

November 10, 2015

Steve Baker
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COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

Re: Vermillion Creek Barrow Area, File No. M-2015-027, Receipt of Construction Material Limited Impact (110) Reclamation Permit Application Package

Dear Mr. Baker:

On Wednesday, October 28, 2015, the Division of Reclamation, Mining and Safety received the Construction Material Limited Impact (110) Reclamation Permit Application package for the Vermillion Creek Barrow Area, File No. M-2015-027. A preliminary review of the information received determined that the following items must be received before the Division can consider the application filed and begin technical review can begin:

APPLICATION FORM:

Per Rule

6.2.1 General Requirements

(1) This Rule provides for the guidelines for, and information requirements of, each Exhibit required to be submitted with the permit application, as specified according to Section 6.1.

(2) Maps and Exhibits

Maps, except the index map, must conform to the following criteria:

- ☐ (a) show name of Applicant;
- ☐ (b) must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
- ☐ (c) give date prepared;
- ☐ (e) with the exception of the map of the affected lands required in Section 34-32.5-112(2)(d), C.R.S. 1984, as amended, shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Also, that a map scale, appropriate legend, map title, date and a north arrow shall be included.



6.3.1 EXHIBIT A - Legal Description and Location Map

- ☐ (1) The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by (a) township, range, and section, to at least the nearest quarter-quarter section, and (b) location of the main entrance to the mine site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. A metes and bounds survey description is acceptable in lieu of Township, Range, and Section. Where available, the street address or lot number(s) shall be given. This information may be available from the County Assessor's office or U.S. Geological Survey (USGS) maps.
- ☐ (2) The main entrance to the mine site shall be located based on a USGS Topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.
- ☐ (3) A map showing information sufficient to determine the location of the affected land on the ground and existing and proposed roads or access routes to be used in connection with the mining operation. Names of all immediately adjacent surface owners of record shall also be shown. The operation location map shall be a standard 1:24,000 scale U.S. Geological Survey map. The location of the proposed operation shall be shown and labeled with the mine site name.

6.3.2 EXHIBIT B - Site Description

- ☐ (b) identify any permanent man-made structures within two hundred (200) feet of the affected area and the owner of each structure. Each structure should be located on Exhibit E - Map;
- ☐ (c) a description of the water resources in the area of the proposed operation. Identify any streams, springs, lakes, stock water ponds, ditches, reservoirs, and aquifers that would receive drainage directly from the affected area. Provide any information available from publications or monitoring data on flow rates, water table elevations and water quality conditions; and

6.3.7 EXHIBIT G - Source of Legal Right-to-Enter

- ☐ Provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation, for Owners of Record described in Rule 1.6.2(1)(e)(i). 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.

6.3.9 EXHIBIT I - Proof of Filing with County Clerk

- ☐ An affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

6.3.1 EXHIBIT J - Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District

- ☐ Proof that notice of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Soil Conservation District, to the Board of Supervisors of the local Soil Conservation District, pursuant to Subparagraph 1.6.2(1)(a)(ii).

6.3.1 EXHIBIT L - Permanent Man-Made Structures
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Where the mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall 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.

1.6.2 ADDENDUM 1 - Notice Requirements - Affidavit of Posting Notice

- ☐ (1) (b) Prior to filing the application, post notices (signs) at the location of the proposed mine site, as required by the Office, of sufficient size and number to clearly identify the site as the location of a proposed mining operation giving name, address, and phone number of the Applicant, and stating that (name of Applicant) has applied for a mining permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the County Clerk's or Recorder's office and should send comments prior to the end of the public comment period to the Colorado Mined Land Reclamation Office, at the address given on the cover of these Rules and Regulations. Any class of Limited Impact 110 or Special 111 operation need only post notice (sign) at the location of the proposed access to the site. After having posted such notice (sign), failure by an Applicant to maintain such notice shall not constitute just cause to deny approval of the application. At the time the application is filed with the Office, the Applicant shall provide a signed affidavit that such notice (sign) was posted according to the provisions of this Rule.

Your application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 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. Republication must occur once within ten (10) days of the submittal date. We will notify you when you should initiate republication of your notice. It is recommended that you send the Division a copy of the notice prior to publication to review for errors. The final date for receiving comments is ten (10) days after the date of 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. Please note that according to the board order the permit must be approved by December 21, 2015 which is earlier than the statutory requirements listed above.

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 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,



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Ec:
Russ Means, Senior EPS / Field Office Supervisor, Grand Junction DRMS