



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

June 21, 2023

Joseph Harrington  
MineWater LLC  
10924 Leroy Dr.  
Northglenn, CO 80233

**Re: Notice of Filing Deficiencies, 110d Hardrock Application  
London Mine, File No. M-2023-015**

Dear Mr. Harrington,

On June 6, 2023, the Division of Reclamation, Mining and Safety (Division) received your 110d Hardrock Designated Mining Limited Impact Operation Reclamation Permit Application for the proposed operation for the London Mine and assigned it File No. M-2023-015. Pursuant to Rule 1.4.1(8), the Division has determined the application contains deficiencies which prevent the application from being considered filed. Please respond to this Notice of Filing Deficiencies with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Notice of Filing Deficiencies, M-2023-015".

**APPLICATION FORM**

1. On Page 3 of the application form, Application Questions 8 and 9, Joseph Harrington and MineWater Finance LLC are identified as the owners of the surface and subsurface. Exhibit G includes copies of the tax assessor parcel notices showing MineWater Finance LLC and MW Sorter LLC are the owners of the parcels provided in Exhibit G. Please submit a new page 3 with Application Questions 8 and 9 revised to reflect the owners of the surface and subsurface of the affected lands. Please also update details within Exhibit A regarding the names of the adjacent surface owners in accordance with Rule 6.3.1(3).
2. Responsibility #10 (Page 6 of the application form) has been initialed, however the Applicant appears to be a sole entity. Please submit a new Page 6 without responsibility #10 initialed.

**GENERAL APPLICATION PROCESS**

3. A copy of the on-site notice and affidavit submitted with the application was left blank and was noted it would be provided to the Division upon receipt by the Applicant. To date, the Division has not received a copy of the notice and the signed affidavit of posting. As required by Rule 1.6.2(1)(b), please submit a copy of the completed on-site notice and a signed affidavit demonstrating the on-site notice has been posted at the access to the proposed site.

**EXHIBIT B – Site Description (Rule 6.3.2):**

4. Exhibit B does not include a wildlife statement prepared by Colorado Parks and Wildlife (CPW) as required for 110d applications per Rule 6.3.2(d). Please provide a wildlife statement by CPW.



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

5. Exhibit D does not address Rule 6.3.4(1)(f). Please revise the Exhibit D Reclamation Plan to address Rule 6.3.4(1)(f), including a discussion on the applicability of Rules 3.1.6(1)(f)-(h) for the proposed operation.
6. Exhibit D does not include a reclamation cost estimate as required by Rule 6.3.4(2).

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

7. Exhibit G contains copies of the tax assessor parcel notices showing MineWater Finance LLC and MW Sorter LLC are the owners of record of the affected lands. Rule 6.3.7 requires documentation to be submitted regarding the Applicant's legal right to enter to conduct mining and reclamation for the surface and subsurface of the affected lands. As MineWater LLC is the Applicant and the owners of records are different than the Applicant, the Applicant must comply with Rule 6.3.7. Please provide either lease agreements between the Applicant and the owners of records of the affected lands or signed statements by the landowners and acknowledged by a Notary Public stating the Applicant has the legal right to enter to conduct mining and reclamation.

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

8. Exhibit I only contains the address to the Park County Clerk and Recorder. On June 12, 2023, the Division received a copy of a cover letter of the application materials and a certified mailing receipt showing the materials were mailed to the Park County Clerk and Recorder. In accordance with Rule 6.3.9, please submit an affidavit or receipt from the County Clerk and Recorder indicating the date which the application was placed for public review. In accordance with Rule 1.6.2(2), please also submit proof that the revisions associated with this letter have been placed for public review with the original application at the local County Clerk and Recorder.

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

9. Exhibit J only contains the addresses of the Park County Board of County Commissions and the Teller-Park Soil Conservation District. On June 12, 2023, the Division received a copy of the notices and certified mailing receipts showing the notices were mailed to the Park County Board of County Commissions and the Teller-Park Soil Conservation District. To date, the Division has not received copies of the certified mail return receipts, also known as the signature cards. In accordance with Rule 1.6.2 (1)(a)(ii), please submit Proof of Notice in the form of certified mail return receipts or date-stamped copies of the notices acknowledging receipt by the local Board of County Commissions and the Soil Conservation District.

Your 110d Permit Application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt and acceptance of all of the requested information. Please note, if you have already published notice you will need to republish notice, but only after the Division considers the application filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once within 10 days of the date your application is considered filed. The final date for receiving comments is the 10th day after the publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have 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. **The response to this Notice of Filing Deficiencies is due on or before August 20, 2023.**

June 21, 2023

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This letter shall not be interpreted to mean that there are no other deficiency or adequacy requirements 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 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,



Elliott R. Russell  
Environmental Protection Specialist

Cc: Michael Cunningham, Division of Reclamation, Mining & Safety  
Bob Oswald, High County Consulting Services LLC