



File Code: 2810

Date: June 30, 2020

Mr. George Strong
Strong Mining Company
1505 E 12th Street
Rifle, CO 81650

After careful review of the Apex Mine Final Reclamation Plan (Plan), I have decided to implement the proposed action and authorize approval of the Plan. Attached are copies of the signed Decision Memo and Final Reclamation Plan. This decision approves activities for final clean-up and reclamation of the Apex Mine as described in the Plan. The Plan will reclaim the surface disturbed in mining operations, taking measures to prevent or control onsite and off-site damage to the environment and forest surface resources, as required by 36 CFR 228.8(g).

For additional information concerning this decision, contact Jason Gross, Physical Scientist, Colorado River Valley Field Office, 2300 River Frontage Road, by phone at 970-876-9046 or by email at jason.gross@usda.gov

Sincerely,

CHRISTOPHER MCDONALD

Forester / *Acting District Ranger*

Enclosures: (1) Apex Mine Reclamation Plan
(2) Decision Memo - Apex Mine Final Reclamation Plan

cc: Paul Simmer; Olivia Garcia; Jason Gross



Decision Memo

Apex Mine Final Reclamation Plan

USDA Forest Service

Rifle Ranger District, White River National Forest

Garfield County, Colorado

SE ¼ Section 7, Township 5 South, Range 88 West, 6th PM
SW ¼ Section 8, Township 5 South, Range 88 West, 6th PM
NW ¼ Section 17, Township 5 South, Range 88 West, 6th PM
NE ¼ Section 18, Township 5 South, Range 88 West, 6th PM

Decision

After careful review of the Apex Mine Final Reclamation Plan (Plan) (Appendix A), I have decided to implement the proposed action and authorize approval of the Plan. The decision is to approve activities for final clean-up and reclamation of the Apex Mine as described in the Plan. The Plan will reclaim the surface disturbed in mining operations, taking measures to prevent or control onsite and off-site damage to the environment and forest surface resources, as required by 36 CFR 228.8(g). The Plan was developed from standard guidelines for mining activities on National Forest System lands, with the goal to protect natural resources and minimize impacts.

Implementation of the Plan will include the following:

2020 - Phase I

1. Construction of safety closures for the upper and lower mine adits.
2. Decommission foot trail to lower portal (approximately 546 feet).
3. Demolition and off-site removal of boardwalk to lower portal.

Phase I reclamation activities should be completed prior to October 1, 2020

○ 2021 - Phase II

1. Demolition and removal of all improvements - cabin/toolshed and outhouse.
2. Decommission driveway from mine access road to cabin (approximately 74 feet).

Phase II reclamation activities should be completed prior to October 1, 2021

○ 2022 - Phase III

1. Decommission mine access road from NFSR #602 (Transfer Trail Road) to former cabin/toolshed parking area (approximately 2,165 feet).
2. Seeding of disturbed areas with scarification to a 4 inch depth of all compacted soil – Approximately 3.0 acres.
3. Demolition and off-site removal of entrance gate.

All final reclamation activities should be completed prior to October 1, 2022.

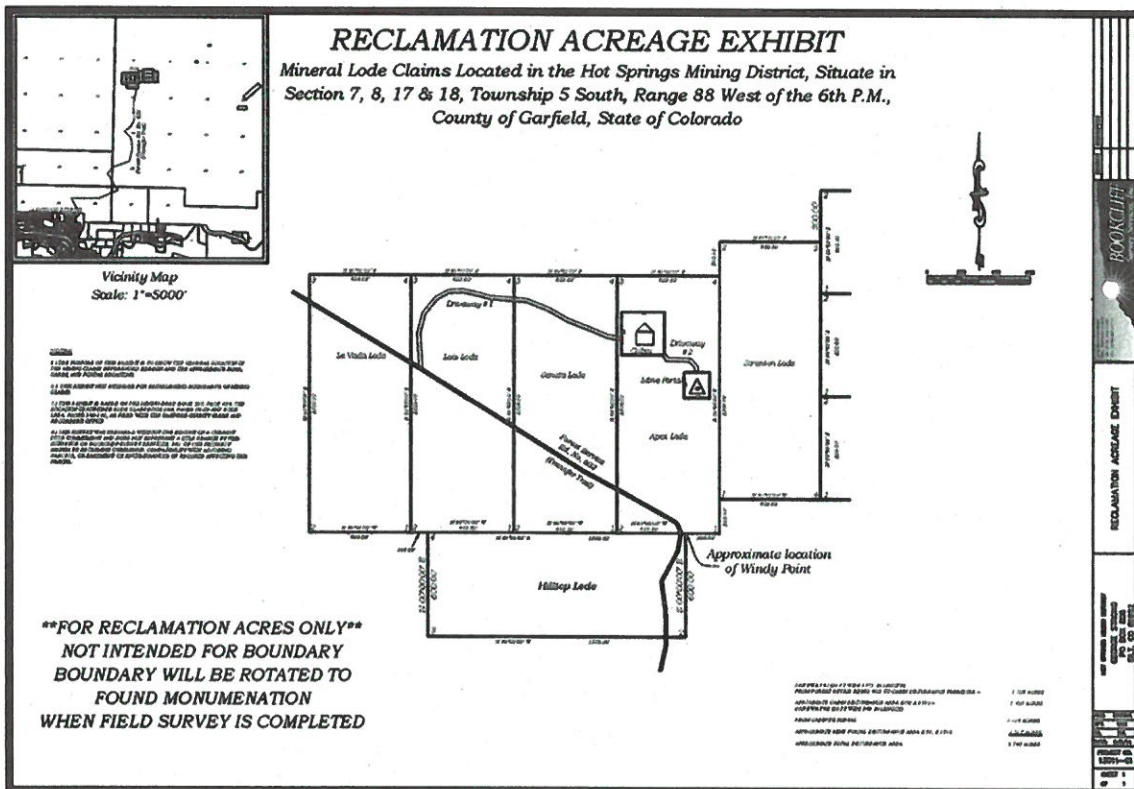


Figure 1. Reclamation Acreage Exhibit

Background

On November 13, 2018, the Rifle Ranger District was contacted by the operator to initiate final reclamation of the Apex Mine. In accordance with 36 CFR 228.8(g), operators are required to reclaim the surface disturbed of operations to “prevent or control onsite and off-site damage to the environment and forest surface resources”. Subsequently, the Plan was developed to satisfy these requirements.

The claims include; Apex Lode (CMC290783), Hill Top Lode (CMC290784), La Vada Lode (CMC290785), Lois Lode (CMC290786), Scranton Lode (CMC290787), and Senate Lode (CMC290788) located in Sections 7, 8, 17, and 18, T. 5 S., R. 88 in Garfield County and located on the Rifle Ranger District of the White River National Forest.

Purpose and Need

The purpose of the action is to consider approval of the final reclamation plan for the Apex Mine consistent with mining laws and regulations of 36 CFR 228 Subpart A. The need for the action is to respond to the Plan submitted by the operator to reclaim mining operations on National Forest System lands while protecting the environment and forest surface resources.

Reasons for Categorical Exclusion

I have concluded that this action can be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within an approved category of exclusion under 36 CFR 220.6(e)(8)(vi); "Short-term (1 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 1 mile of low standard road, or use and minor repair of existing roads. Examples include but are not limited to:...(vi) Approving interim and final site restoration measures". There are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. The following resource conditions were considered as part of this analysis:

Findings for each of the 7 extraordinary circumstances 36 CFR 220.6(b):

- (i) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species;
 - As the project will reclaim previously disturbed areas using existing roads, there will be *no effect* to listed or proposed threatened or endangered species and will have *no effect* on proposed critical habitats. This project meets the Forest Service's requirements under the Endangered Species Act.
- (ii) Flood plains, wetlands, or municipal watersheds;
 - The Forest Service is required to determine whether any component of the Project authorized in this decision will occur in floodplains, and if so, to include appropriate design features or mitigation measures. A review of available floodplain data, including Federal Emergency Management Agency (FEMA) maps¹ and county floodplain data from Garfield County, indicate that the Project area and the access roads are located entirely outside of floodplain zones.
 - The Forest Service is required to avoid impacts associated with wetland destruction or degradation. No wetlands were identified within the project area.
 - The Forest Service is required to avoid impacts to municipal watersheds. The Project is located outside of any municipal watersheds.

Based on this review, this decision will not affect any floodplains, wetlands, or municipal watersheds.

- (iii) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas;
 - Congressionally designation applies to areas such as wilderness, wilderness study areas, or national recreation areas. No congressionally designated areas will be affected by this decision.
- (iv) Inventoried roadless area or potential wilderness area;
 - The 2012 Colorado Roadless Rule did not identify any roadless areas within the Project vicinity. The Project is accessed entirely from existing roads. This decision will not affect inventoried roadless areas.
- (v) Research natural areas;
 - There are no candidate or designated Research Natural Areas (RNAs) within or near the Project area. This decision will not affect candidate or designated RNAs.
- (vi) American Indians and Alaska Native religious or cultural sites;
 - Previous surveys identified in the Apex Mine Reclamation Project cultural Resource Inventory report (USFS Heritage Project #R2013021500018) revealed no previously recorded sites. No prehistoric or Native American sites or isolated finds were observed during surveys of the area.
- (vii) Archaeological sites, or historic properties or areas;

Section 106 of the National Historic Preservation Act (NHPA, 54 U.S.C.) requires federal agencies to account for the effect of a project or action on any site, building, structure or object included in or eligible for inclusion in the National Register of Historic Places. The Apex Mine and Strong Cabin property (5GF.5703) are *not eligible* for inclusion in the National Register of Historic Places. The Colorado State Historic Preservation Office concurred they were *not eligible* on June 23, 2020 (Project Number. R2019021500018). During previous surveys, Native American/prehistoric artifacts or features were not observed. No tribal consultations were conducted for this project due to the lack of reasonably foreseeable impacts.

The following specialists were involved in reviewing the project and making the determinations disclosed in this decision:

<i>Name</i>	<i>Title</i>	<i>Areas of Participation</i>
Matt Ehrman	Forest Planner	National Environmental Policy Act
Tom Fuller	Heritage Program Manager	Cultural Resources, Native American Religious Concerns, Historical Properties
Olivia Garcia	Environmental Engineer	Mine Reclamation, US Forest Service
Jason Gross	Physical Scientist	Interdisciplinary Team Lead, Minerals
Sarah Hankens	Forest Planner	National Environmental Policy Act
Karla Mobley	Civil Engineering Technician	Engineering, Transportation
Kim Potter	Wildlife Technician	Terrestrial Wildlife
Clay Ramey	Fisheries Biologist	Aquatic Wildlife
Liz Roberts	Ecologist	Botany, Non-native Invasive Plants
Rebekah Sease	Archaeologist	Cultural Resources, Native American Religious Concerns, Historical Properties
Paul Semmer	Community Planner	Certified Minerals Administrator
Mark Weinhold	Hydraulic Engineer	Soils, Water, Flood Plains, Wetlands
Amy Yeldell	Environmental Protection Specialist, DRMS	Mine Reclamation, State of Colorado

Public Involvement

This project was first listed in the Schedule of Proposed Actions on April 1, 2020. The proposal was provided to the public for comment during scoping on March 4, 2019. Hi Country 4 Wheelers was contacted in September 2019 to provide information about the project and gather interest for cooperation. No comments were received for this project.

Findings Required by Other Laws

This decision is consistent with the White River National Forest Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act. The project was designed to conform to the Forest Plan. Standards and guidelines will be applied as appropriate to meet Forest Plan goals, objectives, and desired conditions.

This decision is compliant with the Endangered Species Act.

This decision is compliant with the National Historic Preservation Act. A survey has been completed with State Historic Preservation Officer. Concurrence from the State of *not eligible* for the National Register of Historic Places was received on June 23, 2020.

Administrative Review or Appeal Opportunities

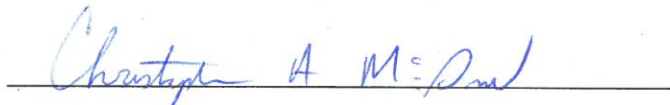
The approved activities within this decision are not subject to appeal in accordance with the Consolidated Appropriations Act of 2014, Pub. L. No. 113-76, 128 Stat. 5 (2014). Section 431 of the Act directs that the 1993 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) ... "shall not apply to any project or activity implementing a land and resource management plan...that is categorically excluded...under the National Environmental Policy Act (NEPA)."

Implementation Date

This project will be implemented on or after receiving all required permits, including those from the State of Colorado. Reclamation is scheduled to begin July 2020 if all conditions are met.

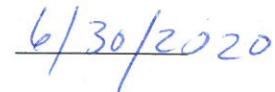
Contact Person

For additional information concerning this decision, contact Jason Gross, Physical Scientist, Colorado River Valley Field Office, 2300 River Frontage Road, by phone at 970-876-9046 or by email at jason.gross@usda.gov



Christopher McDonald

Rifle District Ranger (Acting)



Date

APPENDIX A

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

**Apex Mine
John Strong, Operator**

**2020-2022
Reclamation Plan**

INTRODUCTION

The purpose of this document is to describe the necessary actions to implement the final clean-up and reclamation of the Apex Mine to reduce risks and liability for safety on public lands and restoration of impacts to surface (natural) resources. The goal of this plan of operations is to reclaim public land from past mining activities associated with the use and occupancy of the unpatented mining claims. The following items are based on standard guidelines for mining activities on National Forest System lands with the goal to protect all natural resources and minimize adverse mining impacts as required by Forest Service regulations in 36 CFR 228.

GENERAL INFORMATION

Claims: Apex Lode (CMC290783), Hill Top Lode (CMC290784), La Vada Lode (CMC290785), Lois Lode (CMC290786), Scranton Lode (CMC290787), and Senate Lode (CMC290788).

Map: See Figure 1 – Strong Mine Plat Map

Location: SE ¼ Section 7, Township 5 South, Range 88 West, 6th PM, Garfield County, CO.
SW ¼ Section 8, Township 5 South, Range 88 West, 6th PM, Garfield County, CO.
NW ¼ Section 17, Township 5 South, Range 88 West, 6th PM, Garfield County, CO.
NE ¼ Section 18, Township 5 South, Range 88 West, 6th PM, Garfield County, CO.

Name, address and phone number of claimant:

John Strong
Strong Mining Company
1505 E. 12th Street
Rifle, CO 81650-3703

Name, address, and phone number of authorized field representative (if other than the operator). Please attach authorization to act on behalf of claimant.

George Strong
Strong Mining Company
1505 E. 12th Street
Rifle, CO 81650-3703

Start of Reclamation Activities: June 30, 2020

End of Reclamation Activities: September 30, 2022

RECLAMATION PLAN

- **2020 Phase I – Obtain State approval for reclamation activities including:**

- 1. Construction of safety closures for the upper and lower mine adits (see below)**
- 2. Decommission of foot trail (4 inch depth) to lower portal (approximately 546 feet) – Level 3 (see below)**
- 3. Demolition and off-site removal of boardwalk to lower portal.**

All reclamation activities to be completed prior to October 1, 2020.

- **2021 Phase II – Obtain State approval for reclamation activities including:**

- 1. Demolition and removal of all improvements - cabin/toolshed and outhouse (see below)**
- 2. Decommission driveway (4 inch depth) from mine access road to cabin (approximately 74 feet) – Level 3 (see below)**

All reclamation activities to be completed prior to October 1, 2021.

- **2022 Phase III – Obtain State approval for reclamation activities including:**

- 1. Decommission mine access road from NFSR #602 (Transfer Trail Road) to former cabin/toolshed parking area (approximately 2,165 feet) – Level 3 (see below)**
- 2. Scarify (4 inch depth) all compacted soil for seed bed – Approximately 3.0 acres**
- 3. Demolition and off-site removal of entrance gate**

Final reclamation activities to be completed prior to October 1, 2022.

Safety closure work for the upper portal will include the use of polyurethane foam (PUF) to seal entrance. Safety closure work for the lower portal may include a gate/grate/PUF to seal entrance. All closure work to meet all criteria identified in the Colorado Division of Reclamation, Mining, and Safety 2009 General Bid Specifications.

Demolition activities will involve “native” (forest products) and “non-native (man-made)” building materials. All native materials to be lopped and scattered across former improvement locations and along decommissioned road. All non-native materials shall be removed for off-site disposal.

Trail Decommission (Level #3) – Block entrance (rocks, logs, or stumps), install water bars, scarify trail (4 inch depth), hand broadcast native seed mix.

Road Decommission (Level #3) – Block entrance (earthen barrier and boulders), install water bars, scarify road surface (4 inch depth), and hand broadcast native seed mix.

General Conditions

- Claimant, or Authorized Representative, must have the “Apex Mine 2020-2022 Reclamation Plan” submitted to the Forest Service for review and approval by **June 15, 2020.**
- Claimant, or Authorized Representative, will provide the Forest Service the State of Colorado Division of Reclamation, Mining, and Safety **approval** for all reclamation activities listed in this plan. The safety closure work must comply with U.S. Forest Service standards for the protection of natural resources while providing for public safety.

General Conditions (continued)

- The time lines outlined in this reclamation plan are based on timely approval of all submitted plans to Federal and State agencies.
- The claimant is authorized to have work crews of two to six (2-6) individuals each field season (June 30 – September 30) to conduct necessary reclamation activities. Prior to mobilization, the claimant will inform the Forest Service when work is scheduled to begin.
- The claimant is authorized to use heavy equipment such as a mini excavator or a small rubber tired tractor to conduct necessary reclamation activities.
- The claimant is authorized to use mechanized equipment (chainsaw), fabrication equipment (portable welder) and hand tools to conduct necessary reclamation activities. Prior to using mechanized equipment the mining claimant will inform the Forest Service of the equipment size and expected duration of equipment use.
- All vehicle travel will be over existing roads. No motorized travel off existing roads is authorized. Vehicles identified for this plan include all terrain (ATV) and a pick-up truck.
- Individuals assisting the claimant will be authorized to camp on the mining claim during the reclamation phase of this Plan of Operations. If the claimant or workers camp overnight, 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 human waste will be removed from the National Forest for disposal in an approved facility in accordance with state and local regulations. Catholes are not authorized for disposal of human waste by the claimant.
- The mine entrance gate on NFSR #602 (Transfer Trail Road) will be closed and locked at all times by the claimant or assistants during reclamation activities.
- All trash will be tightly covered or bagged, and promptly removed from the National Forest for disposal in an approved facility according to state and local regulations. No trash will be burned on the National Forest or buried as part of reclamation. All human waste will be removed from the National Forest.
- All internal combustion engines including but not limited to generators, vehicles, mechanized mining equipment and power tools will be fitted with an approved spark arresting device or muffler in good working order.
- The claimant will provide and maintain hand tools for fire suppression in the event of a wildland forest fire. Claimant is responsible for promptly reporting a wildland fire in the project area or along road to the project area by calling 911.
- The claimant will use spill pads when pouring fuel or other petroleum products into tanks or other containers, to catch any spillage before it reaches the soil or water. If any petroleum products are spilled into water, the operator is required to call the National Response Center at 1-800-424-8802 and the Garfield County Sheriff. If more than 10 gallons of petroleum products are spilled into soil, the operator will immediately notify the Rifle Ranger District. Contaminated soil

generated from fuel spills of less than 10 gallons will be removed from project area for disposal in accordance with all federal, state and local regulations.

- Storage of hazardous materials on the mining claim other than petroleum products or compressed gases (oxygen/acetylene) is **not** authorized.
- All person property and equipment shall be removed from the National Forest by **October 1, 2022**.
- The claimant will scarify all compacted soil to a depth of 4 inches and hand broadcast native seed on all disturbed sites including mine features, demolition sites, trail, driveway, and mine access road. Reclamation seed mixes will include only native species. Claimant must provide the Forest Service with proposed seed mix by **July 2020** to allow enough time to place order and receive seed mix for reclamation activities.
- Site reclamation will be considered complete when, vegetation ground cover is established at 50% or greater compared to the surrounding undisturbed areas. More than one growing season may be required to confirm that vegetation has become established.
- Claimant will take measures to prevent or control onsite and off-site damage to the environment and National Forest surface resources including (1) control of erosion and landslides; (2) control of water runoff; (3) isolation, removal, or control of toxic materials; (4) reshaping and revegetation of disturbed areas, where reasonably practicable; and (5) rehabilitation of fisheries and wildlife habitat (36 CFR 228.8 g).
- Best management practices will include the following specific recommendations from the Forest Service Watershed Conservation Practices Handbook, FSH 2509.25:
 - Reclaim all non-system roads used for mining operations to near-natural conditions immediately after the clean-up operation is complete.
 - Avoid using mechanized equipment during periods of heavy rain or when soils are wet.
- Wildland Fire/Acts of Mother Nature – In the event of a wildland fire or unforeseen weather pattern (excessive rain, late/early snow) which prevents Claimant from accessing site from June 30 – September 30, the FS will re-evaluate established time lines and determine if additional time is needed to complete reclamation activities.

TERMS AND CONDITIONS. The following standard terms and conditions are taken from Forest Service Form FS-2800-5 and are required for this plan of operations:

- A. Information provided with this plan marked confidential will be treated in accordance with the agency's laws, rules and regulations.
- B. Approval of this plan does not constitute certification of ownership to any person named herein and/or recognition of the validity of any mining claim named herein.
- C. Approval of this plan does not relieve me of my responsibility to comply with other applicable state or federal laws, rules or regulations.

D. If previously undiscovered cultural resources (historic or prehistoric objects, artifacts, or sites) are exposed as a result of operations, those operations will not proceed until notification is received from the Authorized Officer that provisions for mitigating unforeseen impacts as required by 36 CFR 228.4(e) and 36 CFR 800 have been complied with.

E. This Reclamation Plan has been approved for the **2020 - 2022 field seasons (June 30 to September 30)**. A new or revised plan must be submitted in accordance with 36 CFR part 228, subpart A, if operations are to be continued after that time period.

F. Any use or activity not specifically identified in this plan must be approved by the authorized officer in the form of a new plan or plan amendment.

G. Claimant acknowledges and agrees that no mining activity including exploration or discovery may be undertaken by Claimant during reclamation activities are completed to the reasonable satisfaction of Forest Service. A new Plan of Operations expressly and specifically authorizing future mining and mining related activities must be submitted by Claimant for review and approval by the Forest Service.

OPERATING PLAN ACCEPTANCE.

I/We have reviewed and agreed to comply with all conditions in this plan of operations including the required changes, modifications, special mitigation and reclamation requirements. I/We understand that a bond will be required in advance for any new disturbance proposed in a future plan of operations and must be furnished before implementation of any future plan of operations at the Apex Mine.



Operator or Authorized Representative
John Strong

6/15/2020
Date

RECLAMATION PLAN APPROVAL:



Forest Service Authorized Officer
Sarah Hankens, District Ranger, Rifle Ranger District

6/15/2020
Date