

Backcountry Designations

Teck Washington, Inc., Pend Oreille Operations

Objectors disagree with the designation of the eastern half of Section 9, T40N, R43E, and all of sections 28 and 33, T40N, R43E as Backcountry. These areas have existing mining claims and private mineral rights that would require roads for development. The backcountry designations would prohibit temporary or permanent road construction greatly impacting mineral exploration and development.

Response:

The areas designated backcountry are open for mineral entry and suitable for locatable minerals development (revised LMP, Table 19, pp. 102).

Relevant direction in the Colville NF Proposed Land Management Plan that pertains to locatable minerals in the Backcountry Management Area (MA) includes the following:

Standards:

MA-STD-BC-01. Motor Vehicle Use (page 100)

Motor vehicle use is prohibited. The following vehicles and uses are **exempt** from the motor vehicle use prohibition:

- Motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations

This standard states motor vehicle use is specifically allowed with a written authorization issued under Federal law or regulation, which includes mining related activities.

The 1897 Organic Act authorized the Secretary of Interior (now, the Secretary of Agriculture) to manage the forest reserves and their use by the public. At 16 U.S.C. 479, the Act states, “Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: Provided, That such persons comply with the rules and regulations covering such forest reservations..” On National Forest System lands open to entry and mining claim location under the 1872 Mining Law, the 1897 Organic Act affirms the public’s right to enter, search for, and develop mineral resources.

Appendix E – Suitable Uses by Management Area (revised LMP, page 208) indicates that locatable minerals are suitable in Backcountry Management Areas unless the area is withdrawn from mineral entry.

Conclusions:

Locatable minerals activities are considered a suitable use that may be authorized in the Backcountry Management Area. The 1872 Mining Law and the Organic Act allow for access to minerals on public lands open to mineral entry. Mineral operators are entitled to reasonable access to these lands including, where reasonable and necessary, roaded entry. Forest Service control of such activities is limited to minimizing surface impacts and is accomplished via an environmental analysis of individual proposals (36 CFR 228 Subpart A).”

Suggested Remedies: Do not designate the eastern half of Section 9, T40N, R43E, and all of sections 28 and 33, T40N, R43E as Backcountry. These areas have existing mining claims and private mineral rights that would require roads for development.

Possible Instructions (if any):

Include clarifying language, particularly related to mining activities, in the ROD.