



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

September 13, 2022

Mr. Jim McCuiston
JH Sand & Gravel, LLC
5960 Ln 23
Sugar City, CO 81076

**RE: Preliminary Adequacy Review; Technical Revision (TR-2); JH Sand & Gravel Pit #1,
Permit No. M-1979-131**

Dear Mr. McCuiston,

On September 12, 2022, the Division of Reclamation, Mining and Safety (Division/DRMS) received a request for Technical Revision (TR-2) to increase the affected area acreage at JH Sand & Gravel Pit #1, Permit No. M-1979-131. Please be advised that on October 12, 2022, the application for TR-2 may be deemed inadequate and denied unless the following clarification is addressed to the Division's satisfaction.

- Currently, the approved permit is for 45.2 acres and in responses, dated December 29, 2009, to the Preliminary Adequacy Review for the Conversion Application the maximum affected acreage was clarified to be 38.1 acres. Please note the affected land acreage can only be changed through the amendment process. In 2019 TR-1 was approved which increased the maximum disturbed area at any one time from 10 acres to 15 acres. Please clarify whether or not it is the intent of TR-2 to increase the disturbed acreage, not the affected acreage, allowed at any one time from 15 acres to 38.1 acres? By doing so this would, with the approval of TR-2, abate the problem cited in the July 2022 inspection report.

This concludes the Division's preliminary adequacy review of your application. The Division reserves the right to further supplement this document with additional adequacy items and/or details as necessary.

The decision date for your application is set for October 12, 2022. If additional time is needed to respond, an extension request must be received by our Office by the decision date. If on the decision date, outstanding adequacy items remain, and no extension request has been received, your revision may be denied and the file terminated.

If you need additional information or have any questions, please contact me by telephone at **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,

Patrick Lennberg
Environmental Protection Specialist



cc: Jared Ebert; DRMS

ec: Jim McCuiston, JH Sand & Gravel, LLC, jmccuiston@centurytel.net, jhsandgravel@gmail.com
Angela Bellantoni Ph.D., Environmental Alternatives, Inc., angela@envalternatives.com