



COLORADO

Division of Reclamation,
Mining and Safety

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

February 2, 2018

Gary W. Pollack
11415 Palomar St.
Spring Hill, FL 34609

RE: Adequacy Review, 110(1) Hardrock Application, Q-2, File No. M-2017-046

Dear Mr. Pollack,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your 110(1) Limited Impact Operation Reclamation Permit Application for the Q-2 operation, File No. M-2017-046, and submits the following comments. **The Division is required to make an approval or denial decision no later than February 8, 2018; 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; M-2017-046".

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.3 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock/ Metal, and Designated Mining Operations. Any inadequacies are identified under the respective exhibit heading.

GENERAL APPLICATION PROCEDURES

1. As required by Rule 1.6.2, please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.
Proof of publication received on January 24, 2018 is adequate – no further response needed.
2. As required by Rule 1.6.2, please also 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.
3. The Division received a comments from Division of Water Resources, Teller County, and History Colorado regarding the application. The letters are attached for your review. Please acknowledge and address any comments noted in the letters and make changes to the application as necessary.



6.3 SPECIFIC PERMIT APPLICATION EXHIBIT REQUIREMENTS –110 LIMITED OPERATIONS

EXHIBIT C - Mining Plan (Rule 6.3.3)

1. Within Exhibit D, the Applicant states any topsoil not used soon after its removal will be covered with hay to protect it from the environment. In accordance with Rule 3.1.9 and Rule 6.3.3(1)(b), if such topsoil is not replaced on a backfilled area for reclamation within 180 days, please commit to seeding the topsoil stockpile(s) with the approved reclamation seed mixture for the purposes of stabilization and erosion control.

EXHIBIT E - Reclamation Plan (Rule 6.4.5):

2. Within Exhibit E, the Applicant states the gradient of vertical slopes will not exceed 6H:1V and horizontal slopes will not exceed 1H: 1V. Please clarify this statement as the Division does not understand the difference between horizontal and vertical slopes for the site. The Division understands the Applicant proposes to replace all overburden and topsoil in the excavations and re-establish approximate pre-mine topography. In the Division's experience, reclaimed 3H:1V slopes are stable and appropriate for the area of the proposed operation. Please note, proposed reclamation slopes steeper than 3H:1V will require a technical justification, erosion control measures, and possibly an engineering stability analysis pursuant to Rule 6.5.(2).
3. As required by Rule 6.3.4(1)(c)(ii), please state when seeding will occur at the site. Additionally, please explain how the seedbed will be prepared. Furthermore, state the type, application rate, and soil incorporation methods of fertilizer application, if any.
4. The application did not include a specific seed mixture for reclamation. As required by Rule 6.3.4(1)(c)(iii), please state the seeding rate for each grass and forb species as pounds of pure live seed per acre (PLS/acre). The Division recommends you contact the Forest Service and/or the local office of the Natural Resource Conservation Service to help provide you with a recommended seed mixture and seeding rates.
5. The Applicant proposes to mulch reclaimed areas with hay. As required by Rule 6.3.4(1)(c)(ii), please specify the crimping method for the mulch and the rate of application. The Division typically approves reclamation plans with the mulch rate of 2 tons per acre.
6. Please clarify if the Applicant proposes to plant any species of shrubs and/or trees. In accordance with Rule 6.3.4(1)(c)(vi), please explain the establishment methods for each species of shrub and/tree, and state the number of each to be planted per acre.
7. The Division will calculate a cost estimate based on the responses to this adequacy letter. You will be provided copy of that reclamation cost estimate for review before the decision date.
No further response needed.

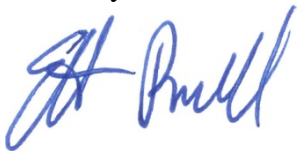
EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)

8. 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 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 Q-2 permit application may be deemed inadequate, and the application may be denied on February 8, 2018, 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. This will be done upon receipt of a written waiver of the Applicant's right to a decision by February 8, 2018, and the request for additional time. This 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

Enclosure: Comment Letter - Division of Water Resources M2017046
 Comment Letter - Teller County M201746
 Comment Letter - History Colorado M2017046

CC: Gary Pollack, Garyp1100@gmail.com
 Wally Erickson with DRMS