**DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES**
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 13, 2011

Larry Miller
300 Yellowstone Place
Spearfish, SD 57783

Re: Petition for Listing Special, Exceptional, Critical, or Unique Lands regarding Wharf Resources' proposed mine expansion

Dear Mr. Davis:

This letter is to confirm our receipt of your Petition for Listing Special, Exceptional, Critical or Unique Lands regarding Wharf Resource's proposed mine expansion. You specifically nominated the Terry Cemetery.

Please find enclosed the department's Notice of Determination, the department's Petition for Listing Special, Exceptional, Critical or Unique Lands, and the department's Determination of Special, Exceptional, Critical or Unique Lands. Also enclosed are the nominating petitions from Jeannine Guern, Vernon W. Davis and Larry Miller.

In accordance with ARSD 74:29:10:13, the Board of Minerals and Environment must hold a hearing on the nominating petitions within 45 days following the final day of submission. However, the department would like to extend the hearing date to March 17, 2011. Hearing date extensions are allowed by ARSD 74:29:10:13 with the agreement of the parties. We will need your concurrence to extend the hearing date to March 17 (you can give me a call). In the next few weeks, our office will draft a notice of hearing that will set the time, date and location for the hearing. The notice of hearing will be mailed to you.

In addition we will need your telephone number or e-mail address, in case we need to contact you regarding schedule changes, requests for additional information, etc.

If you have any questions on these matters, please contact me.

Sincerely,

Michael D. Cepak, PE

Michael D. Cepak, PE
Natural Resources Engineering Director
Minerals and Mining Program
Telephone: (605) 773-5418
E-mail: mike.cepak@state.sd.us

Encl.: Notice of Determination
Petition for Listing Special, Exceptional, Critical or Unique Lands
Determination of Special, Exceptional, Critical or Unique Lands
Jeannine Guern, Vernon W. Davis and Larry Miller nominating petitions

cc: Roxanne Giedd, Assistant Attorney General