



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

March 23, 2017

Russell Painter  
1761 Pikes Peak Dr.  
Florissant, CO 80816

**RE: Incompleteness Notice; 110(1) to 110(2) Hardrock Conversion Application (CN-01);  
Amazonites; File No. M-2014-042**

Dear Mr. Painter,

On March 10, 2017, the Division of Reclamation, Mining and Safety (Division) received the 110(1) to 110(2) Hardrock Limited Impact Operation Reclamation Permit Conversion Application (CN-01) for Amazonites, File No. M-2016-040, formally known as Amazonite #VIII. Review of this application determined the following items must be received before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Incompleteness Response CN-01; M-2014-042".

### **APPLICATION FORM**

1. Page 1 of the application lists Russell L Painter as the Applicant/Operator while the correspondence page, certification page, and the existing permittee of M-2041-042 lists the Applicant/Operator as Russell Painter. In order to remain consistent, please submit a new page 1 of the application to reflect the correct name of Russell Painter, without the middle initial.
2. Responsibility #10 on page 6 of the application form has been initialed. This is likely in error as the applicant is an individual and not a joint venture/partnership business. Please submit a new page 6 without responsibility #10 initialed.
3. The certification page (page 7 of the application) contains an error. The date of the Applicant/Operator's signature has been "whited-out". Please submit a new executed certification page with the date filled out correctly.
4. Addendum A was not included with the application. Please submit a signed affidavit that the notices were posted in accordance with Rule 1.6.2(1)(b), a sample affidavit may be obtained on page 11 of the electronic 110(2) application package found on the Division's website.

### **EXHIBIT G – Source of Legal Right-to-Enter (Rule 6.3.7):**

5. The application submittal contained a letter from the USDA Forest Service, dated January 18, 2017, which stated your Mine Plan of Operations (MPO) for Amazonite #3 through #8 was conditionally



approved while Amazonite #1 had remained pending due to a claim dispute. The Exhibit G would have been found incomplete for filing purposes without an Amazonite #1 conditional approval; however, on March 15, 2017, the Division received a new letter from the USDA Forest Service. The new letter stated that there was no longer a conflict with Amazonite #1 and that your MPO was now conditionally approved for Amazonite #1 and Amazonite #3 through Amazonite #8. Incompleteness Issue #5 has been resolved and no further response needed.

**EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9):**

6. Proof of filling with the local County Clerk is not in accordance with Rule 6.3.9 due to the following reasons:
  - 6.1 The County Clerk affidavit submitted with the application was incomplete. This form did not contain the name, signature, nor date by the County Clerk. Since it appears you have tried to mail the application to the County Clerk, requiring no affidavit if proof of delivery can be obtained through certified mail receipt, please see 6.2.
  - 6.2 The Application included a certified mail receipt. However, there was no certified mail return receipt (also known as the green card) verifying the County Clerk signed and received it. In addition, the certified mail receipt submitted does not contain the address information and therefore the Division is not able to determine who this was mailed to. Furthermore, the Division is not able to determine what was mailed to the County Clerk. Please note, you will need to submit a copy of an appropriate cover letter which is to be placed on top of the copy of the application that is sent to the County Clerk. A cover letter should provide instructions for the County Clerk, such as "Please place for public review a copy of this M-2014-042 application. This application shall not be recorded, but shall be retained until final agency action has occurred and be available for inspection during such period. I will reclaim the application or will contact you when this copy can be destroyed." The cover letter should reference the certified mail number on it.
7. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this Incompleteness Notice has been added to it.

**EXHIBIT J - Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District with County Clerk (Rule 6.3.10):**

8. Proof of filling with the local Board of County Commissioners is not in accordance with Rule 6.3.10. The Application included a certified mail receipt. However, there was no certified mail return receipt (also known as the green card) verifying the Board of County Commissioners signed and received it.

Your 110(1) to 110(2) Hardrock Limited Impact Operation Reclamation Permit Conversion Application (CN-01) will not be considered submitted/filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt and acceptance of all of the requested information. Additionally, if you have already published notice you will

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need to republish notice, but only after the Division considers the application submitted; the Division will notify you when you should initiate publication of your notice. This notice must be published once within ten (10) days of the date your application is considered submitted. The final date for receiving comments is the 10th day after the publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division shall deny the conversion application and terminate the revision.

**The response to this Incompleteness Notice is due on or before May 22, 2017.**

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Cc: Wally Erickson; Division of Reclamation, Mining & Safety