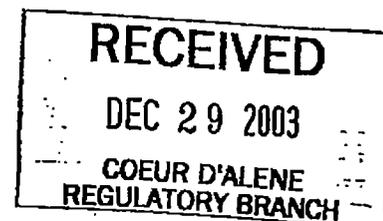


APPENDIX A
WRITTEN COMMENTS ON DRAFT EIS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 10
 IDAHO OPERATIONS OFFICE
 1435 N. Orchard St.
 Boise, Idaho 83706



December 24, 2003

Michael T. Doherty
 U. S. Army Corps of Engineers
 Coeur d'Alene Regulatory Office
 Idaho Panhandle National Forest Building
 3815 Schreiber Way
 Coeur d'Alene, Idaho 83815-8363

Re: NWW No. 981101710, Emerald Creek Garnet Ltd., November 20, 2003

Dear Mr. Doherty:

We have reviewed the referenced public notice describing the proposed discharge of dredged and fill material in approximately 133 acres of wetlands associated with the mining of alluvial garnet deposits on 327.5 acres of current and historic floodplain of the St. Maries River near Fernwood in Shoshone and Benewah Counties, Idaho. These discharges include temporary fills for the construction of isolation berms, topsoil, overburden stockpiles, and work pads, as well as discharges of dredged and fill material associated with the excavation and reclamation of the site. The stated purpose of the project is to mine new areas of alluvial deposits of garnet to continue an industrial garnet mining project. This project is designed to increase total reserves, retain and increase customer base, increase the availability of specific reserve grades for target markets, and to improve the mining efficiency of Emerald Creek Garnet (ECG).

The U. S. Environmental Protection Agency (EPA) has participated in discussions regarding this project and the analysis of its environmental impacts since 1996 when it was determined that an Environmental Impact Statement (EIS) would be prepared for the project. We appreciate the efforts you have made to include EPA in reviewing information and especially in discussing and addressing issues which we have raised during the preparation of the Draft EIS. The information in this Draft EIS ("Emerald Creek Garnet, Draft Environmental Impact Statement, Volumes I and II, November 2003, US Army Corps of Engineers, Walla Walla District") forms the basis for evaluating the proposed project, alternatives to the proposed project, the environmental impacts of these project options, and mitigation measures. The Technical Appendices (Volume II) provide useful information on the details of the project and natural resources. Appendix L ("Riparian Reclamation Summary Report") is especially helpful in assessing the success to date of ECG's stream, wetland, and riparian reclamation activities in other mining locations in Emerald Creek and Carpenter Creek basins.

While the Draft EIS evaluates a number of project alternatives and mitigation opportunities, your Public Notice of Application for Permit and Notice of Public Hearing dated November 20, 2003 identifies a specific proposed project. The specific project that is the subject

our comments in this letter is the applicant's proposed project as described in the Draft EIS. The major components of the project that we are reviewing in the public notice are summarized as follows:

1. Mining of 327.5 acres, including 133.0 acres of wetlands, year round using a combination of wet and dry panel mining.
2. No mining within 30 feet of the ordinary high water line of the St. Maries River; dry panels would be used exclusively within 70 feet of the St. Maries River and all unmined tributaries.
3. No mining of permanent stream channels crossing the floodplain.
4. Implementing mining BMPs, surface water management, and pre-flood shutdown criteria and procedures as identified in the Draft EIS Appendix A.
5. In-kind reclamation of all 133.0 acres of wetlands to restore wetland functions.
6. Creating 29.4 acres of additional out-of-kind wetlands.
7. Creating oxbow complexes before they are mined.
8. Enhancing 30-foot wide top-of-bank along St. Maries River on ECG's property by planting with woody vegetation.
9. Planting additional trees and shrubs to provide a net increase in forested wetlands, an increase in tree canopy in all re-established scrub-shrub wetlands, and 17 acres of upland forest.
10. Providing short-term fencing around the perimeter of each reclaimed mining unit until reclamation has been determined successful.
11. Providing long-term fencing around all clusters of planted trees.
12. Providing long-term perimeter fencing on ECG ownership as long as ECG owns the property or until a new land use is proposed [protects 59.5 acres of the 162.4 acres of reclaimed wetlands (37%)].

This specific proposed project is the focus of our comments. We have used information provided in the Draft EIS as the basis for our review and analysis. Based on that information, it is clear that of the wetlands proposed to be mined, the five oxbow wetland complexes have the highest ecological value because of their mosaic of habitat types and hydrologic regimes. The alternatives that are being evaluated in the Draft EIS focus heavily on options to protect these oxbow complexes. It also appears in the analysis of these alternatives that two of the three oxbow avoidance alternatives are shown to be economically impractical. The remaining oxbow avoidance alternative (Alternative 10) is economically practical, but has logistical and market constraints.

Because of the incremental phasing of the mining and reclamation activities, including the recreation of the oxbow wetland complexes being done in advance of mining those areas, and the demonstrated success by ECG in their previous stream, wetland, and riparian reclamation activities, we believe that the mining of the garnet resources can proceed in a way that ensures successful reclamation of the aquatic resources. However, if the preferred alternative that is selected results in mining of the entire 133 acres of wetlands rather than avoiding some of the oxbow wetland complexes, then we believe additional measures need to be taken to ensure

successful reclamation and mitigation for the wetland impacts that will occur.

There will be temporal impacts (especially in forested and scrub-shrub wetlands) and secondary impacts (primarily disturbance) to the wetland communities in the project area. Even with completely successful reclamation efforts, these temporal and secondary impacts will adversely affect the functioning of these wetlands for some time. We recognize that ECG proposes additional mitigation in the form of additional wetland acres recreated on ECG property and the planting of additional trees within the area. However, we do not believe these additional measures are sufficient for providing mitigation for the uncertainty of wetland reclamation and the temporal and secondary impacts to wetlands.

Comment 2

One additional mitigation measure would be the permanent protection of the wetlands that will be reclaimed on the ECG property. While we understand that ECG has committed to providing long-term perimeter fencing on ECG ownership "as long as ECG owns the property, or until a change in land use activity occurs" (Draft EIS, pg. A-43), we believe that commitment is not adequate to mitigate the wetland impacts. Protection of these wetlands should be permanent. An appropriate real estate mechanism should be put in place to accomplish that protection. Such a mechanism would only affect the wetland portions of the property; land use changes could still occur in the upland areas, and sale of the property could still occur so long as the protection provision remains in place.

Comment 3

A second additional mitigation measure that we believe should be required as part of any permit for mining in the entire 133 acre wetlands is the planting and permanent protection of a riparian buffer area along the St. Maries throughout the entire project area. This riparian buffer should be established on both the ECG property as well as the leased property. We realize that according to the information in the Draft EIS such a permanently protected buffer is not included under the lease arrangement between ECG and the property owners. However, we believe that the value of this mitigation measure is so important that ECG needs to re-negotiate this aspect of the lease arrangement. Planting and protecting a buffer along the river can mitigate for some of the temperature impacts, corridor impacts, and streamside habitat impacts. Permanent protection of this buffer would ensure that this very important area would continue to provide its ecological functions.

Comment 4

If the above additional mitigation measures can not be incorporated into the project, then we believe that the extent of mining in the wetland areas should be reduced so that the most important wetland areas (*i.e.*, the oxbow wetland complexes) are not mined. This reduction in mining would then ensure that more wetland resources remain untouched, and consequently, less wetland mitigation would be required.

Comment 5

EPA also believes that any permit should be conditioned to require specific approval of annual operating plans. This approval would need to be based on a determination that mining plans include all required components, that all other required approvals are in place, and that the reclamation of previously mined areas is proceeding as required. Connecting the approval of annual operating plans to the success of the reclamation effort is extremely important because so

Comment 6

much of the mitigation for this project is based on the successful reclamation of these wetland complexes. The oxbow wetland complexes in particular are identified as important wetland areas that will be replaced prior to mining in these areas (Draft EIS, pg. 2-10). Ensuring that the replacement efforts are successful before allowing additional mining could best be done through careful review and separate approval of the annual plans.

With regard to the actual practices proposed in the reclamation plan and in the monitoring plan, we believe that three additional items should be included in these efforts as follows:

1. Plant Option 2 (Replanting of Pre-Mining State) as described in Appendix D of the Draft EIS is the planting option that should be used in the reclamation process. This planting scheme would provide a higher chance of success for reclamation in a shorter time than using Plant Option 1.

Comment 7

2. The Reclamation Assurance Plan as described in Appendix D of the Draft EIS provides performance standards for monitoring wetland, upland, and riparian areas. These performance standards establish a numerical standard to be met at the end of the five year monitoring period while observing "a continual increase in cover percentage, plant species diversity, and plant age/size class diversity throughout the five year monitoring period" (Draft EIS, Appendix D, pg.40-41). We believe that interim performance standards should also be established for the reclamation effort. These interim performance standards would establish a benchmark for measuring the progress of the reclamation effort. These benchmarks are especially important for the proposed project because the approval of annual operating plans for mining should be dependent on the success of ECG's reclamation efforts. Waiting until the end of a five year monitoring period to determine the success of the reclamation effort does not allow for any changes that might be necessary in the reclamation efforts. We suggest an interim performance standard of establishing at least 60 percent aerial cover at the end of three years.

Comment 8

~~3. We believe that the monitoring effort as described in Appendix D of the Draft EIS should use random sampling in addition to sampling at permanent plots.~~

Comment 9

One last item which we have discussed with you and ECG is the mining of areas currently separated from the majority of the mining lands by the St. Maries River. These three areas are identified in Figure 2-1 of the Draft EIS. As noted on that figure, these areas have been included in the analysis of areas to be mined, wetland impacts, and mitigation. Because the three areas are on the left (looking downstream) side of the river channel, there is not presently approved access to these sites. ECG proposes to mine these areas (1) if access on ownership to the west can be acquired, or (2) if the meander channel is cut off by normal channel dynamics, or (3) if the river can be bridged cost effectively. Although the environmental impact of mining these three areas are analyzed in the Draft EIS, these specific means of accessing these three areas are not addressed in the environmental analysis. We believe that any Department of the Army permit for mining garnet should specifically exclude the three areas on the left side of the St. Maries River until access to these areas can be identified and properly analyzed. Such an analysis perhaps

Comment 10

could be done through a request for a permit modification since the environmental analysis of the mining itself has already been done. The permit modification could focus on the proposed access. We believe it is important to separate out these areas because the potential methods/routes of accessing these areas would have impacts that need to be carefully considered. If access is through the property on the west, the routes need to be identified and impacts (including any impacts to other waters or wetlands) analyzed. With regard to the second means of access, we believe that it is highly unlikely that normal channel dynamics will cut off the meander channel. Even if the existing channel was no longer the primary channel, it would continue as a secondary channel with important ecological and hydrologic functions. Access to the areas to be mined by crossing this channel would still be problematic. The third potential access to the three areas is by bridging the river. The impacts of bridge construction and bridge location have not been analyzed. These impacts can be substantial and need to be fully evaluated.

We look forward to further discussions regarding this project. If you should have any questions or need additional information regarding our comments, please feel free to contact me at (208) 378-5756.

Sincerely,



John M. Olson
Wetland Ecologist

cc: COE, Walla Walla (Brad Daly)
IDEQ, Coeur d'Alene (June Bergquist)

Mr. Lindsay Gorrill
Emerald Creek Garnet, Ltd.
1301 West Lakewood Drive, Suite 201
Coeur d'Alene, ID 83814

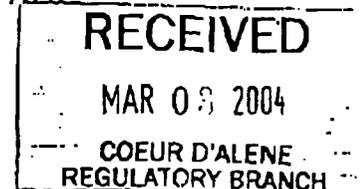


**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101**

February 27, 2004

Reply To
Attn Of: ECO-088

Ref: 03-024-AES



Michael Doherty, Project Manager
U.S. Army Corps of Engineers
Walla Walla District
Coeur d'Alene Regulatory Office
U.S. Forest Service Building
3815 Schreiber Way
Coeur d'Alene, ID 83815-8363

Dear Mr. Doherty:

The U.S. Environmental Protection Agency has reviewed the draft Environmental Impact Statement (EIS) for the **Emerald Creek Garnet Mine** (CEQ # 030508) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions and the document's adequacy in meeting NEPA requirements.

The EIS analyzes the No Action Alternative and five (5) action alternatives. Alternative 2 would mine 133 acres of wetlands using a wet panel technique; Alternative 3, Proposed Action by Emerald Creek Garnet, Ltd. would mine 133 acres of wetlands using a wet/dry panel technique; and Alternatives 8, 9, and 10 would avoid ecologically valuable oxbow complexes in the project area and consist of varying acreage of mining in wetlands.

We have assigned a rating of EC-2 (Environmental Concerns - Insufficient Information) to the draft EIS. This rating and a summary of our comments will be published in the Federal Register. A copy of the rating system used in conducting our review is enclosed for your reference.

The St. Maries River watershed is listed on Idaho's 303(d) list for not meeting water quality standards for sediment, temperature, habitat alteration, nutrients, pathogens, and dissolved oxygen. EPA is concerned that mining activities in the floodplain may increase sediment and temperature levels in St. Maries River without adequate mitigation. EPA believes that a high level of protection should be implemented in order to promote the designated beneficial uses listed in the EIS for the St. Maries River. This includes adequate riparian protection, containment of mining sediment, and contingency planning.

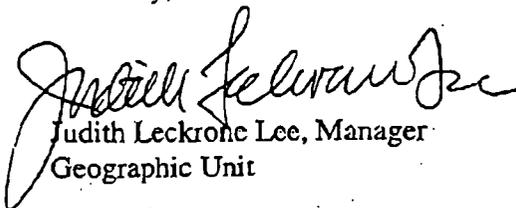
Comment 11

EPA is also concerned with the environmental impacts associated with the alternatives that do not avoid the oxbow complexes. Oxbow complexes have a high ecological value because of their mosaic of habitat types and hydrologic regimes; consequently, EPA recommends avoiding these complexes. Three of the action alternatives (8, 9, and 10) avoid the oxbow complexes. The three oxbow avoidance alternatives are stated to not be practicable because they do not meet the purpose and need, and Alternatives 8 and 9 are stated to be economically unpractical. EPA is unclear how this determination was made. Furthermore, if an alternative is selected that does not avoid oxbows, EPA recommends providing the highest level of mitigation and reclamation for impacts to wetlands.

Comment 12

Thank you for the opportunity to review this draft EIS. If you would like to discuss these issues, please contact Lynne McWhorter at (206) 553-0205 or feel free to contact me at (206) 553-6911.

Sincerely,



Judith Leckrone Lee, Manager
Geographic Unit

Enclosures

Emerald Creek Garnet Mine Detailed Comments Draft Environmental Impact Statement

Water Quality

The EIS states that the St. Maries watershed is listed under Clean Water Action 303(d) as not meeting Idaho's water quality standard for sediment, temperature, habitat alteration, nutrients, pathogens, and dissolved oxygen. The Total Maximum Daily Load (TMDL) was established for the St. Maries River Subbasin in the year 2003. EPA strongly supports actions that improve water quality and aquatic resources and that meet the TMDL established to restore beneficial uses for St. Maries River. EPA supports using mitigation measures during mining and post-mining Reclamation and Best Management Practices (BMPs) that have proven to be effective in past Emerald Creek Garnet's projects.

Comment 13

The EIS does not fully discuss contingency planning that may be necessary during or after mining. EPA is concerned with the inherent risk of unforeseen flood events, which may cause the berm to fail. The EIS does not discuss Emerald Creek Garnet's (ECG) ability to respond to any such unpredictable event and ability to restore stream function and berm construction potentially disturbed from erosion. EPA recommends that a contingency plan, including a financial assurance component, be included in the EIS.

Comment 14

The EIS discusses the use of sedimentation berms to contain process water and stormwater runoff from mining panels. However, the flood frequency that the berms are designed to protect against is confusing. The EIS states on page 3-14 and 3-15 that BMP's would reduce further sedimentation from a 25-year flood event. However, on page 3-16 the EIS states that the constructed berms would reduce sedimentation from a 5-year flood event. EPA recommends that this discrepancy be explained. Furthermore, EPA recommends implementing the 5-year flood event frequency in planning to ensure that the stream channel is protected from further degradation.

Comment 15

Comment 16

Practicality of Alternatives

The EIS states Alternatives 2 and 3 are feasible to carry forward and that Alternatives 8, 9, and 10 are not feasible because avoiding the oxbows would result in the project being economically infeasible and therefore, would not meet the Purpose and Need. The EIS is unclear as to why these alternatives are not feasible. Areas warranting clarification in the EIS include:

- Tables 2-4 and 2-5 contains a Cost/Valuation (CV) index that is applied to each alternative. The EIS states that a CV of below 85 is economically practical. Alternatives 2 and 3 and 10 received a CV below 85 making them practical. Whereas, Alternatives 8 and 9 have a CV above 85 making them not feasible. Additionally, Table 2-5 lists another CV value for Alternatives 8, 9, and 10, which is a CV index specifically for the oxbow complex. Each of these values exceeds 85. It is unclear how the two CV values relate to one another and how these two values together result in an overall determination of economic feasibility. The EIS should better explain how these values were determined and how they relate to the determination of economical feasibility.
- The explanation of why the alternative is or is not feasible in Table 2-5 is very confusing. It states that for Alternatives 8 and 9, avoidance is not practical when the remainder of the project becomes impractical, and when mining oxbows is profitable. For Alternative 10 the

Comment 17

Comment 18

EIS states that avoidance is practical when the remainder of the project remains practical, even when mining oxbows is not profitable. The EIS should more clearly and thoroughly explain why an alternative is or is not feasible.

- The EIS states that Alternative 10 would be economically practical, but is not consistent with the Purpose and Need because the remainder of the project is not economically practical. However, in the determination of whether or not Alternative 10 is economically practical the EIS states that it is. The EIS should clarify this discrepancy.
- The EIS states that Alternative 10 constraints the ability to compete in a natural fine market. The EIS states that fine garnet can be obtained by crushing coarse garnet. The EIS should explain why competition in the natural fine market is constrained when fine can be obtained by crushing coarse fragment. If fine can be obtained by crushing coarse garnet, it appears that that Alternative 10 is feasible to carry forward.

Comment 19

Comment 20

Wetlands

EPA previously submitted comments in response to the Public Notice issued by the Corps of Engineers related to permitting under Section 404 of the Clean Water Act. These comments are reiterated below.

Comment 21

There will be temporal impacts (especially in forested and scrub-shrub wetlands) and secondary impacts (primarily disturbance) to the wetland communities in the project area. Even with completely successful reclamation efforts, these temporal and secondary impacts will adversely affect the functioning of these wetlands for some time. We recognize that ECG proposes additional mitigation in the form of additional wetland acres recreated on ECG property and the planting of additional trees within the area. However, we do not believe these additional measures are sufficient for providing mitigation when considering the uncertainty of wetland reclamation and the temporal and secondary impacts to wetlands.

An additional mitigation measure that we recommend would be to establish permanent protection of the wetlands that will be reclaimed on the ECG property. While we understand that ECG has committed to providing long-term perimeter fencing on ECG owned lands "as long as ECG owns the property, or until a change in land use activity occurs" (Draft EIS, pg. A-43), we believe that commitment is not adequate to mitigate the wetland impacts. To maintain the long term function of wetland and for mitigation to be successful, we believe that protection of wetlands should be permanent. An appropriate real estate mechanism should be put in place to accomplish that protection. Such a mechanism would only apply to the wetland portions of the property; land use changes could still occur in the upland areas, and sale of the property could still occur so long as the protection provision remains in place.

A second additional mitigation measure that we believe should be required as part of any permit for mining in the entire 133 acre wetlands is the planting and permanent protection of a riparian buffer area along the St. Maries throughout the entire project area. This riparian buffer should be established on both the ECG property as well as the leased property. We realize that according to the information in the Draft EIS such a permanently protected buffer is not included under the lease arrangement between ECG and the property owners. However, we believe that the value of this mitigation measure is so important that we recommend ECG re-negotiate this

aspect of the lease arrangement. Planting and protecting a buffer along the river can mitigate for some of the temperature impacts, corridor impacts, and streamside habitat impacts. Permanent protection of this buffer would ensure that this very important area would continue to provide its ecological functions.

If the above additional mitigation measures can not be incorporated into the project, then we believe that the extent of mining in the wetland areas should be reduced so that the most important wetland areas (i.e., the oxbow wetland complexes) are not mined. This reduction in mining would then ensure that more wetland resources remain untouched, and consequently, less wetland mitigation would be required.

Earth Resources

The EIS states that potential impacts to earth resources are sediment and erosion. The EIS does not discuss direct impacts to soil such level of productivity and compaction. One of the major components of this project, next to garnet recovery, is ECGs proposed mitigation activities and reclamation of wetland functions. Soil productivity is necessary for wetland function and healthy riparian vegetation. EPA recommends that the EIS further discuss soil function in the project area and potential impacts to productivity and how the impacts will be mitigated and reclaimed.

Comment 22

Tribal Consultation and Coordination

EPA is concerned that the EIS does not adequately disclose tribal consultation activities as directed by Executive Order 13175. The EIS states that an archeological survey has been completed and that compliance of Section 106 of the National Historic Preservation Act (NHPA) is underway. The EIS also states that Native American consultation has been initiated. However, EPA recommends that compliance to Section 106 of the NHPA be done concurrently with the NEPA process and that the EIS disclose not only the tribes that are being consulted, but how consultation has occurred, and potential impacts to cultural resources. This provides the public and decision maker with a clear understanding of the planning process for the project.

Comment 23

Page- Specific Comments

Cover Page EPA is listed as a cooperating agency on the EIS. The EIS should be corrected as EPA is not a cooperating agency on the project.

Comment 24

Page ES-4 A Cost/Valuation (CV) index is identified for Alternative 8. The EIS does not explain how this number is obtained nor is the index used in the discussion of the other alternatives. EPA recommends explaining this index and demonstrating how it can be used in the decision process while applying it similarly to each alternative so that the reviewer can adequately compare alternatives with the CV.

Comment 25

Page 2-25 The EIS states that the wet/dry mining technique is used as the baseline for evaluating Alternatives 8, 9, and 10 because mining impacts and wetland impacts are the same regardless of mining methodology. The EIS does not explain how wet, dry, or wet/dry mining techniques would cause the same impacts. EPA recommends that the EIS explain this statement.

Comment 26

Table 2-7 EPA is concerned that the alternatives have not been adequately compared and contrasted in Table 2-7. In discussing "Potential Indirect Wetland Impacts" the EIS states that the potential for indirect impacts is the same for all alternatives. However, Table 2-7 does not list any of these impacts. Under direct impacts to wetlands the impacts are identified as the same. The is also true for "Potential indirect impacts to wildlife" and "Impacts to soil/earth resource." It is unclear how all the impacts could be the same among alternatives, which utilize different wetland acres and techniques. This table should contain concise analyses of impacts in order for the review to get a clear understanding of impacts and compare alternatives easily. EPA recommends that the EIS modify the table to contain more specific information related to the comparison of alternatives and environmental impacts for wetlands.

Comment 27

U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections

The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.



COEUR D'ALENE TRIBE

850 "A" STREET
 P.O. BOX 408
 PLUMMER, IDAHO 83851
 (208) 686-1800 FAX (208) 686-1182

REFERENCE:

December 23, 2003

Mr. A. Bradley Daly
 Chief, Regulatory Division
 U.S. Army Corps of Engineers
 Coeur d'Alene Regulatory Office
 Idaho Panhandle National Forest Building
 3815 Schreiber Way
 Coeur d'Alene, ID 83815-8363

RE: NWW No. 981101710, Emerald Creek Garnet Ltd

Dear Mr. Daly,

The Coeur d'Alene Tribe is writing to you to provide comments on the application for a Section 404 permit submitted to you by Emerald Creek Garnet Ltd. involving the discharge of dredged and fill material in approximately 133 acres of wetlands associated with the mining of alluvial garnet deposits on 327.5 acres of current and historic flood plain of the St. Maries River. The Tribe welcomes this opportunity to consult with the US Army Corps of Engineers.

The Tribe is very concerned with any loss of wetland function, value, and acreage and is particularly concerned with such losses occurring within areas that could affect the natural resources within the boundaries of the Coeur d'Alene Reservation and their aboriginal territories. This project has the potential to affect this environment; therefore the Tribe is offering the following suggestions/recommendations for review.

Comment 28

Removal of the mature wetland plant community will take many years to recover even under the best mitigation plan. Numerous studies have shown that most compensatory mitigation projects do not perform at a fully successful level (references provided upon request). The avoidance of impacts is clearly the intent of the 404 permitting process, as well as the Corps first course of action. Alternatives 8, 9, and 10 as outlined in the Draft Environmental Impact Statement (DEIS) attempt to minimize some of these impacts by avoiding certain oxbow complexes. While these alternatives may reduce the overall percentage of wetland that is directly affected, they still represent a significant impact to the overall wetland community. The Tribe asserts that additional measures to avoid these negative impacts must be fully explored by the applicant before the application is approved.

Comment 29

The DEIS also outlines potential impacts to various fish and wildlife species, including threatened, endangered, and special status species that may occur within or near the proposed project area. The DEIS states that the proposed project is likely to affect Townsend's big-eared

bat and westslope cutthroat trout. It also states that individuals from such species as boreal toad, fisher, northern goshawk, northern pygmy owl, upland sandpiper, wolverine, and bull trout may be adversely impacted. Any project that has the potential to negatively affect such a large number of endangered, threatened, and special status species needs to be carefully studied to determine the extent of such effects. The Tribe would like to know if such studies have been conducted, and requests the results of these studies be submitted to the Tribe for review and comment. The Tribe recommends that additional measures be evaluated to minimize any negative effects to endangered, threatened, and special status species as a result of this proposed project.

Comment 30

Comment 31

The Tribe recommends that all of the riparian shrub layer along the river, and in particular the stands of cottonwood, be protected, regardless of where they are located in relation to the buffer zones. Cottonwoods are the largest broad-leaved trees in the Pacific Northwest and represent a unique ecological niche among the conifer-dominated, mountainous landscape of the St. Joe National Forest. Furthermore, cottonwood forests in the western United States support a higher diversity of breeding birds than all other western habitats combined. The Tribe respectfully submits that the extensive functions of cottonwood stands (wildlife habitat, river bank stabilization, water filtration, shading) and the values that flow from these functions (aesthetics, clean drinking water, recreation) cannot be mitigated for in any reasonable fashion.

Comment 32

Efforts also need to be coordinated with the Coeur d'Alene Tribe, Tribal Preservation Office and State Historic Preservation Office to determine if any impacted areas are culturally significant or may have the possibility of containing artifacts. All of the lands surrounding the project area are within the aboriginal territory of the Coeur d'Alene Tribe and are historical hunting and gathering areas. Tribal consultation needs to occur to determine if cultural resource surveys will be necessary in any locations. Any Tribal artifacts discovered during excavation or construction should be immediately reported.

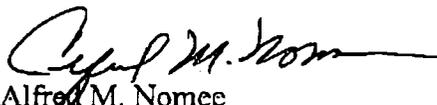
Comment 33

Comment 34

In summary, the Tribes concerns revolve around the loss of wetland function, acreage, and value that would result from the proposed project. The Tribe is also concerned that negative impacts to endangered, threatened, and special status fish and wildlife species have not been adequately addressed. The Tribe recommends that the Corps take these concerns into consideration when determining the approval of this permit.

Thank you for the opportunity to comment on this project. Please contact my office at (208)686-1009 if you have any questions or would like to discuss this further.

Sincerely,

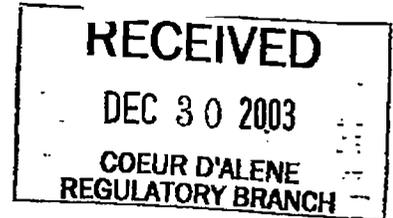


Alfred M. Nomee
Natural Resource Director



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

COMMENTER 4



2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814-2648 • (208) 769-1422

Dirk Kempthorne, Governor
C. Stephen Allred, Director

December 29, 2003

Michael Doherty
U.S. Army Corps of Engineers
Coeur d'Alene Regulatory Office
Idaho Panhandle National Forest Building
3815 Schreiber Way
Coeur d'Alene, ID 83815-8363

RE: Emerald Creek Garnet Ltd. (ECG) Public Notice NWW No. 981101710

Dear Mr. Doherty,

We have received the public notice regarding the proposed mining of garnet sands in wetlands adjacent to the St. Maries River. Due to a lack of information, we cannot certify this permit within the 60 day deadline. We identified our information needs in a comment letter on the preliminary draft EIS dated October 15, 2003. The company did not have time to respond to our comments before the issuance of the draft EIS and public notice. For this reason, we are requesting an extension of 30 calendar days past our receipt of the FEIS as the certification deadline. If the necessary information is provided to us prior to the issuance of the FEIS, we will make an effort to evaluate it at that time.

Comment 35

Sincerely,

June Bergquist
Regional Water Quality Compliance Officer

c: John Olson-EPA Boise
Chip Corsi-IFG
Lindsay Gorrill-Emerald Creek Garnet Ltd.
Ed Kok-Lukins & Annis, P.S.

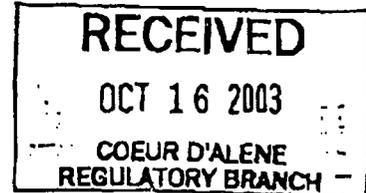


STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814-2648 • (208) 769-1422

Dirk Kempthorne, Governor
C. Stephen Allrad, Director

October 15, 2003



Lindsay Gorrill, President
Emerald Creek Garnet Ltd.
1836 Northwest Blvd
Coeur d'Alene, ID 83814

RE: Comments on ECG's Preliminary Draft Environmental Impact Statement dated August 2003.

Dear Mr. Gorrill,

Thank you for the opportunity to review your preliminary draft EIS for the proposed mining of industrial garnet in the floodplain and wetlands of the St. Maries River. I would like to bring you up to date on changes in the water quality status of the St. Maries River since our last communication, provide pollutant trading guidelines that your consultant SAIC has requested, and finally, provide comments on the preliminary draft EIS.

In October 2001 we informed you that the section of the St. Maries River affected by your proposal is designated as a Special Resource Water and impaired due to an unknown pollutant. The Special Resource Water designation was described as the highest level of protection that Idaho has afforded a surface water and that existing water quality cannot be lowered.

In July 2003, DEQ finalized an assessment of the St. Maries watershed. The conclusions were that excessive sediment and high temperatures were the pollutants of concern. As a result of these findings a "Total Maximum Daily Load" (TMDL) was prepared for the St. Maries River watershed. This plan defines what is required to recover lost beneficial uses, and was approved by the U.S. Environmental Protection Agency in August 2003. This means that your activities must now be in compliance with this TMDL. The TMDL document can be found on Idaho DEQ's website at:
<http://www.deq.state.id.us/water/tmdls/tmdls.htm#CoeurdAlene>

Your proposed project indicates that you may be decreasing shade and contributing sediment to the St. Maries River (unspecified amounts). The TMDL indicates a need to reduce these pollutants. Therefore, your analysis must include some approach, such as pollutant trading, that insures a net reduction of these pollutants in the listed watershed.

Comment 36

Mr. Lindsay Gorrill
October 15, 2003
Page 2

Currently, DEQ is developing a more detailed explanation of pollutant trading as it pertains to our standards. I will provide you a copy of this letter once it becomes available. In the meantime, the EPA has developed a pollutant trading policy that you can use as guidance (attached).

Project Description

The proposed project is to mine 327 acres of floodplain adjacent to the St. Maries River from approximately Carpenter Creek to Emerald Creek. Included in this 327 acres, are 133 acres of oxbow wetlands and four tributary streams that feed the oxbows prior to emptying into the St. Maries River. Three of the four stream channels are proposed to be mined (figure 2-3). Some of the oxbow wetlands contain aquatic macroinvertebrate life and fish. They are seasonally flooded by the St. Maries River, fed by groundwater and stormwater, and receive water from Adams Creek, Pierce Creek, Hatton Creek and Olson Creek.

Mining would require the complete destruction of from 84 to 133 acres of oxbow wetlands, depending on the selected alternative. Ground disturbance would occur within 22 feet of the river's wetted edge at a flow of 724 cfs (OHWL). Mining would occur 5.5 feet inside of the ground disturbance (width of berm). Mitigation would include reconstruction of the wetlands and some additional wetland creation.

Mining would be accomplished over a period of eight years (figure A-7) with progressive wetland reconstruction after the completion of each unit. Several miles (unspecified) of temporary road would need to be constructed and upgrades made at three railroad crossings for the transport of garnet to the jig plant. Within the mining units a system of haul roads will be constructed as needed [unspecified location or length]. *WORK PLAN FOR Sediment*

After restoration, water quality improvement functions are expected to be achieved in three years (p.3-35) and in 20 years the scrub-shrub wetland functions would be restored. Forested wetlands would require longer than 20 years to recover (p.3-100).

Some of the above detail of the project were unclear or contradicted later in the document. We would appreciate knowing if this description is essentially accurate or contains significant errors.

Comments on Preliminary draft EIS

1. Section 3.1.1.1, *Stream Flow Characterization*, states that "...the St. Maries River at the project site can be expected to overflow for two year peak events." Does this mean that two year flood events will be in contact with the base of the berm

Comment 37

surrounding the active mine site? How much of the outer face of the earthen berm is expected to wash away with the flood waters?

2. Section 3.1, describes that active mine sites will be surrounded by an earthen berm designed to exclude floods up to the 5 year event (p.3-16). In other sections of the document the berm is constructed to exclude a 25 year flood event. Which is correct? The concepts of storm event versus river flood event are not clearly separated in the discussion of water resources.

Comment 38

3. The discussion on page 3-13 fourth paragraph is confusing. What is meant by 25 year peak storm flows varying from 70-100 cfs depending on alternative? Again, the concepts of storm, tributary and river flood events are unclear. This discussion might be better divided into subtopics: (1) river flood regime, (2) tributary stream flood regime, (3) stormwater and (4) groundwater, and how they each interact within the project site. These analyzes are very important to DEQ's review of the project.

Comment 39

Stormwater quantity may also be affected by mining operations. A discussion of the potential loss of stormwater infiltration and storage capacity at active mine sites and reclaimed sites would be helpful to reveal potential water management problems.

Comment 40

4. One of the most important BMPs utilized in this proposal is the berm surrounding the active mine site. This berm isolates approximately 2.2 million gallons of mine related process water from stormwater and floodwater. In the past there has been incidents of berm failure and subsequent degradation of water quality. We would like to see an accounting of these failures, what has been done to improve construction of the berm and if we can expect these berms to perform any better than others in the past. At this time, failures have been frequent enough that we will be looking for the use of a higher level of knowledgeable and reasonable effort as provided for in the Water Quality Standards, for the construction, maintenance and monitoring of sedimentation berms.

Comment 41

5. Full compliance with the NPDES stormwater program for both construction and industrial permits will be required prior to certification.

Comment 42

6. DEQ will require notification of water quality standards exceedances and sedimentation berm failures during the project. Notification should include why the berm failed and what will change to prevent it from happening again.

Comment 43

7. There was very little description of what current land use activities are specifically affecting the oxbow wetlands. General descriptions of land use are provided but

Comment 44

Mr. Lindsay Gorrill
October 15, 2003
Page 4

nothing that indicates if they are grazed, exclusion fenced, used for livestock watering, ATV recreation, etc.

8. Life of the mining activity was presented from 8 years up to 20 years. It would be good to clarify if the estimate means the presence of ECG in Benewah County, life of all currently mined sites or just the subject mining along the St. Maries. The "Reasonably Foreseeable Future Actions" and "Socioeconomics" sections should include ECG's general plans for future mining and the expected life of the garnet resource in the St. Maries area.
9. When developing your pollutant trading proposal please include the name of the model used to determine pollutant loading and load reduction, and clearly state the source of each pollutant discharge analyzed.

Comment 45

These preliminary comments were generated after a brief examination of the draft EIS. We understand that you wanted our feedback now so that it can be included in the next draft, due out in several weeks. We will provide more detailed comment later, if necessary. If you have any questions please give me a call at (208)769-1422.

Sincerely,



June Bergquist
Regional Water Quality Compliance Officer

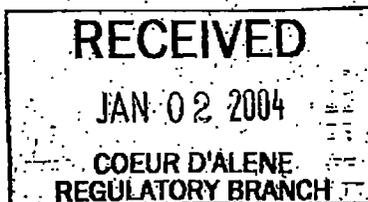
enclosure

c: Doherty-ACOE
Hennekey-IFG



IDAHO FISH & GAME
 PANHANDLE REGION
 2750 Kathleen Avenue
 Coeur d'Alene, Idaho 83815

Dirk Kempthorne / Governor
Steven M. Huffaker / Director
 December 23, 2003



Mr. Mike Doherty
 US Army Corps of Engineers
 3815 Schreiber Way
 Coeur d'Alene, ID 83815

Dear Mike:

REFERENCE: NWW 981101710 EMERALD CREEK GARNET,
 LTD./ST. MARIES RIVER

We have reviewed the application by Emerald Creek Garnet to mine along approximately four miles of the St. Maries River between the mouths of Emerald and Carpenter creeks. As proposed, the mining operation would result in between 84 and 133 acres of wetlands being destroyed. At the completion of mining and mitigation, an additional 29.4 acres of wetland would exist, at a mitigation ratio of 1.22:1. Due to a staff shortage we have not had the opportunity to review the DEIS, thus our comments are general in nature.

The area to be mined constitutes floodplain habitat with a number of wetland and open water areas that support a variety of wildlife, including mammals, amphibians and birds. Wetland mitigation should at least replace these values.

Comment 46

The floodplain also plays an important role in storing water during high flow periods, and recharging streamflows during low flow periods. The St. Maries River in this reach continues to provide limited habitat for westslope cutthroat trout. Mitigation provides an opportunity to not only replace damaged and destroyed wetlands, but to initiate recovery of the riparian system to ultimately provide shade, cover, contributions of large woody debris, and channel stability. Westslope cutthroat trout were recently petitioned for listing under the federal Endangered Species Act. This listing was avoided in large part because regulatory mechanisms are considered to be adequate to protect and restore the species. Thus we recommend mitigation include measures that meet those criteria. These should include a mitigation program that will result in the restoration of cottonwood (and over the long term, western red cedar) stands along the St. Maries River. Large woody debris should also be incorporated into floodplain restoration on site, and at any off-site mitigation areas.

Comment 47

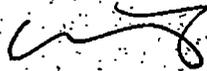
Mr. Mike Doherty – Page 2
December 23, 2003

We recommend sediment retention berms and ponds be located well away from the river channel (recommend use of Forest Practices Act rules) to reduce the potential for water quality problems and further impacts to fish habitat in the St. Maries River.

Comment 48

We appreciate the opportunity to provide comments. Please feel free to contact me if you would like to discuss our comments.

Sincerely,



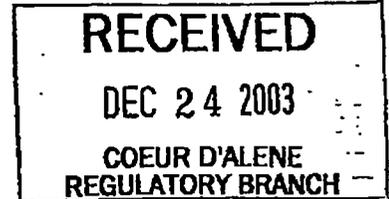
Charles E. Corsi
Regional Supervisor

CEC:kh

C: DEQ, Coeur d'Alene
USFWS Spokane
Tracy Trent, NRPB, IDEG, Boise



TRANSPORTATION DEPARTMENT
 DISTRICT 1 • 600 W. PRAIRIE • COEUR D'ALENE, ID • 83815-8764 • (208) 772-1200



December 19, 2003

Michael T. Doherty
 Department of the Army
 Walla Walla District Corps of Engineers
 201 N 3rd Ave.
 Walla Walla, WA 99362-1876

RE: NWW No. 981101710, Emerald Creek Garnet Ltd.
 SH3, Approx. MP 59.756 to 62.5

Dear Mike:

Idaho Transportation Department has reviewed the proposal by Emerald Creek Garnet, Ltd. for the discharge of dredged and fill material adjacent to SH3. The project should exclude mining on the state highway right-of-way. Mining adjacent to state right-of-way shall not be done in such a way that excavating endangers the highway's stability.

Comment 49

Access from SH3 shall be identified to ITD prior to work. An access permit may be required and/or a traffic control plan. Thank you for coordinating with ITD. If you have any questions, please don't hesitate to contact me at (208) 772-1297 or by e-mail at swalson@itd.state.id.us.

Comment 50

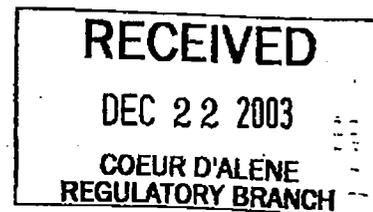
Sincerely,

Shirley Watson
 Permits Coordinator

Copy: DTE/file DME Mtnce: Munden DEP



December 15, 2003



Mr. Michael Doherty
 Corps of Engineers
 Idaho Panhandle National Forest Building
 3815 Schreiber Way
 Coeur d'Alene, Idaho 83815-8363

Our mission: to educate through the identification, preservation, and interpretation of Idaho's cultural heritage.

RE: Emerald Creek Garnet Draft Environmental Impact Statement
 Section 106 Review

Dirk Kempthorne
 Governor of Idaho
 Steve Guerber
 Executive Director

Dear Mr. Doherty:

Our office has received the draft Environmental Impact Statement for the Emerald Creek Garnet project. After reviewing the document, we found that our last comments on this project were not reflected in the DEIS.

Comment 51

In our letter of July 16, 2002, we requested information on historic buildings and structures within or adjacent to the project area. We also recommended more rigorous archaeological monitoring of the excavation activities. To date, we have not received a response.

Comment 52

With regard to the DEIS, our July 16, 2002, comments should be summarized in Volume I and a full copy should be provided in Volume II. Once we receive the information, we can begin working with the Corps of Engineers to evaluate historic buildings and structures, if any exist, and assessing project effects.

Comment 53

Comment 54

We appreciate your consideration of this matter. If you have any questions, please feel free to contact me at 208-334-3847.

Sincerely,

Susan Pengilly Neitzel
 Deputy SHPO and
 Compliance Coordinator

Administration
 1109 Main Street, Suite 250
 Boise, Idaho 83702-5642
 Office: (208) 334-2682
 Fax: (208) 334-2774

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 210 Main Street
 Boise, Idaho 83702-7264
 Office: (208) 334-3847
 Fax: (208) 334-2775

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 Boise, Idaho 83720-0001
 Office: (208) 334-5174

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 Fax: (208) 334-4059

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 Office: (208) 334-3861
 Fax: (208) 334-2775

Historic Sites Office
 2445 Old Penitentiary Road
 Boise, Idaho 83712-8254
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 Fax: (208) 334-3225

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 Fax: (208) 334-3198

Oral History
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 Fax: (208) 334-2774

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State Archives/Manuscripts
 2205 Old Penitentiary Road
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 Fax: (208) 334-2626



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DEC 22 2003

COEUR D'ALENE
REGULATORY BRANCH

December 17, 2003

Bradley Daly
Chief, Regulatory Division
US Army Corps of Engineers
Coeur d'Alene Regulatory Office
Idaho Panhandle National Forest Building
3815 Schreiber Way
Coeur d'Alene, Idaho 83815-8363

RE: NWW 981101710, St. Maries River

Dear Mr. Daly,

Thank you for requesting our comments regarding the above referenced project. According to the information provided, the project is to take place in wetlands adjacent to the St. Maries River in portions of Sections 5, 8, 9, 15, and 16, T43N, R1E. The work is to include the discharge of dredged and fill material in wetlands associate with the mining alluvial garnet deposits.

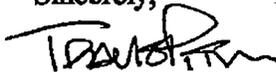
A review of our records yielded no historic properties eligible for listing on the National Register. Therefore, we feel the issuance of the Corps of Engineers permit will have no effect upon historic or archaeological properties. If archaeological deposits are uncovered during construction, project proponents should be advised to halt work in the general vicinity until a qualified archaeologist has an opportunity to assess the significance of the discovery.

Comment 55

Comment 56

We appreciate your cooperation. If you should have any questions please feel free to contact Travis Pitkin at 208-334-3847 or tpitkin@ishs.state.id.us.

Sincerely,



FOR Susan Pengilly Neitzel
Deputy SHPO and
Compliance Coordinator



Our mission: to educate through the identification, preservation, and interpretation of Idaho's cultural heritage.

Dirk Kempthorne
Governor of Idaho

Steve Guerber
Executive Director

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Office: (208) 334-2620
Fax: (208) 334-2626





Kootenai Environmental Alliance

Michael Doherty, Project Manager
 U.S. Army Corps of Engineers
 Walla Walla District
 Coeur d'Alene Regulatory Office
 U.S. Forest Service Building
 3815 Schreiber Way
 Coeur d'Alene, ID 83815-8363

December 26, 2003

RECEIVED

DEC 29 2003

COEUR D'ALENE
 REGULATORY BRANCH

Dear Mr. Doherty:

The following concerns are being submitted in response to the Emerald Creek Garnet Draft Environmental Impact Statement (DEIS). The comments are also being submitted on behalf of The Lands Council, Spokane, WA, and The Ecology Center, Inc, Missoula, MT.

Idaho Water Quality Standards/CWA:

The following statements are found in the Executive Summary of the DEIS, page ES-1. "One hundred thirty-three (133) of the 327.5 acres are wetlands and other waters of the U.S. subject to regulation under Section 404 of the Clean Water Act (CWA). The remaining 194.4 acres are upland. ECG proposes to temporarily discharge dredged and fill material into 133 acres of wetlands and other waters of the U.S. in association with the mining of garnet."

On page 3-5 of the DEIS, the St. Maries River Subbasin Assessment and TMDL is mentioned. It is indicated on page 3-5 the River is not meeting Idaho water quality standards for sediment and temperature, habitat alteration, nutrients, pathogens, and dissolved oxygen.

Idaho Administrative Procedures Act at IDAPA 58.01.02.054 concerns water quality limited waters and TMDLs. IDAPA at 58.01.02.054.04 requires that until a TMDL is completed, total pollutant loads must remain constant or decrease within the watershed.

It is also indicated in the DEIS, page 3-5, and also in Subbasin Assessment and TMDL, page 24, that a portion of the River from the confluence of the West Fork and Middle Fork of the St. Maries River to the Carpenter Creek reach of the River has a designated use of Special Resource Water.

IDAPA at 58.01.02.056.01 concerns Special Resource Waters and includes the following language. "Designations. Waters of the state may be designated as special resource waters. Designation as special resource water recognizes at least one (1) of the following characteristics: ..." Six characteristics are cited.

Of particular concern are characteristics (d) and (f). The language for characteristic (d) is as follows. "Intensive protection of the quality of the water is in paramount interest of the people of Idaho."

The language for characteristic (f) is as follows. "Intensive protection of the quality of the water is necessary to maintain an existing, but jeopardized beneficial use."

P.O. Box 1598, Coeur d'Alene, ID 83816-1598 • phone/fax (208) 667-9093

kea@kealliance.org www.kealliance.org

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IDAPA at 58.01.02.056.03 concerns point source discharges to Special Resource Waters. "Point source discharges to special resource waters and their tributaries shall be restricted as specified in Subsection 400.01.b."

The Final EIS (FEIS) needs to provide expert agency comments, high quality information, and accurate scientific analysis, NEPA at 40 CFR 1500.1(b), that will indicate whether all mining activities associated with a selected Action Alternative would be in full compliance with all applicable Idaho WQS, including the TMDL requirements and Special Resource Water requirements.

Comment 57

40 CFR part 131, Subpart A concerns general provisions relating to water quality standards. 40 CFR 131.3(i) includes the following language. "Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the Act."

Comment 58

The FEIS needs to provide expert agency comments, high quality information, and accurate scientific analysis that would confirm all applicable requirements of the CWA, including Section 303, would be met with the selected Action Alternative.

Peak Flows/release of sediment:

In the DEIS on page ES-5 it is stated "Sedimentation would be controlled by sedimentation basins and other Best Management Practices (BMPs) designed and constructed for 25-year flows." It is also stated on page ES-5 "The probability of a 25-year or greater flood occurrence event is 4 percent or less in any given year."

The DEIS on pages 3-13 and 3-15 also mention BMPs that would be designed for a 25-year storm event.

The peak flow discussion on page 3-6 of the DEIS includes the following sentence. "Average monthly stream flows tend to be highest in April to May (approximately 620 cfs on average) and lowest in September (approximately 45 cfs on average)."

On page 3-15 of the DEIS it is indicated that if a breach or failure of the BMPs and mining unit berms were to occur, sediment-laden water would be discharged into the St. Maries River.

There is also a discussion in the DEIS on pages 3-13 and 3-14 regarding issues associated with a failure of BMPs and mining unit berms.

There is no information supplied in Section 3 of the DEIS regarding any failures of BMPs and mining unit berms at the project area during storm events that have occurred over the past 20 years.

If any BMP or berms failures occurred, what were the results of the failures? Was any sediment released into the St. Maries River?

Comment 59

It appears that BMPs and mining unit berms at the project site would not have withstood the storm event of 1996 that produced a flow of 8,050 cfs at the project site.

IDAPA at 58.01.02.200.08 has the following requirements regarding sediment. "Sediment shall not exceed quantities specified in Sections 250 and 252, or in the absence of specific sediment criteria, quantities which impair designated beneficial uses. Determinations of impairment shall be based on water quality monitoring and surveillance and the information utilized as described in Section 350."

The FEIS needs to supply expert agency comments with high quality information regarding the volume of sediment that was released at the project area as a result of high flow events during the past 20 years. If there were releases of sediment at the project site due to one or more failures of BMPs and mining unit berms from previous storm events, these releases of sediment likely were in violation of IDAPA at 58.01.02.200.08. The FEIS needs to supply expert agency comments regarding the number of violations of the IDAPA sediment regulation that have occurred at the project site during the past 20 years.

Comment 60

Peak Flows/cumulative effects:

On page 3-14 of the DEIS the following statement is made. "However, should such a breach occur during a two-year flood event or greater, downstream flooding could be exacerbated if the peak flows occurred simultaneously."

It is then stated that compounding peaks are very unlikely. The information on page 3-6 of the DEIS, Table 3.1-2, shows that a 2-year event produces a flow of 2,251 cfs.

In Volume II of the DEIS, Appendix E, Table E-1 on page E-1 lists the annual peak discharge of the St. Maries River at Santa between the years 1966-1996. Between the years 1980 and 1996, there are 17 incidents listed. Only three (3) incidents were less than the two-year event figure of 2,251 cfs, and there were five (5) incidents that produced flows in excess of the five-year figure of 3,805 cfs. The February 9, 1996 peak discharge of 12,300 cfs exceeded the flows that would be expected for a 200-year event. There is no discussion on page 3-14 of the DEIS of the February 9, 1996 event as it relates to the statement regarding compounding peaks being very unlikely. This statement implies that no event over the past 37 years has ever resulted in peak flows occurring simultaneously at the project area and the St. Maries River.

Comment 61

The FEIS needs to provide high quality information with accurate scientific analysis that will indicate whether the statement made on page 3-14 of the DEIS regarding compounding peak flows is in fact scientifically accurate.

On page E-1 of Volume II there is the following sentence. "The recorded stream flow values exceeding the 2-yr flood flows are shown in Figure E1." The figure E1 does not display any years that are associated with the seven (7) months displayed at the bottom of the figure. It appears from Figure E1 that every single event listed in the Figure exceeded the 2-year flow figures.

Comment 62

The addition of the year(s) that are associated with each of the Months listed in Figure E1 would make the Figure easier to understand regarding the year(s) of the flows associated with 18 Feb, 20-Mar; and 19 April. The Figure E1 should be revised in the FEIS.

Water withdrawal/cumulative effects:

On page ES-5 of the DEIS figures are given regarding that annual amount of water withdrawal that would occur in the spring and in the summer. The figures given for spring withdrawal are 588,00 cubic feet, and a withdrawal of 1,764,000 cu feet of water in the summer. It is stated these figures are 0.20 cfs and 0.40 cfs respectively.

According to Idaho Department of Water Resources information listed on their Water Conversion Factors information card, 1 cfs equals 448.83 gallons of water per minute. Therefore, 0.20 cfs equals approximately 89.76 gallons of water per minute and 0.40 cfs equals approximately 179.53 gallons of water per minute.

The removal of 89.76 gallons of water per minute equals approximately 5,385.6 gallons per hour, or approximately 129,254.4 gallons of water per day being removed from the St. Maries River during the spring months.

The removal of 179.53 gallons of water per minute is approximately 10,771.8 gallons per hour, or approximately 258,523.2 gallons of water per day that would be removed from the St. Maries River during the summer months.

Comment 63

Regarding the figure of 0.40 cfs cited on page ES-5, this figure is contradicted on page 3-14 of the DEIS. On page 3-14, there is a sentence that states there would be a 0.04 cfs withdrawal in the summer. The sentence reads "Based on the average monthly flows for the St. Maries River (refer to Figure 3.1-3), a 0.20 cfs withdrawal in the spring and a 0.04 cfs withdrawal in the summer would reduce instream flows by 0.4 percent and 0.6 percent respectively." (Emphasis added)

Comment 64

The FEIS needs to indicate whether the figure of 0.40 cfs is correct for summer withdrawal of water from the River.

If the figure of 0.40 cfs is correct, the FEIS needs to supply accurate scientific analysis and high quality information regarding the impacts to the water temperature of the River below the project site during the months of August and September if nearly 259,000 gallons of water were to be removed from the River every day.

The St. Maries Subbasin Assessment and TMDL document includes a section concerning load capacity and critical conditions. The following language is found on pages 74 and 75 of the Subbasin Assessment. "Critical conditions are a part of the load capacity analysis. For the St. Maries River Subbasin, critical conditions for temperature are **low discharge conditions** in August and early September (mid to late summer). The goal is set to meet 10 C MWMT during this time period and the manageable thermal input is modeled to achieve the goal. Acute and chronic violations of the 10 C MWMT goal may contribute to the lack of sufficiently high numbers of trout in the St. Maries watershed (Table 11; Appendix B)." [Emphasis added]

Also, on pages 2-39 and 2-40 of the DEIS it was stated the River has high water temperatures which at times create a thermal barrier to fish.

The FEIS needs to supply accurate scientific analysis with expert agency comments that would support a contention there will be no low discharge conditions in the River during the months of August and September that would affect water temperatures due to the combined effects of low flows and water withdrawal associated with a Selected Alternative mining activities.

Comment 65

NEPA at 40 CFR 1502.24 requires that "Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact

statements.” There needs to be information provided in the FEIS that display the year(s) after 1966 in which the daily flows of the River during the months of August and September were below 45 cfs. There also needs to be information displayed for the lowest daily flow of the River that has been recorded at the project site after 1966.

Comment 66

There is an additional issue concerning water withdrawal and potential additional garnet mining in the cumulative effects analysis area. If additional mining were to occur on National Forest lands and on lands along the corridor from Cat Spur Creek, above Clarkia, downstream to Fernwood, have studies have been undertaken that analyzed the potential cumulative impacts to increased water temperatures in the River when all ongoing and planned mining activities were operational at the same time?

Comment 67

Water Supply/cumulative effects:

On page 3-6 of the DEIS the following statement is made. “There are no large consumptive uses and mining activities have not substantially affected water supply (personal communication, Ondrean 2002).” Ondrean 2002 is not listed in section 6 of the DEIS.

Comment 68

The FEIS needs to supply the full cite for Ondrean 2002 and describe the methodology that was used as part of the water supply analysis. The FEIS needs to better describe what is meant by the term “not substantially” concerning water withdrawal from the St. Maries River due to garnet mining activities.

Comment 69

There are no figures displayed in Chapter 3 regarding the volume of water presently being withdrawn monthly from the River for all ongoing mining operations.

The FEIS needs to provide accurate information regarding the total volume of water that is being withdrawn from the River monthly due to ongoing mining operations, and the daily volume withdrawn during the months of August and September.

Comment 70

If accurate figures do not exist, what is the estimated figure for gallons of water per day being removed during the months of August and September during a normal operating year?

There also needs to be water supply analysis information in the FEIS describing the results of the cumulative effects analysis, NEPA at 40 CFR 1508.7 and 1508.8, that analyzed the impacts to fisheries in the analysis area when low flow or very low flow conditions and higher than normal daytime temperatures occur on one or more days during the months of August and September.

Comment 71

Wetlands:

Volume I of the DEIS includes a page that includes the Abstract section. The second paragraph includes the following sentence. “The area proposed for garnet extraction contains wetlands that would be temporarily filled by construction of isolated berms, topsoil, overburden stockpiles, work pads and other discharges of dredged and fill material.” However, on pages ES-3, ES-4, 2-3, 2-25, 2-31 of the DEIS and on additional pages in the DEIS it is mentioned that all wetlands or a portion of the wetlands would be mined depending upon the Action Alternative chosen.

Comment 72

The Abstract that will be written for the FEIS should include language that will state wetlands would have land clearing and excavation activities as well as the activities described in the DEIS Abstract.

In the DEIS, on page 3-25 the wetlands discussion in 3.2.1.2 indicates the wetland complex had 4 significant values relating to; hydrologic support, flood abatement, sediment sink, and wildlife habitat. The oxbow complexes have the highest values.

Reclamation activities are mentioned on pages 1-12, 1-13, 2-9, 2-10, 2-12, 2-36, 2-37, 2-38, and on additional pages in Chapter 2. The wetlands analysis in Chapter 3 includes a discussion of actions intended to minimize damaging effects to wetlands, as described on portions of pages 3-28, 3-29, 3-30, 3-31, 3-32, and 3-33.

The language in Chapters 2 and 3 concerning wetland reclamation activities after mining of wetlands implies that the biological integrity of the reclaimed wetlands is identical to biological conditions that were present in the wetlands before they were mined. What long-term scientific studies have been undertaken in the previously mined wetlands areas that indicate reclaimed wetlands contain the same biological features found in un-mined wetlands? The FEIS needs to provide high quality information with expert agency comments regarding the degree of biological integrity that has been found in the mined wetlands that have had restoration activities performed within the past 15 years.

Comment 73

Impacts/ temporary and long term:

On page ES-6 of the DEIS the fisheries discussion described a direct, but temporary impacts to fisheries as result of mining oxbows.

On page 1-13 of the DEIS it is indicated that 133.0 acres of jurisdictional wetlands and waters would be temporarily impacted by mining activities and other discharges of dredged and fill material. The word "temporary" is also used several times on page 1-14 of the DEIS.

The wetlands discussions on page 3-29 of the DEIS include the following sentence. "Wetland functions would be replaced at their pre-mining values, some nearly immediately, others over time."

In the USACE Public Notice, dated November 20, 2003, there are two sentences concerning Construction Period. The second sentence states that the permit would authorize discharges for a period of 20 years.

NEPA at 40 CFR 1500.1(b) requires expert agency comments. Mining activities that would impact wetlands, fisheries, wildlife, and water quality for an additional 20 years in the project area should be described as long-term impacts. The FEIS should include language that will clearly indicate the differences between short-term effects and long-term effects to the environment as a result of mining activities.

Comment 74

EIS/Purpose and Need:

NEPA at 40 CFR 1500.2 contains the following language. "Federal agencies shall to the fuller extent possible:

(a) Interpret and administer the policies, regulations, and public laws of the United States in accordance with the policies set forth in the Act and in these regulations.”

NEPA at 40 CFR 1502.13 concerns the purpose and need section of an EIS. The following language is found in 1502.13. “The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.”

The four needs for the project are listed on pages ES-1 and ES-2. All four needs exclusively concern ECG. The four needs indicate the underlying need of the project is that ECG continues to operate for another 15 years. There is no mention in the purpose and need section of the requirement that garnet mining activities must comply with the policies, regulations, and public laws of the United States that apply to the waters of the United States where water quality issues exist within and below the analysis area. There should be language in the purpose and need section in the FEIS that indicates compliance with the NEPA requirements of 40 CFR 1502.13.

Comment 75

EIS/Agency responsibility:

NEPA at 40 CFR 1506.5(c) includes the following statement. “If the document is prepared by contract, the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents.” It is not clear if any portion of the DEIS was produced by one or more contractors.

If any portion of the FEIS will be prepared under contract, the section(s) of the FEIS produced under contract need to be noted in the FEIS.

Comment 76

Due to the degraded condition of the St. Maries River, water quality issues relating to sediment, temperature, and the destruction of wetlands associated with Alternatives 2, 3, 8, 9, and 10, the No Action Alternative should be chosen. The analysis in the DEIS does not provide assurances that any Action Alternative would be in full compliance with Idaho WQS and CWA water quality requirements.

Comment 77

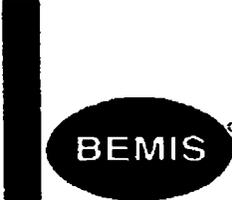
We wish to be included on the mailing list to receive a copy of the FEIS when it is released, and request that The Lands Council and The Ecology Center be added to the FEIS mailing list.

Comment 78

Sincerely,
Mike Mihelich
Mike Mihelich Forest Watch Coordinator

The Lands Council
423 W. First Ave., Suite 240
Spokane, WA 99201

The Ecology Center, Inc
801 Sherwood Street, Suite B
Missoula, MT 59802

**BEMIS**

Steve Klett
Bemis Company
24604 SE 45th Way
Issaquah, WA
Phone 425-391-6411
Fax 425-391-6412

December 2003

To: Walla Walla District, US Army Corps of Engineers

From: Steve Klett

Re: Emerald Creek Garnet – DEIS

I have been visiting the Emerald Creek mining operation near Fernwood, ID for the last 6 years. I have witnessed first hand how EC does an outstanding job taking care of the land that it mines.

I have seen the transformation of a site from its natural state, to a mine, and back to a natural state. It is very difficult to tell that the site has been mined. Comment 79

On my very first trip to Fernwood, I recognized the area as some of the most beautiful land in our Country. When I found out that EC's operations included mining the land, I was worried that the landscape would be ruined. On my second visit to the property, by chance I met the person responsible for transforming a mine back to its natural state. I told him of my concerns. He showed me sites along the river that I thought were gorgeous and he informed me that the sites had once been mined. I was really astonished.

EC cares deeply about the land and has shown that they can manage nature and mining at the same time.

I am in favor of EC mining the additional acres. They are excellent caretakers of the land.

Thank you very much.



Steve Klett
Bemis Company

December 10, 2003



To: U.S. Army Corps of Engineers

920 N. Argonne

Suite 120

Spokane, WA

99212-2772

prod. 509.928.4495

trans. 509.921.9288

fax 509.928.4969

www.chrobinson.com

From: Casey Irgens

Re: Emerald Creek Garnet - DEIS

Emerald Creek Garnet has been a shipping point and a customer of C.H. Robinson since 1994. We provide transportation in the form of rail containers and over the road trucks to/from their facility to many plants nationwide.

During my time working Emerald Creek's account, I have used a multitude of transportation companies to pick up and deliver at their plant. Without having them as a shipper and a customer, I would lose one of my finest accounts. Transportation companies count on me to provide them with freight to haul locally and across the country and a good portion of that business comes from the mine in Fernwood. Without their product, I would lose the ability to do this.

|

Comment 80

I am in favor of Emerald Creek mining additional lands and I am confident they will take excellent care of the land.

Sincerely,

Casey Irgens
Account Representative
C.H. Robinson



December 9, 2003

U. S. Army Corps of Engineers
3815 Schreiber Way
Coeur d'Alene, ID 83815

RE: Emerald Creek Garnet - DEIS

Emerald Creek Garnet has been a customer of ours since 1993. We provide Emerald Creek Garnet with propane to run their mill, jig plant, forklifts, and heating. They chose propane as a clean and efficient source of energy.

Emerald Creek Garnet's account is one of our larger accounts. We deliver propane every week to Emerald Creek Garnet and that has allowed us to grow our business into smaller communities in Northern Idaho. The delivery frequency is often so that we are able to deliver to other small businesses and provide many local residents with propane as their source of heat.

I am concerned that if Emerald Creek does not continue to do business in the years to come that unemployment in surrounding towns will sky rocket. This will have a huge trickle effect and these once flourished towns will become abandoned. If my company loses an account like Emerald Creek Garnet, I will have to heavily weigh the outcome. It would no longer be cost efficient for me to keep small accounts and provide residents with heat if we do not have the support of doing business with Emerald Creek Garnet. Emerald Creek is a very good customer of ours. They provide my company and many other companies with a substantial amount of business. Emerald Creek Garnet provides job stability for my company, their employees and many local towns.

Sincerely,


Jane Reichold
District Manager

Comment 81

RECEIVED

DEC 24 2003

COEUR D'ALENE
REGULATORY BRANCH

CUSTOM BUILDING & SUPPLY
P.O. BOX 685
POST FALLS, IDAHO 83854
(208)773-4812 FAX (208)777-2454

December 22, 2003

U.S. Army Corps of Engineers
Coeur d'Alene Regulatory Office
Idaho Panhandle National Forest Building
3815 Schreiber Way
Coeur d Alene, Idaho 83815

Emerald Creek Garnet Mining Permit

We at Custom Building and Supply like to support other Businesses that produce goods and services in our local area. Emerald Creek Garnet provides much needed jobs in the ST. Maries area as well as adding to the Benewah County Tax base. As long as the wet lands being disturbed are restored according to the conditions of the permit in a timely manner we support issue of the permit.

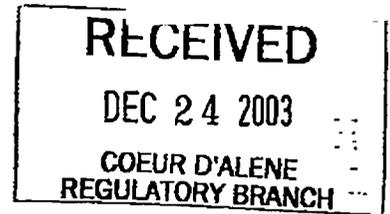
Comment 82

Comment 83

We appreciate the opportunity to comment on this issue.

Sincerely,

Ray I. Mates
VICE PRESIDENT



**CUSTOM BUILDING & SUPPLY
P.O. BOX 685
POST FALLS, IDAHO 83854
(208)773-4812 FAX (208)777-2454**

December 22, 2003

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Comment 82

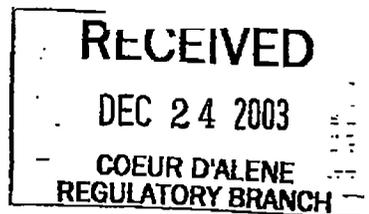
Comment 83

We appreciate the opportunity to comment on this issue.

Sincerely,

[Handwritten Signature]
President

CUSTOM BUILDING & SUPPLY
P.O. BOX 685
POST FALLS, IDAHO 83854
(208)773-4812 FAX (208)777-2454



December 22, 2003

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Comment 82

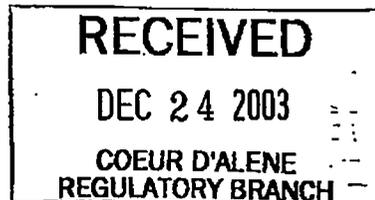
Comment 83

We appreciate the opportunity to comment on this issue.

Sincerely,

Marjorie Moore Sec.

CUSTOM BUILDING & SUPPLY
P.O. BOX 685
POST FALLS, IDAHO 83854
(208)773-4812 FAX (208)777-2454



December 22, 2003

U.S. Army Corps of Engineers
Coeur d'Alene Regulatory Office
Idaho Panhandle National Forest Building
3815 Schreiber Way
Coeur d Alene, Idaho 83815

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Comment 82

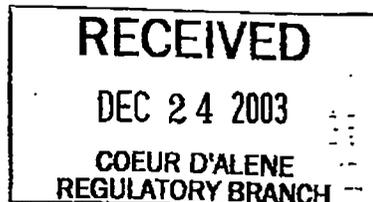
Comment 83

We appreciate the opportunity to comment on this issue.

Sincerely,

Vice Pres.
Robert T. Moate

CUSTOM BUILDING & SUPPLY
P.O. BOX 685
POST FALLS, IDAHO 83854
(208)773-4812 FAX (208)777-2454



December 22, 2003

U.S. Army Corps of Engineers
Coeur d'Alene Regulatory Office
Idaho Panhandle National Forest Building
3815 Schreiber Way
Coeur d Alene, Idaho 83815

Emerald Creek Garnet Mining Permit

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Comment 82

Comment 83

We appreciate the opportunity to comment on this issue.

Sincerely,

Robert H. Moate
Chairman



US Army Corps
of Engineers®
Walla Walla District

Written Comment Form
Emerald Creek Garnet
Draft Environmental Impact Statement

Date: 11-28-03

Thank you for your input.

PLEASE PRINT LEGIBLY.

To Whom It May Concern,

I have been employed by Emerald Creek Garnet for the last 6 yrs. Not only do I work in the St. Maries River Drainage but I also live here and I am raising my family here. My kids may possibly raise their kids here. I am comfortable with my grandchildren being raised down stream of Emerald Creek Garnet. I have witnessed first hand each phase of Garnet extraction, processing & site reclamation. I am impressed with the end result of the reclamation process and proud to be a part of it.

I believe E.C.G. has proven its commitment to the environment, as evidenced by past awards. Not only has E.C.G. been compliant with previous permit requirements but has also corrected problems left behind by previous operators.

The continued operation of E.C.G. is important to the local economy also. In these times of economic hardship the effects of the end of our

*** CONTINUE ON BACK FOR MORE SPACE ***

Comments will be published in the Final EIS. Please do not include personal information (such as addresses or phone numbers) if you would object to having it printed in the Final EIS. Providing this information will be considered consent for it to be published.

NAME:	<div data-bbox="1161 1402 1554 1633" data-label="Image"> </div>
ORGANIZATION:	
ADDRESS:	
CITY/STATE/ZIP:	

- Yes, include my name and address on the mailing list.
- No, do not include my name and address on the mailing list.

Please hand this form in or MAIL (post-marked by December 29, 2003) to:

U.S. Army Corps of Engineers
3815 Schreiber Way
Coeur d'Alene, Idaho 83815
Attn: Michael Doherty

Comment 84
Comment 85
Comment 86

operation would be hard felt, not only locally but by our suppliers & their suppliers etc.

The stigma of "mining" was at one time well deserved. We are a smarter, environmentally conscientious people now days.

We are a responsible company staffed by local people working in our own backyards. We are hunters, fishermen and outdoor enthusiasts with a love and respect for where we live.

Emerald Creek Garnet is good for Benewah County!

①

RECEIVED

DEC 23 2003

COEUR D'ALENE
REGULATORY BRANCH

**Public Comment Regarding
Application No. NWW No. 981101710
by Emerald Creek Garnet Ltd. (ECG) and their
Draft Environmental Impact Statement dated Nov. 2003**

I have reviewed the draft EIS proposal prepared in behalf of Emerald Creek Garnet, Ltd. (ECG) outlining that companies application for a permit to surface mine approximately 327 acres of private land on or near the St. Maries River flood plain. I also attended a public meeting held on Dec. 10, 2003 in Coeur d'Alene, Idaho where the mining proposal was described by the CEO of ECG. Some questions were voiced at this public meeting regarding this proposal which will be discussed in my comments.

If certain short comings or deficiencies are mitigated in this proposal, I would support the basic scope of this application. However, it is my strongest opinion that there are several critical areas that must be effectively addressed before any mining permit is granted by any public agency whether it is the federal US government or the state of Idaho.

Comment 90

I am encouraged by the level of reclamation that is advocated in this EIS. If the reclamation of the wetlands, oxbows and other mined lands is done as proposed, I feel much of the disturbance to these areas can successfully be alleviated.

Comment 91

None-the-less, my greatest concern is for the water quality of the St. Maries River and other down stream watersheds.

First, I feel the suggested 18 inch berms are inadequate to prevent even moderately high river flow events from invading the mining units and associated mining activity areas. The draft EIS acknowledges that these berms, constructed from on site top soil, are very subject to sloughing and other failures if exposed to significant wetting. Furthermore, the DEIS concedes that these berms are designed to capture and contain all surface runoff originating within each mining unit but are not intended to prevent flood flows from entering said mining units. If a major storm event occurred, it seems probable that floodwater could, in fact, invade the mining operation. One must assume that the injection of floodwater into the wet panel mining units could result in the discharge of silt laden water back into the main river channel. The DEIS further states that even two year storm events would exceed the Ordinary High Water Mark (OHWM). Since most of this mining activity will occur laterally in and near the floodplain along a 3 mile stretch of the St. Maries River, it seems to me that there is perhaps a much greater threat of river flow entering the disturbed mining site rather than surface runoff leaving the mining site. In summary, I see virtually no attempt to prevent high river flow events from flooding the mining units and thus displace highly silted water back into the river channel. This is unacceptable.

Comment 92

The proposal that ECG will establish a "Surface Water Management Team", consisting apparently of only ECG employees, to determine if and when to temporarily suspend mining operations usurps the responsibilities of public agencies. This document defines under what conditions such a suspension would be authorized in several locations of the DEIS. As an example, on page 2-9 the only condition that is referred to which would warrant a temporary shut down would be on "real-time storm and flood forecasting". In the first place, the determination of suspending mining operations must surely be the responsibility of the Army Corp. of Engineers or other recognized federal or state agency(s); not by a self appointed corporate management team. Furthermore, it is extremely short sighted to restrict temporary shut down to the single justification of the forecast of storm events. I can think of a number of situations that would warrant a temporary suspension of mining operations. This determination should not be privy solely to the company, whose interest is to not inhibit such mining, thus setting up a serious opportunity for a conflict of interest.

Comment 93

Comment 94

During brief questioning at the public hearing, ECG vaguely suggested that if their mining operation was found to be contributing sediments to the main river, they would "off-set" this added pollution by, so to speak, buying pollution credits from some other land owner or public agency. **The claim was made that there would be no net increase in sedimentation of the St. Maries River.** However, one has to be exceptionally naive to believe this would, in actuality, produce a no net increase in pollution. When one reads the draft St. Maries River Subbasin Assessment and TMDL report, dated Aug. 1, 2002, it becomes glaringly clear that relying on someone else in this watershed to offset ECG pollution is extremely unlikely to produce the results promised. In this report (page 64), it shows that only 1 out of 10 streams segments of this river currently meet the sediment load capacity which is calculated to be 50 percent over background loads. As an example, in the vicinity of the ECG mining site at the St. Maries River and Emerald Creek, this TMDL report states that the background sediment load is 2,390 tons per year and thus the targeted load capacity of this section is 3,585 tons per year or 50% above background sediment loads. However, the **existing** sediment load for this section of the river is 5,098 tons per year or 113 percent over background. ~~As stated, all but one of the identified segments of this river exceed the calculated load capacity; some by major amounts.~~ Now just where are private and public land managers going to off-set sediment loads within their jurisdictions to compensate for additional sediment loads caused by the ECG mining operation when they are far short of even approaching targeted TMDL's from their own non-point sources? ECG must be held accountable for their sediment contribution to this river system and not rely on some very questionable trading gimmick!

Comment 95

My last concern, and this is a serious one, is the lack of any well defined water quality monitoring program. The word "monitoring" is often given more lip service than substance and that certainly is the case in this proposal. At the public meeting of Dec. 10, 2003, I raised the question of whether periodic water samples would be taken in order to determine that the St. Maries River did not suffer more than it currently does of contamination of sediments and other pollution substances. The response was less than assuring. It was apparent that neither ECG nor the Army Corp. of Engineers had

Comment 96

prepared a well thought out scientific monitoring program. The Final EIS should describe, in detail, the mandatory water quality monitoring plans that would be required before a permit is considered to be issued. This information is necessary to comply with NEPA regulations 40 CFR 1500.1 (b) which states, in part, "NEPA procedures must insure that environmental information (i.e. water monitoring) is available to public officials and citizens before decisions are made and before actions are taken." To do less reduces monitoring to a vague and subjective analysis.

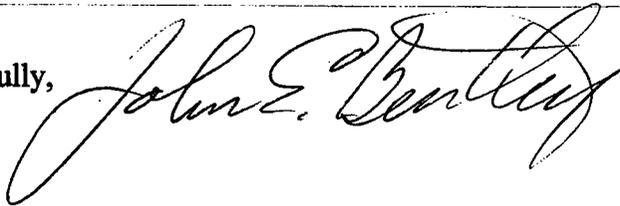
I am troubled by lack of a clear delineation of who will be responsible for various aspects of oversight of this mining operation. It is totally unacceptable, as I said earlier, that ECG would be allowed to unilaterally decide if and when they would have to temporarily cease mining activities. That is the job of public agencies. The public deserves a very clear and concise commitment from both the state of Idaho and the federal government on who is in charge of this critical oversight function including the administration of the water quality monitoring program discussed above. I asked this very question of what agencies were responsible for various aspects of administering this project and received very indecisive speculation of just who was to do what in this regard. For the public agencies to duck this responsibility begs of public intervention to force placement of this duty where it squarely belongs.

Comment 97

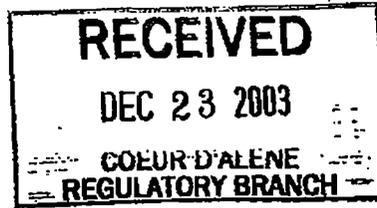
As I indicated in the early part of this public comment, I am encouraged by ECG's proposed reclamation of the mined land. I further recognize the contribution of this project to the local area in terms of economic benefits. However, this mining proposal absolutely cannot and should not be permitted unless there are adequate plans put in place to assure that this river does not become the victim of additional degradation. The river has suffered enough.

Comment 98

Respectfully,



John E. Bentley
1526 S. Millsap Loop
Post Falls, ID 83854
Dec. 22, 2003



P.O. Box 457
Fernwood, Id 8387.
Dec 20, 2003

Mr. Michael Doherty
U.S. Army Corps of Engineers
3815 Schreiber Way
Coeur d'Alene, Id 83815-8363

Dear Mr. Doherty,

After reading the article in the St. Maries Gazette Record, I would like to comment about the proposed permitting for the new mining operation by Emerald Creek Garnet.

First, I would like to assure you that I am in no way affiliated with Emerald Creek Garnet and stand to gain nothing by the permit being granted. However I would like to share my opinion of Emerald Creek's environmental practices.

Being fairly new in the area, my friend, Scott Whealy, and I like to drive back roads to see the beauty of our area. One Sunday, by chance, we happened on Emerald Creek's mining site. We were totally amazed. Within feet of their equipment, down stream from where they were mining, the little valley looked like an alpine meadow. What we didn't know was that what we were looking at had already been mined and restored.

Shortly afterward we were having breakfast

works for Emerald Creek Garnet. His name is Bill. (Sorry, we don't know his last name). We told Bill about our experience at the mining site and our surprise at how clean it was. He shared with us the dedication they have to minimizing their impact on the environment. What they do to restore the area they mine is impressive. It's way beyond what is required. (He told us what is required and what they do.)

The reason I'm taking my time to write this is because we saw the actual results and we heard the pride in what Bill shared with us. My experience with organizations is that the kind of pride and dedication to excellence that Bill shared cannot be limited to him. If he was the only person in that organization who has that enthusiasm we would have heard "frustration" in his story. Instead, judging from what we saw and heard, I can assure you that when these people say "Our mining is a no discharge event" you aren't just hearing management bologna. I do not think the Corps of Engineers would regret issuing these people a permit.

Respectfully,

Nancy Corbin
(208) 245-2636



US Army Corps
of Engineers®
Walla Walla District

Written Comment Form
Emerald Creek Garnet
Draft Environmental Impact Statement

Date: 12/28/03

Thank you for your input.

PLEASE PRINT LEGIBLY.

I have enjoyed this area for the last 11 years, 3 of them right here in Fernwood. Emerald Creek Garnet has played a large role in this Community in a positive way.

Comment 101

It has contributed to this community financially and economically, and is a major source of the local residents' livelihood.

I have personally seen where Emerald Creek Garnet has mined and it is just as beautiful after they have mined it, as it was before.

Comment 102

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DEC 30 2003

COEUR D'ALENE
REGULATORY BRANCH

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NAME: Anna Hollis
 ORGANIZATION:
 ADDRESS:
 CITY/STATE/ZIP: Fernwood, Idaho 83830

- Yes, include my name and address on the mailing list.
- No, do not include my name and address on the mailing list.

Please hand this form in or MAIL (post-marked by December 29, 2003) to:

U.S. Army Corps of Engineers
3815 Schreiber Way
Coeur d'Alene, Idaho 83815
Attn: Michael Doherty

US Army Corps of Engineers

RE: Emerald Creek Garnet Draft Environmental Impact Statement

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COEUR D'ALENE
REGULATORY BRANCH

To Whom It May Concern,

I believe that ECG should be issued the permits to mine the St. Maries River Drainage. I have visited some of the sites that E.C.G. has reclaimed. They are beautiful, because E.C.G. cares about the land and the impact that mining has on it. They are to be commended for their work. It is evident that E.C.G. strives to be compliant with permit requirements,

Comment 103

Six years ago my husband and I relocated back to Idaho. We wanted to raise our children in an area filled with wild game, to be able to go out and enjoy the beauty of the outdoors, to fish and to hunt. We have spent many hours being out and around the E. C. G. area, and none of our times have been spoiled because of the mining.

The impact on the environment will be nothing compared to the impact that the families, businesses - local and state wide would suffer if the permits are not issued.

Comment 104

Jackson
S Flat Crk Rd
St. Maries ID
83861



RECEIVED

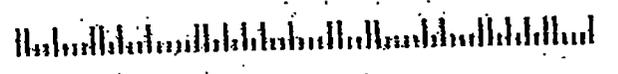
DEC 30 2003

SO: MAIL ROOM. IPNF

Attn: Michael Doherty

U.S Army Corps of Engi
3815 Sebreiber Way
Coeur d'Alene ID 83814

83815+8362 15





US Army Corps
of Engineers®
Walla Walla District

Written Comment Form
Emerald Creek Garnet
Draft Environmental Impact Statement

Date: 12-26-03

Thank you for your input.

PLEASE PRINT LEGIBLY.

Comment 105

I have lived in Fernwood for 33 of my 37 years. I am an avid Hunter / Fisherman and thoroughly enjoy fishing the St. Maries river, particularly the stretch between Emerald Creek and Carpenter Creeks. I fish this stretch of river at least 3 times per summer. From year to year, every year my favorite fishing holes move and change due to the rivers seemingly excessive erosion.

Every summer I start at the bridge on Emerald Creek and fish my way to Fernwood and every year there is 5' to 7' chunks of vegetated shoreline that has been undercut lying under water. I remember wondering many times if the erosion could be slowed or stopped completely. I then thought, if there was something that could be done about the erosion someone probably would have done it by now. I am now the Operations Manager at Emerald Creek Garnet and have become somewhat educated on channel stabilization and such. I whole heartedly believe that Emerald Creek Garnet mining along the river will be a blessing for the small stretch of riparian area in question. If for nothing else the river bank stabilization. Keeping it short, I am extremely confident in the Emerald Creek Garnet employees with their absolute awareness and skill levels of working with environmentally sensitive areas. Their caring and vast knowlege is very

*** CONTINUE ON BACK FOR MORE SPACE ***

Comment 106

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NAME: <u>Mark Lewis</u>	RECEIVED DEC 30 2003 COEUR D'ALENE REGULATORY BRANCH
ORGANIZATION: <u>Emerald Creek Garnet</u>	
ADDRESS: <u>P.O. Box 190</u>	
CITY/STATE/ZIP: <u>Fernwood, ID 83830</u>	

- Yes, include my name and address on the mailing list.
- No, do not include my name and address on the mailing list.

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U.S. Army Corps of Engineers
3815 Schreiber Way
Coeur d'Alene, Idaho 83815
Attn: Michael Doherty

impressive!

The St. Maries river is the local residents and Emerald Creek Garnet employees place of recreation probably more than anyone else. I myself love the St. Maries river!

I intend to protect the river as well as enhance it while mining the rivers floodplain.



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Walla Walla District

Written Comment Form
Emerald Creek Garnet
Draft Environmental Impact Statement

Date: 12-29-03

Thank you for your input.

PLEASE PRINT LEGIBLY.

Comment 107

To whom it may concern,
I am Mike Pitkin, Field supervisor for
Emerald Creek Garnet.

I would like to briefly touch on a subject
that I don't believe anyone has brought up,
to my knowledge, and ^{that} is the employees of
Emerald Creek.

I have a small group of twelve men,
including myself, that is basically responsible
for the destruction and reconstruction of all
mined lands at Emerald Creek Garnet.

As a group of (12) twelve men, we have well
over 100 years of combined experience in the
mining industry and 97 years combined
experience just with Emerald Creek Garnet.

This group of men are among the most
talented and versatile equipment operators
I have ever known in my 62 years.

Each one of these men can operate with
precision and efficiency every machine-- (over)

*** CONTINUE ON BACK FOR MORE SPACE ***

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NAME:
ORGANIZATION:
ADDRESS:
CITY/STATE/ZIP:

- Yes, include my name and address on the mailing list.
- No, do not include my name and address on the mailing list.

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Attn: Michael Doherty

Emerald Creek owns, plus they all hold a commercial drivers license.

They also have first aid certificates, and have Haz-Mat training.

The point I'm trying to get across is that if there ever was a group of men to be selected as stewards of the land, these should be the men.

They care about the land, they care about their jobs and they care about their community, as do all the employees of Emerald Creek.

We have excellent technical and managerial support from our offices.

Outstanding and responsible crews in our jig plants, shops and mill.

In closing, I would just like to say I can't think of a more qualified team of people to better execute the terms of contract on this 404 permit than Emerald Creek Garnet

Sincerely yours;

Mike Pitkin



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of Engineers®
Walla Walla District

Written Comment Form
Emerald Creek Garnet
Draft Environmental Impact Statement

Date: 12/26/03

Thank you for your input.

Comment 108

PLEASE PRINT LEGIBLY.

I am for the river permits. From what I've seen E.C.G. does a very good job. The end results are usually better than before they started. Also the money they put into the economy around here is critical. N. Idaho needs this, the people need this. The environmental impact I feel will be so negligible it won't even be noticed. The long term affect will be better for wildlife and for humans.

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COEUR D'ALENE REGULATORY BRANCH

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NAME: <u>Jerry Sines</u>
ORGANIZATION: <u>E.C.G.</u>
ADDRESS:
CITY/STATE/ZIP:

- Yes, include my name and address on the mailing list.
- No, do not include my name and address on the mailing list.

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Coeur d'Alene, Idaho 83815
Attn: Michael Doherty



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Walla Walla District

Written Comment Form
Emerald Creek Garnet
Draft Environmental Impact Statement

Date: 12-24-03

Thank you for your input.

PLEASE PRINT LEGIBLY.

I know emerald Creek Garnet to pay
extreme attention to reclamation and
the environment.

Comment 109

E.C.G. is the largest employer in
So. Benewah County and closing
would put a severe crunch in an already
tough job market and economic area

RECEIVED
DEC 29 2003
COEUR D'ALENE
REGULATORY BRANCH

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NAME:	Terry Stevens
ORGANIZATION:	JDCG
ADDRESS:	171 Coyote Crossing
CITY/STATE/ZIP:	FERNWOOD ID 83830

- Yes, include my name and address on the mailing list.
- No, do not include my name and address on the mailing list.

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Coeur d'Alene, Idaho 83815
Attn: Michael Doherty



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Walla Walla District

Written Comment Form
Emerald Creek Garnet
Draft Environmental Impact Statement

Date: 12-29-03

Thank you for your input.

Comment 110

PLEASE PRINT LEGIBLY.

I would like to support allowing Emerald Creek Garnet mine an additional 329.5 acres in Benewah & Stoshone Counties of Idaho. I have been familiar with this operation for about 11 years now and have been impressed with the conscience and continued environmental improvement in this operation. I have a detemate connection with this operation in that I not only have a business relationship with them through my work for UPS, but I am also a rancher in Benewah county. I am a firm believer that ECG works not only for profit but also for the long term betterment of the environment and the stability of the families and communities in the area. This operation has demonstrated the ability to work with timber companies and ranching operations along with the Corps of Engineers to balance profit and environmental concerns. I believe they will continue to work with all concerned to enhance logging, ranching and recreational opportunities in this area. Again I support the proposal to allow ECG the additional 329.5 acres of mining reserves.

Respectfully, Mike Stoltey

**** CONTINUE ON BACK FOR MORE SPACE ****

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NAME: MIKE STOLTEY	RECEIVED DEC 30 2003 COEUR D'ALENE REGULATORY BRANCH
ORGANIZATION: UPS / Promise Land Ranch	
ADDRESS: 374 Promise Lane	
CITY/STATE/ZIP: Plummer, Idaho 83851	

- Yes, include my name and address on the mailing list.
- No, do not include my name and address on the mailing list.

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3815 Schreiber Way
Coeur d'Alene, Idaho 83815
Attn: Michael Doherty



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Written Comment Form Emerald Creek Garnet Draft Environmental Impact Statement

RECEIVED DEC 29 2003 COEUR D'ALENE REGULATORY BRANCH

Date: 12-26-03

PLEASE PRINT LEGIBLY.

I support Emerald Creek's acquiring this permit. This will allow Emerald Creek to remain in business and 35+ employees to remain employed. Emerald Creek supports a large part of the local economy. It helps the community here and creates jobs in other communities as well. Emerald Creek provides a much needed product to consumers. Emerald Creek has provided an income for myself and my family for over 18 years. During this time I have seen enormous improvements in the way mining and reclamation is done. When dealing with wetlands, only small areas are mined at one time. These areas are reclaimed within the same year. They are only disturbed for a short time, not destroyed.

Emerald Creek works with all government agencies involved to comply with all environmental issues. Each season shows more improvement. The permit for this river area is a good one. The river itself will not be mined, and a large barrier will be placed between the river and the mining process.

Emerald Creek has had a previous permit to mine the dry lands near the St. Markes River. A mining operation was started in the spring. Wetlands were avoided, reclamation was completed as the production proceeded and when the operation was fulfilled, there were no visible signs that the ground had been disturbed. I feel

*** CONTINUE ON BACK FOR MORE SPACE ***

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NAME: Bernie Weber ORGANIZATION: Emerald Creek Employee / Land owner ADDRESS: 60553 Hwy 3 CITY/STATE/ZIP: Fernwood, IDAHO 83830

- Yes, include my name and address on the mailing list. No, do not include my name and address on the mailing list.

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U.S. Army Corps of Engineers 3815 Schreiber Way Coeur d'Alene, Idaho 83815 Attn: Michael Doherty

Comment 111 Comment 112 Comment 113

The areas are improved from their previous conditions before operations started. The newer grasses provides more food for cattle grazing there than the older grasses before.

As well as being an employee of Emerald Creek, I am a land owner 1/4 mile down river from Emerald Creek mill. The mining will be visible from my kitchen window. I feel I will be one of the most effected by this mining procedure. Due to Emerald Creek's good management practices, I feel confident that the land will be left in better condition, more beautiful, and better suited for wildlife and cattle grazing upon reclamation completion.

This land around me is precious to me and to the future of my children. I am an outdoorsman, I hunt, fish, swim, camp, and hike here and I want to see the land conserved, used responsibly, not hoarded for selfish reasons. Therefore I support Emerald Creek aquiring this permit.

PUBLIC MEETING



TAKEN ON BEHALF OF
SCIENCE APPLICATIONS INTERNATIONAL CORP.
DECEMBER 10, 2003

- - -

BE IT REMEMBERED THAT, the PUBLIC MEETING was taken before Mark Sanchez, Certified Shorthand Reporter and Notary Public, on December 10, 2003, commencing at the hour of 6:45 p.m., the proceedings being reported at 3815 Schreiber Way, Coeur d'Alene, Idaho.

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