

May 27, 2008

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TENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 27, 2008 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Larry Lasha called the meeting to order at 9:30 A.M.

Larry Lasha	Commissioner	Present
Edward H. Norden	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Absent

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Tina Taylor, Deputy Clerk.

Shiela Rollins from Mercy Today gave the Morning Prayer.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Stiehl moved to approve the agenda as presented. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Deputy Clerk Taylor stated the Minutes for May 13, 2008 are still under review. They will be on the next Consent Agenda. **Commissioner Norden** moved approval of the Consent Agenda striking Item #1 the Minutes of May 13, 2008.

2. Approval of Bills May 27, 2008
3. Adoption of Resolution #35, Series of 2008, Conditional Use Permit File Number SRU 08-001 Crossroads Event Center.
4. **SCHEDULE PUBLIC HEARING FOR JUNE 9, 2008**
Consideration of Adoption of the Building Code of Fremont County (International Building code, International Residential Code and International Energy Conservation Code, 2006 Editions)

Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

ADMINISTRATIVE / INFORMATIONAL

1. Staff/Elected Officials

Commissioner Stiehl stated there is a community advisory group for the Cotter Lincoln Park Super Fund site. Cotter will be sending out a water study questionnaire to the residents of Lincoln Park and urge you to return the questionnaire. There will be an update on survey that was taken 20 years ago.

Commissioner Norden stated that the next regular meeting will be on June 9, 2008 at 9:30 A, M. because of the Annual Summer Conference Colorado Counties Inc.

2. Citizens not scheduled – None

NEW BUSINESS

Pat McFarland, Fremont County Treasurer requested a Resolution for a Lost Tax Lien Certificate #1230 for Leslie and Dorothy Caughman. Affidavit and Indemnity has been provided by the owner. **Commissioner Norden** moved for approval of **Resolution #28** for the Lost Tax Lien as described by the County Treasurer. Commissioner Stiehl

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seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye, Commissioner Lasha, aye. The motion carried.

CHANGE DATE AND TIME OF NEXT BOARD OF HUMAN SERVICES MEETING FROM TUESDAY MAY 27TH AT 1:30 P.M. TO WEDNESDAY MAY 28TH AT 10:00 A.M.

Commissioner Lasha stated due to anticipation of the length of today's meeting the meeting was moved. **Commissioner Norden** moved to reschedule the regular monthly meeting for Fremont County Human Services to Wednesday May 28th at 10:00 A.M. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

FORGE FOOD MART & LIQUOR LLC, 37 EAGLE CREST DR. CANON CITY, CO LIQUOR STORE LICENSE AND 3.2 BEER LICENSE RENEWALS

Deputy Clerk Taylor stated the licenses had been sent to the state first. The licenses were brought in immediately for County approval and that is why the submittals were late. **Commissioner Norden** moved to approve the 3.2 Retail Liquor License Renewal and Liquor Store License renewal waiving the late filing fee requirement for Forge Food Mart & Liquor LLC. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

FREMONT CENTER FOR THE ARTS – APPLICATION FOR SPECIAL EVENTS PERMIT

Mary Hammer, Fremont Center for the Arts and Kyle Horne, Fremont Canon City Recreation District requested a special events liquor license for the after hours party during the Build Your Own Boat Event that is a fund raiser. **Commissioner Stiehl** moved to approve the application for a Special Events Permit for Fremont Center for the Arts for June 28th. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha closed the regular session and opened the Public Hearing.

PUBLIC HEARING

REQUEST: CUP 08-001 TAYLOR RANCH EXPLORATION/BLACK RANGE MINTERALS COLORADO, LLC

Request approval of a Conditional Use Permit, Department file CUP 08-001 Taylor Ranch Exploration/Black Range Minerals Colorado LLC, to allow for mineral exploration by Black Range Minerals Colorado, LLC, for property which is leased from various property owners. The property is *located south of Fremont County Road #2 (aka Tallahassee Road) approximately 3 miles west of the intersection of County Road #2 and #21 in the Tallahassee Area*. The proposed operation will consist of approximately 800 drilling sites, which is anticipated to be completed within a ten (10) year time frame. There will be no more than 5 to 10 active drill sites at any given time. The property contains approximately 8,169 acres and is zoned Agricultural Forestry.

Commissioner Lasha stated the applicant is for Black Range. They have leased property from several ranchers in the west end. The Planning Commission did have input and we do have that record. We also have read the information that has been sent to us. The comments made today need to concern exploration. This is not a mining application.

Michael Haynes, Managing Director of Black Range Minerals (BRM) stated they were seeking a CUP to do exploration drilling in the Taylor Ranch area. The areas that are in question are classified under the zoning regulations as Agricultural Forestry and within the Master Plan guidelines they fall into the category of Mountain District. Exploration drilling under the definitions of the zoning regulations falls within the category of mining. Explorations fall under the definition of mining which requires a CUP. Exploration is the distinctly different activity from mineral extraction. Our applications and presentation today will demonstrate that exploration drilling is appropriate in the Taylor ranch area.

This is considering the location, the nature of the activities, the character of the surrounding development and the potential impact that these activities will have. Mr. Haynes stated that they will show that they meet the needs of the sixteen (16) criteria set out in Section 8.2 of the County Zoning Regulations. Several weeks ago the Planning Commission recommended denial of our application. This is an unbinding recommendation and believe was in error. Mr. Haynes gave a summary of BRM corporate structure, exploration history and financial background. The company is investing in the United States for extraction of uranium deposits and a considerable amount of money in Fremont County. The company takes a modern and innovative approach to exploration mining and the company is in the business for the long haul. Mr. Haynes introduced BRM staff and independent consultants explaining their various areas of expertise. Mr. Hayes stated that 20 percent of US energy comes from nuclear power. The US is the world's largest consumer of uranium. The US currently imports 95 percent and holds only 5 percent of the world's uranium resources. The predominate sources of power in the US are coal fired, gas fired and nuclear power. The entire nation, including Fremont County is dependent upon nuclear power. Nuclear power is the cleanest with effectively zero greenhouse gas emissions and is the cheapest source of base load power. There are currently eight states in the western US that companies are mining for uranium. The western US is the host for uranium deposits. We can't pick and choose where to operate because the US only hosts 3% of the world's uranium deposits.

Mr. Haynes stated in 2006 they secured leases with two ranch properties in the Tallahassee Creek area and in 2007 at auction secured leases adjacent to the ranches. The objective now is to determine whether the deposit is an economically viable concentration of uranium. In 2007 BRM had approval from the Division of Reclamation and notified the BLM and began drilling. The company is currently drilling in three other counties and the CUP requirement was a surprise. When knowledge of a CUP was required by Fremont County they amicably agreed to shut down operations. Mr. Haynes stated they have submitted the required documentation, appeared before the Planning Commission and today is the final phase in the quest to continue operation. The request for further exploration comprises of two live ranches covering approximately 7,500 acres. The primary exploration area is 3,900 acres in the central portion of the CUP application area. There is a very large buffer zone to the east and west of the majority of our activities. The vast amount of activities will be focused in the central area which is well shielded from any external sideline along the county road of Tallahassee and CR #2.

Mr. Haynes stated uranium was first discovered along the Tallahassee Creek area in 1954. Uranium mines operated in the Tallahassee districts until 1972 and resurgence in the late 1970 and early 1980. The Hansen deposit, which is a world class uranium deposit, was discovered immediately south of our CUP application. The Hansen deposit in the 1980 was fully credited for mining. A complete environmental baseline study is done. A mill was to be constructed on site and fully credited for mining.

Mr. Haynes stated they anticipate a maximum of four to six drill rigs operating simultaneously, generally operate 12 hours a day and 10 days on and 4 days off. Night drilling would probably be for two months of the year and the rig would operate 24 hours a day.

Mr. Haynes stated their objective for the exploration activities is to establish whether or not there is economic mineralization in the district. At present there is not a commercially viable mine operation on that project.

Susan Wyman, a water hydrologist and civil engineer from La Veta, CO. She stated that a major concern is regarding water rights, which are regulated by the Colorado Division of Water Resource in the State Engineers office. Black Range has secured water rights for drilling. BRM will be leasing 14 acre feet from Pueblo West Metro District. The lease and the exchange have been approved by the Regional State Engineer, Steve Witty. More water is being leased than required for drilling. The excess water will remain in the Arkansas basin. Reporting on water consumption will be to the DWBR by tracking water truck and reporting to the division engineer on a weekly basis. Ms. Wyman described the method of drill holes protection during drilling by circulating the holes with non toxic bentonite clay. This prevents aquifer cross contamination of ground water. Any drilling fluids that are generated are contained in mud pits that excavated on the drill pad site. A drill hole is sealed with cement grout in the lower 70% and bentonite grout in the upper

30% to prevent aquifer cross contamination and this exceeds State standards which are regulated by the Division of Reclamation of Mining and Safety. Mud pits are bermed and the bentonite mud clay deposited in the pits provides a natural seal. The bentonite clay is a charged particle and metals like uranium will stick to or absorb on to the charged clay particles and therefore the uranium is immobile and stays in the pits. The drill site preparation for reclamation process of restoration regarding and seeding is conducted by the local land owner. The land is returned to agricultural use. Ms. Wyman stated another community concern is the hydrological environmental baseline. Additional data is needed and this CUP will allow BRM to install monitoring lines and collect data from the exploration hole. Without the CUP to explore the subsurface BRM cannot obtain the data needed to understand the aquifer thickness, the geology, the water quality, the water levels and ground aquifer directions which are all needed for a baseline hydrological characterization of ground water. They are currently compiling the existing baseline ground water conditions. There are 92 monitoring wells plus additional bore holes that were installed near the project area. Additional data will be collected from those wells and from new monitoring wells drilled closer in to the project. There will be quarterly monitoring for water level and quality. The samples will be analyzed under 52 laboratory parameters at a cost of \$990.00 per sample. She stated BRM has not finally and formally submitted their monitoring plans to Colorado Div. of Public Health Environment (CDPHE) or DRMS and those are the two agencies that will tell them what they can do with regard to monitoring programs. What is planned to be studied from the data is uranium concentration in ground water. Uranium is naturally occurring in the ground water in this area and does exceed drinking water standards in both monitoring and water supply wells. The standard level is based on toxicity rather than uranium radioactivity. The exploration drilling is not going to change the uranium currently in the water in the Tallahassee Creek district. There are 50 domestic wells within one mile of the CUP exploration area. BRM is seeking 50 percent of well owners in the Tallahassee area that would agree to have their domestic wells monitored. The monitoring would be on a semi-annual basis at a cost of \$544.00 per sample. The results would be considered confidential but would be provided to the homeowner. There will also be surface water monitoring of flow and water quality along Salt Creek, Squaw Creek, North Tallahassee Creek and Middle Tallahassee above and below the project at a cost of \$1,765.00 per sample. Ms. Wyman stated in summary of the water issues, the drilling methods that BRM is proposing are protective of water quality. The bore hole plugging will exceed the state standards. The water rights for the drilling exploration program are in place. BRM will monitor and characterize ground water, surface water and domestic water. There will be no impacts on water from this exploration drilling project.

Steven Brown of Centennial is a health physicist who has practiced for 40 years and is specialist in radiological health radiation safety. He stated we receive exposure from natural radiation (cosmic rays), medical applications, nuclear medicine test and from consumer products of common household items such as smoke detectors. Uranium ore is not a hazardous material. It is not radioactive enough to be considered a licensable material by either the United States Nuclear Regulatory Commission or the State of Colorado. Uranium exposure standards, nationally and internationally, has been established on its metal properties, chemical toxicity, and not on radiological properties. Increased radiation exposure to a worker who is working around the cores, which may be drilling 40 or 50 cores a year, will receive an estimated 1 millirem of radiation per year above the hundreds that a worker would receive from natural background exposure. According to the United States Public Health Service, the National Cancer Institute, numerous reports has been published in national and international journals on national radiation research and general radiation protection. Based on over fifty years of looking at the issue, there is no scientific evidence that uranium exploration, mining or milling activities result in additional cancers in populations.

Gary Tuttle, landscape architect addressed property values in Fremont County. He gave an example of similar types of uranium project located five miles from Golden, CO. He stated that housing values will not fall but instead increase.

Mr. Tuttle stated the project will create less than a 5 percent increase in traffic based on the background traffic in the Tallahassee area. He stated the drilling activity is mainly targeted in the middle of the ranch which is about 3,900 acres with the other 4,000 acres acting as a buffer for noise. There will be some night drilling but BRM will be very

conscientious to direct lighting toward drill rigs and not producing any offsite glare. BRM has had consultations with the Colorado Division of Wildlife and will follow their suggested guidelines of concurrent reclamation and seeding with a mix that is beneficial to wildlife by the landowner as soon as the rig has left the site.

Mr. Tuttle commented on the benefits to Fremont County. BRM will create high paying jobs. They have contributed to the diversity of the local business. BRM earnings have increased tax revenue and have helped to create a more sustainable community. Sustainable development for BRM means they need to meet the need of the present population without compromising the ability of future generations to also meet their needs. BRM is in Fremont County because they want to produce an important fuel and to be a part of the community and a corporate citizen.

Michael Haynes stated to summarize when one considers their compliance with all the sixteen criteria stipulated in design regulations, despite the fact the CUP has never been required for their activities before, he firmly believes that they meet all the criteria stipulated in Section 8.2.6 of the Fremont County Zoning Regulation. He stated that exploration has very limited impact on the environment and it is temporary. Water quality will not be affected as confirmed by Susan Wyman. Reclamation will completely restore all drill sites to their original condition which will be ensured by the ranch owner. The Colorado regulations are some of the most protected and most stringent in the county. State Bonding will ensure that BRM will comply with reclamation and operation practices. The approval of the CUP will entitle BRM to do exploration but also to do: ground water monitoring, surface water survey, drinking water survey, biological studies, air quality studies and noxious weed control. Mr. Haynes personally guaranteed that BRM will operate to the highest and best practices of world standards.

Planning and Zoning Director, Bill Giordano stated that he would be brief due to any thing that he would have at this point in time will probably be reiterating what the applicant stated or what the citizens have concerns about. He noted the applicant was required to submit an application. All the application items have been addressed. The applicant's evidence has been very thorough in nature. A lot of information has come in now that was not available to the Planning Commission meeting. The Planning Commission has recommended denial of this application with a 4 to 3 vote. The motion was based on three items that they felt did not meet compliance: 1. Not compatible or harmonious with the surrounding neighborhood. 2. The proposed use will have a detrimental affect on property values. The proposed site and use will impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions over burdening the utilities and adverse and environmental influences. 3. The site will not be served by streets or roads of sufficient capacity to carry the traffic generated by the proposed use and the proposed use will result in undue traffic congestions or hazards. Mr. Giordano made note this was just the general language. The responses are more specific in the Planning Commission Meeting Minutes. The applicant has completed the notification, the publications and the posting of the property as required by the regulations. All information the department has received for or against we have tried to give you in your packets. Anything verbal is not given to you but anything in writing you do have in your packets to the best of our knowledge.

Commissioner Lasha stated there was some confusion between the Commissioners and Planning and Zoning Department about the actual need for a CUP.

Bill Giordano stated that exploration is included in the definition of mining. He stated that to his knowledge there has never been a permit issued. Research was done in his office to see if there were any permits ever issued for exploration. At this point in time there never has been a permit issued. There is land use issue involved with this project. Most of the complaints that we are receiving should be handled by State agencies. This leads to the question as to really why there are not a lot of counties that do require permits because there is really not that many land issues items, they are more related to water pollution, which are handled by the State agencies. There are questions from our department and obviously there is a lot of concern with this that we do address the project but then there are issues that are not necessarily in control of the County unless we take it over ourselves and then it becomes an expertise issue.

Commissioner Lasha requested comments from the public be held to five minutes.

Richard Palmer stated he had worked for Jerry Brandt 30 years ago who had the mining and exploration company that did the work for Cyprus Mines. Mr. Palmer was employed by Cyprus to appraise all of the properties in the Tallahassee Creek, Current Creek and Cottonwood Creek area as they were ranches. He is still working in water and land development in areas that have been impacted with mining. He stated that the issue is between split estates, the mineral estate and the surface estate in trying to ascribe values. Value of property is based on the highest and best use for property. Highest and best uses for the ranches was to be held speculatively. Most probably the uses would be for rural subdivision, but if it became economically viable, then use would change if mining should occur. He stated that the exploration would not cause any diminishment in values to the properties and may even be enhanced. Any properties that may be devalued due to mining if it occurs will probably be purchased by the mining company. People that will be most impacted will be compensated for at premium prices. There will be physical impacts to property if you have either subdivision development or mining.

David Knellinger from Germany stated he was speaking for himself, his wife and Mark and Brenda Grandia. He stated he was against the CUP for reasons loss in property values and the protection of health and the well being of the citizens.

Larry Cerrillo stated he is a hydro geologist and was speaking in behalf of the applicant. He explained that there would be no cross contamination of water aquifers because the holes will be sealed with bentonite clay. Bentonite will also seal the mud pits. Bentonite is swelling clay which the EPA recommends to line landfills and metals in water will adhere to the bentonite. He stated that we all have an obligation not only in this state but the country to develop resources where they naturally occur to promote energy development.

Howard Harlan from Centennial, CO stated he was the former project geologist during 1979-81 on the Hansen deposit exploration and development. He spoke of the economic benefits the operation gave to Fremont County and the state. He stated we need to develop our resource in the US so we are not dependent on foreign sources as we are with uranium and oil today. He urged approval of the application.

Charles Spielman from Monte Vista, CO stated he did some of the original feasibility studies in 1977 on the Tallahassee Creek area. He stated it is a common problem in Colorado of people purchasing property only to find they are living on top of an ore body. He felt it is in the best interest to develop the uranium.

Joe Loop of Canon City stated that he has a small ranch three miles west of the Taylor ranch with a background as a professional engineer in water quality. He stated road congestion was not the problem but questioned impact to the road system due to trucks. He is for the exploration with conditions and bonding for the water quality.

Kelly Young of Colorado Springs stated she is a realtor and is against approval due to property devaluation.

Jeff Parson a Colorado attorney specializing in mining and land use law. He works for Western Mining Action Project a non-profit law firm. He stated the BRM CUP application does not comply with the Master Plan or the Land Use Resolution and cannot be legally approved at this time. The burden of proof is on BRM that they comply with these documents and any doubts or questions as to if they comply to these documents ought to be resolved in favor of denial of the application. In two places the Land Use Resolution requires a demonstration by the applicant that the proposed activities comply with the intent and purposes of the Master Plan and the Land Use Resolution, Sections 8.2.3.1 and 8.2.6.1. The Master Plan was produced by the County to reflect the needs and vision of the county's residence with respect to land use. The Master Plan states that although mining is not prohibited, the primary nonagricultural land use in the mountain district will be residential. The document especially discourages industrial development on Tallahassee road. The project does not promote a harmonious existence as stated in the Agricultural Forest zone. Also BRM needs to ensure they have sufficient water rights for the CUP.

Patrick Caulfield, President of the Autumn Creek Property Assoc. stated residents are making a long term financial commitment to Fremont County and opposes the CUP for property devaluation, health and quality of their water. He also stated concerns for noise and night lighting during the operation.

John Hamrick a resident of Fremont County addressed the issues of property devaluation, potential health effects and contamination of aquifers. Current mining

regulations in Colorado have been strengthened to guard against the detrimental aspects of these issues. He is for the exploration.

Stewart Sanderson, President of the Colorado Mining Association presented a slide presentation showing the energy demands in the United States and how mining companies have worked in other communities throughout the state to provide sustainable development. New legislation has been passed by the Colorado General Assembly for companies seeking a permit to meet the heightened environmental standards that apply to designated mining operations.

Dawn Varian stated she was a tax paying resident of Fremont County and she is in favor of BRM exploring for uranium. She feels that BRM has addressed the concerns of the Tallahassee residents and that the operation will be safe and viable.

Gary Lack a resident of Tallahassee Creek and is in support of the mining operation. He stated there had been a rig next to his property and during that time he did hear some faint noise. There was not dust associated from the drilling and was not bothered from the light from the rig. He said in no way did it impact his life.

James Toto a resident of Canyon Springs Ranch and concurs with Mr. Lack.

Vincent Capozzella a resident of Tallahassee for twelve years. He is opposed to the operation. He stated his property value has declined. He also had concerns regarding noise, traffic, well checks, who determines contamination and if reclamation will really be completed.

Beverly Kane stated they have invested their retirement saving into purchasing income generating property at Bar J Ranch which is surrounded by Taylor ranch and South T Bar project. She is opposed to the exploration and had concerns for property devaluation, water contamination and wildlife.

Cy Oenbring who lives in Waugh Mountain is opposed stating a residential development would be more reasonable than mining.

Rick Nygaard of Colorado Springs read a letter from Fred and Patricia Espenak opposing the operation because they felt they could not use the property for retirement at the Bar J Ranch citing potential health, safety and welfare for their family.

Jim Hawlee, President of the Tallahassee Area Community, Inc. He is opposed to exploration due to concerns of toxicity issues with materials brought to the surface. He also had concerns of health risk of radioactive material. He asked for denial of the CUP for possible contamination of the water aquifer and the incompatible nature of the proposed activity.

Suzanne Cook lives on CR #26 in the Tallahassee area. She is opposed to the exploration due to safety issues regarding the inherent danger of uranium to land, water, and air.

Kay Hawlee spoke opposing the exploration due to decreased property value and the stigma related to uranium contamination.

Keith Potts of Potts Environmental Management Consulting Company a practicing hydro geologist in Nebraska. Mr. Potts opposed the exploration and sighted technical problems that have not been resolved with the permit. His concerns were water rights, mud pits will not protect ground water, emergency services should be onsite, 10 year permit is not temporary, mud pits not being declared on property title, lack of information regarding dust control, drill hole casing, loss of drilling fluid into water formations, noise from drill rig, pumps and generators, night lighting, hazardous materials generated at the drill sites and left in mud pits, and there was no excuse for BRM not acquire drilling permits from the County. Mr. Potts also questioned BRM financial credibility and operating procedures.

Bill Taylor spoke as a fourth generation of the Taylor Ranch family. He said he had no concerns as to the safety of his water. As a lifetime resident of Fremont County choices are very limited for good paying jobs. This CUP offer opportunities for good jobs. The opposition has blown their concerns way out of proportion. Some common sense needs to prevail in this situation. BRM is capable and willing to make this project modern safe. The approval of the CUP is a common sense answer.

Matthew Herzing and Lori Herzing are residents of the Tallahassee area. She stated they had purchased property 14 years ago on what was the Taylor Ranch. She objected to the rig lights at night. She stated the Taylor's never informed them of any intentions of uranium mining. She is opposed to exploration.

Ed and Diane Franz who live in the Autumn Creek development. Mr. Franz is opposed to exploration due to property value decrease and proposed change in compatible use for the area. He stated that this is not the only area that has this supply of uranium. There is a

large source in New Mexico and there are mine ready to start up with richer in uranium ore content.

Michael Meyrick lives in the Canyon Springs Ranch and is also representing 66 other land owners in the developed subdivision off Tallahassee road asked for denial of the CUP citing the operation does not promote the health, safety, and welfare of Fremont County, would have an adverse effect on property values and cross contamination of the aquifers.

Brent Harvey a BRM staff geologist is for the project. He has evaluated all the cuttings removed from the site. He feels he is well educated as to the health precaution of this job and feels very safe.

Chris Loffredo, President of the local AARP Chapter stated she was opposed due to possible increase in health problems for retired people that stay home all day in the proposed area.

Edward Loffredo stated he is opposed citing employment was brought in from out of the area and aquifers are not safe that are lined with bentonite.

Jerry Bryant a retired geologist is for CUP approval. He stated during his career (58 years) he has been involved in a number of project involving the production of uranium for military applications and nuclear fuel. What ever minimal radiation that he has been exposed to has not caused him any health problems. In 1974 his company, Rampart Exploration, was contracted with Cyprus Mines Corp. to explore for uranium. Discovering the High Park uranium deposit in northeast part of Fremont County and southern part of Teller County lead to interest in the Tallahassee Creek and gathered all available data regarding the deposits from 1950. An exploration program was started in Tallahassee area for Cyprus in 1975. They acquired leases from Taylor, Boyer and others. The Hansen ore body was discovered. Due to the success in the area other companies came in and acquired land. A huge land play and exploration began from the Arkansas River up to Hartsell. In 1980 the nuclear power business fell apart. Mr. Bryant stated he was approached by BRM in 2005. BRM felt there is significant potential to investigate and complete the job of exploring the uranium trends across the state land including the Boyer and Taylor properties.

Lisa Gutierrez stated she supports the explorations process for the economic benefits that it would bring to Fremont County.

Sergio Gutierrez urged the commission approve the permit. We are talking about exploration which is monitored and bonded. It will help to know if the deposit is economically viable because it will help these commissioners and future commissioners to plan for the future.

Ron Walker owner of Top Rail Ranch with 2300+ acres along with a parcel on South T Bar. His property borders Boyer ranch to the south. He stated the Boyer's and the Taylor's have the right to explore for minerals on their property. He is for CUP approval.

Frank Groomer stated he is was a former Westinghouse Electric Corp. and worked in active and inactive nuclear power plant, including fuel rod enriching plants. He has had no health problems. Mr. Groomer stated depending on foreign supplies will drive up prices not only for oil and subdividing of the Taylor ranch would lower their property value.

Virginia Groomer has been a resident in Tallahassee Creek for five years and had been advised when they bought their property of uranium in area and still present and was not an issue for them. She encouraged approval of the CUP.

Richard Dale Boyer stated in 1966 they purchased an 1,800 acre ranch in Tallahassee Creek area and paid more for the ranch to also acquire mineral rights. Due to special interest groups their mineral rights may be taken away without any compensation. A ranch needs income. He is concerned the only publicly acceptable use for the ranch is to subdivide it into 53 thirty-five acre parcels and sell to a developer. They don't want to do that. He said they want to keep the ranch for their children, grandchildren, a wildlife sanctuary and a source of income. The mineral exploration allows for all of these aspects, provides income for the ranch and involves a small portion of the ranch. Property rights are important to all of us. Please do not destroy them. He stated last summer there were quite a few drill sites around the house and there was no problem with drilling noise and other operations for them or the wildlife. Mr. Boyer urged for the Commissioners to rule in favor of the continued exploration for minerals and for the rights of property owners including mineral rights.

Diane Taylor stated she has raised her family on the land and her son is the fifth generation. She questioned if people who complained about land devaluation do any research about the area that they were planning to spend the rest of their lives. It has never been a secret the ties that Colorado and Fremont County to the mineral community. Those who oppose also talked about the increase of traffic on CR #2. She questions how many thousand of construction vehicles of all sizes traveled that road to build the (dream) homes. She also addressed the complaints of dust, noise, night lights, a population increase, and loss of the vistas stating that this would all increase if the ranch is subdivided. She stated the BRM staff has been honest, professional, ethical and always willing to address any concerns as working partners. She urged for approval of the CUP.

George Canchola spoke in behalf of **Buddy Taylor**. Mr. Canchola praised the Taylor family. Mr. Canchola read a letter written by Buddy Taylor stating they have the right to find out what minerals may be present on the property. Mr. Taylor urged for approval of the CUP.

Julia Cronin Hawley stated she lives full time in the Tallahassee Creek area. She is for approval of the CUP because of the benefits that will be brought into Fremont County with jobs and improved commerce. Tax revenues would benefit all citizens with new schools, public services and recreation.

Gary Hawley said we need to diversify our economy from the tourism and prison employment to higher paying jobs. He asked for approval of the CUP.

Art Martinez supported the exploration on the ranches asked for approval of the CUP.

Sue Edling read a statement from **Lori Taylor** requesting approval of the CUP. Ms. Taylor stated she wanted to quiet the concerns of some new Tallahassee residents and express the Taylor ranch is a working cattle ranch. The Taylor's would be the first to oppose anything that would jeopardize the safety, quality, productivity and natural beauty of this ranch and the surroundings.

Sue Edling stated the denial of the CUP could have adverse impact on the energy crisis and spoke of what the adverse effect a subdivision development would produce.

Sue Edling read a letter from her husband **Jack Edling** who requested approval of the CUP.

Ann Boyer asked for approval of the CUP and stated BRM has been very fair and agreeable on helping them with reclamation and road maintenance. People who have mineral right should have the right to explore.

Jim Barton stated he and his wife, Karen, live on 70 acres in Autumn Creek urged to vote no. He said the community provides services for themselves by volunteering for the fire department etc. and use local contractors. He stated his main concern was for the health, welfare and safety of the community and felt prior exploration for uranium had left a mess.

Nancy Seger opposes the CUP. She has concerns of the financial commitment and financial stability of BRM. She also stated concerns of the declining property values. She stated they had done due diligence when purchasing their property and did not find that any mining had been done.

Tom Pool stated he is a land owner in the Tallahassee area and a mining engineer. He showed a slide presentation that reinforced the amount of radiation negligible, need of higher paying jobs, depressed housing value and lack of economic development. He asked for approval.

Christine Atkinson is a land owner in South T Bar. She asked for trust in professionals in the State of Colorado and the County who will oversee the project and asked for approval. She feels that Fremont County is becoming a covenant restricted retirement community.

Kevin Mendenhall a part time resident of Autumn Creek and maintains the website for the Tallahassee community and Autumn Creek for the Property Owners Association. He presented a petition to the Commissioners against long range mining citing that it is not in the best interest of the community.

Virgil Burke lives directly across from the Taylor ranch on CR #2 is opposed to the CUP due to property devaluation.

Barbara Capozzella is opposed to the CUP and is concerned about health. She stated the mountain district on Tallahassee Road is specifically stated the in Master Plan as residential.

Orlan Lighty is opposed to the CUP. He stated his well water pressure is decreasing and his main concern was well water contamination in the future.

Anita Minton property is located on HWY #9. She stated this was not only a Fremont County issue but also Park County because they share the same aquifer. She stated she is voicing concerns for over 1200 people who have concerns with their health and safety and are against uranium exploration. She also stated that the county employment would not benefit economically from the operation. She requested denial of the CUP.

Stephen Greenlee a Director of the Benedictine Fellowship of St. Lawrence, are opposed to the CUP stating they had purchased land in 2004 in Tallahassee Creek for purpose to create a church retreat facility and Benedictine monastery. The project was required to go through the Fremont County special review use permitting process. He said they were rigorously scrutinized to make sure our use was compatible with the surround land uses, that it did not devalue neighboring land values and that it did not present any human health and safety issues. He stated that uranium exploration and mining are not compatible with the SRU that Fremont County previously granted to the Benedictine Fellowship or the existing residential use. Mr. Greenlee also stated concerns for water contamination and property devaluation.

Terry Hartman of Canon City stated he sees the project as a renewal of dreams. He stated that one percent of the people have gotten their way and make it hard for the country to move forward. He stated that we have the opportunity to help them perfect the process of doing this instead of just stopping. We are talking about a world size deposit which speaks for itself. We are not just talking about Fremont County; this is at a world level. He wants to enjoy the pristine mountain views long after the reclamation. He stated his well could be contaminated tomorrow without any further exploration. There are no guarantees. If the Taylor's have to breakup their ranch into 200 parcels, we have more risk of drilling unlined wells. His well is six hundred feet deep and did not take any precautions in drilling. The well has just as much of a threat to contaminate the water table because it is not lined or filled. He was aware of the uranium deposit when he bought the property. He asked to grant them some slack for not getting a permit from us and let them continue.

Sharyn Cuningham stated she is in opposition to approval of the CUP. She is co-chair for Colorado Citizens for Toxic Waste a local organization formed when the Cotter uranium mill wanted to bring radioactive waste from New Jersey. She feels exploration for uranium brings contaminated uranium ore up to the surface and once it is released there is not turning back. The process for reclamation is speculation and we are gambling that it will succeed. She also stated it does negatively affect real estate values and health.

Peggy Currin stated that it has all been said. She is opposed to the CUP and feels she is a "casualty" because of the decrease in their property value.

Joe Scranton lives in Autumn Creek and stated people do have the right to do due diligence however we should be protected by the County Zoning Regulations and Master Plan. He stated his main concern is well drilling and its consequence. He is opposed to the CUP.

William Depaula stated he was a drill hand on the rigs last year, drilling over half the holes on the site and also a landowner in Canon City. He has been unable to find employment in the area after being laid off due to the work stoppage. He is for the CUP.

Geoffrey Elson stated he is a site geologist for BRM. Before he started working for BRM he did not know anything about uranium. He stated he did his own personal research regarding uranium and he feels safe on the job handling cuttings every day.

Jim Javernick a Canon City resident stated that we should think very carefully think about the definition for mining exploration. Otherwise any geologist out exploring is in violation of the county specs. He stated he obviously supports the CUP and think it is a great idea. He said that we have split estates in Colorado. The sales people do not explain to homeowners or purchaser the effects of a split estate. What these people are apparently running into is that they thought they bought their slice of paradise and now someone has shown up and said they were going to mine there. But they have to remember that if they own the mineral rights and you own the property, they have as much right to mine those minerals as you do to build a home. This is Colorado law. You can't change zoning for this. This hearing actually sounds like a review for a mining permit. I encourage you in every way I can to give them a shot. There is a tremendous buffer zone around the

exploration area to protect the people. Depending on your point of view some of us really like to look at mines.

Susan Revack stated her family is a full time resident at South T Bar Ranch since May 2003 and also plans on retiring there. She stated that she is for the exploration on the Taylor Ranch. She stated the key word is exploratory. The United States of America is in an energy crisis whether humanity will overcome this crisis is a question of political leadership which depends ultimately on public understanding and public resolve. She asked for the Commissioners to approve the CUP.

Shirley Squier a Canon City resident ask for non approval of the CUP and not to have history repeat itself referencing the problems the were created with the Cotter Corporation. She stated the exploration activity is not harmonious to the surrounding neighborhood.

Jeff Dewell is a resident of Cottonwood River Ranch. He is opposed to the CUP because of noise and traffic increase. He expressed that this hearing is for exploration but the opposition is expressing all the employment that will come from the mining operation. He said that he had not heard anyone who has spoken in favor of the project was without a financial gain. The subdivisions have been platted with the knowledge of the uranium. Fremont County has happily collected our taxes all these years and we feel that we are being thrown to the wolves. He stated that everything that he has acquired in his life is in the 3.9 acres and the house that he built which now appears to be almost worthless.

Valarie Patterson stated she was here to represent the young generation's point of view stating she is opposed to exploration.

Commissioner Lasha stated the Commissioners appreciate the input and the way the crowd has managed themselves today and now time is given for the applicant to respond.

Michael Haynes thanked everyone for their input and from the community perspective and he now understands the concerns of the local people. The request for the CUP permits goes beyond the concerns for the local people. He stated that he is not dismissing the concerns but facts need to be addressed. This morning he and the team of independent consultants who are probably the leading crediting agent in the uranium sector in the US gave factual information. Now all that he can ask is for the facts to be considered. There is a lot of hearsay and mistruths, not just about our project, but for the nuclear industry as a whole. We have had independent experts state their case. They stated scientific facts. This was the basis for our reasoning. We gave proof as to why BRM meets the criteria to have the CUP approved. This afternoon, again there has been a lot of unsubstantiated hearsay. The facts are they have demonstrated that they have met all the criteria of the CUP. The fact is there are property rights involved. The owners of the minerals rights have the right to explore and extract their mineral. The fact is that our experts state that there will be no hazard in air quality, in water quality which is backed up and supported by the State. The State is put in a position to access and to determine, with their experts, if we are complying with acceptable standards. We have a bond with the state to insure this. We did not draw down on the 12 million dollars that we have in the bank. We pay cash up front to the State so that if we fail to make the requirements, then there is enough cash there for them to reclaim our warrants. The State determines what the cost of the bond is. People might suggest that the bonds are low. The State acknowledges that the bonds are sufficient and adequate to reclaim the very low impact, low risk operation that we have in place. Another issue that I would like to address is property values. We have demonstrated with facts that property values have increased that are in close proximity not just exploration activities but also mining. In conclusion BRM has demonstratively met all the criteria set down in order to have a CUP awarded. For the potential economic benefit to the community, give us the opportunity to determine what might be in Tallahassee Creek. At present we know there is not an economic deposit. We are not asking to mine it.

Commissioner Lasha closed the Public Hearing and opened regular session.

Commissioner Norden stated he tried to take notes during the hearing of some of the questions that were raised during the hearing that I thought perhaps need to be addressed. He asked for clarification of the application and some of the written documents. He questioned that in the application it states, once per year one drill rig will stay on site for

rock coring for several weeks at each location. **Michael Haynes** stated as part of the environmental baseline study and also to assess the economics of the deposit it is important to understand what ground conditions are like. Our standard method of drilling is to drill rotary mud. Rotary mud returns chips of rock back to the surface. On occasions where we need to understand the subsurface better as what the ground conditions are, then we need to actually return a solid stick of diamond drill core from the earth and that will be a tube generally two and half inches thick and effected you get lengths of core over a meter. The operation of this rotary is considerable slower than the standard drill technique that we use and so a rig will have to sit on the site considerably longer to return that core. Commissioner Norden asked if the sealing of the hole would be the same. Mr. Haynes confirmed this and explained that in this case there is steel casing going down the entire length of the hole.

Commissioner Norden inquired about what happens to the materials in the mud pits. There is concern about the toxicity of radioactive materials and tailing brought to the surface. I request that you get an independent assessment. **Michael Haynes** stated the statement of Mr. Hawklee disputing the amount uranium returned to the surface sounded extraordinarily large. The findings according to their experts Steven Brown indicated that there would be with an average core there would be .01 lbs. of uranium. Further more Susan Wyman confirmed that any uranium within that sump would be absorbed onto the bentonite particles. When the drill hole is complete the sump is buried and returned to earth the way it currently was.

Commissioner Stiehl asked a question for clarification. He stated that Mr. Haynes was talking about core samples and Commissioner Norden was asked about the material that would come up during mud drilling and remain in the pits. **Michael Haynes** stated it depends on where it intersects a host rock and how thick it is. The static for the Boyer deposit is a thickness of nine feet. **Commissioner Norden** stated the thrust of his questions was that when drilling was completed and ready to reclaim is there any uranium tailings left in the mud pit and what is done with it. Mr. Haynes stated there is a small amount left in the pit and buried six feet deep.

Commissioner Lasha asked if the mud pit is part of the reclamation. **Michael Haynes** confirmed and stated it was standard industry practice.

Commissioner Lasha questioned the work schedule and the concern about light. **Michael Haynes** stated lighting is suppressed by having it well directed and shielded lights toward the rig. If this a major concern then they would not operate at night.

Commissioner Norden asked if there was a hydro geologist on site and at what times. **Michael Haynes** said in the phase of reconnaissance drilling there was none. For the next phase of drilling they are proposing quite an extensive surface water domestic water programs. They will also be specifically testing their own bore holes for hydrology.

Commissioner Stiehl stated recent findings around the State of Colorado show the State requirements for protecting ground water has not been effective and there is some cross contamination of aquifers. He stated he is concerned about not having any baseline information regarding hydrology. In the water quality report there was no proposed surface and ground water monitoring programs and there is no correlation to drilling logs. There is no way to address as to what would be the action level if contamination was found and what would be the mediation plan if contamination was found. He stated that we need a third party engineering hydrology firm to design a program for monitoring or review your program prior to BRM submitting it to the State for approval. Would you be will to hire a third party? **Michael Haynes** said BRM would be willing to hire and independent hydrologist. **Commissioner Stiehl** inquired if it amounted to \$30,000.00 to \$60,000.00? **Michael Haynes** stated if it was in the right frame work.

Commissioner Norden asked who determines contamination in the well monitoring process. **Michael Haynes** replied the State is responsible. The cross contamination of aquifers is exceptionally low by using and apply correct tool practices and the State does readily acknowledges this. **Commissioner Norden** inquired if in monitoring, the wells start to show elevated levels of heavy metals or if the water well levels start to drop, do they propose any particular mitigation. **Michael Haynes** stated their well monitoring program is designed to update the 1970' and 1980's data and to see if in the last thirty years any changes have happened. From there they will regularly monitor and analyze the water. We have to be careful with what they do with the information because it deals with

other peoples properties and they may not want to have this divulged. They would compile all their data and make recommendations to the local community as to hazards.

Commissioner Norden asked at what point does BRM take responsibility for contamination for now and in the future. **Michael Haynes** stated that as he understands the drilling process and the risks of cross contamination in drilling negligible.

Commissioner Stiehl questioned if the risk is negligible why are they concerned about identifying a threshold. **Michael Haynes** stated the local community deserves to know what their drinking water quality is. They are not doing it for their benefit. They know that there is uranium in the water and that is a fact as presented by Susan Wyman. Any test work done from here on will confirm this and the results will not consistently say there is zero uranium in the water. We don't want the finger pointed at us in ten years. We will take existing and new data to ensure that there are no changes. If there are changes, obviously we will have to stop and change or practices.

Commissioner Norden inquired as to what was a hydrologist view point of potential contamination from other water wells that are drilled by property owners. **Susan Wayman** stated that water well drilling practices today require that aquifers be sealed. Today's practices for standard water well drilling by Colorado Law actually are designed to minimize aquifer cross communication, but again there is no one from the State watching a local water well driller, so we trust that our professionals will seal the annulus. A lot of wells were drilled in the past were just open hole and casing round it with no annular seal. There should be very little potential for cross communication today, provided that we can trust that our professionals are doing the right thing out in the field

Commissioner Stiehl inquired about geo logging. **Susan Wyman** replied that it is basically a camera on a wire that is inserted down the hole filled at a certain rate. There are devices on the tool to measure geophysical data. The point of this is they know that they can keep the holes open long enough to go back in and insert cement from the bottom up to give them a proper cement seal. **Commissioner Stiehl** inquired as to what stops an aquifer from bleeding uphill. **Ms. Wyman** stated that right after drilling heavy mud is circulated through the hole to stabilize the hole and keep it open. This is not the same type of mud that is used for abandonment. The viscosity is different. The hole is filled with bentonite mud while the geophysical tool is lowered and brought back out.

Commissioner Stiehl stated then the aquifers are isolated even if you encounter a pressurized aquifer. **Ms. Wyman** stated yes. **Commissioner Stiehl** inquired if the pressurized aquifers are logged when entered. **Ms. Wyman** replied that she didn't think so but that on the core holes there are plans for packer testing and this will provide us with more information about the aquifers and allows them to get down hole pressures.

Commissioner Stiehl felt they should be looking at other wells drilled in the area, USGS and State Engineer drilling logs so you have information there to determine what the hydrology is of the subsurface in order to begin drilling so you can characterize what is going on to be protective of the water. Ms. Wyman stated there is a sequence of events that are typically; initial prospecting, followed by drilling to determine if it is worth while to go forward and then followed by extensive environmental baseline studies. There are two wells on the Taylor and Boyer Ranches that are permitted by DWR. There are some monitoring wells in limited places. Most of the 92 monitoring wells that have been talked about are offsite. In order for me to even determine and show you the ten points that are on the map, I need to have some drilling information is needed to know where a monitoring well should be put, where should planning and screening be in order to get the hydrological information needed. She stated that the proper way is being approached.

Commissioner Norden inquired why didn't BRM clarify and secure water rights long before the seventy test holes were drilled and before the question was raised before the Planning Commission. **Ben Vallerine, Exploration Manager for BRM** stated that he was under the impression that Buddy Taylor's water rights were sufficient, legal and appropriate to use. It wasn't until after the CUP process had begun that we were advised to find an alternative water supply. Commissioner Norden inquired what his impression was when they started the first 70 holes. Mr. Vallerine stated the decree was originally established by Cyprus Mine in the 1970' and 1980's and they were using the water for drilling. The decree has been through the water courts and given certain conditions. Consequently the water rights started being used incorrectly under that decree. BRM lawyers said for these water rights to be decreed for industrial purposes, BRM need other conditions in place. Mr. Vallerine stated it was easier to arrange for an exchange of other

water rights then it would have been to implement some of the conditions on the exchange of Buddy Taylor's water rights.

Commissioner Stiehl stated in the application regarding the ten year life of the CUP that would be four to five wells being drilled simultaneously and then recently a maximum of three wells. He inquired if that is due to the recent water decree or prior and will this decrease in rigs extend the ten year period for drilling. **Michael Haynes** stated that this is part of the process of exploration. It is constantly reviewing the project. Last year we drilled 69 holes. As a result we have a much better idea of what is going on in the district. In the first three months of this year we have done some economic studies into what is there. On the back of those studies, we have decided for the next phase of exploration on the project that we only require three drill rigs. That is not to say that in six months time, if we commence drilling our assessment of the new information may indicate it would be better to have six rigs. For the purpose for the CUP over a ten year life we stipulated there would be a maximum of six to eight rigs operating on the site at any one time. In the CUP we have stated maximums. **Commissioner Stiehl** stated then the ten year life would still hold depending on what you find and asked how they would approach this. **Michael Haynes** stated the commercial reality of mineral exploration is the vast majority of projects do not make an economic project. He has heard comments from the public today that BRM has two projects in Wyoming that are twenty miles from the nearest residence and why don't they explore there instead of Tallahassee Creek. The fact is that it is unlikely that those projects in Wyoming will have substantial uranium mineralization on them. In reality it is highly unlikely that those projects at today's current uranium prices will be commercially viable. We need to be constantly accessing the economics from a corporate prospective. We have gone through an exhaustive process to apply for this CUP. Should conditions turn favorable we would like to be in the position that we have the permit.

Commissioner Stiehl inquired as to the recently confirmed Twin Lake water right shares being leased from Pueblo West. The Division 2 Engineers says three rigs will be allowed maximum and only until October 1, 2008. How can we be confident that you will have the water to do the operation for the period of ten years? **Michael Haynes** stated the CUP would need a conditional approval of water rights. It is not economical for them to try and secure ten years of water rights when the commercial reality is that they may not be here in two years time. **Ben Vallerine** stated the water rights they have secured are temporary and are only for exploration. He has commenced negotiation with Pueblo West to get water for next year but also is investigating more permanent water supply sources.

Commissioner Norden asked for comments to Mr. Loop's suggestion of the County's review contemplated truck traffic versus other traffic and even though it is a five percent impact whether we should consider some sort condition because it is heavier truck traffic. **Michael Haynes** stated in terms of truck traffic on county roads their drilling operations are such that at the start of the program the drill rig and support truck will go to the site, enter the CUP boundary and remain onsite until the rig has finished its drilling program. The rig does not move on and off site on a daily basis. The vehicle movement that is being discussed is pickup trucks. Commissioner Norden inquired if they had water rights problems and one of the solutions is trucking water, would they entertain a condition that would look at the impact that is added to roads. Mr. Haynes said certainly, they want to minimize the impact that they have on the community. This may entail at some point putting in a new access road so they don't have drive by Buddy Taylor's house everyday. If there is some sort of reasonable limit to be placed on access to the project in certain areas, they would more than happy to comply.

Commissioner Lasha inquired if they would be amicable to another access other than CR #26 once the project starts. **Michael Haynes** stated that they could divert the traffic or evenly split the traffic to something that would be agreeable.

Commissioner Norden inquired what would happen to the data collected if they walk away from the project. **Michael Haynes** stated that it has become a competitive advantage especially for them as an Australian company to have a good network of contacts in the USA. There is no requirement to lodge data with any state or federal bureau. In Australia any work in relation to the mineral sector, must be lodge with the state or federal bureau. If BRM makes a decision to move on to new project, they would have no problem at all passing on the information to whoever requests it. If we determine that the project is not viable now, it highly unlikely they will be returning in the future.

Commissioner Norden stated that the commissioners had toured the ranch with the owner on three separate occasions without BRM being present. The Board did not take a tour of the ranch as a Board.

Commissioner Norden inquired what enforcement does the County have if monitoring of ground water is a condition. **Planning and Zoning Director Giordano** stated that if the applicant becomes in violation of the State regulation, then they are in violation of the CUP application. We would be using the State as our technical advisors. **County Attorney Jackson** stated that we would put monitoring into the conditions and it would be worked out before the conditions are written. There are various options from independent private laboratories to the State Health Department. It just depends what type of monitoring is needed as to how it would be enforced and what is enforced. **Commissioner Lasha** stated violation would be cause for removal of CUP. **Director Giordano** stated if an applicant is put on notice by the State we are also informed.

Commissioner Norden stated that he did not appreciate information being submitted late regarding the surface and ground water proposal. He felt it should have been reviewed by the Planning Commission. **Michael Haynes** apologized for this circumstance. It was not until six weeks ago did Susan Wyman have the data they gathered to analyze. There was no requirement for BRM to include the information in the CUP. BRM wants to benefit the local community and they thought it was good information to bring forth and apologized that caused problems. He understands that it is not the correct procedure now. **Director Giordano** stated that is was not a requirement. The water issue came up in the Planning Commission Meeting and it would be difficult to have something prepared like that unless you were anticipating it be included in the application. **Michael Haynes** stated study the ground water study done by Susan Wyman was responsible due to the Planning Commission. This study does require approval by the State hydrologist and you have seen if before the State. It is important to note the report could change according to the State's regulations. Mr. Giordano clarified this stating what actually happens in mine cases like this most of the applicants will not respond until it actually comes to the Board of County Commissioners to see if the Commissioners require it also, so they do not incur the expenses for something that may not be required. **Ben Vallerine** added that this must be approved by the State and that the State hydrologist will have input as well.

Commissioner Stiehl stated they have a CUP that encompasses the entire portion of the two ranches. Your area of interest is significantly smaller. Would you consider reducing the size of your area of activity to include more buffer areas around the perimeter? **Michael Haynes** stated this is one aspect of exploration. Because this is exploration we do know what is out there. We have not said for certain that there is not mineralization here or there. All we know is there are indications through the central area that there is mineralization. It is quite important for us to assess the economic of any potential project to know for certain whether there is mineralization on either side as well. So he would be very reluctant to try and limit the exploration activities to a small area.

Commissioner Stiehl inquired since the Hansen ore body has been more extensively explored and more is known about it, why they didn't go after that. **Michael Haynes** stated that a competitor has an option over a large portion of the mineral rights on the Hansen deposit.

Commissioner Norden inquired about Mr. Burke's concern who said his house is six hundred feet away from the CUP boundary. Do you have any idea how close his house would be to the nearest test hole? **Ben Vallerine** stated it was about eighteen hundred and fifty feet from the nearest test hole that BRM drilled last year.

Commissioner Stiehl stated that our Weed Manager's recommendation just came out last week. His recommendation is to come up with a decontamination area. Have you considered who and where to do that and where would you get the water for that. **Michael Haynes** stated he personally has not had time to assess that. **Ben Vallerine** stated he has not read the report in great detail but was under the impression that they would meet with Weed Management, J.R. Phillips after the granting of CUP. He has spoken with the drilling contractor that he used last year out of Denver and they stated that it was not uncommon for them to have to steam clean their rigs before entering the site.

Commissioner Stiehl stated he has been trying to reach DRMS. He said he was unclear about their inspection of the drill site. We see some inspection reports from DRMS inspectors that went up and view some reclamation activities. It is my information that the bond for three thousand dollars is only for surface reclamation. When and how does

DRMS verify successful abandonment of the holes? It is my impression from your power point presentation during the Planning Commission Meeting that this is only done at the end of the project which is years from now. **Michael Haynes** stated the reclamation process is complete as the hole is filled. New mud is pumped in upon completion of drilling. After probing the hole everything is pulled out and new mud is circulated in the hole to insure that mud over time will preserve the hole. The hole is then filled over on the surface. That is entirely part of the reclamation process. Commissioner Stiehl inquired as to how DRMS knows that. Mr. Haynes stated there is a large amount of exploration going on across the US. DRMS can not afford to have someone site on the rig at all times. They can inspect the site at any time and ensure that they are operating in the best practices. The honesty is really on us and the drillers to ensure that the job is being done correctly. Commissioner Stiehl stated that again they don't really inspect the bore they are only really inspecting the surface. Mr. Haynes stated that he is sure if they visit the site and there is an active hole in progress they would watch the technique as to how they complete the bore. Commissioner Stiehl stated he noticed that they would not allow inspection without a two day notice. Mr. Haynes stated that was for the community. He personally prefers their exploration manager taking the community around. They also have to notify the landowners that there will be visitors coming onsite. It is only courteous that we have some notice. This is not a cover up but simple for the logistics of managing site visits and two days is very generous.

Commission Stiehl stated he had made a check list for himself trying to put everything together and in addition to things that need to be satisfied for the Commissioners to approve the CUP but another question he has is about the analysis of hydrology and action levels. Would the applicant be willing to provide funds to the County to hire an independent third party to analyze the results? He has data regarding monitoring activities, periodic reports to the county with analysis. He understands that this information would all be included the plan BRM submits to DRMS for approval. DRMS would then be approving a plan that we mutually agreed to. **Michael Haynes** stated he had no problem having a third party analyze their action, operations, and results. The DRMS has their own guidelines and experts. BRM is more than happy to meet DRMS standards, orders written by an independent and pay for that order. To actually commit to having all this contingent on the DRMS giving their approval it is against legislation. Commissioner Stiehl went back to his first statement that in DRMS there is a growing body of evidence that requirements are not being protective of ground water. This is a cause for caution. If in fact it appears to me that there is reason for concern and reason for extra caution because we are talking about water here. Mr. Haynes stated that he was not a hydrologist. He will not commit to certain standards, but he is sure that two independent hydrologists could very quickly sit down and map out a few basic standards that we would happily comply with.

Commissioner Lasha stated this could be one of the conditions.

Commissioner Stiehl said the County really does not have the expertise to be doing this engineering so it would be something that we would want. The County would be provided with an unbiased third party reports. These reports must be favorable at all time for the applicant to retain the right and privilege to explore and continue the CUP. **Mr. Haynes** stated regarding "results must be favorable at all times" that he is quite sure that reports run on a quarterly basis, with the seasons waters levels with go up and down. Until we establish levels of over certainly one repetition of a season then we don't know how things fluctuate over season so it needs to be carefully worded.

Commissioner Norden stated that he thought this morning that he would be ready to make a decision. Given the volume of the information and the reports that were submitted to today he does not feel that he can offer a motion other than to table to decision until a future date unless some else is prepared to make a motion for approval or denial.

Commissioner Lasha stated that he did not have a problem to table the motion due to the information that has been received including the packet received Friday from BRM. There has been a lot of input. He said during the day he has changed his mind on several occasions from information that has been given. He stated the Taylor's have been very good stewards of the land they have and in the tour that he had taken he was very impressed with condition of the land and reclamation on the well sites that have been put in. He stated that if you were going to have people doing the reclamation, they would be the people to do it because they do care about the land and do love the land. Issues have

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been stated for and against. This is a difficult decision to make because there is a lot at stake and he seconds Commission Norden motion to table.

Commission Norden made the motion is to table the decision until Monday, June 9th at 9:30 A.M. Commission Lasha seconded the motion.

Commissioner Norden commented that the Public Hearing is closed which means any other communication regard this CUP will not be considered as part of the record. He assured those who were in attendance concerned about any economic data that may have been submitted or discussed beyond exploration is certainly not going to be considered by him whether is was discussed in detail or just brought up. If it got into the record, it is not part of the consideration. He stated he knows that this is a contentious issue for a community that loves their land and loves the neighborhood. He appreciated the respect that has been shown to each other as neighbors. He knows that this is a difficult situation that has brought them together. He also expressed appreciation to Curtis Stone and the road crew in Tallahassee. **Commission Stiehl** also expressed his appreciation. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Lasha adjourned the meeting at 6:10 P.M.

County Clerk