



**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

Vernon W. Davis  
PO Box 291  
Beulah, WY 82712

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.

We also need a copy of your original Petition (we have only the fax version at this time).

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

Sincerely,

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