



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT



Grand Junction Field Office  
2815 H Road  
Grand Junction, Colorado 81506  
[www.blm.gov/colorado](http://www.blm.gov/colorado)

In Reply Refer To:  
LLCOG01000  
3809 (CO-920)  
Serial #COCO106036402

CERTIFIED MAIL – RETURN RECEIPT REQUESTED  
#70201290000140597096

**DECISION**

Energy Fuels Resources (USA) Inc.	:	
Attn: Scott Bakken	:	
225 Union Blvd., Suite 600	:	Surface Management
Lakewood, Colorado 80228	:	

**DETERMINATION OF REQUIRED FINANCIAL GUARANTEE AMOUNT**

Your proposed modification to your Plan of Operations Serial #COCO106036402 (Legacy #COC071896) to conduct mining activities at the Whirlwind Mine was received in this Bureau of Land Management (BLM) Grand Junction Field Office (GJFO) on December 26, 2024. Consistent with the surface management regulations at 43 CFR § 3809.411(a), the BLM reviewed the Plan modification and determined that the modification to the filed Plan of Operations Serial #COCO106036402 meets the content requirements at 43 § CFR 3809.401(b). The GJFO accepts your modification to the Plan of Operations (Serial #COCO106036402).

**Financial Guarantee**

The BLM completed a review of the reclamation costs, as provided for under 43 CFR § 3809.552(b), for your Plan of Operations #COCO106036402 and modification. Based this office's review of your financial guarantee on file, the required bond amount is hereby set at \$731,478.00 for reclamation of the Whirlwind Mine #COCO106036402 operation.

Energy Fuels Resources (USA) Inc. previously provided the BLM an acceptable financial guarantee of \$375,078.00 for this operation. The increase of \$356,400.00 to the amount of financial guarantee must be provided to the BLM Colorado State Office, Solid Minerals Adjudication, Denver Federal Center, Building 40, Door W-4, P. O. Box 151029, Lakewood,

Colorado 80215. You must provide an acceptable increase to the financial guarantee to the BLM within 30 days from receipt of this decision. Failure to provide an acceptable financial guarantee increase within the specified timeframe will result in enforcement actions under 43 CFR § 3809.601 for failure to maintain an adequate financial guarantee.

### Appeal of the Decision

If you are adversely affected by this decision, you may request that the Colorado BLM State Director review this decision. If you request a State Director Review, the request must be received by the BLM Colorado State Office, Division of Energy, Lands and Minerals (CO-920) Denver Federal Center, Building 40, Door W-4, P. O. Box 151029, Lakewood, Colorado 80215, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR § 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not decide on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Colorado BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with the Authorized Officer at the Grand Junction Field Office, 2815 H Road, Grand Junction, Colorado 81506, which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR § 3809.801(a)(1). If an appeal is taken, your Notice of Appeal must be filed in the office of the Authorized Officer at 2815 H Road, Grand Junction, Colorado 81506, within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### Request for a Stay

If you wish to file a petition pursuant to regulations 43 CFR § 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by Interior Board of Land Appeals (IBLA), the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR § 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied.

2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

If you have any questions, please contact Jennifer Whittington, Geologist, at (970) 244-3007 or [jwhittington@blm.gov](mailto:jwhittington@blm.gov).

Sincerely,

Stacey Colón  
Field Manager  
Grand Junction Field Office

1 Enclosures

- Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals.

STATE OF  
COLORADO

Yeldell - DNR, Amy &lt;amy.yeldell@state.co.us&gt;

## Energy Fuels Resources (USA) Inc. proposed Plan of Operations Modification for Whirlwind Mine BLM Serial #COCO106036402 - acceptance and bond decision

1 message

**Whittington, Jennifer K** <jwhittington@blm.gov>

Fri, Feb 21, 2025 at 8:50 AM

To: Scott Bakken &lt;SBakken@energyfuels.com&gt;, Dawn Kolkman &lt;dkolkman@energyfuels.com&gt;

Cc: "Stark, Christina A" &lt;cstark@blm.gov&gt;, "Yeldell - DNR, Amy" &lt;amy.yeldell@state.co.us&gt;

Good morning,

The Grand Junction Field Office (GJFO) received the Energy Fuels Resources (USA) Inc. (EFRI) proposed modification to the Plan of Operations for the Whirlwind Mine BLM Serial #COCO106036402 on December 26, 2024. Consistent with the surface management regulations at 43 CFR § 3809.411(a), the BLM reviewed the Plan modification for #COCO106036402 and determined that it meets the content requirements at 43 § CFR 3809.401(b). The GJFO determined that modification is minor and accepts the modification to your Plan of Operations (Serial #COCO106036402). The BLM also completed a review of the reclamation costs for your Plan of Operations #COCO106036402, as provided for under 43 CFR § 3809.552(b). The attached letter contains the decision on the bond amount.

Acceptance of the modification to your Plan of Operations by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claims involved in the mining operation. EFRI is responsible for obtaining any use rights or local, state, or Federal permits, licenses, or reviews that may be required for the operation.

Please call me with any questions.

Regards,

**Jennifer Whittington** | Geologist

Department of the Interior | Bureau of Land Management

Region 7 Upper Colorado Basin | Grand Junction Field Office

[2815 H Road, Grand Junction, CO 81506](#)

Phone: (970) 244-3007; Fax: (970) 244-3083.

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**From:** Whittington, Jennifer K

**Sent:** Friday, January 24, 2025 11:56 AM

**To:** Scott Bakken <SBakken@energyfuels.com>; Dawn Kolkman <dkolkman@energyfuels.com>

**Cc:** Stark, Christina A <cstark@blm.gov>; Colon, Stacey B <scolon@blm.gov>; Yeldell - DNR, Amy <amy.yeldell@state.co.us>

**Subject:** RE: Received: Energy Fuels Resources (USA) Inc. proposed Plan of Operations Modification for Whirlwind Mine BLM Serial #COCO106036402

Good morning,

The Energy Fuels Resources (USA) Inc. proposal to modify its Plan of Operations for the Whirlwind Mine BLM Serial #COCO106036402 was received by the Grand Junction Field Office (GJFO) on December 26, 2024. The BLM is reviewing the proposed Plan Modification to determine if it meets the content requirements at 43 C.F.R. §3809.401(b).

On January 20, 2025, the acting Secretary of the Interior, Walter Cruickshank, issued Order No. 3415 "Temporary Suspension of Delegated Authority" to the Department of the Interior. <https://www.doi.gov/document-library/secretary->

[order/3415-temporary-suspension-delegated-authority](#)

Order No. 3415 Suspension of Authority in Section 3, states: "The delegations of authority to Department Bureaus and Offices to take any of the following actions are hereby temporarily suspended, but the actions may be approved by leadership identified in section 4. of this Order:" this includes the action in item d. "To approve plans of operation, or to amend existing plans of operation under the General Mining Law of 1872;...." Therefore, the GJFO will work through Sec. 4. and Sec. 5. of the Order and anticipates that the review of your proposed Plan Modification #COCO106036402 will be completed as soon as possible.

You may not conduct activities greater than casual use outside of those described in your current Plan of Operations until your receive authorization from the BLM GJFO.

Please contact me with any questions.

Thank you,

**Jennifer Whittington** | Geologist

Department of the Interior | Bureau of Land Management

Region 7 Upper Colorado Basin | Grand Junction Field Office

[2815 H Road, Grand Junction, CO 81506](#)

Phone: (970) 244-3007; Fax: (970) 244-3083.



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**From:** Whittington, Jennifer K

**Sent:** Tuesday, December 31, 2024 9:13 AM

**To:** Scott Bakken <[SBakken@energyfuels.com](mailto:SBakken@energyfuels.com)>; Dawn Kolkman <[dkolkman@energyfuels.com](mailto:dkolkman@energyfuels.com)>

**Cc:** Stark, Christina A <[cstark@blm.gov](mailto:cstark@blm.gov)>; Colon, Stacey B <[scolon@blm.gov](mailto:scolon@blm.gov)>; Yeldell - DNR, Amy <[amy.yeldell@state.co.us](mailto:amy.yeldell@state.co.us)>

**Subject:** Received: Energy Fuels Resources (USA) Inc. proposed Plan of Operations Modification for Whirlwind Mine BLM Serial #COCO106036402

Good morning,

The Energy Fuels Resources (USA) Inc. proposal to modify its Plan of Operations for the Whirlwind Mine, BLM Serial #COCO106036402 (Legacy COC 071896), with surface facilities in T51N, R20W, Sec 43 in Mesa County, Colorado was received by the BLM Grand Junction Field Office (GJFO) on December 26, 2024. Consistent with the surface management regulations at 43 C.F.R. §3809.411(a), the BLM is reviewing the proposed Plan Modification to determine if it meets the content requirements at 43 C.F.R. §3809.401(b). The GJFO anticipates that the review of your Plan Modification will be completed by January 24, 2025.

Just to let you know, a hard copy of your submission was received by the GJFO in the mail, but no emails or digital copies have been received by the GJFO from Energy Fuels regarding this proposal.

Please contact me directly with any questions.

Regards,

**Jennifer Whittington** | Geologist

Department of the Interior | Bureau of Land Management

Region 7 Upper Colorado Basin | Grand Junction Field Office

2815 H Road, Grand Junction, CO 81506

Phone: (970) 244-3007; Fax: (970) 244-3083.



**20250220\_EFRI Whirlwind PoO Modificaction Acceptance and Bond Increase Letter.pdf**  
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