



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
UNCOMPAHGRE FIELD OFFICE
2465 South Townsend
Montrose, CO 81401
www.blm.gov/co/st/en/fo/ufo.html

In Reply Refer To: 3809
COC – 75092

August 8, 2013

Dear Interested Party,

The Bureau of Land Management (BLM) Uncompahgre Field Office has released its final Environmental Assessment (EA) on Rimrock Exploration and Development, Inc. Prince Albert Mine's mining plan of operations, COC – 75092. The mining operation involves underground excavation activity and exploration drilling at a mine site located in western Montrose County, Colorado in T. 48 N., R17 W., Sections 31 and 32, N.M.P.M.

The EA and its associated Finding of No Significant Impact and Record of Decision documents are available on the Uncompahgre Field Office website at http://www.blm.gov/co/st/en/BLM_Information/nepa/ufo.html (scroll to DOI-BLM-CO-S050-2013-0004 EA).

Within 30 days of the date of this letter, you have the right to request a review by the BLM Colorado State Director in accordance with federal regulations found at 43 CFR 3809.800, and / or to file an appeal with the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations at 43 CFR 4.400. State Director review and IBLA appeal and stay procedures are outlined in the enclosed review instructions and BLM Form 1842-1.

Sincerely,

Barbara Sharrow
Field Office Manager

Enclosure (2)
1 – Form 1842-1
2 – State Director Review Instructions

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

-
- | | |
|---------------------------|---|
| 1. NOTICE OF APPEAL | A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). |
|---------------------------|---|
-
- | | |
|---------------------------|---|
| 2. WHERE TO FILE | |
| NOTICE OF APPEAL | BUREAU OF LAND MANAGEMENT
UNCOMPAHGRE FIELD OFFICE
2465 SOUTH TOWNSEND AVENUE
MONTROSE, COLORADO 81401 |
| WITH COPY TO SOLICITOR... | REGIONAL SOLICITOR
ROCKY MOUNTAIN REGION
755 PARFET STREET, SUITE 151
LAKEWOOD, COLORADO 80215 |
-
- | | |
|-----------------------------|---|
| 3. STATEMENT OF REASONS | Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413). |
| WITH COPY TO SOLICITOR..... | REGIONAL SOLICITOR
ROCKY MOUNTAIN REGION
755 PARFET STREET, SUITE 151
LAKEWOOD, COLORADO 80215 |
-
- | | |
|--------------------------|---|
| 4. ADVERSE PARTIES | Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). |
|--------------------------|---|
-
- | | |
|--------------------------|--|
| 5. PROOF OF SERVICE..... | Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)). |
|--------------------------|--|
-
- | | |
|---------------------------|---|
| 6. REQUEST FOR STAY | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. |
| | Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay. |
-
- Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.
- NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.
- (Continued on page 2)

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

- Alaska State Office ----- Alaska
- Arizona State Office ----- Arizona
- California State Office ----- California
- Colorado State Office ----- Colorado
- Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
- Idaho State Office ----- Idaho
- Montana State Office ----- Montana, North Dakota and South Dakota
- Nevada State Office ----- Nevada
- New Mexico State Office --- New Mexico, Kansas, Oklahoma and Texas
- Oregon State Office ----- Oregon and Washington
- Utah State Office ----- Utah
- Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

BLM Colorado State Director Review and Appeal Opportunity

The following sections of 43 CFR apply to appeals of Mining Plans of Operations decisions.

43 CFR § 3809.800 (Who may appeal BLM decisions under this subpart?) - (a) A party adversely affected by a decision under this subpart may ask the State Director of the appropriate BLM State Office to review the decision. Send this request to:

BLM Colorado State Director
2850 Youngfield Street
Lakewood, Colorado 80215

(b) An adversely affected party may bypass State Director review and directly appeal a BLM decision under this subpart to the Office of Hearings and Appeals (OHA) under part 4 of this title. See § 3809.801.

§ 3809.801 (When may I file an appeal of the BLM decision with OHA?) - (a) If you intend to appeal a BLM decision under this subpart, use the following table to see when you must file a notice of appeal with OHA:

If -	And-	Then if you intend to appeal, you must file a notice of appeal with OHA
(1) You do not request State Director review	-	-Within 30 calendar days after the date you receive the original decision.
(2) You request State Director review.	-The State Director does not accept your request for review	-On the original decision within 30 calendar days of the date you received the State Director's decision not to review. -On the original decision before the State Director issues a decision.
(3) You request State Director review.	-The State Director has accepted your request for review, but has not made a decision on the merits of the appeal.	-On the State Director's decision within 30 calendar days of the date you receive, or are notified of, the State Director's decision.
(4) You request State Director review.	-The State Director makes a decision on the merits of the appeal	

(b) In order for OHA to consider your appeal of a decision, you must file a notice of appeal in writing with the BLM office where the decision was made.

§ 3809.802 (What must I include in my appeal to OHA?) - (a) Your written appeal must contain: (1) Your name and address; and (2) The BLM serial number of the notice or plan of operations that is the subject of the appeal.

(b) You must submit a statement of your reasons for the appeal and any arguments you wish to present that would justify reversal or modification of the decision within the time frame specified in part 4 of this chapter (usually within 30 calendar days after filing your appeal).

§ 3809.803 (Will the BLM decision go into effect during an appeal to OHA?) - All decisions under this subpart go into effect immediately and remain in effect while appeals are pending before OHA unless OHA grants a stay under Sec. 4.21(b) of this title.

§ 3809.804 (When may I ask the BLM State Director to review a BLM decision?) - The State Director must receive your request for State Director review no later than 30 calendar days after you receive or are notified of the BLM decision you seek to have reviewed.

§ 3809.805 (What must I send BLM to request State Director review?) - (a) Your request for State Director review must be a single package that includes a brief written statement explaining why BLM should change its decision and any documents that support your written statement. Mark your envelope "State Director Review." You must also provide a telephone or fax number for the State Director to contact you.

(b) When you submit your request for State Director review, you may also request a meeting with the State Director. The State Director will notify you as soon as possible if he or she can accommodate your meeting request.

§ 3809.806 (Will the State Director review the original BLM decision if I request State Director review?) - (a) The State Director may accept your request and review a decision made under this subpart. The State director will decide within 21 days of a timely filed request whether to accept your request and review the original BLM decision. If the State Director does not make a decision within 21 days on whether to accept your request for review, you should consider your request for State Director review declined, and you may appeal the original BLM decision to OHA.

(b) The State Director will not begin a review and will end an ongoing review if you or another affected party files an appeal of the original BLM decision with OHA under section Sec. 3809.801 before the State Director issues a decision under this subpart, unless OHA agrees to defer consideration of the appeal pending a State Director decision.

(c) If you file an appeal with OHA after requesting State Director review, you must notify the State Director who, after receiving your notice, may request OHA to defer considering the appeal.

(d) If you fail to notify the State Director of your appeal to OHA, any decision issued by the State Director may be voided by a subsequent OHA decision.

§ 3809.807 (What happens once the State Director agrees to my request for a review of a decision?) - (a) The State Director will promptly send you a written decision, which may be

based on any of the following: (1) The information you submit; (2) The original BLM decision and any information BLM relied on for that decision; (3) Any additional information, including information obtained from your meeting, if any, with the State Director.

(b) Any decision issued by the State Director under this subpart may affirm the original BLM decision, reverse it completely, or modify it in part. The State Director's decision may incorporate any part of the original BLM decision.

(c) If the original BLM decision was published in the Federal Register, the State Director will also publish his or her decision in the Federal Register.

§ 3809.808 (How will decisions go into effect when I request State Director review?) - (a) The original BLM decision remains in effect while State Director review is pending, except that the State Director may stay the decision during the pendency of his or her review.

(b) The State Director's decision will be effective immediately and remain in effect, unless a stay is granted by OHA under Sec. 4.21 of this title.

§ 3809.809 (May I appeal a decision made by the State Director?) - (a) An adversely affected party may appeal the State Director's decision to OHA under part 4 of this title, except that you may not appeal a denial of your request for State Director review or a denial of your request for a meeting with the State Director.

(b) Once the State Director issues a decision under this subpart, it replaces the original BLM decision, which is no longer in effect, and you may appeal only the State Director's decision.