

**Halstead Kate**

*JB thought you should know this has been taken care of*

~~Angie~~ + ~~Don~~

**From:** Beaulieu John  
**To:** Halstead Kate  
**Subject:** FW: letter for Gov.  
**Date:** Monday, April 20, 1998 1:08PM

*File - Gov's Convoy  
lcc - Gary L.  
Tom W.*

can you prepare this of Gov signature

**From:** Beaulieu John  
**To:** Karel Angie  
**Cc:** Hull Don; Lynch Gary W  
**Subject:** letter for Gov.  
**Date:** Thursday, April 16, 1998 2:37PM

Regarding Nicore the Gov office apparently routed a letter for us to deal with.

Gary indicates that your instructions were to prepare it for the governor to sign.

I have cleaned up the letter from the standpoint of grammar, but can go no further without Gov letterhead, if he is to sign it, etc.

In a separate e-mail Gary provides some of the reference numbers for this request.

there is no date on the letter yet.

I thought we were to write letters for the Governor over our own signature at our discretion. If that were the case I could handle this, but I guess instructions have changed once again.

<<File Attachment: 17MISCN\_.doc>>

JOHN A. KITZHABER  
GOVERNOR



Div 33

April 23, 1998

Margaret E. Boyd  
88 Greenway Drive  
Medford OR 97504

Dear Ms. Boyd:

Thank you for your letter of February 23 expressing concern about a proposed nickel mine in Josephine County. Although the bulk of the proposal is in the Siskiyou National Forest, the proposal outlined by you would still need to go through extensive environmental permitting and, depending on the actual proposal, land use authorization from Josephine County.

Presently no applications for the numerous state permits required for a major mining operation have been filed with the appropriate state regulatory agencies. The permits are required before operations start. The Department of Geology and Mineral Industries, and other agencies, have been following the developments but until the agencies receive applications for their permits, it is difficult to discuss specifics.

The Oregon agencies have a good history of working with the Forest Service, the mining company, and the public to insure that all aspects of a proposal receive an adequate comprehensive review while avoiding needless duplication of effort. In this case, Nicore has chosen to start the permitting process by working only with the Forest Service. I have listed below the primary agencies that would be involved in permitting any mine in Josephine County.

**Department of Geology and Mineral Industries (DOGAMI)** – An Exploration Permit is required before any significant road building or drilling for exploration is started. A bond would be required to ensure that the roads are reclaimed and the drill holes properly abandoned.

Prior to start-up of metal mine, an operating permit is required from DOGAMI. Extensive environmental baseline information must be collected and analyzed before this permit is issued. A bond is required to ensure that reclamation is completed upon completion of mining.

**Department of Environmental Quality (DEQ)** – Mining operations would not be authorized to start until Nicore has received the appropriate storm water, process water, and air contamination discharge permits.

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**Water Resources Department (WRD)** – Water rights must be obtained for all water used in the mining and processing facilities.

**The Department of Fish and Wildlife** and the **Department of Agriculture** will be involved with issues related to threatened and endangered species.

Your letter mentions that a smelter may be part of the proposal. That facility could not be located on Forest Service land if it were not included as part of the Environmental Impact Statement and Plan of Operations approved by the Forest Service. If the facility were located on private land in Josephine County, the proposal would need the appropriate land use authorization from the County. Any land use changes would be made only after public hearings were held.

The other issue that you address is patenting of the mining claims. Patenting of mining claims, as you stated, is done under the 1872 Mining Law. This is a federal law over which Oregon has no control. I can tell you that presently the U.S. Department of Interior has placed a moratorium on all patent applications. No work is presently being done on the patent application for the Nicore mining claims.

Sincerely,

John A. Kitzhaber, M.D.