



May 10, 2023

Corey Shuman  
GRE, Inc.  
331 Rio Grande St.  
Suite #201  
Salt Lake City, UT 84101

**Re: Miller Midwest - File No. P-2021-004, Notice of Intent to Conduct Prospecting Operations, Path Forward**

Dear Mr. Schuman:

On April 25, 2022 the Division of Reclamation, Mining and Safety denied GRE, Inc.'s application for a modification to the above listed NOI due to the known presence of acid generating or toxic materials that were placed in and around the area of the site during the Willow Creek Reclamation Project in 2004. Over the past several months, through various correspondence and meetings with GRE, Inc. and the US Forest Service, the Division has identified two possible options under the Mined Land Reclamation Act and Regulations to conduct prospecting operations at the Midwest site. Please note that regardless of the option GRE, Inc. chooses to pursue, the Division has been made aware of the June 30, 2023 reclamation deadline imposed by the US Forest Service.

GRE, Inc. could file a new NOI modification in compliance with Rule 5.1.1(3) that includes modified Environmental Protection Facility (EPF), sampling and reporting requirements. The modification should include an estimate of the volume of acid generating material to be encountered, as well as designs, and construction plans for a surface material storage pad. This storage pad will be required to be an imperviously lined pad, with berming of sufficient height to contain the volume of acid generating material excavated. The pad should also be designed to contain all material stored as well as 110% of the volume of precipitation generated from the 10 Year, 24 hour storm event. This facility will need to be designed and certified by a licensed P.E. Additionally, a plan should be developed to test, handle and dispose of the contained precipitation. Another modification aspect will be the development of an incremental soil sampling and reporting protocol to determine when the Acid Generating Material is encountered. All of these requirements must be developed as safeguards to allow GRE, Inc. prospecting activities to continue in a safe and effective manner.

Alternatively, GRE, Inc. could close out the existing NOI after the reclamation has been completed, and file for a new NOI to conduct a surface drilling program or gain entry to the workings by some other manner that does not disturb the acid generating material that has been placed in and around the portal. A new NOI would need to be submitted in accordance with Rule 5, and will be reviewed under the same requirements.



Please note that any unauthorized disturbances may be considered mining without a permit and DRMS may take appropriate enforcement action including civil penalties and cease and desist orders.

The Division is not able to provide you legal advice related to interpretations of the Act and Regulations. However, if you have procedural questions, please contact the Division's Assistant Attorney General, , Jeff Fugate, at [jeff.fugate@coag.gov](mailto:jeff.fugate@coag.gov), for all other questions, please feel free to contact me at the Division's Grand Junction Field Office, by telephone at (303) 866-3567 x 8187, or by email at [Lucas.west@state.co.us](mailto:Lucas.west@state.co.us).

Sincerely,



Lucas J. West  
Environmental Protection Specialist

CC: Travis Marshall, DRMS  
EC: Corey Schuman, GRE Inc.  
Patrick Moran, USFS  
Daryl Kohut, USFS  
Todd Jesse, DRMS  
Jeff Fugate, DRMS AGO Counsel