

Notes
Southeast Oregon Resource Advisory Council Meeting
Tuesday, June 27, 2023

Attendance:

RAC members Kat Teufel, Ken Poole, Tim Davis, Mary Jo Hedrick, Stan Shepardson, Thomas Batty. Zoom: Michael O’Casey, Philip Milburn and Thomas O’Leary.

Agency representatives: Designated Federal Official Shane DeForest, Acting Vale District Manager; Lakeview District Manager Todd Forbes; Burns District Manager Jeff Rose.

Agency staff: Larisa Bogardus, Vale PAO/RAC coordinator; Vale District Malheur Field Manager Jonah Blustain; Malheur Field Office Geologist Daniel Pike; Vale P&EC Brent Grasty (Zoom). Lakeview Deputy District Manager Angela Bulla.

Public:

Jessica Keys, field representative for Sen. Jeff Merkley; Susie Koppert, Oregon Council of Rock and Mineral Clubs; Erick Robinson, Native Environment Solutions LLC; Sammy Castonguay, Friends of the Owyhee. Zoom: Mary Fleischmann, TJ Barbour, Malheur County Commissioner Jim Mendiola and Julie Weikel.

Minutes: Notes from the February 28-March 1, 2023, meeting were approved with one correction.

Designated Federal Official Report/District Updates

Lakeview District (attached): Lakeview continues to work on the district Resource Management Plan Amendment

A grassroots effort is working toward a Dark Sky designation for southeast Oregon, which Lake County and the Lakeview District support. Any required lighting on federal land would be downward-facing.

Vale District (attached):

Vale is struggling to fill a 30 to 40 percent staffing shortage. Key positions include a permanent District Manager, archaeologist and renewables specialist.

The National Historic Oregon Trail Interpretive Center will reopen Memorial Day weekend 2024. The center has signed a new partnership agreement with Crossroads Carnegie Arts Center in Baker City to manage fundraising, including gift shop operations.

A notice to proceed will likely be issued late this summer or fall to start construction of the 300-mile Boardman to Hemingway Transmission Line. Vale is the lead federal agency for the project, which also crosses Forest Service and private property.

Runoff from snowpack of 200 percent in some areas has damaged many roads. Staff are working to identify and mitigate affected areas before planning longer-term rehabilitation.

Malheur Field Office staff are working with grazing permittees to develop non-use agreements for Key Research Natural Areas (RNA) identified by the Sage-grouse Resource Management Plan Amendment.

The USDA Animal and Plant Health Inspection Service (APHIS) is treating areas of the Malheur Field Office for grasshopper and Mormon cricket infestations as a follow-up to treatments on private land last summer.

The district is making progress on the Oregon component of the Tri-State Fuel Breaks and Louse Canyon Geographic Management Area Environmental Impact Statements and will be presenting them to the RAC at a later time.

Burns District (attached):

The Palomino Butte Herd Management Area (HMA) Gather plan is out for public comment. In 2021, 250 horses were removed in an emergency gather due to drought and lack of forage. An additional 254 need to be removed to reach Appropriate Management Level (AML). There is also potential for a gather on the Stinkingwater HMA later this summer.

Recreational fees have been implemented at Chickahominy, Page Springs, Fish Lake, Jackman Park, and both South Steens campgrounds as recommended by the RAC in 2022.

Recreation at the Alvord Desert is above average, most recently 400 motorcyclists attended an event there. The district is installing an additional vault toilet and dumpster to meet the increased demand and is beginning to draft a recreational area management plan that is considering a new campground on the east side of the Steens with equestrian and family sites. Currently, the only access to the area is through the Wilderness.

Burns District has declared war on weeds, primarily whitetop and thistle. Plans are also underway to treat 20-25,000 acres for grasshoppers. Because of the higher elevation, the treatment season is somewhat later than in Malheur County.

Due to a significant rock slide near Indian Cayon in the Wilderness Area, the Steens Loop Road will not be opened all the way this year.

The district's vacancy rate is 22 of 60 positions. Engineering is a critical vacancy. Wranglers and archaeologists are needed as well.

The Alvord-Steens, Lakeview and Malheur field offices will share \$5 million to restore watershed landscapes within the Inflation Reduction Act-targeted Sage-grouse Focal Area.

Presentation (attached): Southeastern Oregon Resource Management Plan Amendment

Vale Planning and Environmental Coordinator Brent Grasty reported the final document was published June 16, kicking off a 30-day protest period and governor's office review. The range of alternatives considered protecting wilderness character on as many as 72 inventoried areas or

as few as none. The selected alternative, which the RAC helped to draft, protects 33 units. Selection criteria included hydrologic integrity, vegetative conditions and connectivity to existing Wilderness Study Areas.

The amendment also reduces open off-highway vehicle use to two sites near Vale, and limits use on 280,000 acres.

RAC member Mary Jo Hedrick asked if the protected areas are roadless areas. The original, 1991 RMP has some existing primitive routes in Wilderness Study Areas. These cannot be changed. There is no designated Wilderness in Malheur County. Constructed roads serve as boundaries for WSAs and inventoried areas with wilderness characteristics.

How will people know where they are allowed to travel? After the Record of Decision is signed, the district will release more information, including maps indicating these changes. The next step for MFO will be development of a travel management plan that further delineates limited and open OHV areas along with designated routes for all modes of travel.

A member of the public asked about staking mining claims. Can they go anywhere they want? Claims can be filed anywhere in areas that are open to locatable minerals. Can they stake with OHVs? The same modes of travel allowed for other uses are allowed for staking mining claims.

Presentation (attached): Mining Law 101

Malheur Field Office Geologist Daniel Pike explained the types and intensities of mining activity under the law, and how the permitting process set forth in 42 CFR 3809. Permits for locatable minerals cannot be denied, they can only be conditioned to prevent unnecessary or undue degradation (UUD), and a bond set for reclamation. A Plan of Operations is filed and reviewed for mining activities exceeding 5 acres or 1000 tons of material. Before it is permitted, it is reviewed in accordance with the regulations set for in the National Environmental Policy Act and 42 CFR 3809,

A member of the public asked how contaminated water is reclaimed. The permit would require retention and containment of runoff. What about water replenishment if groundwater is contaminated? A component of the permitting process is that the permit holder follows the Clean Water and Clean Air acts.

Are bonds used to reclaim other mine sites? No, the BLM has a separate abandoned mineland program for pre-1970 sites that includes water monitoring and reclamation.

What about mining on private property? That is regulated by the state. In Oregon, mining on private property is overseen by the Department of Geology and Mineral Industries (DOGAMI).

What about mining in a lek? Sage-grouse mitigations can't be enforced in relation to mining operations because they are not a listed threatened or endangered species.

If a Plan of Operations could affect a listed species or habitat, the BLM would coordinate with the US Fish and Wildlife Service as it moves through the permitting process to identify ways to

avoid, minimize or mitigate impacts. A proposal cannot be approved if the FWS determines the activity would jeopardize a threatened or endangered species or if it violates a state law protecting a species. In all cases, a site must be reclaimed for habitat.

What can be done if to mitigate impacts if they do not fall under unnecessary or undue degradation (UUD)?

Can a permit holder cause pollution if the PoO is approved? A permitted project cannot violate performance standards. If not, the bond will be used to reclaim the site.

If a mine is permitted and operations was to impact the Lahontan cutthroat trout is it monitored?

There is no time limit on monitoring once a PoO-area approved. If there is no chemical processing involved, a site is inspected twice a year. Chemical processing is inspected four times a year.

If sediments are found in a waterway, the permit holder would need to provide notification of effects. If UUD is found, the operation would be shut down immediately until the project is brought into compliance.

Presentation (attached): Tri-Corner Collaborative

Lakeview District Manager Todd Forbes said this is a grassroots effort to manage the area between wildlife refuges. Initiated by the Sage-grouse Local Implementation Team (LIT), the collaborative is an opportunity for interested parties can talk and share information. No solutions have been implemented yet, and the group is on hiatus for the summer. Work will resume in September. Participants include the BLM, non-government organizations, private landowners and others. It could potentially bring an issue before the RAC for feedback or a recommendation. As a group, the collaborative could organize and apply for grants or other funding with a focus on ecological projects.

Presentation (attached): Grassy Mountain Mine Project

Malheur Field Manager Jonah Blustain said the pre-planning for this project is complete. Calico Resources/Paramount Gold is the proponent for the project, which is located 22 miles south/southwest of Vale.

All mining will be underground, there is no open pit or strip mining proposed. Approximately 469 acres of surface disturbance is proposed on BLM lands, including road widening and an enclosed crush and leach processing facility, and an additional 19 acres on private land where the mining will take place. The BLM is coordinating with DOGAMI, which has state authority over the BLM component and complete authority over the private land component.

Pre-scoping comments show the public is very interested in potential impacts to habitat. There is no evidence of sage-grouse leks, rabbit or bat colonies.

The Burns Paiute Tribe has requested an ethnography of the site. When formal public scoping begins, the Tribes, public and RAC members will be notified. Additional site visits may be offered. It's important for all interested parties to comment and share local knowledge, cultural knowledge and community knowledge.

Will other northern Paiute groups be consulted? Yes, they will be notified and consulted. An ethnography would not be limited to one group.

A member of the public said all the mining projects in Nevada have been approved and asked if the BLM takes Tribal input seriously. Tribal members feel their voices are nothing. The government makes decisions and overrides opponents. Blustain said part of the process is listening to the public, addressing comments and considering input. The government is required to disclose the impacts of its decisions.

A member of the public said Thacker Pass project (in Nevada) drove a wedge between tribal nations. If one group is consulted, they all should be. All tribes will be notified and any formal request for government-to-government consultation will be honored. Reply: The plan can be modified to avoid, minimize or mitigate any impacts. It's important for interested groups to work with the BLM to identify potential impacts.

A member of the public expressed concern about pit lakes. There is no pit lake proposed for the Grassy Mountain project.

Presentation (attached): Lithium exploration in the McDermitt area

Malheur Field Office Geologist Daniel Pike said most of the commercially mined in the U.S. re located in Arizona or Nevada. A potentially large deposit of lithium has been identified in the McDermitt Caldera, which lies on the Nevada/Oregon border. A large part of the Oregon side of the caldera lies on BLM lands managed by the Vale District's Malheur Field Office.

Three companies are conducting exploratory drilling at the mining Notice level, which is limited to 5 acres of ground disturbance. Vale BLM is currently reviewing a proposed Plan of Operations from one operator, HiTech/Jindalee, to expand exploratory drilling to 267 bore holes across 7,200 acres. This work cannot begin until the proposal has undergone environmental review and is permitted.

A member of the public asked about helicopter drilling. HiTech CEO Lindsay Dudfield said it is basically impossible in the type of ground found in the caldera.

Tribal Council member Sheila Shelley Harjo expressed concern about accidents and Emergency Medical Services (EMS). The nearest hospital is more than an hour away. Reply: Mine Safety and Health Administration governs safety on mine sites and may require additional resources. Dudfield added cell service is poor in the area.

Presentation (attached): HiTech/Jindalee lithium exploration

RAC member Phil Milburn asked if the proposed Plan of Operations is still considered exploratory. Yes, the existing Notice operation would be rolled into the expansion and managed as one operation.

Dudley said exploration is data gathering and uses minimal water, primarily to cool equipment and reduce dust generated by equipment. Reclamation bonds have been posted with BLM and DOGAMI. Drill holes are plugged immediately, then a site is rehabilitated, including raking, contouring and seeding. The company hopes to complete a pre-feasibility study by the end of the year.

A member of the public asked about carbon emissions. What about sulfur and particulate matter? The pre-feasibility study will determine those. Malheur Field Manager Jonah Blustain emphasized the only activity being reviewed at this time is for exploration.

RAC member Mark Salvo asked the status of the environmental review. Public scoping is expected to begin in mid-July. After scoping is completed, the BLM and a contractor will use the comments to develop draft alternatives which would be offered for public review and comment. Those comments have the potential to change the analysis. The public will be notified when scoping begins and at each comment stage of the review.

Tribal Councilwoman Harjo said local residents get their information from the community newsletter and encouraged sharing information through it.

RAC member Mary Jo Hedrick asked how material would be mined. The pre-feasibility study would determine that, however, the current proposal is for exploration only.

Public Comment and Response:

Sammy Castonguay of Friends of the Owyhee asked if Paramount/Calico has applied for permits in other areas. They are doing some notice work subject to the 5-acre limit but have not submitted another Plan of Operations.

Are there other Notices permitted in the (McDermitt) caldera? Yes. What about other Plans of Operation? No.

Katie Fite of WildLands Defense said the caldera is unique and has very important biological values, particularly in light of the loss of sagebrush in the Great Basin. At one point the Sage-grouse management plan recommended withdrawal of mining activity from focal areas. Although it was later lifted, the area is still important. Mining fragments habitat, which impacts migratory songbirds as well as sage-grouse, and can't be mitigated.

Erick Robinson of Native Environment Solutions said the U.S. is entering an era of co-stewardship. The Jindalee project is an optimal opportunity to come together with the BLM and work with the Tribes to develop a plan. Ft. McDermitt Paiute Shoshone Tribe has submitted a proposal for co-stewardship of the caldera to the Department of Interior.

Mark Salvo of Oregon Natural Desert Association said his organization is concerned about mining activity in the caldera, including exploration. He urged the BLM to consider cumulative impacts during the review process.

Roundtable:

Mary Jo Hedrick asked about the status of appointments. Eight applications submitted in 2022 are being reviewed by the Washington office.

Vale District Manager Shane DeForest emphasized the RAC performs a critical function as a voice for broader stakeholder groups to the BLM and also sharing information and learning back to their constituencies.

The meeting adjourned at 4:40 p.m.