



American Rivers
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July 13, 2015

Steve Kuennen
Acting Forest Supervisor
Mt. Baker Snoqualmie National Forest
2930 Wetmore Avenue, Suite 3A
Everett, Washington 98201

Dear Acting Supervisor Kuennen:

Thank you for reaching out to the conservation and recreation community about the Mt. Baker Snoqualmie National Forests' efforts to address ecological, legal and health and safety concerns with respect to hazardous mining waste at the Monte Cristo Mining Area.

We share those health and safety concerns as many of our members hike, hunt, fish, climb, horsepack, paddle and recreate in this and other areas of the Mt. Baker Snoqualmie National Forest. We understand that mining waste in the form of arsenic and other contaminants are leaking into ground and surface water systems in Glacier Creek and other sub-watersheds posing unacceptable risks to human health and the environment. We are also aware that the Forest Service is legally obligated to clean up the Monte Cristo Mining Area per an earlier court-ordered settlement agreement and has recently received an \$11 million judgment split between the Forest Service and the state Department of Ecology in the bankruptcy settlement of Asarco, one of the last mining companies to operate at Monte Cristo.

Unfortunately, mining on federal lands continues to leave a costly and dangerous legacy for current and future generations. Hardrock mining on federal lands is still governed by the antiquated 140-year old 1872 Mining Law, originally signed by President Ulysses S. Grant. As a result, mining is the only extractive industry to not pay royalties for removal of natural resources from public lands and has no hard requirements for cleanup and mitigation.

The fact that much of the Monte Cristo Mining Area is located within the Henry M. Jackson Wilderness and the headwaters of the Sauk Wild and Scenic River, requires additional attention. We understand that the agency has developed a Minimum Requirement Analysis to consider using helicopters to remove waste rock out of the Wilderness as provided under the Wilderness Act of 1964.

Our organizations are deeply committed to preserving the wilderness values and characteristics of the public lands the United States Congress has included in the National Wilderness Preservation System for current and future generations. We understand that future support for our nation's special places is largely reliant on a citizenry that is actively engaged in experiencing and enjoying these lands. Wilderness designation provides the highest level of protection for ecological and recreation values into the future and it is critical that current and future generations have the opportunity to experience wilderness first-hand to understand and support the continued protection of wilderness.

We hold high value for continued access to safe recreational experiences in designated Wilderness including the Monte Cristo area. As such, it is our collective opinion that the Monte Cristo Mining Area Cleanup is

consistent with the goals and intent of the Wilderness Act and a high priority for the health and safety of forest users and the preservation of clean water and important wildlife habitat.

We do not take lightly the invocation of the exception to the Wilderness Act that would allow the use of motorized equipment. The use of helicopter flights to haul contaminated rock out of the area to deal with the cleanup goals is acceptable in this instance. We regard the use of the agency's discretion under the Wilderness Act as something to be considered carefully on a case-by-case basis. As such, we urge a thorough application of the Minimum Requirement Analysis to determine that any motorized use is limited and necessary to achieve the goals of the project as stated in the Wilderness Act of 1964.

Additionally, we have concerns about how contaminated waste rock is going to be stored after the cleanup actions are complete. The original 2012 Removal Action Memorandum (RAM) focused on capping a significant amount of waste rock resulting from the cleanup elsewhere on Forest Service lands.

We were encouraged to see the recent changes made to the RAM earlier this year to excavate, containerize and transport all hazardous and dangerous characteristic material (an estimated 20 cubic yards) from the cleanup area to an off-site RCRA Subtitle C landfill appropriate for this material. This change increases the RAM's protectiveness.ⁱ Only non-hazardous or non-dangerous level mining-related waste rock, soils and debris would be placed in the on-site repository.ⁱⁱ

Finally, we represent a number of our members who hike on the Old Monte Cristo Townsite Trail. Our understanding is that trail access is intended to be restored after the cleanup actions conclude. However, it is unclear whether that same hiking experience will be sustained if the old trail is replaced with the temporary haul road. Consideration should be given to retaining the character and experience of this trail.

We hope that cleaning up targeted areas that are posing threats to headwaters streams and watersheds within the Monte Cristo Mine Area will protect the investment we all have made in protecting much of this remarkable resource on the Mt. Baker Snoqualmie National Forest through Wilderness and Wild and Scenic River designations over the past 50 years.

Thank you for the opportunity to share our comments on this project.

Sincerely,

Tom Uniack
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Washington Wild

Kitty Craig
Washington State Deputy Director
The Wilderness Society

Thomas O'Keefe
Pacific Northwest Stewardship Director
American Whitewater

Andrea Imler
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ⁱ Explanation of Significant Differences, Non-Time Critical Removal Action Monte Cristo Mining Area, MBSNF (April 2015), Pg 11

ⁱⁱ Explanation of Significant Differences, Non-Time Critical Removal Action Monte Cristo Mining Area, MBSNF (April 2015), Pg 7