



February 17, 2023

Lori Smith
Cripple Creek & Victor Gold Mining Company
P.O. Box 191
Victor, CO 80860

Re: Adequacy Review, Revision No. TR133, Cresson Project, Permit No. M-1980-244

Dear Lori Smith,

On February 2, 2023, the Division received the request for a Technical Revision (TR133) for the Cresson Project, File No. M-1980-244, proposing to mine a clay borrow source on the northern perimeter of the WHEX pit. During the review of the material submitted, the Division determined that the following items need to be adequately addressed before TR133 can be considered for approval. 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 Responses TR133, M-1980-244”.

1. TR133 states that during clay excavation, EMP-18 will be eliminated and eventually replaced once the project is complete. TR133 also provides a schedule indicating clay mining will occur in 2023-2027 with reclamation to begin in 2032. Please provide details on when approximately EMP-18 will be eliminated and when it will be replaced with the new EMP. If there is a time lapse between the removal of EMP-18 and the construction of the new EMP, please discuss temporary and adequate stormwater controls during this time to minimize erosion.
2. Please propose a name for the new EMP which will replace EMP-18. The Division suggests differentiating the new EMP from EMP-18 (e.g. EMP-18-2, EMP-18b, etc.) to reduce any confusion moving forward as the design size and location will change.
3. Please provide details regarding the design storm event, storm depth, volume calculations, and other appropriate factors that were utilized for the new EMP and demonstrate these are consistent with those provided in TR131.
4. Please provide details on how the new EMP will be incorporated into the stormwater closure design for WHEX Pit backfill area. Please discuss if a spillway will be constructed which will report to an additional channel within the backfill, leading to a proposed bench or draindown channel as depicted on Figure 3 – WHEX Pit Backfill Closure Plan in TR131.
5. Diversion Channels DC-EMP-18W and DC-EMP-18N currently convey stormwater to EMP-18 as documented in TR101. TR133 does not address how these channels will be extended to the location of the new EMP. Please provide designs and details of these diversion channel extensions. Please update the figures to reflect these additional details. Furthermore, please



discuss if an additional diversion channel is needed to convey stormwater from the eastern portion of the watershed boundary, as depicted on Figure 2 – WHEX Pit Clay Excavation Reclamation, to the new EMP.

6. The Newfields January 25 letter states: “Before being abandoned, the sides of any borrow areas outside the Work area shall be brought to stable slopes (not steeper than 3H:1V)”. TR133 doesn’t specifically provide the maximum slope gradient of the borrow area during mining, however, as there is not a line item for a backfill/grading task within the reclamation cost estimate summary table, the proposal indicates the final reclamation slope gradient will be maintained. Please clarify the borrow area will be mined at a slope no steeper than 3H:1V or provide details of active clay mining and update the cost estimate summary table as appropriate. Please also discuss the sequence and how clay mining will occur during the provided timeframe 2023-2027.
7. Figures 1 – WHEX Pit Clay Excavation and 2 – WHEX Pit Clay Excavation Reclamation are missing a date or signature. As required by Rule 6.2.1(2)(b) and (c), please provide revised figures with dates and signatures.
8. Figure 2 – WHEX Pit Clay Excavation Reclamation depicts a “grass” hatch, however this is not included in the legend. Additionally, this hatch only covers a portion of the TR133 disturbance area, suggesting revegetation will not occur on the entire area. Please either remove the “grass” hatch and simply clarify the disturbed lands will be revegetated in accordance with the approved Exhibit E – Reclamation Plan or revise the hatch area to include all disturbances of TR133 and update the legend.
9. Figure 2 – WHEX Pit Clay Excavation Reclamation includes *Note 1* identifying the volume of the new EMP at 358,880 ft³. TR101 lists the as built volume of the EMP-18 at 199,631ft³. As all EMPs on-site get backfilled at closure after the establishment of vegetation, please update the TR133 reclamation cost estimate to account for the hauling of an additional 5,898 CY to the larger new EMP. Please note, the site’s reclamation cost estimate lists the average haul distance for backfilling all EMPs at 4,600 feet.
10. Figure 2 – WHEX Pit Clay Excavation Reclamation includes *Note 3* identifying a total topsoil volume at 20,573 CY based on replacing 12 inches. This volume/depth is inconsistent with the volume provide in the TR133 cost estimate summary table. Please update TR133 accordingly.
11. The Division will calculate a reclamation bond cost estimate based on the responses to this adequacy letter and will then evaluate the TR133 cost estimate for sufficiency. You will be provided copy of that reclamation cost estimate for review before the decision date if the Division’s estimate is more than the TR133 cost estimate. *No further response needed.*

This concludes the Division’s adequacy review of TR133. This letter shall not be interpreted to mean that there are no other technical inadequacies in your revision as other issues may arise when additional information is supplied. Please be advised TR133 may be deemed inadequate, and the request may be denied on **March 6, 2023**, unless the above mentioned adequacy review item is addressed to the

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satisfaction of the Division. If more time is needed to respond, the Division can grant an extension of the decision date following a request to do so by the Operator.

Sincerely,



Elliott R. Russell

Environmental Protection Specialist

Ec: Katie Blake, CC&V
Johnna Gonzalez, CC&V
Michael Cunningham, DRMS