

**CJK Milling Company, LLC**

*to*

DRMS Received:  
April 15, 2020  
DMC

**Colorado Division of Reclamation, Mining and Safety**

**NOTICE OF INTENT**  
**PROSPECTING OPERATION APPLICATION**  
*for the*  
**PENN MINE**  
**Lake County, Colorado**

**April 13, 2020**

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**Union Milling Contractors**

*P.O. Box 620490  
Littleton, CO 80162-0490  
+1.303.947.3499*

April 13, 2020

Dustin Czapla  
Division of Reclamation, Mining and Safety  
Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, CO 80203

**Re: Notice of Intent – Prospecting Operation Application for Penn-Group Waste Dumps**

**Applicant: CJK Milling Company, LLC**

Dear Mr. Czapla,

Enclosed for your review is a Notice of Intent (NOI) Application form and a complete package of additional information related to the proposed Prospecting operation prepared by Union Milling Contractors on behalf of the owner, CJK Milling, LLC.

Prospecting activity will operate for a short period, gathering samples from various historic mine dumps in Lake County. The purpose of the exploration operation is to determine if enough value exists in the sampled dumps to economically process them at the Leadville Mill (M1990-057).

Processing this material at the Leadville Mill would have the added benefit of reducing acid rock drainage into the environment.

**1. The application date is:**

April 13, 2020

**2. The owner(s) of the property:**

Gary Knippa  
CJK Milling Company, LLC.  
33084 Bergen Mountain Road  
Evergreen, CO 80439  
Phone: 720-412-8838  
[gknippa@msn.com](mailto:gknippa@msn.com)

**3. Name, address and phone number of the Applicant/Prospector:**

Gary Knippa  
CJK Milling Company, LLC.  
33084 Bergen Mountain Road  
Evergreen, CO 80439  
Phone: 720-412-8838  
[gknippa@msn.com](mailto:gknippa@msn.com)

**4. The authorized representative of the Applicant/Prospector:**

Gary Slifka, Manager,  
Union Milling Contractors, LLC  
PO Box 620490  
Littleton, CO 80162-0490  
Phone: (719) 293-3417  
Email: [gslifka@unionmilling.com](mailto:gslifka@unionmilling.com)

**5. Site location:**

The dump sites are located east of Leadville, Colorado off Lake County, County Road 1, at elevations between 11,200 ft. (Penn 1) and 11,400 ft. (Penn 3) MSL.

**A. Legal description:**

- **Penn #1** – NE1/4, SW1/4, Sec. 20, Township 9 South, Range 79W, 6<sup>th</sup> P.M.
- **Penn #3** – SW1/4, SE1/4, Sec. 20, Township 9 South, Range 79W, 6<sup>th</sup> P.M.

**B. Location: (Approximate and general location for field location):**

- **Penn #1** – N 39°14'57" Latitude, W 106°14' 53" Longitude
- **Penn #3** – N 39°14'55" Latitude, W 106°14' 44" Longitude

**6. Patented Claims and Claim Names:**

<b>Project Name:</b>	<b>Patented Claim:</b>	<b>M.S. Claim No:</b>	<b>Exploration Disturbance</b>
<b>Penn #1</b>	Ben Franklin	485	~2.4 Acres
	General Cadwallader	487	"
	William Penn	484	"
<b>Penn # 3</b>	Philadelphia	486	~2.5 Acres
	General Cadwallader	487	"
<b>Total</b>			<b>~4.9 Acres</b>

**7. Acres affected:**

Exploration activities will be conducted in 2 claim areas as summarized in the table above and shown below in the Google Earth aerial view. A total of approximately 4.9 acres of existing roads and dump sites will be affected. Care will be taken to assure that no new lands are disturbed.

Some sites will be hand sampled using a shovel and five-gallon bucket, some sites will be sampled using an auger mounted on a skid-steer or similar equipment, and some will be sampled using a small backhoe. However, the basis of this estimate assumes worst-case impact using a small backhoe for all site sampling.

**8. Estimated life of the prospecting activity:**

The exploration period will not exceed 2 years. However, the duration of activity at each site; which will include excavation, sampling, and reclamation will be approximately 15 days.

**9. Site access:**

Site is accessed from Lake County Road 1.

This application has been prepared by Union Milling Contractors (UMC) on behalf of the owner, CJK Milling, LLC.

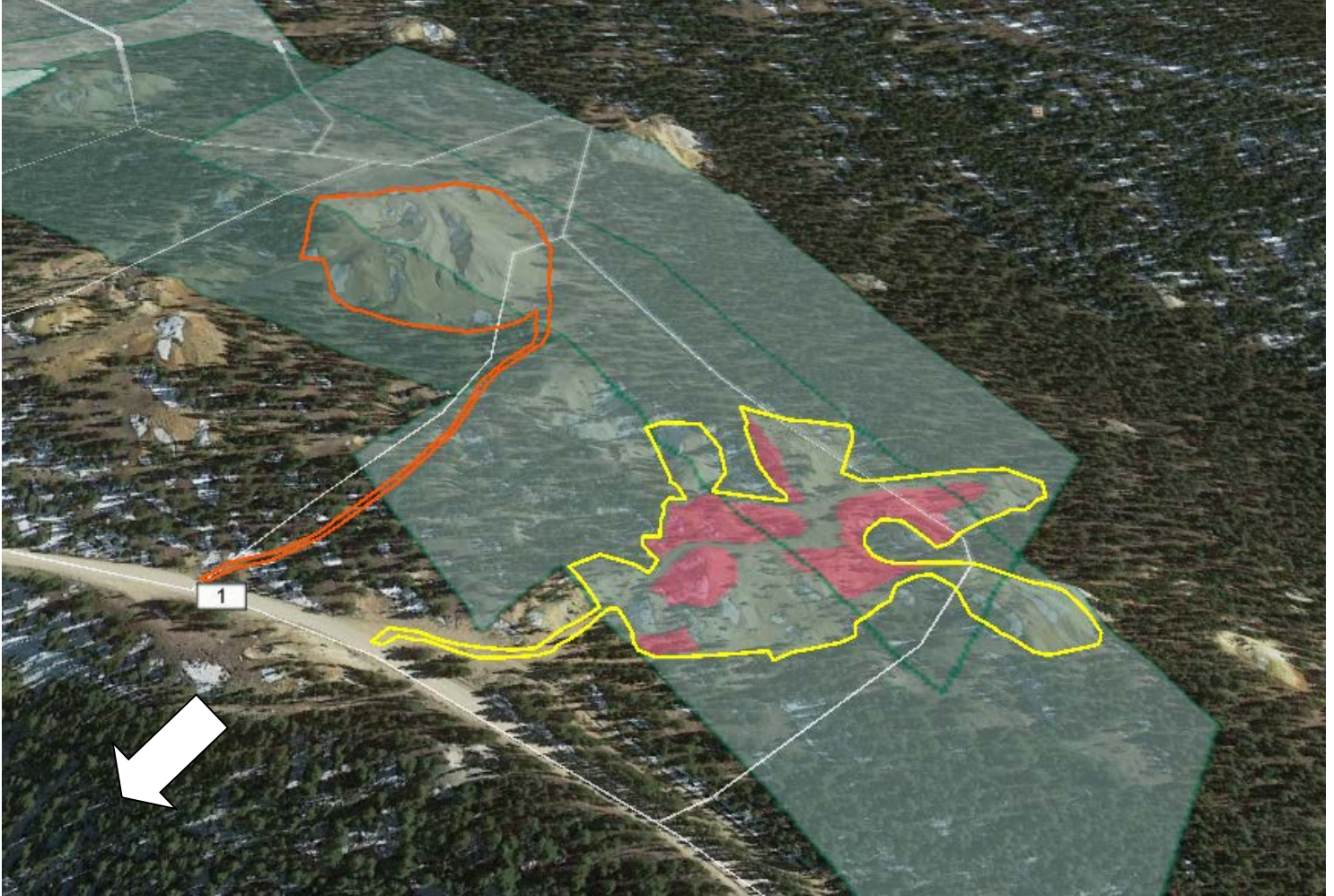
Respectfully,

A handwritten signature in blue ink, appearing to read "Gary Slifka". The signature is fluid and cursive, with the first name "Gary" and last name "Slifka" clearly distinguishable.

Gary Slifka, Manager  
**Union Milling Contractors, LLC**

cc: CJK Milling Company, LLC

## Aerial View of Proposed Affected Lands



### Legend:

- Arrow Points North
- Light green shading denotes claims
- Orange shows approximate Penn 3 disturbance area
- Yellow shows approximate Penn 1 disturbance area
- Pink-shaded areas within Penn 1 area will not be disturbed

## **Section 3.1 Reclamation Performance Standards:**

### **3.1.1 The Post Mining Land Use:**

The post prospecting use will remain wildlife habitat.

### **3.1.2 Reclaiming Substituted Land:**

No substitute lands are proposed for reclamation.

### **3.1.3 Time Limit and Phased Reclamation:**

**(2) All reclamation shall be carried to completion by the Operator with all reasonable diligence, and each phase of reclamation shall be completed within five (5) years from the date the Operator informs the Board of Office that such phase has commenced:**

Exploration activities will be completed within 2 years, weather permitting. The Division will be notified if weather or other circumstances warrant additional time.

Surface reclamation will consist of shaping affected areas to match the adjacent dump surface. Surface reclamation will occur after bulk samples are taken. Markers will be placed at each sample point for future reference. The exception to concurrent sample site reclamation will be sampling completed during winter or snow fall months. During the winter sampling, backfilling and other requisite site reclamation will be completed as is possible given physical conditions. Any remaining work will be completed in the spring.

Since the proposed surface activities will affect less than 25 acres (estimated a 4.9 acres), and each disturbed sample site will be immediately reclaimed, an air quality permit is not required.

A Water Quality Discharge Permit is not required since no process water will be involved. However, a Storm Water Management Plan (Attachment V) and Storm Water Permit from the Colorado Department of Public Health and Environment, Water Quality Control Division will be obtained.

### **Prospecting Plan**

#### *Project Description:*

- No new access roads are required. Existing roads will be used to reach each dump and sample points. The dumps may need to be traversed by equipment. No topsoil and little if any vegetation (except for a few pine trees on some dumps) are present on the areas to be affected. Also, the proposed travel



surface is firm. Therefore, there will be little or no impact to the surface by the sampling equipment.

- Exploration methods will include; hand sampling using a shovel and five-gallon buckets, an auger-mounted skid steer, and small (~8ft<sup>3</sup>) backhoe or another similar device.
- Sampling may occur during any season of the year to where access may be obtained. Geochemical samples will be included, and the results will be made available to the Division.
- The workforce will consist of up to two operators, as well as UMC supervisory personnel.
- The operating schedule will be 6 days per week, during daylight hours. UMC will comply with County noise regulations as required.
- No tailings will be produced.
- There is no suction dredging associated with this operation.

*Equipment:*

Project equipment and vehicles will consist of pickup trucks, an auger mounted on a skid steer or on a tracked or wheeled vehicle, and/or a small backhoe or other similar equipment and supply/sample truck as is available by the independent geologist collecting the samples. Following is an example of a typical track auger which may be used.





*Structures:*

None needed

### **3.1.4 Public Use:**

**On lands owned by the Operator, the Operator may permit the public to use the same for recreational purposes, except in areas where such use is found by the Operator to be hazardous or objectionable:**

The proposed affected areas are patented mining claims owned by CJK Milling Company, LLC. The proposed prospect areas are not fenced and include historic private roads.

In the interest of public safety, CJK Milling Company, LLC will post “No Trespassing” signs at all access points.

### **3.1.5 Reclamation Measures – Materials Handling:**

**(1) Grading shall be carried on to create a final topography appropriate to the final land use selected in the Reclamation Plan:**

Prior to any disturbance, burlap wattles, secured with landscape staples according to the manufacturer’s recommendation will be placed down-gradient of all areas to be sampled. These BMPs will capture and contain any erosion which may result from exploration activities.

Once sampling is completed, the area will be regraded to blend in with the adjacent dump surface.

No topsoil shall be replaced: the sampling will be on existing historic dumps, where no topsoil exists.

The exception to concurrent sample site reclamation will be sampling completed during winter or snow fall months. During the winter sampling, backfilling and other requisite site reclamation will be completed as is possible given physical conditions. Any remaining work will be completed in the spring.

**(2) When backfilling is a part of the plan, the Operator shall replace overburden and waste materials in the mined area and shall ensure adequate compaction for stability and to prevent leaching of toxic or acid forming materials:**

No significant backfilling is anticipated. The sample site locations will be backfilled once samples are obtained, and the area will be smoothed to blend in with the adjacent dump surface.

**(3) All grading shall be done in a manner to control erosion and siltation of the affected land, to protect areas outside the affected land from slides and other damage. All highwalls shall be eliminated:**

No highwalls will be created. Once samples are obtained, the sampled area will be backfilled with excavated dump material and the sample area compacted then smoothed to blend in with the adjacent waste dump surface.

Areas that are hand-sampled will be backfilled and the backfilled material compacted.

**(4) All backfilling and grading shall be completed as soon as feasible after the mining process. The Operator shall establish reasonable timetables consistent with good mining and reclamation practices:**

All backfilling and grading will be completed once sampling is completed at a sample site location. The backfilled sample location will be marked and recorded for future reference.

The exception to concurrent sample site reclamation will be sampling completed during winter or snow fall months. During the winter sampling, backfilling and other requisite site reclamation will be completed as is possible given physical conditions. Any remaining work will be completed in the spring.

**(5) All refuse and acid forming or toxic producing materials that have been mined shall be handled and disposed of in a manner that will control unsightliness and protect the drainage system from pollution:**

*CJK's plan is to remove those dumpsites containing economic value from the environment, thus reducing the acid drainage load into the water shed.*

The areas of interest are historic low-grade mine dumps, have been exposed on the surface for many years, and will only be sampled during the exploration phase of the project. No new material of any kind will be mined and placed on the surface.

All material removed from the site will be processed and placed in a permitted tailings storage facility at the Leadville Mill (M1990-057). BMPs will be placed around sampled areas to protect the environment from downstream sediment flow

**(6) Any drill or auger holes that are part of the mining operation shall be plugged with non-combustible material, which shall prevent harmful or polluting drainage. Adits and shafts should be closed, and where practicable, backfilled and graded in a manner consistent with the post mining land use:**

Auger holes will be backfilled with excavated waste dump material and the sampled area smoothed to blend in with the adjacent waste dump surface.

No exploration core hole drilling is planned.

**(7) Maximum slopes and slope combinations shall be compatible with the configuration of surrounding conditions and selected land use. In all cases where a lake or pond is produced as a portion of the Reclamation Plan, all slopes, unless otherwise approved by the Board or Office, shall be no steeper than a ratio of 2:1 (horizontal to vertical ratio), except from 5 feet above to 10 feet below the expected water line where slopes shall be not steeper than 3:1. If a swimming area is proposed as a portion of the reclamation Plan, the slopes, unless otherwise approved by the Board or Office, shall be no steeper than 5:1 through the area proposed for swimming, and a slope no steeper than 2:1 elsewhere in the pond:**

Not applicable to this operation.

**(8) If the Operator's choice of reclamation is for agricultural or horticultural crops which normally require the use of farm equipment, the Operator shall grade so that the area can be traversed with farm machinery:**

Not applicable to this operation.

**(9) An Operator may backfill structural fill material generated within the MLRB permitted area into an excavated pit within the permit area as provided for in the MLRB Permit. If an Operator intends to backfill inert structural fill generated outside of the approved permit area, it is the Operator's responsibility to provide the Office notice of any proposed backfill activity not identified in the approved Reclamation Plan in accordance with the provision of Section 3.1.5(9):**

No structural fill will be imported.

**(10) All mined material to be disposed of within the affected area must be handled in such a manner so as to prevent any unauthorized release of pollutants to the surface drainage system:**

Some small amounts of material will be placed on the surface during excavation to obtain samples at various depths. A tarp, heavy plastic or other similar material will be placed next to a sampled site for placement of excavated material. (Note: Auger holes will not be conducive to the use of a tarp. The auger hole would need to be drilled through the tarp and would likely get tangled up in the mechanism.) Once samples are obtained, the excavated hole will be filled with the excavated material. Our Stormwater Management Plan will be implemented at each sample site to prevent any unauthorized release of pollutants to the surface drainage system.

The exception to concurrent sample site reclamation will be sampling completed during winter or snow fall months. During the winter sampling, backfilling and other sample site

reclamation will be completed when specific conditions permit. The winter sampled sites will be checked in the spring, after snow melt, for implementation of any corrective actions necessary to stabilize the site.

**(11) No unauthorized release of pollutants to ground water shall occur from any materials mined, handled or disposed of within the permit area:**

The release of pollutants to ground water from sampling activities will not occur. No groundwater will be intercepted during exploration operations. The sampling operations are intended to sample down to preexisting grade beneath a dump. Therefore, no groundwater systems will be impacted.

**3.1.6 Water – General Requirements:**

**(1) Hydrology and Water Quality:**

**Disturbances to the prevailing hydrologic balance shall be minimized:**

**(a) Compliance with applicable Colorado Water laws and regulations governing injury to existing water rights:**

No surface or other tributary water will be impacted. Potable water will be hauled to the site in five gallon or smaller containers. Operational water needs for dust control are not anticipated since minimal surface areas will be impacted. There will be no rotary core drilling, and vehicle speeds will be less than 10 mph when on the dump areas. Since the sampled areas are above the groundwater table and the samples will be dry, there should be no significant evaporative losses associated with this operation.

**(b) Compliance with applicable federal and Colorado water quality laws and regulations, including statewide water quality standards and site-specific classifications and standards adopted by the Water Quality Control Commission:**

CJK Milling Company, LLC will obtain a Stormwater permit from the Water Quality Control Division. We will maintain compliance with the terms and conditions of the Stormwater permit.

**(c) Compliance with applicable federal and Colorado dredge and fill requirements:**

No wetlands will be affected by the proposed exploration operations.

**(d) Removing temporary or large siltation structures form drainageways after disturbed areas are revegetated and stabilized, if required by the Reclamation Plan:**

No temporary or large siltation structures are associated with the proposed exploration operations.

**(2) Earth dams, if necessary, to impound water, may be constructed if the formation of such impoundments will not damage adjoining property or conflict with water pollution laws, rules or regulations of the federal government, the state of Colorado or with any local government pollution ordinances:**

No new earthen dams will be constructed.

**(3) All surface areas of the affected land, including spoil piles, shall be stabilized and protected so as to effectively control erosion:**

As stated above, our prospecting activity will comply with the Stormwater Permit and Management Plan. No spoil piles will result from the proposed prospecting operations.

**(4) The Office *may* require the submission of baseline site characterization data, sufficient to ensure that impacts from *mining* will be detected, prior to the initiation of mining, including but not limited to, ambient groundwater and surface water quality data sufficient to characterize potential impacted waters:**

Groundwater will not be intercepted or impacted by the proposed prospecting operations. The surface disturbance at any sample site location will not exceed an area of 400 ft<sup>2</sup>, and most disturbances will be less than 100 ft<sup>2</sup>. It is estimated that the maximum amount of time a sampled site will be active for excavation, sampling and sample site reclamation will be approximately 15 days. At the conclusion of site sampling, the hand sampled, auger hole or backhoe pit will be backfilled. Immediately following backfilling, the site will have straw wattle or other suitable material will be secured over the disturbed area in compliance with our Stormwater Management Plan. Note hand sampled sites will not be covered. Given the small area of disturbance when hand sampled (approximately 9 ft<sup>2</sup>) and a slight depression will remain which will aid in runoff prevention.

CJK plans to file for a mining permit, given successful exploration results, and is the process of preparing the requisite documentation. CJK anticipate that the Division will require baseline data for this submission and is in the initial process of collecting these data. Given the extensive water and soil sampling completed by EPA with respect to activities related to the California Gulch Superfund, CJK anticipates relying on this information as the basis of initial baseline characterization. Following, CJK will prepare and submit proposals for ongoing best-practice surface- groundwater and geochemical soil sampling programs.

**(5) Drilling pits used during mining shall be constructed and operated to minimize impacts to public health, safety, welfare and the environment, including soil, waters of the State, including groundwater, and wildlife:**

No mud or drill pits shall be necessary.

### **3.1.7 Groundwater – Specific Requirements:**

No groundwater will be intercepted or otherwise affected. Therefore, no groundwater sampling is proposed for exploration-phase work.

### **3.1.8 Wildlife:**

**(1) All aspects of the mining and reclamation plan shall take into account the safety and protection of wildlife on the mine site, at processing sites, and along all access roads to the mine site with special attention given to critical periods in the life cycle of those species which require special consideration (e.g., elk calving, migration routes, peregrine falcon nesting, grouse strutting grounds):**

Given the limited area of disturbance; approximately 4.9 ac, the barren nature of the historic dumps, and the limited time necessary to sample an individual dump, wildlife will not be significantly impacted.

**(2) Habitat management and creation, if part of the Reclamation Plan, shall be directed toward encouraging the diversity of both game and non-game species, and shall provide protection, rehabilitation or improvement of wildlife habitat:**

Material changes to the site's wildlife habitat will not occur since all planned exploration will be on previously disturbed areas.

### **3.1.9 Topsoiling:**

**(1) Where it is necessary to remove overburden in order to mine the mineral, topsoil shall be removed and segregated from other spoil. If such topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is preserved from wind and water erosion, remains free of any contamination by toxic or acid-forming material, and is a usable condition for reclamation:**

There is no topsoil present upon the planned exploration area.

**(2) Where practicable, woody vegetation present at the site shall be removed from or appropriately incorporated into the existing topsoil prior to excavation with the**

**affected areas. The Operator should make a reasonable effort to ensure that existing vegetation is put to a beneficial use such as firewood, mulching, lumber, etc.:**

Existing vegetation, where it occurs, consists mainly of pine. Given the limited area of our sampling program, exploration activities will not materially impact existing pine trees. Any pine trees which must be removed will be disposed offsite at an approved disposal facility or chipped for soil stabilization.

**(3) Topsoil stockpiles shall be stored in places and configurations to minimize erosion and located in areas where disturbance by ongoing mining operations will be minimized. Such stockpile areas must be included in the affected areas and subject to all reclamation requirements:**

There is no topsoil present, therefore none will be salvaged or stockpiled.

**(4) Once stockpiled, the topsoil shall be re-handled as little as possible until replacement on the regarded, disturbed areas:**

There is no topsoil present, therefore none will be replaced.

**(5) The Operator shall take measures necessary to assure the stability of replaced topsoil on graded slopes such as roughing in final grading to eliminate slippage zones that may develop between the deposited topsoil and heavy textured spoil surfaces:**

The proposed disturbed areas will simply be graded to blend in with the surrounding area. No topsoil will be replaced since none is currently present.

**(6) Topsoil substitute:**

No topsoil substitute will be placed on the regraded affected area since only small areas of any one waste dump will be disturbed.

**(7) When growing media is replaced, it shall be done in as even a manner as possible. Fertilizer or other soil amendments shall be added:**

No growth media will be replaced.

**(8) Vegetative piles shall be removed from the area or utilized in accordance with the Reclamation Plan:**

There will be no vegetative piles.

### **3.1.10 Revegetation:**

**(1) In those areas where revegetation is part of the Reclamation Plan, land shall be revegetated in such a way as to establish a diverse, effective, and long lasting vegetative**



**cover that is capable of self-regeneration without continues dependence on irrigation, soil amendments or fertilizer, and is at least equal in extent of cover the natural vegetation of the surrounding area:**

With the exception of scattered pines on some of the dumps and other dumps bare of vegetation, no seeding is planned. Given the limited area of our sampling program, we will be able to work around most pine trees. Any pine trees which must be removed will be disposed offsite or chipped and used for soil.

**(2) If the Operator's choice of reclamation is forest planting, they may, with the approval of the department, select the type of trees to be planted:**

No tree planting will occur.

**(3) If the Operator's choice of reclamation is for range, the land shall be restored to slopes commensurate with the proposed land use and shall not be steep to be traversed by livestock:**

The post exploration land use is wildlife habitat.

**(4) The revegetation plan shall provide for the greatest probability of success in plant establishment and vegetation development by considering environmental factors such as seasonal patterns of precipitation, temperature and wind; soil texture and fertility; slope stability; and direction of slope faces. Similar attention shall be given to biological factors such as proper inoculation of legume seed, appropriate seeding and transplanting practices, care of forest planting stock, and restriction of grazing during initial establishment. The Board or Office, in consultation with the landowner and the local Soil Conservation District, if any, shall determine when grazing may start:**

No vegetation seeding or planting are proposed for the waste dump sample sites.

**(5) To ensure the establishment of diverse and long-lasting vegetative cover, the Operator shall employ appropriate techniques of site preparation and protection such as mechanical soil conditioning by disking and ripping; mulching; soil amendments and fertilizers; and irrigation:**

This is not applicable since the sites are historic dumps and only small areas of a dump will be affected by the prospecting activity. The dumps are mostly barren. However, some dumps have scant pine trees present but are otherwise barren of vegetation.

**(6) Methods of weed control shall be employed for all prohibited noxious weed species, and whenever invasion of a reclaimed area by other weed species seriously threatens the continued development of the desired vegetation:**

Please see Attachment IV.

**(7) When necessary, fire lanes or access roads shall be constructed through the area to be planted:**

Not applicable to this operation.

**(8) Planting required for reclamation may be delayed, through the period of use related to places of refuse disposal, haulage roads and road cuts. Normal stabilization of surfaces is required:**

- (a) on any affected land being used or proposed to be used by the Operator for the deposit or disposal of refuse until after the cessation of operations productive of such refuse;**

Not applicable to this operation.

- (b) on lands proposed for future mining;**

Applicable to this operation.

- (c) within depressed haulage roads or final cuts while such roads or final cuts are being used or made;**

Applicable to this operation.

- (d) where permanent pools or lakes have been formed; and**

Not applicable to this operation.

- (e) on any affected land so long as the chemical and physical characteristics of the surface and immediately underlying material of such affected land are toxic, deficient in plant nutrients, or composed of sand, gravel, shale, or stone to such an extent as to seriously inhibit plant growth and such condition cannot feasibly be remedied by chemical treatment, fertilization, replacement of overburden or like measures:**

The sampled sites are historic dumps. No suitable plant growth materials are present. Some of the sites are acidic, all are composed of coarse material and have no or limited plant growth.

### **3.1.11 Buildings and Structures:**

**If the affected land is owned by a legal entity other than any local, state, or federal entity, and buildings or structures including those constructed or placed on the affected lands in conjunction with the mining operations or which are historic structures as determined by the State Historic Preservation Office may remain on the affected land**

**after reclamation at the option of the Operator and Landowner if such buildings or structures will not conflict with the post mining land use, and with the approval of the board:**

There are no structures which will be affected.

### **3.1.12 Signs and Markers:**

Not applicable since this is a prospecting operation and no signs or markers are required. However, we do plan to mark each sample site for future reference with a pin flag, wooden stake or other suitable marker.

**Tab A**  
**NOTICE OF INTENT TO CONDUCT PROSPECTING**  
**OPERATIONS Forms 1 & 2**



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

### **NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS** *FOR HARD ROCK/METAL MINES*

#### Form 1

All confidential and public information – For DRMS use and confidential filing

#### Form 2

Public information only - For public filing

#### **GENERAL:**

To conduct prospecting activities in the State of Colorado, a person or organization must file a Notice of Intent to conduct Prospecting Operations (NOI or Prospecting Notice) and provide a financial warranty for the prospecting operations to the Mined Land Reclamation Board (MLRB or Board). All prospecting operations must comply with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and the Colorado Mined Land Reclamation Board Hard Rock/Metal Mines Rules and Regulations 2 CCR 407-1 and amendments to those rules ("Rules"). This NOI form is for all minerals except coal and construction materials. The Division shall determine (where there is a question) if an operation is prospecting or mining.

#### **The New Law:**

Senate Bill (SB) 228 became law on June 2, 2008. SB 228 revised portions of C.R.S. 34-32-113 pertaining to confidentiality and filing requirements and requiring that certain aspects of Prospecting Notices will no longer be confidential.

As revised, C.R.S. 34-32-113 (3) now requires, in part, that "All information provided to the Board in a notice of intent to conduct prospecting or a modification of such a notice is a matter of public record subject to the Open Records Act, Part 2 of Article 72 of Title 24, C.R.S., including, in the case of a modification, the original notice of intent; except that information relating to the mineral deposit location, size, or nature and, as determined by the Board, other information designated by the operator as proprietary or trade secrets or that would cause substantial harm to the competitive position of the operator shall be protected as confidential information by the Board and shall not be a matter of public record in the absence of a written release from the operator or until a finding by the Board that reclamation is satisfactory. Such information designated as exempt shall remain confidential until a final determination by the Board". If the Board determines that information is not confidential, the Division shall treat it as public information thirty (30) days from the Board's written order.



C.R.S. 34-32-113 (9) now requires that the applicant provide the NOI in an electronic version in addition to the paper form and that DRMS post on the Division's website the NOI upon submittal. Specifically, this subsection states: "Upon the submittal of a notice of intent to conduct prospecting or a modification of such a notice, the person submitting such notice or modification shall give an electronic version of the notice or modification, except for that information exempted from public disclosure under subsection (3) of this section and that information designated by the person as exempt from disclosure under subsection (3) of this section, to the Board in a format determined by the Board. The Division shall post such version of the notice or modification on its web site". The new requirements apply to NOIs or modifications thereto submitted or approved on or after June 2, 2008.

The Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations were also revised as a result of the changes to the Act and became effective September 30, 2010.

A summary of new requirements of the rules are as follows and apply to NOI's or modifications thereto submitted or approved on or after September 30, 2010.

- Rule 1.3 addresses the designation of confidential materials submitted to the Division in an NOI and the public review and appeal processes associated with the confidential designation process.
- Rule 3.1.6(4) authorizes the Division to require the submission of baseline site characterization data for surface and ground water on a case by case basis.
- Rule 3.1.6(5) authorizes the Division to implement environmental protection measures associated with drill pits on a case-by-case basis.
- Rule 5.1.2 identifies application requirements for NOI's including new requirements to submit two (2) forms (one confidential and one non-confidential) and an electronic version of any application. In addition, Rule 5.1.2(m)(i) and (ii) identifies a new requirement for prospectors to notify the Local Boards of County Commissioners at the time of application submittal for an NOI and to provide certification that such notice was submitted.
- Rule 5.1.3 identifies office review procedures for processing NOI's including confidential dispute timelines.
- Rule 5.2 describes confidentiality as it pertains to NOI filings pre and post June 2, 2008.

#### **DEFINITION:**

"Prospecting" is defined in Rule 1.1(43) of the Hard Rock/Metal Mining Rules and Regulations as the act of searching for or investigating a mineral deposit. "'Prospecting' includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to the commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work. The term does not include those activities which cause very little or no disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or

otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by the ordinary, lawful use of the land by persons not prospecting. The term does not include any single activity which results in the disturbance of a single block of land totaling 1600 square feet or less of the land surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances will not exceed five acres statewide in any prospecting operation extending over 24 consecutive months" (*Rule 1.1.43*).

**APPLICATION FEE: \$86**

NOIs require an **\$86** fee, which must accompany this notice or it cannot be processed by the Division (*C.R.S. 34-32-127(2) (a) (I) (K)*).

**RECOMMENDATIONS PRIOR TO FILING:**

The Hard Rock/Metal Mining Rules and Regulations, the Colorado Mined Land Reclamation Act 34-32-101 and the Colorado Mined Land Reclamation Board regulate the filing, operational and reclamation requirements for prospecting operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available from the Division or accessed on line at <http://mining.state.co.us> In order to file your NOI properly it is recommended that you review the Act and;

- Rule 1.1 Definitions
- Rule 1.3 Public Inspection of Documents (Confidentiality and Dispute Resolution)
- Rule 3.1 Reclamation Performance Standards
- Rule 3.1.6 Water-General Requirements ((4) & (5))
- Rule 3.3.1 Operating without an NOI - Penalty
- Rule 4 Financial Warranties
- Rule 5 Prospecting Requirements

**FILING REQUIREMENTS:**

If you plan to conduct prospecting on any lands in Colorado, you must provide all information described in this form. To file an NOI, submit the following;

- One (1) signed and completed NOI packet including Form 1 (confidential) and Form 2 (non-confidential) with maps and attachments (original signatures must be done in blue ink) along with the electronic copy;
- One (1) unbound copy of the original NOI packet including Form 1 and Form 2 with maps and attachments;
- OR One (1) signed and completed NOI Non-Confidential Form (Form 2) plus one (1) copy and electronic copy, if entire NOI submittal is Non-Confidential;
- Application fee (\$86); and



- Financial Warranty and applicable warranty form.
- Notice of Filing with the Board(s) of County Commissioners where prospecting will occur. (See section VIII – Signature Requirements)

### **New and Additional NOI Filing Requirements for Confidentiality Designations:**

1. Applicants of NOIs must specifically designate each portion of the submittal that the applicant believes should be confidential. This designation must comply with the provisions of SB228 as discussed above and should include not only information relating to the mineral deposit location, size, or nature but also other information the applicant believes is proprietary or trade secrets or that would cause substantial harm to the competitive position of the applicant. The applicant should distinguish in the submittal between those portions of the NOI that are confidential because they relate to the mineral deposit and those portions that the applicant believes are proprietary, trade secret or harmful to its competitive position. Those portions of the submittal that are not designated as confidential will be available as public record.
2. The applicant must submit two separate forms. One form will contain all information, including both public and confidential information (with the confidential information designated as such). This complete form will be used by the DRMS for review and will be held as confidential.

The second form will contain only the information the applicant believes is public with the applicant redacting all information to be held as confidential.

3. The submittals must be provided in both paper and electronic format.
4. All public portions of the submittal will be made available on the Division website and in the Division's public files.
5. All portions of the submittal that are confidential by law, or as designated by the prospector, will remain secured from public access, *i.e.*, not on the website and not in the Division's public files. If the Board rules that some portion of the file should be public, then that portion will be made available and no longer held from public view.

### **PROCESSING REQUIREMENTS:**

The Division will review the NOI and associated Financial Warranty information within twenty (20) working days of receipt by the Division. If the prospector has not been notified of any deficiencies of the NOI Form within twenty (20) working days of receipt, prospecting operations may commence upon approval of the financial warranty. The Prospector has 60 days from the date of filing to correct any deficiencies. For activities on BLM or USFS Lands, the twenty (20) working-day period begins on the day when the appropriate Federal Land Management agency has been notified by the Prospector (see below). Incomplete NOI forms will be terminated and

returned to the person or organization, if deficiencies are not corrected within 60 days of filing (*Rule 5.1.3*).

### **The New Review Process Regarding Confidentiality Designations**

Hard Rock Rule 5.1.3 (Office Review), Rule 5.2 (Confidentiality) and Rule 1.3 (Public Inspection of Documents) will apply. These rules will guide office review of determinations regarding confidentiality designations. The Division will review the submittal for technical adequacy as stated above, including the review of the submittal in regard to information the applicant has designated as confidential. If the Division identifies any deficiencies in the submittal including any disagreement regarding the designation of confidential materials, then the prospector will be notified by the Division in accordance with the timeframes identified in these rules, but no later than 20 working days of NOI receipt.

Disputes relating to designation of confidentiality may be resolved by the Prospector removing the confidentiality designation by the Prospector or by Board determination. The DRMS will not issue an approval decision and the applicant is not authorized to commence prospecting operations until all deficiencies, including confidentiality issues, are resolved.

### **PROSPECTING ON FEDERAL LAND:**

The Division has entered into cooperative agreements with the U.S. Bureau of Land Management (BLM) or the U.S. Forest Service (USFS) to coordinate the review of NOIs and the posting of financial warranties. The primary goal is to ensure that the agencies minimize duplication of functions and thereby minimize regulatory duplication imposed upon prospecting operations. The Division assumes the primary responsibility for the administration, review, and permitting of NOIs. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Upon receipt of the NOI, the Division will notify the appropriate BLM or USFS office and forward a copy of the NOI. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS.

### **FINANCIAL WARRANTY:**

A financial warranty must be provided and approved prior to the entry upon lands for the purpose of prospecting. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Prospecting Financial Warranty." The One Site Prospecting Financial Warranty is usually filed by individuals or small companies where prospecting activities are limited to a single area. It must be filed in the amount of \$2,000 per acre for the land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation, taking into account the nature, extent, and duration of the prospecting operation and the magnitude, type and estimated cost of the planned reclamation. A Statewide Financial Warranty is usually filed by larger companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You

may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.) **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.** The financial warranty will be retained by the Board until the prospector has completed reclamation of the prospecting site and has been released, in writing, of reclamation responsibility. Financial warranty forms can be downloaded from the Division's Internet web page located at <http://mining.state.co.us>.

### **PLAN MODIFICATIONS:**

Modifications to an existing NOI must be submitted in writing and approved in advance of such activity. Modifications shall be reviewed by the Board or Office in the same manner as new NOIs, use the same NOI form, include confidentiality designations, and a fee for \$86. Prospectors must fill out sections of the NOI form that will change and indicate the sections that will not change. Prospectors must designate each portion of the modified NOI they believe are to remain confidential. Please note that under SB 228, all information provided to the Board in an NOI or a modification of an NOI is a matter of public record including, in the case of a modification, the original notice of intent, unless that information relates to the mineral deposit location, size, or nature or is designated by the Prospector as proprietary or trade secrets or that would cause substantial harm to the competitive position of the Prospector. Accordingly, the Prospector should also designate the information in the original NOI that it believes is confidential if it has not already done so.

The Board shall determine (where there is a question) if an NOI can be modified or requires the filing of a new NOI in accordance with Rule 1.4.11. If the Division determines that the proposed modification (or new NOI) requires the posting of an additional reclamation bond amount to cover increased costs of reclamation caused by the modification (or new NOI), the NOI holder must submit and the Division must approve the supplemental or additional bond to cover such increased reclamation costs before the NOI holder may undertake any additional or different activities described in the modification (or new NOI). A separate prospecting notice shall be filed with the Office for each non-contiguous land survey quarter section in which a proposed prospecting activity is to occur. The requirement for separate notices may be waived by the Office for good cause (*Rule 5.1.1*).

### **ANNUAL REPORTS:**

Effective as of December 31, 2006, Annual Reports are required for all active prospecting operations. **By the anniversary date of each year that the NOI is in effect, the prospector must file an annual reclamation report detailing the exploration and reclamation activities that occurred during that year and whether prospecting has been completed (Rule 5.6).** Annual Reports filed on or after June 2, 2008 shall be a matter of public record unless designated by the prospector as confidential pursuant to the provision of Rule 1.3. Failure to submit an Annual Report for two (2) consecutive years shall constitute evidence of abandonment of the

prospecting activities. **The report must be accompanied by an annual fee in the amount of \$86.00.**

**RECLAMATION:**

Reclamation shall be completed in a timely manner and within five (5) years of completion of prospecting activities (Rule 5.1.2(g)). The time period to complete site reclamation commences on the date that prospecting has been completed, as stated in the Annual Report. New or significantly upgraded roads, structures, or other features on private lands that are planned to be retained following prospecting may be identified in the NOI submittal and may be excluded from the financial warranty amount at the discretion of the office. The prospector must submit a notarized letter from the landowner requesting that the roads, structures or other features remain on site and demonstrate that it meets the applicable County zoning and code requirements.

**RELEASE OF FINANCIAL WARRANTY AND TERMINATION OF THE NOI:**

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and Rule 4.16 for details on how to request a reclamation responsibility release from the MLRB. Following the completion of reclamation, the prospector may request a release of the reclamation responsibility sent by certified mail. The Division will conduct an inspection within 30 days of receiving the request (or as soon thereafter as weather conditions permit). If the operation is located on Public Land or State Land, the Division will coordinate the inspection with the appropriate land management agency.

**COMPLIANCE WITH OTHER LAWS:**

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board does not relieve you of responsibility to comply with all other applicable local, state and federal laws. We recommend that you contact the following agencies and any others to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of potential historical significance;
- Colorado Division of Water Resources regarding water rights;
- Colorado Department of Public Health and the Environment, Water Quality Control Division, regarding the potential to discharge pollutants into the State waters;
- Colorado Department of Public Health and the Environment, Air Pollution Control Division, with regard to the potential need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation is on federal lands;
- U.S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which the proposed operation is located.

**AUTHORIZED SIGNATURE:**

You, or a person authorized by you, must sign the NOI. By doing so you are stating that the information provided in the NOI is true and correct as of the date specified. For individuals, the NOI must be signed by the NOI holder or the person authorized to sign on the NOI holder's behalf. For companies or partnerships, the NOI must be signed by a person acting under the company's/partnership's express or implied authority, or by an authorized agent.

**SUBMIT COMPLETED NOIs TO ONE OF THE OFFICES BELOW:**

Denver Office (main):  
Division of Reclamation, Mining and Safety  
1313 Sherman St., Rm. 215  
Denver, CO 80203  
Telephone: 303.866.3567  
FAX: 303.832.8106

Grand Junction Field Office:  
Division of Reclamation, Mining and  
Safety  
101 South 3<sup>rd</sup>, Ste. 301  
Grand Junction, CO 81501  
Telephone: 970.243.6368  
FAX: 970.241.1516

**Office hours are Monday to Friday, 8:00 a.m. to 5:00 p.m., excluding State Holidays.**



**Form 1 (DRMS Use and Confidential File)**  
**NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS**  
**FOR HARD ROCK/METAL MINES**

**CHECK ONE:**

- ☐ **There is an NOI Number Already Assigned to this Operation** (Please reference the file number assigned to this operation) **NOI # P-**  -
- ☐ **New NOI**
- ☐ **Modification** to an Existing NOI (Provide for Modifications to an existing NOI) **NOI# P-**  -

**GENERAL OPERATION INFORMATION**

**Type or print clearly, in the space provided, ALL information described below.**

**I. GENERAL INFORMATION**

**1. DATE NOI RECEIVED BY THE DIVISION:**

**(office use only)**

**2. PROJECT NAME:** \_\_\_\_\_

**3. PROSPECTOR:** \_\_\_\_\_ **PERSON MLRB SHOULD CONTACT:** \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Company Name



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Street

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P.O. Box

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City, State, Zip  
(     )

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Telephone  
(     )

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Fax

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Street

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P.O. Box

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City, State, Zip  
(     )

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Telephone  
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Fax

**4. APPLICATION FEE: \$86.** (NOIs require an **\$86** fee which must accompany this notice or it cannot be processed by the Division).

**5.**

**LOCATION INFORMATION:**

County:

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Principal Meridian (check one):

☐ 6<sup>th</sup> (Colorado)     ☐ 10<sup>th</sup> (New Mexico)     ☐ Ute

Section (write number)  TOWNSHIP  N  S

RANGE  E  W

QUARTER SECTION (check one):

NE ☐ NW ☐ SE ☐ SW ☐

QUARTER/QUARTER SECTION (check one):

NE ☐ NW ☐ SE ☐ SW ☐

GENERAL DESCRIPTION: (the number of miles and direction to the nearest town and the approximate elevation):

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NOTE: Supply longitude and latitude or UTM coordinates if lands have not been surveyed or as supplemental information to this NOI. GPS measurements will be acceptable for this purpose:

Lat: \_\_\_\_\_ X: \_\_\_\_\_

Long: \_\_\_\_\_ Y: \_\_\_\_\_

**6. LAND OWNERSHIP:**

☐ Private ☐ Public Domain (BLM) ☐ National Forest (USFS)

☐ State ☐ State Sovereign Lands ☐ Other (please describe)

**If prospecting is located on BLM or USFS land the remaining section must be completed, otherwise go to section II Maps & Drawings**

**7. PROSPECTING ON BUREAU OF LAND MANAGEMENT (BLM) LAND AND U.S. FOREST SERVICE (USFS) LAND**

The Division and the BLM/USFS have entered into cooperative agreements that eliminate the need for a prospector to post a financial warranty with each agency and allow them to coordinate the review of the NOI in order to minimize administrative processing time and effort.

**A. CLAIMANT:**

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone (     ) \_\_\_\_\_

Fax (     ) \_\_\_\_\_

B. SITE/CLAIM INFORMATION:

List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME	SERIAL NUMBER	LEGAL DESCRIPTION

C. LOCATION MAP: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).

D. Are prospect sites (e.g., drill holes, trench locations, etc.) staked on the ground? Yes ☐ No ☐

E. Specify the Land Management Agency, Address and Telephone Number:  
Agency

Address

City, State, Zip

Telephone ( )

F. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS. Check one:

☐ Evidence of notification is attached to this NOI for BLM Land

☐ Evidence of notification is attached to this NOI for USFS Land.

☐ Other proof of notice is attached to this NOI

## II. MAPS & DRAWINGS

An accurate topographic base map showing the location of the proposed project must be submitted with this notice. The prospector may submit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:

1. Identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and
2. Includes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including date, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI submittal.

## III. PROJECT DESCRIPTION

1. Mineral(s) and/or Resource(s) being Investigated: \_\_\_\_\_
2. Estimated dates of commencement and completion: Commencement: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Completion \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_
3. Amount of material (specify units) to be extracted, moved or proposed to be moved: \_\_\_\_\_ Units \_\_\_\_\_

Identify the type or method of prospecting proposed and quantity (place an "X")

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Cuts                  | <input type="checkbox"/> Pits         | <input type="checkbox"/> Trenches       |
| <input type="checkbox"/> Shafts                | <input type="checkbox"/> Tunnels      | <input type="checkbox"/> Adits          |
| <input type="checkbox"/> Declines              | <input type="checkbox"/> Air Drilling | <input type="checkbox"/> Fluid Drilling |
| <input type="checkbox"/> Drilling and Blasting |                                       |   |

5. Describe proposed surface excavation or other land disturbance, including roads, pits, trenches, waste piles, drill pads and collar areas of underground workings, ponds, etc.

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6. Proposed Disturbance (approximate) Describe the proposed drilling to be conducted, including anticipated number of holes, diameter, depth, location, etc. Submit additional pages if necessary:

A. Drill Pads:

Quantity	Average Width (ft)	Average Length (ft)
_____	_____	_____

B. Drill Holes:

Quantity	Depth (ft)	Diameter (in)
_____	_____	_____

C. Mud Pits

Quantity	Average Width (ft)	Average Length (ft)	Average Depth (ft)
_____	_____	_____	_____

- D. Described proposed underground work, including reopening of old workings, advancement of adits or shafts, trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions:

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E. Other Disturbances (please describe)

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F. Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.

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G. New Roads:

	Length (ft):	_____	Width (ft):	_____
Significantly Upgraded Roads	Length (ft):	_____	Width (ft):	_____

Are culverts or other crossings proposed? If so, please describe:

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H. Total project area to be disturbed (acres) \_\_\_\_\_

I. Describe the equipment to be used for the prospecting operations:

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J. Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments):

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K. Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):

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**IV. OPERATION AND RECLAMATION MEASURES:**

1. The Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the prospector. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board may consider the photos as evidence of adequate reclamation, and thus be able to act more quickly on the request for release.
2. Provide a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the area. Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including date, orientation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division may require additional detail.

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3. Describe the estimated topsoil depth and how topsoil will be salvaged, stockpiled and redistributed for the re-establishment of vegetation. Specify approximate topsoil redistribution depth:

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4. Describe how drill holes will be plugged (refer to Rule 5.4 of the Rules for required abandonment procedures):

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5. Describe how portals, adits, shafts, ponds, excavations, or other disturbances will be reclaimed (refer to Rule 3 and Rule 5 for specific reclamation performance standards). You may wish to contact the Division for closure specifications.

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6. Describe how roads will be reclaimed or returned to their pre-prospecting (or better) condition:

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7. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.

A. Plant name and seeding rate:

Plant Name

Seeding Rate (PLS/Acre)

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- B. Describe the method for seed bed preparation, and application method for grass/forb seeding:

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**V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:**

1. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.
2. The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:
  - A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the pre-prospecting condition;
  - B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;
  - C. Proper and timely abandonment of drill holes upon completion of drilling;
  - D. Reclamation of affected lands upon completion of operations or phases of an operation;;
  - E. Backfilling and revegetating any pits to blend in with the surrounding land surface;

- F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;
  - G. Disposal of any trash, scrap metal, wood, machinery, and buildings;
  - H. Control of noxious weeds within the area affected by the prospector.
- 3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.
  - 4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.
  - 5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.
  - 6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

## **VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS**

- 1. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
- 2. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.
- 3. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

## **VII. FINANCIAL WARRANTY**

A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.**

A One-Site Prospecting Financial Warranty is usually filed by individuals or companies where prospecting activities are limited to a single area. It must be filed in the amount of \$2,000 per acre for land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation. A Statewide Financial Warranty is usually filed by companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.)

## VIII. SIGNATURE REQUIREMENT

Please place your initials on the line provided:

GK I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned prospecting site as required by the Colorado Mined Reclamation Act and the rules as specified in the Hard Rock/Metal Mining Rules and Regulations and this NOI form.

GK I have enclosed the required permit fee.

GK I authorize the Division to contact and copy the BLM and/or USFS on any correspondence related to the prospecting operation, if the prospecting operation is located on federal public land.

GK I have also enclosed the appropriate reclamation surety amount or will post an amount as determined by the office, based on the projected costs of reclamation.

GK I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Reclamation, Mining and Safety.

GK I accept and agree to comply with the foregoing terms and conditions and with all of the provisions of Rules 3 and 5, and C.R.S. 34-32-101.

GK I hereby certify that concurrent with submittal of this NOI to the Division, I have sent notice to the Boards of County Commissioners in the counties where the proposed activities will occur. This notice also indicated that non-confidential information regarding the proposed activities will be available for review at the Division's website.

***This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-113, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any NOI issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a NOI pursuant to section 34-32-123, C.R.S.***

I, the undersigned, being the NOI holder or the person authorized to sign on behalf of the NOI holder, declare that the information given in this NOI form is true and correct.

**SIGNATURES MUST BE IN BLUE INK**

Signed and dated this 13 day of April, 2020  
(date) (month) (year)

Signature of NOI holder or person authorized to sign: Gary Knippa

Name (typed or printed): Gary Knippa

Title/Position: Owner

M:\min\oss\slb\MineralsForms\ProspectForm1  
30 Aug 2017



**Form 2 (Public File)**  
**NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS**  
**FOR HARD ROCK/METAL MINES**

**CHECK ONE:**

- ☐ **There is an NOI Number Already Assigned to this Operation** (Please reference the file number assigned to this operation) **NOI # P-**  -
- ☐ **New NOI**
- ☐ **Modification** to an Existing NOI (Provide for Modifications to an existing NOI) **NOI# P-**  -

**GENERAL OPERATION INFORMATION**

**Type or print clearly, in the space provided, ALL information described below.**

**I. GENERAL INFORMATION**

**1. DATE NOI RECEIVED BY THE DIVISION:**

(office use only)

**2. PROJECT NAME:** \_\_\_\_\_

**3. PROSPECTOR:** \_\_\_\_\_ **PERSON MLRB SHOULD CONTACT:** \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Company Name



_____ Street	_____ Street
_____ P.O. Box	_____ P.O. Box
_____ City, State, Zip (     )	_____ City, State, Zip (     )
_____ Telephone (     )	_____ Telephone (     )
_____ Fax	_____ Fax

**4. APPLICATION FEE: \$86.** (NOIs require an **\$86** fee which must accompany this notice or it cannot be processed by the Division).

**5.**

**LOCATION INFORMATION:**

County:

\_\_\_\_\_

Principal Meridian (check one):

☐ 6<sup>th</sup> (Colorado)     ☐ 10<sup>th</sup> (New Mexico)     ☐ Ute

Section (write number)  TOWNSHIP  N  S

RANGE  E  W

QUARTER SECTION (check one):

NE ☐ NW ☐ SE ☐ SW ☐

QUARTER/QUARTER SECTION (check one):

NE ☐ NW ☐ SE ☐ SW ☐

GENERAL DESCRIPTION: (the number of miles and direction to the nearest town and the approximate elevation):

\_\_\_\_\_

NOTE: Supply longitude and latitude or UTM coordinates if lands have not been surveyed or as supplemental information to this NOI. GPS measurements will be acceptable for this purpose:

Lat: \_\_\_\_\_ X: \_\_\_\_\_

Long: \_\_\_\_\_ Y: \_\_\_\_\_

**6. LAND OWNERSHIP:**

☐ Private ☐ Public Domain (BLM) ☐ National Forest (USFS)

☐ State ☐ State Sovereign Lands ☐ Other (please describe)

**If prospecting is located on BLM or USFS land the remaining section must be completed, otherwise go to section II Maps & Drawings**

**7. PROSPECTING ON BUREAU OF LAND MANAGEMENT (BLM) LAND AND U.S. FOREST SERVICE (USFS) LAND**

The Division and the BLM/USFS have entered into cooperative agreements that eliminate the need for a prospector to post a financial warranty with each agency and allow them to coordinate the review of the NOI in order to minimize administrative processing time and effort.

**A. CLAIMANT:**

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone (     ) \_\_\_\_\_

Fax (     ) \_\_\_\_\_



B. SITE/CLAIM INFORMATION:

List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME	SERIAL NUMBER	LEGAL DESCRIPTION

C. LOCATION MAP: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).

D. Are prospect sites (e.g., drill holes, trench locations, etc.) staked on the ground? Yes ☐ No ☐

E. Specify the Land Management Agency, Address and Telephone Number:  
Agency

Address

City, State, Zip

Telephone ( )

F. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS. Check one:

☐ Evidence of notification is attached to this NOI for BLM Land

☐ Evidence of notification is attached to this NOI for USFS Land.

☐ Other proof of notice is attached to this NOI

## II. MAPS & DRAWINGS

An accurate topographic base map showing the location of the proposed project must be submitted with this notice. The prospector may submit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:

1. Identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and
2. Includes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including date, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI submittal.

## III. PROJECT DESCRIPTION

1. Mineral(s) and/or Resource(s) being Investigated: \_\_\_\_\_
2. Estimated dates of commencement and completion: Commencement: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Completion \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_
3. Amount of material (specify units) to be extracted, moved or proposed to be moved: \_\_\_\_\_ Units \_\_\_\_\_

Identify the type or method of prospecting proposed and quantity (place an "X")

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Cuts                  | <input type="checkbox"/> Pits         | <input type="checkbox"/> Trenches       |
| <input type="checkbox"/> Shafts                | <input type="checkbox"/> Tunnels      | <input type="checkbox"/> Adits          |
| <input type="checkbox"/> Declines              | <input type="checkbox"/> Air Drilling | <input type="checkbox"/> Fluid Drilling |
| <input type="checkbox"/> Drilling and Blasting |                                       |   |

5. Describe proposed surface excavation or other land disturbance, including roads, pits, trenches, waste piles, drill pads and collar areas of underground workings, ponds, etc.

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6. Proposed Disturbance (approximate) Describe the proposed drilling to be conducted, including anticipated number of holes, diameter, depth, location, etc. Submit additional pages if necessary:

A. Drill Pads:

Quantity	Average Width (ft)	Average Length (ft)
_____	_____	_____

B. Drill Holes:

Quantity	Depth (ft)	Diameter (in)
_____	_____	_____

C. Mud Pits

Quantity	Average Width (ft)	Average Length (ft)	Average Depth (ft)
_____	_____	_____	_____

- D. Described proposed underground work, including reopening of old workings, advancement of adits or shafts, trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions:

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E. Other Disturbances (please describe)

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F. Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.

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G. New Roads:

	Length (ft):	_____	Width (ft):	_____
Significantly				
Upgraded Roads	Length (ft):	_____	Width (ft):	_____

Are culverts or other crossings proposed? If so, please describe:

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H. Total project area to be disturbed (acres) \_\_\_\_\_

I. Describe the equipment to be used for the prospecting operations:

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J. Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments):

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K. Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):

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**IV. OPERATION AND RECLAMATION MEASURES:**

1. The Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the prospector. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board may consider the photos as evidence of adequate reclamation, and thus, be able to act more quickly on the request for release.
2. Provide a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the area. Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including date, orientation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division may require additional detail.

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3. Describe the estimated topsoil depth and how topsoil will be salvaged, stockpiled and redistributed for the re-establishment of vegetation. Specify approximate topsoil redistribution depth:

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4. Describe how drill holes will be plugged (refer to Rule 5.4 of the Rules for required abandonment procedures):

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5. Describe how portals, adits, shafts, ponds, excavations, or other disturbances will be reclaimed (refer to Rule 3 and Rule 5 for specific reclamation performance standards). You may wish to contact the Division for closure specifications.

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6. Describe how roads will be reclaimed or returned to their pre-prospecting (or better) condition:

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7. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.

A. Plant name and seeding rate:

Plant Name

Seeding Rate (PLS/Acre)

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- B. Describe the method for seed bed preparation, and application method for grass/forb seeding:

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**V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:**

1. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.
2. The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:
  - A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the pre-prospecting condition;
  - B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;
  - C. Proper and timely abandonment of drill holes upon completion of drilling;
  - D. Reclamation of affected lands upon completion of operations or phases of an operation;;
  - E. Backfilling and revegetating any pits to blend in with the surrounding land surface;



- F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;
  - G. Disposal of any trash, scrap metal, wood, machinery, and buildings;
  - H. Control of noxious weeds within the area affected by the prospector
- 3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.
  - 4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.
  - 5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.
  - 6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

#### **VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS**

- 1. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
- 2. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.
- 3. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

#### **VII. FINANCIAL WARRANTY**

A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.**

A One-Site Prospecting Financial Warranty is usually filed by individuals or companies where prospecting activities are limited to a single area. It must be filed in the amount of \$2,000 per acre for land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation. A Statewide Financial Warranty is usually filed by companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.)

## VIII. SIGNATURE REQUIREMENT

Please place your initials on the line provided:

OK I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned prospecting site as required by the Colorado Mined Reclamation Act and the rules as specified in the Hard Rock/Metal Mining Rules and Regulations and this NOI form.

GK I have enclosed the required permit fee.

GK I authorize the Division to contact and copy the BLM and/or USFS on any correspondence related to the prospecting operation, if the prospecting operation is located on federal public land.

GK I have also enclosed the appropriate reclamation surety amount or will post an amount as determined by the office, based on the projected costs of reclamation.

GK I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Reclamation, Mining and Safety.

GK I accept and agree to comply with the foregoing terms and conditions and with all of the provisions of Rules 3 and 5, and C.R.S. 34-32-101.

GK I hereby certify that concurrent with submittal of this NOI to the Division, I have sent notice to the Boards of County Commissioners in the counties where the proposed activities will occur. This notice also indicated that non-confidential information regarding the proposed activities will be available for review at the Division's website.

***This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-113, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any NOI issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a NOI pursuant to section 34-32-123, C.R.S.***

I, the undersigned, being the NOI holder or the person authorized to sign on behalf of the NOI holder, declare that the information given in this NOI form is true and correct.

**SIGNATURES MUST BE IN BLUE INK**

Signed and dated this 13 day of April, 2020  
(date) (month) (year)

Signature of NOI holder or person authorized to sign: Gary Knippa

Name (typed or printed): Gary Knippa

Title/Position: Owner

M:\min\oss\slb\MineralsForms\ProspectForm2  
30 Aug 2017

**Tab B**  
**Financial Warranty**

**Note to Division:**

CJK Milling LLC will submit an Irrevocable Letter of Credit for the appropriate amount to the Division, once the amount has been confirmed/determined. CJL understands that the Financial Warranty is a requirement before activities can commence at the project site.

## **IRREVOCABLE LETTER OF CREDIT**

The \_\_\_\_\_ Bank of \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Area Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

Beneficiary:  
STATE OF COLORADO  
MINED LAND RECLAMATION BOARD  
215 CENTENNIAL BUILDING  
1313 SHERMAN STREET  
DENVER, COLORADO 80203

LETTER OF CREDIT

NUMBER: \_\_\_\_\_

Amount U.S. \$ \_\_\_\_\_

Date of Issuance: \_\_\_\_\_

Initial Expiration Date: \_\_\_\_\_

Applicant: \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Area Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

Gentlemen:

We hereby issue and establish our irrevocable letter of credit, the amount of which is available by beneficiary's draft or drafts drawn upon us, which shall be paid at sight, when accompanied by the following document:

A written statement of the Director ("the Director") of the Division of Reclamation, Mining and Safety of the State of Colorado ("the Division") certifying that he is a duly authorized official acting on behalf of the State of Colorado and that the amount of the accompanying sight draft is due and payable to the State of Colorado pursuant to applicable provisions of Colorado statutes governing mined land reclamation and that \_\_\_\_\_ or its successor has neglected, failed, or refused to pay such amount although requested to do so by the Director.

Each sight draft so drawn and presented shall be honored by us if presented prior to the close of business on the expiration date of this letter of credit. The Bank shall make a payment by wire transfer to the Beneficiary. This credit refers to \_\_\_\_\_'s application for a permit to engage in mining and reclamation activities within the State of Colorado.

It is an express condition of this letter of credit that it shall be automatically extended for successive additional periods of one year each, from the initial and each future expiration date unless the \_\_\_\_\_ Bank of \_\_\_\_\_ ("the Bank") shall notify the Director at least 90 days prior to an expiration date in writing by certified mail, at the above address, that the Bank elects not to extend the credit for such additional period. In such event, in addition to his power to draw hereon under the preceding paragraphs, the Director may draw the full or any lesser amount hereof at any time prior to such expiration date by sight draft, or drafts, accompanied by the written statement of the Director certifying that the amount drawn will be held as a cash deposit in lieu of financial warranty, as provided in applicable Colorado statutes governing mined land and reclamation.

The original signed letter of credit and any amendments will be presented to the Bank by the beneficiary along with any draft presented pursuant to this letter of credit, and will be surrendered to the Bank with any draft which draws the full amount, or the balance remaining available, under this letter of credit. Delivery of the original letter of credit, sight draft(s) and all other documents required as a condition precedent for payment, may be made by overnight courier to the Bank. Each payment on a draft shall reduce the aggregate above written amount by the amount drawn.

This Letter of Credit is subject to Uniform Customs and Practice for Documentary Credits (2007 Revision), International Chamber of Commerce – Publication No. 600 (the "UCP600") and shall be governed by the laws of the State of Colorado with respect to subject matters not addressed by the UCP600. In the event of an action between the beneficiary and the Bank regarding this letter of credit, the bank submits to the jurisdiction and venue of the Denver District Court, State of Colorado. The Bank agrees to accept service of process in any such action, if service is made by registered or certified mail (return receipt requested) or courier service, postage or delivery fee prepaid, to the address of the Bank set forth above.

If any expiration date specified herein shall fall upon a day other than a regular business day of the Bank, the expiration date shall ipso facto be extended to the close of business on the next successive business day of the Bank.

The \_\_\_\_\_ Bank of \_\_\_\_\_

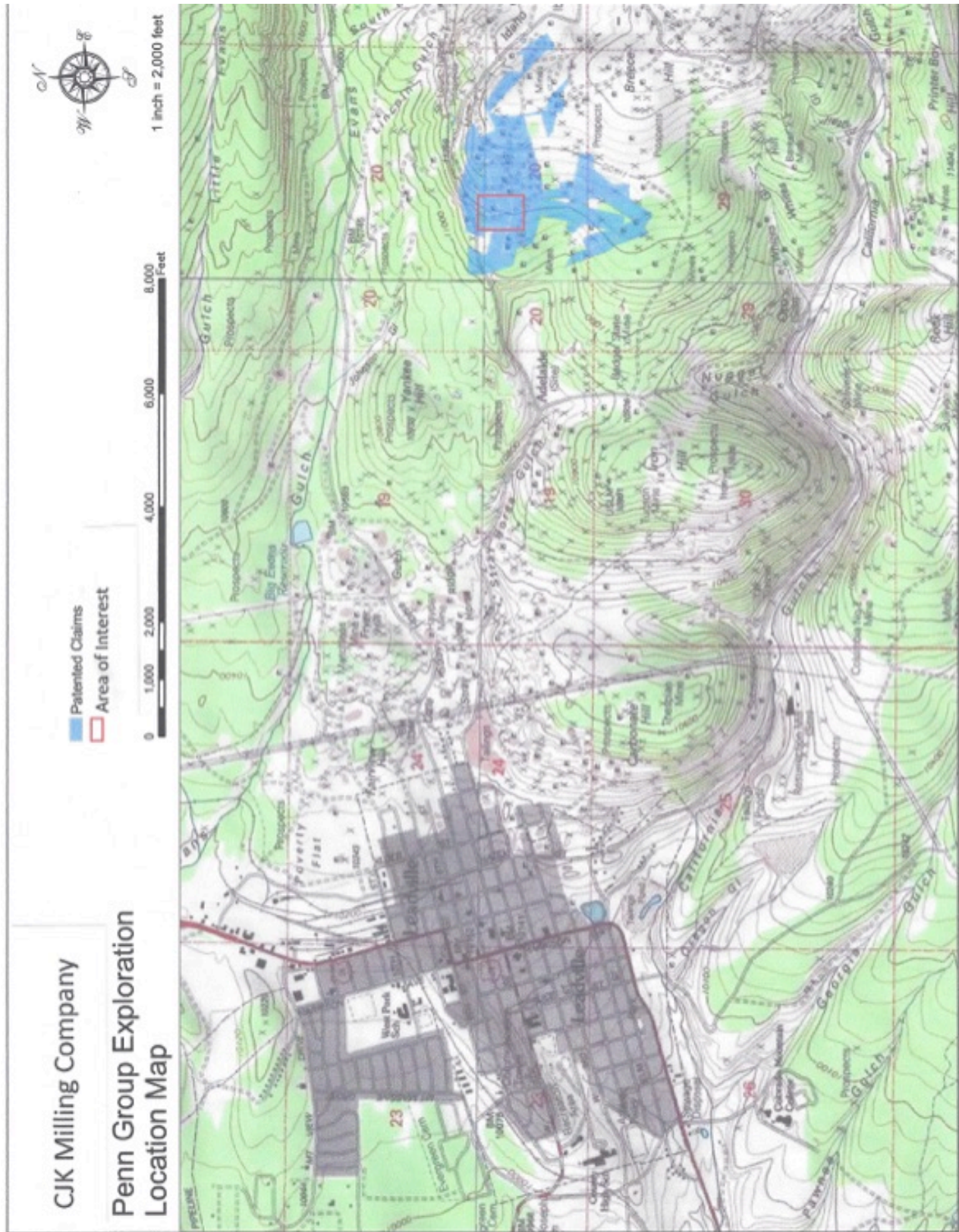
By \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Signature

- NOTES: 1. The Letter of Credit shall not be in excess of 10 percent of the bank's capital surplus account or in excess of 30 percent if the applicant has more than one Letter of Credit for different permits. To demonstrate this requirement, the issuing bank shall provide a balance sheet certified by a Certified Public Accountant. Generally, this is available in the Bank's most recent Annual Report or Call Report.
2. The Letter of Credit shall be submitted on the Bank's letterhead.
3. The Mined Land Reclamation Board or the Office of Mined Land Reclamation may recover the necessary costs, including attorney's fees or fees incurred in foreclosing on or realizing the collateral used in the event this Letter of Credit is forfeited. The face amount of this Letter of Credit shall be increased by five hundred dollars (\$500.00) to cover these costs.

**Tab C**  
**Attachment I – Vicinity Map**



## Attachment I - Vicinity Map



**Tab D**

**Attachment II - Proof of Notice to Lake County Commissioners**

## Attachment II

### Proof of Notice to the Lake County Commissioners

NOTICE OF FILING A NOTICE OF INTENT

WITH THE COLORADO MINED LAND RECLAMATION BOARD

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS

LAKE COUNTY

CJK Milling Company, LLC., (the "Prospector") has applied for a Notice of Intent (NOI) from the Colorado Mined Land Reclamation Board (the Board) to conduct mineral prospecting operations in Lake County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is being submitted as non-confidential and may be viewed on the CDRMS website.

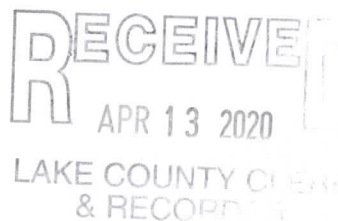
The applicant/operator proposes to reclaim the affected land to wildlife use.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

I Patricia A. Berger hereby affirm I received the above notice  
on

April 13, 2020, on behalf of Lake County, County  
Commissioners.

County date stamp if applicable:



**Tab E**  
**Attachment III – Weed Control Program**

## **Attachment III**

### **Weed Control Program**

CJK Milling Company, LLC. will comply with the State of Colorado and Lake County Noxious Weed Control regulations.

CJK Milling Company, LLC. will utilize the following mechanical and chemical methods to control noxious weeds:

#### *Field Mowing:*

No field mowing is proposed. Areas around the waste dumps are forested and not amenable to mowing.

#### *Chemical Control:*

One initial application of a herbicide, retail-grade Round Up® shall be applied, per manufactures recommendations, for control of noxious weeds. Experience with this herbicide at other permitted areas in the Leadville area have proven to be effective for all indigenous noxious weeds. Application shall occur during the growth stage and when temperatures and other conditions are appropriate to achieve the most effective control. Follow-up applications will occur as needed.

In addition, CJK Milling Company, LLC. will perform routine surveys to identify noxious weeds and make timely arrangements for control and treatment. CJK Milling Company, LLC. will keep a record of sampled sites needing noxious weed control.

**Tab F**

**Attachment IV – Stormwater Management Plan**

**Attachment IV**  
**Stormwater Management Plan**  
**CJK Milling Company, LLC.**  
**Stormwater Management Plan**  
**Method Statement**  
**Erosion Control Inspection and Maintenance**

April 13, 2020

**Waste Dump Prospecting Operation on the “Penn-Group”**

**Located in Lake County, Colorado**

**1.0 Purpose:**

A plan to implement erosion control and maintenance on various historic dump sites during site exploration and reclamation operations and to satisfy the requirements of the Colorado Department of Human Health and Environment, Water Quality Control Division, Stormwater Permit requirements.

**2.0 Responsibility:**

Gary Knippa  
CJK Milling Company, LLC.  
33084 Bergen Mountain Road  
Evergreen, CO 80439  
Phone: 720-412-8838  
[gknippa@msn.com](mailto:gknippa@msn.com)

**3.0 Procedures:**

Stormwater management for this Project shall be performed in compliance with the Colorado Department of Public Health and Environment (CDPHE), Colorado Discharge Permitting System-Stormwater Construction Permit (CDPS-SCP) and the Stormwater Management Plan (SWMP).

Installation of Best Management Practices (BMP) shall be completed by Union Milling Contractors (Operator). The Operator shall install the BMPs as shown on Figures 1, and 2. These figures are typical of our proposed BMPs. Once operations begin at a site, the Operator will stockpile or otherwise have available BMP materials for installation upon completion of a site sample sequence. A site sampling sequence will consist of the following steps:

- 1) Identify a sample site on the historic dump.
- 2) Determine the method of excavation necessary to obtain ore samples from the sample location.
- 3) Install the tarp or other suitable material for placement of excavated material. (Surface barrier material would not be used for hand or auger samples but would be used for sampling using a backhoe.)
- 4) Excavate material from sample site location.
- 5) Obtain sample(s).
- 6) Replace excavated material and tamp/blend the surface into the adjacent waste dump surface.
- 7) Place and secure straw wattle or other suitable material on to the surface of the waste dump sample site location. (The landscape material need not act as a weed barrier. The concept is to prevent rain drop splash and control runoff.) Secure with landscape staples per the manufacture's recommendations (Figs. #1 and 2).
- 8) Hand sampled sites, given the small area of disturbance, Figure 2, will not have burlap or other suitable material installed. The replaced waste rock material will be compacted. The backfilled hand sampled hole will likely result in a slight depression which will retain some runoff. Therefore, no other erosion controls are planned for hand sampled sites.

The exception to concurrent sample site reclamation will be sampling completed during winter or snow fall months. During the winter sampling, backfilling and other requisite site reclamation will be completed as is possible given physical conditions. Any remaining work will be completed in the spring.

Inspection of each sample site location shall be performed by the Operator's local representative, as required by applicable regulations.

### **3.1 Inspections:**

- 3.1.1** The Operator's local representative shall inspect the waste dump upon completion of sampling and sample site's reclamation for a waste dump. The Operator's local representative shall ensure the sampled sites have been stabilized according to the Stormwater Management



Plan's provisions. The Operator's local representative shall observe, record, photo document the stabilization at each site.

**3.1.2** Monthly inspections during the snow free period shall be performed to:

- Determine the effectiveness of the stabilization method and if the Stormwater Management Plan needs revised.
- Determine if stabilization maintenance is needed at a site.
- Record in the Stormwater Management Log observations by site.
- Provide the Operator a monthly report of observations, needed maintenance or recommended Stormwater Management Plan revisions.

**3.1.3** Semi-annual inspections shall be performed by the Operator at the following times:

- A fall inspection shall be performed prior to snow fall to ensure all sampled sites have had the Stormwater Management Plan stabilization provisions applied.
- A spring inspection (Once snow melt and associated runoff has occurred.) shall be performed to ensure all sampled site's Stormwater Management Plan site stabilization provisions are in place and performing as planned.

## **3.2 Practice Implementation:**

The Stormwater Management Plan stabilization provisions will be applied to each sampled site upon completion of all samples being obtained. It is anticipated within 15 days of an affected area being created; the Stormwater Management Plan provisions will be installed at a sampled site. Given the small, limited area of any one sampled site (The auger sampled sites affected area will approximate 10 ft. by 10 ft. and the backhoe sampled sites will approximate 20 ft. by 20ft.), even if a storm event occurred, little if any significant runoff is expected to occur from a sampled site. Waiting to install the Stormwater management stabilization provisions until the waste dump is sampled will ensure a more efficient stabilization installation process with little erosion or runoff.

Alternatively, it may be efficient for the Stormwater Management Plan provisions to be installed once the prospecting samples are obtained. Installation would occur prior to demobilization and moving off the waste dump.

The exception to concurrent sample site reclamation will be sampling completed during winter or snow fall months. During the winter sampling, backfilling and other requisite site reclamation will be completed as is possible given physical conditions. Any remaining work will be completed in the spring.

### **3.3 Installation Crew:**

The installation of the Stormwater Management Plan provisions will be handled by a crew of one to three persons and should take no more than 30 minutes per sampled waste dump site. The size of the installation crew may be increased depending on site circumstances and installation issues.

### **3.4 Equipment:**

Installation of the Stormwater Management Plan provisions will not require mobile equipment. Given the small area (The auger sampled sites affected area will approximate 10 ft. by 10 ft. and the backhoe sampled sites will approximate 20 ft. by 20ft.) Only hand equipment and manual labor will likely be used to install storm water BMP's. The hand sampled sites will be backfilled and compacted. Covering will be applied since the affected area will be less than 4 to 9 square ft.

### **3.5 Installation Hours:**

Installation of the Stormwater Management Plan provision will occur between daylight and dusk, Monday through Saturday. The available hours will also cover any emergency erosion control work which may be required.

## **4.0 Project Location:**

The dump sites are located east of Leadville, Colorado off Lake County, County Road 1, at elevations between 11,200 ft. (Penn 1) and 11,400 ft. (Penn 3) MSL. See general location map below.

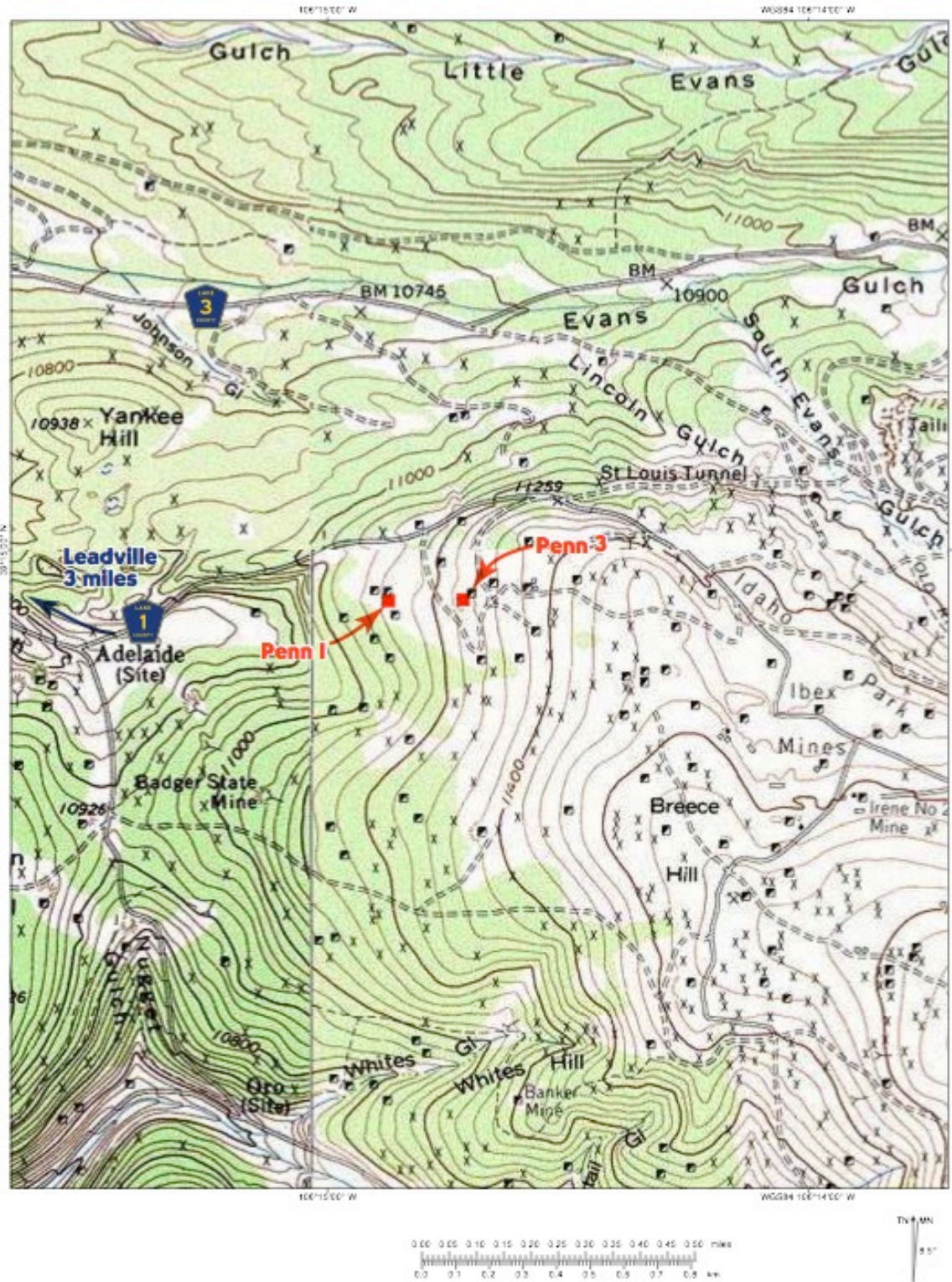
### **A. Legal description:**

- **Penn #1** – NE1/4, SW1/4, Sec. 20, Township 9 South, Range 79W, 6<sup>th</sup> P.M.
- **Penn #3** – SW1/4, SE1/4, Sec. 20, Township 9 South, Range 79W, 6<sup>th</sup> P.M.

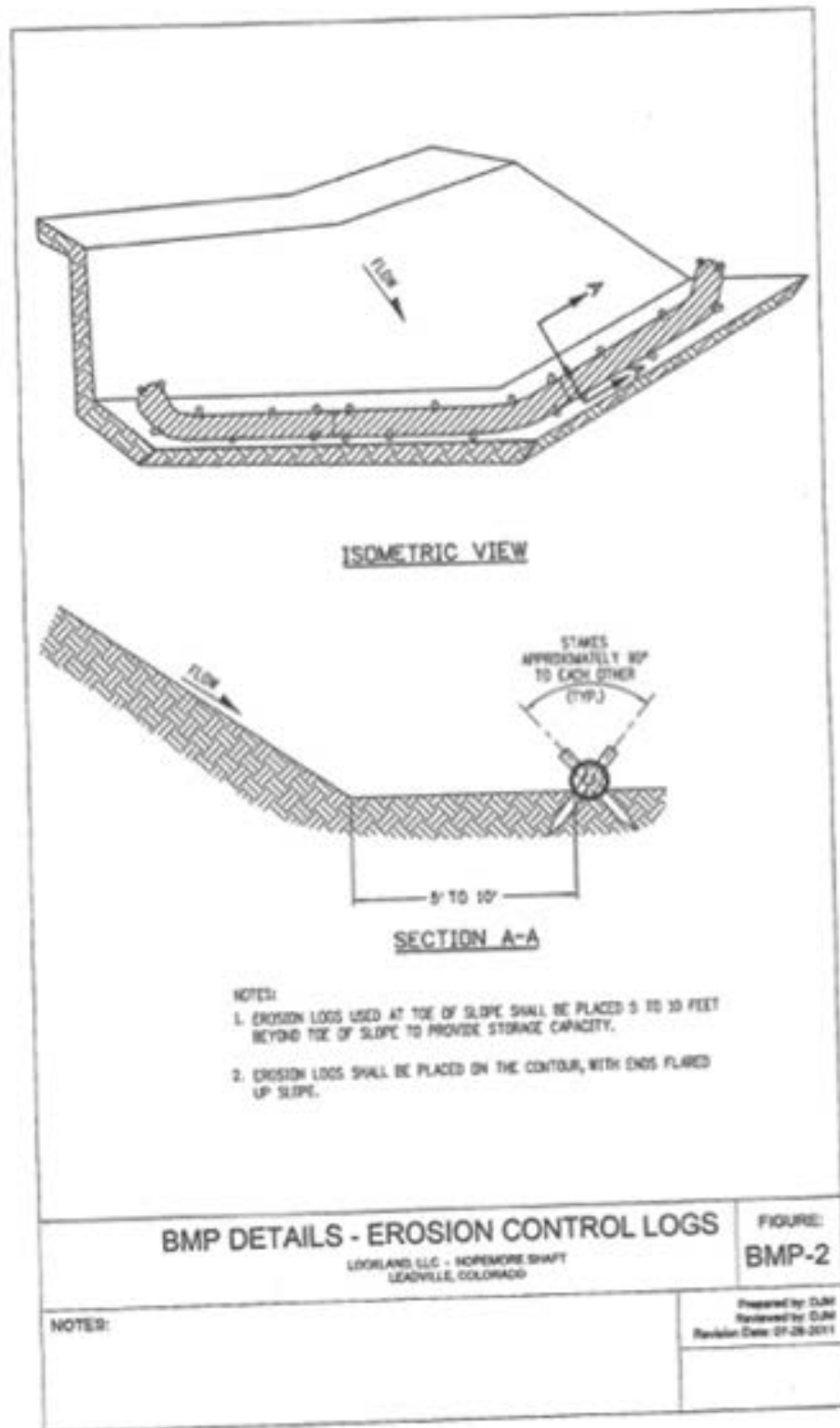
### **B. Location: (Approximate and general location for field location):**

- **Penn #1** – N 39°14'57" Latitude, W 106°14' 53" Longitude
- **Penn #3** – N 39°14'55" Latitude, W 106°14' 44" Longitude

## DUMPS 2

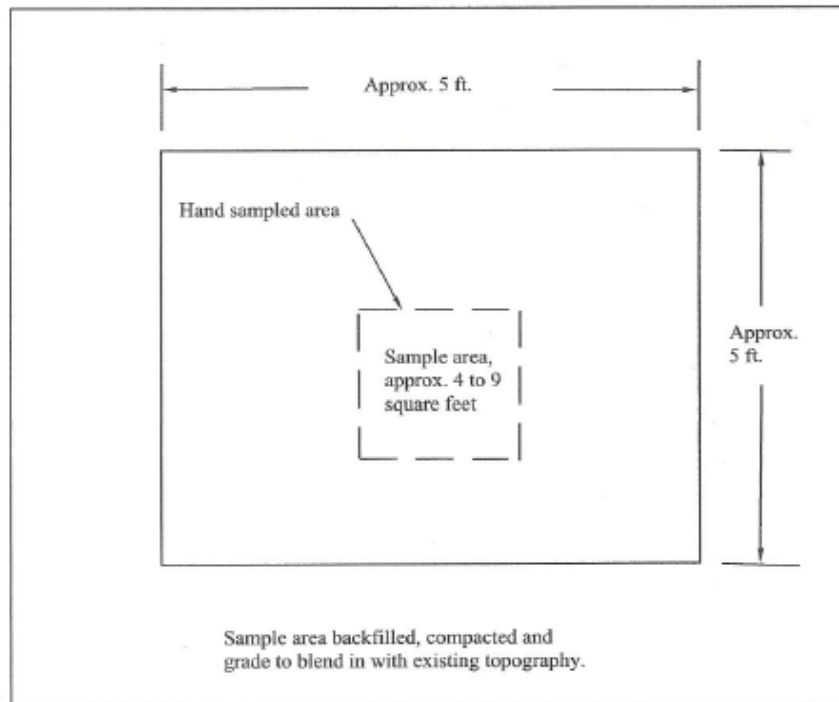


**Figure 1: Backhoe Sampled Site.**  
**Typical diagram of stabilized sampled site per SWMP provision**



**Figure 2: Hand Sampled Site.**  
**Typical diagram of stabilized sampled site per SWMP provision**

## Stormwater Management Plan Best Management Practice



**Figure #3. Hand Sampled Site. General diagram of stabilized sampled site per SWMP provisions.**

FILE NAME		
WASTEDUMPS SWMP FIG 3 HAND SAMPLE 11-22-		
SCALE	DATE	DRAWN BY
Not to scale	11-26-2013	RPM, Inc.
JOB	REVISION	SHEET
\$JOB	1/1	1/1

This map drawn with TRAVERSE PC, Software

**Tab G**

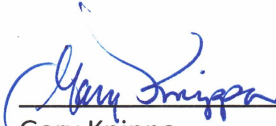
**Attachment V – Authorization to Present CJK Milling Company, LLC**



April 10, 2020

Re: Letter of Authorization to Represent CJK Milling Company

I, Gary Knippa hereby authorize Union Milling Contractors, LLC to act on by behalf as it relates to the submittal and documents in order to obtain a Notice of Intent to Prospect on private lands located in Lake County Colorado.

  
\_\_\_\_\_  
Gary Knippa