



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

January 18, 2023

Kenneth Tunstall
Eagle Peaks Mining, LLC
541 Cox Lane
Howard, CO 81233

**Re: Notice of Incomplete Application, Transfer of Mineral Permit and Succession of Operators (SO1)
Combination Placer, Permit No. M-2013-028**

Dear Mr. Tunstall,

On January 13, 2023, the Division of Reclamation, Mining and Safety (Division) received your Application Form for Transfer of Mineral Permit and Succession of Operators (SO1) for the Combination Placer, Permit No. M-2013-028. Upon review of the submitted materials, the Division has called the application incomplete. The following items must be addressed before the Division can consider the application for approval. Please respond to this Notice of Incomplete Application with the requested information no later than **March 19, 2023**.

1. Please execute and submit a Performance Warranty (Attached).
2. Eagle Peaks Mining, LLC provided a Certificate of Deposit Receipt with SO1. Please execute and submit a Certificate of Deposit Financial Warranty form (Attached).
3. Please execute and submit an Affidavit of Authority (Attached).
4. The SO1 packet included a signed letter regarding accessing the site through the Bulger Basin Placer however documentation from the surface/subsurface owner(s) of the Combination Placer was not provided. The permit file shows the Source of Legal Right to Enter as a mineral lease between Western States Minerals and Holiday Exploration Company, provided to the Division on May 14, 2013. In accordance with Rule 6.3.7, please submit an updated Source of Legal Right. This may include a copy of a lease or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Eagle Peaks Mining, LLC has legal right to enter to conduct mining and reclamation. If Eagle Peaks Mining, LLC is now the surface and subsurface owner, please provide proof with a copy of the deed, abstract of title, a current tax receipt.
5. The permit file indicates there were no permanent man-made structures within the permit boundary or within 200 feet during the original permitting process in 2013. Please include a statement within SO1 that there are no permanent man-made structures within the permit boundary or within 200 feet OR comply with Rule 6.3.12 regarding any new or undocumented structure.

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

Sincerely,

Elliott R. Russell
Environmental Protection Specialist

