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6/18/23

Pre-scoping Comments Proposed Sheep Creek Mine Exploration

Please make these comments part of the record.

These preliminary comments from Friends of the Bitterroot are submitted prior to knowing what specific exploration activities might be proposed for the Sheep Creek mine site. Given indications by US Critical Materials that they intend to explore their Sheep Creek REE claims using ground disturbing methods in the summer of 2023 we expect a Plan of Operations will be released soon and given the possible use of existing expedited permitting procedures, we feel the need to inform permitting agencies about some preliminary concerns proactively.

We believe the cost of processing mineral exploration and mining proposals, including the cost of NEPA process should be paid by the Companies submitting the proposal. Existing statutory authority authorizes Federal agencies to charge for work it performs to provide a service or benefit to identifiable entities. A new rule is in process.

A Minerals Cost Recovery proposed rule is available for review in the Federal Register at <https://www.federalregister.gov/documents/2023/06/13/2023-11622/minerals-cost-recovery#:~:text=The%20Forest%20Service%20proposes%20regulations%20to%20impose%20new,analysis%2C%20monitoring%20authorized%20activities%2C%20and%20other%20processing-related%20costs> . This commonsense approach should be disclosed and adopted immediately in processing US Critical Materials exploration proposals.

We would like to see a Sheep Creek mine project webpage set up by the BNF to facilitate informing the public in a timely way, without the need for submission of a Freedom of Information Act request. We are still waiting for a FOIA response with relevant information that was due on April 24th. Expedited permitting processes without expedited public information and FOIA processes short-changes meaningful public involvement. Existing law states, “§ 228.6 Availability of information to the public. Except as provided herein, all information and data

submitted by an operator pursuant to the regulations in this part shall be available for examination by the public at the Office of the District Ranger in accordance with the provisions of 7 CFR 1.1-1.6 and 36 CFR 200.5-200.10.”

This spring Sheep Creek REE deposit claim owners US Critical Materials announced: “Exploration on the Sheep Creek property for 2023 will be staged, beginning with geologic mapping and sampling in the early part of the field season, followed by ground and airborne geophysical surveys, with core drilling scheduled for the late summer and fall.”

(<https://uscriticalmaterials.com/exploration-program-and-plan-of-operations-in-2023/>)

Ground disturbing exploration activities will trigger the need for NEPA public involvement by permitting agencies. We understand that the process involves the Company submitting an Exploration Plan of Operations to the Bitterroot National Forest, West Fork RD. This could initiate an exchange of deficiency letters between the agencies and the Company culminating in an Exploration Plan of Operations released for an official public comment period of unknown, but probably short, duration. We ask that our pre-scoping comments be taken into consideration prior to and during that process.

The location of this project introduces risks to public values that deserve special management consideration early in planning. The deposit is at the very head of the West Fork of the Bitterroot River. The river is US Fish and Wildlife Service Designated Critical Habitat for Bull trout, thus subject to Endangered Species Act special consideration.

The economic value of trout fishing on the Bitterroot is very high. It is home to several trout species, westslope cutthroat, rainbow and brown. Judging from the West Fork in particular, these species appear to belong to a family of golden trout that have contributed enormously to the local tourism economy and real estate values. The fishing economy is sustainable, locally owned and dispersed across many local beneficiaries, unlike the proposed foreign owned Sheep Creek mine.

Painted Rocks reservoir, a few miles below the mine site, provides reserved instream flow into the West Fork during late-season low flows. This supports irrigation and helps make the West Fork fishery a trout stronghold by adding cold water from the reservoir to the late season warmed river water. Pollution of Painted Rocks would be a big risk to existing locally owned, proven-sustainable, fishing industry as well as local irrigated agriculture. Milltown dam, east of Missoula, demonstrated the unfortunate role of acting as a tailings impoundment for both decades long chronic mining-derived water pollution as well as a backup for catastrophic pollution when the Mike Horse mine tailings dam failed. The values at risk at Painted Rocks deserve special consideration early in the planning process.

US Critical Materials claims span a wildlife linkage corridor along the MT/ID divide from the Lost Trail corridor hub to the east connecting to the west with the River of No Return and Selway Bitterroot Wilderness areas. Some claims are within the Allan Mountain Inventoried Roadless Area right at a bottleneck. (see linkage map below) That corridor is Broadway for grizzly bears

heading into the US FWS designated Bitterroot Grizzly Bear Recovery Area. The recovery of grizzly bears within the Bitterroot Ecosystem Recovery Area depends on functional connectivity. Many other iconic species reside in or move through the Allan Mountain IRA, including ESA “candidate species” wolverine, rocky mountain sheep, mountain goats, and Northern Rockies fisher. The value of the linkage corridor to biodiversity has been very long lasting. The potential damage from exploration roads and human activity, let alone from possible mining activities would occur at a very strategic and vulnerable location.

We request a map showing verified grizzly bear occurrence within 100 miles of the project site.

This connectivity corridor situation deserves special consideration early in the planning process, as described in the Guidance below.

Council on Environmental Quality, Guidance for Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors, March 21, 2023:

“Since connectivity is vital to ecosystem health and functions, it is significant to humans as well and supports the strong cultural and spiritual connections that communities have to nature.” (p.1)

“To the maximum extent practicable, Federal agencies are expected to advance the objectives of this guidance by developing policies, through regulations, guidance, or other means, to consider how to conserve, enhance, protect, and restore corridors and connectivity during planning and decision-making, and to encourage collaborative processes across management and ownership boundaries.” (p.2)

“Examples of focal areas where connectivity and corridors should be considered early in planning, funding, and decision-making include, but are not limited to:

...

☐ Hard rock mining and mineral exploration and development planning and permitting.” (p.4)

“It is important to consider how connectivity and corridors can be promoted early in planning processes,...” (p.5)

“Best Practices: Agencies should seek to incorporate these best practices into planning and decision-making as they take steps to advance the objectives of this guidance:

☐ Elevating the conservation, enhancement, protection, and restoration of connectivity and corridors as a programmatic goal.

☐ Planning at the scale of landscapes, waterscapes, or seascapes rather than at the scale of an individual project.

☐ Applying ecosystem-based conservation, enhancement, protection, and restoration strategies, including using nature-based solutions.

....

☒ Avoiding or minimizing adverse impacts that would fragment habitat identified as a priority for connectivity or corridors, and where not possible, offsetting or compensating for these impacts.

....

☒ Rehabilitating habitat damaged by natural or human impacts to facilitate continued Connectivity.

“Baseline information: Federal agencies should appropriately assess the public lands and waters they manage for connectivity and corridors values. Agencies should then incorporate consideration of connectivity and corridors into the guidance for planning, siting, operation, and maintenance of Federal investments, including renewable energy development and infrastructure.” (p.6)

“During the review of major Federal actions under the National Environmental Policy Act of 1969, 42 U.S.C. § 4331 et seq., (NEPA), agencies should consider and be transparent about the positive or negative impacts of proposed actions and alternatives on connectivity and corridors. Through the NEPA review process, Federal agencies can consider measures to advance corridors and connectivity as components of proposed actions, alternatives to proposed actions, or mitigation for proposed actions’ effects.” (p.7)

Inventoried Roadless Areas, like the Allan Mountain IRA, are afforded special protection by law. It appears that parts of the Allan Mountain IRA are categorized as areas where road construction or reconstruction is not allowed. We request a map depicting the claim boundaries as well as the two categories of Roadless Area protection. (see map below)

Avoidance of impacts should include avoidance of exploration related ground disturbing activities within the Allan Mountain IRA until and unless it is shown that the deposit outside the IRA could meet the “prudent man rule”.

Any drilling permitted within the IRA should require helicopter mobilization.

Actinolite appears to occur in significant amounts in the host rock. Actinolite can occur as amphibole asbestos, like the tremolite asbestos at the Libby vermiculite mine that has caused hundreds of human deaths. The host rock should be tested for the presence of asbestos prior to ground disturbing activities like road building or drilling for the purpose of human health protection.

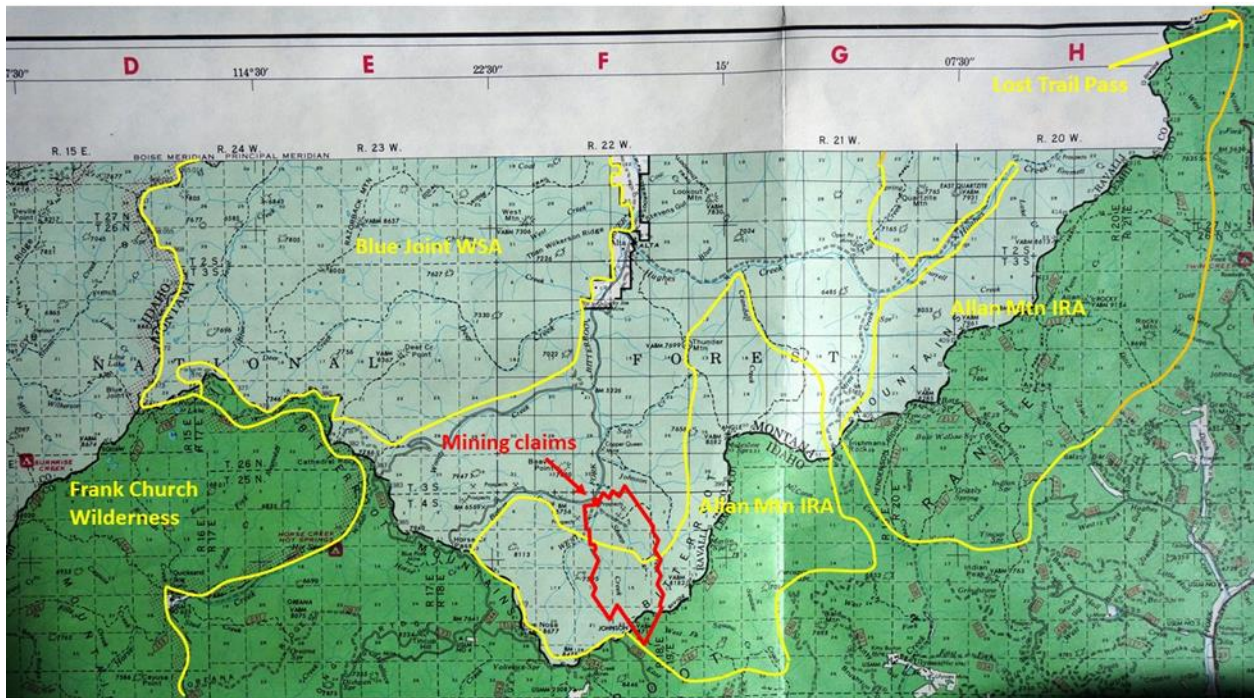
During the exploration phase groundwater at the site should be tested and characterized for chemistry. Also baseline monitoring of surface water chemistry in Sheep Creek should be

started during the exploration phase. Silt/sediment samples from Sheep Creek and the upper end of Painted Rocks reservoir should be tested for metals that may be coming from the mine site.

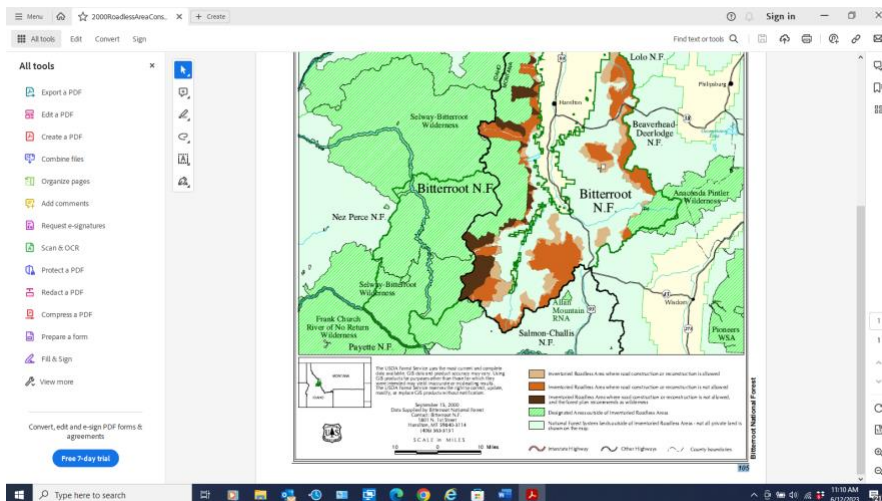
Pursuant to the Antiquities Act and in consultation with the Salish and Nez Perce tribes, a thorough archeological survey should be completed prior to any ground disturbing activities.

Thank you for considering these comments.

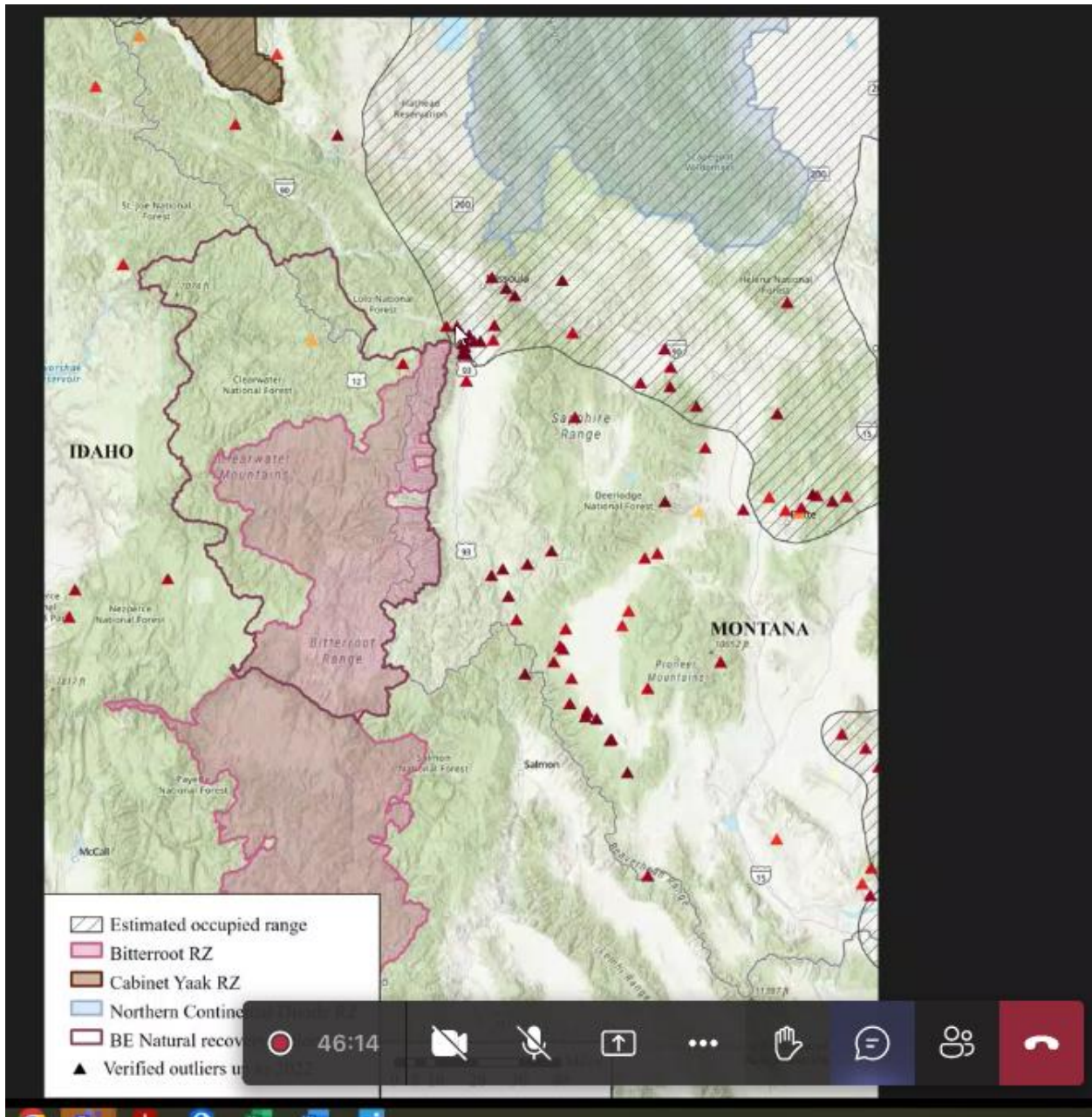
Jim Miller, President Friends of the Bitterroot



Wildland connectivity corridor



Map of BNF IRA categories (see map caption for source)



Verified Grizzly occurrence.

<https://uscriticalmaterials.com/exploration-program-and-plan-of-operations-in-2023/>

<https://www.energy.gov/oe/fast-41>

<https://www.nationalparkstraveler.org/sites/default/files/attachments/230318-corridors-connectivity-guidance-memo-final-draft-formatted.pdf>

<https://www.ecfr.gov/current/title-36/chapter-II/part-228>