

PMB 2020
Department of Environment and Natural Resources
Minerals and Mining Program
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Pierre, SD 57501-3182
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REQUEST FOR DETERMINATION
SPECIAL, EXCEPTIONAL, CRITICAL,
OR UNIQUE LANDS AND NOTICE OF
INTENT TO OPERATE

MINERALS & MINING PROGRAM

Name of Operator James L. Dean
Office Address 23863 Palmer Gulch Rd.
Hill City, SD 57745
Telephone 605-574-2760
Local Address Same
Telephone Same
Legal Description NE 1/4 Sec. 24; T1N-R3E

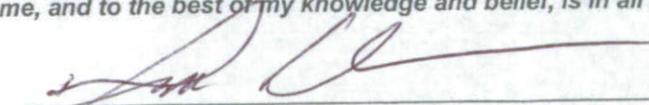
County Pennington

Name and Address of Surface Owner
USDA Forest Service
Mystic Ranger District
8221 South HWY 16
Rapid City, SD 57702

Name and Address of Mineral Owner
James L Dean MMC 221802

Name and Address of Surface Owners Within 500 Feet of the Proposed Mining Operation
USDA Forest Service
Mystic Ranger District
8221 South HWY 16
Rapid City, SD 57702

I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Signature 

Title Pres

Date 3-18-15

FOR DEPARTMENT USE ONLY

The land described in this Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent to Operate () is () is not eligible for inclusion on the list of special, exceptional, critical, or unique lands.

Date _____

Secretary, Department of Environment and Natural Resources

Operator Appeal Date _____

Intervenor Contest Date _____

The land described in this Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent to Operate () is () is not eligible for inclusion on the list of special, exceptional, critical, or unique lands.

Date _____

Chairman, SD Board of Minerals and Environment

REQUEST FOR DETERMINATION OF SPECIAL, EXCEPTIONAL, CRITICAL, OR UNIQUE LANDS AND NOTICE OF INTENT TO OPERATE.

GENERAL DESCRIPTION OF THE TYPE OF MINING OPERATION PROPOSED AND HOW IT WOULD BE CONDUCTED.

The small scale mining operation proposed is similar to the other small scale operations i already have in place. The area proposed for mining is the same area where an exploration permit has been granted. The total surface area disturbance could be 5 acres. It is anticipated that the surface disturbance will be less then this and the life of the mine 15- 20 years.

Method of mining will be drilling with a drill an air compressor and blasting. We will then dig and sort the slate. We will use a front end loader, backhoe, or excavator to load ten yard dump trucks . Material will be trucked to Dakota Stone in Hill City, SD. This site has been mined as an exploration and shows a possibility of supplying more stone. The slate is on the surface with very little topsoil. We will be following the vein of slate to the North. At times a grizzly will be used, but will not be on site all the time.Reclamation will be ongoing, We are ready to reclaim the South end. All reclamation planning is done with the help of The Forest Service.

Access to the property will be Forest Service road. See attached map.

Any refuse generated at the site will be hauled to an off-site facility for disposal. All potentially hazardous refuse such as waste oil will be hauled to a permitted off-site facility for disposal.

No structures will be present.

Any topsoil will be grizzled for reclamation. Topsoil stockpile is marked. No water will be used in the operation. Mining will not be conducted under the groundwater table.Sediment controls will be used as necessary. Mine waste generated at the site such as waste rock and tailings are relatively inert and do not pose a threat to water quality or the environment. Noxious weeds will be sprayed. All reclamation will be done to USDA Forest Service specifications. No No mitigation measures are necessary to protect fish or wildlife. The mine is not visible from any main road or viewing area. Any dust generated will be attenuated by trees surrounding the operation. A cultural survey of the area has been done and no sites requiring protection have been identified.

LAND DOESN'T HAVE THE FOLLOWING ATTRIBUTES.

Scenic: No scenic value will be lost. The area is in remote location and is hidden by trees and hills.

Historic, Archaeological, Ethnologic, and Cultural There are no known historic sites in the proposed project area. No known cultural material has been identified in the proposed project mine area. There are no known ethnologic concerns in the proposed project area. There are no known cultural concerns in the proposed project area. A cultural survey of the area has been completed and the review from the State Archaeologist stated there will be no effect on known cultural resources. No significant cultural resources have been recorded in the immediate vicinity of the project area. If a discovery is made, work will be halted.

Topographic: Most of the mining area is on a ridge where there is a slate outcropping at about 5080 ft. in elevation. The site is just southeast of the Crooked Creek quarry. The topography is similar to that quarry and the surrounding area. There are no topographic features for this site that are unique or critical to the area. The terrain is mostly slate with little topsoil.

Geologic: The area is a slate outcropping. The geology is similar to the surrounding area and many other areas in the Black Hills. The proposed operation will be to remove the slate material.

Scientific: Soil, vegetation and wildlife indicate no unique scientific characteristics. A wildlife survey has been done by the Forest Service showing the proposed project will not have detrimental effects on threatened, endangered or sensitive plant or wildlife species. There are no riparian habitats present within the immediate project area. There will be no impact on Crooked Creek. The USFS wildlife survey has been included with the application.

Recreational: No recreational usage have been observed. There will be no impact on hiking, hunting or other recreational use.

DEFINING IF LAND IS SPECIAL, EXCEPTIONAL, CRITICAL, OR UNIQUE.

The land is not ecologically fragile and operations will not have a strong influence on the total ecosystem. Ponderosa pine is the primary in this location. Plants and wildlife are adapted to withstand a wide range of fluctuation. Very little vegetation will be affected. Since reclamation will be continuous affected areas will be seeded into grasses. No water will be used in the operation.

Cattle occupy the area for summer rangeland. Grazing will not be affected as the mine area is very rocky. There are no high walls to be concerned about.

Wildlife in the area will not be affected as adjacent habitat will be able to accommodate any possible wildlife. A wildlife survey has been done by the Forest Service showing the proposed project will not have any detrimental effects on rare plant or wildlife species or their habitats.

This project is expected to have no effect on streams or wetlands, heritage resources or threatened or endangered species. If something of a Biological concern would be encountered, It will be brought to the attention of The Forest Service, S.D. Department of Environment and Natural Resources, and S.D. Game, Fish, and Parks.



The proposed permit 5 acre boundaries



Gary H. Haag, CPG
South Zone Geologist
Forest Service

Black Hills National Forest

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Custer, SD 57730

www.fs.fed.us



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United States
Department of
Agriculture

Forest
Service

Black Hills
National
Forest

Mystic Ranger District
803 Soo San Drive
Rapid City, SD 57702
605-343-1567
23939 Hwy 385
Hill City, SD 57745
605-574-2534

File Code: 2670

Date: January 19, 2005

Route To: Steve Pischke

Subject: Crooked Creek Slate Quarry Wildlife, Fishery and Botany Specialist Input
Project Request Form Number 04-054

To: Project File

Attached please find the Biological Assessment/Biological Evaluation (BA/BE) for the Crooked Creek Slate Quarry Project proposal to develop a new slate quarry. Also attached is a recommended seed mix to be used to revegetate soils disturbed by project activities.

There are no late successional sites designated by the Forest Plan in the project area. The Forest Plan provides direction to protect all colonies of seven snail species of concern identified by Frest and Johannes (2002) from adverse effects (Standard 3103). The sensitive snail species has been addressed in the attached BA/BE. None of the Frest and Johannes (2002) survey sites are within the project area.

Although there are no riparian habitats present within the immediate project area, such habitats associated with Crooked Creek are present directly adjacent to and below the project area. It is therefore recommended that project activities proceed with caution so as not to cause negative impacts to riparian habitats.

With incorporation of mitigation measures specified in the Crooked Creek Slate Quarry BA/BE, implementation of the proposed project will not have detrimental effects on rare plant or wildlife species or their habitats.

C. Shirlene Haas

C. SHIRLENE HAAS
Wildlife Biologist

Enclosure: Recommended Seed Mix
Crooked Creek Slate Quarry BA/BE



Crooked Creek Slate Quarry Recommended Seed Mix

- 25% Slender wheatgrass (*Elymus trachycaulus*)
- 30% Annual ryegrass (*Lolium multiflorum*)
- 10% Canada wildrye (*Elymus canadensis*)
- 10% Canby bluegrass (*Poa canbyi*)
- 20% Green needlegrass (*Nassella viridula*)
- 5% Prairie clover (*Dalea purpurea*)

Please Note:

- All seed should be certified weed-free, pure live seed.
- Seed at the rate of 15-19#/acre.

Alternatively, the "Mystic Seed Mix" sold by Warne Chemical in Rapid City may be used in areas where sod-forming species are desirable to retard regeneration of ponderosa pine.

BIOLOGICAL ASSESSMENT / BIOLOGICAL EVALUATION

For the

Crooked Creek Slate Quarry Project

Mystic Ranger District, Black Hills National Forest

Prepared by C. Shulem Haas Date Jan. 19, 2005
Wildlife Biologist

I. INTRODUCTION AND SCOPE

The Crooked Creek Slate Quarry Biological Assessment/Biological Evaluation (BA/BE) is a review and analysis of actions proposed by Jim Dean of Dakota Stone, who currently holds a special use permit to operate several other slate quarries on the Mystic District. The proposed action is to develop a new slate quarry and build an associated access road. The purpose of the BA/BE is to determine how the proposed action will affect federally listed species or sensitive species listed by the Rocky Mountain Region (FSM 2670, FSM Regional Supplement No. 2600-2003-1 dated December 1, 2003, and Regional Forester memo dated November 3, 2003). The Crooked Creek Slate Quarry BA/BE does not address species listed as threatened or endangered by the state of South Dakota, species tracked by the South Dakota Natural Heritage Program, or U.S. Fish and Wildlife Service (USFWS) candidate species, unless they have been identified as Region 2 sensitive species. This BA/BE is prepared in accordance with legal requirements set forth under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536 (c)), and follows standards established in Forest Service Manual direction (2672.42) and the Code of Federal Regulations (50 CFR S402). This document tiers directly to the revised Black Hills National Forest Land and Resource Management Plan (Forest Plan), (USDA Forest Service 1997), the BA/BE completed for the Forest Plan Revision (USDA Forest Service 1996), and the BA/BE prepared for the Phase I Amendment (USDA Forest Service 2001).

The Crooked Creek Slate Quarry BA/BE evaluates the proposed management action as set forth in the project proposal, as well as associated mitigation measures. Any actions in addition to or outside the scope of these activities will require further analysis and documentation.

II. DESCRIPTION OF THE PROPOSAL

The purpose and need for the actions proposed in the Crooked Creek Slate Quarry Project is to develop a new slate quarry and associated access road. The quarry would be approximately 2

acres in size, and quarry development would proceed from north to south. The new access road would be approximately 150 feet long. Some trees (of various sizes, some of which are >9" DBH) would be removed to construct the road and develop the quarry. A buffer of trees adjacent to FSR 443 would be retained for visual purposes. Tailings from quarry development would be used to spot plate several soft spots in FSR 443. Refer to the Crooked Creek Slate Quarry project file for more detailed discussion and maps of the proposed action.

The Crooked Creek Slate Quarry BA/BE was developed to review the proposed action on the Mystic Ranger District, Black Hills National Forest. The project lies in Management Area 5.1 (Resource Production Emphasis) designated by the Forest Plan, and is located approximately 3.5 miles southwest of Mystic in Pennington County in T1N, R3E, Section 24. Elevation in the project area is approximately 5840 feet, and the landtype association is defined as Moderately Rolling Uplands (Hoeft 1988). Topography associated with this landtype is described as moderately sloping to steep sideslopes, narrow to broad valley bottoms, and rock outcrops. Soils in the area are primarily classified as the Pactola-Rock Outcrop-Virkul association, consisting of rock outcrops and deep, well-drained, gently sloping to very steep loamy soils formed in material weathered from steeply tilted metamorphic rock (USDA Soil Conservation Service 1990).

The Crooked Creek Slate Quarry project area supports primarily the ponderosa pine/Oregon grape plant community type (Marriott et al. 1999). The ponderosa pine in the project area consists of a moderately open canopy of mature black-bark trees that range from approximately 7-15" DBH. There is no white spruce in the immediate project area, although there are a few scattered spruce trees along the adjacent drainage bottoms. There are no riparian habitats within the project area, although there are riparian habitats immediately south and east of the project area, associated with Crooked Creek. Refer to the Black Hills Community Inventory (Marriott et al. 1999) for a more detailed discussion of plant communities.

III. PRE-FIELD REVIEW AND FIELD RECONNAISSANCE

The pre-field review was completed using survey results, district records, literature reviews, on-line databases, the South Dakota Natural Heritage Database, and Forest Plan Monitoring Reports (USDA Forest Service 1998-2002). Publications based on fieldwork performed in the Black Hills (Peterson 1974, Turner 1974, Peterson 1993, Tigner and Aney 1994, etc.) and the Expert Interview Summary for the Black Hills National Forest Plan Phase I Amendment were also used. Data and results of all surveys performed can be found in District project files.

Limited surveys of potentially suitable nesting habitat for northern goshawk adjacent to the project area were completed during the 1997 nesting season in association with the Crooked Project by trained Forest Service personnel. No active goshawk nests were found, and the nearest established goshawk territory is approximately 2 miles southeast of the quarry project area. None of the Frest and Johannes (2002) snail survey sites are located within the proposed Crooked Creek Slate Quarry Project Area, and the nearest snail survey site is approximately 2 miles north/northeast of the project area. *Oreohelix strigosa cooperi* was not among the snail species located at the site.

Surveys of habitats adjacent to the project area with a high potential to support rare plants were conducted in July 1996 in association with the Crooked Project by contract personnel trained and experienced in plant identification. No surveys were conducted of the immediate project area because habitats were determined during the above survey to have a low potential to support rare plants. No sensitive plant species were found adjacent to the project area (i.e. within 2-3 miles).

IV. ENDANGERED, THREATENED, AND PROPOSED SPECIES CONSIDERED IN THE ANALYSIS

A list of Federally threatened, endangered and proposed species for Pennington County, South Dakota was obtained from the website of the South Dakota Field Office of the Mountain Prairie Region (U.S. Fish and Wildlife Service 2004). There are five threatened or endangered but no proposed wildlife species, and no plant species included on the list, as shown in Table 1 below. There is no designated critical habitat for any of the species in Table 1 on the Black Hills National Forest. Species occurrence or presence/absence of suitable habitat in the project area is also displayed in Table 1 for each threatened or endangered species. If a species is known or suspected to occur in the Crooked Creek Slate Quarry Project Area, or if suitable but unoccupied habitat is present, then the species has been analyzed with respect to effects of project activities, and determinations for those species are found below in Table 3. If the species or suitable habitat does not occur in the project area, then it is excluded from further analysis and no determination is necessary.

Table 1. Federally endangered, threatened, and proposed species for Pennington County, South Dakota.

Common Name (Scientific Name)	Status ¹	Known/Suspected in Project Area ²	Suitable Habitat Present ³	Analysis Provided ⁴	Habitat Description
Whooping crane (<i>Grus americana</i>)	E	No	No	No	Known only from eastern Pennington county; breeds/nests along prairie lake margins and in marshes; migratory in SD (USFWS 2003).
Least tern (<i>Sterna antillarum</i>)	E	No	No	No	Known only from eastern Pennington county; nests on open shorelines, riverine sandbars and mudflats (USFWS 2003).
Black-footed ferret (<i>Mustela nigripes</i>)	E	No	No	No	Closely associated with prairie dog towns on short-grass prairie (USFWS 2003).
American burying beetle (<i>Nicrophorus americanus</i>)	E	No	No	No	Known only from Gregory, Tripp, and Todd counties (USFWS 2003); no indication associated with western montane forests.
Bald eagle (<i>Haliaeetus leucocephalus</i>)	T	No	Yes (winter)	Yes	Usually found near open water or in areas with abundant carrion in winter (South Dakota Ornithologist's Union 2002).

¹E = endangered; T = threatened.

²Species presence known or suspected in the project area.

³Potentially suitable habitat present in the project area.

⁴Species not known or suspected to be present and with no suitable habitat present in the project area will not be further analyzed in this document because they would not be affected by project activities.

V. SENSITIVE SPECIES CONSIDERED IN THE ANALYSIS

The sensitive species list for the Rocky Mountain Region was updated by Regional Forester memo (dated November 3, 2003) and FSM Regional Supplement No. 2600-2003-1 (dated December 1, 2003). The list of sensitive species was verified by checking the Region 2 Threatened, Endangered and Sensitive Species Program website (USDA Forest Service 2003b).

There are 24 wildlife species and 14 plant species on the Forest Service Region 2 sensitive species list that are known or suspected to occur, or for which potentially suitable habitat is suspected to occur on the Black Hills National Forest. These species are shown in Table 2 below. Species occurrence or presence/absence of suitable habitat in or immediately adjacent to the project area is also displayed in Table 2 for each of the 38 sensitive species. If a species is known or suspected to occur in the Crooked Creek Slate Quarry Project Area, or if suitable but unoccupied habitat is present, then the species has been analyzed with respect to effects of project activities, and determinations for those species are found below in Table 3. If the species or suitable habitat does not occur in or adjacent to the project area, then it is excluded from further analysis and no determination is necessary.

Table 2. U.S. Forest Service Region 2 sensitive species for the Black Hills National Forest, and species occurrence or presence/absence of suitable habitat in the Crooked Creek Slate Quarry Project Area.

Common Name (Scientific Name)	Species Present ¹	Suitable Habitat Present ²	Analysis Provided ³	Habitat Description
Fringed Myotis (<i>Myotis thysanodes</i>)	No	Yes (foraging)	Yes	Roosts in caves and mines, on snags and rock faces; forages on insects in various habitats, including shrublands and forested areas (Schmidt 2003a).
Townsend's Big-eared Bat (<i>Corynorhinus townsendii</i>)	No	Yes (foraging)	Yes	Roosts in caves and mines, occasionally buildings; forages on insects in various habitats including forested and wet areas (Schmidt 2003b).
Black-tailed Prairie Dog (<i>Cynomys ludovicianus</i>)	No	No	No	Short and mixed grass prairie with soils conducive to burrowing (Higgins et al. 2000).
American Marten (<i>Martes americana</i>)	No	No	No	Spruce forests with complex near-ground structure, extending into adjacent pine stands (Buskirk 2002).
Northern Harrier (<i>Circus cyaneus</i>)	No	Yes (foraging)	Yes	Open areas; prairies, wetlands or grasslands with tall dense vegetation and high residual cover; logged or burned woodlands (South Dakota Ornithologist's Union 2002, USDA Forest Service 2002).
Northern Goshawk (<i>Accipiter gentilis</i>)	No	Yes (foraging)	Yes	Nests primarily in dense mature conifer forests; forages in a variety of forested areas and small openings (Kennedy 2003).
American Peregrine Falcon (<i>Falco peregrinus anatum</i>)	No	Yes	Yes	Open areas and woodland edges (South Dakota Ornithologist's Union 2002); nests on rocky cliffs or buildings.

Common Name (Scientific Name)	Species Present ¹	Suitable Habitat Present ²	Analysis Provided ³	Habitat Description
Mountain Plover (<i>Charadrius montanus</i>)	No	No	No	Large, flat grasslands with sparse, short vegetation and bare ground (USDA Forest Service 2002).
Yellow-billed Cuckoo (<i>Coccyzus americanus</i>)	No	No	No	Low elevation riparian areas and cottonwood/willow or bur oak woodlands with dense shrub understory (Rocky Mountain Bird Observatory 2003).
Burrowing Owl (<i>Athene cunicularia</i>)	No	No	No	Short/mixed grass prairie, usually associated with ground squirrels or prairie dogs (Johnson and Anderson 2002, South Dakota Ornithologist's Union 2002).
Flammulated Owl (<i>Otus flammeolus</i>)	No	Yes	Yes	Open ponderosa pine forests (Hayward and Verner 1994).
Lewis's Woodpecker (<i>Melanerpes lewis</i>)	No	Yes	Yes	Burns, open pine, oak, or cottonwood forests with large snags for nesting (Anderson 2003, Rocky Mountain Bird Observatory 2003).
Black-backed Woodpecker (<i>Picoides arcticus</i>)	No	Yes	Yes	Burned areas with high density of pre-burn snags; dense and/or mature forest with high snag density (Anderson 2003, Rocky Mountain Bird Observatory 2003).
Three-toed Woodpecker (<i>Picoides dorsalis</i>)	No	No	No	Mature spruce forests, burned areas (Anderson 2003, Rocky Mountain Bird Observatory 2003).
Loggerhead Shrike (<i>Lanius ludovicianus</i>)	No	No	No	Open areas with scattered, low deciduous thickets (South Dakota Ornithologist's Union 2002).
Grasshopper Sparrow (<i>Ammodramus savannarum</i>)	No	No	No	Grasslands of intermediate height with bare patches and moderately deep litter (NatureServe 2003).
Leopard Frog (<i>Rana pipiens</i>)	No	Yes (foraging)	Yes	Riparian and wetland areas for tadpoles, subadults, and breeding adults; upland habitats for foraging adults (Smith 2003).
Black Hills Red-belly Snake (<i>Storeria occipitomaculata pahasapae</i>)	No	Yes	Yes	Moist habitats with well-developed ground litter (Smith and Stephens 2003a).
Lake Chub (<i>Couesius plumbeus</i>)	No	No	No	Cool, gravel-bottomed pools and runs of streams; rocky lake margins. Known only from Deerfield Lake (USDA Forest Service 2002).
Finescale Dace (<i>Phoxinus neogaeus</i>)	No	No	No	Cool spring-fed bogs, lakes and creeks; small, weedy, sluggish streams and small lakes. Known only from Bearlodge and Northern Hills Ranger Districts (USDA Forest Service No Date).
Mountain Sucker (<i>Castostomus platyrhynchus</i>)	No	No	No	Cold, clear creeks and small to medium-sized rivers with rubble, sand, or gravel substrate (USDA Forest Service No Date).
Cooper's Mountain Snail (<i>Oreohelix strigosa cooperi</i>)	No	No	No	Lowland wooded or riparian areas on limestone soils (Frest and Johannes 2002).
Regal Fritillary Butterfly (<i>Speyeria idalia</i>)	No	No	No	Tall-grass or mixed-grass prairie with violets (Marrone 2002).

Common Name (Scientific Name)	Species Present ¹	Suitable Habitat Present ²	Analysis Provided ³	Habitat Description
Ottoo Skipper (<i>Hesperia ottoe</i>)	No	No	No	Relatively undisturbed, mixed-grass to tall-grass prairie sites (Marrone 2002).
Smallflower Columbine (<i>Aquilegia brevistyla</i>)	No	No	No	Moist coniferous or mixed deciduous forest, primarily in drainages in limestone areas (Larson and Johnson 1999).
Narrow-leaf Grape-fern (<i>Botrychium lineare</i>)	No	Yes	Yes	Openings in limestone/sandstone soils, often associated with past soil disturbance, such as old roadbeds. One known occurrence on BHNH, Dugout Gulch, WY. (USDA Forest Service 2003c).
Leathery Grape-fern (<i>Botrychium multifidum</i>)	No	No	No	Moist meadows and rich woodlands, usually mesic sites dominated by spruce. Known occurrences in Norbeck Wildlife Preserve and Black Elk Wilderness (USDA Forest Service 2003c).
Fox Tail Sedge (<i>Carex alopecoidea</i>)	No	No	No	Wet meadows and willow-sedge communities along streams (Ode and Marriott 1990).
Bristlystalked Sedge (<i>Carex leptalea</i>)	No	No	No	Bogs and other wet areas (Great Plains Flora Assn 1986, Hitchcock and Cronquist 1973), usually in drainage bottoms.
Lesser Yellow Lady's Slipper (<i>Cypripedium parviflorum</i>)	No	No	No	Damp woodlands and moist rocky slopes along forested drainages (Hitchcock and Cronquist 1973, Larson and Johnson 1999).
Giant Helleborine (<i>Epipactis gigantea</i>)	No	No	No	Warm, calcareous springs (USDA Forest Service 1996, 2002). Known only from Cascade Springs.
Trailing Clubmoss (<i>Lycopodium complanatum</i>)	No	No	No	Moist, shaded, steep, north-facing slopes in spruce/birch forest, often in moist side drainages (Hornbeck et al. 2002).
Large Roundleaf Orchid (<i>Platanthera orbiculata</i>)	No	No	No	Shady, north-facing slopes in birch/hardwoods, occasionally conifer forests on damp, rich, humus soil (Hornbeck et al. 2003b).
Sageleaf Willow (<i>Salix candida</i>)	No	No	No	Calcareous fen areas associated with marshes, streams, and springs (Great Plains Flora Assn. 1986). Known only from McIntosh Fen.
Autumn Willow (<i>Salix serissima</i>)	No	No	No	Calcareous bog/fen habitats (USDA Forest Service 2002). Known only from McIntosh Fen.
Bloodroot (<i>Sanguinaria canadensis</i>)	No	No	No	Floodplains, terraces, and north-facing slopes of rich deciduous forests in leaf litter and loamy soil; occasionally coniferous forests (Hornbeck et al. 2003a).
American Cranberrybush (<i>Viburnum opulus</i> var. <i>americanum</i>)	No	No	No	Wet, often shaded areas along streams, springs, and canyon bottoms (Larson and Johnson 1999). Known only from Northern Hills and Bearlodge Districts.
Great-spurred Violet (<i>Viola selkirkii</i>)	No	No	No	Cold air drainages in spruce woodlands (USDA Forest Service 1996, 2002).

¹Species presence known or suspected in or immediately adjacent to the project area.

²Potentially suitable habitat present in or immediately adjacent to the project area.

³Species not known or suspected to be present and with no suitable habitat present in the project area will not be further analyzed in this document because they would not be affected by project activities.

VI. ANALYSIS OF EFFECTS AND DETERMINATIONS

Analysis was conducted on the effects of the proposed action and associated mitigation measures on USFWS endangered, threatened and proposed species and R2 sensitive species that may occur or for which potentially suitable habitat occurs in the Crooked Creek Slate Quarry Project Area. Mitigation to avoid, minimize, or rectify effects to species and their habitats are integral to the determinations.

Sources of information used to develop the effects analysis include the following:

- Scientific literature;
- South Dakota Natural Heritage Database;
- Habitat maps provided in the Forest Plan BA/BE (USDA Forest Service 1996);
- Online species information sources;
- Forest Plan Monitoring Reports (USDA Forest Service 1998-2002);
- BA/BE for the Phase I Amendment to the Forest Plan (USDA Forest Service 2001);
- Revised Forest Plan BE (USDA Forest Service 1996, Appendix H) gives a thorough overview of distribution and life history for some sensitive species, and provides maps of suitable habitat across the Black Hills; this document is incorporated by reference;
- The Expert Interview Summary for the Black Hills National Forest Land and Resource Management Plan Amendment (USDA Forest Service 2000) provides further information on life history, habitat relationships, and effects of specific management activities; this document is also incorporated by reference; and
- Conservation assessments have been completed for selected species, which assimilate current knowledge about a species and provide a thorough, informed and objective overview of the species' status within the Black Hills. These conservation assessments were also used as information sources, and are incorporated by reference.

Table 3 summarizes factors considered in the analysis of Federally listed and Region 2 sensitive species that occur or for which potentially suitable habitat occurs in or immediately adjacent to the Crooked Creek Slate Quarry Project Area. Each column represents a summary of information compiled for analysis and provides information on each species' occurrence, distribution, abundance, population trend, and availability and vulnerability of habitats to management activities. This summary also provides the determination of effects of all alternatives made for each species for the Crooked Creek Slate Quarry Project.

The determination of effects on federally listed species and Region 2 sensitive species were made based on the information gathered in the pre-field review, field reconnaissance, and effects analysis for the proposed action and associated mitigation measures. The basis for these determinations was potential habitat, distribution, effects from proposed activities, and implementation of project specific mitigation measures. The determination language is set forth in Forest Service Manual 2670 and by the USFWS.

Objectives, standards, and guidelines have been identified in the Forest Plan, as amended, that protect all federally listed species and conserve Region 2 Sensitive Species found in the Black Hills. Project implementation will incorporate all Forest Plan Standards and Guidelines.

Table 3. Analysis summary and determinations for Federally listed and Region 2 sensitive species for the Crooked Creek Slate Quarry Project (see corresponding Table Legend below).

Species	Evaluation Criteria								Determination
	Listing Status	Black Hills Occurrence	Black Hills Distribution	Distribution Outside BH	Black Hills Abundance	BH Population Trend	Black Hills Habitat	Project Area Habitat	
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	B	B	C	C	C	B	C	A C	A
Fringed Myotis (<i>Myotis thysanodes</i>)	D	A	B	A	B	D	A	A C	G
Townsend's Big-eared Bat (<i>Corynorhinus townsendii</i>)	D	A	B	C	B	D	A	A C	G
Northern Harrier (<i>Circus cyaneus</i>)	D	C	A	C	A	D	C	A C	G
Northern Goshawk (<i>Accipiter gentilis</i>)	D	A	C	C	B	D	B	A B	G
American Peregrine Falcon (<i>Falco peregrinus anatum</i>)	D	C	A	C	A	D	B	A C	G
Flammulated Owl (<i>Otus flammeolus</i>)	D	D	A	C	A	D	B	A C	G
Lewis's Woodpecker (<i>Melanerpes lewis</i>)	D	A	C	C	B	D	B	A C	G
Black-backed Woodpecker (<i>Picoides arcticus</i>)	D	A	B	C	A	D	B	A C	G
Leopard Frog (<i>Rana pipiens</i>)	D	A	C	C	C	D	B	A A	G
Black Hills Red-belly Snake (<i>Storeria occipitomaculata pahasapae</i>)	D	A	C	A	D	D	B	A A	G
Narrow-leaf Grape-fern (<i>Botrychium lineare</i>)	D	A	A	B	A	D	D	D	G

Table Legend

Listing status.

- A = USFWS Endangered Species
- B = USFWS Threatened Species
- C = USFWS Proposed Species
- D = USFS Region 2 Sensitive Species

Black Hills occurrence (primary focus of effects determination is on resident populations).

- A = Year-round resident or plant species located in last 10 years.

- B = Seasonal resident.
- C = Occurrence in the Black Hills is occasional or transient, or plant species has historical records/herbarium specimen.
- D = Insufficient information available.

Black Hills distribution (geographic distribution within the Black Hills).

- A = A few locations.
- B = Several locations.
- C = Throughout the forest.
- D = Insufficient information available.

Distribution outside the Black Hills (geographic distribution outside of the Black Hills).

- A = Only in the Black Hills.
- B = Limited distribution outside of the Black Hills.
- C = Wide distribution outside of the Black Hills.
- D = Insufficient information available.

Black Hills abundance (abundance of the species in the Black Hills).

- A = Rare.
- B = Uncommon.
- C = Common in suitable habitats.
- D = Insufficient information available.

Black Hills population trend.

- A = Suspected Downward Trend.
- B = Appear to be Stable.
- C = Suspected Upward Trend.
- D = Insufficient information available.

Black Hills habitat (availability of habitats in the Black Hills, and/or vulnerability to modification by land management activities).

- A = Habitat very limited and/or very vulnerable.
- B = Habitat somewhat limited and/or somewhat vulnerable.
- C = Habitat widely available and/or resilient.
- D = Insufficient information available regarding species habitat needs or availability on the forest.

Vulnerability of project area habitat (upper letter) and individuals (lower letter) to project activities.

- A = Habitat and/or individuals very vulnerable.
- B = Habitat and/or individuals somewhat vulnerable.
- C = Habitat and/or individuals not vulnerable to the proposed action.
- D = Not enough information available regarding species habitat needs.

Determination (A through D apply to threatened or endangered species only; E through H apply to Region 2 sensitive species only).

- A = No Effect.
- B = May affect, not likely to adversely affect.
- C = May beneficially affect.
- D = May affect, likely to adversely affect.
- E = No impact.
- F = Beneficial impact.
- G = May adversely impact individuals, but not likely to result in a loss of viability in the Planning Area, nor cause a trend toward federal listing.
- H = Likely to result in a loss of viability on the Planning Area, in a trend toward federal listing.

VII. CONSULTATION WITH U.S. FISH AND WILDLIFE SERVICE

With the determination that the planned activities will have No Effect on the bald eagle, no consultation with the USFWS for the Crooked Creek Slate Quarry Project is required.

VIII. MITIGATION MEASURES

The mitigation measures included herein apply to the proposed action, and are considered an integral component of the Crooked Creek Slate Quarry BA/BE. The determinations of effects for each species are contingent upon, to varying degrees, implementation of mitigation measures. Any modification to these mitigation measures will be reviewed by an Interdisciplinary Team that includes a biologist or ecologist. A thorough documentation of the effects to all species potentially affected by changes in mitigation measures will be completed and placed in the project file. Documentation will include a review of the determination of effects to each species, and amendment of determinations, if necessary. Notification of the USFWS of any changes to the original BA/BE effects determinations for endangered, threatened, or proposed species may be necessary to comply with FSM 2670 and the Endangered Species Act.

Mitigation measures described herein have been developed to be implemented as part of the proposed action. Some mitigation measures not included here are Forest Service standard operating procedures. An example would be the standard provisions of a Timber Sale Contract and road design specifications. Other mitigation measures not included here are additional Forest Plan Standards and Guidelines too numerous and lengthy to include here (including but not limited to those relating to water, soils, riparian areas, travel and transportation, noxious weeds, and livestock grazing). Project implementation will incorporate all Forest Plan Standards and Guidelines. Forest Plan Guidelines specified below to be treated as standards were modified as such per the Phase I Amendment (USDA Forest Service 2001) to the Forest Plan. The Phase I Amendment identified all environmentally protective Guidelines relative to sensitive wildlife and plant populations and habitats, and directed they be treated as Standards.

Mitigation measures shown below in quotations and followed by a citation specifying a standard or guideline are derived directly from the Forest Plan. Modifications to such mitigation measures [shown in brackets], or additional measures are shown without quotations.

Endangered, Threatened, Proposed, and Sensitive Species

“Any sensitive species located after contract or permit formation will be appropriately managed by active coordination between permittee, contractor, or purchaser, Forest Service line officer, project administrator, and biologist. Viable solutions will be based on circumstances surrounding each new discovery and must consider the individual sensitive species needing protection, contractual obligations and costs, and mitigation measures available at the time of discovery” (Standard 3115).

Raptors

Any active raptor nest discovered during project activities will be reported to the District Wildlife Biologist for evaluation. Modifications to Forest Service contracts or permits, and/or mitigation measures may be required to protect the nest.

Caves and Mines

Any caves or mines discovered during project activities will be reported to the District Wildlife Biologist and District Archaeologist for evaluation. If determined that the site may be suitable bat maternity or hibernation habitat, buffers will be maintained protect the microclimate of the site.

Minerals

“A Plan of Operations shall contain proposed reclamation objectives and practices to maintain water quality and soil stability during mining and exploration activities, including post-mining and exploration, and any temporary shutdowns. Reclamation objectives should include the planned uses of the management area or reasons why these uses can longer be achieved” (Standard 1501).

“Reclamation will be considered satisfactory when the disturbed area has been reclaimed in accordance with the operating plan” (Standard 1502).

“Utilize existing regulations and policies to minimize effects of mineral extractions in riparian areas. If reclamation is not done concurrently, reclamation of mined areas will begin immediately following mining activity. Reclamation will follow existing landform and vegetative characteristics as much as feasible, unless management objectives require otherwise” (Standard 1505).

“Minimize disturbance to the riparian area by mineral activities. Initiate timely and effective rehabilitation of disturbed areas and restore riparian areas to a state of productivity comparable to that before disturbance. Prohibit depositing material from drilling, processing, or site preparation in natural drainages. Locate the lower edge of disturbed or deposited soil banks outside of natural drainages and riparian areas. Prohibit stockpiling of topsoil or any other disturbed soil in natural drainages or riparian areas. Prohibit mineral processing (milling) activities within natural drainages or riparian areas” (Guideline 1506, treated as a Standard).

“Require monitoring of mining mitigative measure in riparian areas to insure that the measures are effective and in compliance with applicable water-quality standards” (Guideline 1508, treated as a Standard).

Miscellaneous

“Stabilize, scarify or recontour” ... [disturbed soils] ... “prior to seeding” (Guideline 1111 treated as a Standard).

“Initiate revegetation as soon as possible, not to exceed six months, after termination of ground-disturbing activities. Revegetate all disturbed soils with native species ... in mixes that are noxious weed-free. On areas needing immediate establishment of vegetation, non-native non-aggressive annuals, non-aggressive [and non-persistent] perennials, or sterile perennial species may be used while native perennials are becoming established.” (Guideline 1110, treated as a Standard).

“Use certified noxious weed-free seed, feed, and mulch” (Standard 4306).

All areas of ground disturbance shall be monitored for noxious weeds and treated by the permittee for during operations and 2-3 years post-disturbance following Forest Service standards for treatment methods.

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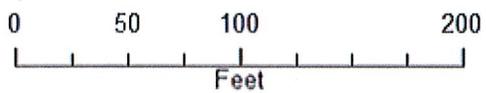
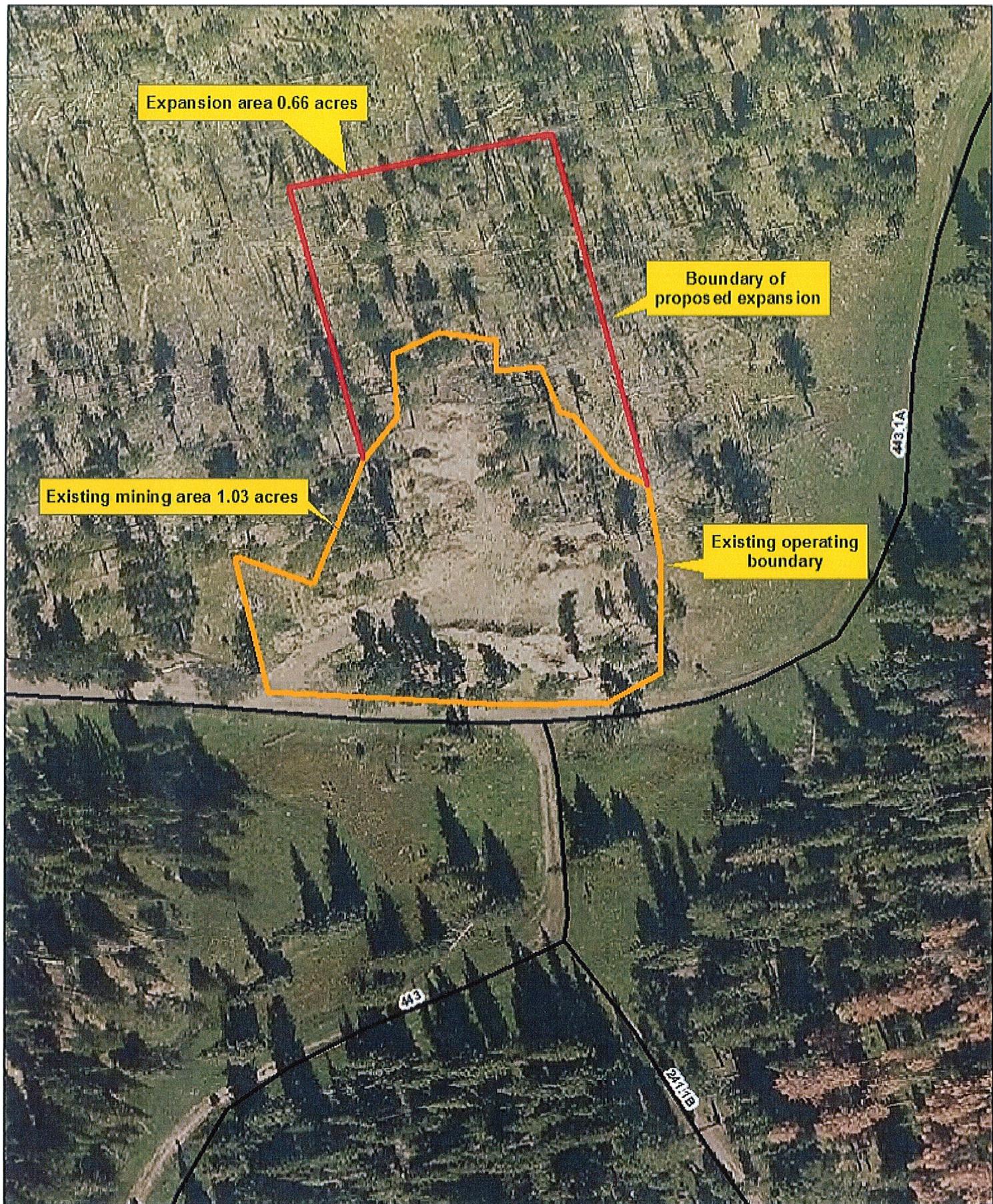
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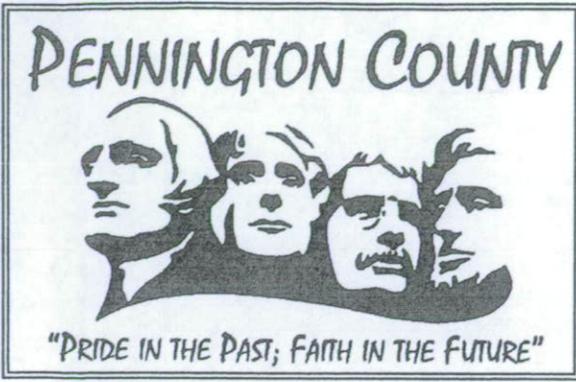
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Autumn Flame Quarry
Proposed Expansion



Donna M. Mayer
Pennington County
Register of Deeds
130 Kansas City St Suite 210
~~315 St. Joseph Street~~
Rapid City, SD 57701
(605) 394-2177

RECEIVED
APR 06 2015
MINERALS & MINING PROGRAM

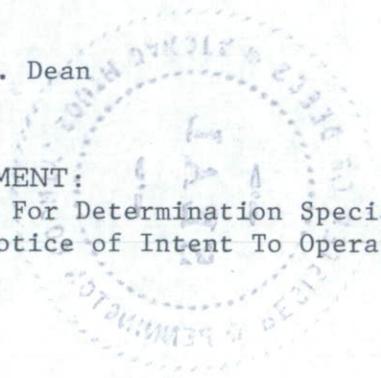
March 31, 2015

To Whom It May Concern:

Pennington County Register of Deeds has received:

FROM:
James L. Dean

INSTRUMENT:
Request For Determination Special, Exceptional, Critical, or Unique Lands
and Notice of Intent To Operate

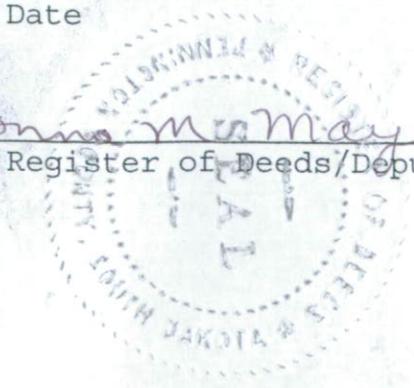


For public inspection per SDCL 45-6B-15.

March 31, 2015

Date

Donna M. Mayer
Register of Deeds/Deputy



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <i>Susan L Hunt</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) <i>Susan L Hunt</i>	C. Date of Delivery
1. Article Addressed to: <i>Michael Forsha Archaeological Research P.O. Box 1257 Rapid City SD 57709-1257</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label)	7013 1090 0000 4403 7683	
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540

RECEIVED
 APR 06 2015
 MINERALS & MINING PROGRAM

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <i>Summer Boeck</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name)	C. Date of Delivery <i>3-25-15</i>
1. Article Addressed to: <i>Stan Michals DEPT OF G.F. & P 4130 Ad Trail Rapid City SD 57702-4804</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label)	7013 1090 0000 4403 7645	
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540

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1. Article Addressed to:

Jay Voat
 State Historical Soc.
 900 Governors Dr
 Pierre, SD
 57501-2200

2. Article Number

(Transfer from service label)

7013 1090 0000 4403 7676

PS Form 3811, February 2004

Domestic Return Receipt

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 Agent
 Addressee
 X 1320 E SIOUX AVE
 PIERRE SD 57501

B. Received by (Printed Name)
MAR 26 2015

C. Date of Delivery

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 If YES, enter delivery address below: No

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- Certified Mail Express Mail
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4. Restricted Delivery? (Extra Fee)

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1. Article Addressed to:

Jim Hagen
 Dept of Tourism
 711 E Wells Ave
 Pierre, SD
 57501-3385

2. Article Number

(Transfer from service label)

7013 1090 0000 4403 7652

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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 Agent
 Addressee
 X 1320 E SIOUX AVE
 PIERRE SD 57501

B. Received by (Printed Name)
MAR 26 2015

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bill Smith
 Dept of Agriculture
 Resource, Con, Forestry
 523 E Capitol Ave
 Pierre SD
 57501-3392

2. Article Number

(Transfer from service label)

7013 1090 0000 4403 7669

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature **CENTRAL MAIL SERVICES**
 Agent
 Addressee
 X 1320 E SIOUX AVE
 PIERRE SD 57501

B. Received by (Printed Name)
MAR 26 2015

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

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- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes