HIGH COUNTRY CONSULTING SERVICES LLC 585 EAST 31st Street DURANGO, COLORADO 81301

July 10, 2023

Elliott Russell Colorado Division of Reclamation, Mining and Safety Room 215 1001 East 62nd Ave. Denver, CO 80216

Re: London Mine, File M-2023-015, 110d Application, Response to Notice of Filing Deficiencies

Dear Mr. Russell,

Thank you for the Notice of filing deficiencies, in which you listed the items still needed for completing our application filing. We have reviewed it and offer the following information and set of enclosures as our response. The numbered items below correspond to the numbered items in your Notice.

- 1. Please see the revised application Page 3, on which the names of the surface and subsurface owners of the affected land have been corrected.
- 2. Please see the revised application Page 6, with the blank now left uninitialed.
- 3. Please see the image showing the posted notice with the signed and dated affidavit.
- 4. Requests have been made by the applicant to CPW for a wildlife statement (a copy of the request letter was provided in the application packet to DRMS). To-date, CPW has not responded in any fashion to the numerous requests made by the applicant for a routine "wildlife statement." This is an application deficiency item for which the applicant has no ability to compel CPW to provide said statement. As such, and understanding that this lack could indefinitely prevent the application from being considered "complete" and the technical review to begin, DRMS has allowed an alternative for the applicant to provide its own assessment of potential wildlife impacts. By allowing this assessment to be considered sufficient for purposes of application filing, CPW will be provided the opportunity to submit its own comments during the comment period. Please see the enclosed wildlife impact assessment developed by the applicant, based on CPW 2021 data.
- 5. Please see the additional page for the Exhibit D Reclamation Water Treatment.
- 6. Please see the additional page for the Exhibit D Reclamation Cost estimate.

- 7. Please see the additional page of Exhibit G, containing the notarized affidavit which affirms the ownership of the affected area and allowing right-of-entry to the applicant/operator.
- 8. Additional application materials (consisting of this set of enclosed completeness responses) were sent to the clerk and recorder on June 26, 2023 via certified mail and received there on June 29. We included a receipt for their office to sign and date, and a self-addressed stamped envelope to be returned, on which they would indicate date of placement. We received the signed and dated receipt on July 8, 2023, indicating that the additional materials were placed on July 3, 2023. We additionally requested that they provide us with the date of placement of the original application materials. Today we received the response from the clerk's office verifying the original filing date. That verification arrived via email, and will be forwarded to DRMS in a separate email. For the rest of the proofs of delivery and filing date, please see the attached information, showing that the copy of the additional materials packet was received at the county clerk and recorder's office, and the date of placement.
- 9. Please see the enclosed signature card from the Board of County Commissioners and the card from the Teller-Park Conservation District, showing proofs of delivery of the Notices.

Thank you for the thorough completeness review. If there are further items to address, please advise us.

Sincerely,

Bob Oswald

Bob Oswald High Country Consulting Services LLC

Ec (w/encl): Joe Harrington, MineWater LLC

Encl: Responses to June 21, 2023 DRMS completeness review letter

8.	Name of owner of the subsurface rights of affected land: MineWater Finance LLC, MW Sorter LLC			
9.	Name of owner of the surface of affected land: MineWater Finance LLC, MW Sorter LLC			
10	LOCATION INFORMATION: The center of the area where the majority of mining will occur: COUNTY: Park PRINCIPAL MERIDIAN (check one): Image: Council of the area where the majority of mining will occur: SECTION (write number): Image: Council of the area where the majority of mining will occur: TOWNSHIP (write number and check direction): Township (write number and check direction): Image: The council of the area where the majority of mining will occur: QUARTER SECTION (check one): Image: The council of the area where the majority of mining will occur: Image: The council of the area where the majority of mining will occur: QUARTER/QUARTER SECTION (check one): Image: The council of the area where the majority of mining will occur: Image: The council of the area where the majority of mining will occur: QUARTER/QUARTER SECTION (check one): Image: The council of the area where the majority of miles and direction from the nearest town and the approximate elevation) Approximately 5 miles west of the town of Alma, at 12,000 feet amsl.			
11.	Primary Mine Entrance Location (report in either Latitude/Longitude OR UTM):			
11.	Latitude/Longitude:			
	Example: (N) $39^{\circ} 44' 12.98''$ (W) $104^{\circ} 59' 3.87''$			
	Latitude (N): deg $\frac{39}{16}$ min $\frac{16}{16}$ sec $\frac{21}{.64}$ (2 decimal places)			
	Longitude (W): deg $\frac{106}{106}$ min $\frac{08}{108}$ sec $\frac{50}{.64}$ (2 decimal places)			
	OR			
	Example: (N) 39.73691° (W) -104.98449°			
	Latitude (N) (5 decimal places)			
	Longitude (W) (5 decimal places)			
	OR			
	Universal Tranverse Mercator (UTM)			
	Example: 201336.3 E NAD27 Zone 13 4398351.2 N			
	UTM Datum (specify NAD27, NAD83 or WGS 84) Nad 83 Zone 13			
	Easting			
	Northing			
12.	Primary "future (Post-mining)" land use (check one):			
12.	Cropland(CR) Pastureland(PL) General Agriculture(GA)			
	Rangeland(RL) Forestry(FR) Wildlife Habitat(WL)			
	Residential(RS) Recreation(RC) Industrial/Commercial(IC)			
10	Developed Water Resources(WR) Solid Waste Disposal(WD)			
13.	Primary "present" land use (check one): Pastureland(PL) General Agriculture(GA)			
	$\square Rangeland(RL) \qquad \square Forestry(FR) \qquad \square Wildlife Habitat(WL)$			
	Residential(RS)			
	Developed Water Resources (WR)			

-3-

8.

10. <u>For joint venture/partnership operators</u>: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

The rest of this page left intentionally blank.

London Mine File M-2023-015 Proof of Posting Notice and Affidavit

The photo below was taken of the signed and dated affidavit posted at the entrance to the proposed site.

NOTICE

This site is the location of a proposed mining operation. MineWater LLC, whose address and phone number are: 9201 Rockoort Ln, Highlands Ranch CO 80126; 720-883-6700, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the toplication may view the application at the Park County Clerk and Recorder's Office, 856 Castello Ave., Fairplay, CO 80440, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203.

Certification:

Enz Lancasta hereby certify that I posted a sign containing the above

notice for the proposed permit area known as the London Mine, on

Dute

2023

London Mine M-2023-015 Exhibit B – Site Description – Rule 6.3.2(d) Wildlife Statement

The applicant has researched the recent data (2021) made available by Colorado Parks and Wildlife (CPW) to assess whether there is the potential for impacts to the various wildlife species known to have any of their ranges in the location of this proposed operation.

The following is a list of species whose ranges are represented on Google Earth, by CPW 2021 data, as having any of their ranges overlapping the London Mine site.

<u>Species</u>	Range type
Black bear	Overall range
Bighorn sheep	Overall, summer, winter, severe winter, production, concentration, water
Mule deer	Overall, summer, winter, severe winter, migration, concentration
Mountain lion	Overall, peripheral range
Lynx	Potential range
Mountain goat	Overall, summer, winter, production range
Moose	Overall, summer, winter, concentration range
Elk	Overall, summer, winter, severe winter, migration, concent'n., product'n.
White-tailed ptarmigan	Overall, winter range
Dwarf shrew	Overall range
Pika	Overall range
Snowshoe hare	Overall range
Pygmy shrew	Overall range
Southern red-backed vole	Overall range
White-tailed jackrabbit	(no description)
Wolverine	(no description)

Various fish and additional bird species are also shown by CPW as having ranges in the area of the London Mine site, though no further individual species or detailed range descriptions are provided.

As shown by the above list, there are numerous species known to potentially inhabit or migrate through the area of the London Mine, South Mosquito Creek, the Mosquito Range, Park County, or within this general elevation. There are no species within this area that are listed by CPW as being endangered or threatened, nor having critical habitat at this location.

In general, sites containing active mining (or, in this case, re-mining) can present various impacts from the disturbance. However, it is important to note several mitigating factors about this site and the proposed activities which reduce the potential adverse impacts. First, this is not an area of pristine wildlife habitat; this is an area of historic mining disturbance from which a significant amount of native vegetation has been removed and mineralized material exposed on the land surface. This has resulted in a wide area of diminished wildlife habitat value. Second, there are State-approved current and ongoing

water treatment activities being carried out (by this applicant) in the close proximity of this operation. These activities constitute intermittent human activity, which though temporary, may deter some terrestrial wildlife presence. But the broader picture shows us that these activities produce improved water quality for aquatic species (local and far downstream). The short-term and seasonal mining activities being proposed may similarly deter some wildlife, though the small site does not present any impediment to any migratory patterns, nor degrade any potential vegetation (there is none). Third, the proposed activities are designed primarily to improve water quality (for local aquatic biota and downstream users) by removing the most mineralized materials and stabilizing the remainder, but will also act to improve the local surface environment for future wildlife use and habitation.

Based on the discussion above, it is the belief of the applicant that the existing characteristics of the site, the proposed activities, and the temporary project timeframe all preclude this site from being considered essential habitat or presenting an impediment to a seasonally-significant migration area. Additionally, the applicant believes that after the few years needed to carry out the envisioned project, the stream water and the land surface will be left in far better quality and better able to support aquatic and terrestrial species.

MineWater LLC welcomes any further recommendation or comment from CPW, which could possibly help us to improve the reclamation of the affected area.

London Mine M-2023-015 Exhibit D – Reclamation Plan – Water Treatment and Estimated Reclamation Costs

Water Treatment, Onsite Mineralization, and End Date

As specified in Rule 6.3.4(1)(f) and Rule 3.1.6(1)(f)-(h), the following information is submitted to clarify and reiterate: The site has been previously disturbed by mining and the only activities being proposed under this permit will be the removal of the most mineralized of the existing ore and waste rock. Affected materials that will be sorted and will remain on the site will be less-mineralized and will be placed and stabilized such that they will not cause offsite surface damage or infiltrate and adversely affect groundwater or surface water. The mineralized materials near the upper South London shaft will be removed so that they will cease to adversely affect groundwater (in the old South London workings). Effluent from the lower South London portal (immediately adjacent to the permitted area) is already being passively treated by the operator under the Consent Decree from CDPHE, and will continue to be. The operator has provided analyses demonstrating that the water quality has been measurably and significantly improved. The proposed surface activities to be carried out (identification and removal of the sources of contamination) will complement the ongoing water treatment program, and is expected to improve water quality even further. Per the requirements included in the Consent Decree, water quality treatment will continue with no reasonably foreseeable end date. However, proposed surface work will clean up onsite contaminant sources and greatly improve efficacy of existing water treatment.

Reclamation Costs

This proposed operation only includes removal, sorting and replacement of pre-disturbed surface materials, on previously-disturbed lands. All onsite roads and buildings will remain on the site as permanent features. There is no topsoil to replace or revegetation to establish.

Materials will be moved around the site by bulldozer, loader, and trucks. Sorting will be carried out by a stationary sorting plant that will be removed from the site at the conclusion of the operation. Since the applicant/operator of this permit is also the adjoining landowner, any equipment to be removed from the permitted area will be simply relocated to immediately adjoining land owned by the same entities.

At any point in the operation, reclamation tasks will involve removing mobile equipment and sorting plant, and reshaping stockpiles and existing dump surfaces.

The following describes these tasks in more detail:

<u>Task</u>	<u>Quantities</u>	<u>Cost</u>
Direct costs		
Remove mobile equipment	D8 dozer, wheeled loader (1 each), 0.5 hour	\$100
Remove mobile equipment	10-yd dump trucks (2), 0.5 hour	\$100
Dismantle and remove sorter	Mobile crane, loader and crew, 20 manhours	\$5 <i>,</i> 000
Grade dumps and stockpiles	Dozer, 2,000 cy x \$1.50/cy	\$1,500

Mob/demob (from Colo Spgs)	Crane, dozer, loader		\$2,500
Indirect costs	20% of direct costs	Subtotal	\$9,400 \$1,880
		Grand total	\$11,280

London Mine File M-2023-015 Exhibit G – Source of Legal Right to Enter

Statement of Ownership and Right-of-Entry

MY COMMISSION EXPIRES 01/13/2026

I, Joseph Harrington, am the principal owner and president of MineWater LLC, MineWater Finance LLC, and MW Sorter LLC. These companies of mine are named as the applicants/operators of this 110d permit, and are the legal owners of the surface and subsurface rights of the land where the affected area is located.

Park County property tax documents pertaining to the parcels upon which the affected area is located and which show the names of the entities above have been previously provided to the DRMS in the 110d application materials.

As owner and president of these entities, I authorize each of these land-owning companies to allow legal right-of-entry to these same companies to mine and reclaim the affected lands.

NOTARY FOR PROPERTY OWNER

ACKNOWLEDGED BY:
Property Owner(s) MINEWATERADICELLE and MW SORTER LLC
Representative Name Joseph G. HARAINGTON Title President, MANAGER
Date 6/26/23
STATE OF Colorado)
COUNTY OF Doublas) ss.
The foregoing was acknowledged before me this 26^{H} day of <u>Sure</u> , 2023, by
Joseph 6. Harrington as President or Mine Water Finance LLC
and MW Sarter LLC.
Miller Ny commission expires: 01/13/2026
Notary Public
MICHAEL STRECKER NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20224001847

HIGH COUNTRY CONSULTING SERVICES LLC 585 EAST 31st STREET DURANGO, COLORADO 81301

June 25, 2023

Park County Clerk and Recorder PO Box 220 Fairplay, CO 80440

Re: Request to place additional documents for public review

Dear Clerk and Recorder's Office,

The enclosed packet consists of several additional pages to an application for a Reclamation Permit that is being filed with the Colorado Division of Reclamation, Mining and Safety (DRMS). The application is for a site known as the London Mine. State DRMS requirements dictate that a copy of all application materials, including any subsequent materials, must be placed for public review at the clerk and recorder's office in the county where the operation is located.

We had sent your office the initial full application materials, which were received by you on June 6, 2023. We request that these new pages be placed for public review, with the formerly-submitted documents; it is not to be recorded.

State DRMS also requires that we provide information as to the date that the documents were placed for public review. We would appreciate it if you could please sign and date the enclosed receipt confirming the date of placing this packet, and returning the receipt in the enclosed stamped envelope.

If there are any questions, please contact me.

Many thanks,

Bob and

Bob Oswald High Country Consulting Services LLC 970-749-5430

Encl: London Mine additional application pages, return envelope





M-2023 - 015

RECEIPT OF MATERIALS TO BE PLACED FOR PUBLIC REVIEW

The Park County Clerk and Recorder's Office has received the additional pages for the DRMS permit application for the London Mine, and placed them for public review, on this date:

(date)

Received and placed by:

(signature of Clerk's office)

HIGH COUNTRY CONSULTING SERVICES LLC 585 EAST 31st Street DURANGO, COLORADO 81301

June 25, 2023

Park County Clerk and Recorder PO Box 220 Fairplay, CO 80440

Re: Request to place additional documents for public review

Dear Clerk and Recorder's Office,

The enclosed packet consists of several additional pages to an application for a Reclamation Permit that is being filed with the Colorado Division of Reclamation, Mining and Safety (DRMS). The application is for a site known as the London Mine. State DRMS requirements dictate that a copy of all application materials, including any subsequent materials, must be placed for public review at the clerk and recorder's office in the county where the operation is located.

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Bob Oswald High Country Consulting Services LLC 970-749-5430

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The Park County Clerk and Recorder's Office has received the additional pages for the DRMS permit application for the London Mine, and placed them for public review, on this date:

(date)

Received and placed by:

(signature of Clerk's office)

LONDON MINE M-ZOZ3-015

RECEIPT OF MATERIALS TO BE PLACED FOR PUBLIC REVIEW

The Park County Clerk and Recorder's Office has received the additional pages for the DRMS permit application for the London Mine, and placed them for public review, on this date:

13/2023

(date)

Received and placed by:

Suchon E

(signature of Clerk's office)

585 E. 315 ST.

PURAN 60, CO 81301

DENVER CO 802 5 JUL 2023 PM 3 L

BOB OSWALD HIGH COUNTRY CONSULTING SERVICES LLC 585 E 3155 ST. DURANGO, CO 81301

81901-496685

RETURN OF RECEIPT ACKNOWLEDGING DATE OF PLACEMENT OF ADDITIONAL MATERIALS. ADDITIONAL MATERIALS RECEIVED BY CLERK'S OFFICE ON 6/29/23. THIS RECEIPT WAS RECEIVED BY HIGH COUNTRY CONSULTING ON 7/8/23.

4

M-2023-015 EXHIBIT I PROOF OF PILING APPLICATION AT CLEVER & RECORDER



1



London Mine M-2023-015, date of posting of initial 110d application materials at county clerk

Bob Oswald

bob.oswald5@gmail.com>

To: "elliott.russell@state.co.us" <elliott.russell@state.co.us>

Cc: Joseph Harrington <jgh@minewater.com>, Eric Lancaster <ejl@minewater.com>

Mon, Jul 10, 2023 at 2:44 PM

Elliott - Please see the email below, verifying the June 6, 2023 placement date of the 110d application.

Best regards - Bob Oswald

High Country Consulting Services

Sent from Mail for Windows

From: Trichon M. Eisenman Sent: Monday, July 10, 2023 10:58 AM To: bob.oswald5@gmail.com Subject: Joseph Harrington Mine Water LLC

Hello Mr. Oswald,

The application for Reclamation Permit was posted for public review on June 6, 2023.

Thank you.

Trichon Eisenman

Chief Deputy Clerk

719-836-4223

856 Castello Ave

PO Box 220

Fairplay, CO 80440

LONDON MINE M-2023-015 EXMBIT J PROOF OF NOTICE TO COUNTY COMMISSIONERS



di



London Mine, M-2023-015 - responses to DRMS deficiency letter

Bob Oswald <bob.oswald5@gmail.com>

Mon, Jul 10, 2023 at 2:42 PM

To: "elliott.russell@state.co.us" <elliott.russell@state.co.us>

Cc: Joseph Harrington <jgh@minewater.com>, Eric Lancaster <ejl@minewater.com>

Hi Elliott – Attached are the completeness response letter and group of separate completeness items which, hopefully, address all the items you identified in your Notice to us. Today I finally was able to connect with the staff at the clerk's office who had posted the initial application packet (on June 6, 2023). I will forward the email from her to you immediately.

As always, thank you and please contact us if there are any questions or concerns.

Best regards – Bob Oswald

High Country Consulting Services LLC

Durango, CO

970-749-5430

High Country Consulting Services

Sent from Mail for Windows

12	attachments
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- London Completeness Response Ltr1.docx.pdf
- London CR addl filing 1.pdf
- London CR cvr ltr&rcpt1.docx.pdf
- London date of CR placemt addl matls.pdf 361K
- London Exh B Wildlife Stmt 070423.docx.pdf
- London Exh D WQ Trtmt and Recl Costs.docx.pdf
- London M2023015 110d App page 3 owners.pdf

- ➡ London M2023015 110d App Page 6.pdf 4K
- London Own-ROE Affidavit signed.pdf
- Discrete Sector Sector
- London Proof of posting notice.docx.pdf
- ➡ London proofs dely BOCC-TPCD.pdf 520K