



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

October 28, 2021

Robert Burger  
Sierta LLC  
1885 Redcoach Rd.  
Allison Park, PA 15101

**Re: Notice of Deficiencies #2, Modification MD2, Red Cone, File No. P-2014-003**

Dear Mr. Burger,

On October 27, 2021, the Division of Reclamation, Mining and Safety (Division or DRMS) received the responses to the June 29, 2021 Notice of Deficiencies letter for Sierta LLC's NOI MD2 application on the prospecting operation known as Red Cone, File No. P-2014-003. The Division's review of the responses has determined that the application still contains deficiencies which need to be addressed before the Division can approve MD2. Please title your response to this notice with "Response to Deficiencies#2, MD2, P-2014-003". You can respond to each item by the respective number below.

**Section I. General Information**

2. *For Question 7B, the Prospector included a Claim Map and a list of Sierta Mineral Claims. As required by Rule 5.1.2(d)(vi), please provide documentation demonstrating Sierta, LLC has the legal right to enter to conduct prospecting and reclamation where surface disturbance will occur. It appears the prospecting operation occurs on mineral claims titled RC-36, RC-37, and RC-38, however, the Division could not accurately determine where each drill pad is located on the submitted claim map. In addition to providing documentation in accordance with Rule 5.1.2(d)(iv) regarding the mineral claims, please also revise the claim map to depict the location of the [MD2] drill pads.*

The Prospector revised the mineral claim map to depict the location of the MD2 drill pads, but did not include documentation demonstrating Sierta, LLC has the legal right to enter to conduct prospecting and reclamation where surface disturbance will occur (mining claims RC-36, RC-37, and RC-38). Please provide legal right to enter documentation in accordance with Rule 5.1.2(d)(iv).

3. *As the prospecting operation occurs on Forest Service lands, the Division considers an approved Plan of Operations or NOI from the Forest Service as the Prospector's surface legal right to enter; please provide documentation showing the Forest Service has approved the activities detailed in [MD2].*

The Prospector provided an email which indicates the Forest Service has drafted a decision memo for the project, but did not include a copy of the final authorization document. Based on correspondence with the Forest Service, final authorization was requested to be delayed by the Prospector due to the authorization is good for one year and that the project had been delayed to late summer 2022. Please provide an update regarding the timeframe in obtaining authorization from the Forest Service. Please note, the Division cannot approve MD2 until an approved Plan of Operations or an approved NOI from the Forest Service is provided to address Rule 5.1.2(d)(vi) regarding the surface legal right to enter for the project.



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### Section III. Project Description

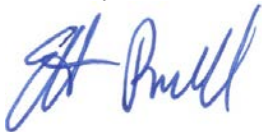
*10. Within Question 6, the Prospector states there will be 5 drill holes at 1,000 feet deep. The Drill Pad Locations with Proposed Boring Trajectories map states all borings will be advanced a maximum of 1,000 feet and that a maximum of 6,000 feet will be drilled. The three maps provided in the application detailing the footprint of each drill pad lists out a total of 10 drill holes (WP 7-16) for the project. Please clearly identify the number of drill holes proposed within MD-02 and provide the maximum total depth of the all the drill holes. Please also provide the anticipated maximum depth of any single drill hole.*

The Prospector clarified MD2 consists of a total of 10 possible borings with different trajectories have been proposed to be drilled, however, is committing to drilling only five of these holes and that each drill hole will be advanced to a maximum depth of 1,000 feet for a total of 5,000 feet. The Division has evaluated the reclamation costs associated with MD2 activities and has determined the \$39,000 financial warranty held by the Division for P-2014-003 is adequate to cover the proposed activities. Please note, under the current bond amount held, the Prospector could formally revise MD2 to allow an additional drill hole. If the Prospector wishes, please commit to only drilling six of the possible bore holes and that each one will be advance to a maximum depth of 1,000 feet for a total of 6,000 feet.

This concludes the Division's review of MD2. This letter shall not be interpreted to mean that there are no other technical deficiencies in the NOI application as other issues may arise when additional information is supplied. **Please be advised that if these items have not been addressed by the deadline (currently set for October 29, 2021), the Division may terminate the NOI Modification application.**

If you need additional information or have any questions, please contact me at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Cc: Jason Musick with DRMS  
Amy Titterington with USFS