



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

August 31, 2021

Taylor Conway
1936 Alpine Dr.
Erie, CO 80516

**RE: Notice of Filing Deficiencies, 110(1) Amendment Application AM1
Project P.J., File No. M-2018-007**

Dear Mr. Conway,

On August 17, 2021, the Division of Reclamation, Mining and Safety (Division) received your Amendment Application (AM1) for the Project P.J. operation, Permit No. M-2018-007. Pursuant to Rule 1.4.1(8), the Division has determined the application contains deficiencies which prevent the application from being considered filed. The following filing deficiencies must be addressed before the Division can consider the application as being filed and the technical adequacy review can begin. Please respond to this Notice of Deficiencies with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Deficiencies AM1, M-2021-007". If portions of an exhibit is revised, the Applicant may want to submit an entire replacement exhibit to help maintain a clear and concise permit record.

GENERAL

1. The Applicant is submitting AM1 for the construction of a new access road. The permit acreage will stay at near the maximum size allowed for a 110(1) permit at 4.95 acres, therefore, the Applicant is proposing to release Mining Area #3 from the permit to account for the additional acreage. A formal Acreage Reduction will need to be submitted concurrently with AM1 in accordance with Rule 4.17 (please see the attached Release Request form). In addition to the Acreage Reduction form, please submit a signed cover letter that discusses the Amendment and the Acreage Reduction. Within this letter. Please include a statement that you are waiving your right to the timeframes of Rule 4.17.2 to coincide with the approval of AM1. Please also include an affidavit that states mining and reclamation activities proposed in M-2018-007 had yet to commence within Mining Area #3 and therefore the release does not involve any disturbed nor evaluation of reclaimed lands.
2. Please provide a list of the unpatented mining claims and the owner(s) of those claims that the new access road goes across to access your site. The Division will use this list later in the permitting process to verify the Applicant has provided a notice to these owners in accordance with Rule 1.6.2(1)(e)(i) once the application is called complete and the public notice is published.

APPLICATION FORM

3. Application Question #10, on page three of the application form, was incomplete. Please submit a replacement page three of the application form, providing the General Description of the site which includes the miles and direction from the nearest town to the site and the approximate elevation.
4. Application Question #11, on page three of the application form, the primary mine entrance location is provided as Universal Transverse Mercator (UTM) coordinates, however, it appears these coordinates are not formatted correctly and may not accurately depict the location of the mine entrance. The Applicant provided *NAD 27, Zone 13, Easting 130474470, Northing 4318737*. There appears to be a "130" in front of the easting which



should be removed for the correct coordinate formatting. Please note, NAD 27, Zone 13, Easting 474470, Northing 4318737 are the coordinates for a point that doesn't appear to be the actual entrance to the site; this point may need to be shifted approximately 720 feet to the southeast. Please verify the coordinates of the mine site entrance. Please revise the primary mine entrance coordinates and submit a replacement page three of the application form as well as making the same change to the Exhibit A materials.

5. Responsibilities #7 and #8 on page five of the application form were not initialed. Please submit a new page five with responsibilities #7 and #8 initialed.
6. Responsibility #10 on page six of the application form has been initialed. This is likely in error as the applicant appears to not be a joint venture/partnership business. Please submit a new page six without responsibility #10 initialed.

EXHIBIT A – Legal Description and Location Map (Rule 6.3.1):

7. The Exhibit A Map does not meet the requirements of Rule 6.3.1(3). Please submit a new Exhibit A Map which depicts and labels the Forest Service roads which will be used to access the site, the names of all immediately adjacent surface owners of record, and labels the proposed operation with the mine site name.

EXHIBIT E – Map (Rule 6.3.5):

8. Please revise the Exhibit E maps to include appropriate titles as required by Rule 6.2.1(e). It appears the Exhibit E.1 Map is being submitted as the Reclamation Plan Map per Rule 6.3.5(3) and the Exhibit E.2 Map is being submitted as the Mine Plan Map per Rule 6.3.5(2).
9. The Exhibit E maps (Exhibit E.1 Reclamation Plan Map and Exhibit E.2 Mine Plan Map) appear to not show the entire access road route as the far left side of the map cuts off the area where the access road intersects with Forest Service Road 755. Please revise the Exhibit E maps accordingly.
10. The Exhibit E.1 Reclamation Plan Map contains a scale of 1:5,339 and Exhibit E.2 Mine Plan Map contains a scale of 1:4,514. The units of these scales are unclear. As required by Rule 6.2.1(e), the acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Additionally, the Scale Bar on both maps needs to be revised to reflect feet instead of tenths of miles.
11. Both Exhibit E maps did not provide the name of the Applicant in accordance with Rule 6.2.1(a) and both were not signed by the person who prepared them in accordance with Rule 6.2.1(b). Please revise the maps accordingly.
12. Rule 6.3.5(2)(b), requires Applicant's to label the names of owner(s) of record of the surface of the affected area and of the land within two hundred (200) feet of the affected area on the Mine Plan Map. It is difficult to determine based on the scale of the Exhibit A map, but it appears the access road may be within 200 feet of the private property labeled as R0011738; please verify this distance and updated the Exhibit E.2 Mine Plan Map accordingly.

Exhibit G – Source of Legal Right to Enter Rule 6.3.7):

13. On August 10, 2021, the Division was copied on the Forest Service's conditional approval of your Mine Plan of Operations. Please confirm this is being submitted as a part of your AM1 Exhibit G.

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

14. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy in accordance with Rule 1.6.2(2). Please submit proof that the public review copy has been updated with a copy of this letter and associated response.

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

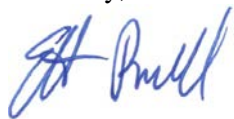
15. Exhibit J includes the notice cover letters to the local Board of County Commissioners and local Soil Conservation District and a certified mail return card from the local Soil Conservation District, however the certified mail return card from the local Board of County Commissioners was not provided. In accordance with Rule 1.6.2 (1)(a)(ii), please submit Proof of Notice in the form of a certified mail return receipt (also known as the green signature card) or a date-stamped copy of the notice acknowledging receipt by the local Board of County Commissioners.

This concludes the Division's review of your application's filing completeness. The application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt, review, and acceptance of all of the requested information.

Pursuant to Rule 1.4.1(8), you have 60 days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division may deny the application and terminate the application file. **The response to this Notice of Filing Deficiencies is due on or before November 1, 2021.**

If you have any questions, please contact me by telephone at 303-866-3567 x8132 or by email at elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Attachment: Release Request Form

Cc: Jason Musick, Division of Reclamation, Mining & Safety