



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Grand Junction Field Office
2815 H Road
Grand Junction, Colorado 81506



DRMS: P-2008-040

COC073620
3809 (COS-080)

BLM Case File Number
COC073620

Project
Copper Rivet Mine

Operator
Keith Reynolds
10931 5860 Road
Montrose, CO 81403-8986

Location
Township T49N, Range R19W
Section 38

Lin Ottinger, Sr.
Lin Ottinger, Jr.
600 N. Main Street
Moab, UT 84532-2131

RECEIVED

SEP 10 2018

**DIVISION OF RECLAMATION
MINING AND SAFETY**

ACKNOWLEDGEMENT OF EXTENSION REQUEST OF NOTICE
FINANCIAL GUARANTEE ADEQUATE

Dear Mr. Reynolds, Mr. Ottinger, Sr., and Mr. Ottinger, Jr.:

We received your notice, and subsequently assigned the case file number COC073620, for the Copper Rivet Mine Project in our office on June 12th, 2008. The project, located approximately 10 miles south of Gateway, Mesa County, Colorado, entails conducting sampling underground by accessing historic workings. The total proposed disturbance to be reclaimed on public lands under this Notice is approximately 0.10 acres. Under 43 CFR 3809, Notices are valid for two years. A request for extending the Notice for an additional two years was received August 27th, 2018.

On August 27th, 2018, we received your request to extend the Notice for an additional two years. No additional surface disturbance beyond the current Notice was requested. The current Reclamation Bond Estimate of \$500, held by the Colorado Division of Reclamation, Mining, and Safety, is determined to be adequate. No activity greater than what is currently acknowledged and bonded is authorized.

Our records indicate that the area may be culturally sensitive, and historic sites are known to occur near the area of your proposed operations. Please be advised that any evidence of historic mining, including prospects, trash scatter (cans, tins, glass, lumber, etc.), historic mining equipment, and any other historic artifacts or features must be avoided. A cultural inspection

conducted 2008, determined that your operations would not impact any known cultural artifacts, however, be aware that your project area may be subject to inspection by a BLM archeologist to insure compliance. Due to the potential for cultural material, operations should be confined to the locations specified in your notice. Any changes to your exploration locations may require an additional evaluation and inspection by a BLM archeologist.

Additionally, a concern exists regarding the potential for bats to occur on the site, since they have been known to inhabit abandoned mines in the area. During the fall bats will enter abandoned mines to hibernate until about April. The BLM prefers potential bat-disturbing activities remain a quarter-mile or more from their habitat whenever possible. However, if activities are proposed closer to potential bat areas, the BLM requests the following recommendations be taken into consideration: (1) drilling and construction/reclamation activities proximal to potential areas where bats hibernate should be avoided from mid-October to April and from dusk to dawn (when bats may be entering/exiting mines) without prior consultation with BLM, (2) the mines should not be entered, and (3) drilling through existing underground workings that may contain bats should be avoided. Colorado Parks and Wildlife (CPW) installed a solar-powered acoustic sensor near one of the two entrances in order to check for bat usage. Please do not disturb this equipment.

Be aware that any improvement (blading, widening, etc.) to the existing two-track roads will constitute the construction of that road, and complete reclamation may be required. The use of the two-track roads should be limited to basic project-related travel only.

This acknowledgment does not relieve the operator of the following obligations:

1. Prevention of unnecessary or undue degradation of public lands and resources. As part of that, the following site management practices shall be used when on public lands.
 - a. No hazardous or toxic waste, waste oil or lubricants shall be disposed of on public lands. Trash and other debris should be contained on the work site and then hauled to an approved landfill.
 - b. Burial and/or burning of trash and other debris are not authorized without specific permits from BLM and other appropriate agencies.
 - c. Operator shall be responsible for having a spill prevention and clean-up plan. Operator shall also provide adequate on-site spill control and clean up materials and instruct on-site personnel in spill prevention and clean-up methods.
 - d. Any oil, noxious fluids, fuels, or chemicals spilled onto the ground or water shall be cleaned up immediately. After clean up, the oil, noxious fluids, fuels, or chemicals and any contaminated material shall be removed from the site and disposed of at an approved disposal facility.
2. Reclamation of lands disturbed by the proposed operations.
3. Be in compliance with all applicable federal, state and local laws and regulations and obtain

all appropriate federal, state and local authorizations and permits.

4. Without prior authorization from the BLM authorized officer, the operator shall not occupy the public lands under the mining laws for more than 14 calendar days in any 90 day period within a 25 mile radius of the initially occupied site; or construct or maintain temporary or permanent structures; or construct barriers to access or fences.

5. When cultural or paleontological resources, including but not limited to historic ruins, historic mine workings, historic trash dumps, prehistoric artifacts and fossils, are discovered during the proposed operations the resources shall be left intact and immediately brought to the attention of the BLM authorized officer.

6. Pursuant to 43 CFR 10.4(g) the holder of this authorization must 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), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

7. The Migratory Bird Treaty Act prohibits the destruction of nests (nests with eggs or young) of migratory birds. In order to avoid potential impacts to breeding migratory birds, a careful visual inspection of habitat in the project area should be made prior to any surface disturbance (including cross-country routes) during the avian breeding season (March 1st through August 31st). Nesting activities may include eggs or young present in nest, adult behavioral displays (e.g. dive-bombing, faking injury, won't leave the area, agitated calling, etc.). If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established.

8. The operator shall be responsible for controlling all noxious weeds and other undesirable invading plant species in the reclaimed area until revegetation activities have been determined to be successful by the BLM authorized officer. The operator is responsible for contacting the BLM for concurrence with any proposed weed control program prior to application of any chemical treatments for weeds on public lands. A reclamation seed list that the BLM finds acceptable for your notice has been previously provided.

9. The following precautionary measures should be taken to prevent wildland fires. In the event your operations should start a fire, you could be held liable for all suppression costs under Title 43 CFR 9212.4. These are in addition to any requirements imposed by the Mine Safety and Health Administration or other governing agencies for work-area fire protection.

- a. All vehicles should carry at a minimum a shovel and five gallons of water (preferably in a backpack pump), in addition to a conventional fire extinguisher.
- b. Adequate firefighting equipment (a shovel, a pulaski, standard fire extinguisher(s), and an ample water supply) should be kept readily available at each active drill site.

- c. Vehicle catalytic converters should be inspected often and cleaned of all flammable debris.
- d. All cutting/welding torch use, electric-arc welding, and grinding operations should be conducted in an area free, or mostly free, from vegetation. An ample water supply and shovel should be on hand to extinguish any fires created from sparks. At least one person in addition to the cutter/welder/grinder should be at the work site to promptly detect fires created by sparks.
- e. Any fire restrictions or closures issued by the Grand Junction Field Office or Mesa County will be publicized in the local media, and notice will be posted at various sites throughout the district. **We will not individually contact operators.** Your notice serves as an authorization that may exempt your operations from certain restrictions in those orders. Your personnel will be responsible for being aware of and complying with the requirements of those orders.

Be advised, your notice will expire two years from the date of this letter, unless you extend it. Your notice can be extended every two years by requesting an extension in writing on or before the expiration date. You will need to update your reclamation cost estimate at that time.

Please be aware that if the total unreclaimed disturbance of your operation exceeds 5 acres on public lands, you will be required to have an approved Plan of Operations.

This acknowledgment does not constitute: certification of ownership to any person or company named in your notice; recognition of the validity of any mining claims named in your notice; or recognition of the economic feasibility of the proposed operations.

If you are adversely affected by this decision, you may request that the BLM Colorado State Director review this decision. If you request State Director Review, the request must be received in the BLM Colorado State Office at:

BLM Colorado State Office
State Director
2850 Youngfield Street
Lakewood, Colorado 80215

no later than 30 calendar days after you receive or have been notified of this decision.

The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless you request and obtain a stay (suspension) from the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted using the standards and procedures for obtaining a stay (43 CFR 4.21) from the Interior Board of Land Appeals (IBLA).

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the IBLA. You may contact the BLM Colorado State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at 2815 H Road, Grand Junction, CO 81506, which we will forward to IBLA.

Under 43 CFR 3809.801(a)(1), if you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR part 4. Your Notice of Appeal must be filed in this office at 2815 H Road, Grand Junction, CO 81506, within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 which contains information on taking appeals to the IBLA. This decision will remain in effect while the IBLA's decision is pending, unless you request and obtain a stay under 43 CFR 4.21. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted under the criteria in 43 CFR 4.21.

If you wish to file a petition (request) pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and, to the IBLA, and to the appropriate Office of the Solicitor (see 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 regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to 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.
4. Whether the public interest favors granting the stay.

If you have any questions, please contact Eric Eckberg at (970) 244-3077, or at the above address.

Sincerely,

/S/ Katie A. Stevens

Katie Stevens
Field Manager, Grand Junction Field Office

Enclosure

Cc without enclosure:

Nicolas Sandoval
Mining Law Program Lead
BLM Colorado State Office

Stacy Beck
Bond Adjudication
BLM Colorado State Office, Solid Minerals

Amy Yeldell
CO DRMS
101 S 3rd Street, Ste 301
Grand Junction CO 81501