

INFORM

INFORMATION NETWORK FOR
RESPONSIBLE MINING

PO Box 332
PARADOX, CO 81429

(970) 859-7456
JENNIFER@INFORMCOLORADO.ORG
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February 20, 2019

Timothy A. Cazier, P.E.
Environmental Protection Specialist
Colorado Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203
Via email to tim.cazier@state.co.us, russ.means@state.co.us

Re: Appeal of Approval of Modification-04 for Notice of Intent, No. P-2013-002, Dawson Gold Project submitted by Zephyr Gold USA Ltd

Dear Mr. Cazier,

The Information Network for Responsible Mining (INFORM) and Randy and J. Jean Keller (the Kellers) jointly submit and request this appeal of the Feb. 12, 2019, decision to approve Modification 04 of the Dawson Gold Project Notice of Intent (MD-04) under Permit No. P-2013-002. INFORM and the Kellers submitted timely comments by Dec. 12, 2018, to the Division of Reclamation, Mining and Safety regarding the proposed modification, which are hereby incorporated by reference. INFORM and the Kellers request an opportunity to participate in an appeal hearing before the Colorado Mined Land Reclamation Board.

INFORM is a Colorado-based citizens organization that advocates for responsible hardrock mining practices and protection of affected communities and the environment. INFORM has members who live and recreate in the Cañon City area, including the area affected by the proposed Dawson Gold Project. The Kellers are adjacent property owners to the Dawson Gold Project. INFORM, its staff and members, and the Kellers are directly and adversely affected and aggrieved by the Project and the approval of the modified Notice of Intent. The basis of this appeal is the lack of prospector's access to the affected area and the significance of impacts to the surrounding area that were raised in our initial comments during the Division's review.

In the initial unmodified Notice of Intent, Zephyr Gold Minerals USA received approval for limited activities and stated that “exploration will occur within the existing mountain trail in order to minimize impact to topography, vegetation and wildlife.”¹ Since then, the original plan has been significantly modified and the scope has grown, expanding the impacts of exploration and future mining from privately held property to public lands, and prompting substantial community opposition to form. With this specific modification, the Division approved an additional half-mile of new road (2,727 feet) of currently undeveloped public land. The connected impacts to surrounding public lands include extensive road-building into sensitive areas; protrusion of exploration activities into proposed federal wilderness lands; and the increase of mining-related impacts to State Stewardship Trust Lands (the Grape Creek parcel), the BLM-designated Grape Creek Area of Critical Environmental Concern, and Temple Canyon Park owned by Cañon City. These areas provide valuable and high-quality recreation opportunities and trails to local residents and visitors and contribute to the economic viability of the Cañon City region. Through a series of modifications to the original Notice of Intent, Zephyr has sought approval for activities that have resulted in a much more significant disturbance to public lands and neighboring residential areas than initially anticipated.²

At this time, however, Zephyr Gold USA is apparently not able to access its private property within the permitted area, nor is it authorized to access the adjacent federal public lands inside the permit area that it has claimstaked. For this reason, the Division should not have approved Mod 04. There are two roads that access the permitted area as they branch off from Fremont County Road 3, and the prospector does not currently have access to either route.

The first access road in question runs through the Kellers’ property and the Kellers have denied the prospector permission to use the road and failed to previously come to formal agreement to provide legal access. On the basis of this lack of access, Fremont County made a decision on Dec. 11, 2018, to allow only conditional use to Zephyr under its County Use Permit until after the access issue was corrected. It is unlikely this will happen in the near future.³

The second access road in question runs across private property currently owned by PVK Investments and is used to access the claimstaked BLM lands included in the permit area. PVK Investments has also denied legal access to the prospector to use this road and clarified that position in a letter to the Division dated Feb. TK.⁴

Upon information and belief, there is no other access route into the affected lands available.

The Division appears to have approved Mod 04 without a demonstration in the administrative record of legal access to the area proposed for specific prospecting activities.

¹ Dawson Gold Project, Notice of Intent, Permit No. P-2013-002, available in the permit file at <https://dnrweblink.state.co.us/drms/DocView.aspx?dbid=0&id=974075&page=1&searchid=328ccf07-64dd-4208-9b98-2b7f91b18af9&cr=1>.

² Please see enclosed comments from INFORM and affected members for more discussion of potential impacts to the local area. See enclosed area map for location of adjacent designated areas and proposed wilderness.

³ Please see enclosed comments submitted by the Kellers.

⁴ Please see enclosed letter from PVK Investments.

However, the appellants assert that the Colorado Mined Land Reclamation Act requires that lawful access must be guaranteed and demonstrated in order for the Board to meet its legal obligations. The lack of a specific Rule that requires a prospector to provide proof of lawful access does not override the Board's obligation to assure such access, and by extension, the Division should therefore not grant approval to a Notice of Intent when such access cannot be demonstrated.

Under §34-32-105(3), the law implies that access is an assumptive requirement for any activities authorized under a Notice of Intent. The Act states: "The board **shall** exercise its powers and perform its duties and functions specified in this article" [emphasis added]. Simply stated, the Board and by extension the Division Staff cannot fulfill these duties if legal access to the affected lands is not in hand. The Act does not provide the Board with any leeway in regards to its obligations to regulate mining activities and to ensure that affected lands are returned to public benefit, including the Board's obligation to inspect affected lands. For this, legal access is necessary and essential.

This obligation to assure legal access to prospecting sites is reiterated elsewhere in the Act. At §34-32-113 (1) the Act requires "Any person desiring to conduct prospecting shall, **prior to entry upon the lands**, file with the board a notice of intent to conduct prospecting operations..." At §34-32-113(2)(d) the Act requires prospectors to provide a description of the affected lands by "township and range," which explicitly provides the public enough information to determine whether any access or easements will be affected. At §34-32-113(5) the Act requires the Board to provide within 90 days to the prospector what "steps are necessary to reclaim the land," an obligation that cannot be fulfilled if the Staff cannot conduct an inspection. At §34-32-113(6) the Act states, "The Board **shall** inspect the lands prospected within thirty days" after reclamation is complete. See also Hard Rock/Metal Mining Rule 5.3.5. And, again, legal access is an implied requirement of the Act at §34-32-113(8), which states, "The Board is authorized to inspect any ongoing prospecting operation..." [Emphasis added.]

In this specific instance involving the Dawson Gold Project, the Board cannot fulfill its duties of oversight if the prospector has not secured access for the Division Staff to enter the property. The Board/Division cannot conduct inspections or determine if reclamation is satisfactory if access is lacking. Doing so without a demonstration of lawful access would put the Board/Division at risk of committing trespass in order to fulfill the mandatory inspection requirements set forth in the Act. The appellants suggest that the public's confidence that the environment will be protected is greatly lessened when a prospector cannot provide a demonstration of such a critical detail. We believe that making sure that lawful access be in place before prospecting activities are approved is a necessity and is an implicit requirement for the approval or modification of any Notice of Intent.

Therefore, we urge the Mined Land Reclamation Board to deny Modification 04 of NOI P-2013-002 due to the prospector's inability to conduct the exploration activities described in the

application. We also urge the Board to invalidate NOI P-2013-002 due to the prospector's lack of any demonstration of lawful access to the area proposed for prospecting.

Thank you for your consideration in this matter.

Respectfully submitted,

Jennifer Thurston, on behalf of INFORM
/s/ Jennifer Thurston

Jeanie Keller, on behalf of the Kellers
/s/ J. Jean Keller

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Dec. 12, 2018

Timothy A. Cazier
Environmental Protection Specialist
Colorado Division of Mining, Reclamation and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Via email to tim.cazier@state.co.us

Re: Comments on Dawson Project Notice of Intent Mod 04, Notice of Intent P-2013-002

Dear Mr. Cazier,

The Information Network for Responsible Mining (INFORM) is a Colorado-based citizens organization that advocates for responsible hardrock mining practices and protection of affected communities and the environment. INFORM actively participates in local, state and federal permitting and reviews of mining and milling and is concerned about the impacts to human health and nearby communities, ground and surface water, air quality, wildlife and ecosystems, as well as potential socioeconomic and cultural impacts to residents, agriculture and regional conservation-based resource economies. INFORM has the following comments regarding the application submitted by Zephyr Minerals to modify Notice of Intent No. P- 2013-002, the Hansen Project, in Fremont County.

The ongoing exploration work being conducted under this Notice of Intent has raised significant concerns about impacts to a neighboring community, wildlife, adjacent public lands, and recreational opportunities. Although it is only Zephyr's Notice of Intent for exploration that is under consideration here, both the proponent and the Division should understand that the Dawson site is inappropriate for hardrock mining in the long run, and that the greater conservation values of the adjacent Temple Canyon Park, the Grape Creek Stewardship Land Trust parcel, and the BLM Grape Creek Area of Critical Environmental Concern outweigh the interests of a foreign mining corporation. Zephyr's holdings now also overlap proposed wilderness areas that are currently subject to federal designation in legislation sponsored by Rep. Diana DeGette of Colorado. (See enclosed map produced by Rocky Mountain Wild to see the relationship of the proposed exploration area to adjacent public lands.)

It is unclear from the modification application exactly how much land has been affected to date by Zephyr's exploration work since the Notice was originally submitted in 2013. The public file also lacks clearly detailed maps documenting the precise location of previous drill holes and the proposed locations for additional drill holes that are proposed in the modification. It is also unclear the precise length of new drill roads that will ultimately be constructed. The Division should require precise locations to be identified and an accurate map to be produced before allowing any new activities to proceed.

In addition, Zephyr Minerals does not actually have access to its privately held inholdings. Although the prospector does not have to prove access in order to have an authorized Notice of Intent, the Division must make certain that Zephyr ultimately complies with all requirements from other agencies. On Dec. 11, 2018, the Fremont County Commissioners approved an extension of Zephyr's County Use Permit for exploration, but only under the condition that Zephyr provide proof of deeded easements in order to access the property, as the only access road crosses seven other private properties. To date, Zephyr has been unable to obtain a permanent access easement, thereby preventing the company from moving forward with development. This situation is unlikely to change in the future, and prevents a significant obstacle to the company's ability to conduct any future exploration work.

At the same time, it appears that Zephyr has increased its impacts to public lands with this modification application and additional NEPA analysis will be necessary from the BLM before additional activities can be authorized. Under the Division's Memorandum of Understanding with BLM, Zephyr must comply with the requirements of the agency before it can be authorized to proceed with activities under this Notice of Intent. Because of the critical environmental, recreational and community concerns that have arisen from this exploration project, the Division should increase its attention and make certain that the company is in strict compliance with all requirements.

The Division should deny the proposed modification for this Notice of Intent and encourage Zephyr to retreat from this project, as mining is an incompatible use of this property, and to proceed with final reclamation instead. Regardless of the final outcome for this site, the Division should place stipulations upon any approval of a modification that Zephyr comply with all of the requirements of Fremont County, the Bureau of Land Management and all other agencies that require access to be obtained and proven before any exploration activities can continue.

Thank you for the opportunity to provide comments on the modification for this Notice of Intent. Please contact me if you require any additional information. I appreciate your consideration in advance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Thurston". The signature is written in a cursive, flowing style.

Jennifer Thurston

**Randy and J. Jean Keller
10950 Temple Canyon Road
PO Box 1347
Canon City, CO 81212
(719) 276-6622**

December 11, 2018

Timothy A. Cazier
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 115
Denver, CO 80203

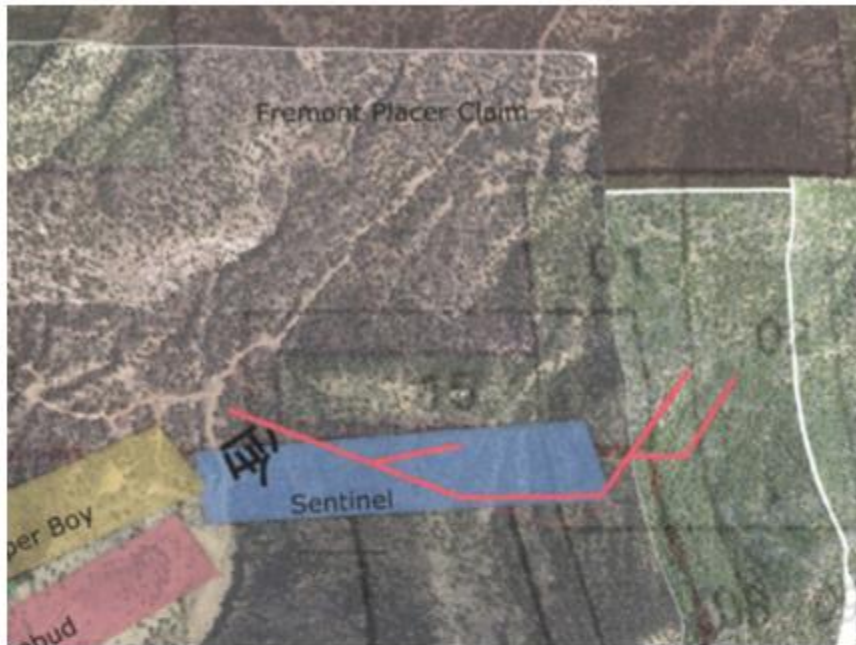
Dear Mr. Cazier,

We have recently become aware of the request to modify the Notice of Intent to Conduct Prospecting Operations received by your office from Zephyr Gold USA on November 27, 2018, for the Dawson Gold Project (NOI# P-2013-002). We would like to voice a strenuous objection to this modification. The Dawson Gold Project is extremely unpopular in our community as Zephyr's claims lie immediately adjacent to multiple private homes in a large subdivision of over 400 homes and also lie in a very heavily-used recreational and environmentally sensitive area with close proximity to Grape Creek which helps feed the Arkansas River.

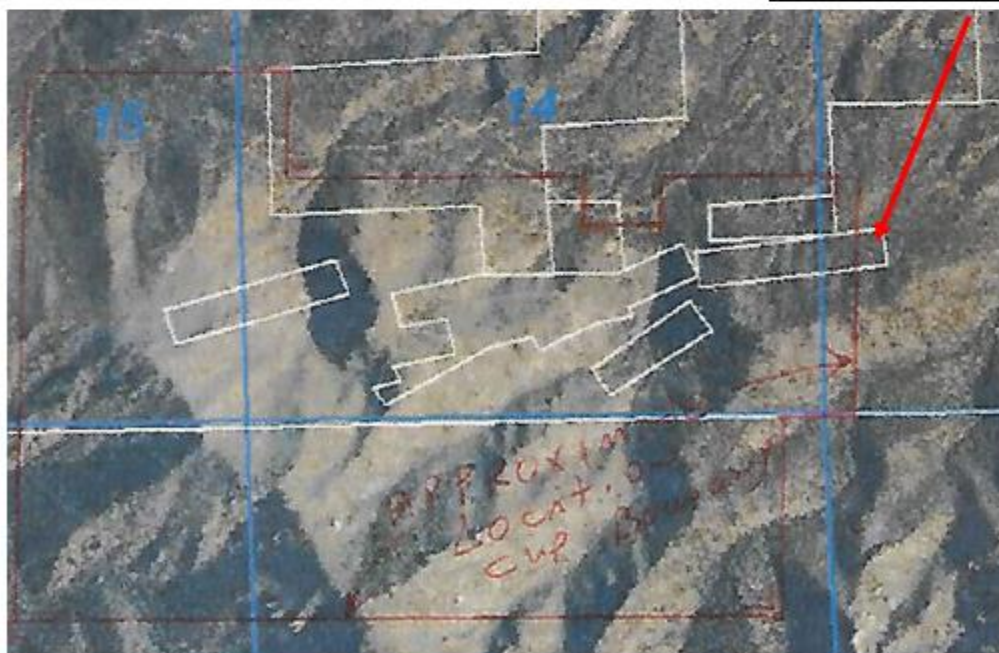
Zephyr has been operating under a Fremont County Conditional Use Permit (CUP) that was issued in 2013 for a three-year period. The permit was extended in January 2016 for an additional three years, and it will expire in February 2019. The legality of the county permit is currently being challenged because Zephyr provided false information on the permit application, listing on the permit that our private property was owned by the Bureau of Land Management (BLM), and, as such, they were not required to obtain an easement to use the road that connects to other private parcels. The BLM has confirmed, in writing, that the access information provided by Zephyr to the County is incorrect. That documentation was provided to Fremont County Government officials. At today's meeting of the County Board of Commissioners, a request was heard for a three-year extension of Zephyr's County CUP. The County agreed to extend the permit only after Zephyr is able to provide proof of legal and properly established access in the form of a deeded easement. Zephyr does not have a deeded easement across our property, and as such, will not be able to meet that contingency to continue legal operations.

The November 27th DRMS modification request falls substantially outside the geographic boundaries of the existing county permit. Figure 1 below shows the map included with the modification application along with the map of the County CUP boundary. The CUP boundary does not encompass the entire Sentinel claim, and it certainly does not extend east of it. Zephyr did not disclose this information to Fremont County Government Officials prior to requesting this latest extension, nor did they disclose it at today's meeting.

Figure 1: Modification map vs. County CUP boundary



This is the Sentinel claim



The proposed roads on BLM land intersect and overlap the South Canon Trail System in which our community has invested over \$350,000 to develop. Drilling on top of or immediately adjacent to these trails and building roads across them would render them completely unappealing. Our community heavily relies on tourist income that is generated, in part, by the draw of this trail system that has won national acclaim. According to a recent BLM draft Environmental Assessment (EA) on Sections 13 and 14 related to an upcoming Oil and Gas Lease Sale (a copy of which is attached to this email), Fremont

County “has a low-income population that can be considered as (an) environmental justice population.” Allowing Zephyr to expand and destroy a trail system that generates revenue for our community would be irresponsible and punitive toward our community.

The proposed modification expansion lies in the two sections which were evaluated in the BLM EA mentioned above. The EA places strict restrictions on surface use in these areas. These sections are subject to the following surface use restrictions:

- CO-09: No surface use is allowed from December 1 through April 30
- CO-18 and CO-19: No surface use is allowed from February 1 through August 15

These restrictions will allow Zephyr a period of only 3 ½ months of the year to complete this project. Given that it has taken the company 6 years to complete their initial drilling project, which was originally estimated in the county CUP to be completed in less than one year (attached), this extreme surface use limitation will possibly cause this project to take several years—years that will continue to damage property values and decrease income generated by our trail system. The completion of this project will likely be delayed by Zephyr’s economic situation as well. In their most recent Financial Statement for the period ending September 30, 2018, “Management of the Company concluded that at September 30, 2018, the Company did not have sufficient funds to meet its minimum corporate, administrative and property obligations for the next 12 months. It is odd that Zephyr is applying for this expansion in addition to their recent Mineral Lease Application (for Section 16) to the State Land Board when they do not have funds to cover their current obligations. In the November 2018 “Mineral Potential Report” produced by the Royal Gorge Field Office of the BLM, the BLM stated that “Despite its rich mining history, not much gold has been recovered in Fremont County. Production of about 4,400 ounces of gold is reported between the years 1881 and 1957 (Del Rio, 1960; Vanderwilt, 1947).” This leads to the conclusion that expanding their prospecting radius will most likely not generate any additional resources that will produce investment revenue for Zephyr to continue operations. No reclamation has been performed to date in the current project area. If the company should fail financially, reclamation will either not happen at all or will have to be performed by government agencies.

Thank you for the opportunity to comment upon this application. We ask that the Division please consider a denial of the modification request for the Dawson Gold Project (NOI# P-2013-002).

Sincerely,

Randy and J. Jean Keller

12/05/2012 13:29 719-61715

FREMONT COUNTY

DEC 12 2012

DRIVEWAY ACCESS and ADDRESS PERMIT
FREMONT COUNTY BUILDING DEPARTMENT
615 MACON AVE. ROOM 212
Phone: 719-276-7460 Fax: 719-276-7461

NO 100' IF PRODUCTION
Will be needed IF production
Starts. * See Note below

ZONING
PERMIT # DOT-12-5

Forwarded to Angela
12/12/12

- (1.) APPLICANT SHALL SCHEDULE AN ON-SITE MEETING WITH DEPARTMENT OF TRANSPORTATION DESIGNEE TO DETERMINE ADEQUATE LOCATION REQUIREMENTS OF THE DRIVEWAY ACCESS, AND FOR FINAL ACCEPTANCE INSPECTION. IF APPLICANT FAILS TO APPEAR, THERE WILL BE A RESCHEDULE FEE OF \$45.00
- (2.) PLOT MAP OR SKETCH IS REQUIRED. DEPARTMENT OF TRANSPORTATION DESIGNEE WILL INDICATE DRIVEWAY LOCATION & INITIAL

Department of Transportation Designee: _____ Phone: 719-275-2047
Name of Applicant: Zephyr Gold USA Ltd. Phone: 902-446-4189 Alt. Phone: _____
Current address, City, State, Zip Code of Applicant: 1959 Upper Water Street, Suite 1700, Halifax, Nova Scotia, Canada
Name of Driveway Contractor installing: _____
If existing driveway, please include address: CP3

For County use: The following is to be completed by Department of Transportation Designee:

Name of street being accessed: CR 3 Site distance both directions: E 100' ft. W 500'

- Driveway access shall not interfere with location or functioning of any traffic regulation device.
- More than one driveway access shall not be allowed on any parcel less than 100' in width.
- Driveway access shall be constructed so as not to interfere with the street drainage system.
- No driveway access shall enter or exit on to street at less than 45 degrees.

The following information will be required prior to the final acceptance:

Will drainage study be required: Yes _____ No X If yes, specify below:

Will improvements be required: Yes X No _____

Culvert size: 15" x 40' Type of Culvert (Material) CMP Cover over top of Culvert 7 1/2"

Curb Cut _____ Drop Inlets _____ Downspouts _____ Energy Dissipaters _____

Flared Ends _____ Headwalls _____ Rip Rap _____ Paving & Beveled Ends _____ Deflectors _____

Racks _____ Cribs _____ Raisers _____ Basins _____ Spillways _____ Others _____

- A minimum of 12 inch diameter culvert, unless larger required due to historical drainage.
- Minimum cover over top of the culvert shall be 1/2 the diameter of the culvert. Minimum length of culvert 24'.
- Driveway shall not allow drainage onto County Right-of-Way.
- Culverts shall be set on a grade which will allow for proper drainage.
- Culverts shall be corrugated metal or material of equivalent strength & construction.

(3.) LOCATION AND SITE REQUIREMENTS APPROVED BY DEPARTMENT OF TRANSPORTATION:

DESIGNEE: [Signature] DATE: 12-12-12

(4.) A. APPLY FOR ADDRESS AT THE BUILDING DEPARTMENT, 615 MACON, ROOM 212

B. PLOT MAP OR SKETCH AS APPROVED IN (2.) ABOVE, WILL BE REQUIRED WHEN APPLYING FOR AN ADDRESS.

C. SUBMIT COPY OF ISSUANCE OF AN ADDRESS TO THE BUILDING DEPARTMENT WHEN APPLYING FOR A PERMIT

****Permit will expire one year from date of purchase.**

I certify that I understand and agree to the above requirements and conditions.

Signature of Applicant: _____ Date: _____ Fee Paid: _____

FINAL ACCEPTANCE OF DRIVEWAY ACCESS BY DEPARTMENT OF TRANSPORTATION:

DESIGNEE: _____ DATE: _____

****Must submit proof of ownership & Plot Plan indicating location of driveway**

Copies required: 1. Road Supervisor 2. DCM Office Manager 3. Planning & Zoning 4. Building Department 5. Owner

Revised: 9/23/20

* ACCESS onto Roadway will need to be modified if production is started. Access will need to be wider and a 15" x 40' culvert installed.

Fremont County Department of Planning and Zoning Roadway Impact Analysis Form

This form shall be used in conjunction with any applications submitted in accordance with Section 8 of the Fremont County Zoning Resolution and or Section VI of the Fremont County Subdivision Regulations. This form is considered a minimum application submittal item and shall be required to be provided at the time of application submittal. This form is intended to provide the minimum items that must be addressed in the roadway impact analysis. The form can be expanded or attachments can be made to further address the roadway impact of the proposed use. **If the estimated average daily traffic increase is less than thirty (30) vehicle trips per day (one trip to be considered as a single or one-direction vehicle movement with either the origin or the destination [exiting or entering] inside the subject property) as per the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions for the entire development, as estimated by the project engineer, then a Roadway Impact Analysis will not be required to be completed by an engineer. In such situations other minimum items shall be addressed by the applicant.**

1. Project Name: Dawson Gold Project

2. Type of application:
- | | |
|--|--|
| <input type="checkbox"/> Zone Change | <input type="checkbox"/> Special Review Use Permit |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Site Development Plan | <input type="checkbox"/> Change of Use of Property |
| <input type="checkbox"/> Subdivision Preliminary Plan | <input type="checkbox"/> Expansion of an existing Business or Industrial Use |

3. Engineer: _____ Address: _____
City: _____ State: _____ Zip Code: _____
Telephone #: () _____ Facsimile #: () _____ Email _____

4. Provide a detailed description of the proposed use: **Zephyr Gold USA (Zephyr) is seeking permission to perform surface exploration of precious metals in the Dawson and Windy Gulch gold prospects west of Cañon City, Fremont County, Colorado. Exploration is proposed to occur in three (3) phases, depending on exploration results of each phase: Phase 1 Mineral Resource Delineation Drilling, Phase 2: Preliminary Economic Analysis possibly including bulk sampling for metallurgical testing, Phase 3: Geotechnical Studies and Resource Confirmation Drilling. In Phase 1 up to 15 holes will be drilled in order to further delineate the mineral resource. The drill rig and team will proceed into the exploration claims on the existing mountain trail, stop and drill at a designated location, cement the hole and proceed to the next location on the mountain trail. Due to the remoteness of the claims, construction of approximately 800 linear feet of new mountain trail may be necessary. If BLM deems necessary, the new mountain trail will be reclaimed as the rig recedes down the mountain. In**

the event mineral outcrops are encountered, overburden removal may be necessary to delineate the outcrop for geological evaluation and sampling. Overburden removal will occur with a backhoe, creating a trench the width and approximate depth of the backhoe bucket. Approximately 200 linear feet of trenching is expected. The trenches will be flagged while open and will be filled and reclaimed immediately following geologic evaluation and sampling. Exploration will occur within existing mountain trails as much as possible. If Phase I produces promising results, Phase 2 may entail identifying specific locations for extraction of bulk samples for metallurgical testing. Bulk samples would entail extraction of approximately 5 to 10 tons of material at the surface by means of drill and blasting, loading onto a haul truck for shipment to a testing facility. This will require one (1) 10 ton haul truck. All surface disturbances will be reclaimed immediately. Again, if Phase 2 results are promising, Phase 3 will consist of geotechnical and additional resource confirmation drilling in the same manner as Phase 1. Approximately six (6) employees in two (2) shifts will complete Phase 1 exploration within 60 calendar days if allowed to operate two (2) shifts seven (7) days a week. Drill holes, trenches, sample sites and new trails will be reclaimed according to Colorado Division of Reclamation, Mining and Safety standards and under the supervision of US Bureau of Land Management. Total surface disturbances will be limited to less than two (2) acres. Zephyr hopes to commence Phase 1 exploration in February 2013, completing in April 2013. If the project proceeds, Phase 2 exploration will occur during early summer with Phase 3 in the fall of 2013. The total life of exploration will be less than one(1) year if Phase 1 results are promising.

5. Provide the estimated average daily traffic to be generated by the proposed use(s), using the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions. The estimated volumes of traffic to be generated by the proposed use(s) shall include as a minimum, the average weekday traffic volume and the peak-hour (*morning and afternoon*) traffic volumes. Specify the number of trips in each category. (*one trip to be considered as a single or one-direction vehicle movement with either the origin or the destination [exiting or entering] inside the subject property*)

Residential: N/A	daily, _____	peak-hour am, _____	peak-hour pm _____
Employee: 6	daily, 0	peak-hour am, 0	peak-hour pm _____
Customer: N/A	daily, _____	peak-hour am, _____	peak-hour pm _____
Truck generated by the proposed use:			
N/A	daily, _____	peak-hour am, _____	peak-hour pm _____

Delivery – required by the use:

2

daily, 0

peak-hour am, 0

peak-hour pm

Total Vehicle Trips:

8

daily, _____ peak-hour am, _____ peak-hour pm

I certify that based on the proposed use(s) the total vehicle trips using the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions will average less than thirty (30) trips per day based on any fourteen (14) day time frame.

Date _____ Seal

Colorado Licensed Professional Engineer

If the above has been certified, then the applicant can complete the form and acknowledge it. If completed by the applicant only the questions marked by asterisk () are required to be answered.*

NOTE: If the additional information provided warrants improvements to the roadway system, even though the traffic generated by the proposed use is less than thirty (30) trips per day, such improvements will be required. If in the future the use exceeds an average of thirty (30) trips per day a complete analysis could be required.

6. *What is the general location of the subject property? Approximately 3.1 miles west on County Road 3, then SE approximately 1 mile on dirt road to proposed site.

7. *What are the names and/or the numbers of the public roadways that serve the site? County Road 3A, Temple Canyon Road, is the public roadway to the private gated road on BLM property that accesses the site.

Provide a site plan drawing that shows the subject property, its proposed access points and all public roadways within a one-half (½) mile radius of the subject property, marked as Exhibit 7.1. ☐ An exhibit has been attached.

8. *What is the classification, according to the Fremont County Master Plan, of the roadway from which the project site will gain access to the public transportation system?

☐ Expressway or Freeway --- ☐ Major Arterial --- ☐ Arterial --- ☐ Collector --- ☒ Local

9. *Do the roadways in question lie within a three (3) mile radius of any incorporated town or city limits or the boundary of another County? ☒ Yes --- ☐ No

If yes, provide the name(s) of the jurisdiction(s): Cañon City

In addition if a new roadway is to be constructed, how will it comply with the transportation plan in effect for the municipality? _____

10. *Will this project require a Fremont County Driveway Access Permit or a Colorado Department of Transportation (CDOT) State Highway Access Permit? ☐ Yes --- ☒ No

Please explain: The proposed activity is temporary with a duration not to exceed one (1) year.

11. *Will the project require construction of, or improvement to any roadway maintained by the CDOT?
☐ Yes --- ☒ No
If yes, will the proposed construction or improvement be in compliance with CDOT's "5 Year Transportation Plan"? ☐ Yes --- ☐ No Please Explain _____

Has CDOT required that the applicant provide a traffic study? ☐ Yes --- ☐ No
If yes, a copy of the study shall be attached to this application, marked as Exhibit 11.1. ☐ An exhibit has been attached.
12. *Will the project require construction of, or improvement to any roadway currently maintained or proposed to be maintained by the County? ☐ Yes --- ☒ No
If yes, what would be the social, economic, land use, safety and environmental impacts and effects of the new roadway on the existing transportation system and neighborhood? _____

13. *Are any roadways proposed to be vacated or closed in conjunction with the proposed project? ☐
Yes --- ☒ No
If yes, please explain. _____

14. *Is the proposed project site adjacent to or viewable from any portion of the Gold Belt Tour Scenic Byway or other scenic corridor designated by the Master Plan? ☐ Yes --- ☒ No
If yes, identify the byway and or scenic corridor: _____
If yes, explain how the scenic quality will be affected by the proposed project. _____

If yes, what measures will be taken to not have a negative impact on the byway and or scenic corridor? _____

15. *Will the proposed project gain access to the public transportation system via 3rd, 9th, K and or R Streets in the Penrose-Beaver Park Area of the County? ☐ Yes --- ☒ No
16. *Does the subject property have frontage on a public roadway? ☐ Yes --- ☒ No
If answered no, then documentation evidencing a "right of access" to the subject property for the proposed use shall be attached marked as Exhibit 16.1. ☒ An exhibit has been attached. If answered no, then please explain what the right of access consists of: _____

-
-
17. *What is the right-of-way width of the public roadway(s) that serve the site? 50 feet according to measuring tool on Fremont GIS and qpublic websites.
18. *What is the surface type of the public roadway(s) that serve the site? Compacted dirt and gravel
19. *What is the surface width of the public roadway(s) that serve the site? 24 feet
20. *What are the existing drainage facilities for the public roadway(s) that serve the site? Side ditches and culverts
21. *Does the public roadway(s) that serves the site have curb and gutter? ☐ Yes --- ☒ No
If answered yes, what is the type of curb and gutter? _____
-
22. *Does the public roadway(s) that serves the site have adjacent sidewalks or other pedestrian ways?
☐ Yes --- ☒ No
If answered yes, what is the width(s) and surface type(s)? _____
-
23. *How many access points will the subject property have to public roadways? One
24. *Will the proposed roadways that access the public roadways intersect the public roadways other than at perpendicular? ☒ Yes --- ☐ No
If answered yes, please explain: Public roadway and access intersection will maintain historic non-perpendicular alignment.
25. *What are the sight distances, in all directions, from the subject property access point(s) along the public roadway that serves the site? (*mark and provide distance for each that is applicable*)
☐ Northerly, site distance: _____ ☐ Southerly, site distance: _____
☒ Easterly, site distance: 140 feet ☒ Westerly, site distance: 800 feet
26. *What are the distances from the subject property access point(s), in all directions, to the nearest intersection with another public roadway along the public roadway that serves the site? (*mark and provide distance for each that is applicable*)
☐ Northerly, distance: N/A ☐ Southerly, distance: N/A
☒ Easterly, distance: 3.1 miles ☐ Westerly, distance: N/A
27. *What are the distances from the subject property access point(s), in all directions, to the nearest driveway(s) along the public roadway that serves the site? (*mark and provide distance for each that is applicable*)
☐ Northerly, distance: N/A ☐ Southerly, distance: N/A

☐ Easterly, distance: N/A

☐ Westerly, distance: N/A

28. *What are the distances from the subject property access point(s), in all directions, to the nearest blind curve(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)

☐ Northerly, distance: _____

☐ Southerly, distance: _____

☒ Easterly, distance: **140 feet**

☐ Westerly, distance: _____

29. *What are the distances from the subject property access point(s), in all directions, to the nearest blind hill(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)

☐ Northerly, distance: _____

☐ Southerly, distance: _____

☐ Easterly, distance: _____

☒ Westerly, distance: **800 feet**

30. *Identify any and all hazardous conditions with regard to the public roadway(s) that provide access to the subject property in the general area of the subject property: **County Road 3 is a winding, dirt road infrequently used for recreation. The winding nature and short site distances maintain slow vehicle speeds.**

If the public roadway(s) that currently serve the subject property have any hazardous conditions, then recommendations shall be made for improvements that will decrease the hazardous conditions on the public roadway(s): **The proposed activity is very temporary, completed in less than one (1) year.**

31. *Explain what effect the proposed use will have on the existing traffic in the neighborhood. If no change is expected, please explain why no change is expected: **The proposed use will increase traffic on County Road 3, two trips every 12 hours.**

32. *Will the proposed use, due to the increase in traffic or the type of vehicle traffic generated by the proposed use, change the level and or type of required maintenance for the public roadway(s) that serve the site? ☐ Yes --- ☒ No, (please explain) **The proposed use depends primarily on standard pick-up truck vehicles, consistent with current vehicle traffic. During Phases 1 and 3, two equipment mobilization trucks will bring the drill rig and backhoe into and out of the site. During Phase 2 one (1) 10-ton haul truck and one equipment mobilization truck will be utilized over the life of Phase 2.**

If the proposed use, due to the increase in traffic or the type of vehicle traffic generated by the proposed use, changes the level and or type of required maintenance for the public roadway(s) that serve the site, then recommendations shall be made that would lessen the maintenance impact for the entity in control of maintenance of the public roadway(s): _____

Note: If improvements are required, it may be mandatory that such improvement be installed prior to final approval of the application.

33. *Are new roadways proposed to be constructed, on or off site, in association with the proposed project? ☒ Yes --- ☐ No If yes, provide evidence that the roadways will be constructed to conform to natural contours in order to minimize soil disturbance, cut and fills, protect drainageways and not create to unstable slopes. Access road improvements will be according to BLM road standards.

34. Provide an analysis of the existing traffic volumes on the adjacent roadway system, including the average weekday traffic (*vehicles per day*) and the weekday peak-hour traffic (*vehicles per hour – am and pm*), showing the dates and times of traffic counts or source utilized for traffic volume counts. Determine the existing level of service or percentage of roadway capacity currently in use.

Roadway name or # _____ average weekday traffic _____

Weekday peak-hour traffic _____ am _____ dates _____ times

Weekday peak-hour traffic _____ pm _____ dates _____ times

Current level of service - % of roadway in use _____

Roadway name or # _____ average weekday traffic _____

Weekday peak-hour traffic _____ am _____ dates _____ times

Weekday peak-hour traffic _____ pm _____ dates _____ times

Current level of service / % of roadway in use _____

Roadway name or # _____ average weekday traffic _____

Weekday peak-hour traffic _____ am _____ dates _____ times

Weekday peak-hour traffic _____ pm _____ dates _____ times

Current level of service / % of roadway in use _____

35. Provide an estimate of the probable traffic directional distribution from and to the subject property based on the proposed use(s) and assignment of the estimated traffic volumes to the adjacent

roadway network. Estimate the future background and resulting total traffic volumes (*including the estimated generated traffic due to the proposed use*) on the adjacent roadway system for a twenty (20) year design period, showing volumes for both left and right turn movements as well as through traffic.

36. Determine the projected future levels of service or percentage of roadway capacity to be in use at the subject property's access points and key adjacent intersections. Provide recommendations for street and access improvements if any portions of the roadways do not have the capacity to accept the additional estimated traffic volumes. All necessary improvements will be required to be designed, completed and accepted by the County prior to any final action regarding the application.
-
-
-
-
-

37. Please provide any additional information considered by the Certifying Engineer to be pertinent to the roadway impact in association with the proposed project:
-
-
-
-
-

I hereby certify that the foregoing information was prepared by myself or under my direct supervision and is true and correct to the best of my knowledge and belief.

_____, date _____
Colorado Licensed Professional Engineer

SEAL

If not completed by an Engineer, then the following acknowledgement shall be signed by the applicant and/or owner.

By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

David Felderhof
Applicant Printed Name

David
Signature

Nov 27, 2012
Date

David Felderhof
Owner Printed Name

David
Signature

Nov 27, 2012
Date



November 27, 2012

Anthony Adamic
Fremont County
Department of Transportation
615 Macon Avenue
Cañon City, Colorado 81212

RE: Zephyr Gold USA Ltd
Conditional Use Permit Application
Precious Mineral Exploration

Dear Mr. Adamic,

Please accept the following information as requested in our phone conversation on November 21 and meeting on November 26, 2012.

The required Roadway Impact Analysis form was submitted to Fremont County Planning and Zoning Department on Wednesday, November 14, 2012 as Exhibit CUP-23.1.

Item a) Stephanie Carter of US BLM was contacted regarding the driveway access permit since the access in question is not a driveway but rather an intersection of a county road and a federal public road. The driveway application was provided to BLM for review. Since this is not a driveway and the property belongs to the public with right of access via US Mine Act, Zephyr will respond to this request as directed by US BLM.

Item b.1) The closest CDOT maintained roads are Highways 50 and 115. The route to the BLM access may vary depending on point of origination. As stated on the form, daily project traffic will be four pick-up trucks, twice a day.

Item b.2) Mountain trail improvements will utilize a D-6 bulldozer, or similar size dozer. Exploratory drilling will be performed with the available drill rig with depth maximum capacity of 1200 feet. If Phase 2 is required and metallurgists request, a small back hoe, possibly Komatsu 200 or similar size excavator, will place approximately five tons of area rock into a one 10-ton haul truck for analysis. Due to minimal surface disturbance, reclamation will not require specialized equipment. Equipment will be mobilized to and from the site as needed for each phase on flatbed trailers at commencement and completion of each phase, total of 12 trips over 12 months, maximum. This is included as vendor trips on Item 4 of the Roadway Impact Analysis form.

Environmental Alternatives Inc.

1107 Main Street, Cañon City, CO 81212
www.envalternatives.com • e-mail: eai@bresnan.net
Phone: 719-275-8951 • Fax: 719-275-1715

Item b.3) Item 5 of the Roadway Impact Analysis form addresses this concern specifically.

Item c) Item 4 of the Roadway Impact Analysis form addresses this concern specifically.

Item d) Fugitive dust mitigation will occur as minimal surface disturbance, immediate reclamation upon completion of exploration, drilling with water, and slow vehicle speed due to rugged mountain terrain.

Respectfully submitted,



Angela M. Bellantoni

Cc: Dave Felderhof
Loren Komperdo

Environmental Alternatives Inc.

1107 Main Street, Cañon City, CO 81212
www.envalternatives.com • e-mail: eai@bresnan.net
Phone: 719-275-8951 • Fax: 719-275-1715

FREMONT COUNTY

NOV 14 2012

PLANNING & ZONING

November 15, 2012

TO: Fremont County Planning and Zoning

FROM: EAI

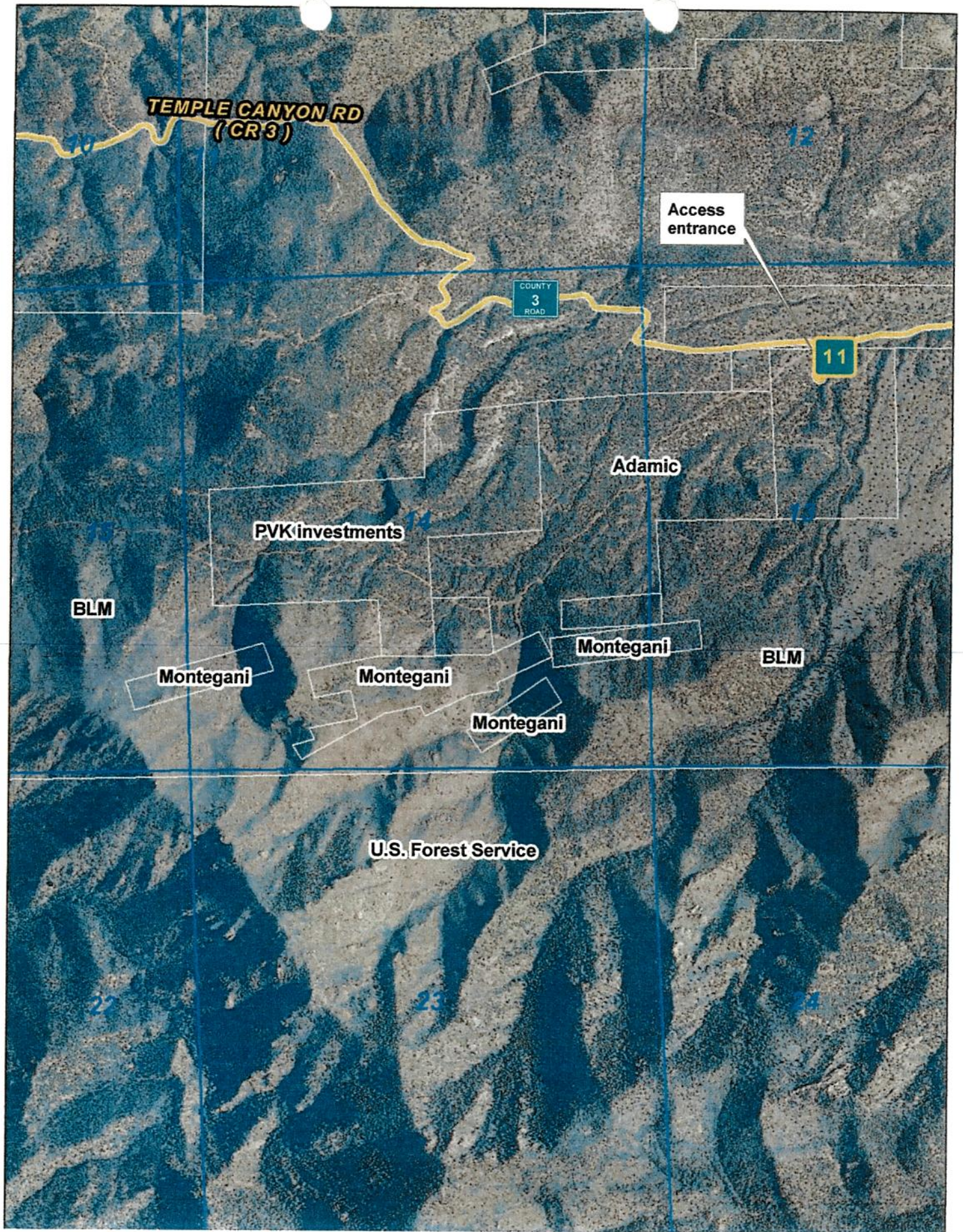
RE: Zephyr Gold USA

Dawson Gold Project, Adjoining Neighbors

Adjoining Neighbors to Permit Boundary

Owner	Address	Parcel
US BLM	3028 East Main, Cañon City, Colorado	
PVK Investment LLC	1018 Venus Drive Colorado Springs, CO 80905	Judith Placer
US Forest Service	3028 East Main, Cañon City, Colorado	
Mary Adamic c/o Isabelle Adamic	860 Chantilly Lane, Idaho Falls, Idaho 83402	Fremont Placer





James J. Pesavento
PVK Investment LLC
20671 State Highway 115
Florence, CO 81226-9520

February 16, 2019

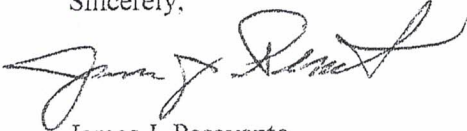
Mr. Timothy A Cazier
Colorado Division of Mining, Reclamation and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Dear Mr. Cazier,

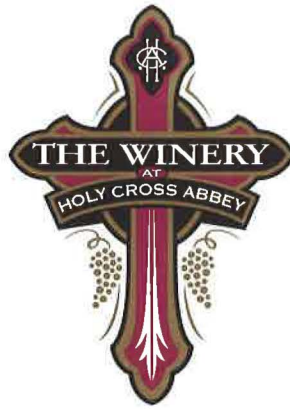
I am a general partner of PVK Investment LLC, which owns the patented Judith Placer property (Parcel #17000710: SW4NE4; S2S2NW4; N2N2SW4 & GOV'T LOT 10 SE4NE4SW4 SEC 14-19-71 AKA JUDITH PLACER PATENT #346827) in Fremont County. This property is south of Temple Canyon Road in Canon City and lies immediately adjacent to the west of Zephyr Minerals' patented Fremont Placer property (Parcel #3943000000021).

Zephyr Minerals does not now, nor have they ever had permission or an easement to cross my property. I am in the process of gating the road that crosses my property to prevent any further unauthorized access or use of the road by Zephyr Minerals or any other party.

Sincerely,



James J. Pesavento



December 12, 2018

Timothy A. Cazier
Environmental Protection Specialist
Colorado Division of Natural Resources
1313 Sherman Street, Room 115, Denver, CO 80203

Re: Zephyr Minerals Modification of Claim – Section 13/Temple Canyon

Ladies and Gentlemen:

I am a tourism related business owner in Cañon City and a resident of Dawson Ranch. It has come to my attention that Zephyr Minerals is asking for a modification to its Notice of Exploration in that area to include Section 13. I am an active user of hiking and biking trails located in that area and a fervent supporter of Fremont Adventure Recreation, both as a founding sponsor and 1% for Trails business. My business is supported by tourists drawn to the area for outdoor recreation. My residential real estate value is positively impacted by the proximity to pristine BLM land and trails. As such, as you review this modification, please provide some provisions that prohibit the construction of any new road within 200 feet of any existing recreational trail.

Thank you for your consideration.

Sincerely,

Larry S. Oddo
The Winery at Holy Cross Abbey



STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

Zephyr Minerals Notice of Exploration Modification

1 message

Larry Oddo <larry@abbeywinery.com>
To: tim.cazier@state.co.us

Wed, Dec 12, 2018 at 11:26 AM

Larry S. Oddo, CEO
The Winery at Holy Cross Abbey
Tel. 719-276-5191
Fax 719-204-0218

Please visit our website at www.abbeywinery.com



Zephyr Modification Section 13 Temple Canyon.pdf
43K

**STATE OF
COLORADO****Cazier - DNR, Tim <tim.cazier@state.co.us>**

Application for Modification of Claim - Section 13

1 message

Mark Shipe <markshipe@gmail.com>
To: tim.cazier@state.co.us

Tue, Dec 11, 2018 at 9:12 PM

Timothy A. Cazier
Environmental Protection Specialist

I am writing on the behalf of my friends and family to ask that the (Application for a Modification of Claim - Section 13) from Zephyr Minerals be denied. This area is one of very few hiking and mountain biking areas so close and conveniently located to residents of Fremont and Pueblo counties. The value of open space and wildlife habitat for local residents would definitely be compromised and potentially ruined forever if gold or minerals are mined in this area.

We still see the scars throughout Colorado due to mineral extraction over a century ago and we cannot risk the possible water contamination that results from this type of mining. Nor should we deal with the unsightly aesthetics of tailing piles and mining debris. I am sure that you remember the recent incident near Durango that filled the Animas river with toxic debris. We should avoid potentially damaging mining operations in this area, as Canon City already has environmental issues caused by the old Cotter Uranium site. Please help us to preserve this area by limiting or outlawing any new roads within this recreational area and denying any future mining. Thanks, Mark Shipe

Thanks, Mark Shipe

STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

Re: Application for Modification of Claim - Section 13

1 message

Irene Shonle <ishonle@yahoo.com>

Mon, Dec 10, 2018 at 7:58 PM

To: "tim.cazier@state.co.us" <tim.cazier@state.co.us>

Cc: Tom Lambrecht <tlambrecht@gmail.com>

Dear Timothy A. Cazier Environmental Protection Specialist

I am writing to ask that the modification for the current claim that Zephyr has for gold mining on Section 13 in Canon City is NOT allowed. The area is heavily used for mountain biking and hiking. As a property owner and a heavy trail user, I do NOT want to see this kind of use of our precious open space. The new modifications they are asking for indicate direct contact with an existing trail: Sentinel Road intersects with Hot Shots Trail (Section 13 / South Cañon Trails. This is a trail we all use for biking and hiking.

If it's not possible to stop this altogether, please make sure no road comes within 250 feet of our important recreational trails (this is why we moved here, and the trails are an important part of our economy, and probably will be more important in the future).

Sincerely,

Irene Shonle

STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

Zephyr

1 message

HEATHER M MCKINNON <colomom@gmail.com>

Fri, Dec 7, 2018 at 7:51 AM

To: tim.cazier@state.co.us

Dear Mr. Cazier,

My name is Heather Mckinnon and I live at 827 S 1st St., Canon City CO 81212. This house was to be our retirement home. We have lived here less than 2 years. I keep telling my husband we are going to have to move.

PLEASE, know that I am TOTALLY against this development outside of my community. There is NOTHING about Zephyr Mines that I can support. I believe that these developers cannot be trusted.

I hope that this letter sufficiently explains how upset that I am. PLEASE stand up for us before there's no "us" to stand up for any longer.

Thank you for your kind attention,

Heather Mckinnon

Greg Dondlinger

239 Wolf Cub Trail, Canon City, CO 81212 | (503)421-5938 | gdondlinger@msn.com

December 11, 2018

Mr. Timothy A. Cazier
Environmental Protection Specialist
Colorado Division of Natural Resources
1313 Sherman Street, Room 115, Denver, CO 80203

Subject: Zephyr Request to Modify Current Claim to Include Section 13 of the South Canon Trails

**Dear Mr. Timothy A. Cazier
Environmental Protection Specialist:**

I recently retired and we moved to Canon City from the Portland Oregon metro area, primarily for the greater sunshine and the recreational activities in Southern Colorado. We hike many of the trails nearby on BLM lands. I have concerns with Zephyr Minerals request to modify their claim for Section 13 to allow exploration and gold mining. There has been a great deal of effort over the last 10 years to develop the trail system on BLM land. The conflicting uses of biking and hiking with mining exploration, vehicle traffic, and the ensuing safety issues as well as additional environmental degradation are incompatible.

I would like to urge you to seriously consider the negative safety and environmental implications and recommend that the requested application to modify the claim to include Section 13 be denied. If the decision is likely to result in approving the request, I would ask that an alternative be considered that required at least a 500-foot road set back from any recreational trails to reduce safety concerns.

Sincerely,

Greg



STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

Zephyr Application for Modification of Claim – Section 13

1 message

Greg <gdondlinger@msn.com>

Tue, Dec 11, 2018 at 1:03 PM

To: "tim.cazier@state.co.us" <tim.cazier@state.co.us>

Hi Tim,

I have attached a comment regarding the Zephyr application referenced above. Thank you for the opportunity to comment and my contact information is included in the attachment if you would like to follow up.

Thanks.....greg

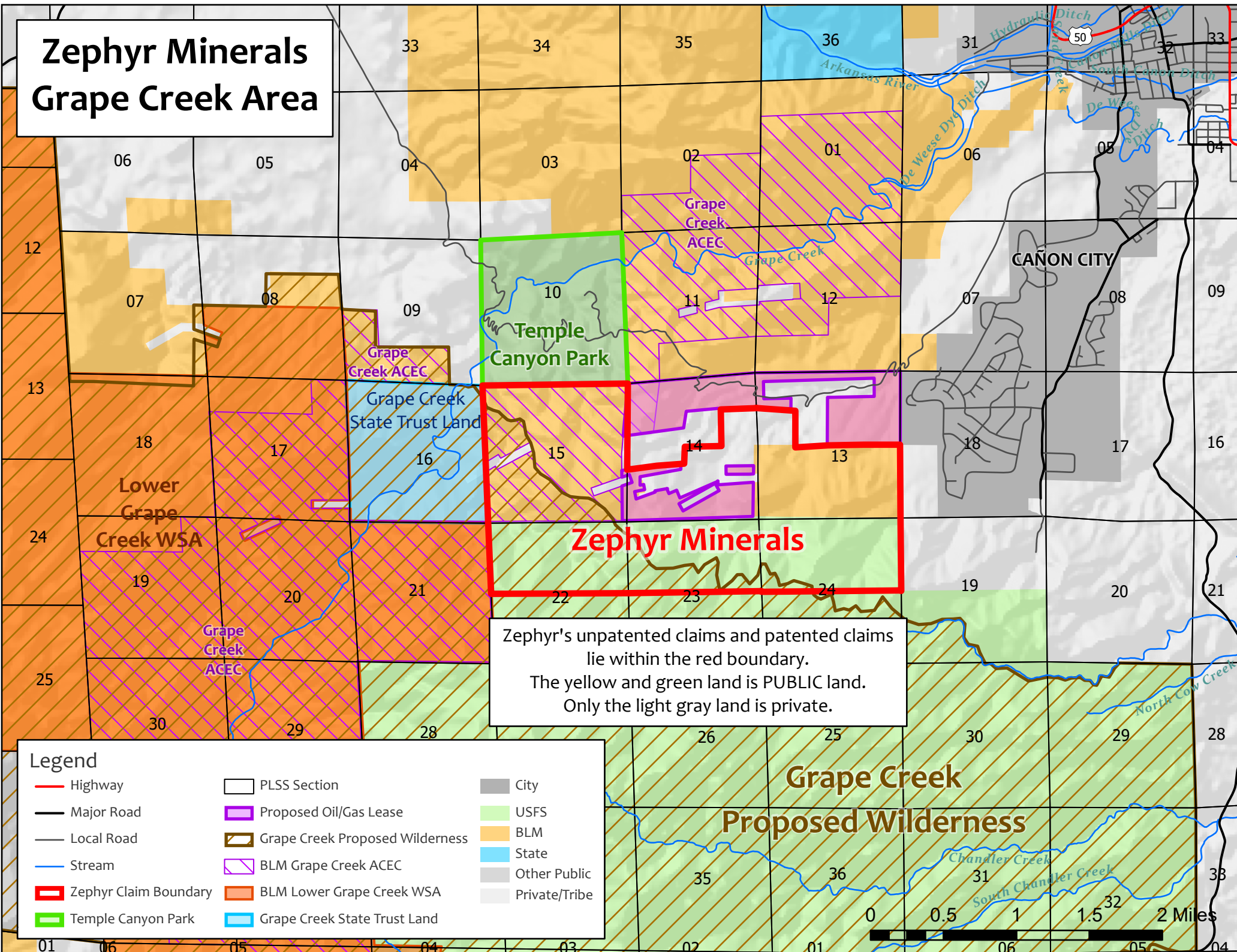
Sent from [Mail](#) for Windows 10



Zephyr Modification of Claim - Section 13.docx

30K

Zephyr Minerals Grape Creek Area





STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

Dawson Gold Project Mod 04 appeal

1 message

Jennifer Thurston <jennifer@informcolorado.org>

Wed, Feb 20, 2019 at 3:51 PM

To: "Cazier - Dnr, Tim" <tim.cazier@state.co.us>

Cc: Russ Means - Dnr <Russ.Means@state.co.us>, Randy and Jeanie Keller <macon1125@gmail.com>, Jeff Parsons <wmap@igc.org>

Howdy Tim,

I have attached an appeal from INFORM and Randy and Jeanie Keller, along with attachments, to this email.

As it is a large file, would you kindly confirm receipt for me when you have a chance?

Please let me know if I can answer questions or provide any additional information.

Thank you in advance for your help.

Jennifer Thurston

Information Network for Responsible Mining

Office: 970-859-7456

Email: jennifer@informcolorado.org

Web: www.informcolorado.org

Twitter: <https://twitter.com/INFORMining>



Dawson-Mod04-appeal.pdf

6980K