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Re: Libby Creek Project Scoping Comments

Thank you for the opportunity to provide scoping comments on the Libby Creek Mining Operations Proposed Action, which include two proposed placer operations, the Ponderosa Placer and Ace Placer projects, adjacent to existing mining operations in the Libby Creek watershed and immediately downstream from the proposed Libby Adit Exploration Project (Montanore Mine Adit).

These comments are submitted on behalf of Save Our Cabinets and Earthworks. Save Our Cabinets is a local non-profit conservation organization dedicated to protecting wildlands, wildlife and water quality in the Cabinet Mountains. Earthworks is a non-profit conservation organization, with an office in Missoula, MT, which is dedicated to protecting communities and the environment against the adverse impacts of mining.

These two projects are substantial, with operations occurring over a 3-year period. Due to the potential direct, indirect and cumulative impacts to threatened grizzly bear and bull trout, we urge the Forest Service to complete an Environmental Impact Statement.

Thank you for your consideration. Our more detailed comments are listed below.

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Issues of Concern:

1. Plan of operations

The Scoping Notice states that these are exploration projects, yet the proposals include all of the elements of a mining operation. The Ponderosa Placer project, for example, is proposing to excavate and process 1-3 cubic yards of material an hour during the operating season for a period of 3 years. This level of activity is not necessary to determine whether locatable minerals are present, and therefore not consistent with the proposed Purpose and Need of exploration. Based on the size and extent of the proposed activities, and its location, the Forest Service should conduct an Environmental Impact Statement to analyze the potential impacts to water quality, threatened fish and wildlife species, and other important considerations.

2. Alternatives

The Forest Service should consider a range of alternatives to the proposed action, including alternatives that forego new road construction, alternative road routes, and smaller projects over a shorter timeline (e.g., one year).

3. Threatened Species

a. Grizzly Bears

The Forest Service should complete an EIS to analyze the potential direct, indirect and cumulative effects of the proposed projects on threatened species, and conduct consultation under the Endangered Species Act.

The proponent of Ponderosa Placer Exploration proposes to construct 0.54 acres of new road in a bear management Unit (BMU 5). This 0.54 acres and the surrounding area will be lost to grizzly bears for the duration of the project and an unknown period into the future due to disturbance. Grizzly bears are known to avoid roads and human-caused disturbance. The proposal calls for limiting access to the road, but restricting access to authorized personnel won't reduce the impact of the road construction and disturbance. The NEPA analysis should provide analysis of Open Motorized Road Density and Habitat Effectiveness in the BMU.

The Kootenai National Forest is already heavily roaded, which has contributed to the decline in grizzly bear numbers. Additional road construction and disturbance will continue to make recovery efforts more difficult. The Forest Service proposes to use "road storage" as a mitigation measure. The designation of a road that is already closed to public travel as one in "stored service" will not mitigate for the loss of habitat that will occur from the project. An EIS is necessary to consider a full range of mitigation measures and to analyze the effectiveness of any proposed mitigation.

Ace Placer proposes to create a new access route that is 19' wide by 45' long. Is this a road? Is the proposed site of operations also within a BMU?

The proposed plan also includes the use of a trommel to process gravels 1-3 cubic yards of material per hour during operations for a 3-year period. The noise from these and other mining activities may be considerable, and should be analyzed.

An EIS is necessary to analyze the cumulative impacts on grizzly bears from the proposed project, existing exploration and mining operations at the site, and proposed new activities, including the proposed Libby Exploration Project and Montanore mine, in combination with any other reasonably foreseeable activities.

Excavation, road building, logging, and the transport of heavy equipment will result in the loss of habitat, including riparian habitat, for plants, birds, mammals, and other wildlife. An EIS is necessary to consider the potential direct, indirect and cumulative effects to sensitive species. How will the loss of habitat for plants, birds, mammals, and other wildlife be mitigated?

b. Bull trout

Bull trout and other important native fish including redband trout inhabit and spawn in Libby Creek. Libby Creek is designated critical habitat for bull trout, which are extremely sensitive to increased sediment and changes in temperature.
An EIS is necessary to take a hard look at the potential direct, indirect and cumulative impacts to bull trout and bull trout habitat from the proposed operations, existing placer operations at the two sites, the recreational panning area, and other reasonably foreseeable activities, such as the Libby Adit Exploration Project and Montanore Mine. The NEPA analysis must include baseline data to characterize bull trout and bull trout habitat. How will the Forest Service measure impacts to bull trout in all stages of life? The Forest Service must conduct consultation under the Endangered Species Act to analyze these impacts.

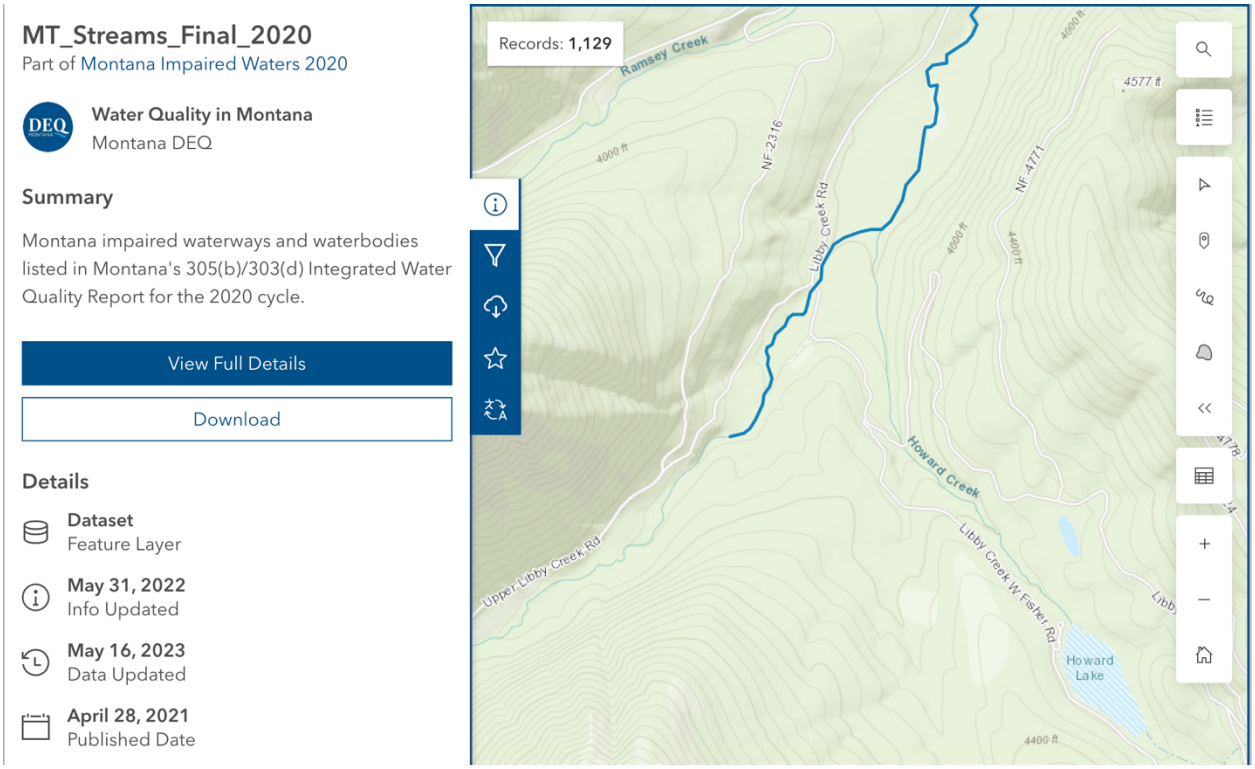
c. Other species

The NEPA analysis should also disclose where the proposed activities have the potential to adversely affect other ESA-listed species, such as lynx or wolverines.

4. Water Quality & Quantity

Impacts from placer mining can be significant and include increased turbidity; alteration of stream channels, stream velocity, scouring characteristics, stream length, pool-riffle ratio, ground-water/surface-water relationships, ground-water recharge characteristics, and water temperature; and changes in the stream bottom material, including changes in composition which may change the rate of intergravel water flow, deposition of fine material and gravel on riffle areas, and changes in bedload movement. An EIS is necessary to analyze the impacts to water quality. The Forest Service must require baseline data to characterize water quality, stream flows, sediment, temperature, LWD, pool and riffles, and other water quality and quantity parameters. How will these changes be measured? Will Libby Creek be diverted to obtain water for operations? How much sediment will be disturbed by mining operations? How much sediment will be discharged downstream? How will erosion be prevented/minimized?

The projects, including any MPDES permit, will have to be consistent with anti-degradation and waste load allocations for Libby Creek. There is a TMDL for lower Libby Creek, and upper section is included in the 303(d) list of impaired streams.



The NEPA analysis must analyze the potential impacts of the proposed project on any 303d limited streams. A cumulative assessment of water quality impacts will need to include existing operations, the panning recreation area, the proposed Libby Adit Exploration Project and Montanore Mine, and any other reasonably foreseeable activities. The proposed project also looks like it has the potential to affect Howard Creek, which must be analyzed.

5. Fish and Aquatic Life

Changes in the stream's morphology as a result of placer mining can lead to a reduction in the abundance and diversity of benthic invertebrates from the loss of plants, increased drift and susceptibility to predation, clogging of the feeding apparatus by fine sediments, and loss of available or suitable substrate habitat. This can result in changes in species composition from clean-water species to species more adaptable to higher sediment levels that may be less suitable as prey for fish.

Fish will be impacted by a loss of food supply due to reductions in production at the lower trophic levels; an impaired ability to find prey in turbid water; obliteration of hiding or living areas in gravel by clogging of the interstices with fine sediment, or by reduction of pool areas; mortality of eggs, alevins, or fry; exposure to suspended sediment that can cause fish mortality

through damage to the gill structure; and avoidance of normal spawning areas (even at relatively low turbidity).

Water quality may be affected by an increase in minerals or sediments as the result of exposure and oxidation of metal-bearing materials, spills of chemicals, fuels, and other mining materials.

6. Monitoring and Enforcement

Who will monitor the operations for contaminants related to machinery from spills and leaks? How much waste will be generated and how will it be disposed of?

What resources and manpower will the KNF commit to monitoring and enforcement? Law enforcement has to be willing to engage with the miners, who can sometime be hostile regarding government regulations, and ensure compliance.

How large will the bond be and how long will it be in place? How long will it take for reclamation activities to be completed?

7. Water Rights

The project plans to pump water from ponds for mine operations. What water rights are held by the proponents?

8. Forest Plan

The Forest Service must analyze the proposed placer mining operations with respect to the Forest Plan, and describe any potential conflicts with the plan, and any proposed revisions.

9. Climate Change

The NEPA analysis should consider climate change when analyzing the proposed project, including the increased rate of extreme weather events, changes in precipitation patterns, changes in water temperature, and other impacts. The analysis should include the potential for spills or unanticipated releases of sediment from ponds, pits, roads, and other infrastructure and equipment from storm events.

10. Vegetation

The NEPA analysis should consider the impacts to riparian vegetation, riparian habitat conservation areas, wetlands, groundwater dependent ecosystems, and whether any old growth forest will be altered. Alternatives should consider options that reduce the amount of disturbance.