



Forest Service

Pacific Southwest Region

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**File Code:** 1570

**Date:** May 4, 2023

**Route To:**

**Subject:** Objection Response – Discovery Day Mine Project (Klamath National Forest)

**To:** George Sexton, Conservation Director Klamath-Siskiyou Wildlands Center

Dear Mr. Sexton:

The legal notice of the objection period for the Discovery Day Mine Project on the Klamath National Forest was published on December 14, 2022. Your objection letter, submitted on behalf of Klamath-Siskiyou Wildlands Center, Klamath Forest Alliance, and Environmental Protection Information Center (EPIC) was the only objection received. Your objection expressed concerns regarding compliance with the forest plan, existing conditions at the site, potential for significant impacts due to toxic tailings, water rights, status of the access road, and reclamation bond. This is my written response to your objection.

I met with you, Deputy Forest Supervisor, Kris Sexton, and Klamath National Forest staff on March 17, 2023. Your objection highlighted some key concerns associated with arsenic in the tailings, water rights, and the existing condition of the site which we agree are critical to understand before this project can move forward. After reviewing the proposed Plan of Operations, Draft Decision Notice/Finding of No Significant Impact, Environmental Assessment, and associated project record, I have carefully considered how to proceed.

By copy of this letter, I am instructing the Responsible Official to withdraw the draft decision and conduct additional National Environmental Policy Act (NEPA) analysis, public notice and comment, and a new objection period to address the deficiencies found in the project record. This includes requiring the proponent to update the Plan of Operations to include specific actions that would effectively address the unacceptable levels of arsenic and disclose the impacts of these actions in the environmental analysis to meet responsibilities under the Clean Water Act.

The Responsible Official must also determine whether the proponent's proposed diversion and use of water from a tributary of Granite Gulch requires an appropriative water right from the California State Water Resources Control Board, or whether, at a minimum, the proponent must file a Statement of Diversion and Use of riparian water rights. Additionally, we recognize the mine site is in a state of disrepair, and the forest will continue to work with the proponent to bring the infrastructure back up to standard as described in the December 5, 2022, letter.



Thank you for your continued interest in the management of National Forest System lands. If you have any questions, please contact Jennifer Marsolais, Regional Administrative Review Coordinator at [jennifer.marsolais@usda.gov](mailto:jennifer.marsolais@usda.gov).

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Signed by: Department of Agriculture

KARA L. CHADWICK  
Deputy Regional Forester

cc: Rachel Smith, Kristen Sexton, Natalie Kelly, Danika Carlson, Bradley Barrett, Alan Olson, Jennifer Marsolais