



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**NOTICE OF DETERMINATION OF  
SPECIAL, EXCEPTIONAL, CRITICAL, OR UNIQUE LANDS  
VMC LLC**

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 VMC LLC, 1110 Crestridge 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 the upgrade of an existing access road between VMC LLC's gold mining operation permitted under Large Scale Mine Permit 416 and Wharf Resources' access road approximately four miles east of Lead, South Dakota in Sections 32 and 33; T5N-R2E, Lawrence County. The road is approximately 1.8 miles in length and varies from 50 to 75 feet in width. The road will be upgraded to improve access to haul equipment to the Permit 416 area and for possible use as a haul road for small trucks and/or a conveyor system to remove ore from the mine. A portion of the hillside adjacent to a 1/2-mile section of the road will be excavated and used to backfill and repair damaged sections of the road.

In accordance with ARSD 74:29:10:08 and 74:29:10:09, the department has determined that the portion of the road in Section 33; T5N-R2E outside of the Wharf mine permit boundary as described in the Notice of Intent to Operate does not constitute special, exceptional, critical, or unique lands. However, since the portion of the road in Section 32; T5N-R2E is within the boundaries of the Spearfish Canyon Watershed that was placed on the preliminary list of Special, Exceptional, Critical, or Unique Lands in 1991, the department has determined that this portion of the road is eligible for inclusion on the preliminary list of special, exceptional, critical, or unique lands. This determination is based on the on-site inspection of the proposed lands to be affected, examination of the established preliminary list, consultation with other agencies, and evaluation of 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 portion of the road in Section 33; T5N-R2E as described in the Notice of Intent to Operate is 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.

VMC LLC 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, Minerals and Mining Program, at (605) 773-4201.

Hunter Roberts  
Secretary  
Department of Environment and Natural Resources

April 1, 2020