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ATT: Steve Kozel, District Ranger
Northern Hills Ranger District, Black Hills National Forest

Greetings Ranger Kozel,

As a resident of the western Black Hills region of South Dakota, a citizen of the U.S. and an enrolled member of the Oglala Lakota Nation, I am taking this opportunity, as an individual, to submit my formal objection to the Golden Crest exploration gold drilling project. In this letter I will outline my reason for objecting to this project. I will also be including some serious issues I have personally found with the comment process itself.

First and foremost, of my objections, is the clear and continued violation of the inherent sovereign rights held by the Great Sioux Nation as guaranteed under U.S. law by the 1851 and the 1868 Fort Laramie Treaties. As per Article VI of the U.S. Constitution, treaties with Tribal nations are to be understood as “the Supreme Law of The Land.” Since there is no procedure by which the BLM or the U.S. Forest Service can legally overrule the treaty claim of Oceti Sakowin people to the “absolute and undisturbed use and occupation” of the Black Hills, this project is illegal.

These lands are both historically and culturally significant. Therefore, this area needs to be protected. This is especially pertinent with regards to the National Environmental Policies Act (NEPA) and the Environmental Justice considerations in the NEPA process.

Which brings me to my second objection: inadequate tribal consultation. This project has still not had adequate tribal consultation which is required by the NEPA. Proper consultation must be arranged by the tribes and the assessment given by an **official tribal historian**, not the state. Tribal consultation should be in depth and in person. A full 106NH National Historic Survey needs to be conducted.

My third objection is concerning the Finding of No Significant Impact. As mentioned above, since a proper survey of the area has not been conducted under the NEPA Tribal Consultation requirements, significant impact to culturally and historically relevant areas has not yet been determined. Also, the White House Council on Environmental Quality has issued executive mandates that hold Indigenous Traditional Ecological Knowledge (ITEK or TEK) as the guiding framework for assuaging the impacts of climate change. Neither Solitario Resources nor USFS have taken a single action during this permitting process that can be construed as an effort to honor such a mandate. Lakota people have held the knowledge for thousands of years of the interconnectedness of the subterranean caves and subsurface waterways in the Black Hills. To suggest that a proposal consisting of 25 drill pads, some featuring multi-directional angled drilling at the same sites, from an average of 1,300 feet to a maximum of 1,640 feet deep, could be considered to have no significant impact on a subsurface hydrology that is largely unstudied by western science is completely unreasonable.

As an example, as to why I find the FONSI so reprehensible: If an individual was drilling just three holes of this size in your backyard for 5 years straight, to suggest it would have no significant impact to the health of your family and the environment is quite literally impossible.

Having said that, this project would obviously disrupt the wildlife and habitats of many creatures, including species that are unique to this area such as the long-eared bat, who is currently on the endangered species list. The residents of Spearfish would be subject to 24-hour lights and noise, disrupting the peace and quiet and beauty that brings people to reside here. Additionally, this project would disrupt tourism that brings millions of people (and billions of dollars) annually to the Black Hills. It is also important to note that Spearfish Canyon is a National Historic Scenic Byway and should be protected for its natural beauty and recreational opportunities. Multiple drill sites are located less than 1/10th of a mile from Tinton Road, Big Hill, and other legendary bike and hiking trails. Also, multiple sites are located between 100-500 feet from creeks and streams, some of which are recharge areas for underground aquifers.

As far as the comment period is concerned, I would like to express the following objections: Trust that people notice that these comment periods are often dropped during the holidays and are given the least amount of publicity by the NFS that they can legally muster. For example, on Dec. 13th. when the comment period opened. The BHFS posted on their twitter/X account:

“Environmental Assessment, Draft Decision Notice, & Finding of No Significant Impact for Golden Crest Exploration Drilling Project”, available with a link to the draft FONSI decision. No link to the comment page. No mention of the public comment period dates and deadline, or encouragement for the public to submit comments on the Golden Crest exploration drilling project. How can we as residents believe that the National Forest Service is acting in good faith when you honestly seem to be trying to get these projects passed with as little public or tribal engagement as possible?

Also, the apparent USFS “policy” of flagging or filtering any comments that mention treaties or tribal sovereignty. This filtering mechanism creates harm to both Tribal citizens and the entire public by denying them access to the most relevant information about the impacts of proposed mining projects.

As for the “routine maintenance” being scheduled on the last day of the comment period. This is a blatant attempt to negatively impact the number of comments received, and this comment period should be extended for this oversight by the BHNFS.

In closing, I object to the Golden Crest exploration drilling project based on all the reasons mentioned above. The true key to moving forward is that we center our economy around the health and wellbeing of the people and the planet. We should be focusing on reciprocity of our land and water. This approach is crucial to development that is just, fair, and equitable. The only acceptable plan of operation for this project is a “No Action” alternative to the proposal.

Thank you for your time and consideration.

Sincerely,

Denise Giago

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