



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

January 26, 2020

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

**RE: Adequacy Review No. 2; 112c Construction Materials New Permit Application,
Watkins Mine, Permit No. M-2019-053**

Dear Mr. Kelley:

On July 4, 2020, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4 the 90-day decision date for the application was set for October 2, 2020. On December 15, 2020 the Division approved the second extension request to extend the decision date to March 1, 2021. Please be advised on March 1, 2021, the application may be deemed inadequate and may be denied unless the following adequacy items are addressed to the Division's satisfaction. On December 18, 2020 the applicant responded to the Division's Preliminary Adequacy Review dated August 20, 2020. After review of the responses the Division has additional items that need to be addressed or clarified. If you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this application. Subsequent to receipt and review of the Operator's response to these items the Division may identify additional adequacy items. Please respond to this Adequacy Review No. 2 with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Adequacy Review No. 2 Response; M-2019-053".

General

1. Please clarify if the affected land boundary is the same as the proposed permit boundary?
2. Where the affected land boundary is shown on maps please update according to the answer in #1 above.
3. Please insure that map legends are up to date, the affected land boundary on the Soils Map does not define the affected land boundary.

EXHIBIT C – Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3)

4. On the Pre-Mining and Mining Plan maps please show a 200 foot buffer around the affected land boundary.



EXHIBIT D – Mining Plan (Rule 6.4.4):

5. Please update the last paragraph of the first page to be consistent with current status that the mine entrance has not been established and will be updated during the amendment application.

EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):

6. The anticipated locations of the check dams is missing. Please provide the locations of the check dams or a rational of where they will be placed in the field, the Reclamation Plan may be updated if needed.

EXHIBIT S – Permanent Man-made Structures (Rule 6.4.19):

7. The Division recognizes that the applicant may have to obtain additional structure agreements during an amendment application but in order to satisfy the requirements of the current application structure agreements are required. Please provide the complete structure agreements for the overhead utilities, underground pipeline and any other structures (including fences) where the affected lands are within 200 feet of permanent man-made structures in the northwest corner of the permit area. The Applicant may either:
 - 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; or
 - c. where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

Objection

8. Upon further communication from the objector, they have indicated that Kelley Trucking has not reached out to them regarding the access road. Please keep in mind, the current access road will need to be included within the permit area and the applicant will need to provide a demonstration of their legal right to enter this area in accordance with Rule 6.4.14. The applicant will need to work with the landowner(s) of this area to obtain legal right of entry.

Other

9. Finally, the Division wants the applicant to be aware that on July 4, 2021 will be 365 days from when the application was considered filed. Pursuant to Rule 1.4.1(9) the applicant may not extend the decision date beyond 365 days from when the application was considered filed. If any adequacy items remain after that

date the Division may set the item for a Board hearing. At the hearing the Board may deny or approve with or without conditions.

Other Permits and Licenses (Rule 6.3.6):

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

Please respond to these adequacy issues no later than two weeks before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision deadline. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Lennberg".

Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert; Division of Reclamation, Mining & Safety

ec: Cal Kelley, Kelley Trucking Inc., calkelley@kelleytruckinginc.com
Chas Irish, Kelley Trucking Inc., Chas.Irish@kelleytruckinginc.com