



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

February 1, 2019

H. Bruce Humphries
Regulatory Permits Management, Inc.
25049 E. Alder Dr.
Aurora, Colorado 80016

**RE: Old Town Reclamation Project, M-2018-057, 110d application
Adequacy Review No. 2**

Dear Mr. Humphries,

The Colorado Division of Reclamation, Mining, and Safety (“DRMS” or “Division”) has reviewed the above referenced application adequacy review response material received by the Division on January 15, 2019. The Division is required to issue a decision on the application by February 22, 2019. The following adequacy review items were identified in the original DRMS adequacy review letter. The applicant’s response to these items are noted along with the Division’s response to these issues. If an item was resolved it has been removed. Please address the following items:

Exhibit B - Rule 6.3.2, Site Description

1. Please submit the wildlife statement prepared by the Colorado Parks and Wildlife (formally known as Colorado Division of Wildlife) in accordance with Rule 6.3.2(d).
 - a. **Applicant response:** When they receive Colorado Parks and Wildlife comment, they will supply them to DRMS.
 - b. **DRMS response:** This item remains outstanding at this time.

Exhibit L – Rule 6.3.12, Permanent Man-Made Structures:

14. Based on the Exhibit E1-a, d, f map, there are two additional permanent man-made structures within 200 feet of the affected land. One is shown as the “Shaft Head Gear and Ore Bin” and the other is the “Old Town Mine Road – Pre-existing Historic Mine Road”. Please add these items to the list on page 61.
 - a. **Applicant Response:** We have added these three items to the list of Permanent Man-made structures. We assume land owner(s) own these items. However, we suggest the historic mine road should not be considered a permanent man-made structure. It is unmaintained, dirt, two track road. In addition, it crosses a number of claims, and it does not appear to be maintained by the county or landowners.
 - b. **DRMS Response:** The Pre-Existing Historic Mine Road appears to be the only road shown to access the site. Will this road be improved to better allow for access and



hauling of the dump material? If so, this road will need to be included in the affected land/permit area and the applicant will need to submit an amendment to the application to include this road area. If not, this road will need to be considered a permanent man-made structure and the provisions of Rule 6.3.12 shall apply.

15. In accordance with Rule 6.3.12, please provide information sufficient to demonstrate that the stability of any structures located within two hundred (200) feet of the operation or affected land will not be adversely affected.
 - a. **Applicant Response:** We will supply compensation agreements for all permanent, man-made structures within 200 feet of the affected land.
 - b. **DRMS Response:** Please submit completed structure damage reimbursement agreements for the following structures:
 - i. Shaft Head Gear and Ore Bin
 - ii. Pre-existing Historic Mine Road (see previous adequacy review)

Exhibit U – Rule 6.4.21, Environmental Protection Plan

18. Page 68 under section 6.4.21(8)(a) indicates a map of all surface water and groundwater wells is attached to an appendix of Exhibit C. However, it appears this map is located in Attachment V at the end of the Exhibits. Please revise page 68 to correctly cite the location of this map within the application documents.
 - a. **Applicant Response:** Please see Attachment VI, which contains the Application revisions. In Appendix VI, Addendum IV is the Division of Water Resource Map of wells within ¼ mile and approximately 2 miles from the proposed project. Some wells listed within ¼ mile and some shown approximately 2 miles from the Project are not permitted wells. In the past, such wells are not protected by the Division of Water Resource Regulations. None of the wells are within 200 feet of the proposed affected area.
 - b. **DRMS Response:** Page 68 was not revised to cite the location of the map correctly. Please revise page 68 accordingly.

Notice and Publication

24. Please provide documentation that the notification to the required parties was completed in accordance with Rule 1.6.2(e).
 - a. **DRMS Review:** The Division received copies (via-email on January 17, 2019) of certified mail receipts documenting notice was sent to various adjacent landowners. The Division could not locate receipts or other documentation that the following adjacent property owners were notified; Hopkins C Lew, Laurel Fuel Co, and James S Griffith. Please submit documentation these parties were notified.

February 2, 2019

This concludes the Division's second adequacy review of the application. As indicated above, the Division is required to issue a decision on the application by February 22, 2019. If you need additional time to address the adequacy review items listed above, you will need to request an extension of the decision date.

If you have any questions feel free to contact me at (303) 866-3567, extension 8120.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Ebert", with a stylized flourish at the end.

Jared Ebert

Environmental Protection Specialist III

EC: Mr. Patrick Maher, mptmaher@outlook.com