

August 11, 2015

Nathan Hewes  
Frank Hewes  
King Mountain Sand and Gravel  
28960 County Rd 5  
Toponos, CO 80479



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

1313 Sherman Street, Room 215  
Denver, CO 80203

***RE: King Mountain Sand and Gravel, Permit No M-1978-314, Permit and Permittee Changes***

Dear Mr. Nathan Hewes:

Per the phone conversation on August 11, 2015 Nathan Hewes requested that the Division of Reclamation, Mining and Safety (Division) send him the attached two forms for a Technical Revision and Financial Warranty Release. Directions and a general outline of what is required for each are as follows:

Request for Technical Revision (TR) Cover Sheet

- Complete the cover sheet.
- Permittee/ Operator information will be the Kirk Eberl.
- Description needs to say something to the extent of changing your mining plan to allow for a max disturbance of ### acres which is less than the current 184 acres allowed
  - For DRMS both actively mined land and reclaimed land awaiting release count as disturbed. (Example: 8 acres actively mining and 10 in final reclamation awaiting release is a disturbance of 18 acres.)
  - Routt County may only see actively mined land as needing to be less than 10 acres.
- Attach a revised map depicting your phases of mining and proposed direction.
- Attach the fee of \$216

Request for Full or Partial Release of permit Area/ Surety Reductions

- I have already checked the Surety Reduction box for you.
- Finish completing the packet
- Include a new estimate of the actual cost to reclaim the site based on what it would cost an independent contractor to complete the reclamation.
  - Needs to be itemized and meet the requirements of the reclamation plan

Once the forms are completed by Nathan Hewes:

- Send the forms to Mr. Eberl for final approval and submission as he is still considered the contact for the permit until a Succession of Operator can be completed.
- Technical Revision sent separately using standard USPS mail.
  - Include TR form, Map and fee



- Surety Reduction must be sent separately using certified mail per Rule 4.17 and include:
  - Include certified mail # on request form
  - Mr. Eberl needs to sign page 2
  - Include reclamation estimate.

Looking forward

The Division will review the requested TR for completeness when received with the fee. If the items are complete they will be considered filed. Once filed the Division has 30 days to determine if the requests is approvable. If more information is required a letter will be sent identifying deficiencies that need to be addressed. A decision will be made at the end of that 30 day review period or sooner if possible. A letter will be sent to the operator of the Division decision regarding the TR.

Prior to making a decision on the TR the Division will conduct a required inspection. Staff will recalculate the bond based on site conditions and to reflect the changes addressed in the TR request. A separate letter will be sent notifying the operator of the new bond amount and the staff's supporting calculations.

At that point the Surety reduction request can be made and approved after the required period. Once the technical revision and surety reduction processes have been completed the Succession of Operator process can be initiated.

The Division acknowledges that the items mentioned above are in an effort to move towards the required succession of operator. The Division is willing to extend the date of compliance, October 6, 2015, for resolving the Right of Entry issues as long as documentation demonstrating progress is being made is sent to staff.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,



**Amy Yeldell**

Environmental Protection Specialist  
Department of Natural Resources  
Division of Reclamation, Mining and Safety  
Phone: (970) 254-8511  
Fax: (970) 241-1516

Cc:

Russ Means, Senior EPS / Field Office Supervisor, Grand Junction DRMS  
Kirk Eberl, Current Permittee



# COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

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

## REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M- 1978-314 Site Name: King Mountain Sand + Gravel Mine

County \_\_\_\_\_ TR# \_\_\_\_\_ (DRMS Use only)

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

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

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

Please provide a brief description of the proposed revision: \_\_\_\_\_

As defined by the Minerals Rules, a Technical Revision (TR) is: "a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan." The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered "filed for review" until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<u>Permit Type</u>	<u>Required TR Fee</u>	<u>Submitted</u> (mark only one)
110c, 111, <u>112 construction</u> materials, and 112 quarries	\$216	<input checked="" type="checkbox"/>
112 hard rock (not DMO)	\$175	<input type="checkbox"/>
110d, 112d(1, 2 or 3)	\$1006	<input type="checkbox"/>



# 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/SURETY REDUCTION

Please indicate if you are requesting:

FULL/FINAL RELEASE OF ENTIRE PERMITTED AREA (per Rule 4.17) ☐

ACREAGE REDUCTION (PARTIAL RELEASE per Rule 4.17) ☐

I wish to release \_\_\_\_\_ acres at this time.

You will need to submit with this request: a map showing the acreage to be released from the current permit and updated mining and reclamation plan maps that will accurately depict the new permit boundary if the release is approved.

SURETY (Bond) REDUCTION (per Rule 4.14) ☒

If you are requesting a surety (bond) reduction you will need to include with this request a new estimate of the actual cost to reclaim the site based on what it would cost an independent contractor to complete reclamation, including unit costs for reclamation activities as appropriate to the operation to comply with the provisions of Rule 3.1 and the Permit's approved Reclamation Plan.

File No.: M- 1978-314 Site Name: King Mountain Sand & Gravel Mine

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

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

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

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.

Continue on following page..

In accordance with Rule 4.17.1(4), if requesting a full or partial acreage release 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 Rules 4.14.2(a) and 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.**