

October 27, 2022

Forest Supervisor, Objection Reviewing Officer
Okanagan-Wenatchee National Forest
Attn: Appeals and Objection
215 Melody Lane
Wenatchee, WA 98801

Certified Mail
Return Receipt and Signature Requested

Subject: Southern Star Mine Objection to The Swauk Mining Plans of Operation Analysis Project Draft Decision Notice and Final Environmental Assessment

References:

- a. Daily Record Legal Notice, September 15, 2022
- b. Draft Decision Notice, Swauk Mining Plans of Operation Analysis, J. Rausch
- c. Swauk Mining Plans of Operation Analysis, Final Environmental Assessment, September 2022, Okanogan-Wenatchee National Forest, Cle Elum R.D.
- d. Southern Star Mining Claim (ORMC 153543) Authorization Packet, 8-20-2020
- e. USFS Memo, File Code 2810-1950, 5-15-2019
- f. Southern Star Plan of Operations, USFS Receipt Stamp, 2-19-2016
- g. USFS Memo, 6270-1, Southern Star POO, 12-16-2014
- h. Objections to Scoping Statement Swauk Mining Plan of Operation Analysis Project, D.F. Sanders, 8-28-2018
- i. Online Submission, Objections to Scoping Statement Swauk Mining Plan of Operations Analysis Project, W. Sanders, August 29, 2019
- j. Memos, Emails, Meetings, Meeting Notes, Published & Unpublished Studies, Southern Star Mine Operating Plans, 1977 to the Present Day, Too Numerous to List

Forest Supervisor,

The following are objections to the published Swauk Mining Plans of Operation Analysis, Final Environmental Assessment, with references identified above:

1. The owners have consistently taken objection to the joining of the EA studies related to the Plan of Operations (POO) for the Southern Star (SS) to the EA studies related to the additional nine mining operations in the Swauk Mining District. We reiterate this objection now.
 - a. Description of Proposed Action: The current plan will continue the study beyond the Final Environmental Assessment as a group that includes all ten of the mines.
 - b. Issue: Grouping of the SS Mine study with the other mines has caused additional undue lengthy delays to complete the study for SS due to the expanded scope caused by adding nine more mines vs. what can be accomplished faster by studying the SS as a separate and single entity. The environmental evaluation and impact review process for SS had already gone on for over 25 years (references a. through j.) before this new group of ten mines effort was undertaken. The other nine mines had no such

decades of continuous evaluations to build from and, in comparison, had to “start from scratch”. The larger group study delays have caused the SS owners undue hardship by applying rules and regulations that have prevented lawful mineral activities to occur during the lengthening of the study time, especially in regards to providing access to identified mineral locations. One such example is the delay for approval to complete the access route to the existing tunnel #4 requiring SA7. Several other mineral access activities have been held up. Reference the proposed SS POO, cited in Activities Requested by Claimants, Sanders section of Chapter 2, reference c.

c. Specific Violations of Law, Regulation and Policy:

i) Quoted from Ref. c., “Mining Operations. *The General Mining Law of 1872, as amended (30 U.S.C. 21-54), governs mining operations. The law confers a statutory right to enter public lands to search for minerals.*”

ii) Quoted from Ref. d., Forest Service policy 2813.14 states: “*The right of reasonable access for purposes of prospecting, locating, and mining is provided by statute. Such access must be in accordance with the rules and regulations of the Forest Service. However, the rules and regulations may not be applied so as to prevent lawful mineral activities or to cause undue hardship on bona fide prospectors and miners.*”

d. Suggested Remedies: Break out the SS Mine from the Swauk Mining POO Analysis from all additional group analyses and complete the remaining tasks for approving the SS POO separately, as a single entity, that stands on its own. This is to help mitigate the hardships already incurred and to avoid additional damages. Also, provide SS with a “fast track” high priority in order to complete the remaining POO study tasks and gain approval in the most expeditious way possible.

2. There is an error of fact in the Sanders section of Chapter 2, reference c.

a. Description of Proposed Action: Page 18 states that, “Activities include new construction of approximately 900 feet of bladed road...”

b. Issue: The SS POO request is for “approximately 100 feet of new construction bladed road”. The 900 feet description is nearly one order of magnitude higher than that requested. Reference the proposed SS POO, cited in Activities Requested by Claimants, Sanders section of Chapter 2, reference c. Reference d, paragraph 2 (specific).

c. Specific Violations of Law, Regulation and Policy: Mis-statement of facts of record, possibly due to typographical error. May have been introduced with new items by USFS or other agencies that are without a factual basis in regards to the sum total of activity documented in the SS POO proposal.

d. Suggested Remedy: Replace with, “Activities include new construction of approximately 100 feet of bladed road...”

3. There is an error of fact in the Sanders section of Chapter 2, reference c.
 - a. Description of Proposed Action: Page 17 states that, "Time and duration would be seasonally April 1 through October 31."
 - b. Issue: The SS POO request is officially documented as, "**Time:** The typical operating season is between April 15th and November 15th but may begin earlier or end later if weather conditions allow. The operator will conduct security inspections of the site year round." Reference the proposed SS POO, cited in Activities Requested by Claimants, Sanders section of Chapter 2.
 - c. Specific Violations of Law, Regulation and Policy: Mis-statement of facts of record, possibly due to typographical error. May have been introduced with new items by USFS or other agencies that are without a factual basis in regards to yearly period of use documented in the SS POO proposal.
 - d. Suggested Remedy: Replace with, "Time and duration for a typical operating season is between April 15th through November 15th, but may begin earlier or end later if weather conditions allow. The operator will conduct security inspections of the site year round."
4. There is an error of fact in the Sanders section of Chapter 2, reference c.
 - a. Description of Proposed Action: Page 17 states that, "...Additional disturbance is proposed **for a new access route within a riparian reserve** to a fourth exploratory tunnel..." This implies that there is a new disturbance being made for no other reason than to access Tunnel #4 for convenience and to do so by crossing through a riparian reserve.
 - b. Issue: The proposed SS POO item, which is being mandated specifically by the USFS, is for a new alternative access route to the entrance of (120+ year old) Tunnel #4 that avoids travel through the wetted regions of the mining site on the existing route, which currently requires the crossing of an un-named drainage at a location above the tunnel. The existing wet route to Tunnel #4 would be abandoned following construction of the new dry route that does not require crossing of the drainage. References a. through j. Reference d. (specific).
 - c. Specific Violations of Law, Regulation and Policy: Mis-statement of facts of record that are documented in the references. May have been introduced with new items by USFS or other agencies that are without a factual basis in regards to the geography or perhaps a lack of understanding of the mandate by USFS for a new dry access route to replace the existing wet route.
 - d. Suggested Remedy: Replace with, "... Additional disturbance is proposed **for a new access route proposed by the USFS to an existing exploratory tunnel in order to abandon the current route that crosses an un-named drainage....** "

Objections to the Swauk Mining Plans of Operation Analysis Project...

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Submitted by USPS mail and email. Please let us know that you have received this.

Sincerely,



Warren D. Sanders



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