



STATE OF  
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

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## P-2022-009, Double Eaton, Notice of Deficiencies

1 message

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**Simmons - DNR, Leigh** <leigh.simmons@state.co.us>

Tue, Aug 16, 2022 at 6:16 PM

To: micah eaton <ma\_eaton@hotmail.com>

Cc: "Garcia, Olivia -FS" <olivia.garcia@usda.gov>

Mr. Eaton,

Please find attached the Division's review of your application (P-2022-009) and Notice of Deficiencies.

Leigh Simmons  
Environmental Protection Specialist



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

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**P2022009\_NoticeOfDeficiencies\_1.pdf**

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

August 16, 2022

Micah Eaton  
PO Box 3472  
Eagle, CO 81631

**Re: Notice of Deficiencies, Double Eaton - File No. P-2022-009**

Dear Mr. Eaton:

On June 1, 2022, the Division of Reclamation, Mining and Safety (Division) received the Notice of Intent (NOI) to Conduct Exploration Operations application known as Double Eaton and assigned it File No. P-2022-009.

On June 17, 2022 the Division found the application incomplete for failure to submit a financial warranty. A check for \$4000 was subsequently received by the Division on July 18, 2022, and successfully deposited on July 27, 2022, which made the application complete.

The Division has reviewed the material you submitted with your application for technical adequacy and compliance with the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations (Mineral Rules). The review indicates that the application contains several deficiencies which need to be addressed before it can be approved.

Please title your response to this notice with "Response to Deficiencies, P-2022-009". You can respond to each item by the respective number from the list of items below.

**Rule 5.1.2 Application Requirements**

1. Please provide evidence of your right to enter the land described in the application. Since the site is located on US Forest Service land, this evidence will be in the form of an approved Mine Plan of Operations (MPO) from the Eagle-Holy Cross Ranger District.

(The USFS will have performance standard requirements for your operation which you will be required to satisfy for the MPO. The Division also has performance standard requirements under the Mineral Rules; in many cases the USFS requirements may be the same as or similar to the Mineral Rules, but the two are administered separately and you will need to demonstrate compliance with both)

2. Please state the approximate date of anticipated commencement and completion of the proposed activity.

**Rule 5.3.1 Protection of Surface Areas**

3. In your application you stated that 15,840 ft of road would be significantly upgraded, no new road would be constructed, and no culverts would be installed. Please clarify the extent to



which existing roads will be used to access the site. Please describe in detail any access to the site that will not use existing roads (include a description of the distance, terrain, existing vegetative cover, proposed temporary road, and how the disturbance will be reclaimed).

4. Please describe how your proposed excavations will be safeguarded to provide for public safety and to minimize impacts to wildlife.
5. In your application you stated that up to 1000 cubic yards of material would be moved. Please commit to backfilling all trenches and other excavations upon completion of the prospecting activity. Please describe how backfilling will be accomplished.
6. Please describe how topsoil will be handled, including how it will be separated from subsoil, stockpiled, marked and temporarily stabilized.
7. Please describe how the disturbed areas will be revegetated, including details of the revegetation seed mix to be used, how and when it will be spread, how the surface will be prepared, and whether the surface will be mulched.
8. Please describe how noxious weeds will be controlled during operations and following reclamation.
9. Please describe how erosion and siltation of the surrounding land will be controlled.
10. Please provide a complete list of all equipment and materials that are proposed to be brought to the site. Please describe how they will be stored. If fuels are to be brought to the site please describe the maximum volume that will be on-site, how it will be stored, and how secondary containment will be accomplished.
11. Please describe how the boundaries of the affected area will be marked.

In accordance with Rule 4.2.6(1), a reclamation cost estimate will be calculated to determine whether additional financial warranty is required for the NOI after the Division receives the responses to this deficiency notice. You will have an opportunity to review the cost estimate prior to the NOI approval.

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. Be advised that if these items have not been addressed within 60 days of the date of this letter, due on or before October 15, 2022, the Division may terminate the NOI application.

If you have any questions, please contact me preferably by email at [leigh.simmons@state.co.us](mailto:leigh.simmons@state.co.us), or alternatively by phone on 720 220 1180.

Sincerely,



Leigh D. Simmons  
Environmental Protection Specialist