



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

May 15, 2017

Joel Lemons
Cargill, Inc.
12998 CR 42
Yuma, CO 80759

Re: Follow-up Adequacy Review; Cargill Cattle Feeders Dirt Pit; File No. M-2016-040

Dear Mr. Lemons,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of the April 28, 2017 Adequacy Response of the Cargill, Inc. 110c Permit Application for the Cargill Cattle Feeders Dirt Pit, File No. M-2016-040, and submits the following comments. Please respond to this Adequacy Review with a letter summarizing each response, to the numbered items below, in a cover letter titled "Adequacy Review Response #2; M-2016-040".

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.3 of the Mineral 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.

GENERAL APPLICATION PROCEDURES

30. As required by Rule 1.6.2(d), please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.
31. 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; this includes 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.

EXHIBIT D - Reclamation Plan (Rule 6.3.4)

32. Table 1, the proposed seed mixture, does not include the species for each grass as it appears the first column of the table is cut off. Please resubmit Table 1 with the species column.
33. The Division has review the reclamation cost estimate provided in Exhibit D. The Division has accepted this reclamation cost estimate and the financial warranty will be set a \$22,232.00 upon permit approval. *No further response needed.*

EXHIBIT E - Map (Rule 6.3.5):

34. The owners of the fence and County Road N are not identified on the Exhibit E-3 Map. Please re-submit Exhibit E-3 Map, identifying the owners of record for the all structures within 200 feet of the permit boundary, as required by Rule 6.3.5(2)(b).



EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)

35. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this incompleteness letter has been added to it.

EXHIBIT L - Permanent Man-Made Structures (Rule 6.3.12)

In accordance with Rule 6.4.19, when mining operations will adversely affect the stability of any significant, valuable and permanent man-made structure located within 200 feet of the affected area, the applicant may either:

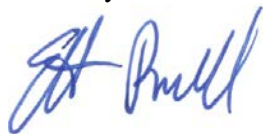
- (a) Provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or*
- (b) Where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation 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.*

36. Exhibit L states there are three permanent man-made structures within 200 feet of the permit boundary, including a fence, an overhead utility line, and County Road N. Please comply with Rule 6.4.19 for all three identified structures. The email correspondence from Y-W Electric Association, Inc. does not adequately meet the requirements of Rule 6.4.19 (c). Please note, if the Applicant is the sole owner of the fence, no structure agreement is needed.

This concludes the Division’s follow-up adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. **The Division is required to make an approval or denial decision no later than June 1, 2017; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** 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 three days prior to the decision date.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Cc: Tim Naylor with AGPROfessionals
Wally Erickson with Division of Reclamation, Mining & Safety