



BACKCOUNTRY
HUNTERS & ANGLERS
CALIFORNIA

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Re: Proposed Long Valley Exploration Drilling Project #59294

This letter transmits the comments of Trout Unlimited (TU), the California Council of Trout Unlimited and the California Chapter of Backcountry Hunters & Anglers (BHA) to the Proposed Action for the Long Valley Exploration Drilling Project #59294, located in Mono County, California, released for public comment by the Inyo National Forest on April 7, 2021.

Trout Unlimited is the largest and oldest sportsmen's group dedicated to coldwater conservation in America, with more than 300,000 members and supporters nationwide (over 10,000 of our members reside in California). TU's mission is to conserve, protect and restore trout and salmon fisheries and their watersheds in North America. Our members and supporters care deeply about California's inland trout and salmon waters, and dedicate thousands of hours each year to local projects that improve and restore coldwater habitats and fishing opportunities.

Backcountry Hunters & Anglers is a national non-profit organization whose mission is to sustain America's heritage of fishing and hunting in a natural setting, through education and work on behalf of clean water and wild backcountry lands. BHA works to preserve for future generations the peace, quiet, and sense of freedom that make hunting and fishing unique outdoor activities that may be lost to the pressures of human population, industry and technology. BHA believes in keeping public lands healthy and accessible, in managing wildlife as a public trust, and in protecting the large natural areas and natural functions that support our hunting and fishing heritage.

The Inyo National Forest (INF), and the project area specifically, harbors productive habitats for coldwater fish and upland game species. Indeed, the INF as a whole provides some of the best and most unique fishing and hunting opportunities in the western U.S. The Long Valley

Exploration Drilling Project would be located in high quality habitat for mule deer and Bi-State Sage Grouse, and would be proximal to Hot Creek, a State of California designated Wild Trout Water. Due to our concerns regarding the project's potential adverse impacts on upland habitat, groundwater, and water quality and the fishing experience in Hot Creek, TU and BHA strongly oppose the proposed project. Below, we articulate our concerns by topic area:

Selected NEPA Documentation Pathway is Inadequate

The Proposed Action identifies that 0.93 acres will be disturbed, and approximately one-third of a mile of temporary road will be developed for exploratory mining purposes, in the summer of 2021. The INF states that the Proposed Action qualifies for a Categorical Exclusion under NEPA (36 CFR 220.6(e)(8)) due to the "short-term" (one year or less) nature of the project and will not require a more robust Environmental Analysis (EA). However, 36 CFR 220.6 makes clear that an EA could be required if (1) extraordinary circumstances exist and/or (2) public scoping identifies that uncertainty exists around significant environmental effects as a result of potential project impacts.

We contend that extraordinary circumstances exist, and that public scoping will reveal there is considerable uncertainty, and concern, related to the Project's impacts. 36 CFR 220.6(e) speaks specifically to the "resource conditions that should be considered in determining whether circumstances related to a proposed action warrant further analysis and documentation in an EA or EIS." The first of these conditions is:

"Federally listed threatened or endangered species or designated critical habitat, species proposed for federal listing or proposed critical habitat, or Forest Service sensitive species."

While the mere presence of identified resource conditions that may establish or qualify as "extraordinary circumstances" does not preclude use of a Categorical Exclusion (CE), if there is a cause-effect relationship between the Proposed Action and the potential effect on these resource conditions, an extraordinary circumstance could be established. The project location is within Bi-State Sage Grouse (BSSG) habitat; This distinct population of sage grouse is a "Forest Service sensitive species" and is managed by the Forest Service under the Inyo National Forest Land and Resource Management Plan as a "Species of Conservation Concern." The Proposed Action makes no mention of BSSG and provides no information as to how exploratory mining pads, fencing, roads, and other resource impacts associated with the project could potentially affect the species. It seems probable that there would be a cause-effect relationship between proposed project activities and BSSG habitat quality — a relationship that should be analyzed and described to the public.

We further contend that additional uncertainty exists around possible significant environmental effects of the proposed project, as the Proposed Action does not provide sufficient information about the project's potential or likely impacts on geologic, hydrological, archeological, biological, recreational, and economic characteristics of the affected landscape. As noted above, the project area has very high value as upland habitat, and is close enough to Hot Creek — one of the most famous trout streams in the United States. The area's volcanic geology is porous enough to warrant an examination of how drilling activities could impact water quality, flows, and the trout fishery in Hot Creek and an explanation of the findings of this examination to the public.

Given the significance of the project area as habitat, its potential hydrologic connections with Hot Creek, and the value of this scenic area for a variety of outdoor recreation activities, it is our recommendation that this project undergo a full EA that more fully analyzes the proposed project's potential impacts on resource conditions and public use and the potential "extraordinary circumstances" that may be created by the project.

Proposed Action Provides Insufficient Detail on Drilling Activities and Potential Impacts

The published Proposed Action provides little information about drilling activities outside of disturbance footprints and road lengths. There is a lack of detail as to specific drilling activities such as drilling techniques, water sources, drilling depth, and drilling waste offloading, all which could have significant impacts to water quality, ambient air quality, ambient noise, etc.

Fishing Values of the Proposed Action Area

The project area is adjacent to Hot Creek, a State of California Department of Fish and Wildlife designated Wild and Heritage Trout Water. This world-famous trout stream is renowned for its unique wild trout fishing experience in a unique high desert setting. Hot Creek was also identified as a eligible for Wild and Scenic River designation in the Inyo National Forest Land and Resource Management Plan (2019) due to its "outstanding scenery, recreation, geology, fish, history, prehistory, and botanical values"; Hot Creek should be protected and managed to conserve these qualities until Congress can consider this designation. Moreover, these values should be considered as part of the project site's natural resource conditions when determining if extraordinary circumstances exist.

Game Values of the Proposed Action Area

The project area is located within one of California's premium deer hunting zones, X-9A which is one of the most sought-after tags in the state. The Inyo mule deer subspecies which inhabit this region migrate from high elevations in the Sierra Nevada mountains down into their summer range which includes Long Valley and the Great Basin sagebrush, an upland habitat type that characterizes the region. This habitat supports numerous shrub species that provide quality forage and cover for deer, in addition to habitat for Bi-State Sage Grouse. According to the Greater Sage Grouse Bi-State Action Plan, Long Valley and the Bodie Hills are two core areas for the Bi-State Sage Grouse population with approximately 94% of all strutting males that were counted during annual lek surveys in California. The project scoping letter does not address impacts to these species and the necessary precautions that will be taken to mitigate any potentially negative impacts.

Conclusion

Trout Unlimited and BHA are committed to protecting the Inyo National Forest's unique habitat, fish, and wildlife values while sustaining and enhancing the Forest's sporting opportunities. Few uses of the resource have more potential — and such a lengthy track record — for degrading habitat, streams and water sources as does surface mining (including exploratory drilling). We strongly urge the Forest Service to more thoroughly analyze the proposed project's potential impacts on wildlife and fish habitat and sporting opportunity before making a decision on whether to approve the Long Valley Exploration Mining Project. We must oppose the proposed project until such analysis has been completed and its findings

affirm that vital habitat for the Bi-State Sage Grouse and other wildlife and the nearby world-famous trout fishery of Hot Creek will not be compromised by the exploratory activity or subsequent excavation of mineral resources from the project area.

Respectfully submitted,

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