



May 19, 2021

Sarah Ostby
Holsinger Law, LLC.
1800 Glenarm Place, Suite 500
Denver, CO 80202

RE: Malone Gravel Pit (Permit No. M-2021-029)
New Permit Application
Adequacy Review #1

Dear Ms. Ostly:

On April 20, 2021, the Division of Reclamation, Mining and Safety received your 110 Construction Materials Reclamation Application package for the Malone Gravel Pit, File No. M-2021-029. The following questions address adequacy issues and missing information that is needed to complete the 112c application. This information needs to be addressed and/or received before the Division can approve the application.

Application Form –

1. After the completeness review, a letter was sent to the applicant/operator Justin Smith at the address listed on the application form. The letter was returned to the Division on May 13, 2021 as not deliverable. Please verify the correct address and submit any corrections on an updated Application Form, Page 2.

Rule 6.2.1(2) Maps and Exhibits - Adequate as submitted.

6.4.1 EXHIBIT A - Legal Description - Adequate as submitted.

6.4.2 EXHIBIT B - Index Map - Adequate as submitted.

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

2. On page 2 of 4, it states 'road gravel for this road may or may not be produced at the site.' Please be aware that according to Rule 3.1.5(9), 'if an Operator intends to backfill inert structural fill generated outside of the approved permit area, it is the Operator's responsibility to provide the Office notice of any proposed backfill activity not identified in the approved Reclamation Plan.' No additional action is needed at this time if the gravel for the road is produce from within the permit area. Only if material generated outside the permitted area is used on the road will the operator need to contact the Division.

6.4.4 EXHIBIT D - Mining Plan- Adequate as submitted.

6.4.5 EXHIBIT E - Reclamation Plan - Adequate as submitted.



- 6.4.6 EXHIBIT F - Reclamation Plan Map - Adequate as submitted.
- 6.4.7 EXHIBIT G - Water Information - Adequate as submitted.
- 6.4.8 EXHIBIT H - Wildlife Information - Adequate as submitted.
- 6.4.9 EXHIBIT I - Soils Information - Adequate as submitted.
- 6.4.10 EXHIBIT J - Vegetation Information - Adequate as submitted.
- 6.4.11 EXHIBIT K - Climate- Adequate as submitted.
- 6.4.12 EXHIBIT L - Reclamation Costs - Adequate as submitted
- 6.4.13 EXHIBIT M - Other Permits and Licenses - Adequate as submitted.
- 6.4.14 EXHIBIT N - Source of Legal Right to Enter - Adequate as submitted.
- 6.4.15 EXHIBIT O - Owner(s) of Record of Affected Land and Substance to be Mined - Adequate as submitted.
- 6.4.16 EXHIBIT P - Municipalities Within Two Miles - Adequate as submitted.
- 6.4.17 EXHIBIT Q - Proof of Mailing of Notices to Board of County - Adequate as submitted.
- 6.4.18 EXHIBIT R - Proof of Filing with County Clerk and Recorder - Adequate as submitted.
- 6.4.19 EXHIBIT S - Permanent Man-made Structures - Adequate as submitted.

Please note that the decision date for this application is June 3, 2021. If you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. All corrected pages must also be provided to Weld County Clerk & Recorder.

Comments were submitted by History Colorado and are attached to this letter for your records.

If you have any questions, please contact me at (720) 774-0040 or brock.bowles@state.co.us.

Sincerely,



Brock Bowles
Environmental Protection Specialist

CC: Michael Cunningham, DRMS



Brock F. Bowles
Division of Reclamation, Mining and Safety
1313 Sherman St., Room 215
Denver, Colorado 80203

Re: Malone Gravel Pit, File No. M-20212-027 (HC# 79733)

Dear Mr. Bowles:

Thank you for your correspondence on May 04, 2021 initiating consultation with our office in accordance with the Colorado State Register Act (Colorado Revised Statute (CRS) 24-80.1).

A search of the Colorado Cultural Resource Inventory database indicates that one cultural resource inventory was conducted in or near the proposed permit area, and no properties of historical significance have been recorded therein. Please keep in mind that our files contain incomplete information for this area, as most of Colorado has not yet been inventoried for cultural resources. As a result, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. Should human remains be discovered during mining activities, the requirements under State law CRS 24-80 part 13 apply and must be followed.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Holly McKee-Huth, Cultural Resource Information/Section 106 Compliance at (303) 866-4670/holly.mckee@state.co.us.

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer