



July 5, 2023

Miguel Hamarat
Climax Molybdenum Company
P.O. Box 68
Empire, CO 80438

**Re: Climax Molybdenum Company; Henderson Operations; File No. M-1977-342;
Regular (112d) Designated Mining Operation Amendment Application (AM8)
Adequacy Review**

Mr. Hamarat:

The Division of Reclamation, Mining and Safety (Division/DRMS) reviewed the content of the Climax Molybdenum Company permit amendment application (AM8) for the Henderson Operations, File No. M-1977-342 and submits the following comments. The Division is required to make an approval or denial decision no later than July 31, 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 amendment application contents with the specific requirements of Rules 1, 3, 6.1, 6.2, 6.4 and 6.5 of the Minerals 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 along with suggested corrective actions.

1.6 - Public Notice

1. As required by Rule 1.6.2(1)(d) and 1.6.5(2), please submit proof of publication in newspapers of general circulation in the locality of the proposed mining operation.

The Applicant submitted proof of publication in the Middle Park Times and Clear Creek Courant on June 7, 2023. No additional response is required by the Applicant.

2. As required by Rule 1.6.2(1)(e), 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 including all easement holders located on the affected land and 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.



The Applicant submitted proof of notice to property owners within 200 feet of the affected land boundary on June 7, 2023. No additional response is required by the Applicant.

3. The Division received comments from the Division of Water Resources, the Army Corps. of Engineers and History Colorado. The letters are attached for review. Please address the comments noted in the letters and revise the amendment application accordingly.

No objections to the amendment application were received by the Division during the public comment period.

6.4.18 Exhibit R - Proof of Filing with County Clerk and Recorder

4. Please provide an affidavit or receipt indicating the date on which the revised amendment application information required to address this adequacy letter was placed with the Grand County Clerk and Recorder and Clear Creek County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c).

Please be advised the Henderson Operations amendment application may be deemed inadequate, and the application may be denied on July 31, 2023, 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 July 31, 2023 and request for additional time. The extension request must be received no later than the decision date.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

Enclosure – DWR, USACOE and History Colorado comment letters

Ec: Jared Ebert; Division of Reclamation, Mining & Safety
Brock Bowles; Division of Reclamation, Mining & Safety