

STATE OF
COLORADO

Scott - DNR, Eric <eric.scott@state.co.us>

M1976-007-UG proposal with updated information

1 message

mike rawluk <rawlukm@yahoo.com>

Wed, Oct 27, 2021 at 4:14 PM

To: "Scott - DNR, Eric" <eric.scott@state.co.us>

Thank you for the opportunity to submit an opinion regarding the ACME Brick mine expansion proposed. (Permit Number 1976-007-UG. I live within 1.5 miles of the mine.

Pursuant to CRS 34-32.5-115.4a, I would ask that the application is regarded by the DRMS as incomplete. The DRMS comments from the 9/27/2021 review should be sufficient to deem the proposal as incomplete. The incomplete items the DRMS made mention of included:

1. pre mining maps on pages 2-3
2. reclamation plans on page 5
3. the reclamation map on pages 5-6
4. the source of water on page 6
5. the wildlife information on page 6-7 (the last data is from 1977)
6. the vegetation information on page 7
7. the possible presence of any permanent man made structures within 200 feet on page 9
8. a geotechnical stability exhibit on pages 9-10

Pursuant to 34-32.5-115.4d, there are several potential issues:

1. The affected land + 200 feet border along the northern truck road bisects the palustrine area and FEMA floodplain of approximately 4.4 acres. There was no mention in the application regarding any correspondence with FEMA. If a floodplain is projected to be affected, the FEMA floodplain insurance manual requires a FEMA permit.
2. CRS [24-80-401](#) states that the State of Colorado reserves to itself title to all historical, prehistorical, and archeological resources in all lands...owned by the State. Earlier this year, I asked The State Archeologist Office about the fossil footprints that were previously found on this Hogback. A survey was done by a third party company called Paleo Solutions. The minutes of the subsequent State Archeologist meeting indicated that while the majority of the fossils were on the City land on the south portion of Hogback, there were indeed some footprints on the top of the Hogback and some footprints that fell from the scar. The City of Golden is concerned that the fossil footprints on their portion may be harmed by the mine blasting ops. Additionally the other footprints may also be damaged by blasting operations.

CRS [24-80-403](#) established the State Archeologist Office. The purpose is to coordinate, encourage, and preserve by the use of appropriate means the full understanding of this state's archeological resources. Has the DRMS coordinated with the State Archeologist Office and other paleontology experts such as Friends of Dinosaur Ridge, as well as the scientists who actually did the original research on the Hogback?

An additional concern would include the high water table and shallow potentiometric surface of the Denver Aquifer, coupled with the dipping bedrock and fault line. With the possibility of previous ground water contamination, further instability may impact area drinking water wells, as well as the aquifer itself.

Another concern regarding CRS 34-32.5-115.4 is the Jefferson County zoning resolution. Past mining operations on the northern portion of the land in question required a rezoning process. Currently, the new lease expansion is using the Location and Extent Process, which only applies to schools, rights of way, and other public works. A private mining operation is not covered by the Location and Extent Process.

Thank you for your time and consideration.

Mike Rawluk
18735 West 59th Drive
Golden CO 80403
760-815-6947

On Wednesday, October 27, 2021, 04:05:19 PM MDT, Scott - DNR, Eric <eric.scott@state.co.us> wrote:

Mr. Rawluk,
DRMS has received your email, however some required information was missing - please see the attached letter for details.

Eric Scott
Environmental Protection Specialist, P.G., R.G.



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

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1313 Sherman Street, Room 215, Denver, CO 80203
eric.scott@state.co.us | <http://drms.colorado.gov>

On Wed, Oct 27, 2021 at 3:45 PM mike rawluk <rawlukm@yahoo.com> wrote:

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