

January 7, 2021

Jim Harrington  
Colorado Legacy Land, LLC  
4601 DTC Blvd. - Suite 130  
Denver, CO 80237

**RE: Schwartzwalder Mine, Permit No. M-1977-300, 112d-2 Amendment Application (AM-5), Adequacy Review No. 3**

Mr. Harrington:

The Division of Reclamation, Mining and Safety (Division) has completed its 3<sup>rd</sup> adequacy review of the materials submitted for the above referenced application. All comment and review periods for the application began on September 10, 2020, when the application was called complete for filing purposes. The decision date for the application is currently set for January 15, 2021.

After reviewing the operator's adequacy response submitted on December 22, 2020, the Division has identified items requiring additional clarification or information. These items are listed below under their respective exhibit heading and numbered sequentially:

**Exhibit E – Reclamation Plan (Rule 6.4.5):**

- 1) You have stated that many details of the final reclamation plan for the site, including long-term management of the mine pool, cannot be provided until the alluvial excavation project is complete and data from site monitoring and treatment programs have been analyzed. In its approval letter for the Succession of Operators (SO-01) from Cotter Corporation to Colorado Legacy Land, LLC, dated February 20, 2018, the Division outlined four conditions of SO-01 approval. Condition #2 required the new operator to submit an Amendment application which provides a conceptual site model, provides a plan addressing the physical and chemical stabilization of the mine pool, specifically addressing the concentrations of dissolved uranium and other constituents as required under the conditions of the permit, and updating the reclamation and environmental protection plans. In your letter to the Division dated July 27, 2020, you estimated the required Amendment application would be submitted in the 3<sup>rd</sup> quarter of 2021. Please confirm the date (not a calendar quarter) by which the Amendment application required by Condition #2 of the Division's approval of SO-01 will be submitted to our Office.

**Exhibit F – Reclamation Plan Map (Rule 6.4.6):**

- 2) In your response, reference is made to a Figure F-2 submitted to address adequacy item #8 in the Division's December 3, 2020 Adequacy Review No. 2 letter. This figure could not be found in the



materials submitted. Please submit Figure F-2 showing a closer view of the Black Forest Mine area which portrays the expected physical appearance of the backfilled mine openings.

**Exhibit L – Reclamation Costs (Rule 6.4.12):**

- 3) In Table L-2 Black Forest Mine Rockfill Reclamation Costs, you estimate 10 cubic yards of topsoil will be needed for reclamation of the Black Forest Mine backfill area. At the proposed placement depth of 1 foot, this would cover a total area of 0.0062 acre. However, this table shows that 0.1 acre of the backfill area will be seeded for reclamation. Based on the operator's estimate of 0.1 acre requiring revegetation, and a proposed topsoil placement depth of 1 foot, the Division estimates approximately 161 cubic yards of topsoil will be needed for reclamation of the Black Forest Mine backfill area. Please correct and/or explain this discrepancy.

This concludes the Division's 3<sup>rd</sup> adequacy review of your amendment application. Please ensure the Division sufficient time to complete its review process by responding to these adequacy items prior to the decision date, currently scheduled for **January 15, 2021**. If more time is needed to address these items, it will be your responsibility to submit an extension request prior to the decision date.

Please remember that, pursuant to Rule 1.6.2(1)(c), any changes or additions to the application on file in our office must also be reflected in the public review copy which was placed with the County Clerk and Recorder. Pursuant to Rule 6.4.18, you must provide our office with an affidavit or receipt indicating the date this was done.

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).

Sincerely,



Amy Eschberger  
Environmental Protection Specialist

Cc: Elizabeth Busby, Ensero Solutions US, Inc.  
Bill Ray, Ensero Solutions US, Inc.  
Paul Newman, Colorado Legacy Land, LLC  
Eric Williams, Colorado Legacy Land, LLC  
Michael Cunningham, DRMS