



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 27, 2025

Teresa Fox
1110 Ash Street
Whitewood, SD 57793

Dear Ms. Fox:

The department has completed its review of the permit amendment application to Small Scale Mine Permit 477 submitted on March 20, 2025. Based on our review, the application is procedurally incomplete. The following items will need to be addressed in order to complete the application:

Procedural Completeness Comments

1. Last July when we inspected your mine site, we noted a large wooden vat used to hold water. I have enclosed a photo of the vat. Since this vat was not mentioned in the mine permit application, you will need to include the addition of the vat under this permit amendment application. You will need to describe the purpose of the vat, how it will be used in the mining operation, the amount of water it is designed to hold, and plans to prevent water in the vat from entering Iron Creek in the event it fails. You also are required to develop a reclamation plan and a cost estimate for removal of the vat upon completion of mining.
2. Application Form: The legal location listed on the permit amendment application form submitted on March 20 is listed as Section 23; T1N-R5E. This is not the correct legal location for Mine Permit 477 as it should be S1/2 SW1/4 Section 23; T5N-R1E. I have enclosed another Mine Permit Amendment application form for you to complete with the correct legal location. Also, don't include the references to the equipment purchase or the project being supervised by a mining engineer under the "Description of amendment" on the form unless it is a change from the previously approved operating plan. Finally, please correct the typo in the surface owner address.
3. Certification of Applicant Form: You are required to complete and submit the enclosed Certification of Applicant form with the permit amendment application.
4. ARSD 74:29:03:03: If you refer to the instructions on the top of page 2 of the application form, you are required address each subsection of ARSD 74:29:03:03 and submit your responses with the Mine Permit Amendment application form. The items you are required to address that are not already included on the application form include:

- a. ARSD 74:29:03:03(5): Submit a map in compliance with SDCL 45-6B-10 and ARSS 74:29:02:12 showing the area covered under the mine permit amendment application.
- b. ARSD 74:29:03:03(6): Submit an updated estimated cost of implementing and completing reclamation of land affected by the amendment. Please note that with the increase in the small scale bonding cap from \$2,500 to \$38,500, DANR will be recalculating the reclamation bond for Mine Permit 477 to determine whether the current \$2,500 DANR reclamation bond will need to be increased.
- c. ARSD 74:29:03:03(7): Submit a description of the reclamation proposed for the land affected by the mine permit amendment. If there are no changes to the reclamation plan approved under Mine Permit 477, please state in your response that there will be no changes to the reclamation plan.
- d. ARSD 74:29:03:03(10): Submit an instrument of consultation for the permit amendment application with the Forest Service who is the surface owner and landowner adjacent to the amendment area. This consultation can consist of sending a letter to the Forest Service by certified mail outlining the elements of the permit amendment application. A copy of the letter and the certified mail return receipt can be submitted as proof of consultation.
- e. ARSD 74:29:03:03(11) and ARSD 74:29:03:05(2): Submit proof of consultation with the South Dakota Department of Game, Fish, and Parks and the Lawrence County Natural Resources Conservation Service. Proof of consultation can include mailing the agencies a hard copy of the permit amendment application and the information requested in this letter by certified mail return receipt and submit the return receipt to our office.

Also, to facilitate agency review of the permit amendment application, you may also send a copy of it and the information requested in this letter by certified mail return receipt to the South Dakota Archaeological Research Center and the South Dakota Department of Health. A copy of the certified mail return receipts can be submitted as proof of filing.

- f. ARSD 74:29:03:03(12): Submit a copy of the mine permit amendment application to the Lawrence County Commission and submit proof of compliance with all Lawrence County ordinances and requirements. A letter from the Lawrence County Commission stating that you are in compliance with all county ordinances and requirements will satisfy this requirement.
 - g. ARSD 74:29:03:03(13): In your response to this regulation, please refer to the postmining reclamation map in Mine Permit 477 unless there are changes in the reclamation plan.
5. ARSD 74:29:03:03(15) and ARSD 74:29:03:07: Please note you are required to address the procedural completeness requirements in ARSD 74:29:02:01 (as applicable) as part of the mine permit amendment application. However, since you are only extending the

mine life and final reclamation period in the mine permit amendment application and adding the large wooden vat, you can state in your response to these regulations that there will be no other changes to the approved operating and reclamation plans under Mine Permit 477 and refer to the statues and regulations addressed in the mine permit application.

Finally, please submit proof of filing of the mine permit amendment application form and the information requested in this letter with the Lawrence County Register of Deeds.

If you have any questions concerning these comments, please feel free to contact me.

Sincerely,

/s/

Eric Holm
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Minerals and Mining Program
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Enclosures