

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
AUGUST 3, 2010**

VICE CHAIRMAN MIKE SCHNOBRICH BROUGHT THE AUGUST 3, 2010 MEETING OF THE PLANNING COMMISSION TO ORDER AT 4:00 P.M.

**MEMBERS PRESENT**

Daryl Robinson  
Tom Doxey  
Mike Schnobrich, Vice Chairman  
Byron Alsup  
Herm Lateer

**STAFF PRESENT**

Marshall Butler, Planning Coordinator  
Brenda Jackson, County Attorney  
Vicki Alley, Planning Assistant

**MEMBERS ABSENT**

Dean Sandoval, Chairman (*notice of absence was provided to the Department*)  
Joe Caruso (*notice of absence was provided to the Department*)

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF THE JULY 7, 2010 PLANNING COMMISSION MEETING MINUTES**

**5. REQUEST: CUP 10-003 TAYLOR RANCH EXPLORATION / BLACK RANGE MINERALS COLORADO, LLC 1<sup>ST</sup> AMENDMENT**

Request approval of a Conditional Use Permit, Department file # CUP 10-003 Taylor Ranch Exploration/Black Range Minerals Colorado LLC, 1<sup>st</sup> Amendment to allow for expansion of mineral exploration area 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 and west of County Roads #21 and 21A, in the Tallahassee Area*. The proposed operation is anticipated to be completed within an eight (8) year time frame. There will be no more than 6 to 8 active drill sites at any given time. The existing Conditional Use Permit file #08-001, Resolution #47, Series of 2008 was recorded on July 14, 2008. If this application is approved it will replace the existing Conditional Use Permit. The property included in this amendment will consist of 2,210 acres combined with the previous acreage of approximately 8,169 acres for a total acreage of 10,379 acres. All properties are zoned Agricultural Forestry.

***REPRESENTATIVE:*** Ben Vallerine, Exploration Manager-USA, Black Range Minerals

**6. DISCUSSION ITEMS**

Discussion of any items or concerns of the Planning Commission members.

**7. ADJOURNMENT**

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**1. CALL TO ORDER**

Vice Chairman Mike Schnobrich called the meeting to order at 4:00 pm.

**2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF THE JULY 7, 2010 PLANNING COMMISSION MEETING MINUTES**

Vice Chairman Schnobrich asked if there were any changes, additions or corrections to the July 7, 2010 Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Daryl Robinson made a motion to accept the July 7, 2010 Fremont County Planning Commission Meeting Minutes as written.

**SECOND**

Mr. Herm Lateer seconded the motion.

Vice Chairman Schnobrich called for a roll call vote, and the motion passed unanimously. (5 of 5)

Vice Chairman Schnobrich welcomed the public in attendance to the meeting. He noted that there is only one item on the meeting agenda, but it will probably take time to get through it. This Planning Commission (Commission) meeting is not a public hearing and has not been advertised as such. That means that not everyone who would be interested in making public comment has come. People here have a specific concern that they want to talk about, but it doesn't represent everybody's opinions. He asked the members of the Commission if they want to allow for public input.

**MOTION**

Mr. Byron Alsup made a motion to allow public input on CUP 10-003 Taylor Ranch Exploration / Black Range Minerals Colorado, LLC 1<sup>st</sup> Amendment.

**SECOND**

Mr. Robinson seconded the motion.

Vice Chairman Schnobrich called for discussion. Hearing no discussion, there was a roll call vote, and the motion passed unanimously. (5 of 5)

Vice Chairman Schnobrich stated that everyone will be allowed to make comment, but he asked that speakers not repeat points that have already been made.

**5. REQUEST: CUP 10-003 TAYLOR RANCH EXPLORATION / BLACK RANGE MINERALS COLORADO, LLC 1<sup>ST</sup> AMENDMENT**

Mr. Ben Vallerine, Exploration Manager – USA, Black Range Minerals (BRM) was present to request approval of a Conditional Use Permit (CUP), Department file # CUP 10-003 Taylor Ranch Exploration / Black Range Minerals Colorado LLC, 1<sup>st</sup> Amendment to allow for expansion of the mineral exploration area for property which is leased from various property owners. The property is located south of Fremont County Road #2 and west of County Roads #21 and 21A, in the Tallahassee Area. The proposed operation is anticipated to be completed within an eight (8) year time frame. There will be no more than six to eight active drill sites

at any given time. The existing Conditional Use Permit file #08-001, Resolution #47, Series of 2008 was recorded on July 14, 2008. If this application is approved it will replace the existing Conditional Use Permit (CUP 08-001). The property included in this amendment will consist of 2,210 acres combined with the previous acreage of approximately 8,169 acres for a total acreage of 10,379 acres. All properties are zoned Agricultural Forestry.

Mr. Vallerine said he is in charge of everything that goes on in the United States for Black Range. Mr. Mike Haynes, president of the company, usually gives these presentations, but he is unavailable for this meeting. The water specialist, Ms. Susan Wyman, Principal Hydrologist from Whetstone Associates, was also unavailable. Black Range Minerals (BRM) is applying for an amendment to an existing CUP to expand the area within the Tallahassee Creek district. Only a brief presentation was planned today, but because there are three new Planning Commissioners, more information will be included. *(Mr. Vallerine projected a slide presentation during his talk.)*

BRM is exploring for minerals within what is called the Taylor Ranch Project at Tallahassee Creek. There are many misconceptions about BRM activities and the uranium industry in general. I will try to address a few of those as part of this presentation.

Who is Black Range Minerals? We have an Australian parent company, but the company that is operating here in the U.S. is an American LLC, a subsidiary of Black Range Minerals. Anyone can be a shareholder of BRM, it is not restricted. We have about 5.5 million dollars in the bank and we have been focused on the exploration for uranium deposits for the past five years, almost solely in the U.S. Black Range Minerals Colorado is a U.S.A. company, we employ Colorado citizens, and we pay Colorado taxes. We are bringing Australian money, international money, into the U.S. and investing it, trying to develop the mineral rights that are here in Fremont County.

Mr. Mike Haynes, President, is a geologist / geophysicist with eighteen years of experience in the mineral industry. He is largely corporate now, as well as geologist and geophysicist. Mr. Alan Scott is the Chairman. He has nothing to do with day-to-day activities. He has a corporate and accounting background and has managed many mines. Mr. Duncan Coutts is a recent addition to the board. He has been brought to the board because of his expertise in mining engineering and to offer assistance in permitting a mine or assessing a mine's value. I have twelve years experience in mineral exploration. I have been in the U.S. for four years, focused on the Taylor Ranch Project in Fremont County and other projects in Wyoming over the years.

There are 103 nuclear power plants in the U.S., which is about 23% of the world's nuclear power plants. The U.S. consumes about 27% of the world's supply of uranium, which provides 20% of the electricity for the U.S.. BRM has targeted the U.S. because of the shortfall in domestic production. Currently the U.S. produces about 3% of the world's uranium, but uses 27%. Similar to oil, there is a large foreign dependence on supplying uranium, so there is a ready-made market here; it is just a matter of getting the uranium to that market.

BRM can't choose where to mine uranium. We have to mine it where it is located. We can't say we will mine in southeast Colorado because not many people live there. It doesn't work like that. We can only mine where the uranium occurs naturally.

Background – BRM originally leased or optioned properties in the Tallahassee Creek District in 2006 when we signed a lease with two large landholders. In 2007 the state of Colorado leased

us a state section also. In 2009 and 2010 we have been able to lease more property, or an option to purchase is more accurate. That is why we are here today, because we would like to commence drilling on that property as well as the Taylor Ranch property.

The Taylor Ranch CUP is limited to exploration. I use the term “mining” because it is more natural to say, and the definition of mining does include exploration in the Fremont County Zoning Resolution (FCZR). This is not an application to mine. If BRM want to mine in the future, we will have to come back and do a whole new CUP for mining. This is purely for exploration, drilling holes and sampling, and things like that. The original CUP area was 8,169 acres, which consisted of the Taylor Ranch, the Boyer Ranch, and one state school section (*Colorado State Board of Land Commissioners administered land*) that the state leased us. Within that area we have federal minerals, state minerals, and privately owned minerals (*mineral rights*). We are hoping to add to that the South T-Bar Ranch. There are over 1800 drill holes on that property, all drilled in the 1970s and 1980s. Since we started (*the Taylor Ranch Project*), we have only drilled 76 holes. Uranium was originally discovered in about 1950 when they commenced mining in the area, and thirty years ago Cypress discovered the large Hansen deposit and had that fully permitted for mining in the 1970s and 1980s. The majority of exploration we will conduct will not be visible from County roads, although in some areas it certainly will be.

At a maximum, BRM anticipate four to six drilling rigs operating simultaneously. We did have four operating in 2007. The impact of four drilling rigs is fairly negligible given such a large property. Generally we operate twelve hours per day on a ten day on - four day off roster. The drillers previously have been a one-crew team, so they work for ten days, have four days off, and come back and work for another ten. Other companies like to work every day, and they rotate their crews in and out to keep their rig turning. We anticipate limited night drilling, probably one drilling rig operating eight to twelve weeks of the year, twenty-four hours per day. In this area, core drilling really needs to be done twenty-four hours a day to keep the holes open and keep everything going smoothly. The main objective of this exploration is to determine whether there is an economic ore body. If there is an economic ore body and we can extract it economically, then we will probably come back and ask for a permit to mine. At this stage we are not sure. We would like to do a few more drill holes to test the economic viability of this project.

In the U.S., mineral rights are often vested in one person, or company or entity, and they have the legal right to explore for and recover minerals on the property. Two families, two companies, the BLM and the state have leased their mineral rights to BRM. They all stand to benefit economically should exploration or mining take place. We believe that development of a mine would preserve the ranching heritage of the area. The alternative of the current ranch owners is to subdivide their large properties into thirty-five acre lots, which would create more traffic than BRM will potentially create.

BRM are conducting what the Zoning Resolution refers to as a modification with material change. We have submitted a full application and we are following the process of a new application. Hence, we are here tonight with the Planning Commission. We are undergoing a full hearing process. We are doing everything required of a new CUP. The reason I chose an amendment is because we have approval to drill 800 drill holes. I don't want to drill any more than 800 drill holes; I just want to spread that 800 out over a greater area. If I were to apply for

another CUP, it would complicate things like traffic analysis, because I would be ignoring the first CUP, whereas really the impact is one, it is not two separate impacts.

The major modification to the property is the addition of 2,210 acres of the South T-Bar Ranch. Most of the activity on the South T-Bar Ranch is not visible from County roads. South T-Bar is a gated community, and there is a private gate at the entrance. After that gate the property tends to drop down into a valley. Most of the operations BRM intend to conduct would be in that valley, not visible from County roads. We have the support of the landowners in the immediate vicinity overlying the ore body. In the South T-Bar Ranch itself there are about 112 properties (not necessarily landowners – some people own multiple properties). There are about 37 landholders within the new area that we are applying to be added to our permit.

BRM would also like to make modifications to work hours which are currently limited to sunup to sundown. When drilling in late fall, sunup to sundown gets restrictive and doesn't allow us to work a twelve hour day. Currently we are allowed to work sixty days in the evenings and we would like to discuss expanding that. (*Board of County Commissioners Resolution No. 47, Series of 2008, Condition F. and Department Review for CUP 10-003 suggested Condition H. - "The applicant shall be entitled to conduct operations pursuant to this permit seven days a week from sunrise to sunset, except that in each calendar year it shall be allowed an aggregate of not more than 60 days per calendar year when it may conduct operations after sunset. Further, in the case of emergency, the applicant may operate at any hour to ameliorate, mitigate or resolve such emergency. Applicant shall be required to report, on a quarterly basis, the number of days on which it conducted operations after hours."*)

BRM have updated and streamlined the water monitoring plan, adding additional wells to be sampled in the vicinity of the new area. We have a one-mile buffer. In that one mile, we have been offering to sample people's wells and we are going to expand that. We are currently sampling twice a year. That appears to be unnecessary, and we would like to bring that back to once a year and reduce the analytical suite for things that haven't been showing up and are not related to our activities, e.g. cyanide. BRM doesn't use any cyanide, and it is not naturally occurring, so the chances of that turning up are pretty limited.

There are a few conditions, in BRM's opinion, in Resolution 47 that need to be tidied up. For example, one of the conditions says that BRM will bring all of the heavy truck traffic in on FCR 9A only. With the expansion of the CUP area, the new area cannot be accessed from FCR 9A. We need to be able to bring our trucks in on FCR 21 to access the new area. (*Board of County Commissioners Resolution No. 47, Series of 2008, Condition N. and Department Review for CUP 10-003 suggested Condition O. - "Except in the case of emergency or the existence of hazardous of life threatening conditions, ingress and egress to the site by drilling equipment and other related heavy truck exploration traffic will be limited to the use of Fremont County Roads #9A and #21: provided, however, the installation and servicing of portable toilets may occur by use of Fremont County Roads #26 or #21. Personal vehicles may enter the area using either roads #9A, #21 or #26."*)

Water Rights – Water rights are regulated by Colorado Division of Water Resources (DWR) and the State Engineer's Office. BRM currently have an administrative exchange approved to draw water from the creeks within the Taylor Ranch which expires on October 1, but we have been getting an annual lease. The people we lease the water from do not want to lease it for five or ten years. They prefer to lease it a year at a time, which is satisfactory to us. A current

condition of the CUP is that we will maintain a legal right to use water while drilling or any consumptive use is occurring under the CUP. That means if we don't have water, we can't drill. If anything happens to our administrative exchange, it means we can't drill and we won't drill. This method was approved by a judge recently when the approval of the original CUP was challenged by the TAC (*Tallahassee Area Community, Inc., a non-profit Colorado Corporation*).

Groundwater Protection – Most holes take two to five days to drill. The exception is core drilling which is a lot slower because we bring out lumps of core instead of broken up chips. Core drilling can take a week to two weeks per hole, depending on the troubles and how good the driller is. This is a lot slower method because we are cutting rock and bringing it up in one piece. We have a lot of strict measures in place to protect the groundwater as we drill. The main one is when we drill, we go through multiple aquifers, and some of the aquifers are bearing uniferous water. Uniferous water is where we want to be, so as soon as we get through the uniferous water, generally we stop drilling. We use a bentonite mud or a non-toxic biodegradable drilling foam which helps to bring the cuttings up quicker, and which cakes the outside of the hole. One of the main reasons is to keep the hole open so that rock is not falling back into the hole, but also it prohibits water from moving between the aquifers as we are drilling, and reduces communication between aquifers. All the drilling is contained in a mud pit adjacent to the rig. We will initiate surface water and groundwater monitoring to make sure we are protecting the water and contaminations aren't getting too far.

Reclaiming a Drill Hole – The hole is open while we are drilling for two to five days, longer if it is a core hole. As soon as it is finished, before the rig is moved off-site, we seal the hole. What we have committed to with the State is to seal the lower 70% of the hole, as a minimum, with neat cement, Portland mixture, which should be very low permeability and should form an excellent seal and prevent any later communication between aquifers. There are two main uranium bearing units in the area and we committed to seal both of them. If that happens to be more than 70% of the hole, we will cement it. For the remaining 30% of the hole we use what is called plug gel, a high-solids bentonite grout, specifically designed for well closures. It is a heavy mud which prevents communication. Some people argue that it is better than cement. Once that is done, there should be no opportunity for excursions of contaminated water.

Site Restoration – We use a bulldozer to make the drilling site flatter. When the rigs are drilling 1000 feet in some areas, if the rig is not perfectly flat, by the end of the drilling the hole is on a slight angle, which is not desirable. Mr. Taylor does all of the drill site rehabilitation. He has a seed drill, which injects seed to a shallow depth so it will not be picked up by birds or blown away. So far most of the work has been done on or near Mr. Taylor's property so it is in his best interest to reclaim the sites the best he can.

Environmental Baseline – Significant baseline environmental data has been compiled in the past by Cypress in the 1970s and 1980s. This would have occurred after they discovered the ore body, so it is not necessarily pre-drilling, but it is pre- a lot of the drilling and most of the resource drilling. Additional data is desirable and has been obtained since approval of the CUP in 2008. Obtaining that additional data is part of the CUP exploration program. Without the CUP to explore the subsurface, we cannot obtain the data to better characterize aquifer thickness, geology, water quality, water levels, and groundwater flow directions. We have to do drilling to obtain this data. We will do pumping tests on the aquifer.

Drinking Water Quality – Uranium occurs naturally in the rock and it has been there for millions of years. By definition of this type of deposit, it is formed by uranium dissolved in groundwater, moving through the rocks, until it hits a chemically different barrier, and that is where the uranium drops out. My job is to find out where this chemical change takes place, because that is where the uranium is. Basically, the uranium moves in the groundwater. It is there naturally and it is all through the area. Most of the uranium is in a formation called the Echo Park Formation. In the South T-Bar area that formation is deep. At other portions of the Tallahassee Creek area, that formation is at the surface, so many wells have been drilled into that formation to get to water. Cypress tested domestic wells in the 1970s and 1980s, long before BRM was out there drilling. The data shows the average uranium (mg/L) is 0.021 which is just below the safe drinking water standard of 0.03. The range is 0.002 through 0.121 in people's drinking water, so the high number is four times the safe drinking water standard. The gross alpha and beta readings were also higher than the safe drinking water standards. These readings are from water wells since before BRM was involved. Uranium concentrations vary by location and rock type.

Surface Water Monitoring – BRM have been conducting the surface monitoring program as part of the CUP. Every quarter we test nine stations, plus one sample for a blank. Since approval in July 2008 we have taken sixty samples of surface water in nine different locations. With a small change in focus and the addition of a new area, we want to change the locations. We want to continue to sample the locations we have been sampling quarterly on an annual basis, and we want to add about five new stations and commence sampling them quarterly. The new stations are more proximal to the uranium in the Hansen deposit. We have a lot of baseline data for where we have been sampling so far, but we need to move to another area while still continuing the previous area as well.

Mr. Vallerine referred to a graph of Total Dissolved Solids (TDS) which is a typical way of measuring water quality, although it is only one parameter. He drew attention to the high line on the graph, which is from the Salt Creek location. It is very difficult to get a consistent analysis from the readings because they are quite variable. This parameter is natural, it depends on how much rain there has been, how dry it has been, and a variety of things. During the Cypress sampling of the same location in the 1970s and 1980s, the highest reading was taken in 1978. That is still, today, the highest reading that has ever been recorded at that station. Salt Creek is above safe drinking level standards, but the reason is a naturally occurring spring called the Taylor Soda Springs, which bubbles away all the time on the Taylor Ranch property and flows straight into Salt Creek. The spring is naturally high in uranium. As you go further downstream, Salt Creek consistently tests below minimum safe drinking water standards and is okay. The uranium is quickly diluted as you go away from the Taylor Soda Springs. You can't always rely on two or three sample points - you need to get a statistical average. Ten samples are considered a pretty good statistical average. We haven't gotten that far yet, but we are getting close.

Domestic Water Monitoring – BRM have also been doing a lot of domestic water monitoring. We have been going to people's homes and sampling their wells, whether straight from the well or from their kitchen sink. Since approval in July of 2008 we have taken 139 domestic well samples. The overall statistics don't show any general increase. I haven't provided a table of results because I don't disclose individual well-owner's results. We have a table of summary statistics that we use but it has too much data and I am not the person to talk about that. Ms. Susan Wyman, Whetstone Associates, is much better. All that data was in Mr. Bruce Smith's

report (*Western Water and Land*), which was filed in March. A write-up of our domestic water program has been provided by the County's independent hydrologist.

The drilling methods we use are protective of water quality. The borehole plugging procedures we use exceed State standards. Before we commence drilling we will have \$250,000 in reclamation bonds. If we falter in any way, the state can use the \$250,000 to reclaim what we don't reclaim. BRM won't get any of that money back until we close off the State permits. DRMS will do an inspection and say either we have done a great job or a bad job. If we have done a bad job, we will have to go back and fix it up. Otherwise, the State will retain some of our money to fix it up. The County is protected by the bonds held by the State. We will monitor and characterize the groundwater as much as we can. There will be no impacts to the groundwater, surface water, or domestic wells from exploration drilling.

Radiation Safety – BRM exploration drillers did some tests and our drillers are subject to no radiation risks. They don't wear any special protective equipment. Standing on top of the uranium core for fifty hours would result in about the same amount of radiation exposure as a chest x-ray. The radiation of uranium ore is not a significant issue. Uranium is probably more dangerous because it is a heavy metal which behaves very similarly to lead. The toxicity factor, like lead, is probably more dangerous than the radiation itself. Uranium ore is not a hazardous material, and it is not considered a licensed radioactive material by the USNRC (*U.S. Nuclear Regulatory Commission*). It is just considered rock. One acre of land one foot deep would typically contain about three to four pounds of uranium. That is because uranium occurs naturally in the earth's crust. I have spent quite a bit of time around uranium myself. I have personally handled the piles. I stick my hand in the samples, play around with them, write down what they are and put them down. The only precaution I take when handling the samples is to be very diligent about washing my hands before eating and at the end of the day.

Wildlife – The Colorado Division of Wildlife (CDOW) has visited the site twice (Mr. Bob Carochi from Cañon City and Mr. Jim Aragon from Salida). There is a condition of Resolution 47 that we continually keep the CDOW abreast of what is going on and comply with their restrictions. The CDOW have conducted bear-aware training for all employees. The main restriction is to limit our activities to certain periods or concentrate our areas when it is migration time for the elk and the deer.

Community Benefits – Many of these benefits apply more when mining because exploration doesn't involve a lot of people. A lot of exploration drilling is specialist work, so some of the expertise comes from out of County as well. Generally the benefits are more jobs, higher paying jobs, and employees staying in local hotels and eating in local restaurants. There is quite a bit of cash going through the community when we are busy. Mr. Vallerine pointed out the symbol for mining on the right side of the Fremont County emblem.

#### Conditions of Approval of the CUP

- Requires that the use be compatible with the Fremont County Master Plan document and FCZR - Exploration drilling is considered by Fremont County to fall within the definition of "mining". In this presentation, the word "mining" will be used a lot because mining is defined as exploring for and extracting. The entire CUP area, including the new area, is zoned Agricultural Forestry. Mining is expressly identified as a Conditional Use within the Agricultural Forestry zone. Therefore, the FCZR allows mining as long as it complies with

the CUP and various conditions. That is why we are here today, to establish those conditions.

The Master Plan was one of the topics of a lawsuit when the TAC challenged the issuance of the original CUP by the Fremont County Board of County Commissioners (BOCC) in July 2008. The judge said “The Master Plan remains a general guide replete with often competing factors to be weighed and considered by the BOCC...” He is saying that there is evidence that mining should be allowed in the Master Plan, and there are areas where mining is not considered favorable in the Master Plan. The Planning Commissioners, and later with the BOCC, must weigh those rights and balances within the Master Plan. The Master Plan contemplates and permits mining throughout the County and mining is not prohibited in the Mountain District, which is where this property falls. There are many quotes throughout the Master Plan, such as “Historically, mining has been an important element in Fremont County”. In a survey of residents for Master Planning, residents seem to have less concern for impact of mining and greater confidence in mine reclamation procedures. Other quotes from the Master Plan – “Mining will continue to be an element of the land use pattern for the County and the impacts of this should be considered.” Mining is allowed as long as there is a CUP and there is control on the environmental rehabilitation. In no way is mining expressly prohibited in the area we are operating.

- The procedural requirements of the section have been met – We have been going through that with the Planning Department. The reason we are here today is that all the procedural requirements have been satisfied up to this stage. Obviously there are more requirements to go, the next one being the BOCC Public Hearing. We have done everything the County has asked of us.
- The location of the proposed use is compatible and harmonious with the surrounding neighborhood – The area has a long history of mining. Uranium ore was first discovered in the district in 1954 and there were sixteen uranium mines operating prior to 1972. The World Class Hansen deposit was discovered and permitted for mining in the 1970s and 1980s. Today mining continues to be part of that area. There are two big operating gravel mines along FCR 2. In addition, there is one mine west of South T-Bar Ranch and one on Stirrup Ranch. The area does have active mines today. Quotes from the Master Plan – “Active land uses in the County include mining and mineral processing” and regarding Land Use in the Mountain District, “...lands are multiple use lands, often leased for agricultural, forestry or mining operations...” In our previous application, the Planning Commission meeting was much better attended. There were a lot of people against the project, but equally there were a lot of people who stood up and said they are for the project. There were a lot of petitions signed from both sides.
- The proposed use will not have detrimental effect on property values – The effects on property values are difficult to prove. They are controlled by a lot of things that are outside this county and outside this country – global recessions, financial sectors, so many things contribute to property values. The term “property value” isn’t really clearly defined. Property generally includes mineral property, surface property and water rights. That is all part of what I call “real property.” Denial of this CUP would have a huge negative effect on mineral property, basically render it useless, because the mineral rights owners wouldn’t be able to do anything with the mineral property; therefore, granting of this CUP would potentially increase the value of the mineral rights. If an ore body is discovered in this area,

it would certainly increase the value of the mineral property. Surface property is often connected to the mineral property. It is often said that a lot of the people who support the project are those people who own the surface and the mineral property as well, and conversely, a lot of the people who are against the project are those who own the surface and not the mineral property. What we are applying for today is a modification of the existing CUP with the addition of an extra 2,210 acres of land. The activity we are talking about is already permitted and has already occurred. There shouldn't be a great deal of negative impact on property values.

- The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities, or adverse environmental influences – Sanitary conditions are not really an issue for us. We are not using any public sewage or wastewater systems, we are not installing any on-site leach fields. We are going to use portable toilets. We are anticipating a maximum of about twenty people on site at one time. Some of them live in the area, so they go home for lunch and use their own toilets. The County Board of Health recently approved the use of portable toilets on July 27. If roads are considered a public utility, then that is the only public utility we use. We don't use any power. Our main concern with environmental influences is water. I have already addressed how we go about protecting the water during drilling. There is no solid waste disposal on site, no hazardous waste disposal on site, the drill cuttings will be contained and reclaimed, and the radiation levels will be far too low to have any impact on the workers, let alone the surrounding people. As far as trash goes, we do have a contract with Lone Wolf Disposal. Generally the trash we have is lunch wrappers, and the drillers use a lot of cement bags and gel bags. We have scrap metal as well, which the drillers generally keep, recycle, or sell.
- The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards – The Fremont County Engineer has assessed the Roadway Impact Study that was part of the application and has made no complaints about the effect of the additional traffic generated, apart from noting typos. He indicated that he thought there would be about 11% increase in traffic under peak conditions, spread across three County roads. The roads are sufficient to carry that capacity. That is at maximum operations. Last year we only ever had one rig going. This CUP, at maximum, anticipates four to six drilling rigs. The traffic is dependent on how busy and how aggressive we are. If we only have one rig, the impact is similar to one or two additional homes. Access points onto County roads have safe sight distance and do not create traffic hazards. Two of the roads are termination roads, one road is signposted, and the other road is well open.
- The site is of sufficient size to accommodate the proposed use – Ten thousand acres is huge, considering that we will only have three or four small drilling rigs, which are the same size as a semi-truck. That is certainly not going to be an issue.
- The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety, and welfare of the inhabitants of the County, and will not cause significant air, water, noise, or other pollution – This is a very large property with activities restricted largely to a 5,600 acre tract, even though the property is over ten thousand acres, so there is a buffer, particularly in the east, west, and north part of the property. In the south, there is a

topographic restraint, even though other people share the boundary immediately to the east. As discussed earlier, I don't consider water to be an issue from our activities. I don't think there is going to be contamination. There is minimal dust created when we are drilling because we always drill wet, apart from when we first start and the hole is open, in the first ten minutes. The most dust generated is when we are clearing a pad with a bulldozer or when we are driving. Radiation in the air is not an issue either, because by the time we get to any uranium, we are drilling wet, and it goes into the mud pits where it is captured and contained. The main potential threats to health, safety and welfare are water and increased traffic, and both of these issues were addressed earlier. Most drilling occurs in valleys within large ranches. There will be some hilltop drilling, but some hilltop drilling was done last year and there were trees around us bigger than the rig, so the rig couldn't been seen at all. Rigs are generally at each drill site for two to five days before moving to another site. All the effects are temporary and the pads are fully reclaimed afterwards. I was out there a month ago revisiting some of the pads from last year and you wouldn't know where they were if it wasn't for some of the silt fences still in place. The grass is above my knees. There will be very little night drilling, although we would like to do some night drilling toward the end of this year if possible. Any night lighting will be directed downward and shielded. We have been in discussion with people who live overlooking the site of the proposed night drilling, and they seem fine with us drilling at night. Noise isn't generally a problem as the rigs are fairly quiet. You probably can hear them on a still afternoon, but well below the State noise limits for a residential area for all our boundaries. We did not receive any noise complaints in 2007 or 2008.

- The Board may require higher standards.
- Conformity to plans and drawings submitted with the application – DRMS will inspect our conformance with our reclamation plan. Whenever we drill, at the end of the season DRMS comes out and inspects all our drill holes to make sure they have been seeded and the proper sediment controls are in place. The Planning Department conducts an annual review. I am not sure if anyone has been up there to inspect, but they are more than welcome to come out and I will accompany them.
- The provision for open spaces, buffer strips, screen walls, fences, hedges, and landscaping – this is not really relevant for this CUP. This is a huge area. All the drill sites are temporary. In five to ten days we are off the drill site, it has been reclaimed, and the seed is growing.
- Performance characteristics related to emission of noise, vibration, and other potentially dangerous or objectionable elements, or environmental impacts – We commit not to exceed the State noise standard for residential areas at the CUP boundaries. When we are using mud rotor rigs, there is a bit of vibration for the first fifty feet, which can be felt in the immediate area of the rig, but twenty yards away from the rig, the vibrations can't be felt any more. Deeper into the hole, the overlying ground provides insulation.
- Limits on time and days of operation for the conducting of specific activity – We generally operate drilling operations on ten days on, four days off rotations. Limited, if any, drilling will be undertaken during the winter because it costs more to drill in winter and it is more difficult. The water freezes. Ideally we will not be drilling in winter. We have agreements in place with ranch owners not to operate at specific times during hunting seasons. We are willing to limit night drilling, but we would like to be able to do some small night programs.

We are willing to discuss all reasonable limits with those directly affected and with the Board and the Planning Commission.

- Guarantees as to compliance with the terms of the approval – We have \$250,000 in reclamation bonds which the State holds. State and Federal agencies will regulate our exploration activities according to stringent guidelines. DRMS inspects our compliance with the reclamation plan. DRMS has been out to the project four times now to inspect. We haven't drilled any holes since fall of 2008. DRMS did conduct a site visit when we applied for the State permit to drill on the new area. We have a good track record on reclamation. Mr. Taylor does an excellent job. We believe we are in compliance with all the terms of approval.
- Obtaining all other permits or licenses required by any governmental or regulatory agency – We have permits with the State, Federal Government, permits for Wildlife, water, stormwater management. The volunteer fire department has visited the site. The volunteer medical first responders have visited the site. We don't need any air quality or discharge permits. We have a FEMA Flood Prevention Permit in place with the County, and we are in the process of having a permit issued for portable toilets. The use of portable toilets has been approved, we just haven't received the paperwork yet.
- Other off-site impacts – During exploration, we only have a maximum of about twenty staff on site. We will not have an undue impact on available housing, health services, education systems, emergency systems, or law enforcement services. We will not have a significant enough effect on County roads to require additional maintenance.

Mr. Vallerine concluded BRM is the first company required to have a CUP for exploration in the County. We believe we have satisfied all the approval criteria in Section 8.2.6 of the FCZR. Therefore, we believe we should be approved based on those criteria. Approving our CUP is a sound and safe decision because exploration has a very limited impact and is temporary. There is a small amount of time when we are actually exploring. It is the later mining that becomes more of an issue. Water quality will not be affected, radiation is not a hazard, reclamation will completely restore the areas we drill back to their original state, the community will not be negatively affected, and there are \$250,000 worth of bonds in place to ensure we do reclaim the drill sites. If the CUP is approved, we will continue to perform the following studies: groundwater quality and quantity assessment, surface water quality and quantity assessment, domestic water quality and quantity assessment and well testing for Tallahassee area homeowners, radiological background surveys, air quality baseline, noxious weeds surveys, and wildlife baseline studies. We are able to educate the homeowners on the quality of their drinking water and the surface water. In closing, BRM has demonstrated that it has met all of the CUP criteria, there are no health, safety, or environmental risks, we have and will continue to work with the community, there are tangible benefits to the community, and we will place no burdens on County resources and services. We ask for the Planning Commission to approve our CUP today.

Vice Chairman Schnobrich thanked Mr. Vallerine and said that was a very detailed and well-presented report.

Mr. Marshall Butler, Fremont County Planning Coordinator, stated that BRM has applied for a Conditional Use Permit. The application is titled an amendment because BRM is currently permitted for 8,169 acres, with an addition of 2,210 acres, for a total acreage of 10,379 acres.

The property is zoned Agricultural Forestry. Mr. Butler summarized the Department Review. Regarding the Items for Consideration and the Recommended Conditions, the term of the permit will be for eight years. Basically, the Conditions listed were taken out of the resolution that was approved by the BOCC for the previous CUP. BRM did get approval from the Board of Health for the use of portable toilets. They have to be in compliance with the requirements of the reviewing engineer. Of course, we are requiring copies of any pending permits and licenses for the additional property. The applicant has asked for waivers of surfacing, lighting, and landscaping. They asked for some waivers regarding the drawing requirements, such as locating the structures on the property, off-street parking plan, landscaping and a lighting plan, since there will be no permanent lighting. The Department has asked for additional notifications to Fremont County Department of Transportation, Fremont County Sheriff's Office, Fremont County Weed Control Officer, Colorado State Division of Wildlife, Tallahassee Fire Protection Association, Fremont / Custer Historical Society, and Colorado Historical Society.

Vice Chairman Schnobrich called for questions from the Planning Commissioners.

Mr. Lateer asked if the reason for the additional acreage is that BRM is not finding adequate uranium on the property in the existing CUP.

Mr. Vallerine answered that since the Hansen deposit was discovered in the 1970s, it has been the best deposit in the area. The mineral rights to the Taylor Ranch property were easier to get, because there was one property owner, Mr. Buddy Taylor. Taylor Ranch was not the best piece of property for uranium in the district. We have found significant uranium mineralization on the Taylor Ranch. To get everything to work, we believe that we need the Hansen deposit which falls on the South T-Bar Ranch. We may be able to develop Hansen, and then the Taylor Ranch and the Boyer Ranch will become satellite deposits feeding through that deposit. This adds a much better deposit to our portfolio. The mineral rights took time to get because this is a complicated land situation. The POA (Property Owners Association) actually owned the mineral rights originally, but ownership had to be put into an LLC with approval from all the members of the POA. It has taken two or three years to get that sorted out and to agree on terms with them. It was difficult to do a deal with a hundred people.

Mr. Lateer asked if the Taylor Ranch exploration might not lead to mining.

Mr. Vallerine answered that at current uranium prices, there is a possibility. If uranium goes back up to \$130, I think the Taylor Ranch could be mined by itself. We think that Taylor Ranch has a better chance of being mined if we have this new area as well. Everything depends on the price of uranium. If that goes back to \$100 per pound, it will all be mined, hopefully.

Mr. Lateer asked what kind of problems or challenges BRM has been dealing with in reference to the citizenry in the area.

Mr. Vallerine said he has not really been in contact a lot with the citizens. There has been no drilling since the fall of 2008. There was a community meeting in late June of this year. There were close to fifty people. The members of STB Minerals Company (*the Hansen Deposit*), all live out at South T-Bar Ranch. There were more people in attendance from South T-Bar Ranch than from the TAC. Only five or six were from TAC. The meeting was positive because of the situation. STB Minerals Company has 107 members. This meeting was held on the same day or the day before their POA meeting, so a lot of them were in town. They wanted to come and meet us.

Mr. Lateer stated that the BRM bond is a quarter million dollars. Is there anyone in this room who can answer if a quarter million dollars is adequate?

Mr. Vallerine answered that there are four State permits. The amount of the bond depends on the number of holes and the footage. I stated fifty holes this time. The State calculated that for the new area, a bond of \$180,000 would be required.

Mr. Lateer asked how the reclamation process is going at this point.

Mr. Vallerine answered that for the pads where we drilled in the fall of 2008, the grass is high and thick in certain areas. There are three drill pads that are a bit rockier. They have all been flattened and contoured.

Mr. Alsup stated that there were some letters in the information packet addressing the fact that this application was not being done as a new CUP, but it appears that we are going through the entire process as if it were a new CUP, and there will be a public hearing in the future. Is that true?

Ms. Brenda Jackson, Fremont County Attorney, answered that is true. The County is treating this application as an amendment or modification to the existing permit because of the location of the property and because of the similarities between the two. But even as an amendment, the regulations require an entirely new application, but the previous application is relevant and will be considered.

Mr. Alsup asked if there is anything different in the way we are handling this amendment versus what we would do with a new CUP application.

Ms. Jackson answered that there may be issues that you don't want information on because they were thoroughly examined in the previous CUP. It is up to the Planning Commission how much information you want to take and how much you think you already have. Certainly the previous application and all of the information is public record. All that information is fair game and is part and parcel of this application, because of the extreme similarities between the two applications. This is an amendment, it is a modification, and anything that applied to the previous CUP is probably going to be applicable here, but the conditions can be changed to suit the particular circumstances.

Mr. Alsup stated that my understanding is that we should be viewing this under the same criteria that we would have if I had been here two years ago, when they did the original CUP.

Ms. Jackson said that is correct.

Mr. Alsup said that Mr. Vallerine said that there was uranium in the water prior to BRM being there. Do we have adequate studies to show if there was uranium contamination prior to the exploratory drilling in the 1970s?

Mr. Vallerine said we don't have data from before we started drilling, because we didn't want to do baseline studies, then drill three holes and realize there is nothing there. Baseline generally comes after it has been established that there is a deposit there, so all the baseline studies are post-Cypress drilling in the 1970s.

Mr. Alsup said that we don't really know if there was contamination before those holes were drilled, so some of the contamination might have come from those.

Mr. Vallerine answered possibly. There were approximately 1800 holes drilled by Cypress in the 1970s and 1980s on the CUP property alone. I cannot tell you how they were abandoned, how they were done, or if they were done properly.

Mr. Alsup asked if BRM has access to the reports from when Cypress was drilling.

Mr. Vallerine answered yes.

Mr. Alsup asked why that data was not adequate. Why did you have to start drilling exploration holes again?

Mr. Vallerine answered that most of the Cypress drilling was done in the Hansen area, and initially we didn't have the Hansen area, we only had the Taylor Ranch and the Boyer Ranch to the north. That area wasn't drilled as thoroughly, so we wanted to drill in the northern part to see if we could find something similar to the Hansen deposit up there. Basically, enough drilling has been done on the Hansen. We are doing a lot of studies on the Hansen data. Our plan is to drill six to twelve additional holes, once this CUP approved. This is core drilling, where we bring up sticks of core, which has nothing to do with locating the ore body, and nothing to do with how much uranium there is or what grade it is. We think we know that. These new cores will determine how strong the rock is, whether we can build an underground mine, and what kind of angles we would need to do a pit, because the rock is typically weak, which requires fatter walls so the pit doesn't collapse. There are so many things that have changed in thirty years, so we want to gather more engineering data, we want to update all the millage processing, which will be done on hole core as well, and we want to design new flow sheets and new milling methods. The third main reason we want to do more drilling is for water. There were a lot of water studies done by Cypress. We want to do more. Water is potentially a big issue for mining process, not only for people downstream but for other users. Getting the water out of the mine could be very difficult. We want to get more information so we can more accurately assess how much money it is going to cost to get the uranium that we know is in the ground out of the ground. Six to twelve drill holes isn't a lot. That will be spread out across the entire deposit, and hopefully that will be enough to keep us going for awhile. We will continually be doing more programs to add to that database.

Mr. Alsup asked if you do find this to be a feasible mining operation, what kind of extraction methods do you foresee. Would you be doing an in-situ leaching type method?

Mr. Vallerine answered that at the moment we are looking at conventional types of mining. In-situ leach was investigated in the 1970s and I have some reports on that. It looks like it was never going to work. The main reason was the extraction. If you are using in-situ leach, you have to use base compounds because they are less environmentally dangerous. You can't put acid into the ground, so you have to use basic. This uranium has been shown to be pretty insoluble in a basic solution. A basic solution would extract about 25% of the uranium, which is not enough. Also it is quite a tight sandstone, not a lot of pore space or permeability, so you can't move the solution through the rock very well. It doesn't extract very well chemically, and it is hard to move the fluid through the rock to expose the uranium to the fluid.

Mr. Alsup asked if in-situ is environmentally less damaging.

Mr. Vallerine said I think it is, but a lot of people think it is not, and the big issue is pumping chemicals into the ground and mobilizing uranium, which a lot of people don't like. On the other hand, a lot of people think in-situ is better because you are not ripping up the ground. At the moment, we are investigating open pit, underground mining, and we are quickly looking at a method called borehole mining, which basically mines with water and drilling. You drill a hole similar to a water well, then you stick a new tool down and it has a jet and the jet rotates around at high pressures and the water breaks up the rock and sucks it up the middle. It is called hydraulic mining. It has never been done before, and we don't want to be guinea pigs. If you try a new method, new issues will come up, so we are not confident in that method. Underground mining is our strongly preferred method.

Mr. Alsup wanted to clarify that we are not talking about a mining permit today, even though you call it mining in your application.

Mr. Vallerine said we are just going to drill some holes. The reason I call it mining is because the County definition of mining is "**exploring for** and extracting." If exploration wasn't under the definition of mining, I wouldn't have to come to the County for a CUP.

Vice Chairman Schnobrich asked about the economics of the project. Has anybody done any studies regarding the economic impact for Fremont County, such as tax base or the impact it will have on residential taxes?

Mr. Vallerine said a study hasn't been done recently by anyone that is public knowledge. We did a study ahead of our application last time on flow-through and how much cash would be generated based on a certain number of people, for the construction period. We didn't put it into our presentation at the time because we weren't asking for a mining permit.

Vice Chairman Schnobrich asked if this activity will reduce property taxes for existing residential property or a future development in that area.

Mr. Vallerine said we looked at how many employees were going to be living out there, how many would stay in hotels, how many people would be buying dinner, spending money in hardware stores, etc.

Vice Chairman Schnobrich asked how many people will be employed drilling these holes. How many jobs will be generated?

Mr. Vallerine answered seven people for one rig. If you have two rigs, add another three. So that would be ten people with two rigs.

Vice Chairman Schnobrich asked if these people would be hired locally.

Mr. Vallerine answered the Taylors do a lot of the reclamation work, and they build all the pads, so they are local. At least one of those people will be someone from my staff in Denver. You don't have geophysical probing expertise locally, so that will be outsourced from Denver. We did use one local drilling contractor last time, but generally it is a specialist field and quite often the driller comes from outside the area. Last time we had one driller from Wyoming who brought his rig down, and he hired two helpers in town.

Vice Chairman Schnobrich asked if this kind of drilling will interfere with the cattle at all.

Mr. Vallerine answered not at all. The cows walk around right next to the rig. Sometimes you have to scare them off if they come too close. There is a lot of water and mud generated. If there are cattle in the area, we have to fence the mud pits off so they don't go in there overnight.

Vice Chairman Schnobrich asked if the water coming up out of these holes would have a radioactive or uranium component that the cows might drink.

Mr. Vallerine answered the cows aren't drinking it because we fence it off, but it will have a small component. If there aren't cows in the area, we don't fence it off.

Vice Chairman Schnobrich said if you have a mud pit with some drinkable water, it will eventually evaporate. How long will that take? How long will you have to keep these areas fenced off?

Mr. Vallerine said it depends on how long it takes Mr. Taylor to reclaim the pad and how much water there is. Generally, we like to have the site back-filled within about a week to two weeks.

Vice Chairman Schnobrich asked if they have any clear idea whether the radiation in the water in the area is from naturally occurring uranium or is the result of past mining.

Mr. Vallerine answered we don't have data for the water prior to Cypress drilling, and certainly not prior to the mining that was done in the 1950s, but the uranium was there first.

Vice Chairman Schnobrich asked if there was mining in the past, and there is no accurate base level prior to any sort of mining. How do you know whether the radiation is from a natural recurring background or from improperly done uranium mining from the past?

Mr. Vallerine answered it is hard to know because the uranium has been uncovered by some of these old mines. The Taylor Ranch is two or three miles from the nearest mine, so there is a pretty good chance that any radiation in the north part of Taylor Ranch is natural. The uranium is natural. No one put it there. Whether the radiation is due to opening up of the surface or naturally occurring rocks, there are certainly some very radioactive rocks out there. For example, there is the Wall Mountain Tuff, just past Mr. Taylor's driveway. There is a little channel of it on the way out to Wall Mountain Ranches. When you take a scintillometer to that formation, it is radioactive. We believe that to be the source of the ore bodies. As that rock breaks down, the uranium moves slowly through the groundwater and is deposited.

Vice Chairman Schnobrich asked if that is just BRM's opinion or has it been independently verified.

Mr. Vallerine said he got that information from papers by Mr. Chuck Chapin, who got his PhD here. He is from the New Mexico School of Mines and he mapped the whole area.

Vice Chairman Schnobrich asked if something is changing, how can we know whether the change is due to naturally occurring radiation or due to the mining activity?

Mr. Vallerine said that is difficult. How can we say a sample is high because BRM drilled a hole two miles away, or because BRM drilled a hole 300 feet away?

Vice Chairman Schnobrich asked if it is possible for geologists to determine that sort of thing.

Mr. Vallerine answered that geology is never 100% guaranteed. In geology there is a lot of theorizing, a lot of guessing and a lot of statistics.

Vice Chairman Schnobrich asked if BRM is required to report any changes observed in the monitoring.

Mr. Vallerine answered that BRM is not required to report anything to anyone at the moment. Mr. Bruce Smith, the County's independent hydrologist, has been reviewing the data. Individual well owners' information is being kept confidential.

Vice Chairman Schnobrich asked what happens if there is a change in the monitoring levels. Who is responsible for taking care of that?

Mr. Vallerine answered that it would first need to be determined who is responsible. Is it natural? Is it BRM's fault? I haven't considered what we do. How do you clean up aquifers? It is not an easy thing to do. I don't think anything serious is going to happen to an aquifer. The aquifer around the deposit in particular is horrible because the uranium is there.

Vice Chairman Schnobrich asked if anyone has done a geological study of the area. If you drill holes in the area, are there any hot springs that can start gushing? When they drill oil wells around here, sometimes they will hit a vein of one sort or another that is under pressure and have a blowout. Is that possible?

Mr. Vallerine said everything is always possible, it is just a matter of probability. That is very, very unlikely in the Tallahassee area because too many holes have been drilled. The difference is an oil or gas well is drilled 14,000 feet. We are drilling 1,000 feet. You are talking different pressures, different temperatures. When you start getting that deep you start getting different factors coming into account.

## **PUBLIC INPUT**

Vice Chairman Schnobrich stated that this part of the meeting will be opened up to input from the public. Please understand this is not a Public Hearing. It was not announced in the media that we are having this meeting tonight, so not everybody had a chance to come here, for or against this project, so we are not hearing all sides of what the public feels about this item. The BOCC will hold a Public Hearing and you are welcome to participate in that as well. We have a number of people here who want to speak. If you have nothing new to add, then don't come up. If you have something new to add, or if you just have to tell the Planning Commission your feelings on this issue, please feel welcome to do so. We really do want to hear from the public as much as possible so we can make the best decision we are capable of making.

### **Lee Alter, 0489 FCR 21A**

One comment first – your change of time of these Planning Commission meetings to 4:00 in the afternoon is very inconvenient for folks who have animals to care for and live 45 minutes away from town. 7:00 pm is a much more sensible time. That is one of the reasons that other people are not here.

I am the Chairman of the TAC Government Affairs Committee. Roberta and I have an 80 acre Arabian horse ranch in the immediate vicinity of the Black Range Minerals Uranium Exploration activities. Today you are hearing from many of my neighbors arguing that the Planning Commission should deny recommending approval of the current CUP application

by Black Range to the Board of County Commissioners. Based on the submission, the minimal information provided to you by the Planning and Zoning Department, and the presentations being made by the opponents today, you should have sufficient cause to recommend denial based on the facts as you now have them as well as the provisions of the Zoning Resolution CUP approval rules and the current Master Plan. My argument, however, is different. I believe that the Planning Commission has not had adequate time to review the application and has not been supplied with all of the relevant facts to permit you to provide the BOCC with the thoughtful and considered guidance that is your function under your By-laws and the Zoning Resolution. I respectfully request that you table consideration of this application under Zoning Resolution Section 8.2.5.1 until the applicant and the Planning Department staff respond to the specific issues that I will detail below.

1. Black Range has submitted this application as an "Amendment" to the Taylor Ranch CUP 08-001. This is purported to be a Major Modification to the existing CUP but it is not - for a number of reasons:
  - a. The stated purpose of the 2008 CUP was to prospect for uranium and drill exploration holes on the Taylor and Boyer Ranches (and a State Section). Black Range has done that and has announced publicly at their 2009 Annual General Meeting in November of 2009, on their website, and at the recent Community Meeting at the Abbey -that they are no longer interested in further prospecting in that area. They apparently have concluded that mining uranium in the current CUP area is not economically viable. What they should be required to do is to submit a "CUP Modification" solely to continue any required reclamation activities of the drill sites and the County mandated water quality monitoring studies.
  - b. If they wish to prospect in the area of their current interest, they should be required to submit a CUP application that expressly defines that interest. The only common interest between the two areas is one common border. Everything else is different: road access, neighboring properties and homeowners, the demographics and property ownership of the prospecting areas of interest, the number and characteristics of the surrounding domestic water wells, surface streams, and groundwater aquifers, and, I believe, the geology of the land itself.
  - c. The "new" area represents an approximate 20% addition to the original area; however, the new application incorporates all of the "old" information. This has the effect of confusing the issue and diluting your attention to the significant new issues raised for this new area.
2. The application, as submitted is incomplete:
  - a. The required proof of water does not exist - it expires before the earliest possible date of approval of the application. Granted they can renew it, but they haven't done it in the application.
  - b. The list of neighboring properties that require notice is incomplete - at least one Property Owners Association having a common border with the proposed exploration site is not even identified in this new amendment of the CUP.
  - c. Despite assurances in the application that Black Range has a clear interest in the presumed mineral rights, the issue is far from clear. At the June Community Meeting, Mr. Vallerine admitted as much and a current "Quiet Title" action in the

local District Court to clarify the mineral rights ownership interests is still pending.

- d. Whereas the DRMS has specifically instructed Black Range to treat the new drill sites and associated mud pits in a more stringent manner than previously required, the application does not identify these new requirements in the sections intended to explain the procedures for the drilling, the handling of hazardous waste, or potential aquifer contamination.
3. By far, the most significant reason why the Commission should demand additional information prior to consideration of this application is that the single most troubling aspect of the 2008 CUP has still not been adequately answered. Until it is, it would be irresponsible of the County to permit additional exploration drilling. This Commission in 2008 recommended denial of the Taylor Ranch Project CUP primarily due to a concern that the exploration drilling into the uranium ore bodies had the potential for contaminating the surrounding domestic water wells, surface streams, and groundwater aquifers. The BOCC did not accept the Commission's recommendation and approved the CUP with conditions that they considered adequate to deal with the threat and the concerns of the local community. Following is a detailed timeline that documents the actual sequence of events since the Planning Commission recommendation to the BOCC in April 2008. All of the documents referred to below are (or should be) available to you from the Planning Department files.
    - a. In May, 2008, Black Range submitted a comprehensive Water Quality Monitoring Plan (Baseline Monitoring Program) in which it was stated that it was intended to determine the water quality "as it is now". This Plan was not reviewed by either Planning staff or by the Planning Commission.
    - b. Following the 2008 Public Hearing the BOCC provisionally approved the CUP with proposed Conditions. Condition K clearly stated that it was the intent that the applicant demonstrate that no cross-contamination of the aquifers will occur and to verify that is it not occurring as operations progress. (BOCC Res 08-39)
    - c. In a June 16, 2008 Technical Memorandum from Whetstone (Black Range's Water Consultant) forwarded to the County, a major objection was raised to that Condition. The final sentence of that Memo states: "BRM and its consultants are not claiming that the Baseline Monitoring Program is designed to evaluate impacts to water quality during exploration drilling".
    - d. In July, 2008, the BOCC, following receipt of various comments on the proposed Conditions, approved the CUP 08-001 with revised Conditions, including Condition J which established an independent hydrogeologist to review the adequacy of the Program, make recommendations, and assist and advise the County on the CUP as required. The issue of cross-contamination potentially resulting from exploration drilling was eliminated from the Condition and not referred to at all in the final approved Resolution. (BOCC Res 08-47)
    - e. In October, 2008, Black Range submitted a "Final" Baseline Monitoring Program to the County, presumably incorporating whatever recommendations that were made by the independent hydrogeologist.

- f. In November and December of 2008, TAC forwarded to the County two letters from another independent hydrogeologist making a number of critical comments on the Whetstone Plan and suggesting additional review and changes in implementation. To the best of our knowledge, these letters were never forwarded to Western Water and Land, the County's expert, at the direction of the BOCC. (Letters, Decker to Hawlee, Nov and Dec 2008)
- g. The Black Range Quarterly Reports in 2009 to the County state that the Baseline Monitoring Program is being implemented. Bruce Smith, of WWL, reported on the results of the 2009 Program in March 2010. These results suggest that both the surface streams and the domestic water wells in the area outside of the CUP area may have been adversely impacted by the Black Range exploration drilling - both the unlawful drilling prior to the approval of the CUP and the 2008-2009 activities.
- h. TAC submitted to the BOCC on April 1, 2010, a number of questions and requests for clarification of the Smith report and requested that the letter be forwarded to Mr. Smith for his response. Commissioner Stiehl responded by email on April 8 and stated that the TAC questions would be considered and that the BOCC had its own questions for Mr. Smith. To date, TAC has never received answers to our questions and there is no record in the Planning Department files that the BOCC ever referred our letter or even made their own inquiry to WWL.
- i. One point of interest in the BRM / Whetstone Program - the original submission in May 2008 , and unchanged in the October Final Program submission - is a statement that Black Range would be drilling up to 12 groundwater monitoring wells at various locations within the Taylor Ranch CUP area. Those wells were to be sampled quarterly for a wide range of water quantity and quality parameters - including the same detailed chemical analysis as specified for the domestic water well sampling program. This was to be a major component of their baseline water studies, along with the surface stream sampling, directed to any future mining expectations. It would also provide important data relating to the impact of nearby drilling.

Mr. Smith's report refers to the quarterly monitoring well sampling; however, he relates that only barometric pressure and water level measurements were taken in each quarter. There is no reference to heavy metal and radiological constituent measurements as specified in the Program, despite both domestic water well and surface stream analyses clearly revealing contamination levels near to or above state standards.

At the June BRM Community Meeting at the Abbey, Susan Wyman, the Whetstone consultant, was asked specifically about the groundwater monitoring wells. She stated, to me, Kay Hawlee, and others, that Black Range never drilled such wells since they concluded that it wasn't worth the \$300,000 cost.

Gentlemen, I submit to the Commission that it is your obligation to resolve this obvious factual inconsistency before you can consider the current application. Until the impact of prior drilling is understood, how can you justify recommending additional potentially adverse activities on an entirely different group of neighboring residents?

- 4. The final reason that I have for you to table this application is that there will be, in the

very near future, a change in the DRMS rules relating to uranium prospecting. Tentative final rules have been published by the Mined Land Reclamation Board that establish new criteria and procedures. The Fremont Board of County Commissioners formally urged the MLRB to consider many of these rule changes. (BOCC to MLRB, Feb 28, 2010). It is expected that the Final Rules will be published within 60 days and would apply to the Black Range prospecting under their 2009 Notice of Intent filed with DRMS (P2009025). You cannot properly evaluate the application until you understand the rules.

In conclusion, please understand that I am not suggesting that you simply recommend denial of this application to the BOCC. I submit that you cannot possibly, with due diligence, even consider the current Black Range application until and unless you receive much more information on the subject and that you have sufficient time to thoroughly consider the matter. You have an obligation to provide the BOCC with your best guidance and recommendation. You owe both the Board and the County at large nothing less.

Thank you. I appreciate your consideration.

**Michael Meyrick, 1871 Canyon Terrace, Cañon City**

I believe that this requires an entire new CUP application, notwithstanding the representations that have been made about the proceedings taking the same course as any new CUP application would. What I fear is that unless what we do here is to take on each element of a new CUP, we will be limited to just certain issues to which Black Range Minerals claims they are requiring a modification to. Essentially what they have done is photocopy the 2008 application, made some remarks that are tantamount to footnotes in them, and submitted it to you saying this is just a continuation of what we are doing. But it is really not a continuation of what they are doing, because aside from the fact that it shares some common boundaries with the existing (I should say prior, since they are not doing it anymore) Taylor Ranch CUP, it is really very different. It involves different landowners. It involves people who own mineral rights who are different from those in the 2008 CUP application. It involves different surface streams and different aquifers. It involves access from different County roads. This isn't a modification. If it were a modification, why didn't they apply for a modification to the prospecting permit with the State? They didn't. They went and got an entire new prospecting permit from the State in 2009. Despite the fact that State law permits modification, they didn't try to sell that to the State, and say this is just a modification to our existing work here on Taylor Ranch. They went and got an entire new prospecting permit from the State. This is not an amendment. It is not a modification. It involves a host of other issues. Based on the presentation that Mr. Vallerine did here today, in the part about property values he said it is really hard to prove. Did you do anything? Did you engage anybody to do a study? Did you even engage anybody to do a study from 2008 to the present to see whether or not it has affected property values up there? Do you as a Commission feel that you have enough information, based on what he presented to you today, to say we are satisfied that this isn't going to have any detrimental effect on property values, because that is one of the criteria that you have to consider before you can recommend approval to the BOCC.

The other issue is that conditions have changed greatly because we now have five quarters of water monitoring. We have that data now. Other than the fact that there was a chart

projected, and Mr. Vallerine said you cannot really tell anything from that spike alone, you have to look at the big picture, there was no information presented to you about the big picture. I suggest to you that the reason that the data was not presented to you in the big picture form is that it doesn't bode very well for them. The fact of the matter is that the five data quarters show that there is contamination. The question was put to Mr. Vallerine by Mr. Schnobrich, how do we tell if that is from naturally occurring uranium or whether that occurred as a result of the mining. He correctly answered that you really can't tell. One of the reasons you can't tell is because when they drilled the seventy unpermitted holes back in 2007, they may have changed the baseline. So we don't really know what the baseline was before Black Range got into this. Until we can go through each and every element of a CUP that goes through property values, water quality, proof of water, and things of that nature, which they haven't demonstrated. As Mr. Alter indicated, they made mention of the fact that they photocopied the last CUP, but the proof of water expires before they do any work here. You can do something called an administrative exchange. In other words, you are drawing water from the creeks, but replacing it with some other water someplace else. That is what is happening here, but consider it from our standpoint in the Tallahassee Area. We are upstream from the Arkansas River. They draw the water from our streams, they release it from Twin Lakes Reservoir into the Arkansas, downstream from us. We never see that. The water that they replace never goes through our property. The only thing that happens from our property is that the water quantity is depleted because they take it from our streams. I am not saying that there is anything that precludes that in the zoning regulations, I am just saying that you should consider when you are making a decision about recommending approval, whether or not that adversely affects the people in the Tallahassee Area, our property rights, and our water rights.

There are a host of things that aren't getting addressed and from the presentation that you got, which is essentially just a photocopy of a 2008 application, are you satisfied that you can make the decision on the criteria that you are required to use, to say the property values won't be harmed, the water quality is okay up there, the proposed activity won't adversely impact those people, the health and safety of Fremont County residents is adequately being protected here? I submit to you that you can't. You either have to recommend denial or you have to table it and request more information from them. I thank you for the work that you put into this. I thank you for the time that you put into this. I respectfully ask that you either require more information or recommend denial to the BOCC.

**Cecil David Fauchier, FCR 21A, 0325 Cross Creek Trail, Cañon City**

I am against this CUP, and I donate my time to Ms. Kay Hawklee.

**Trudi Fauchier, FCR 21A, 0325 Cross Creek Trail, Cañon City**

I am against this CUP, and I donate my time to Ms. Kay Hawklee.

**Gail Palmgren, 181 Cedar Ridge Drive**

I am against this CUP, and I donate my time to Ms. Kay Hawklee.

**Joseph W. Marchiani, P.O. Box 813, Cañon City**

I am against this CUP, and I donate my time to Ms. Kay Hawklee. Thank you for your service.

**John Suleiman, 113 Latigo Lane, Cañon City**

I am against this CUP, and I donate my time to Ms. Kay Hawklee.

**Cy Oenbring, P.O. Box 1688, Cañon City**

I was affected by the first go-around and my property values have dropped considerably. Looking at their engineers, they are all gold miners. With gold mining, you core drill and you take your samples out. You don't pump water down in the ground to get the samples out. This is a process that is very new, untried. Down the road you people are going to have to live with it if you have contaminated all the water up there. I am one of these poor people who own thirty-five acres up there and this is a bad thing. I would like to have my taxes the same rate as what the ranchers are getting. If the rancher sells this property, he is going to make a lot more money and the town will make more money with the people who come in and you will have a stable economy. If this thing goes bust again like it did the last time, all you are going to end up with is contaminated wells and mines. If I have extra time, give it to Mr. Alter or Mr. Meyrick.

**Karen Barton, 166 South Meadow Court, Cañon City**

I have only one new thing to add. I am really tired of the negative impact this has made on our personal water well and I am against it going further. I donate my time to Ms. Kay Hawkle.

**Jim Barton, 166 South Meadow Court, Cañon City**

You should have received a letter that Mr. Ed Franz and I made up and took into the County, which should have been distributed to you. Due to a comment that was made by one of the County people that the TAC organization doesn't represent all the people out there, I wanted to go around and talk to some of the people, many of whom are not a member of TAC, to see if in actuality their viewpoints are not being expressed. I made up the letter that you should have read, and out of 94 people that we talked with, 91 were in agreement with the statements that we made in that letter.

Let me say first, I am against uranium and radioactive exploration or mining, where many people live. Having said that, I have nothing against uranium mining, exploration, or the people involved in this proposed expansion of CUP 10-003; however, if passed, it must be carried out in a safe way for all the people who live in the Tallahassee area. If it cannot be safe, it should not be passed. It is my belief that the timing of this CUP request is premature and irresponsible. Any geography added to an existing CUP presents problems. Lessons learned from the previous CUP should be addressed and safeguards put in place by the County requiring a new CUP. This Board must first study and make recommendations to the BOCC that address migration of contaminated water under current geographical / hydrological conditions. Because:

1. No cement collars or pitless drilling was used in a down gradient of volcanic subsoil in the first 70-80 holes drilled by BRM. I don't remember exactly how many were drilled but there were a lot. Uranium exploration left evidence of contamination of water and soil in the Tallahassee area. Lessons learned should be taken seriously by the County and used for future mining applications. Many of BRM's key individuals have no previous uranium mining experience – a fact admitted to me by management of BRM two years ago at the first BRM open house. Inexperience calls for education of everyone involved, including County officials.
2. Buffer zones and setbacks should be increased dramatically for citizens outside of a CUP area given the down gradients of the geology and the volcanic subsoil.

3. Baseline water studies must be carried out prior to any proposed drilling.
4. Finally, keep the mining company accountable and responsible for the harm to the quality of our water and to those of us who have lost property value. Some recompense should be part of the County's CUP for those of us in this situation. It is the County's responsibility to insist on proper bonding to protect the rights and safety of its citizens. This was addressed with the \$250,000 and Mr. Lateer asked a very legitimate question – what does that do? In today's world it doesn't do a lot I don't believe. I am not an expert, but I know what properties cost. Start with a new and separate CUP; set the safeguards in place first or do not pass this amended CUP. Again, many residents of the Tallahassee area, 91 of 94 who we talked with, signed our letter, which you have a copy of, agreeing with the statements therein. Thank you for considering these important safeguards and a new CUP.

**Lezley Suleiman, 113 Latigo Lane, Cañon City**

I am the President of the TAC, also known as the Tallahassee Area Community. We are all aware that the rulemaking for HR 1161 is underway. This process can take months or even years to finalize. Not this time – because of the urgency felt by the citizens in Fremont County and elsewhere in the state, and at the request of concerned citizens testifying to the Mined Land Reclamation Board (MLRB) all over the state, the MLRB has ordered the DRMS to provide alternative and additional rule-making regarding pit liners for drilling activities including prospecting, providing copies and / or notices of intent to conduct prospecting to local governments, collection of baseline water quality information related to prospecting activities. The MLRB is meeting August 12th to discuss their language and the concerned parties' language on that date. The TAC is considered a formal party to that rulemaking. August 12<sup>th</sup>, in itself, is a very good reason to table this issue of the amendment to see what else the State may have to say. I have a letter and something from the MLRB to the TAC that I will distribute to the Planning Commission. Our BOCC wrote a letter to the Colorado MLRB on February 28, 2010 regarding the water quality in the Tallahassee Area as regards to prospecting – “Rulemaking comments, Uranium prospecting and mining.” The letter reads:

Fremont County is the site of a recent NOI to prospect for Uranium by Black Range Minerals (BRM). As such, we have firsthand experience with the varied issues associated with Uranium prospecting. We are also the site of the Cotter Mill, a Uranium mill that is also a Superfund site with many groundwater issues.

1. As a general concept, we are concerned about water quality. We do not know if BRM will find sufficient Uranium ore to justify mining, nor do we know if they will want to utilize in-situ leaching.
  - A. Groundwater characterization requirements should be standardized for all exploration, regardless of methods proposed or utilized for future extraction.
2. In the event that the operator is successful in finding a Uranium ore body, radionuclides will be brought to the surface into the drilling pits during exploration. There is the possibility of overflow, seepage, or breaching in heavy rain conditions or because of a drilling problem. Current MLRB rules consider exploration and site reclamation to be low risk and the rules do not require adequate containment or testing. However, groundwater contamination is a real risk for any DMO (*Designated Mining Operation*).

- A. Any drilling pit used in any exploration for Uranium should be controlled, and reclamation should address residual radionuclides and heavy metals brought to the surface before reclamation is complete. Removal may be necessary.
  - B. The Colorado Oil and Gas Conservation Commission has rules and regulations for management of drilling pits and well pads to protect surface water. Request that they be adopted in total during this rulemaking.
3. In Fremont County, many household wells are in the vicinity of BRM exploration, and all surface water is tributary to the Arkansas. Many municipalities rely on the Arkansas for their drinking water supplies.
- A. The definition of “Affected Surface and Groundwater” must extend offsite.
4. Our County is unique in that we require a Permit before prospecting begins. However, there was no requirement for DRMS to research our Regulations prior to allowing BRM to proceed with their exploration. There was no notification to the County and BRM drilled 70 – 80 exploration holes before we ordered a Cease and Desist, at which time they began our permitting process.
- A. Notification must be made to local government entities of a pending NOI for any prospecting / exploration. Those entities should be given an opportunity to comment. Although the proposed rules primarily address DMOs, similar notice should be given for all NOIs. It’s time for State agencies to coordinate with local entities during permitting. This would relieve the DRMS from researching all local regulations before proceeding, and from entering into countless MOUs with those entities.

Thank you for this opportunity to comment on these important topics.

This was signed by Ed Norden, Chairman, Mike Stiehl and Larry Lasha.

The MLRB sent a document to the TAC entitled “In the matter of proposed rules and amendments to the mineral rules and regulations of the Colorado Mined Land Reclamation Board for hard rock, metal and designated mining operations, explanatory statement of the Division of Reclamation, Mining and Safety for alternative and additional rule language submitted pursuant to the Mined Land Reclamation Board’s order of July 19, 2010.”

The attached submittal provides the additional material the Board requested from DRMS in its July 19, 2010 Order. The July 19 Order requested that the Division provide alternative and additional rule language specifically regarding: *(These are the first three recommendations in the document)*

- 1. Pit Liners for drilling-related activities (including prospecting).
- 2. Providing copies and or notices of Notices of Intent to Conduct Prospecting to local governments.
- 3. The collection of baseline water quality information related to prospecting activities.

*Ms. Suleiman distributed copies of the BOCC letter and the MLRB document to the Planning Commission.*

**Ed Franz, 120 Rosebush Road, Cañon City**

My name is Ed Franz; I am a resident at 120 Rosebush Road which is located off of County

Road 2 and within one mile of the current BRM permit for uranium exploration. I am a registered professional metallurgical engineer with over forty years experience in the metal and chemical industry.

In looking at the slides that BRM presented today, one comment has to do with the buffer they indicated – approximately a 5,000 acre target area where they were working, and approximately a 5,000 acre buffer area. This sounds substantial, but to me it is imaginary, because when you look at the actual CUP boundary line, it allows them to do exploratory drilling within 500 feet of drinking water wells. I think there needs to be a more substantial boundary.

In looking at their drilling practices, it looks to me like business as usual and nothing new based on anything learned in the last two years.

I believe this BRM application for modification of their existing CUP should be tabled. It is my opinion that BRM has not performed as they promised and as a result they are endangering the health and safety of the public. The Fremont County Zoning Resolution, paragraph 1.3 states, "These regulations are designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Fremont County". The Agricultural Forestry Zone District, paragraph 4.1.1 states, "...established primarily for the purpose of efficiently using land to conserve forest resources, protect the natural environment, and preserve uninhabited areas and to allow for farming and ranching activities". The natural environment has not been protected.

You have received a letter signed by 90+ residents of the Tallahassee area recommending the incorporation of lessons learned from past uranium exploration into this new application. Water test data indicates that area water wells have been damaged by uranium exploration activity. It is my opinion and the belief of the 90+ signers of the letter that all individuals and entities involved in the uranium exploration activities, past and present, should be held accountable to the maximum extent possible for damages. A process should be established to compensate landowners for damages to water and property value before additional exploration is considered. Also, scientifically determined safe practices such as buffer distance, waste pit design and management and drilling practice and its supervision should be in place before additional exploration is considered.

Since BRM drilled boreholes during 2007 and 2008, some area residents have experienced a steady increase in the uranium content of their drinking water wells. Initial test data was within State limits but values have increased and are now over State limits. Western Water and Land stated in their 2009 Progress Report to the County that additional sampling events will allow for the assessment of statistical variation of the data with time and season. We welcome these additional data. Our observation is that the area ground has significant elevation changes. It is volcanic and likely contains many fissures that favor the fast migration of contaminants to area water wells. This steady increase in contamination has caused people to make alternate arrangements for drinking water at their own expense. We expect the number of people impacted by uranium contamination to increase since the migration of contaminants through the soil is time dependent. A historical summary of test data adds support for area land owner claims for damages.

- 16 of 17 pre-exploration drilling water quality tests taken in the Tallahassee Area by the

USGS in 1976 were substantially below the 30 ug/L Colorado Water Quality standard.

- The only test area that was above the limit came from a spring down-gradient of the abandoned uranium mine on CR 21A. This site has had the highest reading reported in the Tallahassee Area and is four times over the limit.
- A 1978 pre-drilling test on the Taylor Soda Spring was 38 ug/L. In 1980 after uranium exploratory drilling the same spring tested 110 ug/L (almost tripled in two years).
- Salt Creek was contaminated during all four quarters in 2009.
- Cottonwood Creek was above the limit at two locations in the first quarter and one location in the fourth quarter of 2009.

In my opinion, BRM has not operated responsibly. On September 9, 2009 BRM submitted a letter to the Colorado Division of Reclamation Mining and Safety which stated the following:

“Prior to recommencement of our Taylor Ranch uranium project in 2008, Black Range Minerals became aware that an exploration hole drilled in November of 2007 had an artesian flow. The hole was immediately adjacent to a permanently flowing tributary of Squaw Creek and on water saturated ground ...”

This was a violation of State regulations and suggests that borehole water contaminated with uranium flowed to surface water for several months. Squaw Creek runs West to East parallel and alongside County Road 2 and into Cottonwood Creek. According to the report by Bruce Smith of Western Water and Land to Fremont County Commissioners dated 3/17/10, monitoring stations on Salt Creek, Cottonwood Creek, and North Tallahassee Creek have shown uranium concentrations that exceeded drinking water standards.

BRM's new application for uranium exploration at South T-Bar has potential for the contamination of subsurface and surface water. Landowners have known that this area has had a number of past wells with extraordinary artesian flow. BRM has not demonstrated the ability to control artesian flow in a timely manner like the events that occurred on the Taylor Ranch in 2008. An earlier geologic report requested by the South T-Bar developer stated that the drinking water aquifers lie above uranium deposits. This geologist recommended that domestic drinking water wells be drilled no deeper than a few hundred feet to stay above uranium deposits. BRM will be penetrating through these aquifers and into the uranium deposits. The risk for contaminated drinking water and its migration off site is undeniable.

When considering the importance of the quality of surface and subsurface water for the area residents and all people downstream along the Arkansas, County officials must demonstrate caution in protecting the health and safety of Fremont County residents. A complete revamp of BRM's drilling practices, waste pit design and management and buffer distance to drinking water wells and surface water should be submitted for consideration. The buffers should be based on science and testing. In addition, a process must be developed to compensate people for damages.

Thank you very much for allowing me to speak.

Vice Chairman Schnobrich stated that there isn't time for speakers to read the letters that you want to submit to the Planning Commission. Please highlight what is in your letters and then

give us a copy and we will try to review it. We are getting overwhelmed with an awful lot of information. Some of it is substantiating what others have said. It is important information, but we need to get this digested better. If members of the public continue to read the letters, we will start losing concentration. If anyone has a letter that they want to submit, you are welcome to do so, but I can't allow it to be read to us. You need to highlight it to us. Otherwise, your message is going to get lost in the drone of the whole process.

**Richard Seger, 1147 Allen Road, Cañon City**

I am against this application that has been presented today.

**Nancy Seger, 1147 Allen Road, Cañon City**

I am opposed to this amendment. I followed the rulemaking for 1161, and the amazing thing to me about the process was that over that entire period in all of the sessions that were open to the public that I attended, I did not hear one person from the mining industry say that they oppose any changes in the rulemaking process or uranium prospecting. That tells me that the comments that were made from not just Fremont County, but from people all over the state of Colorado that we are all one voice that we need to be more protective, especially as far as our water quality is concerned. After following the process and realizing that the things that we brought up are viable and meant a great deal and are being considered, that we need to table or at least start all over, because there are going to be rules in place. I am afraid if this CUP goes through the process it will be grandfathered in ahead of this rulemaking process.

**Anita Minton, 12150 Highway 9, Cañon City**

I am against this CUP and I give my time to Ms. Kay Hawkle.

**Sharon Cunningham, 1614 Grand Avenue, Cañon City**

I am speaking for myself as a citizen and I am also co-chair of Colorado Citizens Against Toxic Waste. I am also a mining and milling uranium specialist for the Sierra Club in the state of Colorado. That is because our group here in Cañon City started studying uranium recovery, its effect on our environment, and on human health over eight years ago and we have spent many hours of volunteer time learning about this. Our recommendation is that you either table this proposal for this amendment or deny it. It is based on our concern about water contamination. That is one of the things that needs the most extensive study because once water is contaminated, it doesn't go away. I have two wells that were first contaminated in the 1960s and they are almost at the same level of contamination right now. That is 50 years. Once it is wrecked, you can't fix it. I think there is some new evidence now that BRM has affected the water quality in the area where they have done the exploration and areas bordering it. It should be a very transparent process and the County should have time to really evaluate that before moving forward. Basically, I agree with issues about finding some kind of baseline to help evaluate whether the groundwater has been affected or not, and I agree with Mr. Meyrick and Mr. Alter about that. The last thing that our group is concerned about and that we would like to request is that the County require baseline groundwater monitoring before any new exploration begins for any area proposed in this new CUP. Adding a new exploration area gives an opportunity now to do water sampling before the exploration starts, so that then one or two years down the road you can tell if the contamination is increasing. I believe that County regulations for the permit allow for this baseline monitoring requirement. I found it interesting in the Power Point presentation from BRM that a slide listed the things they were going to do. One of the things was get a baseline for air quality, and get a baseline for wildlife, but I don't believe it said a thing about getting a baseline for water. I find that very suspicious. Why

wouldn't that be on that slide? I believe the County can require this and at this time this does not fall under reclamation. Therefore, such a requirement is not preempted by the State laws or regulations. I thank you all for the job that you do. It is selfless work for our community, and thank you for letting me comment.

**Tom Berry, Penrose**

I oppose this amendment. I agree in principle with the earlier speakers, Mr. Meyrick and Mr. Alter. Thank you, members of the Planning Commission for the difficult work you do and the effort that you are making to protect our County.

**Paul Maye, 72 Pleasure Trail, Penrose**

You gentlemen may wonder why there are people here from all parts of the County to address an issue in the Tallahassee Area. It is because of the overarching issue. We have all run into some common questions, when mining interests come together and get in close proximity with residential areas. I will be short because you have heard my opinions on this before. I won't belabor them, but it is extremely important that we all understand the need to address the most singular issue in the County. This has taken up your time, the BOCC's time to an inordinate extent, and a lot of it is due to the inability or the unwillingness to determine what constitutes a safe buffer zone and distance between mining industry which is an integral part of our economy and we need it, and residential development which is equally important. We support what these folks are doing. There is another overarching subject here. We are an alliance of alliances. I was the founder of and still chair the East Fremont Alliance. We joined together to protect the interests of the people in Fremont County. The mining industry is powerful, they have a lot behind them, they can roll out the money for lawyers and so forth. You people represent the folks here in Fremont County as well as the industrial interest and need to make that balance. I agree and recommend the tabling approach, because I think it needs to be tabled while you look at these questions – Is there enough different? Is there enough that does not fit comfortably into the old application? Should this in fact require a new CUP, updated with recent information, revelations, and studies? I sense from the evidence I have heard tonight about everything that is so different about it and the lack of clear and concise evidence for it, that this may require a new CUP. I'm not expert on that. It is your job, and it is a tough one, but I hope you consider it. One thing I want you to keep in mind is another overarching element. The people who say we want responsible regulation of an industry and we want them to live up to industry standards, get personally attacked, they get marginalized, they get denigrated, and they get labeled as a small group of troublemakers. You may even hear this from some of the County staff, and that is really disturbing. It is even in writing in some places. I won't go into that any further, but you must keep in mind that these are not wild-eyed activists. We have broad interests; we have broad objectives; we have the entire economic development of the County at heart; we have done our homework. Just because we are here before you more often than other people shouldn't make us an object of denigration or an object to try to marginalize the folks here. You need to take their information and look at it very carefully. Table this until you have time to evaluate whether this should require a new CUP.

**Kay Hawlee, 1739 FCR 21A**

I am opposed to amending this CUP. What is new since we've been here last, on April Fool's day of 2008?

What is new is that we have found out that "The U.S. Geological Survey, in cooperation with other government agencies, stakeholder groups, and private entities, is maintaining a water-

quality database for selected study areas in Colorado. This database combines water-quality data from the USGS National Water Information System (NWIS) and the U.S. EPA STORET databases.”

It turns out that the Tallahassee Area was one of those selected study areas. So there really is a true water quality baseline that was taken by USGS in 1976 and again in 1978, which is prior to any exploration in the Tallahassee Area. (*Ms. Hawkleee gave a slide presentation of the water sampling that was done in the area.*)

In 1976 there were seventeen samples taken by the USGS. Out of those seventeen samples, there was only one that exceeded the Uranium standards. That one sample was taken from a spring and is right below the abandoned mine off FCR 21A. That spring tested at 130 micrograms per liter. The standard is 30. We think this uranium mine was dug in 1956, so twenty years later down-gradient of this abandoned uranium mine, the water in that spring was at 130.

At a sample taken at Autumn Creek in 1976, the level was 4 micrograms per liter. We have heard testimony today from many domestic well owners in Autumn Creek that their values have gone up each time they have been tested by BRM. In 1976, Autumn Creek was not contaminated.

There were 25 water samples taken in 1978 by USGS. Out of the 25 samples, two were contaminated. One was the Taylor Soda Spring. In 1978, the level in that spring was 38 micrograms per liter. In 1979, they explored 700 holes on the Taylor Ranch. In 1980 the uranium had increased to 110 micrograms per liter, in two years. In between those two samples, uranium exploration took place. We believe that the soda that leaches from Taylor Soda Springs helps to mobilize uranium in the area. We were told by a scientist from the Pueblo USGS Water Science Center that that is how these processes occur. That is how they do ISL (*in-situ leach*) mining. They inject bicarbonate of soda to mobilize the uranium. If you have soda in the area along with exploration, with unlined mud pits, you have a higher probability, in my opinion and also in the opinion of the USGS scientist, that there will be mobilization of the uranium in the area.

In 1979, Salt Creek was contaminated in two places. One of those samples was 114 micrograms per liter. Again, the standard is 30. Cottonwood Creek was contaminated east of the Taylor Ranch.

USGS data gives us longitude and latitude, which we can put on Google Earth and be sure it is going in the right place. The BRM coordinates were not correct. The Colorado Geological Survey Map Specialist agreed that the coordinates were not correct. BRM is the only one with that data. USGS cannot give us that data because it is confidential. The 1979 data show that an area near Hansen called the Mill Area Alluvium was contaminated, the Picnic Tree Mine area was contaminated, and the Hansen Pit Perimeter was contaminated. This was after Cypress’s exploration in the area.

In 2009, Salt Creek was contaminated all four quarters, one site on Cottonwood Creek was contaminated two quarters, and another site on Cottonwood Creek was contaminated for one quarter.

At the Abbey meeting, we spoke with Whetstone Associates. They said that one domestic well that they measured has 130 micrograms of uranium in it, which is four times over the safe limit. Another thing we now know is that the Gross Alpha in the domestic water wells ranges from 0 to 330 picocuries per liter. The EPA says the safe limit is 15. Someone already has 20 times the safe drinking level in their well. The average for Gross Alpha over 109 test samples was 38.2, which is double the safe drinking water standard. The water in half of the 31 wells was contaminated by gross alpha.

We now know that the average dissolved uranium in domestic water wells over 109 samples is 22 micrograms per liter, which is just 8 micrograms under the safe limit.

There is some good news coming. The Mined Land Reclamation Board who makes the mining rules for the state of Colorado for DRMS has suggested updating the rules for prospecting. We thank the BOCC for writing the letter that Ms. Suleiman read to you that requested that they update their rules. That is a new thing. We believe that this happened not only because we've been attending MLRB public hearings and asked for this to happen, but also because of the BRM artesian flow well. We were able to provide that information to DRMS. That hole flowed from November of 2007 to sometime in 2008 after they resumed their drilling, which was late in 2008, because we were all here through the Summer of 2008. The hole was 960 feet deep and "...was immediately adjacent to permanently flowing tributary of Squaw Creek and on water saturated ground." I don't think that is best practices to allow that to happen.

They may not have fences around the mud pits on Taylor Ranch, depending on the cattle. What about the deer? What about the elk? I think this is hardly a strict measure for protecting the environment. Unlined mud pits are on their way out. Texas doesn't allow them, Virginia doesn't allow them, Michigan is so strict that they require a 20 mil liner and they tell them exactly how the liner is going to be laid down. We all know how important that is because of the Cotter situation.

There is a large volume of water that flows out of our area – Cottonwood Creek, Tallahassee Creek, Hall Gulch, Fear Creek. The Water Quality Control Commission said "The lower segment (Lower Tallahassee) was found by the Commission to be a perennial stream which contained a viable trout fishery." That is all downstream of this proposed project.

When Cypress did their mining permit, they tested thirteen domestic water wells within a ten mile radius of the project. Many more domestic water wells are in the area now.

Something new came out of the Planning Commission last summer. That was an acknowledgment by 6 of the 7 Planning Commissioners that a Designated Mining Operation – which is what Uranium Mines are now required to be – is more harmful than a gypsum mine. The Planning Commission stated that fact publicly and that is new.

What else is new is that BRM wants to drill on South T-Bar. That's new. And it should require an entirely new CUP. New people will be affected. We don't think that the application is complete in terms of the people that are listed to be notified. 107 people are listed to be notified now. It was 44 before. There are new roads and new creeks.

The old permit hasn't been active for twelve to eighteen months, as stated repeatedly by Mr. Haynes at the Abbey meeting.

Another new thing was the permit that BRM got from the state, from DRMS. They didn't "amend" their State permit, which is where the actual word "amending" is applied to amending a permit. Why didn't they amend their permit with the State? Why amend their County permit but get a new permit from the State?

What else would be new is BRM drilling monitoring wells like they said they would. You heard from Mr. Alter that BRM really had no intention of drilling monitoring wells because they would cost around \$300,000, as they said they would do in their water monitoring plan for the last CUP. What we heard at the Abbey was that BRM was glad that they hadn't spent the \$300,000 on monitoring wells because now the area of focus has shifted. It is not the Taylor Ranch anymore, so they felt that would have been a waste of money. Now they want to do this activity on South T-Bar. Are the proposed monitoring wells actually going to be drilled, or are they not going to be drilled?

Another new thing would be for this County to put the quality of its water before industrial activity. It would be new for the County to actually take proactive measures to stop water from being contaminated; instead of just observing, watching and measuring the contamination as it rises. In the County regulations there is a question, question Q, which asks if there will be any pollution. The County can ask for a baseline. That is not a reclamation standard. You are not preempted by DRMS from asking them to go out and collect baseline measurements before. Reclamation standards are pit liners and that kind of thing. You have it in your regulations to ask for water monitoring. That's why the County was able to hire Mr. Smith as their independent consultant, because that is not a reclamation standard.

We are not sure if these new MLRB rules are going to be applied to this NOI. BRM could voluntarily agree to follow the new standards. The public hearing oral part of that process has been closed. They have put out some of their own language on requiring this for prospecting, which is a huge step forward and is very new for the state of Colorado.

I can only hope that today you heard that the water quality in 1976 and 1978 as measured by the USGS was good, before 1300 very closely spaced holes were drilled in the area. I urge that the County follow its Master Plan that says the primary non-agricultural land use will be residential. I urge that the County follow the Zoning Resolution and make this into a new CUP. Also, I want you to know that Chaffee County took several months on the Nestle project that happened in their county. They had at least three public hearing meetings. They didn't try to cram it all into one day. If everyone hadn't been heard, they put it over to the next month. It took at least three months, and their decision took many more months after that. I urge you to do the same thing, because the ore is not going anywhere. Thank you very much.

## **END OF PUBLIC INPUT**

Vice Chairman Schnobrich stated we have certainly taken a lot of information in over the last three hours. I can't recall a more intense Planning Commission meeting in years. I am a little overwhelmed by all the information. We can ask BRM to respond tonight, or we can table this for the next meeting. That would give BRM time to look at what was said so they can prepare a good response. Also, I think we should ask staff for some additional input. We can do that or we can take a short break and continue on. I have a feeling that after three hours we are overwhelmed. What does the Planning Commission want to do?

Mr. Alsup asked Mr. Vallerine if he would like to respond now.

Mr. Vallerine answered that he is prepared to respond now.

Vice Chairman Schnobrich asked if the County regulations are adequate for uranium mining. Some of these issues should be looked at in more detail by the staff. We have reviewed the regulations for wind farms, and I think that is a good idea for uranium mining as well, to make sure our regulations are addressing the issues that have been brought up. If the regulations are not adequate, we can recommend modifications to the Commissioners, or we can move forward if they are adequate.

Mr. Robinson said we need to take an official vote whether or not to table this issue, but I would like to have BRM's response while the rest of the information is still fresh in my mind, instead of waiting another month. I would prefer to continue on. If you want to break that is fine, but I would like to hear the counterpoint to some of these issues that have been raised.

Mr. Alsup agreed.

Mr. Robinson said he would like to defer the decision on whether to table this item until we have heard BRM's response.

Mr. Vallerine noted that Ms. Hawklee was happy to characterize the 1976 and 1978 USGS data as baseline before BRM started drilling, yet there were sixteen operating uranium mines between 1954 and 1972. The water quality was clean and they were mining. Does that show that mining doesn't contaminate the water? It certainly doesn't necessarily say that our exploration will contaminate the water. The results are favorable.

Mr. Alsup asked how many mines were operating.

Mr. Vallerine answered I believe there were sixteen mines operating between 1954 and 1972, and the water quality data that Ms. Hawklee presented was from 1976 and 1978. The Hansen ore body was discovered in 1977. The 1976 data was before the drilling and the 1978 data was during the drilling, but it was all after completion of sixteen mines. Those mines are not reclaimed to today's standards. There are holes left in the ground.

Mr. Alsup asked if those were actual mines or exploration.

Mr. Vallerine answered those were actual mines. One of them was quite a large pit. I believe the one Ms. Hawklee had a photo of produced about 100,000 pounds of uranium. Whether that water data is true baseline is still under question, and it was clean.

Mr. Vallerine responded to the following points made by members of the public:

- Mr. Alter talked about our baseline monitoring program, and I want to point out that is not a requirement of the Zoning Resolution. There is no requirement of the DRMS to do that. That was something we volunteered. Another complaint was that the Planning Commission didn't get to see the baseline monitoring program. After the comments of the Planning Commission and the community in 2008, BRM developed that baseline monitoring program. In effect, it was a response to the meeting, and that is why it was submitted so late. Mr. Alter said that the Planning Commission and the Planning staff didn't have a chance to review the program, but we met with Mr. Smith, he made his comments, and we made changes. So in effect, it was reviewed by a County representative, and the BOCC tabled their meeting twice, so they had time to review it as well.

- One comment was that the list of adjacent property owners is not complete. All the data is from the County website, unless there was human error. We will go back through that list again. It is a requirement to send out notification to the adjacent property owners prior to the BOCC meeting. The Land Use Technician will check that list and if there are any errors, they will be fixed.
- There is Quiet Title action going on and there is a dispute over ownership of the mineral rights of Hansen. As it presently stands, we have an agreement with the parties on both sides of the argument. We have effectively circumvented that Quiet Title action, in that whoever wins, we have done a deal with them, for 100% of the mineral interests of the Hansen.
- Ms. Hawklee talked about the additional language of the DRMS, and tabling the decision until we hear what they say. I am not sure what is going to happen, whether it will happen on August 12<sup>th</sup>, whether it is going to happen another six months from now. These things take time. Another thing is the language actually says “at the discretion of the DRMS” and it is considered on a case-by-case scenario. There is good potential that the DRMS will not require us to line our pits and do baseline studies prior to exploration.
- There were comments that Mr. Smith has suggested that surface water and domestic water have been adversely affected and levels have steadily increased. I have reviewed the data and I have read Mr. Smith’s report, and I haven’t come to those conclusions and neither has Ms. Wyman. I haven’t personally spoken to Mr. Smith about it, but I am not sure where everyone is drawing those conclusions from. Maybe I need to do more work, or Ms. Wyman needs to do more work, or I need to speak to Mr. Smith. I have not drawn the same conclusions that people in this room have been drawing tonight.
- There was another comment that BRM is done with the Taylor Ranch CUP. I don’t know where that came from. It certainly didn’t come from our annual report, and it didn’t come from Mr. Haynes. We are fully committed to continuing with Taylor Ranch, in particular the State section, which borders the Hansen. There is some excellent uranium, and we have even considered proceeding with that deposit alone if it was too difficult to obtain the Hansen. We have considered drilling that area out and doing mining studies on that area by itself, and that is on our original CUP.
- Everyone is calling for us to do a new CUP application, but I don’t know what extra data I could put in a new CUP application that is not in this modified one. I have all the other permits, the BLM permit, the DRMS permit for the new area. Everything that would go into a new CUP application is currently in my modified CUP application.
- Another issue that comes up a lot is water rights. Sure our water rights run out and we renew them annually. I understand that they don’t last for the duration of the current CUP, but there is a condition that clearly states that if we do not have water rights, we cannot use water and we cannot drill. Effectively, if we don’t get another lease in two or three month’s time, we cannot drill. The exchange agreement is approved by the Division of Water Resources. That is not the jurisdiction of the County, although it is the County’s responsibility to protect residents. In that administrative exchange, there is a condition that says downstream water users will not be injured. It is up to the Water Commissioner to make that determination. When we are actively using water, we send him a report every

week telling him exactly how many gallons we used, and where we pulled them out (the same spot every time). He is well-equipped to make a decision if we are injuring any downstream users. I have spoken to all of the downstream users of the water except for one, and they haven't had a problem with our activities at all.

Mr. Vallerine asked Ms. Jackson what the implications are of the Planning Commission tabling the decision tonight. When do they have to make a decision and when can this item go on the BOCC agenda for a Public Hearing?

Ms. Jackson responded that the regulations provide that an item can be tabled until the next meeting. The Planning Commission has to make a decision at the next meeting.

Mr. Butler stated that the Public Hearing will be at least 14 days after the Planning Commission meeting, at the next regularly scheduled BOCC meeting.

Ms. Jackson said the earliest would be the second Tuesday in September.

Mr. Vallerine asked that if the Planning Commission decides to table the hearing, I would like this to go on the earliest possible BOCC meeting agenda. In this time, the BOCC still has time to review the application and they will be awaiting the Planning Commission recommendation. That shouldn't delay placing us on the agenda.

Vice Chairman Schnobrich said he expects the permit will be reviewed based on some of the comments that have been made and some of the information that was brought in. We should be able to move forward on most issues without delay. The majority of the permit process looks like it is pretty well done. I am concerned about some of the issues that were raised such as whether BRM complied with the previous permit. That should be looked at closely. That goes to the core of their credibility, which is very important. I have questions about whether the County has the ability to regulate the mud pits. It sounds like the mud pits could be a serious problem, especially wildlife getting into them, and heavy rains. I would like to see the staff review the information given this evening and come back to the next Planning Commission meeting to say that our regulations are adequate to address the problems that have been identified here. I would feel better moving this item forward to the BOCC with that work done.

Ms. Jackson stated that even if the regulations are inadequate, the current regulations as they exist apply to this application. Any amendments to the regulations would not apply to this application. The regulations as of the day of submittal are what apply; whether they are adequate or not is really irrelevant.

Vice Chairman Schnobrich said that under the Conditional Use, we would be allowed to recommend some additional requirements, such as on mud pits, and that needs to be addressed. We should be looking at what we can do to mitigate. I do have concerns over the mud pits. They could be a disaster if not done right.

Mr. Robinson said he is not comfortable with mandating mining practices. I am not qualified to do that. I would leave that to the DRMS. We do want to protect our citizens and our water resources. He asked staff if this application is suitable as an amendment as opposed to applying for a new CUP, under the circumstances that another basin and another access are involved.

Ms. Jackson answered that under the regulations, we view this as an expansion of the existing permit. You can certainly look at the issues underlying the additional area in examining

whether or not this should be approved. This is not the first time that the County has treated an expansion of a mining area as an amendment. The pit up on Barrett Road increased their acreage by more than four times the existing acreage and that was treated as an amendment. Parkdale Quarry, which is now Front Range Aggregates, increased their area by almost double, and that was treated as an amendment. It has been County practice and policy to treat expansion of an area, as long as it is an adjacent area, as an amendment or modification to the existing permit. We are acting consistently with past practices that the County has done.

Mr. Robinson said one of the requirements of the CUP is traffic studies and other analyses. Is the information that is already in the packet sufficient in your mind, that they addressed the other access issues and the other creek and water sources? Do you think that should be analyzed in addition? We don't have that information at this point.

Mr. Butler responded that the traffic was analyzed by the County Engineer and his answer is in the information packet, and he didn't see a substantial increase.

Mr. Vallerine stated that if one traffic study is done for Taylor Ranch, and another traffic study for the Hansen area, and they are done separately, there would be half the traffic for each, because half the traffic is going to South T-Bar and half to Taylor Ranch. This would appear more favorable because the traffic would be split over two CUPs. Combining the traffic is worst case analysis.

Mr. Robinson asked if the County has access to Mr. Smith's testing.

Ms. Jackson answered Mr. Smith didn't do independent testing. He analyzed the testing of BRM.

Mr. Robinson said that is his concern. We have a third party indirectly; we don't have a third party directly. Western Water and Land is verifying BRM numbers, but they are not doing their own testing.

Mr. Vallerine asked who would pay someone to come out and sit on our shoulder to make sure we are doing it right. There has to be some kind of trust.

Mr. Robinson said the perception of the public is that you are guarding the hen-house.

Mr. Vallerine said BRM is not doing the testing. The person who is doing the test sampling works for Whetstone in Gunnison. I don't know how I can make people happy about that. Who is going to watch the watcher; and then who is going to watch the watcher who is watching the watcher? How far do you go?

Mr. Robinson said the biggest issue I have heard tonight is water – water quality and water testing. There really isn't a clear, transparent process here.

Mr. Vallerine said that Mr. Smith's report was sent to the Planning Department. It is quite a lengthy document. It has an excellent summary on the mud pit sampling issue; it talks about how the mud used in the mud liner sucks the uranium out of the dissolute water and crystallizes it on the clay. That should answer some questions about the method we are using for our mud pits. If you use a liner, all you are going to do is fold the liner up and bury it. The only other option is to pull the liner up and take it away, but where do you take it?

Mr. Robinson asked if the County Engineer has reviewed Mr. Smith's report. That would be an important ingredient in this decision. If the County Engineer is happy with what has taken place, then I would feel much better responding to these people who express this concern.

Mr. Vallerine noted that the person who wrote the report was employed by the County. Mr. Smith has nothing to do with BRM. He gets our data and interprets it himself. He may ask Ms. Wyman a few questions.

Mr. Robinson asked if it is reasonable to have the County Engineer review Mr. Smith's report.

Ms. Jackson answered that the staff would ask the BOCC for that authorization.

Mr. Robinson said that at this point we do not have adequate information to decide. I am in favor of tabling the item at this point.

Mr. Alsup noted that there are two members who are not here tonight and have not heard anything that has been discussed. They will be back next month and will be working with less information than we have. I would almost rather finish this tonight myself, but I will go along with what the board decides.

Ms. Jackson said we will encourage the absent members to listen to the tapes and review the minutes, which are generally very thorough.

#### **MOTION**

Mr. Robinson made a motion to table CUP 10-003 Taylor Ranch Exploration / Black Range Minerals Colorado, LLC 1<sup>st</sup> Amendment until the September 8, 2010 Planning Commission meeting.

#### **SECOND**

Mr. Tom Doxey seconded the motion.

Vice Chairman Schnobrich called for a vote, and the motion passed unanimously. (5 of 5).

Mr. Alsup noted that the September meeting will be on September 8, which is a Wednesday.

Mr. Vallerine stated that he would not be able to attend the September 8 meeting, but would send a representative.

**6. OTHER ITEMS FOR DISCUSSION**

Vice Chairman Schnobrich stated that he had a good meeting with the County Commissioners regarding the last Planning Commission meeting. Ms. Bellantoni does an excellent job on presenting her cases for her clients and I have no problems considering the applications she presents. There was some misunderstanding, but that has been adequately addressed and we will be able to move forward. I also truly appreciate the input from our staff. I think they do an excellent job. Our job is to challenge them. We need to bring out our concerns, and they have been very good at answering the questions we need to address.

**7. ADJOURNMENT**

With no other items for discussion, Vice Chairman Schnobrich adjourned the meeting at 7:40 p.m.

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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

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DATE