



## COLORADO

Division of Reclamation,  
Mining and Safety

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

October 2, 2015

Tim Carper  
42538 CR 9  
Haxtun, CO 80731

**Re: Carper Pit #2, Permit No. M-2008-072, 112 Conversion Application Adequacy Letter (CN-01)**

Dear Mr. Carper,

The Division of Reclamation, Mining and Safety (Division) has reviewed the content of your permit Conversion Application (CN-01) for the Carper Pit #2, File No. M-2008-072, and submits the following comments. **The Division is required to make an approval or denial decision no later than October 19, 2015; 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 the adequacy issues, please submit your adequacy responses to the Division no later than October 16<sup>th</sup>.

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.4 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.

### **GENERAL**

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; this includes 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 the Division of Water Resources and History Colorado. The letters are attached for review. Please acknowledge the letters, address any comments within the letters, and make changes to the application as necessary.
4. To make this process more efficient, the Division has attached the new Performance Warranty form which will need to be filled out, notarized, and returned prior to permit issuance.

### **6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS**

The following items must be addressed by the Operator 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:



**EXHIBIT D - Mining Plan (Rule 6.4.4):**

5. Please clarify that Tract 1 will not be permitted and the Operator will continue the current operation of mining Tract 2. That Tract 1 is the area of the released/terminated M-2004-014 permit and only the western 100' of this area will be permitted as a portion of Tract 5.
6. Since the Operator intends to operate as a phased mining/bonding approach, please commit to contacting the Division for approval prior to disturbing any new tracts. The request shall include the estimated reclamation costs that would be required for opening the additional tract. The Division will review and calculate a new Final Warranty amount, issuing a Surety Increase revision if necessary. Once the additional amount is posted the Operator will be approved for the new tract.

\*\*\*Please note that the Operator may, at any point throughout the life of the mining operation, request a Surety Reduction for completed reclamation tasks or an Acreage Reduction for portions of the permit that have achieved final reclamation.\*\*\*

7. In accordance with Rule 6.4.4(g)(ii), please state the nature of the stratum immediately beneath the material to be mined.
8. Please further clarify the statement that slopes will be left as close to 3H:1V during mining; specifically, does the Operator commit to mining at no steeper than 3H:1V, meaning there will be no highwalls created during the mining operation.

**EXHIBIT E - Reclamation Plan (Rule 6.4.5):**

9. The approved reclamation plan for the 110c permit calls for the stripping of 9 inches of topsoil while the conversion application states 6 inches. Please commit to stripping at least 9 inches of topsoil or provide a technical justification for the 6 inches.

**EXHIBIT J - Vegetation Information (Rule 6.4.10):**

10. In accordance with Rule 6.4.10(1)(a), please provide quantitative estimates of cover and height for the vegetation described in Exhibit J of the application.

**EXHIBIT L - Reclamation Costs (Rule 6.4.12):**

11. As proposed, the Operator requests to have the site's reclamation cost estimate only to be calculated for Tract 2, the original 110c permit boundary. The Division has completed the Financial Warranty calculation for the proposed operation. **The reclamation cost estimate has been calculated in the amount of \$23,500.00;** this covers the cost to reclaim the Tract 2 area (maximum allowed disturbance of 9.9 acres) as proposed in the Mining and Reclamation Plans. This amount is \$4,250.00 more than the current Irrevocable Letter of Credit currently held for the site. Please review the enclosed figures as soon as possible and contact our office if you have any questions or find any calculation errors. Please note that the Division used 9 inches of topsoil as requested in adequacy item #8.

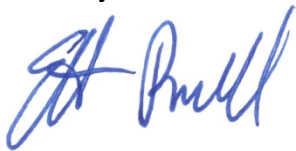
**EXHIBIT R – Proof of Filing with County Clerk and Recorder (Rule 6.4.18):**

12. 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 Operator. Submit proof that the public review copy has been updated with a copy of the response to this adequacy letter.

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 Conversion Application for the Carper Pit #2 permit may be deemed inadequate, and the application may be denied on October 19, 2015, 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 October 19, 2015 and the request for additional time. This must be received no later than the deadline date.**

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Enclosures:     Division of Water Resources comment letter  
                     History Colorado comment letter  
                     Reclamation Cost Estimate  
                     Performance Warranty Form

Cc:                Wally Erickson, Division of Reclamation, Mining & Safety  
                     Randy Schafer; 40586 CR 21 Haxtun CO 80731