



United States  
Department of  
Agriculture

Forest Service  
Custer Gallatin National Forest

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Montana Department of Environmental Quality

P.O. Box 200901  
Helena, MT 59620-0901

**File Code:** 2810, 1950  
**Date:** September 11, 2020

**RE: Opportunity to Object East Boulder Mine Stage 6 Tailings Storage Facility Expansion Project - Final Environmental Assessment and Forest Service Draft Decision Notice/Draft Finding of No Significant Impact**

Dear Interested Party:

The Custer Gallatin National Forest (CGNF) and the Montana Department of Environmental Quality (DEQ) have issued a Final Environmental Assessment (Final EA) for the Stillwater Mining Company's (SMC) East Boulder Mine Stage 6 Tailings Storage Facility (TSF) Expansion Project, located approximately 23 miles south of Big Timber, Montana, in Sweet Grass County. The Final EA evaluates the environmental impacts resulting from the proposed Stage 6 expansion of the existing TSF (Project) pursuant to the requirements of the Montana Environmental Policy Act (MEPA) and National Environmental Policy Act. Two alternatives were analyzed: the No Action Alternative and the Proposed Action.

CGNF has also prepared a Draft Decision Notice (DN)/Draft Finding of No Significant Impact (FONSI) and has chosen the Proposed Action as its selected alternative. The proposed project is subject to the Forest Service objection process pursuant to 36 Code of Federal Regulations (CFR) 218 subparts A and B. The responsible official for the CGNF decision is Mary Erickson, Forest Supervisor. The Final EA and CGNF Draft DN/Draft FONSI, along with SMC's application materials and supporting Project documents (e.g., public notices and technical memorandums) are available online at <https://www.fs.usda.gov/project/?project=55061>. If documents are not online, they will be made available upon request. Please contact Robert Grosvenor (CGNF), [robert.grosvenor@usda.gov](mailto:robert.grosvenor@usda.gov), 406.848.7375 x28.

DEQ will document its decision regarding the Proposed Action in a Decision Letter, which will be sent to SMC and posted on the DEQ website at <https://deq.mt.gov/Public/ea/hardrock> after issuance of the Final EA. The responsible official for the DEQ decision is Dan Walsh, DEQ Hard Rock Mining Bureau Chief.

For the Project, SMC applied to DEQ for Amendment 003 to Operating Permit No. 00149 and to CGNF for a revision to the East Boulder Mine Plan of Operations on November 30, 2017. SMC also submitted the Stage 6 design to the Independent Review Panel (IRP) as required by Title 82 Chapter 4 Part 3 Section 77 of the Montana Code Annotated (82-4-377, MCA). Since 2017, SMC revised its proposed Stage 6 design four times to address comments from the agencies (CGNF and DEQ) and the IRP. SMC submitted the final Stage 6 design,



referred to as Revision 5, to the agencies for review on February 3, 2020. Based on these reviews, the CGNF and DEQ analyzed Revision 5 as the Proposed Action in the EA.

The Proposed Action would expand the permitted disturbance area from 243.88 acres to 286.85 acres and would authorize SMC to construct Stage 6 of the TSF, raising the height of the impoundment 14 feet in elevation above what was previously authorized. Other Project activities include extension of TSF operations from 2027 to 2033 (based on current production), improvements to and relocation of portions of two National Forest System roads (Lewis Gulch Road and East Boulder Road), and relocation of existing mine facilities (e.g., soil stockpiles, underdrains, and guard house). All Project activities would occur within the existing 396.99-acre permit boundary and would disturb an additional 56.74 acres within the proposed 286.85-acre disturbance boundary.

### **CGNF Objection Process**

Eligible parties may seek administrative review of unresolved concerns before a final Project decision has been made by CGNF. All interested and affected parties who provided specific written comments, as defined in 36 CFR 218.2 during any designated opportunity for public comment may file an objection. Opportunity for public comment includes during scoping or the public comment period for the Draft EA. 36 CFR 218 objection process regulations are available at:

<https://www.ecfr.gov/cgi-bin/text-idx?SID=b698318a5c865a6474fb8696691f58cf&mc=true&node=pt36.2.218&rgn=div5>

Objections to the draft CGNF decision will be accepted from eligible parties for 45 days following the publication of the legal notice advertising the “Opportunity to Object” in the newspaper of record, the *Bozeman Chronicle* (36 CFR 218.24). An objection, including attachments, must be filed with the appropriate reviewing officer within 45 calendar days from the publication of the legal notice in the newspaper of record. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Objectors should not rely upon dates or timeframe information provided by any other source. It is the objector’s responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to 36 CFR 218.9. Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed Project unless based on new information arising after designated opportunities. All objections are available for public inspection during and after the objection process. Responses that do not adhere to these requirements make review of an objection difficult and are conditions under which the reviewing officer may set aside an objection pursuant to 36 CFR 218.10.

Objections to the draft CGNF decision, including attachments, must be filed via mail, express delivery, or messenger service to:

Objection Reviewing Officer

USDA Forest Service, Northern Region,

26 Fort Missoula Road, Missoula, MT 59804

Objections may be faxed to 406.329.3411.

Objections may be e-mailed to [appeals-northern-regional-office@usda.gov](mailto:appeals-northern-regional-office@usda.gov). Acceptable formats for electronic objections are text or html email, Adobe portable document format (pdf) and other formats viewable in Microsoft Office applications.

If you are unable to submit electronic, fax, or postal objections and must submit them by hand to the Northern Regional Office, please refer to signage at the front door regarding the delivery of hand delivered items, which will include a phone number to arrange delivery of your objection.

At a minimum an objection must include the following per 36 CFR 218.8(d): (1) The objector's name and address, with a telephone number, if available; (2) a signature or other verification of authorship upon request (a scanned signature for email may be filed with the objection); (3) when multiple names are listed on an objection, identification of the lead objector (verification of the identity of the lead objector shall be provided upon request); (4) the name of the proposed project, the name and title of the Responsible Official, and the name(s) of the National Forest(s) and/or Ranger District(s) on which the proposed project will be implemented; (5) a description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and (6) a statement that demonstrates connection between prior specific written comments on the particular proposed project or activity and the content of the objection. Incorporation of documents by reference is permitted only as provided in 36 CFR 218.8(b). It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to 36 CFR 218.9. All objections are available for public inspection during and after the objection process.

For additional information regarding the Project or the CGNF objection process, please contact Robert Grosvenor, [robert.grosvenor@usda.gov](mailto:robert.grosvenor@usda.gov), 406.848.7375 x28. For additional information regarding the MEPA process and DEQ's decision timeline, please contact Jen Lane, [JLane2@mt.gov](mailto:JLane2@mt.gov), 406.444.4956.

Sincerely,

MARY C. ERICKSON  
Forest Supervisor  
Custer Gallatin National Forest

DAN WALSH  
Chief, Hard Rock Mining Bureau  
Montana Department of Environmental Quality