



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

July 22, 2024

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

**Re: Notice of Filing Deficiencies 2, Amendment Application AM14
Hardrock 112d(3) Designated Mining Operation
Cresson Project, Permit No. M-1980-244**

Dear Mr. Van Huyssteen,

On July 8, 2024, the Division of Reclamation, Mining and Safety (Division) received the responses to the Division's May 9, 2024 Notice of Filing Deficiencies on 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 still prevent the application from being considered filed. Please respond to this Notice of Filing Deficiencies 2 with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Notice of Filing Deficiencies 2 AM14, M-1980-244".

Application Form and General Application Process:

22. In response to Item #1, a revised Page 2 of the application form was provided with updated Primary Mine Entrance Location coordinates. These appear to be incorrect as the coordinates provided are in the middle of the site near the Ironclad facilities. The new Exhibit B-2 Map shows two locations for the *Main Mine Entrance*, one at the Ironclad facilities and other at the Ironclad access road entrance along County Road 82. The Division believes the Ironclad access road entrance along County Road 82 is the most appropriate location for the Primary Mine Entrance Location. Please update the coordinates and map accordingly and submit a replacement Page 2 of the application form and a revised Exhibit B-2 Map.
23. In accordance with Rule 6.2.1(1)(d), please submit a map which clearly identifies and outlines the area that corresponds with the AM14 application's proposed expansion of 14.83 acres.
24. CC&V has provided proof that the AM14 notice sign at the entrance to the Ironclad access road has been reposted. As required by Rule 1.6.2(b), please demonstrate that additional AM14 notice signs have been posted at the proposed expanded areas of the permit boundary (external parking lot and GVMW-26 access road).

Exhibit B – Index Map (Rule 6.4.2):

25. Like the Exhibit B-1 Map, please revise the new Exhibit B-2 Map to label the main roads used to access the area.



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

26. Exhibit N Part B provides several lease agreements. It appears based on the documentation provided, some of these leases may have expired (e.g. Bear Creek Development Corporation lease may have expired May 1, 2008). Please demonstrate all leases provided in Exhibit N are current and valid.

The Division will continue to review all materials provided in Exhibit N during the application review period after the application is considered filed. *No responses needed.*

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

27. Exhibit O lists the Owner of Record for parcels with Map ID 4 as the Bureau of Land Management (BLM) but indicates CC&V holds the patents on these areas. Please explain why the BLM is considered an Owner of Record as the Division typically sees patented land/minerals are solely owned by a private entity who holds the patent and BLM is no longer listed.
28. Several parcels within the Exhibit O table show CC&V holds mineral leases with the State Land Board. Please provide these mineral leases as a part of the Exhibit N requirements.
29. Within the Exhibit O table, LeClair Consolidated Mines is listed as an Owner of Record and a *CC&V Subsidiary*. When the Operator/Applicant (Cripple Creek & Victor Gold Mining Company) is not the Owner of Record, the Operator/Applicant is required by Rule 6.4.14 to provide documentation of their Legal Right to Enter by providing either 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.
30. Please explain why the 3 parcels owned by Matoa Gold Mining Co were removed from the revised Exhibit O.
31. Within the Exhibit O table, Newmont CC&V Mining Corp is listed as an Owner of Record for several parcel. In the initial AM14 materials, this entity is referred to as *Parent Company of CC&V*. When the Operator/Applicant (Cripple Creek & Victor Gold Mining Company) is not the Owner of Record, the Operator/Applicant is required by Rule 6.4.14 to provide documentation of their Legal Right to Enter by providing either 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.
32. Several parcels within the Exhibit O table show CC&V does not hold any *Real Property Rights, or Claims to Rights, In and To the Same* for areas owned by STATE OF COLORADO DEPT OF TRANSPORTATION. When the Operator/Applicant (Cripple Creek & Victor Gold Mining Company) is not the Owner of Record, the Operator/Applicant is required by Rule 6.4.14 to provide documentation of their Legal Right to Enter by providing either 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 R – Proof of Filing with County Clerk (Rule 6.4.18):

33. 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.

Cripple Creek & Victor Gold Mining Company
Notice of Filing Deficiencies 2
AM14 – M-1980-244
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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 September 20, 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 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