

Jacqueline Buchanan, Regional Forester, Objection Reviewing Officer  
Pacific Northwest Region, USDA Forest Service  
Attn: 1570 Objections  
1220 SW 3rd Ave.  
Portland, OR 97204

August 26, 2-24

Re: Objection Powder River Mining FEIS-Barry Dean Struggler Lode

Dear Ms. Buchanan:

My Objection concerns new information about my claims and my proposed operation, which I was not able to comment on previously. My objection is filed pursuant to 36CFR Part 218. The 45-day objection period began July 17, 2024, so my objection is timely filed.

**Objection #1:** On page 4 of the DROD it states *"I have decided to authorize the approval of only the placer testing and exploration activities."* On page 5 the DROD states that approval of only placer testing is going to be authorized based on the Rosemont Decision.

**I object to this decision to only authorize approval of placer testing and exploration.**

**Details of this objection.** Rosemont was a proposed lode production operation. The Struggler is a lode, but the Struggler is an exploration proposal. The Rosemont case decided that *"discovery of valuable minerals is essential to the right to occupancy-temporary or permanent-beyond the occupancy necessary for exploration"*.

The Struggler operation occupancy is **not** *"beyond the occupancy needed for exploration"*. My operation is in the exploration phase.

My Plan of Operation states: "In 1973, when the Forest Service conducted a validity exam on the Struggler claim, the geologist report stated the following": *"The ore is of such a quality as to satisfy the test for discovery but the quantity necessary has not been adequately demonstrated (small veins 1"-about 15 inches) to engender a reasonable expectation that development will result in a paying mine. There is a reasonable chance, given the consideration to the risks inherent in mineral exploration, that additional exploration will prove necessary"*. Thus, my Plan also states, *"As the Forest Service suggested, I plan "additional exploration"*.

**Resolution of objection #1:** At the same time the ROD is finalized for placer exploration operations, also include my proposed lode exploration operations at the Struggler. Revise the ROD to include the Struggler exploration phase and include this activity in the Summary of Approved Activities under modified alternative 3. Kelfer Nace, geologist for the Forest Service told Jan Alexander in an e-mail dated 8-5-2024, "When we work through the plan authorizations, we'll work with Barry to ensure he is able to explore in the areas as he described in his plan". I am requesting that my exploration operation is included in the plans authorized for approval. The Rosemont Decision applied only to production, not exploration.

When I have completed exploration at the Struggler, and am ready for a production operation, I will inform the Forest Service and provide assays and other proof as required to prove a valid discovery.

Sincerely,

Barry Dean