



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

1313 Sherman Street, Room 215
Denver, CO 80203

April 1, 2021

Calvin Feik
Bent County
725 Bent Ave
Las Animas, Co 81054

RE: Godfrey Pit, M-2021-006, 112c Construction Material Permit Application, Adequacy Review

Dear Mr. Feik,

The Colorado Division of Reclamation, Mining, and Safety ("DRMS" or "Division"), received the above referenced application on February 01, 2021. The application was deemed complete and filed for review on February 13, 2021. The Division is required to issue a decision on the application by May 13, 2021. The following adequacy review items will need to be addressed prior to the Division's approval of the application:

6.4.1 EXHIBIT A - Legal Description

1. Rule 6.4.1(1), requires the description to nearest quarter-quarter section. The current description is described to the quarter section. Please resubmit the legal description with the required information.
2. The primary entrance location latitude and longitude on page 2 of the application does not match the maps provided or the legal description. Please resubmit page 2 of the application with the correct information.

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

3. Rule 6.4.3(c), requires the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land. Please resubmit both maps with the required information.
4. Rule 6.4.3(e), requires the present vegetation covering to be shown on a map. Please submit a map of the area that shows the current vegetation.

6.4.4 EXHIBIT D – Mining Plan

5. Rule 6.4.4(a), requires a description of the methods of mining. This should include information on how the area will be mined such as; whether or not mining will include a highwall or the



slopes will be mine in such a way as to not leave a highwall. Please revise the Mining plan to include the necessary information.

6. Rule 6.4.4(d) requires the size to be worked at any one time. Please provide a statement.
7. Rule 6.4.4(e), requires a description of the timetable of the mining Operation. Please provide a statement explaining the approximate timetable establishing a relationship between mining and reclamation.
8. Rule 6.4.4(f) requires the depth and thickness of the deposit to be mined, and the thickness of the overburden to be removed. Please provide a statement with the necessary information.
9. Topsoil and overburden must be separated and stored in separate areas. According to Exhibit I topsoil may range from three to ten inches. Please revise the Mining plan with the necessary information in accordance with Rule 6.4.4.
10. Will there be and secondary commodities mined? Resubmit the mining plan with the necessary information.
11. Will there be any explosives used during the mining process? Resubmit the mining plan with the necessary information.
12. The mining plan indicates the pit operation shall be intermittent throughout the year. In accordance with Rule 6.4.4(e), please revise the mining plan to include a statement that the affected lands are to be used for less than 180 days per year in accordance with C.R.S. 34-32.5-103(11)(b).

6.4.5 EXHIBIT E – Reclamation Plan

13. 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.
14. 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.
15. Rule 6.4.5(2)(c), requires a description of how the Reclamation Plan will be implemented to meet each applicable requirement of Section 3.1. Please update the reclamation plan narrative with the following required information;
 - a. What is the post-mining land use?
 - b. Will reclamation occur in phases or be done after all mining has been completed?
 - c. What is the plan for revegetation? What is the seed mixture to be used for the site?
16. The application states that there will be 3 inches of overburden placed down, how much topsoil will be placed down? Exhibit I states that there is between 3 to 10 inches of topsoil available. Please provide all necessary information required by Rule 6.4.5 for topsoil. If there is no plan to place topsoil during reclamation please provide a statement as to what will be used to ensure a sufficient growth medium in the area.

6.4.6 EXHIBIT F – Reclamation Plan Map

17. Rule 6.4.6(a), requires the final topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land. Please resubmit the map with the required information.
18. Rule 6.4.6(b), requires the portrayal of the proposed final land use of the affected land. Please resubmit the map with the required information.

6.4.8 EXHIBIT G – Water Information

19. How much water is expected to be hauled on site by trucks for dust control?
20. There is a canal located due south of the mine site, does the Operator anticipate affecting the water tables in the area? The Operator will need to demonstrate through water table level in the area that mining depths will not be affected.

6.4.8 Exhibit H – Wildlife Information

21. The consultation letter from Colorado Parks and Wildlife (“CPW”) provides information relevant to Rule 6.4.8(1)(a)-(c), please revise Exhibit H to include a description of the general effect during and after the proposed operation on the existing wildlife in the area per subsection (d) of the Rule.
22. CPW identified one species of concern, the Burrowing Owl. Please review CPW’s recommendations regarding these species and provide a description of how these species will be protected during the mining and reclamation operation in accordance with Rule 3.1.8. Please revise Exhibit H accordingly.

Publication and notice

23. Please submit the proof of publication of the required notice in accordance with Rule 1.6.2(1)(d) and Rule 1.6.5

This concludes the Division’s adequacy review of amendment application. The Division is required to issue a decision on the application by **May 13, 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 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 or (303) 866-3567 Ext. 8126.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Cunningham". The signature is fluid and cursive, with the first name "Daniel" and the last name "Cunningham" clearly distinguishable.

Daniel J. Cunningham
Environmental Protection Specialist

EC: Jared Ebert, Division of Reclamation, Mining & Safety