



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Royal Gorge Field Office
3028 East Main Street
Cañon City, Colorado 81212

3809 LLCOF02000
COCO106244988

CERTIFIED MAIL –
RETURN RECEIPT REQUESTED

DECISION

Colorado Milling Company LLC	:	
Attn: Mark Steen	:	
50 West 100 South	:	Surface Management
Moab, Utah 84503	:	

PLAN OF OPERATIONS APPROVED

DETERMINATION OF REQUIRED FINANCIAL GUARANTEE AMOUNT

The Plan of Operations for the Gold Hill Mill is hereby approved. Colorado Milling Company LLC must conduct operations as described in the Plan of Operations and in accordance with the Surface Management regulations at 43 CFR 3809.

Financial Guarantee – Based on your reclamation cost estimate and the BLM review of the cost estimate, the required financial guarantee amount is hereby set at \$98,640 for reclamation of the Gold Hill Mill. You must provide a financial guarantee in this amount using one or more of the acceptable financial guarantee instruments listed under 43 CFR 3809.555. A state approved financial guarantee (with Colorado Division of Reclamation, Mining, and Safety) may be used according to regulation found at 43 CFR 3809.570-574. The BLM Royal Gorge Field Office will issue you a decision as to the acceptability of your financial guarantee. You must not begin activities under the approved Plan of Operations until you receive notification from the BLM Royal Gorge Field Office that the financial guarantee has been accepted and obligated.

Approval of a Plan of Operations by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claim involved in the mining operation. Colorado Milling Company LLC is responsible for obtaining any use rights or local, state, or Federal permits, licenses, or reviews that may be required for the operation.

This decision also constitutes concurrence with Colorado Milling Company LLC's use and occupancy of public lands as described in the approved Plan of Operation. Colorado Milling Company must maintain compliance with the Use and Occupancy regulations at 43 CFR 3715.2,

3715.2-1, and 3715.5 throughout the duration of the approved Plan of Operations. Concurrence by the BLM on ABC's proposed use and occupancy is not subject to State Director Review, but may be appealed by adversely affected parties directly to the Interior Board of Land Appeals as outlined in enclosed BLM Form 1842-1.

Appeal of the Decision under 43 CFR 3809

If you are adversely affected by this decision, you may request that the BLM Colorado State Director review this decision. If you request a State Director Review, the request must be received in the BLM Colorado State Office at the address listed in form 1842-1, 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 make a decision 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 BLM Colorado State Office to determine when the 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 this office at the address listed in form 1842-1, 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). Your Notice of Appeal must be filed in this office at 3028 E Main Street, Canon City, CO 81212 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. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

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.

Appeal of a Decision under 43 CFR 3715

If you are adversely affected by this decision, you may appeal to the IBLA under 43 CFR part 4. If you appeal this decision, you must file a Notice of Appeal to this office at 3028 E Main Street, Canon City, CO 81212 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. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

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 me at 719-269-8515, or contact Daniel Pike, Geologist, at 719-269-8529

Sincerely,

Acting for

Doug Mayes
Field Manager
Royal Gorge Field Office

Enclosures

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