

June 12, 2026

Kathy Bushnell

Helena District Ranger
2880 Skyway Drive
Helena, MT 59602

Re: Blue Copper Mine Draft EA

Dear Ranger Bushnell,

Please accept these comments additional comments from me on behalf of the Alliance for the Wild Rockies (AWR), Council on Wildlife and Fish, Center for Biological Diversity and Native Ecosystems Council (NEC) on the Draft EA for the proposed Blue Copper Mine Project.

Please consult with the Montana State Historic Preservation Office to ensure the project complies with the National Historic Preservation Act.

The Continental Divide National Scenic Trail (CDNST) was designated by Congress as a National Scenic Trail in 1978, and the Forest Service was given the responsibility to manage the trail. The CDNST crosses the project area. There is no mention in the Draft EA of how the Blue Copper Mine Project will affect the CDNST. The CDNST is federally protected by the [National Trails System Act of 1968](#). What will the Forest Service do to protect the CDNST? Please demonstrate that the project complies with the National Trails System Act of 1968.

The U.S. Forest Service is required to protect the CDNST from mining by enforcing strict environmental reviews, evaluating operational impacts, and maintaining designated scenic and natural integrity objectives within the trail's surrounding landscape.

Pages 2-4 of the CDNST Comprehensive Plan states:

C. Purpose of the Comprehensive Plan

Preparation of the Comprehensive Plan for the CDNST is required by the National Trails System Act, P.L. 90-543 enacted on October 2, 1968 as amended. The National Environmental Policy Act (NEPA) and the implementing regulations for each of the Federal agencies with responsibilities for the CDNST require assessment of the environmental impacts of locating the CDNST. In addition, each of the Federal agencies is required by various Acts of Congress to prepare and implement land and resource management plans for the Federal lands over which they have jurisdiction. Because of the number of Federal and state land management agency jurisdictions and various political subdivisions traversed by the CDNST the Secretary of Agriculture intends that the and resource management plans for the Federal lands over which they have jurisdiction. Because of the number of Federal and state land management agency jurisdictions and various political subdivisions traversed by the CDNST the Secretary of Agriculture intends that the Comprehensive Plan provide for a fully coordinated approach by each of the responsible Federal and State agencies for the location, development, and management of the CDNST. It is the goal of this Comprehensive Plan to provide a uniform CDNST program that reflects the purposes of the National Scenic Trail system, and allows for the use and protection of the natural and cultural resources found along the rights-of-way and located route on lands of all jurisdictions. The National Trails System Act (16 U.S.C. 1244(f)) details the requirements of the Comprehensive Plan.

A comprehensive plan for the management and use of the trail is to include, but not limited to, the following items:

- 1. Specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for national scenic or national historic trails an identified carrying capacity of the trail and a plan for its implementation;***
- 2. The process to be followed by the appropriate Secretary to implement the marking requirements established in section 7(c) of this Act;***
- 3. A protection plan for any high potential historic sites or high potential route segments; and***
- 4. General and site-specific development plans, including anticipated costs.***

II. PURPOSE OF THE CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

A. Nature and Purposes Description

The 1976 Study Report describes the purposes of the CDNST:

The primary purpose of this trail is to provide a continuous, appealing trail route, designed for the hiker and horseman, but compatible with other land uses. . . . One of the primary purposes for establishing the CDNST would be to provide hiking and horseback access to those lands where man's impact on the environment has not been adverse to a substantial degree and where the environment remains relatively unaltered. Therefore, the protection of the land resource must remain a paramount consideration in establishing and managing the trail. There must be sufficient environmental controls to assure that the values for which the trail is established are not jeopardized. . . . The basic goal of the trail is to provide the hiker and rider an entree to the diverse country along the Continental Divide in a manner, which will assure a high quality recreation experience while maintaining a constant respect for the natural environment. . . . The Continental Divide Trail would be a simple facility for foot and horseback use in keeping with the National Scenic Trail concept as seen in the Appalachian and Pacific Crest Trails.

In 1997, memorandum from the Deputy Chief of the Forest Service to Regional Foresters clarifies the Forest Service's intent with respect to motor vehicle use on newly constructed CDNST trail segments. In addition, this memorandum identifies the importance of understanding the nature and purposes of the CDNST in establishing direction governing its development and management:

As the CDNST is further developed, it is expected that the trail will eventually be relocated off of roads for its entire length. The memorandum further states: It is the intent of the Forest Service that the CDNST will be for non-motorized recreation. . . . Allowing motorized use on these newly constructed trail segments would substantially interfere with the nature and purpose of the CDNST.

In 2004, the Council adopted the following guiding principles for the CDNST:

Complete the Trail to connect people and communities to the Continental Divide by providing scenic, high-quality, primitive hiking and horseback riding experiences, while preserving the significant natural, historic, and cultural resources along the Trail.

In 2009, the amended Comprehensive Plan describes the nature and purposes of the CDNST: The nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor. provide for a fully coordinated approach by each of the responsible Federal and State agencies for the location, development, and management of the CDNST. It is the goal of this Comprehensive Plan to provide a uniform CDNST program that reflects the purposes of the National Scenic Trail system, and allows for the use and protection of the natural and cultural resources found along the rights-of-way and located route on lands of all jurisdictions.

The National Trails System Act (16 U.S.C. 1244(f)) details the requirements of the Comprehensive Plan.

A comprehensive plan for the management and use of the trail is to include, but not limited to, the following items:

- 1. Specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for national scenic or national historic trails an identified carrying capacity of the trail and a plan for its implementation;*
- 2. The process to be followed by the appropriate Secretary to implement the marking requirements established in section 7(c) of this Act;*
- 3. A protection plan for any high potential historic sites or high potential route segments; and*
- 4. General and site-specific development plans, including anticipated costs.*

Please demonstrate the the Blue Copper Mine Project complies with the Continental Divide National Scenic Trail Comprehensive Plan's purpose of providing for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor.

Please explain how a mining company drilling 24 hours a day, 7 days a week would provide for high-quality scenic, primitive hiking and horseback riding opportunities and conserve natural, historic, and cultural resources along the CDNST corridor.

Please find a copy of the Continental Divide National Scenic Trail Comprehensive Plan attached.

Please also find attached the "Updated Guidance for Continental Divide National Scenic Trail Plan Components" dated August 25, 2022.

Page 28 of the National Trails System Act states:

(f) Within two complete fiscal years of the date of enactment of legislation designating a national historic trail or the Continental Divide National Scenic Trail or the North Country National Scenic Trail, 15 as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the relevant Advisory Council established pursuant to section 5(d) of this Act, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be pre- served, details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for national scenic or national historic trails an identified carrying capacity of the trail and a plan for its implementation;

(2) the process to be followed by the appropriate Secretary to implement the marking requirements established in section 7(c) of this Act;

(3) a protection plan for any high potential historic sites or high potential route segments; and

(4) general and site-specific development plans, including anticipated costs.

Please include the NEPA analysis of the propsoed project a copy of the protection plan for the CDT and explain how the project complies with it.

Thank you for your time.

Sincerely yours,

Mike Garrity

Executive Director

Alliance for the Wild Rockies

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