



**COLORADO**  
**Division of Reclamation,  
Mining and Safety**  
Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, CO 80203

February 28, 2021

Cliff Simpson  
C&H Aggregates, LLC  
46335 CR 39  
Nunn, CO 80648

**Re: Pierce Pit, Permit M-1980-121, Incomplete Application for Transfer of Mineral Permit and Succession of Operators, Revision SO-01**

Mr. Simpson:

On February 17, 2021, the Division of Reclamation, Mining and Safety (Division/DRMS) received the Application Form for Transfer of Mineral Permit and Succession of Operators from Weld County to C&H Aggregates, LLC, for the Pierce Pit, Permit M-1980-121. The following items are incomplete for the application to be processed:

**Performance Warranty**

The party wishing to become Successor ("Prospective Successor") must agree to assume all liability for the reclamation of affected land, and must provide a Performance Warranty covering the same. The Performance Warranty Form must bear the original notarized signature of an authorized representative of the Prospective Successor.

1. The Performance Warranty submitted with the application did not have a notary stamp on the Notification of Operator's Acknowledgement page. Please provide a performance warranty with the require notary stamp.

**Legal Right of Enter**

All Permittees must provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation. To comply with this requirement, the Prospective Successor must demonstrate they have obtained a legal right of entry from any and all surface and mineral rights owners in the affected lands, independent of the current Permittee. This may be a copy of an access lease, deed, abstract of title, current tax receipt, or a signed and notarized statement by the property owners stating that the Prospective Successor has a legal right to enter.

2. The Applicant did not provide a demonstration of legal right to enter with the application. Please provide an acceptable source of legal right to enter pursuant to Rule 6.4.14.



### Structure Agreement

In many cases, Operators must provide the Division copies of agreements to compensate the owners of any significant, valuable, and permanent man-made structures and utilities within 200 feet of the affected land ("Structure Agreements"). If the Permittee was required to provide Structure Agreements, the Prospective Successor must obtain *new* Structure Agreements from each owner and provide copies of the same to the Division with the Application.

3. The Applicant did not provide structure agreements with the owners of any significant, valuable, and permanent man-made structures and utilities within 200 feet of the affected land with the application. Please provide structure agreements pursuant to Rule 6.4.19.

### Financial Warranty

The Prospective Successor must provide Financial Warranties sufficient to cover the cost of completing reclamation in compliance with the Permit, the applicable Act and Rules. In order to ensure the adequacy of the Financial Warranties, the Division must recalculate the required Financial Warranty whenever it receives an SO Application. Depending upon the state of the operation and the outstanding reclamation work, the Successor may be required to post a higher (sometimes significantly) or lower Financial Warranty than the Permittee currently has in place.

4. The Division does not currently hold a financial warranty for the site since Weld County is the current Permittee pursuant to Rule 4.1.2(2). The Applicants selected to waive their right to receive a decision within 30 days allowing the Division to calculate the required financial warranty before issuing its decision on the application. The Division will contact the Applicants to arrange a site inspection to allow the Division to calculate the required financial warranty.

Please return the required documentation to the Division before **April 29, 2021**. All completed permit documents are required to be submitted for consideration of your Request for Transfer of Mineral Permit and Succession of Operators Application. An incomplete application may be denied after the 60 day submittal request, if the requested documents or information are not received by the Division. In the event of any delay in your submittal or if you have any questions, please contact the Division.

If you have any other questions, please contact me at [peter.hays@state.co.us](mailto:peter.hays@state.co.us) or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays  
Environmental Protection Specialist

Ec: Jared Ebert; Division of Reclamation, Mining & Safety  
Sara Stevenson-Benn; Division of Reclamation, Mining & Safety