



DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest; Wyoming; Bear Lodge Rare Earth Project

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Under Secretary, Natural Resources and Environment, through the Forest Service, Black Hills National Forest, intends to prepare an environmental impact statement (EIS) to analyze and disclose effects from the proposed Mine Plan of Operations (MPO), submitted by Rare Element Resources Inc. (proponent), for the development of the Bear Lodge Rare Earth Project. This EIS will evaluate potential impacts of the proposed open-pit mining for rare earth elements from National Forest System (NFS) lands and its associated infrastructure. The proposed action is expected to require a project-specific forest plan amendment to authorize deviation from existing visual standards and guidelines in the Black Hills Forest Plan. The Planning, Administrative Reviews, and Litigation System identification number for the project is #291093.

DATES: This notice initiates a 30-day period to solicit public comments and identify issues. The Forest Service requests that the public submit comments on the alternatives or effects and on relevant information, studies, or analyses with respect to the proposal by **[insert date 30 days after date of publication in the *Federal Register*]**. The Black Hills National Forest will publish the complete EIS in late 2027. Associated documentation will be published on the project webpage, listed below. The Forest Service will not publish a draft environmental impact statement or conduct an objections process. A schedule for the decision-making process and additional information about the project can be found here: <https://www.fs.usda.gov/r02/blackhills/projects/291093>.

This project is a “covered project” under Title 41 of the Fixing America’s Surface Transportation Act (FAST–41). FAST–41 provides increased transparency and predictability by requiring Federal agencies to publish comprehensive permitting timetables for all covered projects on the Permitting

Council's public dashboard. To view the FAST-41 Permitting Dashboard for the Project, visit:

<https://www.permits.performance.gov/permitting-project/fast-41-covered-projects/bear-lodge-rare-earth-project>.

ADDRESSES: Additional information about the proposal; documents pertinent to this proposal; and direction regarding comment submission can be found on the following website:

<https://www.fs.usda.gov/r02/blackhills/projects/291093>.

Written comments

Comments may be sent electronically to

<https://cara.fs2c.usda.gov/Public/CommentInput?Project=291093>. Written comments may also be submitted to Black Hills National Forest Supervisor's Office, 1019 N. 5th Street, Custer, SD 57730.

Written comments will be accepted by 11:59 p.m. Mountain Standard Time on **[insert date 30 days from date of publication in the FEDERAL REGISTER]**. Comments submitted after this date may not be included in the analysis. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action.

Comments submitted anonymously will be accepted and considered.

FOR FURTHER INFORMATION CONTACT: Wendy Schuyler, Project Manager, Black Hills National Forest, by email at wendy.schuyler@usda.gov, or by phone at 605-673-9361.

Individuals who use telecommunication devices for the hearing-impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Rare Element Resources Inc. submitted a proposed Mine Plan of Operations (MPO) to the Forest Service, Black Hills National Forest on March 20, 2026, proposing to develop the Bear Lodge Rare Earth Project, in accordance with 36 Code of Federal Regulations (CFR) part 228, subpart A.

Purpose and Need for Action

The purpose of the Forest Service action is to respond to the applicant's proposal for the mining and development of essential rare earth elements, specifically neodymium-praseodymium

(Nd/Pr), from its unpatented lode mining claims located on NFS administered lands in the project area and land use authorizations requested for siting of proposed support facilities and infrastructure. The need for Forest Service action is established by the Agency's responsibilities under the Organic Administration Act of 1897 (16 U.S.C. 478, 482, and 551) and the locatable minerals regulations at 36 CFR 228 Subpart A. This sets forth rules and procedures through which use of the surface of NFS lands in connection with operations authorized by the United States Mining laws (30 United States Code 21-54) confer a statutory right to enter upon the public lands to search for minerals. In accordance with 36 CFR 228.5, the Forest Service must analyze and provide a timely response to the submittal of an MPO. Furthermore, the Forest Service must assess whether the proposed operations will be conducted so as, where feasible, to minimize adverse environmental impacts on National Forest surface resources in accordance with 36 CFR 228.8.

Preliminary Proposed Action and Alternatives

Under the Proposed Action, the Forest Service would approve, with terms and conditions for the protection of surface resources and any necessary modifications to comply with applicable laws and regulations, the applicant's MPO, which describes the development of an open pit mine and associated infrastructure and support facilities. The proposed action includes extracting rare earth elements-bearing material via open-pit mining methods, hauling on NFS land, and mineral processing at a facility located on adjacent private lands. Additional support infrastructure on NFS lands such as a guardhouse, access and haul roads, safety fencing, utilities, dewatering pond and water pipeline would also be constructed. The MPO incorporates reclamation and closure, monitoring, and mitigation activities throughout the life of the mine.

Construction of facilities, access roads, and power is estimated at two years. Mine life is estimated at 17 years, with additional mineral processing on private land for one year after mining. Upon completion of mining operations, closure and final reclamation phases would occur over approximately two years with environmental monitoring and maintenance until successful reclamation is demonstrated. The total time from construction through reclamation is expected to be

22 years.

Under the no action alternative, the Forest Service would deny approval of the applicant's MPO. The Forest Service will use a no action alternative as an environmental baseline to provide a comparative base for the potential effects of the proposed action. Other alternatives that may be considered in the EIS are alternative access/haul routes and variations of mine and facility configuration.

Preliminary List of Substantive issues and Expected Impacts

Substantive issues are those that meaningfully inform the consideration of reasonably foreseeable impacts of the proposed action or a decision on the alternative selected for implementation (7 CFR 1b.11(a)(53)). The following preliminary substantive issues are expected to be evaluated:

- Hydrologic effects on stream channels, in-stream flows, water quality standards, and beneficial uses;
- Construction and operation of a mine may impair the scenic environment and alter grazing allotments overlapping the proposed mine project area;
- Potential for the mining operation to impact local air quality;
- Public health and safety concerns due to potential exposure to radioactive or hazardous elements from dust or ingesting meat, contaminants in water, dangers from road use;
- Current and future land uses and related socioeconomic consequences;
- Construction and mining operations may impact cultural sites or historic properties and sites that are important to Tribal Nations; and
- Construction and mining operations could affect wildlife species and habitats, including northern long-eared bats.

If fully implemented, the project represents a private investment in excess of \$500 million, expected to boost economic growth in Weston and Crook Counties, WY and surrounding

communities. Rare Element Resources, Ltd. anticipates creating about 240 direct and indirect jobs during construction and employing 120 workers during the approximate 20-year operational period.

Anticipated Permits and other Authorizations

The applicant requires Forest Service approval of the MPO and issuance of a special use permit as part of that MPO. In addition, the applicant will need to obtain approval from other regulatory agencies, including but not limited to:

- U.S. Army Corps of Engineers, responsible for issuing a permit for Section 404 of the Clean Water Act;
- Wyoming Department of Environmental Quality:
 - Land Quality Division, for a permit to mine and reclamation;
 - Water Quality Department, permit to address any water discharge;
 - Air Quality Department, permit for construction, operating permit, to address emissions;
 - Industrial Siting Council, construction and operation of an industrial facility to assess socio-economic and environmental impacts;
- Wyoming State Engineer's Office, for all water appropriations, groundwater permits, and surface water permits; and
- Crook County is responsible for issuing any permits, agreements, and policy with regards to the construction, reconstruction, maintenance or use of County roads. The County may have other permits or agreements in conjunction with State of Wyoming regulations.

Comments and the Objection Process

This notice of intent initiates the National Environmental Policy Act (NEPA) timeline, which guides the development of the environmental impact statement. In this process, the Agency is requesting comments on potential alternatives and impacts, and identification of any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment.

This Forest Service action is proposed by the Under Secretary, Natural Resources and Environment, and is not subject to the project-level objection procedures at 36 CFR 218 (36 CFR 218.13(b)).

Approval of projects and activities by the Under Secretary constitutes the final administrative determination of the U.S. Department of Agriculture (36 CFR 218.13(a)). If a project-level plan amendment is required, it would also not be subject to administrative review under 36 CFR 218 or 36 CFR 219 (36 CFR 219.59(b)).

It is important that interested members of the public provide their comments at such times and in such manner that they are useful to the Agency's preparation of the EIS; therefore, comments should be provided prior to the close of the comment period and should clearly articulate the commenter's concerns and contentions. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Cooperating and Participating Agencies

The Forest Service is the lead Federal Agency. Based on specialized expertise and jurisdiction by law, the Cooperating Agencies include the U.S. Fish and Wildlife Service, U.S. Army Corp of Engineers, Wyoming State Historic Preservation Office, Wyoming Department of Environmental Quality: Land Quality Division, Water Quality Department, Air Quality Division, and Industrial Siting Council. Participating Agencies include the Advisory Council on Historic Preservation, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. National Park Service, Wyoming Game and Fish Department, Wyoming State Engineer's Office, Wyoming Department of Agriculture, Crook County, Crook County Natural Resource District, and Weston

County.

Responsible Official

The responsible official is Michael Boren, Under Secretary of Agriculture for Natural Resources and Environment.

Nature of Decision to be Made

Based on environmental analysis and disclosure documented in the EIS, the responsible official will decide: (1) whether to approve the MPO as proposed or modified, or as described in an alternative; (2) what mitigation measures, if needed, would be required; (3) what monitoring, if any, would be required; and (4) whether approval of an action alternative would be consistent with the Black Hills Forest Plan or whether an amendment to the Forest Plan would be required.

Substantive Provisions

The proposed action may require a project-specific plan amendment to make the project consistent with the Black Hills Forest Plan. The 2012 Planning Rule at 36 CFR 219.13(b)(2) requires identification in the initial notice of the amendment of the substantive requirements of 36 CFR 219.8 through 219.11 that are likely to be directly related to the amendment. The substantive Planning Rule provisions that are likely be directly related to the proposed amendment are: § 219.10(a), Integrated resource management for multiple use, specifically (2): Renewable and nonrenewable energy and mineral resources, based on purpose of the project for which the amendment is needed, and (1) “aesthetic value,” “scenery,” and “viewsheds.” This is based on the purpose of the proposed amendment to exempt the project from certain Forest Plan scenic integrity standards and guidelines.

Michael Boren,

Under Secretary of Agriculture for Natural Resources and Environment.