



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

December 9, 2019

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

**RE: Preliminary Adequacy Review; 112c Construction Materials Amendment Application (AM-01),
Sand Arroyo Pit, Permit No. M-1978-283**

Dear Mr. O'Brian:

On October 18, 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 the 90-day decision date for the application has been set for January 16, 2020. Please be advised on January 16, 2020, the application may be deemed inadequate and may be denied unless the following adequacy items are addressed to the Division's satisfaction. 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 two weeks 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 Review with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-1978-283".

EXHIBIT C – Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3)

1. Please update the maps, including the Reclamation Plan Map, to label the 200 foot distance from the permit boundary.
2. Please indicate any areas that were affected during mining activities associated with 111 permit area.
3. Please update the maps to show the approximate outline of the water reclamation basin and any conveyance structures.
4. Please update the maps to show the approximate location of the processing area.
5. Please provide the Division the coordinates, in decimal degrees, of the proposed permit boundary corners to allow for verification of acreage and to allow for future permit marker locating during inspections.



EXHIBIT D – Mining Plan (Rule 6.4.4):

6. Please clarify if any processing of material will occur at the site.
7. Please clarify if water will be used during mining and processing material at the site. Statements made in sections h), j), and m) need additional clarification.

EXHIBIT E – Reclamation Plan (Rule 6.4.5):

8. Please describe what the batch plant has to do to clean up the truck washout area and equipment parking/storage area.
9. The Division understands that there are currently areas that have been impacted and are the responsibility of others. However, these areas are within the proposed amendment boundary so the Division will need a commitment from the Operator that in the event the areas are not reclaimed by the concrete batch plant the Operator will reclaim the areas to rangeland.
10. Please provide a statement that the inert structural fill imported to the site will meet all the requirements of Rule 3.1.5(9) and in accordance with Rule 3.1.5(9)(c) please submit an updated affidavit, signed by the current Operator now, ensuring that any materials imported to the site for backfilling will be clean and inert.
11. Please update the Weed Monitoring and Control Plan, Section 3, in the Appendix to reference the Sand Arroyo Pit instead of the Perrino Pit.
12. Please verify that the noxious weeds listed in Section 3 of the Weed Monitoring and Control Plan are the same species that are of concern at the Sand Arroyo Pit.

EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):

13. Please update the Reclamation Plan Map to show the two areas used by the batch plant.
14. In the legend please add a box to depict the areas associated with the batch plant along with acreages. Currently the acreage totals are missing the batch plant totals.
15. Please remove the yellow highlighted line from the legend or indicate what the line represents and show it on the map.

EXHIBIT G – Water Information (Rule 6.4.7):

16. Please clarify the well permit number, the text indicates the permit number to be 12261F and on the maps the well permit number is 12262F.
17. The Division noted on the letter from the US Army Corps of Engineers that their determination was valid for 2 years from the date of the letter. Please verify that their determination is still valid.

EXHIBIT L – Reclamation Costs (Rule 6.4.12):

18. Please clarify if the reclamation cost estimate includes costs associated with reclaiming areas affected during mining of the 111 area.

EXHIBIT M – Other Permits and Licenses (Rule 6.4.13):

19. Please update #3 as needed with correct well permit number.

20. Pending the outcome of #17 above please update as needed.

Other Permits and Licenses (Rule 6.3.6):

21. 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

Please respond to these adequacy issues no later than two weeks 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 January 16, 2020. 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: SHPO Response to Reclamation Permit Amendment Application Consideration

cc: Jared Ebert; Division of Reclamation, Mining & Safety

SDV



RECEIVED

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**DIVISION OF RECLAMATION
MINING & SAFETY**

October 29, 2019

Scottie Tate
Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman St, Room 215
Denver, CO 80203

Re: Sand Arroyo, Permit No. M-1978-283-AM01 (HIC #38516)

Dear M. Tate:

We received your correspondence dated October 21, 2019 on October 23, 2019 requesting comment under the State Register of Historic Places Act (CRS 24-80-1 et seq.) for the proposed action.

A search of our database indicates that no properties of historical significance included or nominated for inclusion in the state register have been recorded within the proposed permit area. Please note, as most of Colorado has not been inventoried for cultural resources, our files contain incomplete information. Consequently there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. The requirements under CRS 24-80 part 13 apply and must be followed if human remains are discovered during ground disturbing activities.

We thank you for the opportunity to comment. If we may be of further assistance, please contact Mark Tobias, Intergovernmental Services Manager, at (303) 866-4674 or mark.tobias@state.co.us.

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer
ST/mt