DECISION MEMO

Warren Placer Exploration Project

USDA - Forest Service
Payette National Forest
McCall Ranger District
Idaho County, Idaho

As District Ranger for the McCall Ranger District, Payette National Forest, I have carefully reviewed the proposed exploration project for the Warren Placer located at Warren Meadows, Sec. 34 & 35, T23N, R06E, and Sec. 3, T22N, R06E, Boise Meridian. In reaching a decision on this proposal, I considered the comments of the Tribes, other agencies, and the public. I consulted with members of the Interdisciplinary Team (ID Team), reviewed potential effects, and considered the relationship of the project to Forest Plan direction and Federal law and regulation. It is my determination that no additional environmental analysis is required under the National Environmental Policy Act (NEPA) based on agency direction and the absence of extraordinary circumstances that may result in significant effects to the environment.

The Action

A placer gold bulk sampling project would involve the excavation of six trenches within two separate project areas located in Warren Meadows (see Figures 1 & 2). Warren Meadows is a field of granite cobbles and ponds roughly 1.8 miles long by 0.4 miles wide created by past placer mining. The first project area encompasses approximately 0.3 acres and is located on a flat sandy terrace adjacent to Camp Creek. The second project area is a flat area of approximately 0.8 acres located 0.7 miles south of the first area. A number of mitigation measures would be implemented for this project (see Attachment A) and the site reclaimed to agency standards (see Attachment B). A more detailed description of the project can be found in the project file located at the McCall Ranger District.
Figure 2
RATIONALE FOR MY DECISION

My decision was guided by federal law and policy including the Mining Law of 1872, the Endangered Species Act, the Clean Water Act, regulation at 36 CFR 228 subpart A that guide Forest Service management of surface resources associated with mining, and Forest Service Policy.

The primary purpose for this decision was to respond to the operator’s project proposal as required under the 36 CFR 228 mining regulations. I carefully considered the scope of the project and its potential effects to resources in the area, including extraordinary circumstances. I have thoroughly reviewed the above-mentioned project description and Design Features, Operational Requirements, and Environmental Protection Measures in Attachment A that will be used to supplement the Plan of Operations and am satisfied that the protection measures developed will fully address the concerns raised.

Forest Plan Consistency

The action complies with direction in the 2003 Payette National Forest Plan (Forest Plan) to facilitate development of minerals in an environmentally sound manner, to require mitigation and reclamation of surface disturbances, and to integrate minerals project planning with other resource management direction (Forest Plan, III-48). The action is consistent with goals, objectives, standards, and guidelines for all other potentially affected resources.

REASONS FOR CATEGORICALLY EXCLUDING THE ACTION FROM ADDITIONAL DOCUMENTATION

An action may be categorically excluded from further analysis and documentation in an environmental assessment (EA) or environmental impact statement (EIS) if there are no extraordinary circumstances related to the proposed action and if the proposed action is within a category listed in 36 CFR 220.6(d) and (e). The action qualifies for this exclusion under §220.6(e)(8):

"Short-term (1 year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than 1 mile of low standard road, or use and minor repair of existing roads."

Finding of No Extraordinary Circumstances

I have determined, based on the following analysis, that there are no extraordinary circumstances related to the action that may result in a significant individual or cumulative environmental effect (as defined in 36 CFR 220.6). My determination is based on interdisciplinary team review and analysis and documents in the project record, as summarized below.
i. The action has been analyzed to determine effects on **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.** Biological evaluations were completed for this action to determine effects to species listed as threatened or endangered species, designated critical habitat and Forest Service sensitive species. Further details are contained in the biological evaluations in the project record.

**Plants**

No threatened, endangered, or candidate plant species occur within or adjacent to the project area. The action will have no effect to any threatened, endangered, or candidate plant species. No habitat for Forest sensitive plants or watch plants of local concern was noted in the area. The project will not impact any habitat for Forest sensitive plants or rare plants of local concern and is not likely to contribute to a trend toward Federal listing of any plant species. The determination of no impact to sensitive plants and no effect for listed species is made because: Past and recent surveys in the area found no habitat for any TE plants or any Forest sensitive plants or watch plants of local concern in the project area.

**Wildlife**

The proposed activities would have “no effect” to any threatened, endangered, proposed and candidate species. The proposed activities would have no impact to any sensitive, management indicator species, or species of special interest. No change in habitat would occur from the project activities for any of the species listed above.

**Fish**

In April 2015, a journey level fisheries biologist prepared a Biological Assessment (BA) for Snake River spring/summer Chinook salmon, Snake River steelhead, Columbia River bull trout, and associated designated critical habitat. The BA determination found that actions associated with the Warren Placer Project were “not likely to adversely affect” bull trout and Chinook salmon or their critical habitat and steelhead critical habitat, but that potential adverse effects to individual juvenile steelhead at a ford crossing could not be ruled out. Project consultation was undertaken with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). Written concurrence from the USFWS on the Warren Placer Project determination of “may affect, but is not likely to adversely affect” bull trout or their critical habitat was received on May 6, 2015. A Biological Opinion was issued by the NMFS on July 30, 2105 that reflects the effects determinations in the BA regarding steelhead. In addition, the fisheries biologist prepared a Biological Evaluation (BE) for westslope cutthroat trout, a Payette National Forest sensitive species, with a determination of “Not Likely to Lead to Listing”. Project design features (Attachment A) include implementation of non-discretionary terms and conditions prescribed by the regulatory agencies. Approval of the Plan of Operations will be dependent upon the applicant’s acceptance of these project design features.

The potential adverse effects to individual juvenile steelhead are not considered a significant individual or cumulative environmental effect for the following reasons: Adverse effects would likely be due to temporary harassment as vehicles ford the stream.
and juvenile steelhead exhibit avoidance behavior, and mortality is unlikely. Although the presence of juvenile steelhead near the ford has been documented, the possibility of anadromous steelhead spawning in the area is very unlikely due to a probable barrier downstream.

ii. There are no municipal watersheds, floodplains, or wetlands in the exploration activity areas; therefore, there will be no effect to these resources.

iii. The action does not occur in any congressionally designated area such as wilderness, wilderness study area, or National Recreation Area; therefore, there will be no effect on these resources.

iv. The action does not occur within an Inventoried Roadless Area or potential wilderness area; therefore, there will be no effect on these resources.

v. The action is not situated in or near a Research Natural Area; therefore, there will be no effect on this resource.

vi. The action would not affect any known Native American and Alaska Native religious or cultural sites. The Federal government has trust responsibilities to Tribes under a government-to-government relationship to ensure that the Tribes reserved rights are protected. The project was presented to the Shoshone-Paiute Tribes of Duck Valley at the Wings & Roots Native American Campfire. This project was discussed at two staff-to-staff meeting held with the Nez Perce Tribe. The project was presented to the Shoshone-Bannock tribe through written contact.

vii. The action would not adversely affect any known archeological sites, or historic properties, or areas. A cultural resource survey and a National Historic Preservation Act Section 106 report were prepared and sent to the State Historic Preservation Office, which agreed with the “no adverse effect” determination.

I have determined there are no extraordinary circumstances related to my decision that may result in significant individual or cumulative environmental effects, nor other adverse effects associated with this project.

Cumulative Effects

I have considered the potential for cumulative effects and concluded that any contribution of the action to cumulative effects will be inconsequential. Due to the very limited scale and duration of this action it is unlikely that any effects would be detectable even locally. Because there are other mining activities occurring in the immediate area (e.g. the Rescue Mine underground operation), it is even less likely that effects of the proposed action could be detected at the subwatershed scale.

My conclusion is further based on 1) the analysis conducted in the biological evaluations of project effects to listed and sensitive fish, wildlife, and plant species, 2) information gathered
during public scoping, and 3) the low risk of environmental impact, as described in the project record and in this document.

Public Involvement and Scoping

Scoping and comment on the proposed action for the Warren Placer Exploration Project was made through a legal notice in the McCall *The Star News* on January 8, 2015. Letters describing the project were sent to 145 individuals, agencies, and organizations on January 5, 2015. The project was also listed in the Payette National Forest Schedule of Proposed Actions from January 2014 through June 2015. The project was also posted on the Payette National Forest public web site. As a result of this public involvement effort, comments were received from five individuals, two state agencies, and two organizations (see Attachment C). In addition, the Nez Perce Tribe, the Shoshone-Paiute Tribes of Duck Valley, and the Shoshone-Bannock Tribes were consulted. Comments were provided by the Nez Perce Tribe and the Shoshone-Paiute Tribes of Duck Valley. A complete list of agencies and individuals consulted is included in the Project Record.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations and documentation of compliance is included in the project record. I have summarized some pertinent ones below.

**Endangered Species Act:** The Forest Botanist, Zone Wildlife Biologist, and Zone Fisheries Biologist evaluated the proposed action in regards to the Endangered Species Act (see biological evaluations in the project record and the discussion on Threatened, Endangered, Proposed species above). Both US Fish and Wildlife Service and National Marine Fisheries Service were consulted regarding potential impacts to listed fish species and appropriate design features have been included to mitigate impacts.

**National Forest Management Act:** In accordance with the National Forest Management Act and accompanying regulations the action is consistent with the 2003 Forest Plan, including Forestwide and Management Area direction.

**Clean Water Act:** I have determined that this project complies with the Clean Water Act and related State Water Quality requirements. Implementation of Best Management Practices, design features, and environmental protection measures will adequately protect all beneficial uses that may be affected by this project.

**National Environmental Policy Act:** This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

**National Historic Preservation Act:** This Act requires consideration of effects on historic resources. I have determined through site surveys, analysis, and subsequent concurrence by the State Historic Preservation Officer that this project will have no adverse effect on historic resources.
IMPLEMENTATION

The Plan of Operations, including mandatory implementation of all Design Features, Operational Requirements, and Environmental Protection Measures in Attachment A and the Reclamation Plan in Attachment B of this Decision Memo, will terminate one year after implementation begins. The final plan is approved contingent upon the operator’s submission and the Forest’s acceptance of the bond. Implementation can proceed immediately after plan approval and after all required state and federal permits are obtained by the operator.

ADMINISTRATIVE REVIEW

On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (P.L No. 113-76). Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes “shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excluded ... under the National Environmental Policy Act [NEPA].” On February 7, 2014, the President signed into law the Agricultural Act of 2014 (Farm Bill) (P.L. No. 113-79). Section 8006 of the 2014 Farm Bill repealed the Appeals Reform Act (ARA) (P.L No. 102-381). The ARA’s implementing regulation was 36 CFR 215. The 2014 Farm Bill also directs that the pre-decisional objection process established in the Consolidated Appropriation Act of 2012 shall not be applicable to categorically excluded projects or activities. As a result of these two statutes, the Forest Service no longer offers notice, comment and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects.

CONTACT PERSON

Further information about this decision can be obtained from Jim Egnew, Payette National Forest Geologist, at (208) 634-0756, or contact the McCall Ranger District, 102 West Lake Street, McCall, Idaho 83638.
Attachment A

Warren Meadows Placer Exploration Project
Design Features, Operational Requirements, and Environmental Protection Measures

General
- Forest Service personnel will flag work area boundaries prior to mobilizing equipment to site.
- Ground disturbance will not occur outside work area boundaries.
- Silt fences or other Forest Service approved erosion control measures will be used to contain sediment on site and within work area boundaries and prevent delivery to streams.
- Operators will be required to comply with all state and federal fuel management regulations and have spill containment and cleanup kits appropriate for the quantity of fuel on site.
- Camping, associated facilities, and fuel truck parking will be located outside the RCA where feasible or a suitable location that will prevent RCA resource damage will be designated by the Forest Service.
- All trash will be properly contained on site prior to disposal in an approved, off-site location.
- Warren Creek ford approaches will be armored and drivable drain-dips constructed as FS-approved locations prior to mobilizing equipment to site. Aggregate used to armor ford will be sourced from a pit approved as weed free by an individual certified by the State, County, or Forest Service.
- During temporary road construction at area #1 no material will be side cast into the intermittent swale that is crossed by the road prism.
- Trenching would be confined to approximate dimensions of 8 feet wide x 25 feet deep to contain the extent of surface disturbance. Trench boxes will be utilized if the Minerals Administrator determines excessive trench wall sloughing is causing unacceptable surface disturbance.
- Trench alignment would be adjusted to minimize cutting of overstory vegetation as much as possible.
- Transport of fuel will use D.O.T. approved tank.
- All equipment will be inspected to insure there are no leaks.
- A closed circuit wash plant water recycling system will be used.
- Process water arsenic concentrations will be monitored by the Forest Service Minerals Administrator and operations suspended if substantial increases are detected as described in the groundwater monitoring plan.
• Earth disturbing equipment will be inspected for seeds, plants, plant fragments, or soil and cleaned as necessary prior to project start-up.
• A noxious weeds survey and treatment of any identified species in the project area will be completed prior to project implementation.
• Visual inspection for noxious weed presence will be performed during reclamation implementation/effectiveness monitoring.
• There will be no disturbance to dredge tailing windrows beyond blading and reclamation of existing access route.
• Trees along the northern edge of Area #1 will be retained as a visual screen from the dredge.
• To ensure public safety, operator will fence and sign area of operations to prevent public access.
• Proper fire-fighting tools will be available in each vehicle.
• All trash will be properly contained on site and disposed of on a regular basis.

Reclamation
• Exploration activities will occur in the summer and early fall months, approximately July to October, when streams are at base flow levels and water table levels are at their lowest. Reclamation will begin immediately after exploration activities are completed and will be completed before onset of winter. See attached Reclamation Plan.
• Trenches in Area #1 will be reclaimed to wetlands as described in the Reclamation Plan (Attachment 2).
• Access roads and all disturbed areas will be reclaimed following project completion and prior to winter. Reclamation will include blocking motorized access on the temporary access roads, installing drainage features, subsoiling to the depth of compaction, or scarification.
• Stockpiled organic material recovered from trench excavation will be incorporated into the reclaimed surface, road obliteration, and disturbed areas. Certified noxious weed free straw mulch and native species seed will be applied.
• Trees felled within Riparian Conservation Areas (RCAs) will be left on site and incorporated into reclamation.
• Existing willow clumps in the project area will be excavated and stockpiled for use in reclamation.
• During reclamation, excess excavated material will be drifted up against existing tailings windrows bordering the project areas.

Biological Opinion Terms & Conditions
The following terms and conditions are included in the Biological Opinion for this project issued by the National Marine Fisheries Service (NMFS) under Section 7 of the Endangered
Species Act. Compliance is non-discretionary and violations could result in criminal and/or civil prosecution by that agency. Compliance will be monitored by the Forest Service Minerals Administrator.

To minimize the potential for incidental take resulting from the fording of Warren Creek, the following must be adhered to:

- Aggregate used to armor the Warren Creek stream ford will not be sourced from within an RCA.

- Vehicles fording Warren Creek shall cross as closely in timing as practicable (i.e., in a convoy) to minimize the risk of adverse effects caused by their crossing.

- The drivers of the vehicles fording Warren Creek shall be instructed to limit their speed to 5 miles per hour (mph) or less while approaching, fording, and exiting Warren Creek (the approach and exit are defined as those areas armored at the ford prior to project implementation as described in the proposed action) to minimize disturbance of steelhead, potential sources of turbidity, and potential sources of sediment deposition. Drivers shall also be instructed to limit instances of wheel slippage while fording Warren Creek by implementing conservative use of the accelerator pedal (gas pedal) while approaching, fording, and exiting Warren Creek, thereby minimizing the same effects considered by limiting mph.

An exemption to the above T&C is provided in the event of an emergency situation. An emergency situation is defined as a significant and imminent threat to personal safety, property, or ESA-listed species under NMFS jurisdiction (e.g., a deep laceration, nearby active forest fire, or a large fuel spill). However, if an exemption is warranted, NMFS must be notified as soon as possible with details on the extent of damage to the Warren Creek ford.

- For those vehicles with mounted DOT-approved fuel tanks, drivers will be instructed on the use of the fuel spill kits located on site so that, in the unlikely event of a spill, a rapid and appropriate response can be made by PNF or the applicant. Such a response will likely prevent chemical contamination of Warren Creek and the take of steelhead in the area.

- Inspection of road improvements and stream crossing improvements shall be conducted at the conclusion of the project. If significant sediment delivery is occurring, then maintenance will be performed to minimize the delivery of sediment to streams.

To ensure completion of a monitoring and reporting program to confirm that the terms and conditions were effective in avoiding and minimizing incidental take from permitted activities and ensuring incidental take is not exceeded, the following must be adhered to:
To quantify and evaluate the extent of take granted, each vehicle crossing associated with the proposed action at the publicly accessible Warren Creek ford near project area #2 will be immediately recorded by the applicant on a data sheet or log book provided by the Payette National Forest. The information will be submitted to the Payette National Forest Minerals Administrator weekly. The Payette National Forest will relay the crossings report to NMFS either at the conclusion of the project or when 100 crossings have been used, whichever comes first. If contact is initiated at the 100 crossing threshold, the Forest Service and NMFS must determine if the remaining 20 crossings granted are adequate to complete the proposed action or if additional crossings will be required. If additional crossings are known to be required before reaching the 100 crossing threshold, the applicant should notify the Payette National Forest as soon as possible so that NMFS may be notified.

For clarification, a stream crossing is defined as one instance of a single project vehicle entering and subsequently exiting Warren Creek through a ford. A project vehicle is any machinery whose presence on site is related to the proposed action (e.g., pickup, bulldozer, backhoe, ATV, private vehicle, trailer, etc.). For the purposes of this reporting, trailers of any kind, including camper trailers, are considered a single instance of a vehicle (i.e., a pickup and trailer is considered two vehicles), as a trailer’s footprint, weight, and chemical contaminants often resemble the motorized vehicle towing it; therefore, trailers present similar effects to fish as if they were a motorized vehicle.

Using information supplied in part by the applicant, the Forest Service will complete a post-project report summarizing the results of the monitoring above shall be submitted to NMFS no later than 3 months after project completion, “completion” being defined as the conclusion of all activates excluding the criterion for release of the reclamation bond. The post-project report shall also include a statement that all the terms and conditions of this Opinion were successfully implemented. Additionally, a reclamation report considering the effectiveness of reclamation activities associated with the proposed action shall be submitted to NMFS no later than 3 months after the project’s reclamation bond has been released or evaluated for release. The post-project and reclamation reports shall be submitted to: NOAA Fisheries, Snake Basin Area Office Director, Attn: David Mabe, 800 E. Park Blvd, Plaza IV, Suite 220, Boise, Idaho 83712

If a steelhead becomes sick, injured, or killed as a result of project related activities, and if the fish would not benefit from rescue, the finder should leave the fish alone, make note of any circumstances likely causing the death or injury, location and number of fish involved, and take photographs, if possible. If the fish in question appears capable of recovering if rescued, photograph the fish (if possible), transport the fish to a suitable location, and record the information described above. The finder must contact NMFS Law Enforcement at (206) 526-6133 as soon as possible. The finder may be asked to carry out instructions provided by Law Enforcement to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.
Attachment B

Warren Meadows Placer Exploration
Final Reclamation Plan

 Desired Future Condition

Remove and dispose of all mining equipment, and other debris. Construct a freshwater emergent wetland at area #1 having similar characteristics and function as the nearby Camp Creek wetlands. Establish a self-sustaining native perennial vegetative cover on all disturbed areas with the exception of those areas having a bare cobble surface. Prevent establishment of noxious weeds.

Removal and Disposal of Equipment, and Other Debris

All equipment remaining on site after project completion would be hauled to McCall and disposed of as scrap metal or non-metal waste.

Earthwork & Revegetation

Concurrent Reclamation

Once sufficient reject material from the wash plant has accumulated, it would be hauled to the excavation area and used to backfill the trenches. The coarse reject material would be placed first, filling the trench up to approximately three feet below the present ground surface. This process would be started once there is enough room that it would not interfere with concurrent excavation at the opposite end of the trench. In this manner, the amount of ground requiring final backfilling would be limited to a migrating hole of less than approximately 400 cubic yards volume. If the trench is filled with water, backfilling would occur incrementally to prevent displaced water from flowing out on the ground surface.

Final Reclamation

Final reclamation of the trenches would be different depending on their location. The shallow subsurface hydrology is such that the trenches at Area #1 would be reclaimed as wetlands, but the westernmost trench at Area #2 would be reclaimed to the same grassy terrace as it is presently. The two other trenches at Area #2 would be reclaimed to wetlands in the same manner as at Area #1 if the water table is high enough to support a wetland vegetative community.

Area #1

Wetlands construction would take place in the fall when the water table is at its lowest. After the trenches are backfilled with coarse material during concurrent reclamation as described
above, the sides of the trenches would be laid back to approximately a 2:1 (H:V) slope. The final slope angles would be randomly varied (e.g. 1.5:1 – 2.5:1) to create a curved outline to the pond rather than the rectangular footprint of the trench. This primary shaping would take place with approximately one foot of standing water in the trenches. Fine grained backfill substrate would be prepared by mixing the finer wash plant reject material (<0.5 inch) with any stockpiled sand, clay, and/or peat. This material would then be placed into the trenches in a layer over the roughed in surface and lightly compacted if necessary (see idealized cross-section, Fig. 1). The final elevation would be such that approximately one foot of standing water covered the bottom of the trenches. After placement of the surface substrate, a small sump approximately one foot deep would be excavated at the lowest point in the trench and the water would be temporarily pumped to one of the other partially backfilled trenches. This would allow for easier planting of transplant stock, after which dewatering would be stopped and groundwater would be allowed to refill the planted area.

If the fine substrate is placed in the approximate configuration shown in Figure 1 this should result in an average late season open-water width of approximately 6 feet and a relatively short- lived late-spring/early summer width of approximately 12 feet. A belt approximately 6 feet wide that is subject to seasonal inundation would lie between the two water levels. This zone would be planted with local native wetland species. A certified Minerals Administrator would perform an on-site inspection to approve the final substrate configuration and elevations prior to placement of vegetation. A plan view of the constructed wetlands is shown in Figure 2.

Vegetation would be transplanted from the adjacent Camp Creek wetlands, stockpiled willow clumps salvaged from the trench sites prior to excavation, and (if necessary) other designated source areas. Sedge plugs sourced from the adjacent wetlands would be planted along the lower portion of the seasonal inundation belt and willow clumps along the upper portion. After planting, a cover crop of annual rye, winter wheat or other non-persistent annual would be seeded. Grass mulch harvested from the adjacent wetland would be spread over the pond slope above the waterline. If possible, harvest of the grass should coincide with seed maturity. If the available grass mulch is insufficient to provide an adequate thickness (approximately ¾ inch) of cover, it could be supplemented with certified weed-free straw.

After the wetlands are constructed, any excess coarse material would be drifted up against the side of the existing cobble windrow bordering the site on the west. The remainder of the disturbed area on the flat terrace around the constructed wetlands would be scarified. If there is excess fine material after the wetlands substrate has been placed, it would be incorporated into the surface material of the following areas in order of descending priority.

- Disturbed area on flat terrace within RCA
- Material drifted against existing windrow
- Reclaimed temporary access road

These areas would then be seeded with a FS-approved native seed mix at a rate of approximately 100 pure live seeds per square foot (see Attachment B). Biosol fertilizer would
be applied at a rate of 1 ton per acre. Certified weed-free straw would be applied at a rate of 1 ton per acre. Any trees and slash stockpiled during clearing would be spread over the straw in the RCA.

**Area #2**

After the western trench is backfilled with coarse material during concurrent reclamation as described above, finer-grained material would be placed on top of it, followed by stockpiled topsoil. The final elevation of the trench backfill would be level with the surrounding undisturbed ground to recreate the original terrace landform.

All disturbed areas would be seeded with a FS-approved native seed mix at a rate of approximately 100 pure live seeds per square foot. Biosol fertilizer would be applied at a rate of 1 ton per acre. Certified weed-free straw would be applied at a rate of 1 ton per acre. As noted previously, the eastern trenches at Area #2 would either be reclaimed as constructed wetlands in the same manner as Area #1 if the water table is high enough, otherwise they would be reclaimed as described above for the western trench.

**Bond Release Criteria**

**Minimum Acceptable Revegetation:** Revegetation of the non-wetland areas would be considered adequate when more than 25% foliar cover of desirable species is present over 70% of the area in years 2 and 3.

**Wetland Success Criteria:**

- Wetlands would experience water level fluctuations similar to adjacent Camp Creek wetlands (e.g. the bottom would still be wet or damp at end of the growing season).
- Greater than 70% transplant survival at end of first growing season following implementation or maintenance planting would be required.

**Final Bond Release:** Total release of the bond can only be approved when all elements of the reclamation plan have been completed. This includes removal and disposal of all hazardous materials, structures, equipment, and other debris; completion of all recontouring; and successfully meeting the above revegetation standards.
Figure 3. Profile view of restored wetland

Figure 4. Plan view of restored wetlands
1.1 The Purpose of the Forest Service in proposing this action is to minimize adverse environmental impacts to surface resources by regulating the functions, work, and activities connected with the miner’s plan to remove locatable minerals from National Forest System lands. The compelling Need for the Forest Service to take this action is to comply with the legal requirements to respond to the claimant’s reasonable Plan of Operations (36 CFR 228.4), and to ensure that “operations are conducted so as, where feasible, to minimize adverse environmental impacts on National Forest surface resources” (36 CFR 228.8).

The proposed action would accomplish the following Forest Plan goal in part:
MIGO01 – Facilitate the orderly and environmentally sound exploration, development, and production of mineral and energy resources.
2.1 Thank you for your comment

Jan. 10, 2015
To: Lisa Klinger

I reviewed the documentation in the forest service web site for the Warren Meadows Placer Exploration Project. I feel this project should be given the OK. It will add a few jobs to the Idaho and Valley economy. Mining has been a valued asset to this area. There has been a lot learned by the mistakes made on past mining projects and if this knowledge is applied to future activities mining's bad reputation can be changed. No chemical use is a big plus. I think you should work to make this project a go. The forest service needs to do more to add jobs to the local economy to make up for the timber sales that it can't put up any more.

Jack Paananen
POB 322
McCall, Idaho 83638
3.1 Thank you for your comment

Ms. Klinger--

Thank you for opportunity to comment on this project.

I can see no reason to not approve this exploratory project. You and your team will monitor the effort for compliance with pertinent environmental regulations.

Please note the change of address----getting old requires adjusting to the accompanying physical changes seen with aging. :)

Best wishes for the New Year.

Richard E. Carlson, MD
2904 N. Cloverdale Road
Boise, ID 83713
208-888-1328
4.1 The McCall Ranger District Travel Analysis Process (TAP) has been completed and does include the Warren area. The project proposes no travel management decision per 36 CFR 212 Subpart A or B. Since this project only proposes to use open NFS roads and authorize temporary roads, the project would not implement any changes to the minimum road system needed for safe and efficient travel and administration, utilization, and protection of NFS lands.

4.2 The reclamation plan includes rehabilitation of trenches and temporary roads. The rehabilitation will result in riparian function that is similar to prior to project implementation with a slight increase in riparian productivity in wetlands that are created where trenches are rehabilitated. The project does not restore the riparian conservation area (RCA) beyond what is required by Land and Resource Management Plan standards. For perennial streams, the RCA width is two site potential tree heights or 180 feet. For intermittent channels the RCA width is one site potential tree height or 80 feet. Wetland area and pond RCAs are 80 feet. In addition, identification of perennial and intermittent streams, ponds, lakes, and wetlands within and surrounding the project area was based on the U.S. Fish and Wildlife National Wetlands Inventory (NWI) (www.fws.gov/wetlands) and National Hydrography Dataset (NHD) (PNF GIS data). Field verified corrections to these two data sets were made within the project area to improve accuracy in delineating RCAs. Within the project area and surrounding Warren Meadows, the NWI inventory identified freshwater emergent and forested/shrub wetlands, freshwater ponds, and lakes. The NHD identified perennial and intermittent streams. Selection of this option is expected to provide distances that would account for most riparian functions and ecological process in the system. This is especially true in the dredge piles where the extent of riparian dependent vegetation is limited to thin strips along the edge of surface water such as ponds, ditches, and stream channels.

[responses continued on next page]
4.3 The Fish Specialist Report and Biological Assessment (BA) contain detailed information on bull trout distribution. In recent years, including 2014, surveys have been conducted in Camp and Guard Creek and bull trout were not detected. Based on surveys and habitat condition, bull trout spawning and rearing in Camp or Guard Creek is unlikely. Bull trout could occur transiently in any of the connected stream channels within Warren Creek. Based on surveys bull trout spawning and rearing appears to be limited to the headwaters of Schissler, Mayflower, and Slaughter Creek. Use of the tailings in Warren Meadows for rearing is unlikely and juvenile bull trout have not been detected in these areas. The BA includes an analysis of effects to bull trout critical habitat in Warren and Guard Creek. Trenches are not expected to measurably influence surface water flow. There is hydraulic connectivity between the cobble tailing aquifers and surface water, however all trenches would be located in previously undisturbed areas having a much lower hydraulic conductivity. Groundwater flow in these areas is much slower and is not considered to be connected to surface water with respect to contaminant transport (see Groundwater Technical Report).

4.4 As noted in the 4.3 response, the groundwater is not considered to be connected to surface water with respect to contaminant transport. Turbidity from the trench would be attenuated rapidly and monitoring would prevent significant increases in arsenic concentrations. The potential for groundwater transport of contaminants any significant distance down-gradient from the trench is negligible (Groundwater Technical Report).

4.5 A short temporary road is being used to access the area as described. See response 4.1

4.6 This is a one year project. The project does fit into a category that is excluded from documentation in an EA or EIS. The project does meet the requirements of a category that is excluded from documentation in an EA or EIS (36 CFR 220.6(e)(8)). The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion (CE). It is the existence of a cause-effect relationship between a proposed action and the potential effect on these
In considering extraordinary circumstances, the responsible official determines whether or not any of the listed resources are present, and if so, the degree of the potential effects on the listed resources. If the degree of potential effect raises uncertainty over its significance, then an extraordinary circumstance exists, precluding use of a categorical exclusion.

The responsible official is guided by project scoping internally and externally along with specialist reports, but also uses guidance provided in FSH 1909.15, Chapter 10, Section 11.6 when determining the final level of documentation necessary for a project.
5.1 The following is a form letter being distributed for all requests for comment by Idaho DEQ. The letter appears to be designed to notify proponents of potential applicable code across a wide array of projects. Various sections and references to Idaho code may or may not apply to an individual project. The Forest Service works with project proponents to design projects to meet state law and the codified mechanisms to implement State law. Contracts or other instruments for implementing Forest Service decisions also contain text for meeting State code and law. The Forest Service appreciates IDEQ’s list of potentially applicable code and designs projects to meet not only the applicable code identified in this form letter but any that is otherwise valid. It is the operators’ responsibility to assure compliance with state law. The Decision Memo addresses this concern.

Specific comments from IDEQ regarding water quality concerns are addressed in comment #8.

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**DEQ Response to Request for Environmental Comment**

| Date Requesting Comments: | USDA Payette National Forest |
| Date Request Received:    | 01/07/2015                  |
| Applicant/Description:    | Warren Meadows Placer Exploration Project |

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at [http://www.deq.idaho.gov/eq/](http://www.deq.idaho.gov/eq/).

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. **Air Quality**
   - Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).
   
   For questions, contact David Lufr, Air Quality Manager, at 373-0550.

   - IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

   For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. **Wastewater and Recycled Water**
   - DEQ recommends verifying that there is an adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

   - IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.

   All projects for construction or modification of wastewater systems require
3. **Drinking Water**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.

All projects for construction or modification of public drinking water systems require preconstruction approval.

- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at [http://www.deq.idaho.gov/water-quality/drinking-water.aspx](http://www.deq.idaho.gov/water-quality/drinking-water.aspx)). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.

- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.

- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.

- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Todd Crutcher, Engineering Manager at 373-0550.

4. **Surface Water**

- A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-wetting of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.
Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from BPA may be required.

If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho’s water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.

The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: http://www.idow.state.id.us/WaterManagement/StreamsPermits/StreamsAlterationPermits/AlterationPermit.htm

The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.

5. Hazardous Waste And Ground Water Contamination

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **No trash or other solid waste shall be burned, buried, or otherwise disposed of at the project site.** These disposal methods are regulated by various state regulations including Idaho’s Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.600), and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.649), hazardous materials (IDAPA 58.01.02.650), and used oil and petroleum releases (IDAPA 58.01.02.851 and 852).

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851, 03, and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho’s Ground Water Quality Rules (IDAPA 58.01.11), which states that “No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, teaching, or
6. Additional Notes

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx) for assistance.

- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any our technical staff at 208-373-0550.

Sincerely,

**Danielle Robbins**

Danielle Robbins
danielle.robbins@deq.idaho.gov
Boise Regional Office
Idaho Department of Environmental Quality

C: File # 2913
6.1 The project does meet the requirements of a category that is excluded from documentation in an EA or EIS (36 CFR 220.6(e)(8)). The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion (CE). It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist. (36 CFR 220.6(b))

In considering extraordinary circumstances, the responsible official should determine whether or not any of the listed resources are present, and if so, the degree of the potential effects on the listed resources. If the degree of potential effect raises uncertainty over its significance, then an extraordinary circumstance exists, precluding use of a categorical exclusion.

The responsible official in guided by project scoping internally and externally along with specialist reports, but also uses guidance provided in FSH 1909.15, Chapter 10, Section 11.6 when determining the final level of documentation necessary for a project.

The responsible official has outlined the goals and/or objectives the project would pursue. The purpose and need for this project includes “The proposed action would accomplish the following Forest Plan goal in part: MIGO01 - Facilitate the orderly and environmentally sound exploration, development, and production of mineral and energy resources.”

The project record contains documentation that this project meets Forest Plan standards and guidelines, including those specific to the Management Prescription Category (MPC) for the project area.
7.1 Thank you for your comments.

January 27, 2015

Lisa Klinger, District Ranger
Payette National Forest
102 W Lake Street
McCall, ID 83638

RE: Warren Meadows Placer Exploration Project
Dear Lisa;

With respect to the economy and well-being of Idaho County, we are in support of the Warren Meadows Placer Exploration Project. We believe Odell Pincher said it best, “Without natural resources life itself is impossible. From birth to death, natural resources, transformed for human use, feed, clothe, shelter and transform us. Upon them we depend for every material necessity, comfort, convenience, and protection of our lives. Without abundant resources prosperity is out of reach.”

Idaho County recognizes that some environmental organizations view these projects as detrimental. We believe these projects should be permitted to happen in a responsible manner with respect to natural surroundings. We have made great strides with today’s mining technology, which offers us both the opportunity to extract from these lands and reclaim them.

Idaho County trusts the Forest Service in its ability to adequately monitor the access to and the utilization of the resources present within Idaho County. We also believe the Forest Service is in the position to provide the technical oversight as to the proper care needed to protect the surrounding asset of our natural resources during such operations.

The economic health and vitality of Idaho County is tied directly to the utilization of the natural resources present within our border. Any environmental concerns need to be balanced with the well-being of Idaho County’s prosperity.

Sincerely,

James A. Chmelik, Chairman
Mark Frei
R. Slappey Brandt
8.1 Thank you for your comment.

8.2 DEQ was contacted regarding the water quality issues noted in this letter (see Project Record). After clarification of many of the project design details they were satisfied that water quality would be protected. The Groundwater Technical Report discusses the lack of groundwater/surface water connectivity with respect to contaminants. As provided for in the project design features, dissolved arsenic would be monitored in the process water to ensure it does not exceed state groundwater standards.

8.3 Project design features would minimize erosion and sediment delivery to surface water and prevent chemical contamination of groundwater.
8.4 Surface water quality would not be monitored since there is no discharge to surface water planned and due to lack of groundwater/surface water connectivity there is no contaminant pathway via the aquifer. Arsenic concentrations in the process water would be monitored to ensure that groundwater infiltrating from the trenches meets state standards. As noted in the comment, pH can affect arsenic reactions, as can many other factors. The requirement to monitor the dissolved arsenic directly at the point of entry into the aquifer obviates the need to also monitor contributing factors.

8.5 There would be no discharge of process water via any pathway into Warren or Camp Creeks.

Ms. Lisa Klinger
January 26, 2015
Page 2

ineffective, is considered an inherent component of BMP implementation. Approved best management practices that may apply to your project include “Rules Pertaining to the Idaho Forest Practices Act” IDAPA 20.02.02; “Stream Channel Alteration Rules” IDAPA 37.03.07; and “Rules Governing Exploration and Surface Mining in Idaho,” IDAPA 20.03.01.

As stated in the proposed project description “Process water would be tested periodically to ensure that it meets ground water standards. If testing detects metals concentrations exceeding state standards, operations would be suspended until methods of reducing concentrations below standards have been approved and implemented.” A well-conceived and implemented water quality monitoring program can address the water quality concerns and requirements listed above. It is important that the water quality monitoring program address both ground water and surface water and be comprehensive for secondary effects that may occur as a result of the activity. For example, it is well known that changes in ground water pH resulting from mining can promote adsorption or desorption of arsenic. Therefore, continuous pH (acid/base) analysis will be needed in addition to metals analyses to comprehensively evaluate the BMPs applied to protect water quality.

Additionally, Idaho’s Water Quality Standards restricts the discharge of wastewater which may adversely affect water quality as a result of mining activities. No wastewater can be allowed to infiltrate and/or return to Camp Creek or Warren Creek without an approved discharge permit.

We reserve further comment on this proposed activity contingent upon review of the water quality monitoring program associated with the project. Please contact me at (208) 983-0808 or email at Daniel.Stewart@deq.idaho.gov if you have any further questions concerning State Water Quality Standards. Thank you for the opportunity to comment.

Sincerely

Daniel D. Stewart
Water Quality Analyst

ee: Barry Burnell, IDEQ
    Michael McIntrye, IDEQ
    Cynthia Barrett, IDEQ
    John Rygh, USFS
    Ray Hennekey, IDFG
9.1 The project does meet the requirements of a category that is excluded from documentation in an Environmental Assessment or Environmental Impact Statement (36 CFR 220.6(e)(8)). The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion (CE). It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist. (36 CFR 220.6(b))

In considering extraordinary circumstances, the responsible official should determine whether or not any of the listed resources are present, and if so, the degree of the potential effects on the listed resources. If the degree of potential effect raises uncertainty over its significance, then an extraordinary circumstance exists, precluding use of a categorical exclusion.

The responsible official is guided by project scoping internally and externally along with specialist reports, but also uses guidance provided in FSH 1909.15, Chapter 10, Section 11.6 when determining the final level of documentation necessary for a project.
Thank you for the opportunity to make these concerns known about the Warren Meadows Exploration Project. If you have any questions about our comments, please contact me at (208) 843-7334.

Sincerely,

David B. Johnson, Department Manager

Cc: Silas Whitman, Chairman

ChristineBradbury

Office of Legal Counsel
10.1 The road accessing the project area is intersected with private parcels. This road is open on the Motor Vehicle Use Map for public use. The project area is located wholly on National Forest administered lands. The project proposes no travel management decision per 36 CFR 212 Subpart A or B. The FS has no authority to make judgment of the validity of a RS-2477 claim and validity of RS-2477 routes would be outside the scope of this project.

10.2 There would be no off-road travel to the project areas. 230 feet of temporary road would be constructed to access Area #1 and would be reclaimed at project completion. A short segment of Forest road #50346 crosses private land between the two project areas.

10.3 Process water would be obtained from groundwater infiltrating the trenches. Pre-project water samples have been obtained and are below state standards for arsenic which is the only contaminant of concern. Regular monitoring would ensure state standards are not exceeded (see Groundwater Technical Report, Project Record).

10.4 Reclamation at Area #1 would create wetlands rather than the existing sandy sparsely vegetated low terrace. Area #2 would be reclaimed to resemble the existing grassy bench (see Reclamation Plan, Attachment B).

10.5 Surveys completed for botany did find the noxious weed spotted knapweed and common tansy in the project area. The project incorporates Forest Plan standards and guidelines including those designed to minimize the establishment and spread of weeds.
11.1 The proponent has been informed of this requirement and is in the process of filing for the Idaho Department of Lands (IDL) permit.

---

11.1 The Idaho Department of Lands would like to comment on the Warren Meadow Placer Project. As you and I have discussed in the past, any placer or dredge exploration operation which cause a cumulative surface disturbance in excess of one-half (1/2) acre of land, including roads, shall be considered a placer or dredge mining operation. This would require a dredge and placer permit and bond from IDL. Any disturbance less than one-half (1/2) acre would be considered exploration and would require notification within seven (7) days of commencing exploration. Notification requirements are: a. name and address of the operator, b. the legal description of the exploration operation and its starting and estimated completion date, and c. the anticipated size of the exploration operation and the general method of operation.

Best Regards,

DIANE GREEN
Lands Resource Specialist Sr.

CC: Eric Wilson
Thank you for your comments. Responses to specific comments are addressed in the following pages.

[Note the footnote reference to Rescue Mine is part of the original letter submitted to the Forest Service. However, the comments are specific to the Warren Placer project, not the Rescue Mine project]

Lisa Klinger
District Ranger
102 West Lake St.
McCall, ID 83638

Email: comments-intermit-payette-mccall@fs.fed.us

February 6, 2015

RE: Warren Placer Project

Dear Lisa,

Thank you for considering our comments on the proposed Warren Placer Project proposal. Since 1973, the Idaho Conservation League has been Idaho’s voice for clean water, clean air and wilderness—values that are the foundation for Idaho’s extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy, and policy development. As Idaho’s largest state-based conservation organization, we represent over 20,000 supporters, many of whom have a deep personal interest in ensuring that mineral exploration and development activities are conducted in a manner that is protective of human health and the environment.

We believe that additional mitigation measures and design features should be required as part of this project. Our specific comments are below.

Once again we thank you for the opportunity to submit comments on this project. Please retain the Idaho Conservation League on the mailing list for this and other projects on the district. We look forward to continuing to work with the McCall Ranger District on this project and others in the future.

Sincerely,

John Robison
Public Lands Director
jrobison@idahocconservation.org
(208) 345-6942 x 13
| Idaho Conservation League  
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*Idaho Conservation League covering comments on the Rescue Mine Expansion and Exploration Project, Page 2 of 7*
12.1 Many photos of the project areas are available in the Project Record. The wash plant is currently under construction so no photos were available. Reclamation monitoring would include photos.

12.2 The project is a bulk sampling project which is considered to be advanced exploration work needed to determine whether further development is warranted based on the economics of the gold recovery process.

12.3 A caretaker will be camping on site. Portable toilets would be on site and all food would be stored in vehicles.

12.4 Project design features are included in addition to the plan of operations as submitted to support the purpose and need for the project. Attachment A of the Decision Memo displays all project design features. Attachment B of the Decision Memo is the reclamation plan which requires the creation of wetlands at Area #1 and revegetation of the grassy bench at Area #2. The operator cannot be required to implement restoration projects beyond the scope of his reclamation plan.

12.5 Thank you for your comment.

12.6 The Decision Memo discloses applicable federal law and any necessary permits needed. Other permits for non-connected actions may be necessary. There is no discharge of process water to surface water planned and no NPDES permit would be required. No operations would occur within the floodplains of Warren Creek or Camp Creek, so no 404 permits would be required.
12.6 NPDES permit from EPA first. Further, the requirement to obtain 401 Certification is a requirement in the Forest Service Manual 2810, prior to the Forest Service approving the plan of operations.

We feel that the operator may also be required to obtain a dredge and fill permit pursuant to section 404 of the Clean Water Act. Maps included in the scoping notice indicate that the trenches, roads and other facilities may be in close proximity to Warren Creek or its tributaries. Operators cannot dredge, fill or displace materials in the floodplain of Warren Creek or its tributaries without a 404 permit.

12.7 Trench excavation would occur in previously undisturbed alluvial deposits, therefore no anthropogenic mercury would be disturbed. Long term water quality monitoring elsewhere in the Warren Creek watershed has never detected naturally elevated levels of mercury in surface water. Arsenic in the process water would be tested regularly as described in the Groundwater Monitoring Plan (project record). Site visits by the Mineral Administrator would occur roughly once per week. Such inspections are rarely announced.

12.8 All of the stated equipment and plans are required. A boom would not be since there are no operations within a floodplain.

12.9 The watershed area that could contribute surface runoff to any of the trenches is quite small. The surficial material around the trenches is very sandy with a high infiltration rate and would not be likely to generate any surface sheetwash except possibly under saturated conditions in spring. Operations would not commence until summer.

12.10 The standards cited here are MM-1 and MM-2 and from the Inland Native Fish Strategy, Appendix A, of the 1995 Inland Native Fish Strategy EA. The Forest Plan standards for avoiding or minimizing adverse effects to ESA listed species are TEST06 and TEST29. The project record included documentation of consistency with the Forest Plan. This documentation also includes consistency with mineral standards designed to achieve similar outcomes. Appendix B of the Forest Plan page B-1 states, "The revised Forest Plan management direction... found in Chapter III of this document replaces direction in the Forest's Land and Resource Management Plan, as amended by Pacfish/Infish, and the 1995 and 1998 BOs for listed fish species."
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<td>12.11</td>
<td>Forest Plan consistency documents located in the project record disclose consistency with MIST08. The temporary access road to Area #1 would be reclaimed after project completion. Petroleum product spill response kits would be available on site. Fuel would be stored in truck mounted DOT approved tanks. Fuel truck parking would be located outside the RCA were feasible or a suitable location that will prevent RCA resource damage will be designated by the Forest Service. These environmental protection measures have been included as project design features (see Attachment A).</td>
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<td>12.12</td>
<td>Fencing and signs would prevent public access to active trenching locations. The temporary access road to Area #1 would be reclaimed at the end of operations. No culverts would be needed on this road. After initial equipment move-in there would be approximately one roundtrip from Warren to the project site per day. Dust is not expected to be an issue near the project area as the road surfaces in the area are primarily armored cobbles or coarse sand.</td>
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<td>12.13</td>
<td>Fuel haul plan and spill response is included in the Plan of Operations.</td>
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**Riparian Conservation Areas**

As mentioned above, all structures need to be situated outside of Riparian Conservation Areas unless no alternatives exist. Even though chemical use is limited, we are still concerned about the use of fuels, lubricants, solvents, and other toxic chemicals in intermittent streams and drainages. The use of these hazardous materials must be carefully evaluated and all fuel storage should be greater than 300’ from live water and secured in double-lined containers able to hold double the quantity of stored fuel.

**Access**

While the proposed new access road is relatively short, we are concerned about members of the public using this road and further disturbing the area. We recommend that a gate be placed at the entrance and that the road be fully obliterated following completion of exploration activities. If a culvert is needed, we recommend that it be sized to withstand a 100-year event.

The Forest Service needs to provide more information about the types of vehicles used to transport equipment, the number of trips per week (associated dust and sediment delivery to adjacent streams), the times of day for travel, the volume of hazardous materials, the details of a Spill Prevention Plan and safety precautions. The analysis needs to address these concerns. In the event that large equipment is being transported, we recommend the use of pilot cars.

We recommend developing a specific travel access plan that minimizes the risk of a fuel spill into creeks, reduces the chances of collisions with other vehicles, and minimizes the risk of vehicles striking wildlife. There may need to be some timely form of road maintenance along the access route before operations commence.

**Fuel haul**

We are also concerned about the transportation of fuel into this area where cleanup would be particularly difficult. The Forest Service should develop a fuel haul plan for this operation to minimize the risk of spills.

**Water right**

_Idaho Conservation League scoping comments on the Rescue Mine Expansion and Exploration Project, Page 5 of 7_
12.14 Thank you for your comment.

12.15 Under 36 CFR 228 Subpart A, reclamation bonds that are required must be posted with the Forest Service. Current Forest Service regulations and policy do not require the disclosure of reclamation bonds in NEPA documents. Including bond estimates in NEPA decisions would be premature. The NEPA analysis includes addressing mitigation and monitoring measures that typically require bonding but are not finalized until the NEPA decision is made. Once the authorized officer makes a NEPA decision, the mitigation measures are incorporated by the operator into their plan of operations. The plan is then reviewed by the Forest Minerals Staff and Specialists, finalized, and the bond calculation is prepared. The final plan is approved contingent upon the operator’s submission and the Forest's acceptance of the bond.

12.16 Potential impacts to wildlife species were analyzed in the Wildlife Specialist Report and mitigation measures were incorporated into the final project design features.

12.17 Trenches would not be constructed in cobble; only in previously undisturbed alluvium. Project design features include a provision for the Minerals Administrator to require the use of trench boxes if unacceptable surface disturbance is occurring.

12.18 Backfilling of the trench would commence as soon as it would not interfere with the excavation of new material from the opposite end. Open trench length would be roughly 50-70 feet.

12.19 No generators would be used on the project site.
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<th>12.20</th>
<th>Fire risk</th>
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<td>Summer operations will increase the risk of wildfire. Fire fighting equipment should be in all vehicles. We also recommend developing an evacuation plan and identify potential safe zones in the event of a wildfire. If fires are allowed, operators should utilize a fire pan or designated fire rings. Only completely combustible items should be burned (with special attention paid to foil-lined packages). All trash, including microtrash, needs to be disposed of properly on a regular basis, not just at the completion of activities.</td>
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<th>12.21</th>
<th>Noxious weeds</th>
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<td>The operator should be required to wash all equipment, including the undercarriage of vehicles, before entering the National Forest. We also recommend that all equipment, including boots and pant cuffs, need to be brushed before entering the site. Disturbed soil areas need to be reseeded with native plants, and weeded to prevent expansion of noxious weeds. A noxious weed monitoring and treatment program needs to be implemented as part of this project.</td>
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| 12.20 | Appropriate fire-fighting equipment would be required. Trash would be properly contained on site prior to disposal off-site in approved location for disposal of household waste. |

| 12.21 | Weed prevention has been included in the final project design features. |
End of Comments.