



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

1313 Sherman Street, Room 215
Denver, CO 80203

February 22, 2018

Mr. Bruce Humphries
Regulatory Permits Management, Inc.
22151 E. Euclid Pl.
Aurora, CO 80016

Re: Elbert County; Belveal Gravel Pit; File No. M-2001-056; Incomplete Submittal of 110 to 112 Construction Materials Reclamation Permit Conversion Application Package (CN-01)

Mr. Humphries:

On February 13, 2018, the Division of Reclamation, Mining and Safety (Division/DRMS) received the 110 to 112 Construction Materials Reclamation Permit Conversion Application (CN-01) package for the Belveal Gravel Pit. Preliminary review of the information received determined the following items must be received before the Division can consider the conversion application as being submitted and technical review can begin:

6.4.1 Exhibit A - Legal Description

1. Rule 6.4.1 states the legal description must identify the affected land, specify affected areas and be adequate to field locate the property. The description shall be by township, range, and section, to at least the nearest quarter-quarter section. The legal description submitted with the conversion application did not provide the quarter-quarter section information. Please revise the legal description to provide the quarter-quarter section location information for the mine site.
2. The Legal Description provided by the Applicant states the proposed conversion permit area boundary totals approximately +/- 167.5 acres, which includes the access road. On Page 1, Item #3 - Permitted acreage (new and existing site) on the Conversion Application Form, the Applicant proposes adding 157.9 acres to the existing 9.9 permitted acres for 167.8 total acreage in the conversion permit area. Please explain the total acreage discrepancy between the legal description and the conversion application form. Please revise the conversion application as required to resolve the discrepancy.

6.4.3 Exhibit C - Pre-mining and Mining Plan Maps of Affected Lands

3. As required by Rule 1.11.2(3)(b), the conversion application shall show the area mined or disturbed and the area reclaimed since the original permit application. Please indicate the location of the



approved 9.9 acre permit boundary and any area reclaimed within the original permit application boundary on the Exhibit C map.

4. The legend included on the Exhibit C - Mine Plan Map indicates the Site Permit Boundary is indicated by a solid red line. The Exhibit C - Mine Plan Map received by the Division did not include the site permit boundary indicated by a solid red line. Please revise the Exhibit C Map to indicate the proposed conversion permit boundary.
5. The legal description provided by the Applicant on the Exhibit C - Mine Plan Map states the proposed conversion permit area boundary is 167.5 acres. On Page 1, Item #3 - Permitted acreage (new and existing site) on the Conversion Application Form, the Applicant proposes adding 157.9 acres to the existing 9.9 permitted acres for 167.8 total acreage in the conversion permit area. Please explain the total acreage discrepancy between the map and the conversion application form. Please revise the conversion application as required to resolve the discrepancy.

6.4.4 Exhibit D - Mining Plan

6. The total Approximate Mineable Acres provided by the Applicant on Table 1 in Exhibit D - Mining Plan indicates the Total Approximate Mineable Acres is 159.88. On Page 1, Item #3.1 – Change in acreage on the Conversion Application Form, the Applicant proposes adding 157.9 acres to the existing 9.9 permitted acres. Please explain the acreage discrepancy between Table 1 and the conversion application form. Please revise the conversion application as required to resolve the discrepancy.
7. The Total Acres value provided by the Applicant on Table 1 in Exhibit D - Mining Plan indicates the Total Acres at 167.5. On Page 1, Item #3 - Permitted acreage (new and existing site) on the Conversion Application Form, the Applicant proposes adding 157.9 acres to the existing 9.9 permitted acres for 167.8 total acreage in the conversion permit area. Please explain the total acreage discrepancy between Table 1 and the conversion application form. Please revise the conversion application as required to resolve the discrepancy.

6.4.6 Exhibit F - Reclamation Plan Map

8. The legal description provided by the Applicant on the Exhibit F - Reclamation Plan Map states the proposed conversion permit area boundary is 167.5 acres. On Page 1, Item #3 - Permitted acreage (new and existing site) on the Conversion Application Form, the Applicant proposes adding 157.9 acres to the existing 9.9 permitted acres for 167.8 total acreage in the conversion permit area. Please explain the total acreage discrepancy between the map and the conversion application form. Please revise the conversion application as required to resolve the discrepancy.

6.4.14 Exhibit N - Source of Legal Right to Enter

9. The Addendum dated January 16, 2018 provided by the Applicant in Exhibit N - Source of Legal Right to Enter states the proposed conversion permit area acreage as 167.5 acres. On Page 1, Item #3 - Permitted acreage (new and existing site) on the Conversion Application Form, the Applicant proposes

adding 157.9 acres to the existing 9.9 permitted acres for 167.8 total acreage in the conversion permit area. Please explain the total acreage discrepancy between the Source of Legal Right to Enter Addendum and the conversion application form. Please revise the conversion application as required to resolve the discrepancy.

6.4.18 Exhibit R - Proof of Filing with County Clerk and Recorder

10. Please provide an affidavit or receipt indicating the date on which the revised conversion application documents were placed with the Elbert County Clerk and Recorder in response to this letter.

The conversion application will not be considered submitted until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt of all of the requested information. Additionally, if you have already published notice you will need to republish notice, after the Division considers the conversion application submitted. This notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date your conversion application is considered submitted. We will notify you when you should initiate republication of your notice. The final date for receiving comments is the twentieth (20th) day after the fourth publication or the next regular business day.

You have sixty (60) days from the date of this letter to submit all necessary documents the Office needs for the conversion application to be considered filed. If, at the end of the sixty day period, the conversion application has not been determined to be filed with the Office, the Office shall deny the conversion application and terminate the conversion application file.

The response due date is April 23, 2018.

This letter shall not be construed to mean there are no other technical deficiencies in your conversion application. The Division will review your conversion application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

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