

DECISION MEMO  
for  
Russell Painter  
Macanite #6, #7, #8 Unpatented Mining Claims  
USDA, Forest Service  
Pike National Forest  
South Park Ranger District  
Teller County, Colorado  
T 12 S, R 71 W, Section 3, 6<sup>th</sup> Principal Meridian

**BACKGROUND:**

Russell Painter, owner and operator, has submitted a proposed Plan of Operations to mine in the Crystal Creek Mining Area on three unpatented mining claims, which are part of the larger Macanite claim block. The unpatented mining claims are Macanite #6, #7, #8, all found in Section 3, T12S, R71W, 6<sup>th</sup> Principal Meridian, approximately 5 miles northeast of Lake George, Colorado, Teller County. The mining operation may be accessed on an existing and open route via NFSR 201.

**PROPOSED ACTION:**

The Forest Service is proposing to authorize Russell Painter a Plan of Operations to explore for and mine amazonite, smoky quartz, and other pegmatite minerals on the Macanite claims in the Crystal Creek Mining area of the South Park Ranger District near Lake George, in Teller County, Colorado.

The Operator proposes to use one John Deere 150D track hoe and one New Holland 785 skid steer, or other medium-sized equivalents, to excavate a trench approximately 20 ft. x 60 ft., and one prospect pit approximately 10 ft. x 10 ft., including storage for overburden and topsoil. Over the approximately 60 acres that are the claims, the operator will disturb no more than 0.2 acres total, with only one prospect pit open per season. The trench will be accessed from an existing National Forest System Road (NFSR 201); no new roads or trails are proposed. The Operator is proposing to remove topsoil to be placed in a separate pile. Once the trench is mined out, it will be reclaimed, and the topsoil restored using the approved site-specific seed mix recommended by the Forest Service for the reseedling. Other aspects of the proposal include protective fencing and signing to be erected as necessary for safety.

Materials and supplies will include shovels, picks, small hammers, screwdrivers, buckets, safety hats and goggles, and reclamation seed. If needed, a small-size generator will be brought on site to run the electric shovels. No chemicals will be used, and fuel will be stored in approved containers and removed daily. Trees will be removed only if they are in the path of a producing vein or causing a possible hazard.

There will be no new construction or permanent structures. A 24 ft. trailer will be parked on site during daily operations, and will be removed when the operator is not working. Two passenger vehicles will also be parked on site during daily operations, and one 4-wheeler may be used to



access the work area. Topsoil will be segregated and temporarily stored, waste rock will be used as part of the backfill and large boulders will be used during final reclamation. Only pegmatite structure minerals will be removed from the site. There will be no tailings and no milling. No blasting or drilling will occur. There will be no suction dredging or settling ponds.

Mechanized equipment will be used no more than 180 days per season, seven days per week, with hand digging and mineral extraction and processing occurring intermittently throughout the season until winter. Mechanized equipment will remain on site throughout the season to assist with concurrent reclamation, re-contouring, and to make safe any open excavations. The pit and trench will be bermed, and silt fencing will be used to contain any runoff.

### **DECISION:**

To facilitate exploration on the Macanite unpatented claims, it is my decision to authorize the following activities for five (5) years, with the opportunity to re-authorize for a further five (5) years if the POO has not changed, and the analysis proves sufficient after a review:

Allow the operation of a dozer or similar excavator for prospecting and/or mining; this would include overburden removal and vein exploration.

Allow the installation of hazard fencing and signing around the perimeter of the active mining area.

The use of a backhoe and dozer for reclamation of mining related disturbances including backfilling and caving dig sites, re-contouring, obliteration of non-system roads and distribution of topsoil.

Allow removal of trees only as necessary to access vein exploration.

I have determined that no extraordinary circumstances exist and that there is no irreversible or irretrievable commitment of resources in the surrounding area.

- No federally listed threatened or endangered species or designated habitat, species proposed for federal listing or proposed critical habitat, or Forest Service sensitive species will be impacted.
- No floodplains, wetlands, or municipal watersheds will be adversely affected.
- No congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas are involved.
- No inventoried roadless areas are involved.
- No research natural areas are involved.
- No American Indian or Alaska Native religious or cultural sites will be impacted.
- No archeological sites, or historic properties or areas will be impacted.

### **DESIGN CRITERIA:**



Forest Service wildlife biologist, botanist, hydrologist, fire management officer, forester, minerals specialist, and archeologist have reviewed the proposed project. Measures necessary to protect Region 2 sensitive species, habitat, or the potential habitat from the effects of the proposed management actions are addressed through the development of project design criteria. Adherence to the design criteria during project implementation precludes the need for mitigation measures. The following list of design criteria has been included into the Macanite Plan of Operations.

#### **ROADS**

- No new road construction is authorized.
- Motorized off road travel is prohibited with the exception of prospecting, mining and reclamation equipment.

#### **FIRE PREVENTION**

- All internal combustion engines including but not limited to generators, vehicles, mechanized mining equipment and power tools, must be fitted with an approved spark arresting device.

#### **CAMPING**

- Overnight stays and leaving vehicles on the Forest are limited to a maximum of 14 days consecutive days and no more than 28 days in a 60 day continuous period.
- Special order UFC-01-05 requires vehicles to park in areas immediately adjacent to National Forest System roads, preferably in areas that are bare of vegetation.
- All foodstuffs will be properly contained and located to minimize conflicts with wildlife, especially bears. Food items should be stored in a bear proof container away from any tenting or camping sites.
- All trash and garbage will be removed from National Forest Lands.
- Human waste shall be removed from National Forest Lands.

#### **OPERATIONS**

- Equipment must be in good working order and not leak fluids onto ground.
- Inoperable or broken equipment must be immediately removed from Forest Service lands.

#### **CULTURAL**

- If a previously unknown site is discovered by either the operator or the Forest Service, mining operations will stop immediately until the site is evaluated by the Forest Service and any needed mitigation measures are developed.

#### **WILDLIFE**

- Trees should not be removed May 15 – July 15 to protect sensitive and migratory birds.

#### **TOXIC AND HAZARDOUS MATERIALS**

- Storage and use of toxic and hazardous materials is not authorized.
- In the event of a petroleum spill or other hazardous material spill, immediately notify the South Park Ranger District.
- All hydrocarbon spills on soil will be removed from Forest Service Lands.



## **RECLAMATION**

The operator'(s) agree to complete the following reclamation measures:

- Backfill and reshape all holes, pits and excavations associated with mining operations.
- Remove all trash off of Forest Service Lands.
- Remove all structures (fences, signs) from Forest Service Lands with the exception of pre-existing structures.
- Complete all reclamation within one year of the conclusion of operations.
- Re-vegetate disturbed areas with Forest Service approved seed mixtures. Re-vegetation will not be complete until at least 70 percent plant re-growth has been established when compared to adjacent undisturbed areas.
- Top soil must be saved and used to cover all excavations.
- Return large rocks, boulders, and logs to their original position.
- The U.S. Forest Service may require additional reclamation measures if needed.
- Earth work- which includes: backfilling, re-contouring and smoothing all disturbed areas. Earth work will not be considered complete if the surface is rough, no rough piles higher than 12 inches may be left.
- Refund of any reclamation bond is contingent upon the success of reclamation.

## **SCOPING/ISSUES:**

A legal notice describing the details of the proposed action was published in the Fairplay Flume on October 3, 2014 with a 30 day comment period. There were no responses, issues, or concerns as a result from public scoping.

Internal scoping was initiated on August 18, 2014; the district specialists reviewed the proposal, and the above design criteria are the result of their responses.

## **REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION:**

The proposed action falls within category 36 CFR 220.6(e)(3) "Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land."

## **FINDINGS REQUIRED BY OTHER LAWS**

The proposed action is consistent with the Pike and San Isabel National Forests, Comanche and Cimarron National Grasslands Land and Resource Management Plan (the Forest Plan) as required by the National Forest Management Act. The actions in this project is in full compliance with the Forest Plan, Management Area Direction, including that contained under the various management prescriptions and the Forest-wide standards and guidelines (See Chapter II).

## **APPEAL OPPORTUNITIES AND IMPLEMENTATION DATE**

On February 7, 2014, the President signed into law the Agricultural Act of 2014, Public Law Number 113-79 (i.e. Farm Bill). Section 8006(a) of the 2014 Farm Bill repealed the Appeals



Reform Act, Public Law Number 102-381, 106 Stat. 1419 (1992). Section 8006(b) directs that the pre-decisional objection process established in Section 428 of division E of the Consolidated Appropriation Act of 2012, Public Law Number 112-74, shall not be applicable to categorically excluded projects or activities. Therefore, this decision is not appealable.

A "Public Scoping and comment Notice," which included the proposed action, was published in the Fairplay Flume on October 3, 2014. No issues or concerns over the proposed action were raised. Therefore, the project is not subject to appeal pursuant to 36 CFR 215.12(e).

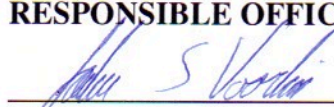
Implementation will commence once the Plan of Operations is authorized. The Plan of Operations will be authorized for a five (5) year period, which will end on December 31<sup>st</sup> five (5) years after the Plan of Operations is authorized. Once the Plan of Operations period of authorization has expired, and if there have been no changes to the POO, the existing analysis will be reviewed for sufficiency to determine if it is adequate to re-authorize the Macanite Plan of Operations for a further five years.

#### **CONTACT PERSON:**

For further information concerning this action, please contact:

Amy Titterington  
South Park Ranger District  
320 Highway 285  
Fairplay, CO 80440  
Phone number 719 836-2031

#### **RESPONSIBLE OFFICIAL AND DATE OF DECISION**

  
JOSHUA S. VOORHIS  
District Ranger

11-4-2014

Date

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