



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

July 27, 2016

Mrs. Connie Davis  
Aggregate Industries - WCR, Inc.  
1687 Cole Blvd., Suite 300  
Golden, CO 80401

**Re: Aggregate Industries - WCR, Inc.; Longmont Distel Operation; File No. M-1989-029;  
112c Permit Amendment (AM-04) Application Adequacy Review**

Mrs. Davis:

The Division of Reclamation, Mining and Safety (Division/DRMS) has reviewed the content of the Aggregate Industries - WCR, Inc. 112c permit amendment application for the Longmont Distel Operation, File No. M-1989-029 and submits the following comments. The Division is required to make an approval or denial decision no later than August 22, 2016 therefore; a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

The review consisted of comparing the amendment application content with specific requirements of Rules 1, 3, 6.1, 6.2, 6.4 and 6.5 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 heading along with suggested corrective actions.

### 1.6 - Public Notice

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.

*The Operator submitted proof of publication on July 8, 2016. No additional response is required from the Operator.*

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 including 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 Colorado Division of Water Resources. The letter is attached for review. Please address the comments noted in the letter and make any changes to the amendment application as needed.

#### **6.4 Specific Exhibit Requirements - Regular 112 Operations**

The following items must be addressed by the Applicant 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:

##### **6.4.3 Exhibit C - Pre-mining and Mining Plan Map of Affected Land**

4. Rule 6.2.1(2) requires maps show name of Applicant, be signed by a registered land surveyor, professional engineer, or other qualified person, give date prepared and shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and Rules. The acceptable range of map scales shall not be larger than 1 inch= 50 feet nor smaller than 1 inch = 660 feet. Please submit an updated copy of Exhibit C-1 with the name of Applicant, signed by a qualified person, date prepared and with an appropriate scale.
5. Please update Exhibit C to include a map indicating all structure owners and easement holders located on the affected land and within 200 feet of the boundary of the affected land.

##### **6.4.6 Exhibit F - Reclamation Plan Map**

6. Rule 6.2.1(2) requires maps show name of Applicant, be signed by a registered land surveyor, professional engineer, or other qualified person, give date prepared and shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and Rules. The acceptable range of map scales shall not be larger than 1 inch= 50 feet nor smaller than 1 inch = 660 feet. Please submit an updated copy of Exhibit F-1 with the name of Applicant, signed by a qualified person, date prepared and with an appropriate scale.
7. As discussed during the pre-operational inspection on July 14, 2016, the final project design plans and maps were to be completed by CH2M by the beginning of August. Please to submit a full set of the final project design plans and maps to the Division.

##### **6.4.13 Exhibit M - Other Permits and Licenses**

8. During the February 16, 2016 inspection and meeting with the Applicant and the City of Longmont, the consultant to the City mentioned an Army Corps of Engineers 404 permit for

the proposed restoration work for the St. Vrain River. Please update Exhibit M to indicate the 404 permit and any other permits required for the restoration of the St. Vrain River.

**6.4.15 Exhibit O - Owners of Record of Affected Land and Owners of Substance to be Mined**

9. In Exhibit C of the amendment application, the Applicant states some parcels of land have changed ownership since the previous amendment to the application. Please updated Exhibit O to indicate the changes in land ownership as needed.

**6.4.18 Exhibit R - Proof of Filing with County Clerk and Recorder**

10. Please provided an affidavit or receipt indicating the date on which the revised amendment application information required to address this adequacy letter was placed with the Weld County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

Please be advised the Longmont Distel Operation amendment application may be deemed inadequate, and the application may be denied on August 22, 2016, 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 August 22, 2016 and request for additional time. This must be received no later than the deadline date.

If you have any questions, please do not hesitate to contact me at [peter.hays@state.co.us](mailto:peter.hays@state.co.us) or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays  
Environmental Protection Specialist

Enclosures - Colorado Division of Water Resources Comment Letter

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