



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman St. Room 215
Denver, CO 80203

February 26, 2019

Randy Ross
434 Private Road 3591
Piedmont, MO 63957

Re: St. Mary's Mine, File No. P-2019-002
Notice of Deficient Notice of Intent To Conduct Prospection

Dear Mr. Ross:

On February 15, 2019, the Division of Reclamation, Mining and Safety ("DRMS" or "Division") received your Notice of Intent to Conduct Prospecting form ("NOI") for the St. Mary's Mine, which is located in Clear Creek County. All comment and review periods began on February 15, 2019. Upon review of the NOI, the Division has found the NOI form to be deficient and additional information is needed to calculate the required financial warranty. Below is a list of issues pertaining to certain sections of the NOI that will need to be addressed:

I – General Information:

1. Page 2, item #5 of the NOI application appears to have the incorrect quarter section and quarter/quarter section checked. Please submit a revised page 2 of the application form with the NW ¼ section checked for the Quarter Section and the NE ¼ section checked for the Quarter/Quarter section.

II – Maps and Drawings:

2. The NOI included two color topographic maps. The following features need to be included on the map(s):
 - a. Adequate distance scale
 - b. Contour interval
 - c. North arrow
3. The maps submitted to not clearly show where surface activities/disturbance will occur within the two claim areas. Based on the information you provided in the Project Description section of the NOI form, please clearly depict on the map the following:
 - a. The five (+/-) locations where waste dump sampling will occur.
 - b. The 10 to 30 "drill holes" that will be 2 to 4 feet deep and 6 to 10 inches in diameter
 - c. Where "Chip" sampling will occur
4. Included with the NOI form was a color aerial photograph with what appears to be historic/previously affected mining features such as adits, processing tailings, trench dig, waste dumps, etc. However, it is unclear if this map is depicting historic or previously affected area, features of the proposed NOI operation, or a blending of the two. Please update this aerial photograph with the following:
 - a. Adequate distance scale



- b. North arrow
- c. Legend that clearly indicates if a feature is a historic feature and/or part of the proposed operation.

III – Project Description

5. Based on the road map submitted with the NOI form, you indicated Forest Road 175.4B might be a good way to reach your claim. Based on this map, the road does not reach your claims. According to the US Forest Service approved mitigation plan for this operation, you are not authorized to build any additional roads. Please explain how you plan on accessing your claim?
6. Please update Item #5 to discuss how the dredge and pulverizer will be used for your sampling operation.
7. Item #6 part D states you will be “chip” sampling a hanging wall and foot wall. It is unclear what you are proposing to do. Please clarify what you will be going and where this activity will occur. Please depict where this activity will occur on the topographic maps discussed above.
8. Item #6 part E states you will be clearing existing adits. Please explain what this activity will entail? Also, what are the conditions of the adits, do you have pictures of them?
9. Excavating into or otherwise opening a historic adit has to potential of releasing drainage from the adit. Do you know if these adits are currently draining fluid? If the adits are sealed and it is unknown if they would discharge mine water if subsequently opened, further analysis will need to be conducted prior to opening them to evaluate the possible consequences.
10. Item #6 part I indicates you plan to use a dredge as part of your operation. What water will be dredged? If you intend to use water from the adjacent drainage, you will need to obtain the appropriate water right and/or use decree from the Colorado Division of Water Resources. Please update Item #6 part K to indicate the source of the water to be used by the dredge and how the water will be legally obtained and used.

IV – Operation and Reclamation Measures:

11. The Division only received a color aerial photo of a portion of the claim area with the NOI form. This aerial photograph does not clearly show the exact location of where the operation will take place. Based on your project description, you will be excavating in existing waste dumps, from a hanging wall/foot wall and possibly working in existing adits. Please either provide color photographs that show these features that are labeled with the date, orientation and location of these features or provide a description of the native vegetation of the area to be disturbed. If vegetation does not exist where the prospecting operations are planned and these areas simply consist of surface rock and or waste rock, please update Item #2 to indicate this.
12. Item #4 indicates you are not drilling holes. However, the Project Description section of your NOI form indicates 10 to 30 drill holes will be made that are 2 feet to 4 feet deep and 6 to 10 inches in diameter. Please update Item #4 to indicate how you will fill in the test holes you will be excavating.
13. Item #5 indicates testing will occur under the NOI and that no new adits, shafts, pond, excavations or other disturbances will occur. However, your plan calls for excavating small test holes as described above and possibly some work in existing adits. For Item #5, please provide a description of how the small excavations will be reclaimed. This should include backfilling the holes with excess material, spreading any available topsoil and revegetating the site. If soil and vegetation does not exist in the area where the excavation will occur, reapplication of soil and revegetation will not be required.

14. Regarding Item #5 and the proposed work in the existing adits, please provide a description of how the adits will be sealed to prevent public entry at all times during the operation and after the NOI operation is complete.
15. If revegetation will be part of the reclamation plan, please provide a copy of the seed mixture that will be used. Please provide this information in Item #7 part A. Also please provide the method for seed bed preparation and application method for Item #7 part B.

Financial Warranty

16. You have elected to post a financial warranty amount based on the amount determined by DRMS. At this time, the Division cannot fully estimate the warranty until the information discussed in the items above are clarified and/or provided. If adits will be opened, the Division's cost estimate will include proper adit closures. If the affected area proposed with the NOI has vegetation established currently, the affected land will need to be revegetated and the Division will need to have a bond in place to cover this cost. We cannot estimate this cost until you provide a revegetation plan.

In accordance with Rule 5.1.3(c), the Division has found the deficiencies noted above. These items will need to be addressed by April 27, 2019. If these items remain outstanding by the April 27, 2019 deadline the Division may terminate the NOI file. If you have any questions, please contact me at Jared.Ebert@state.co.us (303) 866-3567 ext. 8120.

Sincerely,



Jared L. Ebert
Environmental Protection Specialist III