

Congress of the United States

Washington, DC 20510

December 21, 2018

Vicki Christiansen, Chief
USDA Forest Service
1400 Independence Ave, SW
Washington, DC 20250-1111

Re: Excelsior Mine Redevelopment Impacts on 2001 Roadless Rule Protections

Dear Ms. Christiansen:

We are concerned about potential impacts from road building in the Mt. Baker North Inventoried Roadless Area, as proposed in the draft environmental assessment and the recently released draft decision notice regarding plans to redevelop the Excelsior mine within the Mt. Baker District of the Mt. Baker-Snoqualmie National Forest. While we appreciate that mining is one of many activities that can and do occur on our national forests with respect to valid claims, the proposed road building could cause serious damage to this roadless area in Washington's North Cascades.

Our understanding is that the preferred alternative would develop road access to the mine on an unclassified, non-system road through the roadless area by invoking an exception in the Roadless Area Conservation Rule for road construction or reconstruction when "a road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty." [36 CFR 294.12(b)(3)]. We also understand that alternative access could be provided on a partially decommissioned road (FS Road 3700-031) outside of the roadless area.

As you may know, we have been strong champions for roadless area protections ever since the Roadless Area Conservation Rule was adopted in 2001. The Roadless Rule is a balanced policy that seeks to protect some of our last remaining old-growth forests, backcountry recreational opportunities, intact watersheds, and sources of clean water. These federal lands support thousands of jobs in outdoor recreation, provide opportunities for hunting and fishing, protect critical habitat for 1,600 threatened or endangered species, and supply clean drinking water to millions of Americans in more than 350 communities throughout Washington and across the United States.

Because of increasing threats to roadless area protection both at the local project level and more broadly through recent state petition efforts, this summer we introduced legislation in the Senate to codify the administrative protection in the Roadless Rule.

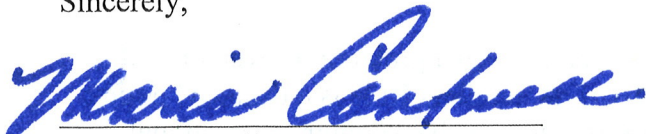
We hope and expect that the Forest Service will do their due diligence to ensure that the 2001 Roadless Rule is being carefully upheld and followed. All reasonable alternatives should be considered to avoid or mitigate potential harm to the Mt. Baker North Inventoried Roadless Area, and the public should have adequate opportunity to participate in the environmental review and decision-making process.

We would appreciate your response to the following questions regarding the proposed Excelsior mining road.

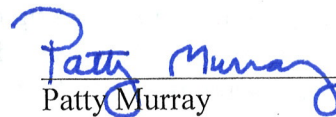
1. How can maintenance or reconstruction of this unclassified non-system road be permitted, understanding the Roadless Rule only allows maintenance of classified roads within Inventoried Roadless Areas [See 36 CFR 294.12 (c)] and the Roadless Rule's definition of road reconstruction only applies to classified roads? [See 36 CFR 294.11]?
2. Is road construction or reconstruction through the Mt. Baker North Inventoried Roadless Area "needed" to provide access to the mine, given that road access to the mine could also be provided on a partially decommissioned classified road (FS Road 3700-031)? [See 36 CFR 219.12(b)(3)]. Additionally, what level of vehicle access is needed considering that the proposal calls for hand-picking rocks for processing and evaluation off site rather than exploratory drilling or other more significant mechanical work?
3. Has the Forest Service thoroughly analyzed the alternative access route (FS Road 3700-031) and made that analysis available for public comment through the NEPA process?
4. How is this road building proposal, which is located within the North Fork Nooksack River Key Watershed, consistent with the Northwest Forest Plan's prohibition on road construction in roadless areas within Key Watersheds (such as the North Fork Nooksack)?

Thank you for your attention to this important issue.

Sincerely,



Maria Cantwell
United States Senator



Patty Murray
United States Senator



Suzan DelBene
United States Representative