



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

January 23, 2020

James and Yvette Downing  
1067 E. US Highway 24 #263  
Woodland Park, CO 80863

**RE: Notice of Filing Deficiencies, 110(1) Hardrock Application, D Family Jewels, File No. M-2019-055**

Dear Mr. and Mrs. Downing,

On January 9, 2020, the Division of Reclamation, Mining and Safety (Division) received the 110(1) Limited Impact Operation Reclamation Permit Application for the D Family Jewels operation. 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-2019-055".

**Application Form**

1. On Page 1 of the application form, 1 acre is identified as the permitted acreage. Upon review of the Exhibit E Maps, the Mine Plan Map and Reclamation Plan Map both show an area 50 feet by 30 feet (approximately 0.04 acres), presumably the permit boundary. Two other maps provided within Exhibit E show a permit boundary which is approximately 1.46 acres and 1.2 acres when measured/scaled using the listed map scale. Please revise the application accordingly to show the proposed permit boundary and identify the proposed permit acreage. All maps shall show a consistent permit boundary. Please note, Rule 6.2.1(2) discusses the general requirements each map needs to include and Rule 6.3.5 discusses the specific requirements of the Mine Plan and Reclamation Plan Maps. The Division requests at least one map provide the latitude and longitude coordinates for each permit boundary corner.
2. On Page 1 of the application form, the type of mining operation is identified as a surface and underground mine. Based on the Division's understanding of similar operations, the Division believes this should only be considered a surface mine. Please verify the type of proposed mining operation and revise Page 1 accordingly.
3. On Page 3 of the application form, the Quarter/Quarter Section under location information was left blank. Please revise this to reflect the proposed operation is in the SW Quarter/Quarter.
4. The Division requires the name of the Applicant/Operator to remain consistent throughout the application, specifically on pages 1, 2, and 7 of the application form. On Pages 1 and 2 the Applicant/Operator is identified as "James and Yvette Downing" while Page 7, the certification page, has "Yvette M. Downing". Please revise the name of the Applicant/Operator, as appropriate, and submit replacement pages of the application form. Please note, the Division can accept the certification page with only one signature (Yvette or James), however, the Applicant/Operator shall be identified as both.

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

5. Within Exhibit I, a one-page Certificate of Location was provided with a stamp indicating the five-page document has been recorded by the Teller County Clerk and Recorder. Rule 6.3.9 and Rule 1.6.2(1)(c) requires



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Applications to place a copy of the entire application at the local County Clerk and Recorder for public review. Please provide proof in the form of an affidavit or receipt that a copy of the Application has been placed at with the local County Clerk and Recorder. Please note, the Applicant should not be recorder, but simply placed for public review.

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 responses.

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

7. The application included receipts of certified mailing to the local Board of County Commissions and the Soil Conservation District, however, the application did not included the required certified mail return receipts, also known as the signature cards. In accordance with Rule 1.6.2 (1)(a)(ii), please submit Proof of Notice in the form of certified mail return receipts or date-stamped copies of the notices acknowledging receipt by the local Board of County Commissions and the Soil Conservation District.

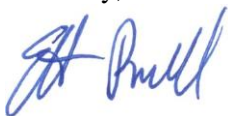
Your 110(1) Limited Impact Operation Reclamation Permit Application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt and acceptance of all of the requested information. 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 filed. 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 March 23, 2020.**

This letter shall not be interpreted to mean that there are no other filing 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 Rules and 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

ec: Jason Musick with the Division of Reclamation, Mining & Safety  
Yvette Downing, [jydowning@yahoo.com](mailto:jydowning@yahoo.com)