

SOUTH T-BAR RANCH Newsletter

www.southtbar.com

A Publication of the South T-Bar Ranch Property Owners Association

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President's Corner

There are a lot of challenges facing the Board in the years ahead, and the stakes are high. Your POA needs enthusiastic, dedicated people to meet those challenges. As a South T-Bar owner, you are responsible for selecting the Board that will meet those challenges. So, what should you look for in a candidate?

1. A Board member must be willing to act in the best interest of the POA.
2. A good Board Member needs to be able to work independently and as part of a team to get things done.
3. A candidate should be honest, forthright, and ethical.
4. A Board Member is committed to seeing through their two-year term and is willing to spend the time required to keep the POA running smoothly.

Please consider your vote for this year's slate of candidates carefully. It's healthy to have a variety of opinions on the Board. Think about how you want your Board to be spending its time, and vote for a candidate that will make an effective team.

The ranch is a beautiful place, and South T-Bar deserves to have a Board that will work together to protect that beauty.

Ann Eulert

2007 Annual Meeting Announcement

The official meeting announcement for the 2007 Annual Meeting was mailed out in May. If you have not received this announcement, request a copy by sending an e-mail secretary@southtbar.com

or send a note to: South T-Bar POA
ATTN: Secretary
P.O. Box 1431
Canon Cit, CO 81215

Be sure to include your parcel number and your current mailing address.

IMPORTANT MEETING UPDATE!

Due to time constraints of our quest speakers the start time for the informational meeting on Friday, June 29, 2007 has been changed to 8:30 A.M.

Weather on the Ranch

It's amazing how time flies, but here we are back to spring again. We have had a true winter of back-to-back snowstorms and an overall snow total measured in feet instead of inches. Aside from a couple of major windstorms that created more of a problem than the original snowfall, we managed fairly well here on the ranch. So, as we approach a new season, we acknowledge the good work of our Road Committee and road contractor, Dan Ainsworth.

I am discovering that spring is a very inconsistent time of the year. The old-timers are saying this is the way spring used to be in Colorado before the drought. One day it will be 65 degrees and that afternoon the clouds roll in and the temperature drops 20 degrees and we get showers. The next day it is 25 degrees and snowing.

However, in and around the cold weather there is enough sunshine and warmth to turn the brown hills to green. The first of the wildflowers are sprouting, and there is an abundance of little purple flowers blooming wherever you walk. I expect the Cottonwoods and the Aspens to start budding very soon. As I sit here writing this article, the skies are dark, there is rain and sounds of thunder outside. The week's forecast is to be riddled with a variety of spring rains with thunder and lightning thrown in for good measure.

The antelope are back roaming the hills, and there has been a very large herd of elk spotted in various locations on and around the ranch. The Hawley's recently reported seeing a black bear in their backyard. Obviously, hibernation season has ended and the activity of rambling animals has begun.

Gary Lack

Gate Codes
April through June --- 2199
July through September--- 5581
October through December---1364

2006/2007 STB Board

Officers:

Pres. Ann Eulert (aheulert@yahoo.com)
VP Gary Lack (GAL4839@aol.com)
Sec. Lucy Thurston (lucythurston@netzero.net)
Treas. Betty Sue Cornella (Bettscorn7@msn.com)

Directors:

Jack Davis (jrdavis43@comcast.net)
Jan Cressman (cres1840@msn.com)
Gary Hawley (rambodoc1103@earthlink.com)
Mark Trotta (trottamountain@aol.com)

Committees:

Roads - Mark Trotta, Gary Hawley
Trash/Mail - Betty Sue Cornella
Security – Curtis Eulert
Covenant Review – Gary Hawley, Jack Davis
BLM ROW & Easements – Gary Lack, Mark Trotta
Financial - Betty Sue Cornella
Secretarial - Lucy Thurston
Web Site – Jack Davis, Curtis Eulert
Fire – Gary Lack, Gary Hawley
Newsletter – Jan Cressman, Lucy Thurston
Grazing Lease – Gary Lack, Bill Wendt
Legal – Gary Lack, Mark Trotta
Mineral Rights – Gary Lack, Mark Trotta, Jack Davis

Additional Information on Proposed Mining Activity

In an ongoing effort to keep everyone informed about the proposed mining activity on South T-Bar Ranch, below is additional information that has been learned since the Annual Meeting Announcement was sent out.

As mentioned previously, the POA has retained an attorney to assist in protecting the surface and mineral interests of the POA and its members. In the process of selecting an attorney, several attorneys were interviewed, and they all said the same thing – the laws in Colorado favor the rights of a mining company to remove minerals over the rights of the surface owners to deny access. In short, in the state of Colorado, **neither the POA nor the surface owners have the legal authority to stop the mining company from starting a mining operation if they choose to do so.**

There are strategies and tactics that could be used to delay the process and make it more unpleasant and expensive, but the POA's attorney does not recommend doing this. These tactics would increase the cost of the

mining operation and, for an ore deposit that would be marginally profitable, they may be effective in changing the economic value of a mining operation. However, with a significant ore deposit, these techniques would simply not work. The POA's attorney has experience in this area and has advised the POA that trying to fight the mining company would be a continuous headache and an expensive nightmare that will ultimately be unsuccessful.

The POA's attorney has further advised the POA that, no matter how we may feel personally about the possibility of having a uranium mine on our beautiful ranch, it is not in the best interests of the POA to get into an ugly, protracted, expensive legal battle that will bankrupt the POA and still not change the outcome. Unfortunately, this is consistent with the views stated by the other attorneys that were interviewed. The Board has reluctantly come to the conclusion that perhaps this is indeed the reality of the situation.

The board has not signed any agreements with the mining company at this point. However, the board has taken steps to position us to negotiate the most aggressive reclamation and compensation package available. Based on advice from several attorneys as well as industry experts, this appears to be the most advantageous position for the POA. All legal work (and expense) to date has been focused on securing the background information and legal opinion needed to solidify our negotiating stance. We will closely monitor the upcoming events to determine a final strategy, but the information gathered to date was necessary regardless of the direction the POA takes.

In exchange for the POA's unwilling "cooperation", it is expected that more favorable terms can be negotiated than would otherwise be possible and that this will ultimately work to the benefit of the ranch in the long run. It is expected that some of the money the mining company saves by avoiding a protracted legal battle can be used for an enhanced reclamation process that goes well beyond the minimum requirements of the law.

Energy Metals is in the process of being acquired by SXR Uranium One, but according to Gordon Peake, Vice President of Lands for Energy Metals, this is not expected to have any impact on the proposed operations at South T-Bar.

If you have any questions about the proposed mining activities, please contact Ann Eulert at 719-275-1765 or e-mail president@southbarranch.com.

Energy Metals' Proposed Timeline

Based on information provided in part by Gordon Peake, Vice President of Lands for Energy Metals, below is a possible sequence of events that may occur and the mining company's desired time frames:

1. Staking - Summer 2007

Staking involves one or more pickup trucks with a small crew of workers driving onto the ranch, parking along the road, and then proceeding by foot. (They would normally use ATVs, but the Board has requested that vehicle traffic be limited to the roads for this phase.) They will have a backpack full of 2"X2" stakes and a GPS unit mounted on a tripod. They will walk to locations within the area specified on the Notices of Intent to Locate (NOITLs) and plant a stake.

Staking is expected to take 2 - 3 days and must be completed within the time frame specified in the NOITL, so it must occur sometime this summer. The mining company will be contacting selected property owners soon to try to negotiate agreements for surface access. If the owner and the mining company cannot reach an agreement, the mining company can use BLM regulations to get permission to come onto that owner's land. **However, a negotiated surface use agreement will generally have more favorable terms for the owner than what will be mandated by the BLM. Neither the POA nor the surface owners have the legal authority to stop the staking and anyone who interferes with it may be subject to legal action.** The mining company has verbally agreed to notify the Board in advance of when they will be on the ranch. Once the staking operation is completed, nobody cares what happens to the stakes.

2. Confirmation Drilling - Fall 2007

The mining company wants to start the "Confirmation" phase in the fall. Normally, this phase would be called "Exploration" and would involve drilling exploratory holes in a grid pattern. However, this area has already been explored extensively and the mining company only needs to confirm the results of the previous drilling.

The mining company plans to drill a limited number of holes, probably at existing drill sites, but the number and location of those holes has not been determined yet. They will use a drilling rig similar to the one used to drill a water well. The holes would be either 4" or 6" in diameter and would be steel cased as needed to protect the water supply. The holes will be capped when they are done.

Since **neither the POA nor the surface owners have the legal authority to prevent the drilling**, the Board has started working on a list of requirements for surface access for this phase.

3. Feasibility Study - Winter 2007 & Spring 2008

The Feasibility Study is sometimes also called "Development" (as in "the development of more information"), and the mining company would like to do this during the winter of 2007 and the spring of 2008. It would include things like aerial surveys, a wildlife

census, and an Environmental Impact Study. During the Feasibility Study, the mining company will consider what types of mining techniques can be used with the ore body, determine if any roads would need to be rerouted, and consider many other details required to determine if this is a project they wish to pursue.

4. Go / No Go Decision – 2008?

After the Feasibility Study has been completed, the mining company will decide whether or not to proceed with an actual mining operation.

5. Permitting - 2 to 5 years?

If the mining company decides to proceed with a mining operation, they will need to get a number of permits, and the permitting process is expected to take a couple of years. The mining company will need to monitor things like wind speed, wind direction, and precipitation for at least a year in order to get the required permits.

6. Production – Unknown

If the mining operation actually gets to the production stage, another Surface Access Agreement will be needed.

7. Reclamation – Unknown

The POA and surface owners may be able to require a reclamation bond to reserve funds that can be used only for reclamation. The POA intends to require that reclamation start as soon as possible, and perhaps even that it runs in conjunction with the mining.

Did You Get a Notice of Intent to Locate?

Several property owners in the area have recently received Notices of Intent to Locate (NOITLs) related to potential uranium mining activity. A sample NOITL can be found on the STB web site, www.southtbar.com, in the **Documents** sections, under **Mineral Rights**, look for the document titled "**A Sample Notice of Intent (NOITL) letter**". To have a paper copy sent to you, send a request to South T-Bar Ranch POA, ATTN: Secretary, P. O. Box 1431, Canon City, CO 81215, or call Ann at 71-275-1765. The rest of this article is addressed Eulert to owners who have received such a NOITL.

The South T-Bar Ranch POA has retained an attorney to protect the surface and mineral interests of the POA and its members in this matter. This attorney represents the POA. He has an interest in seeing that the surface rights of properties on the ranch are protected because this is in the best interests of the POA. However, he **does not represent you as an individual owner**. You may want to retain an attorney to represent you in this matter. You may choose to join with the POA and other owners and hire the same attorney that the POA is using, as he is

already familiar with the details of the case, or at your discretion you may prefer to choose a different attorney. The attorney that the POA has retained is:

Herbert "Chip" Delap
Dufford & Brown, P.C.
1700 Broadway, Suite 2100
Denver, CO 80290-2101
Phone: (303) 861-8013

The Board is working on a sample agreement with the mining company to do the staking required to complete its claim. This agreement is for staking only and another agreement will be needed for any subsequent activities. The sample agreement will be in the form of a "Staking Agreement Letter" that outlines what the mining company intends to do and provides modest compensation to the surface owners for access. *If the mining company cannot reach an agreement with you, they will use the BLM regulations to come onto your property and place their stakes.* You will have more control over the terms of the access if you can reach an agreement with the mining company. The mining company is required to do its staking within the time frame specified on the NOITLs, so this agreement will need to be completed in the near future.

The Board expects to have a sample Staking Agreement Letter soon. The Board will provide a copy of that letter to you so you can consider whether or not you want to use it as a base agreement. If you have any requirements beyond what is in the sample agreement, you will need to negotiate that separately with the mining company. However, if you ask for too much, the mining company may not agree to it and go to the BLM for permission to come onto your land. You may wish to consult with your attorney for more information and advice on this.

Fire Report

This is a beautiful time to be on the ranch—living and/or visiting. The hillsides and fields are getting greener by the day. On warm days, it definitely feels like spring. Consequently, we are blessed at this particular time of year. As long as it stays wet, we have no fire danger to report.

However, it appears we may be in for a very lively fire season. Unlike last year, we have had a great deal more moisture in the way of wet snow and spring rains. This will make for a lot of growth and potential for high fire danger as we move into the summer months. All the vegetation that is currently growing green and lush will rapidly dry out. If we have just a small percentage of the lightening storms that were in our area last year, we'll be ripe for a fire.

It is important to remind everyone that during the drought years the fire danger was mostly due to wind, dry land and trees. The growth we are currently seeing, although

beautiful and green, will make us more susceptible to a bad fire season. Unfortunately, there is nothing to be done about Mother Nature and when lightening strikes, we will simply have to be prepared. However, each and every individual needs to be extremely alert and cautious with anything flammable.

I would like to take this opportunity to encourage all landowners to get involved in preserving this beautiful ranch. If you own property, whether you live here or not, you have a vested interest in helping to provide for the measures we must take to maintain it. If a fire were to rip violently through the ranch, it would be devastating.

As I reported previously, our fire chief resigned and returned to Oklahoma. When he left, two of the fire engines left with him as they belonged to him personally. That being said, the fire department is in desperate need of additional equipment to meet the needs of our fire district and the vast area that is spread out within its borders. (FYI: We do have a new chief.)

Although the fire department endeavors to obtain grants when possible for operating expenses, grants are simply not enough. Donations from landowners are imperative for the ongoing costs of operations, equipment and training of personnel. As is done annually, the Tallahassee Volunteer Fire Department recently mailed out to all landowners a request for personal donations. Sadly, less than thirty percent of landowners currently participate by making their contributions. The fire department simply cannot operate when so few make the effort to donate. As mentioned, we have two fire engines to replace. We also are in immediate need of phasing out some of the older engines currently in use, as they are too old and no longer reliable; and, for the most part, are not up to current regulations for equipment.

It takes a great deal to keep the fire department operational and the fire danger is all around us! ***The need is great! Won't you do your part and send in your contribution as soon as possible if you haven't already done so?*** If every property owner would do their share, the fire department would be in a much better position to adequately be prepared to handle the ongoing problem of wildfires. The department is also looking forward to the future when they need to be fully prepared for structural fires as well. Any and all donations are accepted. However, if your land is vacant, you are asked to contribute \$50. If you have land with any structure or other improvement on it, you are requested to help out with a \$100 donation.

Please help us be prepared to protect your property investment and provide the best possible service for you and your families. Become a member by mailing your contribution (payable to TRFPA) to:

Tallahassee Rural Fire Protection Assn.
662 Wapiti Trail
Canon City, CO 81212

Have a safe and pleasant spring filled with the joy of all that is new.

Gary Lack

Fire Danger-Rating Levels and Descriptions

5 EXTREME – Fires start quickly, spread furiously, and burn intensely. All fires are potentially serious. Development into high intensity burning will usually be faster and occur from smaller fires than in the Very High fire danger class. Every fire start has the potential to become large. Expect extreme, erratic behavior. **NO OUTDOOR BURNING SHOULD TAKE PLACE IN AREAS WITH EXTREME FIRE BEHAVIOR.** Fire restrictions are generally in effect.

4 VERY HIGH – Fires start easily from all causes and immediately after ignition, spread rapidly and increase quickly in intensity. Spot fires are a constant danger. Fires burning in light fuels may quickly develop high intensity characteristics such as long-distance spotting and fire whirlwinds when they burn in heavier fuels. Both suppression and mop-up will require an extended and very thorough effort. Outdoor burning is not recommended. Fire restrictions may be in effect.

3 HIGH – All fine dead fuels ignite readily and fires start easily from most causes. Unattended brush and campfires are likely to escape. Fires spread rapidly and short-distance spotting is common. Fires may become serious and their control difficult unless they are attacked successfully while small. Outdoor burning should be restricted to early morning and late evening hours.

2 MODERATE – Fires can start from most accidental causes, but with the exception of lightning fires in some areas, the number of starts is generally low. Expect moderate flame length and rate of spread. Short-distance spotting may occur, but is not persistent. Fires are not likely to become serious and control is relatively easy. Although controlled burning can be done without creating a hazard, routine caution should be taken.

1 LOW – Fuels do not ignite readily from small firebrands although a more intense heat source, such as lightning, may start fires in duff or punky wood. Weather and fuel conditions will lead to slow fire spread, low intensity, and relatively easy control with light mop-up. There is little danger of spotting. Controlled burns can usually be executed with reasonable safety.

Red Flag Warning – A short-term temporary warning indicating the presence of dangerous combinations of temperature, wind, relative humidity, fuel or drought conditions which can contribute to new fires or rapid spread of existing fires. Can be issued at any Fire Danger level.

Source: BLM

Web Site News - <http://www.southtbar.com>

Usage of the new web site has increased tremendously, especially since Energy Metals has signaled their intent to mine uranium on the ranch. The site has become a repository of documents relating to the ownership of mineral rights, and the forums have become a resource where people have been sharing their research into the ownership of mineral rights, issues surrounding the mining of uranium, and pros and cons of the methods that Energy Metals plans to use to mine. If you haven't requested an ID yet, do so and join in the discussion and research.

Did you know?

- If you had registered on the old site, the registrations could not be transferred to the new site and you must request a new User ID?
- Even though the User ID Request form says to allow 48 hours for your ID to be implemented, most IDs are created in just a few hours?
- The South T-Bar POA Handbook that original owners received from the developer has been updated and put on-line?
- You can use on-line forms to RSVP for the annual meeting, or to nominate someone (including yourself) for the Board of Directors? You can even request a covenant variance on-line.

Way To Go!

Congratulations to STB residents Mark Trotta, Curtis Eulert and Ann Eulert on attending a basic wild land firefighting class! This class consists of three days of classroom training and one day of hands-on experience in the field. Topics covered include wild land fire behavior, recognizing hazardous weather conditions, building a fire line, personal protective equipment, and protecting homes (urban interface). Due to liability concerns, even if a fire is threatening your home, the TRFPA cannot allow you to assist in fighting it unless you have completed this class.

According to Gary Lack, everyone should think about taking this class – not just for the VFD, but also for personal use, like learning how to protect your property. Watch the TRFPA newsletter, *Smoke Signals*, or check the TRFPA web site (www.tallahasseevfd.com) for the next scheduled class.

Many thanks to Mark, Curtis, and Ann for their commitment to making South T-Bar a better place to live!

Wildlife Corner

Rattlesnake Safety on STB

Keep in mind that most snakes are crepuscular and nocturnal and are not out during our active hours. Below are several guidelines for avoiding snakebites.

- a. Wear appropriate footwear such as boots, or high-top hiking shoes.
- b. Step up onto logs or rocks rather than over them. Use a hiking stick.
- c. Don't place your hands on unseen ledges or into animal holes.
- d. Don't turn rocks or boards over with bare hands. Use a tool or a hiking stick.
- e. Don't try to kill catch or molest a venomous snake. Leave them alone.
- f. Don't hike by yourself. Carry a cell phone and car keys. If bitten you want to be able to reach medical help quickly.
- g. Get a book and learn what dangerous snakes in your area look like.
- h. Watch where you are walking. If you do come upon a rattlesnake, stop and hold still while you visually locate the snake. Let the snake calm down, then move away from it, to at least ten feet. Look around for any other snakes, but stay aware of the original snake's location and movement. Then work out a safe route around it and leave.

Copyright – 1994—Rattlesnake Museum, Albuquerque, NM

Covenants Reminder to STB POA Members

If you are planning to build a structure on your property, you must review and comply with the South T-Bar Ranch Covenants – covenants that we each agreed to when we purchased our parcels. The Covenants can be found on the STB web site (www.southtbar.com) under **Governing Documents**. Some of the more important covenants applicable to structures are listed below.

1. Fremont County regulations apply.
2. The STB Board must approve all dwelling construction plans.
3. The minimum size for a permanent residence shall be 1000 square feet and the dwelling must be on a permanent footing and foundation.
4. Mobile homes are not permitted.
5. A structure may not be within 75 feet of a right of way, or within 50 feet of a side or rear line of your property.
6. Submit to the STB Board, at least 30 days in advance:
 - a. Your site plan showing the location of

- building(s) and distance from property lines;
- b. Building plans including views of the structure(s) drawn to scale (including square footage) and the footings/foundations.
- c. Please mail, fax or e-mail your plans to the South T-Bar Ranch POA:

First Class Mail:

South T-Bar Ranch POA
Attention: Covenants Committee
P. O. Box 1431
Cañon City, Colorado 81212

FAX: 719-275-1788

E-mail: covenants@southtbar.com

This information can also be found in the Building Plan Review policy on the STB web site (in the **Documents** section, under **Policies/Procedures**). For more information, please call Gary Hawley at 719-275-3940.

Gate Codes

April through June – 2199
July through --- September 5581
October through December --- 1364

RANCH ROUNDUP

Hangtags - Remember the hangtags for your car when you visit South T-Bar. It makes it easier for residents and law enforcement to identify owners versus trespassers.

Front Gate – Report gate problems to Curtis Eulert 719-275-1765. Make sure the gate is closed after you enter or exit.

The POA Board – There are many things to be done for STB. Please help by volunteering your time, skills, and energy. Distance is not a disqualifier.

Suspicious activity - call the Fremont County Sheriff's Department at 719-5555. To report a fire, call the Tallahassee VFD at 719-275-3058.

CLASSIFIED ADS:

YES!

This Space is Available!

If you know of someone who wants to advertise their services to South T-Bar, or if you're thinking about selling your property, consider an ad right here! No charge to property owners!

Other Advertiser's Fees:

1 Qtr. (1 newsletter) \$15

4 Qtrs. (4 newsletters) \$50

Contact: Jan Cressman 1840 Rue De Trust, Erie, CO 80516. Ph. 303/828-3360. E-mail: cres1840@msn.com.

GET 'ER DONE CONSTRUCTION

Tony Revack
General Contractor
1631 South T-Bar Trail
Cañon City, CO 81212
719.269.9978

AspenWindsRanch@mesanetworks.net
****Numerous References Available****

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Need Some Work Done?

If you have projects that need to be done on the ranch, or in the surrounding area (such as painting, staining, cleaning, any kind of outside clean up or landscaping) give me a call.

I'm a full time resident at the ranch and excellent at all kinds of odd jobs. I also have experience in animal care, both domestic & livestock, if you need help in that department.

References available upon Request.

Contact me at: Lynn Fish 719/269-8111



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Real Estate Report – June 2007

The recent activity concerning the possible mining of portions of South T-Bar has certainly had an impact on real estate. I hope I can put some things in perspective for you and give you the facts as they exist today. First of all, what has been filed is intent to survey and explore. While prospects of someone actually mining the property seem substantial, we are not at that point yet. However, realtors do have to disclose that there have been steps taken to initiate the mining effort and that portions of STB may be mined. What does that mean to you?

1. If you are inclined to ride the investment, mining should give you a very lucrative return on your investment. The people who own land in the mining area will have the best return, as they will be able to negotiate surface access as well as receive a share of the net profits. STB owners outside the direct mining effort will receive a share of the profits and their land won't be disturbed.
2. If you have thoughts of selling your property, this is an excellent opportunity. While the traditional market will be virtually impossible to approach, investors are very interested in purchasing STB property. Pricing will vary with a higher price

**South T-Bar
P.O. Box 1431
Canon City, Colorado 81215**

Return Postage Guaranteed

being paid for properties near the front of the ranch (on the ore body). Under any circumstance, you may be able to get the high side of the market price, plus a premium.

There is some concern of an investor or the mining company purchasing enough property to control the POA. The people not wanting to sell their property are concerned about their ability to control the mining operation, if they lose control of the POA. If enough people sell, I suppose this could happen.

If you have long term plans for building on your lot, or if you intend to hold your property for any reason, the mining activity could be an unexpected dividend. If your plans were to build in the next couple of years, you may want to investigate the pending mining before spending the money in that time frame.

If you were planning on selling in the near term, the question you have to ask yourself is "do you want to wait for the mining operation to materialize, or do you want to sell your property at an opportune moment"? If you want to sell, I suggest that you contact the realtor of your choice.

Mark Trotta