



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

July 24, 2019

Ronald Speers
Duraroot, LLC
810 Brickyard Cir. #4
Golden, CO 80401

**Re: Arnolds Custom Seeding, LLC; Arnold Pit No. 1; File No. M-2016-022; 110 to 112
Construction Materials Reclamation Permit Conversion Application (CN-01) Adequacy
Review**

Mr. Speers:

The Division of Reclamation, Mining and Safety (Division/DRMS) has reviewed the content of the Arnolds Custom Seeding, LLC permit conversion application (CN-01) for the Arnold Pit No. 1, File No. M-2016-022 and submits the following comments. The Division is required to make an approval or denial decision no later than September 2, 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 conversion application contents with the specific requirements of Rules 1, 3, 6.1, 6.2, 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 corrective actions.

1.6 - Public Notice

1. As required by Rule 1.6.2(1)(d) and 1.6.5(1), please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.

The Division received proof of publication from the Applicant on July 22, 2019. No 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 Division received proof of notice in the form of certified mail receipts from the Applicant on July 22, 2019. Please provide the return receipts for the certified mailing receipt in order to comply with the requirements of Rule 1.6.2(1)(e).

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 to Rule 1.6.2(1)(f) for the following owners of record:

- Richard and Patricia Huwa
 - Ruple Farms, LLC
 - PV Lone Tree, LLC
 - USA
 - Prospect Valley Farms
 - Centurylink
3. The Division received comments from the Division of Water Resources and History Colorado (2). The letters are attached for review. Please address the comments noted in the letters and revise the conversion application accordingly. No objections to the conversion application were received by the Division during the public comment period.

6.4 Specific Exhibit Requirements - Regular 112 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:

6.4.3 Exhibit C - Pre-mining and Mining Plan Maps of Affected Lands

4. Pursuant to Rule 6.2.1(2)(b) maps must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person. Please provide signed copies of the Exhibit C Maps - Figures C-1, C-2, C-3 and C-4.

6.4.6 Exhibit F - Reclamation Plan Map

5. Pursuant to Rule 6.2.1(2)(b) maps must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person. Please provide a signed copy of the Exhibit F Map - Figures F-1.

6.4.7 Exhibit G - Water Information

6. The Applicant states there are four groundwater wells located within the 200-foot buffer zone of the affected area. Please provide the Division with the well permit numbers for the wells and update Exhibit G accordingly.

6.4.12 Exhibit L - Reclamation Costs

7. The Division reviewed and verified the reclamation cost estimate provided by the Applicant. The Division will accept the Applicant's estimate of \$225,432.00. Please submit the following warranty forms to allow the Division to issue the Arnolds Pit No. 1 conversion application 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>

6.4.18 Exhibit R - Proof of Filing with County Clerk and Recorder

8. Please provide an affidavit or receipt indicating the date on which the revised conversion application information required to address this adequacy letter was placed with the Weld County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c).

6.4.19 Exhibit S - 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.
9. The Division received proof of mailing a structure agreement to Noble Midstream, however the structure owner is not listed on Exhibit S. Please revise Exhibit S to indicate Noble Midstream as the owner of an underground waterline.

10. Please provide proof of attempting to obtain a structure agreement with USA for the structures owned by the company. Additionally, please revise Figure C-2 - Names and Locations of Structures and Water Wells to indicate the structures owned by USA.
11. Please provide proof of attempting to obtain a structure agreement with Mark Arnusch for the building(s) owned by Mr. Arnusch. Additionally, please update Exhibit S to indicate Mr. Arnusch as an owner of a building(s) within 200 feet of the proposed mining disturbance.
12. Please revise Figure C-2 - Names and Locations of Structures and Water Wells to indicate the location of the water well owned by Keene Storage.
13. Please revise Exhibit S to indicate Richard and Patricia Huwa as the owner of the building(s) and water well located within the boundary of the proposed mining operation.

Please be advised the Arnolds Pit No. 1 conversion application may be deemed inadequate, and the application may be denied on September 2, 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 September 2, 2019 and request for additional time. The extension request must be received no later than the decision date.

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

Enclosures - Division of Water Resources and History Colorado comment letters

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