



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

December 30, 2019

Robert and Lauren Berry
3871 Black Feather Trail
Castlerock, CO 80104

RE: Adequacy Review, 110(1) Hardrock Application, Robert Michael #1-A, File No. M-2019-050

Dear Mr. and Mrs. Berry,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your 110(1) Reclamation Permit Application for the Robert Michael #1-A, File No. M-2019-050, and submits the following comments. 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-2019-050".

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. On December 26, 2019, you provided proof of publication, as required by Rule 1.6.2, of the notice published in the Fariplay Flume. Upon review of the notice, the notice was published on December 13, 2019, and December 20, 2019. The public comment period deadline referenced in the notice was listed as December 24, 2019. In accordance with Rule 1.7.1(2)(b), the public comment period deadline is 10 days after the last day of publication. The public comment deadline should have been listed as December 30, 2019. As required by Rule 1.6.6, when a notice is in error, the Applicant shall be required to publish a new notice of the Application. Furthermore, Rule 1.6.6 states in the event that the Application is required to issue a new notice, all applicable deadlines shall begin to run anew. Therefore, the decision date for the permit has been reset and the Division is now required to make an approval or denial decision on the application no later than January 29, 2020. 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 notice to all owners of the surface and mineral rights of the affected land and to all owners of the surface within 200 feet 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, Corps of Engineers, 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.

EXHIBIT C - Mining Plan (Rule 6.3.3)

4. Within Exhibit C, Question 17, you have stated that that the disturbance will be seeded after backfilling. The mining and reclamation plans do not specify the timing of seeding. Please commit to seeding in the late fall or early spring as this will give the reclamation seed mixture the best chance to germinate and survive. You may contact the Teller-Park Conservation District for a recommendation on a specific seed planting time.



5. The Division has calculated the total required financial warranty for the site to be \$1,000.00. A copy of the reclamation cost summary is attached for your review. The USFS has been provided a copy of this estimate and will provide the Division with concurrence if adequate. At this time, upon approval of the application, the required financial warranty for the site will be set at \$1,000.00; please contact me prior to the decision date to discuss any questions regarding the cost estimate or if you identify any errors with this calculation.

EXHIBIT F – List of Other Permits and Licenses Required (Rule 6.3.6)

6. On November 27, 2019, you provided a copy of the USFS NOI approval letter for this operation. The Division understands that there may be discrepancies between the 110(1) permit application and the USFS NOI or there may now be discrepancies follow the Division's technical review and your subsequent adequacy review responses. Please commit to informing the USFS of any revisions to the operation once the Division approves your application.

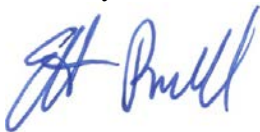
EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)

7. 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 application may be deemed inadequate, and the application may be denied on January 29, 2020, 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 January 29, 2020, and the request for additional time. 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.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Enclosures: Reclamation Cost Estimate M2019050
Division of Water Resources Comment Letter
Corps of Engineers Comment Letter
Office of Archaeology and Historical Preservation Comment Letter

ec: Jason Musick with the Division of Reclamation, Mining & Safety
Robert Berry, debitcard@msn.com