

EARTHWORKS

December 3, 2013

Tina Lanier, District Ranger
Gold Beach Ranger District
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District Ranger Tina Lanier:

Re: RF 38 Mining Plan of Operations and Preliminary Categorical Exclusion

I am writing on behalf of Earthworks, a national conservation organization, with respect to the proposed Red Flat Nickel Corporation's (RFNC) proposal to develop an approximately 2,300 acre block of mining claims on the Rogue River-Siskiyou National Forest at Red Flat.

The FS should conduct an Environmental Assessment (EA) because extraordinary circumstances exist that preclude categorical exclusion.

The Rogue River-Siskiyou National Forest should prepare an environmental assessment (EA) under the National Environmental Policy Act due to extraordinary circumstances that warrant additional review and preclude a categorical exclusion. The unique ecological conditions of adjacent Hunter Creek Bog Area of Critical Environmental Concern (ACEC) warrants coordinated analysis with BLM in an EA and joint concurrence. Proposed drilling could alter or contaminate the groundwater aquifer connected to Hunter Creek Bog. Assuming that because drill holes are not on BLM lands or 300 ft distant does not mean adjacent BLM lands and use of BLM lands is not affected. Proposed drill hole RF1 is within Hunter Creek Box ACEC and proposed drill holes RFA 2,3, and 7 are within the Red Flat Botanical Area (Botany Evaluation: p.2 and Figure 1).

Heavy equipment movement, noise, diesel combustion odors, dispersed camping, soil disturbance, and equipment staging within the Red Flat Botanical Area/ Hunter Creek Bog ACEC can be expected to conflict with the purpose of the Botanical Area/ACEC and spoil public use and enjoyment of the Botanical Area/ACEC complex. Potential impacts to recreational use and scientific use of Red Flat Botanical Area/Hunter Bog ACEC requires further analysis and mitigations.

Brushing on an unauthorized road to access drill hole RFA7 would allow new motorized public use in the Red Flat Botanical Area. Areas in which the vegetation has recovered from previous mining would be exposed to unauthorized motorized use due to proposed vegetative removal to access drill hole RFA7 within the Red Flat Botanical Area (Botany Evaluation Fig. 1).

The presence of serpentine/ultramafic (lateritic) soils makes reclamation uncertain, creating an extraordinary circumstance that warrants an EA. The site has nutrient poor and naturally toxic lateritic soils. Soils have been damaged from previous mining activities (e.g., unauthorized roads) that make prospective vegetative reclamation uncertain. Adjacent areas with no mining disturbance have trees and shrubs that cover 90% of the ground. Further damage of soils (e.g., compaction, loss of nutrients) and further reduced vegetative cover can be expected with this mining operation. Anticipated reclamation efforts are not likely to establish trees and shrubs in the short-term and approximately 1 acre of land will likely have less than 10% tree/ shrub cover or be totally barren of trees and shrubs for decades (e.g., unauthorized roads).

The Forest Service should conduct an EA to disclose and analyze the potential impacts of the proposed exploration activities, and cumulative effects of previous and future activities in the region, on fragile soils, rare plants and rare plant wetlands in the Red Flat area.

In addition to the proposed exploration activities (RF38), Red Flat Nickel Corp. (RFNC) has a similar proposal for approximately 3,100 acres south of Red Flat on Forest Service land in the North Fork Smith and Baldface Creek Watersheds. The Rogue River-Siskiyou National Forest will begin analysis on this proposal soon.

A Plan of Operations has also been submitted to the Forest Service for nickel mining in the Rough and Ready Creek watershed. The fact that the Rough and Ready project is “on hold” and not out for public review does not mean its anticipated impacts in the “foreseeable future” can be dismissed in the context of the National Environmental Policy Act.

The Turner Gold Mine on a private inholding near Obrien, Oregon has had major road reconstruction and subsequent drilling in anticipation of developing a hard rock gold mine that would likely include future mining on adjacent public lands.

http://www.josephinemining.com/en/assets_menu1turner.htm

The EA should disclose and analyze the cumulative effects of the past mineral exploration, the proposed mineral exploration (including the other nickel laterite claims) and further development of the mining claim blocks, rather than taking a piece-meal approach.

The Forest Service should submit a proposal to withdraw the Red Flat area from mineral entry, and protect outstanding botanical resources.

In 1989, the Siskiyou National Forest Land Management Plan proposed establishing a 7,172 acre Botanical Area at Red Flat. Appendix F of the Plan notes the presence of *Darlingtonia* fens and rare plants on the proposed Botanical Area. Part of the proposed Red Flat Botanical Area is the watershed of the Hunter Creek Bog Area of Critical Environmental Concern (ACEC). The

Siskiyou Forest Plan selected 53 acres, out of the 7,172 acres, when it established the Red Flat Botanical Area.

While there were no rare plant surveys conducted and *Darlingtonia fens*, spring and wetlands were not mapped, Appendix F of the Siskiyou National Forest Plan Final Environmental Impact Statement notes that establishment of the larger Botanical Area (and the two BLM ACEC) was rejected initially because of the number of mining claims in the area. However in 1995, in recognition of the outstanding values of its lands BLM established the Hunter Creek Bog ACEC (520 acres) and the North Fork Hunter Creek ACEC (1,920 acres) despite the presence of mining claims. In 2000, In order to protect the special natural and historic values of the two ACECs from mining, the BLM proposed the withdrawal of over 2,600 acres of BLM lands adjacent to the Forest Service's proposed Red Flat Botanical Area.

The Rogue River-Siskiyou has not acted consistent with the management direction on adjacent BLM lands. We ask that you establish the 7,172 acre Red Flat Botanical Area through a forest plan amendment and submit an application to withdraw the area from mining under the 1872 Mining Law. In addition to the natural values found on Forest Service lands, these actions are needed to protect the adjacent BLM ACECs.

At the very least, the Forest Service must map all springs and rare plant wetlands and their groundwater sources prior to allowing further mineral exploration, including exploratory drilling. This information must be disclosed in an EA along with an analysis of potential impacts to these wetland and springs.

While the minerals found in the nickel laterite soils of northwest California and southwest Oregon are relatively common globally, the natural area values of the Red Flat, Hunter Creek and the Pistol River are not. The much higher comparative values of the proposed Red Flat Botanical Area and adjacent BLM ACECs requires special measures to protect the area from unnecessary degradation.

Motorized use and water sources must be restricted to prevent spread of Port Orford cedar root disease (*Phytophthora lateralis*) (PL).

We support mitigation 6a (p. 7), which schedules test drilling to occur during the dry season (generally June 1-Sept 30). There should be no exceptions to this requirement when operating on unclassified roads that have an inherent high risk for the spread of Port Orford cedar root disease.

The impacts of drill site RFA 10 have not been adequately reviewed, disclosed, or mitigated. Motorized access to this site would require motorized use of road surfaces that remain saturated due to perennial springs (Photo 1). These springs nourish roadside *Darlingtonia* plants and uninfected Port Orford cedar groves (Photos 2.3). Allowing motorized access to drill site RFA 10 would have high risk for spreading Port Orford cedar root disease regardless of seasonal closures. The POC Risk Key assessment (P.1) erroneously concludes a "minimal risk as test hole sites are located in existing road beds."

The PDM lacks required reclamation plan.

The PDM failed to include a “Reclamation Plan” as required by law that would provide for the establishment of shrubs and trees. Merely summarizing protection measures from Plan of Operations (p.6) and identifying further mitigations (p.7) is no substitute for required “reclamation plan”.

- a. The species of trees and shrubs currently growing at proposed drill holes need to be reestablished post drilling. Cost effective methods to establish both shrubs and trees on disturbed lands must be described in the reclamation plan. The PDM mitigation to merely seed the disturbed areas with grass/forbes mixtures is not likely to be effective and does not reclaim the area to former plant diversity. Since shrubs and small trees will be destroyed by creating drill holes and destroyed by accessing drill holes, shrubs and small trees need to be re-established post-drilling.
- b. The Reclamation Plan needs to stipulate that the 1200 ft of unclassified road that requires clearing will be blocked from public motorized access with cut vegetation and other barriers.
- c. An “unauthorized road or trail” is defined in Forest Service Manual (FSM) 7705 as a road or trail that is not a forest road [unclassified] or trail or a temporary road or trail and that is not included in a forest transportation atlas (36 CFR212.1). For the purpose of this project, the Forest Service must identify the location and number of miles of unauthorized roads that would be used. Plan of Operations and the PDM must recognize that drill holes would be accessed by currently “unauthorized roads”. The anticipated Forest Service DM and subsequent permit would authorize use of these unauthorized roads as “temporary roads” during the life of the permit. When describing current conditions these roads are considered “unauthorized,” because no permit authorizing their temporary use is in place. This is important because the Forest Service would be expected to have these temporary roads reclaimed with appropriate drainage, physical barriers and planting. Use of temporary roads for mining means they need to be part of reclamation. We are particularly concerned about the need to identify reclamation of temporary road that accesses RFA7 within Red Flat Botanical Area.

The Forest Service must obtain site-specific information about possible groundwater impacts caused by drill holes up to 50 ft deep.

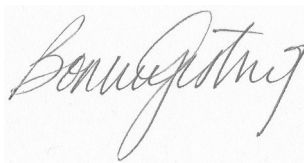
The PDM:9 states that, “No water is anticipated to return to the surface during the drilling process because of porous soils; however, in the event it does, the water would be directed away from the drilling location and allowed to naturally infiltrate. Drill holes will be plugged and abandoned immediately after completion.”

This is not analysis, and there is no information in the document to support this assertion. Water tables in serpentine soils are very shallow due to clayey soil lenses. Water is likely to be encountered with drilling. Of particular concern are natural wetlands in the area, such as Hunter Creek Bog, fens, and springs less than 200 ft from proposed drill holes RFA 9-10 (photos 3,4).

Groundwater impacts need to be investigated with site-specific analysis. Federal courts have recently ruled against the Forest Service with regard to the effects on exploration activities to groundwater. On February 11, 2011, the Decision Notice & FONSI were signed for the CuMo Project. On August 29, 2012 the US District Court for the District of Idaho issued its Decision which found in favor of the Forest Service on all points except their finding of no significant impact to groundwater, remanding this matter back to the Forest Service to undertake further groundwater analysis.¹

Thank you for the opportunity to provide input on the RF 38 Preliminary Categorical Exclusion.

Sincerely,



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¹ 2012 U.S. District Court for District of Idaho, Memorandum Decision and Order (ICL et al. v. U.S. Forest Service (1:11-CV-00341-EJL) , Available at: http://a123.g.akamai.net/7/123/11558/abc123/forestservice.download.akamai.com/11558/www/nepa/39340_FSPLT2_370047.pdf

Photo 1. Typical drill site along unauthorized miner created (unclassified) road.



Photos 3,4. Motorized access to drill location RFA 010 (not shown) is high risk for POC disease spread due to wet road conditions from spring/seeps and abundant POC along access route. “Unclassified road” is unauthorized miner created route with no drainage and below grade construction.

