



## **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

September 15, 2022  
10:00 a.m. Central Time

- 10:00 a.m. Call to order and roll call
- Approval of minutes of the August 18, 2022, meeting
- Mining Issues  
Consent Calendar – Tom Cline
- Public comment period in accordance with SDCL 1-25-1
- Next meeting – October 20, 2022
- Adjourn

Interested parties who wish to participate via telephone conference call may do so by contacting DANR at (605) 773-3886 no later than 4:00 p.m. Central Time on Wednesday, September 14, 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

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.

Board of Minerals and Environment  
August 18, 2022, Meeting Minutes

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      **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      Western Surety Company      Release liability and \$13,000.

Nissen Brothers  
Piedmont, SD      92-449      **449001**      \$500  
\$500      First Interstate Bank, Wall  
First Interstate Bank, New  
Underwood      Release liability and \$1,000.

Talley Construction  
Hill City, SD      09-868      **868001**      \$10,000      Pioneer Bank & Trust, Rapid  
City      Release liability and \$10,000.

NW1/4 NW1/4 Section 32; T121N-R51W, Grant  
County

E1/2 Section 9 & W1/2 Section 10; T1S-R7E,  
Pennington County

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

NE1/4 SE1/4 & SE1/4 NE1/4 Section 9; T1S-R7E,  
Pennington County

**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:**

Harvey Wall  
Sioux Falls, SD      99-687  
  
\$1,000      US Bank, Mitchell  
\$2,000      US Bank, Mitchell  
\$1,033      US Bank, Mitchell  
**687001**      Section 9; T99N-R57W, Hutchinson County  
Release liability and \$4,033.

**Transfer of Liability:**

Beilke Construction Inc.  
Wetonka, SD      83-221      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      Fidelity & Deposit Company of Maryland

Halme Inc.  
Lake Norden, SD      16-1011

Transfer liability.

**1011005**      NW1/4 NW1/4 Section 23; T113N-R48W, Deuel County

Travelers Casualty & Surety  
Company of America

Transfer to:

Gary Bandemer  
Toronto, SD      22-1112      First Bank & Trust, Toronto      \$1,000

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

**August 18, 2022**

**DENR Recommendation**

**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

**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:**

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		



*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:**

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

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**August 18, 2022**

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

**Release of Liability:**

Fall River County Highway  
 Department  
 Hot Springs, SD

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

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

**Release of Liability:**

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

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

***September 15, 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>
<b><u>Release of Liability &amp; Surety:</u></b>					
Steve Roseland Seneca, SD	11-921	<b>921001</b>	\$1,000	Dacotah Bank, Faulkton Section 30; T117N-R71W, Faulk County	Release liability and \$1,000.
Schenk Industries, LLC Brandon, SD	14-965	<b>965001</b>	\$20,000	Quoin Financial Bank, Sioux Falls, SD SE1/4 Section 15; T101N-R50W, Minnehaha County	Release liability and \$20,000.
Michael D. Wudel Naples, FL	21-1106	<b>1106001</b>	\$20,000	Merchants Bonding Company (Mutual) NW1/4 Section 34; T117N-R52W, Codington County	Release liability and \$20,000.

***Consent Calendar***  
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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>Transfer of Liability &amp; Release of Surety:</u></b>					
Rafter R Ranch, Inc. Aberdeen, SD	98-650		\$1,500	Wells Fargo, Aberdeen	Transfer liability and release \$1,500.
		<b>650001</b>	NE1/4 SW1/4 Section 11; T4S-R7E, Custer County		
Transfer to:					
Quality Real Estate, Inc. Oral, SD	91-421		\$20,000	American Contractors Indemnity Company	
<b><u>Transfer of Liability:</u></b>					
Western Construction Inc. Rapid City, SD	09-880		\$20,000	Western Surety Company	Transfer liability.
		<b>880024</b>	E1/2 SE1/4 NW1/4, W1/2 SW1/4 NE1/4, NE1/4 SW1/4, N1/2 SE1/4 Section 34; T7N-R1E, Lawrence County		
Transfer to:					
Johner Gravel Inc. Spearfish, SD	09-884		\$20,000	First Interstate Bank, Spearfish	
<b><u>Release of Liability:</u></b>					
Carr Towing & Construction Redfield, SD	87-349		\$7,030	Heartland State Bank, Redfield	Release liability.
		<b>349007</b>	SE1/4 Section 3; T116N-R67W, Hand County		

*Consent Calendar*  
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*September 15, 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>
<b><u>Release of Liability:</u></b>					
Halme Inc. Lake Norden, SD	16-1011		\$20,000	Travelers Casualty & Surety Company of America	Release liability.
		<b>1011004</b>	SE1/4 Section 30; T113N-R54W, Hamlin County		
Mehlhoff Construction Tripp, SD	83-218		\$4,000	The Farmers & Merchants State Bank, Scotland	Release liability.
		<b>218003</b>	Lt. B-1 N1/2 SE1/4 Section 2; T99N-R59W, Hutchinson County		
		<b>218009</b>	SE1/4 Section 18; T98N-R62W, Douglas County		
		<b>218022</b>	SW1/4 Section 30; T98N-R58W, Hutchinson County		
Dan L. Meyers dba Meyers Sand & Gravel Huron, SD	83-176		\$20,000	Sun Surety Insurance Company	Release liability.
		<b>176020</b>	NE1/4 Section 24; T113N-R60W, Beadle County		
Earl F. Vesely Wood, SD	00-703		\$2,000	First Fidelity Bank, Winner	Release liability.
		<b>703001</b>	SE1/4 Section 1; T103N-R72W, Brule County		

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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:</u></b>					
Beadle County Highway Department Huron, SD	83-76		EXEMPT	NA	Release liability.
		<b>76009</b>	W1/2 Section 9; T112N-R60W, Beadle County		
Hutchinson County Highway Department Olivet, SD	83-133		EXEMPT	NA	Release liability.
		<b>133015</b>	N1/2 NW1/4 Section 22; T100N-R59W, Hutchinson County		