



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

March 29, 2019

Bernard Montoya
White Wolf Construction and Landscaping, LLC.
24541 Highway 12
Trinidad, Colorado 81082

**Re: Wolf Pit, M-2018-029, 111(1)(b) application
Adequacy Review No. 1**

Dear Mr. Montoya,

The Colorado Division of Reclamation, Mining and Safety (DRMS or Division) received the above referenced application on November 21, 2018. The application was deemed complete for review on March 25, 2019. The Division is required to issue a decision on the application by April 9, 2019. The following items will need to be addressed prior to the decision date. Please address the following adequacy review items:

Rule 6.3.2, Exhibit B - Site Description

1. The applicant notes two permanent man-made structures within 200 feet of the affected land, a fence and powerlines. It also appears two roads may be within 200 feet of the affected land. Please revise this exhibit to list the owners of the fence, powerline and road.

Rule 6.3.4, Exhibit D – Reclamation Plan

2. Please revise item #4 of the application to indicate what the maximum grade of the reclaimed slope will be. The Division advises the applicant to indicate the maximum grade will be 3H:1V.
3. The applicant indicated they would use three different seed mixtures at the site, please select a single seed mixture to be used at the site.



Rule 6.3.5, Exhibit E – Maps

The two maps submitted with this exhibit do not comply with the requirements of Rule 6.3.5. The revised “Location Map” submitted on February 15, 2019 defines a clear permit boundary but also does not address the requirements of Rule 6.3.5. Please revise the required Exhibit E Mining Plan and Reclamation Plan map to comply with Rule 6.3.5. To assist with this effort, the Division has included two blank map templates to assist you in the creation of these maps.

Mining Plan Map

4. Please outline and label the permit boundary (enclosed template has done this for you).
5. Label the surface and subsurface owner(s) of the permit area.
6. Label all surface owners within 200 feet of the permit boundary (two Mining Plan Map templates have been provided to you. Sheet 1 depicts a 200 foot buffer zone to assist you in labeling the surface owners, structures and structure owners. Sheet 2 can be used to better illustrate the mining operation).
7. Show all permanent man-made structures within 200 feet of the permit boundary and label the owners of the structures.
8. Outline and label all major surface features to be used in the project (existing and proposed roads, pit boundary, and topsoil, overburden and product piles).
9. Indicate the direction the excavation will proceed.

Reclamation Plan Map

10. Show the proposed gradient of all reclaimed slopes (horizontal:vertical) sufficient to describe the post mine topography.
11. State the average thickness of replaced overburden.
12. State the average thickness of replaced topsoil.
13. Outline areas where seeding will occur or different seed mixtures will be used.

Rule 6.3.7, Exhibit G – Source of Legal Right to Enter

14. Provide documentation of the basis for legal right of entry to the site and to conduct mining and reclamation for Owners of Record described in Rule 1.6.2(1)(e)(i). This may be a copy of access lease, deed, abstract of title, or a current tax receipt. A signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter and is also acceptable.

Rule 6.3.12, Exhibit L – Permanent Man-Made Structures

15. Exhibit B identified a fence and a powerline within 200 feet of the affected land. Based on the Division's review of the site, it also appears two roads are within 200 feet of the affected land. For each of these structures the applicant shall provide either:
 - a. 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.

Enclosed is an example structure agreement which meets the requirements of the statute for your use. You must demonstrate that you attempted to obtain structure agreements from the applicable parties. If you cannot obtain notarized damage agreements as described in subpart (a), then the applicant may provide the analysis required by subpart (b).

This concludes the Division's preliminary adequacy review of the application. All of the items noted above must be addressed to the Division's satisfaction prior to approval of the operation. The Division is required to issue a decision on the application by **April 9, 2019**. If you need additional time to address these issues, you must request an extension of the decision date. Please feel free to contact me at jared.ebert@state.co.us or at (303) 866-3567 ext. 8120 should you have any questions.

Sincerely,

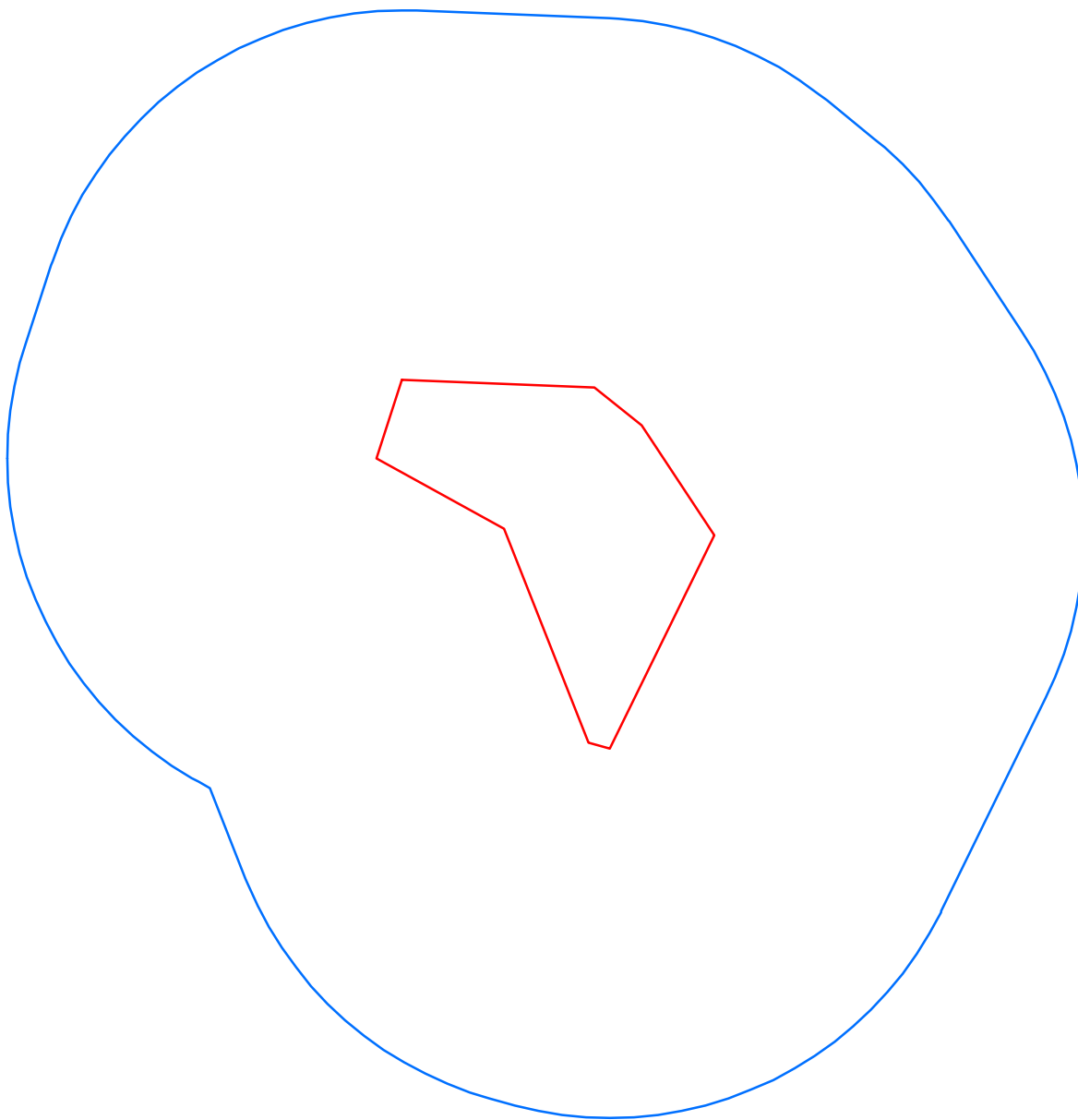
A handwritten signature in blue ink, appearing to read "Jared Ebert", with a stylized flourish at the end.

Environmental Protection Specialist III
DRMS



Enclosures: 1.) *Mining Plan Map, Exhibit E Template*
 2.) *Reclamation Plan Map, Exhibit E Template*
 3.) *Example Structure Damage Agreement*

Wolf Pit, M-2018-029

White Wolf Construction and Landscaping, LLC.
Mining Plan Map, Sheet 1 - Exhibit E

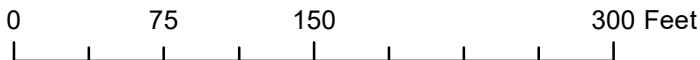


Legend

-  200 Foot Buffer
-  Permit Boundary

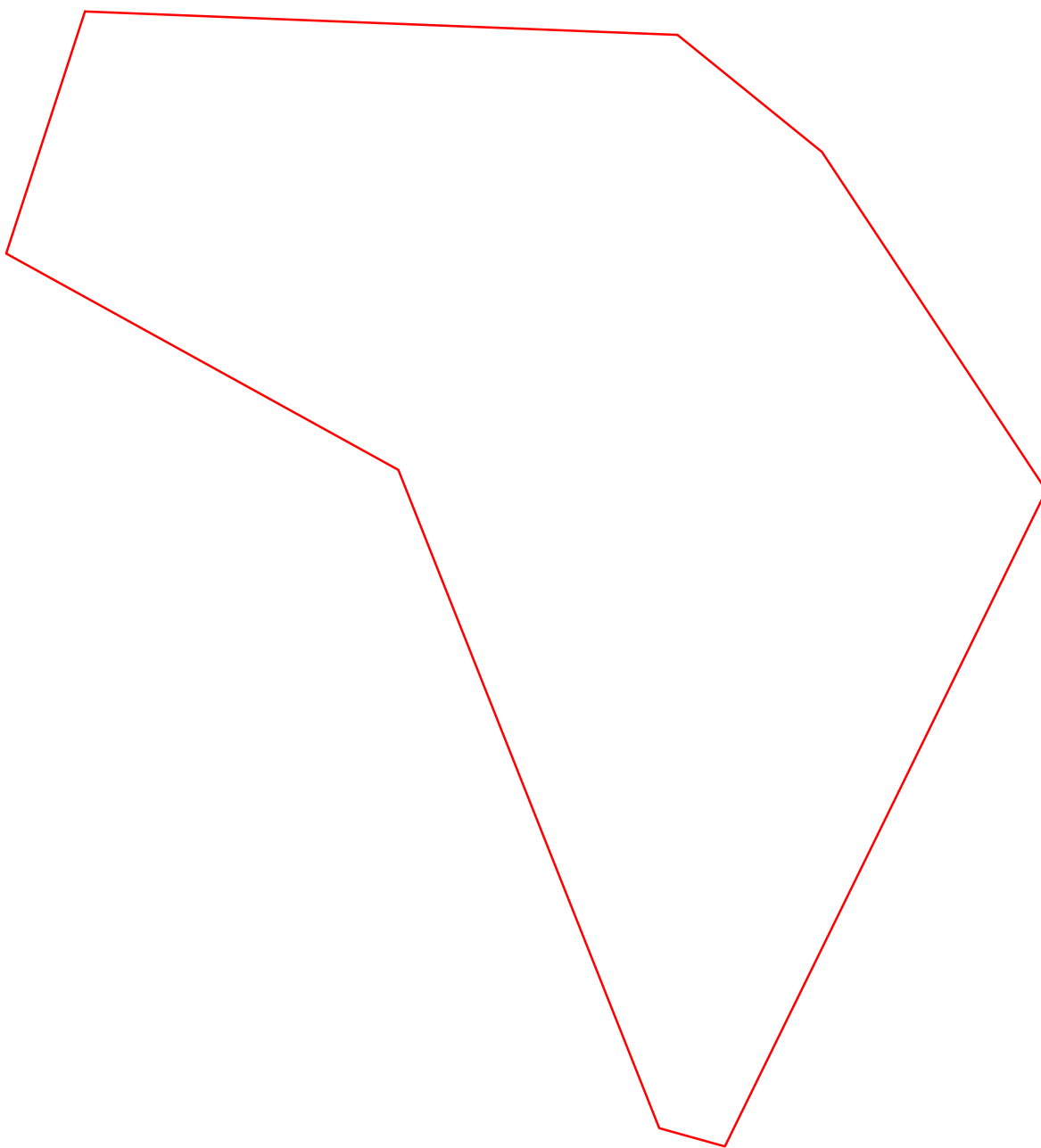
Signature _____

Date _____



Wolf Pit, M-2018-029

White Wolf Construction and Landscaping, LLC.
Mining Plan Map, Sheet 2 - Exhibit E



Signature

Date

Legend



Permit Boundary

0 20 40 80 Feet

An example Structure Agreement which meets the requirements of the Statutes is shown below.

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a 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 shall 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. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, _____ (print applicant/company name),
by _____ (print representative's name), as _____ (print
representative's title), does hereby certify that _____ (structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for _____ (operation name),
File Number M-____-_____.

***This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.***

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant _____ Representative Name _____

Date _____ Title _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of _____.

Notary Public My Commission Expires: _____

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner _____ Name _____

Date _____ Title _____

STATE OF _____)
) ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of _____.

_____ My Commission Expires: _____

Notary Public