

**NOTICE OF DETERMINATION OF
SPECIAL, EXCEPTIONAL, CRITICAL, OR UNIQUE LANDS
AMERICAN COLLOID COMPANY**

The Department of Environment and Natural Resources has made its determination regarding a Notice of Intent to Operate and Request for Determination of Special, Exceptional, Critical, or Unique Lands from American Colloid Company, PO Box 2010, Belle Fourche, South Dakota 57717. The Notice of Intent to Operate was submitted as required under ARSD 74:29:10 for purposes of requesting the department to determine whether the lands potentially affected by the mining operation are eligible for inclusion on the preliminary list of special, exceptional, critical, or unique lands.

The Notice of Intent to Operate involves construction of an access road between the permitted Shear/Clarkson East and Shear/Clarkson West bentonite mines located approximately eight miles northwest of Belle Fourche, SD. The legal description is Portions of Section 3 and 4; T9N-R1E and Portions of Sections 33, 34, and 35; T10N-R1E, Butte County. The road will be about 1.5 miles in length with a 0.75 mile long spur extending south to US Highway 212. It will be constructed along an existing two-track trail. Approximately 9.9 acres will be affected for the 35-foot wide road and associated topsoil stockpiles. The road will only be used occasionally to move mine equipment at any time of the year. The road will be reclaimed to rangeland unless the landowner wants it to remain as a two-track trail.

In accordance with ARSD 74:29:10:08 and 74:29:10:09, the department has determined that the lands described in the Notice of Intent to Operate do not constitute special, exceptional, critical, or unique lands. This determination is based on an on-site inspection of the proposed lands to be affected, examination of the established preliminary list, consultation with other agencies, and evaluating information provided with the Notice of Intent to Operate. In addition, no nominating petitions pertaining to the lands described in the Notice of Intent were filed with the department.

The lands described in the Notice of Intent to Operate are considered cleared from special, exceptional, critical, or unique characteristics in accordance with ARSD 74:29:10:15. This clearance will remain in effect for seven years. If a mine permit application is not submitted within the seven-year period, the Board of Minerals and Environment may declare the clearance void and the lands may be reevaluated.

American Colloid Company may appeal the department's determination by filing a petition for a contested case hearing pursuant to SDCL 1:26 within seven days after receipt of the determination. The hearing on the appeal shall be confined to the determination of the lands as special exceptional, critical, or unique and whether an environmental impact statement and socioeconomic study will be required.

Persons desiring further information may contact Eric Holm, Minerals and Mining Program, at (605) 773-4201.

Steven M. Pirner
Secretary
Department of Environment and Natural Resources

September 30, 2014