

7.0 FOREST SERVICE DISCLAIMER

This abandoned mine/mill site was created under the General Mining Law of 1872 and is located partly on National Forest System (NFS) lands administered by the United States Department of Agriculture (USDA) Forest Service. The United States has taken the position and courts have held that the United States is not liable as "owner" under CERCLA Section 107 for mine contamination left behind on NFS lands by miners operating under the 1872 Mining Law. Therefore, USDA Forest Service believes that the portion of this site that is located on NFS land should not be considered a "federal facility" within the meaning of CERCLA Section 120 and should not be listed on the Federal Agency Hazardous Waste Compliance Docket. Instead, this site should be included on EPA's CERCLIS database. Consistent with the June 24, 2003 OECA/FFEO "Policy on Listing Mixed Ownership Mine or Mill Sites Created as a Result of the General Mining Law of 1872 on the Federal Agency Hazardous Waste Compliance Docket," we respectfully request that the EPA Regional Docket Coordinator consult with the Forest Service and EPA Headquarters before making a determination to include any portion of this site on the Federal Agency Hazardous Waste Compliance Docket.

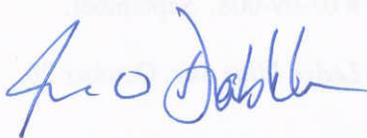
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