



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

December 5, 2025

Thomas Halm  
Mountain Top Environmental  
1522 Courtyard Heights  
Colorado Springs, CO 80906

**Re: Incompleteness Notice, 110(d) New Permit Application, GEM Mine,  
Permit No. M-2024-050**

Thomas Halm:

On November 20, 2025, the Division of Reclamation, Mining and Safety (Division/DRMS) received the New Permit Application for the GEM Mine, File No. M-2024-050. Preliminary review of this application determined the following items must be received before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice with the requested additional/updated information on permit application replacement pages and summarize each response in a cover letter titled "Incompleteness Response; M-2024-050". Please note where multiple items need additional/updated information that occur on the same page, only one page needs to be submitted with the requested information not multiple copies of the same page.

**APPLICATION FORM:**

1. Correspondence Information. On page two, the Inspection Contact was left blank, please provide the missing information.
2. Location Information. On page three, item 10, the quarter section and the quarter-quarter section appear to have been reversed. Please update and submit a replacement page three of the application form.
3. Location Information. On page four, item 14, was left blank. Please complete and submit a replacement page four of the application form.
4. Responsibilities as a Permittee. On page ten, item 10 was initialed. The question only requires initials if the permit is a joint venture or partnership operation. If this was completed correctly, please provide the power of attorney. Please indicate "N/A" for the question if it was completed inadvertently. Please submit a replacement page ten of the application form.



5. Certification. On page 7, the notary signature dates were initially completed with the date of November 10<sup>th</sup> then were changed to the 17<sup>th</sup>. The Proof of filing with the County Clerk is dated November 12<sup>th</sup>. The Certification dates cannot be later than the date of filing with the County Clerk. Please submit a new Certification page.
6. Correspondence Information. A review of the Colorado Secretary of State's (SOS) document submitted indicates neither Mountain Top Environmental Consulting or Mountain Top Environmental LLC are current and in Good Standing their filings with the SOS. Please provide documentation that the entities have addressed the delinquent filings and are in good standing.

**Maps:**

7. A review of the maps submitted there appears to be conflicting scale information and/or the scales are incorrect, please review and verify the accuracy of the map scales and resubmit. Additionally, please clearly label the Mining Plan and Reclamation Plan maps.
8. Pursuant to Rule 6.3.1(3) please provide a map showing the names of all immediately adjacent surface owners of record. Include with this map the surface owners of record within the proposed permit boundary. The parcels shall be clearly indicated and labeled with name of the owner and parcel number.
9. The Santa Fe Mine Road is a permanent manmade structure and needs to be clearly shown on the maps as such. Please clearly state who owns and maintains the road. A signed structure agreement will be needed for this structure.

**EXHIBIT G – Source of Legal Right to Enter (Rule 6.3.7):**

10. A review of the Clear Creek County Assessor's site indicates that Dorothy Kennec is a partial owner of Frieda R and Enid parcels. Please provide a signed statement by this landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

**EXHIBIT U – Designated Mining Operation Environmental Protection Plan (Rule 6.4.21):**

11. Please describe the sample that was collected and run for RCRA 8 TCLP analysis, was it a grab sample composite, where was it collected and how was it collected?
12. The Applicant describes the material to be removed as having very low concentrations of TCLP metals. However, a review of the laboratory data provided indicates a lead concentration of 113 mg/L. At this concentration the material would be considered a federal hazardous waste. Response required.

13. Pursuant to Rule 6.4.21(4) please state whether or not the Applicant is pursuing any formal authorizations from state, local or federal entities for the transport of hazardous waste?
14. Please provide the missing information pursuant to Rule 6.4.21(11), include within this discussion whether or not SPLP analysis will be performed.
15. Please provide additional information pursuant to Rule 6.4.21(14), especially (d) the evaluation of the material to remain and are likely to prevail after mining and reclamation operations have ceased.

**EXHIBIT R – Proof of Filing with County Clerk and Recorder (Rule 6.3.9):**

16. Pursuant to Rule 1.6.2(1)(c), please demonstrate that the Applicant's response to these incomplete issues have been placed with the application materials previously placed with the County Clerks or Recorders Offices, and made available for public review.

Your New Permit 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 30 days from the date of receipt and acceptance of all of the requested information. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application complete and filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once starting ten (10) days of the date your application is considered filed. The final date for receiving comments is the tenth (10<sup>th</sup>) day after the date of publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have sixty (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. Should additional time be required to submit all the necessary documents an extension request can be submitted in writing for the Division's consideration.

**The response to this Incompleteness Notice is due on or before February 3, 2026.**

This letter shall not be interpreted to mean that there are no other completeness issues or 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 submitting all required items.

If you need additional information or have any questions, please contact by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Lennberg".

Patrick Lennberg  
Environmental Protection Specialist

cc: Jared Ebert, DRMS

ec: Zac Wurth, Mountain Top Environmental, [zwurth1@gmail.com](mailto:zwurth1@gmail.com)