

**RECOMMENDED CONDITIONS  
AMERICAN COLLOID COMPANY  
SMALL SCALE MINE PERMIT NO. 483**

General

1. The conditional approval of this permit application hereby incorporates by reference those representations made by American Colloid Company (hereafter called American Colloid) as to plans, specifications, operations, environmental impacts, and reclamation as contained in the permit application submitted March 5, 2014, and supplemental information submitted May 22 and June 16, 2014. The representations contained in the permit application are general conditions unless modified by the following conditions, modified by future technical revisions, amendments or permits, or modified by other conditions imposed by the Board of Minerals and Environment.
2. This permit and all rights under such are expressly conditioned on the truth of representations made by American Colloid, its officers, employees, and contractors in the application, supporting documentation related to the application, and evidence presented to the board. Should any such material representation prove to be false, this permit and all rights under such may be canceled upon such findings by the board.
3. This permit is conditioned upon compliance with all applicable laws and regulations.
4. American Colloid shall follow the recommendations made by the South Dakota Department of Tourism, the South Dakota Department of Agriculture, the South Dakota Department of Game, Fish, and Parks, and the South Dakota Department of Health except as modified or restated in these conditions.
5. Should any cultural resources be unearthed during access road construction, operations in the area shall immediately stop and the State Archaeologist shall be contacted.

Reclamation

1. Before reclamation bond and liability release, reclaimed and revegetated areas must exhibit a vegetative cover that is capable of self-regeneration and at least equal in cover, density, and diversity to the existing vegetation in the extended comparison area.
2. Before final closure and reclamation bond release, American Colloid shall maintain sufficient access to reclaimed areas to allow for any necessary reclamation maintenance required. Roads not necessary for future use shall be reclaimed upon determination of the success of reclamation of all other affected and reclaimed areas.
3. American Colloid shall use the seed mix specified in the permit application during reclamation of the mine site. A technical revision shall be submitted to the department for any changes to the seed mix. The modified seed mix cannot be used until the department approves the technical revision.

## Dust Control

1. American Colloid shall effectively control fugitive dust and other air emissions from the access road. Dust control measures may include using water trucks, dust filters on equipment, dust suppressants (such as magnesium chloride) on roads, and/or vegetating disturbed areas as soon as possible.
2. American Colloid shall notify the department within five working days of written complaints from adjacent landowners concerning dust. The department, upon finding that a complaint is based in fact on a potential permit violation, may require American Colloid to develop a mitigation plan to correct the potential violation. The completion date for the mitigation plan will be set at the time of the department request.

## Erosion and Sediment Control

1. If sediment from the access road enters Crow Creek, American Colloid shall install rock check dams, hay bales, additional diversion ditches, or other adequate structures to minimize channelization and erosion from surface runoff. American Colloid shall, as soon as possible, contact the Department of Environment and Natural Resources and the Department of Game, Fish, and Parks if any sediment is found entering the creek.
2. Erosion and sediment control structures shall be in place where necessary and functional during all operational and reclamation phases. American Colloid shall perform periodic maintenance on all erosion and sediment control structures to ensure control effectiveness.

## Water Quality

1. The department reserves the right to require operational water quality monitoring along Crow Creek if the department finds that sediment from the access road is adversely impacting the creek.

## Biological Monitoring

1. Prior to June 1 of each year, American Colloid will conduct avian monitoring on affected lands and buffers to determine if operations along the access road are adversely impacting identified species. Monitoring conducted by a qualified individual will document winter roosts and both ground and tree nesting species activity. Raptor nest and winter roost surveys will be conducted to a 0.5 mile line of sight buffer from affected lands specified in the mine permit. Reports detailing nesting species surveys and mitigation will be sent to the Department of Game, Fish and Parks, Energy and Minerals Coordinator, and the Department of Environment and Natural Resources by June 15 of each year.
2. Upon discovering any state or federal listed rare, threatened, or endangered species, the critical habitat of such species, or nesting birds within or adjacent to the permitted affected area, American Colloid shall promptly notify the Department of Game, Fish, and Parks. Prior to proceeding with operations that may impact threatened or endangered species or their critical habitat, American Colloid shall consult with the department and the Department of Game, Fish,

and Parks for direction regarding how to avoid adverse impacts to such species and their critical habitat.

### Reclamation Surety

1. American Colloid shall submit a reclamation surety in the amount of \$2,500 before the permit is issued. The department reserves the right to adjust the bond based on the amount of new disturbance, the reclaimed acreage, and any changes to the original mine plan. The reclamation surety may also be adjusted downward as reclamation work is completed.

### Technical Revisions

1. The Board of Minerals and Environment, pursuant to ARSD 74:29:03:16, authorizes the department to approve proposed technical revisions to American Colloid's mining permit for the following:
  1. Seeding mixtures or rates;
  2. Topsoil stripping and borrow or storage piles;
  3. Adding contiguous affected land within the permit boundary area for this permit with the total of such additions not to exceed 20 percent of the permitted affected land area of 6.01 acres for this permit. The maximum amount of expansion allowed (20% of 6.01 acres) is 1.20 acres;
  4. Modification or relocation of erosion, sedimentation, or drainage control including sediment control structures;
  5. Implementing new and improved reclamation techniques as they are developed;
  6. Modification of operating time tables for proposed operation; and
  7. Modification of the reclamation plan;

Technical revisions must comply with ARSD 74:29:03:03, as applicable, and must be submitted to the department in writing. The department shall approve, disapprove, conditionally approve, or request additional information deemed necessary to approve technical revisions within thirty days of receipt.