



United States  
Department of  
Agriculture

Forest  
Service

Ottawa National Forest  
Supervisor's Office

E6248 US2  
Ironwood, MI 49938  
(906) 932-1330  
(906) 932-0122 (FAX)  
(906) 932-0301 (TTY)

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File Code: 1570-1

Date: May 9, 2008

Mr. Douglas Cornett, et al  
Representative  
Northwoods Wilderness Recovery  
P.O. Box 122  
Marquette, MI 49855-0122

RE: Appeal of the Decision Notice and Finding of No Significant Impact for the Trans Superior Resources, Inc. – Private Minerals Exploration in the Matchwood Tower Road Area Environmental Assessment Project, Bergland Ranger District, Ottawa National Forest, Appeal # 08-09-07-0050 A215

Dear Mr. Cornett:

On March 31, 2008, you filed a notice of appeal pursuant to 36 CFR 215.11 on the Trans Superior Resources, Inc. – Private Minerals Exploration in the Matchwood Tower Road Area Environmental Assessment Project (also known as Trans Superior Project). Your appeal was filed on behalf of yourself representing Northwoods Wilderness Recovery, Mr. Mark Donham representing Heartwood and Mr. Mike Leahy representing Defenders of Wildlife. District Ranger Darla Lenz signed the Decision Notice on February 14, 2008, and the legal notice was published in *The Ironwood Daily Globe* on February 15, 2008. I have reviewed the Appeal Record and have also considered the recommendation of the Appeal Reviewing Officer (ARO), Midewin National Tall Grass Prairie Supervisor Logan Lee regarding the disposition of your appeal. The ARO focused on the decision documentation developed by the Responsible Official, District Ranger Darla Lenz, and the issues in your appeal. The ARO's recommendation is enclosed. This letter constitutes my decision on the appeal and on the specific relief requested.

#### **FOREST ACTION BEING APPEALED**

The project area for this decision encompasses approximately 3,086 acres of National Forest System lands. The purpose of this proposal is to implement Forest Service policy, by documenting concerns, effects, design criteria and stipulations, and conditions of access and surface occupancy for exploration of private minerals in the analysis area. The design criteria and stipulations would be used to protect the National Forest System surface estate.



**APPEAL REVIEWING OFFICER'S RECOMMENDATION**

The ARO found no evidence that the Responsible Official's decision violated law, regulation, or policy. She found the decision responded to comments raised during the analysis process and public comment period and adequately assessed the environmental effects of the selected action. In addition, she found the issues raised in your appeal (i.e., "Uranium Effects", "Uranium not Disclosed" and "EIS Required") were addressed, where appropriate, in the decision documentation. Based on this review, the ARO recommended that District Ranger Darla Lenz's Trans Superior Project Decision Notice and Finding of No Significant Effect be affirmed.

**DECISION**

After careful review of the Project Record and the appeal, I agree with the ARO's analysis and findings regarding your appeal issues. To avoid repetition, I adopt the ARO's rationale as my own, and refer you to the enclosed ARO recommendation letter, dated May 5, 2008, for further details. It is my decision to affirm District Ranger Darla Lenz's Decision Notice and Finding of No Significant Effect for the Trans Superior Project on the Ottawa National Forest.

This project may be implemented on, but not before, the 15th business day following the date of this letter (36 CFR § 215.9(b)). Pursuant to 36 CFR § 215.18(c), this decision constitutes the final administrative determination of the Department of Agriculture.

Sincerely,

*/s/Susan J. Spear*  
SUSAN J. SPEAR  
Appeal Deciding Officer  
Forest Supervisor

cc: Darla Lenz, Logan Lee, Karen E Dunlap, Patricia R Rowell



Forest  
Service

Midewin National Tallgrass Prairie

30239 S State Rte 53  
Wilmington, IL 60481  
815-423-6370

**File Code:** 1570-1  
**Route To:**

**Date:** May 5, 2008

**Subject:** Appeal of the Decision Notice and Finding of No Significant Impact for the Trans Superior Resources, Inc. - Private Minerals Exploration in the Matchwood Tower Road Area Project Environmental Assessment, Appeal 08-09-07-0050 A215 (Cornett aro recommendation)

**To:** Forest Supervisor, Ottawa NF, Appeal Deciding Officer

This letter constitutes my recommendation for the subject appeal filed by Doug Cornett and Heartwood on the Trans Superior Resources, Inc. – Private Mineral Exploration in the Matchwood Tower Road Area Project Decision Notice (also known as the Trans Superior Project), Bergland Ranger District, Ottawa National Forest (ONF). District Ranger Darla Lentz signed this Decision Notice on February 14, 2008. A legal notice of the decision was published on February 15, 2008 in the *Ironwood Daily Globe*.

My review was conducted pursuant to 36 CFR 215, “Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities.” To ensure the analysis and decision are in compliance with applicable laws, regulations, policies and orders, I have reviewed and considered the issues raised by the Appellants and the decision documentation submitted by the ONF. My recommendation is based upon review of the Project Record (PR) including but not limited to the scoping letter, public comments, Environmental Assessment (EA) and the Decision Notice (DN).

The project proposes access for Trans Superior Inc. to explore for minerals. The area is a split-estate with the State of Michigan holding mineral rights and the Federal government surface rights managed as part of the Ottawa National Forest. The State sold a lease to Trans Superior and Trans Superior has requested to occupy areas of the Ottawa to explore for 50 minerals. Exploration activities on the Ottawa will include 13 acres of linear brush clearing to allow geophysical surveys; exploratory drilling on approximately 50 areas, each 50x50 feet in size, adjacent to existing and closed roads; and construction of temporary roads to some sites. All sites will be rehabilitated upon completion of the exploration activities.

Exploratory drilling is overseen by the State of Michigan and will be monitored and managed consistent with the Michigan Department of Environmental Quality Mineral Well Operations Regulations (MDEQ). Project implementation will occur based on results of geophysical surveys and individual sites will be reviewed by appropriate Forest Service and MDEQ staff.

### **Appeal Issues:**

The Appellants raised three main issues in their appeal of the Trans-Superior Project. All issues were submitted to the Responsible Official during the scoping or 30-day comment period unless otherwise noted.



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**Issue 1: Uranium Effects-** The Appellants claim, “*Uranium is radioactive and has the potential to pollute and impair the land surface with shavings from its core drillings. There has been no information presented in the EA to assure the public that our government is properly assessing the impacts that uranium and other metallic mineral exploration could have on underground aquifers. Potential exists for water-well contamination from the mineral drillings, and health concerns have been expressed across the United States (TX, AZ CO, NM, SD, etc.) and Canada, especially regarding uranium drilling*” [Appellants cite article discussing uranium risks]. (NOA, p. 4).

- “*The water used to circulate through the drill is contaminated with lubricating oils and a slurry of sulfides from the ground rock. Nothing is done to test for water contaminants in sump pits, and when the site is “reclaimed” prospectors are allowed to fill the contaminated pit with soil. Nothing is done to assess the potential impacts of sump pits on wildlife, despite the fact that sump pits associated with oil drilling were shown to be a trap for bats, birds, and other species.*” (NOA, p. 5).

**Response:** This response addresses three main points: 1) contamination of groundwater as a consequence of exploratory drilling for uranium; 2) testing for contamination of sump pits or reclaiming contaminated sump pits by filling with soil; and 3) assessment of potential impacts of sump pits on wildlife.

1) Contamination of Groundwater

After reviewing decision documents and the Project Record, I conclude that the District Ranger and ONF staff did consider the potential uranium contamination of groundwater resources as a consequence of the proposed Private Minerals Exploration in the Matchwood Tower Road Area of the Bergland Ranger District. Documents cited in the Revised EA and DN and included in the Project Record support the District Ranger’s conclusion that contamination of groundwater is not likely to be a risk, assuming that exploration is conducted in compliance with the provisions of Michigan law, regulation, and permits

The Revised EA (p. 19), states that groundwater quality would not be adversely impacted from the proposed exploration with implementation of Michigan’s well drilling regulations, stipulations and design features of the Alternative. “When proper drilling procedures are adhered to the possibility of groundwater contamination is unlikely.” This information is further repeated in the DN (pp. 4-5) adding, “Provisions in this act provide protection to public health and safety.”

The Revised EA and DN also repeatedly reference “Uranium in Michigan, Report to the Governor,” which states in several places that contamination is unlikely provided that activities are conducted in compliance with State permits and regulations (e.g., MDNR [Michigan Department of Natural Resources] 1982, p. 4, 23-31). The Revised EA (p.16) quotes from the Exploration Impact Conclusions section of this document (MDNR 1982, p. 31):

“The radiation associated with uranium exploration does not pose a health risk to general public. If proper drilling procedures are employed, the chance of groundwater contamination is very remote. Reclamation of the mud pits with the drill cuttings by covering with topsoil will reduce and contain any radiological emissions within background levels.”

Further, the references cited in the Response to Comments (RTC) and references included in the Project Record, Volume L, address the issue of groundwater contamination as a consequence of exploratory drilling for uranium refuting this potential contamination as a likely risk to exploratory drilling.

- B-29 BLM (2006; p. 21): Concludes, “The proposed action [uranium exploration on the Rock Mining Claims in Arizona] would have negligible impacts on water quality (drinking/ground).”
- L-2: Lowery et al. (1993, p.2) [Note: erroneously cited as “1983” in the RTC and index to the Project Record]: “No evidence was found to indicate that water quality was adversely affected by mixing of water of different salinity as a result of vertical flow of water in ineffectively plugged exploration holes.”
- L-4: C. Thomas (groundwater engineer, MDEQ, personal communication, 2008): Describes how uranium is a naturally occurring element in groundwater in parts of the Upper Peninsula (UP). The MDEQ has no knowledge of any contamination resulting from exploratory drilling and “rigid requirements ... for containment of drilling fluids and formation materials greatly minimizes the potential for accidental contamination.” (Attachment #4 p.2).
- L-11: J. Gierke (Assoc. Proff. Geol. & Environ. Engineering, Mich. Tech., and personal communication, 2008): “The drilling activities pose no significant threat from an u[ranium] perspective.”

The Appellants cite a web page for information on risks of contamination caused by uranium exploration and mining (i.e., [www.nuclearpowerprocon.org/pop/mining.htm](http://www.nuclearpowerprocon.org/pop/mining.htm)). They did not provide the research article in question with this appeal. This web site references Scott to document that exploration has been the cause of uranium contamination of groundwater at several locations in North America. The validity of this citation to support this assertion is uncertain, as Scott’s source for this contamination is Eadie and Kaufmann (1977). Eadie and Kaufmann (1977) assess the effects of mining and milling of uranium, not exploration.

The Appellants further state, “*Although we’ve made the Forest Service aware of some of the literature available on potential effects of mineral exploration, it has chosen to ignore these references.*” Clearly the ONF has not ignored the Scott publication as the Project Record indicates it was reviewed as part of this analysis. Likewise, as requested, the Interdisciplinary Team (IDT) considered the Bureau of Land Management 2006 EA for an exploration project in Arizona (Dated 08/06/2007; B-28 in the Project Record). As it pertains to other literature, the Appellants did not provide these references as part of the Appeal. 36 CFR 215.14 states, “It is the [A]ppellant’s responsibility to provide sufficient project or activity specific evidence and rational, focusing on the decision, to show why the Responsible Official’s decision should be reversed ....”

## 2) Testing/Reclamation of Sump Pits

My review of the decision documents and the associated Project Record indicate that the effects of sump pits were adequately addressed. The issues of sump pits and testing of materials in the pits is covered specifically in the Response to Comments:

“Michigan Department of Environmental Quality (MDEQ) regulates how the sump pits are located and lined. These regulations were completed in 2004. The material that comes out of the drill hole is monitored by the MDEQ, and the MDEQ is the appropriate agency to determine if the sump pit should be removed from the site. The MDEQ imposes the thresholds for sump pit and waste management related to exploration. The Forest Service is proposing an additional stipulation to ensure that the exploration company is following MDEQ regulations and to respond to public comment. MDEQ is responsible for managing waste generated from mineral exploration (MDEQ, 2004). The Upper Peninsula Office of the Geological Survey (MDEQ) conducts scintillometer surveys to determine if any radiation containing waste remains on site that would require further mitigation (Humphrey, M. personal communication, 2008).” (Response 1b).

“The chemical assays conducted by MDEQ include testing for heavy metals. The MDEQ would determine if the contents of the lined sump should be removed (EA, p. 16). The MDEQ imposes the thresholds for sump pits. The Forest Service is proposing a new stipulation that would ensure that MDEQ requirements are followed (see response 1b).” (Response 4a).

### 3) Assessing the Impacts to Wildlife

The Revised EA, Biological Evaluations (BEs) (PR, 25 June 2007, D-1; 20 December 2007, J-1), and Wildlife additions (PR, D-5, J-7) address various potential direct, indirect, and cumulative effects to wildlife, including threatened, endangered, and Regional Forester Sensitive Species. These documents conclude that some species or habitat will be affected by this project. Most effects stem from human-caused disturbance associated with the proposed exploration. “Overall, disturbances and habitat alterations resulting from proposed exploration are not expected to result in loss of viability across the Forest, nor a trend toward federal listing ....” (Revised EA, p. 26).

The Appellants failed to provide any documentation in their appeal to support claims associated with impacts of sump pits to wildlife. Furthermore, my search of the Project Record did not reveal any indication that this specific risk has been raised by anyone, including these Appellants, at other times during the National Environmental Policy Act (NEPA) process. It’s important to note that the development and management of sump pits will conform to Michigan’s Mineral Well Operations Regulations, Part 625 (MDEQ, 2004). (Revised EA, pp. 4, 13, 15-16).

The IDT analysis involved a field review of existing exploration activities, including the use and closure of roads, creating a drill pad with sump pit, and extracting water from nearby streams. This field visit generated useful information for determining possible effects and developing stipulations (Revised EA, p. 11).

The IDT did not “cherry pick” its research as the Appellants claim. My review of the Project Record clearly shows they diligently searched for information to assure that the 1982 “Uranium in Michigan Report to the Governor” contained relevant up-to-date information. Queries were made in the United States Department of Agriculture and United States Geological Survey libraries and appropriate research publications were included in the Project Record (Response 1a). For example:

- The “Assessment of the Hydrologic System and Hydrologic Effects of Uranium Exploration and Mining in Southern Powder River Basin Uranium District and Adjacent Areas, Wyoming, 1993” saw a potential relationship between improperly plugged exploration holes and reduced water well levels. The report estimated 115,000 exploration wells had been dug and 5 major mines operated in the area, all of which had closed operations by 1981. Their assessment indicated no water contamination other than “some impact to nitrate levels was identified in the water quality as a result of the activity.”
- A Saskatchewan Labor publication entitled “Radiation Protection Guidelines for Uranium Exposure” (PR, L1) finds that “Exploration crews searching for uranium will receive radiation exposures from uranium and its associated radioactive decay products in the drill core and cuttings. These radiation exposures are normally quite small. Exploration crews are unlikely to receive significant exposures as long as the uranium they are working on has grades less than 0.2% uranium.

The question for the Forest Service is how, not whether, to allow the private mineral holder, or their lessee, access to investigate their privately held mineral interest. The Forest Service has no statutory authority to deny anyone access to their privately held minerals (Revised EA p. 2). The proposed action in the EA identifies the controls required by the Forest Service to allow the proponent to access minerals in a manner most sensitive to the human and natural environment. The DN is for the activities related to exploration of deposits, not their removal and processing. I find no violation of any law, regulation or policy. The Responsible Official appropriately evaluated the effects associated with uranium exploration and documented it in the EA.

**Issue 2: Uranium not disclosed:** The Appellants claim, *“The DN and FONSI, scoping letter and other documents make no mention of uranium exploration. Failure to disclose the target minerals sought by the project proponents violates the National Forest Management Act [NFMA] and National Environmental Policy Act (NEPA) and prevents the public from being adequately notified or having an ability to comment on the project pursuant to these statutes or the Administrative Procedures Act.”* (NOA, p. 6).

**Response:** The Appellants claim that critical information regarding the inclusion of uranium as one of the targets of the exploration was withheld from the public limiting their ability to appropriately respond to the proposal. The National Environmental Policy Act requires the agency to have an open decision process with adequate public involvement (40 CFR 1501.7).

My review of the Project Record indicates that the EA adequately disclosed uranium as one of the fifty minerals targeted for exploration (Revised EA, p. 1). The Record indicates the IDT assessed the effects of uranium exploration and found there was not a substantive public or environmental safety concern from the proposed activities. More specifically, the analysis discloses that “Michigan’s well drilling program has regulations in place to protect water quality, which include locating mineral wells to prevent waste, protect environmental values, and not compromise public safety (MDEQ, 2004) (Revised EA, p. 16). As stated in the “Uranium in Michigan Report to the Governor”, “The radiation associated with uranium exploration does not pose a health risk to the general public. If proper drilling procedures are employed, the chance of groundwater contamination is very remote. Reclamation of the mud pits with the drill cuttings by covering with topsoil will reduce and contain any radiological emissions within background levels. (MDNR, 1982).” (EA, p. 16). The Record also clearly shows that comments on uranium were received and answered in the Response to Comments. In fact, the reason for this revised EA was specifically to allow for additional public comment as it relates to uranium exploration (December 20, 2007 letter to interested parties). I find no violation of the NEPA or the NFMA.

**Issue 3: EIS required** – The Appellants state, *“The Forest Service has violated NEPA by failing to conduct an EIS. Failure to draft an EIS for the exploration of uranium constitutes impermissible “segmentation” under NEPA...Indeed, while the Appellants believe that an EIS is required, it bears noting that the Bureau of Land Management (BLM) routinely conducts EA’s for uranium exploration and imposes requirements to clean exploration sites of uranium shavings, requirements the Forest Service has failed to impose here.”* (NOA, p. 6).



**Response:** The National Environmental Policy Act (NEPA) requires that Federal agencies follow certain procedures to examine the environmental impact of their proposed actions. If an agency proposes a "major Federal action [that] significantly affect[s] the quality of the human environment," NEPA requires the agency prepare an environmental impact statement (EIS) that, among other things, details "the environmental impact of the proposed action" (42 U.S.C. § 4332(C)). An EIS, however, is not required if the agency first prepares an environmental assessment (EA) providing "sufficient evidence and analysis" that no EIS is necessary because the proposed action will not significantly affect the quality of the human environment (See 40 CFR § 1508.9). In those circumstances, the agency issues a "Finding of No Significant Impact" (FONSI) rather than preparing an EIS (40 CFR § 1508.13).

The Council of Environmental Quality (CEQ) has promulgated regulations detailing how agencies should fulfill these NEPA obligations. CEQ's regulations require a discussion of context (significance of an action) and intensity (severity of impact). Intensity is further subdivided into ten items that agencies should consider when taking a "hard look" at whether a project will have "significant" environmental impacts. These include: beneficial and adverse impacts, the degree to which the proposed action affects public health and safety, the degree to which the action may adversely affect an endangered or threatened species, the degree to which the effects on the quality of the human environment are likely to be highly controversial, the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks, the degree to which the action may establish a precedent for future actions, whether the action results in cumulatively significant impacts, the degree to which the action may adversely affect scientific, cultural, or historical resources, whether the action threatens a violation of Federal, State, or local law, and the unique characteristics of the geographic area such as proximity to park lands or wild/scenic rivers (40 CFR § 1508.27). If an agency takes a "hard look" at these items and determines that the proposed action has no "significant" environmental impact, an EIS is unnecessary.

The Trans Superior Project treats about 20 acres within a 3,086 acre unit out of the nearly one million acre Ottawa National Forest (far less than one percent). This includes about four acres in temporary roads (up to three miles of road), clearing for drill sites on about three acres, and about 13 acres cleared for survey lines (PR, H-5, pp. 3-5). The 2006 ONF Forest Plan allows for all of these types of activities: Minerals Management (Forest Plan (FP), Chapter 2, pp. 2-10 and 2-35) with uranium known to be present (FP, Appendix A – Summary of the Analysis of the Management Situation, p. A-20), Temporary Roads (FP, Chapter 2, p. 2-37), and Vegetation Management (FP, Chapter 2, pp. 2-2 to 2-7 and 2-23)). The impacts of such actions were cumulatively considered in the Forest Plan EIS over multiple decades. The Trans Superior Project decision would implement a very small part of this Forest-wide program. The project site-specifically assures that the effects fall within those anticipated by the 2006 Forest Plan's Final EIS (DN/FONSI, p. 6).

The FONSI specifically addresses both context and intensity. It states, "This project is a site-specific action that by itself does not have international, national, region-wide, or statewide importance." and "After considering the environmental effects described in the Revised EA (Pages 10-33), I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR

1508.27). Thus, an environmental impact statement will not be prepared.” (PR, K-2; DN, pp. 4-6). The FONSI also states, “After thorough consideration, I have determined that actions selected do not constitute a major federal action, individually or cumulatively, and these actions will not significantly affect the quality of the human environment. The site-specific actions of Alternative B, in both the short and long-term, are not significant. Therefore, the preparation of an environmental impact statement is not needed.” (PR, K-2; DN, p. 7). In support of these statements, it cites numerous locations in the EA and DN where the intensity of impacts are shown to be minor, not apparent, or minimized. For example, the selected actions:

- are at localized sites (e.g., Revised EA, pp. 12-14, 15-16, 19, 21-22, 23, 24);
- have short term impacts minimized and/or avoided by using the design criteria and stipulations (e.g., Revised EA, pp. 8-9, 12-14, 18-19, 21-22, 26, 28, 32-33, and Appendix A);
- will not significantly affect public health and safety (e.g., Revised EA, p. 19);
- are not likely to be highly controversial (e.g., RTC, 1a);
- will not pose any unknown risks to the human environment (e.g., Revised EA, pp. 10-31);
- does not set a precedent for future actions;
- will not have significant cumulative effects (e.g., Revised EA, pp. 14, 15, 18-19, 23, 24, 25, 25-29, 30-32, and 33); and
- do not threaten a violation of federal, state, or local environmental protection laws (e.g., Revised EA, pp. 25-27).

The Appellants also state, “*Failure to draft an EIS for the exploration of uranium constitutes impermissible “segmentation” under NEPA.*” Doing an EA for the exploration for hardrock minerals separate from the effects of actual mining is not “segmentation”. The National Environmental Policy Act (NEPA) requires consideration of direct, indirect and cumulative effects/impacts on any proposed action. The CEQ has defined what types of actions constitute the scope of analysis required. Actions include those that may be connected to the proposed activity. 40 CFR § 1508.25 defines a connected action when it:

- (i) Automatically triggers other actions which may require environmental impact statements.
- (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.
- (iii) Are interdependent parts of a larger action and depend on the larger action for their justification.”

The EA states, “Exploratory drilling does not automatically trigger mining. Similarly, mining is not a reasonably foreseeable action if no valuable ore body is discovered. In the past 10 years, there have been other special use permits and letters of concurrence issued for reserved and outstanding mineral rights on the ONF. These have not resulted in mining proposals.” (PR, H-5, p. 10). The Purpose and Need for this project is for mineral exploration. If commercially valuable minerals are located, then mining could become a new Purpose and Need. There are no definite proposals at this time, being unknown spatially or temporally.

The Appellants further contend that the Forest Service failed to ensure stipulations for the cleaning of uranium shavings. The EA and DN (PR, H-5 and K-2), clearly show design criteria and stipulations that protect the surface resources of the area, including any possible radioactive material. For example:

- EA (PR, H-5, p. 1): “These requirements include adhering to regulations of the State of Michigan, Department of Environmental Quality (MDEQ), which is the regulatory agency for exploration drilling that occurs in Michigan, regardless of the type of mineral targeted.”
- EA (PR, H-5, p. 2): “In addition to their proposal, there are requirements that must be adhered to as part of their lease from the MDNR and the requirements for mineral well operations as directed by the MDEQ.”
- EA (PR, H-5, p. 8), “In addition to the attached stipulations, the permittee would also follow Michigan’s Mineral Well Operations Regulations, Part 625 (MDEQ, 2004) and the requirements of their MDNR lease.” (Also refer to DN/FONSI (PR, K-2, p. 6)).
- DN/FONSI (PR, K-2, p. 4), “Exploration will be in compliance with the Michigan Minerals Wells Act.”
- Specifically relating to radioactive materials, the Response to Comment 1b states, “... The material that comes out of the drill hole is monitored by the MDEQ ... The MDEQ imposes the thresholds for sump pit and waste management related to exploration. The Forest Service is proposing an additional stipulation to ensure that the exploration company is following MDEQ ... MDEQ is responsible for managing waste generated from mineral exploration (MDEQ, 2004). The Upper Peninsula Office of Geological Survey (MDEQ) conducts scintillometer surveys to determine if any radiation containing waste remains on site that would require further mitigation ...”
- Response to Comment 3e states, “...One of the requirements of MDEQ’s regulations is to prevent waste; this would include radioactive material as a result of exploration. MDEQ is responsible for managing waste generated from mineral exploration (MDEQ, 2004) and to implement their regulations. The Upper Peninsula Office of Geological Survey conducts scintillometer surveys to determine if any radiation containing waste remains requiring further mitigation ...”

I find the Responsible Official addressed context and intensity in the FONSI for the Trans Superior Project and reached the appropriate conclusion. The FONSI does not identify any actions which would result in “significant” environmental effects or any that significantly affect the quality of the human environment. I find the Appellants’ claim that the Trans Superior Project will have a significant effect on the quality of the human environment as unsubstantiated.

**Recommendation:**

After reviewing the Project Record for the Trans Superior Resources, Inc. – Private Mineral Exploration Project, and considering the issues raised by the Appellants, I recommend District Ranger Darla Lentz’s Decision Notice/Finding of No Significant Impact of February 14, 2008, be affirmed.

*/s/ Logan Lee*

LOGAN LEE

Appeal Reviewing Officer

Prairie Supervisor, Midewin National Tallgrass Prairie

cc: Susan Carmody,  
Patricia R Rowell,  
Joel Strong