



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

July 16, 2019

Eli Doose
Atlas Mining & Reclamation, LLC
1911 Highway 550
Montrose, CO 81403

Re: Von Doose Mine, File No. M-2019-031, Timely Comments and Objections Received

Dear Mr. Doose:

The Division has received timely comments and objections to the Von Doose Mine, application File No. M-2019-031. The objections and comments were received within the public comment period which began on June 20, 2019 and ended July 1, 2019. A total of 6 letters of objection (copies enclosed), 2 letters of comment (copies enclosed) and 34 letters of support were received. The submitting parties with timely comments and objections are;

Timely Objections Received:

1. Dhana Broser, received June 28, 2019
2. Robert Risch, received June 30, 2019
3. Ben Tisdell, received July 1, 2019
4. Danika Gilbert, received July 1, 2019
5. Patrick Willits, received July 1, 2019
6. Jennifer Thurston (INFORM) with Robyn Cascade (Great Old Broads for Wilderness), received July 1, 2019

Timely Comments Received:

1. Dana Gardunio, US Forest Service, received June 28, 2019
2. Devon Horntvedt, Newmont Gold Corp, received July 1 2019

The jurisdictional items have been incorporated into the Adequacy Review dated July 16, 2019. If the applicant chooses to further address any of the enclosed letters of objection please respond to the Division as a separate correspondence. If you have any questions, comments or concerns, please feel free to contact me at the Division's Grand Junction Field Office, by phone at 303-866-3567 Extension 8187 or by email at lucas.west@state.co.us.

Sincerely,

Lucas J. West
Environmental Protection Specialist

Cc: Travis Marshall, Senior Environmental Protection Specialist
Ec: Mike Thompson, Consultant



Colorado Division of Reclamation, Mining and Safety
ATTN: Lucas West, Environmental Protection Specialist
1313 Sherman Street, Room 215
Denver, CO 80203

RECEIVED
JUN 28 2019
DIVISION OF RECLAMATION
MINING AND SAFETY

RE: Von Doose (Atlas) Mine Application M-2019-031

I, Dhana Broser, owner of the Nella M Lode claim located directly adjacent to the proposed Von Doose mine (M-2019-031), having reviewed the construction and reclamation plans included in the application, am writing this letter to the Department of Reclamation, Mining & Safety (hereafter referred to as "DRMS"), to express objection to Permit Application M-2019-031, the Von Doose Mile Hard Rock Reclamation Permit Application (hereafter referred to as "the application"):

1) I object to the application on the basis that there is no environmental protection plan included therein, as is specified by subsection 6.4.21 of the DRMS's Hard Rock and Designated Mining Operation rules, and required by rule 7.1.3 and 7.1.4 of the same. This is especially concerning to me as the main drainage from the mountain flows directly across the southwest aspect of my property, and periods of precipitation often cause run off to breach its regular flow-routes and move unpredictably across the road. Therefore I have serious concerns about contaminated runoff affecting my property.

2) I object to the application on the basis that in addition to lacking an environmental protection plan, there is no environmental impact study in the application. Red Mountain has an extensive history of mining operations, from which the local ecosystem is slowly recovering. Numerous species of wildlife including mule deer (*Odocoileus hemionus*), black bear (*Ursus americanus*), mountain lion (*Puma concolor*), wild turkey (*Meleagris gallopavo*), wild honey bees (*Apis mellifera*), marmot (*Marmota monax*) and big horn sheep (*Ovis canadensis*), have slowly made their way back to the mountain, and would likely be displaced again by the presence of such a significant mining complex. Furthermore, the additional factor of climate change makes the eventual return of these species after mining operations cease in 2040, less certain than it has historically been, posing a significant and potentially insurmountable challenge to any meaningful reclamation plans.

3) I object to the application on the basis that there is no fire protection plan in therein. This is especially concerning as the machinery roster on page 45 of the application states that the applicant intends to store 1,500 gallons of diesel fuel on site, which is alarming as this region has been under drought conditions for several years; conditions severe enough to warrant stage II fire restriction, and conditions only recently lifted on account of a single season's heavy snow pack, a factor which is not at all certain to persist in coming years. Furthermore, increase in tree death from the emerald ash borer (*Agrilus planipennis*) or "bark beetle" infestation over the last several years has left much of the San Juan mountain range more susceptible to wild fire.

4) I object to the application on the basis that the applicant does not demonstrate, pursuant to Subsection 6.5(4) under the Geotechnical Stability Exhibit, that off site areas such as my adjacent property, will not be adversely affected by blasting during mining or reclamation operations.

5) I object to the application on the basis that the application does not outline and label the adit that exists from previous mining activity on my adjacent property, which could be re-disturbed by the mining and blasting proposed under this application and thus is required by rule 6.3.5(f) of the

DRMS's Hard Rock and Designated Mining Operation rules.

6) I object to the application on the basis that the size, location, and number of buildings, if left in place following any mining activity, would violate sections of Ouray county's Zoning and Land Use Code, as well as posing additional environmental impacts of their own, further reducing the effectiveness of reclamation efforts.

7) I object to the application on the basis that Atlas Mining and Restoration LLC (Colorado company registration number 20111071503) has repeatedly been listed as "delinquent" or "non compliant for failure to file periodic report".

8) I object to the application for numerous additional reasons which I understand under the provisions of C.R.S. 34-32-101 et seq. are non-jurisdictional to the DRMS, and which I therefore will address to the Board of Ouray County Commissioners, such as noise and light pollution, truck traffic, hours of operation, reduced property values and loss of tourist revenue for decades to come.

Thank you for the opportunity to offer concerns and objections to this application.

Sincerely,
Dhana Broser
Owner, Nella M Lode Claim

K. Morris
1605 Collins Ct
Fort Collins CO 80521

Lucas West
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JUN 28 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

CO Division of Reclamation, Mining & Safety
1313 Sherman St Room 215
Denver CO 80203

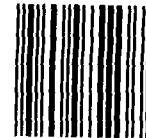
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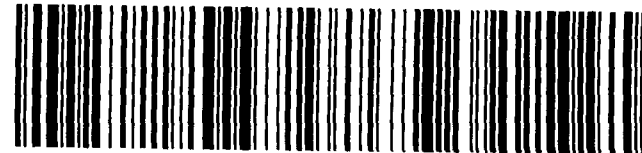
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EXPECTED DELIVERY DAY: 06/28/19

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* For International shipments, the maximum weight is 4 lbs.

June 30, 2019

Lucas West
Colorado Division of Reclamation, Mining and Safety
101 S. 3rd St., Suite 301
Grand Junction, Co 81501

Re: Von Doose Mine, File No. M-2019-031

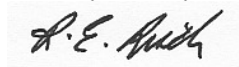
Dear Mr. West:

Please accept this letter as an objection to the Reclamation Permit Application from Atlas Mining & Reclamation, LLC on the north slopes of Red Mountain #2. This objection is based on the reality that the planned mining project is contrary to best practices in the restoration of the fragile alpine environment of the Red Mountain Mining District as well as the preservation of the scenery and remnant 19th Century mining history that attracts visitors from around the world to this unique area. I am submitting this letter as past chairman of the Red Mountain Project Task Force, the organization responsible for the securing of approximately \$14,000,000 in LWCF and other funds for the purchase of mining claims to be preserved as open space in the public domain. Protection of the environment, scenery, and history were the motivating factors in this successful multi-jurisdictional project that resulted in some 10,000 acres of mining claims in three counties being preserved as National Forest or County Parkland.

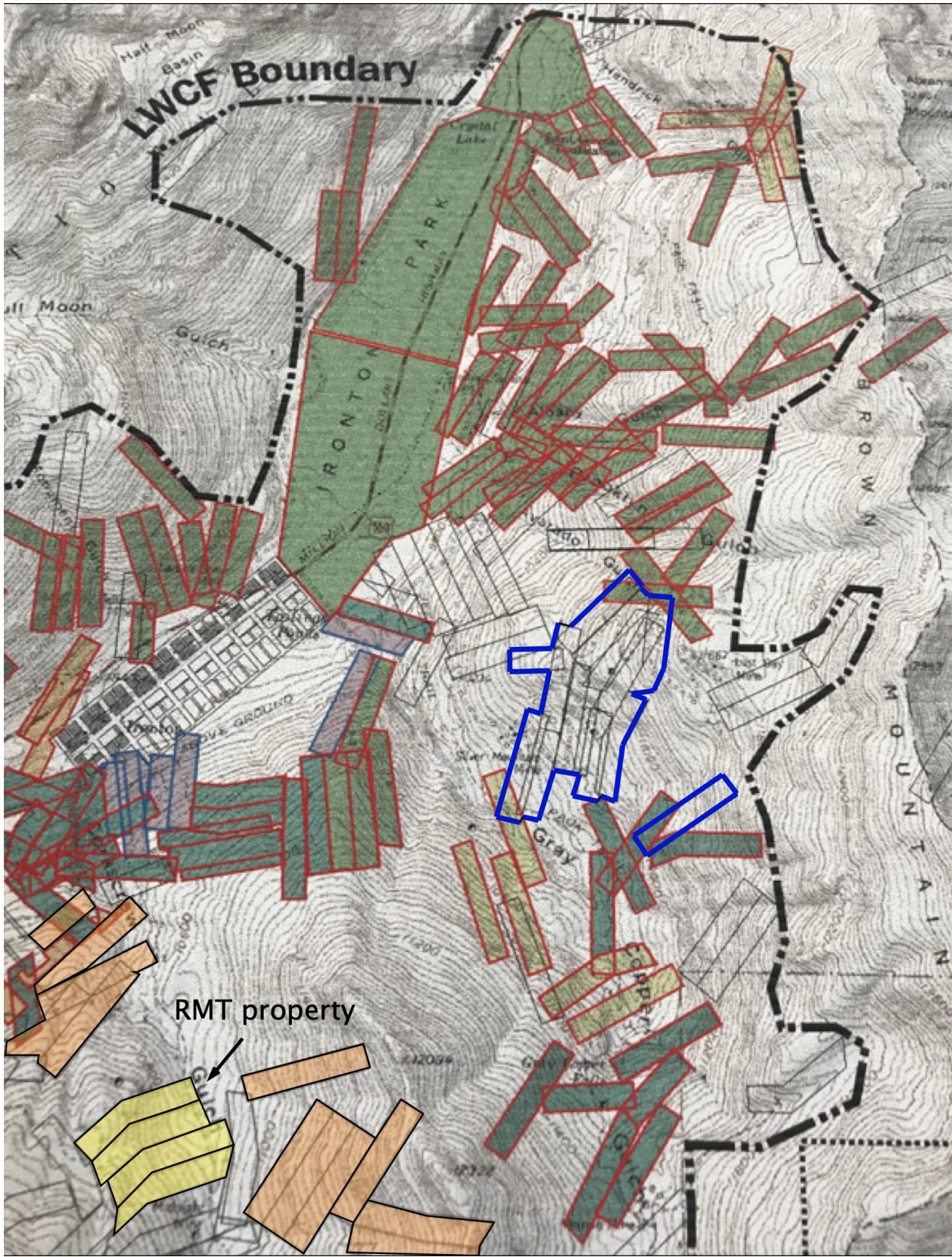
In the attached map, the four patented claims where the Von Doose Mine is to be located are shaded with a yellow color. All of the other internally shaded claims in this illustration are in the public domain through either the RMP or similar process. The claims outlined in blue, totaling slightly more than 100 acres, are the subject of a current acquisition project – partially funded by the Idarado Resource Damage Fund – and are expected to become similarly preserved in coming months. The unshaded claims remain in private ownership and may well become the target of a future LWCF project. The success of the RMP is a clear indication of the broad concern of the public, as well as the land owners who sold their properties, to see this area preserved in its natural state for future generations.

The failure of the Von Doose mine as an economically viable silver mining operation is virtually assured and appears to be anticipated by the applicant in the discussion of groundwater resources and acid mine drainage. However, even if the underground operations are halted at an early stage, the environmental damage done in the ground preparation and construction of three clearly oversized buildings will be consequential in itself. These buildings, which are clearly intended to be repurposed to support back-country recreation, would likely never be approved if evaluated through the County's land use code. A serious concern is that if this applicant is successful in this approach to developing residential and recreational properties in this very sensitive alpine region, the methodology will be repeated by other remaining mining claim owners. The slow recovery of the delicate environment and impacted water quality will inevitably be set back in the process.

Thank you for your consideration,



Robert Risch
Box 601
Ouray, CO.



Colorado Department of Natural Resources

Division of Reclamation, Mining and Safety. 1313 Sherman St. Room 215, Denver, CO 80203

ATTN: Lucas West, via email to: lucas.west@state.co.us

I am writing with these comments in reference to the permit application number M 2019-031.

While the Ouray County Board of County Commissioners has yet not taken a position on this, I am submitting some technical comments as an individual, and as one of three Ouray County commissioners. These comments cannot and should not be construed to be from the County as a whole, or as a predetermination of any position on any decision that may come in front of the County in the future. I feel it is my duty to represent constituents throughout the County and perform my duties according to my oath of office, and therefore make the technical comments and observations below.

Mining is an important part of Ouray County's history and potential future economy. We Love mining here, especially the variety that produces economically viable minerals, through an open and transparent regulatory process, and also those which might someday generate revenue to the local economies, and to the County, through actual mineral production.

The application in Exhibit E identifies seven mining claims that are the subject and location of the activities proposed within this application. Three of these subject mining claims currently owned by Red Mountain Trust, LLC, were acquired by Eli Doose in 2018 from Sial Exploration, Inc. through a Warranty Deed, recorded at Ouray County Reception Number 221608. These are: American Eagle MS 2481, Mountain Dale MS 9701, and Victorious MS 2555. These were then transferred by Doose to Red Mountain Trust LLC., through a Quit Claim Deed in 2019.

The 2018 Warranty Deed reserved to Sial Exploration, Inc. all of Sial's "right, title and interest in the oil, gas and other minerals and mineral rights lying below 1000 feet below the surface of the Property, together with the rights of ingress and egress thereto to explore and utilize the retained rights". The 2019 Quit Claim deed to Red Mountain Trust does not and cannot convey any reserved right which the then owner had not previously obtained, including those mineral rights retained by Sial in the 2018 Warranty Deed. Therefore, Sial Exploration, Inc., through recorded documents, still owns all mineral rights below 1,000 feet below the surface of the Warranty Claim properties.

The application also describes the general elevation of the proposed drift as at 10,800 feet, and the 500 vertical foot length of the *Emergency* Ingress and Egress and Ventilation shaft to the Upper Affected Area at 11,400. (Exhibit C, Mine Plan; and Attachment A1, Von Doose Mine Location Map)

This leads to the question: Where are the locatable minerals in this case actually located? If they fall within the zone not conveyed to the Applicant/owner through the Warranty Deed and the Quit Claim Deed, then Provision (1)(a)(I)(A) of C.R.S. 34-32-110 may, or may not be, satisfied by statements contained within the Application.

Also, I was confused by the separate and different comment period deadlines stated in the two Legal Notices sections of two subsequent issues of the local, official, newspaper. The first Notice, in the June 13-19, 2019 *Ouray County Plaindealer*, stated June 24 2019 as the deadline for any comments. The second, in the June 20-26, 2019 *Ouray County Plaindealer*, stated the deadline to be July 1 2019, and appears to be the accurate statement. The difference between the two may or may not have discouraged others from submitting comments within either actual or mis-stated deadline. It is or was a very short deadline either way, and the difference between the two statements therefore becomes more important.

Thankyou for your time in considering these comments.

Most Sincerely,

/s/

Ben Tisdell

Ouray County Commissioner, District 2; and, just an Individual Person
PO Box 1076, Ouray, CO 81427

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JUL 01 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

Colorado Division of Reclamation, Mining and Safety
Attn: Lucas West, Environmental Protection Specialist
1313 Sherman St. Rm 215
Denver, CO 80203

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JUL 01 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

July 1, 2019

RE: Atlas Mining and Reclamation, LLC application

I am writing to express concern about an application that has been submitted by the Atlas Mining and Reclamation company to initiate mining activity in Corkscrew Gulch, on claims being called the Von Doose Mine.

I will start with that I regret that I have not had sufficient time to review the application in detail, but object to the issuance of a permit until further evaluations of the environmental impacts of such activity can be assessed. Below are comments from a quick review of the application.

I respectfully ask that either this permit be denied at this review point, or at the least, an extension of the review period be given to allow a more intense review of the potential environmental impacts. As I am sure you are aware, this region has worked hard to restore water quality and reverse environmental degradation from a long history of mining activity. The currently functioning mines in the region have taken great steps to ensure they are taking into consideration the impacts on the surrounding delicate environment, and all mining operations in this region should be expected to do the same due diligence.

As a professional, I have conducted numerous environmental impact assessments for mining and commercial activities and find the assessment in this application as submitted incomplete. In the application the vegetation at the site is described as "low density evergreen trees", then in the next sentence saying it is "relatively homogenous, dense coniferous forest". As someone who frequents the area and has worked professionally as a botanist conducting environmental assessments for permits such as this, I can tell you that neither of these are accurate or full descriptions of the vegetation on site.

The watershed in which the proposed activities are situated is described as small, at 940 acres, and is in fact much larger, at over 2,500 acres. With the location at a high elevation in this watershed, the proposed activities stand to impact the watershed more than described. In its current condition, the existing road impacts Corkscrew Creek significantly, with several sections sliding into the creek annually naturally. An increase of activity of heavy and large vehicles, year round, in this drainage will undoubtedly affect the existing road and accelerate the rate of erosion of the exposed mineral rich soils into the watershed,

Prior to a full assessment of the potential impact of these activities on the surroundings, and clear and in depth mitigation proposal plans from Atlas Mining to minimize these impacts, granting this application would negatively impact the region for years to come. For instance, the proposed seed plan is inadequate to ensure erosion control and reestablishment of vegetation, as is evidenced by the reclamation work on surrounding claims on similar terrain just a few miles away on top of Red Mountain pass.

Thank you for your time and consideration of my concerns.

I welcome any questions or concerns from your or the applicant.

Respectfully,



Danika Gilbert
68 Aspenglow Lane
Ridgway, CO 81432
+1 303-503-9070

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JUL 01 2019

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Patrick Willits
PO Box 103
Ridgway CO 81432

July 01, 2019

Lucas West
Colorado Division of Reclamation, Mining and Safety
101 S. 3rd St., Suite 301
Grand Junction, Co 81501

JUL 01 2019

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Re: Von Doose Mine, File No. M-2019-031 OBJECTION

Dear Mr. West:

Please accept this letter as an objection to the Reclamation Permit Application from Atlas Mining & Reclamation, LLC for the construction of the proposed Von Doose Mine on the flanks of Red Mountain #2, in the Red Mountain Mining District of Ouray County.

The permit application for the proposed project includes application to construct not only a shaft, portal, and drift, but also a 2-story, 30'X45' Boarding House, with attached garage; a 31' high, 30'X70' headframe/shaft house building; and a 2500 square foot shop building. Drawings for the Boarding House show an expansive, wrap around deck, and large glass picture windows. The application clearly states multiple times that "*after construction...buildings are intended to be permanent features of the property to support postmining uses. RMT has requested that they not be demolished as part of reclamation*".

I am concerned that the applicants are proposing to build a silver mine with very limited on-site sampling to support the prospect of locating a productive ore body; at time when others in the mining business tell me they do not see silver prices justifying the outlay of capital necessary to develop a new mine. One only needs to look a few miles as the crow flies, northwest to the Revenue Mine being re-opened by Ouray Silver Mines Inc, to find an already developed mine, with infrastructure in place, and somewhat proven, locatable reserves, struggling to find operating capital, hamstrung by low commodity prices, to be able to return to production.

My main objection to this application is that the applicants business plan seems to rely on post-mining uses of the proposed buildings as a way of recouping their investments should mining not prove to be viable, which from their perspective I can imagine makes sense, but the problem is that those post-mining uses have not been reviewed, evaluated and approved via the Ouray County governmental planning process.

The location of the proposed Von Doose Mine is at an elevation averaging about 11,000 feet ASL, ranging from fragile sub-alpine conifer forest to even-more sensitive, more-fragile alpine tundra. Habitat destruction and habitat fragmentation in that zone, in that area of the Red Mountain Mining District is of major concern for ecosystem health.

I write this letter as a concerned, private citizen, but I am employed by a non-profit land trust that specializes in helping communities protect, conserve and sometimes clean-up sites that have been previously mined. For the last several years we have been purchasing mining claims in the Red Mountain Mining District and donating them to public entities, including the US Forest Service, as a way of helping conserve and protect this area. Since 2015, we have purchased fourteen privately-owned claims, totaling over 150-acres, all within 3 miles of the proposed Von Doose site, and donated them to

public entities. We also hold conservation easements on property purchased in-part with funds granted by the Great Outdoors Colorado Trust Fund, limiting further development and protecting natural values, on about 130 acres of mining claims all located within a few miles of the proposed site. We currently have a commitment of \$92,000 from the State of Colorado's Idarado Natural Resource Damage Fund, to help purchase another 100 acres of patented mining claims, one drainage to the north of the Von Doose site, to move waste rock piles from contact with moving surface water, and to withdraw the claims from the threat of future residential and/or commercial development. We are not opposed to mining. In fact, we stay in contact and consult on occasion with Ouray Silver Mines, Inc, helping them better understand the sensitive environment in which their project is located.

Though I have worked with mining companies for over twenty years, I am not myself in the mining business. So, I asked an acquaintance who is in the mining business, who works internationally, but owns mining properties in nearby San Juan County, to review the Von Doose proposal. He apologized that he did not have time to write a proper objection, but he verbally gave me his consent to pass on the following:

Had a quick look at the permit application. At face value this doesn't make much sense. Firstly, given silver prices today, I don't know why these guys would want to be wasting money exploring. Secondly, why not drill this from surface, they have existing road that they could drill from. Driving drift and drilling off of it isn't cost effective. The shaft concept, where they talk about possible simultaneous construction, again makes no economic sense unless you have an orebody. Clearly states that they are improving road for back country use and that buildings will stay post mining. My guess is that the buildings get constructed and no real "mining" gets done. This is simply a way to avoid county zoning. On a technical note, these fellows have done inadequate work to characterize waste rock, how do we know that one sample from the surface properly assesses the variability of potential waste rock? I cannot see how the state can accept this. No real hydrologic assessment of the site. Again, I can't believe that this is acceptable in this day and age.

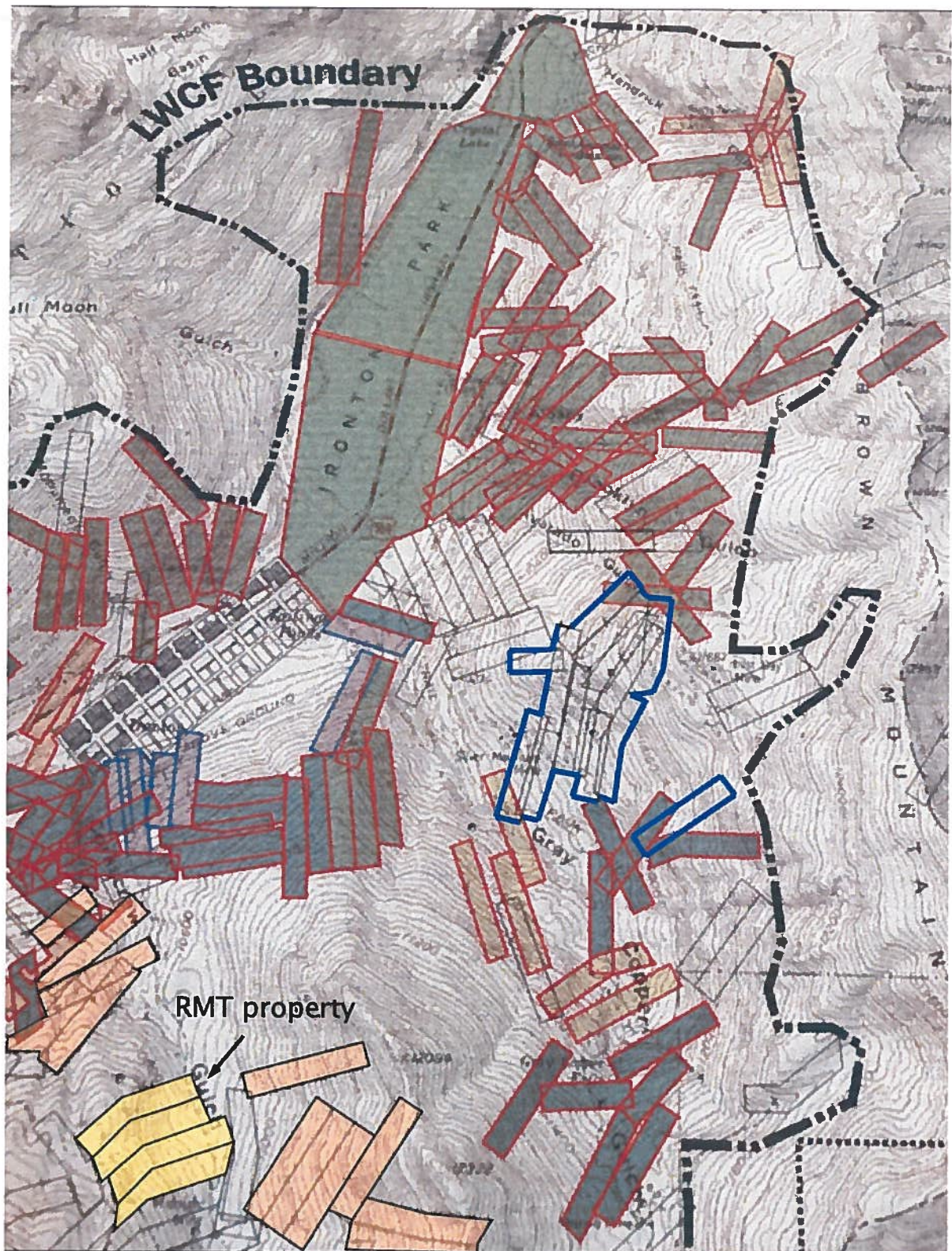
I realize it is not normally the correct protocol to include the thoughts of another as part of my objection letter to the State, but I thought gentleman's comments to be valid, given his expertise and background, none-the-less

Thank you for your consideration of my objection to this project.

Sincerely,



Patrick Willits
PO Box 103
Ridgway CO 81432



July 1, 2019

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JUL 01 2019

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Lucas West
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street Room 215
Denver, Colorado 80203
Via email to lucas.west@state.co.us, russ.means@state.co.us

Re: Limited Impact 110 application, Von Doose Mine, Permit M-2019-031

Dear Mr. West,

Thank you for the opportunity to submit comments on the Von Doose Mine, permit number M-2019-031. These questions and comments are submitted by the Information Network for Responsible Mining and the Northern San Juan Chapter of Great Old Broads for Wilderness. INFORM is a statewide citizens organization that address the impacts of hardrock mining across Colorado. Great Old Broads for Wilderness is a national grassroots organization led by women that works to protect wilderness and wild lands for future generations. The staff and members of INFORM and the Northern San Juan Broadband regularly use and enjoy the surrounding public lands adjacent to the proposed permitted area under consideration. We appreciate your consideration of our objections to the Von Doose Mine permit application.

Atlas Mining & Reclamation, LLC is proposing a high-impact exploration and potential mining operation that exceeds the parameters of the limited impact 110 application that has been applied for. The permitted area of 4.66 acres has been artfully constructed in order to gerrymander activities into two separate development zones, to the exclusion of the road and entire mountain slope in between. The areas should be consolidated and the actual affected area of future mining operations should be accurately anticipated and included in the mine designs. At minimum, the permitted area should include the entire length of the access road between the two parcels.

Rule 6.3.3(1) requires that the mining plan "will affect the permit area for the duration of the operation." However, only the scantest of details about what mining would actually entail at the site have been included in the application. For example, the operator states that the life of mine will be 20 years, which seems quite substantial, and would presumably entail a great deal of ore production over time. In the reclamation plan, however, the operator states that the waste piles of the Von Doose Mine will contain only 7,100 cubic yards of material and have a final footprint of less than half an acre. This is not a realistic outcome for a mine that would actually produce ore and be operated profitably over a two-decade period. The operator's statement that operations will cease at the mine at the first sign of any water quality concerns with a full retreat and immediate closure to closely follow also raises questions about the full intent of the operator and the exploratory nature of the proposal. It would be more appropriate for the application to reveal the full intent of the operator's plans and provide a complete picture of how mining would occur at such a sensitive location.

The operator's request to leave the planned buildings intact and onsite should be denied. Red Mountain Trust, LLC, the landowner, was registered as a Colorado corporation in February 2019 with Eli Doose as the registered agent. In May, just before this application was submitted, the registered agent was changed to an attorney in Ouray. Thus, it appears that the operator Eli Doose, through his company Atlas Mining, is asking for an exemption for himself in a rather roundabout way, and has also signed structure agreements between his own entities. [Please see enclosed registration documents from the Colorado Secretary of State.] Why not be more forthright about the fact that the operator and the land owner are the same?

Perhaps one reason is that the application itself – especially considering the lack of substantive planning for actual mining operations – appears to offer an opportunity to sidestep the strict nature of Ouray County's land use code requirements for the high country areas around Red Mountain. The land use code strictly limits building size to no more than 2,500 square feet on 35-acre parcels, and only then under explicit conditions. Yet, what is proposed by the operator are a 2500-square-foot shop building, a 2620-square-foot shaft house, and a 2760-square-foot boarding house in a permit area less than five acres. The request to leave all these structures permanently in place should be denied, and the DRMS permit for the mine should be contingent on the operator's ability to satisfy all local land use requirements, pertaining to residential development in Ouray County. The shaft house and boarding house will be visible from Red Mountain Pass and will be subject to Ouray County's visibility guidelines and it is unlikely that they could be approved as proposed in this mining application if not for the veneer of mining activities that has been painted on.

The inclusion of a boarding house within the mining plan, especially one that is located on the upper portion of the permit area and away from the main mining portal and staging area, is also questionable. Of course, there is no description, as required, of how waste water will be handled at the boarding house, which at 2,760 square feet will be large enough to house a great number of miners in bunk beds, even though the application says there will only be a maximum of six and only if mining actually commences. Considering that the operator has described activities that more closely resemble a hobby mine than an actual ore-producing industrial facility, and has stated an intent to close up the entire project rather quickly should things not develop in quite the right way, it is reasonable to question whether the operation would entail having employees at all. Perhaps there are other occupants expected to reside in the "boarding house"; the operator should specify who it will be. At the June 25 public meeting of the Ouray County commissioners, the operator stated that the mining property was also leased to a recreational skiing outfitter.¹ The Division should require the operator to be clear about all of the activities that will be occurring within the permitted area and on their adjacent private land holdings in order to determine that no conflicts between recreational and mining activities occur.

The operator's chosen post-mining land use of "industrial and commercial" is not the appropriate land use. The immediate adjacent areas have been subject to extensive conservation efforts by

¹ A recording of the Ouray County June 25, 2019, meeting is available here:
https://www.dropbox.com/s/kh6qveg7ettp5eu/2014.10.08_15.54_01.MP3?dl=0

regional stakeholders through the Red Mountain Project, the Trust for Public Lands, and the U.S. Forest Service. The primary use of the land is to provide wildlife habitat, and the primary human use of the land is for recreation. Industrial and commercial use of the land is in conflict with the intention of Ouray County's high country zoning district and its stated efforts to preserve the general area and to limit development to maintain the historic nature of the area. The selected land use by the landowner should in no way allow any room for a final reclamation plan that does anything other than completely restore the landscape to support and sustain wildlife habitat.

The operator has stated that operations will only occur seasonally and that the site will be accessed in winter by snowmobile, yet does not describe how avalanche danger will be mitigated, either for the mining operation itself or for the traffic on the road up Corkscrew Gulch.

Rule 3.1.5(1) requires that grading result in a final topography that is appropriate to the final land use. In this case, returning the final topography of the site to its initial contours is the most compatible with the dominant uses of recreation and wildlife habitat. After the completion of mining activities, backfilling of development and waste materials should be required. Rule 3.1.5(7) requires that reconfigured slopes must be compatible with surrounding conditions. In this case, that should mean the natural topography of Corkscrew Gulch as it currently exists. The surrounding areas already have abundant waste piles from historic mining activities and new ones are not needed at this time.

The operator should provide more information about how it will comply with Rule 3.1.5(5), which requires the unsightliness of waste to be controlled, as well as explaining how the drainage system downslope from the development areas of the mine will be fully protected from pollution.

The operator has not demonstrated that impacts to the prevailing hydrologic balance of the site will be minimized as required by Rule 3.1.6. In fact, the application predisposes the outcome of the presence of groundwater within mine workings by suggesting that a bulkhead can simply be laid aside and then installed in short order just in case it's needed. Additional information about the site's hydrology is necessary up front in order to develop a more detailed plan about how acid mine drainage will be prevented and the site's hydrological balance maintained, as installing a bulkhead may be but isn't necessarily always going to be the most protective outcome for a problematic situation inside a mine. Considering the history of mining in the Red Mountain district and the extensive pollution that has occurred in the past, there is a reasonable likelihood that developing a new mine in Corkscrew Gulch will result in impaired water quality and that an extensive hydrological management plan will need to be put in place in order to deal with it. The operator should be required to provide a more detailed study of the existing hydrological conditions at the site and prepare plans for the necessary environmental protection facilities required for Designated Mining Operations.

Rule 3.1.7 requires the operator to meet groundwater quality standards in accordance with the requirements of the Colorado Water Quality Control Commission. The baseline ground water quality should be established before the permit is issued and the operator should be required to meet the same numeric limits in the future once mine development commences. Since an adverse impact to water quality may be reasonably expected at the Von Doose Mine, the applicant should be required to develop a groundwater monitoring plan in accordance with Rule 3.1.7(7).

Ore is nothing without a mill, and Atlas Mining's application says nothing about where the ore from the Von Doose Mine will go. How ore will ultimately be produced and concentrated – whether on site or off – should be specified. Overall, there is no specific detail anywhere in the application about how much ore will be produced at the mine over time, where the waste will be placed inside the permit area, and how much waste from mining and/or milling will ultimately be created. The operator's statement that no designated chemicals will be used in the operation is problematic, and there is no discussion at all about how toxic-forming materials will be handled, especially considering that the location of the mine indicates that sulfide ores will be extracted. It is not relevant that SPLP tests of the topsoil indicated a lack of acid-forming materials; what would be relevant is SPLP test results for the mineralized matter that will be excavated from the mine. An understanding in advance of how much material will be generated and how it will be appropriately managed is absolutely critical for a mine at this location.

The operator should be required to meet any recommendations made by the Colorado Parks and Wildlife, and at minimum, should consider seasonal closures to protect the sensitive species present in Corkscrew Gulch. In addition, the operator should be required to comply with all requirements of the U.S. Forest Service, Ouray County, the Colorado Water Quality Control Commission and all other agencies before activities at the site may begin.

We respectfully request that the Division deny the permit application for the Von Doose Mine as it fails to meet the minimum requirements of the Rules and Regulations.

Thank you again for your consideration. Please contact us if you require additional information.

Respectfully submitted,

Jennifer Thurston
Executive Director
Information Network for Responsible Mining
P.O. Box 332
Paradox, CO 81429
970-859-7456
jennifer@informcolorado.org

Robyn Cascade
Leader
Northern San Juan Chapter
Great old Broads for Wilderness
P.O. Box 2924
Durango, CO 81302
970-385-9577
northernsanjuanbroadband@gmail.com



Colorado Secretary of State
Date and Time: 02/02/2011 01:54 PM
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ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Atlas Mining & Reclamation, LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "Ltd. liability company", "limited liability co.", "Ltd. liability co.", "limited", "l.l.c.", "llc", or "Ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

736 Main Street

(Street number and name)

Ouray

(City)

CO

(State)

81427

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

PO Box 1028

(Street number and name or Post Office Box information)

Ouray

(City)

CO

(State)

81427

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Doose

(Last)

Eli

(First)

(Middle)

(Suffix)

OR

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

736 Main Street

(Street number and name)

Ouray

(City)

CO

(State)

81427

(ZIP Code)

Mailing address
(leave blank if same as street address)

PO Box 1028

(Street number and name or Post Office Box information)

Ouray

(City)

CO

(State)

81427

(ZIP Code)

(The following statement is adopted by marking the box.)

- ☒ The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual)

Doose

(Last)

Eli

(First)

(Middle)

(Suffix)

OR

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Mailing address

736 Main Street

(Street number and name or Post Office Box information)

PO Box1028

Ouray

(City)

CO

(State)

81427

(ZIP/Postal Code)

United States

(Province -- if applicable)

(Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- ☐ The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

- ☐ one or more managers.

OR

- ☒ the members.

6. (The following statement is adopted by marking the box.)

- ☒ There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

- ☐ This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

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9. The true name and mailing address of the individual causing the document to be delivered for filing are

Doose	Eli		
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
PO Box 1028			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
Ouray	CO	81427	
<small>(City)</small>	<small>(State)</small>	<small>(ZIP/Postal Code)</small>	
United States			
<small>(Province – if applicable)</small>		<small>(Country)</small>	

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- ☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

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Colorado Secretary of State
Date and Time: 02/06/2019 03:48 PM
ID Number: 20191116735
Document number: 20191116735
Amount Paid: \$50.00

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Articles of Organization

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

RED MOUNTAIN TRUST, LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

19911 Highway 550

(Street number and name)

Montrose

(City)

CO

(State)

81403

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province – if applicable)

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Doose

(Last)

Eli

(First)

(Middle)

(Suffix)

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

19911 Highway 550

(Street number and name)

Montrose

(City)

CO

(State)

81403

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO (State) _____
(ZIP Code)

(The following statement is adopted by marking the box.)

☒ The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Doose Eli
(Last) (First) (Middle) (Suffix)

or

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Mailing address 19911 Highway 550
(Street number and name or Post Office Box information)

Montrose CO 81403
(City) (State) (ZIP/Postal Code)
United States
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

☒ one or more managers.

or

☐ the members.

6. (The following statement is adopted by marking the box.)

☒ There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

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(mm/dd/yyyy hour:minute am/pm)

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This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Hockersmith	Michael	D.	
(Last)	(First)	(Middle)	(Suffix)
Alpine Bank Bldg 917 Main St 2nd Fl			
(Street number and name or Post Office Box information)			
PO Box 646			
Ouray	CO	81427-0646	
(City)	(State)	(ZIP/Postal Code)	
United States			
(Province – if applicable)		(Country)	

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- ☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

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Document number: 20191326547
Amount Paid: \$10.00

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Statement of Change
Changing the Registered Agent Information

filed pursuant to § 7-90-305.5 and § 7-90-702 of the Colorado Revised Statutes (C.R.S.)

1. The entity ID number and the entity name, or, if the entity does not have an entity name, the true name are

Entity ID number 20191116735
(Colorado Secretary of State ID number)

Entity name or True name RED MOUNTAIN TRUST, LLC

2. (If applicable, adopt the following statement by marking the box and enter all changes.)

☒ The registered agent name has changed.

Such name, as changed, is

Name
(if an individual) _____
(Last) (First) (Middle) (Suffix)
or

(if an entity) Hockersmith & Whitmore, LLC
(Caution: Do not provide both an individual and an entity name.)

(The following statement is adopted by marking the box.)

☒ The person appointed as registered agent has consented to being so appointed.

3. (If applicable, adopt the following statement by marking the box and enter all changes.)

☒ The registered agent address of the registered agent has changed.

Such address, as changed, is

Street address 917 Main Street
(Street number and name)
2nd Floor
Ouray CO 81427
(City) (State) (ZIP Code)

Mailing address PO Box 646
(leave blank if same as street address) (Street number and name or Post Office Box information)
Ouray CO 81427-0646
(City) (State) (ZIP Code)

4. (If applicable, adopt the following statement by marking the box.)

☒ The person appointed as registered agent has delivered notice of the change to the entity.

5. (If applicable, adopt the following statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

6. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document are _____.
(mm/dd/yyyy hour:minute am/pm)

Notice:

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7. The true name and mailing address of the individual causing this document to be delivered for filing are

Hockersmith	Michael	D.	
(Last)	(First)	(Middle)	(Suffix)
Alpine Bank Bldg 917 Main St 2nd Fl			
(Street number and name or Post Office Box information)			
PO Box 646			
Ouray	CO	81427-0646	
(City)	(State)	(ZIP/Postal Code)	
	United States		
(Province – if applicable)	(Country)		

(If applicable, adopt the following statement by marking the box and include an attachment.)

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File Code: 2810
Date: June 28, 2019

RUSS MEANS
DIVISION OF RECLAMATION, MINING AND SAFETY
1313 SHERMAN ST RM 215
DENVER CO 80203

Dear Russ,

We received a notice of a proposed mine called the Von Doose Mine, located in Ouray County adjacent to the Corkscrew Gulch Road (National Forest System Road 886). The applicant is Eli Doose, Atlas Mining and Reclamation LLC, filed under DRMS application number M-2019-031.

Based on the maps filed with the application, all mine related activities, roads and structures would be located on patented claims in the name of Red Mountain Trust, LLC. As an adjacent property owner and with jurisdiction on the Corkscrew Gulch road- the primary access road to Highway 550-we offer these comments.

Corkscrew Gulch Road: The Corkscrew Gulch road is a very popular high clearance, steep, narrow, four-wheel drive road used heavily by motorized users, connecting to a network of other jeep roads providing access to Ouray, Lake City and Silverton. The road is maintained in coordination with Ouray County, including snowplowing in the late spring. We have concerns over shared use of the road with mine related traffic, and will need to have the proponent submit an application for a Road Use Permit from the Forest Service. Based on our review of the application, we may require road reconstruction, construction of pull-outs for passing zones, hardening of stream crossings, rolling dips, traffic control measures, and responsibility for performing maintenance (or paying the county to do the maintenance). Bonding may be required for road maintenance.

We are also concerned about any plans to operate the mine through the winter. During the winter, the road is not plowed. The steep drainage is prone to avalanches, and the bottom portion of the road is maintained by the Ouray Nordic Council for recreational skiing.

Land Ownership: The area near the proposed mine site contains a number of patented and some unpatented mining claims. The Forest Service (FS) acquired a number of patented mining claims in the early 2000's and in the most recent past, from Tronox/Kerr McGee in the area. In addition to the mining claims the FS has acquired, there are National Forest System lands that have remained in the Public Domain (PD land). There is an unpatented claim (labelled as the DVD on the application map and accompanying attachment A1 table, described in Ouray County GIS records as the "Something-Ethel" unpatented claim) which will need to be checked as to the seniority relative to the two patented claims it bisects (Oceota and Veto claims shown on the map and Attachment A1).

Other concerns: a) the topography of the valley is steep and narrow, prone to severe isolated rain events, avalanche and rockfall events. The storage and secure containment of waste rock so as



not to overtop and block the drainage or the Corkscrew road itself will be a challenge during a weather event. b) in regard to water quality, the Idarado Mine (owned by Newmont Mining) is under a Consent Decree and is working to achieve a zinc compliance standard on Red Mountain Creek. Corkscrew Gulch enters Red Mountain Creek upstream of the compliance measurement location. In addition, the Forest Service has looked at projects with the EPA to improve water quality in the area, such as pulling waste rock piles back from live water. c) the mining plan shows a boardinghouse. We question the need for housing workers given that Ouray is a one hour drive from the mine site.

We ask to be kept informed on decisions made by DRMS related to active mining, and thank you for the opportunity to comment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dana Garduni", written in a cursive style.

DANA GARDUNI District Ranger

Cc: Lucas West, DRMS, 101 S 3rd St, Ste 301, Grand Junction, CO 81501

Idarado Mining Company
311 Main Street
P.O. Box 584
Ouray, CO 81427

July 1, 2019

Lucas West
Colorado Division of Reclamation, Mining and Safety
101 S. 3rd St., Suite 301
Grand Junction, Co 81501

RECEIVED

JUL 01 2019

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Re: Von Doose Mine, File No. M-2019-031

Dear Mr. West,

I am writing today to submit concerns on behalf of Idarado Mining Company (IMC) and its parent company, Newmont Goldcorp Corp, on the Van Doose Mine claim application.

As you are aware, Idarado is subject to a Consent Decree and Remedial Action Plan in Red Mountain Creek. The compliance point for the Consent Decree is located at RMC-1, which is downstream from Corkscrew Gulch.

Given any impacts to water quality by the applicant in Corkscrew Gulch would impact Idarado's compliance point, Idarado/Newmont wishes to be granted and to maintain party status during the application period to monitor potential developments and confirm there will be no impacts to potential compliance considerations.

Thanks for your time and consideration,

A handwritten signature in black ink, appearing to read "Devon Horntvedt", with a stylized flourish at the end.

Devon Horntvedt
Director of Legacy Site Management
Newmont Goldcorp