



Christopher J. Neumann  
Tel 303.572.6551  
neumannc@gtlaw.com

**RECEIVED**

NOV 23 2016

GRAND JUNCTION FIELD OFFICE  
DIVISION OF  
RECLAMATION MINING & SAFETY

November 23, 2016

**VIA EMAIL**

Jeff M. Fugate, Esq.  
First Assistant Attorney General  
Natural Resources & Environment Section  
Colorado Attorney General's Office  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 7<sup>th</sup> Floor  
Denver, CO 80203  
Email: Jeff.Fugate@coag.gov

John J. Roberts, Esq.  
First Assistant Attorney General  
Colorado Attorney General's Office  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 7<sup>th</sup> Floor  
Denver, CO 80203  
Email: John.Roberts@coag.gov

Re: Request for Reinstatement of Suspended Permit  
Wildcat Mining Corporation, May Day Idaho Mine  
Permit No. M-1981-185  
Violation No. MV-2013-037

Dear Jeff and John:

I am writing on behalf of Wildcat Mining Corporation ("Wildcat") pursuant to Section 34-32-124(6)(b) of the Colorado Mined Land Reclamation Act (the "Act"), C.R.S. § 34-32-124(6)(b), and Rule 3.3.2(2)(a) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board ("Board") for Hard Rock, Metal, and Designated Mining Operations (the "Rules"), to respectfully request that the Board reinstate Permit No. M-1981-185. In support of this request, Wildcat states as follows:

On December 12, 2011, the Board issued an order (the "December 12, 2011 Order") conditionally approving the conversion application submitted by Wildcat for the May Day Idaho Mine. The December 12, 2011 Order required, among other things, that Wildcat stabilize and reclaim the new access road constructed at the mine site. After the Division of Reclamation, Mining and Safety (the "Division") approved Wildcat's work plan for these repairs in Technical Revision No. 2, Wildcat and the Division jointly requested that the Board modify the December 12, 2011 Order by establishing a September 30, 2013 deadline for Wildcat to complete the road repair work. On July 17, 2013, the Board issued an order (the "July 17, 2013 Order") modifying the December 12, 2011 Order to include this new deadline. After Wildcat failed to timely complete the road repairs, on November 26, 2013, the Board issued an order regarding Violation No. MV-2013-037 (the "November 26, 2013 Order") finding, pursuant to C.R.S. § 34-32-124(6)(a), that Permit No. M-1981-185 was suspended.

ALBANY  
AMSTERDAM  
ATLANTA  
AUSTIN  
BERLIN\*  
BOCA RATON  
BOSTON  
CHICAGO  
DALLAS  
DELAWARE  
DENVER  
FORT LAUDERDALE  
HOUSTON  
LAS VEGAS  
LONDON\*  
LOS ANGELES  
MEXICO CITY\*  
MIAMI  
MILAN\*\*  
NEW JERSEY  
NEW YORK  
NORTHERN VIRGINIA  
ORANGE COUNTY  
ORLANDO  
PHILADELPHIA  
PHOENIX  
ROME\*\*  
SACRAMENTO  
SAN FRANCISCO  
SEOUL\*  
SHANGHAI  
SILICON VALLEY  
TALLAHASSEE  
TAMPA  
TEL AVIV\*  
TOKYO\*  
WARSAW~  
WASHINGTON, D.C.  
WESTCHESTER COUNTY  
WEST PALM BEACH  
\* OPERATES AS GREENBERG TRAURIG GERMANY LLP  
\* OPERATES AS A SEPARATE UK REGISTERED LEGAL ENTITY  
\* OPERATES AS GREENBERG TRAURIG S.C.  
\* STRATEGIC ALLIANCE  
\* OPERATES AS GREENBERG TRAURIG LLP FOREIGN LEGAL CONSULTANT OFFICE  
\* A BRANCH OF GREENBERG TRAURIG P.A. FLORIDA, USA  
\* OPERATES AS GT TOKYO HORITSU JIMUSHO  
\* OPERATES AS GREENBERG TRAURIG GROSZAK SP.K.

On February 21, 2014, the Board issued an order (the "February 21, 2014 Order") requiring that Wildcat complete the repairs to the new access road by July 1, 2014. Wildcat timely completed the road repairs at a cost of over \$559,000, and committed to complete the remainder of the corrective action required by the December 12, 2011 Order prior to the end of the 2015 construction season. Unfortunately, Wildcat was unable to timely complete this corrective action. As a result, on March 3, 2016, the Board issued an order (the "March 3, 2016 Order") finding Wildcat in violation of C.R.S. § 34-32-124(6)(a) for failure to comply with the February 21, 2014 Order, and establishing a new deadline for Wildcat to commence and complete remaining corrective action at the mine site.

Specifically, the Board directed in the March 3, 2016 Order that:

6. Wildcat shall commence repair and stabilization related to all outstanding corrective actions as set forth in the December 2011 Order no later than May 15, 2016. Required work specifically includes the following tasks reflected in paragraphs 2, 3 and 4 of the December 2011 Order:

- May Day 1 portal stabilization and maintenance;
- Stabilization of the Chief Portal and the access road immediately above;
- Reclamation of Little Deadwood Gulch at the May Day 2 and Chief Portal; and
- Initiate all water quality characterization, monitoring and reporting as required under Rule 6.4.21(8), (9) and (11) for a Designated Mining Operation.

Water quality characterization sampling shall begin no later than June 15, 2016, with the first quarter report due to the Division within 30 days of receipt of analytical reports.

7. Wildcat shall complete the required work outlined in paragraph 6 above and set forth in the December 2011 Order no later than July 1, 2016.

March 3, 2015 Order ¶¶ 6, 7. On July 11, 2016, to accommodate certain wetlands permitting delays, the Board issued an order (the "July 11, 2016 Order") extending the deadline for work required for the reclamation of Little Deadwood Gulch at the May Day 2 and Chief Portal through and including October 15, 2016.

Wildcat has now timely completed all of the corrective action required by the March 3, 2016 Order. Specifically, Wildcat has completed the following tasks at a cost of approximately \$200,000:

- Wildcat completed stabilization and maintenance of the May Day 1 portal. On June 30, 2016, Wildcat submitted to the Division an “as built” report for this stabilization work entitled, “Technical Revision No. 1, As-built Report, Access Portal Collapse Repair and Equipment Work Plan, May Day No. 1 Portal.” A copy of this report is included in the electronic permit file maintained by the Division for Permit No. M-1981-185, and is hereby incorporated by reference.
- Wildcat completed stabilization of the Chief Portal and access road immediately above. On June 29, 2016, Wildcat submitted to the Division an “as built” report for this stabilization work entitled, “Technical Revision-TR-5, Removal of Mine debris from Little Deadwood Gulch in the Chief Portals Area, installation of a culvert within LDG Channel, Stabilization Highwall and Access Road Above the Chief Portal, and Repair of the Emergency Manway.” On July 18, 2016, the Division responded requesting that Wildcat re-vegetate the slope above the Chief Portal and submit an engineering stability analysis of the slope within 30 days. Wildcat timely completed stabilization of the slope above the Chief Portal on July 28, 2016, and Wildcat provided its engineering stability analysis to the Division on August 13, 2016. Copies of each of these reports and correspondence are included in the electronic permit file maintained by the Division for Permit No. M-1981-185, and are hereby incorporated by reference.
- Wildcat has completed reclamation of the Little Deadwood Gulch at the May Day 2 and Chief Portal. On October 11, 2016, Wildcat submitted to the Division an “as built” report for the May Day 2 area reclamation work entitled, “Technical Revision No. 4, As-built Report, Restoration and Stabilization of Little Deadwood Gulch, May Day 2 Mine Area”; and on October 14, 2016, Wildcat submitted to the Division an “as built” report for the Little Deadwood Gulch and Chief Portal reclamation work entitled, “Restoration Completion Report, Little Deadwood Gulch and Chief Portal.” On October 18, 2016, the Division inspected the mine site and prepared an inspection report indicating that the reclamation work at the Chief Portal and May Day 2 areas had been completed. Copies of each of these reports are included in the electronic permit file maintained by the Division for Permit No. M-1981-185, and are hereby incorporated by reference.
- Lastly, Wildcat has initiated water quality characterization and monitoring as required, and has now obtained three additional surface and ground water samples.

Jeff M. Fugate, Esq.  
John J. Roberts, Esq.  
November 23, 2016  
Page 4

Section 34-32-124(6)(b) of the Act addresses the procedure for seeking reinstatement of a suspended permit, and provides the following:

If the board suspends or revokes the permit of an operator, the operator may continue mining operations only for the purpose of bringing the mining operation into satisfactory compliance with the provisions of the operator's permit. Once such operations are completed to the satisfaction of the board, the board shall reinstate the permit of the operator.

C.R.S. § 34-32-124(6)(b); *see also* Rule 3.3.2(2)(a). In this case, the Board specified in the March 3, 2016 Order the scope of corrective action that Wildcat is required to complete in order to request that the Board reinstate its permit. Having completed this corrective action, as documented above, Wildcat now respectfully requests that the Board reinstate Permit No. M-1981-185. Wildcat further requests that this matter be set for consideration on the Board's December 15, 2016 agenda.

Thank you for your consideration and please let me know if you have any questions.

Best regards,

/s/ Christopher J. Neumann

Christopher J. Neumann

CJN

cc: George M.L. Robinson  
Jack Nielsen  
Sara Glinatsis