

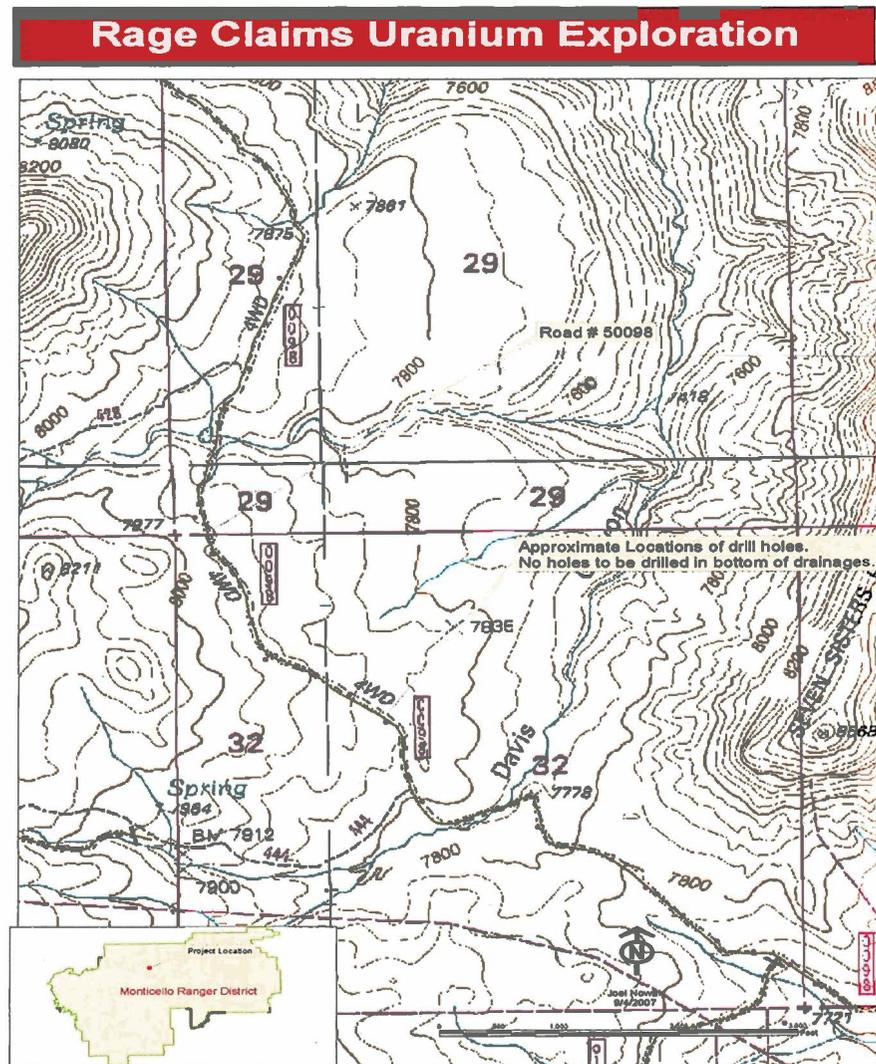
# DECISION MEMO

## RAGE CLAIMS URANIUM EXPLORATION

Manti-La Sal National Forest  
Moab/Monticello Ranger District  
San Juan County, Utah

### INTRODUCTION

The Manti-La Sal National Forest, Moab/Monticello District proposes to authorize uranium exploration activities along Forest Road 50098 located in T33S, R20E, in San Juan County approximately 20 miles west of the town of Monticello. The operator will transport a truck mounted drill rig, water truck and two pick-up trucks to the site to drill approximately 27 holes. The majority of the holes will be drilled on the native surface road and all holes will be drilled to a maximum depth of five hundred feet. No holes will be drilled in the bottom of drainages. After the holes are drilled a portable truck mounted probe will be inserted in each hole to determine if uranium ore is present. The holes will then be plugged according to State and Forest Service requirements and



the surface will be reclaimed according to Forest Service specifications. A bond will be held to ensure reclamation is complete.

### **PURPOSE AND NEED:**

The Forest Service needs to evaluate the environmental effects of the proponent's proposal and to assure compliance with applicable laws, regulations, and Manti-La Sal Forest Plan management direction. The Forest has an obligation to act on NOI's/Plans of Operations relating to the prospecting and development of mining claims (36 CFR 228.1) if the area is not withdrawn from locatable mineral location (p. III-12 LRMP). In acting upon proposals, NOI's, and applications, the Forest needs to evaluate whether or not to issue a Special Use Permit/Plan of Operations through an environmental analysis and public participation process.

### **DECISION TO BE IMPLEMENTED**

It is my decision to approve the Plan of Operations to allow for uranium exploration. Through the environmental process, including public involvement, the Forest has decided upon design features/environmental protection measures that will be included with the Plan of Operations and which are included with this decision. Other specific details of the operation will be worked out within the plan design and before operations begin. This decision will allow the proponent to explore for uranium but with measures taken to minimize any effect the operation may have on the environment.

### **PUBLIC PARTICIPATION**

A Legal Notice informing the public of the proposed project was published in the *San Juan Record* and *Times-Independent* newspapers the week of July 1, 2007. A scoping letter was sent to various tribes, agencies, organizations, and individuals. Four comments were received during the 30 day comment period. These comments were taken into consideration when making my decision. (See Response to Comments in project record.)

### **REASONS FOR CATEGORICALLY EXCLUDING THIS ACTION**

Approving this Plan of Operations does not have individual or cumulative significant effects on the quality of the human environment. The project falls under FSH (Forest Service Handbook) 1909.15 Chapter 31.2, which states that there are routine actions that require documentation in a Decision Memo of the rationale for not preparing an environmental assessment or environmental impact statement. Specifically, it falls into FSH (Forest Service Handbook) 1909.15 Chapter 31.2:

8. Short-term (one year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than one mile of low standard road (Service Level D, FSH 7709.56), or use and minor repair of existing roads.

g. Approving a plan for exploration which authorizes repair of an existing road and the construction of one-third mile of temporary road; clearing vegetation from an acre of land for trenches, drill pads, or support facilities.

## DECISION RATIONALE

This decision was made after careful consideration of the proposal, public involvement, and the entirety of the supporting record. No one fact or single piece of information led to this decision. Rather, a combination of factors contributed to it.

My decision is not unique. Approving Plans of Operations for exploration activities is understood and complies with existing Law, Regulation and Policy. Effects on the environment are minimal individually and collectively. My decision represents an action, which effects are specifically understood and will be minimal. Some of the key factors used in reaching my decision are summarized below.

### Existing User Need:

The need for uranium exploration continues to exist. This operation will allow the company to explore for uranium on existing claims while minimizing the effect on the environment. According to the 1872 Mining Law, citizens have the right to access Federal lands to search for and remove minerals. My decision will meet this objective.

### Best Available Science:

My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. The methods of uranium exploration are standard for the industry. No other alternative methods were brought up during scoping or project analysis.

### Consistency with the Forest Plan:

National Forest System lands are generally available (except for areas that are withdrawn; this area is not) to exploration and development of locatable minerals under the U.S. General Mining Law of 1872 and its amendments. Under the regulations in 36 CFR 228, the Forest Service approves exploration and mining operating plans and administers those operations to ensure protection and reclamation of affected surface resources (p. II-51).

The general direction for minerals management in the Forest Plan is to:

- Avoid or minimize significant and conflicting public or private investments near sites where mineral activities may occur within the foreseeable future.
- On classified lands not withdrawn from operations under the general mining laws provide for reasonable protection of the purposes for which the lands were classified and for reclamation of disturbed lands to a condition suitable for the purposes for which the lands were classified. Such lands may include Research Natural Areas, national recreation trails, special interest areas; such as scenic, geologic, or national historic sites, or some other type of specific classification.

The status of classified lands with respect to withdrawal must be checked before an operating plan can be approved.

- On unclassified (remaining) lands, provide for reclamation of disturbed lands to achieve the planned uses specified in the Forest Plan, when those lands are no longer needed for mineral operations (P. III-35).

In addition, this project falls specifically in Range Management Area Direction. Management for this area is defined as: Timber types are managed to produce wood fiber and, where appropriate, forage. Other uses occur, and the use or its rehabilitation emphasize rangeland maintenance or enhancement.

The Forest Management Goal for Range is:

- Bring livestock obligation in line with rangeland carrying capacity.
- Maintain upward or stable trends in vegetation and soil condition.  
Invest in range improvements where they will provide the greatest benefit.  
Control noxious weeds and poisonous plants in cooperation with Forest users and State and local agencies.

This project conforms to these sections of the Plan and is consistent with other portions relative to this type of activity.

#### Extraordinary Circumstances:

Existing resource conditions and potential extraordinary circumstances have been considered in making my decision. I have determined that there are no extraordinary circumstances related to the project.

Threatened and endangered species or their critical habitat. There will be no effect to any federally listed T&E plant or animal species. With regards to R4 sensitive wildlife species, there may be impacts to individuals, but these would not likely contribute to a trend towards federal listing or loss of population. With regards to R4 sensitive plant species, the project would not likely contribute to a trend towards Federal listing or loss of population viability (See BA/BE for this project).

#### Management Indicator Species

Management Indicator Species (MIS) are a select group of species that can indicate change in habitat resulting from activities on the Forest. Management Indicator species associated with the Manti-La Sal National Forest are Elk, Mule Deer, Abert's squirrel, Macroinvertebrates, Goshawk, and Golden Eagles. Due to the limited scope and intensity of the proposed project on NFS lands, there would be no measurable effects to populations/trends of any of the management indicator species. (See BA/BE).

Floodplains, wetlands, or municipal watersheds. There are no wetlands in the project area. There are floodplains in the project area but no adverse effects are anticipated.

Application of the Soil and Water Conservation Practices would ensure that the proposed activities would not result in occupation or modification of flood-prone areas. There are no municipal supply watersheds or drinking water source areas in the project area. (See CE Checklist and Hydrology Report in project record)

Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas. Wilderness, wilderness study areas, or National Recreation Areas are not in or around the project area. The nearest wilderness is Dark Canyon Wilderness which is approximately 5 miles to the southwest. Any impacts would be localized to the project area. Wilderness areas will not be affected. There are no wilderness study areas or national recreation areas on the Moab/Monticello Ranger District on the Manti-La Sal National Forest (See Attached Map).

Inventoried roadless areas. There are no roadless areas in the project area. There will not be any impact with the Plan of Operations approval (See Attached Map).

Research Natural Areas. The project area is not located within or adjacent to any Research Natural Areas (RNAs). RNAs will not be affected.

Native American religious or cultural sites, archeological sites, or historic properties or areas. Cultural and Paleontological reports were completed for the project by a consultant and reviewed by the Forest Service. The Forest sent a copy of the cultural report to the Utah State Historic Preservation Office (SHPO) and subsequently to several interested Tribes. SHPO did not submit a formal comment within the 30 day comment period, which indicates our compliance with Section 106 of the National Historic Preservation Act. The Hopi Tribe submitted comments on July 16, 2007. (See email to Don Irwin from SHPO, and Letter from The Hopi Tribe, Project Record)

- There are no conditions associated with this action that were identified during scoping and project analysis as potentially having effects that may significantly affect the environment. There are no extraordinary circumstances present related to this proposed action as listed in section 1909.15 of the Forest Service Handbook, Chapter 30, section 31.2 (8). There have been many uranium exploration holes drilled locally in the past. There are no known significant environmental effects associated with these holes and none are expected with the proposed holes.

## **V. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

To the best of my knowledge, my decision to approve the proposed Plan of Operations with attached design features/environmental protection measures would comply with all applicable laws and regulations. My decision in relation to pertinent legal requirements is summarized below.

National Forest Management Act of 1976: The Forest Plan (1986) was developed as required by this Act. This long-range land and resource management plan provides guidance for all resource

management activities in the Forest. The National Forest Management Act requires all projects and activities to be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. My decision will be consistent with the Forest Plan and this Act. (Pages II-51-53, III-15, III-34-36, III-64, and III-66 of the Manti-La Sal National Forest Land and Resource Management Plan)

National Historic Preservation Act: My decision complies with this Act. No known cultural resources sites are present within the proposed project's area of Potential Effect. Consequently, the Forest Service has determined that approving the Plan of Operations will have no effect on cultural resources. (Cultural Report and emails, contained in District Office and Project Record)

Clean Water Act: My decision complies with this Act. Soil and Water Conservation Practices (SWCP's) and Best Management Practices will be followed according to District Hydrologist's recommendations (CE Checklist, Hydrology Section). The proposed action with the specified design features, SWCP's and other requirements designed to minimize impacts to soils, the potential for erosion, and impacts to water quality complies with the Clean Water Act.

Endangered Species Act: My decision complies with this Act. A review of the project finds there would be NO effect on T&E species or their habitat. With regards to R4 sensitive wildlife species, there may be impacts to individuals, but these would not likely contribute to a trend towards federal listing or loss of population (See BA/BE).

Executive Order 12898. "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The decision for this document will not amend or preclude any existing private or treaty rights in the National Forest. A review of potential effects to human health and safety and natural resources in the vicinity of minority and low-income communities did not identify any significant or disproportionately high or adverse effects in these areas because of the lack of residential houses in the vicinity of the existing and proposed development.

Executive Order 13186. Responsibilities of Federal Agencies to Protect Migratory Birds. January 10, 2001. The proposed action complies with the intent of the Migratory Bird Treaty Act and Executive Order 13186 as there is limited potential for unintentional take of individuals from the proposed activities of this project. Seasonal restrictions on project activity would minimize unintentional take of individuals (See BA/BE for this project).

National Environmental Policy Act: The entirety of documentation for this project supports that the analysis and decision comply with this Act.

## **VI. IMPLEMENTATION DATE AND APPEAL OPPORTUNITY**

Copies of this decision will be made available to those who expressed interest in this proposed action by participating in the scoping process.

Implementation of this decision may occur immediately.

This decision is not subject to appeal in accordance with 36 CFR 215.8 a (4) Decisions for actions that have been categorically excluded from documentation in an EA or EIS pursuant to FSH 1909.15, Chapter 30, section 31.1 and 31.2.

This decision is subject to appeal pursuant to 36 CFR 251.82. Notice of appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of this decision. The notice of appeal should be sent to: Attn: Howard Sargent, Manti-La Sal National Forest, 599 West Price River Drive, Price, UT 84501. A copy of the notice of appeal must be filed simultaneously with Katherine Foster at 62 East 100 North, P.O. Box 386, Moab, UT 84532. Appeals must meet the content requirements of 36 CFR 251.90.

**VII. CONTACT PERSON**

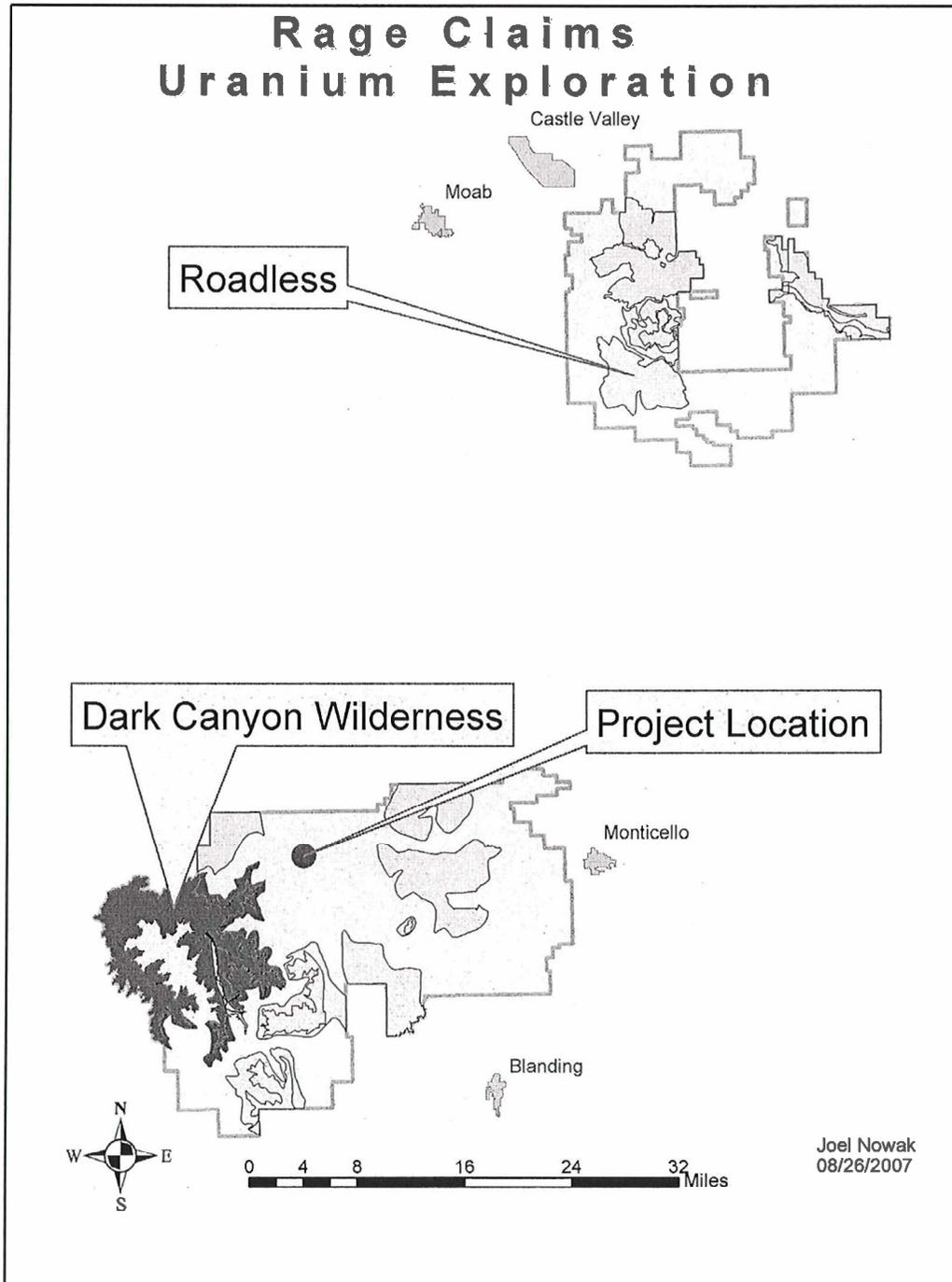
For additional information concerning my decision, please feel free to contact Joel Nowak at (435) 636-3364.



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Katherine Foster  
Acting District Ranger (Responsible Official)  
Manti-La Sal National Forest

10/5/2007  
Date

# Rage Claims Uranium Exploration



**DESIGN FEATURES AND CONDITIONS OF APPROVAL  
FOR THE  
RAGE CLAIMS URANIUM EXPLORATION**

The following conditions of approval include all of the environmental protection measures and design features developed by the Forest Service as a result of the public scoping and analysis processes.

**General**

Before construction begins, the Forest Service will record the radiation levels in the proposed drill hole locations. This measurement will be the target level that will be achieved after reclamation.

Signs warning the public of the construction/drilling equipment will be located next to road on both ends of the drilling operations.

- Where possible, topsoil should be removed and stockpiled for use as surface dressing during reclamation.
- The Forest will be notified after 10 holes are drilled and reclaimed. After the Forest Service approves the reclamation, drilling on the next 10 holes may proceed.
- Reclamation will take place no longer than 1 week after the holes are completed, barring unforeseen circumstances, such as extended inclement weather.
- Reclamation of the unclassified road will be as follows:
  1. The first one hundred feet or so of the access road will be ripped, seeded and blocked according to Forest Service specifications.
  2. If the vegetation currently present on the road bed appears to retain the ability to recover, ripping and seeding would not be necessary. If the vegetation is beyond recovery and compaction of the road bed has occurred, then the following would be necessary:
  3. Re-grading any cuts and fills to re-establish the original ground contours and drainages.
  4. Ripping the road to a depth of 12 to 18 inches.
  5. Placing 6 inches of loose topsoil in locations where topsoil was removed (if applicable).
  6. Seeding the soil with a Forest Service approved seed mix.
- Reclamation of the drill holes will be according to the Plan of Operations and with any/all additional Forest Service requirements at the time of reclamation.

## Erosion Control and Water Quality

- Project will not begin until surface soil is dry to minimize compaction, rutting and erosion.

Vehicles will not cross perennial water features, except on existing roads or pre-designated crossings.

Wetlands, drainages and streams will be avoided. The minimum buffer zone will be 100 feet around seeps and springs, 100 feet from lake or reservoir high water lines, 100 feet from each perennial stream bank, 100 feet from the outer perimeter of a wetland, and 100 feet from the top of each intermittent stream bank. Operation of heavy equipment in these buffer zones is prohibited unless specifically authorized by an agency representative.

A SPCC Plan will be prepared by the proponent and approved by the Forest Service and BLM before construction starts (see page 12 of this document).

All machinery will be inspected daily to minimize possible fluid leaks. If a leak does develop, it will be promptly fixed.

All disturbed areas will be seeded with seed mixtures developed for the project. The seed will be certified weed and noxious weed free. Seed all disturbed soils within 6 working days of final grading, weather and soil conditions permitting. If the soil surface is crusted, take appropriate measure to break up the crusted areas prior to seeding. Mulch will be applied on areas with highly erodable or droughty soils, slopes greater than 40 percent, visually sensitive areas, 100' on both sides of waterbodies, and other areas as specified by the agency project administrator.

- Woody material should be windrowed on contour. Little to no soil should be incorporated in the piles. Stockpiled material will be randomly scattered over areas of soil disturbance with preference given to those areas where topsoil was replaced.

The normal operating season on National Forest land in this area is from May 15<sup>th</sup> to October 30<sup>th</sup>. Construction and other activities outside the normal operating season require approval from the District Ranger.

The proponent should schedule and conduct most operations within the normal operating season. The normal operating season includes the time period that typically has suitable soil moisture and runoff conditions for most Forest activities and operations.

Rutting will be used as an indicator of wet conditions. Vehicle traffic and equipment operation will be restricted to prevent rutting in excess of one inch on gravel roads, 2 inches on native surface roads and 4-6 inches in other work areas. Proponent will provide maintenance equipment to repair rutting as soon as ground conditions permit.

- During extended periods of dry weather, additional measures, including vehicle and equipment restrictions, may be necessary to prevent powdering of soils, to maintain firm working surfaces, to limit fugitive dust, and to maintain appropriate moisture conditions to protect topsoil during reclamation.
  
- The proponent shall conduct all activities to prevent erosion and sedimentation. Temporary erosion control measures may be required to prevent, control, and mitigate erosion and sedimentation. Temporary and permanent erosion control work must be kept current with ongoing operations, especially when construction occurs outside of the normal operating season.
  
- Refueling areas will be a minimum of 300 feet from perennial and intermittent stream channels, seeps and springs, wetlands, lakes and reservoirs, stock water developments, and other water features. All heavy equipment and service vehicles will have a supply of absorbent and other cleanup materials on hand for initial containment of spills. All projects will adhere to the Hazardous Substance Spill Plan (see page 12 of this document) in case of accidents.
  
- Except at designated stream crossings, fill materials will not be placed in riparian areas or wetlands.
  
- Culverts must be sized to accommodate the anticipated design life with a 70 to 80% chance of success.
  
- Debris will not be placed in the stream channel or floodplain; incidental debris will be removed. Streamside willows may be removed in clumps, set aside, and replaced during cleanup/shaping of the disturbed area. Other debris should be used in reclamation.
  
- All travelways must be waterbarred at an interval that prevents erosion between waterbars.
  
- Outside the normal operating period, vehicle traffic and equipment operation will be restricted to dry or frozen conditions. For roads initially proposed as access but not requiring improvement, continued use which extends beyond the normal operating season or during extended wet conditions may require improvement, such as gravel, or other measures.
  
- The proponent is responsible for submitting an operating plan that includes erosion control measures and storm water management.
  
- All construction activities will follow the Soil and Water Conservation Practices and Best Management Practices outlined in the hydrologist report contained in the project record.

## **Fire Protection**

- Vehicles with catalytic converters will be restricted to existing roads and trails; parking or idling will not be permitted in portions of roads or trails with taller vegetation.
- All vehicles will have working mufflers and spark arresters. Electrical equipment must be properly insulated.
- All vehicles will be equipped with fire extinguishers and shovels.
- The following operational procedures will be followed:
  1. Smoking will only be allowed in company vehicles and/or designated smoking areas; all cigarette butts will be placed in appropriate containers and not thrown on the ground or out windows of vehicles.
  2. Cooking, campfires, or fires of any kind will not be allowed.

## **Existing Facilities/ROWs Protection**

- Any damage caused by the proposal will be repaired or replaced as soon as practical before the end of the project.

## **Hazardous and Solid Waste/Trash Disposal**

- All spills or leaks of diesel fuel, hydraulic fluid, lubricating oil, and coolant, including contaminated soil material, will be excavated to an appropriate container and transported to an approved disposal site. The Forest Service will be notified as soon as possible after a spill.
- All machinery will be inspected daily to minimize possible fluid leaks. If a leak does develop, it will be promptly fixed.
- All solid waste or trash will be transported for disposal to an approved solid waste disposal facility (most likely the Grand County sanitary landfill in Moab).
- All other trash associated with project will be removed within one week of completion.

## **Cultural and Paleontological Resources**

- The operator and its contractors will inform their employees about Federal regulations intended to protect paleontological and cultural resources. All personnel will be informed that collecting fossils and artifacts is a violation of Federal law.

- If fossils or cultural resources are uncovered during surface-disturbing activities, the operator and its contractors will suspend all operations at the site and the discovery will be immediately reported to the Forest Service representative, who would arrange for a determination of significance, and if necessary, recommend a recovery or avoidance plan.
- All vehicular traffic, personnel and equipment movement, and construction activities will be confined to the locations surveyed for cultural and paleontological resources as referenced in the report contained in the project record, and to the existing roadways and/or inventoried access routes.

### **Public/Crew Safety**

- Signs warning the public of the construction/drilling equipment will be located next to and at the beginning and end of the road during construction.

### **Soil Resource Protection**

- Vehicles will be instructed to travel at slow speeds to limit disturbance to roads and creation of dust.
- As determined necessary by the Forest Service during the project, fugitive dust will be controlled by watering unpaved roads.
- Topsoil will be salvaged and protected during the life of the project to be used in reclamation.

### **Vegetation Resources Protection**

- All equipment, including on-road and off-road equipment, will be cleaned to remove weed seed and soil (may contain weed seed) prior to commencing operations on public lands within the project area. Disturbed areas in the project area will be monitored for project-related establishment and spread of noxious weeds. Weed infestations will be treated as necessary and as approved by the Forest to prevent additional spread.
- Larger shrubs, trees, and other obstacles will be avoided where possible; no cutting or removal of shrubs or trees is proposed.

### **Wildlife Resources**

- Project activities will be conducted in compliance with applicable requirements of the Endangered Species Act of 1973, as amended.
- Project personnel will be subject to the following requirements: no harassing of wild animals; no dogs may be brought to the project area; and no littering.

- There will be no construction activity during the seasonal restrictions set by the Forest in connection with wildlife (March 1 – September 30) and outside the normal operating season unless specifically authorized by the Forest Service.

### **Livestock Grazing**

- All gates within the project area will be left as they are found (i.e., open gates will be left open, closed gates will be left closed).
- Removal or alteration of existing range improvements will be prohibited unless prior approval from the appropriate Surface Management Agency is obtained.
- Construction personnel will be instructed to minimize contact with, and avoid harassment of, livestock.

### **The following are required and special mitigation statements for uranium drilling and associated projects to be made part of the Plan of Operations:**

1. Approval of this Plan of Operations (Plan) does not constitute recognition or certification of the validity of ownership by any person named as owner herein.
2. Approval of the Plan does not constitute now or in the future, recognition or certification of the validity of any of the mining claims to which it may relate nor the mineral character of the land on which it lies.
3. Changes and additions to the Plan must be submitted to the District Ranger for approval as a revised or supplemental plan. The revised or supplemental Plan must be approved by the District Ranger before work may begin.
4. The operator shall furnish and maintain a reclamation bond in the amount of \$22,525 conditioned upon compliance with the terms and conditions of approval of the Plan. (Note: Reclamation does not include fire liability or other actions in connection with the operator.)
5. Prior to bond release, a final inspection of the project area must be made by the operator with the District Ranger or his designated representative.
6. All surface disturbing activities and operations must be supervised by a company representative knowledgeable of the design features and mitigation measures of the Plan.
7. Water must be legally obtained in accordance with State water laws.
8. The District Ranger or his designated representative must be notified when operations are completed and informed as to when reclamation work will begin. He must also be notified when operations are on stand-by and for approximately how long.
9. The drill holes, when no longer needed, must be plugged as soon as possible utilizing current accepted practices by the industry and with Forest Service approval.