



October 26, 2020

Kenneth Klco  
Azurite, Inc.  
PO Box 338  
1001 County Road 12  
Cotopaxi, CO 81223

**RE: Langston Borrow Pit (Permit No. M-2020-023)**  
**New Permit Application**  
**Adequacy Review #1**

Dear Mr. Klco:

On September 8, 2020, the Division of Reclamation, Mining and Safety received your 112 Construction Materials Reclamation Application package for the Langston Borrow Pit, File No. M-2020-023. The following questions address adequacy issues and missing information that is needed to complete the 112c application. This information needs to be addressed and/or received before the Division can approve the application.

**Rule 6.2.1(2) Maps and Exhibits**

1. The maps included in the application are missing information as required by Rule 6.2.1(2). Maps are missing some or all of the following information: name of applicant, preparer signature, date prepared, outline of the proposed minesite and north arrow.

**Rule 6.4 - Specific Exhibit Requirements - 112 Reclamation Operation**

**6.4.1 EXHIBIT A - Legal Description - Adequate as submitted.**

**6.4.2 EXHIBIT B - Index Map**

2. The map submitted is blurry and lacks sufficient details to show the regional location of the affected land and all roads and other access to the area (Rule 6.4.2). Please update the map to include the approximate affected area, the surrounding roads and proximity to the town of Florence.

**6.4.3 EXHIBIT C - Pre-mining & Mining Plan Map(s) of Affected Lands**

3. The power lines on the western portion of the mine area are not shown and labeled on the Exhibit C map. Please label the power lines for clarity and identify who owns the powerlines.
4. The power lines on the eastern boundary of the mine area are not shown and labeled on the Exhibit



C map. Please label the power lines for clarity and identify who owns the powerlines.

5. The property that borders the mine on the eastern and northern sides was not identified on Exhibit C. Please identify the owner of this property.
6. There are 4 properties within 200 feet of the northeast corner of the permit boundary that were not identified on the map. Please identify these properties.
7. The property on the southern border, just west of the property owned by the City of Florence is owned by the High Meadows HOA but is not labeled on Exhibit C. Please label this property.
8. Please clarify if there is a fenceline along the southern boundary of the permit area and identify who is the owner of the fence.

#### 6.4.4 EXHIBIT D - Mining Plan

9. The proposed entrance to the mine is from CR 79. According to Exhibit G, the entrance road will cross Oak Creek as a low water crossing. The creek is dry most of the year and only flows during storm events allowing for crossing most of the year. The operator has committed to not crossing Oak Creek during time the creek is flowing. In Exhibit D, the operator is proposing to leave the access road as a permanent feature to be used as access for the future subdivision. These statements appear to be contradictory: a low water crossing in the access road for a future subdivision? Is the access road being designed for mining, a subdivision access road, or both? Please clarify what is being proposed.
10. The proposed access road to the mine site is going to cross Oak Creek and then follow an easement trench up the hill. This configuration has the potential to channel excess sediment from the mining operation and the haul road directly into Oak Creek. What precautions and/or best management practices will be utilized to prevent sediment loading of Oak Creek (Rule 3.1.6(1))?
11. Please include an approximate timetable of the mining operation including the approximate life of mine. Rule 6.4.4(e).
12. Please specify if explosives will be used in conjunction with the mining operations at this site, Rule 6.4.4(i).

#### 6.4.5 EXHIBIT E - Reclamation Plan

13. The southern and western border is proposed to be laid back to 3:1 or 4:1 slopes. What is the determining factor that will decide if a slope will be reclaimed to 3:1 or 4:1? Please clarify if the slopes will be mined to the final slope configuration or if highwalls will be backfilled to the final slope configuration as each method has a different effect on the stability of the final slope.
14. The application states that the eastern and northern boundaries of the mined area are not anticipated to need any reclamation. It is unclear from this statement what the proposed final condition/configuration of these areas will be. Please address the following items as required by Rule 3.1.5:
  - a. What will the final topography be? What will be the final gradient of the area and which way will it slope?
  - b. Will there be any backfilling and if so, what is the proposed compaction protocol?
  - c. What precautions and best management practices will be utilized to prevent erosion and siltation of the affected lands? What precautions and best management practices will be utilized to protect areas outside the affected area?
  - d. What is the timetable for reclamation?
15. The current land use is rangeland and the proposed post mining land use is residential. When the land use is going to be changed, Rule 6.4.5(2)(b) requires the following items be addressed:
  - a. A comparison of the proposed post-mining land use to other land uses in the vicinity and

- to adopted state and local land use plans and programs.
- b. In those instances where the post-mining land use is for industrial, residential, or commercial purposes and such use is not reasonably assured, a plan for revegetation shall be submitted.
  - c. Submit appropriate evidence supporting reasonable assurance that the standards of residential post mining land use will be met at the end of mining. Examples of appropriate evidence may include but not be limited to: zoning permits, building permits, residential roads installed, utilities installed, etc. These items do not need to be obtained for permit approval but a commitment needs to be made that some or all of these items will be obtained by final bond release.

#### 6.4.6 EXHIBIT F - Reclamation Plan Map

16. The Reclamation Plan Map submitted is the same as the Premining and Mine Plan Map. Please update the Exhibit F Reclamation map to show the final contours, proposed slopes on the south and west sides, the outcrops on the north and east sides, the extent of anticipated mining and the final access road location, dimensions and slope.

#### 6.4.7 EXHIBIT G - Water Information

17. Provide an estimate of the project's water requirements, and if water will be used for the mining process, provide a description of the source and amount of water required, Rules 6.4.7(3) and (4).

#### 6.4.8 EXHIBIT H - Wildlife Information - Adequate as submitted.

#### 6.4.9 EXHIBIT I - Soils Information - Adequate as submitted.

#### 6.4.10 EXHIBIT J - Vegetation Information - Adequate as submitted.

#### 6.4.11 EXHIBIT K - Climate- Adequate as submitted.

#### 6.4.12 EXHIBIT L - Reclamation Costs

18. Not enough details were included in the application to describe the final configuration of the site for the purpose of creating a reclamation cost estimate (Rule 6.14.12(1)). Please describe the final topography and the structures that will be installed to support the residential post mining land use.
19. The Division has not completed a full review of the proposed cost estimate due to the outstanding adequacy questions. A cost estimate will be calculated and forwarded to the operator when the adequacy questions included in this letter have been resolved.

#### 6.4.13 EXHIBIT M - Other Permits and Licenses (Statement Req'd) - Adequate as submitted.

#### 6.4.14 EXHIBIT N - Source of Legal Right to Enter - Adequate as submitted.

#### 6.4.15 EXHIBIT O - Owner(s) of Record of Affected Land and Substance to be Mined - Adequate as submitted.

#### 6.4.16 EXHIBIT P - Municipalities Within Two Miles - Adequate as submitted.

6.4.17 EXHIBIT Q - Proof of Mailing of Notices to Board of County - Adequate as submitted.

6.4.18 EXHIBIT R - Proof of Filing with County Clerk and Recorder - Adequate as submitted.

6.4.19 EXHIBIT S - Permanent Man-made Structures Adequate as submitted.

20. The structure agreement with Black Hills Energy is incomplete. Please submit a completed and signed structure agreement for Black Hills Energy.
21. There are power lines located through the western side of the permit area and along the eastern permit boundary. Please submit a structure agreement for each line.
22. Please clarify if there is a fence along the southern permit boundary. If there is, please identify the owner and submit a structural agreement if necessary.

Please note that the decision date for this application is December 10, 2020. If you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. Also, the comment period for this application is still open and any comments or objections received may initiate new adequacy questions.

All corrected pages must also be provided to Fremont County Clerk & Recorder.

If you have any questions, please contact me at (720) 774-0040 or brock.bowles@state.co.us.

Sincerely,



Brock Bowles  
Environmental Protection Specialist

CC: Tim Cazier, DRMS  
Michael Cunningham, DRMS