



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

March 11, 2021

Lawrence Fiske
P.O. Box 310
San Luis, CO 81152-0310

Re: San Luis Project, Permit No. M-1988-112, Acreage Reduction Request AR-5, Objection Received

Dear Mr. Fiske,

On March 5, 2021 the Division of Reclamation, Mining and Safety (Division) received the enclosed comment to the request for an Acreage Reduction, AR-5, for the San Luis Project, Permit No. M-1988-112. The public comment period for AR-5 concludes on Friday March 19, 2021 therefore the comment is considered timely.

If you have any questions, concerns or require additional information please don't hesitate to contact me at the Division's Grand Junction Field Office, by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us.

Sincerely,

Lucas West
Environmental Protection Specialist

Encl. Objection, John McClure, Ed Lobato / Costilla County BOCC

Cc: Travis Marshall, Senior Environmental Protection Specialist
Russ Means, Active Mines Program Director, Minerals Program
Jeff Fugate, DRMS AGO Counsel

Ec: Julio Madrid, BMRI
Steve Carino, BMRI
Devon Horntvedt, Newmont
Karen DeAgüero, Newmont
Melissa Chalonga, Engineering Analytics, Inc.





STATE OF
COLORADO

West - DNR, Lucas <lucas.west@state.co.us>

Re: San Luis Project - File No. 1988-112 - Battle Mountain Resources, Inc. - Acreage Relief Request Application (AR-5)

1 message

John McClure <jmcclure@melawllc.com>

Fri, Mar 5, 2021 at 11:20 AM

To: "lucas.west@state.co.us" <lucas.west@state.co.us>

Cc: "ejlobo2003@yahoo.com" <ejlobo2003@yahoo.com>

Dear Mr. West,

Thank you for speaking with me today. To confirm, we reviewed our general request for information as outlined below and appreciate your willingness to assist.

On behalf of the Board of County Commissioners of Costilla County ("County") and the Costilla County Conservancy District ("District") and pursuant to the notice of February 11, 2021, ("Notice") issued by the Division of Reclamation Mining and Safety ("DRMS") to the County referencing an Acreage Release Request ("Request") to DRMS by Battle Mountain Resources Inc. ("BMRI") to substantially reduce its permitted acreage ("Permitted Acres") for the mining area in Costilla County, Colorado, the County and the District hereby submit a general objection to the Request, while reserving the right to refine or withdraw the objection in whole or in part as more information becomes known. The Notice refers to the Request to reduce the permitted acres from 736.92 to 428.22 acres for a total reduction of 308.7 acres. Our understanding is that no material changes or reclamation efforts have occurred within the mine site area in recent years; however, we welcome any clarification with this as more specifically provided below. The reference to BMRI refers to the entity itself along with any of its affiliated entities, including Battle Mountain Gold. Presumably, BMRI remains within and acts solely in the role of reclamation for the Permitted Acres; however, if incorrect, please clarify.

The Notice calls for the opportunity to submit comments. We appreciate this and, as part of it, submit the following requests for information about the Request to enable a full evaluation of the underlying facts and nature of the Request. As you may be aware, the County and the District have been previously involved with BMRI matters before DRMS with an interest in protecting water quality and water quantity concerns for the inhabitants of the down gradient community and the potentially impacted areas of the County.

Our requests for information and documents are as follows: 1) the BMRI application and documents in support of the Request; 2) a map or detailed diagram depicting the total BMRI Permitted Acres, including the 308.7 acres ("Withdrawn Acres") that BMRI submits should no longer be subject to its permit; 3) how and in what manner the Withdrawn Acres are or may be tied to: i) the prior mining activities while operational and ongoing, ii) past and current overall BMRI reclamation efforts or those of others in the Permitted Acres excluding the Withdrawn Acres; iii) past and current reclamation efforts for the Withdrawn Acres (the term "past" refers to the last 10 years); 4) how and in what manner the withdrawal of acres does or may impact the water treatment facility and its ongoing operation; 5) how in what manner the withdrawal of acres does or impact pumping of waters that prevents spillage into the Rito Seco; 6) how and in what manner the withdrawal of acres does or may impact the lined tailings facility, including its use for disposal of waters and/or sludge removal; and 7) any other information and documents to allow for a full and complete evaluation and analysis of the impact of the Request.

Your assistance is greatly appreciated. With an April 12, 2021, decision date as set forth in the Notice, receiving the requested information as soon as possible is helpful, as once received, it may trigger follow up requests.

I spoke with Director Virginia Brannon yesterday who confirms this is an acceptable means for submitting the written objection and requests for information.

Ed Lobato, counsel for the County, joins in the above.

Please confirm that you have received this. Thank you.

Sincerely,

John C. McClure

McClure & Eggleston, LLC

216 16th Street, Suite 1350

Denver, CO 80202

Direct Dial Telephone: (303) 953-5805

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