

CHAPTER 5

CONSULTATION, COORDINATION, AND PREPARATION

PUBLIC PARTICIPATION

SUMMARY

Public participation specific to the proposed Indian Creek Mine Expansion Project is summarized in this chapter. The summary indicates how the public has been involved, identifies persons and organizations contacted, and specifies time frames to accomplish goals in accordance with the regulations implementing NEPA and MEPA.

Public involvement in the EIS process includes the necessary steps to identify and address public concerns and needs. The public involvement process assists the agencies in: (1) broadening the information base for decision making; (2) informing the public about the Proposed Action and the potential long-term impacts that could result from the Project; and (3) ensuring that public needs are understood by the agencies.

Public participation in the EIS process is required by NEPA at specific points: the scoping period, review of Draft EIS, review of Final EIS, and receipt of the Record of Decision. There is no administrative review of the Final EIS or Record of Decision available under MEPA for DEQ's decision.

Scoping Period: The public was provided a 30-day scoping period to disclose potential issues and concerns associated with the Proposed Action. Information obtained by the agencies during public scoping was combined with issues identified by the agencies and formed the scope of this EIS.

Draft EIS Review: A 60-day public review and comment period for the Draft EIS was initiated by publication of the Notice of Availability for the Draft EIS in the Federal Register. A public hearing will be held in Townsend, Montana, during the 60-day comment period. Future meetings or hearings and any other public involvement activities will be announced 15 days in advance through public notices, media news releases, and/or mailings.

Final EIS Review: A 30-day Final EIS review period is initiated by publication of the Notice of Availability for the Final EIS in the Federal Register. This review period does not apply to DEQ.

Record of Decision: Subsequent to the 30-day review period for the Final EIS, a federal Record of Decision would be prepared and issued. A Record of Decision would be issued by DEQ at least 15 days after the Final EIS is published. A joint Record of Decision by BLM and DEQ may be prepared, in which case the federal schedule would apply.

TRIBAL COMMUNICATION AND COORDINATION

In accordance with Federal legislation and executive orders, Federal agencies must consider the impacts their actions may have to Native American traditions and religious practices. Consequently, BLM must take steps to identify locations having traditional/cultural or religious values to Native Americans and insure that its actions do not unduly or unnecessarily burden the pursuit of traditional religion or traditional life-ways. BLM has limited

information regarding any specific spiritual/cultural/traditional activities and sites or Traditional Cultural Properties within or in close proximity to the Project boundary.

The National Historic Preservation Act (P.L. 89-665), the National Environmental Policy Act (P.L. 91-190), the Federal Land Policy and Management Act (P. L.94-579), the American Indian Religious Freedom Act (P.L. 95-341), the Native American Graves Protection and Repatriation Act (P.L. 101-601) and Executive Order 13007 require that BLM provide tribes opportunities to actively participate in the decision making process.

The BLM Butte Field Office initiated formal Native American consultation by sending a notification letter to the Tribal Historic Preservation Offices of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Blackfoot Tribe, Shoshone-Bannock Tribes, and the Chippewa-Cree of the Rocky Boy Reservation. To date, formal and informal consultation efforts have not identified any specific Traditional Cultural Properties within or in close proximity to the Project boundary. Consultation is ongoing and BLM will hold government-to-government consultation upon issuance of the Draft EIS.

IMPLEMENTATION

The public participation process for the Indian Creek Mine Expansion EIS was comprised of the following components:

PUBLIC SCOPING

To allow a process for determining the scope of issues and concerns related to the Proposed Action (40 CFR 1510.7 and ARM 17.4.615), a public scoping period was provided by BLM and DEQ. A Notice of Intent to prepare the EIS was published in the Federal Register on May 18, 2007 (72 Federal Register 96, pp 28067-28068).

Publication of this notice in the Federal Register initiated a 30-day public scoping period for the Proposed Action from May 18, 2007, to June 18, 2007.

BLM and DEQ mailed a scoping package that included a project summary and maps to individuals and organizations listed on the BLM Butte Field Office and DEQ mailing lists. In addition, the scoping package was distributed at public scoping meetings.

Public scoping meetings were held by BLM and DEQ on June 6, 2007, in Helena, and June 7, 2007, in Townsend. Members of the public attended both scoping meetings. No comments were received on the proposed amendment. Written comments concerning the permit application were received from four individuals and four agencies.

DISTRIBUTION OF THE DRAFT EIS

This Draft EIS was distributed as follows:

- A news release was provided to all area media by BLM at the beginning of the 60-day comment period on the Draft EIS.
- The Draft EIS was distributed to interested parties identified in an updated EIS mailing list, and the Draft EIS is posted on the BLM Butte Field Office and DEQ websites.

DISTRIBUTION OF FINAL EIS

The Final EIS will be distributed as follows:

- Notice of Availability will be published in the Federal Register.
- Copies of the Final EIS or Abbreviated Final EIS will be sent to addresses on the mailing list.

- The Final EIS will be posted on the BLM Butte Field Office and DEQ websites.
- A news release will be issued to the same news outlets used for previous Project announcements.

RECORD OF DECISION

A Record of Decision will be distributed by BLM and DEQ to individuals and organizations identified on the updated Project mailing lists. A news release will be provided to the news media. A notice of availability (NOA) will be published in the Federal Register.

CRITERIA AND METHODS BY WHICH PUBLIC INPUT IS EVALUATED

Letters and oral comments received by the agencies on the Draft EIS will be reviewed and evaluated to determine if information provided in the comments would require a formal response or contains new data that may identify deficiencies in the Draft EIS. Steps will then be initiated to correct such deficiencies and to incorporate information into the Final EIS.

Should the agencies determine, based on comments received on the Draft EIS, that a full-text Final EIS is not necessary; an Abbreviated Final EIS could be prepared. In this case, this Draft EIS combined with the Abbreviated Final EIS would constitute for the Final EIS.

CONSULTATION WITH OTHERS

The following federal and state agencies and other entities were consulted during preparation of the EIS:

- U.S. Forest Service
- Montana Army National Guard
- Montana Department of Natural Resources and Conservation
- Montana Department of Environmental Quality, Air Resources Management Bureau
- Montana Fish, Wildlife and Parks
- Broadwater County
- State Historic Preservation Office
- Confederated Salish and Kootenai Tribes of the Flathead Reservation
- Blackfoot Tribe
- Shoshone-Bannock Tribes of the Ft. Hall Reservation
- Chippewa/Cree Tribes of the Rocky Boy Reservation

LIST OF PREPARERS AND REVIEWERS

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Core Interdisciplinary Team and Technical Specialty

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 Terrestrial Wildlife/Special Status Species – Scott Franklin
 Recreation/Visual Resources – Brad Rixford
 Grazing Management/Range Resources – Mark Goertel
 Access/Land Use – Kelly Acree
 Cultural Resources – Carrie Kiely
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ETHOS		
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BIG SKY ACOUSTICS		
Noise	Sean Connolly	15 years experience

MAILING LIST
INDIAN CREEK MINE EXPANSION

This document was mailed to approximately 40 agencies and individuals.