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Comments: Any actions taken that might impact the Pe' Sla, Black Hills, South Dakota human environment must be in accordance with the National Environmental Policy Act of 1969, as amended by the Fiscal Responsibility Act of 2023. Sections 102(2)(C) through (L) of the National Environmental Policy Act must be analyzed in enough detail to define the issues and provide a clear basis of choice among the alternatives required by the National Environmental Policy Act, Section 102(2)(C)(iii).

Since this proposed graphite mining operation in the Pe' Sla vicinity has a reasonably foreseeable probability of significantly affecting the quality of the human environment, an environmental impact statement is required in accordance with the National Environmental Policy Act, Section 106(b)(1). Furthermore, such environmental impact statement should comply with the page limits set by the National Environmental Policy Act, Section 107(e)(1)(A) and (B) of 150-300 pages, excluding citations or appendices. In addition, the National Environmental Policy Act, Section 107(g)(1)(A) stipulates a completion deadline for an environmental impact statement of 2 years, more or less, depending on several qualifiers listed in Section 107(g)(1)(A)(i)-(iii) and Section 107(g)(2).

It is incumbent on the lead agency, the U.S. Forest Service, to explain how it is implementing the National Environmental Policy Act's procedural provisions and how the agency is meeting the National Environmental Policy Act's requirements in the absence of the Council on Environmental Quality's regulations, which were rescinded effective April 11, 2025. Implementation of the National Environmental Policy Act must comply with the Memorandum for Heads of Federal Departments and Agencies, February 19, 2025.