



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 26, 2013

Myron Andersen
Bar XX Environmental Services
12599 Bighorn Road
Whitewood, SD 57793

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

Dear Mr. Andersen:

The department has reviewed VMC, LLP's Request for Request for Determination Special, Exceptional, Critical or Unique Lands and Notice of Intent to Operate, which was submitted on March 18, 2013. Based on our review of these documents, we developed the following comments:

1. VMC, LLP will need to include the access road in the Notice of Intent. As the road will be upgraded it will be considered affected land under SDCL 45-6B and must be included in both the Request for Determination and in the mine permit application. The section of access road would be from the Wharf Resources parking lot area to the Deadwood Standard Project site boundary (this would be the section of road that would need to be upgraded).

For purposes of completing the Request for Determination, VMC, LLP will need to address the following:

- a. ARSD 74:29:10:03 (2), a revised legal description to include the road corridor;
- b. ARSD 74:29:10:03 (3), a revised map that includes the road corridor;
- c. ARSD 74:29:10:03 (4), a list of all surface and mineral owners within 500 feet of the road corridor;
- d. ARSD 74:29:10:03 (6), a detailed assessment of whether the land in the road corridor meets the criteria of SDCL 45-6B-33.3 (Special, exceptional, critical, or unique land defined).

Copies of this supplemental information will also need to be forwarded to the review agencies listed in ARSD 74:29:10:04 (2), and also filed with Lawrence County Register of Deeds pursuant to ARSD 74:29:10:04 (3). Proof of filing must be submitted to the department for this supplemental information.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Michael D Cepak, PE". The signature is written in a cursive style.

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