

**Exploration License #00860**

**Luke Ployhar**

**Ross Pit Highwall Trench Exploration Project  
Phillips County, MT**

**Final Environmental Assessment**

**February 2, 2022**

## **TABLE OF CONTENTS**

|  |    |
|--|----|
| COMPLIANCE WITH THE MONTANA ENVIRONMENTAL POLICY ACT (MEPA) .....                | 4  |
| PROPOSED ACTION .....  | 4  |
| PURPOSE AND NEED FOR PROPOSED ACTION .....                                       | 4  |
| Table 1. Summary of Applicant's Proposed Action.....                             | 6  |
| Figure 1. Project Location.....  | 8  |
| Figure 2. Map View of Project Features .....                                     | 9  |
| Figure 3. 3-Dimensional View of Project Features.....                            | 10 |
| SUMMARY OF POTENTIAL PHYSICAL AND BIOLOGICAL EFFECTS: .....                      | 11 |
| 1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE.....                         | 11 |
| 2. WATER QUALITY, QUANTITY, AND DISTRIBUTION .....                               | 12 |
| 3. AIR QUALITY:.....   | 13 |
| 4. VEGETATION COVER, QUANTITY AND QUALITY: .....                                 | 13 |
| 5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: .....                       | 14 |
| 6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:.....          | 14 |
| 7. HISTORICAL AND ARCHAEOLOGICAL SITES .....                                     | 15 |
| Table 2. Cultural Resources Identified by SHPO in the General project Area ..... | 16 |
| Table 3. Tribal Outreach Summary to Date .....                                   | 17 |
| 8. AESTHETICS: .....   | 20 |
| 9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: ..          | 21 |
| 10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: .....                              | 21 |
| 11. HUMAN HEALTH AND SAFETY: .....   | 22 |
| 12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: ..        | 22 |
| 13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: .....                               | 23 |
| 14. LOCAL AND STATE TAX BASE AND TAX REVENUES:.....                              | 23 |
| 15. DEMAND FOR GOVERNMENT SERVICES:.....   | 23 |
| 16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:.....                          | 24 |
| 17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:.....        | 24 |
| 18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: .....                    | 25 |
| 19. SOCIAL STRUCTURES AND MORES: .....   | 25 |
| 20. CULTURAL UNIQUENESS AND DIVERSITY: .....                                     | 25 |
| 21. PRIVATE PROPERTY IMPACTS: .....  | 25 |
| 22. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES: .....                   | 26 |
| ALTERNATIVES CONSIDERED:.....  | 26 |
| CONSULTATION:.....   | 26 |
| PUBLIC COMMENT PERIOD:.....  | 27 |
| OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION: .....                             | 27 |
| CUMULATIVE IMPACTS: .....  | 27 |



|   |    |
|---|----|
| NEED FOR FURTHER ANALYSIS AND SIGNIFICANCE OF POTENTIAL IMPACTS.....                          | 28 |
| Table 4: Summary of potential impacts that could result from Applicants Proposed Action ..... | 29 |
| Environmental Assessment and Significance Determination Approved By: .....                    | 32 |
| Appendix A: Response to Comments .....  | 33 |
| Appendix B: Public Comments and Public Meeting Transcript .....                               | 36 |

**AIR, ENERGY, & MINING DIVISION  
MINING BUREAU  
ENVIRONMENTAL ASSESSMENT**

**LICENSEE NAME:** Luke Ployhar  
**DRAFT EA DATE:** November 29, 2021  
**PROJECT:** Ross Pit Highwall Trench  
**LICENSE No:** #00860  
**LOCATION:** 47.936765°, -108.565143° **COUNTY:** Phillips  
**PROPERTY OWNERSHIP:** FEDERAL\_\_STATE\_\_\_\_PRIVATE\_\_X\_\_

**COMPLIANCE WITH THE MONTANA ENVIRONMENTAL POLICY ACT (MEPA)**

Under MEPA, Montana agencies are required to prepare an environmental impact statement (EIS) for state actions significantly affecting the quality of the human environment. An agency may prepare an environmental assessment (EA) to determine the need to prepare an EIS. This EA evaluates and determines the significance of potential impacts that may result from the proposed and alternative actions. The Department of Environmental Quality (DEQ) will determine the need for preparation of an EIS based on consideration of the criteria set forth in Administrative Rules of Montana (ARM) 17.4.608.

**PROPOSED ACTION**

DEQ would issue Metal Mine Reclamation Act (MMRA) mineral Exploration License #00860 (license) to Luke Ployhar (Ployhar) and approve an amendment (AMD1) to the license if DEQ determines that Ployhar has met the criteria set forth in §82-4-332, Montana Code Annotated (MCA).

**PURPOSE AND NEED FOR PROPOSED ACTION**

DEQ's purpose and need in conducting the environmental review is to act upon Ployhar's application for a mineral exploration license. DEQ determined on October 4, 2021, that Luke Ployhar's license application (the Applicant's Proposed Action) was complete. Pursuant to §82-4-332 (2), MCA, and ARM 17.24.103, the application:

1. Was submitted in writing;
2. Included a map of sufficient detail to locate the area to be explored, as well as the actual proposed disturbances, and to allow DEQ to adequately determine whether significant environmental problems would be encountered; and
3. Stated the type of prospecting and excavation techniques that Ployhar would employ in disturbing the land and including a reclamation plan with sufficient detail to allow DEQ to determine whether the specific reclamation requirements of ARM 17.24.104 through 107 were satisfied.

DEQ is required to issue an exploration license if the applicant meets the following criteria set forth in §82-4-332(1), MCA;

1. Pay a fee of \$100 to DEQ.
2. Agree to reclaim any surface area damaged by the applicant during exploration operations, as may be reasonably required by DEQ.
3. Not be in default of any other reclamation obligation under the MMRA.

Ployhar's application meets those criteria.

In addition, under ARM 17.24.103, an applicant is required to submit a reclamation performance bond in a form and amount determined by DEQ before an exploration license can be issued.

**Table 1. Summary of Applicant's Proposed Action**

| <b>Summary of Activities in the Applicant's Proposed Action</b> |   |
|---|---|
| General Overview  | <p>Luke Ployhar (Ployhar) has proposed to excavate one trench, approximately 35 feet long by 10 feet wide by 25 feet deep to extract a 125-ton bulk sample for metallurgical testing. Ployhar would backfill the trench cut with overburden and waste rock concurrent with excavation further down the trench. Additional waste rock would be placed adjacent to the trench and backfilled at project completion. The trench would be backfilled and graded to match existing topography.</p> <p>No blasting would occur. Ground crew personnel would monitor the wall integrity as the excavation progresses. If the trench walls did not have structural integrity to continue safely, the trench would be limited to 15 feet deep. Ore would be passed to the surface on the west side of the trench, and waste would be placed at the surface to the east of the trench.</p> <p>Ployhar would improve approximately 686 feet of an existing bulldozer cut to use as an access road in accordance with ARM 17.24.104. The improved road would not be reclaimed but would be left in place at project completion for use by the private landowner. Excavated ore would be transported via a front-end loader from the trench location to an awaiting haul truck on the main road above the project site. See Figure 3 for site details.</p> |
| <b>Dimensions and Quantities of Proposed Disturbance</b>        |   |
| Trench dimension  | 1 excavation measuring about 35' x 10' x 25' (0.01 ac.)   |
| New access road   | 686' x 10' (0.16 ac.)   |
| Waste Rock Stockpile  | 25' x 25' (0.01 ac.)  |
| Total surface disturbance                                       | 0.18 acre   |
| <b>Details of the Applicant's Proposed Action</b>               |   |
| Duration and timing   | <ul style="list-style-type: none"> <li>- Exploration would commence after issuance of the exploration license.</li> <li>- The project would last for approximately 10 days, weather permitting.</li> <li>- Work would occur during daytime shifts which would generally last from 8:00 a.m. to 6:00 p.m.</li> <li>- Final reclamation would be required to be completed no later than 2 years following conclusion of project but is expected to only take one day.</li> </ul>  |
| Equipment   | <ul style="list-style-type: none"> <li>- 1 Excavator: Kubota Super Series</li> <li>- 1 Front End Loader: rental of a 1.5- to 2-ton bucket sized loader with rubber tires</li> <li>- 1 ¾ ton pickup with a 6-ton dump box and 20-foot trailer</li> </ul>   |
| Location and Analysis Area                                      | <ul style="list-style-type: none"> <li>- The proposed project would be located within the former Zortman Mine site operation boundary, and within the area of the Zortman Mine that has been reclaimed by the State of Montana and the federal Bureau of Land Management (BLM) under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)</li> <li>- The site would be located approximately 2 miles northwest of the town of Zortman, MT.</li> <li>- The area being analyzed as part of this environmental review includes the immediate project area (Figure 1), as well as immediate downstream water sources and neighboring lands surrounding the analysis area as reasonably appropriate for the impacts being considered.</li> </ul>  |
| Personnel Onsite  | Onsite personnel would include 2 people: an operator and a laborer.   |
| Structures  | There would be no new or temporary structures.  |
| Project Water Source  | No water use would be anticipated for the proposed project, apart from water for personal consumption that would be purchased offsite.  |
| Supplemental Lighting   | The use of supplemental lighting would not be anticipated.  |
| Air Quality   | Ployhar would reduce speeds on graveled roads to minimize airborne dust.  |
| Erosion Control and Sediment Transport                          | <ul style="list-style-type: none"> <li>- Any trees removed would be placed downslope of the new road to minimize erosion.</li> <li>- Where the access road meets the trench location, a shallow diversion trench would be cut to channel road runoff water from entering the trench.</li> <li>- The trench area itself has no vegetative growth and consists of bare rock land cover.</li> <li>- Grass wattles would be placed downhill from the waste pile and straw bales would be placed on the downhill side of the trench. All would be properly secured to the ground per best management practices (BMPs).</li> </ul>  |


| <b>Details of Applicant's Proposed Action cont.</b> |   |
|---|---|
| Solid Waste   | Any solid waste generated would be removed daily.   |
| Cultural Resources                                  | The applicant has not proposed any actions to reduce impacts to cultural resources.   |
| Hazardous Substances                                | <ul style="list-style-type: none"> <li>- Up to 20 gallons of diesel and an additional 20 gallons of gasoline fuel would be onsite at any given time, either located in equipment fuel tanks or in several 5-gallon containers brought onsite in the back of the ¾ ton pickup truck.</li> <li>- Equipment petrochemicals, including hydraulic oil, grease gun/tubes, and engine oils would be located onsite.</li> <li>- All extra fluids would be located in clearly marked containers that would be stored in the ¾ ton pickup truck.</li> </ul>   |
| Weed Control Plan                                   | Weed growth would be monitored and sprayed as needed.   |
| Reclamation Plan                                    | <ul style="list-style-type: none"> <li>- Ployhar would back fill the trench with waste rock concurrent with trench extension. Additional waste rock would be located adjacent to the trench and would be used as backfill at project completion. The final trench regrading to match existing topography is expected to take 1 additional day at the conclusion of the sample extraction project.</li> <li>- The access road would not be reclaimed at the conclusion of the project but would be left in place for use by the landowner.</li> <li>- Vegetative regrowth at the project site is not expected as the existing surface and final regraded surface is expected to be predominately broken rock.</li> </ul> |

| <b>Overlapping Regulatory Considerations</b>  |
|---|
| <p>The proposed project falls within private land and is also located within the area of the Zortman Mine that has been reclaimed by the State of Montana and BLM under the authority of CERCLA. The proposed project may be subject to additional regulatory oversight and operating conditions at federal, state, county, and/or local levels including, but not limited to, authorizations related to air quality, water quality, and impacts to wildlife and vegetation.</p> <p>This EA examines the application for an Exploration License submitted to, and determined complete by, DEQ's Mining Bureau. The Mining Bureau has determined the application for an Exploration License to be complete pursuant to 82-4-332, MCA. The proposed activities examined in this EA do not necessarily meet operational or regulatory requirements beyond those set forth in the MMRA.</p> |





**Project Location**  
**Ross Pit Highwall Trench Exploration Project**  
**Luke Ployhar, Exploration License #00860**




 **Project Location**



**Town of  
Zortman**


-  **Project Location**
-  **Historic Zortman Mine Permit Boundary**

0 0.25 0.5 1 Miles 



**Project Features**  
**Ross Pit Highwall Trench Exploration Project**  
**Luke Ployhar, Exploration License #00860**



 Project Feature

0 50 100 200 Feet





Project Features  
Ross Pit Highwall Trench Exploration Project  
Luke Ployhar, Exploration License #00860



Waste Rock Stockpile

Grass Waddles

Trench

Straw Bales

Drainage Ditch

New Road

0

100 Feet

N



## **SUMMARY OF POTENTIAL PHYSICAL AND BIOLOGICAL EFFECTS:**

The impact analysis identifies and estimates whether the impacts are direct or secondary impacts. Direct impacts occur at the same time and place as the action that causes the impact. Secondary impacts are a further impact to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action (ARM 17.4.603(18)). Where impacts would occur, the impacts analysis also estimates the duration and intensity of the impact. The duration is quantified as follows:

- Short-term: Short-term impacts are defined as those impacts that would not last longer than the life of the project, including final reclamation.
- Long-term: Long-term impacts are impacts that would remain or occur following project completion.

The intensity of the impacts is measured using the following:

- No impact: There would be no change from current conditions.
- Negligible: An adverse or beneficial effect would occur but would be at the lowest levels of detection.
- Minor: The effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- Moderate: The effect would be easily identifiable and would change the function or integrity of the resource.
- Major: The effect would alter the resource.

### **1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE**

*Are soils present, which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?*

The area of proposed exploration would be located on a previously mined and exposed rock surface which consists of “Rubble land-Mocmont-Rock outcrop complex” and “Mined land” (Natural Resource Conservation Service, 2021). The applicant’s targeted area for exploration is a mineralized vein on an exposed rock outcrop within the Zortman Mine Complex. The exploration project would excavate a bulk sample of the mineralized vein material. Although the project area was subject to previous mining, the larger mine area has been reclaimed by the State of Montana and the federal BLM under the authority of CERCLA.

Ployhar would not salvage topsoil, as the exploration would occur on a rocky surface with little to no topsoil present. Erosion control would be accomplished using a variety of best management practices (BMPs) including but not limited to: haybales, grass waddles, and a drainage ditch where the access road meets the trench location.

#### *Direct Impacts:*

No unusual or unstable geologic features are present, and no fragile or particularly erosive or unstable soils are present. Although BMPs would be used, the exploration project could result in erosion of some disturbed soil (Table 3).

Surface soil disturbance could allow for the establishment of weeds. Weed control is a condition of an exploration license and Ployhar would be required to control the spread of noxious weeds.

Exposure of acid-generating materials in the trench area is expected to be minimal. The geochemical composition of the rock in the trench area is expected to be largely oxide material and similar conditions would be expected beneath the proposed shallow excavation. Oxide material is rock that has already weathered, meaning that sulfide (i.e., acid producing) minerals have already

decomposed and would not produce additional acidic or metal-laden run-off. Noxious weeds are further addressed in “Section 4 Vegetation Cover, Quantity and Quality” (Table 3). Impacts to the geology, soil quality, stability and moisture would be short-term and minor and therefore would not be significant (Table 3).

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to the geology and soil quality, stability and moisture would be expected.

## **2. WATER QUALITY, QUANTITY, AND DISTRIBUTION**

*Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?*

The proposed project area is located near a topographic high point approximately 5,400 feet above sea level and receives a mean annual precipitation of 21.31 inches (StreamStats, 2021). The proposed project area is located above an intermittent tributary (Glory Hole Gulch) of the headwaters of Lodge Pole Creek. Lodge Pole Creek is a perennial stream and is a tributary to Peoples Creek and eventually the Milk River.

The National Wetland Inventory identified a riparian, lotic, forested wetland located about 0.6 mile to the north of the proposed project area. No wetlands were identified in the immediate project area. No land disturbance or work is proposed within a wetland or riparian areas.

A search of the Groundwater Information Center (GWIC) indicated that 7 groundwater monitoring wells are located within 0.5 mile of the proposed project. The nearest domestic well is located over 1.75 miles southeast of the proposed project area, associated with the community of Zortman.

*Direct Impacts:*

The proposed project disturbance would not be expected to impact surface or groundwater resources in the vicinity. Excavation and subsequent backfill of the proposed trench would not affect the infiltration into the groundwater system. The existing land surface is covered by coarse talus and rock scree into which all precipitation normally infiltrates. Beneath this layer is low permeability bedrock which would direct this infiltrated water back to the land surface near the crest of the pit highwall. Depth to groundwater near the proposed project site, based upon observations from historic monitoring wells in the area as well as the elevations of springs and drainage adits constructed during the historic mining era (1900-1942) is approximately 700 feet.

Stormwater controls (BMPs) would minimize potential impacts to surface water resources and the short duration and small footprint of the project would further assist to minimize potential impacts to water resources. Surface water in Glory Hole Gulch would be the closest surface water to the project area. Glory Hole Gulch is a tributary to Lodgepole Creek and begins about 1,500 feet north of the project site, but there is no path for surficial flow of storm water runoff between the project site and Glory Hole Gulch. If runoff from the project site were to bypass local BMPs, it would flow down a highwall before traversing a vegetated mine pit bench where it would likely infiltrate into the soil. Below this bench is a deep deposit of coarse rock into which any runoff is also expected to infiltrate. Beyond that is another vegetated pit bench on which a storm water diversion ditch is located that would collect any highwall runoff and direct it away from the Lodge Pole Creek watershed.

Stormwater impacts are expected to be limited to slightly increased turbidity in runoff due to

erosion of soil from the project disturbance. The sediment load would be expected to either drop out in local BMPs (in the case of routine storm events) or may be carried further in the case of major runoff events before settling out further down gradient, as described above. Any potential impacts to surface water would be short-term and minor and would not be significant as a result of this project.

Direct impacts to surface or groundwater resulting from this project are not expected.

#### *Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No other secondary impacts to water quality, quantity and distribution are expected.

### **3. AIR QUALITY:**

*Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?*

#### *Direct Impacts:*

Dust particulate would be produced or become airborne during road construction, bulk sample trenching, and travel along existing roads to and from the project area (Table 3). The excavator, front end loader, and pickup truck would produce some exhaust fumes. The operator would be expected to maintain compliance with Montana's law regarding the need to take reasonable precautions to control airborne particulate matter and has proposed that trucks would travel at reduced ground speeds to limit airborne dust.

The closest class 1 airshed is about 30 miles southeast of the proposed project (UL Bend Wilderness Area). The proposed project would result in minimal dust emissions and is not expected to impact the airshed of the UL Bend Wilderness because of the distance between the proposed project and the wilderness area.

Impacts to air quality would be short-term and minor and, therefore, would not be significant as a result of this project (Table 3).

#### *Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to air quality are expected.

### **4. VEGETATION COVER, QUANTITY AND QUALITY:**

*Will vegetative communities be significantly impacted? Are any rare plants or cover types present?*

Land cover in the project area predominately includes cliff, canyon and talus; mining quarry, and conifer-dominated lodgepole pine forest and woodland (MTNHP, 2021).

A search of the Montana Natural Heritage Program (MTNHP) identified potential habitat for 12 vascular plant species of concern (SOC). No vegetative species of concern have been identified in the project area (MTNHP, 2021). The vegetative communities in this project area are predominantly those that have reestablished on the previously mined pit highwalls and disturbed surfaces. Knapweed, Canada Thistle, and Dalmatian Toadflax are listed noxious weeds that have been identified in the greater project area.

#### *Direct Impacts:*

Land disturbance at the site may result in propagation of noxious weeds (Table 3). The majority of

surface disturbance related to this project would occur on exposed rock surfaces and would be reclaimed to exposed rock surfaces. Little to no soil exists that could support establishment of vegetation, including noxious weeds. Impacts to vegetative cover, quantity or quality resulting from this project would be short-term and minor and would therefore not be significant (Table 3).

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. If the proposed exploration project is approved, weed control during and after exploration activities would be required. The project area would be subject to any local weed management plans. No other secondary impacts to vegetation cover, quantity and quality are expected.

## **5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:**

*Is there substantial use of the area by important wildlife, birds or fish?*

The project is located in the Little Rocky Mountains. Topography within the mountains is rugged, with high outcrops and steep valleys. The area of the proposed project has been previously disturbed by past mining. The surrounding area which has not been disturbed by historical mining includes lodgepole pine forest, ponderosa pine forest, Douglas fir forest, shrubland and outcrop/scree communities. These habitats support well-known species including big game animals, raptors, and bats (EIS 1995). No endangered or threatened species have been identified in the project area. Other common wildlife and birds are migratory in their use of the area (MTNHP.Environmental Summary Export, Retrieved on 10/14/2021.)

*Direct Impacts:*

Impacts to terrestrial and avian habitats would potentially include temporary displacement of animals. Habitat found within the project area is common throughout the larger ecosystem (Table 3). Any displaced animals could find other suitable habitat nearby and return to the project area shortly after the project conclusion. Impacts to terrestrial, avian, amphibious, and aquatic life and habitat are short term and minor and would not be significant.

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to terrestrial, avian and aquatic life and habitats stimulated or induced by the direct impacts analyzed above would be expected.

## **6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:**

*Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?*

A search of the MTNHP identified potential habitat for 85 mammals, reptile, invertebrate, bird, and amphibian Species of Concern (SOC), potential SOC, sensitive, or threatened species in the habitat of the proposed project. Townsend's big-eared bat, a native species of concern, was observed about 0.3 mile to the north of the project area in 1996. Habitat for these species is common and not unique to the project area. No wetlands or riparian habitat would be disturbed from the project. The proposed project is similar to previous reclamation activities of short-duration equipment and disturbance which has occurred in this environment for the last 20 years.

#### *Direct Impacts:*

Impacts to unique, endangered, fragile or limited environmental resources potentially include temporary displacement of birds or mammals (Table 3). Habitat within the project area is common throughout the larger ecosystem and any animals displaced could find other nearby suitable habitat and return to the project area shortly after the project conclusion. Impacts to unique, endangered, fragile or limited environmental resources would be short-term and minor and would not be significant.

#### *Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to unique, endangered, fragile, or limited environmental resources that could be stimulated or induced by the direct impacts analyzed above would be expected.

## **7. HISTORICAL AND ARCHAEOLOGICAL SITES**

### *Are any historical, archaeological or paleontological resources present?*

The National Historic Preservation Act (NHPA) and the 36 Code of Federal Regulations (CFR) 800 regulations implementing it refer to “properties of traditional religious and cultural significance” and “properties of traditional religious and cultural importance.” These two terms mean the same thing and are commonly referred to as traditional cultural properties or TCPs. TCPs are geographic places prominent in a particular group’s cultural practices, beliefs, or values, when those practices, beliefs or values:

- are widely shared within the group,
- have been passed down through the generations, and
- have served a recognized role in maintaining the group’s cultural identity for at least 50 years.

Under NHPA, sites that are eligible or potentially eligible to the National Register of Historic Places (NRHP), including TCPs, are considered Historic Properties. TCPs are different from sacred sites. TCPs are considered under Section 106 of the NHPA, while sacred sites are considered under EO 13007 and AIRFA (American Indian Religious Freedom Act). Bulletin 38 (National Park Service 1992) clearly states, “districts, sites, and objects do not have to be the products of, or contain, the work of human beings in order to be classified as properties.” Further, a property may retain its traditional cultural significance even though it has been substantially modified.

The Montana Antiquities Act (§§ 22-3-421 *et seq*, MCA) does not identify TCPs but they fall under the definition of Heritage Properties as maintained by the State Historic Preservation Office (SHPO). In Montana, guidelines for the recording and evaluation of cultural resources are published by SHPO, which is established under the authority of the NHPA.

To be eligible for inclusion in the NRHP, a property must have “integrity of location, design, setting, materials, workmanship, feeling, and association” (36 CFR Part 60), but not all aspects of integrity must be present. In the case of a TCP, there are two fundamental questions to ask about integrity. First, does the property have an integral relationship to traditional cultural practices or beliefs; and second, is the condition of the property such that the relevant relationships survive? (NPS 1992)

Information obtained from the Montana Cultural Resource Database under SHPO indicates that the proposed project area contains both historical and archaeological resources. Sites that are classified as “unresolved” are considered for evaluation purposes, eligible to the NRHP. There are currently four sites identified within the broad search criteria (Table 2). One is listed as unresolved, two are ineligible, and one listed as eligible to the NRHP.

**Table 2. Cultural Resources Identified by SHPO in the General project Area**

| Site #   | Site Type               | Time Period                   | NR Status  |
|----------|-------------------------|-------------------------------|------------|
| 24PH0255 | Historic Mining         | Historic More Than One Decade | Unresolved |
| 24PH2853 | Historic Mining         | Historic Period               | Ineligible |
| 24PH2854 | Historic Mining         | Historic Period               | Ineligible |
| 24PH3197 | Archaeological District | Multiple                      | Eligible   |

Site 24PH0255, though it's NRHP status is unresolved and therefore considered potentially eligible to the NRHP, is located sufficiently far away from the project area that there are no concerns for direct or inadvertent impact from project activities. Therefore, the project would have no adverse effect to the site.

Sites 24PH2853 and 24PH2854 are ineligible for the NRHP thus there would be no impacts.

Site 224PH3197 is identified as the Little Rocky Mountains (LRM) TCP District. The district is composed of numerous tangible historic and archaeological sites and features, as well as several intangible cultural values and is eligible for the NRHP. The proposed exploration area is located on what is known as Antoine Butte, a documented past Vision Quest and Spiritual area (Deaver and Kooistra 1992).

NRHP Eligibility of the LRM District was originally recommended not eligible by Deaver and Kooistra (1992), but some individual elements of the district were recommended eligible. In 1994 the BLM, Bureau of Indian Affairs (BIA), the Fort Belknap Community Council, and SHPO executed a memorandum of understanding (MOU) to evaluate the LRM as a TCP District (BLM 1997). The MOU signatories determined the District eligible to the NRHP under Criterion A, under a Consensus Determination in 1997. The reasoning for eligibility under Criterion A was indicated as, "A location associated with the traditional beliefs of a Native American group about its origins, cultural history, and the nature of the world; are a location where Native American religious practitioners have historically gone, and are known to go today to perform ceremonial activities in accordance with traditional cultural rules of practice; and, are a location where an identifiable community has carried out economic, artistic, and other cultural practices important in maintaining its historical identity." (BLM 1997)

The most detailed document that outlines at least some of the specific features and values that contribute to the LRM TCP District was an ethnographic report produced by Ethnoscience (Deaver and Kooistra 1992).

### **Tribal Outreach**

In response to the Draft EA, DEQ received several comments that stated DEQ's outreach with the tribes was insufficient, and that DEQ should have communicated with the tribal historic preservation officer (THPO) during the pendency of this project. Outreach to the Fort Belknap Indian Community (FBIC) regarding activities in the area, primarily related to cleanup and remediation activities at the Zortman Landusky Mine, has been ongoing since 2005. DEQ has an MOU with the Gros Ventre and Assiniboine Tribes (Tribes) of the FBIC and other parties that developed a Technical Working Group (TWG) for interested parties to work on water treatment and reclamation options.

During one of the TWG meetings in 2018, a concern was brought up by the Ft. Belknap THPO of some potentially intact sacred sites near Gold Bug Butte (also noted in Deaver and Kooistra 1992). This initial discussion was the first relevant notification to current DEQ staff that the areas within the disturbed mine may contain elements that retain importance to the Tribes. This meeting was followed by numerous attempts to conduct field exploration of the area with the THPO, but schedule conflicts and

limitations imposed by Covid-19 delayed the trip. On September 19, 2021, DEQ and Tribal leadership met to tour the Zortman site. Efforts remain ongoing to conduct an additional examination with the THPO, regardless of the results of this particular project. Some of this outreach was conducted prior to the current exploration submittal, so was not associated directly with the project area. Table 3 provides details and context regarding the history of conducted outreach.

**Table 3. Tribal Outreach Summary to Date**

| Date           | Format                 | Conducted by | Context  |
|----------------|------------------------|--------------|--|
| 8/22/18        | Personal Communication | DEQ and THPO | Technical Working Group (TWG) meeting, discussion of potential sacred sites.   |
| 9/13/2018      | Email                  | DEQ          | Request date schedule  |
| 3/27/2019      | Email                  | DEQ          | Request meeting  |
| 4/2/2019       | Email                  | THPO         | Response in positive, no dates set   |
| 4/3/2019 (est) | Phone                  | DEQ          | Discussion to set date for trip  |
| 4/29/2019      | Email                  | DEQ          | Suggested May dates for trip   |
| 5/6/2019       | Email                  | DEQ          | Suggested dates in June for trip   |
| 5/2020         |                        |              | Covid isolation, plans dropped   |
| 5/25/2021      | Phone                  | THPO         | THPO contacted DEQ to set up date for field visit to Gold Bug Butte  |
| 5/25/2021      | Email                  | DEQ          | DEQ sent THPO the permission sheet required for access.  |
| 6/14/2021      | Email                  | DEQ          | DEQ requested a date for a field trip  |
| 07/14/2021     | Email                  | DEQ          | Notice and copy of 3 <sup>rd</sup> exploration application sent to FBIC (President Werk, Ina Nez Perce, and Mitchell Healy)  |
| 7/20/2021      | Virtual                | DEQ          | DEQ Director, Public Policy Director, and Attorney met virtually with President Werk, the Tribal Council, and several Fort Belknap staff to discuss the exploration projects and consultation needs. |
| 7/27/2021      | Email                  | DEQ          | DEQ sent notice to FBIC attorney, Dan Belcourt, to provide clarification on the procedural review process underway by DEQ. DEQ requested date and contact to arrange trip.                           |
| 07/28/2021     | Email                  | FBIC         | FBIC attorney Dan Belcourt responded to DEQ about this exploration application and notified DEQ that President Werk would comment by 07/29/2021.   |
| 07/29/2021     | Email                  | FBIC         | Responded to this application submittal.   |

|            |                        |                        |   |
|------------|------------------------|------------------------|---|
| 08/09/2021 | E-mail & Mail          | DEQ                    | Sent copy of exploration license application deficiency letter to President Werk, Ina Nez Perce, and Mitchell Healy   |
| 8/25/2021  | Phone                  | DEQ                    | DEQ informed THPO of pending Zortman trip with President Werk to discuss exploration application. THPO could not attend due to schedule conflicts.  |
| 8/27/2021  | Written                | DEQ                    | DEQ notified President Werk, Ina Nez Perce, Mitchell Healy, and Dan Belcourt of receipt of Ployhar's application  |
| 9/10/2021  | Personal Communication | DEQ and President Werk | DEQ Director and senior leadership met with Tribal leadership to tour the Zortman site. Spoke with President Werk during the Zortman trip and, discussed ongoing attempts to have the Department and THPO conduct an additional field trip. DEQ received deficiency comments on the Ployhar application from the Tribe. |
| 9/23/2021  | Email & Mail           | DEQ                    | DEQ notified President Werk, Ina Nez Perce, Mitchell Healy, and Dan Belcourt of the deficiency letter that DEQ sent to Ployhar and provided them a copy.  |
| 10/05/2021 | Email & Mail           | DEQ                    | DEQ notified President Werk, Ina Nez Perce, Mitchell Healy, and Dan Belcourt of Ployhar's response to DEQ's deficiency letter and provided them a copy.   |
| 11/23/2021 | Email                  | President Stiffarm     | DEQ received further deficiency comments from FBIC.   |
| 11/29/2021 | Email & Mail           | DEQ                    | DEQ provided President Stiffarm and Dan Belcourt with notice and a copy of DEQ's Draft EA. DEQ published press release.   |
| 11/30/2021 | Email                  |                        | Copy of Draft EA sent to Zortman Technical Working Group members  |
| 12/20/2021 | Email                  | DEQ                    | DEQ senior leadership was scheduled to meet with Tribal Council, but the trip was cancelled due to weather. DEQ issued press release on upcoming public meeting.  |



|                          |                       |        |  |
|--------------------------|-----------------------|--------|--|
| 1/4/2022                 | In Person/<br>Virtual | DEQ    | DEQ held a public meeting via telephone, zoom, and supported in-person locations on the FBIC to collect public comments                    |
| 11/29/2021-<br>1/11/2022 | Email/Mail            | Public | DEQ received public comments on the Draft EA.  |
| 1/26/2022                | Phone and<br>Email    | DEQ    | DEQ spoke with THPO to determine if any additional information from the tribe was desired to be included in the Final EA. Response was No. |

Through this communication, DEQ gained information from THPOs and tribal members on this specific proposed action. The communication provided an opportunity for consultation and feedback.

### **Comments DEQ Received on the Draft EA**

The comments DEQ received in response to the Draft EA on this project specifically referenced the sacred nature of the LRM to the Nakoda (Assiniboiné) and Aaniiih (Gros Ventre) people. DEQ received substantive comments from tribal members and/or experts in tribal culture and religion, including comments provided by three separate THPO offices: Fort Belknap Indian Community, Confederated Salish and Kootenai Tribes, and Fort Peck Assiniboiné & Sioux]. All the comments discussing cultural resources stated or indicated that this specific project would have a significant impact on the cultural resources for the Nakoda and Aaniiih people. For example, Michael Black Wolf, FBIC THPO, stated:

*“Most, if not all, mountain tops/peaks are extremely important to the Tribes both culturally and spiritually. I appeal to your fundamental humanity and ask that you respect the spirituality and cultural believes of the Gros Ventre and Assiniboiné Tribes and weigh the immeasurable and irreparable impacts this project will have on the people and landscape.”*

From the perspective of those that follow traditional ways, there is no clear-cut division between the physical characteristics of the environment and the spiritual characteristics of the environment (Deaver and Kooistra 1992). The general belief system of many Montana Tribes, including the Nakoda and Aaniiih, does not divide the world into the sacred and the profane (the holy and mundane). All aspects of the environment contain sacred/holy/spiritual qualities. Tribal members usually do not believe that once an area is destroyed or disturbed, the culturally significant sites or areas within the disturbed or destroyed areas are diminished in value or importance. For the Nakoda and Aaniiih the fact that the Zortman-Landusky mine disturbance exists does not diminish the spiritual importance of the LRM, but rather emphasizes the need to continue to protect, and heal this sacred place. It remains important to them. Many of the public comments received on this proposed action echoed this sentiment. Additionally, commenters stated that the very fact that this proposed action was on the former site of the Zortman-Landusky mine—which had been previously disturbed and had a prior history of cultural impacts for tribal members—contributed to the significance of the cultural impact of this proposed action. In other words, the prior history of the site increased (rather than diminished) the possibility that this project would have significant cultural impacts.

### *Direct Impacts:*

The proposed exploration activities would take place on private land. The proposed action has the potential to impact the integrity of Archeological District Site 22PH3197, potentially adversely affecting its NRHP eligibility. Treatment to avoid or minimize impacts to Site 24PH3197 and any of its contributing elements must include consultation between the applicant, DEQ, the FBIC THPO, and the Tribal Council to determine if treatments or avoidance options are possible. A mitigation package to address impacts is beyond the scope of this EA. Impacts, should they occur, could be long term and significant. Because the proposed action may have a significant impact on the eligibility of the site for registration with the NRHP, further analysis in an EIS is required, pursuant to ARMs 17.4.608(1)(e), (1)(d), (2) and ARM 17.4.610(6)(a).

Additionally, DEQ received comments in response to the Draft EA from individuals and groups who may be considered cultural or religious experts, including three THPOs. Those comments stated or indicated that there may be a significant cultural impact as a result of the proposed action. As with the NRHP eligibility, above, determining whether or not significant impacts will occur, or whether those impacts may be mitigated or avoided, requires further research and consultation beyond the scope of this EA. ARMs 17.4.608(1)(e), (1)(d), (2) and ARM 17.4.610(6)(a).

### *Secondary Impacts:*

As defined in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. Increased access from roads and construction to archaeological sites is considered a secondary impact. Continued exploration activities within the LRM area would potentially further impact to the TCP district and other archeological sites and features. As noted above, the potential for secondary impacts to cultural and archeological sites must be further evaluated and is therefore beyond the scope of this EA.

For the reasons stated above and pursuant to ARMs 17.4.608(1)(e), (1)(d), (2) and ARM 17.4.610(6)(a), DEQ has determined that an EIS is required.

## **References**

### **BLM**

1997 Original summary site form for 24BL1341/24PH3197 and supporting documentation. Document on file with the Montana SHPO, Helena.

### **Deaver, Sherri and Kevin Kooistra**

1992 Ethnographic Overview of the Little Rocky Mountains, Montana. SHPO document # PH-6-015077.

### **NPS (National Park Service)**

1992 National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties. US Department of the Interior, National Park Service.

## **8. AESTHETICS:**

*Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?*

The proposed exploration activities would occur on private land owned by the applicant. The project area would be located near a topographic high point but there are no populated areas to view the

proposed disturbance (Figure 1-2). The proposed project would be within an area where previous mining disturbance has occurred and would be similar in nature to the surrounding mine disturbance. The daily work schedule would consist of work occurring during the day (Table 1) and supplemental lighting would not be expected to be required. Reclamation is proposed to occur immediately following completion of the project and would be expected to be completed within one day of project completion; however, as a condition of an exploration license, reclamation would be required to be completed within two years of the end of the proposed project.

*Direct Impacts:*

The proposed project could be visible to viewers located at observation points that are unobstructed by topography or forested vegetation via public lands in the area (Table 3). Noise from the project may be heard by receptors located in an area where sound related to the project has not been fully diminished by distance or another sound dampening feature (Table 3). Noise impacts would be short-term due to the proposed project lasting 10 days. Aesthetic impacts from exploration activities would not be excessive to receptors in the area as it would occur on private land where access is restricted to members of the public. Impacts to aesthetics are short-term and low and, therefore, would not be significant (Table 3).

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to area aesthetics would be expected as a result of the proposed work.

## **9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:**

*Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?*

The proposed project would not use resources that are limited in the surrounding area. The proposed project would not interfere with current monitoring being conducted at the reclaimed Zortman Mine area. Monitoring in the area of the proposed exploration project is limited to scheduled sampling of surface water sites and groundwater monitoring wells. No monitoring wells are located in the immediate area of the project, and the project would not result in restricted access to the monitoring sites.

*Direct Impacts:*

The proposed project would not use resources that are limited in the surrounding area. Therefore, impacts on the demand on environmental resources of land, water, air or energy are not anticipated as a result of this project.

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated or induced by, or otherwise result from a direct impact of the action. No secondary impacts to environmental resources of land, water, air or energy are expected.

## **10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES:**

*Are there other activities nearby that will affect the project?*

DEQ searched the following websites or databases for nearby activities that may affect the project:

- Montana Department of Natural Resource and Conservation
- Montana Department of Environmental Quality
- Bureau of Land Management

No other activities were identified.

*Direct Impacts:*

DEQ did not identify any other nearby activities that may affect the project. Therefore, impacts on other environmental resources are not likely to occur as a result of this project.

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated or induced by, or otherwise result from a direct impact of the action. No secondary impacts to other environmental resources are expected as a result of the proposed work.

## **11. HUMAN HEALTH AND SAFETY:**

*Will this project add to health and safety risks in the area?*

Ground crew personnel would monitor the trench wall integrity as the excavation progresses. If the trench walls did not have structural integrity to continue safely, the trench would be limited to 15 feet deep.

The applicant would be required to adhere to all applicable state and federal safety laws. Industrial work such as the work proposed by the applicant is inherently dangerous. The Occupational Safety and Health Administration (OSHA) has developed rules and guidelines to reduce the risks associated with this type of labor. Few, if any, members of the public would be in the general project proximity during exploration operations.

*Direct Impacts:*

Impacts to human health and safety would be short-term and minor and would not be significant as a result of this project.

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated or induced by, or otherwise result from a direct impact of the action. No secondary impacts to human health and safety are expected as a result of the proposed work.

## **12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION:**

*Will the project add to or alter these activities?*

*Direct Impacts:*

The proposed exploration project would occur in an area that has been previously disturbed by mining activities. The proposed exploration project would not affect any industrial, commercial, or agricultural activities in the area. As noted in the cumulative impacts analysis below, this project would add to the impacts of mining in the greater project area. However, all disturbance related to this project would be reclaimed at the conclusion of the project. Reclamation is proposed to occur immediately following completion of the project and would be expected to be completed within one day of project completion; however, as a condition of an exploration license, reclamation would be required to be

completed within two years of the end of the proposed project. Impacts on the industrial, commercial, and agricultural activities and production in the area are minor and short-term and are not significant.

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated or induced by, or otherwise result from a direct impact of the action. No secondary impacts to industrial, commercial, and agricultural activities and production are expected as a result of the proposed work.

**13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:**

*Will the project create, move or eliminate jobs? If so, estimated number.*

The proposed project is estimated to create 2 jobs for the 10-day period of the project.

*Direct Impacts:*

Significant positive or negative impacts on the quantity and distribution of employment are not likely to result from this project. The project plan calls for limited duration of construction employment at the site. No lasting positive or negative impacts to employment would be expected from this project.

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to quantity and distribution of employment are expected as a result of the proposed work.

**14. LOCAL AND STATE TAX BASE AND TAX REVENUES:**

*Will the project create or eliminate tax revenue?*

The proposed project would have a limited increase in tax revenue related to the payroll taxes from the project.

*Direct Impacts:*

Some positive, yet limited, benefit to the local and state economy could result from this project. However, due to the nature of the exploration project, minimal tax revenue from income or expenses are expected from this project. The impact to local and state tax base and tax revenue are short-term and negligible and would not be significant.

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. Minor beneficial secondary impacts to local and state tax base and tax revenues are expected as a result of the proposed work.

**15. DEMAND FOR GOVERNMENT SERVICES:**

*Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?*

The proposed project would add a minimal amount of traffic to the existing roads. The project would need to mobilize and demobilize equipment and personnel to get to the site. The limited traffic would occur during the limited life of the exploration project, including the period of time when

disturbances associated with the exploration project are being reclaimed.

*Direct Impacts:*

Impacts are not expected on the demand for government services. All operations would be subject to local, seasonal restrictions as they apply.

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to the demand for government services are expected as a result of the proposed work.

## **16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?*

The proposed exploration activities would be entirely on private land owned by the applicant. The current reclamation and associated monitoring of the Zortman Mine is managed by DEQ and BLM. The applicant would be required to ensure the proposed project does not interfere with the existing water treatment, reclamation and monitoring activities being conducted by DEQ and BLM at the Zortman Mine, including avoiding any changes to the dimensions of the existing road that would be used to access the project area.

The proposed project may be subject to additional regulatory oversight and operating conditions at federal, state, county, and/or local levels.

*Direct Impacts:*

DEQ is not aware of any other locally adopted environmental plans or goals that would be impacted by the proposed project. Therefore, impacts to locally adopted environmental plans and goals are not expected as a result of this project.

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to the locally adopted environmental plans and goals are expected as a result of the proposed work.

## **17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:**

*Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?*

The proposed exploration activities would occur entirely on private land owned by the applicant, with no access to public recreational opportunities. BLM land is in the vicinity of the proposed project, but public access is not allowed through this area to the BLM land. There are no designated wilderness or recreational areas in the vicinity of the project area.

*Direct Impacts:*

Impact to the access or quality of recreational and wilderness activities are not expected to result from the project.

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to access and quality of recreational and wilderness activities are expected as a result of the proposed work.

**18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Will the project add to the population and require additional housing?*

Zortman is an unincorporated community in Phillips County, Montana. The population was 69 at the 2010 census. As noted above in “Section 13. Quantity and Distribution of Employment”, the project would not be expected to add to or decrease the local population.

*Direct Impacts:*

Due to the short-term project duration and the temporary nature of the activity, no impact to population density and housing are expected from this project.

*Secondary Impacts:*

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to density and distribution of population and housing are expected as a result of the proposed work.

**19. SOCIAL STRUCTURES AND MORES:**

*Is some disruption of native or traditional lifestyles or communities possible?*

For a discussion of the direct and secondary impacts to social structures and mores, see section 7, above. For the same reasons cited in Section 7, DEQ has determined that more information is necessary in an EIS to evaluate the impacts to social structures and mores.

**20. CULTURAL UNIQUENESS AND DIVERSITY:**

*Will the action cause a shift in some unique quality of the area?*

For a discussion of the direct and secondary impacts to cultural uniqueness and diversity, see section 7, above. For the same reasons cited in Section 7, DEQ has determined that more information is necessary in an EIS to evaluate the impacts to cultural uniqueness and diversity.

**21. PRIVATE PROPERTY IMPACTS:**

*Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required. Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required. Does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternatives.*

If DEQ issues Ployhar an exploration license, any conditions of the exploration license are either required to comply with applicable requirements of the MMRA (including administrative rules adopted under the MMRA) or to be included in the exploration license with the consent of Ployhar. DEQ is not

proposing to include in the exploration license any conditions that are not required under the MMRA or to which Ployhar has not consented. Therefore, DEQ is not required to determine whether there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and to analyze those alternatives.

## **22. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:**

Due to the nature of the proposed exploration activities, and the limited project duration, no further direct or secondary impacts are anticipated from this project.

## **ALTERNATIVES CONSIDERED:**

The Proposed Action analyzed in this EA was modified several times by the applicant throughout the application review process. Some changes were made by the applicant after responding to review comments and requests for clarification from DEQ, while other changes were made by the applicant. All changes were incorporated into the applicants plan and is considered the applicants Proposed Action. Some of the major changes made throughout the review process included increasing the length of and re-routing the new access road to decrease the road slope. Ployhar provided DEQ with clarification on several project dimensions and included details on how stormwater would be managed to prevent erosion. The proponent addressed DEQ's concerns raised during the application review process by modifying the proposed action to reduce potential impacts; therefore, development of additional alternatives was not considered necessary.

In addition to the Proposed Action Alternative, DEQ also considered a No Action Alternative. Under the No Action Alternative, DEQ would deny Ployhar's application for an exploration license. Ployhar would not obtain the authority to conduct exploration for minerals on their private land. Ployhar would still be allowed to conduct casual use-level activities but would not be able to dig into the ground with mechanized equipment. The potential impacts that may result under the Proposed Action Alternative would not occur. The No Action Alternative forms the baseline from which the impacts of the proposed action can be measured.

## **CONSULTATION:**

DEQ engaged in internal and external efforts to identify substantive issues and/or concerns related to the proposed project. See Section 7 for a description of external outreach with tribal communities. Internal review of the EA document was completed by DEQ staff including Whitney Bausch P.G., Jacob Mohrmann P.G., James Strait, Craig Jones, Sarah Clerget, Sonja Nowakowski, Dan Walsh, Rebecca Harbage, and Katie Garcin-Forba. External review efforts included queries to the following websites/ databases/ personnel:

- Montana State Historic Preservation Office (SHPO)
- Montana Department of Natural Resource and Conservation (DNRC)
- Montana Department of Environmental Quality (DEQ)
- Montana Department of Transportation (MDT)
- US Geological Society – Stream Stats
- Montana Natural Heritage Program (MTNHP)
- Montana Cadastral Mapping Program
- Montana Groundwater Information Center (GWIC)
- Montana Bureau of Mines and Geology (MBMG)
- United States Department of Interior, Bureau of Land Management (BLM)
- United States Forest Service (USFS)



- United States Environmental Protection Agency (EPA)

### **PUBLIC COMMENT PERIOD:**

Under the MEPA, an agency is responsible for providing opportunities for public review consistent with the seriousness and complexity of the environmental issues associated with a proposed action and the level of public interest. Methods of accomplishing public review include publishing a news release or legal notice to announce the availability of a draft EA, summarizing its content and soliciting public comment, holding public meetings or hearings, maintaining mailing lists of persons interested in a particular action or type of action and notifying them of the availability of EAs on such actions, and distributing copies of EAs for review and comment.

DEQ received public comment on the Draft EA during a 44-day public comment period which began November 29, 2021, and ended January 11, 2022. The public were notified of the opportunity for comment through DEQ-issued press releases, and postings on the DEQ website and social media platforms. Substantive public comments received were considered before DEQ issued the Final EA.

### **OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION:**

The proposed project would be entirely located on private land owned by the applicant. All applicable state and federal rules must be adhered to, which, at some level, may also include other state, federal, or tribal agency jurisdiction.

### **CUMULATIVE IMPACTS:**

Cumulative impacts are the collective impacts on the human environment within the borders of Montana of the Proposed Action when considered in conjunction with other past and present actions related to the Proposed Action by location and generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through preimpact statement studies, separate impact statement evaluation, or permit processing procedures.

On February 1, 2021, DEQ issued a decision approving a different exploration project located approximately 1000 feet to the east of this project's location. Although the project was approved, the applicant has not posted bond, and thus has not been authorized. The project was applied for by Blue Arc, LLC, which is a company owned by this project's applicant. While DEQ understands that Blue Arc, LLC does not have immediate plans to post the bond for that project and then complete the project, if Blue Arc, LLC did post the bond, it would be authorized to complete the project which could occur simultaneously to this project. The cumulative impacts of the Blue Arc project, in conjunction with this project and the existing disturbance from the Zortman Mine, increases the potential for cultural impacts, thus requiring further analysis in an EIS.

This environmental review analyzes the proposed project submitted by the applicant. DEQ could not identify any related future actions that are under concurrent consideration by any other state agency. The proposed project would occur in an area that has been heavily impacted by previous mining and reclamation activities at the Zortman Mine which have been overseen by the State of Montana and BLM. As noted above in Section 7, it was significant to commentors that this proposed action was on the former site of the Zortman-Landusky mine—which has a prior history of cultural impacts for tribal members. For tribal members in particular, the fact that this area has been previously disturbed increased (rather than diminished) the possibility that this project may have significant cumulative impacts, particularly to historical, archeological, social, and cultural areas. This proposed action may therefore have a cumulative effect when combined with the lasting effects of Zortman. The potential severity, extent, duration, frequency, uniqueness, and fragility of these cumulative impacts requires further analysis beyond the scope of this EA.

On October 7, 2020, the BLM proposed a mineral withdrawal of the public lands in the Zortman-Landusky Mine Reclamation Area from location and entry of new mining claims or sites for an additional 20-year period, subject to valid existing rights. The proposed project is completely on private lands and would not be subject to this proposed withdrawal.

DEQ considered all impacts related to this project and secondary impacts that may result. Cumulative impacts related to this project are identified in the Table 4.

#### **NEED FOR FURTHER ANALYSIS AND SIGNIFICANCE OF POTENTIAL IMPACTS**

When determining whether the preparation of an EIS is needed, DEQ is required to consider the seven significance criteria set forth in ARM 17.4.608, which are as follows:

1. The severity, duration, geographic extent, and frequency of the occurrence of the impact;
2. The probability that the impact will occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur;
3. Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts;
4. The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values;
5. The importance to the state and to society of each environmental resource or value that would be affected;
6. Any precedent that would be set as a result of an impact of the proposed action that would commit DEQ to future actions with significant impacts or a decision in principle about such future actions; and
7. Potential conflict with local, state, or federal laws, requirements, or formal plans.

Table 4: Summary of potential impacts that could result from Applicants Proposed Action

| Potential Impact                                     | Affected Resource and Section Reference                       | Severity <sup>1</sup> , Extent <sup>2</sup> , Duration <sup>3</sup> , Frequency <sup>4</sup> , Uniqueness and Fragility (U/F)  | Probability <sup>5</sup> impact wouldoccur | Cumulative Impacts   | Measures to reduce impact as proposed by applicant   | Significance (yes/no)                       |
|--|---|--|--|--|--|---|
| Erosion of disturbed soil                            | Soil<br>1.) Geology   | <b>S</b> -Low: A maximum of 0.18 acre of ground would be disturbed, and could be susceptible toerosion, except the medium and larger rock would be less likely to have erosive events.<br><b>E</b> -Small: Total surface disturbance would be 0.18 acre.<br><b>D</b> -The entire project would occur within 10 days.<br><b>F</b> -During occasional storm events during the 10 days of the project.<br><b>U/F</b> -Not unique or particularly fragile.   | Possible                                   | Erosion would add to cumulative impacts associated with potential erosion on existing roads, mined surfaces, reclaimed mine surfaces,and other historical disturbances in the proposedproject area.                                  | - Any trees removed would be placed downslope of thenew road to minimize erosion.<br>- Where the access road meets the trench location a shallow road runoff trench would be cut to channel wateraway from the trench.<br>- The trench area itself has no vegetative growth andconsists of bare rock land cover.<br>- Grass waddles would be placed downhill from the site below the waste pile and straw bales would be placed at the downhill side of the trench and all would be properlysecured to the ground per best management practices. | No  |
| Weed propagation associated with surface disturbance | Soil & Vegetation1.) Geology<br>4.) Vegetation                | <b>S</b> -Low: All disturbed surfaces would be susceptible to weed propagation, except the areathat are rock covered, which is expected to be most of the area.<br><b>E</b> -small: Total surface disturbance would be less than 0.18 acre.<br><b>D</b> - The entire project would occur within 10 days.<br><b>F</b> -After excavation and after reclamation.<br><b>U/F</b> -Not unique or particularly fragile.   | Possible                                   | Weed propagation from this project would add to any other area weeds that already exist within andnear the proposed project area.  | - Weed control would be a requirement of an explorationlicense.<br>- The project would be subject to the 2017 Montana Noxious Weed Management Plan and Phillips CountyWeed Management Plan.<br>- Weed growth, if any, would be monitored and sprayed asneeded  | No  |
| Dust and equipment exhaust                           | Air<br>3.) Air Quality  | <b>S</b> -medium: Dust and other particulate would be generated during construction/reclamationand driving on/off site. Engines would produce some exhaust fumes.<br><b>E</b> -medium: Dust and exhaust fumes would be generated in proximity of moving/workingequipment, and from dry exposed soil associated with new access road and trench area. <b>D</b> - The entire project would occur within 10 days.<br><b>F</b> -Daily: During exploration and reclamation operations.<br><b>U/F</b> -Not unique or particularly fragile.   | Certain                                    | Dust and exhaust would add to the cumulative impacts from other vehicles/engines operating inthe area, and to potential natural wildfire smoke moving through the area.  | Ployhar would reduce speeds on graveled roads tominimize airborne dust   | No  |
| Displacement of animals                              | Animals<br>5.) Terrestrial, avian and aquaticlife.            | <b>S</b> -low: Only 0.18 acre of ground would be impacted.<br><b>E</b> -Small: Total surface disturbance would be only 0.18 acre.<br><b>D</b> - The entire project would occur within 10 days.<br><b>F</b> -Daily during the 10-day schedule.<br><b>U/F</b> -Not unique or particularly fragile.   | Possible                                   | Displacement of animals as a result of this projectwould add to the cumulative impacts associated with the adjacent Zortman Mine site.   | None proposed  | No  |
| Impacts to cultural resources                        | Cultural Resources<br>7.) Historical and Archaeological sites | <b>S</b> - High. Impacts to the TCP and its contributing elements are compounded from previous mining effects.<br><b>E</b> - Small. Physical disturbance is 000.18 acres.<br><b>D</b> - Permanent. Though the project would be conducted over a 10-day period, the impact to the TCP would be permanent.<br><b>F</b> -Daily during the 10-day schedule.<br><b>U/F</b> -The cultural resources that would be impacted are unique and fragile.   | Possible                                   | Ground disturbance and the proposed activity may cause permanent impacts to Site 224PH3197. Impacts to cultural resources as a result of this project would add to the cumulative impacts associated with the adjacent Zortman Mine. | None proposed.   | Potentially, more analysis needed in an EIS |
| Impacts to aesthetics                                | 8.) Aesthetics  | <b>S</b> -low: Most disturbed surfaces could be visible to viewers in the vicinity of proposes project on private land. It would not contrast with the previous mine disturbances in the past or near the project.<br><b>E</b> -low: Total surface disturbance would be 0.18 acres and would be visible to receptors located at observation points that are unobstructed by topography or forested vegetation. Noise may be heard by receptors located in an area where sound related to the project has notbeen fully diminished by distance or another sound dampening feature.<br><b>D</b> - The entire project would occur within four months. | Possible                                   | Impacts to area aesthetics as a result of this project would add to the cumulative impacts associated with the surrounding Zortman Mine site and reclamation surrounding the project area.   | None proposed.   | No  |

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|  |  | <b>F</b> -Daily within limited hours of operation: until reclamation is complete<br><b>U/F</b> -The viewshed would be not diminished; the viewshed is not particularly unique or fragile in the greater project area. |  |  |  |  |
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- 1. Severity describes the density at which the impact may occur. Levels used are low, medium, high.
- 2. Extent describes the land area over which the impact may occur. Levels used are small, medium, and large.
- 3. Duration describes the time period over which the impact may occur. Descriptors used are discrete time increments (day, month, year, and season).
- 4. Frequency describes how often the impact may occur.
- 5. Probability describes how likely it is that the impact may occur without mitigation. Levels used are impossible, unlikely, possible, probable, certain

The severity, duration, geographic extent, and frequency of the impacts associated with the proposed exploration activities would be limited for all impacts of this project except those related to the “human environment,” historical, archeological, social, cultural, and cumulative impacts. ARMs 17.4.603(12), 608(1)(d) and (e), 609(3)(b), (c), and (d). The applicant is proposing to construct an approximately 686 linear feet access road to the trench site. The applicant would excavate a 35 feet by 10 feet by 25 feet trench and 125-ton bulk sample for metallurgical testing. The total measurement of potentially disturbed land would be 0.18 acre of surface area. Reclamation is proposed to occur concurrently and immediately following completion of the project and would be expected to be completed within one day of project completion and, as a condition of an exploration license, reclamation would be required to be completed within two years of the end of the proposed project.

The possible impacts to the “human environment,” historical, archeological, social, cultural resources, and cumulative impacts require further analysis. As described above (in Section 7 and the “cumulative impacts” section), comments on the Draft EA presented DEQ with conflicting evidence from credible and potentially expert sources. This evidence raises substantial questions regarding whether significant impacts would occur to historical, archeological, social, and cultural resources as a result of this proposed action. DEQ must therefore comply with the requirements of MEPA (specifically § 75-1-201 and ARMs 17.4.603, 607-610) and determine that, after “consider[ing] the substantive comments received in response to an EA,” the “EA indicates that an EIS is necessary.” ARM 17.4.610(6)(a).

This decision on Exploration License #00860 would not set any precedent that would commit DEQ to future actions with significant impacts or a decision in principle about such future actions. If the applicant submits another exploration license application to conduct additional exploration, or an operating permit application, DEQ is not committed to issuing those authorizations or reaching the same conclusion as it did here. DEQ would conduct an additional environmental review for any subsequent authorizations sought by the applicant that require environmental review. DEQ would make a permitting decision based on the criteria set forth in the MMRA. Approving Exploration License #00860 would not set a precedent for DEQ’s review of other applications for exploration licenses, including the level of environmental review pursuant to MEPA. The level of environmental review is determined on a case-by-base analysis of the criteria set forth in ARM 17.4.608.

Finally, DEQ does not believe that the proposed exploration activities by the applicant have any growth-inducing or growth-inhibiting aspects or conflict with any local, state, or federal laws, requirements, or formal plans.

For the reasons stated above in Section 7 and Table 3 of the EA, and pursuant to ARM 17.4.608(1)(d), (1)(e), and (2), DEQ has determined that an EIS is the appropriate level of environmental review and is required.

The statutory timeframes for preparation of an EIS are set out in §75-1-208, MCA. Subject to §75-1-205, MCA, the applicant must pay the cost of the EIS, and the statutory timeframes for the EIS do not begin to run until such payment is made. Pursuant to §75-1-201(9), MCA, a project sponsor may request a review of this determination “by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208, MCA.”

**Environmental Assessment and Significance Determination Approved By:**



2/2/2022

**Christopher Dorrington, Director**  
Department of Environmental Quality

## **Appendix A: Response to Comments**

| Comment  | Response   |
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| The draft EA does not adequately address impacts to water quality, including the possibility of acid mine drainage.  | DEQ reviewed the Draft EA and concluded that the analysis of any potential impacts to water is sufficient. Please see <i>Section 2: Water Quality, Quantity, and Distribution</i> on page 12 for the full analysis. Based on comments related to a different resource, DEQ has decided to write an EIS.  |
| The draft EA does not adequately address cumulative impacts.   | DEQ reviewed the Draft EA and made changes to the cumulative impacts analysis regarding impact to the human environment. DEQ reviewed the rest of the Draft EA and concluded that the analysis of cumulative impacts is sufficient. Please see the <i>Cumulative Impacts</i> section on page 27 for the full analysis. Based on comments related to a different resource, DEQ has determined that an EIS is necessary.   |
| The draft EA does not adequately address impacts to remediation that has occurred at the site.   | DEQ reviewed the Draft EA and concluded that the analysis of impacts to the completed reclamation at the site is sufficient. Please see <i>Section 16: Locally Adopted Environmental Plans and Goals</i> on page 24 for the full analysis. Based on comments related to a different resource, DEQ has determined that an EIS is necessary.   |
| The submitted operation plan and the draft EA do not contain sufficient detail to demonstrate that the access road complies with ARM 17.24.104(11).                | DEQ reviewed the Draft EA and concluded that the plan of operations provided sufficient detail to calculate an appropriate performance bond. DEQ will require additional information on the road dimensions from the applicant to include in the EIS.  |
| DEQ did not undertake meaningful consultation with the Ft. Belknap Indian Community (FBIC) during the environmental review process.                                | DEQ notified the FBIC Tribal Council that the applicant had submitted a plan of operations one day after receipt of that plan, and asked the Council for feedback on the plan, which the Council provided. DEQ continued to consistently engage with the Council throughout the environmental review process. See Section 7, “tribal outreach,” above.   |
| DEQ did not appropriately consider impacts to the human environment, historical, archeological, social, cultural resource, and cumulative impacts of this project. | See Section 7 and the “cumulative impacts” section. DEQ is aware of the sacred nature of the Little Rocky Mountains to the Nakoda and Aaniiih people and acknowledges that the proposed project area is situated within Site 224PH3197, which is identified as the Little Rocky Mountains TCP District. This NRHP eligible district and its many contributing elements may be subject to impacts from the proposed exploration. DEQ commits to continue working with the Ft. Belknap Indian Community’s THPO and concerned citizens through the EIS process. |
| Approval of the project would negatively affect public land.   | The proposed exploration activities would occur entirely on private land owned by the applicant. No public access is currently allowed through the private land to surrounding land managed by the federal BLM. There are no designated wilderness areas or recreational areas in the vicinity of the project area. Please see <i>Section 17: Access to and Quality of Recreational and Wilderness Activities</i> on page 24 for the full analysis.  |
| Approval of the project would negatively affect wildlife.  | Disruptions to wildlife would be temporary and may last for the duration of exploration and reclamation activities. Please see <i>Section 5: Terrestrial, Avian and Aquatic Life and Habitats</i> on page 14 for the full analysis.  |



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| Taxpayers would be burdened with further remediation costs at the site if the project were approved. | DEQ would calculate a bond in the amount that would be required for DEQ to reclaim all of the proposed exploration disturbances should DEQ ever need to forfeit the bond to conduct the reclamation. DEQ's bond calculations are grounded in up-to-date methodologies to ensure calculation of adequate bond amounts. Luke Ployhar would be required to submit the bond in full before DEQ would issue the exploration license. |
| Approval of this project would lead to more mining.  | <p>The proposed exploration activities are not mining. The proposal is limited to exploration activities, which are described in Table 1 of the EA on page 6.</p> <p>DEQ's current environmental review efforts are related solely to exploration as defined in the MMRA. Any proposal for a large mine would occur under an entirely separate regulatory process that would include its own environmental review.</p>          |
| The draft EA does not contain a references section.  | DEQ provided references internal to the document, including in the Historical and Archeological section, rather than in a separate section.   |
| People who live in the area were not consulted about the project.                                    | DEQ solicited feedback from the public during a 44-day public comment period that lasted from November 29, 2021 to January 11, 2022. Additionally, DEQ held a virtual public meeting with an option to attend in-person to present information on the project and solicit further public comment on January 4, 2022. DEQ has decided to write an EIS, which will provide further opportunity for public comments.               |
| Not including the bond amount and whether the bond has been posted is not transparent.               | <p>The bond will be calculated after the environmental review process has concluded. The applicant would be required to submit the bond in full before DEQ would issue the exploration license.</p> <p>DEQ is not required to release bond calculations for exploration projects for public notice or review.</p>   |

## **Appendix B: Public Comments and Public Meeting Transcript**

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| <p style="text-align: right;">Page 1</p> <p>1 BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY<br/>2 SMALL MINER AND EXPLORATION PROGRAM<br/>3<br/>4<br/>5 Environmental Assessment )<br/>6 Draft Published for Public )<br/>7 Comment )<br/>8 Ross Pit Highway Trench )<br/>9 Exploration Project )<br/>10 Phillips County, MT )<br/>11 )<br/>12 Luke Ployhar )<br/>13 Exploration License #00860 )<br/>14<br/>15 TRANSCRIPT OF PROCEEDINGS<br/>16 PUBLIC HEARING (VIA ZOOM)<br/>17<br/>18 BE IT REMEMBERED, that the proceedings in the<br/>19 above-captioned matter was heard via Zoom on the<br/>20 4th day of January, 2022, beginning at the hour of<br/>21 4:00 p.m., before Laurie Crutcher, Registered<br/>22 Professional Reporter, Notary Public.<br/>23 * * * * *<br/>24<br/>25</p>   | <p style="text-align: right;">Page 3</p> <p>1 <b>PRESIDENT STIFFARM:</b> Good afternoon,<br/>2 everyone. My name is Jeff Stiffarm. I'm the<br/>3 elected Tribal President of the Fort Belknap<br/>4 Community, and I'd like to thank the DEQ for the<br/>5 opportunity for the communities of Hays, and Lodge<br/>6 Pole, and Fort Belknap, and the surrounding<br/>7 communities to have input on the proposed mining<br/>8 by Blue Arc and Luke Ployhar.<br/>9 And it's the Tribe's stance to oppose<br/>10 this, basically because of what happened in the<br/>11 past. Nothing has changed. The taxpayers will be<br/>12 paying for the mistake up in the mountains for<br/>13 forever, and we're going to see that that's going<br/>14 to happen with this new mining proposed.<br/>15 DEQ and Luke Ployhar is more worried<br/>16 about money than they are about people's lives,<br/>17 and it's our stance here at Fort Belknap is to be<br/>18 concerned about our people's livelihood, our<br/>19 lives, the water that runs off the mountains up<br/>20 there, that affects our cultural grounds that we<br/>21 have up there.<br/>22 We have sundance grounds. We have<br/>23 Pow-Wow grounds up there. The mountains that<br/>24 surround that area, we go up there and fast. We<br/>25 prepare ourselves to dance in the sundance lodge.</p> |
| <p style="text-align: right;">Page 2</p> <p>1 WHEREUPON, the following proceedings were<br/>2 had and testimony taken, to-wit:<br/>3 * * * * *<br/>4 <b>FACILITATOR DAVIN:</b> Thank you everyone<br/>5 for joining us for the Luke Ployhar exploration<br/>6 license public meeting. I'm your facilitator.<br/>7 Hopefully you can see us in the DEQ communications<br/>8 room, and I'll waive my hand over here in the<br/>9 corner.<br/>10 My name is Moira Davin. I'll be the<br/>11 Facilitator this evening with the Montana<br/>12 Department of Environmental Quality. I think<br/>13 we've given everyone a few minutes to join. We<br/>14 might have some additional joining throughout the<br/>15 evening, but we'll go ahead and get started.<br/>16 So you should have seen a notification<br/>17 pop up that this meeting is being recorded. Just<br/>18 go ahead and click "okay" if you're joining us on<br/>19 Zoom. And for those that are in the room, this<br/>20 meeting is being recorded, so anything that you<br/>21 say will be on record. And we do have some<br/>22 joining us in person from a few remote locations.<br/>23 So at this time, I'm going ahead and<br/>24 turn it over to President Stiffarm for an<br/>25 introduction.</p> | <p style="text-align: right;">Page 4</p> <p>1 So there's a lot of cultural activities that we do<br/>2 up in the Little Rocky Mountains here that we have<br/>3 here.<br/>4 One thing that we'd like to state too<br/>5 also is our people live here on a day-to-day<br/>6 basis. I know Luke Ployhar doesn't, I know the<br/>7 people of DEQ don't live here, but we do 24/7.<br/>8 And we have got to live with everything<br/>9 that happens up here in these mountains, and what<br/>10 happened here when Pegasus Gold left it abandoned<br/>11 and what it did to our people, and what it did to<br/>12 our mountains. That's why we're opposed to this<br/>13 proposed mine.<br/>14 And a lot of our people might not have<br/>15 the opportunity to come here and speak today<br/>16 because of weather conditions we're having right<br/>17 now, but a lot of our Council members have a lot<br/>18 to say. There's community members that have a lot<br/>19 to say about this.<br/>20 But the one thing that was brought to my<br/>21 attention in the meeting this morning by one of<br/>22 our committee members on DEQ's website. And it<br/>23 says, "The interests of mining and champion of a<br/>24 healthy environment." Mining isn't a healthy<br/>25 environment, and the proof is in the pudding of</p>                               |

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| <p style="text-align: right;">Page 5</p> <p>1 what was left behind from Pegasus Gold.<br/>2 That's something to think about going<br/>3 down the road here is how much money it's going to<br/>4 cost the taxpayers, how much money it already has<br/>5 cost taxpayers in cleanup, and the sickness it<br/>6 caused to the people, caused all of our people's<br/>7 lives from what happened up here with the lack of<br/>8 cleanup, the lack of concern of people's lives.<br/>9 And like I said before, people are more<br/>10 concerned about the almighty dollar, when they<br/>11 should be concerned about people's lives, my<br/>12 grandchildren's, my grandmother's, my mom's, my<br/>13 children's, all our people that live here, born<br/>14 and raised here; Hays and Lodge Pole, speak for<br/>15 Landusky and Zortman, everyone that lives<br/>16 downstream from all these runoffs up here in the<br/>17 mountains and infect this water.<br/>18 That's what we care about. That's what<br/>19 we're concerned about is our lives and our<br/>20 cultural activities that we have here. Thank you.<br/>21 <b>FACILITATOR DAVIN:</b> Thank you, President<br/>22 Stiffarm. We appreciate you being here tonight,<br/>23 and also to the Fort Belknap Community for hosting<br/>24 this meeting and for being here. We really<br/>25 appreciate it.</p> | <p style="text-align: right;">Page 7</p> <p>1 hear the presentation clearly. We want to make<br/>2 sure we can hear all the comments and the<br/>3 questions tonight, as well as the presentation.<br/>4 So if you could please remain muted until we call<br/>5 on you, that will help to make sure everyone can<br/>6 hear.<br/>7 We do have quite a few remote locations<br/>8 tonight, which I know quite a few are joining, so<br/>9 just wanting to make sure that each of those<br/>10 locations can hear as well.<br/>11 Tonight you'll hear a brief presentation<br/>12 on the proposed project and the Draft<br/>13 Environmental Assessment, followed by an<br/>14 opportunity to ask questions. Once the question<br/>15 portion has been completed, we will move into<br/>16 formal comments.<br/>17 Please note that this meeting really is<br/>18 to hear from you, and we will not be responding to<br/>19 questions or comments during the comment portion,<br/>20 and we are here to listen. If you do have a<br/>21 question, please make sure you ask it during the<br/>22 question portion. We look forward to hearing your<br/>23 input after the presentation.<br/>24 A few other reminders. Sometimes the<br/>25 band width can be an issue. If you're having</p>                         |
| <p style="text-align: right;">Page 6</p> <p>1 I'm joined tonight by a number of DEQ<br/>2 staff, and would like to just do a quick<br/>3 introduction of the team members in the room. So<br/>4 as I state your name, if you'll just go ahead and<br/>5 give a wave on camera.<br/>6 Whitney Bausch, DEQ Environmental<br/>7 Science Specialist and Project Lead; Katie<br/>8 Garcin-Forba, DEQ Field Section Supervisor; Dan<br/>9 Walsh, DEQ Mining Bureau Chief; Sonja Nowakowski,<br/>10 DEQ Air Energy and Mining Division Administrator;<br/>11 Sarah Clerget, DEQ Legal; Wayne Jepson,<br/>12 Environmental Science Specialist; Mark Odegard,<br/>13 Environmental Science Specialist; Rebecca Harbage,<br/>14 Public Policy Director; and then we have James<br/>15 Strait who is our DEQ Tribal Relations, and he is<br/>16 in person on behalf of DEQ at the Hays school.<br/>17 Okay.<br/>18 I also just want to note that there is a<br/>19 representative from this project and BLM in<br/>20 attendance tonight. They're not taking questions<br/>21 or comments, as this is a DEQ meeting, but they<br/>22 will be listening.<br/>23 So just some quick logistics to start<br/>24 the meeting. All participants, if you could<br/>25 please mute yourself to make sure everyone can</p>   | <p style="text-align: right;">Page 8</p> <p>1 trouble viewing the presentation, you can turn off<br/>2 your video. That will provide better band width.<br/>3 We do ask that when you are commenting<br/>4 or asking a question, if you could please turn on<br/>5 your video, as it's easier for our Court Reporter<br/>6 to help take a record.<br/>7 And then for those joining online, if<br/>8 you could please sign into the chat box with your<br/>9 first and last name and affiliation, if any, that<br/>10 would be helpful. And for those that are joining<br/>11 in person, if you could please use the sign-in<br/>12 sheet in the room, that would be helpful to make<br/>13 sure we gather everybody that's here tonight.<br/>14 So when we get to the public<br/>15 participation portion of the evening, we will have<br/>16 a question portion. At that time we'll take<br/>17 questions from the Tribal Council first, then to<br/>18 those in the room, and then those online and by<br/>19 phone.<br/>20 If you are calling by phone, we will<br/>21 offer an opportunity for you to ask a question and<br/>22 also to comment.<br/>23 For those who are on Zoom, if you could<br/>24 please physically raise your hand, and then if you<br/>25 haven't already signed up to comment via</p> |

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| <p>Page 9</p> <p>1 EventBright, please type your first and last name<br/>2 into the chat box, and make a note that you're<br/>3 looking to comment, especially since we are also<br/>4 capturing those who are signing in.<br/>5 If you're joining by phone, you can<br/>6 press star six to mute and unmute, and press star<br/>7 nine to raise your hand. We do have a few calling<br/>8 by phone, so we'll try to make sure to describe<br/>9 some of what we're seeing on the screen so that<br/>10 you can follow along.<br/>11 One other note. We have heard there may<br/>12 be some joining via Facebook Live. Please note<br/>13 that any comments on Facebook Live or in the Zoom<br/>14 chat are not official public comment. We'll be<br/>15 taking official public comment tonight, so you're<br/>16 welcome to call in, or come into Zoom and speak.<br/>17 We also will provide an email address and<br/>18 information later on on how to comment.<br/>19 So with that, I do see one hand raised.<br/>20 It looks like it's a phone number. If you want to<br/>21 go ahead and ask your question, 406-820. It looks<br/>22 like is the ending. Do you have a logistical<br/>23 question?<br/>24 (No response)<br/>25 <b>FACILITATOR DAVIN:</b> Okay. We'll go</p>   | <p>Page 11</p> <p>1 questions that we've received.<br/>2 So DEQ has been given authority by the<br/>3 Montana State Legislature to regulate exploration<br/>4 licenses and the activities that are conducted<br/>5 under them. That authority is defined by the<br/>6 Metal Mine Reclamation Act, or the MMRA; and also<br/>7 defined by the Montana Environmental Policy Act or<br/>8 MEPA, and I'll cover that in a minute.<br/>9 So the information presented today<br/>10 covers only the aspects of the proposed<br/>11 exploration project that are within DEQ's<br/>12 authority as it's laid out in the MMRA.<br/>13 Exploration is work that is conducted on<br/>14 or below the surface of the earth to identify and<br/>15 define a potential mineral resource. Exploration<br/>16 is essentially a process to find out if a mineral<br/>17 resource exists, and how much of it is there; to<br/>18 determine whether an area could be mined in the<br/>19 future. And I want to make the distinction again<br/>20 that exploration is not mining.<br/>21 Mining involves a production of ore in<br/>22 commercial quantities. A large scale mine would<br/>23 require a whole separate permit, which is an<br/>24 entirely different regulatory process, and that<br/>25 would require its own environmental review and</p> |
| <p>Page 10</p> <p>1 ahead and get started with the presentation. So I<br/>2 will now turn it over to Whitney Bausch who will<br/>3 provide a brief presentation on the proposed<br/>4 project and the Draft Environmental Assessment for<br/>5 the proposed exploration project by Luke Ployhar<br/>6 in Phillips County.<br/>7 Please note that an exploration license<br/>8 is not an operating permit for a full scale mine.<br/>9 Should the applicant wish to pursue full scale<br/>10 mining, they would have to submit an application,<br/>11 and there would be a separate analysis and public<br/>12 meeting and comment portion. DEQ does not have an<br/>13 application for full scale mining at this site at<br/>14 this time. And with that, I will turn it over to<br/>15 Whitney.<br/>16 <b>MS. BAUSCH:</b> Thanks, Moira. So the<br/>17 first thing I want to talk about is the regulatory<br/>18 framework related to an exploration license. To<br/>19 do that, I will talk about the exploration license<br/>20 process, and what's allowed under an exploration<br/>21 license; and then I'll talk about the<br/>22 environmental review process that is required for<br/>23 an exploration project.<br/>24 After that I will discuss the proposed<br/>25 project, and answer some frequently asked</p> | <p>Page 12</p> <p>1 public engagement period.<br/>2 So we'll hop over to the Montana<br/>3 Environmental Policy Act or MEPA. MEPA requires<br/>4 that DEQ write an environmental review for any<br/>5 state action that may have an impact on the human<br/>6 environment. Exploration projects fall into that<br/>7 category.<br/>8 DEQ evaluates only the proposed<br/>9 exploration project, not any hypothetical future<br/>10 activities or considerations beyond the scope of<br/>11 our authority. The purpose of the environmental<br/>12 review is to evaluate and disclose impacts that<br/>13 may result from the proposed exploration project,<br/>14 determine how significant those impacts would be,<br/>15 and determine whether further environmental review<br/>16 is required.<br/>17 Now we'll run through how the Metal Mine<br/>18 Reclamation Act and Montana Environmental Policy<br/>19 Act combine to create the exploration license<br/>20 process. This is an overview of how the process<br/>21 is playing out for this specific exploration<br/>22 license.<br/>23 When Luke Ployhar submitted his<br/>24 application for an exploration license, DEQ<br/>25 reviewed the application for completeness. When</p>  |

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| <p style="text-align: right;">Page 13</p> <p>1 DEQ looks for a complete application, what we want<br/>2 to see is the information we need to write an<br/>3 Environmental Review, and calculate an appropriate<br/>4 bond. Before we can move on to the next step, the<br/>5 application must be complete.<br/>6 Once the application is complete, DEQ<br/>7 began the environmental review process by writing<br/>8 a Draft Environmental Assessment, or an EA.<br/>9 We then issued a Draft EA for public<br/>10 comment, which is not required under MEPA.<br/>11 However, DEQ recognized that the location of the<br/>12 proposed project warranted additional public<br/>13 engagement because it is within an area of<br/>14 cultural importance to the Fort Belknap Indian<br/>15 Community, and within the previous boundary of the<br/>16 Zortman Mine which has been reclaimed by Federal<br/>17 and State agencies.<br/>18 So the purpose of the public comment<br/>19 period is to allow DEQ to collect feedback from<br/>20 the public. We use that feedback to ensure that<br/>21 we are adequately evaluating and disclosing all<br/>22 impacts that may result from the proposed project.<br/>23 So after the public comment period is<br/>24 finished on January 11th, and before DEQ moves<br/>25 forward in processing the exploration license</p> | <p style="text-align: right;">Page 15</p> <p>1 walls and bare cliffs that are exposed. So the 3D<br/>2 view of the project location is looking to the<br/>3 southwest. The project would be located at one of<br/>4 those exposed high walls.<br/>5 So here's a closer view of the site in<br/>6 three dimensions, looking directly south. The<br/>7 project would take place just on the north side of<br/>8 this large existing road.<br/>9 Ployhar would clear trees that have<br/>10 reoccupied an old road that was used as part of<br/>11 the Zortman mining operation. This would create<br/>12 686 feet of access road. A drainage trench would<br/>13 be excavated at the end of the road to catch any<br/>14 runoff, and trees that are removed would be<br/>15 replaced on the downhill side of the road.<br/>16 Ployhar would also excavate one trench.<br/>17 The dimensions of the trench would be 35 feet long<br/>18 by 10 feet wide by 25 feet deep, and for<br/>19 comparison, that's about the size of two school<br/>20 buses stacked on top of each other.<br/>21 675 tons of material would be removed<br/>22 from the trench; 125 tons of material would be<br/>23 sampled; and 550 tons of waste rock would be<br/>24 placed on the east side of the trench in a waste<br/>25 rock stock pile.</p>                             |
| <p style="text-align: right;">Page 14</p> <p>1 application, we will pause to evaluate every<br/>2 comment we received.<br/>3 DEQ will then use what we've learned<br/>4 through reviewing the public comments to refine<br/>5 the final environmental review. After the review<br/>6 is finalized, DEQ will issue a final bond<br/>7 calculation. DEQ holds the bond as a financial<br/>8 assurance that the site will be reclaimed after<br/>9 exploration is completed, and the bond must be<br/>10 submitted by Luke Ployhar before DEQ can issue the<br/>11 exploration license.<br/>12 So now that we've covered regulatory<br/>13 framework, we're going to look at the specific<br/>14 exploration project that has been proposed by Luke<br/>15 Ployhar.<br/>16 Exploration would occur on privately<br/>17 owned land at the dot shown on the map within the<br/>18 historic boundary of the Zortman Mine, which is<br/>19 this black outline. You can see the town of<br/>20 Zortman in the lower right corner of the map for<br/>21 reference.<br/>22 The greater Zortman Mine has been<br/>23 reclaimed by the State of Montana and the Federal<br/>24 Bureau of Land Management. Much of the site has<br/>25 been revegetated, but there are still some high</p>   | <p style="text-align: right;">Page 16</p> <p>1 Material to be sampled would be hauled<br/>2 up the new road to the existing main road, and the<br/>3 sample would be hauled off site for testing.<br/>4 Erosion control mechanisms would be<br/>5 placed on the downhill side of both the waste rock<br/>6 stockpile and the trench to prevent sediment<br/>7 runoff during the operation.<br/>8 The project would last for approximately<br/>9 ten days, and work would be conducted between 8:00<br/>10 a.m. and 6:00 p.m. To reclaim, all of the<br/>11 material from the waste rock pile would be used to<br/>12 backfill the trench, which would then be graded to<br/>13 match the existing contour.<br/>14 The new road and drainage ditch would be<br/>15 left in place at the request of the landowner. No<br/>16 revegetation of the trench would be required<br/>17 because the area does not currently have any<br/>18 vegetation; and complete reclamation as shown on<br/>19 this map would be required within two years of<br/>20 completing the exploration project.<br/>21 So now I want to switch gears a bit and<br/>22 go through some questions we received about this<br/>23 project through the public comment period. Then<br/>24 after this we will open it up for questions.<br/>25 So first question is: How would this</p> |

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| <p style="text-align: right;">Page 17</p> <p>1 project impact water quality? To answer this,<br/>2 let's talk about the pertinent water facts at the<br/>3 site.<br/>4 Groundwater is approximately 700 feet<br/>5 below the ground surface at the project location.<br/>6 The total depth of excavation would be 25 feet, so<br/>7 the distance between groundwater and the bottom of<br/>8 the trench would be 675 feet. Groundwater would<br/>9 not be impacted by any of the project disturbance.<br/>10 The nearest surface water to the site<br/>11 would be 1,500 feet north of the project location.<br/>12 To control erosion, trees that have been removed<br/>13 from the road would be placed down slope of the<br/>14 road. A drainage ditch would be excavated at the<br/>15 end of the road, and then erosion control<br/>16 mechanisms would be placed down slope of the<br/>17 exploration trench and waste rock stock pile.<br/>18 If erosion of soil from the waste rock<br/>19 stock pile and trench did occur, the material<br/>20 would not reach surface water, so this project<br/>21 would not impact water at the site.<br/>22 The next question is: How would this<br/>23 project affect the ongoing water treatment,<br/>24 reclamation, and monitoring efforts at the Zortman<br/>25 mine site?</p> | <p style="text-align: right;">Page 19</p> <p>1 about 1,000 feet east of the exploration trench<br/>2 that has been proposed by Luke Ployhar. The<br/>3 cumulative impacts that would result if both the<br/>4 Blue Arc and Luke Ployhar projects were carried<br/>5 out are addressed in the draft EA that is out<br/>6 currently for public comment.<br/>7 So the Blue Arc project proposed one<br/>8 exploration trench, and stock piles for ore and<br/>9 waste rock. They also proposed a 2,400 foot road<br/>10 that would be located off the left side of this<br/>11 map.<br/>12 The two projects are proposed under<br/>13 different licenses, and both licenses were<br/>14 submitted with the required \$100 application fee.<br/>15 Each would require its own bond, and both would be<br/>16 required to be reclaimed.<br/>17 The next question is: Why doesn't the<br/>18 draft EA address future mining related activities?<br/>19 So MEPA limits the scope of what we can<br/>20 analyze. DEQ evaluates only the proposed<br/>21 exploration project, and not any hypothetical<br/>22 future mining activities or considerations beyond<br/>23 the scope of our authority. DEQ can't do an<br/>24 environmental analysis on something that we don't<br/>25 have details for.</p> |
| <p style="text-align: right;">Page 18</p> <p>1 Essentially it wouldn't. As I just<br/>2 discussed, this project would not impact<br/>3 groundwater or surface water. The project also<br/>4 wouldn't impact any features that are protective<br/>5 of water, such as covers and liners in the waste<br/>6 rock repository.<br/>7 BLM and DEQ currently sample water at a<br/>8 number of locations around the mine site, and this<br/>9 exploration project would not engage in any<br/>10 activities that would affect water treatment,<br/>11 reclamation, or monitoring.<br/>12 The next question is: How would the<br/>13 Luke Ployhar project, or how is the Luke Ployhar<br/>14 project related to the Blue Arc, LLC, project from<br/>15 last year?<br/>16 So a company called Blue Arc, LLC,<br/>17 submitted an application for an exploration<br/>18 license in 2020. DEQ released a draft EA for<br/>19 public comment, and published a final EA after a<br/>20 public comment period in 2021.<br/>21 DEQ has not issued the Blue Arc<br/>22 exploration license because Blue Arc has not<br/>23 submitted a bond, which is a requirement for an<br/>24 exploration license.<br/>25 The Blue Arc project would be located</p>   | <p style="text-align: right;">Page 20</p> <p>1 So if the applicant were to pursue a<br/>2 mining operation in the future, that would be a<br/>3 separate permit, and require its own environmental<br/>4 review with its own public comment period.<br/>5 The last question is: How would DEQ<br/>6 confirm reclamation requirements have been<br/>7 completed?<br/>8 First of all, before any work on the<br/>9 project begins, the applicant would be required to<br/>10 submit a bond. Again, the bond is a financial<br/>11 assurance that the reclamation would occur as the<br/>12 project has been proposed, and then after<br/>13 reclamation, DEQ would inspect the site to ensure<br/>14 activities have gone according to plan, and we<br/>15 wouldn't release the bond until reclamation is<br/>16 complete.<br/>17 So that's it from us. Now we're looking<br/>18 for questions from folks.<br/>19 <b>FACILITATOR DAVIN:</b> Thank you, Whitney.<br/>20 We are now entering into the question and answer<br/>21 portion of the evening. We will have a separate<br/>22 time for public comment, so please save your<br/>23 public comment until after this portion. This is<br/>24 just for questions on the project.<br/>25 We will take any questions typed into</p>             |

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| <p style="text-align: right;">Page 21</p> <p>1 the chat, if you're online, and we will allow for<br/>2 those calling by phone, but first we wanted to<br/>3 turn it over to Tribal Council members if they had<br/>4 any questions first.<br/>5 <b>COUNCILMAN MESSERLY:</b> Good evening. My<br/>6 name is Dominic Messerly. For those listening,<br/>7 that's D-O-M-I-N-I-C M-E-S-S-E-R-L-Y. I'm the<br/>8 River District Gros Ventre Representative on the<br/>9 Fort Belknap Indian Community Council here. I'm<br/>10 also a property owner and a taxpayer in the state<br/>11 of Montana.<br/>12 And the question that I have is: Has<br/>13 DEQ sufficiently identified cultural resources and<br/>14 archeological sites that could be impacted by the<br/>15 proposal?<br/>16 And my stance is that DEQ should not<br/>17 finalize the environmental analysis until it has<br/>18 resolved any impacts in accordance with Section<br/>19 106 of the National Historic Preservation Act by<br/>20 consulting with Fort Belknap Tribal Historic<br/>21 Preservation Office, as this area stands within<br/>22 the ancestral treaty territory of our 1855 treaty<br/>23 with the Gros Ventre Tribe.<br/>24 Also take the position that these lands<br/>25 were illegally and coerced, taken by illegal</p> | <p style="text-align: right;">Page 23</p> <p>1 taxpayers in the state of Montana \$33 million and<br/>2 counting in cleanup. And I just want to know if<br/>3 that has been assessed.<br/>4 The exploration, I understand, crosses a<br/>5 road that contained -- that there's a liner under<br/>6 the road near the map that you showed -- if<br/>7 there's any potential for water quality impacts,<br/>8 potential acid mine drainage exposure, and if<br/>9 they've assessed the financial impact that that<br/>10 could have on the state of Montana and taxpayers<br/>11 in the state of Montana. Thank you.<br/>12 <b>FACILITATOR DAVIN:</b> Okay, Whitney. It<br/>13 sounds like we had few questions in there. I saw<br/>14 you taking notes. Do you want to start with the<br/>15 first one?<br/>16 <b>MS. BAUSCH:</b> Sure. So the first one is<br/>17 about whether we've identified the cultural<br/>18 resources near the site, and disclosed those<br/>19 impacts.<br/>20 So in Section 7 of the draft EA, we go<br/>21 through the cultural resources that have been<br/>22 identified by the State Historic Preservation<br/>23 Office, and discuss the impacts.<br/>24 We are limited on what we can require in<br/>25 terms of limiting impacts to cultural resources on</p> |
| <p style="text-align: right;">Page 22</p> <p>1 action in the 1890s when illegal mining activity<br/>2 was going on in the 1890s, known as the infamous<br/>3 Grinnell act.<br/>4 So my first question is: Has DEQ<br/>5 identified cultural resources? And have they<br/>6 consulted with Tribal Preservation Office for Fort<br/>7 Belknap to identify those cultural resources in<br/>8 accordance with Section 106 of the National<br/>9 Historic Preservation Act?<br/>10 The other question that I have in<br/>11 regards to those treaty lands within our<br/>12 historical boundaries of our 1855 common hunting<br/>13 ground treaty, known as the Lame Bull Treaty.<br/>14 We've done research here, and we haven't<br/>15 been able to find the land title that exists from<br/>16 the late 1890s to the early 1900's. Whom and how<br/>17 was this land conveyed or transferred in regards<br/>18 to Little Rocky Mountains?<br/>19 The other question that I have is: As a<br/>20 taxpayer in the state of Montana, has DEQ -- I<br/>21 feel DEQ has a fiduciary responsibility, as well<br/>22 as an environmental responsibility, to determine<br/>23 or assess.<br/>24 As you know, this is a former Superfund<br/>25 site, near a Superfund site that costs the</p>                             | <p style="text-align: right;">Page 24</p> <p>1 private land, but those impacts are disclosed in<br/>2 Section 7.<br/>3 <b>FACILITATOR DAVIN:</b> Thank you, Whitney.<br/>4 This is Moira. I should have identified myself<br/>5 when I spoke before. And Whitney, do you have an<br/>6 answer to the second question?<br/>7 <b>MS. BAUSCH:</b> So the second question was<br/>8 about the liner? Okay. So the question was<br/>9 whether the liner would be impacted by this<br/>10 exploration project, and if there are any<br/>11 potential for water quality impacts or acid mine<br/>12 drainage.<br/>13 The current project proposed by Luke<br/>14 Ployhar would not come anywhere near the liner, so<br/>15 it wouldn't affect it, and there would be no<br/>16 interaction with groundwater or surface water that<br/>17 would result from this project. So there<br/>18 shouldn't be any water quality impacts from this<br/>19 project.<br/>20 <b>FACILITATOR DAVIN:</b> Thank you, Whitney.<br/>21 And I believe there was a third question regarding<br/>22 taxes; did you capture that? I don't know if that<br/>23 question -- if you wanted to repeat that question.<br/>24 Was there a question regarding taxes?<br/>25 <b>COUNCILMAN MESSERLY:</b> I just asked. My</p>       |



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| <p style="text-align: right;">Page 25</p> <p>1 position was that the State DEQ, along with their<br/>2 environmental standards do, I feel, have a<br/>3 fiduciary responsibility.<br/>4 I asked if any exploration or new mining<br/>5 -- you know, this is near a Superfund site that<br/>6 cost the state of Montana taxpayers \$33 million<br/>7 and counting in cleanup, and I just asked if<br/>8 there's been any assessment of estimated costs for<br/>9 potential cleanup.<br/>10 <b>MR. WALSH:</b> Hi. This is Dan Walsh with<br/>11 DEQ, and two responses to your question.<br/>12 First of all, any assessment of the<br/>13 financial impacts from this project would be done<br/>14 as part of our bond assessment, should we get to<br/>15 that point in this process where we calculate a<br/>16 bond for this exploration activity.<br/>17 Secondly, regarding the CERCLA impacts.<br/>18 DEQ had sent a letter to Blue Arc when it first<br/>19 submitted its application to DEQ, notifying Blue<br/>20 Arc of the potential liability it might take on<br/>21 should it proceed with those activities, and<br/>22 should it cause any impacts to the reclamation<br/>23 activities that had already occurred in that area.<br/>24 We're in the process of developing the<br/>25 same type of letter, refining that letter just a</p> | <p style="text-align: right;">Page 27</p> <p>1 analysis of land ownership is beyond what is<br/>2 required by MEPA, or beyond the application of the<br/>3 exploration license as well, so we haven't looked<br/>4 into that.<br/>5 <b>COUNCILMAN MESSERLY:</b> Also I wanted to<br/>6 also talk about State and Tribal consultation.<br/>7 <b>FACILITATOR DAVIN:</b> Did you have a<br/>8 question related to that?<br/>9 <b>COUNCILMAN MESSERLY:</b> Yes. How we<br/>10 initially found out about the first permit that<br/>11 was submitted was in the newspaper.<br/>12 And there's statutory requirements<br/>13 within the State of Montana -- and this is<br/>14 2-15-142, MCA. And it's State law on Tribal<br/>15 relations policy, statutory principles of Tribal<br/>16 relations, and it outlines what those statutory<br/>17 principles are for Tribal consultation.<br/>18 And that didn't happen in the first<br/>19 round of permitting, in the permitting process,<br/>20 because we found out by reading in the newspaper<br/>21 that the State of Montana DEQ was looking at a<br/>22 permit.<br/>23 And those statutory principles of State<br/>24 and Tribal relations call for cooperation and<br/>25 collaboration, mutual understanding and respect,</p>                                 |
| <p style="text-align: right;">Page 26</p> <p>1 little bit, and issuing a similar letter to Luke<br/>2 Ployhar to notify him of the potential risks that<br/>3 he would take on as a responsible party should<br/>4 those exploration activities result in some<br/>5 negative impact to the reclamation activities that<br/>6 have already occurred at that site.<br/>7 <b>FACILITATOR DAVIN:</b> Thank you, Dan. I<br/>8 think that covered all of those questions. Are<br/>9 there any additional questions from Tribal Council<br/>10 members?<br/>11 <b>COUNCILMAN MESSERLY:</b> So has the DEQ,<br/>12 have they contacted the Tribal Historic<br/>13 Preservation Office in any regards?<br/>14 <b>MS. BAUSCH:</b> We did not contact the<br/>15 Tribal Historic Preservation Office, no.<br/>16 <b>FACILITATOR DAVIN:</b> Any additional<br/>17 questions from Tribal Council members at this<br/>18 time?<br/>19 <b>COUNCILMAN MESSERLY:</b> I asked a question<br/>20 in regards to the land title that exists from the<br/>21 1890s and early 1900's, and who and how this<br/>22 conveyance happened and this land was transferred<br/>23 per the Grinnell agreement, which we take the<br/>24 position was a coerced illegal agreement.<br/>25 <b>MS. BAUSCH:</b> This is Whitney. The</p>  | <p style="text-align: right;">Page 28</p> <p>1 regular and early communication, accountability in<br/>2 addressing issues of mutual concern, and those are<br/>3 all efforts to preserve the State/Tribal<br/>4 relationships in the government-to-government.<br/>5 And so my question is: Why wasn't that<br/>6 State law followed in the first round of<br/>7 permitting?<br/>8 <b>MR. WALSH:</b> Thank you for the question.<br/>9 This is Dan Walsh again.<br/>10 So we received the correspondence from<br/>11 Fort Belknap about the Blue Arc submittal, and in<br/>12 the form of essentially a notice of intent to sue<br/>13 about the Agency's actions on the first Blue Arc<br/>14 proposal, and that is something that at this point<br/>15 is essentially kind of a contested case.<br/>16 But from that correspondence from Fort<br/>17 Belknap, the Agency has been very intentional<br/>18 about its early and often outreach to Fort Belknap<br/>19 for the later submittals that have been presented<br/>20 to the agency, for Blue Arc the second time, and<br/>21 for Luke Ployhar.<br/>22 So there's still potentially some<br/>23 discussion for DEQ's actions with the first<br/>24 submittal, and that's a contested case as I<br/>25 mentioned. But based on that dialogue and the</p> |

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| <p>Page 29</p> <p>1 messaging with that, we've been very focused on<br/>2 making sure that Fort Belknap was involved in this<br/>3 submittal.<br/>4 <b>FACILITATOR DAVIN:</b> And Dan, you<br/>5 mentioned three submittals, and I know we've only<br/>6 discussed two today. Would you like to provide<br/>7 some clarification on the three, or maybe Whitney?<br/>8 <b>MS. BAUSCH:</b> This is Whitney speaking.<br/>9 The second proposal that was referenced was<br/>10 submitted by Blue Arc, and they have since<br/>11 withdrawn that, so there are only two proposals<br/>12 currently that could potentially go forward near<br/>13 this area.<br/>14 <b>COUNCILMAN MESSERLY:</b> Okay. Thank you,<br/>15 but that's after the fact. That was after the<br/>16 fact. We weren't notified. We actually read this<br/>17 in the newspaper, which prompted us to file the<br/>18 lawsuit. Thank you anyway.<br/>19 <b>FACILITATOR DAVIN:</b> Thank you. Thank<br/>20 you for your comments and your question.<br/>21 <b>COUNCILMAN MESSERLY:</b> And just for the<br/>22 record, you violated your own State law.<br/>23 <b>FACILITATOR DAVIN:</b> Thank you for your<br/>24 comments. Do you have any additional questions we<br/>25 can answer at this time before we move into the</p> | <p>Page 31</p> <p>1 this area close to the Reservation. It has not<br/>2 had a very good effect on the quality of life on<br/>3 our home lands. That would be my statement.<br/>4 Thank you.<br/>5 <b>FACILITATOR DAVIN:</b> Thank you. We will<br/>6 start formal public comment here in a minute.<br/>7 We're just taking any last questions. So if you<br/>8 have a question about the project that you would<br/>9 like to ask, we'll take any final questions at<br/>10 this time before we move to public comment. Are<br/>11 there any questions?<br/>12 <b>MR. STRAIT:</b> Moira, we have some<br/>13 questions here at the Hays location.<br/>14 <b>FACILITATOR DAVIN:</b> Okay. Great.<br/>15 Please state your name, your first and last name,<br/>16 before you ask your question for our Court<br/>17 Reporter.<br/>18 <b>MR. BREWER:</b> My name is David Brewer.<br/>19 I'm only going to go with two questions with this<br/>20 MMRA. I want to know what year the Legislature<br/>21 approved this update.<br/>22 <b>FACILITATOR DAVIN:</b> Can you repeat the<br/>23 question? Did you say who here at the Legislature<br/>24 -- I didn't catch --<br/>25 <b>MR. BREWER:</b> No. I want know what year</p> |
| <p>Page 30</p> <p>1 comment period?<br/>2 <b>COUNCILMAN MESSERLY:</b> My colleague here<br/>3 does, Councilman Steve Fox.<br/>4 <b>FACILITATOR DAVIN:</b> Councilman Fox, go<br/>5 ahead.<br/>6 <b>COUNCILMAN FOX:</b> Good evening. I guess<br/>7 I would like to first of all say that I agree with<br/>8 Councilman Messerly's statement about following<br/>9 your law. The second time around was in fact<br/>10 after the fact.<br/>11 This whole thing that this little piece<br/>12 of land involves -- it's called the Grinnell Notch<br/>13 -- it probably was cursed to begin with. After<br/>14 they found that it was full of gold, they<br/>15 basically took it away from us, and cleaned out<br/>16 most of the gold, but there's probably still<br/>17 enough left, based on the price of gold. Whether<br/>18 it's worth mining or not, I will probably soon<br/>19 find out.<br/>20 But I would just like to say that the<br/>21 Tribes really needed to be treated fairly in this<br/>22 whole matter. Historically it's a mess, and it<br/>23 just shows how badly the Tribes were treated in<br/>24 this whole deal.<br/>25 And I'm not supportive of new mining in</p>  | <p>Page 32</p> <p>1 the Legislature approved this update.<br/>2 <b>FACILITATOR DAVIN:</b> What year the<br/>3 Legislature approved the update; is that correct?<br/>4 <b>MR. BREWER:</b> That's correct.<br/>5 <b>FACILITATOR DAVIN:</b> Does anyone in the<br/>6 room have an answer to that? Which update are you<br/>7 referring to?<br/>8 <b>MR. BREWER:</b> The MMRA.<br/>9 <b>FACILITATOR DAVIN:</b> It looks like we're<br/>10 pulling that answer up. We'll get that back to<br/>11 you in a minute. Do you have a second question we<br/>12 can answer in the interim?<br/>13 <b>MR. BREWER:</b> I do. My second question<br/>14 is: What's this bond for this exploration<br/>15 portion?<br/>16 <b>FACILITATOR DAVIN:</b> Your question is:<br/>17 What's the bond for the exploration license?<br/>18 <b>MR. BREWER:</b> That's correct.<br/>19 <b>FACILITATOR DAVIN:</b> I'll turn that over<br/>20 to Whitney to answer, Whitney Bausch.<br/>21 <b>MS. BAUSCH:</b> This is Whitney speaking.<br/>22 We have not yet calculated the bond for this<br/>23 exploration project. That would occur after we've<br/>24 completed the final environmental review.<br/>25 <b>MR. BREWER:</b> Okay. Thank you.</p>      |

Page 33

1 **FACILITATOR DAVIN:** Let me see if we  
2 have an answer to your first question here. Does  
3 anybody have the year?  
4 **MS. NOWAKOWSKI:** This is Sonja  
5 Nowakowski, Division Administrator.  
6 The Act was passed by the Montana  
7 Legislature in 1971. It looks like it's been  
8 amended in 2003, 2015, and 2021.  
9 **MR. BREWER:** So it was 1971, and then in  
10 2003 it was adjusted? And I'm talking about the  
11 exploration portion.  
12 **FACILITATOR DAVIN:** I think we'll have  
13 to let them look into the exploration portion  
14 specifically, and we can get back to you on that  
15 one tonight here. Did you have any other  
16 questions?  
17 **MR. BREWER:** No. Those were the only  
18 two questions.  
19 **FACILITATOR DAVIN:** We'll make sure we  
20 get you an answer to that other one, and in the  
21 meantime, if anyone else has any questions in the  
22 room that you'd like to ask.  
23 **MR. STRAIT:** We have one more.  
24 **FACILITATOR DAVIN:** Please remember to  
25 state your name.

Page 34

1 **PRESIDENT STIFFARM:** Good afternoon,  
2 everyone. My name is Jeff Stiffarm -- (inaudible)  
3 -- There was a two day window to apply for this  
4 permit. How did Mr. Ployhar know about this two  
5 day window? Did you guys notify him about this  
6 window to apply for this permit?  
7 **FACILITATOR DAVIN:** Are you asking who  
8 applied for the permit? Was that the question?  
9 **PRESIDENT STIFFARM:** My question was:  
10 There was a two day window to apply for this  
11 permit that Mr. Ployhar put in for. Did DEQ  
12 notify Mr. Ployhar about this two day window?  
13 **FACILITATOR DAVIN:** I think Whitney will  
14 answer that one for you.  
15 **MS. BAUSCH:** This is Whitney speaking.  
16 Mineral rights are administered by the BLM, and so  
17 DEQ doesn't have anything to do with that process.  
18 **PRESIDENT STIFFARM:** So you're saying it  
19 was BLM that notified him?  
20 **FACILITATOR DAVIN:** Sorry. You're a  
21 little muffled. Can you repeat that?  
22 **PRESIDENT STIFFARM:** So you're saying  
23 BLM notified Mr. Ployhar of the two day window?  
24 **MS. BAUSCH:** I'm not saying that BLM  
25 notified Mr. Ployhar about the window. That would

Page 35

1 be a question for BLM.  
2 **PRESIDENT STIFFARM:** Also another  
3 question is: Is there going to be an extension of  
4 the deadline for consultation on the estimated  
5 bond amount? There's an extension of the time  
6 from the 1/11 deadline due to this late  
7 consultation that occurred? Are you guys going to  
8 extend the window for the consultation on this  
9 bond amount?  
10 **MS. BAUSCH:** This is Whitney speaking  
11 again. At this point we released the EA, the  
12 draft EA, for public comment on November 19th, and  
13 the public comment period will close on January  
14 11th, which is a total of 44 days. We're  
15 currently at day 37, so we have seven days left to  
16 submit comment.  
17 What we'll do when we have approached  
18 the end of the public comment period is look at  
19 all of the comments that have come in that are  
20 related to the project, and we will assess whether  
21 the public comment period would need to be  
22 extended.  
23 **PRESIDENT STIFFARM:** And one more last  
24 question is: I want to ask why you guys didn't  
25 consult our Tribal Historic Preservation Program.

Page 36

1 Why didn't you contact them?  
2 **MS. BAUSCH:** This is Whitney speaking.  
3 It's standard process to assess cultural resources  
4 through the State Historic Preservation Office,  
5 but we do appreciate comments like this, and I  
6 hope that you submit a comment to this effect so  
7 we can incorporate that kind of thing into the  
8 final Environmental Assessment, and make sure  
9 we've accurately assessed any impacts and  
10 identified all resources that might be impacted.  
11 **FACILITATOR DAVIN:** Any other questions  
12 in the room?  
13 **MR. STRAIT:** No, that's all for now.  
14 **FACILITATOR DAVIN:** Okay. Thank you.  
15 Any questions from anyone else? Before we move on  
16 to the formal comment period, just a reminder we  
17 do have a formal comment period, so please save  
18 your comments until then, but if you have a  
19 question, we can address those now.  
20 **MS. CLERGET:** Moira, I can answer the  
21 prior question.  
22 **FACILITATOR DAVIN:** Okay. Perfect. We  
23 have an answer on the question on the date.  
24 **MS. CLERGET:** This is Sarah Clerget  
25 speaking, and I'm a DEQ lawyer, and I just wanted

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| <p style="text-align: right;">Page 37</p> <p>1 to answer your question about the date for when<br/>2 exploration license laws were passed of the MMRA.<br/>3 The first iteration of it came in 1971,<br/>4 and then it was revised in 1974, 1979, 1991, 1995,<br/>5 and 2001, and 2021. So that specific statute is<br/>6 has been addressed those years.<br/>7 <b>FACILITATOR DAVIN:</b> Thank you, Sarah. I<br/>8 believe it looked like the Phillips County<br/>9 Commissioners have some questions.<br/>10 <b>MR. CARNAHAN:</b> Yes. My name is John<br/>11 Carnahan, J-O-H-N C-A-R-N-A-H-A-N. I'm a Phillips<br/>12 County Commissioner.<br/>13 My question is: The area that they are<br/>14 going to retrieve this product from, is that<br/>15 something that's already been drilled and shot?<br/>16 Otherwise it would be a little hard to dig. I'm<br/>17 just curious on that. So that I understand we're<br/>18 not disturbing anything new. That's all I've got.<br/>19 <b>FACILITATOR DAVIN:</b> Thank you. So I<br/>20 believe the question was if the exploration<br/>21 project is on land that's already been disturbed;<br/>22 is that correct?<br/>23 <b>MR. CARNAHAN:</b> Yes. That's correct.<br/>24 <b>FACILITATOR DAVIN:</b> Okay. It looks like<br/>25 Wayne is going to answer that one.</p> | <p style="text-align: right;">Page 39</p> <p>1 chat talking about access to the site, now that<br/>2 it's been opened to exploration. This is from<br/>3 Bill's iPhone.<br/>4 It says, "The road once ran from<br/>5 Landusky to Hays. Now it is locked in both<br/>6 directions. How can I use a road that has been<br/>7 retired by Forest Service?" Do we have an answer<br/>8 to that?<br/>9 Do you want me to repeat it? The main<br/>10 question is: "How can I use a road that has not<br/>11 been retired by Forest Service"?<br/>12 Maybe if whoever wrote that, Bill, if<br/>13 you have any clarifications on that question, it<br/>14 might be helpful. Does anyone have any questions?<br/>15 Go ahead.<br/>16 <b>MR. BELL:</b> Yes, I do. Bill is right<br/>17 here. My name is Bill, B-I-L-L B-E-L-L. I'm an<br/>18 enrolled member of the Fort Belknap Indian<br/>19 Reservation.<br/>20 The reason I'm asking that is if it's<br/>21 locked, and nobody else has access to it -- and<br/>22 he's a landowner up there. I get that. But if<br/>23 it's a CERCLA site, and you're keeping everybody<br/>24 else out for safety's concern, why does he have<br/>25 access and nobody else does? That's what I'm</p>  |
| <p style="text-align: right;">Page 38</p> <p>1 <b>MR. JEPSON:</b> Yes. This is Wayne Jepson.<br/>2 The proposed exploration trench is very close to<br/>3 the high wall of one of the older mine pits. It<br/>4 does not appear to have been disturbed before.<br/>5 It's a rocky unvegetated slope in that area.<br/>6 But it does not appear to have been<br/>7 disturbed by the previous mining, except that<br/>8 there was a pre-existing exploration road cut<br/>9 through the area. So I do not believe the area<br/>10 was drilled and shot.<br/>11 <b>FACILITATOR DAVIN:</b> Thank you, Wayne.<br/>12 Any other questions from those that are in rooms<br/>13 together in remote locations before we go to<br/>14 online questions?<br/>15 (No response)<br/>16 <b>FACILITATOR DAVIN:</b> So I am going to go<br/>17 to those on Zoom and by phone. It looks like<br/>18 there's some questions in the chat on where the<br/>19 raise hand is. Hopefully you're able to find<br/>20 that. If anyone has questions right now online on<br/>21 Zoom, if you would like to unmute and ask your<br/>22 question, you're welcome to.<br/>23 (No response)<br/>24 <b>FACILITATOR DAVIN:</b> Are there any<br/>25 questions online? I do see one question in the</p>   | <p style="text-align: right;">Page 40</p> <p>1 talking about, is that you guys are kind of<br/>2 playing a double edged sword here by giving access<br/>3 to where others are denied access.<br/>4 And we've been through this in my time<br/>5 working at Fort Belknap College, where we had to<br/>6 beg and plead to be able to get up there and<br/>7 access these sites, whereas he can come and go as<br/>8 he pleases, yet it's on Forest Service road that<br/>9 was built by Forest Service, and it was never,<br/>10 ever, retired. So I'm not understanding where<br/>11 there's a double standard there as far as access<br/>12 is concerned. Thank you.<br/>13 <b>MS. BAUSCH:</b> This is Whitney speaking.<br/>14 Thank you for the clarification, Bill. DEQ is not<br/>15 granting any access that doesn't already exist.<br/>16 That's not part of the project. So if Luke<br/>17 Ployhar already has access to the site, we are not<br/>18 granting any extra special access at this time.<br/>19 <b>MR. BELL:</b> So that means he's got a key.<br/>20 I was wondering why Fort Belknap Indian Community<br/>21 members that are a part of the water quality<br/>22 projects up there, do they have their own key, and<br/>23 they can come and go as they please? Because this<br/>24 is also -- it's still public land up there.<br/>25 <b>FACILITATOR DAVIN:</b> That's not a</p> |

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| <p style="text-align: right;">Page 41</p> <p>1 question I believe we can answer. Wayne, do you<br/>2 have any thoughts on that one?<br/>3 <b>MR. JEPSON:</b> I can only comment that<br/>4 because the area has been public lands for a long<br/>5 time, that the landowner has rights to access. I<br/>6 believe that it used to be accessible to the<br/>7 public, because I believe at one time, maybe up<br/>8 until the 1970s, there was a County road easement<br/>9 up there, but that easement was dropped at some<br/>10 point, possibly at the request of the landowner,<br/>11 and so there's no longer a public easement through<br/>12 the area.<br/>13 <b>FACILITATOR DAVIN:</b> Thank you, Wayne.<br/>14 Is there any additional questions online? I'm not<br/>15 seeing any others in the comments or the chat, but<br/>16 if you have a question before we move to the<br/>17 official public comment portion.<br/>18 As a reminder, we will not be responding<br/>19 to comments in the comment portion. It's our<br/>20 opportunity to hear from you, and for you to share<br/>21 your thoughts. So if you have any questions we'll<br/>22 take any final questions at this time. You're<br/>23 welcome to unmute and ask your question.<br/>24 <b>UNKNOWN SPEAKER:</b> Go ahead.<br/>25 <b>MR. KING:</b> My name is Terrance</p>         | <p style="text-align: right;">Page 43</p> <p>1 That's just one of my concerns, the dust.<br/>2 <b>FACILITATOR DAVIN:</b> So your question is<br/>3 related to if there's any air quality monitoring,<br/>4 it sounds like, dust monitoring?<br/>5 <b>MR. KING:</b> How are you guys going to<br/>6 monitor the health? Because as I said, in 1992,<br/>7 they were supposed to do some community, and go<br/>8 around, and they even hired a lady. But since the<br/>9 mine, the Canadian mine folded, it never went<br/>10 forward.<br/>11 So we don't know. It's just an unknown.<br/>12 But what is this new mining going to do about the<br/>13 dust if that could become a problem? Because<br/>14 we've got a lot of prevailing winds. People live<br/>15 there. What guarantees do we have that live<br/>16 there? Not the people that live in the city<br/>17 that's far away. Just the people locally are<br/>18 going to be affected. What health --<br/>19 <b>FACILITATOR DAVIN:</b> Thank you for your<br/>20 question. I think Dan can answer that.<br/>21 <b>MR. WALSH:</b> Yes. Thank you. This is<br/>22 Dan Walsh.<br/>23 So again, as we're assessing this<br/>24 project, we're looking at an exploration project<br/>25 that's short term, for ten days, with a trench</p> |
| <p style="text-align: right;">Page 42</p> <p>1 T-E-R-R-A-N-C-E, King, K-I-N-G.<br/>2 When I was a teenager, I lived downwind<br/>3 of the mine, and I was to take these pills for one<br/>4 year, and that's one of the identified -- I don't<br/>5 remember the name of the medication.<br/>6 But I soon later found out both my<br/>7 parents had to take the same medication, my<br/>8 sister-in-law. And I just found this out by<br/>9 chance. I didn't even ask either of those three<br/>10 people. But there's probably more.<br/>11 I know in 1992 they were going to do a<br/>12 health study, but since Pegasus -- which is a<br/>13 Canadian company who did the patchwork quilt --<br/>14 they went in there backwards. They wanted five<br/>15 acres, ten acres, come in every so often to get<br/>16 another twenty acres -- pretty soon they had the<br/>17 whole thing tore down.<br/>18 What's safe health on our side of the<br/>19 mountain? Like the Councilman had stated, that we<br/>20 live here, and the other people that are going to<br/>21 come here don't live here, so they won't have to<br/>22 live with the mining dust or nothing like that.<br/>23 So what health guards, or are you guys going to<br/>24 set up little ground monitors, or air monitors, or<br/>25 -- Probably can't because the dust is so small.</p> | <p style="text-align: right;">Page 44</p> <p>1 that's essentially the size of two school buses<br/>2 stacked on top of one another. It's much<br/>3 different than the scenario that you described<br/>4 with full scale mining.<br/>5 So for this particular project, the<br/>6 Agency's conclusion is that air impacts are<br/>7 expected to be quite minimal, and that there is<br/>8 not a corresponding need for air monitoring for<br/>9 this project.<br/>10 <b>FACILITATOR DAVIN:</b> Thank you, Dan. Are<br/>11 there any additional questions before we move on<br/>12 to the comment portion?<br/>13 (No response)<br/>14 <b>FACILITATOR DAVIN:</b> James, do you have<br/>15 any additional questions in person there?<br/>16 <b>MR. STRAIT:</b> No.<br/>17 <b>FACILITATOR DAVIN:</b> Okay. I'm not<br/>18 seeing any online. It looks like we do have one,<br/>19 Cher Old Elk Stewart. Go ahead if you have a<br/>20 question.<br/>21 <b>MS. OLD ELK STEWART:</b> Thank you. Yes, I<br/>22 have a quick question. I wasn't clear what the<br/>23 response was to our President's question about<br/>24 whether there will be -- at what point does DEQ<br/>25 determine whether there's going to be an extension</p>   |

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| <p style="text-align: right;">Page 45</p> <p>1 of time for comments to the EA, or will there be?</p> <p>2 <b>FACILITATOR DAVIN:</b> Thank you for your</p> <p>3 question. I'm going to turn that over to Dan on</p> <p>4 our team.</p> <p>5 <b>MR. WALSH:</b> This is Dan Walsh again. So</p> <p>6 at this point we've established the time frame for</p> <p>7 taking comment. If you have interest in DEQ</p> <p>8 extending that time period, you can certainly</p> <p>9 submit that as a comment.</p> <p>10 What DEQ intends to do at this point is</p> <p>11 look at the comments we receive within the comment</p> <p>12 period that was initially established, which ends</p> <p>13 January 11th; and unless there is some compelling</p> <p>14 request to extend that comment period, our</p> <p>15 intention would be to evaluate those comments, and</p> <p>16 then move forward with our process based on the</p> <p>17 initial January 11th deadline.</p> <p>18 <b>MS. OLD ELK STEWART:</b> Okay. Thank you.</p> <p>19 The second question I had is: For this type of</p> <p>20 DEQ decision, do you have an estimated -- and I</p> <p>21 mean I know you have not come to determination of</p> <p>22 a bond requirement -- but what would be -- can</p> <p>23 anyone give us an estimated amount for similar</p> <p>24 type projects?</p> <p>25 <b>MR. WALSH:</b> This is Dan again. And so</p>                  | <p style="text-align: right;">Page 47</p> <p>1 For those calling by phone, if you would</p> <p>2 like to sign up for comments, please unmute now,</p> <p>3 and state your name and affiliation, and we will</p> <p>4 add you to the list. So for any calling by phone,</p> <p>5 please unmute and state your name and affiliation</p> <p>6 if you would like to comment, and we will add you</p> <p>7 to the list.</p> <p>8 <b>MR. HAWLEY:</b> John Hawley.</p> <p>9 <b>FACILITATOR DAVIN:</b> John Hawley? Did I</p> <p>10 get that right?</p> <p>11 <b>MR. HAWLEY:</b> Yes, J-O-H-N H-A-W-L-E-Y.</p> <p>12 <b>FACILITATOR DAVIN:</b> Thank you. We have</p> <p>13 you on the list. Anyone else calling by phone</p> <p>14 that would like to sign up to comment?</p> <p>15 (No response)</p> <p>16 <b>FACILITATOR DAVIN:</b> Okay. So I'm just</p> <p>17 going to go over some basics again. You will see</p> <p>18 on the screen here that we do have information on</p> <p>19 the public comment period.</p> <p>20 The public comment period closes</p> <p>21 currently on January 11th, 2022, and you can</p> <p>22 submit comments either tonight formally, or also</p> <p>23 via the email address on the screen, and I'll go</p> <p>24 ahead and read that for those are calling in.</p> <p>25 It's deqmepa@mt.gov. You can also</p>  |
| <p style="text-align: right;">Page 46</p> <p>1 for this particular project, with the relatively</p> <p>2 small amount of surface disturbance that's</p> <p>3 anticipated here, we would not anticipate a</p> <p>4 tremendously large bond for this activity and what</p> <p>5 it would take to put that particular disturbance</p> <p>6 back to the way it was before the disturbance, but</p> <p>7 we don't have a specific estimate at this point.</p> <p>8 <b>MS. OLD ELK STEWART:</b> Thank you.</p> <p>9 <b>FACILITATOR DAVIN:</b> Thank you. I do see</p> <p>10 one other hand raised. It looks like it's a phone</p> <p>11 number ending in 820. I believe they may have</p> <p>12 raised their hand at the beginning. Do you have a</p> <p>13 question at this time? You're welcome to unmute.</p> <p>14 (No response)</p> <p>15 <b>FACILITATOR DAVIN:</b> Okay. Any final</p> <p>16 questions before we move into the formal public</p> <p>17 comment? I'll just give one more opportunity, and</p> <p>18 then we'll move into public comment time.</p> <p>19 (No response)</p> <p>20 <b>FACILITATOR DAVIN:</b> Seeing none, we will</p> <p>21 now move into the formal public comment portion of</p> <p>22 the evening. If you wish to comment and have not</p> <p>23 already signed up when you registered, you may</p> <p>24 sign up in person on the sign-in sheets, or via</p> <p>25 the chat box on Zoom.</p> | <p style="text-align: right;">Page 48</p> <p>1 provide a written comment by mailing to DEQ Mining</p> <p>2 Bureau, Attention: Whitney Bausch, P.O. Box</p> <p>3 200901, Helena, Montana 59620. So if you don't</p> <p>4 wish to comment tonight and would like to comment</p> <p>5 via a written opportunity, you can through email</p> <p>6 or by mail.</p> <p>7 The purpose of this public meeting is to</p> <p>8 hear from you with information or evidence that</p> <p>9 will assist us with evaluating possible</p> <p>10 environmental impacts. We will not be responding</p> <p>11 to comment, but we are listening and recording the</p> <p>12 comments. The final document will include a</p> <p>13 response to comments, and we appreciate all of you</p> <p>14 taking the time tonight and providing comment.</p> <p>15 Again, just if you have questions on</p> <p>16 comments, hopefully this information on the screen</p> <p>17 is helpful on how you can submit those.</p> <p>18 This is a meeting to hear from the</p> <p>19 public, and we do have quite a few of you signed</p> <p>20 up for comment, so each commenter will have three</p> <p>21 minutes, and will be notified when they have 30</p> <p>22 seconds left. After the three minutes are up, you</p> <p>23 will be notified, and we'll move on to the next</p> <p>24 commenter.</p> <p>25 We are going to start with the Tribal</p> |

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| <p style="text-align: right;">Page 49</p> <p>1 Council, and then we'll move on to those in the<br/>2 room, and then those who have registered online;<br/>3 followed by those who have signed up this evening<br/>4 via Zoom chat or by phone.<br/>5 All comments will be recorded and<br/>6 transcribed, and are part of public comments, so<br/>7 any personal information you share while making<br/>8 public comment will become public, and anyone<br/>9 listening will hear your remarks.<br/>10 So a reminder to those that are<br/>11 listening, if you could please remain muted until<br/>12 called on, so that everyone can hear those who are<br/>13 speaking. And please, when you do comment, please<br/>14 state your first and last name and spell it, if<br/>15 possible, and any affiliation.<br/>16 So with that, we'll go ahead and start<br/>17 with Tribal Council members. If there are any<br/>18 Tribal Council members who would like to provide<br/>19 official comment, we will start with you.<br/>20 (Inaudible)<br/>21 <b>COUNCILMAN LeVALDO:</b> I pretty much got<br/>22 the idea that everybody here attending is against<br/>23 this mining. You guys say it's two busses deep,<br/>24 and it's only a trench, but you've got all these<br/>25 experts, how experts, environmental experts.</p>                           | <p style="text-align: right;">Page 51</p> <p>1 But that's how we feel. I mean that's<br/>2 how I personally feel. I thought this issue was<br/>3 already over, and it obviously ain't. Like<br/>4 President Stiffarm said. Who gave the two day<br/>5 notice? That's pretty easy. He's either one<br/>6 lucky person, or somebody gave him a heads-up.<br/>7 And I know BLM is there. I know they<br/>8 can't answer or whatever, but that's what I'd like<br/>9 to find out, too. Who notified him about this two<br/>10 day window? Thank you.<br/>11 <b>FACILITATOR DAVIN:</b> Thank you. Any<br/>12 other Tribal Council members that would like to<br/>13 provide comment?<br/>14 <b>PRESIDENT STIFFARM:</b> Good afternoon.<br/>15 Jeff Stiffarm, J-E-F-F S-T-I-F-F-A-R-M, the Tribal<br/>16 President here at Fort Belknap.<br/>17 And I was hoping that I could take my<br/>18 opening comments with your comment period, so I'll<br/>19 just restate them again, what I said at the<br/>20 beginning of this meeting.<br/>21 Fort Belknap opposes this new mining<br/>22 permit that you guys are looking at for Luke<br/>23 Ployhar, based on the fact that, first of all, you<br/>24 guys didn't consult the Tribes. The only time<br/>25 that you did consult the Tribes was when we filed</p>             |
| <p style="text-align: right;">Page 50</p> <p>1 I know if you guys actually went up<br/>2 there, and looked around, and swam around in the<br/>3 ponds, but that's what it looks like. We've got<br/>4 history there, and what it's doing to our land,<br/>5 what it's doing to our trees, what it's doing to<br/>6 our creeks, what it's going to do changes of the<br/>7 water. I don't know if water is important to you<br/>8 guys, but it is to us. So that's how we feel.<br/>9 Sorry. I didn't introduce myself. My<br/>10 name is Geno LeValdo, I'm the Gros Ventre at Large<br/>11 Representative, newly elected, so kind of the new<br/>12 guy here. But that's my feel.<br/>13 And the other thing is due to the<br/>14 relationship between State and the Tribal<br/>15 government, there was none of that. Like<br/>16 Councilman Messerly said, there was none of that,<br/>17 violating your guys' own State laws.<br/>18 And like President Stiffarm was saying.<br/>19 Nobody wants this. We already have history that<br/>20 -- and yeah, it's only a trench, and this and that<br/>21 to you guys. And I think what King said is<br/>22 absolutely right. The air quality, and the<br/>23 trenches you guys showed us, the map that's being<br/>24 held, the grass waddle. I know what grass waddles<br/>25 are, for the tailing ends.</p> | <p style="text-align: right;">Page 52</p> <p>1 a lawsuit against you guys for not following your<br/>2 laws.<br/>3 And that makes me look at what else are<br/>4 you guys doing behind the Tribes' back that worked<br/>5 on this? Maybe it was you guys that notified Mr.<br/>6 Ployhar about this two day window. There's a lot<br/>7 of unanswered questions that you guys are not<br/>8 answering for us.<br/>9 The other thing as I pointed out is that<br/>10 you guys don't live here on Fort Belknap. You<br/>11 don't live here in the mountains here, where the<br/>12 water runs off. You haven't been up to our<br/>13 Pow-Wow grounds, our sundance grounds, up to Eagle<br/>14 Child, up to these peaks that we have here where<br/>15 is culturally sensitive to us, where we go to<br/>16 fast, we go to sundance.<br/>17 Basically these mountains are our<br/>18 churches here, what you guys' religion is called.<br/>19 That's how sacred they are to us. Yet you didn't<br/>20 reach out and ask us, didn't reach out to Tribal<br/>21 cultural program, and ask about our culture, our<br/>22 cultural sites of our people. There's people who<br/>23 we've lost because of this, and there's people<br/>24 that have gotten sick because of this.<br/>25 And have you guys drove up Mission</p> |

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| <p style="text-align: right;">Page 53</p> <p>1 Canyon, and looked at the tailings that are<br/>2 running down from the old Pegasus mine? Probably<br/>3 not, because you guys don't care enough to do<br/>4 that, to look at how that affects us that live<br/>5 here. I know Mr. Plohar doesn't live here, so<br/>6 obviously he don't care about the lives that this<br/>7 is going to affect.<br/>8 The other thing that you guys need take<br/>9 into account is how much has the Pegasus mine cost<br/>10 taxpayers? I know Councilman Messerly brought<br/>11 that up, and said it's over \$33 million. Is \$33<br/>12 million worth one life to you guys? To me, it<br/>13 isn't. To me, life is more important than money.<br/>14 Something you guys need to think about<br/>15 going down the road. Our lives here, our<br/>16 children's lives, our grandchildren's, our great<br/>17 grandchildren's. Like I say, we live here. You<br/>18 don't. It's something you need to think about if<br/>19 you're going to allow this permit here to go<br/>20 forward.<br/>21 Maybe you should come here in the spring<br/>22 and really take a hard look at what we have here,<br/>23 and what we've lost, and what we're going to lose<br/>24 if you're going to allow this to happen. Talk to<br/>25 our people person-to-person, face-to-face. Look</p> | <p style="text-align: right;">Page 55</p> <p>1 record and say: No more mining in the Little<br/>2 Rocky Mountains.<br/>3 This project would be located in the<br/>4 Zortman Mine Ross Pit, which is about two miles<br/>5 northwest of the town of Zortman, where<br/>6 reclamation and cleanup activities have occurred<br/>7 since the Pegasus gold mine bankruptcy, which has<br/>8 cost the State of Montana \$33 million in cleanup,<br/>9 Superfund site.<br/>10 This project is located above the Glory<br/>11 Hole Gulch, which is an intermittent tributary<br/>12 flowing directly into the Lodge Pole Creek onto<br/>13 the Fort Belknap Indian Community Reservation.<br/>14 Pollution from the Zortman and Landusky<br/>15 Mines has already caused surface and groundwater<br/>16 pollution throughout the Little Rockies, with<br/>17 significant harm to public health, fisheries,<br/>18 habitat, cultural and ceremonial sites,<br/>19 recreation, agriculture, industrial uses.<br/>20 We feel here at the Fort Belknap Indian<br/>21 Community that DEQ has not conducted enough<br/>22 analysis to determine the proposal's water quality<br/>23 impacts, including potential for acid mine<br/>24 drainage.<br/>25 We've taken the position that new mining</p>   |
| <p style="text-align: right;">Page 54</p> <p>1 at what first hand what it is that we have here,<br/>2 and what we're going to lose if you guys are going<br/>3 to allow this.<br/>4 Go on the Lodge Pole side, the drainage<br/>5 out of Lodge Pole Creek, it's above there, what<br/>6 they have over there, and how many lives it's<br/>7 going to affect over there. Put yourselves in our<br/>8 shoes that live here. Something to think about,<br/>9 and think about lives, instead of mining. Thank<br/>10 you.<br/>11 <b>FACILITATOR DAVIN:</b> Thank you. Do we<br/>12 have any other Tribal Council members that would<br/>13 like to comment?<br/>14 <b>COUNCILMAN MESSERLY:</b> Yes, ma'am. Can<br/>15 you hear me?<br/>16 <b>FACILITATOR DAVIN:</b> We can hear you. Go<br/>17 ahead.<br/>18 <b>COUNCILMAN MESSERLY:</b> Okay. Great. My<br/>19 name is Dominic Messerly, M-E-S-S-E-R-L-Y, and I'm<br/>20 the River District Gros Ventre Representative on<br/>21 the Fort Belknap Indian Community Council.<br/>22 I just wanted to be on record. First of<br/>23 all, thank you for your time, and I want to thank<br/>24 all of the participants, and those who are<br/>25 involved in this meeting. And I want to go on</p>   | <p style="text-align: right;">Page 56</p> <p>1 activity could undo decades of work, and prevent<br/>2 or delay reclamation work yet to be completed, and<br/>3 interfere with water treatment.<br/>4 We've taken the position, and analyzed<br/>5 the permit proposal, that the DEQ has not<br/>6 adequately evaluated the impacts of proposed<br/>7 mining activity on reclamation work and long term<br/>8 water treatment.<br/>9 We've also taken the position that DEQ<br/>10 has not sufficiently identified the cultural<br/>11 resources and archeological sites that could be<br/>12 impacted by the proposal. DEQ has not consulted,<br/>13 or should not finalize the environmental analysis<br/>14 until they have consulted with the Fort Belknap<br/>15 Tribal Historic Preservation Office in accordance<br/>16 with Section 106 of the National Historical<br/>17 Preservation Act.<br/>18 We've taken the position that protecting<br/>19 the health of communities near the proposed<br/>20 project site must be a top priority by DEQ.<br/>21 People in the Fort Belknap Indian Community will<br/>22 continue to live with and bear the burden of<br/>23 mining pollution, including risks to our lives and<br/>24 health, and just wanted to go on record in<br/>25 opposition to the proposal for exploration. Thank</p> |



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| <p style="text-align: right;">Page 57</p> <p>1 you.</p> <p>2 <b>FACILITATOR DAVIN:</b> Thank you. Any</p> <p>3 other Tribal Council members that would like to</p> <p>4 provide official comment?</p> <p>5 <b>COUNCILMAN FOX:</b> This is Steve Fox. Do</p> <p>6 I need to spell my name and all that stuff?</p> <p>7 <b>FACILITATOR DAVIN:</b> Go ahead.</p> <p>8 <b>COUNCILMAN FOX:</b> S-T-E-V-E, Fox is</p> <p>9 F-O-X. I'm a Tribal Council member. I just</p> <p>10 wanted to make a short statement here.</p> <p>11 You know, this first phase of this, what</p> <p>12 we're talking about here, is an exploratory permit</p> <p>13 basically, and what concerns me is what it's</p> <p>14 eventually going to lead to if it's successful.</p> <p>15 It's going to lead to a full fledged mining</p> <p>16 operation.</p> <p>17 And the Fort Belknap Tribes have not</p> <p>18 fared too well where mining was involved. As I</p> <p>19 stated previous, it's going to be conducted on</p> <p>20 land that's private land now, but I believe it was</p> <p>21 taken from the Tribes years back when there was</p> <p>22 gold discovered on it.</p> <p>23 So it just sets a bad precedent,</p> <p>24 especially when the last mining operation that was</p> <p>25 there, they just walked off and left the State of</p>                    | <p style="text-align: right;">Page 59</p> <p>1 early communication and consultation,</p> <p>2 accountability in addressing issues of mutual</p> <p>3 concern, and efforts to preserve State and Tribal</p> <p>4 relationships in a government-to-government</p> <p>5 fashion, and that was not conducted. State DEQ</p> <p>6 failed to follow this law. Thank you.</p> <p>7 <b>FACILITATOR DAVIN:</b> Thank you. Any</p> <p>8 other Tribal members, or additional comments from</p> <p>9 any Tribal members before we move into the rest of</p> <p>10 the formal comment? Tribal Council?</p> <p>11 <b>COUNCILMAN AZURE:</b> This is Derek Azure.</p> <p>12 I'm the River District Assiniboine Representative,</p> <p>13 and I don't know if you need me to spell my name,</p> <p>14 but it's D-E-R-E-K A-Z-U-R-E.</p> <p>15 I want to go on record to say that I'm</p> <p>16 adamantly against mining of the Little Rockies.</p> <p>17 You look at the long term effects that you guys</p> <p>18 have caused from the Zortman Pegasus Mine, and</p> <p>19 like it really put a bad taste in my mouth that</p> <p>20 common courtesy, the government-to-government</p> <p>21 relationship was compromised with you guys'</p> <p>22 willingness and mindfulness to not notify us on</p> <p>23 the first instance. That's all I have to say.</p> <p>24 I'm wholeheartedly against this. Thank you.</p> <p>25 <b>FACILITATOR DAVIN:</b> Thank you. Any</p> |
| <p style="text-align: right;">Page 58</p> <p>1 Montana holding the bag for cleanup and</p> <p>2 everything, and then reduced the quality of life</p> <p>3 for everybody that lives near that land with the</p> <p>4 pollution.</p> <p>5 But I guess that's my reason for</p> <p>6 opposition. Thank you.</p> <p>7 <b>FACILITATOR DAVIN:</b> Thank you. Any</p> <p>8 other Tribal Council members that would like to</p> <p>9 provide comment?</p> <p>10 <b>COUNCILMAN MESSERLY:</b> I just want to add</p> <p>11 one additional comment, which is a very important</p> <p>12 concern that's been raised. This is Dominic</p> <p>13 Messerly again.</p> <p>14 And I just wanted to make this comment,</p> <p>15 and point out the fact that DEQ did not follow</p> <p>16 State law and statutory requirement 2-15-142,</p> <p>17 which is the statutory principles of State-Tribal</p> <p>18 relations in regards to Tribal consultations.</p> <p>19 State law recognizes that there's a</p> <p>20 unique government-to-government relationship</p> <p>21 between State government and Tribal governments in</p> <p>22 the State of Montana, as reflected in 2-15-142.</p> <p>23 The statutory principles of State-Tribal</p> <p>24 relations call for cooperation and collaboration,</p> <p>25 mutual understanding and respect, regular and</p> | <p style="text-align: right;">Page 60</p> <p>1 additional Tribal Council member comments?</p> <p>2 (No response)</p> <p>3 <b>FACILITATOR DAVIN:</b> Okay. Seeing none,</p> <p>4 I think we're going to just take a five minute</p> <p>5 break here for our Court Reporter, and then we</p> <p>6 will come back and continue comments. We will</p> <p>7 start with comments in the room, so those that are</p> <p>8 at Hays, we'll start with the comments there, and</p> <p>9 those in other rooms; and then we will move to</p> <p>10 those who are preregistered.</p> <p>11 And please, if you're in the room and</p> <p>12 comment, when we get to that portion, remember to</p> <p>13 please state your name and if you've</p> <p>14 preregistered, so we can make sure to take you off</p> <p>15 the main list if you're in person. So we'll go</p> <p>16 ahead and do a five minute break. We'll meet back</p> <p>17 here at 5:30.</p> <p>18 (Recess taken)</p> <p>19 <b>FACILITATOR DAVIN:</b> Hi, everyone.</p> <p>20 Welcome back. We'll go ahead and get started</p> <p>21 again.</p> <p>22 For those just joining us, we are in the</p> <p>23 official public comment portion. As a reminder,</p> <p>24 if everyone can remain muted until you're called</p> <p>25 on to speak. That way we can make sure we hear</p>  |

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| <p>Page 61</p> <p>1 from everyone.</p> <p>2 We do have quite a few signed up this</p> <p>3 evening, so please keep your comments to three</p> <p>4 minutes so we can hear from everyone. And if</p> <p>5 you're stating something that's already been said,</p> <p>6 but have other things that haven't been stated,</p> <p>7 please look at your comments, and make sure you're</p> <p>8 stating everything that you want to within those</p> <p>9 three minutes.</p> <p>10 And with that, we've heard from the</p> <p>11 Tribal Council members on formal comments, so we</p> <p>12 will now move to those in the room, and we do have</p> <p>13 a location at the Hays school. So for those that</p> <p>14 are in person at Hays, if you would like to start</p> <p>15 formal comment there. It looks like they aren't</p> <p>16 back online yet. Maybe they're coming on.</p> <p>17 You don't have your video on at the Hays</p> <p>18 location.</p> <p>19 <b>UNKNOWN SPEAKER:</b> There we go. Can you</p> <p>20 see us now?</p> <p>21 <b>FACILITATOR DAVIN:</b> We do not see you.</p> <p>22 Are you guys going to jump out and get back in?</p> <p>23 <b>UNKNOWN SPEAKER:</b> Yes.</p> <p>24 <b>FACILITATOR DAVIN:</b> We can wait a minute</p> <p>25 while you troubleshoot. Hays is our in-person</p>       | <p>Page 63</p> <p>1 (Inaudible)</p> <p>2 <b>FACILITATOR DAVIN:</b> We're not seeing</p> <p>3 you, but it looks like you're there. We'll go</p> <p>4 ahead and start with a different room.</p> <p>5 I know there was a few remote locations</p> <p>6 for this project -- or for this meeting. If</p> <p>7 there's other remote locations with people in</p> <p>8 person, we're happy to start there. Is there</p> <p>9 anyone in another remote location with a few</p> <p>10 people that would like to start with comments?</p> <p>11 (No response)</p> <p>12 <b>FACILITATOR DAVIN:</b> Okay. Well, with</p> <p>13 that, I'll just start going down the list of those</p> <p>14 that have preregistered, and then we'll try to</p> <p>15 come back to our in-person room.</p> <p>16 So the first person we have on our</p> <p>17 registration list for signing up for comment is</p> <p>18 Jerry Hanley. Jerry Hanley, please unmute, and</p> <p>19 state your first and last name and affiliation, if</p> <p>20 any, and you have three minutes.</p> <p>21 <b>UNKNOWN SPEAKER:</b> Here?</p> <p>22 <b>UNKNOWN SPEAKER:</b> They switched to some</p> <p>23 other source.</p> <p>24 <b>FACILITATOR DAVIN:</b> Jerry Hanley, if</p> <p>25 you're on, you're welcome to unmute and state your</p> |
| <p>Page 62</p> <p>1 location. So we'll wait here for a minute, and</p> <p>2 see if they can jump back on so that we can get</p> <p>3 those that are in person.</p> <p>4 And just a reminder for those who want</p> <p>5 to submit comments. Again, there is information</p> <p>6 on the screen for you to submit via email or mail.</p> <p>7 We're going to be right back. Maybe</p> <p>8 we're having some technical difficulties here.</p> <p>9 Just one moment.</p> <p>10 Is our Hays location back online? It</p> <p>11 looks like you just came back in.</p> <p>12 In the meantime, while we're waiting for</p> <p>13 Hays to come online, for any of you who have not</p> <p>14 signed up previously through EventBright to</p> <p>15 comment, you are welcome to sign up with your</p> <p>16 first and last name, and say "comment" in the Zoom</p> <p>17 chat, and we will add you to the list.</p> <p>18 Do we have any calling by phone that</p> <p>19 would like to be added to comment, that have not</p> <p>20 already added? You're welcome to unmute and add</p> <p>21 yourself to the list if you're calling by phone.</p> <p>22 (No response)</p> <p>23 <b>FACILITATOR DAVIN:</b> Hearing none, Hays,</p> <p>24 do we have you back online, or should we start</p> <p>25 with a different room?</p> | <p>Page 64</p> <p>1 first and last name, and affiliation, if any, and</p> <p>2 you have three minutes.</p> <p>3 (No response)</p> <p>4 <b>FACILITATOR DAVIN:</b> Okay. I'll go on to</p> <p>5 the next one. I can come back. Derf Johnson.</p> <p>6 Derf Johnson, if you are on, you're welcome to</p> <p>7 unmute, state your first and last name, and you</p> <p>8 have three minutes.</p> <p>9 <b>MR. JOHNSON:</b> My name is Derf Johnson,</p> <p>10 that's spelled D-E-R-F J-O-H-N-S-O-N. I'm a staff</p> <p>11 attorney with the Montana Environmental</p> <p>12 Information Center.</p> <p>13 And I would just like to voice our</p> <p>14 opposition to this project. I just had an</p> <p>15 opportunity earlier this year, or last year, later</p> <p>16 last year, to tour the project, or to tour the</p> <p>17 defunct Zortman-Landusky Mine.</p> <p>18 I don't think anybody who actually goes</p> <p>19 and sees that project, or what happened up there</p> <p>20 in the Little Rocky Mountains, would be</p> <p>21 comfortable with more mining. The devastation is</p> <p>22 just jaw dropping.</p> <p>23 DEQ, you guys are the last line of</p> <p>24 defense in terms of protecting Montana's water,</p> <p>25 and there's a lot of folks that are counting on</p>           |

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| <p>Page 65</p> <p>1 you to do the right thing here. And as far as<br/>2 this environmental analysis is concerned, you<br/>3 haven't.<br/>4 Just as an initial matter, I am always<br/>5 very concerned about minimizing and truncating<br/>6 environmental analyses to very discrete projects,<br/>7 and in this case, just the exploration project.<br/>8 That only serves the purpose of ignoring<br/>9 reality, which is that mining exploration leads to<br/>10 mining. It's the first step in what could be a<br/>11 whole range of activities and impacts, and to<br/>12 ignore that aspect is to ignore an enormous amount<br/>13 of resources that could go into an operating<br/>14 permit, and to ignore what our Constitution<br/>15 requires, which is an evaluation of potential<br/>16 environmental impacts, and to prevent those<br/>17 potential impacts.<br/>18 I've heard today that there is no bond<br/>19 at this point, and I believe that's typical in<br/>20 hard rock mining permits. That is something that<br/>21 needs to be fixed. The idea that a bond amount<br/>22 and different line items of the bond are not<br/>23 available to the public for review in advance of<br/>24 issuing a permit to me is egregious, and that's<br/>25 something that the Agency should address.</p>               | <p>Page 67</p> <p>1 all have the right to a clean and healthful<br/>2 environment. It is anticipatory and preventative,<br/>3 and this is just simply a very poor spot to allow<br/>4 more mining.<br/>5 There's been an enormous amount of<br/>6 resources that have been dedicated towards trying<br/>7 to button up this site, to manage the waste water,<br/>8 the large amount of pollution emanating from it,<br/>9 and the idea of allowing for somebody to go up<br/>10 there and --<br/>11 <b>FACILITATOR DAVIN:</b> Derf, your time is<br/>12 up, if you could wrap up.<br/>13 <b>MR. JOHNSON:</b> -- and potentially<br/>14 compromise that is insane. Tossing all of that<br/>15 work aside for one potential person to make some<br/>16 cash is just wrong. I would request that you say<br/>17 no. Thank you.<br/>18 <b>FACILITATOR DAVIN:</b> Thank you, Derf.<br/>19 Next up we have Mitchell Healy. Mitchell, if<br/>20 you'd like to unmute, and state your first and<br/>21 last name and affiliation, if any, and you have<br/>22 three minutes.<br/>23 <b>MR. HEALY:</b> Hello. This is Mitchell.<br/>24 Can you hear me?<br/>25 <b>FACILITATOR DAVIN:</b> Yes, we can hear</p>   |
| <p>Page 66</p> <p>1 I want to read just a quick excerpt from<br/>2 the environmental analysis, and that is a<br/>3 conclusion here. "Impact, however, will be small<br/>4 due to the small area proposed for mining, and no<br/>5 measurable cumulative impact is expected to<br/>6 surface water from either or both projects. The<br/>7 utilization of berms, ditches, and impermeable<br/>8 barriers is expected to prevent deterioration of<br/>9 surface water from the waste ponds."<br/>10 That actually was the conclusion in the<br/>11 original Environmental Impact Statement for the<br/>12 Zortman-Landusky mines. And the obvious<br/>13 conclusion here is you rarely, as an Agency,<br/>14 identify the problems that ultimately result from<br/>15 these projects.<br/>16 And so 100 percent of the time it seems<br/>17 you don't predict water quality impacts, and<br/>18 almost all the time there are water quality<br/>19 impacts. You can certainly change mining<br/>20 techniques, but you can't change the geochemistry<br/>21 associated with this area, and it is hot, and it<br/>22 causes acid mine drainage, and that's a problem.<br/>23 You can deny this project. If not under<br/>24 the Hard Rock Mining Act, you certainly have an<br/>25 obligation to under Montana's Constitution. We</p> | <p>Page 68</p> <p>1 you.<br/>2 <b>MR. HEALY:</b> Okay. My name is Mitchell<br/>3 Healy, and I'm with the Fort Belknap Indian<br/>4 Community. I work for the Water Quality Program<br/>5 under our Environmental Department, but I do have<br/>6 a lot to say about this project.<br/>7 But just to sum up kind of what I've<br/>8 been thinking about is: Who is going to benefit<br/>9 from this project? Mr. Ployhar would.<br/>10 And then it just makes me think about<br/>11 our history with the mountain. The mountain, that<br/>12 area that the mines have, where the mines are, was<br/>13 our lands at one time. And just to see it go just<br/>14 to be damaged the way that it was, and then now<br/>15 with this project, it is just mind boggling to me<br/>16 how something like this could happen again<br/>17 possibly.<br/>18 And I would just want DEQ to think about<br/>19 that, and that's it. That's all I have to say for<br/>20 now. Thank you.<br/>21 <b>FACILITATOR DAVIN:</b> Thank you, Mitchell.<br/>22 It looks like Hays is back up and running, so<br/>23 we're going to move to in-person location. Do we<br/>24 have anyone in the room at Hays that would like to<br/>25 provide formal comment? Please state your first</p> |

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| <p style="text-align: right;">Page 69</p> <p>1 and last name.<br/>2 (No response)<br/>3 <b>FACILITATOR DAVIN:</b> We aren't hearing<br/>4 you if you're speaking.<br/>5 (No response)<br/>6 <b>FACILITATOR DAVIN:</b> Those in the room in<br/>7 Hays, can you hear us?<br/>8 (No response)<br/>9 <b>FACILITATOR DAVIN:</b> It looks like we<br/>10 might still be having some technical difficulties.<br/>11 We're going to go on to the next<br/>12 commenter, and we'll come back to the room in<br/>13 Hays.<br/>14 The next commenter we have is David<br/>15 Brewer. David, if you are here, you can unmute,<br/>16 and state your first and last name, and you have<br/>17 three minutes.<br/>18 (No response)<br/>19 <b>FACILITATOR DAVIN:</b> David Brewer, if<br/>20 you're here. You have three minutes.<br/>21 (No response)<br/>22 <b>UNKNOWN SPEAKER:</b> Moira, can you hear<br/>23 me?<br/>24 <b>FACILITATOR DAVIN:</b> I can. You're a<br/>25 little echoey. We can hear you, but you echo.</p>   | <p style="text-align: right;">Page 71</p> <p>1 respect, and I don't feel that Fort Belknap has<br/>2 been given that in this process.<br/>3 The other thing is that I've been<br/>4 looking at, in all of my research here, and all<br/>5 the other articles that I've read from newspapers<br/>6 across the state here and online, is that there<br/>7 seems to be a rush to approve this project.<br/>8 I don't understand how this could<br/>9 happen, when it's clear -- and I know you said<br/>10 that it's not your agency that made the --<br/>11 (inaudible) -- but the bottom line is you're still<br/>12 kind of participating here in helping this move<br/>13 along, when it really shouldn't be moving along.<br/>14 Actually in reality none of us should be<br/>15 here, none of us should be even talking, because<br/>16 this was illegal in what happened and how it<br/>17 happened.<br/>18 Mr. Ployhar jumped on this a day after.<br/>19 I know I read in one of these articles here where<br/>20 he had no ulterior motive, or any plans in<br/>21 advance, but it's clear. Nobody signs up the very<br/>22 next day to get something in their favor if they<br/>23 don't already know. Plus he bought all the land<br/>24 over there that he thought he needed in order to<br/>25 get this done. I'm thinking this is all coming to</p> |
| <p style="text-align: right;">Page 70</p> <p>1 <b>UNKNOWN SPEAKER:</b> How about now?<br/>2 <b>FACILITATOR DAVIN:</b> That's good.<br/>3 <b>UNKNOWN SPEAKER:</b> Okay. They can hear<br/>4 you.<br/>5 <b>MR. BREWER:</b> My name is David Brewer.<br/>6 Can you hear me?<br/>7 <b>FACILITATOR DAVIN:</b> Yes, we can hear<br/>8 you, David. Go ahead.<br/>9 <b>MR. BREWER:</b> I can barely hear you.<br/>10 <b>UNKNOWN SPEAKER:</b> Can you use the mike<br/>11 then.<br/>12 <b>MR. BREWER:</b> Can you hear me on the<br/>13 mike?<br/>14 <b>FACILITATOR DAVIN:</b> Yes, we can hear you<br/>15 on the mike.<br/>16 <b>MR. BREWER:</b> Okay. So first of all, I<br/>17 want to thank you for actually changing your minds<br/>18 and doing this at the Fort Belknap Reservation,<br/>19 and giving us all an opportunity here to speak to<br/>20 you. I want to get out there right away first.<br/>21 Second, I want to point out the fact<br/>22 that in my perspective -- and my name is David<br/>23 Brewer. I'm from Havre, Montana, retired Veteran.<br/>24 In my opinion, the word that pops in my<br/>25 head already through most of this conversation is</p> | <p style="text-align: right;">Page 72</p> <p>1 a big rush here.<br/>2 And the bottom line here I guess for me<br/>3 is that I've hunted that area for years now, about<br/>4 thirty years now. And I know I had a reservation<br/>5 in Zortman here not too long ago, a couple years<br/>6 ago, when we were hunting over there, and I was<br/>7 told about the creek that one of the other<br/>8 gentleman from the Council had referred to, and<br/>9 they were talking about how abandoned it had<br/>10 gotten, and that --<br/>11 <b>FACILITATOR DAVIN:</b> Thirty seconds.<br/>12 <b>MR. BREWER:</b> Okay. The bottom line here<br/>13 is I think you folks all need to stand back, take<br/>14 a deep breath, and figure this out, so that it<br/>15 falls within the limits of the law. Thank you for<br/>16 your time.<br/>17 <b>FACILITATOR DAVIN:</b> Thank you. I<br/>18 appreciate it. The next commenter in the room.<br/>19 <b>UNKNOWN SPEAKER:</b> Sorry. I can't quite<br/>20 read the name. (Inaudible)<br/>21 <b>FACILITATOR DAVIN:</b> We can hear you. It<br/>22 looks like it might have muted now. There we go.<br/>23 We can hear you.<br/>24 <b>MR. HELGESON:</b> (Speaking Native<br/>25 language)</p>  |

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| <p style="text-align: right;">Page 73</p> <p>1 I want to thank you for allowing us this<br/>2 time to share our comments with you, and I want to<br/>3 speak to you about how these mountains are sacred<br/>4 to our people.<br/>5 These are our churches. This is where<br/>6 we go to pray. We've lived through this. I'm 38<br/>7 years old, and I remember the days when the<br/>8 Zortman-Landusky Mine was open, and we see the<br/>9 after affects, what our people live with today:<br/>10 The high rates of leukemia, the high rates of<br/>11 lupus, the high rates of diabetes. These are the<br/>12 things that our people live with. We've lost too<br/>13 many people due to mining.<br/>14 Treaties, the supreme law of the land,<br/>15 in consultation with the Tribes, is always first<br/>16 and foremost. And I believe DEQ, along with all<br/>17 other departments, as was said prior, needs to<br/>18 make sure that Fort Belknap is at the table to<br/>19 hear our voices.<br/>20 Just like Councilman Fox said. We all<br/>21 know what happens after you explore, and we know<br/>22 what's there. The Creator put that there for a<br/>23 reason, and it's not our place to move it.<br/>24 (Speaking Native language)<br/>25 <b>FACILITATOR DAVIN:</b> Thank you. If</p> | <p style="text-align: right;">Page 75</p> <p>1 parameters for cultural impact? What are the<br/>2 parameters for guidelines that the State<br/>3 Historical Preservation Office is looking at?<br/>4 We talk about that being our church<br/>5 maybe, we talk about things that are important to<br/>6 us. And the man that talked that's right here.<br/>7 That's the Chief of our Tribe right now. And in<br/>8 our language we say -- (speaking Native language)<br/>9 -- There's like a bull, like a buffalo bull.<br/>10 Matka. And maybe I said it backwards.<br/>11 But when we go back even further, just<br/>12 talk about a rock. They say -- (Speaking Native<br/>13 language) -- All those words are associated with<br/>14 the significance we place upon things. This man,<br/>15 like I said, is our Chief. A buffalo bull. All<br/>16 those words correlate even down to the rock,<br/>17 because that's the oldest thing around, and seen<br/>18 so much.<br/>19 And then we go places, and drive by<br/>20 them, and maybe if we're lucky they could share<br/>21 things with us. They've got a man here named --<br/>22 (inaudible) -- and really cooks those rocks really<br/>23 hot. But people go there to suffer, and it's<br/>24 good. And we're thankful for just simple things<br/>25 like that, to share those gifts with us for the</p> |
| <p style="text-align: right;">Page 74</p> <p>1 somebody could please state the first and last<br/>2 name of the last commenter, so we have that on<br/>3 record, please.<br/>4 <b>UNKNOWN SPEAKER:</b> That was Tuffy<br/>5 Helgeson. Kenneth Helgeson.<br/>6 <b>FACILITATOR DAVIN:</b> Thank you. Next up,<br/>7 do we have any more commenters in the room?<br/>8 <b>UNKNOWN SPEAKER:</b> Randal Werk is next.<br/>9 <b>FACILITATOR DAVIN:</b> Perfect. If you<br/>10 could please clearly state your first and last<br/>11 name, and you have three minutes.<br/>12 <b>MR. RANDAL WERK:</b> (Speaking Native<br/>13 language) I want to say a few things, and --<br/>14 (inaudible) -- I appreciate a minute to say a few<br/>15 things.<br/>16 But I want to reiterate what our brother<br/>17 said there about that's a place that we go to be<br/>18 still, and think about that language that we were<br/>19 just talking here, brother and me. (Speaking<br/>20 Native language) You hear that. This is where<br/>21 we've been since before the United States, before<br/>22 Montana, before lots of things. Right here.<br/>23 But I read through your draft<br/>24 Environmental Assessment, and you failed to<br/>25 mention a lot of things, like what are the</p>                        | <p style="text-align: right;">Page 76</p> <p>1 same thing.<br/>2 But that's all I've got to say. Not<br/>3 much. Is that enough English?<br/>4 <b>FACILITATOR DAVIN:</b> Thank you. I<br/>5 appreciate it. Do we have any other commenters in<br/>6 the room?<br/>7 <b>UNKNOWN SPEAKER:</b> Daniel Werk.<br/>8 <b>FACILITATOR DAVIN:</b> Please state your<br/>9 first and last name, and you have three minutes.<br/>10 <b>MR. DANIEL WERK:</b> (Speaking Native<br/>11 language) I just want to speak in my language<br/>12 like my brother spoke before me in -- (inaudible)<br/>13 -- Nakoda. I take my Grandpa's name, Weasel<br/>14 Horse, and my Tribe is A'ananin.<br/>15 And I guess my title for the Tribe, I'm<br/>16 an employee for the Fort Belknap Indian Community.<br/>17 I work as the cultural liaison for the Tribal<br/>18 Historic Preservation Office.<br/>19 But just through and through I've lived<br/>20 here all my life on the southern end of the Fort<br/>21 Belknap Indian Reservation.<br/>22 And in the last couple days I've been<br/>23 reading a lot of old documents in the office, and<br/>24 just statements that our Tribal members have made<br/>25 back in 1992 and 1996 when there was Environmental</p>  |

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| <p style="text-align: right;">Page 77</p> <p>1 Assessments done in our mountains. And it is just<br/>2 the same old thing, you know, we're just going in<br/>3 circles with you guys over and over.<br/>4 And for me, it's like when is enough<br/>5 enough? When are we just going to be able to live<br/>6 peacefully here? You know, I think about those<br/>7 comments that those people made. In 1996, I was<br/>8 eleven years old, and now my son is here sitting<br/>9 here behind me, and he's twelve years old, and<br/>10 listening.<br/>11 To me here talking, you know, making<br/>12 comment about trying to protect our mountains, and<br/>13 it is just -- When is it going to end? We just<br/>14 want to live here, and hunt here, and live<br/>15 peacefully.<br/>16 And we're really egotistical as human<br/>17 beings. This mine is going to affect a lot more<br/>18 things than just us, and our water. It's going to<br/>19 affect a lot of plants, and animals, and different<br/>20 creatures, and our traditional hunting land,<br/>21 common hunting grounds, my family. And we've<br/>22 always hunted all near that area. Me myself as a<br/>23 young man, you know, I --<br/>24 <b>FACILITATOR DAVIN:</b> Thirty seconds.<br/>25 <b>MR. DANIEL WERK:</b> -- right above that</p>  | <p style="text-align: right;">Page 79</p> <p>1 what Luke Ployhar is trying to do here. And to me<br/>2 it just seems like he's just trying to make a name<br/>3 for himself and make a few dollars. He's just<br/>4 right down the road there in Lewistown. He should<br/>5 be ashamed of himself, trying to come up here and<br/>6 mine our mountains.<br/>7 Go mine down there in Lewistown. Why<br/>8 don't you guys go mine down there in those<br/>9 mountains for awhile. Leave our mountains alone.<br/>10 Just let us live here peacefully, and hunt, take<br/>11 care of ourselves. We don't need anything from<br/>12 you guys. We just want to be left alone. That's<br/>13 all I'll say, all I want to say here today.<br/>14 <b>FACILITATOR DAVIN:</b> Thank you. Laurie,<br/>15 did you get the first and last name on that one?<br/>16 <b>COURT REPORTER:</b> I did not.<br/>17 <b>MR. DANIEL WERK:</b> My name is Daniel<br/>18 Werk. I'm the Cultural Liaison for the Tribal<br/>19 Historical Preservation Office.<br/>20 <b>FACILITATOR DAVIN:</b> Thank you. I<br/>21 appreciate it. Anyone else in the room? We do<br/>22 have quite a few commenters tonight, so if you<br/>23 could please keep your comments to three minutes,<br/>24 to make sure we can hear everybody.<br/>25 <b>UNKNOWN SPEAKER:</b> Moira, we're going to</p> |
| <p style="text-align: right;">Page 78</p> <p>1 area, and it's a peaceful area, and we want it to<br/>2 stay that way. I don't want to go up on one of<br/>3 our peaks to pray for a few days, and be alone<br/>4 with the Creator, and have to look down on Luke<br/>5 Ployhar mining down there, you know, throwing a<br/>6 bunch of dust in the air, and exhaust in the air.<br/>7 Probably the wind would catch it and blow it right<br/>8 up towards me right up onto Eagle Child, our river<br/>9 that the Creator -- (inaudible) -- And I'm going<br/>10 to sit, you know, I might be sitting up there with<br/>11 my son.<br/>12 As Indian people, we don't want that, we<br/>13 don't want to see that. I'm against it. I'm<br/>14 against the mining of our mountains, and I'll<br/>15 always be against it. I'll always live here. And<br/>16 if we have to go around again, you know, last time<br/>17 it was gold, this time it's ore, next time it's<br/>18 war we're fighting over water. The next time it's<br/>19 going to be a big fight over water, and it's going<br/>20 to be never ending.<br/>21 It doesn't need to be that way, and it<br/>22 shouldn't be that way. I don't want that for my<br/>23 son, I don't want that for my family, or any of<br/>24 our community members.<br/>25 So I'm against the mine, and I'm against</p> | <p style="text-align: right;">Page 80</p> <p>1 try to restart the computer here, so go ahead with<br/>2 a different room, and we'll get back.<br/>3 <b>FACILITATOR DAVIN:</b> Sounds good. We<br/>4 will go -- Are there any other rooms with people,<br/>5 quite a few people in them that would like to<br/>6 comment before we move to the registration list?<br/>7 (No response)<br/>8 <b>FACILITATOR DAVIN:</b> I'll go ahead and<br/>9 continue down the list. We might have had a few<br/>10 already. But Elizabeth McClain. Elizabeth<br/>11 McClain, if you are on, please unmute, state your<br/>12 first and last name, and you have three minutes.<br/>13 <b>MS. McCLAIN:</b> Liz McClain,<br/>14 M-C-C-L-A-I-N, Aaniiih Nakoda College.<br/>15 My first comment is to remember that<br/>16 we're talking to a sovereign nation, and that's a<br/>17 very important consideration.<br/>18 For 25 years we've read these documents.<br/>19 We've responded in great length to these documents<br/>20 already, the 00846, and now the 00866 is another<br/>21 one of many. Throughout these documents,<br/>22 something to be aware of, and that is the term<br/>23 "not important," "not expected to be," or "not<br/>24 significant" comes up again, again, and again, the<br/>25 final of which is "We now can proceed with --"</p>           |

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| <p style="text-align: right;">Page 81</p> <p>1 (Inaudible interruption)<br/>2 <b>FACILITATOR DAVIN:</b> James, we're hearing<br/>3 background noise from your room -- if you could<br/>4 please mute -- from the Rebecca Strait device.<br/>5 <b>MS. McCLAIN:</b> Should I proceed?<br/>6 <b>FACILITATOR DAVIN:</b> Yes. Go ahead, Liz.<br/>7 <b>MS. McCLAIN:</b> On the document that is<br/>8 before you, Page 11 and 12, "Water quality,<br/>9 quantity, and distribution." My comment and<br/>10 discussion here is: We can remember that the land<br/>11 board said to the people of this community, this<br/>12 sovereign nation, that there would be no impact on<br/>13 water quality, quantity, and now look where we<br/>14 are.<br/>15 So as we were working and have worked on<br/>16 -- the draft EIS then was accepted, and away we<br/>17 go. The hydrology was supposed to be done; it was<br/>18 not done. It still is not known 100 percent. And<br/>19 this is where we are today.<br/>20 So we were part of, the college was a<br/>21 part of, signed off by the Tribal Council, all<br/>22 enrolled members were involved.<br/>23 When we did the aquatic study, one of<br/>24 the things we did, and that involved the Peoples<br/>25 Creek drainage, and of course that has to do with</p>                           | <p style="text-align: right;">Page 83</p> <p>1 00846 and 00860 comments. And I would just like<br/>2 to finalize by saying that you cannot be anything<br/>3 but opposed to this.<br/>4 And we've done a long term study on --<br/>5 not the reclamation. That's more physical in<br/>6 water -- but we've done a long term study on<br/>7 restoration, and we have found from places that<br/>8 have never been mined, to those that have the heat<br/>9 -- (inaudible) -- on them. There is tremendous<br/>10 difference in those areas, and that's the<br/>11 organisms that you'll never see.<br/>12 And so if you carry on with this<br/>13 activity, you're really creating something that is<br/>14 -- It's just an unbelievable mess that's up there<br/>15 and will carry on. Totally opposed to everything,<br/>16 and coming from a sovereign nation, I think you<br/>17 should have some consideration to whom you're<br/>18 speaking to, and who they are as indigenous<br/>19 peoples. Thank you.<br/>20 <b>FACILITATOR DAVIN:</b> Thank you. And just<br/>21 a point of clarification. I'm seeing some<br/>22 comments in the chat. I'm only going down the<br/>23 list of those who have preregistered for comments.<br/>24 So if you selected yes on the public comment<br/>25 question, those are the only names I'm calling.</p> |
| <p style="text-align: right;">Page 82</p> <p>1 Lodge Pole, King's Creek, and of course the one<br/>2 that we worked most importantly on would be -- the<br/>3 one that's so impacted.<br/>4 So about 25 years ago, we go up to one<br/>5 of the places, BKSS1, find a little bucket with<br/>6 some sludge around it. 25 years later, now,<br/>7 coming down on that creek, we have done<br/>8 everything, rules and regulations with EPA, we've<br/>9 even did toxicity, we've done the whole bit.<br/>10 <b>FACILITATOR DAVIN:</b> Thirty seconds.<br/>11 <b>MS. McCLAIN:</b> All of those drainages are<br/>12 polluted. And so not only are they polluted all<br/>13 the way down Swift Gulch, it's actually has gone<br/>14 past the Pow-Wow, now into the sundance, and away<br/>15 we go.<br/>16 So there is now, from nothing there is<br/>17 now a weir, there is now pollution all the way<br/>18 coming down onto the Reservation, and the water is<br/>19 so polluted nothing will live in it.<br/>20 Finally, the last thing to talk about is<br/>21 you'd better do something about CERCLA, because<br/>22 BLM -- and DEQ now runs the CERCLA authority.<br/>23 They are abdicating their responsibility, and they<br/>24 should be doing much better than they're doing.<br/>25 So we have extensively written to you on</p> | <p style="text-align: right;">Page 84</p> <p>1 So if you have changed your mind, and<br/>2 would like to comment, please put it in the chat,<br/>3 but I'm not going down the entire registration<br/>4 list. So don't panic. You're going to be called<br/>5 on when you have signed up.<br/>6 So with that, next I have Scott Wheaton.<br/>7 Scott, if you're here, you have three minutes.<br/>8 Please state your first and last name and<br/>9 affiliation, if any.<br/>10 (No response)<br/>11 <b>FACILITATOR DAVIN:</b> He may be in a room,<br/>12 so I'm going to go to the next. I have Shelby<br/>13 DeMars.<br/>14 <b>MS. DeMARS:</b> I'm here.<br/>15 <b>FACILITATOR DAVIN:</b> Perfect. Go ahead<br/>16 and state your first and last name.<br/>17 <b>MS. DeMARS:</b> My name is Shelby DeMars.<br/>18 That's D-E-M-A-R-S, here on behalf of the Montana<br/>19 Association of Oil, Gas, and Coal Counties.<br/>20 Our position is that this is -- we<br/>21 recognize that this is not a permit for a mine at<br/>22 this point. It is simply a request for<br/>23 exploration activities.<br/>24 The impact of this is fairly minimal,<br/>25 and hopefully this exploration does lead to</p>   |

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| <p style="text-align: right;">Page 85</p> <p>1 development, which if it gets to that point, would<br/>2 go through a very thorough EA and permitting<br/>3 process that would allow a mining effort to move<br/>4 forward.<br/>5 Many folks who have commented have<br/>6 stated that they're afraid of this becoming<br/>7 another situation like the Pegasus Mine, and I<br/>8 guess I'd like to point out that our permitting<br/>9 process has come a long way since then.<br/>10 And protecting the environment and<br/>11 developing our natural resources are not mutually<br/>12 exclusive. Montana has some of the most strict<br/>13 air and water quality and remediation regulations<br/>14 in the country, and these are often even more<br/>15 stringent than Federal level regulations.<br/>16 Additionally, we don't believe that the<br/>17 comment period in this particular situation should<br/>18 be extended. We feel like this hearing and the<br/>19 project as a whole has been adequately noticed,<br/>20 and would point out that it's at least our<br/>21 understanding that everyone still has until the<br/>22 11th of this month to continue to comment on this<br/>23 project.<br/>24 So in summary, we really believe that<br/>25 this exploration project should be approved and</p> | <p style="text-align: right;">Page 87</p> <p>1 <b>FACILITATOR DAVIN:</b> We can.<br/>2 <b>MR. KENNEDY:</b> My name is Jim Kennedy.<br/>3 I'm a community member here at Fort Belknap, an<br/>4 Aaniih member. And I'm just here to tell you I'm<br/>5 opposed to this wholeheartedly, for the reason<br/>6 being historically, spiritually, environmentally,<br/>7 and law.<br/>8 Historically because I have relatives,<br/>9 Cuts Throats, Owl Head, and my name sake White<br/>10 Plume, were a part of this. And I don't agree<br/>11 with the way Grinnell did his tactics through<br/>12 starvation, so that gives me a very historical<br/>13 connection to this.<br/>14 Spiritually, it was mentioned earlier<br/>15 that our people use that place for suffering and<br/>16 coming to a place with themselves. And I<br/>17 personally have a connection with that land out<br/>18 there, the animals out there, because I honor the<br/>19 pursuit of life. I hunt. I do a lot of hunting<br/>20 out there.<br/>21 And I've currently served as a past<br/>22 Councilman, and in my tenure as a Councilman, I<br/>23 learned about the environmental effects of the<br/>24 acid mine drainage out there in some of our --<br/>25 from the Zortman and Landusky, to Swift Gulch,</p>   |
| <p style="text-align: right;">Page 86</p> <p>1 allowed to move forward, and thank you for<br/>2 allowing us this opportunity for public comment.<br/>3 <b>FACILITATOR DAVIN:</b> Thank you. It looks<br/>4 like the Hays room may be coming back online.<br/>5 Maybe we'll give them another few minutes here to<br/>6 get that set up.<br/>7 Next on the list -- and I apologize if I<br/>8 say anyone's name incorrectly. I have a difficult<br/>9 name to say, so I'm pretty used to people not<br/>10 pronouncing my name correctly, so I apologize if<br/>11 I'm not doing it for you.<br/>12 Audena Wing. Audena, if you are here,<br/>13 you're welcome to unmute, and you have three<br/>14 minutes.<br/>15 (No response)<br/>16 <b>FACILITATOR DAVIN:</b> She could also be in<br/>17 a room, so I'll come back. John Ames. John Ames,<br/>18 if you're here, you're welcome to unmute, and you<br/>19 have three minutes.<br/>20 (No response)<br/>21 <b>FACILITATOR DAVIN:</b> Jim Kennedy. Jim<br/>22 Kennedy, If you are here, please state your first<br/>23 and last name and affiliation, if any, and you<br/>24 have three minutes.<br/>25 <b>MR. KENNEDY:</b> Can you hear me?</p>   | <p style="text-align: right;">Page 88</p> <p>1 King's Springs, Little Peoples Creek and Peoples<br/>2 Creek, and it's devastating, because I have<br/>3 Grandmas that all suffered from cancer, and they<br/>4 were sick from -- (inaudible) --<br/>5 The law side, this is to you, Luke.<br/>6 This is to Luke, this is to you also, DEQ, because<br/>7 on the law side, we're in some trying times right<br/>8 now, but some exciting times, because through the<br/>9 Herrera versus Wyoming, we have now the Supreme<br/>10 Court honoring our Fort Laramie treaty, and within<br/>11 that Fort Laramie treaty, I want to read<br/>12 something.<br/>13 "From this day forward, all war between<br/>14 the parties to this agreement shall forever cease.<br/>15 The government of the United States desires peace,<br/>16 and it's honored to hereby pledge to keep the<br/>17 Indians' desired peace. They now pledge their<br/>18 honor to maintain it."<br/>19 And within that Fort Laramie, Luke,<br/>20 within that Fort Laramie treaty there's a bad men<br/>21 clause. Within that bad men clause, it references<br/>22 "If bad men among the whites, or among other<br/>23 people subject to the authority of the United<br/>24 States, shall commit any wrong upon the persons or<br/>25 property of the Indians of the United States, will</p> |



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| <p style="text-align: right;">Page 89</p> <p>1 upon proof made to the agent forward to the<br/>2 Commissioner of Indian Affairs, Washington city,<br/>3 proceeded at once --"<br/>4 <b>FACILITATOR DAVIN:</b> Thirty seconds.<br/>5 <b>MR. KENNEDY:</b> "-- cause the offender to<br/>6 be arrested and punished according to the laws of<br/>7 the United States, and also reimburse the injured<br/>8 person for loss sustained."<br/>9 And I mention that because we're in some<br/>10 great times right now, if we've got the Supreme<br/>11 Court honoring our Fort Laramie, and that goes<br/>12 back to this Grinnell and all the historical<br/>13 documents that are being tried right now.<br/>14 I just want to say I'm here today to<br/>15 speak my Aaniih mind, and to protect that land,<br/>16 and protect it from further travesty and rape<br/>17 that's already been done to it. Guys, leave that<br/>18 place alone. No more bothering it. Don't need to<br/>19 touch it no more. And my heart is pounding right<br/>20 now because of that connection I have with that<br/>21 place out there. Thank you for your time.<br/>22 <b>UNKNOWN SPEAKER:</b> Hello. Can you hear<br/>23 us? This is Hays.<br/>24 <b>FACILITATOR DAVIN:</b> Thank you. Yes, we<br/>25 can hear in the Hays room. Are you still getting</p> | <p style="text-align: right;">Page 91</p> <p>1 them?<br/>2 <b>UNKNOWN SPEAKER:</b> Can you guys talk<br/>3 again?<br/>4 <b>FACILITATOR DAVIN:</b> Can you hear us?<br/>5 <b>UNKNOWN SPEAKER:</b> Can you guys hear us<br/>6 now?<br/>7 <b>FACILITATOR DAVIN:</b> We can hear you.<br/>8 Can you hear us?<br/>9 <b>UNKNOWN SPEAKER:</b> Why can't we hear<br/>10 them?<br/>11 <b>FACILITATOR DAVIN:</b> It looks like you're<br/>12 still troubleshooting, so we're going to go ahead<br/>13 and go to the next commenter, because we have a<br/>14 lot of people to still get through, and we want to<br/>15 make sure everybody gets heard tonight.<br/>16 The next one we have is Michael Kinsey.<br/>17 Michael Kinsey, if you're here, you can unmute,<br/>18 and you have three minutes. Please state your<br/>19 first and last name.<br/>20 (No response)<br/>21 <b>FACILITATOR DAVIN:</b> I'll come back to<br/>22 Michael. Next up I have Owen Voigt. Owen Voigt,<br/>23 If you're here, you can unmute. Please state your<br/>24 first and last name, and affiliation, if any, and<br/>25 you have three minutes.</p>  |
| <p style="text-align: right;">Page 90</p> <p>1 set up? Should we go to additional commenters, or<br/>2 are you guys ready?<br/>3 (Inaudible)<br/>4 <b>FACILITATOR DAVIN:</b> Did you want to test<br/>5 sound or anything?<br/>6 <b>UNKNOWN SPEAKER:</b> Picking up something.<br/>7 (Inaudible)<br/>8 <b>FACILITATOR DAVIN:</b> We can hear you.<br/>9 I'm going to go ahead and go to the next<br/>10 commenter. If we could please have you mute while<br/>11 you're troubleshooting. So the next commenter we<br/>12 have is Michael Kinsey.<br/>13 <b>UNKNOWN SPEAKER:</b> Are you there?<br/>14 <b>FACILITATOR DAVIN:</b> Yes, we can hear<br/>15 you.<br/>16 <b>UNKNOWN SPEAKER:</b> Can you hear us?<br/>17 <b>FACILITATOR DAVIN:</b> Yes.<br/>18 <b>UNKNOWN SPEAKER:</b> They might be hearing<br/>19 through this, picking up something.<br/>20 <b>FACILITATOR DAVIN:</b> James, your phone is<br/>21 muted, so we're hearing from the HLPIT. You're<br/>22 coming through on the HLPIT location.<br/>23 <b>UNKNOWN SPEAKER:</b> Can you hear us<br/>24 through the microphone?<br/>25 <b>UNKNOWN SPEAKER:</b> Why can't we hear</p>   | <p style="text-align: right;">Page 92</p> <p>1 <b>MR. VOIGT:</b> Hi, this is Owen Voigt, last<br/>2 name is V-O-I-G-T. I am associated with Luke<br/>3 Ployhar and the project. I have no comment, I<br/>4 only wanted to make sure that I was present.<br/>5 Thank you.<br/>6 <b>FACILITATOR DAVIN:</b> Thank you. Next up<br/>7 on our list we have Mayme Healy, or Mamie Healy.<br/>8 I apologize if I'm mispronouncing. Mayme Healy,<br/>9 if you're here, you have three minutes.<br/>10 (No response)<br/>11 <b>FACILITATOR DAVIN:</b> I will go to the<br/>12 next. Bozhidar -- and I apologize if I<br/>13 mispronounce this -- Zhivkovikj. Bozhidar? If<br/>14 you're here, you're welcome to unmute, and you<br/>15 have three minutes.<br/>16 (No response)<br/>17 <b>FACILITATOR DAVIN:</b> James, can you hear<br/>18 us? We can go back to the room if --<br/>19 (Inaudible)<br/>20 <b>FACILITATOR DAVIN:</b> Go to the next<br/>21 commenter in the room? Welcome. Please state<br/>22 your first and last name, and spell it, and you<br/>23 have three minutes.<br/>24 <b>MS. BROCKIE:</b> My name is Clarena Brockie<br/>25 (phonetic) -- (inaudible) -- \$33.5 million in</p> |

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| <p style="text-align: right;">Page 93</p> <p>1 bond due to the reclamation collapse of the mine.<br/>2 I'm thinking we're just a small<br/>3 reservation, yet we've filed so many lawsuits here<br/>4 to protect our rights. We have to. We've filed<br/>5 against our land, our water, education, voting<br/>6 rights, redistricting, and now we're in mining.<br/>7 -- (inaudible) -- but here we had to keep filing<br/>8 lawsuits.<br/>9 We shouldn't have to do this. We're<br/>10 just a small reservation, and the State and the<br/>11 Federal government should be looking out for us,<br/>12 I'm thinking why are we here.<br/>13 So as the Secretary Treasurer, I<br/>14 remember when we had gone up to the mine, and they<br/>15 had put that bond up for \$35 million, and we had a<br/>16 geologist. And at that time they thought that was<br/>17 enough money to reclaim the mountains, but he came<br/>18 back about a year later and he said, "There'll<br/>19 never be enough money to reclaim that."<br/>20 But touring the mountains, I remember<br/>21 looking down at that cyanide leach pad. It was<br/>22 supposed to be the biggest in the United States,<br/>23 and it was just a big deep canyon, and green<br/>24 poison at the bottom of it, and I thought there is<br/>25 no way they'll ever, ever fill that whole big</p> | <p style="text-align: right;">Page 95</p> <p>1 you go further with this. So I'm against it.<br/>2 Thank you.<br/>3 <b>FACILITATOR DAVIN:</b> Thank you. I<br/>4 appreciate it. James, it's still pretty muted on<br/>5 our end. It was muffled. We could hear some of<br/>6 that.<br/>7 <b>UNKNOWN SPEAKER:</b> I'll try and get<br/>8 people to sit closer to the camera. How does that<br/>9 sound?<br/>10 <b>FACILITATOR DAVIN:</b> It's still pretty<br/>11 hard to hear. Where is the microphone at? Is it<br/>12 possible to move it closer to people? I mean we<br/>13 could hear her a little bit, but it was --<br/>14 <b>UNKNOWN SPEAKER:</b> That's about as close<br/>15 we can get.<br/>16 <b>FACILITATOR DAVIN:</b> That's better.<br/>17 Wherever you are to the microphone, you can hear.<br/>18 (Inaudible)<br/>19 <b>FACILITATOR DAVIN:</b> It is better if we<br/>20 could hear than see. Even if it's weird with the<br/>21 camera, we would prefer we hear.<br/>22 <b>MR. JOHNSON:</b> Actually they can call in,<br/>23 and that might eliminate some of this issue.<br/>24 <b>UNKNOWN SPEAKER:</b> When we went on break,<br/>25 something disconnected to the camera. --</p>   |
| <p style="text-align: right;">Page 94</p> <p>1 canyon up, because they said that was one of the<br/>2 things that they were going to do reclaim it, but<br/>3 it would never happen, not in a million years.<br/>4 So I'm thinking that we shouldn't have<br/>5 to go through all the things that we have to go<br/>6 through on our Reservation.<br/>7 I read the depositions at the time that<br/>8 the mines were taken away from us -- not the mines<br/>9 -- the land was taken away from us, the Grinnell<br/>10 auction, and they knew what was going on, the<br/>11 Native Americans. And I don't have to repeat what<br/>12 we've already heard.<br/>13 I remember DEQ coming into the<br/>14 settlement conference, and I've heard all of the<br/>15 same things that people here are quoting about the<br/>16 sacredness of our land, our water, and our trees,<br/>17 our plants.<br/>18 <b>FACILITATOR DAVIN:</b> Thirty seconds.<br/>19 <b>MS. BROCKIE:</b> I'm against the mining. I<br/>20 don't know why we're even here. So many people<br/>21 have said that. I think it's kind of a -- it is<br/>22 just principle, of even have having to sit here<br/>23 and go through this, because this is will happen<br/>24 to us again and again.<br/>25 I hope the Tribe does file a lawsuit if</p>  | <p style="text-align: right;">Page 96</p> <p>1 (Inaudible) --<br/>2 <b>MS. BROCKIE:</b> Hello. My name is<br/>3 Lorraine Brockie, L-O-R-R-A-I-N-E B-R-O-C-K-I-E.<br/>4 And I'd like to make comments in opposition of the<br/>5 proposed permit to mine.<br/>6 We have history here with the mining and<br/>7 all of the devastation it did to our mountains,<br/>8 our water, our way of life. Like was previously<br/>9 stated by President Stiffarm and other<br/>10 participants here, the mountains are our church.<br/>11 That's where we go. That's where we spend time<br/>12 with our families.<br/>13 And during the summer months, my sisters<br/>14 and I would spend many, probably four or five days<br/>15 out of the week, picking herbs, going up to the<br/>16 mountains to pray, picking all of our herbs for<br/>17 our people. Especially during this COVID, we've<br/>18 used a lot of those herbs, and send them all over<br/>19 the United States for people to use to help and<br/>20 support our Native people because we believe in<br/>21 that. That's our way of life.<br/>22 And the 1990's, I was working for the<br/>23 Bureau of Indian Affairs, and Councilman Horn, who<br/>24 is not on the -- he is a Councilman again. He's<br/>25 not on -- here that I'm aware of.</p> |

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| <p style="text-align: right;">Page 97</p> <p>1 But Curtis Horn, he asked me to look<br/>2 into the amount of cancer, Tribal members that<br/>3 passed from cancer. And at the time, the Tribe at<br/>4 the time, the Tribal Council, believed there was a<br/>5 direct correlation with the groundwater and the<br/>6 number of people, our Native people here that<br/>7 passed from cancer.<br/>8 So if you want to look at that report of<br/>9 the Tribal Council, or you can interview Mr. Horn<br/>10 on that, if you wanted additional information in<br/>11 opposition of what you're trying to do here.<br/>12 We as the Native people of this<br/>13 Reservation expect you to protect us and to<br/>14 protect our rights, and we feel that that's not<br/>15 happening.<br/>16 <b>FACILITATOR DAVIN:</b> Thirty seconds.<br/>17 <b>MS. BROCKIE:</b> Three minutes is not<br/>18 enough.<br/>19 Lastly, the evidence is the devastation<br/>20 to our water and mountains. You talk about<br/>21 evidence. Well, there's our evidence. There's a<br/>22 lot of reports that's been done of the devastation<br/>23 to this area. So I'm adamantly opposed to this<br/>24 permit. Thank you.<br/>25 <b>FACILITATOR DAVIN:</b> Thank you. James,</p>  | <p style="text-align: right;">Page 99</p> <p>1 not confined to trying to get everything within<br/>2 three minutes. Thank you. Have a good evening.<br/>3 <b>FACILITATOR DAVIN:</b> Thank you. Yes, and<br/>4 as a reminder, for anyone who would also like to<br/>5 submit written comment, it is on the screen. You<br/>6 can email, or you can also write in comment and<br/>7 mail it in.<br/>8 Any other commenters in the room, James?<br/>9 <b>MR. STRAIT:</b> I think we've had<br/>10 everybody. Does anybody else need to make a<br/>11 comment?<br/>12 (Inaudible)<br/>13 <b>MR. STRAIT:</b> Is it possible to get the<br/>14 email for public comments to be shown on the<br/>15 screen?<br/>16 <b>FACILITATOR DAVIN:</b> We have showing it<br/>17 right now. It's not? Oh, excuse me. It is the<br/>18 guidance. Just kidding. Hold on. Maybe. There<br/>19 we go. So it should be showing now. It should<br/>20 show the email and the mail for the written<br/>21 comments.<br/>22 <b>MR. STRAIT:</b> Okay. That's all the<br/>23 comments from the Hays location.<br/>24 <b>FACILITATOR DAVIN:</b> I'll continue to go<br/>25 down our preregistered list. James, if you could</p>                |
| <p style="text-align: right;">Page 98</p> <p>1 do you have additional commenters in the room?<br/>2 <b>MR. STRAIT:</b> Michael Black Wolfe.<br/>3 <b>FACILITATOR DAVIN:</b> Welcome. Please<br/>4 state your first and last name and affiliation, if<br/>5 any. You have three minutes.<br/>6 <b>MR. BLACK WOLF:</b> My name is Michael<br/>7 Black Wolf, M-I-C-H-A-E-L B-L-A-C-K W-O-L-F. I'm<br/>8 the Tribal Historic Preservation Officer for the<br/>9 Fort Belknap Indian Community. And I just want to<br/>10 keep my comments as short as possible this<br/>11 evening.<br/>12 I just want to start off by saying that<br/>13 I'm opposed to this exploratory mine on two<br/>14 fronts: One is in my official capacity as the<br/>15 Tribal Historic Preservation Officer, and second<br/>16 as an enrolled member of the Gros Ventre Tribe of<br/>17 the Fort Belknap Indian Community.<br/>18 And a lot of people have articulated<br/>19 already this evening a lot of what I wanted to<br/>20 say. And I know that there was some technical<br/>21 difficulties, and I just also wanted to be put on<br/>22 the record for my opposition, and I want to also<br/>23 go on the record that I will also be submitting<br/>24 written comments where I'll be able to further<br/>25 articulate what I wanted to say, and that way I'm</p> | <p style="text-align: right;">Page 100</p> <p>1 help if there's someone in the room that maybe<br/>2 already commented that's on our list, if you could<br/>3 let me know. Next up we have Martin Zhivkovikj.<br/>4 I'm butchering that. I apologize. I'll just say<br/>5 Martin Z. If Martin Z. is here, you're welcome to<br/>6 unmute, and you have three minutes.<br/>7 (No response)<br/>8 <b>FACILITATOR DAVIN:</b> I'll move to the<br/>9 next. Jessica Fetter. If Jessica Fetter is here,<br/>10 you're welcome to unmute, and state your first and<br/>11 last name and affiliation, if any, and you have<br/>12 three minutes.<br/>13 (No response)<br/>14 <b>FACILITATOR DAVIN:</b> Jessica Fetter?<br/>15 (No response)<br/>16 <b>FACILITATOR DAVIN:</b> I'll move to the<br/>17 next. Donald Long Knife. Donald Long Knife, if<br/>18 you're here, you can state your first and last<br/>19 name, and you have three minutes.<br/>20 (No response)<br/>21 <b>FACILITATOR DAVIN:</b> I believe Stephanie<br/>22 Woodard had registered to comment, but then it<br/>23 sounds like maybe she does not want to any more.<br/>24 Stephanie, are you still here, and are you<br/>25 declining comment?</p> |

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| <p style="text-align: right;">Page 101</p> <p>1 (No response)</p> <p>2 <b>FACILITATOR DAVIN:</b> And then --</p> <p>3 <b>MR. STRAIT:</b> -- (Inaudible) --</p> <p>4 monitoring satellite sites?</p> <p>5 <b>FACILITATOR DAVIN:</b> I'm sorry. James,</p> <p>6 did you say something?</p> <p>7 <b>MR. STRAIT:</b> -- (Inaudible) -- the</p> <p>8 satellite sites?</p> <p>9 <b>FACILITATOR DAVIN:</b> The satellite sites?</p> <p>10 <b>MR. STRAIT:</b> Yes, the other locations.</p> <p>11 <b>FACILITATOR DAVIN:</b> I've asked for those</p> <p>12 a few times. I haven't seen anybody pop in. If</p> <p>13 you know of those, they're welcome to comment.</p> <p>14 <b>MR. STRAIT:</b> The Jessica name that you</p> <p>15 just called is at the Dodson site.</p> <p>16 <b>FACILITATOR DAVIN:</b> Okay. I called</p> <p>17 that, and I didn't see anybody pop up. Jessica,</p> <p>18 if you are on, you are welcome to comment in the</p> <p>19 room.</p> <p>20 (No response)</p> <p>21 <b>FACILITATOR DAVIN:</b> Are there any other</p> <p>22 sites you know of, James?</p> <p>23 <b>MR. STRAIT:</b> There should be a couple</p> <p>24 other sites, so people should be listening from</p> <p>25 there.</p>   | <p style="text-align: right;">Page 103</p> <p>1 he did.</p> <p>2 (No response)</p> <p>3 <b>FACILITATOR DAVIN:</b> Next up we have</p> <p>4 Jeremy Walker. Jeremy, if you're here, you're</p> <p>5 welcome to unmute, and state your first and last</p> <p>6 name and affiliation, if any, and you have three</p> <p>7 minutes.</p> <p>8 (No response)</p> <p>9 <b>FACILITATOR DAVIN:</b> Jeremy Walker?</p> <p>10 (No response)</p> <p>11 <b>FACILITATOR DAVIN:</b> Next up we have</p> <p>12 Kermit Snow. Kermit Snow, if you're here, you're</p> <p>13 welcome to unmute, and state your first and last</p> <p>14 name, and you have three minutes.</p> <p>15 (No response)</p> <p>16 <b>FACILITATOR DAVIN:</b> Next we have Bonnie</p> <p>17 Gestring. Bonnie, if you're here, you're welcome</p> <p>18 to unmute, and you have three minutes.</p> <p>19 <b>MS. GESTRING:</b> Hi. My name is Bonnie</p> <p>20 Gestring, B-O-N-N-I-E G-E-S-T-R-I-N-G. I'm the</p> <p>21 Northwest Program Director at EarthWorks, and I'm</p> <p>22 here to testify in opposition to the proposed</p> <p>23 exploration project.</p> <p>24 EarthWorks, which was formerly the</p> <p>25 Mineral Policy Center, has a long history of</p>  |
| <p style="text-align: right;">Page 102</p> <p>1 <b>FACILITATOR DAVIN:</b> I'll continue to go</p> <p>2 down the list, and we can go back to any of those</p> <p>3 sites if anybody sees them pop on, or knows that</p> <p>4 they're ready to comment.</p> <p>5 The next up we have is Luke Ployhar.</p> <p>6 Luke, if you're here, state your first and last</p> <p>7 name and affiliation, if any, and you have three</p> <p>8 minutes.</p> <p>9 <b>MR. PLOYHAR:</b> Hi. This is Luke Ployhar.</p> <p>10 I didn't know that we were signed up for comment</p> <p>11 when we were signed up for the Zoom, so I don't</p> <p>12 have a comment. I just was here to be present.</p> <p>13 <b>FACILITATOR DAVIN:</b> Okay. Thank you.</p> <p>14 Next up we have John Carnahan. John, if you're</p> <p>15 here, and would like to comment, you're welcome to</p> <p>16 unmute.</p> <p>17 (No response)</p> <p>18 <b>FACILITATOR DAVIN:</b> Next on the list we</p> <p>19 have Tracy King. Tracy, if you're here, you're</p> <p>20 welcome to unmute and provide comment.</p> <p>21 (No response)</p> <p>22 <b>FACILITATOR DAVIN:</b> Next up we have</p> <p>23 Derek Azure, but I believe he commented earlier as</p> <p>24 part of the Tribal Council members. Derek, are</p> <p>25 you here, and did you comment earlier? I believe</p> | <p style="text-align: right;">Page 104</p> <p>1 working to promote reclamation of the Zortman</p> <p>2 Landusky Mine in the wake of the Pegasus Gold</p> <p>3 bankruptcy.</p> <p>4 It's really hard to over-state the</p> <p>5 amount of resources that have been invested in the</p> <p>6 reclamation efforts at Zortman-Landusky, more than</p> <p>7 twenty years of painstaking work, and over \$50</p> <p>8 million in State and Federal public funds.</p> <p>9 This reclamation work was completed</p> <p>10 through the CERCLA program on public and private</p> <p>11 lands to try and isolate mine waste, and address</p> <p>12 the really severe acid mine drainage that has</p> <p>13 caused such extensive pollution throughout the</p> <p>14 Little Rockies, and that's why it's so disturbing</p> <p>15 to see this proposal to conduct new mining</p> <p>16 exploration within the boundaries of the</p> <p>17 Zortman-Landusky reclamation area.</p> <p>18 The Environmental Assessment is</p> <p>19 inadequate for a number of reasons, which I've</p> <p>20 included in detailed written comments to the</p> <p>21 Department, but the comment that I wanted to make</p> <p>22 at the public hearing tonight is that more</p> <p>23 importantly, the proposed exploration project</p> <p>24 should be rejected because it conflicts with the</p> <p>25 decades of ongoing reclamation work to return</p> |

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| <p style="text-align: right;">Page 105</p> <p>1 these lands and waters to safe public use.<br/>2 The only purpose for this exploration<br/>3 work is to advance the applicant's interests<br/>4 towards new mining within the Zortman-Landusky<br/>5 reclamation area on lands that have been reclaimed<br/>6 at enormous public expense.<br/>7 I see no path forward here that wouldn't<br/>8 ultimately conflict with the CERCLA remediation<br/>9 work that's been done, and for that reason DEQ<br/>10 should deny this exploration project. Thank you.<br/>11 <b>FACILITATOR DAVIN:</b> Thank you, Bonnie.<br/>12 Next up we have Will Gray. Will Gray, if you are<br/>13 here, you can unmute, and you have three minutes.<br/>14 (No response)<br/>15 <b>FACILITATOR DAVIN:</b> I'll go to the next.<br/>16 I will do another round coming back to all of<br/>17 these, just in case, especially if we have those<br/>18 remote locations. Maybe there's some there.<br/>19 We had a phone caller sign up earlier<br/>20 for comments, and I apologize. It's taken a bit<br/>21 to get here. We've had quite a few commenters<br/>22 tonight. But John Hawley, if you'd like to<br/>23 unmute, and state your first and last name, you<br/>24 have three minutes.<br/>25 <b>MR. HAWLEY:</b> This is John Hawley,</p>   | <p style="text-align: right;">Page 107</p> <p>1 there. That was terrible. And I've seen this<br/>2 water coming down on the Fort Belknap side, too.<br/>3 I can see the mine from my window of my<br/>4 living room. I can see that reclamation that was<br/>5 up there. I can still see them high walls and<br/>6 roads up there. I know that water comes down on<br/>7 the Reservation side as well, and it's going down<br/>8 into the Mission Canyon, to the Pow-Wow grounds,<br/>9 sundance grounds.<br/>10 I'm in total opposition to this mining.<br/>11 I know -- (inaudible) -- and this is just a<br/>12 preliminary step to full fledged mining. And they<br/>13 say, people said, some people said their mining is<br/>14 a chain in this state and this country, but it's<br/>15 not. The chain that people got to eat. And if<br/>16 some of this orange water runs out on some of them<br/>17 irrigated hay fields and down Malta --<br/>18 <b>FACILITATOR DAVIN:</b> Thirty seconds.<br/>19 <b>MR. HAWLEY:</b> -- Saco, Dodson, and people<br/>20 would be filing lawsuits to beat hell there. I<br/>21 think the Tribe needs to look for another<br/>22 environmental attorney like they had back in the<br/>23 1990s Mike Akline (phonetic), and find somebody of<br/>24 his caliber, and -- (inaudible) --<br/>25 DEQ, during the Zortman-Landusky years,</p> |
| <p style="text-align: right;">Page 106</p> <p>1 J-O-H-N H-A-W-L-E-Y. I'm a Tribal member of Fort<br/>2 Belknap. And I'm just kind of surprised that<br/>3 there's not a lot more taxpayers paying attention<br/>4 to this, because they're ones paying for the<br/>5 Superfund stuff that's going on there, and has<br/>6 been going on for a long time. Also Federal<br/>7 dollars went into it.<br/>8 And I have seen that orange water going<br/>9 down these drainages. Back in 1971, 1972, I heard<br/>10 that after that a Canadian outfit out of Victoria,<br/>11 British Columbia, called Pickle Crow, Ltd, they<br/>12 were doing drilling and sampling, and they drilled<br/>13 into some of them old workings, and there was no<br/>14 heat, and there was no strip mines activity then.<br/>15 But there was them old workings, and<br/>16 they drilled into them old workings, and they let<br/>17 loose thousands and thousands of gallons of that<br/>18 orange toxic water, run down on the Landusky side,<br/>19 and there's people come out of that community down<br/>20 there wondering what the sam hill was going on up<br/>21 here, and I don't blame them. That was some nasty<br/>22 looking water that went down there.<br/>23 I'm sure nobody wanted to wade through<br/>24 the creek with that going down there, or water<br/>25 their cattle, or on the Montana Gulch campground</p> | <p style="text-align: right;">Page 108</p> <p>1 I think you guys totally dropped the ball.<br/>2 Whoever was on staff there totally dropped the<br/>3 ball. You didn't protect us. You didn't protect<br/>4 the environmental quality of the water or<br/>5 anything.<br/>6 So I'm totally against this. We don't<br/>7 need that stuff around here anymore. Take it<br/>8 somewhere else. Take it to Nevada. That's all<br/>9 I've got. Thank you.<br/>10 <b>FACILITATOR DAVIN:</b> Thank you. Next up<br/>11 we have, it looks like Ina signed up to comment<br/>12 but then said you'll be submitting in writing.<br/>13 Ina, did you want to comment orally at all?<br/>14 <b>MS. NEZ PERCE:</b> No. I will just submit<br/>15 my comment in writing. Thank you.<br/>16 <b>FACILITATOR DAVIN:</b> Okay. Thank you.<br/>17 And then we have Kyle Stiffarm. He may have<br/>18 already gone. Kyle Stiffarm. Go ahead.<br/>19 <b>MR. KYLE STIFFARM:</b> My name is Kyle<br/>20 Stiffarm, K-Y-L-E S-T-I-F-F-A-R-M. I'm an<br/>21 enrolled member of the Gros Ventre Tribe, Fort<br/>22 Belknap Indian Community. My family has been<br/>23 ranching on the north end of the Reservation for<br/>24 over 100 years now.<br/>25 And I just want to remind DEQ that</p>   |

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| <p style="text-align: right;">Page 109</p> <p>1 multiple assessments have been done by experts<br/>2 from not only the United States, but from around<br/>3 the world, and have assessed this site to be the<br/>4 second worst mining disaster outside of a Roman<br/>5 mine from thousands of years ago.<br/>6 It's cost the taxpayers of Montana tens<br/>7 of millions of dollars already, and potentially<br/>8 \$100 million or \$200 million by the end of the<br/>9 century.<br/>10 It seems extremely irresponsible for DEQ<br/>11 to even consider allowing any kind of activity to<br/>12 take place in and around or anywhere near this<br/>13 site, due to the damage that's occurred in the<br/>14 past and that's continuing to occur. I strongly<br/>15 oppose any activity of any kind, and I will be<br/>16 submitting my written recommendation as well.<br/>17 Thank you.<br/>18 <b>FACILITATOR DAVIN:</b> Thank you, Kyle.<br/>19 Now I'm just going to go back through the list,<br/>20 but before I do, for those that maybe weren't<br/>21 available the first time, just double checking.<br/>22 Before I do, are there any remote locations that<br/>23 have people in person that would like to comment?<br/>24 <b>MR. TERRANCE KING:</b> Can you hear me?<br/>25 <b>FACILITATOR DAVIN:</b> Yes, we can hear</p> | <p style="text-align: right;">Page 111</p> <p>1 public relations, there was five aquifers under<br/>2 ground, and four flowed towards the Missouri<br/>3 River, but they didn't mention the one that's<br/>4 coming back, and goes towards, underneath the town<br/>5 of Hays, and out to the southwest part of the<br/>6 Reservation. They didn't mention that one, and<br/>7 that's one that's being impacted that someone said<br/>8 earlier.<br/>9 But like I said earlier, Pegasus did a<br/>10 backwards job. They did a five acre, ten acre,<br/>11 until they had a big mess up there, and they<br/>12 pulled out, but I think the outfit in Canada still<br/>13 has -- the drill industry still has responsibility<br/>14 over here.<br/>15 And so like was saying earlier, Montana<br/>16 State should have consulted us at Fort Belknap,<br/>17 which I am a Tribal members, before any of this<br/>18 even happened, because it sounds like once they<br/>19 know there's gold there, they're going to keep<br/>20 looking until they find it. Thank you. That's<br/>21 all. T-E-R-R-A-N-C-E K-I-N-G. And I had a<br/>22 question before.<br/>23 My question before was that if you guys,<br/>24 in my opinion, are not giving any -- the Grinnell<br/>25 agreement, it still belongs to the Tribe because</p> |
| <p style="text-align: right;">Page 110</p> <p>1 you.<br/>2 <b>MR. TERRANCE KING:</b> I have for question.<br/>3 This is a comment. My name is Terrance King, And<br/>4 I spelled my name earlier.<br/>5 I just wanted to give you kind of a --<br/>6 In 1870, the hard rock mining, that and the<br/>7 railroad, was just bringing settlers in, and so by<br/>8 1884 this area was the last buffalo hunt at the<br/>9 Three Buttes.<br/>10 And what happened was in 1889, 132 years<br/>11 ago, the enabling act -- and our Council person<br/>12 here already said that the State is not supposed<br/>13 to interfere with our trust responsibility of the<br/>14 government nation to nation.<br/>15 But later on in 1892, Paul Landusky<br/>16 found a ten foot -- and I found this on the<br/>17 Montana site -- and that's how they knew there was<br/>18 gold here. And they built a power plant on the<br/>19 Missouri River so they could mine on the<br/>20 Reservation at night at the time.<br/>21 And consequently in 1896, it says in the<br/>22 Grinnell agreement that they'd protect the water<br/>23 rights, and you all know what happened there.<br/>24 Fell down.<br/>25 But in the 1970s, when they had the</p>  | <p style="text-align: right;">Page 112</p> <p>1 the BIA perpetrated the money. We got nothing.<br/>2 We still have nothing. Thank you.<br/>3 <b>FACILITATOR DAVIN:</b> Thank you. Anyone<br/>4 else in the in-person locations that would like to<br/>5 comment?<br/>6 (No response)<br/>7 <b>FACILITATOR DAVIN:</b> I'll just start<br/>8 running back down the list. And please give us a<br/>9 heads-up if any of you are in the in-person<br/>10 locations and would like to comment.<br/>11 So the first I have on the list that we<br/>12 didn't hear from yet is Jerry Hanley. Jerry<br/>13 Hanley, if you're here, you're welcome to unmute,<br/>14 and state your first and last name, and you have<br/>15 three minutes.<br/>16 (No response)<br/>17 <b>FACILITATOR DAVIN:</b> Next up we have<br/>18 Scott Wheaton. Scott Wheaton, if you are here,<br/>19 you're welcome to unmute, and you have three<br/>20 minutes.<br/>21 (No response)<br/>22 <b>FACILITATOR DAVIN:</b> I just want to<br/>23 reiterate, too. We're not responding to comments<br/>24 right now, but we really appreciate all of you<br/>25 being here and taking the time tonight. I know</p>  |

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| <p style="text-align: right;">Page 113</p> <p>1 this has been a few hours, but we appreciate the<br/>2 time, and it's important that we're hearing from<br/>3 you, so thank you for taking the time.<br/>4 Next up I have Audena Wing. Audena<br/>5 Wing, if you're here, you have three minutes.<br/>6 (No response)<br/>7 <b>FACILITATOR DAVIN:</b> Next I have John<br/>8 Ames. John Ames, if you're here, you have three<br/>9 minutes.<br/>10 (No response)<br/>11 <b>FACILITATOR DAVIN:</b> Michael Kinsey.<br/>12 Michael Kinsey, if you're here, you have three<br/>13 minutes.<br/>14 (No response)<br/>15 <b>FACILITATOR DAVIN:</b> Again, I apologize<br/>16 if I mispronounce names. And if you've already<br/>17 commented, just feel free to pop on and let me<br/>18 know you've already commented. Mamie Healy, or<br/>19 Mayme Healy, if you're here, you have three<br/>20 minutes.<br/>21 (No response)<br/>22 <b>FACILITATOR DAVIN:</b> Bozhidar Zhivkovikj.<br/>23 Bozhidar Zhivkovikj, if you're here, you have<br/>24 three minutes.<br/>25 (No response)</p>         | <p style="text-align: right;">Page 115</p> <p>1 (No response)<br/>2 <b>FACILITATOR DAVIN:</b> That is everyone on<br/>3 our list. Do we have any final people who would<br/>4 like to comment? You're welcome to unmute now,<br/>5 and state your first and last name and make your<br/>6 comment.<br/>7 <b>MS. NEZ PERCE:</b> This is Ina Nez Perce.<br/>8 I guess I will say a few things.<br/>9 <b>FACILITATOR DAVIN:</b> Okay. Go ahead.<br/>10 <b>MS. NEZ PERCE:</b> I just wanted to state<br/>11 that I am in opposition to the exploration license<br/>12 for Ployhar. I've worked for the Fort Belknap<br/>13 Indian Community for thirty years, and have been<br/>14 fighting mining since then, and so this is really<br/>15 to me very frustrating and devastating to even<br/>16 think that there would be mining again up there.<br/>17 I have a concern, I guess I'd like to<br/>18 just voice that, about the two day window where<br/>19 mining claims were filed, and this was when they<br/>20 were -- when there was a time lapse between the<br/>21 five year mineral withdrawal and to the twenty<br/>22 year mineral withdrawal.<br/>23 I have concerns about that, because I<br/>24 would like to know how they staked the claims, who<br/>25 allowed them to do that, and how were they</p> |
| <p style="text-align: right;">Page 114</p> <p>1 <b>FACILITATOR DAVIN:</b> Martin, same last<br/>2 name, Zhivkovikj. Martin, if you're here, you<br/>3 have three minutes if you'd like to comment.<br/>4 (No response)<br/>5 <b>FACILITATOR DAVIN:</b> Next on my list I<br/>6 have Donald Long Knife. Donald, if you're here,<br/>7 you have three minutes.<br/>8 (No response)<br/>9 <b>FACILITATOR DAVIN:</b> John Carnahan, if<br/>10 you're here, you have three minutes.<br/>11 (No response)<br/>12 <b>FACILITATOR DAVIN:</b> John Carnahan?<br/>13 (No response)<br/>14 <b>FACILITATOR DAVIN:</b> Tracy King. Tracy,<br/>15 if you're here, you have three minutes.<br/>16 (No response)<br/>17 <b>FACILITATOR DAVIN:</b> Jeremy Walker.<br/>18 Jeremy, if you're here, you have three minutes if<br/>19 you would like to comment.<br/>20 (No response)<br/>21 <b>FACILITATOR DAVIN:</b> Kermit Snow, if<br/>22 you're here, you have three minutes.<br/>23 (No response)<br/>24 <b>FACILITATOR DAVIN:</b> Will Gray. Will<br/>25 Gray, if you're here, you have three minutes.</p> | <p style="text-align: right;">Page 116</p> <p>1 informed that there was that two day window to do<br/>2 it in the first place.<br/>3 Another concern I have is that I don't<br/>4 believe that all of the environmental impacts were<br/>5 assessed adequately, water quality, acid mine<br/>6 drainage, and the access road. I don't think<br/>7 enough effort has gone into those to see what the<br/>8 problems could be.<br/>9 I oppose the mine exploration license.<br/>10 I oppose any kind of mining. I also have a<br/>11 concern about all the CERCLA work that has been<br/>12 completed, and how this would impact that, and all<br/>13 of the money that was spent on it.<br/>14 Anyway then finally, I would just like<br/>15 to say again that I oppose the mine exploration.<br/>16 Thank you.<br/>17 <b>FACILITATOR DAVIN:</b> Thank you, Ina. Is<br/>18 there anyone else that would like to make a final<br/>19 comment before we wrap up for this evening?<br/>20 Again, we appreciate you all being here and for<br/>21 hanging in with us this long. We're here to hear<br/>22 from you. It looks like we might have one more in<br/>23 person in Hays.<br/>24 <b>PRESIDENT STIFFARM:</b> And I spoke several<br/>25 times already, my name is Jeff Stiffarm, and I'm</p>                      |

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| <p style="text-align: right;">Page 117</p> <p>1 the President of the Fort Belknap Community<br/>2 Council.<br/>3 And just a question to Mr. Ployhar, and<br/>4 I know you're on. Can you explain to us how did<br/>5 you know about that two day window, if you --<br/>6 <b>FACILITATOR DAVIN:</b> I'm sorry. We're<br/>7 having trouble hearing you. Are you asking a<br/>8 question, or are you commenting?<br/>9 <b>MR. JEFF STIFFARM:</b> I'm asking a<br/>10 question to Mr. Ployhar, how he know knew about<br/>11 that two day window, and who informed him about<br/>12 it.<br/>13 <b>FACILITATOR DAVIN:</b> We're currently in<br/>14 the public comment portion. We're no longer in<br/>15 the question portion. I'm not sure that question<br/>16 is directed at DEQ.<br/>17 <b>PRESIDENT STIFFARM:</b> We asked you guys,<br/>18 and you guys didn't answer it, so I'm asking Mr.<br/>19 Ployhar himself.<br/>20 <b>FACILITATOR DAVIN:</b> Oh, okay. Sorry. I<br/>21 was having trouble hearing you.<br/>22 <b>PRESIDENT STIFFARM:</b> You guys danced<br/>23 around a lot of these questions that our people<br/>24 asked, and one of the biggest questions we want to<br/>25 know is how he knew about this two day window, and</p>  | <p style="text-align: right;">Page 119</p> <p>1 jurisdiction in Indian territory, which Oklahoma<br/>2 was designated Indian territory.<br/>3 We have Cooley, the United States versus<br/>4 Cooley, which reaffirmed Tribal jurisdiction over<br/>5 non-members on Tribal land, historical Tribal<br/>6 lands.<br/>7 We have Herrera versus the State of<br/>8 Wyoming, which affirmed the 1851 Fort Laramie<br/>9 Treaty hunting rights of Tribal members within<br/>10 that 1851 boundary.<br/>11 And I just wanted to go on the record<br/>12 and remind you all that this is a really exciting<br/>13 time, that finally our treaties are being analyzed<br/>14 legally, and that the Supreme Court has set<br/>15 precedent in reaffirming the legalities and the<br/>16 strength and power in our treaties. These are<br/>17 agreements.<br/>18 And I just want to go on the record<br/>19 again, and say that these lands were coerced by<br/>20 the threat of starvation. They were illegally<br/>21 transferred through the Grinnell agreement. They<br/>22 fall within our 1855 common hunting ground<br/>23 territory. And these lands were illegally ceded<br/>24 by the Gros Ventre Assiniboiné Tribes of the Fort<br/>25 Belknap Indian Community.</p>   |
| <p style="text-align: right;">Page 118</p> <p>1 who informed him, and I'm asking him in person<br/>2 because he's online with us.<br/>3 <b>FACILITATOR DAVIN:</b> I'm not sure he's on<br/>4 anymore. It doesn't look like he's on anymore.<br/>5 Thank you, though. Any other comments before we<br/>6 wrap up?<br/>7 <b>COUNCILMAN MESSERLY:</b> I'll make a final<br/>8 comment, if I may.<br/>9 <b>FACILITATOR DAVIN:</b> Go ahead. Please<br/>10 state your first and last name for our record.<br/>11 <b>COUNCILMAN MESSERLY:</b> My name is Dominic<br/>12 Messerly, M-E-S-S-E-R-L-Y. I'm the River District<br/>13 Gros Ventre Representative on the Fort Belknap<br/>14 Indian Community Council.<br/>15 I want to speak to the importance and<br/>16 the legalities of our treaty rights. This land<br/>17 falls within the 1855 boundaries of our treaty,<br/>18 our common hunting ground that was established in<br/>19 1855.<br/>20 And as it was mentioned earlier, this is<br/>21 a really great time in history because this is a<br/>22 time that our treaties are finally being analyzed.<br/>23 You can take the Oklahoma, McGirt versus Oklahoma,<br/>24 that went to the Supreme Court, and what it did is<br/>25 it ruled that the State of Oklahoma did not have</p> | <p style="text-align: right;">Page 120</p> <p>1 This is our ancestral territory. These<br/>2 are our lands by definition of our treaty rights,<br/>3 and you have no business on them. Thank you.<br/>4 <b>FACILITATOR DAVIN:</b> Thank you. Thank<br/>5 you for your comments, and we appreciate<br/>6 everyone's comments tonight, and for you all<br/>7 taking the time. As a reminder, if you would like<br/>8 to submit written comments via email or mail, you<br/>9 can submit them by January 11th at 11:59 p.m.<br/>10 Information on how to submit them is on<br/>11 the screen, and I will just read that one more<br/>12 time, because I know we have a few that are<br/>13 joining by phone. So if you'd like to submit<br/>14 written comments in addition to your oral comments<br/>15 tonight, you can email those to deqmepa@mt.gov; or<br/>16 you can also mail them to DEQ Mining Bureau,<br/>17 Attention Whitney Bausch, PO Box 200901, Helena,<br/>18 Montana 59620.<br/>19 Thank you all again. At this time we do<br/>20 not have any more public comment. We appreciate<br/>21 you all taking the time to comment and listen to<br/>22 the presentation, and we especially want to thank<br/>23 Fort Belknap for assisting with the public meeting<br/>24 space tonight, and for being here. We really<br/>25 appreciate it.</p> |



Page 121

1 The final document will include a  
2 response to comments from this evening, and thanks  
3 again for your time, and have a great evening.  
4 Thank you. And also thanks for joining in person  
5 for our remote locations. We appreciate it.

6 (The proceedings were concluded  
7 at 7:03 p.m. )

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Page 122

1 C E R T I F I C A T E

2 STATE OF MONTANA )

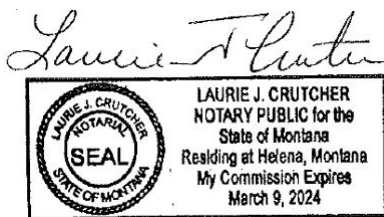
3 : SS.

4 COUNTY OF LEWIS & CLARK )

5 I, LAURIE CRUTCHER, RPR, Court Reporter,  
6 Notary Public in and for the County of Lewis &  
7 Clark, State of Montana, do hereby certify:

8 That the proceedings were taken before me at  
9 the time and place herein named; that the  
10 proceedings were reported by me in shorthand and  
11 transcribed using computer-aided transcription,  
12 and that the foregoing - 121 - pages contain a  
13 true record of the proceedings to the best of my  
14 ability.

15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand and affixed my notarial seal this 14th day of  
17 January, 2022.



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|---|---|--|---|---|
|   | 66:22;87:24;104:12;<br>116:5  | <b>Affairs (2)</b><br>89:2;96:23   | <b>ain't (1)</b><br>51:3  | 86:7;10;92:8,12;<br>100:4;105:20;113:15   |
| #   | <b>acre (2)</b><br>111:10,10  | <b>affect (7)</b><br>17:23;18:10;24:15;<br>53:7;54:7;77:17,19  | <b>Air (9)</b><br>6:10;42:24;43:3;<br>44:6,8;50:22;78:6,6;<br>85:13         | <b>appear (2)</b><br>38:4,6   |
| #00860 (1)<br>1:13  | <b>acres (3)</b><br>42:15,15,16   | <b>affected (1)</b><br>43:18   | <b>Akline (1)</b><br>107:23   | <b>applicant (3)</b><br>10:9;20:1,9   |
| \$  | <b>across (1)</b><br>71:6   | <b>affects (3)</b><br>3:20;53:4;73:9   | <b>allow (7)</b><br>13:19;21:1;53:19,24;<br>54:3;67:3;85:3                  | <b>applicant's (1)</b><br>105:3   |
| \$100 (2)<br>19:14;109:8  | <b>Act (12)</b><br>11:6,7;12:3,18,19;<br>21:19;22:3,9;33:6;<br>56:17;66:24;110:11                               | <b>affiliation (14)</b><br>8:9;47:3,5;49:15;<br>63:19;64:1;67:21;84:9;<br>86:23;91:24;98:4;<br>100:11;102:7;103:6  | <b>allowed (3)</b><br>10:20;86:1;115:25                                     | <b>application (12)</b><br>10:10,13;12:24,25;<br>13:1,5,6;14:1;18:17;<br>19:14;25:19;27:2   |
| \$200 (1)<br>109:8  | <b>action (2)</b><br>12:5;22:1  | <b>affirmed (1)</b><br>119:8   | <b>allowing (4)</b><br>67:9;73:1;86:2;<br>109:11                            | <b>applied (1)</b><br>34:8  |
| \$33 (5)<br>23:1;25:6;53:11,11;<br>55:8                                 | <b>actions (2)</b><br>28:13,23  | <b>afraid (1)</b><br>85:6  | <b>almighty (1)</b><br>5:10   | <b>apply (3)</b><br>34:3,6,10   |
| \$33.5 (1)<br>92:25   | <b>activities (15)</b><br>4:1;5:20;11:4;12:10;<br>18:10;19:18,22;20:14;<br>25:21,23;26:4,5;55:6;<br>65:11;84:23 | <b>afternoon (3)</b><br>3:1;34:1;51:14   | <b>almost (1)</b><br>66:18  | <b>appreciate (16)</b><br>5:22,25;36:5;48:13;<br>72:18;74:14;76:5;<br>79:21;95:4;112:24;<br>113:1;116:20;120:5,<br>20,25;121:5  |
| \$35 (1)<br>93:15   | <b>activity (9)</b><br>22:1;25:16;46:4;<br>56:1,7;83:13;106:14;<br>109:11,15                                    | <b>again (29)</b><br>11:19;20:10;28:9;<br>35:11;43:23;45:5,25;<br>47:17;48:15;51:19;<br>58:13;60:21;62:5;<br>68:16;78:16;80:24,24,<br>24:91:3;94:24,24;<br>96:24;113:15;115:16;<br>116:15,20;119:19;<br>120:19;121:3 | <b>alone (4)</b><br>78:3;79:9,12;89:18                                      | <b>approached (1)</b><br>35:17  |
| \$50 (1)<br>104:7   | <b>actually (8)</b><br>29:16;50:1;64:18;<br>66:10;70:17;71:14;<br>82:13;95:22                                   | <b>against (13)</b><br>49:22;52:1;59:16,24;<br>78:13,14,15,25,25;<br>93:5;94:19;95:1;108:6   | <b>along (5)</b><br>9:10;25:1;71:13,13;<br>73:16                            | <b>appropriate (1)</b><br>13:3  |
| A   | <b>adamantly (2)</b><br>59:16;97:23   | <b>agencies (1)</b><br>13:17   | <b>always (5)</b><br>65:4;73:15;77:22;<br>78:15,15                          | <b>approve (1)</b><br>71:7  |
| A'anandin (1)<br>76:14  | <b>add (5)</b><br>47:4,6;58:10;62:17,<br>20   | <b>Agency (5)</b><br>28:17,20;65:25;<br>66:13;71:10  | <b>amended (1)</b><br>33:8  | <b>approved (4)</b><br>31:21;32:1,3;85:25   |
| A'aniih (2)<br>87:4;89:15   | <b>added (2)</b><br>62:19,20  | <b>Agency's (2)</b><br>28:13;44:6  | <b>Americans (1)</b><br>94:11   | <b>approximately (2)</b><br>16:8;17:4   |
| A'aniih (1)<br>80:14  | <b>addition (1)</b><br>120:14   | <b>agent (1)</b><br>89:1   | <b>Ames (4)</b><br>86:17,17;113:8,8   | <b>aquatic (1)</b><br>81:23   |
| abandoned (2)<br>4:10;72:9  | <b>additional (14)</b><br>2:14;13:12;26:9,16;<br>29:24;41:14;44:11,15;<br>58:11;59:8;60:1,90:1;<br>97:10;98:1   | <b>ago (5)</b><br>72:5,6;82:4;109:5;<br>110:11   | <b>among (2)</b><br>88:22,22  | <b>aquifers (1)</b><br>111:1  |
| abdication (1)<br>82:23   | <b>address (6)</b><br>9:17;19:18;36:19;<br>47:23;65:25;104:11   | <b>agree (2)</b><br>30:7;87:10   | <b>amount (10)</b><br>35:5,9;45:23;46:2;<br>65:12,21;67:5,8;97:2;<br>104:5  | <b>Arc (14)</b><br>3:8;18:14,16,21,22,<br>25;19:4,7;25:18,20;<br>28:11,13,20;29:10  |
| able (5)<br>22:15;38:19;40:6;<br>77:5;98:24                             | <b>addressed (2)</b><br>19:5;37:6   | <b>agreement (6)</b><br>26:23,24;88:14;<br>110:22;111:25;119:21  | <b>analyses (1)</b><br>65:6   | <b>archeological (2)</b><br>21:14;56:11   |
| above (3)<br>54:5;55:10;77:25   | <b>addressing (2)</b><br>28:2;59:2  | <b>agreements (1)</b><br>119:17  | <b>analysis (8)</b><br>10:11;19:24;21:17;<br>27:1;55:22;56:13;65:2;<br>66:2 | <b>area (25)</b><br>3:24;11:18;13:13;<br>16:17;21:21;25:23;<br>29:13;31:1;37:13;38:5,<br>9,9;41:4,12;66:4,21;<br>68:12;72:3;77:22;78:1,<br>1;97:23;104:17;105:5;<br>110:8 |
| above-captioned (1)<br>1:19   | <b>adequately (4)</b><br>13:21;56:6;85:19;<br>116:5   | <b>agriculture (1)</b><br>55:19  | <b>analyzed (3)</b><br>56:4;118:22;119:13                                   | <b>areas (1)</b><br>83:10   |
| absolutely (1)<br>50:22   | <b>adjusted (1)</b><br>33:10  | <b>ahead (27)</b><br>2:15,18,23;6:4;9:21;<br>10:1;30:5;39:15;41:24;<br>44:19;47:24;49:16;<br>54:17;57:7;60:16,20;<br>63:4;70:8;80:1,8;81:6;<br>84:15;90:9;91:12;<br>108:18;115:9;118:9                               | <b>ancestral (2)</b><br>21:22;120:1   | <b>around (12)</b><br>18:8;30:9;43:8;50:2,<br>2;75:17;78:16;82:6;<br>108:7;109:2,12;117:23  |
| accepted (1)<br>81:16   | <b>administered (1)</b><br>34:16  |  | <b>animals (2)</b><br>77:19;87:18   | <b>arrested (1)</b><br>89:6   |
| access (13)<br>15:12;39:1,21,25;<br>40:2,3,7,11,15,17,18;<br>41:5;116:6 | <b>Administrator (2)</b><br>6:10;33:5   |  | <b>anticipate (1)</b><br>46:3   | <b>articles (2)</b><br>71:5,19  |
| accessible (1)<br>41:6  | <b>advance (3)</b><br>65:23;71:21;105:3   |  | <b>anticipated (1)</b><br>46:3  | <b>articulate (1)</b><br>98:25  |
| accordance (3)<br>21:18;22:8;56:15                                      |   |  | <b>anticipatory (1)</b><br>67:2   | <b>articulated (1)</b>  |
| according (2)<br>20:14;89:6   |   |  | <b>anymore (3)</b><br>108:7;118:4,4   |   |
| account (1)<br>53:9   |   |  | <b>apologize (7)</b>  |   |
| accountability (2)<br>28:1;59:2   |   |  |   |   |
| accurately (1)<br>36:9  |   |  |   |   |
| acid (7)<br>23:8;24:11;55:23;   |   |  |   |   |

|  |          |  |   |   |
|--|----------|--|---|---|
| 98:18<br><b>ashamed (1)</b><br>79:5<br><b>aside (1)</b><br>67:15<br><b>aspect (1)</b><br>65:12<br><b>aspects (1)</b><br>11:10<br><b>assess (3)</b><br>22:23;35:20;36:3<br><b>assessed (5)</b><br>23:3,9;36:9;109:3;<br>116:5<br><b>assessing (1)</b><br>43:23<br><b>Assessment (10)</b><br>1:5;7:13;10:4;13:8;<br>25:8,12,14;36:8;74:24;<br>104:18<br><b>Assessments (2)</b><br>77:1;109:1<br><b>Assiniboine (2)</b><br>59:12;119:24<br><b>assist (1)</b><br>48:9<br><b>assisting (1)</b><br>120:23<br><b>associated (3)</b><br>66:21;75:13;92:2<br><b>Association (1)</b><br>84:19<br><b>assurance (2)</b><br>14:8;20:11<br><b>attendance (1)</b><br>6:20<br><b>attending (1)</b><br>49:22<br><b>attention (4)</b><br>4:21;48:2;106:3;<br>120:17<br><b>attorney (2)</b><br>64:11;107:22<br><b>auction (1)</b><br>94:10<br><b>Audena (4)</b><br>86:12,12;113:4,4<br><b>authority (7)</b><br>11:2,5,12;12:11;<br>19:23;82:22;88:23<br><b>available (2)</b><br>65:23;109:21<br><b>aware (2)</b><br>80:22;96:25<br><b>away (7)</b><br>30:15;43:17;70:20;<br>81:16;82:14;94:8,9<br><b>awhile (1)</b><br>79:9<br><b>Azure (3)</b><br>59:11,11;102:23<br><b>A-Z-U-R-E (1)</b><br>59:14 | <b>B</b> | beg (1)<br>40:6<br>began (1)<br>13:7<br>begin (1)<br>30:13<br>beginning (3)<br>1:20;46:12;51:20<br>begins (1)<br>20:9<br>behalf (2)<br>6:16;84:18<br>behind (3)<br>5:1;52:4;77:9<br>beings (1)<br>77:17<br>Belknap (42)<br>3:3,6,17;5:23;13:14;<br>21:9,20;22:7;28:11,17,<br>18;29:2;39:18;40:5,20;<br>51:16,21;52:10;54:21;<br>55:13,20;56:14,21;<br>57:17;68:3;70:18;71:1;<br>73:18;76:16,21;87:3;<br>98:9,17;106:2;107:2;<br>108:22;111:16;115:12;<br>117:1;118:13;119:25;<br>120:23<br>BELL (2)<br>39:16;40:19<br>B-E-L-L (1)<br>39:17<br>belongs (1)<br>111:25<br>below (2)<br>11:14;17:5<br>benefit (1)<br>68:8<br>berms (1)<br>66:7<br>better (5)<br>8:2;82:21,24;95:16,<br>19<br>beyond (4)<br>12:10;19:22;27:1,2<br>BIA (1)<br>112:1<br>big (5)<br>72:1;78:19;93:23,25;<br>111:11<br>biggest (2)<br>93:22;117:24<br>Bill (4)<br>39:12,16,17;40:14<br>B-I-L-L (1)<br>39:17<br>Bill's (1)<br>39:3<br>bit (5)<br>16:21;26:1;82:9;<br>95:13;105:20<br>BKSS1 (1)<br>82:5 | black (4)<br>14:19;98:2,6,7<br>B-L-A-C-K (1)<br>98:7<br>blame (1)<br>106:21<br>BLM (9)<br>6:19;18:7;34:16,19,<br>23,24;35:1;51:7;82:22<br>blow (1)<br>78:7<br>Blue (14)<br>3:8;18:14,16,21,22,<br>25;19:4,7;25:18,19;<br>28:11,13,20;29:10<br>board (1)<br>81:11<br>boggling (1)<br>68:15<br>bond (23)<br>13:4;14:6,7,9;18:23;<br>19:15;20:10,10,15;<br>25:14,16;32:14,17,22;<br>35:5,9;45:22;46:4;<br>65:18,21,22;93:1,15<br>Bonnie (4)<br>103:16,17,19;105:11<br>B-O-N-N-I-E (1)<br>103:20<br>born (1)<br>5:13<br>both (7)<br>16:5;19:3,13,15;<br>39:5;42:6;66:6<br>bothering (1)<br>89:18<br>bottom (5)<br>17:7;71:11;72:2,12;<br>93:24<br>bought (1)<br>71:23<br>boundaries (3)<br>22:12;104:16;118:17<br>boundary (3)<br>13:15;14:18;119:10<br>box (5)<br>8:8;9:2;46:25;48:2;<br>120:17<br>Bozhidar (4)<br>92:12,13;113:22,23<br>break (3)<br>60:5,16;95:24<br>breath (1)<br>72:14<br>Brewer (19)<br>31:18,18,25;32:4,8,<br>13,18,25;33:9,17;<br>69:15,19;70:5,5,9,12,<br>16,23;72:12<br>brief (2)<br>7:11;10:3<br>bringing (1)<br>110:7 | British (1)<br>106:11<br>BROCKIE (6)<br>92:24,24;94:19;96:2,<br>3;97:17<br>B-R-O-C-K-I-E (1)<br>96:3<br>brother (3)<br>74:16,19;76:12<br>brought (2)<br>4:20;53:10<br>bucket (1)<br>82:5<br>buffalo (3)<br>75:9,15;110:8<br>built (2)<br>40:9;110:18<br>Bull (4)<br>22:13;75:9,9,15<br>bunch (1)<br>78:6<br>burden (1)<br>56:22<br>Bureau (5)<br>6:9;14:24;48:2;<br>96:23;120:16<br>buses (2)<br>15:20;44:1<br>business (1)<br>120:3<br>busses (1)<br>49:23<br>butchering (1)<br>100:4<br>Buttes (1)<br>110:9<br>button (1)<br>67:7 |
|  | C        |  |   |   |
| calculate (2)<br>13:3;25:15<br>calculated (1)<br>32:22<br>calculation (1)<br>14:7<br>caliber (1)<br>107:24<br>call (5)<br>7:4;9:16;27:24;<br>58:24;95:22<br>called (9)<br>18:16;30:12;49:12;<br>52:18;60:24;84:4;<br>101:15,16;106:11<br>caller (1)<br>105:19<br>calling (10)<br>8:20;9:7;21:2;47:1,4,<br>13,24;62:18,21;83:25<br>came (3)<br>37:3;62:11;93:17   |          |  |   |   |

|   |  |   |   |  |
|---|--|---|---|--|
| <b>camera (4)</b><br>6:5;95:8,21,25   | 106:25   | <b>Clarena (1)</b><br>92:24   | 13,16,18,21;36:6,16,<br>17:41;3,17,19;44:12;<br>45:7,9,11,14;46:17,18,<br>21,22;47:6,14,19,20;<br>48:1,4,4,11,14,20;49:8,<br>13,19;51:13,18;54:13;<br>57:4;58:9,11,14;59:10;<br>60:12,23;61:15;62:15,<br>16,19;63:17;68:25;<br>77:12;80:6,15;81:9;<br>83:24;84:2;85:17,22;<br>86:2;92:3;99:5,6,11;<br>100:22,25;101:13,18;<br>102:4,10,12,15,20,25;<br>104:21;108:11,13,15;<br>109:23;110:3;112:5,<br>10;114:3,19;115:4,6;<br>116:19;117:14;118:8;<br>120:20,21 | <b>Community (24)</b><br>3:4;4:18;5:23;13:15;<br>21:9;40:20;43:7;54:21;<br>55:13,21;56:21;68:4;<br>76:16;78:24;81:11;<br>87:3;98:9,17;106:19;<br>108:22;115:13;117:1;<br>118:14;119:25 |
| <b>campground (1)</b><br>106:25   | <b>cause (2)</b><br>25:22;89:5   | <b>clarification (3)</b><br>29:7;40:14;83:21  | 16,19;63:17;68:25;<br>77:12;80:6,15;81:9;<br>83:24;84:2;85:17,22;<br>86:2;92:3;99:5,6,11;<br>100:22,25;101:13,18;<br>102:4,10,12,15,20,25;<br>104:21;108:11,13,15;<br>109:23;110:3;112:5,<br>10;114:3,19;115:4,6;<br>116:19;117:14;118:8;<br>120:20,21  | <b>company (2)</b><br>18:16;42:13  |
| <b>can (104)</b><br>2:7;6:25;7:2,5,10,25;<br>8:1;9:5,10;13:4;14:10,<br>19;19:19;23:24;29:25;<br>31:22;32:12;33:14;<br>34:21;36:7,19,20;39:6,<br>10;40:7,23;41:1,3;<br>43:20;45:8,22;47:21,<br>25;48:5,17;49:12;<br>54:14,16;60:14,24,25;<br>61:4,19,24;62:2,2;<br>64:5;66:19,23;67:24,<br>25;69:7,15,22,24,25;<br>70:3,6,7,9,10,12,14;<br>72:21,23;79:24;80:25;<br>81:10;86:25;87:1;<br>89:22,25;90:8,14,16,<br>23;91:2,4,5,7,8,17,23;<br>92:17,18;95:15,17,22;<br>97:9;99:6,6;100:18;<br>102:2;105:13;107:3,4,<br>5;109:24,25;117:4;<br>118:23;120:9,15,16 | <b>caused (5)</b><br>5:6,6;55:15;59:18;<br>104:13  | <b>clarifications (1)</b><br>39:13  | 100:22,25;101:13,18;<br>102:4,10,12,15,20,25;<br>104:21;108:11,13,15;<br>109:23;110:3;112:5,<br>10;114:3,19;115:4,6;<br>116:19;117:14;118:8;<br>120:20,21   | <b>comparison (1)</b><br>15:19   |
| <b>Canada (1)</b><br>111:12   | <b>causes (1)</b><br>66:22   | <b>clause (2)</b><br>88:21,21   | <b>commented (5)</b><br>85:5;100:2;102:23;<br>113:17,18   | <b>compelling (1)</b><br>45:13   |
| <b>Canadian (3)</b><br>42:13;43:9;106:10  | <b>cease (1)</b><br>88:14  | <b>clean (1)</b><br>67:1  | <b>commenter (10)</b><br>48:20,24;69:12,14;<br>72:18;74:2;90:10,11;<br>91:13;92:21  | <b>complete (5)</b><br>13:1,5,6;16:18;20:16  |
| <b>cancer (4)</b><br>88:3;97:2,3,7  | <b>ceded (1)</b><br>119:23   | <b>cleaned (1)</b><br>30:15   | <b>commenters (7)</b><br>74:7;76:5;79:22;<br>90:1;98:1;99:8;105:21  | <b>completed (7)</b><br>7:15;14:9;20:7;<br>32:24;56:2;104:9;<br>116:12   |
| <b>Canyon (4)</b><br>53:1;93:23;94:1;<br>107:8  | <b>Center (2)</b><br>64:12;103:25  | <b>cleanup (8)</b><br>5:5,8;23:2;25:7,9;<br>55:6,8;58:1   | <b>commenting (2)</b><br>8:3;117:8  | <b>completeness (1)</b><br>12:25   |
| <b>capacity (1)</b><br>98:14  | <b>century (1)</b><br>109:9  | <b>clear (4)</b><br>15:9;44:22;71:9,21  | <b>comments (56)</b><br>6:21;7:2,16,19;9:13;<br>14:4;29:20,24;35:19;<br>36:5,18;41:15,19;45:1,<br>11,15;47:2,22;48:12,<br>13,16;49:5,6;51:18;<br>59:8;60:1,6,7,8;61:3,7,<br>11;62:5;63:10;73:2;<br>77:7;79:23;83:1,22,23;<br>96:4;98:10,24;99:14,<br>21,23;104:20;105:20;<br>112:23;118:5;120:5,6,<br>8,14,14;121:2   | <b>compiling (1)</b><br>16:20  |
| <b>capture (1)</b><br>24:22   | <b>CERCLA (7)</b><br>25:17;39:23;82:21,<br>22;104:10;105:8;<br>116:11                        | <b>clearly (2)</b><br>7:1;74:10   | <b>commercial (1)</b><br>11:22  | <b>compromise (1)</b><br>67:14   |
| <b>capturing (1)</b><br>9:4   | <b>ceremonial (1)</b><br>55:18   | <b>Clerget (4)</b><br>6:11;36:20,24,24  | <b>Commissioner (2)</b><br>37:12;89:2   | <b>compromised (1)</b><br>59:21  |
| <b>care (4)</b><br>5:18;53:3,6;79:11  | <b>certainly (3)</b><br>45:8;66:19,24  | <b>click (1)</b><br>2:18  | <b>Commissioners (1)</b><br>37:9  | <b>computer (1)</b><br>80:1  |
| <b>CARNAHAN (6)</b><br>37:10,11,23;102:14;<br>114:9,12  | <b>chain (2)</b><br>107:14,15  | <b>cliffs (1)</b><br>15:1   | <b>commit (1)</b><br>88:24  | <b>concern (8)</b><br>5:8;28:2;39:24;<br>58:12;59:3;115:17;<br>116:3,11  |
| <b>C-A-R-N-A-H-A-N (1)</b><br>37:11   | <b>champion (1)</b><br>4:23  | <b>close (4)</b><br>31:1;35:13;38:2;<br>95:14   | <b>committee (1)</b><br>4:22  | <b>concerned (7)</b><br>3:18;5:10,11,19;<br>40:12;65:2,5   |
| <b>carried (1)</b><br>19:4  | <b>chance (1)</b><br>42:9  | <b>closer (3)</b><br>15:5;95:8,12   | <b>common (5)</b><br>22:12;59:20;77:21;<br>118:18;119:22  | <b>concerns (3)</b><br>43:1;57:13;115:23   |
| <b>carry (2)</b><br>83:12,15  | <b>change (2)</b><br>66:19,20  | <b>closes (1)</b><br>47:20  | <b>communication (2)</b><br>28:1;59:1   | <b>concluded (1)</b><br>121:6  |
| <b>case (4)</b><br>28:15,24;65:7;<br>105:17   | <b>changed (2)</b><br>3:11;84:1  | <b>Coal (1)</b><br>84:19  | <b>communications (1)</b><br>2:7  | <b>conclusion (4)</b><br>44:6;66:3,10,13   |
| <b>cash (1)</b><br>67:16  | <b>changes (1)</b><br>50:6   | <b>coerced (3)</b><br>21:25;26:24;119:19  | <b>communities (3)</b><br>3:5,7;56:19   | <b>conditions (1)</b><br>4:16  |
| <b>catch (3)</b><br>15:13;31:24;78:7  | <b>changing (1)</b><br>70:17   | <b>collaboration (2)</b><br>27:25;58:24   |   | <b>conduct (1)</b><br>104:15   |
| <b>category (1)</b><br>12:7   | <b>chat (12)</b><br>8:8;9:2,14;21:1;<br>38:18;39:1;41:15;<br>46:25;49:4;62:17;<br>83:22;84:2 | <b>collapse (1)</b><br>93:1   |   | <b>conducted (6)</b><br>11:4,13;16:9;55:21;<br>57:19;59:5  |
| <b>cattle (1)</b>   | <b>checking (1)</b><br>109:21  | <b>colleague (1)</b><br>30:2  |   | <b>conference (1)</b><br>94:14   |
|   | <b>Cher (1)</b><br>44:19   | <b>collect (1)</b><br>13:19   |   | <b>confined (1)</b><br>99:1  |
|   | <b>Chief (3)</b><br>6:9;75:7,15  | <b>College (3)</b><br>40:5;80:14;81:20  |   | <b>confirm (1)</b><br>20:6   |
|   | <b>Child (2)</b><br>52:14;78:8   | <b>Columbia (1)</b><br>106:11   |   | <b>conflict (1)</b><br>105:8   |
|   | <b>children's (2)</b><br>5:13;53:16  | <b>combine (1)</b><br>12:19   |   | <b>conflicts (1)</b><br>104:24   |
|   | <b>church (2)</b><br>75:4;96:10  | <b>comfortable (1)</b><br>64:21   |   | <b>connection (3)</b><br>87:13,17;89:20  |
|   | <b>churches (2)</b><br>52:18;73:5  | <b>coming (12)</b><br>61:16;71:25;82:7,18;<br>83:16;86:4;87:16;<br>90:22;94:13;105:16;<br>107:2;111:4   |   | <b>consequently (1)</b>  |
|   | <b>circles (1)</b><br>77:3   | <b>Comment (112)</b><br>1:7;7:19;8:22,25;9:3,<br>14,15,18;10:12;13:10,<br>18,23;14:2;16:23;<br>18:19,20;19:6;20:4,22,<br>23;30:1;31:6,10;35:12, |   |  |
|   | <b>city (2)</b><br>43:16;89:2  |   |   |  |
|   | <b>claims (2)</b><br>115:19,24   |   |   |  |

|   |  |   |   |   |
|---|--|---|---|---|
| 110:21<br><b>consider (1)</b><br>109:11<br><b>consideration (2)</b><br>80:17;83:17<br><b>considerations (2)</b><br>12:10;19:22<br><b>Constitution (2)</b><br>65:14;66:25<br><b>consult (3)</b><br>35:25;51:24,25<br><b>consultation (7)</b><br>27:6,17;35:4,7,8;<br>59:1;73:15<br><b>consultations (1)</b><br>58:18<br><b>consulted (4)</b><br>22:6;56:12,14;<br>111:16<br><b>consulting (1)</b><br>21:20<br><b>contact (2)</b><br>26:14;36:1<br><b>contacted (1)</b><br>26:12<br><b>contained (1)</b><br>23:5<br><b>contested (2)</b><br>28:15,24<br><b>continue (6)</b><br>56:22;60:6;80:9;<br>85:22;99:24;102:1<br><b>continuing (1)</b><br>109:14<br><b>contour (1)</b><br>16:13<br><b>control (3)</b><br>16:4;17:12,15<br><b>conversation (1)</b><br>70:25<br><b>conveyance (1)</b><br>26:22<br><b>conveyed (1)</b><br>22:17<br><b>cooks (1)</b><br>75:22<br><b>Cooley (2)</b><br>119:3,4<br><b>cooperation (2)</b><br>27:24;58:24<br><b>corner (2)</b><br>2:9;14:20<br><b>correctly (1)</b><br>86:10<br><b>correlate (1)</b><br>75:16<br><b>correlation (1)</b><br>97:5<br><b>correspondence (2)</b><br>28:10,16<br><b>corresponding (1)</b><br>44:8<br><b>cost (6)</b> | 5:4,5;25:6;53:9;<br>55:8;109:6<br><b>costs (2)</b><br>22:25;25:8<br><b>Council (26)</b><br>4:17;8:17;21:3,9;<br>26:9,17;49:1,17,18;<br>51:12;54:12,21;57:3,9;<br>58:8;59:10;60:1;61:11;<br>72:8;81:21;97:4,9;<br>102:24;110:11;117:2;<br>118:14<br><b>COUNCILMAN (30)</b><br>21:5;24:25;26:11,19;<br>27:5,9;29:14,21;30:2,3,<br>4,6,8;42:19;49:21;<br>50:16;53:10;54:14,18;<br>57:5,8;58:10;59:11;<br>73:20;87:22,22;96:23,<br>24;118:7,11<br><b>Counties (1)</b><br>84:19<br><b>counting (3)</b><br>23:2;25:7;64:25<br><b>country (2)</b><br>85:14;107:14<br><b>County (5)</b><br>1:10;10:6;37:8,12;<br>41:8<br><b>couple (3)</b><br>72:5;76:22;101:23<br><b>course (2)</b><br>81:25;82:1<br><b>Court (8)</b><br>8:5;31:16;60:5;<br>79:16;88:10;89:11;<br>118:24;119:14<br><b>courtesy (1)</b><br>59:20<br><b>cover (1)</b><br>11:8<br><b>covered (2)</b><br>14:12;26:8<br><b>covers (2)</b><br>11:10;18:5<br><b>COVID (1)</b><br>96:17<br><b>create (2)</b><br>12:19;15:11<br><b>creating (1)</b><br>83:13<br><b>Creator (3)</b><br>73:22;78:4,9<br><b>creatures (1)</b><br>77:20<br><b>Creek (9)</b><br>54:5;55:12;72:7;<br>81:25;82:1,7;88:1,2;<br>106:24<br><b>creeks (1)</b><br>50:6<br><b>crosses (1)</b><br>23:4 | <b>Crow (1)</b><br>106:11<br><b>Crutcher (1)</b><br>1:21<br><b>cultural (18)</b><br>3:20;4:1,5;20:13,14;<br>21:13;22:5,7;23:17,21,<br>25;36:3;52:21,22;<br>55:18;56:10;75:1;<br>76:17;79:18<br><b>culturally (1)</b><br>52:15<br><b>culture (1)</b><br>52:21<br><b>cumulative (2)</b><br>19:3;66:5<br><b>curious (1)</b><br>37:17<br><b>current (1)</b><br>24:13<br><b>currently (8)</b><br>16:17;18:7;19:6;<br>29:12;35:15;47:21;<br>87:21;117:13<br><b>cursed (1)</b><br>30:13<br><b>Curtis (1)</b><br>97:1<br><b>cut (1)</b><br>38:8<br><b>Cuts (1)</b><br>87:9<br><b>cyanide (1)</b><br>93:21 | 19,24;34:7,13,20;<br>36:11,14,22;37:7,19,<br>24;38:11,16,24;40:25;<br>41:13;43:2,19;44:10,<br>14,17;45:2;46:9,15,20;<br>47:9,12,16;51:11;<br>54:11,16;57:2,7;58:7;<br>59:7,25;60:3,19;61:21,<br>24;62:23;63:2,12,24;<br>64:4;67:11,18,25;<br>68:21;69:3,6,9,19,24;<br>70:2,7,14;72:11,17,21;<br>73:25;74:6,9;76:4,8;<br>77:24;79:14,20;80:3,8;<br>81:2,6;82:10;83:20;<br>84:11,15;86:3,16,21;<br>87:1;89:4,24;90:4,8,14,<br>17,20;91:4,7,11,21;<br>92:6,11,17,20;94:18;<br>95:3,10,16,19;97:16,<br>25;98:3;99:3,16,24;<br>100:8,14,16,21;101:2,<br>5,9,11,16,21;102:1,13,<br>18,22;103:3,9,11,16;<br>105:11,15;107:18;<br>108:10,16;109:18,25;<br>112:3,7,17,22;113:7,<br>11,15,22;114:1,5,9,12,<br>14,17,21,24;115:2,9;<br>116:17;117:6,13,20;<br>118:3,9;120:4<br><b>day (18)</b><br>1:20;34:3,5,10,12,<br>23;35:15;51:4,10;52:6;<br>71:18,22;88:13;<br>115:18;116:1;117:5,<br>11,25<br><b>days (8)</b><br>16:9;35:14,15;43:25;<br>73:7;76:22;78:3;96:14<br><b>day-to-day (1)</b><br>4:5<br><b>deadline (3)</b><br>35:4,6;45:17<br><b>deal (1)</b><br>30:24<br><b>decades (2)</b><br>56:1;104:25<br><b>decision (1)</b><br>45:20<br><b>declining (1)</b><br>100:25<br><b>dedicated (1)</b><br>67:6<br><b>deep (4)</b><br>15:18;49:23;72:14;<br>93:23<br><b>defense (1)</b><br>64:24<br><b>define (1)</b><br>11:15<br><b>defined (2)</b><br>11:5,7 | <b>definition (1)</b><br>120:2<br><b>defunct (1)</b><br>64:17<br><b>delay (1)</b><br>56:2<br><b>DeMars (4)</b><br>84:13,14,17,17<br><b>D-E-M-A-R-S (1)</b><br>84:18<br><b>denied (1)</b><br>40:3<br><b>deny (2)</b><br>66:23;105:10<br><b>DEPARTMENT (4)</b><br>1:1;2:12;68:5;<br>104:21<br><b>departments (1)</b><br>73:17<br><b>depositions (1)</b><br>94:7<br><b>depth (1)</b><br>17:6<br><b>DEQ (73)</b><br>2:7;3:4,15;4:7;6:1,6,<br>8,9,10,11,15,16,21;<br>10:12;11:2;12:4,8,24;<br>13:1,6,11,19,24;14:3,6,<br>7,10;18:7,18,21;19:20,<br>23;20:5,13;21:13,16;<br>22:4,20,21;25:1,11,18,<br>19;26:11;27:21;34:11,<br>17;36:25;40:14;44:24;<br>45:7,10,20;48:1;55:21;<br>56:5,9,12,20;58:15;<br>59:5;64:23;68:18;<br>73:16;82:22;88:6;<br>94:13;105:9;107:25;<br>108:25;109:10;117:16;<br>120:16<br><b>deqmepa@mtgov (2)</b><br>47:25;120:15<br><b>DEQ's (3)</b><br>4:22;11:11;28:23<br><b>Derek (3)</b><br>59:11;102:23,24<br><b>D-E-R-E-K (1)</b><br>59:14<br><b>Derf (5)</b><br>64:5,6,9;67:11,18<br><b>D-E-R-F (1)</b><br>64:10<br><b>describe (1)</b><br>9:8<br><b>described (1)</b><br>44:3<br><b>designated (1)</b><br>119:2<br><b>desired (1)</b><br>88:17<br><b>desires (1)</b><br>88:15<br><b>detailed (1)</b> |
|   |  | <b>D</b>  |   |   |
|   |  | <b>damage (1)</b><br>109:13<br><b>damaged (1)</b><br>68:14<br><b>Dan (11)</b><br>6:8;25:10;26:7;28:9;<br>29:4;43:20,22;44:10;<br>45:3,5,25<br><b>dance (1)</b><br>3:25<br><b>danced (1)</b><br>117:22<br><b>Daniel (5)</b><br>76:7,10;77:25;79:17,<br>17<br><b>date (2)</b><br>36:23;37:1<br><b>David (7)</b><br>31:18;69:14,15,19;<br>70:5,8,22<br><b>DAVIN (181)</b><br>2:4,10;5:21;9:25;<br>20:19;23:12;24:3,20;<br>26:7,16;27:7;29:4,19,<br>23;30:4;31:5,14,22;<br>32:2,5,9,16,19;33:1,12,  |   |   |

|  |   |  |  |  |
|--|---|--|--|--|
| 104:20<br><b>details (1)</b><br>19:25<br><b>deterioration (1)</b><br>66:8<br><b>determination (1)</b><br>45:21<br><b>determine (6)</b><br>11:18;12:14,15;<br>22:22;44:25;55:22<br><b>devastating (2)</b><br>88:2;115:15<br><b>devastation (4)</b><br>64:21;96:7;97:19,22<br><b>developing (2)</b><br>25:24;85:11<br><b>development (1)</b><br>85:1<br><b>device (1)</b><br>81:4<br><b>diabetes (1)</b><br>73:11<br><b>dialogue (1)</b><br>28:25<br><b>difference (1)</b><br>83:10<br><b>different (8)</b><br>11:24;19:13;44:3;<br>62:25;63:4;65:22;<br>77:19;80:2<br><b>difficult (1)</b><br>86:8<br><b>difficulties (3)</b><br>62:8;69:10;98:21<br><b>dig (1)</b><br>37:16<br><b>dimensions (2)</b><br>15:6,17<br><b>direct (1)</b><br>97:5<br><b>directed (1)</b><br>117:16<br><b>directions (1)</b><br>39:6<br><b>directly (2)</b><br>15:6;55:12<br><b>Director (2)</b><br>6:14;103:21<br><b>disaster (1)</b><br>109:4<br><b>disclose (1)</b><br>12:12<br><b>disclosed (2)</b><br>23:18;24:1<br><b>disclosing (1)</b><br>13:21<br><b>disconnected (1)</b><br>95:25<br><b>discovered (1)</b><br>57:22<br><b>discrete (1)</b><br>65:6<br><b>discuss (2)</b> | 10:24;23:23<br><b>discussed (2)</b><br>18:2;29:6<br><b>discussion (2)</b><br>28:23;81:10<br><b>distance (1)</b><br>17:7<br><b>distinction (1)</b><br>11:19<br><b>distribution (1)</b><br>81:9<br><b>District (4)</b><br>21:8;54:20;59:12;<br>118:12<br><b>disturbance (4)</b><br>17:9;46:2,5,6<br><b>disturbed (3)</b><br>37:21;38:4,7<br><b>disturbing (2)</b><br>37:18;104:14<br><b>ditch (2)</b><br>16:14;17:14<br><b>ditches (1)</b><br>66:7<br><b>Division (2)</b><br>6:10;33:5<br><b>document (3)</b><br>48:12;81:7;121:1<br><b>documents (5)</b><br>76:23;80:18,19,21;<br>89:13<br><b>Dodson (2)</b><br>101:15;107:19<br><b>dollar (1)</b><br>5:10<br><b>dollars (3)</b><br>79:3;106:7;109:7<br><b>Dominic (4)</b><br>21:6;54:19;58:12;<br>118:11<br><b>D-O-M-I-N-I-C (1)</b><br>21:7<br><b>Donald (4)</b><br>100:17,17;114:6,6<br><b>done (14)</b><br>22:14;25:13;71:25;<br>77:1;81:17,18;82:7,9;<br>83:4,6;89:17;97:22;<br>105:9;109:1<br><b>dot (1)</b><br>14:17<br><b>double (3)</b><br>40:2,11;109:21<br><b>down (33)</b><br>5:3;17:13,16;42:17;<br>53:2,15;63:13;75:16;<br>78:4,5;79:4,7,8;80:9;<br>82:7,13,18;83:22;84:3;<br>93:21;99:25;102:2;<br>106:9,18,19,22,24;<br>107:2,6,7,17;110:24;<br>112:8<br><b>downhill (2)</b> | 15:15;16:5<br><b>downstream (1)</b><br>5:16<br><b>downwind (1)</b><br>42:2<br><b>Draft (12)</b><br>1:6;7:12;10:4;13:8,<br>9:18;18;19:5,18;23:20;<br>35:12;74:23;81:16<br><b>drainage (12)</b><br>15:12;16:14;17:14;<br>23:8;24:12;54:4;55:24;<br>66:22;81:25;87:24;<br>104:12;116:6<br><b>drainages (2)</b><br>82:11;106:9<br><b>drill (1)</b><br>111:13<br><b>drilled (4)</b><br>37:15;38:10;106:12,<br>16<br><b>drilling (1)</b><br>106:12<br><b>drive (1)</b><br>75:19<br><b>dropped (3)</b><br>41:9;108:1,2<br><b>dropping (1)</b><br>64:22<br><b>drove (1)</b><br>52:25<br><b>due (6)</b><br>35:6;50:13;66:4;<br>73:13;93:1;109:13<br><b>during (6)</b><br>7:19,21;16:7;96:13,<br>17;107:25<br><b>dust (6)</b><br>42:22,25;43:1,4,13;<br>78:6 | 8:5<br><b>east (2)</b><br>15:24;19:1<br><b>easy (1)</b><br>51:5<br><b>eat (1)</b><br>107:15<br><b>echo (1)</b><br>69:25<br><b>echoey (1)</b><br>69:25<br><b>edged (1)</b><br>40:2<br><b>education (1)</b><br>93:5<br><b>effect (2)</b><br>31:2;36:6<br><b>effects (2)</b><br>59:17;87:23<br><b>effort (2)</b><br>85:3;116:7<br><b>efforts (4)</b><br>17:24;28:3;59:3;<br>104:6<br><b>egotistical (1)</b><br>77:16<br><b>egregious (1)</b><br>65:24<br><b>EIS (1)</b><br>81:16<br><b>either (4)</b><br>42:9;47:22;51:5;<br>66:6<br><b>elected (2)</b><br>3:3;50:11<br><b>eleven (1)</b><br>77:8<br><b>eliminate (1)</b><br>95:23<br><b>Elizabeth (2)</b><br>80:10,10<br><b>Elk (4)</b><br>44:19,21;45:18;46:8<br><b>else (12)</b><br>33:21;36:15;39:21,<br>24,25;47:13;52:3;<br>79:21;99:10;108:8;<br>112:4;116:18<br><b>email (9)</b><br>9:17;47:23;48:5;<br>62:6;99:6,14,20;120:8,<br>15<br><b>emanating (1)</b><br>67:8<br><b>employee (1)</b><br>76:16<br><b>enabling (1)</b><br>110:11<br><b>end (8)</b><br>15:13;17:15;35:18;<br>76:20;77:13;95:5;<br>108:23;109:8<br><b>ending (3)</b> | 9:22;46:11;78:20<br><b>ends (2)</b><br>45:12;50:25<br><b>Energy (1)</b><br>6:10<br><b>engage (1)</b><br>18:9<br><b>engagement (2)</b><br>12:1;13:13<br><b>English (1)</b><br>76:3<br><b>enormous (3)</b><br>65:12;67:5;105:6<br><b>enough (10)</b><br>30:17;53:3;55:21;<br>76:3;77:4,5;93:17,19;<br>97:18;116:7<br><b>enrolled (4)</b><br>39:18;81:22;98:16;<br>108:21<br><b>ensure (2)</b><br>13:20;20:13<br><b>entering (1)</b><br>20:20<br><b>entire (1)</b><br>84:3<br><b>entirely (1)</b><br>11:24<br><b>environment (5)</b><br>4:24,25;12:6;67:2;<br>85:10<br><b>ENVIRONMENTAL (44)</b><br>1:1,5;2:12;6:6,12,13;<br>7:13;10:4,22;11:7,25;<br>12:3,4,11,15,18;13:3,7,<br>8;14:5;19:24;20:3;<br>21:17;22:22;25:2;<br>32:24;36:8;48:10;<br>49:25;56:13;64:11;<br>65:2,6,16;66:2,11;<br>68:5;74:24;76:25;<br>87:23;104:18;107:22;<br>108:4;116:4<br><b>environmentally (1)</b><br>87:6<br><b>EPA (1)</b><br>82:8<br><b>Erosion (4)</b><br>16:4;17:12,15,18<br><b>especially (5)</b><br>9:3;57:24;96:17;<br>105:17;120:22<br><b>essentially (5)</b><br>11:16;18:1;28:12,15;<br>44:1<br><b>established (3)</b><br>45:6,12;118:18<br><b>estimate (1)</b><br>46:7<br><b>estimated (4)</b><br>25:8;35:4;45:20,23<br><b>evaluate (3)</b><br>12:12;14:1;45:15 |
|  |   | <b>E</b>   |  |  |
|  |   | <b>EA (11)</b><br>13:8,9;18:18,19;<br>19:5,18;23:20;35:11,<br>12;45:1;85:2<br><b>Eagle (2)</b><br>52:13;78:8<br><b>earlier (10)</b><br>64:15;87:14;102:23,<br>25;105:19;110:4;<br>111:8,9,15;118:20<br><b>early (5)</b><br>22:16;26:21;28:1,18;<br>59:1<br><b>earth (1)</b><br>11:14<br><b>EarthWorks (2)</b><br>103:21,24<br><b>easement (3)</b><br>41:8,9,11<br><b>easier (1)</b>  |  |  |

|   |  |  |  |  |
|---|--|--|--|--|
| <b>evaluated (1)</b><br>56:6  | <b>expense (1)</b><br>105:6  | 47:9,12,16;51:11;<br>54:11,16;57:2,7;58:7;<br>59:7,25;60:3,19;61:21,<br>24;62:23;63:2,12,24;<br>64:4;67:11,18,25;<br>68:21;69:3,6,9,19,24;<br>70:2,7,14;72:11,17,21;<br>73:25;74:6,9;76:4,8;<br>77:24;79:14,20;80:3,8;<br>81:2,6;82:10;83:20;<br>84:11,15;86:3,16,21;<br>87:1;89:4,24;90:4,8,14,<br>17,20;91:4,7,11,21;<br>92:6,11,17,20;94:18;<br>95:3,10,16,19;97:16,<br>25;98:3;99:3,16,24;<br>100:8,14,16,21;101:2,<br>5,9,11,16,21;102:1,13,<br>18,22;103:3,9,11,16;<br>105:11,15;107:18;<br>108:10,16;109:18,25;<br>112:3,7,17,22;113:7,<br>11,15,22;114:1,5,9,12,<br>14,17,21,24;115:2,9;<br>116:17;117:6,13,20;<br>118:3,9;120:4                       | 22:21;25:2;50:8,12;<br>51:1,2;55:20;71:1;<br>85:18;97:14;113:17<br><b>feet (9)</b><br>15:12,17,18,18;17:4,<br>6,8,11;19:1<br><b>Fell (1)</b><br>110:24<br><b>Fetter (3)</b><br>100:9,9,14<br><b>few (24)</b><br>2:13,22;7:7,8,24;9:7;<br>23:13;48:19;61:2;63:5,<br>9;74:13,14;78:3;79:3,<br>22;80:5,9;86:5;101:12;<br>105:21;113:1;115:8;<br>120:12<br><b>fiduciary (2)</b><br>22:21;25:3<br><b>Field (1)</b><br>6:8<br><b>fields (1)</b><br>107:17<br><b>fight (1)</b><br>78:19<br><b>fighting (2)</b><br>78:18;115:14<br><b>figure (1)</b><br>72:14<br><b>file (2)</b><br>29:17;94:25<br><b>filed (4)</b><br>51:25;93:3,4;115:19<br><b>filing (2)</b><br>93:7;107:20<br><b>fill (1)</b><br>93:25<br><b>final (14)</b><br>14:5,6;18:19;31:9;<br>32:24;36:8;41:22;<br>46:15;48:12;80:25;<br>115:3;116:18;118:7;<br>121:1<br><b>finalize (3)</b><br>21:17;56:13;83:2<br><b>finalized (1)</b><br>14:6<br><b>Finally (4)</b><br>82:20;116:14;<br>118:22;119:13<br><b>financial (4)</b><br>14:7;20:10;23:9;<br>25:13<br><b>find (8)</b><br>11:16;22:15;30:19;<br>38:19;51:9;82:5;<br>107:23;111:20<br><b>finished (1)</b><br>13:24<br><b>first (65)</b><br>8:9,17;9:1;10:17;<br>16:25;20:8;21:2,4;<br>22:4;23:15,16;25:12, | 18;27:10,18;28:6,13,<br>23;30:7;31:15;33:2;<br>37:3;49:14;51:23;54:1,<br>22;57:11;59:23;62:16;<br>63:16,19;64:1,7;65:10;<br>67:20;68:25;69:16;<br>70:16,20;73:15;74:1,<br>10;76:9;79:15;80:12,<br>15;84:8,16;86:22;<br>91:19,24;92:22;98:4;<br>100:10,18;102:6;<br>103:5,13;105:23;<br>109:21;112:11,14;<br>115:5;116:2;118:10<br><b>fisheries (1)</b><br>55:17<br><b>five (7)</b><br>42:14;60:4,16;96:14;<br>111:1,10;115:21<br><b>fixed (1)</b><br>65:21<br><b>fledged (2)</b><br>57:15;107:12<br><b>flowed (1)</b><br>111:2<br><b>flowing (1)</b><br>55:12<br><b>focused (1)</b><br>29:1<br><b>folded (1)</b><br>43:9<br><b>folks (4)</b><br>20:18;64:25;72:13;<br>85:5<br><b>follow (3)</b><br>9:10;58:15;59:6<br><b>followed (3)</b><br>7:13;28:6;49:3<br><b>following (3)</b><br>2:1;30:8;52:1<br><b>foot (2)</b><br>19:9;110:16<br><b>foremost (1)</b><br>73:16<br><b>Forest (4)</b><br>39:7,11;40:8,9<br><b>forever (2)</b><br>3:13;88:14<br><b>form (1)</b><br>28:12<br><b>formal (10)</b><br>7:16;31:6;36:16,17;<br>46:16,21;59:10;61:11,<br>15;68:25<br><b>formally (1)</b><br>47:22<br><b>former (1)</b><br>22:24<br><b>formerly (1)</b><br>103:24<br><b>Fort (48)</b><br>3:3,6,17;5:23;13:14;<br>21:9,20;22:6;28:11,16, |
| <b>even (13)</b><br>42:9;43:8;71:15;<br>75:11,16;82:9;85:14;<br>94:20,22;95:20;<br>109:11;111:18;115:15<br><b>evening (15)</b><br>2:11,15;8:15;20:21;<br>21:5;30:6;46:22;49:3;<br>61:3;98:11,19;99:2;<br>116:19;121:2,3<br><b>EventBright (2)</b><br>9:1;62:14<br><b>eventually (1)</b><br>57:14<br><b>everybody (7)</b><br>8:13;39:23;49:22;<br>58:3;79:24;91:15;<br>99:10<br><b>everyone (14)</b><br>2:4,13;3:2;5:15;<br>6:25;7:5;34:2;49:12;<br>60:19,24;61:1,4;85:21;<br>115:2<br><b>everyone's (1)</b><br>120:6<br><b>evidence (4)</b><br>48:8;97:19,21,21<br><b>excavate (1)</b><br>15:16<br><b>excavated (2)</b><br>15:13;17:14<br><b>excavation (1)</b><br>17:6<br><b>except (1)</b><br>38:7<br><b>excerpt (1)</b><br>66:1<br><b>exciting (2)</b><br>88:8;119:12<br><b>exclusive (1)</b><br>85:12<br><b>excuse (1)</b><br>99:17<br><b>exhaust (1)</b><br>78:6<br><b>exist (1)</b><br>40:15<br><b>existing (3)</b><br>15:8;16:2,13<br><b>exists (3)</b><br>11:17;22:15;26:20<br><b>expect (1)</b><br>97:13<br><b>expected (4)</b><br>44:7;66:5,8;80:23 | <b>experts (4)</b><br>49:25,25,25;109:1<br><b>explain (1)</b><br>117:4<br><b>EXPLORATION (66)</b><br>1:2,9,13;2:5;10:5,7,<br>18,19,20,23;11:3,11,<br>13,15,20;12:6,9,13,19,<br>21,24;13:25;14:9,11,<br>14,16;16:20;17:17;<br>18:9,17,22,24;19:1,8,<br>21;23:4;24:10;25:4,16;<br>26:4;27:3;32:14,17,23;<br>33:11,13;37:2,20;38:2,<br>8;39:2;43:24;56:25;<br>65:7,9;84:23,25;85:25;<br>103:23;104:16,23;<br>105:2,10;115:11;<br>116:9,15<br><b>exploratory (2)</b><br>57:12;98:13<br><b>explore (1)</b><br>73:21<br><b>exposed (2)</b><br>15:1,4<br><b>exposure (1)</b><br>23:8<br><b>extend (2)</b><br>35:8;45:14<br><b>extended (2)</b><br>35:22;85:18<br><b>extending (1)</b><br>45:8<br><b>extension (3)</b><br>35:3,5;44:25<br><b>extensive (1)</b><br>104:13<br><b>extensively (1)</b><br>82:25<br><b>extra (1)</b><br>40:18<br><b>extremely (1)</b><br>109:10<br><b>F</b><br><b>Facebook (2)</b><br>9:12,13<br><b>face-to-face (1)</b><br>53:25<br><b>FACILITATOR (182)</b><br>2:4,6,11;5:21;9:25;<br>20:19;23:12;24:3,20;<br>26:7,16;27:7;29:4,19,<br>23;30:4;31:5,14,22;<br>32:2,5,9,16,19;33:1,12,<br>19,24;34:7,13,20;<br>36:11,14,22;37:7,19,<br>24;38:11,16,24;40:25;<br>41:13;43:2,19;44:10,<br>14,17;45:2;46:9,15,20; | <b>fact (7)</b><br>29:15,16;30:9,10;<br>51:23;58:15;70:21<br><b>facts (1)</b><br>17:2<br><b>failed (2)</b><br>59:6;74:24<br><b>fairly (2)</b><br>30:21;84:24<br><b>fall (2)</b><br>12:6;119:22<br><b>falls (2)</b><br>72:15;118:17<br><b>families (1)</b><br>96:12<br><b>family (3)</b><br>77:21;78:23;108:22<br><b>far (3)</b><br>40:11;43:17;65:1<br><b>fared (1)</b><br>57:18<br><b>fashion (1)</b><br>59:5<br><b>fast (2)</b><br>3:24;52:16<br><b>favor (1)</b><br>71:22<br><b>features (1)</b><br>18:4<br><b>Federal (6)</b><br>13:16;14:23;85:15;<br>93:11;104:8;106:6<br><b>fee (1)</b><br>19:14<br><b>feedback (2)</b><br>13:19,20<br><b>feel (11)</b> | <b>fisheries (1)</b><br>55:17<br><b>five (7)</b><br>42:14;60:4,16;96:14;<br>111:1,10;115:21<br><b>fixed (1)</b><br>65:21<br><b>fledged (2)</b><br>57:15;107:12<br><b>flowed (1)</b><br>111:2<br><b>flowing (1)</b><br>55:12<br><b>focused (1)</b><br>29:1<br><b>folded (1)</b><br>43:9<br><b>folks (4)</b><br>20:18;64:25;72:13;<br>85:5<br><b>follow (3)</b><br>9:10;58:15;59:6<br><b>followed (3)</b><br>7:13;28:6;49:3<br><b>following (3)</b><br>2:1;30:8;52:1<br><b>foot (2)</b><br>19:9;110:16<br><b>foremost (1)</b><br>73:16<br><b>Forest (4)</b><br>39:7,11;40:8,9<br><b>forever (2)</b><br>3:13;88:14<br><b>form (1)</b><br>28:12<br><b>formal (10)</b><br>7:16;31:6;36:16,17;<br>46:16,21;59:10;61:11,<br>15;68:25<br><b>formally (1)</b><br>47:22<br><b>former (1)</b><br>22:24<br><b>formerly (1)</b><br>103:24<br><b>Fort (48)</b><br>3:3,6,17;5:23;13:14;<br>21:9,20;22:6;28:11,16,   |  |

|   |   |  |   |  |
|---|---|--|---|--|
| 18;29;2;39;18;40;5;20;<br>51;16;21;52;10;54;21;<br>55;13;20;56;14;21;<br>57;17;68;3;70;18;71;1;<br>73;18;76;16;20;87;3;<br>88;10;11;19;20;89;11;<br>98;9;17;106;1;107;2;<br>108;21;111;16;115;12;<br>117;1;118;13;119;8;<br>24;120;23 | <b>Geno (1)</b><br>50:10<br><b>gentleman (1)</b><br>72:8<br><b>geochemistry (1)</b><br>66:20<br><b>geologist (1)</b><br>93:16<br><b>Gestring (3)</b><br>103:17,19,20<br><b>G-E-S-T-R-I-N-G (1)</b><br>103:20<br><b>gets (2)</b><br>85:1;91:15<br><b>gifts (1)</b><br>75:25<br><b>given (3)</b><br>2:13;11:2;71:2<br><b>gives (1)</b><br>87:12<br><b>giving (3)</b><br>40:2;70:19;111:24<br><b>Glory (1)</b><br>55:10<br><b>goes (3)</b><br>64:18;89:11;111:4<br><b>Gold (11)</b><br>4:10;5:1;30:14,16,<br>17;55:7;57:22;78:17;<br>104:2;110:18;111:19<br><b>Good (10)</b><br>3:1;21:5;30:6;31:2;<br>34:1;51:14;70:2;75:24;<br>80:3;99:2<br><b>government (5)</b><br>50:15;58:21;88:15;<br>93:11;110:14<br><b>governments (1)</b><br>58:21<br><b>government-to-government (4)</b><br>28:4;58:20;59:4,20<br><b>graded (1)</b><br>16:12<br><b>grandchildren's (3)</b><br>5:12;53:16,17<br><b>Grandmas (1)</b><br>88:3<br><b>grandmother's (1)</b><br>5:12<br><b>Grandpa's (1)</b><br>76:13<br><b>granting (2)</b><br>40:15,18<br><b>grass (2)</b><br>50:24,24<br><b>Gray (4)</b><br>105:12,12;114:24,25<br><b>Great (7)</b><br>31:14;53:16;54:18;<br>80:19;89:10;118:21;<br>121:3<br><b>greater (1)</b><br>14:22 | <b>green (1)</b><br>93:23<br><b>Grinnell (9)</b><br>22:3;26:23;30:12;<br>87:11;89:12;94:9;<br>110:22;111:24;119:21<br><b>Gros (8)</b><br>21:8,23;50:10;54:20;<br>98:16;108:21;118:13;<br>119:24<br><b>ground (6)</b><br>17:5;22:13;42:24;<br>111:2;118:18;119:22<br><b>grounds (8)</b><br>3:20,22,23;52:13,13;<br>77:21;107:8,9<br><b>Groundwater (7)</b><br>17:4,7,8;18:3;24:16;<br>55:15;97:5<br><b>guarantees (1)</b><br>43:15<br><b>guards (1)</b><br>42:23<br><b>guess (7)</b><br>30:6;58:5;72:2;<br>76:15;85:8;115:8,17<br><b>guidance (1)</b><br>99:18<br><b>guidelines (1)</b><br>75:2<br><b>Gulch (4)</b><br>55:11;82:13;87:25;<br>106:25<br><b>guy (1)</b><br>50:12<br><b>guys (39)</b><br>34:5;35:7,24;40:1;<br>42:23;43:5;49:23;50:1,<br>8,21,23;51:22,24;52:1,<br>4,5,7,10,25;53:3,8,12,<br>14;54:2;59:17;61:22;<br>64:23;77:3;79:8,12;<br>89:17;90:2;91:2,5;<br>108:1;111:23;117:17,<br>18,22<br><b>guys' (3)</b><br>50:17;52:18;59:21 | <b>happened (10)</b><br>3:10;4:10;5:7;26:22;<br>64:19;71:16,17;<br>110:10,23;111:18<br><b>happening (1)</b><br>97:15<br><b>happens (2)</b><br>4:9;73:21<br><b>happy (1)</b><br>63:8<br><b>Harbage (1)</b><br>6:13<br><b>hard (7)</b><br>37:16;53:22;65:20;<br>66:24;95:11;104:4;<br>110:6<br><b>harm (1)</b><br>55:17<br><b>hauled (2)</b><br>16:1,3<br><b>Havre (1)</b><br>70:23<br><b>Hawley (8)</b><br>47:8,8,9,11;105:22,<br>25,25;107:19<br><b>H-A-W-L-E-Y (2)</b><br>47:11;106:1<br><b>hay (1)</b><br>107:17<br><b>Hays (23)</b><br>3:5;5:14;6:16;31:13;<br>39:5;60:8;61:13,14,17,<br>25;62:10,13,23;68:22,<br>24;69:7,13;86:4;89:23,<br>25;99:23;111:5;116:23<br><b>head (2)</b><br>70:25;87:9<br><b>heads-up (2)</b><br>51:6;112:9<br><b>health (8)</b><br>42:12,18,23;43:6,18;<br>55:17;56:19,24<br><b>healthful (1)</b><br>67:1<br><b>healthy (2)</b><br>4:24,24<br><b>Healy (9)</b><br>67:19,23;68:2,3;<br>92:7,7,8;113:18,19<br><b>hear (55)</b><br>7:1,2,6,10,11,18;<br>41:20;48:8,18;49:9,12;<br>54:15,16;60:25;61:4;<br>67:24,25;69:7,22,25;<br>70:3,6,7,9,12,14;72:21,<br>23;73:19;74:20;79:24;<br>86:25;89:22,25;90:8,<br>14,16,23,25;91:4,5,7,8,<br>9;92:17;95:5,11,13,17,<br>20,21;109:24,25;<br>112:12;116:21<br><b>heard (8)</b><br>1:19;9:11;61:10; | 65:18;91:15;94:12,14;<br>106:9<br><b>HEARING (12)</b><br>1:16;7:22;62:23;<br>69:3;81:2;85:18;90:18,<br>21;104:22;113:2;<br>117:7,21<br><b>heart (1)</b><br>89:19<br><b>heat (2)</b><br>83:8;106:14<br><b>held (1)</b><br>50:24<br><b>Helena (2)</b><br>48:3;120:17<br><b>HELGESON (3)</b><br>72:24;74:5,5<br><b>hell (1)</b><br>107:20<br><b>Hello (3)</b><br>67:23;89:22;96:2<br><b>help (4)</b><br>7:5;8:6;96:19;100:1<br><b>helpful (4)</b><br>8:10,12;39:14;48:17<br><b>helping (1)</b><br>71:12<br><b>herbs (3)</b><br>96:15,16,18<br><b>hereby (1)</b><br>88:16<br><b>here's (1)</b><br>15:5<br><b>Herrera (2)</b><br>88:9;119:7<br><b>Hi (5)</b><br>25:10;60:19;92:1;<br>102:9;103:19<br><b>high (7)</b><br>14:25;15:4;38:3;<br>73:10,10,11;107:5<br><b>Highway (1)</b><br>1:8<br><b>hill (1)</b><br>106:20<br><b>himself (3)</b><br>79:3,5;117:19<br><b>hired (1)</b><br>43:8<br><b>historic (13)</b><br>14:18;21:19,20;22:9;<br>23:22;26:12,15;35:25;<br>36:4;56:15;76:18;98:8,<br>15<br><b>historical (7)</b><br>22:12;56:16;75:3;<br>79:19;87:12;89:12;<br>119:5<br><b>Historically (3)</b><br>30:22;87:6,8<br><b>history (6)</b><br>50:4,19;68:11;96:6;<br>103:25;118:21 |
| <b>G</b>  |   | <b>H</b>   |   |  |
| <b>gallons (1)</b><br>106:17<br><b>Garcin-Forba (1)</b><br>6:8<br><b>Gas (1)</b><br>84:19<br><b>gather (1)</b><br>8:13<br><b>gave (2)</b><br>51:4,6<br><b>gears (1)</b><br>16:21  |   | <b>habitat (1)</b><br>55:18<br><b>hand (8)</b><br>2:8;8:24;9:7,19;<br>38:19;46:10,12;54:1<br><b>hanging (1)</b><br>116:21<br><b>Hanley (5)</b><br>63:18,18,24;112:12,<br>13<br><b>happen (7)</b><br>3:14;27:18;53:24;<br>68:16;71:9;94:3,23  |   |  |



|   |  |   |  |   |
|---|--|---|--|---|
| <p><b>HLPIT (2)</b><br/>90:21,22</p> <p><b>Hold (1)</b><br/>99:18</p> <p><b>holding (1)</b><br/>58:1</p> <p><b>holds (1)</b><br/>14:7</p> <p><b>Hole (1)</b><br/>55:11</p> <p><b>home (1)</b><br/>31:3</p> <p><b>honor (2)</b><br/>87:18;88:18</p> <p><b>honored (1)</b><br/>88:16</p> <p><b>honoring (2)</b><br/>88:10;89:11</p> <p><b>hop (1)</b><br/>12:2</p> <p><b>hope (2)</b><br/>36:6;94:25</p> <p><b>Hopefully (4)</b><br/>2:7;38:19;48:16;<br/>84:25</p> <p><b>hoping (1)</b><br/>51:17</p> <p><b>Horn (3)</b><br/>96:23;97:1,9</p> <p><b>Horse (1)</b><br/>76:14</p> <p><b>hosting (1)</b><br/>5:23</p> <p><b>hot (2)</b><br/>66:21;75:23</p> <p><b>hour (1)</b><br/>1:20</p> <p><b>hours (1)</b><br/>113:1</p> <p><b>human (2)</b><br/>12:5;77:16</p> <p><b>hunt (4)</b><br/>77:14;79:10;87:19;<br/>110:8</p> <p><b>hunted (2)</b><br/>72:3;77:22</p> <p><b>hunting (8)</b><br/>22:12;72:6;77:20,21;<br/>87:19;118:18;119:9,22</p> <p><b>hydrology (1)</b><br/>81:17</p> <p><b>hypothetical (2)</b><br/>12:9;19:21</p> | <p><b>ignore (3)</b><br/>65:12,12,14</p> <p><b>ignoring (1)</b><br/>65:8</p> <p><b>illegal (4)</b><br/>21:25;22:1;26:24;<br/>71:16</p> <p><b>illegally (3)</b><br/>21:25;119:20,23</p> <p><b>impact (14)</b><br/>12:5;17:1,21;18:2,4;<br/>23:9;26:5;66:3,5,11;<br/>75:1;81:12;84:24;<br/>116:12</p> <p><b>impacted (7)</b><br/>17:9;21:14;24:9;<br/>36:10;56:12;82:3;<br/>111:7</p> <p><b>impacts (26)</b><br/>12:12,14;13:22;19:3;<br/>21:18;23:7,19,23,25;<br/>24:1,11,18;25:13,17,<br/>22;36:9;44:6;48:10;<br/>55:23;56:6;65:11,16,<br/>17;66:17,19;116:4</p> <p><b>impermeable (1)</b><br/>66:7</p> <p><b>importance (2)</b><br/>13:14;118:15</p> <p><b>important (7)</b><br/>50:7;53:13;58:11;<br/>75:5;80:17,23;113:2</p> <p><b>importantly (2)</b><br/>82:2;104:23</p> <p><b>Ina (4)</b><br/>108:11,13;115:7;<br/>116:17</p> <p><b>inadequate (1)</b><br/>104:19</p> <p><b>inaudible (24)</b><br/>34:2;49:20;63:1;<br/>71:11;72:20;74:14;<br/>75:22;76:12;78:9;81:1;<br/>83:9;88:4;90:3,7;<br/>92:19,25;93:7;95:18;<br/>96:1;99:12;101:3,7;<br/>107:11,24</p> <p><b>include (2)</b><br/>48:12;121:1</p> <p><b>included (1)</b><br/>104:20</p> <p><b>including (2)</b><br/>55:23;56:23</p> <p><b>incorporate (1)</b><br/>36:7</p> <p><b>incorrectly (1)</b><br/>86:8</p> <p><b>Indian (22)</b><br/>13:14;21:9;39:18;<br/>40:20;54:21;55:13,20;<br/>56:21;68:3;76:16,21;<br/>78:12;89:2;96:23;98:9,<br/>17;108:22;115:13;</p> | <p>118:14;119:1,2,25</p> <p><b>Indians (1)</b><br/>88:25</p> <p><b>Indians' (1)</b><br/>88:17</p> <p><b>indigenous (1)</b><br/>83:18</p> <p><b>industrial (1)</b><br/>55:19</p> <p><b>industry (1)</b><br/>111:13</p> <p><b>infamous (1)</b><br/>22:2</p> <p><b>infect (1)</b><br/>5:17</p> <p><b>information (11)</b><br/>9:18;11:9;13:2;<br/>47:18;48:8,16;49:7;<br/>62:5;64:12;97:10;<br/>120:10</p> <p><b>informed (3)</b><br/>116:1;117:11;118:1</p> <p><b>initial (2)</b><br/>45:17;65:4</p> <p><b>initially (2)</b><br/>27:10;45:12</p> <p><b>injured (1)</b><br/>89:7</p> <p><b>in-person (5)</b><br/>61:25;63:15;68:23;<br/>112:4,9</p> <p><b>input (2)</b><br/>3:7;7:23</p> <p><b>insane (1)</b><br/>67:14</p> <p><b>inspect (1)</b><br/>20:13</p> <p><b>instance (1)</b><br/>59:23</p> <p><b>instead (1)</b><br/>54:9</p> <p><b>intends (1)</b><br/>45:10</p> <p><b>intent (1)</b><br/>28:12</p> <p><b>intention (1)</b><br/>45:15</p> <p><b>intentional (1)</b><br/>28:17</p> <p><b>interaction (1)</b><br/>24:16</p> <p><b>interest (1)</b><br/>45:7</p> <p><b>interests (2)</b><br/>4:23;105:3</p> <p><b>interfere (2)</b><br/>56:3;110:13</p> <p><b>interim (1)</b><br/>32:12</p> <p><b>intermittent (1)</b><br/>55:11</p> <p><b>interruption (1)</b><br/>81:1</p> | <p><b>interview (1)</b><br/>97:9</p> <p><b>into (26)</b><br/>7:15;8:8;9:2,16;<br/>12:6;20:20,25;27:4;<br/>29:25;33:13;36:7;<br/>46:16,18,21;53:9;<br/>55:12;59:9;65:13;<br/>82:14;94:13;97:2;<br/>106:7,13,16;107:8;<br/>116:7</p> <p><b>introduce (1)</b><br/>50:9</p> <p><b>introduction (2)</b><br/>2:25;6:3</p> <p><b>invested (1)</b><br/>104:5</p> <p><b>involved (5)</b><br/>29:2;54:25;57:18;<br/>81:22,24</p> <p><b>involves (2)</b><br/>11:21;30:12</p> <p><b>iPhone (1)</b><br/>39:3</p> <p><b>irresponsible (1)</b><br/>109:10</p> <p><b>irrigated (1)</b><br/>107:17</p> <p><b>isolate (1)</b><br/>104:11</p> <p><b>issue (5)</b><br/>7:25;14:6,10;51:2;<br/>95:23</p> <p><b>issued (2)</b><br/>13:9;18:21</p> <p><b>issues (2)</b><br/>28:2;59:2</p> <p><b>issuing (2)</b><br/>26:1;65:24</p> <p><b>items (1)</b><br/>65:22</p> <p><b>iteration (1)</b><br/>37:3</p> | <p><b>Jeremy (5)</b><br/>103:4,4,9;114:17,18</p> <p><b>Jerry (5)</b><br/>63:18,18,24;112:12,<br/>12</p> <p><b>Jessica (5)</b><br/>100:9,9,14;101:14,<br/>17</p> <p><b>Jim (3)</b><br/>86:21,21;87:2</p> <p><b>job (1)</b><br/>111:10</p> <p><b>John (13)</b><br/>37:10;47:8,9;86:17,<br/>17;102:14,14;105:22,<br/>25;113:7,8;114:9,12</p> <p><b>J-O-H-N (3)</b><br/>37:11;47:11;106:1</p> <p><b>Johnson (6)</b><br/>64:5,6,9,9;67:13;<br/>95:22</p> <p><b>J-O-H-N-S-O-N (1)</b><br/>64:10</p> <p><b>join (1)</b><br/>2:13</p> <p><b>joined (1)</b><br/>6:1</p> <p><b>joining (12)</b><br/>2:5,14,18,22;7:8;8:7,<br/>10;9:5,12;60:22;<br/>120:13;121:4</p> <p><b>jump (2)</b><br/>61:22;62:2</p> <p><b>jumped (1)</b><br/>71:18</p> <p><b>jurisdiction (2)</b><br/>119:1,4</p> |
| <b>K</b>  |  |   |  |   |
| <b>Katie (1)</b><br>6:7   |  |   |  |   |
| <b>keep (6)</b><br>61:3;79:23;88:16;<br>93:7;98:10;111:19   |  |   |  |   |
| <b>keeping (1)</b><br>39:23   |  |   |  |   |
| <b>Kennedy (6)</b><br>86:21,22,25;87:2,2;<br>89:5   |  |   |  |   |
| <b>Kenneth (1)</b><br>74:5  |  |   |  |   |
| <b>Kermit (3)</b><br>103:12,12;114:21   |  |   |  |   |
| <b>key (2)</b><br>40:19,22  |  |   |  |   |
| <b>kidding (1)</b><br>99:18   |  |   |  |   |
| <b>kind (12)</b><br>28:15;36:7;40:1;<br>50:11;68:7;71:12;<br>94:21;106:2;109:11,<br>15;110:5;116:10   |  |   |  |   |
| <b>J</b>  |  |   |  |   |
| <b>James (11)</b><br>6:14;44:14;81:2;<br>90:20;92:17;95:4;<br>97:25;99:8,25;101:5,<br>22  |  |   |  |   |
| <b>January (7)</b><br>1:20;13:24;35:13;<br>45:13,17;47:21;120:9   |  |   |  |   |
| <b>jaw (1)</b><br>64:22   |  |   |  |   |
| <b>Jeff (5)</b><br>3:2;34:2;51:15;<br>116:25;117:9  |  |   |  |   |
| <b>J-E-F-F (1)</b><br>51:15   |  |   |  |   |
| <b>Jepson (4)</b><br>6:11;38:1,1;41:3   |  |   |  |   |
| <b>I</b>  |  |   |  |   |
| <b>idea (3)</b><br>49:22;65:21;67:9   |  |   |  |   |
| <b>identified (8)</b><br>21:13;22:5;23:17,22;<br>24:4;36:10;42:4;56:10  |  |   |  |   |
| <b>identify (3)</b><br>11:14;22:7;66:14   |  |   |  |   |

|   |  |   |   |  |
|---|--|---|---|--|
| <p><b>KING (9)</b><br/>41:25;42:1;43:5;<br/>50:21;102:19;109:24;<br/>110:2,3;114:14</p> <p><b>K-I-N-G (2)</b><br/>42:1;111:21</p> <p><b>King's (2)</b><br/>82:1;88:1</p> <p><b>Kinsey (5)</b><br/>90:12;91:16,17;<br/>113:11,12</p> <p><b>knew (4)</b><br/>94:10;110:17;<br/>117:10,25</p> <p><b>Knife (3)</b><br/>100:17,17;114:6</p> <p><b>known (3)</b><br/>22:2,13;81:18</p> <p><b>knows (1)</b><br/>102:3</p> <p><b>Kyle (5)</b><br/>108:17,18,19,19;<br/>109:18</p> <p><b>K-Y-L-E (1)</b><br/>108:20</p>  | <p>88:10,11,19,20;<br/>89:11;119:8</p> <p><b>large (5)</b><br/>11:22;15:8;46:4;<br/>50:10;67:8</p> <p><b>last (48)</b><br/>8:9;9:1;16:8;18:15;<br/>20:5;31:7,15;35:23;<br/>49:14;57:24;62:16;<br/>63:19;64:1,7,15,16,23;<br/>67:21;69:1,16;74:1,2,<br/>10;76:9,22;78:16;<br/>79:15;80:12;82:20;<br/>84:8,16;86:23;91:19,<br/>24;92:1,22;98:4;<br/>100:11,18;102:6;<br/>103:5,13;105:23;<br/>110:8;112:14;114:1;<br/>115:5;118:10</p> <p><b>Lastly (1)</b><br/>97:19</p> <p><b>late (2)</b><br/>22:16;35:6</p> <p><b>later (7)</b><br/>9:18;28:19;42:6;<br/>64:15;82:6;93:18;<br/>110:15</p> <p><b>Laurie (2)</b><br/>1:21;79:14</p> <p><b>law (12)</b><br/>27:14;28:6;29:22;<br/>30:9;58:16,19;59:6;<br/>72:15;73:14;87:7;88:5,<br/>7</p> <p><b>laws (4)</b><br/>37:2;50:17;52:2;<br/>89:6</p> <p><b>lawsuit (3)</b><br/>29:18;52:1;94:25</p> <p><b>lawsuits (3)</b><br/>93:3,8;107:20</p> <p><b>lawyer (1)</b><br/>36:25</p> <p><b>leach (1)</b><br/>93:21</p> <p><b>Lead (4)</b><br/>6:7;57:14,15;84:25</p> <p><b>leads (1)</b><br/>65:9</p> <p><b>learned (2)</b><br/>14:3;87:23</p> <p><b>least (1)</b><br/>85:20</p> <p><b>Leave (2)</b><br/>79:9;89:17</p> <p><b>left (9)</b><br/>4:10;5:1;16:15;<br/>19:10;30:17;35:15;<br/>48:22;57:25;79:12</p> <p><b>Legal (1)</b><br/>6:11</p> <p><b>legalities (2)</b><br/>118:16;119:15</p> | <p><b>legally (1)</b><br/>119:14</p> <p><b>Legislature (6)</b><br/>11:3;31:20,23;32:1,<br/>3;33:7</p> <p><b>length (1)</b><br/>80:19</p> <p><b>letter (4)</b><br/>25:18,25,25;26:1</p> <p><b>leukemia (1)</b><br/>73:10</p> <p><b>LeVALDO (2)</b><br/>49:21;50:10</p> <p><b>level (1)</b><br/>85:15</p> <p><b>Lewistown (2)</b><br/>79:4,7</p> <p><b>liability (1)</b><br/>25:20</p> <p><b>liaison (2)</b><br/>76:17;79:18</p> <p><b>License (19)</b><br/>1:13;2:6;10:7,18,19,<br/>21;12:19,22,24;13:25;<br/>14:11;18:18,22,24;<br/>27:3;32:17;37:2;<br/>115:11;116:9</p> <p><b>licenses (3)</b><br/>11:4;19:13,13</p> <p><b>life (8)</b><br/>31:2;53:12,13;58:2;<br/>76:20;87:19;96:8,21</p> <p><b>limited (1)</b><br/>23:24</p> <p><b>limiting (1)</b><br/>23:25</p> <p><b>limits (2)</b><br/>19:19;72:15</p> <p><b>line (5)</b><br/>64:23;65:22;71:11;<br/>72:2,12</p> <p><b>liner (4)</b><br/>23:5;24:8,9,14</p> <p><b>liners (1)</b><br/>18:5</p> <p><b>list (23)</b><br/>47:4,7,13;60:15;<br/>62:17,21;63:13,17;<br/>80:6,9;83:23;84:4;<br/>86:7;92:7;99:25;100:2;<br/>102:2,18;109:19;<br/>112:8,11;114:5;115:3</p> <p><b>listen (2)</b><br/>7:20;120:21</p> <p><b>listening (7)</b><br/>6:22;21:6;48:11;<br/>49:9,11;77:10;101:24</p> <p><b>Little (16)</b><br/>4:2;22:18;26:1;<br/>30:11;34:21;37:16;<br/>42:24;55:1,16;59:16;<br/>64:20;69:25;82:5;88:1;<br/>95:13;104:14</p> | <p><b>live (27)</b><br/>4:5,7,8;5:13;9:12,13;<br/>42:20,21,22;43:14,15,<br/>16;52:10,11;53:4,5,17;<br/>54:8;56:22;73:9,12;<br/>77:5,14,14;78:15;<br/>79:10;82:19</p> <p><b>lived (3)</b><br/>42:2;73:6;76:19</p> <p><b>livelihood (1)</b><br/>3:18</p> <p><b>lives (14)</b><br/>3:16,19;5:7,8,11,15,<br/>19;53:6,15,16;54:6,9;<br/>56:23;58:3</p> <p><b>living (1)</b><br/>107:4</p> <p><b>Liz (2)</b><br/>80:13;81:6</p> <p><b>LLC (2)</b><br/>18:14,16</p> <p><b>locally (1)</b><br/>43:17</p> <p><b>located (5)</b><br/>15:3;18:25;19:10;<br/>55:3,10</p> <p><b>location (13)</b><br/>13:11;15:2;17:5,11;<br/>31:13;61:13,18;62:1,<br/>10;63:9;68:23;90:22;<br/>99:23</p> <p><b>locations (13)</b><br/>2:22;7:7,10;18:8;<br/>38:13;63:5,7;101:10;<br/>105:18;109:22;112:4,<br/>10;121:5</p> <p><b>locked (2)</b><br/>39:5,21</p> <p><b>Lodge (7)</b><br/>3:5,25;5:14;54:4,5;<br/>55:12;82:1</p> <p><b>logistical (1)</b><br/>9:22</p> <p><b>logistics (1)</b><br/>6:23</p> <p><b>long (14)</b><br/>15:17;41:4;56:7;<br/>59:17;72:5;83:4,6;<br/>85:9;100:17,17;<br/>103:25;106:6;114:6;<br/>116:21</p> <p><b>longer (2)</b><br/>41:11;117:14</p> <p><b>look (17)</b><br/>7:22;14:13;33:13;<br/>35:18;45:11;52:3;53:4,<br/>22,25;59:17;61:7;78:4;<br/>81:13;97:1,8;107:21;<br/>118:4</p> <p><b>looked (4)</b><br/>27:3;37:8;50:2;53:1</p> <p><b>looking (13)</b><br/>9:3;15:2,6;20:17;</p> | <p>27:21;43:24;51:22;<br/>71:4;75:3;93:11,21;<br/>106:22;111:20</p> <p><b>looks (20)</b><br/>9:20,21;13:1;32:9;<br/>33:7;37:24;38:17;<br/>44:18;46:10;50:3;<br/>61:15;62:11;63:3;<br/>68:22;69:9;72:22;86:3;<br/>91:11;108:11;116:22</p> <p><b>loose (1)</b><br/>106:17</p> <p><b>Lorraine (1)</b><br/>96:3</p> <p><b>L-O-R-R-A-I-N-E (1)</b><br/>96:3</p> <p><b>lose (2)</b><br/>53:23;54:2</p> <p><b>loss (1)</b><br/>89:8</p> <p><b>lost (3)</b><br/>52:23;53:23;73:12</p> <p><b>lot (21)</b><br/>4:1,14,17,17,18;<br/>43:14;52:6;64:25;68:6;<br/>74:25;76:23;77:17,19;<br/>87:19;91:14;96:18;<br/>97:22;98:18,19;106:3;<br/>117:23</p> <p><b>lots (1)</b><br/>74:22</p> <p><b>lower (1)</b><br/>14:20</p> <p><b>Ltd (1)</b><br/>106:11</p> <p><b>lucky (2)</b><br/>51:6;75:20</p> <p><b>Luke (27)</b><br/>1:12;2:5;3:8,15;4:6;<br/>10:5;12:23;14:10,14;<br/>18:13,13;19:2,4;24:13;<br/>26:1;28:21;40:16;<br/>51:22;78:4;79:1;88:5,<br/>6,19;92:2;102:5,6,9</p> <p><b>lupus (1)</b><br/>73:11</p> |
| <b>L</b>  |  |   |   |  |
| <p><b>lack (2)</b><br/>5:7,8</p> <p><b>lady (1)</b><br/>43:8</p> <p><b>laid (1)</b><br/>11:12</p> <p><b>Lame (1)</b><br/>22:13</p> <p><b>land (26)</b><br/>14:17,24;22:15,17;<br/>24:1;26:20,22;27:1;<br/>30:12;37:21;40:24;<br/>50:4;57:20,20;58:3;<br/>71:23;73:14;77:20;<br/>81:10;87:17;89:15;<br/>93:5;94:9,16;118:16;<br/>119:5</p> <p><b>landowner (4)</b><br/>16:15;39:22;41:5,10</p> <p><b>lands (12)</b><br/>21:24;22:11;31:3;<br/>41:4;68:13;104:11;<br/>105:1,5;119:6,19,23;<br/>120:2</p> <p><b>Landusky (7)</b><br/>5:15;39:5;55:14;<br/>87:25;104:2;106:18;<br/>110:15</p> <p><b>language (10)</b><br/>72:25;73:24;74:13,<br/>18,20;75:8,8,13;76:11,<br/>11</p> <p><b>lapse (1)</b><br/>115:20</p> <p><b>Laramie (6)</b></p> | <p><b>lack (2)</b><br/>1:21;79:14</p> <p><b>law (12)</b><br/>27:14;28:6;29:22;<br/>30:9;58:16,19;59:6;<br/>72:15;73:14;87:7;88:5,<br/>7</p> <p><b>laws (4)</b><br/>37:2;50:17;52:2;<br/>89:6</p> <p><b>lawsuit (3)</b><br/>29:18;52:1;94:25</p> <p><b>lawsuits (3)</b><br/>93:3,8;107:20</p> <p><b>lawyer (1)</b><br/>36:25</p> <p><b>leach (1)</b><br/>93:21</p> <p><b>Lead (4)</b><br/>6:7;57:14,15;84:25</p> <p><b>leads (1)</b><br/>65:9</p> <p><b>learned (2)</b><br/>14:3;87:23</p> <p><b>least (1)</b><br/>85:20</p> <p><b>Leave (2)</b><br/>79:9;89:17</p> <p><b>left (9)</b><br/>4:10;5:1;16:15;<br/>19:10;30:17;35:15;<br/>48:22;57:25;79:12</p> <p><b>Legal (1)</b><br/>6:11</p> <p><b>legalities (2)</b><br/>118:16;119:15</p>   | <p><b>legally (1)</b><br/>119:14</p> <p><b>Legislature (6)</b><br/>11:3;31:20,23;32:1,<br/>3;33:7</p> <p><b>length (1)</b><br/>80:19</p> <p><b>letter (4)</b><br/>25:18,25,25;26:1</p> <p><b>leukemia (1)</b><br/>73:10</p> <p><b>LeVALDO (2)</b><br/>49:21;50:10</p> <p><b>level (1)</b><br/>85:15</p> <p><b>Lewistown (2)</b><br/>79:4,7</p> <p><b>liability (1)</b><br/>25:20</p> <p><b>liaison (2)</b><br/>76:17;79:18</p> <p><b>License (19)</b><br/>1:13;2:6;10:7,18,19,<br/>21;12:19,22,24;13:25;<br/>14:11;18:18,22,24;<br/>27:3;32:17;37:2;<br/>115:11;116:9</p> <p><b>licenses (3)</b><br/>11:4;19:13,13</p> <p><b>life (8)</b><br/>31:2;53:12,13;58:2;<br/>76:20;87:19;96:8,21</p> <p><b>limited (1)</b><br/>23:24</p> <p><b>limiting (1)</b><br/>23:25</p> <p><b>limits (2)</b><br/>19:19;72:15</p> <p><b>line (5)</b><br/>64:23;65:22;71:11;<br/>72:2,12</p> <p><b>liner (4)</b><br/>23:5;24:8,9,14</p> <p><b>liners (1)</b><br/>18:5</p> <p><b>list (23)</b><br/>47:4,7,13;60:15;<br/>62:17,21;63:13,17;<br/>80:6,9;83:23;84:4;<br/>86:7;92:7;99:25;100:2;<br/>102:2,18;109:19;<br/>112:8,11;114:5;115:3</p> <p><b>listen (2)</b><br/>7:20;120:21</p> <p><b>listening (7)</b><br/>6:22;21:6;48:11;<br/>49:9,11;77:10;101:24</p> <p><b>Little (16)</b><br/>4:2;22:18;26:1;<br/>30:11;34:21;37:16;<br/>42:24;55:1,16;59:16;<br/>64:20;69:25;82:5;88:1;<br/>95:13;104:14</p> | <p><b>live (27)</b><br/>4:5,7,8;5:13;9:12,13;<br/>42:20,21,22;43:14,15,<br/>16;52:10,11;53:4,5,17;<br/>54:8;56:22;73:9,12;<br/>77:5,14,14;78:15;<br/>79:10;82:19</p> <p><b>lived (3)</b><br/>42:2;73:6;76:19</p> <p><b>livelihood (1)</b><br/>3:18</p> <p><b>lives (14)</b><br/>3:16,19;5:7,8,11,15,<br/>19;53:6,15,16;54:6,9;<br/>56:23;58:3</p> <p><b>living (1)</b><br/>107:4</p> <p><b>Liz (2)</b><br/>80:13;81:6</p> <p><b>LLC (2)</b><br/>18:14,16</p> <p><b>locally (1)</b><br/>43:17</p> <p><b>located (5)</b><br/>15:3;18:25;19:10;<br/>55:3,10</p> <p><b>location (13)</b><br/>13:11;15:2;17:5,11;<br/>31:13;61:13,18;62:1,<br/>10;63:9;68:23;90:22;<br/>99:23</p> <p><b>locations (13)</b><br/>2:22;7:7,10;18:8;<br/>38:13;63:5,7;101:10;<br/>105:18;109:22;112:4,<br/>10;121:5</p> <p><b>locked (2)</b><br/>39:5,21</p> <p><b>Lodge (7)</b><br/>3:5,25;5:14;54:4,5;<br/>55:12;82:1</p> <p><b>logistical (1)</b><br/>9:22</p> <p><b>logistics (1)</b><br/>6:23</p> <p><b>long (14)</b><br/>15:17;41:4;56:7;<br/>59:17;72:5;83:4,6;<br/>85:9;100:17,17;<br/>103:25;106:6;114:6;<br/>116:21</p> <p><b>longer (2)</b><br/>41:11;117:14</p> <p><b>look (17)</b><br/>7:22;14:13;33:13;<br/>35:18;45:11;52:3;53:4,<br/>22,25;59:17;61:7;78:4;<br/>81:13;97:1,8;107:21;<br/>118:4</p> <p><b>looked (4)</b><br/>27:3;37:8;50:2;53:1</p> <p><b>looking (13)</b><br/>9:3;15:2,6;20:17;</p> | <p>27:21;43:24;51:22;<br/>71:4;75:3;93:11,21;<br/>106:22;111:20</p> <p><b>looks (20)</b><br/>9:20,21;13:1;32:9;<br/>33:7;37:24;38:17;<br/>44:18;46:10;50:3;<br/>61:15;62:11;63:3;<br/>68:22;69:9;72:22;86:3;<br/>91:11;108:11;116:22</p> <p><b>loose (1)</b><br/>106:17</p> <p><b>Lorraine (1)</b><br/>96:3</p> <p><b>L-O-R-R-A-I-N-E (1)</b><br/>96:3</p> <p><b>lose (2)</b><br/>53:23;54:2</p> <p><b>loss (1)</b><br/>89:8</p> <p><b>lost (3)</b><br/>52:23;53:23;73:12</p> <p><b>lot (21)</b><br/>4:1,14,17,17,18;<br/>43:14;52:6;64:25;68:6;<br/>74:25;76:23;77:17,19;<br/>87:19;91:14;96:18;<br/>97:22;98:18,19;106:3;<br/>117:23</p> <p><b>lots (1)</b><br/>74:22</p> <p><b>lower (1)</b><br/>14:20</p> <p><b>Ltd (1)</b><br/>106:11</p> <p><b>lucky (2)</b><br/>51:6;75:20</p> <p><b>Luke (27)</b><br/>1:12;2:5;3:8,15;4:6;<br/>10:5;12:23;14:10,14;<br/>18:13,13;19:2,4;24:13;<br/>26:1;28:21;40:16;<br/>51:22;78:4;79:1;88:5,<br/>6,19;92:2;102:5,6,9</p> <p><b>lupus (1)</b><br/>73:11</p> |
| <b>M</b>  |  |   |   |  |
| <p><b>ma'am (1)</b><br/>54:14</p> <p><b>mail (6)</b><br/>48:6;62:6;99:7,20;<br/>120:8,16</p> <p><b>mailing (1)</b><br/>48:1</p> <p><b>main (3)</b><br/>16:2;39:9;60:15</p> <p><b>maintain (1)</b><br/>88:18</p> <p><b>makes (2)</b><br/>52:3;68:10</p> <p><b>making (3)</b></p>   | <p><b>lack (2)</b><br/>1:21;79:14</p> <p><b>law (12)</b><br/>27:14;28:6;29:22;<br/>30:9;58:16,19;59:6;<br/>72:15;73:14;87:7;88:5,<br/>7</p> <p><b>laws (4)</b><br/>37:2;50:17;52:2;<br/>89:6</p> <p><b>lawsuit (3)</b><br/>29:18;52:1;94:25</p> <p><b>lawsuits (3)</b><br/>93:3,8;107:20</p> <p><b>lawyer (1)</b><br/>36:25</p> <p><b>leach (1)</b><br/>93:21</p> <p><b>Lead (4)</b><br/>6:7;57:14,15;84:25</p> <p><b>leads (1)</b><br/>65:9</p> <p><b>learned (2)</b><br/>14:3;87:23</p> <p><b>least (1)</b><br/>85:20</p> <p><b>Leave (2)</b><br/>79:9;89:17</p> <p><b>left (9)</b><br/>4:10;5:1;16:15;<br/>19:10;30:17;35:15;<br/>48:22;57:25;79:12</p> <p><b>Legal (1)</b><br/>6:11</p> <p><b>legalities (2)</b><br/>118:16;119:15</p>   | <p><b>legally (1)</b><br/>119:14</p> <p><b>Legislature (6)</b><br/>11:3;31:20,23;32:1,<br/>3;33:7</p> <p><b>length (1)</b><br/>80:19</p> <p><b>letter (4)</b><br/>25:18,25,25;26:1</p> <p><b>leukemia (1)</b><br/>73:10</p> <p><b>LeVALDO (2)</b><br/>49:21;50:10</p> <p><b>level (1)</b><br/>85:15</p> <p><b>Lewistown (2)</b><br/>79:4,7</p> <p><b>liability (1)</b><br/>25:20</p> <p><b>liaison (2)</b><br/>76:17;79:18</p> <p><b>License (19)</b><br/>1:13;2:6;10:7,18,19,<br/>21;12:19,22,24;13:25;<br/>14:11;18:18,22,24;<br/>27:3;32:17;37:2;<br/>115:11;116:9</p> <p><b>licenses (3)</b><br/>11:4;19:13,13</p> <p><b>life (8)</b><br/>31:2;53:12,13;58:2;<br/>76:20;87:19;96:8,21</p> <p><b>limited (1)</b><br/>23:24</p> <p><b>limiting (1)</b><br/>23:25</p> <p><b>limits (2)</b><br/>19:19;72:15</p> <p><b>line (5)</b><br/>64:23;65:22;71:11;<br/>72:2,12</p> <p><b>liner (4)</b><br/>23:5;24:8,9,14</p> <p><b>liners (1)</b><br/>18:5</p> <p><b>list (23)</b><br/>47:4,7,13;60:15;<br/>62:17,21;63:13,17;<br/>80:6,9;83:23;84:4;<br/>86:7;92:7;99:25;100:2;<br/>102:2,18;109:19;<br/>112:8,11;114:5;115:3</p> <p><b>listen (2)</b><br/>7:20;120:21</p> <p><b>listening (7)</b><br/>6:22;21:6;48:11;<br/>49:9,11;77:10;101:24</p> <p><b>Little (16)</b><br/>4:2;22:18;26:1;<br/>30:11;34:21;37:16;<br/>42:24;55:1,16;59:16;<br/>64:20;69:25;82:5;88:1;<br/>95:13;104:14</p> | <p><b>live (27)</b><br/>4:5,7,8;5:13;9:12,13;<br/>42:20,21,22;43:14,15,<br/>16;52:10,11;53:4,5,17;<br/>54:8;56:22;73:9,12;<br/>77:5,14,14;78:15;<br/>79:10;82:19</p> <p><b>lived (3)</b><br/>42:2;73:6;76:19</p> <p><b>livelihood (1)</b><br/>3:18</p> <p><b>lives (14)</b><br/>3:16,19;5:7,8,11,15,<br/>19;53:6,15,16;54:6,9;<br/>56:23;58:3</p> <p><b>living (1)</b><br/>107:4</p> <p><b>Liz (2)</b><br/>80:13;81:6</p> <p><b>LLC (2)</b><br/>18:14,16</p> <p><b>locally (1)</b><br/>43:17</p> <p><b>located (5)</b><br/>15:3;18:25;19:10;<br/>55:3,10</p> <p><b>location (13)</b><br/>13:11;15:2;17:5,11;<br/>31:13;61:13,18;62:1,<br/>10;63:9;68:23;90:22;<br/>99:23</p> <p><b>locations (13)</b><br/>2:22;7:7,10;18:8;<br/>38:13;63:5,7;101:10;<br/>105:18;109:22;112:4,<br/>10;121:5</p> <p><b>locked (2)</b><br/>39:5,21</p> <p><b>Lodge (7)</b><br/>3:5,25;5:14;54:4,5;<br/>55:12;82:1</p> <p><b>logistical (1)</b><br/>9:22</p> <p><b>logistics (1)</b><br/>6:23</p> <p><b>long (14)</b><br/>15:17;41:4;56:7;<br/>59:17;72:5;83:4,6;<br/>85:9;100:17,17;<br/>103:25;106:6;114:6;<br/>116:21</p> <p><b>longer (2)</b><br/>41:11;117:14</p> <p><b>look (17)</b><br/>7:22;14:13;33:13;<br/>35:18;45:11;52:3;53:4,<br/>22,25;59:17;61:7;78:4;<br/>81:13;97:1,8;107:21;<br/>118:4</p> <p><b>looked (4)</b><br/>27:3;37:8;50:2;53:1</p> <p><b>looking (13)</b><br/>9:3;15:2,6;20:17;</p> | <p>27:21;43:24;51:22;<br/>71:4;75:3;93:11,21;<br/>106:22;111:20</p> <p><b>looks (20)</b><br/>9:20,21;13:1;32:9;<br/>33:7;37:24;38:17;<br/>44:18;46:10;50:3;<br/>61:15;62:11;63:3;<br/>68:22;69:9;72:22;86:3;<br/>91:11;108:11;116:22</p> <p><b>loose (1)</b><br/>106:17</p> <p><b>Lorraine (1)</b><br/>96:3</p> <p><b>L-O-R-R-A-I-N-E (1)</b><br/>96:3</p> <p><b>lose (2)</b><br/>53:23;54:2</p> <p><b>loss (1)</b><br/>89:8</p> <p><b>lost (3)</b><br/>52:23;53:23;73:12</p> <p><b>lot (21)</b><br/>4:1,14,17,17,18;<br/>43:14;52:6;64:25;68:6;<br/>74:25;76:23;77:17,19;<br/>87:19;91:14;96:18;<br/>97:22;98:18,19;106:3;<br/>117:23</p> <p><b>lots (1)</b><br/>74:22</p> <p><b>lower (1)</b><br/>14:20</p> <p><b>Ltd (1)</b><br/>106:11</p> <p><b>lucky (2)</b><br/>51:6;75:20</p> <p><b>Luke (27)</b><br/>1:12;2:5;3:8,15;4:6;<br/>10:5;12:23;14:10,14;<br/>18:13,13;19:2,4;24:13;<br/>26:1;28:21;40:16;<br/>51:22;78:4;79:1;88:5,<br/>6,19;92:2;102:5,6,9</p> <p><b>lupus (1)</b><br/>73:11</p> |

|  |  |  |  |  |
|--|--|--|--|--|
| 29:2;49:7;77:11<br><b>Malta (1)</b><br>107:17<br><b>Mamie (2)</b><br>92:7;113:18<br><b>man (4)</b><br>75:6,14,21;77:23<br><b>manage (1)</b><br>67:7<br><b>Management (1)</b><br>14:24<br><b>many (7)</b><br>54:6;73:13;80:21;<br>85:5;93:3;94:20;96:14<br><b>map (6)</b><br>14:17,20;16:19;<br>19:11;23:6;50:23<br><b>Mark (1)</b><br>6:12<br><b>Martin (5)</b><br>100:3,5,5;114:1,2<br><b>match (1)</b><br>16:13<br><b>material (5)</b><br>15:21,22;16:1,11;<br>17:19<br><b>Matka (1)</b><br>75:10<br><b>matter (3)</b><br>1:19;30:22;65:4<br><b>may (10)</b><br>9:11;12:5,13;13:22;<br>46:11,23;84:11;86:4;<br>108:17;118:8<br><b>maybe (16)</b><br>29:7;39:12;41:7;<br>52:5;53:21;61:16;62:7;<br>75:5,10,20;86:5;99:18;<br>100:1,23;105:18;<br>109:20<br><b>Mayme (3)</b><br>92:7,8;113:19<br><b>MCA (1)</b><br>27:14<br><b>McClain (7)</b><br>80:10,11,13,13;81:5,<br>7;82:11<br><b>M-C-C-L-A-I-N (1)</b><br>80:14<br><b>McGirt (1)</b><br>118:23<br><b>mean (3)</b><br>45:21;51:1;95:12<br><b>means (1)</b><br>40:19<br><b>meantime (2)</b><br>33:21;62:12<br><b>measurable (1)</b><br>66:5<br><b>mechanisms (2)</b><br>16:4;17:16<br><b>medication (2)</b><br>42:5,7 | <b>meet (1)</b><br>60:16<br><b>meeting (15)</b><br>2:6,17,20;4:21;5:24;<br>6:21,24;7:17;10:12;<br>48:7,18;51:20;54:25;<br>63:6;120:23<br><b>member (8)</b><br>39:18;57:9;60:1;<br>87:3,4;98:16;106:1;<br>108:21<br><b>members (24)</b><br>4:17,18,22;6:3;21:3;<br>26:10,17;40:21;49:17;<br>18:51;12:54;12:57;3;<br>58:8;59:8,9;61:11;<br>76:24;78:24;81:22;<br>97:2;102:24;111:17;<br>119:9<br><b>men (3)</b><br>88:20,21,22<br><b>mention (4)</b><br>74:25;89:9;111:3,6<br><b>mentioned (4)</b><br>28:25;29:5;87:14;<br>118:20<br><b>MEPA (6)</b><br>11:8;12:3,3;13:10;<br>19:19;27:2<br><b>mess (3)</b><br>30:22;83:14;111:11<br><b>messaging (1)</b><br>29:1<br><b>MESSERLY (20)</b><br>21:5,6;24:25;26:11,<br>19;27:5,9;29:14,21;<br>30:2;50:16;53:10;<br>54:14,18,19;58:10,13;<br>118:7,11,12<br><b>M-E-S-S-E-R-L-Y (3)</b><br>21:7;54:19;118:12<br><b>Messerly's (1)</b><br>30:8<br><b>Metal (2)</b><br>11:6;12:17<br><b>Michael (8)</b><br>90:12;91:16,17,22;<br>98:2,6;113:11,12<br><b>M-I-C-H-A-E-L (1)</b><br>98:7<br><b>microphone (3)</b><br>90:24;95:11,17<br><b>might (12)</b><br>2:14;4:14;25:20;<br>36:10;39:14;69:10;<br>72:22;78:10;80:9;<br>90:18;95:23;116:22<br><b>mike (4)</b><br>70:10,13,15;107:23<br><b>miles (1)</b><br>55:4<br><b>million (11)</b><br>23:1;25:6;53:11,12; | 55:8;92:25;93:15;94:3;<br>104:8;109:8,8<br><b>millions (1)</b><br>109:7<br><b>mind (3)</b><br>68:15;84:1;89:15<br><b>mindfulness (1)</b><br>59:22<br><b>minds (1)</b><br>70:17<br><b>mine (46)</b><br>4:13;10:8;11:6,22;<br>12:17;13:16;14:18,22;<br>17:25;18:8;23:8;24:11;<br>38:3;42:3;43:9,9;53:2,<br>9;55:4,7,23;59:18;<br>64:17;66:22;73:8;<br>77:17;78:25;79:6,7,8;<br>84:21;85:7;87:24;93:1,<br>14;96:5;98:13;104:2,<br>11,12;107:3;109:5;<br>110:19;116:5,9,15<br><b>mined (2)</b><br>11:18;83:8<br><b>MINER (1)</b><br>1:2<br><b>mineral (6)</b><br>11:15,16;34:16;<br>103:25;115:21,22<br><b>Mines (7)</b><br>55:15;66:12;68:12,<br>12;94:8,8;106:14<br><b>minimal (2)</b><br>44:7;84:24<br><b>minimizing (1)</b><br>65:5<br><b>mining (61)</b><br>3:7,14;4:23,24;6:9,<br>10;10:10,13;11:20,21;<br>15:11;19:18,22;20:2;<br>22:1;25:4;30:18,25;<br>38:7;42:22;43:12;44:4;<br>48:1;49:23;51:21;54:9;<br>55:1,25;56:7,23;57:15,<br>18,24;59:16;64:21;<br>65:9,10,20;66:4,19,24;<br>67:4;73:13;78:5,14;<br>85:3;93:6;94:19;96:6;<br>104:15;105:4;107:10,<br>12,13;109:4;110:6;<br>115:14,16,19;116:10;<br>120:16<br><b>minute (8)</b><br>11:8;31:6;32:11;<br>60:4,16;61:24;62:1;<br>74:14<br><b>minutes (51)</b><br>2:13;48:21,22;61:4,<br>9;63:20;64:2,8;67:22;<br>69:17,20;74:11;76:9;<br>79:23;80:12;84:7;86:5,<br>14,19,24;91:18,25;<br>92:9,15,23;97:17;98:5; | 99:2;100:6,12,19;<br>102:8;103:7,14,18;<br>105:13,24;112:15,20;<br>113:5,9,13,20,24;<br>114:3,7,10,15,18,22,25<br><b>mispronounce (2)</b><br>92:13;113:16<br><b>mispronouncing (1)</b><br>92:8<br><b>Mission (2)</b><br>52:25;107:8<br><b>Missouri (2)</b><br>110:19;111:2<br><b>mistake (1)</b><br>3:12<br><b>Mitchell (5)</b><br>67:19,19,23;68:2,21<br><b>MMRA (5)</b><br>11:6,12;31:20;32:8;<br>37:2<br><b>Moirra (7)</b><br>2:10;10:16;24:4;<br>31:12;36:20;69:22;<br>79:25<br><b>moment (1)</b><br>62:9<br><b>mom's (1)</b><br>5:12<br><b>money (8)</b><br>3:16;5:3,4;53:13;<br>93:17,19;112:1;116:13<br><b>monitor (1)</b><br>43:6<br><b>monitoring (6)</b><br>17:24;18:11;43:3,4;<br>44:8;101:4<br><b>monitors (2)</b><br>42:24,24<br><b>Montana (29)</b><br>2:11;11:3,7;12:2,18;<br>14:23;21:11;22:20;<br>23:1,10,11;25:6;27:13,<br>21;33:6;48:3;55:8;<br>58:1,22;64:11;70:23;<br>74:22;84:18;85:12;<br>106:25;109:6;110:17;<br>111:15;120:18<br><b>Montana's (2)</b><br>64:24;66:25<br><b>month (1)</b><br>85:22<br><b>months (1)</b><br>96:13<br><b>more (23)</b><br>3:15;5:9;33:23;<br>35:23;42:10;46:17;<br>53:13;55:1;64:21;67:4;<br>74:7;77:17;83:5;85:14;<br>89:18,19;100:23;<br>104:6,22;106:3;<br>116:22;120:11,20<br><b>morning (1)</b><br>4:21 | <b>most (4)</b><br>30:16;70:25;82:2;<br>85:12<br><b>motive (1)</b><br>71:20<br><b>mountain (3)</b><br>42:19;68:11,11<br><b>mountains (25)</b><br>3:12,19,23;4:2,9,12;<br>5:17;22:18;52:11,17;<br>55:2;64:20;73:3;77:1,<br>12;78:14;79:6,9,9;<br>93:17,20;96:7,10,16;<br>97:20<br><b>mouth (1)</b><br>59:19<br><b>move (25)</b><br>7:15;13:4;29:25;<br>31:10;36:15;41:16;<br>44:11;45:16;46:16,18,<br>21;48:23;49:1;59:9;<br>60:9;61:12;68:23;<br>71:12;73:23;80:6;85:3;<br>86:1;95:12;100:8,16<br><b>moves (1)</b><br>13:24<br><b>moving (1)</b><br>71:13<br><b>MT (1)</b><br>1:10<br><b>much (10)</b><br>5:3,4;11:17;14:24;<br>44:2;49:21;53:9;75:18;<br>76:3;82:24<br><b>muffled (2)</b><br>34:21;95:5<br><b>multiple (1)</b><br>109:1<br><b>must (3)</b><br>13:5;14:9;56:20<br><b>mute (4)</b><br>6:25;9:6;81:4;90:10<br><b>muted (6)</b><br>7:4;49:11;60:24;<br>72:22;90:21;95:4<br><b>mutual (4)</b><br>27:25;28:2;58:25;<br>59:2<br><b>mutually (1)</b><br>85:11<br><b>myself (3)</b><br>24:4;50:9;77:22 |
| <b>N</b>   |  |  |  |  |
| <b>Nakoda (2)</b><br>76:13;80:14<br><b>name (77)</b><br>2:10;3:2;6:4;8:9,9;1;<br>21:6;31:15,15,18;<br>33:25;34:2;37:10;<br>39:17;41:25;42:5;47:3,<br>5;49:14;50:10;54:19;  |  |  |  |  |

|   |   |  |   |  |
|---|---|--|---|--|
| 57:6;59:13;60:13;<br>62:16;63:19;64:1,7,9;<br>67:21;68:2;69:1,16;<br>70:5,22;72:20;74:2,11;<br>76:9,13;79:2,15,17;<br>80:12;84:8,16,17;86:8,<br>9,10,23;87:2,9;91:19,<br>24;92:2,22,24;96:2;<br>98:4,6;100:11,19;<br>101:14;102:7;103:6,<br>14,19;105:23;108:19;<br>110:3,4;112:14;114:2;<br>115:5;116:25;118:10,<br>11<br><b>named (1)</b><br>75:21<br><b>names (2)</b><br>83:25;113:16<br><b>nasty (1)</b><br>106:21<br><b>nation (5)</b><br>80:16;81:12;83:16;<br>110:14,14<br><b>National (3)</b><br>21:19;22:8;56:16<br><b>Native (11)</b><br>72:24;73:24;74:12,<br>20;75:8,12;76:10;<br>94:11;96:20;97:6,12<br><b>natural (1)</b><br>85:11<br><b>near (10)</b><br>22:25;23:6,18;24:14;<br>25:5;29:12;56:19;58:3;<br>77:22;109:12<br><b>nearest (1)</b><br>17:10<br><b>need (14)</b><br>13:2;35:21;44:8;<br>53:8,14,18;57:6;59:13;<br>72:13;78:21;79:11;<br>89:18;99:10;108:7<br><b>needed (2)</b><br>30:21;71:24<br><b>needs (3)</b><br>65:21;73:17;107:21<br><b>negative (1)</b><br>26:5<br><b>Nevada (1)</b><br>108:8<br><b>new (12)</b><br>3:14;16:2,14;25:4;<br>30:25;37:18;43:12;<br>50:11;51:21;55:25;<br>104:15;105:4<br><b>newly (1)</b><br>50:11<br><b>newspaper (3)</b><br>27:11,20;29:17<br><b>newspapers (1)</b><br>71:5<br><b>next (43)</b><br>13:4;17:22;18:12; | 19:17;48:23;64:5;<br>67:19;69:11,14;71:22;<br>72:18;74:6,8;78:17,18;<br>84:6,12;86:7;90:9,11;<br>91:13,16,22;92:6,12,<br>20;100:3,9,17;102:5,<br>14,18,22;103:3,11,16;<br>105:12,15;108:10;<br>112:17;113:4,7;114:5<br><b>NEZ (4)</b><br>108:14;115:7,7,10<br><b>night (1)</b><br>110:20<br><b>nine (1)</b><br>9:7<br><b>nobody (5)</b><br>39:21,25;50:19;<br>71:21;106:23<br><b>noise (1)</b><br>81:3<br><b>none (7)</b><br>46:20;50:15,16;60:3;<br>62:23;71:14,15<br><b>non-members (1)</b><br>119:5<br><b>north (3)</b><br>15:7;17:11;108:23<br><b>northwest (2)</b><br>55:5;103:21<br><b>Notary (1)</b><br>1:22<br><b>Notch (1)</b><br>30:12<br><b>note (6)</b><br>6:18;7:17;9:2,11,12;<br>10:7<br><b>notes (1)</b><br>23:14<br><b>notice (2)</b><br>28:12;51:5<br><b>noticed (1)</b><br>85:19<br><b>notification (1)</b><br>2:16<br><b>notified (8)</b><br>29:16;34:19,23,25;<br>48:21,23;51:9;52:5<br><b>notify (4)</b><br>26:2;34:5,12;59:22<br><b>notifying (1)</b><br>25:19<br><b>November (1)</b><br>35:12<br><b>Nowakowski (3)</b><br>6:9;33:4,5<br><b>number (6)</b><br>6:1;9:20;18:8;46:11;<br>97:6;104:19 | <b>obvious (1)</b><br>66:12<br><b>obviously (2)</b><br>51:3;53:6<br><b>occur (5)</b><br>14:16;17:19;20:11;<br>32:23;109:14<br><b>occurred (5)</b><br>25:23;26:6;35:7;<br>55:6;109:13<br><b>Odegard (1)</b><br>6:12<br><b>off (9)</b><br>3:19;8:1;16:3;19:10;<br>52:12;57:25;60:14;<br>81:21;98:12<br><b>offender (1)</b><br>89:5<br><b>offer (1)</b><br>8:21<br><b>Office (11)</b><br>21:21;22:6;23:23;<br>26:13,15;36:4;56:15;<br>75:3;76:18,23;79:19<br><b>Officer (2)</b><br>98:8,15<br><b>official (7)</b><br>9:14,15;41:17;49:19;<br>57:4;60:23;98:14<br><b>often (3)</b><br>28:18;42:15;85:14<br><b>Oil (1)</b><br>84:19<br><b>Oklahoma (4)</b><br>118:23,23,25;119:1<br><b>old (14)</b><br>15:10;44:19,21;<br>45:18;46:8;53:2;73:7;<br>76:23;77:2,8,9;106:13,<br>15,16<br><b>older (1)</b><br>38:3<br><b>oldest (1)</b><br>75:17<br><b>Once (5)</b><br>7:14;13:6;39:4;89:3;<br>111:18<br><b>One (52)</b><br>4:4,20,21;9:11,19;<br>15:3,16;19:7;23:15,16;<br>33:15,20,23;34:14;<br>35:23;37:25;38:3,25;<br>41:2,7;42:3,4;43:1;<br>44:2,18;46:10,17;51:5;<br>53:12;58:11;62:9;64:5;<br>67:15;68:13;71:19;<br>72:7;78:2;79:15;80:21;<br>81:23;82:1,3,4;91:16;<br>94:1;98:14;111:3,6,7;<br>116:22;117:24;120:11<br><b>ones (1)</b><br>106:4<br><b>ongoing (2)</b> | 17:23;104:25<br><b>online (16)</b><br>8:7,18;21:1;38:14,<br>20,25;41:14;44:18;<br>49:2;61:16;62:10,13,<br>24;71:6;86:4;118:2<br><b>only (18)</b><br>11:10;12:8;19:20;<br>29:5,11;31:19;33:17;<br>41:3;49:24;50:20;<br>51:24;65:8;82:12;<br>83:22,25;92:4;105:2;<br>109:2<br><b>onto (3)</b><br>55:12;78:8;82:18<br><b>open (2)</b><br>16:24;73:8<br><b>opened (1)</b><br>39:2<br><b>opening (1)</b><br>51:18<br><b>operating (2)</b><br>10:8;65:13<br><b>operation (5)</b><br>15:11;16:7;20:2;<br>57:16,24<br><b>opinion (2)</b><br>70:24;111:24<br><b>opportunity (10)</b><br>3:5;4:15;7:14;8:21;<br>41:20;46:17;48:5;<br>64:15;70:19;86:2<br><b>oppose (5)</b><br>3:9;109:15;116:9,10,<br>15<br><b>opposed (6)</b><br>4:12;83:3,15;87:5;<br>97:23;98:13<br><b>opposes (1)</b><br>51:21<br><b>opposition (9)</b><br>56:25;58:6;64:14;<br>96:4;97:11;98:22;<br>103:22;107:10;115:11<br><b>oral (1)</b><br>120:14<br><b>orally (1)</b><br>108:13<br><b>orange (3)</b><br>106:8,18;107:16<br><b>order (1)</b><br>71:24<br><b>ore (3)</b><br>11:21;19:8;78:17<br><b>organisms (1)</b><br>83:11<br><b>original (1)</b><br>66:11<br><b>others (2)</b><br>40:3;41:15<br><b>Otherwise (1)</b><br>37:16<br><b>ourselves (2)</b> | 3:25;79:11<br><b>out (36)</b><br>11:12,16;12:21;19:5,<br>5;27:10,20;30:15,19;<br>39:24;42:6,8;51:9;<br>52:9,20,20;54:5;58:15;<br>61:22;70:20,21;72:14;<br>85:8,20;87:17,18,20,<br>24;89:21;93:11;96:15;<br>106:10,19;107:16;<br>111:5,12<br><b>outfit (2)</b><br>106:10;111:12<br><b>outline (1)</b><br>14:19<br><b>outlines (1)</b><br>27:16<br><b>outreach (1)</b><br>28:18<br><b>outside (1)</b><br>109:4<br><b>over (24)</b><br>2:8,24;10:2,14;12:2;<br>21:3;32:19;45:3;47:17;<br>51:3;53:11;54:6,7;<br>71:24;72:6;77:3,3;<br>78:18,19;96:18;104:7;<br>108:24;111:14;119:4<br><b>over-state (1)</b><br>104:4<br><b>overview (1)</b><br>12:20<br><b>Owen (3)</b><br>91:22,22;92:1<br><b>Owl (1)</b><br>87:9<br><b>own (7)</b><br>11:25;19:15;20:3,4;<br>29:22;40:22;50:17<br><b>owned (1)</b><br>14:17<br><b>owner (1)</b><br>21:10<br><b>ownership (1)</b><br>27:1 |
| <b>P</b>  |   |  |   |  |
|   |   |  |   | <b>pad (1)</b><br>93:21<br><b>Page (1)</b><br>81:8<br><b>painstaking (1)</b><br>104:7<br><b>panic (1)</b><br>84:4<br><b>parameters (2)</b><br>75:1,2<br><b>parents (1)</b><br>42:7<br><b>part (10)</b><br>15:10;25:14;40:16,<br>21;49:6;81:20,21;  |

|   |   |  |  |   |
|---|---|--|--|---|
| 87:10;102:24;111:5<br><b>participants (3)</b><br>6:24;54:24;96:10<br><b>participating (1)</b><br>71:12<br><b>participation (1)</b><br>8:15<br><b>particular (4)</b><br>44:5;46:1,5;85:17<br><b>parties (1)</b><br>88:14<br><b>party (1)</b><br>26:3<br><b>passed (4)</b><br>33:6;37:2;97:3,7<br><b>past (4)</b><br>3:11;82:14;87:21;<br>109:14<br><b>patchwork (1)</b><br>42:13<br><b>path (1)</b><br>105:7<br><b>Paul (1)</b><br>110:15<br><b>pause (1)</b><br>14:1<br><b>paying (3)</b><br>3:12;106:3,4<br><b>peace (2)</b><br>88:15,17<br><b>peaceful (1)</b><br>78:1<br><b>peacefully (3)</b><br>77:6,15;79:10<br><b>peaks (2)</b><br>52:14;78:3<br><b>Pegasus (10)</b><br>4:10;5:1;42:12;53:2;<br>9:55;7:59;18;85:7;<br>104:2;111:9<br><b>people (53)</b><br>4:5;7,11,14;5:6,9,13;<br>42:10;20;43:14,16,17;<br>52:22,22,23;53:25;<br>56:21;63:7,10;73:4,9,<br>12,13;75:23;77:7;<br>78:12;80:4,5;81:11;<br>86:9;87:15;88:23;<br>91:14;94:15,20;95:8,<br>12;96:17,19,20;97:6,6,<br>12;98:18;101:24;<br>106:19;107:13,13,15,<br>19;109:23;115:3;<br>117:23<br><b>Peoples (4)</b><br>81:24;83:19;88:1,1<br><b>people's (5)</b><br>3:16,18;5:6,8,11<br><b>per (1)</b><br>26:23<br><b>PERCE (4)</b><br>108:14;115:7,7,10<br><b>percent (2)</b> | 66:16;81:18<br><b>Perfect (3)</b><br>36:22;74:9;84:15<br><b>period (19)</b><br>12:1;13:19,23;16:23;<br>18:20;20:4;30:1;35:13,<br>18,21;36:16,17;45:8,<br>12,14;47:19,20;51:18;<br>85:17<br><b>permit (18)</b><br>10:8;11:23;20:3;<br>27:10,22;34:4,6,8,11;<br>51:22;53:19;56:5;<br>57:12;65:14,24;84:21;<br>96:5;97:24<br><b>permits (1)</b><br>65:20<br><b>permitting (5)</b><br>27:19,19;28:7;85:2,8<br><b>perpetrated (1)</b><br>112:1<br><b>person (18)</b><br>2:22;6:16;8:11;<br>44:15;46:24;51:6;<br>60:15;61:14;62:3;63:8,<br>16;67:15;89:8;109:23;<br>110:11;116:23;118:1;<br>121:4<br><b>personal (1)</b><br>49:7<br><b>personally (2)</b><br>51:2;9:1,12;10:7;<br><b>persons (1)</b><br>88:24<br><b>person-to-person (1)</b><br>53:25<br><b>perspective (1)</b><br>70:22<br><b>pertinent (1)</b><br>17:2<br><b>phase (1)</b><br>57:11<br><b>Phillips (4)</b><br>1:10;10:6;37:8,11<br><b>phone (17)</b><br>8:19,20;9:5,8,20;<br>21:2;38:17;46:10;47:1,<br>4,13;49:4;62:18,21;<br>90:20;105:19;120:13<br><b>phonetic (2)</b><br>92:25;107:23<br><b>physical (1)</b><br>83:5<br><b>physically (1)</b><br>8:24<br><b>Picking (4)</b><br>90:6,19;96:15,16<br><b>Pickle (1)</b><br>106:11<br><b>piece (1)</b><br>30:11<br><b>pile (4)</b><br>15:25;16:11;17:17, | 19<br><b>piles (1)</b><br>19:8<br><b>pills (1)</b><br>42:3<br><b>Pit (2)</b><br>1:8;55:4<br><b>pits (1)</b><br>38:3<br><b>place (11)</b><br>15:7;16:15;73:23;<br>74:17;75:14;87:15,16;<br>89:18,21;109:12;116:2<br><b>placed (4)</b><br>15:24;16:5;17:13,16<br><b>places (3)</b><br>75:19;82:5;83:7<br><b>plan (1)</b><br>20:14<br><b>plans (1)</b><br>71:20<br><b>plant (1)</b><br>110:18<br><b>plants (2)</b><br>77:19;94:17<br><b>playing (2)</b><br>12:21;40:2<br><b>plead (1)</b><br>40:6<br><b>please (44)</b><br>6:25;7:4,17,21;8:4,8,<br>11,24;9:1,12;10:7;<br>20:22;31:15;33:24;<br>36:17;40:23;47:2,5;<br>49:11,13,13;60:11,13;<br>61:3,7;63:18;68:25;<br>74:1,3,10;76:8;79:23;<br>80:11;81:4;84:2,8;<br>86:22;90:10;91:18,23;<br>92:21;98:3;112:8;<br>118:9<br><b>pleases (1)</b><br>40:8<br><b>pledge (2)</b><br>88:16,17<br><b>Plohar (1)</b><br>53:5<br><b>Ployhar (38)</b><br>1:12;2:5;3:8,15;4:6;<br>10:5;12:23;14:10,15;<br>15:9,16;18:13,13;19:2,<br>4;24:14;26:2;28:21;<br>34:4,11,12,23,25;<br>40:17;51:23;52:6;68:9;<br>71:18;78:5;79:1,9;2:3;<br>102:5,9,9;115:12;<br>117:3,10,19<br><b>Plume (1)</b><br>87:10<br><b>Plus (1)</b><br>71:23<br><b>pm (4)</b><br>1:21;16:10;120:9; | 121:7<br><b>PO (2)</b><br>48:2;120:17<br><b>point (16)</b><br>25:15;28:14;35:11;<br>41:10;44:24;45:6,10;<br>46:7;58:15;65:19;<br>70:21;83:21;84:22;<br>85:1,8,20<br><b>pointed (1)</b><br>52:9<br><b>poison (1)</b><br>93:24<br><b>Pole (6)</b><br>3:6;5:14;54:4,5;<br>55:12;82:1<br><b>Policy (6)</b><br>6:14;11:7;12:3,18;<br>27:15;103:25<br><b>polluted (3)</b><br>82:12,12,19<br><b>Pollution (7)</b><br>55:14,16;56:23;58:4;<br>67:8;82:17;104:13<br><b>ponds (2)</b><br>50:3;66:9<br><b>poor (1)</b><br>67:3<br><b>pop (5)</b><br>2:17;101:12,17;<br>102:3;113:17<br><b>pops (1)</b><br>70:24<br><b>portion (19)</b><br>7:15,19,22;8:15,16;<br>10:12;20:21,23;32:15;<br>33:11,13;41:17,19;<br>44:12;46:21;60:12,23;<br>117:14,15<br><b>position (8)</b><br>21:24;25:1;26:24;<br>55:25;56:4,9,18;84:20<br><b>possible (5)</b><br>48:9;49:15;95:12;<br>98:10;99:13<br><b>possibly (2)</b><br>41:10;68:17<br><b>potential (11)</b><br>11:15;23:7,8;24:11;<br>25:9,20;26:2;55:23;<br>65:15,17;67:15<br><b>potentially (4)</b><br>28:22;29:12;67:13;<br>109:7<br><b>pounding (1)</b><br>89:19<br><b>power (2)</b><br>110:18;119:16<br><b>Pow-Wow (4)</b><br>3:23;52:13;82:14;<br>107:8<br><b>pray (3)</b><br>73:6;78:3;96:16 | <b>precedent (2)</b><br>57:23;119:15<br><b>predict (1)</b><br>66:17<br><b>pre-existing (1)</b><br>38:8<br><b>prefer (1)</b><br>95:21<br><b>preliminary (1)</b><br>107:12<br><b>prepare (1)</b><br>3:25<br><b>preregistered (5)</b><br>60:10,14;63:14;<br>83:23;99:25<br><b>present (2)</b><br>92:4;102:12<br><b>presentation (8)</b><br>7:1,3,11,23;8:1;10:1,<br>3;120:22<br><b>presented (2)</b><br>11:9;28:19<br><b>Preservation (16)</b><br>21:19,21;22:6,9;<br>23:22;26:13,15;35:25;<br>36:4;56:15,17;75:3;<br>76:18;79:19;98:8,15<br><b>preserve (2)</b><br>28:3;59:3<br><b>President (19)</b><br>2:24;3:1,3;5:21;34:1,<br>9,18,22;35:2,23;50:18;<br>51:4,14,16;96:9;<br>116:24;117:1,17,22<br><b>President's (1)</b><br>44:23<br><b>press (2)</b><br>9:6,6<br><b>pretty (6)</b><br>42:16;49:21;51:5;<br>86:9;95:4,10<br><b>prevailing (1)</b><br>43:14<br><b>prevent (4)</b><br>16:6;56:1;65:16;<br>66:8<br><b>preventative (1)</b><br>67:2<br><b>previous (3)</b><br>13:15;38:7;57:19<br><b>previously (2)</b><br>62:14;96:8<br><b>price (1)</b><br>30:17<br><b>principle (1)</b><br>94:22<br><b>principles (5)</b><br>27:15,17,23;58:17,<br>23<br><b>prior (2)</b><br>36:21;73:17<br><b>priority (1)</b><br>56:20 |
|---|---|--|--|---|

|  |   |   |  |   |
|--|---|---|--|---|
| <b>private (3)</b><br>24:1;57:20;104:10  | 21:15;28:14;29:9;<br>56:5;12;25;104:15  | 93:15;98:21   | <b>reality (2)</b><br>65:9;71:14   | 88:21   |
| <b>privately (1)</b><br>14:16  | <b>proposals (1)</b><br>29:11   | <b>Q</b>  | <b>really (18)</b><br>5:24;7:17;30:21;<br>53:22;59:19;71:13;<br>75:22,22;77:16;83:13;<br>85:24;104:4,12;<br>112:24;115:14;118:21;<br>119:12;120:24     | <b>referred (1)</b><br>72:8                                 |
| <b>probably (8)</b><br>30:13,16,18;42:10,<br>25;53:2;78:7;96:14  | <b>proposal's (1)</b><br>55:22  | <b>QUALITY (20)</b><br>1:1;2:12;17:1;23:7;<br>24:11,18;31:2;40:21;<br>43:3;50:22;55:22;58:2;<br>66:17,18;68:4;81:8,13;<br>85:13;108:4;116:5 | <b>reason (5)</b><br>39:20;58:5;73:23;<br>87:5;105:9   | <b>referring (1)</b><br>32:7                                |
| <b>problem (2)</b><br>43:13;66:22  | <b>proposed (27)</b><br>3:7,14;4:13;7:12;<br>10:3,5,24;11:10;12:8,<br>13;13:12,22;14:14;<br>19:2,7,9,12,20;20:12;<br>24:13;38:2;56:6,19;<br>66:4;96:5;103:22;<br>104:23   | <b>quantities (1)</b><br>11:22  | <b>reasons (1)</b><br>104:19   | <b>refine (1)</b><br>14:4                                   |
| <b>problems (2)</b><br>66:14;116:8   | <b>protect (9)</b><br>77:12;89:15,16;93:4;<br>97:13,14;108:3,3;<br>110:22   | <b>quantity (2)</b><br>81:9,13  | <b>Rebecca (2)</b><br>6:13;81:4  | <b>refining (1)</b><br>25:25                                |
| <b>proceed (3)</b><br>25:21;80:25;81:5   | <b>protective (1)</b><br>18:4   | <b>quick (4)</b><br>6:2,23;44:22;66:1   | <b>receive (1)</b><br>45:11  | <b>reflected (1)</b><br>58:22                               |
| <b>proceeded (1)</b><br>89:3   | <b>providing (1)</b><br>48:14   | <b>quilt (1)</b><br>42:13   | <b>received (4)</b><br>11:1;14:2;16:22;<br>28:10   | <b>regarding (3)</b><br>24:21,24;25:17                      |
| <b>PROCEEDINGS (4)</b><br>1:15,18;2:1;121:6  | <b>Public (59)</b><br>1:6,16,22;2:6;6:14;<br>8:14;9:14,15;10:11;<br>12:1;13:9,12,18,20,23;<br>14:4;16:23;18:19,20;<br>19:6;20:4,22,23;31:6,<br>10;35:12,13,18,21;<br>40:24;41:4,7,11,17;<br>46:16,18,21;47:19,20;<br>48:7,19;49:6,8,8;<br>55:17;60:23;65:23;<br>83:24;86:2;99:14;<br>104:8,10,22;105:1,6;<br>111:1;117:14;120:20,<br>23 | <b>quite (9)</b><br>7:7,8;44:7;48:19;<br>61:2;72:19;79:22;80:5;<br>105:21   | <b>Recess (1)</b><br>60:18   | <b>regards (5)</b><br>22:11,17;26:13,20;<br>58:18           |
| <b>process (16)</b><br>10:20,22;11:16,24;<br>12:20,20;13:7;25:15,<br>24;27:19;34:17;36:3;<br>45:16;71:2;85:3,9   | <b>provide (11)</b><br>8:2;9:17;10:3;29:6;<br>48:1;49:18;51:13;57:4;<br>58:9;68:25;102:20   | <b>quoting (1)</b><br>94:15   | <b>reclaim (4)</b><br>16:10;93:17,19;94:2  | <b>Registered (4)</b><br>1:21;46:23;49:2;<br>100:22         |
| <b>processing (1)</b><br>13:25   | <b>pudding (1)</b><br>4:25  | <b>R</b>  | <b>reclaimed (5)</b><br>13:16;14:8,23;19:16;<br>105:5  | <b>registration (3)</b><br>63:17;80:6;84:3                  |
| <b>product (1)</b><br>37:14  | <b>Published (2)</b><br>1:6;18:19   | <b>railroad (1)</b><br>110:7  | <b>Reclamation (23)</b><br>11:6;12:18;16:18;<br>17:24;18:11;20:6,11,<br>13,15;25:22;26:5;55:6;<br>56:2,7;83:5;93:1;<br>104:1,6,9,17,25;105:5;<br>107:4 | <b>regular (2)</b><br>28:1;58:25                            |
| <b>production (1)</b><br>11:21   | <b>pulling (1)</b><br>32:10   | <b>raise (3)</b><br>8:24;9:7;38:19  | <b>recognize (1)</b><br>84:21  | <b>regulate (1)</b><br>11:3                                 |
| <b>Professional (1)</b><br>1:22  | <b>pulled (1)</b><br>111:12   | <b>raised (5)</b><br>5:14;9:19;46:10,12;<br>58:12   | <b>recognized (1)</b><br>13:11   | <b>regulations (3)</b><br>82:8;85:13,15                     |
| <b>PROGRAM (6)</b><br>1:2;35:25;52:21;<br>68:4;103:21;104:10   | <b>pulling (1)</b><br>32:10   | <b>ran (1)</b><br>39:4  | <b>recognizes (1)</b><br>58:19   | <b>regulatory (3)</b><br>10:17;11:24;14:12                  |
| <b>Project (73)</b><br>1:9;6:7,19;7:12;10:4,<br>5,23,25;11:11;12:9,13;<br>13:12,22;14:14;15:2,3,<br>7;16:8,20,23;17:1,5,9,<br>11,20,23;18:2,3,9,13,<br>14,14,25;19:7,21;20:9,<br>12,24;24:10,13,17,19;<br>25:13;31:8;32:23;<br>35:20;37:21;40:16;<br>43:24,24;44:5,9;46:1;<br>55:3,10;56:20;63:6;<br>64:14,16,19;65:7;<br>66:23;68:6,9,15;71:7;<br>85:19,23,25;92:3;<br>103:23;104:23;105:10 | <b>purpose (5)</b><br>12:11;13:18;48:7;<br>65:8;105:2   | <b>ranching (1)</b><br>108:23   | <b>reclaim (4)</b><br>16:10;93:17,19;94:2  | <b>reimburse (1)</b><br>89:7                                |
| <b>projects (8)</b><br>12:6;19:4,12;40:22;<br>45:24;65:6;66:6,15   | <b>pudding (1)</b><br>4:25  | <b>Randal (2)</b><br>74:8,12  | <b>record (13)</b><br>2:21;8:6;29:22;<br>54:22;55:1;56:24;<br>59:15;74:3;98:22,23;<br>118:10;119:11,18   | <b>reiterate (2)</b><br>74:16;112:23                        |
| <b>promote (1)</b><br>104:1  | <b>pusht (1)</b><br>87:19   | <b>range (1)</b><br>65:11   | <b>recommended (1)</b><br>109:16   | <b>rejected (1)</b><br>104:24                               |
| <b>prompted (1)</b><br>29:17   | <b>pursue (2)</b><br>10:9;20:1  | <b>rape (1)</b><br>89:16  | <b>recorded (3)</b><br>2:17,20;49:5  | <b>related (6)</b><br>10:18;18:14;19:18;<br>27:8;35:20;43:3 |
| <b>pronouncing (1)</b><br>86:10  | <b>pursuit (1)</b><br>87:19   | <b>rarely (1)</b><br>66:13  | <b>recording (1)</b><br>48:11  | <b>Relations (7)</b><br>6:15;27:15,16,24;<br>58:18,24;111:1 |
| <b>proof (2)</b><br>4:25;89:1  | <b>put (8)</b><br>34:11;46:5;54:7;<br>59:19;73:22;84:2;   | <b>rates (3)</b><br>73:10,10,11   | <b>recreation (1)</b><br>55:19   | <b>relationship (3)</b><br>50:14;58:20;59:21                |
| <b>property (2)</b><br>21:10;88:25   |   | <b>reach (3)</b><br>17:20;52:20,20  | <b>redistricting (1)</b><br>93:6   | <b>relationships (2)</b><br>28:4;59:4                       |
| <b>proposal (7)</b>  |   | <b>read (11)</b><br>29:16;47:24;66:1;<br>71:5,19;72:20;74:23;<br>80:18;88:11;94:7;<br>120:11  | <b>reduced (1)</b><br>58:2   | <b>relatively (1)</b><br>46:1                               |
|  |   | <b>reading (2)</b><br>27:20;76:23   | <b>reference (1)</b><br>14:21  | <b>relatives (1)</b><br>87:8                                |
|  |   | <b>ready (2)</b><br>90:2;102:4  | <b>referenced (1)</b><br>29:9  | <b>release (1)</b><br>20:15                                 |
|  |   | <b>reaffirmed (1)</b><br>119:4  | <b>references (1)</b>  | <b>released (2)</b><br>18:18;35:11                          |
|  |   | <b>reaffirming (1)</b><br>119:15  |  | <b>religion (1)</b><br>52:18                                |
|  |   |   |  | <b>remain (3)</b><br>7:4;49:11;60:24                        |
|  |   |   |  | <b>remarks (1)</b><br>49:9                                  |
|  |   |   |  | <b>remediation (2)</b><br>85:13;105:8                       |
|  |   |   |  | <b>remember (9)</b><br>33:24;42:5;60:12;                    |

|   |   |   |   |  |
|---|---|---|---|--|
| 73:7;80:15;81:10;<br>93:14;20:94:13<br><b>REMEMBERED (1)</b><br>1:18<br><b>remind (2)</b><br>108:25;119:12<br><b>reminder (7)</b><br>36:16;41:18;49:10;<br>60:23;62:4;99:4;120:7<br><b>reminders (1)</b><br>7:24<br><b>remote (9)</b><br>2:22;7:7;38:13;63:5;<br>7,9;105:18;109:22;<br>121:5<br><b>removed (3)</b><br>15:14;21;17:12<br><b>reoccupied (1)</b><br>15:10<br><b>repeat (5)</b><br>24:23;31:22;34:21;<br>39:9;94:11<br><b>replaced (1)</b><br>15:15<br><b>report (1)</b><br>97:8<br><b>Reporter (5)</b><br>1:22;8:5;31:17;60:5;<br>79:16<br><b>reports (1)</b><br>97:22<br><b>repository (1)</b><br>18:6<br><b>representative (6)</b><br>6:19;21:8;50:11;<br>54:20;59:12;118:13<br><b>request (5)</b><br>16:15;41:10;45:14;<br>67:16;84:22<br><b>require (5)</b><br>11:23;25;19:15;20:3;<br>23:24<br><b>required (9)</b><br>10:22;12:16;13:10;<br>16:16;19;19:14,16;<br>20:9;27:2<br><b>requirement (3)</b><br>18:23;45:22;58:16<br><b>requirements (2)</b><br>20:6;27:12<br><b>requires (2)</b><br>12:3;65:15<br><b>research (2)</b><br>22:14;71:4<br><b>Reservation (15)</b><br>31:1;39:19;55:13;<br>70:18;72:4;76:21;<br>82:18;93:3,10;94:6;<br>97:13;107:7;108:23;<br>110:20;111:6<br><b>resolved (1)</b><br>21:18<br><b>resource (2)</b> | 11:15,17<br><b>resources (13)</b><br>21:13;22:5,7;23:18;<br>21,25;36:3,10;56:11;<br>65:13;67:6;85:11;<br>104:5<br><b>respect (3)</b><br>27:25;58:25;71:1<br><b>responded (1)</b><br>80:19<br><b>responding (4)</b><br>7:18;41:18;48:10;<br>112:23<br><b>response (55)</b><br>9:24;38:15,23;44:13,<br>23;46:14,19;47:15;<br>48:13;60:2;62:22;<br>63:11;64:3;69:2,5,8,18,<br>21;80:7;84:10;86:15,<br>20;91:20;92:10,16;<br>100:7,13,15,20;101:1,<br>20;102:17,21;103:2,8,<br>10,15;105:14;112:6,16,<br>21;113:6,10,14,21,25;<br>114:4,8,11,13,16,20,<br>23;115:1;121:2<br><b>responses (1)</b><br>25:11<br><b>responsibility (6)</b><br>22:21,22;25:3;82:23;<br>110:13;111:13<br><b>responsible (1)</b><br>26:3<br><b>rest (1)</b><br>59:9<br><b>restart (1)</b><br>80:1<br><b>restate (1)</b><br>51:19<br><b>restoration (1)</b><br>83:7<br><b>result (6)</b><br>12:13;13:22;19:3;<br>24:17;26:4;66:14<br><b>retired (4)</b><br>39:7,11;40:10;70:23<br><b>retrieve (1)</b><br>37:14<br><b>return (1)</b><br>104:25<br><b>revegetated (1)</b><br>14:25<br><b>revegetation (1)</b><br>16:16<br><b>review (12)</b><br>10:22;11:25;12:4,12,<br>15;13:3,7;14:5,5;20:4;<br>32:24;65:23<br><b>reviewed (1)</b><br>12:25<br><b>reviewing (1)</b><br>14:4<br><b>revised (1)</b> | 37:4<br><b>right (23)</b><br>4:16;14:20;38:20;<br>39:16;47:10;50:22;<br>62:7;65:1;67:1;70:20;<br>74:22;75:6,7;77:25;<br>78:7,8;79:4;88:7;<br>89:10,13,19;99:17;<br>112:24<br><b>rights (9)</b><br>34:16;41:5;93:4,6;<br>97:14;110:23;118:16;<br>119:9;120:2<br><b>risks (2)</b><br>26:2;56:23<br><b>River (7)</b><br>21:8;54:20;59:12;<br>78:8;110:19;111:3;<br>118:12<br><b>road (24)</b><br>5:3;15:8,10,12,13,<br>15;16:2,2,14;17:13,14,<br>15;19:9;23:5,6;38:8;<br>39:4,6,10;40:8;41:8;<br>53:15;79:4;116:6<br><b>roads (1)</b><br>107:6<br><b>rock (13)</b><br>15:23,25;16:5,11;<br>17:17,18;18:6;19:9;<br>65:20;66:24;75:12,16;<br>110:6<br><b>Rockies (3)</b><br>55:16;59:16;104:14<br><b>rocks (1)</b><br>75:22<br><b>Rocky (5)</b><br>4:2;22:18;38:5;55:2;<br>64:20<br><b>Roman (1)</b><br>109:4<br><b>room (35)</b><br>2:8,19;6:3;8:12,18;<br>32:6;33:22;36:12;49:2;<br>60:7,11;61:12;62:25;<br>63:4,15;68:24;69:6,12;<br>72:18;74:7;76:6;79:21;<br>80:2;81:3;84:11;86:4,<br>17;89:25;92:18,21;<br>98:1;99:8;100:1;<br>101:19;107:4<br><b>rooms (3)</b><br>38:12;60:9;80:4<br><b>Ross (2)</b><br>1:8;55:4<br><b>round (3)</b><br>27:19;28:6;105:16<br><b>ruled (1)</b><br>118:25<br><b>rules (1)</b><br>82:8<br><b>run (2)</b><br>12:17;106:18 | <b>running (3)</b><br>53:2;68:22;112:8<br><b>runoff (2)</b><br>15:14;16:7<br><b>runoffs (1)</b><br>5:16<br><b>runs (4)</b><br>3:19;52:12;82:22;<br>107:16<br><b>rush (2)</b><br>71:7;72:1<br><br><b>S</b><br><br><b>Saco (1)</b><br>107:19<br><b>sacred (2)</b><br>52:19;73:3<br><b>sacredness (1)</b><br>94:16<br><b>safe (2)</b><br>42:18;105:1<br><b>safety's (1)</b><br>39:24<br><b>sake (1)</b><br>87:9<br><b>sam (1)</b><br>106:20<br><b>same (6)</b><br>25:25;42:7;76:1;<br>77:2;94:15;114:1<br><b>sample (2)</b><br>16:3;18:7<br><b>sampled (2)</b><br>15:23;16:1<br><b>sampling (1)</b><br>106:12<br><b>Sarah (3)</b><br>6:11;36:24;37:7<br><b>satellite (3)</b><br>101:4,8,9<br><b>save (2)</b><br>20:22;36:17<br><b>saw (1)</b><br>23:13<br><b>saying (7)</b><br>34:18,22,24;50:18;<br>83:2;98:12;111:15<br><b>scale (5)</b><br>10:8,9,13;11:22;44:4<br><b>scenario (1)</b><br>44:3<br><b>school (4)</b><br>6:16;15:19;44:1;<br>61:13<br><b>Science (3)</b><br>6:7,12,13<br><b>scope (3)</b><br>12:10;19:19,23<br><b>Scott (4)</b><br>84:6,7;112:18,18<br><b>screen (8)</b><br>9:9;47:18,23;48:16; | 62:6;99:5,15;120:11<br><b>second (11)</b><br>24:6,7;28:20;29:9;<br>30:9;32:11,13;45:19;<br>70:21;98:15;109:4<br><b>Secondly (1)</b><br>25:17<br><b>seconds (8)</b><br>48:22;72:11;77:24;<br>82:10;89:4;94:18;<br>97:16;107:18<br><b>Secretary (1)</b><br>93:13<br><b>Section (6)</b><br>6:8;21:18;22:8;<br>23:20;24:2;56:16<br><b>sediment (1)</b><br>16:6<br><b>seeing (7)</b><br>9:9;41:15;44:18;<br>46:20;60:3;63:2;83:21<br><b>seems (4)</b><br>66:16;71:7;79:2;<br>109:10<br><b>sees (2)</b><br>64:19;102:3<br><b>selected (1)</b><br>83:24<br><b>send (1)</b><br>96:18<br><b>sensitive (1)</b><br>52:15<br><b>sent (1)</b><br>25:18<br><b>separate (4)</b><br>10:11;11:23;20:3,21<br><b>served (1)</b><br>87:21<br><b>serves (1)</b><br>65:8<br><b>Service (4)</b><br>39:7,11;40:8,9<br><b>set (4)</b><br>42:24;86:6;90:1;<br>119:14<br><b>sets (1)</b><br>57:23<br><b>settlement (1)</b><br>94:14<br><b>settlers (1)</b><br>110:7<br><b>seven (1)</b><br>35:15<br><b>several (1)</b><br>116:24<br><b>severe (1)</b><br>104:12<br><b>shall (2)</b><br>88:14,24<br><b>share (5)</b><br>41:20;49:7;73:2;<br>75:20,25<br><b>sheet (1)</b> |
|---|---|---|---|--|

|   |  |  |  |  |
|---|--|--|--|--|
| 8:12<br><b>sheets (1)</b><br>46:24<br><b>Shelby (2)</b><br>84:12,17<br><b>shoes (1)</b><br>54:8<br><b>short (3)</b><br>43:25;57:10;98:10<br><b>shot (2)</b><br>37:15;38:10<br><b>show (1)</b><br>99:20<br><b>showed (2)</b><br>23:6;50:23<br><b>showing (2)</b><br>99:16,19<br><b>shown (3)</b><br>14:17;16:18;99:14<br><b>shows (1)</b><br>30:23<br><b>sick (2)</b><br>52:24;88:4<br><b>sickness (1)</b><br>5:5<br><b>side (12)</b><br>15:7,15,24;16:5;<br>19:10;42:18;54:4;88:5;<br>7:106:18;107:2,7<br><b>sign (6)</b><br>8:8;46:24;47:2,14;<br>62:15;105:19<br><b>signed (11)</b><br>8:25;46:23;48:19;<br>49:3;61:2;62:14;81:21;<br>84:5;102:10,11;108:11<br><b>significance (1)</b><br>75:14<br><b>significant (3)</b><br>12:14;55:17;80:24<br><b>sign-in (2)</b><br>8:11;46:24<br><b>signing (2)</b><br>9:4;63:17<br><b>signs (1)</b><br>71:21<br><b>similar (2)</b><br>26:1;45:23<br><b>simple (1)</b><br>75:24<br><b>simply (2)</b><br>67:3;84:22<br><b>sister-in-law (1)</b><br>42:8<br><b>sisters (1)</b><br>96:13<br><b>sit (3)</b><br>78:10;94:22;95:8<br><b>site (26)</b><br>10:13;14:8,24;15:5;<br>16:3;17:3,10,21,25;<br>18:8;20:13;22:25,25;<br>23:18;25:5;26:6;39:1, | 23:40;17:55;9:56;20;<br>67:7;101:15;109:3,13;<br>110:17<br><b>sites (11)</b><br>21:14;40:7;52:22;<br>55:18;56:11;101:4,8,9,<br>22,24;102:3<br><b>sitting (2)</b><br>77:8;78:10<br><b>situation (2)</b><br>85:7,17<br><b>six (1)</b><br>9:6<br><b>size (2)</b><br>15:19;44:1<br><b>slope (3)</b><br>17:13,16;38:5<br><b>sludge (1)</b><br>82:6<br><b>SMALL (7)</b><br>1:2;42:25;46:2;66:3,<br>4;93:2,10<br><b>Snow (3)</b><br>103:12,12;114:21<br><b>soil (1)</b><br>17:18<br><b>somebody (4)</b><br>51:6;67:9;74:1;<br>107:23<br><b>someone (2)</b><br>100:1;111:7<br><b>Sometimes (1)</b><br>7:24<br><b>somewhere (1)</b><br>108:8<br><b>son (3)</b><br>77:8;78:11,23<br><b>Sonja (2)</b><br>6:9;33:4<br><b>soon (3)</b><br>30:18;42:6,16<br><b>Sorry (6)</b><br>34:20;50:9;72:19;<br>101:5;117:6,20<br><b>sound (2)</b><br>90:5;95:9<br><b>sounds (5)</b><br>23:13;43:4;80:3;<br>100:23;111:18<br><b>source (1)</b><br>63:23<br><b>south (1)</b><br>15:6<br><b>southern (1)</b><br>76:20<br><b>southwest (2)</b><br>15:3;111:5<br><b>sovereign (3)</b><br>80:16;81:12;83:16<br><b>space (1)</b><br>120:24<br><b>speak (9)</b><br>4:15;5:14;9:16; | 60:25;70:19;73:3;<br>76:11;89:15;118:15<br><b>SPEAKER (27)</b><br>41:24;61:19,23;<br>63:21,22;69:22;70:1,3,<br>10:72:19;74:4,8;76:7;<br>79:25;89:22;90:6,13,<br>16,18,23,25;91:2,5,9;<br>95:7,14,24<br><b>speaking (17)</b><br>29:8;32:21;34:15;<br>35:10;36:2,25;40:13;<br>49:13;69:4;72:24;<br>73:24;74:12,19;75:8,<br>12;76:10;83:18<br><b>special (1)</b><br>40:18<br><b>Specialist (3)</b><br>6:7,12,13<br><b>specific (4)</b><br>12:21;14:13;37:5;<br>46:7<br><b>specifically (1)</b><br>33:14<br><b>spell (4)</b><br>49:14;57:6;59:13;<br>92:22<br><b>spelled (2)</b><br>64:10;110:4<br><b>spend (2)</b><br>96:11,14<br><b>spent (1)</b><br>116:13<br><b>spiritually (2)</b><br>87:6,14<br><b>spoke (3)</b><br>24:5;76:12;116:24<br><b>spot (1)</b><br>67:3<br><b>spring (1)</b><br>53:21<br><b>Springs (1)</b><br>88:1<br><b>stacked (2)</b><br>15:20;44:2<br><b>staff (3)</b><br>6:2;64:10;108:2<br><b>staked (1)</b><br>115:24<br><b>stance (3)</b><br>3:9,17;21:16<br><b>stand (1)</b><br>72:13<br><b>standard (2)</b><br>36:3;40:11<br><b>standards (1)</b><br>25:2<br><b>stands (1)</b><br>21:21<br><b>star (2)</b><br>9:6,6<br><b>start (16)</b><br>6:23;23:14;31:6; | 48:25;49:16,19;60:7,8;<br>61:14;62:24;63:4,8,10,<br>13;98:12;112:7<br><b>started (3)</b><br>2:15;10:1;60:20<br><b>starvation (2)</b><br>87:12;119:20<br><b>state (74)</b><br>4:4;6:4;11:3;12:5;<br>13:17;14:23;21:10;<br>22:20;23:1,10,11,22;<br>25:1,6;27:6,13,14,21,<br>23;28:6;29:22;31:15;<br>33:25;36:4;47:3,5;<br>49:14;50:14,17;55:8;<br>57:25;58:16,19,21,22;<br>59:3,5;60:13;63:19,25;<br>64:7;67:20;68:25;<br>69:16;71:6;74:1,10;<br>75:2;76:8;80:11;84:8,<br>16;86:22;91:18,23;<br>92:21;93:10;98:4;<br>100:10,18;102:6;<br>103:5,13;104:8;<br>105:23;107:14;110:12;<br>111:16;112:14;115:5,<br>10;118:10,25;119:7<br><b>State/Tribal (1)</b><br>28:3<br><b>stated (5)</b><br>42:19;57:19;61:6;<br>85:6;96:9<br><b>statement (4)</b><br>30:8;31:3;57:10;<br>66:11<br><b>statements (1)</b><br>76:24<br><b>States (9)</b><br>74:21;88:15,24,25;<br>89:7;93:22;96:19;<br>109:2;119:3<br><b>State-Tribal (2)</b><br>58:17,23<br><b>stating (2)</b><br>61:5,8<br><b>statute (1)</b><br>37:5<br><b>statutory (7)</b><br>27:12,15,16,23;<br>58:16,17,23<br><b>stay (1)</b><br>78:2<br><b>step (3)</b><br>13:4;65:10;107:12<br><b>Stephanie (2)</b><br>100:21,24<br><b>Steve (2)</b><br>30:3;57:5<br><b>S-T-E-V-E (1)</b><br>57:8<br><b>Stewart (4)</b><br>44:19,21;45:18;46:8<br><b>Stiffarm (25)</b> | 2:24;3:1,2,5;22;34:1,<br>2,9,18,22;35:2,23;<br>50:18;51:4,14,15;96:9;<br>108:17,18,19,20;<br>116:24,25;117:9,17,22<br><b>S-T-I-F-F-A-R-M (2)</b><br>51:15;108:20<br><b>still (20)</b><br>14:25;28:22;30:16;<br>40:24;69:10;71:11;<br>74:18;81:18;85:21;<br>89:25;91:12,14;95:4,<br>10;100:24;107:5;<br>111:12,13,25;112:2<br><b>stock (4)</b><br>15:25;17:17,19;19:8<br><b>stockpile (1)</b><br>16:6<br><b>Strait (15)</b><br>6:15;31:12;33:23;<br>36:13;44:16;81:4;98:2;<br>99:9,13,22;101:3,7,10,<br>14,23<br><b>strength (1)</b><br>119:16<br><b>strict (1)</b><br>85:12<br><b>stringent (1)</b><br>85:15<br><b>strip (1)</b><br>106:14<br><b>strongly (1)</b><br>109:14<br><b>study (4)</b><br>42:12;81:23;83:4,6<br><b>stuff (3)</b><br>57:6;106:5;108:7<br><b>subject (1)</b><br>88:23<br><b>submit (15)</b><br>10:10;20:10;35:16;<br>36:6;45:9;47:22;48:17;<br>62:5,6;99:5;108:14;<br>120:8,9,10,13<br><b>submittal (3)</b><br>28:11,24;29:3<br><b>submittals (2)</b><br>28:19;29:5<br><b>submitted (8)</b><br>12:23;14:10;18:17,<br>23;19:14;25:19;27:11;<br>29:10<br><b>submitting (3)</b><br>98:23;108:12;109:16<br><b>successful (1)</b><br>57:14<br><b>sue (1)</b><br>28:12<br><b>suffer (1)</b><br>75:23<br><b>suffered (1)</b><br>88:3<br><b>suffering (1)</b> |
|---|--|--|--|--|



|  |   |  |   |   |
|--|---|--|---|---|
| 87:15<br><b>sufficiently (2)</b><br>21:13;56:10<br><b>sum (1)</b><br>68:7<br><b>summary (1)</b><br>85:24<br><b>summer (1)</b><br>96:13<br><b>sundance (6)</b><br>3:22,25;52:13,16;<br>82:14;107:9<br><b>Superfund (5)</b><br>22:24,25;25:5;55:9;<br>106:5<br><b>Supervisor (1)</b><br>6:8<br><b>support (1)</b><br>96:20<br><b>supportive (1)</b><br>30:25<br><b>supposed (4)</b><br>43:7;81:17;93:22;<br>110:12<br><b>supreme (5)</b><br>73:14;88:9;89:10;<br>118:24;119:14<br><b>sure (21)</b><br>6:25;7:2,5,9,21;8:13;<br>9:8;23:16;29:2;33:19;<br>36:8;60:14,25;61:7;<br>73:18;79:24;91:15;<br>92:4;106:23;117:15;<br>118:3<br><b>surface (10)</b><br>11:14;17:5,10,20;<br>18:3;24:16;46:2;55:15;<br>66:6,9<br><b>surprised (1)</b><br>106:2<br><b>surround (1)</b><br>3:24<br><b>surrounding (1)</b><br>3:6<br><b>sustained (1)</b><br>89:8<br><b>swam (1)</b><br>50:2<br><b>Swift (2)</b><br>82:13;87:25<br><b>switch (1)</b><br>16:21<br><b>switched (1)</b><br>63:22<br><b>sword (1)</b><br>40:2 | <b>ailing (1)</b><br>50:25<br><b>ailings (1)</b><br>53:1<br><b>talk (12)</b><br>10:17,19,21;17:2;<br>27:6;53:24;75:4,5,12;<br>82:20;91:2;97:20<br><b>talked (1)</b><br>75:6<br><b>talking (9)</b><br>33:10;39:1;40:1;<br>57:12;71:15;72:9;<br>74:19;77:11;80:16<br><b>taste (1)</b><br>59:19<br><b>taxes (2)</b><br>24:22,24<br><b>taxpayer (2)</b><br>21:10;22:20<br><b>taxpayers (9)</b><br>3:11;5:4,5;23:1,10;<br>25:6;53:10;106:3;<br>109:6<br><b>team (2)</b><br>6:3;45:4<br><b>technical (3)</b><br>62:8;69:10;98:20<br><b>techniques (1)</b><br>66:20<br><b>teenager (1)</b><br>42:2<br><b>ten (5)</b><br>16:9;42:15;43:25;<br>110:16;111:10<br><b>tens (1)</b><br>109:6<br><b>tenure (1)</b><br>87:22<br><b>term (6)</b><br>43:25;56:7;59:17;<br>80:22;83:4,6<br><b>terms (2)</b><br>23:25;64:24<br><b>Terrance (4)</b><br>41:25;109:24;110:2,<br>3<br><b>T-E-R-R-A-N-C-E (2)</b><br>42:1;111:21<br><b>terrible (1)</b><br>107:1<br><b>territory (5)</b><br>21:22;119:1,2,23;<br>120:1<br><b>test (1)</b><br>90:4<br><b>testify (1)</b><br>103:22<br><b>testimony (1)</b><br>2:2<br><b>testing (1)</b><br>16:3<br><b>thankful (1)</b> | 75:24<br><b>Thanks (3)</b><br>10:16;121:2,4<br><b>There'll (1)</b><br>93:18<br><b>thinking (5)</b><br>68:8;71:25;93:2,12;<br>94:4<br><b>third (1)</b><br>24:21<br><b>thirty (9)</b><br>72:4,11;77:24;82:10;<br>89:4;94:18;97:16;<br>107:18;115:13<br><b>thorough (1)</b><br>85:2<br><b>though (1)</b><br>118:5<br><b>thought (4)</b><br>51:2;71:24;93:16,24<br><b>thoughts (2)</b><br>41:2,21<br><b>thousands (3)</b><br>106:17,17;109:5<br><b>threat (1)</b><br>119:20<br><b>three (54)</b><br>15:6;29:5,7;42:9;<br>48:20,22;61:3,9;63:20;<br>64:2,8;67:22;69:17,20;<br>74:11;76:9;79:23;<br>80:12;84:7;86:13,19,<br>24;91:18,25;92:9,15,<br>23;97:17;98:5;99:2;<br>100:6,12,19;102:7;<br>103:6,14,18;105:13,24;<br>110:9;112:15,19;<br>113:5,8,12,19,24;<br>114:3,7,10,15,18,22,25<br><b>Throats (1)</b><br>87:9<br><b>throughout (4)</b><br>2:14;55:16;80:21;<br>104:13<br><b>throwing (1)</b><br>78:5<br><b>times (5)</b><br>88:7,8;89:10;101:12;<br>116:25<br><b>title (3)</b><br>22:15;26:20;76:15<br><b>today (8)</b><br>4:15;11:9;29:6;<br>65:18;73:9;79:13;<br>81:19;89:14<br><b>together (1)</b><br>38:13<br><b>told (1)</b><br>72:7<br><b>tonight (20)</b><br>5:22;6:1,20;7:3,8,11;<br>8:13;9:15;33:15;47:22;<br>48:4,14;79:22;91:15; | 104:22;105:22;112:25;<br>120:6,15,24<br><b>tons (3)</b><br>15:21,22,23<br><b>took (1)</b><br>30:15<br><b>top (3)</b><br>15:20;44:2;56:20<br><b>tore (1)</b><br>42:17<br><b>Tossing (1)</b><br>67:14<br><b>total (3)</b><br>17:6;35:14;107:10<br><b>Totally (4)</b><br>83:15;108:1,2,6<br><b>touch (1)</b><br>89:19<br><b>tour (2)</b><br>64:16,16<br><b>touring (1)</b><br>93:20<br><b>towards (5)</b><br>67:6;78:8;105:4;<br>111:2,4<br><b>to-wit (1)</b><br>2:2<br><b>town (3)</b><br>14:19;55:5;111:4<br><b>toxic (1)</b><br>106:18<br><b>toxicity (1)</b><br>82:9<br><b>Tracy (4)</b><br>102:19,19;114:14,14<br><b>traditional (1)</b><br>77:20<br><b>transcribed (1)</b><br>49:6<br><b>TRANSCRIPT (1)</b><br>1:15<br><b>transferred (3)</b><br>22:17;26:22;119:21<br><b>travesty (1)</b><br>89:16<br><b>Treasurer (1)</b><br>93:13<br><b>treated (2)</b><br>30:21,23<br><b>Treaties (4)</b><br>73:14;118:22;<br>119:13,16<br><b>treatment (4)</b><br>17:23;18:10;56:3,8<br><b>treaty (12)</b><br>21:22,22;22:11,13,<br>13;88:10,11,20;118:16,<br>17;119:9;120:2<br><b>trees (5)</b><br>15:9,14;17:12;50:5;<br>94:16<br><b>tremendous (1)</b><br>83:9 | <b>tremendously (1)</b><br>46:4<br><b>Trench (18)</b><br>1:8;15:12,16,17,22,<br>24;16:6,12,16;17:8,17,<br>19;19:1,8;38:2;43:25;<br>49:24;50:20<br><b>trenches (1)</b><br>50:23<br><b>Tribal (52)</b><br>3:3;6:15;8:17;21:3,<br>20;22:6;26:9,12,15,17;<br>27:6,14,15,17,24;<br>35:25;48:25;49:17,18;<br>50:14;51:12,15;52:20;<br>54:12;56:15;57:3,9;<br>58:8,18,21;59:3,8,9,10;<br>60:1;61:11;76:17,24;<br>79:18;81:21;97:2,4,9;<br>98:8,15;102:24;106:1;<br>111:17;119:4,5,5,9<br><b>Tribe (10)</b><br>21:23;75:7;76:14,15;<br>94:25;97:3;98:16;<br>107:21;108:21;111:25<br><b>Tribes (8)</b><br>30:21,23;51:24,25;<br>57:17,21;73:15;119:24<br><b>Tribes' (1)</b><br>52:4<br><b>Tribe's (1)</b><br>3:9<br><b>tributary (1)</b><br>55:11<br><b>tried (1)</b><br>89:13<br><b>trouble (3)</b><br>8:1;117:7,21<br><b>troubleshoot (1)</b><br>61:25<br><b>troubleshooting (2)</b><br>90:11;91:12<br><b>truncating (1)</b><br>65:5<br><b>trust (1)</b><br>110:13<br><b>try (5)</b><br>9:8;63:14;80:1;95:7;<br>104:11<br><b>trying (8)</b><br>67:6;77:12;79:1,2,5;<br>88:7;97:11;99:1<br><b>Tuffy (1)</b><br>74:4<br><b>turn (8)</b><br>2:24;8:1,4;10:2,14;<br>21:3;32:19;45:3<br><b>twelve (1)</b><br>77:9<br><b>twenty (3)</b><br>42:16;104:7;115:21<br><b>two (25)</b><br>15:19;16:19;19:12; |
| <b>T</b>   |   |  |   |   |
| <b>table (1)</b><br>73:18<br><b>tactics (1)</b><br>87:11   |   |  |   |   |

|   |  |  |  |  |
|---|--|--|--|--|
| 25:11;29:6,11;31:19;<br>33:18;34:3,4,10,12,23;<br>44:1;49:23;51:4,9;<br>52:6;55:4;98:13;<br>115:18;116:1;117:5,<br>11,25<br><b>type (4)</b><br>9:1;25:25;45:19,24<br><b>typed (1)</b><br>20:25<br><b>typical (1)</b><br>65:19   | 14:48;20,22;49:3;50:1;<br>52:12,13,14,25;53:11;<br>61:2;62:14,15;63:17;<br>64:19;67:7,9,12,12,19;<br>68:7,22;71:21;74:6;<br>78:2,8,8,10;79:5;<br>80:24;82:4;83:14;84:5;<br>86:6;90:1,6,19;91:22;<br>92:6;93:14,15;94:1;<br>96:15;100:3;101:17;<br>102:5,10,11,14,22;<br>103:3,11;105:12,19;<br>106:20;107:5,6;<br>108:10,11;111:11;<br>112:17;113:4;115:16;<br>116:19;118:6<br><b>update (4)</b><br>31:21;32:1,3,6<br><b>upon (3)</b><br>75:14;88:24;89:1<br><b>use (9)</b><br>8:11;13:20;14:3;<br>39:6,10;70:10;87:15;<br>96:19;105:1<br><b>used (5)</b><br>15:10;16:11;41:6;<br>86:9;96:18<br><b>uses (1)</b><br>55:19<br><b>utilization (1)</b><br>66:7 | 64:13;115:18<br><b>voices (1)</b><br>73:19<br><b>Voigt (3)</b><br>91:22;92:1,1<br><b>V-O-I-G-T (1)</b><br>92:2<br><b>voting (1)</b><br>93:5  | 105:1<br><b>wave (1)</b><br>6:5<br><b>way (14)</b><br>46:6;60:25;68:14;<br>78:2,21,22;82:13,17;<br>85:9;87:11;93:25;96:8,<br>21;98:25<br><b>Wayne (6)</b><br>6:11;37:25;38:1,11;<br>41:1,13<br><b>Weasel (1)</b><br>76:13<br><b>weather (1)</b><br>4:16<br><b>website (1)</b><br>4:22<br><b>week (1)</b><br>96:15<br><b>weir (1)</b><br>82:17<br><b>weird (1)</b><br>95:20<br><b>welcome (26)</b><br>9:16;38:22;41:23;<br>46:13;60:20;62:15,20;<br>63:25;64:6;86:13,18;<br>92:14,21;98:3;100:5,<br>10;101:13,18;102:15,<br>20;103:5,13,17;112:13,<br>19;115:4<br><b>weren't (2)</b><br>29:16;109:20<br><b>Werk (7)</b><br>74:8,12;76:7,10;<br>77:25;79:17,18<br><b>what's (5)</b><br>10:20;32:14,17;<br>42:18;73:22<br><b>Wheaton (3)</b><br>84:6;112:18,18<br><b>whereas (1)</b><br>40:7<br><b>WHEREUPON (1)</b><br>2:1<br><b>Wherever (1)</b><br>95:17<br><b>White (1)</b><br>87:9<br><b>whites (1)</b><br>88:22<br><b>Whitney (21)</b><br>6:6;10:2,15;20:19;<br>23:12;24:3,5,20;26:25;<br>29:7,8;32:20,20,21;<br>34:13,15;35:10;36:2;<br>40:13;48:2;120:17<br><b>whole (9)</b><br>11:23;30:11,22,24;<br>42:17;65:11;82:9;<br>85:19;93:25<br><b>wholeheartedly (2)</b><br>59:24;87:5 | <b>wide (1)</b><br>15:18<br><b>width (2)</b><br>7:25;8:2<br><b>willingfulness (1)</b><br>59:22<br><b>wind (1)</b><br>78:7<br><b>window (16)</b><br>34:3,5,6,10,12,23,25;<br>35:8;51:10;52:6;107:3;<br>115:18;116:1;117:5,<br>11,25<br><b>winds (1)</b><br>43:14<br><b>Wing (3)</b><br>86:12;113:4,5<br><b>wish (3)</b><br>10:9;46:22;48:4<br><b>withdrawal (2)</b><br>115:21,22<br><b>withdrawn (1)</b><br>29:11<br><b>within (21)</b><br>11:11;13:13,15;<br>14:17;16:19;21:21;<br>22:11;27:13;45:11;<br>61:8;72:15;88:10,19,<br>20,21;99:1;104:16;<br>105:4;118:17;119:9,22<br><b>WOLF (2)</b><br>98:6,7<br><b>W-O-L-F (1)</b><br>98:7<br><b>Wolfe (1)</b><br>98:2<br><b>wondering (2)</b><br>40:20;106:20<br><b>Woodard (1)</b><br>100:22<br><b>word (1)</b><br>70:24<br><b>words (2)</b><br>75:13,16<br><b>work (15)</b><br>11:13;16:9;20:8;<br>56:1,2,7;67:15;68:4;<br>76:17;104:7,9,25;<br>105:3,9;116:11<br><b>worked (4)</b><br>52:4;81:15;82:2;<br>115:12<br><b>working (4)</b><br>40:5;81:15;96:22;<br>104:1<br><b>workings (3)</b><br>106:13,15,16<br><b>world (1)</b><br>109:3<br><b>worried (1)</b><br>3:15<br><b>worst (1)</b><br>109:4 |
| <b>U</b>  |  | <b>W</b>   |  |  |
| <b>ulterior (1)</b><br>71:20<br><b>ultimately (2)</b><br>66:14;105:8<br><b>unanswered (1)</b><br>52:7<br><b>unbelievable (1)</b><br>83:14<br><b>under (9)</b><br>10:20;11:5;13:10;<br>19:12;23:5;66:23,25;<br>68:5;111:1<br><b>underneath (1)</b><br>111:4<br><b>undo (1)</b><br>56:1<br><b>unique (1)</b><br>58:20<br><b>United (9)</b><br>74:21;88:15,23,25;<br>89:7;93:22;96:19;<br>109:2;119:3<br><b>UNKNOWN (28)</b><br>41:24;43:11;61:19,<br>23;63:21,22;69:22;<br>70:1,3,10;72:19;74:4,<br>8;76:7;79:25;89:22;<br>90:6,13,16,18,23,25;<br>91:2,5,9;95:7,14,24<br><b>unless (1)</b><br>45:13<br><b>unmute (30)</b><br>9:6;38:21;41:23;<br>46:13;47:2,5;62:20;<br>63:18,25;64:7;67:20;<br>69:15;80:11;86:13,18;<br>91:17,23;92:14;100:6,<br>10;102:16,20;103:5,13,<br>18;105:13,23;112:13,<br>19;115:4<br><b>unvegetated (1)</b><br>38:5<br><b>up (89)</b><br>2:17;3:12,19,21,23,<br>24;4:2,9;5:7,16;8:25;<br>16:2,24;32:10;39:22;<br>40:6,22,24;41:7,9;<br>42:24;46:23,24;47:2, | <b>update (4)</b><br>31:21;32:1,3,6<br><b>upon (3)</b><br>75:14;88:24;89:1<br><b>use (9)</b><br>8:11;13:20;14:3;<br>39:6,10;70:10;87:15;<br>96:19;105:1<br><b>used (5)</b><br>15:10;16:11;41:6;<br>86:9;96:18<br><b>uses (1)</b><br>55:19<br><b>utilization (1)</b><br>66:7  | <b>waddle (1)</b><br>50:24<br><b>waddles (1)</b><br>50:24<br><b>wade (1)</b><br>106:23<br><b>wait (2)</b><br>61:24;62:1<br><b>waiting (1)</b><br>62:12<br><b>waive (1)</b><br>2:8<br><b>wake (1)</b><br>104:2<br><b>walked (1)</b><br>57:25<br><b>Walker (3)</b><br>103:4,9;114:17<br><b>wall (1)</b><br>38:3<br><b>walls (3)</b><br>15:1,4;107:5<br><b>Walsh (10)</b><br>6:9;25:10,10;28:8,9;<br>43:21,22;45:5,5,25<br><b>wants (1)</b><br>50:19<br><b>war (2)</b><br>78:18;88:13<br><b>warranted (1)</b><br>13:12<br><b>Washington (1)</b><br>89:2<br><b>waste (11)</b><br>15:23,24;16:5,11;<br>17:17,18;18:5;19:9;<br>66:9;67:7;104:11<br><b>water (52)</b><br>3:19;5:17;17:1,2,10,<br>20,21,23;18:3,5,7,10;<br>23:7;24:11,16,18;<br>40:21;50:7,7;52:12;<br>55:22;56:3,8;64:24;<br>66:6,9,17,18;67:7;<br>68:4;77:18;78:18,19;<br>81:8,13;82:18;83:6;<br>85:13;93:5;94:16;96:8;<br>97:20;106:8,18,22,24;<br>107:2,6,16;108:4;<br>110:22;116:5<br><b>waters (1)</b> |  |  |
|   | <b>V</b>   |  |  |  |
|   | <b>vegetation (1)</b><br>16:18<br><b>Ventre (8)</b><br>21:8,23;50:10;54:20;<br>98:16;108:21;118:13;<br>119:24<br><b>versus (4)</b><br>88:9;118:23;119:3,7<br><b>Veteran (1)</b><br>70:23<br><b>VIA (10)</b><br>1:16,19;8:25;9:12;<br>46:24;47:23;48:5;49:4;<br>62:6;120:8<br><b>Victoria (1)</b><br>106:10<br><b>video (3)</b><br>8:2,5;61:17<br><b>view (2)</b><br>15:2,5<br><b>viewing (1)</b><br>8:1<br><b>Viogt (1)</b><br>91:22<br><b>violated (1)</b><br>29:22<br><b>violating (1)</b><br>50:17<br><b>voice (2)</b>  |  |  |  |

|  |   |  |                                 |
|--|---|--|---------------------------------|
| <b>worth (2)</b><br>30:18;53:12  |   | <b>1992 (3)</b><br>42:11;43:6;76:25          | <b>550 (1)</b><br>15:23         |
|  | <b>1</b>  | <b>1995 (1)</b><br>37:4                      | <b>59620 (2)</b><br>48:3;120:18 |
| <b>wrap (3)</b><br>67:12;116:19;118:6  | <b>1,000 (1)</b><br>19:1                                      | <b>1996 (2)</b><br>76:25;77:7                | <b>6</b>                        |
| <b>write (3)</b><br>12:4;13:2;99:6   | <b>1,500 (1)</b><br>17:11                                     | <b>19th (1)</b><br>35:12                     | <b>6:00 (1)</b><br>16:10        |
| <b>writing (3)</b><br>13:7;108:12,15   | <b>1/11 (1)</b><br>35:6                                       | <b>2</b>                                     | <b>675 (2)</b><br>15:21;17:8    |
| <b>written (10)</b><br>48:1,5;82:25;98:24;<br>99:5,20;104:20;<br>109:16;120:8,14   | <b>10 (1)</b><br>15:18  | <b>2,400 (1)</b><br>19:9                     | <b>686 (1)</b><br>15:12         |
| <b>wrong (2)</b><br>67:16;88:24  | <b>100 (3)</b><br>66:16;81:18;108:24                          | <b>2001 (1)</b><br>37:5                      | <b>7</b>                        |
| <b>wrote (1)</b><br>39:12  | <b>106 (3)</b><br>21:19;22:8;56:16                            | <b>2003 (2)</b><br>33:8,10                   | <b>7 (2)</b><br>23:20;24:2      |
| <b>Wyoming (2)</b><br>88:9;119:8   | <b>11 (1)</b><br>81:8   | <b>200901 (2)</b><br>48:3;120:17             | <b>7:03 (1)</b><br>121:7        |
| <b>Y</b>   | <b>11:59 (1)</b><br>120:9                                     | <b>2015 (1)</b><br>33:8                      | <b>700 (1)</b><br>17:4          |
| <b>year (12)</b><br>18:15;31:20,25;32:2;<br>33:3;42:4;64:15,15,16;<br>93:18;115:21,22  | <b>11th (7)</b><br>13:24;35:14;45:13,<br>17:47;21;85:22;120:9 | <b>2020 (1)</b><br>18:18                     | <b>8</b>                        |
| <b>years (19)</b><br>16:19;37:6;57:21;<br>72:3,4,5;73:7;77:8,9;<br>80:18;82:4,6;94:3;<br>104:7;107:25;108:24;<br>109:5;110:10;115:13 | <b>12 (1)</b><br>81:8   | <b>2021 (3)</b><br>18:20;33:8;37:5           | <b>8:00 (1)</b><br>16:9         |
| <b>young (1)</b><br>77:23  | <b>125 (1)</b><br>15:22                                       | <b>2022 (2)</b><br>1:20;47:21                | <b>820 (1)</b><br>46:11         |
| <b>Z</b>   | <b>132 (1)</b><br>110:10                                      | <b>2-15-142 (3)</b><br>27:14;58:16,22        |                                 |
| <b>Zhivkovikj (5)</b><br>92:13;100:3;113:22,<br>23;114:2   | <b>1851 (2)</b><br>119:8,10                                   | <b>24/7 (1)</b><br>4:7                       |                                 |
| <b>ZOOM (12)</b><br>1:16,19;2:19;8:23;<br>9:13,16;38:17,21;<br>46:25;49:4;62:16;<br>102:11   | <b>1855 (5)</b><br>21:22;22:12;118:17,<br>19;119:22           | <b>25 (5)</b><br>15:18;17:6;80:18;<br>82:4,6 |                                 |
| <b>Zortman (14)</b><br>5:15;13:16;14:18,20,<br>22;15:11;17:24;55:4,5,<br>14;59:18;72:5;87:25;<br>104:1                               | <b>1870 (1)</b><br>110:6                                      | <b>3</b>                                     |                                 |
| <b>Zortman-Landusky (7)</b><br>64:17;66:12;73:8;<br>104:6,17;105:4;107:25  | <b>1884 (1)</b><br>110:8                                      | <b>30 (1)</b><br>48:21                       |                                 |
| <b>0</b>   | <b>1889 (1)</b><br>110:10                                     | <b>35 (1)</b><br>15:17                       |                                 |
| <b>00846 (2)</b><br>80:20;83:1   | <b>1890s (4)</b><br>22:1,2,16;26:21                           | <b>37 (1)</b><br>35:15                       |                                 |
| <b>00860 (1)</b><br>83:1   | <b>1892 (1)</b><br>110:15                                     | <b>38 (1)</b><br>73:6                        |                                 |
| <b>00866 (1)</b><br>80:20  | <b>1896 (1)</b><br>110:21                                     | <b>3D (1)</b><br>15:1                        |                                 |
|  | <b>1900's (2)</b><br>22:16;26:21                              | <b>4</b>                                     |                                 |
|  | <b>1970s (2)</b><br>41:8;110:25                               | <b>4:00 (1)</b><br>1:21                      |                                 |
|  | <b>1971 (4)</b><br>33:7,9;37:3;106:9                          | <b>406-820 (1)</b><br>9:21                   |                                 |
|  | <b>1972 (1)</b><br>106:9                                      | <b>44 (1)</b><br>35:14                       |                                 |
|  | <b>1974 (1)</b><br>37:4                                       | <b>4th (1)</b><br>1:20                       |                                 |
|  | <b>1979 (1)</b><br>37:4                                       | <b>5</b>                                     |                                 |
|  | <b>1990s (1)</b><br>107:23                                    | <b>5:30 (1)</b><br>60:17                     |                                 |
|  | <b>1990's (1)</b><br>96:22                                    |  |                                 |
|  | <b>1991 (1)</b><br>37:4                                       |  |                                 |



Volume 26  
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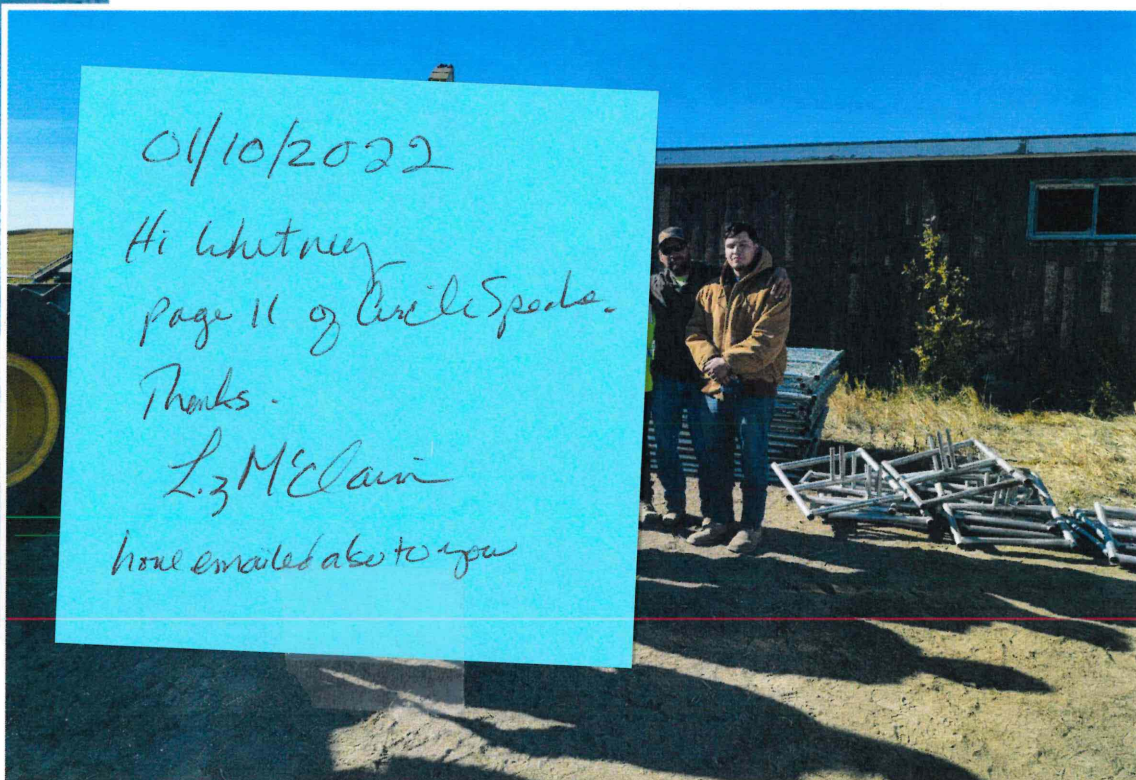
# Circle Speaker

OCTOBER–DECEMBER 2021

WHITE CLAY & NAKODA ENVIRONMENTAL NEWSLETTER

Featured in This Issue:

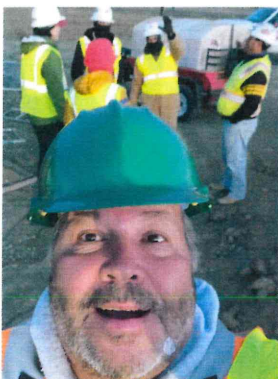
- UST Decommission in Hays, MT ..... 1
- DEQ Seeks Public Comment on Draft Environmental Assessment for Proposed Exploration Project in Phillips County..... 4
- New Brownfields/Tribal Response Coordinator..... 4
- New Nonpoint Source Pollution Coordinator..... 5
- U.S. to Sharply Cut Methane Pollution that Threatens the Climate and Public Health. 5
- WQ: Preparing for Winter Months..... 7
- Compliance Assistance Offered to Prairie Mountain Utilities ..... 8
- EPA Administrator Regan Announces Comprehensive National Strategy to Confront PFAS Pollution ..... 9
- What is a Watershed Restoration Plan ..... 11
- What Kind of Contamination and damage have the Mines done to the Aquatic Resources of the Reservation? ..... 12
- EPA Announces Action Plan to Address Water-Related Challenges in Indian Country.. 15
- ANC is a Recipient of a \$3,500,000.00 Grant from the National Science Foundation's TCU Enterprise Advancement Center..... 16
- EPA Announces Appointments of Regional Administrators for



L-R: Farrell Bell, Juan Siliezar, Alonso Treviso, Haley Young, Hector Casitillo and Eugene Bueno.

## UST Decommission in Hays, MT

By Kermit Snow Jr, BTRP Compliance Officer



when I was the Air Quality Coordinator and EPA contacted us about doing a site visit to see what we would be dealing with. We then set up a site visit with Re-

This project was a long time coming, something that was first mentioned around five years ago by Region 8 USEPA. Actually, we were first made aware of these tanks back in 2005

vestigation on the abandoned tanks. They pretty much sat dormant after that until I received a call from Denver in 2015 or 2016 about some possible money to help take these tanks out. We then started talking to the owners of Village Grocery to get the information on what was on the property. I found out then, that I would be doing a lot more research on UST's, which would end up helping me in my present job as the BTRP Compliance Officer. I was very anxious to get this started when I received the call from Denver, but it seemed we ran into different obstacles when trying



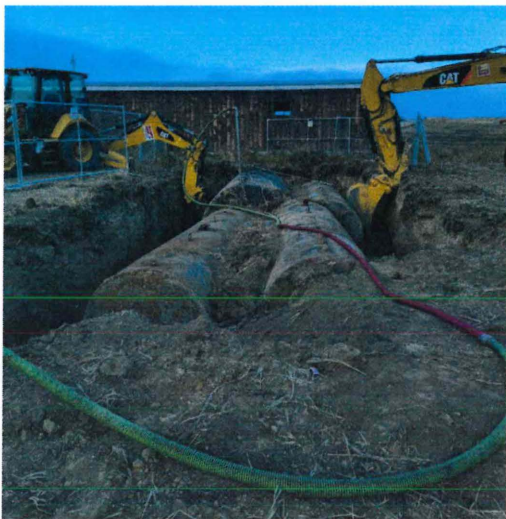
## UST Decommission in Hays, MT

(Continued from page 1)

would get under way, the Covid-19 Pandemic hit and put a halt to our plans and delayed us about two years. We finally got the go ahead to start and we were notified that the Contractor's would be on site to start on October 11, 2021.

The primary Contractor was GSI (Native Hawaiian Owned) and their Sub-Contractor Overlay's. We also had on hand one person from GeoSearch to help locate the tanks with his Ground Penetrating Radar tools. GeoSearch was instrumental, as we were told there were six tanks, although we only found four. He did his due diligence and went over a large area looking for the other two, but did not find anymore. This was also something we found out back in 2005-06 and also while researching the MTDEQ UST site, where they also showed there being six tanks. The first thing done every morning, was a safety meeting conducted by Farrell Bell (GSI) and signing the Health and Safety Plan HASP) after each meeting before any work could start. This was also my first time being involved in a decommission of UST's and will help in future projects. While digging between the tanks and store, we encountered a strong odor of fuel. One of the first sampling events by Farrell and Haley Young (GSI) was from where the odor was coming from, taking 3 grab & 3 jar samples. This was then done around all the tanks when the digging was done. They also took samples from the dirt pile that was excavated from digging out the tanks. Day 2 started with pulling all the pumps on top of each tank, pulling the two dispensers out, cutting pipes from dispensers, where we did find some product still in pipe. While digging out pipe, we did encounter more odor and they commenced to take more samples. All contaminated soil from the day before and Day 2 was put on plastic that was set out by Overlay's. We then also dug and took more soil samples around piping. On Day 3, the Vacuum truck arrived and they then started rinsing & flushing out each tank and pipe, this was done three times to each tank and pipe and then taken to an approved site. We then went back to the front and side of store to do some more digging and sampling downgrade of pipes. We went at distances of 6-8' deep, then 5', 10', 35', 60', and finally stopped at 130'. The dry ice then ar-

(Continued on page 3)





## UST Decommission in Hays, MT

(Continued from page 2)

rived and was put in each tank, tank #1- 6 buckets, #2- 4 buckets, #3- 4 buckets and #4- 4 buckets. Each night they also put a fence around the tank pit and covered all the sample pits. Day 4 consisted of removing each tank and sending them to Havre for disposal. Farrell and Haley then started taking more samples from each tank site, where we found out that the contamination was deeper at one site and excavated more soil and sampled. Day 5 we started bright & early, as we had clean soil arriving, with first truck arriving at 7 am and dumping and loading up contaminated soil to take back to Havre. We would end up with eight side dumps coming and going that day, Havre is around 80 miles one way. Day 6 (Saturday) started with continued backfilling & compacting the clean soil, I believe we ended up doing around eight lifts by days end. Day 7 began with more backfilling and compacting, using three more trucks from Havre. The Overley crew started to pick up and landscape everything that was done from previous days. Day 8 began with first truck with clean soil arriving at 7:15 am and two more following later. The last truck arrived at 9:40 am and the job was officially finished around 1 pm. As we were finishing up, I noticed the work of the Overley crew, they did awesome work all week, but how they ended showed their dedication to how they approach their work. This is nothing against the two younger guys, they did great work also, but it was great watching Alonso & Hector in the way they did their jobs. They wanted perfection and also wanted it done right. They showed the younger guys how they wanted it and how it should be done. You never know who is going to look at your work and you don't want anyone saying it wasn't done right. They are a credit to their employer. It was also great working with Farrell and Haley, who showed great professionalism in their duties, they definitely knew what they were doing and made me feel good every time they asked me if they should do more or if that was what I wanted. Like I said, this was my first decommission and I learned a lot from these ladies. There is still more to do here, but we were budgeted for only so much, but we know where the work has to be done. I want to thank Farrell Bell & Haley Young of GSI, Alonso Treviso, Hector Castillo, Juan Siliezar, and Eugene Bueno of Overley's for a great 8 days of work. Aho





# DEQ Seeks Public Comment on Draft Environmental Assessment for Proposed Exploration Project in Phillips County



By Moira Davin | November 29, 2021

<https://deq.mt.gov/News/pressrelease-folder/news-article40>

HELENA—The Montana Department of Environmental Quality (DEQ) is seeking public comment on a Draft Environmental Assessment (EA) for a proposed exploration project near Zortman, Mont. in Phillips County. The new exploration project is proposed by Luke Ployhar on private land at the former Zortman Mine. The proposed project is not a full-scale mine and the operator would have to apply for a separate permit and undergo a separate environmental analysis should he wish to operate a full-scale mine.

DEQ received a complete application for an exploration license from the landowner. The proposed exploration project includes excavating one trench, approximately 350 square feet and 25 feet deep, to extract a 125-ton bulk sample for metallurgical testing. The project includes construction of an access road that would be left in place after project completion for use by the landowner. The entire project is anticipated to last approximately 10 days and disturb 0.18 acres. DEQ would require all disturbances except the road to be reclaimed.

The proposed exploration project would take place within the former mine operation boundary and a small area would be located within a reclaimed area of the former mine. The applicant has been notified of the Comprehensive Environmental, Response, Compensation and Liability Act (CERCLA) which is the law that governs Superfund sites. Superfund remediation at the former mine site was led by the Bureau of Land Management and they have also been noti-

fied of the proposed project.

This is the second proposed exploration project in this area. DEQ released a final EA in February of 2021 for a proposed exploration project from Blue Arc. That project would extract a 1,000-ton bulk sample and disturb 1.4 acres. The applicant is required to post bond before receiving a license to begin exploration activities. At this time, DEQ has not received bond for that project.

Both projects are considered in the cumulative impacts section of the new EA.

DEQ prepared a draft EA to analyze potential impacts from the proposed exploration project. DEQ will accept public comments on the draft EA until 11:59 p.m. on Tuesday, Jan. 11, 2022. To submit substantive comments or view the document, please visit the DEQ website at: <https://deq.mt.gov/News/publiccomment-folder/news-article1>

An exploration license is not an operating permit to mine. An exploration license authorizes activity for the purpose of determining the presence and extent of an ore body. An exploration license does not authorize the mining of an ore body. If a proposed project meets the requirements of Montana law (82-4-332, Montana Code Annotated), DEQ must issue the exploration license. The draft EA is not a decision document and is a disclosure of the potential impacts from the project.

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## New Brownfields/Tribal Response Coordinator

By Ina Nez Perce, Fort Belknap Environmental Manager

Once again we are pleased to announce that a new Brownfields Coordinator has been selected for the Brownfields Tribal Response Program in the Environmental Protection Department. Although the notice is somewhat late, please join us in welcoming William R. Cochran to this position. He began his job on August 16, 2021. William previously



worked in the Brownfields Program as the Coordinator a few years ago and is very knowledgeable about the Brownfields program - a plus for the Department! We look forward to working with William and making this a great program! His office is located downstairs and can be reached at 406-353-8411 or [william.cochran@ftbelknap.org](mailto:william.cochran@ftbelknap.org).



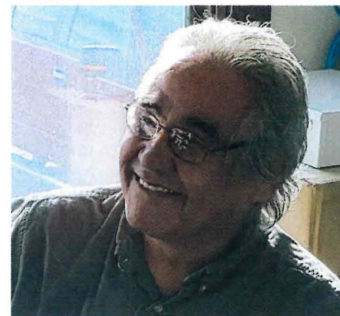
# New Nonpoint Source Pollution Coordinator

By Ina Nez Perce, Fort Belknap Environmental Manager

We are pleased to announce that a new Nonpoint Source Coordinator has been selected for the Nonpoint Source Program in Environmental Protection Department. Please join us in welcoming Morris "Davy" Belgard to this position. He began his new job on October 1, 2021. Morris previously worked in the Brownfields Program as the Environmental Technician. As many of you know, Morris also worked in this position a couple of years ago and is very knowl-

edgeable about the program. We look forward to Morris continuing to make this Program a success!

His office is located downstairs and can be reached at 406-353-8431 or [mbelgard@gmail.com](mailto:mbelgard@gmail.com).



## U.S. to Sharply Cut Methane Pollution that Threatens the Climate and Public Health

Contact Information: EPA Press Office ([press@epa.gov](mailto:press@epa.gov)) | November 2, 2021

<https://www.epa.gov/newsreleases/us-sharply-cut-methane-pollution-threatens-climate-and-public-health>

WASHINGTON (Nov. 2, 2021) Today, the U.S. Environmental Protection Agency (EPA) took an important step forward to advance President Biden's commitment to action on climate change and protect people's health by proposing comprehensive new protections to sharply reduce pollution from the oil and natural gas industry – including, for the first time, reductions from existing sources nationwide. The proposed new Clean Air Act rule would lead to significant, cost-effective reductions in methane emissions and other health-harming air pollutants that endanger nearby communities. As part of today's action, to inform a supplemental proposal, EPA is seeking comment on additional sources of methane to further strengthen emission controls and increase reductions from oil and gas operations. EPA is issuing the proposal in response to President Biden's Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.

"As global leaders convene at this pivotal moment in Glasgow for COP26, it is now abundantly clear that America is back and leading by example in confronting the climate crisis with bold ambition," **said EPA Administrator Michael S. Regan**. "With this historic action, EPA is addressing existing sources from the oil and natural gas industry nationwide, in addition to updating rules for new sources, to ensure robust and lasting cuts in pollution across the country. By building on existing technologies and encouraging innovative new solutions, we are committed to a durable final rule that is anchored in science and the law,

that protects communities living near oil and natural gas facilities, and that advances our nation's climate goals under the Paris Agreement."

One third of the warming from greenhouse gases occurring today is due to human-caused emissions of methane, a potent greenhouse gas that traps about 30 times as much heat as carbon dioxide over 100 years, and sharp cuts over the next decade will have a near-term beneficial impact on the climate. In the United States, the oil and natural gas industry is the largest industrial source of methane emissions, emitting more methane than the total emissions of all greenhouse gases from 164 countries combined. Oil and natural gas operations also emit smog-forming volatile organic compounds (VOCs) and toxic air pollutants such as benzene that harm public health.

The proposal builds on the work of leading companies that are using the latest cost-effective technology to reduce methane emissions in the field and leverages lessons from the work of some major oil- and gas- producing states that require, or are proposing to require, oil and gas operations to reduce methane emissions. EPA analyzed the proposed rule's impact on natural gas and oil prices from 2023 to 2035 and estimates that changes would be small – pennies per barrel of oil or thousand cubic feet of gas.

The proposed rule would reduce 41 million tons of methane emissions from 2023 to 2035, the equivalent

(Continued on page 6)

## U.S. to Sharply Cut Methane Pollution that Threatens the Climate and Public Health

(Continued from page 5)

lent of 920 million metric tons of carbon dioxide. That's more than the amount of carbon dioxide emitted from all U.S. passenger cars and commercial aircraft in 2019. In 2030 alone, the rule would reduce methane emissions from sources covered in the proposal by 74 percent compared to 2005.

Pollution from oil and gas activities can occur in or near communities where people live, work and go to school – including minority and low-income communities, which are especially vulnerable to the effects of climate change. Based on an analysis of populations exposed to oil and gas pollution, EPA believes the proposed rule is likely to reduce these harmful effects.

EPA's Regulatory Impact Analysis estimates the value of cumulative net climate benefits from the proposed rule, after taking into account the costs of compliance as well as savings from recovered natural gas, is \$48 to \$49 billion from 2023 to 2035 – the equivalent of about \$4.5 billion a year. The climate benefits are estimated using the social cost of greenhouse gases and represent the monetary value of avoided climate damages associated with a decrease in emissions of a greenhouse gas. In addition to these benefits, EPA estimates that from 2023 to 2035, the proposal would reduce VOC emissions by 12 million tons and hazardous air pollution by 480,000 tons.

It would accomplish this through 1) updated and broadened methane and VOC emission reduction requirements for new, modified, and reconstructed oil and gas sources, including standards that limit emissions from additional types of sources (such as intermittent vent pneumatic controllers, associated gas, and well liquids unloading) for the first time under the Clean Air Act; and 2) requirements that states develop plans to limit methane emissions from hundreds of thousands of existing sources nationwide, along with presumptive standards for existing sources to assist in the planning process.

### Key features of the proposed rule include:

- a comprehensive monitoring program for new and existing well sites and compressor stations;
- a compliance option that allows owners and operators the flexibility to use advanced technology that can find major leaks more rapidly and at lower cost than ever before;

- a zero-emissions standard for new and existing pneumatic controllers (with a limited alternative standard for sites in Alaska), certain types of which account for approximately 30 percent of current methane emissions from the oil and natural gas sector;
- standards to eliminate venting of associated gas, and require capture and sale of gas where a sales line is available, at new and existing oil wells;
- proposed performance standards and presumptive standards for other new and existing sources, including storage tanks, pneumatic pumps, and compressors; and
- a requirement that states meaningfully engage with overburdened and underserved communities, among other stakeholders, in developing state plans.

EPA also is requesting information on additional sources of methane for the Agency to consider in developing a supplemental proposal to reduce emissions even further. In addition, EPA is taking comment on how to structure a community monitoring program that would empower the public to detect and report large emission events for appropriate follow-up by owners and operators for possible further development in a supplemental proposal. EPA intends to issue the supplemental proposal in 2022, and to issue a final rule before the end of 2022.

As it developed the rule, EPA conducted extensive public outreach to hear from the public and diverse perspectives including states, Tribal nations, communities affected by oil and gas pollution, environmental and public health organizations, and representatives of the oil and natural gas industry, all of which provided ideas and information that helped shape and inform the proposal.

EPA will take comment on the proposed rule for 60 days after it is published in the Federal Register. The Agency also will hold a virtual public hearing, and will host virtual trainings to help communities, Tribes and small businesses learn more about the proposed rule and participating in the public comment process. Those trainings begin November 16.

For more information on today's proposed rule and to register to attend a training, visit <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry>



## WQ Coordinator Article

# Preparing for Winter Months

By Mitchell Healy, Water Quality Coordinator | November 30, 2021



Hello to all of the Fort Belknap Indian Community. The cold winter months are here and fairly certain we all aware of how cold it can get and how much snow Mother Nature can dump on us, and the issues that can occur during these extreme weather conditions. We don't want to be unprepared if something were to happen, so it's very critical for all of us to help ourselves out and prepare before the cold weather comes. Some of the things to do include:

- If you have a fireplace – have sufficient wood to last throughout the winter, maybe up until May or June. Also, check the fireplace and chimney for cracks and debris, to ensure that the toxic fumes are vented through the chimney and not through cracks back into your home.
- Check your furnace is working properly well before it gets cold. Change batteries in thermostat if you need to, change the filter, and if you're unsure, have an experienced maintenance person inspect your furnace for you.
- We all experienced a power outage a few years back and there was no power for a week or longer for some communities across the State, catching many people off guard and unprepared. So, would recommend getting a gas generator that can provide sufficient power for electric heaters and necessities. If you're able to afford outdoor generators that are installed to your home circuit breaker, that would be an optimal solution, but for most, that is not realistic. So, gas generators will definitely help out, but make sure you have a couple gas cans filled up and stored away in your shed.
- Having a couple bags of charcoal and charcoal fluid is pretty handy for cooking on your grill, just in case.
- Winterize windows and doors – make sure windows and doors are secured tightly and there are no cracks around the border. Winterize your windows with plastic on the outside and inside, and

winterize your doors with weather strip.

- If the outside temperatures are freezing cold, it would be ideal to turn on all your inside faucets to a slow drip overnight to prevent the pipes from freezing.
- If you have a ceiling fan that you can change the direction of the fan to counter clockwise on low setting, to circulate the warm air downwards.
- If you have a snow blower or any other equipment used for moving snow, inspect and test that it operates before it gets cold.
- Stock up on de-icer for your sidewalks and driveway. Make sure you have good solid snow shovels and ice breakers. If you have a ATV or UTV and could put a snow plow on it, make sure that everything is ready to go.
- Keep extra blankets and a cold weather kit in your vehicles, if you're traveling.
- Keep jumper cables and a tow rope in your vehicles, and any other essential equipment such as a portable air compressor.
- Plug in your vehicles if you have a block heater, if not, maybe get one installed at local dealership or automotive shop. Also be good idea to get your vehicle inspected before it gets cold, such as checking if the battery needs replacing and any other parts that could possibly cause issues during cold temperatures.
- Put a bottle of heat in your gas tank from time to time.
- If you have pets, be good idea to reinforce the dog house with hay bales and straw bedding, or build a dog shelter.

These are just some tips that can help out in case of an emergency and are just ideal to do or have throughout the winter months. It's better to be over prepared than unprepared. Hope this little bit of information helps you out. Stay Safe, and wish everybody good health.







Above: Fort Belknap Agency Transfer Site

## Compliance Assistance Offered to Prairie Mountain Utilities

By Ina Nez Perce, Environmental Manager

In the last 10+ years, the Fort Belknap Indian Community's Environmental Protection Department/Brownfields Program has offered compliance assistance to the Prairie Mountain Utilities (PMU) on the transfer sites located in our three main communities on the Fort Belknap Reservation – Fort Belknap Agency, Hays, and Lodge Pole. During this time we have assisted PMU with visual “inspections” of each site on a monthly basis, purchased small 3-yard canisters in each community to address the growing population, and purchased 40-yard canisters to be placed at transfer sites to collect waste and later to haul the waste to a landfill located 40 miles west of Fort Belknap. This year has been no exception, we assisted PMU with purchasing materials to ensure

that waste placed and hauled to the local transfer sites remain within the perimeters of the sites and not scattered throughout the community. PMU has completed the new barriers at the Fort Belknap Agency Transfer site and are currently working on the barriers for the Hays Transfer Site. PMU will then complete the barriers at the final transfer site in Lodge Pole, weather permitting. We would like to thank PMU for their good spirit of cooperation and their efforts to improve their services to the community. We would also like to thank the current Solid Waste Manager, Dalbert Begay and his crew for going above and beyond to improve the transfer sites. The transfer sites are looking great!!

Below: Hays Transfer Site



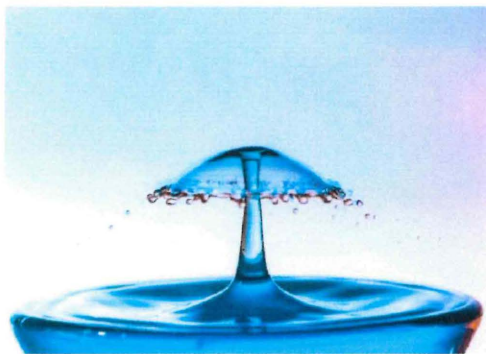


# EPA Administrator Regan Announces Comprehensive National Strategy to Confront PFAS Pollution

Contact Information: EPA Press Office (press@epa.gov) | October 18, 2021

<https://www.epa.gov/newsreleases/epa-announces-action-plan-address-water-related-challenges-indian-country>

**WASHINGTON (Oct. 18, 2021)** – Today U.S. Environmental Protection Agency (EPA) Administrator Michael S. Regan announced the agency's comprehensive Strategic Roadmap to confront PFAS contamination nationwide. The Roadmap is the result of a thorough analysis conducted by the EPA Council on PFAS that Administrator Regan established in April 2021. EPA's Roadmap is centered on three guiding strategies: Increase investments in research, leverage authorities to take action now to restrict PFAS chemicals from being released into the environment, and accelerate the cleanup of PFAS contamination. North Carolina Governor Roy Cooper and other elected leaders will join Administrator Regan at North Carolina State University in Raleigh, NC, for the announcement.



"For far too long, families across America – especially those in underserved communities – have suffered from PFAS in their water, their air, or in the land their children play on," **said EPA Administrator Michael S. Regan.** "This comprehensive, national PFAS strategy will deliver protections to people who are hurting, by advancing bold and concrete actions that address the full lifecycle of these chemicals. Let there be no doubt that EPA is listening, we have your back, and we are laser focused on protecting people from pollution and holding polluters accountable."

"This roadmap commits the EPA to quickly setting enforceable drinking water limits for these chemicals as well as giving stronger tools to communities to protect people's health and the environment," **said North Carolina Governor Roy Cooper.** "As we continue partnering with the EPA on this and other important efforts, the Bipartisan Infrastructure Deal and the larger budget resolution would provide critical help by dedicating significant resources to address PFAS contamination."

The Strategic Roadmap delivers on the agency's mission to protect public health and the environment and answers the call for action on these persistent and dangerous chemicals. Today, alongside the re-

lease of the Roadmap, the agency is announcing a new national testing strategy that requires PFAS manufacturers to provide the agency with toxicity data and information on categories of PFAS chemicals. The PFAS to be tested will be selected based on an approach that breaks the large number of PFAS today into smaller categories based on similar features

and considers what existing data are available for each category. EPA's initial set of test orders for PFAS, which are expected in a matter of months, will be strategically selected from more than 20 different categories of PFAS. This set of orders will provide the agency with critical information on more than 2,000 other similar PFAS that fall within these categories.

The Roadmap lays out:

- Aggressive timelines to set **enforceable drinking water** limits under the Safe Drinking Water Act to ensure water is safe to drink in every community.
- **A hazardous substance designation** under CERCLA, to strengthen the ability to hold polluters financially accountable.
- Timelines for action—whether it is data collection or rulemaking—on **Effluent Guideline Limitations under the Clean Water Act for nine industrial categories.**
- **A review of past actions on PFAS taken under the Toxic Substances Control Act** to address those that are insufficiently protective.
- Increased **monitoring, data collection and research** so that the agency can identify what actions are needed and when to take them.
- A final **toxicity assessment for GenX**, which can be used to develop health advisories that will help

## EPA Administrator Regan Announces Comprehensive National Strategy to Confront PFAS Pollution

(Continued from page 9)

communities make informed decisions to better protect human health and ecological wellness.

- Continued efforts to build the **technical foundation needed on PFAS air emissions** to inform future actions under the Clean Air Act.

“I’m encouraged that EPA is giving this urgent public health threat the attention and seriousness it deserves,” **said Senator Tom Carper**. “This is truly a soup-to-nuts plan—one that commits to cleaning up PFAS in our environment while also putting protections in place to prevent more of these forever chemicals from finding their way into our lives. After the previous administration failed to follow through on its plan to address PFAS contamination, EPA’s new leadership promised action. I look forward to working with them on living up to this commitment.”

“Communities contaminated by these toxic forever chemicals have waited decades for action,” **said Ken Cook, President of the Environmental Working Group**. “So, it’s good news that Administrator Regan will fulfill President Biden’s pledge to take quick action to reduce PFOA and PFOS in tap water, to restrict industrial releases of PFAS into the air and water, and to designate PFOA and PFOS as hazardous substances to hold polluters accountable. It’s been more than 20 years since EPA and EWG first learned that these toxic forever chemicals were building up in our blood and increasing our likelihood of cancer and other health harms. It’s time for action, not more plans, and that’s what this Administrator will deliver. As significant as these actions are, they are just the first of many actions needed to protect us from PFAS, as the Administrator has said.”

EPA’s Strategic Roadmap is a critical step forward in addressing PFAS pollution. Every level of government – from local, to state, to Tribal, to federal will need to exercise increased and sustained leadership to continue the momentum and make progress on PFAS. President Biden has called for more than \$10 billion in funding to address PFAS contamination through his Build Back Better agenda and the Bipartisan Infrastructure Deal. These critical resources will enable EPA and other federal agencies to scale up the research and work, so that they meet the scale of the PFAS challenge.

Over the coming weeks, EPA will be working to part-

ner for progress on PFAS. The agency will be engaging with a wide range of stakeholders to continue to identify collaborative solutions to the PFAS challenge, including two national webinars that will be held on October 26 and November 2. Please RSVP to the webinars using the hyperlinked dates.

### Background

In April 2021, Administrator Regan established the EPA Council on PFAS to address the dangerous impacts of PFAS contamination and meet the needs of EPA’s partners and communities across the United States. To date, under the Biden-Harris Administration, EPA has:

- Launched a national PFAS testing strategy.
- Restarted rule development process for designating PFOA and PFOS as CERCLA hazardous substances.
- Built momentum to set national primary drinking water standard for PFOA and PFOS,
- Announced actions to stop companies from dumping PFAS into America’s waterways.
- Formed a workgroup to champion regulating PFAS as categories.
- Proposed a rule to expand data collection efforts on PFAS.
- Started planning to conduct expanded nationwide monitoring for PFAS in drinking water.
- Announced robust review process for new PFAS.
- Released preliminary Toxics Release Inventory data on PFAS.
- Updated a toxicity assessment for PFBS after rigorous scientific review.
- Released a draft PFBA toxicity assessment for public comment and external peer review.

Additional information on the Strategic Roadmap: [www.epa.gov/pfas](http://www.epa.gov/pfas).

### Acronyms:

- ⇒ (EPA) Environmental Protection Agency
- ⇒ (PFAS) Per- and Polyfluoroalkyl Substances
- ⇒ (CERCLA) Comprehensive Environmental Response, Compensation, and Liability Act
- ⇒ (PFOA) Perfluorooctanoic acid
- ⇒ (PFOS) Perfluorooctanesulfonic acid
- ⇒ (EWG) Environmental Working Group
- ⇒ (PFBS) Perfluorobutane sulfonic acid
- ⇒ (PFBA) Perfluorobutanoic acid



# What is a Watershed Restoration Plan

By Morris "Davy" Belgard, Nonpoint Source Coordinator



Well folks I'm back in Nonpoint Source Pollution. My co-worker went back to school to further her education. Good for her!!

A watershed restoration plan (WRP) is a broad assessment of a watershed that identifies nonpoint source pollution, its sources of pollution, and effects on the watershed. Included is a set of strategies to measure and mitigate known pollutants, thus providing a structure for managing efforts to both restore water quality in degraded areas and to protect overall watershed health.

WRPs offer the opportunity for communities to work together to improve local water quality, placing no requirements on private landowners while providing avenues for funding that would otherwise be unavailable, such as through the Section 319 Grant Program, funded by the US Environmental Protection Agency (EPA) and administered here in Montana by the Montana Department of Environmental Quality (DEQ). The draft Peoples Creek WRP uses much of what is known about the watershed from DEQ's Peoples Creek Planning Area Sediment and Metals TMDL and Framework Water Quality Improvement Plan (DEQ, 2012), which describes the watershed, lists impairments, and makes recommendations for mitigating sources of pollutants. For more specific information, related to methodologies, definitions, allocation development criteria, and other details outside the scope of this WRP, refer to DEQ's TMDL for Peoples Creek: HUC 10050009. Rather than providing detail, this WRP offers broad scopes for project tasks and relies heavily on tables to compile information from various sources. The tables allow us to present relevant restoration and project information in brief yet wide-ranging descriptions. As the projects are

adopted, the appropriate stakeholders and technical experts will develop project specifics, scopes of work, design, and other related details. In the near-term, the emphasis of the Peoples Creek WRP is on educating the public about the issues facing the watershed and the potential for restoration.

Nine Key Elements, EPA lists nine key elements critical for achieving water quality improvements and that must be included in all WRPs supported with Section 319 funding.

The elements are summarized below.

1. Identify causes and sources of pollution.
2. Estimate pollutant loading into the watershed and expected load reductions.
3. Describe management measures to achieve load reductions in targeted critical areas.
4. Estimate the required technical and financial assistance and the relevant authorities needed to implement the plan.
5. Develop an information/education component.
6. Develop a project schedule
7. Describe interim measurable milestones.
8. Identify indicators to measure progress.
9. Develop a monitoring component.

The Peoples Creek WRP will be focusing on three segments in the Little Rocky Mountains: South Big Horn, Swift Gulch, and King Creek. Each will be divided into two working segments: Upper and Lower, the upper is in or near the abandoned mine complex, Zortman Landusky Inc. (ZMI) and the lower segments being on the Fort Belknap Indian Community. So with that, I'll close and wish you all a Merry Christmas and a safe Happy New Year.





## The Story of the Aquatic Study:

# What Kind of Contamination and damage have the Mines done to the Aquatic Resources of the Reservation?

The project was carried out by Bill Bell, Anna Doney, Chris Christenson, Donna Young, Liz McClain and many Natural Resource students

The investigation was designed to meet the requirements of a Supplemental Environmental Project (SEP) which was described in Section X, Subsection (b) of the Consolidated Consent decree i.e.

U.S.A. and the State of Montana versus Pegasus Gold Corporation and Zortman Mining, Inc., and Gros Ventre Tribe, Assiniboine Tribe, Fort Belknap Community Council, and Island Mountain Protectors Assn., versus Pegasus Gold Inc., Pegasus Gold Corp, and Zortman Mining, Inc., Civil Action No.95-95; 95-96 BLG-JDS. Resolution No.232-97 passed by the Fort Belknap Community

Council supported the Work Plan, developed by the Fort Belknap College (now Aaniiih Nakoda College) Water Laboratory. Mr. Kenneth "Gus" Helgeson, President of Island Mountain Protectors Assn. signed off on this project. Before any of the tasks could begin a Quality Assurance Program had to be developed with Standard Oper-

ating Procedures (SOP's) in place to include all aspect of field and laboratory operations and to include a Quality Management Plan (OMP). By following these EPA approved procedures all data gath-

ing EPA rules and regulations. Specialized documents were followed in conducting the various tasks. For example; 5<sup>th</sup> ed., EPA/600/ 4-90/ 027F for Toxicity test-

ing, 2<sup>nd</sup> ed., EPA 600/R-99/064 for sediment and tailings analyses (done by Inter-Mountain Laboratories in Sheridan Wyoming), EPA-822-B-00-025 for stressor identification of Swift Gulch, EPA 841-B-99-002 used for periphyton collection methods, EPA Region VIII, U.S. EPA Contract No. 68-W5-0022 for fate and transport of cyanide heap leach contamination. Both ground and surface water routes for

contamination were a Focused Feasibility Study (FFS) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Zortman/Landusky Mines were designated as CERCLA sites in June 2004 by BLM (Executive Order 12580).



Figure 1: Spirit Mountain and Landusky Mine

ered could be used in a court of law. And indeed there were times in the study where planes flew into the landing strip at the airport and data given to lawyers working on behalf of the Tribes. All of us working on the project were under a 'gag order' not to discuss our data. Specialized laboratory and field equipment were acquired



## The Story of the Aquatic Study

(Continued from page 12)

Specifically, the SEP work plan was designed to obtain the appropriate data to characterize the impact of the recent and historic mining activities to the resources of the Fort Belknap Reservation. The study was to investigate the degree and extent of these impacts to groundwater, surface water, sediments and ecological systems. Data was gathered to qualify (through cultural knowledge) and quantify the magnitude of contamination, and to evaluate the risk to the ecological system. All activities for the project were done simultaneously as weather permitted.

All data from the study is stored in named organized boxes in Sitting High in the Aaniiih Nakoda College Archives. Dr. Sean Chandler, President of ANC is the contact person for the archives.

The surface water quality study focused on those drainages whose origins were closest to the mines and the direction of flow was onto the Fort Belknap Reservation. Extensive field and laboratory work focused on this area. This was in the Peoples Creek Drainage and included King Creek, Swift Gulch and Lodgepole Creek. King Creek's origin is now the high walls of acid generating rock (ARD) in the Little Rocky Mountains (Island Mountains, Fur Cap Mountains), reflecting both historic and modern (cyanide heap leach) mining coming from the Landusky mine site. There was removal of waste rock/tailings (TDD No.9809-0001) from King Creek some years ago. Here the heavy metals in the water exceeded levels allowed for surface water.

Today tailings and contaminated water after rain and storm events from this same area have gone past the Sun Dance and Pow Wow

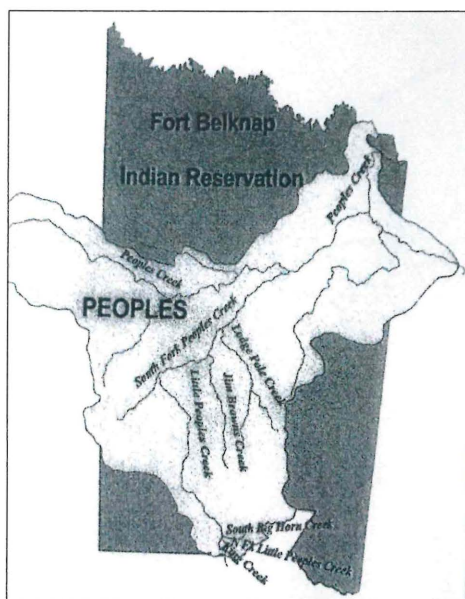


Figure 2: Peoples Creek Drainage

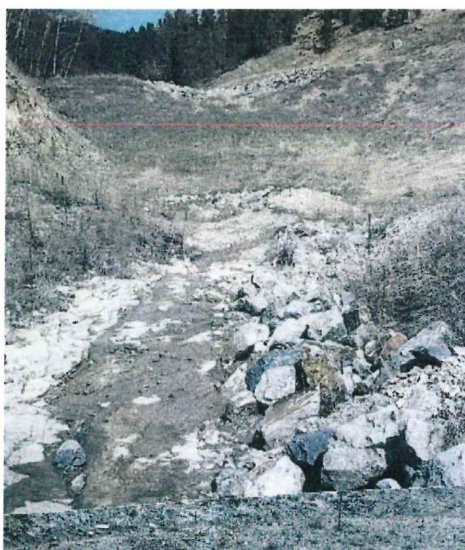


Figure 3: King Creek Drainage

grounds. Even after the mines shut down in 1997 King Creek remains a severely impacted drainage and there is no normal flow.

Swift Gulch is the 'canary in the coal mine' with its headwaters a tributary of South Big Horn Creek. It has been totally disrupted by

mining activity and reclamation efforts. With extensive field and laboratory studies we found that the contamination from the mine, as it continues toward the reservation, is rapidly moving with rain or storm events.

Lodgepole Creek and headwater tributaries Glory Hole Creek and Ross Gulch drain the northern end of Zortman mine. A visual journey down Lodgepole Creek indicates historic flow pathways and channels no longer in use. The surface water flow was partly made up by groundwater discharges. As the water usages by the mines was to deplete, divert or both, this underlying groundwater decreased. Where there is sporadic flow the recordings by the Hydrolab indicate water quality, conducive to both diverse macroinvertebrates and periphyton but neither in abundance if the channels were full of water.

There are USGS monitoring wells that were installed years ago for studies of groundwater in both shallow alluvium and bedrock in and around the Little Rocky Mountains (Fur Capped, Island Mountains). The water levels in these wells (Hays/Little People's Creek) and well water levels in Lodge Pole were monitored monthly, weather permitting (1999-2003) and accounted for 46 wells (see Final Aquatic Study Volumes for data). The water levels from the Hays/Little Peoples Creek wells showed no change, and from the Lodgepole wells little change was noted in the water levels year after year. From 1999 to 2003 certain wells were selected by location and drainage area for water

(Continued on page 14)



## The Story of the Aquatic Study

(Continued from page 13)

quality analyses. These were done for each of these wells after water levels were taken. The field equipment could measure: turbidity, pH, conductivity, temperature, alkalinity, iron, chloride, cyanide, fluoride, hardness, nitrite, phosphate, sulfate and sulfide; see graphs for these data for each well in the final Aquatic Study documents. It should be noted that some wells in Hays/Little Peoples Creek always tested positive for cyanide. Those in Lodgepole also contained cyanide as well as high sulfate concentrations.

The interaction between the groundwater flow system and surface water represents the most important aspect of determining how contaminants migrate away from the mine areas. In 1979 the Fort Belknap Tribal Community Council voted unanimously to oppose the creation of a huge mine using the cyanide heap leach process. The Land Board assured the Tribal Council that there would be no impact on either the water quality or quantity with this venture. A DRAFT EIS was completed and sent out for comment and when returned stated that an in depth study be done on the HYDROLOGY of the area as such complete information was not known at the time. The Land Board let the draft EIS stand, without the, in depth study, and gave approval for the heap leach mining to begin. We are living this bad decision today! The hydrology consultant for the Aquatic Study wrote a report based on research and analyses and stated water quality and quantity are issues to be supported by water rights litigation beneficial to the Fort Belknap Indian Community.

Tailings and sediments in King Creek, Swift Gulch and Glory Hole Creek/Lodgepole Creek were sampled and analyzed together for heavy metals and cyanide. These samples were collected all along each of the drainages reflecting heavy metal contamination with some exceeding health levels allowed in surface water (see Final Aquatic Study for detailed sampling data).



Figure 4: Hydrolab testing water in Swift Gulch



Figure 5: Lodgepole Creek Historic Channel

From 1999 to 2003 the biological integrity of the drainages was documented by extensive site visits. These have continued by both ANC and EPO to this day. The field portable Hydrolab can assess the water quality in real time and se-

lected sites were monitored throughout the project. Algae and benthic macroinvertebrates were collected, but kept to a minimum to avoid having an impact on what few were in these ephemeral streams. Toxicity testing using a live organism (EPA/ 600/ 4-90/ 027F) throughout these drainages was done in the laboratory at Aaniiih Nakoda College. Water from Snake Butte Reservoir was used as a control water for these tests as it is good quality water evidenced by abundant aquatic organisms in it.

One in abundance is a small 'water flea' (Daphnia) as they are called and are indicators of good water so introducing a small 'water flea' into the collected water sample from any of the streams we could observe their survival. Daphnia did not live long if in Swift Gulch water, for 8 hours or 24 hours if samples were taken high up by the mine or the reservation boarder. These results are consistent with toxic mine water finding its way onto the Fort Belknap Reservation.

Throughout the duration of the project, videos were made of the drainages and well sampling events and a five minute CD was produced documenting tasks of the project.

Long term monitoring is being carried out by both the Environmental Protection Office personnel as well as research being done by ANC's Natural Resource Department.

A small library has been developed that document in detail the

(Continued on page 15)



## The Story of the Aquatic Study

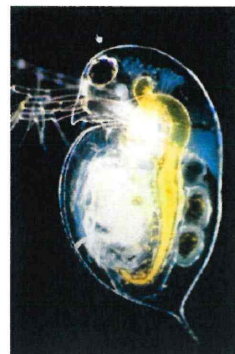
(Continued from page 14)

tasks of the Aquatic Study and Mining activity. It is located in Sitting High in the Archives and accounts for many boxes filled with detailed data collected throughout the duration of the study. There are thousands of pages which represent thousands of hours of Bill Bell, Anna Doney, Chris Christenson, Donna Young and student

interns work walking drainages, sampling wells, working in the laboratory, and keeping logs of all they did. Often this information of their being ever vigilant was given to lawyers to enable them to strengthen court cases against the Zortman/Landusky mine pollution that has resulted in the Fort Belknap Community becoming

‘environmental refuges in your own Land’.

Figure 6: Water Flea (*Daphnia* used in toxicity testing)



## EPA Announces Action Plan to Address Water-Related Challenges in Indian Country

Contact Information: EPA Press Office (press@epa.gov) | October 14, 2021

<https://www.epa.gov/newsreleases/epa-announces-action-plan-address-water-related-challenges-indian-country>

**WASHINGTON** – Today, the U.S. Environmental Protection Agency (EPA) released an action plan to strengthen the agency’s partnership with Tribes and Alaska Native Villages on water issues. Actions taken under this plan will address critical challenges and provide vital water protections to support public health, environmental protection, cultural activities, and subsistence practices in Indian Country.

“Pursuant to the Biden-Harris Administration’s commitment to upholding the federal trust responsibility, EPA has developed an action plan that outlines the steps it is taking to deliver on this commitment by supporting Tribal nations as they protect and steward their waters,” **said Assistant Administrator for the Office of International and Tribal Affairs Jane Nishida.**

“Under this plan, the Office of Water intends to play a significant role in delivering on the Biden-Harris Administration’s commitment to Tribal nations.” **said Assistant Administrator for Water Radhika Fox.** “This action plan provides a blueprint for EPA to better understand the water challenges facing our Tribal partners and to identify the best tools to make progress. We will seek out additional funding for Tribal infrastructure, advance water programs with distinct and measurable Tribal benefits, and partner with Tribal nations to enhance their capacity to protect and steward water resources.”

Long-standing water challenges are negatively impacting Tribes and Alaska Native Villages, which are

more likely than other populations in the United States to lack access to piped drinking water and essential wastewater services. The action plan, Strengthening The Nation-To-Nation Relationship With Tribes To Secure A Sustainable Water Future, will help address these challenges by:

- Promoting robust coordination and meaningful consultation with Tribal nations.
- Strengthening and expanding water governance in Indian country.
- Increasing infrastructure funding and capacity development.
- Honoring the federal trust responsibility and protecting Tribal reserved rights related to water resources.

“EPA’s Office of Water plan encompasses many of the National Tribal Water Council’s priorities,” **said NTWC Chairman Ken Norton.** “Together, we recognize that providing Tribal communities with safe water to drink, basic sanitation, and CWA protections make a difference in the lives of our Tribal peoples. The plan outlines specific actions that can be immediately initiated and continue over the next three years to improve the health and well-being of Tribal communities across the nation.”

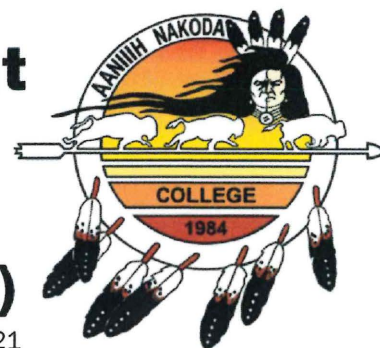
To view the Tribal action plan and learn more about EPA’s National Tribal Water Program, go to: <https://www.epa.gov/tribalwater>.



FOR IMMEDIATE RELEASE

# Aaniiih Nakoda College is a Recipient of a \$3.5 Million Grant from the National Science Foundation's TCU Enterprise Advancement Center (TEA)

Submitted by Michael Kinsey | Aaniiih Nakoda College | Fort Belknap, MT | November 30, 2021



Aaniiih Nakoda College (ANC) received \$3,500,000 in funding from the National Science Foundation's (NSF) Tribal Colleges and Universities (TCU) Enterprise Advancement Center (TEA). The funding will be used to establish and operate the Buffalo Research and Education Center over a five-year project period. The center will serve as an intellectual hub for research and education efforts that address the values, needs, and aspirations of the FBIC and enrich the relationship between the people of Fort Belknap, the tribal buffalo herd, and the prairie ecosystem.

There are two main objectives to fulfill the purpose of the center: (1) conduct research on ecological research on the Fort Belknap buffalo herd and its associated grassland habitat and species and (2) provide academic training and community education to prepare future caretakers of tribal wildlife and associated natural resources and to increase community knowledge of sustainable management of Fort Belknap's buffalo herd and its habitat.

As part of the center's research, seven research projects will be conducted with project partners to address identified needs and priorities of the FBIC and support the sustainable management of the tribal buffalo herd and surrounding prairie ecosystem. In addition, the Buffalo Research and Education Center personnel will be working in close collaboration with tribal buffalo and project partners to:

1. Monitor the Snake Butte buffalo herd to determine how resource selection and social interactions influence herd movement.
2. Conduct a buffalo-rangeland interaction study correlating herd movement data with detailed vegetative surveys.
3. Determine post-release dispersal patterns, survival rates, and home-range estimates for the reintroduced swift foxes.
4. Conduct population and habitat surveys for black-footed ferrets and carry out plague mitigation ef-

forts.

5. Develop survey protocols and conduct population surveys of Fort Belknap's five ungulate species.
6. Examine the keystone effects and associations between prairie dogs and grassland birds.
7. Conduct an interpretive phenomenological study to assess community perceptions of the meaning and value of the Fort Belknap buffalo herd.

Research efforts will be made in collaboration with a partnership with ANC faculty and students, FBIC Buffalo Program (FBBP), Fort Belknap Fish and Wildlife Department (FBFWD), and visiting faculty fellows from the Smithsonian Conservation Biology Institute (SCBI), World Wildlife Fund (WWF), and Little Dog Wildlife, Inc.

To fulfill the second objective of offering formal academic training and education opportunities to ANC students and Fort Belknap community members. The center has nine educational activities planned for (1) curriculum development for a series of upper-division courses in buffalo ecology, grassland ecology, and/or wildlife ecology to create a specialized option within ANC's Aaniiih Nakoda Ecology BS degree program; (2) offer undergraduate research opportunities during each year of the project to allow students to work as research assistants on one of the seven research projects listed above; (3) offer a one-year fellowship to students in years four and five of the project to work with the Smithsonian Conservation Biology Institute (SCBI); (4) collaborate with the Fort Belknap Community Buffalo Group (FBCBG) to organize and facilitate bi-monthly meetings to increase community engagement and awareness of the FBBP and strengthen ties between various stakeholders, and to increase community benefit from the FBBP; (5) provide social and economic benefit studies to prepare a series of concept papers, business plans, and/or feasibility studies exploring strategies for leveraging trib-

(Continued on page 17)

## ANC is a Recipient of a Grant from the National Science Foundation's TEA Center

(Continued from page 16)

al lands, wildlife, and other natural resources to enhance community benefit and economic well-being; (6) host Buffalo speaker series and radio programs, (7) host Buffalo community festival in the fourth year of the project to honor the 50th anniversary of the buffalo's return to Fort Belknap (1974-2024); (8) outreach in local schools with goal of providing fun and engaging opportunities for children and youth to learn about and appreciate the reservation's plants and animals, as well as the grassland ecosystems they inhabit; and (9) develop a tribal buffalo community of practice by establishing a community made up of TCU staff/faculty engaged in buffalo research, education and/or management; tribal buffalo managers; and other scientists and practitioners working with buffalo on tribal lands.

ANC President Sean Chandler said, "The new funding from NSF's TEA Center to establish the Buffalo Research and Education Center will empower Aaniiih Nakoda College faculty and students to take an active responsible role in becoming better stewards to our animal relatives, land and environment. Using the philosophies of our Indigenous Lifeways, I know that our ANC team and partners will help improve the health and well-being of the Aaniin and Nakoda People."

For more information on the Buffalo Research and Education Center, contact Michael Kinsey at (406) 353-2607 Ext. 3926, [makinsey@ancollege.edu](mailto:makinsey@ancollege.edu).

### About The National Science Foundation

The National Science Foundation (NSF) is an independent Federal agency created by the National Science Foundation Act of 1950, as amended (42 USC 1861-75). The Act states the purpose of the NSF is "to promote the progress of science; [and] to advance the national health, prosperity, and welfare by supporting research and education in all fields of science and engineering." NSF funds research and education in most fields of science and engineering. It does this through grants and cooperative agreements to more than 2,000 colleges, universities, K-12 school systems, businesses, informal science organizations, and other research organizations throughout the US. The Foundation accounts for about one-fourth of Federal support to academic institutions for basic research. NSF receives approximately 55,000 proposals each year for research, education, and training projects, of which approximately 11,000 are funded. In addition, the Foundation receives several thousand applications for graduate and postdoctoral fellowships. The agency operates no laboratories itself but does support National Research Centers, user facilities, certain oceanographic vessels, and Arctic and Antarctic research stations. The Foundation also

supports cooperative research between universities and industry, US participation in international scientific and engineering efforts, and educational activities at every academic level.

Facilitation Awards for Scientists and Engineers with Disabilities (FASSED) provide funding for special assistance or equipment to enable persons with disabilities to work on NSF-supported projects. See the NSF Proposal & Award Policies & Procedures Guide Chapter II.E.6 for instructions regarding preparing these types of proposals. In addition, the National Science Foundation has Telephonic Device for the Deaf (TDD) and Federal Information Relay Service (FIRS) capabilities that enable individuals with hearing impairments to communicate with the Foundation about NSF programs and employment or general information. TDD may be accessed at (703) 292-5090 and (800) 281-8749, FIRS at (800) 877-8339. In addition, the National Science Foundation Information Center may be reached at (703) 292-5111.

### About The Program

The Tribal Colleges and Universities Program (TCUP) provides awards to Tribal Colleges and Universities, Alaska Native-serving institutions, and Native Hawaiian-serving institutions to promote high-quality science (including sociology, psychology, anthropology, economics, statistics, and other social and behavioral sciences as well as natural sciences), technology, engineering and mathematics (STEM) education, research, and outreach. Support is available to TCUP-eligible institutions (see the Additional Eligibility subsection of Section IV of this solicitation) for transformative capacity-building projects through Instructional Capacity Excellence in TCUP Institutions (ICE-TI), Targeted STEM Infusion Projects (TSIP), TCU Enterprise Advancement Centers (TEA Centers), and Preparing for TCUP Implementation (Pre-TI). Collaborations involving multiple higher education institutions led by TCUP institutions are supported through Partnerships for Geoscience Education (PAGE) and Partnerships for Documentary Linguistics Education (PADLE). Finally, research studies that further the scholarly activity of individual faculty members are supported through Small Grants for Research (SGR) and Science Education Alliance Phage Hunters Advancing Genomics and Evolutionary Science in Tribal Colleges and Universities (SEA-PHAGES in TCUs). Through the opportunities highlighted above and collaborations with other National Science Foundation (NSF) units and other organizations, TCUP aims to increase Native individuals' participation in STEM careers and improve the quality of STEM programs at TCUP-eligible institutions. TCUP strongly encourages the inclusion of activities that will benefit veterans.

### About TCU Enterprise Advancement Centers (TEA Centers)

TEA Centers are intended to coalesce the STEM and/or STEM education research expertise into a team designed to support and promote the STEM goals, needs, aspirations, or interests of the chartering reservation or tribe(s). TEA Centers may address a critical tribal or community need or focus on a realm of research or design beyond the scope of individual research grants or interest to multiple tribes.



# EPA Announces Appointments of Regional Administrators for Regions 2, 4, and 8

<https://www.epa.gov/newsreleases/epa-announces-appointments-regional-administrators-regions-2-4-and-8>

**WASHINGTON, DC (Nov. 18, 2021)** - Today, U.S. Environmental Protection Agency (EPA) Administrator Michael S. Regan announced that President Biden will appoint three new Regional Administrators to lead EPA's work protecting human health and the environment in their respective regional offices. The following individuals will be appointed:

## Region 2

Lisa Garcia will become EPA's Regional Administrator for Region 2. Garcia will lead the implementation of the Biden-Harris environmental agenda in New Jersey, New York, Puerto Rico, the U.S. Virgin Islands and eight Indian Nations.

"Lisa's leadership will be instrumental to EPA's work addressing the complicated intersection of environmental and economic challenges in Region 2. She brings a wealth of experience in fighting for climate justice and equity that will be invaluable as we deliver on our mission to protect communities from Puerto Rico to the U.S. Virgin Islands, and in New Jersey and New York, from pollution," **said EPA Administrator Michael S. Regan.**

"I am honored to be appointed as Regional Administrator for EPA region 2, and to help advance President Biden's and Administrator Regan's priorities to integrate environmental justice in all we do to tackle climate change, ensure all communities have clean drinking water, and reduce toxic pollution in our air, water, and soil," **Lisa Garcia said.** "With the passage of the historic infrastructure deal in Congress, I stand ready to serve with the amazing EPA staff and take action toward a more just and resilient planet."

Lisa Flavia Garcia is a lawyer that has been using the power of law and policy over the past 20 years to advocate for environmental and climate justice. Garcia was appointed to EPA in 2009, serving as associate administrator and advisor to EPA Administrators Jackson and McCarthy. She helped to lead the team responsible for the creation and implementation of Plan EJ 2014 -EPA's first EJ strategic plan- and the design of EJSCREEN. Garcia then worked as Vice President for Litigation at Earthjustice, and in 2019

joined GRIST magazine to lead a new program called Fix, Grist's climate solutions lab focused on amplifying the voices of climate justice leaders. Earlier in her career, Garcia served as the Director of EJ and Indian Affairs at the NYS Department of Environmental Conservation and as Assistant Attorney General at the NYS Attorney General's Environmental Protection Bureau. She was also an Associate Professor at Rutgers Law School, staff attorney at NYPIRG, and a legislative fellow for Senator Robert Torricelli and NJ State Senator Byron Baer.

## Region 4

Daniel Blackman will become EPA's Regional Administrator for Region 4. Blackman will lead the implementation of the Biden-Harris environmental agenda in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and with six Tribes.

"Daniel brings deep experience in the region that will be an asset as we work to confront issues in overburdened and underserved communities, ensure public health protections for all, and make progress on our critical climate change goals," **said EPA Administrator Michael S. Regan.** "I'm excited to have him working with us."

"I am honored to play a critical role in President Biden and Administrator Regan's ambitious commitment to combat the climate crisis, reduce pollution, and to ensure more Americans can participate fully and equally in our economy. This includes bringing accountability and transparency throughout the region and working to fulfill President Biden's environmental justice commitments," **said Daniel Blackman.**

Daniel Blackman has spent over a decade advising policymakers at the Georgia state capitol and advocating on behalf of Georgia ratepayers and small businesses in energy-related matters before the state's Public Service Commission. He served as chairman of the Georgia Chapter of the Sierra Club and board member for the ACLU. Blackman has worked throughout EPA Region 4 to secure environ-

*(Continued on page 19)*



## EPA Announces Appointments of Regional Administrators for Regions 2, 4, and 8

(Continued from page 18)

mental, health, and economic justice and to convene stakeholders with federal agencies. His work in addressing groundwater contamination at nuclear plants and its impact on public health and safety has given him the opportunity to testify numerous times before the Nuclear Regulatory Commission; and his commitment to working throughout the Southeastern United States to push for legislation that addresses toxic ash left behind from burning coal has given him the opportunity to play a key role in the transitioning from coal to clean energy in the United States.

### Region 8

KC Becker will become EPA's Regional Administrator for Region 8. Becker will lead the implementation of the Biden-Harris environmental agenda in Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and with 28 Tribal Nations.

"With her background on critical climate change and environmental justice issues, KC is an excellent choice to lead our Region 8 team. She is experienced in stakeholder engagement and will ensure voices from throughout the region are heard on key issues," said EPA Administrator Michael S. Regan.

"I am so honored to have the opportunity to serve the Biden Administration as EPA Region 8 Administrator.

The aggressive and critical agenda that President Biden and Administrator Regan have announced to address climate change, repair aging water infrastructure, and drive down methane emissions requires an 'all hands on deck' approach. I am ready to use my experience to help states, Tribal governments, businesses, and communities in Region 8 implement these important pieces of the Biden agenda," KC Becker said.

KC Becker recently completed four terms in the Colorado legislature, culminating as Speaker of the House. Becker led the Colorado Democrats to its biggest majority in the legislature in over 50 years, and the first majority female legislative chamber in the country. Prior to serving in the Colorado legislature, she served four years on Boulder, Colorado's city council. She worked for nearly seven years as an attorney-advisor in the Solicitor's Office at the US Department of the Interior, practicing administrative and natural resources law. While in the Colorado legislature, Becker led landmark legislation to reform Colorado's oil and gas sector, created a first in the nation Office of Just Transition, and passed nationally-leading legislation requiring the state of Colorado to put forward a plan to meet carbon reduction goals. Becker lives in Boulder with her husband and two sons.



**Kécinbáasbétáaniisiin**  
**Owotgay Amba Washday**  
**Feliz Navidad**  
**Happy Hanukkah**  
**Happy Kwanzaa**  
**Merry Christmas**  
**Yuletide Greetings**  
**Happy Winter Solstice**



**Happy St. Nicholas Day**  
**Season's Greetings**  
**Happy Birthday Jesus**  
**Peace & Goodwill**  
**Happy Holidays**  
**Joy to the World**  
**Happy New Year**  
**Bah Humbug!**

**However you say it this time of year,  
or in what language...**

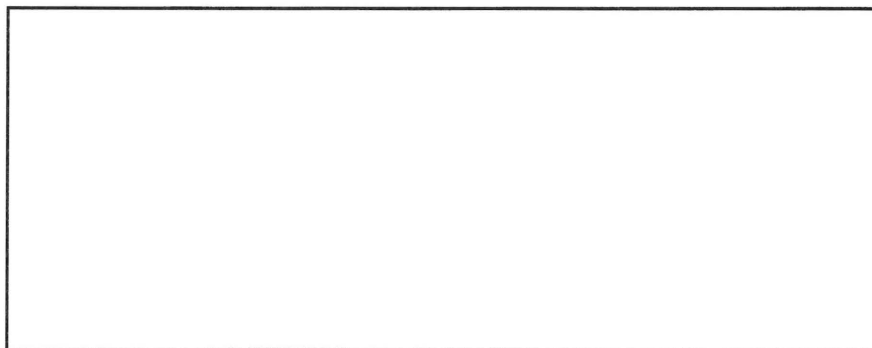
**"Be good to one another, Love one another!"**

Fort Belknap Environmental Protection Department



Fort Belknap Indian Community  
**ENVIRONMENTAL PROTECTION DEPARTMENT**

Fort Belknap Agency  
656 Agency Main Street  
Harlem, Montana 59526



 Find us on Facebook:  
<https://www.facebook.com/ftbelknap.environmental/>

[www.ftbelknap.org](http://www.ftbelknap.org)



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environmental8384@yahoo.com  
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Performance Partnership Grant (PPG)/General Assistance Program (GAP)  
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Brownfields/Tribal Response Program (BTRP)  
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Performance Partnership Grant (PPG)/Water Quality Program (WQ)  
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**FORT BELKNAP  
ENVIRONMENTAL  
PROTECTION  
DEPARTMENT**



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Performance Partnership Grant (PPG)/Water Quality Program (WQ)  
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Nonpoint Source Pollution Program  
**Morris Belgard**  
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morbeldgard@ftbelknap.org



Climate Change: Little Rockies Forest Resilience Project  
**Dennis Longknife, Jr.**  
Climate Change Coordinator  
dennislongknife@ftbelknap.org

**From:** [lueyforce@yahoo.com](mailto:lueyforce@yahoo.com)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] public comment  
**Date:** Wednesday, December 1, 2021 9:49:29 AM

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Hello DEQ I am writing this email in opposition to the proposal. First of all how did this company know of the 24 or 48hr lapse in governmental lease/paper work or whatever you justify it as, smells like inside job. Second this is already a giant toxic wound on the earth partially caused by no oversight and has a bad actor history with no one held responsible for cleanup and the tax payers probably floating the forever bill of cleanup, so why would we want to start this all over again! 3rd reason this should not be considered is the people that live there were not even asked about this and this area has a nasty history of lies and false statements misleading the indigenous population into sale and outright theft of land for exploitation and pollution, probably to help along government sponsored genocide. I have personally witnessed children develop sores and rash from walking and playing in the cyanide polluted waters of the streams that flow from these mountains which I am sure were once clean before this destruction and exploitation took place. To witness so much destruction and vast wealth accumulation of so few right next door to the victims who are so poor and have no access to clean drinking water due to all this is utterly disgusting. I have also witnessed wildlife sickened from living around this toxic waste site. Why would we want more of this and why would we want to reopen all of these wounds and create more?

**From:** [Jerry Hanley](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Comment on Luke Ployhar proposed Zortman (Ross Pit) Exploration License  
**Date:** Friday, December 10, 2021 8:50:57 AM

---

Dear Whitney,

I have reviewed Luke Ployhar's application for an Exploration License related to the bulk sample he wishes to extract at Zortman, Phillips County, MT. I have also reviewed the draft Environmental Assessment prepared by your office.

Mr. Ployhar submitted a very comprehensive application spelling out his proposed exploration project. He left no stone unturned to the point that can reasonably be anticipated and planned. The project is small and expeditious in nature.

DEQ's assessment clearly demonstrates that there is no impact resulting from sulfide bearing material. Furthermore there is no impact to surface or groundwater.

I support Mr. Ployhar's proposed small exploration project. Should the results be, and hopefully are, encouraging, the project would require further planning and approval as provided by Montana laws.

DEQ requires adequate bonding and I will weigh in on that at the appropriate time if allowed.

I support your Environmental Assessment and urge you to issue Mr. Ployhar an Exploration License to proceed with the Ross Pit project.

Sincerely yours,

Jerry Hanley

Jerry Hanley  
Maiden, MT  
PO Box 851  
Lewistown, MT 59457  
406-538-3820  
[jerryhanley48@gmail.com](mailto:jerryhanley48@gmail.com)

**From:** [Sue Malek](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Zortman-Landusky potential exploration for underground mine  
**Date:** Sunday, December 12, 2021 9:12:24 AM

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\$100 million cost to Montana taxpayers for clean-up of the Zortman-Landusky mine site after Pegasus went bankrupt is unconscionable. The drinking water has been made permanently undrinkable.

Montana, with a 20-year plan to "clean up" that water, is starting to get the devastating pollution under control. But now DEQ is proposing to allow exploration to create an underground mine for gold. This activity will recreate the environmental devastation that previously impacted surface and groundwater and destroyed pristine lands. Public lands, wildlife will be negatively impacted.

Stop any mining activities at the Zortman-Landusky mine site. I can't afford, as a Montana taxpayer, to continue to pay the costs of mining companies getting rich while my environment is destroyed.

Sue Malek  
1400 Prairie Way  
Missoula, MT. 59802  
406-370-2424

--

**Sue Malek**

May joy be abundant and troubles few and far between.



December 29, 2021



Kenneth J. Wilson C.E.O.

Laredo Financial, Business, & Real Estate L.L.C.

8531 HWY 87

Havre, MT 59501

Department of Environmental Quality

1520 E. 6<sup>th</sup> Ave.

Helena, MT 59601

RE: Support for mining in the Landusky, Zortman area

Dear Sirs,

Our company has been providing housing in the devastated eastern part of Montana for the last 40 years. We have had property in Malta, Harlem, Havre, Laredo, & Box Elder and it was purchased or built because of the need for housing. Providing housing in a very low income area takes some doing. This is why you can't find any new housing and because of property taxes, older housing has been torn down. Our company brought housing back to the area and we also brought the taxi service back to the Havre area in 2004 after 30 years without it. We have sponsored employment for the lower trained, educated, and reservations where other people or companies would not.

We're writing in to tell you of the positive effects of the prior mining that went on in the little Rockies/ Zortman area. We understand that there were many issues on both sides that created a concern for mining but I am told that these are being resolved and looked at all the time.

When Pegasus mined the area, they had a large staff but at least 28 general employees were direct natives living on the nearby reservations. This wasn't good enough for the nearby tribes, they were constantly putting up barriers to the mining. In most cases from what we saw, they did this and weren't happy until the reservation got paid off. This type of activity we were against. During this time period, I was a general Officer @ First Security Bank of Malta and had been a party to financing private companies and individuals who worked for or directly with the company. Mining was a positive thing. Malta had a large vehicle dealership because of this and was able to provide a densely populated area with service for 100's of square miles. The Mining and growth caused the local community to put up a 14 million dollar High School and shortly after, Pegasus suffered fraud and went into bankruptcy. We need this industry back!

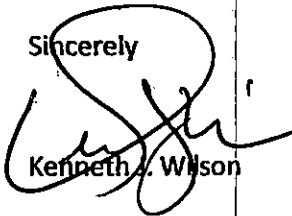
The First Security Bank, it's self was prosperous because of it, there were two grocery stores in Malta providing competition and many other businesses that had competition from growth and this steady income to the area. When Pegasus left, the whole burden of up graded schools and infrastructure was placed on the back of the poor agricultural producers.

Our company has provided employment for many of the Ft. Belknap people and housing. This is no simple task as our perception has been that there has been a membership in the tribe which has taught and still teaches their people to hate the white man. This may be the issue when it comes to Mining.

If Luke Ployhar has pulled permits or looking to pull them is in the right, we will be behind him or his company 100% percent. We have property in Harlem @ their disposal for housing. Harlem has companies that would be able to support their mining. Malta again would have companies that are in reasonable condition to support the service needs of a Mining Company.

Laredo Financial, Business, & Real Estate L.L.C. positively supports the need for jobs in Eastern Montana. We need these jobs and this industry.

Sincerely



Kenneth J. Wilson

c.c. Luke Ployhar

\* Could you agency get Luke his copy of this?



December 29, 2021

Kenneth J. Wilson C.E.O.

Laredo Financial, Business, & Real Estate L.L.C.

8531 HWY 87

Havre, MT 59501

Department of Environmental Quality

1520 E. 6<sup>th</sup> Ave.

Helena, MT 59601

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Dear Sirs,

Our company has been providing housing in the devastated eastern part of Montana for the last 40 years. We have had property in Malta, Harlem, Havre, Laredo, & Box Elder and it was purchased or built because of the need for housing. Providing housing in a very low income area takes some doing. This is why you can't find any new housing and because of property taxes, older housing has been torn down. Our company brought housing back to the area and we also brought the taxi service back to the Havre area in 2004 after 30 years without it. We have sponsored employment for the lower trained, educated, and reservations where other people or companies would not.

We're writing in to tell you of the positive effects of the prior mining that went on in the little Rockies/ Zortman area. We understand that there were many issues on both sides that created a concern for mining but I am told that these are being resolved and looked at all the time.

When Pegasus mined the area, they had a large staff but at least 28 general employees were direct natives living on the nearby reservations. This wasn't good enough for the nearby tribes, they were constantly putting up barriers to the mining. In most cases from what we saw, they did this and weren't happy until the reservation got paid off. This type of activity we were against. During this time period, I was a general Officer @ First Security Bank of Malta and had been a party to financing private companies and individuals who worked for or directly with the company. Mining was a positive thing. Malta had a large vehicle dealership because of this and was able to provide a densely populated area with service for 100's of square miles. The Mining and growth caused the local community to put up a 14 million dollar High School and shortly after, Pegasus suffered fraud and went into bankruptcy. We need this industry back!

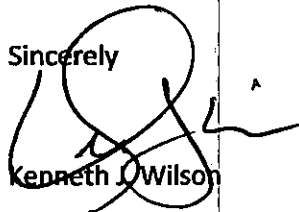
The First Security Bank, it's self was prosperous because of it, there were two grocery stores in Malta providing competition and many other businesses that had competition from growth and this steady income to the area. When Pegasus left, the whole burden of up graded schools and infrastructure was placed on the back of the poor agricultural producers.

Our company has provided employment for many of the Ft. Belknap people and housing. This is no simple task as our perception has been that there has been a membership in the tribe which has taught and still teaches their people to hate the white man. This may be the issue when it comes to Mining.

If Luke Ployhar has pulled permits or looking to pull them is in the right, we will be behind him or his company 100% percent. We have property in Harlem @ their disposal for housing. Harlem has companies that would be able to support their mining. Malta again would have companies that are in reasonable condition to support the service needs of a Mining Company.

Laredo Financial, Business, & Real Estate L.L.C. positively supports the need for jobs in Eastern Montana. We need these jobs and this industry.

Sincerely

A handwritten signature in black ink, appearing to read 'Kenneth J. Wilson', with a large circular flourish at the end.

c.c. Luke Ployhar



**From:** [Elisabeth Romano](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Public Commentary: Luke Ployhare Exploration Project  
**Date:** Monday, January 3, 2022 9:30:50 AM

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Considering another mining project at the defunct Zortman-Landusky mine site is a slap in the face of tax payers who invested more than 77 million dollars in the mine clean-up. Montana alone had to pay more than 30 million, not to mention the cost of water filtration until the end of times. To me it is incomprehensible that an exploration proposal is even being considered when the potential damage is so enormous, cannot be remedied and affects our most precious resource which is drinking water.

Mining companies have a long history of leaving the clean-up cost to tax payers. There is absolutely no reason to believe that Blue Arc will act more responsibly than Pegasus. Please do not expose the people of Montana to such risky undertakings, both financially and environmentally. I urge you to deny a permit for this project.

Thank you,

Elisabeth Romano



**From:** [Colette Werk](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Zortman landusky proposed mining  
**Date:** Tuesday, January 4, 2022 5:58:25 PM

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Hello,

My name is Colette Werk. I am an enrolled member of the Aaniiihnein or Gros Ventre of the Fort Belknap Indian Community. I call Hays home and I am writing to you all today, against the proposed mining project by Blue Arc. I grew up seeing the bare mountain side and continually see the creek run orange in our Mission Canyon. While I now understand it's only the oxidation from the treated water that runs off, I didn't growing up. I worried about my community so much that I pursued a degree in Environmental Studies and graduation from one of the best colleges in the Pacific Northwest. I even worked at my local tribal EPA department to ensure safety to our community's water. While my story may be irrelevant of why there should be no more mining in our Little Rockies, it is like many others. We are tired of not having people understand that enough has been taken and if this door is open again its only ensuring that our voices don't matter. I sincerely hope you take our concerns seriously and vote no to Mr. Ployhare's exploration.

Thank you,  
Colette Werk

**From:** [Jon Barlow](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Blue Arc Comment-NO to Blue Arc.  
**Date:** Wednesday, January 5, 2022 5:36:40 PM

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This should be pretty straightforward, right?!

To permit mining again immediately adjacent to and including part of a bankrupted remediation effort is to burn everything we've learned about mining in the area and by doing so burn once again the people of Montana. I don't understand how the Agency allowed the process to get this far. I don't think DEQ has room for another black eye. Please wake up from your stupor. We already got left holding the bag here before and still are pouring money annually into efforts to maintain a remediated standard for this same area! You need to think responsibly for the lands, waters and the people of the State. Do not ignore the past. The potential harm Blue Arc represents is right there before your eyes. Don't make us all go through this again! It's time we get this right and take the lessons learned and apply them. Show the citizens you're paying attention and you are a capable agency. Blue Arc isn't worth it.

Thank you for your consideration.

Jon Barlow

Charlo

Sent from my iPad

**From:** [Mark Connell](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Comment on Draft Environmental Assessment Concerning Zortman-Landusky Mining Exploration Project  
**Date:** Wednesday, January 5, 2022 10:16:45 AM

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I concur with the comments offered in opposition to the pending mining exploration proposal involving the Zortman-Landusky site, as reported in today's "Daily Montanan." While, as DEQ's Whitney Bausch was quoted as saying, "exploration is not mining," the entire point behind the mining proposal is to hopefully *proceed* with mining, notwithstanding all the evidence before our eyes as to the land and water degradation -- and expenditure of public funds to remediate -- that will likely follow. I only wish to add this short, not-entirely-rhetorical question: When will we as a society ever learn? Mark Connell

Mark Connell  
4605 Arnica Road  
Missoula, Montana 59803  
(406) 240-1925  
[mtrivers64@gmail.com](mailto:mtrivers64@gmail.com)

**From:** [anne diemer](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Mining permit by zortman  
**Date:** Thursday, January 6, 2022 10:40:29 AM

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As a former and once again resident of MT i strongly urge you to disallow this test trench. Once started, difficult to stop even though there would be a review process. We all know how these things go. Follow the money and basically it will end up in the lap of the taxpayer. MT has been here before, let's not go again. We have some truly amazing problems already (think Butte) let's not add more. *One old lady's opinion.*

*Anne Diemer  
2624 Spurgin Rd  
Missoula, MT 59804*



**From:** [Cesar Hernandez](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Ployhar exploration permit  
**Date:** Sunday, January 9, 2022 8:51:08 AM

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Dear People,

Greetings! You folks must have rocks in your heads to even consider granting an exploration license (even on private land) to Luke Ployhar and company in the Zortman-Landusky area. Nobody in their right mind is going to conduct exploration for gold and then not propose development if they find it. That's the negative allure of gold and always has been. The fact this guy is getting a sideward glance at exploration because the BLM let a window slide should tell you something in itself. But I guess the mandates of foolishness always prevail. Zortman-Landusky has a horrible legacy and your department is just adding insult to the injury you folks have inflicted on Montana taxpayers to say nothing of the harm you have caused and are causing to the Fort Belknap Reservation and its tribal occupants. I know you would not be allowing this proposal to happen if it were in your neighborhood or the governors for that matter. As usual MDEQ will probably permit this exploration license and then say that it has to conduct an EA when an actual proposal to mine comes in. To be followed by a mess of lawsuits and "takings" counter claims. You folks already lost it when you let Pegasus Gold contaminate everything, while supposedly protecting Montanans' environment. What makes you think you'll do any better a second time around. The best prevention in this situation is to not allow it in the first place. You should be recommending a closure on all exploration and mining in this area until you've cleaned up the mess you ALLOWED to happen in the first place. Cesar Hernandez, 38354 Dubay Road, Polson, MT 59860

**From:** [Catherine A. Aragon](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] comments- Little Rockies  
**Date:** Monday, January 10, 2022 5:08:42 PM  
**Attachments:** [ADMIN -DEQ Comments FINAL 01102022.docx](#)

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DEQ Mining Bureau  
Whitney Bausch  
PO Box 200901  
Helena, MT 59620-0901

Dear Ms. Bausch

Good Evening.

Attached please find a copy of my comments regarding the Luke Ployar Little Rockies exploratory permit. Thank you.

Catherine A. Aragon  
406 399-0068  
[cataragon51@aol.com](mailto:cataragon51@aol.com)

My name is Catherine Aragon. I am an enrolled member of the Gros Ventre tribe and reside on the Fort Belknap Indian Reservation. My comments regarding the proposed exploratory mining project oppose the issuance of a permit.

In its explanation of the draft environmental assessment to examine the potential impacts of a proposed exploratory mining project in the Little Rocky Mountains, the DEQ states:

“The proposed exploration project includes excavating one trench, approximately 350 square feet and 25 feet deep, to extract a 125-ton bulk sample for metallurgical testing. The project includes construction of an access road that would be left in place after project completion for use by the landowner. The entire project is anticipated to last approximately 10 days and disturb 0.18 acres. DEQ would require all disturbances except the road to be reclaimed...”

While this sounds like a small operation, its repercussions are as dangerous as if it were a full scale mine operation, which would be the next step. And there will be reclamation, except for the road which will disturb the surface of the land.

“The proposed exploration project would take place within the former mine operation boundary and a small area would be located within a reclaimed area of the former mine...”

It's not rocket science to understand that if there was a need to reclaim the land after the first mining operation and there is a require a second reclamation, there is a great disturbance to the land. Such disturbances will percolate out to surrounding surface and subsurface areas, like a pebble being dropped into a pool of water. It will travel outward. The effects of such operations do not know limits or borders. Having to reclaim land in the first place shows that a disturbance had occurred. And to allow another disturbance and patch job is beyond comprehension.

“An exploration license is not an operating permit to mine. An exploration license authorizes activity for the purpose of determining the presence and extent of an ore body. An exploration license does not authorize the mining of an ore body...”

If this area was included in the reclamation area of the first mine, and there is a need to require reclamation for this exploratory permit, then why would such activity be permitted? There is nothing in this action that speaks to ensuring environmental quality, but rather a business approach to allowing one landowner to disturb the land to make a road (which requires area to turn around, bring heavy equipment in, and create a swath of destruction before exploration of this previously damaged “small” area can occur. Downplaying the size, as quoted above, is misleading as to its impact on the surrounding area, including the Fort Belknap Indian Reservation.

Section 88-4-332(3) requires...Prior to the issuance of an exploration license, the applicant shall file with the department a reclamation and revegetation bond in a form and amount as determined by the department...

The notice is silent as to whether such a bond has been posted, what amount, and how the amount was determined. While this will be argued that it is not necessary to include such

information in the announcement is not required, transparency builds trust and accountability. And it is a great concern given the default and “scorched Earth” of the previous mining operation.

DEQ can prevent history from repeating itself and act as good stewards of the land, regardless of jurisdiction. The land has been abused enough. Exploration of an area that is currently being reclaimed for an activity which started out the same way: “a small area being explored..” just does not make sense.

A small snake eventually grows into a bigger one, becoming more dangerous. Please re-think your position.



**From:** [Robin Black Wolf](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Mine in little Rockies  
**Date:** Monday, January 10, 2022 9:29:49 PM

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I oppose the approval for mining in the Little Rocky Mountains on the Fort Belknap Indian reservation. The last time the mountains were mined it gave off direct and negative health issues within our families, friends, community gardens, and wildlife. Anxiety will be sparked and it will be a replay of when the pegasus mine contaminated the water and land. Our water will never be drinking able and safe within our life time. That alone should be a good enough reason to not allow any more mining! We DO NOT need more mining in the mountains. The land does not deserve to be contaminated and ripped to nothing once again. The mountains are still trying to heal from the last time it was violated!

**From:** [colleen.hinds](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Permit for Exploration near Zortman- Landusky  
**Date:** Monday, January 10, 2022 1:16:05 PM

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Whitney Bausch: Very poor of DEQ to allow any further disruption of Lands adjacent to The Fort Belknap Indian Community. Isn't enough for the bankrupt Pegasus Co. to stick the \$\$2 million plus/ year clean-up to Montana tax payers BUT now you want to "slap their honor place" again!!! Shame on You.

Sent from my iPhone

**From:** [Wendy Maratita](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Mining in Fort Belknap  
**Date:** Monday, January 10, 2022 12:43:09 PM

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Greetings,

My name is Wendy Plumage-Maratita and I am an enrolled Assiniboine member on Fort Belknap. I am writing today to say that I am against any further mining on our sacred mountains, the Little Rockies. There is still clean up to be done from the last company who mined there and conveniently went bankrupt. The Little Rockies hold our precious underground water and to even think of introducing mining which will threaten our water is beyond thought. There are 7.94 Billion people on this earth, we have three percent of fresh water on earth to use. Most of our freshwater is unavailable in the ice caps or glaciers. This leaves less than one percent surface water and about one percent for ground water. Do not jeopardize this precious resource.

Others can make the argument that this land was blackmailed from us by Grinnell and should be given back to us. My main focus is the water. No mining, there is no amount of riches that can restore the water if it is ruined.

Thank you for your time.

**From:** [Bausch, Whitney](#)  
**To:** [DEQ MEPA](#)  
**Subject:** FW: FBEPD Circle Speaker SPECIAL NOTICE V26:I1  
**Date:** Monday, January 10, 2022 12:55:40 PM  
**Attachments:** [CIRCLE SPEAKER SPECIAL NOTICE V26 I1.pdf](#)

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Whitney Bausch, P.G. (she/her) | Small Miner and Exploration Program  
Montana Department of Environmental Quality  
Office: 406-444-4960 | Mobile: 406-461-3605  
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)  
How did we do? Let us know here: [Feedback Survey](#)

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**From:** liz mcclain <aquaticstudy@hotmail.com>  
**Sent:** Monday, January 10, 2022 7:42 AM  
**To:** Bausch, Whitney <WBausch2@mt.gov>  
**Subject:** [EXTERNAL] Fw: FBEPD Circle Speaker SPECIAL NOTICE V26:I1

Good morning Whitney, am sending the Circle Speaker onto you as you might not receive it. I have written an article (starting on page 11) 'The story of the Aquatic Study: What kind of Contamination and damage have the Mines done to the Aquatic Resources of the Reservation?'. It focuses on the 'Peoples Creek Drainage'. In the # 00860 Exploration license under your -Draft Environmental Assessment-2.WATER QUALITY, QUANTITY, AND DISTRIBUTION-PAGE 11 of the document 'The project area would be located above an intermittent tributary (Glory Hole Gulch) of the headwaters of Lodge Pole Creek, Lodge Pole Creek is a perennial stream and is a tributary to Peoples Creek and eventually the Milk River'. Alarm bells should have gone off, red flags and a gut intuition to deny any such license and anywhere near the Zortman/Landusky mines. If you could please read the article. For the past 25 years Aaniiih Nakoda College and the Environmental Protection Office of the Fort Belknap Community Tribes have lived, worked, and researched the Peoples Creek Drainage. From observations way up Swift Gulch-where a white bucket collecting seepage from the #2 Waste Rock Dump and surrounded by a small pool of sludge-seemed like a 'drop in the bucket' in terms of toxic contamination-just a spot along the creek. But we watched it, sampled it, day in day out, year in year out (yes even in snowy winters) as this toxic water and sludge was carrying heavy metals way beyond what is allowed for surface water. No life could live in it!. Fast forward to today-we now have the entire stream full of toxic mine pollution of such quantity that closer to the Fort Belknap Indian reservation there is a weir, polluted mine water diverted and semi treated through a pseudo water treatment plant-small ponds where the sludge is collected into bladders and moved back up to the mine-all that in 25 years! You should be aware of this, I would hope. The mines in CERCLA now and should remain so. We have also done extensive research (now in preparation for publication) on some of the areas that have been 'reclaimed' to determine restoration efforts of 'Life' -so disturbed through the

cyanide heap leach process that only long range studies conducive to knowledgeable outcomes. So little research has been done on restoration of hard rock mines and it would seem beneficial to do so, especially at Zortman/Landusky-where the failed technology and immense toxic water pollution evident and ongoing. Thank you for consideration of this matter. Comments on the #00860 exploration license draft document in next email.

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**From:** Lonette Blackcrow <[environmental8384@yahoo.com](mailto:environmental8384@yahoo.com)>

**Sent:** Thursday, December 23, 2021 11:43 AM

**To:** Allison Mattox <[mattox.allison20@gmail.com](mailto:mattox.allison20@gmail.com)>; Allyson Two Bears

<[atwobears@standingrock.org](mailto:atwobears@standingrock.org)>; Ashley Kennedy <[ashleykennedy10507@gmail.com](mailto:ashleykennedy10507@gmail.com)>; Barb Stiffarm <[bstiffarm@opportunitylinkmt.org](mailto:bstiffarm@opportunitylinkmt.org)>; Beau Blackwolf <[bdblackwolf@anccollege.edu](mailto:bdblackwolf@anccollege.edu)>; Bonnie Gestring <[bgestring@earthworksaction.org](mailto:bgestring@earthworksaction.org)>; Carol Kindness <[kindness\\_c@yahoo.com](mailto:kindness_c@yahoo.com)>; Catherine Aragon <[cataragon51@aol.com](mailto:cataragon51@aol.com)>; Cheryl Morales <[cmorales@anccollege.edu](mailto:cmorales@anccollege.edu)>; Chester Gladstone <[chester.gladstone@bia.gov](mailto:chester.gladstone@bia.gov)>; Daisy Purdy <[daisypurdy@gmail.com](mailto:daisypurdy@gmail.com)>; Dan Kinsey <[dkinsey@anccollege.edu](mailto:dkinsey@anccollege.edu)>; Dane Varney <[dane.varney@mt.usda.gov](mailto:dane.varney@mt.usda.gov)>; David Brooks <[david@montanatu.org](mailto:david@montanatu.org)>; Deborah His Horses Thunder <[deborah@wiya1.com](mailto:deborah@wiya1.com)>; Delvin Ereaux <[del\\_ereaux@yahoo.com](mailto:del_ereaux@yahoo.com)>; Diane Klement <[dklement127@gmail.com](mailto:dklement127@gmail.com)>; Diane Perez <[diane.perez@itstriangle.com](mailto:diane.perez@itstriangle.com)>; Elizabeth Werk <[elizabeth.werk@montana.edu](mailto:elizabeth.werk@montana.edu)>; Gerald Hockhalter <[gerald.hockhalter@bia.gov](mailto:gerald.hockhalter@bia.gov)>; Gloria Dixie Brown <[gloria.brown37@yahoo.com](mailto:gloria.brown37@yahoo.com)>; Hannah Has Eagle <[olewinky@yahoo.com](mailto:olewinky@yahoo.com)>; Harvey King <[th\\_king08@yahoo.com](mailto:th_king08@yahoo.com)>; Hillary Maxwell <[maxwell\\_hillary@yahoo.com](mailto:maxwell_hillary@yahoo.com)>; James Temte <[jrtemte@anthc.org](mailto:jrtemte@anthc.org)>; Jason Walker <[jwalker@nwbsoshone.com](mailto:jwalker@nwbsoshone.com)>; Jesse Stenske <[jesse.stenske@my.uwrf.edu](mailto:jesse.stenske@my.uwrf.edu)>; Joe Galluci <[jgallucc@uvm.edu](mailto:jgallucc@uvm.edu)>; Joe Lafromboise Jr <[bearpawjoe@yahoo.com](mailto:bearpawjoe@yahoo.com)>; Karlyn Roberts <[karlyn.roberts@umontana.edu](mailto:karlyn.roberts@umontana.edu)>; Kasey Nicholson <[koncious@hotmail.com](mailto:koncious@hotmail.com)>; Katherine Obrien <[kobrien@earthjustice.org](mailto:kobrien@earthjustice.org)>; Katie Ann Bell <[annbellkatie@gmail.com](mailto:annbellkatie@gmail.com)>; KGVA <[kgvaradiostation@yahoo.com](mailto:kgvaradiostation@yahoo.com)>; Kristal Fox <[fox\\_kristal@hotmail.com](mailto:fox_kristal@hotmail.com)>; Lakota Cody Nordvold <[cnordvold@crstepd.org](mailto:cnordvold@crstepd.org)>; Leann P <[leannp@dodson.k12.mt.us](mailto:leannp@dodson.k12.mt.us)>; Liz McClain <[aquaticstudy@hotmail.com](mailto:aquaticstudy@hotmail.com)>; Loren Bum Stiffarm <[bum@islandmtn.com](mailto:bum@islandmtn.com)>; Mackenzie Foust <[mackenzie.foust@usda.gov](mailto:mackenzie.foust@usda.gov)>; Manny Morales <[papomanny@yahoo.com](mailto:papomanny@yahoo.com)>; Mansel Nelson <[mansel.nelson@nau.edu](mailto:mansel.nelson@nau.edu)>; Margaret Weed Strauser <[bcskeeter@gmail.com](mailto:bcskeeter@gmail.com)>; Mel Wardlow <[mwardlow@gmail.com](mailto:mwardlow@gmail.com)>; Michael Kinsey <[makinsey@anccollege.edu](mailto:makinsey@anccollege.edu)>; Mike Durglo <[miked@cstk.org](mailto:miked@cstk.org)>; Nedra Horn <[nflansburg@hlschools.k12.mt.us](mailto:nflansburg@hlschools.k12.mt.us)>; Nico Matallana <[nicomatamej@gmail.com](mailto:nicomatamej@gmail.com)>; Phillips County Museum <[pcm@itstriangle.com](mailto:pcm@itstriangle.com)>; Randy Werk <[rwerk@anccollege.edu](mailto:rwerk@anccollege.edu)>; Rebecka Ayre <[rebecka.ayre@mt.usda.gov](mailto:rebecka.ayre@mt.usda.gov)>; Richard Leasure <[yteppgap4@hotmail.com](mailto:yteppgap4@hotmail.com)>; Rick Weasel <[en2gosh@yahoo.com](mailto:en2gosh@yahoo.com)>; Roc Becenti <[inca.roc@gmail.com](mailto:inca.roc@gmail.com)>; Stan Zander <[stanley.zander@ihs.gov](mailto:stanley.zander@ihs.gov)>; Victor Gone <[victorgone15@gmail.com](mailto:victorgone15@gmail.com)>; William F Snell, Jr. <[psf@180com.net](mailto:psf@180com.net)>; [schandler@anccollege.edu](mailto:schandler@anccollege.edu) <[schandler@anccollege.edu](mailto:schandler@anccollege.edu)>; [bstiffarm@anccollege.edu](mailto:bstiffarm@anccollege.edu) <[bstiffarm@anccollege.edu](mailto:bstiffarm@anccollege.edu)>; Rebecca J. Bishop <[rbishop@anccollege.edu](mailto:rbishop@anccollege.edu)>; Penny Chandler <[pchandler1213@gmail.com](mailto:pchandler1213@gmail.com)>

**Cc:** Blake Huff <[huff.blake@epa.gov](mailto:huff.blake@epa.gov)>; Dale Roy <[roy.dale@epa.gov](mailto:roy.dale@epa.gov)>; Danette Quick <[quick.danette@epa.gov](mailto:quick.danette@epa.gov)>; Diana Hammer <[hammer.diana@epa.gov](mailto:hammer.diana@epa.gov)>; Jennifer Wintersteen <[wintersteen.jennifer@epa.gov](mailto:wintersteen.jennifer@epa.gov)>; Joyce Ackerman <[ackerman.joyce@epa.gov](mailto:ackerman.joyce@epa.gov)>; Kris Jensen <[jensen.kris@epa.gov](mailto:jensen.kris@epa.gov)>; Matthew Null <[null.matthew@epa.gov](mailto:null.matthew@epa.gov)>; Peter Brumm <[brumm.peter@epa.gov](mailto:brumm.peter@epa.gov)>; Randy Brown <[brown03.randy@epa.gov](mailto:brown03.randy@epa.gov)>; Rebecca Perrin



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<[arnold.rick@epa.gov](mailto:arnold.rick@epa.gov)>

**Subject:** FBEPD Circle Speaker SPECIAL NOTICE V26:I1

Please see attached PDF flyer of a Special Notice regarding the DEQ Public Meeting on January 4th, 2022.

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**Lonette Blackcrow,**  
*Administrative Assistant*

Fort Belknap Indian Community  
**Environmental Protection Department**  
Fort Belknap Agency - 656 Agency Main Street  
Harlem, MT 59526

**Direct Line: (406) 353-8384**  
Fax: (406) 353-4358

## **SPECIAL NOTICE**

### **DEQ to Host Public Meeting on Draft Environmental Assessment for Proposed Exploration Project in Phillips County**

<https://news.mt.gov/Department-of-Environmental-Quality/DEQ-to-Host-Public-Meeting-on-Draft-Environmental-Assessment-for-Proposed-Exploration-Project-in-Phillips-County>

By Moira Davin | Department of Environmental Quality | December 20 2021

HELENA—The Montana Department of Environmental Quality (DEQ) is hosting a public meeting to hear comments on a Draft Environmental Assessment (EA) for a proposed exploration project near Zortman, Mont. in Phillips County. The new exploration project is proposed by Luke Ployhar on private land at the former Zortman Mine. The proposed project is not a full-scale mine and the operator would have to apply for a separate permit and undergo a separate environmental analysis should he wish to operate a full-scale mine.

The public meeting will include a brief presentation on the proposed project and allow time for questions, followed by official public comment. The meeting will be held online via Zoom or by phone. DEQ is working to identify a location near the site of the proposed project where individuals may access the meeting remotely. Once a location is finalized, details will be shared at the link below.

**What:** A public meeting on the draft EA for Luke Ployhar's proposed exploration project.

**When:** Tuesday, Jan. 4, 2022 at 4 p.m.

**Where:** The meeting will be held via Zoom, accessible online and by telephone.

- To access the online meeting via Zoom or for a call in number, visit: <https://lukeployharexploration.eventbrite.com>
- Or call Moira Davin, Public Relations Specialist, at: 406-461-2503.

DEQ will be taking official public comment at the meeting. Participants may sign-up in advance for comment using the link above or may sign-up during the meeting. Commentors will be called on in the order they are received. DEQ will make reasonable accommodations for those with disabilities who wish to participate in the meeting. If you require an accommodation, please contact DEQ using the contact information above at least one week prior to the meeting.

DEQ prepared a draft EA to analyze potential impacts from the proposed exploration project and will accept public comments on the draft EA until 11:59 p.m. on Tuesday, Jan. 11, 2022. To submit comments or view the document, please visit the DEQ website at: <https://deq.mt.gov/News/publiccomment-folder/news-article1>

An exploration license is not an operating permit to mine. An exploration license authorizes activity for the purpose of determining the presence and extent of an ore body. An exploration license does not authorize the mining of an ore body. If a proposed project meets the requirements of Montana law (82-4-332, Montana Code Annotated), DEQ must issue the exploration license. The draft EA is not a decision document, but instead is a disclosure document of the potential impacts from the project.

**From:** [Burke, Alyson](#)  
**To:** [DEQ MEPA](#)  
**Subject:** Exploration Project Approval  
**Date:** Monday, January 10, 2022 2:39:07 PM  
**Attachments:** [20000428181924.pdf](#)

---

Hello,

Attached is a letter from the Phillips County Commissioners in support of an exploration project on land near Zortman, MT. Can you please send confirmation of receipt of letter.

Thank you!

*Alyson Burke*  
*Clerk*

**Clerk & Recorder's Office**  
**PO Box 360**  
**Malta, MT 59538**  
**406-654-2423**  
[aburke@mt.gov](mailto:aburke@mt.gov)

*We are prohibited by law from 'acting as attorneys or counselors at law' – M.C.A 7-4-2210  
We can file or record documents, but please don't ask us for legal advice. Thank You.*

*This search has been conducted within the records of the Phillips County Clerk & Recorder's Office only and to the best of our ability is complete. No liability is assumed for any errors or omissions in this search.*

## PHILLIPS COUNTY

### COUNTY COMMISSIONERS

BRUCE CHRISTOFFERSON  
RICHARD DUNBAR  
JOHN F. CARNAHAN

### Clerk & Recorder

LYNNEL LABRIE

### Treasurer/Assessor

JEAN MAVENCAMP

### Sheriff/Coroner

JERRY LYTLE



PO BOX 360, MALTA, MONTANA 59538

### Clerk of Court

TAMI CHRISTOFFERSON

### Superintendent of Schools

DARLENE KOLCZAK

### County Attorney

EDWARD A. AMESTOY

### Justice of Peace

GAYLE STAHL

### District Judge

YVONNE LAIRD

January 10, 2022

DEQ, Mining Bureau  
Attn: Whitney Bausch  
PO Box 200901  
Helena, MT 59620

To whom it may concern,

Phillips County is in favor of DEQ approving an exploration project on private lands two miles northwest of Zortman, MT. The project will disturb very little land with no environmental impact.

Phillips County would like to go on record of approving this permit.

Sincerely,

Phillips County Commissioners

  
John F Carnahan

  
Richard Dunbar

  
Bruce Christofferson

**From:** [MariBeth Rider](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Zortman mine  
**Date:** Monday, January 10, 2022 5:14:11 PM

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Why must white people rape and pillage for profit? People living down stream from that mine are still being exposed to those chemicals that are polluting the ground water. Ask that man if he wants his family to bathe in contaminated water? Better yet is he willing to? Leave our native lands alone. Haven't white people done enough?



**From:** [Matt Bell](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] No more mining  
**Date:** Tuesday, January 11, 2022 5:40:22 PM

---

Please do not allow mining in the Little Rocky Mountains. They are sacred. Very.

**From:** [Dolores Plumage](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Proposed Exploratory Mining Project  
**Date:** Tuesday, January 11, 2022 12:19:25 PM

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The following are my concerns with the DEP's environmental analysis:

Pollution from the Zortman and Landusky Mines has already caused surface and groundwater pollution throughout the Little Rockies, with significant harm to public health, fisheries and habitat, cultural and ceremonial sites, recreation, and agricultural and industrial uses. DEQ has not conducted enough analysis to determine the proposal's water quality impacts, including the potential for acid mine drainage.

New mining activity could undo decades of work and prevent or delay reclamation work yet to be completed, and interfere with water treatment. DEQ has not adequately evaluated the impacts of the proposed mining activity on the reclamation work and long-term water treatment.

DEQ has not sufficiently identified the cultural resources and archeological sites that could be impacted by the proposal. DEQ should not finalize the environmental analysis until it has resolved any impacts with the Fort Belknap THPO.

Protecting the health of communities near the proposed project site must be a top priority. People in the Ft. Belknap Indian Community continue to live with and bear the burden of mining pollution, including risks to their health.

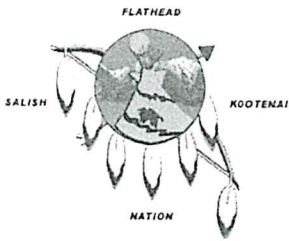
I am opposed to more mining in the Little Rocky Mountains. Most of Ft. Belknap Indian Reservation is in my county district.

Dolores Plumage  
Blaine County Commissioner  
P. O. Box 278  
Chinook, MT 59523  
406-357-3250/w  
406-945-5957/c

**From:** [Kathryn R. McDonald](#)  
**To:** [DEQ MEPA](#)  
**Cc:** [Michael Durglo](#); [Jami Pluff](#)  
**Subject:** [EXTERNAL] CSKT Tribal Preservation Department Comment  
**Date:** Tuesday, January 11, 2022 3:42:25 PM  
**Attachments:** [Signature CSKT DEQ Response.pdf](#)

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Please review the attachment for the Public Comment for the Department of Environmental Quality Project #00860



THE CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD NATION

P.O. BOX 278  
Pablo, Montana 59855  
(406) 275-2700  
FAX (406) 275-2806  
[www.cskt.org](http://www.cskt.org)



A People of Vision

A Confederation of the Salish,  
Pend d' Oreille  
and Kootenai Tribes

**TRIBAL COUNCIL MEMBERS:**

Shelly R. Fyant -Chairwoman  
Anita L. Matt -Vice Chair  
Ellie Bundy McLeod - Secretary  
Martin Charlo -Treasurer  
Len Two Teeth  
D. Fred Matt  
Carole Lankford  
James "Bing" Matt  
Charmel R. Gillin  
Mike Dolson

Kathryn "Katie" McDonald  
Tribal Historic Preservation Officer  
Tribal Preservation Department  
Confederated Salish & Kootenai Tribes  
[kathryn.mcdonald@cskt.org](mailto:kathryn.mcdonald@cskt.org)  
(406) 675-2700 ext. 1082

January 11, 2022

Whitney Bausch  
Montana Department of Environmental Quality  
Hard Rock Mining Bureau  
1520 E. Sixth Ave., P.O. Box 200901  
Helena, MT 59620-0901

**RE: Comments on Draft Environmental Assessment for Exploration License #00860 Ross  
Pit Highway Trench Exploration Project**

Thank you for the opportunity to allow the Confederated Salish & Kootenai Tribes (CSKT) Tribal Preservation Department (TPD) to review the request for comments pertaining to the Ross Pit Highway Trench Exploration Project. CSKT TPD would like to take this opportunity to reflect on the importance of consultation and the value of Traditional Ecological Knowledge that all tribes in Montana hold within this proposed area.

Firstly, the Salish, Pend d'Orielle (Upper Kalispell), and Kootenai (Ksanka) people have respected the balance of the world and the spirit world since the beginning of our creation on this earth. With respect, our tribes would continue to challenge non-members in our working relationships to open their minds and hearts to our comments on this topic. The plains of Central and Eastern Montana are part of our ancestral homelands and traditional hunting/gathering grounds. Many tribal members continue to practice their use and traditions to this day, in these same locations.

Secondly, the Montana Department of Environmental Quality (DEQ) draft Environmental Assessment (EA) does not provide adequate or sufficient analysis in which CSKT would agree to the terms of an Exploration License. The previously run Zortman Mine, is a project type that CSKT TPD identifies as needing extensive review. TPD is held to high expectations to uphold and preserve traditions and Tribal moral standards. The request by Mr. Luke Ployhar is challenging CSKT TPD to review and maintain these morals and standards when providing

comment on subsurface destruction such as mining. So far, DEQ has not provided supporting documentation that identifies traditional landmarks, archaeological sites, cultural/religious sites that would be directly impacted by another opportunity of mining in the Zortman Mine. If no documentation was provided and/or researched through the State Historic Preservation Office, then all tribes in Montana should have the opportunity to provide the Traditional Ecological Knowledge that is rightfully held. Hard work has been conducted and consulted on by previous CSKT Tribal Historic Preservation Officers (THPO) and comments from many elders who have now passed, I would not like to see all of this go unrecognized. There are many other tribal governments for Montana DEQ to consult with, as well, so other THPOs would have the opportunity to respond to the proposal made by Mr. Luke Ployhar.

Lastly, I would like to make clear my opposition to the Exploration License #00860 Ross Pit Highway Trench Exploration Project by Blue Arc, owned by Mr. Luke Playhar. I think this project would have a negative effect to the on-going threats to the natural environment, as well as a negative effect to the continued relationship of tribes and federal agencies. I do not think this is a positive step forward in consultations and would like to have serious review of my comments in this letter.

Respectfully,

A handwritten signature in black ink, appearing to read 'K. McDonald', written in a cursive style.

Kathryn McDonald



**From:** [Amanda Galvan](#)  
**To:** [DEQ MEPA](#)  
**Cc:** [cpepino@earthjustice.org](mailto:cpepino@earthjustice.org)  
**Subject:** [EXTERNAL] Comments on Draft EA for Exploration License #00860 (Zortman)  
**Date:** Tuesday, January 11, 2022 8:57:58 AM  
**Attachments:** [22-01-11 - Draft EA Comments Final.pdf](#)

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Good morning,

Please see attached comments on Draft EA for Exploration License #00860 Ross Pit Highwall Trench Exploration Project. You can access the referenced exhibits at this link:

[https://earthjustice.sharefile.com/d-s9cdf0bf7858641e389fd77cdc2e910c7\[nam04.safelinks.protection.outlook.com\]](https://earthjustice.sharefile.com/d-s9cdf0bf7858641e389fd77cdc2e910c7[nam04.safelinks.protection.outlook.com]).

A hard copy will follow by U.S. mail. Please let me know if you have any questions related to this submission.

Thank you,

Amanda Galvan  
*She/Hers*  
Associate Attorney  
Earthjustice  
P.O. Box 4743  
Bozeman, MT 59772-4743  
406-586-9699 | Phone  
406-586-9695 | Fax  
[agalvan@earthjustice.org](mailto:agalvan@earthjustice.org)

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January 11, 2022

Whitney Bausch  
Montana Department of Environmental Quality  
Hard Rock Mining Bureau  
1520 E. Sixth Ave., P.O. Box 200901  
Helena, MT 59620-0901  
*Via electronic mail to [DEQMEPA@mt.gov](mailto:DEQMEPA@mt.gov)*

Dear Ms. Bausch:

Re: Comments on Draft EA for Exploration License #00860 Ross Pit Highwall Trench  
Exploration Project

Thank you for the opportunity to comment on the Draft Environmental Assessment (“Draft EA”) for the proposed Ross Pit Highwall Trench Exploration Project submitted by Luke Ployhar, Exploration License #00860. These comments are submitted on behalf of the Fort Belknap Indian Community, Earthworks, Montana Environmental Information Center, and Montana Trout Unlimited.

The Draft EA is deficient in several respects. At the outset, the Draft EA was not prepared in accordance with the governing Montana Environmental Policy Act (“MEPA”) regulations because DEQ failed to engage in meaningful consultation with the Fort Belknap Indian Community during its scoping process. More, the Draft EA fails to ensure that the project complies with mining regulations implementing the Metal Mine Reclamation Act (“MMRA”). In addition, the Draft EA was not prepared in accordance with MEPA as it fails to disclose and take the requisite hard look at the potential impacts of the proposed exploration project, including the potential for the project to generate acid mine drainage at the former Zortman Mine site, potential water quality impacts, potential cumulative impacts of the project in addition to another approved project at the same site, and potential impacts to historical and archeological sites. The Draft EA also lacks adequate discussion of the potential for the project to undermine prior and ongoing reclamation work at the site. As a result, the Draft EA does not provide the public with the necessary information to understand and evaluate the project’s environmental impacts and fails to provide rational support for DEQ’s determination that the project’s impacts will not be significant.

## **I. THE PROPOSED EXPLORATION PROJECT**

Luke Ployhar proposes to excavate a trench that is 35 feet long, 10 feet wide, and 25 feet deep, and remove 675 tons of material, generating an estimated 125 tons of ore and 550 tons of

waste. Draft EA at 5; Application for Exploration License (Aug. 19, 2021) (“Application”). Waste will be placed adjacent to the trench and then returned into the trench upon completion. Draft EA at 5. The proposal would also create an access road of 686 feet by 10 feet from a “dozer cut” for transportation to the trench site. Id. The road would not be reclaimed. Id. Excavated ore would be transported via a front-end loader from the trench location to an awaiting haul truck on the main road above the project site. Id. The proposed project would be located in the former Zortman Mine Ross Pit, which has undergone previous reclamation after the Pegasus Gold bankruptcy under federal Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) authority. Id.

As DEQ is aware, operations at the former Zortman Mine inflicted catastrophic damage on surface and groundwater in the area and on the lands and cultural resources of the neighboring Fort Belknap Indian Community (“FBIC”).<sup>1</sup> Management of contaminants from the prior mining activity at the Zortman site continues to pose major challenges with respect to the protection of water, land, and cultural resources in the area. Because of its interest in protecting these irreplaceable resources, FBIC, along with the conservation organizations submitting these comments, have been raising concerns related to another exploration project submitted by Ployhar’s defunct company, Blue Arc LLC, since the fall of 2020, when DEQ issued a Draft EA for a proposed exploration project at the same site as the current exploration project.<sup>2</sup> For many of the same reasons that FBIC and these groups challenged prior iterations of Ployhar’s proposed exploration projects, the pending exploration proposal raises significant concerns.

## **II. DEQ FAILED TO CONSULT WITH THE FORT BELKNAP INDIAN COMMUNITY**

At the outset, the Draft EA is deficient because DEQ failed to engage in meaningful consultation with the Fort Belknap Indian Community during the scoping process. MEPA regulations mandate that DEQ “shall ... invite the participation of affected ... Indian tribes” in its scoping process, ARM 17.4.615(2)(a), and this requirement applies to EAs, ARM 17.4.609(1).<sup>3</sup> The Fort Belknap Indian Community has been engaged for years in efforts to

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<sup>1</sup> See, e.g., Larry D. Mitchell, Zortman & Landusky Mines, HJR 43 Water Quality Impacts, Mont. Env’tl. Quality Council staff paper, 7-22 (Oct. 2004) (attached as Exhibit 1).

<sup>2</sup> Blue Arc’s corporate status in Montana was inactive/revoked in 2019. See [https://opencorporates.com/companies/us\\_mt/E070153](https://opencorporates.com/companies/us_mt/E070153)

<sup>3</sup> In addition to its obligations under MEPA, given the cultural importance of the Little Rocky Mountains to the Fort Belknap Tribes as well as the enduring legacy of water contamination from the Zortman-Landusky mines that continue to impact the Reservation, DEQ’s consideration of new mining at the former mining complex, including its review of Ployhar’s exploration permit application, also triggered the agency’s duty to consult with the Tribes under the state’s Tribal Consultation Law, MCA § 2-15-142.

address the environmental impacts of the former Zortman Mine operations; has a direct interest in the integrity and continued efficacy of existing reclamation measures at the site; has a direct interest in and may be affected by the impacts of Ployhar's exploration proposal; and has knowledge regarding environmental, social, and cultural issues relevant to DEQ's analysis that the entities DEQ consulted during its external scoping process do not. See Draft EA at 21. In this regard, the Draft EA improperly assumes—without the benefit of the required consultation or any analysis—that the exploration project can have “no impacts to cultural uniqueness and diversity” of the area because it is proposed at “the former Zortman mine site and the proposed project would be a similar activity as that of the former mine site and reclamation activities.” Draft EA at 20.

### **III. THE DRAFT EA AND APPLICATION LACK SUFFICIENT INFORMATION TO DEMONSTRATE COMPLIANCE WITH MINING REGULATIONS**

Neither the Draft EA nor the applicant's submissions contain sufficient detail to demonstrate that a key feature of the project—the proposed access road—complies with regulations implementing the MMRA. As a threshold matter, Ployhar's application lacks sufficient information “to allow the department to adequately determine whether significant environmental problems would be encountered” as result of the project. ARM 17.24.103(1)(c). The applicant proposes the use of a “dozer cut” as a mining road to access the trenching location. Draft EA at 5. However, the applicant's submissions fail to demonstrate the proposed road's compliance with ARM 17.24.104(4), which states that the maximum sustained grades may not exceed 8% and pitch maximum may not exceed 12% and may not be over 300 feet in length. As a result of the inadequacies of the application, the Draft EA likewise lacks sufficient information to demonstrate the proposed project's compliance with ARM 17.24.104(4). At a minimum, the Draft EA should include a topographic map that illustrates the road slopes and lengths to demonstrate that the applicant's proposal complies with the regulation.

Second, the applicant's proposed plan and the Draft EA fail to provide information to demonstrate compliance with ARM 17.24.104(11), which specifies that drainage barriers must be placed at specific intervals along the access road, including a maximum spacing of 200 feet for road grades of 0-2% and maximum spacing of 80 feet for road grades of 9-12%. Only one drainage ditch is identified in the Draft EA or the applicant's October 4, 2021 deficiency response letter. See id. at 10; Applicant Response Letter at 4 (Oct. 4, 2021) (“Deficiency Resp.”).

Third, the Draft EA lacks sufficient information to demonstrate that the required reclamation regulations related to the access road have been met. Specifically, the Draft EA does not demonstrate that the requirements of ARM 17.24.107(3) are satisfied by the proposal,

simply stating that “[t]he access road would not be reclaimed at the conclusion of the project.” Draft EA at 6.<sup>4</sup> However, ARM 17.24.107 requires that “access roads constructed by the licensee be returned to a stable slope that approximate the original contour to the extent possible. Where this is not possible, as determined by the department, compacted surfaces must be ripped or otherwise loosened, drainage structures must be installed . . . and the roads must be closed to access by use of locked gates, kelly humps/dips, or other effective method.” Although the access road reclamation requirement may be waived by DEQ, ARM 17.24.107(3), in order to do so, the applicant must identify an “alternative, feasible and practicable purpose” for retaining the access road, *id.* The Draft EA lacks any discussion of whether or why DEQ may have waived this reclamation requirement. In any event, a waiver of the reclamation requirement would be troubling, since the access road accounts for most of the disturbed area in the exploration proposal, meaning that over 90% of the area disturbed during the exploration would be left unreclaimed. More, the proposed project is located in the Lodge Pole Creek drainage, and an unreclaimed road would add to sediment erosion and increase the potential for surface water contamination. The decision to leave the road unreclaimed also serves no legitimate alternative purpose. Because bulk sampling is typically the final stage of an exploration effort, the road should not be needed for further exploration work. Ultimately, the access road is in an area of the mine that has already been reclaimed at public expense, and further disturbance should be minimized.

These omissions are particularly concerning because they undermine the intent of the MMRA, which, citing Montanans’ constitutional right to a clean and healthful environment, Mont. const. art. II sec. 3, states that “proper reclamation of mined land and former exploration areas not brought to mining stage is necessary to prevent undesirable land and surface water conditions detrimental to the general welfare, health, safety, ecology, and property rights of the citizens of the state.” MCA § 82-4-301. More, the lack of information forecloses the ability for DEQ or the public to evaluate the potential for erosion, or other impacts, over time, especially in light of the applicant’s decision to leave the road unreclaimed. In that regard, the Draft EA’s failure to demonstrate compliance with these regulations also violates MEPA’s requirement to fully evaluate the impacts of the proposed action, as discussed below.

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<sup>4</sup> Please note, it is not clear from the Draft EA whether the road will be reclaimed. In the “Summary of Activities in the Applicant’s Proposed Action” DEQ notes that “[t]he trench would be backfilled and graded to match existing topography” and that “[t]he improved road would not be reclaimed but would be left in place at project completion for use by the private landowner.” Draft EA at 5. However, later in the Draft EA, DEQ states that “all disturbance related to this project would be reclaimed at the conclusion of the project.” *Id.* at 17. DEQ should clarify whether the road will be reclaimed.



#### **IV. THE DRAFT EA FAILS TO DISCLOSE ALL ENVIRONMENTAL IMPACTS OF THE EXPLORATION PROJECT**

MEPA requires Montana agencies to “take a ‘hard look’ at the environmental impacts of a given project or proposal.” Mont. Wildlife Fed’n v. Mont. Bd. of Oil & Gas Conservation, 2012 MT 128, ¶ 43, 365 Mont. 232, 280 P.3d 877 (citation omitted). MEPA analyses may take the form of either detailed environmental impact statements (“EISs”) or more succinct EAs. A full EIS is required if a proposed action will “significantly affect[] the quality of the human environment.” ARM 17.4.607(1). An EA is permissible where DEQ cannot determine without further evaluation whether the project will require an EIS, or where the otherwise significant impacts of the action can be mitigated “below the level of significance.” ARM 17.4.607(3)(b), 607(4).

Where, as here, the agency prepares an EA, the EA must evaluate the direct, secondary, and cumulative environmental impacts of the proposed action, Mont. Wildlife Fed’n, ¶ 45; ARM 17.4.609(3)(e); reasonable alternatives to the proposed action, ARM 17.4.609(3)(f); and mitigation measures, ARM 17.4.609(3)(g). “The agency must examine the relevant data and articulate a satisfactory explanation for its action, including a rational connection between the facts found and the choice made.” Montana Wildlife Fed’n, ¶ 43 (quoting Clark Fork Coal. v. Mont. DEQ, 2008 MT 407, ¶ 47, 347 Mont. 197, 211, 197 P.3d 482, 492). “[G]eneral statements about ‘possible’ effects and the existence of ‘some risk’ do not constitute a ‘hard look’ absent a justification regarding why more definitive information could not be provided.” Id. (quoting Neighbors of Cuddy Mtn. v. U.S. Forest Serv., 137 F.3d 1372, 1380 (9th Cir. 1998)).

The Draft EA for the exploration project fails to satisfy MEPA’s fundamental mandate, as it does not disclose fully or evaluate rationally the project’s environmental impacts. See MCA § 75-1-102 (MEPA’s purposes); ARM 17.4.607 (purpose of EA). Without appropriate disclosure and analysis of the project’s impacts, DEQ cannot make a rational determination as to whether those impacts will be significant and the public is deprived of a full understanding of, and ability to comment on, the potential impacts.

##### **A. The Draft EA Does Not Contain Adequate Disclosure or Analysis of Potential Water Quality Impacts**

The Draft EA does not thoroughly disclose, analyze, or evaluate the mitigation of potential acid mine drainage generated from the exploration project and the corresponding impacts on water quality. ARM 17.4.609(3)(d). The Draft EA acknowledges the potential for acid mine drainage but dismisses the concern without citation to any authority or supporting expert analysis, summarily concluding that “[e]xposure of acid-generating materials in the trench area is expected to be minimal,” because the “geochemical composition of the rock in the trench

area is expected to be largely oxide material and similar conditions would be expected beneath the proposed shallow excavation.” Id. at 10-11. The Draft EA further states that “[o]xide material is rock that has already weathered, meaning that sulfide (i.e., acid producing) minerals have already decomposed and would not produce additional acidic or metal-laden run-off.” Id. The Draft EA also dismisses the potential for surface or groundwater impacts, concluding that any mine-impacted water would infiltrate into coarse talus and rock scree and reach a low permeability bedrock which would direct the infiltrated water back to the land surface near the crest of the pit wall. Id. at 11. These assertions are insufficient to comply with the mandates of MEPA as they are unsupported by any geochemical data or analysis.

Given that Ployhar’s project would disturb and expose geologic material from the same formation, and under the same atmospheric conditions, that have generated serious adverse water quality impacts in the past, a thorough analysis of potential impacts is essential. At a minimum, DEQ’s analysis must assume, consistent with past experience, that disturbing and exposing mineralized rock has the potential for metals leaching and acid generation. This data and analysis are particularly important because the applicant intends to backfill the trench with waste rock, without any topsoil or vegetation to reduce infiltration. Id. at 6. Accordingly, DEQ’s analysis must also assume that water will infiltrate the backfilled trench, and that the backfilled trench will become a potential source of contamination. Given the potential for acid mine drainage, DEQ’s analysis should also analyze the potential for acid- or metals-laden water to emerge at the surface of the Ross Pit highwall and contribute to the overall degradation of the site. Ultimately, the potential impacts of the proposed exploration to disturb and contribute to the degradation of the Zortman-Landusky reclamation area warrant a denial of the exploration license. However, if the exploration activity is approved by DEQ, the agency should take special care to analyze the geochemistry of the rock before authorizing the project. If DEQ allows the project to proceed without requiring the applicant to first analyze the geochemistry of the rock, the agency should require the applicant to prove the assertion, and DEQ’s assumption, that there is no sulfide mineralization in the material disturbed by the bulk sample. To confirm its assumptions, DEQ should, at a minimum, require the applicant to collect at least three samples of rock from the bottom of the trench after the bulk sample has been removed, and those samples tested for sulfide-sulfur content. In any event, DEQ cannot overcome these assumptions without geologic and hydrologic data and analysis (e.g., geologic cross section) to support its conclusions.

DEQ’s failure to fully analyze the potential for acid mine drainage is particularly egregious given the history of intractable water pollution from the prior mining operations at the Zortman site where Ployhar’s exploration project is proposed. As DEQ is well aware, significant acid mine drainage at the Zortman site has resulted in decades of persistent—and in some instances, worsening—groundwater and surface water contamination, with “metals concentrations in untreated water reporting to the Zortman and [nearby] Landusky treatment

plants ... generally several orders of magnitude higher than the applicable water quality standards.”<sup>5</sup> Even after “substantial” reductions in metals concentrations through active treatment, “the treated effluent commonly exceeds standards for several parameters” such as cadmium and selenium.<sup>6</sup> Perhaps most disturbingly, DEQ’s Draft EA reproduces the same generalized assumption made in the 1990’s that led to many of the existing acid mine drainage problems at the site.

DEQ’s inadequate analysis violates the fundamental purpose of MEPA: to ensure that all potential impacts and consequences of a given action are understood before that action is undertaken. As the history of mining in Montana amply demonstrates, there is no substitute for a robust and thorough analysis of acid drainage potential, as there are numerous examples of severe water pollution despite agency and industry predictions that no contamination would occur, including but not limited to the former mine at the Zortman site.<sup>7</sup>

## **B. The Draft EA Does Not Contain Adequate Disclosure or Analysis of Cumulative Impacts**

Under MEPA, DEQ must also consider a project’s “cumulative and secondary impacts,” ARM 17.4.609(3)(d)-(e), which include any “further impact to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action.” ARM 17.4.603(18). To satisfy MEPA’s mandate in this case, DEQ must consider the potential for simultaneous mine development elsewhere on Ployhar’s land.

The Draft EA states that the previously approved Blue Arc LLC exploration project is located approximately 1,000 feet to the east of the proposed Luke Ployhar project. Draft EA at 22. Yet, the Draft EA fails to provide any information evaluating the cumulative impacts of these two exploration projects. In particular, DEQ’s analysis omits any map that incorporates the details of the two proposed exploration activities, including roads, waste rock piles, trenches, load out facilities, and mine related infrastructure. Additionally, DEQ’s analysis fails to discuss or analyze any cumulative effects of potential water quality impacts related to the proposed Ployhar exploration project in conjunction with the approved Blue Arc LLC project, despite

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<sup>5</sup> Mont. DEQ, Landusky Metals Total Maximum Daily Loads and Framework Water Quality Improvement Plan, at 2-10 (March 12, 2012) (attached as Exhibit 2).

<sup>6</sup> Id.

<sup>7</sup> See Ann Maest, et al., Predicted Versus Actual Water Quality at Hardrock Mine Sites: Effect of Inherent Geochemical and Hydrologic Characteristics at 1122, 1138-40 (2006) (attached as Exhibit 3); see also B. Gestring, Earthworks, U.S. Copper Porphyry Mines: The track record of water quality impacts resulting from pipeline spills, tailings failures and water collection and treatment failures (Rev’d Nov. 2012) (attached as Exhibit 4).

information in the Blue Arc LLC Final EA that estimates a potential increase in groundwater pollution that could require water treatment at the Zortman Water Treatment Plant if the liner system is damaged by exploration activities. See Blue Arc Exploration Project Final Environmental Assessment at 13 (Feb. 1, 2021). Similarly, the Draft EA does not consider or evaluate the potential cumulative effects to surface water. Without this information it is impossible for DEQ, or the public, to understand the potential effects of the two adjacent projects.

### **C. The Draft EA Does Not Contain Adequate Disclosure or Analysis of Impacts on Reclamation at the Site**

The Draft EA also lacks adequate discussion of the proposed mining activity's impacts on reclamation efforts undertaken as a result of previous mining at the site and, as a result, does not satisfy MEPA's mandate to evaluate all of the impacts or necessary mitigation measures. ARM 17.4.609(3)(d),(g). The Draft EA acknowledges that the proposed activity is located within the former Zortman Mine site operation boundary that has been reclaimed by the State of Montana and Bureau of Land Management ("BLM") under the authority of CERCLA. Draft EA at 5. As DEQ is aware, CERCLA remediation was initiated at the Zortman-Landusky complex via a consent decree issued in 1996, which resulted in the construction of "Operable Units" that contain the areas that are currently proposed for exploration.<sup>8,9</sup> Although the Draft EA notes that "[t]he applicant would be required to ensure the proposed project does not interfere with the existing water treatment, reclamation and monitoring activities being conducted by DEQ and BLM at the Zortman Mine, including avoiding any changes to the dimensions of the existing road that would be used to access the project area," id. at 18-19, the Draft EA provides no

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<sup>8</sup> Under the consent decree, Operable Unit 1 includes the seepage capture systems in Ruby Gulch, Alder Spur, Carter Gulch, Montana Gulch, Mill Gulch, and Sullivan Park; the Zortman and Landusky acid rock drainage ("ARD") water treatment plants, areas where treated water leaves the plants, and the associated infrastructure serving these facilities including roads, powerlines, pipelines, monitoring wells, sludge disposal pits, and current or future backup or supplemental power generation equipment. See U.S. BLM, Action Memorandum for Water Management at the Zortman and Landusky Mines Non-Time Critical Removal Actions, September 2006 (attached as Exhibit 5). The Ruby Gulch seepage capture system continues to recover and treat acid mine drainage from the waste rock facilities and areas beneath the pits. Id. Under the terms of the consent decree, Operable Unit 3 consists of the area of mine disturbance at the Site where reclamation has occurred or is maintained. Id. It includes all reclaimed surfaces, mine pit highwalls, stormwater conveyances, and associated support infrastructure such as buildings, gates and roadways. Id.

<sup>9</sup> According to the 2004 and 2006 Action Memorandum authored by BLM, "[d]ue to the intermingled nature of many mine waste units with private and BLM-managed lands, the BLM removal actions may occur in whole or in part on private lands in order to protect the public health, welfare to the environment, as well as to protect public lands." Id. at 3.

details regarding what impacts might be expected or how the applicant will ensure that the proposed activity does not interfere with these reclamation and monitoring activities.

Furthermore, the Draft EA fails to demonstrate how several aspects of the project comply with the requirement that the proposed project not interfere with CERCLA reclamation.<sup>10</sup> First, the proposed exploration activities would involve the excavation of ore from a mineralized area, generating waste rock that will remain on-site without topsoil or vegetation to reduce infiltration. The Draft EA fails to explain how the addition of an unreclaimed waste rock pile, which can reasonably be expected to present a new source of contaminants, complies with ongoing reclamation requirements. Second, as discussed above, the previously approved Blue Arc LLC exploration project is located approximately 1,000 feet to the east of the proposed project at issue in the Draft EA. The Draft EA fails to analyze how the cumulative effects of the two exploration projects—including the combined effects of developing new, unreclaimed access roads; exposing new mineralized rock; generating two new waste rock areas; and developing a load-out facility that could damage the waste rock repository liner, and contribute to ongoing groundwater pollution—comport with ongoing reclamation activities at the site. In addition to these specific aspects of the proposed exploration activities, the Draft EA fails to provide other key information necessary to fully analyze the potential impacts of the project on the remediation already performed at the site, including, but not limited to: a detailed map that includes the CERCLA boundaries; a description of the existing and ongoing reclamation work; and disclosure and analysis of the potential direct, indirect and cumulative effects of the proposed exploration activities on the ongoing reclamation and monitoring.

The Draft EA also contains no discussion of bonding requirements. Here again, this omission is unacceptable given that the proposal would involve significant new disturbance at the site of a former mine that is the poster child for insufficient bonding, and where the public is burdened with perpetual financial obligations to address the existing water pollution and reclamation issues due to that inadequate bonding. DEQ should disclose the bond for public review before granting an exploration license to avoid another underfunded mine cleanup situation that would further burden the Fort Belknap Indian Community and the broader public. DEQ should ensure that the bond amount accounts for potential water quality problems associated with increased exposure of acid-generating materials at the site as well as the potential for impacts to remediation already performed at the site. The adequacy of financial assurance is an essential component of an evaluation—both by DEQ and the public—of the likelihood of

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<sup>10</sup> Although acknowledging that the proposed activities examined in the Draft EA do not necessarily meet operational or regulatory requirements beyond those set forth in the MMRA, *id.* at 6, the Draft EA fails to describe the additional regulatory oversight and operating conditions that may apply. The Draft EA should disclose this information, and DEQ should coordinate environmental review with any other relevant regulatory agencies, and ensure compliance of all applicable local, state and federal regulatory requirements.



significant water quality impacts in the future. The level of financial assurance should therefore be made part of DEQ's environmental analysis to ensure appropriate scrutiny as required by MEPA.

**D. The Draft EA Contains Insufficient Description of Historical and Archeological Sites**

The Draft EA notes that there are a handful of cultural resources identified in the general project area, including 24PH0255, 24PH2853, 24PH2854, and 24PH3197. Id. at 14. Three of these sites, 24PH0255, 24PH2853, 24PH2854, are referenced only by number. Id. DEQ should provide a short physical description to allow the public to understand the location and potential significance of these sites. DEQ also notes, specifically in relation to 24PH1397, that the agency will “work[] with the Ft. Belknap Tribal Historic Preservation Office (THPO) to determine if there are any known archeological sites or TCP's that are near or within the proposed project area, and if there are, [will] work[] with the Tribes to resolve such impacts.” Id. at 15. DEQ should undertake this collaboration with the THPO and identify any potential impacts before publishing a Final EA, as these potential impacts may be significant and should be analyzed during the environmental review process.

**E. The Draft EA Lacks a Reference Section**

Finally, the Draft EA also contains numerous citations (e.g., Deaver and Kooistra 1992, Final EA at 15; EIS 1995, id. at 22; MTNHP 2021, National Resource Conservation Service 2021, id. at 21; etc.) but fails to provide a reference section for those citations. This information is necessary for the public to understand and access the supporting information underlying DEQ's analysis.

Thank you for your consideration of these comments and questions.

Sincerely,

Amanda D. Galvan  
Jenny K Harbine  
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Darf Johnson  
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Montana Environmental Information Center  
(406) 581-4634  
djohnson@meic.org

**From:** [MHealy](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Re: Comments on EA Draft Project  
**Date:** Tuesday, January 11, 2022 9:34:46 AM  
**Attachments:** [EA Ross Pit Project MHealy Comments.docx](#)

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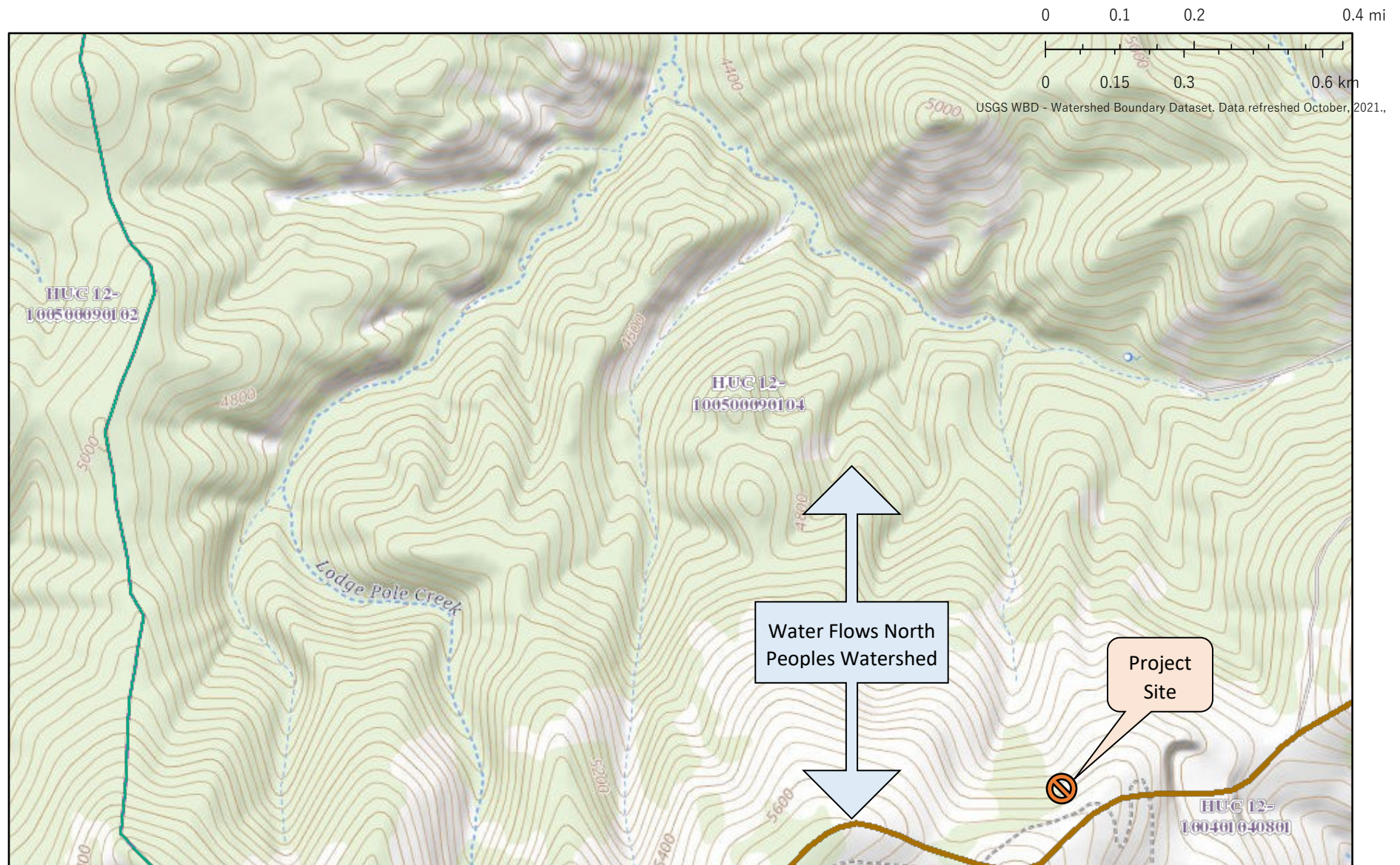
Hello:

Attached are my comments regarding:  
Environmental Assessment Draft Published for Public Comment on  
November 29, 2021  
Luke Ployhar Exploration License #00860  
Ross Pit Highwall Trench Exploration Project Phillips County,  
MT

Thank you.

Mitchell Healy  
Water Quality Program Coordinator  
Environmental Protection Department  
Fort Belknap Indian Community  
656 Agency Main Street  
Harlem, MT 59526

**FIGURE 1:** Ross Pit Highwall Trench Project – In Correlation to Lodgepole Creek



January 5, 2022

1:18,056

Re: Environmental Assessment Draft Published for Public Comment on November 29, 2021  
Luke Ployhar Exploration License #00860  
Ross Pit Highwall Trench Exploration Project Phillips County, MT

To Whom It May Concern,

Thank you for the opportunity to provide comments on the Draft EA for the Ross Pit Highwall Trench Exploration Project, and the Luke Ployhar Exploration License #00860 . My name is Mitchell Healy, I am an enrolled member of the Assiniboine Tribe of the Fort Belknap Indian Community. For the past 18 years, my job responsibilities have been monitoring and protection of our tribal waters on the Fort Belknap Indian Reservation, in addition to being the tribal representative on the Zortman and Landusky Mines Technical Working Group, which includes representatives of DEQ, BLM, Spectrum Engineering, and a Consultant to the Fort Belknap Indian Community Council.

I would like to provide some general comments as well as my opposing perspective of this project for consideration in your decision making processes, and submit that DEQ make an assured and moral decision, to keep the door closed to any level and any type of mining activity in the Little Rocky Mountains in perpetuity.

1. DEQ Mission Statement

DEQ stands for Department of Environmental Quality with a Mission Statement and Purpose as quoted, “[Our team is here to serve you and ensure all Montanans have clean air, water, and land free from contamination for generations to come]...[Montana DEQ’s mission is to champion a healthy environment for a thriving Montana. At DEQ, we believe Montana communities and businesses thrive when environmental protections are implemented effectively in a consistent and transparent way”], end quote.

These are very strong statements that DEQ needs to uphold and make assured decisions that communities are not negatively impacted, and that community and environmental health should be the key factor in all decisions. There cannot be a situation where a business or individual is thriving at the expense of a community’s right to a clean and healthy environment for future generations.

2. EA Draft Terminology & Assurance

One of the key issues derived from the Public Hearing was the Tribes concern of mining activities occurring in the Little Rocky Mountains again, with the only assurance that new mining methods and regulations will prevent any further environmental damage. The EA uses some terminology that is concerning also and in the case of the historic mining and the all the environmental damage that has occurred and will continue to occur in perpetuity, if the project is approved and Mr. Ployhar seeks an actual mining permit, there should be no way a license or permit be granted with distrustful and unassured terminology listed below.

- “not expected”
- “would be expected”
- “minor”
- “would not be significant”
- “temporary”
- “short term”

3. Project Scope



Mr. Ployhar's proposed project is on his private land within the CERCLA boundary on the Zortman mine reclamation area. It seems like a situation and opportunity for DEQ to prioritize community and environmental health, rather than making an objective decision based solely on data, risks, and assumptions. There's a reason why the mine areas are a CERCLA site, and if reclamation is considered complete, the water treatment remains and will remain into perpetuity. What occurred in the Little Rocky Mountains with the past mining activity, is an environmental catastrophe that should have never happened. DEQ allowed the permitting of these mines, making decisions based on (and I emphasize) data, risks, and assumptions. There is no correcting this mistake, the damage has been done and will continue on, and the only logical option in this case, is deny the exploratory license, and prevent any further mining activity in the Little Rocky Mountains.

#### 4. DEQ and BLM Objectives

BLM has initiated Public Land Orders to withdraw public lands within the Zortman and Landusky mine reclamation areas from entry of new mining claims and sites, and has worked with DEQ from a financial standpoint on the reclamation effort. With that in mind, regardless if Mr. Ployhar's mining claims are valid, the proposed project is still within the CERCLA boundary, and where BLMs PLOs only apply to public lands in the Little Rocky Mountains, DEQ has the opportunity to deny the exploratory license and prevent any further environmental and community impacts, and focus on the critical needs of these mine areas, which is water treatment.

#### 5. Brief History

The mine areas were once part of the Fort Belknap Indian Reservation before these areas were destroyed. Gold was discovered on the reservation and non-Indians trespassed and eventually our Tribes were forced into ceding a part of our land, all in the name of money, greed, and no care at all for our wellbeing. Then fast forward to 1979, the ceded land was approved by DEQ for heap leach cyanide mining, and by 1998, Pegasus Gold declared bankruptcy and left, leaving an environmental catastrophe, for somebody to clean up, and for the surrounding communities to endure in perpetuity. It would be reprehensible to allow an individual the opportunity to repeat history, and completely disregard the Tribes right to a healthy environment of what is left of the Little Rocky Mountains, our home, for generations.

#### 6. Considerations

- Perhaps the project meets criteria and requirements, perhaps the impacts would be minimal, and maybe it's a waste of time and resources, but it's a real threat to the resources of the Reservation communities that are located down gradient of the project. To put into perspective, the Lodgepole Community thrives with the use of Lodgepole Creek for their cultural and recreational needs, as well as the needs of growing local produce. Lodgepole Creek is one of the streams fortunate or lucky to not have been impacted by the mines, and originates within the CERCLA boundary near the Zortman mine. **SEE FIGURE 1 MAP FOR THE LOCATION OF LODGEPOLE CREEK IN CORRELATION TO THE PROPOSED PROJECT SITE.**
- As many tribal folks have mentioned in the public hearing, neither Mr. Ployhar nor DEQ lives near the mines or on the Fort Belknap Indian Reservation, and has to endure the perpetual impacts of the environmental catastrophe that occurred with the mines. This is a perpetual issue and opening the door to any level of mining or exploration is not upholding DEQs Mission and responsibility to the communities and environment.

- This project is merely centralized around an individual's desire for financial gain. The individual is the only one who would thrive and benefit from any future mining, if permitted, while the Tribes and other surrounding communities will not be thriving.
- The environmental catastrophe at the Zortman and Landusky mine areas has to be the key issue that DEQ considers and the future of the area, if nothing else. There are areas and streams that have not been impacted, and it doesn't make sense at all to allow an activity that could potentially change this. If DEQs mission is for a healthy environment for both communities and businesses, then put aside the license, put aside the application, and make a moral decision in the best interest of the communities that depend on a healthy environment for generations.

Thank you again for an opportunity to comment on the Environmental Assessment Draft Published for Public Comment on November 29, 2021, Luke Ployhar Exploration License #00860, Ross Pit Highwall Trench Exploration Project Phillips County, MT.

Mitchell Healy  
Water Quality Program Coordinator  
Fort Belknap Indian Community  
656 Agency Main Street  
Harlem, MT 59526

**From:** [Michael Black Wolf](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Ross Pit Highwall Trench Exploration Project  
**Date:** Tuesday, January 11, 2022 11:25:22 AM  
**Attachments:** [Ross Pit Highwall Trench Exploration Pit Commet Letter.pdf](#)

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**Ms. Bausch,**

Please replace my earlier email, it was my draft letter. I am enclosing my official letter to be entered into record. Thank you for your time.

**Michael J. Black Wolf**  
**Preservation Officer**  
**Fort Belknap THPO**  
**656 Agency Main Street**  
**Harlem, MT 59526**  
**406-353-2295 Work**  
**406-301-0528 Cell**  
**406-353-2240 Fax**  
**[mblackwolf@ftbelknap.org](mailto:mblackwolf@ftbelknap.org)**

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# Fort Belknap Indian Community

Fort Belknap Agency  
656 Agency Main Street  
Harlem, Montana 59526-9455  
PH: (406) 353-2205  
FAX: Council - (406) 353-4541  
FAX: Departments - (406) 353-2797



Fort Belknap Indian Community  
(Tribal Govt.)  
Fort Belknap Indian Community  
(Elected to administer the affairs of the community and  
to represent the Assiniboiné and the Gros Ventre  
Tribes of the Fort Belknap Indian Reservation)

January 11, 2022

Whitney Bausch  
Montana Department of Environmental Quality  
Hard Rock Mining Bureau  
1520 E. Sixth Ave., P.O. Box 200901  
Helena, MT 59620-0901

Via electronic mail to [DEQMEPA@mt.gov](mailto:DEQMEPA@mt.gov)

Re: Comments on Draft EA for Exploration License #00860 Ross Pit Highwall Trench  
Exploration Project

Dear Ms. Bausch:

My name is Michael Black Wolf; I am an enrolled member of the Gros Ventre Tribe of the Fort Belknap Indian Reservation. I have lived in the community of Hays since 1995. My family has lived in Hays since the establishment of the Fort Belknap Indian Reservation and northcentral Montana has been ancestral/aboriginal homeland for my People for thousands of years.

Please accept my written comments in opposition of the Ross Pit Highwall Trench Exploration Project (Project) by Mr. Luke Ployhar and his company Blue Arc, LLC or any other mining activity in the Little Rocky Mountains.

In addition, your own (Montana Department Environmental Quality) draft Environmental Analysis (EA) is inadequate and the Project should be denied immediately. Montana DEQ has not conducted sufficient analysis to determine the proposal's water quality impacts, including the potential for additional acid mine drainage. New mining activity could undo decades of work and prevent or delay reclamation work yet to be done and interfere with water treatment. Pollution from the Zortman and Landusky Mines has already caused surface and groundwater pollution throughout the Little Rockies, with significant harm to public health, fisheries and wildlife habitat, cultural and ceremonial sites, recreation, agricultural and industrial uses.

DEQ has not sufficiently identified the cultural resources and archeological sites that could be impacted by the proposed Project. Montana DEQ has not reached out the Fort Belknap Tribal Historic Preservation Office (THPO) to inquire about any significant/cultural sites important to

the Gros Ventre and Assiniboine Tribes (Tribes) of Fort Belknap Indian Community (FBIC). DEQ should not finalize the environmental analysis until it has consulted with the FBIC and resolve any potential cultural impacts with the FBIC THPO.

Most, if not all, mountain tops/peaks are extremely important to the Tribes both culturally and spiritually. I appeal to your fundamental humanity and ask that you respect the spirituality and cultural believes of the Gros Ventre and Assiniboine Tribes and weigh the immeasurable and irreparable impacts this project will have on the people and landscape. Pollution from past mining has destroyed areas of cultural significance to the Tribes and acid mine drainage continues to threaten Tribal powwow grounds and ceremonial sites.

In conclusion, I want to restate my opposition to the Ross Pit Highwall Trench Exploration Project (Project) by Blue Arc, LLC owned by Mr. Luke Ployhar and I hope the Montana Department of Environmental Quality truly considers the devastating impacts that will last forever upon the Little Rocky Mountains, the State of Montana, the United States of America and humanity as a whole.

I thank the DEQ for taking the time to accept, read and consider my comments and I look forward to a positive decision for the environment and people of the Fort Belknap Indian Community and the State of Montana.



Michael Black Wolf  
Preservation Officer  
Tribal Historic Preservation Office  
Fort Belknap Indian Community  
656 Agency Main Street  
Harlem, MT 59526  
406-353-2295



**From:** [Dyan Youpee](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Comments on Draft EA for Exploration License #00860 Ross Pit Highwall Trench Exploration Project  
**Date:** Tuesday, January 11, 2022 6:05:45 PM  
**Attachments:** [DEQ.MEPA.Exploration License No.00860 Ross Pit 1.11.22.pdf](#)

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Whitney Bausch,

Please send receipt of receiving comments on behalf of the Fort Peck Assiniboine & Sioux Tribes THPO.

Attached is the PDF file for the Draft EA.

Thank you for the opportunity to comment.

--

**Ms. Dyan Youpee - T.H.P.O.**

**Cultural Resource Director**

Fort Peck Assiniboine & Sioux Tribes

501 Medicine Bear Rd, P.O. Box 1027

Poplar Montana, 59255

O: 406-768-2468 / 2382

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Fort Peck Assiniboina & Sioux Tribes

# CULTURAL RESOURCE DEPARTMENT

**Tribal Historic Preservation Office | Tribal Museum & Archives |**

501 Medicine Bear Road | P.O. Box 1027 | Poplar MT, 59255 | Office: 406-768-2468 / 2382 |

January 11, 2022

Whitney Bausch  
Montana Department of Environmental Quality  
Hard Rock Mining Bureau  
1520 E. Sixth Ave., P.O. Box 200901  
Helena MT 59620-0901

Via electronic mail to [DEQMEPA@mt.gov](mailto:DEQMEPA@mt.gov)

Re: Comments on Draft EA for Exploration License #00860 Ross Pit Highwall Trench Exploration Project

Dear Ms. Bausch,

Thank you for your time to review our comments. As the Fort Peck Tribal Historic Preservation Officer, I am writing this letter to voice opposition to the exploration license application for Ross Pit, northwest of Zortman, MT and southern border of the Fort Belknap Indian Community. The foothills are a significant rural area, with hundreds of tribal historic properties that spread throughout forested mountains and valleys. There are hundreds more; current traditional cultural properties that represent genetic memory to traditional cultural landscapes and traditional practice. Given the history of the southern notch (taken) of the Fort Belknap Indian Community, which is the location of the proposed project, it was a place where traditionalists were able to utilize in ceremonial practice and camp. All along the foothills are of cultural resource significance.

An exploration project so close to the tribal community would be devastating and ruin the quality of life that our neighbors enjoy so much. The Fort Peck Tribal Historic Preservation Office, asks you to hear our concerns and to take into careful consideration the enormous negative impact such an operation would have on the community and the environment in which they live.

With the proposed amount of earth being extracted, it would mean massive soil movement and dump trucks per day one way would be traveling on these same roads causing congestion, pollution, more wear and tear on the roads, and a greater potential for accidents. The Little Rockies are unique in its topography with many mountains and valleys. The proposed project is located in the heart of one of the surrounding valleys from which the Fort Peck Assiniboina (Nakoda) would travel to Fort Belknap Reservation to visit their relatives. The noise, dust and pollution created by this proposal would adversely affect the historic cultural landscapes as wind travels through the valleys every day.

Given the current pollution around the Zortman area, how has the applicant been able to reapply for a license to the area, when adverse effects are still impacting all living things to the region? The applicant proposes to excavate massive earth and stones. In review, how is the data justifying the water table wouldn't have a negative impact on neighboring wells that are fed by the aquifers that flow through the Little Rockies and in underground streams. Water always follows the path of least resistance and any single, multiple or successive development or site alteration activities and would have an irreversible negative impact on community wells and important wetlands.

Furthermore, should this application be approved, the disturbance would open doorways for piggyback easements because not even reclamation is 100% nor has the area experienced a "back to normal", hence the contaminated water.

Lastly, we side and feel for our relatives in the Fort Belknap Indian Community and their concerns with the exploration project near their southern reservation border. Though through this process, it may not be favored to consult with Indian Tribes on the adverse effects of this project, yet not having done so, would portray the minimum efforts to public comment and taking into consideration; every concern.

In closing, if a permit were granted, the negative impact that this pit would have on the environment and its inhabitants is irreversible. It would compromise the health and safety of our community and ruin the character of these unique traditional cultural landscapes forever.

Thank you for taking the time to review our concerns and hope you will take them into consideration when making your decision about the future of our traditional historic trails and homelands.

Respectfully,



1-11-2022

**Ms. Dyan Youpee, T.H.P.O.**

Cultural Resource Department Director

Cc: Mr. Floyd G. Azure – Fort Peck Tribal Chairman

Mr. Justin Gray Hawk – Education Committee Chair

Mrs. Shannon Martell – Veterans, Elders, Youth Committee Chair

Mr. Grant Stafne – Land Committee Chair

**From:** [Daniel Belcourt](#)  
**To:** [DEQ MEPA](#); [th\\_king08@yahoo.com](mailto:th_king08@yahoo.com)  
**Subject:** [EXTERNAL] Fwd: DEQ could you forward because I don't know the web address  
**Date:** Tuesday, January 11, 2022 9:42:24 PM  
**Attachments:** [Dont Mined.rtf](#)

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Please accept the attached comments from Harvey King, thank you.

Daniel D. Belcourt  
Belcourt Law, P.C.  
120 Woodworth Avenue  
Missoula, MT 59801  
cell: (406) 265-0934  
email: [danbelcourt@aol.com](mailto:danbelcourt@aol.com)

-----Original Message-----

From: Terrance King <[th\\_king08@yahoo.com](mailto:th_king08@yahoo.com)>  
To: Dan Belcourt <[danbelcourt@aol.com](mailto:danbelcourt@aol.com)>  
Sent: Tue, Jan 11, 2022 9:32 am  
Subject: DEQ could you forward because I don't know the web address

Eurocentric ways and means; do not cover all. The thought that only royalty can utilize the earth's precious gems and, precious metals is a form of insanity, unto my way of thinking. The God of Moses; a Biblical figure was not told of the New World-as it were. So; Divine Intervention does not apply to both the Americas. The Bible remains silent on the subject.

Our area was settled in 1851 by the Black Robes and, or the North West Jesuits; via Fr. Pierre DeSmet. i.e. Ft. Laramie Treaty. There was no conquest, neither was there a scorched earth victory of war. By 1884 the Bison bison, were wiped-out along with the Indigenous ways of nomadic survival.

In 1892; Powell Landusky was illegally mining upon the Ft. Belknap Indian Reservation-without any consequences up until the present date. A powerplant was illegally once again; constructed on the Missouri River; to enable as well as ensure, that illegal activity to partake.

In 1895, a certain Sen. Stevens from MT: Proposed the Grinnell Agreement. The Civil War; had broke the Union~several Indigenous Nations were approached to take precious metal from their lands. At that time most all our Elders, did not speak; nor understand English. Nor was the longitude or, latitude globally established. A narrow mile, was ascertained by the Commission. Yet, by the time they reached Washington, D.C. - they've increased it to ten-square miles. Food was utilized as a weapon, within the process. Nine yrs. prior in 1883, the U.S. starved the Assiniboine and, stacked the bodies such as cord-wood. The relocated Sioux within the same area, were not starved to death. So the U.S. had the Indians of Ft. Belknap over a barrel. Sign away 'a-small-portion-of-your-land' or; you and your familys' will perish. If the U.S. made it happen once nine years prior; would one ascertain it can happen again.

If a 'narrow mile' is less than +, - 640 acres. How large, or small is ten square 'narrow miles', as it were. Especially if these same 'miles' were unmeasured and, without a global latitude &, or/nor a longitude. Our Ft. Belknap Elders at the time were taken out and, shown where the line was. They have reported; practically the next day the miners moved these same stakes northward.

100 years into the future, from back then~enter ZMI, or Pegasus. A Canadian outfit Jewel Industries; I believe; were operating out of a mailbox in Spokane, WA. Folded and left a mess, and at the time any wrong~doings enviromentally that went-on, they blamed the old mining workings. Within the late 1970's they began thier operation on the mountains. Shut-off public access to the area, and one major magazine at the time reported they stationed; machine-gunned guards at the site's entry.

Technology exists that can detect trace elements from space. A friend of mine says his friend: Who lives approximately 150 miles from the Little Rockies, found a large chunk of gold upon the ground. His friend used to work for Pegasus, and he had taken it home. Like in 1892, people knew the existance of metals then and, more than likely there exists precious metals now. This is not rocket science.

The Jefferson National Forest, as well as other U.S. National Forest entities~ without consultation-&, like the Montana DEQ, did not properly consult Government to Government with the Officials of the Ft. Belknap Indian Reservation. Back in time; The Jefferson National Forest had illegally perpitrated lands belonging to the Ft. Belknap Indian Reservation. &, over time these lands were thence illegally transferred to the; Lewis & Clark National Forest-And, consequently traded to the Bureau of Land



Management in 1964. Sounds as though someone; anyone weren't paying attention to the facts. Illegal activity perpetrated against the Sovereign Ft. Belknap Indian Reservation.

Grinnell say the water is protected. There exists 5, underground water ways. Pegasus within a press release back then stated; there were only four flowing beneath &, toward the Missouri River Basin. The fifth flows back north and, west beneath the town of Hays, MT. Ft. Belknap via Winters owns these waters. Presently the area in question is part of the State of Montana's ongoing negotiations. As to secure the necessary water use by Non-Indian irrigators on and near the Ft. Belknap Indian Reservation.

A quagmire at best, which brings the question of ownership. An example, could then I go to any town in the U.S. &, set-up a business within a vacant lot. Could I not then invict my Unalienable Indigenous Nomadic Rights to say this area was unoccupied. I am certain I would end-up in lock~down. Could anyone jut their jaw and, say to another: "Go, goldmining; yonder." Absent a clear title or, a deed to the land. Rhetoric are all these questions, of which have never been: Neither, addressed nor, answered. Our Ft. Belknap Elders, at the time-understood it was a land lease. As per the Grinnell Agreement; what was the duration of the lease. Because leases are not enacted to be forever.

s/T. Harvey King -A lifelong; Member of The Fort Belknap Indian Community

**From:** [Peggy Kennedy](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Zortman Montana proposal  
**Date:** Tuesday, January 11, 2022 4:27:50 PM

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As a resident of Montana and former resident of Hays Montana I have seen firsthand what the mining did to our environment and animals not to mention people in the surrounding areas and it is devastating. Creeks showed the pollution n r no longer safe the water cannot be replaced. I say no, no more development in the Little Rockies leave them alone.

Peggy Kennedy  
PO Box 594  
Harlem MT 59526

[Sent from Yahoo Mail for iPhone \[overview.mail.yahoo.com\]](#)

**From:** [Katy Spence](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Comments on Exploration License #00860  
**Date:** Tuesday, January 11, 2022 4:20:38 PM  
**Attachments:** [Zortman Exploration Permit comment 1 11 2022 \(1\).docx](#)

---

Hello, Please accept the attached document with comments on Exploration License #00860. I has been signed by about 140 people.

Thank you,

Katy

--

**Katy Spence (she/her/hers)**

*Communications & Engagement Director*

w: 406.443.2520 x005 | c: 620.704.5978

[Montana Environmental Information Center \[meic.org\]](#), Missoula office

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Dear Whitney Bausch, Montana DEQ Hard Rock Mining Bureau,

After reviewing the draft Environmental Assessment (EA) for the proposed Ross Pit Highwall Trench Exploration Project submitted by Luke Ployhar, Exploration License #00860, we the undersigned find:

- The draft EA fails to ensure that the project complies with mining regulations implementing the Metal Mine Reclamation Act.
- In addition, the draft EA was not prepared in accordance with the governing Montana Environmental Policy Act as it fails to disclose and take the requisite hard look at the potential impacts of the proposed exploration project, including the potential for the project to generate acid mine drainage at the former Zortman Mine site, potential water quality impacts, and potential cumulative impacts of the project in addition to another approved project at the same site.
- The draft EA also lacks adequate discussion of the potential for the project to undermine prior and ongoing reclamation work at the site.

In conclusion, the draft EA doesn't provide the public with enough information to understand and evaluate the project's environmental impacts and fails to provide rational support for DEQ's determination that the project's impacts will not be significant.

Signed,

| <b>Name</b>                     | <b>Address</b> | <b>City</b> | <b>State</b> | <b>Zip</b> |
|---------------------------------|----------------|-------------|--------------|------------|
| Appling-Freistadt,<br>Katherine | 507 1st        | HELENA      | MT           | 59601-5357 |
| Averill, Carol                  |                | Big Sandy   | MT           | 59520      |
| Banks, Anne                     | 7 Hill St      | Bozeman     | MT           | 59715      |
| Baraby, Kelly                   |                | Jefferson   | MT           | 59638      |
| Barrett, Jim                    |                | Livingston  | MT           | 59047      |
| Bateman, Winona                 |                | Missoula    |              | 59802      |
| Baty, Douglas                   |                | Dixon       | MT           | 59831      |

|                      |                             |              |    |            |
|----------------------|-----------------------------|--------------|----|------------|
| Baxter, Bruce        |                             | Missoula     | MT | 59802      |
| Bertelsen-James, Jan | PO Box 222                  | Eureka       | MT | 59917-0222 |
| Bisharat, Martha     |                             | Whitefish    | MT | 59937      |
| Borish, Jane         | 1210 Howell St              | Missoula     | MT | 59802      |
| Bradley, John        |                             | Colstrip     | MT | 59323      |
| Bradley, Patricia    | 368 Bayers Lane             | Twin Bridges | MT | 59754-9602 |
| Bramsen, Cheryl      |                             | Florence     | MT | 59833      |
| Bruins, Denalie      |                             | Missoula     | MT | 59803      |
| Burgard, Donald      | 236 3rd Ave W 2N            | Kalispell    | MT | 59901-4400 |
| Cahill, Susan        | 425 Sunnyview Lane          | Kalsipell    | MT | 59901      |
| Canright, Mark       |                             |              | MT |            |
| Canright, Rebecca    |                             |              | MT |            |
| Chapman, Julie       | 20900 Whitetail Ridge Rd    | Huson        | MT | 59846      |
| Clarke, William      | 1330 Lower Lincoln Hills Dr | Missoula     | MT | 59802      |
| Clement , Megan      |                             | Great Falls  | MT | 59405      |
| Daviau, Kathie       | 216 Lexington Drive         | Billings     | MT | 59102-5739 |
| Davidson, Karen      |                             | Basin        | MT | 59631-0053 |



|                     |                      |             |    |            |
|---------------------|----------------------|-------------|----|------------|
| Dostal, Mary        | 2211 Pryor Lane      | Billings    | MT | 59012      |
| Dunkum, John        | 601 E Beckwith Ave   | Missoula    | MT | 59801      |
| Easton, Lisa        |                      | Great Falls | MT | 59404      |
| Enk, Michael        |                      | Great Falls | MT | 59403      |
| Evans, Charles      | 305 West 6th Street, | Libby       | MT | 59923      |
| Fain, Steven        |                      | Hamilton    | MT | 59840      |
| Fallow, Jenna       | 1309 S.Montana Ave.  | Bozeman     | MT | 59715-5742 |
| Faust, William      | 83 Carney Ln         | Whitehall   | MT | 59759-9503 |
| Filipovich, Marylis |                      | Helena      | MT | 59601      |
| Flather, Dylan      | 1114 S 3rd St        | Hamilton    | MT | 59840      |
| Freistadt, Robert   |                      | Helena      | MT | 59601      |
| Geer, William       | 6135 Delarka Dr      | Lolo        | MT | 59847      |
| Gilbert, Steve      |                      | Helena      | MT | 59601      |
| Gildroy, Prudence   |                      | Helena      | MT | 59624      |
| Glovan, Ronald      | 117 Ponderosa Dr.    | Butte       | MT | 59701      |
| Goldman, Derek      |                      | Missoula    | MT | 59801      |
| Guernsey, Noelle    |                      | Bozeman     | MT | 59715      |
| Gunderson, Kari     |                      | Condon      | MT | 59826      |

|                   |                             |             |    |            |
|-------------------|-----------------------------|-------------|----|------------|
| Hagar, Francine   |                             | Bigfork     | MT | 59911      |
| Hansen, Amy       |                             |             | MT |            |
| Harmon, David     |                             | Missoula    | MT | 59802      |
| Harris, Don       |                             | Clancy      | MT | 59634      |
| Healow, Linda     | 312 Clark Avenue            | Billings    | MT | 59101      |
| Hilden, Alan      | 720 Judicial Ave.           | Billings    | MT | 59105      |
| Hinds, Colleen    | 10 Piccadilly Lane          | Heron       | MT | 59844-9577 |
| Ho, Anita         | 1012 3rd Ave E              | Kalispell   | MT | 59901      |
| Hogan, Patricia   | 1650 South 12th Street West | Missoula    | MT | 59801-4824 |
| Holliday, Ava     | 735 N 5th St W              | Missoula    | MT | 59802-2813 |
| Hollis, Olivia    | 509 S 5th St E Apt 3        | Missoula    | MT | 59801      |
| House, Verne      |                             | Bozeman     | MT | 59715      |
| Hultgren, Raso    | PO Box 8633                 | Missoula    | MT | 59807      |
| Jaeger, Sarah     |                             | Helena      | MT | 59602      |
| Johnson, Anne     |                             | Bozeman     | MT | 59718      |
| Jones, John       |                             | Martin City | MT | 59926      |
| Jordan, Gil       | PO Box 130373               | Coram       | MT | 59913-0373 |
| Jorgensen, Dennis |                             | BOZEMAN     | MT | 59718      |

|                    |                         |                  |    |            |
|--------------------|-------------------------|------------------|----|------------|
| Juedeman, Mark     |                         | Helena           | MT | 59601      |
| Kauffman, Martha   | 15108 Rocky Mountain Rd | Belgrade         | MT | 59714      |
| Kummer, Marian     | 3399 Michener Creek     | Gallatin Gateway | MT | 59730      |
| LaClaire, Joy      | 3018-B W. Villard St    | Bozeman          | MT | 59718-3658 |
| Landes, Paul       |                         | Helena           | MT | 59602      |
| Lindler, Bert      |                         | Missoula         | MT | 59808      |
| Little, Jed        | 2404 RATTLESNAKE DR     | Missoula         | MT | 59802-3416 |
| Littleton, Kelli   |                         | Missoula         | MT | 59802      |
| Lonn, Jeff         | 2099 Silver Ridge Rd    | Hamilton         | MT | 59840      |
| Louttit, Debra     | P.O. Box 434            | Ulm              | MT | 59485-0434 |
| Lussier, Alexandre | 1116 S Spruce Dr        | Bozeman          | MT | 59715      |
| Lydon, Sally       |                         | Sand Coulee      | MT | 59472      |
| Lyon, Janet        | 3504 w central          | Missoula         | MT | 59804      |
| Mack, Rande Mack   |                         | Manhattan        | MT | 59741      |
| Madden, Elizabeth  | 408 Overbrook Drive     | Bozeman          | MT | 59715-7131 |
| Mahle, Peggy       | 6305 3rd St W           | Havre            | MT | 59501-6703 |
| Marks, Morgan      | 3305 Coyote Lane        | Great Falls      | MT | 59404      |

|                    |                         |                       |    |            |
|--------------------|-------------------------|-----------------------|----|------------|
| Martinez, Steven   | 425 Sunnyview Lane      | Kalispell             | MT | 59901      |
| Matson, Gary       | PO Box 308              | Milltown              | MT | 59851      |
| Mavor, Doug        | 7007 Bristol Lane       | Bozeman               | MT | 59715-9559 |
| Maxwell, John      |                         | Thompson Falls        | MT | 59873      |
| McGlennen, Ronald  |                         | White Sulphur Springs | MT | 59645      |
| McGrath, Steven    |                         | Butte                 | MT | 59701      |
| Merkt, Patrick     | 705 Polaris Way         | Missoula              | MT | 59803      |
| Metzger, Linda     | 32 Windy Ridge Lane     | Great Falls           | MT | 59404      |
| Millbrooke, Anne   |                         | Bozeman               | MT | 59715      |
| Miller, Marlene    | PO Box 4017             | Butte                 | MT | 59702-4017 |
| Moellering, Madlyn | 407 1/2 N California St | Missoula              | MT | 59801-1671 |
| Murray, Carol      |                         | Missoula              | MT | 59801      |
| Murtagh, Deborah   |                         | Billings              | MT | 59102      |
| Nagel, Clinton     | 1385 Golden Gate Ave    | Bozeman               | MT | 59718      |
| Nedom, Woody       |                         |                       |    |            |
| Nitz, Jennifer     |                         |                       | MT |            |
| Nord, Penny        | 30484 Jocko Canyon Road | Arlee                 | MT | 59821-9155 |

|                   |                         |             |    |            |
|-------------------|-------------------------|-------------|----|------------|
| O'Connell, Mike   | P.O. Box 6368           | Bozeman     | MT | 59771      |
| Oetinger, John    | 1500 Sunflower Dr       | Missoula    | MT | 59802-3306 |
| onishuk, Martha   |                         | Missoula    | MT | 59803      |
| Parks, Littlebird | 22217 Old Mill Rd       | Bigfork     | MT | 59911      |
| Patenaude, david  | 101 Jackrabbit Ln       | Belgrade    | MT | 59714-3311 |
| Patterson, Lance  |                         | Townsend    | MT | 59644      |
| Pilling, Helen    |                         | Kila        | MT | 59920      |
| Quinn, CE         | 1536 Meadowlark DR      | Great Falls | MT | 59404-3356 |
| Rasmussen, Robert | 1027 Billings Avenue    | Helena      | MT | 59601-3504 |
| Ream, Tarn        | 1250 Harrison           | Missoula    | MT | 59802-3850 |
| Rillema, Gary     | 156 amber lane          | Dillon      | MT | 59725      |
| Robson, Ella      | P.O. Box 35, Huntley    | Huntley     | MT | 59037-0035 |
| Rohn, Douglas     | 1858 Hunters Way        | Bozeman     | MT | 59718-6892 |
| Ropp, Peter       | 1000 council way        | Missoula    | MT | 59808-5001 |
| Rugheimer, Hallie | 678 Flathead Creek Road | Wilsall     | MT | 59086-9572 |
| Rundquist, John   | 727 12th Ave.           | Helena      | MT | 59601      |
| Savage, Jeff      |                         | Great Falls | MT | 59401      |



|                     |                        |             |    |            |
|---------------------|------------------------|-------------|----|------------|
| Saylor, Julia       |                        | Helena      | MT | 59601      |
| Schaunaman, Jill    | 1031 E Olive St        | Bozeman     | MT | 59715      |
| Scholl, Jackson     | 1820 Missoula Ave.     | Missoula    | MT | 59802      |
| Schroeter, Franklin |                        | Somers      | MT | 59932      |
| Seaman, Amy         |                        | Helena      | MT | 59601      |
| Semones, Linda      | 404 S Church Ave       | Bozeman     | MT | 59715-4817 |
| Sentz, Gene         |                        | Choteau     | MT | 59422      |
| Sentz, Linda        |                        | Choteau     | MT | 59422-0763 |
| Sheehan, Karla      |                        | Belgrade    | MT | 59714-9534 |
| Sherman, Roger      | 280 Brimstone Dr       | Whitefish   | MT | 59937-7828 |
| Sikorski, Wade      | 19 Wicklow Ln          | Baker       | MT | 59313      |
| Simmons, Patricia   | 357 Pine Creek Drive   | Bozeman     | MT | 59718-8628 |
| Smith, Melissa      |                        | Great Falls | MT | 59404      |
| Souther, Gail       | 1120 Pine Street Apt A | Hamilton    | MT | 59840-2341 |
| Spence, Katy        | 242 Kensington Ave     | Missoula    | MT | 59801-5728 |
| Speyer, Tim         |                        | Helena      | MT | 59601      |
| Steinmuller, Patti  | 952 Knolls Drive       | Bozeman     | MT | 59715      |

|                      |                                  |             |    |            |
|----------------------|----------------------------------|-------------|----|------------|
| Streeter, Bonnie     |                                  | Whitefish   | MT | 59937      |
| Swearingen, Jennifer |                                  | Bozeman     | MT | 59715      |
| Swearingen, Will     | 59 Hitching Post Road            | Bozeman     | MT | 59715-9241 |
| Swenson, Ruth        | 11 Willow                        | Helena      | MT | 59602      |
| Taylor, Kirsten      |                                  | Bozeman     | MT | 59715      |
| Tomicich, Wayne      | PO Box 644, 606 South Adams Ave. | Red Lodge   | MT | 59068-0644 |
| toubman, sara        | 940 wilder ave                   | Helena      | MT | 59601-2535 |
| Tracy, Leo           |                                  | Whitefish   | MT | 59937      |
| VanAken, Richard     |                                  | Livingston  | MT | 59047      |
| Vignere, Joel        | PO Box 194, 424 Overlook Terrace | Lakeside    | MT | 59922      |
| Walsh, Sara          |                                  | Augusta     | MT | 59410      |
| Weltzien, O. Alan    | 510 S. Dakota                    | Dillon      | MT | 59725      |
| Weydt, Joe           | 32310 Jocko Canyon Road          | Arlee       | MT | 59821      |
| Whirry, Gordon       | 1912 4th Avenue North            | Great Falls | MT | 59401      |
| Wiles, Jessica       | 617 3rd Street                   | Helena      | MT | 59601      |
| Winestine, Zack      | PO Box 381                       | Augusta     | MT | 59410      |
| Zackheim, Hugh       |                                  | Helena      | MT | 59601      |

**From:** [Ina Nez Perce](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Comments on Draft EA - Luke Ployhar Exploration License #00860 Ross Pit Highwall  
**Date:** Tuesday, January 11, 2022 3:26:00 PM  
**Attachments:** [Comments INezPerce MDEQ EA Luke Ployhar Exploration License #00860.pdf](#)

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To Whom It May Concern,

Attached are comments made on the Draft Environmental Assessment (EA) for Luke Ployhar Exploration License #00860 Ross Pit Highwall Trench Exploration Project, published for Public Comment on November 29, 2021.

January 11, 2022

Ina L. Nez Perce  
P.O. Box 261  
Harlem, MT 59526

DEQ Mining Bureau  
Whitney Bausch  
P.O. Box 200901  
Helena, Montana 59620-0901  
Via email: [DEQMEPA@mt.gov](mailto:DEQMEPA@mt.gov)

Re: Comments on Draft EA for Exploration License #00860 Ross Pit Highwall Trench Exploration Project

Dear Ms. Bausch,

Thank you for the opportunity to comment on the Draft Environmental Assessment for Luke Ployhar Exploration License #00860 Ross Pit Highwall Trench Exploration Project, Phillips County, MT, published for public comment November 29, 2021.

I oppose all exploration and mining in the Little Rocky Mountains. The Montana Department of Environmental Quality's (MDEQ) draft environmental analysis is inadequate and the project should be denied. MDEQ has not conducted enough analysis to determine the proposal's water quality impacts, including the potential for acid mine drainage in surface and groundwater flowing north into the Lodge Pole Creek drainage. Meaningful consultation with the Fort Belknap Indian Community (FBIC) should have been conducted when the first of the exploration projects was first proposed. MDEQ has not sufficiently identified the cultural resources and archeological sites that could be impacted by the proposal. MDEQ has not adequately evaluated the impact of the proposed mining activity on the reclamation work and long-term water treatment on this Comprehensive Environmental Response, Compensation, and Liability Act (CERLA) site.

I am an enrolled Gros Ventre member and have lived on the Fort Belknap Reservation for 31+ years, including several years as a child where I lived in Hays. This is home to me and my family and growing up in Hays provided a close connection to the Little Rocky Mountains. This is where our family reunions are held each year, we attend powwows and Sundance's each year, we hunt, recreate, gather firewood, gather medicines and foods, and many family members fast in these mountains regularly. It is our sacred place and we hold the mountains in high reverence as this is one of the most important places that we have to communicate with our Creator just as non-indigenous peoples communicate with God in their churches. It has been an extremely important part of our lives and will always be well into the future for as long as we are alive to pray.

I have worked for the Fort Belknap Indian Community's Environmental Protection Department for 30 years. When I began my employment with the Department we were fighting against mining then, and we continue to fight now as we are faced with a proposed exploration project that could lead to more mining. I thought we were finally going in the right direction with the site being classified as a CERLA site. Mine reclamation has taken place at the site and continues today, and polluted water is being treated at water treatment plants in Landusky and Zortman, and to some extent in Swift Gulch with biotreatment systems. I also mistakenly thought that no future mining was on the horizon with continuous mining withdrawals agreed upon and continually in place, until the window between mineral withdrawals lapsed and allowed Mr. Ployhar to stake mining claims within the CERLA site and on his

property. It is frustrating, exhausting, mentally and emotionally challenging to think we are facing the possibility of mining 30 years later in our beloved Little Rocky Mountains.

Pollution from the Zortman and Landusky Mines has already caused surface and groundwater pollution throughout the Little Rocky Mountains, with significant harm to public health, fisheries and habitat, cultural and ceremonial sites, recreation, and agricultural and industrial uses. MDEQ has not conducted enough analysis to determine the proposal's water quality impacts, including the potential for acid mine drainage in surface and groundwater flowing north into the Lodge Pole Creek drainage, a location that has not yet been affected by mining. We do not want more water pollution flowing onto the Fort Belknap Reservation or elsewhere impacting public health and the environment.

Protecting the health of communities near the proposed project site must be a top priority. People in the Fort Belknap Indian Community continue to live with and bear the burden of mining pollution, including risks to their health. Preventing further mineral exploration or mining activities is necessary to protect Tribal lands, agricultural activities, drinking water uses, recreation, and fish and wildlife and their habitat in the Little Rockies. Streams originating in the Little Rockies impacted by mine pollution require water treatment in perpetuity. The Lodge Pole Creek drainage should be spared from this environmental travesty.

Any new mining activity could undo decades of work and prevent or delay reclamation work yet to be completed, and interfere with water treatment. MDEQ has not adequately evaluated the impact of the proposed mining activity on the reclamation work and long-term water treatment on this CERCLA site. In addition, no exploration or mining activity should be approved within the CERCLA boundary, as millions of taxpayers' dollars have already been spent for reclamation and water treatment.

Meaningful consultation with the Fort Belknap Indian Community should have been conducted when the first of the exploration projects was first proposed. MDEQ has not adequately consulted with the Fort Belknap Indian Community on this project.

MDEQ has not sufficiently identified the cultural resources and archeological sites that could be impacted by the proposal. MDEQ should not finalize the environmental analysis until it has consulted with the FBIC and resolved any impacts with the Fort Belknap Indian Community's Tribal Historic Preservation Office (THPO). Pollution from mining has destroyed areas of cultural significance. Acid mine drainage continues to threaten Tribal powwow grounds and ceremonial sites in and around the Little Rockies.

I oppose all mining and exploration in the Little Rocky Mountains. The Montana Department of Environmental Quality's (MDEQ) draft environmental analysis is inadequate and the project should be denied.

Thank you again for the opportunity to comment on the Draft Environmental Assessment for Luke Ployhar Exploration License #00860 Ross Pit Highwall Trench Exploration Project, Phillips County, MT.

Respectfully,



Ina L. Nez Perce



**From:** [Truxton Rolfe](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Public Comment - Draft EA for Proposed Exploration Project in Phillips County  
**Date:** Tuesday, January 11, 2022 11:11:18 AM

---

To: DEQ Mining Bureau  
Whitney Bausch  
PO Box 20091  
Helena, MT 59601-0901

From: MT Resident  
Truxton Rolfe  
4309 23rd Ave  
Missoula, MT 59803  
406.531.2615

Please note my public comment against this proposal.

Thank you,

Truxton Rolfe

**From:** [Hal Schmid](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Comment regarding proposed exploration project near Zortman  
**Date:** Tuesday, January 11, 2022 4:25:27 PM

---

Good day.

I did not receive notice of the online hearing in time to listen and participate.

However, I would like to go on record that I oppose any further hard rock exploration and mining in the Zortman-Landusky area after witnessing:

1. The devastation mining caused for indigenous residents of the Fort Belknap Reservation area;
2. The cost it heaped upon Montana taxpayers to clean up the previous toxic waste; and
3. The supremacy of our need for clean water now and for all time.

Please protect ground and surface water in this area which is infamous for the disaster that was created. That damage has been mitigated but it has not been removed. Will it ever be restored to its God-given pristine nature? Please do not take a chance on adding to it.

Thank you.

Hal Schmid  
Arlee, MT 59821

Mail at: PO Box 3603, Missoula, MT 59806

**From:** [Kathi Slora & Jim Nash](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] Luke Ployhar Exploration Permit  
**Date:** Tuesday, January 11, 2022 12:38:18 PM

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We are aghast that an exploration permit is being considered adjacent to the Zortman-Landusky mine fiasco which costs Montana taxpayers over \$2 million each year to manage. Why would the state allow more sludge to be added to that cesspool? Please deny the exploration permit!

Regards,  
Kathryn F. Slora  
James R. Nash

**From:** [Jeffrey J. Smith](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] No to Zortman!  
**Date:** Tuesday, January 11, 2022 12:17:42 PM

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I understand that you're taking comment on the proposal to reopen the Zortman mine. My comment would be to say no to Zortman based on our past experience. The definition of insanity is doing the same thing over and over again and expecting a different outcome. We know that, to date, public expenditures for the reclamation of Pegasus' mining operations have amounted to at least \$77 million at Zortman-Landusky, with no end in sight for the reclamation and water treatment to address the perpetual acid mine drainage. Let's recognize this for what it is. Unscrupulous mining companies like Pegasus take the tax-paying public for a ride. It's fraud, plain and simple. They propose a "clean" mine with "brand new modern technology" that will leave water drinkable at the end of the active mining stage. Then they destroy the riparian zone, make a huge profit on the precious metals, declare bankruptcy, and leave the clean-up to the public.

Let's just say no this time.

Jeffrey Smith  
39958 Mt Hwy 35  
Polson, MT 59860

**From:** [Aubrey Bertram](#)  
**To:** [DEQ MEPA](#)  
**Subject:** [EXTERNAL] License #00860 Comments  
**Date:** Tuesday, January 11, 2022 4:14:08 PM  
**Attachments:** [Wild Montana Comments License#00860 20220111.pdf](#)

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Hello. Please accept the attached comments on behalf of Wild Montana on License #00860.

Please let me know if you have any questions or issues accessing the document.

Cheers.

-a

--



AUBREY BERTRAM (she/her)

Staff Attorney  
Wild Montana

303.956.5263 (c)  
[abertram@wildmontana.org](mailto:abertram@wildmontana.org)

[wildmontana.org](http://wildmontana.org) [[wildmontana.org](http://wildmontana.org)] | [Facebook](https://www.facebook.com) [[facebook.com](https://www.facebook.com)] | [Twitter](https://twitter.com) [[twitter.com](https://twitter.com)] | [Instagram](https://www.instagram.com) [[instagram.com](https://www.instagram.com)]

Uniting and mobilizing communities to keep Montana wild.

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DEQ Mining Bureau  
Whitney Bausch  
PO Box 200901  
Helena, MT 59620-0901  
Re: Exploration License #00860  
Submitted via email to DEQMEPA@mt.gov  
January 11, 2022

Dear Ms. Bausch:

Thank you for accepting these comments on Exploration License #00860, the Ross Pit Highwall Trench Exploration Project, proposed by applicant Luke Pholyar in Phillips County. Wild Montana has several concerns with the proposed project and the Department of Environmental Quality's environmental assessment of the risks associated with hard rock mineral exploration in an area that is actively being reclaimed because of ongoing pollution associated with previous hardrock mining.

Since 1958, Wild Montana has been uniting and mobilizing people across Montana, creating and growing a conservation movement around a shared love of wild public lands and waters. We work at the local level, building trust, fostering collaboration, and forging agreements for protecting the wild, enhancing public land access, and helping communities thrive. Wild Montana and our members have an interest in the ecological integrity of the Little Rocky Mountains and the safety of local communities, particularly tribal communities of the Assiniboine and Gros Ventre Indian Tribes of the Ft. Belknap Reservation.

### **1. Summary of Comments.**

In this EA, DEQ has failed to adequately analyze the direct, secondary, and cumulative impacts of the proposed exploration for hardrock minerals and potential future development, particularly the impacts of such exploration in an area subject to intense and ongoing reclamation from the impacts of previous mining. DEQ has specifically failed to adequately address the long-term impacts of this exploration project on water quality in the area and the impacts on tribal historic and cultural resources.

### **2. DEQ failed to adequately analyze the direct, secondary, and cumulative impacts of this proposed exploration project.**

The purpose of the Montana Environmental Policy Act (MEPA) is to "declare a state policy that will encourage productive and enjoyable harmony between humans and their environment, to protect

the right to use and enjoy private property free of undue government regulation, to promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humans, to enrich the understanding of the ecological systems and natural resources important to the state.”<sup>1</sup>

There are three forms of impacts that state agencies must consider under MEPA. Direct impacts are those that “occur at the same time and place as the action.” Secondary impacts are those that “may be stimulated or induced or by otherwise result from a direct impact of the action.”<sup>2</sup> Cumulative impacts are the “collective impacts on the human environment of the proposed action when considered in conjunction with the other past and present actions related to the proposed action by location... related future action must also be considered when these actions are under concurrent consideration by any state agency...” Impacts are also short and long term in their effects, determined by the impacts’ existence in relation to the life of the project in question.

MEPA further acknowledges that each generation of Montanans has a custodial responsibility towards the environment.<sup>3</sup> Montanans of today are trustees for future Montanans to share in the economic, social, and ecological bounties the natural environment provides.

While DEQ is legally required to grant a permit for a valid application, that obligation does not negate the state’s obligation to fully analyze the impacts of such a decision. Here, Pholyar’s application to explore for hard rock minerals on his private land is one that DEQ must grant, but it has failed in its duties to the people of the state of Montana to fully explain what that exploration will actually mean for the “clean and healthful environment” we are all entitled to and entitled to protect for future generations.

The EA for this proposed exploration at the Ross Pit site fails to adequately analyze the full range of possible impacts this project poses to the reclamation of the area. Exploration for hard rock minerals within a reclamation area must be analyzed in that context of extensive, intensive, and ongoing reclamation in the area previously caused by past hard rock mining. Local communities, the state of Montana, and the federal government have collectively been dealing with the direct, secondary, and cumulative fallout from the Pegasus Mine.

At multiple points in the EA, DEQ downplays the importance of the context in which this exploration permit is sought. DEQ routinely conflates the potential impacts of exploration with the intent to develop<sup>4</sup> with those of reclamation activities, or asserts that exploratory impacts would

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<sup>1</sup> Montana Environmental Policy Act, MCA 75-1-202(2).

<sup>2</sup> ARM 17.4.603(18).

<sup>3</sup> *Guide to the Montana Environmental Policy Act*, published by the Legislative Environmental Policy Office of the Environmental Quality Council and revised in 2013 by Hope Stockwell.

<sup>4</sup> Luke Pholyar and his company, Blue Arc, have over 60 claims in the Little Rocky Mountains. In 2020, when the federal withdrawal lapsed for 48 hours due to paperwork filings, Blue Arc staked 10 claims on federal

be minimal because such exploration would be taking place in an area of reclamation. For example, the analysis regarding noxious weeds asserts that the “majority of surface disturbance [ ] would occur on exposed rock surface and would be reclaimed to exposed rock surfaces. Little to no soil exists.”<sup>5</sup> The reason the exploration area differ so much from the surrounding “lodgepole pine forest and woodland”<sup>6</sup> is because this is a former mine site and active reclamation area. This brief section fails to discuss in any detail the interplay between restoration, vegetation, noxious weeds, and how the introduction of new surface disturbance would impact or upset surface and vegetative reclamation efforts. The EA fails to discuss how new surface disturbance from the proposed exploration will impact reclamatory efforts to control noxious weed spread in the reclamation and proposed exploratory area, and how new surface disturbance - including the presence of transport trucks and other mechanized or motorized equipment that are known to exasperate the spread of noxious weeds - will spread weeds in the area and how that could be controlled. Instead, the EA relies on a rather disinterested recitation that the area is already disturbed, without investigating the nature of current conditions and reclamation efforts that will be impacted by the proposed project.

When discussing the impacts of exploration on “unique, endangered, fragile or limited environmental resources,” DEQ asserts: “The proposed project is similar to previous reclamation activities of short-duration equipment and disturbance which has occurred in this environment for the last 20 years.”<sup>7</sup> Exploration is arguably the exact opposite of reclamation. It is misleading, inaccurate, and even dangerous to equate exploratory activities with 20 years worth of indefinite reclamation. While there are indeed similarities - both exploration and reclamation require intensities of human presence and infrastructure, and use mechanical and mechanized means to manipulate the environment - the desired outcomes of exploration and reclamation could not be more divergent. Exploration inherently seeks to further development that necessarily moves an area away from natural conditions, whereas reclamation, particularly the ongoing reclamation required in this area, seeks to rehabilitate an area or resource from past disturbance back to natural conditions. DEQ needs to investigate the nature of these two divergent processes in the same landscape, and explain how these efforts will interact or counteract each other in their impacts on the natural environment.

**a. Specifically, DEQ failed to adequately analyze the long-term water impacts of the proposed exploration.**

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land directly in the BLM’s reclamation area. There is little doubt that Ployhar and Blue Arc are aiming towards a new commercial hard rock mine in the Little Rockies for resources unrecovered by past, highly destructive efforts. <https://missoulacurrent.com/outdoors/2021/12/gold-zortman-landusky/>

<sup>5</sup> EA, page 13.

<sup>6</sup> EA, page 12.

<sup>7</sup> EA, pages 13 and 14.

The long term, direct impacts of the Pegasus Mine's acid drainage legacy have been the heart of reclamation activities in this very area for over 20 years and will continue to be the subject of reclamation, most likely forever because of the extent of the existing damage. This EA does not address the very specific risks to water associated with exploration in an active clean up site with extensive water contamination.

Given the intensity of existing water damage and the extent of reclamation of the acid mine drainage and water treatment in this area, it is unfortunate that DEQ gives so little consideration to the full range of long and short-term impacts of exploration in this active reclamation area. Instead, DEQ's analysis focuses on the natural topography of the area, which while an essential element of a full assessment, must be considered in the context of the existing contamination and reclamation. It is unknown and not explored how this exploration will impact - either benefit, inhibit, or add to - ongoing water reclamation efforts. Given that water quality degradation caused by hard rock mining is the focal point of reclamation efforts in this landscape, it is unacceptable that DEQ fails to make a more robust assessment of this full context.

### **3. DEQ failed to adequately analyze the impacts the proposed project will have on tribal historical and cultural resources and the state's responsibilities to tribal communities.**

Finally, Wild Montana stands in solidarity with the Assiniboine (Nakoda) and Gros Ventre (Aaniiih) Tribes of the Fort Belknap Indian Reservation and echo their concerns regarding continued environmental exploitation in the Little Rockies, an area that holds both immense cultural significance to the Tribes and provides water resources to reservation and nearby communities.

Our concerns regarding water quality described above are informed by the calls from the Tribes and community members regarding acid mine drainage impairing water quality in the area stemming from past hard rock mining.

Similar to the example above regarding unique, endangered, fragile, or limited environmental resources, DEQ again conflates reclamation's impacts with potential exploration impacts in regards to the proposed project's impact on tribal cultural resources. Site 224PH3197 is identified as the Little Rocky Mountains TCP (Traditional Cultural Property) District.<sup>8</sup> DEQ misaligns the potential impacts posed by new exploration with impacts due to existing surface disturbance and incorrectly concludes that because disturbance already exists, new disturbance poses little to no risk of disturbance to cultural resources.<sup>9</sup> However, existing disruption plus new disruption create a cumulative impact situation on the resources in question. It is also very reasonable to consider the fact that past disturbance actually would increase the risk for more disruption or damage by

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<sup>8</sup> EA, page 14.

<sup>9</sup> "It is the Department's understanding that the majority of the project area has already been disturbed, thus the potential for direct physical impacts to any unknown archeological sites is low." EA, page 15.

new disruption because the prior action exposed or reduced the integrity of previously protected resources in the previously undisturbed area, even if that state existed decades ago.

DEQ states that “working with the Ft. Belknap Tribal Historic Preservation Office (THPO)” is a future activity to identify any previously unidentified resources in the project location. But committing to future work is not an analysis of impacts. Rather, DEQ should work with the Fort Belknap THPO to inform an analysis or assessment of the risks the proposed project poses to cultural resources, not as an afterthought to a previously established assessment.

#### **4. Conclusion.**

While the physical footprint of the proposed project is quite small - .18 acres of surface land - its potential impacts are anything but. DEQ lost sight of, or yet worse, ignores the fact that the project proponent wants to explore for hard rock mineral mining potential in the exact same landscape that is home to some of the worst acid mine drainage fallout from hard rock mining in the state. Local, state, and federal regulators have already invested millions of dollars over the last two decades to control the damage left behind by the Pegasus Mine, and will need to continue that investment indefinitely. All of these past and future efforts stand to be impacted by additional exploration in this area and DEQ must rigorously investigate and disclose the risks of this first step in the development process. If not, the integrity of intensive reclamation will be jeopardized and could ultimately be undermined.

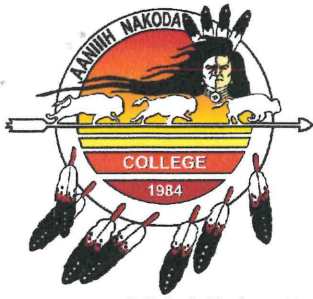
DEQ falls short in its custodial obligations to future Montanans under MEPA and our Constitution with this insufficient EA. More analysis is needed for the public to fully understand what is at stake from Ployhar’s future exploratory activities in an area already so decimated by the industrial activities he and his company seek to resurrect in the Little Rockies. DEQ should not be using the existing damage as a baseline from which to judge the impacts of future exploration. Rather, DEQ must look at the existing damage as part of the larger context for this proposed project and consider future impacts in light of the ongoing, existing impacts to the natural and surrounding human environment and efforts to clean up that damage. Future impacts will compound upon existing impacts. DEQ must conduct a robust analysis to accurately and fully present the range of potential impacts new exploration will have on the landscape and ongoing reclamation efforts in the Little Rockies before the permit is issued.

Thank you for your consideration of our concerns.





Aubrey R. Bertram  
Staff Attorney  
Wild Montana  
cell: 303.956.5263  
abertram@wildmontana.org



# AANIIH NAKODA COLLEGE

*Empowering Identity and Ways of Knowing*

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JAN 12 2022



DEQ Mining Bureau  
Whitney Bausch  
P.O. Box 200901  
Helena, MT 59620-0901

MT Dept. of Environmental Quality  
Air, Energy & Mining Division

RE: COMMENTS ON DRAFT EA FOR PROPOSED EXPLORATION PROJECT IN PHILLIPS COUNTY,  
LICENSE # 00860 BY LUKE PLOYHAR.

The following comments are related to the EA Draft Published for Public Comment in regards to the Ross Pit Highwall Trench Exploration Project. Have listed the page numbers and often quote the document before giving comment. Hope this is not confusing. Thank you for allowing public comment, open forum, ZOOM dialogue as well as the in person public meeting at the Hays-Lodgepole School in Hays. The following is related directly to the Draft EA;

Page 5-6: TABLE 1. SUMMARY OF APPLICANT'S ACTION:

'125 ton bulk sample for metallurgical testing'-for gold, silver, rare earth metals? Does the public have the right to know the results of the testing?

'located within the former Zortman Mine site operation boundary and within the area of the Zortman Mine that has been reclaimed'-with the mines now under CERCLA how will this affect the outcome of the proposed action as both DEQ and BLM have authority under the CERCLA?

'water sources and neighboring lands surrounding the analysis area as reasonably appropriate for the impacts being considered'. But this is a surface assessment and unknown risks, like lack of understanding of the underground water dynamics associated with the Zortman mine area that had already been mined (broken rock) could be different than reasonably assumed.

'The proposed project may be subject to additional regulatory oversight and operating conditions at federal, state, county, and/or local levels' This should include Tribal entities residing on the Fort Belknap Indian reservation.

Page 10: SUMMARY OF POTENTIAL PHYSICAL AND BIOLOGICAL EFFECTS:

Both short-term and long-term impacts could affect the area, as small as it is, by altering the dynamics of underground water in yet unknown ways even if that water is 100's of feet from the surface.

Page 10-11: GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Again, mining an area that has already been mined would do great harm if restoration were taking place. Reclamation under the authority of CERCLA is a somewhat surface task (exception the water treatment for perpetuity). While restoration, especially of cyanide heap leach mines has hardly been studied. Aaniiih Nakoda College has completed a 5 year research project at the Zortman/Landusky mine sites and found that severely disturbed sites compared to a site that had not been mined indicate lack of microbial diversity, minimal mycorrhizal fungi and biomass.

P.O. Box 189 • Helena, Montana 59626  
406.353.2607 • fax 406.353.2898 • [www.ancollege.edu](http://www.ancollege.edu)

Even this small sample than will disrupt what is already a severely impaired area and will lag greatly if restoration is to be considered.

'Exposure of acid-generating materials in the trench area exposed is expected to be minimal'

Herein is a problem of 'expected to be minimal', 'are not expected' and these same words might not be predictors of events that would occur.

#### Page 11-12: WATER QUALITY, QUANTITY, AND DISTRIBUTION:

The concern here is great as previous statements by the Land Board gave assurance to the Fort Belknap Tribes, to let the cyanide heap leach mine go ahead as there would be no impact on either the water quality or quantity and accepted the DRAFT EIS, in spite of the need that a hydrology study be done. The Aquatic Study (Civil Action No.95-95;95-96 BLG-JDS and focusing on the Peoples Creek Drainage) has shown that the Peoples Creek Drainage has been greatly impacted by the now defunct Zortman/Landusky mines. And to use the words, again and again 'not expected to' in this section is no proof of the outcome, as the interaction between the groundwater flow system and surface water represents the most important aspect of determining how contaminants migrate away from the mine areas. More worrisome would be if this exploration project was approved, with such unknowns, and then approval for mining to begin again! There are both direct impacts and secondary impacts.

#### Page 12-13: VEGETATION COVER, QUANTITY AND QUALITY: TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

These are combined as they relate to CERCLA and the disturbance of even a small exploration sample would have on that area. As everything is connected to everything else in the web of life, changes underground with microscopic organisms would have an impact on surface organisms. Reclamation is more a physical process, and to disturb this when life is trying to establish such a depleted area, via a restoration process will have short and long term effects.

#### Page 14-15: HISTORICAL AND ARCHAEOLOGICAL SITES:

The word sites for this exploration site is specific to place. The Little Rocky Mountains (Island Mountains, Fur Capped Mountains) all of them are a Sacred Area. There are cultural areas or places within these mountains. The Zortman/Landusky mines have destroyed a Sacred Area and to initiate any form of further injury to this Sacred Area an affront to the Indigenous people that live on the Fort Belknap Indian reservation, the Assiniboine and Aaniinen people. The cultural preservation person, Mr. Michael Blackwolf is responsible for protecting what has been listed in this section and should have been consulted.

#### Page 15: AESTHETICS:

The prominent topographical feature is the Little Rocky Mountains which are Sacred. The exploration license should be denied as it would be adding insult to injury.

#### Page 20: SOCIAL STRUCTURES AND MORES:

The direct and secondary effects would be hard to comprehend unless one knew that the land in question for which the person seeking the exploration license for approval knew what was taken from the American Indians living on the Fort Belknap Indian reservation under coercion

and they would like that 'notch' (location of the Zortman/Landusky mines) back. The Spirit Mountain was turned upside down and soaked in cyanide and the water draining from the Zortman/Landusky mines is toxic coming onto the reservation and has been so for a long time. The people have tried for years, fighting in the courts of law to stop the mines, stop the expansion of the mines, and return that part of the Little Rocky Mountains to the people. The mere fact that there is now an attempt to explore again in this area for mining is an affront and stressful event. With the CERCLA designation and DEQ and BLM with oversight every attempt should be made to withdraw all mining claims that exist in this area.

Page 21: CONSULTATION:

How involved was the Tribal Council in consultation concerning this project? Explain

Page 22: OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION

Please inform, why it said that it is on Zortman mined land? Realizing that Mr. Ployhar has 71 mining claims, meaning many are located on previous Zortman mined land, right? Somewhat confusing in the document for the reader as some of his mining claims are on private land adjacent to the Zortman mine currently under consideration for exploration.

Page 22: CUMULATIVE IMPACTS:

Consultation with the Tribal Council would have considered the cumulative impacts that this project would have and given input to deny the exploration. The authority of CERCLA, overseen by DEQ and BLM should not have considered a mining claim, per se on already mined Zortman mine area. The BLM being tardy in getting the area removed from mining for another 20 years because of late filing of paper work is not acceptable. The Blue Arc, LLC (for # License 00846, I have also responded to at great length) which was approved and 'can proceed when bond is posted could occur simultaneously to this project'. 'Cumulative impacts related to this project are 'not significant'. This is not acceptable as the draft document has not taken into consideration the many aspects of concerns and the science discussed herein.

Page 23: NEED FOR FUTURE ANALYSIS AND SIGNIFICANCE OF POTENTIAL IMPACTS:

These are excellent criteria and respond;

1. The Fort Belknap Tribes were not consulted and it appears no dialogue ensued concerning this affront of exploring to mine once again on a Sacred Area.
2. The draft uses the words 'not expected to' throughout but history tells another story due to uncertain hydrology.
3. One major concern is opening up mining again i.e. the future of the decision.
4. The water and underground environment, both quantity and quality would be affected.
5. The loss to the Indigenous people on the Fort Belknap Indian reservation that part of the Sacred Little Rocky Mountains (Island Mountains, Fur Capped Mountains) that became Zortman/Landusky mines, and having Spirit Mountain turned upside down and soaked in cyanide has made these people 'ENVIRONMENTAL REFUGES IN THEIR OWN LAND. The exploration # 00 846 and # 00860 licenses would only add to this situation.
6. The outcome of the decision by DEQ, the findings of the metallurgical testing could lead to mining again in the Little Rocky Mountains.

7. The outcome of #6 has huge implications for DEQ, BLM and the Tribes on the Fort Belknap reservation which are represented by the Tribal Council.

Dr. Elizabeth McClain  
Professor Emeritus  
Aaniiih Nakoda College  
Harlem, Montana 59526

A handwritten signature in cursive script that reads "Liz McClain". The signature is written in black ink and is positioned to the right of the typed name.



January 8, 2022

DEQ Mining Bureau  
Whitney Bausch  
P.O. Box 200901  
Helena, MT 59620-0901

RECEIVED

JAN 13 2022

MT Dept. of Environmental Quality  
Air, Energy & Mining Division

Dear Whitney DEQ,

I would like to go on record as objecting to Blue Arc, LLC's mining plans for the Landusky and Zortman areas on both private and BLM Lands. It appears to have been a trick by the previous Federal administration which allowed the moratorium on mining to lapse for 48 hours, thus facilitating Blue Arc, LLC's filing 10 new mining claims.

This renewal of activity would virtually negate EPA cleanup efforts, squander the monies spent on drinking water treatment, and increase ground/water pollution.

Pegasus Gold has already avoided responsibility for cleanup there by filing for bankruptcy. Will you allow business as usual once again, and saddle the tribe, government agencies, taxpayers and the environment with the bill?

Sincerely,  
Hal Davis  
P.O. Box 35  
Billings, MT 59103

RECEIVED 1-18-2022  
DATE

January 11, 2022

DEQ Mining Bureau

Attn: Whitney Baurch

PO Box 200901

Helena, MT 59620

Dear Ms. Baurch,

I am writing in opposition to the current pending mining project in the Little Rocky Mountains bordering the southern end of the Fort Belknap Reservation. This property borders the boundary the Reservation within the distance of one mile.

My name is Gertrude (Mann) Werk, I am an elder on the Fort Belknap Reservation, enrolled as a Gros Ventre and I am 87 years old. I was born and raised here on the Reservation, I have lived during times when our mountains were used for gathering wood, hunting, fishing, recreation and survival. I was raised by my grandmother who spoke only her Gros Ventre language, but understood the white man's ways. My grandmother envisioned change for the future. She taught me that a change in culture and tradition was coming and the ways of our ancestors would no longer be accepted or permitted, she would not let me speak her language because she knew what was coming. I lived through this change and recognized the visions of my grandmother, change happened and our people endured the change. We survived although our identity was stripped from the majority of our ancestral existence. With that said, the people that are living within the exterior boundaries of this Reservation today, still have the respect and appreciation for the land they live on.

In years past white visitors used to come and camp throughout our canyon, camping along the creek and recreating during the summer months. At one time we had plenty of water, there was irrigation for the people. The irrigation ran throughout the southern end of the reservation through an irrigation system that served our people with good, non-contaminated water for agriculture purposes or however needed. Now we do not have any type of irrigation for the people nor do we have non-contaminated water. When the mining started there was little thought given to the future, the only thing of importance was getting the gold out of the mountains. The mountains were mined, the water was ruined and our members sickened by the contamination. Cyanide washed down the mountain and damaged not only our water source but the appearance of our beautiful mountains, slime covered the rocks in the creeks, rust covered the ground anywhere there was water sources. The creeks and springs were ruined, all because the white people wanted the gold out of the mountains. In later years when the mine re-opened, mining companies utilized another tactic of getting gold out of the rock. The water was contaminated again, not only from the cyanide sprays but with the sulfur from the crushed rock. Blasting took place and changed the courses of many springs and other water sources that the people of the

Reservation depended upon. Deep wells were dug but this water, a better water source than the Reservation water, was sent to the off-reservation communities of Landusky and Zortman.

I am writing to request that you do not allow any further mining of our mountains. I oppose any further mining or mining activity to take place in the Little Rocky Mountains.

Please feel free to contact me personally, by phone, email or per written conversation with any questions or concerns you might have towards this and any other activity taking place currently or in the future, on or near our Reservation and within the boundaries of our Little Rocky Mountains.

Thank you for taking the time to consider my opinion to the matter.

Sincerely,

*Gertrude (Mann) Werk*  
Gertrude (Mann) Werk

P O Box 1

Hays, MT 59527

406-673-3155

[ermette@yahoo.com](mailto:ermette@yahoo.com)