Data Submitted (UTC 11): 7/29/2025 6:00:00 AM
First name: John
Last name: Cleveland
Organization: Libby Placer Mining Company
Title: President
Comments: RE: Libby Exploration Project Objection

Dear Mr. Benson:

Libby Placer Mining Company (LPMC), the owner of a parcel of property located north of the Libby Creek Exploration adit site (the "Libby Adit"), submitted comments on the Draft EA in February 2025. The purpose of this letter is to file Objections to three aspects of the Proposed Action per the Final EA which you approved on June 18, 2025, as follows:

1. Transportation

This Objection concerns the data used in the Transportation analysis, Sections 3.10 and 3.14 of the Final EA. As discussed in LPMC's comment on the Draft EA, the traffic volumes which provide the underlying basis for the traffic analysis are based on traffic data collected during 1990 and 1991 (Final EA., page 3-64). The Final EA states: "Traffic levels on NFSR 231 are based on counts conducted in 1990 and 1991 and assume an annual increase of 1.2 percent (Marcoe 2015)". This means that the entire traffic analysis is based on data that is thirty four years old. Furthermore, the data was collected during a period when Noranda Minerals Corp. was still active at the Libby Adit site which involved a relatively high level of adit related traffic on NFSR 231 and NFSR 2316. It is reasonable to infer that traffic volumes at that time were higher than they would have been had Noranda not been conducting operations at the adit site.

No information is provided in either the Draft EA or the Final EA on how, when and where the 1990 and 1991 traffic data was collected, so there can be no certainty as to the veracity and relevance of that data The KNF used that thirty four year old data to estimate annual traffic volume of 49,166 vehicles in 2020 and 52,186 vehicles in 2025 and for the estimates of the average annual daily traffic volumes shown in Table 3-26.

Table 3-26 shows the KNF average annual traffic volume estimates ranging from 120 vehicles/day in 2010 to 150 vehicles/day in 2029. The Final EA states that Mlv.IC's existing traffic (J.70 trips/year) is approximately 0.5% of the "estimated current traffic volumes" on NFSR231.

Now comes the traffic from the Proposed Action, with MMC traffic increasing from a current 270 trips per year to 1760 trips per year during years 1-2 (a 652% increase) and during years 3- 11 increasing to 2490 trips per year (a 922% increase) over the current level ofMlv.IC annual trips.

There appears to be an element of "fuzzy math" at work in these traffic figures. As discussed in LPMC's comment to the Draft EA, LPMC personnel have been active on its property, which is bisected by NFSR 231, for over fifty years. At no time during that fifty+ year period has LPMC noticed vehicle volumes approaching anything close to the KNF figures used in the Final EA traffic analysis. Using the year 2025 from Table 3-26 as an example, KNF's average daily traffic volume of 143 means a range of between 72-215 vehicles/day. This traffic range is well above any of the traffic volumes LPMC has ever observed over a fifty+ year period. Normally, traffic on NFSR 231 through LPMC property is 10-20 vehicles per day. Some days, it is only four or five vehicles per day. The two periods when there can be a higher volume of traffic is i) over the summer months when people visit the recreational gold panning area and Howard Lake and ii) during hunting season when there is a surge of road hunters. Even during these periods, when traffic volume might total thirty or forty vehicles per day, the number of vehicles traveling on NFSR 231 is well below the estimates contained in Table 3-26.

In view in the wide divergence between the KNF's estimated traffic volumes on NFSR 231 and LPMC's fifty+ years of observed traffic volumes, LPMC objects to the traffic data used by the KNF in the Final EA. LPMC objects to the use of thirty four year old traffic data that it believes drives faulty traffic volume estimates the KNF has used in its traffic analysis. The statement that "The Project related traffic would result in up to a four percent increase above traffic volumes on NFSR 231 and NFSR 2316" is simply not credible in view of LPMC's long observation of traffic volumes on NFSR 231. More current and more accurate traffic data would likely show the traffic impact from the Proposed Action would be well above the KNF's four percent figure. The use of the faulty KNF traffic estimates compromises the entire traffic analysis and the associated impacts therefrom. Obtaining and using accurate traffic volume data also has important implications relative to the environmental consequences of an increase in traffic resulting from the Project, particularly with respect to endangered species like grizzly bears, wolverines and lynx.

1. Noise

LPMC raised the issue of noise associated with the Proposed Action in its comments to the Draft EA. LPMC is well acquainted with noise from the Libby adit area as the hum of the generators there and the whine of ventilators can be plainly heard on its property 1.5 miles north of the Libby Adit site. LPMC objects to the KNF's acceptance of the noise levels in the Final EA and its failure to adopt BMP's when practicable measures are readily available to meaningfully reduce noise generated by the Proposed Action.

The Final EA states (3.5.2.1) that the Proposed Action would increase noise levels with the analysis area for years 1-11 of the Project ranging from 85 dBA for construction equipment to 80 dBA for diesel trucks to 73 dBA for diesel generators. In Appendix E of the Final EA, it is stated that the effects analysis for noise (Section 3.5) included consideration of the ACEPMs including critical grade silencers. It further states that the effects analysis did not indicate that additional noise reduction measures would be necessary.

Under NEPA, the KNF is required to objectively evaluate all reasonable alternatives, and for alternatives that were eliminated, briefly discuss the reason for their having been eliminated (40 CFR Section 1502.14). LPMC has not been able to find any discussion in the effects analysis in Section 3.5 why no additional noise reduction measures would be necessary.

Further muddying the topic of noise in the Final EA, is the statement in 3.5.2.1 that "All surface equipment would be outfitted with the highest level of noise suppression allowed by the manufacturer". This statement would seem to include critical grade silencers. So, which is it - critical grade silencers (the highest level of noise suppression) or lower grade silencers?

The KNF is mandated to adopt BMP's in connection with projects over which it has jurisdiction. Why are BMP's not being applied when it comes to noise reduction in the Proposed Action ?

The Libby Adit is located in critical grizzly bear habitat. It is close to the CMW It is close to private land. Achieving the greatest possible reduction in noise generated by the Proposed Action is consistent with BMP's. Meaningful noise reduction below the levels presented in 3.5.2.1 is practicable and achievable in every respect. Why is the KNF not mandating this by requiring critical grade silencers on all equipment, consistent with BMP's ?

Under NEPA, reasonable alternatives include those that are practical or feasible from a technical, economic and common sense standpoint rather than simply desirable from the standpoint of the applicant (MMC). Critical grade silencers on all surface equipment to be used in the Proposed Action are practical and feasible from a technical and economic standpoint and given the proximity to critical grizzly habitat, the CMW and private land, common sense should dictate that they be used.

1. WaterQuality

LPMC holds a domestic water right in Libby Creek (76D 141290-00), with a priority date of May 9, 1925, which is used periodically throughout the year. The Final EA, in Appendix E, acknowledges that "The Proposed Action would cause minor adverse effects in Libby Creek" (emphasis added). LPMC objects to the degradation of its domestic water right in Libby Creek that would result from the Proposed Action.

The discussion of Water Quality in the Final EA lacks clarity and is inconsistent. In one part of Section 3.4.2.1 it states "No impacts to existing or anticipated water supply uses would occur in Libby Creek ... " (emphasis added). Later, under Water Rights in Section 3.4.2.1, it is stated that "The impacts from the Proposed Action to surface and groundwater described above would have negligible impacts on other water users in the analysis area " (emphasis added). Then, in Exhibit E (page 68), regarding water quality, it states "The proposed action would cause minor adverse effects to Libby Creek" (emphasis added). So, which is it - no impacts, negligible impacts or minor adverse effects ? [What exactly does "minor adverse effects" mean ? LPMC would like to know]. These inconsistencies and lack of precision in the water quality analysis calls into question the veracity of the entire analysis (i.e., what else in the water quality analysis is inaccurate or wrong ?).

All of the discussion in the Final EA concerning water quality focuses on how impacts from the Proposed Action to existing water quality would result in water quality that still meets applicable state water quality standards. For parties holding domestic water rights in Libby Creek, like LPMC, that is not really the important point. The important point is that the Proposed Action would result in degradation, i.e., damage, to the existing water quality of LPMC's domestic water right. In addition to the damage, this degradation may constitute a regulatory talcing.

The Final EA's discussion of water in Section 3.4 and other sections of the Final EA is full of words like "anticipated" and "expected" to describe the water quality resulting from the Proposed Action, as well as heavy use of the word "negligible" for impacts to water quality resulting from the Proposed Action. None of these descriptors and other information contained in the Final EA changes the fact that existing water quality will be damaged, and hence LPMC's domestic water right will be damaged, as a result of the Proposed Action.

Respectfully Submitted,

John A. Cleveland President