Data Submitted (UTC 11): 6/29/2016 7:00:00 AM
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Comments: Attached please find Teck Washington's comments on the Forest Revised Plan and the DEIS. A hard copy will follow by certified mail.

June 29, 2016

VIA FIRST CLASS MAIL AND EMAIL

Colville National Forest Plan Revision Tearn 765 South Main St.
Colville, WA 99114

RE: Colville Revised Forest Plan and Draft Environmental Impact Statement Dear Sir or Madam:
Teck Washington Incorporated (Teck) is writing to provide comments on the Draft Colville National Forest Proposed Revised Land and Resource Management Plan (Jan. 2016) (hereinafter "Draft Revised Plan") and the related Draft Programmatic Environmental I mpact Statement ("Draft EIS"). Teck appreciates the Forest Service's continued efforts to seek stakeholder input. As discussed in more detail below, however, Teck remains concerned that the Forest Service improperly and imprudently proposes to recommend areas of significant mineral resource and mining activity for designation as wilderness or backcountry areas, and proposes to manage those areas in a way that will interfere with mineral exploration and development. The Draft EIS fails to include the required thorough analysis of these and related issues.
Teck's Operations i n Pend Oreille County

Teck, a wholly-owned subsidiary of Teck Resources Ltd., owns and operates the Pend Oreille Mine located two miles north of Metaline Falls, Washington. Since submitting our comments on the 2011 draft Forest Plan Amendment, Teck has reopened the mine and resumed operations at a production rate of 43,000 tonnes of zinc metal contained in concentrate per year.

In addition, Teck holds approximately 18,500 acres of property in Pend Oreille County either as fee land, leased mineral rights or mining claims. Of these, approximately 8,500 acres are located on federal lands managed by the Bureau of Land Management or the United States Forest Service. See Figure 1. These lands are highly mineralized and have tremendous potential to produce economic deposits of zinc and other minerals. Teck continues an active prospecting and exploration program in the area, and has identified several significant zinc deposits on its lands that it intends to mine in the future.

Both Teck's operations and the mining industry in general are very important to Pend Oreille County and the communities adjacent to the Colville National Forest. The Forest Service has acknowledged that the communities adjacent to the Forest rely upon employment in the natural resources sector. See Draft EIS at 654. Indeed, the 233 jobs provided by Teck's Pend Oreille Mine constitute almost ten percent of the jobs in the County. See https://fortress.wa.gov/esd/empl oymentdata/reports-publications/regional -reports/county profiles/pend-oreille-county-profile (Pend Oreille County that has only about 2780 jobs, and a

total civilian labor force of only about 4650 people). The Forest Service should carefully consider the implications for this important sector of the economy when it finalizes revisions to the Colville Forest Plan.

Comments Regarding the Revised Forest Plan

The Forest Service first proposed revisions to the Colville Forest Plan in 2011. In connection with that draft revision, the Service held several public meetings and accepted written comments. The Forest Service has now published another Draft Revised Forest Plan.

Unfortunately, the Forest Service has made no effort to acknowledge, address or respond to the comments submitted by Teck in 2011. At that time, Teck submitted detailed comments explaining its concerns about the Forest Service's proposal to recommend that mineral rich areas, including some areas covered by Teck's mining claims, be designated as wilderness.
See Comment Letter dated Sept. 19, 2011 (copy attached). The Forest Service's current proposal does not appear to have addressed Teck's concerns in any way. See Draft EIS at iv, 14-24. Nor did the Forest Service change its wilderness recommendations with respect to those areas of concern to Teek.

Teck continues to have serious concerns about the Forest Service's wilderness recommendations, its proposed approach to managing areas recommended for wilderness designation, and its recommendations for backcountry areas.

1.The Revised Forest Plan should acknowledge the historic and on-going role of mining i n the Colville Forest.

The Forest Plan itself fails to adequately acknowledge the important role mining has played and continues to play in the Colville Forest and surrounding communities. The first chapter of the Draft Revised Plan includes a section entitled "Roles and Contributions for the Colville National Forest." Draft Revised Plan at 19. This section identifies roles and contributions that the Forest makes at the international, national, regional, state and local levels. It includes important environmental roles and contributions, such as providing habitat for three protected wildlife species, as well as commercial and resources roles and contributions, such as providing the most concentrated timber processing area in the state. However, it inexplicably fails to mention the mineral resources available in the forest, and the historic and on-going mining activities.

Teck requests that this portion of the Revised Forest Plan be amended to acknowledge the mineral resources and mining activity. Consider the following:

*Provides important mineral resources supporting exploration and mining activity. The Colville Forest and surrounding areas is home to an historic zinc-lead mining district that has provided economic development for the region since the 1920s, and supplied strategic mineral reserves toward the U.S. war effort during World War II. This mineral resource area and mining district is the location of numerous mining claims, exploration activity and mineral production. It contains in-ground mineral wealth that holds potential for significant future mineral development.

The Revised Forest Plan should also include the exploration and development of locatable minerals among the "Desired Conditions" in the "Minerals" section of Chapter 2. See Draft Revised Plan at 70-71. Consider adding the following language:

FW-DC-MIN-04Locatable Minerals Availability
Prospectors should have adequate access and use of valid existing mining claims for prospecting and development of locatable minerals. Prospectors should have the ability to locate new mining claims in potential mineral resource areas that have not otherwise been restricted from mineral entry.

2.The Forest Service should not include mineral-rich areas near Metaline Falls in its wilderness recommendations.

The Forest Service's preferred alternative (Alternative P) now recommends that 68,300 acres of the Colville National Forest be added to the National Wilderness Preservation System. See Draft EIS at viii. The wilderness

recommendations include three areas identified as
Abercrombie-Hooknose (37,660 acres), Bald Snow (14,693 acres) and Salmo-Priest Adjacent (16,710 acres). Draft Revised Plan at 123. If these recommendations were adopted, they would more than triple the amount of wilderness area in the Colville forest, from its current 29,000 acres. See Preli minary Admi nistrative Wil derness Recommendation: I nformation for Proposed Action 5 (June 30, 2011).

Teck is concerned about the proposal to recommend adding areas east of Metaline Falls to the Salmo-Priest National Wilderness, and to recommend designating areas west of Metaline Falls as the Abercrombie-Hooknose Wilderness Area. In particular, Teck requests that the Forest Service remove the following sections of land from its proposed wilderness recommendations:

Sections 1, 2, 11, 12, T38N, R42E
Sections 25, 36, T39N, R42E
Sections 1, 8, 12, 13, 14, 17, 20, T39N, R43E
Sections 28, 29, 32, 36, T40N, R43E
Sections 29, 30, 31, T40N, R44E

There are mineral resources, exploration or development activity in or adjacent to these areas. These areas do not meet the criteria for wilderness designation, and the Forest Service has not provided any explanation for including these areas in its recommendations. Teck requests that these areas be removed from the Forest Service's wilderness recommendations.

a.The Forest Service has not justified i ts proposal to designate more wil derness in the Colville National Forest.

From time to time, the Forest Service has stated that there is "a need for additional wilderness opportunities in the Forest." USFS, Proposed Action for Forest Plan Revision: Colville National Forest 71 (June 2011). The Draft Revised Forest Plan sets forth the proposed wilderness recommendations without presenting any explanation or justification for them. See Draft Revised Plan at 123-25. In the Draft EIS it states that an evaluation for possible wilderness designation "showed a need for additional wilderness opportunities in the forest." Draft EIS at 47, lines 1596-97. Although the Forest Service repeats this claim, it neither explains it nor supports it with any data. In fact, the information provided by the Forest Service indicates that additional wilderness designations are not needed.

Stakeholders have to review dozens of different documents to try to understand why the Forest Service has decided to recommend that significant additional portions of the Colville Forest be designated as wilderness. Neither the Draft Revised Plan nor the Draft EIS explain the
proposed recommendations. Taken together, the documents released by the Forest Service fail to reveal a coherent justification for its proposal.

In the opening pages of the Revised Forest Plan, the Forest Service identifies three "priorityTeck
needs" that it says have motivated most of the plan revisions: (1) Vegetation and Fuels
Treatment, (2) Aquatic (Fish and Water) Systems, and (3) Wildlife Habitat. Draft Revised Plan at 8. These "needs" are never explained, but on their face, would not appear to justify the decision to recommend additional areas for wilderness designation.

The Draft EIS explains the Forest Service's reasons for revising the Forest Plan in only the most general terms:

Over the 25-year life of the forest plan, economic, social, and ecological conditions have changed. New laws, regulations, and policies are in place. Congressional direction, court decisions, conservation agreements, recovery plans, and scientific findings contribute to changed management conditions and support the need for revision.

Endangered Species Act species listings have been updated, and new information based on monitoring and scientific research is available.

Draft EIS at 2. This does not explain the proposal to recommend significantly increase the area designated as wilderness .

A few pages later, the Draft EIS identifies five "needs for change," some of which are the same as those needs identified in the Revised Plan: (1) Wildlife Habitat - a need to maintain or restore wildlife habitat, (2) Vegetative Systems - a need to manage forest vegetation to be more resilient; (3) Climate Change - a need to address climate change implications and vulnerabilities; (4) Social Systems - a need to address changed social and economic conditions; and (5) Aquatic and Riparian Systems - a need to improve watershed conditions. Draft EIS at
5-7.

Again, none of these "needs" would appear to justify the decision to recommend additional areas for wilderness designations. The only one that seems related is the need to maintain or restore wildlife habitat. The explanation of this need in the Draft EIS, however, does not refer to the wilderness recommendations. Draft EIS at 5. Although the areas recommended for wilderness designation currently provide wildlife habitat and would continue to do so, the Forest Service has stated that wildlife habitat is not the justification for the wilderness recommendations. See Preli minary Admi nistrative Wil derness Recommendation at 6 ("none of the species needed wilderness in order to survive"); i d.At 11 ("refugia is not a driving factor").

In 2011, when the Forest Service first published a draft recommendation for additional wilderness designations in the Colville Forest, it based the proposal on recreation: "On the Colville, additional wilderness was recommended due to a need to increase the availability of that recreational experience in the area." Preliminary Admi nistrative Wil derness Recommendation: I nformation for Proposed Action 3 (June 30, 2011).

Since 2009, however, the Forest Service has acknowledged data that disputes this claim that additional wilderness is required for recreation. In 2009, the Forest Service acknowledged that use of the current wilderness areas in the Colville Forest is "fairly light." Wil derness Evaluation: Abercrombie -Hooknose 13 (May-June 2009). In 2011, the Forest Service acknowledged that although 362,000 recreational visitors came to the Colville National Forest in 2009, only 1000 visited the existing wilderness area. USDA, Proposed Action for Forest Plan Revision: Colville National Forest 45 (June 2011).

With 29,000 acres of wilderness in the Colville Forest already available to the 1000 visitors, it is not at all clear why additional wilderness is proposed. The wilderness available is already substantial given the number of people who actually visit wilderness areas. Moreover, there are

an additional 1,470,000 acres of wilderness available in the nearby Okanogan-Wenatchee
National Forests. Preli minary Admi nistrative Wil derness Recommendation at 5. Washington State has a total of thirty-one Wilderness Areas, providing more than 4.4 million acres of Wilderness. See USFS, Forest Plan Revision of the Colville, and Okanogan-Wenatchee National ForeStS:' Briefing Wilderness Statistics. Indeed the only three states - Alaska,
California and Arizona - have more wilderness area designated than Washington. 19:.

Likewise, statements in the Draft Revised Plan and the Draft EIS suggest that the Forest Service no longer believes that additional wilderness area is needed for recreation. In the Draft Revised Plan, the Forest Service acknowledges that the Salmo-Priest Wilderness already provides "outstanding opportunities for solitude and isolation." Draft Revised Plan at 114.
Indeed, encounters with individuals or small groups are infrequent. Id. In the Draft EIS, the Forest Service concludes that there is already enough wilderness area to satisfy recreational demand:

The National Visitor Use Monitoring survey estimates that less than one percent of visits to the forest are to a designated wilderness area. None of the survey respondents reported overcrowding in designated wilderness during their visit. These findings suggest that current designated wilderness is adequate to satisfy recreational demand for wilderness.

Draft EIS at 660-61.

The Forest Service has simply failed to justify its proposal to recommend additional areas for wilderness designation. If the Forest Service insists on going forward with this recommendation, it must articulate its rationale and provide the public with a meaningful opportunity to comment upon that supposed rationale.

b.The Forest Service provides no justification for the specific wilderness recommendations.

Even if we assume that the Forest Service is correct in concluding that it would be desirable to designate additional areas in the Colville Forest as wilderness, the Forest Service has provided no justification for the particular recommendations contained in the Draft Revised Plan.

In 2011, the Forest Service explained its reason for recommending designation of the Salmo Priest Adjacent area east of Metaline Falls as follows:

Rationale: This area would add acres to the existing Salmo-Priest Wilderness, improving the overall wilderness setting, consolidating trails within wilderness, and improving boundary management is relatively important for fish, plant, and wildlife habitat and connectivity. It offers under-represented vegetation types and landforms. Trade-offs are few, but include mountain-biking and the range of tools available for vegetation manipulation. Most of the wildland urban interface and mining claims are excluded.

USFS, Preli minary Administrative Wil derness Recommendation I nformation for Proposed Action: Colville and Okanogan-Wenatchee Forest Plan Revision 16 (June 30, 2011).

Similarly, in 2011, the Forest Service explained its reason for recommending designation of the Abercrombi e-Hooknose area west of Metaline Falls as follows:

Rationale: This area provides a large wilderness-like setting, contributing a high quality primitive recreation experience with an existing trail system, which is a need on the

Forest. It is relatively important for wildlife habitat and connectivity. Wilderness
management is relatively helped by shape and size. It offers underrepresented vegetation types and landforms currently not widely found in the wilderness system. Trade-offs are few, but include mountain-biking which is not allowed in designated wilderness. Most of the wildland urban interface and mining claims are excluded. There is a cherry-stem with a private inholding that may affect management of wilderness.

These general paragraphs fall far short of the scientific findings required to support wilderness designation, the rarest and most protective designation in the National Forest System.
Moreover, they do not address the specific sections of land identified on page 3 of this letter.

c.Mineral-rich areas near Metali ne Falls do not meet the regulatory criteria for recommendi ng wilderness designation.

The area around Metaline Falls is an area rich in minerals. The Bureau of Land Management has identified the area as having "high locatable mineral potential." Figure 2 is a BLM map showing the bureau's assessment of

mineral potential in north eastern Washington counties, including Pend Oreille County. In fact, numerous acres of land, mining rights and claims are owned or leased by Teck and other mining companies in this area. See Figure 3. These areas near Metaline Falls do not satisfy the criteria for wilderness designation and designating them
as wilderness would be contrary to federal public land management policy.

The Forest Service has interpreted the statute to require wilderness to satisfy three tests: "capability, availability and need." Forest Service Handbook 1909.12, section 72 (2005). These tests are site-specific. The Forest Service should only recommend a particular area for wilderness designation if the area satisfies all three tests. In this case, the Forest Service has
not demonstrated that the recommended areas satisfy these tests generally, much less that the specific sections of land identified by Teek at page 3 above satisfy these tests. They do not.

(1).The recommended areas are not "untouched by human activity."

Wilderness areas should be areas that are untouched by human activity. According to the National Wilderness Preservation System statute, wilderness is "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." 23 U.S.C. § 1131(c).

To be capable of being designated as wilderness, an area must have wilderness characteristics. This means it must be free of human disturbance or development, have natural integrity, provide solitude and offer special features, such as areas with unique geological, scenic or cultural significance. See Forest Service Handbook 1909 .12, section 72.1. An area of historic and on going mining activity and mineral exploration lacks the pristine natural character and solitude necessary to be considered capable of being wilderness. Although the Wilderness Recommendation Information document states that both the Salmo-Priest adjacent area and the Abercrombi e Hooknose areas are "generally naturally appearing," it also incorrectly implies that all mining claims have been excluded from the wilderness recommendations. See Preliminary Admi nistrative Wilderness Recommendation at 10, 12, 16.

Pend Oreille County and the Metaline Mining District in particular have a long history of commercial mining. Mining activity in the area dates back to the mid-nineteenth century. Lehigh Cement Company began the first large-scale commercial mining operation in 1904, and several lead and zinc mines followed. More than 20 commercial mines have operated in the district and at one point; the Metaline Mining District was the 12th largest lead and zinc producer in the United States.

Teck is particularly interested in the areas near the existing Pend Oreille Mine - see specific sections identified at page 3 above. Teck affiliates hold approximately 18,500 acres in Pend Oreille County as fee land, leased mineral rights or mining claims. A map showing Teck's mineral interests is attached as Figure 1. As shown in Figures 4(a), (b) and (c), many of Teck's mining claims are found on Forest Service lands that are included in the proposed wilderness recommendations .

(2).The recommended areas are not "available" for wilderness designation.

To determine whether a particular area is avail able for wilderness designation, the Forest Service must evaluate "how wilderness designation would be beneficial or detrimental to various resource values." USFS, Northeastern Washi ngton Forest Plan Revision: Wil derness Recommendation Process 2 (2011). Although designating a particular area as wilderness might protect certain recreational opportunities, the area should not be considered available if the area has other important values, such as a significant mineral potential. For this reason, the Forest Service Handbook indicates that highly mineralized areas should not generally be considered available for wilderness designation. Forest Service Handbook 1909 .12, section 72.21. The Forest Service has not provided this analysis.

Teck's Pend Oreille zinc mine lies near the center of the Kootenay Arc, a geologic feature extending from British Columbia to Northeast Washington and characterized by numerous base metal deposits. Our geologists also believe that similar deposits exist in the adjacent public property. A wilderness designation, however, would likely preclude any investigation of the mineral potential.

The mineral potential of this district has been researched for over 60 years by the state and federal governments. The United States Geologic Survey has directed two separate Professional Papers (Numbers 202 and 489) be written to evaluate the district. USGS geologist
A.E. Weissenborn summarized the potential as follows: "Only a small part of the Metaline District in the vicinity of the existing mines has been explored except by widely scattered drill holes. This amounts to a small part of the area ... that is potentially favorable for ore." In 1959, he testified before the Federal Power Commission, "it is not impossible that the ultimate production will exceed 146 million tons."

Teck plans to use geologic and geophysical methods to explore its property holdings to identify the areas of greatest mineral concentration. Teck will sample the areas and collate the data into a geologic description. Engineers will then estimate production methods and costs and we will perform an economic analysis of the minerals discovered. Teck intends to mine these deposits as market conditions allow.

The Forest Service has previously acknowledged the mineral resources and mining activities that it now proposes to recommend for wilderness designation. The 2011 Wilderness Recommendation Information document acknowledged that there are numerous mining claims in the Salmo-Priest Adjacent area and that one mining plan has been filed. Preliminary Administrative Wilderness Recommendation at 16. These areas should not be considered available for wilderness designation.

In 2009, the Forest Service acknowledged that the proposed wilderness areas in the Abercrombie Hooknose areas included "several important areas ...with moderate to high potential" for locatable minerals. Wil derness Evaluation: Abercrombi e-Hooknose 12 (May-June 2009). The 2011 Wilderness Recommendation Information document also acknowledged that there are "[m]any active mineral claims on the periphery" of the Abercrombie Hooknose area.

Preliminary Admi nistrative Wilderness Recommendati on at 12. Again the document states that
most of these mining claims have been excluded from the recommendation, but the maps depicting the recommended areas appear to include many of Teck's mining claims. See Figure 4(a).

The current and planned mining activity in these areas makes them "unavailable" for wilderness designation under the Forest Service's standards. They should be removed from the recommendations in the Revised Plan.

(3).There i s no "need" to designate the recommended areas.

To be designed at wilderness, an area must be needed to provide additional wilderness values. This requires a site-specific analysis. The question is not simply whether more wilderness is needed generally, but whether there is a need to designate a particular area as wilderness. For example, a particular area might be needed to provide specialized habitat for plants or animals, or to protect unique scientific values. See U.S. Forest Service, Northeastern Washi ngton Forest Plan Revision: Wil derness Recommendation Process at 3.

As explained above, the Forest Service has not presented any information to support its claim that more wilderness is needed in Eastern Washington or in the Colville Forest generally, much less that there is a need for the particular areas being recommended. Teck has identified a small subset of the proposed wilderness recommendations as areas of concern - see sections of land identified at page 3 above - and the Forest Service has not provided any explanation suggesting there is a need to justify these areas as wilderness. These

important mining areas should not be designated as wilderness when other areas could provide the same or similar wilderness benefits.

d.The proposed wilderness designations would interfere with significant mining activities.

Congress has long declared as a matter of policy that the Federal Government shall "foster and encourage . . . the orderly and economic development of mineral resources."30 U.S.C. § 21a. Public lands, in particular, are to be "managed in a manner which recognizes the Nation's need for domestic sources of minerals." 43 U.S.C. § 1701(12).

Forest Service policy reflects these statutory commands through the concept of "multiple use." When it comes to planning, Forest Service regulations provide that the "first priority for planning to guide management of the National Forest System is ... to provide for a wide variety of uses, values, products and services. 36 C.F.R. §219.2(a).

The proposed wilderness recommendations are directly contrary to these statutory and regulatory commands. Important mineral resources on federal lands should be available for economic extraction. Experience has shown that mining can coexist on federal lands with other uses and values. Designating areas with valid mining claims as wilderness would be contrary to stated Congressional and Forest Service policy.

Once portions of the forest are designated as Wilderness, the areas would be withdrawn from mineral entry. Draft EIS at 546. Three percent of the Colville Forest is currently withdrawn from mineral entry. Id. The preferred alternative would triple that amount, prohibiting mining activities in nine percent of the forest.

If the Draft Revised Plan recommends additional wilderness designations, the Plan will immediately restrict activities in those areas in order "that the wilderness character and potential

tor each area recommended is to remain intact until congressional action is taken." Draft EIS Jeck 47, lines 1601-03.

The wilderness recommendations in the Draft Revised Plan also concern Teck because of the possible implications for fire response in areas adjacent to Teck's operations and claims. Teck understands that the Forest Service does not generally fight fires in designated wilderness. See Draft Revised Plan at 115 (in wilderness areas "fire functions as a natural ecological process").
If that is the case, designating wilderness areas near or adjacent to Teck's mining and exploration activities, could put Teck's facilities and properties at risk. Teek asks that the Forest Service remove some of these areas from its wilderness recommendations so that there is an appropriate buffer around Teck's operations and claims.

e.Areas should not be Class I Wil derness Areas

The Forest Service notes in the Revised Draft Plan that it is responsible from protecting national forests from adverse effects of air pollution. The Clean Air Act and its implementing regulations establish different levels of ambient air quality protection depending upon whether an area is designated as a Class Iarea or a Class II area. Most areas are Class II areas. Some Wilderness Areas can be designated as Class I areas if they are "special areas of natural wonder and scenic beauty." Revised Draft Plan at 25. The Colville Forest's current wilderness area - the Salmo-Priest Wilderness - is a Class II area, not a Class Iarea. The Forest Service should make clear that its proposed recommendations for wilderness areas would likewise be Class II areas. The Forest Service has not included analysis that would be necessary to designate a new Class I area.

3.The Forest Plan should not propose to manage recommended areas as if they were designated wilderness.

Only Congress can designate wilderness areas. If and when Congress does so, those areas must be preserved and protected as required by federal statute. The Forest Service should not try to circumvent this statutory process by imposing wilderness-like restrictions in those areas before Congress acts.

As explained above, the Draft Revised Plan proposes to immediately restrict activities in areas recommended for wilderness designation in order to "that the wilderness character and potential for each area recommended is to remain intact until congressional action is taken." Draft EIS at 47, lines 1601-03. This likely means restricting access and other changes that will make further mining activity infeasible or impractical.

In addition to precluding mineral activities, Teck is concerned that the proposed wilderness recommendations may result in a change in the Forest Service's response to fire in areas near or adjacent to Teck's property. The Draft Revised Plan states that "[f]ire management activities shall be conducted in a manner compatible with maintaining wilderness characteristics (minimal impact suppression tactics)." Draft Revised Plan at 124. If that is the case, the proposed wilderness recommendations could put Teck's facilities and properties at risk. By excluding some of these areas from its recommendations, the Forest Service could create an appropriate buffer around Teck's operations and claims.

4.The Forest Service should not identify mineral rich areas near Metaline Falls as Research Natural Areas.

The Forest Service has explained that Research Natural Areas as follows:

Research Natural Areas (RNA), whether established or proposed, are a part of a national network of ecological areas designated in perpetuity for research and education and/or to maintain biological diversity on National Forest System lands. They are established to provide study and protection of a full range of habitat types and remain in a relatively unaltered condition for non-manipulative research observation, and study.

USDA, Proposed Action of Forest Plan Revision: Colville National Forest at 61 (June 2011).

The Draft Revised Plan indicates that all mineral uses, road construction and surface occupancy would be prohibited in these areas. Draft Revised Plan at 96. Management of these areas a de facto wilderness would prevent the development of existing Teck mining claims in the Halliday Fen Research Natural Area. Teck disagrees with the proposed designation and use
restrictions.

5.The Forest Service should not include mineral rich areas near Metaline Falls in the Backcountry Management areas.

The Draft Revised Plan has included mineral rich areas amongst those identified for management as Backcountry Management Areas. Although the Plan provides that some mineral-related activity could be authorized in backcountry, the Plan would prohibit temporary or permanent road construction, which would make mineral exploration and development activity infeasible.

Teck requests that the Forest Service remove the eastern half of Section 9, T40N, R43E, and all of sections 28 and 33, T40N, R43E from the backcountry designation in Alternative P. If the Forest Service considers what was the original Proposed Action Alternative, Teck requests that the Forest Service remove those areas and Sections 19, 20, 30 and 31, T39N, R43E from the backcountry designation. These areas have existing mining claims and private mineral rights that would require roads for development.

Comments on the Draft EIS

Under the National Environmental Policy Act (NEPA), a federal agency is required to prepare an Environmental

Impact Statement or EIS in connection with any action that would significantly affect the environment. An EIS is intended to provide agency decision makers and the public with information about the environmental impacts of the proposed action. In order to do so effectively, an EIS must contain "a reasonably through discussion of the significant aspects of the probable environmental consequences." City of Carmel-by-the-Sea v. U.S. Dept. of Transp., 123 F.3d 1142, 1150 (9th Cir. 1997). The agency must take a "hard look" at the action's effects, and the EIS must provide a "full and fair discussion of significant environmental imiracts." National Parks & Conservati on Ass'n v. Bureau of Land Mgt., 606 F.3d 1058, 1072 (9 Cir. 2009). In evaluating the thoroughness of an EIS, courts consider whether the EIS has fostered informed decision making and informed public participation. California v. Block, 690 F.2d 753, 761 (9th Cir. 1982).

In addition to evaluating the significant environmental consequences of the proposed action, an EIS must identify reasonable alternatives to the proposed action and evaluate the significant environmental consequences of those alternatives. City of Carmel-by-the-Sea, 123 F.3d at 1155. Federal regulations require an EIS to "[r]igorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. 1502.14(a). As the Ninth Circuit Court of Appeals explained, "An EIS must describe and analyze alternatives to the proposed action. Indeed, the alternatives analysis section is the 'heart of the environmental impact statement.'" Friends of Southeast's Future v. Morrison, 153 F.3d 1059, 1065 (9th Cir. 1998).

The Draft EIS fails to fulfill these requirements. It is inadequate in the following respects:

1.The Draft EIS misleads the public regarding the effect of the proposed Forest Plan revisions.

The Draft EIS misleads the public by down-playing the significance of the Forest Plan. The Draft EIS emphasizes that a Forest Plan does not make project-specific or site-specific determinations. See Draft EIS at 10, line 466. Although the Plan does not authorize specific projects, it may make policy decisions that would likely preclude specific projects or activities in the future. The Draft EIS should clearly set forth what activities would be prohibited by the Draft Revised Plan and should include a reasonable thorough discussion of the implications of those prohibitions.

2.The Draft EIS incorrectly and incompletely summarizes public input to date in the Forest Plan revision process.

In the Draft EIS, the Forest Service notes that it received more than twenty-seven thousand comments on its 2011 proposal, and then emphasizes that it analyzed these comments "to identify the significant issues driving the alternatives." Draft EIS at 14. The Draft EIS purports to summarize the significant issues addressed in comments, but never mentions any of the concerns raised by Teck. Draft EIS at 14-24. Although the Draft EIS notes that numerous comments were received regarding the recommended wilderness designations, the Draft EIS never mentions Teck comments. See Draft EIS at 19. It only mentions that comments expressed concern that additional wilderness designations would interfere with timber harvesting, grazing and recreation. The draft fails to mention mining activities in the area and the comments (including those from Teck) that expressed concerns about wilderness designations interfering with mining activities. See i d.

3.The Draft EIS fails to include a reasonably thorough discussion of the alleged "need" for additional wilderness.

Although the Draft EIS claims that additional wilderness area is needed in the Colville Forest, it does not provide any explanation of this claim, much less the reasonably thorough discussion of the alleged need that is required in an EIS. See Draft EIS at 47, 132. As explained in greater detail above, the information that is available suggests that additional wilderness area is not needed. Existing wilderness is not used much for recreation and is not needed for wildlife.

4.The Draft EIS fails to include any discussion of the specific wilderness recommendations.

Even if the Draft EIS contained a reasonably thorough discussion supporting the Forest Service's claim that additional wilderness area is needed - which it does not - the Draft EIS would also need to provide a reasonably thorough discussion of the reason for the specific wilderness recommendations included in the alternatives evaluated in the EIS. As explained above, it does not.

In particular, no discussion of the specific sections of land identified by Teck on page 3 of this letter is included. Teck raised this concern in comments submitted in 2011, but the Forest Service does not appear to have considered it. The Forest Service should remove these sections of land from its recommendation of wilderness. If it does not decide to do so, it should publish a Supplemental Draft EIS that explains the rationale for including them, and provide the public with an opportunity to respond to that rationale.

5.The Draft EIS fails to evaluate a reasonable number of alternatives with respect to wilderness recommendations.

As ·explained above, an EIS is required to analyze a reasonable set of alternatives to the agency's proposed action. Although the Draft EIS considers several alternatives, all alternatives except the "no action alternative" included the same recommendations to designate mineral rich areas near Metaline Falls as wilderness. The specific sections of land of most concern to Teck are listed on the page 3 of this letter. The Draft EIS should consider an alternative that excludes these particular sections from the wilderness recommendations.

6.The Draft EIS fails to include a reasonably thorough discussion of the proposed wilderness recommendations impact on mineral activities in the area.

The Draft EIS incorrectly downplays the extent of the mineral resources in the Colville Forest, and understates the level of past, current and anticipated future mining activity in the forest. As discussed above, the Draft EIS fails to include a reasonably thorough discussion of mining in the Colville Forest and the potential effect of the proposed action and alternatives. The Draft EIS includes little discussion of mining, and the discussion that is included is often misleading or inaccurate. For example, the Draft EIS incorrectly states that "mineral activity on the Forest is relatively minor in scope." Draft EIS at 546.

Although the Forest Service has included with the draft EIS a supplemental report entitled "Mineral and Geological Resources Report," that fourteen page report is almost identical to the draft EIS chapter and provides little additional information. This report properly acknowledges that the Colville Forest contains substantial mining claims -- 744 mining claims covering 14,980 acres -- but downplays the mineral resources and the mining activity in the forest. It states that "mineral activity is relatively minor in scope," that there is "limited mining" underway, and that this "limited" level of activity is likely to continue. USDA, Mineral and Geologic Resources Report: Colville National Forest Plan Revision Draft Environmental I mpact Statement 2 (July 8, 2015).

Neither the draft EIS nor the Mineral and Geological Resources Report acknowledges that Teck reopened its Pend Oreille mine, which is now one of the area's largest employers. Teck also has numerous mining claims in the area and has on-going exploration activities. And, of course, Teck is only one of the mining companies with claims, exploration activity and mining operations in the Colville Forest.

The Draft EIS also fails to discuss the impact of recommended wilderness designations on mining activities. The Draft EIS does not mention that there are mineral resources and mining activity in the areas proposed for recommendations. See Draft EIS at 655. It does not explain how the limitations on temporary and permanent road construction would effectively prevent most mineral exploration and development

In addition, the Draft EIS misleads the public by statements indicating that the alternatives are identical with

respect to mining activities. For example, the Draft EIS states:

Federal lands open to locatable mineral entry under the Mining Act of 1872 would not change by alternative. Desired conditions, guidelines, and standards concerning locatable minerals would be common to all alternatives.

Federal lands available for mineral material permits do not change by alternative. Desired conditions concerning saleable miners would be common to all action alternatives.

Draft EIS at 35. These statements are misleading. The alternatives have recommended wilderness designations ranging from none (the no action alternative) to more than 220,000 acres, with the current preferred alternative recommending the addition of 68,300 acres to the Forest's existing 29,000 acres of wilderness. As explained above, the Revised Forest Plan would impose immediate restrictions on activities in these areas, and additional restrictions would go into effect if Congress acts on the recommendations. It is misleading to suggest that the alternatives are identical with respect to mining.
The Draft EIS also downplays the potential effect of Revised Forest Plan on mining activities. It states "[t]he major influence of other resource management direction on minerals is their effect on access." Draft EIS at 549. In fact, by recommending that important mineral resource areas be designated as wilderness, the proposed Plan would severely restrict, if not completely eliminate, the ability to utilize these resources. The Draft EIS should state this clearly, provide a reasonably thorough discussion of its consequences, and allow public comment. Instead, the Draft EIS misleads the public into thinking that there will be no effect on mining activity.

7.The Draft EIS misleads the public about the plan's effects on areas recommended for wilderness designation.

The Draft EIS misleads the public by suggesting that proposed wilderness recommendations will have no effect without Congressional action. The Draft EIS emphasizes that "[w]hile forest plans may make a preliminary recommendation for additional wilderness, only Congress can designate Wilderness." Draft EIS at 19; see also Frequently Asked Questions: Colville National Forest Plan Revision - Draft Plan and DEIS Comment Period 6. This implies that nothing will change until Congress makes designation. In fact, the Draft Revised Forest Plan essentially imposes wilderness restrictions on these areas immediately, under the guise of preserving the areas for wilderness designation. Draft Revised Plan at 123; see also Draft EIS at 225;
Frequently Asked Questions at 7 ("In the interim, those areas would be managed to protect their long term wilderness characteristics.")

The Draft EIS goes further to state that "[u]ntil Congress decides to designate the recommended wilderness areas as wilderness, they remain open to mineral entry." Draft EIS at 553. And finally, the Draft EIS states that "[m]ining claims and active locatable operations in
recommended wilderness areas would not be effected until the area is designated as wilderness by Congress." Draft EIS at 551. The Frequently Asked Questions document also includes a table that suggest that the Forest Service may still authorize activities involving "Minerals locatable."

These statements are undoubtedly interpreted by most readers to mean that the wilderness recommendations will not affect mining activities absent Congressional action. This is incorrect. Prior to Congressional action, the Forest Service plans to manage the areas that it has recommended for wilderness in a manner that ensures that "the wilderness character and potential . . . is to remain intact until congressional action." Draft EIS at 50. This means that the Forest Service will likely prohibit temporary and permanent road construction, and limit mechanized access, which would make it infeasible to explore and develop mineral resources in these areas.

The Forest Service has also indicated that it will prohibit temporary and permanent road construction in recommended wilderness areas. Frequently Asked Questions at 9. As the Forest Service notes elsewhere, most

of the areas recommended for wilderness designation fall within inventoried roadless areas. Frequently Asked Questions at 12. If that's the case, the prohibition on road construction in these areas will effectively prevent exploration and development of mineral resources. After making broad statements about mining activities being

unaffected, the Draft EIS grudgingly acknowledges that "an increase in non-motorized management area acreage can limit motorized access on existing, open forest system roads and trails for initial prospecting and exploration activities that may not otherwise require Forest Service regulatory approvals." Draft EIS at 552. This understates the impact of the proposed Plan on mining activities in the Forest.

8.The Draft EIS fails to include a reasonable thorough discussion of the effect of wilderness designation on forest fires and fire management.

The Draft Revised Forest Plan states that "fire functions as a natural ecological process" in wilderness areas. Draft Revised Plan at 115. The Draft Revised Plan also states that "[f]ire management activities shall be conducted in a manner compatible with maintaining wilderness characteristics (minimal impact suppression tactics)" in the areas recommended for wilderness designation. Draft Revised Plan at 124. This statements suggests that the Forest Service will not fight fires in areas recommended for wilderness designations or areas designated as wilderness.

This means that these areas may burn, and they may present fire risks for areas adjacent or near the proposed areas. For this reason, the Draft EIS should include a reasonably thorough discussion of the ecological, economic, social and safety risks presented by the proposed recommendations. It does not.

The Draft EIS discusses fire management issues at pages 126-149, but does not discuss the implications of recommending additional wilderness areas. Instead, it merely states that "[i]f the areas are designated as wilderness by Congress, approval to use some tools (chainsaws, helispots, etc.) would need to be obtained prior to their use." I d. at 144.

The Draft EIS should discuss Forest Service policy on fighting fires in recommended and designated areas. It should then discuss the likelihood that wilderness recommendation or designation may increase the spread of fire in areas both within and adjacent to the Colville Forest. Teck is particularly concerned about proposed recommended designation, near its operations and claims in Metaline Falls.

9.The Draft EIS fails to provide a reasonably thorough discussion of the impacts of designating additional Research Natural Areas.

The Draft EIS contains very little discussion of the proposed designation of additional Research Natural Areas. It states simply that "[m]anagement activities in a research natural area must be consistent with the purposes for which the RNA was established (or proposed) or specifically maintain the values of the RNA." Draft EIS at 40. It later mentions that no motorized trails or road access will be permitted. Draft EIS at 224-25. It provides virtually no further discussion of the consequences of this designation.

An EIS is required to analyze a reasonable range of alternatives. With respect to the designation of Research Natural Areas, the Draft EIS acknowledges that "allocations of RNAs would remain constant for all alternatives." Draft EIS at vii.

This approach presents the public with a false choice - either no additional Research Natural Areas or the proposed additions. The Draft EIS should consider a range of alternatives in between those extremes, including an alternative that does not designate the areas of concern to Teck as Research Natural Areas.

10.The Draft EIS relies upon documents that the Forest Service has not made

available for public review.

Throughout the Draft EIS, critical factual information and explanations are missing. Instead of explaining the Forest Service's rationale, or providing information to support the Forest Service's conclusion, the Draft EIS references other documents that are not provided and, indeed, do not appear to be available for public review. As a result, the public is unable to understand the basis for the Forest Service's proposal, and has no ability to provide meaningful public comment.

For example, at page 5, instead of explaining why the Forest Service concluded that the Forest Plan needed to be revised, the Draft EIS states that "The Analysis of the Management Situation (AMS) (2015) documents the need to establish or change forest plan management direction." This statement does not explain what change is needed, or why it is needed. Instead, it refers the reader to another document that does not appear on the Forest Service's Colville Forest Plan revision website and cannot be found with an internet search. The AMS document is referenced again at page 29. The analysis contained in this document appears to be critical to the Forest Service's decision making, yet it has not been made available for public comment and, indeed, does not appear to be publically available.

Conclusion

For the foregoing reasons, the Forest Service should revise its Proposed Action to exclude mineral rich areas near Metaline Falls from its wilderness recommendations, or at a minimum, to consider an alternative in the EIS process that would exclude these areas from wilderness designation.

Please feel free to contact me if you have questions concerning these comments or need more information about Teck's mining claims. Teck looks forward to participating in the on-going process associated with the revision of the Colville Forest Plan.

Sincerely,
Mark Brown General Manager
Pend Oreille Operations