

**From:** "Sean Larmore" <slarmore@erresources.com>  
**To:** "Philip Egidi" <pvegidi@smtpgate.dphe.state.co.us>  
**CC:** "Filas, Frank" <f.filas@EnergyFuels.com>  
**Date:** 1/19/2010 4:02 PM  
**Subject:** Pinon Mill Project Native American Consultation - Update  
**Attachments:** 1-19-10.doc; 12-10-09.doc; 12-16-09.doc; 2009Northern Ute 12-17-09.doc; 2009Northern Ute\_CPD\_2.doc; 1-7-10.doc; 1-19-10.doc; 12-16-09.doc; 12-23-09.doc; 2009Southern Ute- Goodtracks followup.doc; 1-19-10.doc; 12-10-09.doc; 12-11-09.doc; Email to Scott Clow.pdf

Phil,

Frank asked that I provide an update regarding the on-going Native American consultation. To date, there have been direct conversations with representatives from all three Tribes - Southern Ute, Northern Ute, and Ute Mountain Ute. None has specifically asked for an on-site visit, but all three Tribes are still reviewing the project. The Southern Ute requested copies of all cultural resource reports related to the project; the Northern Ute requested another copy of the consultation letter, which was redirected to their environmental department; and the Northern Ute requested another copy of the consultation letter, as well, this time redirected to their cultural protection department.

Attached is all of the correspondence documentation. Please let me know if you have any comments or questions regarding the consultation efforts.

Best Regards,

Sean Larmore

Cultural Resources Manager

ERO Resources Corp. \* 1065 Main Ave., Ste 200 \*

Durango, CO 81301

Office: 970.422.2136 \* Cell: 970.749.6446 \*

Fax: 970.375.0242 \*

slarmore@erresources.com <mailto:slarmore@erresources.com>

## COMMUNICATION RECORD

ERO Resources Corporation

<b>Project/Office Code:</b> 4585	<b>Pinon Mill Project</b>
<b>Date:</b> 1/19/10	<b>Incoming:</b>
<b>Time:</b> 2:29 pm	<b>Outgoing:</b> X
<b>Communication with:</b> Betsy Chapoose	
<b>Organization/Tribe:</b> Northern Ute Indian Tribe	<b>Phone #:</b> 435-722-5141 435-722-4992 (direct)
<b>Summary of Conversation or Message:</b>  Ms. Chapoose did not recall the project consultation letter but noted that their department is undergoing reorganization. She will look for the letter and call back on Monday 1/25/10.  For future reference, Ms. Chapoose noted that government to government consultation should be a hard copy to the Chairman with an email cc to the Cultural Protection Department.	
<b>Follow Actions:</b> Will follow-up on 1/26/10 if no call is received on 1/25/10	
<b>Documented by:</b> SPL	

## COMMUNICATION RECORD

ERO Resources Corporation

<b>Project/Office Code: 4585</b>	<b>Pinon Mill Project</b>
<b>Date: 12/10/09</b>	<b>Incoming:</b>
<b>Time: 10:30 am</b>	<b>Outgoing: X</b>
<b>Communication with: Secretary for Chairman Cesspooch</b>	
<b>Organization/Tribe:</b> <b>Northern Ute Indian Tribe</b>	<b>Phone #: 435-722-5141</b>
<b>Summary of Conversation or Message:</b>  According to Chairman Cesspooch's secretary, he has left no word about the project. She directed a call back for Monday 12/14/09 between 8:30-9:00 am.	
<b>Follow Actions: ERO was unable to follow-up at the directed date and time.</b>	
<b>Documented by: SPL</b>	

# COMMUNICATION RECORD

ERO Resources Corporation

<b>Project/Office Code: 4585</b>	<b>Pinon Mill Project</b>
<b>Date: 12/16/09</b>	<b>Incoming:</b>
<b>Time: 9:30 am</b>	<b>Outgoing: X</b>
<b>Communication with: Chairman Cesspooch</b>	
<b>Organization/Tribe:</b> <b>Northern Ute Indian Tribe</b>	<b>Phone #: 435-722-5141</b>
<b>Summary of Conversation or Message:</b>  <b>Chairman Cesspooch directed ERO to Ms. Betsy Chapoose – Cultural Protection Department and asked that we resend the consultation letter to Ms. Chapoose with a cc to him.</b>	
<b>Follow Actions: A second consultation letter was sent to Chairman Cesspooch and Ms. Chapoose on 12/17/09</b>	
<b>Documented by: SPL</b>	



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December 17, 2009

Chairman Curtis Cesspooch  
Uintah and Ouray Tribal Business Committee  
P.O. Box 190  
Fort Duchesne, Utah 84026

RE: Project Consultation

Dear Chairman Cesspooch:

Energy Fuels Resources (EFR) is in the initial stages of developing, and eventually constructing, a new uranium mill to be located in Paradox Valley, Montrose County, Colorado (figure attached). The Colorado Department of Public Health and Environment (CDPHE) is the lead regulatory agency for this project. An environmental report (ER) is being prepared for CDPHE. A cultural resources inventory was undertaken as part of a due diligence effort of EFR (to date, no federal nexus is involved to trigger Section 106). In 2007, ERO Resources Corporation (ERO) completed the Class III cultural resources inventory of the initial 880 acres within the project area. The Colorado State Historic Preservation Officer (SHPO) determined a finding of "no historic properties affected" pursuant to the National Historic Preservation Act (NHPA, letter dated February 25, 2008). A consultation letter was sent on March 14, 2008 detailing the results of the original cultural resource inventory for this project area; two follow-up phone calls were placed subsequent to the letter. The project area now includes an additional 80 acres, bringing the total project area to 960 acres.

ERO recently completed inventory of this additional project acreage. Four cultural resources were identified within the project area. Only one of these sites is recommended eligible for the National Register of Historic Places (NRHP). ERO did not find any sites of traditional religious or cultural significance within the project area. ERO has recommended a finding of "no historic properties affected" pursuant to the NHPA, contingent on the avoidance of all eligible resources. However, the CDPHE and EFR are soliciting your comments concerning the project area to ensure that religious or cultural resources important to your tribe are not overlooked. We invite input from you or your staff relative to the information we have gathered to date. A map of the project area is enclosed for your reference. Please be assured that culturally sensitive information is prohibited from public disclosure per Section 304 of the NHPA.

Please direct inquiries and/or comments to Sean Larmore of ERO at (970) 422-2136 or [slarmore@eroresources.com](mailto:slarmore@eroresources.com).

Sincerely,

Sean Larmore, Cultural Resource Manager

Attachment

cc: Phil Eigid (CDPHE)  
Frank Filas (EFR)



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December 17, 2009

Ms. Betsy Champoose  
Cultural Protection Department  
P.O. Box 190  
Fort Duchesne, Utah 84026

RE: Project Consultation

Dear Ms. Champoose:

Energy Fuels Resources (EFR) is in the initial stages of developing, and eventually constructing, a new uranium mill to be located in Paradox Valley, Montrose County, Colorado (figure attached). The Colorado Department of Public Health and Environment (CDPHE) is the lead regulatory agency for this project. An environmental report (ER) is being prepared for CDPHE. A cultural resources inventory was undertaken as part of a due diligence effort of EFR (to date, no federal nexus is involved to trigger Section 106). In 2007, ERO Resources Corporation (ERO) completed the Class III cultural resources inventory of the initial 880 acres within the project area. The Colorado State Historic Preservation Officer (SHPO) determined a finding of "no historic properties affected" pursuant to the National Historic Preservation Act (NHPA, letter dated February 25, 2008). A consultation letter was sent on March 14, 2008 detailing the results of the original cultural resource inventory for this project area; two follow-up phone calls were placed subsequent to the letter. The project area now includes an additional 80 acres, bringing the total project area to 960 acres.

ERO recently completed inventory of this additional project acreage. Four cultural resources were identified within the project area. Only one of these sites is recommended eligible for the National Register of Historic Places (NRHP). ERO did not find any sites of traditional religious or cultural significance within the project area. ERO has recommended a finding of "no historic properties affected" pursuant to the NHPA, contingent on the avoidance of all eligible resources. However, the CDPHE and EFR are soliciting your comments concerning the project area to ensure that religious or cultural resources important to your tribe are not overlooked. We invite input from you or your staff relative to the information we have gathered to date. A map of the project area is enclosed for your reference. Please be assured that culturally sensitive information is prohibited from public disclosure per Section 304 of the NHPA.

Please direct inquiries and/or comments to Sean Larmore of ERO at (970) 422-2136 or [slarmore@eroresources.com](mailto:slarmore@eroresources.com).

Sincerely,

Sean Larmore, Cultural Resource Manager

Attachment

cc: Phil Eigidi (CDPHE)  
Frank Filas (EFR)

## COMMUNICATION RECORD

ERO Resources Corporation

Project/Office Code: 4585	Pinon Mill Project
Date: 1/7/10	Incoming:
Time: 9:20 am	Outgoing: X
Communication with: Bethenie Goodtracks – Cultural Program	
Organization/Tribe: Southern Ute Indian Tribe	Phone #: 970-563-0100 x 2257
<b>Summary of Conversation or Message:</b>  Ms. Goodtracks stated the official SUI position that they have always been in the area. She noted that the project area is located in their ancestral area and those sites documented are probably Ute. However, she noted that the sites were not of a level of significance that warranted a closer look.  She further stated that should Section 106 be triggered, that a new round of consultation should occur and that current consultation does not end the process or preempt future consultation, should that become necessary.  Finally, Ms. Goodtracks requested the cultural resource inventory reports for the project.	
Follow Actions: A CD with all Pinon Mill project cultural resource reports was sent 1/8/10.	
Documented by: SPL	

# COMMUNICATION RECORD

ERO Resources Corporation

<b>Project/Office Code: 4585</b>	<b>Pinon Mill Project</b>
<b>Date: 1/19/10</b>	<b>Incoming:</b>
<b>Time: 2:40pm</b>	<b>Outgoing: X</b>
<b>Communication with: Bethenie Goodtracks – Cultural Program</b>	
<b>Organization/Tribe: Southern Ute Indian Tribe</b>	<b>Phone #: 970-563-0100 x 2257</b>
<b>Summary of Conversation or Message:</b>  Left message regarding submittal of CD with project reports.	
<b>Follow Actions: Will call be back 1/25/10</b>	
<b>Documented by: SPL</b>	

# COMMUNICATION RECORD

ERO Resources Corporation

<b>Project/Office Code:</b> 4585	<b>Pinon Mill Project</b>
<b>Date:</b> 12/16/09	<b>Incoming:</b>
<b>Time:</b>	<b>Outgoing:</b> X
<b>Communication with:</b> left message w/ Johnny Valdez, Executive Director	
<b>Organization/Tribe:</b> Southern Ute Indian Tribe	<b>Phone #:</b> 970-563-0100 x 2320
<b>Summary of Conversation or Message:</b>  Left message regarding follow-up to consultation letter.	
<b>Follow Actions:</b> [Indicates when complete] Call back	
<b>Documented by:</b> SPL	

# COMMUNICATION RECORD

ERO Resources Corporation

<b>Project/Office Code: 4585</b>	<b>Pinon Mill Project</b>
<b>Date: 12/23/09</b>	<b>Incoming: X</b>
<b>Time: 7:27 am</b>	<b>Outgoing:</b>
<b>Communication with: Johnny Valdez, Executive Director</b>	
<b>Organization/Tribe: Southern Ute Indian Tribe</b>	<b>Phone #: 970-563-0100 x 2320</b>
<b>Summary of Conversation or Message:</b>  Mr. Valdez indicated that a response was probably not necessary after review, but he referred ERO to the following persons for follow-up:  Neil Clout – NAGPRA coordinator  Or  Bethenie Goodtracks – Cultural Program	
<b>Follow Actions: [Indicates when complete] Will follow-up with Ms. Goodtracks</b>	
<b>Documented by: SPL</b>	



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January 8, 2010

Ms. Bethenie Goodtracks  
Southern Ute Indian Tribe  
356 Ouray Drive, P.O. Box 737  
Ignacio, Colorado 81137

RE: Pinon Mill Project Consultation

Dear Ms. Goodtracks:

Energy Fuels Resources (EFR) is in the initial stages of developing, and eventually constructing, a new uranium mill to be located in Paradox Valley, Montrose County, Colorado (figure attached). The Colorado Department of Public Health and Environment (CDPHE) is the lead regulatory agency for this project (although to date, no federal nexus is involved to trigger Section 106). An environmental report (ER) was recently submitted to the CDPHE for review and it is expected to take upwards of a year for a decision.

Cultural resources inventory was undertaken as part of a due diligence effort of EFR. In 2007, ERO Resources Corporation (ERO) completed the Class III cultural resources inventory of the initial 880 acres of private property included within the project area. The Colorado State Historic Preservation Officer (SHPO) determined a finding of "no historic properties affected" pursuant to the National Historic Preservation Act (NHPA, letter dated February 25, 2008). A consultation letter was sent to the Southern Ute Indian Tribe on March 14, 2008 detailing the results of the original cultural resource inventory for this project area; two follow-up phone calls were placed subsequent to the letter. The project area was expanded to include an additional 80 acres, bringing the total project area to 960 acres. The additional survey resulted in the identification of four additional archaeological sites. The Colorado SHPO concurred with the findings of "no historic properties affected" detailed in the report (letter dated August 6, 2009).

Your request for the cultural resource reports is included on the accompanying compact disk with this letter (per our phone conversation of January 7, 2010). Three documents are included on the CD. These documents include the *Phase I Inventory Report* of the original 880 acres; the *Phase I Mitigation Report*; and the *Phase II Addendum Inventory Report* for the additional 80 acres.

It was a pleasure to speak with you the other day. If I can be of further assistance, please do not hesitate to contact me at (970) 422-2136 or [slarmore@eroresources.com](mailto:slarmore@eroresources.com).

Sincerely,

Sean Larmore  
Cultural Resource Manager

Attachment

cc: Phil Eigidi (CDPHE)  
Frank Filas (EFR)

## COMMUNICATION RECORD

ERO Resources Corporation

<b>Project/Office Code: 4585</b>	<b>Pinon Mill Project</b>
<b>Date: 1/19/10</b>	<b>Incoming:</b>
<b>Time: 2:20 pm and 2:24 pm</b>	<b>Outgoing: X</b>
<b>Communication with: Scott Clow – Environmental Director</b>	
<b>Organization/Tribe: Ute Mountain Ute Indian Tribe</b>	<b>Phone #: 970-749-3508 and 564-5432</b>
<b>Summary of Conversation or Message:</b>  Left message on both Mr. Clow's cell phone and office phone regarding follow-up to email documentation from 12/11/09.	
<b>Follow Actions: Will follow-up with phone call by 1/25/10</b>	
<b>Documented by: SPL</b>	

# COMMUNICATION RECORD

ERO Resources Corporation

<b>Project/Office Code: 4585</b>	<b>Pinon Mill Project</b>
<b>Date: 12/10/09</b>	<b>Incoming:</b>
<b>Time: 10:35 am</b>	<b>Outgoing: X</b>
<b>Communication with: Secretary for Chairman House</b>	
<b>Organization/Tribe: Ute Mountain Ute Indian Tribe</b>	<b>Phone #: 970-565-3751</b>
<b>Summary of Conversation or Message:</b>  The secretary redirected the call to Mr. Scott Clow – Environmental Director for the Tribe. ERO left a message with Mr. Clow detailing the reason for the call and asking for comments and/or concerns.	
<b>Follow Actions: Will make second follow-up call.</b>	
<b>Documented by: SPL</b>	

## COMMUNICATION RECORD

ERO Resources Corporation

Project/Office Code: 4585	Pinon Mill Project
Date: 12/11/09	Incoming: X
Time: 10:35 am	Outgoing:
Communication with: Scott Clow – Environmental Director	
Organization/Tribe: Ute Mountain Ute Indian Tribe	Phone #: 970-749-3508
Summary of Conversation or Message:  Mr. Clow requested that we resend the consultation letter via email to him ( <a href="mailto:sclow@utemountain.org">sclow@utemountain.org</a> ) and he would forward to the appropriate reviewer in his department.	
Follow Actions: An email was sent to Mr. Clow with attached documents on 12/11/09 at 9:52 am.	
Documented by: SPL	

**From:** Sean Larmore  
**To:** ["sclow@utemountain.org"](mailto:sclow@utemountain.org);  
**Subject:** Proposed Pinon Ridge Uranium Mill - Consultation Letter  
**Date:** Friday, December 11, 2009 9:52:00 AM  
**Attachments:** [2009Ute Mountain Ute.pdf](#)  
[Pinon Mill Project Location Map.pdf](#)

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Scott,  
Attached is the consultation letter dated October 2009 and its accompanying project location map.

Please let me know if there is any other documentation that I can provide.

Regards,

Sean Larmore  
Cultural Resources Manager  
ERO Resources Corp. • 1065 Main Ave., Ste 200 •  
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