



submitted via <http://www.regulations.gov>

October 15, 2018

USDA-Forest Service
Attn: Director MGM Staff
1617 Cole Blvd, Building 17
Lakewood, CO 80401

**RE: Advanced Notice of Proposed Rulemaking, 36 CFR Part 228
FS—2018—0052
83 Federal Register 46451**

Director MGM,

Coeur Mining, Inc. (Coeur) hereby submits for consideration the following comments in response to the agency's Advanced Notice of Proposed Rulemaking, 36 CFR Part 228 and we look forward to participating in the Rulemaking process to improve the United States Forest Service's (USFS) ability to manage mining activities on USFS lands and to minimize adverse environmental impacts on USFS surface resources. Coeur supports the comments of the American Exploration & Mining Association and the National Mining Association.

Coeur is a well-diversified, growing precious metals producer with six mines in North America. Coeur produces from its wholly owned operations: the Palmarejo silver-gold complex in Mexico, the Silvertip silver-zinc-lead mine in British Columbia, the Rochester silver-gold mine in Nevada, the recently acquired Sterling gold mine in Nevada, the Kensington gold mine in Alaska, and the Wharf gold mine in South Dakota. In addition, Coeur has interests in several precious metals exploration projects throughout North America.

Coeur's Kensington mine, located within the Berners Bay Mining District 45 miles northwest of Juneau, Alaska, operates on approximately 14,000 acres of private and USFS lands through a combination of 74 federal patented and 756 unpatented lode mining and mill site claims, and 43 State of Alaska claims. Kensington is an underground gold mining operation that has been owned by Coeur since 1987 with full acquisition in 1995, becoming fully operational in 2010. Coeur has had interest on USFS lands for decades as part of its mining operations. Coeur also operates on lands managed by the Bureau of Land Management (BLM) and we have great experience with both BLM and USFS permitting, environmental review, and compliance processes.

Coeur commends the USFS for recognizing the need to expedite agency review of certain proposed mineral operations authorized under U.S. mining laws and to expedite USFS approval of appropriate mining activities. Citing and relying on the underlying authorities and mandates of the Mining Law of 1872 and the Organic Administration Act of 1897 are important to remember in this process as these acts provide the framework for responsible mineral

development on USFS lands. Any amendments to the 36 CFR 228A must be consistent with these time tested laws.

Clarifying the 36 CFR 228A regulations and providing consistency between USFS regulations and BLM surface management regulations (43 CFR 3809) governing mining operations on federal lands is an important goal and we are hopeful will be achieved through this Rulemaking. Consistency and predictability are critical to mining operations and this Rulemaking opportunity should insure that these are priority goals when opening 36 CFR 228A to revisions.

Plan of Operations:

Coeur agrees that operator submitted proposed Plan of Operations are much more complete and successfully address appropriate issues if the operator has the opportunity to meet with agency officials to discuss and formulate their proposed plans. Understanding the precise information required by the agency gives certainty to operators prior to expending resources to develop a Plan of Operations. The Rulemaking should include language that suggests that USFS personnel should insure that these meetings provide a complete list of issues, information requirements, and contents for a Plan of Operations commensurate with project complexity and should work to insure that the requirements do not change over time unless absolutely necessary. Again, predictability matters greatly to operators and these pre-Plan of Operations meetings are critical to insuring there is predictability from beginning to end in the Plan of Operations process.

Coeur supports operator and USFS cooperation and coordination throughout the process in addition to the pre-Plan of Operations stage. To insure that the pre-Plan of Operations meetings, reviews, and implementation are successful, USFS must provide staff availability for necessary resource specialists to attend the pre-Plan of Operations application meetings so that the project proponent and USFS are informed on which baseline studies will be required to be analyzed in a required NEPA document. These meetings should establish what methodology the USFS will expect to be utilized for these scopes of work and expectations for deliverables on all resources. Again, agency personnel should be wary and discouraged within the Rule of making changes or adding additional requirements for the Plan of Operations without substantial justification to insure predictability within process.

The USFS should also utilize pre-planning meetings to include a level of Tribal consultation to establish potential concerns Tribes may have with the proposed project. These steps will aid in the agency's determination of what level of NEPA will be required for the proposed plan.

NEPA Process Reform:

Coeur supports streamlining the National Environmental Policy Act (NEPA) permitting process for mineral exploration and development on USFS lands. Executive actions by the President and implementing actions by the Secretary of Interior provide sufficient basis for the USFS to take necessary steps to implement these policy directives. Executive Order 13817, A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals, issued December 20, 2017, applies equally to USFS lands which are open to entry under the mining laws. Additionally, Executive Order 13783, Promoting Energy Independence and Economic Growth, issued March 28, 2017, and Executive Order 13807, Establishing Discipline and Accountability in the Environmental

Review and Permitting Process for Infrastructure Projects, issued on August 15, 2017 provide the basis for this Rulemaking and also provide the foundation for a more efficient NEPA process for approving mining activities on USFS lands.

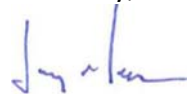
In conjunction with the suggestions contained within the Advance Notice of Proposed Rulemaking, USFS should also consider serious NEPA process and review reforms. To achieve additional consistency with the Department of Interior, USFS should consider whether the time line and page limitation reforms implemented by the Department of Interior for NEPA documents could equally be implemented for mining activities on USFS lands. Page limitations and hard timelines for review of NEPA documents bring predictability to the NEPA process while still allowing for appropriate environmental review of proposed activities.

Just as pre-Plan of Operations meetings with agency staff produce better Plan of Operations documents; the same applies for the NEPA process. Coeur suggests that a schedule should be jointly developed by agency staff and the proponent for the project specific NEPA process that includes timeframes for specific steps and activities within the NEPA process. The schedule should cover the project from the point when the Plan of Operations is deemed complete for NEPA review through issuance of the decision document. A NEPA schedule should identify and establish roles and responsibilities that will support timely completion of the process. Schedules should be detailed and include specifics for timelines for review of the Plan of Operations, all supporting baseline studies, and preliminary, draft, and final NEPA documents.

Conclusion:

Coeur agrees with the goals and objectives of the Advanced Notice of Proposed Rulemaking and supports an effort to streamline the approval process for exploration and mining activities on USFS lands. Establishing as much consistency as possible between USFS and BLM regulations will benefit federal land managers and operators while protecting surface resources managed by the USFS. We agree that pre-Plan of Operations meetings and coordination between proponents and the agency are critical to Plan of Operations development, baseline study development and, and streamlined review processes. Sufficient staff time and involvement of specialists must be incorporated into the process. The USFS should also take the opportunity to review NEPA document and review processes within the agency to determine if reforms for document length and review periods could be established and implemented within the USFS for mineral projects. Coeur appreciates the opportunity to participate in this important process and we look forward to working with the agency to share any further insights from our environmental permitting and operational experience on USFS lands.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay B. Gear".

Jay B. Gear
Vice President, Environment