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June 20th, 2023

Black Hills National Forest
Forest Supervisors Office
1019 N. 5th St.
Custer, SD 57730

BLM Montana/Dakotas Office
5001 Southgate Drive
Billings, Montana 5901
<https://cara.fs2c.usda.gov/Public/CommentInput?project=NP-3479>

RE - Mineral Withdrawal for Pactola Area.

Dear Forest Service and BLM staff,

We write to support mineral withdrawal for the area proposed by the Forest Service and BLM surrounding Pactola Lake. We thank the Forest Service/BLM for the proposal. We however request that the Forest Service and BLM issue a supplemental proposal to add the rest of the Rapid Creek drainage to the current mineral withdrawal proposal. We suggest two sequential withdrawal actions be taken, so the one currently underway can proceed unimpeded.

We also request that the Forest Service consider the treaty claims of the indigenous tribes to the Black Hills. Mining removes resources permanently and the tribes get no payment for the mining. The Forest Service should eventually consider a Forest-wide mineral withdrawal to honor tribal treaty claims, however that larger proposal might warrant an EIS and we wish for Rapid Creek withdrawals to proceed promptly under EAs.

We support mineral withdrawals, as the Forest Service can't say no to mining, unless it withdraws the area from mineral entry. We believe that EISs and states' regulation of mining and EPA clean/safe water acts have proven inadequate to protect water from mining in many instances. We attach the Kuiper's 2006 Whitepaper titled "Predicting Water Quality Problems at Hardrock Mines" that discusses the statistics on failures of EISs to predict pollution & the failure of pollution regulation to adequately contain pollution from mines. We incorporate Kuipers's statistics and discussion by reference. We believe that Rapid City and Ellsworth Airforce bases, drinking water sources need to be protected from the threat of mining.

Wildlife:

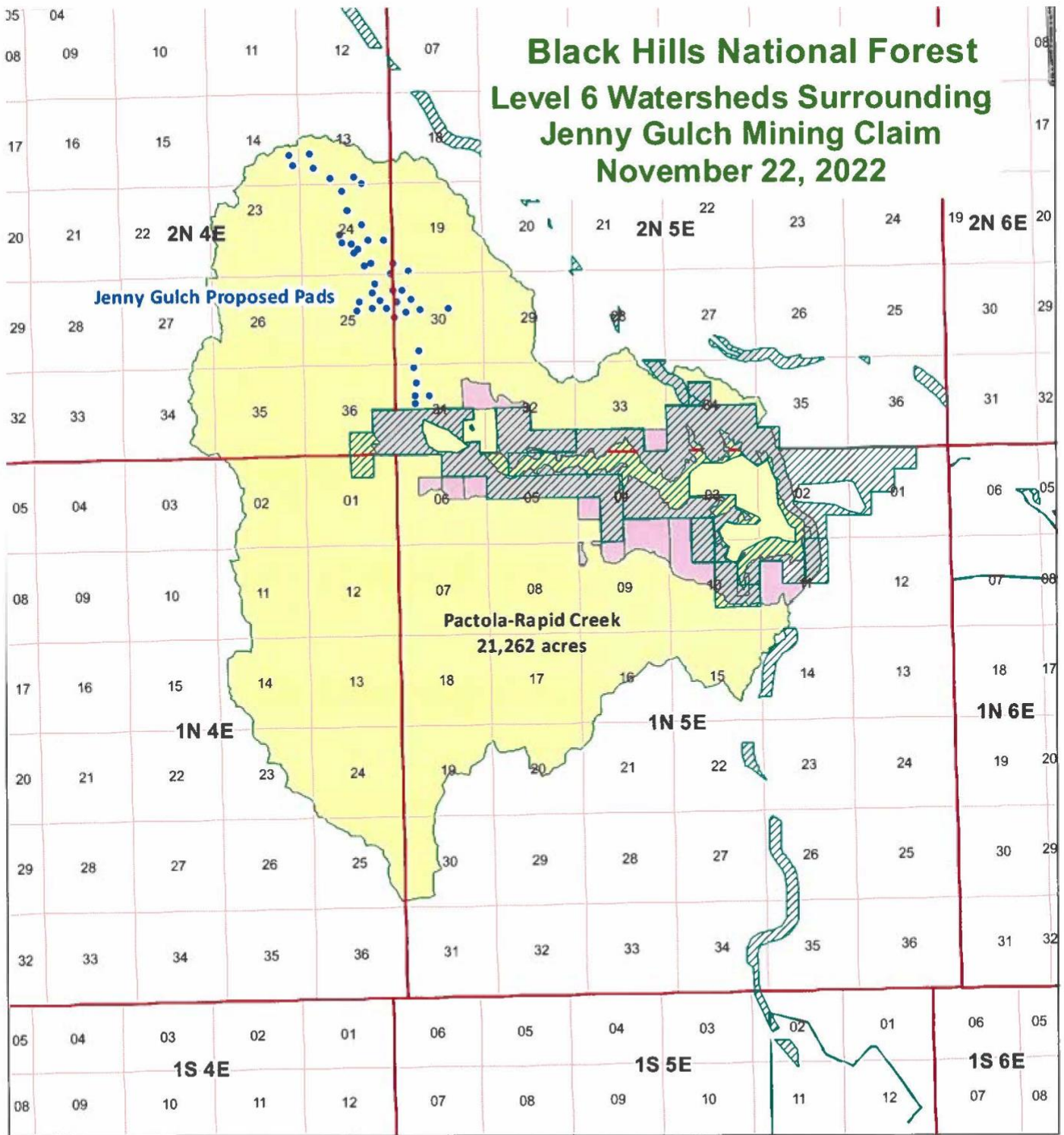
We are also concerned about impacts from mining to wildlife. We express special concern for the northern long eared bat, the tri-colored bat and the little brown bat. We believe that the white-nose syndrome has a potential to eventually extirpate all effected bat species, so that as death rates increase, each surviving, individual bat becomes ever more important, as it might be the bat with greater immunity/resistance to the disease. The bats could be adversely impacted by disturbance from mining in the area.

We are concerned about the American dipper. A nest was recently found downstream in Rapid Creek at Thunderhead Falls (2017-2018), but actual dippers have not been seen recently, to our knowledge. Downstream Rapid Creek has potential habitat and we are concerned about impacts to dipper from adverse water quality, especially if the mining exploration in the drainage results in actual mines being built. We are concerned about disturbance to big-horned sheep from mining activities.

We wish to supply some additional information about other withdrawal direction.

We believe that a large area around Pactola was withdrawn in the 1950s and the 1940s as part of the Rapid Valley Reclamation Project. Also acres have been withdrawn for recreation purposes. You have a map of this overlap on page 11 of the application & indicate that 4,784 acres of the 20,574 acres or 23% of the area are already withdrawn.

Black Hills National Forest Level 6 Watersheds Surrounding Jenny Gulch Mining Claim November 22, 2022



- Withdrawal Area from National Dataset
- Withdrawal Area from Project Folder

Legend

- Jenny Gulch Proposed Pads
- Level 6/ HU 12 Watersheds
- Forest Boundary



Nad 1983 Zone 13 North 1:90,000



The proposed area also overlaps much of what is called Management Area 8.2 (2006 Land & Resource Management Plan (LRMP)) or was Management Area 2.1 (1997 LRMP), which both had protections against mining impacts including withdrawal directives. The 2006 Land & Resource Management Plan Revisions/Amendments says

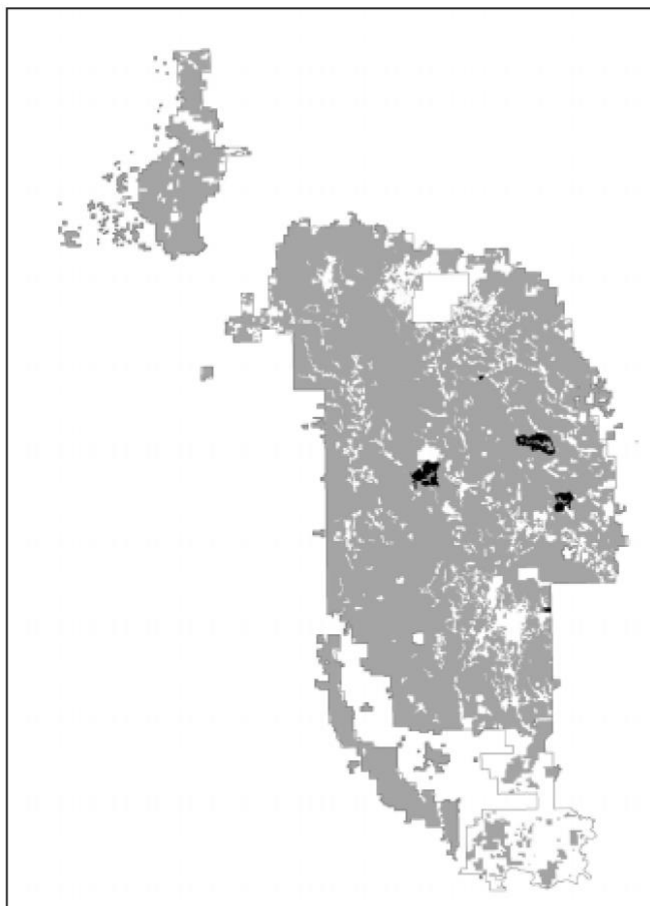
1510. Developed recreation areas should be withdrawn from locatable mineral entry. Maintain existing withdrawals. GUIDELINE (emphasis added)

1519. Developed recreation areas are unavailable for mineral leasing. STANDARD

8.2-1001. All resource management activities should be compatible with and minimize impacts to recreational resources and opportunities. GUIDELINE



Management Area 8.2



Management Area 8.2

11,368 Acres
(Excluding Water)

Less than 1 percent of Forest

Areas

Pactola Reservoir Sheridan
Lake Deerfield Lake
Roubaix Lake
Bismarck Lake
Cook Lake
Cascade Complex

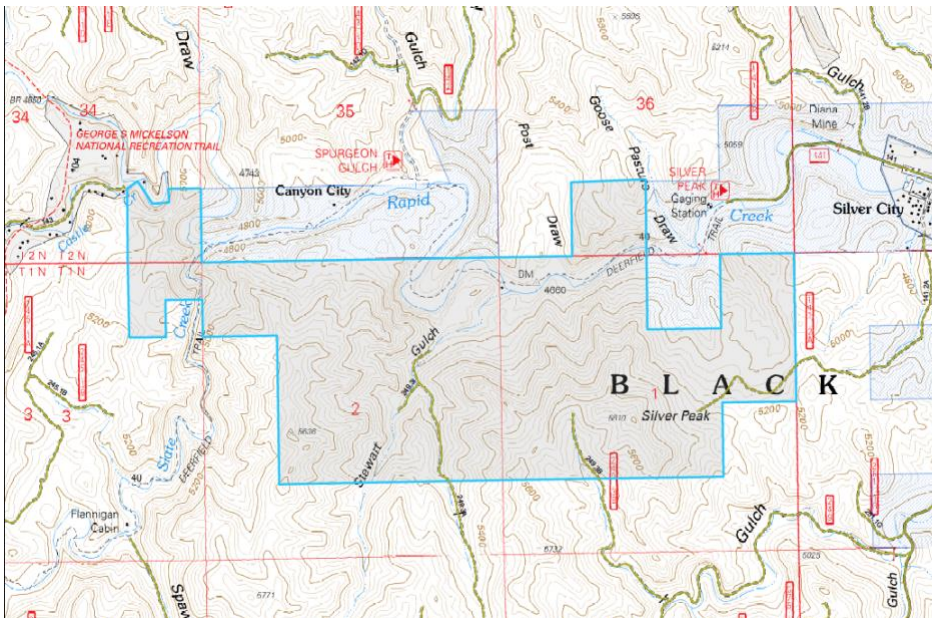
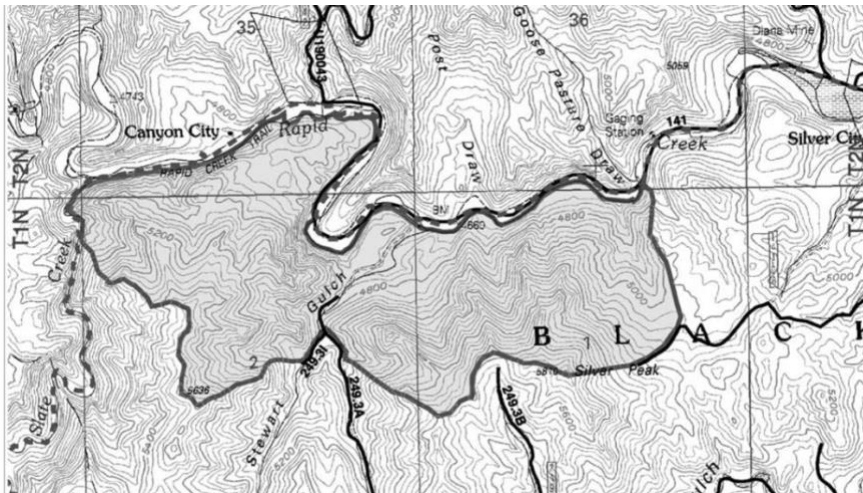
Management Area 8.2 – Concentrated Recreational Complexes also has been set aside in the Forest Plan (2006) for withdrawal from mineral entry.

The Black Hills National Forest in its' Land and Resource Management Plan (Forest Plan), as amended via Phase 2 amendments (2006), created Forest Plan standards that say its' Research Natural Areas (RNAs) and Special Botanical Areas (SBA) should be withdrawn from mineral entry.

2006 LRMP standard for RNA's:

2.2-1501. *NEW. Withdraw from mineral entry in conformance with Section 204 of Federal Land Policy and Management Act of 1976 (PL 94-579). All lease applications will have "no surface occupancy" stipulation. No mineral material permits will be issued. *STANDARD (emphasis added)*

There is a Research Natural Area inside the proposed withdrawal area – Canyon City RNA - The Canyon City Research Natural Area is on the west side of the area proposed for withdrawal by FS and BLM. Below are maps, the first is from Appendix G (page 8) of the 2006 LRMP and the next shows how that map was translated to a legal description in the 2015 withdrawal proposal.



On September 24th 2015 in the Federal Register Vol. 80, No 185, on pages 57632-57633 the Forest Service/BLM temporarily withdraw 4 RNSs and 7 SBA for a total of 17,486 acres. Afterwards the withdrawal proposal appears to go

nowhere for eight years. We suspect that FS/BLM did not finish review during Obama Administration and then the Trump Administration, with its' goal of reducing "red tape" killed it.

With the proposed March 2023 Pactola Area withdrawal the Forest Service/BLM are once again proposing the Canyon City Research Natural Area for withdrawal. This is long overdue and was mandated 17 years ago in the BHNH 2006 Forest Plan. We thank you for taking action to protect an RNA and hope you will soon act to protect the other 3 RNAs and Special Botanical Areas.

Thanks,

A handwritten signature in black ink, appearing to read "Nancy Hilding", with a stylized flourish at the end.

Nancy Hilding
President
Prairie Hills Audubon Society

2 Attachments

- 1.) Federal Register Announcement of Mineral Withdrawal proposal for BHNH Research Natural Areas and Special Botanical Areas in 2015 (Vol. 80, No 185, on pages 57632-57633)
- 2.) Whitepaper of Kuipers 2006 – Predicting Water Quality Problems at Hardrock Mines