



## DEPARTMENT OF GAME, FISH AND PARKS

Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

November 1, 2004

Dear Interested Party,

This letter is being sent to you because you were either on our original mailing list for "Notice of Availability of the Draft Conceptual Restoration Plan for Whitewood Creek and the Belle Fourche and Cheyenne River Watershed, South Dakota. September 29, 2004." or you demonstrated interest in learning more about the Draft Plan after its public release on September 29, 2004.

### **Following are clarifications to the above Draft Plan.**

1. Funds for this Plan (Homestake Mining Company Natural Resource Restoration Fund or HMC NRRF) are the result of a Natural Resource Damage Assessment lawsuit settlement in 1999. These monies are not State or Federal operational dollars, nor are they dollars from the sale of game, fish or park licenses/fees. These monies are not tax dollars. See Draft Plan.
2. Funds for this Plan must be spent strictly on projects that give back to the public or compensate the public for similar natural resources or services provided by natural resources that were lost, injured or damaged due to the release of hazardous substances into Whitewood Creek and downstream waters. Projects will be prioritized within riparian areas and can include restoration, rehabilitation, replacement or acquisition of the equivalent of the injured resources. See Draft Plan.
3. South Dakota Department of Game, Fish and Parks does not hold all water rights in Spearfish Canyon. SDGFP has one recently acquired water right (43A-1) in Little Spearfish Creek which resulted from the above-referenced lawsuit. See Draft Plan page 14. For the first time since 1917, those waters are no longer diverted but flow back into the Little Spearfish Creek and create Spearfish Falls in Spearfish Canyon for public enjoyment. Little Spearfish Creek flows into Spearfish Creek.

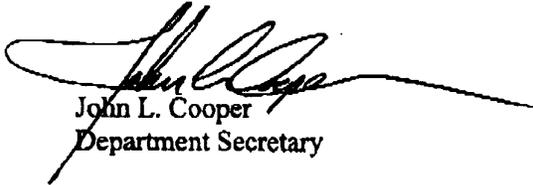
### **Following are Governor Directed Clarifications or Addendums to the Draft Plan:**

On October 28, 2004, the Governor of the State of South Dakota, approved the following clarifications and/or changes to be made within 10 days to the above-referenced Draft Plan. These clarifications and/or changes only apply to the referenced Plan, HMC-NRRF monies and/or projects associated with the Plan.

1. ***The current comment period for the Draft Plan will be extended 30 days from November 1, 2004 to December 1, 2004. See Attached News Release.***
2. **It is further clarified, that HMC NRRF monies in this Plan will only be allocated to or spent on projects by and between or among willing partners, landowners and/or cooperators.**
3. **Projects using HMC NRRF monies in this Plan that propose land acquisitions or easements will be by and between willing seller(s). An addendum will be added to the Plan which requires proposals for land purchases or easements using HMC NRRF monies to be proposed to and seek approval of the County Commission and Conservation District of the county in which the project is proposed. A local public hearing prior to final approval would also be required.**
4. **Once original HMC-NRRF monies from Homestake Mining Company have been exhausted, expended and implemented, this Plan will cease to exist under the original terms of the Natural Resource Damage Assessment process.**
5. **Projects proposed under this Plan will be in accordance with existing State laws and Regulations pertaining to watersheds and to watershed management. See Draft Plan pages 63 and 94.**
6. **That the Final version of the Plan, to be made available to the Public as the "Final Plan" shortly after the close of the extended public comment period on December 1, 2004, will include a strike through/bold print version so that the public can readily track where changes were made and not made.**

Thank you for your interest. We continue to invite public comments to the Draft Plan postmarked by December 1, 2004, and send comments to: Shelly Deisch, Restoration Coordinator, 3305 West South Street, Rapid City, South Dakota, 57702. The Draft Plan is available at various locations as noted in the attached News Release.

Sincerely,



John L. Cooper  
Department Secretary

## **NOVEMBER 1, 2004 NEWS RELEASE - PUBLIC COMMENT PERIOD EXTENDED**

PIERRE, S.D. – Governor Mike Rounds today announced a one-month extension to the public comment period for a draft plan that guides restoration of lands damaged by the mining operation of the Homestake Mining Company (now Barrick Gold).

The public comment period for the draft Conceptual Restoration Plan was scheduled to end on November 1. Governor Rounds has approved an extension through December 1.

“This plan is a tremendous opportunity for South Dakota to protect some of the most beautiful land in the country, so it is vital that the public be given every opportunity to comment on the plan,” Governor Rounds said.

The draft plan lays out several alternatives for compensating the public for hazardous substance releases from the Homestake Mining operation in the northern Black Hills. The recommended alternative is to use money paid by the mining company as part of this compensation to purchase and preserve undamaged land and keep it in public ownership.

Governor Rounds said that the state is currently exploring the purchase of 469 acres of land in Spearfish Canyon. “This represents some of the finest and most diverse land and stream habitat in South Dakota,” Governor Rounds said. “That is why it is important that we provide this extended comment period.”

The public can submit their comments on the plan to: Shelly Deisch; Game, Fish and Parks; 3305 W. South Street, Rapid City SD 57702. E-mail at [shelly.deisch@state.sd.us](mailto:shelly.deisch@state.sd.us).

Copies of the draft are available for review at:

- S.D. Game, Fish and Parks web site: [www.sdgfp.info](http://www.sdgfp.info).
- U.S. Fish and Wildlife Service web site at: [southdakotafieldoffice.fws.gov](http://southdakotafieldoffice.fws.gov).
- Rapid City Public Library, 610 Quincy Street.
- Siouxland Library, Main Branch, 201 N Main Avenue, Sioux Falls.
- Rawlins Municipal Library, 1000 E Church Street, Pierre.

Hard copies of the plan may be obtained from:

- Draft Conceptual Restoration Plan for Whitewood Creek, John Kirk; Game, Fish and Parks, 523 E. Capitol, Pierre SD 57501. E-mail at [john.c.kirk@state.sd.us](mailto:john.c.kirk@state.sd.us).
- Whitewood Creek Restoration Plan Coordinator, Shelly Deisch, Game, Fish and Parks; 3305 W. South Street, Rapid City SD 57702. E-mail at [shelly.deisch@state.sd.us](mailto:shelly.deisch@state.sd.us).
- Draft Conceptual Restoration Plan for Whitewood Creek, Joy Gober, U.S. Fish and Wildlife Service, 420 S. Garfield, Suite 400, Pierre SD 57501. E-mail at [Joy\\_Gober@fws.gov](mailto:Joy_Gober@fws.gov).