



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, Colorado 80203

July 30, 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  
112c Amendment Application, Revision No. AM-01  
Incomplete for Filing Purposes**

Mr. Robinson:

On July 23, 2018, the Division of Reclamation, Mining and Safety (Division) received your response to the Division's letter sent on May 25, 2018 identifying filing deficiencies for your Amendment Application, Revision No. AM-01. 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:

- 1) The amendment application did not include the Exhibits (A-S) 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.

The Applicant stated that "Exhibits A-S can be found in the Las Animas County SUP application". Please be advised, the County's permitting processes are separate from the Division's permitting processes.

Please submit the applicable information for each of the required Exhibits (A-S). The specific Exhibit requirements for a 112c Reclamation Operation are outlined below. Each Exhibit within the application must be presented as a separate section, and labeled accordingly. As stated above, for Exhibits that require no new information, the Applicant should clearly describe under the Exhibit heading where in the original permit application and supporting documents the information may be found.

Please be advised, the proposed expansion of the permit area will require updated information and maps for the majority of Exhibits. Additionally, in the inspection report sent to you on January 23, 2017, the Division identified hydrologic issues at the site which will require an updated Exhibit G.



- 2) Please be sure that all maps submitted in the application are labeled with the appropriate Exhibit heading, and 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.

Outlined below are the Exhibit requirements for a 112c permit application:

**EXHIBIT A - Legal Description (Rule 6.4.1):**

The legal description must identify the affected land and be wholly adequate for field location of the property. It can be in the form of metes and bounds survey or a description by reference to township, range and section to at least the nearest quarter quarter section. Where applicable, the street address or lot numbers may be used.

**EXHIBIT B - Index Map (Rule 6.4.2):**

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.

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

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

- (a) all immediately adjacent 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.
- (g) Show the owner's name, type of structures, and location of all permanent or 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.

**EXHIBIT D - Mining Plan (Rule 6.4.4):**

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.
- (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.

**EXHIBIT E - Reclamation Plan (Rule 6.4.5):**

- (1) In preparing the Reclamation Plan, you should be specific in terms of addressing such items as final grading (including drainage), seeding, fertilizing, revegetation (trees, shrubs, etc.), and topsoiling. You are encouraged to allow flexibility in your plans by committing 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 you. Reclamation shall be required on all the affected land. The Reclamation Plans shall include:
  - (a) A description of the type(s) of reclamation you propose 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.

**EXHIBIT F - Reclamation Plan Map (Rule 6.4.6):**

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.

**EXHIBIT G - Water Information (Rule 6.4.7):**



- (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, you 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 dewatering 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) You must 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) You must indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.
- (5) You must 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.

**EXHIBIT H - Wildlife Information (Rule 6.4.8):**

- (1) In developing the wildlife information, you may wish to contact the local wildlife conservation officer. You must 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.



**EXHIBIT I - Soils Information (Rule 6.4.9):**

- (1) In consultation with the Soil Conservation Service or other qualified person, you must 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.

**EXHIBIT J - Vegetation Information (Rule 6.4.10):**

- (1) You must 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) You must show the relation of the types of vegetation to existing topography on a map in Exhibit C. In providing such information, you may want to contact the local Soil Conservation District.

**EXHIBIT K - Climate (Rule 6.4.11):**

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

**EXHIBIT L - Reclamation Costs (Rule 6.4.12):**

- (1) All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. You must provide sufficient information to calculate the cost of reclamation that would be incurred by the state.

**EXHIBIT M - Other Permits and Licenses (Rule 6.4.13):**

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, 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.

**EXHIBIT N - Source of Legal Right to Enter (Rule 6.4.14):**

You must provide the source of your legal right to enter and initiate a mining operation on all affected lands.

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

Please submit a complete list of all owners or show the owners on your map in Exhibit C.

**EXHIBIT P - Municipalities Within Two Miles (Rule 6.4.16):**

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

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

(Submitted)

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

You must 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).

**EXHIBIT S - Permanent Man-Made Structures (Rule 6.4.19):**

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.





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 for the application will be established ninety (90) days from the date of filing.

In the Division's Notice of Withdrawal of Possible Violation and Board Hearing letter sent to you on June 7, 2018, you were advised that if you were unable to address the filing deficiencies identified for AM-01 by July 24, 2018, the Division would cite a Possible Violation pursuant to C.R.S. 34-32.5-124(1) and C.R.S. 34-32.5-118(1)(b) for failure to comply with the conditions of the Order issued for Violation No. MV-2016-059, and schedule the matter for a Formal Board Hearing.

Although you submitted a completeness response by the deadline, your response did not address all filing deficiencies (as outlined in this letter). Therefore, the Division will issue a Possible Violation, and set this matter for consideration before the Mined Land Reclamation Board, most likely to occur during the September 26-27, 2018 Board meeting. The Division will send you a Reason to Believe a Violation Exists and Notice of Board Hearing letter under separate cover, which will include more details on the Board hearing.

If you submit the required completeness items outlined in this letter by **August 27, 2018**, the Division may withdraw the Possible Violation and Board hearing.

If you have any questions, please contact me by telephone at 303-866-3567, ext. 8129, or by email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).

Sincerely,



Amy Eschberger  
Environmental Protection Specialist

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