



STATE OF
COLORADO

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

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

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

Fri, Oct 7, 2022 at 12:52 PM

To: micah eaton <ma_eaton@hotmail.com>

Cc: "Garcia, Olivia -FS" <olivia.garcia@usda.gov>, Jason Musick <jason.musick@state.co.us>

Mr. Eaton,

Thanks for your reply.

I understand that you are actively working with the US Forest Service to come up with an approvable Plan of Operations. It is the approval from the USFS that constitutes your legal right to enter, which is a prerequisite for a state mining or prospecting permit. Ideally an applicant would have approval from the federal land manager before submitting the permit application to the state, which was obviously not the case here.

Rule 5.1.3(c) states:

If the Office has notified a Prospector within twenty (20) working days of receipt of a NOI that it has not been filed in accordance with Rule 5.3, has been deemed complex, or of deficiencies in the Financial Warranty, the Prospector shall address all identified deficiencies or complexities within sixty (60) days of the Office notification. If the NOI deficiencies or complexities are not addressed within sixty (60) days, the Office may terminate the NOI file. The Office shall notify the person who submitted the NOI of such termination.

In retrospect it may have been preferable if the application had not been accepted by DRMS in the first place, but it was. Given that you worked to put an initial bond in place at my request, I think it would be harsh to terminate your application now and ask you to re-submit it when you have approval from the USFS. Instead I propose extending the deadline for your response to the Notice of Deficiencies by another 60 days, to December 14. This will give us both a date on the calendar to help us keep track of the application. If the USFS process is complete then I look forward to your written response to my letter, if it is still ongoing please contact me by email with an update on the situation and to request another extension. If I don't hear from you before December 14 I will assume that the operation has stalled out and terminate the application.

Hope that all makes sense, please contact me if you have any questions.

Leigh Simmons
Environmental Protection Specialist



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

P 303.866.3567 x 8121 | C 720.220.1180 | F 303.832.8106

1313 Sherman Street, Room 215, Denver, CO 80203

leigh.simmons@state.co.us | <https://drms.colorado.gov>

On Thu, Oct 6, 2022 at 4:21 PM micah eaton <ma_eaton@hotmail.com> wrote:

Mr. Simmons,

I have been involved with the Forest Service attempting to fulfill the process. I was led to believe by my contact with them that the administrative process was a team endeavor. I thought that my deficiencies were being addressed by my input to the team. I'm sorry about that.

What I mean is that the Forest Service is talking about having various experts examine the site for possible archaeological, rare plant or animal issues, among other things. I have submitted the Plan of Operations to them. It contains many of the answers you seek. I don't know what state of approval it is in. That's a problem for your deadline.

One thing I did specifically speak to the Forest Service about was the revegetation. I was told by them that they would provide that information because they need to have their expert take a look first and make sure what sort of a mix to use.

I absolutely commit to revegetating everything. The only thing I ask for is consideration for the animals because the area was only a mud bog when I got there. If I restore it to what it was it would not have a watering hole. I kind of hope the Forest Service will allow me to leave something like that, in addition to revegetating the rest. But that is up to their experts. What I think might be good for the animals could turn out not to be.

The Forest Service assures me that the Plan of Operations is something that I can amend. It's a target I am moving towards, if you will. Meaning that I am trying to get all of these things right, but I might not the first time. I hope that the submitted plan is deemed appropriate, but I may have to change how I expect to do a thing or two.

There are things like their suggestions concerning the time to enter the area at the beginning of each year's operations that I am open to. I look forward to that input so that I can work better with wildlife. I also suggested some sort of time frame within which to do work each day in my submitted plan.

The plan also admits that I will not be able to use the old road. I will walk in, or tow a cart behind me.

I you can give me some more time I can answer your questions. I think most of those answers are in my Plan of Operations, but I certainly can answer them separately. And, if I missed something, I can hopefully fix it.

Thanks you for patience,

Micah Eaton

Sent from [Mail](#) for Windows

From: Simmons - DNR, Leigh
Sent: Thursday, October 6, 2022 2:53 PM
To: [micah eaton](#)
Cc: [Garcia, Olivia](#) -FS
Subject: Re: P-2022-009, Double Eaton, Notice of Deficiencies

Mr. Eaton,

This email is to remind you that the due date for a response to the Division's Notice of Deficiencies letter is October 15, 2022.

Please let me know if you wish to extend the due date for some reason. If I don't hear from you before the 15th I will terminate the NOI application.

Leigh Simmons

Environmental Protection Specialist



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On Tue, Aug 16, 2022 at 6:16 PM Simmons - DNR, Leigh <leigh.simmons@state.co.us> wrote:

Mr. Eaton,

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

Leigh Simmons

Environmental Protection Specialist



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