

The audio recording for this meeting is available on the South Dakota Boards and Commissions Portal at <http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=67>

Minutes of the  
Board of Minerals and Environment  
Telephone Conference Call Meeting  
523 East Capitol Avenue  
Pierre, South Dakota

August 18, 2022  
10:00 a.m. Central Time

CALL TO ORDER: The meeting was called to order by Chairman Rex Hagg. The roll was called, and a quorum was present.

The meeting was streaming live on SD.net, a service of South Dakota Public Broadcasting.

BOARD MEMBERS PRESENT: Rex Hagg, Glenn Blumhardt, Gregg Greenfield, Doyle Karpen, Daryl Englund, Bob Morris, Jessica Peterson, and John Scheetz.

BOARD MEMBERS ABSENT: None.

OTHERS PRESENT: Eric Holm and Bret Graves, DANR Minerals and Mining Program.

ELECTION OF OFFICERS: Motion by Karpen, seconded by Peterson, to nominate Rex Hagg as chairman.

Motion by Morris, seconded by Karpen, that nominations cease. A roll call vote was taken, and the motion carried

A roll call vote was taken on the motion to nominate Rex Hagg as chairman, and the motion carried unanimously.

Motion by Morris, seconded by Karpen, to nominate Glenn Blumhardt as vice chairman.

There were no other nominations.

A roll call vote was taken, and the motion carried unanimously.

Motion by Blumhardt, seconded by Englund, to nominate Gregg Greenfield as secretary.

There were no other nominations.

A roll call vote was taken, and the motion carried unanimously.

APPROVAL OF MINUTES FROM JUNE 16, 2022, MEETING: Motion by Karpen, seconded by Blumhardt, to approve the minutes from the June 16, 2022, Board of Minerals and Environment meeting. A roll call vote was taken, and the motion carried unanimously.

MINING ISSUES CONSENT CALENDAR: Prior to the meeting, the board received the consent calendar, which is a table listing the department recommendations for releases of liability and surety, transfers of liability, and releases of liability. (See attachment)

Bret Graves, Minerals and Mining Program, presented the consent calendar.

Mr. Scheetz asked for verification that when each of these sites are released, they are actually observed and go through a checklist to make sure all the requirements are met for reclamation.

Mr. Graves stated that each site is physically inspected by himself and Tom Cline. Pictures are taken of each site, the drone is flown over the site if video is needed, and an inspection report is written for each site.

Mr. Scheetz stated that he just wanted to make sure that is done, because the board is relying on the department's careful scrutiny of these sites, and the board needs to make sure it is done correctly.

There were no other questions from the board.

Motion by Morris, seconded by Peterson, to accept the department recommendations for releases of liability and surety, transfers of liability, and releases of liability. A roll call vote was taken, and the motion carried unanimously.

PUBLIC COMMENT PERIOD IN ACCORDANCE WITH SDCL 1-25-1: There were no public comments.

NEXT MEETING: The next meeting is tentatively scheduled for September 15, 2022.

Chairman Hagg stated that the board would like to receive an update on the Powertech matter at the next meeting.

Discussion took place regarding board member reappointments and new appointments to the board. Staff noted that the Governor's Office is currently working on this.

Included in the board packet, for informational purposes, were a memo from the Waste Management Program regarding solid waste permit actions since December 2021, and a Notice of Department Action regarding a temporary cessation request from Pete Lien & Sons, Inc.

Prior to the meeting, the board received, for informational purposes, a copy of the DANR recommendation regarding Simon Contractors of SD, Inc.'s large scale mining permit application.

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In response to a question from Mr. Englund, Eric Holm, Minerals and Mining Program, stated that under ARSD 74:29:01:18, the department is required to submit a copy of its recommendation to the board. If, within seven days after the issuance of the recommendation, the board, the applicant, or any person does not submit a petition contesting the recommendation, the department automatically issues the permit.

Responding to a question from Chairman Hagg, Mr. Holm stated that the regulations do not require publication of the department's recommendation. The regulations only require the department mail the recommendation to the operator, the county commission, interested persons, review agencies, and the board.

ADJOURN: Motion by Englund, seconded by Karpen, to adjourn the meeting. A roll call vote was taken, and the motion carried unanimously.

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Secretary, Board of Minerals  
and Environment

Date

Witness

Date

*Consent Calendar*  
*South Dakota Board of Minerals & Environment*

*August 18, 2022*

**License Holder**      **License No.**      **Site No.**      **Surety Amount**      **Surety Company or Bank**      **DENR Recommendation**

**Release of Liability & Surety:**

Terry Lee Trucking South Shore, SD	04-794	<b>794001</b>	\$500 \$500 NW1/4 NW1/4 Section 32; T121N-R51W, Grant County	First National Bank, Pierre State Bank of Bellingham, Bellingham, MN	Release liability and \$1,000.
Pete Lien & Sons Inc. Rapid City, SD	00-712	<b>712001</b>	\$13,000 E1/2 Section 9 & W1/2 Section 10; T1S-R7E, Pennington County	Western Surety Company	Release liability and \$13,000.
Nissen Brothers Piedmont, SD	92-449	<b>449001</b>	\$500 \$500 Tr. A NW1/4 SW1/4, NE1/4 SW1/4, NW1/4 SE1/4 & SE1/4 SW1/4 (containing 49.3 Acres more or less) Section 33; T4N-R6E, Meade County	First Interstate Bank, Wall First Interstate Bank, New Underwood	Release liability and \$1,000.
Talley Construction Hill City, SD	09-868	<b>868001</b>	\$10,000 NE1/4 SE1/4 & SE1/4 NE1/4 Section 9; T1S-R7E, Pennington County	Pioneer Bank & Trust, Rapid City	Release liability and \$10,000.

**Consent Calendar**  
**South Dakota Board of Minerals & Environment**

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<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DENR Recommendation</u>
<b><u>Release of Liability &amp; Surety:</u></b>					
Harvey Wall Sioux Falls, SD	99-687		\$1,000 \$2,000 \$1,033	US Bank, Mitchell US Bank, Mitchell US Bank, Mitchell	Release liability and \$4,033.
		<b>687001</b>	Section 9; T99N-R57W, Hutchinson County		
<b><u>Transfer of Liability:</u></b>					
Beilke Construction Inc. Wetonka, SD	83-221		\$20,000	Sun Surety Insurance Company	Transfer liability.
		<b>221019</b>	SW1/4 Section 18; T125N-R63W & SE1/4 Section 13; T125N-R64W, Brown County		
Transfer to: HF Jacobs & Son Construction Inc. Aberdeen, SD	83-188		\$20,000	Fidelity & Deposit Company of Maryland	
		<b>1011005</b>	NW1/4 NW1/4 Section 23; T113N-R48W, Deuel County		
Halme Inc. Lake Norden, SD	16-1011		\$20,000	Travelers Casualty & Surety Company of America	Transfer liability.
		<b>22-1112</b>	\$1,000	First Bank & Trust, Toronto	
Transfer to: Gary Bandemer Toronto, SD					

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**Surety Company or Bank**

**Surety Amount**

**Site No.**

**License No.**

**License Holder**

**Transfer of Liability:**

Webster Scale Inc. 03-766 \$20,000 AMCO Insurance Company Transfer liability.

Webster, SD 766005 W1/2 Section 27; T117N-R52W, Codington County

Transfer to:

J & J Earth Works Inc. 17-1017 \$20,000 Western Surety Company

Milbank, SD

Butte County Highway Department 83-6 EXEMPT NA Transfer liability.

Belle Fourche, SD

6014 SW1/4 & SE1/4 Section 9; T8N-R3E, Butte County

Transfer to:

Brett Crowser 15-995 \$5,000 First Interstate Bank, Belle Fourche

Belle Fourche, SD

**Release of Liability:**

Brownlee Construction Inc. 89-393 \$20,000 United Fire & Casualty Company Release liability.

Watertown, SD 393017 Section 9; T116N-R52W, Codington County

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**Release of Liability:**

Fisher Sand & Gravel Company Dickinson, ND	83-54		\$20,000	Liberty Mutual Insurance Co.	Release liability.
		<b>54129</b>	NE1/4 Section 9; T8N-R5E, Butte County		
TF Luke & Sons Inc. Kimball, SD	83-11		\$20,000	Western Surety Company	Release liability.
		<b>11015</b>	SE1/4 Section 34; T101N-R64W, Aurora County		
Norman Schoenfelder Mitchell, SD	83-20		\$11,082	Commercial Bank, Mitchell First National Bank, Pierre First National Bank, Yankton	Release liability.
		<b>20002</b>	SE1/4 Section 26; T103N-R60W, Davison County		
		<b>20005</b>	SW1/4 Section 26; T103N-R60W, Davison County		
Kathleen Strain White River, SD	11-912		\$1,500	First National Bank, Murdo	Release liability.
		<b>912001</b>	E1/2 Section 11; T42N-R29W, Mellette County		

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**Release of Liability:**

Marjory Strait White River, SD	93-483	<b>483001</b>	\$1,500 NE1/4 Section 25; T43N-R28W, Mellette County	First Fidelity Bank, Murdo	Release liability.
Butte County Highway Department Belle Fourche, SD	83-6	<b>6009</b>	EXEMPT E1/2 Section 21; T8N-R5E, Butte County	NA	Release liability.
Custer County Highway Department Custer, SD	83-90	<b>90015</b>	EXEMPT S1/2 Section 20; T4S-R8E, Custer County	NA	Release liability.
Fall River County Highway Department Hot Springs, SD	83-19	<b>19012</b>	EXEMPT W1/2 NW1/4 Section 1; T10S-R4E, Fall River County	NA	Release liability.



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**Release of Liability:**

Fall River County Highway  
 Department  
 Hot Springs, SD

83-19

EXEMPT

NA

19015

SW1/4 SW1/4 Section 13, SE1/4 SE1/4 Section 14,  
 NE1/4 NE1/4 Section 23 & NW1/4 NW1/4 Section  
 24; T9S-R4E, Fall River County

19016

NE1/4 SW1/4 Section 16; T9S-R4E, Fall River  
 County

19032

S1/2 Section 22 & Section 23; T11S-R6E, Fall River  
 County

19038

NW1/4 Section 1; T8S-R1E, Fall River County

19047

S1/2 Section 31; T7S-R3E, Fall River County

19050

NE1/4 Section 10; T7S-R7E, Fall River County

56002

NE1/4 Section 28; T115N-R51W, Hamlin County

56006

NE1/4 Section 12; T115N-R53W, Hamlin County

83-56

EXEMPT

NA

Release liability.

Release liability.

Hamlin County Highway  
 Department  
 Hayti, SD

83-56

EXEMPT

NA

Release liability.

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**Release of Liability:**

Hand County Highway Department	83-148		EXEMPT	NA	Release liability.
		<b>148014</b>	NE1/4 Section 4; T112N-R66W, Hand County		
Hutchinson County Highway Department	83-133		EXEMPT	NA	Release liability.
		<b>133017</b>	NW1/4 Section 31; T100N-R57W, Hutchinson County		
		<b>133019</b>	NE1/4 Section 8; T98N-R62W, Douglas County		