



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 11, 2017

Jonathan George
Bishop-Brogden Associates, Inc.
333 W Hampden Ave.
Englewood, CO 80110

**RE: Rothe Sand and Gravel Pit, Permit No. M-1995-017
Amendment No. 01 application, AM01, Adequacy Review No. 1**

Dear Mr. George:

The Colorado Division of Reclamation, Mining, and Safety (Division) has reviewed the above referenced application. The application was deemed complete for review on May 8, 2017 after receiving a copy of the Deed demonstrating the applicant's legal right to enter and conduct mining operations at the site. The Division is required to issue a decision on the application by June 7, 2017. The following items will need to be addressed to the Division's satisfaction prior to the approval of the application.

Exhibit A – Rule 6.3.1 – Legal Description and Location Map

1. For the UTM coordinates provided for the main entrance to the mine site, please specify the Datum (NAD 1927, 1983, or WGS 84 etc.) used to find these coordinates and the applicable zone.
2. The affected land depicted on the Exhibit A map does not correspond to the currently approved affected land. Attached is a Mining Site Plat that depicts the affected area for the site. It appears the currently approved affected land has been disturbed by the mining operation and thus cannot be modified. Please revise the map to depict the currently approved affected land.

Exhibit B – Rule 6.3.2 – Site Description

3. Based on the Division's knowledge of the site there are several permanent man-made structures within 200 feet of the affected area. These structures include and ditch that is north of the affected land, powerlines adjacent to the east and south side of the affected land and a road that is also to the east and south of the affected land. Please revise Exhibit B to list these structures and any others that may exist at the site and identify the owner of each of these structures.
4. For the structures identified above, each structure needs to be shown on the Exhibit E Map. Please revise these maps accordingly.



5. Please provide information regarding the water table elevations within the affected land and the water quality conditions.

Exhibit E – Rule 6.3.5 – Map

6. Both the mining and reclamation plan maps depict an affected land/permit boundary that does not correspond to the currently approved affected land/permit boundary as discussed in item #2 above. Please revise these maps to depict the currently approved boundary.
7. As discussed in item #3 above, please depict the type of structure and owners of record of any permanent or man-made structures within 200 feet of the affected land.
8. On the reclamation plan map, please add a note to the map that states the average thickness overburden and topsoil to be replaced at the site.

Exhibit L – Rule 6.3.12 – Permanent Man-Made Structures

9. The Division has identified several permanent and man-made structures within 200 feet of the affected land. Given this, the applicant must supply the information/documentation required by Rule 6.3.12. 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.

Other Issues:

10. Please provide documentation that the publication required by Rule 1.6.2(1)(d) and 1.6.3 was published.
11. In accordance with Rule 1.6.2(1)(e), please provide documentation that the applicant mailed or personally served a copy of the notice required by Rule 1.6.2(1)(d) 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.

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This concludes the Division's review of the AM01 application. As indicated above, the Division is required to issue a decision on the application by June 7, 2017. If you need additional time to address the Division's concerns, please request an extension of the decision date in accordance with Rule 1.4.1(9). If the decision date arrives and there are outstanding adequacy review items, the Division may deny the application.

If you have any questions feel free to contact me at (303) 866-3567, extension 8120.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Ebert", with a stylized flourish at the end.

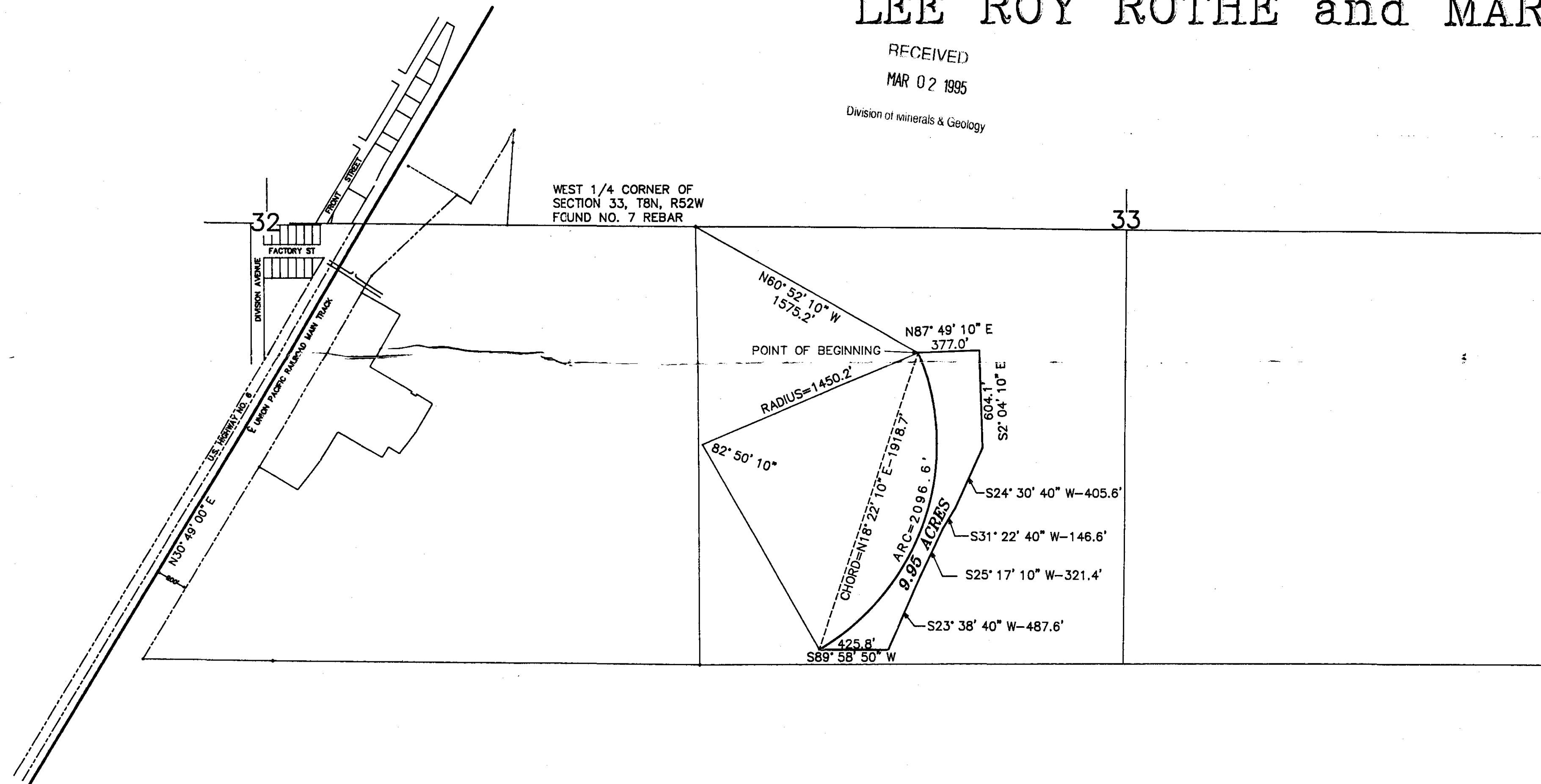
Jared Ebert
Environmental Protection Specialist III

Enclosures: 1.) *Mining Site Plat, Lee Roy Rothe and Marlene J. Rothe, dated 11-14-94*

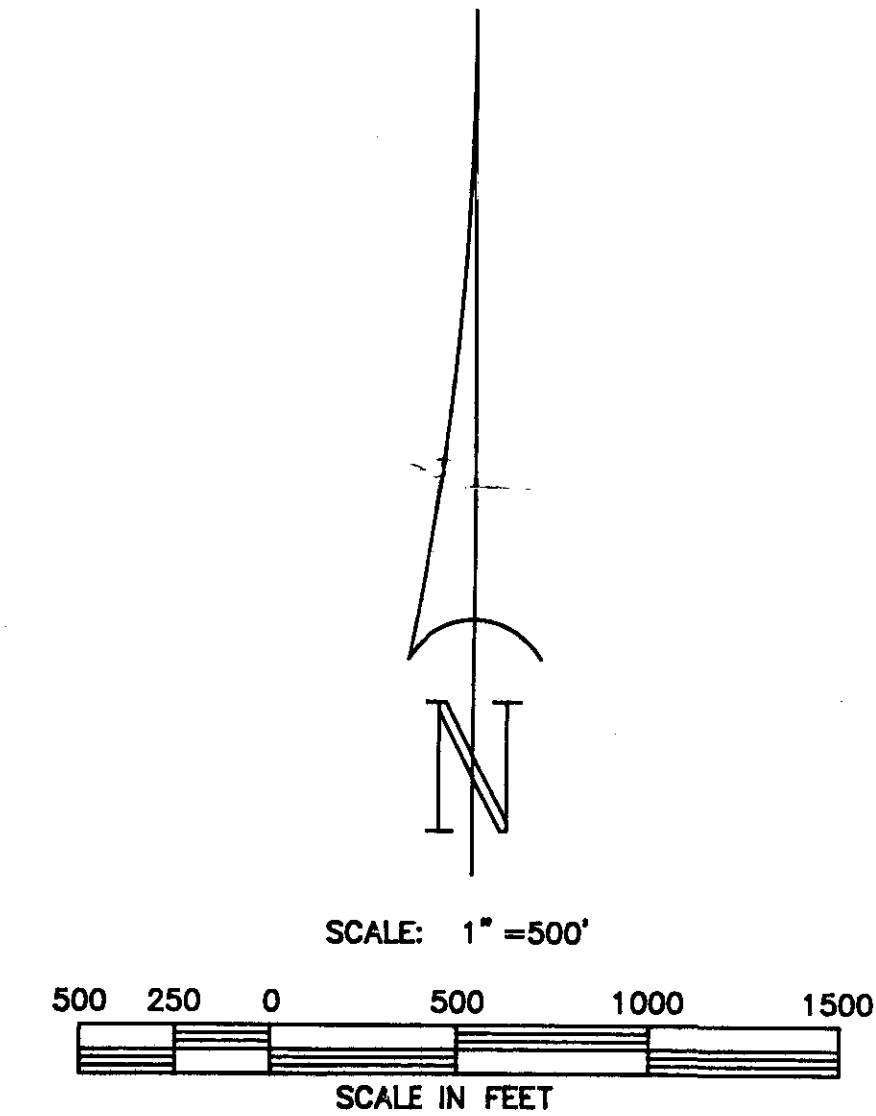
EC: Donald Saling, City of Sterling

MINING SITE PLAT for LEE ROY ROTHE and MARLENE J. ROTHE

RECEIVED
MAR 02 1995
Division of Minerals & Geology

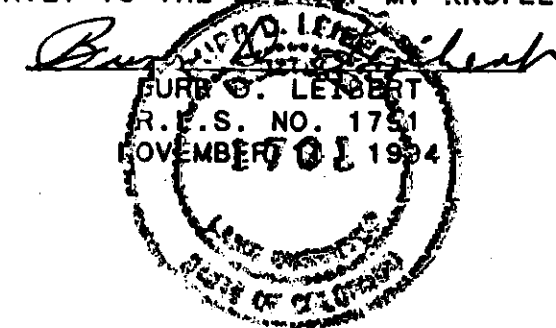


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SURVEYOR'S CERTIFICATE

I, BURR D. LEIBERT, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION, AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST, AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.



DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 33, TOWNSHIP 8 NORTH, RANGE 52 WEST OF THE SIXTH PRINCIPAL MERIDIAN, LOGAN COUNTY, COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT FROM WHENCE THE WEST QUARTER CORNER OF SAID SECTION 33 BEARS NORTH 60°52'10" WEST A DISTANCE OF 1575.2 FEET; THENCE NORTH 87°49'10" EAST A DISTANCE OF 377.0 FEET; THENCE SOUTH 2°04'10" EAST A DISTANCE OF 604.1 FEET; THENCE SOUTH 24°30'40" WEST A DISTANCE OF 405.6 FEET; THENCE SOUTH 31°22'40" WEST A DISTANCE OF 146.6 FEET; THENCE SOUTH 25°17'10" WEST A DISTANCE OF 321.4 FEET; THENCE SOUTH 23°38'40" WEST A DISTANCE OF 487.6 FEET; THENCE SOUTH 89°58'50" WEST A DISTANCE OF 425.8 FEET TO A POINT ON A HORIZONTAL CIRCULAR CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE, CONCAVE NORTHWESTERLY WITH A RADIUS OF 1450.2 FEET, THE CHORD OF WHICH IS NORTH 16°22'10" EAST A DISTANCE OF 1918.7 FEET TO THE POINT OF BEGINNING AND CONTAINING 9.95 ACRES, MORE OR LESS.

NOTES

BEARINGS FOR THIS SURVEY ARE BASED ON THE CENTERLINE OF THE UNION PACIFIC RAILROAD MAIN TRACK AS BEING NORTH 30°49'00" EAST AS PER A TRACT DESCRIPTION RECORDED IN BOOK 704 AT PAGE 720 OF THE LOGAN COUNTY RECORDS.

A TITLE SEARCH WAS NOT REQUESTED OR CONDUCTED BY ME FOR THIS PARCEL, THEREFORE, ALL RECORDED RIGHTS-OF-WAY OR EASEMENTS MAY NOT BE SHOWN. TITLE DESCRIPTION AS PER DEED RECORDED IN BOOK 82 AT PAGE 808 OF THE LOGAN COUNTY RECORDS.

Permit Number: M-1995-017
Class: M-Permit
Section/Exhibit: A
Class: D Revision
Type/Spec:
Class: D Report D Hydro D General
Doc Type:
Application (Coal only) D Bond D Enforcement D Inspection

REVISIONS	LEIBERT-McATEE & ASSOCIATES, INC.
	CIVIL ENGINEERS & LAND SURVEYORS
	P.O. BOX 442 910 SOUTH DIVISION AVENUE
	STERLING, CO 80751 303-522-1960
	TITLE MINING SITE PLAT FOR LEE ROY ROTHE AND MARLENE J. ROTHE IN SECTION 33, T8N, R52W, LOGAN COUNTY, COLORADO
	SCALE: 1"=200' DR. BY: KK DRAWING NO. 1 of 1
	DATE: 11-14-94 CK'D BY: