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Comments: See attached comments

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To: USDA - GMUG
From: Margaret Staub, Ouray Silver Mines, Inc.
Date: November 26, 2021
Subject: Comments on the revised Draft Forest Plan - GMUG

Ouray Silver Mines Inc. is submitting comments on the Draft Forest Plan Revisions presented by the USDA, Forest Service with regards to recommended wilderness designation in the Grand Mesa, Uncompahgre, and Gunnison National Forests (GMUG).

First, OSMI would like to point out that the Forest Service did not follow proper public comment procedures when soliciting comments on the four alternatives in the Draft Forest Plan. Information important to the assessment of the alternative was not made available to the public in a timely manner, which limited informed public comment. OSMI suggests that the Forest Service extend the public comment period for 60 days to allow the public time to review the information more thoroughly and to provide more informed comments.

With regards to the four alternatives presented in the Draft Forest Plan, OSMI does not support alternatives A or C, as they fail to capture the Core Act wildernesses, which were subject to extensive stakeholder interaction and have broad support, including OSMI support. OSMI does support Alternative B and also would also support Alternative D if certain special management uses or additional conditions could be included in the designation. The remainder of our comments will focus on our comments regarding Alternative D.

OSMI owns and operates the Revenue Mine located in Ouray County, CO, which is a small underground silver mine that supplies vital raw materials to the renewable and electric vehicle industries. OSMI employs more than 100 people in Ouray County and participates in numerous community programs and county-wide outreach efforts that support outdoor recreation and wilderness designations. We are firm believers that mining can be done responsibly and in harmony with other are interests.

OSMI's interest in Alternative D stems from the fact that OSMI owns or leases several patented mining claims that are adjacent to or within the recommended wilderness area to the east and southeast of the town of Ouray, CO. These claims are located in the northern most portion of the proposed Bear Creek area, which is included in the GMUG Recommended Wilderness-Alt D Designation.

OSMI understands that only Congress can officially designate an area wilderness through legislation. However,

the Draft Forest Plan explicitly states that the Forest Service intends to manage the area as though it were designated wilderness even prior to action by Congress. Maintaining access to mineral resources on public lands is essential to OSMI's business and future growth and critical to the ongoing economic sustainability of Ouray County. While OSMI does not oppose Alternative D, particularly in the Bear Creek area, it would like to ensure that unpatented claims with locatable minerals will remain available for location even with a wilderness designation underway. We understand this practice is common in the West Elk Wilderness Area and other areas throughout the state and request that any designation in Ouray County include the ability to access and mine locatable mineral resources.

To be clear, OSMI has no intention of constructing surface operations or roads in the proposed designated wilderness areas identified in Alternative D. However, OSMI would like to ensure its ability to stake claims and conduct mining on Forest-owned claims is maintained consistent with 36 CFR Section 128.15 and consistent with the General Mining Act of 1872.

OSMI's concern is the Draft Forest Plan does not explicitly address mineral resources and how locatable minerals will be handled under Alternative D. Rather, the Plan states that it continues to support development of energy and mineral resources without making mention of whether that is the case in the proposed wilderness areas or is just limited to the general forest areas. The table summarizing the different alternatives in the Draft Plan only mentions timber harvest for each of the alternatives but is silent on mineral resources. OSMI requests that the Forest Service include locatable mineral resource development consistent with 36 CFR Section 228.15 and the Land Management Planning Handbook Chapter 20 in each of the alternatives, including the wilderness areas identified in Alternative D. OSMI would support special management areas or special area emphasis in the section of lands immediately to the east and southeast of the town of Ouray near County Road 14. Presumably this would allow for Forest-owned claims that are adjacent to patented claims to be leased through a Fringe Lease or some other program.

The Forest Service's management plan supports this sort of activity on wilderness areas. 36 CFR Section 228.15 (c) gives claim holders access to surrounding claims, though roads cannot be built without Forest Service authority and states that, "[Persons with valid mining claims wholly within National Forest Wilderness shall be permitted access to such surrounded claims by means consistent with the preservation of National Forest Wilderness which have been or are being customarily used with respect to other such claims surrounded by National Forest Wilderness]. OSMI's interest in locatable minerals would be through subsurface access from existing underground workings and would not require roads or other surface features to be built.

In addition, "[The Planning Rule requires that in the development of plan components, including standards or guidelines, the Responsible Official shall consider renewable and nonrenewable energy and mineral resources (219.10(a)(2)).] The section includes locatable minerals and suggests that Responsible Official should consider existing or potential contributions on impacts of mineral activity, even if the activity is outside of Agency authority.

OSMI raises this issue because of information on the Draft GMUG Forest Plan that was presented by the Forest Service at public webinars. Specially, GMUG staff indicated that access to leasing of Forest Service-owned mining claims would not be supported under a wilderness designation.

In closing, OSMI fully supports co-existing with areas managed as wilderness as long as mineral resources remain accessible and are managed in accordance with the Forest Service's own management plan, 36 CFR Section 228.15, the Planning Rule, and mining is allowed to continue in accordance with the General Mining Act of 1872.

References

1. Code of Federal Register, Title 36 Chapter II Part 228.15 Subpart A Locatable Minerals Operations within National Forest Wilderness

2. Code of Federal Register, Title 36 Chapter II Part 219 Planning Subpart A [ndash] National Forest System Land Management Planning, Federal Register Vol 77, No/ 68 April 9, 2012

1. FSH 1909.12 [ndash] Land Management Planning Handbook. Chapter 20 [ndash] Land Management Plan, January 30, 2015.

2. General Mining Act of 1872, as Amended