

July 1, 2026

Erin Fryer
Custer Gallatin National Forest
10 E Babcock St.
Bozeman, MT 59715

Re: Blue Copper Mine Draft EA

Dear Ms. Fryer,

Please accept these additional comments from me on the 2026 Blowdown Emergency project on behalf of the Alliance for the Wild Rockies, Center for Biological Diversity, Council on Wildlife and Fish, and Native Ecosystems Council, Greater Yellowstone Wilderness Association, collectively "Alliance," for the proposed Stillwater Mine Major Amendment 014.

I am submitting the following comments to guide the development of the environmental analysis for the proposal Stillwater Mine Major Amendment 014 to expand the mine.

Thank you for writing an EIS for this proposal. According the 836 F. 2d 1521 - Conner v. Burford, the Ninth Circuit Court of Appeals ruled that in mineral explorations, the Forest Service is required to

complete an EIS. Not doing so would mean the Forest Service is in violating the procedural requirements of NEPA by failing to prepare an EIS on the effects of mining activity on the Custer-Gallatin National Forest (GCNF).

We have listed below the issues that I believe the CGNF must analyze in the EIS.

NECESSARY ELEMENTS FOR PROJECT EIS:

- I. A. Disclose all GCNF Forest Plan requirements for mining projects and explain how the Project complies with them;
- B. Disclose the acreages of past, current, and reasonably foreseeable mining, logging, grazing, and road-building activities within the Project area;
- C. Solicit and disclose comments from the Montana Department of Fish Wildlife and Parks regarding the impact of the Project on wildlife habitat;
- D. Solicit and disclose comments from the Montana Department of Environmental Quality regarding the impact of the Project on water quality;

E. Disclose the biological assessment for the proposed, candidate, threatened, or endangered species with potential and/or actual habitat in the Project area including but not limited to wolverine, grizzly bears, monarch butterflies, whitebark pine, Canada Lynx critical habitat and Canada lynx.

F. Disclose the biological evaluation for the sensitive and management indicator species with potential and/or actual habitat in the Project area;

G. Disclose the snag densities in the Project area, and the method used to determine those densities;

H. Disclose the current, during-project, and post-project road densities in the Project area;

I. Disclose the GCNF's record of compliance with state best management practices regarding stream sedimentation from ground-disturbing management activities;

J. Disclose the GCNF's record of compliance with its monitoring requirements as set forth in its Forest Plan;

K. Disclose the GCNF's record of compliance with the additional monitoring requirements set forth in previous DN/FONSI and RODs on the GCNF;

L. Disclose the results of the field surveys for proposed, threatened, endangered, sensitive, and rare plants and species in the project area;

M. Disclose the level of current noxious weed infestations in the Project area and the cause of those infestations;

N. Disclose the impact of the Project on noxious weed infestations and native plant communities;

O. Disclose the amount of detrimental soil disturbance that currently exists in the project area from previous mining activities;

P. Disclose the expected amount of detrimental soil disturbance in each unit after ground disturbance and prior to any proposed mitigation/remediation;

Q. Disclose the expected amount of detrimental soil disturbance in the project area after proposed mitigation/ remediation;

R. Disclose the analytical data that supports proposed soil mitigation/remediation measures;

S. Disclose the timeline for implementation;

T. Disclose the current level of old growth forest in each third order drainage in the Project area;

U. Disclose the method used to quantify old growth forest acreages and its rate of error based upon field review of its predictions;

V. Disclose the historic levels of mature and old growth in the Project area;

W. Disclose the level of mature and old growth necessary to sustain viable populations of dependent wildlife species in the area;

X. Disclose the amount of mature and old growth that will remain after implementation;

Y. Disclose the amount of current habitat for old growth dependent species in the Project area;

Z. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security during Project implementation;

AA. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security after implementation;

BB. Disclose the method used to determine big game hiding cover, winter range, and security, and its rate of error as determined by field review;

CC. Disclose and address the concerns expressed by the ID Team in the draft Five-Year Review of the Forest Plan regarding the failure to monitor population trends of fogle, the inadequacy of the Forest Plan old growth juniper standard, and the failure to compile data to establish a reliable inventory of sensitive species on the Forest;

DD. Disclose how Project complies with the Roadless Rule;

EE. Disclose the impact of the proposed project on the carbon storage potential of the area;

FF. Disclose the baseline condition, and expected sedimentation during and after activities, for all streams in the area;

GG. Please disclose how this project will enhance fish and wildlife habitat;

HH. Please disclose how this project will degrade fish and wildlife habitat;

II. Please explain the cumulative impacts of this proposed project.

JJ. Disclose maps of the area that show the following elements:

1. Past, current, and reasonably foreseeable future mining in the Project area;
2. Past, current, and reasonably foreseeable grazing allotments in the Project area;
3. Hiding cover in the Project area according to the Forest Plan definition;
4. Old growth forest in the Project area;
5. Big game security areas;
6. Moose winter range;

Please disclose how this project will affect local ranchers and the quality of the water that they rely on. Page 25 of the scoping notice states:

“The areas immediately surrounding the Stillwater Mine are primarily rural, characterized by low-density residential properties, active ranches, and small unincorporated communities. The Proposed Action

could have impacts on public health and safety related to potential Hertzler TSF dam failure, potential ESWRSF failure, and mine-related traffic,..."

Please point to even one mine that hasn't failed in the Rockies? The answer would be "no, they all fail."

Golden Sunlight near Whitehall, Montana was supposed to be the "new" mining when they kicked it off in the 90s. Well, here we are 30 years later and it requires "treatment in perpetuity" for cyanide pollution of the groundwater.

How much is the bond this mining company is required to post. Is it enough to treat the water in perpetuity? Is it enough to compensate the local ranchers for the loss of their income if the tailings dam fails?

Weeds

Native plants are the foundation upon which the ecosystems of the Forest are built, providing forage and shelter for all native wildlife, bird and insect species, supporting the natural processes of the landscape,

and providing the context within which the public find recreational and spiritual opportunities. All these uses or values of land are hindered or lost by conversion of plants. The ecological threats posed by noxious weed infestations are so great that a former chief of the Forest Service called the invasion of noxious weeds “devastating” and a “biological disaster.” Despite implementation of Forest Service “best management practices” (BMPs), noxious weed infestation on the Forest is getting worse and noxious weeds will likely overtake native plant populations if introduced into areas that are not yet infested. The Forest Service has recognized that the effects of noxious weed invasions may be irreversible. Even if weeds are eliminated with herbicide treatment, they may be replaced by other weeds, not by native plant species.

Invasive plant species, also called noxious weeds, are one of the greatest modern threats to biodiversity on earth. Noxious weeds cause harm because they displace native plants, resulting in a loss of diversity and a change in the structure of a plant community. By removing native vegetative cover, invasive plants like knapweed may increase sediment yield and

surface runoff in an ecosystem. As well knapweed may alter organic matter distribution and nutrient through a greater ability to uptake phosphorus over some native species in grasslands. Weed colonization can alter fire behavior by increasing flammability: for example, cheatgrass, a widespread noxious weed on the Forest, cures early and leads to

Weed colonization can also deplete soil nutrients and change the physical structure of soils. Management activities are largely responsible for noxious weed infestations; in particular, bulldozing and road construction and use create a risk of weed infestations.

The increase in traffic of heavy equipment into the Forest creates and exacerbates noxious weed infestations. Are roadsides throughout the project area and previous mining activity in the project area infested with noxious weeds? Once established along roadsides and mine sites, invasive plants will likely spread into adjacent grasslands and forest openings.

Will proposed mining activities within the analysis area cumulatively contribute to increases to noxious weed distribution and populations?

Dry site vegetation types and road corridors are extremely vulnerable, especially where recent ground disturbance has

Please address the ecological, social and ascertained impact of current noxious weed infestations within the project area. Include an analysis of the impact of the actions proposed by this project on the long and short term spread of current and new noxious weed infestations. What treatment methods will be used to address growing noxious weed problems? What noxious weeds are currently and historically found within the project area? Please include a map of current noxious weed infestations which includes knapweed, Saint Johnswort, cheat grass, bull thistle, Canada thistle, hawkweed, hound's-tongue, oxeye daisy and all other Category 1, Category 2 and Category 3 weeds classified as noxious in the Montana COUNTY NOXIOUS WEED LIST. 1975).

Are yellow and orange hawkweeds present within the project area?

Please address the cumulative, direct and indirect effects of the proposed project on weed introduction, spread and persistence that includes how weed infestations have been and will be influenced by the following management actions: burning and cutting of trees and shrubs

Noxious weeds are not eradicated with single herbicide treatments. A onetime application may kill an individual plant but dormant seeds in the ground can still sprout after herbicide treatment. Thus, herbicides must be used on consistent, repetitive schedules to be effective.

What commitment to a long-term, consistent strategy of application is being proposed for each weed infested area within the proposed action area? What long term monitoring of weed populations is proposed?

When areas treated with herbicides are reseeded on national forest land, they are usually reseeded with exotic grasses, not native plant species. What native

plant restoration activities will be implemented in areas disturbed by the actions proposed in this project? Will disturbed areas including burn units be planted or reseeded with native plant species?

The scientific and managerial consensus is that prevention is the most effective way to manage noxious weeds. The Forest Service concedes that preventing the introduction of weeds into un-infested areas is “the most critical component of a weed management program.” The Forest Service’s national management strategy for noxious weeds also recommends “develop[ing] and implement[ing] forest plan standards . . .

.” and recognizes that the cheapest and most effective solution is prevention. Which units within the project area currently have no noxious weed populations within their boundaries? What minimum standards are in the Caribou- Targhee Forest Plan to address noxious weed infestations? Please include an alternative in the that includes land management standards that will prevent new weed infestations by addressing the causes of weed infestation.

The failure to include preventive standards violates NFMA because the Forest Service is not ensuring the protection of soils and native plant communities.

Additionally, the omission of an EIS alternative that includes preventive measures would violate NEPA because the Forest Service would fail to consider a reasonable alternative.

Rare Plants

The ESA requires that the Forest Service conserve endangered and threatened species of plants as well as animals. In addition to plants protected under the ESA, the Forest Service identifies species for which population viability is a concern as “sensitive species” designated by the Regional Forester (FSM 2670.44). The response of each of the sensitive plant species to management activity varies by species, and in some cases, is not fully known. Local native vegetation has evolved with and is adapted to the climate, soils, and natural processes such as fire, insect and disease infestations, and windthrow. Any management or lack of management that causes these natural processes to be altered may have impacts on native vegetation, including threatened and sensitive plants. Herbicide

application – intended to eradicate invasive plants – also results in a loss of native plant diversity because herbicides kill native plants as well as invasive plants. Although native species have evolved and adapted to natural disturbance such as fire on the landscape, fires primarily occur in mid to late summer season, when annual plants have flowered and set seed. Following fall fires, perennial root-stocks remain underground and plants emerge in the spring. Spring and early summer burns could negatively impact emerging vegetation and destroy annual plant seed.

What proposed, threatened, endangered, rare and sensitive plant species and habitat are located within the proposed project area? What standards will be used to protect threatened, rare, sensitive and culturally important plant species and their habitats from the management actions proposed in this project?

Describe the potential direct and indirect effect of the proposed management actions on rare plants and their habitat.

Water

Both surface water and groundwater may be adversely affected by mining operations. Surface waters may be dirtied by increased sediment levels due to erosion, increased flows from runoff, and by the use of roads. The forest service has a duty to ensure that its actions will not lead to violations of water quality standards and other provisions of state water quality programs, and it is responsible for gathering the needed data and determining the likely impacts of mining and other mineral activities. Will the proposed mining activity impact Forest Service water rights? Please demonstrate that the mining company secured the required water rights. Please also demonstrate compliance with Montana water rights law.

Is there a clean up plan in case there is a fuel spill? Since this is a concern, we believe that it is another reason an EIS should be written.

Fish populations in streams within the analysis area and downstream must be thoroughly analyzed. The impact of the project on fish with stringent habitat requirements for rivers with cold, connected, clean, and structurally complex must be considered. Erosion, sedimentation, and chemical contamination of surface water destroy fish habitat. We are particularly concerned with the potential for the project to impact the TES aquatic/riparian species omitted from the analysis.

Page 24-25 of the scoping notice states:

Aquatic Life and Fisheries

As a result of implementing the Proposed Action, there may be potential impacts (beneficial and adverse) on aquatic life and fisheries, including special status species. Actions or conditions that could lead to impacts include the Lower Nye Creek relocation, which would connect the creek to the Stillwater River and remove the culverts currently conveying Nye Creek (beneficial impacts). Relocation could also result in adverse impacts, including related changes in sediment delivery, water quality changes, flow changes, channel instability, changes to floodplain form and function, stream temperature changes, loss of habitat, and discharge of acute concentrations of metals. Potential impacts on aquatic life and fisheries will be characterized qualitatively or quantitatively based on available data.

Please survey the streams and rivers in the area for fish and extensively analyze how the proposed action will effect aquatic life in the area.

The impacts of the project on the area's hydrology should be analyzed. How will operations and road construction affect hydrology?

Federal anti-degradation regulations issued under the Clean Water Act require full maintenance and protection of existing uses from both point and non-point sources of pollution. (40 C.F.R. 131.12). Are

there any WQLS streams in the project area or in the Stillwater drainage?

We request a careful analysis of the impacts to fisheries and water quality, including considerations of sedimentation, increases in peak flow, channel stability, risk of rain-on-snow events, and increases in stream water temperature. Please disclose the locations of seeps, springs, bogs and other sensitive wet areas, and the effects on these areas of the project activities. Where livestock are permitted to graze, we ask that you assess the present condition and continue to monitor the impacts of grazing activities upon vegetation diversity, soil compaction, stream bank stability and subsequent sedimentation.

Please disclose in the NEPA document the results of up-to-date monitoring of fish habitat and watershed conditions and how this project will affect the fish in the project area.

Proper disclosure of baseline conditions would mean estimates of stream stability, pool frequency conditions, and water temperature range—essentially the values of Riparian Management Objectives along with such parameters as sediment levels. When such information is provided, comparison with the current conditions (after impacts of development) will aid in the assessment of cumulative effects of all alternatives.

You need to establish the natural baseline so that when the mining activities start occurring, you have something to compare to so you know when the mining activities are affecting the water quality.

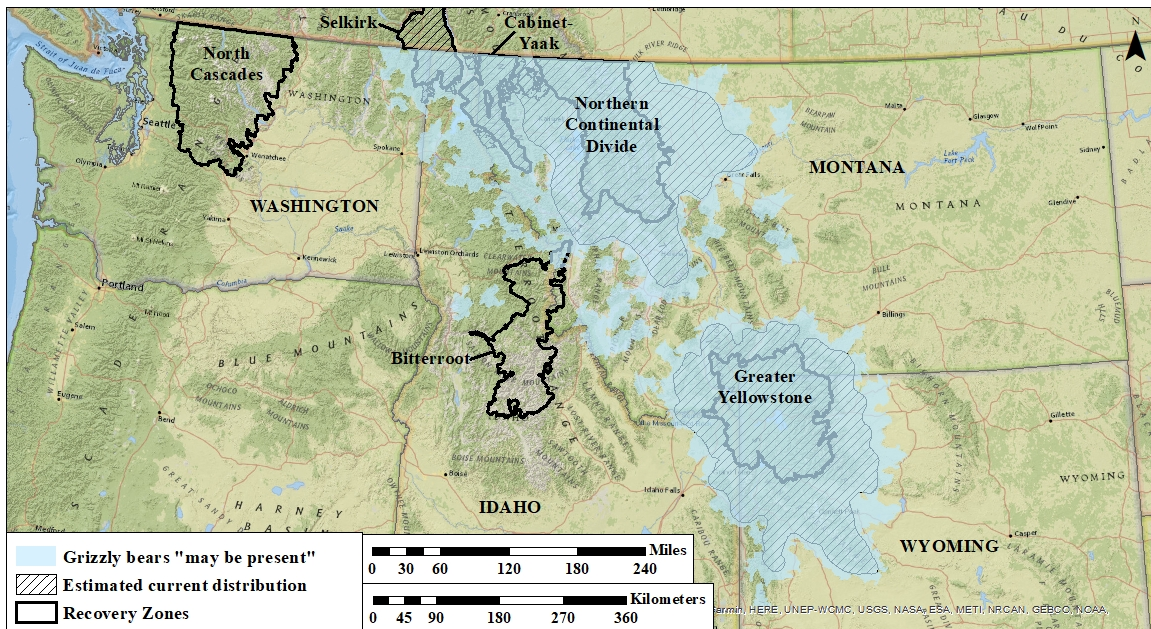
Please formally consult or conference with the Fish and Wildlife Service on the impact of the project on grizzly bears, lynx, wolverines, monarch butterflies and whitebark pine.

Grizzlies

Please see below, the USFWS's map of grizzly bear habitat.

https://www.fws.gov/sites/default/files/documents/2025-08/20250702_gb_species-list-area_0.pdf

"May Be Present" Map for Grizzly Bears



The U.S. Fish and Wildlife Service, in close coordination with state and federal partners, has developed a methodology for the grizzly bear "may be present" map to meet requirements under Section 7(a) of the Endangered Species Act (ESA). "May be present" maps help federal agencies determine where effects to listed species should be considered for consultation from actions they carry out, fund, or permit. As grizzly bears expand their range, maps are intended to be spatially inclusive of all areas that meet the "may be present" methodology for grizzly bears. The "may be present" methodology is derived from current distributions and verified location data outside of current distributions; not all areas that are designated as "may be present" meet the criteria to be included in current distributions. Local evaluation is needed by federal Level 1 ESA Streamlining Teams to determine potential effects of agency actions where grizzly bears "may be present." Identifying locations where grizzly bears "may be present" will facilitate project planning activities that promote grizzly bear conservation and recovery. Last updated January 11, 2021.

The project area is clearly in occupied grizzly bear habitat as well as lynx, wolverine, monarch butterfly and whitebark pine habitat.

The GCNF defines grizzly security areas as being ten acres in size. The Federal District Court just ruled that does not follow the best available science in a case involving the Bitterroot National Forest. The

GCNF Forest Plan also violates the Endangered Species Act for the same reason.

Page 23 of the DEA states:

The project area occurs in Zone 2 where the management emphasis is on maintaining the opportunity for grizzly bears to move between the NCDE and other ecosystems. Grizzly bear secure habitat occurs in the action area and project area, influenced by the amount and location of motorized routes (roads) and private land boundaries.

Will the Still Water Mine amendment maintain the opportunity for grizzly bears to move between the GYE and other ecosystems?

What best available science supports the action alternatives?

Please analyze the wilderness characteristic of the both the inventoried and un-inventoried roadless areas and wilderness study areas in the project area. The roadless areas are proposed as wilderness in the Northern Rockies Ecosystem Protection Act, H.R. 2420 and S. 1198.

The Forest Service recognizes the value of forestland unencumbered by roads, timber harvest, and other development. Sometimes these areas are known as

“inventoried roadless areas” if they have been inventoried through the agency’s various Roadless Area Review Evaluation processes, or “nonroaded areas” if they have not been inventoried but are still of significant size and ecological significance such that they are eligible for congressional designation as a Wilderness Area.

Roadless areas provide clean drinking water and function as biological strongholds for populations of threatened and endangered species. Special Areas; Roadless Area Conservation; Final Rule, 66 Fed. Reg. 3,244, 3,245 (Jan. 12, 2001) (codified at 36 C.F.R. Part 294). They provide large, relatively undisturbed landscapes that are important to biological diversity and the long-term survival of many at-risk species. *Id.* Roadless areas provide opportunities for dispersed outdoor recreation, opportunities that diminish as open space and natural settings are developed elsewhere. *Id.* They also serve as bulwarks against the spread of non-native invasive plant species and provide reference areas for study and research. *Id.*

Other values associated with roadless areas include: high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and

animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural appearing cultural properties and sacred sites; and other locally identified unique characteristics.

It is clear from the scoping document that the projects will create movement barriers for the lynx, and that the NRLMD does not prohibit this severe impact.

Page 25 of the scoping notice states:

Wildlife

As a result of implementing the Proposed Action, there may be potential impacts on special status species (e.g., threatened, endangered, proposed, and other protected species). Species that may need to be considered include, but are not limited to, Canada lynx, grizzly bear, North American wolverine, Suckley's cuckoo bumble bee, monarch butterfly, and multiple raptor species. The Proposed Action will be compared to the actions and analyses covered under the Site-wide BA for Stillwater Mine, Benbow Portal, and East Boulder Mine Operations and associated USFWS BO (in the case of lynx and grizzly bear) and concurrence (in the case of wolverine). Actions or

conditions that could lead to impacts may include: changes to motorized road densities and locations, removal or modification of seasonal habitats and migration corridors, and disturbance or displacement of individuals. Potential impacts on these species will be characterized qualitatively or quantitatively based on available data.

Please explain in detail the proposed impact on lynx, lynx critical habitat, grizzly bears, wolverines, and whitebark pine. I am opposed to destroying any more habitat for these species. It has been death by a thousand cuts for lynx, grizzlies, wolverines, and whitebark pine. How many whitebark pine will the expanding the mine kill?

The project will “Likely to adversely affect lynx which means that listed resources are likely to be exposed to the action or its environmental consequences and will respond in a negative manner to the exposure.

The project does not have a take permit from the U.S. F.W.S. and is in violation of the E.S.A., NFMA, the APA and NEPA. The ESA (Section 3) defines take as "to harass, harm, pursue, hunt, shoot, wound, trap, capture,

USFWS further defines "harm" as "significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering", and "harass" as "actions that create the

likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns.

Please disclose whether you have conducted surveys in the Project area for this Project for whitebark pine, wolverines, pine martins, northern goshawk and lynx, monarch butterfly and Suckley's cuckoo bumble bee, and grizzly bears as required by the Forest Plan.

Page 20 of the states whitebark pine are in the project area.

Who will survey and identify whitebark pine? Are they qualified to identify whitebark pine.

The project appears to violate the best available science on road density in grizzly bear habitat. Are you going to comply with the law and use at least a 2500 acres definition for grizzly secure habitat?

Please consult with the US FWS on the impact of the project before the draft ROD is signed so the public has a chance to comment as provided by in NEPA.

The Forest Plan uses the 10 acre definition that the federal court in Montana ruled was illegal. Are you reconsulting on the Forest Plan as the court ordered. If you have not the Amendment would be illegal.

Please disclose the last time the Project area was surveyed for whitebark pine, monarch butterfly, Suckley's cuckoo bumble bee, wolverines, pine martins, northern goshawk, grizzly bears and lynx.

Please disclose how often the Project area has been surveyed or whitebark pine, monarch butterfly,

Suckley's cuckoo bumble bee, wolverines, pine martins, northern goshawk, grizzly bears and lynx.

Would the habitat be better or whitebark pine, monarch butterfly, Suckley's cuckoo bumble bee, wolverines, pine martins, northern goshawk, grizzly bears and lynx if the Amendment was not approved?

Please provide us with the full BA for the or whitebark pine, monarch butterfly, Suckley's cuckoo bumble bee, wolverines, pine martins, northern goshawk, grizzly bears and lynx.

FAILURE TO REVIEW AND PROTECT CULTURAL AND HISTORICAL RESOURCES

Consultation with the State Historic Preservation Office (SHPO) must be completed prior to a decision being signed. Any required protection measures provided from SHPO will be incorporated into my final decision.

Crucial to the preservation of the historical and cultural foundations of the nation, Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 C.F.R. Part 800 (PDF) (revised August 5, 2004) require Federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Additionally, Federal agencies must provide the Advisory Council on Historic Preservation (ACHP) opportunity to

comment on such projects prior to the agency's final decision.

Thank you for your time.

Sincerely yours,

Sincerely yours,
Mike Garrity
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