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FEB 13 2020
MINERALS & MINING PROGRAM

Eric Holm
Department of Environment and Natural Resources
Minerals and Mining Program
523 East Capitol Avenue
Pierre, SD 57501

Dear Mr. Holm:

I request that EXNI-408, issued to B4Time, LLC, be closed and the bond currently held by the Department of Environment and Natural Resources be used to complete reclamation that is necessary for our exploration operation conducted in the SW1/4 Section 7; T1N-R4E, of Pennington County.

In the past three years, my husband has experienced some health issues that limit his physical activities. Also, since we are retired and living on social security, we do not have the funds to hire someone to do the reclamation for us. I recognize that reclamation currently remains incomplete at the site, and our exploration operation is in violation of state law. To remedy this situation, on behalf of B4Time, LLC, I ask that EXNI-408 be closed and I voluntarily surrender the corresponding reclamation surety held by the Department. If this proposal is acceptable to the Department, I also ask that B4Time, LLC, be released of any further obligations regarding reclamation of the EXNI-408 site. I am aware that B4 Time, LLC, is entitled to a hearing before the Board regarding any closure or revocation of EXNI-408 and the surrender of the surety; I waive the necessity of a hearing before the Board for this matter.

My signature below indicates that I am fully aware of all facts and circumstances surrounding EXNI-408 and that all actions taken or requested in this writing are done knowingly, intelligently, and voluntarily.

Thank you for your consideration in this matter.

February 8, 2020
Date of signature:

Sandra Tepley
Sandra Tepley, President – B4Time, LLC

17351 School Lake Rd. NE Bemidji, MN 56601
Address

(218) 586-2728
Phone

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 28, 2020

Sandra Tepley, President
B4Time, LLC
17351 School Lake Road NE
Bemidji, Minnesota 56601

Dear Ms. Tepley:

Enclosed is a Notice of Violation and Order (Notice) that applies to EXNI-408. The Notice alleges you failed to comply with the annual report and reclamation requirements of South Dakota's mineral exploration law. If you do not either 1) submit the required annual reports and complete site reclamation within 30 days of receipt of the Notice, or 2) voluntarily withdraw EXNI-408 and forfeit the associated $1,000 bond to DENR by signing the enclosed release letter; then DENR will initiate a contested case hearing before the SD Board of Minerals and Environment, requesting a Board order for revocation of EXNI-408, forfeiture of the reclamation surety for EXNI-408, and possible financial penalties.

B4Time, LLC may request a hearing before the Board of Minerals and Environment regarding the allegations contained herein by submitting a written request to the Secretary, Department of Environment and Natural Resources, 523 East Capitol Avenue, Pierre, SD 57501-3182. If B4Time, LLC fails to request a hearing within 30 days after receipt of the Notice, the allegations stated in the Notice shall be deemed fact, and the Order proposed above shall automatically become effective.

Be advised, if EXNI-408 is revoked, any future attempts to obtain an environmental permit from the department will require that you disclose this revocation in accordance with SDCL 1-40-27(1)(d). In addition, the secretary may reject an application for any permit filed pursuant to Title 34A or 45.

If you have any questions about this letter or the enclosed Notice, please contact Eric Holm at (605) 773-4201. If you have an attorney, your attorney should contact Steve Blair with the Attorney General's Office at (605) 773-3215. Thank you for your anticipated cooperation and prompt attention in this matter.

Sincerely,

Hunter Roberts
Secretary

Enclosure: Notice of Violation and Order

cc: Steve Blair, Assistant Attorney General w/enclosure

STATE OF SOUTH DAKOTA

SECRETARY OF THE
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF VIOLATIONS OF EXNI-408 HELD BY B4TIME, LLC	))	**NOTICE OF VIOLATION AND ORDER**

TO: Sandra Tepley, President
B4Time, LLC
17351 School Lake Road NE
Bemidji, Minnesota 56601

Notice is hereby given by the Secretary of the Department of Environment and Natural Resources ("DENR"), that B4Time, LLC, operator under EXNI-408, has violated the terms and conditions of EXNI-408 and South Dakota Codified Laws (SDCL) Chapter 45-6C, as specified below.

THE FACTS alleged to constitute this violation are as follows:

1. On July 6, 2010, DENR issued a restriction letter for B4Time, LLC to conduct an exploration operation for gold in the SW1/4 Section 7; T1N-R4E, Pennington County. B4Time, LLC also posted a one-thousand-dollar reclamation bond as required under SDCL 45-6C-19.

2. SDCL 45-6C-52 states, "For each exploration notice of intent held by an operator, an annual report of activities conducted under the notice shall be submitted to the department by January 1 of each year. Any operator holding more than one notice may submit a single annual report describing activities conducted under all such notices…."

3. On October 31, 2018, DENR mailed B4Time, LLC an annual report form for EXNI-408 which was required to be submitted on January 1, 2019. The annual report form included instructions for completing the form. B4Time, LLC failed to submit the completed annual report form by the January 1, 2019 deadline.

4. On November 8, 2019, DENR mailed B4Time, LLC an annual report form for EXNI-408 which was required to be submitted on January 1, 2020. The annual report form included instructions for completing the form. B4Time, LLC failed to submit the completed annual report form by the January 1, 2020 deadline.

5. That as of January 28, 2020, B4Time, LLC has not submitted the annual report for EXNI-408 as required by SDCL 45-6C-52.

6. The US Forest Service is the surface owner of the exploration area covered under EXNI-408. The Forest Service issued B4Time, LLC an operating plan after it posted a one-thousand-seven-hundred-dollar reclamation bond. This bond is in addition to the one-thousand-dollar reclamation bond posted with the state of South Dakota.

7. SDCL 45-6C-33 states, "The operator shall restore each drill site and other affected land as nearly as possible to its original condition including, but not limited to, backfilling all mudpits, scattering any drill cuttings left on the surface, reseeding the drill site and approach trails, removing shot wire or other action as may be necessary.

8. Section III.B.4 of the October 20, 2018 Memorandum of Understanding between the DENR and the US Forest Service states, "The US Forest Service and the Department will be jointly responsible for the administration of the reclamation. The US Forest Service will notify the Department of any failure by the operator to meet US Forest Service standards. If an operator fails to or refuses to perform the required reclamation, the US Forest Service and the Department will ensure reclamation of the site is completed and will collect the costs therefore from the financial assurance."

9. On December 16, 2017, B4Time, LLC submitted a letter to the US Forest Service stating that reclamation of the exploration area would begin in the fall of 2018.

10. After an October 2018 inspection, the Forest Service notified DENR it sent B4Time, LLC a letter requiring that reclamation of the site must be started no later than the spring of 2019. The letter also stated if reclamation is not started in 2019, the Forest Service would use the reclamation bonds held by the Forest Service and the state of South Dakota to complete reclamation.

11. On July 17, 2019, DENR and the US Forest Service inspected the area affected under EXNI-408 and determined B4Time, LLC did not complete the required reclamation.

12. On September 16, 2019, the US Forest Service emailed DENR a copy of a letter it received from Sandra Tepley, President of B4Time, LLC. She stated since her husband experienced two strokes and they have limited funds, they are unable to complete reclamation of the area affected under EXNI-408.

13. On October 22, 2019, the US Forest Service notified DENR by email that it had a phone conversation with Sandra Tepley of B4Time, LLC. The Forest Service told her that it could use the bonds held by the state of South Dakota and the Forest Service to do the reclamation work. Ms. Tepley was agreeable to the Forest Service using the bonds to do the reclamation work and was willing to sign any associated paperwork needed to cover the work.

14. Based on the foregoing facts, the provisions of SDCL 45-6C-33 and 45-6C-52 have been violated.

15. SDCL 45-6C-36 states, "If the secretary of environment and natural resources has reason to believe that a violation of this chapter has occurred, written notice shall be given to the operator of the alleged violation. The notice shall be served personally or by registered mail upon the alleged violator or the alleged violator's agent for service of process. The notice shall state the provision alleged to be violated and the facts alleged to constitute the violation and shall recommend possible corrective action."

WHEREFORE, as a result of these FACTS and VIOLATIONS, and pursuant to SDCL 45-6C-36, the Secretary of DENR hereby ORDERS B4Time, LLC to take the following corrective action:

1. Submit the completed annual report forms required by SDCL 45-6C-52 and complete reclamation within 30 days of receipt of this Notice.

NOTICE IS HEREBY GIVEN that B4Time, LLC may request a hearing before the Board of Minerals and Environment regarding the allegations contained herein by submitting a written request within **30 days** of receipt of this Notice of Violation and Order. This written request must be filed with DENR before the expiration of the 30 days, by delivery to: Secretary, Department of Environment and Natural Resources, 523 East Capitol Avenue, Pierre, SD 57501-3182.

NOTICE IS ALSO HEREBY GIVEN that if B4Time, LLC fails to request a hearing within 30 days, the allegations stated herein shall be deemed fact.

NOTICE IS ALSO HEREBY GIVEN that if B4Time, LLC requests a hearing before the Board on these allegations, a Notice of Hearing will be sent to B4Time, LLC designating the date, time, and location of the hearing.

NOTICE IS ALSO HEREBY GIVEN that unless B4Time, LLC voluntarily withdraws EXNI-408 and voluntarily forfeits the $1,000 financial assurance posted to cover EXNI-408 to DENR within **30 days** of receipt of this Notice of Violation and Order, DENR will initiate a contested case hearing for Board consideration of DENR's recommendation for revocation of EXNI-408, forfeiture of B4Time's financial assurance, and possible financial penalties. If DENR initiates a contested case hearing before the Board, a Notice of Hearing will be sent to B4Time, LLC designating the date, time, and location of the hearing.

THIS NOTICE does not constitute a waiver or an election by the State to forego civil or criminal action to seek penalties or other relief as the State may deem appropriate under the provisions of SDCL Chapter 45-6C and other applicable laws. This Notice of Violation and Order further does not constitute a modification or amendment of the terms and conditions of EXNI-408 or the provisions of SDCL Chapter 45-6C, which remain in full force and effect.

Dated this 28th day of January, 2020

Hunter Roberts, Secretary
Department of Environment and Natural Resources