



October 17, 2022

Chad Stewart
Forest Supervisor
GMUG National Forests
2250 Highway 50
Delta, Colorado 81416
Submitted electronically

Re: Comments on Mt. Emmons Land Exchange Proposal

Dear Mr. Stewart,

Thank you for the opportunity to provide comments on the proposed Mt. Emmons land exchange. The Information Network for Responsible Mining's mission is to monitor the hardrock mining industry across Colorado in order to educate the public and address the impacts of mining.

INFORM is appreciative of the many years of discussions and sustained efforts from the major parties involved in developing this proposal and bringing so far along a resolution that will ultimately provide significant benefit to the local community and residents of Gunnison County. INFORM supports a land exchange involving these parcels that ultimately leads to the permanent and conclusive end of mining on Mt. Emmons and a sustained protection of the environment and natural resources there.

As proposed, the public lands conveyed to the Mt. Emmons Mining Company would be protected permanently by conservation agreement and mineral extinguishment agreement. The Forest Service should incorporate these agreements into the final Record of Decision and stipulate their execution as a condition of approval. It is also imperative that the Forest Service support the permanent withdrawal of mineral rights from the remaining public lands surrounding Mount Emmons, now subject to a 20-year administrative withdrawal as announced by President Biden on Oct. 12, 2022. In order to guarantee that mining will not occur on Mt. Emmons in the future and to protect the foundational integrity of this land exchange, the Forest Service must support not only the administrative withdrawal but also a permanent withdrawal of mineral rights from the public lands on Mt. Emmons. The final execution of these agreements should be clarified in the land exchange so that the public can be certain that it will happen. Additionally, the Forest Service should segregate the mineral rights for the maximum five years on the acquired lands, following the exchange.

The stated purpose for the proposed use of a categorical exclusion for the land exchange is only acceptable because of the immense public value proposed in this exchange and because it presents a final resolution to the local conflict over Crested Butte's Red Lady.

The uses of the exchanged lands must “remain essentially the same” and should not have a “significant effect on the human environment.” If the exchange is conducted under a categorical exclusion, the Forest Service should release all future studies, analyses and documents publicly and allow for additional public comment. The Forest Service should publicly release the property evaluations conducted as a basis for the land exchange, cultural and historic resource assessments, biological assessments, environmental assessments, feasibility analysis or other documents prepared for the land exchange. Prior to the final Record of Decision, the public should be provided with an additional comment period to review documents released during the land exchange review, regardless of whether they are normally offered when categorical exclusions are utilized. This current comment period provided for scoping should not be the only opportunity given to the public to review such a significant proposal, especially in light of the use of a categorical exclusion that truncates the process for public input.

Under the exchange, the Mt. Emmons Mining Company would acquire public lands that currently site the Keystone Mine water treatment plant, tailings facility, mine structures, wastes, ponds and other mining-impacted lands. While this reduces fiscal liabilities for the public, it also reduces the public’s opportunity to comment and engage in any reviews over future remediation and reclamation activities at the Keystone Mine. Therefore, it is critical that the State of Colorado discharge and stormwater permits are updated and renewed, including a review of the financial assurances, in order to continue to ensure that water quality standards are met in the receiving stream. It is not entirely clear from the scoping documents what the final outcome for all the water rights currently held by MEMC will be, and these details, too, should be answered in a publicly released water rights analysis. Water rights should be mandated to preclude future uses that would facilitate industrial or residential development on traded lands.

Overall, the proposed land exchange presents a great step forward for the local community, as long as the stated conservation goals are brought to fruition and the conservation easement and mineral extinguishment agreements are executed. INFORM appreciates the opportunity to comment on this outstanding proposal.

Respectfully submitted,



Jennifer Thurston
Executive Director