



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

May 9, 2024

Johan Van Huyssteen
Cripple Creek & Victor Gold Mining Company
P.O. Box 191
Victor, CO 80860

**Re: Notice of Filing Deficiencies, Amendment Application AM14
Hardrock 112d(3) Designated Mining Operation
Cresson Project, Permit No. M-1980-244**

Dear Mr. Van Huyssteen,

On April 25, 2024, the Division of Reclamation, Mining and Safety (Division) received the Cripple Creek & Victor Gold Mining Company (CC&V) Hardrock 112d(3) Designated Mining Operation Reclamation Permit Amendment Application (AM14) for the Cresson Project, Permit No. M-1980-244. 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 AM14, M-1980-244".

Application Form:

1. On Page 2 of the application form, Question 10, the Primary Mine Entrance Location coordinates are provided. These appear to be incorrect as the coordinates provided are in the middle of the Process Solution Enhancement System (PSES) facility and not at an entrance point. Within Exhibit A, CC&V identifies the primary mine entrance as the Ironclad Security Gate, however, the same incorrect coordinates are provided. Please update the coordinates accordingly and submit a replacement Page 2 of the application form and a revised Exhibit A.

Exhibit B – Index Map (Rule 6.4.2):

2. Exhibit B provides Drawing B-1: Index Map which needs to be revised prior to the application being considered filed for review. Please address the following:
 - a. Unlabeled roads along Grassy Valley, as well as Highway 67 between Cripple Creek and Victor, included on the Index Map do not accurately reflect the location/shape of existing roads within the area of the *General Area of Operations*.
 - b. In accordance with Rule 6.4.2, an additional map is required that has a larger scale in order to show more details on the local access to the operation and the primary mine entrance.
 - c. In accordance with Rule 6.2.1(2)(d), please include the permit boundary on the Exhibit B maps.

EXHIBIT C – Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):

3. In accordance with Rule 6.4.3(a), CC&V has submitted four plates of Drawing C-1 within Exhibit C showing the location and Teller County Account Number of all Owners of Record within 200 feet of the permit boundary. Please provide a comprehensive table to supplement these drawings to list all these parcels. Once the application has been called complete and CC&V sends notification to these Owners of Record, please commit to providing an updated table with notification information. This table will allow CC&V to help demonstrate compliance with the Rule 1.6.2(e)(ii) for notifying Owners of Record within 200 feet of the permit boundary.



EXHIBIT N – Source of Legal Right-to-Enter (Rule 6.4.14):

4. Exhibit N provides a list of 282 descriptions of CC&V's ownership under the *A. Interests Owned* category. As required by Rule 6.4.14, when the Operator/Applicant is the Owner of Record, provide a copy of a deed, abstract of title, or a current tax receipt as the documentation of the legal right to enter to conduct mining and reclamation.
5. Starting with description No. 27 under list A, there are several descriptions which state *the parcel reflected in this conveyance lies outside the permit boundary*. Please explain why these are included in Exhibit N. If a parcel is located outside the permit boundary, please remove it from Exhibit N.
6. Description No. 113 states *Duplicate of A83*. Please explain why this is included in Exhibit N.
7. Exhibit N provides a list of 8 descriptions of CC&V's legal agreements under the *B. Leased Interests* category. As required by Rule 6.4.14, when the Operator/Applicant is not the Owner of Record, provide a copy of a lease or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.
8. Exhibit N provides a description of CRS 34-44-103 and 34-44-108 under the *C. Interests Owned by Co-tenants* category. Please explain how this complies with the requirements of Rule 6.4.14.
9. Exhibit N provides a description the "accommodation doctrine" under the *D. Severed Mineral of Surface Estates* category. Please explain how this complies with the requirements of Rule 6.4.14.
10. Exhibit N provides a list of two descriptions of CC&V's right to enter two types of Right-of-Ways, three utility companies' easements, and a permission letter for two private companies under the *E. Legal Right to Enter Right-of-Way and Easement Property* category. As required by Rule 6.4.14, when the Operator/Applicant is not the Owner of Record, provide a copy of a lease or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

EXHIBIT O – Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.15):

11. Exhibit O provides a table of what appears to be 123 parcels within CC&V's permit boundary where CC&V is not the owner of the surface and/or mineral estate. Rule 6.4.15 requires Applicants to provide a complete list of all Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined. This table is missing all parcels where surface and minerals are owned by CC&V. Please update the table accordingly. Once updated, the Exhibit O Table will need to include a new column to indicate which of the 5 types of Exhibit N categories is covered for each parcel.
12. Due to the complexity of Exhibit O and the sheer number of parcels included within the permit boundary, in accordance with Rule 6.4.15, the Division is requiring both an Exhibit O list and an Exhibit C map(s) for all Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined. This will allow CC&V to clearly demonstrate all parcels within the permit boundary are listed in the Exhibit O table and that CC&V has complied with the requirements of Exhibit N Legal Right to Enter for each of these parcels. The

Exhibit O table needs to be updated to include a new column to sequentially number the parcels that can be labeled on the new Exhibit C map(s) and can be cross-referenced with Exhibit N documents. In addition to labels on the new Exhibit C map(s), please clearly distinguish the different categories of Exhibit N with shading and/or hatching.

13. The revised Exhibit O table discussed in Items 11 and 12 will also allow CC&V to help demonstrate compliance with the Rule 1.6.2(e)(i) for notifying all Owners of Record of the surface and mineral rights of the affected land. Similar to Item 3, once the application has been called complete and CC&V sends notification to these Owners of Record, please commit to providing an updated table with notification information.
14. Exhibit O contains several parcels which reference “Nil” as CC&V’s real property rights, or claims to rights, in and to the same. Please explain “Nil”.
15. Within the Exhibit O table, CC&V provides a description of a possible ownership error for the parcel owned by Gaston Coblenz. Please explain this further and provide documentation for the correct ownership.
16. Within the Exhibit O table, no information is provided in the column of CC&V’s real property rights, or claims to rights, in and to the same for the parcel with Teller County Account No. R0057390. Please update the table accordingly.
17. Within the Exhibit O table, LeClair Consolidated Mines and Matoa Gold Mining Co are both listed as *CC&V Subsidiary*. It is unclear how these parcels fall into the Exhibit N categories. As required by Rule 6.4.14, when the Operator/Applicant is not the Owner of Record, provide a copy of a lease or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.
18. Within the Exhibit O table, Newmont CC&V Mining Corp is listed as *Parent Company of CC&V*. It is unclear how these parcels fall into the Exhibit N categories. As required by Rule 6.4.14, when the Operator/Applicant is not the Owner of Record, provide a copy of a lease or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.
19. Within the Exhibit O table, Stratton Cripple Creek Mining & Development Company is listed as an Owner of Record, but no parcel number is included. Furthermore CC&V states *Unassessed portion of USMS #9576, which should have been ultimately conveyed to CC&V, but was inadvertently left off conveyances into CC&V and its predecessors in interest*. Please further explain this and how CC&V intends to comply with Rule 6.4.14 for this Owner of Record. Please also clearly indicate the location of this parcel.
20. Within the Exhibit O table, Swanquist is listed as an Owner of Record, but CC&V states *Legal Counsel for CC&V contends conveyance into Swanquist was void (please see comment hereto)*. There is no other comment included Exhibit O regarding this parcel. Please further explain this and how CC&V intends to comply with Rule 6.4.14 for this Owner of Record. Please also clearly indicate the location of this parcel.

EXHIBIT R – Proof of Filing with County Clerk (Rule 6.4.18):

21. In accordance with Rule 1.6.2(2), please 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.

Your Amendment 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 90 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 within 10 days of the date your application is considered filed and will be published once a week for four consecutive weeks. The final date for receiving comments is the 20th day after the last 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 July 8, 2024.**

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.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Cc: Katie Blake, CC&V
Johnna Gonzalez, CC&V
Zach Trujillo, DRMS