



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

April 11, 2016

Mr. Ed Lyons
Lucky VI Quarry LLC
P.O. Box 875
Westcliffe, CO 81252

**Re: Buffalo Hunter Load, Permit No. M-2016-015,
Amendment to a 110c Construction Materials Reclamation Permit Application Package,
Preliminary Adequacy Review**

Dear Mr. Lyons:

On March 21, 2016, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced amendment to an application in review complete for the purposes of filing. Pursuant to Rule 1.4.6(1), the 30-day decision date for the application has been set at April 20, 2016. Please be advised on April 20, 2016, the application may be deemed inadequate and may be denied unless the following adequacy items are addressed to the Division's satisfaction. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this application. In order to allow the Division adequate time to review your responses to any adequacy issues, please submit your adequacy responses to the Division no later than one week prior to the decision date. Subsequent to receipt and review of the Applicant's response to these items the Division may identify additional adequacy items.

The review consisted of comparing the application material with specific requirements of Rule 6.1, 6.2, 6.3 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. As with most applications there are a few items that will require clarification of the existing information. Any inadequacies are identified under the respective exhibit heading.

General Comments and Questions

- 1) Please provide proof of the local newspaper publications required by Rule 1.6.5. Proof of publication may consist of either a copy of the last newspaper publication that includes the date published, or a notarized statement from the newspaper.

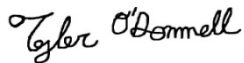


- 2) Please provide proof of mailing or serving a copy of the public newspaper notice, to all owners of record of the surface and mineral rights of the affected land; and the owners of record of all land surface within 200 feet of the boundary of the affected lands, as required by Rule 1.6.2(1)(e).
- 3) Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review.
- 4) Please address the attached comment letter from the Division of Water Resources.

Please respond to these adequacy issues no later than one week before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision deadline. The decision deadline on this application is April 20, 2016. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at Tyler.ODonnell@state.co.us.

Sincerely,



Tyler O'Donnell
Environmental Protection Specialist

Enclosure: Comment letter from the Division of Water Resources

cc: Wally Erickson, DRMS



COLORADO
Division of Water Resources
Department of Natural Resources

Office of the State Engineer
1313 Sherman St, Suite 818
Denver, CO 80203

Response to Reclamation Permit Application Consideration

DATE: March 30, 2016
TO: Tyler V. O'Donnell, Environmental Protection Specialist
CC: Division 2 Office; District 13 Water Commissioner
FROM: Caleb Foy, P.E.
RE: Buffalo Hunter Load, File No. M-2016-015
Operator: Lucky VI Quarry LLC
Contact: Ed Lyons, (719) 371-2136
Sec. 16, Twp. 22S, Rng. 72W, 6th P.M., Custer County

CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations. If stormwater is contained on-site, it must infiltrate into the ground or be released to the natural stream system within 72 hours, or all work must cease until a substitute water supply plan, or augmentation plan approved by water court, is obtained. Reclamation plans must ensure water will not be retained onsite for more than 72 hours unless an augmentation plan approved by water court is obtained.
- ☒ The proposed operation will consume water by: ☐ evaporation, ☒ dust control, ☐ reclamation, ☐ water removed in the mined product, ☐ processing, ☒ other: portable office trailer.
- ☒ Other: All water used on-site for mining needs shall be a legal supply of water provided by an appropriate supplier.

COMMENTS: The local Water Commissioner, Jerry Livengood, may be contacted at (719) 429-1863 or Jerry.Livengood@state.co.us regarding legal supplies of water in the area.

