Data Submitted (UTC 11): 1/26/2024 7:00:00 AM
First name: Carla
Last name: Marshall
Organization:
Title:
Comments: I object to the FONSI for this project. Please see my attached letter of Objection.

Re: Golden Crest Exploration Drilling Project #62590

Greetings.

I object to the Forest Service's FONSI for the Golden Crest Exploration Drilling Project in the Black Hills National Forest.

This Project is in direct Violation of the 1851 and 1868 Ft. Laramie Treaty. The Black Hills region is included in the treaties that were made with my ancestors. Under U.S. law treaties are the Supreme Law of the Land. Therefore, the Fort Laramie Treaties, made with the Indigenous Nations of this region in 1851 and 1868 must be respected and enforced.

The Black Hills tell of our creation, and our traditional teachings, it holds spaces for our spiritual ceremonies, and it provides our natural foods, and medicines, and sustains its wildlife, too. You as the Caretaker of the BHNF must protect this area. This exploration project is NOT IN OUR BEST INTEREST.

According to BHNF Forest Plan Revision Assessment: Areas of Tribal Importance (June 2022-page. 12) it states:

Forest management has long ignored Traditional Ecological Knowledge (TEK) and indigenous practices of land stewardship when managing landscapes. Several federal land management agencies are beginning to expand their management plans to consider tribal sovereignty, governance, indigenous knowledge systems, cultural values, the impacts of historical trauma, the social and mental health of tribal communities as a condition of being under-invested,

In addition to doing the Environmental Impact Statement on the Golden Crest Exploration Drilling Project all applicable laws, policies, directions, and regulations under USDA Policy on Tribal Relations and Consultation need to be followed, which include but are not limited to:

-Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1701-1784 (1976) Antiquities Act of 1906 (16 USC 431-433)

-American Indian Religious Freedom Act (AIRFA) (42 U.S.C. 1996)

-Archaeological Resources Protection Act of 1979 (ARPA) (16 U.S.C. 470cc et seq.) as amended

-Executive Order 13007, Indian Sacred Sites of 1996

-USDA Policy and Procedures Review and Recommendations: Indian Sacred Sites (2012 accepted by Secretary of Agriculture)

-National Historic Preservation Act of 1966 (NHPA) (54 U.S.C. 300101 et seq.) as amended in 1992

-Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), 25 U.S.C.3001 et seq.), amended in 1992

-Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. 42 U.S. Code 2000cc(a))

-Executive Order 13175[mdash]Consultation and Coordination with Indian Tribes, November 6, 2000

-Tribal Forest Protection Act (TFPA), 25 U.S.C. 3115a (2004)

-Title VIII, Subtitle B of the Food, Conservation, and Energy Act of 2008 (Farm Bill). Codified as the Cultural and Heritage Cooperation Authority (25 U.S.C. 32A)

-Title 36, Code of Federal Regulations, Part 219 (USDA Forest Service 2012 Planning Rule)

(Source: June 2022 USDA/BHNF-Forest Plan Assessment: Areas of Tribal Importance (Page 8)) https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1035056.pdf

Also, the USDA Departmental Regulation number 1350-002 states:

This Presidential Memorandum directs each executive department and agency to consult with Tribal governments prior to taking actions that would a?ect 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 15 tribes have provided any cultural surveys in the proposed impact area, which must be first and foremost before the Forest Service can make a determination.

The 1872 Mining law, which includes exploration, mining, or mills is in direct violation of the treaties and Government-to-Government relations. Over the decades the treaty councils, tribal governments, and tribal members, many of whom represent underserved communities, stand steadfast to protect our Sacred Black Hills from the destruction and water contamination that mining has caused, and is still causing.

Exploration could potentially lead to large-scale mining such as the Wharf Gold Mine, the only operating mining in South Dakota. In May 2023, the South Dakota Department of Agriculture and Natural Resources (DANR) held a hearing on the Boston Expansion at Wharf. It was there I learned that Wharf Gold Mine is in Violation of SDCL 45-6B-87 and requires compliance with the Clean Water Act. This violation is due to high concentrations in False Bottom Springs.

Also, the DANR Tanks, Spills, and Environmental Events data shows that from

1983-2023 Wharf reported 182 "Accidental" Cyanide Spills or Releases for a total of 124,216 gallons/units. https://apps.sd.gov/NR42InteractiveMap

We know that the Black Hills has unique and special ecosystems that are interconnected. Water from the various creeks and streams, along with the underground aquifers do not have boundaries and will be contaminated with toxic spills, and/or mineral release from disturbances. As one SD SM&T professor said, "The Black Hills is like a sponge, underground there are fissures, caves, and caverns." Once the drilling starts into the rocks at 400 m to 500 m, who knows what damage will occur.

Climate Justice - We must recognize that this natural world has life; the Water, the Earth, the four-legged, winged, aquatics and insects, and the Plant nations. Spearfish Creek, its tributaries, and the precious aquifers

beneath, those underground lakes, provide us the water that sustains us. Without clean water, there is no life. If I had to, I would drink water directly out of the creek as my ancestors did for thousands of years.

Drilling takes a lot of water and currently, we are in a drought. The climate crisis is real. Our aquifers are not being recharged as they should be. With the current state, this project purchasing and using 5,000 to 10,000 gallons per day takes away from the Citizens who pay for their water. If we use up water from the aquifers and wells, regardless of where it is coming from, that would be 5,000 - 10,000 gallons wasted on this exploration project. We can't a?ord to willy-nilly use water. There are creeks, rivers, and tributaries drying up all around us. Let's be wise about this. I'd rather see the wildlife getting this water than giving it to a for-profit out-of-state company that is only thinking about itself and not the greater good.

Climate Change/Crisis is being taken seriously by USDA/FS. In the June 2022 Forest Plan Revision Assessment: Cultural Resource (pg 27) it states:

A draft climate change vulnerability report for the Black Hills was released in October 2021 by the Western Wildland Environmental Threat Assessment Center. This report stated that temperatures are predicted to increase, snowpack will decrease, and precipitation and flooding will potentially increase (Timberlake et al. 2021). If this is the case, then cultural resources like lithic material, habitation areas, stone circles, and other indigenous resources could be impacted in the future from flooding, landslides, ground and soil disturbances from o?-highway vehicles on wet roads, increased recreationists due to longer seasons of warmer weather, increased deterioration of historic structures, increased forest fires damaging resources, and other impacts that are unknown at this time.

Globally, archaeologists are formulating research designs and analyzing assemblages to determine if and how past civilizations responded to climate change. Research questions focusing on the Black Hills cultural resources and climate change have the potential to advance knowledge globally and contribute to the growing body of literature and action regarding environmental health.

These information gaps, in addition to the lack of recently researched/published indigenous and historic contexts, inhibit managers from making 100-percent e?cient and critical conclusions for cultural resources during evaluations. Having full awareness of resources, increased monitoring of sensitive resources, up-to-date contexts, and Federal requirements will be beneficial for future management direction.

Plan: Incorporate new science, conduct and include ethnographic studies and data, and incorporate emerging climate change research into archaeological research designs, surveys, and evaluations. Contribute to the growing research community through presentations, evaluations, conferences, and publications. Black Hills archaeology represents a unique dataset that can serve to advance the field regionally and nationally.

Source https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1035060.pdf

This Exploration Project impacts tourism. Spearfish Canyon is a major tourist attraction and a national scenic byway that will also be impacted by this project, especially the highway. Bridal Vail Falls gets a lot of tourists stopping at the falls to enjoy. Will these Pedestrians be impacted by this project?

Scenic o?-road bike trails, hiking trails, and cultural resources will also be impacted in one way or another. The Canyon, Devil Bathtub, Bridal Vail Falls, and Rough Lock Falls, are all unique marvels, to be enjoyed by locals and visitors. These are exceptional lands and are extremely special to the people. This Gold project needs to be halted.

Another area of concern is bridges that they may have to cross to get to these drilling sites, not just in the impact area, but covering many miles. I know that Pennington County is concerned about outdated bridges where some

were built in the 1930s. Are outdated bridges also a concern in Lawrence County, too? What will be the impact on these outdated bridges?

We must remember that mining has a long history that has plagued our precious ecosystems; from boom to bust, since General Custer found Gold in our precious HeSapa, under the General Mining Law of 1872 that allows for inadequate insurance or bonds to hold these mining companies accountable for toxic spills when they happen. It's time to CLEAN UP THE MINES FROM THE PAST!

In closing, Please deny this project that will put our water in danger of contamination and/or will lead to larger projects that will repeat the history of large-scale mines and possibly another abandoned toxic wastewater superfund site. Don't allow this to be your legacy.

In closing, the Spearfish Canyon and the impact area have a special meaning for me as I spent many summers in Spearfish Canyon, as a child and as an adult [mdash] days spent hiking, inner tubing the creek, and learning about my Lakota history/culture. I later attended Black Hills State College, raised two of my children in Spearfish, and spent a lot of time in this area. I was always in awe of the beauty of the forest, the waterways, and the foliage that we harvested. I want to see this beautiful landscape remain as pristine as possible for my grandchildren and all future generations.

I sincerely thank you for protecting our Sacred Black Hills and our unique waterways and wildlife.

Thank you.