Data Submitted (UTC 11): 8/23/2022 3:59:51 AM
First name: Carla R.
Last name: Marshall
Organization:
Title:
Comments: "Jenny Gulch Gold Exploration Drilling Project Objection"
Objection Reviewing Officer
Black Hills National Forest Supervisor's Office,
Attn: Objection Reviewing Officer,
1019 North 5th St., Custer, SD 57730.

Greetings Objection Reviewing Officer.

I am sending in my opposition to the FONSI determination for the Jenny Gulch Gold Exploration Drilling Project.

"Jenny Gulch Gold Exploration Drilling Project Objection"
Objection Reviewing Officer
Black Hills National Forest Supervisor's Office,
Attn: Objection Reviewing Officer,
1019 North 5th St., Custer, SD 57730.

Greetings Objection Reviewing Officer.

I am sending in my opposition to the FONSI determination for the Jenny Gulch Gold Exploration Drilling Project. I have attached my letter as a PDF as well, along with those images included in my letter.

I am requesting that you retract your decision immediately due to several issues;

First, allow me to say - It is quite alarming that you as the Care-Takers of our National Black Hills Forest did not find just one "Significant Impact" that this Project would have on the area from the over 300 submitted Public Comments provided in the Scoping process in October 2021. The majority of these comments came from highly educated, knowledgable, experienced experts in their respected fields; environmental, Black Hills geology, governmental laws, the make-up of surface and subsurface, and tribal treaty rights. You even heard from previous miners that said NO and WHY they are saying NO. These Public Comments gave you numerous hard facts as to why this project would make a "Significant Impact." However, you are choosing to misinterpret these comments to fit the status-pro-quo that mining claim holders have enjoyed since the passing of the General Mining Law in 1872.

Second - based on the following 1, 2, & 3 bullets, I request that if you are not going to retract your FONSI decision then you extend this objections period for an additional 30 days due to the following;

1. The postcard that you at the USFS Mystic Ranger District mailed out was mailed from out-of-state (Minnesota) and therefore was delayed in the USPS delivery to the majority of people who commented back in October, what are stakeholders from South Dakota, tribal citizens from reservations, and the Black Hills region.

2. The URL that the Forest Service provided in the postcard said "Electronic objections must be submitted to the Objection Reviewing Officer online at https://cara.fs2c.usda.gov/Public//CommentInput?=57428" was erroneous for at least a week. I tried both Safari and Firefox, and I know others tried their own web browsers, but we kept hitting a 404 when entering that URL. (See image URL 404)

3. There are two deadline dates for objections that conflict. The webpage to submit online submission clearly

says "Your comments are requested by 8/23/2022." However, Forest Service staff verbally told people that the date is 8/22/2022. So since this deadline date is in conflict, this confused many, myself included. I would think that you would go by what you published on your website to be the actual deadline date. (See image Aug 23 date)

The next area of major concern is the Tribal government-to-government consultation process. In the USDA Departmental Regulation number 1350-002 it states:

This Presidential Memorandum directs each executive department and agency to consult with Tribal governments prior to taking actions that would affect them. It stated that in order to ensure that the rights of sovereign Tribal governments are fully respected, all such consultations were to be open and candid so that Tribal governments could evaluate for themselves the potential impact of relevant proposals.

To my knowledge; None of the tribes have provided any cultural surveys in the proposed impact area, which must be first and foremost before the Forest Service can make the determination of a FONSI. Therefore, I don't think this FONSI is in compliance with the USDA or NHPA mandate for Government-to-Government consultation.

In your "Decision Notice and Finding of No Significant Impact" document you write that "The USFS first solicited Government to Government Consultation interest in a mailing distributed to 16 Tribal entities on January 6, 2020."

However, I noticed in the October 2021 Scoping comments when Tribal Consultation is mentioned, the Forest Service just answered with: The Black Hills National Forest has issued invitations to 17 Tribal governments to initiate formal government-to-government consultation regarding the F3 Gold proposal. The Forest Service is following up on all responses received. The Forest Service will also be consulting with Tribal governments under Section 106 of the National Historic Preservation Act as the appropriate data become available and consultation packages are developed.

So is it 16 Tribal governments or 17 Tribal governments that you reached out to via USPS mail? Did you also reach out to them via email?

You have also responded in the Scoping Comments that "Tribal consultation and protection of cultural resources are incomplete." So how can a FONSI be determined while the Tribal Consultation process is still ongoing?

Last, in your "Final Environmental Assessment - Jenny Gulch Gold Exploration Drilling Project 7-8-22.pdf on page 27 Table 3-1 Summary of Project Issues, there is an array of concerns that seem to have a Significant Impact. You use words such as "may" and "could" shows that the Forest Service is unsure of what these impacts would do in time. So giving out a FONSI is premature knowing that this Project may or could negatively affect the area.

(See image Summery Example)

In the Issue of Access & Transportation. I recently attended the Pennington County Commission meeting where they are highly concerned about the outdated bridges in the county. Some of those bridges are in need of replacement. So having heavy equipment utilizing some of the bridges in that area are of great concern. Until you know for sure how the heavy equipment "may" impact the road and the outdated bridges, then a FONSI is again premature.

There is also great concern about the Big Horn Sheep birthing area. Because the ewes don't birth their lambs all at once restricting the drilling activities in the area of Sunnyside Gulch Road in the southern part of the Project

from April 15 - August 31 to avoid disturbance should be extended from April 1 - Sept 30 to give them a better chance of not being disturbed. Ewes may birth in late spring. A lamb needs at least five months with their mothers before they are fully weaned. The area should also be extended beyond Sunnyside Gulch. And look at the face of a Baby Big Horn Sheep Lamb. How can you not want to protect her?

Next concern; The depth of the exploration hole is also of great concern. You mention that these holes will be in comparison to a Water Well depth, but in the POOP it says that these hole depths can be anywhere from 500 feet to 6,000 feet. Now, in comparison, Mato Tipila (Devil Tower) stands 867 feet from its base to the summit then 6,000 feet would be 6.92 of this rock formation stacked on top of each other.

Also, you consistently tell the public that "Mining is not part of the proposed action. Any mining activity proposed in the future would be subject to additional, project-specific NEPA review." "Exploration" is listed as mining activity in the 1872 General Mining Law and so should be determined as a Hard-Rock Mine and subjected to those same rules and regulations under NEPA, EPA, NHPA, and any other rules.

In closing; We must protect the water and land in the HeSapa, the Black Hills, that so many of us, you included, love and cherish. Water is becoming more and more scarce across the Northern Great Plains and many are seeing droughts in record conditions across this land. If the water gets damaged/contaminate, or this Project causes irreparable harm to the land and water - it will be us that suffer the consequence. We, along with the Wildlife, will suffer.

Thank you for your hard work and for hearing my concerns. Please add me to your mailing list for notifications for this and other upcoming exploration projects in the Black Hills National Forest.

Carla Rae Marshall
P.O. Box 3184
Rapid City, SD 57709
605-545-1430