

Department of Environment and Natural Resources
Minerals and Mining Program
Joe Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501-3182
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**APPLICATION FOR
SMALL SCALE MINING PERMIT**

Pursuant to SDCL 45-6B:
Relating to Mineral Extraction in
Operations Affecting Less Than
10 Acres Per Year & Removing
Less Than 25,000 Tons Per Year

Operator's Name: _____

Mailing address:

Physical address:

Telephone:

Telephone:

Fax:

Name and address of surface owner:

Name and address of mineral owner:

Legal description of affected land:

Name and address of operator's resident agent (if
operator is an out-of-state corporation):

County:

Minerals to be mined:

Proposed starting date:

Size of affected land (acres):

Proposed completion date:

Estimated acres disturbed per year:

Estimated working days per year:

Estimated tonnage mined per year: _____

Estimated duration of operation (years): _____

Estimated tons of ore per year: _____

Reclamation type:

Overburden/waste tons per year: _____

INSTRUCTIONS (Reference SDCL 45-6B)

This application must be accompanied by:

1. A narrative description of the type of mining operation proposed and how it will be conducted pursuant to Section 54 (7). This should include a description of the initial work to develop the operation and a description of the workings during the operation.
2. A narrative description of the measures to be taken to comply with the operating and reclamation requirements of SDCL 45-6B-37 through 45-6B-46 pursuant to Section 54 (9).
3. A map showing information sufficient to locate the affected land, including existing and proposed roads or access routes to be used in connection with the mining pursuant to Section 54 (5).
4. A wildlife survey pursuant to Section 54 (8).
5. A fee of \$100.00 pursuant to Section 55.
6. A list of the names and addresses of the land-owners of the affected land.

Before a hearing on the permit may be conducted by the SD Board of Minerals and Environment, the applicant must submit the following materials:

1. Certified mail receipts confirming mailing of notice to all surface owners and lessees pursuant to Section 17.
2. A copy of the affidavit of publication of notice pursuant to Section 16.
3. Proof of filing a copy of the application with the Register of Deeds pursuant to Section 15.
4. A surety in an amount to be determined by the department pursuant to Section 20 and 55.
5. A copy of instruments of consultation from all surface landowners, if different than the owner of the minerals, including written receipt of the operating and reclamation plans pursuant to Section 12 and 13.

STATE OF _____

COUNTY OF _____

On this ____ day of _____,

20____, before me personally appeared

_____ who

acknowledged himself to be the _____
(Title)

for _____ and that
(Operator)

he is authorized to execute the Application for Small Scale Mining Permit for the purposes contained therein.

Notary Public

My Commission Expires: _____

SEAL

Applicant hereby affirms that the mining will be conducted pursuant to SDCL 45-6B, or any regulations promulgated thereunder; that he will grant access to the Board of Minerals and Environment or its agents to the area under application from the date of the application and during the life of the permit as is necessary to assure compliance with SDCL 45-6B.

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

Date

FOR DEPARTMENT USE ONLY

DATE APPROVED: BOND AMOUNT: PERMIT NUMBER:

Chairman, SD Board of Minerals & Environment

SMALL SCALE APPLICATION GUIDELINES

These guidelines are intended to more fully explain the items listed under "Instructions" on the Application for Small Scale Mining Permit. When completing the "Instructions", please refer to the pertinent sections of the statutes (SDCL 45-6B) and the regulations (ARSD 74:29) as outlined below. The regulations further define the statutes, give guidelines in developing operating and reclamation plans, and define the permit review procedure to be followed by the Department. Please address every item fully and leave nothing to our imagination!

1. A narrative description of the type of mining operation proposed and how it will be conducted.

Provide a narrative description of the proposed mine operation extending through the periods involving groundbreaking, topsoil removal, overburden removal, and mining. Within this description, include an itemization of equipment used in the mining operation (loader, dozer, truck, conveyor, wash plant, sluice box, trommel, crusher), and give a general description of the operation. In this description, include the guidelines set forth in ARSD 74:29:07:02 and ARSD 74:29:07:17. Also, include the items set forth in SDCL 45-6B-8 and 9 and address each section of SDCL 45-6B-32 and 33.

2. A narrative description of the measures to be taken to comply with the operating and reclamation requirements of SDCL 45-6B-37 through 45-6B-46, ARSD 74:29:02, and ARSD 74:29:06 through ARSD 74:29:08.

Grading: 45-6B-37, ARSD 74:29:07:03, and ARSD 74:29:07:04.

Describe how the affected land will be regraded after mining so as to create a final topography appropriate to the proposed reclaimed land use selected in accordance with 45-6B-44. Indicate how and when grading will occur. Also, indicate if any backfilling will occur and how this will be accomplished. If backfilling is unfeasible, please indicate why it is unfeasible.

Refuse Disposal: SDCL 45-6B-38, ARSD 74:29:07:05, and ARSD 74:29:07:13.

Describe how you intend to keep the mine area clean, orderly, and free of refuse. Please indicate how and where you intend to safely dispose of general trash, abandoned equipment, used equipment parts, oversize rock, reject materials derived from crusher or wash plant and mill tailings. Also, indicate how you intend to dismantle and remove any buildings and structures if they will not be used as part of the reclamation plan.

Revegetation: SDCL 45-6B-39, ARSD 74:29:02:10, and ARSD 74:29:07:06.

Describe the process which will be involved in revegetating the affected land after mining. Include a description of the seed mixture (approval by the Dept. of Game, Fish, and Parks required if wildlife habitat is post mine land use), planting season, planting method, fertilization needs, mulching, and watering provisions necessary to attain a suitable vegetative cover. The local conservation district office can assist you in developing this section.

Topsoil Salvage: SDCL 45-6B-40 and ARSD 74:29:07:07.

Describe how topsoil is to be removed, stored, and protected from wind and water erosion during storage. Also, describe how these piles will be identified. If topsoil is not replaced on reclaimed backfill areas within a short time after mining, a vegetative cover should be established over the pile for stabilization. The local conservation district office can assist you in finding a quick cover seed mixture for all topsoil storage piles.

Hydrologic Balance: SDCL 45-6B-41, ARSD 74:29:02:11, ARSD 74:29:07:08 through ARSD 74:29:07:12, and ARSD 74:29:07:27.

Describe the mining operation in relation to the ground and surface water features in the region (i.e. Will mining be conducted below the ground water table or within a creek bed? What is the depth of the ground water and/or the nearest well? Where will mining take place in relation to any streams, lakes, ponds, springs,

or wells? Will any surface runoff or streams need to be diverted around the operation? Will the operation require the use of water and/or chemicals? Will any ponds or dams be required for the operation?). Describe how potential adverse impacts (sedimentation, chemical pollution, dewatering, etc.) to these features will be minimized during mining and reclamation.

Sides, Subsidence, or Damage Protection: SDCL 45-6B-42 and ARSD 74:29:07:16.

Describe how you intend to minimize hazards from slides or subsidence. Note that all highwalls must be reduced to the natural angle of repose upon abandonment. Describe how the highwall will be posted and fenced during operation. If highwall reduction is unfeasible, adequate fencing may be prescribed.

Spoil Piles, Weeds: SDCL 45-6B-43, ARSD 74:29:07:14, and ARSD 74:29:07:15.

Describe how you intend to stabilize the affected land (including spoil piles, tailings piles, fines from crushers or wash plants, oversize, etc.) so as to control weeds, erosion, and air and water pollution. Describe how noxious weeds shall be controlled during the mining and reclamation phases of activity. Also, submit a weed control plan as part of the reclamation plan.

Landowner Consultation, Reclamation Type Development: SDCL 45-6B-44 and ARSD 74:29:06.

Describe the anticipated post-reclamation land use of the affected land (forest, rangeland, crops, wildlife habitat, recreation, industry, homesites, future mining). Reclamation is required on all affected land, and should be in conformance with the desires of the involved landowner(s) and requirements of the Department. If possible, all adjacent landowners shall be consulted during development of the reclamation plan. Pursuant to ARSD 74:29:06:02, please address all sections of this regulation in developing the reclamation type in your reclamation plan. Also, in ARSD 74:29:06, please note special requirements for industrial, homesite, or future mining uses.

Reclamation Choices, Operator Requirements: SDCL 45-6B-45, ARSD 74:29:07:18 through ARSD 74:29:07:26 and ARSD 74:29:07:01.

This statute and the supporting regulations (ARSD 74:29:07:01, ARSD 74:29:07:18-26) set forth certain reclamation requirements for the operator depending upon what final reclamation scheme (forest, rangeland, crops, wildlife habitat, recreation, industry, homesites, future mining) has been chosen. Describe how you intend to comply with the requirements set forth in the applicable parts of this statute and of these regulations.

Reclamation Timetable, Planting not Required under Certain Conditions, Concurrent Reclamation: SDCL 45-6B-46 and ARSD 74:29:08.

This section states that all reclamation must be completed by the operator "with reasonable diligence" within a five-year period. It also considers certain cases where reclamation may be delayed if just cause is shown. ARSD 74:20:08 requires that concurrent and interim reclamation be conducted along with final reclamation. Describe the timetables you propose for interim, concurrent, and final reclamation.

Postclosure Plan: SDCL 45-6B-91.

This plan shall include, at a minimum, a description of the activities, methods, procedures, and processes necessary to ensure the continued effectiveness of reclamation and compliance with applicable performance standards during the postclosure period after the reclamation bond is released. The plan shall address treatment of any tailings to ensure continued neutralization, operation of monitoring systems, inspection and maintenance activities, and procedures for maintaining the final vegetative cover and controlling erosion and fugitive dust. The postclosure period shall last 30 years unless it is adjusted by the Board of Minerals and Environment. The postclosure bond will be determined before the reclamation bond is released by the Board. Even though this plan is required for a small scale permit application, a postclosure period and bond may not be necessary after reclamation is completed.

Critical Resources: SDCL 45-6B-92.

Describe all critical resources which may be potentially affected by the operations. This includes wildlife, aquatic resources, vegetation, water, visual resources, soils, cultural resources, air quality, noise, and lands designated as special, exception, critical, or unique. Please use the guidelines listed in SDCL 45-6B-92 in addressing each critical resource.

3. Provide a map showing the location of the affected land and existing and proposed roads or access routes to be used in conjunction with the mining operation.

Please outline the proposed location of the mine boundary, crusher, wash plant, equipment storage area, mill, topsoil pile, overburden pile, tailings impoundment, and any other affected land.

4. Contact the SD Department of Game, Fish, and Parks office in Rapid City, SD (telephone (605) 394-2391) to arrange for an on-site wildlife survey. Please provide our office with a copy of the survey report.
5. Submit a check or money order in the amount of \$100.00 payable to the SD Department of Environment and Natural Resources.
6. Submit a list of the names and addresses of the landowners of the affected land. Also, submit a copy of instruments of consultation from all surface landowners, if different than the owner of the minerals, including written receipt of the operating and reclamation plans pursuant to SDCL 45-6B-12 and 13.
7. Submit proof of filing a copy of the application with the Register of Deeds pursuant to SDCL 45-6B-15. Also, submit proof of complying with all local and county zoning ordinances pursuant to SDCL 45-6B-4 and ARSD 74:29:02:02.