

Eastern Oregon Mining Association
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September 18, 2025

U.S. Department of Agriculture, USDA Forest Service
2025 Preliminary Draft Proposed Land Management Plan for Malheur, Umatilla and Wallowa-Whitman National Forests
Forest Supervisors Office, 236 pp

Re: Comments on the Preliminary Draft Proposed Land Management Plan for Malheur, Umatilla and Wallowa-Whitman National Forests pertaining to **Minerals**

Dear Sir:

Enclosed are my comments on the Preliminary Draft Proposed Land Management Plan for Malheur, Umatilla and Wallowa-Whitman National Forests (Draft Plan) as they pertain to Minerals.

The National Minerals Policy Act requires all Federal agencies to facilitate the orderly development of mineral resources. EOMA has written Secretary Rollins of the fact that the Forest Service is not capable of fulfilling this mission. This Draft Plan is a good example of why minerals responsibilities should be transferred from the Forest Service to the Bureau of Land Management. I plan to let Secretary Rollins know how biased the Draft Plan is against minerals.

On page 24, the document states, "*By law, management activities on National Forest System lands must not produce substantial and permanent impairment to soil productivity. The 2012 Planning Rule emphasizes the need for soil productivity to sustain the productive capabilities of the land*". However, the Forest Service 2012 Planning Rule is not a law. It's a regulation established by the US Forest Service that outlines the procedures and required content for developing and revising land management plans for national forests and grasslands. This paragraph should read "*By regulations, management Activities....*"

The Draft Plan, which is meant to be a guiding document for the forests, also had to comply with the Plain Writing Act of 2010. The Draft Plan does not comply.

The Draft Plan is very confusing and hard to follow. The Plain Writing Act of 2010 requires all government documents to be clear and readable by the general public. This means writing in a

clear, concise, and well-organized manner, making information easily understandable and usable by the public. The Draft Plan fails to meet the intent of this law.

I am very interested in what the Forest Service is planning for the mining industry but I tried to read other sections also. I found it next to impossible.

I kept seeing hundreds of abbreviations, like FW-ERCDIS-DC and MA2B-RNA-DC and it goes on and on. I did try to read the part on page 64, under desired future conditions for Local Communities, but all I could see was things like I should refer to FW-WTR-DC, FW-AQ-DC, FW-TRI-DC, FW-REC, and MAIA-DWA DCs. These Plan Component Codes, or abbreviations, which continue throughout the document, may mean something to the Bureaucrat that wrote that section, but the general public, and even the on the ground Forest Service administrators, are looking for clear, concise directions.

When these abbreviations mean something that is important to the document, each should be written out in English. In addition, the reader should not have to thumb through the document to find out the meaning of each of these abbreviations. Furthermore, the document mentions the appendixes and how the reader needs to refer to these. If there is something important to the subject being discussed, that information should be presented and be written in plain English.

It is interesting, that the wild and scenic rivers section of the Draft Plan doesn't even refer the reader to Appendix G on pages 200-236, where most of the pertinent information is located. If I had not been paging through, I might have missed this section. This is where the details about the designation process are revealed. Appendix G information should be included in the wild and scenic rivers section of the Draft plan starting on page 94.

As to the wild and scenic rivers section, Pages 94-96 have completely incorrect information. The Draft Plan states that the wild and scenic river miles of stream are owned by the Blue Mountains National Forests. The Forest Service should be aware that they may own the Federal Building in Baker City, they do not own the National Forests or the waterways within the National Forests.

The NFMA does require Forests to revise their Land Use Plans every 15 years, but interesting enough, the law does not pertain to minerals. The Forest Service realized this when they wrote the 1990 Forest Plan. The 1990 Plan developed Desired Future Conditions, and Standards and Guidelines to reflect locatable, leasable and salable minerals production and occupancy. The 1990 Plan was easy to read and to understand. That Plan had all the information pertinent to a Plan component, in one place.

1990 Forest Plan Standards Goal

To provide for exploration, development, and production of a variety of minerals on the Forest in coordination with other resource objectives, environmental considerations and mining laws.

To encourage and assist, whenever possible, the continuation of regional geologic mapping and mineral resource studies on the Forest in cooperation with other natural resource agencies.

Standards and Guidelines

- (1) Permit claimants reasonable access to their claims as specified in United States Mining Laws.
- (2) Require operating plans, in accordance with 36 CFR 228 Subpart A, when operations are proposed which involve significant disturbance of the surface resources.
- (3) Operating plans will include reasonable and operationally feasible requirements to minimize adverse environmental impacts on surface resources.
- (4) Analyze operating plan proposals and alternatives, including alternatives for access, reclamation, and mitigation, using the Forest Service NEPA process.
- (5) Develop reclamation standards using an interdisciplinary process to ensure lands are in productive condition to the extent reasonable and operationally feasible. Reasonable opportunities to enhance other resources will be considered.
- (6) Concurrent reclamation will be stressed. Reclamation bonds will be based on actual reclamation costs and formulated using technical and other resource input.
- (7) Recommend areas with minerals potential for mineral withdrawal only when mitigation measures would not adequately protect other resource values which are of greater public benefit.
- (8) Common Minerals. Give priority to use of currently developed common mineral (natural gravel and hard rock) material sources over undeveloped sources. Exceptions will be made when existing sources are unable to economically supply the quality and quantity of material needed or when conflicts with other resource uses are found to be unacceptable

All of this was in one area in the 1990 Land Use Plan. In contrast, in the Draft Plan, the reader can read page 85 titled "*Minerals, Energy, Geology*" and find out just about nothing useful about management of minerals resources under the Draft Plan. It is confusing and unclear on page 85 when the Draft Plan states the Forest Service wants the miner to "*provide for the ecological integrity and diversity of surface resources including endangered species....*" The writers of the Draft Plan do not seem to realize that mining operations are surface disturbing, and providing for "*ecological integrity and diversity*" are not part of what they do. The reason for mining, is to produce the minerals our nation needs so badly. We are not just talking about precious metals, but also critical and strategic minerals.

The Draft Plan, has spread things around throughout the document, making it about impossible for the reader to understand everything about a Plan Component. The section of the Draft Plan titled *Miners, Energy, Geology* on page 85, only has a desired condition, and two standards and two guidelines. The Desired Condition has no business in the Minerals section of the Plan. Mining operations cannot *"provide for ecological integrity and diversity of surface resources including endangered species, species of conservation concern."* Mining must take place where the minerals are located, adverse effects must be mitigated, but the bottom line is, that mining operations are ground disturbing. The Desired Condition for minerals would be impossible to meet. In addition, 02 under Standards should be moved to the section on Special Uses. It has nothing to do with locatable, leasable or saleable minerals.

In addition, Standard 01 is not legal, as the Forest Service has no authority to approve a Notice of Intent. All the rest of the Standards and Guidelines for minerals activities are located in other sections of the Draft Plan. The reader must try to find out about these restrictions in other parts of the document. Forest Service employees trying to manage the minerals program will have the same problem.

On page 25, under 03 under the heading *"Soil"*, the Draft Plan states the goal is to minimize additional disturbance, *"existing disturbed areas should be utilized before creating new soil disturbing activities"*. Mining operations take place in many previously disturbed areas; however, minerals must be mined where they are located, and often this is in previously unmined ground.

On page 64, under Local Communities, there is no desired condition for locatable or saleable minerals. The Forest Service completely ignored the importance of the mineral resources for Local Communities. On page 85, under desired conditions, the 1990 Plan states that minerals *"contribute to the social and economic needs of local communities and the nation"*. This desired condition should be added to the discussion of local communities.

On page 65, under the heading *"Transportation"*, 01 does not mention mining when it comes to providing safe and efficient ...access". Also, If the transportation infrastructure is managed to *"avoid or mitigate undesired effect to ecological integrity"* where does that leave a miner whose only access road is near a *"sensitive"* area?

On page 52, the Forest Service wants sagebrush and bunchgrass habitat protected from management related activities, which I assume, would include mining operations. Many sagebrush and bunchgrass areas have mineral potential. Mining is a statutory right. Mining operations must minimize effects, but the activity cannot be prohibited.

In addition, the Desired Condition on page 66, 02 does not address reasonable access to mining claims. On page 86, where the document describes beneficial use of water, they have left out mining. On page 57, under 06, it would not be legal to "*buffer areas with high concentrations of metal ores unless activities benefit ecological integrity*". If these areas are proposed for mining, the Plan of Operation will minimize effects, the areas will be reclaimed after they are mined, but these mining operations will not be capable of "*benefitting ecological integrity*".

On page 86, the Forest Service surface mining regulations under 36CFR228 state that no Notice of Intent or Plan of Operation is needed for "*Operations which will be limited to the use of vehicles on existing public roads or roads used and maintained for National Forest System purposes*". This statement should be added to the standards and guidelines for *Minerals, Geology*. In addition, Notices of Intent are authorized, not approved. This sentence should be changed.

On page 95-96 of the Draft Plan, it talks about miles of stream that are "*owned*" by the Blue Mountains forests. The government does not own any land or waterways within the National Forest boundaries. This statement must be deleted from the Draft Plan.

On page 127, 4. is outside the Forest Service authority, where it states the Forest Service wants to maintain a viable population of species of concern. The Forest Service manages habitat, ODFW manages species. This statement must be changed.

The Draft Plan states that the 2012 Rules requires the Forest Service to see if there are any potential wilderness areas available for designation. All three Forest Supervisors agreed with the public that the three forests do not need more wilderness. Even so, new wilderness areas must be a part of the analysis, instead of the Forest Service simply rejecting the idea. Our Nation desperately needs our minerals resources. Currently, an incredible amount of mineral potential lies within the Monument Rock, North Fork John Day and Eagle Cap Wildernesses. These areas will never be released for mining. There needs to be no more wildernesses.

Just as we do not need more wilderness, so we do not need more Research Natural Areas. These areas will be designated "*in perpetuity*" and are for non-manipulative research and observation (see page 101). These areas are not required by the 2012 Rule, citizens do not want more wilderness, and that is exactly what these areas are. This section should be deleted from the Plan. If people want to sit and observe the forest, there are plenty of wildernesses where they can do this.

Because the 2012 Plan directs the Forest Service to take another look at designation of waterways under the Wild and Scenic Waterways Act, East Eagle Creek is being studied again

for a Forest Service recommendation to Congress to designate East Eagle Creek as a recreation waterway.

The Omnibus Oregon Wild and Scenic Rivers Act, which was signed into law on October 28, 1988, added nine streams within the Forest to the system. They were all or portions of the North Powder, North Fork John Day, Grande Ronde, Minam, Lostine, Joseph Creek, Innaha, South Fork Innaha, and Eagle Creek. These additions, plus the Snake River which was added to the system in 1975, account for ten wild and scenic rivers on the Forest - a total of 269 miles, which seems like plenty. East Eagle Creek was not recommended at that time.

The last time East Eagle Creek was studied, the Forest Service decided it would not recommend this waterway to be considered for designation under the Act. There is good reason for this. According to the Eagle Creek Watershed Analysis, East Eagle Creek goes subsurface in the summer before it reaches Eagle Creek, forming a fish barrier to fish movement during the summer and fall months. Hudson Creek, which is tributary to East Eagle Creek, also flows subsurface and does not support fish. Thus, neither waterway demonstrate "*free-flowing character*." On page 236 of the Draft Plan, it states that the study area may extend outside administrative boundaries. This is not true. Federal designated wild and scenic waterways do not affect private lands and there are many patented mining claims (private land parcels) along East Eagle Creek. There are also many mining claims along East Eagle Creek, where the ¼ mile buffer being proposed would affect operations on current claims, and would prohibit any new claims.

On page 213 of the Draft Plan, it states East Eagle Creek is suitable because of fish. This is not true, as stated above. The Forest Service has plenty of regulations in place to manage the mining claims and the recreation activities that take place along East Eagle Creek. The East Eagle Creek Road is a county road and the bridge belongs to the county. East Eagle Creek should not be considered for designation under the Wild and Scenic Rivers Act.

On page 110 the Draft Plan states that "*riparian management areas are designated for all permanently flowing streams, lakes wetlands, seeps, springs and intermittent streams*". The 2012 Planning Rule did not include ephemeral streams, which need no protection under the 2012 Rule guidance, since these are normally dry streams that only carry water during a storm event.

These so-called "*riparian*" buffers would make some sense if they actually had riparian vegetation. But our Eastern Oregon streams typically have narrow riparian vegetation along the waterways. A 300-foot buffer on the North Fork Burnt River usually puts you far up the hillside in the timber. Why not have hydrologists determine on a project by project basis, how far an activity should stay from the streams? For mining, buffer widths are determined by the hydrologist and these are usually 25-30 feet in width.

Within this riparian management section, there are mitigation measures for grazing, timber, transportation, recreation as well as for mining. The document is hardly clear, concise and well organized, when the reader must flit from one section to the next to understand what the Draft Plan is saying.

Changing the buffer on intermittent streams from 50' feet to 150 feet makes no sense at all. There are no riparian zones along most of these intermittent streams, and if there are riparian areas, they are very narrow. The current 50-foot buffer on intermittent streams, is more than sufficient, and this buffer should not be changed unless it is reduced in width. All the information on the height of site potential trees or outer edges of 100-year floodplain are useless and confusing to the reader. Just say, the buffer is 300 feet or 150 feet. The public can understand this, and then can comment because it is clear what the Draft Plan is saying.

PACFISH and INFISH were the amendments to the 1990 Forest Plan that set these arbitrary buffers. The good thing was, that these amendments exempted mining ponds and other facilities when there was no reasonable alternative for where they could be located.

As information, mining operations often rely on off-channel ponds as their water source. These must be close enough to the stream to tap into groundwater and provide 5,000 gallons of water a day for processing. Ponds that hold water all season, are beneficial to wildlife, cattle, and amphibians and also can be used for fighting fire. Mining operations must continue to be exempt from complying with these artificial buffers.

On page 112, the Draft Plan, under 04, states roads should not be within riparian Management Areas. These buffer areas are much larger than the actual riparian areas. Mining roads near streams should be rocked and waterbarred as needed, but they must not be prohibited.

On page 113, 02 states that mine waste with the potential to generate hazardous material shall not be stored within the riparian management area or in areas where groundwater contamination is likely. This mitigation should be moved to the Minerals section. On page 115, guideline 15 about where to construct settling ponds and roads should be moved to the Minerals section.

On page 116 there is a stubble height from 4 to 6 inches as a requirement "*along the greenline*". This requirement should be in the Range section, but is totally unrealistic for species like some forbs and perennial ryegrass that never grow that high even if they are not grazed. This section is also important for mining reclamation where cattle are grazed to determine if fencing is needed.

The 2012 Rule instructs Forests to designate which lands are "*suitable*" for which activities. For each Plan Component, there should be a statement as to which management areas are considered

suitable. For mining, it should clearly be stated that mining activity is suitable in all management areas, except for wilderness, and areas like Starkey, where valid existing rights (claims located before the wilderness) would dictate if mining would be suitable.

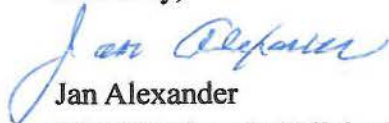
In addition, this rule directs the Forest Service to write Watershed Analysis which are internal documents and do not include public notification, comments or objections. The Draft Plan says this analysis should be "*complemented with local information*", like asking the public about road conditions. If I remember correctly, many of us did extensive work documenting the conditions of roads in 2016 and 2017 and the Forest Service ignored our input.

These watershed analysis documents rely on computer models to "*characterize a variety of road-related impacts to watersheds and aquatic resources*" see page 165. These documents, where the public has no input, are how the Forest Service will be able to close our roads. I suggest that these watershed assessments be coordinated with the counties, who in turn will lookout for the needs of the local communities.

It appears that the writers of this document didn't know the law, each of them appears to have focused on their own plan component area, and they forgot to coordinate with other writers, thus, resulting in information strewn throughout the Draft Plan. And, they forgot their requirement under the Plain Writing Act, to produce a document that was clear, concise and understandable to the public. If the public can understand what the Draft Plan is saying, they will be able to make comments on how the Draft Plan should be changed.

I suggest the Draft Plan be withdrawn, the writers of this document be retired, and a new group, without the bias against the public using the forest, and particularly against mining, be hired, and the Forest Service start all over again.

Sincerely,



Jan Alexander

EOMA Minerals Policies Director