

Ivy Minerals Inc.
P.O. Box 2532
Boise, Idaho 83701

November 19, 2021

Conway G. Ivy
Executive Chairman

VIA E-MAIL & FEDERAL EXPRESS SATURDAY DELIEVERY

Joshua T. Simpson, Team Leader
Krassel District Ranger
Payette National Forest
500 Mission Street
McCall, Idaho 83638

Dear Joshua:

Thank you for the opportunity to provide comment on the upcoming NEPA Analysis for the East Fork South Fork Restoration and Access Management Plan (Plan). My response to your Opportunity To Comment notification for this plan follow.

My wife and I own Ivy Minerals, Inc. and American Independence Mines and Minerals, LLC. (AIMMCO). I personally have been active in the East Fork South Fork Salmon River/Yellow Pine area since 1964 and through my mineral exploration companies since 1978. My companies own extensive mining claims in the area, including claims on the Quartz Creek drainage, and in the vicinity of Red Metals Mine, both areas explicitly evaluatec in the proposed Plan. My involvement includes serving as a founding member of the Big Creek/Yellow Pine Road Collaborative and my regular attendance over 6 years of monthly Collaborative meetings. Though I reside in South Carolina I only missed 3 meetings, two due to weather related flight cancellations. My companies and I am comrritted to working with the Payette National Forest (PAF) in developing road management strategies that provide for mining access and development, ample recreational access, and environmental protection. I am a strong proponent of the Multi-Use Policy for public lands

Given this history, being personally known by many employed in the Payette National Forest and as my Company's status as a major mineral claim owner in the area analyzed in the Plan, my first comment is simply to point out a failure in your Notice process. You and PAF failed entirely to alert me or my companies that public comment was being sought for the Plan. If not for the diligent efforts of other interested parties

Joshua T. Simpson, Team Leader
Krassel District Ranger
Payette National Forest
November 19, 2021

alerting me to this, I would likely have missed entirely the opportunity to provide scoping comments. While I applaud efforts to use a web-based electronic system to provide notifications and comments, you and PAF should have used the e-mail system for the Collaborative that has been in place for many years to provide supplemental notice that you were soliciting scoping comments. As a suggestion, this system can still be used to alert all parties, should they wish to receive future email notices, on how they might register in your new system and instructions on how to do so. However, your desire to have stakeholders transition to this new notification system does not resolve you of the responsibility to make every effort to notify real property owners in the areas to be affected by your proposed plans.

My other scoping comments are as follows:

I strongly support the work and recommendations of the Big Creek/Yellow Pine Collaborative which specifically proposed positive solutions to land management issues in the area. These recommendations and comments are reflected in a Draft consensus proposal dated December 12, 2018 which was submitted to the Forest Service. These recommendations reflect countless hours of hard work, discussion, and compromise by a multi-stakeholder group in order to meet the three, potentially conflicting goals of mining access, recreational access, and environmental restoration/protection. These meetings were attended by various Federal and State Agencies including the Payette National Forest as non-voting Collaborative members. The purpose of their attendance was so the voting Collaborative members would have information by which they could tailor their recommendations to be compatible with the rules and regulations the agencies are required to follow.

As such the NEPA analysis must include an alternative that totally reflects the road agreements recommended by the Collaborative. Any deviations from the Collaborative recommendation based on preferences by PAF and/or other parties should be reflected as a different proposed alternative that should be carefully and logically explained and vetted in the decision process. Failure to do so risks alienating a broad constituency of Collaborative members and the work they put into crafting a successful Plan. Indeed, the purpose of the Collaborative was to bring a varied group of actively interested parties together to reach proposed solutions in an effort to limit future litigation, which had been ongoing since before the Collaborative was formed.

Joshua T. Simpson, Team Leader
Krassel District Ranger
Payette National Forest
November 19, 2021

As one example of a deviation from the Collaborative recommendations, the Opportunity To Comment letter you sent out includes this language for Quartz Creek:

- *Designate the Quartz Creek Road/Motorized trail #067 as a system road to the Quartz Creek Bridge, then as a **new motorized trail open to all vehicles** that incorporates 3 miles of mining roads up to the Red Mountain mining area. (emphasis mine)*

However, the Collaborative recommended this for Quartz Creek Road:

- *Maintain Quartz Creek Road/Trail (# 067) as an **ATV trail past the Quartz Creek bridge** up to the proposed Red Mountain ATV loop. (again,my emphasis).* The Collaborative recommendation included the proviso that the existing road foot print be maintained at its current width and not be narrowed.

No explanation is given for the proposed change from ATV to open to all vehicles. This change explicitly reverses an agreement I and my mining companies have with PAF as to how the road beyond the bridge will be maintained, as reflected in an Operating Plan AIMMCO filed in 2014. At the request of the Forest Service, AIMMCO agreed to temporarily suspend its Quartz Creek Operating Plan to provide the opportunity for the road plans to be finalized in the East Fork South Fork RAMP. This would be the same process we followed in coordinating our Big Creek Road Operating Plan with the Big Creek RAMP, which was a successful collaboration between our companies and the PAF.

In the Collaborative Meeting discussions of the Quartz Creek Road, I proposed that the current ATV trail designation be extended to include the mining/drill roads under our proposed Operating Plan in order to provide a loop route for ATV users. This was done in the interest of providing recreation opportunities to the people of Yellow Pine and others and in support of the "give and take" culture of the meetings.

Though the Quartz Creek Road prism, including the loop, will be maintained to support full size vehicle access, the public having full size vehicle access on our mining roads does not reflect my agreement with PAF, or the Collaborative's agreement. At the present time my companies and I support the Collaborative's recommendation for ATV access beyond the Quartz Creek bridge including access of the Loop Mining Road that crosses over and access our mining claims.

Joshua T. Simpson, Team Leader
Krassel District Ranger
Payette National Forest
November 19, 2021

My companies and I support access to the Red Metals Mine using a Forest Service road or via an ATV trail or loop, as recommended by the Collaborative. The comment letter to you from Chris and Lois Schwarzhoff, which they shared with me, has an excellent discussion of two approaches to providing this access. The first, use of PAF roads, and access to the public across a segment of the road on private property, is simple and would seem preferred. I appreciate that the Schwarzhoff's and the private landowner have engaged legal counsel to counter past arguments by PAF that public access cannot be provided across this privately held road segment. However, I might add that there are numerous examples in the Payette Forest of Forest Service Roads and Trails crossing patented lands (patented land owned by my companies for an example) making this issue, in my opinion, a moot point.

However, should the previous route alternative not be pursued, the second access route, a motorized trail from the Wilson Mine access road to Crater Lake, should also be analyzed in the NEPA process. My companies have claims in the area of this second access route. I affirm my commitment I made to the Collaborative that I would provide easements or rights of way as needed, and to the extent they involve lands to which I hold title or other rights.

Importantly, the NEPA analysis should discuss and evaluate these two alternative routes for the public to access the Crater Lake environs in some detail.

The status of the Sugar Creek Road received extensive review and discussion by the Collaborative. Unable to reach agreement on how PAF should treat this road the Collaborative came up with the following:

- *The Collaborative reached consensus to defer any decision on the Sugar Creek Road until the next time the road is opened through significant road modifications using a Special Use Permit. At that point, the Sugar Creek Road should be evaluated for opening to the public or decommissioning through road recontour.*

My companies and I support this consensus conclusion by the Collaborative. However, I believe it is important for the Plan to include Sugar Creek Road, and to specify that its status is indeterminate and will be determined in a future proposal and analysis utilizing the consensus language reached by the Collaborative. The NEPA analysis should also make note that individual members of the Collaborative have been working with private property owners and the State of Idaho to establish an alternative public motorized access to Cinnabar that is primarily on private property and would not require use of

Joshua T. Simpson, Team Leader
Krassel District Ranger
Payette National Forest
November 19, 2021

Sugar Creek Road. Notification of this effort was also provided by the Collaborative to the PAF, and I understand that discussions to find an alternative route continue.

Thank you again for the opportunity to provide scoping comments for the NEPA analysis of the East Fork South Fork Restoration and Access Management Plan. I intend to remain informed and involved as the NEPA analysis and Plan approval/implementation proceed. Toward that end, my representatives have gone through the confusing and complex process of enrolling in the new electronic e-mail notification and comment process.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Conway G. Ivy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Conway G. Ivy
Executive Chairman
Ivy Minerals Inc. Managing Member
American Independence Mines & Minerals, LLC