



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, Colorado 80203

March 27, 2015

John DeWitt  
Lincoln County  
P.O. Box 39  
Hugo, CO 80821

**Re: Brent Pit, Permit No. M-1978-072, Technical Revision No. 4 (TR-04)  
Adequacy Review-01**

Mr. DeWitt:

The Division of Reclamation, Mining and Safety (Division) has completed its adequacy review of your technical revision received on February 24, 2015. The decision date for this technical revision was recently extended to **April 03, 2015**. The Division appreciates your submittal of the extension request to allow more time for review.

After review of the information submitted, the Division has determined that the following additional information or modifications are required for approval of the revision:

- 1) In the revised Mining Plan Map and Reclamation Plan Map submitted with the revision, the revised permit boundary is shown to include 12.3 acres. However, the approved permit area is 14.16 acres. If you wish to release 1.86 acres, this can be done by submitting an Acreage Reduction request (form enclosed). Otherwise, the permit area shown on the revised maps should include 14.16 acres as originally approved. The Division realizes that the original maps submitted with the Conversion Application (approved on November 20, 2008; see enclosed Mining Plan Map) have some measurements that appear to be incorrect, particularly the western and eastern boundary lengths (see enclosed Google Earth image). Going by the original map measurements, the permit area would actually be 15.3 acres instead of the approved 14.16 acres. The Division believes that, at a minimum, the western and eastern boundary lengths were incorrectly measured to be approximately 40-43 feet longer than they should be to create a permit area of 14.16 acres. Unless the Operator wishes to submit an Acreage Reduction request, the Division recommends the revised permit boundary be shown to include the approved 14.16 acres, which the Division believes is closer to the blue-lined polygon on the enclosed map.
- 2) Please include on the Mining Plan Map submitted the required 30 foot setback from the south bank of Hell Creek from the active mining area. In addition, this setback should be marked on site so that any member of the operation will be aware of its existence. From Google Earth images, the Division measured the southern edge of the stormwater berm to be approximately



30 feet from the creek. If this is correct, then the berm might be used as a setback guide, as long as it is properly maintained so that it continues to mark the required setback distance.

This concludes the Division's adequacy review of your technical revision. Please remember that the decision date for this technical revision is **April 03, 2015**. If you are unable to provide satisfactory responses to any inadequacies prior to this date, **it will be your responsibility to request an extension of time to allow for continued review of this technical revision**. If there are still unresolved issues when the decision date arrives and no extension has been requested, the technical revision will be denied.

If you have any questions, please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303-866-3567, x8129 or by email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).

Sincerely,



Amy Eschberger  
Environmental Protection Specialist

Enclosure(s): Form to submit for an Acreage Reduction request  
Mining Plan Map submitted with Conversion Application, approved 11/20/2008  
Google Earth image of site with Division's markings

CC: Tom Kaldenbach, DRMS





## COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

### REQUEST FOR FULL OR PARTIAL RELEASE OF PERMIT AREA

Please indicate if you are requesting:

FULL/FINAL RELEASE OF ENTIRE PERMITTED AREA \_\_\_\_\_

ACREAGE REDUCTION (PARTIAL RELEASE) \_\_\_\_\_

If you are requesting an acreage reduction, you will need to specify how many acres you wish to remove from the existing permit under this revision. I wish to release \_\_\_\_\_ acres at this time. You will also need to submit updated mining and reclamation plan maps that accurately depict both the proposed acreage to be released from the current permit area, and the resulting new permit boundary.

File No.: M- \_\_\_\_\_ Site Name: \_\_\_\_\_

County: \_\_\_\_\_

Permittee: \_\_\_\_\_

Operator (If Other than Permittee): \_\_\_\_\_

Permittee Representative: \_\_\_\_\_

Certified Mail# \_\_\_\_\_

In accordance with Rule 4.17.1(2) the Operator shall include the names, addresses and phone numbers of all owners of record to the affected land. Please attach additional sheets for this information if required.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In accordance with Rule 4.17.1(4) the Operator or their agent MUST sign that they have complied with the following statement: "All applicable portions of the Reclamation Plan requirements have been satisfied in accordance with these Rules and all applicable requirements under the Act."

\_\_\_\_\_  
Signature of Permittee, Operator or their authorized agent

\_\_\_\_\_  
Date

**Important: In accordance with Rule 4.17.1(3) This release request must be submitted to the Division via certified mail and separate from any other correspondence to the Division.**

# MINING PLAN MAP

Hell Creek

35 | 36  
2 | 1

Note:  
No activity will  
take place in  
the channel  
of Hell Creek.

1168'

Mining  
Direction

Storm Water  
Containment  
Dike

Loading  
Area

County Road 3R

Haul  
Road

## Stockpiles

1. Topsoil
2. Gravel
3. Over burden  
(as needed)

• Boundary Markers

\* \* \*

Barbed Wire Fence  
(Lincoln County)

SCALE

1" = 150'



Map By Kenneth Morrison

Pit Area = 14.16 acres  
October 8, 2008



# M-1978-072 / Brent Pit / Approved Permit Area = 14.16 acres

Red Line = 12.3 acres = Proposed "Corrected" Permit Boundary

Blue Line = 14.16 acres = Original Permit Boundary  
(except N, W, & E boundary measurements are < measurements shown on orig. map)

Yellow Line = 15.3 acres = Original Permit Boundary  
(with correct measurements as shown on orig. map, but acreage is 1.1 ac > approved 14.16 acres)

