



## 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](http://www.blm.gov/co/st/en/fo/ufo.html)



**RECEIVED**

FEB 04 2014  
GRAND JUNCTION FIELD OFFICE  
DIVISION OF  
RECLAMATION MINING & SAFETY

In Reply Refer To: CO-150, 3809.301, COC - 68907

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED 7012 3050 0002 0180 9969

**FEB - 3 2014**

Alan Chiles  
Rimrock Exploration & Development, Inc.  
PO Box 430  
Nucla, CO 81424

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43 CFR 3809 - Surface Management  
Mining Plan of Operations

### DECISION

#### J BIRD MINE: MINING PLAN OF OPERATIONS AMENDMENT APPROVAL

Dear Mr. Chiles:

Thank you for the mining plan of operations amendment (Plan) submitted on March 5, 2013, and revised on March 19, 2013 to expand your J Bird Mine operation to include exploration drilling on lands located in portions of T. 47 N., R. 20 W., Section 13, W½, and Section 14, E½, NMPM, as required by the Surface Management Regulations (43 CFR 3809). This project has the assigned BLM serial number COC-68907. An Environmental Assessment (EA) has been completed, and the Plan amendment is hereby approved.

Rimrock is authorized to conduct exploration drilling operations on the J Bird Mine project as defined in the final mining Plan, dated March 19, 2013 (see enclosed CD-ROM), which includes drilling up to 200 shallow exploration drill holes, and building up to 4,000 linear feet of temporary drill access roads, over a ten-year period. In addition to the existing conditions of approval stipulated on the mine plan, Rimrock is required to comply with the conditions of approval and mitigation measures attached to this plan amendment approval (see attachment 1).

### Financial Guarantee

The existing reclamation bond amount of \$16,646.00 is considered adequate for the mine reclamation. For the exploration activity, the Plan requires that Rimrock submit a copy of the Colorado Division of Reclamation, Mining and Safety's (CDRMS) required Notice of Intent (NOI) to this office for review of cultural and biological resources. Bonding for this Plan amendment's approved actions is required to be submitted prior to initiation of any exploration activity. You must not begin activities under this approved Plan amendment until you receive notification from the CDRMS that the financial guarantee has been accepted and obligated.

Approval of a Plan of Operations by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claim, or the profitability of the mining operation. Rimrock is responsible for obtaining any use rights or local, state, or Federal permits, licenses, or reviews that may be required for the operation.

### Appeal of the Decision

#### 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:

<b>If -</b>	<b>And-</b>	<b>Then if you intend to appeal, you must file a notice of appeal with OHA</b>
(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.

Please contact Robert Ernst at 970-240-5305 if you have questions.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Sharrow". The signature is fluid and cursive, with the first name "Barbara" and last name "Sharrow" clearly distinguishable.

Barbara Sharrow  
Manager, Uncompahgre Field Office

Enclosure  
Attachment

cc: CDRMS



## Attachment 1: Conditions of Approval

### Environmental Measures Committed to by the Operator

#### *Air Quality:*

- The proposed project area disturbance will be seeded with a BLM-approved seed mix to stabilize soils and reduce the impacts of dust created from wind erosion.
- If dust becomes visible during any phase of the operations, the operator will provide dust abatement measures to the road and location. These will include water or magnesium chloride, emulsified asphalt or other dust palliatives to decrease the application frequency.
- Prior to beginning any construction, an air pollution emission notice (APEN), issued by the Colorado Air Quality Control Division, that details the measures taken to control fugitive dust emissions, will be required.

#### *Cultural Resources:*

- If historic or archaeological materials are uncovered during permitted activities, the operator will immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the Authorized Officer. Within five working days the Authorized Officer will inform the operator as to:
  - whether the materials appear eligible for the National Register of Historic Places;
  - the mitigation measures the operator will have to undertake before the activities may proceed.
- Pursuant to 43 CFR 10.4(g) the operator will notify the Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator will stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the Authorized Officer.

#### *Soils and Vegetation:*

- Seed disturbed sites during reclamation with the BLM approved seed mix shown in Appendix B, and applied at a rate shown. Should re-vegetation attempts fail, seeding will be repeated by the operator at the request of the Authorized Officer. The objective is to establish a vegetative cover comprised of native species which is at least equal to that present prior to the disturbance, and a plant species composition at least as desirable as that present prior to the disturbance. Specifically, there should be at least 8 native species present in the re-vegetated community, and species composition by cover should be made up of no less than 5% of each of the following types of plants: native perennial grasses, native perennial forbs, and shrubs. Average shrub height should be 1.5 feet or more.
- Do not apply fertilizer at the time of seeding. Fertilizer applications, based on results of a soil analysis, can be made during the second growing season or after initial seeded species establishment.
- Restrict vehicle and pedestrian traffic to established roads and drill pads to prevent further soil mixing and compaction outside the proposed project area.
- Drainage crossings should be hardened with rip-rap or rock material rather than soil to



prevent sediment mobilization during storm events.

*Invasive, Non-native species:*

- The operator will control weeds on the project area for the life of the Plan in accordance with the Colorado Noxious Weed Act and Montrose County weed requirements. Prior to the use of herbicides, the operator will obtain from the Authorized Officer written approval of a weed control plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer.
- The operator will submit a Pesticide Use Proposal to the Authorized Officer, prior to noxious weed control, for approval to use herbicides on public land. An approved Pesticide Application Record will be given to the Authorized Officer within 48 hours after application.
- Use of herbicides will comply with the applicable Federal and state laws. Herbicides will be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior.
- As a safeguard to avoid the inadvertent introduction of noxious weeds, clean vehicle(s) and machinery that have been driven or used in weed-infested areas with high pressure spray equipment before entering non-infested areas.
- The operator will monitor for noxious weeds and contact the Authorized Officer regarding treatment options. Submit the plan no later than March 1 of any calendar year to cover the proposed activities for the next growing season.

*Threatened, Endangered, and Sensitive Species, Migratory Birds:*

- If, in the future, water depletions associated with exploration and mining activities exceed 0.2 acre feet per year evaluated in this document, the operator will notify the Authorized Officer so that further water depletion payments, or consultation with U.S. Fish and Wildlife Service can be initiated.
- If, in the future, additional effects on species listed under the ESA are evident, consultation with the U.S. Fish and Wildlife Service will be reopened.
- It is recommended that botanical surveys be conducted for Naturita milkvetch, and sandstone milkvetch within the affected areas during the blooming period. If individuals or populations are located, report locations to BLM. It is recommended that surface disturbing activities not occur within 300 feet of those locations.
- To the extent possible, observed reptiles or amphibians will be avoided and will not be intentionally harmed. Additionally, to the extent possible, project activities will avoid disturbing known or potential hibernacula.
- To reduce impacts on migratory birds, it is recommended that no surface disturbing activities occur from May 15 through July 15. Alternatively, breeding bird surveys could be conducted during the breeding season, prior to surface disturbing activities. If no active nests are found, activities can proceed.

*Wastes/Hazardous or Solid:*

- Maintain Material Safety Data Sheets on-site for all chemicals located on-site.
- Sanitary facilities will be required on site.
- Report any fuel spills immediately to the Authorized Officer, and file copies of all characterization and remediation spill data and reports within two days with the Authorized



## Additional Mitigation Measures

### Native American Religious Concerns

If future tribal consultation or field visits reveal the presence of any Native American religious concerns, the appropriate mitigation will be implemented.

### Access and Transportation

County roads, with the approval of the County, and existing (or new) BLM roads would be upgraded as needed by providing proper drainage and/or resurfacing for all-weather use with the incorporation of culverts, water bars, ditching and/or gravel. Existing routes would be used to the extent possible before considering construction of new routes.

