

NOTICE OF HEARING
**APPLICATION FOR SMALL SCALE MINE PERMIT AND FINAL DESIGNATION OF SPECIAL,
EXCEPTIONAL, CRITICAL, OR UNIQUE LANDS FOR TERESA FOX**

Notice is hereby given that the South Dakota Department of Environment and Natural Resources has received a small scale mining permit application from Teresa Fox, 12040 Centennial Estates Loop, Whitewood, South Dakota 57793-3909, for a proposed placer mining operation. The legal location of the operation is S1/2 SW1/4 Section 23; T5N-R1E, Lawrence County. The general location is approximately nine miles southwest of Spearfish, South Dakota. The primary mineral to be mined is gold. This location is within the Spearfish Canyon Watershed area preliminarily designated as "special, exceptional, critical, or unique" lands.

The proposed mining operation will affect a maximum of five acres and will remove a maximum of 11,000 tons of material annually during the six-year life of the project. Placer gravels will be mined, hauled, and fed to a portable trommel-slucice with a rubber-track backhoe/excavator. Water needed in the process will be hauled to the site. Discharge gravels from the trommel-slucice will be stockpiled within designated disturbed areas and used to backfill pits. Any remaining stockpiles will be regraded and reclaimed in place. Topsoil and overburden will be stripped, stockpiled, and placed on the backfilled pits. Reclamation will be conducted concurrently with the mining operation. The proposed future land use is forest grassland.

In accordance with SDCL 45-6B and SDCL 1-26, a hearing of the final designation of the proposed mine area for special, exceptional, critical, or unique lands and small scale mine permit application will take place before the South Dakota Board of Minerals and Environment on August 15, 2012, beginning at 10:00 a.m. MDT at the Franklin Hotel, 700 Main Street, Deadwood, South Dakota. The board will inspect the proposed mine site on August 15, 2012, and the contested case proceeding will occur at 9:00 a.m. MDT on August 16, 2012 at the Franklin Hotel. The proceeding and the inspection are open to the public. Persons interested in attending the inspection will need to meet at the Franklin Hotel prior to 10:00 a.m. MDT for registration. Individuals not party to the proceedings will need to provide their own transportation to attend the site tour. Most of the proposed area is visible from Forest Service Road 134, however, it may not be directly accessible by persons with disabilities, since the site can only be accessed by foot and the terrain is somewhat rugged.

In accordance with ARSD 74:29:10:25, the board will determine, during the hearing, whether the lands in the proposed mine area are finally designated as special, exceptional, critical, or unique. In its final determinations, the board may find the land is unsuitable for mining, restrict the extent of land to be affected, impose limitations on the type of activity allowed, restrict the amount of time the land may be affected, or impose limitations that minimize visual impacts and reduce conflicts with scenic and recreational uses. The board may also approve, conditionally approve, or deny the permit application.

This hearing is an adversary proceeding. In accordance with ARSD 74:29:01:09, individuals that have become parties to the proceeding have the following rights at the hearing: to be present, to be represented by a lawyer. Individuals may represent themselves at the hearing; organizations must be represented by a lawyer. These and other due process rights will be forfeited if not exercised at the hearing. The decision, based on the hearing, may be appealed to the circuit court and the State Supreme Court as provided by law.

If the amount of controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the public hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making special arrangements is (605) 773-4201.

Persons desiring further information regarding this hearing may contact Roberta Hudson, Minerals and Mining Program, 523 East Capitol Avenue, Pierre, South Dakota 57501, phone (605) 773-4201.

Steven M. Pirner
Secretary
Department of Environment and Natural Resources