

August 15th, 2023

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Via email to dustin.czapla@state.co.us and travis.marshall@state.co.us

Re: REX Project NOI P2022019, Notice of Intent to Conduct Prospecting Operations (Modification),
Notice of Complete Application

Dear Colorado Division of Reclamation, Mining, and Safety:

These comments are submitted on behalf of Sheep Mountain Alliance and the Information Network for Responsible Mining. We thank you for your continued commitment to allowing public input throughout this process.

The proposed exploration sites off of Montrose County Road W-19 and Highway 141 within the Long Park region are also utilized by the public for its trails and hunting, especially in the fall months. This region of Long Park is also utilized by the annual Hanging Flume 50k trail running race. This recreational event starts and finishes at the Uravan Ballpark and seeks to highlight the recreational resources of the area. In the current Bureau of Land Management Uncompahgre Field Office (BLM UFO) Resource Management Plan (RMP), Paradox Valley (which includes Long Park) is identified as an Extensive Recreation Management Area (ERMA). ERMA's are managed for recreation and to, "Provide a recreation setting commensurate with other uses that: 1) retains a natural-appearing landscape while allowing for activities that would benefit biological values; 2) provides the necessary recreation facilities 3) provides basic, on-site visitor services, and 4) clearly posts conditions of use throughout the area."¹ It would be a tremendous loss to the burgeoning recreation economy in the West End should Long Park be lost to future mining, and its highest and best value with the most public benefit is found in recreation rather than extraction.

The Long Park area is already significantly degraded due to the high number of historic, unreclaimed drill roads from previous mining operations, so the proposed activities will increase the cumulative impacts the area is already experiencing. The project area provides important habitat to wildlife species of interest, including mountain lion, bighorn, black bear, mule deer and elk, as well as nongame species and a mature piñon-juniper ecosystem. Any drilling activities approved in the area should require consultation with the Colorado State Historic Preservation Office and, because they will occur on public lands, should also be subject to federal review under the National Historic Preservation Act. Additional commitments by the prospector should be required to preserve and protect any artifacts or historic features encountered during operations.

¹ https://eplanning.blm.gov/public_projects/lup/62103/20017137/250023044/UFO_ROD-ARMP_ePlanning_OPT.pdf page II-84

Off-site damages from stormwater events and waste disposal must be seriously considered in the permit conditions. Long Park includes mixed habitat zones and soils that are easily disturbed and eroded. Strict erosion and sediment controls should be utilized in order to prevent the release of any contaminants into the San Miguel River, where all stormwater runoff from this region in Long Park reports. The permittee should be required to provide sediment fencing around drill pads, mud pits, and any disturbed areas during the drill. At a minimum, provisions for a monitoring plan, lined mud pits, and off-site disposal of cuttings and other waste, which could potentially include radioactive contaminants or materials with acid-generating potential, should be required. Hazardous substances used for mining activities – such as diesel – should be stored onsite only when secondary containment structures are also in place, in order to prevent damage to the surface from spills and leaks. We encourage you to require the best management practices that are appropriate for the drill sites in order to minimize any impacts to the watershed and to restore the area once exploration is completed.

It is unclear why such extensive road development needs to occur, and under no circumstances should new or existing roads be left in an improved condition beyond their current state. Continued road development in the Long Park area will have a negative impact on the public's ability to enjoy the lands and will further degrade the already disturbed environments. The permittee should also be prohibited from disturbing or destroying any long-lived woody species, as their restoration after the fact would be difficult or impossible to achieve, considering the long-term drought conditions the region is experiencing. Any degradation of existing pinyon-juniper woodlands would be unfortunate, and during reclamation, the permittee should be required to re-seed with sage, pinyon and juniper in addition to (and not instead of) other native flora species. There is also abundant biological soil crust in this region of Long Park. Biological soil crusts are essential to arid Southwest environments as they aid ecosystems to soil retention and nutrient density. This biological soil crust is highly sensitive to road development and human disturbance and should be avoided during operations. In addition, before any surface disturbances occur, it would be prudent to inventory any cultural or historic resources that may be present in the project area, since archeological resources are widely dispersed in the West End, petroglyph sites and camps are nearby, and Long Park itself was likely utilized by historic peoples.

Lastly, the specific mines and exploration areas included in this Notice, including the Sunbeam and 45-90 Mine, show signs of significant damage from historic mining activities. Although it is apparent that some reclamation work was attempted in the 1980s at the site, it has not held up to time and there are visible signs of erosion from pocked slopes, subsidence, and reopened portals, as well as industrial debris left behind. It is imperative that the Division require a robust remediation plan for the entire mining area that will be more effective than past efforts and can withstand the changing climate conditions in the watershed as well as future increases in recreational activities and public visitation. Because the establishment of native vegetation is especially difficult and the amount of topsoil retained during operations will be inadequate to ensure reclamation success, the Division should consider a requirement that the operator amend soil on site in order to increase the amount of topsoil available and nurture effective growing conditions for native species. The proposed financial warranty of \$19,500 is likely inadequate to ensure proper reclamation of new disturbance should the operator fail and the job becomes the public's burden.

Apart from our comments related to this Notice, it is important to remind the Division that the original Notice of Intent was not publicly posted to the Division's website, and therefore the public was not noticed when it was filed last year. This is an apparent violation of SB 08-228, although we understand that it is an unintentional one. We hope that the Division will make more effort to ensure that Notices are provided publicly in accordance with the law in a timely manner, as this seems to be part of a continuing pattern.

Thank you again for the opportunity to comment.

Respectfully submitted,

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