



Board of Minerals and Environment

523 East Capitol Avenue
Pierre, South Dakota 57501-3182
(605)773-3151 Fax: (605)773-4068

Live audio of the meeting is available at <http://www.sd.net>

AGENDA

Board of Minerals and Environment
Telephone conference call
523 East Capitol Avenue
Pierre, South Dakota

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

10:00 a.m. Call to order and roll call

Election of Officers

Approval of minutes of the June 16, 2022, meeting

Mining Issues

Consent Calendar – Tom Cline

Public comment period in accordance with SDCL 1-25-1

Next meeting – September 15, 2022

Adjourn

Interested parties who wish to participate via telephone conference call may do so by contacting Brenda Binegar at (605) 773-3886 no later than 4:00 p.m. Central Time on Wednesday, August 17, 2022. Interested parties may also participate in person at the DANR Large Conference Room, 523 East Capitol Avenue, Pierre, SD. Board meeting attendees are encouraged to follow appropriate social distancing guidelines. If you are not feeling well, please stay home and utilize the live audio or participate via telephone. The board packet is available on the Boards and Commissions Portal at <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=67>

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Please notify the Department of Agriculture and Natural Resources by calling (605) 773-5559 at least 48 hours prior to the meeting if you have a disability for which special arrangements are required.

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

June 16, 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.

Chairman Hagg announced that this 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, and Jessica Peterson.

BOARD MEMBERS ABSENT: Dennis Landguth and John Scheetz.

OTHERS PRESENT: Mike Lees, Roberta Hudson, Eric Holm, Tom Cline, DANR Minerals and Mining Program; Mark Nelson, VMC.

APPROVAL OF MINUTES FROM MAY 19, 2022, MEETING: Motion by Karpen, seconded by Blumhardt, to approve the minutes from the May 19, 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 a table listing the department recommendations for transfer of liability and release of surety, transfers of liability, and releases of liability. (See attachment)

Tom Cline presented the consent calendar.

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

VMC ORAL MINING REPORT: Mark Nelson, VMC, presented the annual oral mining report to the board. He stated VMC is still hopeful it will be able to develop the gold resource at the site; however, at this time, VMC has no immediate plans to proceed with additional permitting on the project.

In response to a question from Chairman Hagg, Mr. Nelson stated that there has been no attempted mining or breach of the surface at the VMC site.

TRANSFER OF EXPLORATION NOTICES OF INTENT EXNI 424, 439, AND 440 FROM DAKOTA TERRITORY RESOURCES CORPORATION TO DTRC LLC: Roberta Hudson reported that DTRC LLC requested transfer of Exploration Notices of Intent Nos. 424, 439, and 440 from Dakota Territory Resources Corporation. EXNI 424 is located one mile north of Central City, EXNI 439 is located two miles northwest of Central City, and EXNI 440 is located four miles northwest of Lead, SD.

Under SDCL 45-6C-53, any exploration notice of intent can be transferred from one operator to another with the successor operator assuming all reclamation liability.

The transfer application and transfer fee were submitted to the department on May 9, 2022, the replacement reclamation bond was submitted on April 21, 2022, and the application was deemed complete on May 31, 2022.

The department recommendation to transfer the permit was prepared on June 2, 2022. The recommendation was published in the Black Hills Pioneer on June 6, 2022, and the Affidavits of Publication were received on June 13, 2022. No petitions to intervene were received.

Under SDCL 45-6C-53, the board cannot deny an exploration notice of intent transfer unless the operation is not or cannot be brought into compliance with all applicable federal, state, or local laws or the successor operator is in violation of state mining laws or mine permit conditions for any exploration or mining operation in the state. The current exploration notices of intent and DTRC LLC are in compliance with all federal, state, and local laws and regulations.

The department recommendation was to transfer Exploration Notices on Intent Nos. 424, 439, and 440 from Dakota Territory Resources Corporation to DTRC LLC, release CD No. 8201000704, First Interstate Bank, Deadwood, SD, in the amount of \$20,000, and accept replacement CD No. 8701000503, First Interstate Bank, Lead, SD, in the amount of \$20,000.

Mr. Morris stated that he had contacted Ms. Hudson prior to the meeting to address a concern he had found while researching the transfer. He indicated that according to the Secretary of State's website, Dakota Territory Resources Corporation is a Nevada corporation. Dakota Territory Resources Corp. filed an application to withdraw authorization to do business in South Dakota in April 2022, and the Secretary of State granted the withdrawal on April 19, 2022.

Mr. Morris stated that Ms. Hudson explained to him that there was a merger between Dakota Territory Resources Corporation and DTRC LLC, with DTRC LLC becoming authorized to do business in South Dakota in April 2022.

Ms. Hudson clarified that that DTRC LLC is a company that was formed as part of a merger between Dakota Territory Resources Corporation and another company. The merger formed Dakota Gold as the parent company while DTRC LLC was developed as a sub-company that operates primarily out of South Dakota. The EXNI transfer was needed because the corporate structure of the company changed with the merger.

Motion by Morris, seconded by Karpen, to transfer Exploration Notices on Intent Nos. 424, 439, and 440 from Dakota Territory Resources Corporation to DTRC LLC, release CD No. 8201000704, First Interstate Bank, Deadwood, SD, in the amount of \$20,000, and accept replacement CD No. 8701000503, First Interstate Bank, Lead, SD, in the amount of \$20,000. 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 July 21, 2022.

Hearing Chairman Greenfield stated that he granted a continuance of the hearing in the matter of the Notice of Violation issued to Cody Schad.

Chairman Hagg noted that he is not available to attend the July meeting.

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

Secretary _____ Date _____ Witness _____ Date _____

Consent Calendar
South Dakota Board of Minerals & Environment

June 16, 2022

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

Transfer of Liability & Release of Surety:

Hilde Pipe & Gravel Inc.
Madison, SD

83-71

71001

N1/2 NE1/4 Section 27, SE1/4 Section 22, & SW1/4
SW1/4 Section 23; T106N-R52W, Lake County

Auto-Owners Insurance

Transfer liability and release
\$20,000.

Transfer to:

Reynolds Construction
Management
Sioux Falls, SD

22-1107

\$20,000

North Atlantic Specialty
Insurance Company

Transfer of Liability:

LG Everist Inc. &
Subsidiaries
Sioux Falls, SD

83-37

\$20,000

The Aetna Casualty & Surety
Company

Transfer liability.

Transfer to:

LG Everist Inc. &
Subsidiaries
Sioux Falls, SD

83-37

\$20,000

The Aetna Casualty & Surety
Company

37017

W 1534.04' of S 1703.78' SE1/4 Section 27;
T101N-R48W, Minnehaha County

*Consent Calendar
South Dakota Board of Minerals & Environment*

June 16, 2022

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

Transfer of Liability:

Lien Transportation Company Aberdeen, SD 84-257 \$20,000 Western Surety Company Transfer liability.

257005 NE1/4 Section 13; T122N-R53W, Day County

257006 SE1/4 Section 11; T122N-R53W, Day County

Transfer to:

Earl or Dwight Althoff Waubay, SD 18-1041 \$20,000 First Savings Bank, Waubay

Release of Liability:

Halme Inc. Lake Norden, SD 16-1011 \$20,000 Travelers Casualty & Surety Company of America Release liability.

1011001 N1/2 SE1/4 Section 24; T113N-R54W, Hamlin County

Beadle County Highway Department Huron, SD 83-76 EXEMPT NA Release liability.

76007 E1/2 Section 22; T112N-R63W, Beadle County

*Consent Calendar
South Dakota Board of Minerals & Environment*

<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>
Release of Liability: Lyman County Highway Department	83-215	215014	EXEMPT	NA NW1/4 Section 36; T43N-R26W, Mellette County	Release liability.

June 16, 2022

South Dakota Board of Minerals & Environment

June 16, 2022

<u>Permit Holder</u>	<u>Permit No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DENR Recommendation</u>
<u>Transfer of Exploration Notices of Intent EXNI-424, 439, & 440:</u>				
Dakota Territory Resource Corp Lead, SD	EXNI-424	\$20,000	First Interstate Bank, Deadwood	Transfer liability and release CD No. 8201000704, First Interstate Bank, Deadwood, in the amount of \$20,000. Accept CD No. 8701000503, First Interstate Bank, Lead, in the amount of \$20,000.
	EXNI-439		Portions of Sections 20 & 21; T5N-R3E, Lawrence County	
	EXNI-440		Portions of Section 18; T5N-R3E & Section 13; T5N-R2E, Lawrence County Portions of Sections 14, 15, 22, & 23; T5N-R2E, Lawrence County	
Transfer to: DTRC LLC Lead, SD		\$20,000	First Interstate Bank, Lead	

Consent Calendar
South Dakota Board of Minerals & Environment

August 18, 2022

<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>
<u>Release of Liability & Surety:</u>					
Terry Lee Trucking South Shore, SD	04-794	794001	\$500 \$500	First National Bank, Pierre State Bank of Bellingham, Bellingham, MN	Release liability and \$1,000.
Pete Lien & Sons Inc. Rapid City, SD	00-712	712001	\$13,000	NW1/4 NW1/4 Section 32; T121N-R51W, Grant County Western Surety Company	Release liability and \$13,000.
Nissen Brothers Piedmont, SD	92-449	449001	\$500 \$500	E1/2 Section 9 & W1/2 Section 10; T1S-R7E, Pennington County First Interstate Bank, Wall First Interstate Bank, New Underwood	Release liability and \$1,000.
Talley Construction Hill City, SD	09-868	868001	\$10,000	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 Pioneer Bank & Trust, Rapid City	Release liability and \$10,000.

Consent Calendar
South Dakota Board of Minerals & Environment

August 18, 2022

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<u>Release of Liability & Surety:</u>					
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.
		687001	Section 9; T99N-R57W,	Hutchinson County	
<u>Transfer of Liability:</u>					
Beilke Construction Inc. Wetonka, SD	83-221		\$20,000	Sun Surety Insurance Company	Transfer liability.
		221019	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	
Halme Inc. Lake Norden, SD	16-1011		\$20,000	Travelers Casualty & Surety Company of America	Transfer liability.
Transfer to: Gary Bandemer Toronto, SD	22-1112		\$1,000	First Bank & Trust, Toronto	
		1011005	NW1/4 NW1/4 Section 23; T113N-R48W, Deuel County		

Consent Calendar
South Dakota Board of Minerals & Environment

<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>
<i>August 18, 2022</i>					
<u>Transfer of Liability:</u>					
Webster Scale Inc. Webster, SD	03-766		\$20,000	AMCO Insurance Company	Transfer liability.
Transfer to: J & J Earth Works Inc. Milbank, SD	17-1017	766005	W1/2 Section 27; T117N-R52W, Codington County	Western Surety Company	
Butte County Highway Department Belle Fourche, SD	83-6		EXEMPT	NA	Transfer liability.
Transfer to: Brett Crowser Belle Fourche, SD	15-995	6014	SW1/4 & SE1/4 Section 9; T8N-R3E, Butte County	First Interstate Bank, Belle Fourche	
<u>Release of Liability:</u>					
Brownlee Construction Inc. Watertown, SD	89-393	393017	Section 9; T116N-R52W, Codington County	United Fire & Casualty Company	Release liability.

Consent Calendar
South Dakota Board of Minerals & Environment

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

August 18, 2022

Consent Calendar
South Dakota Board of Minerals & Environment

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

August 18, 2022

Consent Calendar
South Dakota Board of Minerals & Environment

August 18, 2022

<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>
<u>Release of Liability:</u>					
Fall River County Highway Department Hot Springs, SD	83-19		EXEMPT	NA	Release liability.
		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	
Hamlin County Highway Department Hayti, SD	83-56		EXEMPT	NA	Release liability.
		56002		NE1/4 Section 28; T115N-R51W, Hamlin County	
		56006		NE1/4 Section 12; T115N-R53W, Hamlin County	

Consent Calendar
South Dakota Board of Minerals & Environment

<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>
<i>August 18, 2022</i>					
<u>Release of Liability:</u>					
Hand County Highway Department	83-148		EXEMPT	NA	Release liability.
		148014	NE1/4 Section 4;	T112N-R66W, Hand County	
Hutchinson County Highway Department	83-133		EXEMPT	NA	Release liability.
		133017	NW1/4 Section 31;	T100N-R57W, Hutchinson County	
		133019	NE1/4 Section 8;	T98N-R62W, Douglas County	



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 3, 2022

MEMO TO: Members of the Board of Minerals and Environment

FROM: *qw* Jim Wendte, Administrator, Waste Management Program

SUBJECT: Solid Waste Permit Actions

Listed below are the solid waste permit actions since my last memo dated December 2, 2021.

Individual Permits Public Noticed and Issued

1. Pete Lien & Sons (Rapid City) – cement kiln dust and construction debris disposal site (five-year renewal)
2. City of Geddes – restricted use site (five-year renewal)
3. Bouza Construction (Wagner) – restricted use site (five-year renewal)
4. City of Highmore – restricted use site (five-year renewal)
5. City of Plankinton – restricted use site (five-year renewal)
6. H&R Salvage (Mitchell) – waste tire storage and processing facility (two-year initial)
7. City of Centerville – restricted use site (five-year renewal)
8. City of Martin – restricted use site (five-year renewal)
9. B-Y Rural Water District (Yankton County) – lime sludge disposal (five-year renewal)
10. City of Mitchell – closed municipal solid waste landfill and active restricted use site (five-year renewal)
11. Monument Health (Rapid City) – medical waste treatment facility (five-year renewal)
12. Medical Waste Transport (Sioux Falls) – medical waste treatment facility (five-year renewal)
13. City of Kadoka – restricted use site and solid waste transfer station (five-year renewal)
14. City of Iroquois – restricted use site (five-year renewal)
15. Runge Enterprises (Sioux Falls) – construction and demolition debris disposal site (five-year renewal)
16. City of Viborg – restricted use site (five-year renewal)
17. Willmott Gravel (Brookings County) – construction and demolition debris disposal site (two-year initial)
18. Town of Wakonda – restricted use site (five-year renewal)
19. City of Gary – restricted use site (five-year renewal)
20. Dahme Construction (Aberdeen) – restricted use site (five-year renewal)
21. City of Colome – restricted use site (five-year renewal)
22. Walworth County – municipal solid waste landfill (five-year renewal)

General Permit Authorizations Issued

1. Boom Concrete (Newell) – petroleum-contaminated soil treatment facility (five-year renewal)
2. Town of Orient – restricted use site (five-year renewal)
3. Town of Frederick – restricted use site (five-year renewal)
4. Wharf Resources (Lead) – construction and demolition debris disposal site (five-year renewal)
5. City of Wilmot – restricted use site (five-year renewal)
6. Town of Alpena – restricted use site (five-year renewal)
7. City of Flandreau – restricted use site (five-year renewal)
8. City of Mellette – restricted use site (five-year renewal)

July 25, 2022

NOTICE OF DEPARTMENT ACTION

The Department of Agriculture and Natural Resources is informing you that the following Temporary Cessation request has been approved in accordance with SDCL 45-6B and ARSD 74:29:09:06.

Date of Action: July 20, 2022

Applicant: Pete Lien & Sons, Inc.

Address: PO Box 440, Rapid City, SD 57709-0440

Permit: 58

Legal Description: S1/2 NE1/4, portion of SE1/4 NW1/4, NE1/4 SW1/4, and portion of W1/2 SW1/4, N1/2 SE1/4, SE/4 SW1/4, S1/2 SE1/4 Section 29; T6S-R4E, Custer County

General Location: Approximately 9 miles southwest of Pringle, South Dakota

Mineral: Limestone

Narrative: This Temporary Cessation will allow Pete Lien & Sons to temporarily cease mining activities under this permit until there is a viable market for the limestone. Pete Lien & Sons will conduct reclamation work and perform site maintenance during the period of temporary cessation.

In accordance with SDCL 45-6B-3(6)(c), Pete Lien & Sons must resume production within five years unless the Board of Minerals and Environment grants a 5-year extension. If production does not resume within the required time period, Pete Lien & Sons must reclaim the area pursuant to the reclamation plan in Mine Permit 58.

If you have any questions regarding the temporary cessation, please feel free to contact Eric Holm, Minerals and Mining Program at (605) 773-4201.

Sincerely,



Hunter Roberts
Secretary