



November 2, 2021

Jason Lockard  
Washington County District 2  
501 East 4<sup>th</sup> Ave  
Otis, CO 80743

**RE: Hayes Pit (Permit No. M-1998-065)  
Conversion 1 (CN1) Application  
Adequacy Questions #1**

Dear Mr. Lockard:

On September 9, 2021, the Division of Reclamation, Mining and Safety received your Conversion Application (CN1) package for the Hayes Pit, File No. M-1998-065. The following questions will address adequacy issues and any missing information that is need to complete the CN1 application. This information needs to be addressed and/or received before the Division can approve the application:

**Rule 1.6.2(1)(g) – General Application Procedures**

1. The proof of publication needs to be submitted verifying publication of the notice required by Rule 1.6.2(1)(d) in a local newspaper.

**Rule 6.4 - Specific Exhibit Requirements - 112 Reclamation Operation**

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. Please submit a map showing the affected area of proposed mining (actual pit location), the direction of mining and proposed location of topsoil stockpiles.

6.4.4 EXHIBIT D - Mining Plan

3. Please describe the mining method that will be used. Also include if any processing will be done at the site such as screening or crushing.

6.4.5 EXHIBIT E - Reclamation Plan

4. The application (page 4) and Exhibit E, item 2b, states the post mining land use is cropland.



However, Exhibit E item 2f states the states the NRCS recommended grass seed mix will be planted. Please clarify the post mining land use and what crop/seed mix will be planted.

6.4.6 EXHIBIT F - Reclamation Plan Map -

5. The map submitted only shows the reclamation for the current disturbance. Please submit a map showing the entire proposed mining area and the final contours of the reclamation.

6.4.7 EXHIBIT G - Water Information

6. A statement was included stating groundwater systems will not be affected. Please provide evidence of the approximate depth to groundwater. The may include the depth of domestic wells in the area.
7. If ground water is encountered, please commit to leaving 24 inches of soil above the water table.

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

8. The Hayes Pit will be operated by Washington County. A cost estimate and bond are not required for a county operation.

6.4.13 EXHIBIT M - Other Permits and Licenses (Statement Req'd) - 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.

The Division of Water Resources and History Colorado submitted comments for this application. The comment letters are attached. Please address any concerns raised by these agencies in your response letter.

Please note that the decision date for this application is December 20, 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 Washington County Clerk & Recorder.

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

Sincerely,




Brock Bowles  
Environmental Protection Specialist

Enclosures: DWR comments, 10/1/2021  
History Colorado comments, 9/28/2021

CC: Michael Cunningham, DRMS



## Response to Consideration Construction Materials Reclamation Permit Conversion Application

DATE: October 1, 2021  
TO: Brock F. Bowles, Environmental Protection Specialist  
FROM: Sarah Brucker, Water Resources Engineer   
RE: Hayes Pit, Permit No. M-1998-065  
Applicant/Operator: Washington County  
Phone Number: (970) 246-3347  
SE¼ Section 32, Twp. 3 North, Rng. 50 West, 6th P.M., Washington County  
Water Division 1, Water District 65, Northern High Plains Designated Basin and W-Y  
Groundwater Management District

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### CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of groundwater must not occur during or after mining operations.
- ☒ Any stormwater runoff intercepted by this operation that is not diverted or captured in priority must be released to the stream system within 72 hours; otherwise the operator will need to make replacements for evaporation.
- ☒ Water is not proposed to be used at the site for any purpose. Should water be required for mining or reclamation operations in the future, the applicant will need to document that the water was obtained from a legal source and provide such documentation to this office upon request.

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**COMMENTS:** The Hayes Pit is an existing surface mining operation located approximately 2½ miles northwest of Otis, Colorado. The primary commodities mined at the site are Dobie clay and gravel for road construction. The site is proposed to be reclaimed to its previous use of cropland upon completion of mining.

The subject application is for the conversion of the existing Construction Materials Limited Impact 110 Operation Reclamation Permit to a Construction Materials Regular 112 Operation Reclamation Permit. The application seeks to increase the number of permitted acres from the 9.5 acres allowed under the limited impact operations permit to 160 acres to allow for mining to progress to the west.

The proposed maximum depth of the pit is 15-20 feet. Groundwater is not anticipated to be encountered during mining, and no water is required for mining operations. The only surface water occurring onsite will be runoff after a heavy rainfall. Should any precipitation intercepted by this operation not infiltrate into the ground or be released to the stream system within 72 hours, the operator will need to make replacements for evaporation.

The Division of Reclamation Mining & Safety and/or the applicant may contact the State Engineer's Office with any questions.





Brock Bowles  
Colorado Division of Reclamation,  
Mining and Safety  
Department of Natural Resources  
1313 Sherman St., Room 215  
Denver, CO 80203

RE: Hayes Pit - File No. M-1998-065, Washington County, Permit Conversion Application (CN-1) (HC # 29048)

Dear Mr. Bowles,

This letter is provided in response to your correspondence dated and received on September 23, 2021 requesting consultation with our office for the above mentioned subject action pursuant to the Colorado State Register Act – Colorado Revised Statute (CRS) 24-80.1.

A review of our records shows that no previously identified cultural resources sit in the area of the proposed action. Based on the documentation provided, we find that the subject action will not adversely affect properties listed on or nominated for the State Register of Historic Properties.

Please note that our comments should not be interpreted as concurrence under the National Historic Preservation Act or any other environmental law or regulation. If human remains are discovered during ground disturbing activities, the requirements under CRS 24-80 part 13 apply and must be followed. Should the current subject action change, please contact our office for continued consultation under CRS 24-80.1.

If the fill or disposal site location is associated with a Federal undertaking, it is the responsibility of the Federal agency to meet the requirements of Section 106 as set forth in 36 CFR Part 800 titled “Protection of Historic Properties.” This includes not only reasonable and good faith identification efforts of any historic properties located within the area of potential effects, but determining whether the undertaking will have an effect upon such properties. The State Historic Preservation Office, Native American tribes, representatives of local governments, and applicants for federal permits are entitled to consultative roles in this process.

We thank you for the opportunity to comment. If we may be of further assistance, please contact Matthew Marques, Section 106 Compliance Manager, at (303) 866-4678 or [matthew.marques@state.co.us](mailto:matthew.marques@state.co.us).

Sincerely,

Steve Turner, AIA  
State Historic Preservation Officer

We are now accepting electronic consultation through our secure file transfer system, MoveIT. Directions for digital submission and registration for MoveIT are available at <https://www.historycolorado.org/submitting-your-data-preservation-programs>.