

# Congress of the United States

Washington, DC 20515

April 15, 1999

Mr. Mike Dombeck, Chief  
USDA - Forest Service  
14th and Independence Avenue, S.W.  
Washington, D.C. 20090

Dear Chief Dombeck:

We support and applaud your recommendation for segregation and withdrawal of the spectacular Rocky Mountain Front from mineral location and entry. You are also to be commended for your recommended withdrawal of the 74,380 San Francisco Peaks/Mount Eldon Area of the Coconino National Forest in November.

In light of these exciting efforts to protect natural resource values in other areas, we are disappointed with your failure to act on our May 20, 1998 written request for mineral withdrawal of a unique and important area in southwest Oregon. As you may remember, we asked that: (1) the area encompassed by the Rough and Ready Creek Botanical Area, Rough and Ready Creek Area of Critical Environmental Concern (ACEC), and the South Kalmiopsis Roadless Area be withdrawn from mineral entry; and that, (2) the mining claims included in the Nicore nickel-laterite strip mining proposal be subject to validity examinations.

You have informed us that the Siskiyou National Forest may, in the future, propose mineral withdrawal of the 1,500 acre Rough and Ready Botanical Area and the BLM may propose the withdrawal of the 1,100 acre ACEC. While we encourage those efforts, they are, in essence, piecemeal and will be of limited benefit. The South Kalmiopsis Roadless Area must also be withdrawn from mineral entry.

Three of Nicore's proposed mine sites, in the South Kalmiopsis Roadless Area, would remain open to mineral entry and not subject to validity examinations under the Forest Service's and BLM's current scenario for withdrawal. Additionally, if Nicore mines these three sites, there would be nothing to stop the development of the haul route through the Botanical Area and ACEC, including numerous crossings of Rough and Ready Creek and its tributaries.

The limited scope of the mineral withdrawals currently being considered by the Forest Service and BLM would also not protect significant botanical values outside the ACEC and the Botanical Area. Withdrawal of only the Botanical Area and ACEC would also not protect the values of Rough and Ready Creek's essentially roadless watershed and it would not protect many rare and sensitive plant and animal populations in the Botanical Area that would be affected by haul route development and use.

As stated in our prior letter, we are convinced that this outstanding natural area is inappropriately threatened by the proposed Nicore mining proposal. The Forest Service's recently completed supplemental draft environmental impact statement (SDEIS) for the mine upholds this

conviction. In addition to acknowledging the high non-mineral values of the area, the Nicore SDEIS demonstrates that the mining operation, and all alternatives to it, will not be profitable.

The economic analysis of the Nicore mining proposal in the SDEIS cites two reports which state that the Nicore "ore grades are at the extreme low end and the size of the ore body is far smaller than other similar ore bodies considered for commercial use." The analysis notes that there is no processing facility for the ore Nicore wants to mine and there's a predicted long term period of depressed nickel prices as large mines come on line.

Mineral withdrawal and the agency's commitment to conduct mining claim validity exams are the best hope of protecting this nationally important, botanically rich landscape. By the agency's own analysis, it is highly unlikely that Nicore's mining claims are valid and that a valuable mineral has been discovered. As you know, rights granted under the 1872 Mining Law hinge on the discovery of a valuable mineral that can be mined at a profit.

Therefore, we renew our request that the Forest Service recommend the withdrawal of the Rough and Ready Creek ACEC, Botanical Area and the South Kalmiopsis Roadless Area from mineral entry and initiate validity exams to determine if Nicore has a right to mine under the 1872 Mining Law.

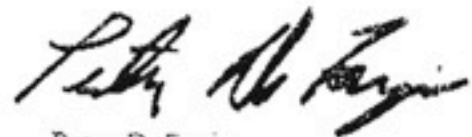
We also request that, at the same time, the Forest Service assess the need to withdraw other areas of high botanical, ecological and fisheries values in the Siskiyou National Forest at risk from marginal mining operations. This Forest provides refuge for nationally important wild salmon, steelhead and cutthroat trout populations. Its streams and rivers have exceptional water quality and recreational values. Five National Wild and Scenic Rivers flow through the Siskiyou along with six streams eligible for inclusion into the Wild and Scenic River system, including Rough and Ready Creek.

We look forward to hearing from you soon on the subject of our requests. Thank you for your attention to this important matter.



Ron Wyden  
United States Senator

Sincerely,



Peter DeFazio  
United States Representative