



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

Moab/Monticello Ranger District
62 East 100 North
P.O. Box 386
Moab, UT 84532
Phone # (435) 259-7155
Fax # (435) 259-7737

File Code: 1950/2810
Date: September 16, 2009

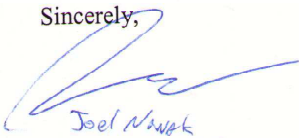
Dear Interested Party:

The Manti-La Sal National Forest, Moab/Monticello District proposes to authorize Denison Mines Corporation to install two vent holes and drill 16 exploration holes in connection with the Pandora Mine located in Section 5, Township 29 South, Range 25 East, Salt Lake Base Meridian, San Juan County, Utah. The Pandora Mine is located on BLM lands approximately 1.5 miles southeast of the proposed vent holes. The vent holes will be approximately 6 feet in diameter with screened metal diffusers above ground. The fans and power will be provided from underground. Total surface disturbance for installation of the two vent holes will be 0.5 acres (0.25 acre each) and the proposed vent hole access road is estimated to total 0.79 acres. The 16 exploration holes will be drilled to approximately 600 feet and will be 6 inches in diameter. Surface disturbance associated with the exploration drilling will be approximately 800 square feet for each hole and a total of approximately 1.09 acres for the access roads. Reclamation of the drill holes and access roads will take place immediately after construction, weather permitting. Standard design features plus any additional ones identified in the environmental process will be adhered to by the company. A bond will be held until reclamation is complete.

For further information, including maps and additional project details and please go to our website at:
http://www.fs.fed.us/r4/mantilasal/projects/projects_moabmonticello/projectsmoabmonticello_proposed.shtml
Click on "Denison Mines Uranium Exploration and Vent Hole Installation."

It is anticipated that a Categorical Exclusion under Forest Service Handbook 1909.15 Chapter 31.2, (3) will authorize the vent hole activity and Chapter 31.2, (8) will authorize the exploration activity. If you need further information you may contact Joel Nowak at the Moab/Monticello Ranger District, telephone (435) 636-3364. Written comments should be received by October 26, 2009 to Michael Diem, District Ranger, Moab/Monticello Ranger District. The mailing address is P.O. Box 820, Monticello, UT 84535. The physical address is 432 East Center St., Monticello, UT. The fax number is 435-259-7737.

Sincerely,


For MICHAEL DIEM
District Ranger



Caring for the Land and Serving People

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Exhibit 15



United States
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62 East 100 North
P.O. Box 386
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File Code: 2810
Date: April 19, 2010

Sara Fields
Uranium Watch
P.O. Box 344
Moab, UT 84532

Dear Mrs. Fields:

The Manti-La Sal National Forest has made a Decision on Denison Mines (USA) Corporation proposed Plan of Operations for uranium exploration and vent hole installation. Due to your comments submitted on October 26, 2009, we have changed/added design features that will hopefully alleviate your concerns. Please see the enclosed Response to Comments and Decision Memo incorporating these changes.

If you have any questions or concerns, please feel free to contact Joel Nowak at (435) 636-3364.

Sincerely,

for MICHAEL DIEM
District Ranger

Enclosures

Exhibit 16



**RESPONSE TO COMMENTS
FOR
Denison Mines Uranium Exploration and Vent Hole Installation**

One comment letter was received during the scoping period: Uranium Watch, submitted a letter on October 26, 2009. The following responses are numbered according to the comments in the letter:

1.1 COMMENT: *The public notice mentions the Forest Service Handbook, but fails to reference the applicable USFS regulations at 36 CFR Part 220. The proposed authorization was improperly noticed.*

RESPONSE: The public notice referenced the appropriate regulations indirectly through the Forest Service Handbook reference. The wording in the notice is the same as in the CFR's. The public had the option to call or write the project leader if they had questions on which regulations would authorize the activity. No member of the public called or wrote the Forest Service asking such questions. This type of scoping notice was used for many years prior to this project, so most, if not all, interested persons already knew the regulations of which the FSM refers to. In the future though, the Forest will refer the public to the appropriate CFR's for clarity in the public notices and Decisions. This Decision will refer to the CFR's.

1.3 COMMENT: *The USFS must provide information to the public about the conduct and results of its scoping process for the proposed action and it should be available for public comment.*

RESPONSE: The public notice in the local newspapers and the scoping letter sent to interested individuals was to solicit comments from interested individuals/groups. As number 1.3 (2) of the comment letter indicates, "...no single scoping technique is required or prescribed." The Forest felt the scoping on this project was more than adequate to inform the public of its actions. In addition to the letter and public notice, the Forest informed the public through its website and the Schedule of Proposed Actions (SOPA). Commenting on the general Forest Service public scoping process is beyond the scope of this project.

2.1 COMMENT: *The fact that the proposed vents will emit hazardous air pollutants is an "extraordinary circumstance."*

RESPONSE: The installation and operation of a vent hole is not considered an extraordinary circumstance as defined by 36CFR 220.6 (b), which states:

Resource conditions. (1) Resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS are:

- (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;
- (ii) Flood plains, wetlands, or municipal watersheds;
- (iii) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas;
- (iv) Inventoried roadless area or potential wilderness area;
- (v) Research natural areas;
- (vi) American Indians and Alaska Native religious or cultural sites; and
- (vii) Archaeological sites, or historic properties or areas.

These vents by definition are not an extraordinary circumstance and will not affect any of the described extraordinary circumstances.

2.2 COMMENT: *The radioactive particulates will contaminate soil and ground and surface water in the vicinity of the site, as the radionuclides are scavenged by soil, aerosols, and water. The radionuclides will enter the food chain and be consumed by wildlife and domestic livestock, and people will consume wildlife and livestock that may have elevated radionuclide levels. This is an "extraordinary circumstance."* **RESPONSE:** The release of radon into the environment and the possibility of its progeny contaminating the soil and water and subsequently plants and wildlife are minimal. Wildlife and livestock only use these areas for a short period of time therefore limiting individual exposure. Persons traveling or utilizing the area will have only brief, if any, exposure to radon or its progeny. These effects are negligible. Studies have been performed on the effects of long term, indoor radon exposure. However, short term studies on minor amounts of radon exposure to humans, wildlife or plants would not be measurable (See FS Library study results and other documents in project record). Therefore, the release of radon from vent holes doesn't fit the definition of an extraordinary circumstance.

2.3 COMMENT: *The FS has no idea of the amount of radon and radioactive particles that will be released and the impacts in the La Sal area. The lack of information regarding the potential known adverse impacts of a proposed action is an "extraordinary circumstance."* **RESPONSE:** Denison Mines submits an annual report to the U.S. Environmental Protection Agency and the Utah Department of Environmental Quality for the La Sal Mine Complex, which includes the vent holes currently in place on the Forest and other lands. This report contains the testing for radon-222 from the vent holes in accordance with 40 CFR 61, Appendix B, Method 115, Section 1. Specifically, Denison tests Radon-222 emissions per Sections 1.1.1 and 1.2. These results are sent to the agencies above and cc'd to the Forest. As for the effects of radionuclides through the local food chain, impacts to wildlife, domestic animals, etc., the lack of information (due probably to the immeasurability of the minor amounts of radon from these vent holes. The existing vent holes were monitored in previous years and were in the range of 1.3 to 1.4 mrem/year, while the EPA limit is established at 10/mrem/year) in this circumstance does not constitute it as an extraordinary circumstance. The Forest is looking into the possibility of a long term study of the vent holes and their environmental effect.

2.4 COMMENT: *The existing and proposed vent holes are near the community of La Sal. These combined with the past, present and future mining activities will have cumulative impacts on the environment. These impacts can only be identified, characterized, and evaluated in the context of an EIS.* **RESPONSE:** The proposed vents are over two miles away from the town of La Sal where the majority of people work and reside. The nearest residence is over a mile away and against the prevailing winds. This does not constitute an extraordinary circumstance. Studies of people living near uranium mills have shown that the mortality rate "was less than or as expected based on US mortality rates." For example, see: Boice Jr, J. D., S. S. Cohen, et al. (2007). "Mortality among residents of Uravan, Colorado who lived near a uranium mill, 1936-84." Journal of Radiological Protection [J. Radiol. Prot.]. 27(3): 299-319.

"A cohort mortality study was conducted of all adult residents who ever lived in Uravan, Colorado, a company town built around a uranium mill. Vital status was determined through 2004 and standardised mortality analyses conducted for 1905 men and women alive after 1978 who lived for at least 6 months between 1936 and 1984 in Uravan. Overall, mortality from all causes

(standardised mortality ratio (SMR) 0.90) and all cancers (SMR 1.00) was less than or as expected based on US mortality rates. Among the 459 residents who had worked in underground uranium mines, a significant increase in lung cancer was found (SMR 2.00; 95% CI 1.39-2.78). No significant elevation in lung cancer was seen among the 767 female residents of Uravan or the 622 uranium mill workers. No cause of death of a priori interest was significantly increased in any group, i.e. cancers of the kidney, liver, breast, lymphoma or leukemia or non-malignant respiratory disease, renal disease or liver disease. This community cohort study revealed a significant excess of lung cancer among males who had been employed as underground miners. We attribute this excess to the historically high levels of radon in uranium mines of the Colorado Plateau, coupled with the heavy use of tobacco products. There was no evidence that environmental radiation exposures above natural background associated with the uranium mill operations increased the risk of cancer. Although the population studied was relatively small, the follow-up was long, extending up to 65 years after first residence in Uravan, and nearly half of the study subjects had died."

- 2.5 **COMMENT:** *Denison must have the approval of the Utah Division of Air Quality before they can construct and operate the two proposed vent holes. They are out of compliance with the Clean Air Act.* **RESPONSE:** The Forest will add appropriate design features or conditions of approval that should not allow the operator to construct the vent holes until the Utah Division of Environmental Quality approves their application (if warranted). The Forest will also look into the statement "...the applicant is out of compliance with the Clean Air Act since the mine started operating in 2006..." In reading the letter included in your comment letter from the DEQ, it seems the DEQ will be following up more closely the application and approval process for emissions. We will ask the DEQ to be informed of these processes and the Plan may not be approved until Denison is in compliance.
- 2.6 **COMMENT:** *The FS must evaluate the cumulative impacts of the radon vents in conjunction with all other sources of radon in the area.* **RESPONSE:** The installation and operation of the proposed vent holes (2) would not add significant cumulative health, safety or environmental impacts due to the size of the project.
- 2.7 **COMMENT:** *There is no way to determine if mitigative measures are warranted, if the environmental impacts of radon vents are not identified and assessed; and, there is no way to determine what those mitigative measures might be and how they might affect the impacts of the proposed action.* **RESPONSE:** As described above, the potential environmental impacts are very small and therefore there is no need for mitigative measures. The Forest will, however, add additional design features that will minimize the environmental effects.
- 2.8 and 2.9 **COMMENT:** *The FS has failed to assess the cumulative impact of radon emissions from the vent holes on FS land in the vicinity of La Sal.* **RESPONSE:** The Forest Service, under guidance from CEQ regulation 1500.4 (p), created categorical exclusions which do not individually or cumulatively have a significant effect on the human environment. The use of these is encouraged to reduce paperwork, time and money. This project falls under 36 CFR 220.6 (e)(3) and (e)(8). This project will add negligible effects to the overall cumulative impacts of the surrounding mining and other operations.
- 2.10 **COMMENT:** *Construction of these vent holes is a significant action because of the potential to adversely impact public health or safety, etc.* **RESPONSE:** As shown above, there will be minimal

environmental effects due to the small size of the project, nature of radon, and the design features that will be in place to minimize public health and safety and protect natural resources.

3. The Forest believes the installation and operation of two radon vents fits the category listed in Section 220.6 (e)(3): Approval, modification, or continuation of minor special uses of USFS lands that require less than five contiguous acres of land." These vent holes are well under five acres and with minimal environmental effects. The release of radon is well within the EPA limits and the fact that it is almost immediately dispersed into the atmosphere indicates the minor nature of the effects.

3.1 COMMENT: *None of the examples listed in Section 220.6(e)(3) are actions that will result in the planned and continuous release of hazardous air pollutants over an extended period of time. Radon vents are not minor uses because they will result in contamination of air, soil, and water with radioactivity and associated cumulative impacts.* **RESPONSE:** The proposed vent holes fall into the minor special use category due to the project being less than five contiguous acres of land, and as demonstrated above, no significant impacts will occur with the release and immediate dispersal of radon into the atmosphere. The project is similar to the examples listed in the category such as: "Approving the use of land for a 40-foot utility corridor that crosses one mile of a national forest" or "Approving an additional telecommunication use at a site already used for such purposes." These uses are similar in that they disturb a specific amount of land for a relatively long period of time, and they have minor amounts of radiation (electromagnetic in these cases) associated with the operation of such facilities. Since the radon disperses immediately into the surrounding atmosphere, these vent holes will not contribute significant cumulative effects to the area.

3.2 COMMENT: *The cumulative effects of the vent holes, in conjunction with the other impact of the Pandora Mine and past, current, and foreseeable uranium mining operations in the La Sal area and the Colorado Plateau region must be identified, characterized, and evaluated in the context of an EIS.* **RESPONSE:** As described above, these vent holes will not have a significant cumulative impact by themselves or in conjunction with other operations in the area due to the small land area impacted and the minor operational impacts.

3.3 COMMENT: *This action is related to other actions that may be individually insignificant but have cumulatively significant impacts; and the action is associated with ongoing violations of federal and state requirements that were imposed for the protection of the environment.* **RESPONSE:** This is not a significant agency action due to the minor nature of the project as described above.

4.1 COMMENT: *Neither the BLM nor the FS have developed a programmatic assessment of the uranium mining in La Sal, San Juan County, or the Colorado Plateau, including an assessment of cumulative impacts.* **RESPONSE:** The Forest Service and the BLM will be working together in association with Denison Mines to develop a long term plan that will include current and future operations. The Forest will assess whether or not to complete an EIS or EA in conjunction with the BLM on a relatively large projected operations area or to complete site specific studies as operations are needed in a particular area. A variety of factors will be considered, including

Denison's future plans, where and when operations will be needed, cumulative impacts, public involvement, etc.

4.2 COMMENT: *Uranium drilling has had significant impacts and will continue to have significant impacts to the air, soil, and ground and surface water, wildlife, and human health and safety in La Sal and the Colorado Plateau.* **RESPONSE:** Uranium exploratory drilling operations have minimal effects when done in an environmentally conscious manner and with diligent oversight from the federal project manager. These combined with the latest technological and scientific advances allow these operations to have minor environmental effects associated with them.

5.1 COMMENT: *Denison needs to comply with various state and federal regulations and must submit applications for any construction or modifications.* **RESPONSE:** We thank you for the information and hope that Denison will start/continue to comply with all state and federal regulations before commencing operations.

5.2 COMMENT: *The FS should require Denison to receive all necessary approvals from DAQ before startup.* **RESPONSE:** We will state in the Conditions of Approval that Denison should not commence construction of the vent holes until it has received an approval from the DAQ and has informed the DAQ of startup, pursuant to 40 C.F.R. 61.09.

5.3 COMMENT: *Denison must submit a report every year documenting radionuclide emissions from each vent hole and each report must be submitted to the Forest also.* **RESPONSE:** As requested and already determined, the Conditions of Approval will state that every annual report that is submitted to DAQ and EPA should also be submitted to the Forest Service.

5.4 COMMENT: *The DAQ and EPA must review these annual reports.* **RESPONSE:** The Forest will ask Denison to be copied on any correspondence between agencies and between the agencies and Denison regarding the radon monitoring and the annual radon monitoring reports.

5.5 COMMENT: *The Design Features doesn't state the reason the Forest would erect a fence.* **RESPONSE:** The Forest will, with recommendations from DAQ and EPA, instruct Denison to erect a fence if determined, in the future, that an increased amount of radon will put the public and environment at an unacceptable risk when near the vent hole.

5.6 COMMENT: *The Forest Service should identify previous contamination at the site that should be cleaned up prior to the commencement of drilling.* **RESPONSE:** There is no previous contamination recorded or identified at the proposed sites. As stated, the Forest will record the radiation levels at the proposed drill hole locations before any work starts. Preliminary observations indicated no previous disturbance or evidence of drilling/mining at these specific locations.

5.7 COMMENT: *Specific hydrology information and mitigative actions must be included in the Design Features and Conditions of Approval.* **RESPONSE:** All specific requirements recommended from the hydrology report will be included in the Design Features.

5.8 COMMENT: *The design features should contain mitigation measures for the impacts to water from the dispersal of radionuclides from the radon vents.* **RESPONSE:** There will be no impacts to water associated with the dispersal of radionuclides from the vents as there will be no water encountered during the construction of the holes. There are no perennial water

features anywhere in the vicinity of the proposed sites and no ground water is expected to be encountered.

6. **COMMENT:** *The FS should commence a public scoping process in order to develop an EIS for the proposal for constructing 2 radon vent holes and constructing 16 drill holes for mineral exploration associated with the Pandora Uranium Mine.* **RESPONSE:** As described above, we feel the project has minimal environmental effects and our analysis and documentation in a Categorical Exclusion is appropriate.

We thank you for your comments and hope we have alleviated your concerns with the additional requirements and in working with you and the company in minimizing any environmental effects.

Two other comments were received outside of the scoping period: The Hopi Tribe submitted comments on November 27, 2009 and The Navajo Nation submitted comments on Jan 01, 2010.

The Hopi comments are addressed here: *They claim cultural affiliation with prehistoric cultural groups in Utah. They support the identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties. They also agree on the "no historic properties affected" but they do not support uranium exploration and mining pursuant to the "archaic" 1872 Mining Law.* Since a cultural report was completed, reviewed, sent to the State Historic Preservation Office (SHPO) and our district archaeologist consulted with various tribes, including the Hopi, we feel this is adequate protection of all cultural resources.

The final letter was from **The Navajo Nation**: *They have concerns on the proposed project due to the Manti-La Sal mountains being sacred for the Navajo people and that ceremonies such as the Blessing way and Mountain Top way reference the Manti-La Sal Mountains in prayers and songs. They also have concerns because of "safety and contamination factors for the Navajo Nation." They believe "it is not a 100% guarantee that the Pandora 2009 Exploration Project will provide no uranium contamination to the environment, water and air quality, cultural resources, down wind exposures, and the public."* Although there is never a 100% guarantee that these activities will not have affects to the environment, water, etc, we will minimize any effects to the named resources through design features and diligent project monitoring.