



COLORADO

Division of Reclamation,
Mining and Safety

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

September 7, 2018

Harriet Graham
Bad Boys of Cripple Creek Mining Co., Inc.
1429 Locust Drive
Canon City, CO 81212

**RE: Second Notice of Filing Deficiencies, 110(2) Hardrock Amendment Application (AM-01)
Bad Boys Pit, Permit No. M-1996-081**

Dear Harriet Graham,

On September 4, 2018, the Division of Reclamation, Mining and Safety (Division) received the responses to the Notice of Filing Deficiencies for the Bad Boys of Cripple Creek Mining Co., Inc. 110(2) Limited Impact Operation Reclamation Permit Amendment Application (AM-01) for the Bad Boys Pit, Permit No. M-1996-081. The Division has reviewed the responses and has determined the amendment application still contains deficiencies which prevent the application from being considered filed. The remaining filing deficiencies identified below by must be addressed before the Division can consider the application as being filed and the technical adequacy review can begin. The original filing deficiency item is in italics. 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 Second Notice of Filing Deficiencies, AM-01, M-1996-081". **The response to this Second Notice of Filing Deficiencies is due on or before September 28, 2018.**

APPLICATION FORM

- The Location Information provided on Page 3 (Question 10) of the application does not identify the quarter section nor quarter/quarter section for the center of the operation. Please submit a new Page 3 with the required quarter section and quarter/quarter section identified. Please do not modify or alter the Board-approved application form.*

The Applicant submitted an updated Page 3, however has checked two quarter sections and two quarter/quarter sections on the form. Please submit a new Page 3 and, following the instructions for Question 10, please identify the center of the area where the majority of the mining will occur and select one quarter section and one quarter/quarter section.

- The Primary Mine Entrance Location provided on Page 3 (Question 11) of the application does not reflect the correct location of the operation's entrance. It appears the actual entrance to the operation is located approximately 730 feet west of the provided coordinates. Please correct the entrance coordinates and submit a new Page 3 of the application.*

The Applicant submitted an updated Page 3, however the Primary Mine Entrance Location still does not reflect the correct location of the operation's entrance. It is the Division's understanding the Applicant will continue to access the site from N Hayden Street. AM-01 maps submitted on July 16, 2018 show the expanded permit boundary crossing a linear feature labeled access road in the southwest portion of the proposed permit. This is appears to be the primary mine entrance while the coordinates provided on the updated Page 3 place the



entrance at approximately 310 feet east of the actual entrance. Please correct the entrance coordinates and submit a new Page 3 of the application.

5. *The certification page (Page 7 of the application) is not executed correctly. The notary acknowledgement needs to state “Harriet Graham as Owner of Bad Boys of Cripple Creek Mining Co., Inc.” instead of the notary’s information. Please submit a new Page 7 with a correctly executed certification of the application.*

The Applicant submitted a copy of the same Page 7 with one revision, however the notary acknowledgement is still incorrect. The Applicant will need to have a new certification page executed. The Division has enclosed a mark-up version of the re-submitted Page 7 and a new blank Page 7 to assist the Applicant in submitting a new correct certification.

EXHIBIT G - Source of Legal Right to Enter (Rule 6.3.9):

7. *The Exhibit Map E identifies the Roanoke MS14096, Annie Rooney MS9036, Found MS10007, and Florence MS20729 as the patented mining claims within the proposed permit boundary. Exhibit G provides an unsigned deed for the Annie Rooney and Found sold and conveyed from Harry N. Dartz to David G. Graham. Exhibit G also includes a deed for an unknown parcel sold and conveyed from Delma Monk to Harriet Snare and David G. Graham. Neither of these deeds demonstrate Bad Boys of Cripple Creek Mining Co., Inc. has the legal right of entry to the site and to conduct mining and reclamation for the all owners of record. Additionally these two deeds appear to be incomplete. In accordance with Rule 6.3.7, provide a description of the basis for the Applicant’s legal right of entry to the site and to conduct mining and reclamation for the all owners of record as 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 Bad Boys of Cripple Creek Mining Co., Inc. has the legal right to enter is also acceptable.*

The Applicant submitted a signed and notarized agreement between North Star Turquoise and Bad Boys of Cripple Creek Mining Co., Inc. for legal right to enter the Roanoke MS14096 and the Annie Rooney MS9036. The Applicant has submitted two tax receipts showing North Star Turquoise owns the Roanoke MS14096 and the Annie Rooney MS9036. The Applicant has not provided documentation in accordance with Rule 6.3.7 for either the Found MS10007 or the Florence MS20729. Please provide a description of the basis for the Applicant’s legal right of entry to the site and to conduct mining and reclamation on the Found MS10007 and the Florence MS20729. 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 Bad Boys of Cripple Creek Mining Co., Inc. has the legal right to enter is also acceptable.

Additional Items:

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

12. 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.

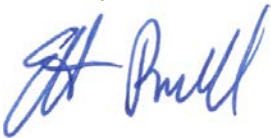
Note: The Division recommends the Applicant remove the language in the cover letter sent to the County Clerk stating the documents available for public review can be disposed of after a certain date. In accordance with Rule 1.6.2(2), the public review file should be retained until final agency action. The decision date, once established after the application is complete for filing may be extended by the Applicant, thus final agency action may not occur before the particular date identified in the cover letter.

The Bad Boys Pit Amendment Application AM-01 will not be considered filed until the information listed above is received and found sufficient to begin our review. **The response to this Notice of Filing Deficiencies is due on or before September 28, 2018.** If, at the end of this period, the application has not been determined to be filed with the Division, the Division may deny the application and terminate the application file.

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,

A handwritten signature in blue ink, appearing to read "E. Russell", is positioned above the printed name.

Elliott R. Russell
Environmental Protection Specialist

Cc: Michael Cunningham, DRMS
Art Braun. Braun Environmental, Inc., braunenv@msn.com
Clint Cross and Louisa McKay, North Star Turquoise, LLC, 201 Lake Drive, Florissant, CO 80816