

LEGAL NOTICE
Notice of Decision

USDA – Forest Service – Ashley National Forest
Roosevelt-Duchesne Ranger District, Duchesne County, Utah
Paint Mine Exploration and Development Proposal

The Forest Service has conducted an Environmental Analysis (EA) on a proposal by the Uintah Mountain Copper Company (UMCC) to extract ore from their unpatented mining claims in the Paint Mine area of the Ashley National Forest. The intent of UMCC's proposal is to determine the extent, quantity, and quality of hematite ore and its marketability in the specialty natural pigments market.

District Ranger Clark Tucker (the Responsible Official) has decided to implement Alternative B-Modified Plan of Operations as describe in the August 2003 Environmental Assessment. The decision allows for the excavation of a 0.075-acre test pit area and remove approximately 650 cubic yards (1534 tons) of hematite (iron oxide) ore from the claim area filed as Sunshine Quartz Claim No. 4, located in Section 15 of Township 2 North, Range 6 West, USM. The ore will be excavated by heavy equipment, temporarily stored at a site near the test pit, and eventually transported by long-haul trailer trucks to a pilot processing plant in Price, Utah. Excavation, storage, and removal operations will take place over a 60-day operating period during the summer and fall months, followed by cleanup, and rehabilitation and monitoring work. UMCC will be allowed use of the campsite for staging of personnel and as an ore transfer site. Once the project is completed the campsite will be cleaned up and the site restored.

The project is planned to take place in the summer of 2004 or 2005, depending on the timing of final project approvals. All mitigation measures described in the EA will be required when implementing the project.

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for mineral exploration and development under the 1872 Mining Law (as amended) unless the lands in question are withdrawn from mineral entry. National Forest System lands occupied by UMCC's mining claims have not been withdrawn from mineral entry.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mining laws for legal claims require that existing and future mining development proposals on National Forest lands not withdrawn from mineral entry be accepted, analyzed, evaluated, and permitted, based on environmental protection and mitigation measures.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 Decision Notice (DN), Finding of No Significant Impact (FONSI), the Environmental Assessment (EA) and the Supplement to the EA, including the Summary of Public Comments with Forest Service Responses are available at the Duchesne District Office, 85 West Main Street, Duchesne, Utah, 84021, or the Roosevelt District Office at 650 West Highway 40, Roosevelt, Utah, 84066.

This decision is subject to appeal pursuant to Title 36 CFR 215 by those organizations who provided substantive comments during the official 30 day comment period. Any appeal must be filed with Appeal Deciding Officer George Weldon, Forest Supervisor, Ashley National Forest, 324 25th Street, Ogden, Utah 84401, via mail, fax: (801) 625-5277; or e-mail at: appeals-intermtn-regional-office@fs.fed.us, within 45 days of publication of this notice in the *Uinta Basin Standard*. Notice of appeals may be hand delivered to the above address between 8:00 AM and 5:00 PM, Monday through Friday, mailed to the above address, by fax at 435-625-5277. Content of the notice of appeal must include all required information prescribed by 36 CFR 251.14, and include all attachments.

Implementation of this decision may take place 50 days from publication of this notice in the *Uinta Basin Standard* unless an appeal is filed.

Publication of this notice in the *Uinta Basin Standard* is the exclusive means for calculating the time to file an appeal and those eligible and desiring to file an appeal should not rely upon dates or timeframe information provided by and other source.