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Comments: Please accept these comments on behalf of High Country Conservation Advocates, The Wilderness Society, Colorado Mountain Club, Rocky Mountain Wild, EcoFlight, Rocky Mountain Recreation and Wildlife Initiative, American Whitewater, Great Old Broads for Wilderness, INFORM, Center for Biological Diversity, and Rocky Smith, in response to the Notice of Proposed Withdrawal and Public Meeting, Thompson Divide Area, Colorado published in the Federal Register in October. 87 Fed. Reg. 62878 (Oct. 17, 2022). On behalf of our collective membership, and for reasons detailed below, the undersigned organizations strongly support the Department's proposed mineral withdrawal of approximately 224,793.73 acres of land near the Thompson Divide area.

We hereby request to receive all future notices and analyses concerning this proposal. We also reserve the right to submit additional comments in the future as the administrative process progresses. Finally, all previous comments and materials submitted by HCCA to the United States Forest Service (USFS) encouraging a mineral withdrawal are hereby incorporated into the administrative record. This includes HCCA's comments submitted on October 14, 2022, on the Mt. Emmons Land Exchange proposal.¹ A copy of these comments, and other supporting documents noted herein, are included as attachments.

High Country Conservation Advocates (HCCA) was established in 1977 with a mission to eliminate the threat of mining on Mt. Emmons to protect our municipal watershed. Over the past four and a half decades our mission has expanded more broadly to protect the water resources and public lands of the Upper Gunnison basin; nonetheless, protecting our watershed from the threat of mining on Mt. Emmons has remained integral to our mission.

Introduction

The Department's Bureau of Land Management and the Department of Agriculture are proposing a withdrawal of approximately 224,793.73 acres from all forms of entry, appropriation, and disposal under the public land laws; location, entry, and patent under the mining laws; and operation of the mineral leasing, mineral materials, and geothermal leasing laws, subject to valid existing rights.² The proposed withdrawal would be for a period of 20 years [ldquo]to protect agricultural, ranching, wildlife, air quality, recreational, ecological, and scenic values in the Thompson Divide Area of Colorado.[rdquo]³ The proposed withdrawal is the culmination of decades worth of community engagement and input on the effort to protect the Thompson Divide area and Mt. Emmons area from mineral development.

HCCA is based out of the Gunnison Valley in Crested Butte, Colorado. As noted above, our organization was formed to oppose the development of a large-scale molybdenum mine on Mt. Emmons. Due to our history of engagement on this issue, our comments focus on providing support for the withdrawal, specifically for the area located on and adjacent to Mt. Emmons and south of Kebler Pass. Similarly, we focus on how the proposed withdrawal would be a benefit for our watershed and the greater Gunnison Basin.

Benefits from Proposed Action

Mining activities can seriously impair a region's ecosystems, wreaking havoc on the landscape, drying up critical seeps and springs, disturbing fish and wildlife, and releasing heavy metals into waterways. The proposed withdrawal would protect and enhance critical water resources, wildlife, recreation, our economy, public health, and air quality. Each of these categories is addressed below.

Water Resources

The proposed withdrawal would help to protect water resources. A primary concern attending mining development in the proposed withdrawal area involves the contamination and depletion of surface waters that ultimately discharge into the Colorado River. Mining will likely contaminate high quality waters of this headwaters area, including a number of streams that have been designated as outstanding waters or identified as eligible for wild and scenic status by the Bureau of Land Management (BLM) and/or the USFS.

Within the proposed withdrawal area are a number of streams that have been designated as outstanding waters.⁴ These high-quality streams contribute to the many water uses downstream and should be afforded the highest level of protection. These streams include:

Ruby and Anthracite Creeks and their tributaries (just north of Kebler Pass)

Oh-Be-Joyful Creek and Peeler Basin (north of the Town of Crested Butte).

Farther north in the segregated area are a number of additional streams with outstanding waters designations. For a complete list of outstanding waters within the proposed withdrawal area please see the State of Colorado's website describing designated outstanding waters.⁵

At least two streams within the proposed withdrawal area have been identified as eligible for wild and scenic protections. Oh-Be-Joyful Creek has been identified in the Draft Forest Plan by the GMUG National Forest as having four segments that are eligible for wild and scenic status.⁶ Additionally, in the Gunnison Public Lands Initiative Report the Oh Be Joyful basin was one of the areas identified by local stakeholders as appropriate for designation as a special management area for recreation and wildlife. Anthracite Creek was also identified as eligible for wild and scenic status due to its outstanding recreation, scenery and geological values in the draft GMUG Forest Plan revision.⁷

In the proposed withdrawal area, the primary types of mining would be hardrock mining in the area south of Kebler Pass and a combination of oil and gas development and hardrock mining north of the pass. Hardrock mining and oil and gas exploration and development impact water resources. Mining activities can cause the [ldquo]long-term disruption of terrestrial and aquatic habitats and hydrologic systems often with extensive [ldquo]off-site[rdquo] impacts, e.g., stream pollution.[rdquo]⁸ These impacts are accrued directly from mineral extraction, but also due to secondary mining impacts ranging from [ldquo]urban development to support mining to the creation of road networks for exploration activities.[rdquo]⁹

Hardrock mining can lead to disturbances from the extraction of ore as well as processing procedures where heavy metals are milled nearby the mining location. Mining operations can have the following impacts on water resources:

Significant consumption of water resources, reducing water available for the natural environment and other uses.

Altered soil and subsurface geologic structure, causing disruption to subsurface hydrologic regimes (subsurface subsidence from mining activities can dewater surface waters)

Degradation of water quality in streams, requiring perpetual water treatment to reduce mining-related impacts. Surface disturbance from mining and exploration activities can significantly impact water quality, leading to erosion and sedimentation, destruction and dewatering of wetlands, and contaminating waters by exposing water to minerals. Impacted streams are often unable to attain the same level of water quality from pre- mining baselines.¹⁰

Historic mining activities in the Gunnison Valley have caused significant impacts to our stream ecosystems, costing millions of dollars to address acid mine drainage. While opposing the development of a new mine on Mt. Emmons, our community has continued to partner with state, federal and local governments and organizations to address the impacts of past mining activities in the Upper Gunnison basin. There are a number of other historic mines that impact water quality already in the Town of Crested Butte's municipal watershed. Located to the west of Mt. Emmons and approximately five miles upstream of the Town of Crested Butte is the Standard Mine Superfund site.¹¹ On Mt. Emmons lands presently managed by the USFS is the Keystone Mine, a historic mine on lands managed by MEMC that requires year-round water treatment and significant on-site reclamation.

The proposed mineral withdrawal would protect the area's watersheds and groundwater from mining within the segregated area as described below.

Water Quality

Several different mining companies have attempted in the past to develop a significant deposit of molybdenum located within Mt. Emmons. Concerns about the potential for mining in the headwaters of the Upper Gunnison basin includes concern over potential impacts to water quality from the contamination of water supplies from molybdenum as well as from other heavy metals.

Molybdenum and Cattle Health

Molybdenum development has the potential to impact cattle health. This concern has in the past motivated Gunnison valley stakeholders to weigh in during the Regulation 31 rulemaking process to raise concerns about statewide molybdenum standards. In 2017, the Gunnison Stockgrowers Association and Upper Gunnison River Water Conservancy District submitted comments to Colorado's Water Quality Control Commission that raised concerns over the potential impact of molybdenum on grazing in the Gunnison basin.¹²

The Gunnison Valley Stakeholders continued to argue for more stringent standards to better protect the health of cattle raised under current ranching practices on the West Slope, citing research that:

[Idquo][H]as demonstrated a number of adverse effects in cattle as a result of molybdenum exposure, including reproductive effect[hellip] adverse effects on cattle have been documented in other studies with regards to metabolic functions, reproduction, blood chemistry, nursing, embryos, and growth from molybdenum ingestion.[rdquo]¹³

Cattle health is particularly vulnerable to molybdenum in the water supply on the Western Slope due to public grazing practices on the West Slope.¹⁴ The proposed withdrawal will reduce the possibility of molybdenum mining in the headwaters of the Gunnison Valley, protecting the various life and reproductive stages of cattle raised under circumstances and practices employed on the West Slope.¹⁵

Other Heavy Metals

Acid mine drainage can have significant impacts on public health and on the health of stream ecosystems. After entering aquatic ecosystems, heavy metals accumulate in aquatic tissues and then move up the food chain. Effects of heavy metals in the environment can include [Idquo]a decrease in aquatic reproductive capacity, respiratory and neurological problems, etc., and also due to its accumulation in the body (bioaccumulation) and their transmission to subsequent consumers, including humans, can have side effects.[rdquo]¹⁶

In the Upper Gunnison Basin, historic mining has impaired water quality in a number of sub-basins. For instance, Coal Creek, the Town of Crested Butte's water supply, is impaired from heavy metals discharged from the historic Keystone Mine. While MEMC has made significant progress in cleaning up the site in recent years, this

discharge still causes the mainstem of Coal Creek to be listed on the 303(d) list as impaired for total dissolved Cadmium.¹⁷

Consumptive Use of Water Resources

The Thompson Divide and Kebler Pass areas provide a significant amount of water from snowpack accumulation. Mining activities require a significant amount of water for the extraction and processing of ore during operations. For instance, MEMC holds a conditional water right for the development of the Mt. Emmons mine. If this right had been developed for mining it would have used thirty cfs of direct flow from the Slate River, ten cfs from Carbon Creek, and involved the development of three 1,000 acre-feet reservoirs in three different basins.¹⁸ The original proposal reflects the intensity of water use associated with large-scale hardrock mines. Furthermore, consumptive use can continue long after active mining operations have ceased, persisting through reclamation periods.

As the headwaters, the water quantity and quality that originate at the top of the Gunnison basin have implications for numerous downstream communities. Withdrawing the proposed area from appropriation for mining activities would protect the critical water resources at the headwaters of the Gunnison River and greater Colorado River Basin.

Wildlife

The Thompson Divide Withdrawal Area, including the lands surrounding Mount Emmons, contains outstanding and critically important wildlife habitat. Some of the wildest, undeveloped, mid-elevation terrain left in Colorado is within the withdrawal area, providing refuge to a diversity of species. In the face of climate change and increased human pressure, this landscape provides a large, diverse, and healthy stronghold for wildlife, connecting ecologically varied habitats across the greater Southern Rockies. The diversity of habitats within the withdrawal area [ndash] from wetlands and fens to aspen and conifer forests to alpine tundra [ndash] is its greatest strength. Because this valuable resource is threatened by new mining and fossil fuel development, protection of these public lands through the proposed administrative mineral withdrawal would ensure that their wildlife and ecosystems thrive into the future.

The Thompson Divide Withdrawal Area truly is a wildlife paradise, albeit one increasingly threatened by expanded hardrock mining, coal mining, oil and gas development, and related pressures. Robust populations of elk¹⁹, mule deer²⁰, black bear²¹, and turkey attract hunters, while streams teeming with trout attract anglers. Endangered, threatened, and other potentially imperiled species also call the area home, including Canada lynx²² and Colorado River cutthroat trout. In addition to mapped lynx and cutthroat trout habitat, the withdrawal area likely hosts several Forest Service sensitive species²³, including boreal toad, northern leopard frog, bald eagle, flammulated owl, northern goshawk, purple martin, and American marten.²⁴

The withdrawal area in Gunnison County is particularly important for migratory wildlife, and the proposed withdrawal area encompasses a number of important wildlife corridors. The Mt. Emmons area and the public lands of the Upper North Fork are the central hub for landscape-level connections that unite the Gunnison Basin and San Juan Mountains to the south, the Grand Mesa to the west, the Elk and Sawatch Mountains to the east, and the Colorado River to the north. This topography facilitates movement by elk, mule deer, and other big game, supporting herd vitality.²⁵

On November 18th, 2022, the BLM released a new policy [ldquo]designed to protect connections between habitats for fish, wildlife, and native plants, preserving the ability of wildlife to migrate between and across seasonal habitat, a concept known as habitat connectivity.[rdquo]²⁶ This policy instructs [ldquo]BLM state offices to assess areas of habitat connectivity and conduct planning, on- the-ground management actions, and conservation and restoration efforts to ensure those areas remain intact and healthy, and able to support diverse

wildlife and plant populations.²⁷ Approving the proposed mineral withdrawal would help advance this policy by protecting migration corridors. A mineral withdrawal that includes the entire segregation area will afford the greatest protection for wildlife.

The economic benefits of protecting this area would be significant. Hunting and angling are important economic drivers in Gunnison County. Total hunting economic contributions in Gunnison County are amongst the highest in the state, and the second highest in Colorado's eleven-county Southwest Region.²⁸ Numerous guides and outfitters depend on the vitality of the public lands within the withdrawal area as they lead clients in pursuit of elk, mule deer, and trout. This economic driver would be severely compromised if forced to compete with industrial mining and mineral development.

Mineral exploration and development have the potential to significantly alter the character of wildlife habitat in and around the withdrawal area. A number of impacts to wildlife would be avoided by prohibiting the development of these lands. Adverse impacts that would be avoided include:

An increase in road construction and traffic necessary to conduct exploration activities within the withdrawal area

Mortality to species through road construction activities and vehicle collision

The introduction and spread of exotic plants such as cheatgrass

The fragmentation of wildlife habitat and populations

Visual and noise disturbance activities from exploration and mining activities

Environmental impacts affecting wildlife from the unplanned discharge of mining or exploration wastes into surface waters feeding into the Gunnison basin.

Mining and fossil fuel development are not appropriate within the proposed withdrawal area. Gunnison County is already home to the largest coal mine in Colorado (the West Elk mine) and significant oil and gas operations. Thus, it is appropriate that public lands uses are balanced, and wildlife and wild places be prioritized in some areas. The Thompson Divide withdrawal would accomplish that.

Recreation

The proposed mineral withdrawal will benefit recreational uses and values within the segregated area. On the southern portion of the proposed withdrawal area, the Gunnison Valley includes several municipalities that primarily rely on tourism as their economic driver, including Mt. Crested Butte, the Town of Crested Butte and the City of Gunnison.

The segregated area supports a broad range of recreational activities which provide significant revenue to this region. The stunning natural beauty of the Thompson Divide area attracts "leaf peepers" every year from all over the state and beyond who enjoy the brilliant early fall colors of aspen trees. Recreational activities offered by the Thompson Divide area include hiking, horseback riding, backpacking, backcountry skiing and snowmobiling, kayaking and mushrooming. It provides excellent hunting opportunities that attract people from all over the country. Recreationalists looking to access the Thompson Divide often travel through Gunnison and Crested Butte to do so, contributing to our municipal economies.

The Town of Mt. Crested Butte was incorporated in 1973 to provide for the community growing up around the Mt. Crested Butte ski resort. To this day, the primary economic driver of the Town is the ski resort and the service industries that accommodate resort visitors. Numerous businesses have grown up to support the ski area,

including a robust lodging and real estate market.

Although the Town of Crested Butte was originally established as a mining town in the 1800s, in the 1970s the Town made a deliberate shift towards becoming a ski-town economy. Over the past several decades, the economy has continued to rely on recreation. Now visitors come to the valley for numerous outdoor activities, including downhill skiing, Nordic skiing, mountain biking, kayaking, hunting, backpacking, trail running, and angling. The Town hosts a broad range of events based on the natural environment, including outdoor concerts, week-long and single day sporting events, painting and writing retreats, and a Wildflower Festival. All these activities rely on a healthy environment and are enhanced- if not dependent-on our gorgeous landscapes. The real estate, lodging and restaurant industries here rely heavily on these outdoor activities to attract their customers.

The City of Gunnison attracts a large number of visitors for angling. It has a number of outfitters that supply the larger Gunnison Valley with supplies for hunting, backpacking, and other outdoor activities. It is the gateway for the West Elk Scenic Byway, one of Colorado's notable scenic roadway loops. A significant portion of the loop created by the West Elk Scenic Byway is within the proposed withdrawal area.²⁹ This loop is traveled by hundreds of leaf peepers every year. An increase in mining activities at the headwaters would lead to a decrease in tourists traveling through Gunnison to access the activities described above.

Mining industrialization[mdash]roads, ore trucks, drill rigs, other associated machinery and vehicle traffic[mdash]would fundamentally change the character of public lands surrounding the Gunnison Valley, diminishing (if not eliminating) the opportunity for human-powered recreation on Mt. Emmons and in the surrounding backcountry area. Similarly, mining activities on Mt. Emmons and along the Kebler Pass area would impact recreational access in the surrounding West Elk and Raggeds Wilderness areas. Potential impacts to wildlife and our fisheries could shut down hunting, fishing and photography in the area. This diminished natural beauty would foreclose significant artistic opportunities for activities such as painting or photography that depends on views of Mt. Emmons and the Thompson Divide.

The withdrawal will protect these economic activities.

Scenic Values

Mining can be a highly visible land use change, eliminating vegetation, reshaping mountain topography and requiring significant infrastructure. A large part of what makes our valley attractive to visitors and locals alike is our picturesque landscapes. Mines in the segregated area would potentially be visible from the Town of Crested Butte and surrounding wilderness areas. Past mining plans of operations for Mt. Emmons have depicted large-scale disturbances, including the removal of a substantial portion of the mountain, which would have been visible from the main street in Crested Butte. The past proposal also included three 1,000 acre-feet reservoirs behind 100-foot-tall dams that would have impounded three sub basins in our headwaters.³⁰ All of these impacts were for one single mining proposal; mining activities can seriously impact the scenic qualities of an area. This unique landscape is treasured by local communities and is our economic driver as well- we want to see it protected for our future prosperity and to preserve our way of life.

Image in Attachment: Mt. Emmons, known locally as Red Lady

Economic

The withdrawal would enhance the regional tourism economy connected to the area surrounding the proposed mineral withdrawal area. As noted above, the natural environment of the proposed withdrawal area attracts a broad range of recreationalists. The environmental, recreational and scenic values discussed above together form a significant portion of the Gunnison Valley economy. In 2021, the outdoor recreation economy in Colorado

reached \$11.6 billion dollars.³¹

The withdrawal will enhance the long-term and more sustainable jobs associated with the tourism sectors versus the short-term and limited nature of those associated with hardrock mining activities.

Public Health and Safety

The withdrawal will protect the public health and safety from impacts that would accompany the increased traffic volume and impaired water quality from headwaters mineral development. Residents of the Town of Crested Butte and Mt. Crested Butte use Kebler Pass to travel to Grand Junction and Delta Colorado. Tourists use the pass to access the Gunnison Valley for recreational pursuits. Hunters come from both sides of the divide to access this important habitat area. Most roads within the segregated area are accessed by tourists.

Mining operations would increase the amount of traffic on Kebler Pass, Ohio Pass, and on the Coal Creek Road (Hwy 12). The withdrawal would reduce the potential for increased traffic accidents given the coincidence of mining and exploration related vehicles with civilian traffic, particularly on the narrow dirt roads within the withdrawal area. The withdrawal will also prevent the potential for tailings spills that could impact water quality.

Air Quality

Activities associated with mineral exploration, mining, hauling, and milling contribute to a decline in local air quality. Hydrocarbon emissions from vehicles, drill rigs, diesel generators, pumps, and other machinery reduce visibility, increase ozone, and stress ecosystems. The withdrawal will prevent these impacts.

Human Health Impacts

The withdrawal will protect against human health impacts from the avoidance of the accumulation of additional heavy metal contaminants in the waters of the Gunnison Valley. There is a very real potential for mining activities to contaminate surface and groundwater sources. When exposed to air, the hazardous minerals native to the rock are oxidized and released to the environment through runoff. The largest possible withdrawal area will afford the greatest protection of the Gunnison River and the drinking water for thousands of people.

Recommendations

HCCA fully supports the proposed mineral withdrawal. However, we have a few recommendations to accomplish management objectives in the segregated and adjacent area and better protect the desired resources as articulated by the Secretary and BLM in their notice of the proposed action.

Lands Included in the Proposed Mt. Emmons Land Exchange should be Excluded from the Withdrawal Area

HCCA recommends that the BLM remove portions of the proposed withdrawal that overlap with the USFS proposed Mt. Emmons Land Exchange parcels.³² These areas of overlap include a portion of Parcel 2 and a portion of Parcel 3 as identified in the land exchange documents. The lands proposed for the federal exchange should be excluded to execute the successful completion of the Mt. Emmons Land Exchange.

Recommendation: Approximately 85 acres of lands currently proposed as part of the Mt.Emmons Land Exchange should be excluded from the proposed mineral withdrawal.

The Proposed Withdrawal Area should be Modified to Include the Mt. Emmons Iron Fen and entire Standard Mine Superfund Site

When the proposed withdrawal area is represented on a map, it appears that there is a gap between the boundary of the segregated area and the proposed exchange land boundary and MEMC's currently private lands on Mt. Emmons (the "gap"). The Mt. Emmons Iron Fen and a portion of the Standard Mine Superfund site appear to fall within this gap. HCCA suggests that- if possible in the noticed acreage- the footprint of the proposed mineral withdrawal should be adjusted to encompass the Mt. Emmons Iron Fen and the entire Standard Mine Superfund site. This could be accomplished by extending the proposed withdrawal area up to the boundary of the proposed Mt. Emmons Land Exchange area (which includes both federal parcels identified for the exchange and patented lands held by Mt. Emmons Mining Company). Doing so would a) protect the Mt. Emmons Iron Fen, b) protect the Standard Superfund Site from additional mining impacts, and c) consolidate federal land management by prohibiting mining in the gap between the current withdrawal proposal and the Mt. Emmons exchange lands. These objectives are discussed below.

The Mt. Emmons Iron fen should be included within the proposed exchange area

In the gap area is a unique fen, the Mt. Emmons Iron Fen (also referred to as the Mt. Emmons Iron Bog). Fens are an incredibly unique type of wetland. They are groundwater-dependent and many formed between 8,000 to 12,000 years BCE in Colorado's high-elevation basins, hillsides, toe slopes, and depressions connected to consistent, complex local groundwater flows. The Mt. Emmons Iron Fen is noted as "an example of the complexity of groundwater in fens... [where] upward flows of groundwater from a lateral moraine through peat have a basic pH, whereas acidic water at the surface originates from water flowing through pyrite in bedrock."33 Fens are important ecologically both for their high biodiversity and ability to sequester carbon. They are considered irreplaceable [ndash] they take one thousand or more years to form and cannot be created by humans.34

The Mt. Emmons Iron Fen has been identified in the past by the USFS as meriting special management and protection. In 2010, the Gunnison Ranger completed an Environmental Assessment for the Mt. Emmons Iron Bog Proposed Mineral Withdrawal (hereafter, "the EA").35 As explained in the EA introduction, this document "was prepared in response to the Grand Mesa, Uncompahgre, and Gunnison National Forests" (GMUG) Forest Land and Resource Management Plan (FLRMP) direction towards mineral withdrawal for the Mt. Emmons Iron Bog Special Interest Area."36 The Iron Bog (Iron Fen) contains 75.6 acres administered by the Forest Service in T. 14S., R.86W., 6thP.M., Section 6, Gunnison County, approximately 3.5 miles west of Crested Butte, Colorado."37 The articulated purpose and need for the proposal is to "follow FLRMP direction and to protect this unique wetland from the effects of future (not from claims that are already present in the Iron Bog) mine claim location, mining, mineral development, and mine claim speculation, a withdrawal of these National Forest System lands from future mineral entry has been proposed."38

EA explains that "The Forest Service seeks a withdrawal for the Iron Bog to follow the United States Department of the Interior, Fish and Wildlife Service (FWS) fen regulation."39 The Mt. Emmons iron fen depends on a particular quantity and quality of water. Mining activities have the potential to impact, or even destroy, this unique ecosystem. As noted in the magazine of the Colorado Native Plant Society, "Fens are threatened by recent changes to the Clean Water Act, population growth demanding water, mining, development, ski-area expansion, timber harvest, sedimentation, and increasing motorized and off-road use in National Forests."40 Fens are especially sensitive to loss of groundwater regimes and complex groundwater chemistry from hydrologic alterations.41 After noting the importance of the fen to reducing heavy metals loading to the Town of Crested Butte water supply, the EA notes that the water supply to the fen had been reduced by approximately 33% by past mining, and that "historic mining may have drained parts of the fen."42 As a result of the analysis completed in the EA, the USFS proposed "to further protect the Iron Bog with the implementation of a mineral withdrawal request with the Department of the Interior. Under this alternative[hellip] existing claims will continue but future claims will not be allowed."43

HCCA encourages the BLM to consider this additional information and to include the Mt. Emmons Iron Fen within the mineral withdrawal area to protect an important ecological area that is vulnerable to potential impacts of mineral exploration and development. We urge the BLM to review Attachments J and K for the initial assessment documents prepared by the USFS on this critical natural resource.

Recommendation: Approximately 75.6 acres of the Mt. Emmons Iron Fen should be included in the proposed mineral withdrawal.

Encompass the entire Standard Mine Superfund site within the proposed withdrawal area

A portion of the Standard Mine site appears to fall within the proposed withdrawal area, while another portion appears to be in the gap area outside of the proposed withdrawal. As discussed above, there has been significant effort and expense invested by taxpayers to remediate the Standard Superfund site. The objective of this work was to better protect the watershed that provides the Town of Crested Butte's drinking water supply. If not already included, the BLM should consider adding the entire Standard Superfund site to the withdrawal to more fully protect the reclaimed site, for consistent federal land management, and to best protect Crested Butte's source of drinking water. A map demonstrating the location of the Standard Mine Superfund site is included as Attachment L.

Recommendation: The entire Standard Mine Site should be included in the proposed mineral withdrawal.

Consolidate management areas for consistency

The segregated lands overlap a portion of the proposed Mt. Emmons Land Exchange area and exclude other lands adjacent to the exchange area. The BLM should consider revising the boundary of the withdrawal area to extend the withdrawal to the boundary of the federal lands that will exist after the exchange, for consistent management.

Recommendation: The mineral withdrawal boundary should be expanded to share a boundary with the proposed exchange parcels and MEMC's currently private lands.

Support for the Local and Regional Agencies Working on the Withdrawal Analysis

HCCA understands that the review and analysis of a mineral withdrawal requires a significant commitment of resources for the local and regional agencies reviewing the proposal. We recommend that the USFS and BLM offices working on this project are provided with sufficient staff and resources necessary to evaluate this proposal in a timely manner.

Historic and Present Public Support for the Mineral Withdrawal

Protecting the Thompson Divide area and the area surrounding Mt. Emmons from mining and development has enjoyed broad public support for decades. This support has been expressed at all levels of government, by local and regional elected officials as well as Congress. It has also been broadly supported in collaborative local land use planning efforts by a broad number of local interest groups. Residents of the Gunnison Valley have also weighed in with broad enthusiasm to request that the withdrawal proposal moves forward. This support is summarized below.

Legislation

A significant portion of the proposed mineral withdrawal area has been included in past legislative attempts. These efforts demonstrate the broad support that these lands should be managed to prohibit additional mineral

development.

The Gunnison Public Lands Initiative (GPLI) was formed in 2014 as a broad coalition of diverse interests that would work together to develop a consensus-based proposal for public lands management in the Gunnison Valley. This coalition of stakeholders included ten community groups with interests in ranching, water resources, motorized recreation, conservation, mountain biking, hunting, and angling.⁴⁴ After years of consensus building, GPLI released its community proposal that provides a carefully vetted, deliberative vision for the future of local public lands in and around Gunnison County. Senator Bennet's office created legislation from this proposal that became the draft Gunnison Outdoor Resource Protection Act.⁴⁵ The draft legislation included provisions that would have withdrawn from mineral exploration hundreds of thousands of acres of public lands.

The Colorado Outdoor Recreation and Economy (CORE) Act was introduced in the U.S. Senate and House in January 2019 by Senators Michael Bennet and John Hickenlooper and Representatives Joe Neguse, Diane DeGette, Ed Perlmutter, and Jason Crow, and was reintroduced in the 117th Congress. During the 116th and 117th Congresses, the CORE Act passed in the House with bipartisan support five times and was marked up and voted on by the Senate Energy and Natural Resources Committee in the 117th Congress. Importantly, the CORE Act included a proposed withdrawal of the Thompson Divide and Mt. Emmons area.⁴⁶

B. Governmental Support

The withdrawal process itself was initiated with the support of Colorado Representatives, including Joe Neguse and Senator Bennet, in collaboration with the Secretary of Agriculture and Secretary of Interior and President Biden. During the remarks designating Camp Hale as a National Monument, President Joe Biden voiced support for the withdrawal, as did Secretary of Agriculture Tom Vilsack.

Local governments in the Gunnison Basin that have weighed-in to support the proposed withdrawal include:

Gunnison County

The City of Gunnison⁴⁷

The Town of Crested Butte⁴⁸

The Town of Mt. Crested Butte⁴⁹

C. Local Organizations and Residents Support the Proposed Mineral Withdrawal

The Gunnison County Sustainable Tourism and Outdoor Recreation (STOR) Committee represents a broad range of organizations and interests in the Gunnison Valley. As described on the STOR Committee website, "[t]he Gunnison County Sustainable Tourism and Outdoor Recreation [] committee was formed in 2018 to facilitate idea sharing between entities that might not otherwise communicate with one another. Members of the STOR committee include land managers, trails organizations, tourism industry professionals, businesses, and city and county officials."⁵⁰

STOR Committee members at large include representatives from the Crested Butte Mountain Biking Association, Gunnison Trails, Crested Butte Land Trust, Gunnison Chamber of Commerce, amongst others. Agency and municipality appointees include representatives from, the National Park Service, the Tourism and Prosperity Partnership Board, the Gunnison County Stockgrowers's Association, Crested Butte Mountain Resort, Western Colorado University, the Upper Gunnison River Water Conservancy District, and the Gunnison County Metropolitan Recreation District. A copy of the STOR Committee letter of support can be found as Attachment P. Other individual organizations, such as the Crested Butte Mountain Biking Association, have also submitted

formal levels of support.⁵¹

Residents have voiced robust support for the 20-year mineral withdrawal in individual comments submitted directly to the BLM as well as by signing petitions in support of the proposed mineral withdrawal. HCCA has collected a number of signatures in person (see Attachment R) and electronically (see Attachment S) in support of the proposed mineral withdrawal.

D. Mining Company Agreement with the Proposed Mineral Withdrawal

MEMC, a subsidiary of Freeport McMoRan, has agreed to support a mineral withdrawal of lands surrounding Mt. Emmons as part of a multi-faceted solution to end mining on Mt. Emmons while facilitating efficiencies in MEMC's reclamation efforts on and surrounding the historic Keystone Mine site. Encompassed within the proposed mineral withdrawal area is an area where the MEMC holds a large number of claims surrounding the Mt. Emmons molybdenum deposit. Past owners of these claims have submitted plans of operations to develop a large-scale mine here. In contrast, MEMC is working with the community and local governments to eliminate the potential of mining on Mt. Emmons. The framework for this plan has been outlined in key agreements between the mining company and governmental entities, including the 2021 MOU between MEMC, the Town of Crested Butte, and Gunnison County, collectively referred to as the "MOU Parties". The MOU parties have agreed to the following:

"MEMC agrees to support the Government Parties' efforts in securing the eventual permanent withdrawal of mineral location and entry to those USFS lands containing the unpatented mining claims held by MEMC, with the EXCEPTION of those claims within the footprint of the proposed exchange."⁵²

A copy of the MOU is included as Attachment T.

As demonstrated above, every level of government has expressed support for the withdrawal of the Thompson Divide and the lands at and around Mt. Emmons in some regard. This support has been represented in a number of diverse ways, from letters of support, memorandums of understanding/intent, and in petitions representing community support for the mineral withdrawal.

Conclusion

We believe that mining in the headwaters poses an unacceptable risk to our water resources, recreation, wildlife, the economy, and human health, in the Roaring Fork and Upper Gunnison watersheds. This withdrawal would prevent these potential impacts through the duration of the withdrawal.

Additionally, while we offer our full support of the proposal as is, HCCA recommends that the BLM and USFS remove lands from the proposed land exchange from the withdrawal and consider including the additional lands described above.

Your protection of approximately 224,000 acres of land around the Thompson Divide area, especially the lands at and around Mt. Emmons, for two years is a good first step to protect our drinking water, fish and wildlife, agricultural producers, and recreational economy. We applaud this action, and we urge the Secretary to now protect this area by selecting the longest permissible withdrawal period: 20 years. We appreciate your time and consideration evaluating these comments; please do not hesitate to contact us should you wish to discuss them more.

Attachment A: HCCA LEX Comments

Attachment B: Acid Mine Drainage

Attachment C: Elk Habitat Map

Attachment D: Mule Deer Habitat Map

Attachment E: Black Bear Habitat Map

Attachment F: Canada Lynx Habitat Map

Attachment G: BLM Habitat Connectivity Policy

Attachment H: The 2017 Economic Contributions of Outdoor Recreation in Colorado

Attachment I: MEMC Vicinity LEX Map

Attachment J: Iron Fen Mineral Withdrawal EA

Attachment K: Iron Fen Mineral Withdrawal Plant EA

Attachment L: Standard Mine Superfund Site

Attachment M: City of Gunnison LOS

Attachment N: Town of Crested Butte LOS

Attachment O: Mt. Crested Butte LOS

Attachment P: STOR Committee LOS

Attachment Q: CBMBA LOS

Attachment R: HCCA Petition in Support of Mineral Withdrawal

Attachment S: Electronic Petition in Support of Mineral Withdrawal

Attachment T: MOU

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Footnotes:

1 See Attachment A: HCCA LEX Comments

2 Federal Register (2022). Notice of Proposed Withdrawal and Public Meeting, Thompson Divide Area, Colorado. Federal Register Vol. 87 No.199, 62878 [pdf] Washington D.C.: Department of the Interior.

3 Id

4 Colorado Department of Public Health and the Environment. Colorado Outstanding Waters 2022. December 1, 2022. Accessed at <https://cdphe.maps.arcgis.com/apps/Viewer/index.html?appid=03b24116b8fd43cfa83999365ce56ab3>.

5 Id.

6 Table 58. Eligible wild and scenic river segments. Draft Revised Land Management Plan. Grand Mesa, Uncompahgre, and Gunnison National Forests. Rocky Mountain Region. United States Forest Service. Department of the Interior. August 2021. Similarly, the BLM has identified Oh-Be-Joyful as eligible for wild and scenic status in the BLM's 2009 Wild and Scenic River Eligibility Report. See 2009 Wild and Scenic River Eligibility Report, Bureau of Land Management, Grand Junction Field Office. 2009.

Prepared by Catherine Robertson.

7 Id.

8 Lynn B. Starnes and Don C. Gasper, Effects of Surface Mining on Aquatic Resources in North America (Revised). American Fisheries Society (AFS) Policy Statement #13. Accessible at <https://fisheries.org/policy-media/policy-statements/afs-policy-statement-13/#:~:text=However%2C%20even%20with%20current%20regulations,and%20aquifers%20with%20toxic%20chemicals>

9 Id

10 Earthworks, Hardrock Mining: Acid Mine Drainage Fact Sheet (Sept. 2021) available at https://earthworks.org/wp-content/uploads/2021/09/FS_AMD.pdf. See Attachment B.

11 Standard Mine Gunnison National Forest, CO. Available at <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Stayup&id=0801669#Announce>. The site includes approximately ten acres of both USFS lands and private mining claims and extends downstream to include the smaller Elk Lodge Mine.

12 Kugel, Frank. Upper Gunnison River Water Conservancy District and Gunnison Stockgrowers Association. [Idquo]Regulation 31 Molybdenum Standard Rulemaking Comment Letter.[rdquo] Received by Trisha Oeth, 27 November 2017.

13Id.

14Id. [Idquo]Cattle raised in Gunnison County are not fed a commercial diet. On the West Slope, most cattle graze on public rangelands. Natural forage is of varying nutritional quality and less nutritional than the diet fed to Kistner[rsquo]s steers. Cattle require more caloric intake under range conditions and would be consuming a larger quantity of fodder. Furthermore, natural forage exposed to higher molybdenum concentrations would likely cause additional intake of the metal as cattle consume range plants.[rdquo]

15 The Center for Biological Diversity does not to endorse livestock grazing in areas where it may degrade habitat for wildlife, including the endangered Gunnison sage grouse, or harm other environmental values.

16 Vajargah MF. A review on the effects of heavy metals on aquatic animals. J Fish Res 2021;5(5):22-26.

17 Colorado Public Health and the Environment. Regulation 93 Dashboard. Accessed at <https://cdphe.colorado.gov/regulation-93-dashboard>.

18 Concerning the Application for Water Rights of U.S.Energy Corp., Case No. 08CW81 (96CW311). District Court, Water Division No. 4, State of Colorado.

19See Attachment C Elk Habitat Map, showing elk winter range, winter concentration areas, and migration corridors.

20See Attachment D Mule Deer Habitat Map, showing mule deer winter range, winter concentration areas, and migration corridors.

21See Attachment E Black Bear Habitat Map, showing black bear fall concentration areas.

22See Attachment F Canada Lynx Habitat Map. [Map will be provided separately]

23 Sensitive species are [Idquo]Those plant and animal species identified by a Regional Forester for which population viability is a concern, as evidenced by: a. Significant current or predicted downward trends in

population numbers or density. b. Significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution.[rdquo] Forest Service Manual (FSM) 2670.5.

24 Sensitive Species List. United States Forest Service. December 1, 2022. Accessed at <https://www.fs.usda.gov/detail/r2/landmanagement/?cid=stelprdb5390116>.

25 Please see Attachments C and D for maps demonstrating Elk and Mule Deer habitat.

26 See Attachment G BLM Habitat Connectivity on Public Lands Policy.

27 Id.

28 See Attachment H The 2017 Economic Contributions of Outdoor Recreation in Colorado.

29 Colorado Department of Transportation. Colorado Scenic Byways, Southwest. West Elk Loop. November 12, 2022. Accessed at <https://www.codot.gov/travel/colorado-byways/southwest/west-elk-loop>.

30 Concerning the Application for Water Rights of U.S. Energy Corp., Case No. 08CW81 (96CW311). District Court, Water Division No. 4, State of Colorado.

31 Outdoor Recreation in Colorado Accounted for \$11.6B last year[rdquo]. Chris Woodward. Summit Daily News Nov 18, 2022. Accessed at <https://www.summitdaily.com/news/outdoor-recreation-in-colorado->

32 Mt. Emmons LEX Data used in creation of this map are on file with the USDA Forest Service, GMUG NFs, T:\FS\NFS\GMUG\Program\1900NatlResourcePIn\GIS\prking\MEMC_LEX Vicinity Map

33 Attachment J. USDA Forest Service, 2010, Environmental Assessment Mt. Emmons Iron Bog Proposed Mineral Withdrawal (Colorado 61627). Gunnison Ranger District. Grand Mesa, Uncompahgre, Gunnison National Forests. USDA Forest Service.

34 See Forest Service Region 2 Fen Policy.

35 See Attachment J.

36 Id at 1

37 Id. at 2. The EA explains that while this wetland has been referred to in the past to as the Mt. Emmons Iron Bog, it is more accurately categorized as an iron fen.

38 Id.

39 Id.

40 Id., citing Marshall S and Lemly J. Colorado Wetland Program Plan: 2020-2024. Unpublished document. Colorado Natural Heritage Program, Colorado State University, Fort Collins, CO.

41 Id.

42 EA at 3. After introducing the importance of protecting the Mt. Emmons fen from additional mining, the EA proceeds to describe the unique biota of the fen, the importance of the fen to scientific research, and the importance of the fen as a palaeoecological site in detail. Id.

44 The Gunnison Public Lands Initiative and Gunnison Outdoor Resources Protection Act. January 2, 2023. Accessed at <https://www.gorpact.org/>.

45 Gunnison Public Lands Proposal. Michael Bennet Senator for Colorado. January 4, 2023. Accessed at <https://www.bennet.senate.gov/public/index.cfm?p=gunnison-public-lands-proposal>.

46 CORE Act. January 4, 2023. Accessed at <https://coreact.org/2021intro/>.

47 Attachment M.

48 Attachment N.

49 Attachment O.

50 STOR Committee website. Available at <https://gunnisoncrestedbutte.com/stewardship/gunnison-valley-stewardship-organizations/sustainable-tourism-and-outdoor-recreation-committee/#:~:text=What%20is%20the%20STOR%20committee%3F%20The%20Gunnison%20County,that%20might%20not%20otherwise%20communicate%20with%20one%20another>.

51 See Attachment Q.

52 Gunnison County Colorado, Mt. Emmons Mining Company, Town of Crested Butte. 2021.

Memorandum of Understanding for Mt. Emmons. Mt. Emmons Project. Paragraph 4.