

Department of Environment and Natural Resources
Minerals and Mining Program
523 E Capitol Ave
Pierre, SD 57501-3182
Telephone: (605) 773-4201 Fax: (605) 773-5286

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JAN 21 2020
MINERALS & MINING PROGRAM

REQUEST FOR DETERMINATION
SPECIAL, EXCEPTIONAL, CRITICAL,
UNIQUE LANDS AND NOTICE OF
INTENT TO OPERATE

Name of Operator VMC LLC

Office Address 1110 Crestridge Ct. Rapid City, SD 57701

Telephone 970-846-6040

Local Address 1110 Crestridge Ct. Rapid City, SD 57701

Telephone 970-846-6040

Legal Description

Section 32, Section 33, T5N, R2E, BHM

County

Lawrence County

Name and Address of Surface Owner

VMC LLC 1110 Crestridge Ct. Rapid City, SD 57701
Atlas Development LLC, Paul Bradsky Registered Agent, 502 West Blvd. Rapid City, SD 57701
USFS Northern Hills Ranger Dist. 1019 N. 5th St. Spearfish, SD 57783

Name and Address of Mineral Owner

See Page 8

Name and Address of Surface Owners Within 500 Feet of the Proposed Mining Operation

Gary and Lonnie Salmen Winestone LLC. 6301 South Grand Prairie Dr. Sioux Falls, SD 57108

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.

Signature

Donald Valentin

Title

Manager/Director VMC LLC

Date Jan 17, 2020

FOR DEPARTMENT USE ONLY

The land described in this Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent to Operate () is () is not eligible for inclusion on the list of special, exceptional, critical, or unique lands.

Secretary, Department of Environment and Natural Resources

Date _____

Operator Appeal Date _____

Intervenor Contest Date _____

The land described in this Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent to Operate () is () is not eligible for inclusion on the list of special, exceptional, critical, or unique lands.

Chairman, SD Board of Minerals and Environment

Date _____

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JAN 10 2020

MINERALS & MINING PROGRAM

Request for Determination of Special, Exceptional, Critical or Unique Lands and Notice of Intent to Operate

Deadwood Standard Project

Lawrence County, South Dakota



DEADWOOD
STANDARD
PROJECT

Prepared For:

Department of Environmental and Natural Resources
Joe Ross Building
523 East Capitol
Pierre, South Dakota 57501-3182

Submitted By: VMC LLC
1110 Crestridge Court Rapid City,
SD 57701

Date:

January 5, 2020

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Description of Area Requested

Per your response to section ARSD 74:29:10:03(2),

Large Scale mining permit 416 was approved before the SECU determination existed and therefore the access road to the permitted area and the area between the described mining areas requires a determination before any work can start.

Please refer to **Map 1 and 2** highlighting the proposed road in orange.

This road has been studied and restudied for 35 years starting with Homestake mining application in 1984. At the time of the permit application no improvements were discussed for this road which has been in existence for 130 years. Which then was constructed to serve several different mining camp areas. This road is 90% on Forest Service Property and the Forest service has twice issued forest service permits to serve as a mine access and haul road.

This road in question is an existing road related to the 1984 homestake claim where all documents related to this road make no mention of specification of requests, but simply it will be used for small over-the-road trucks for ore removal as opposed to mine trucks. I believe their intent was to use the road as is with minor repairs for wet areas. The plan would be to do the same - fill low lying pooling drained areas with a rock base. 95% of the road will not exceed 50 feet in width, as its present condition is adequate for small haul trucks or the alternative which would be a conveyor belt system. The Malsom property has a small area with approximately 1200 ft. with an uphill slope which would be excavated to produce the rock for filling the wet areas on the USFS property, and not exceed 75ft in length. - See Map #2 for contours.

The total length of the road starting at the Wharf parking lot to the permit 416 mining permit is approximately 1.8 miles.

The first 1/4 of a mile is on Wharf permitted property, and used for access from their parking lot to their well. It has a good rock base, and would not be required to be widened in any way. The second 1/4 mile on USFS is an area of topsoil only - no rock base and would require rock base in the mudhole areas. This area would be limited to 50' in width. The next 1/2 mile is an area of rock which includes the Malsom private property. This area would require some hillside cut which can provide the necessary rock product to fill in the damaged road areas of the Forest Service Road both to the east, and west where it adjoins the Bradsky property. (**See contours on Map 2.**) The hillside cut in this area could cause a disturbance of 75' maximum width, and approximately 1200 ft in length. These improvements would enable the road to maintain a maximum width of 50' in all areas.

The next portion crosses USFS property for approximately 900' (See Maps highlighting USFS property boundaries and the entire road), which is severely, negatively impacted by bark beetles, and promotes road damage caused by deep ruts due to poor drainage. This is demonstrated by obvious road diversions as much as an 80' wide detour around mud holes.

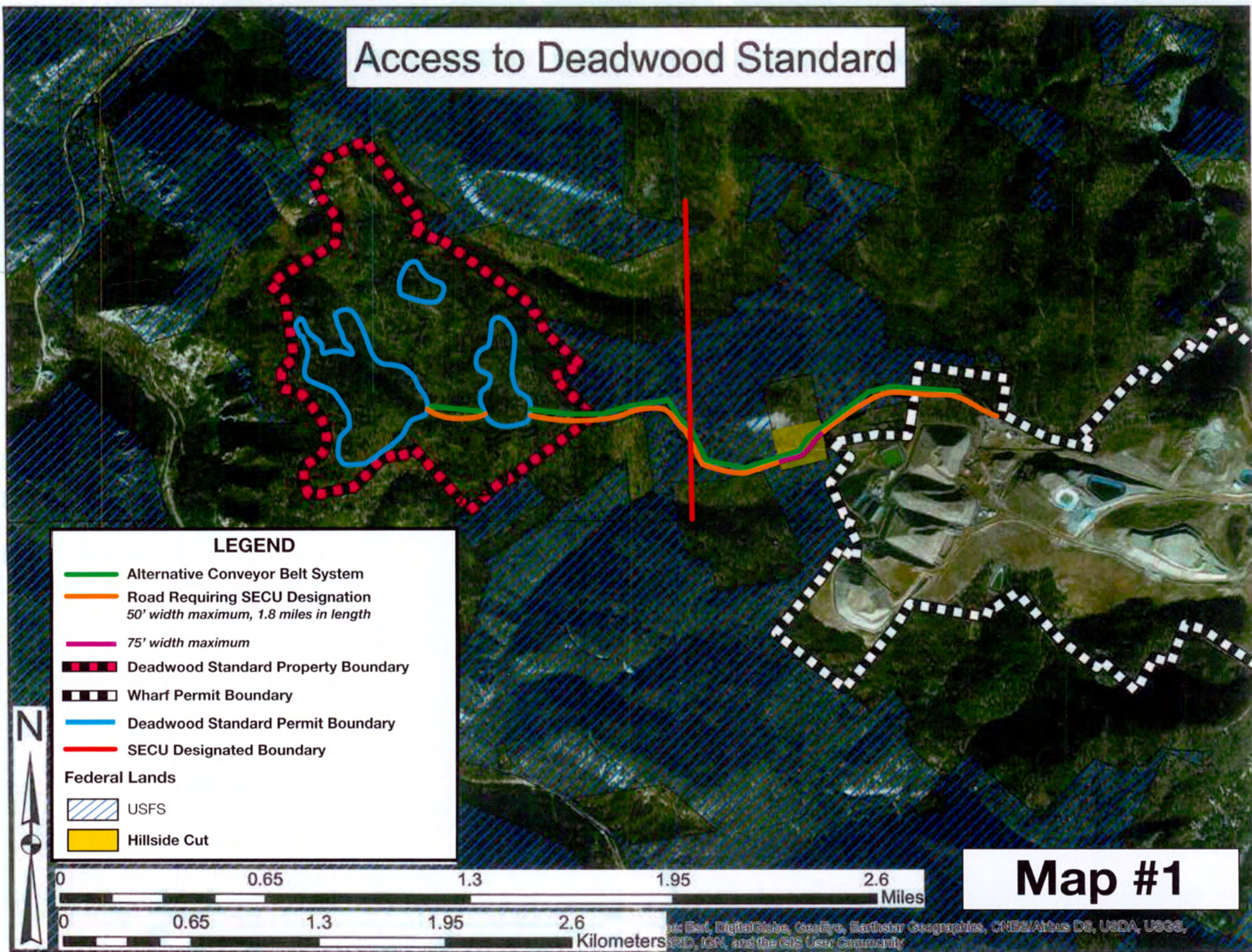
The road then continues across Bradsky's private property for roughly 2000'. The road then continues through the eastern boundary of permit 416, Area 1 for approximately 800' to its western boundary. Then again through private property for 1000' before reaching the eastern edge of permit 416 Area 2.

This road has been in existence for 130 years and used as an access road and a haul road to mines in the area, as well as a haul road by the USFS and private land owners for logging. In recent years, the road has been used by 4-wheelers and snow machines. There currently is a lease in place to traverse the private land and the USFS has given a permit twice to use as a mining haul road.

The road would be upgraded to better access for equipment to mining areas and for the possible use as a haul road for small trucks and or for a conveyor system for removing ore off the property and for delivery to another permitted mine area. Any upgrading would be subject to USFS environmental specifications that would be followed on private lands as well.

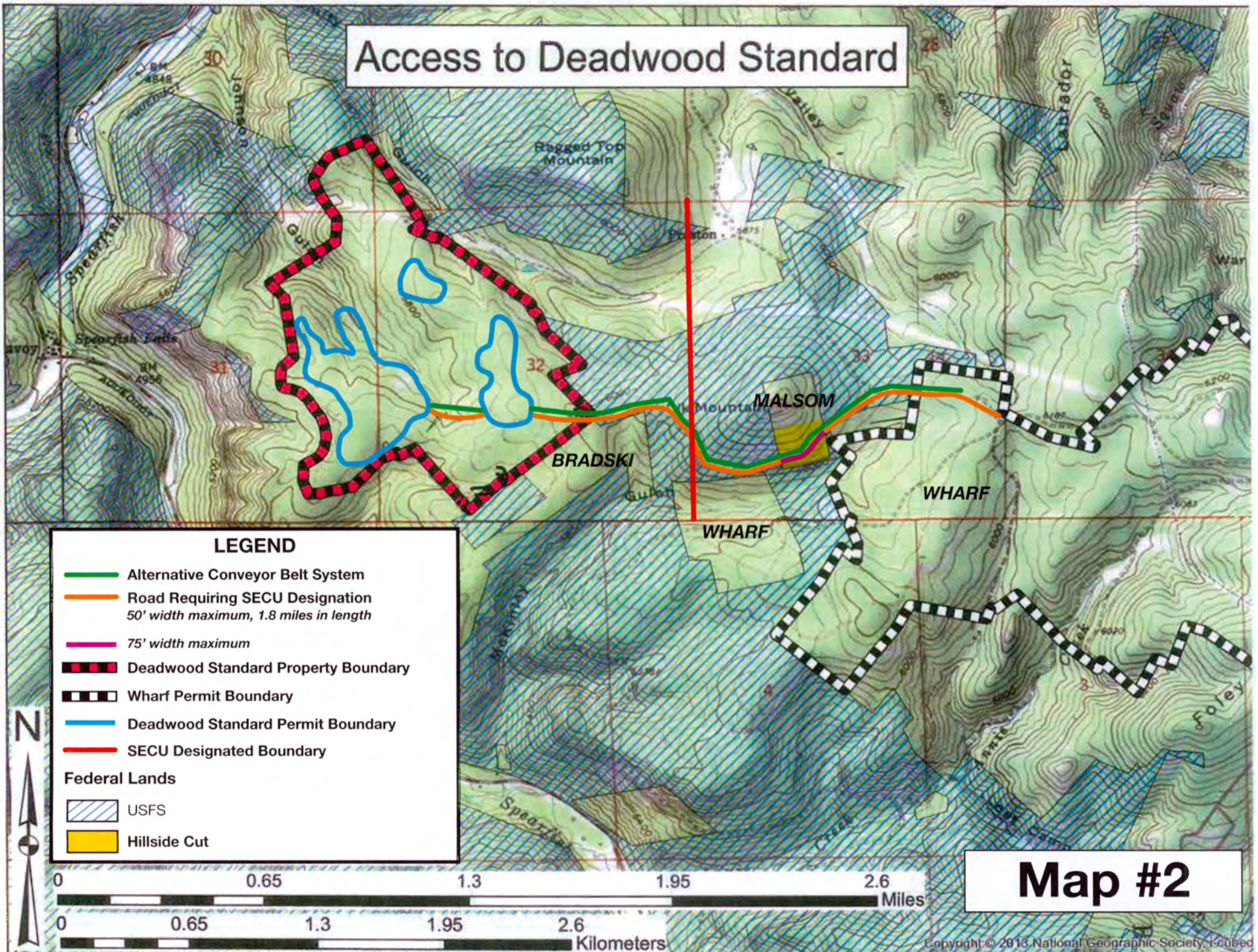
Restoration of the road on USFS lands would be determined by their final permit. The road on private lands on and between mining areas could be part of the restoration bond with the South Dakota DENR.

Access to Deadwood Standard



Map #1
Data: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Access to Deadwood Standard



Written Summary to Include ARSD 74:29:10:03(4) - ARSD 74:29:10:03(6)

Per your response to section ARSD 74:29:10:03(4)

Listed Mineral and Property Owners:

VMC LLC
1110 Crestridge Court
Rapid City, SD 57701

Atlas Development
Paul Bradsky
502 West Blvd
Rapid City, SD 57701

United States Forest Service
Northern Hills Ranger District
1019 N 5th St.
Spearfish, SD 57783

Tom and Joan Malsom
15318 392nd Ave
Mellett, SD 57461

Wharf Resources (USA) Inc.
Coeur Mining Inc.
104 S. Michigan Ave. Suite 900
Chicago, IL 60603

Regarding your request for representation, my attorney can provide if necessary.

Per your response to section ARSD 74:29:10:03(5),

Ore will be removed from the property to another large mine permit

Per your response to section ARSD 74:29:10:03(6),

a. SDCL 45-6B - 33.3(1) and 33.3(2)

The portion of the area in question that is USFS property will not be effected in any way that will prevent it from being returned to its former ecologic role. This area is an existing road, from 30 to 80 feet in width. It is through an area of severe beetle kill, and low area that is a muddy mess. Any improvements to the road in this area will be a benefit, and any restoration will be dictated by the USFS permit for the use of the road.

The remainder of the road which crosses private property, between permit areas 1 and 2, is dry and can be restored to its present condition without any adverse effects ecologically. *See additional photographs.*

This land does not have any strong influence on the total ecosystem, and there will be no temporary effects that will influence the total ecosystem adversely or precipitate a system-wide ecological reaction of unpredictable scope or dimension. Throughout the exhaustive studies done since 1984 there are no threatened endangered vegetative or wildlife species in the proposed areas. From the area in question, there will be no drainage that will affect any live water areas. The entire area under consideration is covered in deep topsoil. When any mining is completed in the area, any disturbed areas can be graded and seeded following USFS and SD Dept. of Game, Fish and Parks recommendations.

b. SDCL 45-6B-33.3

- i. Scenic: The proposed area has no unique features. There are no rock formations, and views are limited to 100 yards or less, except the first quarter mile of the road. The view to the South is the wharf treatment facilities and should not be considered scenic. When the road leaves the Wharf Permit boundary heading West, this is a very low area and the area is very muddy and deeply rutted to a width of 80 or 90 feet. This entire road could be improved for small ore trucks or more likely the location of a conveyor system. And again, any restoration would be subject to the forest service road permit, and their specifications and environmental protections would be adhered to.

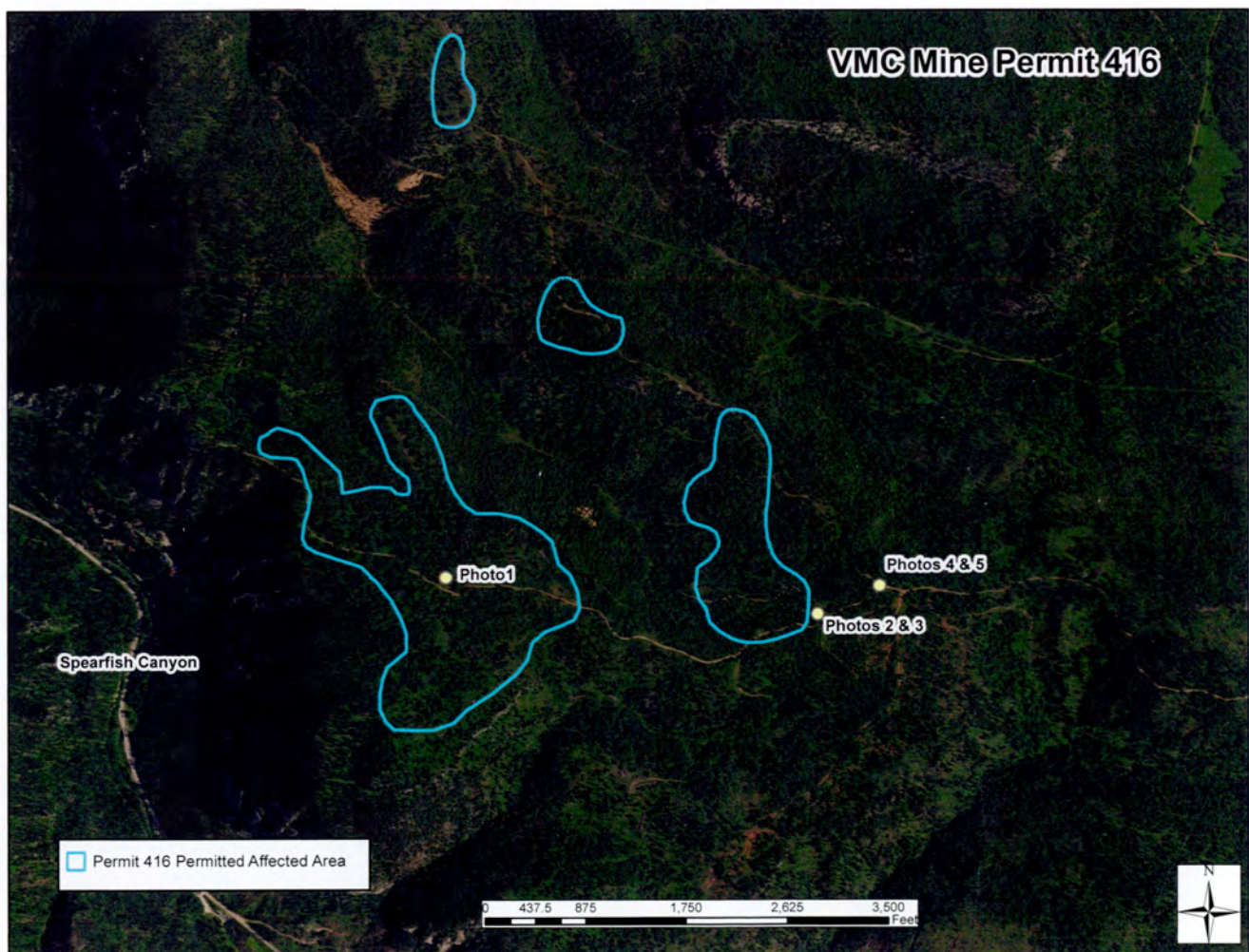
- ii. Historic, Archaeologic, Ethnologic, and Cultural: The proposed area has no historical, archaeologic, ethnologic or cultural characteristics. This entire area has been extensively studied for 35 years and there is no significance of any of these characteristics. The road that traverses the area was historically used to access mines in the area. There no remnants of this mining on or close to the area in question.
- iii. Topographic: This road, and the entire surrounding area is typical Back Hills topography, however the entire area is flat with little grade change. Its forest has various states of condition i.e.: growing timber, reforestation from logging, and severe damage from bark beetles.
- iv. Geologic: There no geologic features. Nothing is exposed. Everything is covered by topsoil and trees.
- v. Scientific: There is no threatened, endangered, or sensitive vegetation, wildlife, and aquatic species that this road could have any effects on. The entire area is level, and there will be no drainage effects to Spearfish Creek. Any grading or other road improvements will be conducted following all environmental standard procedures and protections.
- vi. Recreational: This road has been used by 4-wheelers, snow machines, and hunter access for many years. This could continue depending on private land permission, and Forest Service regulations.

Photographs Description and Locations

Photo 1 - Looking East in the Middle of Mining Area 2

Photo 2 & 3 - Looking North and South on Eastern Edge of Mining Area 1

Photos 4 & 5 – Road Requiring SECU Designation on Bradsky Property
Looking East to the Boundary of the Forest Service Property



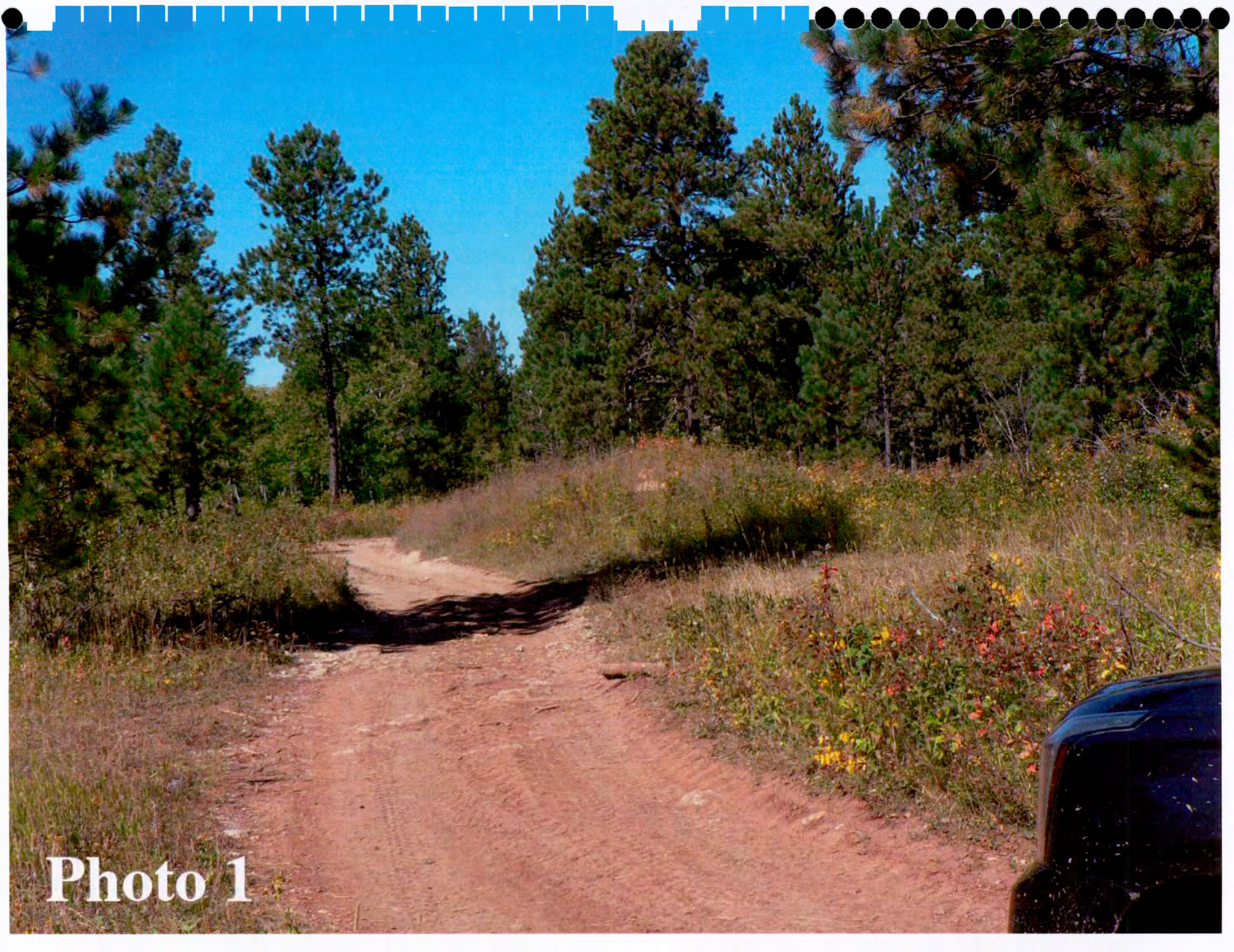


Photo 1



Photo 2



Photo 3



Photo 4

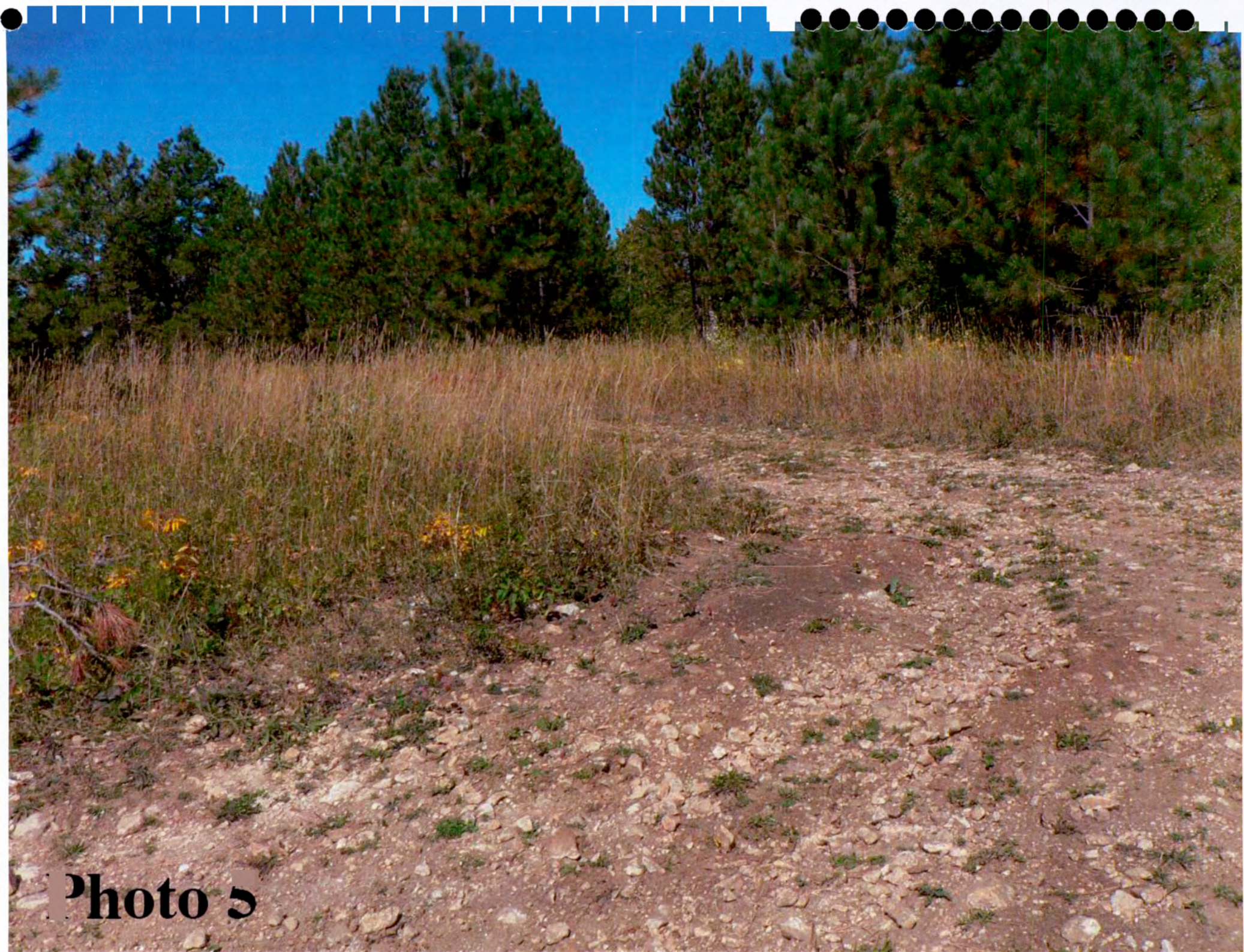


Photo 5

FREDERICKSON LAW OFFICE, P.C.

John R. Frederickson
Attorney at Law
68 Sherman Street, Suite 307
Mailing Address: P.O. Box 583
Deadwood, SD 57732
Telephone: (605) 578-1903 ** Fax (605) 578- 3078
john@deadwoodlawyer.com

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JAN 17 2020
MINERALS & MINING PROGRAM

January 17, 2020

[Sent via email only: DENRINTERNET@state.sd.us/ ATTN: Eric Holm]

Eric Holm
SD DENR
Joe Foss Building
523 E. Capitol Avenue
Pierre, SD 57501

Re: Deadwood Standard Project

Dear Eric:

Emailed herewith is a copy of the January 14, 2020 letter to the Lawrence County Register of Deeds confirming proof of delivery of the Request for Determination of Special, Exceptional, Critical or Unique Lands and Notice of Intent to Operate for Deadwood Standard Project for viewing by the public.

Should you have any questions please contact me.

Sincerely,

FREDERICKSON LAW OFFICE, P.C.

/s/

John R. Frederickson

JRF:mls
Attachment

FREDERICKSON LAW OFFICE, P.C.

John R. Frederickson
Attorney at Law
68 Sherman Street, Suite 307
Mailing Address: P.O. Box 583
Deadwood, SD 57732
Telephone: (605) 578-1903 ** Fax (605) 578- 3078
john@deadwoodlawyer.com

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JAN 17 2020
MINERALS & MINING PROGRAM

January 14, 2020

[Hand Delivered]

Sheree Green
Lawrence County Register of Deeds
90 Sherman Street
Deadwood, SD 57732

Re: Deadwood Standard Project

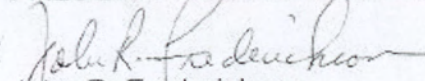
Dear Sheree:

Delivered herewith is a copy of the Request for Determination of Special, Exceptional, Critical or Unique Lands and Notice of Intent to Operate for Deadwood Standard Project. Pursuant to ARSD 20:29:10 VMC, LLC is delivering this copy to you, to be kept in your office for viewing by the public.

Should you have any questions please contact me.

Sincerely,

FREDERICKSON LAW OFFICE, P.C.


John R. Frederickson

JRF:mls
Enclosure



Received by _____ on January 14, 2020.

Sheree L Green