



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

December 12, 2017

Trey James  
Lincoln County  
P.O. Box 39  
Hugo, CO 80821

**Re: Gaede Pit, Permit No. M-1978-051; Preliminary Adequacy Review for 110 to 112 Construction Materials Reclamation Permit Conversion Application Package (CN-1)**

Dear Mr. James:

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of your 110 to 112 Construction Materials Reclamation Permit Conversion Application package for the Gaede Pit, Permit No. M-1978-051. The application was received on September 13, 2017 and called complete for review on October 18, 2017. **The decision date for this application is January 16, 2018.** 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, 6.4 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. Item 5.2, p. 1: requires the end use of the primary commodities (e.g., road maintenance), not the date for the end of projected mining. Please resubmit a corrected p. 1.

## **6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS**

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

2. Map information: The Exhibit C maps are required to portray the following information:
  - a. All immediately adjacent surface owners of record;
  - b. The mined and the area of affected lands including the existing mine. The delineation should show the limits of the proposed mining activity, that is will there be a buffer or does the



County intend to mine right up to the permit boundary (note this is different for 112c mines than for 110c), It would also be helpful to delineate the proposed expanded area of the permit differently than that of the existing mine;

- c. The type of present vegetation covering the affected lands (this can be found sometimes in the NRCS Web Soil Survey under "Soil Reports", "Vegetative Productivity", or provide a general description in Exhibit D);
- d. There are unnamed drainages in the northwest corner of the expansion and within 200 feet of the east side. In conjunction with Exhibit G - Water Information, Subsection 6.4.7, further water resources information needs be presented on a map in this section.
- e. There is no discussion on structures (fences, utilities, buildings, etc.) in this exhibit. Please verify there are no structures within the affected area or within a 200-foot buffer of the affected area.

Please provide the required information.

#### **6.4.4 EXHIBIT D – Mining Plan**

- 3. Intermittent Status: The text indicates the mine will be active less than 180 days per year. If this is the case, please confirm you are requesting Intermittent Status (IS) for this operation.
- 4. Mine Plan Information: The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:
  - a. description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands;
  - b. Earthmoving;
  - c. All water diversions and impoundments; and
  - d. The size of area(s) to be worked at any one time.
  - e. An approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. You will not be required to meet specific dates for initiation, or completion of mining in a phase as may be identified in the timetable. This does not exempt you from complying with the performance standards of Section 3.1. Such timetable should include:
    - i. an estimate of the periods of time which will be required for the various stages or phases of the operation;
    - ii. a description of the size and location of each area to be worked during each phase; and
    - iii. outlining the sequence in which each stage or phase of the operation will be carried out. (Timetables need not be separate and distinct from the mining plan, but may be incorporated therein.)
  - f. A map (in Exhibit C - Pre-Mining and Mining Plan Maps(s) of Affected Lands, Subsection 6.4.3) may be used along with a narrative to present the following information:
    - i. nature, depth and thickness of the ore body or deposit to be mined and the thickness and type of overburden to be removed (may be marked "CONFIDENTIAL," as per Paragraph 1.3(3)); and

- ii. nature of the stratum immediately beneath the material to be mined in sedimentary deposits.

Please provide the required information.

#### **6.4.5 EXHIBIT E – Reclamation Plan**

5. Reclamation Plan Information: The following information was not included in the submitted application. Please provide the following:
  - a. Final grading, specifically to include positive drainage.
  - b. Seed mix.
  - c. How the reclamation plan meets the applicable requirements of Rule 3.1, specifically Rules 3.1.5, 3.1.6, 3.1.8, 3.1.9, and 3.1.10

#### **6.4.6 EXHIBIT F – Reclamation Plan Map**

6. Proposed topography: Pursuant to Rule 6.4.6(a), Exhibit F is required to show the proposed reclamation topography. The contours shown are identical to the pre-mine contours. Please show the proposed post mining topography on Exhibit F.
7. Incomplete Map: The submitted Exhibit F only shows the current permit boundary. No portions of the area to be amended are shown. Please include the entire affected area in the reclamation plan map.

#### **6.4.7 EXHIBIT G – Water Information**

8. Water Requirements: Pursuant to Rule 6.4.7(3), the Applicant shall provide an estimate of the project water requirements. The text indicates no impact is expected on ground or surface water, but there is no discussion on water use such as for dust control. Please provide information on any expected water use for the site.
9. NPDES Permit: Pursuant to Rule 6.4.7(5), please clarify whether or not an NPDES) permit from the Water Quality Control Division at the CDPHE is required.

#### **6.4.14 EXHIBIT N – Source of Legal Right to Enter**

10. Lease: Pursuant to Rule 6.4.14, please provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation, for Owners of Record described in Rule 1.6.2(1)(e)(i). This may be a copy of access lease, deed, abstract of title, or a current tax receipt. A signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter and mine is also acceptable.

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

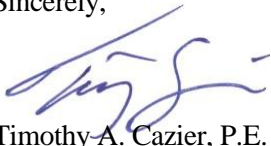
11. Surface vs Subsurface: This exhibit requires listing both the surface owner and the owner of the substance to be mined. Only the Safraneks are listed. On November 17, 2017, the Division received an email indicating the mineral estate owner is Anadarko Land Corp. If this is the case, they need to be listed in Exhibit O as well. Please resubmit a corrected Exhibit O.

**6.4.14 EXHIBIT S – Permanent Man-made Structures**

12. **Structure Agreement:** Google Earth imaging suggests a fence may exist on at least the west side of the proposed permit boundary. The first conversion application received on September 13, 2017 included an unsigned Structure Agreement listing Robert J. and Rosann Safranek as structure owners, but it did not list any structures. In response to the Division's September 19, 2017 Incomplete Notice, a second conversion application was received on October 10, 2017. This version did not include a Structure Agreement. A structure agreement will be required for fences (and other structures) within 200 feet of the affected area boundary if not owned by the Applicant. Please clarify what structure belonging to the Safraneks was to be covered by the September 13, 2017 submittal, and if not owned by Lincoln County, please complete the Structure Agreement by listing the structure(s) to be covered on the first page and including all required signatures on the second and third pages.

**Please remember that the decision date for this application is January 16, 2018.** 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