



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

1313 Sherman Street, Room 215  
Denver, CO 80203

April 16, 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; Second Incomplete Submittal of 110 to 112 Construction Materials Reclamation Permit Conversion Application Package (CN-01)**

Mr. Humphries:

On April 13, 2018, the Division of Reclamation, Mining and Safety (Division/DRMS) received the incompleteness response for the 110 to 112 Construction Materials Reclamation Permit Conversion Application (CN-01) package for the Belveal Gravel Pit. 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 Applicant provided a revised legal description of SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 1, Township 13 South, Range 59 West, and 6th PM. The Division files for the site and the legal description submitted with the original conversion application indicate a legal description within Section 6, Township 13 South, Range 58, and 6th PM. Please explain the change in the Section and Range locations for the mine site and correct the conversion application as needed.
2. In response to Item #2 from the Division's February 22, 2018 letter, the Applicant stated the acreage error was due to the inclusion of the 0.94 acre access road in the conversion area and the Phase C acreage was reduced from 17.78 acres to 16.44 acres to stay within an overall acreage of 167.5 acres. The overall proposed conversion acreage does not include the acreage for the stub access road from County Road 22 to the southern conversion application boundary. Please explain the omission of the stub access road from the permitted acreage and revise the conversion application as required.



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

3. Please update the legend on the Exhibit C - Mine Plan Map to indicate the proposed conversion permit boundary is indicated with a green line.
4. The legal descriptions provided by the Applicant on the Exhibit C - Mine Plan Map indicate different Section and Range locations for the proposed conversion application. The description in the upper left corner of the map states the location as Section 1, Township 13 South, Range 59 West and the metes and bounds location description in the upper right corner of the map states the location as Section 6, Township 13 South, Range 58 West. Please explain this discrepancy and revise the Exhibit C map as required.

#### **6.4.6 Exhibit F - Reclamation Plan Map**

5. The legal descriptions provided by the Applicant on the Exhibit F - Reclamation Plan Map indicate different Section and Range locations for the proposed conversion application. The description in the upper left corner of the map states the location as Section 1, Township 13 South, Range 59 West and the metes and bounds location description in the upper right corner of the map states the location as Section 6, Township 13 South, Range 58 West. Please explain this discrepancy and revise the Exhibit F map as required.

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

6. 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 (20<sup>th</sup>) 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 June 15, 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