



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

1313 Sherman Street, Room 215  
Denver, CO 80203

April 2, 2020

Stevan L. O'Brian  
Environment, Inc.  
7985 Vance Dr. #205A  
Arvada, Co 80003

**RE: Becker Pit, M-2020-022, 110c Construction Material Application, Adequacy Review**

Dear Mr. O'Brian,

The Colorado Division of Reclamation, Mining, and Safety ("DRMS" or "Division"), received the above referenced application on March 23, 2020. The application was deemed complete and filed for review on March 25, 2020. The Division is required to issue a decision on the application by April 24, 2020. The following adequacy review items will need to be addressed prior to the Division's approval of the application:

**6.3.3 EXHIBIT C - Mining Plan**

1. Rule 6.3.3(h) requires the amount of water used during the mining operation and the source of that water be identified. You indicated that you would have a watering truck on site, however you did not indicate the amount of water or the source. Submit a statement explaining where the water will come from and how much is expected to be used.
2. Rule 6.3.3 (n) requires the applicant to identify the primary and secondary commodities to be mined/extracted and describe the intended use.
3. The final paragraph of the Mining Plan indicates that there will be a safety berm for "drive off safety and prevent uncontrolled storm water runoff". This berm is not depicted on the mining plan map. Please update Exhibit E, Mining Plan Map to depict the location of the safety berm.
4. Page 22 states "periods of inactivity will be, but may last up to 6 months or more." The Division requires any operation that is inactive for 180 days or more file for intermittent status. The Operator needs to revise the mining plan and provide a statement indicating the operation is an intermittent site in accordance with C.R.S. 34-32.5-103(11)(b).

**6.3.4 Exhibit D- Reclamation Plan**



5. Page 18 of Exhibit B provides a statement on what type of fertilizer will be used but does not state how it will be spread across the affected area. Please clarify how the fertilizer will be laid down on the affected area and that the statements made in Exhibit B also apply to Exhibit D.
6. The Division has reviewed the Operators reclamation cost estimate and agrees with \$27,000.00 suggested.

#### **6.3.5 EXHIBIT E – Map**

7. Rule 6.3.5(h) requires the average thickness of replaced overburden be stated on the reclamation plan map. Please resubmit the reclamation plan map with the required information.
8. Rule 6.3.5(e) requires the average thickness of replaced topsoil by area or phase be stated on the reclamation plan map. Please resubmit the reclamation plan map with the required information.
9. Rule 6.3.5(2)(b) requires the type of structure and owners of record of any permanent or man-made structures within two hundred of the affected area be labeled on the Mining Plan Map. Please resubmit the Mining Plan Map labeling the road and barbed wire fence with the required information.

#### **6.3.12 EXHIBIT L - Permanent Man-Made Structures**

10. Page 35 of Exhibit L states "Structure agreements will be provided to the Division of Reclamation, Mining & Safety when received". The division needs the structure agreement before the application can be approved.

This concludes the Division's preliminary review of the 110c application. The Division is required to issue a decision on the application by **April 24, 2020**. The adequacy issue listed above must be addressed to the Division's satisfaction prior to the decision date, please submit your adequacy response no later than three days prior to the decision date. If you need additional time to address these issues you must request an extension of the decision date. Please be aware that that the Division will deny the application if outstanding adequacy issues remain when the decision date arrives or inadequate time is provided for the Division to review the response to the adequacy items.

If you have any questions, please contact me at [daniel.cunningham@state.co.us](mailto:daniel.cunningham@state.co.us) or (303) 866-3567 Ext. 8126.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Cunningham", is written over a light blue horizontal line.

Daniel J. Cunningham

Environmental Protection Specialist

EC: Jared Ebert, Division of Reclamation, Mining & Safety

CC:  
Austin & Betsy Clennin  
10826 Clennin Road  
Rye, Co 81069