



cc: Charles Ward, Pennington
Co. Comm., LP, USFS, + 5/10

**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
FOR CHARLES WARD**

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 Charles Ward, 928 Polaris Ct, Rapid City, South Dakota 57701. 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 placer gold mining operation located approximately 10 miles southwest of Rapid City, South Dakota just east of Rockerville. The legal description of the proposed operation is NW1/4 SW1/4 Section 18; T1S-R7E, Pennington County. Mr. Ward plans to excavate by hand material from Rockerville Gulch and carry the material in buckets to a highbanker. The material will be washed in the highbanker with recirculated water to recover gold ore. Waste rock and waste material from the highbanker will be used to backfill the mined areas prior to topsoil placement and seeding. The annual surface disturbance will be approximately 0.40 acres. Reclamation will be conducted concurrently with 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.

In accordance with ARSD 74:29:10:15, the lands described in the Notice of Intent to Operate are considered cleared from special, exceptional, critical, or unique characteristics. 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.

Charles Ward 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 Eric Holm 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.

November 14, 2012

Steven M. Pirner
Secretary