

# CHAPTER 5. CONSULTATION AND COORDINATION

## Public Involvement Summary

The Supervisor of Salmon-Challis National Forest (SCNF) determined early in 2001 that the Forest's consideration of Formation Capital Corporation, U.S. (FCC) proposed Plan of Operations for the Idaho Cobalt Project (the Project or ICP) submitted in January 2001 required the preparation of an Environmental Impact Statement (EIS) to ensure SCNF compliance with the provisions of the National Environmental Policy Act (NEPA) regarding project review and approval decisions, including public involvement. In April 2001, the Salmon-Challis National Forest selected an independent Environmental Consulting Firm (Contractor) to begin preparation of an EIS, with participation by the Forest's Interdisciplinary Team (ID Team), and other participating state and federal agency representatives.

The Federal Council on Environmental Quality (CEQ) defines Scoping as " ... an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action" (40 CFR 1501.7). Among other things, the Scoping process is used to invite public participation, to help identify issues, and to obtain public comment at various stages of the EIS process. The Salmon-Challis National Forest's public Scoping process for FCC's proposed Idaho Cobalt Project began in mid-2001 regarding the SCNF's identification of Issues, Concerns, and Opportunities for the development of the EIS for the Project. The SCNF's Scoping process for the proposed Project is an iterative process that continues until a Project decision (Record of Decision) is made by SCNF following completion of a final EIS.

An initial informational Scoping packet was distributed to interested parties on July 10, 2001 with a request for written comments, concerns, or suggestions regarding the proposed Idaho Cobalt Project and EIS being developed by the SCNF. The information packet included a summary of the proposed mining and milling project. A public notice of meeting time and place for the July 20, 2001 public Scoping meeting was placed in the *Recorder Herald*, the newspaper of Record for Salmon, Idaho.

Subsequent to the July 20, 2001 public Scoping meeting, a Notice of Intent (NOI) to prepare an EIS for the proposed mining project was published by the Forest in the Federal Register on September 10, 2001. This was followed by the distribution of another information Scoping packet to interested parties on SCNF's Forest-wide mailing list detailing modifications to the Plan of Operations proposed by Formation to incorporate a number of changes as a result of agency review and previous Scoping efforts, as well as a description of a Minimum Impact Alternative. In addition, the meeting times and places for additional public Scoping meetings were placed in the papers of Record for Salmon and Challis, Idaho, the *Recorder Herald* and *Challis Messenger*. The Forest Service held additional public Scoping meetings in Challis, Idaho on October 10, 2001 and in Salmon, Idaho, on October 11, 2001. Comment forms were also provided at these meetings. It can be noted that the majority of individuals providing comments at the public Scoping meetings, and local government and business representatives providing oral and written comments, provided comments in support of the proposed mining project on the basis of an opportunity for increased employment, jobs, and benefits to the local economy.

The official public Scoping comment period ended on October 31, 2001. In response to the 2001 public and agency Scoping activities, SCNF received oral and/or written comments from 58 private individuals, federal agencies, groups, Native American Tribes, local governments, businesses, and the Blackbird Mine Trustees. These comments have been compiled and documented in a Public Scoping Content Analysis Report (Driear, 2003). Subsequent public comments received by SCNF have been considered during development of the DEIS. Since the beginning of the public involvement and Scoping process, Project information and update letters regarding progress on the SCNF's preparation of the DEIS for FCC's proposed Idaho Cobalt Project have been periodically mailed to those included on SCNF's Forest-wide Interested Party mailing list. Outreach was also

made to the Nez Perce Tribe and the Shoshone-Bannock Tribes through formal letters to the Tribal Chairmen, meetings, and field reviews.

Interested Party letters have been distributed by the Forest Service to those on the ICP mailing list as follows:

- July 10, 2001;
- October 2, 2001;
- January 3, 2003;
- March 27, 2003;
- March 5, 2004;
- June 23, 2004;
- November 22, 2004;
- March 29, 2005; and
- August 18, 2005.

In addition to Interested Party letters, updated information regarding preparation of the DEIS and FEIS has been included in each of the SCNF's published quarterly Schedule of Project Actions (SOPA) since July 2001.

The DEIS was noticed in the Federal Register February 23, 2007. Two public meetings were held to discuss the DEIS and take public comments. A meeting was held in Salmon, Idaho on March 14 and another meeting was held on March 15 in Challis, Idaho. A planned 60-day public comment period was extended in response to requests for additional review time. Public comments were accepted by the agencies from February 23, 2007 to May 24, 2007. A combined total 173 oral and written comments were submitted to the agencies on the DEIS. Agency response to the public comments is provided in Appendix D. Public comments resulted in a number of changes to the FEIS as documented in Appendix D.

## **Consultation with Agencies, Organizations, and Tribal Governments**

A key component of the SCNF's consultation process with agencies, organizations and Tribal governments for the preparation of the EIS for the Idaho Cobalt Project is the Idaho Joint Review Process (JRP). The Idaho Joint Review Process was developed by the State of Idaho in 1996 to provide for a structured interactive consultation process between the State of Idaho agencies and federal land management agencies designed to address an often complex interaction of laws and regulations concerning mineral development proposals on public lands in Idaho. The intent of the JRP is to increase communication and cooperation between mineral development companies, state and federal agencies, and the public in Idaho to reduce conflict and delays in the state and federal permitting process concerning proposed mineral development projects.

The SCNF's EIS contractor team and Forest ID team initiated the JRP process in May 2001, and have continued the JRP process throughout the evaluation of FCC's proposed Plan of Operations and supporting technical reports, and the development of the Project's EIS process. In addition to routine interagency cooperation and joint reviews of the FCC Plan of Operations' baseline information and technical reports, several formal JRP meetings have been held to discuss the review of pertinent Project-related information necessary to complete a science-based impact evaluation for the Project's EIS process. Official JRP meetings have occurred as listed below during the SCNF's ongoing development of the EIS for FCC's proposed Idaho Cobalt Project:

- May 3, 2001: Initial JRP meeting, Salmon, Idaho;
- September 10 - 11, 2003: JRP meeting and on-site field review, Salmon, Idaho;

- June 8 - 9, 2004: JRP meeting and on-site field review, Salmon, Idaho;
- March 8, 2005: JRP meeting, IDEQ offices, Boise, Idaho; and
- October 26, 2006: JRP meeting, IDEQ offices, Boise, Idaho.

Representatives of FCC have participated in JRP meetings and on-site reviews, and have provided project overviews, specific project design and operational information, and have responded to questions of the JRP meeting participants.

Participation in the SCNF's JRP meetings and on-site field reviews has involved representatives from the following state and federal agencies, including tribal representatives:

- Idaho Department of Environmental Quality (IDEQ);
- Idaho Department of Fish and Game (IDFG);
- U.S. Environmental Protection Agency (EPA);
- National Oceanographic and Atmospheric Agency (NOOA / National Marine Fisheries Service (NMFS);
- Shoshone-Bannock Tribes; and
- Nez Perce Tribe.

In addition, a representative from the U.S. Army Corps of Engineers (COE) has participated in a 2004 on-site review of Project area wetlands and Waters of the U.S.

The Forest Service has consulted with the Shoshone-Bannock and Nez Perce Tribes throughout the EIS process including Government to Government meetings with the Nez Perce Tribal council on July 12, 2007 and with the Shoshone-Bannock Tribes on September 19, 2007 and May 30, 2008.

Formal consultation under the Endangered Species Act with US Fish and Wildlife Service and the National Marine Fisheries Service was initiated with December 26, 2007 letters to these agencies from the SCNF.

### **Cooperating Agencies**

US Environmental Protection Agency (EPA)  
Idaho Department of Environmental Quality (IDEQ)

### **Other Governmental Agencies Consulted**

US Army Corps of Engineers (COE)  
US Fish and Wildlife Service (USFWS)  
US National Oceanic and Atmospheric Administration – Fisheries (NOAA)

Idaho Department of Water Resources  
Idaho State Historic Preservation Office  
Idaho Department of Fish and Game  
Idaho Department of Environmental Quality, Air Quality Division

Lemhi County Board of Commissioners, Custer County, Idaho  
City of Salmon, Idaho  
Challis Area Chamber of Commerce, Custer County, Idaho

### **Tribal Governments Consulted**

Nez Perce Tribe  
Shoshone-Bannock Tribes

### **Organizations Contacted**

Boulder-White Clouds Council, Bellevue, Idaho  
Idaho Rivers United, Boise, Idaho  
Idaho Conservation League, Boise, Idaho  
Idaho Mining Association, Boise, Idaho  
Blackbird Mine Site Group, Salmon, Idaho  
Blackbird Mine Trustees  
Friends of the Bitterroot, Hamilton, Montana  
The Ecology Center, Inc., Missoula, Montana  
Mineral Policy Center, Missoula, Montana

### **Preparers and Contributors**

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The following people were involved in preparing, researching, writing and reviewing the draft EIS.

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**Distribution of the Environmental Impact Statement**

Copies of this draft EIS were distributed to the following agencies, Tribes and organizations:

**Federal and State Agencies**

- US Forest Service
- US Corps of Engineers
- US Environmental Protection Agency
- US Fish, Wildlife Service
- National Oceanic Atmospheric Administration – National Marine Fisheries Service
- Department of Justice
- Idaho Department of Environmental Quality
- Idaho Department of Lands
- Idaho Department of Fish and Game
- Idaho Department of Water Resources
- Idaho State Historical Society

**Tribes**

- Shoshone-Bannock Tribes
- Nez Perce Tribe

**Local Government**

- Lemhi County Commissioners
- Custer County
- City of Salmon
- City of Stanley

## **Organizations**

Wilderness Watch

Sawtooth Wildlife Council

Land and Water Fund of the Rockies

Boulder-Whiteclouds Council

Idaho Rivers United

Friends of the Clearwater

Custer County Farm Bureau

Idaho Environmental Council

Idaho Sporting Congress

Idaho State Snowmobile Association

Western Watershed Project

Friends of the Bitterroot

Idaho Conservation League

Forest Conservation Council

The Ecology Center, Inc.

Alliance for the Wild Rockies

Western Land Exchange Project

Idaho Trails Council

American Wildlands

Salmon Motorcycle Club

Columbia River Intertribal Fish Commission