



File Code: 2800

Date: June 22, 2015

Harry Romberg  
Chair, Chapter National Forests Committee  
Sierra Club, Washington State Chapter  
180 Nickerson Street  
Seattle, WA 98103

Dear Mr. Romberg:

Thank you for your May, 2015 letter concerning the Explanation of Significant Differences for the Removal Action Memorandum describing the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) project underway at the Monte Cristo Mining Area (MCMA). Your italicized comments and my responses are included below.

*C1. The Sierra Club continues to have serious concerns about the proposed MCMA remediation project and offer these comments on the current project proposal. It has been approximately five years since the USFS released its EC/CA study. Now that we have a definitive design proposal to review, we remain convinced more than ever that this project will not only fail badly, but create a toxic mess that will haunt this area for generations to come. It would be by far in the public's and the environment's best interest to scale back this project to cap in place and not disturb or transport both dangerous and hazardous wastes.*

R. Noted. The Forest Service has been implementing the various phases of CERCLA for this site for over 10 years and the analytical data, human health risk assessments, legal action and engineering analyses have concluded that removing the hazardous materials present at the surface from various locations within the MCMA and consolidating and isolating those materials in a single, on-site engineered repository was the most protective of human health and the environments of all the evaluated alternatives (including cap-in-place).

*C2. We have previously criticized the fragmentation of old-growth forests, road construction in an inventoried roadless area, and degradation of critical habitat for Marbled Murrelets and spotted owls by the construction of a poorly conceived and designed access road into Monte Cristo. Restoration of the forests disturbed by this road must be part of the remediation process.*

The originally conceived and designed access road consisted of a Level 2 FS road and based on consultation with the US Fish and Wildlife Service construction of that road was anticipated to require cutting of 53 potential habitat trees. This Level 2 road was subsequently scaled down to a low-impact access route and was completed with the cutting of only 9 habitat trees. The steep, winding nature of the access route is due to decision to avoid cutting trees and to avoid cuts and fills thus minimizing the footprint of the route. Subsequent disposition of the access route after the CERCLA Removal Action will be a decision for the Forest.

*C3. We feel that the USFS has made a proper decision to reduce work within and adjacent to the Henry M. Jackson (HMJ) Wilderness area and in particular Glacier Creek. However we feel that the need to*



*even continue this project dubious at best; we believe that by disturbing hazardous materials that have been covered by a century of duff will release far more hazardous materials and dangerous heavy metal waste into the environment than doing nothing at all.*

R3. With the exception of a small area below the Concentrator, all areas where excavation will occur are non-vegetated waste rock piles and exposed to the visitors and the environment. A previous federal lawsuit by the Washington Environmental Council (WEC) claimed that the Forest Service was failing to initiate cleanup at the Monte Cristo area. This lawsuit was dismissed due to the Forest Service's ongoing CERCLA investigation. Due to this lawsuit "doing nothing at all" is precluded.

*C4. In your Explanation of Significant Differences, you state that both the Sidney Mine and Pride of Mountains mine do not warrant removal of waste rock due to the remoteness of the sites and the impact on the HMJ Wilderness. We believe that this logic also holds true for the Rainy Mine, New Discovery Mine, Mystery #3 Mine, Justice Mine and Ore Collector Sites. The USFS proposed remediation efforts in these areas will not only disturb and release hazardous materials directly to Glacier Creek, but will create and "attractive nuisance" that will draw hikers to these areas to see what is going on thus potentially exposing far more persons to hazardous materials than would ever have been exposed had the USFS done nothing at all.*

R4. Of the five sites you note above, only the New Discovery Mine is situated within the HMJ Wilderness. The 2012 RAM called for adit closure and drainage diversion at the New Discovery, however this work was dropped from the Removal Action as described in the 2015 Explanation of Significant Differences.

*C5. This will be especially true at the Ore Concentrator, Assay Shack, Comet Terminal Mine, and Ore Collector locations that are heavily visited by hikers. Clearcutting mature trees in these areas will not only expose hazardous mining wastes but the native soils with naturally occurring high levels of Arsenic, Chromium, Copper and other heavy metals that have been covered by several inches of duff deposited over the last 115-years to erosions, washing directly into Glacier Creek.*

R5. Noted.

*C6. The Sierra Club also continues to oppose the USFS's plan to dispose of thousands of cubic yards of the excavated hazardous and potentially dangerous mine materials immediately adjacent to the main hiking trail into Monte Cristo and immediately up gradient to the South Fork of the Sauk River with its population of endangered Bull Trout. Not only will the hazardous waste repository need to be maintained in perpetuity, it is totally inaccessible and un-maintainable in the winter months with the risk of failure and delivery of these hazardous materials directly to the Sauk. Furthermore, we feel that the revised HDPE liner design is wholly inadequate and will likely fail.*

R6. Bull Trout are listed under the Endangered Species Act as "Threatened" not "Endangered". While it is correct that the repository will require perpetual monitoring, this would also be true of the cap-in-place features that the Sierra Club has previously suggested. Construction of a single engineered repository in a low slope location with a liner and drainage features will be much more protective of human health and the environment than six (Pride of the Woods mine, Rainy mine, Ore Collector, Concentrator, Comet Terminal and Assay Shack) separate waste piles capped in place. I am not clear as to how you reached the conclusion that the repository liner will likely fail but I will forward your comment to Mr. Jay Williams, PE who designed the MCMA repository and will oversee its construction and closure.

*C7. Mr. William Lider has followed this project since its inception, and has written a comprehensive critique of the current project plans, which is appended to this letter. Mr.Lider is a professional civil engineer licensed in the State of Washington as well as a Certified Erosion and Sediment Control Lead (CESCL). Mr. Lider has extensive experience designing MTCA and CERCLA remediation projects and has had 40-hour HAZWOPER training. We urge you to consider and respond to the valid criticisms and compelling recommendations in his report.*

R7. I am unaware of any experience that Mr. Lider has concerning the design and implementation of CERCLA removal actions but would be very interested in obtaining more information on this point. I have drafted a separate response to Mr. Lider's submittal and am attaching to this letter for your reference.

*C8. Given the very high potential for increased harm to environment and the public as a result of this project, the Sierra Club respectfully requests that Mr.Lider be permitted access to the construction site on at least a monthly basis to independently observe and document the work and report back to the Sierra Club and other interested parties.*

R8. I provided a site tour to Mr. Lider on 2 June 2015 along with Ms. Kathy Johnson who was representing the Pilchuck Audubon Society. Mr. Lider video/audio-taped the visit but did not give me the courtesy of requesting my permission nor noting that he was taping the visit. In the future I respectfully request that any representatives of the Sierra Club notify me if the site visits are being recorded.

Thank you again for your letter and the Sierra Club's interest in this project.

Sincerely,

//SIGNED//

JOSEPH GIBBENS, PE, CECSL  
CERCLA On-Scene Coordinator

Cc: Mr. William Lider, Lider Engineering  
Steve Kuennen, Forest Supervisor, MBS National Forest  
Peter Forbes, District Ranger, Darrington Ranger District, MBS National Forest  
Tracy O'Toole, Public Affairs Officer, MBS National Forest  
Julie Creed, Regional Environmental Engineer

