

Congress of the United States

Washington, DC 20510

November 14, 2017

The Honorable Sonny Perdue
Secretary of Agriculture
1400 Independence Avenue SW Room 200A
Washington DC 20250

The Honorable Ryan K. Zinke
Secretary of Interior
1849 C Street NW
Mail Stop 7329 40
Washington DC 20240

Dear Secretaries Perdue and Zinke:

We are writing in response to Representative Rob Bishop's recent letter requesting a comprehensive and expedited review of all mineral withdrawals executed in the past eight years. The letter uses a recent withdrawal in Southwestern Oregon as an example for why the review is needed.

Regarding the Southwestern Oregon Mineral Withdrawal, the letter is filled with factual errors and flawed assumptions. We also note that recent news reports indicate that your staff attended meetings that referred to prohibition on mining claims as arbitrary and senseless. We want to make very clear that the Southwestern Oregon Mineral Withdrawal is not one that you should consider arbitrary or senseless. In fact, the mineral withdrawal was carefully considered and is the product of an extensive public process.

We want to provide you with information to set the record straight. Contrary to the letter's characterization of the Southwestern Oregon Mineral Withdrawal as "illegal," suggesting that Federal Lands Policy Management Act (FLPMA) disallows withdrawals over 5,000 acres, FLPMA expressly authorizes mineral withdrawals greater than 5,000 acres. Representative Bishop's letter cites FLPMA, Section 1714 (d)(3), which applies to withdrawals under 5,000 acres. The Southwestern Oregon Withdrawal, which contains over 100,000 acres, is permitted under Section 1714(c).^[1]

Under FLPMA, the term "withdrawal" is defined as: "... withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws, for the

^[1] <https://www.law.cornell.edu/uscode/text/43/1714>

purpose of limiting activities under those laws in order to maintain other public values in the area” We believe that the purpose of the withdrawal in question— “to protect the Southwestern Oregon watersheds from possible adverse effects of mineral development”—adheres to that clearly defined purpose.

The Southwestern Oregon Mineral Withdrawal that Representative Bishop’s letter questions encompasses two areas located at the headwaters of several cherished National Wild and Scenic Rivers, including the North Fork Smith that flows ultimately through Redwood National Park. These lands and rivers have nationally significant public value that would be put at risk by mining development in this high-precipitation region. Commercial and sport fishing-based tourism are economic drivers for many Oregon and Northern California communities and the recreation-based businesses in the area are strong supporters of the withdrawal. These rivers also provide exceptionally clean drinking water for tens of thousands of citizens in both Oregon and California.

The letter also suggests that there was no withdrawal legislation being considered when the administration issued the Public Land Order. The Southwestern Oregon Mineral Withdrawal went into effect at the start of the 115th Congress, but the effective date of the Public Land Order for the Southwestern Oregon Mineral Withdrawal was Dec. 30, 2016, before the end of the 114th Congress. The withdrawal was tied to the Southwestern Oregon Watershed and Salmon Protection Act of 2015 (H.R. 682/S. 346), introduced on Feb. 3, 2015. We reintroduced the Southwestern Oregon Watershed and Salmon Protection Act in the 115th Congress as H.R. 310 in the U.S. House of Representatives on Jan. 5, 2017, and as S. 192 in the U.S. Senate, on Jan. 23, 2017.

Representative Bishop argues that the minerals in the withdrawal area are “significant” and “critical for national security” however, according to the United States Geological Survey (USGS), the minerals highlighted in the letter are not in restricted supply and are not projected to be in restricted supply. The Bureau of Land Management “Mineral Potential Report for Lands Included in the Southwestern Oregon Watershed and Salmon Protection Act of 2015” did not find the area to hold “significant” minerals. The agency’s examiners found that the development potential of minerals in the withdrawal area was “low.”

Lastly, the letter implies that the mineral withdrawal was a top-down, last-minute action of the Obama administration. We have worked with our constituents and the federal land management agencies for over a decade to provide the needed interim protection for the headwaters of the nationally outstanding rivers in this remote and spectacular corner of Oregon and California, known as “America’s Wild Rivers Coast.” The Southwestern Oregon Mineral Withdrawal was the culmination of a rigorous public process officiated by the United States Forest Service and Bureau of Land Management, which included well-attended public meetings in three rural communities and extensive public comment periods that produced over 45,000 comments of public support from local city councils, tribal leaders, county commissions, business leaders, and other community organizations. Our staffs attended every public meeting, met with Oregonians (from a diverse set of stakeholder groups?) and reviewed the public comments.

Any suggestion that the Southwestern Oregon Mineral Withdrawal is without merit is a disservice to the extensive investment of time and resources involved. We strongly urge you not to act on this request and to preserve the integrity of what has clearly been a legitimate and open public process to conserve natural resources of national significance.

Sincerely,



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator



Peter DeFazio
Member of Congress