

Umatilla National Forest Supervisor's Office
Atten: Blue Mountains Forest Plan Revision
72510 Coyote Road
Pendleton, OR 97801

Re: Comments on the Draft Blue Mountains Forest Plan

Dear Blue Mountain Forest Plan Forest Supervisors:

There are many parts of Alternative 2 that are much improved over the Draft Plan I commented on previously. Alternative 3, with more wilderness and less timber cutting is not at all acceptable. However, Alternative 2 of this this Plan still fails to meet the needs of the local communities that depend on the Forest for their livelihood. I am particularly concerned about the Range, Timber, Access and Mining parts of the Plan.

For starters, allotments remain without cattle, increasing fine fuels to the point that these areas are a huge wildfire risk. Camp Creek and Gimlet Creek where we mine, are vacant allotments. The Draft Plan talks a lot about using these vacant allotments whenever an area has burned and cannot be stocked. The fallacy here, is that when fences are not maintained for many years, they must be totally rebuilt, at a huge cost to the rancher. And after the fence is rebuilt, the rancher may not even use the allotment because he must go back to his former allotment, and probably build new fence there.

The Forest Service should bear the cost of rebuilding allotment fences. Using these vacant allotments is a benefit to Forest health, reduces the threat of wildfire, and makes use of the allotment economically feasible for the rancher. Either no range people were involved in writing the range section of this Plan, or their advice was ignored.

As for the timber section, all trees that are diseased should be removed, no matter what the size. And, in addition, using the flexibility that the Plan says it has built in, remove all larger trees if the on-the-ground forester determines this is the best management tool for the site. Delete all the legacy and old age stuff. Let the forester do his/her job.

We were told from the beginning that Travel Management would not be a part of this Plan. However, travel management is inserted throughout the Plan, as I have discussed below. Local communities depend upon the forest for access. We want nothing less than an open forest where access is not restricted. When the Plan says "*reasonable*" access will be allowed, or that only Forest System roads in the Atlas will be open, I see travel management.

As to the Minerals section, many of my previous comments have been added to the Plan. But certainly, not all of them. The Plan fails to mention in several sections, that miners have a statutory right to mine and to access.

One Standard, which according to page 107, is “*a mandatory constraint on project and activity decision making*” must be deleted. This Standard, states on page 180 01, that the mining laws require access for miners to be “*commensurate with the level of operations*”. The mining laws do not guarantee access based on the level of operations, but they do guarantee mining access as a statutory right. Remove “*commensurate with the level of operations*”.

If a Standard is binding, and the standard is not based on the law, it will be appealed. Even a Guideline will not work, since the mining law is a law of location and the Forest Service cannot change this. Federal Land Policy and Management Act grants miners reasonable access and uses reasonably incident to their mining operations. It does not grant access “*commensurate with the level of operations*”.

The Forest Service can try this clear travel management tactic again when a new Travel Management Plan comes out. For now, this must be dropped from the Draft Plan.

Standard 02 on page 180 is also a concern and must be dropped or modified. The new 228 regulations will include a bonded Notice of Intent. These are “authorized” but not “approved” as these do not require a NEPA document. In addition, miners under Pacfish and Infish could locate facilities (settling ponds) within the protection areas, because locating outside these boundaries was not practicable. This was because miners have a private property right in their minerals and a statutory right to access and develop their claims. The North Fork Burnt River Supplement EIS analyzed the effects of these facilities and mitigation measures were developed. Under the new Draft Plan, the Forest Service must recognize miners’ rights. Please add the Supplement to the North Fork Burnt River EIS to your list of References.

Also, recommending streams like East Eagle Creek as Wild and Scenic is incorrect. East Eagle is mineralized, was mined in the past, has many patented mining claims and also unpatented mining claims all along the 6.6 reach that is proposed as recreational. EO 14241, “*Immediate Measures to Increase American Mineral Production*”, was signed by President Trump on March 20, 2025, and this order invokes emergency powers under the Defense Production Act to fast-track domestic mining and processing permits, and open federal lands. The President is not in favor of closing Federal lands to mining. Go ahead with the portion in the wilderness, but delete the 6.6 mile section of stream and administer this area under the current regulations for mining and for recreation.

The following discussion includes some of my recommended changes for the Plan.

Page 6, Under Issue 1, add mining, to an important issue some of the commenters focused on. I commented, EOMA commented and a lot of the miners commented.

Page 7 Under Issue 3 Water Quality, this paragraph defines riparian management areas as areas of vegetation along waterways. Thus, if this is true, areas of bare soil or rock would not be included in a riparian management area. You may want to rewrite this definition. I suggest the Forest Service retain the current boundaries under Alternative 1.

Page 11, under Transportation Infrastructure, roads are not only needed for timber but also needed for access for prospecting, development and mining of valuable mineral deposits. Add that “*mining roads may also be constructed and maintained*”.

Page 13, under Rangeland, Forage and Livestock grazing, Remove the untrue statement that all alternatives would maintain similar levels of permitted grazing. Grazing levels under Alternative 1, though never implemented by the Forest Service, are must greater than those under alternatives 2 and 3.

Page 16, under Wild and Scenic Rivers, the DEIS clearly states minerals will be affected. Suitable waterways should not include mineralized area such as East Eagle Creek. There are many ways these waterways can be managed without locking them up into mini-wildernesses. Remove the sentence “*Therefore the effects of managing these rivers for outstanding remarkable values on active management objectives is minimized*”. This is completely untrue, the effects on mining are not minimal. As stated previously, President Trump is in favor of opening up Federal lands for mineral development, not closing them. Delete East Eagle Creek 6.6 mile stretch from designation under wild and scenic.

Page 18, the third paragraph under Jobs and Labor Income is confusing and should be rewritten.

Page 28, frequent fires do much more harm than good. Fires destroy the forest canopy and it will take 100 years for the forest to come back. Fires do not “*maintain diversity*”; instead they scorch thousands of acres every summer because of no management. As far as prescribed fire goes, please add that this burning will not take place when the woods are dry and the wind is blowing (i.e. fire season).

Page 37, the discussion under Elk needs to include what wolves have done to the herds on the National Forest.

Page 43 discusses wider buffers along waterways and mentions Wild and Scenic River buffers of ¼ mile. No new wild and scenic rivers are needed, and those such as the 6.6 section of East Eagle Creek have mining claims and extensive mineral potential. Alternative 1’s buffers are more than sufficient.

Page 44, under Water Quality, discusses reduced sediment “*from roads and trails*” as an outcome under Alternatives 2 and 3. To achieve this outcome, roads along streams would be closed or relocated if the “*best management practices*” decide that is the best thing to do. This is travel management, which we have been repeatedly told would not be a part of this Plan. Remove “*from roads and trails*” from this sentence.

Page 44, where is the science behind the statement that we will face “*projected declines in snowpack, earlier and higher winter runoff, reduced summer flows and higher water temperatures.....*”. The weather in northeast Oregon is not that predictable. Yes, this past winter was mild, but next winter could be completely different.

The idea that beaver analogs can do anything at all for a stream is ridiculous. The Powder Basin Watershed Council personnel assured me that the analogs would simply wash away in a couple of years unless a beaver happened to come by and rebuild it. Take out the analogs.

Page 49, the Forest needs NO MORE WILDERNESS OR RESERCH NATURAL AREAS.

Page 52, under Issue 4, Minerals, authorizing miners with claims in the area recommended for wilderness to work prior to congressional designation, “*would mean additional costs to the miners and public attention*”. Additional costs and subjecting the miner to angry publics would completely halt mineral exploration. Miners have a statutory right to mine their claims. There should be no additional requirements in a buffer area that the Forest Service wants to have designated as wilderness.

Page 58, I recommend removal of all Inventoried Roadless areas.

Page 62 has a discussion on how bad alternative 1 is. The 1990 Forest Plan is not the reason our forests are burning with catastrophic fires every summer. The reason is the mismanagement by the Forest Service. Dead and diseased trees, so many dead trees on the ground piled one on top of the other that an animal can’t walk through. It doesn’t matter what the Forest Plan says, even under Alternative 2 and 3, the Forest Service must commit to managing the Forest. They must learn how to stand up against the environmentalists, and not cave when what is being proposed is the right thing for the Forest.

Page 65 talks about Consultation with Tribes. The DEIS needs to add a section about Coordination with the Counties.

Page 66, there needs to be a definition of “*pertinent subject matter expert*”.

Page 74, add coordination with Baker County.

Page 87 and 88, remove the 6.6 portion of East Eagle Creek from the maps. As stated previously, this is a highly mineralized area, has patented mining claims along the 6.6 miles of the waterway out of the wilderness and should not be recommended for inclusion in the Wild and Scenic waterway designation. No problem with recommending the portion in the wilderness, since it is not open for locating mining claims.

Page 108, under the discussion about suitability, this paragraph needs to add that uses such as mining, with valid existing and statutory rights, will be authorized, even when other uses are not authorized.

Page 111, in the third paragraph, add the North Fork Burnt River to the gold rush areas.

Page 111, 4th paragraph, add critical and strategic minerals.

Page 116, under Rights and Interests, Coordination with State and local government. Coordination is the correct term, not consultation.

Page 121, an important Standard to add is 02 is “No prescribed burning during fire season”.

Page 133, under Standard, define “*timely manner*” or delete it from this Standard. How can “in a timely manner” be binding on the Forest Service?

Page 141 has a list of definitions of what old and large and legacy trees are, but fails to describe the sizes of each category of trees. The important point here, is that the 21-inch rule is gone, and trees which are over 21 inches can be removed during a timber sale. The trees that should always be removed, no matter what size they are, are the dying and diseased trees.

Page 158, under Management Approach, the National Forest must coordinate, got engage, with county and local governments.

Page 159, the road system is described as being comprised of National Forest System roads that are documented in the forest’s “*Transportation Atlas*”. Here we have travel management again. This must be changed. The road system must be described as being comprised of all forest roads in use by the public.

Page 159, under Desired Future Condition, under the list of things the roads are used for, add mining.

On page 160 under management approach, 01 needs to add mining.

Page 171 05 delete “*following disturbance events*”. If an area needs a salvage harvest because of insect and disease, this should be an option, not just after a fire.

Page 179, under Minerals, remove the word “*reasonable*” in the second paragraph. What is reasonable mining or exploration to one person isn’t reasonable to another. Instead, it must be remembered that the Forest Service does not determine what is reasonable in a proposed mining operation. If the determination is made that the ground disturbance will be significant, a Plan of Operation will be required, and during the analysis, mitigating measures are added to the plan.

Page 179-180. To the list of minerals, add critical and strategic minerals.

Page 180, delete 02 “*reasonable access for sustainable mineral development*”. All placer mining operations are temporary in nature, not necessarily sustainable. When the claim is mined out, reclamation is completed. The Federal Land Policy and Management Act grants miners reasonable access and uses reasonably incident to their mining operations. It does not address sustainable operations. Please change this desired condition to what is realistic.

Page 180 under Standards, as stated previously, delete “*commensurate with the level of operations*”. The mining laws do not guarantee access based on the level of operations.

Page 181, under Water Beneficial Uses in the first paragraph, add mining.

Page 189, delete East Eagle Creek 6.6 miles of recreation designation. East Eagle is highly mineralized, there are patented mining properties along the creek. This segment of the stream

outside the wilderness can be managed by the Forest Service without the wild and scenic designation.

Page 200, the riparian buffers are similar to Infish buffers, except for Category 4 waterways, Change this category to match the buffers in Alternative I, 50 feet on either side of the waterway.

Page 201, remove the sentence “*This includes what are sometimes referred to as ephemeral streams if they meet these two physical criteria*” If the waterway meets the criteria of an intermittent stream, it will be labeled “*intermittent*”.

Page 202, 04 there is a need to define “*minimal impacts*”, since many mine access roads are along waterways. Impacts can be minimized by rocking, using roads when dry or frozen etc, but these important mining roads may not meet this desired condition.

Page 203, Standard 02 must be removed. Standards are binding, and this one is vague and “mine waste” doesn’t even have a clear definition. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), states, “*mine waste*” does not have a single, standalone definition; instead, the law regulates leftover mining materials through its definitions of hazardous substances, pollutants or contaminants. DEQ defines mine process water and silt and sand materials as “pollutants”. Settling pond water must be disposed of by evaporation and seepage, and ponds are permitted under WPCF 600 permits. These permits are similar to sewage permits, even though mining settling ponds contain only natural materials and are important material to use as topsoil when reclaiming a site.

Page 203, 02 delete “*possible*” and insert where “*practicable*”. For mining operations in narrow valleys, it may be possible to get 100 feet away from the waterway, but to move the equipment up the sidehill or into the timber in order to fuel, would not be at all reasonable.

Page 204, 05 add to the last sentence, “*such as with a mining operation*”.

Page 204 06, add to the last sentence “*or mining operations*”.

Page 218 and page 219, no new wilderness, no new wild and scenic, and no new roadless areas. These areas should not be a part of the Blue Mountain Forest Plan.

Page 237, add critical and strategic minerals definition to the glossary.

Page 278 the last bullet needs to add “mining”.

Page 279, under Transportation Infrastructure add “provide access for mining”.

Page 281, the second bullet point needs a definition of “*in a timely manner*”.

Page 327 under Compatibility, add “mining” to the list of activities.

Page 330 under Step 1 for wild and scenic river eligibility, East Eagle Creek the Forest Service previously decided to include it as wild and scenic. However, Step One states, “*unless changed*”

circumstances warrant additional review”. I am of the opinion that EO 14241,” *Immediate Measures to Increase American Mineral Production*”, which invokes emergency powers under the Defense Production Act to fast-track domestic mining and processing permits, and open federal lands constitutes a “*change in circumstances*”. Delete the 6.6 miles of East Eagle Creek from being eligible as wild and scenic. The mineral potential is the outstanding feature of this stream reach.

Page 329, East Eagle Creek is an area that is highly mineralized, and has patented private properties and unpatented mining claims along it. East Eagle Creek must be removed from designation, so Alternative 1 is the preferred Alternative for this action.

Before deciding to recommend any area for wilderness, or roadless, or water ways as wild and scenic, the area must be surveyed by a professional geologist to ascertain the historic, current and potential geological values, along with analysis of all minerals, including strategic, and critical minerals. The report must include an evaluation of the economic impacts of the designation. This report would include geologic mapping, and analysis of samples from an accredited lab.

I appreciate the opportunity to make these comments. I am requesting that these changes be considered for inclusion in the final Blue Mountain Forest Plan.

Sincerely,

Jan Alexander

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