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Title:

Comments: AEMA Colville NF Comments 7-5-16.pdf

Please accept these unique comments (PDF Attached) on behalf of the American Exploration & Mining Association regarding the Colville National Forest Plan Revision.

July 5, 2016

Colville National Forest Plan Revision Team 765 South Main Street  
Colville, WA 99114

VIA EMAIL: colvilleplanrevision@fs.fed.us

RE: Colville Revised Forest Plan and Draft Environmental Impact Statement Dear Sir or Madam:

Thank you for the opportunity to provide these unique 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 Impact Statement ("Draft EIS"). AEMA appreciates the Forest Service's (USFS) continued efforts to seek stakeholder input, however, we are concerned that the USFS 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. Please also accept the comments of Teck Washington Incorporated (Teck) by incorporation.

#### Comments Regarding the Revised Forest Plan

AEMA holds serious concerns about the USFS's Wilderness recommendations, its proposed approach to managing areas recommended for Wilderness designation, and its recommendations for backcountry areas. Furthermore, we are concerned of the lack of responsiveness of the USFS to the 2011 comments submitted that reflect many of the same concerns we put forth today.

1. The Plan fails to acknowledge the historic and on-going role of mining in 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.

This portion of the Revised Forest Plan should be amended to acknowledge the mineral resources and mining activity. 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.

2. Mineral significant areas near Metaline Falls should not be included in 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. 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). If these recommendations were adopted, they would almost quadruple the amount of Wilderness area in the Colville forest, from its current 29,000 acres.

AEMA opposes the proposal to recommend adding areas east of Metaline Falls to the Salmo- Priest National Wilderness. There are significant mineral resources with exploration and development activity in or adjacent to these areas. These areas do not meet the criteria for Wilderness designation, and USFS has not provided any explanation for including these areas in its recommendations.

a. USFS has not justified its proposal to designate more Wilderness in the Colville National Forest.

The information provided by the USFS indicates that additional Wilderness designations are not needed. Neither the Draft Revised Plan nor the Draft EIS explain the proposed recommendations. Taken together, the documents released by the USFS fail to reveal a coherent justification for its proposal.

In 2011, when the USFS 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 Administrative Wilderness Recommendation: Information for Proposed Action 3 (June 30, 2011).

Since 2009, however, the USFS has acknowledged data that disputes this claim that additional Wilderness is required for recreation. In 2009, the USFS acknowledged that use of the current Wilderness areas in the Colville Forest is "fairly light." Wilderness Evaluation: Abercrombie-Hooknose 13 (May-June 2009). In 2011, the USFS 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. Preliminary Administrative Wilderness 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, only three states - Alaska, California and Arizona - have more Wilderness area designated than Washington. Id.

Likewise, statements in the Draft Revised Plan and the Draft EIS suggest that the USFS no longer believes that additional Wilderness area is needed for recreation. In the Draft Revised Plan, the USFS 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 USFS 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 USFS has simply failed to justify its proposal to recommend additional areas for Wilderness designation. If the USFS 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.USFS provides no justification for the specific wilderness recommendations.

The USFS has provided no justification for the particular Wilderness recommendations contained in the Draft Revised Plan.

In 2011, the USFS 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 , Preliminary Administrative Wilderness Recommendation Information for Proposed Action: Colville and Okanogan-Wenatchee Forest Plan Revision 16 (June 30, 2011).

Similarly, in 2011, the USFS explained its reason for recommending designation of the Abercrombie-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.

c.Areas do not meet the regulatory criteria for recommending 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. In fact, numerous acres of land, mining rights and claims are owned or leased by active mining companies in this area. 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 and the multiple use requirement for public lands.

The USFS has interpreted the statute to require Wilderness to satisfy three tests: "capability, availability and need." USFS Handbook 1909.12, section 72 (2005). These tests are site-specific. The USFS should only recommend a particular area for Wilderness designation if the area satisfies all three tests. In this case, the

USFS has not demonstrated that the recommended areas satisfy these tests.

(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 untrammelled 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 USFS 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 Abercrombie Hooknose areas are "generally naturally appearing," it also incorrectly implies that all mining claims have been excluded from the Wilderness recommendations. See Preliminary Administrative 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. 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.

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

To determine whether a particular area is available for Wilderness designation, the USFS must evaluate "how wilderness designation would be beneficial or detrimental to various resource values." USFS, Northeastern Washington Forest Plan Revision: Wilderness 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 USFS Handbook indicates that highly mineralized areas should not generally be considered available for Wilderness designation. USFS Handbook 1909 .12, section 72.21. The USFS has not provided this analysis.

The mineral potential of this district has been researched for over 60 years by the state and federal governments. The United States Geologic Survey (USGS) 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."

The USFS 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 USFS acknowledged that the proposed Wilderness areas in the Abercrombie Hooknose areas included "several important areas ...with moderate to high potential" for locatable minerals. Wilderness Evaluation: Abercrombie- 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 Administrative Wilderness Recommendation 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.

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 is no "need" to designate the recommended areas .

To be designated as 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 Washington Forest Plan Revision: Wilderness Recommendation Process at 3.

As explained above, the USFS 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. 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).

USFS policy reflects these statutory commands through the concept of "multiple use." When it comes to planning, USFS 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 USFS 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 for each area recommended is to remain intact until congressional action is taken." Draft EIS at 47, lines 1601-03.

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 USFS would clearly circumvent this statutory process by imposing wilderness-like restrictions in those areas before Congress acts.

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

The USFS 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. AEMA disagrees with the proposed designation and use restrictions.

5. The USFS 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.

These areas have existing mining claims and private mineral rights that would require roads for development that must be made available under the Mining Law of 1872. The Roadless Rule does not apply to locatable mineral activities. Likewise, a forest plan cannot prohibit roads reasonably necessary for access to mining claims and activities authorized by the 1872 Mining Law.

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 thorough 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 impacts." *National Parks & Conservation Ass'n v. Bureau of Land Mgt.*, 606 F.3d 1058, 1072 (9th 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 USFS 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 mining interests. 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 that expressed concerns about wilderness designations interfering with mining activities.

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. 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.

The USFS 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

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 and inappropriately 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. 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 USFS 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 Impact Statement 2 (July 8, 2015).

Neither the draft EIS nor the Mineral and Geological Resources Report acknowledges the reopening of the Pend Oreille mine, which is now one of the area's largest employers.

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 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 affected 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 USFS 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 USFS 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 USFS 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 USFS has also indicated that it will prohibit temporary and permanent road construction in recommended wilderness areas. Frequently Asked Questions at 9. As the USFS 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 USFS 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 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.

9. The Draft EIS relies upon documents that the USFS 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 USFS proposal, and has no ability to provide meaningful public comment.

#### Conclusion

For the foregoing reasons, the USFS 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.

#### Who We Are

American Exploration & Mining Association (AEMA) is a 121-year old, 2,100 member national association representing the minerals industry with members residing in 42 U.S. states (including Washington), seven Canadian provinces or territories, and 10 other countries. AEMA is the recognized national voice for exploration, the junior mining sector, and maintaining access to public lands, and represents the entire mining life cycle, from exploration to reclamation and closure. Our broad-based membership includes many small miners and exploration geologists as well as junior and large mining companies, engineering, equipment manufacturing, technical services, and sales of equipment and supplies. More than 80% of our members are small businesses or work for small businesses. Most of our members are individual citizens.

Sincerely,

Laura Skaer Executive Director

LES/mge

Matthew Ellsworth

Government Affairs Manager

American Exploration & Mining Association

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