



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

September 3, 2014

Randy Schafer  
Phillips County  
221 S. Interocean Ave.  
Holyoke, CO 80734

**Re: Haynes Hereford Ranch Pit, Permit No. M-2004-023, Conversion Application Adequacy Letter (CN-01)**

Dear Mr. Schafer,

The Division of Reclamation, Mining and Safety (Division) has reviewed the content of the Phillips County permit Conversion Application (CN-01) for the Haynes Hereford Ranch Pit, File No. M-2004-023, and submits the following comments. **The Division is required to make an approval or denial decision no later than September 29, 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 (September 22, 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 Phillips 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 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.
2. 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.
3. The Division received comments from Colorado Parks and Wildlife, the Division of Water Resources, and History Colorado. The letters are attached for review. Please address any comments noted in the letters and make changes to the application as necessary.

### **APPLICATION FORM:**

4. The re-submitted certification page of the application was not complete, there was no notary stamp. Please submit a new completed certification page.



#### **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:

##### **6.4.4 Exhibit D – Mining Plan**

5. In the Application, under section b) and e) of Exhibit D Mining Plan, it is stated that the county has latitude in where stockpiles can be placed based on the larger permit acreage. Please commit to stripping topsoil in any areas outside of the creekbed where stockpiles will be located.

##### **6.4.5 Exhibit E – Reclamation Plan**

6. Throughout the mining plan narrative, reclamation plan narrative, and reclamation plan map are several different maximum reclamation slopes. Please clarify these discrepancies. It is the Division's understanding, based on conversations with you during the pre-operational inspection, that the creek banks will be reclaimed to no steeper than 2H:1V, while all other reclaimed slopes are to be reclaimed to no steeper than 3H:1V. In addition, at the location where the creek enters the site on the eastern boundary and where the creek leaves the site along the western boundary, the slope of this creek bottom will be no steeper than 7H:1V.
7. In the Application, under section d) of Exhibit E Reclamation Plan, it is stated that the access driveways will be left intact once mining is complete. During the pre-operational inspection, you had also informed the Division that the landowner would possibly want the interior access roads to be left in place, similar to what currently exists on the site. Please submit a signed and notarized letter from the landowner requesting the access driveways and trails to be left in place after reclamation is complete.

##### **6.4.10 Exhibit J – Vegetation Information**

8. The Operator/Applicant shall include a narrative of the description of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs). Please submit a new narrative including the description of the vegetation present on the banks of the creek as well as the rest of the permit area.

##### **6.4.13 Exhibit M – Other Permits and Licenses**

9. In Exhibit M of the Application, it is stated that a Storm Water Management Plan will be prepared for this pit if there is a potential for surface water leaving the site. Please submit a copy of the plan or proof that one is not needed. Contact the Water Quality Control Division of the Colorado Department of Public Health and Environment (CDPHE) for further information regarding this permit.

##### **6.4.14 Exhibit N – Source of Legal Right to Enter**

10. The narrative discussing the source of legal right to enter, supplied with the incomplete application letter response, is not acceptable to the Division as required by Rule 6.3.7. Please provide a signed and notarized statement by the Landowner stating the Operator/Applicant has legal right to enter and mine.

**6.4.19 EXHIBIT S - Permanent Man-made Structures**

11. The incomplete application letter response from Phillips County stated that a structure agreement for the landowner's fence lines would be pursued, but the Division has yet to receive it. In addition, during the pre-operation inspection, the Division observed proof of an underground fiber optic line along the proposed southern boundary, an overhead utility line also along the proposed southern boundary, a water spigot in the southwest corner of the proposed permit, and a house/various structures southwest of the proposed permit (southwest of the intersection of CR33 and CR24).

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.

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 Haynes Hereford Ranch Pit permit application may be deemed inadequate, and the application may be denied on September 29, 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 September 29, 2014 and the request for additional time. This must be received no later than the deadline date.**

If you have any questions, please do not hesitate to call me at 303-866-3567 x8132.

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Enclosures: Colorado Parks and Wildlife comment letter  
Division of Water Resources comment letter  
History Colorado comment letter

Cc: Tom Kaldenbach, Division of Reclamation, Mining & Safety