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This comment addresses the Public Nuisance and Safety section of the Mine Plan submitted by Black Hills Bentonite. Specifically, the first sentence within section 5.1 which reads "Mining activities will not result in a public nuisance or endangerment to public safety, human or animal life, or property."

The above statement is absolutely false and misleading. The noise of the mining activity will be a major public nuisance to the residents of Pine Haven and the surrounding area. The dust created will be a nuisance as well as a major health hazard to those with compromised respiratory systems, which includes many of the retirees in the Pine Haven area. The traffic, especially the haul trucks on Old Sundance Road and Pine Ridge Road with numerous curves and hills will be a danger to those who travel those roads. There is a considerable risk that heavy rains will cause sediment to flow into Keyhole Reservoir and affect the quality of the fishing and recreation as well as those who make their livelihood from visitors to Keyhole Reservoir. The quality of the water released downstream to other states would be compromised as well. I anticipate property values will be adversely affected if this mine is allowed to operate in this location, as a direct result of the public nuisance and reduced quality of life the residents of Pine Haven and the surrounding area will experience.

For the reasons stated above, this permit should be denied. A public nuisance will result if this mine is allowed on this site, along with significant health risks and reduced water quality. Economic and quality of life issues include public recreation for locals and visitors which will be adversely affected, and local property values reduced.

the qualified archeologist will determine appropriate actions to prevent the loss of significant cultural or scientific materials.

4.9 Federal Lands Within the Permit Area

No mining or reclamation activities proposed will be on federal lands within this permit area. A Right of Way application has been submitted to the Bureau of Reclamation for approximately 450 feet of access road that will be located in the permit area. The access road will be constructed in the same manner as previously proposed in this Mine Plan. Once the Right of Way application has been approved, it will be submitted and included into this permit application.

The federal surface ownership within the permit area can be found in Appendix A on Exhibit A-1, Surface and Mineral Ownership Keyhole State Project.

5.0 PUBLIC NUISANCE AND SAFETY

5.1 Procedures to Avoid Public Nuisance and Endangerment

Mining activities will not result in a public nuisance or endangerment to public safety, human or animal life, or property. BHB has been conducting ongoing bentonite mining operations in the area since the 1950's and has no knowledge of any instances where it's mining activities have resulted in a public nuisance or an endangerment to the public, human life, or property. This is primarily due to the rural setting and the remoteness of the site, coupled with the small size and scope of the mining operation. The closest incorporated community or subdivision to the permit area is the town of Pine Haven, Wyoming, located approximately two and 1/2 miles from the northwestern portion of the permit area.

The development of mining activities on the permit area will not change the number of workers needed to mine the permit area as a crew is already mining BHB Permit to Mine 745 and License to Mine 621-L7 located in the same area. The numbers of vehicles entering and exiting the mine site, as well as the amount of machinery operating on the site will be the same as it is for Permit to Mine 745 and License to Mine 621-L7.

Access to the active mining areas can be restricted through signage in the area. Where deemed necessary by BHB, fences may be constructed above highwalls in order to protect the public, wildlife or livestock from the dangers of a fall. No conflicts with grazing are expected to result in conjunction with the development of mining activities.