

# IDAHO GOVERNOR'S OFFICE OF ENERGY & MINERAL RESOURCES

**BRAD LITTLE**  
Governor



304 N. 8<sup>th</sup> Street, Suite 250  
P.O. Box 83720  
Boise, Idaho 83720-0199

**Cally Younger**  
Administrator

(208) 332-1660  
FAX (208) 332-1661

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Salmon-Challis National Forest  
Supervisor's Office  
1206 South Challis Street  
Salmon, ID 83467

## **Subject: Freeman Gold Exploration Project Scoping Comments**

Thank you for the opportunity to provide comments on the Scoping Report for Freeman Gold Corporation's (Proponent) Freeman Gold Exploration Project (Project). Idaho supports the responsible development of mineral resources at the Freeman Gold Exploration site. Mining is an important economic component in the State of Idaho, and it is equally important to foster sustainable land and wildlife management.

The following comments were developed in coordination with the Idaho Department of Fish and Game (IDFG) and the Idaho Governor's Office of Energy and Mineral Resources (OEMR). OEMR submits these comments pursuant to its authority to lead coordination of state comments involving energy and mineral projects in accordance with Executive Order 2024-09.

### **IDFG Comments**

IDFG's mission is to protect, preserve, and manage Idaho's fish and wildlife resources for the public interest pursuant to Idaho Code Title 36, Chapter 1. These comments and recommendations are submitted pursuant to that authority.

#### **General**

Before implementing the Project, the Proponent should 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 activities.

The Project area supports a diversity of priority fish and wildlife species: big game, United States Forest Service (USFS) Species of Conservation Concern (SCC), and Idaho Species of Greatest Conservation Need (SGCN) (IDFG 2017). IDFG recommends analyzing potential effects (e.g., increased human activity, road construction, vehicle and mobile equipment traffic, drilling, water use, noise, helicopter overflights, etc.) on fish and wildlife resources and associated recreation (e.g., hunting, trapping, and fishing) within and surrounding the Project area. The

Proponent should follow USFS's mitigation policy to avoid, minimize and mitigate potential adverse impacts to fish and wildlife in the project area.

### Wildlife-related Recreation

The Project area contains popular roads that are available year-round for public access to recreational activities including hunting during all seasons: bears in the spring and fall, mountain lions and wolves in the winter, elk and deer in the fall, and upland birds and trapping in the fall and winter. Hunting, fishing, and trapping are culturally and economically important for Idaho's citizens, particularly in rural communities. IDFG has received several complaints about exploration drilling activities from hunters over the past several hunting seasons. Additionally, the construction of new temporary roads will likely lead to more recreational use. This can increase deer and elk vulnerability during hunting season due to increased pressure and disturbance. Based on past complaints and the increased vulnerability, the Project could affect hunting, fishing, and trapping opportunities.

IDFG recommends analyzing the potential effects on fish and wildlife related recreation and identifying and assessing measures to avoid, minimize, or mitigate adverse effects within the Project area. Project activities should be scheduled to prevent impacts to hunting, trapping, and fishing opportunities and should maintain public recreation access on USFS roads and trails. IDFG recommends posted speed limits, appropriate signage, road closure enforcement, and education on road closures.

### Elk, Moose, and Mule Deer

The Project area contains essential winter range for elk, moose, and mule deer which are particularly vulnerable to disturbance and displacement during winter when energy reserves are crucial for survival (Geist 1978, Cook et al. 2004, Cook et al. 2013, Cook et al. 2016, Bergen et al. 2016). Part of the Project area is known summer ranges and potential fawning areas for mule deer, which are also vulnerable to human disturbance. Drilling, construction, and other Project activities may disrupt these habitats, leading to displacement from preferred areas, habitat fragmentation, increased energy expenditures, reduced survival and reproduction, and long-term population impacts (Cole et al. 1997, Cook et al. 2004, Cook et al. 2013, Cook et al. 2016, Davidson et al. 2012, Kolar et al. 2017, Lyon 1979, Lyon 1983, Naylor et al. 2009).

IDFG recommends analyzing the Project's potential effects on elk, moose, and mule deer populations within and surrounding the Project area and identifying and assessing measures to avoid, minimize, or mitigate near-term, long-term, and cumulative adverse effects.

Exploration activities should occur between June 1 and October 31 to avoid disturbing ungulates in winter range and fawning areas. Curtailing project activities between November 1 and May 31 will help minimize displacement of elk, moose, and mule deer when energy reserves are critical for winter and migration season survival. However, IDFG would support drilling activities occurring in May and early June if the Proponent implemented buffers around aspen stands to avoid disturbing or displacing newborn calves and fawns. Most fawning and calving activity occurs during the first and second weeks of June and protecting these sensitive areas during that period would help minimize impacts.

## Fisheries

Chinook salmon, steelhead, and bull trout are Endangered Species Act (ESA) listed anadromous fish species found in the Project area. Additionally, Westslope cutthroat, steelhead, and sculpin species have been documented in Ditch Creek. While IDFG does not have survey data for Humbug Creek, both Ditch Creek and Humbug Creek are tributaries to Hughes Creek, where Chinook salmon, steelhead, and bull trout are present. Accidental discharge and sedimentation in Ditch Creek, Humbug Creek, and Hughes Creek could adversely impact ESA-listed anadromous fish species, critical habitats, resident fish populations, amphibians, and aquatic invertebrates. IDFG recommends the following measures to protect Idaho's natural resources and ESA-listed fish species during Project activities and future exploration.

Project operations, like drilling, create a risk for inadvertent return of drilling lubricant (bentonite slurry). Bentonite slurry is a fine, non-toxic clay that is a common agent in drilling and farming practices. If it is released into water bodies, it can adversely impact fish and aquatic invertebrates. Accidental discharges can occur in any location along the bore but especially in geological fractures and soft or loose sands. Fine particles of the bentonite slurry can result in sedimentation and smother benthic invertebrates, aquatic plants, fish, and their eggs and offspring (fry, smolts, and parr). This can also extend to ESA-listed species and their designated critical habitats in Ditch Creek, Humbug Creek, and Hughes Creek.

To prevent these possible impacts and protect aquatic resources, the Proponent should develop a detailed Water Quality Contingency Plan (WQCP) in addition to the Stormwater Pollution Prevention Plan (SWPPP). A WQCP establishes operational procedures and responsibilities for the prevention, containment, and clean-up of inadvertent return of drilling fluid associated with the Project. The WQCP must include the ten objectives listed in Appendix A of this comment letter. The objectives outline additional measures to prevent inadvertent returns and will reduce the impact if an inadvertent return occurs in Ditch Creek, Humbug Creek, or Hughes Creek. The final WQCP plan should be reviewed and approved by USFS prior to any drilling activities to ensure that natural resources and ESA-listed species are adequately protected during Project operations.

Additionally, NOAA fisheries best management practices should be applied to mitigate potential adverse impacts to aquatic species. IDFG recommends a 300-foot buffer around all streams, wetlands, or riparian areas to avoid adverse disturbance and potential sediment run-off into the adjacent watersheds.

## Idaho Species of Greatest Conservation Needs

The Project area is within known ranges of ESA-listed species including Chinook salmon, steelhead, bull trout, Canada lynx, whitebark pine, and wolverine. The area includes modeled habitat for lynx, whitebark pine, and wolverine (IDFG 2005, IDFG 2014, IDFG 2017 and McKelvey et al. 2000). The Project area is within the composite habitat model for wolverines (IDFG 2019b). Additionally, observations of several SGCN species have been recorded, including hoary bats, western toads, Lewis's Woodpeckers, fishers, great gray owls, silver-haired bats, and western small-footed and little brown Myotis (IDFG 2017).

IDFG recommends analyzing potential Project effects on ESA, SGCN, and SCC species within and surrounding the Project area. If an ESA-listed species, SCC, or SGCN is found in the

Project area (including redds, active dens, nests, maternity colonies, individual plants or animals, individual trees or growing sites, etc.) the adaptive USFS design feature and best management practices must be implemented immediately.

The Project area is within the elevation range for whitebark pine. Whitebark pine has declined throughout much of Idaho and is a keystone species that provides important habitat for SGCNs (IDFG 2017). IDFG recommends avoiding and buffering all living whitebark pine trees potentially affected by the Project.

The Project duration may overlap with the reproductive season for ground-and canopy-nesting birds and tree roosting bats. As stated above, some of the bird and bat species are either SCC or SGCN-designated species in the Salmon-Challis National Forest (SCNF). IDFG recommends conducting bird and bat surveys from May – June prior to the beginning of Project activities.

IDFG recommends preserving mature overstory trees with a diameter at breast height (DBH) over 18-inches to prevent the loss of essential migratory bird and bat habitats. Ponderosa pine snags with a DBH over 12-inches and other identified tree species deemed valuable for wildlife by IDFG and SCNF Wildlife Biologists must be preserved to avoid the loss of crucial habitat for Lewis's Woodpecker, bats, and other cavity-nesting bird species.

IDFG recommends curtailing or creating buffers to minimize surface disturbance if a bat colony or hibernaculum is discovered at any time throughout the life of the Project to minimize disturbance to the bat roosts and hibernacula.

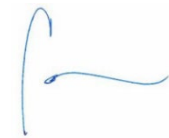
IDFG recommends fencing the sumps to prevent wildlife entrapment. The sumps should also have sufficiently sloped walls to provide a way to escape for any potentially trapped wildlife.

### Undesirable Weeds

Undesirable weeds (e.g., invasive annual grasses and noxious weed species) are a leading cause of wildlife habitat degradation in the West. Habitat disturbances from the Project may establish and spread undesirable weeds. Because of this, IDFG recommends analysis of potential effects of propagating undesirable weeds within and surrounding the Project area and identification and assessment of measures to avoid, minimize, or mitigate adverse effects of propagating undesirable weeds. IDFG provides the following examples for consideration, (1) perform pre- and post-Project weed monitoring and treatment for at least five years, (2) decommission, obliterate, and reclaim as appropriate all temporary Project-caused habitat disturbance and fragmentation, and (3) reseed disturbed habitat with native grasses and forbs in a timely manner following Project completion to prevent further habitat degradation and fragmentation.

If you have any questions or require additional information, please feel free to contact me.

Sincerely,



Cally Younger

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## **Appendix A – Specific WQCP Objectives**

1. Utilize environmentally friendly compatible drilling fluids (non-toxic-, biodegradable polymers) that are commonly used in domestic drinking water well projects;
2. Minimize the potential for an inadvertent return associated with drilling activities (i.e. ensure design protocols require a geotechnical engineer or qualified geologist to make recommendations regarding the suitability of the formation to be bored to minimize the potential for inadvertent return conditions);
3. Provide for the timely detection of inadvertent return (i.e. monitor loss of drilling pressure, abnormal loss of drilling fluid, or visible plume in a nearby watercourse is observed);
4. Protect areas that are considered environmentally sensitive (e.g. streams, wetlands, threatened and endangered fish species, and other biological and ecological resources);
5. Ensure that all appropriate notifications are made immediately (DEQ, USACE, NOAA, IDWR, IDFG, etc.); especially in the event of an inadvertent return reaching a water source with ESA-listed fish species present.
6. Ensure an organized, timely, and “minimum-impact” response in the event of an inadvertent return and release of drilling bentonite (i.e. crews need to be trained on provisions of the WQCP, equipment, site-specific permit/authorization, and monitoring requirements);
7. Ensure appropriate containment measures are in place (e.g. 500-gallon minimum vacuum truck/trailer, large diameter standpipe (50-gallon drum with both ends cut out, or a short piece of culvert), trash pumps and hoses, etc.), and containment materials (e.g. straw wattles or bales, fiber rolls, silt fence, plastic sheeting (visqueen), sandbags, turbidity barriers, squeegees, etc.) are onsite to contain and recover the lost drilling fluids, this is in addition to a standard spill kit;
8. Ensure proper disposal of bentonite as required by law (i.e. by using a disposal facility or properly recycled in a pre-approved manner);
9. Ensure all inadvertent return excavation and clean-up sites will be returned to pre-project contours using clean fill, as necessary; and
10. After an inadvertent return is contained and required removal is completed, document post-cleanup conditions with photographs and prepare an inadvertent return incident report describing the time, place, actions taken to remediate inadvertent return, and measures implemented to prevent recurrence.