



## COLORADO

Division of Reclamation,  
Mining and Safety

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

October 23, 2015

Dave Hornung  
Kit Carson County  
P.O. Box 160  
Burlington, CO 80807

**Re: Dorsch Pit; Permit No. M-1998-060; 110c to 112c Conversion Application; Adequacy Letter (CN-01)**

Dear Mr. Hornung,

The Division of Reclamation, Mining and Safety (Division) has reviewed the content of your permit Conversion Application (CN-01) for the Dorsch Pit, File No. M-1998-060, and submits the following comments. **The Division is required to make an approval or denial decision no later than November 5, 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 November 3<sup>rd</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.

*Information received on August 31, 2015 is adequate as submitted.*

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.

*Information received on August 31, 2015 is adequate as submitted.*

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

5. In accordance with Rule 6.4.3(e), please update a previously submitted map or provide a new map which legibly portrays the type of present vegetation covering the affected lands.
6. In accordance with Rule 6.4.3(g), please update a previously submitted map or provide a new map which shows the owner's name, type of structure, and location of all permanent or man-made structures contained on the area of affected land and within 200 feet of the affected land. Specifically, please identify the County Road along the western boundary and the fence along the northern boundary.

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

7. In accordance with Rules 6.4.4(a) and 6.4.4(b), provide a description of the method(s) of mining and earthmoving.
8. If water diversions and impoundments will be created as a part of this operation, provide a description of these.
9. In accordance with Rule 6.4.4(d), describe the size of area(s) to be worked at any one time.
10. In accordance with Rule 6.4.4(g)(i), state the nature, depth and thickness of the ore body or deposit to be mined and the thickness and type of overburden to be removed (may be marked "CONFIDENTIAL," as per Paragraph 1.3(3).
11. In accordance with Rule 6.4.4(g)(ii), state the nature of the stratum immediately beneath the material to be mined.
12. Please specify if explosives will be used in conjunction with mining or reclamation.

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

13. In accordance with Rule 6.4.5(2)(b), please provide a description comparing the proposed post-mining land use to other land uses in the vicinity.
14. In accordance with Rule 6.4.5(2)(e), provide a plan or schedule indicating how and when reclamation will be implemented. Such plan or schedule shall not be tied to any specific date but shall be tied to implementation or completion of different stages of the mining operation as described in Subparagraph 6.4.4(1)(e). The plan or schedule shall include:
  - (i) An estimate of the periods of time which will be required for the various stages or phases of reclamation;
  - (ii) A description of the size and location of each area to be reclaimed during each phase; and
  - (iii) An outline of the sequence in which each stage or phase of reclamation will be carried out. (The

schedule need not be separate and distinct from the Reclamation Plan, but may be incorporated therein.)

**EXHIBIT F - Reclamation Plan Map (Rule 6.4.6):**

15. The Exhibit F Reclamation Plan Map depicts the proposed post-mining topography within the permit boundary. The Division believes the label on the map indicating the contour interval of 30 feet is incorrect. Please update this map to reflect the correct contour interval. Additionally, please show the current topography that will remain unchanged which lies outside of the permit boundary and adjust any post-mining topography, as necessary.

**EXHIBIT M – Other Permits and Licenses (Rule 6.4.13):**

16. In the conversion application, the Operator states that a storm water permit is not required because storm water will be contained in the pit. Based on observation made during site inspections and information provided in the application, the Division believes storm water has a chance to leave the site at specific areas along the northern boundary.

Please commit to obtaining a Stormwater Discharge Permit. The Operator shall contact the Water Quality Control Division (WQCD) of the Colorado Department of Public Health and Environment for further information regarding this permit. The Operator may also supply the Division with WQCD correspondence demonstrating that the proposed plan will not require a permit.

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

17. 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 Kit Carson County Clerk and Recorder by the Operator. Please submit proof that the public review copy has been updated and a copy of the response to this adequacy letter has been added to it.

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

*When mining operations will adversely affect the stability of any significant, valuable and permanent man-made structure located within 200 feet of the affected area, 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.*

18. Please submit a notarized agreement between the Operator and the persons having interests in the fence line along the northern boundary of the site (observed during the 10/15/15 Pre-Operation Inspection), or submit other documentation in accordance with Rule 6.4.19. A sample structure agreement form has been enclosed with 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 Dorsch Pit permit may be deemed inadequate, and the application may be denied on November 5, 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 November 5, 2015 and the request for additional time. This must be received no later than the deadline date.

Please be aware that the Board Order of Violation No. MV-2015-010 imposed the corrective action that this conversion application must be approved within 180 days of the mailing date of the Order (mailed on June 11, 2015). If the Applicant requests additional time, extending the decision date past **December 8, 2015**, the request must be made to the Mined Land Reclamation Board to extend Board Ordered date (the MLRB will have meetings on November 18, 2015 and December 16, 2015).

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  
                     Performance Warranty Form  
                     Sample Structure Agreement Form

Cc:                Wally Erickson, Division of Reclamation, Mining & Safety