



STATE OF
COLORADO

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

M2025022, Ajax 1, Initial Adequacy Review

Simmons - DNR, Leigh <leigh.simmons@state.co.us>
To: Kiel Schleusner <info@candymountainprospecting.com>

Wed, Sep 3, 2025 at 5:33 PM

Mr Schleusner,

The Division's initial adequacy review letter is attached.

Leigh Simmons
Environmental Protection Specialist



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

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M2025022_Application_AdequacyReview_1_with CPW.pdf
867K



Kiel Schleusner,
Candy Mountain Mining Company,
201 East St,
N. Claremont, MN 55924

September 3, 2025

Re: Ajax 1 Application (M-2025-022)
Initial Adequacy Review

Dear Mr. Schleusner,

The Division has completed an initial review of the materials submitted with the Ajax 1 110d application. Comments are organized by rule citation. Please review the following comments and address the numbered items in bold.

As you prepare your response please submit each Exhibit as a separate document, with the Exhibit clearly identified in the filename. (There is no need to submit paper copies).

Rule 6.3.2 Exhibit B - Site Description

1. **Please revise Exhibit B to remove reference to the boundary of the placer claim (this is misleading since the relevant boundary is the permit boundary). Please also address the specific requirements of Rule 6.3.2:**
 - a description of the vegetation and soil characteristics in the area of the proposed operation. The local office of the Natural Resources Conservation Service (NRCS) may provide you with this information as well as recommendations for Exhibit D - Reclamation Plan;
 - identify any permanent man-made structures within two hundred (200) feet of the affected area and the owner of each structure. Each structure should be located on Exhibit E - Map;
 - a description of the water resources in the area of the proposed operation. Identify any streams, springs, lakes, stock water ponds, ditches, reservoirs, and aquifers that would receive drainage directly from the affected area. Provide any information available from publications or monitoring data on flow rates, water table elevations and water quality conditions; and
 - a wildlife statement prepared by Colorado Parks and Wildlife (CPW) is not required for 110 Limited Impact Operations. However, such a statement is required for 110d Limited Impact Operations. The Operator/Applicant may contact the local CPW representative to verify that no critical or important wildlife habitats or wildlife species will be impacted by the proposed operation.

(Note that comments were received from Colorado Parks and Wildlife (CPW), and are attached to this letter.)



Rule 6.3.3 Exhibit C - Mining Plan

2. Exhibit C describes in general terms the mining plan. **There are several issues with the proposed plan that are fundamental and should be addressed in the conceptual plan before details are considered:**

Exhibit C does not describe any plan to strip or salvage topsoil. Exhibit C states that:

Waste rock will be spread in the area marked below on the map diagram provided. This will be mixed with the local soil and subsoil, graded to match requirements of the NFS, seeded with an approved seed list from the NFS, woodchip blanket will be placed on top to cover and protect against erosion and seed loss. This waste rock is very important to the reclamation and longevity of the direct working. Combining it with local soil and subsoils will build up the area and allow for better flora and wildlife introductions.

This plan is fundamentally flawed. Waste rock should under no circumstances be mixed with local soils as it would serve only to degrade the soil. Any material from a historic pile that is disturbed by this operation would be considered waste rock; it should either be removed from the site or properly disposed of in a designed pile or fill that will be capped with topsoil and seeded. If topsoil is not available onsite it will need to be purchased and imported. (Suggested minimum depth of cover over a waste rock fill would be 12 inches.)

Exhibit C also describes the discharge of process water by infiltration. This water may not be discharged without a discharge permit from Colorado Department of Public Health and Environment, or a letter from CDPHE stating that no permit is required.

Please also expand Exhibit C considerably to provide more detail about the proposed processing circuit. (Include details about the number and size of trailers to be used, the number and volume of any tanks, process diagrams to show how the circuit will handle the material, details of the secondary containment of process water, how and where additives will be added to the system, where additives will be stored, where fluids/tools/parts for the machinery will be stored...)

Rule 6.3.4 Exhibit D – Reclamation Plan

3. Exhibit D contradicts information given in Exhibits B and C in places, for example, with respect to soil. Until the contradictions are resolved no further comments will be made.

Rule 6.3(5) Exhibit E – Maps

4. **Please revise Exhibit E to provide two maps: Mine Plan Map and Reclamation Plan Map.**

The maps should be prepared to the basic requirements of Rule 6.2.1.(2), i.e.:

- (a) show name of Applicant;
- (b) be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
- (c) give date prepared;
- (d) identify and outline the area that corresponds with the application;
- (e) ...the acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. A map scale, appropriate legend, map title, date and a north arrow shall be included.

The maps should be provided at full scale, ideally as standalone documents. Both maps should clearly show the permit boundary and topographic contour lines (aerial imagery is not helpful, and the claim boundary is not particularly relevant other than as it relates to right of entry). The Mine Plan Map should show all features described in Exhibit C, clearly labeled and at scale. The Reclamation Plan Map should show the post-mining topography, and all parcels where disturbed land will be reclaimed. As the rule states, at a minimum, maps must include the following information:

Mining Plan Map

- (a) outline and label the permit boundaries, described in Exhibit A - Legal Description; for all 110 and Non In Situ Leach Mining 110d Limited Impact Operations, the Office considers the area bounded by the permit boundary to be analogous to the affected area;
- (b) label the names of owner(s) of record of the surface of the affected area and of the land within two hundred (200) feet of the affected area, identify the owner of the substance to be mined, and the type of structure and owners of record of any permanent or man-made structures within two hundred (200) feet of the affected area;
- (c) outline and label all major surface features to be used in connection with the proposed operation such as: existing and proposed roads, pit boundary, topsoil stockpiles, overburden stockpiles, product stockpiles, waste rock fills, stream channels, buildings, processing plant, underground openings such as adits or ventilation facilities, ponds, impoundments, dewatering pumps, diversions, tail or waste disposal areas;
- (d) indicate the direction that mineral extraction will proceed;
- (e) note the location of any significant, valuable, and permanent man-made structures within two hundred (200) feet of the affected area. A narrative description must be provided in Exhibit-B - Site Description; and
- (f) outline and label existing disturbance within and/or adjacent to the permit boundary (e.g., previously mined areas, roads or excavations resulting from utility construction). Re-disturbance of previously disturbed areas, by the proposed mining operation, must be included in the permit area and addressed in Exhibit-D - Reclamation Plan.

Reclamation Plan Map

- (a) show the gradient of all reclaimed slopes (horizontal: vertical) sufficient to describe the post mine topography;
- (b) indicate where vegetation will not be established and the general area(s) for shrub or tree planting;
- (c) if ponds are a part of the Reclamation Plan, outline the final shore configuration of the ponds and shallow areas if the future land use is for wildlife;
- (d) state the average thickness of replaced overburden by reclamation area or phase; and
- (e) state the average thickness of replaced topsoil by reclamation area or phase.

Rule 6.3(6) Exhibit F - Other permits

5. Rule 6.3(6) states "Provide a statement identifying which of the following permits, licenses and approvals which are held or will be sought in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source materials licenses, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, explosives permits, State Historic Preservation Office clearance, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits."

Please review and update Exhibit F, with particular attention to the need for a discharge permit.

Rule 6.3(7) Exhibit G – Source of Legal Right to Enter

6. **Please revise Exhibit G to include a signed copy of the Mine Plan of Operations**

Rules 6.3.9 and 6.3.10 Exhibits I and J

7. **Please update Exhibits I and J with proof of mailing**

Please request an extension to the decision due date that will allow you time to respond to this letter and Division time to review your response.

Sincerely,



Leigh Simmons
Environmental Protection Specialist

Attachment 1: CPW Letter

STATE OF
COLORADO

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

Notice of Application Consideration for Permit: M2025022

Hamous-Miller - DNR, Lexi <lexi.hamous-miller@state.co.us>

Mon, Aug 25, 2025 at 1:50 PM

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

Cc: Scott Murdoch - DNR <scott.murdoch@state.co.us>, Tim Woodward - DNR <tim.woodward@state.co.us>, Shannon Schaller - DNR <shannon.schaller@state.co.us>, Andrew Newman - DNR <andrew.newman@state.co.us>

Hello Leigh,

Thank you for including CPW in the review of this proposed project. I have attached CPW's comments to this email. Please let us know if you have any questions or need any additional information.

-Sincerely,

Lexi Hamous, MS ([She/Her](#))
Northeast Region Land Use Coordinator
Colorado Parks and Wildlife

LIVE LIFE
OUTSIDE™

6060 Broadway, Denver, CO 80216

303-916-2987

Lexi.Hamous-Miller@state.co.us[CPW's Energy Webpage](#)

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2 attachments

**fadc1e9b-6f76-44aa-b0e4-9b1b20cbdf36.pdf**
179K**M-2025-022 Ajax 1- CPW response.pdf**
333K



COLORADO

Parks and Wildlife

Department of Natural Resources

Area 1 - CPW
12102 South Elk Creek Road
Pine, CO 80470
P 303.291.7241 | F 303.291.7114

August 25, 2025

Leigh D. Simmons
Environmental Protection Specialist
Colorado Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203
Leigh.Simmons@state.co.us

RE: CPW's Comments on the Ajax 1 Gold Mine, File No. M-2025-022

Dear Leigh,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Ajax 1 gold mine Project. It is our understanding that this proposed project consists of mining 20 acres located in section 27 of township/range 2S 73W. It is our understanding that the mine area contains previously mined gold and silver ore, and the purpose of this permit will be to remove the historical ore pile, crush the rock to a fine consistency, and process it on a shaker table. We understand that the applicant has a plan for there to be zero introduction of any foreign chemicals, acids, or waste byproducts that are or could have damaging effects to the ecology or environment of the forest and that mining activity will only occur from May 31— October 1.

The mission of CPW is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. CPW has a statutory responsibility to manage all wildlife species in Colorado, and to promote a variety of recreational opportunities throughout Colorado. One way we achieve this goal is by responding to referral comment requests, as is the case for this project.

RECOMMENDATIONS:

The Importance Of High Priority Habitats

Developers and permitting agencies can help avoid, minimize, and mitigate impacts to wildlife from their projects by working with CPW. High-priority habitats (HPH) are



Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Richard Reading, Chair · James 'Jay' Tutchton, Vice-Chair · Eden Vardy, Secretary · Jessica Beaulieu · Frances Silva Blaney · John Emerick · Tai Jacober · Dallas May · Jack Murphy · Gabriel Otero · Murphy Robinson

defined as sensitive habitats where CPW has recent maps regarding sensitive wildlife use, plus scientifically backed best management practice (BMP) recommendations. HPHs are a subset of CPW's species activity maps that we collect and update for a variety of species and their particular habitats; we provide these maps to the public and regulatory agencies for environmental assessment and land use commenting on proposed development on a given parcel, and general scientific research.

Aquatic Species

CPW has identified Aquatic Native Species Conservation Waters within the State of Colorado's 2015 State Wildlife Action Plan. These streams provide critical habitat for native aquatic wildlife, such as amphibians and fish, while also providing crucial habitat for mammals, birds, and reptiles that utilize the habitat. There are sensitive aquatic native species (fish and amphibians) located within Silver Creek. CPW recommends no surface occupancy and no ground disturbance (year-round) within 500 feet of the ordinary high water mark of Silver Creek and to implement appropriate stormwater BMPs.

CPW recognizes that the applicant plans to implement proper BMPs to prevent runoff or sedimentation into Silver Creek. CPW also recognizes that to complete this work and remove this from the landscape that the applicant will have to complete the work within the 500-foot buffer. CPW agrees with the applicant's plan to implement BMPs to protect Silver Creek and remove the ore from the landscape.

Noxious Weeds and Native Re-seeding

Also of importance to CPW is the revegetation of disturbed soils and the control of noxious weed species through the development of a noxious weed management plan before initiating construction activities. The revegetation of disturbed areas and control of invasive weed species are important components of the project, and it is critically important that the site be restored to the native plant community that currently or previously existed on the site. CPW prefers that native vegetation be retained on-site during the operational lifespan of the project, both as potential habitat for wildlife and to ensure successful reclamation of the project area, as noxious weeds could spread to adjacent habitats outside the project area. CPW recommends that the applicant consult with the Gilpin County and Natural Resource Conservation Service (N.R.C.S) for the best noxious weed management practices.

Lighting

Nighttime artificial lighting has been documented to affect wildlife species of all sizes, from small macroinvertebrates to large mammals. These effects are often species-specific and, in some cases, may be beneficial to one species within a local ecological community, but detrimental to another species within the same ecological community. CPW recommends that all outdoor lighting be down-shielded to minimize disturbance areas and dim the lights as much as practicable.

Per the U.S. Fish and Wildlife Service recommendations¹, all outdoor lighting should be limited to warmer colors with “longer wavelengths (>560 nm) and lower correlated color temperatures (CCT<3000 Kelvin degrees)” (“Threats to Birds: Collisions - Nighttime Lighting | U.S. Fish & Wildlife Service”). Per the American Bird Conservancy, CCTs ranging from 2200 Kelvin Degrees to 2700 Kelvin Degrees is the preferred range of color. (Misguiding Light: The Role Artificial Light Plays in Bird Mortality from Collisions with Glass | Sheppard, PHD²) CPW recommends the latter range of lighting color options for implementation at the project site. CPW appreciates that there will be limited lighting on-site.

Thank you again for the opportunity to comment on this development project. If you have any questions or concerns, please contact the local District Wildlife Manager, Tim Woodward, at 303-829-2428 or at tim.woodward@state.co.us.

Sincerely,



Scott Murdoch
Area 1 Area Wildlife Manager
P 303.514.4998
scott.murdoch@state.co.us

Cc: Shannon Schaller, Deputy Regional Manager - CPW
Tim Woodward, Blackhawk District Wildlife Manager- CPW
Lexi Hamous, Land Use Coordinator, Northeast Region- CPW

¹ “Threats to Birds: Collisions - Nighttime Lighting | U.S. Fish & Wildlife Service.” *FWS.gov*, 4 May 2023, www.fws.gov/story/threats-birds-collisions-nighttime-lighting.

² Sheppard, PHD, Christine. *Misguiding Light: The Role Artificial Light Plays in Bird Mortality from Collisions with Glass*. American Bird Conservancy, 11 May 2022, [chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/abcbirds.org/wp-content/uploads/2022/05/ABC-lighting-collisions-position-statement-2022.pdf](https://efaidnbmnnnibpcajpcgclefindmkaj/abcbirds.org/wp-content/uploads/2022/05/ABC-lighting-collisions-position-statement-2022.pdf).