

Appendix D: Scanned Copies of the Comments Received on the Butte Highlands Draft EIS

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From: [KATHY](#)
To: [DEQ underground mine project](#)
Subject: COMMENTS about the Butte Highlands Gold Mining Project
Date: Monday, November 04, 2013 6:17:12 PM

Dear Butte Highlands Gold Project:

I am writing to advise you of my support of this project for the following reasons:

General Comments on the proposed project:

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit that was issued August 1. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

Specific comments on major issues identified in the DEIS include:

Haul Road Alternatives

Haulage of ore west from the mine as the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads. Implementation of this Alternative would require that the BHJV ore haulage Plan of Operations (POO) be approved by the USFS; this POO would require environmental and road-upgrades (culvert replacements, dust control, erosion controls, etc.) to be implemented. As such, selection of the DEQ Agency Mitigated Alternative will provide broader benefits to the Highlands area that are not economically possible for the Agencies to complete at this time.

The Highland Road (North)/Roosevelt Drive Alternative ore haulage route should not be selected as safety concerns of dozens of homeowners of Thompson Park should be factored into Alternative selection. In contrast, the Agency Mitigated Alternative would directly impact only one single non-occupant ranch owner. Given minimal environmental impacts, safety should be the primary consideration in route selection.

Water Management

The Agency Mitigated Alternative to locate the proposed water treatment plant above ground is supported as a reasonable modification to the operation. This would be more readily accessible than an underground location. Given the extensive water treatment requirements of the MPDES (discharge) permit, flexible access to a surface location for plant

maintenance and monitoring is sensible and would entail no measurable additional environmental impacts.

The proposed closure of the historic Highland Mine adit with a hydraulically plug is supported as an important component of the mine closer plan. This closure approach is consistent with State-wide policy for abandoned mine land reclamation to restore historic mine sites as close as possible to pre-mining conditions.

Economic Benefits

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Butte-Silver Bow community.

For all of the above reasons, I ask this project be allowed to proceed.

Sincerely,

KATHLEEN S. HASSAN
86 Whitepine Creek Road
Trout Creek, MT 59874



November 7, 2013

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, Mt 59601

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DEQ DIRECTORS
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Dear Mr. Herrick,

I am writing you to express my support of the Butte Highlands Joint Venture gold mine project (BHJV).

I believe the Draft Environmental Impact Study (DEIS) and other associated environmental studies presented adequately demonstrate the minimal and acceptable potential impacts of the proposed mine project. Also, the BHJV would provide a positive impact on the community by providing new jobs for the residents of Butte-Silver Bow County. I do not believe that the No Action Alternative should be chosen by the DEQ, as this would terminate this project.

I also would like to strongly encourage the choice of the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) as this would minimize potential impacts to the surrounding environment. The Highlands Road/Roosevelt Drive Alternative ore haulage should not be chosen, as there are many safety concerns of the homeowners in Thompson Park.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Ford", is written over the word "Sincerely,".



November 7, 2013

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, Mt 59601

RECEIVED
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DEQ DIRECTORS
OFFICE

Dear Jeffrey Herrick,

I am writing this letter to you to express my support of the Butte Highlands Joint Venture gold mine project (BHJV).

I have read the Draft Environmental Impact Study (DEIS) and other associated environmental studies presented, and believe that they adequately demonstrate the minimal and acceptable potential impacts of the proposed mine project. I believe that the BHJV would provide a positive impact on the community by providing approximately 50 new jobs for the residents of Butte-Silver Bow County. I do not feel that the No Action Alternative should be selected by the DEQ, as this would terminate this project.

I would also like to encourage the choice of the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) as this would minimize potential impacts to the surrounding environment. The Highlands Road/Roosevelt Drive Alternative ore haulage should not be chosen, as there are many safety concerns of the homeowners in Thompson Park.

Thank you for your time in considering my support of the BHJV.

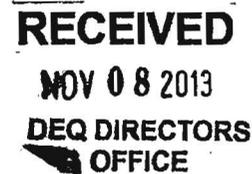
Sincerely,

A handwritten signature in black ink, appearing to read "Donald Rood". The signature is written in a cursive, flowing style.



November 7, 2013

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, Mt 59601



Dear Jeffrey F. Herrick,

I am writing today to support the Butte Highlands Joint Venture gold mine project (BHJV).

I have reviewed the Draft Environmental Impact Study (DEIS) and other associated environmental studies presented, and I believe that they adequately demonstrate the minimal and acceptable potential impacts of the proposed mine project. I believe that the BHJV would provide a positive impact on the community by providing approximately 50 new jobs for the residents of Butte-Silver Bow County. I do not feel that the No Action Alternative should be chosen by the DEQ, as this would terminate this project.

I would also like to encourage the selection of the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) as this would minimize potential impacts to the surrounding environment. The Highlands Road/Roosevelt Drive Alternative ore haulage should not be chosen, as there are many safety concerns of the homeowners in Thompson Park.

Thank you for your time and consideration of my support of the BHJV.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Herrick", written in a cursive style.

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NOV 05 2013

DEQ DIRECTORS
OFFICE

October 30, 2013

Mr. Jeffery Frank Herrick
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Subject: Butte Highlands Joint Venture DEIS - Comments

Dear Mr. Herrick,

First of all, we support the Agency Mitigated Alternative to Proposed Alternative for this project.

Our extensive national and local (Anaconda Smelter Remediation Project with Envirotac II, "aka Rhino Snot") experience with mine operators and regulators in helping to cost effectively stabilize mine sites and heavy haul roads for erosion control, water management, fugitive dust and reclamation allow us to offer the following comments.

Hauls Roads. The Agency Mitigated Alternative minimizes impacts on wetlands, streams and wildlife, as well as reduces reclamation costs and private property fragmentation. We understand that USFS will need to approve this plan which will require environmental and road upgrades.

Water Management. Making the water monitoring and treatment plant more accessible, as proposed in the Agency Mitigated Alternative, just makes common sense and will save money for all concerned.

Finally, the BHJV will also provide highly desired economic benefits to the Butte and Silver Bow areas of The Treasure State.

Very truly yours,



Bill Krippaehne
President & Managing Director
Pacific Inter-Mountain Distribution, 468 Ash Road, Unit F, Kalispell, MT 59901
cc: Justin Vermillion, Environmental Products & Applications, Inc.
Butte Highlands Joint Venture

November 6, 2013

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Jeffrey,

Please regard this letter of strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that was subject of a public meeting in Butte on October 21, 2013 at the Copper King Inn for the following reasons:

Hauling the ore west of the mine along the alternative road should be selected. This road is located west of the Beaverhead-Deer Lodge National Forrest near the Feely exit on Interstate-15. This road would minimize the potential impact to streams and wetlands as well as minimizing the construction and reclamation costs. Safety should be the primary consideration in selecting a route, and I believe the proposed alternative road is the safest route for all things involved.

The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

A handwritten signature in black ink that reads "Jed Achen" followed by a long horizontal flourish.

November 6, 2013

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DEQ DIRECTORS
OFFICE

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

Please regard this letter of strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that was subject of a public meeting in Butte on October 21, 2013 at the Copper King Inn for the following reasons:

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

Marcee Cameron
2410 Harvard Ave
Butte, MT

November 6, 2013

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DEQ DIRECTORS
OFFICE

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

Please regard this letter of strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that was subject of a public meeting in Butte on October 21, 2013 at the Copper King Inn for the following reasons:

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

Steve Centurini
6 Whitetail Dr.
Whitehall, MT 59759

November 6, 2013



Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

Please regard this letter of strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that was subject of a public meeting in Butte on October 21, 2013 at the Copper King Inn for the following reasons:

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

*Jonathan Casman 2810 Moulton
Butte, MT 59701*

November 6, 2013

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601



Dear Mr. Herrick,

Please regard this letter of strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that was subject of a public meeting in Butte on October 21, 2013 at the Copper King Inn for the following reasons:

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

A handwritten signature in black ink, appearing to read "Kuang A. Q. C.", written over a horizontal line.

101 BEAVER POON Rd
BUTTE, MT 59701

November 6, 2013



Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

Please regard this letter of strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that was subject of a public meeting in Butte on October 21, 2013 at the Copper King Inn for the following reasons:

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

Helen O. Joyce
3520 White Way
Butte, MT 59701

November 6, 2013

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DEQ DIRECTORS
OFFICE

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

Please regard this letter of strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that was subject of a public meeting in Butte on October 21, 2013 at the Copper King Inn for the following reasons:

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

Stephan T. Kuyawa
1819 Princeton
Butte, MT 59701

November 6, 2013

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

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Dear Mr. Herrick,

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

Elizabeth Patterson
518 W Greentite
Butte, MT 59701

November 6, 2013

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DEQ DIRECTORS
OFFICE

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

Don Peoples J.
4108 Trenton
Butte, Mt.
59701

November 6, 2013

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DEQ DIRECTORS
OFFICE

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

Ronald D Peoples Sr
3440 St Ann
Butte, MT 59701

November 6, 2013

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OFFICE

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Jeffrey,

Please regard this letter of strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that was subject of a public meeting in Butte on October 21, 2013 at the Copper King Inn for the following reasons:

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

Michelle Shea
2309 Harvard
Butte, MT
59701

November 6, 2013



Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

Please regard this letter of strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that was subject of a public meeting in Butte on October 21, 2013 at the Copper King Inn for the following reasons:

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

M. J. ...

Butte, MT 59701

November 6, 2013

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

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DEQ DIRECTORS
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Dear Mr. Herrick,

Please regard this letter of strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that was subject of a public meeting in Butte on October 21, 2013 at the Copper King Inn for the following reasons:

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

Myatina Wilkins
Butte MT 59701

November 6, 2013

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DEQ DIRECTORS
OFFICE

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

Please regard this letter of strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that was subject of a public meeting in Butte on October 21, 2013 at the Copper King Inn for the following reasons:

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The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact to the community.

Best Regards,

Michael C. Willis
Michael C. Willis
8 Bittersweet Drive
Butte, MT 59701

November 6, 2013

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Jeffrey,

I am writing this letter to express my support of the Butte Highlands Joint Venture Gold Mine Project (BHJV). As a lifelong resident of Butte, Montana, I would like to go on the record as supporting this project. My support for mining operation is based on information contained in the Draft Environmental Impact Study. The main reasons for my support are the economic benefits that this project will have on Butte-Silver Bow County as well as the efforts that have been made to protect the water quality in the area.

The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact on the community.

The proposed water treatment plant will be located above ground and it is supported as a reasonable modification to the project. This would allow more access to a location for plant and wildlife maintenance and monitoring, which, in turn, would entail no measurable environmental impacts.

Thank you for your time in considering my support of the BHJV.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl O'Brien". The signature is written in dark ink and is positioned below the word "Sincerely,".

November 6, 2013

RECEIVED
NOV 08 2013
DEQ DIRECTORS
OFFICE

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

I am writing this letter to express my strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that has been the subject of public discussion and newspaper articles because of the safety of the residents of Roosevelt Drive.

Using Roosevelt Drive, which is located to the north of the mine, is a nonstarter. It is imperative that this road remain free of heavy traffic to protect the families that live there. The Forest Service should not even consider this as a possible route due to the serious safety hazard it poses. It is vital that this road remains free of haul traffic to and from the mine site.

Hauling the ore west of the mine along the alternative road should be selected. This road is located west of the Beaverhead-Deer Lodge National Forest near the Feely exit on Interstate-15. This road would minimize the potential impact to streams and wetlands as well as minimizing the construction and reclamation costs. Safety should be the primary consideration in selecting a route, and I believe the proposed alternative road is the safest route for all things involved.

Thank you for your time in considering my support.

Sincerely,


121 Reuz Drive
Butte, MT 59701

November 6, 2013

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DEQ DIRECTORS
OFFICE

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

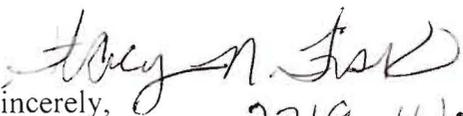
Dear Jeffrey,

I am writing this letter to express my support of the Butte Highlands Joint Venture Gold Mine Project (BHJV). As a lifelong resident of Butte, Montana, I would like to go on the record as supporting this project. My support for mining operation is based on information contained in the Draft Environmental Impact Study. The main reasons for my support are the economic benefits that this project will have on Butte-Silver Bow County as well as the efforts that have been made to protect the water quality in the area.

The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact on the community.

The proposed water treatment plant will be located above ground and it is supported as a reasonable modification to the project. This would allow more access to a location for plant and wildlife maintenance and monitoring, which, in turn, would entail no measurable environmental impacts.

Thank you for your time in considering my support of the BHJV.

Sincerely, 
2719 Walnut
Butte, MT 59701

November 6, 2013

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DEQ DIRECTORS
OFFICE

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

I am writing this letter to express my strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that has been the subject of public discussion and newspaper articles because of the safety of the residents of Roosevelt Drive.

Using Roosevelt Drive, which is located to the north of the mine, is a nonstarter. It is imperative that this road remain free of heavy traffic to protect the families that live there. The Forest Service should not even consider this as a possible route due to the serious safety hazard it poses. It is vital that this road remains free of haul traffic to and from the mine site.

Hauling the ore west of the mine along the alternative road should be selected. This road is located west of the Beaverhead-Deer Lodge National Forest near the Feely exit on Interstate-15. This road would minimize the potential impact to streams and wetlands as well as minimizing the construction and reclamation costs. Safety should be the primary consideration in selecting a route, and I believe the proposed alternative road is the safest route for all things involved.

Thank you for your time in considering my support.

Sincerely,

Joseph M. McBride - 197 Bantry Way
Butte, MT. 59701

November 6, 2013



Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

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Thank you for your time in considering my support.

Sincerely,

Catherine Peoples
3440 St. Ann
Butte, MT 59701

November 6, 2013

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Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
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I am writing this letter to express my strong support for the Butte Highlands Joint Venture Gold Mine Project (BHJV) located south of Butte, Montana. I believe the Montana Department of Environmental Quality should approve the application that has been the subject of public discussion and newspaper articles because of the safety of the residents of Roosevelt Drive.

Using Roosevelt Drive, which is located to the north of the mine, is a nonstarter. It is imperative that this road remain free of heavy traffic to protect the families that live there. The Forest Service should not even consider this as a possible route due to the serious safety hazard it poses. It is vital that this road remains free of haul traffic to and from the mine site.

Hauling the ore west of the mine along the alternative road should be selected. This road is located west of the Beaverhead-Deer Lodge National Forest near the Feely exit on Interstate-15. This road would minimize the potential impact to streams and wetlands as well as minimizing the construction and reclamation costs. Safety should be the primary consideration in selecting a route, and I believe the proposed alternative road is the safest route for all things involved.

Thank you for your time in considering my support.

Sincerely,



104 RSWZ DR

BUTTE, MT 59701

November 6, 2013

RECEIVED
NOV 08 2013
DEQ DIRECTORS
OFFICE

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Jeffrey,

I am writing this letter to express my support of the Butte Highlands Joint Venture Gold Mine Project (BHJV). As a lifelong resident of Butte, Montana, I would like to go on the record as supporting this project. My support for mining operation is based on information contained in the Draft Environmental Impact Study. The main reasons for my support are the economic benefits that this project will have on Butte-Silver Bow County as well as the efforts that have been made to protect the water quality in the area.

The BHJV would provide approximately 50 jobs. This would provide a significant, positive impact to the community. For every direct job, nearly 3 more will be created in support, providing further impact on the community.

The proposed water treatment plant will be located above ground and it is supported as a reasonable modification to the project. This would allow more access to a location for plant and wildlife maintenance and monitoring, which, in turn, would entail no measurable environmental impacts.

Thank you for your time in considering my support of the BHJV.

Sincerely,



480 E. Park Street
Butte.

From: gwold@netscape.com
To: [DEQ underground mine project](#)
Subject: Butte Gold Mine
Date: Monday, November 04, 2013 1:31:42 PM

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

Haulage of ore west from the mine as the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads. Implementation of this Alternative would require that the BHJV ore haulage Plan of Operations (POO) be approved by the USFS; this POO would require environmental and road-upgrades (culvert replacements, dust control, erosion controls, etc.) to be implemented. As such, selection of the DEQ Agency Mitigated Alternative will provide broader benefits to the Highlands area that are not economically possible for the Agencies to complete at this time.

The Highland Road (North)/Roosevelt Drive Alternative ore haulage route should not be selected as safety concerns of dozens of homeowners of Thompson Park should be factored into Alternative selection. In contrast, the Agency Mitigated Alternative would directly impact only one single non-occupant ranch owner. Given minimal environmental impacts, safety should be the primary consideration in route selection.

The Agency Mitigated Alternative to locate the proposed water treatment plant above ground is supported as a reasonable modification to the operation. This would be more readily accessible than an underground location. Given the extensive water treatment requirements of the MPDES (discharge) permit, flexible access to a surface location for plant maintenance and monitoring is sensible and would entail no measurable additional environmental impacts.

The proposed closure of the historic Highland Mine adit with a hydraulically plug is supported as an important component of the mine closer plan. This closure approach is consistent with State-wide policy for abandoned mine land reclamation to restore historic mine sites as close as possible to pre-mining conditions.

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Butte-Silver Bow community.

Thank you,
Gary Wold
Butte,MT
gwold@netscape.com

From: [Sheri Brown](#)
To: [DEQ underground mine project](#)
Subject: Support of Butte Highlands Gold Mining Project
Date: Tuesday, October 22, 2013 1:47:24 PM

To whom it may concern:

I am in full support of the Butte Highlands Gold Mining Project;

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

The Agency Mitigated Alternative to locate the proposed water treatment plant above ground is supported as a reasonable modification to the operation. This would be more readily accessible than an underground location. Given the extensive water treatment requirements of the MPDES (discharge) permit, flexible access to a surface location for plant maintenance and monitoring is sensible and would entail no measurable additional environmental impacts.

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Butte-Silver Bow community as well as surrounding communities.

Sincerely,

Sheri Brown
PO Box 1186
Three Forks, MT 59752

From: Jake Doherty <jdoherty@techline-services.com>
Sent: Monday, November 04, 2013 11:46 AM
To: DEQ underground mine project
Subject: Butte Highlands Gold Project

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

As far as the haul road is concerned, haulage of ore west from the mine as the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads. Implementation of this Alternative would require that the BHJV ore haulage Plan of Operations (POO) be approved by the USFS; this POO would require environmental and road-upgrades (culvert replacements, dust control, erosion controls, etc.) to be implemented. As such, selection of the DEQ Agency Mitigated Alternative will provide broader benefits to the Highlands area that are not economically possible for the Agencies to complete at this time.

The Highland Road (North)/Roosevelt Drive Alternative ore haulage route should not be selected as safety concerns of dozens of homeowners of Thompson Park should be factored into alternative selection. In contrast, the Agency Mitigated Alternative would directly impact only one single non-occupant ranch owner. Given minimal environmental impacts, safety should be the primary consideration in route selection.

The Agency Mitigated Alternative to locate the proposed water treatment plant above ground is supported as a reasonable modification to the operation. This would be more readily accessible than an underground location. Given the extensive water treatment requirements of the MPDES permit, flexible access to a surface location for plant maintenance and monitoring is sensible and would entail no measurable additional environmental impacts.

The proposed closure of the historic Highland Mine adit with a hydraulically plug is supported as an important component of the mine closer plan. This closure approach is consistent with State-wide policy for abandoned mine land reclamation to restore historic mine sites as close as possible to pre-mining conditions.

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Butte-Silver Bow community.

Thank you,

--

Jake Doherty
techline

SERVICES

jdoherty@techline-services.com
Ph - (800) 682-1607
Cell - (406) 498-2723

From: [Larry Erickson](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands Comments
Date: Tuesday, October 22, 2013 10:20:39 AM

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901, Helena, MT 59601
406-444-3276

I am in support of the proposed Butte Highlands gold mining project.

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August, 2013. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

Ore haulage west from the mine as the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads. Implementation of this Alternative would require that the BHJV ore haulage Plan of Operations (POO) be approved by the USFS; this POO would require environmental and road-upgrades (culvert replacements, dust control, erosion controls, etc.) to be implemented. Selection of the DEQ Agency Mitigated Alternative will provide broader benefits to the Highlands area as the BMP upgrades are not in the Agency's budget to complete at this time. The Highland Road (North)/Roosevelt Drive Alternative ore haulage route should **not** be selected as safety concerns of dozens of homeowners of Thompson Park should be considered in the Alternative selection. In contrast, the Agency Mitigated Alternative would directly impact one non-occupant ranch owner. Given minimal environmental impacts, safety should be the primary consideration in route selection.

The Agency Mitigated Alternative proposes to locate the water treatment plant above ground and I support this as a reasonable modification to the operation. Given the extensive water treatment requirements of the MPDES (discharge) permit, flexible access to a surface location for plant maintenance and monitoring is sensible. The alternative will require minimal environmental impact at the mine site.

The proposed closure of the historic Highland Mine adit with a hydraulic plug is supported as an important component of the mine closure plan. This closure approach is consistent with State-wide policy for abandoned mine land reclamation.

I support the Proposed Action (Agency Mitigated Alternative) as it provides approximately 50 employees with high paying skilled work which will have a positive economic benefit to the Butte-

From: [Mike Maack](#)
To: [DEQ underground mine project](#)
Subject: Support Butte Highlands Gold Project
Date: Tuesday, October 29, 2013 10:47:45 AM

In support of the project,
Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901, Helena, MT 59601
406-444-3276

General Comments on the proposed project:

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Specific comments on major issues identified in the DEIS include:

Haul Road Alternatives

Haulage of ore west from the mine as the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads. Implementation of this Alternative would require that the BHJV ore haulage Plan of Operations (POO) be approved by the USFS; this POO would require environmental and road-upgrades (culvert replacements, dust control, erosion controls, etc.) to be implemented. As such, selection of the DEQ Agency Mitigated Alternative will provide broader benefits to the Highlands area that are not economically possible for the Agencies to complete at this time.

The Highland Road (North)/Roosevelt Drive Alternative ore haulage route should not be selected as safety concerns of dozens of homeowners of Thompson Park should be factored into Alternative selection. In contrast, the Agency Mitigated Alternative would directly impact only one single non-occupant ranch owner. Given minimal environmental impacts, safety should be the primary consideration in route selection.

Water Management

The Agency Mitigated Alternative to locate the proposed water treatment plant above ground is supported as a reasonable modification to the operation. This would be more readily accessible than an underground location. Given the extensive water treatment requirements of the MPDES (discharge) permit, flexible access to a surface location for plant maintenance and monitoring is sensible and would entail no measurable additional environmental impacts.

The proposed closure of the historic Highland Mine adit with a hydraulically plug is supported as an important component of the mine closer plan. This closure approach is consistent with State-wide policy for abandoned mine land reclamation to restore historic mine sites as close as possible to pre-mining conditions.

Economic Benefits

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Butte-Silver Bow community.

Thank you

Michael Maack
Purchasing Manager
Selway Corporation
406-777-5471

From: [Michael Rallis](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands Gold Mining Project
Date: Sunday, November 03, 2013 1:18:27 PM

General Comments on the proposed project:

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

Specific comments on major issues identified in the DEIS include:

Haul Road Alternatives

Haulage of ore west from the mine as the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads. Implementation of this Alternative would require that the BHJV ore haulage Plan of Operations (POO) be approved by the USFS; this POO would require environmental and road-upgrades (culvert replacements, dust control, erosion controls, etc.) to be implemented. As such, selection of the DEQ Agency Mitigated Alternative will provide broader benefits to the Highlands area that are not economically possible for the Agencies to complete at this time.

The Highland Road (North)/Roosevelt Drive Alternative ore haulage route should not be selected as safety concerns of dozens of homeowners of Thompson Park should be factored into Alternative selection. In contrast, the Agency Mitigated Alternative would directly impact only one single non-occupant ranch owner. Given minimal environmental impacts, safety should be the primary consideration in route selection.

Water Management

The Agency Mitigated Alternative to locate the proposed water treatment plant above ground is supported as a reasonable modification to the operation. This would be more readily accessible than an underground location. Given the extensive water treatment requirements of the MPDES (discharge) permit, flexible access to a surface location for plant maintenance and monitoring is sensible and would entail no measurable additional environmental impacts.

The proposed closure of the historic Highland Mine adit with a hydraulically plug is supported as an important component of the mine closer plan. This closure approach is consistent with State-wide policy for abandoned mine land reclamation to restore historic mine sites as close as possible to pre-mining conditions.

Economic Benefits

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Butte-Silver Bow community.

Thank you,

MICHAEL R RALLIS
BUXTON, MONTANA 59750-9718
MGYBEAR@GMAIL.COM

From: [Michaiah Smith](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands Gold Project
Date: Monday, November 04, 2013 8:54:02 AM

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

Haulage of ore west from the mine as the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads. Implementation of this Alternative would require that the BHJV ore haulage Plan of Operations (POO) be approved by the USFS; this POO would require environmental and road-upgrades (culvert replacements, dust control, erosion controls, etc.) to be implemented. As such, selection of the DEQ Agency Mitigated Alternative will provide broader benefits to the Highlands area that are not economically possible for the Agencies to complete at this time.

The Highland Road (North)/Roosevelt Drive Alternative ore haulage route should not be selected as safety concerns of dozens of homeowners of Thompson Park should be factored into Alternative selection. In contrast, the Agency Mitigated Alternative would directly impact only one single non-occupant ranch owner. Given minimal environmental impacts, safety should be the primary consideration in route selection.

The Agency Mitigated Alternative to locate the proposed water treatment plant above ground is supported as a reasonable modification to the operation. This would be more readily accessible than an underground location. Given the extensive water treatment requirements of the MPDES (discharge) permit, flexible access to a surface location for plant maintenance and monitoring is sensible and would entail no measurable additional environmental impacts.

The proposed closure of the historic Highland Mine adit with a hydraulically plug is supported as an important component of the mine closer plan. This closure approach is consistent with State-wide policy for abandoned mine land reclamation to restore historic mine sites as close as possible to pre-mining conditions.

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Butte-Silver Bow community.

Thank you,

Michaiah Smith
Livingston, Montana
montana.chai@yahoo.com

From: [Jake Verlanic](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands Gold Project
Date: Tuesday, November 05, 2013 2:08:00 PM

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

Specific comments on major issues identified in the DEIS include:

Haul Road Alternatives

Haulage of ore west from the mine as the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads. Implementation of this Alternative would require that the BHJV ore haulage Plan of Operations (POO) be approved by the USFS; this POO would require environmental and road-upgrades (culvert replacements, dust control, erosion controls, etc.) to be implemented. As such, selection of the DEQ Agency Mitigated Alternative will provide broader benefits to the Highlands area that are not economically possible for the Agencies to complete at this time.

The Highland Road (North)/Roosevelt Drive Alternative ore haulage route should not be selected as safety concerns of dozens of homeowners of Thompson Park should be factored into Alternative selection. In contrast, the Agency Mitigated Alternative would directly impact only one single non-occupant ranch owner. Given minimal environmental impacts, safety should be the primary consideration in route selection.

Water Management

The Agency Mitigated Alternative to locate the proposed water treatment plant above ground is supported as a reasonable modification to the operation. This would be more readily accessible than an underground location. Given the extensive water treatment requirements of the MPDES (discharge) permit, flexible access to a surface location for plant maintenance and monitoring is sensible and would entail no measurable additional environmental impacts.

The proposed closure of the historic Highland Mine adit with a hydraulically plug is supported as an important component of the mine closer plan. This closure approach is consistent with State-wide policy for abandoned mine land reclamation to restore historic mine sites as close as possible to pre-mining conditions.

Economic Benefits

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Butte-Silver Bow community.

From: [Parrow, Shane \(Golden Sunlight\)](#)
To: [DEQ underground mine project](#)
Subject: Comments for the Butte Highlands proposed project
Date: Tuesday, October 29, 2013 7:25:44 AM

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ.

Haul Road Alternatives

Haulage of ore west from the mine as the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest.

The Highland Road (North)/Roosevelt Drive Alternative ore haulage route should not be selected as safety concerns of dozens of homeowners of Thompson Park should be factored into Alternative selection.

Water Management

The Agency Mitigated Alternative to locate the proposed water treatment plant above ground is supported as a reasonable modification to the operation.

The proposed closure of the historic Highland Mine adit with a hydraulically plug is supported as an important component of the mine closer plan.

Economic Benefits

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Butte-Silver Bow community.

Shane Parrow, M.S., P.E.

Senior Project Engineer

Barrick - Golden Sunlight Mines

453 MT HWY 2 East

Whitehall, MT 59759

406-287-2067

406-533-9612 cell

sparrow@barrick.com

17 Oct 2013

Jedrey Frank Herricks
Dept. Environmental Quality
P.O. Box 200901
Helena, MT. 59601

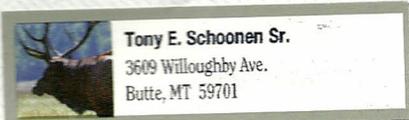
Dear Sir:

I'm a landowner near the proposed
Roosevelt Drive route, and because
of numerous safety concerns, i.e.
school bus route, numerous private homes
and a great deal of recreational travel,
the Highland Road to I-15 would be
a far safer and less intrusive.

I'm all for mining when rules,
regulations and safety concerns are
adhered to.

Your consideration of my comments
would be greatly appreciated.

Sincerely
Tony Schoonen



DRAFT ENVIRONMENTAL IMPACT STATEMENT

PROPOSED BUTTE HIGHLANDS PROJECT
BUTTE HIGHLANDS JOINT VENTURE, SILVER BOW COUNTY, MONTANA
OPERATING PERMIT APPLICATION

TRANSCRIPT OF THE PUBLIC MEETING

Jeffrey Herrick, Hearing Officer

Anselmo/Badger Room, Copper King Convention Center
4655 Harrison Avenue
Butte, Montana

October 21, 2013
6:10 p.m.

REPORTED BY:

CHERYL ROMSA
CHERYL ROMSA COURT REPORTING
ONE NORTH LAST CHANCE GULCH #3
P. O. BOX 1278
HELENA, MONTANA 59624
(406) 449-6380

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1 WHEREUPON, the proceedings were had as follows:

2 MR. HERRICK: Thank you for coming. This meeting
3 has a couple of purposes. One is just to present to you a
4 little bit about the draft EIS for the Butte Highlands
5 Joint Venture Mine. It's a draft permit that's in the
6 works. And through this EIS process, we're determining --
7 DEQ is considering what kind of a decision to make on
8 that. And it's based on public input, and that's the
9 other half of why I'm really glad to see you here.
10 Because we want to hear from you, either written or
11 orally. And this meeting is set up so that we can receive
12 any and all comments you want to provide us.

13 welcome, everybody. If you want to give oral
14 comments, if you want to stand up at the mic and present
15 comments to us, that's going to be wonderful, but you need
16 to sign in. And the sign-in sheet is on the back table.
17 Because the way we'll do this is we'll call your name and
18 you can come up and give us your testimony or your
19 comments or your opinions, and that's great. We'll have a
20 limitation on time, and we'll have a timekeeper; I think
21 that will end up being me. And we probably can
22 accommodate everybody that wants to speak, but please sign
23 up. That will help us a lot.

24 To introduce myself and some of our staff, my name is
25 Jeffrey Herrick, H-E-R-R-I-C-K, and I am the MEPA

1 coordinator or a MEPA coordinator with Montana DEQ. What
2 that is, is I coordinate the development of EISS,
3 environmental impact statements. Now, I have a coworker
4 here that is also an EIS coordinator like me, and it's
5 Kristi Ponozzo, and she's the gal with the black outfit
6 and the white shirt on next to the door there. She's
7 good.

8 I also want to say that the reason we're going an EIS
9 is because there's a draft permit out on the mine and DEQ
10 is trying to figure out how to make that final. And the
11 permitting and compliance folks at DEQ are the ones who
12 we're working with. What it is, is we have a number of
13 people from the DEQ permitting in the Hard Rock Program.
14 Now, that program is within a bureau called the
15 Environmental Management Bureau. And they do other things
16 besides hard rock mines. But the head of that bureau is
17 the guy with the cookie in his mouth back there in the
18 black suit, Warren McCullough. And you can waylay him
19 after the meeting and hammer him with questions all you
20 like, that's okay.

21 The fellow that's the supervisor in the hard rock
22 section, actually, I've been working long and hard with to
23 get this EIS done and to bring it to a point where we can
24 make decisions as a state agency, and that's Herb Rolfes.

25 MR. ROLFES: Right here.

1 MR. HERRICK: He's behind me. That's Herb. And
2 after the meeting, you can get him for questions, too.

3 At this moment, I think I'll turn it over a little bit
4 to Herb, and Herb can introduce some of his staff that's
5 here. The reason that's important is because when we are
6 done with the part of the meeting where we have public
7 testimony, you can go to them and ask questions. We have
8 poster boards set up around the room. Most of them have a
9 theme or a topic they're trying to portray to you, and
10 we'll stick people around those. Those are good locations
11 for you to go and ask questions or hand over your comments
12 on a piece of paper or make a comment to them that, you
13 know, will stick in their head.

14 So, Herb.

15 MR. ROLFES: Well, I'll just introduce our staff
16 that's worked on this project. In the back of the room,
17 Patrick Plantenberg. Let's see, where is he?

18 MS. PONOZZO: He just stepped out.

19 MR. ROLFES: He just stepped out. Okay. He's
20 our soils and veg reclamation specialist. Betsy Hovda is
21 a hydrogeologist, in the back of the room; Wayne Jepson, a
22 hydrogeologist, in the back of the room; Dr. Jim Castro,
23 our geochemist. And, let's see, Charles Freshman is not
24 here; he's our engineer. And John Brown is another
25 hydrologist we have. We do have HydroSolutions people

1 here, our consulting firm.

2 MR. HERRICK: Right. Our consulting firm are
3 here. They work with us in the developing, and they're
4 sometimes the people that do the -- in all truth, they do
5 the heavy lifting for the work, and they're a couple of
6 excellent writers. One is Dave Donohue in the back
7 corner, black jacket, and Leanne Roulson on the opposite
8 side over here (indicating). Excellent folks.

9 Now, I will say that we have people here that
10 represent or are proponents for the mine. And that's as
11 it should be. We have somebody from -- or maybe a couple
12 people from Timberline. Steve Osterberg is in the back of
13 the room. And it's absolutely wonderful if you go talk to
14 him after our meeting breaks up; he'd be very happy to
15 talk to you folks.

16 This is not common, but a part of the Butte Highlands
17 Joint Venture, there's another party involved or another
18 organization that are some of the financial backers, and
19 it's ISR Capital, out of Boise. And we have a
20 representative in the back somewhere, Brian Jackson; he's
21 kind of keeping a low profile. And he just represents
22 them; he's not been involved in this project other than
23 peripherally.

24 And, let's see, do we have anybody here from
25 Butte-Silver Bow County?

1 sir, would you introduce yourself, please.

2 MR. SCHULTZ: Hi, I'm Dave Schultz. I'm the
3 manager of the Water Division for Butte-Silver Bow; I work
4 in Public Works.

5 COMMISSIONER HENDERSON: And I'm Dennis
6 Henderson, commissioner of District 5, which is out at the
7 mine.

8 MR. HERRICK: Gentlemen, thank you; I appreciate
9 that. And I'm pleased to see you here. Water is
10 important, right? Water is important.

11 Now, basically, I'm going to do a couple of parts to
12 the meeting. The first part is I'm going to try to
13 explain just a little bit and in brief about what the EIS
14 is for and has in it. Then we'll switch gears and we'll
15 switch to a public format, and it's a meeting where you
16 can tell us what your comments are. And the purpose of
17 your comments are really important. It's what we end up
18 with as a final EIS. We need to incorporate your thoughts
19 and feelings and your brilliant ideas. Because two heads
20 are better than one, and 25 or 30 or 50 are even better
21 yet, if you can distill them.

22 And then after the public comment period, we'll
23 adjourn, and you can -- it's a question-and-answer period,
24 and it's a free-for-all; you know, you can go wherever you
25 want. We've got lots of cookies in the back. Now, we

1 will go until about 10 after 8:00, since we started a
2 couple minutes late, and at that point we're just going to
3 go home; we'll wrap up and that's the end of our time
4 here. And if you can waylay somebody and make them stay
5 longer, then that's good, but it won't be me.

6 Okay, where we are in the process. Butte Highlands
7 Joint Venture received a draft permit, and their permit
8 application was deemed complete and compliant. That's a
9 technical term to say we're about ready to trigger a final
10 permit. But before we do that, we have to go through an
11 EIS process, an environmental assessment to see what the
12 consequences of the mine will be or alternatives to the
13 mine and the way things have been planned. We had a
14 scoping meeting, and a scoping meeting is a meeting where
15 we pulled the public in and we talked to the public and
16 asked them questions about what we needed to incorporate
17 or consider as part of our report, our EIS. And we got a
18 lot of good comments, and they helped us build the
19 document that we're talking about tonight. And they were
20 cogent and compelling, some of them.

21 What we're doing now, is the draft EIS has been
22 published, meaning we posted it online; we have some
23 copies to give away, mostly not. We've got some
24 preliminary information and some preliminary conclusions.
25 But in order to turn this into a final document, we're

1 coming back out to the public and we'd like more input.
2 If we've done something wrong and reached a poor
3 conclusion based on the information available or we need
4 to reexamine something, we need that information from you,
5 and we're very desirous that we get input on that.

6 The final EIS -- depending on the number of comments,
7 and it all depends on what we get as comments, the final
8 EIS will be published next month. If there's not a lot of
9 comments, it will be real quick. If there's a lot of
10 comments and they're very compelling and we need to
11 analyze them, that can delay us a little bit; and it's an
12 unknown amount, but it's not going to be a killer. The
13 document will probably come out mid or late next month at
14 latest. After that the agency, DEQ, will make a decision
15 on the document. We'll have our final EIS out. We'll be
16 able to finally say what we have as a preferred
17 alternative, be it one or another. And we have to justify
18 why we did that. We have to allude to what public
19 comments were, and then we issue it, and the permit
20 follows thereafter. It becomes iffy to me, I don't know
21 that process extremely well, because I haven't gone
22 through that before, but it comes within a matter of weeks
23 after that.

24 Now, there's a handout; many of you have it in front
25 of you, many of you don't. But if you need it, I think

1 we've got plenty on the black table hopefully still. And
2 there's some e-mail addresses. One of the addresses that
3 you're going to see on there is the mine permit, and it's
4 the application for that mine permit. And that's a good
5 one for some good technical, scientific background.
6 Another is the EIS, and that's a good -- it's a
7 well-written and pretty smooth document. And I'm not
8 expecting every one of you to read it, but there's some
9 good points in it. And the Executive Summary is readable,
10 and it gets to the point. It's got some nice tables, and
11 one of those tables is in your handout. And then I would
12 direct you to Chapter 1 and 2. They're not real long, but
13 it talks about the alternatives in some fairly good detail
14 and in an understandable way. And if you really want some
15 technical detail, go back to Chapter 4. That's where a
16 lion's share of our decisions came out of, and it talks
17 about the consequences of each alternative to various
18 resources. And I'll get to that.

19 So we're done with that. We're through that. It's
20 hard to get old. You see how big the print is
21 (indicating) I put on my page so I don't have to wear my
22 granny glasses as I'm talking to you.

23 Okay. The purpose of the draft EIS is to share some
24 information with you, and then, in return, get comments,
25 insight, and intelligent questions or problems back at us.

1 Or errors; if we missed the boat somehow, we really need
2 to know that. Because part of our public process in
3 Montana is we need public input at almost every step of
4 the way, and so I'm seeking that from you.

5 Here's a key point, the things that we're laying out
6 in the EIS. I'm not trying to say, and I think we've been
7 pretty careful about it, we're not a proponent and we're
8 not an opponent of the Proposed Action, which is granting
9 the mine permit. There's a lot of reasons for changing
10 that permit a little bit or for choosing something
11 completely different. And so we want to weigh these in a
12 careful and logical way. Our opinions may change a little
13 bit, we may come out with a record of decision, which is
14 our agency's decision, but we need more information yet to
15 finalize that kind of stuff.

16 Okay, the EIS. Look at the handout I've given you.
17 The front page is just kind of an introduction, and it
18 talks about some of the high points of what we did in the
19 EIS, and it talks about some of the other permits that are
20 ongoing. And I should state here, several permits have
21 been issued -- or a couple have been issued and a couple
22 are still out there. One of the things that's still out
23 there is a decision by the Forest Service on the use of
24 Forest Service roads. The mine can't get the ore off the
25 top of the mountain without a use permit on the road. And

1 they're calling it a record of decision. That's due yet;
2 they don't have that yet.

3 They do have an air permit. They do have an
4 exploration license, which means they can do certain
5 things out at the site, and they're doing them right now.
6 And that's limited in scope, and it's limited in duration,
7 that exploration license. And they do have an MPDES, the
8 Montana Pollutant Discharge Elimination System; and that
9 will allow them to discharge to streams if the mining
10 permit is granted, so when they're dewatering the mine
11 later on they have somewhere to put that water.

12 Okay, so current operations out there. This is one of
13 the alternatives; this is called the No-Action
14 Alternative. It's a status-quo approach to what's going
15 on. We're not going to limit what they do right now out
16 at the mine site that they're doing under a license that
17 they have for exploration. They're going to -- they're
18 going to do some more drilling, exploration drilling,
19 maybe a few monitoring wells. They're going to continue
20 the underground decline that gets -- helps them to reach
21 the ore body. They have to do some dewatering of the
22 mountain a little bit in order to reach that depth,
23 because, otherwise, they'll be tunneling under water. And
24 I'm not really sure if they're going to start on the
25 escape tunnel/ventilation shaft under exploration or if

1 they're going to wait until they get to the permit stage,
2 but that will be coming on the heels of them reaching
3 certain depths. They're going to dewater their
4 exploration activity areas and keep the water below where
5 they're working, and they're going to discharge that water
6 primarily, as I understand correctly, to an LAD. That's a
7 land application disposal area adjacent to the mine. And
8 I can't remember if it's aboveground or drain fields that
9 are underground for all that or both right now.

10 Under the exploration permit -- which is under the
11 No-Action Alternative, meaning we don't grant them a
12 mining permit. Under that, they're going to still be
13 working on gathering their bulk sample of gold ore, and
14 that's a 10,000-ton bulk sample. They're going to have to
15 haul that off the mountain somehow, and they're going to
16 do so on Roosevelt Road, per agreement. It's not a lot of
17 trucks in the long run. And their work on the exploration
18 will run out soon. I don't know if it will last through
19 2014 or not, just collecting the bulk sample, but, you
20 know, when they're done with the bulk sample they're
21 basically done up there under the No-Action Alternative.

22 Then there's a Proposed Action Alternative. The
23 Proposed Action in the EIS is for DEQ to grant the permit
24 as it's written and the activities as they're incorporated
25 into the permit. And that will include several things.

1 They're going to expand their mining operation. The big
2 footprint at the surface isn't going to change a great
3 deal, but they're going to drill deeper. They're going to
4 install pipelines that will carry water out of the mine
5 area down to discharge locations in a number of creeks.
6 And you have a map on the very back of your handout. That
7 map is a little bit obscure because there's so many things
8 listed on it, but there's some black type with little
9 arrows pointing to the stream locations. Those are
10 discharge locations where the water is going to be
11 discharged into the streams.

12 Now, they have a permit to do this, the MPDES permit.
13 But the permit, if I understand correctly, isn't going to
14 dictate how much water goes where or how it's distributed,
15 and that may change over time. They're very rigid about
16 it. The quality of that water has to be immaculate, and
17 it's way, way better than anything you're going to see
18 anywhere, mostly in drinking water supplies. It's really
19 got to be topnotch. And they can't dump too much water to
20 those streams because it could cause erosion, sediment
21 entrainment, and stuff like that. There's provisions to
22 protect those streams from over-discharging.

23 At the site, they're going to try real hard and get
24 down to the ore body, and they're going to try starting to
25 mine that as part of this Proposed Action, us granting

1 them the permit. They're going to have ongoing drilling
2 to assess future mineral reserves that are further down,
3 and they have not yet been able to get that deep in their
4 drilling. And if I understand the methodology right,
5 they're going to use a type of cut-and-fill methodology
6 where waste rock is mixed with cement and placed right
7 back into the mine. And what it does is fills mine voids
8 so you don't have a lot of open chambers down there that
9 can be dangerous to work within. It's a very interesting
10 methodology. In the long run, it looks like most of the
11 waste rock that comes to the surface, or may not ever make
12 it to the surface, is going to be sent right back down
13 just to fill up most of the workings. So the cement and
14 ground-up rock are all going to go in together to plug it
15 all back up. They're going to store some of that waste
16 rock on the surface, but it's unclear from a day-to-day
17 basis how much that's going to be; that will be worked
18 out.

19 And they're going to treat any water they pull out of
20 the mine, and that water is going to be diverted and
21 discharged to the local streams. And you have a map, and
22 that map will show you where those discharge locations
23 are. Those volumes to those streams are not dictated, and
24 it may vary over time. We'll have to see. It's a mining
25 operation, and they need to manage that. They may also be

1 sending water to the LAD. And I don't know to what extent
2 they're going to continue to use that. They have to
3 retain it because sometimes, if they can't meet water
4 quality standards, they've got to send it there, because
5 they can't discharge it at the surface and continue
6 working.

7 Gold ore will be shipped -- It's contentious, I guess.
8 The roadway or the haul routes that ultimately are chosen
9 for the mine haven't been determined yet. There's several
10 options out there. But under the Proposed Action, if we
11 grant them their permit, they plan on hauling the ore
12 west, out -- This (indicating) is a map of it. They plan
13 on starting up at the mine, if I've got it right, up at
14 the mine right here (indicating); they're just going to
15 haul west.

16 The Forest Service boundary is right in here
17 (indicating). If I understand correctly, when they get to
18 that boundary, they're going to divert onto this yellow
19 line right here (indicating), very close to it at least in
20 a draft sort of sense. And that will be an ore haul route
21 across the private lands that are down there between the
22 Forest Service boundary and the highway. And they will
23 have an ore transfer facility that they're going to build
24 just on the far side of the highway right here
25 (indicating). And at least per the plan, if the plan is

1 approved, that's what it looks like they are going to be
2 approved to do, if they're approved, if that alternative
3 is selected and finalized. So that's their ore haul route
4 per the Proposed Action.

5 Now, there's been a lot of discussion about haul
6 routes, one direction or another direction. They're
7 currently using Highland Road to get in and out from the
8 mine. They're even going to haul some ore over it, a
9 small volume total in the long run. But it's currently
10 being used. The Highland Road going north to Roosevelt is
11 this road (indicating) going north. It goes up through
12 Thompson Park and then to Highway 2 and then to wherever
13 the destinations are for who are going to receive the ore
14 and process it. And as far as I know to this point, they
15 haven't chosen a destination for their ore. I don't know
16 that that matters to us, because the ore is going to be
17 offsite.

18 But Highland Road is an alternative, and the reason
19 it's a viable alternative is because it exists already;
20 there's no road building. The road was originally cut and
21 built to maintain heavy truck traffic, primarily logging,
22 but other stuff too probably. So that exists, and we
23 can't rule it out as an alternative. It is not an
24 agency-preferred alternative on DEQ's part. That's not
25 one of our choices. So we just list it as an alternative,

1 and that decision can be made at a future date, we
2 believe. There's other things hinging on that, on the
3 choice of the alternative route, the haul route, and it
4 has to do with the analyses and the requirements and the
5 choices that perhaps the U.S. Forest Service will make.
6 And I haven't seen their data or their analysis, and I
7 can't really even speculate on that.

8 An alternative route is very similar to the proposed
9 action. What they'll do as an alternative to heading out
10 84, hitting the private properties up here (indicating) on
11 the way to Feely is, instead of this proposed action road
12 here (indicating) that goes way out into the fields -- And
13 in many ways, it kind of bisects these properties, you
14 know, cuts the fields in half. And it's going to be
15 difficult; you know, cattle will be on the road and the
16 animals will be on the road and the rancher wants to use
17 the road because it's his property. But we're going to
18 have haul trucks going through there. An alternative to
19 that, we've suggested that they build another road
20 immediately next to the current county road on Highland
21 Road here, and it just parallels it (indicating). And as
22 it winds its way down from the Forest Service boundary
23 toward some wetlands and streams down here (indicating),
24 it hugs the county road. There's a little open spot here
25 (indicating), and there's a property line that crosses the

1 county road and we can't touch it. And it will rejoin it
2 right past it and closely parallel this road until it
3 crosses around this northern end and goes underneath the
4 highway (indicating).

5 And it's a very minor modification on the proposed
6 haul route -- the haul route that the mine proposed, but
7 it's an important one because it will be built primarily
8 within the right-of-way of the existing road. We can't
9 use the existing road, which would be ideal; there's an
10 easement with the property owner adjacent to it and it
11 prohibits our using it for hauling -- "we," the mine from
12 using that road as a haul route. And we can't fight it;
13 you know, that's an established rule.

14 Then we have the Agency-Mitigated Alternative. It's
15 the final alternative here, and it's a modification of the
16 proposed action. If we let them do their proposed action,
17 they mine as planned, they haul their ore as planned. But
18 we want to protect the environment a little bit more. So
19 DEQ would suggest as part of the record of decision
20 something like an increase of groundwater monitoring and
21 monitoring locations, so we get a better handle about
22 dewatering of the mine area and perhaps what effect that
23 might have on springs and/or places where water will
24 emerge subsurface and affect wetlands. That's an
25 important thing.

1 And the other is, they have a water treatment plant,
2 but that is scheduled or planned to be, per their permit,
3 inside the mine itself. We're going to ask that they move
4 that outside. That will help them -- if they get to a
5 point and they close the mine down, they can still access
6 that plant to treat water as necessary or maintain it. It
7 is just a prudent thing. And maybe it will have a greater
8 footprint than they can accommodate in the mine; that, I
9 don't know.

10 And then we have a number of alternatives that we
11 considered but we dismissed because their impacts were too
12 great or they were not usable in a number of ways.

13 So now we're going to get to the comment period of
14 this meeting.

15 Yes, Steve.

16 MR. OSTERBERG: Jeffrey, may I offer one
17 correction there?

18 MR. HERRICK: Of course.

19 MR. OSTERBERG: With regard to haulage of the
20 10,000-ton bulk sample, Butte Highlands Joint Venture does
21 not have the permit in place right now.

22 MR. HERRICK: The Forest Service just pointed
23 that out to me.

24 MR. OSTERBERG: There's no plan in place right
25 now for that to happen.

1 MR. HERRICK: Right. I should say that my
2 comment that that would be the option, that is contingent
3 upon their getting a plan of operation approved for that,
4 and it's not there yet.

5 If you signed up to provide public testimony to us at
6 DEQ, we'll call your name off the list and then you can
7 come up and speak. And if you have written comments, and
8 some people do, along with their oral testimony, they can
9 come up and they can hand those to our court reporter.
10 And we have a court reporter with us, and the reason is,
11 is I want to capture what you say. If I was to take notes
12 or go off a tape-recording or something like that, I may
13 miss some key points that you're trying to make. And
14 that's important that we don't do that; we want to have
15 everything that you give us.

16 When we've got people up here and they're giving
17 testimony or their oral comments, try not to have a
18 question-and-answer period going with the audience or with
19 myself. It's just to receive comments. And try to watch
20 your language. This will be part of the administrative
21 record; it will be fully publicly accessible, and your
22 name will be attached to what you've said.

23 You're going to have five minutes per speaker,
24 generally, and if you can't get it said in five minutes,
25 that's okay. We're going to still kick you off the podium

1 and put you back in the audience, but at the end of the
2 public testimony, if you want to say more, you're going to
3 be free to come right back up and finish your thoughts.
4 Hopefully, five minutes is plenty for you.

5 when you get up here and start speaking, please state
6 your name and, for the court reporter, please spell your
7 name. That's pretty important. If you're affiliated with
8 somebody, like an organization or business or something
9 like that, and you're sort of representing them, tell us
10 that, too. If you're not representing them, then you
11 don't need to list that. And don't debate with the
12 audience; the tape recorder is running.

13 I'm going to turn the running of that particular
14 section of the meeting over to my colleague, Kristi
15 Ponozzo.

16 MS. PONOZZO: Jeffrey, are you doing the timing?

17 MR. HERRICK: I'm going to do the timing.

18 MS. PONOZZO: So when you have one minute left,
19 Jeffrey is going to hold up one, and when you're done,
20 he's going to wave his hand, and then you'll have to step
21 down and, like he said, possibly have time afterwards.

22 I'm going to call the first speaker up, and then the
23 person after that so the person will be ready. So the
24 first one I have on the list is Dan Happel, and after
25 Dan Happel I have Tom Hopgood.

1 COMMISSIONER HAPPEL: Thank you for the
2 opportunity to speak to this group. My name is Dan
3 Happel, spelled H-A-P-P-E-L. I am a Madison County
4 Commissioner. I recognize that this mine application is
5 outside of our -- outside of our county. However, I'm
6 here to speak in favor of mining in general, and for this
7 application for the Butte Highlands Joint Venture Mine in
8 particular.

9 In 1960, Montana was number six in the nation in
10 per capita income, and that was because we were a natural
11 resource state. Over the last 40 years, 50 years, we've
12 dropped to No. 47 or No. 48, depending on whose figures
13 you want to look at. That is a direct result of the fact
14 that we've sequestered and shut down much of our natural
15 resource industries. It's imperative that we start to
16 mine again. The technology of modern mining is so much
17 different than it was 60 years ago, and that technology is
18 constantly improving, in Montana and throughout the
19 United States. That technology will get better as we do
20 more mining, not less mining, and the opportunities abound
21 for better, more environmentally sound mining practices
22 which have to come as a result of mining operations.

23 I've been working with a group called the Headwaters
24 Mine Reclamation Group. And they are practical
25 environmentalists, not radical environmentalists, and

1 they've been working with a lot of the remaining projects
2 that we're doing all over southwest Montana that Golden
3 Sunlight has been part of. That would not be possible if
4 it weren't for the Golden Sunlight Mine and the active
5 mining that's going on there.

6 I really hope that you folks will -- I don't have all
7 of the particulars of this particular mining operation,
8 but I hope you will support mining in Montana. It's
9 absolutely necessary.

10 Thank you.

11 MS. PONOZZO: Now we have Tom Hopgood, and after
12 Tom we have Ryan Lynch.

13 MR. HOPGOOD: First of all, thank you to the DEQ
14 for having this meeting and for having it in Butte, where
15 the most effect from this permit is obviously going to be
16 felt. My name is Tom Hopgood. The last name is
17 H-O-P-G-O-O-D. I'm with the Montana Mining Association,
18 and I certainly appreciate Commissioner Happel's comments,
19 because we certainly support mining in Montana as well.

20 I don't pretend to know what the mind of the typical
21 Montana citizen is. In fact, I don't even know if there's
22 a typical Montana citizen. On any given issue, you'll
23 find people in favor of doing something, you'll find
24 people against doing something. We would refer the
25 Department to some of the recent economic studies that

1 have been performed of Montana that have found that the
2 overwhelming majority of people in this state does favor
3 the development of our natural resources. We believe, as
4 the Montana Mining Association, that resources can be
5 developed, it can be done right, and we certainly support
6 the imposition of reasonable environmental conditions on
7 mining operations in this state. We believe that the
8 Department has done a good job on this particular EIS, and
9 we would urge you to quickly approve the permit.

10 Thank you.

11 MS. PONOZZO: Next we have Ryan Lynch, and after
12 Ryan we have Jim Keane.

13 REPRESENTATIVE LYNCH: Good evening. Thank you
14 for having this permit. My name is Ryan Lynch, and I'm
15 the state representative for House District 74, which
16 includes the southeastern part of Silver Bow County,
17 including Roosevelt Drive.

18 And so I won't -- I guess we've already heard from a
19 politician, an industry representative, and there's a
20 politician lined up behind me. The most important people
21 you're going to hear from tonight are the neighbors, and
22 those are the neighbors that are on Roosevelt Drive. And
23 I think you're going to hear loud and clear that there is
24 a bunch of them that are adamantly opposed to that route.
25 Not to say that they're opposed to the mine, and I won't

1 speak for everybody. But I think that this is a great
2 opportunity for Butte and it's a great opportunity for the
3 state of Montana. I know that folks in the State get a
4 bad rap for the permitting process. But I think that this
5 is a great opportunity to show that we can do it and we
6 can do it responsibly.

7 I want to thank the folks that have put -- that put a
8 whole bunch of money and time and effort and energy
9 already into this project. I think that there's
10 absolutely a place for 50-plus jobs in Butte, Montana.
11 And I would encourage you to look at the alternative route
12 to Roosevelt Drive.

13 Thank you.

14 MS. PONOZZO: Now we have Jim Keane, and after
15 Jim we have Dennis Henderson.

16 SENATOR KEANE: Thank you. And thank you for the
17 opportunity to comment.

18 One of the things I'd like to just bring up is the
19 alternative. While I recognize that you have to have
20 alternatives and keep them listed, I think there's a
21 strong feeling among the community of Butte that we don't
22 the Roosevelt Drive. Please just go to the alternative
23 and start planning for the alternative route. It makes
24 more sense. It's away from the neighborhood. So we wish
25 you would take Roosevelt Drive off the table; it would

1 make us a little bit happier and more comfortable with the
2 thing.

3 The other part of it is, I would wish we could move
4 along on the permitting process. And we appreciate you
5 getting it out early. The one concern I have is, as
6 comments come in, and possibly written comments -- I've
7 worked very hard over a number of sessions for the MEPA
8 process, and I want to make sure that we don't start
9 talking about global warming and we don't start talking
10 about any of those other issues that don't affect the
11 citizens of Montana, and particularly the area that is
12 affected where this permit is being located.

13 These mines up in the Highlands were closed in the
14 '40s because of the war. I think there's a significant
15 number of mining opportunities not only here, Jefferson
16 County, and other locations in the area, that once we
17 permit and the people who are financing this understand
18 the cost of the permit and understand how to work with the
19 State of Montana, something that hasn't happened over the
20 past number of years, we will be a lot more comfortable in
21 permitting 50 jobs here, 40 jobs there, which actually
22 translates into hundreds of jobs. Because when we talk
23 about 50 jobs at the mine, we're talking about 150 or 250
24 guaranteed jobs of people supplying, transporting, and
25 doing all the other things. Plus, wherever they send

1 their ore, whether it's Golden Sunlight or to Philipsburg
2 for the processing, there's jobs in those areas, too.

3 So I'm a strong proponent of this, and I wish we could
4 get the permit out so we actually can have the people who
5 are financing this see development in the state of
6 Montana.

7 Thank you.

8 MS. PONOZZO: And now we have Dennis Henderson,
9 and after Dennis we have Don Peoples. And can I just
10 remind you to spell your name for our court reporter.

11 COMMISSIONER HENDERSON: That is

12 H-E-N-D-E-R-S-O-N. Dennis Henderson; I represent
13 District 5, County of Silver Bow. And one thing I wanted
14 to speak about is, we're very excited about the
15 possibility of this mine getting going.

16 I think what really happened was, three-plus years ago
17 we had some serious phone calls, a lot of us, and a lot of
18 it was the people at Roosevelt Drive and that concerning
19 the safety of their children and their families on that
20 road. And I think that's one of the reasons that I'm
21 mostly -- I'm very against going down Roosevelt Drive.
22 I'm also fortunate that I had driven bus up there for
23 School District 1, and I seen how dangerous it is for a
24 lot of times in the winter. I think it's very important.
25 Everybody is aware, from DEQ and Forest Service and

1 everybody.

2 A while back, about two months ago, the council signed
3 a letter, sent it to the Forest Service, and with the
4 blessings of all the commissioners and the chief
5 executive, we had proposed that our preferred route was
6 west on the parallel route. And I'm sure DEQ got that
7 letter, too. Didn't you? I think it was sent to DEQ.

8 MR. HERRICK: I did not see it.

9 COMMISSIONER HENDERSON: Okay. Well, it was sent
10 to the Forest Service from Butte-Silver Bow --

11 MR. HERRICK: We will see it eventually; we'll
12 get it from them.

13 COMMISSIONER HENDERSON: -- and it was our
14 recommendation to go that way. So I just wanted to
15 explain that. But I think the most important thing, we're
16 very excited about it, but the number one thing is safety.
17 And we feel that that Roosevelt Drive road is not safe for
18 the haulage route.

19 Thank you.

20 MS. PONOZZO: Now we have Don Peoples, and then
21 after Don we have Tom Henderson.

22 MR. PEOPLES: Thank you very much. My name is
23 Don Peoples. I'm a 75-year resident of Butte-Silver Bow
24 and the former chief executive of the local government.
25 And for the past seven years, I've been retired, but

1 during my years in public service and from the time I
2 retired, I was the chief executive officer and president
3 of the Montana Economic Revitalization and Development
4 Institute and MSE, Incorporated.

5 I'm a strong supporter of this project. I'm delighted
6 to hear the people speaking tonight about the advantages
7 of the mining operation as it pertains to the economy.
8 I'm also delighted to hear the comments relative to the
9 development itself.

10 In my view, I think there are two issues that are
11 really important, and that's the road and also the water
12 discharge that will take place. I'm absolutely convinced
13 that the Timberline Resources and the Joint Venture have
14 gone to great lengths to be able to address those
15 problems. It appears to me that the Roosevelt Drive issue
16 is something that should be taken off the table and not
17 even considered, and that the road leading to Feely would
18 be the most appropriate way.

19 You know, we talk about the economic impacts. They're
20 talking 54 jobs. You translate that into what is a normal
21 job creation impact, that's about 155, 160 jobs. If
22 anybody tells me that Butte-Silver Bow could not use
23 155 jobs, I think I would have to severely question their
24 mentality. This is an important project for us. Not only
25 does it provide jobs, but it provides also a substantial

1 resource to the local government.

2 I was heavily involved in the reopening of the mining
3 operations that closed in Butte in 1982, when Butte had an
4 unemployment rate of over 20 percent. I saw what sensible
5 mining operation done at the East Continental Pit had
6 resulted in. It resulted in a great number of jobs; it
7 resulted also in substantial benefit to the local
8 government in the form of taxation. For your information,
9 that particular mining operation constitutes 22 percent of
10 the local government revenues. So you can see how
11 important mining is. So I'm absolutely convinced this is
12 a sound project. I applaud the developers for going the
13 extra length to make sure that it's environmentally sound.

14 Let me close by saying this: God put that gold in the
15 earth, but he didn't tell us how to take it out. I think
16 we've approached this from the standpoint of taking it out
17 sensibly. I'm absolutely convinced that this is a great
18 project for Butte. I would hope that you'd give it your
19 most sincere attention and get the permit out as rapidly
20 as possible.

21 Thank you.

22 MS. PONOZZO: And now we have Tom Henderson, and
23 after Tom we have Lawrence, I believe it's Karrar.

24 MR. HENDERSON: My name is Tom Henderson,
25 H-E-N-D-E-R-S-O-N. I'm all for the mine. I think it

Item #14

14) Henderson, Tom

1 would be wonderful, and I would hate to see a road prevent
2 the mine from being developed. Okay? I live in the horn
3 of Butte-Silver Bow County. That's the little strip of
4 ground that goes to the Jefferson historically for a water
5 right. We irrigate from Fish Creek. I might also add
6 that we get absolutely no services from Butte-Silver Bow
7 except for a tax bill. They do send us a tax bill.

8 I'm representing, I guess unofficially, six water
9 right users that date back to 1886. We have not been able
10 to irrigate, because of the two major water users, since
11 July the 5th. I'm very concerned about the water being
12 pumped out of the mine now. My understanding is it's
13 about 700 gallons per hour -- or per minute, and that's a
14 huge quantity of water. What I'm really concerned about
15 is the aquifers that make up Fish Creek and the water that
16 flows from Fish Creek down to where we are, what we use
17 for irrigating. I wonder, if they're going to start
18 pulling water out of the aquifers, if one of the water
19 basins -- the aquifers is Fish Creek.

20 There's three little creeks that make up Emerald Lake.
21 And my understanding is that Butte Water, who is the
22 second water right on the creek, gets their water from
23 Emerald Lake and then takes it through the mountain,
24 around the mountain, over the mountain to Basin Creek.
25 And I think the water being discharged from any mine use,

1 once it's clean, it should be directed back to where it
2 came from, which possibly may be Fish Creek. I am not a
3 hydrologist, I don't have that expertise, but I think that
4 should be something that's looked at very, very carefully
5 as far as the water use.

6 I also was a commissioner for Fish, wildlife & Parks
7 for four years in Region 3. And I'm very concerned about
8 the fish in Fish Creek. There's a great cutthroat
9 population, and there's a real good brook population, and
10 I would hate to see that dewatered to the point that only
11 the two major water right users are getting their water.
12 As I said, my date is exactly the same date, 1868, I
13 believe, as everyone else, the five other people I'm
14 representing. The Butte Water Company gets their water,
15 Dean Hanson, at the bottom of the creek, gets his water,
16 and we're shut off, as I said, as of July the 5th this
17 year.

18 The other thing I'm really concerned about is if the
19 mine is going to go or not go. And I think all
20 consideration should be used for any kind of a
21 transporting area. I mean, I've heard that you're going
22 to take that road down Moose Creek to Divide, or close to
23 Divide, and then all the way around to Whitehall at the
24 Golden Sunlight. And that seems to be an awful lot of
25 usage for diesel fuel and everything else, and I'm very

1 concerned about all of that as well. I think that
2 Roosevelt Drive should be re-looked at very carefully for
3 a haul route. Everybody's got to sacrifice, including me
4 as far as my water, in order to get this mine in, and I
5 think that may be a small price. We are a Butte people,
6 born and raised in Butte.

7 Thank you very much.

8 MR. HERRICK: Sure.

9 MS. PONOZZO: Next we have Lawrence Karrar, and
10 could you please spell your name for the court reporter.
11 And after Lawrence we have Lorrie Gates.

12 MR. FARRAR: Farrar, F-A-R-R-A-R. I'm here to
13 speak strongly against the choice of Roosevelt Drive as a
14 haul path. I'm a 35-year resident plus of that area. It
15 will be an extremely dangerous route for the haulers, for
16 the residents, for recreationalists. It will have an
17 impact on quality of life and on recreation in the
18 community that's enjoyed by a lot of folks.

19 MR. HERRICK: Thank you.

20 MS. PONOZZO: Now we have Lorrie Gates, and after
21 Lorrie we have Jim Beauchamp.

22 MS. GATES: Hi, my name is Lorrie Gates, and I'm
23 a resident of Roosevelt Drive. I've lived there 20-plus
24 years. First, I want to thank you for having this meeting
25 tonight and listening to our concerns.

1 Second, I do want to state that I am in support of
2 mining in Montana. However, I'm here to oppose the
3 alternate route of Roosevelt Drive. By far, my primary
4 concern is safety concerns. And I want to make sure that
5 you realize that not only does it affect 80-plus families
6 that live up in Roosevelt Drive, but there's also constant
7 bicyclists, horseback riders. Blacktail Creek runs along
8 the side of Roosevelt Drive, and we have children fishing
9 in the creek, that we drive by. We're constantly swerving
10 to avoid potholes. There's a group of, I want to say
11 young people, it could be older people, though, that drop
12 pumpkins, for instance, off the trestle; and people are
13 constantly swerving to avoid those things. And I think
14 the increased traffic of those big trucks is just a big
15 hazard and a big accident waiting to happen. But I do
16 want to make you aware that that road is very busy, and
17 it's shared by recreationists as well as residents, and it
18 just seems like a big mistake to turn it into an
19 industrial road to share that traffic.

20 The other thing I am concerned about, too, is the
21 property values for all the residents of the Roosevelt
22 Drive community. Not only do we have the additional
23 traffic, and some people will be having these trucks,
24 every 20 minutes, going by their homes, there's no
25 sidewalks. Children play in the streets. But the

1 property values of those homes and the noise that we can
2 hear from that road on the other homes would really affect
3 our ways of life up there.

4 The only other thing I want to mention is my water
5 concerns with Blacktail Creek, the additional pollution,
6 and if the road is widened, how that would be done without
7 affecting the Beaver Ponds and Blacktail Creek. And then,
8 also, my question of the Basin Creek Reservoir as it comes
9 over Highland Road to Roosevelt Drive; those bigger trucks
10 will be going over that narrow road directly in the
11 drainage to Basin Creek Reservoir. And that's something I
12 know the Forest Service has actually shut down even to
13 foot traffic, those lands, already to people, and so now
14 we're going to increase that traffic with debris and
15 runoff and sludge and things like that that would go into
16 Basin Creek.

17 Thank you.

18 MR. HERRICK: Thank you.

19 MS. PONOZZO: And now we have Jim Beauchamp. And
20 could you please spell your name for us.

21 MR. BEAUCHAMP: I'm Jim Beauchamp. The last name
22 is spelled B-E-A-U-C-H-A-M-P. And I'm a 25-year Roosevelt
23 Drive resident, and I'm here to speak in opposition to the
24 Roosevelt Drive haul road route. You know, our concern,
25 as others have said, is primarily safety through there.

1 I see, in your assessment of alternatives, you speak
2 to increased roadkill that may well occur on the road if
3 you take the Roosevelt Drive alternative. I would suggest
4 that it won't just be wildlife kill; eventually, you know,
5 if that haul road is used, you're going to kill one of the
6 residents or one of our recreationists or one of our
7 children that recreate up there. And I think it's a very
8 poor alternative to keep on the table.

9 Thanks.

10 MR. HERRICK: Thank you.

11 MS. PONOZZO: So that's the last person who
12 signed up to speak. Is there anyone who else who did not
13 get a chance to sign up but would like to come up and
14 speak?

15 Okay. Come on up, and please spell your name for us.

16 Thank you.

17 MR. BREWER: My name is Fred Brewer, B-R-E-W-E-R.
18 And I don't have a particular position statement to make,
19 but I do have three questions that have come up, looking
20 at the EIS and listening to the concerns expressed by
21 people here.

22 The water discharge quality, I know, is a major issue
23 for DEQ and for the Joint Venture, everybody concerned.
24 Who will monitor that water discharge quality? How will
25 it be monitored? Will it be just the company alone? I

1 know there are test bores planned, and I know that the
2 DEQ, in their preferred alternative, has called for
3 additional treatment and additional monitoring. I would
4 like to see something that would indicate who would be
5 responsible for that, whether it's DEQ doing it or the
6 company itself.

7 It's a major issue, obviously, on the haul route. I
8 think it's probably very likely that the western route
9 will be the preferred alternative for the company, for
10 DEQ, certainly for the Roosevelt Drive residents, of which
11 I am one. But I also saw in the EIS draft that even if
12 the haul route goes west, there still will be increased
13 traffic on the Roosevelt Drive route. Employees at the
14 mine will follow that route, supplies will be delivered
15 and so forth; only the ore would go on the alternative
16 route. So I have a question: what will be done by either
17 Butte-Silver Bow County or the company or whomever to
18 assure safety on that road and maintenance and upkeep due
19 to the increased traffic?

20 And third, I am concerned about the impact on the
21 water table at lower elevations. The dewatering in the
22 mine is going to take it down, from what I saw in the EIS,
23 to about 6300 feet elevation within the mine itself.
24 Okay, that is basically the elevation of most of that
25 area. Will that impact, then, transfer to the aquifer,

1 the water table underneath the other properties along that
2 area? And will there be more water, less water? It's not
3 just the surface water that we're concerned about. My
4 well, for instance, the water level in my well is at about
5 6250 feet, and that is right in the area where the mine
6 dewatering is intended to, to finish and to keep their
7 water level.

8 MR. HERRICK: For clarification, you mean the
9 elevation of water in your well?

10 MR. BREWER: Yes.

11 MR. HERRICK: Okay.

12 MR. BREWER: Blacktail Creek starts on my place.
13 So, you know, there is seepage that comes down from the
14 higher elevations.

15 water behavior is complex, difficult to predict, and
16 so I am concerned that there might be some unforeseen
17 consequences to the water table and the overall function
18 of water in that area, whether it be wetlands, streams,
19 aquifers underneath. As I say, it's a complex issue, and
20 I hope that's being addressed.

21 Thank you.

22 MR. HERRICK: Thank you.

23 MS. PONOZZO: Is there anyone else who didn't
24 sign up who would like to come up and speak?

25 Sure, come up. Please spell your name.

19) Kambich, Jim

1 MR. KAMBICH: Mr. Herrick, my name is Jim
2 Kambich, K-A-M-B-I-C-H. I'm a lifelong resident of Butte;
3 I live at 2835 White Boulevard here in Butte, Montana. I
4 think it's loud and clear, and in particular when
5 Commissioner Henderson mentioned that Butte-Silver Bow has
6 submitted a letter about the route, so I won't beat that
7 one to death.

8 But I have two comments on the Butte Highlands Joint
9 Venture from two perspectives. First, the water
10 management Agency-Mitigated Alternative which you list in
11 the EIS, locating the proposed water treatment plant
12 aboveground I think is highly supported by me. I believe
13 that's a great alternative or a great preference to do
14 that than having the water treatment plant being below
15 ground, when you have all the obstacles to O&M and do
16 those type of things. And I think -- any other issues
17 regarding the basin, I think Butte has a tremendous water
18 manager in Dave Schultz here, and any mitigating factors
19 going down Basin Creek, I think he's a highly intelligent
20 person and he'll work with Butte-Silver Bow and the mine
21 to rectify those.

22 My second is from an economic perspective -- economic
23 development perspective and the Agency-Mitigated
24 Alternative. We are supportive of these 54 jobs which you
25 outline. And 150 jobs is a hell of a lot of jobs in

1 Butte, Montana, and we can't wave our nose at it. But one
2 of the things I've really observed with both companies in
3 this joint venture, with Timberline and ISR Capital is --
4 what I'm seeing right now is a very environmentally sound
5 product that they're trying to deliver here. And you
6 mentioned backfilling with waste rock. I mean, that's
7 something pretty new for around here.

8 So we're very excited, and I'm fully supportive of
9 this activity.

10 Thank you.

11 MR. HERRICK: Thank you.

12 MS. PONOZZO: And you, sir, did you want to come
13 up and speak? Would you please state your name and spell
14 it for our court reporter.

15 MR. FREDLUND: My name is Erik Fredlund, and it's
16 E-R-I-K, F-R-E-D-L-U-N-D. I want to speak against it.
17 This is a bad idea.

18 You've got a mine in the top of three watersheds. The
19 impact on any of the routes you're going to choose is
20 going to be detrimental to any wildlife movement. You
21 know, there's going to be hunts up there. All the elk are
22 going to go somewhere else; they're not going to be in
23 their usual spots. It's just a bad idea. You've got too
24 many people running up and down those roads for
25 recreational purposes. What's going to happen to the

1 water?

2 It's just not a good idea. And I've lived up there my
3 whole life, and that's 38 years. So that's all I have to
4 say.

5 MR. HERRICK: Thank you.

6 MS. PONOZZO: would anyone else like to come up
7 and speak who didn't sign up?

8 Please spell your name.

9 MR. STRATTON: My name is Dave Stratton,

Item #21 Dave Stratton

10 S-T-R-A-T-T-O-N. My family's lifelong residents of the
11 Highland District. We're adjoining property owners to the
12 mine. I'm also part of the Highland Gold Properties; we
13 did some mining up there ourselves through Highland Gold.

14 I fully support the mine. I think, when we keep
15 sending the mining operations south to other countries,
16 they do blow-and-go minings like we did a hundred years
17 ago. I think the methods that they're employing up here
18 is putting a small footprint on the land. I think they're
19 doing it smart. We're putting our Montana Tech engineers
20 to work, we're keeping it local, we're building our tax
21 base.

22 As far as the roads, you know, that whole road system
23 up there was used through the 1800s. Any roads that were
24 before 1895 had commerce on them, are essentially county
25 roads. And, you know, you've got to get your ore, your

1 timber off the mountain. And I think we all have to work
2 together to figure out how we're going to do that in the
3 most prudent way and least impact.

4 Again, as an adjoining landowner, I'm very much in
5 support of this mine, and I think it's going to be a very
6 well done mine.

7 Thank you.

8 MS. PONOZZO: Thank you.

9 Is there anyone else?

10 Please spell your name when you get up here. Thank
11 you.

12 MR. GARRISON: I'm Tim Garrison, G-A-R-R-I-S-O-N.
13 I'd just like to comment on the wildlife. I guided in
14 that region for ten years and logged up there and watched
15 like 20, 30 log trucks come down a day. The elk lay right
16 alongside the road while the log trucks were coming down.
17 Them elk go along the freeway. To say that that's going
18 to hurt the elk population in that area is bogus. And I'm
19 in support of the mine.

20 Thank you.

21 MR. HERRICK: Thank you.

22 MS. PONOZZO: would anyone else like to speak?
23 when you get up here, spell your name for the court
24 reporter.

25 MR. EASTERDAY: I'm Charles Easterday. I'm

1 sorry, I could not hear anything that was said, but I
2 wanted to make a few comments. My wife was raised up
3 there. She moved up in the Highlands in 1951 or '52, and
4 my wife and I moved up there again in the early '60s.
5 But, anyway, I'd like to make a few comments.

6 Number one, the mine took way better care of the
7 Roosevelt -- what's called the Old Highland Road, from the
8 mailbox to the school bus turnaround, than the County ever
9 had.

10 UNIDENTIFIED SPEAKER: Yes.

11 MR. EASTERDAY: Yes, that is true.

12 And talking about the water, the Old Highland Mine is
13 on the north of where they're doing their work, and that
14 water ran out of the Highland Mine for years and then went
15 down to the creek down below it. And it was very good
16 water. I drank it many, many times.

17 Anyway, the other thing, they've spent immense amounts
18 of money on exploration and doing the preliminary work on
19 the mine, and I think it's an asset. And I just wonder
20 about -- People want work in Butte, and this is
21 production. It's not government work or something else;
22 this is people producing. And there's that old saying
23 that if you can't grow it you've got to mine it. And I
24 think it would be a mistake to not allow the mine to go
25 forward.

1 But the other thing, their drivers, when they were --
2 I think it's went through a couple hands so far in the
3 last two or three years. But they were very, very
4 courteous on the road. And I can think of many people
5 that live up there that drive like they're crazy, and they
6 jump off of the road, get out of the road. And the mine
7 is very courteous. Anyway, I think it would be an asset
8 to Butte.

9 MR. HERRICK: Could you spell your name for us?
10 I couldn't quite hear it when you were coming up.

11 MR. EASTERDAY: E-A-S-T-E-R-D-A-Y.

12 MR. HERRICK: Thank you very much.

13 MR. EASTERDAY: You bet. We've lived up there
14 this time for almost 20 years again. And I think it's
15 good for Butte.

16 MS. PONOZZO: Anyone else?

17 Please spell your name.

18 MR. HARDY: My name is Randy Hardy, H-A-R-D-Y. I
19 am with Timberline Resources; I'm the chief financial
20 officer of the company.

21 After hearing this meeting, I just want to thank the
22 DEQ for putting on this meeting and also for all these
23 folks who have come. This is a greater turnout than I
24 certainly would have expected. And I think there's been a
25 lot of really thoughtful comments; a lot of reasoned,

1 rational kind of thought that's been put in. And I just
2 want to assure everyone that, you know, we have been a
3 partner or a developer of this mine since -- I think 2007
4 we started the exploration. And there has been a lot of
5 effort and a lot of thought gone into making a safe
6 operation and an environmentally responsible operation,
7 and, you know, we're still committed to that as a company.
8 And I just want to thank everyone here for their
9 thoughtful input on this and encourage the DEQ to respond
10 to these comments and hopefully issue this permit as
11 quickly as possible, because we'd love to get started up
12 there.

13 MR. HERRICK: Yes, sir. Thank you.

14 MS. PONOZZO: Thank you.

15 would anyone else like to get up and speak?

16 Going once, going twice.

17 (No response.)

18 MS. PONOZZO: Thank you so much for coming, and
19 thank you for submitting comments. We will have our
20 specialists here, and we'll be here until a little bit
21 after 8 o'clock. So please feel free to ask questions.
22 And thanks so much for coming.

23 (The proceedings were concluded at 7:22 p.m.)

24 * * * * *

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NOV 18 2013

**DEQ DIRECTORS
OFFICE**

November 12, 2013

Jeffery Herrick
DEQ Director's Office
Box 200901
Helena, MT 59620-0901

**RE: Comments on the Draft Environmental Impact Statement
for the Proposed Butte Highlands Project, Operating Permit
Application.**

Hello,

Native Ecosystems Council (NEC) and the Alliance for the Wild Rockies (AWR) would like to provide the following comments and questions regarding the draft Environmental Impact Statement for the proposed Butte Highlands Project, Operating Permit Application.

NEC/AWR-1

1. As noted in the DEIS, Butte Highlands Joint Venture (BHJV) mine submitted an application for an operating permit to DEQ in 2010, and after deficiency reviews and revision, a draft operating permit was issued at that time. The DEIS by the DEQ has been completed in regard to a final operating permit application prepared by BHJV in 2013, and is defined as the "proposed action." The question is how does the Agency-Mitigated Alternative, with additional water quality monitoring requirements, relate to the proposed action. Can the requirements of this option be included in any of the other 2 action alternatives? Also, there is no information as to why the Agency-Mitigated Alternative was developed, an action that would allow more frequent assessment of the water treatment after mine closure. Does this mean that the monitoring proposals by BHJV in their proposed alternative were inadequate? This should be clarified.

NEC/AWR-2

2. It is not clear exactly what the other alternatives are as well. There are 2 options for the "alternative haul routes" alternative. How can these be considered the same alternative?

NEC/AWR-3

3. There is no information in the DEIS as to why the new road construction outside of the existing right-of-way is being considered

on the western haul route. It seems feasible that a parallel route in the existing right-of-way would protect the public from the mining traffic, while limiting numerous resource issues to the existing route.

NEC/AWR-4

4. In regards to #3 above, we can't understand exactly what the function of the DEIS is as per resource effects. As noted in the DEIS, the Forest Service is doing a separate analysis, including on motorized access impacts. However, DEQ is also looking at routing impacts, as brief conclusions are provided in the DEIS. The DEIS notes that DEQ developed alternative haul routes, so analysis of the effects of these alternatives would have to be part of the DEIS. However, the conclusions in the DEIS are so vague that they provide the public with almost no information as to impacts of the various route alternatives. It is also not clear exactly how routing effects of the various action alternatives are going to affect the ultimate decision by DEQ. This information should have been provided in the DEIS to avoid confusion by the public. As just one example of this confusion, when will the FS NEPA analysis review of the Plan of Operations, which is not addressed in the DEIS, being included in your evaluations of impacts at this stage? What is the role of the FS NEPA analysis in the permitting process?

NEC/AWR-5

5. There is no information provided in the DEIS in regards to the economics of the various options/alternatives. The public needs to know how economics fits in with this permitting process. Economics likely will play the biggest role in alternative selection, so failure to disclose costs of the various options creates a failure to define the permitting process/analysis to the public. AS just one example, what will the costs to BHJV mine be if the Roosevelt Drive route is selected, which will require 30 rather than 20 round trips per day? How are the costs to the considerable road reconstruction that will be required for route #84 by the Forest Service considered as well?

NEC/AWR-6

6. There is no information as to where the ore processing location will be if the Roosevelt Drive alternative will be selected.

NEC/AWR-7

7. The permitting process is based on a determination of whether the operating permit application satisfies the requirement of the Metals Mine Reclamation Act (MMRA), as is noted in the DEIS at ES-2. One aspect of this analysis was the treatment of water discharged from mine dewatering. It would have been helpful to provide more information to the public about how the discharge water will not just be treated, but proven to be suitable for aquatic life, from fish to amphibians. These effects are important for sensitive species as the

westslope cutthroat trout and the western toad, both SOC in Montana. How can the public be assured discharge water will not adversely impact such species?

- NEC/AWR-8 8. Also, the MMRA compliance appears to require adequate post-closure environmental monitoring programs and contingency plans, as well as compliance with state water quality standards. It is not clear how this will be achieved.
- NEC/AWR-9 9. The DEIS implies that this Operating Permit is for 5 years, and that the project will last only that long. The permit may last for only 5 years, but mining may last indefinitely. The public is being misled as to the timeline for this project.
- NEC/AWR-10 10. If wildlife and fisheries, and wetland impacts are to be assessed, how can this be done for only a 5-year period when impacts may last indefinitely? Dewatering of a number of wetlands may be relatively permanent, not just for 5 years. This needs to be disclosed to the public as a matter of accuracy.
- NEC/AWR-11 11. The DEIS at ES-7 notes that a number of alternatives were dropped from consideration due to various reasons, including environmental concerns. What were these alternatives, and what were the environmental concerns?
- NEC/AWR-12 12. There is no information on the "special status plants" that could be affected by mining expansion (12.7 acres).
- NEC/AWR-13 13. There is no information on the costs that will be associated with reclamation, including what amount of bond is being required by DEQ. The public should know if the bond will be adequate, as well as what the potential for full reclamation will be.
- NEC/AWR-14 14. Will the problems of water pollution/contamination be controlled after mining operations cease? Is there a "fix," or will water treatment be required in perpetuity?
- NEC/AWR-15 15. The DEIS suggests that the alternative haul route and transfer facility near interstate 15 has low value as sage grouse habitat as per the MDFWP. There are other wildlife species that also depend upon sagebrush, and fragmentation of this high value wildlife habitat needs to be considered in development of the proposed action. This would include the creation of a new haul route on the south side of Fly Creek on private lands (3 miles!!).
- NEC/AWR-16 16. There is no information on big game use in the area where the proposed 3 miles of private-land construction on the western route. Some reference is made that there will be no impact to "important" big game winter range, but it is not clear where winter range is for elk

and mule deer. Also, are there any migration routes in this area? In some portions of southwestern Montana, routes are closed to traffic to protect big game migration routes.

NEC/AWR-17

17. There is no specific analysis as to how the alternative haul route on private land will affect wetlands and Fly Creek. What problems are expected if this route is built? The DEIS notes that moving the haul route away from the channel of Fly Creek to an area that is set aside as a road right-of-way would decrease the level of disturbance and may reduce the overall likelihood of sediment or pollutants entering the stream. There is no information, however, as to what exactly these effects would be, or what species (fish) would be affected. There is also no information on "stream crossing." It seems surprising that any such crossings would be planned! How many of these will occur if this alternative is selected?

NEC/AWR-18

18. There is no analysis of what the effects of dewatering will be for wetlands, such as Basin Creek and Moose Creek, during mining and up to 7.5 years after mining stops. What role do these wetlands play in the local ecology as per unique vegetation, and why isn't their loss considered an important effect? Why aren't any mitigation measures being recommended to prevent the loss of these wetlands? The DEIS notes that cutthroat trout occur in Basin Creek, so loss of connected wetlands may be significant.

NEC/AWR-19

19. This landscape provides a travel/connecting corridor for grizzly bears between the Northern Continental Divide Ecosystem and the Greater Yellowstone Ecosystem. Already there are significant disruptions for bear movements from Roosevelt Drive. By adding significant disruptions as well to the western part of this landscape, bear dispersal will likely be reduced. How is this impact being evaluated, and how does this potential impact affect alternative selections?

NEC/AWR-20

20. Since the grizzly bear will be impacted, the DEQ needs to consult with the U.S. Fish and Wildlife Service on this permit. An incidental take permit may be required either by the DEQ and/or FS to address impacts to grizzly bears moving through this area.

NEC/AWR-21

21. This is historic lynx habitat, and lynx may be present. As such, the DEQ also needs to consult with the USFWS on lynx impacts.

NEC/AWR-22

22. Since the wolverine is present in the project area, and could be affected by the project, especially by winter hauling, dewatering of wetlands, and increased overall traffic levels above existing levels, consultation with the USFWS is required.

NEC/AWR-23

23. Please provide more information as to how water rights are being addressed in this analysis.

NEC/AWR-24

24. Please provide more information/clarification as to how the two separate evaluation processes (DEQ and Forest Service) affect the selection of the action alternative.

Regards,



Sara Jane Johnson, NEC
PO Box 125
Willow Creek, MT 59760

STJ for
Mike Garrity, AWR
PO Box 505
Helena, MT 59624

From: [Patrick Kueffler](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands Gold Mining Project
Date: Monday, November 04, 2013 11:00:13 AM

Haul Road Alternatives

The Highland Road (North)/Roosevelt Drive Alternative ore haulage route should not be selected as safety concerns of dozens of homeowners of Thompson Park should be factored into Alternative selection. In contrast, the Agency Mitigated Alternative would directly impact only one single non-occupant ranch owner. Given minimal environmental impacts, safety should be the primary consideration in route selection.

Haulage of ore west from the mine as the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads.

Economic Benefits

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Butte-Silver Bow community.

Thank you,

Patrick Kueffler
Butte, MT
406-782-2488

Butte Highlands Mine EIS: Draft EIS comment form

Butte Highlands Joint Venture (BHJV) has applied to the Department of Environmental Quality (DEQ) for an operating permit for an underground gold mine referred to as the Butte Highlands Project. The Butte Highlands Project is located on the Continental Divide approximately 15 miles south of Butte in Silver Bow County. The Project is situated on patented lands surrounded by the Beaverhead-Deer Lodge National Forest. BHJV's operating permit application can be viewed at <http://deq.mt.gov/hardrock/default.mcp>. The comment period for the Butte Highlands Mine Draft EIS began on October 9, 2013 and will end on November 9, 2013. As the lead agency, the DEQ will accept written scoping comments until close of business on November 9, 2013. If you would like to submit a written comment, you may use this form or submit your comment via e-mail. Please provide sufficient detail so that we can accurately address your comment. The Draft EIS can be viewed at <http://deq.mt.gov/eis.mcp>.

Written comments and questions may be submitted to Jeffrey Herrick, DEQ – Director's Office, P.O. Box 200901, Helena, MT 59620-0901 or electronically to buttehighlandscomments@mt.gov. Comments must be received by April 9, 2013.

Name: John Evans, Butte MT

Member: Steering Committee for Mining Development in Butte-Silver Bow

I am a strong proponent of continued development, especially using the western haul route from the mine westward to I-15 near Feeley.

I support mining in a safe & environmental responsible manner.

I have read the summary of the EIS and have also heard a presentation from BHJV. The BHJV plan of operation is sound and they have made every effort to conform to all Montana & National environmental and safety standards.

I cannot foresee any objections to the project that can not be overcome by reasonable people working to improve economic conditions in SBS, tax income for social benefits, and allow a conscientious industry to provide jobs.

10.21.2013

©MTG

Butte Highlands Mine EIS:
Draft EIS comment form

10.21.2013

@mtg

Butte Highlands Joint Venture (BHJV) has applied to the Department of Environmental Quality (DEQ) for an operating permit for an underground gold mine referred to as the Butte Highlands Project. The Butte Highlands Project is located on the Continental Divide approximately 15 miles south of Butte in Silver Bow County. The Project is situated on patented lands surrounded by the Beaverhead-Deer Lodge National Forest. BHJV's operating permit application can be viewed at <http://deq.mt.gov/hardrock/default.mcp.x>. The comment period for the Butte Highlands Mine Draft EIS began on October 9, 2013 and will end on November 9, 2013. As the lead agency, the DEQ will accept written scoping comments until close of business on November 9, 2013. If you would like to submit a written comment, you may use this form or submit your comment via e-mail. Please provide sufficient detail so that we can accurately address your comment. The Draft EIS can be viewed at <http://deq.mt.gov/eis.mcp.x>.

Written comments and questions may be submitted to Jeffrey Herrick, DEQ – Director's Office, P.O. Box 200901, Helena, MT 59620-0901 or electronically to buttehighlandscments@mt.gov. Comments must be received by April 9, 2013.

My name is Cassidy Harued. I am a 16 year resident of Roosevelt Dr. I think that the mine would benefit more by taking Roosevelt Dr. The Route is more beneficial because they would use less diesel to haul out the alternate routes. Also half of the people who spoke tonight are being extremely selfish about the road. The haul drivers have been way more curious to the residents that most of the neighbors up Roosevelt Drive are. I do think that if "Children at play" signs were hung and the speed limit were reduced to "15" on the straight away before the pavement ends that Roosevelt Dr would be the best Route. Don't make more trouble by making new and longer routes, take Roosevelt.

325 Roosevelt Dr. - Cassidy Harued
- Gene Harued

From: [Schwab, Steve \(Golden Sunlight\)](#)
To: [DEQ underground mine project](#)
Subject: Butte Highland Joint Venture permit
Date: Friday, October 18, 2013 11:12:36 AM

Dear Jeffrey Frank Herrick,

I support the operations startup of Butte Highland Joint Venture permit because we need jobs in America. But beyond that,

I know that it will be done safely and environmentally sound as well. I'm a Montana native and think we can have natural resource if it's done right.

With the current regulations, I know it can be done. I've worked at a mine nearly 31 years, I've seen the increased emphasis on protection, which is good, what is bad is prevention which some would have us do.

Therefore I would urge you to pass their permit as requested by the joint venture.

Thank you,
Steven K Schwab
PO Box 73
Whitehall, MT 59759

From: [Mark Boesch](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands
Date: Monday, November 04, 2013 11:01:39 AM

I support the general and specific comments on the haul road and water management alternatives as presented in the Draft EIS. This seem to be the least intrusive process and Montana needs to support mining. Selway Corporation has been a supplier of many fabricated steel components to the mining industry and regards the aspect of such a project close to home as a benefit.

Regards,
Mark Boesch
Selway Corporation
406-777-5471 ext. 128

From: [cary.smith](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands Gold Project
Date: Sunday, November 03, 2013 6:06:44 AM

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

Cary Smith
5522 Billy Casper Dr
Billings Mt 59106
Cell # 406-698-9307
email cary@bresnan.net

From: [Owen Voigt](#)
To: [DEQ underground mine project](#)
Cc: owenv@aim4discovery.com
Subject: Comment on project
Date: Sunday, November 03, 2013 9:38:41 AM

Mining and cattle ranching have always been a major industry for Montana. In large part mining built Butte and the area. As we know due to environmental issues and poor historical mining practices, mining has significantly dwindled in our great state and has even become not much of an economic factor. With China and other foreign countries now picking up most of the world's metal needs and the burgeoning debt of the US it is clearly time that the US and specifically Montana regain its earlier status by providing metals for US and world markets.

With today's best practices and careful oversight mining should be returned to its prior industry importance and economic contribution to the US and specifically Montana.

The Montana Department of Environmental Quality along with MSHA and the Forest Service have the tools, skills, staff and knowledge to work for the people of the US and the state of Montana to make this project a success. The Butte Highlands project is our chance to turn the tide and provide the Butte area with good paying jobs and benefit from the trickle down effect of those jobs.

Our regulatory agencies in conjunction with business, private and local individuals have determined best practices for the haul road and water management. Let's use their judgement and do all we can for the Montana economy and specifically Butte and get this mine going.

Owen P Voigt

Operations Manager
American Innovative Minerals
3365 Colton Dr., Suite B
Helena, MT 59602

Office 406-475-3612
Cell 406-202-0581

From: [Linda](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands Gold Project
Date: Sunday, November 03, 2013 1:46:47 AM

Dear DEQ:

The DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

Sincerely,

Linda Prescott
Glendive, MT
lindapres@q.com

From: Greg.Gannon@Holcim.com
To: [DEQ underground mine project](#)
Subject: Support - Butte Highlands
Date: Tuesday, November 05, 2013 12:34:04 PM

Dear Montana DEQ:

The DEQ should approve the Butte Highlands Project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ.

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the local and surrounding communities.

Thank you,

Greg Gannon
Belgrade, MT

From: [Scott Trainor](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands Gold Project
Date: Tuesday, October 22, 2013 10:41:53 AM

Atten: Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901, Helena, MT 59601

Dear Sir:

We believe that the DEQ should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1st. The DEIS adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

Scott Trainor
General Manager
Thiessen Teamn USA Inc
Elko NV, Big Timber MT
www.thiessenteam.com

From: [Rovig Minerals](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands proposed gold mine
Date: Tuesday, October 29, 2013 10:19:57 AM

Gentlemen: I am a retired mining engineer and familiar with the proposed Butte Highlands Gold Mine.

I strongly support the project for the obvious economic benefits to the area and I have concluded that the haul road alternative to the west is the most logical and economical.

David B. Rovig
1020 Larkspur Place
Billings, MT 59106

From: [Fuqua, Hunter](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands gold mining Project
Date: Tuesday, October 29, 2013 9:36:14 AM

I am in support of this project.
Best regards,

Hunter Fuqua

Oliver Boots by *Honeywell*

15295 Lolo Creek Road

Lolo, MT 59847

406-369-1889

From: [James DeLong](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands
Date: Wednesday, October 23, 2013 4:36:29 PM

Montana needs good jobs, and development of its natural resources.

It is time to stop paying attention to out-of-state luddites who use the environmental review process to foist their agenda on us.

James V. DeLong
Red Lodge, MT & Washington, DC
202-338-7316 Dir
202-302-5827 Cell
www.SpecialInterestState.org
jvdelong@comcast.net
SpecialInterestState@gmail.com

Author: [Ending 'Big SIS' \(The Special Interest State\) and Renewing the American Republic](#)

From: [Dianne D Wyss](#)
To: [DEQ underground mine project](#)
Cc: dwyss@fmifuel.com
Subject: Issue the Operating Permit for the Butte Highlands Gold Mine
Date: Tuesday, October 22, 2013 11:58:22 AM

We need good jobs and prosperity in Montana!

Thank you

Dianne Wyss

Red Lodge, MT

From: [Fredh](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands Gold Mining Project.
Date: Sunday, November 03, 2013 2:38:21 PM

Question; Can you name me one thing in your environment, (**home, clothes , car, wood, steel, aluminum, food, air, water**) that did not come from the ground. When environmentalist stop using the things that are mined from the ground, this is when I will listen to them, my that time they will be dead. Fred Hammel, 505 7th ave w, Kalispell, Mt. 59901

From: [Garry Carlson](#)
To: [DEQ underground mine project](#)
Subject: Butte Highlands
Date: Friday, November 01, 2013 1:27:39 PM

I support the Butte Highlands project.

Sincerely,
Garry J. Carlson
Geophysicist, Geologist (MSc)
Gradient Geology & Geophysics
garryjcarlson@gmail.com
406 360 3456 (cell)
406 542 0340

From: [Cory Harvey](#)
To: [DEQ underground mine project](#)
Subject: 100% support of the Butte Highlands Project
Date: Monday, November 04, 2013 4:51:21 PM

Hello,

I am in 100% support of the Butte Highlands Project. Developing the Highlands Project would greatly benefit the local community of Butte and surrounding area. I am for choosing haulage of ore west from the mine as the DEQ Agency Mitigated Alternative (Highland Road Parallel Alternative) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest. I believe this to be the best route and it would not impact the people in Roosevelt Drive. I also am for building a water treatment plant above ground, so it's easily accessible. Mining companies have always been the leader in water treatment facilities and I believe a proper treatment facility is needed at any mine.

Let's bring back a good underground mine to the Butte area, it's in our history and in our blood.

Sincerely,

Cory Harvey

techline

SERVICES

charvey@techline-services.com

Office - (406) 782-9604

Mobile - (406) 498-4025

From: [Plowman](#)
To: [DEQ underground mine project](#)
Subject: YES to gold! Our Public Comment on the DEIS, Butte Highlands fold mining
Date: Wednesday, October 23, 2013 3:09:09 PM

The Montana DEQ has issued a Draft EIS (DEIS) on the Butte Highlands gold mining Project to determine whether the operating permit application satisfies the requirements of the Metals Mine Reclamation Act. The DEQ is accepting public comments on the DEIS through November 9, 2013. Please accept this email as a family vote FOR the Butte Highlands gold mining project.

Thank you,
Art & Pat Plowman
PO Box 173
Boyd, MT 59013
962-3383

Exodus 20 Bless you, Plow-parents; every time I look at the 10 Commandments monument in front of Joliet Baptist, I think of you. "Honor your father and your mother."

Meet us on Facebook: <https://www.facebook.com/pplowman>

News for "yous:" <http://www.wnd.com>

Remember, JUDGE GREER's campaign received funds from MICHAEL SCHIAVO & LAWYER FELOS of assisted suicide fame. TERRI was starved to death by them & our courts.

Blessings from our house to yours. If you feel you are being spammed, please reply with "remove" in the subject area of your e-mail.

From: [KD Feedback](#)
To: [DEQ underground mine project](#)
Subject: Comment
Date: Tuesday, October 29, 2013 9:54:09 AM

Good Day:

I write in support of the Butte Highlands Project and urge the Department to approve the same pursuant to the mitigated agency preferred alternative. The water management program is environmentally benign as are the other minor environmental impacts. The project will assist Montana's state economy by creating employment opportunities which is always an important factor, and the project will additionally stimulate the local economy. The Department has done a fine job on the EIS and should approve the Operating Permit accordingly

Regards,
KD Feedback

Item #45

BERG, LILLY & TOLLEFSEN
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

Michael J. Lilly
Rienne H. McElyea
Lynda S. White
John T. Glover, Jr.
Bridget W. LeFeber
Jeremy J. LeFeber
Kellie A. Morton

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Web: www.theberglawfirm.com

Ben E. Berg, Jr. (1916-2011)
Gig A. Tollefsen (Retired)

November 5, 2013

Forest Supervisor David R. Myers
United States Forest Service
Beaverhead-Deerlodge National Forest
420 Barrett St.
Dillon, MT 59725-3900

David A. Sabo, District Ranger ✓
United States Dept. of Agriculture, Forest Service
Beaverhead-Deerlodge National Forest
1820 Meadowlark Lane
Butte, MT 59701

Re: Don and Lisa Kelly -- Butte Highland Mine
My File No. 8254-26

Gentlemen:

Please find enclosed an article from the November 3, 2013 Bozeman Daily Chronicle. It appears that the EPA's Climate Change Adaptive Implementation Plans have a significant and direct relationship to the Highland Mine haul route proposals.

I would urge your staff to review the EPA plans in light of the Highland Mine haul route proposals. As you know, the Highland Road route proposal requires transport trucks to drive significantly more miles than the Roosevelt Drive route proposal. In addition, the Highland Road proposal will require transportation on far more miles of gravel road than the Roosevelt Drive haul route proposal. Given the number of trips per day projected for haul trucks, the contribution of the haul traffic to increased carbon dioxide levels and dust levels is significantly greater if the Highland Road haul route proposal is accepted.

The Kellys ask that your staff please review the EPA plans carefully as they analyze the two proposed haul routes. Thank you.

Sincerely,


Michael J. Lilly
mjl/lj

copy w/enc: Don and Lisa Kelly
Brian Gallik

BLTa-1

BIG SKY

CITY DESK: 587-4491 | CITYDESK.DAILYCHRONICLE.COM

SECTION C | SUNDAY, NOVEMBER 3, 2013

A WORK OF ART

Chico Hot Springs Resort owner Mike Art and family honored with award from the Montana Preservation Alliance PAGE C3

Police reports, obituary | PAGE C2



EPA plan requires adapting to climate change

By LAURA LUNDQUIST
Chronicle Staff Writer

Climate change affects the coldest areas hardest, and those who live closest to the land notice it first. That's why Montana may receive the most attention under a new Environmental Protection Agency plan.

On Friday, the EPA and its 10 regions released their final Climate Change Adaptive Implementation Plans for public comment. The plans have been developed since the beginning of the

year to coincide with President Obama's executive order, signed Friday, directing federal agencies to help communities build resilience against increasing numbers of storms, droughts and wildfires that have intensified because of climate change.

Anne Hedges of the Montana Environmental Information Center works on efforts that would cut greenhouse emissions to stop climate change, but she approves of policy that recognizes the need to adapt to change that is already happening. "It's the right thing to be going

full force on both fronts. We are already in big trouble," Hedges said. "Even if we stopped emitting all carbon dioxide tomorrow, there is too much energy in the system."

Hurricane Sandy, which damaged the northern East Coast, and Hurricane Katrina, which decimated New Orleans, have been tied to climate change, as have the intense wildfires that have swept through California, Colorado and other western states.

Montana's drought shows no sign of improving, as the average mountain snowpack declines. These changes could make it

harder for the EPA to ensure a clean environment.

For example, lakes or streams may be able to handle the pesticide runoff they receive now. But as some regions warm and allow new pests to move in, insecticide use could increase to the point where it degrades water quality.

Last summer, Bozeman experienced poor air quality as a result of particles from nearby wildfires.

The EPA limits the amount of airborne particles an area can consistently have because particles can sicken those with respiratory

illnesses. Certain higher-altitude mountain towns such as Missoula and Libby have conditions that cause them to exceed those limits if certain industries or practices aren't regulated. But the EPA can do little about wildfires, so people may suffer more.

The new plans identify such potential challenges and those who might be most affected as climate change worsens, such as children, the elderly and low-income communities.

More CLIMATE | C2

BERG, LILLY & TOLLEFSEN
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ATTORNEYS AT LAW

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RECEIVED
NOV 18 2013
DEQ DIRECTORS
OFFICE

November 14, 2013

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Re: Butte Highlands Mine
My File No. 8254-26

Dear Mr. Herrick:

This office represents Don and Lisa Kelly. They own a ranch to the west of the proposed Butte Highlands Mine. I previously wrote to you on March 15, 2013, expressing their concerns with this project. A copy of that letter is enclosed. The Kellys continue to have the concerns expressed in that letter.

The Kellys have now reviewed the draft Environmental Impact Statement for the proposed Butte Highlands Mine Project Operating Permit. Their concerns have not been addressed by the draft Environmental Impact Statement. They continue to object to the issuance of the hard rock mining permit sought by Butte Highlands Joint Venture.

The Kellys have reviewed the comments provided to you by the Alliance for the Wild Rockies and Native Ecosystems Council. The Kellys adopt those comments as their own. Thank you for your consideration.

Sincerely,


Michael J. Lilly

mjl/lj
Enclosure

c: The Kellys
Brian K. Gallik

BLTb-1

BLTb-2

BLTb-3

BLTb-4

BERG, LILLY & TOLLEFSEN
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COPY

March 15, 2013

Jeffrey Herrick
Director's Office
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Re: Butte Highlands Project
My File No. 8254-26

Dear Mr. Herrick:

This office represents Don and Lisa Kelly. They own a ranch to the west of the proposed Butte Highlands Mine. The proposed haul route parallels their southern boundary.

BLTc-1 The Kellys are very concerned about the proposed haul route. The proposed haul route will have significant impact upon local fisheries. A report outlining those impacts is enclosed.

BLTc-2 The proposed haul route also creates significant dust issues for the Kellys. The prevailing wind in the area is from the southwest. As a result, the wind will blow all dust from the proposed haul route onto the Kelly Ranch.

BLTc-3 The proposed haul route also increases the potential for Knapweed pollution of the Kelly Ranch. As indicated, the prevailing wind is from the southwest. That wind will carry Knapweed onto the Kelly Ranch.

BLTc-4 Additionally, the proposed haul route bisects the migration patterns of the local elk herd. Given the amount of traffic proposed for the proposed haul route, its frequency, and its year-round nature, the proposed haul route will significantly impact the elk migration.

BLTc-5 Finally, the proposed haul route is on and parallels the Continental Divide Trail. The Kellys observe significant bicycle and hiking traffic on the Continental Divide Trail. The presence of

Jeffrey Herrick
March 15, 2013
Page 2

haul trucks will create significant danger to those bikers and hikers and significantly impact their aesthetic experiences.

Thank you for your consideration.

Sincerely,

Michael J. Lilly

mjl/lj

Enclosure

c: The Kellys
Kyle Nelson

BERG, LILLY & TOLLEFSEN

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

Michael J. Lilly
Rienne H. McElyea
Lynda S. White
John T. Glover, Jr.
Bridget W. leFeber
Jeremy J. leFeber
Kellie A. Morton

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Web: www.theberglawfirm.com

October 22, 2013

Forest Supervisor David R. Myers
United States Forest Service
Beaverhead-Deerlodge National Forest
420 Barrett St.
Dillon, MT 59725-3900

David A. Sabo, District Ranger ✓
United States Dept. of Agriculture, Forest Service
Beaverhead-Deerlodge National Forest
1820 Meadowlark Lane
Butte, MT 59701

Re: Don and Lisa Kelly -- Butte Highland Mine
My File No. 8254-26

Gentlemen:

Please find enclosed a copy of a Draft Environmental Impact Statement for the proposed Butte Highlands Project Operating Permit Application submitted to the Montana Department of Environmental Quality dated October 2013. I ask that you please review this Draft Environmental Impact Statement in connection with your review of Butte Highlands Joint Venture's Application for a Special Use Permit for a road across Forest Service land.

As you can see, the Draft Environmental Impact Statement does not make a recommendation on the haul routes proposed by Butte Highlands Joint Venture. Nonetheless, the Draft Environmental Impact Statement does review the proposed alternate routes.

I direct your attention to page 201. In reviewing the Roosevelt Drive alternative, the DEQ said:

The Highlands Road (North)/Roosevelt Drive Alternative haul route would have fewer impacts than the impacts due to the development of the haul route as described in the Proposed Action or the alternate route described above. The Highland Road (North)/Roosevelt Drive Alternative haul route is an existing Forest Service or county road and little to no new construction activity is planned.

Forest Supervisor Dave Myers
and David A Sabo, District Ranger
October 22, 2013
Page 2

Because of the lower hauling capacity of the highway legal trucks necessary, the number of ore haul trucks would increase from 20 round trips per day to 30 round trips per day on this route during the Proposed Action mining.

The analysis and conclusions of the DEQ confirm the analysis and conclusions which have been advocated by the Kellys. We believe it is clear that the Roosevelt Drive route has far less environmental impact than does the Western Feely Exit Route.

Thank you for your consideration.

Sincerely,

Michael J. Lilly

mjl/lj

copy w/o enc: Don and Lisa Kelly

To: Jeffrey Herrick, Montana DEQ

Cc: Steve Osterberg, Butte Highlands Joint Venture.

From: Shane Matolyak

Date: November 8, 2013

Subject: Additional Comments on Draft Environmental Impact Statement for Butte Highlands Mine

The Montana Department of Environmental Quality (DEQ) published the Draft Environmental Impact Statement (DEIS) for the Proposed Butte Highlands Mine Project in October 2013. Comments have been previously submitted by Butte Highlands Joint Venture (BHJV). Additional items have been identified during further review of the document. Tetra Tech is providing these additional comments on behalf of BHJV.

Some of these comments address issues that likely result from discrepancies between the Hard Rock Operating Permit Application and the subsequently prepared Plan of Operations for use of the USFS roadway. Modifications to preliminary road maintenance and safety plans described in the Operating Permit Application were made based on further discussions with the USFS during preparation of the Plan or Operations and associated draft documents.

The following comments include references to locations within the DEIS where applicable statements or descriptions were identified during review. These comments may also apply to other locations in the document where similar statements or descriptions occur.

TT-1

Page 135, Section 3.14.1, Paragraph 1, Sentence 2

Please revise sentence to read, "BHJV is in the process of securing **approvals** from ...".

TT-2

Page 199, Last Paragraph, Sentence 1

While the USFS Plan of Operations states that a total road width of 22 feet result from construction of pullouts, USFS and BHJV have agreed to additional road width in these areas. The correct description should indicate that narrow areas of the road would be widened "to 16 feet, with 12-foot wide pullouts at regular interval, for a total road width of 28 feet where pullouts occur".

TT-3

Page 199, Last Paragraph, Sentence 3

The 24-foot road width was under consideration at a time when 2-way haul traffic was expected for the private section of road. Current plans for this road call for a 16-foot wide road located within a 24-foot right-of-way and sequencing the haul trucks to avoid passing on this section of road.

TT-4

Page 200, Paragraph 2

Please state that the MDT requirements described in this paragraph would apply only to the section of the frontage road west of Interstate 15.

TT-5

Page 200, Paragraph 4, Sentence 2

Based on discussions with the USFS and review of potential impacts of various forms of dust control, magnesium chloride is no longer considered for use on any portion of the haul route. Please edit the sentence accordingly.

TT-6

Page 201, Paragraph 1, Last Sentence

BHJV has proposed measures to limit impacts to bicyclists along the Great Divide Mountain Bike Trail in its Draft Road Safety Plan submitted to USFS for review and comment. Proposed safety measures include but are not limited to increased signage, speed limits, and alternating one-way haul truck traffic through a section of constricted roadway on the west side of Burton Park. Additional safety measures could include construction of an alternate route bypassing problematic portions of the haul route.

TT-7

Page 201, Paragraph 2

BHJV would not limit hunting access along the haul route however, BHJV has proposed to post signage instructing the public not to park on the road way. Many sections of the road have shoulders that would allow vehicles to safely park completely off of the road surface. BHJV may construct additional parking areas where off-road parking is warranted.

TT-8

Page 201, Section 4.14.1.3, North Alternative Route

Please clarify the statement that this alternative route would have “fewer impacts”. While use of Roosevelt Drive would result in fewer environmental impacts compared to the proposed or West Alternate routes there is the potential for considerable impacts to safety and nuisance (i.e. noise and dust) to residents along this route.

If a statement regarding the impacts of one alternative relative to another is appropriate in this section, it is suggested that the positive impacts of the proposed alternative also be stated in conjunction with the description of that alternative (i.e. aquatic habitat improvement associated with culvert replacement).

TT-9

TO: Mr, Jeffrey Herrick
DEQ Director's office
P.O. Box 200901
Helena, MY. 59620-0901

22 Oct 2013

Subject: Butte Highland Mine

From: Rod Alne
274 Moose Creek Road
Butte, MT 59701

Mr. Herrick,

I oppose the use of Roosevelt Drive for a haul route for the Highland mine to HWY 2. The highland area has over 80 homes. All residents, recreationalist, and school buses use this road as the primary road to get to the highlands. Roosevelt road is steep and windy plus too narrow to accommodate the traffic now let alone to allow ore trucks on the road. Roosevelt drive cannot be widened due to the stream, rock slide, and train tussle. Highland area needs to be classified as a residential area. My main concern with this haul route is safety for all. There is other route that should be considered as haul route that would be much safer and not interfere with the residents of the highlands.

Sincerely,
//signed//
Rod Alne

Jeffery Herrick

Department of Environmental Quality

P.O. Box 200901

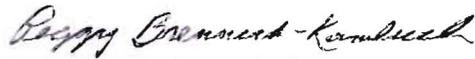
Helena, Mt. 59601

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NOV 08 2013
DEQ DIRECTORS
OFFICE

Dear Mr. Herrick,

I am writing this letter to voice my support for the Butte Highland Gold JV located south of Butte. My support of this project is three fold: First, the technique of mining and backfilling the waste rock seems to really limit the foot print of the mine, second, the number of high paying jobs in the mining industry are much needed in our state and our local economy. Finally, I really think MDEQ, needs to be strong when it chooses the haul route for the ore. I believe the route west on Feely Hill to I 15 is the best and Roosevelt Drive should not be considered due to the safety factor of the residents.

I thank you for this opportunity to comment.



Peggy Brennick- Kambich

2835 White Blvd

Butte, Mt. 59701

John Stratton
P.O. Box 863
Whitehall, MT 59759

Jeffery Frank Herrick
Montana DEQ
P. O. Box 200901
Helena, Mt 59601

Re: Butte Highlands Gold Mining Project

Mr. Herrick,

I support the Butte Highlands Gold Project as outlined in the Draft EIS.

I am confident that this project would commence and operate in a very safe, and environmentally sound manner.

The water management plan of treating and discharging into the three drainages would help to insure that the waters originating near the Continental Divide, are distributed fairly to all downstream users.

The alternate haulage route to Feeley Hill is obviously much longer and would therefore be much more costly to the operators than through Roosevelt Drive. I agree that public safety must be a top priority. But having previously worked closely with the tentative haulage contractor, I am confident that they would take every safeguard possible to make the haulage through Roosevelt Drive a very coordinated and safe effort ,should that route be approved.

While giving public safety and the environment every consideration, I also believe that economics must be considered. It is great to see a company start up, create good paying jobs, buy goods and services from local vendors, and produce tax revenue.

Thank you for accepting and considering my comments.

Respectfully,

John Stratton

From: [Sonya Rosenthal](#)
To: [DEQ underground mine project](#)
Subject: BHJV Comments due Nov 9
Date: Tuesday, November 05, 2013 3:00:53 PM

Jeffrey

Please accept my email as support for the BHJV for the operating permit.

It appears that the greatest concern from the public is relating to the use of Highland Road (North)/Roosevelt Drive access). I can understand how the residents in this area might have concerns of an historic mine road being reused with heavy haul activities in the current denser housing. And I also hope that there can be an understanding worked through between the Roosevelt Drive residents, BHJV, Forest, County, and others to reach an agreement on using this route to ensure a most economical project can be developed.

There are some good working models of 'road sharing' with other Montana projects (Previously Elkhorn Gold and Elkhorn, Stillwater with the Good Neighbor Act) that can be used to develop a collaborative agreement for Roosevelt Drive. All of the users of Roosevelt Drive will benefit through road enhancements and better road maintenance year round.

Regards

Sonya Rosenthal, PE



65 E. BROADWAY
BUTTE, MT 59701
PHONE: 406-782-7333 FAX: 406-782-9675
WEBSITE: www.headwatersrcd.org

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OFFICE

November 5, 2013

Mr. Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick,

I am writing today to support the Butte Highlands Mine Project. Headwaters RC&D Area, Inc. is in full support of this worthy project.

Headwaters urges DEQ to approve this important project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 11, 2013. The DEIS adequately demonstrates the acceptable potential impacts of the proposed mine project. Under no circumstance should the No Action Alternative be selected by the DEQ. Selection of the No Action Alternative would terminate this important project.

Haulage of ore west from the mine as the DEQ Agency Mitigated Alternative should be selected as the route of choice. This route would indeed minimize potential impacts to wetlands and streams, minimize fragmentation of private property by new roads, and minimize construction and reclamation costs. Selection of the DEQ Agency Mitigated Alternative will provide broader benefits to the Highlands area that are not economically possible for the Agencies to complete at this time.

This Highlands Road/Roosevelt Drive Alternative ore haulage route should not be selected as safety concerns of dozens of homeowners of Thompson Park should be factored into this Alternative. In contrast, the Agency Mitigated Alternative would directly impact only one single non-occupant ranch owner. Given minimal environmental impacts, safety should be the primary consideration in route selection.

The Agency mitigated Alternative to locate the proposed water treatment plant above ground is supported as a reasonable modification to the operation. This would be more readily accessible than an underground location. Given the extensive water treatment requirements of the MPDES permit, flexible access to a surface location for plant maintenance and monitoring is sensible and would entail no measurable additional environmental impacts.

Last and most important, from an economic perspective the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Headwaters Region and the Butte-Silver Bow community.

Sincerely,

Barbie Durham, Executive Director
Headwaters RC&D Area, Inc.



PO Box 7186 Missoula, MT 59807 (406) 543-0054

8 November 2013

Jeffery Herrick
EIS Project Coordinator
Montana DEQ
P.O. Box 200901
Helena, MT 59601

Re: Draft EIS for Butte Highlands Joint Venture Project

Dear Mr. Herrick:

Thank you for the opportunity to comment on the draft environmental impact statement (DEIS) for the proposed Butte Highlands Joint Venture Project. Montana Trout Unlimited (Montana TU) represents 3,600 conservation-minded anglers statewide, including many who live, recreate or work in the watersheds affected by this proposal.

We are by no means an anti-mining organization, and are best characterized as an advocate for clean water and healthy aquatic systems. Clean water and fisheries are significant to Montana's customs, culture and economy. Recreational angling, for instance, generates nearly \$300 million a year to our state.

Our comments focus primarily on potentially affected water resources as well as fisheries. Montana TU and its chapters are acutely interested in the conservation of Basin Creek, Fish Creek and Moose Creek. Basin Creek, of course, is classified by DEQ as an A-1 stream and drinking water source for Butte. It also holds a small population of westslope cutthroat trout, a species of special concern in Montana. Further, Butte-Silver Bow local government, FWP, Montana TU and others have discussed Basin Creek Reservoir as a potential source of water for future enhancement of flows (and water quality improvement) in Silver Bow Creek and the Clark Fork River. For these reasons protecting water quality and dependable flows in Basin Creek is very important.

Fish Creek also hosts a population of westslope cutthroats. Further, Montana TU and local landowners have invested in habitat restoration in its lower reaches, benefitting the recreational fishery of the Jefferson River. Protecting water quality

TU-1

TU-2

and quantity is a priority in Fish Creek for both fishery values and for water users with senior water rights. Similarly, Moose Creek holds cutthroats in its upper reaches. In addition, it is an important tributary of the Big Hole River. The Big Hole River Foundation, with some funding from Montana TU and our local chapter, recently completed a riparian fencing project on its lower reaches in an attempt to improve conditions for coldwater fish. Moose Creek also supplies water for stock and irrigation on its lower reaches.

TU-3
TU-4
One general observation we offer is that the DEIS admits to significant amounts of uncertainty regarding potential effects on water resources and fisheries. And for the most part, this uncertainty is not addressed by identifying specific triggers and response actions. Basically, for anticipated or potential impacts to streamflows, water quality and aquatic life, the document does not disclose specific commitments that might avoid, minimize, rectify or reduce impacts (p. 156). We note that the two primary “mitigation” modifications DEQ offers, additional water resource monitoring and requiring water treatment outside the underground works, is not detailed anywhere in the document. We could not find, for instance, a description of the water quality monitoring plan.

This statement from the executive summary is repeated throughout the document in some fashion:

“The uncertainty related to how the creeks and aquatic ecology will adopt to the change in flows makes assessing potential impacts difficult.”

TU-5
However, this uncertainty is never really addressed. A primary purpose of a MEPA document is to disclose potential impacts to the public. Further, the document should be crystal clear in identifying the specific impacts that can’t be easily determined, how they will be monitored in the future and how they will be avoided or mitigated. Though this document repeatedly refers to uncertainty – and relies at times on guesswork informed by some data – related to groundwater and surface water discharges, especially post-mining, it offers little in the way of specific commitments for dealing with unforeseen circumstances. DEQ does say it will require monitoring above that proposed by the company, but it is unclear what that monitoring will consist of and what measured conditions will trigger what responses. We support additional monitoring, but it is unclear as to the specific management commitments that will occur -- beyond a few vague references to potential actions -- should monitoring uncover unsatisfactory discharge or water quality conditions.

Ground and surface water discharge and quality

TU-6
The document is confusing as to exactly how much mine water will be discharged to Basin Creek during mine operation. The executive summary says, “350 gpm.” On p. 41 it says, “150 gpm to 350 gpm.” Later in the alternatives discussion (p. 175) the document refers to “up to 350 gpm.” Further confusing the

TU-7

picture for all three drainages are references to “average” discharges, such as in Table 4.6.1., which refers to “proposed average input(s).” This begs the question: How much water will be discharged continuously to each stream, and will the discharge be shaped with the natural hydrograph? How will daily, weekly and monthly discharges be shaped? These are important questions for maintaining the health of the aquatic systems. It is also unclear from the DEIS what the natural hydrographs are, and what discharges the channels can accommodate. Table 4.6.1 refers to “existing average flows.” But what is “average?” Basically, it is difficult to evaluate how the proposed discharges modify the existing hydrograph. The DEIS should minimally depict the range of existing flows for each primary tributary, including mean base and peak flows over several years. And then depict how the proposed discharges might modify this.

TU-8

The EIS says that during closure, mine pumping could be reduced to 500 gpm (p. 174), but it doesn’t say how this reduced discharge will be partitioned among the three tributaries, or what the effects will be. Nowhere in the document could we find a detailed calculation of expected stormwater discharge, its potential quality, how it will be collected, treated and discharged. (There is short mention of it early in the document, but nothing is quantified).

TU-9

The document handles the issue of water rights incompletely. The evaluation for the DEIS looked only at water rights within a 2-mile radius of the mining property (p. 99). However, each of these the three main tributaries have significant senior water rights further downstream on private lands. The DEIS should provide analysis on how the admitted modification of ground and surface water flows (“the streamflow rates will be altered from current conditions”) will or will not affect water users with senior rights downstream. It is possible, though not certain, the proposed mining operation could affect both timing and yield for existing users with senior water rights.

TU-10

TU-11

Discussion and disclosure related to post-closure conditions is a bit hazy. The DEIS admits too much uncertainty. It is possible (if not probable), for instance, that once the adit is plugged and groundwater returns to pre-mining elevations that springs and seeps will develop in the region, and that there is potential for them to exceed water quality criteria (p. 177). The proposed response to this, however, is very vague. Offering two mines outside the region (Glengarry and World’s Fair) as analogues demonstrating that completely plugging the adit can be a successful technique is not very meaningful. No detail is offered demonstrating that the settings, geology, geochemistry and mining operations at these two sites are similar to that in the Highlands.

TU-12

The company says if seeps and springs occur with discharges that exceed water quality criteria it will drill into the old workings, direct water to some sort of undetermined underground LAD site and possibly treat and discharge to one of the basins. But, a detailed plan is not disclosed. We recommend DEQ require the company to develop and disclose to the public a pragmatic, workable response plan

TU-13

for this sort of situation, and that the company be required to monitor groundwater, surface flows and potential seeps and springs for longer than one-year after the mine fills. We recommend that some portion the reclamation bond be held until that time – perhaps at least five years after the groundwater has reached its baseline elevation -- when it is definitively determined that backfilling the mine and plugging the adit have not left any ongoing adverse impacts to streamflows, water quality or aquatic life. P. 45 includes a curious and unexplained reference to the operation needing to “...meet DEQ MPDES water quality closure guidelines within 0 to 70 years.” Does this mean the permittee has up to 70 years to meet water quality criteria? If so, the public shouldn’t be asked to accept that.

TU-14

The DEIS should provide more detail on the conditions that trigger specific water quality treatment technologies. Right now the document leaves it as an either/or/or situation, where DEQ could require no treatment, or ion exchange, or reverse osmosis. The document should also disclose exactly where treatment wastes, such as the projected 1,500 gallons a day of brine produced by ion exchange, would be disposed. The brine is a potential pollutant and therefore could generate adverse impacts. The document is unclear as to the role of the LAD cells, except, we infer, they are to be used as backup systems of some sort to deal with unanticipated discharge volumes from mine pumping. The DEIS needs to clarify this.

TU-15

The document must disclose the full compliment of impacts that might be anticipated from the discharge of mine water to surface water. For instance, the document does not include any evaluation of how the discharge might affect water temperature in the receiving streams. It should.

TU-16

DEQ did a good job in its analysis of acid-generation potential. The only uncertainty we believe needs to be addressed is how will the potential acid-generating waste from the Wolsey Formation – estimated to be 20.7 percent of the total waste rock volume, which is significant – be handled. Will it be handled separately, or mixed with material that exhibits pH-buffering characteristics? The DEIS should describe the methods that will be employed to avoid, minimize, rectify or reduce potential acid-generation from waste rock.

Fisheries

TU-17

The fisheries information in the DEIS is disappointing. First, the applicant should have provided contemporary data beyond simple presence/absence. Data depicting abundance and size-class distribution in the 7 streams potentially affected would provide a more robust baseline for determination of future change. Further, the applicant should have done surveys, besides ocular observations, in Fly Creek and Curley Gulch. A single-pass electrofish survey – or even snorkel survey -- would be adequate for determining presence/absence. If fish were deemed present, then a multiple-pass depletion or mark/recapture survey could have been deployed. These are acceptable methods and not difficult to employ. It is quite possible both streams

host populations of genetically unaltered westslope cutthroats, or, another native non-sport species.

Table 3.18.1 is incomplete relative to presence/absence. Brown trout are present, at least seasonally in lower Fish and Moose Creeks.

TU-18

Reclamation Bond and non-disclosed impacts

The DEIS should include an evaluation and recommendation for a reclamation bond. Because the document includes so much uncertainty, and response to future impacts still unclear, it is essential that DEQ disclose to the public that the reclamation bond will be ample to fund the full range of potential mitigation and correction measures that could be needed. This should be standard DEQ practice for all mining-related MEPA documents.

TU-19

Finally, the document largely skirts the issue of where the ore will be processed, though it appears it is headed to the Golden Sunlight Mine. The DEIS should disclose how this additional input to that facility might affect the natural environment there. Obviously it requires s additional vat-leaching and tailings disposal capacity beyond that analyzed in previous MEPA assessments for that facility.

Again, thanks for the opportunity to comment. We look forward to our recommendations being reflected in the final EIS.

Sincerely,



Bruce Farling
Executive Director

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**Montana Fish,
Wildlife & Parks**

*Region Three
1400 South 19th
Bozeman, MT 59718*

November 6, 2013

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Dear Mr. Herrick:

Thank you for the opportunity to provide input on the proposed Butte Highlands JV project. Fish, Wildlife & Parks (FWP) staff reviewed the Draft EIS and FWP has several comments relating to long-term fisheries and aquatic resources near the proposed project.

FWP-1

The proposed mine is located at the top of three important watersheds: Moose Creek, Basin Creek, and Fish Creek. Each of these drainages contains populations of Westslope Cutthroat Trout (WCT), which is a Species of Special Concern in Montana. Montana FWP is actively working to restore native WCT populations due to their declining status and the threat of extinction. FWP is also guided by a WCT memorandum of understanding with a wide variety of state and federal agencies, and several other stakeholders to accomplish two goals: 1) protect all existing WCT populations, and 2) expand the distribution of WCT into suitable waters previously containing this native fish.

FWP-2

For the three populations in question, protecting existing habitat, including water quality and quantity at Moose, Basin, and Fish Creeks is a high priority for FWP, and the potential water quality and water quantity effects from the proposed project are the focus of FWP's review. FWP's comments are presented in three sections: description of existing fisheries; water quantity concerns; and water quality concerns.

Existing Fisheries

FWP-3

The presence of native cutthroat trout populations in these three streams reflects the current suitability of seasonal flow, water quality, physical habitat, and the lack of competing non-native fish species. The Draft EIS neither described how changes in these attributes during and after mining would affect fish populations, nor did it discuss how potential impacts could be mitigated.

FWP-4

Under the proposed action, fisheries habitat in the clean, cold headwaters can be impacted by several factors including: reduced streamflow during critical periods (winter and late summer),

reduced water quality due to discharge of waste effluent, increased sedimentation due to roads and other development, increased summer water temperature, anchor ice formation during winter, introduction of non-native fish, and others. Desirable winter habitat for WCT confined to high mountain tributaries usually includes quality pool habitat, streamside vegetation to provide channel stability and thermal insulation, and groundwater inflow to prevent formation of anchor ice.

Water Quantity Concerns

As the impacts due to the dewatering activities extend beyond the cessation of mining activities, Butte Highlands JV should be required to continue water management activities designed to prevent impacts to existing water uses until such time that groundwater levels recover to pre-mining conditions (approximately elevation 7339 ft. at the invert of the old Highland Mine adit) and associated stream depletions cease.

More specifically water management should ensure that groundwater pumping, treatment and discharge continue during the post-mining period in a manner that accounts for potential impacts to WCT population needs and existing downstream water uses. From May 15th through June 30th, groundwater infiltration into the mine would be expected to be at its greatest. FWP recommends that except during the highwater period (May 15 – June 30), pumping, treatment and discharge to Fish and Basin Creeks continue at a rate sufficient to maintain groundwater levels in the mine and satisfy downstream water users needs. During the May 15 – June 30 period pumping, treatment and discharge would cease unless there is insufficient water in Fish or Basin Creeks to supply the existing uses. Post-mining water management should continue until such time that water levels recover to elevation 7,339 ft.

Further, if the Final Hard Rock Mining Permit requires reclamation and sealing of the Highland Mine adit, similar mitigation efforts should be required of Butte Highlands JV to prevent impacts to existing water uses while groundwater levels recover to pre-mining conditions.

Regarding discharge and distribution the MPDES Environmental Assessment stated that the project "... will continuously discharge a total of 750 gallons per minute (gpm). The discharge will be distributed as follows: 350 gpm will go to Basin Creek; 200 gpm will go to a tributary of Fish Creek; 60 gpm will go to the Middle Fork of Moose Creek; and 140 gpm will go to a tributary of the Middle Fork of Moose Creek." These respective outfall values/limitations were not listed in the MPDES authorization or in the draft EIS. Post-mining discharge should occur in the drainages proportionately to where mine dewatering has created depletions. FWP is concerned that the pre-determined discharge and distribution plan may cause impacts to habitat, or may be insufficient to maintain fisheries during critical flow periods (winter and summer). The goal of distributing water to various outfall locations should be to maintain all three existing WCT fisheries and to ensure that existing downstream water uses are protected.

A very limited WCT population resides in 2-3 miles of Fish Creek below WS-5. The flow in Fish Creek is often extremely marginal, with winter flows perhaps being the most limiting for the fishery. Relatively small reductions in flow in this reach could be significant, possibly leading to the loss of WCT from upper Fish Creek. For this reason post-mining dewatering is of great concern as well as the need for assurances that depletions from Fish Creek will be off-set with

discharges from outfall 002. Fisheries in Basin Creek and Moose Creek could also be impacted by relatively small changes in seasonal streamflow.

FWP-10

Finally, water delivered by pumping to a selected outfall is not the same as distributing water via groundwater seepage. WCT and other aquatic life can be very sensitive to changes in water temperature. Groundwater often provides relatively cold inflow during summer and relatively warm inflow during winter, effectively moderating thermal conditions for aquatic life. It is possible that water discharged via outflows from pumping will be suitable for seasonal aquatic needs, but the seasonal changes in water temperature have potential to impact aquatic life, and this issue was not addressed in the Draft EIS.

Water Quality

FWP-11

The Draft EIS indicates that over 300,000 tons of waste rock will be generated by the project. Based on testing described in the document, the EIS suggests that the mining waste rock has low acid generation potential and will not cause significant water quality concerns. FWP is concerned that the values listed for acid generating potential may create water quality problems, and water chemistry should be monitored for at least a decade. The EIS also indicates that this rock may cause moderate increases in copper, iron and selenium. Elevated copper concentrations can be toxic to fish, and small increases in selenium accumulation in fish can result in reproductive failure. FWP would like to see further evaluation and post-mining monitoring to ensure that outflow discharge water is safe for aquatic life. The draft EIS assumes the long-term water quality resulting from backfilling the mine with tailings to be favorable. FWP is concerned that the long-term regional groundwater quality discharging from the historic adit (page 42) has potential to differ from the current water quality, and contingency plans for impaired water quality are not sufficiently outlined in the EIS

FWP-12

FWP is concerned that conducting an annual inventory (page 44) for up to one-year is insufficient to determine long-term water quality trends. Documenting good water quality from seeps and spring during the dry months of the year (July and August) after the first year the groundwater table refills is not adequate to determine potential acid generation for a large underground tailings area. Since it may take 6 to 7 years for the groundwater to recharge, FWP requests that water is monitored in seeps and springs in the area for a 10-year period at a minimum.

FWP-13

It appears that the choice to plug the adit is considered an infallible option compared to allowing the adit to drain and treating the water on site (page 50). A plug will undoubtedly cause potentially contaminated water to find another path into groundwater and eventually surface water. FWP suggests that infrastructure be considered to allow access into the mine should there be a future need for water treatment.

FWP-14

In conclusion, given the high quality of existing water quality and fishery values in the three tributaries associated with the proposed project, and the complex logistics of mine development at the head of three watersheds, it seems reasonable for the EIS to identify more detailed contingencies for unforeseen issues. In addition, FWP recommends that a mitigation fund be set aside to help resolve mine-related impacts to aquatic life as outlined above.

My staff will gladly work with you to provide additional input regarding the draft EIS and for developing potential mitigation options. FWP appreciates the opportunity to provide input to this project.

Sincerely,



Patrick J. Flowers
Region 3 Supervisor

c: Travis Horton
Ron Spoon
Trevor Selch
Andy Brummond
Jim Olsen
Jason Lindstrom

November 8, 2013

Dear Mr. Herrick,

Please accept and consider these comments provided by myself and various resource specialists on the Forest Service interdisciplinary team for the Butte Highlands Mine Project. I have included some general comments, as well as detailed comments provided by specialists for their resource areas.

General Haul Route Comments/Questions:

USFS-1

1. The Forest Service is in the process of completing an environmental analysis of the proposed haul route and the north alternative – Roosevelt Drive. This analysis is focusing on the impacts to Forest System roads and other National Forest resources. It is not conducting a detailed analysis of impacts to roads on private land or under county jurisdiction. Our understanding is that the State is completing an environmental analysis of BHJV's operating permit, including private portions of the western haul route and an ore transfer facility on private land and alternative haul routes. The Forest Service decision authority is limited to the proposed haul route on Forest System Roads. The State's decision would be for those portions of the haul route on private land or under any jurisdiction other than the Forest Service. Although the agencies' respective environmental review processes are independent, the decision on the haul road should be a coordinated decision. It is important that the agencies' analysis cover all impacts for the entire haul route of the various alternatives, so that we have the information to support our decision.

USFS-2

2. The Forest Service Draft EA for the Butte Highland Mine Haul Route is projected to be released to the public for comment in late January of 2014. This is after the MT DEQ FEIS would be released to the public (per the current schedule). Thus, the FEIS must include sufficient detail regarding the differences in effects between the various haul routes and will not be able to merely refer to the FS Draft EA. We can coordinate how to best get you any information you may need from us.

USFS-3

3. While analyzing the effects of hauling ore on Forest System roads, under NEPA, the Beaverhead-Deerlodge NF must also consider the cumulative effects of the mining actions that would influence National Forest System resources. In some areas of the DEIS, the current description of effects is insufficient to allow reasonable assessment of what their cumulative nature is on resources. As such, we are asking for additional details regarding the expected effects on the quality and quantities of certain wetland and stream habitats and aquatic populations as well as other resources. Please describe and quantify the impacts on those portions of the proposed and alternative haul routes for those portions of the route that are on private land or under county jurisdiction.

In summary, please identify and address the differences in effects to private, county, and/or state land resources for all haul route alternatives. The Forest Service analysis will identify and

address any impacts to National Forest System lands and resources along the analyzed haul routes. The Forest Service has no authority to direct or control activities occurring on private or state land.

USFS-4

4. Attached is the water quality report by retired FS Hydrologist Mark Story that provides detailed potential sediment delivery into the affected watersheds. Mark's analysis also includes detailed effects of the private land routes being considered. Additionally, more specific water quality and fisheries comments are provided below. We are also providing a completed Air Quality report for your use.

USFS-5

5. There needs to be a more complete description of the Roosevelt Drive (North) Haul Route provided to the public. Explain how the Highland Road (North)/Roosevelt Drive Alternative would have fewer impacts than the impacts due to the development of the haul route as described under the Proposed action or the west alternative route? What specifically are these fewer impacts? It seems as though there would likely be substantial improvements needed to portions of the road that lie within Silver Bow County jurisdiction. What about the impacts of increased haul traffic 20-30 trips/day to public safety, noise, and road infrastructure? What is the anticipated increase in sediment delivery as a result of these additional trips and how would this be mitigated? There are also page by page specific comments throughout this section of the DEIS.

USFS-6

6. Attached are two letters from the Attorneys' for Don and Lisa Kelly sent to the Forest Service. Please substantiate if you agree with the Kelly's that DEQ's analysis and conclusions make it clear that the Roosevelt Drive route has far less environmental impacts than the Western Feely Exit Route. If not, please address in detail the effects associated with the Roosevelt Drive haul route under county jurisdiction.

USFS-7

7. Attached is a letter from Butte –Silver Bow City County Council of Commissioners to Butte/Jefferson District Ranger Dave Sabo stating the county's preference for the Highland-Feely road option. Their preference is based on the concerns they described, as follows; 1) significant road safety concerns, 2) negative impacts to the well beings of our rural residents and multiple-use recreationists utilizing Thompson Part and the Highlands Mountain area, and 3) Environmental impacts to the Blacktail Creek/Silver Bow Creek headwater watershed. In light of these comments, on page 201, how can DEQ suggest there are fewer impacts without addressing these concerns?

Alternative Haul Routes and Transportation Comments:

USFS-8

8. p. ES-2 par. 1, Delete "Subsequent to a change in permitting regulations" and the word "later". There has been no change in regulations.

USFS-9

9. p. ES-12 par. 3 under Transportation, the statement "DEQ's impacts analysis is restricted to the areas where the agency has regulatory authority". It is our understanding that under the Metal Mine Reclamation Act the State does have regulatory authority on lands other than private.

- USFS-10 10. p. ES-13 last par., Divide Creek is not identified on either Figure 1.1-1 or 1.1-2.
- USFS-11 11. p. ES-16 under Transportation Row, No Action Alternative is in error; no bulk sample would be hauled out under the No Action Alternative. This should be corrected throughout the document.

Chapter 1

- USFS-12 12. p.4 par. 5 2nd sentence, Remove “an ore haulage road” and replace with “as a haul route for the bulk sample”. Delete “in route to an ore transfer facility to be constructed adjacent to Interstate 15”. This appears to be pre-decisional. Delete “Subsequent to a change in permitting regulations” and the word “later”. There has been no change in regulations.

Chapter 2

- USFS-13 13. p. 14 par. 5 Forest Service Road “8250” should be “8520”. Please correct throughout the document.
- USFS-14 14. p. 16 Sec 2.4.2 existing permitted facilities: This list should be reviewed as I don’t believe the water treatment plant currently exists at the site.
- USFS-15 15. p. 19 par. 3 Forest Service Road 668 (Fish Creek Road)should be FSR 8520 (Camp Creek Road).
- USFS-16 16. p. 19, last sentence “each LAD” should say “LAD 1 and 2”
- USFS-17 17. p. 20 2.4.9, Transportation- delete the last sentence
- USFS-18 18. p. 28 last sentence states that LAD 3 has not been operated but based on previous information in the document it was stated that LAD 3 has not yet been constructed.
- USFS-19 19. p. 32 Row 2 , Ore Hauling Route-Correct the No Action Alternative. There is no permit to haul the bulk sample.
- USFS-20 20. p. 34 par 2, We highly recommend that the last sentence regarding historic use of the Highland Road be removed unless there is definitive proof.
- USFS-21 21. p. 35 Last par, “Replace Road Use Agreement” with “Plan of Operations”.
- USFS-22 22. p. 47 par. 1 Beaverhead-Deerlodge National Forests should be singular. Please correct this throughout the document.
- USFS-23 23. 2.9 p. 48 par 1, First sentence should remove “and other lands”. The FS analysis will analyze only the effects to NFS resources.
- USFS-24 24. p.48 par. 1 “but DEQs approval of BHJV’s operating permit is not contingent upon the Forest Service selecting a preferred haul route.” It is important to consider the fact that the BHJV operating permit includes private portions of the western haul route and an ore transfer facility on private land, and therefore state approval of their operating permit would in essence make a decision on the haul route. The Forest Service decision authority is limited to the proposed haul route on Forest System Roads. Although the agencies’ respective environmental review processes are independent, the decision on the haul road should be a coordinated decision. It is important that the agencies’ analysis cover all impacts for the entire haul route of the various alternatives, so that we have the information to support our decision.
- USFS-25 25. p. 55 Transportation- No Action row, Remove Roosevelt Drive here and throughout document. There is no current approval for a bulk sample to be hauled.

Chapter 3

- USFS-26 26. p. 113 3.8 Hazardous Materials- There is no mention of the chemicals at the Assay Lab.
- USFS-27 27. p. 135 3.14.1 Overview par. 1, “securing permits from Butte Silver Bow County”. Our understanding is that there are no permits to be issued; there likely will be maintenance agreements or approvals.
- USFS-28 28. p. 135 3.14.1 Overview par. 2, “BHJV has proposed improving Roosevelt Drive by adding pullouts at regular intervals” There are no proposed pullouts proposed in BHJV’s Plan of Operations that was submitted to the Forest Service.
- USFS-29 29. p. 135-136 3.14.3.1 last par. Delete “except for the potential addition of highway-legal trucks used to haul the ore allowed under the Exploration License.”
- USFS-30 30. p. 136 3.14.3.2-last sentence, The FS will not be responsible for a road maintenance agreement. Road maintenance requirements will be included in the approved Plan of Operations.

Chapter 4

- USFS-31 31. p. 157 4.2.1.1 par. 2, Take out “in a Road Use Permit”. Any improvements will be in the approved Plan of Operations. “See the existing road used during exploration in Figure 2.5-1 (p. 24) There is no road shown. Where is this road?”
- USFS-32 32. p. 157 4.2.1.3 par. 1, What was the use of the “existing” road during the exploration license. The bulk sample was not hauled. This needs to be clarified or modified, where is the existing exploration road?
- USFS-33 33. p. 197 4.14 – Transportation – p. 197 through 202 – This section is not well organized and is confusing. There is often analysis of impacts on the Forest System roads, instead of focusing solely on the private and county sections where the Forest Service does not have any authority. If you choose to put an analysis of impacts on Forest Service resources in this section, it is important that we are consistent between the two ongoing environmental analyses.
- USFS-34 34. p. 198 par. 2 & par 4, Again, remove Roosevelt Drive for haul of bulk sample in both No Action Alternative sections.
- USFS-35 35. p. 198 after par. 3 Proposed Action, the alternative haul routes, including Roosevelt Drive and the parallel road needs to be added to this section.
- USFS-36 36. p. 198 4.14.1.1 No Action Alternative The bulk sample haul should not be included. The FS is not considering specific or any other road improvements for the No Action Alternative; please modify this section. The effects to the Great Divide Mountain Bike Trail would be the same as currently exist as would the impacts to hunting access.
- USFS-37 37. p. 199 4.14.1.2 second bullet Are these personnel vans to be used for the contract miners or strictly for the BHJV personnel? Number of vans, trips and up to 54 people working at the site, needs to be clarified.
- USFS-38 38. p. 199 Last par. “The proposed Highland Road improvements (please add “on NFS lands”)include widening narrow areas to 16 feet, adding 22 foot wide pullouts. The pullouts will be 75 feet long by 12 feet wide. Therefore the total width in these areas will be 28 feet wide. This is different from the Plan of Operations, but this change has been done in agreement with BHJV.

- USFS-39 39. p. 200 par. 1, Delete “according to Forest Service Manual (FS-2800)to the project area” the sentence would read “Site-specific safety plan would be developed and incorporated into the approved Plan of Operations. Change “Highland Road” to “haul route” in two places. Please add “This safety plan will apply to Forest System Roads only.”
- USFS-40 40. p. 200 par. 2 – Suggest that you explain this applies only to the frontage road. Delete the last sentence as it does not belong here.
- USFS-41 41. p. 200 par. 3 – reference to Figure 2.5-1 should be 2.5-2. The new roadway is said to be 24 foot wide graveled surface. Elsewhere it states it is a 24 foot wide right of way. This should be checked throughout the document.
- USFS-42 42. p. 200 par. 4 The use of magnesium chloride on mine roads is not part of the Plan of Operations for Forest System Roads. Magnesium chloride can potentially affect water quality, aquatics and fisheries. Please make it clear that MgCl would not be used on Forest System Roads.
- USFS-43 43. p. 200 par. 5 Delete this entire paragraph and state that a weed control plan and snow removal plan will be submitted and included in the approved Plan of Operations.
- USFS-44 44. p. 200 par. 6 , p. 201 par. 1 – This entire paragraph should be rewritten. The second sentence “The Butte 100 Mountain Bike Race takes place on a Saturday.” should be deleted. The rest of this paragraph needs work. It is anticipated that there may be conflicts between bicyclists and haul traffic. Mitigation measures and project design features are being considered to address this possible conflict. The last sentence stae BHJV has not proposed measures to limit impacts, not true; they have suggested many ideas for operations to address this issue on Forest System Roads.
- USFS-45 45. Maybe these statements are meant to address the private portions of the haul road only, where the haul traffic would have exclusive use of the road. But is there is also discussion in this paragraph about Roosevelt Drive.
- USFS-46 46. p. 201 par. 2 the area at the Forest Service boundary that is used by recreationists, including hunters, may be affected. BHJV may construct a pull off/parking area in the nearby vicinity to address this impact.
- USFS-47 47. p. 201 North Alternative Route – This section and many other resource impact analysis sections state that this route would have “fewer impacts that the impacts due to development of the haul route as described in proposed action ...”. Please describe and quantify the impacts on those portions of the proposed and alternative haul routes for those portions of the route that are on private land or under county jurisdiction.
- USFS-48 48. p. 202 North Alternative Route – this section states that this route would have greater secondary impacts than proposed action. So primary has fewer impacts and secondary impacts are greater. What impacts are we talking about and why are they fewer and then greater?
- USFS-49 49. p. 213 USDA Forest Service
- Barb Ping is a NEPA Coordinator
 - Dave (not Doug) Sabo is the Butte/Jefferson District Ranger

Water Quality, Fisheries, Air Quality Comments:

- USFS-50 50. General- While analyzing the effects of hauling ore across Forest Service Lands, under NEPA, the Beaverhead-Deerlodge NF must also consider the cumulative effects of the mining actions that would influence Forest Service Lands. In some areas of the DEIS, the current description of effects is insufficient to allow reasonable assessment of what their cumulative nature is on aquatic resources. As such, we are asking for additional details regarding the expected effects on the quality and quantities of certain wetland and stream habitats and aquatic populations.
- USFS-51 51. Page ES-13 Aquatic and Fisheries Resources. Westslope Cutthroat trout also occur in Blacktail Creek.

Chapter 2

- USFS-52 52. Page 48 Alternative Haul Routes Section 2.7.2 Highland Road (North)/Roosevelt Drive Alternative. States that minor road base and surface upgrades would be required. The Highland Drive asphalt surface is too thin for sustained haul truck traffic and is already cracking in many places due to insufficient subsurface fill. Drainage is also inadequate with many undersized culverts, excessive ditch length, and erosive fill slopes. This section would be more accurate to state that major road base and surface upgrades, drainage, and culvert improvements would be needed. The attached USFS Butte Highland Mine -- Water Resources Report provides a description of Highland Drive road drainage conditions and locations of such.
- USFS-53 53. Pg. 55. Table 2. 10-1. "The potential for dewatering Fish Creek and Moose Creek wetlands" is listed as a potentially significant effect under Groundwater for the Proposed Action in Table 2. 10-1. This statement is followed by "Water levels will likely rebound post-mining". Please consider providing an assessment of the extent of changes to western toad habitats (wetlands and streams), during ground water pumping and the period between when pumping ceases and full recharge occurs, .i

Chapter 3- Geology and Minerals

- USFS-54 54. Pg. 69-72. 3.3.3.4. Geochemical Evaluations. You disclose in this section that waste rock from the Wolsey Formation "had uncertain to unlikely acid generation potential with NP:AP ratio equal to 1.2"(69), and "..... on average, no waste rock lithology or alteration assemblage was potentially acid-generating except for the Wolsey Formation where massive sulfide mineralization is developed" (Page 70). Additionally, copper, iron, and selenium, were reported to be released from the Wolsey Formation at concentrations which "briefly" exceeded surface water standards (Page 72). Please consider quantitatively evaluating the impacts of acid generation and metals on aquatic species (fish and macroinvertebrates) in the Alternatives Analysis.

Chapter 3- Water Resources

- USFS-55 55. Pg 97-98 4.6.1.2 3.6.4.4 Surface Water Quantity. It would be useful to add a 4th column to Table 3.6-2 to display average Q in cfs as well as gallon/minute. 1 gal/minute = 0.00228 cfs and 1 cfs = 448.8 gal/minute. For example 105 cfs = 0.234 cfs. In addition it would also be useful to add flood frequency calculation information at the outfall discharge stream sites either in Chapter 3 and/or Chapter 4.

USFS-56 56. Pg 169-174. 4.5 **Vegetation and Wetland Resources**. The environmental consequences information for wetlands is qualitative and very general. More specific assessment and information is available in the 2013 Wetland Report and further specifics are being developed for road/wetland impacts and mitigation measures (404 and 310 permits) by Butte Highland mine contractors. A more thorough description could be provided for acreage of wetland impacts including fill and disturbance, as well as proposed mitigation and compensatory wetland establishment.

Chapter 3 – Air Quality

USFS-57 57. Pg. 117-118. 3.9.3.4 Existing Air Quality. The Forest Service Butte Highland Mine – Air Quality report provides more Chapter 3 specific information about existing industrial, agricultural, road, fuels management and regional emission sources. The DEQ FEIS could include or reference this additional information.

Chapter 3 - Aquatic and Fisheries Resources

USFS-58 58. Pg. 147. Table 3.17-1. Wildlife Resources. Table 3.17-1 lists Western toad as a Montana Special Status Species, present in Silver Bow County and on the Beaverhead Deerlodge National Forest. However, Western toads are not included in the “within 2 miles radius of project” column. Western toad have been documented (verified occurrences) in the project area in the upper Moose Creek, upper Blacktail Creek, and upper Basin Creek drainages (MT Natural Heritage Tracker 2013 and Water Quality Data and Summary Report For the Butte Highlands Project, Appendix D 2010). Please include Western toad as a sensitive species within the immediate project area.

USFS-59 59. Pg. 147. Table 3.17-1. Wildlife Resources. Table 3.17-1 does not list Western pearlshell mussel (*Margaritifera falcata*) as a Montana Special Status Species, present in Silver Bow County and on the Beaverhead Deerlodge National Forest. Please consider adding this state and federally recognized sensitive/special status species to your analysis. It is native to the Clark Fork, Big Hole, and Jefferson River drainages.

USFS-60 60. Pg. 149-153. 3.18. Aquatic and Fisheries Resources. The Fishery Chapter 3 section does not disclose fisheries information for Blacktail Creek along Roosevelt Drive. This section of stream has been historically affected by placer mining and currently by channelization and drainage impacts of FSH84, with mine operations posing additional impacts

USFS-61 61. Pg. 151. 3.18.3 Aquatic and Fisheries Resources. In the Affected Environment, Aquatic and Fisheries section, Basin and Fish Creeks are reported to have scored high on habitat and fishery values and support a more diverse benthic macroinvertebrate community than Moose Creek. Please consider displaying these and similar data throughout this section so the reader may quantitatively interpret the information.

USFS-62 62. Pg. 151. 3.18.3. Aquatic and Fisheries Resources. It is unclear in the following sentence which streams are being referred to, as it may or may not contradict information reported in the prior sentence/comment. “Fish habitat surveys completed in 2009 found that, in general, streams surveyed were heavily embedded with fine particle substrates, stream bank erosion,

fragmented fish habitat, and a scarcity of pools.” Please elaborate and consider displaying these and similar data throughout this section.

USFS-63

63. Pg. 153. Table 3.18-1. Aquatic and Fisheries Resources. Please add Blacktail Creek, tributary to Silver Bow Creek, to the proposed haul route area streams. Blacktail Creek harbors native westslope cutthroat trout, parallels FSH84 for several miles, has numerous undersized and failing stream/road crossings, and is at high risk of future impact related to mining operations and ore hauling.

Chapter 4 – Water

USFS-64

64. Pg. 177-179 4.6.2.3 Water Quality: Alternative Haul Routes. This section is qualitative, general, and does not address many of issues raised in scoping comments. The attached USFS Butte Highland Mine -- Water Resources Report provides much more specific information on road sediment effects road prism erosion and sediment delivery (WEPP model analysis), culvert capacities, road crossing/wetland mitigation, and BMP's. Reference to these sections of the Forest Service -- Water Resources Report and provide a more thorough disclosure of water resource effects.

USFS-65

65. Pg. 177 4.6.1.3 Water Quality: West Alternative Route states: “Moving the haul route to parallel the existing Highland Road (to the Highland Road (West) Parallel Route alternative) would not create a different level or extent of impacts to surface water resources from the impacts anticipated due to the development of the haul route as described under the Proposed Action.” The text on pages 175-177 4.6.1.2 Proposed Action, however, does not address road impacts.

USFS-66

66. Pg 175-177 Section 3.6.4.4 Water Quality. It would be useful to add a 4th column to Table 4.6-1 to display average Q in cfs as well as gallons/minute. In addition it would be useful to add flood frequency calculation information for each stream outfall site, particularly WS-1, WS-6, and WS-9. An issue to be addressed is the mine increase water discharge change in water regimen and potential channel destabilization due to increased stream energy. To disclose potential impacts to stream channel stability conditions the inventory work in Kline 2009 (*Stream Habitat Survey for the Butte Highlands Project*) and Cawfield 2012 (*Geomorphic Investigation of Various Channels Near Butte Highland Mine*) could be cited. Stream segments immediately below WS-6 (Middle Fork Moose Creek and particularly WS-9 (Tributary to Middle Fork Moose Creek) are low gradient, fine textured channels which have erodible stream banks which could be destabilized by augmented discharge. However, the incremental effect of the increased discharge would lessen with higher recurrence intervals and in fact the % increase in Q may be very minor at bankfull discharge and certainly insignificant at 10 to 25 year recurrence intervals. It is possible that the incremental increase and augmented hydrographs are well within the natural range of high flow Q's and in fact may be beneficial due to low flow augmentation. Conclusions about stream channel stabilization effects are not credible though, until a flood frequency analysis and comparison to stream channel stability and natural range of discharges is completed.

USFS-67

67. Pg. 177-179 4.6.2.3 Water Quality: Alternative Haul Routes. This section is qualitative, general, and does not address many of issues raised in scoping comments. The Forest Service Water Resources Report has much more specific information on road sediment effects road prism

erosion and sediment delivery (WEPP model analysis), culvert capacities, road crossing/wetland mitigation, and BMP's. The DEQ FEIS could reference these sections of the Forest Service -- Water Resources Report in order to provide a more thorough disclosure of water resource effects.

Chapter 4 – Air

USFS-68 68. Pg 187-192 4.9 Air Quality. Montana DEQ Permit #4449-03 (DEQ, 2011) specifically quantifies mine permit emission changes from current permitted limits for the Butte Highland mine for PM, PM₁₀, PM_{2.5}, NO_x, CO, SO₂, and VOC. These increased emissions could be more specifically disclosed. These emission increases and existing permitted mine emissions are tabulated in the Forest Service Butte Highland Mine – Air Quality report and could be more specifically disclosed in the DEQ FEIS. The DEIS does not address 2 air quality issues raised in the scoping process including road dust and change in greenhouse gas emissions. Fugitive road dust emissions (PM₁₀) outside the permitted mine area are quantified for mine and ore hauling transportation vehicles in the Forest Service EA. The DEQ FEIS could quantify road dust emission within the permitted mine area for a more complete disclosure. Similarly, in response to scoping comments, Forest Service Butte Highland Mine – Air Quality report, using EPA and DOE equations, estimated greenhouse gas emissions for ore trucks. The DEQ DEIS could quantify greenhouse gas emissions for mine activities for a more complete greenhouse gas cumulative effect analysis of mine and haul road impacts.

Chapter 4 - Aquatic and Fisheries Resources

USFS-69 69. Pg. 208. 4.18. Aquatic and Fisheries Resources. The Aquatics Alternatives Analysis section starts with "Impacts to fisheries and aquatic resources would stem from changes in water availability and water quality and are likely to follow the impacts outlined under Section 4.6 Surface Water Resources". Please consider expanding this section to include further detail regarding water availability and water quality in both the Affected Environment and Alternatives Analysis for Aquatic and Fisheries Resources. What habitat components are at risk and what degree of impact is anticipated? What species or life stage would be affected and to what degree could that effect impact the population?

USFS-70 70. Pg. 208. 4.18. The DRAFT Alternative Analysis for Aquatic and Fisheries Resources is qualitative, very general, and lacks sufficient detail to make informed determinations regarding impacts to aquatic resources in the project area. Please consider including the following recommendations:

- Quantitatively evaluate the impact of potential water temperature departure, on a seasonal basis, from existing groundwater input to proposed outflow discharges on aquatic resources in the Fish, Basin, and Moose creek drainages.
- Quantitatively evaluate the impact of proposed outflow discharges, on a seasonal basis, on aquatic resources in the Fish, Basin, and Moose creek drainages.

- USFS-71 71. Quantitatively evaluate the impact of potential acid generation and heavy metal release from waste rock on aquatic resources in the Fish, Basin, and Moose creek drainages.
- USFS-72 72. Quantitatively evaluate the impact of road sediment, dust, plowing, deicing, etc., from proposed ore hauling routes on aquatic resources in the Fish, Basin, Blacktail, and Moose creek drainages.
- Quantitatively evaluate the potentially beneficial impact of proposed road improvements proposed on ore hauling routes on aquatic resources in the Fish, Basin, Blacktail, and Moose creek drainages.
- USFS-73 73. Pg. 209-210. 4.18.2.2. Aquatic and Fisheries Resources. The section regarding post mining adit flooding states “Once BHJV stops actively pumping and redistributing the water from the mine, mine flooding would take up to eight years to fully recharge groundwater levels” and “As the mine floods the historic springs and seeps could be reestablished. The interim period between cessation of dewatering and groundwater recharge may affect fish populations”. Please include further detail relating the uncertainty related to water quantity and risk to sensitive species by stream. Please consider including how this uncertainty would be monitoring and mitigated.
- USFS-74 74. Pg. 210-211. 4.18.3 – 4.18.3.4. Cumulative Impacts. This section states that “There are no related future actions currently proposed or in the permitting process that would affect fish or aquatic resources in the general vicinity of the proposed BHJV Mine”, therefore there are “no cumulative impacts to fisheries” under any alternative. Cumulative impacts are defined in MEPA as “collective impacts on the human environment when considered in conjunction with other past, present, and future actions related to the proposed action by location and generic type. Cumulative impact analysis includes a review of all state and nonstate activities that have occurred, are occurring, or may occur that have impacted or may impact the same resource as the proposed action” (A Guide to the MONTANA ENVIRONMENTAL POLICY ACT Revised by Hope Stockwell, 2013 Legislative Environmental Policy Office Environmental Quality Council Helena, MT, Internet: <http://leg.mt.gov/eqc>).
- USFS-75 75. Please consider the cumulative impact of this mining proposal on aquatic resources in the Fish, Basin, Blacktail, and Moose creek drainages in conjunction with past and present impacts from roads, livestock grazing, irrigation dewatering, etc.. Both Fish and Moose creeks are 303d listed streams, page 99 (section 3.6.4.6 Beneficial Water Use) of the DRAFT EIS includes impairments and probable causes (past and current impacts) that should be considered in cumulative impacts to aquatic resources.
- USFS-76 76. “Fish Creek and Moose Creek are considered “impaired” as reported by the 2012 Section 303(d) list of impaired water bodies in Montana (DEQ, 2012). Fish Creek is impaired from its headwaters to the mouth (19.9 miles) for the following reasons: a) alteration of in stream or streamside vegetative cover, b) low flow alterations, c)

sedimentation/siltation. Probable causes of impairment include grazing in riparian zones, diversions for irrigation systems, and forest roads. Moose Creek is impaired from its headwaters to the mouth (17 miles) for alterations to flow and sediment/siltation with irrigation as the probable cause (DEQ, 2012). Fish Creek is identified as not supporting beneficial uses of aquatic life and primary contact recreation. Moose Creek is identified as not supporting aquatic life and partially supporting primary contact recreation.”

- USFS-77 77. Pg. 210 Aquatic and Fisheries Resources. Section 4.18.1.3. The statement that the “Use of the Highland Road (North)/Roosevelt Road haul route would have no additional impacts to fisheries and aquatic resources” is un-substantiated. The FEIS could disclose the existing fisheries and road BMP issues, reference sediment analysis in the Forest Service -- Water Resources Report, and describe Alternative 3 (North Alternative Route) projected BMP and drainage improvements.

Wildlife

Chapter 3-Affected Environment

- USFS-78 78. Table 3.17-1 p. 146 The only species that should not have a yes in the verified occurrence on the B_D is the Preble’s shrew on this page of the special status species. Please correct Grizzly bear, northern goshawk, hoary bat, and golden eagle all should have a yes in BDNF and Silver Bow County.
- USFS-79 79. p.146, States that grizzly bear were recently spotted in Silver Bow County, which is true. Make sure this is consistent where grizzly bears are mentioned through the document

Chapter 4- Wildlife

- USFS-80 80. p. 205, Consider toning down the discussion regarding road kill. The FS biologist consulted with MTFWP biologist Vanna Boccadori and she indicated that road kill has not been much of an issue in this area. Although it is likely to increase to some extent, the elk herds tend to stay on one side or the other of the road and not frequently cross over.
- USFS-81 81. p. 206-207, Consider mitigation for Townsend big-eared bats during closure of mine adits to include revegetation and monitoring for presence of bat species.
- USFS-82 82. p. 206, In 2014 all of the B_D will enact the mandatory food storage order. This will apply to the mining activity so please include.

Vegetation, Weeds, Botany:

Chapter 2-Vegetation

- USFS-83 83. Pg. 81 states that the project area is dominated by fir and western larch. I had to check with the silviculturist to be sure, but indeed, western larch is not known to occur on our forest. Subalpine larch does occur, but is not known to occur on the District.

Chapter 4-Vegetation

USFS-84 84. Pg. 172 states that the proposed action would “benefit” noxious weed populations. I’m just not sure that is the appropriate wording. At first I was thinking it was going to do something beneficial in reducing weed populations, but no. You may want to say something like, “the proposed action may increase noxious weed populations.”

Botany-General

USFS-85 85. Sensitive plants were referred to in three different ways through the DEIS:
USFS-86 86. -sensitive plants
USFS-87 87. -rare plants
USFS-88 88. -and special status plants.
USFS-89 89. This is confusing and would be easier for the public to understand if the terminology was consistent.

Recreation:

USFS-90 90. p. xxiii Add to the glossary the definition of Research Natural Area
USFS-91 91. An area that illustrates or typifies for research or educational purposes, the important forest and range types in each forest region, as well as other plant communities that have special or unique characteristics of scientific interest and importance (36 CFR 1251.23).

Chapter 3 Effected Environment

USFS-92 92. p. 134 3.14.3.3 Should be titled Recreational Mountain Bike Use
USFS-93 93. This section addresses the shared use of these roadway facilities with mountain bikers, scenic driving, hunting, etc. The last sentence regarding the Butte 100 Mountain Bike Race is incorrect and should be deleted.
USFS-94 94. 3.15.3.1, p. 136 Jocelyn is checking on whether Butte Silver Bow Water, Inc. actually has inholdings along Basin Creek and will get back to you.
USFS-95 95. 3.15.3.2, p. 137 key use bullets should state:
USFS-96 96. The Burton Park Management Area, southwest of the BHJV Mine, is managed for dispersed recreation opportunities and secure winter wildlife habitat.
USFS-97 97. The Humbug Management Area, west of the BHJV Mine, is managed for dispersed opportunities, timber production, and livestock grazing.
USFS-98 98. The Table Mountain Recommended Wilderness Management Area is managed to protect wilderness characteristics and provides for year-round non-motorized recreation and hunting opportunities.
USFS-99 99. The second paragraph should state:
The Basin Creek Management Area is managed to protect water quality within the Basin Creek Watershed. Public entry to portions of the area is prohibited year-round for public health and safety. Winter non-motorized allocations provide wildlife security and protect water quality. Recreational use is not encouraged. Exceptions include the Highland (Moose Creek) Road which traverses the east side, Trail #108 on the west side, and the Continental Divide National Scenic Trail along the upper boundary.
USFS-100 100. Activities above the Basin Creek Dam are restricted to those which contribute to watershed protection.

- USFS-101 101. The Basin Creek/Highland rest area should be called the Highlands Trailhead. There is also a utility transmission line that runs to Red Mountain.
- USFS-102 102. 3.15.3.3 p. 137, I believe the railroad is actually the Union Pacific, not the BNSF. Please confirm this.
- USFS-103 103. Figure 3.16-1 p. 140, Title should refer to the Highlands Trailhead not Rest Area.
- USFS-104 104. p. 141, Should read: The proposed mine project is not visible from any major road. However a public trailhead and dispersed camping (Highlands Trailhead) for the CDNST is located adjacent to the property. This would provide a recreational hiker, mountain biker, or horseback rider as well as vehicular public access Other viewing opportunities should include recreationalists and hunters on-foot or horseback along the CDNST.

Thank you for allowing us the opportunity to provide comments. We look forward to working with you as you address our comments.

Sincerely,

/s/ David A Sabo

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Butte / Jefferson District Ranger
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Attachments:

- FS Detailed Water Quality Report for Butte Highland Mine Road Use Project
- FS Detailed Air Quality Report for Butte Highland Mine Road Use Project
- Two Comment letters from the Kelley's Attorneys
- Letter from Butte –Silver Bow City County Council of Commissioners



November 9, 2013

Jeffery Herrick
EIS Project Coordinator
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Re: Draft Environmental Impact Statement for the Butte Highlands Joint Venture Project

Dear Mr. Herrick,

The Clark Fork Coalition appreciates the opportunity to comment on the Draft Environmental Impact Statement for gold mine proposed by Butte Highlands Joint Venture. The Clark Fork Coalition is a river conservation organization founded in 1985 to protect and restore clean water throughout the Clark Fork watershed. Our 2,700 supporting members include river recreationists, businesses, and people who wish to protect clean water and aquatic resources throughout the Clark Fork watershed.

Our comments center on four interrelated categories: surface and groundwater quality, surface water quantity, impacts to wetlands, and impacts to fisheries.

Surface and Groundwater Quality

As described in Section 2.6.3.1 Mine Flooding: *"The discharged water may not meet non-degradation standards with respect to pre-mining discharge water quality because of chemical changes resulting from grouting of mine inflows, backfilling of portions of the mine workings using cemented mine wastes, and nitrogen compound residues resulting from explosives used during mining."*

As a result, BHJV will treat all discharged mine water using reverse osmosis or other water treatment measures. The DEIS does not provide potential projections of future mine water quality, and therefore does not specify the type of water quality treatment that BHJV would provide. Consequently, the potential effectiveness of a water treatment system is still unknown.

Mitigation options should be listed in the event that water treatment can't perform as expected or in case the treatment system experiences an upset.

Water quality in wells suggests that the ore body currently produces elevated levels of copper, selenium, and iron in groundwater, and in kinetic testing, the Wolsey Formation composite released copper, iron, and selenium at concentrations which briefly exceeded surface water standards in early weeks of the testing. This raises the concern that once mining ceases and the

CFC-1

CFC-2

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old adit is plugged, and once the water table recovers enough that groundwater begins to discharge to seeps, springs and creek headwaters, it is possible that diffuse sources of poor quality groundwater may negatively impact streams. In Section 4.6.1.2 Proposed Action (Impacts to Surface Water), BHJV proposes to *“control water levels within the mine workings at an elevation that would prevent discharge from any such springs. This water would be directed into a subsurface LAD system to allow attenuation of any elevated parameters (metals, nitrates, TSS) via flow through soils within the LAD area. Depending upon the location of such an LAD area, a reduction of baseflow may occur to one or more of the three basins, while an increase in flow may occur to the LAD receiving waters.”* It is not clear whether this would be practical given the potentially diffuse nature of groundwater discharge, whether the subsurface LAD could accommodate the volume of discharge, or whether subsurface soil filtering would provide a long-term solution to water quality treatment. Furthermore, while subsurface LAD may solve potential water quality problems, it would further exacerbate water quantity issues if all flow is directed to a LAD area in only one of the three watersheds, decreasing streamflow in the other two. Consequently, the potential for requiring operation of a treatment facility after mine closure must be considered.

The Agency-Mitigated Alternative specifies additional groundwater and surface water monitoring, but the specific design and purpose of this additional monitoring remain vague. Would monitoring increase spatially or temporally, or both? What specific questions would the stepped-up monitoring try to address?

Surface Water Quantity

As a result of the mine site straddling the divide between three watersheds, the DEIS states that future allocation of groundwater discharge to each of the watersheds may change post-mining once the water table recovers. Once the historic Highlands adit is plugged, *“It is not known what fractions of this water volume would discharge into Basin Creek, Fish Creek, and Moose Creek watersheds because streamflow data were not collected prior to development of the historic mine during the 1930s.”* Further, *“The groundwater model was based on very limited field data and the results may not accurately quantify the actual effects of dewatering.”* Groundwater flow at the mine site is not even characterized well enough for the DEIS to present a potentiometric map of the site showing groundwater flow conditions under current conditions. As noted in Section 3.7.3.1 Hydrostratigraphy, *“Given the limited number of groundwater monitoring locations, a groundwater elevation contour map would not be very representative.”* This lack of certainty in both current and future groundwater flow makes it difficult to predict how stream baseflow in the three watersheds (Basin Creek, Fish Creek and Moose Creek) will be affected, and this in turn increases the uncertainty about impacts on wetlands and fisheries.

CFC-6

Water quantity will also be affected during the life of the mine as treated water is discharged to Basin Creek, Fish Creek and Moose Creek in quantities substantially above baseflow. While the geomorphic study conducted for the MPDES permit described these streams as stable to marginally stable, the analysis assumed dewatering discharge quantities for baseflow conditions. Seasonal recharge flows may be larger, requiring dewatering greater than 750 gpm, and causing more destabilization of streams than expected. Streams should be regularly monitored for down-cutting or excessive bank erosion, and mitigation measures should be required if this occurs.

CFC-7

Impacts to Wetlands

The Basin Creek Research Natural Area (RNA) is located within one mile of the mine portal, downstream of the study area. *“Numerous ponds and wetlands are located along Basin Creek within the RNA. Basin Creek RNA features spruce habitat types and wetland communities typical of the Beaverhead-Deerlodge National Forest. High water tables within Basin Creek support lush riparian vegetation (MTNHP, 2013).”* As mentioned in the previous section, post-mine distribution of groundwater flow to springs and seeps in each of the three watersheds is highly uncertain, as is the ultimate extent of dewatering. Although this area will have sufficient water during mining, and during the eight years while the water table recovers (BHJV proposes to supply water to the wetlands during this period), it is not clear whether post-mine groundwater discharge will be sufficient to maintain these wetlands after the water table recovers if it turns out that more water ends up going to Fish Creek or Moose Creek. We note that Research Natural Areas are supposed to be “permanently protected and maintained in natural conditions, for the purposes of conserving biological diversity, conducting non-manipulative research and monitoring, and fostering education.” The DEIS does not contemplate how the RNA would be protected under a worst-case situation where the Basin Creek watershed loses substantial groundwater discharge.

CFC-8

Impacts to Fisheries

Many of the impacts listed above would have potentially deleterious impacts on fisheries. At least two of the creeks, Basin Creek and Fish Creek, contain native westslope cutthroat trout, which are a species of special concern in Montana. These streams would experience year-round increases in flow during the life of the mine, but the DEIS does not discuss how this might affect habitat and conditions for various components of the fishes life cycle, particularly spawning and rearing. Nor does it address potential stream temperature changes or potential interaction with competitor species.

CFC-9

Once the mine is closed, the flow of treated water would stop for a period of up to eight years until the water table has recovered to pre-mining levels. This would be potentially disastrous to the fishery. As stated in Section 4.18.2.2 Proposed Action, *“Any stream dewatering could strand and kill individual fish,*

interrupt reproductive migration (spawning), or cause egg mortality depending upon when the dewatering occurred seasonally and how long the dewatering persists.” Mitigation, such as continuing to pipe treated water in lower (pre-mining) quantities, should be considered even if it means that the water table takes somewhat longer to recover. A phased approach to decreasing flows should be implemented at the end of mining. The DEIS does not describe any mitigation to solve this problem.

CFC-10

Overall, we are concerned that the extent of impacts in all of these categories remains somewhat uncertain and difficult to fully predict in advance, and that potential mitigation measures and contingency actions are not yet fully developed. The DEIS mentions a few possible mitigation scenarios, but for the most part remains vague. We feel that mitigation measures need to be more fully addressed before this project can move forward. Thanks again for the opportunity to comment on this proposal.

Sincerely,

A handwritten signature in cursive script that reads "Christine Brick".

Christine Brick
Science Director

November 12, 2013

Jeffrey Frank Herrick
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59601

Transmitted via email to buttehighlandscomments@MT.gov--please acknowledge receipt!

RE: Butte Highlands Joint Venture Mine DEIS

Dear Mr. Herrick;

Thank you for the opportunity to comment. Please accept these comments on the Draft Environmental Impact Statement (DEIS) for the Butte Highlands Joint Venture's (BHJV) gold mine on behalf of the Alliance for the Wild Rockies, Montana Ecosystem Defense Council and Native Ecosystem Council.

The DEIS says on page 201 that the Highland Road (North Roosevelt Drive) would have fewer impacts than the proposed haul route and fewer trips. Common sense says the North Roosevelt Drive route should be selected because of fewer impacts. Please better explain why this route isn't the preferred route.

The Alliance for the Wild Rockies, Montana Ecosystem Defense Council and Native Ecosystems Council (collectively "Alliance") submit the following comments to guide the development of the environmental analysis for the proposal. Alliance has reviewed the statutory and regulatory requirements governing mining projects, as well as the relevant case law, and compiled a check-list of issues that must be included in the Final EIS for the Project in order for the DEQ's analysis to comply with the law. Following the list of necessary elements, Alliance has also included a general narrative discussion on possible impacts of the Project, with accompanying citations to the relevant scientific literature. These references should be disclosed and discussed in the Final EIS for the Project.

I. NECESSARY ELEMENTS FOR PROJECT EIS:

- A. What species will be negatively affected by this project;
- B. What species will benefit from this project;
- D. Disclose the acreages of past, current, and reasonably foreseeable logging, grazing, and road-building activities within the Project area;
- C. Solicit and disclose comments from the Montana Department of Fish, Wildlife, and Parks regarding the impact of the Project on wildlife habitat;
- D. Disclose the biological assessment for the candidate, threatened, or endangered species with potential and/or actual habitat in the Project area;
- E. Disclose the biological evaluation for the sensitive and management indicator species with potential and/or actual habitat in the Project area;
- F. Disclose DEQ's record of compliance with its water monitoring requirements;
- G. Disclose how much nitrates will be released into surface water due to this project;
- H. Disclose the results of the field surveys for threatened, endangered, sensitive, and rare plants in each of the proposed units;
- I. Disclose the level of current noxious weed infestations in the Project area and the cause of those infestations;
- J. Disclose the impact of the Project on noxious weed infestations and native plant communities;
- K. Please disclose how this project will affect lynx and lynx habitat;

- L. Please formally consult with the U.S. Fish and Wildlife Service on the impact of this mining project on lynx and lynx habitat
- M. Disclose the amount of detrimental soil disturbance that currently exists in each proposed unit from previous logging and grazing activities;
- N. Disclose the expected amount of detrimental soil disturbance in each unit after ground disturbance and prior to any proposed mitigation/remediation;
- O. Disclose the expected amount of detrimental soil disturbance in each unit after proposed mitigation/remediation;
- P. Disclose the analytical data that supports proposed soil mitigation/remediation measures;
- Q. Disclose the amount of current habitat for old growth and mature forest dependent species in the Project area;
- R. Disclose the amount of habitat for old growth and mature forest dependent species that will remain after Project implementation;
- S. Disclose the method used to model old growth and mature forest dependent wildlife habitat acreages and its rate of error based upon field review of its predictions;
 - T. Disclose the baseline condition, and expected sedimentation during and after activities, for all streams in the area;
 - U. Does the mining company have a water right for this project? I assume this is a closed basin.
 - V. How will the proposed mining project affect grizzly bears? Please formally consult with the U.S. Fish and Wildlife Service on the impact of the project on grizzly bears and grizzly bear habitat.
 - W. How will this project affect wolverines? Please formally consult with the U.S. Fish and Wildlife Service on the impact of the project on wolverines and wolverine habitat.

Weeds

Native plants are the foundation upon which the ecosystems of the Forest are built, providing forage and shelter for all native wildlife, bird and insect species, supporting the natural processes of the landscape, and providing the context within which the public find recreational and spiritual opportunities. All these uses or values of land are hindered or lost by conversion of native vegetation to invasive and noxious plants. The ecological threats posed by noxious weed infestations are so great that a former chief of the Forest Service called the invasion of noxious weeds “devastating” and a “biological disaster.” Despite implementation of “best management practices” (BMPs), noxious weed infestation in Montana is getting worse and noxious weeds will likely overtake native plant populations if introduced into areas that are not yet infested. The Forest Service has recognized that the effects of noxious weed invasions may be irreversible. How does DEQ feel about this? Even if weeds are eliminated with herbicide treatment, they may be replaced by other weeds, not by native plant species.

Invasive plant species, also called noxious weeds, are one of the greatest modern threats to biodiversity on earth. Noxious weeds cause harm because they displace native plants, resulting in a loss of diversity and a

change in the structure of a plant community. By removing native vegetative cover, invasive plants like knapweed may increase sediment yield and surface runoff in an ecosystem. As well knapweed may alter organic matter distribution and nutrient through a greater ability to uptake phosphorus over some native species in grasslands. Weed colonization can alter fire behavior by increasing flammability: for example, cheatgrass, a widespread noxious weed on the Forest, cures early and leads to more frequent burning. Weed colonization can also deplete soil nutrients and change the physical structure of soils.

Roads are often the first place new invader weeds are introduced. Vehicle traffic and soil disturbances from road construction and maintenance create ideal establishment conditions for weeds. Roads also provide obvious dispersal corridors. Roadsides throughout the project area are infested with noxious weeds. Once established along roadsides, invasive plants will likely spread into adjacent grasslands and forest openings.

Please address the ecological, social and ascetic impact of current noxious weed infestations within the project area. Include an analysis of the impact of the actions proposed by this project on the long and short term spread of current and new noxious weed infestations. What treatment methods will be used to address growing noxious weed problems? What noxious weeds are currently and historically found within the project area? Please include a map of current noxious weed infestations which includes knapweed, Saint Johnswort, cheat grass, bull thistle, Canada thistle, hawkweed, hound's-tongue, oxeye daisy and all other Category 1, Category 2 and Category 3 weeds classified as noxious in the MONTANA COUNTY NOXIOUS WEED LIST. State-listed Category 2 noxious weed species yellow and orange hawkweeds are recently established (within the last 5 to 10 years) in Montana and are rapidly expanding in established areas. They can invade undisturbed areas where native plant communities are intact. These species can persist in shaded conditions and often grow underneath shrubs making eradication very difficult. Their stoloniferous (growing at the surface or below ground) habit can create dense mats that can persist and spread to densities of 3500 plants per square mile (Thomas and Dale 1975). Are yellow and orange hawkweeds present within the project area?

Please address the cumulative, direct and indirect effects of the proposed project on weed introduction, spread and persistence that includes how weed infestations have been and will be influenced by the following management actions: road construction including new permanent and temporary roads, and skid trails proposed within this project; opening and decommissioning of roads represented on forest service maps; ground disturbance and traffic on forest service template roads, mining access routes, and private roads; removal of trees through commercial and pre-commercial logging and understory thinning; and prescribed burns. What open, gated, and decommissioned Forest Service roads within the project area proposed as haul routes have existent noxious weed populations and what methods will be used to assure that noxious weeds are not spread into the proposed action units?

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

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

When areas treated with herbicides are reseeded on national forest land, they are usually reseeded with exotic grasses, not native plant species. *What native plant restoration activities will be implemented in areas disturbed by the actions proposed in this project? Will disturbed areas including road corridors, skid trails, and burn units be planted or reseeded with native plant species?*

The scientific and managerial consensus is that prevention is the most effective way to manage noxious weeds. The Forest Service concedes that preventing the introduction of weeds into uninfested areas is “the

most critical component of a weed management program.” Does DEQ share this belief? The Forest Service’s national management strategy for noxious weeds also recommends “develop[ing] and implement[ing] forest plan standards” and recognizes that the cheapest and most effective solution is prevention. *Which units within the project area currently have no noxious weed populations within their boundaries? What minimum standards does DEQ have to address noxious weed infestations? Please include an alternative in the EIS that includes land management standards that will prevent new weed infestations by addressing the causes of weed infestation.,the omission of an EIS alternative that includes preventive measures would violate MEPA because DEQ would fail to consider a reasonable alternative.*

Rare Plants

The ESA requires that DEQ conserve endangered and threatened species of plants as well as animals.

What threatened, endangered, rare and sensitive plant species and habitat are located within the proposed project area? What standards will be used to protect threatened, rare, sensitive and culturally important plant species and their habitats from the management actions proposed in this project? Describe the potential direct and indirect effect of the proposed management actions on rare plants and their habitat.

DEQ has the legal authority to deny mining permits (even with 1872 Law in effect) if the environmental harm outweighs the benefits of the project. This analysis was not adequately done.

MEPA requires DEQ to consider a reasonable range of alternatives. DEQ has not demonstrated that the limited number of alternatives presented in the DEIS adequately protect, Threatened & Endangered species, the viability of species, water, or other resources of concern.

A Cumulative Effects

The environmental analysis should have given better consideration to the cumulative effects of all past logging, mining, grazing, and road building activities in the vicinity of the project area.

In addition, the environmental analysis for the project should have considered, as part of the cumulative effects, the mining activity that may take place if these explorations yield valuable amounts of the minerals being sought. As a reasonably foreseeable future action, the Environmental Analyses should have considered the impacts of potential mining activities. This potential damage to the integrity of our

public lands associated with the project and subsequent loss of biodiversity is an important issue to be considered.

DEQ should have analyzed whether there are any direct, indirect, connected or cumulative effects associated with this project, over an appropriate analysis area, for all resources of concern. DEQ should have disclosed whether any events could lead this operation to have a larger than anticipated scale or unforeseen consequences. Would DEQ be obligated to grant a permit for more extensive mineral activities under any circumstances? DEQ should analyze the full impacts of this project, taking into account all connected actions that are foreseeable consequences of granting this permit.

Other roadbuilding, logging, mining, grazing, and other habitat manipulation could be occurring in the cumulative effects area for the project, but the EA does not say. We are concerned that DEQ is using a piecemeal approach in violation of MEPA. Past, present and reasonably foreseeable actions should be analyzed.

Roads

The environmental analysis should grant thorough consideration to the cumulative effects of all past logging, mining, grazing, and road building activities in the vicinity of the project area. This potential damage to the integrity of our public lands associated with the project and subsequent loss of biodiversity is an important issue to be considered. We are concerned about the potential for hazardous materials to enter the environment due to this project.

Roads and ORV routes often have devastating impacts on water quality and fish habitat by increasing landslides, erosion, and siltation of streams. Roads also fragment forests and degrade or eliminate habitat for species that depend on remote landscapes, such as grizzly bears, wolves, and other large, wide-ranging predators (Trombulak and Frissel 2000). The current condition of the existing roads and their potential to degrade water quality should be considered. The current road density must be disclosed. We request a thorough explanation of monitoring or other means that will be enacted to ensure that the roads do not further degrade water quality in the future. We request a discussion of the impact of the motorized routes existing and proposed in the project area and vicinity.

Water

Both surface water and groundwater may be adversely affected by mining operations. Surface waters may be dirtied by increased sediment levels due to erosion, increased flows from runoff, and by the use of roads. DEQ has a duty to ensure that its actions will not lead to violations of water quality standards and other provisions of state water quality programs, and it is responsible for gathering the needed data and determining the likely impacts of mining and other mineral activities.

Fish populations in streams within the analysis area and downstream were not thoroughly analyzed. The impact of the project on fish with stringent habitat requirements for rivers with cold, connected, clean, and structurally complex must be considered. Erosion, sedimentation, and chemical contamination of surface water destroy fish habitat. We are particularly concerned with the potential for the project to impact the TES aquatic/riparian species omitted from the analysis.

Federal anti-degradation regulations issued under the Clean Water Act require full maintenance and protection of existing uses from both point and non-point sources of pollution. (40 C.F.R. 131.12). As the EA noted on page 25, Sheep Creek is on the 303(d) listing status for impaired water bodies, water quality limited segments, (WQLS), under the Clean Water Act and Montana water quality regulations. Because beneficial uses have already been impacted in project area streams, restoration and prevention are the only reasonable options for the DEQ to comply with federal anti-degradation standards. A Total Maximum Daily Load, (TMDL) has not been completed. We believe a TMDL should be approved before this project is authorized.

DEQ needs to wait on granting additional mineral exploration until the TMDL is completed since the source of the water pollution is past mining. It is a violation of the Clean Water Act and MT water to put more pollution into a WQLS stream without a TMDL.

There needs to be a better more detailed explanation of the impact of this proposal on streams on the 303(d) list. Are the TMDLs all done for streams on the 303 (d) list? Will this proposal comply with the TMDLs? This needs to be examined as part of the final EIS.

The DEIS says that the project must get a MPDES permit but doesn't say if they have. The terms of the MPDES permit must be disclosed in the Final EIS so the public can see it.

This proposed mine will affect Basin Creek which is a drinking water source for the city of Butte. Does this project comply with the Clean Water Act and Montana water quality regulations?

Does this proposed mine comply with Montana's Constitution Clean and Healthful provision?

Wildlife and Native Plants

The project has a potential to affect wildlife by disrupting wildlife movement patterns and degrading habitat. DEQ must provide a thorough analysis of any threatened, endangered, or sensitive species within the project area. Your search for wildlife seems to be arbitrary. How did you search for wildlife and how often? DEQ must provide a thorough analysis of ungulate species (including elk, mule deer, mountain goats, and other species within the project area). Species that have the potential to migrate through the project area must also be considered. Potential impacts to all species should be thoroughly analyzed. Species should be inventoried on-the-ground if adequate population information does not currently exist. The potential for fragmentation of wildlife habitat associated with the project should be thoroughly assessed.

DEQ should have considered whether this activity would impact any T&E species, or their habitat. Impacts to biological communities, rare plants, alpine plants, and other plant species of concern should be considered.

THE PROJECT VIOLATES SECTION 9 BECAUSE IT ALLOWS UNPERMITTED TAKE.

The project allows unpermitted take of lynx, wolverine, whitebark pine.

The EA violates the ESA for the reasons set forth below. Additionally, the agencies' failure to implement legally adequate and scientifically sound management direction for grizzly bears, lynx, wolverines, and whitebark pine also violates the ESA as set forth below.

**THE AGENCIES MUST COMPLETE A BIOLOGICAL ASSESSMENT,
BIOLOGICAL OPINION, INCIDENTAL TAKE STATEMENT FOR WHITEBARK
PINE.**

The agencies do not have in place any biological assessment, biological opinion, incidental take statement, and management direction amendment for whitebark pine.

**THE AGENCIES MUST CONDUCT ESA CONSULTATION FOR THE
WHITEBARK PINE.**

Whitebark pine is present throughout the analysis area for the Project. There may be whitebark pine on the mine site. The agencies' failure to conduct ESA consultation for a species that may be present and may be affected by the Project violates the ESA. Whitebark pine is currently warranted for ESA listing and will be listed under the ESA this year, likely pursuant to litigation by the parties, and thus will be listed before this Project is complete, and possibly before the final decision authorizing this Project or before Project activities commence. Regardless, even candidate species must be included in a biological assessment. The EA does not show that surveys have been conducted to determine presence and abundance of whitebark pine re-generation or if whitebark pine seedlings and saplings are present, what measures will be taken to protect them.

**THE AGENCIES MUST COMPLETE A BIOLOGICAL ASSESSMENT,
BIOLOGICAL OPINION, INCIDENTAL TAKE STATEMENT FOR THE
WOLVERINE.**

The agencies do not have in place any biological assessment, biological opinion, incidental take statement, and management direction amendment for wolverines.

**THE AGENCIES MUST CONDUCT ESA CONSULTATION FOR THE
WOLVERINE.**

Wolverines may be present in the Project area. The agencies' failure to conduct ESA consultation for a species that may be present and may be affected by the Project violates the

ESA. Wolverines are currently warranted for listing under the ESA. As the agencies are well aware, the scheduled, court ordered listing date for the wolverine is this year. The U.S. FWS has recently filed documents committing to listing wolverine under the ESA. Accordingly, the wolverine will be listed under the ESA before the final decision is made to authorize and implement this Project, and long before any project activities commence. Regardless, even candidate species must be included in a biological assessment. DEQ needs to do a ESA consultation that recognizes the wolverine as an ESA-listed species in the project area.

Lynx

Maps printed by the Montana Department of Fish Wildlife and Parks indicate there are lynx in the area. The Endangered Species Act formal consultation with the U.S. Fish and Wildlife Service since there was a may effect determination on lynx.

The failure of the DEIS to adequately analyze these cumulative effects only increases this illegal taking, in violation of the Endangered Species Act.

Clearly the implementation of this project will adversely impact lynx and therefore results in a “taking,” which is prohibited under section 9 of the ESA. Since an Incidental Take Statement for lynx has not yet been issued for this project and conditions that would reduce the level of take, formal consultation as required under Section 7 of the ESA should be concluded in order to establish terms and conditions that would minimize the taking of lynx during project activities.

THE AGENCIES MUST CONDUCT ESA CONSULTATION FOR

Grizzly Bears.

The implementation of this project will adversely impact grizzly bears and therefore results in a “taking,” which is prohibited under section 9 of the ESA. Since an Incidental Take Statement for grizzly bears has not yet been issued for this project and conditions that would reduce the level of take, formal consultation as required under Section 7 of the ESA should be concluded in order to establish terms and conditions that would minimize the taking of grizzly bears during project activities.

Economics

A current economic analysis needs to be completed to ensure mining is economically feasible. This needs to be included in the Final EIS. for public review. Please explain how the bond is set and demonstrate that the bond is adequate.

Losses in ecosystem integrity (including species, ability to provide ecosystem services, and levels of biodiversity in the project area) should have been incorporated in the economic analysis. The analysis should have addressed whether mineral holders (here and elsewhere) acquired, have developed, and plan to develop the mineral rights at fair market value and fair market rates. The issue of potential government subsidies to mineral holders and adverse economic impacts of such subsidies on other mineral developers (here and elsewhere) who acquire or develop minerals at fair market value should be addressed. The analysis should identify what amount and proportion of acquisition, exploration, development and damage repair are subsidized by the government and disclose whether this maximizes net public benefits.

The DEIS does not document how the project and the selected alternatives maximize net public benefit. This needs to be corrected in an Final EIS. In other words, you should have given consideration to, and adequately document, who benefits by these projects and who pays for them. Numerous inputs and outputs, some of which are quantifiable and others which are more qualitative determine net public benefit. Economic analysis can provide a useful basis for evaluation only if the economic evaluation is comprehensive and documents all costs and benefits related to the proposed action.

The DEIS did not incorporate a wide range of external economic costs which would be passed on to public agencies, outfitters, private landowners, business owners, and others adversely affected by the project in combination with other activities ongoing and planned across the Forest, the Region, and the national forest system, as a whole. These include:

- Decreased private property values in the proposed project area attributable to lost scenic, aesthetic, and recreational values on the lands affected by the proposed timber sale and other timber sales in this area;
- costs incurred by county and state governments related to repair and maintenance of roads damaged by mine trucks;
- costs incurred by county and state governments as well as private individuals related to loss of life or personal injury from collisions with or accidents caused by mine trucks transporting ore from national forest system lands;
- Lost revenue and jobs incurred by those engaged in businesses related to recreation, fisheries, tourism, and other non-mine forest uses that will be precluded by proposed project. Even if the site-specific effects of the proposed project on these uses are small, the cumulative effects of in combination with all others in the affected watersheds may significantly alter the aesthetic attraction of these entire watersheds to the point where business related to non-mine uses are no longer viable;
- Increased filtration costs incurred by private and municipal water users downstream attributable to the

increased sediment load created by the project and all others in the affected watersheds.

In addition, the EIS must adequately discuss or assign value to a wide range of ecosystem services performed by intact forests in proposed project areas. To meet the letter and intent of MEPA, DEQ must analyze the market and non-market benefits of undeveloped forests in analysis area, including:

- Their role in purifying water for downstream users;
- Their role in maintaining long term forest productivity.
- Their role in providing a source of native organisms vital to regeneration and forest development in surrounding areas.

Toxins, Reclamation, and other Issues

DEQ needs to better disclose what amount and level of toxins would be produced or released by this project, how they would be released into the environment, and the impacts on resources in the project area and downstream from the project area.

How much nitrates will be released into the water by this mining project?

The environmental impact statement must include a thorough discussion of reclamation required following mining. What measures will be undertaken to assure that the described reclamation activities are adequately performed and that the exploration will not result in future degradations of water quality? The analysis should consider whether any amount of reclamation could restore the project area to the area's existing wilderness quality. The analysis should consider whether any amount of bond could compensate for the potential risks to the irreplaceable ecosystems here.

There needs to be a more detailed discussion of how are elk, moose, deer and elk and other wildlife affected by this project?

DEQ should have provided information on populations, population trends, habitat, and habitat trends for these species in order to ensure that there are viable populations of species, ensuring local persistence of species, and ensuring the recovery and survival of T&E species.

Thorough wildlife and plant surveys, over an appropriate period of time, should take place. These surveys should be conducted by appropriately trained personnel and should take place at times of the year when applicable plant species are likely to be detectable and identifiable. The analysis should

disclose whether any factors could have affected the ability of surveyors to detect applicable species and should disclose whether any species could have been present, but may have been undetected.

What water quality testing and sampling took place? When? Where? How thorough was it? Is the FS guaranteeing that the same types of mineral, byproducts, and conditions exist here as at the place where the testing took place? If not, what conclusions can be drawn?

The mitigation measures do not address the increased potential for invasive species introduction and spread facilitated by the bare and disturbed ground created by this project .

Thank you for your attention to these concerns. Please keep us on your list to receive further mailings on the proposal.

Sincerely,

And on behalf of:

Michael Garrity

Sara Johnson

Alliance for the Wild Rockies

Native Ecosystems Council

P.O. Box 505
Helena, Montana 59624
406-459-5936

P.O. Box 125
Willow Creek, MT 59760

And for

Steve Kelly, Executive Director

Montana Ecosystems Defense Council

P.O. Box 4641

Bozeman, MT 59772

Tel: (406) 586-4421



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DEQ DIRECTORS
OFFICE

October 24, 2013

Jeffery Frank Herrick
Department of Environmental Quality
PO Box 200901
Helena, MT 59601

Dear Mr. Herrick;

At the Butte Local Development Corporation (BLDC) Board of Directors meeting on October 24th, the Board voted unanimously to submit a letter of support for the Butte Highlands Joint Venture gold mine.

The BLDC is the lead economic development entity for Butte-Silver Bow. We work with new and existing companies in our community to help improve the local economy. We are very familiar with the overall economic impacts that various projects have with the creation of primary and secondary jobs. Mining projects have one of the highest economic multipliers and create some of the highest paying jobs, therefore the overall impact on the economy is very positive.

The BLDC would ask that the DEQ approve the Butte Highlands Joint Venture gold mine project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August, 2013. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of this alternative would terminate this important project.

The BLDC strongly encourages the DEQ to select the Agency's Mitigated Alternative(Highland Road Parallel Alternative) as the ore haulage route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads.

The Highlands Road (North)/Roosevelt Drive Alternative should not be selected as the ore haulage route due to the safety concerns it poses on the homeowners in the Thompson Park area.

The water treatment plant should be located above ground as put forth under the Agency's Mitigated Alternative. Since there is extensive water treatment required under the MPDES discharge permit, access to the plant for maintenance and monitoring is essential and would entail no measurable additional environmental impact.

Upon closure of the historic Highland Mine audit a hydraulic plug should be installed as an important component of the mine closure plan. This closure approach is consistent with the State's policy for abandoned mine land reclamation to restore historic mine sites as close as possible to pre-mining conditions.

The BLDC is very supportive of the Butte Highlands Joint Venture gold mine and the 50 primary and 100 secondary jobs it will support. Butte's history has always included mining. The community appreciates the positive economic impacts that mining brings to our community. We strongly encourage the DEQ to issue the operating permit in a timely fashion in order that this project can commence operation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Smitham".

Jim Smitham
Executive Director



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DEQ DIRECTORS
OFFICE

Marko Lucich, Executive Director
1000 George St.
Butte, MT 59701
Ph: (406) 723-3177 Fax: (406) 723-1215

November 6, 2013

Jeffery Frank Herrick
Department of Environmental Quality
PO Box 200901
Helena, MT 59601

Dear Herrick,

On behalf of the 406 members of The Butte Chamber of Commerce we are submitting this letter of support for the Butte Highlands Joint Venture gold mine.

The Butte-Silver Bow Chamber of Commerce, in conjunction with the BLDC, who is the lead economic development entity for Butte-Silver Bow strongly endorses this project. We work with new and existing companies in our community to help improve the local economy. We are very familiar with the overall economic impacts that various projects have with the creation of primary and secondary jobs. Mining projects have one of the highest economic multipliers and create some of the highest paying jobs, therefore the overall impact on the economy is very positive.

The Butte Chamber of Commerce would ask that the DEQ to approve the Butte Highlands Joint Venture gold mine project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August, 2013. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of this alternative would terminate this important project.

The Chamber strongly encourages the DEQ to select the Agency's Mitigated Alternative (Highland Road Parallel Alternative) as the ore haulage route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads.

The Highlands Road (North)/Roosevelt Drive Alternative should not be selected as the ore haulage route due to the safety concerns it poses on the homeowners in the Thompson Park area.

The water treatment plant should be located above ground as put forth under the Agency's Mitigated Alternative. Since there is extensive water treatment required under the MPDES discharge permit, access to the plant for maintenance and monitoring is essential and would entail no measurable additional environmental impact.

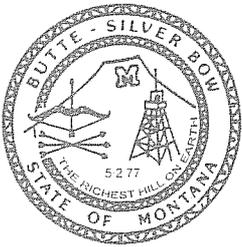
Upon closure of the historic Highland Mine project, a hydraulic plug should be installed as an important component of the mine closure plan. This closure approach is consistent with the State's policy for abandoned mine land reclamation to restore historic mine sites as close as possible to pre-mining conditions.

The Chamber is very supportive of the Butte Highlands Joint Venture gold mine and the 50 primary and 100 secondary jobs it will support. Butte's history has always included mining. The community appreciates the positive economic impacts that mining brings to our community. We strongly encourage the DEQ to issue the operating permit in a timely fashion in order that this project can commence operation.

Sincerely,

Marko Lucich
Executive Director,
Butte Chamber of Commerce

Stephanie Sorini
Marketing and Membership Service Director
Butte Chamber of Commerce



BUTTE-SILVER BOW

Office of Council of Commissioners

Courthouse

Butte, Montana 59701

Item #62

August 12, 2013

David. A. Sabo
Butte/Jefferson District Ranger
1820 Meadowlark Lane
Butte, MT 59701

RE: *Butte Highlands Mine*

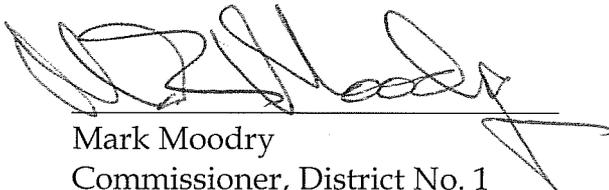
Dear Mr. Sabo,

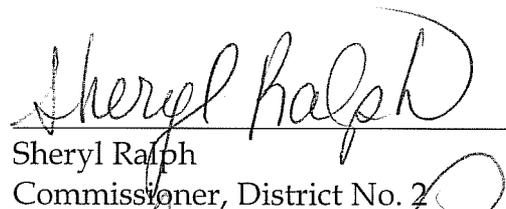
Please accept this letter on behalf of the Butte-Silver Bow City-County Council of Commissioners in regards to the haul road options for the Butte Highlands Mine. It is our understanding based on information provided by your agency and the mine staff that there are two viable options for the mine's proposed haul route: Roosevelt Drive and Highlands-Feely Road.

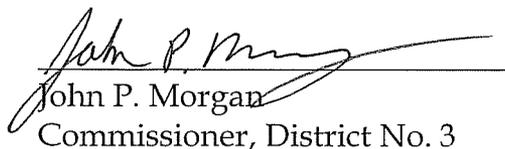
Given the significant amount of information and a preponderance of public comment in opposition to the Roosevelt Drive option, we as the governing body declare that the preferred route of the City-County is the Highland-Feely Road option. This is the City-County governing body's preference due to the following issues: 1. significant road safety concerns, 2. Negative impacts to the wellbeing of our rural residents and multiple-use recreationists utilizing Thompson Park and the Highlands Mountains area, and 3. Environmental impacts to the Blacktail Creek/Silver Bow Creek headwaters watershed. Supporting evidence of these issues has been provided at recent public meetings. Consequently, many of these same issues were previously documented in public comments when residents/citizens voiced similar opposition to the Roosevelt Drive option two years ago.

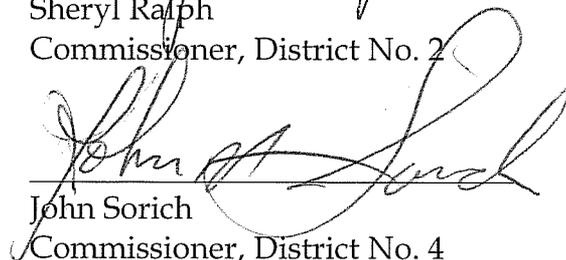
We thank you in advance for your consideration of our preferred option on behalf of the Butte-Silver Bow Council of Commissioners.

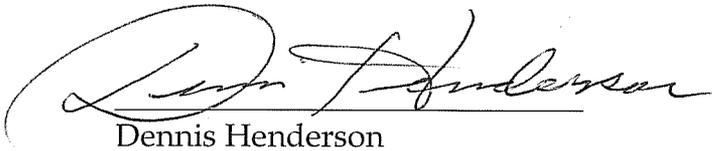
Sincerely,


Mark Moodry
Commissioner, District No. 1

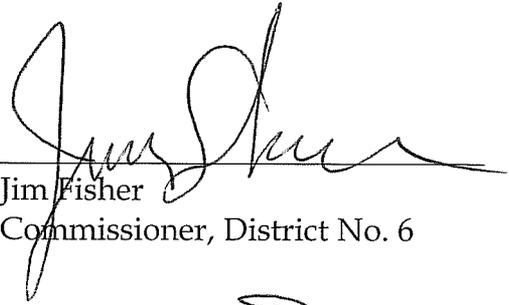

Sheryl Ralph
Commissioner, District No. 2


John P. Morgan
Commissioner, District No. 3


John Sorich
Commissioner, District No. 4



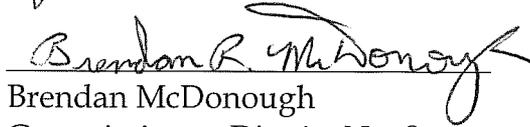
Dennis Henderson
Commissioner, District No. 5



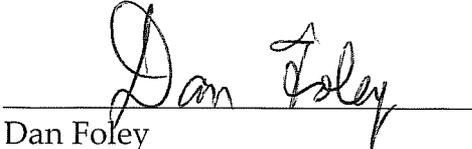
Jim Fisher
Commissioner, District No. 6



Bud Walker
Commissioner, District No. 7



Brendan McDonough
Commissioner, District No. 8



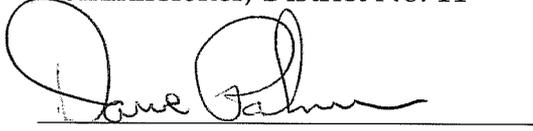
Dan Foley
Commissioner, District No. 9



Cindi Shaw, Chairman
Commissioner, District No. 11



William O. Andersen
Commissioner, District No. 10



Dave Palmer
Commissioner, District No. 12



Phillip J. Curtiss, PhD
 phillip.curtiss@siafutg.com
 406 533 6716
 Office-308

November 5, 2013

Jeffrey Frank Herrick
 Department of Environmental Quality
 PO Box 200901
 Helena, Montana 59601
 (406) 444-3276

Subj: Letter of Support for the Highland Mine Project in Butte, Montana

Dear Mr. Herrick:

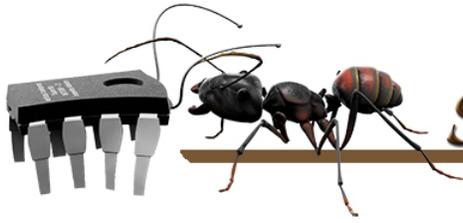
The Department of Environmental Quality ("DEQ") should approve this important proposed project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August 1 st. The Draft Environmental Impact Study ("DEIS") adequately demonstrates the minimal (and acceptable) potential impacts of the proposed mine project. Under no circumstances should the **No Action Alternative** be selected by the DEQ. Selection of the **No Action Alternative** would terminate this important project.

Haulage of ore west from the mine as the DEQ Agency Mitigated Alternative (*Highland Road Parallel Alternative*) should be selected as the route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads. Implementation of this Alternative would require that the Butte Highlands Joint Venture ("BHJV") ore haulage Plan of Operations (POO) be approved by the USFS; this POO would require environmental and road-upgrades (culvert replacements, dust control, erosion controls, etc.) to be implemented. As such, selection of the DEQ Agency Mitigated Alternative will provide broader benefits to the Highlands area that are not economically possible for the Agencies to complete at this time.

The *Highland Road (North)/Roosevelt Drive Alternative ore haulage route* should **not** be selected as safety concerns of dozens of homeowners of Thompson Park should be factored into Alternative selection. In contrast, the Agency Mitigated Alternative would directly impact only one single non-occupant ranch owner. Given minimal environmental impacts, safety should be the primary consideration in route selection.

The Agency Mitigated Alternative to locate the proposed water treatment plant above ground is supported as a reasonable modification to the operation. This would be more readily accessible than an underground location. Given the extensive water treatment requirements of the MPDES (discharge) permit, flexible access to a surface location for plant maintenance and monitoring is sensible and would entail no measurable additional environmental impacts.

65 East Broadway, Suite-310, Butte, Montana 59701
 V: 406-533-6710 • F: 406-533-6830 • www.siafutg.com



SIAFU TECHNOLOGY GROUP LLC

CULTIVATING TECHNOLOGICAL INNOVATION

The proposed closure of the historic Highland Mine adit with a hydraulically plug is supported as an important component of the mine closer plan. This closure approach is consistent with State-wide policy for abandoned mine land reclamation to restore historic mine sites as close as possible to pre-mining conditions.

From an economic perspective, the Proposed Action, or Agency Mitigated Alternative are supported as approximately 50 employees would provide a significant, positive economic benefit to the Butte-Silver Bow community.

Sincerely,

A handwritten signature in blue ink that reads "Phillip J. Curtiss".

Phillip J. Curtiss, PhD

Mr. Jeffery Herrick

MDEQ

Po Box 200901

Helena, Mt. 59601

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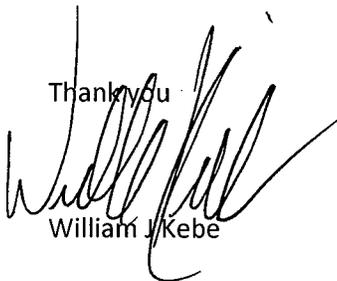
**DEQ DIRECTORS
OFFICE**

Dear Mr. Herrick,

The purpose of this letter is to express our support for the Butte Highlands Mine Joint Venture Gold Mining project located South of Butte. The specific reason of supporting this most important project in south of Butte is the following. First, we believe the preferred route of the haul road is the West on Feely Hill. The Roosevelt Drive route proposed in the beginning should not be considered on the fact of safety reasons. The Feely Hill route has far less impacts to wildlife and to the residents who live in Roosevelt Drive. Second, The Highland Gold Joint Venture would provide the much needed jobs that our economy desperately needs and the much needed tax revenue for Butte Silver Bow.

As per the Environmental Impact Statement released on Oct 10th, 2013 reported, This mine plan has incorporated sound mining practices such as backfilling the tunnels and addressed water quality in the area. Again, we support this project without any reservations.

Thank you



William J. Kebe

Chairman of Merdi Board of Directors

October 24, 2013

Jeffery Frank Herrick
Department of Environmental Quality
PO Box 200901
Helena, MT 59601

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NOV 04 2013
DEQ DIRECTORS
OFFICE

Dear Mr. Herrick;

I would like to submit my personal support for the Butte Highlands Joint Venture gold mine.

I am familiar with the overall economic impacts that various projects have with the creation of primary and secondary jobs. Mining projects have one of the highest economic multipliers and create some of the highest paying jobs, therefore the overall impact on Butte's economy would be very positive.

I ask that the DEQ approve the Butte Highlands Joint Venture gold mine project based on the environmental studies prepared and presented in the Draft Hard Rock Operating Permit of December, 2012 and associated studies, and the MPDES permit issued August, 2013. Under no circumstances should the No Action Alternative be selected by the DEQ. Selection of this alternative would terminate this important project.

I strongly encourage the DEQ to select the Agency's Mitigated Alternative(Highland Road Parallel Alternative) as the ore haulage route of choice west of the Beaverhead-Deer Lodge National Forest. This route would indeed minimize potential impacts to wetlands and streams, minimize construction and reclamation costs, and would minimize fragmentation of private property by new roads.

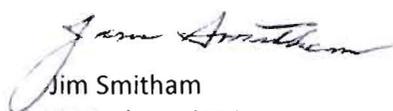
The Highlands Road (North)/Roosevelt Drive Alternative should not be selected as the ore haulage route due to the safety concerns it poses on the homeowners in the Thompson Park area.

The water treatment plant should be located above ground as put forth under the Agency's Mitigated Alternative. Since there is extensive water treatment required under the MPDES discharge permit, access to the plant for maintenance and monitoring is essential and would entail no measurable additional environmental impact.

Upon closure of the historic Highland Mine audit a hydraulic plug should be installed as an important component of the mine closure plan. This closure approach is consistent with the State's policy for abandoned mine land reclamation to restore historic mine sites as close as possible to pre-mining conditions.

I am very supportive of the Butte Highlands Joint Venture gold mine and the 50 primary and 100 secondary jobs it will support. Butte's history has always included mining. The community appreciates the positive economic impacts that mining brings to our community. I strongly encourage the DEQ to issue the operating permit in a timely fashion in order that this project can commence operation.

Sincerely,



Jim Smitham
15 Redwood Drive
Butte, MT 59701

Item #66

James J. Kambich
2835 White Blvd
Butte, Montana 59701

Mr. Jeffery Herrick

MDEQ

P.O. Box 200901

Helena, Mt. 59601

Dear Mr. Herrick,

I, Jim Kambich respectfully submit the following comments regarding the Butte Highlands Joint Venture from two perspectives: First the water management Agency Mitigated Alternative to locate a proposed water treatment plant about ground is supported as a reasonable modification to the operation. This would be a more readily accessible than the underground location. Second, from an Economic perspective the Agency Mitigated Alternative are supportive as approximately 54 jobs will be created and will create an additional 150 support jobs for the project. In addition, the taxes from he mine production gross proceeds tax and the hardrock mining tax are significant to our community .

Thank you for this Opportunity,

Sincerely


Jim Kambich

Butte Highlands Mine EIS:
Draft EIS comment form**RECEIVED**
OCT 28 2013
DEQ DIRECTORS
OFFICE

Butte Highlands Joint Venture (BHJV) has applied to the Department of Environmental Quality (DEQ) for an operating permit for an underground gold mine referred to as the Butte Highlands Project. The Butte Highlands Project is located on the Continental Divide approximately 15 miles south of Butte in Silver Bow County. The Project is situated on patented lands surrounded by the Beaverhead-Deer Lodge National Forest. BHJV's operating permit application can be viewed at <http://deq.mt.gov/hardrock/default.mcp.x>. The comment period for the Butte Highlands Mine Draft EIS began on October 9, 2013 and will end on November 9, 2013. As the lead agency, the DEQ will accept written scoping comments until close of business on November 9, 2013. If you would like to submit a written comment, you may use this form or submit your comment via e-mail. Please provide sufficient detail so that we can accurately address your comment. The Draft EIS can be viewed at <http://deq.mt.gov/eis.mcp.x>.

Written comments and questions may be submitted to Jeffrey Herrick, DEQ – Director's Office, P.O. Box 200901, Helena, MT 59620-0901 or electronically to buttehighlandscomments@mt.gov. Comments must be received by April 9, 2013.

As a resident living along Roosevelt Drive my primary concern is the impact of ore hauling on the road if it is selected. The road is narrow and winding and barely safe when driving a car. There are often "slide offs" in the winter and many more near misses. Roosevelt Drive is also part of the Continental Divide bike route and there are groups of riders on the road in the summer.

I support the proposed gold mine. I have toured the site and feel the developers are using sound environmental practices in these early stages of exploration. I will always worry about water quality of well water with any mining.

It seems there is no really good way to haul the ore off the mountain but I feel any thought of using Roosevelt Drive goes against the protests of the majority of our neighbors and will have a very negative impact on our quality of life.

Linda Johnson 42 Moose Creek Rd
Butte

From: [Bob Worley](#)
To: [DEQ underground mine project](#)
Subject: Highland Gold Mine project
Date: Friday, November 08, 2013 4:48:04 PM

Think the mine project is good one. Adds to the economics area of in providing 50 newjobs. I noticed mine life is expected to be about 5 years. With most mine projects, exploration usuall finds more reserves and extends mine life thus adding to the local economy. Ilike the haul route out through the Moose Creek drainage as It should cause less impact on th e Roosevelt Drive families and also on people who recreate in this area. Mine projects are watched by government agencies much closer today than in the past and I believe mine companies are also much more responsible than past. Minig laws are strict and I feel protct the environment and well being ofour lands.

All in all, I think it is a good project for Butte, the area and Montana.

Bob Worley
3405 Wharton St
Butte,MT.

email: bworley30@yahoo.com



Item #69

November 6, 2013

DEQ-Director's Office
Attn: Jeffrey Herrick
P.O. Box 59620-0901
Helena, MT 59620-0901

Subject: Butte Highlands Joint Venture (BHJV) Project

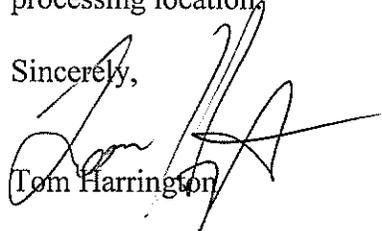
Dear Mr. Herrick,

The Jefferson Local Development Corporation (JLDC) supports the Proposed Action for the Butte Highlands Joint Venture (BHJV) Project. The project has the potential to create a positive economic impact in our area.

It appears a detail analysis of the environmental and water resource impacts has been completed with adequate mitigation measures being proposed. The mine closure reclamation plan will restore some of the natural water flows that existed prior to mining at the site. The potential development will provide employment and contracting opportunities to the area and Section 3.13 doesn't recognize or address the potential impacts to neighboring Jefferson County and Whitehall. It assumes all the direct employment impact is in Butte and due to the small numbers in relation to the 2011 census discounts further analysis. It is probable that many new mine and contract employees, such as truck drivers, may opt to locate in nearby subdivisions and Whitehall which in turn could help increase employment and school enrollment. The potential ore processing at the Golden Sunlight Mine could be a positive factor to sustain milling operations and help extend mine life benefitting the local economy.

The Proposed Action identifies a potential ore haul route and also listed two alternatives. The traffic and public safety concerns are different depending on the route selection and where the ore processing will be accomplished. The route selection could also involve Jefferson County more depending on the ore processing location.

Sincerely,


Tom Harrington

309 East Legion Avenue
P.O. Box 1079
Whitehall, MT 59759

Tel 406.287.3282
Fax 406.287.3287

Email
madisonjefferson1@montana.edu
tmastel@montana.edu
harrington@montana.edu

Web <http://www.jlDCmt.com/>