



REGION 8

DENVER, CO 80202

March 25, 2025

Ref: 8EJC-NE

Chad Benson, Forest Supervisor
Kootenai National Forest
31374 U.S. Highway 2
Libby, Montana 59923-3022
Transmitted by email

Dear Forest Supervisor Benson:

The U.S. Environmental Protection Agency Region 8 has reviewed the U.S. Department of Agriculture Forest Service (USFS) December 2024 Draft Environmental Assessment (EA) for the Montanore Libby Exploration Project (Project). In accordance with our statutory responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA), we offer these comments which seek to convey important questions or concerns that we recommend addressing in the EA prior to issuing a final decision on the Project.

The USFS proposes to authorize Montanore Minerals Corporation (MMC) to conduct exploratory drilling for precious metals (e.g., silver and copper) in a proposed expansion of the existing Libby Adit within the Montanore Mine located in Lincoln County, Montana. Under the Project, MMC would dewater the Libby Adit and extend it by 4,200 feet beneath the USFS-managed Cabinet Mountains Wilderness to access the mineral deposits of interest. The Project includes expanding waste rock storage area (WRSA) #1 and construction of a second waste rock storage area, WRSA #2. Additional surface activities include construction of a waste rock sump (WRS), relocation of an existing soil stockpile, and year-round use and maintenance of the existing USFS access roads to the project area.

The EPA provided EA scoping comments to USFS in a November 9, 2022, letter.¹ At that time, we recommended the Draft EA provide a detailed description of baseline conditions, and an analysis of the Project's potential reasonably foreseeable impacts to environmental resources during all phases of exploration and Adit expansion (e.g., during construction, drilling, closure, and reclamation). We also recommended using the content of the pre-existing Plan of Operations for the Libby Adit and Montanore Mine to differentiate the mining and waste handling actions already implemented at the

¹ The EPA notes that while Section 1.4 of the EA mentions contacting the EPA on October 18, 2022, regarding an invitation to become a cooperating agency on the project, the EPA Region 8 NEPA Branch did not receive this request, and EPA is therefore not a cooperating agency on the Project.

site from those proposed by, or dependent upon, the Project, to keep the interpretation of impact distinct between the project alternatives.

Based on those previous scoping recommendations and our review of the Draft EA, our enclosed comments primarily focus on the analyses of (1) aquatic resources; (2) air quality; (3) noise, traffic and recreation impacts; (4) mitigation; and (5) reclamation and financial assurance. The EPA provides these comments for your consideration to improve the analysis and disclosure of impacts associated with each alternative in a manner that will allow for the decision-maker support determinations regarding the significance of impacts. We appreciate the opportunity to review the Draft EA for the Montanore Libby Exploration Project. If further explanation of our comments is desired, please contact me at (303) 312-6155 or mccoy.melissa@epa.gov, or Shannon Snyder, lead reviewer for this project, at (303) 312-6335 or snyder.shannon@epa.gov.

Sincerely,

Melissa W. McCoy, Ph.D., J.D.
NEPA Branch Manager

Enclosure

ENCLOSURE – EPA’s Detailed Comments on the Montanore Libby Exploration Project EA

Project Area

The Draft EA defines the “project area” as the existing surface footprint and the “project area activities” as the surface activities. The EA states:

“The project area is located on private property, and the existing [Montana Department of Environmental Quality] MDEQ-permitted disturbance at the site is 11.6 acres. MMC would complete all proposed activities in the project area within the existing MDEQ-permitted disturbance area (Figure 2-1); no new surface disturbance is proposed” (p. 2-1).

The maps in the EA also depict the project area as just the existing surface footprint which is relatively small compared to the entire extent of the underground activities. The underground activities that are part of the Project include dewatering, construction of an extension of the Libby Adit by approximately 4,200 feet, and construction of lateral drifts to conduct exploration activities, all of which have the potential for significant impacts to resources above and below the surface. Therefore, the total resource impacts being examined in the EA are inherently tied to these proposed exploration activities and we recommend incorporating these activities into each resource impacts analysis as part of the ‘project area activities’ referenced above. We recommend that all EA reference maps show the full extent of the project area for the sake of common reference and public communication.

Aquatic Resources

The EPA considers the analysis and protection of aquatic resources to be among the most important issues to be addressed in any NEPA analysis for mining activity. Though primarily underground, the project and its adit extension and drilling activities have the potential to adversely impact aquatic resources through mechanisms like aquifer intersection, subsidence, and complex groundwater/surface water interactions. We note these underground activities will take place in the Cabinet Mountains Wilderness Area. The aquatic resources of concern include surface waters, groundwater, wetlands, springs, seeps, and riparian areas and the supporting hydrology for any of these resources. Surface water in the Cabinet Mountains Wilderness Area overlying the ore body, such as the headwaters of the East Fork Rock Creek, Rock Lake, and East Fork Bull River, are considered outstanding resource waters under the Montana Water Quality Act. Additionally, the Libby Creek area immediately downstream of the project area has been designated as a critical habitat area for bull trout by the U.S. Fish and Wildlife Service (USFWS). The potential for significant impacts to sensitive aquatic resources highlights the need for a robust analysis to support determinations regarding the significance of impacts. It is with that in mind that we provide the following recommendations.

Water Quality Analysis

Further information is needed in the EA to provide a meaningful analysis of water quality and support the determination regarding the significance of impacts to water quality. The additional information pertains to waste rock management, water management, water treatment, existing water quality

conditions, predicted future water quality conditions, and uncertainties associated with predicted estimates.

Waste Rock Management (Section 2.1.3.2)

Waste rock would be produced by the project and stored in waste rock storage areas (WRSAs) at the surface. The Draft EA does not disclose the amount of waste rock that would be produced. Section 3.3.2.1 addresses how the waste rock will be managed and the potential impacts to surface and groundwater. We recommend describing in the Final EA how much waste rock would be produced by the adit expansion and how WRSA#1 and WRSA#2 will accommodate the amount of waste rock produced.

Water Management and Treatment (Section 2.1.3.4)

The Draft EA states that the estimated average adit water pumping rate would be 165 gallons per minute (gpm) and cites Piteau 2024 (Groundwater Model Report). We were unable to find this pumping rate in the version of the Groundwater Model Report sent to us by the USFS, which appears to be missing Appendix A and B. We recommend either identifying the basis for the average adit water pumping rate or attaching any missing appendices to the Groundwater Model Report in a publicly accessible repository prior to the publication of the Final EA. The uncertainties associated with the pumping rate estimate should also be disclosed in the EA so that the accuracy of the estimate is publicly understandable. In the Final EA, we further recommend describing the uncertainties associated with the predicted pumping rate and the accuracy and confidence of the 165 gpm estimate.

The Draft EA states that the water treatment plant (WTP; also identified as a ‘water treatment plan’ in the EA’s List of Acronyms and Abbreviations, so we recommend correcting this) would treat 165 gpm (or more during the first three to four weeks of dewatering) of pumped adit water (Section 2.1.3.4), as well as stormwater (Section 2.1.11.5) and runoff from the WRSAs (Section 3.3.2.1). The Draft EA does not describe how much stormwater and WRSA runoff is expected. This information and the basis for and the uncertainties associated with the adit pumping rate are needed to support the EA conclusion that the 500-gpm WTP would have sufficient capacity to treat all the contact water generated from the proposed project (p. 2-11). We recommend the Final EA identifies all the sources of contact water to the WTP and the estimated range of flow rates of each source in the water management section.

The Draft EA states that MMC would upgrade the WTP as necessary to treat parameters such as metals and nitrogen. The upgrades would include a moving bed biological reactor and associated chemical addition and clarification. The Draft EA asserts that this treatment technology would maintain compliance with the Montana Pollutant Discharge and Elimination System (MPDES) permit. However, no treatability information or literature references are provided to support this conclusion. In the Final EA, we recommend providing information that verifies that the proposed treatment system would be able to meet effluent limits.

Table 2-3 provides the MPDES permit effluent limits. Further information would improve the accuracy of the table. We recommend the Final EA clarifies whether the effluent limits in Table 2-3 apply to Outfalls 001 and 002 (or just 001) and attaching the current MPDES permit and associated fact sheet as appendices. We also recommend including in Table 2-3 limits for pH and total suspended solids (TSS). Adit discharges generally have limits for these parameters so they may have been inadvertently left off the table.

Table 2-4 provides the MDEQ water quality standards (WQS). Several parameters that could be present in contact water and water discharges are not included. In the Final EA, we recommend adding mercury and pH to the list of parameters in Table 2-4.

The MPDES permit concentration-based effluent limits (Table 2-3) are greater than the MDEQ WQS for all the parameters (Table 2-4). Therefore, it is not clear from the information in the Draft EA that the WTP discharge meets WQS and that water quality in Libby Creek will not be adversely impacted by discharges from the Project. The EPA considers a violation of WQS a significant impact under NEPA. In the Final EA, we recommend including an explanation of how effluent limits that are greater than the WQS are still protective of the WQS that apply to Libby Creek.

Surface Water Quality Affected Environment (Section 3.4.1.4)

The Draft EA states that metals concentrations in surface waters are generally low with a high percentage below detection limits. The EA does not provide numerical values of the concentrations or detection limits in comparison to water quality standards. The discussion of the quality of Libby Adit water is similarly qualitative. The conclusions in the EA related to existing water quality would be better supported by inclusion of quantitative water quality data in comparison to detection limits and WQS. In the Final EA, we recommend providing the following information:

- Tables that show the ranges of surface water quality concentrations in comparison to detection limits and water quality standards for each parameter analyzed and quantify the number and magnitude of any WQS exceedances within that range.
- Table that shows the ranges of concentrations in Libby Adit water in comparison to detection limits and WQS for each parameter analyzed.

Groundwater Affected Environment (Section 3.4.1.2)

The Draft EA does not describe the groundwater classification in the project area or include a discussion of Montana's Groundwater Rule. We recommend the Final EA discloses the groundwater use/classification within the project area to clarify whether there are drinking water resources to consider under the impacts analysis. We also recommend including a discussion of Montana's groundwater rules and disclosing whether the groundwater is regulated under the Safe Drinking Water Act (SDWA). If it is regulated under the SDWA, then we recommend identifying the maximum contaminant levels.

To inform the impacts analysis for groundwater quality, we recommend that the EA provide additional evaluation of groundwater existing conditions. The Geochemical Environmental Consequences analysis

(Section 3.3.2.1) provides brief detail stating that there may be some increase of nitrate and ammonia during blasting and “in situ measurements of the nutrients ammonia, nitrate, and nitrite illustrate how nutrient release has been associated with prior mining of waste rock” (p. 3-14). In the Surface Water Quality Section (3.4.1.4) there is a brief discussion stating that metals are frequently at or below detection limits. However, there are no data presented and no comparison to relevant environmental thresholds. We recommend the Final EA incorporates a summary of the Groundwater Model Report Groundwater Chemistry analysis (Section 2.6) to more thoroughly discuss the groundwater existing conditions in the NEPA document.

Surface Water and Groundwater Environmental Consequences (Section 3.4.2.1)

A groundwater model was used to estimate changes in groundwater and surface water hydrology associated with the Project. The Draft EA concludes that no drawdowns within the precision of the groundwater model are predicted to occur at groundwater-dependent ecosystems (GDEs), lakes, or springs. We appreciate the statements in the Draft EA that the groundwater model was implemented conservatively. Further information in the EA about uncertainties associated with the model would help readers and decisionmakers understand the accuracy and confidence of model results, especially for predictions about groundwater and surface water changes at 10 years and at 100 years. In the Final EA we recommend describing the precision of the groundwater model and summarizing the uncertainties and sensitivities discussed in the Groundwater Model Report, the model inputs, and the confidence that should be placed in model results. In addition, the Draft EA further does not provide information about or a summary of results from predictive modeling related to groundwater quality. In the Final EA, we recommend providing a summary of the modeling results related to groundwater quality.

The Draft EA states that “While metals may increase, the impacts are anticipated to be negligible because of low ambient concentrations, treatment to ensure that water quality standards are not exceeded, and potential effects would decrease with distance downstream” (p. 3-20). Further, it states, “The Project may increase concentrations of nitrogen and phosphorus in Libby Creek” (p. 3-20). However, the EA does not provide any numerical estimates of predicted surface water quality concentrations due to the proposed project to support these statements or conclusions that water quality impacts will be negligible. In the Final EA, we recommend providing the following information:

- Tables that provide the estimated water quality concentrations of the adit water, WRSA runoff/seepage, and combined water quality in the holding pond before water treatment.
- A table that shows the estimated surface water quality concentrations in Libby Creek during Project implementation for each metal, nitrogen, and phosphorus in comparison to surface water quality standards.
- Describe what is meant by concentrations would decrease downstream, specifically does this mean that a mixing/dilution zone is being applied.

Fugitive dust is a source of potential impacts to surface water quality. This does not appear to be addressed in the Draft EA. In the Final EA, we recommend disclosing potential impacts of fugitive dust from project implementation on surface water quality.

Appendix B in the Draft EA, the Monitoring Plan, mentions the potential for unexpected water strikes to occur. Section 2.2 of the Monitoring Plan notes that monitoring measures will be taken to proactively avoid water strikes. However, in the EA there is no discussion of the potential impacts of water strikes to surface water, shallow, or intermediate groundwater and aquatic life dependent on these water resources. We recommend the Final EA evaluates any potential effects that could result from unexpected water strikes. We also recommend including the monitoring and mitigation measures outlined in the Groundwater Model Report in Section 3.4.3 into the Final EA under Applicant Committed Environmental Protection Measures.

Wetlands and Waters of the U.S. Environmental Consequences (3.11.2.1)

The Libby Lakes are treated as a single surface water resource in some sections of the Groundwater Model Report, and in Section 3.11 of the Draft EA, yet it is acknowledged in other sections of the EA (i.e., Section 3.4.1.1) that these are three separate lakes or tarns (also known as alpine ponds). The Upper Libby Lake is of particular interest because it appears to intersect the proposed adit expansion in Figure 2.2 of the Groundwater Model Report which may indicate a higher potential for dewatering at the Upper Libby Lake.

Section 3.11.2.1 of the EA acknowledges that:

“Indirect effects on wetlands, springs, and seeps may occur during adit dewatering. The spring discharge points at GDE-1, GDE-2, GDE-3, and SP-4R are thought to be sourced by shallow discontinuous groundwater systems that are less likely to be connected to the deeper continuous bedrock system. No drawdowns within the precision of the groundwater model are predicted to occur at GDEs, lakes, or springs at the end of dewatering, 10 years after the end of dewatering, or 100 years after the end of dewatering (Piteau 2024).”

GDE-1 may be more significantly impacted by any expansion adit dewatering near Upper Libby Lake than other spring discharge points. The regional topography shown in Figure 3-4 suggests that gravity may drive flow from the upper lake into the “shallow discontinuous groundwater system” mentioned above that supports baseflow to GDE-1.

It is unclear how the potential intersection of the Upper Libby Lake with the adit expansion was considered under the groundwater modeling effort when the adit dewatering proposed may significantly impact the hydrologic balance currently supporting the Upper Lake and GDE-1 compared to model scenarios which assume uniform drawdown rates surrounding all spring discharge points. The dewatering could also potentially change hydraulic conductivity within any currently inundated geologic units and macropores (i.e., faults and fractures) that exist between the proposed adit extension and the Upper Libby Lake. In the Final EA, we recommend discussing Upper Libby Lake in greater detail in Section 3.4.2 of the EA and acknowledging potential impacts to alpine ponds and GDE-1 not captured due to potential groundwater model sources of error in the wetlands and Waters of the U.S. impacts reported in Section 3.11.2. We also recommend discussing the magnitude of the

potential impacts to the Upper Libby alpine pond in these sections. This should help inform and support determinations regarding the significance of impacts to these water resources.

Fugitive dust is a source of potential impacts to wetlands. This does not appear to be addressed in the Draft EA. In the Final EA, we recommend disclosing the potential impacts of fugitive dust from project implementation on wetlands.

Air Quality

Affected Environment (Section 3.1.1)

The Draft EA provides the attainment status for air quality in Libby and Lincoln County stating that the EPA designated Libby nonattainment for the 24-hour PM_{2.5} National Ambient Air Quality Standards (NAAQS). The EA also states that parts of Lincoln County, including Libby, are designated maintenance for the 24-hour PM₁₀ NAAQS. The CAA and the EPA's General Conformity regulation require that the USFS conduct a General Conformity analysis, and conformity determination as appropriate, for any project emissions from federal actions in the planning area that will occur within the boundary of the nonattainment and maintenance areas. The General Conformity program under 40 CFR Part 93 subpart B implements CAA section 176(c), which prohibits federal agencies from supporting federal activities that affect nonattainment or maintenance areas unless the emissions will not: (1) cause or contribute to new violations of NAAQS; (2) worsen existing violations of the NAAQS; or (3) interfere with attainment or maintenance of the NAAQS. We recommend the Final EA identifies whether any project-related emission-generating activities fall within the nonattainment and maintenance areas and so whether General Conformity applies to the Project. If General Conformity does apply, we recommend carrying out the General Conformity analysis in the EA to further inform on the impacts of the project to air quality and support the EA's conclusion that the approval of the project will have no significant effect on the Libby area's criteria pollutant ambient concentrations.

Environmental Consequences (Section 3.1.2.1)

The Draft EA states that air impacts were modeled for the current Montana Air Quality Permit and that the model assumptions included full mine development scenarios and Tier 2 generators. It's uncertain exactly what sources were modeled for the permit because the air quality modeling report was not included in the Draft EA. We recommend the Final EA includes as an appendix the report for the air quality impact modeling to which the EA refers. In addition, the Draft EA states that the modeling indicated that PM₁₀ impacts to the nonattainment area are well below the Significant Impact Levels (SILs). We recommend the Final EA also indicates whether the modeling for the 24-hour PM_{2.5} is also below the SIL, especially given that the Libby nonattainment area for the 24-hour PM_{2.5} NAAQS is nearby.

The NEPA analysis should assess all Project-related impacts to air quality, including those that are not regulated by state air permitting. In addition to a Prevention of Significant Deterioration (PSD) permit impact analysis, the NEPA analysis should account for additional emitting activities beyond the permitted stationary sources. Quantitatively estimating the emissions for the Project (including

consideration of, e.g., types of emissions-generating equipment, number of truck trips) is key to disclosing what impacts may be and whether they have the potential to create air quality impacts to local communities, recreationalists, and resources. In the Final EA, we recommend including:

- (1) a clear plan for implementation of project activities for each year of the project.
- (2) an emissions inventory for each year of the project estimating air pollutant emissions using emission factors based on the planned schedule and necessary equipment.
- (3) an assessment of the impacts of these emissions to human health and the environment. As part of such an assessment, we recommend contextualizing these emissions, for example, by comparing them to other typical sources of emissions so that the outputs of these analyses can be translated to more meaningful outcomes that the public can understand.

Examples of potential air emissions associated with the Project include blasting, gasoline and diesel emissions from equipment, emissions from idling equipment, and emissions from vehicles traveling on paved and unpaved roads. We also recommend the Final EA includes an estimation of hazardous air pollutant emissions (HAPs) and an evaluation of impacts based on relevant health-based risk thresholds for HAPs.

Applicant Committed Environmental Protection Measures (ACEPMs)

Air Quality ACEPMs (Section 2.1.11.1)

The Draft EA provides general examples of air quality best management practices, e.g., “dust abatement, limiting disturbance and concurrent reclamation” (p. 2-16). We recommend the Final EA contains specific air quality ACEPMs, for example:

- Limit idling of heavy diesel equipment and transportation vehicles.
- Require heavy diesel equipment to use cleanest available engines or retrofits with diesel particulate control technology.
- Requirements for maintenance of engines.
- Minimize fuel use and emissions by establishing central staging areas and reducing truck trips.

Very limited information is provided related to dust abatement. The Draft EA only states that a chemical stabilizer or groundwater would be used to control dust. However, it is not clear which dust abatement procedures would apply to the different project components. Further information is recommended in order to evaluate the effectiveness of dust control. In the Final EA, we recommend describing:

- The specific dust prevention or control measures that would be applied to the areas of surface disturbance including WRSAs and roads.
- If chemicals are proposed, disclose the type of chemical (and include it in Table 2-6) and potential impacts of the chemicals to water quality and wildlife resources.

Surface Water Quantity ACEPMs

The Draft EA does not include any ACEPMs for water quantity such as changes to surface water flows or seeps and springs if different than those predicted in the EA. Since the predictions in the EA are based on modeling over a 100-year timeframe, there could be impacts that are different than predicted due to modeling or groundwater uncertainties and changes to environmental conditions. We appreciate that the monitoring of groundwater levels and surface water flows are required during project operations and reclamation. The Final EA would be strengthened by including an ACEPM that includes additional monitoring and adaptive management to address changes in surface water flows during project operations, reclamation, and post-closure if surface water flows are reduced beyond the model predictions.

Noise, Traffic, and Recreation

Noise

For the affected environment analysis, the Draft EA cites an ambient noise study conducted in 1988 five miles east of the project area. Based on this analysis the Draft EA concludes that it is unlikely ambient noise has changed much since that study (p. 3-25). The USFS-authorized activities on the Forest have increased since those studies. The 2020 Kootenai National Forest Land Management Plan (LMP) Revision Final EIS indicated the purpose for revising the LMP is that conditions and demands had changed on the Forest.² For example, motorized recreation has increased on the Forest since 1988 (FEIS p. 32) and we note the National Forest System Roads (NFSRs) in the analysis area are open to motorized recreation which can increase traffic and noise in the analysis area. Relevant and recent baseline information are the basis for measuring and understanding impacts. We recommend providing the basis for the conclusion that ambient noise levels have not changed since that 1988 study, providing more recent data and analysis from the analysis area, or a rationale for this conclusion.

In addition, the noise impact analysis in the Draft EA concluded, “Because of MMC’s mandatory speed limit [i.e., 25 miles per hour to limit noise levels below 80 decibels], the seasonal gate closure, and existing landscape [i.e., forested vegetation], noise impacts from the Project are expected to be minimal along the access corridor from U.S. 2 to the project area” (p. 3-26). We note that 80 decibels is close to the threshold for what is considered damaging to human health³ and these noise levels may have impacts on wildlife.⁴ We also note that the seasonal road closure at the gate on NFSR 231 is only from April 1 – May 15, therefore it would have minimal impact on decreasing overall ambient noise and noise-related impacts to recreationalists and wildlife in the analysis area the rest of the year. While EPA supports the use of best management practices, it is not a substitute for a more complete and accurate effects analysis. Using best available data, we recommend evaluating the impact the Project will have on noise levels in the analysis area so that the decisionmaker can determine if further

² “In late 2000, the forest supervisor determined that revision was needed because significant changes had occurred in conditions and demands” (FEIS p. ii)

³ See https://mgaleg.maryland.gov/cmte_testimony/2024/ecm/117X18LiLthdHKhxoqw3LAFT_0-LwKMXh.pdf.

⁴ See https://www.nps.gov/subjects/sound/effects_wildlife.htm.

mitigation measures are needed to prevent significant impacts to sensitive resources (e.g., wildlife and recreationalists) in the project area.

Traffic and Regional Recreation

The Draft EA indicates that between 2018 and 2022 MMC employees and contractors made approximately 270 trips per year or 5 trips per week to the project area, and that existing MMC traffic is approximately 0.5 percent of the current traffic volume on NFSR 231. The Project appears to significantly increase MMC traffic over the No Action:

“Traffic associated with the dewatering and rehabilitation portion of the Project (years 1 to 2) is anticipated to average 34 trips per week with each trip consisting of two passes along U.S. 2, NFSR 231, and NFSR 2316 between the project area and Libby, Montana. The Project would generate a total of 1,760 trips per year for the first two years of the Project. For the exploration and reclamation portions (years 3 to 11) of the Project, there would be approximately 48 trips per week for a total of 2,490 trips per year. During the monitoring portion of the Project (years 12 to 16), the Project would generate 12 trips per year” (p. 3-61).

While the analysis concludes that there would only be a 4 percent increase above current traffic volumes on NFSR 231 and NFSR 2316, it is not clear that the impacts in the analysis area would be minor and temporary. In the Recreation analysis in Section 3.6, the Draft EA indicates traffic would increase the number of potential encounters along the road and downgrade the Recreational Opportunity Spectrum (ROS) for NFSR 231 in the summer, and that NFSR 2316 would experience a downgrade during the summer and winter. While information on the ROS is useful for understanding how the Project might impact the classes of outdoor recreation opportunity environments, the analysis does not evaluate the potential impacts on the recreational user (e.g. OHV users, bicyclists, hikers, snowmobilers, etc.). Increased traffic during project implementation may be expected to result in diverse challenges regarding traffic safety and recreational enjoyment when these vehicles meet with recreationalists on NFSRs between the project area and U.S. 2. We recommend the Final EA includes a rationale for how the USFS concluded impacts would be minor and temporary while considering the magnitude of increase in traffic, the ROS downgrades, the timeframe for the highest intensity impacts (11 years), and the impacts those changes may have to recreationalists. We further recommend engaging with local stakeholders to determine how to best avoid and minimize any potential adverse traffic-related impacts to human health and safety in the analysis area.

Mitigation

The Draft EA and Plan of Operations only generally refers to mitigation measures. Understanding the mitigation plan is important factor in determining potentially significant environmental impacts of the Project. We recommend the EA identifies the appropriate mitigation, control measures, and stipulations that will be applied to project activities including what entity will be executing the mitigation, inspection schedules, documentation procedures, and accountability processes. With these considerations in mind, we recommend the Final EA includes the following information for each mitigation measure:

- A description of any proposed mitigation and its expected effectiveness.
- A monitoring plan for any proposed mitigation measures which includes specific temporal milestones to ensure timely implementation and maintenance.
- Designation of the entity responsible for implementing the mitigation and identification of how USFS or another government entity would ensure that the mitigation would be monitored to ensure timely and correct implementation as well as timely maintenance.
- Identification of funding sources and the financial assurances established within Project permits.

Reclamation and Financial Assurance

The Project Plan of Operations contains references to potential reclamation and bonding for the site but many of these details have not been incorporated into the Draft EA. Understanding reclamation is critical to informing the public and decision-makers of the financial risk to the public posed by conditions at the site, and the viability of the reclamation/closure activities is an important factor in determining potentially significant environmental impacts of this Project. Using the Plan of Operations, applicable permits, and other sources of available information, the EPA recommends the Final EA expands on its description of the reclamation management actions for the Project, specifically:

- Consider any warranted mitigation for changes to local hydrology and subsidence in the case that actual effects exceed what was analyzed in the EA;
- Specify the timing of the relevant reclamation measures;
- Include standards for determining, and means of assuring, reclamation success; and
- Include the means of assuring that all maintenance required for reclaimed areas would continue after operations cease or while operations are suspended.

The amount and viability of financial assurance are critical factors in determining the effectiveness of reclamation and closure activities. Despite the smaller size of the proposed exploration action, financial assurance remains a critical public planning tool for all mining projects. The Plan of Operations includes information on bonding (p. 50) and we recommend this information is incorporated into the Final EA along with the following information:

- Disclose the estimated cost to reclaim and close the site in a manner that achieves reclamation goals and post-exploration land use objectives;
- Identify the proposed financial assurance mechanisms and disclose costs associated with implementing the reclamation plan, including costs associated with reasonably foreseeable, but not specifically predicted outcomes; and
- Ensure that financial assurances are protective of the public interest if MMC is unable to implement contingency measures or perform any long-term maintenance and monitoring needed to protect public resources.