



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

July 9, 2021

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

**Re: Incompleteness Notice, 112c Construction Materials Amendment Application (AM-01)  
Watkins Mine, Permit No. M-2019-053**

Cal Kelley:

On July 1, 2021, the Division of Reclamation, Mining and Safety (Division) received the 112 Construction Materials Reclamation Amendment Application (AM-01) for the Watkins Mine, File No. M-2019-053. Preliminary review of this application determined the following items must be received before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice with the requested additional/updated information on permit application replacement pages and summarize each response in a cover letter titled "Incompleteness Response AM-01; M-2019-053".

**APPLICATION FORM:**

1. Name of Owner of Surface of Affected Land. Question #7, the Division is interpreting the applicant is proposing to amend the permit application to add the currently built haul road or a portion of the haul road. The haul road has been determined to be affected land and the applicant is contending the haul road is on a Right-of Way (ROW) held by the City of Aurora. Please update the application page to also reflect the ROW holder and the owner(s) of the affected land for the haul road area. Note that Exhibit N, Source of Legal Right-To-Enter, will need to be updated.
2. Location Information. Question #10, on page two, the primary mine entrance location are the original permit application coordinates. Please provide the updated proposed mine entrance coordinates.
3. Certification. Please provide an up to date certification page.

**Notice Sign at Location (Rule 1.6.2 (1)(b)):**

4. The applicant is required to post notice sign(s) at the location of the mine site. The notice sign and affidavit are from the original permit application, a new sign, posted at the proposed mine entrance location, and new affidavit are required.



**EXHIBIT A - Legal Description (Rule 6.4.1):**

5. The legal description must identify the affected land and be wholly adequate for field location of the property. Description shall be by, township, range, and section, to at least the nearest quarter-quarter section. A metes and bounds survey description is acceptable in lieu of township, range, and section. Please clearly submit an Exhibit A including sufficient information to describe the haul road.
6. The main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The applicant will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters. Please update Exhibit A to include the coordinates of main entrance to the mine.

**EXHIBIT B – Index Map (Rule 6.4.2):**

7. Please update the index map to show the haul road.

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

8. The Pre-Mining, Mining Plan and Soils Maps need to be updated to reflect the proposed haul road.

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

9. The Reclamation Plan Map needs to be updated to reflect the proposed haul road.

**EXHIBIT N – Source of Legal Right to Enter (Rule 6.4.14):**

10. Please provide documentation of the legal right to enter to conduct mining and reclamation, for the proposed haul road. This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner and acknowledged by a Notary Public stating that the Applicant has legal right to enter to conduct mining and reclamation.

**EXHIBIT O – Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.14):**

11. Please update the list and maps (where appropriate) to indicate the owner(s) of record for the haul road.

**EXHIBIT Q – Proof of Mailing of Notices to Board of County Commissioners and Conservation District (Rule 6.4.15):**

12. New notices need to be sent, please provide proof that notice, of the amendment application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local Conservation District, pursuant to Rule 1.6.2(1)(a)(ii).

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

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

Your 112c amendment 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. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application complete and filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once a week for four (4) consecutive weeks, starting ten (10) days of the date your application is considered filed. The final date for receiving comments is the twentieth (20<sup>th</sup>) day after the last day of publication.

Pursuant to Rule 1.4.1(8), you have sixty (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. Should additional time be required to submit all the necessary documents an extension request can be submitted in writing for the Division's consideration of extending the deadline.

**The response to this Incompleteness Notice is due on or before **September 7, 2021.****

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act 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 x8114**, or by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,



Patrick Lennberg  
Environmental Protection Specialist

cc: Jared Ebert, DRMS

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