



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

August 29, 2019

Steve O'Brian
Environment, Inc.
7985 Vance Dr. #205A
Arvada, CO 80003

Re: McAtee Construction Company; Riverside Pit; File No. M-1976-056; 112 Construction Materials Reclamation Permit Amendment Application Package (AM-02) Second Adequacy Review

Mr. O'Brian,

The Division of Reclamation, Mining and Safety (Division/DRMS) reviewed the content of the adequacy response received on August 21, 2019 for the McAtee Construction Company 112 construction materials permit amendment application for the Riverside Pit, File No. M-1976-056 and submits the following comments. The Division is required to make an approval or denial decision no later than September 24, 2019 therefore; a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

1.6 Public Notice

1. The Division did not receive proof of notice for the following owners of record of the surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet 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 owner of record:

a. McAtee Construction Company

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

2. Please update the Exhibit C maps to indicate the 40 feet offset from each side of the centerline of the Xcel Energy owned overhead powerlines.

The Applicant provided revised Map C – Pre-Mining and Map C-1 – Mining Plan maps indicating the forty (40) feet offset from the overhead powerlines to the dredge line, however on the Map C-1 – Mining Plan Map the offset is labeled as fourteen (14) feet



instead of forty (40) feet in the southeast corner of the West Lake. Please update the map to indicate the correct offset distance from the powerlines to the dredge setback distance of forty (40) feet.

3. Please update the Map C-1 – Mining Plan Map to indicate the offset distances between the permit boundary line and the top of slope and the top of slope to the dredge line setback as shown on the Geotechnical Stability Exhibit A.

6.4.6 Exhibit F - Reclamation Plan Map

4. Please update the Map F – Reclamation Plan Map to indicate the offset distances between the permit boundary line and the top of slope as shown on the Geotechnical Stability Exhibit A.

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

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

Please be advised the Riverside Pit amendment application may be deemed inadequate, and the application may be denied on September 24, 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 24, 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

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