

November 22, 2013

Senator Ron Wyden  
223 Dirksen Senate Office Bldg.  
Washington, DC 20510

Senator Jeff Merkley  
107 Russell Senate Office Bldg.  
Washington, DC 20510

Representative Peter DeFazio  
2134 Rayburn House Office Bldg.  
Washington, DC 20515

Dear Senator Wyden, Senator Merkley and Representative DeFazio:

We are 39 local, regional and national organizations and outfitters with a broad member and client base. Those we represent have a significant interest in the preservation of an area of gravely threatened near-pristine federal public lands near the Oregon/California border. These heritage lands—the epitome of America’s Great Outdoor—are watershed to the National Wild and Scenic Smith River (Baldface Creek and the National Wild and Scenic North Fork of the Smith in Oregon) and the National Wild and Scenic Illinois River (Rough and Ready Creek). They’re subject to proposals that will lead to the development of large-scale nickel strip mines, which could drastically impact their character and integrity and the health of surrounding communities.

We are writing to ask you to introduce and enact legislation to withdraw these cherished public lands from the 1872 Mining Law and to permanently protect them and their extraordinary wild rivers. Legislation to withdraw the National Forest and Bureau of Land Management holdings in their watersheds will provide the Obama Administration with the impetus to put in place the mineral withdrawal you’ve repeatedly requested.

The introduction of your withdrawal legislation—with the Administration’s temporary withdrawal immediately in advance of it—will preserve the status quo, give Congress time to deliberate, and provide interim protection for these endangered wild and scenic rivers, botanical reserves and wilderness. Unprotected they face irreversible industrialization from mining companies (both foreign and local) attempting to capitalize on America’s outdated mining law.

The two preliminary actions will prevent the location of nuisance claims that will increase the cost of your efforts to protect these Oregon treasures in the near future. They will further provide the mining companies notice that you plan to act on long-standing agency recommendations for the protection of these nationally outstanding wild rivers and wild lands and the public with opportunity to comment.

While the mining proposals are in Oregon, the Cleopatra Project (in the Baldface Creek/North Fork Smith watershed) is immediately adjacent to California’s Smith River National Recreation Area (NRA). Since watersheds do not stop at state lines and pollution does not respect political boundaries, California and the iconic Wild and Scenic Smith River—as well as equally unique and biologically rich unprotected watersheds in Oregon—will be harmed if these mines are allowed to develop into full-scale operations (strip mines, networks of haul roads and nickel processing facilities).

There’s nothing to prevent this now. It’s the Forest Service’s position that they’re required to facilitate mining. Absent withdrawal of the lands from the 1872 Mining Law, they say they can’t deny a reasonable mining proposal, even when there’s significant impacts to the land and nearby communities.

In the 1990s, the public overwhelmingly opposed the Nicore Nickel Mine in the Rough and Ready Creek area. This beloved community open space and its wilderness watershed is a true Oregon treasure, hosting the highest concentration of rare plants in the State. Yet despite its extremely high scientific, social and ecological values, your repeated calls on the Obama Administration to aid you in securing its long-term protection, and the federal government's findings that the area's nickel laterite claims are not valid, Rough and Ready Creek remains open to mining.

The world-class salmon and steelhead runs of the Smith River and its tributaries are a boon to the economies of coastal communities in both Oregon and California. Three hundred thousand acres of the Smith River watershed in California are withdrawn from mining and protected under the Smith River National Recreation Area Act. In Oregon, some of the most productive salmonid habitat in the entire Smith River Basin remains unprotected and open to mining, including Baldface Creek. According to the U.S. Forest Service this wild watershed, "provides near-pristine spawning and rearing habitat and high quality water on which the anadromous fishery of the Smith River depends."

Rough and Ready Creek, the North Fork Smith River, and Baldface Creek have some of the purest water in the West. Their watersheds are host to one of the highest concentrations of rare endemic plants in North America. Rough and Ready and Baldface Creek are eligible Wild and Scenic Rivers as determined by the Forest Service. In 2004, the Secretary of Agriculture proposed that Congress add 34,153 acres of their watersheds to the existing Kalmiopsis Wilderness. These nationally outstanding rivers and their wild botanically rich watersheds deserve protection equal to the Smith River in California. Mineral withdrawal is an essential precursor to consideration of their permanent protection.

We appreciate your letter to Interior Secretary Sally Jewell calling for the Department of Interior to help you protect Rough and Ready Creek and Baldface Creek and your media release on the announcement that these cherished and unprotected streams were named to American Rivers' Most Endangered Rivers list. However, while you've twice again called on the Obama Administration to withdraw the areas from the 1872 Mining Law, the U.S. Forest Service's Pacific Northwest Region and the Rogue River-Siskiyou National Forest have made it clear that they will not initiate a mineral withdrawal unless asked by Congress. The time to stop the mining is before it starts. For this, your help is urgently needed.

Sincerely,

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CC: Senator Barbara Boxer,  
Senator Diane Feinstein,  
Representative Jared Huffman,  
Representative Mike Thompson,  
Representative Earl Blumenauer  
Representative Kurt Schrader  
Representative Suzanne Bonamici