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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

IDAHO CONSERVATION LEAGUE,	)	No. 1:16-cv-25-EJL
IDAHO RIVERS UNITED, and	)	
GOLDEN EAGLE AUDUBON SOCIETY	)	
	)	
<i>Plaintiffs,</i>	)	<b>DECLARATION OF</b>
	)	<b>KEVIN LEWIS</b>
vs.	)	
	)	
U.S. FOREST SERVICE	)	
	)	
<i>Defendant.</i>	)	

I, Kevin Lewis, declare as follows:

My name is Kevin Lewis, and I am a resident of Boise, Idaho. I am personally aware of the matters set forth below, and if called as a witness I would and could truthfully testify thereto.

## **Background**

1. I am employed as the Conservation Director for Idaho Rivers United (IRU). I have been employed by IRU for the last 13 years. I am a member of IRU. As a member of IRU, I rely on the organization to represent my personal interests in protecting and restoring Idaho's rivers.

2. I am an avid outdoor recreationist. I spend most of my free time enjoying Idaho's rivers and forests. Because of my interests in advocacy and outdoor recreation, particularly kayaking, rafting and photography, I became interested in river protection and decided to work at IRU.

3. For over 20 years, I have traveled extensively throughout Idaho to use and enjoy its rivers and forests for my own recreational, spiritual, aesthetic, and professional purposes. I regularly camp, hike, raft, kayak, photograph, study river conditions, conduct field inspections, advocate, and provide public outreach and education throughout Idaho, including within the Boise National Forest.

## **Overview of IRU**

4. IRU was founded in 1990. IRU is based in Boise, Idaho, and currently has around 3,500 members. IRU's mission is to protect and restore the rivers and natural fisheries of Idaho. IRU is the only conservation organization group dedicated exclusively to protecting and restoring Idaho's rivers. IRU works to fulfill this mission primarily through advocacy and education.

5. IRU represents the interests of our 3,500 members, our staff and board and thousands of other citizens who look to IRU to protect the rivers and streams of Idaho.

6. As the Conservation Director at IRU, among other tasks, I manage our conservation program work and supervise conservation staff. I direct, review and approve staff reports, comments and official filings.

7. IRU staff regularly reviews the United States Forest Service's notices for the Boise National Forest in order to identify activities that may be of interest to IRU due to their impact on the Boise River and its tributaries.

8. IRU staff is in regular contact with staff for the Boise National Forest, including making inquiries concerning proposed or ongoing activities in the Boise National Forest, coordinating collaborative projects with the Forest Service, and participating in administrative processes concerning the management of the Boise National Forest.

9. Our staff and members include many outdoor enthusiasts. I am personally familiar with many of our members. IRU has members who regularly use and visit rivers in Idaho, including Grimes Creek, Mores Creek below its confluence with Grimes Creek, and the Boise River below its confluence Mores Creek (which flows through Boise and the Treasure Valley), for a variety of professional, recreational, aesthetic, spiritual, and other purposes. IRU also has members who own property in the Grimes Creek and Mores Creek watersheds as well as the lower Boise River watershed. Many of IRU's members obtain drinking water from the lower Boise River.

**IRU's Involvement with the CuMo Mine Exploration Project**

10. Due to the detrimental effects that mining can have on water and the landscape, IRU has undertaken numerous campaigns with respect to proposed and ongoing mining and mining-related operations in Idaho. Our campaigns are aimed at addressing environmental and

human health impacts from mining through advocacy, education, research, participating in administrative processes, and, when necessary, legal action.

11. Because of the interests IRU members have in the Grimes Creek watershed, IRU was part of the watershed advisory group which participated in establishing water pollution budgets (Total Maximum Daily Loads, or TMDLs) for Grimes Creek pursuant to the Clean Water Act.

12. Because of the interests IRU members have in the Boise National Forest, IRU has been involved in the development of the Forest Plan for the Boise National Forest, such as by submitting comments to the Forest Service and encouraging members to submit comments, particularly concerning Wild and Scenic River designations.

13. IRU first became aware of the CuMo Exploration Project (Project) in 2007 during an informal conversation between IRU staff and a staff member of the Forest Service as part of regular efforts to be aware of ongoing and proposed activities taking place in the Boise National Forest. Because of the problems IRU has observed from other mining operations in the Boise River watershed, I was immediately concerned about the Project proposal and associated exploration activities.

14. Since then, IRU has conducted a vast amount of research on the Project and the Grimes Creek watershed. We have reached out to people who may be affected by the Project by sponsoring events and producing educational materials, talked to elected officials and other policymakers about the project, and corresponded with the Forest Service concerning the project.

15. IRU staff and members have visited the Project site, including trips with the mining company (formerly Mosquito Gold, then CuMoCo, and now named Idaho CuMo) and Forest Service personnel.

16. IRU submitted public comments to the Forest Service on the first Environmental Assessment (EA) for the CuMo Exploration Project and filed an administrative appeal of the February 2011 Decision Notice and Finding of No Significant Impact (DN/FONSI).

17. IRU was a co-plaintiff to the case *Idaho Conservation League et al. v. U.S. Forest Serv.* (1:11-cv-00341-EJL), which was filed in July 2011 and challenged the Forest Service's decision approving this Project. That challenge was successful, and the Court remanded the decision approving the Project back to the Forest Service to evaluate potential adverse impacts to water quality and to decide whether to prepare a supplemental EA or whether a full EIS is required.

18. In 2013, IRU submitted public comments when the Forest Service issued a notice that it was preparing the Supplemental Environmental Assessment (SEA) and when it released the draft SEA. In 2015, IRU filed administrative Objections to the Forest Service's draft of the Supplemental Decision Notice and Finding of No Significant Impact (SDN/FONSI) and the final SEA. And in January 2016, IRU filed this lawsuit as a co-plaintiff challenging the Forest Service's September 30, 2015 approval of the Project.

19. In sum, IRU has expended significant time and resources to acquire and disseminate information on the Project and the impacts it might have on the environment and human health as well as to participate in the administrative process before the Forest Service.

20. From what we have learned through this involvement with the Project over the last four years, IRU, IRU members, and I are concerned about the negative impacts which Mosquito's activities will have on water quality, rare plants, forest health, and wildlife, and which have not been publicly disclosed, fully assessed, and adequately avoided by the Forest Service.

**Personal Visits to the Project Site and Nearby Areas**

21. Since 2008, IRU staff has visited the Project site on several occasions in order to acquire information about the project and learn about the forest and streams in the area, as well as for the aesthetic and spiritual fulfillment they seek when they visit the Idaho's mountains.

22. Prior to moving to Idaho in 2004 and since then, I have spent many days visiting, recreating, sightseeing and photographing in and around the Project location.

23. As this winter's snows recede, I and other IRU members plan to visit the area, likely in June or July, to walk through the forest, look for birds and wildlife, visit beaver bonds in upper Grimes Creek, find and photograph the rare flowering plant *Sacajawea's bitterroot*, and enjoy the scenic views of Grimes Creek and the mountainous Project site from Grimes Pass.

**Irreparable Harm from the CuMo Exploration Project**

24. I fear that the Project's exploration activities will have a harmful impact on fish, wildlife, and native plants, including *Sacajawea's bitterroot*, which is a critically imperiled plant species.

25. I worry that the Project will degrade recreational, aesthetic, and spiritual experiences in the Boise National Forest in the Grimes Creek watershed. For me and other members of IRU, these experiences depend on a healthy natural environment. I fear that the CuMo exploration's impacts to streams and aquatic life as well as to the forest and forest wildlife both in and near the project site will take away from these experiences.

26. IRU, and its members and supporters are being irreparably harmed by the Forest Service allowing CuMo to build an undisclosed number of roads and drill pads in *Sacajawea's bitterroot* habitat, and allowing the drilling 259 exploratory holes up to 3,000 feet deep without understanding the potential impacts to water quality.

27. The Forest Service designated a Sacajawea's bitterroot Plant Conservation Area at the Project site, which it considers to be a "stronghold" for the species' survival. The Forest Service acknowledged that exploration activities in the PCA can directly destroy plants, will degrade plant and pollinator habitat, and can place the entire species at risk. But the Forest Service approved the Project without estimating the amount of activity Idaho CuMo might perform in the PCA.

28. The Project's mitigation measures are inadequate to protect Sacajawea's bitterroot, because they only require CuMo to try to avoid exploration in plant habitat without putting any areas off limits and without capping the amount of exploration that can occur in plant habitat. As a result, Sacajawea's bitterroot at the site and the species as a whole are at risk, harming myself and other IRU members who would like to view, photograph, and enjoy Sacajawea's bitterroot, and who care deeply about the recovery of this rare native plant. Had the Forest Service prepared an EIS and otherwise adequately considered the impacts to Sacajawea's bitterroot and followed its duties under the Forest Plan and the Organic Act to protect and minimize impacts to this rare plant, the agency would have disclosed more information to the public, made a better decision, and taken steps to adequately protect this imperiled species.

29. IRU, its members and supporters are disappointed that the Forest Service's failed to gather detailed information about surface and groundwater by actually visiting the site. Instead of relying on general information, the Forest Service should have gathered information at the site so it could disclose the Project's likely impacts to water quality and better protect against and mitigate those impacts. I am concerned that the Project could pollute the water that I and IRU members drink and recreate in in Grimes Creek, Mores, Creek, and the Boise River.

30. I intend to continue visiting the Boise National Forest in the Grimes Creek watershed and along Mores Creek below the confluence with Grimes Creek for the purpose of engaging in recreational activities, including hiking, camping, and photography. On these trips, I hope to find spiritual renewal through interacting with the natural environment, seeing wildlife, and finding rare plants. However, the CuMo Exploration Project will degrade these experiences, by driving away birds and wildlife through noise, surface disturbance, and human presence. The Project also threatens the survival of Sacajawea's bitterroot, which I hope to view and photograph. I fear that I will see less wildlife, will encounter less healthy streams, and will experience greater human presence, noise, and light, as a result of the exploration activities that the Forest Service approved without adequate studies and public disclosure.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of April, 2016, at Boise, Idaho.

  
/s/ \_\_\_\_\_  
Kevin Lewis