



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**NOTICE OF DETERMINATION OF
SPECIAL, EXCEPTIONAL, CRITICAL, OR UNIQUE LANDS
KENNETH L AND NANCY DENKE**

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 Kenneth L and Nancy Denke, 21150 Creighton Road, Creighton, South Dakota 57790-6411. 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 surface and underground mining for gold approximately 6.5 miles northwest of Hill City, South Dakota. The legal description is Portions of Sections 22, 23, 26, and 27; T1N-R4E, Pennington County. A rock outcrop above the old Queen Bee Mine entrance, ore from the underground mine, and tailings piles will be removed and hauled to a process building. After the ore is crushed, it will be processed through a trommel and shaker table to remove gold and other valuable minerals. Surface disturbance will be backfilled and recontoured prior to topsoil placement and seeding.

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.

Kenneth and Nancy Denke 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

June 18, 2015