



PETE



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& Sons, Inc.

June 9, 2023

RE: Pactola Reservoir-Rapid Creek Watershed Withdrawal #NP-3479

Dear Sir or Madam:

Pete Lien & Sons, Inc. (PLS), appreciates the opportunity to comment on Pactola Reservoir-Rapid Creek Watershed Withdrawal #NP-3479. The following comments reflect some of PLS's major concerns.


The Black Hills is a source of many critical minerals needed for food and energy security. Local community meetings were held as recently as April 2023 with speakers from the United States Department of Defense discussing the crucial need for safe and reliable supplies of critical minerals. In 2018 the USGS critical mineral list included 35 commodities, and just four years later in 2022 that number increased to 50. As technology continues to advance it is likely that other minerals, which have not been considered critical in the past, may be added to this list.

Broad restrictions to public lands that lock acreage up for over 20 years limit the choices that future generations have available to best use resources. Conservation involves development and protection to make sure resources are neither robbed nor wasted. Using improbable scenarios with no possibility of being permitted through the current NEPA process to tie up over 20,000 acres robs the next generation of their ability to manage and develop the land in a way that best serves future generations.

It is important to recognize that while the Agency's intent may be to eliminate one specific type of mining or project in the area proposed, they are eliminating the ability to explore for, and mine all minerals, found in this area of the Black Hills. This includes minerals needed for industrial stack gas treatment, drinking water treatment, concrete, pet food, egg and milk production, green energy development, recycling processes, and other uses essential to maintaining healthy and safe communities.

The existing NEPA process for reviewing both exploration and mining involves consideration of the current conditions and actions being proposed. Studies are completed by third-party specialists who are managed by agency staff and funded by the project proponent. This process produces an unbiased NEPA document at the project proponent's expense.

NEPA review of Plans of Operation for multiple uses has been backlogged for years with the explanation that Agency offices are understaffed. The agencies involved in proposing this withdrawal



have not explained why taxpayers should pay for studies on over 20,000 acres of Forest Service land when the same process would be required, for any application made in the same area through the existing NEPA process. The only substantive differences between a withdrawal and a project review process are that the withdrawal would be paid for by the taxpayers and would result in additional delays for pending applications as the agency takes on this additional burden, with limited staff.

The initiation of the withdrawal process by the agency would indicate they know of, or believe there are, significant impacts with regards to all types of mineral exploration and mining. If this is true, it should raise the discussion and review to an EIS level. The NEPA process was put in place to allow for the best plan possible to be established for projects through public scoping of concerns, research, and design. This process allows local decision makers who are most familiar with the land and the project to put conditions in place to mitigate potential threats on a case-by-case basis. The proposed administrative withdrawal appears to have been initiated by, and directed by, the same agency that has the authority to approve it. This gives the Secretary of the Interior the same power on a 20-year basis (the equivalent of a generation) as it requires congressional approval to do so on a permanent basis.

Agency proponents of this withdrawal should provide evidence to demonstrate how this withdrawal provides any benefit to the community compared to a Plan of Operation developed through a properly administered NEPA process. If this type of situation does exist, a withdrawal should only be placed on specific areas that could be affected, and only for time needed to update the NEPA process. This is to properly address projects posing the identified scenario.

The agencies involved should trust the process that is in place. It is the process they designed and implemented.

We would welcome the opportunity to discuss this matter further. Thank you for your consideration.

Sincerely,



Brian Tideman, PE
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