



July 30, 2019

Jamie Kingsbury, Supervisor  
 Mount Baker Snoqualmie National Forest  
 2930 Wetmore Avenue, Suite 3a  
 Everett, Washington 98201

RE: Monte Cristo Area Management and closure of the temporary CERCLA track

Dear Supervisor Kingsbury,

The undersigned conservation, recreation and wildlife organizations are writing to express our concern for the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) track through the Glacier Peak B Inventoried Roadless Area (IRA). The Monte Cristo town site presents a unique juxtaposition of an historic mining site in a wilderness setting. We seek assurances the Mount Baker Snoqualmie National Forest will abide by its agreement to permanently close and decommission the temporary CERCLA track which was allowed to remove hazardous waste safely from the old mine site.

We appreciate that the Forest Service is legally obligated to clean up the Monte Cristo Mining Area per an earlier court-ordered settlement agreement and has received an \$11 million judgment split between the Forest Service and the state Department of Ecology in the bankruptcy settlement of ASARCO, one of the last mining companies to operate at Monte Cristo. We understand that mining waste in the form of arsenic and other contaminants has leaked into ground and surface water systems in Glacier Creek and other sub-watersheds posing unacceptable risks to human health and the environment, necessitating the clean up that required temporary road access. As many of our members hike, hunt, fish, climb, horseback, paddle, observe wildlife and recreate in this and other areas of the Mount Baker Snoqualmie National Forest, we appreciate the efforts to deal with this issue.

Following relocation of the hazardous mining waste to the Repository in 2015, there is a five-year period of monitoring for leakage into ground water from the Repository. To facilitate this required monitoring the CERCLA track has been kept open. In 2016, after completion of the heavy earth moving construction when control of the Monte Cristo area was returned to the Darrington Ranger District, we were surprised to learn that members of the public were being allowed motor vehicle

access to the CERCLA track. This was presented as a “good neighbor” policy by the Forest Service allowing “reasonable” access to property in-holders and members of the Monte Cristo Preservation Association (MCPA). This is in clear violation of the terms of the Removal Action Memorandum (RAM) of September 28, 2012.

It has recently come to our attention that the Monte Cristo Preservation Association (MCPA) has continued to use the temporary CERCLA access track to haul in construction materials, timbers, reinforcing steel (rebar) and concrete, to build a new interpretive center at the town site. This is a blatant expansion of the scope of the “good neighbor” policy of allowing property in holders’ access for necessary maintenance that was articulated by the Mount Baker Snoqualmie (MBS) National Forest leadership at the April 18, 2017 meeting with The North Cascades Conservation Council.

We are writing again to stress our strong opposition to the use that is occurring on the CERCLA track to the Monte Cristo town site. We are jointly asking the Forest Service to honor the commitments that were made to limit use of the track to property maintenance while USFS initiates the NEPA process for decision-making about the management of the Monte Cristo Area and ultimate disposal of the track.

Our organizations are concerned with protection of the Inventoried Roadless Area (IRA) where the CERCLA track is located. Part of our evaluation is following and understanding how much and who is using the track. While we have no records of public use in 2016, our FOIA request for 2017 Gate Key request yielded 40 requests out of a total of 58 trips or 70% public use. Information we received in response to our February 8, 2019, FOIA request for the Gate Key Access loans yielded a total of 43 requests by the public. When one long-term loan for the campground host covering 12 weekends is included this brings the public use of the track to 55 of 68 times or 80% of the usage. We find this an excessive use by the public in violation of the clear prohibition in the RAM.

With completion of the CERCLA clean up it is appropriate to evaluate management of the area. To that end the Mount Baker Snoqualmie National Forest held meetings on January 27, and February 5, 2018, to solicit the public’s input on the scope of the NEPA evaluation of the future management of the Monte Cristo Area.

In the past year we have heard nothing further about the future management of the Monte Cristo Area. What plans does MBS have for developing those management plans? We note that a Monte Cristo Area Planning Project EA is listed on the Schedule of Proposed Actions (SOPA) to start on January 1, 2020. That appears to be too late for effective implementation after completion of monitoring. We believe a plan for Monte Cristo Area management should be in place at that time.

It is our organizations’ strong belief that upon completion of the required monitoring of the CERCLA Repository next year, 2020, the CERCLA track through the IRA should be decommissioned and obliterated. Should the Forest Service fail to comply with the legally imposed requirements of the RAM and the Roadless Rule as stated in 36 CFR Part 294.12(b)(2), we will have to consider further action.

Sincerely,

Philip Fenner, President  
North Cascades Conservation Council

Donna Osseward, President  
Olympic Park Associates

Tom Uniack, Executive Director  
Washington Wild

Annie Cubberly  
President, Polly Dyer Cascadia Chapter  
Great Old Broads for Wilderness

Cindy Easterson  
Board President  
Pilchuck Audubon Society (Snohomish)

Megan Birzell  
Washington State Director  
The Wilderness Society

Marlies Wierenga  
Pacific NW Conservation Manager  
WildEarth Guardians

Mark Boyar  
President  
MidFORC Coalition

cc: U.S. Senator Patty Murray  
U.S. Senator Maria Cantwell  
U.S. Representative Suzan DelBene  
Greta Smith, District Ranger, Darrington

Brad Throssell, State Chair  
Washington Council of Trout Unlimited

Harry Romberg  
Co-Chair, National Forest Committee  
Washington Chapter of the Sierra Club

Katherine Hollis  
Advocacy and Conservation Director  
The Mountaineers

Taylor Luneau  
Policy Manager  
The American Alpine Club

Dave Werntz  
Science and Conservation Director  
Conservation Northwest