

Bryan Hurlbutt (ISB # 8501)
Andrew Hursh (ISB # 12644)
ADVOCATES FOR THE WEST
P.O. Box 1612
Boise, ID 83701
(208) 730-6961 (Hurlbutt)
(208) 268-5210 (Hursh)
bhurlbutt@advocateswest.org
ahursh@advocateswest.org

Roger Flynn (Colo. Bar # 21078), *Pro Hac Vice*
WESTERN MINING ACTION PROJECT
P.O. Box 349; 440 Main St., #2
Lyons, CO 80540
(303) 823-5738
roger@wmaplaw.org

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

IDAHO CONSERVATION LEAGUE; and
GOLDEN EAGLE AUDUBON SOCIETY,

Plaintiffs,

vs.

U.S. FOREST SERVICE,

Federal Defendant,

and

IDAHO COPPER CORPORATION,

Intervenor-Defendant.

Case No: 1:25-cv-329-AKB

DECLARATION OF JOHN ROBISON

I, JOHN ROBISON, state and declare as follows:

1. My name is John Robison. I am over 18 years of age. I am personally aware of the matters set forth below, and if called as a witness I would and could truthfully testify thereto.

2. I am Public Lands Director for the Idaho Conservation League (ICL). I have been employed by ICL for 23 years. I am also a longtime member of ICL.

3. I first came to visit Idaho in 1991 on a kayaking trip, where we paddled 10 rivers in 11 days. It was a formative experience. I was drawn back to Idaho in 2001, in large part, in order to enjoy the amazing opportunities afforded by Idaho's wild and pristine rivers and the surrounding deserts and forests and the native fish, wildlife, and plant species that live there. I grew up fishing, and learning how to fly fish in Idaho's streams was and remains a passion of mine. Since moving to Boise in 2001, in addition to kayaking and fishing, I regularly camp, hike, ski, look for wildlife and their tracks, identify plants, study habitat conditions, conduct field inspections, and seek personal renewal on Idaho's public lands, including lands in the Boise National Forest, Grimes Creek watershed, and Boise River watershed.

4. I am a graduate of Bowdoin College, where I earned a BA in Biology; the Teton Science School's year-long Professional Residency in Environmental Education; and the University of Vermont's Field Naturalist Program where I earned a MS in Botany. For my Master's degree Final Project, I studied and taught winter ecology, mammal tracking, and remote monitoring of pine martens. My area of emphasis was seeing how vegetation patterns and snow surface conditions affected winter habitat use by coyotes.

5. I am the lead staff person for ICL monitoring and interfacing with the U.S. Forest Service and project proponent Idaho Copper (formerly Mosquito Gold, then CuMoCo) over the CuMo Exploration Project in the Boise National Forest. I have participated in many meetings

and site inspections about the Project and its prior iterations, and I have corresponded and spoken with agency staff and others about the exploration activities there. I have also closely reviewed the Forest Service's Environmental Assessment (EA) and its Decision Notice and Finding of No Significant Impact (SDN/FONSI) for the 2023 CuMo Exploration Project, as well as other project record materials. I have also closely reviewed the Forest Service approval documents, and many of the supporting materials, for the prior iterations of the Project (the 2007 CuMo Exploration Project), which the Forest Service approved in 2011 and again in 2015. Each of those approvals were remanded by this Court.

6. ICL was founded in 1973 and currently has approximately 26,000 supporters and more than 8,000 members. ICL's mission is to create a conservation community and pragmatic, enduring solutions that protect and restore the air Idahoans breathe, the water they drink, and the land and wildlife they love. Our vision is an Idaho where public lands remain public and are well managed, air is clean, lakes and rivers are healthy, fish and wildlife thrive, and a prosperous, sustainable future exists for all Idahoans.

7. One of the primary ways we work to achieve our mission is through participating in the public review and comment process for mining and mineral exploration projects on public lands administered by the Forest Service. ICL supports responsible mining on public land, but we have found that past mining-related operations have not been adequately protective of the environment. Over 40 percent of watersheds in the West have been impacted by historical mining activities.¹

¹ U.S. Environmental Protection Agency, "Liquid Assets 2000: America's Water Resources at a Turning Point," May 2000, p. 10 (available at <https://nepis.epa.gov/Exe/ZyPDF.cgi/20004GRW.PDF?Dockey=20004GRW.PDF>)

8. As ICL's Public Lands Director, I regularly scrutinize mining proposals in Idaho to determine whether they pose unacceptable risks to human health and the environment. Additionally, I advocate that mining activities take place outside of environmentally sensitive locations and that these activities are conducted using methods which minimize environmental impacts. For example, I have engaged in cooperative work with Formation Capital's Idaho Cobalt Project outside of Salmon, Idaho, to improve mining operations and create a habitat restoration funding program. I am also working with Trout Unlimited and several phosphate mining companies in southeastern Idaho (Bayer, Agrium, Nutrien, Itafos, and Simplot) on a collaborative habitat restoration program called the Upper Blackfoot Confluence. I have been involved in community education efforts on the values of the Boise River and the threats posed by arsenic pollution from Atlanta Gold's mining project in the Middle Fork Boise River and the Boise National Forest.

9. I have also worked with the Forest Service and other mining companies to avoid, minimize, and mitigate impacts for exploration projects. One of the factors that we carefully assess is the adequacy of baseline monitoring for water quality, vegetation, wildlife, and other environmental conditions. ICL submits comments to the Forest Service on many exploration projects proposed in Idaho. When necessary, ICL also participates in the Forest Service's administrative objection process where we have concerns that were not addressed through the comment process. ICL has filed objections and then worked with the Forest Service to improve the mining plans and resolve those objections on several mineral exploration projects, including Otis Gold's North Kilgore Gold exploration project on the Caribou-Targhee National Forest, Midas Gold's Golden Meadows exploration project on the Payette National Forest, the Iron Creek Exploration Drilling Project, the Breccia Beta Exploration Project, the Colson-Cobalt

Copper 3 mine exploration project on the Salmon-Challis National Forest, and the Newcrest Jarbidge exploration project on the Humboldt-Toiyabe National Forest. In successfully resolving the objections for these projects, the Forest Service and mining companies agreed to collect additional baseline information, improve monitoring programs, or implement additional measures to avoid, minimize, or mitigate impacts.

10. ICL's staff, members, and volunteers include many outdoor enthusiasts, expert scientists, and former federal and state agency employees. I am personally familiar with many of our staff, members, and volunteers who—like myself—live and work in the Boise River watershed downstream from the Project site and regularly visit locations in the Grimes Creek watershed and Boise National Forest for a variety of professional, recreational, personal, aesthetic, spiritual, and other purposes.

11. ICL became aware of mineral exploration at the Project site in 2005 through our regular involvement in mineral exploration and other public land issues in the Boise National Forest and the Boise River watershed.

12. The CuMo Exploration Project site is located in headwaters of Grimes Creek, which is a tributary to Mores Creek, which flows into the Boise River at Lucky Peak Reservoir upstream of the City of Boise and other Treasure Valley communities. The Boise River supplies over twenty percent of the municipal drinking water supply for the City of Boise.

13. I have toured historic and current mining operations throughout the Grimes Creek and Mores Creek watersheds, and the majority of these watersheds have been heavily impacted by historical mining activities. However, the upper stretch of Grimes Creek adjacent to the Project area is a relatively ecologically intact portion of these watersheds, and it is an important

area worth protecting for native fish and wildlife and their habitats. I have fly fished for, and caught, native redband trout in the upper stretches of Grimes Creek.

14. While Idaho Copper has thus far sought approval from the Forest Service for exploration drilling and related activities including road construction, the company's press releases are clear that it is intent on "exploring and developing a massive copper-molybdenum-silver deposit" at this site.² In the company's Preliminary Economic Assessment (PEA) for the mine, Idaho Copper says "CuMo is to be developed as an open pit mining operation," where the "open pit is envisioned to be a large, deep pit (up to 3500 ft deep)." AR-6740. The PEA also says a "tailings storage facility (TSF) will be located at the headwaters of the Clear Creek watershed" with a capacity to store 1,582 million tons of mine waste tailings over 28 years of mining. AR-6736.

15. ICL has been actively involved in gathering information about the exploration, engaging in advocacy and public outreach programs, and participating in the Forest Service's administrative processes for the 2023 CuMo Exploration Project at issue in this litigation and for the previous iterations of the Project. I toured the Project site on two occasions with staff from Idaho Copper's predecessors and the Forest Service, and visited areas near the site for investigatory and outreach purposes on several other occasions. I have been in regular contact with the Forest Service concerning the Project, including submitting FOIA requests pertaining to the exploration and working with the Forest Service to ensure that public meetings would be held in Boise, Garden Valley, and Idaho City for the benefit of ICL members as well as other interested members of the public.

² "Idaho Copper Announces US Forest Service Decision Notice and Finding of NO Significant Impact for CuMo Exploration Project Plan," March 25, 2025 (available at <https://ir.idaho-copper.com/press-releases/#b2iLibScrollTo>).

16. When the prior iteration of the Project was first approved in 2011, ICL submitted public comments to the Forest Service throughout the NEPA process, filed an administrative appeal, and filed litigation in this Court successfully challenging that approval based on the agency's failure to gather and consider comprehensive baseline information on the site's groundwater hydrology as needed to assess the risk underground exploration drilling poses to water quality. When the Forest Service approved the prior iteration of the Project again in 2015, ICL submitted public comments, filed administrative objections, and again successfully challenged the approval in this Court, this time based on the agency's failure to gather and consider up-to-date and comprehensive baseline information on Sacajawea's bitterroot plants at the Project site.

17. Additionally, ICL has held media events and held informational meetings for ICL members and the public, and has undertaken various other activities all aimed at educating and organizing interested people about the CuMo Exploration Project and its potential impacts to the environment. For example, in 2010, ICL held its own open house in conjunction with the Forest Service's Boise open house on the Project. ICL published editorials in the Idaho Statesman concerning the exploration. In Garden Valley and Idaho City, ICL posted information about the Forest Service's public meetings being held on the Project. In 2010, I met with the Boise County Commissioners to discuss the impacts of mining on water quality, and I organized a field trip with the Commissioners and members of conservation groups where we toured the Thompson Creek molybdenum mine near Clayton, Idaho in 2011 in order to learn about large-scale, open-pit mining. In October of 2023, the Idaho World newspaper published an article highlighting the project and potential negative effects outlined in Idaho Copper's PEA report for the CuMo mine.

18. ICL and partner organizations have also held a series of mining discussions in Boise and other affected communities to inform ICL members and other members of the public about the CuMo Exploration Project and other concerning mining activities in Idaho. Most recently, we held such an event in Placerville in September of 2025, which is near the project area and where approximately 20 local residents and private property owners showed up to learn more about the CuMo Exploration Project and its environmental and community impacts.

19. ICL and partner organizations have also helped organize and lead multiple trips for members and the public to the Mores Mountain Nature Trail to look for Sacajawea's bitterroot, learn about this rare and unique plant, and learn about the CuMo Exploration Project. The Project site is visible from Mores Mountain, across the Grimes Creek watershed. Most recently, these trips occurred in June 2023 and 2025.

20. I have visited the CuMo Exploration Project site, or surveyed the site from adjacent Forest Service land across Grimes Creek, seven times by vehicle and on foot since learning of the proposed Project. In October 2008 and October 2009, I visited the site with representatives of the Forest Service and Mosquito Gold. On these two trips, we toured the site and discussed details of the prior iteration of the Project and its impacts, including topics such as drilling techniques, the mineral exploration process, locating and building roads, the presence of and impacts to wildlife, impacts to water quality, and sources of water to be used during exploration.

21. I visited upper Grimes Creek in November 2011, to enjoy a scenic fall drive in the mountains, hike in the forest, observe wildlife and nature, and investigate conditions at the Project site with members of other conservation groups. We visited the ridge separating Grimes Creek from the South Fork Payette River, from which we could see a large portion of the Project

site. On our way to this viewing spot, I observed wolf tracks in the mud and snow on the road not far from the Project site. I enjoyed finding these tracks and showing them to others on the trip. From the ridge, I observed road cuts through the trees on the Project site, and I observed and heard a drilling rig operating on the site. The sound carried far across the valley.

22. I returned to upper Grimes Creek in August of 2013 on an ICL field trip. I led ICL supporters on a hike to a viewpoint overlooking the South Fork Payette River to the north and Grimes Creek to the south. We could see exploration roads carved into the hillside across Grimes Creek on the Project site. While it was likely too late in the year to observe Sacajawea's bitterroot, we observed other wildflowers and kept our eyes open in hopes of seeing this imperiled plant. I brought along photos of Sacajawea's bitterroot so we would be able to recognize it in case we came across plants on the hike.

23. I returned to Grimes Creek again in 2014 on a fishing excursion and was thrilled to catch native redband trout in the upper stretches adjacent to the Project site. Most recently, I went fly fishing in Grimes Creek and looked for wildflowers in bloom on the Boise National Forest at the northern edge of the Project area in May of 2025.

24. Each time I visited the site, I was surprised by and impressed with how ecologically intact and scenically beautiful upper Grimes Creek and the surrounding area is compared to the more heavily degraded areas of Grimes Creek further downstream. Upper Grimes Creek is a scenic mountain stream and is well-shaded, which helps support aquatic life. Although there are signs of historical mining in the area, upper Grimes Creek was not subject to the extensive dredge mining which has devastated lower portions of Grimes Creek. And while trees in the upper Grimes Creek area have been harvested in the past, the area is heavily wooded, and I observed many large diameter trees which are still standing. Upper Grimes Creek also has

a series of beautiful meadow complexes and beaver ponds, which provide a diversity of habitat for natural wildlife.

25. However, the times I visited the area while exploratory drilling was underway, I was struck by how noisy and disruptive the operating drilling rigs are. And each time I visited the area, I was struck by the impacts of the extensive road system already carved through the Project site. Many of these are roads Idaho Copper is authorized to maintain and use as part of the Project, including by widening and constructing drill pads on them. I was disappointed to see that many of the exploration roads on the site are built on steep slopes and through areas of otherwise intact forested habitat. I was also disappointed to see that many roads cut through the portion of the Project site where Sacajawea's bitterroot have been found in surveys from 2017 and earlier surveys. Based on my familiarity with the problems associated with such road-building, I believe it is likely that these roads will become sources of sedimentation to streams and could even result in mass wasting; that they have already fragmented and will further fragment plant and wildlife habitats; that they serve as corridors that facilitate the spread of invasive plants; and that it will be difficult to fully reclaim many of these roads, particularly those cutting across steep hillsides.

26. I have also gone on seven airplane flyovers of the Project site in the last 19 years. The purpose of these flyovers was to learn about the site and Project exploration activities on both private and public lands; observe and enjoy the stunning surrounding environment; see the connection of the site and its streams to nearby communities, towns, and cities; educate others onboard the flights; and educate ICL members and the public by reporting back afterward.

27. I also regularly fly over the Boise National Forest on other work-related overflights and when traveling for work and personal purposes. When I fly, I bring my gazetteer

to see where I am and use my camera to document what I see for both professional purposes and for my own pleasure.

28. I also recreate in other areas not far from the Project site or downstream from it. In January of 2000 I went on a yurt trip on the west side of Highway 21 near the Gold Fork Park N' Ski Area. Since around 2004, I have gone backcountry snowboarding and skiing in the Pilot Peak/Freeman Peak area regularly. My last visit to the Pilot Peak area was a backcountry snowboard trip in January of 2016. I have also taken my friends and daughters cross-country skiing in the Gold Fork Park N' Ski Area in 2021. These areas are all located in the Boise National Forest near Mores Creek Summit on Idaho Highway 21 and vary between 7 and 9 miles from the Project site, and I enjoy looking for animal tracks on these trips.

29. Since moving to Boise, I regularly canoe and kayak in the Boise River near the city of Boise, particularly during spring and summer. During spring and summers, I kayak and surf around three times per week in the Boise River. I also fish in the Boise River near the city of Boise, usually once a week from July through October in the last ten years. Sometimes I eat the fish that I catch. Since 2008, I have visited the Idaho Bird Observatory above the Boise River approximately four times to observe and learn about birds.

30. I also regularly recreate and work throughout the Boise National Forest in other locations. I regularly kayak, hike, fish, and enjoy nature on the North Fork Boise River, the Middle Fork Boise River, and South Fork Boise River, and I regularly visit these locations for work and recreation purposes.

31. I have also hiked the Mores Mountain Nature Trail on the Boise National Forest on multiple occasions, on both work and personal trips, to look for Sacajawea's bitterroot and other native plants, look for birds and wildlife, and enjoy the extensive views in every direction,

including views of the Grimes Creek watershed and CuMo site to the northeast. Mores Mountain is one of the only 40 or so locations where the plant has been found. Although the plant is above-ground for only a brief period, typically for part of the time between mid-May and July, I have been fortunate to observe Sacajawea's bitterroot plants near the Trail multiple times, sometimes flowering, as shown in the photograph below.

Fig. 1, Sacajawea's bitterroot on the Boise National Forest. Photo by John Robison, June 23, 2023.



32. I intend to continue regularly visiting the Project site as I have since 2007 and will go on both flyovers and on-the-ground visits. Since learning of the Project, I have become increasingly concerned about the harmful impacts exploratory drilling can have on Sacajawea's bitterroot, fish, wildlife, water quality, and recreation in and near the Project site. On these visits, I plan to investigate, monitor, and observe Project exploration activities and their impacts on the conditions of the natural environment in and around the site. I have submitted a request to a pilot with dates for an overflight over the Project area for the summer of 2026, and I have scheduled field trips to the Boise National Forest to look for Sacajawea's bitterroot later this spring or early summer, including near the Project site.

33. On these trips to the Project site and nearby areas, I hope to enjoy the scenic beauty of Grimes Creek, fly fish for native trout, and walk amongst large-diameter trees in the Boise National Forest. I hope to observe the Sacajawea's Bitterroot, an imperiled native plant which inhabits the Project site and may be found in adjacent parts of the Boise National Forest. I hope to spot animal tracks and observe wildlife, including wolverine, northern goshawk, great grey owl, and others. Through these activities, I hope to experience the professional and spiritual renewal and fulfillment I find in visiting relatively pristine areas in Idaho's mountains.

34. However, based on my personal and professional knowledge and experience with the impacts of such activities as road-building, exploration truck traffic, and noise from drilling rigs, I believe that the CuMo Exploration Project, as approved by the Forest Service, fails to avoid preventable impacts and will degrade these experiences by clearing large trees, driving wildlife elsewhere, destroying Sacajawea's bitterroot and harming its habitat, degrading riparian areas, and causing noise and increased disturbance. By clearing vegetation to build roads and drill pads, Idaho Copper will degrade or destroy ecologically important habitat for the wildlife

and plants that I and other ICL supporters enjoy viewing and care about. These activities will facilitate the spread of noxious weeds, such as rush skeleton weed, spotted knapweed, and Dalmatian toadflax, as I have witnessed in other similarly disturbed areas. The noise, light, and human activity associated with Idaho Copper's twenty-four hours per day drilling will also render much of the site and adjacent areas unsuitable for sensitive species of wildlife and thereby decrease my chances of viewing them in the wild.

35. Currently, I am coordinating a trip to the Boise National Forest in June of 2026 to be taken with ICL staff and supporters and other conservation organizations to observe the rare Sacajawea's bitterroot. The trip is scheduled to overlap with the brief window during which Sacajawea's bitterroot is flowering and observable. I am concerned about the effects of the Project's exploration activity on the environment, on plants and wildlife, and the impacts it will have on ICL members.

36. I hope to see Sacajawea's bitterroot on the summer 2026 field trip, and show it to others on the trip. As already mentioned, I have seen Sacajawea's bitterroot in one other location on the Boise National Forest. Sacajawea's bitterroot is a rare, native plant with a very limited range, and it is my understanding that the plant is not well understood. According to the Environmental Assessment and the Botany Report, based largely on surveys from 2017, the Project site is estimated to be home to more than 10,000 Sacajawea's bitterroot plants, likely representing one-third to one-half of all Sacajawea's bitterroot plants.

37. I would very much like to see Sacajawea's bitterroot continue to persist throughout the Boise National Forest and to be abundant at the Project site. However, I am concerned that the harmful impacts of the Project, particularly when considered along with past and ongoing threats and factors of decline identified in the Environmental Assessment and

Botany Report, including the spread of weeds and climate change, put this species long-term survival at great risk. Constructing and using new roads and drill pads, as well as maintaining and utilizing existing roads, can kill Sacajawea's bitterroot plants, fragment habitat, harm critical pollinators, and introduce competing noxious weeds that may further endanger this unique population.

38. I am also concerned by the Forest Service's decision to rely on surveys from 2017 as the most recent, comprehensive surveys for Sacajawea's bitterroot at the Project site. When this Court remanded the Project approval in 2015, it was because the Forest Service's Sacajawea's bitterroot surveys at the site were outdated since a wildfire swept through the area and associated fire-fighting activities such as fire lines had been constructed in occupied and potential habitat at the Project site. While the 2017 surveys provide newer data subsequent to fires and firefighting that occurred at the site in 2014 and 2016, these 2017 surveys provide just a single snapshot that is now nearly 9 years old. I am concerned that fires and fire-fighting activities could have effects that unfold over longer timeframes that might not have occurred, or not to their full extent, by 2017.

39. For example, noxious weeds can be spread by vehicles from existing infestations to new areas, ground disturbing activities can remove native plants and create a suitable environment for noxious weeds to take hold and disperse seeds, some noxious weeds can outcompete native plants and even change the soil chemistry to deter other plants, and noxious weeds can spread out into undisturbed habitat and displace native plants in the surrounding areas. The seeds from noxious weeds can also lay dormant for periods of time until the proper soil moisture and temperature conditions exist. Noxious weed infestations may not expand at a steady pace, but may remain limited in range for periods of time and later expand in a series of waves

over time during periods of favorable conditions. Vegetation conditions can change significantly from year to year.

40. Likewise, the occurrences, populations and ranges of native rare plants such as Sacajawea's bitterroot can also change and either grow or shrink over time. A comprehensive survey last conducted in 2017 does not represent a sufficient baseline condition for an Environmental Assessment, nor do more recent limited spot checks. The locations and abundances of Sacajawea's bitterroot and any noxious weeds throughout the project area provide critical information to the Forest Service in locating new roads and drills in ways that best avoid, minimize and mitigate impacts. Because the operator has a responsibility to conduct its operations to minimize impacts to native plant populations and manage noxious weeds over the course of the project and during reclamation, knowing the starting situation on the ground is vitally important. Otherwise, the company could simply say that their activities were not responsible for any noxious weed increases or Sacajawea's bitterroot decreases and that these changes must have occurred sometime between 2017 and the start of their operations in 2026.

41. Part of my job involves reviewing recent studies showing the potential effects of climate change on vegetation and wildlife. It is estimated and now evident that climate change will result in more precipitation falling as rain instead of snow, earlier snow melt, higher temperatures, and earlier drying out of forested vegetation. These trends may adversely affect Sacajawea's bitterroot. Some organisms are able to adapt to these conditions by dispersing to higher elevations or latitudes. Because the known populations of Sacajawea's bitterroot are located at or near the top of high ridgelines that are isolated from each other by large drainages, this species will likely have a difficult time adapting to climate change. Given the geographic

isolation of this species, it is important to carefully track population trends and to minimize impacts to current population strongholds.

42. Allowing Idaho Copper to build roads and drill pads, reopen existing closed roads, and conduct other exploration activities within occupied or other potential Sacajawea's bitterroot habitat is likely to harm individual plants, pollinators, and their habitat at the site. I and ICL supporters stand to be irreparably harmed by these activities, if the Project proceeds as approved by the Forest Service. Given the plant's "imperiled"³ status and the importance of plants at the Project site to the species as a whole, the Project appreciably decreases the chance that Sacajawea's bitterroot will recover to sustainable levels in and near the Project site and places the entire species at risk. This directly harms my interests and other ICL members' interests in seeing, enjoying, and preserving this rare, native plant in the wild.

43. I am also injured, as are other members of ICL and the public, by the Forest Service's decision to allow Idaho Copper to construct up to five roads through riparian conservation areas (RCAs). RCAs, which include streams and wetlands plus surrounding buffer areas, are subject to Forest Plan protections, including from mining roads, because of the many values they support. Riparian areas are important for protecting water quality and the fish and other species that live in them, such as the redband trout I like to catch when fishing, and bull trout—a "threatened" species that appears to be barely hanging on in upper Grimes Creek. RCAs are also important for the many other species that rely on them. The watercourses running through RCAs provide important habitat for aquatic-based wildlife, such as mink and beavers, and aquatic songbirds such as American dippers. RCAs are also important for migratory birds, such as black-chinned and calliope hummingbirds, cedar waxwings, house wrens, yellow

³ https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.814970/Lewisia_sacajawean

warblers, and MacGillivray's warblers, among many other bird species which use riparian vegetation for foraging and nesting.

44. The Intermountain Bird Observatory is about 30 miles south of the CuMo Project site at a similar elevation and along the same migratory flyway. A study conducted in 2012 and 2013 at the Intermountain Bird Observatory found that the recorded noise of motorized vehicles significantly degraded the suitability of the habitat for migratory songbirds. Approximately one third of birds avoided forested areas subject to motorized noises. Birds that did utilize the areas that were subject to recorded noise of motorized vehicles presented poorer body condition:

Using landscape-scale traffic noise playbacks to create a "phantom road," we find that noise, apart from other factors present near roads, degrades the value of habitat for migrating songbirds. We found that nearly one third of the bird community avoided the phantom road. For some bird species that remained despite noise exposure, body condition and stopover efficiency (ability to gain body condition over time) decreased compared with control conditions. These findings have broad implications for the conservation of migratory birds and perhaps for other wildlife, because factors driving foraging behavior are similar across animals. For wildlife that remains in loud areas, noise pollution represents an invisible source of habitat degradation.⁴

I am concerned that new road construction, new road traffic, and 24/7 drilling operations near RCAs would negatively affect wildlife and songbirds that utilize RCAs and would prefer that the Forest Service had taken additional measures to avoid placing such infrastructure near RCAs.

45. Another concern I have about locating roads within RCAs is the potential for sediment from roadbeds to be washed into waterways which can degrade water quality and smother habitat for aquatic insects and fish. Additionally, there is a risk of contamination from trucks required to deliver continuous supplies of oil and diesel fuel needed to operate 24/7. In the event of truck accident, spill, or leak in an RCA, the more likely it is some sort of contaminant

⁴ Ware, et al., *Ecology*, "A Phantom Road Experiment Reveals Traffic Noise Is an Invisible Source of Habitat Degradation," Aug. 31, 2015 (available at <https://www.pnas.org/doi/full/10.1073/pnas.1504710112>).

could end up in the waterway. Locating roads outside of RCAs provides an important buffer and safety measure and would help address my concerns.

46. I intend to continue kayaking and fishing in the Boise River and its tributaries numerous times every year as I have during the past. I also plan to kayak the lower canyon stretch of Grimes Creek, which is downstream from the Project site and below New Centerville, this spring if conditions are suitable. I would like to fly fish in Grimes Creek again, too, especially its more pristine upper reaches next to the Project site. When fishing, hiking, or walking at or near the Project site, I want to look for birds, wildlife, and their tracks and other signs. However, I worry that Project activities, including constructing roads in RCAs will degrade water quality and habitat that the species I care about depend on.

47. I also intend to continue visiting the Intermountain Bird Observatory (IBO) about once a year, as I have in the past to observe wild birds and help biologists sight raptors during migrations. It is my understanding that some of the migrating birds that are observed at the IBO may utilize habitat and nest in the Mores Creek and Grimes Creek watersheds at certain points during their migration. Based on my visits to the area and overflights, I believe that upper Grimes Creek provides some of the best habitat remaining in the Mores Creek and Grimes Creek watershed. However, I worry that increased human disturbance of important habitats in southwest Idaho, including the extensive surface disturbance and continuous noise and light disturbance at the Project site, will decrease nesting success and harm birds that migrate through the Boise National Forest, decreasing my chances of seeing them at Project site, the IBO, and elsewhere.

48. Additionally, I plan to continue my regular pattern of visiting places throughout the Boise National Forest to kayak, hike, and work on numerous occasions every year, including

this next year. However, I worry that the Project will reduce my chances of observing the species I care about, increase the chances I will experience noise, lights, traffic, and other disturbances, and otherwise reduce my enjoyment being outdoors in nature in the places I love to visit.

I declare under penalty of perjury that the foregoing is true and correct.

Dated February 15, 2026, at Boise, Idaho

/s/ John Robison
John Robison