



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

August 26, 2019

David Harvey
CBRG
P.O. Box 430
Harstel, CO 80449

RE: Notice of Filing Deficiencies, 110(1) Hardrock Application, Blue Bee, File No. M-2019-038

Dear Mr. Harvey,

On August 15, 2019, the Division of Reclamation, Mining and Safety (Division) received the 110(1) Limited Impact Operation Reclamation Permit Application for the Blue Bee operation, File No. M-2019-038. 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-2019-038".

Application Form

1. The Applicant has identified CBRG as the Applicant/Operator on Page 1 of the application form. The Applicant also states the type of organization is an LLC. Page 2 of the application form lists CBRG Colo Blue Rock to Gems as the company name for the Applicant. Lastly, a search of the Secretary of State's websites shows Colorado Blue Rock to Gems LLC as a registered company in good standing with the State of Colorado and CBRG as a trade name to the registered company. Please clarify which name (CBRG; CBRG, LLC; or CBRG Colo Blue Rock to Gems; or Colorado Blue Rock to Gems LLC) will be the Permittee. The Division requires the Applicant name to remain consistent on the application form (Pages 1, 2, and 7) and throughout the application.
2. Question 10 on Page 3 of the application form the Applicant provided the legal description of the mine. The Applicant stated the center of the mining area is located in SW Quarter/Quarter, NE Quarter, Section 18, T12S, R75W, within the 6th (Colorado) Principle Meridian. The Division believes this to be in error as the mining operation appears to be located in the NW Quarter/Quarter of the SE Quarter. Please revise and resubmit Page 3 of the application and Exhibit A with the correct legal description.
3. Also in Question 10 on Page 3 of the application form, the Applicant left the General Description blank. Please resubmit Page 3 and provide the name of the nearest town, the miles and direction to the town, and the site's approximate elevation.
4. Responsibility #10 on Page 6 of the application form has been initialed, however the Applicant appears to not be a joint venture/partnership business. Please submit a new Page 6 without responsibility #10 initialed.
5. The certification page (Page 7 of the application form) is not executed correctly. The notary acknowledgement needs to state "David J Harvey as Owner of CBRG" instead of "David J Harvey as CBRG of Blue Bee Claim". Please submit a new Page 7 with a correctly executed certification of the application.



General Exhibit Requirements

6. The application includes several references to “See BLM Plan” and a statement in Exhibit F that the BLM has sent the Division a copy of the approved plan. The Division does not have any of the materials which you have submitted to the BLM. However, you may utilize permitting documents which have been provided to the BLM in the Division’s permitting process, provided the materials supply the required information under the Act and Rules.
7. The application form identifies 4.1 acres as the proposed permitted acreage. None of the maps submitted with the application depict this 4.1 acres. Each map must show the proposed permit boundary as required by Rule 6.2.1(2)(d). Please revise and resubmit the maps for further review. Although not required, the Division recommends the permit boundary is made up of simple shapes that have a minimum amount of corners because these are easier to delineate on the ground with monuments as required by Rule 3.1.12(2). The Division requests the Applicant submit at least one map which shows or a list which provides the latitude and longitude coordinates of each permit boundary corner.
8. The application contain several maps which do not meet the minimum requirements of Rule 6.2.1(2). Each map must conform to the following criteria:
 - a) show the name of the Applicant;
 - b) must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
 - c) give the date the map was prepared;
 - d) identify and outline the permit boundary;
 - e) shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and the Rules (the acceptable range of map scales shall not be larger than 1”=50’ nor smaller than 1”=660’); and
 - f) shall include a map scale, appropriate legend, map title, date, and a north arrow.

EXHIBIT A – Legal Description and Location Map (Rule 6.3.1):

9. The Exhibit A Map does not meet the requirements of Rule 6.3.1(3). Please submit a new Exhibit A Map which depicts and labels the access routes to be used in connection with the mining operation, names of all immediately adjacent surface owners of record, and labels the proposed operation with the mine site name.

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

10. 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):

11. Proof of filing with the local Soil Conservation District is not in accordance with Rule 6.3.10. The application includes a postage receipt and a tracking number, however, there was no certified mail return receipt (also known as the green card) verifying the Soil Conservation District signed and received the notice. In accordance with Rule 1.6.2 (1)(a)(ii), please submit Proof of Notice in the form of a certified mail return receipt or a date-stamped copy of the notice acknowledging receipt by the local Soil Conservation District. Please note, the Division believes the notice was mailed to the wrong address as the tracking number shows the item was

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delivered to Canon City, but the Teller-Park Conservation District has a mailing address of 800 Research Drive, #160, Woodland Park, CO 80863.

Your 110(1) Limited Impact Operation Reclamation Permit Application 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. Additionally, 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.

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 October 25, 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.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Cc: Michael Cunningham; Division of Reclamation, Mining & Safety