

September 23, 2013



PERMITTING & RECLAMATION DEPARTMENT
P.O. Box 2010 • Belle Fourche, South Dakota 57717
PH. (605) 892-6950 • FAX (605) 892-6979

Mr. Eric Holm
Natural Resources Engineer III
Minerals and Mining Program
Department of Environment and Natural Resources
Joe Foss Building, 523 E. Capitol
Pierre, SD 57501-3182

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MINERALS & MINING PROGRAM

**RE: Round 1 Completeness Comment Response: Kudlock/McAmis Small Scale Project
Determination for Special, Exceptional, Critical, or Unique Lands**

Dear Mr. Holm:

Please find enclosed American Colloid Company's response to July 9, 2013 completeness comments for the Kudlock/McAmis Small Scale Project Determination for Special, Exceptional, Critical, or Unique Lands. The comments and responses are presented below to address application completeness.

1. Application Form: The legal location on the form does not match that shown on the map included with the Request. After review of the map and the legal location listed in another portion of the Request, it appears the correct legal location should be Portions of Section 12; T9N-R1E and Portions of Sections 7 and 18; T9N-R2E. Please submit a new application form with the correct legal location. I have enclosed a blank application form.

The Request for Determination form has been modified as requested.

2. SDCL 45-6B-33.3(1 through 3): In the ecological, ecosystem, and scientific sections, please discuss whether any sage grouse or sage grouse leks were discovered during the wildlife survey of the proposed road area. Also, in the same sections, please acknowledge that the bald eagle is still a South Dakota threatened species.

A paragraph providing sage grouse survey information has been added as the first full paragraph on Page 3 under "Defining if the land is Special, Exceptional, or Unique - Wildlife" as requested. A figure indicating the location of the only known lek (1) within 2 miles of the project area was inserted.

The statement related to bald eagles was added to the bald eagle discussion (paragraph 4, page 3) as requested.

Please submit proof that the information requested in this letter has been filed with the Butte County Register of Deeds office and the review agencies.

A copy of the revised, signed Register of Deeds letter has been provided.

Finally, please submit a pdf version of the map submitted with the Request. Also, please verify that the road footprint is large enough so that the road can be moved if necessary within the footprint.

A PDF version of the map has been provided (to DENR only) via email on 9/23/2013.

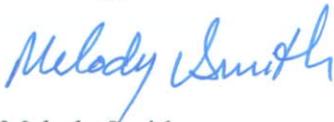
As indicated in the legal description (paragraph 2) behind the Request for Determination tab, the requested corridor is 150' wide, to allow for a 35' wide access road and associated topsoil piles. This corridor width is sufficient to meet ACC's needs and provide some room for minor design modification.

In summary, update the originally submitted document as follows:

- 1) Replace the Request for Determination with the one provided here
- 2) Replace Page 3 in the "Defining if Land is Special, Exceptional, Critical, or Unique" section with Pages 3 and 4 provided here.
- 3) Replace the letter to the Register of Deeds with the one provided here
- 4) A PDF map indicating the project area was emailed (only to DENR) this same date.

Please contact me at (605) 892-7178 or melody.smith@colloid.com if you have any questions.

Sincerely,



Melody Smith
Environmental Specialist
American Colloid Company

Enclosure

cc:

Mr. Raymond Sowers: Department of Agriculture
Mr. Mike Fosha: Department of Tourism
Mr. Stan Michals: Department of Game, Fish & Parks
Mr. Jay Vogt: Department of Tourism
Mr. Jim Hagen: Department of Tourism

Department of Game, Fish & Parks (Stan Michals, Rapid City, SD) and were concentrated along the Crow Creek corridor.

Sage grouse lek surveys were conducted and no new leks were identified in the area. The nearest known leks are identified by the SD Department of Game, Fish and Parks as Middle Creek and Bull Creek. The Middle Creek lek is located in Section 10, T9N R1E, approximately 1.5 miles west of the nearest point of the project area. This lek is separated from the project area by Highway 212 and the railroad track paralleling the highway; no activity was observed during 2013 surveys. The Bull Creek lek is more than five miles north of the project area in Section 16, T10N R2E and was occupied during 2013 surveys. This lek is not further considered due to distance from the project area.



ACC personnel also conducted bald eagle winter roost surveys along Crow Creek.

Attached is a summary of the bald eagle roost surveys and raptor nest surveys for 2013.

The bald eagle was removed from the USFWS Threatened and Endangered list in July, 2007 but remains listed by South Dakota as a Threatened species. The bird is an occasional winter visitor along the Crow Creek drainage but was not observed near the proposed access road. Two bald eagles were seen on one occasion during the winter roost survey, and they were located about 4 miles northwest of the proposed Kudlock/McAmis road.

One active Red-tailed hawk nest was documented in 2013, in the SW4SW4NE4, Section 17, T9N, R2E, about 1 ½ miles east of the proposed road.

Raptor species seen hunting within one mile of the proposed road include Golden eagle, Red-tailed hawk, Northern harrier, American kestrel, Great horned owl, Short-eared owl, Rough-legged hawk, and Bald eagle, none of which are unusual for the area.

Small mammals which have been noted in the vicinity of the proposed road include Red fox, Coyote, White-tailed jackrabbit, Deer mouse, Western harvest mouse, and Thirteen-lined ground squirrel, all common species.

No threatened or endangered species were encountered on the study area by Thunderbird Wildlife or ACC biologists.

ACC's final assessment is that no significant impacts to wildlife are anticipated by building of and occasional use of the proposed access road.

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Register of Deeds
839 5th Avenue
Belle Fourche, SD 57717

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P.O. Box 2010 • Belle Fourche, South Dakota 57717
PH. (605) 892-6950 • FAX (605) 892-6979

RE: ***Kudlock-McAmis Small Scale Mining Permit (access road)***

To Whom It May Concern:

American Colloid Company has submitted a small scale mining permit application (for an access road) to the South Dakota Department of Environment and Natural Resources in Pierre, SD.

Enclosed is a copy of response to July 9, 2013 completeness comments by the department to provide additional information for the project. The attachments represent replacement pages to the original document.

Please have these documents available in your office for public viewing with the originally submitted document.

Sincerely,

A handwritten signature in blue ink that reads 'Melody Smith'.

Melody Smith
Environmental Permitting Specialist
American Colloid Company

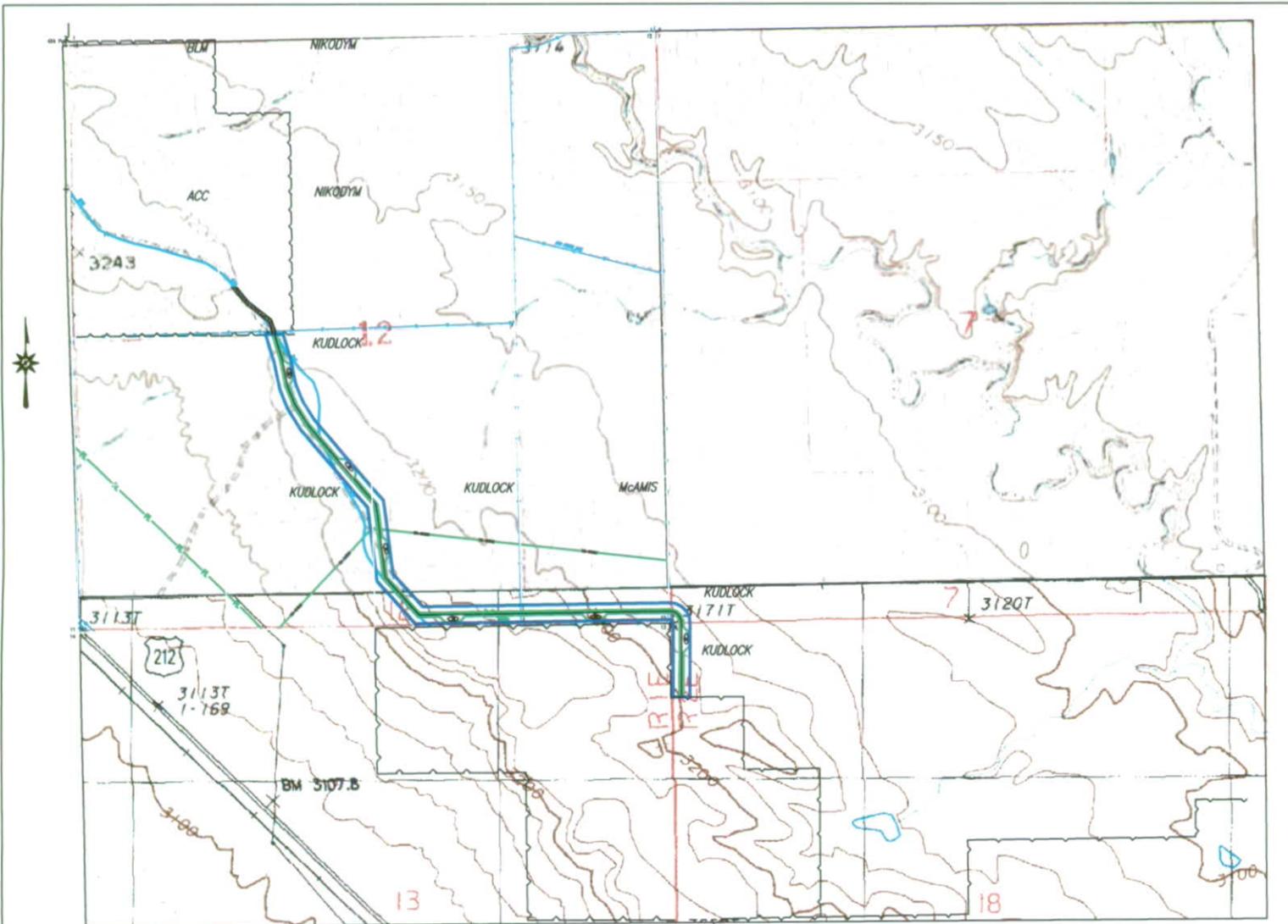
Enclosure

The Butte County Register of Deeds Office has the above information available for public viewing.

A handwritten signature in black ink that reads 'Julie Brunner' above a horizontal line.
Signature

A handwritten date '9/23/13' above a horizontal line.
Date

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- LEGEND:**
- Permit Boundary
 - Disturbed Prior to 1989 Law
 - Soil Stockpiles (A=Topsoil, B=Subsoil-Number)
 - Seeding-Year Seeded / Percentage Released
 - Associated Disturbance
 - Run on Disturbance
 - Backfilled & Contoured
 - Undisturbed
 - Spurred 1st Lift
 - Head Road
 - Water
 - Fence
 - Power Line

- Proposed Small Scale Mining Permit boundary for access road
= 20.6 acres
- proposed disturbance of access road (35' width)
= 6.0 acres

KUDLOCK/McAMIS SMALL SCALE MINING PERMIT MAP
 AMERICAN COLLOID COMPANY
 Belle Fourche, SD 57717
 Section 12, T8N, R1E & Sections 7 & 18, T8N, R2E
 Butte County, SD
 Contour Interval: 20'
 Scale: 1" = 660'
 Date: 6/25/13 by Jan Pharr, ACC
 BULL CREEK BUTTE QUADRANGLE
 and SOURDOUGH FLATS QUADRANGLE