



United States
Department of
Agriculture

Forest Service

Sawtooth
National Forest

November 2008

NOTICE OF PROPOSED ACTION 30-DAY OPPORTUNITY TO COMMENT

Toone Maggie Mine (Five Points) Mineral Exploration Project

**Fairfield Ranger District
Sawtooth National Forest**

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COMMENTS WELCOME

The Fairfield Ranger District of the Sawtooth National Forest is seeking public comments specific to the proposed Toone Maggie Mine (Five Points) Minerals Exploration Project. The purpose of this comment period is to provide additional opportunity for public participation prior to a decision by the Responsible Official. In addition, submission of comments during this period is required to establish appeal eligibility. Written, facsimile, hand delivered, oral, and electronic comments concerning this action will be accepted for 30 calendar days following the publication of the Notice of Proposed Action in the *Times News* newspaper based in Twin Falls, Idaho. For detailed information on how to provide comments, please refer to the "Comment Process" section of this document, below.

BACKGROUND

On May 3, 1994, Mr. Toone, the current operator, submitted a plan of operations for mineral exploration at the 5 Points Mine Area which was subsequently approved. The plan of operations proposed opening three existing adits that had caved at the portal and the cleaning out of two test pits to expose mineralization. Only existing roads were to be utilized. Since that time, Mr. Toone was able to open only Adit #2 and has confined his underground exploration activities to that adit. Approximately one half acre of disturbance (waste-rock piles) has been done at the site since Mr. Toone began exploration in 1994. He now proposes to open one of the other adits (#1) and continue his exploration activities.

There are two locked gates, one on each access road to the mine, for both public safety and to prevent vandalism. Mine drainage (approximately 1 gpm) flows from existing Adit # 2. This water was sampled in 2004 and laboratory results found non-detectable metal values or metal values within drinking water standards. A reclamation bond is currently in place for the existing disturbance.

LOCATION

The Maggie Mine (Five Points) is located northwest of Couch Summit (T. 2N., R.14E., Section 8) and is accessed by two roads with ingress/egress locations off the Salt-Bounds Road (Forest Road 010) and the Five Points Road (Forest Road 094). Please see the attached map.

PURPOSE AND NEED FOR ACTION

The purpose of this proposal is to approve an amended mining plan of operations submitted for locatable mineral development under 36 CFR 228A.

The statutory right of Mr. Toone to explore for and develop mineral resources on federally administered lands is recognized in the General Mining Law of 1872 and is consistent with the Sawtooth National Forest Land and Resource Management Plan (Forest Plan) of 2003. Surface management regulations (36 CFR part 228) require that all mineral exploration, development, and operations activities be conducted in a manner that minimizes adverse environmental impacts on National Forest surface resources (36 CFR part 228.8).

DECISION FRAMEWORK

Based on the environmental analysis and disclosure documented in the Environmental Assessment (EA), the Fairfield District Ranger (Deciding Official) will decide:

- 1) whether to select the proposed actions as proposed or modified, or as described in an alternative;
- 2) what mitigation measures may be required; and
- 3) what monitoring actions may be required.

THE PROPOSED ACTION

In addition to continuing exploration activity in and around Adits 2 and 3, the Plan of Operations proposes to open and extend an old partially collapsed adit (Adit #1). A drill and explosives would be used in the underground operations. A bobcat loader would be used to load and haul waste rock to be deposited on the waste pile. An existing waste pile below the adit would be expanded to accommodate the new waste material. Bulk samples of the mineralized rock would be loaded on a truck and taken off forest for processing and analysis. A small trailer mounted crusher may be used at the lower adit to crush ore prior to hauling it off site.

Mine access roads are in place. Maintenance will be needed on existing road surfaces and stream crossings. Mr. Toone would camp at the site during operations using a small self contained travel trailer. The mine site is generally not accessible until May to June on most years due to snow. Petroleum and explosives would be transported to the site and would not be stored on site. Solid waste would be hauled to an approved disposal site. Plowing the roads to the mine site would not be authorized under this plan of operations, but plowing of short stretches and drifts in the spring or fall may be allowed on a case by case basis. Although work would generally occur from April to November when access by vehicle is possible, some underground work may also occur during the winter as the site can be accessed by snowmobile.

Water flowing from the existing adit (Adit #2) would continue to be monitored for pH and metal levels to determine possible acid drainage. Water flow from the adit to be reopened is not anticipated, but if it develops the existing monitoring program would be followed.

Exploration under this Plan of Operations could go on for up to 3 years. If conditions remain the same then the approval can be extended.

RECLAMATION

The intent is to reclaim the project area to a beneficial land use, prevent unnecessary degradation of the environment, and reclaim disturbed areas to ensure visual and functional compatibility with surrounding areas. Reclamation will be completed to the standards described in 36 CFR 228.8(g). If the new proposal is approved, a new reclamation bond would be developed to cover both the existing disturbed area and the proposed new operation. The reclamation bond will be reviewed annually and adjusted to compensate for changes in the scope of work or labor and equipment rates.

- Reclamation would commence within at least one year of conclusion of operations

- When finished, Mr. Toone will push as much waste rock back into the portal of the adit as possible and reshape the hillside in front of the portal. The remaining waste rock pile will be reshaped to prevent surface water from draining onto the pile and to minimize any sediment from migrating off the pile. Adits would be reclaimed by removing timbers and caving the entrance.
- Soil will be salvaged where possible. Disturbed, areas will be revegetated, as designated by the Forest Service.

MITIGATION MEASURES

Mitigation measures are proposed to avoid or minimize negative effects to resources surrounding and within the project area. Specific measures include:

- Wheeled or tracked equipment will not be operated in streams except at crossings approved by the Forest Service.
- No off-road travel is permitted with motorized equipment.
- The Forest Service must approve any road or ford maintenance or other project activities that would occur instream, affect streambanks, or have the potential to transmit sediment or turbidity to stream channels.
- Signs would be posted at the entrance of roads that access the project area when exploration activities are in progress.
- No petroleum products will be stored on site when operator is absent.
- Adits will be locked and secured when not in use.
- Adit doors will be designed to exclude bats from entering the adits.
- The operator shall immediately (within one business day) notify the District Ranger if any appreciable change occurs in the character of water from any of the adits in the project area. Possible relevant changes in water characteristics include an increase in volume of 100% or more and changes in color, turbidity, or odor.
- The operator will monitor water chemistry from the existing seepage flowing from adit #2 and any seepage from adit #1. This will include yearly monitoring for pH of both seepage areas with either pH strips or a portable pH meter, and the operator will notify the FS if the pH falls below 7. The operator will complete a water chemistry analysis every three years and will submit these results to the Forest Service. This analyses will include the following parameters: a) pH , b) TDS (Total Dissolved Solids), c) iron, d) copper e) arsenic, f) mercury, g) lead
- If water seepage increases from the newly opened adit, the operator will notify the Forest Service immediately. The operator will immediately submit a sample this water with the assistance of the Forest Service for laboratory analysis with a Forest Service approved lab for the parameters discussed above.
- If detrimental changes to water quality are noted during testing, the operator may be required to conduct further chemical analyses and will be required to address methods to control impacts to both ground water and surface water.

- Disturbed areas would be reclaimed to restore habitat.
- All vehicles or machinery entering the project area will be free of soil or vegetation (washed prior to entering National Forest lands) to remove the possibility of bringing in noxious weeds

SCOPING

The proposal has been listed in the Sawtooth Forest “Schedule of Proposed Actions”, starting in January, 2008. The proposal was provided to the public and other agencies for comment during scoping January 24 – February 25, 2008. The project was also scoped internally to Forest Service staff and external Agencies including US Fish & Wildlife Service, NOAA Fisheries, Idaho Department of Lands, Idaho Department of Parks and Recreation, Idaho Department of Fish & Game, and Idaho Department of Environmental Quality.

PRELIMINARY ISSUES

The following preliminary issue has been identified for the project analysis by the Deciding Official:

Water Quality - There is a possibility that the mine exploration activities may affect the water quality in the project area. This includes possible change in water chemistry due to ground water exposure to the mineralized rock and subsequently leaving the mine site.

Levels of heavy metals and other contaminants from mine waste can vary dramatically with seasonal flows. Additional groundwater may increase the level of contamination while in other circumstances the increased water dilutes pollution. Contaminated water may flow underground for long distances before surfacing in springs. The mine site lies within the vicinity of Five Points Creek and its associated tributaries. Currently, water flows from the existing adit at a rate of approximately 1 gpm. Sampling and inspection of the springs in the area do not indicate a change in water quality since the first adit was opened in 1994.

COMMENT PROCESS

Written, facsimile, hand-delivered, oral, and electronic comments concerning this action will be accepted for 30 calendar days following the publication of this notice in the Times News newspaper based in Twin Falls, Idaho. The publication date in the newspaper of record is the exclusive means for calculating the comment period for this analysis. Those wishing to comment should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the length of the comment period excluding federal holidays.

Written comments must be submitted to:

Sawtooth National Forest, Fairfield Ranger District
P.O. Box 189
Fairfield, ID 83327

Comments may also be submitted via facsimile at (208) 764-3211. The telephone number at the Fairfield office is (208) 764-3202. Office business hours for those submitting hand-delivered comments are 8:00 am to 4:30 pm, Monday through Friday, excluding holidays. The street address for those wishing to send comments to the Fairfield Ranger Station is 102 1st Street E, Fairfield, Idaho 83327.

Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), Acrobat (.pdf), and Word (.doc) to comments-intermtn-sawtooth-fairfield@fs.fed.us . Comments must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic comments.

Comments must be received by the close of the comment period. Those who provide comments during this comment period are eligible to appeal the decision. Individuals and organizations wishing to be eligible to appeal must provide the information identified in 36 CFR 215, including:

- Name and Address,
- Title of the Proposed Action;
- Specific comments (36 CFR 215.2) on the Proposed Action, along with supporting reasons that the Responsible Official should consider in reaching a decision,
- Signature or other verification of identity upon request; identification of the individual or organization who authored the comments(s) is necessary for appeal eligibility,
- For multiple names or multiple organizations, a signature must be provided for the individual authorized to represent each organization, or for each individual that wishes to have appeal eligibility, and
- Individual members of organizations must submit their own comments to meet the requirements of appeal eligibility as an individual, comments received on behalf of an organization are considered as those of the organization only.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record for this project and will be available for public inspection and released if requested under the Freedom of Information Act.

APPEAL ELIGIBILITY

It is the responsibility of persons providing comments to submit them by the close of the comment period. Those who provide comments during this comment period are eligible to appeal the decision under the Federal Code of Regulations (36 CFR 215).

For further information, contact Heidie Torrealday, Geologist, at 208-737-3224, or the Fairfield Ranger District at 208-764-3202.