



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

July 2, 2019

David Patterson
Colorado Sand Company LLC
2001 Kirby Drive, Suite 360
Houston, TX 77019

Re: Colorado Sand Company LLC; Keenesburg Project; File No. M-2019-027; Construction Materials Limited Impact Operation (110) Reclamation Permit Application Adequacy Review

Mr. Patterson:

The Division of Reclamation, Mining and Safety (Division/DRMS) has reviewed the content of the Colorado Sand Company LLC permit application for the Keenesburg Project, File No. M-2019-027 and submits the following comments. The Division is required to make an approval or denial decision no later than July 13, 2019 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 corrective actions.

1.6 - Public Notice

1. As required by Rule 1.6.2(1)(d) and 1.6.3(3), please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.
 - *The Application provided proof of newspaper publication via email on June 20, 2019. No additional response is required by the Applicant.*
2. As required by Rule 1.6.2(1)(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 land including all easement holders located on the affected land and within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.



- *The Application provided proof of notice to the Division on July 1, 2019.*

The Division received proof of notice for the following companies, however the structures or easements owned by the companies are not listed on the Exhibit E-1 - Mining Plan Map. Please update the Exhibit E-1 map or explain the discrepancies accordingly.

- United Power
- Rocky Mountain Midstream
- Waste Management
- Qwest Communication DBA Centurylink QC
- Colorado Interstate Gas
- Kerr-McGee Gathering LLC

The Division did not receive proof of notice for the following owners of record of all land surface within 200 feet of the boundary of the affected land including all easement holders located on the affected land and within 200 feet of the boundary of the affected land. Please provide proof of notice pursuant with Rule 1.6.2(1)(f) or explain the discrepancies accordingly.

- Mountain Bell Co.
- Associated Natural Gas
- Front Range Gas
- Weld County Commissioners
- Industrial Gas Service, Inc.
- Adolph Coors Company
- Panhandle Eastern Pipe Line Co.
- CP-Boots
- Waste Services Company

3. The Division did not received comments or objections regarding the permit application as of the date of this letter. The Division will forward any comments received after the date of this letter to the Applicant.

6.3 Specific Exhibit Requirements - 110 Limited Impact 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:

6.3.3 Exhibit C - Mining Plan

4. On Page C-12 in response to Rule 6.3.3(d), the Applicant states the anticipated maximum mining depth will be limited to approximately 25-ft. below the existing ground surface for both the main pit area and fines recovery pit, respectively. On Page C-15 in Section (ii) – Mine Pit, the Applicant states the projected mine pit depth will be limited to approximately 25 ft. to 30 ft.,

dependent on exiting topography and CSC shall retain the right to mine to greater depths, in the event incremental resource is present and recoverable within design limitations, and market conditions warrant doing so.

Please commit to submitting and receiving approval from the Division for a technical revision pursuant with Rule 1.9 to revise the maximum main pit area and fines recovery pit depth prior to excavating deeper than the currently projected 25 feet below the existing ground surface.

6.3.4 Exhibit D - Reclamation Plan

5. On Page D-9 in response to Rule 6.3.4(2), the Applicant states CSC will monitor and mitigate invasive weed species. The Applicant shall provide a weed control and management plan in accordance with Rule 3.1.10(6). The plan should be developed in consultation with the county extension agency, or weed control district office and include potential noxious weed species, specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan.
6. The Division has review and verified the reclamation cost estimate provided by the Applicant. The Division will accept the Applicant's estimate of \$291,546.90. Please submit the following warranty forms to allow the Division to issue the Keenesburg Project reclamation permit following application approval; Affidavit of Authority, the appropriate financial warranty form and a performance warranty form. The financial warranty forms are available on the Division's website at: <https://mining.state.co.us/Forms/Pages/WarrantyForms.aspx>

6.3.5 Exhibit E - Map

7. The Exhibit E Maps submitted by the Applicant were not signed. Pursuant with Rule 6.2.1(2) maps must be signed by a registered land surveyor, professional engineer, or other qualified person. Please submit signed copies of the Exhibit E maps.
8. During the pre-operation inspection, the Division observed several utilities not indicated on the Mining Plan Map pursuant with Rule 6.3.5(2). Please revise the map to indicated the type of structure and owners of record for the following permanent or man-made structures within 200 feet of the affected area:
 - a. Anadarko gas line
 - b. Over-head powerline located south of the permit boundary
 - c. Underground oil and gas line located south of the permit boundary

6.3.9 Exhibit R - Proof of Filing with County Clerk

9. Please provided 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

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.

10. The Applicant provided signed structure agreement for the following structure owners, however the structures are not identify by the Applicant on Exhibit E-1 - Mining Plan Map. Please update the Exhibit E-1 map to indicate the type of structure and owners of record for the following structure owners:

- a. Rocky Mountain Midstream, LLC
- b. Qwest Corporation dba CenturyLink QC
- c. Kerr-McGee Gathering LLC
- d. Colorado Interstate Gas Company, LLC

Please be advised the Keenesburg Project application may be deemed inadequate, and the application may be denied on July 13, 2019, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division.

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; Division of Reclamation, Mining & Safety
Timothy McCarthy; Schedio Group LLC