



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

1313 Sherman Street, Room 215
Denver, CO 80203

August 9, 2016

Mr. Kent Holsinger
Holsinger Law, LLC
1800 Glenarm Place, Suite 500
Denver, CO 80202

**Re: Van Valkenburg Cattle Co., LLC; Van Valkenburg Quarry; File No. M-2016-033;
Construction Materials Limited Impact Operation (110) Reclamation Permit Application
Adequacy Review**

Mr. Holsinger:

The Division of Reclamation, Mining and Safety (Division/DRMS) has reviewed the content of the Van Valkenburg Cattle Co., LLC permit application for the Van Valkenburg Quarry, File No. M-2016-033 and submits the following comments. The Division is required to make an approval or denial decision no later than August 20, 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 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 Division received proof of publication in The Jackson County Star on July 16, 2016 from the Applicant on August 8, 2016. No additional response is required.

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.



The Division received proof of notice to the land and structure owners listed below from the Applicant on August 8, 2016.

1. *Bureau of Land Management*
2. *Jackson County Road and Bridge*

The Applicant is still required to submit proof of notice to all owners of record of surface and mineral rights of the affected land.

3. The Division received comments from History Colorado. The letter is attached for review. Please address the comments noted in the letter and make any changes to the application as necessary.

6.3 Specific Exhibit Requirements - 110 Limited Impact 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:

6.3.3 Exhibit C - Mining Plan

4. It appears the Best Management Practices for Final Site Reclamation under section (i) of the Mining Plan is incomplete. Please review the section and update the Mining Plan as needed.

6.3.4 Exhibit D - Reclamation Plan

5. The Applicant states any constructed roads will be removed and road areas will be included in the reclamation activities, unless Applicant intends to use such roads for future use. Please acknowledge, the possible future change in the Reclamation Plan to leave the roads unreclaimed will require a technical revision to be approved by the Division prior to final full release request consideration.
6. The Applicant states the Applicant will leave the graded area at no more than a 3H:1V slope. Please clarify if the site will be mined at the final slope or backfilled during reclamation to achieve the final grade.
7. The Applicant states weed control shall be employed for all prohibited noxious weeds and whenever invasion of a reclaimed area by other weed species seriously threatens the continued development of desired vegetation.

Please provide a Noxious Weed Management Plan with the following information:

- a. A list of potential noxious weed species (target species).
- b. The control methods and treatment window for each target species.

- c. A monitoring plan and follow-up plan for the site (i.e. when the “local weed control expert” will inspect the property during the year and how follow-up treatments will be implemented following the inspection.)

The Division recommends the Applicant contact the appropriate local weed control authority to assist with the weed control plan.

8. The Division prepared a reclamation cost estimate for the Van Valkenburg Quarry based on the information provided by the Applicant. The Division estimates the total cost to reclaim the site at \$42,700.00. A copy of the estimate is enclosed for your review.

6.3.9 Exhibit R - Proof of Filing with County Clerk

9. Please provided an affidavit or receipt indicating the date on which the revised application information required to address this adequacy letter, including the information submitted by the Applicant to the Division on August 8, 2016, was placed with the Jackson County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

6.3.12 Exhibit S - Permanent Man-made Structures

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:

- 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.
10. Please provide a signed copy of the Structure Agreement between Van Valkenburg Cattle Co., LLC and Jackson County Road and Bridge for County Road 53.

The Division received a signed copy of the structure agreement between Van Valkenburg Cattle Co., LLC and Jackson County Road and Bridge from the Applicant on August 8, 2016. No additional response is required.

August 9, 2016

Please be advised the Van Valkenburg Quarry application may be deemed inadequate, and the application may be denied on August 20, 2016, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division.

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

Sincerely,



Peter S. Hays

Environmental Protection Specialist

Enclosures – Division Reclamation Cost Estimate, History Colorado comment letter

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