



COLORADO

Division of Reclamation,
Mining and Safety

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

October 15, 2018

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

**RE: Adequacy Review, 110(2) Hardrock Amendment Application (AM-01)
Bad Boys Pit, Permit No. M-1996-081**

Dear Harriet Graham,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your 110(2) Amendment Application (AM-01) for the Bad Boys Pit, Permit No. M-1996-081, and submits the following comments. **The Division is required to make an approval or denial decision no later than October 22, 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 AM-01. M-1996-081".

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 October 8, 2018 is adequate – no further response needed.
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.
Proof of notification to City of Cripple Creek, Bad Boys of Cripple Creek Mining Co., Inc., Norma White, Edward Lainio, and North Star Turquoise received on October 15, 2018 is adequate – Please submit remaining proof of notification to Wallace Burtis.
3. To date, the Division has received a comment from the Colorado Parks & Wildlife regarding the application. The letter is attached for your review. Please acknowledge and address any comments noted in the letter and make changes to the application as necessary.



6.3 SPECIFIC PERMIT APPLICATION EXHIBIT REQUIREMENTS –110 LIMITED OPERATIONS

EXHIBIT A - Site Description (Rule 6.3.1)

4. Within Exhibit A, on page 2, the Applicant states the area of the proposed permit is 0.9 acres. This statement is outdated as AM-01 proposed to expand the current 0.9 acre permit to a total of 7.0 acres. Please revise this statement and re-submit page 2 of Exhibit A.
5. Exhibit A contains two maps, *Map One, Exhibit A- Permit Application – Location Map* and an untitled parcel map. Neither map is signed in accordance with Rule 6.2.1(2)(b) nor specifies the coordinates of the main entrance to the mine site and the names of all immediately adjacent surface owners of record in accordance with Rules 6.3.1(2) and 6.3.1(3). Additionally, the untitled parcel map does not meet the minimum requirements of Rule 6.2.1(2) and incorrectly shows the proposed expanded permit boundary. Please update these maps and re-submit them for further review.

EXHIBIT B - Site Description (Rule 6.3.2)

6. Within Exhibit B, the Applicant included a USDA Soil Conservation Information Sheets report to discuss the vegetation and soil characteristics at the site, however, this report and associated soil map are illegible. Please either obtain a more clear copy of this report or submit new information to comply with Rule 6.3.2(a). The Division recommends you contact the local NRCS office for assistance with this item. Please note, a Soil Report can be obtained from <https://websoilsurvey.sc.egov.usda.gov/> for free. Please identify the proposed permit boundary on the new soil report map.
7. Within Exhibit B, the Applicant identifies seven (7) permanent man-made structures within 200 feet of the permit boundary. It appears this section of the application is outdated as the structures 5-7 appear to not exist anymore. 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)

8. In accordance with Rule 6.3.3(b), please specify the estimated depth to which soil, suitable as a plant growth medium (also known as topsoil), will be salvaged for the use in the reclamation process. After a review of the permit file, it appears the top six (6) inches was previously determined to be salvaged and replaced for reclamation.
9. In accordance with Rule 6.3.3(b), if plant growth medium is not reapplied on a graded area immediately after salvage, please specify how the topsoil will be stockpiled and stabilized with a vegetative cover or other means until used in reclamation. The Division recommends the application commit to seeding the topsoil stockpiles with the approved reclamation seed mixture to help stabilize the stockpile from wind and water erosion plus help potentially build a beneficial seed bank for use during final reclamation.

EXHIBIT D - Reclamation Plan (Rule 6.3.4)

10. In accordance with Rule 6.3.4(1)(c)(i), please state the thickness of plant growth medium to be replaced. As previously discussed, it appears the top six (6) inches was previously determined to be salvaged and replaced for reclamation.
11. In accordance with Rule 6.3.4(1)(c)(v), please specify if mulch will be used during reclamation. Please specify the kind to be used, the crimping method, and rate of application of the mulch. The Division recommends the Applicant contact the local NRCS office to obtain a recommendation regarding a mulching rate.
12. 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 E - Map (Rule 6.3.5)

13. Exhibit E includes a map titled *Map 2, Exhibit E – Surface owners of Record*. This map is outdated as it shows the original permit boundary rather than the proposed AM-01 expanded boundary and also appears to identify incorrect surface owners of record. Additionally, this map is not signed in accordance with Rule 6.2.1(2)(b). Please update this map and re-submit it for further review.
14. The following adequacy items are associated with the *Exhibit Map E*:
 - a. The title block includes an outdated address and phone number for the permittee. Please revise the Owner Address and Owner Phone Number identified in the title block.
 - b. The title block includes an incomplete property description. Please revise the Property Description in the title block to include the Found MS10007 and Florence MS20729.
 - c. Within the Additional Notes section on the map, the Division believes there is a typo regarding the statement that the permit boundary “includes a 30 foot wide strip in the northern portion of the Found Claim”. The Division believes this should be the Florence Claim.
 - d. The map is not signed in accordance with Rule 6.2.1(2)(b).
 - e. The map identifies the name and mineral survey number of the patented mining claims within and adjacent to the proposed permit boundary, but does not identify the names of owners(s) of record of the permit boundary (surface and subsurface) and of the land (surface) within 200 feet of the permit boundary as required by Rule 6.3.5(2)(b).
 - f. The map identifies one structure as a building which is located to the southwest of the permit boundary, but does not identify the owner of this structure as required by Rule 6.3.5(2)(b). Additionally, the fences, water supply pipeline, and telephone line identified in Exhibit B are not depicted nor are the owners of record of these structures are identified on the map as required by Rule 6.3.5(2)(b).
15. The following adequacy items are associated with the *Exhibit Map E-1*:
 - a. The title block includes an outdated address and phone number for the permittee. Please revise the Owner Address and Owner Phone Number identified in the title block.
 - b. The title block includes an incomplete property description. Please revise the Property Description in the title block to include the Found MS10007 and Florence MS20729.

- c. There are various portions of the Reclamation Notes section on the map which are inconsistent with the proposed mining and reclamation plans (e.g. underground access areas, remaining cut banks, seeding rate, no fertilizer application). Please revise the Reclamation Notes section accordingly.
- d. Please remove the Current Excavation and Current Rock/Soil Storage polygons and labels as these feature will not remain after final reclamation.
- e. The map is not signed in accordance with Rule 6.2.1(2)(b).
- f. In accordance with Rule 6.3.5(3)(a), please show the gradient of all reclaimed slopes (horizontal:vertical) sufficient to describe the post mine topography. The Applicant may also show the post mining topography with contour lines. As the proposed mining and reclamation plans detail, the site will be backfilled to similar pre-mine topography so the Applicant may want to simply use the contour lines provides on *Exhibit Map E*.
- g. In accordance with Rule 6.3.5(3)(d), please state the average thickness of replaced overburden/waste rock.
- h. In accordance with Rule 6.3.5(3)(e), please state the average thickness of replaced topsoil.

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

16. AM-01 materials include a signed statement by Wallace Burtis stating that Bad Boys of Cripple Creek Mining Co., Inc. has the legal right to enter the Florence MS20729 however, this statement was not acknowledged by a notary public in accordance with Rule 6.3.7. Please submit a signed and notarized statement from Wallace Burtis.

Signed and notarized statement from Wallace Burtis received October 3, 2018 is adequate – no further response needed.

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

17. 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)

18. Within Exhibit B, the Applicant has identified fences, the City of Cripple Creek water treatment building, a water supply pipeline, and a telephone line as structures within 200 feet of the permit boundary however within Exhibit L the Applicant states there are no structures to protect from the operation. In accordance with Rule 6.3.12, please submit either: (a) a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure (the Division as attached a sample structure agreement for the applicant); or (b) where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or (c) where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

This concludes the Division's adequacy review of AM-01. 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

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is supplied. Please be advised the permit amendment application may be deemed inadequate, and the application may be denied on October 22, 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 22, 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,

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

Elliott R. Russell

Environmental Protection Specialist

Enclosures: Colorado Parks & Wildlife comment letter AM01 M1996081
Sample Structure Agreement

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