



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman St. Room 215
Denver, CO 80203

October 14, 2022

Mr. Harald Hoegberg
1805 Tunbridge Dr.
Richmond VA 23238

RE: Passiflora; DRMS File P-2022-017; Notice of Incomplete NOI Application

Mr. Hoegberg,

On October 12, 2022 the Division of Reclamation, Mining and Safety (Division) received your Notice of Intent to Conduct Prospecting Operations (NOI) application. The Division has deemed the NOI incomplete for filing based on the following:

- 1) Rule 5.1.2(d)(vi) of the Hard Rock, Metals, and Designated Mining Operations Rules states that the applicant must “provide documentation of the legal right to enter to conduct prospecting and reclamation, for Owners of Record described in Rule 1.6.2(1)(e)(i). This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Prospector has legal right to enter to conduct prospecting and reclamation.”

The provided access statement signed by David C Knight and dated December 20, 2021 has not been properly notarized as required. In addition, recent communications indicated that Mr. Knight may also be recently deceased. If this is the case, the previously signed access agreement will need to be re-executed by someone with the authority to grant access for the proposed activities. Please correct as needed and resubmit.

If an area to be affected by NOI activity is located on private land or patented claim, the access required by Rule 5.1.2(d)(vi) must be granted by the landowner or claimant. If the claim is unpatented, the required access must be granted by the surface owner of the property. If the unpatented claim is located on property managed by the USFS or BLM, then access to conduct the proposed activities must be granted by the USFS or BLM (normally in the form of an approved USFS Plan of Operations or Approved BLM NOI).

The NOI as provided indicates that Land Ownership is BLM, however, no BLM approval of the proposed activity was provided. Please provide documentation that the BLM has approved the proposed activity.



Please provide the required materials within 30 days of the date of this letter. If the Division does not receive the materials required to call the application filed for review within 30 days, the application will be terminated.

General Adequacy Issues:

During the initial review of the application, the Division also noted the following issues that will need to be resolved before the application can be approved. You may wish to address these items at this time as well to expedite the NOI approval process.

1) Section I parts 7A and 7B:

- a. Claimant and claim Name/Serial Number information is provided, however, it is not specified if these are patented or unpatented claims, or if each claim is located on private or BLM lands for purposes of verifying that proper access has been obtained.
- b. The maps provided do not include the extents of the claims listed or what drilling locations are located within what claim.
- c. The Legal Description refers to an unspecified attachment that DRMS was not able to identify in the NOI submittal. Please verify the claim information provided and provide this missing information.

2) Section II parts 1 and 2:

- a. The “accurate topographic base map showing the location of the proposed project” was not provided as required.
- b. The map/photo provided with the NOI submittal shows only the proposed general boring and access road locations. The scale of the map is not appropriate to show the locations of the borings, the configuration of the pads and associated 3 mud pits for each pad that are stated to be included in Section III part 5. Please provide mapping to meet the above requirements.

3) Section III Project Description – Part 5 as provided states only “One drill pad is planned to be 80x100 feet. The other four will be xxx. All pads will have three mud pits”. Some further description of the proposed activity would be useful.

- a. Please confirm that the remaining four drill pads will be 60’ x 90’ as stated in Section 6 A.
- b. Please provide sufficient narrative/map/diagram to answer the following:
 - i. How will these 5 drill pads be constructed and reclaimed?
 - ii. How will the 15 mud pits (3 for each drill pad, and each 6’ feet deep) be excavated, lined/constructed?
 - iii. How will the used mud/fluids be removed and disposed of?
 - iv. Where will the excavated native material be placed during drilling?
 - v. How long until the pits are backfilled?
 - vi. How will the pits be backfilled and reclaimed?

4) Section III Project Description - Part 6

- a. Section B states that the 5 borings will be 15,000 feet deep (each?). Please confirm the proposed depth(s) of the 5 borings.

- b. Section B gives the boring diameter only as “Varied” - this is insufficient. Please provide sufficient information to fully describe what boring diameter(s), and to what depth(s), will be utilized.
- c. Section K requires the applicant to “describe the anticipated relationship to surface and groundwater (proximity to surface streams, penetration of groundwater aquifers)” It was noted that the closest stream is Grape Creek at a distance of approximately 3km west. However, no discussion of GW was provided. Given the proposed depths of these 5 borings, please discuss the anticipated depth to groundwater, aquifers to be encountered, and what measures will be taken to protect groundwater resources, such as maintaining separation of aquifers, during and after drilling.

Specific information regarding construction and reclamation of features and disturbances including drill pads, boring reclamation, mud pits, and roads is critical to calculating an accurate reclamation bond for the proposed activity.

Section IV Operation and Reclamation Measures

1. States that the Board suggests that pre-prospecting photos be collected for areas where activity is proposed. Please provide copies of any pre-prospecting photos with information for each photo including date, location and orientation as a record for the site file.
2. Section 4 requires a description of how the proposed drill holes will be plugged and abandoned – given the proposed depths of these five borings a more detailed abandonment procedure will need to be provided. Please make sure that the proposed abandonment process complies with Rule 5.4.

The financial warranty paperwork supplied with the initial \$2000 bond provided is still under review and you will be notified if additional information or corrections are required. Based on the scope of work provided at this time, additional bond will be required. The final required bond amount will be calculated when the remaining adequacy issues have been fully addressed.

If you have any questions, please contact me at (303) 229-9414.

Sincerely,



Eric Scott
Environmental Protection Specialist

CC: Michael Cunningham, DRMS