



COLORADO
**Division of Reclamation,
Mining and Safety**
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

May 6, 2019

James McCormick
McCormick Excavation and Paving LLC
30887 Hwy 24
Stratton, CO 80836

**RE: Preliminary Adequacy Review; 110c Construction Materials New Permit Application
Rudder Pit, Permit No. M-2019-008**

Dear Mr. McCormick,

On April 22, 2019, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4.6(1) the 30-day decision date for the application has been set for May 21, 2019. Please be advised on May 21, 2019, the application may be deemed inadequate and may be denied unless the following adequacy items are addressed to the Division's satisfaction. 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 Division will deny this application. In order to allow the Division adequate time to review your responses to any adequacy issues, please submit your adequacy responses to the Division no later than one week prior to the decision date. Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Preliminary Adequacy Notice with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-2019-008".

Rule 1.6.2(e)(ii)

1. Please provide the Division proof that all land owners within 200 feet of affect lands have been noticed.

Rule 1.6.5

2. Please provide the Division proof of the local newspaper publication. Proof of publication may consist of either a copy of the last newspaper publication that includes the date published, or a notarized statement from the newspaper.

EXHIBIT A Legal Description (6.3.1)

3. Please update the map provided in Exhibit A to include the ¼ ¼ section, currently only the ¼ section is given.
4. Please identify that the coordinates given are those of the mine entrance indicated on the map.



5. Please update the mine permit boundary on the map to be consistent with the other maps provided within the application.

EXHIBIT B Site Description (6.3.2)

6. Please update the Google Earth map to show the distance from the fence, label the Arikaree River and make the permit boundary consistent with the boundaries depicted on other maps provided with the application.

EXHIBIT C – Mining Plan (Rule 6.3.3)

7. Please indicate the dimensions of maximum disturbance that the operator anticipates, this measurement will be used in the bond calculation. The Division is required to hold financial warranty pursuant to CRS 34-32.5-117.
8. Please incorporate comments from the DWR (attached) into the Mining Plan.
9. Please describe the direction that mining will proceed. The Division would like the operator to consider mining in an upstream direction so that any head cutting within the riverbed will be contained within the permit boundary.

EXHIBIT D – Reclamation Plan (Rule 6.3.4):

10. Please describe the timing of reclamation, will it be done concurrent with mining?
11. Please incorporate any DWR comments into the Reclamation Plan.
12. As mentioned in #7 above, the Division is required to hold a financial warranty. Please provide the Division with a reasonable cost estimate for the Division to reclaim the site should it be necessary.

EXHIBIT E – Maps (Rule 6.3.5):

13. Please label the river on the maps provided.
14. Please update the Mining Plan Map to show the direction of mining.

EXHIBIT F – Other Permits and Licenses (Rule 6.3.6):

15. Please provide a copy of the Lincoln County Building permit and any other permits that pertain to the proposed mining operation.

Other Permits and Licenses (Rule 6.3.6):

16. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review

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Please respond to these adequacy issues no later than one week before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision deadline. The decision deadline on this application is May 21, 2019. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

Enclosure: DWR Response to Consideration of 110c Construction Materials Reclamation Permit Application

CC: Michael Cunningham; Division of Reclamation, Mining & Safety



Response to Consideration of 110c Construction Materials Reclamation Permit Application

DATE: April 30, 2019
TO: Patrick Lennberg, Environmental Protection Specialist
(Patrick.lennberg@state.co.us)
CC: Keith Vander Horst, P.E., Chief of Water Supply - Inside Basins
FROM: Javier Vargas-Johnson
RE: Rudder Pit, File No. M-2019-008
Applicant/Operator: McCormick Excavation & Paving, LLC;
(719) 348-5383
SW¼ Section 2, Twp 7 South, Rng 55 West, 6th P.M., Lincoln County
Northern High Plains Designated Basin, Arikaree Ground Water Management District

CONDITIONS FOR APPROVAL

- The proposed operation does not anticipate exposing groundwater. Therefore, exposure of groundwater must not occur during or after mining operations.
- If stormwater runoff or streamflow is intercepted by this operation and is not diverted or captured in priority, it must be released to the stream system within 72 hours; otherwise the operator will need to make replacements for evaporation.

COMMENTS: The subject application is for a surface mining operation on 9.9 permitted acres located approximately 15.7 miles northeast of Limon, Colorado. The primary commodity to be mined at the site is sand. The site is proposed to be reclaimed to its current use of pastureland upon completion of mining.

Excavation will occur in the streambed of the intermittent Arikaree River and will be kept above the groundwater table. If water is encountered, the water will be covered with two feet of sand.

The streambed will be kept level to not impede any possible streamflow. If stormwater runoff or streamflow is intercepted by this operation during is not diverted or captured in priority, it must be released to the stream system or infiltrate into the ground within 72 hours; otherwise the operator will need to make replacements for evaporation. There will be no depressions left after mining operations are complete, therefore no impoundments will remain in the reclaimed area.

The applicant may contact the State Engineer's Office with any questions.

