



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

November 18, 2019

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

**RE: Adequacy Review, 110(1) Hardrock Application, Blue Bee Diggins, File No. M-2019-038**

Dear Mr. Harvey,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of the CBRG 110(1) Limited Impact Operation Reclamation Permit Application for the proposed operation known as Blue Bee Diggins, File No. M-2019-038, and submits the following comments. **The Division is required to make an approval or denial decision on the application no later than November 27, 2019; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** In order to allow the Division adequate time to review your responses to the following items, please submit your adequacy responses to the Division no later than three days prior to the decision date. Please respond to this Adequacy Review with the requested information and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Response; M-2019-038".

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.3 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations. Any inadequacies are identified under the respective exhibit heading.

**GENERAL APPLICATION PROCEDURES**

1. As required by Rule 1.6.2, please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.
2. As required by Rule 1.6.2, please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.
3. To date, the Division has received comments from the Division of Water Resources and the Office of Archaeology and Historical Preservation. The letters are attached for your review. Please acknowledge and address any comments noted in the letters and make changes to the application as necessary.

**6.3 SPECIFIC PERMIT APPLICATION EXHIBIT REQUIREMENTS –110 LIMITED OPERATIONS**

**EXHIBIT C - Mining Plan (Rule 6.3.3)**

4. Within the Exhibit C narrative, 4.4 acres is referenced twice. Please confirm this is an error as the proposed permit acreage on the application is 4.1 acres.



5. In accordance with Rule 6.3.3(1)(f), please specify the dimensions of all pit excavations (length, width, and depth. If the applicant intends to have one excavation open at any one time, and utilize a concurrent reclamation approach where the excavation is backfilled while advancing, please specify this and identify the maximum size of the open excavation at one time.
6. Please describe the existing disturbance within the proposed permit boundary and how the disturbance relates to the proposed operation. It is the Division's understanding that you intend to entirely stay within the footprint of the existing disturbance which totals approximately 1.5 acres.
7. Please describe the measures which will be taken to control erosion and storm water to protect off-site lands from sedimentation.

**EXHIBIT D - Reclamation Plan (Rule 6.3.4)**

8. Please provide the specific seed mixture as referenced in the Reclamation Plan as the plan nor the accompanying BLM paperwork contained the details of this mixture. As required by Rule 6.3.4(1)(c)(iii), the Applicant must specify the quantity of each grass and forb species as Pounds per Live Seed per acre (PLS/acre). The Applicant may want to contact the Teller-Park Conservation District for a site-specific seed mixture recommendation.
9. The Applicant has stated the seed mixture will be broadcast seeded. Please specify how the Applicant will incorporate the seed into the ground (raking, chain dragging, harrowing, etc.) after broadcasting is complete.

The Division will calculate the total required financial warranty for the site following the responses to this adequacy review letter. A copy of the reclamation cost summary will be forwarded to you for the review. Based on paperwork submitted, it appears the BLM has required you to post a \$1,816 to cover the cost of reclamation associated with your approved MPO. As the lead bonding agency outlined in the BLM-DRMS MOU, the Division will calculate the required financial warranty and inform you if additional bond is required. *No Response needed.*

**EXHIBIT E - Maps (Rule 6.3.5)**

10. Within the Response to Notice of Deficiencies received on October 24, 2019, the Applicant provided a map titled Reclamation Permit Application that includes two subset maps. The Division believes this was submitted for the purposes of the Mine Plan Map as required by Rule 6.3.5(2). The Applicant will need to revise this map and resubmit it for further review based on the following:
  - a. Title the map Exhibit E - Mine Plan Map;
  - b. Label the names of any surface owner(s) within 200 feet of the permit boundary;
  - c. Label the names of the surface and subsurface owner(s) of the permit boundary;
  - d. Correct the southeast permit boundary coordinate;
  - e. Revise the coordinate format of the southwest permit boundary corner to match the DMS format as the other coordinates; and
  - f. Remove the "Exploration Area" depicted south of the permit boundary (the Division cannot authorize these activities as a part of this mining permit to occur outside of the proposed permit boundary).
11. The Applicant did not include a Reclamation Plan Map. In accordance with Rule 6.3.5(3), submit a Exhibit E - Reclamation Plan Map. This map must depict information to describe the post mine topography. Please include contour lines or show slope gradient (H:V) and direction to sufficiently portray the final topography of the affected lands. This map must also identify areas which will be

revegetated with the reclamation seed mixture. This map must also state the average depth of backfill material and the thickness of topsoil replaced.

**EXHIBIT F - List of other Permit and Licenses Required (Rule 6.3.9)**

12. Please commit to contacting CDPHE Water Quality Control Division and obtaining the appropriate storm water permits for the site. Please forward a copy of the approved permit to the Division once obtained.

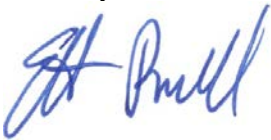
**EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)**

13. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this adequacy letter has been added to it.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the Blue Bee Diggins permit application may be deemed inadequate, and the application may be denied on November 27, 2019, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by November 27, 2019, and the request for additional time. The Division typically receives extension requests in 30-day increments. This must be received no later than the deadline date.**

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

Attachment: DWR comment letter M2018064  
OAHF comment letter M2018064

ec: Jason Musick with DRMS