



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov

**NOTICE OF DETERMINATION OF  
SPECIAL, EXCEPTIONAL, CRITICAL OR UNIQUE LANDS  
FOR WHARF RESOURCES (USA), INC. MINE EXPANSION**

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 Wharf Resources (USA), Inc., 10928 Wharf Road, Lead, SD 57754. 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 involves a gold mine expansion approximately three miles west of Lead, South Dakota. Wharf Resources will affect approximately 430 acres during the seven years of the operation. The proposed project will involve open pit mining and the use of rock to backfill previously mined areas. Ore extracted from the expansion areas will be trucked to the existing Wharf Mine heap leach facility for processing. Neutralized spent ore will be deposited in permitted facilities which may include the American Eagle and Deep Portland pits. Reclamation will be conducted concurrently with the mining operation. The land will be reclaimed to woodland grazing, recreation, and residential and commercial development.

The legal description of the proposed mine expansion is portions of Sections 1, 2, 3 and 12, T4N-R2E; portions of Sections 6 and 7, T4N-R3E; and portions of Sections 33 and 36, T5N-R2E; in the Black Hills Meridian, Lawrence County.

In accordance with ARSD 74:29:10:08 and 74:29:10:09, the department has determined the Terry Cemetery is eligible for inclusion on the preliminary list of special, exceptional, critical, or unique lands. The Terry Cemetery is nominated for historic and cultural significance. This determination is based on an on-site inspection of the proposed lands to be affected, examining the established preliminary list, consulting with other agencies, and evaluating information provided with the Notice of Intent to Operate.

On January 3, 2011, Jeannine Guern, on January 7, 2011, Vernon W. Davis, and on January 10, 2011, Larry Miller each submitted petitions nominating the Terry Cemetery to the preliminary list of special, exceptional, critical or unique lands in accordance with ARSD 74:29:10:12. Under ARSD 74:29:10:13, a hearing before the Board of Minerals and Environment regarding the nominating petitions will be scheduled. The date, time and place of the hearing will be announced at a later date.

Pursuant to SDCL 45-6B-33.7, Wharf Resources (USA), Inc. may appeal the department's determination and intervene in the Jeannine Guern, Vernon W. Davis and Larry Miller petitions by filing a petition for a contested case hearing complying with ARSD 74:09 and 74:29:10. If Wharf contests the department's determination, the hearing will be combined with the hearing on the Jeannine Guern, Vernon W. Davis and Larry Miller nominating petitions.

Additional information, including the department's Petition for Listing Special, Exceptional, Critical or Unique Lands, and Notice of Opportunity to Request a Contested Case Hearing and the Jeanine Guern Vernon W. Davis and Larry Miller nominating petitions, can be found on the Minerals and Mining Program website at <http://denr.sd.gov/des/mm/wharfsupage1.aspx>, or by contacting Mike Cepak at the South Dakota Department of Environment and Natural Resources, Minerals and Mining Program, 523 East Capitol, Pierre, South Dakota 57501 – telephone (605) 773-4201. The department will send copies of the three petitions upon request.

January 13, 2011

Steven M Pirner  
Secretary

**Interested Persons Mailing List:**

Dick Fort  
11307 Black Forest Rd  
Lead SD 57754-3821

Rex Gulickson  
47948 256th St  
Garretson SD 57030-6043

Max Main  
Bennett Main & Gubbrud  
618 State St  
Belle Fourche SD 57717-1419

Ingrid Long Soldier  
26551 20 Mile Rd  
Custer SD 57730-9100

James R Nelson  
Spearfish Canyon Owners Assn  
2122 Mustang Ln  
Spearfish SD 57783-9593

Merwin & Sandra Alferness  
PO Box 392  
Hill City SD 57745-0392

Mark Watson  
315 Seaton Cir  
Spearfish SD 57783-3212

Claudette Sabor  
PO Box 315  
St Francis SD 57572-0315

**Allen Haid**  
PO Box 529  
Lead SD 57754-0529

**Lawrence County Commission**  
PO Box F  
Deadwood SD 57732-0678

**Surface Owners:**

Black Hills Chairlift Company  
21120 Stewart Slope Rd  
Lead SD 57754

Mountain View Heights Inc  
PO Box 113  
Yankton SD 57078-0113

Catherine A & William R English  
503 Isaqueena Tr  
Clemson SC 29631

Bureau of Land Management  
5001 Southgate Dr  
Billings MT 59101

**Mineral Owners:**

Homestake Mining Company  
11457 Bobtail Gulch St  
Lead SD 57754

John Dykes, etal  
411 NE 25th Ave  
Ocala FL 34470

**Surface within 500 feet of the proposed mining operation:**

Paul Gregory Akrop  
98 Charles St  
Deadwood SD 57732

Ross A & Amber Determan  
40780 25th St  
Mitchell SD 57301

Lead Volunteer Fire Department  
801 W Main St  
Lead SD 57754

**Other Contact:**

Terry Cemetery Association  
c/o Jolene Rantapaa  
21902 US Hwy 385  
Deadwood SD 57732-7340

**Agencies:**

Raymond Sowers  
Division of Resource Conservation & Forestry  
Department of Agriculture  
523 East Capitol  
Pierre SD 57501-3185

Jay Vogt  
Department of Tourism and State Development  
State Historical Society  
900 Governors Dr  
Pierre SD 57501-2217

Michael Fosha  
Department of Tourism and State Development  
Archaeological Research Center  
PO Box 1257  
Rapid City SD 57709-1257

Melissa Miller  
Department of Tourism and State Development  
Office of Tourism  
Capitol Lake Plaza  
500 East Capitol  
Pierre SD 57501-5070

Stan Michals  
Department of Game Fish & Parks  
4725 Jackson Blvd  
Rapid City SD 57702-4804