

Friends of the Bitterroot  
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Iron Creek Exploratory Drilling Project #63150  
Responsible Official: Bobbi Filbert  
Salmon-Cobalt District Ranger  
311 McPherson , Salmon, ID, 83467

Friends of the Bitterroot (FOB) submits the following objection concerning the Iron Creek Exploratory Drilling project #63150 on Salmon-Challis National Forest. All issues below were covered in FOB's scoping comments of December 21, 2022, except for those noted as new information.

In our scoping letter, p. 1, FOB posed the question: "Is this area an appropriate one for developing a mine, given its location in the headwaters of the Salmon River? The degraded land and water around the historic, abandoned Blackbird Cobalt Mine are well-known and persist to this day, despite extensive and expensive reclamation measures." This is an especially important question because the geology of Iron Creek is so similar to Blackbird's, with the cobalt occurring with abundant sulfide materials in the banded siltite member of the Apple Creek Formation, just as at Blackbird. They also share similar geographic locations on tributaries to the Wild and Scenic Salmon River that is highly valued by the public for its fisheries, clean water, and because it is one of last free flowing rivers in Idaho.

The Aquatics BA suggests that acid mine drainage is indeed a concern in this area, stating that samples on NF Iron Creek below the existing mine workings on ICC's patented claims exceeded both acute and chronic criteria for copper due to discharges from the adits. "Cold Water Aquatic Life was determined to be 'Not Supporting' (p. 34). The Proponent has submitted designs that DEQ has approved to eliminate discharges from the adits into surface water by July 1, 2023." Have these discharges now been eliminated? Project approval and implementation should not begin until SCNF and DEQ have verified the completeness and effectiveness of this work.

FOB asked in scoping whether ESA-listed fish would be affected by the project. The Aquatic Species BA states that NF Iron Creek and Iron Creek are occupied by ESA threatened bull trout. NF Iron Creek contains bull trout and steelhead, but no DCH. Iron Creek contains occupied steelhead DCH and unoccupied Chinook DCH within the Forest Service boundary. ESA requires consultation with USFWS when ESA-listed species are present and may be affected by activities (50 CFR 402), but there is no response from USFWS available on the SCNF project website. Until those are received, a FONSI cannot be reached.

Many of the documents for the project, including the whitebark pine BA, Iron Creek POO updated, Iron Creek figure map POO updated, Iron Creek GW resource report, and Sensitive Plant Report, were not posted on the SCNF project website until Jan 3, 2024, near the end of the objection period ending Jan 14, 2024. If these documents just became available, how could SCNF arrive at a FONSI without them? If SCNF did have these documents prior to the FONSI, why weren't they posted then? NEPA requires transparency. It is not possible for the public to make substantive comments without all of the available information, and the objection period should have been extended. We note that at least one objection to the project was filed before this information was posted. In addition, some other information is still missing from the project website (see the specific issues below).

Specific issues and suggested remedies are below:

**Issue-wolverine (new information):** USFWS listed wolverine as ESA threatened in Dec, 2023. EA, p. 23, states there have been 6 wolverine sightings in the area in the past 10 years. The 2011 Salt wildfire caused a loss of habitat in the area. Because wolverine are known to avoid roads and areas of human activity, this project is likely to affect wolverine, but no analysis is provided in the EA except the summary on p. 23, which simply states that wolverine can just move elsewhere. What if other nearby habitat is already occupied? No correspondence with USFWS on wolverine is posted on the project website.

**Remedy:** Analyze project effects on wolverine and consult with USFWS.

**Issue-seasonal wildlife closure (new information):** EA, p. 16, states: "Unless otherwise agreed, from December 1 to March 31, no construction activities associated with temporary roads or drill pads will occur within areas identified by Idaho Fish and Game (IDFG) as mountain goat winter range. No operations will occur within crucial fawning and calving habitat, as delineated and shared by IDFG, between May 15 and June 30." However, these areas are not identified in any of the project documents.

**Remedy:** IDFG needs to identify these wildlife areas before project approval and implementation.

**Issue-whitebark pine (new information):** Project documents do not include a whitebark pine BA that is specific to the project, only a programmatic BA covering the entire SCNF. No consultation response from the USFWS is available on the project website, as required by the ESA. It appears that you have not surveyed the project area for WBP. The EA confirms this, p. 17, stating: "When conducting project activities, avoid or minimize impacts to whitebark pine when practicable. When considering any such adjustments to project activities, place an emphasis on the conservation of mature and cone-producing individuals" and "Train or educate personnel to identify whitebark pine". Are you going to rely on ICC personnel to identify WBP? When would it not be practical to avoid or minimize impacts to WBP? Loopholes in the EA appears to make it optional.

**Remedy:** Survey the project area for WBP, and if found, consult with USFWS as required (50 CFR 402) and require specific preservation measures of ICC.

**Issue- water drafting and ESA species (new information):** Water would be drafted from 6 surface water locations on SCNF lands, and one site on patented ground on NF Iron Creek with an allowable

withdrawal of 45 gpm. Two of these sites are on NF Iron Creek downstream of a site confirmed to be occupied by bull trout. Aquatics BA, fig. 5, shows that NF Iron Creek temperatures have been steadily rising since 2010, and NF Iron Creek is already temperature impaired for bull trout. Withdrawing water will only exacerbate the problem. Although limits are placed on the withdrawals in the EA, who will be monitoring and enforcing these limits? Limits are percentages of in-stream flow—how will the flow be gauged? Streams include Iron Creek, NF Iron Creek, and their tributaries. Aquatic Species BA states that NF Iron Creek and Iron Creek are occupied by ESA threatened bull trout. NF Iron Creek contains bull trout and steelhead, but no DCH. Iron Creek contains occupied steelhead DCH and unoccupied Chinook DCH within the Forest Service boundary. Withdrawals from any of these streams, especially if unmonitored and unmeasured, could result in harm to the above species.

**Remedy:** Draft water only from groundwater wells on the patented ground, as is an option stated in the Aquatic Species BA. Alternatively, draft water only during spring runoff and store it in water tanks on site for use when streams are low. Otherwise, require the presence of a Forest Service hydrologist to ensure that all limits are followed. Require that temperatures in Iron Creek and NF Iron Creek be monitored throughout the life of the project, and when they exceed bull trout impairment, suspend all surface water withdrawal.

**Issue-intermittent stream crossings (new information):** Proposed plan includes 6 crossings of intermittent streams that ultimately feed NF Iron Creek and Iron Creek that contain ESA-listed bull trout and steelhead.

**Remedy:** Require that these crossings be utilized when these intermittent streams are dry. Require that the temporary road crossing be built and used when the stream is dry. Remove the words “whenever possible”, which allows a loophole in the EA that does not ensure this will be done.

**Issue-invasive weeds (new information):** Project disturbance will spread the common invasive weeds cheatgrass, knapweed, and thistle, identified in the Sensitive Plant report. Past projects have shown that cleaning equipment and “treating” areas during ongoing project activities are almost completely ineffective in preventing spread of invasive weeds.

**Remedy:** Monitoring and treatment for invasive weeds should be required both during the project and post-project for at least 5 years, and overseen by USFS biologists. Use of native plants and seeds for reclamation should be required without exceptions like “when possible.”

**Issue-road reclamation (raised in FOB scoping comments):** EA states that existing non-system roads that are rehabilitated would be decommissioned, but not obliterated. On past projects, we have observed that decommissioning often is not completed, drainage crossings are not reclaimed, closure barriers are not effective, restrictions are not enforced, and the roads remain on the landscape even though prior to the project, many were impassable. Simple decommissioning has detrimental effects on wildlife like wolverine, which avoid roads and are known to exist in the area.

**Remedy:** Require existing non-system roads that are used by ICC to be obliterated and contoured to match the slope as a way of mitigating some long-term detrimental effects of the project. Recontouring to the original slope is already required for new temporary roads, and should be required for all non-system roads used in the project.

**Issue-temporary roads (raised in FOB scoping comments)**—We suggested that, instead of adding 3.2 miles of temporary roads to the already dense road network, helicopters could be used to access the drill sites that require temporary roads. EA, p. 17, response was “it is not feasible to require this of the operator”. ICC clearly thinks they may have a very profitable mine here, so it is certainly feasible to require them to incur this extra expense in order to prevent further degradation of our public lands.

**Remedy:** Use helicopters instead of temporary roads to access these drill sites.

**Issue-RCHA drill pads (raised in FOB scoping comments):** Aquatic BA, p. 3, states: “The project includes a total of two drill pads within Riparian Habitat Conservation Areas (RHCA) on the upper reaches of Jackass Creek, which does not contain ESA-listed fish or DCH”. However, downstream, NF Iron Creek and Iron Creek are occupied by ESA threatened bull trout. NF Iron Creek contains bull trout and steelhead, but no DCH. Iron Creek contains occupied steelhead DCH and unoccupied Chinook DCH within the Forest Service boundary.

**Remedy:** Relocate the two RHCA drill pads to a location outside the RHCA, utilizing directional drilling if necessary to hit targets.

**Issue-incomplete sensitive plant surveys (new information):** Sensitive Plant Report, p. 3, states: “A total of 13 sites were not surveyed due to time and access constraints and excluded based on these priorities”. Lack of time or access problems should not preclude these sites from the survey. Without complete information, a FONSI cannot be reached.

**Remedy:** Survey the 13 unsurveyed sites that have potential for rare plants prior to approval of the project.

**Issue-reclamation bond (new information):** EA states that a reclamation bond will be required, but gives no specifics on how the amount will be determined, or what that amount will be. Has ICC already been notified of the bond amount? It seems like they would need to have this information, and it should be made public prior to any decision. Past mining and exploration project bonds have often fallen far short of covering reclamation costs, especially when companies declare bankruptcy and walk away, leaving the public with the bill and with degraded lands. The Iron Creek Drilling is a large and long-term project, with significant potential for environmental harm.

**Remedy:** Require ICC to post a significant bond. Determine the amount and make it public before signing a decision.

**Summary:** SCNF has not taken a hard look at many of the issues above, and the EA is therefore incomplete. Field surveys are lacking and incomplete. Many project documents were not posted on the website until near the objection deadline, and we note that at least one objection was filed prior to the release of those documents. The open and transparent process required by NEPA has not been followed. SCNF needs to address these deficiencies by issuing a new EA and opening a new comment period. It is hard to believe that, with the potential impacts to ESA-listed species, that a FONSI could be reached. We recommend that an EIS be done for this large and long-lasting project.