



COLORADO

Division of Reclamation,
Mining and Safety

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

October 10, 2017

Russell Painter
1761 Pikes Peak Drive
Florissant, CO 80816

**Re: Adequacy Review #3, 110(1) to 110(2) Hard Rock Conversion Application (CN-01)
Amazonites, Permit No. M-2014-042**

Dear Mr. Painter:

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your Adequacy Review Responses for the 110(1) to 110(2) Hard Rock Reclamation Permit Conversion Application (CN-01) for the Amazonites, Permit No. M-2014-042, and submits the following comments. **The Division is required to make an approval or denial decision no later than November 17, 2017; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** In order to allow the Division adequate time to review your responses to any adequacy issues, please submit your adequacy responses to the Division no later than three days prior to the decision date. Please respond to this Adequacy Review with a letter summarizing each response, to the numbered items below, in a cover letter titled "Adequacy Review Response #3 CN-01; M-2014-042".

INADEQUATE RESPONSES

2. The response to Adequacy Item #2 is not adequate.

The adequacy responses did not include proof of notice to the surface owner of record (USFS), mineral rights owners of record (Michael Pehlman and Patricia Yerkey), nor the surface owner(s) of record located within 200 feet south of the proposed Amazonite #1 permit boundary.

As required by Rule 1.6.2(1) (e), please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land; this includes all easement holders located on the affected land and within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.

Note, the public comment period ended on May 8, 2017. If the applicant did not send a copy of the newspaper public notice immediately after the first publication to the owners of record listed above, the applicant will now need to send a copy of the notice to those individuals. The applicant will now need to allow an extension of the public comment period for those individuals by 10 additional days from the date they are provided the copy of the notice.



21. The response to Adequacy Item #21 is not adequate.

The surface owner(s) of record located within 200 feet south of the proposed Amazonite #1 permit boundary is not identified on the mine plan maps. Additionally, a private road is identified within 200 feet south of the proposed Amazonite #1 permit boundary, however, the owner(s) of record for this structure is not identified.

As required by Rule 6.3.5(2)(b), please label the names of owner(s) of record the land within two hundred (200) feet of the affected area and the type of structure and owners of record of any permanent or man-made structures within 200 feet of the affected area.

24. The response to Adequacy Item #24 is not adequate.

Please address the reclamation, if any, of the identified pre-permit disturbances located on Amazonite #1, #4, #5, and #6. Re-disturbance of these areas must be included in the permit area and addressed in Exhibit D - Reclamation Plan.

25. The response to Adequacy Item #25 is not adequate.

The Reclamation Plan Maps did not minimally meet the requirements of the Rules. As required by Rule 6.3.5(3)(d) and (e), the reclamation plan map must include a statement of the average thickness of replaced overburden and the average thickness of replaced topsoil. As required by Rule 6.2.1(2)(d), the reclamation plan map must also outline/identify the permit boundaries.

27. The response to Adequacy Item #27 is not adequate.

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 with a copy of the adequacy review response letter dated August 10, 2017.

ADDITIONAL ADEQUACY ITEMS

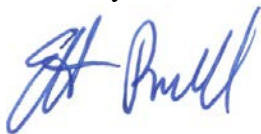
- 31.** Please provide the dimensions of the access roads identified for Amazonite #1, #3, #5, and #8. Please note, the access road to Amazonite #8 has been identified as 332 feet long, but the application does not provide the width of this road.
- 32.** Please address the reclamation of all access roads and demonstrate the proposed permit boundaries (which includes the access roads) are less than a total of 9.9 acres.
- 33.** The access road to Amazonite #5 does not connect to the permit boundary. Please clarify why this access road does not connect to the permit boundary from FSR 755.
- 34.** The application states “AMA-5 road not used unless bonded”; please clarify this statement. Please also address how the applicant intends to access Amazonite #5 without an access road.

35. The Division has calculated the total required financial warranty for the site to be \$5,139.00. This is an increase of \$1,839.00 from the current financial warranty required. A copy of the reclamation cost summary is attached for the Applicant's review. The Forest Service is also currently reviewing this estimate to determine sufficiency. At this time, upon approval of CN-01, the required financial warranty for the site will be set at \$5,139.00; please contact me prior to the decision date of CN-01 to discuss any questions regarding the cost estimate or to identify any errors with this calculation.
36. The adequacy review responses includes a letter regarding AMRA mining claim disputes. Please clarify the reason for this letter being submitted.
37. A private road is identified within 200 feet south of the proposed Amazonite #1 permit boundary. Please submit documentation in accordance with Rule 6.3.12 - Permanent Man-Made Structures for this private road. The Division has enclosed a copy of the structure agreement form.
38. 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 adequacy letter has been added to it.

This concludes the Division's follow-up adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the Amazonites permit conversion application may be deemed inadequate, and the application may be denied on November 17, 2017, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. The request for additional time must be received no later than the deadline date.**

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

Attachment: Reclamation Cost Estimate CN01 M2014042

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