Data Submitted (UTC 11): 3/1/2023 9:58:46 PM
First name: Daniel
Last name: Hutt
Organization:
Title:
Comments: February 28, 2023
Mr. Rob Hoelscher, District Ranger
1019 North 5th Street
Custer SD 57730

RE: Newark Exploration Drilling Project
Dear Mr. Hoelscher:
Please consider my comments on the proposed project and evaluate my concerns thoroughly. My areas of concern include the following:
Appropriateness of Categorical Exclusion for the project
Environmental impacts of 24-hour operation
Inadequate consideration of societal impacts

Appropriateness of Categorical Exclusion for the project
To qualify for a Categorical Exclusion (CE) under the National Environmental Policy Act (NEPA) per 36 CFR 220.6(e)8, the project must be "short-term (1 year or less)".
The applicant's Plan of Operations (PoO) provides no evidence that the activities outlined can possibly be completed within the one-year timeframe required to qualify for a CE under NEPA. Your letter requesting comments includes no evaluation of the feasibility of the applicant meeting the one-year requirement or the consequences of failing to meet the requirement. The PoO describes multiple drillings up to 6,000 feet deep (3,000 feet in the comment invitation) at 46 (39 in the comment invitation) different drill sites. Many drilling rigs operating simultaneously and continuously would be required to complete the operations described in the PoO within the 1-year requirement for a CE.
Many questions should be answered before the United States Forest Service (USFS) grants a CE for the project under NEPA: Are there comparable examples of projects of similar magnitude being completed within 12 months? Has the applicant provided sufficient evidence of adequate financial resources to complete the PoO within 12 months? Has the applicant completed similar projects within a 12-month period? Has the applicant provided evidence of the availability of drilling rigs, crews, and other resources sufficient to meet the 1-year requirement?
It appears that the applicant is presenting unrealistic expectations for completion of the project within one year just to qualify for the CE. It also appears that the applicant is proposing continuous, simultaneous operation of many drilling rigs regardless of the adverse environmental impact just to have the potential (however unlikely) of meeting the one-year requirement for the CE.
The project as described does not appear to realistically meet the requirements for a CE under NEPA.
Suggested mitigation: A complete and detailed Environmental Impact Study should be required by the USFS.
Environmental impacts of 24-hour operation
As a biologist I am concerned with the impact of continuous operation described in the PoO. Numerous studies have shown that continuous sound and light disturbances have a detrimental impact on animal (including human) populations. The area of drilling outlined in the PoO has never been subjected to nighttime intrusion of sound and light anywhere close to the proposed levels. The area has a balanced predator-prey environment that is likely to be significantly altered by nighttime operations. The noise of drilling operations will disadvantage prey species such as deer and elk that rely on hearing as a primary nighttime defense mechanism.
The area caves, tunnels, crevices, and tree hollows are home to numerous species of bats. Local bat populations have been negatively impacted by white-nose syndrome. It is imperative for the survival of significant bat populations that nocturnal disturbances be minimized.
All homes near the proposed operation have wells. Property owners have voluntarily restricted well drilling to

daylight hours to preserve the health and safety of the human population of the area. Nighttime noise and light pollution negatively impact many species including humans.
Suggested mitigation: Require a complete EIS.. If the project is approved, limit operations to daylight hours only and a maximum of two drilling rigs simultaneously operating within the project area. Operating rigs should be separated by a minimum distance of one-half mile.
Inadequate consideration of societal impacts
Custer County has minimal unemployment. Housing for additional laborers is virtually nonexistent. Any impact study should account for labor and housing availability and the economic impact to the current population.
Upper French Creek Road serves several dozen homes. The road itself and the private property where the homes are located predate the Black Hills National Forest. The increased use of the road will cause additional expense to Custer County. Law enforcement, dust suppression, and road maintenance will add to county costs. Increased commercial-vehicle traffic will negatively impact the safety of travelers on the road.
The hydrology of the Black Hills shows no aquifers under the project area. Water for wells and streams is predominantly from local precipitation seepage into cracks and crevices of the bedrock. The Southern Black Hills has a semi-arid climate. Water is a limiting factor. The project endangers water supply in the area in three ways: (1)The drilling itself threatens to disturb the Crow Creek watershed flow in the bedrock; (2)The use of 5,000 to 10,000 gallons of water per drill hole per day threatens the capacity of local sources; and (3) The injection of unpurified and often untreated, recycled water threatens the potability of area wells. The primary source of water for the City of Custer is the Upper French Creek drainage. The proposed project would use more water per day than the peak use of the entire City of Custer. The PoO states that the water will be derived from "municipal or industrial sources". The City of Custer lacks sufficient capacity and would require additional commercial and residential water restrictions to meet the project needs.
Suggested mitigation: An EIS should be required to identify societal impacts. If the project is finally approved, operations should be scaled so as not to seriously impact water resources. The number of speculative drilling sites should be reduced significantly. Access over Upper French Creek Road should not be permitted unless the applicant treats the entire road with a dust retardant. Custer County should be paid in advance for added costs. The applicant should be restricted from using Custer City water during peak times and seasons.
My comments only address concerns that are obvious and require little additional research. I am confident that additional research would reveal additional issues. Aggressive drilling and/or mining activities at any forest/urban interface significantly impact the environment. When the project location near Crow, Wabash, and French Creek supports one of the most vibrant and diverse ecosystems in the Black Hills, it requires special attention. When the watershed not only supports the diversity of the ecosystem but also the domestic water needs of dozens of residents within a few feet of the project and the City of Custer, steps need to be taken to protect it. At minimum an EIS needs to be completed so that threats can be thoroughly identified, and vital resources protected.
Thank you for the opportunity to comment.

Sincerely,

Daniel E. Hutt