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Comments: The Supplemental Draft EIS fails to adequately explain and demonstrate how the proposed project would comply with the Endangered Species Act

The ESA mandates that "federal agencies take no action that will result in the 'destruction or adverse modification' of designated critical habitat." National Wildlife Federation v. National Marine Fisheries Service, 524 F.3d 917, 933 (9th Cir. 2007) (quoting 16 U.S.C. 1536(a)(2)).

For the proposed Stibnite Gold Project, the Forest Service states that the following species have been included in informal consultation discussions based on suitable habitat and known occurrences in and around the Project:

? Canada Lynx (Federally Threatened)

? Northern Idaho Ground Squirrel (Federally Threatened)

? Wolverine (Proposed Threatened)

? Killer whale (Federally Endangered)

? Snake River Spring/Summer Chinook Salmon (Federally Threatened with Designated Critical Habitat)

? Snake River Basin Steelhead (Federally Threatened with Designated Critical Habitat)

? Columbia River Bull Trout (Federally Threatened with Designated Critical Habitat)

? Monarch butterfly (Federal Candidate)

? Whitebark Pine (now listed as threatened under the Endangered Species Act) (SDEIS 3-225)

SDEIS, p. 6-4. To comply with Section 7 of the ESA, it is clear from the SDEIS and the proposed action that the Forest Service must engage in formal consultation with both FWS and NOAA Fisheries concerning the potential impacts to listed species, especially concerning the impacts to the federally threatened Chinook salmon, steelhead, bull trout, and their formally designated critical habitats.

Overall, despite the anticipated, significant adverse impacts to listed species and critical habitat, the SDEIS fails to demonstrate that the proposed Project can meet the strict standards under the ESA to protect the listed species and to ensure that there will be no destruction or adverse modification of their designated critical habitats.

Additionally, in order to determine whether the proposed project's adverse impacts may jeopardize one or more of the listed species under the ESA, FWS and NOAA Fisheries must identify each of the species' tipping points for survival and recovery, and then determine whether the project's impacts would reach that threshold.

WILDLIFE

Stibnite Gold Project SDEIS - Terrestrial Wildlife Key Areas Of Concern:

The proposed activities will have significant effects on wildlife species. The SDEIS admits that effects could include "take" (of a listed species) and some effects will be "long-term and permanent" as well as Irreversible and Irrecoverable Commitments (Section 4.13.4).

The primary difference between the effects on wildlife from the two action alternatives (2021 MMP and Johnson Creek) are the access roads (Burntlog Route or Johnson Creek, respectively), although there are other impacts to key habitats and species. Under the preferred 2021 MMP alternative, the construction of 15 miles of new road for the Burntlog Route, as well as upgrading the entire 38 miles for mine traffic, would fragment habitat, displace species, and increase wildlife mortality. The SDEIS admits that under both alternatives, greater impacts would occur for certain groups of wildlife, (e.g., big game [moderate impacts] and wolverine [major impacts]).

The 2021 MMP and Johnson Creek Route alternatives would remove an estimated 3,266 acres and 3,096 acres, respectively, of wildlife habitat, including habitat for wolverine (2,342 and 2,005 acres, respectively).

Impacts to wildlife species may include direct mortality (i.e., wildlife-vehicle collisions, removal of nest or roost

trees) and disturbance from traffic, light, noise, dust, and human activity. The project will cause loss of habitat due to land clearing activities (i.e., road construction). Indirect impacts could include reduced use of foraging or breeding habitat or reduced prey resources in the analysis area.

The Burntlog Route will have substantial impacts on some wildlife species, particularly wolverine. Hence, it is essential that this route, if approved, be permitted only as a temporary road used solely for mining purposes, with no public access.

Avalanche hazard mitigation activities will negatively affect wildlife, but the SDEIS failed to adequately analyze these effects. Wolverine and mountain goats are two important species that could be impacted.

The analysis of effects to many species is insufficient and flawed as documented below. The Forest Service must address these concerns in the final EIS.

Mountain Goat

Impacts to mountain goats were not analyzed. The species has been observed adjacent to or within the SGP wildlife analysis area, particularly near to the proposed Burntlog route.

Mountain goats are listed in Idaho's State Wildlife Action Plan as a high-profile species: "conservation of existing quality mountain goat habitat should be one of the highest priorities..., proactively managing access and travel will be critical to protecting mountain goat populations." Avalanche control activities, road use, and recreation could impact the species.

Migratory Birds

The project could include direct mortality of migratory birds. This does not meet the requirements of the Migratory Bird Treaty Act (p. 3-328, p. 4-448). The SDEIS states "The 2021 MMP may directly and indirectly impact migratory bird species, individuals and habitat... would result primarily in localized, short-term, long-term, and permanent, minor impacts to migratory bird species."

Canada lynx

Canada lynx are listed as threatened under the ESA. Lynx are not known to occur in the area and there is no known designated critical habitat in the SGP analysis area, but suitable habitat for lynx has been greatly reduced due to wildfire. Additional impacts to the remaining suitable habitat, particularly along the Burntlog Road, will fragment habitat and reduce the chance of lynx travel into the area.

Snow compaction activities can allow other predators to enter lynx habitat and compete with lynx in winter.

Potential impacts will stem from snow plowing along the 38-mile Burntlog Road and from proposed grooming of a new 10.4-mile OSV trail. The FS must address Forest Plan direction to not increase snow compaction in lynx habitat (TEST34).

Wolverine

The wolverine is proposed for listing under the ESA as threatened. Wolverines inhabit the project area, as documented by surveys and a major research study (Heinemeyer et al. 2017, 2019). The SDEIS failed to fully address risks to the species stemming from its low reproductive rate and large home ranges combined with specialized habitat requirements (i.e., persistent snow cover for denning.) These magnify this species' vulnerability to threats such as climate change and habitat fragmentation.

The summary of wolverine occurrence is not complete (Table 3.13-3). A complete and accurate synthesis is important to establish a baseline for analysis.

The area supports high-quality wolverine habitat that is part of an interconnected landscape across south-central Idaho, and beyond (Aubry et al. 2007, IDFG 2014). The SDEIS makes no assessment of the importance of habitat in the project area to wolverine persistence in Idaho.

The SDEIS did not adequately address the potential effects of roads and associated activities on wolverine habitat fragmentation. The Forest Service should analyze the alternatives in terms of how much wolverine habitat remains connected and contiguous rather than simply provide a count of acres affected.

The 2021 MMP would allow winter travel by mine-related vehicles, and possibly public vehicles, on the Burntlog Route. The SDEIS gave vague and inconsistent descriptions of how the Burntlog Route would be managed for public access. This route is adjacent to, and occasionally directly crosses, some of the highest-quality wolverine habitat in the analysis area, based on the number of years with persistent snow cover (Figure 3.13-4).

The Cabin Creek OSV groomed route is described as a replacement for the current groomed route along Warm Lake Road, but would have additive negative effects to wolverine, because it would operate contemporaneously with proposed year-round travel on the Warm Lake Road and Burntlog Road.

The SDEIS must disclose how changes in winter travel access may lead to increases in over-snow recreation, with subsequent impacts to wolverine. Previous environmental analyses of winter travel on the Payette National Forest were put on hold to allow studies on the effects of winter recreation on wolverines. This became a multi-year, multi-forest study that is one of the most extensive and rigorous to date (Heinemeyer et al. 2017, 2019). The results of this study showed that male and female wolverines avoided motorized and non motorized recreation to some degree, with females showing a stronger response. It is essential that the Forest Service makes use of this research and best available science, to inform decisions regarding winter travel in the SGP area.

The Forest Service must adhere to the requirements of Subpart C of Travel Management Rule when proposing to designate new Over-Snow Vehicle (OSV) routes for the SGP. The SGP proposes changes and additions in winter travel (Burntlog Route), and OSV routes (Cabin Creek), that must be adequately addressed in the SDEIS to comply with the TMR. This requires the use of "minimization criteria," specifically to "minimize harassment of wildlife or significant disruption of wildlife habitats.

The SDEIS failed to consider the cumulative impacts of the SGP, increasing winter recreation, and climate change to wolverines.

The SDEIS states the SGP would result in "localized and long-term impacts to the wolverine" (p. 4-399). Many other impacts are recognized, despite the insufficiency of the analysis as documented above. It is difficult to see how the FS proposes to make a "not likely to jeopardize determination" for wolverine. The FS also provides no rationale for how these effects meet Forest Plan direction: "Management actions that have adverse effects on Proposed or Candidate species or their habitats, shall not be allowed if the effects of those actions would contribute to listing of the species as Threatened or Endangered under the ESA (TEST04)."

Despite the acknowledged impacts, the only Environmental Design Feature (EDF) included in the SDEIS pertaining directly to wolverine is to monitor high elevation habitats "where practicable" (p. 2-105). Additional EDFs and/or mitigation measures are necessary; including (but not limited to):

No new road construction on the Burntlog Route. If the Burntlog Route is approved and built, only mine traffic should be allowed on the road.

No new OSV route in Cabin Creek. Any changes to OSV use should be analyzed consistent with the Travel Management Rule, Subpart C.

Remove roadkill as encountered.

Conduct annual monitoring of winter recreation.

Monitor wintertime wolverine activity using standardized methods with remote cameras.