



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

May 2, 2022

John Icabone
3525 28th Street, Apt. 301
Boulder, CO 80301

**Re: Notice of Filing Deficiencies, 110(2) Hardrock Application
Pot o Gold Ranch Placer Mine, File No. M-2022-015**

Dear John Icabone,

On April 15, 2022, the Division of Reclamation, Mining and Safety (Division) received your 110(2) Hardrock Limited Impact Operation Reclamation Permit Application for the Pot o Gold Ranch Placer Mine, File No. M-2022-015. Pursuant to Rule 1.4.1(8), on April 29, 2022, 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, M-2022-015".

GENERAL

1. A copy of the on-site notice as required by Rule 1.6.2(1)(b) was not provided in the application. Please submit a signed affidavit demonstrating the on-site notice has been posted at the access to the proposed site.
2. The application includes maps which specify two access points from Albino Road (CR32) to the northeast of the proposed permit boundary located on either side of Park Gulch. The access paths are not identified on the maps from the access points to the permit boundary. Upon review of Google Earth, there appears to be old two-track trails along portions of potential access paths, however there doesn't appear to be existing roads. After a discussion with the Applicant on April 29, 2022, an access road will be created only along the southern side of Park Gulch to access the mining area as the northern access point is located on a separate parcel not owned by the applicant. In accordance with Rule 1.1(4) and Rule 6.3.3(1)(g), the Applicant will need to revise the application to include access road within the permit boundary as this road will be considered Affected Lands. In addition to revised maps, the Applicant will need to revise Exhibit C and Exhibit D to discuss the specifics of the road and outline the reclamation of the road. Please note, adding the road and revising the proposed permit boundary will at least add one adjacent landowner (Bureau of Land Management) within 200 feet of the permit boundary, therefore Exhibit A will need to be revised to reflect this change. Additionally, a permanent man-made structure (Albino Road) will now be within 200 feet of the permit boundary, therefore Exhibit B and Exhibit L will need to be revised to reflect this change.
3. Similarly to Item #2, the proposed percolation trench that will serve as a way for captured stormwater to be returned to the stream system through infiltration will also be considered Affected Lands. Please revise the application materials appropriately to either include the proposed percolation trench within the permit boundary or to relocate this percolation area to within the current proposed permit boundary.
4. Although not required as a part of the Division's completeness review nor necessary to call the application complete for filing, the Division has identified that the maps submitted do not comply with the general map requirements outlined in Rule 6.2.1(2) and do not include all required items specified in Rule 6.3.1 for the



Exhibit A Location Map(s), Rule 6.3.5(2) for the Exhibit E Mine Plan Map, and Rule 6.3.5(3) for the Exhibit E Reclamation Plan Map. As the Applicant will need to resubmit the permit maps to include the changes outlined in Items #2 and #3, please review the Rules above and make the changes to the maps to comply with the general and specific map requirements.

APPLICATION FORM

5. Application Question #1 (Page 1 of the application form) was left blank. Please revise Application Question #1 by indicating “John Icabone” is the name the Applicant/Operator of the operation and submit a new Page 1.
6. Responsibility #10 (Page 6 of the application form) has been initialed, however the Applicant appears to not be a joint venture/partnership business. Please submit a new Page 6 without responsibility #10 initialed.
7. The application certification (Page 7 of the application form) contains errors which will need to be corrected. The “By:” and “Title:” information of the signer was left blank instead of indicating “John Icabone” and “Individual”. Additionally, the notary section should be executed as follows: “The foregoing instrument was acknowledged before me this...by John Icabone as Individual of _____”. Please submit a new application certification with the appropriate revisions.

EXHIBIT G – Source of Legal Right-to-Enter (Rule 6.3.7):

8. Within Exhibit G, the Applicant has provided a deed showing Rosann Icabone is the owner of the property to be mined. In accordance with Rule 6.3.7, the Applicant will need to submit a copy of a lease or a signed statement by Rosann Icabone and acknowledged by a notary public stating John Icabone has the legal right to enter to conduct mining and reclamation.

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

9. The application did not include a completed Exhibit I. In accordance with Rule 6.3.9, please submit proof the entire application and the revisions associated with this letter have been placed for public review at the local County Clerk and Recorder.

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

10. The application did not include a completed Exhibit J. In accordance with Rule 1.6.2 (1)(a)(ii), please submit Proof of Notice in the form of a certified mail return receipt (the green signature card) or a date-stamped copy of the notice acknowledging receipt by the Board of County Commissioners. If the Applicant elects to mail a notice to the Board of County Commissioners, please provide a copy of the notice in addition to the certified mail return receipt.

The Pot o Gold Ranch Placer Mine 110(2) Hardrock Limited Impact Operation Reclamation Permit 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 and acceptance of all of the requested information. Please note, if you have already published notice you will need to republish notice, but only after the Division considers the application filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once within 10 days of the date your application is considered filed. The final date for receiving comments is the 10th day after the publication or the next regular business day.

May 2, 2022

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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 July 1, 2022.**

This letter shall not be interpreted to mean that there are no other deficiency or adequacy requirements in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act and Rules after submittal of all required items.

If you have any questions, please contact me at 303-866-3567 ext. 8132 or elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

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