

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



December 6, 2012

Glenn Williams
Cotter Corporation
P.O. Box 700
Nucla, CO 81424

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

RE: JD-9 Mine, Permit No. M-1977-306, Submittal of an Environmental Protection Plan (EPP), Amendment AM-01, Colorado Parks & Wildlife Comment Letter.

Dear Mr. Williams,

On December 5, 2012 the Division of Reclamation, Mining and Safety (Division) received comments regarding the above referenced application from Colorado Parks & Wildlife.

Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by Colorado Parks & Wildlife.

If you require additional information, have questions or concerns; please contact me at the DRMS Grand Junction Field Office at Phone No. (970) 241-2042.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Marshall".

Travis Marshall
Environmental Protection Specialist

Enc. – CP&W Comment Letter



COLORADO PARKS & WILDLIFE

2300 S. Townsend Avenue • Montrose, Colorado 81401
Phone 970 252-6000 • FAX 970 252-6053
wildlife.state.co.us • parks.state.co.us

AMØ1

dmc, gem

November 21, 2012

Dustin M. Czapla
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
1313 Sherman St. Room 215
Denver, CO. 80203

RECEIVED

✓ NOV 29 2012
Division of Reclamation,
Mining & Safety ✓

RE: Notice of 112d-1 Designated Mining Operation reclamation Permit Amendment
Application Consideration Cotter Corporation, JD-9 Mine. Permit No. M-1977-306 ✓

Dear Mr. Czapla

Thank you for the opportunity to comment on the proposed JD-9 Mine in Montrose County.

The Colorado Parks and Wildlife has no additional comments to add. Please reference original comments (attached) made and sent to Ms. Karen Fischer, O'Connor Design Group for Cotter Corp. on October 10, 2012.

If you have further questions please contact myself or District Wildlife Manager Tony Bonacquista at (970) 864-7109.

Sincerely

Renzo DelPiccolo
Area Wildlife Manager-Montrose

cc: Tony Bonacquista-DWM, Tony Gurzick-Acting Regional Manager, John Holtz-Energy Liaison

STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Rick D. Cables, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Robert W. Bray • Chns Castilian • Jeanne Home
Bill Kane, Vice-Chair • Gaspar Perricone • James Pribyl • John Singletary, Chair
Mark Smith, Secretary • James Vigil • Dean Wingfield • Michelle Zimmerman
Ex Officio Members: Mike King and John Salazar



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*sent
10/17/12*

October 10, 2012,

Karen Fischer
O'Connor Design Group
2350 G Road
Grand Junction, CO 81505

Re: JD-9 Mine, amending original permit #M-977-306

Dear Ms. Fischer

Thank you for the opportunity to comment on the proposed JD-9 Mine in Montrose County.

The Colorado Parks and Wildlife (CPW) has reviewed the location of the proposed mine. The mine lies within winter range and severe winter range for both mule deer and elk. A population of desert bighorn sheep also inhabits the area year round. Effects to these animals should be minimal.

There are approximately 10 different species of bats that inhabit the area. One species in particular, the Townsends big-eared bat is considered a species of special concern in Colorado. Active mines have been shown to have little to no impact on bats due to continuous human activity in and around active mines. However, inactive mines are often used by bats as either winter roost sites or summer breeding areas. Many of these inactive mines have "bat gates" on them, allowing bats access and denying human disturbance. According to the mining plan, the main portal to be used currently has a bat gate across the entrance. This bat gate was erected due to the BLM and CPW finding bat activity in the mine, specifically; this mine is used as a winter roost site for Townsends big-eared bats. The CPW would like to offer the following suggestions:

- 1) Avoid re-entry into winter roosting sites during the hibernation season (October 1-April 15).
- 2) Prior to re-entry into winter/fall roosting sites, exclusions should be constructed to help prevent the entry and use of the site by bats

Please see the attached bat guidelines that may be useful in addressing this issue, and feel free to contact the CPW for more specific information.

The CPW also suggests fencing of the evaporation pond to exclude ungulates. As the mining plan states, the pond size will be increased from 1.42 acres to 9.1 acres. CPW recommends a minimum of an eight foot tall woven wire fence around the perimeter of the pond. The CPW supports the U.S. Fish and Wildlife pond netting requirements for avian species. Please contact the CPW for information regarding the use of active and passive deterrents.

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There are several existing roads in the area, and the CPW recommends improving existing roads and using those to access the mine sites versus creating new roads. This would help to minimize habitat fragmentation as well as disturbance to existing wildlife.


With the increased human activity at the JD-9 Mine, the spread and control of noxious weeds becomes a concern for wildlife. Invasive plants endanger the ecosystem by disturbing natural processes and jeopardizing the survival of native plants and the wildlife that depends on them. Colorado law requires that invasive noxious weeds are managed and controlled through standard weed maintenance and controls. We recommend that Cotter Corporation continually control noxious weeds near the mine site on any and all roads used. In areas where existing or new roads cross drainages that have even temporary flow, the CPW supports the control of tamarisk to prevent further infestation.

The Dolores River Drainage contains three BLM-designated Sensitive Species of fish that are of concern to CPW: bluehead sucker, flannelmouth sucker, and roundtail chub. These species are declining and are sensitive to any additional water depletions or changes in water quality in the Dolores River Basin. If any water is necessary for mining operations, please contact the BLM and the CPW to discuss how to manage your operations to provide adequate protection for these species.

Thank you again for the opportunity to comment on the proposed JD-9 Mine. Please contact the BLM and the CPW to identify suitable off-site habitat enhancement projects to mitigate for direct and indirect losses of big game severe winter range habitat. Our field personnel are available to assist you with designing these projects and selecting a location with the highest potential for success.

If you have further questions please contact myself or District Wildlife Manager Tony Bonacquista at (970) 864-7109.

Sincerely,

A handwritten signature in black ink, appearing to read "Renzo DelPiccolo". The signature is fluid and cursive, with a large initial "R" and "D".

Renzo DelPiccolo
Area Wildlife Manager
2300 South Townsend Ave.
Montrose, CO. 81401
Colorado Parks and Wildlife

cc: Tony Bonacquista-DWM, Tony Gurzick-Acting Southwest Region Manager

Guidelines for bat mitigation at renewed mining sites in western Colorado

1. Avoid re-entry into winter roosting sites (hibernacula) during the hibernation season of use. Bats are very vulnerable at this stage, and disturbance and mining activities can be both directly and indirectly deadly to bats roosting in these mines at that time. In western Colorado, where the uranium mines are located, the winter season should be considered from October 1 – April 15. Disturbance at winter roost sites can be greatly reduced by planning initial re-entry work around these dates. Once bats become active again, they can respond and disperse to the activity at the mine, hopefully avoiding any direct impact to individual bats.
2. Prior to re-entry into winter/fall roosting sites, exclusions should be conducted to help prevent the entry and use of the site by bats. This would involve screening out bats by placing chicken wire (1" mesh or more) across the entire bat gate, as well as any un-gated but open access point to the mine complex. The chicken wire should cover the gate from the top to about 5-6" from the floor or bottom of the gate. This will help prevent bats from entering the mine, and also allow any bats that may be inside the mine prior to the exclusion effort, to escape for the mine before the mining operations begin. I would suggest that exclusions begin by September 1 at these fall/winter sites. They can go up at any time prior to the start of the fall transition season, but no later than September 30, to avoid weather related variations to fall bat activity. In addition, exclusions are not functional from October 1 – April 15, because bats are not active.
3. Summer roosting sites, other than at maternity roost sites, can be handled in the same manner, with bat exclusions. I recommend that mines fitting this profile should have a chicken wire exclusion for at least 2-3 weeks prior to any re-entry of the mine. Again, the wire should cover the entire bat gate and any other un-gated but open access point to the mine complex. The summer season can be considered April 15 – September 1st.
4. Maternity roosts will be the most critical, as these roosting habitats are very rare. Re-entry and potential loss of these roost types will require more advanced planning. I recommend that any maternity site that cannot be avoided for re-entry, undergo an exclusion effort by April 15. The ideal situation would be to allow the exclusion effort to cover the first half of the maternity season, at least, to prevent any attempt for the colony to try and re-establish use while operations are underway. That would provide an exclusion period of April 15 – June 15th. In addition, I would suggest that after re-entry of the mine for mining, that the portal(s) be covered during night time periods, to prevent the potential of re-use at maternity sites.
5. For sites that have *bat use year round*, the target time periods for renewed mining activity should be spring or fall. This would be an April-May period, or September-October time period.

