



COLORADO

Division of Reclamation,
Mining and Safety

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

September 29, 2017

Gary W. Pollack
P.O. Box 6063
Colorado Springs, CO 80934

RE: Notice of Filing Deficiencies, 110(1) Hardrock Application, Q-2, File No. M-2017-046

Dear Mr. Pollack,

On September 15, 2017, the Division of Reclamation, Mining and Safety (Division) received the 110(1) Limited Impact Operation Reclamation Permit Application for the Q-2 operation, File No. M-2017-046. Pursuant to Rule 1.4.1(8), the Division has determined the application contains deficiencies which prevent the application from being considered filed. The following filing deficiencies must be addressed before the Division can consider the application as being filed and the technical adequacy review can begin. Please respond to this Notice of Deficiencies with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Deficiencies, M-2017-046".

1. Although File No. M-2016-067 was assigned to your claims in the October 7, 2016 notice letter, the Division has assigned File No. M-2017-046 to your 110(1) Q-2 application. Please revise the permit number and submit a replacement page one of the application form to reflect this change.
2. On the third page of the application form, the primary mine entrance location is provided by latitude and longitude coordinates, however, it appears these coordinates do not accurately depict the actual location of the mine entrance. Please revise the primary mine entrance coordinates and submit a replacement page three of the application form.
3. Responsibility #10 on page six of the application form has been initialed. This is likely in error as the applicant appears to not be a joint venture/partnership business. Please submit a new page six without responsibility #10 initialed.
4. The application does not include an Exhibit A. Please refer to Rule 6.3.1 - Legal Description and Location Map, for the specific permit application exhibit requirements and submit an Exhibit A.
5. The application does not include an Exhibit B. Please refer to Rule 6.3.2 - Site Description, for the specific permit application exhibit requirements and submit an Exhibit B.
6. The application does not include Exhibit C. Please refer to Rule 6.3.3 - Mining Plan, for the specific permit application exhibit requirements and submit an Exhibit C.
7. The application does not include Exhibit D. Please refer to Rule 6.3.4 - Reclamation Plan, for the specific permit application exhibit requirements and submit an Exhibit D.
8. The Applicant states the Forest Service is the surface owner of record for the affected lands. The Division considers an approved Mine Plan of Operations (MPO) or an accepted Notice of Intent from the Forest Service as the demonstration of the Applicant's legal right of entry to the site and to conduct mining and reclamation in



accordance with Rule 6.3.6. The application includes a copy of a Forest Service letter dated July 18, 2017, which states the revised Q-2 MPO received in May 15, 2017 covers the requirements of the regulations and will be added to the Forest Service's program of work. It appears the Forest Service has called your MPO complete, however, does not demonstrate it is approved. Please provide a copy of letter indicating the Forest Service has approved the Q-2 MPO.

9. The Applicant states the Bureau of Land Management (BLM) is the subsurface owner of record for the affected lands. Please submit documentation showing the Applicant holds an active unpatented mining claim for the affected lands by providing the BLM claim serial number and proof that the mining claim has been properly recorded in the county and with the BLM. Please note, if the mining claim is owned by a different individual other than the Applicant, please submit either a copy of an access lease or a signed statement which is acknowledged by a Notary Public stating that the Applicant has legal right to enter.
10. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy in accordance with Rule 1.6.2(2). 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.

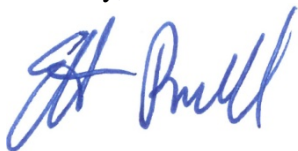
Your 110(1) Limited Impact Operation Reclamation Permit Application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt and acceptance of all of the requested information. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application filed; 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 may deny the application and terminate the application file. **The response to this Notice of Filing Deficiencies is due on or before November 27, 2017.**

This letter shall not be interpreted to mean that there are no other deficiency or adequacy requirements 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.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

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