



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215

Denver, Colorado 80203

October 27, 2017

Foster Scott
The Turquoise Connection, Inc.
107 Wild Rose Dr.
Cañon City, CO 81212

**RE: Notice of Filing Deficiencies, 110(2) Hardrock Amendment Application (AM-01)
Scott Blue II, Permit No. M-2007-031**

Dear Mr. Scott,

On October 13, 2017, the Division of Reclamation, Mining and Safety (Division) received the 110(2) Limited Impact Operation Reclamation Permit Amendment Application (AM-01) for the Scott Blue II operation, File No. M-2007-031. 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 AM-01, M-2007-031".

1. The Applicant has indicated the Applicant/Operator is Turquoise Connection, however, the M-2007-031 was issued to The Turquoise Connection, Inc. The Applicant/Operator must remain consistent on Page 1, Page 2, and Page 7 (the certification page) of the application as well as match the Division's records. Please submit a new Page 1, Page 2, and Page 7 with the correct spelling of the Applicant/Operator.
2. The Applicant/Operator must also match the registered business name with the Colorado Secretary of State. Upon a search of the Colorado Secretary of State, The Turquoise Connection, Inc. has a delinquent status. Please clarify and demonstrate the Applicant is a registered business with the State of Colorado and is in good standing.
3. On Page 1 of the application, the Bureau of Land Management is identified as the owner of the surface of affected lands and Foster Scott is identified as the owner of the subsurface rights of affected lands. The introduction of AM-01 describes the proposed 30-foot expansion on lands to the east, northeast, and northwest of the current permit as being located on four additional tax lots. Please submit a new Page 1 of the application, identifying all of the owners of surface and subsurface of the affected lands.
4. Responsibility #10 on Page 6 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 6 without responsibility #10 initialed.



5. In addition to Deficiency Item #1, the certification page (Page 7) is not executed correctly. The notary acknowledgement has not filled out with “Foster Scott as President of the Turquoise Connection, Inc.”. Please submit a new Page 7 with correctly executed certification of the application.
6. The application includes an Exhibit A, however only includes information regarding the .6 acre amendment area and not the entire proposed 2.3 permit area. Please refer to Rule 6.3.1 - Legal Description and Location Map, for the specific permit application exhibit requirements and submit a revised Exhibit A.
7. Various exhibits within AM-01 references unchanged portions of the application by stating the page number of the original application where the exhibit can be found. Please clarify the location of any sections of these exhibits which were revised as a part of the adequacy review of the original application. The Applicant may also provide copies of the original exhibits and supporting documents with AM-01 materials.
8. Exhibit E references all maps (E-1, E-2, E-3, and E-4) remain unchanged except for the reclamation plan map (E-5). AM-01 is proposing to expand the permit from 1.7 acres to 2.3 acres. This permit boundary is proposed to be changed, and therefore original maps delineating the 1.7 acres are obsolete. Please submit all new maps in accordance with Rule 6.3.5.
9. In accordance with Rule 6.3.7, provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation for the all owners of record described in Rule 1.6.2(1)(e)(i). This may be a copy of access lease, deed, abstract of title, or a current tax receipt. A signed statement by the landowner(s) and acknowledged by a Notary Public stating that The Turquoise Connection, Inc. has the legal right to enter is also acceptable.
10. Exhibit I includes a cover letter which was sent with the application and exhibits to the County Clerk. Within this cover letter, the Applicant indicates that the public review copy of the application may be disposed of 30 days after submittal. This is incorrect. In accordance with Rule 1.6.2(2), the public review copy, placed at the County Clerk and Recorder, shall be retained until final agency action. Please revise your cover letter and ensure the County Clerk and Recorder will retain a copy of the application, adequacy responses, and revisions to the application until final agency action and not 30 days after submittal.
11. 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(2) Limited Impact Operation Reclamation Permit Amendment 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

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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 December 26, 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