



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

January 24, 2018

Mr. Bill Schenderlein  
Blue Earth Solutions, Inc.  
P.O. Box 2427  
Fort Collins, CO 80522

**Re: Serfer Land Ventures, LLC.; Harmony Windsor Site; File No. M-2017-056; Construction Materials Limited Impact Operation (110) Reclamation Permit Application Adequacy Review**

Mr. Schenderlein:

The Division of Reclamation, Mining and Safety (Division/DRMS) has reviewed the content of the Serfer Land Ventures, LLC. permit application for the Harmony Windsor Site, File No. M-2017-056 and submits the following comments. The Division is required to make an approval or denial decision no later than February 6, 2018 therefore; a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

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

**1.6 - Public Notice**

1. As required by Rules 1.6.2(d) and 1.6.4(3), please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.
2. 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 including 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.



3. The Division received comments from the Colorado Division of Water Resources. The letter is attached for review. Please address the comments noted in the letter and make any changes to the application as necessary.

### **6.3 Specific Exhibit Requirements - 110 Limited Impact Operations**

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:

#### **6.3.4 Exhibit D - Reclamation Plan**

4. The Division has reviewed and will accept the reclamation cost estimate provided by the Applicant. The Division will set the required financial warranty at \$53,470.00 upon approval of the permit application.

#### **6.3.6 Exhibit F - List of Other Permits and Licenses Required**

5. The Applicant states a Colorado Department of Public Health and Environment Air Pollution Emission Notification Permit (APEN) will be obtained prior to operations. Please commit to providing the Division a copy of the approved permit when available.
6. The Applicant states a Colorado Department of Public Health and Environment Colorado Discharge Permit System Permit (CDPS) will be obtained prior to operations. Please commit to providing the Division a copy of the approved permit when available.

#### **6.3.9 Exhibit I - Proof of Filing with County Clerk**

7. Please provide an affidavit or receipt indicating the date on which the revised application information required to address this adequacy letter was placed with the Weld County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

#### **6.3.12 Exhibit L - Permanent Man-Made Structures**

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 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.
8. Please provide the Division with copies of the notarized structure agreements with all owners of the structures on and within 200 feet of the affected area of the proposed mine site.

Please be advised the Harmony Windsor Site application may be deemed inadequate, and the application may be denied on February 6, 2018, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division.

If you have any questions, please contact me at [peter.hays@state.co.us](mailto:peter.hays@state.co.us) or (303) 866-3567 Ext. 8124.

Sincerely,  


Peter S. Hays  
Environmental Protection Specialist

Enclosures – Colorado Division of Water Resources comment letter

Ec: Wally Erickson; Division of Reclamation, Mining & Safety