

**SUPPLEMENTAL EIS
RESPONSES TO COMMENTS**

**RECREATION AND
WILDERNESS**

Recreation	REC-1000
Wilderness	REC-1001

VOLUME IV**REC-1000 Recreation**

1. *The closure of the road which accessed the Cliff Lake area of the Cabinet Mountains Wilderness would be very disturbing. While we understand the need to mitigate the effects of the mine, this area is one of the few alpine areas easily accessible to older citizens and families with young children. Surely there are other ways to mitigate which would allow this road to remain available. (S2794)(S3489)(S4334)(S4892)(S5092)(S4832)(S4833)(S3591)*

Page 4-181 under "Wilderness" "... access would be restricted." Again the public is punished for the mine workings. (S4832)(S4833)

Response: In Alternative V in the final EIS, road closures needed for wildlife mitigation were changed to leave the Chicago Peak Road open to vehicle use in response to public comments. As replacement mitigation, approximately 2.9 miles of FDR No. 150 would be closed on Government Mountain. Please see the Alternative V description in Chapter 2, and impact analysis in Chapter 4, Recreation.

2. *The mine is proposed to be put on public land. As much of that land as safely possible, should be left open for recreational use. (S3586)*

Response: See Chapter 4-Recreation for effects to recreational opportunities, including acres that will be unavailable for public recreation.

3. *Analyze and disclose the anticipated future recreational demands on both the Kootenai National Forest and the Cabinet Mountains Wilderness and how this project will meet those demands. (F1)(S364)(S4891)(S4912)(S5051)(S5088)(S5555)(S5763)*

Response: Future recreational demands are unknown. A general assumption is that demands would slightly increase (best guess is 1-3%) annually over the next 10 to 20 years. Such things as dramatically changing gas prices, aging populations, recreational habits changing, etc. could make this assumption invalid. The project is not specifically designed to meet any increased demands, but rather is designed to minimize to the extent feasible impacts on recreational pursuits.

4. *The Forest Service should provide recreational use data for the Cabinet Mountains Wilderness and Kootenai National Forest in the SEIS. Washington Water Power has also conducted recent studies of recreational use that should be included in the SEIS. The public cannot properly assess the impacts to recreational resources without this information. (S6312)*

Response: The Forest Service has only limited recreational use data. The most reliable data is tied to developed campground use. This data shows that the number of people using developed campgrounds is slowly increasing, and is very seasonal. Use data for the Cabinet Mountain Wilderness is obtained from voluntary registration cards and trail counters. Use levels in the Wilderness near Rock Creek has been static to slightly increasing over the last 5 years. Recent Avista (formerly Washington Water Power) studies/projections estimate only limited expansion of developed recreation facilities will be needed over the next 20 years. Avista data is limited to recreational use along the reservoirs.

5. *Public access relates to the human value of living in the area. According to the SDEIS the proposed project could adversely impact the public recreational access and use patterns such as fishing, hunting, berry picking, camping, sight-seeing, and hiking. The SDEIS predicts effects by estimating the number/miles of road open/closed. This means of measuring the effects is inaccurate. People won't make their decision on whether to come or not based on the number/miles of road open/closed, but rather on the existence of a mining operation in the area. The vast majority of anglers, hunters, berry pickers, campers, sightseers and hikers, will be affected by the presence of the mine, and will go elsewhere, in this case regardless of the number/miles of roads. (S188)*

Response: We have no way of knowing how all people pursuing recreational activities would react to the presence of a mine. It is indeed probable that some people would avoid using some or all of the Rock Creek drainage. It is also probable that other people may choose to recreate in Rock Creek because of the presence of a paved road which would provide improved access to some of the drainage. Because of these differing preferences, the Rock Creek EIS interdisciplinary team selected miles of open/closed roads as an indicator of changing recreational opportunities. The Recreation section in Chapter 4 displays other potential effects to recreationists.

6. *Page 3-84 Recreation. 1985 was a slow time in the annals of Sanders County. The county has been the fourth or fifth fastest growing county in Montana the past few years with a huge growth rate. ... The Cabinet District has not kept good use records at this trail head. More often than not there are no cards in the trail head sign-in box. It is as if the Cabinet District Ranger actively does not want a public record of the increasing recreational use in this area. No public record of use makes it easier to rationalize the permitting of the proposed mine. If an accurate count of the multi state public use of the Rock Creek drainage was known, it would be much more difficult to permit such a huge, potentially environmental destructive project. (S471)*

Response: Data from the Sanders County Courthouse shows that the population of Sanders County increased from 8669 residents in 1990 to 10148 residents in 1997 (pers. comm. Pat Bawden, Sanders County Planner, with Bruce Haflich, July 9, 1998). It is unknown how many of the approximately 1500 additional people in the County are recreating in the Rock Creek drainage. An assumption used in the EIS is that recreational use is increasing slightly. As far as specific use at a trailhead (it is unclear what trailhead this comment is referring to, but it is assumed commentor is referring to the registration box at the Chicago Peak wilderness portal), the Cabinet Ranger District started trying to gather use data at the Chicago Peak portal in 1993. The registration box has been vandalized several times since it was installed, making it difficult to arrive at reliable use figures. However, an example of data from registration cards showed 131 visitors registered in 1997, and 203 visitors registered in 1996 at Chicago Peak. The exact number of people who are recreating in the drainage or who are using the Chicago Peak portal and where they are from does not change the fact that National Forest Service lands are managed for multiple uses. Chapter 4 displays the effects to recreation use, and those effects will be considered by the Forest Supervisor in making a decision on the mine proposal.

7. *Please address how the mine will affect recreational opportunities, and furthermore businesses that are dependent on tourism and recreation. How will the people who own this land and recreate there feel when their wild country becomes an industrial wasteland? (S177)(S5484)*

Has there been an assessment of the loss of tourism given the mine's location? Loss of hunting/fishing tags? MT Fish and Game should respond. (S4832)(S4833)

Response: While some impacts to recreational use are anticipated if this project proceeds, recreational use would still occur over most of the Rock Creek drainage (reference Chapter 4-Recreation). It is anticipated that there would be minimal impact to the recreation industry if the mine proceeded. No loss of hunting or fishing licenses are projected as a result of the proposal.

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8. *The USFS could refuse and can choose to refuse to permit road building in roadless areas on the south and east boundaries of the Cabinet Mountains Wilderness that would allow vehicle access for the purpose of mineral exploration and development at the Way Up, Fourth of July, and Bear Lakes sites. You have the authority to refuse!* (S4)(S140)(S4816)(S5086)(S7520)(S7524)(S7545)

___ Response: The approval or denial of access to private land (Way Up, Fourth of July and Bear lakes) is beyond the scope of this project. In addition, access to these private parcels cannot be denied without violating the Alaska National Interest Lands Act (specifically 16 USC 3210 thereof).

10. *Obliteration of the section of Road No. 150 and closure of Road No. 150 through Sections 32, 33, 4, 5, and 8 would be totally unacceptable. Gating and closing Road No. 2741 would be totally unacceptable as well. Both closure options unnecessarily preclude citizens' access to public lands. Citizens should not have to pay for the environmental consequences of ASARCO's mine.* (S25)(S140)(S471)(S614)(S1905)(S3579)(S3715)(S3728)(S5081)(S6575)(S7520)(S7523)(S7536)

___ Response: In order to comply with current grizzly bear management guidelines, additional road closures were needed. Closures would be in place for the life of the mine, unless other projects in the impacted Bear Management Units (BMU) were completed and the roads used for them were closed. If this occurred then the road closed for the Sterling project may be opened, provided the BMU would still meet management guidelines. Road closure costs would be paid for by Sterling.

11. *The true reason driving the bear biologists is to minimize human/bear contact and thereby reduce human/bear conflict and hopefully eliminate bear mortality at the hands of man. There is no compelling argument that upholds the concern that we even have that problem here. However, this becomes but one more straw on the camel's back that may lead to social jeopardy for grizzly bears. Is there concrete proof that grizzlies routinely use this area or would increase their use of this area if either of these roads were closed as proposed? Is there an established pattern that people have shot grizzly bears from these roads, thereby creating a real jeopardy for bears here? Most of the concerns are theoretical and hypothetical.* (S25)

Response: U.S. Fish and Wildlife Service (1992-1995) research includes radio telemetry locations of grizzly bears that documents bear use of these areas. Their's, as well as other researcher's, reports clearly show bear use increases with reduced human activity (i.e. roads closed to motorized access). While there is no established pattern of human caused grizzly bear mortality from these roads, history shows that with human/bear encounters the bear usually lose.

12. *There has got to be a better solution to this that would avoid generating negative sentiment towards the ASARCO Rock Creek Project. There should be some flexibility and other options instead of the either/or alternatives proposed.* (S25)

Response: The agencies have looked at many options for mitigation (documented in project files) and have narrowed the options to those presented in the EIS and Biological Assessment (see Appendix B).

13. *We are writing to urge you to keep open the Chicago Peak Road #2741, and close the alternate choice road #150 if you must. This is due to its long and frequent public use, and it being the only access to the high country for those who for whatever reason cannot hike far on steep trails. Include snowmobile access to allow cross country skiing. It is one of the few access points to wilderness areas in the west that is accessible to the elderly and infirm. One of the points made by the advocated of "multiple use" of wilderness areas is that they are not accessible to the handicapped. ... oppose the closing of the Rock Creek road that would make access to Chicago Peak and Cliff Lake difficult at best. Please keep the Chicago Peak Road open. This is a popular recreation area. It's ok to close the Government Mountain Road, because of its lower elevation, easier to hike, and better winter animal habitat. ...by closing #150 wildlife will be less disturbed because one will not be able to make the 20 plus mile loop. Closing part of the circle drive would only inconvenience people causing them to go up and back the same route and or walk*

across the closed area to be picked up on the other side. (S61)(S625)(S2383)(S3444)(S3579)(S3589)(S3591)(S3632)(S3634)(S4334)(S4393)(S5081)(S5104)(S6523)(S7528)(S7529)(S7531)(S7532)(S7533)(S7535)(S7537)(S7538)(S7539)(S7540)(S7541)(S7542)(S7543)(S7545)

Response: Under proposed Alternative V, Chicago Peak Road FDR No. 2741 would be kept open and a portion of FDR No. 150 would be closed (see Roads 1000).

14. You might consider closing Chicago Peak Rd, if you provide an alternate trail (may not be feasible). Keep 2741 open for hiking access June - Sept. (S4393)(S7529)

Response: Hiking access would still be provided on that portion of FDR No. 2741 above the closure (Alternatives III and IV). Under these two alternatives, a new trailhead would be provided at the closure point. Alternative V keeps FDR No. 2741 open to existing trail head.

15. Why is this mitigation proposal being limited to Rock Creek when a much larger area should be considered? Why is the US Forest Service not considering a broader ecosystem perspective on this proposed road closure issue? Why is an analysis of the Cumulative Effects of the proposed development of mining claim in holdings on the east face of the CMW not included in this current discussion? Precluding or delaying their development, or purchase of these claims by ASARCO for mitigation may have a by far more beneficial effect on the Wilderness than any little road closure. (S471)(S7520)

Response: Mitigation for proposed projects is given priority first in the Bear Management Units (BMU) where the project impacts occur. If mitigation opportunities are not available in the impacted BMUs then measures are sought in the rest of the ecosystem. The proposed access to inholdings on the east face of the Cabinet Mountain Wilderness has been considered in the cumulative effects (see Biological Assessment in Appendix B). The proposed road closures are only one of several mitigation measures, which do include securing replacement habitat.

16. Crown Pacific has begun cutting roads into section 23 with the removal of 1 million bf of timber. This is in preparation for an unknown amount of timber harvesting in the area. This fact changes the entire road density in the Rock Creek drainage. This also trivializes the scope of this reopening of the comment period. CRG requests an extension of this comment period until the ongoing timber harvesting by Crown Pacific is analyzed. (S614)

Response: The actions by Crown Pacific are included in the cumulative effects to Threatened and Endangered species (see Biological Assessment) as well a Hydrology and Aquatic/Fisheries with regards to water quality and sediment.

17. Have the agencies considered requiring ASARCO to purchase this section (S3, T26N, R32W) and turning it over to the USFS as mitigation lands? Recorder note: believe comment should refer to section 5. How about purchasing S23, T26N, R32W that belongs to Crown Pacific for mitigation lands. (S614)

Response: Proposed mitigation does include requiring Sterling to provide replacement habitat acres.

18. How does this proposed change in plan affect access to this private parcel? (S614)

Response: Access would be provided to the land owner through a dual lock on the gate located on FDR No. 150, south of section 5. Public access to this section is subject to approval of the landowner, but would have to be on foot or horseback.

19. To whom does S 3, T25N, R32W belong? Recorder note: believe comment should refer to section 5. (S614)

Response: FP Partners owns the entire section.

20. Will closing public access along the loop road create a situation whereby a defacto exclusive hunting preserve is created on section 3? Recorder note: believe comment should refer to section 5. (S614)

Response: Hunting on private land, by law, requires permission from the landowner. So with or without the road closures section 5 is only open to hunting with the permission of FP Partners.

21. With the Rock Creek/Govt. Mountain Loop road closure will this create a net increase in traffic on the 2741 road? (S614)

Response: There could be some increase in traffic on FDR No. 2741 due to the closure of portions of FDR No. 150. This might happen in the fall when huckleberry pickers who traditionally use the 150 area decide to look for other easily accessible huckleberry patches, like those near FDR No. 2741. It also could increase during hunting season when those hunters who historically drive roads to hunt choose to use FDR No. 2741 in replace of the closed portion of FDR No. 150.

22. Don't close the Government Loop Road (150). The road provides opportunities for berry picking and firewood cutting. (S3334)

Response: The greatest portion of the proposed FDR No. 150 road closure is on private land. Firewood harvest and huckleberry picking on private land is allowed only by landowner permission. National Forest access to the saddle (north of section 5) and to the ridge (south of section 5), where the huckleberry patches are available would be provided. Alternatives I, II, III, and IV leave this road open.

23. If in reality one of these roads is to be closed for the sake of the mine, I would say, don't close either one. If in reality the closure is for the sake of wildlife habitat, regardless of any proposed mine, then I would say, close both roads. (S3589)(S3972)

Response: The closure would be for the sake of wildlife habitat, but the need would be created because the mine reduces available habitat. Closure would benefit wildlife regardless of any proposed project. Alternative I keeps both roads open as under this alternative the mine would not be permitted.

24. I don't know what arrangements the Forest Service will make with the landowners concerning the gate. Will the owners be allowed to open the gate only when they need access? You might want to clarify this at some point. ... Another alternative could be to close a little more or the Orr Cr road. (S3591)

25. It is contentious to close the loop of #150 since it is used by hunters. Will the private section become a private hunting preserve? Will the public be able to walk across private land? Do you expect hunters and hikers to be at odds over which road to close? (S3632)(S3634)

Response: Hunting on private land, by law, requires permission from the land owner. So with or without the road closures, section 5 is only open to hunting or hiking with the permission of FP Partners. The public responses provided are on both sides of the issue.

26. In your "ASARCO Rock Creek" newsletter of August, 1998 you are proposing a road management change from the previous EIS. With this proposal it appears that you are ignoring your responsibility to provide access to private land. It is true that the proposed gate "on the ridge" in the southwest quarter of Section 8 (not 9) will still provide an opportunity for the private landowner to access approximately 70 percent of their ownership, however, obliterating 0.4 miles in Section 32 will eliminate access to the remaining 30 percent of their land. I am enclosing a copy of an October 12, 19956 memo from Chief Jack Ward Thomas concerning Access to Private In holdings and a January 31, 1992 Memo to Regional Foresters concerning In holdings Access and NEPA. I do not believe that denying access to 30 percent of ones ownership is use of "reasonable terms and conditions. We further believe that such action violates the Alaska National Interest Lands Act; specifically 16 USC 3210 thereof and federal cases

which have been decided thereunder. As a last resort, a portion of road #150 past the access point to the upper portion of Section 5 could be closed so the through route did not exist. This would mitigate the problem on Forest Service land. It will also allow the Forest Service to be a good neighbor by recognizing the rights of others to have access to their property. (S3644)(S7522)(S7534)

___Response: The closure point on the north end of section 5 is intended to be below the road that provides access to the northern third of section 5.

27. With respect to the proposal to gate Road No. 150 at a point in Section 8, my client does not oppose such action provided that it is provided with a key so as to allow it to access its property in connection with its timber management activities and as otherwise necessary in connection with its management and/or development of its property. (S7534)

Response: Private landowners would be provided access through a dual lock system. The Forest Service will have one lock and the land owner a second lock. The land owner will be the holder of their own key which will provide access when necessary for private land activities.

28. The need to reduce road density to fulfill the needs of ASARCO at the expense of other private landowners is not appropriate. A gate on Road #150 at the top of Government Mountain would still allow access to the upper portion of Section 5 while providing wildlife security.... I do not support the elimination of the 0.4 mile section of this road, returning it to the natural contour of the land, if this action would prohibit its use for fire control. You might consider gating, not obliterating, this section of the road as well. (S3444)

Response: Gating the north end of FDR No. 150 was considered, however, to comply with the interim grizzly bear access management rule set in providing core habitat, a gate closure was not considered acceptable.

30. Neither road closure option provides sufficient endangered species mitigation for impacts of the ASARCO Rock Creek Mine. The Agency neglects to consider and disclose other possible mitigation alternatives that would not curtail public access to the Cabinet Mountains. (S140)(S471)(S4050)(S4814)(S4816) (S6712) (S7520) (S7524) (S7525)

Response: Road closures are not the only mitigation considered or applied (see Biological Assessment in Appendix B). Alternative V in the EIS does not curtail public access.

31. We are not in favor of closing the nearly 3 miles of road 150 in order to keep the Chicago Peak Road open to accommodate ASARCO with its proposed mine. (S4429)

Response: Alternatives I, II, III, and IV leave FDR No. 150 open while Alternative V proposes to close a section of this road. Thank you for your comment.

32. The proposed road closure (either Chicago Peak Road #2741 or Government Mt. Road#150) is a grizzly bear recovery issue, which is not divulged in the newsletter. Why wasn't that information reported? (S4814)(S4816) (S7524)(S7525)(S7546)(S7548)

___Response: Identification of the proposed road closure change as a mitigation for grizzly bear recovery was an oversight. However, the newsletter has been aimed at people who have been involved in this project and who in general are very much aware of the road closure proposals as they relate to the grizzly bear issue.

33. *The proposed road change unfairly pits one user group against another. Chicago Peak Road is the only easy access into the Cabinet Mountains Wilderness for the young, elderly, and disabled. Government Mt. Road is a popular loop drive with a long tradition of local use for hunting, berry picking and sightseeing. Both alternatives negatively affect citizens' rights to access and recreate on public lands. (S4814)(S4815)(S4816)(S7524)(S7525)*

Response: While both alternatives do limit, to some degree, public access, they do not eliminate access for hunting, sightseeing, berry picking. Walking, riding horses, or mountain bike access is still possible. Wilderness access into the Cabinet Mountain Wilderness is currently not available on FDR No. 2741, although the road does bring vehicles close to the wilderness edge. A view into the wilderness does not exist from FDR No. 2741. The EIS does evaluate other alternatives that continue to provide motorized vehicle access on both roads.

34. *Leave the entire length of Road #150 open to public access, except at points of private land. I want to over look ASARCO if it is allowed, and I want recreational access to that part of my National Forest. (S5652)*

Response: Closing FDR No. 150 at the private land boundary was an alternative considered, but due to the lay of the land an effective closure with room to turn vehicles around at that point was not possible.

35. *I do not necessarily agree that either road should be closed, it is my preference that the Chicago Peak Road #2741 stay open. (S6523)(S7532)*

Response: Under Alternative II both roads are open, under Alternative V FDR No. 2741 would remain open.

36. *I suggest that both the Chicago Peak Road (2741) and the Rock Creek Road (150) be closed. (S6626)*

Response: While closing both roads would benefit wildlife use of the lands behind the closures, this level of closure is not required to meet current grizzly bear management guidelines.

37. *Obviate the portion of 150 road from the junction of 2280 to the switchback on the north end of their property. Also obviate the portion of the 2280 road from the junction of the 150 to the north end of their property. Then upgrade their private road from the switchback extending west across their property. Exchange easements so they receive an easement going south from their property on the 150 road and the Forest Service receives an easement going west across their property on the upgraded road. (S7518)(S7522)*

Response: The proposed obliteration of part of road 150 is from road 2280 to the switchback just north of private lands. Road 2280 is not proposed for obliteration as it provides needed access for fire suppression on lands behind the existing gate. Upgrading private roads is not needed as private landowners have access to all parts of their property under the proposed closure, therefore new easements are not needed.

38. *The private section of land on which road #150 would be closed under the Forest Service proposal has been heavily logged in the past 10-15 years. If the Forest Service is going to obviate and reclaim roads for mitigation, the agency should identify roads that are surrounded by suitable habitat. (S7520)*

Response: The lands behind the proposed closures do provide suitable habitat. It is in the form of huckleberry fields with scattered tree cover. Without the road closures the human activity reduces the likelihood of grizzly bear use. With the closure, the human disturbance is reduced and bears are more likely to use the area.

39. *The proposed gate on the Government Creek side of Road #150 would be in Section 8, not Section 9 as stated in the newsletter. In our experience, gates are not effective in this area. The two gates we have installed on Section 5 are a constant maintenance problem. Ultimately, a gate may become too much of a headache to maintain and result in a berm to meet the mitigation plans intent. This could eliminate access to Section 5. (S7522)*

___Response: While the Forest Service recognizes the difficulties in maintaining gates in this area, it also must comply with the law and provide access to private in holdings. Therefore the proposed gate will not become a berm.

40. *In regards to this particular issue, I am in favor of whatever changes in the project would be most sensitive to the bear habitat and other environmental issues. Personally, I would support closing both roads and restoring them to trails for access. (S7528)*

Response: The analysis of bear habitat shows the greatest benefit comes from closing FDR No. 150 (see Biological Assessment and the Threatened and Endangered section of Chapter 4. While closing both roads would benefit wildlife using the lands behind the closures, this higher level of closure is not needed to meet current grizzly bear guidelines.

41. *Open the bottom half only of Lost Girl. Leave - #2741 open. (S7533)*

___Response: Opening the bottom half of Lost Girl was not been considered as that closure is needed to meet grizzly bear guidelines in Bear Management Unit (BMU) 5 as well. Opening Lost Girl would require closing a different road, but there are no other open roads in the impacted BMUs (4, 5, & 6) to consider.

42. *This is written in regard to the proposal to make a road change that would close a portion of Rock Creek Road #150 and keep Chicago Peak Road #2741 open to the public. It is my judgment that this sort of piecemeal approach to public review and comment is improper. The EIS on the proposed Rock Creek Mine desecration of the Cabinet Mountain Wilderness should be completed and public input should be accepted for the final draft and eliminate dribbles and drips of input. (S7546)*

Response: While portions of the public involvement process have been conducted separately, the process used is in compliance with the law (NEPA/MEPA). All responses from every public response period have been considered and responded to.

REC-1001 Wilderness

1. Wilderness impacts and values - If this operation is to be permitted the impacts seem obvious. A mine vent structure inside the Wilderness on the surface, noise, air quality, view-shed etc. As you are fully aware this flies in the face of the purpose and intent as described in the Wilderness Act. In addition the sounds and vibrations from the operation that will be felt by creatures, including humans, who choose to use the wilderness will detract from the expected solitude that one should be able to experience in a congressionally designated Wilderness. (S3536)

Industrial activity of the magnitude proposed by Asarco would undermine the intent of the 1964 Wilderness Act. (S140)

I object to the intrusion into designated wilderness by subsurface activity, venting and other effects that may occur in the future. Wilderness areas are already under-represented in our nation's natural landscape (This is a political problem). The Cabinet Mountains Wilderness should not be compromised in achieving its highest purpose, that of being a building block in reconnecting the natural world. (S3260)

I am bothered most by the proposed mine's location underneath a protected area. Does not common sense dictate that an area's preservation doesn't just include protection of the actual square feet, but also protection from any hazard that may directly damage the area? (S3276)

Construction of this magnitude adjacent to the Cabinet Mountains Wilderness Area is totally unacceptable. (S3293)(S3631)(S4628)

Under the Wilderness Act, preserved lands are put aside for special non-mining purposes for wilderness areas, lands where appropriated, as well as the minerals rights beneath those lands? (S3655)

We recognize that the Wilderness Act did not provide for buffer zones. We believe that the constant noise of operation, the visibility of an industrial complex, the risk of actual loss of one or two lakes within the wilderness boundary, and the potential of negative effect to the wildlife population within the wilderness boundaries are adverse to the intent of the act. (S5777)

Since the area proposed by Asarco lies within the Cabinet Mountains Wilderness there is one major federal roadblock. The Wilderness act of 1964. To drill under wilderness areas is in violation of the 1964 ruling. (S3800)(S4010)(S4494)(S6585)(S6603)(S6658)(S6659)(S6667)(S6717)(S6718)(S6721)

Mining-related impacts would modify ecological, geological and scenic features of the Wilderness. In particular, the construction and predicted 19 year life-span of a ventilation adit within the Cabinet Mountains Wilderness is an affront to the very definition of Wilderness. The adit would impact the soil surface, visual quality, resident wildlife, human solitude and quite possibly water resources (through subsidence) as well as the Class I airshed. The DEIS states that construction of the ventilation adit within the Wilderness is not inconsistent with the Wilderness Act since this facility may [emphasis added] be required for mine-worker health and safety (p. 4-146) Ventilation adit construction and operation is not justified within the Wilderness boundary. To that end: ASARCO should document whether or not the facility is necessary for mine-worker health and safety. Plausible alternatives for placement of the ventilation adit outside the Wilderness boundary should be developed. If the ventilation adit is to be constructed within the Wilderness boundary, ASARCO should prior to permitting, provide plans and bonding to ensure the removal of the adit and restoration of the surface.

The proposal will have significant long-term impacts to the Wilderness Area's character and attribute of solitude, or the isolation from the evidence and presence of other humans, not only through what is seen or smelled, but through what is heard. The noise of mine-related activities including construction and operation is expected to last some 30 years. Fifteen years into the mine's life, a ventilation adit is proposed to be constructed within the Wilderness

boundary. Once operational, ventilation fan noise will expose some 450 acres of Wilderness to elevated noise levels and will be the dominant sound in a 100 acre area for 19 years. Not only will this noise affect human visitors to the Wilderness, it will affect resident wildlife. Mine-related noise will cause stress and displacement of some species and will negatively impact habitat effectiveness for others (DEIS, p.4-88,92,93,96,102). How can the agencies justify this long-term intrusion of the Wilderness and the long-term impacts on wildlife? (S161)

Another problem with this mine has to do with the fact that it will be on a federally designated wilderness area. The 1964 Wilderness Act has provided for the protection of lands like the Cabinet Mountains Wilderness. The Wilderness Act should protect this area, keeping it untrammled by man, and left unimpaired for future generations. (S3631)

The mine will clearly impact the wilderness. The mine will cause 30 years of blasting, milling, visual intrusion, a ventilation adit in the wilderness itself, and potential subsidence/land impacts to wilderness surface and lakes. (S2034)

This sets a very bad precedent of developing mineral resources in a designated wilderness area. I realized that our wilderness area includes some regions that have previously been opened to mining and that some of our wildernesses currently include water resource development for agricultural irrigation but I feel that we should draw the line on further mineral resource development in wildernesses as a general rule. Allowing Asarco to develop a heavy metal mine beneath a wilderness opens up a precedent which could be utilized in multiple other wildernesses in this country for a diverse set of mineral and resource exploitations which would be counter to the entire concept from which wildernesses were developed in the first place. (S5127)(S3701)

Response: The Wilderness Act specifically states that holders of unpatented mining claims validly established as of midnight December 31, 1983, shall be accorded rights under the 1872 Mining Act on those National Forest System lands designated by the Act as wilderness areas. The Sterling claims fit into this category. The applicant received patents to 99 claims (1686 acres within the wilderness and 123 acres adjacent to it). On the claims within the wilderness, they received rights to the minerals only. On those claims outside the wilderness, they received surface as well as subsurface ownership. The United States reserves title to the surface resources of the claims in the wilderness. Reasonable stipulations may be prescribed for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Mitigation measures to minimize impacts to the surface resources within the wilderness are identified under Alternative III in Chapter 2. Additional mitigation relating to the potential air intake ventilation adit is in the final EIS. This mitigation includes requiring Sterling to explore all options to the wilderness adit. Options could include upgrading the existing ventilation system, blocking off portions of the exhausted underground workings to reduce air needs, or making use of new technologies. See Chapter 4-Wilderness for impacts to the Cabinet Mountain Wilderness and to wilderness values.

2. Page 2-127 para. 4. Closure of the Chicago Peak road (# 2741) above the mine might well need to be looked at as an infringement of the American with Disabilities Act. This road providing access to the CMWA at a point where a person with moderate disabilities can access and enjoy a wilderness experience is a rare asset. Does the Americans with Disabilities Act apply? (S614)(S3654)

Response: Closure of the Chicago Peak road would make access to the wilderness more difficult for some individuals, including those with disabilities. The road would not be closed under Alternative V, however. The American's With Disabilities Act (ADA) specifies that "...consistent with the Wilderness Act no agency is required to provide any form of special treatment or accommodation, or to construct any facilities or modify any conditions of lands within a wilderness area in order to

facilitate such use” (Sec.507 (c) of ADA). The law provides no specific guidance regarding access to the wilderness.

3. *Wilderness values do not dominate in such an instance. The Wilderness Act allows for the mining to be the dominate use in the wilderness area, as long as it meets statutory requirements. (S3702)*

Response: The Wilderness Act does allow for mining to occur in a wilderness area if certain criteria are met, but it does not necessarily stipulate that mining will be the dominate use. Reasonable stipulations may be prescribed for the protection of the wilderness character of the land.

4. *Explain how the wilderness will be protected as wilderness when there will be 30 years of noise 24 hours a day from blasting, milling and traffic, when an industrial site will be visible (Seven at night) adjacent to the wilderness, when a ventilation adit will protrude into the wilderness, and when there is a risk to two wilderness lakes draining into the mine. (F1)(S177)(S4364)(S4482)(S4368)(S4891)(S4910)(S4050)(S4912)(S5051)(S5088)(S5555)(S5763)*

Response: There will be some impacts to wilderness. Impacts are addressed in Chapter 4. These impacts to the wilderness would be minimized through mitigation measures addressed in Chapter 2, Alternatives III-V. Some of the measures include exploring other options to meet ventilation needs prior to allowing an air intake ventilation adit in the wilderness, screening lights that would be visible from the wilderness, and limiting emissions to meet air quality standards. Alternatives III through V have included mitigation to address the remote possibility of subsidence or water loss from wilderness lakes.

5. *Never before has a mine been developed underneath a protected wilderness area. Therefore, we feel it is important for you to explain how the wilderness will be protected as wilderness when there will be 30 years of noise from blasting, milling, and traffic; when an industrial site will be visible adjacent to the wilderness; when a ventilation adit will protrude into the wilderness; and when there is a chance of two wilderness lakes draining into the mine. (S6613)*

Response: The Montonore Mine near Libby already has an evaluation adit that extends under the Cabinet Wilderness. The Wilderness Act does not restrict activities outside wilderness boundaries. The Act also permits certain mineral activities to occur within the wilderness if claims were established prior to December 31, 1983. Reference Chapter 4 in the Wilderness sections to see effects to the wilderness.

6. *An adit in the Cabinet Mountains Wilderness is hardly my idea of wilderness. Besides the biological disruptions noted above, such and impact within the wilderness would significantly reduce the wilderness experience outlined in 16 U.S.C. 1131 (both through visual impairment and noise). Moreover, water and air quality in the wilderness might even be jeopardized. (S4060)*

The ecological integrity of the wilderness would be undermined. In addition, such an action violates the 1964 Wilderness Act. (S4010)

How will mining this area impact the wilderness area, both favorable and unfavorable? (S4198)

The wilderness recreation would be most seriously impaired by their development of mining in the Cabinet Mountain Wilderness. (S4354)

I understand that efforts will be made to reduce the decibel levels, but, if they can be heard at all, will that not negate the wilderness experience? (S4362)

The biggest concern is this is a wilderness area. Huge trucks and machines hollowing out a mountain have nothing do to with a wilderness experience. (S5066)

Page S-24 Under "Wilderness" the proposed ventilation adit will affect large numbers of hikers that climb the ridge immediately above the proposed location. I have hiked with literally dozens of people along that ridge. The proposed adit would seriously degrade or obliterate any and all wilderness values currently in existence on Saint Paul Peak. (S471)

Mining under a protected wilderness area would undermine the ecological integrity of the Cabinet Mountain Wilderness, as well as the 1964 Wilderness Act. (S3750)(S4159)(S4187)(S4419)(S4399)(S4573)

It's proximity to the Cabinet Mountains Wilderness Area threatens the wilderness character and integrity of the designated wilderness area. (S3758)

Response: Please see Chapter 4-Wilderness, Air, Sound, and Scenic Resources for impacts to the wilderness and also response to the first comment and response in this section.

7. No mitigation has been recommended for this impact. However, a key mitigation would be the creation of additional wilderness area, for the protection of air and water quality, wildlife habitat, and wilderness recreation. Under an agreement to work cooperatively, the FS could implement this mitigation with the support of the company, the public, and local government to both enhance the wilderness area, and allow for some level of responsible use that might otherwise be precluded by an absence of available mitigation. The wilderness expansion could follow the recommendations provided in the Kootenai Accord, essentially doubling the effective size of the CMW. A key requirement would be the cooperation of Asarco and other mining interests in eliminating potential in-holdings and fragmentation of the wilderness by mineral interests. The Scotchman property agreement should be considered as an example means to facilitate this approach. (S5137)

Response: Wilderness expansion is beyond the scope of this analysis, since designation of wilderness requires an act of Congress. The Kootenai Forest Plan has already recommended several areas for wilderness designation (Management Allocation 8), both adjacent to the existing Cabinet Mountain Wilderness and in the Scotchman Peak area.

8. The SDEIS does not include mention of the impact to wilderness visitors as a result of traveling through an industrialized site and beginning their hike from the new trail head within distance by sight and sound of the proposed operations. This will severely diminish the experience of wilderness visitors, and preclude visitors seeking a legitimate wilderness experience. As a result, displacement of wilderness value and visitation will be an impact. (S5137)

Response: Impacts to visitors are addressed in Chapter 4 in the Recreation section as well as in the Wilderness section. People accessing the wilderness from trailheads in the Rock Creek drainage would indeed pass by mine related development if the mine is permitted. This was not considered part of the wilderness experience for purposes of the analysis, just as driving on MT Highway 200 or on the Forest roads to access the wilderness is not considered part of the wilderness experience. However, it is possible that some potential wilderness visitors would choose not to access the Cabinet Mountain Wilderness via Rock Creek because of their perception of the potential development.

9. Eliminate the ventilation duct protruding into the Cabinet Mountains Wilderness (P)

The Wilderness Ventilation Adit has been stated by company as a "contingency" and most likely not necessary. It should be determined under what circumstances the wilderness ventilation is necessary and determined as to whether it is an avoidable impact. (S188)

Response: Until actual air flow is determined, there is no certainty that an adit in the wilderness would be needed. The agencies feel that there is a good chance that air flow into and out of the proposed mine could be adequately provided for with the evaluation adit and the twin adits proposed for actual mining. Sterling's proposal to switch from diesel haul trucks underground to electric ones

will reduce the pollutants in the adit air which need to be ventilated. This option would be implemented in the future for actual underground conditions to meet Mine Safety and Health Administration requirements. Other options would be investigated before allowing an adit in the wilderness. Reinvestigation would include evaluating opportunities to upgrade the existing ventilation system using new technology, and closure of portions of the exhausted underground workings. Whether surface disturbance in the wilderness is inevitable is unknown.

10. *Locate the mill so that it is not audible and visible in the Cabinet Mountain Wilderness (P)*

Response: The topography and size needs for a mill site make it virtually impossible to locate a mill where it would not be visible from at least some location in the Cabinet Mountain Wilderness (CMW). It should be noted that on certain days under certain weather conditions, the train and highway traffic in the Clark Fork River valley can be heard as well as seen from some locations in the CMW. Mitigation measures to reduce noise and visual impacts at the mill are identified in Chapter 2, Alternatives III to V.

11. *The Way Up and 4th of July properties are located within 2 and 5 miles, respectively, of the Montanore and Rock Creek Mine proposals. The proximity of these projects will essentially divide the Cabinet Mountains Wilderness into north and south sectors. (S6312)*

Response: The Cabinet Mountain Wilderness (CMW) is already nearly divided into north and south portions because of the presence of roads and historic mining activity in the east fork of Rock Creek on the west side, and patented mining claims (Wayup claims) on the east side. The CMW is only about ½ mile wide in this location.

12. *Section 4(d)(3) of the Wilderness Act provides as follows for mining claims validated prior to December 31, 1983 that lie within the areas designated as wilderness by the Act: "...all patents issued under the mining laws of the United States affecting national forest lands designated by the Act as wilderness areas shall convey title to the mineral deposits within the claim...but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed..."*

In question is whether disturbance due to mining that would irretrievably damage important surface characteristics of the wilderness is "reasonably required for mining." We believe that such disturbance is not a reasonable requirement for mining and should not be allowed. It is our contention that the burden of proof lies with ASARCO to establish, as fact, that surface disturbance in the Wilderness associated with its proposed mining operation is a reasonable requirement of that mining operation, and that there are not alternatives that would better protect the surface resources within Wilderness.

The SDEIS fails to analyze the impacts to the CMW during the construction of the ventilation adit, nor does it consider alternative methods that would reduce the impacts. Has the Forest Service completed a minimum tool analysis for each activity that will occur within the Wilderness? (S6348)

Response: The decision maker must decide what is "reasonably required for mining." If an air intake ventilation adit in the wilderness is the only way to provide for mine worker safety, then it would be warranted. Mitigation has been added in the final EIS which would require the operator to prepare an evaluation of other options available at that time before looking at surface disturbance in the wilderness. Reference the Chapter 2, Alternative III, for other options. The supplemental EIS was abbreviated and did not give a full description of impacts. Impacts are fully displayed in the final EIS. The only activity that could potentially occur within the wilderness is the exiting of the ventilation adit. Reclamation of the adit could potentially require some level of activity on surface

lands within the wilderness. Reclamation would be carried out with use of minimum tools being considered.

13. *Issue 8: last bullet - ventilation adit. Alternative V should also be included as impacting wilderness values with the proposed adit. (S471)*

Response: If a wilderness ventilation adit were needed, it would be visible to some visitors under all action alternatives, but would be less obvious under Alternatives III-V. This has been added in the final EIS.

14. *Page 2-10 How does "relocating the ventilation adit to a cliff area minimize disturbed acreage" work? Do you mean horizontal acreage? How is this biologically or sociologically significant? (S3462)*

Response: If a ventilation adit were needed in the wilderness, Sterling would be required to minimize the amount of surface disturbance, visibility, and possible noise levels to reduce potential impacts to wilderness visitors. A smaller opening is expected on a near vertical face than if the opening occurred on a less steep slope as was proposed in the application (Alternative II). The effects are disclosed in Chapter 4. Perceived significance would vary with each individual.

15. *I don't understand though, how even a 800 sq foot hole can be made in a wilderness area. It is called a ventilation adit; does this mean clean air will always be sucked into the hole or will sometimes the fans suck exhaust out of the mine? This air would be full of fumes from blasting, dust and rock chips. As I understand, and once vigorously enforced, the wilderness act does not allow this type of disturbance. (S3633)*

Response: If the adit were ever needed, it would only used for air intake. The Wilderness Act allows for surface disturbance to occur if it is reasonably required.

16. *Page 2-130 1st (incomplete) paragraph "Either location ... is not in ... high use area ..." Will these areas still be available for hikers, or will the roads leading to these areas be closed and open only to mine personnel? (S4832)(S4833)*

Response: If an air intake ventilation adit were needed in the wilderness, the area around the portal would be open to hiking. There would be no roads associated with any intake air ventilation adit, since the adit would be driven from underground from the main ore deposit area.

17. *The ventilation adit within the Cabinet Mountains Wilderness is a wholly unacceptable intrusion on the very nature of the wilderness. It constitutes a visible human made structure which will produce noise as well. The proposed mitigation helps but does not eliminate the problem. For example, the SDEIS quotes the distance over which the noise will be reduced to background levels." However, this does not provide a true measure of the obtrusiveness of the noise, since the noise will be of a qualitatively different type than ambient natural noise, and will be readily detectable to the human ear as an unnatural intrusion. The impact on the quality of the wilderness experience will be unacceptable. Similarly, the document states that the adit will be relocated to be further from the more heavily used portion of the Wilderness. However, this ignores the fact that one of the main objects of Wilderness is to provide a place where people can find solitude. If you trash an area that is not heavily used, you severely degrade the ability of the wilderness to serve its function, by taking away an area where solitude can be found. Further, the methods and impacts of construction of the adit were not treated. How will construction be carried out? How will construction equipment reach the site? Will road building be necessary? If helicopters will be used, where is the area that needs to be cleared to permit operations? What are the plans for restoring construction induced damage? (S4185)*

Response: If an air intake ventilation adit is needed and is located in the Cabinet Mountain Wilderness, it would have impacts on the wilderness and on human wilderness values. Not all impacts can be totally mitigated. Reference Chapter 4 for those impacts. In response to the specific questions of this comment, construction of the adit would occur from inside the mine, with

equipment working toward the surface. No surface road building within the wilderness would occur. It is not known at this time whether there would be any need for helicopters, but if it were determined that short-term use of helicopters would reduce the overall impact to the wilderness, such use might be authorized. The activity would be restricted to the airspace around the adit. An example of possible helicopter use could include the final placement of rock at the portal of the adit during the reclamation phase. The adit would be closed and the outer portal rehabilitated to eliminate or minimize any long-term visual evidence of the adit.

18. The proximity of the Montanore mine, Way Up, and 4th of July properties could "squeeze" the wilderness from many sides, effectively reducing wilderness values and uses. Therefore, cumulative (non-ASARCO Rock Creek Mine) wilderness impacts to the wilderness must be considered. Additionally, impacts to the Wilderness from road building proposed near the Wilderness must be considered. (S2034)

Response: Cumulative impacts were displayed in the draft EIS, were abbreviated in the supplemental EIS, and have been fully displayed in the final EIS. All of the above mentioned properties or activities associated with the properties have the potential to be seen or heard from inside the wilderness. However, the actual wilderness is fairly narrow, and many different activities that already are occurring can be seen or heard from inside the wilderness.

19. Given the great amount of mine workings under the wilderness, the SDEIS must also consider possible impacts to the Wilderness from possible emergency mine evacuation activities. Emergency diggers and access would necessitate massive surface disturbances, are a direct necessity of the mine, are reasonably foreseeable, and must be considered in the SDEIS. (S2034)

Response: The applicant did not indicate that there would be any need for emergency access to the proposed mine from within the wilderness. The interdisciplinary team does not feel that any emergency access is reasonably foreseeable, because there will be at 100-900 feet of overburden left at any location. See Chapter 4-Geology for further details. However, the air-intake ventilation adit, if constructed could be used for emergency access.