



**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 BENTONITE PERFORMANCE MINERALS**

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 Bentonite Performance Minerals LLC, 554 US Highway 212, Belle Fourche, South Dakota 57717-4602. 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 bentonite mining operation located approximately 6.5 miles northwest of Belle Fourche, South Dakota. The legal description of the proposed Killinger Mine is NE1/4 NE1/4 Section 22; T9N-R1E, Butte County. Bentonite Performance Minerals LLC will affect approximately 29 acres during the life of the Killinger Mine. Several small pits will be mined using cut and fill mining methods. Topsoil, subsoil, and overburden will be stripped and stockpiled or used to backfill and topsoil previously mined pits. Bentonite will be hauled from each pit along existing haul roads to Bentonite Performance Minerals LLC's processing plants at Colony, Wyoming. Reclamation will be conducted concurrently with the mining operation. The land will be reclaimed to rangeland.

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.

Bentonite Performance Minerals 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 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.

December 12, 2012

Steven M. Pirner
Secretary