



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

1313 Sherman Street, Room 215  
Denver, CO 80203

December 11, 2020

Jared Dains  
Applegate Group, Inc.  
1490 W 121<sup>st</sup> Ave Suite 100  
Denver, Co 80234

**RE: North Weld Gravel Pit, M-1976-018, Amendment 01, Adequacy Review**

Dear Mr. Dains,

The Colorado Division of Reclamation, Mining, and Safety (“DRMS” or “Division”), received the above referenced application on October 22, 2020. The application was deemed complete and filed for review on October 26, 2020. The Division is required to issue a decision on the application by January 25, 2020. The following adequacy review items will need to be addressed prior to the Division’s approval of the application:

**General Questions**

1. Rule 6.2.1 requires all maps to show the name of the applicant, be signed and dated, and the permit area to be clearly outlined. Please resubmit all maps with this required information included.
2. C & H Solution is not the original permittee for this site, North Weld Gravel RLLP is. The Operator will need to submit and receive approval of a Succession of Operator/Permit Transfer application and replace the existing bond before the amendment application can be approved.

**6.4.3 EXHIBIT C- Maps**

3. The buffer zones need to be depicted on the maps. Please update and resubmit the maps.
4. Topsoil and overburden stockpiles need to be depicted on the Mining Plan Map. Please update and resubmit the map.

**6.4.4 EXHIBIT D - Mining Plan**

5. Mining appears to take place within 50 feet of the Pierce Lateral. Does the operation anticipate any seepage from the lateral? If so, how will the water rights be protected? If seepage is anticipated please describe how this will be monitored and mitigated.



6. Rule 6.4.4(d) requires the size of the area to be worked at any time. Please revise the mining plan to include this information.
7. Rule 6.4.4(e) requires a timetable to be submitted, this is for the purpose of establishing the relationship between mining and reclamation. In Exhibit-D it states "The mine will consist of a single mining area as outlined in the mine phasing plan" but later in Exhibit E it states "At any given time the unreclaimed area will not be exceeding 125 acres, which consists of 90 acres of mining and 35 acres for processing...The overburden and topsoil that is stripped from new mining areas will be placed in the exhausted area for reclamation" Please provide a timetable that shows the specific mine phases for each of the 125 acres that are to be disturbed at any given time in accordance with the Rule 6.4.4(e). Please also update Map C-2 with the mining plan phases.
8. Will the processing plant move throughout the life of the mine? If so please update the mining plan with the necessary information and update Map C-2 to show where it will move throughout the life of the mine.
9. Is there a secondary commodity that will be mined? If not please provide a statement to this effect.
10. Does the Operator anticipate using explosives? If not please provide the necessary information required by Rule 6.4.4(i).

#### **6.4.5 EXHIBIT E – Reclamation plan**

11. Rule 6.4.5 (1) requires specific depths of topsoil and overburden to be placed. Please provide a statement of the depth of topsoil to be replaced and how the topsoil and overburden will be stabilized from wind and water erosion.
12. Rule 6.4.5(2)(a) requires "A description of the type(s) of reclamation the Operator/Applicant proposes to achieve in the reclamation of the affected land, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving" Please provide a statement with the required information.
13. Rule 6.4.5(2)(b) requires a comparison of the proposed post-mining land use to other land uses in the vicinity. Please provide a statement with the required information.
14. Exhibit E states, "Once vegetation is established, the BMP's will be removed and security held by County and or the DRMS will be released back to C&H Solutions." The Operator needs to understand that the release of any security or financial warranty held by the Division will be at the sole discretion of the Division and only when the Division determines that significant reclamation work and revegetation has been completed. The Division will not release the site until all reclamation work has been completed in accordance with the approved mining plan and the Act and Rules.

#### **6.4.6 EXHIBIT F – Reclamation Plan Map**

15. Please portray the final land use of each portion of the affected land.

#### **6.4.12 EXHIBIT L – Reclamation Cost**

16. The reclamation cost estimate will be provided once all information is corrected.

**6.4.14 EXHIBIT N – Source of Legal Right to Enter**

17. The power of Attorney provided is not adequate to demonstrate a legal right to enter. Please provide documentation showing the Operator has a legal right to enter that meets the requirements of Rule 6.4.14.

This concludes the Division's adequacy review of amendment application. The Division is required to issue a decision on the application by **January 25, 2021**. 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  
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