



## COLORADO

Division of Reclamation,  
Mining and Safety

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

February 21, 2018

Taylor Conway  
Smash Brothers Explorations  
1936 Alpine Dr.  
Erie, CO 80516

**RE: Notice of Filing Deficiencies, 110(1) Hardrock Application, Project P.J., File No. M-2018-007**

Dear Mr. Conway,

On February 6, 2018, the Division of Reclamation, Mining and Safety (Division) received the Smash Brothers Explorations 110(1) Limited Impact Operation Reclamation Permit Application for the Project P.J. operation, File No. M-2018-007. 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-2018-007".

### **APPLICATION FORM**

1. On the third page of the application form, the primary mine entrance location is provided by Universal Transverse Mercator (UTM) coordinates, however, it appears these coordinates do not accurately depict the actual location of the mine entrance. The Applicant provided *NAD 27, Zone 12 & 13, Easting 130475322, Northing 4318454*, while it appears it should have been *NAD 27, Zone 13, Easting 475322, Northing 4318454*. Please revise the primary mine entrance coordinates and submit a replacement page three of the application form as well as making the same change to the Exhibit A materials. The Applicant may also wish to provide the Latitude/Longitude coordinates of these same UTM coordinates which would be 39° 00' 59.91" N 105° 17' 06.19" W.
2. 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.

### **EXHIBIT A – Legal Description and Location Map (Rule 6.3.1):**

3. The Exhibit A Map does not meet the requirements of Rule 6.3.1(3). Please submit a new Exhibit A Map which depicts and labels the access routes to be used in connection with the mining operation, names of all immediately adjacent surface owners of record, and labels the proposed operation with the mine site name.



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

4. 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 6.3.7. Please note, the entity which has gained approval from the Forest Service must match the Applicant/Operator on the 110(1) application. It is the Division's understanding the entity in the process of obtaining an approved MPO for this site is Taylor Conway. Please provide documentation indicating the Forest Service has approved a MPO for Smash Brothers Explorations or revise the Applicant/Operator on the 110(1) permit application to Taylor Conway. If the latter option is chosen, please resubmit the first seven pages of the application with the revised applicant/operator information.

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

5. 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 with a copy of this letter and associated response.

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

6. Proof of filing with the local Board of County Commissioners is not in accordance with Rule 6.3.10. It appears the application includes a first class mail receipt, however, there was no certified mail return receipt (also known as the green card) verifying the Board of County Commissioners and the Soil Conservation District signed and received the notices. In accordance with Rule 1.6.2 (1)(a)(ii), please submit Proof of Notice in the form of a certified mail return receipt or a date-stamped copy of the notice acknowledging receipt by the appropriate board.

The Smash Brothers Explorations 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. Please note, 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 April 22, 2018.**

February 21, 2017

Page 3 of 3

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](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

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