



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, Colorado 80203

October 20, 2017

Andre LaRoche  
Transit Mix Concrete Co.  
444 E. Costilla Street.  
Colorado Springs, CO 80903

**RE: Filing Deficiencies for a 112 Construction Materials Reclamation Permit Application,  
Hitch Rack Ranch Quarry, File No. M-2017-049**

Mr. LaRoche,

On October 5, 2017, the Division of Reclamation, Mining and Safety (Division) received a 112c application package for the Hitch Rack Ranch Quarry, File No. M-2017-049. Preliminary review of the application materials has identified the following filing deficiencies, which must be addressed prior to the application being found complete for the purposes of filing.

**APPLICATION FORM:**

- 1) On page 4, under section 15, the application lists “vehicle fuel” as a designated chemical or acid-producing material. Designated chemicals are typically utilized in metallurgical processing for the extraction of precious metals. Acid-producing materials are natural or reworked earth materials having acidic or toxic chemical and physical characteristics. The Division does not consider vehicle fuel to be a designated chemical or acid-producing material. If the operation will not utilize designated chemicals or expose acid-producing materials please state such under section 15 of the application form.
- 2) On page 8, Certification, the Applicant’s company name must be exactly the same as it is registered with the Colorado Secretary of State. Specifically, “Co.” was not included in the company name and again in the section completed by the notary public. Please submit a replacement page 8 with these corrections.
- 3) Pursuant to Rule 1.4.5(2)(b)(iii), please submit an affidavit that notice signs were posted on site pursuant to Rule 1.6.2(1)(b). A sample affidavit is provided in the 112c permit application package, immediately following page 8 of the application form.

**RULE 6.4.1 - EXHIBIT A – Legal Description:**

- 4) Pursuant to Rule 6.4.1(1)(b), please provide in this Exhibit the location of the main entrance to the site reported as latitude and longitude, or as Universal Transverse Mercator (UTM).



- 5) Pursuant to Rule 6.4.1(2), please locate the main entrance to the mine site on a USGS topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). Please ensure Exhibit A provides all information required under Rule 6.4.1(2).

**RULE 6.4.2 - EXHIBIT B – Index Map:**

- 6) To better show the regional location of the affected land, please indicate on the index map the location of the nearest city, Colorado Springs, in relation to the proposed affected lands.
- 7) Please label Highway 115 on the index map.
- 8) Please enhance the proposed permit boundary on the index map for clear reference.

**RULE 6.4.3 - EXHIBIT C – Pre-Mining and Mining Plan Map(s) of Affected Lands:**

- 9) Pursuant to Rule 6.4.3(a), please portray on Figure C-2 the adjoining surface owner of record for the parcel located immediately east of the proposed affected land boundary where the access road joins Highway 115 and east of the State of Colorado parcel no. 7600000138.
- 10) Pursuant to Rule 6.4.3(e), please provide a map which portrays the type of present vegetation covering the affected lands. The application referred to Exhibit J, Figure 4 for the vegetation information. However, the application did not include a Figure 4 with Exhibit J.

**RULE 6.4.6 - EXHIBIT F – Reclamation Plan Map:**

- 11) One of the copies of the application, Copy 2, Volume 1 of 2, includes page F-3, which was not provided in the application or other copies of the application. Page F-3 shows a portion of a map of the proposed access road. Please clarify whether a page F-3 or map was intended or if the extra page in Copy 2 was submitted in error. If page F-3 or map was intended, please submit four copies of this page or map in accordance with Rule 1.4.5(2)(b).

**RULE 6.4.7 - EXHIBIT G – Water Information:**

- 12) Pursuant to Rule 6.4.7(2)(a), please locate on a map in Exhibit C tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations.
- 13) One of the copies of the application, Copy 1, Volume 1 of 2, includes an uncertified version of Figure G-14 – Typical Ditch Designs. Please submit a certified copy of Figure G-14 with the appropriate signature as necessary to satisfy the requirements of Rule 6.2.1(2)(b).
- 14) One of the copies of the application, Copy 2, Volume 1 of 2, is missing page G-38. Please submit a copy of page G-38, to be included in Copy 2, as necessary to satisfy the requirements of Rule 1.4.5(2)(b).



**RULE 6.4.8 - EXHIBIT H – Wildlife Information:**

- 15) One of the copies of the application, Copy 2, Volume 1 of 2, is missing page H-1. Please submit a copy of page H-1, to be included in Copy 2, as necessary to satisfy the requirements of Rule 1.4.5(2)(b).

**RULE 6.4.10 - EXHIBIT J – Vegetation Information:**

- 16) Pursuant to Rule 6.4.10(2), please submit a map in Exhibit C, which shows the relation of the types of vegetation to existing topography.

**RULE 6.4.12 - EXHIBIT L – Reclamation Costs:**

- 17) The Figure L-1 and Figure L-2 submitted with the digital copies are not identical to the Figure L-1 and Figure L-2 submitted with the original and all hard copies. The digital copies have different images, text, and legends. They also have a different date (Sept. 5, 2017) than the date provided on the hard copies (Oct. 3, 2017). Please send replacement copies for the correct version of these figures. If the hard copy versions are correct, then please send replacement digital copies.

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

- 18) On page Q-2, the application includes photographs of the public notice posted at the location of the proposed mine site, intended to demonstrate compliance with Rule 1.6.2(1)(b). These signs include a public comment period deadline of October 31, 2017. However, until the application has been filed, and the last date for the newspaper publication required by Rule 1.6.2(1)(d) is known, the public comment period cannot be established. Pursuant to Rule 1.7.1(2)(a), the public comment period closes 20 calendar days after the last date of the newspaper publication. Please correct the error in notice by posting new notices (signs) which do not indicate a specific comment period deadline, as this information is not required for this type of notice.
- 19) On page Q-3, the application provides a draft newspaper public notice and notice to landowners, which indicate a public comment period deadline of November 30, 2017. As noted above, this date cannot be determined at this time. Please correct the deadline stated on the notice before it is distributed. Pursuant to Rule 1.6.6, if an error in notice occurs, the Applicant may be required to re-notice. In the event the Applicant is required to issue a new notice, all applicable deadlines for the application shall begin anew.
- 20) On page Q-3, the application proposes publishing the notice in the Colorado Springs Business Journal. Please be advised, the Division does not consider the Colorado Springs Business Journal to be a newspaper of general circulation as required by Rule 1.6.2(1)(d). The Division would consider the Colorado Springs Gazette to be a newspaper of general circulation in the locality of the proposed mining operation.



- 21) One of the copies of the application, Copy 1, Volume 2 of 2, is missing page Q-12, notice to landowner Barbara L. Hughes. Please submit a copy of page Q-12 to satisfy the requirements of Rule 1.4.5(2)(b).

**RULE 6.4.19 - EXHIBIT S – Permanent Man-Made Structures:**

- 22) One of the copies of the application, Copy 1, Volume 2 of 2, does not include the notary for structure owner page for Barbara L. Hughes and Judy Kline. Please submit a copy of this page to satisfy the requirements of Rule 1.4.5(2)(b).

**RULE 6.5 – Geotechnical Stability Exhibit:**

- 23) In the original application, the first two figures following page 17 of the Norwest Corporation Memorandum regarding Hitch Rack Ranch Pit Wall Geotechnical Assessment -Rev. 0, are not provided, but were provided with the copies of the application. In the original application, portions of the figures were submitted on letter-sized paper rather than as complete, full-size maps. These two figures are titled “Plan View and Cross Section Locations” and “Geophysical Survey Results”. Please submit complete copies of these figures to satisfy the requirements of Rule 1.4.5(2)(b).

**Additional Items:**

- 24) The Division identified a discrepancy between the original application submittal versus the copies regarding how the date is written in the professional engineer stamp on all documents and figures. In the original application, the date is written as “10-3-2017”. However, in the copies, it is written as “Oct. 3, 2017”. Therefore, the Division is concerned the documents and figures submitted with the copies may not be the same versions as those submitted with the original. The Division understands it to be an acceptable practice in this State for professional engineers to affix their signature and date to separate reproduced copies of an original. Therefore, the difference in how the date was written on the stamp on the original versus the copies does not necessarily imply the documents and figures are different versions of the original.

Please address the Division’s concern, and satisfy the requirements of Rule 1.4.5(2)(b), by completing one of the following two options:

- a) Submit true copies of all stamped documents and figures submitted with the original application, which display the exact same engineer stamp, signature, and date; or
  - b) Submit an affidavit signed by the professional engineer, Paul Kos of Norwest Corporation, attesting that all copies of stamped documents and figures submitted with the application are identical, besides the date on the engineer stamp being written in a different format.
- 25) In Exhibit Q, the application provided proof of notice to all owners of record of the affected land, adjacent landowners, and easement owners for Little Turkey Creek Road. If notice already occurred, they were premature. Pursuant to Rule 1.6.2(1)(e), the Applicant shall mail or personally serve a copy of the newspaper notice, required under Rule 1.6.2(1)(d), immediately after the first publication to:



- a) All Owners of Record of the surface and mineral rights of the affected land; and
- b) The Owners of Record of all land surface within 200 feet of the boundary of the affected lands.

Therefore, notices are required for the above listed Owners of Record immediately after the first newspaper publication. The newspaper notice and notice to the Owners of Record shall provide a correct date whereby public comment are due.

Your application will not be considered complete for filing purposes until the information listed above is received and found sufficient to begin our technical review. A decision date will be established ninety (90) days from the date of filing.

Pursuant to Rule 1.4.1(8), the Applicant has 60 days from the date of this correspondence, due by **December 19, 2017**, to address the filing deficiencies identified by the Division. If, at the end of the 60 day period, the application has not been determined to be filed with the Division, the Division may deny the application and terminate the application file.

This letter shall not be construed to mean there are no other technical deficiencies in your application. The Division will review your application for technical adequacy after the filing deficiencies are satisfied.

If you have any questions, please contact me at the Division of Reclamation, Mining and Safety at 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303-866-3567, ext. 8129, or by email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).

Sincerely,



Amy Eschberger  
Environmental Protection Specialist

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Ec: Paul Kos, Norwest Corporation at: [pkos@norwestcorp.com](mailto:pkos@norwestcorp.com)  
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