

Department of Environment and Natural Resources  
Minerals and Mining Program  
Joe Foss Building  
523 East Capitol Avenue  
Pierre, South Dakota 57501-3182  
Telephone: (605) 773-4201 Fax: (605) 773-5286

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JAN 31 2013

MINERALS & MINING PROGRAM

NOTICE OF INTENT TO CONDUCT  
MINERAL EXPLORATION OPERATION  
(Excluding Uranium)

Pursuant to SDCL 45-6C

Name of Operator: James Dean DBA Dakota Stone Mining & Stone Supply, Inc

Address:

Name and Address of Operator's Resident  
Agent in South Dakota:

23863 Palmer Gulch Rd.  
Hill City, SD  
57145-6528

Telephone Number:

Telephone Number:

605-574-2760

Brief Description of the Type of Exploration to be Conducted. Include a list of all minerals to be explored and a description of methods (e.g. drill rig type, proposed depth for each test hole, length of access road construction, and/or other).

This will be a bulk sample operation for Landscape boulders and mica. If the mica is good enough, we will proceed with a pilot mill for marketing last circulation mica.

Will the Operator Conduct Uranium Exploration?  Yes  No If Yes, a Permit Pursuant to SDCL 45-6D Must be Obtained.

Date Exploration Will Commence: June 1st 2013

Legal Description of Land to be Explored by Section, Township, and Range:

north end of the southwest 1/4 of Sec 8, T2S, R4E  
Black Hills

County: Pennington

What Legal Authority Does the Operator Have to Conduct Exploration on the Above-Described Land? Attach copy if available.

Deed  Lease  US Forest Service Permit  Pending US Forest Service Permit

Other \_\_\_\_\_

INSTRUCTIONS (Reference SDCL 45-6C):

This Notice of Intent Must be Accompanied by:

1. A Plan of Reclamation Pursuant to Section 8.
2. A Topographic Map Pursuant to Section 9.
3. A Fee of \$250 Pursuant to Section 17.
4. A Surety Bond in an Amount to be Determined by the Department Pursuant to Section 19.
5. Any Written Landowner Consultations Giving Alternative Preferences for the Reclamation of the Affected Land Pursuant to Section 16.

Applicant affirms that the surface owner has been notified of the proposed mineral development and that said surface owner is aware of his rights to compensation for damages to property pursuant to SDCL 45-5A. Applicant hereby affirms that the mineral exploration will be conducted pursuant and subject to the provisions of SDCL 45-6C, and all regulations promulgated thereunder, that he will grant access to the Board of Minerals and Environment or its agents to the area under notice from the date of the notice and thereafter to assure compliance with the provisions of SDCL 45-6C.

**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]  
 Signature  
Pres  
 Title

1-23-13  
 Date

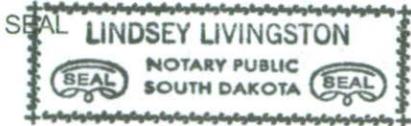
STATE OF South Dakota  
 COUNTY OF Pennington

On this 23<sup>rd</sup> day of January, 2013, before me personally appeared

James Dean who acknowledged himself to be  
 the owner (Title) for Dakota Stone Mining Supply Inc (Operator)

and that he is authorized to execute this Notice for the purposes contained therein.

[Signature]  
 Notary Public  
 My Commission Expires: Sept 30<sup>th</sup> 2016



**FOR DEPARTMENT USE ONLY**

DATE APPROVED:      BOND AMOUNT:      EXNI NUMBER:      Chairman, SD Board of Minerals & Environment

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STATE OF SOUTH DAKOTA  
BEFORE THE SECRETARY OF  
THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE )  
APPLICATION OF James Dean ) CERTIFICATION OF  
APPLICANT

STATE OF South Dakota )  
COUNTY OF Pennington ) SS

I, James Dean, the applicant in the above matter after being  
duly sworn upon oath hereby certify the following information in regard to this application:

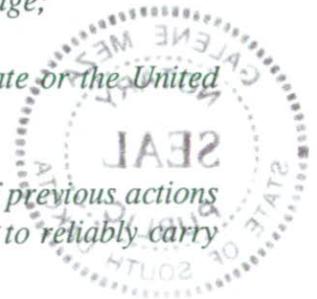
South Dakota Codified Laws Section 1-40-27 provides:

*"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:*

*(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:*

- (a) Has intentionally misrepresented a material fact in applying for a permit;*
- (b) Has been convicted of a felony or other crime of moral turpitude;*
- (c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
- (d) Has had any permit revoked under the environmental laws of any state or the United States;*
- (e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*

*(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt*



by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

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All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review recommendation, or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

Pursuant to SDCL 1-40-27, I certify that I have read the forgoing provision of state law, and that I am not disqualified by reason of that provision from obtaining the permit for which application has been made.

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.

Dated this 26 day of February, 2013.

[Signature]  
Applicant

Subscribed and sworn before me this 26 day of February, 2013.

[Signature]  
Notary Public

My commission expires: January 31, 2014



PLEASE ATTACH SHEET DISCLOSING ALL FACTS PERTAINING TO SDCL 1-40-27 (1)(a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION.



SOUTH DAKOTA  
**SECRETARY OF STATE**  
*Jason M. Gant*

[Elections](#) | [Business Services](#) | [Administrative Services](#) | [Office of the Secretary](#)

[Entity Detail](#) | [File Annual Report](#) | [Statement of Change](#) | [Forms](#)

Name	<b>DAKOTA STONE, MINING &amp; STONE SUPPLY, INC.</b>
Corporate ID	<b>DB044872</b>
Incorporation/Qualification Date	<b>12/28/2001</b>
Home State	<b>SOUTH DAKOTA</b>
Status	<b>Good Standing</b>
Last Annual Report	<b>2012</b>
Corporation Type	<b>Domestic Business</b>
Stock Info	<b>25,000 AT \$1</b>

[Registered Agent](#) | [Documents](#) | [Officers](#)

**Registered Agent Name & Address**

**JAMES L. DEAN**  
23863 PALMER GULCH ROAD  
RAPID CITY, SD 57745

[Elections & Voter Registration](#) | [Business Services](#) | [Administrative Services](#) | [Contact Us](#) | [Home](#) | [State Home Page](#)

Secretary of State | Capitol Building | 500 East Capitol Avenue | Pierre SD 57501 | (605) 773-3537 | Fax: (605) 773-6580 | [sdsos@state.sd.us](mailto:sdsos@state.sd.us)

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In preparing this Reclamation Plan, please address each item in detail, following SDCL 45-6C-8 and 45-6D-9. Also, refer to the reclamation standards outlined under SDCL 45-6C-27 through 45-6C-34, SDCL 45-6D-33 through 45-6D-39, and the state's hole plugging regulations as detailed under ARSD 74:11.

- 1.) Describe the type of reclamation the operator proposes to achieve in the reclamation of the affected land.

This is a rock outcropping with very little top soil. However we will pile all top soil in a stock pile on the south side of the pit.

The type will be Forest with Pine trees and grass. Sloping and back filling will be done to U.S.F.S. approval.

- 2.) Provide a proposed timetable for seeding and replanting indicating when and how the reclamation plan will be implemented. Such timetable shall be developed after consulting with the County District Conservationist as to the nature of the soils and native vegetation in the area of the proposed operation. These recommendations shall be followed, if any are provided, and copies of all correspondence shall be provided to the Department.

With the life of the mine unknown we can seed the stock piles as soon as we can.

If the mine is good for mica, we will be moving to a small scale permit.

As we have done in our other mines, we try to do some reclamation as we go as room permits.

Total Reclamation - 10 To 20 years.

- 3.) Describe how the reclamation plan will rehabilitate the affected land.

By respraying the top soil that is available pine trees will reseed with in five years.

This is at the top of a hill and will be very easy to blend back the ground to a natural looking state.

- 4.) Describe the anticipated temporary and permanent plugging and capping procedures to be used (refer to SDCL 45-6C-28 through 45-6C-30, SDCL 45-6D-33 through 45-6D-35, and the state's hole plugging regulations as detailed under ARSD 74:11).

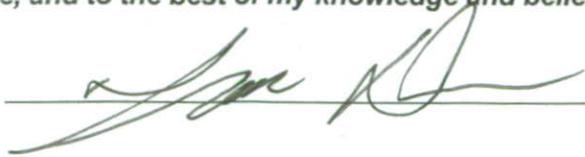
no test drilling

- 5.) Provide the estimated cost of: a) implementing and completing the proposed reclamation and; b) the estimated cost of plugging and sealing each test hole.

I estimate complete reclamation cost for the exploration and 5000 ton bulk sample to be \$ 3500.00 to \$4000.00

*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.*

Operator Signature: \_\_\_\_\_



Title: owner

Date: \_\_\_\_\_

2-26-13

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2 attachments



image001.png  
29K

 oledata.mso  
29K

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Odden, Matthew - NRCS, Rapid City, SD <matthew.odden@sd.usda.gov>  
To: James Dean <jim@dakotastone.net>

Tue, Feb 26, 2013 at 3:41 PM

Jim,

The below seed mixture sounds fine to me. Go ahead and include that in your plan. If you have any additional questions please let me know. Thanks

Matthew Odden

District Conservationist

Rapid City Field Office

USDA-Natural Resource Conservation Service

Phone: 605-342-0301 ext. 3 or ext. 120

Cell: (605) 530-5320

Fax: 605-348-8656

**Note:** Our office has moved! Our new address is 414 E Stumer Road, Suite 300, Rapid City, SD 57701

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**From:** James Dean [mailto:jim@dakotastone.net]  
**Sent:** Tuesday, February 26, 2013 3:20 PM  
**To:** Odden, Matthew - NRCS, Rapid City, SD  
**Subject:** Fwd: Silver Mica Seed Mixture

[Quoted text hidden]



James Dean <jim@dakotastone.net>

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## Silver Mica Seed Mixture

3 messages

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Haag, Gary H -FS <ghaag@fs.fed.us>  
To: James Dean <jim@dakotastone.net>

Tue, Feb 26, 2013 at 10:38 AM

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Hi Jim;

High Elevation Upland Seed Mixture:

Annual ryegrass- 30%, slender wheatgrass-25%; green needle grass-20%; Canada wildrye-10%; Canby bluegrass-10% and purple prairie clover-5%.

This seed mix will be required for both reclamation and seeding of topsoil stockpiles.

Thanks,

Gary H. Haag, CPG, Geologist

U.S. Forest Service

Black Hills National Forest

330 Mt. Rushmore Road

Custer, SD 57730

e-mail: [ghaag@fs.fed.us](mailto:ghaag@fs.fed.us)

Phone: 605-673-4853

Fax: 605-673-5461



## RECORD OF TELEPHONE CONVERSATION AND/OR PUBLIC CONTACT REPORT

CONFIDENTIAL

Route: \_\_\_\_\_

 NOT CONFIDENTIAL

cc: \_\_\_\_\_

**Date of Call:** 3/4/13 **Date of Contact:** \_\_\_\_\_  
**Telephone call to:** James Dean **DENR Employee Contacted:** \_\_\_\_\_  
**Name of Caller:** Eric Holm **Name of Visitor:** \_\_\_\_\_  
**Address:** Dakota Stone **Address:** \_\_\_\_\_  
 Hill City, SD  
**Telephone:** (605) 574-2760 **Telephone:** \_\_\_\_\_  
**RE:** New EXNI Application for Large Boulder and Mica Schist Bulk Sample

**Staff Signature:** \_\_\_\_\_ \s/

**COMMENTS:**

I told Mr. Dean we received the supplemental information for his EXNI application. I asked him if he identified any known natural springs, lakes, ponds, reservoirs, water pipelines, dams, wells, or buildings on the maps submitted with the supplement. Mr. Dean said he did show a small seasonal drainage about 1/8 mile to the west of the exploration area. Otherwise, there are no other items he knows of within 1/2 of the exploration area.

I also told Mr. Dean we were modifying the legal location to portions of SW1/4 Section 8; T2S-R4E. He said the change was fine.



## DAKOTA STONE

*Mining & Stone Supply, Inc.*

23863 Palmer Gulch Rd., Hill City SD 57745

[www.dakotastone.net](http://www.dakotastone.net)

Phone (605) 574-2760

Fax (605) 574-2405

February 28th, 2013  
Eric Holm  
Department of Environment  
and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3182

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Dear Mr. Holm:

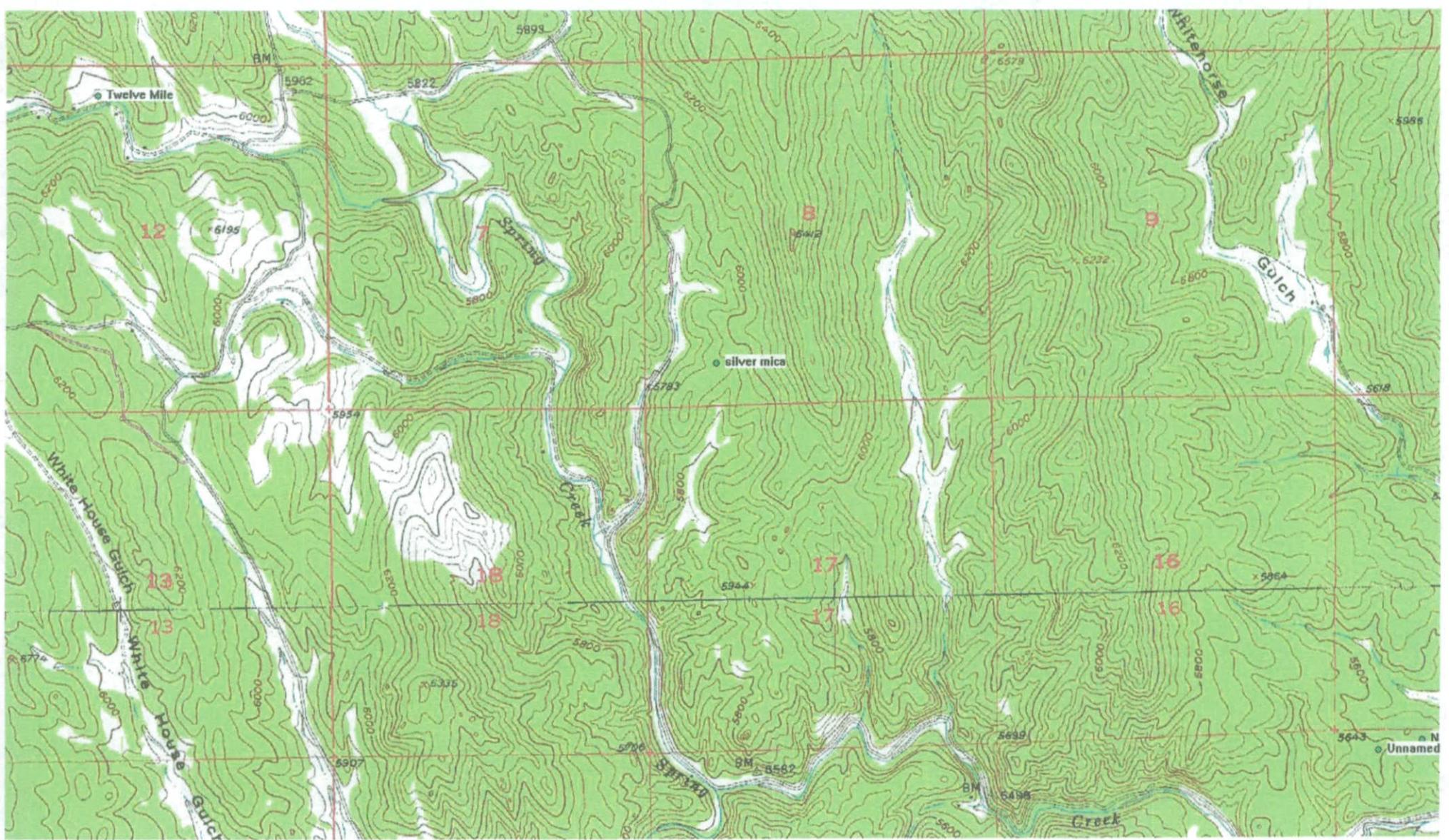
Enclosed are the following items needed to complete the application for the exploration permit.

1. The name will be James Dean.
2. Enclosed Exploration Reclamation Plan signed and dated.
3. Enclosed Certification of Application form signed and dated.
4. Seed mix correspondence from Forest Service and Pennington County NRCS enclosed.
5. Map enclosed.
6. See enclosed map.

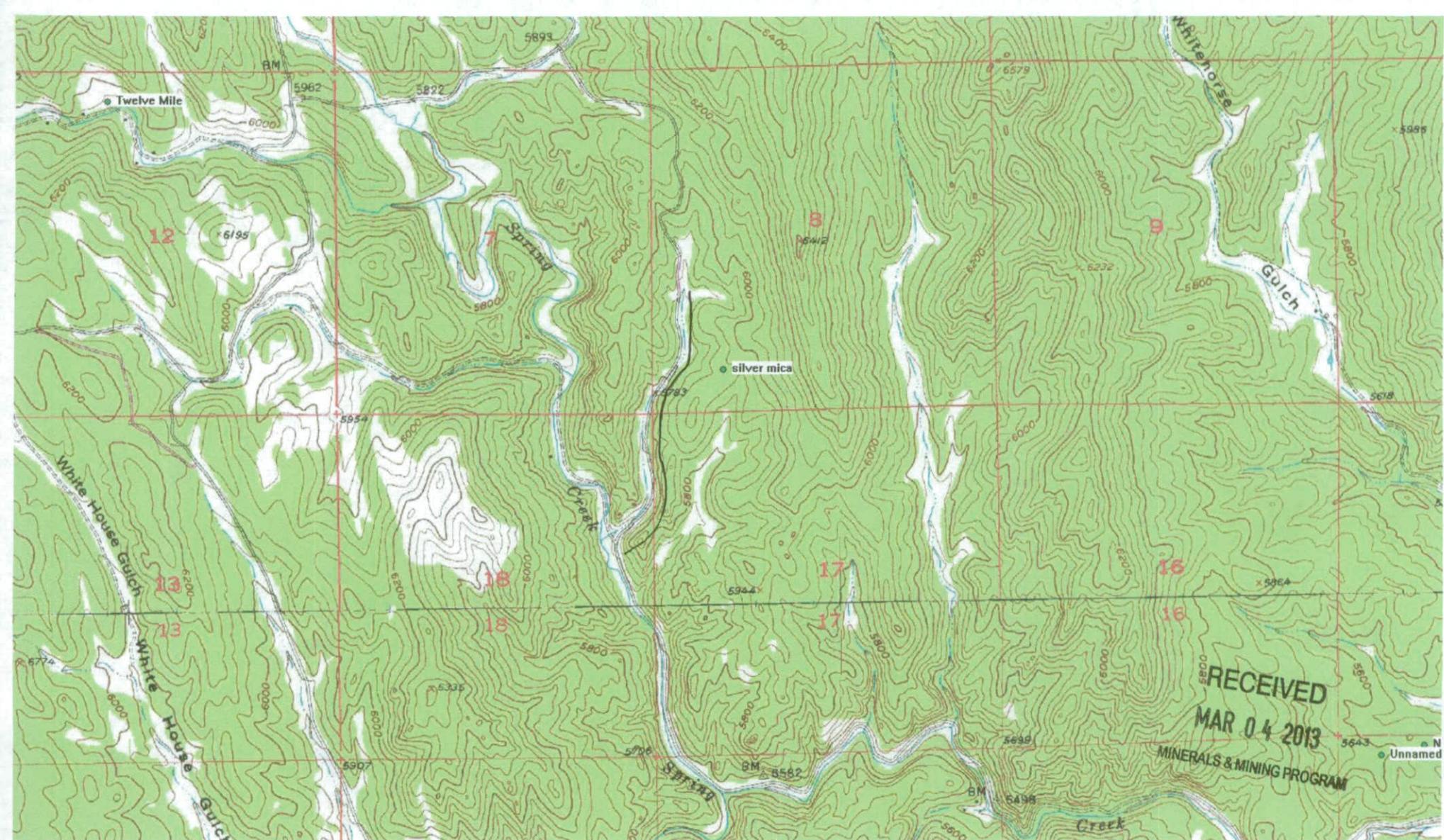
Thank You

Sincerely,

James Dean  
Dakota Stone



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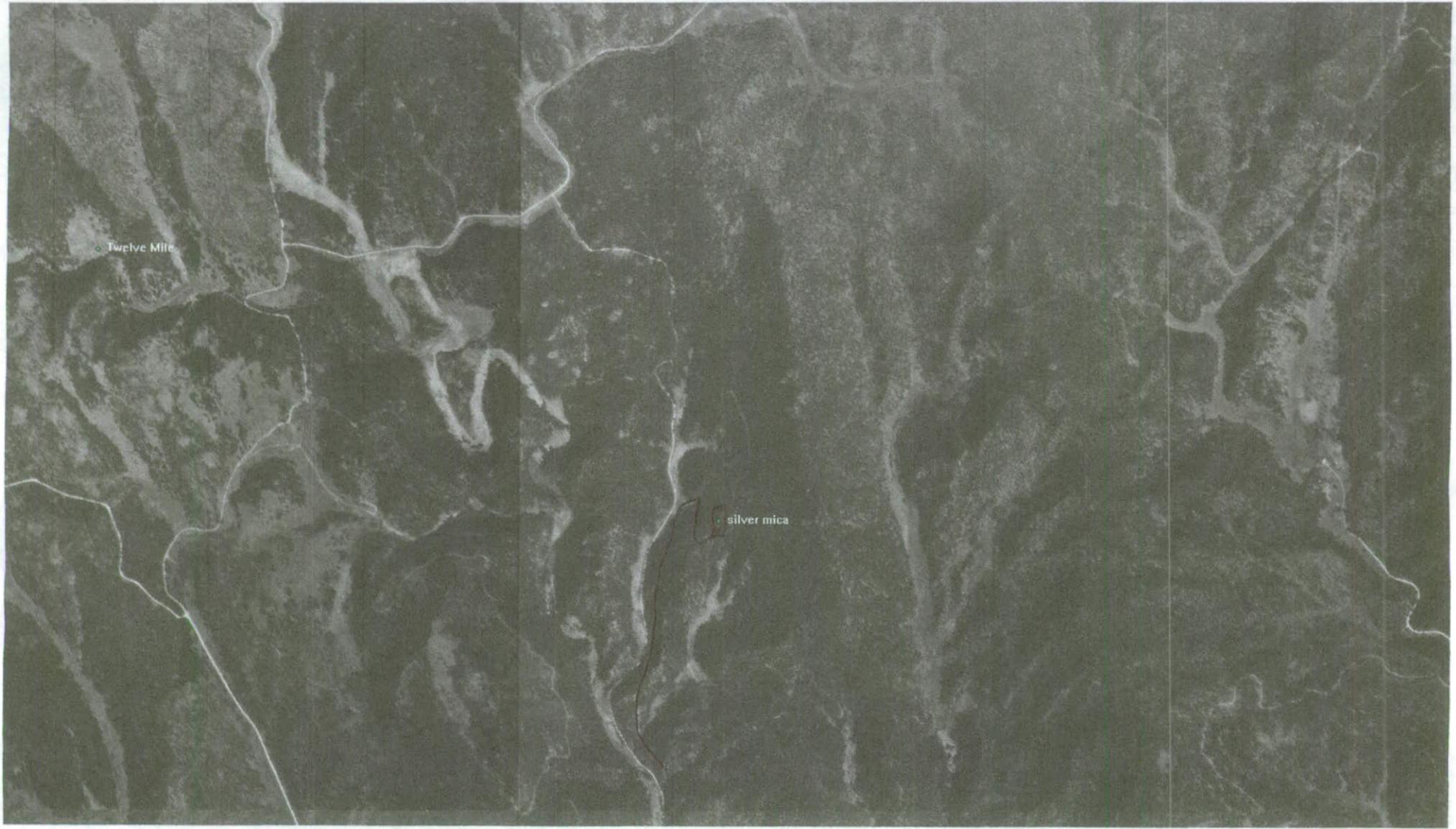


SDCL 45-6C-9 A very small Seasonal Drainage is about 1/8 mile to the west there is an existing USFS Road that leads to the site. no road work is needed SDCL 45-6B-32



North End of south west  $\frac{1}{4}$  of sec 8 T2 South R4 East

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Twelve Mile

silver mica

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