

Buckhorn Access Project

Chapter I

Purpose and Need

INTRODUCTION

Crown Resources Corporation submitted an amended Plan of Operations (Crown Resources, 2005) to the Okanogan and Wenatchee National Forests in March 2005 for permission to construct or reconstruct access roads, build a pipeline and a treated water infiltration area, construct fence, drill wells and construct utilities on National Forest System lands to facilitate their plan to mine an ore body on their private lands that are surrounded by Federal lands (National Forest System and Bureau of Land Management lands). Some of these surrounding Federal lands are unpatented mining claims, which here include lode and placer claims, and mill sites. The proponent intends to mine their private lands under the authority of Washington State laws. The project activities for which the Forest Service has discretion to make a decision are located approximately 3 - 8 air miles east of Chesaw, Washington, in Sections 23-26 and 36, Township 40 North, Range 30 East; Sections 7-9, 16-19, 21, 25-28 and 31-32, Township 40 North, Range 31 East; Sections 1, 2 and 11, Township 39 North, Range 30 East; and Sections 2-5, Township 39 North, Range 31 East, Willamette Meridian (see vicinity map, Figure I-1, next page). The ownership status of lands within the project area is presented in the map following the vicinity map (Figure I-2).

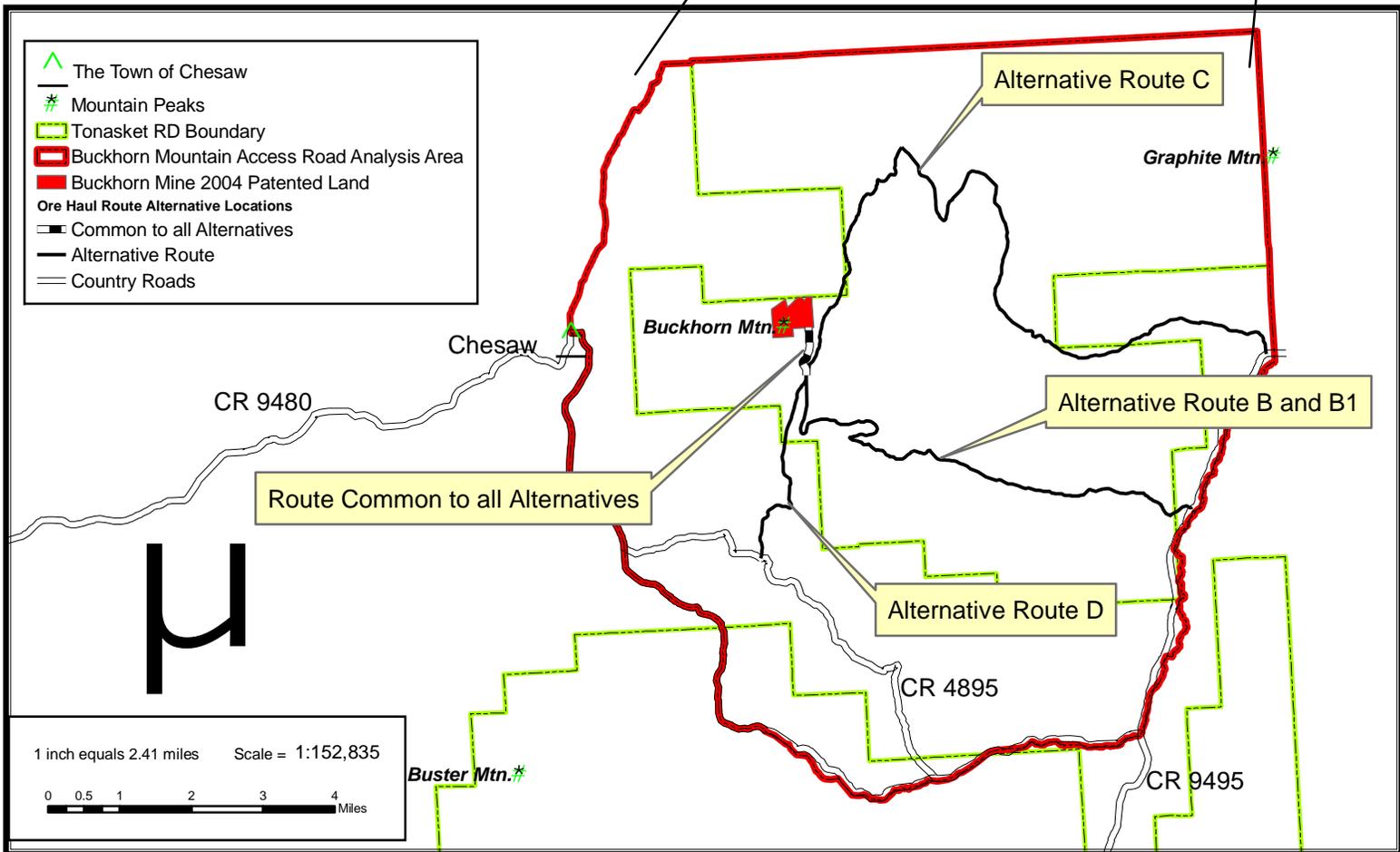
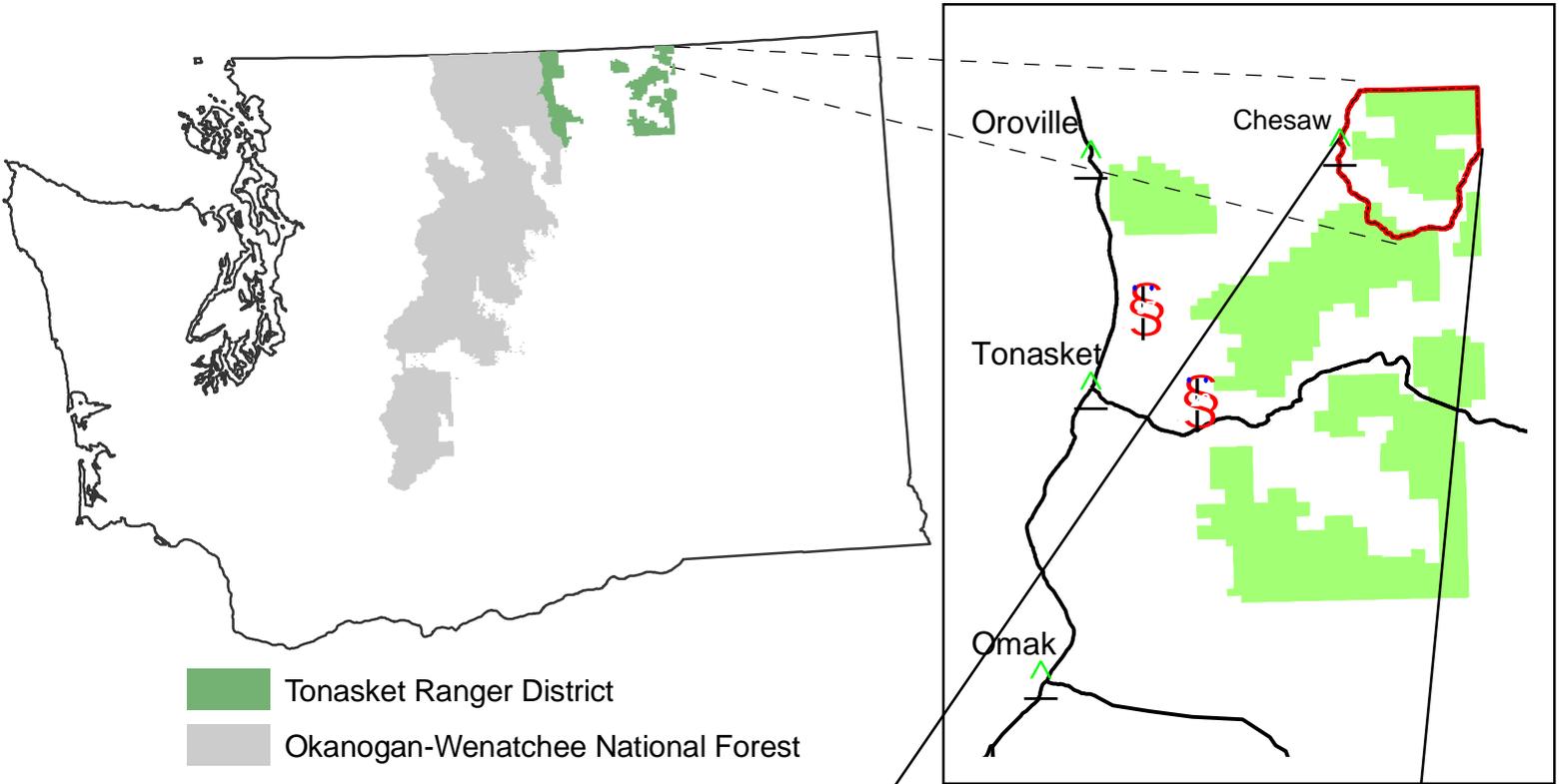
Background

The Buckhorn Access Project is proposed to give Crown/Kinross (the Proponent) access to their private lands within the Buckhorn Block of the Okanogan and Wenatchee National Forests, and provide for facilities on their unpatented claims on National Forest System lands. The mineral deposit and the enclosing lands were originally studied as part of the 1997 Crown Jewel Mine project, when they were under Federal land ownership. The Forest Service and Washington State Department of Ecology prepared an Environmental Impact Statement (EIS) as joint lead agencies. The 1997 Record of Decision for the final EIS approved an open pit mine, and related activities on National Forest System and Bureau of Land Management lands. Because of subsequent voiding or reversal of Washington State permits by the State appellant board, Crown Resources submitted a new Plan of Operations for an underground mine in June 2003, and the Forest Service and Washington State Department of Ecology announced a notice of intent to file a supplemental EIS in September 2003. Subsequently, in December 2004, the lands under which the ore body is located were transferred to Crown Resources Corporation ownership through patenting under the 1872 Mining Law, as amended (1872 Mining Law). Now private, these patented lands remain surrounded by a large block of Crown/Kinross' unpatented mining claims on National Forest System and BLM managed lands. These private lands include the mine itself and most of the mine facilities.

Once the mine site became private land, Forest Service decision space was narrowed to only those activities that still would actually occur on National Forest System lands and rights of way; Crown Resources submitted an amended Plan of Operations covering only those activities in March 2005. The Forests withdrew their notice of intent to file a

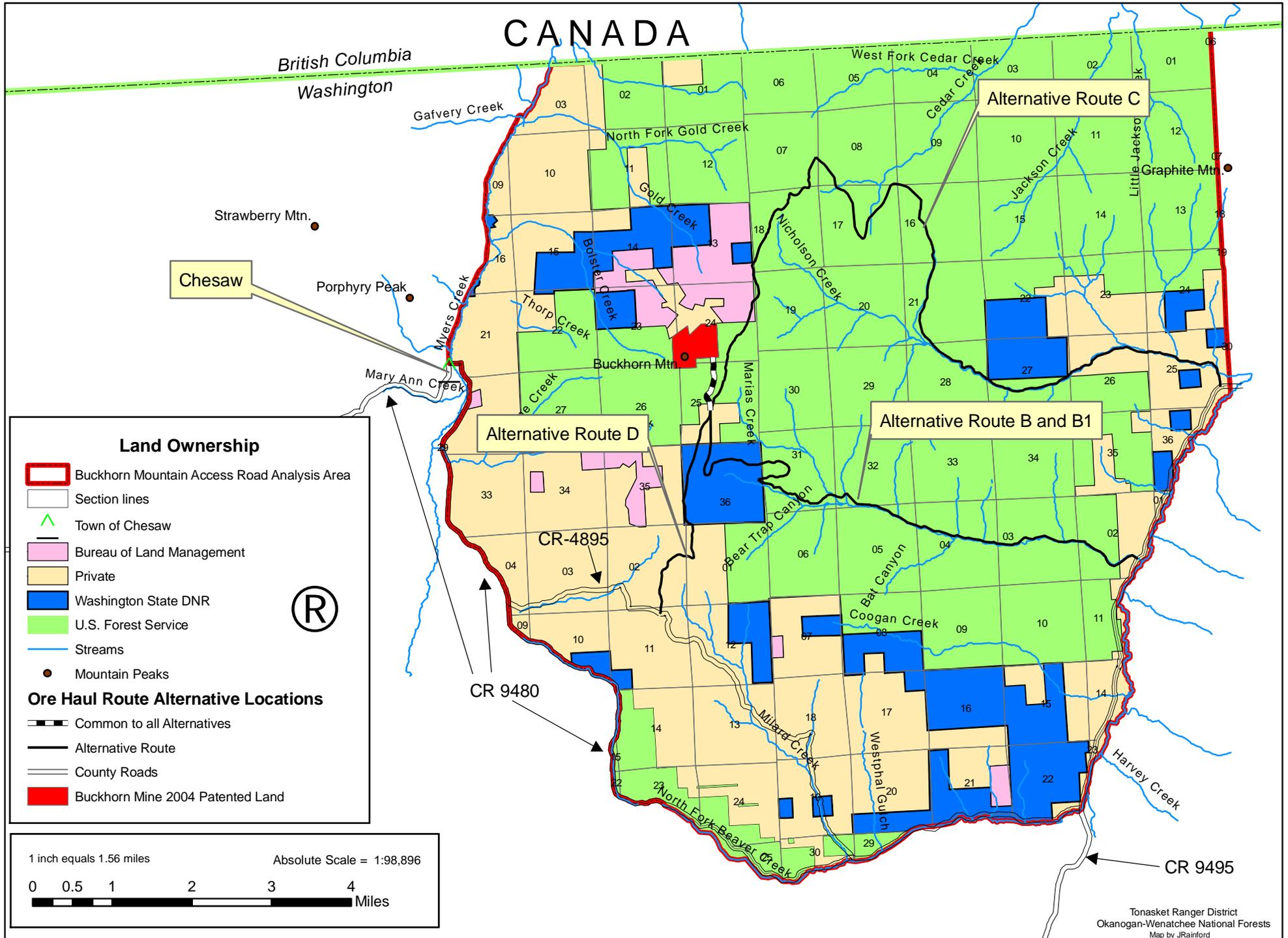
Project Vicinity Map

Buckhorn Access Project



Buckhorn Access Project

Figure I-2: Ownership Map



supplemental EIS. The Forests initiated new scoping on those activities over which the Forest Service still had decision authority in March 2005. The State of Washington, Department of Ecology (DOE), released a final supplemental EIS in 2006 for the entire mine project and Forest personnel continued to work closely with DOE and the Washington State Department of Fish and Wildlife in designing mitigation and analyzing the activities on National Forest System lands and cumulative effects with activities occurring on State and private lands. The project will eventually require more than 40 permits or authorizations from other Federal, State and local agencies to proceed as described in Washington State DOE's final supplemental EIS (2006). After releasing a preliminary Environmental Assessment for the project in December 2005, the Forest Supervisor made the decision in July 2006 to publish a draft Environmental Impact Statement (DEIS), and released a DEIS in August 2006. Kinross Gold Corporation acquired Crown Resources Corporation on August 31, 2006. The proponent is referred to as Crown/Kinross throughout this document.

Management Direction

In order to understand the purpose and need for the project, it is important to understand the management direction that guides activities on the Okanogan National Forest. This project implements (is tiered to) the Okanogan National Forest Land and Resource Management Plan Final Environmental Impact Statement (Forest Service, 1989). The Land and Resource Management Plan (LRMP) has a forest-wide standard and guideline that requires mining claimants be given reasonable access to their mining claims (LRMP, page 4-47). In addition, the Forest Plan allocated this project area into several "zones" called management areas, each with a different management emphasis (see Management Area Map, Figure I-3, next page):

- MA-5 – recreation/scenery emphasis (4%)
- MA14 – wildlife emphasis (11%)
- MA 17 – developed recreation emphasis (<1%)
- MA25 – timber/range emphasis (52%)
- MA26 – deer winter range emphasis (33%)

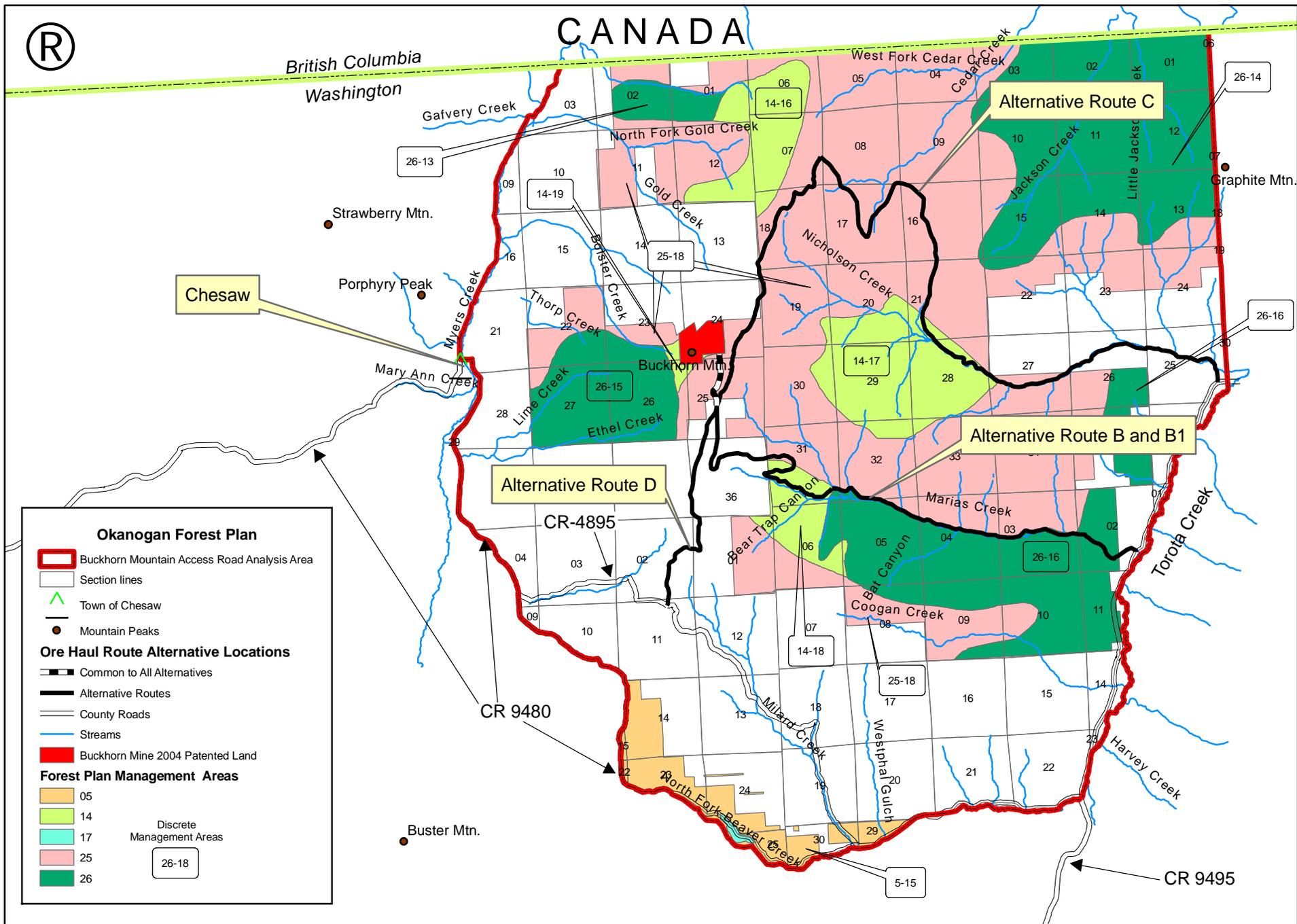
These management areas all have management area specific standards and guidelines that apply within the management area. To the extent that reasonable mineral access can be provided, management area standards and guidelines must be met. In addition, management area direction for the area is provided by the Inland Native Fish Strategy (INFISH; Forest Service, 1995), and the final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for Preventing and Managing Invasive Plants (2005, 2006). Together these documents are referred to as the amended Forest Plan. INFISH provides riparian management objectives and guidelines for aquatic resources. The FEIS and ROD for Invasive Species provide direction regarding preventing and managing invasive plant species. Appropriate standards and guidelines from these two are incorporated into and discussed in this document.^{1,2}

¹ This project was also planned to be consistent with the 1988 FEIS for Managing Competing and Unwanted Vegetation, and it's Mediated Agreement. Consistency findings and cross references between the 1988 FEIS and mediated agreement and the 2004 FEIS and ROD are part of the Vegetation Management Plan in the project file.

² This project does not involve a timber sale, so Regional Forester Amendment #2 does not apply. Any tree removed as a result of right-of-way or facilities clearing for project activities will be under a timber settlement contract.

Figure I-3: Management Area Map

Buckhorn Access Project



The Crown Jewel Mine project described above amended a portion of the project area, creating a new Management Area (MA-27) which established new standards and guidelines that could be met with an open pit mining project. The open pit mine was never implemented, and this project will consider the original management areas when making decisions regarding the need to meet direction in the amended Forest Plan.

PURPOSE AND NEED

The purpose and need for the project is to respond to Crown/Kinross' request for access to their private lands and unpatented mining claims, and to utilize their unpatented mining claims for mining related facilities reasonably incident to mining activities taking place on private lands as required by law, while minimizing impacts to National Forest System lands and considering impacts to residents living along National Forest rights-of-way. The 1872 Mining Law and the Forest Service's Surface Management regulations at 36 CFR 228, Subpart A, and the amended Forest Plan as described above, require that mining claimants be given reasonable access to their unpatented mining claims³. The patented lands mining claim group (including recently patented claims) is an inholding surrounded by National Forest System and Bureau of Land Management lands, and the mining claimant has no other reasonable access. The Alaska National Interests Lands Conservation Act of 1980 (ANILCA), provides for access to non-federally owned land adequate to secure the owner reasonable use and enjoyment thereof within National Forest System lands and lands managed by the Secretary of the Interior under the Federal Land Policy and Management Act of 1976. Several amendments to the LRMP may be needed to fulfill this need because reasonable access may not be able to be granted without allowing access through deer winter range or exceeding road density standards in the LRMP or increasing sediment already above the LRMP standard. In addition, the patenting of the Buckhorn Mountain area left Management Area 14-19 in three small parcels, which makes manageability of the area difficult.

PROPOSED ACTION

The Forest Supervisor for the Okanogan and Wenatchee National Forests proposes to approve Crown's Plan of Operations to reconstruct 5.25 miles of the Forest Roads 3550 and 3550-125; construct 1.5 miles of new access road off the end of Forest Road 3550-125 to the lower portal of the mine; and to build a fence, a pipe line, a treated water infiltration area and access roads, monitoring wells, and underground utility conduits (power line, data line, telephone line) on National Forest System lands and rights-of-way. The Proponent would be permitted to utilize these roads daily to haul ore and supplies to and from the private land inholding, once construction is complete. Trucks, averaging approximately 55 round trips per day (50 ore trucks and 5 supply trucks), would haul along the route, although average daily trips would increase just before and after spring breakup, when hauling is not feasible or permitted. Employee access, 24 hours/day, would be allowed on the haul route and Forest Roads 3575-120, 3575, 3575-100, and 3575-150. Only the haul route, Forest Roads 3575-120 and 3575-140 to the water tower, access roads to the infiltration gallery and pipeline (3575-120, 3575-125, 3575-127, and 3575-142), and to monitoring wells and surface water monitoring sites may be snowplowed. In addition, the following structures would be constructed to compensate for impacts to wildlife and range operations:

³ The infiltration gallery and pipeline, many water monitoring sites and their associated access roads, as well as the upper part of the ore and supply haul routes are on Crown/Kinross unpatented mining claims.

- a corral in lower Marias Creek,
- a well servicing three cattle troughs in mid-Marias Creek
- a water augmentation line from the infiltration gallery pipeline to the Roosevelt Adit and to a new water trough in upper Marias Creek
- water guzzlers in the headwaters of Ethel and South Fork Bolster Creeks

During initial construction, about 8 months in length, the Pontiac Ridge/Cow Camp access route, Forest Road 3575-120, and Forest Road 3575-140 would be used by the Proponent. After approximately 3 months for construction/ reconstruction of the Marias Creek haul road, most construction traffic would switch to that route.

The proposed action would require amendments to four Forest Plan standards and guidelines, two relating to road density, one relating to designation of an open route through deer winter range, and one relating to sediment. Road density standards would be exceeded in MA14-18 and 14-19, and the Marias Creek road would be designated as an open route where it passes through deer winter range in MA-14. Sediment in Marias Creek currently exceeds the Forest Plan standard for 20% fines, and this project would introduce additional sediment into the creek. In addition, the three small parcels left of MA14-19 after land patenting would be combined with their adjacent management areas. This alternative is presented as Alternative B in Chapter II of this document.

DECISION FRAMEWORK

The Forest Supervisor for the Okanogan and Wenatchee National Forests must decide whether or not to approve the Proponent's Plan of Operations as submitted, or approve a Plan of Operation and road use permit for another route or with additional mitigation measures and monitoring items. Additionally, the Forest Supervisor must decide whether to grant a special use permits to the Ferry County PUD and other providers for utility access. The Forest Supervisor will consider both the impacts as a result of project activities on National Forest System lands and rights-of-way, and cumulative impacts off of National Forest System lands, particularly to home owners along National Forest System rights-of-way, in choosing the preferred alternative. The Forest Supervisor must also decide whether or not to amend the Okanogan National Forest Land and Resource Management Plan to implement the project. Table I-1 below indicates the potential permits, associated with the Buckhorn Access Project (other permits are required on State and private lands for the Buckhorn Mountain Project to implement the project analyzed in the State of Washington Department of Ecology, FSEIS, 2006):

Table I-1: Potential Permits Required for the Buckhorn Access Project

Permit	Issued to	Permitting Agency
Plan of Operations	Crown/Kinross	Forest Service
Road Use Permit	Crown/Kinross	Forest Service
Powerline Special Use Permit	Ferry County PUD	Forest Service
Telephone/Dataline Special Use Permit ⁴	Verizon Northwest	Forest Service
Nationwide Clean Water Act 404 Permit (wetlands)	Crown/Kinross	Corps of Engineers
Stormwater Permit	Crown/Kinross	Environmental Protection Agency
National Pollutant Discharge Elimination System (NPDES) 402 Permit (infiltration/augmentation)	Crown/Kinross	Washington State Department of Ecology
Hydraulic Project Approval	Crown/Kinross	Washington State Department of Fish and Wildlife

PUBLIC INVOLVEMENT AND CONSULTATION

Scoping

On March 29, 2005 a scoping package was mailed to the list of individuals who had been known to have commented during the 2003 scoping process. Some individuals were missed in that mailing and an additional mailing was done in April 2005, including residents on rural postal routes and post office box holders in the vicinity of the project, and all individuals were notified that the scoping period was being extended by 15 days. Over 100 letters were received in response to the 2005 scoping effort.

A preliminary Environmental Assessment was sent to the public and agencies on December 8, 2005 for a 30-day comment period. 116 timely letters, and several untimely letters were received. The Interdisciplinary Team spent several days in January 2006 considering all comments and documenting responses. Additional time was spent clarifying, editing and supplementing the analysis prior to publication of the draft Environmental Impact Statement. The Forest Service decided to convert the EA to an Environmental Impact Statement because enough questions had been raised both internally and externally about possible significant impacts that an EIS was appropriate. Scoping was reinitiated with the filing of the Notice of Intent to file an EIS in the Federal Register in July 2006; 14 additional letters were received during the additional scoping period, resulting in two new issues, although only one was determined to be a key issue (see below). A draft Environmental Impact Statement was published in August 2006 for a 45-day comment period. Forty-two letters, and several untimely letters, were received in response to the DEIS. Because a few individuals and organizations were missed during the mailing of the DEIS, those individuals were also given a separate 45-day comment period on the DEIS, and one letter was received. All comments received on the preliminary EA and DEIS are summarized and responded to in Appendix F of this FEIS.

⁴ May not be necessary if Crown/Kinross decides to use satellite technology

Consultation and Coordination

Separate government to government consultation was conducted with the Yakama Indian Nation and the Confederated Tribes of the Colville Indian Reservation. Consultation was initiated in September, 2003, and has continued throughout development of this Environmental Impact Statement. The Colville Tribes have reserved rights for hunting, fishing and gathering in the project area. Consultation with the Confederated Tribes was completed in January, 2007. The Yakama Indian Nation expressed no concerns regarding the project. Numerous meetings occurred and correspondence exchanged to explain the project and its effects, and consult with the Colville Tribal Council and its sub-committees and personnel. Documentation of all correspondence and meetings can be found in the project record.

Consultation has been completed with the State Historic Preservation Office and a concurrence letter dated October 14, 2005 was received for most activities. Consultation has been re-initiated as a result of a new heritage find near the junction of the Toroda and Marias Creek roads, and final concurrence letter was received dated December 18, 2006.

Consultation with the U.S. Fish and Wildlife Service was initiated in September 2004 prior to the land patenting. U. S. Fish and Wildlife Service concurred with the Forests determination that the project would not adversely affect any threatened or endangered species. Additional consultation was conducted in January, 2006 and UFWFS again concurred with the determinations in a letter dated February 16, 2006.

This project has been closely coordinated with the State of Washington, Department of Ecology. Forest Service interdisciplinary team (IDT) members have been involved in the development and review of much of the State's analysis and the Forest Service has sought reviews by the DOE during the development of this EIS. Mitigation development was also coordinated with the Washington State Department of Fish and Wildlife.

The Forest Service also coordinated with the U. S. Army Corps of Engineers regarding impacts and mitigation to wetlands on NFS lands and the U. S. Environmental Protection Agency (EPA) regarding completion of the EIS. Coordination with EPA consisted of meetings, letters and other correspondence, telephone conversations and a field trip.

Issues

Issues were identified during the public scoping process that raised concerns about the proposed action. These key issues were utilized to develop alternatives or additional mitigation and monitoring not included in the proposed action. The issues identified below as a result of public scoping are considered important enough to analyze in detail. Each issue also identifies how the issue will be measured during the analysis process.

1. Construction of the boundary fence on National Forest System lands will remove more land than was patented from use by wildlife, recreationists, Tribal members, and the grazing permittee.

Measured by:

- *Acres closed on NFS lands,*
- *Miles of boundary fence on NFS lands, and*
- *Qualitative discussion of impact of boundary fence on wildlife, recreationists, Tribal members and grazing permittee.*

2. Cows will get inside the mine boundary fence or could be injured or killed on access roads, increasing range permittee expenses.

Measured by:

- *Qualitative discussion of the potential for cows to get inside fence and potential for increased permittee expenses,*
- *Miles of road fenced along access roads,*
- *Miles of fence constructed, and*
- *Estimated numbers of cows killed or injured annually.*

3. Construction, reconstruction and haul along the proposed haul routes will cause sedimentation and toxic substances to enter and degrade riparian areas and wetlands, decreasing water quality, and adversely impacting fish, amphibians, and plants that use these areas.

Measured by:

- *Miles of unpaved haul road on National Forest System lands*
- *Tons of sediment increased in streams,*
- *Miles of construction within riparian habitat conservation areas,*
- *Acres of construction in riparian habitat,*
- *Acres of construction in wetlands, seeps, springs and ponds,*
- *Acres of construction within wetland riparian habitat conservation areas,*
- *Water temperature increases,*
- *Number of threatened, endangered, or sensitive plants destroyed,*
- *Estimated annual tons/gallons of toxic supplies hauled over National Forest System lands, and*
- *Qualitative discussion regarding potential for toxic substances to enter streams, riparian areas, aquatic species and wetlands.*

4. Construction, reconstruction, haul, and employee traffic on proposed haul routes will cause air quality degradation from dust, exhaust and other toxic substances that will impact vegetation, tourism, recreational activities, viewpoints, aesthetic enjoyment of the area, and the quality of life, health, safety and solitude for residents.

Measured by:

- *Tons of total suspended particulates (TSP) produced,*
- *Tons of PM10 size particulate matter produced,*
- *Qualitative discussion of effects of dust on vegetation,*
- *Number of potential viewpoints where dust is likely to be seen,*
- *Number of residences along each potential haul route,*
- *Cumulative number of residences along potential haul route to junction of Forest Road 3575 and Okanogan County Road 9495,*
- *Qualitative discussion regarding impact on residential quality of life, health, safety and solitude,*
- *Number of dispersed sites along potential haul routes,*

- *Qualitative discussion regarding impact on recreation,*
 - *Changes in visibility in Class I airsheds, and*
 - *Miles of proposed road pavement on ore haul route.*
5. Heavy mine traffic will increase noise from trucks and use of compression brakes, which will impact tourism, recreational activities, aesthetic enjoyment of the area, the potential wilderness, and the quality of life and solitude for residents. Noise from the new road on the open south facing slopes of Marias Creek will carry for long distances and potentially impact property owners along Pontiac Ridge road and Millard Creek. Noise adjacent to the Jackson Creek Inventoried Roadless Area could affect its potential for wilderness designation.

Measured by:

- *Qualitative discussion on potential noise effects on Coogan and Nicholson-Marias Ridge unroaded areas,*
 - *Number of residences along potential haul routes,*
 - *Number of dispersed sites along potential haul routes,*
 - *Noise levels at 50', 100', 200' and 500' from haul routes,*
 - *Acres with noticeable noise effects on Jackson Creek inventoried roadless area,*
 - *Qualitative discussion of effect on future potential wilderness designation of Jackson Creek inventoried roadless area, and*
 - *Qualitative discussion regarding impacts on residential quality of life and solitude from noise.*
6. Project activities will disturb wildlife, including threatened, endangered and sensitive species, through human presence, noise, and increased road density, and will create a semi-impermeable barrier to movement from the ore truck route.

Measured by:

- *Acres of impacted lands within set distances of haul, supply and employee routes during construction and during operations for species sensitive to disturbance (distance varies by species),*
 - *Road density by management area,*
 - *Miles of road in deer winter range,*
 - *Miles of road in deer summer range, and*
 - *Qualitative discussion of impacts from barrier along haul routes.*
7. Traffic to and from the mine will spread noxious weeds onto National Forest System lands or from National Forest System lands to other ownerships. The company's proposal to use herbicides to treat noxious weeds has the potential to affect non-target species.

Measured by:

- *Acres of soil disturbance,*
- *Acres of existing noxious weeds along haul routes,*
- *Potential for use of herbicides under existing decisions, and cumulative effects analysis of effect on non-target species, and*
- *Qualitative discussion of potential for weed spread onto NFS lands across NFS lands and from NFS lands to private lands.*

8. The proposed action will have cumulative impacts with the mine and borrow site, which will have significant effects on the environment, and will have cumulative impacts with other past, present and reasonably foreseeable future actions.

Measured by:

- *Decreases in area stream flows at average annual precipitation for cumulative activities*
- *Qualitative assessment of effects on seeps, springs, ponds and wetlands from cumulative activities*
- *Potential for introduction of noxious weeds from borrow site, and*
- *Impacts on Toroda Creek stream flows from water use for dust abatement*
- *Cumulative number of residences along potential haul route to junction of Forest Road 3575 and Okanogan County Road 9495.*

9. Use of dust suppression or snow removal chemicals and/or water may cause impacts to streams, wetlands and riparian areas.

Measured by:

- *Potential for chemicals to reach streams, wetlands, RHCA's and riparian habitat,*
- *Qualitative discussion of the effects of magnesium and sodium chloride on vegetation,*
- *Potential increases of chlorides in streams, and*
- *Comparison of increases in chlorides to surface water quality criteria and threshold for impacts to fish.*

10. Increasing daily haul trips before and after spring break up will greatly increase impacts of homeowners along routes.

Measured by:

- *Increased number of daily trips by alternative before and after spring breakup,*
- *Number of homeowners along each route, and*
- *Passage rates of ore haul trucks before and after spring breakup.*

11. Road construction, reconstruction, haul, employee traffic, and mining will adversely affect members of the Confederated Tribes of the Colville Reservation and may impact cultural resources of concern to Tribal members, and their reserved rights reserved by Executive Order, to hunt, fish and gather on the former north half of the Colville Reservation.

Measured by:

- *Number of historic properties affected;*
- *Qualitative discussion of big game expected to be lost due to project activities,*
- *Qualitative discussion of fish expected to be lost due to project activities,*
- *Qualitative discussion of potential to impact cultural plants, and*
- *Indian allotments within 2 miles of haul, employee and supply routes.*

12. Mine traffic has the potential to disturb residents during non-haul hours along Forest Service rights-of-way.

Measured by:

- *Hours of expected truck traffic outside of 6AM to 6PM,*
- *Hours of operation along haul, employee and supply routes,*

- *Number of vehicles expected to operate outside of 6AM to 6PM, and*
- *Miles of proposed road pavement on ore haul route.*

13. The water infiltration gallery on National Forest System lands will impact water quality and quantity in seeps, springs, ponds, wetlands, aquifers, residential wells and creeks/the infiltration gallery does not belong on National Forest System lands.

Measured by:

- *Acres of disturbance from water infiltration gallery and related facilities,*
- *Potential impacts to flows to springs, seeps, ponds and wetlands as a result of water infiltration,*
- *Potential increases in chlorides in streams and aquifers, and*
- *Qualitative discussion on potential for impacts on aquifers, residential wells and creeks from water infiltration on National Forest System lands.*

14. New road construction is unnecessary and will increase already high road densities and cause higher maintenance costs.

Measured by:

- *Miles of new road construction by alternative,*
- *Open road density by alternative, and*
- *Maintenance costs by alternative*

Issues Eliminated from Detailed Study

Other issues were raised by the public but were not considered key issues. Many were outside the scope of the Forest Service decision. Reasons for not including them as key issues are described below each issue.

1. Crown/Kinross should provide access to the mine site for the public for educational purposes.
Outside scope. The mine is on private land and Forest Service has no decision authority on private lands.
2. The planned infiltration facility will cause light pollution.
Crown/Kinross' plan includes mitigation; only one streetlight is planned at the infiltration site.
3. Cow Camp and Pontiac Ridge roads are narrow, winding and too dangerous for mine traffic.
Widening and safety on Cow Camp road would be handled by the road design. Pontiac Ridge County road is outside the scope of the Forest Service decision. Only Alternative D considers this route for the haul route, and the effects are analyzed in that alternative.
4. Improving access to the mine will result in increased timber harvest on Forest Service and Department of Natural Resource land.
No foreseeable actions are proposed that could be analyzed. The Forest Service and DNR currently have no plans to increase timber harvest where new roads are planned.

5. Widening the Pontiac Ridge route will impact riparian areas along that route and require a “taking” from private landowners along the route.
Outside scope. The County road right of way would accommodate any widening. The County road is not within authority of the Forest Service.
6. Reconstruction of the Beth/Beaver Canyon Road, Okanogan County Road 9480, and allowing ore shipment through the canyon will severely impact the solitude, recreation, and aesthetics of the canyon from dust, noise, safety, and potential for spills into the lakes.
Outside scope. The Forest Service has no authority over County Roads. Only Alternative D would impact the lower portion of this canyon. Forest Service recreational sites, including Beth and Beaver Lakes would not be impacted by dust, noise, safety or potential spills because this route does not pass by those lakes.
7. Mine traffic and use of routes by ATV/OHVs are not compatible for safety.
ATV/OHV use on Forest Service system roads currently illegal; there is potential for this to change, but to make that change, line officer approval is required.
8. The proposal to use the Marias Creek road instead of the Nicholson Creek road will mean additional impacts on the stretch of Toroda Creek road between its junction with Marias and Nicholson Creek roads.
Both alternatives and their effects will be analyzed to provide a range of reasonable alternatives and a comparison of impacts.
9. Part of Crown/Kinross’ unpatented mining claims have sub-surface use where Forest Service controls surface uses, and must be included in the analysis.
The Forest Service has confirmed through mapping and with the mining company that no ore removal is planned under NFS lands.
10. The proposed double-lane Marias Creek road would be wider than necessary to accommodate ore haul, which unnecessarily expands impacts. It should be a single lane road with turnouts.
Safety is paramount which requires a double lane road. Two alternatives were considered but dropped from detailed study for one-lane or one-way roads; these and the reasons for dropping them are detailed in the alternatives considered but eliminated from detailed study section of Chapter II of this EIS.
11. Key issues 3 to 12 above as they relate to non-Forest Service controlled haul routes.
Approval on actions on these lands is outside Forest Service decision space, although to the extent impacts overlap with impacts on Forest Service lands they will be considered in cumulative effects analysis.
12. The applicability of ANILCA to inholder access does not apply outside of Alaska based on the *Amoco Production Co. v. Village of Gambell* Supreme Court ruling.

The Ninth Circuit Court of Appeals ruled in 1981 that ANILCA applies to the rest of the United States outside of Alaska, and in 2005 affirmed and reconciled this decision with the Supreme Court's 1987 *Amoco* decision. The Ninth Circuit stated that the *Amoco* decision interpreted a different provision of ANILCA than the cases cited in the 2005 litigation, in which the plaintiff asserted that ANILCA did not apply. The *Amoco* case involved section 810(a) of ANILCA, dealing with Outer Continental Shelf issues, and did not address Section 1323(a), the provision providing for inholder access over National Forest System lands.

Additional information relating to all comments received during scoping is located on the issue tracking sheets in the project file.

CHANGES BETWEEN DRAFT AND FINAL EIS

The major changes between draft and final EIS relate to cumulative effects between the Buckhorn Access Project and the State of Washington, Department of Ecology's final supplemental EIS for the Buckhorn Mountain (Mining) Project. The Forest Service DEIS relied on information in WADOEs DSEIS because that was the most current finalized information available. Changes in the Forest Service FEIS primarily relate to water quantity and quality, their indirect effects to aquatic life and wetlands, and the adaptive management strategy. Outfalls have been identified on maps and figures have been provided showing water treatment and management in relation to outfalls. Additionally an error in the chloride calculations has been corrected, and sand used for winter traction has been added to sediment estimates. Disturbance acres have been updated based on more recent information from the Proponent, and partial reclamation of the Marias Creek road (Forest Road 3550 and 3550-125) to its original usable surface has been included in Alternative B1 in response to issues raised internally and externally relating to road maintenance costs. More information is provided regarding the archaeological site found near the Toroda and Marias road junction. Appendix F has been added for Response to Comments on the preliminary EA and DEIS⁵.

⁵ Required by NEPA Implementing Regulations.

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