

April 20, 2010

Washington, D.C. -- Rep. Peter DeFazio (D-OR) and Senators Ron Wyden (D-OR) and Jeff Merkley (D-OR) this week sent a second letter to Secretary of the Interior Ken Salazar and Secretary of Agriculture Tom Vilsack calling on the Obama administration to take immediate action to protect three natural treasures in southwest Oregon from mining activity.

In the letter, DeFazio, Wyden and Merkley urged the administration to withdraw 19 miles of the Chetco River, the Rough and Ready Creek Watershed, and the Baldface Creek Watershed in the Siskiyou Wild Rivers area from mineral entry under the Mining Act of 1872. An administrative withdrawal would prohibit both new mining claims and continued mining on invalid claims- claims that have not been proven to be profitable.

More than 800 new mining claims have been filed in the Siskiyou Wild Rivers area under the Mining Act of 1872, a federal law that has gone largely unchanged in over 130 years and allows individuals to claim public land for as little as \$2.50 per acre. The recent ban on suction dredging on California's rivers will drive miners to the rivers, streams, and public lands of Oregon, which lack protections similar to California's. Hundreds of miners have already staked out – but not yet validated - claims along the Chetco River, Rough and Ready Creek, and Baldface Creek.

Increased mining activity in one of Oregon's most ecologically diverse areas has led to angry, and even violent, conflicts between miners and the general public. An Oregon man was recently shot and lost his arm after one such conflict; in another, a group of Oregon hikers who planned a trip on public lands were physically threatened and intimidated.

“Not only is mining in these areas ecologically damaging but, it is clear from recent conflicts that it poses a physical threat to the residents of the southwest Oregon. Given this potential danger, it is imperative that mining in this area stop for the immediate future until Congress can come up with a long-term solution,” DeFazio said.

“Laws written in 1872 aren't going to protect public lands in 2010,” Wyden said. “It is important

to Oregon and to the nation that Secretaries Salazar and Vilsack take a serious look at protecting these important areas while Congress acts to update a 130-year-old law.”

“The destruction of our waterways is an unacceptable price of mining Southern Oregon,” Merkley said. “The mining prohibition that Representative DeFazio, Senator Wyden, and I are requesting will protect the trout fishing areas, salmon runs, and watersheds that make this region such an amazing outdoor haven.”

This is the second letter DeFazio, Wyden, and Merkley have sent to the Obama administration. The first urged the administration to consider broader protection from mining activity in the Siskiyou Wild Rivers area. The administration responded to the first letter by vaguely reassuring the three elected officials the federal government could protect the area using “existing federal laws and regulations.”

The second letter urges the Obama administration to reconsider given the real and immediate threats mining activity poses to the natural resource values of the Chetco River, the Rough and Ready Creek Watershed, and the Baldface Creek Watershed. DeFazio, Wyden, and Merkley are calling for an administrative time out on mining activity in these three areas while Congress considers a long term strategy to protect Oregon’s treasures.

The full text of the letter is below:

The Honorable Ken Salazar The Honorable Tom Vilsack Secretary Secretary U.S.
Department of Interior U.S. Department of Agriculture

1849 C St., NW 1400 Independence Ave., SW

Washington, DC 20240 Washington, DC 20250

Dear Secretary Salazar and Secretary Vilsack:

We are writing to you for a second time to strongly urge you to use your authorities under the Federal Land Policy and Management Act to administratively withdraw three sensitive areas from mineral entry in southwest Oregon: approximately 19 miles of the Scenic and Recreational segments of the Chetco River, the Rough and Ready Creek Watershed, and the Baldface Creek Watershed.

On November 12, 2009, we wrote to you requesting your assistance in protecting these unique, biological diverse and threatened areas of southwest Oregon. At that time we impressed upon you the importance of the region and the immediate need to administratively withdraw these areas from mining activity under the Mining Law of 1872. We impressed upon you to reconsider reinstatement of the Clinton withdrawal for the Rogue-River Siskiyou National Forest and adjacent lands.

On March 01, 2010 – nearly four months after sending our joint letter - the USDA responded by stating these areas were already “adequately protected from the surface impacts of mining operations by enforcing existing Federal laws and regulations.” On March 18, 2010, BLM indicated that there was “little interest” in locating new mining claims in the Siskiyou Rivers area. We believe that, particularly in view of the President Obama’s new America’s Great Outdoors Initiative, your agencies are underestimating the critical and immediate threats to this area.

We have attached a number of recent editorials and news articles from Oregon press outlets to underscore our belief that these areas are not receiving adequate protection and the need for immediate administrative action remains. As you can see from the attached press clips, the protection of the Chetco River, the Rough and Ready Creek Watershed, and the Baldface Creek Watershed are broadly supported in our communities and state.

More than 800 new mining claims have been filed in southwest Oregon under the Mining Law of 1872 over the last decade. The recent ban on suction dredge mining in California combined with high prices for minerals has created a new gold rush in a corner of our home state, which happens to be one of the most ecologically diverse places in the United States. Immediate

administrative action is needed to protect these areas and to reduce user conflicts between miners and the general public before the mining season opens in a few months.

The Chetco River serves as pristine habitat for threatened fish species, like the Coho salmon, and provides an important water source for the cities of Brookings and Harbor on the Oregon coast. The Chetco River has also served as a significant economic driver for local communities given the river's extraordinary recreational opportunities such as fishing, hiking, and rafting.

An administrative withdrawal of approximately 19 miles of the Chetco River within the boundaries of the Rogue-Siskiyou National Forest is needed to give Congress time to act on the Forest Service's own recommendations documented in the agency's 1993 Management Plan for the National Wild and Scenic Chetco River. In addition to the Forest Service's recommendation to Congress, which would result in the withdrawal of two miles of the Chetco under the Wild and Scenic Rivers Act, the management plan also recommended the administrative withdrawal of the Scenic segment of the Chetco. Congressional designation of the Chetco River will take time; we need your assistance in preserving the resource values of the Chetco River through an administrative withdrawal until Congress can legislate a long-term solution.

The Rough and Ready Creek Watershed is one of the most botanically diverse areas on the West Coast and is eligible to be added to the National Wild and Scenic River System. The Forest Service has already contributed substantial resources to studying the area and has confirmed that the Rough and Ready Creek Watershed contains "incredible natural values" and mining in the area would result in "irreversible and significant" impacts.

The unique resource values of the Rough and Ready Creek Watershed are threatened by the prospect of a large nickel mining operation. This operation has been widely opposed by the local population due to its potential health and environmental impacts and cost to taxpayers. In 2003 through 2005, the Bureau of Land Management and Forest Service spent hundreds of thousands of taxpayer dollars to conduct a complex mineral exam of the 161 mining claims in the area. The claims were found not valid. Despite this great expense to the public, the area remains open to new mining claims – which could result in additional mining proposals and possibly set up another round of expensive and duplicative mineral exams and mining plan analysis at great cost to taxpayers.

The Baldface Creek Watershed is situated within the Forest Service's Recommended

Wilderness Addition to the Kalmiopsis Wilderness and is also eligible to be added to the National Wild and Scenic River System. The Baldface Creek Watershed is one of the most pristine and secluded areas in the state and is an important tributary of the Smith River. Large blocks of nickel laterite claims and the potential for new claims pose an immediate threat to this incredible roadless area and some of the best remaining freshwater steelhead habitat on the West Coast.

Given the unique and valuable resource values of these areas, the immediate and serious threat they face, and the overwhelming public support for action, we strongly urge you to reconsider administratively withdrawing from mineral entry approximately 19 miles of the Chetco River, the Rough and Ready Creek Watershed, and the Baldface Creek Watershed. An administrative withdrawal will give Congress the time it needs to provide the necessary long term protections these Oregon treasures need and deserve.

We look forward to your timely and meaningful response to this second letter.

Sincerely,

Peter DeFazio
Member of Congress

Ron Wyden
Senator

Jeff Merkley
Senator