

BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

IN THE MATTER OF GOLD EAGLE MINING, INC., PERMIT NOS. M-1977-248, M-1977-297, M-1978-311, AND M-1978-342

STIPULATED AGREEMENT BETWEEN DIVISION OF RECLAMATION, MINING, AND SAFETY, GOLD EAGLE MINING, INC., AND INFORM REGARDING EXTENSION OF RECLAMATION DEADLINE

THIS AGREEMENT ("Agreement") is made and entered into by and between the Colorado Division of Reclamation, Mining and Safety ("Division"), Gold Eagle Mining, Inc. ("Gold Eagle"), and Information Network for Responsible Mining ("INFORM") (jointly as "Parties"). The Parties submit this agreement for consideration by the Mined Land Reclamation Board ("Board"). In support of their Agreement, the Parties state the following:

Recitals

A. Gold Eagle holds three 110(1) mining permits for uranium mines located in San Miguel County, permit numbers M-1977-297, M-1978-311, and M-1978-342, and one 112 permit for a uranium mine located in Montrose County, permit number M-1977-248. Gold Eagle leases all four mine sites from the U.S. Department of Energy ("DOE").

B. Both DOE and the Division must review and approve reclamation plans and final reclamation for Gold Eagle's mines.

C. In May of 2013, the Division and Gold Eagle agreed that Gold Eagle would submit and obtain approval of revised reclamation plans for the mines and complete reclamation at all four mines on or before May 31, 2014.

D. In August of 2013, Gold Eagle submitted revised reclamation plans to the Division and DOE for review and approval.

E. By letter dated September 26, 2013, DOE stated that the technical revisions did not meet certain lease requirements and requested that Gold Eagle "submit a reclamation plan for each operation in accordance with these lease stipulations." DOE's letter also stated that the federal District Court "in its Order of February 27, 2012, has enjoined DOE from approving any activities (including exploration, drilling, mining, and reclamation)" for the mines. A copy of DOE's letter is attached as Exhibit A.

F. In December of 2013, the Division approved revised reclamation plans for Gold Eagle's mines.

G. On May 13, 2014, the Division received Gold Eagle's Petition for Declaratory Order ("Petition"). The Petition requested the Board waive the May 31, 2014 deadline due to the federal District Court injunction. A copy of the Petition is attached as Exhibit B.

H. On May 15, 2014, the Division received INFORM's Petition to Intervene in the Board hearings regarding Gold Eagle's Petition. INFORM's Petition to Intervene also requested certain relief regarding Gold Eagle's requested extension of the reclamation deadline. A copy of the Petition to Intervene without attachments is attached as Exhibit C.

Agreement

The Parties agree that:

1. INFORM's Petition to Intervene should be granted.
2. Gold Eagle's Petition for Declaratory Order should be granted with the following requirements:
 - a. Gold Eagle must submit to DOE a reclamation plan for each mine, permit numbers M-1977-248, M-1977-297, M-1978-311, and M-1978-342, in accordance with the lease stipulations on or before June 30, 2014, and Gold Eagle must provide the Division and INFORM copies of all documents submitted to DOE regarding the reclamation plan for each mine; and
 - b. Gold Eagle must notify the Division and INFORM upon receiving approval of each reclamation plan from DOE.
 - c. Gold Eagle must complete reclamation of a mine within 180 days of receiving approval for the mine's reclamation plan from DOE and the Division.
3. Failing to abide by the terms of this Stipulation constitutes a violation of a Board order.

WHEREFORE, the parties respectfully request that the Board approve this joint stipulation at its May 21, 2014 meeting.

Respectfully Submitted this 21st day of May, 2014.

GOLD EAGLE MINING, INC.



Don Coram, President

Date: 5/20/2014

INFORMATION NETWORK FOR
RESPONSIBLE MINING

Jennifer Thurston, Executive Director

Date:

COLORADO DIVISION OF RECLAMATION MINING AND SAFETY

Tony Waldron, Minerals Program
Supervisor
Date:

Agreement

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Jennifer Thurston, Executive Director

Date:

May 20 2014

COLORADO DIVISION OF RECLAMATION MINING AND SAFETY

Tony Waldron, Minerals Program
Supervisor
Date:

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Don Coram, President

Jennifer Thurston, Executive Director

Date:

Date:

COLORADO DIVISION OF RECLAMATION MINING AND SAFETY



Tony Waldron, Minerals Program
Supervisor
Date: May 20, 2014



Department of Energy

Washington, DC 20585

September 26, 2013

OLM-LEK-2013-091

RECEIVED

Mr. Don Coram, President
Gold Eagle Mining, Inc.
P.O. Box 3007
Montrose, CO 81401

SEP 30 2013

GRAND JUNCTION FIELD OFFICE
DIVISION OF
RECLAMATION MINING & SAFETY

Subject: Reclamation Requirements for Mining Operations on DOE Lease Tracts C-JD-5 and C-SR-13

Dear Mr. Coram:

This letter is in response to your undated letter (received by DOE on August 9, 2013), concerning "DOE Uranium Lease Reclamation Schedule and Requirements – JD-5 Mine, Burros Mine, Ellison Mine and Hawkeye Mine" and the accompanying information, Technical Revision documents for Colorado Division of Reclamation, Mining and Safety (CDRMS) Permits No.: M-1977-248 (JD-5 Mine); M-1977-297 (Burros Mine); M-1978-342 (Ellison Mine); and M-1978-311 (Hawkeye Mine). DOE presumes that your submittals to CDRMS were in response to the Mineral Program Inspection Reports issued by CDRMS for the May 16, 2013, inspections of the respective mining operations. DOE is currently awaiting the results of CDRMS' review and consideration of those submittals.

As the lessee for DOE Lease Tracts C-JD-5 and C-SR-13, please be advised that the referenced submittals do not meet the requirements set forth in the respective lease agreements for reclamation plan submittals; specifically Appendix C, paragraph (l), which states in part:

"Prior to abandoning operations, the Lessee shall submit a mine-site reclamation plan to the Realty Officer for approval. Such plan shall include the proposed method(s) of permanent closure for all mine openings/portals including shafts, adits, inclines/declines, ventilation shafts, and water discharge points. No underground workings or any part thereof shall be permanently abandoned and rendered inaccessible without the prior written approval of the Realty Officer. All mine-site reclamation shall be performed to the satisfaction of the Realty Officer in accordance with the approved reclamation plan."

and Appendix C, paragraph (k), which states in part:

"The Lessee shall return all disturbed areas to their original condition or a condition acceptable to the Realty Officer promptly after damage to such areas has occurred and operations under this Lease are no longer being conducted in the disturbed areas."

Accordingly, if your intent, as depicted by the "Technical Revisions" submitted to CDRMS, is to reclaim the aforementioned mining operations, please submit a reclamation plan for each operation in accordance with these lease stipulations. Once each plan is received, DOE and its contractor staff will review all documents and correspondence associated with the original mining plan for the lease and any subsequent amendment(s) to the plan, including the respective approval letter(s). As part of that review process, an on-site examination will be scheduled for each plan to determine exactly what actions are required during the reclamation of each mining operation.



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EXHIBIT

A

PERC-10-10-10, N. 1.

Mr. Don Coram

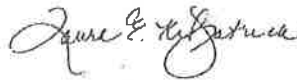
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Please be reminded that the U.S. District Court for the District of Colorado, in its Order of February 27, 2012, has enjoined DOE from approving any activities (including exploration, drilling, mining, and reclamation) on lands governed by the Uranium Leasing Program (ULP) -- except for specific categories of activities that are identified in that Order and are absolutely necessary -- until (1) DOE conducts an environmental analysis that fully complies with the National Environmental Policy Act, the Endangered Species Act, all other governing statutes and regulations, and the Court's Order, i.e., DOE's ULP Programmatic Environmental Impact Statement is completed and DOE's Record of Decision is issued; and (2) the Court then dissolves the injunction.

Please contact me at (720) 880-4338 or Ed Cotter of my contractor staff at (970) 248-6056 with questions or comments. Please send any correspondence to:

U.S. Department of Energy
Office of Legacy Management
2597 Legacy Way
Grand Junction, CO 81503

Sincerely,



Laura E. Kilpatrick
2013.09.26 11:22:46
-06'00'

Dr. Laura E. Kilpatrick
Senior Realty Officer

cc:

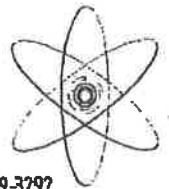
S. Dove, DOE (e)
M. McHugh, GEMI
R. Means, CDRMS
Project File (E. Cotter)

RECEIVED

MAY 13 2014

DIVISION OF RECLAMATION
MINING AND SAFETY

Gold Eagle Mining, Inc.



845 E Main Street ~ Montrose, CO 81401 ~ 970-249-0404 ~ Fax 970-249-3292

MAY 13 AM 10:32

May 7, 2014

Colorado Mine Land Reclamation Board
1313 Sherman Street, Room 215
Denver, CO 80203

C-JD-5	M-1977-248
Burros Mine	M-1977-297
Ellison Pit	M-1978-342
Hawkeye Mine	M-1978-311

Re: Rule 2.5.2-Petition for Declaratory Order
JD-5 Mine, Burros Mine, Ellison Mine and Hawkeye Mine

In accordance with Rule 2.5.2(2) of the Colorado Hard Rock Mining Regulation, Gold Eagle Mining Inc. (GEMI) is hereby petitioning the Board for a Declaratory Order waiving the current reclamation schedule for the above-captioned properties. GEMI understands that a Board meeting is scheduled for May 21-22, 2014 and seeks consideration at that time. As stated in the Rule, the following information is provided to support GEMI's Petition for the Board's Declaratory Order:

(a) Name and address of the Petitioner:

Don Coram
Gold Eagle Mining Inc.
P.O. 3007
Montrose, CO 81402

(b) Statute, rule or order to which the petition relates;

Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations; and specifically Rule 6.4.5.2(e) pertaining to Reclamation Schedules.

(c) Facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the Petitioner.

GEMI is currently required to complete reclamation of the JD-5 Mine, Burros Mine, Ellison Mine, and Hawkeye Mine by May 31, 2014. While GEMI wishes to comply with its reclamation obligations, the current schedule for reclamation cannot be met due to matters beyond GEMI's control. More specifically, on October 26, 2011 the U.S. Department of Energy was ordered by Federal Court Judge William J. Martinez to prohibit any mining or reclamation activities on its leased uranium properties pending the completion of DOE's Preliminary Environmental Impact Statement (PEIS) and

EXHIBIT

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subsequent Record of Decision (ROD). The GEMI properties are DOE leases and are subject to the Courts prohibition. Since the DOE has not issued the Record of Decision for the PEIS; and because the Court has not yet lifted its prohibition of activity on the properties, GEMI remains unable to complete reclamation and cannot meet the current May 31, 2014 deadline. Given these facts, GEMI requests that the Board waive the current reclamation schedule for these properties pending the Courts lifting of its activity prohibition and issue a Declaratory Order to that effect.

GEMI looks forward to presenting this matter to the Board, and if the Board should have any questions regarding this matter please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Coram", written over a horizontal line.

Don Coram

President, Gold Eagle Mining Inc.

CC: Ed Cotter

DOE Uranium Leasing Program Lead

S.M. Stoller Corporation

GEMZ

PO Box 3007

Montrose, CO 81402

GRAND JUNCTION CO 815

09 MAY 2014 PM 1 T



Colorado Mined Land Reclamation
1313 Lamar Street, Room 215
Denver, CO 80203

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BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

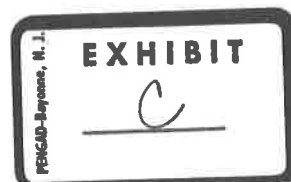
IN THE MATTER OF GOLD EAGLE MINING INC.'S PETITION FOR A DECLARATORY
ORDER PERMIT NOS. M-1977-248 (JD-5 MINE), M-1977-297 (BURROS MINE),
M-1978-342 (ELLISON MINE), AND M-1978-311 (HAWKEYE MINE)

PETITION TO INTERVENE

The Information Network for Responsible Mining (INFORM) hereby timely requests that the Board grant this Petition to Intervene in the above captioned matter under Rule 2.5.5 of the Board's Hard Rock/Metal Mining Rules and Regulations. In this proceeding, Gold Eagle Mining, Inc. has requested a declaratory order to extend an enforcement deadline related to the company's four mines in western San Miguel and Montrose counties. As described below, the operator of these mines has neither submitted the Environmental Protection Plans necessary to remain in active status, met any of the requirements to qualify for temporary cessation status, nor made the necessary filings with the federal agencies responsible for approving reclamation plans for the sites. This is despite having been noticed and warned repeatedly that failure to do so would result in enforcement actions from the Division and Board. In its latest submittal, the operator seeks the Board's endorsement of its plans to forestall any meaningful progress toward a resolution of these longstanding issues. Because the operator has failed to demonstrate a reasonable degree of compliance with the Mined Land Reclamation Act, INFORM requests the Board deny the requested open-ended delays sought by the operator and instead require a meaningful compliance schedule that includes, at minimum, an order to file the required reclamation plans with the Department of Energy by the current enforcement deadline of May 31, 2014. As confirmed by correspondence in the mine file, the injunction issued by Federal Judge Martinez in 2011 poses no barrier to the review of reclamation plans by the relevant state and federal agencies. In fact, the injunction was clarified in 2012 to ensure necessary reclamation activities could go forward during the pendency of the injunction. In short, state enforcement action is necessary where the federal injunction has been improperly relied upon by Gold Eagle Mining as an excuse to ignore Colorado laws.

Statement of Protected Interest

INFORM is a citizens-based nonprofit organization incorporated in Colorado. INFORM's address is P.O. Box 27, Norwood, CO 81423. INFORM is an interested and affected party and is entitled to protection under the Colorado Mined Land Reclamation Act. As described in the attached Declaration of Jennifer Thurston, INFORM's executive director, INFORM staff and members are adversely affected and aggrieved in this case by the lack of any meaningful



reclamation at these mine sites, which has gone uninitiated despite the multiple deadlines set by DRMS. INFORM members use and enjoy the public lands upon which these mines are located for recreational, conservation and aesthetic purposes, and those uses are impaired and degraded by the ongoing lack of meaningful reclamation. The relief sought in this Petition for Intervention will remedy that impairment, at least in part. As such, INFORM has demonstrated the requisite interest under the Mined Land Reclamation Act (MLRA).

Factual Background

The Colorado Legislature in 2008 passed HB 08-1161, which specified that all uranium mining operations are 'designated mining operations' under the MLRA. [See C.R.S. § 34-32-103(3..5)(a)(III).] The effect of this provision is to confirm that all uranium mines must either develop an Environmental Protection Plan in compliance with the MLRA or fully reclaim the mines and release the permits. Recognizing these requirements, the Division appropriately issued numerous requests and information letters to all uranium mine operators about how to comply with the law, and the Division set a final compliance deadline for all operators of Oct. 1, 2012.

Despite the well-communicated Oct. 1, 2012, deadline, Gold Eagle Mining, Inc. did not comply with this deadline, but submitted insufficient plans to meet the law's requirements.¹ In an effort to persuade Gold Eagle Mining to come into compliance, the Division granted its first deadline extension until Dec. 21, 2012, and informing the operator, "As noted, Gold Eagle has until December 10, 2012 to correct the amendment application adequacy issues for all permits noted or face enforcement action."² Again, however, Gold Eagle Mining did not meet the deadline. On Dec. 21, 2012, INFORM wrote the Division director and requested that the law be enforced. [See Attachment A.]. On Jan. 7, 2013, Gold Eagle Mining filed a Notice of Reclamation to the Division and agreed to fully reclaim the mines while retaining active status instead of submitting the Environmental Protection Plans.³ On Feb. 22, the Division accepted the Notice of Reclamation but told Gold Eagle Mining that the mines were not eligible for active status.⁴

Rather than comply with its own proposed plan to reclaim the mines, however, Gold Eagle Mining, Inc., submitted notices of temporary cessation and again claimed that it was

¹ DRMS letter to Gold Eagle Mining, Inc., Notice of Incomplete EPP Submittals, dated Oct. 9, 2012. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/967200/Electronic.aspx?searchid=23213ca6-1b7c-484d-9442-c041a6972f7d>

² Ibid.

³ Gold Eagle Mining, Notice of Reclamation, received Jan. 7, 2013. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/973804/Electronic.aspx?searchid=23213ca6-1b7c-484d-9442-c041a6972f7d>

⁴ DRMS, Notice of Outstanding Issues, Feb. 22, 2013. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/977162/Electronic.aspx?searchid=23213ca6-1b7c-484d-9442-c041a6972f7d>

prohibited from conducting any reclamation work.⁵ INFORM objected, seeking a hearing before the Board as to the ineligibility of the mines for temporary cessation status.⁶ Before the matter could be brought to hearing before the Board, Gold Eagle Mining withdrew its request on May 6, 2013, and finally agreed to commence reclamation of the mines.⁷ In response, the Division set a final deadline for completion of reclamation of May 31, 2014, and again warned that failure to reclaim was subject to enforcement action.⁸ On Dec. 9, 2013, the Division approved a technical revision concerning the details of the reclamation plans. In the approval, the Division stated, "Please be aware the Division is not approving any modification to the May 31, 2014 deadline by which Gold Eagle must complete all reclamation earthwork and initial seeding... Failure to comply with the May 31, 2014 deadline may result in the Division bringing the possible violation before the Mined Land Reclamation Board for a formal hearing..."⁹

In its Dec. 9, 2013, letter to Gold Eagle Mining, the Division recognized that because the mine sites at issue are located on public land uranium lease tracts managed by the U.S. Department of Energy, the reclamation plan would have to be submitted to the Department of Energy for concurrence. Based on a Sept. 30, 2013, letter from the Department of Energy to Gold Eagle Mining, it appears that the operator submitted its proposed technical revisions to the Department of Energy on Aug. 9, 2013.¹⁰ However, in response, the Department of Energy informed Gold Eagle Mining "that the referenced [technical revision] submittals do not meet the requirements set forth in the respective lease agreements for reclamation plan submittals...." The Department further instructed the operator to:

⁵ Notices of Temporary Cessation for Burros, Ellison, Hawkeye mines. Dated Jan. 24, 2013, and received by the Division on March 5, 2013. In permit files. Burros: <http://drmsweblink.state.co.us/drmsweblink/0/doc/977809/Page1.aspx?searchid=fa355f5c-4d3f-4120-8b71-aa1eff7dfc6> Ellison: <http://drmsweblink.state.co.us/drmsweblink/0/doc/977810/Page1.aspx?searchid=d486857f-a6d5-4e4c-965c-23bf4fd90a3d> Hawkeye: <http://drmsweblink.state.co.us/drmsweblink/0/doc/977812/Page1.aspx?searchid=6113735f-927e-44e8-a382-bd3b63b0ddac>

⁶ INFORM, Objection to Notices of Temporary Cessation for the Burros, Ellison and Hawkeye Mines, April 16, 2013. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/982091/Electronic.aspx?searchid=23213ca6-1b7c-484d-9442-c041a6972f7d>
INFORM, Objection to Notice of Temporary Cessation for the JD-5 Mine, April 16, 2013. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/982090/Electronic.aspx?searchid=32493e45-9e51-48a0-9a9e-118e0951e9b5>

⁷ Gold Eagle Mining, Withdrawal of Temporary Cessation, May 7, 2013. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/983847/Electronic.aspx?searchid=23213ca6-1b7c-484d-9442-c041a6972f7d>

⁸ DRMS letter to Gold Eagle Mining re: Withdrawal of Temporary Cessation Notices, May 10, 2013. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/983195/Page1.aspx?searchid=23213ca6-1b7c-484d-9442-c041a6972f7d>

⁹ DRMS letter to Gold Eagle Mining re: Technical Revisions approved and adequate. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/1011944/Electronic.aspx?searchid=23213ca6-1b7c-484d-9442-c041a6972f7d>

¹⁰ Department of Energy letter to Gold Eagle Mining re: Reclamation Requirements for Mining Operations, Sept. 30, 2013. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/1002399/Electronic.aspx?searchid=23213ca6-1b7c-484d-9442-c041a6972f7d>

Please submit a reclamation plan for each operation in accordance with [the] lease stipulations. Once each plan is received, DOE and its contractor staff will review all documents and correspondence associated with the original mining plan for the lease and any subsequent amendment(s) to the plan, including the respective approval letter(s). As part of that review process, an on-site examination will be scheduled for each plan to determine exactly what actions are required during the reclamation of each mining operation.¹¹

The Department of Energy then referenced the ongoing federal court injunction on approval of certain activities on the sites until it completes a Programmatic Environmental Impact Statement (PEIS) for the lease tracts.

To date, there does not appear in the Division's record for any of the mines at issue any evidence that Gold Eagle Mining, Inc. has submitted any additional information to the Department of Energy, despite having been requested to do so some eight and a half months ago. Indeed, despite having already received the request from the Department of Energy and the assurance that the Department "will review all documents" and conduct "an on-site examination . . . to determine what actions are required during the reclamation,"¹² Gold Eagle Mining represented to the Division in a Dec. 6, 2013, letter that "DOE has informed us that reclamation is not an approved activity during the PEIS process. Nor will they review any reclamation plans during the PEIS process or review period and litigation process."¹³ Gold Eagle Mining excuses its delay in obtaining the necessary review and approvals in its Petition for Declaratory Order and requests "the Board waive the current reclamation schedule for these properties pending the Courts (sic) lifting of its activity prohibition..."¹⁴ [Emphasis supplied]. Nothing in the injunction's "activity prohibition" prevented Gold Eagle Mining from obtaining the necessary state and federal review and approvals. The ongoing delay is unreasonable and cannot be justified by the injunction, but further delay can be avoided by enforcement of state laws.

The Petition for Declaratory Order

In its Petition for a Declaratory Order, Gold Eagle Mining requests an open-ended waiver of all deadlines associated with achieving reclamation on the mine sites. The basis for this appears to include the patently inaccurate assertions that the Department of Energy is somehow prohibited from reviewing reclamation plans due to the injunction. As detailed above, the Department of Energy has specifically requested that a compliant reclamation plan be submitted and has committed to conducting a full review. INFORM asserts that there is no

¹¹ Ibid.

¹² Ibid.

¹³ Gold Eagle Mining letter to DRMS re: acceptance of technical revisions. Dec. 6, 2013. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/1011755/Page1.aspx?searchid=4b7a4587-6c5a-4f90-b03c-07e3aef56392>

¹⁴ Gold Eagle Mining, Petition for Declaratory Order, May 7, 2014. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/1036264/Electronic.aspx?searchid=806bbe4e-9581-4313-8152-31f38d7a0285>

justifiable basis to delay the initiation of this process, even if Gold Eagle Mining's assertions regarding the prohibitions on commencement of actual reclamation work were accurate.

Gold Eagle Mining further wrongly asserts that it cannot conduct reclamation activities at the mines because the Department of Energy has not approved and will not approve reclamation plans prior to completion of the PEIS process and the lifting of the injunction. Importantly, the Department of Energy issued that Record of Decision on May 12, 2014.¹⁵ The Department also announced its intent to select its Preferred Alternative (reauthorizing the leasing program) when it released the Final Environmental Impact Statement on March 21, 2014.¹⁶ Any delay is created by the actions of Gold Eagle Mining.

With respect to the injunction, Gold Eagle Mining, Inc. refers to the Oct. 26, 2011, injunction issued by a federal court. INFORM is co-plaintiff in the legal suit against the Department of Energy that placed the injunction on the Energy Department; the injunction was not placed on Gold Eagle Mining. Significantly, the court injunction was amended on Feb. 27, 2012, to clarify the types of activities that could occur, but Gold Eagle Mining does not reference the critically important terms of the amended injunction. [See Attachment B, U.S. District Court Order, Feb. 27, 2012, in re: Colorado Environmental Coalition et al. v. Office of Legacy Management.]

Since the injunction was amended, INFORM has repeatedly stated its position to the Division that the injunction does not relieve operators from their duty to comply with state law and undertaking those actions necessary to maintain the mines, including reclamation. In its decision, the Court stated: "The Court finds good cause to modify the injunction to allow those activities on Uranium Leasing Management Program lands that are absolutely necessary to comply with an order from a federal, state, or local government regulatory agency." [Att. B, item 5, p. 6.] Further, the court also stated: "The Court finds good cause to amend the injunction to allow certain reclamation activities on ULMP lands that are absolutely necessary to remediate dangers to the public health, safety and environment on ULMP lands caused by major storm events, acts of vandalism, or land subsidence." [Att. B, item 6, p. 6] To clarify the point even further, the court described seven other broad categories of activities that were allowed and also made a specific reference to final reclamation activities by specifying that "Defendants will not be allowed to close or gate open mine portals, close mine shafts, or close mine vents, unless ordered to do so by a federal, state, or local government regulatory agency." [Emphasis added. See Att. B, item 6, p. 7.]. Gold Eagle Mining has done nothing. [See Attachment C. Quarterly Report for comparisons of activities conducted by other operators under injunction.]

Thus, the amended injunction specifically makes allowance for reclamation activities mandated by state law. In fact, the Department of Energy has repeatedly informed Gold Eagle Mining of its obligations to comply with the Division's requirements with Colorado law. In an April 25, 2012, letter to Gold Eagle Mining, the Department of Energy explained the requirements of a court injunction placed on the Department, as well as explaining the process by which Gold

¹⁵ Federal Register, Record of Decision for the Uranium Leasing Program Programmatic Environmental Impact Statement, May 12, 2014. Available online at: http://ulpeis.anl.gov/documents/docs/ULP_PEIS_ROD.pdf

¹⁶ Department of Energy news release, March 21, 2014. Available online at: http://ulpeis.anl.gov/documents/docs/DOE_Final_ULP_PEIS_news_release.pdf

Eagle Mining should notify the Department in order to gain advance approval of any reclamation activities that are “absolutely necessary” as defined by the court.¹⁷

Given all of the above, INFORM asserts that there is absolutely no reason for the Board to simply “waive” all deadlines associated with the reclamation process at these mines. At minimum, there is good cause for the Board to require that Gold Eagle Mining immediately submit all required information to the Department of Energy to enable that agency to commence its required review – while any issues related to the injunction are resolved. Otherwise, reclamation may be delayed even further for no reason.

INFORM has raised significant concerns regarding the unreclaimed condition of the Gold Eagle mines, both in discussions with the Division and in numerous public forums. INFORM continues to believe that the Gold Eagle mines represent egregious examples of mismanagement and neglect and represent a significant public concern due to their environmental impacts, uncontrolled storm water runoff, and the potential for toxic and radioactive contaminants to continue migrating offsite, among other concerns.¹⁸ Of all the uranium companies in Colorado, only one other company failed to fully comply with HB 08-1161 and that company was brought to the Board for enforcement proceedings in March 2014. In contrast, Gold Eagle Mining, Inc., has repeatedly been allowed to slip through the requirements, remain noncompliant, and sidestep enforcement.

Relief Requested

INFORM requests that the Board deny the Petition for Declaratory Order, and instruct the Division to commence an enforcement action to ensure compliance with the reclamation orders in effect for the Gold Eagle Mining mines. In lieu of an immediate enforcement action, INFORM requests that the Board maintain the existing May 31, 2014, deadline and apply that deadline to a requirement that Gold Eagle Mining submit compliant reclamation plans to the Department of Energy, as that agency requested over eight months ago, in September 2013. As part of its Order, and given Gold Eagle Mining’s repeated and ongoing lack of timely compliance with Division deadlines, the Board should require Gold Eagle Mining to submit monthly written reports detailing the progress associated with the Department of Energy review. Lastly, the Board should set an affirmative deadline for Gold Eagle Mining to commence reclamation work no later than 30 days following receipt of approval of the final reclamation plans from the Department of Energy and the Division. INFORM believes that only constant supervision, consisting of reporting requirements combined with a concrete deadline for reclamation commencement following approval of the reclamation plans, will result in meaningful compliance with the MLRA.

¹⁷ Department of Energy, letter to Gold Eagle Mining re: requirements of injunction, April 25, 2012. In permit file at: <http://drmsweblink.state.co.us/drmsweblink/0/doc/954687/Electronic.aspx?searchid=23213ca6-1b7c-484d-9442-c041a6972f7d>

¹⁸ See, for example: Burros Mine, Nov. 12, 2012, inspection report, in permit file: <http://drmsweblink.state.co.us/drmsweblink/0/doc/969839/Electronic.aspx?searchid=980cd32a-940d-4007-a3ef-53255338e06f> or Ellison Mine, inspection report, Oct. 16, 2012, in permit file at <http://drmsweblink.state.co.us/drmsweblink/0/doc/969350/Electronic.aspx?searchid=98ae3bb1-879b-43b6-bfed-9168fb6a75e6> or Hawkeye Mine, Oct. 16, 2012 inspection report, in permit file at <http://drmsweblink.state.co.us/drmsweblink/0/doc/969838/Electronic.aspx?searchid=8f44d806-b9b9-47a3-a926-076d6bb98305>

Respectfully submitted,

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