



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

May 25, 2018

Daniel Robinson
Robinson Sons Inc.
1228 East 7th Street
Trinidad, CO 81082

**RE: Robinson Sons Gravel Pit No. 1, Permit No. M-2008-076
Receipt of 112c Permit Amendment Application, Revision No. AM-01
Incomplete for Filing Purposes**

Mr. Robinson:

On May 22, 2018, the Division of Reclamation, Mining and Safety (Division) received your 112c Permit Amendment Application for the Robinson Sons Gravel Pit No. 1, Permit No. M-2008-076, located in Las Animas County. Preliminary review of the information received determined that the following items must be received before the Division can consider your application complete for filing purposes and technical review can begin:

APPLICATION FORM:

- 1) On pages 5 and 6, under Responsibilities as a Permittee, you must read and initial each of the listed requirements in the space provided, to acknowledge you understand your obligations as a permittee. Please submit pages 5 and 6 with the required initials.
- 2) On page 8, Certification, your company name must be written exactly the same as it is registered with the Colorado Secretary of State. Specifically, "Inc." was not included in the company name in the section completed by the notary public. Please submit a revised page 8 with this correction.
- 3) On page 8, Certification, a Corporate Seal was not provided for Robinson Sons Inc., which is described as a corporation on page 1 of the application form. Please submit a revised page 8 that either includes your Corporate Seal, or if one does not exist, has "No Seal" written in the space provided.
- 4) On the affidavit provided attesting to having posted notice signs at the site in accordance with Rule 1.6.2(1)(b) and Rule 1.4.5(2)(b)(iii), there are two errors:
 - a) You certify that you posted the required notice sign at the site in 2008. Please be advised, a new sign must be posted at the site for the amendment application submitted. Please post the required notice sign and submit a replacement affidavit that includes the date it was posted.
 - b) The date provided after your signature reads "June 19, 2019", which is inaccurate. Please provide the correct date of your signature on your replacement affidavit.



EXHIBIT Q - Proof of Mailing of Notices to County Commissioners and Soil Conservation District (Rule 6.4.17):

- 5) Please submit proof of Notice of Filing Application to the Las Animas County Board of Commissioners. This may be in the form of a return receipt of a Certified mailing or a date-stamped copy of the Notice acknowledging receipt by the Board.
- 6) Please submit proof of Notice of Filing Application to the Board of Supervisors of the Spanish Peaks-Purgatoire Conservation District. This may be in the form of a return receipt of a Certified mailing or a date-stamped copy of the Notice acknowledging receipt by the Board.

The Board-approved Notice of Filing Application forms are available in the application package, and are also enclosed with this letter.

EXHIBIT R - Proof of Filing with County Clerk and Recorder (Rule 6.4.18):

- 7) Please submit an affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder in accordance with Rule 1.6.2(1)(c).

ADDITIONAL ITEMS:

- 8) The amendment application did not include any of the Exhibits required for a 112c permit application. Pursuant to Rule 1.10.1(1), an amendment application must include the same content as required for an original application, except that the Applicant will not be required to submit any information which duplicates applicable previous submittals. However, the Applicant shall clearly describe where in the original application and supporting documents the information not included in the amendment application, but necessary to render the amendment technically adequate, may be found.

Please submit the applicable information for each of the required Exhibits (A-S). The specific Exhibit requirements for a 112 Reclamation Operation are enclosed for your review.

Please be advised, the proposed expansion of the permit area will most likely require updated information and maps for the majority of Exhibits.

- 9) Please be sure that all maps submitted in the application conform to the following requirements of Rule 6.2.1(2):
 - a) Show name of Applicant;
 - b) Must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
 - c) Give date prepared;



- d) Identify and outline the area which corresponds with the application; and
- e) Be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Also, that a map scale, appropriate legend, map title, date, and a north arrow shall be included.

Your application will not be considered complete for filing purposes until the information listed above is received and found sufficient to begin the 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, in this case, due by **July 24, 2018**, 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.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

Enclosures: Notice of Filing Application form for Board of County Commissioners
Notice of Filing Application form for Board of Supervisors of Conservation District
Rule 6.4 – Specific Exhibit Requirements for a 112 Reclamation Operation

Ec: Daniel Robinson, Robinson Sons Inc. at: robinsonsonsinco@hotmail.com
Michael Cunningham, DRMS at: michaela.cunningham@state.co.us



NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR **REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION**

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS
_____ COUNTY

_____ (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in _____ County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to _____ use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR **REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION**

NOTICE TO THE BOARD OF SUPERVISORS
OF THE LOCAL CONSERVATION DISTRICT
_____ DISTRICT

_____ (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in _____ County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to _____ use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Conservation Districts before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

6.4

SPECIFIC EXHIBIT REQUIREMENTS - 112 RECLAMATION OPERATION

6.4.1 EXHIBIT A - Legal Description

- (1) The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by (a), township, range, and section, to at least the nearest quarter-quarter section and (b), location of the main entrance to the site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. A metes and bounds survey description is acceptable in lieu of township, range, and section. Where available, the street address or lot number(s) shall be given. This information may be available from the County Assessor's office or U.S. Geological Survey (USGS) maps.
- (2) The main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude or Universal

Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W).

For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.

6.4.2 EXHIBIT B - Index Map

An index map showing the regional location of the affected land and all roads and other access to the area. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. Scale criteria need not be followed for this map.

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

One or more maps may be necessary to legibly portray the following information:

- (a) all adjoining surface owners of record;
- (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;
- (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
- (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land");
- (e) the type of present vegetation covering the affected lands; and

- (f) in conjunction with Exhibit G - Water Information, Subsection 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.
- 112(3)(c), 115(4)(e) (g) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
- (h) In conjunction with Exhibit I - Soils Information, Subsection 6.4.9, soils information may be presented on a map in this section;
- (i) Aerial photos, if available, may be included in this section.

6.4.4 EXHIBIT D - Mining Plan

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. An Operator/Applicant shall 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 an Operator/Applicant from complying with the performance standards of Section 3.1. If the operation is

intended to be an intermittent operation as defined in Section 34-32.5-103(11)(b), C.R.S., the Applicant should include in this exhibit a statement that conforms to the provisions of Section 34-32.5-103(11)(b), C.R.S. 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 deposit to be mined and the thickness and type of overburden to be removed (may be marked "CONFIDENTIAL," pursuant to Paragraph 1.3(3)); and
 - (ii) nature of the stratum immediately beneath the material to be mined in sedimentary deposits.
- (g) Identify the primary and secondary commodities to be mined/extracted and describe the intended use; and
- (h) name and describe the intended use of all expected incidental products to be mined/extracted by the proposed operation.

- (i) Specify if explosives will be used in conjunction with the mining (or reclamation). In consultation with the Office, the Applicant must demonstrate pursuant to Subsection 6.5(4), Geotechnical Stability Exhibit, that offsite areas will not be adversely affected by blasting.

6.4.5 EXHIBIT E - Reclamation Plan

- (1) In preparing the Reclamation Plan, the Operator/Applicant should be specific in terms of addressing such items as final grading (including drainage), seeding, fertilizing, revegetation (trees, shrubs, etc.), and topsoiling. Operators/Applicants are encouraged to allow flexibility in their plans by committing themselves to ranges of numbers (e.g., 6"-12" of topsoil) rather than specific figures.
- (2) The Reclamation Plan shall include provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by the Operator/Applicant. Reclamation shall be required on all the affected land. The Reclamation Plans shall include:
 - (a) A description of the type(s) of reclamation the Operator/Applicant proposes to achieve in the reclamation of the affected land, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving;
 - (b) A comparison of the proposed post-mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs. In those instances where the post-mining land use is for industrial, residential, or commercial purposes and such use is not reasonably assured, a plan for revegetation shall be submitted. Appropriate evidence supporting such reasonable assurance shall be submitted;

- (c) A description of how the Reclamation Plan will be implemented to meet each applicable requirement of Section 3.1;
- (d) Where applicable, plans for topsoil segregation, preservation, and replacement; for stabilization, compaction, and grading of spoil; and for revegetation. The revegetation plan shall contain a list of the preferred species of grass, legumes, forbs, shrubs or trees to be planted, the method and rates of seeding and planting, the estimated availability of viable seeds in sufficient quantities of the species proposed to be used, and the proposed time of seeding and planting;
- (e) A plan or schedule indicating how and when reclamation will be implemented. Such plan or schedule shall not be tied to any specific date but shall be tied to implementation or completion of different stages of the mining operation as described in Subparagraph 6.4.4(1)(e). The plan or schedule shall include:
 - (i) An estimate of the periods of time which will be required for the various stages or phases of reclamation;
 - (ii) A description of the size and location of each area to be reclaimed during each phase; and
 - (iii) An outline of the sequence in which each stage or phase of reclamation will be carried out.

(The schedule need not be separate and distinct from the Reclamation Plan, but may be incorporated therein.)
- (f) A description of each of the following:
 - (i) Final grading - specify maximum anticipated slope gradient or expected ranges thereof;

- (ii) Seeding - specify types, mixtures, quantities, and expected time(s) of seeding and planting;
- (iii) Fertilization - if applicable, specify types, mixtures, quantities and time of application;
- (iv) Revegetation - specify types of trees, shrubs, etc., quantities, size and location; and
- (v) Topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced.

6.4.6 EXHIBIT F - Reclamation Plan Map

The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

- (a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and
- (b) Portrayal of the proposed final land use for each portion of the affected lands.

6.4.7 EXHIBIT G - Water Information

- (1) If the operation is not expected to directly affect surface or groundwater systems, a statement of that expectation shall be submitted.
- (2) If the operation is expected to directly affect surface or groundwater systems, the Operator/Applicant shall:
 - (a) Locate on the 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;

- (b) Identify all known aquifers; and
 - (c) Submit a brief statement or plan showing how water from de-watering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation.
- (3) The Operator/Applicant shall provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.
 - (4) The Operator/Applicant shall indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.
 - (5) The Operator/Applicant shall affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health, if necessary.

6.4.8 EXHIBIT H - Wildlife Information

- (1) In developing the wildlife information, the Operator/Applicant may wish to contact the local wildlife conservation officer. The Operator/Applicant shall include in this Exhibit, a description of the game and non-game resources on and in the vicinity of the application area, including:
 - (a) a description of the significant wildlife resources on the affected land;

- (b) seasonal use of the area;
 - (c) the presence and estimated population of threatened or endangered species from either federal or state lists; and
 - (d) a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.
- (2) The application may be reviewed and commented upon by the State of Colorado Division of Wildlife (DOW). If the DOW has comments, they must be provided prior to the end of the public comment period specified in Subsection 1.7.1(2)(a) to be considered by the Board and Office.

6.4.9 EXHIBIT I - Soils Information

- (1) In consultation with the Soil Conservation Service or other qualified person, the Operator/Applicant shall indicate on a map (in Exhibit C) or by a statement, the general type, thickness and distribution of soil over the affected land. Such description will address suitability of topsoil (or other material) for establishment and maintenance of plant growth. The above information shall satisfy "completeness" requirements for purposes of determination of date of filing.
- (2) If necessary, at its discretion, the Board may require additional information on soils or other growth media to be stockpiled and used in revegetation to be submitted subsequent to the filing and notification of "completeness" of the application.

6.4.10 EXHIBIT J - Vegetation Information

- (1) The Operator/Applicant shall include in this Exhibit a narrative of the following items:

- (a) descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs);
 - (b) the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map; and
 - (c) estimates of average annual production for hay meadows and croplands, and carrying capacity for range lands on or in the vicinity of the affected land, if the choice of reclamation is for range or agriculture.
- (2) The Operator/Applicant shall show the relation of the types of vegetation to existing topography on a map in Exhibit C. In providing such information, the Operator/Applicant may want to contact the local Soil Conservation District.

6.4.11 EXHIBIT K - Climate

Provide a description of the significant climatological factors for the locality.

6.4.12 EXHIBIT L - Reclamation Costs

- (1) All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. The information provided by the Operator/Applicant must be sufficient to calculate the cost of reclamation that would be incurred by the state.
- (2) The Office may request the Operator/Applicant to provide additional, reasonable data to substantiate said Operator/Applicant's estimate of the cost of reclamation for all Affected Lands.

6.4.13 EXHIBIT M - Other Permits and Licenses

A statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds or will be seeking in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, the State Historic Preservation Office clearance, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, explosives permits, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

6.4.14 EXHIBIT N - Source of Legal Right to Enter

The source of the Operator's/Applicant's legal right to enter and initiate a mining operation on the affected land. (Same requirements as Rule 6.3.7).

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

The complete list of all owners can be submitted as a list or on a map in Exhibit C.

6.4.16 EXHIBIT P - Municipalities Within Two Miles

A list of any municipality(s) within two miles of the proposed mining operation and address of the general office of each municipality.

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

Proof that notice, of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Soil Conservation District, to the Board of Supervisors of the local Soil Conservation District, pursuant to Subparagraph 1.6.2(1)(a)(ii).

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

An affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

6.4.19 EXHIBIT S - Permanent Man-made Structures

115(4)(e)

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.