

April 7, 2022

Russell Van Egmond
546 Doe Valley Rd.
Guffey, CO 80820

**RE: Notice of Filing Deficiencies, 110c to 112c Conversion Application CN1
Van Egmond Stone Pit, File No. M-1991-080**

Dear Mr. Van Egmond,

On March 23, 2022, the Division of Reclamation, Mining and Safety (Division) received your 110c to 112c Construction Materials Reclamation Permit Conversion Application (CN1) for the Van Egmond Stone Pit, Permit No. M-1991-080. Pursuant to Rule 1.4.1(8), the Division has determined the application contains deficiencies which prevent the application from being considered filed. The following filing deficiencies must be addressed before the Division can consider the application as being filed and the technical adequacy review can begin. Please respond to this Notice of Deficiencies with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Deficiencies CN1, M-1991-080".

APPLICATION FORM

1. The application materials received by the Division on March 23, 2022, were submitted as a 112c Amendment, however, as the current permit is a 110c permit and is at the maximum size allowed for a 110c, an expansion requires a 110c to 112c Conversion. A new application form is required with the Conversion box checked.
2. Application Question #1 (Page 1 of the application form) lists "Russell Van Egmond, Van Egmond Stone Pit" as the Applicant/Operator, Question #11 (Page 3 of the application form) lists "Van Egmond Stone Pit" as the company name of the Applicant/Operator, and the Application Certification (Page 8 of the application form) lists "Russell Van Egmond, Van Egmond Stone Co." as the Applicant/Operator. These three lines need to be consistent and match the Applicant/Operator on file for the existing 110c permit which is "Russell Van Egmond". Please revise the application form accordingly.
3. Question #1.1 lists the type of organization as "Corporation (Van Egmond Inc.)". Please revise this to "individual".
4. The application was accompanied by a check for \$2,229, however pursuant to CRS 34-32.5-125(IV), the Conversion application fee is \$2,696. Please submit the additional \$467.
5. Application Question #5 (Page 1 of the application form) lists "Gravel" as the primary commodity to be mined but Question #5.2 was left blank. Please indicate the anticipated use of the primary commodity on Question #5.2.
6. Application Question #5.3 (Page 1 of the application form) lists the anticipated use of incidental commodities being mined as "Horse Boarding & Training Facility". Please remove this as it appears there are no incidental commodities to be mined because Question #5.1 was left blank.
7. Application Questions #6 and #7 (Page 2 of the application form) were left blank. Please provide the name of the owner of the subsurface and surface of the affected lands.



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8. Application Question #9 (Page 2 of the application form) did not include the general description of the site's location. Please provide the number of miles and direction from the nearest town and the approximate elevation.
9. Application Questions #12 and #13 (Page 4 of the application form) were left blank. Please check the box for the primary future (post-mining) land use and the primary present land use.
10. The application certification (Page 8 of the application form) contains three errors. The first, discussed in Filing Deficiency #2, is the Applicant/Operator should be listed as "Russell Van Egmond". Second, his title should be blank with a strike through it or listed as "Individual". Lastly, the notary section was left blank. Please note, this should be executed as follows: "The foregoing instrument was acknowledged before me this...by Russell van Egmond as Individual of _____". Please submit a new application certification with the appropriate revisions.

EXHIBITS

11. The application materials received by the Division on March 23, 2022, contained no exhibits. Please consult Rule 6.4 to prepare and submit Exhibits A through S and Rule 6.5 for the Geotechnical Stability Exhibit, if applicable.

MAPS

12. Although the application materials contained no exhibits, the submittal did include three maps (titled *Exhibit A/Exhibit B*, *Exhibit C*, and *Exhibit D*). While not required for filing purposes, the Division has preliminarily reviewed these maps for technical adequacy. All three maps do not comply with the general map requirements of Rule 6.2.1(2) and the specific map requirements for Rule 6.4.2 (Exhibit B), Rule 6.4.3 (Exhibit C), and Rule 6.4.6 (Exhibit F). The Division could not determine in which specific Exhibit(s) the three provided maps should be in as the titles do not match the appropriate permit exhibits; please title the revised maps to match the appropriate exhibit. At a minimum, the application shall include an Exhibit B Index Map, an Exhibit C Pre-Mining Map, an Exhibit C Mine Plan Map, and an Exhibit F Reclamation Plan Map. If needed, the Applicant may provide additional maps if a single map becomes too crowded by attempting to provide all of the required information for that specific map (i.e. Exhibit C-1 Property Ownership Map 1, Exhibit C-2 Topo Map, Exhibit C-3 Vegetation Map, Exhibit C-4 Soil Map, etc.)

As a reminder, in accordance with Rule 6.2.1(2), all maps submitted must:

- Show name of Applicant;
- Be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
- Give the date the map was prepared;
- Identify and outline the permit boundary;
- Show the map scale and scale bar. With the exception of the location map, maps shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet; and
- Include an appropriate legend, map title and north arrow.

OTHER

13. A copy of the on-site notice as required by Rule 1.6.2(1)(b) was not provided in the application. Please submit a signed affidavit demonstrating the on-site notice has been posted at the location of the access to the proposed

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site. A sample notice and affidavit are provided in the 112c application packet available on the Division's website.

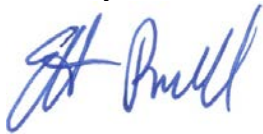
The Van Egmond Stone Pit 110c to 112c Construction Materials Reclamation Permit Conversion Application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt and acceptance of all of the requested information. Please note, if you have already started notice publication you will need to restart the publication, but only after the Division considers the application filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once a week for four consecutive weeks starting within 10 days of the date your application is considered filed. The final date for receiving comments is the 20th day after the last publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have 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 conversion application. **The response to this Notice of Filing Deficiencies is due on or before June 6, 2022.**

This letter shall not be interpreted to mean that there are no other deficiency or adequacy requirements in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act and Rules 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 x8132**, or by email at elliott.russell@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Russell", is written over a light blue horizontal line.

Elliott R. Russell
Environmental Protection Specialist

Cc: Jason Musick, Division of Reclamation, Mining & Safety