



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

April 20, 2020

Cal Kelley  
Kelley Trucking Inc.  
6201 McIntyre Street  
Golden, CO 80403

**Re: Incompleteness Notice, 112c Construction Materials New Permit Application  
Watkins Mine, Permit No. M-2019-053**

Cal Kelley:

On April 13, 2020, the Division of Reclamation, Mining and Safety (Division) received the 112 Construction Materials Reclamation New Permit Application for the Watkins Mine, File No. M-2019-053. Preliminary review of this application determined the following items must be received before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice with the requested additional/updated information on permit application replacement pages and summarize each response in a cover letter titled "Incompleteness Response; M-2019-053".

**APPLICATION FORM:**

1. Name of Owner of Subsurface Rights of Affected Land. Question #6, a review of the Adams County Assessor website indicates that the owner of the land to be affected by the proposed mine is Phyllis J. Kelley not Kelley Trucking Inc., please revise with the correct name.
2. Name of Owner of Surface of Affected Land. Question #7, a review of the Adams County Assessor website indicates that the owner of the land to be affected by the proposed mine is Phyllis J. Kelley not Kelley Trucking Inc., please revise with the correct name. Note that Exhibit N, Source of Legal Right-To-Enter, may need to be updated to reflect any changes.
3. Location Information. Question #9, on page two, the ¼-¼ section was left blank. Please provide the location information that approximates the middle area where the majority of the mining will be occurring.
4. Certification. A review of the Colorado Secretary of State's website indicates that the registered agent for Kelley Trucking Inc. is Kelly D. Kelley. The Division requires the Applicant to provide documentation giving the signer, Cal Kelley, the authority to sign on behalf of the company, Kelley Trucking Inc. The authorization document may be in the form of by-laws, resolution, affidavit



signed by corporate secretary, certified secretary statement of a notarized statement on company letterhead

**EXHIBIT A - Legal Description (Rule 6.4.1):**

5. The legal description must identify the affected land and be wholly adequate for field location of the property. It can be in the form of metes and bounds survey or a description by reference to township, range and section to at least the nearest **quarter quarter** section. Where applicable, the street address or lot numbers may be used. Please clearly mark and submit an Exhibit A.

**Map(s) of Affected Lands, General Requirements (Rule 6.2.1 (2)):**

6. Maps, except the index map, must conform to the following criteria:
  - (a) Show name of Applicant;
  - (b) Must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
  - (c) Give date prepared;
  - (d) Identify and outline the area which corresponds with the application;
  - (e) with the exception of the map of the affected lands required in Section 34-32.5-112(2)(d), C.R.S. 1984, as amended, shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Also, that a map scale, appropriate legend, map title, date and a north arrow shall be included.

Please update all maps to meet the requirements as indicated above.

**EXHIBIT D – Mining Plan (Rule 6.4.4):**

7. The Division reviewed the proposed mine site using Google Earth Pro and the map that was generated during the site inspection by Brock Bowles on October 4, 2019. It appears that the access road from Watkins Road to the proposed permit boundary will meet the definition of affected lands, per Rule 1.1(3), and should be incorporated into the proposed permit boundary. Additionally, portions of the 21.8 acres identified in the inspection report appear to be outside the proposed permit boundary. In the Board Order, signed January 13, 2020, the applicant was found to be mining without a permit and ordered to obtain a permit for the affected lands. Please incorporate the haul road and all affected lands into the proposed permit boundary and update all relevant sections and maps as needed. The Division requests that the 21.8 acres be outlined on the Pre-Mining and Mining Plan Maps.

**EXHIBIT R – Proof of Filing with County Clerk and Recorder (Rule 6.4.18):**

8. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these incompleteness issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review

Your 112 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 90 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 complete and filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once a week for four (4) consecutive weeks, starting ten (10) days of the date your application is considered filed. The final date for receiving comments is the twentieth (20<sup>th</sup>) day after the fourth 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. Should additional time be required to submit all the necessary documents an extension request can be submitted in writing for the Divisions consideration of extending the deadline.

**The response to this Incompleteness Notice is due on or before June 19, 2020.**

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of 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 x8114**, or by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,



Patrick Lennberg  
Environmental Protection Specialist

cc: Jared Ebert, DRMS  
ec: Cal Kelley, Kelley Trucking Inc., [calkelley@kelleytruckinginc.com](mailto:calkelley@kelleytruckinginc.com)  
Chas Irish, Kelley Trucking Inc., [Chas.Irish@kelleytruckinginc.com](mailto:Chas.Irish@kelleytruckinginc.com)