MONTANA MINING ASSOCIATION

Office Address: 25 Ballard Lane, Whitehall, Montana 59759
Mailing Address: P.O. Box 1026, Whitehall, Montana 59759
Telephone: (406) 287-3012
Email: tjohnson@montanamining.org
Website: http://www.montanamining.org

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Custer Gallatin National Forest
Attn: Forest Plan Revision Team
P.O. Box 130
10 E Babcock
Bozeman, MT 59771
Submitted Electronically via: cgplanrevision@fs.fed.us

RE: Comment Forest Plan Revision: Custer Gallatin National Forest

Dear Custer Gallatin National Forest,

The following comments are submitted on behalf of the Montana Mining Association.

The Montana Mining Association is a trade association of mineral developers, producers, refiners and vendors from fifteen states, including Montana, and two Canadian Provinces. The mining industry is a major employer and taxpayer in Montana and we believe the continued viability and growth of our members' operations are significant factors in the economic health of our state and its citizens.

Thank you for the opportunity to provide scoping comments on the Custer Gallatin Forest Plan Revision. We understand the difficulty of revising a plan that consists of many scientific disciplines covering an immense >3-million-acre area. As such, we are pleased to provide our comments.

Sincerely yours,

Tamara J. Johnson
Executive Director
Montana Mining Association

MINERAL POTENTIAL WITHIN DESIGNATED AREAS

1. Many of the areas within the large Custer Gallatin forest management footprint have a long history of mineral activity. This history is documented in detail in the Plan's discussion of the Stillwater Complex and is touched on in discussions of the history of other areas. However, it is unclear in the Proposed Plan whether or not all required analysis of mineral potential has been accomplished for the 9 Recommended Wilderness Areas, the 10 current Research Natural Areas, the 2 current Special Areas and the Recreational Emphasis Areas described on page 103.

   Page 13 of the Proposed Plan states: "The 2012 Planning Rule requires the responsible official to use the best available scientific information to inform the development of the proposed plan, including plan components, the monitoring program, and plan decisions." With this requirement in mind, have you reviewed the following documents to ascertain mineral potential in all of the administratively designated areas? We refer you to the following documents though not an inclusive list:

   - USGS Open File Report 96-256, Custer NF Pryor Mountains Resource Assessment.
   - USGS Open File Report 98-517 Custer & Gallatin NF Resource Assessment.
   - USGS Open File Report 96-25, Mineral Assessment of the Absaroka-Beartooth Study Area.
   - USGS Open-File Report 96-45, Energy and Mineral Resource Assessment of the Ashland Division of the Custer National Forest,
   - USGS Bulletin 1505, Mineral resources of the North Absaroka Wilderness Study Area, Park and Sweet Grass Counties, Montana
   - USGS Prof Paper 1654 Gallatin NF Resource Assessment.
   - MBMG 466 (lists all of the mining areas by counties).
   - USGS Circular 1305 (discusses mineral potential in Montana & Idaho).
   - USBM 1995 Special Publication titled "*Availability of Federally Owned Minerals for Exploration and Development in Western States: Western Montana*"

LACK OF MINERAL DEVELOPMENT HIGHLIGHTS IN 'GEOGRAPHIC AREA' DISCUSSIONS

1. In Chapter 3 the concept of six 'Geographic Areas' of the Custer Gallatin Forest is identified with broad, sweeping references to an area that includes but is much larger than the Custer Gallatin Forest itself. The proposed plan provides, for each geographic area, a General Overview along with briefs that cover Ecological Characteristics, Social and Economic Characteristics, Cultural and Historical Characteristics, and a Vision for each area. Current and past mineral development that is critical to the socio-economic foundations of many communities within these Geographic Areas is touched upon with any detail in only the Absaroka Beartooth Mountains Geographic Area. That area is home to the Stillwater Complex and that specific mining operation is discussed. However, the only other 'geographic area' that has any mention of mineral development is the Sioux Geographic Area where abandoned uranium mines are referenced. The rich mineral development history as well as the potential for future mineral development should be included in each of the Geographical Area's discussion of Social and Economic Characteristics, Cultural and Historical Characteristics, and Vision.

USFS LACKS STATUTORY AUTHORITY TO REGULATE MONTANA'S WATER

1. The Watershed, Aquatics, and Riparian Ecosystems, Watershed and Aquatics Desired Condition FW-DC-WTR 07 (page 21) states: "Groundwater-dependent ecosystems, including wetlands, seeps, springs, fens, riparian areas, groundwater-fed streams and lakes, and groundwater aquifers, persist in size and exhibit water table elevations and function within their natural range of variation. The function of surface and subsurface aquatic ecosystems persists."

   Groundwater in Montana is regulated solely by the State of Montana (MCA 85-20-1401) and therefore the Forest Service does not have authority to regulate groundwater, including maintaining "ground water table elevations and function within their natural range of variation." It is important that this DC be revised to reflect the appropriate authority over groundwater resources recognizing that lawful impacts to groundwater may occur from water right appropriations of various purposes, including mining-related activities. Additionally, historic data indicating the natural range of variation of groundwater levels is not commonly available for USFS lands due to the lack of monitoring wells on these lands.

2. The Watershed, Aquatics, and Riparian Ecosystems, Watershed and Aquatics Desired Condition FW-DC-WTR 06 (page 21) states: "In-stream flows are sufficient to create and maintain riparian, aquatic, and wetland habitats; to retain patterns of sediment, nutrient, and wood routing and transport while maintaining reference dimensions (e.g., bankfull width, depth, entrenchment ratio, slope and sinuosity); to ensure floodplain inundation occurs within the natural range of variation allowing floodplain development; and to ensure the timing, magnitude, duration, and spatial distribution of peak, high, and low flows are retained."

   Similar to the above comments, surface water in Montana is regulated solely by the State of Montana (MCA 85-20-1401) and therefore the Forest Service does not have authority to regulate surface water, including requiring sufficient in-stream flows to "maintain riparian, aquatic, and wetland habitats; to retain patterns of sediment, nutrient, and wood routing and transport while maintaining reference dimensions; to ensure floodplain inundation occurs within the natural range of variation allowing floodplain development; and to ensure the timing, magnitude, duration, and spatial distribution of peak, high, and low flows are retained." It is important that this DC be revised to reflect the State of Montana's authority over water resources. It needs to be recognized that lawful impacts to surface water may occur from water right appropriations of various purposes, including mining-related activities. An example of maintaining in-stream flows are the Montana Department of Fish, Wildlife, and Parks water right claims on many waterways, however these waterways may also have more senior water rights that take precedence on water availability.

3. The Watershed, Aquatics, and Riparian Ecosystems, Watershed and Aquatics Desired Condition FW-DC-WTR 08 (page 21) states: "Municipal watersheds provide long-term predictable amounts of clean drinking water for those downstream communities that derive their principal water from them."

   Surface water and water quality in Montana are regulated solely by the State of Montana and therefore the Forest Service does not have authority to regulate surface water, including "long-term predictable amounts of clean drinking water". It is necessary for the USFS plan to include the management of municipal watershed lands, however the water derived from them is regulated by the State of Montana. It is important that this DC be revised to reflect an accurate desired condition within their authority, recognizing that surface water and groundwater are regulated by the State of Montana.

4. The Watershed, Aquatics, and Riparian Ecosystems, Watershed and Aquatics Desired Condition FW-DC-WTR 12 (page 21) states: "Water quality, including groundwater, meets or exceeds applicable state water quality standards, fully supports designated beneficial uses and are of sufficient quality to support surrounding communities, municipal water supplies, and natural resources. The Forest has no documented lands or areas that are delivering water, sediment, nutrients, and/or chemical pollutants that would result in conditions that violate the State of Montana's water quality standards (e.g., total maximum daily loads) or is permanently above natural or background levels."

   Surface water, groundwater, and water quality in Montana are regulated solely by the State of Montana and therefore the Forest Service does not have authority to regulate these waters, including ensuring they fully support designated beneficial uses, surrounding communities, municipal water supplies, and water quality meeting a particular criterion. It is important to note that exceeding water quality standards is often considered as a concentration of a constituent that is greater than the standard; this circumstance would not be a benefit to the Plan. It is important that this DC be revised to appropriately reflect the State of Montana's authority over water resources and that surface water, groundwater, and water quality are regulated by the State of Montana.

5. Watershed and Aquatic (WTR), FW-GDL-WTR 05 on page 23 states: "In order to restore watersheds, management activities in watersheds with approved total maximum daily loads (TMDLs) should be designed to comply with the TMDL load allocations. Projects that produce short-term sediment increases should result in a long-term decrease in sediment delivery and/or sediment yield in the stream system which would be considered to be in compliance with sediment TMDLs. "

   It is important to recognize that a requirement to comply with a TMDL load allocation is a State of Montana function. These guidelines should be modified to focus on implementation of Best Management Practices to reduce sediment delivery to the water resource to appropriately reflect the State of Montana's authority. Further, it is the State of Montana that manages stormwater discharges to state waters through either an individual or general stormwater permit for permitted outfalls.

6. The Riparian Management Zones introduction and categories 1 and 2 (page 23 and 24) significantly increases the size of riparian management zones from 100 feet to up to 600 feet.

   The Forest Service Land Management Planning Handbook (FSH) 1909.12 Chapter 23.11e states: "...giving special attention to land and vegetation for approximately 100 feet from the edges of all perennial streams and lakes". This change to up to 600 feet RMZ width must be substantiated by supplemental site-specific information detailing the reasons for the determination as the FSH further states, "Riparian management zone width(s) may vary based on ecological or geomorphic factors or type of water body; and will apply unless replaced by a site-specific delineation of the riparian area". It is important that this statement be revised to reflect the appropriate designation of RMZ dimensions per FSH 1909.12 and that any change in dimensions is a result of site-specific delineation. An increased RMZ may have adverse effects on existing and future mining-related infrastructure.

7. The Riparian Management Zones Guideline FW-GDL-RMZ 02 (page 25) states: "To reduce the likelihood of sediment input to streams and reduce adverse effects to stream channels and riparian areas the following activities should be located outside of the RMZ: new permanent livestock handling, livestock trailing/loading/other handling activities, new sand and gravel pit extraction and/or placer mining/extraction."

   This guideline doesn't consider existing mineral rights under the General Mining Act of 1872 and must be modified. It is understood that FW-GDL-EMIN 02 (discussed below) provides recognition to the potential of an RMZ to not be avoided for mineral operations. It is important for this guideline to reflect mineral rights.

8. The Riparian Management Zones Desired Condition FW-DC-RMZ 02 (page 25) states: "RMZs are, at a minimum, properly functioning to provide energy dissipation, in-stream thermal buffering, sediment capture and routing, groundwater recharge and have an intact flow regime similar to historical flow patterns."

   Groundwater and surface water in Montana are regulated solely by the State of Montana (MCA 85-20-1401) and therefore the Forest Service does not have authority to regulate groundwater or surface water, including maintaining groundwater recharge and flow regime. It is important that this DC be revised to reflect the appropriate authority over water resources recognizing that lawful impacts to groundwater and surface water may occur from water right appropriations of various purposes, including mining-related activities.

9. The Energy and Minerals Guideline FW-GDL-EMIN 02 (pages 69 and 70) states: "When authorizing or reauthorizing mineral development and operations, minimize adverse effects to aquatic and riparian resources. All proposed mineral operations should avoid riparian management zones. If the riparian management zone cannot be avoided, then ensure operators take all practicable measures to maintain, protect, and rehabilitate water quality, and habitat for fish and wildlife and other riparian associated resources which may be affected by the operations. Required bonding must consider (in the estimation of bond amount) the cost of stabilizing, rehabilitating, and reclaiming the area of operations

   The recognition of the potential for unavoidable circumstance with respect to mineral operations in the proximity of RMZs is a practical and reasonable approach.

GREATER SAGE-GROUSE

1. The second sentence in the introduction on pages 50-51 states: "Due to habitat loss and other factors, greater sage-grouse have experienced rangewide population declines…" The Environmental Quality Council received a report showing that there was a large increase in bird counts last year. The state of Montana continues to allow hunting of the birds and has also taken birds from Montana and shipped them to Canada to increase their populations. The language should recognize that the numbers of sage-grouse in Montana fluctuate depending on weather, disease, fire, predator numbers and other takings of the bird for hunting or transplant.

2. On page 51, Guidelines (FW-GDL-WLSG) 01 states: "…fire management tactics and strategies should minimize loss of existing sagebrush habitat…". Clear direction in fire suppression strategies must be outlined in sage-grouse habitat as fire is listed as one the major threats to sage-grouse. Please revise to ensure that tactics and strategies are predetermined, clearly defined, and communicated to fire line leadership.

3. On page 51, Guidelines (FW-GDL-WLSG) 03 states: "New power transmission corridor infrastructure development should not be located in priority areas unless the infrastructure can be buried." This statement is not in concert with the state MSGOT which is developing a mitigation credit banking system for development in Sage-Grouse habitat. There should not be requirement for power transmission lines to be buried if mitigation can be achieved.

HISTORIC MINE WASTE REPOSITORIES

1. The Energy and Minerals Guideline FW-GDL-EMIN 01 (page 69) states: "In order to attain mine site reclamation, new activities should not compromise the infrastructure and remedy applied to mine waste repositories and mine reclamation sites."

   It is possible that historic mine waste repositories and reclaimed sites provide an economical resource with advancements in technology, recovery methods, and commodity value. Reprocessing of these materials (e.g. legacy waste rock dumps and tailing impoundments) is a valid method to reclaim historic sites and would require compromising the preexisting infrastructure and remedy by new disturbance. The end result, in many cases, is complete removal of the material rather than leaving it in an onsite repository. New mineral activity relating to these sites would be required to meet reclamation criteria and these potential enhancements to previously reclaimed sites should not be automatically excluded from consideration without a site-specific evaluation of the proposed new activity. This should be revised to reflect mineral rights.

OTHER RESOURCE EMPHASIS AREAS, PLAN COMPONENTS-STILLWATER COMPLEX (SWC) ON PAGE 129

1. We suggest inclusion of a goal that states it is the Forest Service's objective to support and facilitate the exploration, development, and production of platinum group metal within the Stillwater Complex.

MONITORING SHOULD INCLUDE MINERAL DEVELOPMENT

1. In the section on Socio-economics there is not reference to mineral production values (they reference other commodity values like timber and grazing but not mineral) Page 147 identifies the need for monitoring to provide feedback for the Forest planning cycle by testing assumptions, tracking relevant conditions over time, measuring management effectiveness, and evaluating effects of management practices. Monitoring information should enable the Forest to determine if a change in plan components or other plan management guidance may be needed, forming a basis for continual improvement and adaptive management.

   The document states that the monitoring program is not intended to depict all monitoring, inventorying, and data gathering activities undertaken on the Forest. However, since mineral development is a large factor in the historic and future social, economic and cultural sustainability of the communities reliant upon the Custer Gallatin National Forest, it should be listed along with timber products, grazing (AUMs), recreational visits, hunting and fishing opportunities, and downhill skiing.