



STATE OF
COLORADO

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

P2025010, Clay County Mine, Notice of Deficiencies

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

Wed, Sep 17, 2025 at 3:22 PM

To: humpsj@gmail.com

Cc: Sara Stevenson-Benn - DNR <sara.stevenson-benn@state.co.us>, Amy Eschberger - DNR <amy.eschberger@state.co.us>

Please find the Division's review of your September 14 response attached.

Leigh Simmons
Environmental Protection Specialist



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

P [720.220.1180](https://drms.colorado.gov/720.220.1180)

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

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P2025-010_Clay-County-Mine_Notice-of-Deficiencies-1_2025-09-17.pdf

303K



September 17, 2025

Stephen Humphray
GS Mining Company, LLC
422 Gregory St.
P.O. Box 1614
Central City, CO 80422

RE: Clay County Mine, File No. P-2025-010, Notice of Intent to Conduct Prospecting Operations for Hard Rock/Metal Mines, Notice of Deficiencies #2

Mr. Humphray:

On June 9, 2025, the Division of Reclamation, Mining and Safety (Division) received your Notice of Intent to Conduct Prospecting Operations (NOI) for Hard Rock/Metal Mines application for the Clay County Mine in Gilpin County, assigned File No. P-2025-010. The prospector is BioMilling, LLC. After conducting a preliminary review of the materials submitted, the Division identified 8 deficiency items that must be addressed before the application can be considered filed and a technical review can begin, these were sent to you in a letter dated June 16, 2025. Your response was received on September 14, 2025.

Each of the 8 items is given below, together with a brief summary of your response and any further action required.

- 1) The application included a hard copy submittal of Form 2 (public), but no Form 1 (confidential). Please confirm this was not an error and the prospector does not wish to designate any of the information submitted as confidential. If this was an error, please submit a Form 1.
This was not an error. The response is sufficient.
- 2) The prospector company name, BioMilling, LLC, is not currently registered with the Colorado Secretary of State (CSOS), as required. Please register this company name with the CSOS.
“Biomilling, LLC” was registered with the Colorado Secretary of State. Per the FAQs on the Secretary of State’s website, the names “BioMilling, LLC” and “Biomilling, LLC” are indistinguishable (<https://www.sos.state.co.us/pubs/business/FAQs/entityNames.html>). The response is sufficient.
- 3) On page 2 of the application form, under General Description, please include the number of miles and direction to the nearest town.
The site of the NOI is entirely surrounded by (but not within) the city limits of Blackhawk. The response is sufficient.
- 4) On page 8 of the application form, under Section IV - Operation and Reclamation Measures, the prospector states “Photographs provided herein”. However, the Division was unable to find any photographs submitted with the application. Please provide photographs showing the pre-prospecting conditions of the proposed disturbance areas, including all mine openings proposed to be used by the operation.



Photographs were received by email on September 14, 2025. The response is sufficient.

- 5) The Exhibit A – Map showing Permit and Disturbance Boundaries depicts the property boundary (with a blue line) and the proposed disturbances (with a pink line) which include a main NOI area, a decline portal, two shafts, and two road segments accessing the shaft areas. Portions of the roads that will need to be used (or created) to access the two shaft areas are not shown on the map, and the ownership of these roads is not clear. Please revise this map to show the full length of all roads that will be used (or constructed) by the prospecting operation to access the proposed disturbance areas. Additionally, please provide the owner(s) of each of the roads, including the segments not shown within the property boundary on the map. This information is needed to confirm the proposed 1.0 acre of affected lands and to determine whether additional right-of-entry documentation or access agreements are needed.

The map, Exhibit A, was updated to show claim boundaries, labelled with the name of the claim (rather than the owner). The location of roads proposed to be used to access the shafts was also added to the map. A table of road segments (with length, width, area, claim/parcel name, and landowner) was provided with the updated map. A letter from Clay County Holdings, Inc. giving right of access to BioMilling LLC to the NOI was included with the original application. A letter from Crown Mining LLC giving right of entry to Clay County Holdings, Inc. to use the existing roads across their property was included with the September 14 response.

Please provide proof of legal right to entry to road segments that cross parcels owned by Proximo Distillers LLC where access is necessary to access the NOI.

- 6) Per Rule 5.1.2(i), the applicant must submit the NOI in both paper and electronic form. The hard copy materials submitted state “The NOI is submitted in both paper and electronic form”. However, the Division was unable to find the electronic submittal (e.g., email, thumb drive). Please submit the NOI in electronic form.

A copy of the original submittal was received by email as part of the September 14 response. The response is sufficient.

- 7) Per Rule 5.3.3(1), upon filing the NOI, the prospector shall provide a Financial Warranty in the amount of \$2,000.00 per acre of the land to be disturbed. In the application materials submitted, the prospector is proposing a total project area of 1.0 acre. Therefore, please submit a One Site Prospecting Financial Warranty in the amount of \$2,000.00. The Financial Warranty forms are available on our website, specifically at: <https://drms.colorado.gov/forms/mineral-prospecting-and-exploration-forms> (under the section titled “Hard Rock/Metal Prospecting Notice of Intent Financial Warranty Forms”). Note that an Affidavit of Authority form must also be submitted to provide confirmation of the legal authority of the individual signing all financial warranty documents. If you have any questions about which form(s) to use, please contact our financial warranty specialist, Sara Stevenson-Benn at sara.stevenson-benn@state.co.us.

As of the date of this letter, no check has been received by the Division, (although a photocopy of a check apparently sent to the Division was included in the September 14 response). This item remains to be addressed.

- 8) To expedite communications, please provide an email address for the permitting contact.
An email address for the permitting and inspection contact was provided (humpsj@gmail.com). The response is sufficient.

This letter shall not be interpreted to mean there are no other technical deficiencies in your NOI application. The Division will conduct a technical review of your application after it has been considered filed. Please be advised, if all identified deficiencies have not been addressed within sixty (60) days of the date of this letter, by **November 16, 2025**, the Division may terminate the NOI file.

If you have any questions, you may contact me at leigh.simmons@state.co.us

Sincerely,

A handwritten signature in blue ink, appearing to read 'Leigh Simmons', is positioned above the printed name.

Leigh Simmons
Environmental Protection Specialist

Cc: Sara Stevenson-Benn, DRMS
Amy Eschberger, DRMS