



## COLORADO

### Division of Reclamation, Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

January 29, 2021

Dennis Schneider  
Miners Mall, LLC  
3143 ½ Goldeneye Ave.  
Grand Junction CO 81504

***RE: Humming Bird Mine, File No. M-2017-035 , Amendment (AM-2) 110(1) Hard Rock Reclamation Permit, Application Adequacy Review 1***

Dear Mr. Schneider:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Mined Land Reclamation Act (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before the application can be considered for approval.

#### **EXHIBIT A - Legal Description and Location Map**

- (2) The main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.

**Include the mine entrance GPS on Diagram 1 Location Map**

- (3) A map showing information sufficient to determine the location of the affected land on the ground and existing and proposed roads or access routes to be used in connection with the mining operation. Names of all immediately adjacent surface owners of record shall also be shown. The operation location map shall be a standard 1:24,000 scale U.S. Geological Survey



map. The location of the proposed operation shall be shown and labeled with the mine site name.

Exhibit A maps do not include the above information. Boundary Map in Exhibit B would be sufficient.

#### EXHIBIT B - Site Description

Items (a)-(c) below must be addressed to the extent necessary to demonstrate compliance with the applicable performance standard requirements of Rule 3. At a minimum, the Operator/Applicant shall include the following information:

- (b) identify any permanent man-made structures within two hundred (200) feet of the affected area and the owner of each structure. Each structure should be located on Exhibit E - Map;

Update/correct. On the form structures are listed on #4 but Exhibit L states no structures within 200 ft. of the permit boundary. Please provide consistent information. The DRMS permit does not need to reference the BLM Claim boundary.

#### EXHIBIT C - Mining Plan

What is the spacing of the rebar posts for the safety fence? Total number of posts anticipated?

#### EXHIBIT D - Reclamation Plan

- (1) (b) specify the maximum gradient of reclaimed slopes (horizontal:vertical). If the Application proposes slopes steeper than 3:1, the Operator/Applicant must include a justification that supports steeper slopes for the proposed post-mining land use, and demonstrates compliance with the applicable performance standards of Section 3.1.

Please justify the need for slopes steeper than 3H:1V. How will these slopes be stabilized prior to vegetation establishment? What is the maximum length of any single slope steeper than 3H:1V.

- (c) (v) if a mulch is needed, specify the kind to be used, the crimping method, and rate of application; and

At what rate/thickness depth will straw mulch be applied by hand?

#### EXHIBIT E – Map

- (1) In addition to the requirements of 6.2.1(2), the Operator/Applicant must provide a map that clearly describes the features associated with the mining plan and the components of the Reclamation Plan. Include one map for the mine plan and one map for the Reclamation Plan. The map(s) must be drawn to a scale no smaller than appropriate to clearly show all elements

that are required to be delineated by the Act and these Rules; show a north arrow, note any section corners adjacent to the proposed operation, and indicate the date illustrated. At a minimum, maps must include the following information:

**Both Mining and Reclamation Plan Maps :**

Phase 4, 6, 7 and Final Reclamation Map show areas outside of the proposed DRMS permit boundary as being reseeded. Anything affected must be within the DRMS permit boundary even if its reclamation only.

All maps need to clearly delineate the proposed DRMS permit boundary.

(2) Mining Plan Map

On the Aerial Photo what does the yellow line indicate? Provide a legend for all features depicted.

Phase 4 Map - is the "Additional PreExisting ReSeed" Area outside of the proposed permit boundary? Anything affected must be within the DRMS permit boundary even if its reclamation only.

- (f) outline and label existing disturbance within and/or adjacent to the permit boundary (e.g., previously mined areas, roads or excavations resulting from utility construction). Re-disturbance of previously disturbed areas, by the proposed mining operation, must be included in the permit area and addressed in Exhibit D - Reclamation Plan.

(3) Reclamation Plan Map

- (a) show the gradient of all reclaimed slopes (horizontal:vertical) sufficient to describe the post mine topography;

Ridgetop Reclamation Map - Please indicate the cross section for which the min/max elevation gain/loss is provided. This is necessary to determine the rate of slope in lieu of topography lines.

Phase 7 Reclamation map states 1H:1V final contour, this is inconsistent with the Ridgetop Reclamation map which depicts approximately a 5H:1V (100H:19V). Clarify, will select portions be steeper?

Phase 4 Reclamation map states 1H:1V final contour, however the map depicts approximately a 1.5H:1V (44H:29V).

- (d) state the average thickness of replaced overburden by reclamation area or phase; and

Ridgetop Backfilling Map does not indicate thicknesses of materials to be moved.

- (e) state the average thickness of replaced topsoil by reclamation area or phase.

Phase 7 Reclamation Map does not indicate thicknesses of materials to be moved.

#### **EXHIBIT H - Municipalities Within a Two-mile Radius**

List the mailing address and telephone number of the governing body for all municipalities within a 2-mile radius of the proposed mining operation.

Revise Exhibit. Items listed area structures/utilities not municipalities.

#### **ADDENDUM 1 - Notice Requirements - Affidavit of Posting Notice**

- (1) (b) Prior to filing the application, post notices (signs) at the location of the proposed mine site, as required by the Office, of sufficient size and number to clearly identify the site as the location of a proposed mining operation giving name, address, and phone number of the Applicant, and stating that (name of Applicant) has applied for a mining permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the County Clerk's or Recorder's office and should send comments prior to the end of the public comment period to the Colorado Mined Land Reclamation Office, at the address given on the cover of these Rules and Regulations. Any class of Limited Impact 110 or 110d operation need only post notice (sign) at the location of the proposed access to the site. After having posted such notice (sign), failure by an Applicant to maintain such notice shall not constitute just cause to deny approval of the application. At the time the application is filed with the Office, the Applicant shall provide a signed affidavit that such notice (sign) was posted according to the provisions of this Rule.

#### **Public Notice Pursuant to Rule 1.6.2**

The Applicant shall mail or personally serve a copy of the notice provided for in Rule 1.6.2(1)(d) immediately after the first publication to (i) all Owners of Record of the surface and mineral rights of the affected land; (ii) the Owners of Record of all land surface within 200 feet of the boundary of the affected lands, and;

Please submit your response(s) to the above listed issue(s) by Monday, February 15, 2021 in order to allow the Division sufficient time for review.

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will continue to review your application and will contact you if additional information is needed.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 303-866-3567 Ext 8183 or via email at amy.yeldell@state.co.us

Sincerely,



**Amy Yeldell**

Environmental Protection Specialist

Ec:

Eric Eckberg, BLM

Travis Marshall, Senior EPS, Grand Junction DRMS