DECISION NOTICE and
FINDING OF NO SIGNIFICANT IMPACT
Group Ten Metals Stillwater West Phase Two
Plan of Operations for Mineral Exploration

Beartooth and Yellowstone Ranger District, Custer Gallatin National Forest,
Sweet Grass and Stillwater Counties, Montana
February 2020

Responsible official:
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Introduction

Group Ten Metals Incorporated (referred to hereafter as Group Ten) has proposed exploratory drilling on United States Forest Service (USFS) lands at up to thirty-five drill sites over seven operational seasons (2020-2026) in the Chrome Mountain and Iron Mountain vicinities of the East Boulder Plateau. These actions are proposed on the Beartooth and Yellowstone Ranger Districts of the Custer Gallatin National Forest.

Group Ten Metals’ purpose of the project is to conduct exploratory core drilling on thirty-five drill sites. The purpose for Federal action is the June 20, 2018 submission of the Group Ten, Stillwater West Phase Two Plan of Operations for mineral exploration activities on the East Boulder Plateau area of the Custer Gallatin National Forest, as amended (referred to hereafter as Plan of Operations). The need for Federal Action is the Forest Service’s responsibility to approve or require modifications to Group Ten Plan of Operations in accordance with Federal mining and environmental laws. Group Ten has proposed to use National Forest System lands in connection with operations authorized by the United States Mining laws (30 USC 21-54) which confer a statutory right to enter public lands to search for minerals. In accordance with the Code of Federal Regulations (CFR) at Title 36, Part 228a, the Forest Service is required to analyze the Plan of Operations in determining the reasonableness of requirements for surface resource protection. The Forest Service prepared and distributed an August 2019 Environmental Assessment (EA) to document the analysis of the Action Alternative to meet this need. The purpose of an EA is to briefly provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement or a Finding of No Significant Impact.

Pursuant to 36 CFR 218 subparts A and B, the Forest Service prepared and distributed a November 2019 draft Decision Notice and Finding of No Significant Impact (DN/FONSI) to allow for individuals and entities to file an objection to a decision to approve Group Ten’s Plan of Operations with mitigations. No objections were filed. The Forest Service is now releasing the final DN/FONSI.

Decision and Reasons for the Decision

Based upon review of the EA for Group Ten’s Plan of Operations, I have decided to approve the Action Alternative, which consists of conditional approval of Group Ten’s Plan of Operations with mitigations. My decision authorizes conditional approval of a mitigated Plan of Operations for mineral exploration that complies with all applicable laws and regulations, including those detailed in EA Chapter 3 and this DN/FONSI.

My decision to select conditional approval of the Plan of Operations does not constitute final approval of Group Ten’s Plan of Operations. Although my decision authorizes Plan of Operations approval, approval is a separate action regulated under Forest Service minerals regulations at 36 CFR 228 Subpart A. Conditional plan approval under my decision will be contingent on Group Ten’s acceptance of the specified terms and conditions and USFS collection of an acceptable financial instrument to ensure the costs of reclamation (i.e. reclamation bond).
Conditional approval of this operating plan does not constitute recognition or certification of ownership by any person named as owner herein. Approval of this operating plan does not constitute now or in the future recognition or certification of the validity of any mining claim to which it may relate or to the mineral character of the land on which it lies.

My decision is based on the analysis documented in the EA and supporting project documents for Group Ten’s Plan of Operations, which considers public input received for the project. My decision considers, incorporates, and responds to comments received during the scoping and EA 30-day comment period and incorporates changes/modifications/special mitigations specific to various National Forest resources.

The Plan of Operations describes the proposed mineral exploration and related environmental protection requirements. The Plan of Operations, Plan of Operations amendments, EA and supporting documents are available upon request or on the project webpage: http://www.fs.usda.gov/project/?project=55033

Conditional approval of the Plan of Operations meets the project purpose and need and is not expected to cause significant environmental impacts or result in unnecessary or unreasonable irreparable damage to National Forest System (NFS) lands and resources. The project complies with the agency’s legal obligation to consider and respond to the operator’s intent to exercise statutory rights under United States mining laws to explore on NFS lands. The project has been planned to minimize environmental impacts through the application of Design Criteria and Mitigation Measures. The EA and supporting information in the project record document the environmental analysis and impacts on NFS resources. Conditional approval of the Plan of Operations meets requirements under the National Environmental Policy Act, National Forest Management Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, and the General Mining Law of 1872.

Should Group Ten intend to conduct activities that are beyond the scope of this decision, they will be required to submit a Plan of Operations or Plan of Operations supplement or modification, which would be subject to additional review and analysis as required by applicable law, regulation and policy.

**Action Alternative (Plan of Operations conditional approval)**

The Action Alternative consists of conditional approval of Group Ten’s Plan of Operations as amended with additional specific Design Criteria and Mitigation Measures. The Plan of Operations includes exploratory drilling at thirty-five drill sites located on NFS lands of the Custer Gallatin National Forest (Table 1). Six drill sites are on the Beartooth Ranger District and twenty-nine are on the Yellowstone Ranger District. The action alternative includes three laydown areas, nine water drafting sites and eleven helicopter landing zones on NFS lands (Tables 2 and 3). Two additional private lands helicopter landing zones could serve as a primary and secondary bases for helicopter operations. Use of private lands for mining purposes is approved and regulated by the Montana Department of Environmental Quality.

Approximately thirty percent of the drill sites are located on previously undisturbed areas with undisturbed access routes. Seventy percent of the drill sites are proposed at areas and access routes previously disturbed by past mineral exploration projects. Drill core
removed from the sites will be helicopter-transported to one of the helispots and then transported by vehicle to Group Ten’s existing facilities for final logging, sampling, and storage. Upon drilling completion, each drill hole will be plugged following the criteria required in the Administrative Rules of Montana (ARM) 17.24.106. Total area of disturbance accounting for all project drill sites, laydown areas and identified overland travel segments is approximately 4.38 acres.

Four of the Yellowstone Ranger District drill sites are in the North Absaroka Inventoried Roadless Area. As clarified in an October 15, 2018 amendment to the Plan of Operations, exploratory drilling activities do not include construction of roads or tree cutting (incidental or commercial) within the North Absaroka Inventoried Roadless Area. Access to drill sites in the North Absaroka Inventoried Roadless Area will be provided by helicopters and overland vehicle travel from existing roads designated for motorized use.

Up to three drill rigs will operate 24 hours per day, 7 days a week with up to 25 people working during the annual operating seasons defined as July 15 to October 1. All project activities, to include final reclamation, will be completed by no later than October 1, 2026. No mining, milling, or permanent facilities are being proposed.

Group Ten’s Plan of Operations proposed implementation starting in July 2019 and being completed by October 2025. NEPA analysis and project consultation were not completed prior to the proposed 2019 implementation date. My decision authorizes Group Ten Metals Stillwater West Phase Two Plan of Operations implementation from July 15 to October 1 from 2020 to 2026 (seven seasons).

Table 1. Drill site descriptions and locations. Coordinates are in North American Datum of 1983.

<table>
<thead>
<tr>
<th>Drill Site</th>
<th>Drill site description and access route</th>
<th>Easting Coordinates</th>
<th>Northing Coordinates</th>
</tr>
</thead>
<tbody>
<tr>
<td>GT-01</td>
<td>Historic drill site and access route.</td>
<td>568561.00</td>
<td>5032050.00</td>
</tr>
<tr>
<td>GT-02</td>
<td>New drill site and access route.</td>
<td>568642.00</td>
<td>5032338.50</td>
</tr>
<tr>
<td>GT-03</td>
<td>New drill site and access route.</td>
<td>568702.40</td>
<td>5032180.70</td>
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<tr>
<td>GT-04</td>
<td>New drill site and access route.</td>
<td>568750.00</td>
<td>5032075.00</td>
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<td>GT-05</td>
<td>New drill site and access route along existing road/trail.</td>
<td>568749.80</td>
<td>5031781.90</td>
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<tr>
<td>GT-06</td>
<td>New drill site and access route.</td>
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<td>5032002.50</td>
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<tr>
<td>GT-07</td>
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<td>GT-08</td>
<td>New drill site and access route.</td>
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<td>GT-09</td>
<td>New drill site and access route.</td>
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<td>5031454.30</td>
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<td>GT-10</td>
<td>New drill site and access route.</td>
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<td>5031306.00</td>
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<td>GT-11</td>
<td>Historic drill site and access route.</td>
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<td>5030441.00</td>
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<td>GT-13</td>
<td>Historic drill site and access route.</td>
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<td>5029352.00</td>
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<td>GT-14</td>
<td>Historic drill site and access route.</td>
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<td>GT-15</td>
<td>Historic drill site and access route.</td>
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<td>GT-16</td>
<td>Historic drill site and access route.</td>
<td>572193.00</td>
<td>5028788.90</td>
</tr>
<tr>
<td>GT-17</td>
<td>Historic trench and access route.</td>
<td>572155.00</td>
<td>5028613.00</td>
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<td>Drill Site</td>
<td>Drill site description and access route</td>
<td>Easting Coordinates</td>
<td>Northing Coordinates</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------</td>
<td>---------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>GT-18</td>
<td>Historic trench and access route.</td>
<td>572080.70</td>
<td>5028467.20</td>
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<td>GT-19</td>
<td>Historic drill site and access route.</td>
<td>572295.80</td>
<td>5028711.20</td>
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<td>Historic drill site and access route.</td>
<td>572498.00</td>
<td>5028816.00</td>
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<td>GT-21</td>
<td>Historic drill site and access route.</td>
<td>572441.30</td>
<td>5028500.30</td>
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<td>Historic drill site and access route.</td>
<td>572660.00</td>
<td>5028715.00</td>
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<td>Historic drill site and access route.</td>
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<td>5028722.00</td>
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<td>GT-24</td>
<td>Historic drill site and access route.</td>
<td>573141.00</td>
<td>5028844.00</td>
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<td>Historic drill site and access route.</td>
<td>573441.00</td>
<td>5028508.00</td>
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<td>GT-26</td>
<td>Historic drill site and access route.</td>
<td>573720.00</td>
<td>5028060.00</td>
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<td>Historic drill site and access route.</td>
<td>574402.00</td>
<td>5028316.00</td>
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<td>GT-28</td>
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<td>5028310.00</td>
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<td>5028457.00</td>
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<td>New Platform and Access Route.</td>
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<td>5028236.00</td>
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<td>New Platform and Access Route.</td>
<td>569275</td>
<td>5030984</td>
</tr>
<tr>
<td>GT-32</td>
<td>New Platform and Access Route.</td>
<td>569361</td>
<td>5030937</td>
</tr>
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<td>GT-33</td>
<td>Drill site and access route on existing old exploration road.</td>
<td>569462</td>
<td>5030930</td>
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<tr>
<td>GT-34</td>
<td>Historic drill site and access route.</td>
<td>569574</td>
<td>5030913</td>
</tr>
<tr>
<td>GT-35</td>
<td>Historic drill site and access route.</td>
<td>569714</td>
<td>5030823</td>
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</table>

**Table 2.** Water drafting site descriptions and locations. Coordinates are in North American Datum of 1983.

<table>
<thead>
<tr>
<th>Water drafting site</th>
<th>Easting coordinates</th>
<th>Northing coordinates</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>WD-1</td>
<td>568885.8</td>
<td>5032168.4</td>
<td>Previously developed water source.</td>
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<tr>
<td>WD-2</td>
<td>569181.5</td>
<td>5031710</td>
<td>Previously developed water source.</td>
</tr>
<tr>
<td>WD-3</td>
<td>569568.4</td>
<td>5030833</td>
<td>Previously developed water source.</td>
</tr>
<tr>
<td>WD-4</td>
<td>569741</td>
<td>5030513</td>
<td>Water source in existing exploration trench.</td>
</tr>
<tr>
<td>WD-5</td>
<td>572553.8</td>
<td>5028871.4</td>
<td>Water source in existing exploration trench.</td>
</tr>
<tr>
<td>WD-6</td>
<td>572795.2</td>
<td>5028764.7</td>
<td>Water source in existing exploration trench.</td>
</tr>
<tr>
<td>WD-7</td>
<td>574513.2</td>
<td>5028651.8</td>
<td>Previously developed water source.</td>
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<td>WD-8</td>
<td>574496.4</td>
<td>5028119.7</td>
<td>Water source in existing exploration trench.</td>
</tr>
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<td>WD-9</td>
<td>574727.6</td>
<td>5028190.8</td>
<td>Water source in existing exploration trench.</td>
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Table 3. Helicopter landing zone descriptions and locations. Coordinates are in North American Datum of 1983.

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<tr>
<th>Helicopter landing zone</th>
<th>Drill sites supported</th>
<th>Easting coordinates</th>
<th>Northing coordinates</th>
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<tr>
<td>LZ-1</td>
<td>GT-1, 2, 3 and 4</td>
<td>568716</td>
<td>5032097</td>
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<td>LZ-2</td>
<td>GT-5, 6, 7 and 8</td>
<td>569029</td>
<td>5031928</td>
</tr>
<tr>
<td>LZ-3</td>
<td>GT-9 and 10</td>
<td>569223</td>
<td>5031364</td>
</tr>
<tr>
<td>LZ-4</td>
<td>GT-11 and 12</td>
<td>570740</td>
<td>5030334</td>
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<td>LZ-5</td>
<td>GT-13</td>
<td>572164</td>
<td>5029267</td>
</tr>
<tr>
<td>LZ-6</td>
<td>GT-14, 15, 16, 17, 18, 19 and 21</td>
<td>572387</td>
<td>5028628</td>
</tr>
<tr>
<td>LZ-7</td>
<td>GT-20 and 22</td>
<td>572556</td>
<td>5028741</td>
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<td>LZ-8</td>
<td>GT-23 and 24</td>
<td>573128</td>
<td>5028742</td>
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<tr>
<td>LZ-9</td>
<td>GT-25 and 26</td>
<td>573422</td>
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<td>LZ-10</td>
<td>GT-27,28,29 and 30</td>
<td>574594</td>
<td>5028333</td>
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<td>LZ-11</td>
<td>GT-31,32,33,34 and 35</td>
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<td>5030880</td>
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</table>

Design Criteria and Mitigation Measures
The Plan of Operations as amended provides numerous design criteria that serve as environmental protection measures. Additional applicable design features and mitigations are required conditions of approval for the Group Ten Metals Stillwater West Phase One Project and are included in the Group Ten Metals Stillwater West Phase Two Project. For a complete description of the project design criteria provided by Group Ten, see the Phase Two Plan of Operations (available on the USFS project webpage at: https://www.fs.usda.gov/project/?project=55033).

My Decision includes additional design features and mitigations to further address and minimize potential resource concerns. These design features and mitigations have been slightly modified since issuance of the EA to address grammar and formatting errors and to ensure that reporting requirements from US Fish and Wildlife Service are included. To eliminate potential confusion, a revised list of design features and mitigations are included in my DN/FONSI and will also be included in the Plan of Operations for approval. I have determined that these design features and mitigations are deemed reasonable and necessary modifications to the Group Ten Phase Two Plan of Operations to minimize or negate the potential for adverse environmental impacts of the planned operations, per 36 CFR 228.8. The following design features and mitigations are required conditions of Plan of Operations approval:

**Aquatic Habitat and Biota**

1. During excessively wet conditions resulting in soil rutting/displacement, travel on existing routes or overland travel will not occur until conditions change.

2. Any work to develop water sources for pumping to drill sites will be done in a manner that minimizes disturbance of stream channels or springs sites. Installation of impoundments, piping, and other water conveyance apparatus shall be
accomplished by hand unless otherwise authorized by the Forest Service. Heavy equipment (e.g., backhoe/excavator) shall not be utilized, nor excavation take place, unless specifically reviewed/approved by the Forest Service in advance. Any disturbance at or near water sources will be reclaimed.

3. No direct discharge of cuttings or drill fluids will occur to streams, ponds, wetlands, or riparian areas.

4. Drilling additives will be non-toxic and bio-degradable.

5. To prevent aquatic habitat from becoming dewatered, diversion and/or pumping of water from any spring will not exceed 50 percent of the stage as determined by a staff gage installed by the Forest Service Project Administrator.

6. Should Group Ten Metals or its contractors encounter western toad larvae (black tadpoles) in a water source, drafting from that water source will cease until the Forest Service determines whether drafting can proceed in a manner that would not jeopardizing the survival of larvae at the site. If it is determined that drafting would contribute to dewatering of a western toad breeding site, the Forest Service Project Administrator will work with Group Ten Metals to identify an alternate suitable water source.

7. When drafting from a water source with visible amphibian larvae (tadpoles), Group Ten Metals or its contractor will use pumps fitted with a Forest Service approved intake cylinder. Intake cylinders will have mesh less than or equal to 1/16 inch with enough surface area to prevent impingement of aquatic organisms (Figure 1). See Alaska Department of Fish and Game Habitat and Restoration Division (ADFG 1998) for intake cylinder specifications and designs for preventing impingement.

**Figure 1.** Approved pump intake screen for preventing entrainments and impingement of aquatic organisms during drafting operations.
8. Prior to mobilization to the project area, all drafting equipment must be
decontaminated by Group Ten Metals or their contractors and then inspected by the
Forest Service Project Administrator using procedures outlined in Northern Wildfire
Coordinating Group (NWCG) guide PMS 444 (2017). Prior to use, the Forest
Service Project Administrator will inspect foot valves for leakage by hanging
drafting hoses vertically, filling with water, and checking for leaks. Leaking foot
valves will not be approved for use.

Cultural Resources

9. No maintenance will occur on Picket Pin Road 2140/140 that will substantially alter
the character of the road that makes it eligible to the National Register of Historic
Places (NRHP).

10. Two proposed drill rig overland access routes will cross the Historic Graham Creek
Trail 117 (24SW0259) with a tracked drill rig. The Graham Creek Trail 117 is a
Forest Service trail designed for seasonal motorcycle use. To avoid affecting the
existing trail character: a) the drill rig will only cross the trail perpendicularly and
during dry conditions. b) lay down area 1 will not be on the trail; and c) Proposed
water drafting sites (WD-01 thru WD-04) will not be on the trail. An archaeologist
will monitor the two trail crossings, the lay down area, and the water drafting sites
to ensure there is no damage to the trail.

11. Avoid the historic sheep corral (24SW0260) during overland access to proposed
drill sites GT-02. An archaeologist will flag a buffer perimeter around the corral
prior to the access/drilling activity and will monitor the corral during/following the
access/drilling activity.

12. Any proposed changes or modifications to the approved Plan of Operations would
be reviewed by the District Ranger in consultation with the Forest Archaeologist
prior to implementation.

Noxious Weeds

13. Region 1 policy (Forest Service Manual (FSM) 2080, Supplement No.: R12000-
2001-1) requires implementation of Forest Service Best Management Practices
(BMPs) to help prevent or mitigate weed establishment during management.
Applicable Region 1 BMPs for the Group Ten Stillwater West Phase Two Project
are:

Roads - Required Objectives and Associated Practices
(2) Remove the seed source that could be picked up by passing vehicles and limit
seed transport in new and reconstruction areas by:
   (a) Removing all mud, dirt, and plant parts from all off road equipment before
       moving into project area. Cleaning must occur off National Forest lands.
       This does not apply to service vehicles that will stay on the roadway,
       traveling frequently in and out of the project area.
(b) Cleaning all equipment prior to leaving the project site, if operating in areas infested with new invaders as determined by the Forest Weed Specialist.

(3) Re-establish vegetation on bare ground due to construction and reconstruction activity to minimize weed spread.
   (a) Revegetate all disturbed soil, except the travel way on surfaced roads, in a manner that optimizes plant establishment for that specific site, unless ongoing disturbance at the site will prevent weed establishment. Use native material where appropriate and available. Use a seed mix that includes fast, early season species to provide quick, dense revegetation. To avoid weed contaminated seed, each lot must be tested by a certified seed laboratory against the State noxious weed lists and documentation of the seed inspection test provided.
   (b) Use local seeding guidelines for detailed procedures and appropriate mixes. Use native material where appropriate and available. Revegetation may include planting, seeding, fertilization, and weed-free mulching as indicated by local prescriptions.
   (c) Monitor and evaluate success of revegetation in relation to project plan. Repeat as indicated by local prescriptions.

(4) Minimize sources of weed seed in areas not yet revegetated. If straw is used for road stabilization and erosion control, it must be certified weed-free or weed-seed free.

**Minerals - Required Objectives and Associated Practices.**

(1) Minimize weed establishment in mining, oil and gas operations, and reclamation.
   (a) Include weed risk assessment in environmental analysis for minerals and oil and gas projects.
   (b) Include weed prevention measures in operation and/or reclamation plans.
   (c) Retain bonds until reclamation requirements are completed.
   (d) Revegetate bare soil as described in the Roads (3) (a), (b), (c) section above.

(2) Remove seed source and limit seed transport into new or existing mining and oil and gas operations. Remove all mud, dirt, and plant parts from all off-road equipment before moving into project area. Cleaning must occur off National Forest lands. (This does not apply to service vehicles that will stay on the roadway, traveling frequently in and out of the project area.)

(3) Minimize weed spread caused by moving infested gravel and fill material.
   (a) The borrow pit will not be used if noxious weeds or new invaders (as defined by the Beartooth District Weed Specialist) are found on the site.
   (b) Remove all mud, dirt, and plant parts from all off-road equipment before moving into project area. Cleaning must occur off National Forest lands.
(This does not apply to service vehicles that will stay on the roadway, traveling frequently in and out of the project area.)

**Additional design features specific to noxious weeds:**

14. Noxious Weed Site Inspections: Prior to approval of ground disturbing activities or selection of drill sites or off-road travel routes, a Forest Service representative will inspect such areas for presence of noxious weeds. If noxious weeds are present, Group Ten will either a) choose a different location or b) treat the weeds. Forest Service personnel will be consulted regarding the most effective treatment methods based on weed density and species.

15. Noxious Weed Prevention: To prevent weed introduction/spread on the National Forests, Group Ten will be responsible to ensure that staging areas or helicopter landing zones on private lands are free of noxious weeds. This will occur prior to transport of materials or personnel from these locations to Forest Service lands. This could be accomplished by either selecting staging areas or helicopter landing zones that are free of noxious weeds or mechanically or chemically treating such areas prior to use.

16. Reclamation monitoring: In the event of observed post-reclamation noxious weed or site stability problems, the three year monitoring period will be re-started after corrective actions have been taken. Appropriate bond amounts as determined by the agencies will be retained until the agencies determine that post-reclamation monitoring indicates that Plan of Operations reclamation objectives have been met or are on a trajectory to be met.

17. If seeding is required for successful rehabilitation of sites, the following seed mix, fertilizer and soil amendments shall be used. If species are not available, the mix shall be reconfigured with the approval of a Forest Service botanist.

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Seeding Rate (lbs/ac)</th>
<th>PLS</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Deschampsia cespitosa</em></td>
<td>tufted hairgrass</td>
<td>8.0</td>
<td></td>
</tr>
<tr>
<td><em>Phleum alpinum</em></td>
<td>alpine timothy</td>
<td>4.0</td>
<td></td>
</tr>
<tr>
<td><em>Poa alpina</em></td>
<td>alpine bluegrass</td>
<td>4.0</td>
<td></td>
</tr>
<tr>
<td><em>Agropyron trachycaulum</em></td>
<td>slender wheatgrass</td>
<td>4.0</td>
<td></td>
</tr>
<tr>
<td><em>Trisetum spicatum</em></td>
<td>spike trisetum</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td><em>Carex paysonis</em></td>
<td>Payson's sedge</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td><em>Carex nigricans</em></td>
<td>black alpine sedge</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td><em>Antennaria lanata</em></td>
<td>wooly pussytoes</td>
<td>1.0</td>
<td></td>
</tr>
</tbody>
</table>

**Total PLS lbs / Acre**  **25 lbs / Acre**

All disturbed areas should be seeded with the specified seed mixture after topsoil has been replaced and reshaped, and should be done in late fall to take advantage of the best soil moisture conditions.

Fertilizer is essential for revegetation efforts on alpine disturbances. A balanced fertilizer should be applied at 300 pounds/acre. Granular fertilizers with a nitrogen
application rate of about 100 pounds/acre and a phosphorus application rate of about 110-220 pounds/acres proved successful on the Beartooth Plateau. To keep seed and fertilizer in place and to encourage germination, a weed seed free mulch should be applied to all seeded areas (2000 pounds/acre). The mulch will not be so thick to inhibit seed germination. All mulch should be secured so that wind will not blow it, the seed, or the fertilizer away. Fertilizer should be broadcast uniformly and raked into the upper 1 to 2.5 inches of soil.

If the soil pH is less than 5.0, lime will be applied to bring the pH to a minimum of 5.0, and thus provide increased nutrient availability to plants in acid soils. The rate of application will be determined by the acidity of spoils and soils on the site. Applications of both lime and organic matter should be worked into the surface soil to a depth of at least 6 inches where possible.

Recreation and Access

Access/Transportation:

18. Crossing of Trail 117 by drill and drilling support equipment shall occur only at the specified locations identified in the Plan of Operations. Any variation in crossing location would require review and approval by the Forest Service prior to use.

19. When utilizing Trail 117 crossing locations, equipment should cross the trail in a perpendicular fashion to limit potential disturbance to trail surfaces.

20. Mechanized and wheeled motorized use of Trail 117 in association with this project was not proposed or considered in project analysis. If such use is subsequently proposed in association with this project, additional review and/or analysis may be conducted prior to approval by the Forest Service.

21. Ground disturbance associated with drill sites should not damage roads or trails. Drill sites, lay-down areas and associated equipment must not impede or obstruct continued public use of designated and open roads and trails in the project area.

Signs:

22. Operations activity signs should be placed and maintained in the general project area and specific project use areas to inform Forest users of the authorized and active operational status (e.g., helicopter landing zones, laydown areas, water drafting sites, active drill sites, and open sumps).

23. Caution signage should be placed and maintained on roads and trails where the public may approach an active portion of the project (e.g., helicopter operations ahead, or heavy equipment ahead) to ensure awareness and public safety.

24. Drill sites or supporting areas located adjacent to area roads or trails shall be marked and maintained on the road or trail sides of the site such that potential hazards or equipment are highly visible to users (e.g., reflective flagging, reflective markers, etc.).
Sensitive Plants

25. Preferentially retain healthy whitebark pine within the drill sites, removing only as necessary for safe operations and access. The protection of mature and seed-producing trees on the landscape is an objective of the Adaptive Action Plan for Whitebark Pine in the Greater Yellowstone Area (GYCC, 2015).

26. Any changes to the approved Plan of Operations that would result in ground disturbance in areas not previously surveyed for sensitive plants would be reviewed and approved by the District Ranger in consultation with a Forest Service botany coordinator. Rare plant surveys would be conducted as necessary prior to project implementation. Newly documented occurrences would be evaluated, with specific protection measures implemented to mitigate any population viability concerns. Such measures could include changes to drill areas, access routes or water sources.

Water Resources

27. Water sources proposed in the Plan of Operations have been assessed and cleared. Water for drilling operations would not be drawn from additional springs or seeps on National Forest System lands unless reviewed and approved in advance by the District Ranger in consultation with Custer Gallatin National Forest watershed and minerals staff. Diversions from springs and seeps may be subject to further design criteria to mitigate potential impacts to these sensitive areas.

28. Drill sites where porous colluvial deposits are present on site or immediately downslope constitute a higher risk for surface water quality contamination due to seepage from surface through the porous deposits and eventual seepage discharge into downgradient streams or the hyporheic (near surface stream-adjacent water) zone. In these locations, Group Ten in coordination with the Forest Service may consider re-siting the drill pad or using alternative water/fluid management strategies such as (but not limited to) managing cuttings/fluids in tanks or lined sumps. Extra monitoring may be required at these higher risk sites.

29. Drilling fluids would be required to meet American National Standards Institute/National Sanitation Foundation (ANSI/NSF) standards for municipal drinking systems. Safety Data Sheets or other documentation indicating whether drill fluid additives meet ANSI/NSF standards would be provided to Forest Service prior to use.

30. Drill sites with limited downslope vegetative cover and/or substantial exposed downslope rock and soil extent may be subject to additional mitigations to address the elevated potential for sediment delivery to downstream waterbodies. Such mitigations could include but not be limited to placement of slash or straw wattles, construction of shallow ditch/berm systems to re-route potential sump overflow, or re-locating drill sites. These mitigations would be coordinated between Group Ten and the Forest Service.
31. In the event that excess water dispersal is required across the forest floor, discharging hoses would be placed at least 200 feet upslope of the nearest waterbody on less than 30 percent gradient slopes. Direct flowpaths downslope of the discharge site would be required to have contiguous understory vegetation cover and have adequate roughness to dissipate flow energy without entraining sediment. These measures would be implemented in effort to further minimize the potential for direct fluid and sediment delivery to downslope waterbodies.

32. To minimize risk of groundwater contamination, surface casing would be installed when drilling through material other than bedrock. The casing would extend well into competent bedrock.

33. To minimize impacts on stream channels and banks where stream crossings by vehicles or equipment is unavoidable, a log/slash support structure shall be placed in stream channels to maintain the channel cross-section geometry and prevent sloughing or smashing of streambanks. The slash/log support structure shall be permeable enough to convey all streamflow within the channel without causing scour or erosional damage to the channel. All logs and slash shall be removed from the stream as soon as channel crossing by vehicles or equipment ceases.
Wildlife

34. Specific to the proposed flight path segment that would parallel Picket Pin Road, helicopter flights will occur south of route 2140 and within 0.3 mile of either side of the road to the extent possible. Helicopter overflights maintained at a minimum 500 meters above ground level (AGL) will not reduce grizzly bear secure habitat and will also keep flights south of the boundary of Management Area C (located north of the 2140) (Figure 2).

35. To the extent practicable to reduce noise impacts to wildlife species, overflights shall be conducted at a minimum of 500 meters (1,640 feet) AGL except as needed for take-off and landing approaches, longline operations to deliver equipment and retrieve backhaul, or to meet safety measures. Figure 2 displays required helicopter flightpath to reduce impacts to wildlife.

36. To reduce impacts to wildlife throughout the duration of each operating season, Group Ten shall coordinate with the Forest Service to annually review and prioritize drill operations across the project area to cluster active drill site locations, where possible, and minimize the extent of required support activities including necessary helicopter use. This may include, when and where feasible, prioritizing activities so to avoid and/or minimize project activity in some areas of whitebark pine habitat, areas west of Placer Basin Trail and the Inventoried Roadless Area after September 1 to specifically reduce impacts to grizzly bear and big game.

Figure 2. Required helicopter Flight paths (source: Wildlife Report, Figure 2).
37. Per reporting requirements in the US Fish and Wildlife Service September 23, 2019 Biological Opinion for this project, Group Ten shall maintain an up-to-date record of daily helicopter-use activities, to include at minimum: a description of location, date, number of trips and purpose (e.g., crew shuttle or sling load mission), and any flights over the Inventoried Roadless Area. Daily-use records shall be made readily available for Forest Service inspection upon request. Group Ten shall provide this information to the Forest Service at the close of annual operations by no later than October 30th.

38. Group Ten shall report sightings of Canada lynx, wolverine and grizzly bear to Forest Service within 24 hours. It is understood that the Forest Service may require immediate temporary modification of operations if such an action is deemed necessary by the District Ranger to prevent adverse effects to these species.

39. Group Ten Metals will notify the Forest Service and Montana Fish, Wildlife, and Parks within 24 hours of any grizzly bear-human conflicts and/or human-caused death of a grizzly bear associated with implementation of the conditionally approved plan of operations. Per reporting requirements in the US Fish and Wildlife Service September 23, 2019 Biological Opinion for this project, the Forest Service will notify the US Fish and Wildlife Service’s Montana Field Office within 24 hours of any such incident.

40. Bear Spray: To minimize risk of grizzly bear encounters, it is recommended that all workers be equipped with and trained to use bear spray. Where there are safety concerns with workers carrying bear spray, such as in helicopters or around moving drill parts, such concerns may dictate that bear spray not be utilized.

Public Involvement, Scoping and Consultation

The Forest Service provided a description of the proposed mineral exploration project to the public for scoping comment during a 30-day scoping period from November 16, 2018 to December 16, 2018. Project information was sent by direct postal or electronic mailings to forty-six potentially interested parties, including: individuals, agencies, governments, non-governmental organizations and interest groups. Project information was also made available on the Custer Gallatin National Forest Projects website at that time.

Scoping letters were sent by direct postal mailings to the Chairmen and Tribal Historic Preservation Officers of the Crow Apsaalooke, Northern Arapaho, Eastern Shoshone, and Shoshone Bannock Tribes, and to the President and Tribal Historic Preservation Officer of the Northern Cheyenne Tribe. No scoping responses were received from tribal contacts.

The project has been listed on the Custer Gallatin National Forest quarterly Schedule of Proposed Actions since January 2019. Comments from three interested parties were received during the 30-day scoping effort (available in the project record). One
respondent specified support for mining activities. No respondents specified opposition to Plan of Operations approval.

As required by 36 CFR 218.25, opportunity for public review and comment on the Group Ten Phase Two Environmental Assessment was provided for 30 days from August 29, 2019 legal notice publication in the Billings Gazette newspaper. In addition to the legal notice publication, letters were sent via e-mail and postal mail to a list of approximately 60 individuals and organizations (see project record) notifying them of EA availability and opportunity to comment.

EA notifications included direct postal mailings to the Chairmen and Tribal Historic Preservation Officers of the Crow Apsaalooke, Northern Arapaho, Eastern Shoshone, and Shoshone Bannock Tribes, and to the President and Tribal Historic Preservation Officer of the Northern Cheyenne Tribe. No EA comment period responses were received from tribal contacts.

One e-mail response from Montana Fish Wildlife and Parks was received in response to the 30 day EA comment period. This response states: “Phase Two does not appear to create significantly different potential wildlife impacts than the original proposal. As such, continuation of the previously assigned wildlife mitigations would appear to be appropriate.” As discussed previously, mitigations from the Group Ten Phase One project were incorporated into the Phase Two Plan of Operations as mitigations, design features and conditions of approval. Additional wildlife mitigations and reporting requirements were also included in this DN as conditions of approval in the Phase Two Plan of Operations as a result of project analysis and US Fish and Wildlife Service consultation (see wildlife mitigations listed above).

Consultation has been completed for this project regarding historic properties and Federally listed Threatened and Endangered species. On May 30, 2019, the Montana State Historic Preservation Office concurred with USFS findings that this undertaking will have no adverse effect on historic properties. On September 23, 2019, the US Fish and Wildlife Service issued a concurrence letter and Biological Opinion for this project.

Using comments provided by the public and other agencies, the interdisciplinary team developed and refined a list of issues for use in defining the scope of necessary project analyses. Issues identification was conducted per 40 CFR 1500.1(b), which states, “...NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.” Issue statements were developed to ensure concerns were appropriately considered, and include the following resource areas: water quality, water quantity, aquatic habitats, sensitive plants, wildlife species and habitat, noxious weed spread, Inventoried Roadless Areas, cultural resources, recreational uses and opportunities, and helicopter use proximal to private lands.

Pursuant to 36 CFR 218 subparts A and B, the Forest Service prepared and distributed a November 2019 draft DN/FONSI to allow for individuals and entities to file an objection to a decision to approve Group Ten’s Plan of Operations with mitigations. No objections were filed.
Comments received during scoping and the 30 day EA comment period can be found in the project record. Information regarding consultation with and concurrence from US Fish and Wildlife Service and the Montana State Historic Preservation Office and the objection opportunity provided are included in the project record. This information is publicly available on the project webpage at [https://www.fs.usda.gov/project/?project=55033](https://www.fs.usda.gov/project/?project=55033).

**Finding of No Significant Impact**

In accordance with 40 CFR 1508.13, 36 CFR 220.7 and direction provided in the Forest Service Handbook (FSH 1909.15, Chapter 40), I have determined that the activities included in the Action Alternative do not constitute a major Federal action, none of the adverse effects of the impacts are significant, and that the implementation of the conditionally approved Plan of Operations will not have a significant effect on the human environment. Accordingly, I have determined that an Environmental Impact Statement need not be prepared for this project. I have followed implementing regulations for NEPA (40 CFR 1508.27) and other criteria for determining the significance of effects.

Before making my determination, I carefully reviewed and considered the following information:

- Conditional approval of the Plan of Operations will respond to the project’s purpose and need;
- The direct, indirect, and cumulative effects of these actions as documented in the Environmental Assessment for Group Ten’s Plan of Operations for Mineral Exploration – Stillwater West Phase Two;
- The analysis documentation in the Project Record for Group Ten’s Plan of Operations for Mineral Exploration – Stillwater West Phase Two;
- Responses received during scoping and EA comment periods;
- Past experiences with analysis and implementation of other Stillwater Complex mineral exploration projects on the Custer Gallatin National Forest;
- Consultation and coordination with State, Federal and Tribal government entities; and
- The lack of response to the fall 2019 opportunity for individuals and entities to file an objection to a decision to approve Group Ten’s Plan of Operations with mitigations.

I have utilized input from an interdisciplinary team to “screen” the management actions included in Group Ten’s Plan of Operations for Mineral Exploration – Stillwater West Phase Two for “significant impact.” Significant as used in NEPA requires consideration of both context and intensity as detailed below.

**Context**

The context of the environmental effects is based on the environmental analysis in the EA and supporting materials in the Project Record. While there are effects to various resources, no significant effects were identified in the EA. The range of effects from the Action Alternative are within the bounds of effects disclosed in the EA. The Action Alternative is designed and mitigated to minimize adverse environmental effects while still allowing Group Ten to exercise their statutory right to search for minerals on National Forest System lands.
The primary surface resource effects of the Action Alternative can be correlated with acreage and timing of direct project disturbance, which, overall is localized in scope over several small areas of physical disturbance over several years. Total proposed area of disturbance accounting for 35 project drill sites, laydown areas and identified overland travel segments is approximately 4.38 acres. As detailed in the EA, disturbance acreage can be further correlated to effects to various resources, including wildlife habitat, water resources, aquatic biota, increased acreage prone to noxious weeds invasion, soils, and cultural resources. Helicopter and road traffic, operating drilling equipment, exploration workers and site reclamation activities will result in noise, dust, and visual effects that is predicted to disturb wildlife and recreation users and temporarily change local aesthetics during the seven season implementation period. Measures included in the Action Alternative would be adequate to prevent pollutant delivery to nearby waterbodies and ground water throughout the project area. Upon completion of reclamation of operational impacts, monitoring and noxious weed treatment will occur for up to an additional three years. Effects of physical and temporal disturbance are local in nature and relatively short-term over a seven season period. Such effects are not likely to significantly affect regional or national resources.

Short term effects are addressed through implementation of required mitigation measures, project design criteria and operating requirements and reclamation protocols that minimize effects to natural resources on National Forest System lands and avoid adverse impacts to the extent that such impacts will be either a) undetectable and immeasurable, even at the local level; or b) in compliance with applicable regulatory thresholds, such as State water quality standards. Completion of reclamation and reclamation monitoring will ensure that localized effects are further reduced over time. Within the context of the landscape as a whole, the ecological consequences of project-related activities are not found to be significant in either the short or long-term. No significant effects will result from conditionally approving the Plan of Operations.

**Intensity**

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis disclosed in the EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits and experience with past similar projects and reclamation measures in the Stillwater Complex area. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1. **Impacts that may be both beneficial and adverse.** A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

Both beneficial and adverse effects were considered when making a determination of significance for this project. While meeting the project’s purpose and need can be considered a beneficial effect, this action does not rely on those effects to balance adverse environmental impacts. Individual resource sections in the EA and the supporting information in the Project record contain comprehensive effects analyses and the findings from these resource-specific reports form the basis for our decision.
Analysis documented in the EA and consultation with resource specialists and other agencies concluded that the conditional approval of the Plan of Operations will not have significant environmental impacts. The impacts have varying effects on the physical, biological, and social components of the affected environment. However, all effects will not result in significant short or long-term impacts. Completion of reclamation and reclamation monitoring will ensure that localized effects are further reduced over time. No effects are deemed irreversible or irretrievable and do not set in motion further effects.

2. **The degree to which the proposed action affects public health or safety.**

Design criteria and mitigation measures are included in the DN, EA and Plan of Operations to address potential public health and safety concerns. These include requirements for Group Ten to implement traffic control and engineering measures for safe use of roads and trails by both the public and mineral exploration personnel, utilize biodegradable and non-toxic drilling fluids that meet ANSI/NSF standards for municipal drinking systems, install surface casing when drilling through material other than bedrock to minimize risk of groundwater contamination, reclaim and close drill sites and drill holes, follow appropriate behavior in the presence of wildlife and regulations regarding proper food storage to reduce potential for human conflicts with bears, and report bear encounters.

3. **Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

There are three recorded historic properties within the Area of Potential Effect. One site (24ST0392/24SW0640) has been determined Eligible for nomination to the NRHP, following formal consultation with the Montana State Historic Preservation Office, and two sites (24SW0259 and 24SW0260) are considered eligible for nomination to the National Register of Historic Places (NRHP). Design criteria and mitigation measures (EA pages 13 and 14) will be implemented to avoid impacts to cultural resources.

The Picket Pin Road 2140/140 (24ST0392/24SW0640) has been determined Eligible for nomination to the National Register of Historic Places (NRHP). There is no maintenance proposed on Picket Pin Road for the Group Ten Metals Stillwater West Phase Two Mineral Exploration Plan of Operations project that would substantially alter the character of the road. Use of this Forest Service system road (authorized open to all motorized vehicles) and limited maintenance activities would not affect the character that makes this road eligible to the NRHP.

No parklands, prime farmlands, or wild and scenic rivers have been identified and specifically designated within the project area.

Iron Creek and the upper East Boulder River provide important aquatic habitat for Yellowstone cutthroat trout populations. Yellowstone cutthroat trout are a Montana species of special concern and Forest Service R1 sensitive species. Both of these populations are secure from competition and hybridization threats posed by nonnative salmonid species due to high gradient cascades/waterfalls. Yellowstone cutthroat trout in Iron Creek and the upper East Boulder River are genetically unaltered core conservation populations (MFWP et al., 2013). Core conservation populations have important genetic value and could serve as donor sources for refounding populations in historically
occupied habitat. These population characteristics warrant and are provided the highest level of protection afforded under National Forest Management Act, the Custer National Forest Plan, the Gallatin Forest Plan, and the Cooperative Conservation Agreement for Yellowstone Cutthroat Trout in Montana to which the U.S. Forest Service is signatory.

As noted within the Group Ten Plan of Operations (pages 13 and 14), “Drill sites and other areas with ground disturbance will be located a minimum of 200 feet from all perennial and intermittent streams, ponds, lakes, reservoirs, or wetlands. Any exceptions to this distance will be applied only upon the site-specific approval by the Forest Service representative in consultation with Forest Service fisheries or hydrology specialists.” As detailed in Aquatics and Water Resources reports completed for this project, this buffer and other mitigation and design features should serve to avoid impacts to wetlands, riparian areas, or floodplains and related aquatic resources in or adjacent to the project area.

Water resources disturbance associated with access to floodplains and riparian areas required for staging of pump equipment and water diversion is projected to be limited in extent and should recover quickly following cessation of drilling activities. Best Management Practices implemented as outlined above and in the Plan of Operations, as amended, will ensure that there is limited risk for compromise to wetlands, riparian areas, and/or floodplains across the proposed project area. Conditionally approving the Plan of Operations will be in compliance with Executive Orders 11990 and 11988, Section 404 of the Clean Water Act, and all other applicable regulatory authority.

The project area is in Unit 5 of designated Canada Lynx Critical Habitat. Project activities that could affect primary constituent elements (PCE) include drill rig sites and associated activities. These impacts are disclosed in Table 14 of the EA (Page 70), Wildlife Report (Pages 17-24), and Biological Assessment (Pages 23-26). No stand initiation, early stand initiation, multistory, denning habitat, or other Lynx habitat will be modified. When combined with cumulative impacts of other projects in the area, up to six acres of matrix habitat may be modified. However, this amount will not reduce or remove understory vegetation in boreal forest stands, significantly reduce the quality of snowshoe hare habitat, or cause permanent loss or conversion of the boreal forest on a landscape level scale.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Note: The term “controversial” in this context refers to cases where substantial scientific dispute exits as to the size, nature, or effects of a major Federal action on some human environmental factor, rather than to public opposition of a proposed action or alternative.

Conditional approval of the Plan of Operations and resulting impacts are not expected to be different or outside of the effects from previous exploratory drilling projects. Public comments, project analysis and consultation with other agencies on the project have not identified any issues that will rise to the level of a substantial scientific dispute over the size, nature, or effects of the project. The USFS has completed environmental analysis for five Stillwater Complex exploratory drilling projects on the Beartooth and Yellowstone Ranger Districts over the past five years. The USFS has overseen and administered implementation of three such projects in that time period. Numerous additional approvals and implementation of similar Stillwater Complex projects have occurred in the past.
twenty years on the Beartooth and Yellowstone Ranger Districts. Implementation administration has included monitoring of reclamation measures and techniques, such as plugging drill holes, erosion control and revegetation which have proven effective at ensuring site restoration and that effects to the human environment are not highly controversial. After review of the EA and project record, I have determined that effects on the quality of the human environment are not likely to be significant or highly controversial.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The USFS has completed environmental analysis for five Stillwater Complex exploratory drilling projects on the Beartooth and Yellowstone Ranger Districts over the past five years. The USFS has overseen and administered implementation of three such projects in that time period. Numerous additional approvals and implementation of similar Stillwater Complex projects have occurred in the past twenty years on the Beartooth and Yellowstone Ranger Districts. Implementation administration has included monitoring of reclamation measures and techniques, such as plugging drill holes, erosion control and revegetation which have proven effective at ensuring site restoration and that long-term risks to the human environment are minimized or eliminated. The EA discloses the effects of the conditionally approving the Plan of Operations for multiple resources and does not identify any highly uncertain or unique or unknown risks that would result from implementing the conditionally approved Plan of Operations. Based upon my knowledge of past actions and experience with administration of implementation of and reclamation for similar projects, I understand the effects of these activities on the human environment and there are no unique or unusual characteristics about the area or the proposed action that will lead to an unknown risk to the human environment.

6. **The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

This is a project-level decision. Conditional approval of the Plan of Operations involves a decision regarding only those activities described in the EA and the DN. EA Table 2 provides a list of past present and reasonably foreseeable future actions considered in Group Ten Phase Two mineral exploration project analysis. Further Group Ten mineral exploration and development is speculative; therefore future exploration or development and mining are not reasonably foreseeable. Should a proposal for additional exploratory drilling or mineral resource development in the project area be received at some future point, a separate environmental analysis, along with public involvement will be conducted as required by applicable law, regulation and policy.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.**

Past, present, and reasonably future actions that may contribute to cumulative effect with the Group Ten Phase Two mineral exploration projects have been considered in the analysis (see EA Table 2 and project specialist reports). Based on my review of the analysis and disclosure of effects in the EA, Biological Assessment, Biological Opinion
and specialist reports in the project, I find that this project will not result in potential significant cumulative impacts.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

No significant scientific resources have been identified in the project area, therefore no loss or destruction will occur.

As stated in the EA, there are three recorded historic properties within the Area of Potential Effect. One site has been determined Eligible for nomination to the NRHP, following May 2019 consultation with the Montana State Historic Preservation Office, and two sites are considered eligible for nomination to the National Register of Historic Places (NRHP). Design criteria and mitigation measures listed in the DN will be implemented to avoid adverse impacts to cultural resources. On May 30, 2019, the Montana State Historic Preservation Office concurred with USFS findings that this undertaking will have no adverse effect on historic properties.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The U.S. Fish and Wildlife Service (USFWS) Ecological Services Montana Field Office provided the Custer Gallatin National Forest with a list of threatened, endangered, proposed, and candidate species which were considered in the project Biological Assessment, USFWS project Biological Opinion and Aquatic Biota and Habitat Specialist Report (see EA and project record). Those species included: threatened Canada lynx, grizzly bear, and northern long-eared bat, endangered least tern, and proposed wolverine, meltwater lednian stonefly and western glacier stonefly. Forest Service biologists determined there will be no effect to the northern long-eared bat, endangered least tern, meltwater lednian stonefly and western glacier stonefly from the proposed action due to lack of habitat and lack of known presence in the project area (see project Biological Assessment and Aquatic Biota and Habitat Specialist Report in project record).

The Forest Service submitted a Biological Assessment (BA) to the USFWS for formal consultation in June 2019. The Forest Service determined that the proposed project in combination with other ongoing projects involving helicopter use in the area may affect but will not jeopardize the distinct population segment of the North American wolverine, may affect but will not likely adversely affect the threatened Canada lynx or lynx critical habitat, and may affect and will likely adversely affect the threatened grizzly bear. More details on effects to these species can be found in the Biological Assessment, available in the project record.

In September 23, 2019 correspondence regarding the BA and submittal of the project Biological Opinion, USFWS indicated concurrence with the USFS’s determinations for Canada lynx, designated lynx critical habitat and wolverine. This correspondence included a Biological Opinion and incidental take statement disclosing and addressing the effects of conditional approval of the Plan of Operations on the listed grizzly bear. In that Biological Opinion and Incidental Take statement, the USFW concluded that:
“The Service is unable to precisely quantify the number of grizzly bears that will be incidentally taken as a result of the Blitz Ridge Ventilation Raises, Group Ten Exploration Phase 1, and Group Ten Exploration Phase 2 actions. Therefore, we use a surrogate measure for the amount of take we anticipate and provide a specific measure of the incidental take we anticipate. We use one month of helicopter use related to the Blitz Ridge Ventilation Raises project, 14 helicopter trips per day between July 15 to October 15 for the Group Ten Exploration Phase 1; and 21 helicopter trips per day between July 15 to October 1 for the Group Ten Exploration Phase 2 for a period of no more than 8 consecutive years from the onset of the proposed action as our surrogate measure of the incidental take that we anticipate as a result of the Blitz Ridge Ventilation Raises, Group Ten Exploration Phase 1, and Group Ten Exploration Phase 2 actions.

We determined that the Blitz Ridge Ventilation Raises, Group Ten Exploration Phase 1, and Group Ten Exploration Phase 2 actions, with the incorporated design features, adequately reduces the potential for and minimizes the effect of any incidental take that may result. Therefore, reasonable and prudent measures, with their implementing terms and conditions, were not provided. However, reporting requirements were included in order to demonstrate that the Blitz Ridge Ventilation Raises, Group Ten Exploration Phase 1, and Group Ten Exploration Phase 2 actions are adequately reducing the potential for and minimizing the effect of any incidental take that may result.”

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action (conditional approval of the Plan of Operations) was developed in accordance with and, therefore does not threaten to violate any Federal, State, or local law or requirements for the protection of the environment. Consistency with Forest Plans and Regulatory Compliance is discussed in detail in the EA (Pages 82-87). As stated previously, USFWS concurred with findings related to Section 7 of the Endangered Species Act and issued a BO. On May 30, 2019, the Montana State Historic Preservation Office concurred with USFS findings that this undertaking will have no adverse effect on historic properties.

Findings Required by Other Laws and Regulations

It is my finding that the actions of this Decision comply with the requirements of the National Forest Management Act of 1976 (NFMA), the 1986 Custer Forest Plan as amended, the 1987 Gallatin Forest Plan as amended and all current, applicable laws and regulations. My decision is based on the best available science, including a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

National Forest Management Act (NFMA)

NFMA requires that projects and activities be consistent with the governing Forest Plan (16 USC 1604 (i)). My decision to approve Group Ten Metals to conduct exploratory drilling at up to thirty-five drill sites with a total approximate area of disturbance of 4.38 acres over seven operational seasons (2020-2026) in the Chrome Mountain and Iron Mountain vicinities of the East Boulder Plateau is consistent with the intent of the Forest Plans’ long term goals and objectives regarding minerals management and other
resources. Custer Forest Plan Forest-wide Management Standards specify that “Exploration and development of minerals will be facilitated subject to the General Mining Law of 1872 and subsequent regulations in 36 CFR 228 developed by the Secretary of Agriculture” (USDA, 1986: Chapter III, pg. 30). Gallatin Forest Plan Forest-wide Goals and Objectives include “Provide for orderly and environmentally acceptable exploration and development of minerals, oil and gas, and geothermal resources” (USDA, 1986: pg. II-1) and “Existing and future rights to prospect, develop, and mine on National Forest lands open to mineral entry will be recognized in implementation of this Forest Plan. Management Area (MA) and Forest-wide standards will be considered in the development of the Plan of Operations…” (USDA, 1987: pg. II-5).

All Group Ten Phase Two exploratory drilling operations and supporting project activities, as authorized by this decision, are on National Forest System lands that occur within Custer Forest Plan Management Area E and Gallatin Forest Plan Management Areas 6 and 16. Forest Plan compliance was specifically evaluated for this project by interdisciplinary team members as documented in the EA and project record. I concur with these findings.

On April 9, 2012 the Department of Agriculture issued a final planning rule for National Forest System land management planning (2012 Rule) 77 FR 68 [21162-21276]). None of the requirements of the 2012 Rule apply to projects and activities on the Custer Gallatin National Forest, as the Custer and Gallatin Forest Plans were developed under a prior planning rule (36 CFR 219.17(c)). The Gallatin Clean Up Amendment (2015) was amended pursuant to the 1982 rule. Furthermore, the 2012 Rule explains, “[The 2012 Rule] supersedes any prior planning regulation. No obligations remain from any prior planning regulation, except those that are specifically included in a unit’s existing plan. Existing plans will remain in effect until revised” (36 CFR 219.17).

Other Laws and Regulations

My decision will comply with all current, applicable laws and regulations as detailed in the Decision Notice and FONSI, EA and supporting project information. Pages 80 to 85 of the EA provide additional information regarding Forest Plan compliance and compliance with other resource-specific law, regulation and policy. Resource specialist consistency determinations regarding the Group Ten Phase Two mineral exploration project are provided in detail in the specialist report for each affected resource. Individual resource specialist reports are available at: https://www.fs.usda.gov/project/?project=55033. Supporting information is also available in the project planning record.

Conclusion

After considering the environmental effects described in the EA and specialist reports, I have determined that conditional approval of the Plan of Operations will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.
Administrative Review and Objection Rights

This decision was subject to administrative review and objection rights pursuant to 36 CFR 218 subparts A and B.

36 CFR 218 objection process regulations are available at:

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

Pursuant to 36 CFR 218 subparts A and B, the Forest Service prepared and distributed a November 2019 draft DN/FONSI to allow for objection filing specific to my decision to approve Group Ten’s Plan of Operations with mitigations. No objections were filed. The Forest Service is now releasing the final DN/FONSI.

Implementation

Because no objections were filed within the objection filing period, I am now approving the proposed project as documented in this Decision Notice.

Signing the Decision Notice does not constitute final approval of Group Ten’s Phase Two Plan of Operations. Although a Decision Notice authorizes Plan of Operations approval, approval is a separate action regulated under Forest Service minerals regulations at 36 CFR 228 Subpart A. Plan approval under this decision will be contingent on Group Ten’s acceptance of the specified terms and conditions and USFS collection of an acceptable financial instrument to ensure the costs of reclamation (i.e. reclamation bond). Once plan approval is in place, annual implementation would begin July 15 of each year, starting in 2020.

For further information concerning the Group Ten Phase Two mineral exploration project or the objection process, please contact Dan Seifert, Assistant Forest Geologist at 406-446-4520 during normal business hours.

Approval by Responsible Official

Approved by:

KEN W. COFFIN
District Ranger
Beartooth Ranger District

4FEB 2020
Date
References


Code of Federal Regulations, Title 36, Chapter II -Forest Service, Department of Agriculture. Available online at: https://www.ecfr.gov/cgi-bin/text-idx?SID=d0bbc27092085b1709c04815c58691a8&mc=true&tpl=/ecfrbrowse/Title36/36cfrv2_02.tpl#0

Code of Federal Regulations, Title 40, Chapter V – Council on Environmental Quality. Available online at: https://www.ecfr.gov/cgi-bin/text-idx?SID=c4c31e7fad2f713e482d2ea9b3b247e7&mc=true&tpl=/ecfrbrowse/Title40/40chapterV.tpl


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