

May 28, 2014

To: Tina Lanier, District Ranger
Gold Beach Ranger District of the Rogue River-Siskiyou National Forest
c/o Holly Witt, Environmental Coordinator

From: Barbara Ullian, Coordinator, Friends of the Kalmiopsis
Ann Vileisis, President, Kalmiopsis Audubon Society.
Rich Nawa, Staff Ecologist, Klamath-Siskiyou Wildlands Center
Cameron LaFollette, Land Use Director, Oregon Coast Alliance
Eileen Cooper, Vice President, Friends of Del Norte
Gary Hughes, Executive Director, Environmental Protection Information Center

Re: Significant New Information Regarding Red Flat Nickel Corporation's Plan of
Operations/RF-38 Preliminary Decision Memo and Naturally Occurring Asbestos

Dear District Ranger:

On November 12, 2013, Friends of the Kalmiopsis submitted timely comments on the Preliminary Decision Memo for RF-38. In it we wrote:

Finally neither the RR-SNF or RFNC disclose the presence of chrysotile in the Red Flat area. Core drilling and trenching samples taken and analyzed by Pacific Nickel Corporation, likely in the 1950s or later, note that in addition to nickel, cobalt and chromite, the nickel laterites at Red Flat contain chrysotile or white asbestos.¹ Chrysotile is the most common form of naturally occurring asbestos and is included with other forms of asbestos, in being considered a human carcinogen.² The percentage of chrysotile was relatively high—3%. To put this in perspective, chromite was 1%.

A hearing before the House Natural Resources Committee on May 20, 2014 regarding H.R. 1776, the Clear Creek National Recreation Area in California, brought to our attention additional information about concerns over “natural occurring asbestos” (NOA)³

¹ <http://www.oregongeology.org/sub/milo/archive/MiningDistricts/CurryCounty/GoldBeachDistrict/RedFlatsPlacers/RedFlatsPlacersReports.pdf>

² <http://en.wikipedia.org/wiki/Chrysotile>

³ The hearing video is archived at - <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=37974>

Mr. Carl Rountree, the BLM's representative at the hearing, raised the issue of Environmental Protection Agency (EPA) studies specific to the Clear Creek Management Area (CCMA), the Serpentine Area of Critical Environmental Concern (ACEC), and the Atlas Mine Environmental Protection Agency (EPA) Superfund Site.⁴ For example, this notice is posted on the BLM's webpage for the Serpentine ACEC under the heading "Asbestos Alert" states:

The risk of exposure to airborne asbestos exists within the Serpentine ACEC year round. Visitors should take measures to reduce exposure to dust while in the area. Children are most at risk from exposure. Recommendations to reduce exposure include: avoid the area during dry or dusty conditions, avoid opening vehicle doors until visible dust has cleared, keep windows closed and ventilation on recirculate, wash vehicles before returning home, launder clothing separately, use HEPA vacuum to clean vehicle interior. Please think twice before bringing your child into the Serpentine ACEC.⁵

Mr. Rountree noted that the Serpentine ACEC and the CCMA are somewhat unique in the amount of NOA. However, no analysis of any kind appears to have been done for the Red Flat Area, except for Pacific Nickel Corporation's (PNC) mineral report.

Some claim that the chrysotile form of NOA, is not as much concern as the amphibole form. However, scientists have found that chrysotile asbestos is similar in potency to amphibole.⁶ Amphibole is the form of asbestos that has proven so deadly at Libby Montana.⁷ This Huffington Post article attributes about 400 deaths associated with the W. R. Grace vermiculite mine (amphibole asbestos) at Libby.⁸

The seemingly high percentage of chrysotile found in PNC's samples at Red Flat, the new information regarding the recently identified NOA in Nevada and the information on EPA's Atlas Mine Superfund web page raises serious concerns with the test drilling,

⁴ <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=379740>

⁵ http://www.blm.gov/ca/st/en/fo/hollister/recreation/clear_creek_recreation/serpentine_acec.html

⁶ <https://www.soils.org/publications/sssaj/pdfs/77/6/2192>

⁷ http://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=235092 and <http://www.epa.gov/superfund/accomp/success/libby.htm>

⁸ http://www.huffingtonpost.com/2011/05/04/libby-montana-asbestos-superfund_n_857713.html

associated road work and/or other disturbance in the Red Flat Area that's been proposed under Red Flat Nickel Corporation's Red Flat Mining Plan of Operation.

In addition, geologists from the University of Nevada (Las Vegas) have recently found NOA from Boulder City to the edge of Las Vegas.⁹ It is the first discovery of NOA in Southern Nevada. The findings were published in a peer reviewed journal. The type of NOA found in Southern Nevada was identified as actinolite. One geologist at UNLV said:

*The fibers are too tiny to be seen with the naked eye and so light that they can stay aloft indefinitely once they've been stirred up by the wind or the tires on a vehicle.*¹⁰

The presence of NOA in Southern Nevada was not previously suspected. The scientists who discovered were looking for another type of pollution.

With the PNC report this new information raises concern for potential risk to other users of the Rogue River-Siskiyou National Forest and Coos Bay BLM land and to residents living downstream and below the project area.

The National Environmental Policy Act (NEPA) requires the Forest Service to prepare a supplemental NEPA analysis when a "major federal action" remains to occur and the initial NEPA document does not adequately discuss "significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." 40 C.F.R. § 1502.9(c)(1)(ii); *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 374 (1989); *Or. Natural Res. Council Action v. United States Forest Serv.*, 2004 U.S. Dist. Lexis 59034, 24 (D. Or., Aug. 9, 2006); *Cascadia Wildlands v. United States Forest Serv.*, 937 F. Supp. 2d 1271 (D. Or. 2013).

The NEPA regulations also require the agency to consider ten factors in determining whether a federal action may have a significant impact, thus requiring an environmental impact statement. 40 C.F.R. § 1508.27(b). Among other factors, the agency must consider the degree to which the proposed action affects public health or safety, the effects of which are likely to be highly controversial or are highly uncertain or involve unique or unknown risks. *Id.* §§ 1508.27(b)(2), (4), (5). If the agency's action may be

⁹ <http://www.reviewjournal.com/news/geologists-discover-naturally-occurring-asbestos-fibers-southern-nevada/> . The peer reviewed study the article refers to can be downloaded at - <https://www.soils.org/publications/sssaj/pdfs/77/6/2192>

¹⁰ *Id.*

environmentally significant according to any one of the criteria, the agency must prepare an EIS. *Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1220 (9th Cir. 2008) (“an action may be “significant” if one of these factors is met”); *Ocean Advocates v. United States Army Corps of Eng'rs*, 361 F.3d 1108, 1124-1125 (9th Cir. 2004) (“We have held that one of these factors may be sufficient to require preparation of an EIS”); *Nat'l Parks & Conservation Ass'n v. Babbitt*, 241 F.3d 722, 731 (9th Cir. 2001). NEPA requires that environmental information be made available to public officials and citizens before decisions are made and before actions are taken. 40 C.F.R. § 1500.1(b). The information must be of high quality, and the Forest Service must insure the “scientific integrity of the discussions and analyses in environmental impact statements.” *Id.* § 1502.24.

The issue of NOA was not addressed in the RF-38 Preliminary Decision Memo. We believe given the potential human health concerns outlined in the EPA studies for the Atlas Mine Superfund Site, the Clear Creek Management Area, and the Serpentine ACEC, NEPA requires the Forest Service to publicly disclose and analyze the NOA issue. At the very least it means that the RF-38 Preliminary Decision Memo is seriously flawed and an environmental assessment is required to determine whether an environmental impact statement is warranted.

CC: Senator Ron Wyden
Senator Jeff Merkley
Representative Peter DeFazio
Curry County Board of Commissioners
Rob MacWhorter, Supervisor, Rogue River-Siskiyou National Forest