



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

May 28, 2018

Michael Royer  
P.O. Box 23  
Villa Grove, CO 81155

**RE: Notice of Filing Deficiencies, 110(1) Hardrock Application  
LGPD2 Mine, File No. M-2019-026**

Dear Mr. Royer,

On May 22, 2019, the Division of Reclamation, Mining and Safety (Division) received your 110(1) Limited Impact Operation Reclamation Permit Application for the LGPD2 Mine operation, File No. M-2019-026. Pursuant to Rule 1.4.1(8), the Division has determined the application contains deficiencies which prevent the application from being considered filed. The following filing deficiencies must be addressed before the Division can consider the application as being filed and the technical adequacy review can begin. Please respond to this Notice of Deficiencies with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Deficiencies, M-2019-026".

**APPLICATION FORM**

1. The application Certification (Page 7) is signed by John Crowley who is also identified as the Applicant/Operator on the certification page. The Applicant/Operator on Page 1 and Page 2 is identified as Michael Royer. The Division recognizes that Michael Royer has provided a letter stating John Crowley is an authorized agent for him, however, the Applicant/Operator needs to be consistent on Page 1, 2, and 7 must be consistent and identify the actual name of the permit who will be responsible for the permit. Please revise the application accordingly and re-submit any revised pages. Please ensure the responsibilities on Pages 5 and 6 are initialed by the Applicant/Operator.

**GENERAL APPLICATION PROCESS**

2. The Applicant submitted a copy of the required on-site notice and an affidavit of the posting. The notice and the affidavit both identifies the Applicant/Operator as John Crowley and lists his contact information. This notice needs to identify Applicant/Operator listed on the permit which is Michael Royer, and his contact information. Please revise the on-site notice and submit a copy of the revised notice and affidavit of re-posting which correctly identifies the Applicant/Operator.

**EXHIBIT G – Source of Legal Right-to-Enter (Rule 6.3.7)**

3. The Applicant states the United States Forest Service (USFS) is the surface owner of record for the affected lands. The Division considers an approved Mine Plan of Operations (MPO) or an accepted



Notice of Intent from the USFS as the demonstration of the Applicant's surface legal right of entry to the site to conduct mining and reclamation in accordance with Rule 6.3.7. The Applicant has provided a letter from the USFS, dated April 9, 2019, which states the USFS have received the MPO and is analyzing the environmental impacts of the proposed project. Before the Division can consider the 110(1) application complete for filing, the Applicant will need to submit documentation which shows the USFS has approved or conditionally approved the MPO.

4. The person/entity which gains approval from the USFS must match the Applicant/Operator on the 110(1) application, however, the April 9, 2019 USFS letter states John Crowley is the Operator/Agent. Please provide documentation indicating the Forest Service is reviewing or has approved a MPO from Michael Royer or revise the Applicant/Operator on the 110(1) permit application to John Crowley. If the latter option is chosen, please resubmit the first seven pages of the application with the revised applicant/operator information.
5. The Applicant states Michael Royer is the subsurface owner of record for the affected lands. Please submit appropriate documentation which shows Michael Royer is the claimant of the unpatented mining claim for where the proposed operation is located.

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

6. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy in accordance with Rule 1.6.2(2). Please submit proof that the public review copy has been updated with a copy of this letter and associated response.

**EXHIBIT J - Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District (Rule 6.3.10)**

7. The Applicant provided a copy of the required notice and certified mail return receipt (also known as the green card) to the Board of County Commissioners and the Soil Conservation District. The copy of the notice identifies John Crowley as the Applicant/Operator which is not consistent with the application. Please re-notice the Board of County Commissioners and the Soil Conservation District with the correct Applicant/Operator listed and submit proof in accordance with Rule 1.6.2 (1)(a)(ii). Please note, the certified mail return receipt for the proof of notice to the local Soil Conservation District states the notice went to a P.O. Box in Lake George. The Division believes this notice did not get sent to the correct address. The Division lists the address for the Teller-Park Conservation District is P.O. Box 2027, Woodland Park, CO 80866.

The 110(1) Limited Impact Operation Reclamation Permit Application for the LGPD2 Mine will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt and acceptance of all of the requested information. Please note, if you have already published notice you will need to republish notice, but only after the Division considers the application filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once within ten (10) days of the date your application is considered submitted. The final date for receiving comments is the 10th day after the publication or the next regular business day.

May 28, 2019

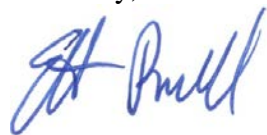
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Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division may deny the application and terminate the application file. **The response to this Notice of Filing Deficiencies is due on or before July 29, 2019.**

This letter shall not be interpreted to mean that there are no other deficiency or adequacy requirements in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

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](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Cc: Michael Cunningham, Division of Reclamation, Mining & Safety  
John Crowley, 382 Mcarthur Drive, Lone Tree, CO 80124