

Department of Environment and Natural Resources
Minerals and Mining Program
Joe Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501-3182
Telephone: (605) 773-4201 Fax: (605) 773-5286

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MAR 28 2012

MINERALS & MINING PROGRAM

APPLICATION FOR
SMALL SCALE MINING PERMIT

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:

Teresa A. Fox

Mailing address:

12040 Centennial Estates Loop
Whitewood, SD 57793

Physical address:

12040 Centennial Estates Loop
Whitewood, SD 57793 - 3009

Telephone:

(605) 269-2382

Telephone:

(605) 269-2382

Fax:

Name and address of surface owner. (Enter additional owners on last page)

U.S. Forest Service
2014 North Main St.
Spearfish, SD 57783-2917

Name and address of mineral owner. (Enter additional owners on last page)

Teresa and William R. Fox, 12040 Centennial
Estates Loop, Whitewood, SD 57793

John McCrellias, 817 Julius St., Lead, SD 57754-1547

Legal description of affected land:

South 1/2 of Southwest 1/4,
Section 23, T5N, R1E

Name and address of operator's resident agent (if
operator is an out-of-state corporation):

none

County: Lawrence

Minerals to be mined:

gold, silver, tantalum, cassiterite, magnetite

Proposed starting date:

July 1, 2012 or as soon as permit granted

Size of affected land (acres):

5 acres

Proposed completion date:

November 15, 2018

Estimated acres disturbed per year:

1 acre

Estimated working days per year:

90

Estimated tonnage mined per year: 11,000

Estimated duration of operation (years): 6 years

Estimated tons of ore per year: 8,000

Reclamation type:

Forest grassland

Overburden/waste tons per year: 3,000

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 Lawrence

On this 27th day of March

20 12, before me personally appeared

Teresa A. Fox who

acknowledged himself to be the Operator
(Title)

for Teresa A Fox and that
(Operator)

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

Jackie P. Hoffman
Notary Public

My Commission Expires February 4, 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.

Teresa A Fox
Signature

operator
Title

3-27-2012
Date

FOR DEPARTMENT USE ONLY

DATE APPROVED: _____ BOND AMOUNT: _____ PERMIT NUMBER: _____

Chairman, SD Board of Minerals & Environment

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MINERALS & MINING PROGRAM

Mining-Reclamation Summary Iron Creek Placer Mine

Mining will be conducted in an intermittent gulch on the north side of Iron Creek.



The legal description of area is S1/2 of SW1/4 of Section 23, T5N, R1E, Black Hills Meridian, Lawrence County, South Dakota.



No disturbance will occur within 25 feet of Iron Creek bank, and no disturbance will occur in Iron Creek bed, with minimal tree removal of less than 10 trees measuring more than 3 inches in diameter to be removed. We anticipate minimal impact to riparian habitat and aquatic life due to lack of disturbance.

Mining will begin with removal of 1 to 1-1/2 acres of topsoil no closer than 25 feet from Iron Creek to the base of the root zone and stockpiled on the north side of disturbance area (+/-200 feet from Iron Creek) for future reclamation. The topsoil piles will be seeded to prevent erosion.

Exposed placer gravels will be mined, hauled and fed to a portable trommel-sluice, with a small rubber-track backhoe/excavator. A small amount of water will be used but all water will be recycled. No water is discharged. Water will be hauled to the site and no water rights are necessary. The gravel in this area is 3-15 feet thick and will be excavated to bedrock. The dip of the bedrock appears to be elevated toward the north and dips to the south, southeast, away from Iron Creek. We do not anticipate in-flow to the pit from Iron Creek as mining will be conducted mainly during the dry season. No live springs have been detected within the Iron Creek boundaries directly adjacent to the disturbance area. If any outflow were to occur, straw bales will be in place to be used as sediment barriers.

Discharged gravels (waste) from the trommel and/or shaker screen will be stockpiled within designated disturbed area. Most of this stockpile will be used to backfill the pit and the remaining part will be knocked down and reclaimed as is.

Reclamation will include grading as an ongoing part of the mining sequence with final high walls left at no steeper than 3 horizontal to 1 vertical slopes. As pit advances, reclamation will advance at the same rate. The original 1 to 1-1/2 acres will be reclaimed as mining advances. Sufficient waste will be placed in the pit to allow through drainage, slopes and pit bottom graded smooth prior to topsoil placement.

Final pit and stockpile will be graded and stockpiled topsoil will be spread evenly and seeded.

This project is expected to create three seasonal jobs for local employees, contributing to the local economy.

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MINERALS & MINING PROGRAM

Mining-Reclamation Plan for Iron Creek Placer Mine

Mining will be conducted in a gulch on the north side of Iron Creek, an intermittent stream (*see attached U.S. Topographic Map*).

The legal description of area is S1/2 of SW1/4 of Section 23, T5N, R1E, Black Hills Meridian, Lawrence County, South Dakota.

1. Lawrence County Planning and Zoning does not require a Conditional Use Permit for mining on U.S. Forest Service property (*Please see attached letter*). This is in compliance with SDCL 45-6B-4, SDCL 45-6B-32(5) and ARSD 74:29-02.02. The U.S. Forest Service is the only existing adjacent landowner as shown by attached Lawrence County GIS map of private property holdings. (*please see attached Lawrence County GIS private property map*).

2. SDCL 45-6B-8: Description of unreclaimed land disturbance within proposed mine area affected prior to July 1, 1971: Mining occurring within the historic disturbance area will consist of trenching and processing; these areas will be reclaimed as further described under reclamation. Areas not disturbed by current mining operations will not be reclaimed.

Within the 25-foot buffer between Iron Creek and the proposed mine area, historic spoils piles create a moderate to large berm up to 15-20 feet above the creek. This berm creates a large natural and man-made buffer between the creek and proposed mine area. These historic piles will not be disturbed and therefore will not be reclaimed. The east end of the Robey claim, which falls outside of the proposed mine area, is inundated with pits and spoils piles from historic mining. These piles exist on both sides of the creek and will not be disturbed or reclaimed.

3. SDCL 45-6B-9 and ARSD 74:29:07:17: No underground mine openings, workings or previously existing underground mine workings intercepted by surface mining activities are visible or have been discovered within the proposed mining area. Outside of the mine area, on the southwest end of the Robey claim exists a collapsed shaft; on the northwest end of the claim exists an open shaft of unknown depth. Both are pre-existing historic workings and will not be disturbed or reclaimed.

4. SDCL 45-6B-12 and SDCL 45-6B-44: Instrument of consultation with U.S. Forest Service granting permission to enter and commence mining operations and proof that it received a copy of the operating and reclamation plan (*Please see attached letter*). No adjacent landowners exist other than the U.S. Forest Service as seen on attached Lawrence County GIS map.

5. SDCL 45-6B-32(3), (4) and (7): No part of the proposed mining operation is contrary to federal law as referenced in U.S. Forest Service letter (see attached). The mining operation does exist within the Spearfish Creek Watershed, which has been placed on the preliminary list of special, exceptional, critical and unique lands by the State of South Dakota.

6. SDCL 45-6B-32(8), SDCL 45-6B-33(3) and SDCL 45-6B-92(10): The Department of Environment and Natural Resources, in a letter dated May 31, 2011, stated, "The department did not note any special, exceptional, critical, or unique features during the on-site inspection and evaluation of the information provided with the Notice of Intent. Also, no nominating petitions pertaining to the lands described in the Notice of Intent were filed with the department. However, since the proposed mine site is included within the boundaries of the Spearfish Canyon Watershed that was placed on the Preliminary List of Special, Exceptional, Critical, or Unique Lands on March 5, 1991, the department is required under ARSD 74:29:10:09 to determine that the lands do constitute special, exceptional, critical, or unique lands."

A 25-foot buffer zone has been established for Iron Creek and exists the length of the creek for the entire disturbance area. Existing historic berms from 15-20 feet above Iron Creek protect the watershed. All mining that occurs adjacent to the buffer zone will be back-filled as soon as mining advances to support the historic berm. Erosion control will be in place to ensure no contamination of the watershed occurs.

7. SDCL 45-6B-33(5): The Forest Service map attached does not identify any threatened or endangered species within the mine disturbance. Self-contained mining will minimize any impact outside the disturbance area.

A. Mining Plan

1. Topsoil from the area to be disturbed as mining advances will be stripped no closer than 25 feet from Iron Creek to the base of the root zone with a small backhoe/excavator or small dozer. Topsoil in this area is variable in thickness, the average being 2-1/2 to 3 feet. The topsoil will be stockpiled (*see proposed disturbance map*) on the northern boundary of disturbance for future reclamation. Topsoil will be separated into two piles, labeled topsoil and subsoil. These topsoil piles will be broadcast seeded with a recommended seed and application rate recommended by the U.S. Forest Service. This is done in compliance with SDCL 45-6B-4.

2. Exposed placer gravels will be mined, hauled and fed to a self-contained portable trommel-sluice, with a rubber-tracked excavator. No chemicals will be used in the recovery of precious metals. A small amount of water will be used in this operation but all the water is recycled. As no water is discharged, no discharge permit is necessary. The water will be hauled to the site and contained in portable tanks so no water rights are necessary. No lined water pit is necessary; water will be hauled as needed. The gravels in this area are 3 to 15 feet thick, and will be excavated to bedrock. The dip of the bedrock appears to be elevated towards the north, away from Iron Creek. We do not anticipate in-flow to the pit from Iron Creek as mining will be conducted during the dry season. No live springs have been detected within the Iron Creek boundaries directly adjacent to the disturbance area. The U.S. Forest Service has identified two ATP areas which will be avoided with a 100-foot buffer zone. If any out-flow were to occur, straw bales will be in place as sediment barriers. Historic mine spoils are already in place which will act as an additional buffer to avoid any possible chance of outflow during mining. These historic spoils exist on a large percentage of the creek boundary. These spoils are outside of the disturbance area and will not be disturbed.

3. Discharged gravels (waste) from the trommel will be stockpiled (*see proposed disturbance map*). Most of this stockpile will be used to back fill the pit and the remaining part will be knocked down and reclaimed as is.

B. Reclamation Plan

Reclamation will be done in compliance with SDCL 45-6B-37 through 46 as follows:

1. 45-6B-37 - Grading. As an ongoing part of the mining sequence final high walls will be left at no steeper than 3 horizontal to 1 vertical slopes, blending and contouring to match the original topography with all materials replaced into the pit and a minimum of six

inches of topsoil. This is consistent with the current topography and will be suitable for post-mine land use as forest grassland. Sufficient waste (discharge gravel) will be placed in the pit to allow for through drainage. Both the slopes and pit bottom will be graded smooth with either a small excavator or small dozer prior to topsoil placement. All stockpiles will be graded smooth with either a small front end loader or small dozer prior to topsoil replacement. All the stockpiles will be graded smooth, with slopes not exceeding 25%. During grading activities straw bales, sediment fence and/or waddle will be placed along the perimeters of all disturbance areas as needed to control erosion and sedimentation. All contours will be maintained to preserve existing slopes and drainage.

2. 45-6B-38 - Disposal of Refuse. All refuse resulting from mining operations will be disposed of properly at the Butte County Sanitary Landfill. Topsoil to be removed from disturbance area averages 8-12 inches and will be sufficient to obtain at least six inch minimum cover.

3. 45-6B-39 - Revegetation. After final pit and stockpile grading, stockpiled topsoil will be spread evenly. The above mentioned seed mixture will be hand broadcast at the recommended rate. The seeds will then be raked in with hand rakes. If large enough areas are prepared, a seed drill may be used. A 10'x10' will be developed outside the disturbance boundary to simulate topsoil placement and seed germination rates mixture (as recommended Seeding Plan and Record by Sarah Eggebo, District Conservationist, Belle Fourche NRCS Field Office).

4. 45-6B-40 - Removal and handling of topsoil

As stated above, the topsoil will be removed as the pit advances. Much of the topsoil will be stockpiled (*see proposed disturbance map*) but as much as possible will be directly placed on graded areas for final reclamation. Topsoil and waste stockpiles will be seeded as soon as possible to provide vegetative cover thereby reducing runoff and erosion.

5. 45-6B-41 - Disturbance to the Hydrologic Balance.

Mining will be conducted above the local groundwater table. No alteration of streams, lakes, ponds or springs will result from proposed mining operations. No disturbance will take place closer than 25 feet from Iron Creek. No spill-over from mining activity will be permitted outside of the disturbance area. Sediment barriers (straw bales) will line the pit on the creek side for every assurance of no out-flow contamination. The gulch where mining will be conducted carries water only in the spring, or during heavy summer rainstorms. Every care will be exercised to avoid spills of fuel or oil. All equipment will be parked on oil resistant tarps when not in use for mining. No other chemicals will be used on the site.

The only ground water resource existing within 1,000 feet of the mine area is an intermittent stream, Iron Creek. A 25-foot buffer is established to protect Iron Creek. No other streams, springs, seeps, ponds, lakes, wetlands or dams exist within 1,000 feet of the mine area as shown by *topo map depicting no hydrologic features*; the closest water body being Iron Creek Lake at a distance of 1,600 feet.

Drainage, erosion and sediment will be controlled by straw bales and/or waddle and sediment fence in lower elevation areas with non-existence historic berms portrayed by green boundary on *sediment control map*. After seeding and vegetation has been established, sediment barriers will be removed if necessary to blend into natural terrain.

6. 45-6B-42 - Slides, Subsidence or Damage Protection.

All slopes during mining will be maintained at no steeper than 33% slope. Final reclaimed slopes will be no steeper than 25% unless surrounding slopes are steeper. Slides in gravel at these slopes are unlikely to develop.

7. 45-6B-43 - Surface Areas Protected - Waste piles - Weeds.

As stated above, topsoil and waste piles will be seeded as soon as possible to help control erosion. Straw bales will be used as needed to control erosion in site specific cases and all care will be taken to insure that no noxious weeds will develop in the mining area.

8. 45-6B-44 - Consultation with Landowners.

The current surface is forest land and will be reclaimed as such. As stated above the surface is administered by the U.S. Forest Service and copy of this application will be filed with their office.

9. 45-6B-45 - Choices of Reclamation.

The disturbed land will be reclaimed as forest land, although no trees will be planted, only forest grasses. Reclaimed area will be fenced with a one-strand electric fence until seedlings have become established.

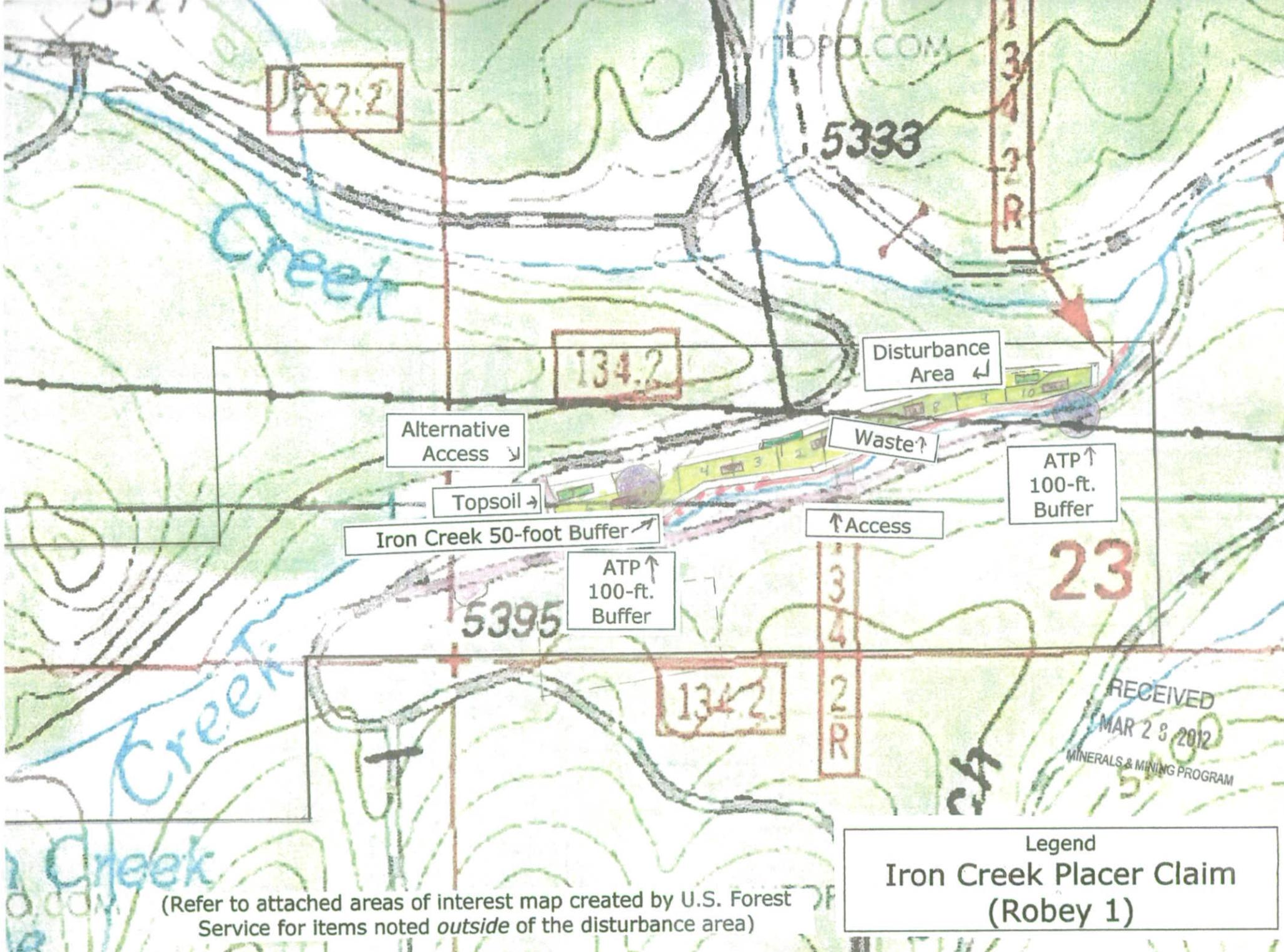
45-6B-46. Time for completion of reclamation.

The surface area disturbed each year will be kept to a minimum. It is estimated that less than one acre per year will be disturbed. It is also estimated that reclamation will begin the second year of operation and will proceed at one acre per year for the life of the mine.

C. The "Proposed Disturbance Map" is enclosed and delineates proposed disturbances, roads, crossings, access, trommel location, topsoil and waste stockpiles.

D. Stan Michels, South Dakota Game Fish and Parks, states the wildlife survey conducted by the U.S. Forest Service is acceptable to his office.

E. Attached is a check in the amount of \$100 to cover the application fee.



(Refer to attached areas of interest map created by U.S. Forest Service for items noted *outside* of the disturbance area)

Legend
**Iron Creek Placer Claim
 (Robey 1)**

(ATTACHMENT A)

Lawrence County Planning and Zoning
90 Sherman Street Deadwood, SD 57732
Ph: 605-578-3871 Fax: 605-722-6221

July 7, 2011

Mr. Mike Cepak
SD DENR
Minerals and Mining Program
Joe Foss Building / 523 East Capitol
Pierre, SD 57501-3181

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MINERALS & MINING PROGRAM

Re: Small scale placer mine permit application for S1/2 SW1/4, Section 23, T5N, R1E on US Forest Service, Lawrence County, SD

Dear Mr. Cepak-

This letter is in regards to a small scale mine permit application for Teresa Fox located on the above mentioned property. In Lawrence County, all small scale mining taking place on property owned by the United States Forest Service does not require a Conditional Use Permit. A Conditional Use Permit is only required on privately owned property within Lawrence County.

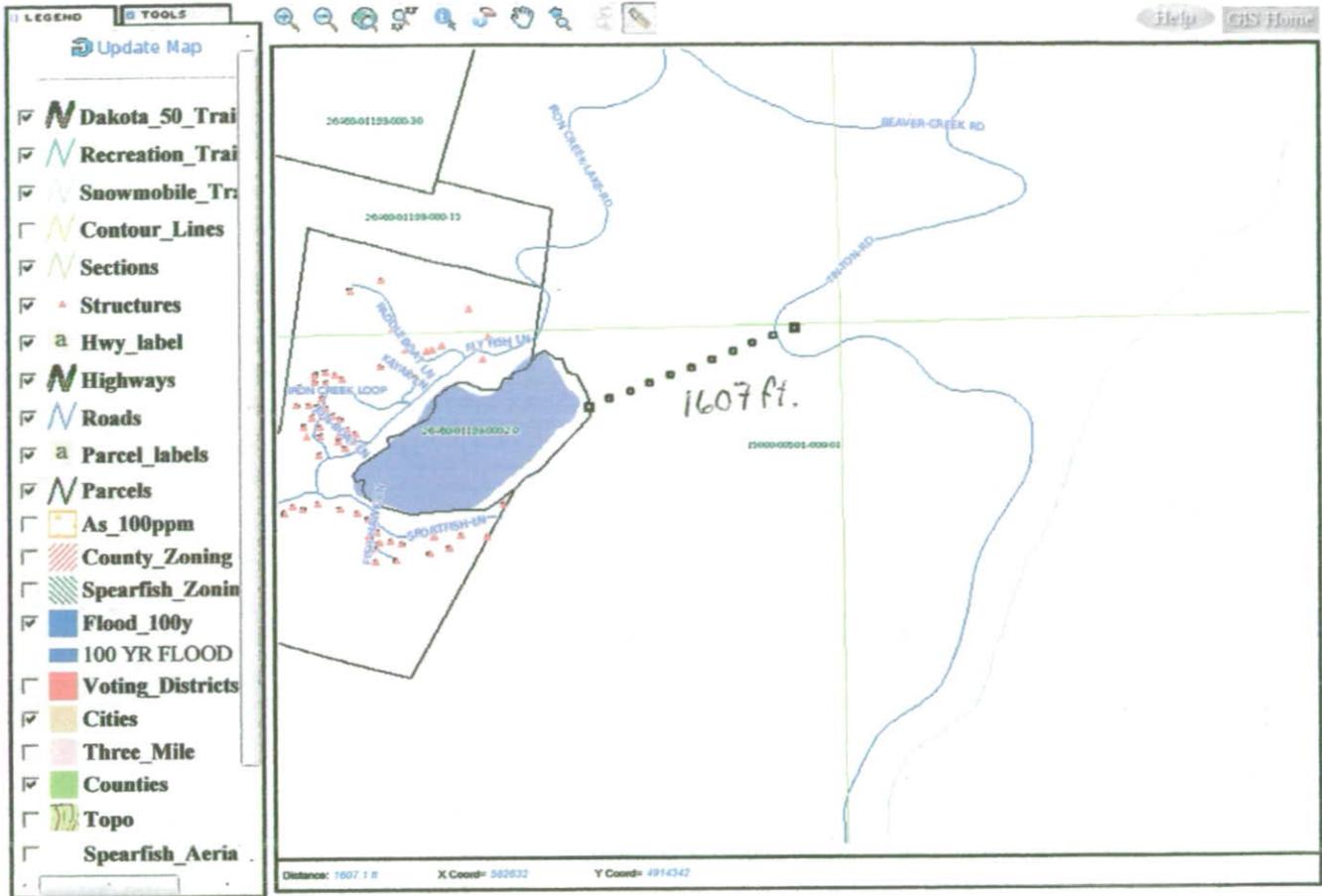
If you have any questions please do not hesitate to contact our office at 605-578-3871.

Sincerely,

Amber Vogt
Director, Lawrence County Planning and Zoning Department

ATTACHMENT B

Lawrence County GIS Geographic Information System



Suggestions and comments are welcome: gis@lawrence.sd.us

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(ATTACHMENT C)



United States
Department of
Agriculture

Forest
Service

Black Hills National Forest
Northern Hills Ranger District

2014 N Main Street
Spearfish SD 57783
605-642-4622

File Code: 2810

Date: September 27, 2011

Roberta Hudson
South Dakota DENR, Minerals and Mining Program
523 East Capitol
Pierre, SD 57501

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Dear Ms. Hudson,

This letter is in reference to a Plan of Operations submitted by Teresa Fox to conduct gold placer mining operations on National Forest System (NFS) lands, specifically on the Robey #1 Claim. The legal description of the proposed operation is S ½ SW ¼ Section 23, T5N-R1E, Lawrence County South Dakota. On June 1, 2011, we received notification from your office that Ms. Fox's proposed operations was within the Spearfish Canyon Watershed, which required your department "to determine that the lands do constitute special, exceptional, critical, or unique lands."

My staff has reviewed the Plan of Operations for consistency with Federal mining law, Forest Plan direction, and the National Environmental Policy Act, and I have decided to issue authorization for this placer mining operation on NFS lands. Since this authorization may conflict with your office's determination and the claimant's ability to obtain a small-scale mining permit from the SD DENR, our transmittal letter to Ms. Fox will make clear that they may not begin operations until all of the necessary permits are obtained.

If you have any questions, please contact Hillarie Jackson, Lands and Minerals Specialist, at (605) 642-4622 or hljackson@fs.fed.us.

Sincerely,

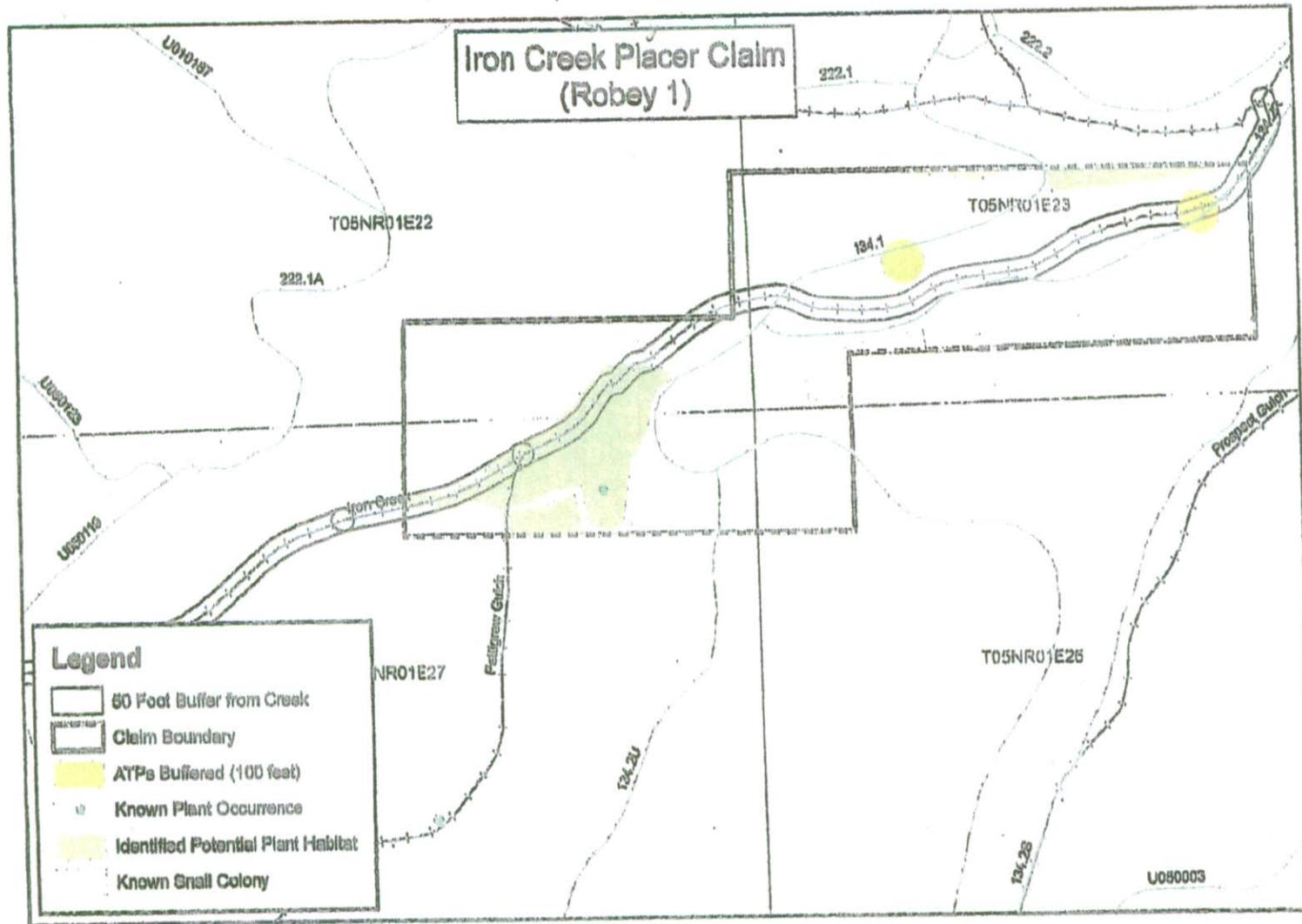
RHONDA O'BYRNE
District Ranger

Enclosure:

cc: Ralph G Adam, Hillarie L Jackson

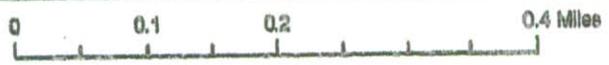


(ATTACHMENT D)



Legend

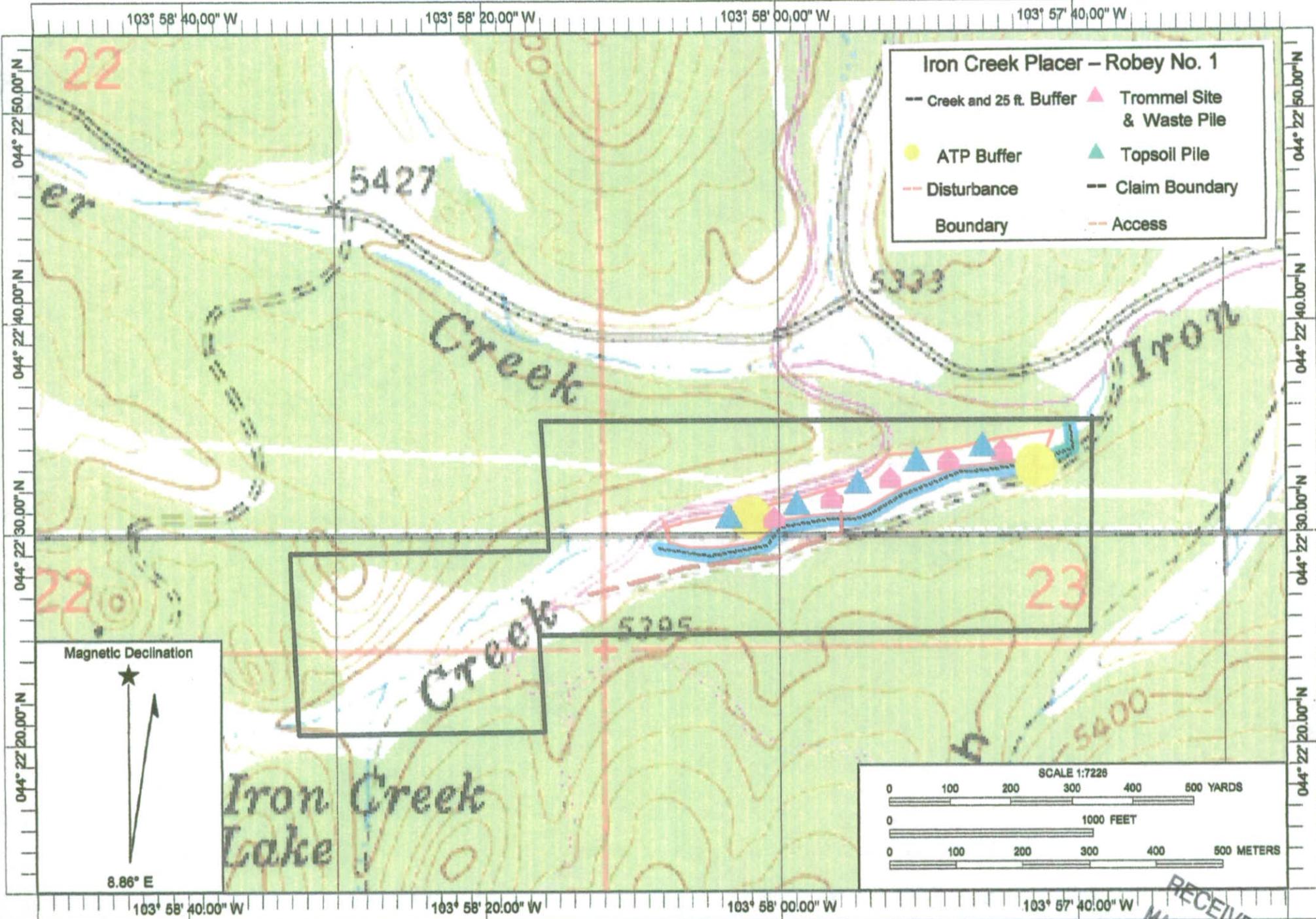
- 60 Foot Buffer from Creek
- Claim Boundary
- ATPs Buffered (100 feet)
- Known Plant Occurrence
- Identified Potential Plant Habitat
- Known Snail Colony



Created by J. Groce on March 28, 2011
Black Hills NF - Northern Hills RD
Note: Spatial locations are approximate
and subject to error.



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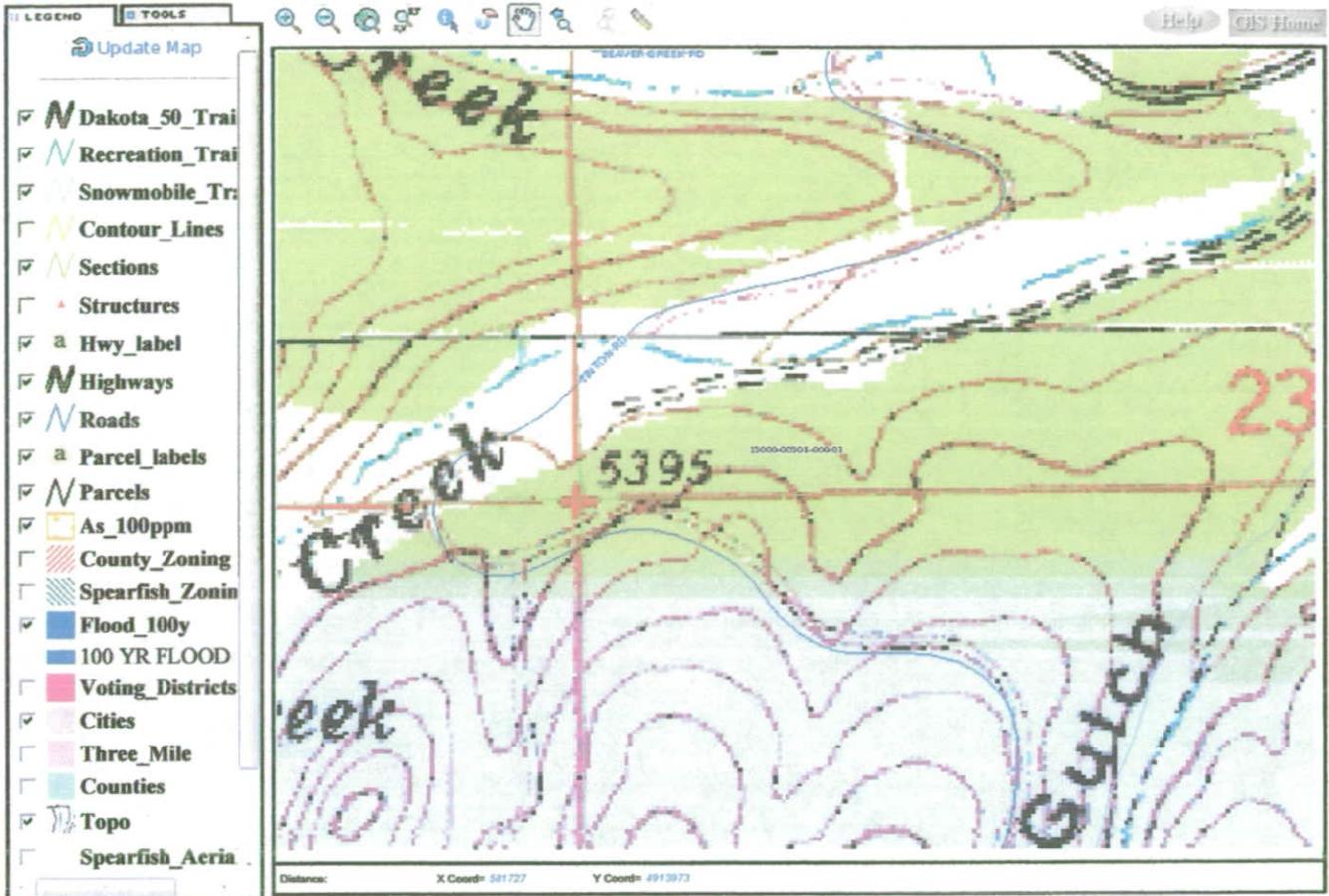
Name: MAURICE
 Date: 8/4/2011
 Scale: 1 inch equals 602 feet

ATTACHMENT E

Location: 044° 22' 33.41" N 103° 58' 07.99" W NAD27
 Caption: Figure 1

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Lawrence County GIS Geographic Information System



Suggestions and comments are welcome: gis@lawrence.sd.us

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no marked recreation
 trails



DEPARTMENT OF GAME, FISH AND PARKS
Outdoor Campus West
4130 Adventure Trail
Rapid City, South Dakota 57702

ATTACHMENT H

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July 8, 2011

Theresa Fox
12040 Centennial Estates Loop
Whitewood, SD 57793

Subject: Approval of the Black Hills National Forest wildlife evaluation

Dear Doug,

As requested, this letter represents South Dakota Department of Game, Fish and Parks approval of a wildlife evaluation conducted by the Black Hills National Forest for your project. Please note we will re-evaluate the adequacy of the evaluation if substantive mine plan changes occur.

Contact me with mining questions at any of the numbers listed.
Thank you.
Sincerely,

Stan Michals
Energy and Minerals Coordinator

Office (605) 394-2589
Fax (605) 394-1760
E-mail stan.michals@state.sd.us

cc: R. Hudson (SD/DENR)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**NOTICE OF DETERMINATION OF
SPECIAL, EXCEPTIONAL, CRITICAL, OR UNIQUE LANDS
FOR TERESA FOX**

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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 Teresa Fox, 12040 Centennial Estates Loop, Whitewood SD 57793. 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 proposed operation involves placer mining for gold on land located approximately nine miles southwest of Spearfish, South Dakota. The legal description of the proposed operation is S ½ SW ¼ Section 23; T5N-R1E, Lawrence County, South Dakota. Ms. Fox plans to operate a small trommel/slucice and trenching operation. Reclamation will be ongoing during mining with all mine pits backfilled with tailings from the trommel/slucice.

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 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. The department did not note any special, exceptional, critical, or unique features during the on-site inspection and evaluation of the information provided with the Notice of Intent. Also, no nominating petitions pertaining to the lands described in the Notice of Intent were filed with the department. However, since the proposed mine site is included within the boundaries of the Spearfish Canyon Watershed that was placed on the Preliminary List of Special, Exceptional, Critical, or Unique Lands on March 5, 1991, the department is required under ARSD 74:29:10:09 to determine that the lands do constitute special, exceptional, critical, or unique lands.

Ms. Fox 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 Roberta Hudson of the South Dakota Department of Environment and Natural Resources, Minerals and Mining Program, Joe Foss Building, 523 East Capitol, Pierre, South Dakota 57501 - (605) 773-4201.

May 31, 2011

Steven M. Pirner
Secretary

USDA, Forest Service

PLAN OF OPERATIONS FOR MINING ACTIVITIES ON NATIONAL FOREST SYSTEM LANDS

FS-2800-5 (Rev. 12/11)
OMB NO. 0596-0022

USE OF THIS FORM IS OPTIONAL! 1st TIME USERS SHOULD DIRECT QUESTIONS REGARDING THIS FORM OR REGULATIONS (36 CFR 228A) TO THE FOREST SERVICE DISTRICT OFFICE NEAREST YOUR AREA OF INTEREST.

Submitted by: _____

Signature	Title	Date (mm/dd/yy)
_____	_____	_____
Signature	Title	Date (mm/dd/yy)
_____	_____	_____

Plan Received by: _____

Signature	Title	Date (mm/dd/yy)
_____	_____	_____

I. GENERAL INFORMATION

- A. Name of Mine/Project: Iron Creek Placer
- B. Type of Operation: placer
(lode, placer, mill, exploration, development, production, other)
- C. Is this a (new/continuing) operation? *(check one).*
If continuing a previous operation, this plan (replaces/modifies/supplements) a previous plan of operations. *(check one)*
- D. Proposed start-up date (mm/dd/yy) of operation: 07/01/2011
- E. Expected total duration of this operation: 11/15/2017
- F. If seasonal, expected date (mm/dd/yy) of annual reclamation/stabilization close out: 11/15/2017
- G. Expected date (mm/dd/yy) for completion of all required reclamation: 11/01/2017

II. PRINCIPALS

- A. Name, address and phone number of operator:
Teresa Fox, 12040 Centennial Estates Loop, Whitewood, SD 57793
605-269-2382 (cell) 605-639-0073
- B. Name, address, and phone number of authorized field representative (if other than the operator).
Attach authorization to act on behalf of operator.
none
- C. Name, address and phone number of owners of the claims (if different than the operator):
Teresa A. Fox, 12040 Centennial Estates Loop, Whitewood, SD 57793 605-269-2382
William R. Fox, 12040 Centennial Estates Loop, Whitewood, SD 57793 605-269-2382
John McCrellias, 817 Julius St., Lead, SD 57754 605-571-0139

(If more space is needed to fill out a block of information, use additional sheets and attach form)

D. Name, address and phone number of any other lessees, assigns, agents, etc., and briefly describe their involvement with the operation, if applicable:

U.S. Forest Service, 2014 N. Main St., Spearfish, SD 57783 -- surface owner

III. PROPERTY OR AREA

(Name of claim, if applicable, and the legal land description where the operation will be located.)

MC#	Name	Section	Township	Range
209124	Robey #1	23	5N	1E
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

IV. DESCRIPTION OF THE OPERATION

A. Access. Show on a map (USGS quadrangle map or a National Forest map, for example) the claim boundaries, if applicable, and all access needs such as roads and trails, on and off the claim. Specify which Forest Service roads will be used, where maintenance or reconstruction is proposed, and where new construction is necessary. For new construction, include construction specifications such as widths, grades, etc., location and size of culverts, describe maintenance plans, and the type and size of vehicles and equipment that will use the access routes.

SEE attached topographic map -- An existing trail, as shown on the map 134.2R crossing the claim from west to east has an existing ford across Iron Creek to the proposed disturbance. Grading and smoothing of the existing trail and ford will allow transport of equipment to the mine site and access to mine personnel. Minimal traffic will be allowed, consisting mainly of 4 personal vehicles daily during mining, which can be attached to a trailer when transporting equipment.

B. Map, Sketch or Drawing. Show location and layout of the area of operation. Identify any streams, creeks or springs if known. Show the size and kind of all surface disturbances such as trenches, pits, settling ponds, stream channels and run-off diversions, waste dumps, drill pads, timber disposal or clearance, etc. Include sizes, capacities, acreage, amounts, locations, materials involved, etc.

Iron Creek is an intermittent stream which, in the past 10 years, has annually flooded within its banks, the flow tapering off around mid-June. Mining will involve less than 5 acres, a face 100 feet wide on the widest point and narrowing in some areas to 10 feet wide. Mining will occur along the entire length of the proposed disturbance map, a length of approx. 1500 feet, in increments of approx. 150 feet per year, with topsoil stockpile directly north of existing disturbance and waste stockpiled and backfilled as mining occurs.

(If more space is needed to fill out a block of information, use additional sheets and attach form)

-
- C. **Project Description.** *Describe all aspects of the operation including mining, milling, and exploration methods, materials, equipment, workforce, construction and operation schedule, power requirements, how clearing will be accomplished, topsoil stockpile, waste rock placement, tailings disposal, proposed number of drillholes and depth, depth of proposed suction dredging, and how gravels will be replaced, etc. Calculate production rates of ore. Include justification and calculations for settling pond capacities, and the size of runoff diversion channels.*

Mining will be conducted as follows: Topsoil from disturbance area will be stripped to the root base and stockpiled on the north boundary of disturbance for future reclamation and seeded. Exposed placer gravels will be mined, hauled and fed to a portable trommel/slucice with a small excavator and skidsteer. A small amount of water will be used, contained and recycled. No water will be discharged. Water will be hauled to the site, no water right is necessary. Gravels are less than 15 feet deep and will be excavated to bedrock. Discharged (waste) will be stockpiled as seen on disturbance map. Part of the waste will be used to backfill the pit and part will be reclaimed as is. This project is expected to employ up to 3 people from July 1 through November 15 for five days each week, 12 hour days, for an expected period of 6 years. An on-site generator will provide power for the trommel and lights. Few trees exist in the disturbance area. Trees smaller than 3-inch will be slashed to Forest Service regulation. If trees larger than 3-inch need to be disturbed, we will contact the U.S. Forest Service to establish a log deck. Production rates of ore begin with 4 yard per hour, eventually reaching 10 yards per hour. No milling is proposed. Exploration may occur in the channel directly ahead of mining to determine continuity of the ore zone, involving small pits with an excavator to be backfilled immediately and seeded. No drill holes are required for exploration and no suction dredging will occur. No settling ponds or diversion channels are used.

-
- D. **Equipment and Vehicles.** *Describe that which is proposed for use in your operation (Examples: drill, dozer, wash plant, mill, etc.). Include: sizes, capacity, frequency of use, etc.*

Four personal vehicles ranging in size from small-size 4-wheel drive pickup to 2-ton water truck and a 4-wheeler; small dozer, skidsteer loader, small mini-excavator/backhoe. trommel mounted on 18-foot trailer with dual-screening rotary trommel with primary shaker and black sands separation screens, powered by a generator. Discharge from the primary will run into the trommel. Two endless belt conveyors; two-inch motorized trash pump with small Honda engine;. All equipment will be operated intermittently throughout the work day. The mill, completely electric, will run up to 12 hours per day. The system is designed for 2-4 yards per hour of ore.

-
- E. **Structures.** *Include information about fixed or portable structures or facilities planned for the operation. Show locations on the map. Include such things as living quarters, storage sheds, mill buildings, thickener tanks, fuel storage, powder magazines, pipelines, water diversions, trailers, sanitation facilities including sewage disposal, etc. Include engineering design and geotechnical information for project facilities, justification and calculations for sizing of tanks, pipelines and water diversions, etc.*

Two small self-contained campers will provide shelter and living quarters and will be moved in conjunction with advancement of mining activity. Sewage will be disposed of at a designated dump disposal site. One portable storage shed 10 feet x12 feet may be required for secure storage and processing. All fuels will be contained in an OSHA approved container in a personal vehicle. All used oils will be disposed of at a designated dump facility. No used fuels or oils will be kept on site. No fixed structures, mill buildings, thickener tanks, fuel storage buildings, powder magazines, water diversions, sanitation facilities will be on site.

V. ENVIRONMENTAL PROTECTION MEASURES (SEE 36 CFR 228.8)

- A. **Air Quality.** *Describe measures proposed to minimize impacts on air quality such as obtaining a burning permit for slash disposal or dust abatement on roads.*

(If more space is needed to fill out a block of information, use additional sheets and attach form)

Forest Service Road 134 will be used as access to the mining claim, but no mining activity will involve that road. Forest Service Trail 134.2R and a ford across Iron Creek will be used to access the disturbance area. There will be no dump trucks or haul traffic in the disturbance area and all mining will be in a somewhat clay-rich, high moisture content gravel to be milled with water and mining should not create significant air quality problems. A burn permit will be obtained for slash piles if needed.

B. Water Quality. *State how applicable state and federal water quality standards will be met. Describe measures or management practices to be used to minimize water quality impacts and meet applicable standards.*

1. *State whether water is to be used in the operation, and describe the quantity, source, methods and design of diversions, storage, use, disposal, and treatment facilities. Include assumptions for sizing water conveyance or storage facilities.*
2. *Describe methods to control erosion and surface water runoff from all disturbed areas, including waste and tailings dumps.*
3. *Describe proposed surface water and groundwater quality monitoring, if required, to demonstrate compliance with federal or state water quality standards.*
4. *Describe the measures to be used to minimize potential water quality impacts during seasonal closures, or for a temporary cessation of operations.*
5. *If land application is proposed for waste water disposal, the location and operation of the land application system must be described. Also describe how vegetation, soil, and surface and groundwater quality will be protected if land application is used.*

Water will be transported to the mine site from the Spearfish municipal water system and stored in a 1000 gallon truck-mounted water tank. Mining will be conducted above the local ground table. No alterations of streams, lakes, ponds or springs will result from the proposed mining operation, and diversion will not be necessary. The gulch where mining will be conducted carries water only in the spring or in heavy summer rainstorms. Mining will use water initially as a gravity separation of heavy minerals and washing of gravels as a high-pressure spray in trommel and screen deck, as well as on the grizzlies. Water will run off into a 500-gallon containment tank and re-circulated with 2-inch trash pump. Water will be added as evaporation occurs. Water will be disposed end-of-year as Spearfish Municipal wastewater. Water quality should not be an issue as no chemicals will be added in the mining process.

All slopes during mining will be maintained at no steeper than 30% grade; topsoil and waste stockpiles will be seeded as soon as possible to reduce run-off; all piles will be graded smooth and no back-dumping will occur to avoid erosion; straw bales will be kept on site and placed as needed to deter erosion.

A distance of no less than 100-feet will not be disturbed within the proposed disturbance boundary in ATPs as identified by J. Groece, U.S. Forest Service. These ATPs can be avoided during mining.

C. Solid Wastes. *Describe the quantity and the physical and chemical characteristics of solid waste produced by the operation. Describe how the wastes will be disposed of including location and design of facilities, or treated so as to minimize adverse impacts. Discharged (waste) will be stockpiled as seen on disturbance map. Part of the waste will be used to backfill the pit and part will be reclaimed as is. Any refuse as a result of the mining operation will be disposed of at the Butte County landfill.*

D. Scenic Values. *Describe protection of scenic values such as screening, slash disposal, or timely reclamation.*

(If more space is needed to fill out a block of information, use additional sheets and attach form)

Mining will occur largely in treeless areas. Trees disposed of will be slashed immediately and hauled off-site as firewood or saw logs, with slash used to stabilize erosion areas and slopes. Mining will occur in small segments to preserve the aesthetic and scenic value. Reclamation will be an on-going process to minimize disturbance areas.

(If more space is needed to fill out a block of information, use additional sheets and attach form)

E. Fish and Wildlife. *Describe measures to maintain and protect fisheries and wildlife, and their habitat (includes threatened, endangered, and sensitive species) affected by the operations.*

No deer have been observed in the proposed disturbance area north of the creek; this area highly contaminated with dust from Forest Service Road 134. We've observed cattle traveling along the creek to access a salt lick at the far eastern end of the claim, which will be disturbed by mining. All measures will be made to preserve wildlife habitat within the disturbance area. Iron Creek is an intermittent creek and we have observed very little aquatic life, an example being minnows during spring run-off from Iron Creek Lake overflow. A known snail colony has been identified outside the proposed disturbance boundary and will not be disturbed by mining activity.

F. Cultural Resources. *Describe measures for protecting known historic and archeological values, or new sites in the project area.*
There are no known historic or archeological site in the proposed disturbance area. An old concrete cistern exists on the northern boundary of proposed disturbance. If a cultural or archeological site is discovered, operations will immediately cease in that area, local and state archeologists will be notified.

G. Hazardous Substances.

1. *Identify the type and volume of all hazardous materials and toxic substances which will be used or generated in the operations including cyanide, solvents, petroleum products, mill, process and laboratory reagents.*

No more than 250 gallons of fuel will be stored at a time in a tank in the back of a personal vehicle. All oils will be kept in this vehicle; all used oils will be disposed of at a local dump station. No cyanide, solvents, mill, process or laboratory reagents will be required.

-
2. *For each material or substance, describe the methods, volume, and frequency of transport (include type of containers and vehicles), procedures for use of materials or substances, methods, volume, and containers for disposal of materials and substances, security (fencing), identification (signing/labeling), or other special operations requirements necessary to conduct the proposed operations.*

Two hundred fifty gallons of diesel will be hauled to the site every other day during mining and stored in an OSHA approved fuel tank in the back of the fuel truck, with a D/C operated fuel pump.

Up to 15 gallons each week of motor will be transported to the site, recycled through the equipment and will be removed at the end of that maintenance shift and disposed of at an approved disposal site.

Five gallons of chain saw gas in an OSHA approved can will be used annually and kept in the fuel truck..

Proper OSHA signage will be used on all containers.

-
3. *Describe the measures to be taken for release of a reportable quantity of a hazardous material or the release of a toxic substance. This includes plans for spill prevention, containment, notification, and cleanup.*

All fueling and maintenance will occur in a designated area; all machines parked on oil absorbant pads and floor-dried oil absorbing material will be used to contain a spill and the immediate removal of the contaminated soils in plastic lined barrels to be hauled to a minimum hazardous waste site at the Butte County landfill. Notification will be made immediately to the South Dakota D.E.N.R. and U.S. Forest Service any spill amounting to more than 5 gallons.

- H. **Reclamation.** Describe the annual and final reclamation standards based on the anticipated schedule for construction, operations, and project closure. Include such items as the removal of structures and facilities including bridges and culverts, a revegetation plan, permanent containment of mine tailings, waste, or sludges which pose a threat of a release into the environment, closing ponds and eliminating standing water, a final surface shaping plan, and post operations monitoring and maintenance plans. Annual reclamation will include backfilling of pits, grading waste material, topsoiling and seeding with approved application rate and seed mix. A one-strand electric low voltage fence will be maintained around reclamation to prevent livestock overgrazing of new seedlings. Final reclamation will consist of removal of the plant, final topsoil of last disturbance area will be spread evenly, hand broadcasted with above mentioned seed mix. All equipment, campers, storage shed will be removed.

VI. FOREST SERVICE EVALUATION OF PLAN OF OPERATIONS

- A. **Required changes/modifications/special mitigation for plan of operations:**

- B. **Bond.** Reclamation of all disturbances connected with this plan of operations is covered by Reclamation Performance Bond No. _____, dated (mm/dd/yy) _____, signed by _____ (Principal) and _____ (Surety), for the penal sum of _____. This Reclamation Performance Bond is a guarantee of faithful performance with the terms and conditions listed below, and with the reclamation requirements agreed upon in the plan of operations. This Reclamation Performance Bond also extends to and includes any unauthorized activities conducted in connection with this operation.

The bond amount for this Reclamation Performance Bond was based on a bond calculation worksheet. The bond amount may be adjusted during the term of this proposed plan of operations in response to changes in the operations or to changes in the economy. Both the Reclamation Performance Bond and the bond calculation worksheet are attached to and made part of this plan of operations. Acceptable bond securities (subject to change) include:

1. *Negotiable Treasury bills and notes which are unconditionally guaranteed as to both principle and interest in an amount equal at their par value to the penal sum of the bond; or*
2. *Certified or cashier's check, bank draft, Post Office money order, cash, assigned certificate of deposit, assigned savings account, blanket bond, or an irrevocable letter of credit equal to the penal sum of the bond.*

(If more space is needed to fill out a block of information, use additional sheets and attach form)

VII. TERMS AND CONDITIONS

- A. If a bond is required, it must be furnished before approval of the plan of operations.
- B. Information provided with this plan marked confidential will be treated in accordance with the agency's laws, rules, and regulations.
- C. Approval of this plan does not constitute certification of ownership to any person named herein and/or recognition of the validity of any mining claim named herein.
- D. Approval of this plan does not relieve me of my responsibility to comply with other applicable state or federal laws, rules, or regulations.
- E. If previously undiscovered cultural resources (historic or prehistoric objects, artifacts, or sites) are exposed as a result of operations, those operations will not proceed until notification is received from the Authorized Officer that provisions for mitigating unforeseen impacts as required by 36 CFR 228.4(e) and 36 CFR 800 have been complied with.
- F. This plan of operations has been approved for a period of ____ or until (mm/dd/yy) _____. A new or revised plan must be submitted in accordance with 36 CFR part 228, subpart A, if operations are to be continued after that time period.

VIII. OPERATING PLAN ACCEPTANCE

I/ We have reviewed and agreed to comply with all conditions in this plan of operations including the required changes, modifications, special mitigation, and reclamation requirements.

I/ We understand that the bond will not be released until the Authorized Officer in charge gives written approval.

Signature of Operator (or Authorized Representative)

(Date)
(mm/dd/yy)

IX. OPERATING PLAN APPROVAL

(Name)

(Title)

Signature of (Authorized Officer)

(Date)
(mm/dd/yy)

Burden and Non-Discrimination Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0022. The time required to complete this information collection is estimated to average 12 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

(If more space is needed to fill out a block of information, use additional sheets and attach form)

Element Occurrence Record

Scientific Name: *Calypso bulbosa*

Occurrence #: 4

Common Name: Fairy Slipper Orchid

SD Protection Status:

Location Information: **Latitude:** 442255N **Longitude:** 1035750W

Watershed Code **Watershed**
10120203 Redwater

Township

Range
Section

Meridian **TRS** **Note**

County Name **State**
Lawrence SD

Quadrangle
Maurice

State
SD

Directions:

IRON CREEK CANYON, 1 MI N AND 3 MI W OF SAVOY.

Survey Information:

First Observation: 1970
Eo Type:

Survey Date:
Eo Rank:

Last Observation: 1970-06-22
Eo Rank Date:

Observed Area:

Comments:

General
WET SHADY RAVINE.

Description:

Comments: ANNOT. AS SUCH BY L.K.MAGRATH, 1973.

Protection

Comments:

Management
Comments:

Data: IN FLOWER.

Element Occurrence Record

Scientific Name: *Carex capillaris*

Occurrence #: 1

Common Name: Hair Sedge

SD Protection Status:

Location Information: **Latitude:** 442220N **Longitude:** 1035852W

Watershed Code **Watershed**
10120203 Redwater

Township

Range
Section **Meridian** **TRS Note**
005N001E 27 BH

County Name **State**
Lawrence SD

Quadrangle **State**
Savoy SD

Directions:

N EDGE OF IRON CREEK LAKE.

Survey Information:

First Observation: 1972
Eo Type:

Survey Date:
Eo Rank:

Last Observation: 1972-08-15
Eo Rank Date:

Observed Area:

Comments:

General
ROCKY WOODS UNDER PINUS PONDEROSA.

Description:

Comments:

Protection

Comments:

Management

Element Occurrence Record

Comments:

Data:

Scientific Name: *Liochlorophis vernalis* Occurrence #: 36

Common Name: Smooth Green Snake SD Protection Status:

Location Information: Latitude: 442255N Longitude: 1035855W

Watershed Code Watershed
10120203 Redwater

Township

Range
Section Meridian TRS Note
005N001E 22 BH

County Name State
Lawrence SD

Quadrangle State
Maurice SD

Directions:

5 MILES WEST AND 7.5 SOUTH OF SPEARFISH, NEAR DEER CREEK

Survey Information:

First Observation: 1972 Survey Date: Last Observation: 1973
Eo Type: Eo Rank: Eo Rank Date:

Observed Area:

Comments:

General

Description:

Comments:

Element Occurrence Record

Protection

Comments:

Management

Comments:

Data: SPECIMEN COLLECTED BUT LOST, C.R. PETERSON COLLECTION (#95)



Jackie Groce /R2/USDAFS

07/08/2011 09:05 AM

To Jackie Groce/R2/USDAFS@FSNOTES

cc

bcc

Subject Wildlife Review of Iron Creek Placer Mine POO

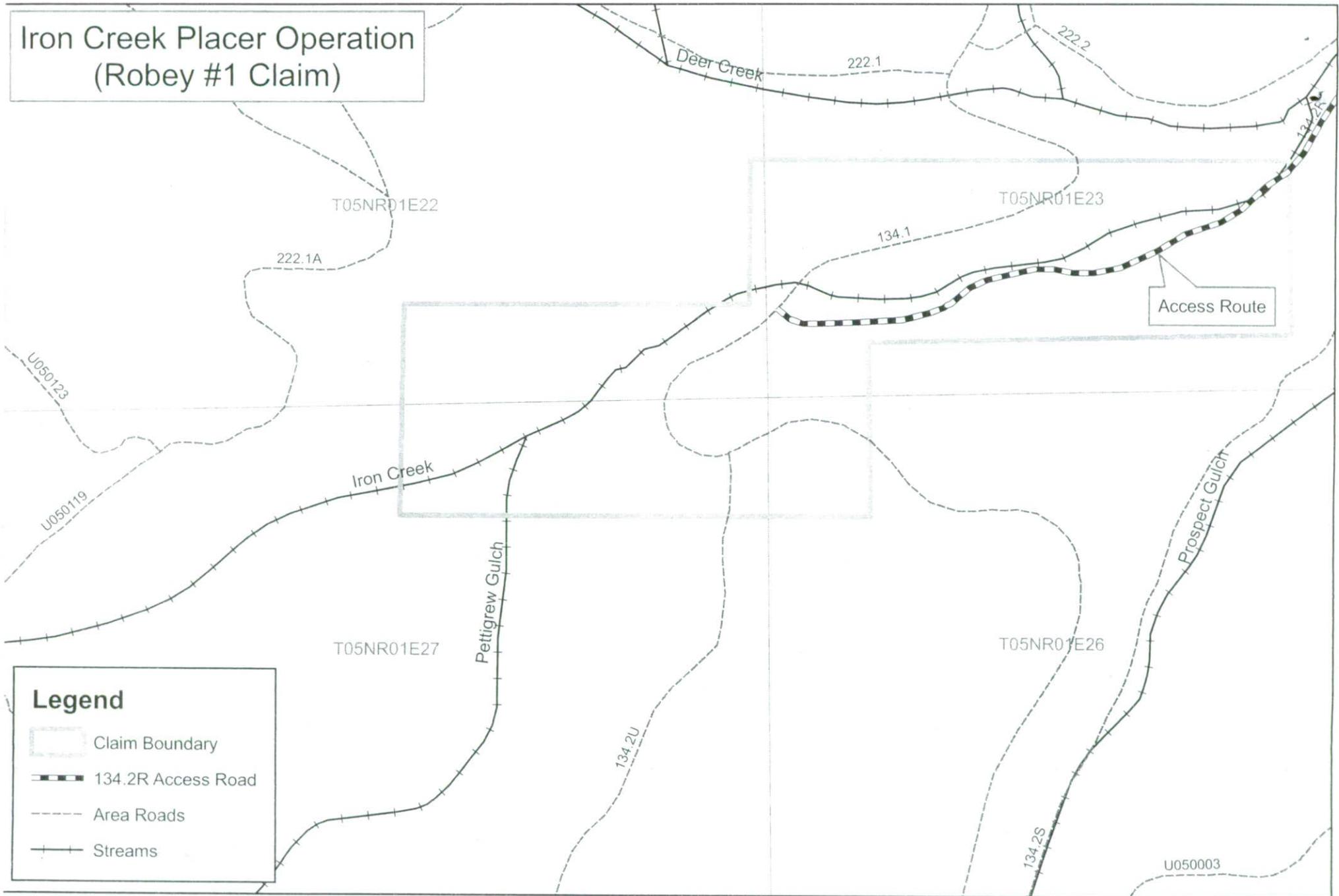
This is to document my discussion with Valerie Carlson, District Wildlife Biologist, regarding the Iron Creek Placer Mine POO. Valerie is currently on annual leave and will be gone until July 18, 2011.

Valerie conducted a field review of the placer mine claim area (specifically, the area in which activity is currently being proposed) on Friday, July 1. Available data suggested that a known snail colony existed just south of the area to potentially affected by the proposed mining activities. Valerie thought that it would be helpful to check and see if the snail colony extended beyond the area delineated in the Forest Service's spatial data. She relayed to me that no snails were located during her field review.

She indicated that while the proposed activity had the capacity to affect riparian habitat that could support Region 2 sensitive wildlife species such as leopard frogs, that the scale of the activity was so small that it only had the potential to affect individuals and would not adversely affect populations of these species. Furthermore, she indicated that the hydrologist on the project would be identifying watershed conservation practices and other measures designed to minimize potential impacts to this habitat.

Jackie Groce
Natural Resource Planner
Black Hills National Forest--Northern Hills Ranger District
2014 N. Main St.
Spearfish, SD 57783
Office Phone: 605-642-4622

Iron Creek Placer Operation (Robey #1 Claim)



Access Route

Legend

-  Claim Boundary
-  134.2R Access Road
-  Area Roads
-  Streams



Created by J. Groce on May 19, 2011
Black Hills NF - Northern Hills RD
Note: Spatial locations are approximate
and subject to error.



May 11, 2011
Teresa A. Fox
12040 Centennial Estates Loop
Whitewood, SD 57793

RECEIVED
MAY 16 2011
MINERALS & MINING PROGRAM

Roberta Hudson
Minerals and Mining Program
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

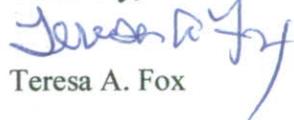
Dear Ms. Hudson,

Please find enclosed my Small Mine Permit application along with the \$100 fee.

I would appreciate your prompt attention to this application as I would like to commence mining the summer of 2011. I have also been conferring with Timothy P. Fox, P.E., a Mining Engineer from Salt Lake City, UT. A copy of the Plan of Operations with the U.S. Forest Service is included for your information.

If you have any questions please feel free to contact me at home (605)-269-2382 or cell phone (605) 639-0073.

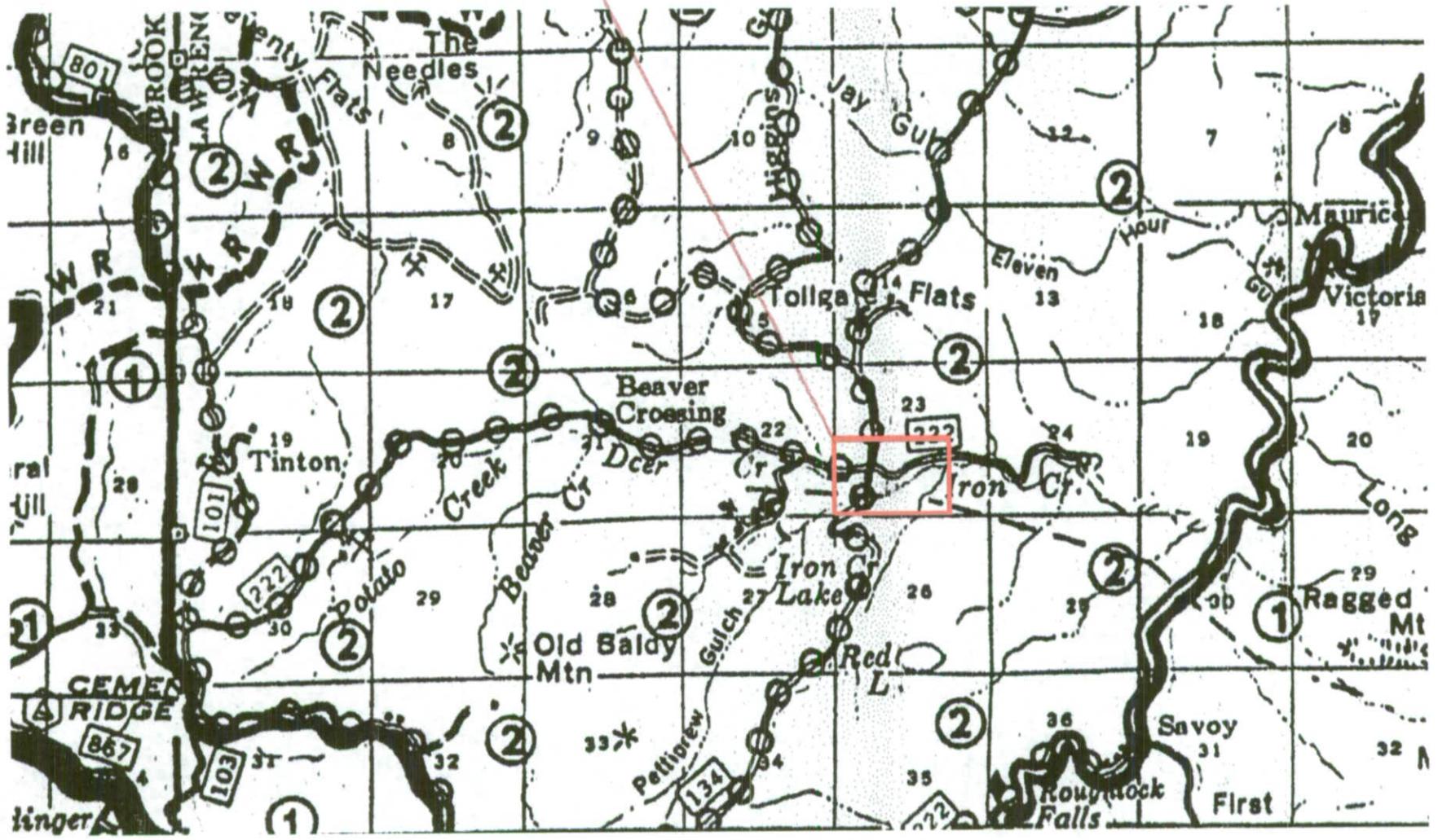
Sincerely,



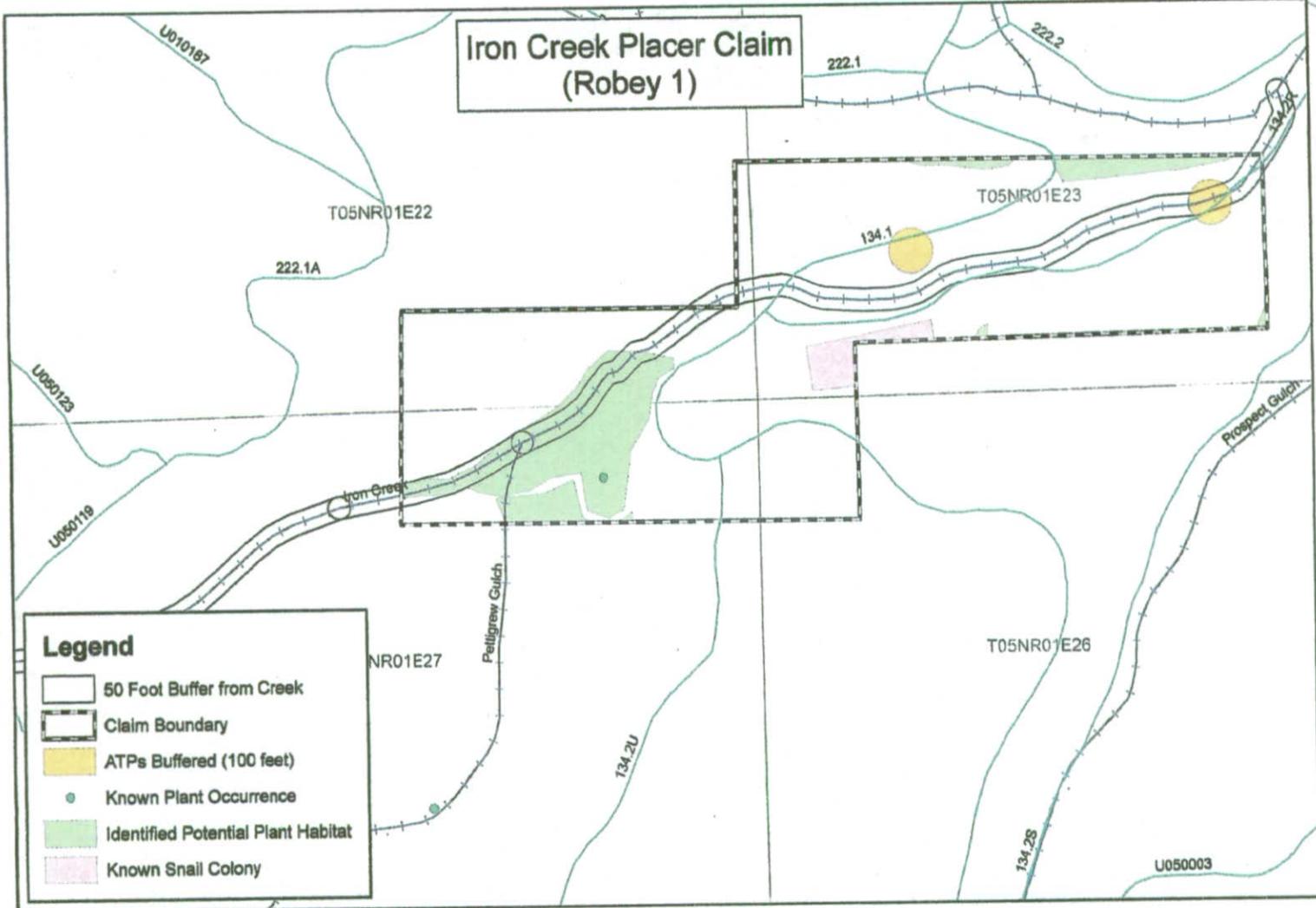
Teresa A. Fox

RECEIVED
MAY 16 2011
MINERALS & MINING PROGRAM

Robey #
Iron Creek Placer

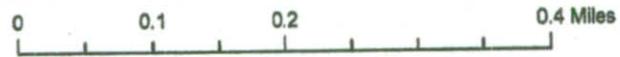


RECEIVED
MAY 16 2011
MINERALS & MINING PROGRAM



Legend

- 50 Foot Buffer from Creek
- Claim Boundary
- ATPs Buffered (100 feet)
- Known Plant Occurrence
- Identified Potential Plant Habitat
- Known Snail Colony



Created by J. Groce on March 28, 2011
Black Hills NF - Northern Hills RD
Note: Spatial locations are approximate
and subject to error.



5427

134.2

TOPD.COM

5333

1342R

Creek

134.2

Disturbance Area

Alternative Access

Waste?

ATP ↑
100-ft.
Buffer

Topsoil →

Iron Creek 50-foot Buffer

↑ Access

23

ATP ↑
100-ft.
Buffer

5395

1342R

134.2

Creek

Creek

RECEIVED
\$400
DAY 16 2011
MINERAL CLAIMS PROGRAM

Legend
Iron Creek Placer Claim
(Robey 1)

(Refer to attached areas of interest map created by U.S. Forest Service for items noted *outside* of the disturbance area)