



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

February 26, 2020

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

**RE: Adequacy Review, 110(1) Hardrock Application
D Family Jewels, File No. M-2019-055**

Dear Mr. and Mrs. Downing:

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your 110(1) Reclamation Permit Application for the D Family Jewels operation, File No. M-2019-055, and submits the following comments. **The Division is required to make an approval or denial decision no later than March 7, 2020; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** If more time is needed to respond to this Adequacy Review, the Division can grant an extension of the decision date following a request by the Applicant. 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-2019-055".

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, regarding the application. 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. The Mine Plan states 5-10 feet of topsoil will be salvaged and no overburden will be moved. Please note, topsoil, also referred to as growth medium, is the upper most layers of soil which contain organic matter and nutrients. Topsoil is salvaged separately from the subsoil, segregated and stockpiled from other materials, and is then returned to the top of backfilled and graded areas during reclamation to ensure the reclamation seed mixture can establish on reclaimed lands. Overburden is defined in the Rules as the earth and other materials which lie above natural minerals and also the earth and other materials disturbed from their natural state in the process of mining. Typically, similar operations in the vicinity of the proposed operation have



committed to salvaging 4 - 6 inches of topsoil. The thickness of overburden is the maximum depth of the excavation up to the salvaged topsoil. For your reference, if you are proposing to salvage approximately 6 inches of topsoil and the maximum depth of the excavation is 10 feet, your thickness of overburden is 9.5 feet. Please specify the thickness of topsoil which will be salvaged from disturbed lands and will be replaced during reclamation. Please also specify the thickness of overburden which will need to be moved after the topsoil is salvaged and then backfilled prior to replacement of topsoil.

5. The Mine Plan states the Operator will make an ATV trail from the parking area to the dig site and the Mine Plan Map shows this 550 feet long ATV trail on the east side of the permit. After discussions with the USFS, the Division understands that your USFS NOI does not allow overland travel of equipment off of designated trails and roads and you will either need to walk to your operation or get a USFS MPO. Please commit to obtaining the appropriate USFS authorization if you intend to overland equipment to your operation.
6. The Mine Plan identifies the type of operation as both a surface operation and an underground operation. As discussed and addressed on the application form during the deficiency review, please confirm this is only a surface mine operation.
7. Within the cost estimate of the submitted Mine Plan, 403 cubic yards have been identified as needing to be backfilled. The Division uses information provided in the proposed mining and reclamation plans to calculate a reclamation cost estimate for the “worse-case” disturbance at any one time. Please commit to limiting the size of the excavation(s) at any one time to need no more than 403 cubic yards backfilled or provide a different amount so the Division determine the maximum amount of material needing to be backfilled within the reclamation cost estimate. For your reference, using a depth of 10 feet for the excavation, an area approximately 33 feet by 33 feet will yield 403 cubic yards.
8. The Division has calculated the total required financial warranty for the site to be \$2,300.00. A copy of the reclamation cost summary is attached for the Applicant’s review. The USFS has been provided a copy of this estimate to review it for sufficiency. Please note, the USFS may require an additional bond to be posted with their agency to cover any reclamation tasks outside of jurisdiction of the Division. At this time, upon approval of the application, the required financial warranty for the proposed operation will be set at \$2,300.00; 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 D – Reclamation Plan (Rule 6.3.4)

9. The Reclamation Plan identifies the final grade of slopes will be 1H:1V. As the Division understands, you are proposing to return the affected lands to the approximate pre-mine topography. Please verify the current slope as the Division believes 1H:1V is much steeper than the existing slope. The Division typically approves the slopes at no steeper than 3H:1V as this slope is stable and typically doesn’t erode, however Applicants may propose a reclaimed slopes to be as steep as 2H:1V if appropriate erosion control measure are in place. Please revise the final grade of slopes. In Accordance with 3.1.6(3), if the Applicant proposes final slopes steeper than 3H:1V, please provide how the slope will be appropriately protected to effectively control erosion (i.e. catchment berms, silt fences, straw wattles, utilizing downed timber and slash, etc.).
10. The Applicant proposes to plant sampling pine trees on the reclaimed lands. Please provide the size, type, and quantity of trees to be planted. Please note, in the draft reclamation cost estimate discussed in Adequacy Item #8, the Division used 10 Cu. In. sized ponderosa pine tublings planted as 25 trees per acre.

11. The USFS has contacted the Division regarding your application and have stated they do not want you to use fertilizer in the reclamation plan. Please commit to not using fertilizer.

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

12. As the proposed operation has an approved NOI from the USFS, there may now be discrepancies between the USFS NOI and the 110(1) permit application following the Division's technical review and your subsequent adequacy review responses. Please commit to informing the USFS of any revisions to your proposed operation once the Division approves your application.

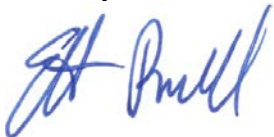
EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)

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 permit application may be deemed inadequate, and the application may be denied on March 7, 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 March 7, 2020, and the request for additional time. This must be received no later than the deadline date.** The Division typically receives extension requests for 30, 60, or 90 additional days.

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

Attachment: Reclamation Cost Estimate M2019055
DWR comment letter M2019055
OAHP comment letter M2019055

Cc: Jason Musick, Division of Reclamation, Mining & Safety
Yvette Downing, jydowning@yahoo.com