

IDAHO GOVERNOR'S OFFICE OF ENERGY & MINERAL RESOURCES

BRAD LITTLE
Governor

RICHARD STOVER
Administrator



December 21, 2022

VIA EMAIL ONLY (.doc format per comment solicitation instructions) to:
comments-intermtn-salmon-challis-salmon-cobalt@usda.gov

Salmon-Cobalt District Ranger
ATTN: Bobbi Filbert
311 McPherson Street
Salmon, ID 83467

RE: Iron Creek Exploration Drilling Project

Thank you for the opportunity to provide comments on the proposed Iron Creek Exploration Drilling Project. The following comments were developed in coordination with the Idaho Department of Environmental Quality, the Idaho Department of Lands, the Idaho Department of Parks and Recreation, the Idaho Department of Fish and Game, the Idaho State Historic Preservation Office, and the Idaho Governor's Office of Species Conservation. The Governor's Office of Energy and Mineral Resources (OEMR) submits these comments on behalf of the State of Idaho pursuant to its responsibility to coordinate all state comments involving energy and mineral resources in accordance with Executive Order 2020-17. Idaho supports responsible mineral exploration and development projects that work in a proactive manner to address potential impacts. OEMR was created to coordinate state mineral resource planning due to the historic and important contribution of mineral production to Idaho's economy.

In an email dated 11/21/22, the U.S. Forest Service (USFS) requested scoping comments on the proposed Iron Creek Drilling Project (Project) in the Salmon-Challis National Forest, Idaho. Idaho State agency comments are below. The Project proposes to authorize Idaho Cobalt Company (ICC) (Proponent) Plan-of-Operations for exploratory drilling for solid minerals containing copper and cobalt on its unpatented mining claims in the North Fork Iron Creek watershed on the Salmon-Cobalt Ranger District, Salmon-Challis National Forest, Lemhi County, Idaho. Exploratory drilling is planned to occur over ten years beginning in June 2023 with the final reclamation scheduled to be completed by November 30, 2034 (2 years after cessation of the proposed drilling operations). Pursuant to the National Environmental Policy Act (NEPA), the USFS is soliciting public involvement and scoping comments to identify issues related to the proposed Project.

To initiate the NEPA process, the USFS prepared a description of the Project's proposed action for scoping: <https://www.fs.usda.gov/project/?project=6310>.

Idaho Department of Fish & Game:

The Idaho Department of Fish and Game's (IDFG) mission is to preserve, protect, perpetuate, and manage Idaho's fish and wildlife resources for the public interest (Idaho Code § 36-103(a)). Accordingly, IDFG has reviewed the Project's scoping report and provides the following technical scoping comments and analysis recommendations for consideration:

General

- Comments:
 - Prior to project implementation, inform relevant state agencies and public land users (e.g., outfitters with permits, grazing permit holders, hikers, hunting and fishing public, motorized and non-motorized users, etc.) about the location and duration of the planned Project activities.
 - The proposed Project Area supports a diversity of priority fish and wildlife species: big game, Idaho Species of Greatest Conservation Need (SGCN), and fish protected by the federal Endangered Species Act (ESA).
 - The Project could represent initial stages of industrial development on public lands that could create conflicts with objectives for fish and wildlife resources and associated recreation (e.g., hunting, trapping, and fishing) within and surrounding the Project Area.
- Recommendations:
 - Thoroughly analyze potential Project effects (e.g., increased human activity, road construction, vehicle and mobile equipment traffic, drilling, heavy equipment operational noise, water and drilling fluid recycling, etc.) on fish and wildlife resources and associated recreation within and surrounding the Project Area considering existing site conditions (e.g., largely intact big game summer range and mountain goat winter range, extreme topography and geology, remoteness, limited roads and infrastructure, etc.).
 - Identify and assess measures to avoid, minimize, or mitigate near-term, long-term, and cumulative adverse Project effects on fish, wildlife, and associated recreation.

Mountain Goat

- Comments:
 - The proposed Project Area is located in crucial winter range for mountain goats (IDFG 2019b). Winter is the most vital time period for mountain goats and can result in high juvenile mortality (Côté and Festa-Bianchet 2003). Mountain goats are highly sensitive to disturbance from exploratory mining activities and will avoid areas where mining activities are occurring (White and Gregovich 2017).
 - Increased human activities, such as the proposed Project (e.g., drilling, drilling-site construction, road construction, and other infrastructure support activities), can disturb and displace mountain goats causing adverse population effects including the following examples:

- Modified behaviors (e.g., increased stress and alarm responses, decreased foraging and resting, increased movements, etc.).
- Reduced survival and productivity (e.g., increased overwinter mortality and predation, lowered birth rates, and reduced kid survival).
- Reduced habitat effectiveness (e.g., range abandonment, altered movements and seasonal habitat use, and habitat fragmentation).
- High stress contributing to malnutrition and mineral deficiencies (e.g., selenium) that can impair an individual's ability to fend off parasites, bacterial infections, and other diseases.
(See Pendergast and Bindernagel 1976, MacArthur et al. 1979, Campbell and Remington 1981, Foster and Rahe 1985, Joslin 1986, Pedevillano and Wright 1987, Dailey and Hobbs 1989, Frid 1997, Duchense et al. 2000, Phillips and Alldredge 2000, Dyer et al. 2001, Toweill et al. 2004, Gordon and Wilson 2004, Keim 2004, and Innes 2011.)
- Adverse effects of human disturbance (e.g., snowmobiles, ATVs, helicopters, skiers, road building, logging, etc.), particularly when unpredictable, have been documented to displace mountain goats and contribute to subsequent population declines (Côté 1996, Cote and Beaudoin 2003, Boyle and Samson 1985, Hurley 2004, Goldstein et al. 2005, Côté et al. 2013, Richard and Côté 2016, White and Gregovich 2017, Northern Wild Sheep and Goat Council 2020).
- Repeated exposure to disturbance can increase flight and vigilance behaviors causing increased sensitization rather than habituation (Frid and Dill 2002). For example, big game generally do not become habituated to repeated, cumulative disturbance even over multiple years of the same disturbance (Bleich et al. 1994, Frid 2003).
- A 2016 aerial survey including the Project Area indicated reduced mountain goat numbers and associated productivity (unpublished IDFG data). Repeated exposure to exploratory drilling disturbance could displace this already stressed population and consequently contribute to subsequent population decline.
- Recommendations:
 - Analyze potential Project effects on mountain goat populations within and surrounding the Project Area.
 - Identify and assess measures to avoid, minimize, or mitigate near-term, long-term, and cumulative adverse Project effects on mountain goats.
 - IDFG recommends ceasing project activities from mid-October through April to avoid displacing mountain goats during the winter months.

Elk and Mule Deer

- Comments:
 - The Project Area contains crucial summer ranges (e.g., fawning/calving areas) for elk and mule deer, which are particularly vulnerable to disturbance and displacement (Geist 1978, Cook et al. 2004, Cook et al. 2013, Cook et al. 2016, Bergen et al. 2016).
 - The proposed Project (e.g., drilling, drilling-site construction, road construction, and other infrastructure support activities, etc.) can displace elk and mule deer from otherwise preferred habitats thereby fragmenting and reducing habitat effectiveness, increasing energy expenditures, decreasing survival and reproduction, and causing

long-term population impacts (Cole et al. 1997, Cook et al. 2004, Cook et al. 2013, Cook et al. 2016, Davidson et al. 2012, Lyon 1979, Lyon 1983, Naylor et al. 2009). For example, the nutritional status of does and cows can be degraded by displacement from quality summer habitat, which can then impair population performance by decreasing reproductive success, fawn/calf survival, and overall survival across a larger surrounding area.

- The elk population in the Project Area is currently at the low end of cow and bull objectives, and new Project roads (even if gated) could contribute to increased access, which could in-turn increase existing levels of big game hunting vulnerability.
- Recommendations:
 - Analyze potential Project effects on elk and mule deer populations within and surrounding the Project Area.
 - Identify and assess measures to avoid, minimize, or mitigate near-term, long-term, and cumulative adverse Project effects on elk and mule deer (e.g., avoid disruptive Project activities in fawning/calving areas from mid-May through June).

Fisheries

- Comments:
 - All three ESA listed anadromous fish species (Chinook salmon, steelhead and bull trout) are found in the Iron Creek Watershed. Bull trout and steelhead are documented within the Project area (IDFG Fisheries unpublished data).
- Recommendations:
 - IDFG suggests developing a detailed water quality contingency plan, not just a Stormwater Pollution Prevention Plan (SWPPP), due to drilling in potentially fractured rock, including preventive measures, for potential accidental discharges (e.g., sedimentation) into water bodies (Iron Creek, North Fork Iron Creek, Jackass Creek, and Unnamed Tributaries), which has the potential to adversely impact ESA listed anadromous fish species, their critical habitats, resident fish populations, amphibians and aquatic invertebrates. IDFG recommends that the final contingency plan be reviewed and approved by the Forest Service prior to any drilling activities to ensure that our natural resources and ESA listed species are adequately protected during this extensive exploratory drilling project.
 - Apply National Oceanic and Atmospheric Administration (NOAA) fisheries best management practices (BMPs) to mitigate potential adverse impacts to aquatic species.
 - IDFG recommends adding an additional 300-foot buffer around all streams, wetlands, or riparian areas to avoid adverse disturbance and potential sedimentation due to run off into adjacent creeks and tributaries.

Idaho Species of Greatest Conservation Needs

- Comments:
 - ESA, SCC and SGCN (IDFG 2017) species are documented within or near the Project Area: Canada lynx, wolverine, fisher, Columbia spotted frog, and black-backed woodpecker have all been observed in the Project area.

- In addition to documented observations, the Project Area is in modeled wolverine habitat (*See* IDFG Management Plan for the Conservation of Wolverines in Idaho 2014-2019).
- Recommendations:
 - IDFG recommends analyzing potential Project effects on ESA, SGCN and SCC species within and immediately surrounding the Project Area.
 - Identify and assess measures to avoid, minimize, or mitigate near-term, long-term, and cumulative adverse Project effects on ESA, SGCN, and SCC species (e.g., implement adaptive USFS design feature/best management practice to immediately cease all operations if an ESA, SCC, or SGCN species is found in the Project Area including active dens, nests, maternity colonies, individual plants or growing sites, etc.).
 - IDFG also recommends mitigating disturbing Project activities from mid-October through April to avoid displacing wolverines and Canada lynx during the winter months.

Wildlife-related Recreation

- Comments:
 - Hunting, fishing, and trapping are culturally and economically important for Idaho's citizens, particularly in rural communities.
 - Industrial uses of public lands are typically not compatible with the needs of fish and wildlife, and sportsmen and women. Proposed drilling activities should not infringe with hunting, fishing, and trapping opportunities.
 - The Project Area contains three popular roads (Iron Creek Road, North Fork Iron Creek Road and Tenmile Ridge Road) that provide public access to recreational activities including hunting (spring and autumn bear; winter lion and wolf; autumn deer, elk, and mountain goats; autumn and winter upland birds), fishing (trout), and trapping (multiple furbearers).
 - The construction of new temporary roads, even gated or blocked with large rocks, will likely lead to an increase in recreational use (ATVs that circumvent gates, foot/bike/e-bike traffic), which may lead to increased deer/elk vulnerability during the hunting season.
 - During the past several hunting seasons, IDFG has received numerous complaints from the hunting public about being disturbed by various construction activities supporting exploratory drilling projects, observations include:
 - Excessive speeding by exploratory drilling staff on SCNF roads is being reported on a regular basis.
 - In the region, single and multiple vehicle accidents and wildlife collisions are dramatically increasing on county, state and SCNF roads.
- Recommendations:
 - Analyze potential Project effects on fish and wildlife related recreation and public access within the Project Area.
 - Identify and assess measures to avoid, minimize, or mitigate adverse Project effects on fish and wildlife related recreation, considering the following examples:

- Schedule Project activities to avert impacts to hunting, trapping, and fishing opportunities.
- Require that public recreation access be maintained at all times for Forest Service campgrounds, roads and trails normally open to public.
- Increase education and enforcement of closed roads and posted speed limits.

Undesirable Weeds

- Comments:
 - Undesirable weeds (e.g., invasive annual grasses and noxious weed species) are a leading cause of wildlife habitat degradation in the West.
 - Project-caused habitat disturbances can propagate (i.e., establishment and spread) undesirable weeds.
- Recommendations:
 - Analyze potential Project effects of propagating undesirable weeds within and surrounding the Project Area.
 - Identify and assess measures to avoid, minimize, or mitigate adverse Project effects of propagating undesirable weeds, considering the following examples:
 - Perform pre- and post-project weed monitoring and treatment for at least five years.
 - Decommission, obliterate, and reclaim as appropriate all temporary Project-caused habitat disturbance and fragmentation (e.g., roads, drilling pads, staging areas, etc.).
 - Promptly reseed disturbed habitat with site-appropriate **native** grasses and forbs.

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Office of Species Conservation:

The Idaho Governor’s Office of Species Conservation (OSC) is dedicated to planning, coordinating and implementing the State’s actions to preserve, protect and restore species listed

as candidate, threatened and endangered under the federal Endangered Species Act (ESA). OSC provides the following comments:

Reference: “The purpose of this action is to minimize adverse environmental impact to surface resources by regulating the functions, work, and activities connected with the Operator’s plan.”(*Iron Creek Exploration Drilling Proposed Action*, p. 1, Section 1.3 Purpose and Need.)

Comment: There is a lack of design features for wildlife, as well as most other resource variables within this document. The Forest Service should review the design features included with the recent [Gilmore Drilling](#) project on the Salmon Cobalt Ranger District, many of those features (air quality, water quality, solid wastes, scenic values, fish and wildlife, etc.) would be applicable to this project and provide clarity within the document on how the Forest is minimizing ‘adverse environmental impact to surface resources.’

Reference: “Avoid known populations of sensitive plant species” (*Id.* p. 5, Section 2.1.5 Phased Drilling.)

Comment: According to the Idaho Fish and Wildlife Information System (IFWIS), whitebark pine (*Pinus albicaulis*), has been observed in the project area. Beginning on January 17th, 2023, the whitebark pine will be listed on the ESA as a ‘threatened’ species. While the ESA regulations for plants only apply to federally owned property, ([50 CFR § 17.61](#)) an onsite inventory of Forest Service ground for whitebark pine should be completed on planned drill sites, proposed temporary roads, and other ground disturbing activities to determine how to minimize the ‘take’ of individual plants and comply with the avoidance measure during implementation to avoid known populations of sensitive plant species.

Idaho Department of Water Resources (IDWR):

Pursuant to its statutory authority, IDWR’s role and responsibilities include, without limitation, promotion of sustainable development of water resources, ground water protection (well construction oversight), and the regulation of stream channel alterations.

The proposed activities related to stream crossings may require a Joint Application for Stream Channel Alteration Permits through IDWR, U.S. Army Corps of Engineers, and Idaho Department of Lands.

Sincerely,

/s/ Richard W. Stover

Richard W. Stover

Administrator

Idaho Governor’s Office of Energy and Mineral Resources

Commented [RS1]: Is there stock language about IDWR’s relevant duties/responsibilities as background for submitting comments, like we did for OSC and IDFG?