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Jan. 15, 2026

RE: Draft Plan of Operations for Sheep Creek Mine\_U.S. Critical Materials, Inc.

District Ranger Pliley,

Please accept the following comments on behalf of the Clark Fork Coalition (CFC). For over 40 years, CFC has worked to protect and restore the waters of the Clark Fork Basin from the headwaters near Butte to Lake Pend Oreille, and tributaries such as the Bitterroot River. Across this landscape, we've seen firsthand how poorly planned or unregulated mining projects have decimated waterways, harmed (or even eliminated) aquatic ecosystems, and left taxpayers on the hook for decades of cleanup costs required to restore the Clark Fork's water resources. In some cases, our water resources have been obliterated or damaged beyond repair and can only be "replaced" with equivalent natural resources that may or may not make the public whole. Given this history, the CFC has a keen interest in evaluating and commenting on newly proposed mining projects that may negatively impact the outstanding water resources of the Clark Fork Basin.

Like many other individuals and organizations, CFC has been closely tracking developments related to the proposed Sheep Creek Mine located in the headwaters of the West Fork Bitterroot River since news first broke regarding the project in the spring of 2023. As you are aware, very little publicly available information regarding the project has been released over the past two years, and the public has been left to speculate as to what the project may entail. Other than minimal exploration activities taking place at the claim sites (apparently authorized under a state exploration license and/or the small miner exemption licenses), the mining company has not submitted a single document or applied for a single permit to move forward with either exploration or mining.



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On December 18, 2025, the Forest Service notified the public that U.S. Critical Materials submitted a Draft Plan of Operations for the mine. We understand that this document will be supplanted with a Final Plan of Operations (PO) at some point in the future. Nonetheless, CFC feels compelled to highlight the glaring inadequacies in the Draft PO, which reads more like a pamphlet for potential investors than a legitimate attempt to describe planned activities and potential environmental impacts from the project.

NEPA requires federal agencies to prepare “a detailed statement” regarding the environmental impacts of any “major Federal action significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(C). “Action” includes “whenever an agency makes a decision which permits action by other parties which will affect the quality of the environment.” *Scientists' Inst. for Pub. Info., Inc. v. Atomic Energy Comm'n*, 156 U.S. App. D.C. 395 (D.C. Cir. 1973).

Once triggered, NEPA requires agencies to “take a 'hard look' at the environmental consequences” of their proposed action. *Baltimore Gas & Elec. Co., Inc. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87, 97 (1983). This includes assessing “the environmental impact of the proposed action, any unavoidable adverse environmental effects of the action, and potential alternatives to the action.” *Marin Audubon Soc'y v. FAA*, 468 U.S. App. D.C. 462 (D.C. Cir. 2024). It also requires “inform[ing] the public of the environmental concerns that were considered in the agency's decision making.” *Citizens Against Rails-to-Trails v. Surface Transp. Bd.*, 347 U.S. App. D.C. 382 (D.C. Cir. 2001). Unless the governing agency determines that a project will have no significant environmental impact, it must prepare a full Environmental Impact Statement (EIS). *Id.*

In this case, U.S. Critical Materials Draft PO fails to even approach NEPA compliance because it fails to provide basic, baseline information about the quality of the environment in the project area, let alone provide information about how the exploration activities would be conducted in order to ensure there will be no significant impacts.



With respect to potential impacts to water resources (just *one* category of potential environment impacts), the Draft PO fails to provide:

- Baseline information on potentially impacted water resources, including local geology and hydrology;
- Baseline characteristics of potentially impacted surface waters, groundwater, seeps and springs;
- Geotechnical information related to potential dewatering impacts related to exploration activities;
- Assessment of the quantity and quality of groundwater that is likely to be produced by mining or exploration activities;<sup>1</sup>
- Information on planned consumptive (or non-consumptive) water use;
- Information on water rights owned or required for water use from local surface or groundwaters;
- Baseline water quality data (nutrients, sediments, metals, etc...), including applicable water quality standards and how those standards will be met;
- Baseline information on water temperature and how existing temperatures will be maintained;
- A plan for stormwater management both as a result of exploration and/or onsite waste rock storage;
- Baseline information on potentially impacted aquatic life, fisheries (populations and habitat), and/or sensitive or protected species such as ESA-listed bull trout and native Westslope cutthroat trout;
- Information related to the potential direct or incidental discharge of pollutants to groundwater or surface waters or the required discharge permits;
- Information necessary to assess the feasibility of the suggested “zero discharge” processing system, including what processing steps will be conducted on site,

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<sup>1</sup> U.S. Critical Materials makes the extraordinary claim that 'If excess groundwater is intersected on the underground workings, this water inflow will be grouted off' despite the contradictory descriptions of sampling methods that will continue to move or expand the underground footprint throughout the exploration process.



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- what water treatment steps will be required to re-use process water, and any plan for the disposal of solids or other contaminants removed from process;
- Any plan for wastewater treatment and discharge if excess groundwater or process water requires disposal; or
  - Information related to water monitoring efforts required to ensure compliance with applicable standards and evaluate ongoing impacts to water quantity and quality.

The above-listed items are not comprehensive but are instead highlighted to illustrate the serious inadequacies of the Draft PO. Without this information, the Forest Service simply cannot evaluate the potential impacts of the project, nor can it determine whether those impacts will be significant enough to require an EIS (which CFC believes to be the case).

CFC expects that the U.S. Critical Materials will take its obligations to protect Montana's environment seriously and prepare a full, detailed and transparent accounting of their planned exploration activities and the potential environmental impacts for review by the Forest Service. We look forward to reviewing this information once it becomes available.

Sincerely,

Brian Chaffin, Ph.D.,

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