



September 26, 2021

Brad Fancher  
Loveland Ready-Mix Concrete, Inc.  
644 N. Namaqua Road  
P.O. Box 299  
Loveland, CO 80539

**Re: Loveland Ready-Mix Concrete, Inc., Dunn Pit, File No. M-2021-059, Incomplete Submittal of 112 Construction Materials Reclamation Permit Application Package**

Mr. Fancher:

On September 13, 2021, the Division of Reclamation, Mining and Safety (Division/DRMS/Office) received the 112 Construction Materials Reclamation Permit Application package from Loveland Ready-Mix Concrete, Inc. for the Dunn Pit, File No. M-2021-059. Preliminary review of the information received determined the following additional information must be received before the Division can consider the application as being submitted and technical review can begin:

**Application Form**

1. On Page 1, Items 3.1 and 3.2, the Applicant indicated a change in acreage and the total acreage in the permit area as 118 acres. The Applicant submitted a new permit application, therefore there is not a change in permitted acreage. Please revise Items 3 and 3.2 to indicate the total proposed acreage of 118 acres and do not enter a value for Item 3.1.
2. On Page 1, Item 5.1, the Applicant indicated 200,000 tons per year of incidental commodity to be mined. The Applicant failed to provide the anticipated end use of the incidental commodity to be mined on Item 5.3 of the application form. Please provide the anticipated end use of the incidental commodity on the application from.
3. On Page 2, Item 9, the Applicant failed to provide the quarter/quarter location information for the center of the area where the majority of mining will occur. Please revised the application form to indicate the quarter/quarter location information.
4. On Page 4, Item 16, the Applicant states a DRMS number was historically assigned to the pit, but the pit was never mined. The Division's believes the Applicant is referring to the Milliken



Site permit application, File No. M-1999-065, which appears to have been withdrawn by the Applicant. Please confirm the previous application was withdrawn by the Applicant.

#### **6.4.1 Exhibit A - Legal Description**

5. Rule 6.4.1(1) states the legal description shall be by, township, range and section, to at least the nearest quarter-quarter section. The Applicant provided the legal description to the nearest quarter section only in Exhibit A for the three (3) parcels. Please provide the legal description to the nearest quarter-quarter section as required by Rule 6.4.1 in Exhibit A.

#### **6.4.3 Exhibit C - Pre-mining and Mining Plan Maps of Affected Area**

6. The Applicant submitted Mining Plan Maps (Exhibits C-1 through C-16) labeled as "drafts". The Division does not review draft copies of application exhibits. Please provide final copies of the Exhibit C maps for Division review.
7. The Exhibit C maps must be prepared and signed by a registered land surveyor, professional engineer or other qualified person pursuant to Rule 6.2.1(2)(b). Please provide signed copies of the Exhibit C maps.
8. The Exhibit C maps do not comply with all of the requirements of Rule 6.4.3. Please update the Exhibit C maps to include the following requirements as needed:
  - a. all adjoining surface owners of record
  - b. the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area
  - c. the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land
  - d. the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land")
  - e. the type of present vegetation covering the affected lands
  - f. in conjunction with Exhibit G - Water Information, Rule 6.4.7, if required by the Office, further water resources information will be presented on a map in this section
  - g. Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land
  - h. In conjunction with Exhibit I - Soils Information, Rule 6.4.9, soils information may be presented on a map in this section
  - i. Aerial photos, if available, may be included in this section

#### **6.4.4 Exhibit D - Mining Plan**

9. On Page 6, Exhibit D, the Applicant states the entire site consists of approximately 114 acres. The Applicant listed the proposed permitted acreage on the application form as 118 acres. Please explain this discrepancy the revise Exhibit D or the application form accordingly.

#### **6.4.6 Exhibit F - Reclamation Plan Map**

10. The Applicant submitted Reclamation Plan Maps (Exhibits R-1 through F-3) labeled as "drafts". The Division does not review draft copies of application exhibits. Please provide final copies of the Exhibit F maps for Division review.
11. The Exhibit F maps must be prepared and signed by a registered land surveyor, professional engineer or other qualified person pursuant to Rule 6.2.1(2)(b). Please provide signed copies of the Exhibit F maps.

#### **6.4.17 Exhibit Q - Proof of Mailing of Notices to Board of County Commissioners and Conservation District**

12. The Applicant stated proof of notice to the Weld County Commissioners and the West Greeley Soil Conservation District were attached with the permit application. The Division received copies of the notice letters and application form without proof the permit application was received by the Weld County Commissioners or the West Greeley Soil Conservation District. Typically, Applicants provide the Division a copy of the notice letter stamped as received by the Board of County Commissioners and Conservation District or tracking verification from USPS. Please provide proof of notice to the Weld County Commissioners and the West Greeley Soil Conservation District.

#### **6.4.18 Exhibit R - Proof of Filing with County Clerk and Recorder**

13. Please provide an affidavit or receipt indicating the date on which the revised application documents were placed with the Weld County Clerk and Recorder in response to this letter.

#### **Public Notice**

14. On Page 1 of the application, the Applicant states Appendix A contains copies of the certification of the public notices that appeared in the local newspaper. Pursuant to Rule 1.6.2(1)(d), within ten (10) days after the Division notifies the Applicant that the application is considered filed, publish a public notice in a newspaper of general circulation in the locality of the proposed mining operation. The Division has not called the Dunn Pit application complete, therefore the Applicant is not required to begin publication. The Division recommends the Applicant cease the current newspaper publication until the Division notifies the Applicant the application is considered filed by the Division.

The application will not be considered submitted 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 of all of the requested information. Additionally, if you have already published notice you will need to republish notice, after the Division considers the application submitted. This notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date your application is considered submitted. We will notify you when you should initiate republication of your notice. The final date for receiving comments is the twentieth (20<sup>th</sup>) day after the fourth publication or the next regular business day.

You have sixty (60) days from the date of this letter to submit all necessary documents the Office needs for the 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 Office, the Office shall deny the application and terminate the application file.

**The response due date is November 25, 2021.**

This letter shall not be construed to mean there are no other 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.

Sincerely,



Peter S. Hays  
Environmental Protection Specialist

Ec: Jared Ebert; Division of Reclamation, Mining & Safety