

Buckhorn Bulletin – Fall 2007

Ecology Issues Permits

As expected, Ecology rubber stamped almost all the permits necessary for Crown/Kinross to mine. OHA is appealing each permit as they are issued. The company has been constructing a mine on Buckhorn under a stormwater construction general permit issued September 2006 that in OHA's view of things circumvented due process. Crown/Kinross aggressive development may come back to bite them when OHA's appeals are upheld by the hearings board.

Tailings Expansion: 8/24/07

Waste Discharge: 9/27/07

Water Quality Certification: 10/9/07

Water Rights: 10/19-25/07, two pending

The Water Rights Shell Game

The dewatering of Buckhorn Mountain would be the most damaging aspects of the proposed mine. Ecology proposes allowing Kinross to bleed all the water to extract the heart of gold. In order to mine, people and fish and wildlife would be deprived of clean water. In some creeks clean water would be replaced with treated water that is supposed to meet minimum standards. In other creeks no replacement is planned. Mine shafts would change the way water flows from Buckhorn Mountain affecting people dependent on that water. It would take 15-40 years to refill the aquifer inside Buckhorn Mountain. During that time the creeks, springs and seeps critical for healthy fish and wildlife would be deprived of water.

Degradation NOT in Public Interest

Water Quality Certification: On October 9th the Washington Department of Ecology issued a permit under section 401 of the federal Clean Water Act that it has reasonable assurance that water quality resulting from Crown Resources/Kinross mine proposal will meet standards. Part of their analysis as required by Washington State's new standards called "Tier II" examines if the degradation of water quality is in the necessary and in the public interest. This mine proposal seeks to remove gold from the same gold that was targeted by Crown Resources, along with its partner Battle Mountain Gold Company, for an open pit mine in the "Crown Jewel Project (CJP)." The proposed CJP was abandoned after the Pollution Control Hearings Board's (PCHB) January 2000 decision reversing the Ecology's approval of water rights and vacated Ecology's issuance of a Section 401 water quality certification. OHA will appeal this mine proposal as well. Ecology has failed to answer many of the same basic questions that caused the PCHB to reject the open pit proposal. Ecology has not provided reasonable assurance that the high quality of water on Buckhorn Mountain will be protected. Ecology has not done an adequate Tier II analysis. Ecology accepted the mining proponent's Tier II analysis that completely failed to include any information on how the mine would harm the public. Regarding the public interest it only economic benefits and testimonials from people who would benefit. The analysis completely failed to weigh the impacts vs benefits in any kind of objective examination that considers people and wildlife that use the water around Buckhorn Mountain. Other problems with the 401 include the unrealistic prediction that construction damage to Marias Creek Rd would be revegetated in a year or two. Currently they say cut-banks are 28% vegetated which produces

3 tons of sediment per year and they assume revegetation would be 45%, otherwise sediment could increase to 10 ton per year depending on the weather. Sediments in Marias Creek from ore hauling in the current plan is unacceptable. The Adaptive Management Plan is inadequate to deal with problems that are likely to develop. It is basically: Self-monitoring, self regulation, self enforcement. If something happens, someone will do something, sometime....maybe The reporting and response requirement as detailed in the Monitoring Plan are inadequate to insure water quality will be protected

Environmental Protection - Ecology Style: The company will monitor and take appropriate action if necessary. Monitoring data would be recorded in annual reports. If monitoring data shows that threshold maximums are being approached and in the companies opinion may be exceeded, the company will tell Ecology and they will develop a plan for how to deal with the situation. This is called adaptive management, unfortunately by the time a plan is developed pollution problems are underway.

Marias Creek Road Threatened by Mine

On September 4, 2007, Federal Court Judge Robert Whaley was not inclined to hear OHA's arguments for a preliminary injunction at a hearing in Spokane. He complained that the case ruined his Labor Day weekend. He asked attorney Roger Flynn, Western Mining Action Project if he ruled against us on our main issue how we would stand. Needless to say he denied OHA's motion. We will consider appeal options after we receive the final ruling. The Marias Creek Rd proposed to be 24 foot wide road plus shoulders (of which nearly a mile would be within 50' of the creek), would accommodate more than 100 30 ton ore trucks per day. The FS decision also approved the discharge of water from dewatering Buckhorn Mountain enabling Kinross Gold Company to mine deep into the aquifer. OHA contends that; the FS used the wrong law to approve the proposal, failed to choose the least damaging alternative, and that the decision violates INFISH and its own Forest Plan, among other issues.

Waste Discharge Appeal

National Pollutant Discharge Elimination System (NPDES): Waste Discharge Permit OHA's appeal of the NPDES Permit alleges it would result in and allow the violation of water quality standards in the vicinity of Buckhorn Mountain. Basically, Ecology's permit fails to characterize capture and treat pollution from the proposed mine.

Appeal Issues

- The NPDES permit is based on an incorrect prediction of the level and timing of acid creation and contaminated drainage.
- The treatment system proposed is not state-of-the-art and would not effectively treat waste prior to discharge.
- The NPDES fails to adequately consider the leaching of metals from development rock and ore stockpiles.
- The NPDES fails to adequately consider impacts of fluctuating groundwater levels when predicting contamination concentrations.
- The NPDES fails to adequately consider effects of elevated levels of chromium from backfill on water quality and treatment.
- The NPDES fails to consider the effects of discharge of treated mine effluent on surface and groundwater.

- The definition of potentially acid generating rock is inadequate and not conservative and effects mitigation measures.
- The assumption that backfill will prevent acid generation is unfounded. The NPDES fails to account for, monitor and treat ground and surface discharges in the Myers Creek drainage.
- The NPDES incorrectly assumes that there will be no unregulated discharges
- The NPDES incorrectly assumes that contaminated groundwater will be detected and captured prior to treatment and discharge. This is based on a flawed and inadequate model and characterization of the geohydrology.
- The NPDES fails to adequately model groundwater and relies on a steady state model.
- The numerical model relied on as a basis for evaluating impacts to surface and groundwater is unreliable and inaccurate. Estimates of the amount and rate of mine water requiring treatment and discharge vary significantly and are likely underestimated.
- The NPDES fails to provide establish and require quality assurance and quality control of sampling reporting There are numerous problems with specific effluent limits and testing methods.
- The NPDES fails to regulate maximum or minimum discharges despite mitigation requirements.
- The NPDES fails to regulate temperature of discharge.

A New Sound

The early morning sun is penetrating my window, but it is not the sun that woke me up. Instead there is a new annoyance in my life. Over the last couple of weeks it has managed to overcome my resistance to acknowledge it. The quiet fall air is rattled by the rumble of Jake Brakes. I remember the first time I heard them. I run out of the house to see if an airplane was crashing on my property. Instead of a fireball falling from the sky I saw a big truck coming down the grade on its way to Buckhorn Mountain. The construction of the mine is in full swing while the Department of Ecology is still dealing with Water Right Applications and Water Quality Certification and asking the public for comments. I sat down and read hundreds of report pages to write my letters. Every time I hear the Jake Brakes, and that is many times a day, in my mind I write yet another comment. I want to say to the corporate officers of Crown Resources/Kinross and the government project evaluators that the noise is not a small thing. It has an aggravating effect. When I'm on the phone I have to stop my conversation, in the morning it wakes me up and when I'm working it interrupts my creative flow, because it triggers anger; anger about 17 years of having to defend what is dear to us. We live here not because of riches to be made, but because of the quiet, clean and beautiful environment. We have voiced our opposition to the Gold Mine Project and stated our arguments. Now we are feeling the first real time impact. No Crown Resources/Kinross report or study talked about Jake Brakes. It makes me wonder what other "too small to mention things" we haven't been told yet.

What Are Jake Brakes?

The Jake Brake or Jacobs Brake is a particular brand of engine brake manufactured and sold by Jacobs Vehicle Systems, Inc. While the term Jake Brake technically only describes Jake Brake engine brakes, it has become a genericized trademark and is often used to refer to engine brakes or compression release engine brakes in general, especially on large vehicles or heavy equipment. An engine brake is a braking system used primarily on semi-trucks or large vehicles that modifies engine valve operation to use engine compression to slow the vehicle. They are also known as compression release engine brakes. The driver controls consist of an on/off switch and, sometimes, a multi-position switch that controls the number of cylinders on which the brake is active. When the compression release brake is turned on, it will activate

when the driver releases the accelerator. There are also switches on the clutch and accelerator pedals that will deactivate the compression brake when the clutch is disengaged or the accelerator is pressed. Compression release engine brakes may make loud chattering or machine gun noise while being used. At night or early morning the low frequencies seem to carry a long distance and are very noticeable. This has led many communities to ban them. Because it extends the life of wheel brakes and saves money, trucking companies generally lobby against the bans.

Buckhorn Mountain Project Lacks Adequate Mitigation

Ecology justifies permit approvals for Kinross's proposed mine on the assumption that enough mitigation is provided to offset the impacts.

The Kinross/Crown Mitigation Plan & What It's For

- Kinross is offering to keep the cows out of the water on their own property at the Pine Chee wetland where Bartroff Rd meets the Beaver Canyon Rd. Keeping the cows out is supposed to compensate for the groundwater drawdown at seeps and springs in the headwater of Bolster Ethel and Gold Creeks due to mine dewatering.
- Livestock exclusion and some restoration on Kinross's overgrazed property on Myers Creek near Canadian border. Kinross would relinquish stock water right. Long-term change in the groundwater flow away from Myers Creek.
- Up to 12 acres of the Leslie Ranch would not be irrigated during mining plus three years. Dewatering Buckhorn Mountain
- Ten Acres of alfalfa would be taken out of production after mining is over. Long-term reduced stream-flow in Myers Creek. (Note: cows would be moved to an upstream tributary)
- Four wildlife guzzlers in headwaters of Myers Creek tributaries. Long-term reduction in headwaters seeps and springs
- Discharge treated mine water Augment Nicholson and Maris Creek depletion. None for Bolster, Gold and Ethel Creeks Culvert Replacements Impacts to fish from water depletion and sedimentation.
- Plant 500 trees and shrubs on Marias creek--The sham is that this planting is on property that has not been grazed and is already full vegetated.

"The ARMP focuses on preservation and limited enhancement of off-site resources, not on actual compensation for or replacement of lost resources.... Many of the resources proposed are already in existence, and are already protected by existing laws. Since these sites already provide some valuable function to aquatic resources, the additional protection of these resources as proposed in the ARMP provides no real compensation for the impacts from mining operations." -PCHB statement regarding BMG's mitigation for the proposed Crown Jewel Mine, January 2000 (ARMP is the Aquatic Resources Mitigation Plan)

Living on Buckhorn

In 1980 I moved to Buckhorn and there I settled. I had moved many times before as my father was a marine, and once I grew up I moved many times again, living in the US and in other countries. I went to college and saw the world. I finally arrived in Chesaw the spring that St. Helens blew her top. I had found my home. I arrived pretty much broke. Luckily there was a lot of work and I bucked bales, picked up rocks

off of fields, fenced, picked apples and planted trees. Later, I started a business and taught Sociology at WVCN in Omak. People were friendly, and you could make it here if you worked. Lots of people felt the same and many came and many moved away again. I built our home in a valley of woods and meadows and creeks. Our water comes from the Bolster drainage on the northwest side of Buckhorn Mt. Here I have raised children and grown crops. This is my 28th season with a commercial garlic crop. I have also worked on developing cold hardy plant varieties: tomatoes, peppers and apples that thrive in these highlands where the last two years there have been August frosts. I have hiked up Buckhorn many times. I could climb to the top without crossing a road. I would just follow one of the forks of Bolster creek to the top or follow various ridges. The mountain is beautiful, with fir and tamarack forests, meadows of flowers and grasses, wildlife living on the bounty, pristine vistas and, of course, rivers and creeks, lakes and ponds of the most precious gift of life-giving water. Then I started hearing of a gold mine coming; a strip mine and one that used a cyanide leach process to extract the gold from the ore. I refused to believe it at first but it was true. From all I could understand, it was going to be a huge mess. I could not understand how our county leaders could fall for it. They seemed very short-sighted: killing the goose that laid the golden egg. That mine was defeated twice. After the first defeat, the then Senator from Washington through some beltway shenanigans got the mine a reprieve but finally the strip mine was totally defeated, hopefully to never rise again. During our opposition to the strip mine we were told that a shaft mine was not feasible and was too expensive but this did not prove to be the case. A new mine proposal arose from the ruins of the old mine attempts. The gold mine companies have very deep pockets and were willing to invest a lot to get this gold. I had hoped (wishful thinking) that maybe that this mine would not be too destructive for the people and animals that live in the area. The last thing that I wanted to do was to get involved in fighting against a powerful and wealthy mining corporation again. I talked to friends and neighbors and realized that there was a lot of opposition to the proposed mine. I came to understand that it was not going to be a low impact operation. I also realized that the powers that be really wanted this mine. I believe that you can create a vibrant rural economy with small scale enterprises. Many small farms and businesses can create a strong, healthy economy in the highlands and not one based on temporary industries that come and go and leave our economy weakened and our landscape devastated. Larger industrial enterprises can be done here, but must come on our terms. One of those terms should be the protection of our water. The big issue of the 21st century is how we will use and conserve our water resources. Any community that is smart should be protecting their water at all costs. This proposed mine is a careless way to use our water. It is a foolish enterprise. Sometimes even real gold is fools gold. There are a lot of reasons to oppose this mine but protecting our water is No.1. Pure water really is more precious than gold.

From the Pits

OHA and many concerned people locally and around Washington State have, at almost every opportunity, submitted comments in hopes that Ecology would take to heart their mission to protect, preserve and enhance the air, land and water for the benefit of current and future generations and deny permits for this destructive mine proposal. Ecology has ignored, dismissed or looked for ways around concerns rather than address their substance. At this point OHA has no confidence that Ecology has or will seriously consider public comments. Every indication leads to the conclusion that Ecology's decisions were made a long time ago. Ecology made the incredibly irresponsible management decision to issue a general construction permit more than a year before permit have been issued for water rights and quality. This has resulted in the shameful destruction taking place on Buckhorn Mountain. This manipulation of the

process leads OHA to believe that responsible individuals at Ecology including Director Jay Manning have abandoned their responsibility to the public trust. OHA has appealed the permits that have been issued. As soon as the water rights and water quality permits are issued we will appeal them too. We have assembled an excellent team of technical and legal experts. When we get our day in court we expect these permits to be pivotal. The bulldozers, traffic, blasting and lights shatter the peace and beauty of the Okanogan Highlands, please help us raise the funds needed to challenge this clear assault. Our issues are good but we need the financial resources to bring the experts before the court, with justice we will prevail.