

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF)	
THOMAS SUNDE'S)	NOTICE OF ENFORCEMENT
VIOLATIONS OF)	HEARING
SDCL CHAPTER 45-9 AND)	
ARSD ARTICLE 74:12)	
)	
(O & G Permit Nos. 121, 340, 342, 348,)	
416 and 2066))	

TO ALL PARTIES OF RECORD:

Notice is hereby given that the Board of Minerals and Environment (Board) has scheduled a contested enforcement hearing in the above referenced matter to be held on **Thursday, October 24, 2024**, at the **Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501**. The hearing is scheduled to begin at 10:15 a.m. CDT, or as soon thereafter as the matter may be heard.

The hearing will be held pursuant to the authority and jurisdiction granted to the Board by SDCL chs. 1-26 and 45-9, and any applicable administrative rule of South Dakota, specifically including ARSD chs. 74:09 and 74:12.

Thomas L. Sunde holds Permits to Drill numbers 348, 340, 342, 121, 416, and 2066, located in Custer County, South Dakota. This enforcement hearing will be held to consider the Petition to Revoke Drilling Permits & Petition for Forfeiture of

Surety submitted by the Department and concerning the above listed drilling permits. The Department's Petition is based upon the Notice of Violation issued by the Department on April 5, 2024, to Thomas Sunde. The Board may consider other civil or administrative remedies at the hearing.

This matter is considered an enforcement proceeding initiated by the Department under the provisions of ARSD § 74:09:01:05. The parties to this proceeding are Thomas Sunde, as the operator responsible for the identified Permits to Drill, and the Department. According to ARSD § 74:09:01:06, no other party may intervene in a contested hearing held in an enforcement action.

Pursuant to SDCL ch. 1-26 the hearing will be an adversarial proceeding at which the parties will have the right to be present and represented by legal counsel; as well as the right to introduce evidence, present testimony, call witnesses, cross examine all witnesses present, and to submit appropriate written argument. If any party does not exercise these and other due process rights they will be forfeited.

The hearing will be conducted before a quorum of the Board by a hearing chair appointed by the Chair of the Board. The Board, after examining the testimony and evidence presented may take action to 1.) revoke the drilling permits issued to Thomas Sunde, 2.) forfeit the sureties currently held, and/or 3.) seek other civil or administrative remedies available under State law.

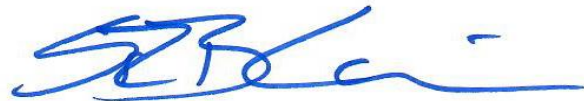
Due to the contested nature of this application, prior to this hearing, the parties should not communicate directly with Board members, including the

hearing chair, unless all parties to the case are given notice and an opportunity to participate in the communication(s).

If the amount in controversy in this matter exceeds two thousand five hundred dollars, or if a property right may be terminated, any party to the contested action may require the agency to use the Office of Hearing Examiners by giving notice of that request to the agency no later than ten days after service of this Notice of Hearing.

Any final decision entered by the Board may be appealed to circuit court or the state Supreme Court as provided by law.

Dated this 10th day of September, 2024.



Steven R. Blair
Deputy Attorney General
P.O. Box 70
Rapid City, South Dakota 57702
Telephone: (605) 394-2258
steven.blair@state.sd.us
*Counsel for Department of Agriculture
and Natural Resources – Minerals, Mining,
& Superfund Program*