Data Submitted (UTC 11): 2/13/2023 10:47:41 PM
First name: joe
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Organization: Big Elk Divide Restoration Committee
Title: Co-chair
Comments: To: Townsend District Ranger Aaron Webber February 13, 2023
Townsend Ranger District

From: Big Elk Divide Restoration Committee (BEDRC)
Joe Cohenour, chair 406-431-1144-c, joecohenour@gmail.com
2610 Colt DR
East Helena MT, 59635,
Re: Johnny1&2 Mining Claim Access Project Objections.
Sir,
Thank you for the opportunity to Object to the EA.
The Big Elk Divide Restoration Committee is formed to develop projects that restore the landscapes to more naturally existing conditions, including addressing the impact that the mountain pine beetle and other resource changes may have on wildlife habitat and other resource values throughout the Big Belt, Elkhorn, and Divide Landscapes, hereafter called the Area.
The BEDRC has a collaborative approach whereby we identify restoration opportunities and specific project details to promote ecologically sustainable and resilient forests and habitats in the Area.
The BEDRC is a volunteer group of local citizens with a wide, diverse background and span of interest in how public lands projects are developed and accomplished. Each participant agrees to the Restoration Principles, to build upon a zone of agreement, and follow our code of conduct.
The BEDRC operates according to the following Principles
· Restore functioning ecosystems
· Apply adaptive management approach
· Use the appropriate scale of integrated analysis to prioritize and design restoration activities
· Monitor restoration outcomes
· Reestablish fire as a natural process on the landscape
· Consider social constraints and seek public support for reintroducing fire on the landscape
· Engage community and interested parties in the restoration process
· Improve terrestrial and aquatic habitat and connectivity
· Emphasize ecosystem goods and services and sustainable land management
· Integrate restoration with socioeconomic well-being
· Enhance education and recreation activities to build support for restoration
· Protect and improve overall watershed health, including stream health, soil quality and function and riparian function
· Establish and maintain a safe road and trail system that is ecologically sustainable
· Design and prioritize projects to promote wildland fuel reduction and reduce wildland fire risk to local communities.
Please accept the following comments and their objections regarding the Johnny2 mining project:

In compliance with the 1866 Mining Act and subsequent General Mining Act of 1872, the owners of such claims must be given the right of reasonable access. 2813.14 of the Forest Service enforcement manual states:

2813.14 - Right of Access to Claim
The right of reasonable access for purposes of prospecting, locating, and mining is provided by statute. Such access must be in accordance with the rules and regulations of the Forest Service. However, the rules and regulations may not be applied so as to prevent lawful mineral activities or to cause undue hardship on bona fide prospectors and miners.

Further and specifically:
The BEDRC requests that any road construction be done on such a contour so as not to cause undo erosion. All road and culvert construction shall meet FS road construction standards or those agreed upon by the Townsend Ranger. BEDRC asks that the FS specifically address criteria for the use of culverts, rolling dips, water bars and out-sloping as specific tools to use to reduce roadway sedimentation and water removal on roadways.
BEDRC asks that vegetative debris be used in some manner before it becomes a fuel hazard or the District Ranger issue a burn permit to reduce the hazard to an acceptable level. Debris could be stockpiled for 10 years without treatment if not addressed. The plan says: "cleared and windrowed adjacent segregated cleared and grubbed surface litter (woody debris, 6 inches to 12 inches of duff), soil, and overburden piles." Any woody debris that consists of grabbed surface litter, woody material of sub-six-inch size, forest floor duff, soil, and overburden piles may remain staged to use in later required reclamation activities. All other woody material such as stumps, root balls, and merchantable trees should be removed or piled and burned, or used for firewood.
BEDRC asks that the erosion control seed mix approved for use on this proposal contain a mix that contains a palatable forage for big game use (excluding grizzly bear). The forage base loss through this project is addressed in several places and acknowledged it will be slow to return.
"At the local scale, the proposed action would have substantial effects on the quality of big game winter range in Johnnies Gulch by reducing forage quality and quantity. Soil disturbance,
including rearrangement of topography in the drainage path, would remove approximately half
the mesic vegetation in Johnnies Gulch over the life of the project. This removal would occur in
a section of the drainage that is currently not intermixed with private inholdings and/or recent or ongoing mining-related operations. Since the placer mining as proposed would remove and/or rearrange topsoil in the drainage path, it's not likely forage quality or quantity would return for an extended period of time post-reclamation."
BEDRC asks that a suitable bond be established so at the termination of the mining venture all design criteria not complied with dealing with stream channel restoration, road obliteration and recontouring, erosion control seeding or plants and residual weed treatment be covered. The BEDRC asks that the bond should be reviewed and updated at a minimum of every 5 years or every time there is an amendment to the operating plan, or to adjust for any unplanned activity or inflation.
BEDRC asks that a weed treatment program be set up and adhered to, pre and post road construction. The BEDRC asks that the permittee washes his vehicles and equipment prior to accessing the new road or any disturbed area
BEDRC asks that any weed control measures that include chemical application look specifically at spot treatment and not general broadcast application. The FS weed plan lays out the use and approval of chemicals to treat weeds. It has been found that broadcast spraying of weeds just leads to killing of the native broadleaf plants which leads to invasive weeds taking over.

Thank you for the opportunity to comment and object:
/s/ Sam Gilbert
Joe CohenourSam Gilbert
Co-ChairCo-Chair
BEDRCBEDRC