

DECLARATION OF JOHN WEISHEIT

I, John Weisheit, based upon my personal knowledge and belief, state:

1. I reside in Grand County near Moab, Utah.
2. I am of sound mind and body and competent to make this Declaration.
3. I am the Conservation Director of Living Rivers and the Colorado Riverkeeper, an affiliate of the Waterkeeper Alliance.
4. Living Rivers is a non-profit corporation headquartered in Moab, Utah, dedicated to the preservation, protection, and restoration of rivers and watersheds in the Colorado Plateau. Living Rivers works to insure the long-term health and viability of human, animal and plant species, as well as environmental quality, threatened by mining operations in the region.
5. In my capacity as Living Rivers' Conservation Director, I was informed of the Division of Oil, Gas & Mining's (Division) Tentative Approval of Red Leaf's proposed NOI to commence Large Mining Operations at the Southwest #1 mine. On November 18, 2011, Living Rivers protested the Division's approval of the Red Leaf mine. On February 24, 2012, the Division held an informal hearing on our protest, and on March 9, 2012 denied our protest and issued a final order determining that Red Leaf had met the relevant Division rules and that a Final Notice of Intention should be approved.
6. I use and enjoy the land where the Red Leaf project is proposed. I also use and enjoy the lands adjacent to and nearby the proposed project land.
7. I have visited the land where the Division has approved Red Leaf's mining operations, and the lands immediately adjacent and nearby. I visit those lands to watch birds and wildlife, hike, enjoy the solitude and views, take photographs, and otherwise use and enjoy the public lands in this area.
8. Living Rivers' members also use the land in the area for hunting, hiking, spiritual, and recreation purposes.
9. My recreation, aesthetic, spiritual, conservation and other interests will be significantly and adversely affected if Red Leaf's proposed activities are allowed to proceed. These uses and

interests will be immediately and irreparably harmed if Red Leaf commences its proposed activities.

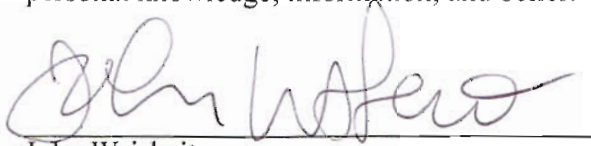
10. The potential groundwater contamination resulting from the proposed mining operations as well as subsequent surface manifestations of that contaminated groundwater will degrade the environment and irreparably alter my use and enjoyment of the area as described above.

12. My uses are totally incompatible with Red Leaf's proposed uses, including vegetation clearing, road building, construction of mining facilities, impairment of downstream uses and groundwater by mining operations, and proposed reclamation requirements that will not restore the area to its original state.

13. I intend to visit and use the lands at and near the proposed project for the aforementioned purposes at least three times in the next year.

14. The only way to protect my interest and uses of the proposed mine site and other lands and waters affected by the mine, and to protect the similar interests and uses of Living Rivers' members, from irreparable injury is to withdraw Red Leaf's permit approval or vacate the approval and allow Red Leaf to rectify, if possible, the permit inadequacies.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my personal knowledge, information, and belief.



John Weisheit

3/15/12
Date