



STATE OF
COLORADO

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

M2025022, Ajax 1 Mine, Incomplete Application - reminder

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

Mon, Jun 23, 2025 at 12:19 PM

To: info@candymountainprospecting.com

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

Mr Schleussner,

This is a courtesy message to remind you that the application you submitted for the Ajax 1 Mine in Gilpin county is incomplete. If a complete application is not received by July 5, 2025, the application will be denied based on deficiencies.

The original incompleteness letter is attached, as is the Division's reply to your response to that letter.

(A hard copy of this email has been mailed to the address given on the application form)

Leigh Simmons
Environmental Protection Specialist



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

P [720.220.1180](tel:720.220.1180)

Physical address: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing address: Colorado Division of Reclamation, Mining and Safety, Room 215, 1001 E 62nd Avenue, Denver, CO 80216

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

2 attachments



Incompleteness letter.pdf

128K



JeffFugateEmail_2025_06_04.pdf

1762K



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

May 6, 2025

Mike Boss
BPMS LLC.
147 Abierto Cove
Blanco, TX 78606

Re Ajax 1, File No. M-2025-022
Receipt of 110d Hard Rock
Reclamation Permit Application Package

Dear Mike Boss:

On April 24, 2025, the Division of Reclamation, Mining and Safety received your 110d Hard Rock Reclamation Permit Application package for the Ajax 1, File No. M-2025-022. Preliminary review of the information received determined that the following additional information must be received before the Division can consider your application as being submitted and technical review can begin.

1. The Colorado Corporations and Associations Act requires that all businesses that transact business or conduct activities in Colorado must register with the Colorado Secretary of State. Currently there is no record of BPMS LLC. in the Colorado Secretary of State business entity database. Please register BPMS LLC. with the Colorado Secretary of State.
2. The application is for a 110d permit. As is stated on the application form, this type of permit “is for a Designated Mining Operation (DMO) affecting less than 10 acres and extracting LESS than 70,000 tons of mineral, overburden or combination of the two per calendar year and uses or stores designated chemicals or acid-producing materials in its production process or has the potential to produce acid mine drainage.” Per Rule 3.1.12(2)(a), “for 110 Limited Impact Operations and Limited Impact 110 Designated Mining Operations the permit boundary for the purposes of this Rule shall be considered the affected area”. The permit area described in the text and shown on the various versions of the map in Exhibit A is 20 acres. Please revise the application to reduce the permit/affected area to 10 acres or less, or resubmit as a 112d application.
3. Exhibits B, D, F, G, H, I, J, and L were not included in the application packet. Please update the application packet to include all required Exhibits. Please ensure that each Exhibit is clearly identified. A single copy of each exhibit will be sufficient.

As you prepare your response, please include include an email address for at least the permitting contact in order to facilitate communication as we continue through the permitting process.

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

You have sixty (60) days from the above date to submit all necessary documents that the Office 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 Office, the Office may deny the application and terminate the application file.

Physical Address: 1313 Sherman Street, Room 215, Denver, CO 80203 P 303.866.3567 F 303.832.8106

Mailing Address: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216 <https://drms.colorado.gov>

Jared S. Polis, Governor | Dan Gibbs, Executive Director | Michael A. Cunningham, Director



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 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,

A handwritten signature in blue ink, appearing to read "L. Simmons", is positioned below the "Sincerely," text.

Leigh D. Simmons
Environmental Protection Specialist

Mike Boss
BPMS LLC.
147 Abierto Cove
Blanco, TX 78606

STATE OF
COLORADO

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

New 110D application

Jeff Fugate <Jeff.Fugate@coag.gov>

Wed, Jun 4, 2025 at 8:23 AM

To: "info@candymountainprospecting.com" <info@candymountainprospecting.com>

Cc: Amy Eschberger - DNR <amy.eschberger@state.co.us>, Russ Means - DNR <russ.means@state.co.us>, "Simmons - DNR, Leigh (leigh.simmons@state.co.us)" <leigh.simmons@state.co.us>

Good morning, Mr. Schleusner,

The Colorado Division of Reclamation Mining and Safety has forwarded your email and Legal Response to me for review and consideration. I represent the DRMS, and will be involved in trying to resolve the incompleteness issues to move the Ajax 1 permit forward to the technical review process.

As a preliminary matter, the permit application lists you as the "inspection contact", but you are not listed or included as a permitting contact, lead consultant or as the legal representative of BPMS, LLC. In order for myself and DRMS to continue to communicate directly with you about the Ajax 1 application, we will need either 1) an authorization letter from BPMS, LLC and Mike Boss authorizing you to speak on behalf of BPMS and/or submit permit documents on behalf of BPMS or 2) amend the application to include you as an agent of BPMS, LLC.

Additionally, the permit application does not include an email address for BPMS and Mr. Boss. If an email address could please be provided, that would help with our communications on this application.

The DRMS conducts a "completeness review" with all permit applications, to make sure that the application contains the necessary statutory and regulatory components. Once deemed complete the DRMS technical review can commence and public notice of the application occurs. After review of the DRMS May 6 letter and consideration of your legal response, the DRMS maintains that the items and deficiencies identified in the letter remain unresolved. At this time DRMS cannot find the Ajax 1 application complete for the purposes of filing.

An additional completeness deficiency has come to the DRMS attention - page 7 Certification was not properly filled out by the notary (copied below). The Applicant/Operator name should just be the company name, without "(Mike Boss)", and the 3 areas underlined in red should be the Permittee's name (Mike Boss), his position with the company (Owner), and the company's name (BPMS LLC).

-7-

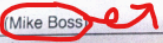
Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

- All necessary approvals from local government have been applied for (Rule 1.6.2(1) and (2));
- This entire mining operation will not extract more than 70,000 tons of mineral, overburden, or combination thereof in any calendar year (defined in Rule 1.1(24));
- This mining operation will not adversely affect the stability of any significant, valuable and permanent man-made structure(s) located within two hundred (200) feet of the affected lands. (However, where there is an agreement between the applicant/operator and the persons having an interest in the structure that damage to the structure is to be compensated for by the applicant/operator (Section 34-32-115(4)(d), C.R.S. 1984, as amended), then mining may occur within 200 feet. Proof of an agreement must be submitted to the Office prior to the decision date.)
- No mining operation will be located on lands where such operations are prohibited by law (Section 34-32-115(4)(f), C.R.S. 1984, as amended);
- As the applicant/operator, I do not have any mining/prospecting operations in this state of Colorado currently in violation of the provisions of the Mined Land Reclamation Act (Section 34-32-120, C.R.S. 1984, as amended) as determined through a Board finding.
- I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S. 1984, as amended.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-110, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32-123, C.R.S.

Signed and dated this 19th day of March 2025

BPMS LLC (Mike Boss) 
Applicant/Operator

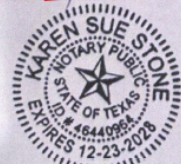
If Corporation Attest (Seal)

Signed: _____
Corporate Secretary or Equivalent
Town/City/County Clerk

Title: Owner

State of Texas) ss.
County of Hays)

The foregoing instrument was acknowledged before me this 19th day of March 2025
by Karen Sue Stone as Notary of Texas
Karen Sue Stone
NOTARY PUBLIC
My Commission expires: 12/23/28



SIGNATURES MUST BE IN BLUE INK

Specific to your demands as set forth on pages 4-5 of your submittal: 1) the DRMS acknowledges the Ajax 1 application was submitted on April 24, but because it was found incomplete, is not considered filed on April 24. To be clear, no statutory review time periods have commenced and the automatic approval provisions are inapplicable to this submittal as the application has not been accepted "as filed"; 2) The technical review will commence once the application has been found complete for review; 3) DRMS has not delayed, and will not delay review of the application once it is complete and filed. The DRMS will continue to follow the administrative process set forth for review and consideration of all 110d permits.

As discussed in the May 6 DRMS letter, the Applicant has 60 days to submit all necessary documents that DRMS 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, DRMS may deny the application and terminate the application file. DRMS recognizes your rights to appeal to the Mined Land Reclamation Board. Instead, DRMS suggests a call or virtual meeting to discuss the completeness process and see if the deficiencies can be resolved. If a virtual meeting is of interest to you and the Applicant, DRMS can provide available dates/times.

Thank you,

Jeff

Jeff M. Fugate

First Assistant Attorney General

Office of the Colorado Attorney General

Natural Resources and Environment Section

Attorney for DRMS

----- Forwarded message -----

From: **Kiel Schleusner** <info@candymountainprospecting.com>

Date: Fri, May 30, 2025 at 2:31 PM

Subject: Re: New 110D application

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

Good afternoon Leigh,

Thank you for your response letter. My client and I have reviewed it and have some concerns. I've attached a response outlining these issues to this email to ensure we move forward correctly.

We noted that the letter mentioned missing information. However, we want to assure you that all the necessary details were included in the documents submitted with the permit application.

Furthermore, regarding the required exhibits, we have provided all that are necessary for a project of this nature. Only two exhibits from the provided list are required for submission and approval.

16. **Maps & Exhibits:** Submit TWO (2) complete, unbound copies of the following application exhibits:

RULES:

- | | |
|-------------|---|
| 6.3.1 | EXHIBIT A - Legal Description and Location Map |
| 6.3.2 | EXHIBIT B - Site Description |
| 6.3.3 | EXHIBIT C - Mining Plan |
| 6.3.4 | EXHIBIT D - Reclamation Plan |
| 6.3.5 | EXHIBIT E - Maps |
| 6.3.6 | EXHIBIT F - List of Other Permits and Licenses Required |
| 6.3.7 | EXHIBIT G - Source of Legal Right-to-Enter |
| 6.3.8 | EXHIBIT H - Municipalities Within a Two-mile Radius |
| 6.3.9 | EXHIBIT I - Proof of Filing with County Clerk |
| 6.3.10 | EXHIBIT J - Proof of Mailing Notices of Permit Application |
| 6.3.12 | EXHIBIT L - Permanent Man-Made Structures |
| 6.4.20 | EXHIBIT T - Designated Mining Operation Environmental Protection Plan |
| 6.5 | Geotechnical Stability Exhibit (as required) |
| 8 | Emergency Response Plan |
| 1.6.2(1)(b) | ADDENDUM 1 - Notice Requirements (sample enclosed) |

As mentioned, our response letter, which is attached, details all of our concerns. In addition to this email, I will also mail a hard copy of the response to your office and retain a wet-signed original for our records.

To discuss the next steps, I would appreciate the opportunity to connect via email or phone at your convenience. I am also available to travel to Colorado for an in-person meeting at your office to work through this together. We are fully

committed to dedicating the time and effort needed to secure the approval for this project.

Best regards,

Kiel Schleusner

CEO | Lead Prospector

info@candymountainprospecting.com

507-456-1083

United States Mineral Rights Leader

www.candymountainprospecting.com

On Wed, Apr 23, 2025 at 1:30 PM Simmons - DNR, Leigh <leigh.simmons@state.co.us> wrote:

Kiel,

I received your voicemail this morning, but haven't yet received your application packet. There are some internal steps it will take before it reaches my desk, so I don't think this is necessarily anything to worry about.

I will let you know when I receive it.

If you haven't heard from me by Monday please reach back out.

Leigh Simmons

Environmental Protection Specialist

P 720.220.1180

1313 Sherman Street, Room 215, Denver, CO 80203

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