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Forest Supervisor Jamie Kingsbury or Objection Reviewing Officer
Mount Baker Snoqualmie National Forest
2930 Wetmore Ave., Suite 3A
Everett WA 98201

Sent via electronic email at comments-pacificnorthwest-mtbaker-snoqualmie-mtbaker@fs.fed.us and <https://cara.ecosystem-management.org/Public/CommentInput?Project=43458>

**Re: Objection to Excelsior Mine Plan of Operations #43458;
USDA Forest Service, Mt. Baker Ranger District, Whatcom County, Washington**

Dear Forest Supervisor Jamie Kingsbury or Objection Reviewing Officer:

The undersigned received notice of the U.S. Forest Service's draft decision to move forward with the Excelsior Mine Redevelopment project, and hereby formally objects to the Mt Baker Ranger District's Draft Decision Notice - Finding of No Significant Impact, and to the Final Environmental Assessment for the Excelsior Mine Plan of Operation, as described in District Ranger Erin Uloth's letter dated December 17, 2018. Please enter this Objection as part of the public record.

District Ranger Uloth is the Responsible Official for this project.

The project implementation would authorize:

- 1) the restoration, use, and maintenance of an existing non-system temporary road; and
- 2) mine maintenance and underground sampling.

Preliminary matters:

The undersigned previously submitted specific and timely written comments on the proposed project. See Comment #36 on the Comment Table.

All other informational requirements in the Request for Objections are met by the letterhead of this Objection, information in the Subject line of the Objection, and the second paragraph of this Objection.

Objections:

First, in the Environmental Assessment and in the draft Decision Notice, there was no discussion of what the proponent planned to do to access the mine after the 10- year approval period expires for use of the Temporary Road. One assumes that the proponent plans on activating the mine after the 10-year period, and would need permanent access. There is no provision under law for converting a Temporary Road into a Permanent Road in a Roadless Area. Failure to consider the reasonably foreseeable future access needs for this project bifurcates the decision making into a phased project, and does not consider the

cumulative impacts of this project. A piecemeal approach to review of such projects, and their cumulative impacts, is prohibited under NEPA, and as such, the EA and the DN violate NEPA.

Second, direct, indirect and cumulative impacts require looking at the long-term plans of proponent to restart a fully operating mine at this location, not just the proposed 10-year temporary road project in a Roadless Area.

As a result, the USDA Forest Service *failed to consider the mining project's impact on the surrounding ecosystem.*

1. The USDA needs to look at the impact of mining tailings on the watersheds of Wells Creek and the North Nooksack River, including but not limited to, impacts on:

- Clean water requirements and protection;
- Fish and wildlife and their habitats;
- NW tribes' cultural and treaty rights; and
- Recreation rights of citizens.

The consequences of this project on the watersheds of Wells Creek, a mere 1/10 of a mile from the mine, and the North Nooksack River into which the Wells Creek drains, are not merely the issue of fine sediment arising from the Road use and maintenance, which is all that was mentioned in the Environmental Assessment, Chapter 3, Fisheries and Watershed. There will be much bigger issues in the future if the mining is reopened and operations start up.

There would then be runoff of chemicals from mining debris and process. Such chemicals are known to contaminate adjacent creeks, streams and rivers, and in this instance, would pollute waters known and recognized as salmon spawning waters, including Protected Species. Contaminated waters can contaminate and kill fish.

Contaminated fish and water will also impact birds that feed on the fish, both by eating contaminated fish and by loss of fish to eat due to death of fish from contamination. Such loss will impact the Bald Eagle populations which are numerous along the North Nooksack River, from Glacier to Bellingham Bay. Bald Eagles are also Protected Species.

The entire surrounding ecosystem would be disrupted from contaminated waters coming from an operating mine.

Such disruption would also directly violate the Treaty rights of Pacific Northwest Tribes to have their historic fishing rights protected in perpetuity, as the spawning salmon that the Tribes fish and harvest would be adversely impacted by pollution and contamination from the mine.

2. Also overlooked are the direct, indirect and cumulative impacts on the resident Mountain Goat herds which are protected by access closure to the Wells Creek Road during late winter and spring months. The mine itself is located within approximately 1 mile of the Mountain Goat Habitat as shown on the Supporting Document entitled Land Use Allocation. Opening the subject Temporary Road for mine access, will bring noise and disturbance to the goats that they are protected against now. This is a Management Area for protecting the Goats, as monitored and regulated by the State of Washington.

Again, NEPA requires such a proposal to look at all cumulative effects of the project, and thus this Decision and the Environmental Assessment, which failed to make any of the analysis discussed above, are in violation of NEPA as the USDA Forest Service *failed to consider the mining project's impact on the surrounding ecosystem.*

Substantive requirements in the Request for Objections:

How the environmental analysis and draft decision violates law, regulation or policy: the Environmental Analysis does not analyze or address the environmental impacts or look at the baseline conditions of affected resources outlined above. Such failure violates both State and Federal Environmental Protection statutes, rules and regulations.

Further, the Environmental Analysis does not look at all direct, indirect and cumulative environmental impacts of the proposed project, again a violation of Federal Environmental Protection statutes, rules and regulations.

Suggested remedies that would resolve the objection:
Conduct a full Environmental Impact Statement under NEPA.

Connection between prior specific written comments and the connection of the objection.

The undersigned's previous written comment (listed on the Comment Table as #36) includes reference to the issues addressed in this Objection. Copied below are relevant sections of the prior written comment:

"...Roadless forests provide much of our clean water and safe drinking water, besides protecting fish and wildlife...

And consider an alternative that does not violate the Roadless Rule and protects clean water, fish and wildlife habitat and world class opportunities for recreationists and the ability for northwest Tribes to exercise their cultural and treaty rights."

In closing, I urge USDA Forest Service to conduct a full Environmental Impact Statement for this project, and to clearly address the concerns I've raised regarding salmonoid fish, the Nooksack North River and Watershed, and the surrounding ecosystem, Mountain Goats, recreational rights, and Northwest Tribes' rights.

Thank you for considering my comments. I look forward to hearing from you.

Sincerely,

Amy L Mower