Mine Permit 477.

ARSD 74:29:03:03(10) permit copy, *instrument of consultation Forest Service (letter copy and certified receipt)*

Permit copy, information of DANR letter to SD Archaeological Research Center and South Dakota Department of Health

ARSD 74:29:03:03(11) and ARSD 74:29:03:05(2) *permit copy, proof of consultation Game, Fish and Parks, Lawrence County Natural Resource Conservation n (letter copy and certified receipt*¶

ARSD 74:29:03:03(12) *permit copy, request letter stating proof of compliance, Lawrence County PZ Lawrence County Commission*

ARSD 74:29:03:03(13) Refer to Post Mine Reclamation Map Permit 477

ARSD 74:29:03:03(15) and **ARSD 74:29:03:07** There will be no other changes to the approved operating and reclamation plan under Mine Permit 477

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June 15, 2025

US Forest Service
Karl Emanuel
Spearfish, SD

Instrument of consultation
Small Scale Placer Permit 477 amendment application:

Please find attached South Dakota DANR application for extension of Small Scale Mine Permit 477 which lists extension dates and equipment modifications

Also enclosed modification application for US Forest Service Plan of Operations.

Teresa Fox

June 15, 2025

Lawrence County Natural Resource Conservation
Spearfish, SD

Instrument of consultation
Small Scale Placer Permit 477 amendment application:

Please find attached South Dakota DANR application for extension of Small Scale Mine Permit 477 which lists extension dates.

South Dakota Department of Agriculture and Natural Resources advised me to contact you regarding extension of existing Small Scale Placer Permit 477.

Teresa Fox

June 15, 2025

Game, Fish and Parks
Rapid City, SD

Instrument of consultation
Small Scale Placer Permit 477 amendment application:

Please find attached South Dakota DANR application for extension of Small Scale Mine Permit 477 which lists extension dates.

South Dakota Department of Agriculture and Natural Resources advised me to contact you regarding extension of existing Small Scale Placer Permit 477.

Teresa Fox

June 15, 2025

South Dakota Department of Health
Pierre, SD

Instrument of consultation
Small Scale Placer Permit 477 amendment application:

Please find attached South Dakota DANR application for extension of Small Scale Mine Permit 477 which lists extension dates.

South Dakota Department of Agriculture and Natural Resources advised me to contact you regarding extension of existing Small Scale Placer Permit 477.

Teresa Fox

June 15, 2025

South Dakota State Historical Society
Archaeology
Pierre, SD

Instrument of consultation
Small Scale Placer Permit 477 amendment application:

Please find attached South Dakota DANR application for extension of Small Scale Mine Permit 477 which lists extension dates.

South Dakota Department of Agriculture and Natural Resources advised me to contact you regarding extension of existing Small Scale Placer Permit 477.

Teresa Fox

June 15, 2025

Lawrence County Planning and Zoning
Amber Vogt
Lawrence County Commission
Deadwood, SD

Instrument of consultation
Small Scale Placer Permit 477 amendment application:

Please find attached South Dakota DANR application for extension of Small Scale Mine Permit 477 which lists extension dates.

South Dakota Department of Agriculture and Natural Resources advised me to contact you regarding extension of existing Small Scale Placer Permit 477.

I request acknowledgment that the permit is in compliance with Lawrence County ordinances and the existing Permit 477 is in compliance with procedures to obtain a Lawrence County Conditional Use Permit.

The permitted area is on US Forest Service property.

Teresa Fox

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2014 N Main St.

City, State, ZIP+4®
Spearfish, SD 57783

WHITEWOOD, SD 57793
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900 Governors Dr

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WHITEWOOD, SD 57793
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600 E. Capitol Ave

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Pierre, SD 57501-2536

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4130 Adventure Trail

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Rapid City, SD 57702

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Lawrence County Planning and Zoning
90 Sherman Street, Deadwood, SD 57732
Ph: 605-578-3871 Fax: 605-722-6221
Email: planningzoning@lawrence.sd.us

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June 26, 2025

Mr. Eric Holm
SD DANR
Minerals and Mining Program
Joe Foss Building / 523 East Capitol
Pierre, SD 57501-3181

Re: Small scale placer mine permit application for S1/2 SW1/4, Section 23, T5N, R1E on US Forest Service, Lawrence County, SD

Dear Mr. Holm-

This letter is in regards to a small scale mine permit application for Teresa Fox located on the above mentioned property. In Lawrence County, all small scale mining taking place on property owned by the United States Forest Service does not require a Conditional Use Permit. A Conditional Use Permit is only required on privately owned property within Lawrence County.

If you have any questions please do not hesitate to contact our office at 605-578-3871.

Sincerely,

Amber Vogt
Director, Lawrence County Planning and Zoning Department