



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

1313 Sherman Street, Room 215
Denver, CO 80203

September 25, 2018

Mr. Bruce Humphries
Regulatory Permits Management, Inc.
27566 E. Elmhurst Pl.
Aurora, CO 80013

**Re: SEMA Construction, Inc., Betz Borrow Pit, File No. M-2018-048,
111 Construction Materials Permit Application Adequacy Review**

Mr. Humphries:

The Division of Reclamation, Mining and Safety (Division) has reviewed the content of the SEMA Construction, Inc. 111 Special Operations permit application for the Betz Borrow Pit, File No. M-2018-048 and submits the following comments. The Division is required to make an approval or denial decision no later than October 4, 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 application content with specific requirements of Rules 1, 3, 6.1, 6.2, 6.3 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. The Division requires the Applicant to provide documentation giving the signer, Mark W. Brooks, the authority to sign on behalf of the company. The authorization document may be in the form of by-laws, resolution, affidavit signed by corporate secretary, certified secretary statement or a notarized statement on company letterhead.

6.3 Specific Exhibit Requirements - 111 Special 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:

6.3.1 Exhibit A - Legal Description and Location Map

2. The Exhibit A map labeled "Property Ownership and Structures within 200 feet" indicates the entire Betz property as the proposed Betz Borrow Pit permit boundary. Please revise the map to indicate the permit boundary of the proposed mine site.



6.3.8 Exhibit H - Municipalities Within a Two-mile Radius

3. In Exhibit H, page 48, the Applicant stated there are no municipalities within 2 miles. The Town of Milliken is located within a two-mile radius of the proposed mine site based on the Division's review. The Division sent the Town of Milliken notice of the proposed mine site. Please update Exhibit H to indicate the Town of Milliken is located with a two-mile radius of the proposed mine site.

6.3.9 Exhibit I - Proof of Filing with County Clerk

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

6.3.12 Exhibit L - Permanent Man-Made Structures

5. In Exhibit L, page 54, of the application the Applicant misspelled "Xcel Energy" as "Excel Energy". Please revise Exhibit L to indicate the correct spelling of the utility company.

Please be advised the Betz Borrow Pit application may be deemed inadequate, and the application may be denied on October 4, 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 October 4, 2018 and request for additional time. This must be received no later than the deadline date.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

Ec: Michael Cunningham, DRMS
Cameron Mang, SEMA