



STATE OF
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

M2024046, Compromise Mine, Incompleteness Letter

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

Fri, Nov 8, 2024 at 5:14 PM

To: Fred Wilson <fred@icgaspen.com>, Ryan Chadwick <ryan.chadwick@gmail.com>

Cc: Amy Eschberger - DNR <amy.eschberger@state.co.us>, Russ Means - DNR <russ.means@state.co.us>

Fred, Ryan,

The Division reviewed your response to our earlier review of the application M2024046 for the Compromise Mine and found that the application is still incomplete. Please see the attached letter for details.

Leigh Simmons
Environmental Protection Specialist



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

P [720.220.1180](tel:720.220.1180)

1313 Sherman Street, Room 215, Denver, CO 80203

leigh.simmons@state.co.us | <https://drms.colorado.gov>

[Quoted text hidden]



M2024046 Incomplete_2.pdf

347K



November 8, 2024

Ryan Chadwick
Aspen Mountain Mining Corporation
P.O. Box 1128
Aspen, CO 81612

Re Compromise Mine, File No. M-2024-046
Notice of Incomplete 110(2) Hard Rock Reclamation Permit Application Package

Dear Mr. Chadwick:

Your response to the Division's completeness review of your 110(2) Hard Rock Reclamation Permit Application package for the Compromise Mine, File No. M-2024-046, was received on October 31, 2024. The Division's preliminary review of the application packet identified several issues that needed to be addressed before the application is considered to be complete and technical review can begin (copied below in *italics*). Following the Division's review of your response, three of the four identified issues have been satisfactorily addressed, however one remains outstanding:

1. *The application submitted is for a 110(2) permit, but the commodities proposed to be mined (Silver, Lead, Zinc, Gold and mineral specimens) are more typically associated with a Designated Mining Operation (DMO), as defined by Rule 1.1(19), owing to the inherent toxicity of these materials. A DMO of this scale (affecting less than 10 acres) would require a 110(d) permit.*

Please demonstrate, with reference to Rule 1.1(19)(f)(1), why the proposed operation does not "have a potential to produce acid or toxic mine drainage in quantities sufficient to adversely affect any person, property or the environment".

In your response you made several points to support your assertion that the 110(2) permit type is appropriate, and that the proposed mine should not be considered a Designated Mining Operation (DMO). In summary, these points are as follows:

- i. The ore does not contain gold, but it does contain silver, lead and zinc
- ii. No ore will be processed on-site
- iii. No designated chemicals will be stored or used on-site
- iv. Existing mining operations (under prospecting permit P1992029) and proposed mining operations do not produce any mine drainage, nor does the ore body produce any acid or toxic drainage
- v. The proposed mining operation will extract the Red Cliff Dolomite member of the Mississippian Leadville Limestone; neither the Dolomite or Limestone materials contain any acid or toxic chemicals



As evidence you cited a USGS report: United States Geological Survey Bulletin 750- Observations on the Rich Silver Ores of Aspen. The USGS report appears to have been published in 1923 or 1924.

Whilst the Division does not dispute any of the claims you have made, the evidence presented with the application so far is sufficient only for (ii) and (iii) to be accepted at this point, and not sufficient to determine whether or not this application should more properly be for a 110(d) permit. The Division understands that you are committed to applying for a 110(2) permit for this operation, which means that an unusual level of technical detail must be contemplated at a very early stage in the application review process.

Please propose a plan for representative geochemical sampling of the material to be mined, to include the target ore as well as any surrounding waste rock that will be disturbed. Please also propose appropriate analysis methods to characterize the material and assess its capacity to leach metals and other toxic species, and to generate acidity. The Division will review the plan before you proceed with the work, but the results of the geochemical analysis will need to be reviewed before the application will be considered complete.

Alternatively, this application may be withdrawn and resubmitted as a 110(d) – that would allow the geochemical review to be undertaken during the technical adequacy review period, as is more typical.

2. *Exhibit A – Legal Description and Location Map appears to contain a description of the mining claim rather than the proposed permit area.*

Please provide a revised version of Exhibit A, with a legal description of the proposed permit area.

No further action is required at this time

3. *Exhibit G - Source of Legal Right to Enter provides a reference to the Amended Location Certificate for the Emma No. 2 Lode (included in Exhibit F). This documentation is sufficient for demonstrating the Applicant's legal right to enter to conduct mining and reclamation as the minerals rights owner of the proposed affected land. However, no documentation was provided demonstrating the Applicant's legal right to enter from the surface rights owner of the proposed affected land, the U.S. Forest Service (USFS). Additionally, the application states that access to the claim from the City of Aspen is via a dirt access road up Aspen Mountain under a current access agreement with Aspen Skiing Company LLC. A copy of this access agreement was not provided in Exhibit G.*

Please provide a revised version of Exhibit G, including documentation from the USFS (typically a Plan of Operations) demonstrating the Applicant has the legal right to enter to

conduct mining and reclamation on the proposed affected land, and a copy of the referenced access agreement with Aspen Skiing Company LLC.

No further action is required at this time

4. *Since the proposed mining plan includes blasting, Rule 6.3.3(1)(o) requires that the application include a Geotechnical Stability Exhibit which demonstrates, in accordance with Rule 6.5(4), that off-site areas will not be adversely affected by blasting during mining or reclamation operations.*

Please provide a revised version of the Geotechnical Stability Exhibit, with a demonstration “through appropriate blasting, vibration, geotechnical, and structural engineering analyses, that off-site areas will not be adversely affected by blasting”. These analyses should be certified by a professional engineer.

No further action is required at this time

Your application will not be considered submitted until all the information listed above is received and found sufficient to begin our technical review.

You have sixty (60) days from the above date, by **January 7, 2025**, to submit all necessary materials that the Division needs for an application to be considered filed. If, at the end of the 60-day period, the application has not been determined to be filed, the Division may deny the application and terminate the application file.

This letter shall not be construed to mean that there are no other technical deficiencies 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 by telephone at (720) 220-1180, or by email at Leigh.Simmons@state.co.us.

Sincerely,



Leigh D. Simmons
Environmental Protection Specialist

Cc: Amy Eschberger, DRMS