



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

December 10, 2018

Keith McFarland
McFarland Enterprises, Inc.
P.O. Box 617
1810 Mineral Street
Silverton, CO 81433

**RE: *Hobo 2, File No. M-2017-044 , Hard Rock/ Metal Mining Limited Impact 110(1)
Application Adequacy Review***

Dear Mr. McFarland:

The Division is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Mined Land Reclamation Act (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before the application can be considered for approval.

- 1. Application Form-** Page One of the application form lists the permitted acreage as .5 Acres, which is in conflict with the legal description and associated maps which identify the permitted acreage as .713 Acres. Please clarify the total permitted acreage including the access road.
- 2. Exhibit B- Site Description-** The permit boundary is required to include the entire access road used to access the portal. This access road is within 200 feet of county Road 2. Please update Exhibit B to include the County Road in question 4 pursuant to Rule 6.3.2 (b). Please also update Exhibit L- Permanent Man-made Structures and provide the appropriate signed Structure Agreement as required by Rule 6.3.12.
- 3. Exhibit C- Mine Plan-**
 - a)** Question 9 of the application Mine Plan indicates that no water diversions or impoundments will be constructed on site however on October 10, 2018 the Division approved the installation of erosion control measures in the form of several water bars, culverts and a safety berm around the portal pad. These structures need to be identified in the Mine Plan as water diversions and impoundments. Please provide the details of the erosion control measures including any drawings, maps or figures necessary to show their size and location on site pursuant to Rule 6.3.3 (i).



- b) Pursuant to Rule 6.3.3 (k) please provide a statement on how acid or toxic producing materials shall be handled and disposed of if they are encountered during mining activity.

4. Exhibit D- Reclamation Plan-

- a) Please clarify and provide details on the demolition and removal of the portal shed structure, estimated volume of debris and specify which landfill will be the disposal site for the material. Pursuant to Rule 6.3.4 (1) (c) (vi) Please also specify a closure method for the portal upon final reclamation.
- b) Also, in question 2 and questions 11 it is stated that little to no backfill will be required, but question 2 specifies a 3h: 1V final slope and question 11 specifies a 2H: 1V. Please clarify what the final topography will be, provide the volume of material needed to achieve this topography and where the material will come from pursuant to Rule 6.3.4 (1) (b)
- c) The seeding method identified in the application form is broadcast seeding however no use of mulch is identified. At that elevation, and aspect it is highly recommended that some form of mulch is applied and crimped into place. Doing this will greatly increase the success rate of the revegetation efforts and the revegetation requirements of Rule 3.1.10 (1) will apply when assessing successful establishment of vegetative cover. Please clarify whether mulch will be used or not, if so, please specify the mulch type and application rate.

5. Exhibit E – Map-

- a) Please provide a new Mine Plan Map that clearly depicts the permit boundary. The use of a colored line or a text box call out is recommended to clearly identify which line on the map is the permit boundary.
- b) Please provide a new Reclamation Plan Map showing the permit boundaries in addition to the final reclamation topography as submitted.

6. Exhibit F- List of Other Permits and Licenses Required- It is understood that permitting through San Juan County is in process. Upon completion please provide a copy of that permit to the Division.

7. Exhibit G – Source of Legal Right-to-Enter-

- a) A Non-Exclusive Easement Agreement was submitted that has been signed by Frank Bridgewater and Keith McFarland. The agreement grants surface access to the Queen, MS 14916, and the Hobo, MS 16097. The Site Location and Property Map however, indicates that the surface rights to the Hobo are owned by the Jones Mountain Trust, not Frank Bridgewater. Also indicated in the map is that the permit area extends onto the Surprise, MS 1406, as well as the Queen which is owned by Mr. Bridgewater. Please submit a new access agreement, signed by both parties, granting access to the Queen, MS 14916 and the Surprise, MS 1406. A separate agreement will be needed for the access to the Hobo.



- b) Correspondence reviewed on October 24, 2018 indicate that a surface access agreement with the Jones Mountain trust for the Hobo, MS 16097 is pending. When the agreement is executed, please provide a copy to the Division. Please note that your application cannot be approved until all access agreements are received.
 - c) The Site Location & Property Ownership map is in conflict with details contained within itself, as well as Exhibit G that must be clarified. In the list of owners it is stated that the Jones Mountain Trust owns the surface rights to the Hobo, MS 16097. However the footnotes suggest that Frank Bridgewater is the owner of the Hobo and that the executed access agreement is recorded with San Juan County. Please submit a new Site Location and Property Ownership Map that clarifies the owners of record for all owners of record both surface and mineral, for all properties located within 200 feet of the affected lands pursuant to Rule 6.3.7 and 1.6.2 (1) (e) (i). In accordance with Rule 3.1.12 (2) (a) the Permit Boundary is analogous with the Affected Area and must include the area that encompasses the portal, portal pad and entire length of the access road.
8. **Exhibit L- Permanent Man-Made Structures-** As indicated in item 2 of this list, with the extension of the permit boundary to include the access road, County Road 2 is within 200 feet of the operation. Pursuant to Rule 6.3.12 please submit a revised Exhibit L, listing County Road 2 as a permanent man-made structure, and provide a signed structure agreement certifying that the operation will not adversely affect the structure. A blank structure agreement can be found in the application form.

Please note that Pursuant to Rule 1.6.2 (1)(g) proof of mailing the notices to all owners of record, both surface and mineral, within 200 feet of the affected lands, and the proof of publication must be received prior to the office rendering a decision.

Please submit your responses to the above listed issues by Monday, December 17, 2018 in order to allow the Division sufficient time for review. If you require additional time to respond to the above listed items please submit a written extension request to the Decision Date to the Division no later than Monday December 17, 2018. The Division will continue to review your application and will contact you if additional information is needed. If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office.

Sincerely,



Lucas West
Environmental Protection Specialist
Division of Reclamation, Mining and Safety

Ec: Ken Schaaf, ITC Resources
Dave Lazorchak, BLM

