



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

March 12, 2020

Jim McCormick
McCormick Excavation & Paving, LLC
30887 US Highway 24
Stratton, CO 80836

**RE: Notice of Filing Deficiencies, 110c Construction Materials Application
McCormick Pit 1, File No. M-2020-017**

Dear Mr. McCormick,

On March 2, 2020, the Division of Reclamation, Mining and Safety (Division) received the 110c Limited Impact Operation Reclamation Permit Application for the McCormick Pit 1 operation. Pursuant to Rule 1.4.1(8), the Division has determined the application contains deficiencies which prevent the application from being considered filed. The following filing deficiencies must be addressed before the Division can consider the application as being filed and the technical adequacy review can begin. Please respond to this Notice of Deficiencies with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Deficiencies, M-2020-017".

Application Form

1. On Page 1 of the application form, 5.51 acre is identified as the permitted acreage. After review of the maps provided, it does not appear to include the access road and the Division cannot verify these acres from maps provided. Please note, Rule 1.1 (3) defining affected land, Rule 6.2.1(2) discusses the general requirements each map needs to include, and Rule 6.3.5 discusses the specific requirements of the Mine Plan and Reclamation Plan Maps. The Division requests at least one map provide the latitude and longitude coordinates for each permit boundary corner.

EXHIBIT A – Legal Description and Location Map (Rule 6.3.1)

2. The Exhibit A Map does not meet the requirements of Rule 6.3.1(3). Please submit an additional Exhibit A Map which shows information sufficient to determine the location of the affected land on the ground and label the access routes to be used in connection with the mining operation. The operation location map should be a standard 1:24,000 scale U.S. Geological Survey topo map or equivalent. The location of the proposed operation shall clearly be shown and labeled with the mine site name.

EXHIBIT B- Site Description (6.3.2)

3. Exhibit B Site Description map/figure does not identify what relevant information this map is depicting. Please including descriptions of soil unit types shown and identify and outline the affected area. Please refer to Rule 6.2.1 Maps and Exhibits. The Division recommends you contact the local NRCS office for assistance with this item. The Applicant map submit a Custom Soil Report which can be obtained for free from <http://websoilsurvey.nrcs.usda.gov> which will need to identify the proposed permit boundary and soil types within the permit boundary as well as providing the appropriate soil unit description printouts.



4. The application states that there are no water resources in the area, however the Map provided in Exhibit A shows Landsman Creek in the area of proposed operation. Please provide water resource information for the area. Please refer to Rule 6.3.2(c) Identify any streams, springs, lakes, stock water ponds, ditches, reservoirs, and aquifers that would receive drainage directly from the affected area. Provide any information available from publications or monitoring data on flow rates, water table elevations and water quality conditions.

EXHIBIT C – Mining Plan (6.3.3)

5. Disturbance dimensions are not clear and do not appear to be accurate when compared with the proposed acreage. Other required dimensions including those of stockpiles have not been provided. Please refer to Rule 6.3.3(f).
6. Please provide more detailed information on the proposed and existing roads including dimensions of the proposed access road. Please also describe the existing road depicted on the Mine Plan Map and how it will be used in the mining operation. Please refer to Rule 6.3.3(g)
7. Please provide additional information with regard to hydrology in the mine plan. The application has inconsistent estimated depths to groundwater between Exhibit B and Exhibit C. Please correct and update this information. Application refers to berms and diversion ditches which should be shown with dimensions on the Mine Plan map (Rule 6.3.5 discusses the specific requirements of the Mine Plan Map) including the location of the diversion outlet if applicable. Please refer to Rule 6.3.3(i).

EXHIBIT E – Map (6.3.5)

8. The Mine Plan and Reclamation Plan Maps do not meet the minimum requirements of the rules. Please resubmit the Mine Plan Map and Reclamation Plan Map which comply with the general map requirements of Rule 6.2.1(2) and the specific requirements of Rule 6.3.5(2) for the Mine Plan Map and Rule 6.3.5(3) for the Reclamation Plan Map. Additionally, in accordance with Rule 6.2.1 (2)(b) maps must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person.

EXHIBIT J - Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District (Rule 6.3.10):

9. The surface owner statement in Exhibit J does not apply to Exhibit J. Please remove the statement. As a note, surface owners, as identified in Exhibit A map, will need to be notified per Rule 1.6.2 (1)(e) after application is considered filed.

EXHIBIT L – Permanent Man-Made Structure (Rule 6.3.12):

10. Please update Exhibit L to include County Road U complying with the requirements of Rule 6.3.12; Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall: (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. Additionally, please ensure the Mine Plan Map identifies the owner of County Road U.

ADDENDUM 1 – Notice Requirement

11. Operator's certificate of posting references the Notice was posted at "Rudder Pit" on 2/25/2020. Please confirm that the Notice was placed at the access of the proposed McCormick Pit 1 and provide the Division with a new certification.

Your 110c Limited Impact Operation Reclamation Permit Application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt and acceptance of all of the requested information. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once within ten (10) days of the date your application is considered filed. The final date for receiving comments is the 10th day after the publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division may deny the application and terminate the application file. **The response to this Notice of Filing Deficiencies is due on or before May 11, 2020.**

This letter shall not be interpreted to mean that there are no other filing deficiency or adequacy requirements in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Rules and the Act after submittal of all required items.

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 x8147**, or by email at tabetha.lynch@state.co.us.

Sincerely,



Tabetha Lynch
Environmental Protection Specialist