My Response to 2018 Draft Plan

R in Appendix G, under Geology Minerals and Energy

995-1: Minerals Policy: The Assessment and Desired Conditions phases of the Plan Revision process gave hope that mineral development on HLCNF managed public lands would be treated reasonably, responsibly, and fair. Alas, such is not the case. In my view, HLCNF continues its disdain for mineral development and is dismissive of its importance to local communities, Montana, and this Nation. For example: 1. The 1986 Plan states "Consistent with the mining and Mineral Policy Act of 1970, continue to (foster and) encourage the responsible development of mineral resources ---". In the Draft Desired Conditions, Sec. 7, "The FS has a minerals management mission to encourage, facilitate, and administer the orderly exploration, development and production of mineral ---." The June 2018 Plan simply states that "The FS has a minerals management mission to administer the order exploration ---." My impression is that maybe HLCNF (or Region 1?, or USFS?) would rather not be involved at all.

2. The 2015 Assessment states "The General Mining Law grants every US citizen the right to prospect and explore lands reserved from the public domain and open to mineral entry. The right of access to explore for and develop these minerals on federal lands open to the location of mining claims is guaranteed and not a discretionary action.", meaning forest managers cannot deny access. In the proposed Revised Plan, this has been warped to read "US citizens are guaranteed the right to prospect and explore lands reserved from the public domain (Forest Reserves?) and open to mineral entry. The disposal of these commodities is non-discretionary", which is as inane as it is irrelevant. In my view, this is an attempt to obfuscate our statuary right of access and may be signaling whether HLCNF will grant access in all cases in the future.

3. HLCNF may be trying to subvert the language of the 1872 law to suit their purpose of only allowing mineral development where they find it appropriate. "The right of reasonable and appropriate access for exploration and development of locatable mineral is guaranteed." The law does not say anything about "appropriate". "Appropriate" can be used as a tool to obfuscate reasonable access that project managers find "inappropriate". EA Andy Johnson Comments on June 2018 Plan Page 2.

4. I found it interesting that the June (2018) Plan states that the owners of privately-owned minerals have the right of reasonable access, but not the owners of unpatented claims. Unpatented claim owners need reasonable access too. All of this can be solved via the following two statements, and I strongly recommend they be inserted as part of HLCNF's policy towards mineral development because they give assurance that proposed projects will be treated reasonably, fairly, and within the law. a. The FS has a minerals management mission to encourage, facilitate, and administer the orderly exploration, development, and production of

mineral and energy resources on NFS lands. b. The right of reasonable access for purposes of prospecting, locating, and mining is provided by statute. Such access must be in accordance with the rules and regulations of the FS. However, the rules and regulations may not be applied so as to prevent lawful mineral activities or to cause undue hardship on bona fide prospectors and miners.

5. A minor point but the minerals introduction states "Government owned minerals". No! Mining law clearly states the mineral estate is owned by the Citizens of the United States.

6. Analysis area and indicators: The key indicators for minerals are: Locatable minerals - "acres unavailable for mineral entry (not withdrawn)". This is nonsensical. Either they are available or they are withdrawn.

7. In Regulatory Framework Section, pg 34, discussing 1897 Organic Act, what was left out was that mineral and agricultural lands were to be omitted because they are of higher value. It highlights greater significance of the mineral estate over the surface estate. Also, the 1872 Mining Law and the 1897 Organic Act are not listed. Purposeful ?

8. In the Assessments document, there is a table listing the abandoned/inactive mine sites. There is also a table listing "Salable mineral resources by geographic area - statistics and forecast". There are no tables or maps listing/showing mining districts, nor areas with mineral potential. These should be listed/depicted because they are important to alleviate future land use conflicts.

9. And finally, recommending 51,000 acres of wilderness addition in a historic mining district with numerous patented and unpatented claims? That says it all, in my view.

EA Andy Johnson Comments on June 2018 Plan Page 3.

Riparian Management Zones: HLCNF (and maybe Region 1, maybe FS) is obsessed with "Riparian Areas". In the 1986 Plan, perennial streams are listed. Then in the November 2016 Draft Plan, intermittent streams are included. Now in the June 2018 Plan, ephemeral streams are thrown in. "Annual scour or deposition" are defining criteria, which is reminiscent of Obama's "Water of the US", rescinded by President Trump. There are no definitive statements in any of these documents which state why "riparian areas" so important. In my view, "riparian area," like the Snail Darter and the Spotted Owl, is being used as a surrogate issue to stop any development HLCNF doesn't like, such as placer mining in streams. This is disingenuous, at best. In Guidelines, Item 07, "New sand and gravel borrow pit development or gravel mining should not occur within riparian management zones to minimize ground disturbance and sediment inputs". Nobody "mines" gravel unless the gravels contain gold. In my view, this is a shallow attempt to prevent placer gold mining in drainages, even though this activity remains a valid public land use under the 1872 mining law. A more reasonable and realistic guideline is given in the Gallatin National Forest Desired Conditions, Item 02, "When authorizing or reauthorizing mineral development and operations, ---, 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 ---". This should be used for Item 07 in the HLCNF Plan. The degree of the measures taken could be dictated by the classification of the categories given in Table 1 of this section. The State of Montana Streamside Management Law is referenced. I believe someone means The Natural Streambed and Land Preservation Act of 1975, and should be reported as it is at least once.

Supplemental responses

R.995-1: Various plan component and other editorial suggestions were provided. Changes were made where applicable. Where not changed per the comment, the Forest determined that the retained plan components were sufficient to meet our obligations under the 2012 planning rule. Additionally, several of your suggested changes were incorporated into the FEIS.

A.68-5: The existence of certain minerals **is not a criteria** for analyzing areas for Recommended Wilderness purposes. (But should be !!!) We have to develop them where they are, and our mineral resource base is finite. We should not be tying them up in esoteric concepts such as “Wilderness”. (For Trump Letter)

Also for Trump letter, Wilderness was primary issue driving revision process. Not production. Not multiple-use. Not minerals or Timber. Also a new category, Primitive Recreation, was added to be considered for more “undeveloped areas”. Who authorized that ??? This is responding to the multitudes of college crowds and professional wilderness advocates, but not showing leadership regarding the economic needs of local communities and this Nation or following mandates of Organic Act of 1897.

 Wilderness: HLCNF (2.9 MM ac) is also obsessed with Wilderness (565 K ac) and its surrogates, Roadless Areas (1.5 MM ac) and Wilderness Study Areas (500 K ac). A total of roughly 2.5 MM ac ( 87%) of HLCNF set aside for “solitude” and “primitive recreational experience”. Most probably another 200 K ac will be recommended for wilderness, bringing the total to 93%, which in my view is excessive to the extreme.

The HLC NF received over 1300 distinct comments; 74% of all comments received referenced wilderness and the wilderness inventory polygons. Of those comments, 28% were supportive of additional recommended wilderness either in general or in specific areas and 60% were against additional wilderness, either in general or in specific areas. The remaining 12% of wilderness comments provided considerations but were not necessarily entirely supportive or against recommended wilderness generally or in specific areas. About 19% of the wilderness-related comments suggested that no additional wilderness be recommended anywhere on the HLC NF.”

When the tally is 28% for and 60% against, how can HLCNF say it listened to the public? I guess it means HLCNF listened and then ignored. HLCNF is truly in the pockets of the preservationists, in my view. For example, Nevada Mountain, 51,000 acres. This is a historic mining area. It has patented claims (private ground) and numerous unpatented claims in the area. And yet, 51,000 acres of mineral potential is recommended to be placed off limits for mineral development, all for the sake of “solitude” and “primitive recreational experience”. Give us a break!!!

In my view, this all speaks poorly for the objectivity, common sense, and good judgement of current HLCNF management, and Region 1 management. I am recommending a moratorium be placed on the entire FS Plan Revision process until all of this can be sorted out, with priorities affirmed or re-established so that multiple-use, share and share alike, again is the primary goal of USFS public lands management.

The best two statements on mineral development on our forest reserves.

1. The Forest Service has a minerals management mission to **encourage, facilitate,** and **administer** the orderly exploration, development, and production of mineral and energy resources on NFS lands.

2. The right of **reasonable** access for purposes of prospecting, locating, and mining is provided by statute. Such access must be in accordance with the rules and regulations of the Forest Service. However, the rules and regulations may not be applied so as to prevent lawful mineral activities or to cause undue hardship on bona fide prospectors and miners.