



COLORADO

Division of Reclamation,
Mining and Safety

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

October 12, 2018

Charles Sulfrian
Zymin Corporation
2906 Marilyn Rd
Colorado Springs, CO 80909

**RE: Adequacy Review, 110(2) Hardrock Application,
Ten Percenter Claim (CMC254209), File No. M-2018-036**

Dear Mr. Sulfrian,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your 110(2) Limited Impact Operation Reclamation Permit Application for the Ten Percent Claim (CMC254209), File No. M-2018-036, and submits the following comments. **The Division is required to make an approval or denial decision no later than October 18, 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 the following items, 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 the requested information and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Response; M-2018-036".

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.
2. As required by Rule 1.6.2, 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. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.
3. To date, the Division has received comments from the Division of Water Resources 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.

6.2 GENERAL REQUIREMENTS OF EXHIBITS

4. The maps submitted with the application do not meet the minimum requirements of Rule 6.2.1(2). The following three items identify the missing information:
 - a. All of the maps submitted are not signed or dated. In accordance with Rules 6.2.1(2)(b) and 6.2.1(2)(e), please update these maps to include the signature of the registered land surveyor, professional engineer, other qualified person who prepared the maps and give the date prepared.



- b. Maps A-1, A-2, and A-3 delineate the 20-acre claim boundary but not the proposed 9.1-acre permit boundary. In accordance with Rule 6.2.1(2)(d), please update these maps to depict the permit boundary within the claim boundary OR just include the proposed permit boundary.
- c. Maps A-4, A-5, and all of the Exhibit E maps lack a scale and state “not to scale”. In accordance with Rule 6.2.1(2)(e), please update these maps to include an appropriate scale (the acceptable range of map scales shall not be larger than 1” = 50’ nor smaller than 1” = 660’).

6.3 SPECIFIC PERMIT APPLICATION EXHIBIT REQUIREMENTS –110 LIMITED OPERATIONS

EXHIBIT B - Site Description (Rule 6.3.2)

- 5. Within Exhibit B, the Applicant states a copy of a brief report (*Geology of the Ten Percenter Mine...*) is attached to the application to document some of the previous work on the claim, however, this report was not attached the application. Please provide the Division with the referenced report.
- 6. Within Exhibit B, the Applicant refers to a USFS biological and environmental evaluation on file with DRMS and USFS South Park Ranger District offices for a detailed description of the vegetation in the area of the proposed disturbance. Please provide a copy of this report or provide a description of the vegetation characteristics in the area of the proposed operations as required by Rule 6.3.2(1).
- 7. Within Exhibit B, the Applicant provided a Custom Soil Report containing a soil map on Page 8 of the report. Please revise this map to include the proposed permit boundary.
- 8. Within Exhibit B, the Applicant states there are no permanent man-made structures within 200 feet of the proposed permit boundary, however, after review of the submitted maps, it appears USFS Road 201 is within 200 feet of the permit boundary. Please revise Exhibit B to identify all permanent man-made structures within 200 feet of the permit boundary as required by Rule 6.3.2(b).

EXHIBIT C - Mining Plan (Rule 6.3.3)

- 9. Within Exhibit C, under the heading 6.3.3(1)(e) subheadings 1 and 2, the Applicant discusses initially mapping the deposit with prospect pits and trenching using hand tools and mechanized equipment prior to open pit operations. Please clarify if these development disturbances are included in the 2-acre limited bond or will be a separate task.
- 10. Within Exhibit C, under the heading 6.3.3(1)(e) subheading 4, the Applicant discusses stockpiling waste rock/overburden proximal to the pit. Please confirm waste rock/overburden stockpiles will be placed on affected lands which have had the top 6 inches stripped.
- 11. Within Exhibit C, under the heading 6.3.3(1)(e) subheading 4, the Applicant states highwalls will be benched and the maximum height between benches will be 4 feet. Please provide the minimum width of these benches. Please also provide a cross-sectional diagram to depict the proposal.
- 12. In accordance with Rule 6.5(2), please provide engineering stability analyses for the proposed benched highwalls. In lieu of submitting engineering stability analyses, the Applicant may commit to maintaining a 3H:1V ratio for distance from the permit boundary to depth of excavation (i.e an excavation of 15 feet should be no closer to the permit boundary than 45 feet). This commitment will help ensure protection of off-site lands in accordance with C.R.S. 34-32-116(7)(h). Please note, throughout the life of mine, the Applicant may submit a Technical Revision to the permit addressing slope stability analyses to allow deeper excavations near the permit boundary.

13. Within Exhibit C, under the heading 6.3.3(1)(g), the Applicant discusses the construction of an access trail (60'L x 18'W). Please clarify if the top 6 inches will be salvaged from the access road and will be replaced during reclamation.

EXHIBIT D - Reclamation Plan (Rule 6.3.4)

14. As required by Rule 6.3.4(1)(c)(ii), please explain how the seedbed will be prepared after topsoil has been replaced.
15. The seed mixture provided in Exhibit D identifies nine species with a percent of each in the mixture and a statement that the mixture will be broadcast seeded at 20 lbs./acre. As required by Rule 6.3.4(1)(c)(iii), please state seeding rate for each grass as pounds of pure live seed per acre (PLS/acre).

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

16. 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.

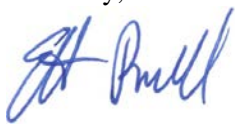
EXHIBIT L - Permanent Man-Made Structures (Rule 6.3.12)

17. USFS Road 201 appears to be within 200 feet of the proposed permit boundary. As required by Rule 6.3.12, please submit a structure agreement executed between the Applicant and the USFS.

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 permit application may be deemed inadequate, and the application may be denied on October 18, 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 October 18, 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

Enclosures: Division of Water Resources comment letter M2018036
History Colorado comment letter M2018036

Cc: Michael Cunningham, DRMS