



File Code: 2810

Date: May 7, 2012

Delores Pigsley
Tribal Chair
Confederated Tribes of Siletz
PO BOX 549
Siletz, OR 97380

Dear Ms. Pigsley,

The US Forest Service is proposing to clean up and stabilize the Ruth and Morning Star Mines. These mines are located in the North Santiam Mining District, within the Opal Creek Scenic Recreation Area on the Willamette National Forest, Detroit Ranger District.

The Ruth and Morning Star Mines were worked primarily for their lead and zinc ore until the late 1980's and are now inactive. This project proposes mine site reclamation under CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) of 1980.

The Ruth and Morning Star mines are located off Forest Road 2209 on the south side of Battle Ax Creek in Section 27 of Township 8 South, Range 5 East of the Willamette Meridian in Marion County, Oregon. The mines are approximately 2 miles east-northeast of Jaw Bone Flats, a privately held historic mining camp. The public has vehicle access to both the Opal Creek Scenic Recreation Area and Opal Creek Wilderness Area from the west via Forest Road 2209 up to a locked gate just west of Gold Creek. Beyond the gate, foot, bicycle, or horse travel is allowed. The locked gate is approximately five miles west of the Ruth and Morning Star mines.

This project will be named the “**Opal Creek – Ruth & Morning Star Mines – Mine Site Restoration Project**”. The actions being considered are conducted under the site clean-up law called the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (commonly referred to as CERCLA), and include:

- Stabilizing the waste rock piles from potential erosion and reducing the risk of the rock waste piles entering into Battle Ax Creek.
- Ruth Mine level 4 - moving the waste rock pile, re-grading and protecting the slope by placing large rocks at the toe of the slope and the cut bank in Ruth creek, upstream from the adit.
- Ruth Mine level 5 - monitoring the water quality of the water leaving the adit and flowing into Battle Ax Creek. The access road to level 5 will be blocked to vehicles by placing large boulders at the intersection of FS road 2209 to prevent unpermitted removal of hazardous material from the adit.
- Morning Star adit - moving and stabilizing the waste rock pile and stabilizing the slope and channel banks. We would move lumber and wood debris along the channel bottom to stabilize the slope and reduce the risk of the rock waste material entering Blue Jay Creek.



- Rock excavated from the site that is larger than 16 inches in diameter will be stockpiled and placed along the margins of the creek's channel banks to stabilize the channel and help reduce the rate of erosion.

The U.S. Forest Service's unique relationship with American Indian tribal governments is set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. The Confederated Tribes of Siletz Indians of Oregon, is a federally recognized tribe and is a sovereign government representing the Tribe's cultural heritage both within the boundaries of the Confederated Tribes of Siletz Indians of Oregon Indian reservation and within the Tribe's aboriginal use areas. The cultural and natural resources and customary use locations on Federal lands of the Willamette National Forest are invaluable resources critical to the preservation of the Tribe's cultural heritage and pursuit of traditional life ways for present and future generations.

The Memorandum of Understanding (MOU) of 2003 entered into between the Confederated Tribes of Siletz Indians of Oregon and the Forest Service provides the mutually beneficial process for the Tribe and the Forest Service to jointly identify, communicate and coordinate actions of common concern relating to management of National Forest lands and resources.

We would like to request the Confederated Tribes of Siletz Indians of Oregon comments on the proposed Buck Tule project relative to any concerns the Confederated Tribes of Siletz Indians of Oregon may have regarding potential impacts to Traditional Cultural Properties (TCP) or any other matter the Confederated Tribes of Siletz Indians of Oregon may wish to comment upon concerning this project. Your input is a vital part of our planning process and our ability to protect sites and preserve traditional cultural areas. Your prompt attention to this issue is greatly appreciated. The pre-scoping phase of the project is scheduled to conclude in June 2012. Comments are appreciated whenever we receive them, however, for input to be timely, it's most helpful if comments are received by this date.

Attached for your convenience is some additional information of the project and general location map. If you are interested in this project and would like more information or wish to schedule a field trip to the project area, please contact the Detroit District Ranger.

Please address your comments to Grady McMahan (Detroit District Ranger). I may be reached at the Detroit Ranger District, HC 73 Box 320, Mill City, OR, 97360, (503) 854-4200. The archeologist for this project is Cara Kelly. She can be reached at (503)854-4215. Thank you for your time and interest.

Sincerely,

/s/ Grady A. McMahan
GRADY A. MCMAHAN
Detroit District Ranger

cc: Mike Kennedy Natural Resource Director
Robert Kentta Cultural Resource Director
Mei L Lantz