



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

June 30, 2022

Randall K. Kokkinen
6751 Golden Sill Court
Castle Pines, CO 80108

**Re: Notice of Filing Deficiencies, 110(1) Hardrock Application
9 to 5, File No. M-2022-029**

Dear Mr. Kokkinen,

On June 15, 2022, the Division of Reclamation, Mining and Safety (Division) received your 110(1) Hardrock Limited Impact Operation Reclamation Permit Application for the proposed operation known as 9 to 5, File No. M-2022-029. 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, M-2022-029".

GENERAL

1. The 110(1) "fillable" application form that the Applicant submitted appears to have been printed with errors as the formatting and appearance does not match the form that is available on the Division's website. The Division's 110(1) application form has been approved by the Mine Land Reclamation Board and it cannot be altered, therefore, a new application form is required to be submitted in order for the application to become filed. At a minimum, the Applicant must submit a new 110(1) application form, Pages 1-7 (which can be found at <https://drive.google.com/file/d/1G5TRfkszyZDiKXdrKRP6ehAzBUVGBcPg/view>) and either submit reformatted exhibits or attempt to reprint the 110(1) "fillable form" which includes both the application form and the pre-arranged exhibits (which can be found at: <https://drive.google.com/file/d/1VBExyMh026VfFiOHVSApqpzpAu8pKPNV/view>). Please note, the Exhibit A nor Exhibit E maps need to be resubmitted as the ones previously submitted will suffice for filing. Please also note, the Application Certification (Page 7 of the application form) will need to be signed and notarized as this was left blank on the initial submittal.
2. The application included a check for the \$288 application fee, however the check was left blank and was not made out the Division of Reclamation, Mining and Safety. The Division's account department was unable to process the check and for security reasons shredded the check. Please submit a new check for \$288 made out to the Division of Reclamation, Mining and Safety.
3. As required by Rule 1.6.2(1)(b), a copy of the on-site notice was provided in the application, however the specific information regarding the operation and the Applicant on the notice was left blank. Please either demonstrate the on-site notice that was posted had been filled out properly or submit a signed affidavit demonstrating a new on-site notice has been posted at the access to the proposed site and contains the information outlined in Rule 1.6.2(1)(b).

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

4. Rule 6.3.7 requires documentation to be submitted regarding the Applicant's legal right to enter to conduct mining and reclamation for the surface/subsurface of the affected lands. For the surface, please include a



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statement within Exhibit G stating that you have a conditionally approved Mine Plan Of Operations from the USFS, dated January 14, 2022; a copy of this document is not needed to be submitted as it was provided to the Division on January 19, 2022. For the subsurface, please submit documentation showing the claim is held by Randall K. Kokkinen.

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

5. In accordance with Rule 6.3.9, please submit proof that 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):

6. The application included proof of notice for the local Board of County Commissioners, however there was no proof of notice for the local Soil Conservation District. 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 return card) or a date-stamped copy of the notice acknowledging receipt by the local Soil Conservation District. If the Applicant elects to mail a notice to the Soil Conservation District, please provide a copy of the notice in addition to the certified mail return receipt.

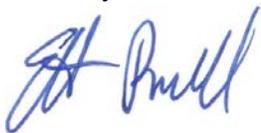
The 9 to 5 110(1) Hardrock Limited Impact Operation Reclamation Permit Application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt and acceptance of all of the requested 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.

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 August 29, 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