



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

February 8, 2021

Amy Brooks  
Castle Rock Construction Company of Colorado, LLC  
6374 S. Racine Circle  
Centennial, CO 80111

**RE: Notice of Filing Deficiencies, 112c Construction Materials Application  
Strode Pit, File No. M-2021-002**

Dear Amy Brooks,

On January 25, 2021, the Division of Reclamation, Mining and Safety (Division) received the Castle Rock Construction Company of Colorado, LLC 112c Construction Materials Reclamation Permit Application for the Strode Pit, File No. M-2021-002. Pursuant to Rule 1.4.1(8), the Division has determined the application contains deficiencies which prevent the application from being considered filed. The following filing deficiencies must be addressed before the Division can consider the application as being filed and the technical adequacy review can begin. Please respond to this Notice of Deficiencies with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Deficiencies, M-2021-002".

**GENERAL**

1. The application fee was not provided with the application materials. Please submit a check in the amount of \$2,696.00 payable to the "Colorado Division of Reclamation, Mining and Safety".
2. This "Reclamation Only" application has been submitted to comply with the Mined Land Reclamation Board's Order of Violation MV-2020-026 associated with Permit No. M-2019-002. It appears the Applicant is requesting the permit acreage to be set at 30.4 acres, 0.47 acres larger than M-2019-002. Based on a review of the submitted reclamation plan map, affected lands associated with M-2019-002 and MV-2020-026 are not included within this 30.4 acres. It appears the Applicant has submitted a map with the proposed permit boundary which matches the size of M-2019-002. The Applicant will need to submit a new Reclamation Plan Map which has a permit boundary which includes at least all disturbed lands from M-2019-002. Please refer to the 9-4-2020 Inspection Report Map of M-2019-002 to understand where the MLRB found the Operator in violation for off-site disturbance. The Applicant will also need to revise the total permit acreage on Page 1 of the application and Exhibit A to reflect the size of the new permit boundary.

**APPLICATION FORM**

3. Application Question #3 (Page 1 of the application form) lists there are 29.93 permitted acres, 0.47 is the change in acreage, and a total of 30.4 acres. The Division understands M-2019-002 is an existing 29.93-acre permit which this application will be replacing, however this new application is independent of M-2019-002 and needs to reflect the total acreage is new. Please revise Application Question #3 and #3.2 to accurately reflect the total permitted acreage. To reduce confusion, the Applicant should denote "N/A" on #3.1 regarding change in acreage.
4. Application Questions #5.2 and 5.3 (Page 1 of the application form) lists "October 2020" as the anticipated end use of the primary and incidental commodities to be mined. This questions is intended to provide information on



what will the mined material will become and not the date when mining was completed. The Applicant will need to revise Application Questions #5 its entirety to reflect “N/A – Reclamation Only” rather than providing the commodity to be mined and its anticipated end use.

5. Responsibility #10 (Page 6 of the application form) has been initialed, however the Applicant appears to not be a joint venture/partnership business. Please submit a new Page 5 without responsibility #10 initialed.
6. The Application Certification (Page 7 of the application form) is not executed correctly. The Applicant/Operator is identified as Amy Brooks instead of Castle Rock Construction Company of Colorado, LLC. Please submit a new Application Certification with the correct Applicant/Operator.

**EXHIBIT C – Pre-mining and Mining Plan Map(s) of Affected Lands Map (Rule 6.4.4):**

7. Although this is a “Reclamation Only” application and the Applicant has listed Exhibit C as not applicable, the Applicant will still need to comply with at least Rule 6.4.3(a) and Rule 6.4.3(g). The Applicant may choose to include these details on the Exhibit F Reclamation Plan Map in lieu of submitting a standalone Exhibit C Map.

**EXHIBIT E – Reclamation Plan (Rule 6.4.5):**

8. Please submit the proposed reclamation seed mixture in accordance with Rule 6.4.5(2)(f)(ii).

**EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):**

9. In accordance with Rule 6.2.1(b), maps must be signed. Please submit an updated Reclamation Plan Map with the signature of who prepared the map.

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

10. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy in accordance with Rule 1.6.2(2). Please submit proof that the public review copy has been updated with a copy of this letter and associated response.

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

11. County Road 6 is within 200 feet of the proposed permit boundary. As required by Rule 6.3.12, please submit a structure agreement executed between the Applicant and Kit Carson County.

The Castle Rock Construction Company of Colorado, LLC 112c Construction Materials Reclamation Permit 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. Please note, if you have already published notice you will need to republish notice, but only after the Division considers the application filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once a week for four consecutive weeks, stating within 10 days of the date your application is considered filed. The final date for receiving comments is the 20th day after the last publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have 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. **The response to this Notice of Filing Deficiencies is due on or before April 9, 2021.**

February 8, 2021

Page 3 of 3

This letter shall not be interpreted to mean that there are no other deficiency or adequacy requirements in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act and Rules 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 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

EC: Jason Musick, Division of Reclamation, Mining & Safety  
Matt Fonte, Castle Rock Construction Company of Colorado, LLC