



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

April 20, 2015

Phil Dorenkamp
Las Animas County
2000 N. Linden Ave.
Trinidad, CO 81082

Re: Branson Gravel Pit, Permit No. M-1997-100, Preliminary Review of 112 Construction Materials Reclamation Permit Amendment Application Package (AM-01) – Incomplete

Mr. Dorenkamp:

On April 13, 2015, the Division of Reclamation, Mining and Safety (Division) received the 112 Construction Materials Reclamation Permit Amendment application package (AM-01) for the Branson Gravel Pit (Permit No. M-1997-100) located in Las Animas County. **Preliminary review of the information received determined that the following items must be received before the Division can consider your application as being submitted (complete) and technical review can begin:**

APPLICATION FORM:

- 1) On Page 2, for the Name of the Owner of Surface of Affected Land you listed “Doherty Ranch Inc”. However, the name is written elsewhere in the application (and registered with the State) as “Doherty Ranches, Inc.”. Please correct the name here and be sure that it is written exactly the same way on all permit documents submitted.
- 2) On Page 2, under Location Information, for Quarter Section, you checked the box for SE. However, according to the legal description submitted and review of the site location on a Township/Range map, it appears that the SW box should be checked. If this is correct, please check the SW box. In addition, for Quarter/Quarter Section, you checked the box for NW. However, it appears that the site is situated more in the SE. If this is correct, please check the SE box.
- 3) On Page 2, under General Description, you listed the approximate elevation as “5,200 ft”. However, review of site topography shows the elevations in this area ranging from approximately 6,300 ft to 6,420 ft. Therefore, the approximate elevation should be closer to 6,350 ft. Please make this correction.
- 4) On Page 8, Certification, Gary D. Hill signed the line for Applicant/Operator or Company Name. However, “Las Animas County” should be written there since they are listed as the Applicant. Gary D. Hill would sign the line below for Signed, and put “Chairman of Board of County Commissioners” for Title. Please make these corrections and have the document re-notarized.



EXHIBIT B - Index Map (Rule 6.4.2):

You wrote “see included map labeled Display B – Index Map”; however, it appears that this map was not included with the application.

Please submit an index map showing the regional location of the affected land and all roads and other access to the area. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. Scale criteria need not be followed for this map. (Please be advised that the index map submitted with the Conversion application on March 11, 2008 would need to be updated to show the approximate revised permit area and correct land owner information.)

EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):

The maps submitted for this Exhibit in the 2008 Conversion application need to be revised to show the proposed permit boundary expansion, the change in owners of record, any new structures, etc.

Please submit one or more maps to legibly portray the following information:

- (a) all immediately adjacent surface owners of record (if you intend to submit the map used for the Conversion application, please be sure to change the name to Doherty Ranches, Inc.);
- (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;
- (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
- (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (permit area);
- (e) the type of present vegetation covering the affected lands; and
- (f) in conjunction with Exhibit G - Water Information, Subsection 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.
- (g) Show the owner's name, type of structures, and location of all permanent or man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land. Please be sure to include the three structures you listed in Exhibit S.
- (h) In conjunction with Exhibit I - Soils Information, Subsection 6.4.9, soils information may be presented on a map in this section;
- (i) Aerial photos, if available, may be included in this section.

EXHIBIT F - Reclamation Plan Map (Rule 6.4.6):

The map submitted for this Exhibit in the 2008 Conversion application needs to be revised to show the proposed permit boundary expansion.



Please submit a map of the proposed affected land, by all phases of the total scope of the mining operation, indicating the following:

- (a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and
- (b) Portrayal of the proposed final land use for each portion of the affected lands.

EXHIBIT G - Water Information (Rule 6.4.7):

For this Exhibit, you stated “see existing information in prior pit conversion”. However, this information was not provided in the 2008 Conversion application. Please submit the following:

- (1) Complete
- (2) Complete
- (3) You must provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.
- (4) You must indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.
- (5) You must affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health, if necessary.

EXHIBIT H - Wildlife Information (Rule 6.4.8):

For this Exhibit, you stated “see existing information in prior pit conversion”. However, this information was not included with the 2008 Conversion application. Please submit the following:

- (1) In developing the wildlife information, you may wish to contact the local wildlife conservation officer. You must include in this Exhibit, a description of the game and non-game resources on and in the vicinity of the application area, including:
 - (a) a description of the significant wildlife resources on the affected land;
 - (b) seasonal use of the area;
 - (c) the presence and estimated population of threatened or endangered species from either federal or state lists; and
 - (d) a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat,



interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.

EXHIBIT M - Other Permits and Licenses (Rule 6.4.13):

For this Exhibit, you stated “no other permits are required since other permits have been obtained”.

Please list the permits and/or licenses you currently hold for this operation.

EXHIBIT N - Source of Legal Right to Enter (Rule 6.4.14):

For this Exhibit, you stated “see existing information in prior pit conversion”. However, the lease agreement that was submitted with the 2008 Conversion application needs to be updated to include the correct landowner name (Doherty Ranches, Inc.). In addition, it appears that the current lease agreement will expire on December 31, 2018, while you indicated in Exhibit D that the mining operation is expected to continue for 20 years. Please be sure that the updated lease agreement covers the length of time anticipated for mining and reclamation activities.

Please provide (an updated) description of the basis for legal right of entry to the site and to conduct mining and reclamation. This may be a copy of access lease, deed, abstract of title, or a current tax receipt. A signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter and mine is also acceptable.

EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.15):

Please submit a complete list of all owners or show the owners on the map in Exhibit C. Please be sure that the owners correlate with the ones you listed on Page 2 of the Application Form.

EXHIBIT P - Municipalities Within Two Miles (Rule 6.4.16):

It appears that the town of Branson, Colorado is located right at 2 miles northwest of the proposed permit boundary expansion. Please list the town here, and include the address of the general office.

EXHIBIT S - Permanent Man-Made Structures (Rule 6.4.19):

In the Structure Agreement form submitted, you listed three structures that are located on or within 200 feet of the proposed affected area, including:

- 4 strand barbed wire fence as shown in existing conversion exhibits
- water storage tank
- underground water line

A notarized Certification was submitted for the structure owner “Doherty Ranches Inc.”. However, it is unclear which of these structures is owned by this entity.

Please list here all structures and their owners. If Doherty Ranches, Inc. is not the owner of all of these structures, please submit one of the following for each structure given:

- (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.

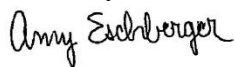
Your application will not be considered submitted (complete) until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt of all of the requested information. Additionally, if you have already published notice you will need to republish notice, after the Division considers the application submitted. This notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date your application is considered submitted. We will notify you when you should initiate publication of your notice. The final date for receiving comments is the 20th day after the fourth publication or the next regular business day.

You have sixty (60) days from the above date to submit all necessary documents that the Office 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 Office, the Office shall deny the application and terminate the application file.

This letter shall not be construed to mean that there are no other 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 submittal of all required items.

If you need additional information, 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, extension 8129, or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

CC: Tom Kaldenbach, DRMS

