



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

September 29, 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 No. 3**

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 12, 2021. The Division’s first adequacy review letter was sent on April 1, 2021, and the Division received a response to the adequacy review letter on August 10, 2021. The Division sent a second adequacy letter on August 17, 2021 and received Bent County’s response on September 24, 2021. The Division is required to issue a decision on the application by November 1, 2021. Below is a list of the Division’s original adequacy review questions followed by a brief description of your response. If the adequacy item has been resolved it is deleted from the list for simplicity, if additional information is required for an item, it is discussed below. Please respond to this letter with a cover letter addressing each of these items and revised exhibits as appropriate. The following adequacy review items will need to be addressed prior to the Division’s approval of the application:

**6.4.4 EXHIBIT D – Mining Plan**

6. Rule 6.4.4(d) requires the size to be worked at any one time. Please provide a statement.
  - a. **Bent County Response1:** An updated mining plan exhibit indicates two acres will be affected per year.
  - b. **DRMS Response 1:** Will the entire permit area be disturbed by mining during the life of the mine? If not, what will be the maximum area that will be affected? Please update the mining plan exhibit with this information.
    - i. **Bent County Response 2:** An updated mining plan was submitted, it indicates approximately 16 acres of the affected land will be mined over time with approximately 5 acres being actively mined or used for stockpiles at any given time.
    - ii. **DRMS Response 2:** Please clarify, it appears about 10.46 acres of land will be affected for the access road construction and Bent County plans to mine the 111.82 acre portion of the permit area. Please update the mining plan to specify how many acres total within the 111.82 acre portion of the permit area will be affected? Will Bent County only have 16 acres actively being mined and affected by stockpiling at any given time?

**6.4.5 EXHIBIT E – Reclamation Plan**

- D. Will the access road remain after mining and reclamation? If so, please update the reclamation plan to indicate this, and provide documentation that the landowner approves leaving the road in place after the operation. If the road will not remain after reclamation, please provide a reclamation plan for the access road.
  - a. **Bend County Response:** According to the revised Mining Plan the access road will remain after mining and reclamation is completed at the landowner’s request.



- b. **DRMS Response:** Please provide documentation that the landowner approved leaving the road in place after the operation.

**Exhibit I – Soils Information**

- E. The applicant appears to be proposing the construction of a new access road to the site. Please provide the soils information required by Rule 6.4.9 for the proposed access road area.
  - a. **Bent County Response:** none
  - b. **DRMS Response:** This item remains outstanding.

**Publication and notice**

- F. In accordance with Rule 1.6.2(1)(e) the applicant shall mail or personally serve a copy of the notice required by Rule 1.6.2(1)(d) immediately after the first publication to all owners of record of the surface and mineral rights of the affected land AND the owners of record of all land surface within 200 feet of the boundary of the affected land. Please provide documentation these notices were sent to the required entities.
  - a. **Bent County Response:** Certified mail return receipts were included with the adequacy review response. The City of Las Animas was not originally notified at required.
  - b. **DRMS Response:** The City of Las Animas, the property owner adjacent to the affected land to the east of the access road, were sent a notice letter on September 21, 2021. Given this, they must be afforded the required comment period. The Division will treat September 21, 2021 as if that was the “first day of publication”, with last “day of publication” to be considered October 12, 2021. Therefore the comment period will close on November 1<sup>st</sup>, 2021. The Division cannot issue its decision on the application until the comment period closes. If Bent County can secure a letter from the appropriate authority from the City of Las Animas that they are aware of the proposed operation and that they have no comments or objections, the Division could issue a decision sooner once all the other adequacy review items are addressed.

This concludes the Division’s third adequacy review of the application. The Division is required to issue a decision on the application by **November 1<sup>st</sup>, 2021**. The adequacy issues 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 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 [Jared.Ebert@state.co.us](mailto:Jared.Ebert@state.co.us) or at (303)-866-3567 ext. 8120.

Sincerely,



Jared Ebert  
Senior Environmental Protection Specialist