

March 4, 2016

Derek Duran  
Duran & Pearce Contractors  
PO Box 1331  
Craig, CO 81626



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

1313 Sherman Street, Room 215  
Denver, CO 80203

***RE: Martin Pit 1-A, File No. M-1990-140, Receipt of Incomplete Construction Material Regular (112) Operation Reclamation Permit Application Package***

Dear Mr. Duran:

On February 25, 2016, the Division of Reclamation, Mining and Safety (Division) received the Construction Material Regular (112) Operation Reclamation Permit Application package for the Martin Pit 1-A, File No. M-1990-140. A preliminary review of the information received determined that the following items must be received before the Division can consider the application submitted and technical review can begin:

<b><u>Per Rule</u></b>				
<b>6.2.1</b>	<b>General Requirements</b>			
	(2)			Maps and Exhibits
<b>Maps, except the index map, must conform to the following criteria:</b>				
		(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;
		(d)		identify and outline the area which corresponds with the application;
		(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.
<b>6.4.1</b>	<b>EXHIBIT A - Legal Description</b>			
	(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.
Please address, Map for exhibit B can be used if mine entrance location is noted and it meets the requirements of 6.2.1 (2)				
6.4.2	<b>EXHIBIT B - Index Map</b>			
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 address. Attached map has illegible features and must include the access road.				
6.4.3	<b>EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands</b>			
All maps need to meets the requirements of 6.2.1 (2)				
One or more maps may be necessary to legibly portray the following information:				
		(a)		all adjoining surface owners of record;
Please clarify, is land to the east and west also owned by the state? Also is it State of Colorado, State Land Board, etc. ?				
		(d)		the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land");
<p>Will the entire 80 acre property be mined over the lifetime? Any offsets from the property boundary or around the power lines? Narrative says only 60 acres mine with a total affected of 65 acres. Total affected and mined land should include are from the original 110c. Treat this as a brand new application when describing disturbances. May be easier to note any areas that will not be mined.</p> <p>Map should depict the proposed 10 acre disturbance phases, note all disturbances such as processing and laydown yards are included in the 10 acre total.</p>				
		(g)		Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
Who owns the fences delineating the south and west property line? Any features of value within 200 ft of the property lines?				
6.4.4	<b>EXHIBIT D - Mining Plan</b>			

The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:			
		(f)	A map (in Exhibit C - Pre-Mining and Mining Plan Maps(s) of Affected Lands, Subsection 6.4.3) may be used along with a narrative to present the following information:
Please address			
		(i)	nature, depth and thickness of the deposit to be mined and the thickness and type of overburden to be removed (may be marked "CONFIDENTIAL," pursuant to Paragraph 1.3(3)); and
		(ii)	nature of the stratum immediately beneath the material to be mined in sedimentary deposits.
<b>6.4.6</b>	<b>EXHIBIT F - Reclamation Plan Map</b>		
The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:			
Please address. Should depict the land once mining is finished and reclamation is complete.			
		(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.
<b>6.4.19</b>	<b>EXHIBIT S - Permanent Man-made Structures</b>		
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 may either:			
<p>If 65 acres will be affected by mining you will also need agreements for all structures within 200 ft. This includes features like; fences, culverts, utilities, underground fiber/electrical, sheds, etc.</p> <p>If you own features like the fence it still requires a structure agreement, so fill out both portions.</p> <p>If you have an agreement with the power company that no damage will result from mining the feature still needs to be listed on the structure agreement page</p>			
		(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 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, the attached notice requires changes prior to publication. A corrected form has been attached. 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 republication 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, **Tuesday, May 03, 2016**, 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 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  
Fax: (970) 241-1516

Cc:

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

