

December 8, 2023

Lucas West
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1313 Sherman Street
Denver, Colorado 80203
Via email to lucas.west@state.co.us

Re: Comments on Highbury Resources Slick Rock Project Notice of Intent, Permit No. P-2023-018

Dear Mr. West,

Thank you for the opportunity to comment on Notice of Intent P-2023-018 submitted by Highbury Resources. These comments are submitted on behalf of Sheep Mountain Alliance and Information Network for Responsible Mining (INFORM). Sheep Mountain Alliance is a citizens' conservation organization that works to protect the greater Telluride region of southwestern Colorado. INFORM is a statewide conservation organization that addresses the impacts of hardrock mining in Colorado.

Sheep Mountain Alliance and INFORM are opposed to inappropriate mining development in the Dolores River Basin when it conflicts with regional conservation goals. Those values are embedded within the Dolores River National Conservation Area and Special Management Area Act, federal legislation sponsored by Sens. Michael Bennet and John Hickenlooper and Rep. Lauren Boebert. Although detailed maps are not provided with the publicly available NOI files, it appears that at least one of the drilling sites is located within the boundary of the proposed National Conservation Area and that the entire project area occupies the buffer area immediately adjacent. It is the intent of the federal legislation to protect the Dolores River canyon in order to "conserve, protect, and enhance the native fish, whitewater boating, recreational and scenic, cultural, archeological, natural, geological, historical, ecological, watershed, wildlife, educational and scientific resources" of the Dolores River landscape. Our organizations strongly believe that the natural, scenic and recreational values of the Slick Rock area enhance and support the regional recreation economy and far outweigh the limited benefits of uranium mining.

The Notice of Intent does not identify where additional access roads must be constructed or where existing roads must be improved in order to access the drilling locations, even though "off-road access trails" are acknowledged on page 18 of the NOI document as necessary to conduct drilling. However, these roads are not identified in the NOI nor are they "identifiable" without the required accompanying maps, as required by Rule 5.1.2(d)(A) and (B); nor are the lengths of any new road segments identified or described elsewhere in the NOI, as required by Rule 5.3.1(c).

The creation of the access roads is also not considered in the NOI's stated disturbed acreage of 0.46 acres in the Notice of Intent, as required by Rule 5.1.2(d)(iv). New roads must be considered in the acreage in order to determine an adequate financial guarantee as well as to ensure that final reclamation will be completed. It is also incorrect for the operator to limit the disturbed acreage to only the pad areas for 20 drill holes when 27 are proposed. Regardless of whether the operator's intent is to drill only 20 holes, the NOI must consider all 27 in the final calculations because all 27 will be authorized to proceed. Furthermore, the roads to the drill sites must be included in the project's reclamation plans and the operator must commit to reclaiming them. Because the project maps have not been made available for public review before the comment deadline, it is impossible to know whether the stated disturbance of 0.46 acres is accurate

for an exploration program of this size. The only maps made available are those included in the appendix of an enclosed natural resources survey (at page 67 of the NOI document) and those area maps indicate a much larger project spread over dozens of acres, crossing over a state highway and surrounding a number of potential drill sites. All of this permit area is affected land as defined in Rule 1.1(4). The Notice of Intent is deficient because it does not accurately describe all affected lands that the operator will be impacting.

Highbury Resources is subject to San Miguel County land use requirements and must obtain a county special use permit in order to conduct the exploratory uranium drilling but has not done so. The county permit must be in place before the NOI can be approved, according to Rule 5.3.6. The construction of new roads or the upgrading of existing roads would conflict with longstanding San Miguel County policy to prevent the construction of roads and to limit their maintenance in order to preserve the historic character of the landscape. A number of historic drill roads in the Slick Rock area have been previously reclaimed and should not be considered access routes now. The Bureau of Land Management should also be consulted to determine whether use of the access routes proposed by the operator are in compliance with the Tres Rios Field Office's travel plan.

The operator must prevent any drill cuttings or fluids from entering the watershed as required by Rule 5.3.1(d) but information about how this will be guaranteed is not indicated in the Notice. The operator should be required to use protective lining in the mud pits in order to prevent releases of toxic and radioactive wastes. Drill cutting and any other toxic or waste materials should not remain at the site and be disposed of in a facility off-site in order to protect the surrounding area.

The NOI does not identify a source of water to be used during the project. It also states that three or four of the final drill holes will be converted into monitoring wells, but does not precisely indicate which ones or identify their locations. Rule 5.4.5(1)(a) requires that monitoring well permits be approved by the Colorado Division of Water Resources prior to approval of the Notice of Intent.

Highbury also states in the NOI that drilling is expected to penetrate an unconfined aquifer. Rule 3.1.6(1) requires that impacts to the site's hydrological balance be minimized. The NOI should include information about how drilling into uranium ore bodies while intercepting unconfined aquifers will *not* result in contamination of ground water supplies or the Dolores River. The Division should require Highbury to submit a hydrological study of the site for public review prior to the initiation of any drilling activities.

Rule 5.1.2(d)(vi) requires that legal documentation to enter BLM lands be provided before the Notice of Intent is approved. The NOI includes a detailed legal agreement between four corporate entities as evidence of legal right of entry. However, the Division should require verification from BLM that the legal agreement is not in conflict with their requirements to maintain right of entry and that BLM has approved Highbury's access right before any activities are authorized.

The Slick Rock and Disappointment Valley areas adjacent to the general location of the proposed drilling activity are abundant in natural values and provide important habitat for wildlife, and any impacts to wildlife must be minimized in accordance with Rule 5.3.2. Activities should be restricted to the non-winter months when nesting or brooding species are not present. The Naturita Milkvetch (*Astragalus naturitensis*) and Gypsum Valley Cat Eye (*Oreocarya revealii*) have been located in the vicinity and are notable rare flora species. The Division should require that the specific drill sites be surveyed for these species and measures taken to prevent any specimens that are identified. Before any surface disturbances occur, it would be beneficial to survey the project area for any cultural, historical or paleontological resources, which are abundant in the area, and take

measures to halt operations and protect them if any are inadvertently discovered during drilling operations.

The Slick Rock area is a treasured resource for the residents and visitors of San Miguel County and the operator should be required to be especially vigilant in its care for the landscape should exploration be approved. However, authorizing exploratory drilling in this location cannot be uncoupled from a consideration of the future potential for uranium mining in the same location. That would be an unacceptable outcome and an incompatible use of the land. For these reasons as well as the extensive deficiencies in the Notice of Intent submitted by Highbury Resources, we respectfully request that the application be denied.

Respectfully submitted,

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