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MINERALS & MINING PROGRAM

**OFFICE OF ATTORNEY GENERAL**

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**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

August 27, 2015

**VIA MAIL and EMAIL**

Max Main  
Bennet, Main & Gubbrud, PC  
618 State Street  
Belle Fourche, SD 57717-1489

Harlan Schmidt  
P.O. Box 1048  
Spearfish, SD 57783

Re: In re LAC Minerals, LLC Petition for Release of Reclamation Liability etc.,  
Permit nos. 445&460

Max & Harlan:

Enclosed please find a Notice of Prehearing Conference and Certificate of Service regarding the LAC Minerals' matter. A copy of this pleading is being sent to Hearing Chair Greenfield. The original of this notice has been filed with Brenda Binegar at the Department of Environment and Natural Resources.

If you have any questions please don't hesitate to contact me.

Sincerely,

  
Steven R. Blair

Assistant Attorney General

Enclosures

Cc/encl: Gregg Greenfield  
Mike Cepak

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STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

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IN THE MATTER OF LAC MINERALS )  
(USA), LLC'S PETITION FOR )  
RELEASE OF RECLAMATION )  
LIABILITY, UPDATED )  
RECLAMATION PLAN AND )  
FINANCIAL ASSURANCE, REQUEST )  
TO EXTEND RECLAMATION )  
PERIOD, POSTCLOSURE PLAN AND )  
FINANCIAL ASSURANCE, AND )  
REQUEST TO RETAIN WATER )  
MANAGEMENT FACILITIES AND )  
ACCESS ROADS )  
)  
)  
PERMIT Nos. 445 & 460 )

NOTICE OF  
PREHEARING CONFERENCE

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TO: LAC MINERALS (USA), LLC, through their counsel of record MAX MAIN, Bennet, Main & Gubbrud, PC, 618 State Street, Belle Fourche, SD 57717-1489; HARLAN SCHMIDT, in his personal capacity and as legal counsel for Robert G. Fowler, P.O. Box 1048, Spearfish, SD 57783:

Notice is hereby given that a telephonic prehearing conference will be held in the above captioned matter before Gregg Greenfield, appointed hearing chair for the Board of Minerals and Environment. The details for the prehearing conference are as follows:

DATE: Thursday, September 3, 2015  
TIME: 11:00 a.m. Central Time (10:00 a.m. Mountain Time)  
NUMBER: 605-773-2323  
CONFERENCE PASSWORD: 0370#  
DURATION: 1 hour

The telephone system over which the conference is held only accommodates up to 8 participants. If you have trouble connecting to the call please call the conference operator at 605-773-3011.

If any party wishes the prehearing conference to be transcribed, that party should make arrangements with a court reporter prior to the prehearing conference.

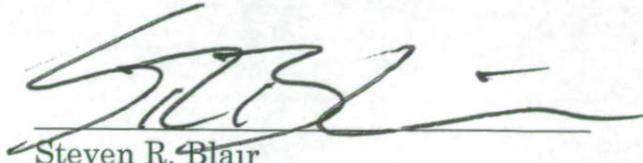
Pursuant to ARSD 74:09:01:10, the prehearing conference may address any motions filed by the parties, establish a reasonable discovery schedule for the matter, set the place and time for any formal hearing regarding the matter pending before the Board, and may address any other issue(s) raised by the parties or interested persons at that time.

Decisions made at the prehearing conference may affect a person's rights at any future contested case proceeding held in the matter. As such, persons or groups participating at the prehearing conference have the right to submit motions for consideration of the Hearing Chair, be present and represented by legal counsel, and to submit any oral or written arguments as may be appropriate. Any corporation, partnership, association, or other legal entity (including non-profit organizations) must be represented by an attorney at the prehearing conference.

Pursuant to ARSD 74:09:01:09, motions shall be made in writing and filed with the Department. Copies of any motion shall also be served on the Hearing Chair, and upon all parties of record. It is requested that motions be filed and served upon all parties at a reasonable time prior to the prehearing conference date.

*[signature contained on following page]*

Dated this 27<sup>th</sup> day of August, 2015

A handwritten signature in black ink, appearing to read 'S. Blair', written over a horizontal line.

Steven R. Blair

Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501  
Telephone: (605) 773-3215  
steven.blair@state.sd.us

*Counsel for Minerals and Mining Program, DENR*

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DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

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IN THE MATTER OF LAC MINERALS )	
(USA), LLC'S PETITION FOR )	
RELEASE OF RECLAMATION )	CERTIFICATE OF SERVICE
LIABILITY, UPDATED )	
RECLAMATION PLAN AND )	
FINANCIAL ASSURANCE, REQUEST )	
TO EXTEND RECLAMATION )	
PERIOD, POSTCLOSURE PLAN AND )	
FNANCIAL ASSURANCE, AND )	
REQUEST TO RETAIN WATER )	
MANAGEMENT FACILITIES AND )	
ACCESS ROADS )	
)	
PERMIT Nos. 445 & 460 )	

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The undersigned hereby certifies that a true and correct copy of the *Notice of Prehearing Conference* filed in the above entitled matter was served by United States mail, first class, postage prepaid upon the following parties on this 27<sup>th</sup> day of August, 2015:

Gregg Greenfield  
4901 S. Isabel Place, #210  
Sioux Falls, SD 57108

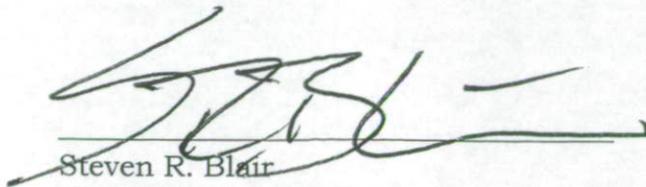
Max Main  
Bennet, Main & Gubbrud, PC  
618 State Street  
Belle Fourche, SD 57717-1489  
*Counsel for LAC Minerals LLC*

Harlan Schmidt  
P.O. Box 1048  
Spearfish, SD 57783  
*In his personal capacity and as Counsel  
for Robert G. Fowler*

The original of the above referenced document was filed with:

Brenda Binigar  
Department of Environment & Natural Resources  
523 E. Capitol Ave.  
Pierre, SD 57501-3182

[signature contained on following page]

A handwritten signature in black ink, appearing to read 'S. Blair', written over a horizontal line.

Steven R. Blair

Assistant Attorney General

1302 East Highway 14, Suite 1

Pierre, South Dakota 57501-8501

Telephone: (605) 773-3215

Steve.Blair@state.sd.us