



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

June 20, 2017

Marcy Brossman
County Administrator
Cheyenne County
51 S. 1st Street/PO Box 567
Cheyenne Wells, CO 80816

RE: **Munsch Pit, Permit No. M-2000-018;
Preliminary Adequacy Review (CN-01)**

Dear Ms. Brossman;

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of your 112 construction materials reclamation permit conversion application. The application was received on March 13, 2017 and called complete for review on March 16, 2017. However, an error in the newspaper notice required re-publication and an extension was approved, changing the decision date for this application to July 12, 2017. **The decision date for this application is July 12, 2017.** 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.

The review consisted of comparing the application content with specific requirements of Rules 3.1, 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 actions to correct them.

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:

APPLICATION

1. Items 3.1 and 3.2, p. 1 The area added (Item 3.1) and the total area (Item 3.2) will likely require revisions depending on the response to Items 3 and 6 below, referencing the need to include the access road on Exhibits C and F.



6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS

6.4.1 EXHIBIT A – Legal Description

2. Mine entrance location. The mine entrance location in Exhibit A (N 38° 46' 9.04"; -102° 21' 57.49") is located about 300 feet east of the current location of the mine entrance based on Google Earth (N 38° 46' 9.04"; -102° 22' 2.63"). Please correct both mine entrance locations listed on Exhibit A.

6.4.2 EXHIBIT B – Index Map

This exhibit is adequate as submitted.

6.4.3 EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands

3. Haul road not included. The “existing roadway” beginning from County Road M (N 38° 46' 9.04"; -102° 22' 2.63") is not included within the proposed permit area. Amendment 1 (AM-01) approved by the Division in June 2005 included the “Access: 16' x 750' = 0.3 acres” as part of the total 9.5-acre affected area. As such, it can only be released through and acreage reduction request or complete permit reclamation liability release request. Please include the access road in the permit boundary in Exhibit C.

6.4.4 EXHIBIT D – Mining Plan

4. Underlying stratum. Rule 6.4.4(f)(ii) requires a description of “the stratum immediately beneath the material to be mined in sedimentary deposits”. Please describe the layer below the sand and gravel that will not be mined.

6.4.5 EXHIBIT E – Reclamation Plan

5. Haul road reclamation. Reclamation of the “existing roadway” (both inside and outside the currently proposed permit boundary. Please indicate if the roads are to be reclaimed and how they will be prepared for revegetation if they are to be reclaimed. If the roads are to remain after mining is completed, please provide a letter from the land owner indicating they wish the roads to remain for future access.

6.4.6 EXHIBIT F – Reclamation Plan Map

6. Haul road not included. The “existing roadway” beginning from County Road M (N 38° 46' 9.04"; -102° 22' 2.63") is not included within the proposed permit area. Amendment 1 (AM-01) approved by the Division in June 2005 included this road. As such, the reclamation plan map needs to indicate whether or not the road will be reclaimed. Please include the access road in the permit boundary in Exhibit F.
7. Proposed final topography. Pursuant to Rule 6.4.6 (a) the map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands. Please add appropriate contour lines to Exhibit F.
8. Proposed final land use. Pursuant to Rule 6.4.6 (b) the map must portray the proposed final land use for each portion of the affected lands. Related to Item 5 above, please indicate on the map what will be farmland and what features, if any will remain.

6.4.7 EXHIBIT G – Water Information

9. NPDES permit. Item 5 of Exhibit G states a NPDES permit “should not be necessary”. Please explain why this permit is not required.

6.4.8 EXHIBIT H – Wildlife Information

This exhibit is adequate as submitted.

6.4.9 EXHIBIT I – Soils Information

This exhibit is adequate as submitted.

6.4.10 EXHIBIT J – Vegetation Information

This exhibit is adequate as submitted.

6.4.11 EXHIBIT K – Climate

This exhibit is adequate as submitted.

6.4.12 EXHIBIT L – Reclamation Costs

This exhibit is adequate as submitted.

6.4.13 EXHIBIT M – Other Permits and Licenses

This exhibit is adequate as submitted.

6.4.14 EXHIBIT N – Source of Legal Right to Enter

10. Missing attachment. Exhibit N references a copy of the County Treasurer tax receipt demonstrating Lawrence A Munsch is the surface owner and that it is included as Exhibit N, Attachment A. Only Exhibit N, Attachment B was included with the application. Please submit a copy of the aforementioned tax receipt.

6.4.15 EXHIBIT O – Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

This exhibit is adequate as submitted.

6.4.16 EXHIBIT P – Municipalities within Two Miles

This exhibit is adequate as submitted.

6.4.17 EXHIBIT Q – Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District

This exhibit is adequate as submitted.

6.4.18 EXHIBIT R – Proof of Filing with County Clerk and Recorder

This exhibit is adequate as submitted.

6.4.19 EXHIBIT S – Permanent Man-Made Structures

This exhibit is adequate as submitted.

6.5 Geotechnical Stability Exhibit

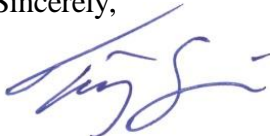
Not required at this time.

Other Concerns

11. Proof of publication. On May 8, 2017 the Division sent a letter requiring a re-publication of the Notice to the Public in the local newspaper. Please provide proof of publication for the revised notice, so the Division can confirm the end of the public comment period.

Please remember that the decision date for this application is July 12, 2017. As previously mentioned if you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. If there are still unresolved issues when the decision date arrives and no extension has been requested, the application will be denied. If you have any questions, please contact me at (303) 866-3567, ext. 8169.

Sincerely,



Timothy A. Cazier, P.E.
Environmental Protection Specialist

ec: Wally Erickson, DRMS
DRMS file