



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

March 8, 2019

Mr. Robert Dellacroce  
2210 W. Baptist Road  
Colorado Springs, CO 80921

**Re: Dellacroce Pit, Permit No. M-1993-050; Preliminary Adequacy Review for 112c Construction Materials Reclamation Permit Amendment Application (AM-02)**

Dear Mr. Dellacroce:

The Division of Reclamation, Mining and Safety (DRMS) has completed its preliminary adequacy review of your 112c Construction Materials Reclamation Permit Amendment Application package for the Dellacroce Pit, Permit No. M-1993-050. The application was received on January 16, 2019 and called complete for review on February 1, 2019. **The decision date for this application is May 2, 2019.** Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, **it will be your responsibility to request an extension of the review period.** If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the DRMS may deny this application.

The review consisted of comparing the application content with specific requirements of Rules 3.1, 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.

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:

### **APPLICATION**

1. Item 3, p. 1: Permitted acreage. The permitted area stated as 146 acres is incorrect. On December 2, 2014, the DRMS approved an acreage release request for 15.01 acres, reducing the original permit area of 146 acres to 130.99 (or 131) acres. The starting area must be changed to 130.99 (or 131) acres and, assuming this released area is to be added back into the permit area, the change in acreage must be 15.01 (or 15) acres accordingly on Item 3.1. If the AR-01 release area is not to be added back into the permit, Item 3 must still be corrected to 130.99 (or 131) acres and Item 3.2 must also be corrected to 130.99 (or 131) acres. Please



make corrections to Item 3 and resubmit the corrected page. *Note, based on Exhibit C (Figure No. C-1), the DRMS assumes the request is for the full 146 acres.*

2. Item 16, p. 4: Description of Amendment. Referencing Comment 1 above, the description needs to be revised to indicate the affected area is to “align with the original permit boundary that includes 46 acres.”, or changed to reflect the 130.99 (or 131) acres. *Note, based on Exhibit C (Figure No. C-1), the DRMS assumes the request is for the full 146 acres.*

## **6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS**

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

3. Acreage clarification: Referencing Comments 1 and 2 above, if the full 146 acres is to be the new affected area, then no changes are necessary to this Exhibit. However, if the AR-01 release area is to remain outside both the permit and affected area boundary, Exhibit C must be revised to reflect as much.

### **6.4.12 EXHIBIT L – Reclamation Costs**

4. Reclamation costs: The DRMS received the increased surety on December 14, 2018 and accepted the increase rider on December 27, 2018. No response is necessary.

### **Publication of Public Notice**

5. Rule 1.6.5(2): Within ten (10) working days after the last publication or as soon thereafter as proof has been obtained, the Applicant shall mail proof of the publication required by Rule 1.6.2(1)(d) to the Office. Proof of publication may consist of either a copy of the last newspaper publication, to include the date published, or a notarized statement from the paper. An application may not be approved until such proof has been obtained. Although it may not have been 10 days since the final publication, the DRMS has not received proof of publication. Please provide the necessary documentation as soon as it is obtained.

### **Agency Comments**

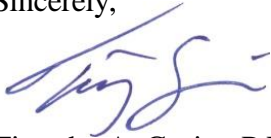
6. The DRMS received a response from the Division of Water Resources (DWR). A copy of the DWR letter is enclosed for your records.
7. Through informal conversations with Dr. Angela Bellantoni, the DRMS is aware of comments from El Paso County Conservation District (EPCD) sent to her. The DRMS has not received comments from EPCD. If changes or additions to the permit are made to address EPCD's comments, these changes should be reflected in your response to this adequacy letter.

**Please remember that the decision date for this application is May 2, 2019.** As previously mentioned if you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. If there are still unresolved issues when the decision date arrives and no extension has

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been requested, the application may be denied. If you have any questions, please contact me at (303) 866-3567, ext. 8169.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Cazier', with a stylized flourish at the end.

Timothy A. Cazier, P.E.  
Environmental Protection Specialist

Enclosure – DWR comments

ec: DRMS file  
Angela Bellantoni, Environmental Alternatives, Inc