



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

October 19, 2022

Raul Vasquez  
Blue Mountain Stone, Inc.  
4168 Ute Hwy.  
Longmont, CO 80503

**Re: Preliminary Adequacy Review, Conversion Application (CN-1), Phillips Stone Company,  
Permit No. M-1981-075**

Mr. Vasquez:

On September 28, 2022, the Division of Reclamation, Mining and Safety (Division/DRMS) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4 the 90-day decision date for the application was set for December 26, 2021.

The following items will need to be addressed to the Division's satisfaction prior to the decision date. If you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division may deny this application. In order to allow the Division sufficient time to review your responses to the adequacy issues, please submit your adequacy responses to the Division no later than two weeks prior to the decision date. Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Preliminary Adequacy Review with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-1981-075".

**EXHIBIT A – Legal Description (Rule 6.4.1):**

1. Pursuant to Rule 6.4.1(2) please provide the following. The main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.



**EXHIBIT B – Index Map (Rule 6.4.2):**

2. The Division is unclear what map was meant to be used as the Exhibit B Index Map. Please resubmit and clearly label the intended map as “Exhibit B”.

**EXHIBIT C – Pre-Mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):**

3. Please provide and clearly label Exhibit C maps pursuant to Rule 6.4.3 to legibly portray the following information:
  - (a) All adjoining surface owners of record (they need to be depicted on a map);
  - (b) The name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area (these need to be depicted on a map);
  - (c) The existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
  - (d) The total area to be involved in the operation, including the area to be mined and the area of affected lands (these need to be clearly depicted on a map);
  - (e) The type of present vegetation covering the affected lands (shown on a map); and
  - (g) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
  - (h) In conjunction with Exhibit I - Soils Information, Rule 6.4.9, soils information may be presented on a map in this section.
  - (i) Aerial photos, if available, may be included in this section. Aerial images shall be the most up to date as is readily available. The aerial image included is from 2015 which does not accurately reflect the current disturbance at the site.

Please note pursuant to Rule 6.2.1(2) maps and exhibits must conform to the following criteria:

- (a) Show name of Applicant;
- (b) Must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
- (c) Give date prepared;
- (d) Identify and outline the area which corresponds with the application;
- (e) With the exception of the map of the affected lands required in Section 34-32.5-112(2)(d), C.R.S. 1984, as amended, 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. Also, that a map scale, appropriate legend, map title, date and a north arrow shall be included.

4. Please clarify why there is difference in acreages between the Legal Description of the land, 51.45 acres, and map from 1987 where the acreage of the area labeled Robert Phillips is 52.386 acres.

**EXHIBIT D – Mining Plan (Rule 6.4.4):**

5. The Applicant states bars, chisels, and shovels will be used to quarry the permit. A review of aerial imagery indicates heavy equipment is also being used at the site. Please clarify whether or not heavy equipment will be used to mine the permit. Mining includes transporting and stacking of marketable material.
6. Pursuant to Rule 6.4.4(f)(i) and (ii) please present the following information; nature, depth and thickness of the deposit to be mined and the thickness and type of overburden to be removed and the nature of the stratum immediately beneath the material to be mined.
7. Pursuant to Rule 6.4.4(i) please specify if explosives will be used in conjunction with the mining or reclamation.
8. Pursuant to Rule 6.4.4(j) please specify the dimensions of any existing or proposed roads that will be used for the mining operation. Describe any improvements necessary on existing roads and the specifications to be used in the construction of new roads. New or improved roads must be included as part of the affected lands and permitted acreage. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation. Describe any associated drainage and runoff conveyance structures to include sufficient information to evaluate structure sizing.

**EXHIBIT E – Reclamation Plan (Rule 6.4.5):**

9. Please clarify how salvaged topsoil will be handled. Pursuant to Rule 3.1.9 topsoil stockpiles shall be stored in places and configurations to minimize erosion and located in areas where disturbance by ongoing mining operations will be minimized. Topsoil shall be removed and segregated from other spoil. Proposed stockpile locations should be clearly marked on a map.
10. Pursuant to Rule 6.4.5(2)(f) please provide the following information;
  - (ii) Seeding - specify types, mixtures, quantities, and expected time(s) of seeding and planting
  - (iii) Fertilization - if applicable, specify types, mixtures, quantities and time of application; and

- (iv) Revegetation - specify types of trees, shrubs, etc., quantities, size and location.

**EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):**

11. Please update the Reclamation Plan Map to pursuant to Rule 6.4.6 to show;

- (a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and
- (b) Portrayal of the proposed final land use for each portion of the affected lands.

12. The Reclamation Plan Map shows two roads that are not included on the Exhibit C maps. Please include these roads on the Exhibit C maps and provide a description of the roads. Additionally, the road that enters the proposed permit from the north will need an access agreement or if there is a dedicated easement for the Applicant to use the road documentation needs to be provided.

**EXHIBIT G – Water Information (Rule 6.4.7):**

13. On October 6, 2022 the Division forwarded, in an email, a comment letter from the Division of Water Resources and a copy of that letter has been included with this review for your convenience, Attachment 1. Please commit to abiding to the letter's conditions for approval and stipulations in the comment section.

**EXHIBIT I – Soils Information (Rule 6.4.9):**

14. The information provided primarily describes the mined areas. The Division recommends you contact the local NRCS office for assistance with this item. Please note, a Soil Report can be obtained from <https://websoilsurvey.sc.egov.usda.gov/> for free. Please use the proposed permit boundary on the new soil report map. Please also provide the soil unit description print outs for any soil map units included within the proposed permit boundary. An example map has been provided for your convenience, Attachment 2.

**EXHIBIT J – Vegetation Information (Rule 6.4.10):**

- 15. Pursuant to Rule 6.4.10(a) please provide the qualitative estimate of cover for the principle species represented.
- 16. Pursuant to Rule 6.4.10(b) please provide the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map.

**EXHIBIT L – Reclamation Costs (Rule 6.4.12):**

17. Pursuant to Rule 6.4.12 please provide all information necessary to calculate the costs of reclamation and broken down into the various major phases of reclamation. The information provided by the Applicant must be sufficient to calculate the cost of reclamation that would be incurred by the State.

**EXHIBIT M – Other Permits and Licenses (Rule 6.4.13):**

18. The Division has been contacted by Boulder County and it appears the Applicant is supposed have a grading permit to conduct mining and reclamation operations at the site. Please verify whether or not a grading permit is needed for site. If a grading permit is not needed please provide documentation indicating that is the case. If a grading permit is needed, please affirmatively state a grading permit is needed and that once a permit is issued a copy will be submitted to the Division.

**EXHIBIT N – Source of Legal Right to Enter (Rule 6.4.14):**

19. Please clarify who owns the house and the property. The Boulder County Assessor's website indicates that Blue Mountain Stone Inc. owns the property not an individual.

**EXHIBIT P – Municipalities within Two Miles (Rule 6.4.16):**

20. The Town of Lyons is a municipality and its limits are located within two miles of the permit. Pursuant to Rule 6.4.16 please provide the address of the general office for the Town of Lyons.

**EXHIBIT S – Permanent Man-made Structures (Rule 6.4.19):**

21. With the maps that were provided it is difficult to determine where exactly the permit and affected land boundaries are located. There is a power-line along with power-poles along the roadway. How far away from the permit and affected land boundary are these structures?
22. With the maps that were provided it is difficult to determine where exactly the permit and affected land boundaries are located. During an inspection of the Stone Canyon Quarry (M2012-018) the Division noted a barbed wire fence that was along the southern property boundary of the lot where the permit is located. How far away from the permit and affected land boundary is that fence line and who owns the fence?

**Other:**

23. Please provide proof of the local newspaper publication required by Rule 1.6.5. Proof of publication may consist of either a copy of the last newspaper publication that includes the date published, or a notarized statement from the newspaper.

- 24.** Please provide proof that the Owners of Record of all land surface within 200 feet of the boundary of the affected lands received a copy of the notice in Rule 1.6.2(1)(d) immediately after the first publication.
- 25.** Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review

For your convenience the Division has included with this review letter, Attachment 3, a list of consultants that are familiar with permitting applications and exhibit requirements with DRMS.

Please respond to these adequacy issues no later than two weeks before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision deadline. The decision deadline on this application is December 26, 2022. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

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](mailto:patrick.lennberg@state.co.us).

Sincerely,



Patrick Lennberg  
Environmental Protection Specialist

Attachments:   1.   DWR Comment Letter  
                  2.   Map of Soil Types  
                  3.   List of Consultants

cc:     Jared Ebert; DRMS

ec:     Raul Vasquez, Blue Mountain Stone, Inc., [bluemtystone@gmail.com](mailto:bluemtystone@gmail.com)

## **Attachment 1**



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## Phillips Stone Company, M-1981-075

2 messages

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**Brucker - DNR, Sarah** <sarah.brucker@state.co.us>  
To: Patrick Lennberg - DNR <patrick.lennberg@state.co.us>

Thu, Oct 6, 2022 at 3:13 PM

Please see attached for comments from the Division of Water Resources regarding the conversion application for the Phillips Stone Company, File No. M-1981-075. Please add the electronic copy to your Laserfiche files.

**Sarah Brucker**  
Water Resources Engineer



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

P 303.866.3581 x 8249  
[1313 Sherman St., Suite 821 Denver CO 80203](https://www.dwr.colorado.gov)  
[sarah.brucker@state.co.us](mailto:sarah.brucker@state.co.us) | <https://dwr.colorado.gov>



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**M\_1981\_075 Phillips Stone Co.pdf**  
180K

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**Lennberg - DNR, Patrick** <patrick.lennberg@state.co.us>  
To: Blue Mountain stone <bluemtnstone@gmail.com>

Thu, Oct 6, 2022 at 4:25 PM

Good Afternoon,

Please see the attached comment letter from DWR for your files.

Thank you,  
Patrick

[Quoted text hidden]

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**Patrick Lennberg**  
Environmental Protection Specialist



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

P 303.866.3567 x8114 | F 303.832.8106  
Physical Address: [1313 Sherman Street, Room 215, Denver, CO 80203](https://www.drms.colorado.gov)  
**Address for FedEx, UPS, or hand delivery:**  
1001 E 62nd Ave, Denver, CO 80216  
[Patrick.Lennberg@state.co.us](mailto:Patrick.Lennberg@state.co.us) | <https://drms.colorado.gov>



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**M\_1981\_075 Phillips Stone Co.pdf**  
180K



## Response to Consideration Construction Materials Reclamation Permit Conversion Application

DATE: October 6, 2022  
TO: Patrick Lennberg, Environmental Protection Specialist  
FROM: Sarah Brucker, Water Resources Engineer *SB*  
RE: Phillips Stone Company, Permit No. M-1981-075  
Applicant/Operator: Blue Mountain Stone, Inc.  
Phone Number: (303) 823-9625  
W½ Section 5, Twp. 3 North, Rng. 70 West, 6th P.M., Boulder County  
Water Division 1, Water District 5

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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 Phillips Stone Company is an existing quarry located approximately 2 miles north of Lyons, Colorado. The primary commodity mined at the site is sandstone. 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 9.9 acres allowed under the limited impact operations permit to 43 acres to allow for storage of stockpiles for future reclamation. The site is proposed to be reclaimed to its pre-mining uses of rangeland, pastureland, and residential upon completion of mining.

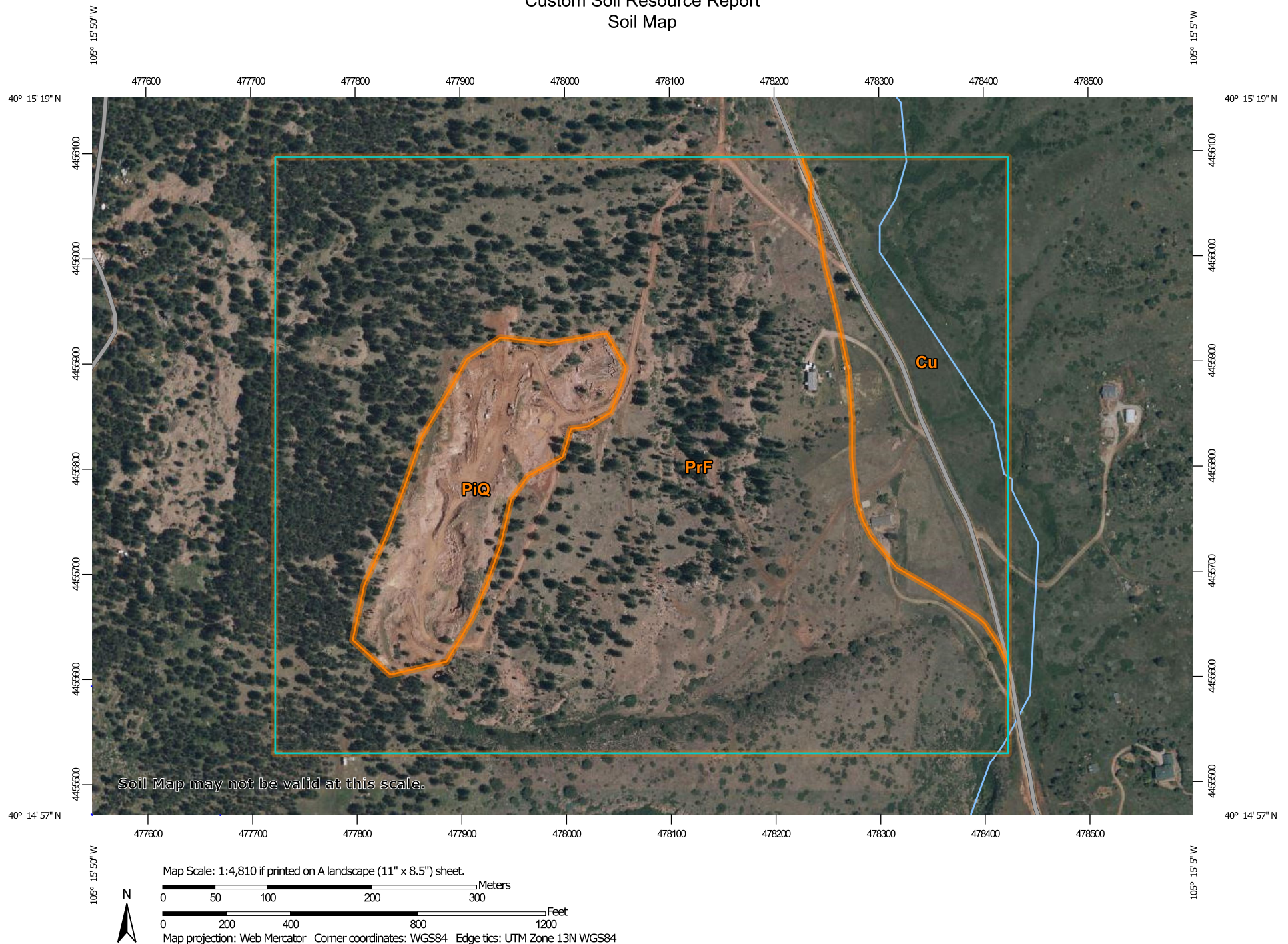
The site is quarried by hand. Groundwater is not anticipated to be encountered during mining, and no water is required for mining operations. Upon completion of mining, the site is proposed to be contoured to match the surrounding area so as to not interfere with natural drainage. Should any precipitation be intercepted by this operation during or after mining operations and 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.



## **Attachment 2**

# Custom Soil Resource Report Soil Map



### **Attachment 3**

## Consulting Firms - Minerals and Prospecting Processes

<p>Aquionix, Inc. 5545 W. 56th Ave, Unit E Arvada, CO 80002 303-289-7520 <a href="mailto:tmcardwell@aquionix.com">tmcardwell@aquionix.com</a> <a href="http://www.aquionix.com">www.aquionix.com</a></p>	<p>Bishop-Brogden Associates, Inc. 333 W Hampden Ave, Ste 1050 Englewood CO 80110 303-806-8952 <a href="mailto:jgeorge@bbawater.com">jgeorge@bbawater.com</a> <a href="http://www.bbawater.com">www.bbawater.com</a></p>	<p>Civil Resources, LLC 323 5<sup>th</sup> Street PO Box 680 Frederick CO 80530 303-833-1416 <a href="mailto:brad@civilresources.com">brad@civilresources.com</a> <a href="http://www.civilresources.com">www.civilresources.com</a></p>	<p>Ecosphere Environmental Services 776 E. 2<sup>nd</sup> Avenue Durango CO 81301 970-382-7256 / 970-759-4830 <a href="mailto:fitz@ecosphere-services.com">fitz@ecosphere-services.com</a> <a href="http://www.ecosphere-services.com">www.ecosphere-services.com</a></p>
<p>Engineering Analytics, Inc. 1600 Specht Point Road, Suite 209 Fort Collins CO 80525 970-488-3111 <a href="mailto:jandrews@enganalytics.com">jandrews@enganalytics.com</a> <a href="http://www.enganalytics.com/">http://www.enganalytics.com/</a></p>	<p>Environment, Inc. 7985 Vance Dr. #205 Arvada CO 80003 303-423-7297 <a href="mailto:environment-inc@outdrs.net">environment-inc@outdrs.net</a></p>	<p>Environmental Alternatives Inc. PO. Box 326 Cañon City CO 81215 719-275-8951 <a href="mailto:eai@bresnan.net">eai@bresnan.net</a> <a href="http://www.envalternatives.com">www.envalternatives.com</a></p>	<p>Greg Lewicki and Associates, PLLC 3375 W Powers Circle Littleton CO 80123 303-346-5196 / 720-842-5321 <a href="mailto:info@lewicki.biz">info@lewicki.biz</a> <a href="http://www.lewicki.biz">www.lewicki.biz</a></p>
<p>ICF Consulting 3665 JFK Parkway, Building 1, Suite 300 Fort Collins CO 80525 970-372-3903 <a href="mailto:scott.duincan@icf.com">scott.duincan@icf.com</a> <a href="mailto:andrew.newman@icf.com">andrew.newman@icf.com</a> <a href="http://www.icf.com">www.icf.com</a></p>	<p>JE Stover &amp; Associates, Inc. 2352 N 7<sup>th</sup> St, Unit B Grand Junction CO 81501 970-245-4101 <a href="mailto:jestover@bresnan.net">jestover@bresnan.net</a> <a href="http://www.jestover.com">www.jestover.com</a></p>	<p>Regulatory Permits Management, Inc 25049 East Alder Drive Aurora CO 80016 303-854-7499 <a href="mailto:hlhumphries2@comcast.net">hlhumphries2@comcast.net</a></p>	<p>River City Consultants 744 Horizon Ct., Ste 110 Grand Junction CO 81506 970-241-4722 <a href="mailto:info@rccwest.com">info@rccwest.com</a> <a href="https://rccwest.com/contact/">https://rccwest.com/contact/</a></p>
<p>Stantec 2000 South Colorado Blvd, Ste 2-300 Denver CO 80222-7933 720-889-6122 <a href="mailto:paul.kos@stantec.com">paul.kos@stantec.com</a> <a href="https://www.stantec.com/en/markets/mining">https://www.stantec.com/en/markets/mining</a></p>	<p>Tetra Tech, Inc. 350 Indiana Street, Ste 500 Golden CO 80401 303-217-5700 <a href="mailto:janette.hagaman@tetrattech.com">janette.hagaman@tetrattech.com</a> <a href="http://www.tetrattech.com">www.tetrattech.com</a></p>	<p>Telesto Solutions, Inc. 3801 Automation Way, Ste 201 Fort Collins CO 80525 970-484-7704 <a href="mailto:ttigges@telesto-inc.com">ttigges@telesto-inc.com</a> <a href="mailto:wniccoli@telesto-inc.com">wniccoli@telesto-inc.com</a> <a href="http://www.telesto-inc.com">www.telesto-inc.com</a></p>	<p>Vibra-Tech Engineers, Inc. 4818 East Ben White Blvd., Suite 202 Austin TX 78741 512-442-6464 <a href="http://www.geosonicsvibratech.com">www.geosonicsvibratech.com</a> <a href="mailto:texas@vibratechinc.com">texas@vibratechinc.com</a></p>
<p>Western Water &amp; Land, Inc. 743 Horizon Ct. Suite 330 Grand Junction CO 81506 970-242-0170/970-270-6216 <a href="http://www.westernwaterandland.com">www.westernwaterandland.com</a> <a href="mailto:bsmith@westernwaterandland.com">bsmith@westernwaterandland.com</a></p>			<p><a href="#">Guide to Colorado Sand and Gravel Permitting</a></p> <p><a href="#">Landowners Guide to Managing Small Gravel Pits</a></p>

This list is provided solely as a service to the regulated community, and in no way constitutes any endorsement of any of the listed firms or individuals. If you are a consulting firm that would like to be added to this list, please send your contact information to [dnr\\_drms\\_permitadmin@state.co.us](mailto:dnr_drms_permitadmin@state.co.us).