

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

April 4, 2014

Mr. Randy Schafer
40586 Co. Rd. 21
Haxtun, CO 80731

**RE: Washington County, Yakutat Land Pit, File No. M-2014-008
112c Permit Application Adequacy Review**

Dear Mr. Schafer,

The Division of Reclamation, Mining and Safety (Division) has reviewed the content of the Washington County 112c permit application for the Yakutat Land Pit, File No. M-2014-008, and submits the following comments. **The Division is required to make an approval or denial decision no later than June 4, 2014; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** In order to allow the Division adequate time to review your responses to any adequacy issues, please submit your adequacy responses to the Division no later than one week prior to the decision date (May 28, 2014).

Please note that any changes or additions to the application on file in our office must also be reflected in the public review copy, which was placed with the Washington County Clerk and Recorder by the Applicant.

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

1. As mentioned in the completeness review, please resubmit the first page and the certification page of the permit application to reflect the applicant/operator name change from "Washington County Road and Bridge District #3" to just "Washington County".
2. As required by Rule 1.6.2(d) and 1.6.5(2), please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.
3. As required by Rule 1.6.2 (e), please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land including all easement holders located on the affected land and within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.
4. The Division received comments from the Army Corps of Engineers and Colorado Parks & Wildlife. The letters are attached for review. Please address any comments noted in the letters and make changes to the application as necessary.

6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS

The following items must be addressed by the applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

6.4.3 Exhibit C - Pre-mining and Mining Plan Map(s) of Affected Lands

5. Rule 6.4.3(g) requires the Applicant to show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land. In the application on the Exhibit C-Site Map an overhead power line was labeled and drawn on the south side of County Road 11; also, what appears to be a fence was drawn on the west boundary of the pit. Please update this map by labeling the fence and providing the owner's name for the power line and fence.

6.4.4 Exhibit D - Mining Plan

6. Please state the nature of the stratum immediately beneath the material to be mined as required by Rule 6.4.4(f)(i).
7. Please clarify the discrepancy of the mining plan's progression direction in Exhibit D-Mining Plan narratives "b)" and "d)", as well as the Mining Plan Map note "5)". Please update the narrative and/or the map, as necessary, with a consistent direction.
8. Please specify that topsoil will also be stripped at the proposed location of the overburden stockpile.

6.4.5 Exhibit E – Reclamation Plan

9. The Applicant stated that the access driveways will be left in place for the landowner. Please submit a signed and notarized letter from the landowner allowing these access driveways to remain after reclamation is complete.

6.4.19 EXHIBIT S - Permanent Man-made Structures

Where the mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the applicant may either:

- a. provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or
 - b. where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
 - c. where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.
10. Please provide the Division evidence the Applicant attempted to obtain notarized structure agreements, typically a certified mail receipt, with all owners of the structures on and within 200 feet of the affected area at the Yakutat Pit or comply with one of the other provisions of Rule 6.4.19.

These structures include the overhead power line on the south side of County Road 11 and the fence on the west boundary of the pit. Please note that the Division will accept a notarized letter, on utility letterhead, from the owner of the overhead electric line that mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application. Other issues may arise as additional information is supplied. Please be advised the Yakutat Pit permit application may be deemed inadequate, and the application may be denied on June 4, 2014, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by June 4, 2014 and the request for additional time. This must be received no later than the deadline date.**

If you have any questions, please contact me at 303-866-3567 x8132.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Enclosures: Army Corps of Engineers comment letter
 Colorado Parks & Wildlife comment letter

Cc: Tom Kaldenbach, Division of Reclamation, Mining & Safety
 Steve Williams, Operator