



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

April 10, 2023

George L. Quist
1849 Trail Creek Rd.
Lake George, CO 80827

Re: Adequacy Review, 110(1) Hardrock Application, Quist Mining, File No. M-2023-002

Dear Mr. Quist,

On March 15, 2023, 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 Quist Mining and assigned it File No. M-2023-002, and submits the following comments. **The Division is required to make a decision on the application no later than April 14, 2023, therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** 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. 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-2023-002".

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.
Proof of publication was received by the Division on March 27, 2023. No further response needed.
2. 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.
Proof of noticing was received by the Division on April 4, 2023. No further response needed.
3. To date, the Division has received a comments from the U.S. Army Corps of Engineers, the Division of Water Resources, and the Office of Archaeology and Historical Preservation. 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 A - Legal Description and Location Map (Rule 6.3.1)

4. Exhibit A contained 2 maps, however based on the large scale (a map which covers a relatively small geographic area) of these maps, the requirements of Rule 6.3.1 Location Map are not met. In accordance with Rule 6.3.1(c), please provide a standard U.S. Geological Survey topographic quadrangle or equivalent as the Exhibit A Location Map. This map needs to show information sufficient to determine the location of the affected land on the ground and existing and proposed roads or access routes to be used in connection with the mining operation; although you state you intend to access the site through private property, please identify how the site can be accessed by using USFS roads from Trail Creek Drive. This map also needs to provide the names of all immediately adjacent surface owners of record and the location of the proposed



operation shall be shown and labeled with the mine site name. In accordance with Rule 6.3.1(b), please also provide the coordinates of the main entrance to the mine site on the Exhibit A Location Map.

EXHIBIT C - Mining Plan (Rule 6.3.3)

5. Within the Mine Plan, you state 5 gallons of water will be needed during the mining operation for drinking and examining mineral specimens. Please provide the legal source of this water.
6. Within the Mine and Reclamation Plans and on the Reclamation Plan Map, you provide conflicting information on growth medium (aka topsoil) depths. Within the Mine Plan you have checked the 4-6 inch box for Question 5 however the supplemental notes state 4 inches. You have also listed that 6-8 inches of subsoil will be salvaged on Question 5. The Reclamation Plan states that topsoil plus subsoil will be replaced at 8 inches. Lastly, the Reclamation Plan Map lists 4 inches will be replaced. Please clarify these discrepancies and provide the depth of topsoil and the depth of subsoil which will be salvaged during mining and then replaced during reclamation. To allow flexibility the Division suggests providing an appropriate range of salvageable and replaced topsoil, however the upper limit of the range will be utilized to calculate your reclamation cost estimate.
7. You have committed to a maximum sized excavation in a season to be 200' x 100' x 12' deep that will be two-thirds filled at any one time. This leaves approximately 2,963 CY of material outside of the excavation. You have stated that the final cut will have 2,250 CY that will need to be backfilled into the open dig site. Please clarify this discrepancy.
8. Within the Mine Plan's supplemental notes, you have discussed the seeding requirements for the operation. You have identified 0.5 acres as the size of the area where seeding is required, however, also within the Mine Plan, you have indicated that the site will consist of a maximum of 60,000 square feet of reclamation work in various stages and 20,000 square feet of newly disturbed ground. Please note, until lands have been adequately reclaimed, requested to be either released or have a surety reduction, inspected, and approved, the Division will hold bond on disturbed lands for seeding. As you have stated that it takes an estimated three years for reclaimed sites to recover, you may commit to a maximum size of the disturbed area that the bond will account for seeding at any one time; whereas the cumulative disturbance will stay under the commitment (for example 80,000 square feet) until the partial release or surety reduction process is approved on a portion of reclaimed lands to allow additional lands to be opened up. Please note, you may submit a subsequent revision to remove or revise the commitment and to then post additional bond if previous reclamation hasn't achieved success at the time of needing to expand the operation's footprint.
9. You have provided a seed mixture which will be seeded at 40 pounds per half-acre. Based on the Division's calculations, the proposed seeding rate would involve nearly 1200 seeds per square foot for the provided seed mixture which is quite substantial and may lead to a greater failure rate due to increased competition and unsuccessful revegetation. Please confirm the proposed broadcast seeding rate of 80 PLS/acre. The Applicant may want to revise this value down to a more appropriate rate of at most 20 PLS/acre. The Applicant may want to contact the USFS or the Teller-Park Conservation District to obtain a recommended broadcast seeding rate for the proposed seed mix.
10. As required by Rule 6.3.4(1)(c)(i), please provide the time of year when seeding will occur.
11. You have proposed a broadcast seeding method. Please provide details on how you will incorporate the seed into the soil (raking, slope chaining, etc.)

12. Within the Mine Plan, you state there is currently a \$3,000 bond held for the prospecting permit for two prospect sites which are being converted to this mining permit application. Upon review of your NOI permit file for P-2015-008, recent annual report maps identify a single prospect site located within the proposed affected lands boundary of this permit application, there are several prospect sites located in claims to the north of the proposed site. The Division's records indicate a \$2,510 cash bond is held for the NOI as well as \$900 bond held by the USFS. Please note, until the process for a partial or full release request is submitted and approved for your NOI, the \$3,410 held for P-2015-008, will remain on file.

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.

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

13. As the proposed operation has a conditionally approved Mine Plan of Operations from the USFS, there may now be discrepancies between the USFS plan 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.

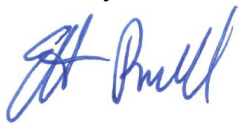
EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)

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 your 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.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Enclosures: Comment Letter USACE M2023002
 Comment Letter DWR M2023002
 Comment Letter History Colorado M2023002

Cc: Michael Cunningham, Division of Reclamation, Mining & Safety
 Amy Titterington, United States Forest Service