



July 21, 2025

Patrick Champa, District Ranger  
Northern Hills Ranger District, Black Hills National Forest  
2014 N. Main St.,  
Spearfish, SD 57783

Re: Ponderosa Exploration Drilling Project for Gold Mineralization at Locations South of  
Spearfish, SD on National Forest System Land.

Dear District Ranger Champa,

The Environmental Law & Policy Center (“ELPC”) appreciates the opportunity to comment on the Ponderosa exploratory drilling project in the Black Hills National Forest proposed by Solitario Resources (“Solitario”) in response to your letter about the proposed project dated June 20, 2025. ELPC is a public interest environmental legal advocacy and policy innovation organization focused on environmental and conservation issues in the Midwest and Great Plains. ELPC submits these comments to raise some important environmental and cultural concerns that it has identified with the proposed exploratory drilling project, to urge the United States Forest Service (“USFS”) to prepare an Environment Assessment (“EA”) because there are sufficient extraordinary circumstances, and to ensure that proper stipulations are in place to minimize adverse environmental impacts if the project is approved.

While Solitario’s proposed activities “include exploratory drilling only,” ELPC also urges USFS to consider the severe and long-lasting environmental impacts of full-scale gold mining at this location just 13 miles upstream of Spearfish Canyon and Spearfish Creek. Ponderosa Exploration Drilling Project Scoping Notice (“Scoping Notice”), p. 1. ELPC is concerned that approving this exploratory drilling project may set the stage to further open up the Black Hills National Forest to gold mining, causing environmental harm to the Forest and the watershed that includes Spearfish Canyon and Spearfish Creek and that supplies the nearby cities, Spearfish and Lead.

If USFS is at all uncertain about whether Solitario’s exploratory drilling (“proposed action”) will have a significant effect on the environment, it must prepare an Environmental Assessment (“EA”). 36 C.F.R. § 220.6(c); 7 C.F.R. § 1b.5(a).<sup>1</sup> Further, before USFS can rely on

---

<sup>1</sup> ELPC’s comments refer both to Chapters 7 and 36 of the Federal Register. In its June 20, 2025 scoping notice, USFS identifies 36 Code of Federal Regulations in invoking a categorical exclusion for exploratory drilling for gold. On June 27, 2025, the U.S. Department of Agriculture issued a final interim rule regarding NEPA which rescinded USFS’s NEPA-specific regulations and adopted a set of regulations which apply to each sub-agency within the U.S. Department of Agriculture. Due to the uncertainty around the regulations, ELPC cites both sets of provisions in this comment letter.

its planned Categorical Exclusion (“CE”), it must analyze certain resource conditions and determine whether any extraordinary circumstances apply. USFS must find an extraordinary circumstance exists if “there is reasonable uncertainty whether the degree of the effect [of the proposed action on the resource condition] is significant or certainty that the degree of effect is significant.” 7 C.F.R. § 1b.3(f)(2). If an extraordinary circumstance exists, USFS must either modify the proposed action or prepare an environmental assessment. 7 C.F.R. § 1b.3(f). ELPC has identified extraordinary circumstances related to resource conditions present in the project area that may be negatively impacted by the proposed action. Because there is reasonable uncertainty as to the degree of the effect that the proposed action will have on these resource conditions, there are extraordinary circumstances here that require USFS to prepare an EA or at minimum impose the ELPC’s recommended set of stipulations discussed below. 7 C.F.R. § 1b.3(f); 36 C.F.R. § 220.6(b). ELPC also respectfully requests that USFS take the following actions in connection with its review of Solitario’s exploratory drilling project:

- USFS must investigate to ensure that Solitario’s proposed action will not harm threatened and endangered species in the project area by imposing stipulations that require Solitario to monitor for such species and, if found, to cease activity during breeding or nesting season.
- USFS must investigate to ensure Solitario’s proposed action will not pollute the watershed and impose stipulations necessary to protect the watershed, including requirements that Solitario only disposes of drilling water in a lined sump or water settle tanks, and that it does not place drilling fluid in sump pits at or near the groundwater table.
- USFS must determine whether Solitario’s proposed action will affect tribal sites or recreation areas and should impose stipulations necessary to minimize these impacts.
- USFS must ensure that Solitario follows its Plan of Operations by imposing sufficient stipulations, including a stipulation requiring USFS to monitor the site when major activities occur.
- USFS should consider the massive environmental impacts caused by gold mining if, following the exploratory drilling, the agency were to further open up the Black Hills National Forest to gold mining.

**I. There are Extraordinary Circumstances Present Here That Warrant a Full Environmental Assessment to Determine the Environmental Impacts of the Proposed Action.**

*A. USFS Must Determine Whether the Proposed Action Will Harm Threatened and Endangered Species in the Project Area.*

USFS should prepare an EA to fully understand the proposed action’s impact on the multiple threatened and endangered species in the project area. The proposed project area

intersects the ranges of the following five species that are either listed or proposed to be listed as threatened or endangered under the Endangered Species Act. *See* U.S. Fish & Wildlife Service, Information for Planning and Consultation, available at <https://ipacb.ecosphere.fws.gov/location/SZARJVLUCJFA5HSBYIL5GSOCOY/resources#endangered-species>.

- Northern Long-eared Bat: Endangered
- Rufa Red Knot: Threatened
- Suckley's Cuckoo Bumble Bee: Proposed Endangered
- Tricolored Bat: Proposed Endangered
- Monarch Butterfly: Proposed Threatened

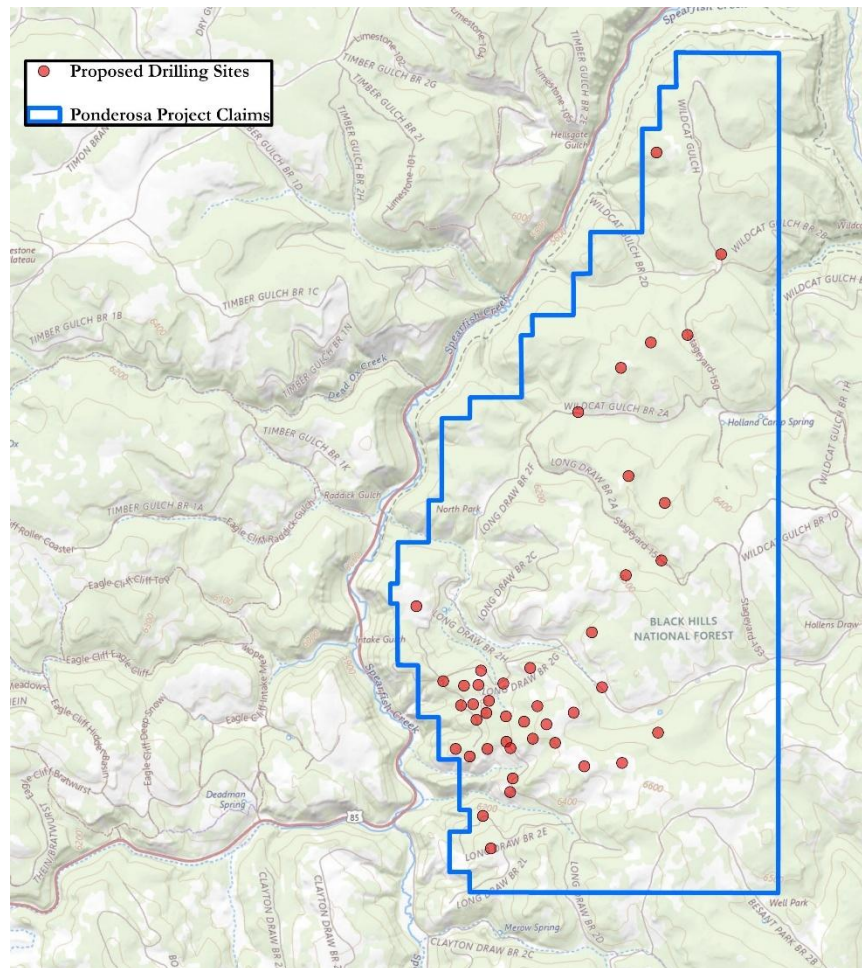
Before USFS can invoke its planned Categorical Exclusion, it must analyze the project's effect on "Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species." 36 C.F.R. § 220.6(b)(1)(i); 7 C.F.R. § 1b.3(f)(1)(i). According to the Scoping Notice, Endangered Species Act Section 7 consultation will be conducted as a next step of the project. Scoping Notice, p. 4.

Given the large scale and disruptiveness of Solitario's exploratory drilling, the impact of the proposed action on these species is reasonably uncertain. Therefore, USFS must conduct an EA to fully analyze whether these species will be negatively impacted by Solitario's exploratory drilling. 7 C.F.R. § 1b.3(f)(2); 36 C.F.R. § 220.6(b). USFS should also determine whether to impose any stipulations on Solitario's prospecting permit necessary to mitigate any potential impacts to these species. At minimum, USFS should impose stipulations requiring Solitario to monitor for the presence of any of these species, and if present, prohibit any drilling or disruptive activity during the species' nesting or breeding season.

*B. USFS Must Determine Whether the Proposed Action Will Pollute the Watershed.*

USFS should prepare an EA to fully understand the proposed action's potential impact to the watershed. According to Solitario's Plan of Operations ("POO"), "a drill fluid mixture containing water, bentonite and possibly non-hazardous polymers will be pumped into the drill hole." POO, p. 17. Bentonite clay contains toxic heavy metals such as arsenic, mercury, and lead. *See* S. Padulosi *et al.*, *Environmental Profile of Bentonite Drilling Fluids for Civil Engineering Applications*, DOI:10.1201/9781003348030-20 (April 2023). Solitario's POO notes that "no surface water sampling is planned . . . no groundwater monitoring is planned." POO, p. 18. This means that USFS must ensure that Solitario takes proper protective steps to ensure that the drilling fluid is properly handled, stored, and ultimately disposed of to avoid any contamination to the groundwater or watershed. Given the large aquifers under the Black Hills, which are recharged by groundwater and surface streams in the Forest and that serve as public drinking water sources for the area, USFS must consider as part of its EA whether to require surface and groundwater monitoring despite Solitario's proposal not to do so.

Solitario's project area is located within the Belle Fourche watershed and is between 200–800 feet above the Deadwood Formation Aquifer. *See* U.S. Geological Survey, Ground-Water Resources in the Black Hills Area, South Dakota, Water-Resources Investigations Report 03-4049, p. 10, available at [https://pubs.usgs.gov/wri/wri034049/wri034049\\_files/wri034049p0\\_10.pdf](https://pubs.usgs.gov/wri/wri034049/wri034049_files/wri034049p0_10.pdf). As shown in Figure 1 below, many of the proposed drilling sites are located in close proximity to Spearfish Creek and its tributaries, creating the risk that these harmful drilling fluids could enter into the surface water.



*Figure 1: Map of proximity of drilling sites to Spearfish Creek, created by ELPC using GIS mapping and Solitario's POO.*

According to the Black Hills Hydrology Study conducted by the U.S. Geological Survey:

Streams flowing from the Black Hills provide water for a multitude of uses in the Cheyenne and Belle Fourche River Basins. In addition, much of western South Dakota and parts of eastern Wyoming are underlain by bedrock aquifers that are recharged in the Black Hills area . . . Surface- and ground-water resources are connected by water-loss zones in streams and by large springs originating from one

or more aquifers. Development of ground-water resources may affect surface-water resources. Conversely, development or contamination of surface-water resources may affect ground water.

United States Geological Survey, *Black Hills Hydrology Study* (Sept. 28, 2017), available at <https://www.usgs.gov/centers/dakota-water-science-center/science/black-hills-hydrology-study>.

Solitario acknowledges that “the Pahasapa and Cambrian Deadwood Formations and the Precambrian rocks are known to be aquifers at some locations in the region,” but claims without providing supporting evidence that “based on drill hole logs of water wells in the area, the hydrostatic water level is below all of the proposed drill collar elevations.” POO, p. 12. Spearfish, South Dakota relies on well water from aquifers to supply its public drinking water. South Dakota Department of Natural Resources, City of Spearfish Drinking Water Report, available at <https://danr.sd.gov/OfficeOfWater/DrinkingWater/docs/WaterSystemMap/DWQPDFs/0311ccr.pdf>. Therefore, any activities impacting either the surface waters of Spearfish Creek or the underlying aquifers may impact each other and impact the overall Bella Fourche watershed.

USFS cannot rely on a categorical exclusion if the proposed action will negatively impact these water resources. *See* 36 C.F.R. § 220.6(b)(1)(ii); (requiring USFS to consider whether a proposed action will impact “Flood plains, wetlands, or municipal watersheds” before relying on a Categorical Exclusion); 7 C.F.R. § 1b.3(f)(1)(iii) (requiring agencies within the Department of Agriculture to consider whether a proposed action will impact “special sources of water, such as sole-source aquifers, wellhead protection areas, municipal watersheds, or other water sources that are vital in a region” before relying on a Categorical Exclusion). Given the interconnectedness of the ground and surface water resources in the area and the uncertainty as to whether Solitario’s drilling will intersect with the underlying aquifers, ELPC believes that there is reasonable uncertainty as to the proposed action’s impact on these important water resources. Accordingly, USFS should prepare an EA to fully understand the significance of these environmental impacts. 7 C.F.R. § 1b.3(f)(2); 36 C.F.R. § 220.6(b).

Further, USFS must ensure that it puts proper stipulations in place to protect these important water resources. Solitario’s POO states that “no land application of wastewater is part of this Plan; however, recirculated water from the drill holes will be settled in a lined sump [and]. . . if necessary, settling tanks may be used.” POO, p. 18. USFS must ensure that Solitario fully complies with this plan and only disposes of drilling water in a lined sump or water settling tanks so that contaminated water is not able to enter into the watershed. ELPC also urges USFS to only approve of Solitario’s prospecting permit if it includes the following stipulation to ensure that it does not place drilling fluid in sump pits at or near the groundwater table:

The bottom of the sump pit must be several feet above groundwater. Depth of the water table will be determined when the sump pit is dug. If Solitario encounters groundwater when digging a sump pit or if groundwater is not at least 5 feet below the bottom of the sump pit, it must immediately refill and abandon the sump pit.

See e.g., USDA Forest Service, Chequamegon-Nicolet National Forest, Aquila Resources Inc. Exploration Plan Approved; Additional Requirements at S8 (USFS issuing a similar stipulation on a prospecting permit in a National Forest).

*C. USFS Must Determine Whether the Project Will Disrupt Local Sacred Tribal Sites and Should Minimize Disruption to Those Sites and Recreation Areas.*

USFS should prepare an EA to understand the proposed action's impact on important tribal resources and cultural sites, and to ensure Solitario takes actions to minimize disruption to those sites and to recreation areas in the Forest enjoyed by the public. ELPC urges USFS to ensure that it fully considers, and mitigates, the potential harms to important tribal, cultural, and archeological sites that may be caused by the proposed action. Solitario's proposed prospecting activities will occur near important, sacred tribal sites that will be negatively impacted by prospecting activity and noise. Before relying on its categorical exclusion, USFS must consider whether the proposed action will affect "American Indians and Alaska Native religious or cultural sites," 36 C.F.R. § 220.6(b)(1)(vi), or "significantly limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites." 43 C.F.R. § 46.215(h).<sup>2</sup> Similarly, the U.S. Department of Agriculture requires USFS to consider "property...of historic, archeological, or architectural significance, as designated by Federal, Tribal, State, or local governments...." 7 C.F.R. § 1b.3(f)(1)(vii). Given the close proximity of the proposed action to important tribal sites and the noisy and disruptive nature of the proposed action to popular recreation areas in the Forest, ELPC believes that there is reasonable uncertainty of the impact of the proposed action on tribal cultural and sacred sites which requires USFS to prepare an EA. 7 C.F.R. § 1b.3(f)(2); 36 C.F.R. § 220.6(b).

The area in and around Solitario's proposed project area contains numerous historic and cultural resources of particular value to the tribes that must be protected. USFS must conduct a thorough National Historic Preservation Act consultation process prior to approving the prospecting permit as required by 36 C.F.R. § 800.1(c). At minimum, USFS should adopt the following stipulation:

If Solitario encounters cultural resources (e.g., bones, artifacts, foundations, or other indications of past human occupation of the area) during operations, work in the vicinity of the discovery must cease immediately. The Northern Hills Ranger District must be contacted within 24 hours so the agency can take steps to avoid, minimize, or mitigate possible adverse effects. Within 48 hours of notification of the discovery or disturbance, the Northern Hills Ranger District would also notify

---

<sup>2</sup> Per the USFS's project planning page, <https://www.fs.usda.gov/r02/blackhills/projects/64551>, USFS is planning to rely on a U.S. Geological Survey Categorical Exclusion that USFS adopted pursuant to 42 U.S.C. § 4336c. When adopting the Categorical Exclusion, USFS stated that it would consider both its own extraordinary circumstances conditions set forth in 36 C.F.R. § 220.6(b) and the Department of Interior's extraordinary circumstances conditions set forth in 43 C.F.R. § 46.215 when using the Categorical Exclusion. *See Adoption of Categorical Exclusions Under Section 109 of the National Environmental Policy Act*, 89 Fed. Reg. 79228 (Sept. 27, 2024).

the State Historic Preservation Officers and Tribal Historic Preservation Officers that have requested to be on the USFS's mailing list, as outlined in 36 CFR 800.13.

See Golden Crest Exploration Drilling Project Final Environmental Assessment, available at <https://www.fs.usda.gov/r02/blackhills/projects/archive/62590> at 33.

Solitario's POO concedes that the proposed action could cause "some recreational impacts" and that "hunting opportunities during the spring and fall turkey and fall deer and elk seasons may be impacted by noise and game displacement." POO, pp. 22, 23. USFS should impose the following stipulations to minimize these potential impacts to the Black Hills National Forest:

Drilling operations would be prohibited on the following holidays (as well as weekend days immediately following or proceeding said holiday) because of high traffic and recreational usage: Memorial Day, Fourth of July, and Labor Day. During these pauses in drilling, equipment may remain at the drill sites and staging area.

The USFS may impose blackout dates to prohibit drilling project-wide or at specific sites before or during certain permitted recreation activities and would provide Solitario no less than 6 weeks' advance notice of drilling blackout dates.

Drilling operations at platforms within 1-mile of established campgrounds will be limited to operating during daylight hours and shall not operate 24 hours/day.

See Golden Crest Exploration Drilling Project Final Environmental Assessment, available at <https://www.fs.usda.gov/r02/blackhills/projects/archive/62590> at 69–70.

*D. USFS Must Ensure that Solitario Follows its Plan of Operations and Adequately Monitors the Project.*

According to Solitario's POO, the existing roads are adequate to access the drill sites and do "not require construction or modification for use." POO, p. 6. The POO also states that "water required for core drilling will be sourced from either municipal or privately-owned water supplies in the Lead/Deadwood area." POO, p. 13. USFS must ensure that Solitario follows its POO and does not construct new roads, modify existing roads, or withdraw water resources from National Forest land. USFS should impose stipulations on the prospecting permit solidifying these requirements. Further, USFS must ensure that it is adequately monitoring the project and ensuring that Solitario is only using the proposed access routes and drill sites that it proposed in the POO. USFS should monitor the project site and report any violations of the permit or POO, especially during key times where the risk for environmental harm is greatest. At minimum, USFS should impose the following stipulation:

When a new drill site is being established, Forest Service personnel must be present. This will include being present when site use and access is identified, when a drill rig is being moved onto the site, when a sump pit is opened and closed, whenever a drill site is temporarily abandoned, and when a drilling site is reclaimed. After

operations begin, Forest Service personnel will make irregular inspections of the drilling and construction operations. The designated agent who is doing the inspections has authority to temporarily suspend or modify operations in whole or in part due to emergency forest conditions such as fire danger, unsafe situations and environmental concerns. All site visits and inspections will be documented along with any identified actions needed for compliance with permit terms.

*See e.g.*, USDA Forest Service, Chequamegon-Nicolet National Forest, Sharpe Energy and Resources LTD, Prospecting Permit Stipulations & Notifications Appendix A at 3 (USFS issuing a similar stipulation on a prospecting permit in a National Forest).

ELPC urges USFS to consider all of the mitigation measures proposed by USFS in its Final Environmental Assessment for the Golden Crest Exploratory Drilling Project, Solitario's other exploratory drilling project in the Black Hills National Forest, and determine whether any of those proposed mitigation measures should be added as stipulations to avoid any potential negative environmental impacts to the Black Hills National Forest. *See* Golden Crest Exploration Drilling Project Final Environmental Assessment, available at <https://www.fs.usda.gov/r02/blackhills/projects/archive/62590>.

## **II. USFS Should Consider the Massive Environmental Harms to the Black Hills National Forest that Gold Mining Would Cause.**

Solitario's permit to conduct "exploratory drilling operations" per the Scoping Notice is a step towards Solitario attempting to further open up the Black Hills National Forest and Belle Fourche watershed to full-scale open pit gold mining. But, modern gold mining is primarily conducted using heap leach mining where ore is sprayed with cyanide to leach out the small quantities of gold contained in the ore. The only gold mine in South Dakota, the Coeur Wharf Resources mine also located in the Black Hills, uses that technique. South Dakota Department of Natural Resources, *Wharf Resources (USA) Inc. Large Scale Mine Permit Application Wharf Boston Expansion Project*, p. 3, available at <https://danr.sd.gov/Environment/MineralsMining/Exploration/docs/WharfBostonExpansionSummaryDoc.pdf>. In evaluating Solitario's plan, USFS must consider the fact that heap leach mining causes extensive and long-lasting harms and has a history of extreme environmental disasters.

Open pit gold mining causes sulfide ores to be exposed to air and water, which creates sulfuric acid. *See* Earthworks, *Hardrock Mining: Acid Mine Drainage*, p. 1 available at [https://www.sosbluewater.org/FS\\_AMD.pdf](https://www.sosbluewater.org/FS_AMD.pdf). Acid mine drainage can come from exposed rock at the mine site, exposed heap leach piles where gold is extracted from the ore, and waste piles that remain after extraction is completed. *Id.* Acid mine drainage results in problems long after the mine is closed and can require perpetual water treatment. *Id.* Additionally, heap leach gold mines use cyanide to leach gold out of the extracted ore and can leak cyanide and other harmful chemicals into the water supply. *See e.g.*, Emma Tranter, CBC, *Cyanide Detected in Creek After Victoria Gold's Heap Leach Failure at Eagle Gold Mine* (July 4, 2024), available at <https://www.cbc.ca/news/canada/north/yukon-government-update-heap-leach-victoria-gold-eagle-mine-1.7254359> (describing the 2024 spill of millions of tons of cyanide-soaked ore that occurred at a Canadian gold mine). Further, these mines frequently use tailings dams to dispose



of contaminated waste, which are known to leak and can collapse resulting in catastrophic releases of tailings downstream. *See e.g., WISE Uranium Project, Chronology of Major Tailings Dam Failures* (last updated July 11, 2025), available at <https://www.wise-uranium.org/mdaf.html>.

The only large active gold and silver mine in the Black Hills—the Coeur Wharf Resources mine north of Terry Peak and west of Lead and only 20 miles away from the project area—itsself has admitted an “accidental, low-level cyanide and ammonia release” into Annie Creek in the 90’s and early 2000’s. South Dakota Department of Natural Resources, *Wharf Resources (USA) Inc. Large Scale Mine Permit Application Wharf Boston Expansion Project*, p. 5, available at <https://danr.sd.gov/Environment/MineralsMining/Exploration/docs/WharfBostonExpansionSummaryDoc.pdf>. The Coeur Wharf Resources mine reported 181 surface spills since 1983, and the surrounding surface and groundwater suffers from elevated nitrate, uranium, and arsenic levels. Darsha Dodge, *DANR to hold hearing on future of Wharf Mine Boston Expansion*, *Rapid City Journal* (May 16, 2023), available at [https://rapidcityjournal.com/danr-to-hold-hearing-on-future-of-wharf-mine-boston-expansion/article\\_b72d2994-f294-11ed-bfb2-c38c86bb8cc0.html](https://rapidcityjournal.com/danr-to-hold-hearing-on-future-of-wharf-mine-boston-expansion/article_b72d2994-f294-11ed-bfb2-c38c86bb8cc0.html). The mine was forced to discharge polluted water on an emergency basis in 2014, and was recently in violation of the surface water quality standards for selenium. Charles Michael Ray, *Heavy Runoff Overwhelms WHARF Pollution Control*, South Dakota Public Broadcasting (May 21, 2014), available at <https://listen.sdpb.org/environment/2014-05-21/heavy-runoff-overwhelms-wharf-pollution-control>; *see also* U.S. EPA ECHO, *Wharf Resources (USA) Inc. Detailed Facility Report*, available at <https://echo.epa.gov/detailed-facility-report?fid=110000594973>.

The environmental harms caused by hardrock mining are long-lasting and difficult and expensive to remediate. Nearby abandoned gold mines, like the Zortman-Landusky mine in Montana and Summitville mine in Colorado have taken decades and millions of dollars to remediate and will require perpetual water treatment to deal with the acid mine drainage still generated by the sites.<sup>3</sup> Gold mining can also cause catastrophic spills, like the 2015 Gold King Mine spill in Colorado which caused over 3 million gallons of mining wastewater full of iron,

---

<sup>3</sup> The Zortman-Landusky gold mine was closed in 1999 after the owner declared bankruptcy, leaving Montana and the Federal Government on the hook for reclamation costs, which have exceeded \$77 million. *See* Great Falls Tribune, *Cleanup Costs at Zortman-Landusky Gold Mines Continue to Mount* (Sept. 13, 2018), available at <https://www.greatfallstribune.com/story/news/2018/09/13/cleanup-costs-zortman-landusky-gold-mines-continue-mount-montana-bad-actor-superfund-acid/1292506002/>. According to the Montana Department of Environment Quality project manager for the Zortman-Landusky gold mine, the abandoned mine’s wastewater will need to be treated for “somewhere between 100 years and several thousand years” to stop the environmental harms caused by the acid mine drainage. *Id.* The Summitville mine became an EPA Superfund site after it was closed and took the federal government 27 years and over \$250 million to remediate. *See* Bruce Finley, The Denver Post, *Colorado’s worst Superfund site Summitville Mine has been fixed, but Colorado’s on the hook for \$2M a year to keep it clean* (July 10, 2018), available at <https://www.denverpost.com/2018/07/10/colorado-summitville-mine-cleanup/>. Colorado now must pay \$2 million annually to run the waste water treatment plant built on the site.

lead, aluminum, zinc, and cadmium to spill into a nearby river and cause water quality concerns in neighboring states.

The potential environmental harms from gold mining in the Black Hills National Forest by Solitario would not only impact the Forest but also the local community which uses the Black Hills for outdoor recreation and relies on the Black Hills to support the local economy. Black Hills National Forest has over 450 miles of trails and is used by hikers, horseback riders, and bicyclists. *See* Forest Service, *Black Hills National Forest Visitor Maps and Guides*, available at <https://www.fs.usda.gov/r02/blackhills/maps-guides> (last updated Mar. 27, 2025). Further, Spearfish and other South Dakota communities rely on outdoor recreation and tourism to the National Forest to support their local economy. *See* Sierra Ferguson, Black Hills Pioneer, *After Bringing in Almost \$1 million in hospitality tax revenue, Visit Spearfish Executive Director Mistie Caldwell Receives Regional Recognition* (Feb. 7, 2025), available at [https://www.bhpioneer.com/local\\_news/after-bringing-in-almost-1-million-in-hospitality-tax-revenue-visit-spearfish-executive-director-mistie/article\\_7a78f1d2-e4cc-11ef-b566-3fe1cb3f095b.html](https://www.bhpioneer.com/local_news/after-bringing-in-almost-1-million-in-hospitality-tax-revenue-visit-spearfish-executive-director-mistie/article_7a78f1d2-e4cc-11ef-b566-3fe1cb3f095b.html). In 2024 alone, Spearfish earned almost \$1 million in revenue from tourism through its hospitality tax, with outdoor recreation and the Black Hills being the main drivers of tourism in the area. *Id.* Residents and local businesses, like Spearfish Brewing, rely on the clean water of Spearfish Creek and would be irreparably harmed if the creek was polluted with cyanide or acid mine drainage.

Black Hills National Forest is a vital resource used and enjoyed by the American public. For too long, gold mining in the U.S. has followed the same cycle; private mining companies irrevocably alter public lands, pollute local watersheds, and then leave the cost to remediate and perpetually treat the acid mine drainage from the site to taxpayers. Gold is not an essential mineral for any major industry, is not in short supply globally, and can be readily recycled.<sup>4</sup> ELPC urges USFS to not let this disastrous cycle continue on in the Black Hills.

### III. Conclusion

ELPC has identified extraordinary circumstances implicated by Solitario's proposed action to conduct exploratory drilling in the Black Hills National Forest. These extraordinary circumstances include risks to threatened and endangered species, to the watershed, and to tribal sites and recreation areas, as well as the severe adverse environmental impacts to the Forest that gold mining would cause. USFS must prepare an EA to fully understand the environmental impact of Solitario's exploratory drilling on the Forest's important resources. A categorical exclusion is not appropriate for Solitario's proposed action given the sufficient cause for uncertainty by USFS as to whether Solitario's proposed action will have a significant environmental effect on the Forest's resources. ELPC urges USFS to properly investigate each of

---

<sup>4</sup> Globally, about 45% of gold is used in jewelry, 40% is used in physical bars, official coins, medals, and imitation coins, and only 7% is used in electronics. USGS Mineral Commodity Survey 2025, p. 83, available at [mcs2025.pdf](#) - Mineral Commodity Summaries 2025. Further, there are no supply chain concerns for gold as the U.S., Canada, Australia, and dozens of other countries all have substantial gold reserves. *Id.* Finally, gold is easily recyclable. In 2024, an estimated 90 tons of new and old gold scrap, about 45% of reported consumption, was recycled, which further reduces stress on the supply chain. *Id.* at 82.

the concerns identified and raised in these comments and to implement the stipulations recommended above, as well as any other stipulations necessary to protect the health of the Black Hills National Forest that USFS's EA will uncover. Thank you again for the opportunity to comment.

Respectfully submitted,

/s/ Wendy Bloom

Wendy Bloom, Senior Attorney  
Daniel Abrams, Senior Associate Attorney  
Elise Zaniker, Associate Attorney  
Environmental Law & Policy Center  
35 E. Wacker Dr., Ste. 1600  
Chicago, IL 60601  
(312) 795-3710  
[wbloom@elpc.org](mailto:wbloom@elpc.org)  
[dabrams@elpc.org](mailto:dabrams@elpc.org)  
[ezaniker@elpc.org](mailto:ezaniker@elpc.org)