

Department of Environment and Natural Resources
Minerals and Mining Program
Joe Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501-3182
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JUL 06 2015

APPLICATION FOR
SMALL SCALE MINING PERMIT

MINERALS & MINING PROGRAM

Pursuant to SDCL 45-6B:
Relating to Mineral Extraction in
Operations Affecting Less Than
10 Acres Per Year & Removing
Less Than 25,000 Tons Per Year

Operator's Name: James L. Dean

Mailing address: 23863 Palmer Gulch Rd.
Hill City, SD 57745 Physical address: 23863 Palmer Gulch Rd.
Hill City, SD 57745

Telephone: Telephone: 605-574-2760
605-574-2405
Fax:

Name and address of surface owner: USDA Forest Service
Mystic Ranger District
8221 South HWY 16
Rapid City, SD 57702 Name and address of mineral owner: James L. Dean MMC 221802
23863 Palmer Gulch Rd.
Hill City, SD 57745

Legal description of affected land: NE 1/4 Sec. 24; T1N-R3E Name and address of operator's resident agent (if operator is an out-of-state corporation):

County: Pennington

Minerals to be mined: Slate Proposed starting date: ASAP, now working under an exploration permit

Size of affected land (acres): 5 acres Proposed completion date: Life of slate product

Estimated acres disturbed per year: .02 acres Estimated working days per year: 60

Estimated tonnage mined per year: 1000 Estimated duration of operation (years): 20

Estimated tons of ore per year: 800 Reclamation type:

Overburden/waste tons per year: 200 Grassland

INSTRUCTIONS (Reference SDCL 45-6B)

This application must be accompanied by:

1. A narrative description of the type of mining operation proposed and how it will be conducted pursuant to Section 54 (7). This should include a description of the initial work to develop the operation and a description of the workings during the operation.
2. A narrative description of the measures to be taken to comply with the operating and reclamation requirements of SDCL 45-6B-37 through 45-6B-46 pursuant to Section 54 (9).
3. A map showing information sufficient to locate the affected land, including existing and proposed roads or access routes to be used in connection with the mining pursuant to Section 54 (5).
4. A wildlife survey pursuant to Section 54 (8).
5. A fee of \$100.00 pursuant to Section 55.
6. A list of the names and addresses of the land-owners of the affected land.

Before a hearing on the permit may be conducted by the SD Board of Minerals and Environment, the applicant must submit the following materials:

1. Certified mail receipts confirming mailing of notice to all surface owners and lessees pursuant to Section 17.
2. A copy of the affidavit of publication of notice pursuant to Section 16.
3. Proof of filing a copy of the application with the Register of Deeds pursuant to Section 15.
4. A surety in an amount to be determined by the department pursuant to Section 20 and 55.
5. A copy of instruments of consultation from all surface landowners, if different than the owner of the minerals, including written receipt of the operating and reclamation plans pursuant to Section 12 and 13.

STATE OF South Dakota

COUNTY OF PENNINGTON

On this 30th day of JUNE

20 15, before me personally appeared JAMES DEAN who

acknowledged himself to be the Operator (Title)

for _____ and that (Operator)

he is authorized to execute the Application for Small Scale Mining Permit for the purposes contained therein.

Peggy Elliott
Notary Public

My Commission Expires 8-1-2015



Applicant hereby affirms that the mining will be conducted pursuant to SDCL 45-6B, or any regulations promulgated thereunder; that he will grant access to the Board of Minerals and Environment or its agents to the area under application from the date of the application and during the life of the permit as is necessary to assure compliance with SDCL 45-6B.

I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

[Signature]
Signature

Operator
Title

6-30-15
Date

FOR DEPARTMENT USE ONLY

DATE RECEIVED: _____ AMOUNT: _____ PERMIT NUMBER: _____

Chairman, SD Board of Minerals & Environment

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MINERALS & MINING PROGRAM

STATE OF SOUTH DAKOTA
BEFORE THE SECRETARY OF

THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE)
APPLICATION OF)

Small scale Mining Permit)

STATE OF South Dakota)

COUNTY OF Pennington)

CERTIFICATION OF

APPLICANT

I, James L. Dean, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

- (1) *The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:*
 - (a) *Has intentionally misrepresented a material fact in applying for a permit;*
 - (b) *Has been convicted of a felony or other crime involving moral turpitude;*
 - (c) *Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
 - (d) *Has had any permit revoked under the environmental laws of any state or the United States; or*
 - (e) *Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*
- (2) *The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.*

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification,

consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this 30 day of June, 2015.

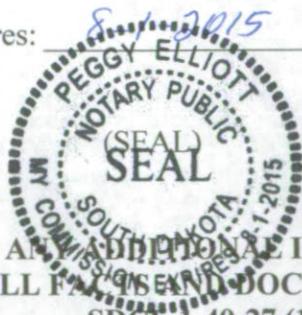
James Dean
Applicant (print)

[Signature]
Applicant (signature)

Subscribed and sworn before me this 30th day of JUNE, 2015.

Peggy Elliott
Notary Public (signature)

My commission expires: 8/1/2015



PLEASE ATTACH AN ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL FACTS AND DOCUMENTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION

DESCRIPTION OF THE OPERATION:

Method of mining will be similar to the other small scale operations I already have in place. It will consist of drilling and blasting slate. Ten to twelve foot blast holes will be used, two to four holes at a time. We will then dig and sort the slate. We will use a front end loader, backhoe, or excavator to load ten yard dump trucks. Material will be trucked to our stone yard, Dakota Stone, in Hill City. This site has been mined as an exploration and shows a possibility of supplying more stone. Total area affected could be five acres over the life of the project. The slate is on the surface with very little topsoil. Any topsoil will be stockpiled. We will be following the vein of slate to the north. At times a grizzly will be used, but will not be on the site all the time. Surface disturbance and reclamation will be on going. We are ready to reclaim the south end. All reclamation will be done to Forest Service specifications. Life of the mining project is to be fifteen to twenty years.

DESCRIPTION OF EQUIPMENT AND VEHICLES:

Equipment will include ten yard trucks, drill, air compressor, 11/2 yard front end loader, one cubic yard backhoe, and an excavator.

GRADING:

Mining and reclamation will be continuous. Surface areas disturbed shall be recontoured in such a way as to closely approximate surface contours existing before the start of operations. Grading and seeding will be done to USDA Forest Service specifications.

REFUSE DISPOSAL:

All garbage will be contained and disposed of at an off-site facility for disposal. Area will be kept clean of trash, litter, and other refuse material and disposed of. Potentially hazardous substances that will be used or generated at the site consist of explosives, petroleum products used to operate and maintain equipment, and waste oil. No petroleum products will be stored on the mine site. All potentially hazardous refuse such as waste oil will be hauled to a permitted off-site facility for disposal. No explosives will be stored on site. No structures will be on the mine site.

REVEGETATION:

The finished re-contoured ground surface shall be seeded to accordance with BMMP guidelines to return the reclaimed area to provide vegetation. Seeding shall be done using Hell Canyon Low Elevation-Mid Zone seed Mixture with the following composition: Annual Rye-35%; slender wheatgrass-25%; green needlegrass-15%; american vetch or purple prairie clover-5%; warm season combination-20%; which includes any of the following: blue gramma, switchgrass, indiagrass, or sideoats gramma.

TOPSOIL SALVAGE:

The terrain is mostly slate with little topsoil. Any topsoil will be grizzled for reclamation. Topsoil will be marked.

HYDROLOGIC BALANCE:

Surface water is nonexistent. Sediment controls will be used as necessary to control erosion. No mining will be conducted below the groundwater or within a creek bed. No water will be used in the operation. Crooked Creek is down the hill from the mine. There will be no impact on the creek.

SIDES, SUBSIDENCE, OR DAMAGE PROTECTION:

The area will be naturally stable. There are no high walls or slide areas. A commercially manufactured sign reading "DANGER- MINING AREA" or similar message will be placed as specified by the District Ranger.

SPOIL PILES, WEEDS:

Mine wastes generated at the site such as waste rock and tailings are relatively inert and do not pose a threat to water quality or the environment. I will be responsible for preventing noxious weed infestations on the site for the duration of the operating plan. Erosion has been minimal, precipitation draining into the pit will be absorbed by the formation. Sediment controls will be used as necessary to control erosion. The only air quality concern is dust from the operation. Any dust generated will be attenuated by trees surrounding the operation. No water will be used.

LANDOWNER CONSULTATION, RECLAMATION TYPE DEVELOPMENT:

Land ownership is USDA Forest Service, Black Hills National Forest. I have an operation plan on file with the Mystic Ranger District. The area is managed for timber production, motorized and nonmotorized vehicles, big and small game habitat, and livestock grazing. Reclamation will be ongoing and will be done to USDA Forest Service specifications.

RECLAMATION CHOICES:

Industrial uses are timber harvesting, grazing, and mining. No residential development. The area is forested with grazing and wildlife. Reclamation of disturbed land will be seeded into grasslands and should be beneficial to wildlife and livestock grazing once the area is reclaimed. Recreational uses are hunting, all terrain vehicle and scenic value. There is plenty surrounding area to support all recreational uses. Crooked Creek will not be affected.

Overburden will be backfilled. Distribution of subsoil, topsoil will follow with seeding and weed control. It normally takes a few years for grass to vegetate the reclaimed area. Reclaimed area will be planted into grass land, the area will eventually return itself into timberland and to its natural vegetation. Whenever the slate body terminates, reclamation will be completed by maximizing the replacement of topsoil and subsoil. Seed mixture will be in accordance to Forest Service specification.

RECLAMATION TIMETABLE:

Throughout the mining project, reclamation will be ongoing. At the end of the project reclamation will start immediately. Reclamation will be efficient and shouldn't take very long to backfill, grade, and replace subsoil and topsoil. Seeding will take place with weed control. The area will be visually and functionally compatible with the surrounding area.

POSTCLOSURE PLAN:

Reclamation will be continuous throughout the operation, minimizing the amount of reclamation at the end of the project. The final area reclaimed will be returned to grassland allowing for close out reclamation. Once mining has been completed and weather permitting reclamation of the area will be completed. The area will be backfilled, graded, and subsoil and topsoil distributed. Seeding will take place and it usually takes a few years for the area to develop ground cover. All equipment will be removed from mine location.

CRITICAL RESOURCES:

The land is not ecologically fragile and operations will not have a strong influence on the total ecosystem. Ponderosa pine is the primary in this location. Plants and wildlife are adapted to withstand a wide range of fluctuation. Very little vegetation will be affected. Since reclamation will be continuous, affected areas will be seeded into grasses. No water will be used in the operation. Cattle occupy the area for summer rangeland. Grazing will not be affected as the mine area is very rocky. There are no high walls to be concerned about. Wildlife in the area will not be affected as adjacent habitat will be able to accommodate any possible wildlife. This project is expected to have no effect on streams or wetlands, heritage resources or threatened or endangered species. If something of a Biological concern would be encountered, it will be brought to the attention of The Forest Service, S.D. Department of Environment and Natural Resources, and S.D. Game, Fish, and Parks.

Scenic: No scenic value will be lost. The area is in a remote location and is hidden by trees and hills.

Historic, Archaeological, Ethnologic, and Cultural: There are no known historic sites in the proposed project area. No known cultural material has been identified in the proposed project mine area. There are no known ethnologic concerns in the proposed project area. There are no known cultural concerns in the proposed project area. A cultural survey of the area has been completed and the review from the State Archaeologist stated there will be no effect on known cultural resources. No significant cultural resources have been recorded in the immediate vicinity of the project area. If a discovery is made, work will be halted.

Topographic: Most of the mining area is on a ridge where there is a slate outcropping at about 5080 ft. in elevation. The site is just southeast of the Crooked Creek quarry. The topography is

similar to that quarry and the surrounding area. There are no topographic features for this site that are unique or critical to the area. The terrain is mostly slate with little topsoil.

Geologic: The area is a slate outcropping. The geology is similar to the surrounding area and many other areas in the Black Hills. The proposed operation will be to remove the slate material.

Scientific: Soil, vegetation and wildlife indicate no unique scientific characteristics. A wildlife survey has been done by the Forest Service showing the proposed project will not have detrimental effects on threatened, endangered or sensitive plant or wildlife species. There are no riparian habitats present within the immediate project area. There will be no impact on Crooked Creek. The USFS wildlife survey has been included with the application.

Recreational: No recreational usage have been observed. There will be no impact on hiking, hunting or other recreational use.



The proposed permit 5 acre boundaries

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