DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT

Shamrock – Honeycomb Calcite Mining Proposal

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Duchesne/Roosevelt Ranger District
Ashley National Forest

Duchesne County, Utah

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USDA Forest Service
Roosevelt/Duchesne Ranger District, Ashley National Forest
Duchesne County, Utah

I. INTRODUCTION

Shamrock Mining Associates (Shamrock) submitted a proposal to expand their mining operation on their unpatented lode mining claims located in the Blind Stream area of the Ashley National Forest. The mine site is located in Section 28, T2N, R8W, USM.

This particular calcite deposit has seen various mineral exploration and development activities for thirty or more years. Shamrock acquired the mining claims and began their operation in 1997 and removed about 200 tons of material to satisfy a small market and to develop a larger market.

II. PURPOSE AND NEED FOR ACTION

Shamrock submitted a plan of operation to the Ashley National Forest in accordance with U.S. Mining Laws and regulations. The U.S. Mining Laws confer a statutory right to mining claim owners to access, explore and develop valuable minerals on their claims. The Federal Regulations, 36 CFR 228, Subpart A, sets forth rules and procedures for the protection of National Forest surface resources in connection with these operations.

The proposed action is an extension of previous exploration and development of the site. The regulations require that each plan be evaluated in a manner meeting requirements of the National Environmental Policy Act (NEPA). This analysis provides the basis for the Forest Service to approve and/or require modification of the proposed operating plan.

The Shamrock-Honeycomb Calcite Environmental Assessment (EA) documents the analysis of three alternatives to meet this need.

III. DECISION

Based upon my review of all alternatives, I have decided to implement Alternative A, the proposed action, which will allow Shamrock to mine and haul an estimated 3000 tons of calcite per year with a maximum limit of 6000 tons of calcite per year for a period of 25 years. The operation will be re-evaluated every five years.

No new roads will be needed as existing access is sufficient for the operations. Mining will be conducted from a narrow open pit, up to 30 feet deep, using a track-hoe excavator. Calcite boulders will be extracted and loaded for hauling.

The calcite boulders will be loaded onto one or two 15-ton dump trucks for transport to an off-site location. Each truck would haul up to 3 to 4 loads per day. No hauling will be done on weekends or holidays, with limited operations taking place during major hunting seasons. Miscellaneous equipment used during mining operations would also include a fuel and maintenance truck to service heavy equipment at the site.

Total disturbance for the open pit is estimated at less than four acres, with less than one acre of active disturbance at any given time, due to concurrent backfilling, re-contouring, and reseeding of the disturbed area. Topsoil would be stockpiled and used in reclamation. A front-end loader or dozer would be used to displace material and accomplish reclamation.

Mining operations will be conducted as access allows, which is typically between June 1 and October 31 of each year.

IV. DECISION RATIONALE

In accordance with the Federal Land Policy and Management Act of 1976, the Forest Service must consider that all National Forest System lands are available for mineral exploration and development under the 1872 Mining Law (as amended) unless the lands in question are withdrawn from mineral entry. National Forest System lands occupied by Shamrock's mining claims have not been withdrawn from mineral entry. In addition, mining laws for legal claims require that existing and future mining development proposals on National Forest lands not withdrawn from mineral entry be accepted, analyzed, evaluated, and permitted, based on environmental protection and mitigation measures.

The laws provide for holder of valid mining claims to be able to reasonably develop the mineral assets. The surface use regulations (36 CFR 228) require the analysis and development of procedures and mitigations to minimize impacts on other National Forest lands and resources. The mitigations were developed from the analysis documented in the EA and will be required as the proposed action is implemented.

When compared to the other alternatives the Proposed Action alternative best meets the purpose and need for the project. This alternative will allow Shamrock a reasonable expansion of their operation which has proved profitable in the past. Environmental effects are adequately mitigated and the selected alternative is consistent with the Ashley National Forest Land and Resource Management Plan.

V. MITIGATION MEASURES

See Attachment A to this Decision Notice.

VI. MONITORING

See Attachment A to this Decision Notice.

VII. ISSUES, CONCERNS, AND PUBLIC INVOLVEMENT

Public input for the Shamrock proposal was invited through public notices and mailing of scoping documents on March 11, 2003. Forest Service specialists were also consulted, and an Interdisciplinary Team (IDT) was involved throughout the analysis.

Comment letters were received from public scoping, which listed various public issues and environmental concerns. The IDT also identified several issues and management concerns. These issues and concerns are related to potential effects from the proposed action to the following resources:

(1) Wildlife habitat, including the effects to threatened, endangered, and sensitive animals, and management indicator species.
(2) Effect to Water Quality.
(3) Effects to Air Quality.
(4) Effects to the nearby High Uintas Wilderness.
(5) Effect to Inventoried Roadless areas.
(6) Effects to the Visual Quality of the area adjacent to the mine site.
(7) Mine Access and Public Safety issues.

Other concerns identified during public and internal scoping were either deemed very minor, beyond the scope of this analysis, pertaining to past actions, or were resolved by modifications to the Proposed Action.

On July 12, 2004 the EA was released to the public for a 30-day official comment period. Substantive comments were requested on the proposed action and the analysis under the new 36 CFR 215 regulations that were published on June 4, 2003.

A total of five responses were received. All comments received during the 30 day official public comment were analyzed and were responded to in the content analysis. The comments were used to consider the adequacy of the analysis in addressing issues and concerns, whether clarifications were needed to avoid confusion or provide additional information, and whether or not the analysis met current administrative and legal requirements.

We have consulted with the Northern Ute Tribe in the development of this proposal. In addition to the scoping efforts mentioned above, which included the Northern Ute Tribe, this project was discussed with the Business Committee of the tribe on June 13, 2004 *(memo: Clark Tucker, 6/24/2004).*

A complete review and documentation of the scoping effort can be found in the analysis file in the Ashley National Forest Supervisor's Office.

VIII. ALTERNATIVES

A. ALTERNATIVES CONSIDERED

In addition to the selected alternative, I considered two other alternatives. A comparison of these alternatives can be found in the EA on page 10.

Alternative B – No Action Alternative

This alternative, will allow Shamrock to continue mining as previously approved. This would include similar activities as Alternative A, except mining and hauling could take place at a maximum rate of 600 tons per year. Access requirements, mining and hauling methods, and reclamation methods would be the same as Alternative A. However, excavation would be at a slower rate based on the maximum allowed per year.

Alternative C – Baseline Comparison

This alternative would end mining and development activities at the Honeycomb Calcite Mine and the site would be rehabilitated. Although technically feasible, this alternative does not have a support base in Federal land and minerals policy. In accordance with the Federal Land Policy and Management Act of 1976, the Forest Service must consider that all National Forest System lands are available for mineral development unless the lands in question are withdrawn from mineral entry. The proposed project area has not been withdrawn. Nevertheless, this alternative is included and analyzed in order to quantify baseline environmental conditions that would exist if mining operations were to end and proposed operations were not initiated. To arrive at comparable and quantifiable data, this alternative will show the results of rehabilitation of all disturbed areas, including establishment of vegetative cover.

B. ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

Underground mining methods were considered as an alternative to the proposed open pit method. Underground mining was not considered feasible because the calcite veins are located at or near the surface, and could be mined by open pit methods easier and cheaper. Additionally, the large blocks desired would be difficult to handle in an underground operation.

IX. FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. The beneficial effects of the action do not bias my finding of no significant environmental effects.

2. There will be no significant effects on public health and safety, because the project location is isolated and safety concerns have been identified and properly mitigated (*See EA pages 46 - 47).*

3. There will be no significant effects on unique characteristics of the area, because there are no ecologically critical areas such as, parklands, prime farmlands, or wild and scenic rivers. There are inventoried roadless areas at and adjacent to the project site. Effects to roadless areas are minor because the access road and excavation site involve only a small area in a very large roadless area. Ore excavation and ore removal/hauling activities will have short-term effects to some attributes associated with the inventoried roadless area surrounding the pit area and on either side of the access road, but these attributes are temporal and will return to pre-conditions upon completion of the project *(See EA pages 37-39 and the supplemental EA pages one and two.)*

4. The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the project. While some of the comments received on the proposal during the 30-day comment period were thoughtful and substantive, the removal of the proposed quantity of ore from a valid mining claim is not expected to be highly controversial.

5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk.

6. The action will not establish a precedent for future actions with significant effects. Completion of the proposed action does not assume or guarantee that larger scale mining will ever commence at the site. Any proposals above that in the current plan of operations will require a new environmental assessment.

7. The cumulative impacts are not significant. The proposal is for an excavation pit and associated activities that will only affect about one acre at any one time with a total disturbance of about four acres *(See EA page 3).* I have determined that there will be no "significant environmental cumulative impacts" to any resource (*See EA – Chapter 4, cumulative effects).*

8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places nor cause loss, destruction of significant scientific, cultural, or historical resources, (*see EA page 5 and clearance letter from the State Historical Preservation Office dated August 20, 2003).*

9. A Wildlife Biological Assessment/Evaluation (BA/BE) was prepared and is on file for this project for Threatened and Endangered Fish Species, with a finding of no effect. This BA/BE was submitted to the United States Department of Interior – Fish and Wildlife Service (USFWS) on August 8, 2003. The USFWS issued its biological opinion for the project by letter dated August 25, 2003. The action will not adversely affect any

endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. The USFWS has concurred with the Wildlife Biological Assessment prepared and on file for this project for Threatened and Endangered Species.

10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment.

X. APPLICABLE LAWS, REGULATIONS, AND POLICIES

To the best of our knowledge, this decision is in compliance with all applicable laws, regulations, and policies.

Consistency with Forest Plan

The Ashley National Forest Land and Resource Management Plan provides general direction for the management of the area at and adjacent to the Honeycomb Calcite Mine. This direction is found in Chapter II pp. 16-17, and Chapters IV and V of the Plan. Management Areas 'f ' and 'n' occur within the areas to be analyzed. Management prescriptions are found in Chapters IV pp. 5-13 of the Forest Plan.

The objective of Management Area 'f' is to provide for dispersed recreation in a roaded environment. (Portions of the access road cross through this management area).

This area receives a variety of uses in a variety of landforms and vegetation types. While traditional uses are not precluded, the area emphasis is to maintain and enhance dispersed recreation, wildlife, and visual opportunities. Mineral restrictions would be those developed by established regulations and policies, or as mitigation measures for any one particular activity.

Management Area 'n' has the objective of allowing a range of resource uses and outputs with commodity production modified for amenity production. (Most of the access road and the mine site itself is located in this management area). While no traditional use is precluded by this prescription, one of its basic assumptions is that commodity production would be modified for amenity production. The framework of prescription 'n' allows the decision maker a multitude of management options dependent upon the resource constraints (identified throughout this analysis) and the standards and guidelines contained within the Forest Plan. While mineral development is an appropriate activity under this prescription, operations must be coordinated with wildlife and recreation uses.

The two management areas call for maintenance and protection of riparian areas. Neither precludes mining activities. *(See the EA pages 8-10 for details on the Forest LRMP Standards and Guidelines.)*

This decision to implement Alternative A-Proposed Action is consistent with the intent of the Forest Plan's general direction for the management of the area at and adjacent to the project.

XI. IMPLEMENTATION DATE

If no appeal is received, implementation of this decision may occur no sooner than five business days after the close of the appeal period.

If an appeal is received, implementation may take place 15 days after a final decision is made on appeal.

XII. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal. As the proponent, Shamrock may appeal the decision under 36 CFR 251. Other parties may only appeal under 36 CFR 215.

Appeals under 36 CFR 251 must meet the content requirements of 36 CFR 251.90. The appeal must be postmarked or received by the Appeal Deciding Officer, within 45 days of this decision. The appeal Deciding Officer is George Weldon, Forest Supervisor, 355 North Vernal Avenue, Vernal, Utah 04078. A copy of the appeal must be filed simultaneously with: Clark Tucker, District Ranger, 85 West Main Street, Duchesne, Utah 84021.

Those organizations (identified below) who provided substantive comments during the 30 day comment period may appeal the decision under 36 CFR 215. Appeals under 36 CFR 215 must meet the content requirements of 36 CFR 215.14, as published in the Federal Register on June 4, 2003. Any written appeal must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this notice in the Uinta Basin Standard. The Appeal Deciding Officer is: George Weldon, Forest Supervisor, Ashley National Forest, 325 25th Street, Ogden, Utah 84401, via mail, fax: (801) 625-5277; or e-mail at: appeals-intermtn-regional-office@fs.fed.us. E-mailed appeals must be submitted in MS Word (*.doc) or rich text format (*.rtf). Appeals may be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m.

I have determined that all organizations that responded during the official 30-day public comment period have met the "substantial comment" standard and have standing to appeal. Those who have standing to appeal are:

- The Uintah County Commission.
- The Utah Environmental Congress.
- The Utah Division of Oil, Gas and Mining.
- The Governor's Office of Planning and Budget – Resource Development Coordinating Committee.
- The Duchesne County Planning, Zoning and Community Development.

Copies of the Shamrock-Honeycomb Calcite Mining Proposal – Environmental Assessment of July 2004, can be obtained from the Forest Supervisor's Office, 355 North Vernal Avenue, Vernal, Utah 84078, or the Duchesne Ranger District Office, 85 West Main Street, Duchesne, Utah 84021.

XIII. CONTACT PERSON

For additional information concerning this decision or the Forest Service appeal process, contact Dave Herron at 85 West Main Street, Duchesne, Utah, 84021, or by phone at 435-781-5218.

Clark Tucker — 9/17/04

CLARK TUCKER — Date
District Ranger
Roosevelt/Duchesne Ranger District

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ATTACMENT A – DECISION NOTICE

SHAMROCK HONEYCOMB-CALCITE MINING OPERATION

MITIGATION AND MONITORING REQUIREMENTS

RESOURCE	MITIGATION REQ.	MONITORING REQ.
Recreation *(EA page 35-36)*	1. Shamrock will be required got submit a safety plan for approval by the Forest Service that includes installing signs at identified locations during periods when mine traffic is on the roads. Headlight use will be required.	None Required
Wilderness *(EA page 36)*	None Required	None Required
Visuals *(EA page 36)*	None Required	None Required
Inventoried Roadless *(EA page 39)*	1. Project activities will not be allowed on weekends, holidays, or during the general rifle hunts to mitigate the inventoried roadless area attributes during periods of highest public use.	1. Weekend activities will be monitored during the normal course of business in the mine area.
Land Status and Land Uses *(EA page 40)*	None Required	None Required
Hydrology/Water Quality *(EA pages 43-44)*	1. During reclamation, Shamrock would coordinate with the Forest Service regarding shaping of the mine area to desired angles (considering opportunities to mimic natural processes), a seed mix to be applied and timing of application, and other aspects of restoration. Revegetation seeding would be monitored and treatment repeated by Shamrock, if necessary, to generate success. Seeding success would only be expected where topsoil is applied or otherwise available, as the waste rock is not suitable growth medium. The Forest Service may identify slope gradients, fill, or compaction needs. 2. If Shamrock's mining activities intersect an open cave or karst feature,	1. Monitoring would be conducted through normal administration by the Forest Service.

	activity would stop and the Forest Service would be contacted as soon as possible. The Forest Service would examine the karst features for possible hazards or unique or important aspects, and provide Shamrock with an assessment and possible mitigation measures before mining operations would continue. 3. Sanitation would be addressed through a Forest-Service approved system, and following Best Management Practice #11.13, Forest Service Handbook 2509.22. If the portable self-contained trailer is placed then it is to have toilet facilities or a porta-potty. If access is not conducive to a porta-potty system, the Forest Service will identify latrine requirements for control of human waste and associated pathogens. Any storage system is to be kept pumped out at recommended levels. Any "gray water" (dish/hand washing waste water) will be hauled to an established dump station and not disposed of on-site. 4. Hazardous materials will not be left on-site during inactive periods (e.g., October 31-start of operations). The 50-gallon tank on the pickup truck will be securely mounted. Dump trucks will refuel in off-site gas stations. A spill management plan will be approved by the Forest Service prior to initiation of any work under this Plan of Operations. The plan will include that any spills will be reported to the Forest Service immediately and Forest Service instructions will be followed. 5. Shamrock will be responsible for treatment of noxious weeds during the life to the project and for 3-5 years (5 maximum) following termination until infestations are controlled or the Forest Service resumes responsibility. 6. Concurrent reclamation will be required to insure that one acre or less of active disturbance will be allowed at any one time *(EA page 3)*.	

Air Quality *(EA page 46)*	1. Dust abatement with a Forest Service-approved material may be required. 2. To reduce noise and emission type recreation conflicts, as well as for safety, truck hauling may not occur during legal holidays, during weekends adjacent to a Friday or Monday holiday, or during opening weekends of the general hunting seasons. Shamrock will sign major vehicle routes for safety (to advise recreationists of noise and truck traffic) in Forest Service-approved location(s).	1. Monitoring would be conducted through normal administration by the Forest Service.
Access and Public Safety *(EA page 47)*	1. Shamrock will be required to contact Doug Nielson at the Duchesne County Public Works Department to make arrangements for a bond to be posted to cover repair of any road damage caused by ore hauling and to contact Mr. Lamont Moon to discuss ways to control dust along county road #8.	1. Will check with Duchesne County officials to see if contacts were made.
Terrestial Wildlife *(EA page 47-78)*	None Required	None Required
Fisheries *(EA page 78)*	None Required	None Required
Soils *(EA page 79)*	None Required	None Required
Paleontology *(EA page 79)*	None Required	None Required
Cave and Karst Resources *(EA page 80)*	1. None required at present. If open caves or other significant karst resources are encountered during excavation, then excavations should stop until the Forest Service can visit the site and assess the risk to such resources. If additional karst resources are discovered at the site, then mitigation measures may be imposed to protect those resources.	1. The Forest Geologist will examine the mine area, at least yearly, to verify that mining has not intersected or exposed any new or significant karst resources.