

**Earthworks • Information Network for Responsible Mining • Living Rivers
Sheep Mountain Alliance • Uranium Watch**

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OCT 02 2020

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Oct. 2, 2020

Colorado Mined Land Reclamation Board
Division of Reclamation, Mining & Safety
1313 Sherman St., Room 215
Denver, Colorado 80203

Via email to camille.mojar@state.co.us, russ.means@state.co.us,
ginny.brannon@state.co.us

Re: Objection to Notice of Temporary Cessation (TC-4), Sunday Complex

Dear Mined Land Reclamation Board Members,

This objection is submitted on behalf of Information Network for Responsible Mining (INFORM), Earthworks, Living Rivers, Sheep Mountain Alliance and Uranium Watch. We request party status to proceedings before the Colorado Mined Land Reclamation Board hearing currently scheduled for Oct. 21, 2020, to review the notice of temporary cessation for the Sunday Complex filed by Piñon Ridge Mining on Sept. 8, 2020.

Each of these organizations, through their members, are directly and adversely affected or aggrieved by the Sunday Complex mines' long-standing inactivity and unreclaimed status. These organizations and their members' conservation and environmental protection interests are entitled to legal protection under the Colorado Mined Land Reclamation Act [the Act]. Members of these organizations use and enjoy the federal public lands upon which these mines are located, and the surrounding lands and waters, for recreational, conservation, aesthetic, and other purposes, and those uses are impaired and degraded by the ongoing lack of reclamation at the Sunday Complex. These organizations demonstrate the necessary requisite interest to participate in these proceedings as Parties under the Act.

This same matter was before the Board in July, 2020. As of the filing of this Objection, that matter has yet to be resolved as no final Board Order has been issued. We incorporate by reference the exhibits and testimony provided during that hearing into these comments. For the reasons set forth in the Petition to Intervene filed April 3, 2020 (attached), we object to the granting of another period of temporary cessation for the Sunday Complex mines: the Sunday Mine, M-1977-285; the St. Jude Mine, M-1978-039;

the West Sunday Mine, M-1981-021; the Carnation Mine, M-1977-416; and the Topaz Mine, M-1980-055HR.

The mines have not been in production for longer than the maximum, 10-year period allowed for temporary cessation under the requirements of the Colorado Mined Land Reclamation Act at C.R.S. §34-32-103(6)(a)(iii), which states, "In no case shall temporary cessation of production be continued for more than ten years without terminating the operation and fully complying with the reclamation requirements of this article." Further, the operator has not demonstrated compliance with the standards at Rule 1.13.5(2), including providing a plan to resume production at the mines.

Colorado defines a "producing mine" for tax purposes as a mine with "gross proceeds" from the sale of ore, at C.R.S. §39-6-105. The Mined Land Reclamation Act thus does not support a redefinition of the word "production" from the plain and consistent meaning Colorado statutes and cases use within the broader context of mineral extraction. Therefore, we respectfully request that the Mined Land Reclamation Board terminate these permits and order the final reclamation and closure of these mines in accordance with the law.

Respectfully submitted,

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