

May 16, 2025

James Gubbels

District Ranger

Mystic Ranger District

Black Hills National Forest

8221 S. Mount Rushmore Rd.

Rapid City, SD 57702

RE: Proposed Rochford Mineral Exploratory Drilling Project (RMEDP)

Dear Mr. Gubbels –

Thank you for this opportunity to comment on the proposed Rochford Mineral Exploratory Drilling Project. I emphasize “proposed,” as this project should never be allowed to go forward. Some reasons for this and some other matters for consideration are provided in these comments. There are clearly extraordinary circumstances in this case, and a categorical exclusion is totally inappropriate. The situation requires an Environmental Impact Statement, if this project is not immediately stopped by creation of a mineral withdrawal, the applicant’s withdrawal of its application, or other circumstances.

Black Hills Clean Water Alliance is a non-profit organization based in Rapid City, South Dakota, and active across the western part of the state. We focus on protection of water, primarily by providing research and public education.

THE PE’ SLA AREA

The Pe’ Sla area, including both the prairie and the more forested lands nearby, are ecologically unique and include important surface water resources. The area is underlain by the undifferentiated igneous and metamorphic rocks known as the Precambrian core or the crystalline core of the Black Hills. The US Geological Survey describes this area and its subsurface as the oldest rocks in the Black Hills, ranging from 1.7 to about 2.5 billion years old. Ground water is found in erratic, mostly unstudied fractures that may be contained or may be joined with water in other fractures. This creates a very unpredictable drilling environment.

The surface water in the area forms North Castle Creek and Castle Creek. The latter is downstream from Deerfield Reservoir in this area. These flow into upper Rapid Creek nearby, and then into Pactola Reservoir and on to Rapid City. The area and the Reservoir provide municipal and drinking water for Rapid City, Ellsworth Air Force Base, and communities and reservation lands down the Cheyenne River to the Missouri River. Rapid Creek provides all water supplies for Rapid City, which in turn supplies the water for the Air Force Base, making this project a national security concern. This water either directly flows at the surface into Rapid City’s water plants, or it flows through the bottom of the creek underground into rock layers that become the aquifers from which Rapid City also draws water. These relationships are summarized in the attached illustration.

Pe’ Sla, also referred to as Reynolds prairie, is a high-elevation grassland located in the heart of He Sapa (Black Hills). It is an important home to an ecologically significant landscape characterized by unique assemblages of native plant species, serving as a critical habitat refuge within an otherwise fragmented landscape. The disturbance inherent in the proposed drilling at or immediately adjacent to this sensitive area poses serious and potentially permanent ecological risks.

Grasslands are home to an abundance of life, including an incredible diversity of native grasses, wildflowers, pollinators, birds, mammals and other species adapted to the long-standing environmental and soil conditions of the area. They provide critical ecosystem services such as water filtration, carbon sequestration, and habitat connectivity for wildlife. Despite their ecological richness and vital functions, grasslands are highly vulnerable to human activity and have experienced severe global decline. Human disturbance has been the biggest driver of the conversion and degradation of prairie ecosystems globally. A 2005 study identified grasslands as the most imperiled ecosystem, even more so than rainforests.

Pe’ Sla represents a remnant of a once more extensive high-elevation mixed-grass prairie grassland ecosystem. According to research by Marriott, the habitat it represents, Black Hills Montane Grassland (BHMG), sustains an endangered plant community endemic to the Black Hills of western South Dakota and northeastern Wyoming. These rare types of prairie ecosystem depend on intact soil-plant relationships and minimal surface disruption. Even small-scale human impacts can have long-lasting consequences. This type of habitat is now rare in the Black Hills and is globally unique. It is an ancestral lineage of grassland communities, now sparsely scattered as diminishing islands within a Ponderosa pine ocean.

The Forest Service has issued a “Proposal and Opportunity to Comment” for the Sawbuck Forest Management Project, which is planned for areas surrounding Pe’ Sla – and apparently immediately surrounding Pe’ Sla. According to the Proposal, the Sawbuck “project area is presumed to have one endangered bat species, one proposed endangered bat species, one proposed endangered bumblebee, and two proposed threatened butterfly species under the Endangered Species Act (ESA).”

While the Proposal doesn’t give specific locations for understandable reasons, species that may be in the area that the RMEDP covers could include long-eared bats (endangered), tricolored bats (proposed

endangered), Regal Fritillary butterflies (proposed threatened), Monarch butterflies (proposed threatened), Suckley’s cuckoo bumblebees, and goshawks. Bald eagles, a state-protected species, nest at nearby Deerfield Reservoir. The Sawbuck area also includes Pacific marten corridors – defined as riparian zones and dense conifer stands – that facilitate “geneflow between the Black Elk Wilderness and Northern Hills core habitats.” The Pe’ Sla area also has large elk herds, and bears have been seen in the area.

Near the northern proposed drill pads for the RMEDP, there is the North Fork of Castle Creek Research Natural Area. Research Natural Areas (RNA) are protected from a variety of activities in an effort to offer study of near-pristine areas. The Forest Service describes the features of this RNA as containing “many of the vegetation types and biophysical combinations representative of the central Black Hills pine and spruce forested ecosystems. It features seep and fen-like ecosystems, as well as communities restricted to Black Hills ecoregion such as white spruce/twinflower (Picea glauca/Linnaea borealis) forests.”

The Canyon City RNA is just downstream along Rapid Creek. It is described by the Forest Service as containing “many vegetation types and biophysical combinations representative of the central Black Hills forested ecosystem, including ponderosa pine/grasslands, ponderosa pine/shrublands, scree woodlands, white spruce/twinflower (Picea glauca/Linnaea borealis) forests known only from the Black Hills, as well as white spruce alluvial forest and riparian shrublands along Rapid Creek.”

Both Pe’ Sla and the surrounding areas are key ecosystems providing unique, world-class – and often threatened -- areas of flora, fauna, and landscapes.

THE CENTRALITY OF TRIBAL CONCERNS

Oddly enough, I couldn’t find anything in the RMEDP Plan of Operations and the Forest Service’s scoping documents that mention the fact that the Pe’ Sla area is a critical ceremonial center for the Lakota, as well as being spiritually important to other tribal nations. It’s like someone didn’t want the public to notice that this project would have dire consequences for indigenous people. Pe’ Sla is central to annual ceremonial activities, as well as being important spiritually year-round – and has been since time immemorial. It has been described as having characteristics that are important to indigenous people in the same way that the Vatican is important to Catholics. I haven’t heard anyone suggest drilling in the Vatican.

Members of our organization go to the Pe’ Sla area to pray year-round and participate in annual ceremony. These activities require an intact landscape well beyond the open Pe’ Sla area itself, as well as use of the area in an undisturbed state appropriate for prayer – no drilling noise, no traffic from non-participants, no large bright lights 12 or 24 hours a day, etc.

I have experienced drilling near my home, so I have some experience with drilling noise. The drilling rig was about a quarter of a mile away and buffered by some trees, and the loud grinding noise made it very difficult to talk or to listen to someone speak on my yard. Even inside my closed home, there was a constant loud humming noise that was unsettling to ears, mind, relaxation, and rest. People from the drilling company were in trucks and on foot in our neighborhood. Within a day, a formerly clear creek near the drill pad had been contaminated. And this was in a town, with the variety of background noise that indicates a large number of people living and working in the vicinity. In a remote area, depending somewhat on the geography, this sound would carry very well for a distance. It would definitely disrupt quiet or communal spiritual practices.

The Lakota and the United States entered into international treaties designed to protect the Black Hills – all of which are considered sacred. The primary treaties of importance here are the 1851 and 1868 Fort Laramie Treaties which, among other things, guarantee the Lakota undisturbed control of what is now western South Dakota and eastern Wyoming. In 1874, General Custer marched an illegal expedition to the Black Hills, then announced that they had found gold. The Black Hills gold rush and a huge influx of settlers rushed in, and the US government encouraged both this invasion and the related mining activity, then starved the Lakota into taking up residence on reservations.

In 1877, the theft of the Black Hills was complete, and the destruction caused by mining was becoming evident. But the Lakota have never stopped fighting to regain the area. After a decades-long series of lawsuits, in 1980, the Lakota won a U.S. Supreme Court case that acknowledged that the Black Hills had been stolen from them (*United States v. Sioux Nation*, 448 U.S. 371). Rather than returning the land to the Lakota, the Court assigned the United States to pay a pittance for the land in the Black Hills. The Lakota people, who live in a number of the most impoverished counties in the country, have never accepted payment. The modern LandBack movement is one of the current efforts to regain Lakota control over their unceded treaty territory.

With this in mind, it is clear that the Lakota are not just another party in the NEPA and comment processes. In addition to moral, historical, legal, and ethical reasons that they must play the key role in any discussions like the current one, the United States has enacted laws and Executive Orders that support that role. These include the National Historical Preservation Act, section 106, which requires consultation with tribal nations, including their Tribal Historic Preservation Officers (THPOs) on projects like this one.

I asked you, Mr. Gubbels, about the status of tribal consultation, and your response was (approximately) “we’ve talked to the tribes.” You said this twice in our conversation. I’ve talked to a number of area tribal officials since that conversation, including at least two THPOs. None of these people had any knowledge of the completion of any form of tribal consultation on this RMED Project. So BHCWA asks you to be clear about who from tribal leadership you have talked to about this project. The record requires it. “Tribal consultation” is not an item in a list on a government form that the Forest Service can just check off. And I have been assured that there are cultural resources around the Pe’ Sla area, broadly defined, not just in the prairie area.

Another document that requires Forest Service engagement with tribal leaders is the Memorandum of Understanding (MOU) between the Great Sioux Nation and the Black Hills National Forest, which was agreed to last August. When we spoke, it surprised me that you didn’t seem to be aware of this document, so I will include some information here.

The MOU recognizes the Oceti Sakowin (Great Sioux Nation) nation-to-nation relationship with the United States, and the two parties agree to work together on a variety of topics, including “land and waters conservation,” “protection of cultural resources and sacred sites,” and (again) “protecting sacred sites.” The MOU also recognizes Oceti Sakowin sovereignty and treaty rights and specifically states that the document is not a waiver of any tribal rights under the 1980 *United States v. Sioux Nation* decision, discussed above.

The document then goes on to state mutual benefits of the MOU and the responsibilities of the parties (Sections II through IV). The responsibilities of the Forest Service include:

* “Respects sacred sites” and “traditional cultural practices,”
* “honors any applicable Indian treaty right,”
* “respect and be sensitive to traditional Native religious beliefs and practices,” and
* “honor sacred sites, and traditional cultural uses of the land, waters and natural resources.”

Clearly, none of these agreed-upon responsibilities is consistent with permitting drilling for graphite at or near Pe’ Sla.

The MOU continues with a list of topics on which the two parties agree to collaborate. These include “Respect sacred sites,” sovereignty, treaty rights, and the nation-to-nation relationship. In other words, the Forest Service has agreed to deal with Oceti Sakowin as an equal partner. In section V.T., the document says that the MOU is basically procedural and that the parties will still manage their own activities separately. The agreement is to continue until August 21, 2029.

It is also of importance to the RMEDP that the MOU includes a map that shows features that are part of the agreement, including the boundaries of Pe’ Sla, the two-mile boundary around Flag Mountain, and the 2-mile boundary around Pe’ Sla. Sixteen of the 18 drill pads proposed by this project would be within 2 miles of Pe’ Sla.

By all measures, the Oceti Sakowin have veto power over proposed projects in the Black Hills that alter the landscape and/or the subsurface. The Forest Service has repeatedly agreed in a signed agreement to honor and respect cultural resources and sacred sites. For the agency to then agree to allow graphite drilling by Pe’ Sla would violate the MOU and show a reckless disregard for tribal rights and interests.

NEPA PROCESS

There have been a number of problems with the Forest Service’s activities around the Pete Lien and Sons (PLS) proposed graphite drilling project. First, the 30-day comment period was too short for this critical, world-class site that is of interest to people from diverse communities across a wide geography – as shown by the public comments that have already come in. Even with the one-week extension, the comment period has clearly been inadequate. Projects with this magnitude of potential impacts require at least a 90-day comment period from the start.

 Second, the Forest Service’s website included a phone number for Minnesota’s Chippewa National Forest as a contact for the District Ranger (you) for this project. This has now been corrected – at the last minute. Those who had questions would have had to dig through the site’s scoping documents to find another, accurate phone number. The Mystic District’s phone system has also shuttled people off to never-never land on many occasions. This must be corrected, and live humans need to respond to the sometimes complex questions that this project raises.

Third, there was no public hearing on this project. A “Pre-Recorded Presentation” was provided, which is strictly a one-way communication device – from the Forest Service to the public. It provides no opportunity for the public to ask questions, talk to Forest Service personnel, or otherwise communicate with the Forest

Service. This lack of responsiveness by phone, in person, or via webinar is a severe problem.

Another issue is that the maps provided for the project lack relevant detail, such as the boundaries of Pe’ Sla and its 2-mile buffer zone. It is also difficult to determine the location of “overland travel routes” – some of which don’t exist at this time -- from other maps. This makes it difficult to determine exactly where proposed drill pads and new roads are located, so it’s difficult to determine what the project impacts would be. We started to try to resolve this problem by taking information from project documents and confirmed in the Bureau of Land Management’s Mineral and Land Records System. As we attempted to map the situation, the best tool we had was general – the quarter sections that include proposed drill pads. So we made a map that showed those locations. We were told by the District Ranger (you) that the map was inaccurate, when it was accurate. It showed what it said it showed – the quarter sections that included proposed drill pads. This confirmed the close proximity of proposed RMEDP drilling activities to Pe’ Sla.

An additional “Project Boundary Clarification Map” was issued by the Forest Service that listed “Pe’ Sla Boundary” on its key. However, it doesn’t show the Pe’ Sla boundary on the actual map.

In order to get specific locations and related information, we had to hire an analyst. We had the resources to do this. Most individuals and groups lack the know-how and/or the funds to do these things. One of the resulting maps is attached, and it shows that there are two drill pads that are a third of a mile from the Pe’ Sla boundary, as well as other features that are way too close to this sacred site. As a start, as mentioned above, sixteen of the 18 proposed drill pads are within the two-mile boundary. Drilling by the RMEDP would certainly be clearly heard on Pe’ Sla. Perhaps this is why the maps were vague – the truth hurt the project’s viability.

The Forest Service and applicants must do better, so that the public is fully informed of the potential impacts of projects. This is, after all, a key goal of the NEPA process. In this case, for example, a number of proposed drill sites are too close to waterways. The Forest Service should not allow this, and if the Forest Service and the applicant don’t withdraw this proposal, then they need to revise it.

Looking specifically at project documents, there are a number of problems with both the company’s Plan of Operations (POO) and the Forest Service’s scoping letter. The first is that they conflict with each other. This is not uncommon, but a member of the public should not have to call the District Ranger to find out how to handle the situation before drafting comments. When called, you helpfully clarified the situation by saying that information in the scoping letter superseded information in the POO. This should be stated in scoping letters.

The Plan of Operations has important shortcomings that should have been remedied before the project was put out for scoping. They need to be remedied, if this project moves forward, and then opened to an additional public comment period. These include:

* The POO says that tree removal from widening logging trails may create enough downed trees that a timber sale is “necessary.” The POO gives no indication of how many trees will be cut or of the location of this timbering operation. Clearly, a timber sale would be an additional project that would require its own Plan of Operations and NEPA process. The amount and locations of trees harvested and information on any timber sale should be included in one or more Plans of Operation and should be put out for public information and comment.
* The POO indicates that drilling wastes will be left on the ground at drill pad sites. This is unacceptable. The composition of these wastes is not discussed – and may be unknown. The POO should assume that drilling wastes may have hazardous components, and they should be disposed of offsite and in a manner that will not provide opportunities for contamination of land, water, or air.
* Lien & Sons’ application says that exploratory drilling will take place 12 hours a day – or maybe 24 hours a day. Which is it? Clearly, these are two different things and require two different analyses. Either way, the drilling would disrupt the area, as described above.
* The POO says that drilling water would be from “local off-site sources.” The scoping letter says it will be from an “approved municipal or industrial source.” If we take either as the correct information, it is very vague. How much water would the project use? What source would be able to provide the required amount of water on an ongoing basis? The water is described as “potable,” which means water that is appropriate for human or livestock consumption would be diverted to mining exploration. What could be the impacts of this diversion? The documents leave a lot of questions about water use that should be clarified before any further action is taken on the proposed project.
* On page 8 of the POO, the description of how hazardous materials spills will be dealt with indicates that the company would have as much as 48 hours to contaminate water in the project area. This is entirely too long and is unacceptable. PLS is not dealing with sand and gravel here, but with a potentially dangerous mineral, as explained below.
* The POO talks about the possibility of “hitting an unexpected artesian aquifer” during drilling. The fact that this could happen unexpectedly is unsettling at best. As discussed above, the geology of the area and its waters is poorly understood. What would be the quality of the water that would be sprayed over the area in this circumstance? How much water are they talking about, and over what period of time? Given the information provided, it is impossible to determine the environmental impacts of this possibility.
* The company says that it will “secure garbage area,” but – again – the details are not clear. This is not a mine that is included within a municipality or where garbage disposal is routinized. It is in a wildland area that has wildlife – including bears, who are masterful at shredding garbage disposal systems. The information on this aspect of the operation should be much more detailed, and any eventual disposal system must be robust.
* One of the most disturbing elements of this POO is that it says that drilling can take place at a 45-degree angle, but does not specify where this might happen or in what direction(s). This could lead to drilling under spiritual or cultural sites, under tribal lands, or under private property. The drilling plans need to be much more specific.
* Another disturbing situation is that the POO indicates that cultural resources are an afterthought. PLS seems to have no awareness or plan for the importance of the area. There is no information in the POO about this topic, except to say that “HDR” will be doing cultural surveys. Who is “HDR”? A company? Where from? Which employee(s) would do the surveys? Are they qualified to do cultural surveys in this most sacred of places? Are qualified Lakota specialists included in their work? What areas would be included? From the information offered, this could even be one person, not even a company – maybe “Harriet Dorothy Ramirez.”
* The POO says that, if potential cultural or historical resources are found during the course of the proposed project, they will contact the Forest Service. This is clearly inadequate. Tribal Historical Preservation Officers should also be contacted immediately and brought in to lead the responses to the situation.
* Under PLS’s plan, “reclamation” of this project would only involve “natural revegetation.” Apparently, that means kicking some plant scraps and rocks over the area and waiting to see what happens. This is not reclamation! There’s also no indication about how long they would try this method – if you can call it that – before doing actual reclamation. In a high elevation area, reclamation is substantially more difficult and takes longer than at lower elevation locations, especially in a semi-arid area. If the project is not withdrawn, there has to be a real – and realistic -- reclamation strategy.
* It is also important to recognize the fact that Pete Lien & Sons have failed to do reclamation at another site in Rapid City. There, according to Tupper, the company failed to take action despite three five-year extensions from the state Board of Minerals and Environment. This body is generally friendly to mining interests, having not turned down a proposed mining operation for at least three decades, so it was not easy for PLS to hold out long enough for three extensions to be required. This must be taken into consideration in making any determination on the company’s application.
* There is one other interesting fact about the documents for this project. In the POO, the company proposes to do “access trail improvements,” including tree removal, for either 9500’ or 9444’ (the document lists both numbers) of road. Either number translates to about 1.8 miles. The scoping letter says that the project would involve 5060’ of 15-foot-wide “new temporary overland routes.” This is .96 mile, which easily rounds up to a mile. One would wonder exactly what “access trail improvements” are and what “new temporary overland routes” are on the ground. Sounds like they could be the same thing, and both sound like euphemisms for “road.” With soil compaction and tree removal – at least – neither sounds “temporary.”

The Plan of Operations and scoping letter both fail to discuss a very important topic, and that is the cumulative impacts of the proposed project. First and foremost, the potential for a graphite mine would be a cumulative impact of the RMEDP. In addition, Badlands Resources (most claims still say “Mineral Mountain Resources”) has a wide swath of claims for a proposed gold project that are immediately adjacent to some of PLS’s claims. The Badlands project circles Rochford for several miles in all directions. Badlands has been drilling on private lands within its project area for several years, off and on. The Sawbuck Forest Management Project is also in the same immediate area as the RMEDP. Both impact timber in the area and, based on the available public documents, it’s unclear if or how the two projects might interact.

There may also be other resource extraction projects in the area of which we are unaware, as 271,000 acres of the Black Hills are under active federal mining claims at our last count (20% of Forest Service-controlled lands), and new mining-related projects have popped up continually over the past 15 years. Black Hills National Forest doesn’t make projects public until well after a Plan of Operations is submitted for consideration, unless required by a Freedom of Information Act request. Plans of Operation should be posted on the Black Hills National Forest’s website as soon as they are received. They have, at that point, become matters of public interest – and often concern.

Another key cumulative impact is the RMEDP’s location only a few miles upstream from the Pactola Reservoir-Rapid Creek Watershed mineral withdrawal, which was completed only a few months ago. The NEPA documents give no consideration of the close and clear relationship between the two actions or of the impacts the current project might have on the downstream withdrawal. In fact, the close downstream location of the Pactola-Rapid Creek withdrawal and the closeness of both projects to the Badlands project are arguments for doing a mineral withdrawal on the broad area surrounding and including both projects. This leads, of course, to a broader conclusion that the sacred Black Hills are inappropriate for any drilling or mining, and that a mineral withdrawal should be implemented for all federal lands in the Black Hills.

ADDITIONAL ENVIRONMENTAL CONCERNS

If this project goes forward, and if drilling encounters graphite, there are risks to humans – and most likely to wildlife -- as a result of inhalation, eye contact, and ingestion. In addition, high graphite dust levels can lead to explosions. This is not something we’d want to see anywhere, but that is particularly dangerous in a semi-arid area where there is a high potential for fires.

While mining is not part of this particular project, there is only one reason to explore for graphite – the potential for mining and related profits. And mining necessarily leads to environmental impacts, particularly to water. Graphite has been mined in the Black Hills in the past. Old graphite site(s) are some of the more than 1300 old mines in the Black Hills – most of which have been abandoned without reclamation. Given this fact, the fact that it is long-term trend, and PLS’s record on reclamation, it would be unwise to allow the company to move toward the possibility of mining. They should be stopped now, and the RMEDP should be rejected.

Another very important general concern is the proximity of the proposed drill sites to waterways, including North Castle Creek and Castle Creek in the upper Rapid Creek watershed. As noted above, this is a municipal watershed. According to our ground-verified information, at least several of the proposed drill pads would be less than 400 feet from either the North Fork of Castle Creek or Castle Creek. Given this proximity, the related statement that the project will not have any discharge shows either willful ignorance of area conditions or an attempt to mislead the public. No evidence is given that the conditions in which drilling wastes would be left would contain the wastes in an area where there are heavy rains that could lead to overflows of not only drilling wastes, but also of loose or piled dirt. Both could contaminate waterways.

Mining exploration can cause both immediate and long-term ecological degradation. Associated activities such as trampling via foot traffic, vehicle use, and equipment can compact soils, disrupt native plant communities, threaten wildlife, and promote the spread of invasive species. These disturbances would accelerate the degradation of the area’s fragile ecosystems that would be essentially impossible to completely restore or replace.

In addition to the likely impacts from this project that are discussed elsewhere, potential specific impacts include:

1. Habitat fragmentation and loss:

o Construction of roads, drill pads, and infrastructure fragments native habitat, which can isolate populations of plants and animals, reduce genetic diversity, and disrupt wildlife corridors.

o Fragmentation increases edge effects, which can lead to the spread of invasive species and alter microclimates.

o Research shows that antelope and other grassland species have shown strong avoidance behavior around mining sites, leading to disrupted habitat use and movement patterns.

2. Soil disturbance and erosion:

o Disturbance from drilling and heavy equipment can compact soil, reduce water infiltration, and increase erosion, leading to sedimentation in nearby streams and wetlands.

o Soil microbial communities are particularly vulnerable, per research by Li et al. Mining activity significantly reduces fungal diversity and alters soil pH, with lasting impacts on nutrient cycling.

3. Specific impacts on rare and sensitive species:

o As discussed above, the area includes plant and animal species that are living in an endangered habitat and that are themselves threatened by the situation. Habitat degradation and noise disturbance from exploration can negatively impact breeding and foraging behavior.

o Heavy metals from mining – and potentially from drilling -- can lead to shifts in plant communities, favoring metal-tolerant species and decreasing biodiversity, per research by Dlouha et al.

o Dust from mining activities has been shown to reduce seed germination rates and suppress soil microbial respiration.

4. Long-Term landscape degradation:

o As discussed above, even exploratory activities can leave lasting scars. Full reclamation of native prairie systems is often unsuccessful, especially in high-elevation contexts where recovery is slow.

o Research indicates that restoration efforts that use native prairie species improve outcomes, but cannot fully replicate the biodiversity or ecological function of undisturbed sites.

In addition, area recreation, which includes at least hunting, hiking, and boating, would be negatively impacted by this proposed project. The suggestion that is often made that impacts would be minimal because they are at some distance from roads and trails assumes that no one goes very far into the landscape and that the landscape is only valuable for its scenic – and resource exploitation – value. Both these assumptions are fallacious and assume that this rich landscape has no cultural or ecological value.

These are all major environmental issues that require attention and discussion by the Forest Service in a complete Environmental Impact Statement, rather than being ignored through use of a categorical exclusion.

GENERAL COMMENTS

Given its ecological rarity, unique and rich biodiversity, hydrological importance, and spiritual significance, Pe’ Sla and its environs must be protected from extractive industrial development. Scientific literature, personal experience, and cultural knowledge stretching for millennia strongly support the conclusion that this area should be withdrawn from mineral activity. Even minimal disturbance in sensitive prairie and nearby ecosystems can have cascading negative impacts. These impacts, along with impacts on water and cultural resources, would mean that exploration would create immediate irreparable harm to Pe’ Sla and its environs.

Graphite exploration is incompatible with the cultural reverence and conservation values that this area demands. We urge the Forest Service to reject the proposal and instead consider long-term preservation and stewardship of this vital landscape. Pete Lien & Sons can cut their losses – and public expenditures of time and tax dollars -- by withdrawing their project now. The harm to the company if this project does not go forward is minimal, while the harm from the destruction of sacred landscapes and the human spirit would be substantial and irreparable if the project does go forward. Either the Forest Service or PLS can stop efforts to move this project forward. This would serve the public interest, especially in light of the thousands of hours of work by the public, tribal governments, the Forest Service, the Bureau of Land Management, and local governments that – over several years that concluded only a few months ago – led to the creation of a new mineral withdrawal a few miles downstream in a municipal watershed. In addition to many hours of action, this withdrawal benefited from wide, deep, and diverse public support.

The idea of doing a categorical exclusion for this project is so far out in left field that it is in another country. There are numerous extraordinary circumstances, including at least five of those listed in 36 CFR 220.6(b)(1). These include the presence of threatened or endangered species on an endangered landscape, the proposal being entirely within a municipal watershed, the presence of two nearby Research Natural Areas, an extraordinary indigenous religious and cultural site, and the presence of archeological and historic properties or areas. As the regulations state, the mere presence of these conditions does not preclude a categorical exclusion. However, here there is a clear cause-effect relationship between the proposed project and the potential for immediate damage to these resources, and the effects of the proposed RMEDP would be extreme for a number of reasons outlined above.

An environmental impact statement is clearly required, if this project goes forward. However, the only sensible and legal result can be the complete retraction or rejection of the Rochford Mineral Exploratory Drilling Project and the creation of a mineral withdrawal over at least a broad area surrounding the boundaries of the proposed project – and preferably over all federal lands in the Black Hills. This sacred landscape should be permanently protected.

Please feel free to contact me, if you have questions.

Respectfully,



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