April 13, 2026

Field Services and Technology Section
Mining Bureau
Montana Department of Environmental Quality
2401 Colonial Drive
Helena, MT 59601
Submitted Electronically to *deqmepa@mt.gov*

RE: Comments on Columbia Gold Project Draft EA, License 00816

Thank you for the opportunity to comment on the Draft Environmental Assessment for the proposed permit amendment to the Columbia Gold Project exploration license 00816. These comments are submitted on behalf of American Rivers, the Clark Fork Coalition, Montana Backcountry Hunters & Anglers, the Montana Environmental Information Center, and the Montana Wildlife Federation (hereinafter referred to as "Conservation Organizations"). Conservation Organizations have a long history of working to protect the clean water and wild landscapes of Montana, and collectively represent hundreds of thousands of members and supporters, many of whom live, work, and recreate in the Blackfoot River valley.

These comments address the Columbia Gold Project Draft Environmental Assessment (hereinafter referred to as "Draft EA") under the Montana Environmental Policy Act (MEPA), which is a gold exploration project being proposed in a region of significant ecological, social, and cultural importance. The Blackfoot River valley is a place of unparalleled economic and recreational opportunity. It's an agricultural powerhouse, helping to feed our state and nation. It's a world-renowned blue-ribbon fishery that was made famous by *A River Runs Through It and Other Stories.* It's a place of significant cultural and historic importance to Montana's first peoples. And for many Montanans, it's a place of solace and unparalleled beauty.

The Blackfoot River valley, and in particular the headwaters, is also the site of previous mining disasters that have damaged the water quality and landscape. Such activity should have put DEQ on notice that this place deserved special consideration and evaluation, as tens of millions of dollars have been spent in reclamation activities and planning to restore the water quality, land, and wildlife in the area. DEQ risks backtracking on this progress.

Specific to the proposed Columbia Gold Project, it sits at the headwaters of the Blackfoot River, sandwiched above Hogum Creek and 7 Up Pete Creek, and opposite the Landers Fork confluence. It's a place of abundant wildlife, including both Grizzly Bear and Bull Trout, and some of the best access to Montana's public lands in the state. To the North is the Scapegoat Wilderness, comprising the bottom half of the Bob Marshall Wilderness Complex – and to the south is the Helena-Lewis and Clark National Forest. These lands are some of the wildest and most pristine in the lower 48.

As an initial matter, the decision currently in front of DEQ is an amendment to an existing exploration license. The existing permit, including information on the existing obligations of Sentinel to manage the environmental impacts associated with their exploration activities, has not been made publicly available. On March 9th, the existing exploration permit as well as related information was requested via the Office of Public Information Requests online portal. The existing permit was again requested verbally on March 17th with DEQ staff and by email to DEQ staff on March 18th. As of submittal, this information request has not been satisfied. The underlying exploration permit may be critical to determining the efficacy and legality of the proposed amendment. It is unclear to Conservation Organizations when the original exploration permit was issued, the full extent of prior exploration activities at the site, whether reclamation obligations are currently being met, and what changes or additional authorizations occurred during the first amendment to the permit. DEQ is required to provide this information, and should have done so well in advance of the comment deadline on the permit amendment to give the public adequate time for review and consideration. Without this information, the public is left in the dark about critical information relevant to this comment period. This failure impacts Conservation Organizations ability to participate, as provided under Art. II, Sec. 8 of Montana's Constitution.

Both the proposed project as well as the likelihood of a full mine build-out have the potential for significant impacts to the lands and waters of the Blackfoot River Valley, its clean water and wildlife, its economic and social well-being, and its cultural significance. The current Draft EA is deficient in several respects, and fails to fully evaluate the impacts of the proposed exploration project. As such, the Montana Department of Environmental Quality (DEQ) must prepare a full Environmental Impact statement for the project (EIS).

I. Significant impacts require an EIS.

As a threshold matter, the proposed exploration activities are interdependent and connected actions for the potential development of a full-scale mining operation (discussed below), which raises myriad major environmental, cultural, social, and economic impacts and must be addressed through a more thorough and robust EIS analysis. However, regardless of full scale mine permitting, the proposed exploration activities pose significant impacts that must be analyzed through an EIS. These impacts include water quality and quantity concerns, wildlife impacts, cumulative and secondary impacts, increased noise and traffic, and economic, social, and cultural concerns.

As required by ARM 17.4.607(1)(a)-(b), the DEQ is required to prepare an EIS when "an EA indicates that an EIS is necessary," or "whenever, based on the criteria in ARM 17.4.608, the proposed action is a major action of state government significantly affecting the quality of the human environment." DEQ's flawed conclusion that the exploration activity "is not expected to significantly impact the quality of the Montana's environment" and that "an EA is therefore the appropriate level of environmental review under MEPA, and an EIS is not required for this action" does not comport with the readily available evidence currently in front of DEQ as well as submitted to DEQ in these and other comments. Draft EA, Pg. 43.

In determining the significance of impacts, DEQ utilizes the following criteria:

> (1) In order to implement 75-1-201, MCA, the agency shall determine the significance of impacts associated with a proposed action. This determination is the basis of the agency's decision concerning the need to prepare an EIS and also refers to the agency's evaluation of individual and cumulative impacts in either EAs or EISs. The agency shall consider the following criteria in determining the significance of each impact on the quality of the human environment:
>
> (a) the severity, duration, geographic extent, and frequency of occurrence of the impact;
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> (b) the probability that the impact will occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur;
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> (c) growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts;
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> (d) the quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources or values;
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> (e) the importance to the state and to society of each environmental resource or value that would be affected;
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> (f) any precedent that would be set as a result of an impact of the proposed action that would commit the department to future actions with significant impacts or a decision in principle about such future actions; and
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> (g) potential conflict with local, state, or federal laws, requirements, or formal plans.
>
> (2) An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial.
>
> Admin. R. M. 17.4.608

Raising substantial issues that may constitute environmental impacts is sufficient in order to obligate DEQ to conduct a full EIS process, and the public does not in fact need to definitively demonstrate that the impacts will happen. “The plaintiff need not show that significant effects will in fact occur, but if the plaintiff raises substantial questions whether a project may have a significant effect, an EIS must be prepared.” *Ravalli County Fish & Game Assn. v. Mont. Dept. of State Lands*, 273 Mont. 371, 377, 903 P.2d 1362, 1366 (1995) (*quoting* LaFlamme v. Federal Energy Regulatory Commission (9th Cir. 1988), 852 F.2d 389, 397.). Conservation Organizations have met this burden by supplying relevant, substantive evidence that has direct bearing on the proposed project and its implications for the environmental life support system of the Blackfoot River valley.

Based upon the criteria for determining how to determine significant impacts, DEQ must conduct a full EIS process.

A. The severity, duration, geographic extent, and frequency of occurrence of the exploration project, as well as the potential for full-scale mining activities, is significant.

Hardrock mining activities are an extremely significant and often severe source of resource extraction for the environment and surrounding communities. The Environmental Protection Agency (EPA) estimates that 40% of the watersheds in the western United States are contaminated from hardrock mines, and Montana is no exception.[1] Toxic spills and acid mine drainage from mining activities kill aquatic life, poison community drinking water, and pose serious health risks. Montana is pockmarked with examples of hardrock mining activities in which the DEQ and its predecessors did not adequately evaluate, permit, and regulate the impacts. Unfortunately, this failure lasts into the modern day, with examples such as Zortman-Landusky and Montana Tunnels serving as contemporary examples of disasters that require public resources in order to manage the pollution and its negative impacts. DEQ only needs to look a few miles upstream of the project area to the Mike Horse Mine, where tens of millions of dollars have been spent in addressing major environmental contamination issues, including acid mine drainage.

Montana Tunnels, south of Helena, which recently defaulted on its bond. The reclamation bond, as of 2024, was deficient by close to $20 million. The environmental impacts include the loss of a native trout stream, water quality contamination, a failing highwall, and a failure to reclaim the site. Photo by Chris Boyer / Lighthawk Conservation Flying, 2026.

[1] Earthworks. (2026). *1872 Mining Law: A century and a half of subsidizing irresponsible mining* [Fact sheet]. https://earthworks.org/issues/1872-mining-law/#:~:text=A%20law%20with%20a%20heavy,permitted%20and%20more%20are%20proposed.

The Draft EA fails to fully analyze or characterize the potential extent of impacts from the exploration project and downplays the potential cumulative impacts from the exploration project. As noted below, the project area has already endured significant and ongoing environmental effects from exploration activities, including over 400 drill sites and 45,000 meters of drilling conducted over the last 30 years. Extensive drilling programs can have significant water quality impacts, primarily through the potential for contaminating surface and groundwater with drilling fluids, oil/fuel spills, and the release of naturally occurring contaminants from deep underground, such as acid mine drainage.[2] However, this heavily industrialized and denuded site, straddling two important tributaries to the Blackfoot River, has never had an EIS process conducted to determine the extent of these impacts as well as consideration of cumulative impacts in the watershed, which are significant.

As discussed further in the water quality section of these comments, the EA fails to take a hard look at the potential water quality impacts associated with the full suite of exploration activities over the past 30 years.[3] The Draft EA gives passing reference to potential impacts by stating that "Infiltrating runoff is not expected to reach the groundwater table in sufficient quantity to impact the aquifer or influence water quality beyond baseline conditions." Draft EA, Pg. 23. However, the EA makes no effort to provide baseline water quality conditions, nor characterize the water quality impacts that may have occurred over the past 30 years and 45,000 meters of drilling on the site. There are likely significant impacts from drilling, including surface water runoff and pollution of groundwater. Detailed water quality information is critical, as the impact on water quality from this industrial operation, including past and proposed drilling activities, will have significant implications for the quality of water in the Blackfoot River.

The Blackfoot River Headwaters down to Landers Fork is identified as impaired and not meeting water quality standards for copper, lead, manganese, zinc, aluminum, iron, and sedimentation.[4] The identified sources of impairment include both subsurface and surface hardrock mining. It is unlawful for DEQ to proceed with permitting additional pollution to this already strained system without conducting a full, detailed analysis of water quality impacts, including a cumulative assessment of potential impacts to Hogum Creek, Seven Up Pete Creek, and the Blackfoot River. Additionally, DEQ has made no effort to evaluate or to consider how potential pollution

[2] See generally Muhammad Adnan et al., *Impacts of drilling on soil and groundwater heavy metal pollution: A comprehensive review*, Environmental Chemistry and Ecotoxicology. Volume 8, Pages 127-141 (2025). [Available online: https://www.sciencedirect.com/science/article/pii/S2590182625002176].

[3] Because DEQ has failed to provide necessary information on the exploration permit, the extent of exploration activities, including the time horizon of impacts, is unclear to Conservation Organizations.

[4] Montana Department of Environmental Quality. (2026). Montana 2022-2024 Draft Water Quality Integrated Report. Helena, MT: Montana Dept. of Environmental Quality. Appendix A: Impaired Waters. https://deq.mt.gov/water/resources

from the project site may increase pollution and violate the load allocations for the Blackfoot Headwaters TMDL Planning Area for both metals[5] and sediment.[6]

The Draft EA makes reference to cumulative impacts, noting that "the proposed exploration drilling could add a small, temporary increment of disturbance to a watershed already affected by historical mining in the Seven Up Pete and Hogum Creek sub basins" and concluding that "its contribution to cumulative impacts on surface-water and groundwater quality is expected to be minor and not significant." Draft EA, Pg. 25. This analysis fails to take a hard look and is unlawful. DEQ must consider the cumulative impacts of an action by fully analyzing

> the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through preimpact statement studies, separate impact statement evaluation, or permit processing procedures.
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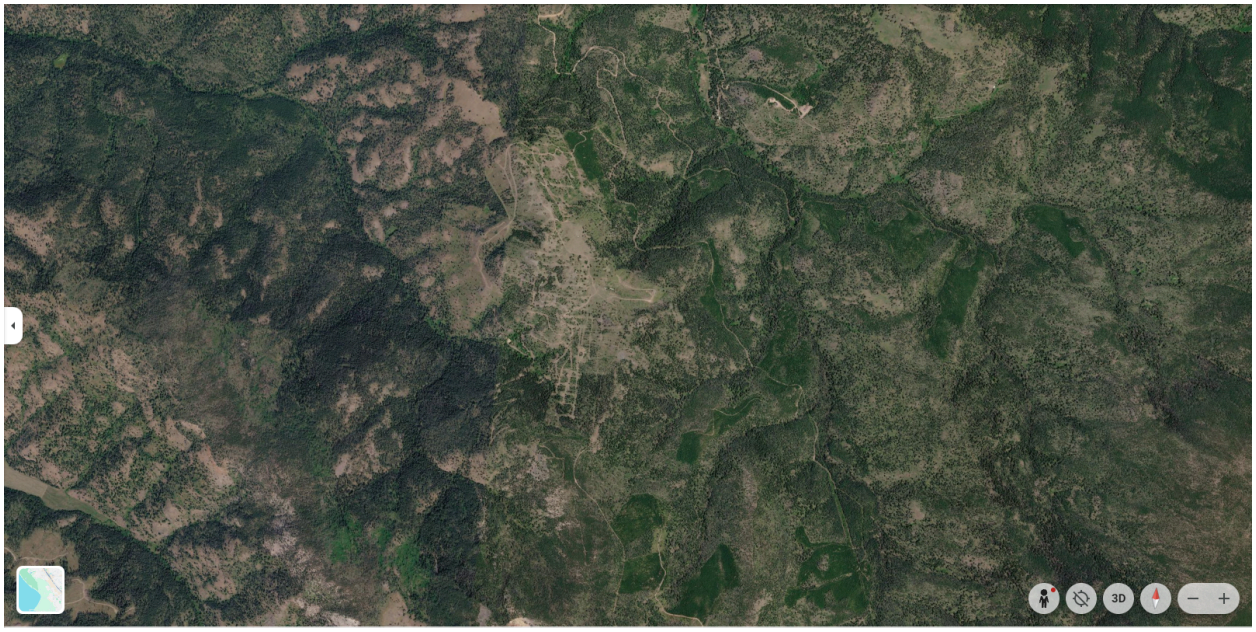
> *Water for Flathead's Future, Inc. v. Mont. Dep't of Envtl. Quality*, 2023 MT 86, 31, 412 Mont. 258, 530 P.3d 790, citing to Admin. R. M. 17.4.603(7) (1989).

Thus, proposed mining activity that will have only a small impact on a stream may still cause or contribute to water quality violations and impairment of streams if other "mining in the area has pushed the water body 99% of the way to a water-quality violation, and the new proposed operation's small impact is the proverbial straw to break the water-quality camel's back. *Mont. Env'l Info. Ctr. v. Westmoreland Rosebud Mining*, LLC, 2023 MT 224, ¶¶ 66, 414 Mont. 80, 545 P.3d 623.

The permitted activity to date is an incredibly extensive drilling operation that has turned the area into an industrial, denuded landscape. Yet the Draft EA, and evidently the underlying exploration permit and first amendment, which is still unavailable to the public for review, gives little attention to the landscape level changes that have occurred at the site over the past 30 years of road and well-pad construction, drilling, surface water runoff, and water quality and quantity impacts. Recent aerial imagery derived from Google Earth demonstrates the extensive fragmentation of the landscape in the impacted area compared to the surrounding landscape.

[5] Montana Department of Environmental Quality. (2003). Water Quality Restoration Plan for Metals in the Blackfoot Headwaters TMDL Planning Area. Helena, MT: Montana Department of Environmental Quality. https://deq.mt.gov/files/water/wqpb/CWAIC/TMDL/C03-TMDL-01a.pdf (" Water Quality Restoration Plan for Metals in the Blackfoot Headwaters").

[6] Montana Department of Environmental Quality. (April 9, 2004). Blackfoot Headwaters Planning Area Water Quality and Habitat Restoration Plan and TMDL for Sediment. Helena, MT: Montana Department of Environmental Quality. https://deq.mt.gov/files/water/wqpb/CWAIC/TMDL/C03-TMDL-01b.pdf



As discussed more thoroughly in section C of this subsection, the Draft EA also fails to analyze or consider the potential for a full-scale mining operation.

B. The probability that impacts will occur are high, and DEQ does not provide reasonable assurances that the impacts will not occur.

The Draft EA erroneously concludes that there will not be measurable changes or long-term impacts associated with the exploration project.[7] DEQ provides general statements regarding basic drilling practices, but does not provide any site specific analysis of the probability of environmental impacts, baseline data to determine the quality of the current environment, nor an evaluation of the cumulative environmental degradation that has already occurred at the site. "General statements about possible effects and some risk do not constitute a hard look absent a justification regarding why more definitive information could not be provided." *Conservation Cong. v. Finely*, 774 F.3d 611, 621 (9th Cir. 2014).

Extensive hardrock mining drilling programs, as found here, have severe environmental impacts. While DEQ has failed to conduct an assessment of the impacts to date, including a baseline assessment of water quality and the impacts of permitted actions on water pollution and habitat fragmentation, it is probable that the environment has been significantly degraded in the project area. DEQ characterizes the additional drilling impacts as *de minimis* in the impacted area, but in fact this drilling will only exacerbate the already existing environmental degradation. Some of the key impacts that were not fully considered or evaluated include sediment dispersion, drilling fluid leaks, chemical spills, and the mobilization of heavy metals and acid rock drainage, especially when the proposed drilling intersects sulfide-bearing rock. Notably, the

[7] "Based on consideration of the criteria set forth in ARM 17.4.608, and the analysis presented in this EA , DEQ has determined that the proposed action, Amendment 2 to Exploration License No. 00816, is not expected to significantly impact the quality of Montana's environment." Draft EA, Pg. 43.

Draft EA fails to evaluate or consider sulfide ore bearing rock and the implications of acid mine drainage (AMD) for water quality in the project site.The Mike Horse Mine, just upstream of the project site and presumably containing similar geologic features, has notorious AMD issues. The potential addition of up to 4,431 meters (2.75 miles) of drilling materials will only exacerbate the problem by continuing to expose these materials to the environment.

DEQ has truncated the second amendments environmental analysis[8] by only conducting a limited environmental review. This has permitted landscape level changes to occur at the site without conducting a detailed assessment of the full suite of cumulative impacts that must be considered. By only considering the immediate exploration project, including only 1.53 acres of disturbance and 21 drill holes, but ignoring the 400+ drill sites and extensive impacts that have already occurred, DEQ is unlawfully segmenting its analysis to minimize or avoid consideration of impacts altogether.

Hardrock mining activity often leads to water pollution and habitat fragmentation. In Montana, this is evident from a litany of examples across the state, including "modern" operations. In 2018 a report was conducted by Montana Trout Unlimited and Earthworks that found that the water quality predictions for 11 of Montana's 12 major, modern hardrock mines were wrong.

> This study reviewed state and federal government documents for all major hardrock mines in Montana that began production after 1980, by which time the primary state and federal mining regulations were in place. Not only were water quality predictions underestimated in nearly every case, the research shows that reclamation bonds are inadequate to cover cleanup costs at 5 out of 8 of the mines that have ceased operations during that time (Beal, Zortman Landusky, Basin Creek, Kendall, MontanaTunnels).[9]

Contrary to DEQ's basic assertions on water quality, the track record for hardrock mining activity, including exploration drilling, tells a different story.

C. Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts, have not been characterized.

DEQ's regulations prohibit the agency from siloing the analysis of the project's impacts to only those immediately related to the exploration proposal. In fact, DEQ must consider the growth-inducing aspects of the exploration permit, as well as the cumulative impacts associated with the action. Here, the Columbia Gold Project is a proposal for a full-scale mining operation that is well-known to both Sentinel Metals and DEQ, and definitively connected to the immediate

[8] Conservation Organizations are assuming that the underlying exploration permit, as well as the first amendment, also had a limited environmental review. However, this information was unavailable to the public at the time these comments were submitted.
[9] Earthworks, Montana Trout Unlimited (2018). Track Record: Montana Modern Hardrock Mining, Water quality Impacts and Reclamation Bonding. [Website: https://earthworks.org/wp-content/uploads/2021/09/Montana-Predictions-Report.pdf].

exploration proposal. The company has developed an investor strategy and presentation which is entirely focused on developing "a JORC Inferred Mineral Resource Estimate of 23.6 million tons grading 1.34g/t Au for 920,000 ounces of contained gold."[10] As noted by Sentinel Metals Managing Director and Co-Founder Matt Herbert, "To put it into perspective, you know, we've got a million ounces at the moment, which is a brilliant deposit, and fundamentally could be a mine right now. The numbers already make sense."[11]

It's clear that, after decades of exploration at the Columbia Gold Project site, including "45,000 meters of historical drilling and trenching," Sentinel Metals is moving this project into full-scale mineral development. As Matt Herbert stated, "It's had 45,000 meters of drilling drilled over the last 30 years. It's not as if this has 20 holes in it and we're saying 'look just trust us.' There's a million answers there. This has been drilled really well."[12] Additionally, Sentinel boasts that "the current resource is just the beginning," noting in the historical data several high-grade near surface hits as well as a list of the "longest intercepts" of mineral resources.[13]

It's clear that the exploration project is entirely wedded to a full-scale operating mine that is already extensively analyzed by the company and underpinned by reams of drilling data, as "the numbers already make sense." DEQ cannot ignore these clear, substantive statements made by the top official of Sentinel Metals during an investment meeting. DEQ is required to take a "hard look" at relevant and substantive evidence as part of the permitting process by making an adequate compilation of relevant information, analyzing it reasonably, and considering all pertinent data. Clark Fork Coal. v. Mont. Dep't. of Envtl. Quality, 2008 MT 407, 47, 347 Mont. 197, 197 P.3d 482.

It's well established that successful mine exploration projects lead to more intensive interest and exploration in the discovery region. This growth-inducing phenomenon, known colloquially as the "gold rush effect" can be demonstrated repeatedly throughout Montana's history. It's also documented recently in the allocation of investment resources and technology and the rising price of gold.[14]

Adding to the likelihood of a mine is the highest gold price in history, reached in January 2026, peaking at over $5,500 before recently stabilizing. These prices are predicted to be sustained by some of the world's largest financial institutions.[15] Recently, the extremely high gold prices have fundamentally reshaped the economics of the gold mining industry by making previously marginal, lower-grade, or higher-cost mining projects economically viable.[16]

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[10] Sentinel Metals (2026, April 6). *Columbia Gold Project*. https://www.sentinelmetals.com/projects/.
[11] https://www.youtube.com/watch?v=hTQTpzPJQuo
[12] https://www.youtube.com/watch?v=hTQTpzPJQuo
[13] Sentinel Metals (2026, April 6). *Columbia Gold Project*. https://www.sentinelmetals.com/projects/.
[14] Henderson, B. (2024, May 11). Inside the 21st Century Gold Rush, The Wall Street Journal. https://www.wsj.com/finance/commodities-futures/gold-prices-2024-investment-dc6248b2
[15] *See generally*, J.P. Morgan, *Will gold prices break $5,000/oz in 2026?* (Dec. 16, 2025). [https://www.jpmorgan.com/insights/global-research/commodities/gold-prices].
[16] Wexler, A. (2026, January 6). *The Gold Boom Has Miners Scrambling to Find the Next Mother Lode*, The Wall Street Journal. https://www.wsj.com/finance/commodities-futures/gold-prices-mining-south-africa-2226154c

The information currently available to DEQ on the viability of the Columbia Gold Project's deposit, coupled with some of the most favorable economics for gold mining in history, add to the likelihood of a full-scale mining operation. DEQ must evaluate these potential impacts through an EIS process.

D. The quality of the environmental resource including the uniqueness and fragility of the Blackfoot River Headwaters, are significant.

Here, numerous significant factors are implicated, requiring the preparation of an EIS. The project is occurring in an area of significant ecological, cultural, and social importance. The Blackfoot River Valley is one of the last undeveloped, low elevation river valley ecosystems in western Montana. The area impacted by the project is also home to multiple threatened and endangered species, including grizzly bear, wolverine, lynx, and bull trout. Bull trout critical habitat will be impacted, as will core grizzly bear habitat. Additionally, the draft EA notes that through a search of the Montana Natural Heritage Program (MTNHP) database that "the project area contains 30 Species of Concern (SOC), 8 Potential Species of Concern (PSOC) and 1 Species of Special Status (SSS). The USFS Species of Conservation Concern in Forests search identified 12 species as sensitive. The BLM has classified 13 species as sensitive and 4 as threatened." Draft EA, Pg. 29. Further, Forest Service climate research predicts that creeks in the vicinity of the mine, including Seven Up Pete Creek and Hogum Creek, provide important future climate refuge for cold-water fish species.[17]

Headwaters streams, such as in the immediate vicinity of the project area, are critical for the ecological functions and fisheries not only within headwater regions, but also downstream. This is important, as impacts to the headwaters of watersheds can have an outsized influence on the ecological and economic integrity of downstream communities. A 2018 evaluation of the ecological importance of headwaters streams found that

> Headwaters provide numerous services that are essential to ecosystems (Peterson et al. 2001; Meyer et al. 2003), including sustaining aquifers and supplying clean water for more than a third of the U.S. population (USEPA 2009). At regional scales, headwaters are critical for sustaining aquatic biodiversity (Meyer et al. 2007; Clarke et al. 2008) and for providing vital spawning and rearing habitat for migratory fishes, including commercially fished species (Quinn 2005; Schindler et al. 2010; McClenachan et al. 2015). Headwaters provide dispersal corridors and habitat for fishes and other aquatic and semiaquatic organisms (e.g., invertebrates, amphibians, and birds), including many endemic and rare species (Steward et al. 2012; Jaeger et al. 2014; Sullivan et al. 2015). Ephemeral headwater streams can support levels of aquatic invertebrate diversity and abundance comparable to, or greater than, those estimated for perennial headwaters, as

[17] Isaak, D., M. Young, D. Nagel, D. Horan, and M. Groce. 2015. The cold-water climate shield: Delineating refugia for preserving salmonid fishes through the 21st Century. Global Change Biology. 21:2540-2553. https://www.arcgis.com/home/item.html?id=f8a3fe37217e478290acf45de1e66cee

well as taxa found nowhere else in the watershed (Dieterich and Anderson 2000; Progar and Moldenke 2002; Price et al. 2003).[18]

DEQ itself recognized the significance of this watershed and the headwaters streams when dedicating resources and funding by prioritizing the Blackfoot Headwaters for a TMDL process. Due to limited resources, DEQ must focus its TMDL planning efforts on a select set of limited watersheds and based on a set of factors that includes the "likelihood that local stakeholders will pursue TMDL implementation; the ability to improve coordination among water quality programs; and the recreational, economic and aesthetic importance of the waterbodies in a watershed. The resulting priority watersheds are where DEQ focuses resources toward monitoring and assessing water quality, and subsequently developing TMDLs."[19] The TMDL's conducted for the Blackfoot Headwaters are some of the first conducted in the state of Montana.

As discussed further below, Bull Trout are found in the Blackfoot River and its tributaries, including Hogum Creek.[20] This is important, as declines in bull trout are being experienced across virtually all habitat in Montana, including the Blackfoot River, and they have been extirpated from a significant portion of their range.[21] It's clear that secure, headwaters stream habitat such as Hogum Creek, are essential for the survival of Bull Trout. Yet the Draft EA fails to even mention Bull Trout and does not contain any analysis of the fishery nor the exploration permit and proposed amendment's potential impact.

E. The importance to Montana and to society of the Blackfoot River Valley's ecological and social values, and specifically the area surrounding the proposed project, are significant.

The Blackfoot River valley is a quintessential Montana landscape that has imprinted itself on the identity of Montanans and tourists alike. It is the setting for Norman McLean's novella *A River Runs Through it and Other Stories*, which elevated Montana to a world-class fly-fishing destination. Visitors from across the world travel to the Blackfoot River for an opportunity to cast a fly or relax on the rivers banks. Recreation related activities are now responsible for more than $3.4 billion in economic output and provide approximately 30,915 jobs across the state, according to a 2024 report by the U.S. Bureau of Economic Analysis. Boating and fishing was

[18] Colvin, S. et al., *Headwater Streams and Wetlands are Critical for Sustaining Fish, Fisheries, and Ecosystem Services*, American Fisheries Society (December 2018). [Available online as PDF: https://fisheries.org/wp-content/uploads/2019/02/Headwaters-Paper-final.pdf].
[19] Montana Department of Environmental Quality. (2026).Total Maximum Daily Load (TMDL) Program TMDL Program. https://deq.mt.gov/water/Programs/tmdl
[20] Montana Fish, Wildlife, and Parks. (2026). FishMT - Hogum Creek - Fish Species. https://myfwp.mt.gov/fishMT/waterbody/52179
[21]Bell, D. et al., Trends in bull trout abundance across Montana: 1998-2024, Montana Fish, Wildlife, and Parks. (2024). [Available online: https://fwp.mt.gov/binaries/content/assets/fwp/conservation/fisheries-management/bull-trout/2024-fwp-bull-redd-count-report.pdf#:~:text=Further%2C%20redd%20counts%20declined%20in%2011%20of,viability%20of%20this%20native%20species%20in%20Montana] "Our results provide further evidence of ongoing declines in bull trout populations in Montana. We found significant declines in 53% of local populations — substantially higher that the 13% reported in the last intensive redd count analysis focused on Montana, which included 10 fewer years of data (Kovach et al. 2018)."

found to be Montana's second largest recreational activity, accounting for $149 million in economic activity. A separate and more recent study by the University of Montana's Bureau of Business and Economic Research showed that the state's cold-water fishery generated $919 million during the 2024-25 fishing season, supporting 15,900 jobs and $1.5 billion in economic impact.[22]

According to a 2014 focus group conducted by Headwaters Economics on residents of the Blackfoot River watershed, while focus groups participants identified economic opportunities and growth as a primary concern, a common theme emerged that it should not come "at the cost of the natural environment or rural way of life."[23] As one participant in the study noted, "we want to keep things the way they are, but find a way to make what is here a little better and a little more robust." Additional harmful pollution impacts from another mine in the Lincoln area could lead to harmful economic consequences for the local community in terms of both pollution as well as boom-and-bust related economic growth.

Finally, the State Historic Preservation Office noted a total of 19 Historic Properties located near the impacted area, that the project has "the potential to impact historic resources' and that "a formal determination of eligibility be made prior to any disturbance taking place." Draft EA, Pg. 30.

The current EA fails to fully evaluate the important ecological and social values of the project site and the surrounding Blackfoot River Valley. Without a thorough assessment through an EIS process, impacts to these attributes could be irreversible.

F. The EA fails to consider cumulative, compounding impacts.

The current landscape in the project area is heavily impacted and denuded by hardrock mine exploration activities. To date, these activities have only been evaluated through a series of piecemeal, limited environmental assessments that have not considered the full set of cumulative impacts from permitted actions. Permitting additional exploration activities through amendments accompanied with simple EA's sets a precedent for the DEQ of limiting its analysis to only those impacts immediately and readily identifiable in a proposed action, instead of conducting a full, cumulative impacts analysis through an EIS.

Based upon the history of past permitting decisions in the hardrock mining program, it's clear that there is no limit to the number of exploration permit amendments that an applicant may receive, which by themselves may have limited environmental consequences, but when coupled with other associated actions, represent significant environmental impacts and require an EIS.

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[22] Chaney, Robert. *How long can 'A River Runs Through It' keep running?* (April 3, 2026). https://montanafreepress.org/2026/04/03/how-long-can-a-river-runs-through-it-keep-running-and-influencing-flyfishing-culture-in-montana/.

[23] Headwaters Economics. (2014). Economic Opportunities in the Blackfoot Watershed: Ideas for local growth and development based on conversations with residents https://headwaterseconomics.org/wp-content/uploads/Blackfoot_Watershed_Economics_Report.pdf

This project is a case in point. This will be the third iteration of activities in the project site that continues this precedent of adding additional drilling and related activities, piling on to potential water contamination, impacts to wildlife, and changes to the landscape.

G. The EA conflicts with local, state, and federal requirements and plans.

As mentioned above, the DEQ has conducted a TMDL for both metals and sediment for the Blackfoot headwaters. The overall goal of a TMDL process is to identify an approach to improve water quality to the level where all beneficial uses are restored and protected. Notably, as a "Restoration Strategy," DEQ's TMDL specific to metals explicitly names both Hogum Creek and Seven Up Pete Creek as key tributary drainages to the Blackfoot River where impairment conditions have yet to be fully evaluated through subsequent identification and characterization of significant metals sources.[24]

Further, DEQ does not even mention the TMDL in the Draft EA, and it's unclear to Conservation Organizations whether further assessment has occurred in these drainages, nor whether DEQ had determined whether the exploration activities in the project area, to date, have contributed to water quality violations. DEQ has identified that there is limited water quality information available and that both Hogum Creek and Seven Up Pete Creek "may exceed water quality standards on a periodic basis."[25]

Similarly, a number of community stakeholders and organizations in the Blackfoot River Valley have developed a formal plan, sanctioned by DEQ, to restore water quality through the Blackfoot River Watershed Restoration Plan.[26] The goal of the Restoration Plan is to direct partnership building and public outreach that engages partners and landowners in voluntary, collaborative measures to improve water quantity and water quality throughout the Blackfoot Watershed.[27] The report also recognizes that metals are a source of impairment in the watershed, and that historic mining activity is the cause. DEQ's perfunctory analysis in the Draft EA on water quality impacts may serve to backtrack on the progress made by the Restoration Plan.

The Blackfoot River is also the site of a restoration plan developed by Montana Fish, Wildlife, and Parks for native Bull Trout.[28] The plan lists Hogum Creek as "Secondary Core" habitat, which is defined in the report as "third or fourth order watersheds identified by the Montana Bull Trout Scientific Group or Montana Fish Wildlife and Parks that are not core areas but support

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[24] Water Quality Restoration Plan for Metals in the Blackfoot Headwaters, Pg. ii.
[25] *Id.* at vii.
[26] The Blackfoot Challenge. (December 2014). Blackfoot River Watershed Restoration Plan: A Water Quality Addendum to the Blackfoot Subbasin Plan. Ovando, MT:. https://deq.mt.gov/files/Water/WPB/Nonpoint/Publications/WRPs/BlackfootWRP_FINAL_123014.pdf
[27] *Id.* at 5.
[28] Montana Fish, Wildlife, and Parks. (June 2000). Restoration Plan for Bull Trout in the Clark Fork River Basin and Kootenai River Basin - Montana. Montana Bull Trout Restoration Team. [PDF available online: https://myfwp.mt.gov/getRepositoryFile?objectID=31386].

some use of bull trout and could become important in the future."[29] Being that this report was issued in 2000, the importance of secondary core habitat has likely only increased with the loss of available habitat for bull trout due to development and warming temperatures.

The U.S. Fish and Wildlife Service has also prioritized the Blackfoot River Valley through a Land Protection Plan with the goal of protecting "one of the last undeveloped, low-elevation river valley ecosystems in western Montana."[30] The project is specifically aimed to "expand the existing boundary of the Blackfoot Valley Conservation Area from 165,000 to 824,024 acres. The Blackfoot Valley provides a vital habitat corridor between existing U.S. Forest Service (USFS) boundaries, Bureau of Land Management properties, state wildlife management areas, Service waterfowl production areas, Nature Conservancy easements, Service conservation easements, and Partners for Fish and Wildlife (PFW) projects."[31] The lands surrounding the proposed project have been identified by USFWS as "Priority 1," designating them as the most desirable for acquisition. [32] Consequently, there are a number of USFWS conservation easements within two miles to the West of the project area.

Finally, in 2021 the Helena-Lewis and Clark National Forest adopted the 2021 Land Management Plan.[33] Relevant here, the plan includes a focus on desired conditions for water quality and preservation of species that states:

> Water quality, including groundwater, meets or exceeds applicable state water quality standards and fully supports beneficial uses, downstream users, municipal water supplies, and natural resources. Flow and habitat conditions in watersheds, streams, lakes, springs, wetlands, and groundwater aquifers fully support beneficial uses, and meet the ecological needs of native species (including species of conservation concern and threatened and endangered species).[34]

As discussed further, the Draft EA failed to evaluate the water quality concerns of the Blackfoot River and its tributaries, including Seven Up-Pete Creek and Hogum, which originate in National Forest Lands and are potentially impaired for metals. DEQ failed to discuss its plans with the USFS for its issuance of the permit amendment, nor to consider the implications of broader habitat and water quality management goals for the region, including the preservation of native species in Hogum Creek.

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[29] *Id.* at 30.
[30] U.S. Fish and Wildlife Service. 2011. Land Protection Plan, Blackfoot Valley Conservation Area. Lakewood, Colorado: U.S. Department of the Interior, Fish and Wildlife Service, Mountain-Prairie Region. https://www.govinfo.gov/content/pkg/GOVPUB-I49-PURL-gpo73134/pdf/GOVPUB-I49-PURL-gpo73134.pdf
[31] *Id.* at 3.
[32] *Id.* at 29.
[33] U.S. Department of Agriculture, Forest Service. (2021). 2021 Land Management Plan - Helena-Lewis and Clark National Forest. Helena, MT. https://www.fs.usda.gov/sites/nfs/files/legacy-media/helena-lewisclark/2021%20Forest%20Plan_November%202021.pdf
[34] *Id.* at 15.

II. The EA fails to review the full scope of impacts associated with the project.

A. The EA fails to fully assess the quantity and quality of the environmental resources and values that would be affected, including their uniqueness and fragility.

As discussed above, the Blackfoot River Valley is an incredibly significant ecological and cultural resource. The current EA provides passing reference to some of these considerations, but fails to account for some of the major, site-specific environmental resources and values that DEQ should have considered. These would include the quality of the habitat in the immediate area, including for grizzly bears and bull trout, which are protected by the Endangered Species Act and the water quality impacts associated with both site runoff as well as deposition of heavy metals through groundwater and into adjacent, headwaters streams of the Blackfoot River. DEQ should have more thoroughly analyzed the legacy mining operations, including the mines in the immediate project vicinity as well as just upstream at the Mike Horse Mine.

B. The EA fails to review the impacts of previous and future mine development.

The EA improperly limits its analysis to only the immediate environmental impacts of a slice of the exploration phase of the Columbia Gold Project, even though impacts from full-mine development are directly proximate to the exploration, well-known to Sentinel Metals and DEQ, and definitively connected to the proposed project. Thus, while the DEQ is not currently considering authorizing the complete Columbia Gold Project, it must consider the effects of that complete project, including full-mine development, as a secondary effect of the evaluation phase, a cumulative effect, and a connected action.

At its core, MEPA requires DEQ to engage in a prescribed level of environmental forecasting before taking an action impacting the environment. *Park Cty. Envtl. Council v. Mont. Dep't of Envtl. Quality*, 2020 MT 303, ¶ 31, 402 Mont. 168, 477 P.3d 288. DEQ is required to consider secondary impacts, which are further defined as "a further impact to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action." Admin. R. M. 17.4.603(18), .609(3)(d).

Additionally, DEQ must evaluate the co-extensive and cumulative demands on environmental resources of land and water. *Id.* This necessarily includes the extensive, historic mining in the immediate vicinity of the project area, as well as the potential for future mining activities to occur.

The point by which a required environmental review must occur is the "go/no go" juncture, beyond which lies an "irretrievable commitment of resources" or "successive steps set into irreversible motion." North Fork Preservation Ass'n v. Dep't of State Lands, 238 Mont. 451, 461-62, 778 P.2d 862, 868-69 (1989) (citing Conner v. Burford, 836 F.2d 1521, 1528 (9th Cir. 1988)). Here, this is not an ordinary exploration amendment. It is the second amendment to an original license that was issued approximately three decades ago, the results of which are over

400+ drilling sites and reams of historical data on the efficacy of a mine in which “the numbers already make sense.” The probability of a mine in this watershed is high, and the commitment of resources that DEQ has made to date is significant.

Also present in the watershed is the stalled McDonald Gold Project, a silver and gold deposit immediately north of the Columbia Gold project. The site's resources have been extensively characterized through a drilling program, with over 600 holes to date. As originally envisioned, the McDonald project would have utilized an open pit accompanied with cyanide heap leach. Due to the passage of a statewide ballot initiative that banned the use of cyanide heap leach at open pit operations in 1998, the project was temporarily shelved. However, the gold and silver remain, and recent analysis by Newmont indicate potential gold recovery without open pit and/or cyanide heap leach processes. Additionally, as DEQ is aware, to the west of McDonald project and across the Landers Fork, there have been at least 40 exploration holes drilled at Keep Cool Creek. The sum total of these various projects is the potential for the establishment of a mining district in the headwaters of the Blackfoot.

DEQ failed to evaluate the significance of previous mining activity in the project area. As the DEQ is well aware, extensive and expensive reclamation has occurred at the historic Mike Horse Mine, directly upstream of the project proposal. The defunct mine has required extensive reclamation activities, including the removal of approximately 800,000 tons of mine tailings and wastes, as well as the establishment of a water treatment operation that will process approximately 26 million gallons of acid mine drainage annually into perpetuity.[35] The Draft EA fails to account for or analyze the impacts from the legacy Mike Horse site and its potential cumulative impacts with the proposed action, which is just a handful of miles upstream from the proposed Columbia Gold Project.

While the Mike Horse is the most readily available legacy mine known to DEQ, the area in the immediate vicinity of the project area includes additional abandoned and/or inactive mines, including the McDonald Gold Project, the Columbia Mine, Dan Oker’s Mine, the Rover Mine / Seven Up Pete Mine, and the Last Chance Mine.[36] These are just abandoned and/or inactive mines that are located in the same township and range as the project site. While referenced in the Draft EA, the DEQ fails to provide any description or analysis of their environmental impacts or reclamation status, nor to broaden this analysis to other mines that are outside of the township and range but should be considered. Draft EA, Pg. 17.

The Draft EA references the Lincoln Mining District in the section on geology, and soil quality, stability, and moisture, which includes “Lincoln Gulch, McClellan Gulch, Seven-Up-Pete Gulch, Keep Cool Creek, Liverpool Creek and Stonewall Mountain.” Draft EA, Pg. 17. The Draft EA also notes historic exploration that has occurred at the exploration project site, including drilling

[35] Montana Environmental Trust Group, *Upper Blackfoot Mining Complex (UBMC) / Mike Horse Site* [Website: https://www.mtenvironmentaltrust.org/upper-blackfoot-mining-complex-mike-horse/].
[36] Montana Bureau of Mines and Geology. *Online Data Menu: Abandoned and Inactive Mines, TR: 14N 07W*. [https://data.mbmg.mtech.edu/3D/DataViewer.asp?Database=2&focus=Data&getby=TR&township=14N&range=07W&]. Accessed on April 12, 2026.

conducted by a series of companies. *Id.* However, the Draft EA is limited simply to a historical narrative and evaluation of impacts to soil stability and geologic conditions, and does not contain any analysis of water quality and quantity impacts from these projects and habitat fragmentation, nor an analysis of how cumulatively the Columbia Gold Project will contribute to water quality concerns in an already impaired water body. *Id.* at 19. As listed by DEQ, the impairment of the headwaters of the Blackfoot River, just downstream of the project site, is due to historic hardrock mining activities.

Both the historic impacts associated with mineral exploration and development as well as the potential for impacts associated with future mining in the watershed represent an existential, cumulative threat to the headwaters of the Blackfoot River. DEQ needs to fully consider these impacts before approving the amendment.

C. The EA fails to take a hard look at the potential geotechnical issues associated with the proposed project.

As mentioned, mining exploration has very serious and consequential impacts for the environment. Beyond the immediate impacts of drilling, Conservation Organizations are concerned about the potential for AMD at the project site from both previous activities as well as the proposed action. Notably, the Draft EA contains no analysis of the potential for AMD. DEQ likely relied upon its determination that, due to water management practices on the surface and the implementation of best management practices (BMPs), that AMD will be controlled and the risk of sediment and contaminants off site would be low. Draft EA, Pg. 10.

However, drilling into rock strata during mineral exploration raises its own set of considerations and issues for AMD. Drilling disrupts the rock strata, exposing sulfidic minerals to oxygen and water, which creates sulfuric acid and the release of heavy metals. This contamination often flows from drilling holes or underground voids through groundwater connections.

In the project area, there have been over 400+ drilling sites and the targeted rock strata have been heavily disrupted, and the project site is uniquely positioned between two tributaries with likely ground-surface water connection. While Sentinel Metals claims that the deposit is a “low sulphide” ore body, DEQ has not done any independent evaluation or consideration to verify the veracity of this claim.[37] This is especially concerning considering the results of other mining activities in the immediate region, including the Mike Horse Mine.

D. The EA fails to evaluate the impacts to water from the proposed project.

1. Water Quality

[37] Sentinel Metals (2026, March 17-19). Developing the advanced Columbia Gold Project in Montana, USA [Slideshow]. Euroz Hartleys Rottnest Conference. Perth, Australia. https://wcsecure.weblink.com.au/pdf/SNM/03069113.pdf

The Draft EA fails to analyze whether the anticipated groundwater interception will harm water quality. The project area sits on the divide between the Seven Up Pete and Hogum Creek watersheds, both of which are recognized as high quality tributaries to the Upper Blackfoot River and as priority streams for native fish species. Surface and groundwater are intimately connected at this site, and the Draft EA states that exploratory drilling is expected to intercept groundwater during drilling operations at some (or all) of the proposed drilling sites. Draft EA, Pg. 44. The Draft EA summarily concludes that the proposed drilling activity is unlikely to influence the quality of the groundwater. This conclusion is unsupported by any baseline data and ignores the likely presence of toxic metals and other materials that will be intercepted during the drilling process.

The EA mentions the vast number of drill holes at the site that have previously been sampled for mineral resources, but there is no mention of potential pollutants – such as arsenic, lead, mercury, and selenium – that were identified by previous drilling. As mentioned above, the nearby Mike Horse Mine caused zinc, copper, arsenic, cadmium, lead, and iron to migrate to surface water, in part because of the formation of sulfide-driven acid mine drainage that must now be treated in perpetuity.

The EA states that "artesian flow would not be expected to occur from the drillholes, eliminating the potential impacts from uncontrolled flow of groundwater and groundwater-containing drilling fluids back up to the surface."[38] But the EA fails to cite any modeling (either by the agency or the applicant) of local groundwater dynamics that substantiate this claim.

The Draft EA also fails to fully analyze potential water quality impacts related to stormwater. Hogum Creek and Seven Up Pete Creek are both located roughly a quarter of a mile downhill and downgradient from portions of the project site, including proposed drill sites. DEQ is relying on the use of BMPs to ensure that spills of drilling fluids, stormwater runoff, or other incidental discharges will not negatively impact these surface waters, but it is unclear which types of BMPs will be used, or how this requirement will be enforced. Without more information, the agency cannot rely on vague assurances of BMPs to protect these surface waters from potential runoff contamination.

2. Water Quantity

The Draft EA fails to analyze whether the anticipated groundwater interception negatively impacts water quantity. Like its analysis of water quality, the DEQ concludes that the proposed drilling activity is unlikely to influence groundwater elevation without sufficient baseline data to support this conclusion.

The Draft EA states that due to the irregular topography of the project area, "even short linear distances between two points may cross a water table divide or enter an independent drainage. This effect may introduce error or affect the analysis of the water table within the project area." Draft EA, Pg. 20. Nonetheless, the EA concludes that the additional drilling of 21 new bore holes that are likely to intercept groundwater will not negatively impact groundwater elevations or

[38] Draft EA at 23.

baseflows of nearby surface waters. The DEQ's assertions related to water quantity impacts are unsupported by evidence.

3. Water Rights

The Draft EA concludes that sufficient water supply exists for the project via the use of an off-site, private well to supply the needed water for drilling purposes. The EA describes the relevant water right – 76F 13158-00 – as a "domestic well,"[39] but the water right described is actually a commercial use well with a designated place of use on private property located in Lincoln (NWSW of Section 23, Twp 14N, Rge 9W in Lewis and Clark County). It is unclear what commercial and industrial uses groundwater right 76F 13158-00 includes, but without more information it is not possible to conclude that the water right authorizes the commercial sale of water or that it is authorized for use outside of its defined place of use. The Draft EA should fully analyze the legal limitations of the claimed groundwater right to ensure the proposed use is consistent with its historical use.

E. The EA fails to provide baseline data to characterize ambient noise levels.

The Draft EA fails to provide baseline data through historic or current data to characterize ambient noise levels, nor does the draft EA quantify the potential increase in noise levels from the proposed project. The Draft EA simply mentions that noise "may be heard" if an individual is within earshot of the project, Draft EA, Pg. 30, and that "noise effects are expected to be minor and temporary, with final reclamation required within two years after exploration concludes." *Id.* at 31. This very basic overview fails to quantify the noise levels that will occur from the traffic, drilling, water treatment, and other activities that will be heard by both people and wildlife. Additionally, increased noise ambient levels over a two-year period is more than temporary, and depending upon the time of year may be especially disruptive to wildlife.

F. The EA fails to include a complete and substantial cultural resources analysis.

The Blackfoot watershed is a landscape of profound and enduring cultural importance that the Draft EA treats as an afterthought. For centuries before European contact, the Blackfoot River was known to the Salish and Pend d'Oreille people as *Cokahlarishkit* — "the river of the road to the buffalo."[40] The trail along its banks was a lifeline connecting the tribes west of the Continental Divide to the buffalo hunting grounds of the Missouri River country to the east, traveled in winter as well as summer by the Salish, Pend d'Oreille, Kootenai, and Nez Perce.[41] The trail was so well-established that when Meriwether Lewis traveled through the Blackfoot Valley in July 1806, he followed it without difficulty, recording old Indian encampments along the

[39] Draft EA, Pg. 6.
[40] John N. Maclean, *On Meriwether Lewis' Understudied Journey Through the Blackfoot Valley*, Literary Hub (June 15, 2021).
[41] John B. Wright, *The Real River That Runs Through It: Montana's Imperilled Blackfoot*, Focus on Geography, Vol. 43, No. 1 (American Geographical Society, Spring 1993).

route.[42] Physical traces of this ancient corridor remain visible in the landscape today.[43] The Columbia Gold Project claim block sits at the very headwaters of this cultural corridor. This is not incidental background; it is the reason a thorough cultural resources analysis was legally required and is conspicuously absent.

That absence is particularly indefensible given what DEQ already knows. The Draft EA itself acknowledges that the State Historic Preservation Office (SHPO) identified a total of 19 historic properties located near the impacted area, noted that the project "has the potential to impact historic resources," and recommended that "a formal determination of eligibility be made prior to any disturbance taking place."[44] DEQ received that recommendation, included it in the EA, and then proceeded to authorize the comment period without completing the required determination or disclosing whether it intends to do so before ground-disturbing activities begin. That is not an oversight; it is a failure to act on specific, project-relevant guidance from the agency whose input MEPA requires.

The area near Lincoln also carries the documented legacy of the 1975 failure of the Mike Horse tailings dam, which released tailings into the drainage, killing thousands of trout and leaving contamination that has still not fully resolved.[45] Mining disturbance in this culturally and ecologically significant watershed has lasting, irreversible consequences — which is precisely why Section 22-3-433, MCA requires DEQ to consult with the SHPO to identify heritage properties that may be adversely impacted and to include in its environmental review a plan for the avoidance or mitigation of damage to those properties to the greatest extent practicable.

The EA contains no cultural resources survey, no inventory of potentially affected historic properties, and no documentation of consultation with the Confederated Salish and Kootenai Tribes Tribal Historic Preservation Officer (THPO), the Blackfeet Nation THPO, or any other tribe with ancestral ties to the Blackfoot watershed. Cultural and spiritual resources cannot be identified from a desk. They can only be identified through direct, government-to-government consultation with the tribes themselves, and that consultation must occur before ground is broken, not after. Conservation Organizations respectfully submit that these failures, taken together with the cultural, historical, and archaeological significance of the Blackfoot corridor and the SHPO's own on-record recommendation for a formal eligibility determination, raise substantial questions about whether the project will significantly affect heritage resources — questions that must be answered through a full Environmental Impact Statement before AMD2 is authorized.

G. The EA fails to take a hard look at the full suite of impacts to fish and wildlife.

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[42] Maclean, *On Meriwether Lewis' Understudied Journey Through the Blackfoot Valley.*
[43] *Id.*
[44] Draft EA at 30.
[45] Montana Fish, Wildlife & Parks, Blackfoot River Drainage Report (ISR 43965, Nov. 23, 2018) ("FWP Blackfoot Report") at 8.

The Draft EA provides no meaningful analysis of impacts to fish and wildlife from 21 drill pad sites and associated roads in the upper Blackfoot watershed. The project area lies within the documented or probable range of at least three federally listed threatened species — bull trout, Canada lynx, and grizzly bear — none of which receive substantive analysis in the EA. The scope of these unanalyzed impacts compels the conclusion that AMD2 may significantly affect the quality of the human environment and therefore requires a full Environmental Impact Statement, rather than an EA, along with formal FWP consultation before any further review proceeds.

1. Bull Trout

Bull trout are listed as threatened under the Endangered Species Act (ESA). The Blackfoot River is one of only three remaining migratory bull trout stronghold drainages in the entire Blackfoot watershed.[46] Migratory bull trout move freely throughout the mainstem Blackfoot River and rely on cold tributaries for spawning and rearing; juvenile bull trout use small, cold tributaries as seasonal rearing refugia.[47] The Blackfoot Drought Response Plan imposes protective restrictions when the North Fork reaches or exceeds 65 degrees F for three consecutive days, reflecting the species' acute thermal vulnerability.[48] The EA acknowledges that drill pads E, S, and T drain toward Seven Up Pete Creek, a Blackfoot tributary, yet contains zero analysis of bull trout presence, impact to the Blackfoot critical habitat, sediment loading from pad construction and road use, or water temperature increases from riparian vegetation removal. The 1975 failure of the Mike Horse tailings dam, which released 100,000 tons of toxic mine waste into the upper Blackfoot, demonstrates that mining disturbance in this watershed causes severe, documented, and long-lasting harm to bull trout and aquatic communities.[49]

2. Grizzly Bear

Grizzly bears are listed as threatened under ESA. The project area lies within the Northern Continental Divide Ecosystem (NCDE), home to the only self-sustaining grizzly bear population in the contiguous United States outside Yellowstone. The Bob Marshall Wilderness Complex, which anchors the NCDE, abuts the Blackfoot drainage, and grizzly bears regularly use corridors in Lewis and Clark County. The EA makes no reference to grizzly bear presence, movement corridors, denning areas, or the cumulative effects of 21-pad drilling programs, increased vehicle traffic, equipment noise, and food-attractant materials on a threatened population managed under a federal recovery plan.

3. Canada Lynx

Canada lynx are listed as threatened under the ESA, and critical habitat has been designated across portions of Montana's northern Rocky Mountains, including the Blackfoot corridor. Lynx

[46] FWP Blackfoot Report at 9-10.
[47] *Id*. at 3.
[48] *Id*. at 10.
[49] *Id*. at 8.

depend on structurally complex lodgepole pine forests and on snowshoe hare populations closely tied to that habitat.[50] The EA neither assesses lynx presence and critical habitat on the claim block nor analyzes whether 21 drill pads and associated road improvements will fragment lynx movement corridors or degrade snowshoe hare habitat through vegetation removal and human activity.

4. Consultation

In preparing the Environmental Impact Statement required by AMD2's significant impacts, MEPA directs DEQ to coordinate with state agencies that have jurisdiction over or special expertise regarding resources that may be affected by the proposed action.[51] Where DEQ lacks in-house expertise on fish and wildlife resources, coordination with FWP is the only means by which that statutory obligation can be met. ARM 17.4.617(6) further requires the EA to identify mitigation measures responsive to identified impacts; mitigation measures addressing bull trout, grizzly bear, and lynx cannot be developed without the species and habitat data that FWP holds. There is no indication in the Draft EA that DEQ coordinated with FWP during the AMD2 review. DEQ must consult with FWP.

H. The EA fails to include adequate consideration of reclamation.

The Draft EA's treatment of reclamation is inadequate. Across 51 pages of environmental review, DEQ devotes fewer than three pages to reclamation — the single most consequential set of obligations that will determine whether the Columbia Gold Project leaves the upper North Fork Blackfoot watershed in anything resembling its pre-disturbance condition. That three-page discussion discloses no bond amount, no seed mix, no topsoil salvage specification, no concurrent reclamation schedule, no drill hole plugging protocol tailored to the project's depth and hydrogeology, no post-completion monitoring plan, and no geochemical characterization of drill cuttings that will be buried in on-site sumps. What the EA does disclose — that reclamation must produce "self-sustaining, weed-free vegetation over at least two subsequent growing seasons" — is a standard so vague and so disconnected from the forested ecosystem being disturbed that it provides no meaningful assurance of compliance, no basis for bond-setting, and no mechanism for public accountability.

The deficiency is compounded by the project's site-specific characteristics, which make rigorous reclamation planning more — not less — important than average. The claim block sits in a high-elevation, heavily forested watershed at the headwaters of one of the Blackfoot River's three remaining migratory bull trout stronghold drainages. Revegetation at 5,756 to 6,411 feet elevation, in a community dominated by lodgepole pine, Douglas-fir, and ponderosa pine, does not occur over two growing seasons; it occurs, if it occurs at all, over decades. The project proposes to drill 21 pads to depths reaching 2,296 feet, intercepting groundwater at virtually every location, in a fault-fractured volcanic system with uncharacterized acid-generating

[50] *See generally* Nathan D. Berg et al., *Influence of forest structure on the abundance of snowshoe hares in western Wyoming*, Journal of Wildlife Management. 76(7): 1480-1488 (2012).
[51] Mont. Code Ann. § 75-1-201(b).

potential. Drill cuttings from those depths will be buried in on-site sumps with no geochemical testing. Noxious weeds (spotted knapweed, mullein, thistle, and hound's-tongue) are already established on-site from prior disturbance. Each of these facts demands a more detailed, more enforceable, and more transparent reclamation plan than the EA provides. The EA's reclamation section is also undermined by the unresolved status of AMD1. The EA acknowledges that reclamation under the prior exploration license is not fully complete — a 6x6x5-foot depression remains ungraded.

The reclamation deficiencies in the Draft EA are not the kind that can be cured by a condition of approval or a note in the license file. They are foundational. The public cannot evaluate the adequacy of a bond it has never been given the opportunity to evaluate. It cannot assess a revegetation standard that specifies no seed mix, no monitoring protocol, and no success criteria tied to the forested ecosystem being disturbed. It cannot comment meaningfully on reclamation of 21 drill pads when DEQ has not identified how cuttings will be characterized, how plugging will address multi-aquifer intercepts, or how concurrent reclamation will be enforced. DEQ must conduct an EIS with a complete reclamation plan and provide a new public comment period on that supplemental information before AMD2 is authorized.

Conclusion

To conclude, Based upon the concerns outlined herein, evaluating the Columbia Gold Project through an EIS process is legally required based upon the law and prior precedent. As noted, DEQ is required to prepare an EIS when, as here, an EA indicates that an EIS is necessary. Additionally, there is compelling evidence submitted here that, when considering the criteria outlined in ARM 17.4.608, the Columbia Gold Project is a “major action of state government significantly affecting the quality of the human environment” and requiring an EIS. This evidence raises substantial questions regarding whether significant impacts would occur to ecological, historical, archeological, social, and cultural resources as a result of this proposed action. Based upon this information, DEQ must comply with the requirements of MEPA (specifically § 75-1-201 and ARMs 17.4.603, 607-610) and determine that, after “consider[ing] the substantive comments received in response to an EA,” the “EA indicates that an EIS is necessary.” ARM 17.4.610(6)(a).

This falls well within the past precedent and decision-making process of DEQ. Specific to an analysis of hard rock mining exploration projects, DEQ determined in 2022 that the Ross Pit Highwall Trench Exploration Project in the Little Rocky Mountains of Central Montana required an EIS after conducting an EA process. In that proposed exploration activity, the applicant was proposing to excavate a single trench on private land of “approximately 35 feet long by 10 feet wide by 25 feet deep to extract a 125-ton bulk sample for metallurgical testing.” Here, total new surface disturbance would be 1.53 acres on private land while conducting core drilling, including “21 drill holes, each drilled from its own drill pad, with total drilled footage not to exceed 14,359 feet and a maximum depth of 2,296 feet per hole.” Draft EA, Pg. 6.

For the foregoing reasons, the Draft EA is inadequate and DEQ should prepare an EIS that addresses all of the deficiencies identified in this letter. If you have any questions about these comments, please do not hesitate to contact us.

Sincerely,

Montana Environmental Information Center
Derf Johnson, Deputy Director
PO Box 1184
Helena, MT 5964
Email: djohnson@meic.org
Phone: 406-581-4634

American Rivers
Lisa Ronald, Associate Conservation Director
P.O. Box 9336
Missoula, MT 59807
Email: lronald@americanrivers.org
Phone: 406-317-7757

Clark Fork Coalition
Andrew Gorder, Legal & Policy Director
PO Box 7593
Missoula, MT 59807
Email: andrew@clarkfork.org
Phone: 406-550-5502

Montana Backcountry Hunters & Anglers
John Sullivan, Board Member
725 W Alder Suite 11
Missoula, MT 59802
Email: johnbsullivaniii@gmail.com
Phone: 406-360-4086

Montana Wildlife Federation
Frank Szollosi, Executive Director
PO Box 1175
Helena, MT 59624
Email: frank@mtwf.org
Phone: 406-417-9909