



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

October 17, 2022

Mr. Ben Langenfeld, P.E.
Lewicki & Associates, PLLC
3375 West Powers Circle
Littleton, CO 80123

**Re: Incompleteness Notice No. 2, Conversion Application (CN-1), Gold Hill Mill,
Permit No. M-1994-117**

Mr. Langenfeld:

On October 4, 2022, the Division of Reclamation, Mining and Safety (Division/DRMS) received your responses to the Division's Incompleteness Notice dated September 22, 2022 for the Conversion Application for the Gold Hill Mill, File No. M-1994-117. Review of the submitted responses determined the following items must be received before the Division can consider the application as being submitted/file and technical review can begin. Please respond to this Incompleteness Notice No. 2 with the requested additional/updated information on permit application replacement pages and summarize each response in a cover letter titled "Incompleteness Response No.2; M-1994-117". Please note where multiple items need additional/updated information that occur on the same page only one page needs to be submitted with the requested information not multiple copies of the same page.

APPLICATION FORM:

1. Location Information. On page three, item 10, the quarter section was left blank, please check the appropriate box. Please submit a replacement page three of the application form.
2. Responsibilities as a Permittee. On page six, question 10 was initialed. The question does not require initials unless the permit is a joint venture or partnership operation. As far as the Division is aware this is not the case for this application. Please indicate "N/A" for the question. Please submit a replacement page six of the application form.
3. Certification. On page 7, the notary signature section is incomplete. The name of the company needs to match the Applicant/Operator or Company Name exactly, Colorado Milling Company, LLC compared to Colorado Milling Co.

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

4. In April 2013 the Bureau of Land Management (BLM) issued a Notice of Temporary Suspension for all the Gold Hill Mine and Mill operations. Mining and milling operations may not occur until the BLM receives a complete Plan of Operations and NEPA analysis (ROD) is approved. In the Operators



response, dated December 8, 2018, to the Division's preliminary adequacy review for AM-1 item #38 the Operator stated a Plan of Operations was going to be submitted to the BLM after approval of AM-1. The Division is aware that as of August 2021 the BLM was still waiting for the Operator to submit additional materials. The Division considers the BLM's approval of a Plan of Operations and NEPA analysis as demonstration for the Legal Right to Enter. Please provide documentation of BLM's approval as a source of legal right to enter.

5. In the Operators response, dated December 8, 2018, to the Division's preliminary adequacy review for AM-1 item #39 the Operator stated a Plan of Operations was going to be submitted to the United States Forest Service (USFS) for the Gold Hill Mill's Left Hand Creek Pump Station after approval of AM-1. The Division considers the USFS's approval of a Plan of Operations as demonstration for the Legal Right to Enter. Please provide documentation of USFS's approval as a source of legal right to enter for the Pump Station.

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

6. Please provide proof that notice of the permit application was sent to the Board of County Commissioners, pursuant to Rule 1.6.2(1)(a)(ii).

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

7. Pursuant to Rule 1.6.2(1)(c), please demonstrate that the Applicant has placed a copy of the application materials with the County Clerks or Recorders Offices. Also, please demonstrate that the Applicant's response to these incompleteness issues and the preliminary incompleteness have also been placed with the application materials previously placed with the County Clerks or Recorders Offices, and made available for public review.

Your Conversion Application will not be considered filed until the information listed above is received and found sufficient to begin our review. If you have already published notice you will need to republish notice, but only after the Division considers the application complete and filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once starting ten (10) days of the date your application is considered filed. The final date for receiving comments is the tenth (10th) day after the date of publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have sixty (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. Should additional time be required to submit all the necessary documents an extension request can be submitted in writing for the Division's consideration.

The response to this Incompleteness Notice is due on or before December 16, 2022.

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies 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 need additional information or have any questions, please contact me by telephone at **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert, DRMS

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