



*cc: David Hicks, S+M/P,  
Fall River Co. Comm.,  
Rev. Agencies, + JP*  
**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  
DAVID HICKS**

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 David Hicks, 315 East State Street, Martin, SD 57551. 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 a proposed small-scale gypsum mining operation approximately six miles west of Hot Springs, SD. The legal description of the proposed operation is Portions of SE1/4 NE1/4 and NE1/4 SE1/4 Section 14; T7S-R4E, Fall River County. Mr. Hicks plans to remove topsoil and overburden in two-acre increments with a loader/backhoe or track dozer. Gypsum will be removed from the area and taken to a rock crusher facility on site for processing. Waste material and overburden will be used to backfill the mined areas. Reclamation will be ongoing during the mining operation.

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.

Mr. Hicks 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, Minerals and Mining Program, at (605) 773-4201.

Steven M. Pirner  
Secretary  
Department of Environment and Natural Resources

August 27, 2013