

## Cazier, Tim

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**From:** Lee J Alter [alterconsult@starband.net]  
**Sent:** Monday, July 30, 2012 7:55 AM  
**To:** Cazier, Tim  
**Cc:** King, Mike; Kaldenbach, Tom; sscarter@blm.gov; bill.giordano@fremontco.com  
**Subject:** Black Range Minerals, P-2009-025  
**Attachments:** TAC- DRMS Ltr 7.30.12.pdf

Dear Mr. Cazier:

Attached please find the comment letter from the Tallahassee Area Community regarding the July 18, 2012 application for a modification of NOI P-2009-025 that was posted on the DRMS website on July 23, 2012.

Lee J Alter

# **Tallahassee Area Community, Inc.**

## **Fremont County, Colorado**

Board of Directors  
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July 30,2012

Mr. Tim Cazier  
Environmental Protection Specialist  
Division of Reclamation, Mining and Safety  
1313 Sherman Street , Room 215  
Denver, CO 80203

Via Email Attachment (tim.cazier@state.co.us )

Re: Hansen Uranium Project ( P-2009-025)  
Modification (2)

Dear Mr. Cazier:

The Tallahassee Area Community has interpreted the most recent request by Black Range Minerals to modify NOI P-2009-025 as the initial phase of a Baseline Site Characterization and Plan of On-Going Monitoring as specified in Rule 1.4.3 of the Hard Rock/Metal Mining Rules. This comment letter, which is submitted timely under that Rule, identifies numerous areas of concern and unanswered questions both in the cover letter to the NOI Modification application and in the proposed modification itself.

1. TAC recognizes that Rule 1.4.3 applies specifically to In-Situ Leach Mining Operations and is not ordinarily applied to other mining operations, including conventional open pit and underground uranium extraction. Since Black Range has definitively stated their intentions to utilize the experimental underground bore hole mining technique at the Hansen site, and since the potential adverse environmental impact to the groundwater of UBHM is similar (if not more severe) than that of In-Situ Leach Uranium Recovery, TAC has requested guidance as to its regulatory status from the Nuclear Regulatory Commission. Until a determination is made -- by NRC in consultation with the Division and the Radiation Management Unit of CDPHE -- we respectfully request that DRMS and MLRB either defer any approval of the proposed modification or, as a reasonable precautionary move, consider it as being required to comply with Rule 1.4.3.

2. Mr. Siglin's cover letter discusses proposed new activities outside of the boundaries of the NOI. Although he refers primarily to monitoring well construction, his language is ambiguous as to whether additional prospecting activity would also be contemplated beyond the current site. We note that it is a simple process in the DWR Well Construction Rules, to convert a monitoring well to either a dewatering

or recovery well. The Fremont County Zoning Resolution requires that any proposed change to an existing Conditional Use Permit "that would result in an increased impact to the neighborhood and or require a change to the recorded drawing" is a Major Modification to the CUP and requires a "complete reapplication" to be considered by the Planning Commission and the Board of County Commissioners with full public participation (ZR Section 8.10).

While the BoCC Resolution approving CUP 10-003 appears to exclude the construction of monitoring wells outside of the recorded area of exploration from this requirement, it specifically does not exclude any exploration drilling. In view of the ambiguity of Black Range's intentions and the apparent conflict between the CUP Approval Resolution and the County Zoning Resolution, we believe that Mr. Siglin's statement that the proposed modification would comply with the current CUP is premature.

3. Without considerable additional disclosure of the intentions of the Prospector, we cannot comment specifically about the need for an increase in bore hole diameter for additional prospecting activities. Mr. Kaldenbach previously explained how the required one-thousand pounds of ore from the Hansen site for off-site evaluation of the experimental Impact Ablation process could easily be recovered by new six-inch bore hole drilling within the numerical and bonding limits of the original NOI. However, if a twelve-inch bore hole would allow a preliminary and partial experiment to evaluate UBHM at the Hansen site, our comments objecting to the company's first proposed NOI modification -- which was withdrawn after the DRMS review letter -- are repeated and incorporated herein by reference.

4. TAC believes that as a result of significant hydrogeological disturbance resulting from numerous previous small scale open pit uranium mines in the area, the extensive exploration drilling by Cypress Mines in the 1970s (approximately 2200 bore holes within the entire Hansen/Taylor Ranch Uranium Project area including about 1000 at the Hansen site), and the recent Black Range prospecting, it would be impossible to achieve a scientifically defensible "pre-mining" groundwater quality baseline. This is especially true given that Black Range Minerals has made no attempt to conduct a realistic monitoring program to date, despite their initial assurances to do so prior to county approval of the 2008 CUP. The former Exploration Manager and current Executive Director of the company, Mr. Benjamin Vallerine, stated categorically at the 2010 Planning Commission public meeting "We are never going to get a baseline that is satisfactory" [<http://www.fremontco.com/planningandzoning/minutes/090810.pdf>]. The county's independent hydrogeologist, when reviewing the limited domestic water well sampling program conducted by the company, has been unable to attribute the observed increases in well contamination to either Black Range's activities, previous prospecting by Cypress Mines, or to natural causes as a result of the lack of the timely construction of monitoring wells.

5. The proposed NOI modification includes a map of the proposed activity that does not clearly identify the expanded area compared to the current site boundary and does not identify surface land ownership. It appears that monitoring well construction would occur on private property not included in the original NOI or county permit and likely without present surface land owner agreement beyond that original area. The map also neglects to identify the County Roads and the surrounding Property Owners Associations boundaries that would be impacted. In addition, many mineral claim stakes are listed as owned by GeoLynx LLC, a company unrelated, to the best of our knowledge, to Black Range Minerals. TAC is aware of a large number of claims made in 2006 and 2007 by GeoLynx on BLM and

State land as well as on "Split Estate" private property in the Tallahassee area. Which ones and how many of those claims are related to the proposed NOI modification is not disclosed.

Thank you for your attention.

Respectfully submitted,

Lee J Alter <AlterConsult@Starband.net>  
Chairman, Government Affairs Committee  
Tallahassee Area Community, Inc.

cc via email attachment:

Mike King (MLRB), <mike.king@state.co.us>  
Tom Kaldenbach (DRMS), <tom.kaldenbach@state.co.us>  
Stephanie Carter (BLM-Royal Gorge), <sscarter@blm.gov>  
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