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May 10, 2024

Colorado Division of Reclamation, Mining and Safety
Mine Land Reclamation Board
Room 215
1001 E 62nd Avenue
Denver, CO 80216

Via email

Attn: Dustin Czapla, Cammile Mojar

Re: Highbury Resources Reclamation Status DOE leases

To whom it may concern,

Highbury Resources is formally requesting a hearing before the Mine Land Reclamation Board for a time extension for the reclamation activities proposed for the following sites which are located on Department of Energy (DOE) leases in western Colorado:

DOE Lease Name	DRMS Permit Number(s)
JD-6	M-1977-310
JD-7	M-1977-308** (UG), M-1979-094 (PIT)
JD-8	M-1984-014
JD-9	M-1977-306
SM-18	M-1978-116
SR-11	Ike No. 1 (M-1977-451)

Highbury Resources previously was conducting reclamation activities on these sites, including cleanup of trash and debris, removal of equipment, and removal of structures. However, DOE informed Highbury that no additional reclamation can be performed until NEPA clearances have been completed for the proposed reclamation work. On January 30, 2024, DOE required Environmental Checklist for all sites be submitted within 30 days as part of this process. Highbury met the DOE deadline and has been, and continues to respond to DOE requests for additional information and performing required NEPA surveys of each of the sites. In addition, Highbury Resources has proposed Technical Revisions to DRMS for the reclamation scopes of work outlined in the EPP's for each site which are being evaluated for NEPA clearances along with the original scopes of work.

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The current estimated timeline for NEPA approvals is as follows:

(Refer also to attached bar chart)

1. Real West Natural Resources has submitted a draft environmental site report to DOE for T&E species evaluation. The draft report is currently being reviewed by DOE and BLM for inclusion in the NEPA analysis and for any timing, mitigation, or avoidance stipulations which may be applied to the sites individually. Additional follow-up field surveys are scheduled for the first week of May 2024, with the final report to follow.
2. Alpine Archaeological Consultants was contracted by Highbury on April 23, 2024 to complete Class II cultural surveys of each site. The first step is pre-field work, including obtaining Office of Archaeology and Historic Preservation file search results, and receiving field work authorizations from BLM. Anticipated timeline 30-45 days, complete by early June.
3. Alpine Archaeological Consultants will then perform the Class III cultural site surveys. Anticipated timeline 8 days, complete by mid-June.
4. Upon completion of field surveys, Alpine Archaeological Consultants will prepare the cultural survey report and submit it to the DOE NEPA coordinator. Anticipated timeline 45 days, with the completed report submitted in late July / early August.
5. Upon receipt of the cultural survey report, DOE will submit it to the Colorado State Historic Preservation Officer for review. Anticipated 30 days. Concurrently the document will be reviewed by DOE, BLM, and DRMS. Anticipated end of review period approximately early September if no significant comments are received.
6. Upon completion of the environmental reports review, the DOE NEPA team will make a determination for each site of the level of environmental review required. Some sites may qualify for a Categorical Exclusion (CATEX). Final approval of the work on sites qualifying for a CATEX may be received within 2 weeks of the end of the review period, or as early as mid-September if there are no comments. If there are comments, more time may be required to address and resolve them.
7. For larger sites, such as the JD-7 Open Pit, or sites with cultural resources or environmentally sensitive species, an Environmental Assessment (EA) may be required resulting in a Finding of No Significant Impact (FONSI) or if required, a more rigorous Environmental Impact Statement (EIS) may be required. The minimum timeline for preparation and approval of an EA is anticipated to be 1 year with a FONSI and longer if an EIS is required.

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The current permit deadline for completion of reclamation on these sites is February, 2025. However, there are a variety of wildlife timing stipulations that may be applied and restrict site reclamation activities as part of the NEPA analysis, including:

Wildlife Species Restrictions	Restriction Period
Mule deer and elk critical winter ranges	December 1 to April 15
Gunnison Sage Grouse	March 1 – July 15
Bald Eagle	December 1 – July 31
Golden Eagle	December 15 – July 15
Bats (Winter Roosting)	October 1 – April 15
Bats (Exclusion Device Installation)	September 1-30
Bats (Maternity Roosts)	April 15 to June 15

Depending upon the presence or absence of individual species on the sites, the reclamation work could be restricted to a rather narrow window starting after July 31 and ending on September 1. If no timing stipulations are applied, the latest window for construction in 2024 would end on December 1. For 2024 most of the construction window will be consumed by completion of the required cultural and environmental studies and NEPA review process by DOE.

The anticipated time to complete reclamation work on each site is as follows:

DOE Lease Name	Estimated Reclamation Construction Time (Weeks)
JD-6	2
JD-7 Underground	2
JD-7 Open Pit	48
JD-8	1.5
JD-9	2
SM-18	2
SR-11	1.5

Highbury anticipates that the majority of the sites except for the JD-7 Open Pit may qualify for a CATEX. Depending upon when the CATEX determinations are received and any wildlife timing stipulations which are imposed, it is anticipated that some reclamation work may be performed on these sites in Fall 2024 subject to contractor availability and weather conditions. However, it is likely that some of the sites will need to be completed in 2025 due to NEPA requirements and approvals and due to the short available construction period.

It is anticipated that the NEPA clearances for the JD-7 Open Pit will require an EA. Based upon the timeline to complete an EA, it is likely that the clearances for the JD-7 Open Pit will not be completed until Fall 2025 with a FONSI. Highbury Resources is currently working on reclamation design alternatives for the JD-7 Open Pit reclamation work for review and approval by DOE and

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DRMS and to address questions required for the NEPA evaluation. Highbury's goal is to develop the best reclamation design possible within the requirements of the EPP. The minimum anticipated construction time to reclaim the JD-7 Pit of 4 to 6 months. It is anticipated that the JD-7 Open Pit reclamation work will not be completed until the 2026 construction season at the earliest. In the interim, Highbury may seek permission to drill some exploration drill holes in the floor of the JD-7 Open Pit for verification that there are no remaining resources that should be extracted prior to reclamation.

If you have any questions regarding this request for a time extension, please contact Highbury's consulting engineer, BRS, Inc. at 307-857-3079 or brs@brsengineering.com.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "Douglas Beahm", written in a cursive style.

Douglas Beahm, PE, PG
Principal Engineer, BRS Inc.

Cc:

Russ Means, DRMS
Brian Mangan, DOE
William Burns, DOE
Corey Dias, Highbury Resources
Harold Hutson, BRS

Highbury Resources DOE Leases JD-6, JD-7 Underground, JD-7 Open Pit, JD-8, JD-9, SM-18, and SR-11

Overall Reclamation Schedule

