



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

November 21, 2022

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

**Re: Adequacy Review, 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, and submits the following comments. **The Division is required to make an approval or denial decision no later than November 23, 2022; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** Please respond to this Adequacy Review with the requested information and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Response; M-2022-029".

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.3 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations. Any inadequacies are identified under the respective exhibit heading.

**GENERAL APPLICATION PROCEDURES**

1. As required by Rule 1.6.2, please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.
2. On November 10, 2022, you provided the Division with a draft copy of the affidavit of publication. The newspaper stated they published the notice once on November 9<sup>th</sup>, however within the copy of the published notice, the newspaper stated the notice was published on November 9<sup>th</sup> and 16<sup>th</sup>. Based on the language in the notice, the Division will allow the public comment period to extend through November 28<sup>th</sup> and therefore extension to the November 23<sup>rd</sup> decision date is required. Please provide the Division with a decision date extension request, extending the decision at least through November 29, 2022.
3. As required by Rule 1.6.2, please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.
4. To date, the Division has received comments from the Office of Archaeology and Historical Preservation and Division of Water Resources. The letters are attached for your review. Please acknowledge and address any comments noted in the letters and make changes to the application as necessary.

**EXHIBIT C - Mining Plan (Rule 6.3.3)**

5. Within the Mine Plan and on the Mine Plan Map, you discuss and depict access to the site via FS 201 and then a closed off two-track located to the north of the proposed permit boundary. Please confirm no new



roads will be created for this proposed operation and the Forest Service has authorized you to “overland” equipment from the closed off two-track to the permitted area.

6. Within the Mine Plan, you state the maximum sized pit any one time will be 10 feet by 15 feet. Please provide the maximum depth of the pit at any one time. The Division will utilize the pit dimensions to calculate a total volume that will be incorporated into the reclamation cost estimate for the backfill task.
7. You have identified that 0-4 inches of topsoil will be salvaged and then replaced during reclamation and have stated an area of 150 square feet will be the largest sized pit at any one time. You are proposing an operation involving a contemporaneous/concurrent mining and reclamation plan whereas you will backfill the previous pit with material from advancing the mine face. Based on the Division’s experience with similar operations, an area 2-3 times bigger (minimum) than the largest sized pit is typically stripped of topsoil so the advancing pit can proceed without having to strip additional topsoil. This method also allows direct haul of salvaged topsoil to be replaced on the backfilled areas instead of having to stockpile topsoil when advancing the mine face. Please provide the largest area at one time which will have the topsoil/growth media stripped.
8. Please discuss if topsoil will be salvaged from the area where the initial pit’s overburden will be stockpiled.
9. The Division will calculate a reclamation bond cost estimate based on the responses to this adequacy letter. The Forest Service will be provided a copy of this estimate to review it for sufficiency. You will be provided copy of the reclamation cost estimate for review before the decision date.  
*No further response needed.*

**EXHIBIT D – Reclamation Plan (Rule 6.3.4)**

10. The Reclamation Plan includes a statement that the Forest Service has advised you not seed the reclaimed lands at this time. Although concurrent seeding will likely not be needed during your operation due to the size of the disturbance that you are anticipating on creating each season, the Division must assume a “worst case” scenario whereas the disturbance from multiple seasons needs to be reclaimed and seeded. Therefore a seed mixture and seeding rate for each species (PLS/acre) must be incorporated into the reclamation plan and cost estimate.

**EXHIBIT E – Map (Rule 6.3.5)**

11. The Mine Plan Map depicts a permit boundary that is approximately 0.2 acres while the application from states the size of the permit is 0.4 acres. Please either provide a new Mine Plan Map showing the 0.4-acre permit or provide a revised Page 1 of the application form.
12. Please provide the coordinates of the permit boundary corners on the Mine Plan Map or in a separate table.

**EXHIBIT F – List of Other Permits and Licenses Required (Rule 6.3.6)**

13. As the proposed operation has an approved NOI from the USFS, there may now be discrepancies between the USFS NOI and the 110(1) permit application following the Division’s technical review and your subsequent adequacy review responses. Please commit to informing the USFS of any revisions to your proposed operation once the Division approves your application.

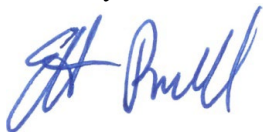
**EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)**

14. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this adequacy letter has been added to it.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on the decision date, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by the decision date, and the request for additional time. This must be received no later than the decision date. The Division typically receives extension requests for 30, 60, or 90 additional days.**

If you have any questions, please contact me at 303-866-3567 ext. 8132 or [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Russell", is positioned above the printed name.

Elliott R. Russell  
Environmental Protection Specialist

Enclosures:   Comment Letter History Colorado M2022029  
                  Comment Letter DWR M2022029

Cc:             Jason Musick, Division of Reclamation, Mining & Safety