



## REGION 8

DENVER, CO 80202

**August 28, 2026**

Wendy Schuyler, Project Manager  
c/o Bearlodge Ranger District  
101 S 21st St  
P.O. Box 680  
Sundance, Wyoming 82729  
*Transmitted electronically*

Dear Wendy Schuyler:

In accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA), the U.S. EPA Region 8 has reviewed the U.S. Forest Service (USFS) Notice of Intent (NOI) for the Bear Lodge Rare Earth Project Environmental Impact Statement (EIS). The CAA Section 309 role is unique to EPA. It requires EPA to review and comment on the environmental impact of any proposed federal action subject to NEPA's EIS requirements and to make its comments public.

The Bear Lodge Rare Earth Project (Project) is proposed approximately 12 miles north of Sundance, Wyoming on private lands and 287 acres of Black Hills National Forest land. The project would extract rare earth elements (notably neodymium-praseodymium) through the opening of the Bull Hill Mine, a proposed open pit mining operation targeting U.S. critical minerals.<sup>1</sup> The project would involve the excavation of approximately 83 million tons of ore and waste rock over a 22-year life of mine.

Based on the Mining Plan of Operations (MPO), beyond the open pit mine, we understand that the Proposed Action includes development of associated infrastructure on Black Hills National Forest land: berms and fencing, stormwater diversion channels, a dewatering pond and associated pipeline, access and haul roads, a guardhouse, and a power line. A pit lake is anticipated after reclamation. Other project activities would occur on adjacent private land, including waste rock storage, ore upgrade (i.e., crushing, washing, screening, and magnetic sorting), truck storage, and ore and topsoil stockpiling. The mine's processing facility would be located on non-adjacent private land, approximately 40 miles from the mine area.

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<sup>1</sup> <https://www.federalregister.gov/documents/2025/11/07/2025-19813/final-2025-list-of-critical-minerals>

In accordance with the EPA's statutory authorities, our detailed comments have been enclosed to support the development of a clear, well-supported assessment of environmental effects. We appreciate the opportunity to provide comments and look forward to continued coordination with the Black Hills National Forest on this project. For questions on these comments, please contact Carolyn Gleason, Acting NEPA Branch Manager, at [gleason.carolyn@epa.gov](mailto:gleason.carolyn@epa.gov) or 303-312-6641.

Sincerely,

Daniel Heffernan  
Associate Deputy Regional Administrator  
U.S. EPA Region 8

Enclosure: NOI Comments for the Bear Lodge Rare Earth Project EIS

## **Enclosure – NOI Comments for the Bear Lodge Rare Earth Project EIS**

### **Water Quality and Water Management:**

- Providing a clear summary and/or maps of applicable water quality requirements, existing surface water and groundwater conditions including groundwater-surface water connectivity in the project area (e.g., springs and seeps), monitoring locations, and baseline chemistry would help to frame the aquatic resources impacts analysis. Authority: CWA §§ 301, 303, 401, 402, 33 U.S.C. §§ 1311, 1313, 1341, 1342; 40 C.F.R. Parts 122–125; 40 C.F.R. Parts 130-131.
- Addressing the following water quality impacts of the open pit mine and adjacent operations on local groundwater and surface water resources during and after mining will strengthen the EIS:
  - How the pit lake is expected to interact with adjacent groundwater and surface water.
  - Acid mine drainage potential associated with open pit operations.
  - How the dewatering pond will handle sedimentation from pit water in line with applicable state National Pollutant Discharge Elimination System (NPDES) surface water discharge permit limits. Authority: CWA §§ 301, 303, 402, 33 U.S.C. §§ 1311, 1313, 1342; 40 C.F.R. Parts 122–125; 40 C.F.R. Parts 130-131.
- Evaluating the geochemical and water management effects of proposed waste rock and tailings storage measures will be beneficial in the EIS. Authority: CWA §§ 301, 303, 402; 33 U.S.C. §§ 1311, 1313, 1342; Resource Conservation & Recovery Act (RCRA) Subtitles C and D, 42 U.S.C. §§ 6921-6939g, 6941-6949a; 40 C.F.R. §§ 122.26, 239–258, 260–273.
- Summarizing any water balance or water quality modeling proposed or completed for the pit, dewatering pond, and adjacent operations (e.g., a Physical Upgrade Plant) and how this may affect water resources on USFS lands will strengthen the analysis in the EIS. Authority: CWA §§ 301, 303, 402, 33 U.S.C. §§ 1311, 1313, 1342; 40 C.F.R. Parts 122–125.
- Page 17 of the MPO states that monitoring well 43 will be used as a water supply under the project. Clarifying how MW 43 will be used (e.g., as a municipal supply for workers, as process water in adjacent operations), the yield of this well, and if there is additional drawdown that can affect groundwater below USFS lands will strengthen the EIS. Authority: Safe Drinking Water Act § 1412, 42 U.S.C. § 300g-1.

### **Hazardous and Radioactive Materials:**

- Describing anticipated hazardous materials and waste management practices will clarify potential short-term and long-term project environmental waste management considerations and relevant risks. Authority: RCRA Subtitles C, D, and I; 42 U.S.C. §§ 6901–6992k (unless exempted by the Bevill Amendment, R42 U.S.C. § 6921(b)(3)); 40 C.F.R. Parts 239–258, 260–273, 280–282; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) §§ 101–128, 42 U.S.C. §§ 9601–9628, 40 C.F.R. Parts 300-311.
- Since uranium and thorium are known to occur at heightened levels in the southern Bear Lodge Mountains<sup>2</sup> and may be removed from storage as wastes under the proposed operations, the development of Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) may result. Consider describing how TENORM and known radioactive materials would be identified, transported, stored, and handled. Authority: CAA § 112 (HAPs), 42 U.S.C. § 7412; RCRA Subtitles C, D, and I; 42 U.S.C. §§ 6901–6992k (unless exempted by the Bevill Amendment, R42 U.S.C. § 6921(b)(3)); 40 C.F.R. Parts 239–258, 260–273, 280–282; CERCLA §§ 101–128, 42 U.S.C. §§ 9601–9628, 40 C.F.R. Parts 300-311.

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<sup>2</sup> Staatz, M., 1983, Geology and description of thorium and rare-earth deposits in the southern Bear Lodge Mountains, northeastern Wyoming: U.S. Geological Survey Professional Paper 1049, p. D1-D52; 2 plates in pocket, <https://doi.org/10.3133/pp1049D>.

#### Transport and Management of Solid Materials:

- Clarifying the following aspects of waste rock, solid material, and tailings storage will strengthen the EIS:
  - Impoundment acreage
  - Impoundment dust control measures
  - Steps taken to manage stormwater runoff from materials transported to the upgrade site to prevent leaching to groundwater
  - Whether onsite overburden and topsoil will suffice for reclamation or if borrow material would be needed and planned
  - How upgraded ore will be transported by truck along USFS roads, including average number of truck trips, how upgraded ore will be secured during trips, and protocols for spill events

Authority: CAA § 112 (HAPs), 42 U.S.C. § 7412; RCRA Subtitles C, D, and I; 42 U.S.C. §§ 6901–6992k; 40 C.F.R. Parts 239–258, 260–273, 280–282; CERCLA §§ 101–128, 42 U.S.C. §§ 9601–9628, 40 C.F.R. Parts 300–311.