



STATE OF
COLORADO

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

Zephyr Gold USA Prospecting Application

1 message

Brad Klafehn <brad@bradk.org>

Wed, Apr 22, 2020 at 8:45 AM

Reply-To: brad@bradk.org

To: tim.cazier@state.co.us

Mr. Cazier - Thank you for the opportunity to comment on Zephyr Gold USA's application to prospect in the Grape Creek area. Please accept these comments into the project record.

It is an area I am familiar with, having done field work there (years ago) for the State's Inactive Mine Reclamation program. I am also a member of the Colorado Native Plant Society's Conservation Committee. Grape Creek is truly a remarkable area - that's why it has been made part of the State's Stewardship Trust program and is a BLM Wilderness Study Area. We are not making any more of these areas, and we need to be preserving what we have in the face of deteriorating climactic conditions. DRMS is the last line of regulatory defense for this Section 16 and I urge you to carefully consider this application's failings.

I believe that the State Land Board erred gravely when they authorized prospecting and mining on Section 16 for 30 years on this Stewardship Trust parcel. Section 16 is in the Stewardship Trust because it contains at least one rare plant (Arkansas Canyon stickleaf) and potential for another (Degener beardtongue), as well as providing big game habitat, habitat connectivity, and beauty. In their approval, SLB stated that "new uses may be approved [on Stewardship Trust lands] so long as the property's identified natural values are protected and enhanced." (p. 46, Zephyr Permit File). Zephyr Gold agreed to SLB's permit requirements, but I see no effort by Zephyr to "protect and enhance" the area's natural values. The best we can hope for is a temporary disruption of the outstanding natural values for which it is known. But even this most favorable outcome is not guaranteed at this point of the permitting process due to Zephyr's permit application deficiencies.

In Zephyr's application with DRMS, for example, they are asked in Section IV, Operation and Reclamation Measures, to provide photographs and descriptions of the plants and plant communities on site. Zephyr's does not do so and instead merely says that "native vegetation with a trunk diameter greater than two inches cannot be disturbed." (p. 12, Zephyr Permit File). Obviously, this will do nothing to protect the stickleaf or the beardtongue, should it be present, since they do not have "trunk diameters of greater than two inches". SLB requires an on-site survey for these plants before ground disturbance. (p. 44, Zephyr Permit File). The results of this botanical survey should have been presented here, and they are not. One cannot protect what one does not know about...Zephyr should not be allowed to proceed until the results of the botanical survey are presented to DRMS.

Zephyr's exploration plan itself also strains credibility. They may be proposing 20' x 30' drilling platforms, but where will the solid waste and the drill water and produced water from drilling the test bores go? There will not be enough room on the platform, and when we've drilled a water well, the cuttings and water were blown into a pile tens of feet from the drill rig and made a sloppy mess. This is not envisioned in the application, but how are they going to avoid it?

As to the amount of the reclamation bond which must be posted, an \$11,600 bond is inadequate. Given the fact that the only access which will be allowed is by helicopter, if Zephyr were to walk away from the property, what would it cost for the State to remove the drill rig and platforms, when hourly helicopter costs can approach \$10,000 for a single hour? Perhaps Zephyr is a totally honorable applicant, but I would note that the greatest Colorado mining disasters, such as Summitville, have been perpetrated by Canadian corporations, of which Zephyr Gold USA is the latest one to try to do business in Colorado. The bond must be adequate to cover the worst case scenario.

Thank you for your consideration of these comments.

- Brad Klafehn, Denver, Colorado

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