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Sillwater Mining Company dba as Sibanye-Stillwater

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**RE: Review and Comment -- Custer Gallatin National Forest Draft Revised Forest Plan,  
Draft Environmental Impact Statement, and associated Appendices**

Dear Ms. Erickson:

On behalf of Sibanye-Stillwater and our 1600 employees, we appreciate the opportunity to review and provide the following comments to the Custer Gallatin National Forest (CGNF) Draft Revised Forest Plan and Environmental Impact Statement. We recognize the significant effort put forth by you and the Forest Planning Team and offer the attached comments in an attempt to help strengthen the documents and to support the agency's mission of multiple use management. We also appreciate the fact that the Draft Revised Forest Plan for the Custer Gallatin National Forest recognizes the unique role Sibanye-Stillwater plays within the context of the region surrounding the Forest as well as the Absaroka Beartooth Geographic Area.

During our review, it was recognized that not all narratives contained within the Draft Revised Forest Plan clearly and consistently articulate the regulatory framework under which federal locatable mineral resources are managed. This is an important consideration as a number of areas within the bounds of the CGNF are proposed for various degrees of amenities management (Inventoried Roadless Areas, Recreation Emphasis Areas, Recommended Wilderness, Backcountry Areas, etc.). As such, we believe it is imperative that the proposed Forest Plan Components accurately reflect this regulatory framework in order that the associated Environmental Impact Statement appropriately discloses future implications and informs forest management over the life of the Plan.

As an example, proposed Standards for some of the above resource/issues areas within the Draft Revised Forest Plan indicate No Motorized Access within the area covered by a particular resource or issue. Most of the text pertains to motorized access and does not include any recognition of the potential for surface use and occupation other than access during locatable mineral activities. Within the narratives provided, little if any context relative to valid existing rights or right of mineral entry is contained or discussed. As you know, the right of mineral entry applies except where a particular area has been congressionally withdrawn (Designated Wilderness, Designated Wild and Scenic Rivers, Designated Wilderness Study Areas).

As currently drafted, we are concerned that future planning and implementation of Sibanye-Stillwater management actions could be complicated depending on the continuity and knowledge of Forest Service

personnel administering federal locatable mineral management regulations. Specifically disclosing the locatable mineral's unique "place at the management table" would strengthen the current Draft Revised Forest Plan. Such disclosure would help the public understand mineral entry within the overall Forest Plan and may reduce future costs and time related to the processing and management of mineral activities.

The Draft Environmental Impact Statement (DEIS) does appropriately disclose that locatable mineral activities would be expected to continue under any of the alternatives considered. Given, however, that amenity-based resource considerations heavily influence the DEIS, it is not unreasonable to anticipate that the public will misinterpret information contained in the DEIS and thus misinterpret the Revised Forest Plan management direction. Further, there appears to be confusion or limited discussion related to what locatable mineral actions are or are not permissible within various proposed land allocations, such as recommended wilderness, backcountry areas, recreation emphasis areas and wild and scenic river corridors. Effects analysis seems to principally focus on access/roading and mining activities. Little mention or recognition of other mineral management actions, such as prospecting, exploration, and development actions prior to production operations is included within the subject documents. The same could be said for disturbances associated with surface support facilities which could be necessary to support a variety of mineral activities.

Of the approximately 3 million acres of the Forest, only one area (Stillwater Complex, 102,945 acres) is identified as a possible land allocation for mineral activity emphasis. Although it may seem rather repetitive, it is our recommendation that the documents accurately and repeatedly disclose the right to conduct mineral actions throughout the Forest unless the subject federal lands have been withdrawn from mineral entry. It is additionally our opinion that identification and inclusion of the Stillwater Complex land allocations in all alternatives would fully inform the public and future Forest Service personnel that mineral actions within this area should be anticipated and in fact serve to implement the Forest Plan. This will further serve to clearly and consistently communicate the regulatory framework under which federal locatable mineral resources are managed and the associated implications. This regulatory framework was contained in the previously completed Assessment documents and ultimately is an important disclosure tool necessary to inform forest management over the life of the Plan.

In addition to the general comments above, these specific comments are provided.

### **Specific Comments to the Draft Revised Forest Plan - CGNF**

Pg, 6, Suitability of Lands	Although the narrative indicates that suitability may not be discussed for all resource uses, we believe that this is an appropriate location within the Plan to describe the overarching nature of locatable mineral activities. Specifically, this would be an opportunity to disclose to future forest staff and the public that lands are open to mineral activities unless otherwise specifically excluded (withdrawn from mineral entry). We believe that inclusion of this type of discussion will serve to shape future project level Plans of Operations development, review, approval and implementation.
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Section 1.6, Pg. 11, Project and Activity Consistency	Four bullet statements appear relative to project approval for a proposed project or activity not consistent with applicable plan components. The narrative indicates that “the responsible official shall take one of the following steps, subject to valid existing or statutory rights”. Would it be possible for the responsible official to approve the proposed project or activity without modification of the project or activity? Similarly, would it be possible for the responsible official to approve the proposed project or activity without amending the Forest Plan since, as acknowledged in the narrative, proposed projects and activities maybe associated with valid existing rights?
Section 2.3.6 , Riparian Mgmt Zones Pg 26, 3 <sup>rd</sup> paragraph	We understand that these and other proposed Forest Plan Components pertain to new management actions and not existing Plans and facilities. However, we believe that the determination of where riparian conditions exist should be site-specific and not prescriptively. As currently written, both Category 1 and Category 2 Riparian Zone definitions appear to be arbitrary and could have substantial effects on the ability to effectively manage various mining activities.
Section 2.3.15 Wildlife Pg 58 GDL 05	This guideline as written appears to pertain to all raptors. We suggest that this guideline could be appropriately applied to federal and state identified/designated species of raptors (i.e. Threatened and Endangered, Sensitive, etc.). The term raptor is a very broad and overly inclusive.
Grizzly Bear, Pg 65-66, Standards	<p>Narratives are related to potential management actions within the primary conservation area and recovery zone. Maps provided within the Appendices for the DEIS references Grizzly Bear recovery zone within the legends. How do the Grizzly Bear primary conservation areas relate to the Grizzly Bear recovery zones? Are these synonymous terms?</p> <p>Our understanding that the origins of the proposed Revised Forest Plan Standards relative to Grizzly Bears comes from the Grizzly Bear Conservation Plan. Are these proposed Standards still warranted given the recent delisting of Grizzly Bears? Have Grizzly Bear primary conservation areas and recovery zones been withdrawn from locatable mineral actions? If not, then aren't these lands available for a full suite of locatable mineral activities inclusive of roaded access and surface support facilities?</p>
Sec 2.4.16 (ROSP), Standard 01	FW-STD-ROSP indicates no permanent or temporary motorized routes shall be constructed in primitive settings. Does this proposed Draft Revised Forest Plan component recognize existing rights of access and surface infrastructure? Our concern is that this standard does not adequately disclose to the public possible future locatable minerals management actions and seems to set up future Forest personnel, project proponents, and members of the public for conflict.
Sec 2.4.45, Pg 130	FW-STD-RWA 01 indicates that “New roads shall not be constructed”. Same comment as above. Does this proposed Draft Revised Forest Plan component recognize existing rights of access and surface infrastructure? Our concern is that this standard does not adequately disclose to the public possible future locatable minerals management actions and seems to set up future Forest personnel, project proponents, and members of the public for conflict.

Sec 2.4.46 Backcountry Areas	FW-STD-BCA 01 indicates "New permanent roads shall not be constructed; temporary roads may be constructed". Does this proposed Draft Revised Forest Plan component recognize existing rights of access and surface infrastructure? Our concern is that this standard does not adequately disclose to the public possible future locatable minerals management actions and seems to set up future Forest personnel, project proponents, and members of the public for conflict.
	FW-STD-BCA 07 indicates "New access to and development of minerals shall minimize impacts to backcountry areas". We suggest the addition of "and reasonably incident to the phase of mineral activities".
Sec 3.5 A-B Geographic Area, Pg 156	Within the narrative entitled "Social and Economics Characteristics" we suggest modifying the text to reflect that Sibanye Stillwater operates two platinum and palladium mines within the Stillwater Complex area. The Stillwater Complex is the only geologic structure in the United States which currently produce platinum and palladium minerals as a primary product.

### Specific Comments to the Draft Environmental Impact Statement

Chapter 2, Tables 2 and 6	The seventh issue listed does not recognize that although neither previous Forest Plans contained a Stillwater Complex land allocation, both Plans did allocate lands within the Complex as mineral management areas (MA E and MA 24). Inclusion of those acres within the Tables would strengthen the disclosure.
3.10 Wildlife Diversity Grizzly Bear Effects of Land Allocations, pg 380	<p>Narrative pertaining to the Grizzly Bear indicates that under "all alternatives, recommended wilderness areas would be managed to maintain their wilderness character, including a natural environment where ecological processes function as the primary forces affecting the environment. No new roads could be constructed in recommended wilderness areas."</p> <p>It is our understanding that locatable minerals management actions, such as road construction and reconstruction or potential surface support infrastructure development are permissible within recommended wilderness until such a time that Congress designates the area as Wilderness and the area is segregated and withdrawn from mineral entry.</p> <p>Our review of the DEIS and Appendices did not reveal how this Standard 02c is anticipated to affect potential mineral management within the Stillwater Complex land allocation area. What is the relationship between the Grizzly Bear primary conservation area, recovery zone and the Stillwater Complex land allocation area? It appears (difficult to discern at the provided map scale) that the areas overlap?</p>
Effects from Energy and Minerals Mgmt Pg 440	The last sentence in this discussion indicates that "Alternative D would have the least potential for impacts associated with mineral development that could further isolate the Stillwater bighorn sheep herd". We are unclear as to the rationale for this conclusion since as disclosed in the effects narrative, mineral activities would continue under Alt D. Additionally, summer/fall range for the herd consists of the A-B Wilderness where all mineral activities are precluded under all Alternatives.
3.17.3 Energy, Minerals	The text discusses "The right of access to locatable mining operations ...." The term "mining" is used a few times in this narrative. The same statement can be said as it

Environmental Consequences	pertains to prospecting, exploration and development actions which occur prior to production operations (mining).
3.17.3, 4 <sup>th</sup> and 6 <sup>th</sup> paragraph	Information presented in these two paragraphs appears to be conflicting and confusing related to locatable minerals activities such as access construction and/or reconstruction within an inventoried roadless area. Specifically, unless these areas have been withdrawn from mineral entry, they are open to mineral management activities. Similar confusion over this item appears throughout the effects analysis presented for many other issue areas.
3.17.2, 7 <sup>th</sup> paragraph	This paragraph may conflict with the previous narrative. Do these statements consider the existence of valid existing rights?
Pg 657 Revised Plan Alts, 2 <sup>nd</sup> paragraph	Same comment as above. Additionally, under what legal authority would road construction/reconstruction and possible surface support infrastructure necessary to conduct locatable mineral management activities be precluded?
Pg 658, Effects of the Revised Plan Alternatives	<p>Generally, we agree that under any of the Alternatives, mineral management actions would continue within the area covered by the proposed Stillwater Complex land allocation. However, inclusion of the Stillwater Complex land allocation within Alternatives B, C, and E has the effect of disclosing to the public the mineral nature of the area and highlights the likelihood of potential current and future mineral management actions.</p> <p>Therefore, Alternatives containing the Stillwater Complex land allocation may lessen public misunderstanding of locatable mineral actions in the area. Because of this, we believe Alternatives B,C, and E would reduce Plan of Operation review and processing costs and time as compared to Alternative D.</p>
Pg 661, Cumulative Effects	<p>While this section portrays mineral withdrawal and locatable minerals management implications in the event that Congress designates recommended wilderness areas as Wilderness, what are the indirect and cumulative effects relative to locatable minerals management until that time? What are the implications if no Wilderness designation is made?</p> <p>This is especially important in order to ensure accurate effects portrayal by other resource and issue areas in the EIS.</p>
3.21 Designated Areas	This narrative appropriately describes the legal framework under which locatable minerals management within these areas could occur. However, this foundational information appears to be at odds with some of the presented effects analysis throughout various portions of the document.
Recommended Wilderness Areas	Does this narrative pertain solely to reserved and outstanding mineral rights? What are the implications to public domain minerals within these Recommended Wilderness Areas? Under Alt D, three RWAs (East Rosebud to Stillwater West Woodbine and Deer Creek) appear to intersect portions of the highly mineralized Stillwater Complex, irrespective if the Stillwater Complex land allocation is included in Alt D or not.
Sec 3.22.3 Eligible Wild and Scenic Rivers	There are four rivers identified as Eligible Wild and Scenic Rivers located within the Stillwater Complex (Stillwater, West Fork Stillwater, Main Boulder and the West Boulder Rivers). Review of the Maps located in Appendix E of the "Proposed Action" appears to indicate that the West Fork of the Stillwater River is eligible as "wild". Given the scale and lack of detail in the maps, it is difficult to discern where this

	<p>proposed designation ends in relation to private land in-holdings. Please be aware that Sibanye Stillwater controls patented lands immediately down gradient of the West Fork of the Stillwater Trailhead. Going forward, it is not unreasonable to anticipate that some of surface, which is private land, will be utilized.</p> <p>We strongly suggest revising the “Proposed Action” by ending the “wild” portion of the West Fork of the Stillwater at the A-B Wilderness boundary since as discussed in the Draft Revised Forest Plan and the associated DEIS, Wild and Scenic Rivers determinations pertain to only federal lands.</p>
3.22.4 Backcountry Areas Table 198	No alternative comparison is provided relative to locatable minerals management; please include.
Backcountry Areas Pg 851	This brief discussion appears to be the first mention of energy and minerals effects. No specific effects are included relative to locatable minerals actions. Are these effects common to all alternatives?
3.22.4 Recreation Emphasis Areas	As discussed, under Alts B, C and E, the Boulder River REA cuts through the Stillwater Complex land allocation. No portrayal of effects relevant to locatable minerals is presented. Please provide. An expanded discussion of all mineral and energy considerations may be useful.
3.22.6 Stillwater Complex	Effects provided seem to focus on mining, but all recognized phases of mineral development are relevant. Please include these mineral management actions in the narrative. Although other locations in the DEIS indicate that delays in Plan of Operations processing timeframes and increased processing cost may take place, no mention of these consideration are included in this discussion.
Effects of Alts	<p>Generally we agree that under any of the Alternatives being considered, mineral management actions would continue within the area covered by the proposed Stillwater Complex land allocation. However, inclusion of the Stillwater Complex land allocation within Alternatives B, C, and E has the effect of disclosing to the public the mineral nature of the area and the expectation of current and future mineral management actions are likely across this area.</p> <p>Therefore, Alternatives which contain the Stillwater Complex land allocation would potentially generate less public misunderstanding regarding locatable mineral actions which may occur across this area at the project level. As such, we believe that the cost and time required to review and process a submitted Plan of Operation could be significantly reduced under Alternatives B,C, and E, as compared to cost and time required to review and process a submitted Plan of Operation under Alternative D.</p>
DEIS Vol. 2 Appendices Table 37	The table cell entitled “Current Uses and Management” does not recognize ongoing mineral management activities within the Stillwater Complex.

We appreciate your time and consideration of these comments. If you have any questions or wish to discuss further, I can be contacted at 406-322-8746 or at [randy.weimer@sibanyestillwater.com](mailto:randy.weimer@sibanyestillwater.com).

Respectfully Submitted,



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