



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

July 22, 2019

Bruce Humphries  
Regulatory Permits Management, Inc.  
25049 E. Alder Dr.  
Aurora, CO 80016

**Re: SEMA Construction, Inc., Motorcross Borrow Pit, File No. M-2019-041,  
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 Motorcross Borrow Pit, File No. M-2019-041 and submits the following comments. The Division is required to make an approval or denial decision no later than July 31, 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 actions to correct them.

### **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**

1. On Page 3 and Page 5 of the application and the first page of the application form the Applicant states the legal description as the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 22, Township 4 N, and Range 66 W of the 6<sup>th</sup> Principal Meridian. Based on the Division's review, the provided legal description locates the proposed mining operation northeast of Gilcrest, CO, not the location 4 miles east of Berthoud, CO depicted in the application exhibits. Please review the legal description and revise the permit application form and exhibits accordingly.



2. On Page 4 of the application form the Applicant states the entrance of the proposed mining operation is located at 40°17'34.70" N, 104°58'50.10" W. This location differs from the primary mine entrance location provided by the Applicant on Page 2 of the application form, 40°17'31.86" N, -104°59'09.96" W. Please review the entrance location descriptions and revise the permit application form and/or exhibit accordingly.

#### **6.3.5 Exhibit E - Maps**

3. The permit boundary acreage of 28.30 acres indicated in the legal description on the Mining Plan Map differs from the permit boundary acreage of 29.56 acres indicated on the map by the green dashed line indicating the permit boundary. Please explain this discrepancy and revise the map accordingly.
4. The affected area acreage of 21.92 acres indicated in the legal description on the Mining Plan Map differs from the affected boundary acreage of 21.72 acres indicated on the map by the solid red line indicating the mining boundary. Please explain this discrepancy and revise the map accordingly.
5. The permit boundary acreage of 28.30 acres indicated in the legal description on the Reclamation Plan Map differs from the permit boundary acreage of 29.56 acres indicated on the map by the green dashed line indicating the permit boundary. Please explain this discrepancy and revise the map accordingly.
6. The affected area acreage of 21.92 acres indicated in the legal description on the Reclamation Plan Map differs from the affected boundary acreage of 21.72 acres indicated on the map by the solid red line indicating the mining boundary. Please explain this discrepancy and revise the map accordingly.

#### **6.3.9 Exhibit I - Proof of Filing with County Clerk**

7. 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**

8. On Page 60 of the application the Applicant indicates the only permanent man-made structure located with 200 feet of the affect boundary is the existing unimproved dirt road owned by Mile 250 LLC. The fence between the 250 Mile LLC and MLD Equities LLC properties is located with 200 feet of the affected boundary. Please revise the exhibit to indicate the fence and the ownership of the fence.

Please be advised the Motorcross Borrow Pit application may be deemed inadequate, and the application may be denied on July 31, 2019, 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 July 31, 2019 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](mailto:peter.hays@state.co.us) or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays  
Environmental Protection Specialist

Ec: Michael Cunningham, DRMS  
Allison Halverson, SEMA [ahalverson@semaconstruction.com](mailto:ahalverson@semaconstruction.com)