



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

1313 Sherman Street, Room 215  
Denver, CO 80203

August 14, 2018

Mr. Steve O'Brian  
Environment, Inc.  
7985 Vance Dr. #205A  
Arvada, CO 80003

**Re: Grand County; Inspiration Point Pit; File No. M-1995-004; 112 Construction Materials  
Reclamation Permit Amendment Application Package (AM-01) Adequacy Review**

Mr. O'Brian,

The Division of Reclamation, Mining and Safety (Division/DRMS) reviewed the content of the Grand County 112 construction materials permit amendment application for the Inspiration Point Pit, File No. M-1995-004 and submits the following comments. The Division is required to make an approval or denial decision no later than September 17, 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 amendment application content with specific requirements of Rules 1, 3, 6.1, 6.2, 6.4 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 actions to correct them.

**1.6 Public Notice**

1. As required by Rules 1.6.2(d) and 1.6.5(2), 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 lands, including all easement holders located on the affected land and within 200 feet of the boundary of the affected lands. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.
3. The Division received comments from the Division of Water Resources and the Office of Archaeology and Historic Preservation. The letters are attached for review. Please address the comments noted in the letters and revise the application accordingly.

**6.4 Specific Exhibit Requirements - Regular 112 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:



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

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

**6.4.19 Exhibit S - 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.
5. 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 amended mine site.

Please be advised the Inspiration Point Pit amendment application may be deemed inadequate, and the application may be denied on September 17, 2018, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by September 17, 2018 and request for additional time. The extension request must be received no later than the decision date.

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 - Division of Water Resources and the Office of Archaeology and Historic Preservation letters

Ec: Michael Cunningham; Division of Reclamation, Mining & Safety  
Bill Clark; Grand County