



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

5 October 2022

Ty Stogsdill  
Office of the Land Use Administrator  
Lincoln County Colorado  
P.O. Box39  
Hugo, CO 80821

**Re: DRMS Response to Incompleteness Notice, New Application, Saffer Pit,  
Permit No. M2022037**

Mr. Stogsdill:

On 19 August, 2022, the Division of Reclamation, Mining and Safety (Division) received the Application for the Saffer Pit; Permit No. M2022037. Preliminary review of this application determined items required before the Division can consider the application as being submitted/filed and the technical review can begin. The Division received a response to incompleteness on 29 September 2022 via email. DRMS reviewed the response and found deficiencies as outlined below.

Please respond to this Incompleteness Notice with the requested additional/updated information as permit application replacement pages and summarize each response in a cover letter titled: *Incompleteness Response 2; M2022037* as a pdf document. Please note where multiple items need additional/updated information that occur on the same page only one page needs to be submitted with the requested information not multiple copies of the same page.

**APPLICATION FORM:**

Primary Future (post-mining) Land Use. On page four, item 12, the rangeland box was checked. However, mailings to Commissioner's and Conservation District indicate agricultural post mining land use. Please check the box that best fits the post-mining land use. The Division recognizes there maybe multiple post-mining land uses for the permitted area and those can be accounted for and described in Exhibit E – Reclamation Plan and clearly shown on Exhibit F – Reclamation Plan Map. The post mining land use designated on the application form must coincide with the designation in Exhibit J and the public notices as per **Rule 1.6.2(10)(d)**.

1. If the post mining land use will be agricultural, please submit a replacement page four of the application form as necessary to address the discrepancy. Exhibit J may also need to be updated.

**DRMS 5 Oct 2022**

The above item was adequately addressed with a new page four of the application.

**EXHIBIT C – Mining Plan (Rule 6.3.3):**

2. The Applicant provided a Mining Plan that was not sufficiently detailed. Please provide an Exhibit C pursuant to Rule 6.3.3 to include following information:
  - a. Describe any associated drainage and runoff conveyance structures to include sufficient information to evaluate structure sizing;



- b. if groundwater will be encountered and/or surface water intercepted or disturbed, describe how mining will affect the quantity and quality of the surface or groundwater and the methods to be used to minimize disturbance to the surface and groundwater systems including proposed dewatering, sediment- storm water run-off controls, (ditches, or other conveyance structures).

**DRMS 5 Oct 2022**

The above items were **not** addressed in Exhibit C: Mining Plan. *Please address the hydrologic questions as per the above rule by describing the dimensions of the berm – height, width and distance from stream as it appears that stormflow could impact the berm at the southeast end.*

**EXHIBIT D – Reclamation Plan (Rule 6.3.4):**

3. All 110 applications must provide an estimate of the actual costs to reclaim the site based on what it would cost the State of Colorado using an independent contractor to complete reclamation. (Such estimates are not required for activities contemplated by the operator and approved by the Office to be outside the scope of the proposed reclamation plan.) The unit costs should include estimates for the following activities as appropriate to the operation:
  - a. backfilling,
  - b. grading,
  - c. topsoil application,
  - d. seeding,
  - e. mulching,
  - f. fertilization,
  - g. and labor to complete reclamation.

Costs for finish grading, subsoil and topsoil application must be provided in terms of cost per cubic yard. The estimated cost for fertilizer, seed and mulch acquisition and application must be provided as cost per acre.

- a. The cost to mobilize and demobilize the equipment from the nearest population center known to have the required equipment availability should be estimated.
- b. All items referenced in the Reclamation Plan must be included in the cost calculation. These items in addition to earthwork, such as building demolition, fencing, monitoring well sealing or stream channel reconstruction must also be included in the reclamation cost estimate.
- c. After the direct costs noted above have been estimated, the Office may add up to an additional maximum eighteen and one-half percent (18.5%) of that total, which includes private contract, typical overhead costs. This additional cost is required to cover indirect costs that an independent contractor would incur when performing reclamation of the site. Five percent (5%) additional cost shall be added to cover Office administration cost in the event of bond forfeiture and permit revocation.

**DRMS 5 Oct 2022**

The above items were **not** addressed in Exhibit D: Reclamation Plan. *Please provide cost estimates as outlined above.*

**EXHIBIT E – Mining Plan Map(s) of Affected Lands (Rule 6.3.5):**

4. The Applicant provided several maps that were not clearly labelled – Mining Plan Map. Please provide an Exhibit E pursuant to Rule 6.3.5 to legibly portray the following information:
  - a. all adjoining surface owners of record;

- b. the name and location of all creeks, on the area of affected land and within two hundred (200) feet of all boundaries of such area;
- c. 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.

**DRMS 5 Oct 2022**

The above items were adequately addressed in Exhibit D: Reclamation Plan.

**EXHIBIT J – Proof of Mailing of Notices to Board of County Commissioners and Conservation District (Rule 6.3.10):**

**DRMS 5 Oct 2022**

The above item was adequately addressed in Exhibit J: Proof of Mailing.

Primary Future (post-mining) Land Use. On page four, item 12, the rangeland box was checked. However, mailings to Commissioner's and Conservation District indicate agricultural as the post mining land use. Please check the box that best fits the post-mining land use.

**DRMS 5 Oct 2022**

The above item was adequately addressed with the submittal of a new application page four.

Please provide an Exhibit J pursuant that coincides with the application form and the public notices required under Rule 1.6.2 (10)(d). Updating the application form as well as exhibit J may be required.

**DRMS 5 Oct 2022**

The above item was adequately addressed with the submittal of a certificates of mailing dated 11 August 2022 to Conservation District and Board of County Commissioners.

**ADDENDUM 1 – Notice Requirement (Rule 1.6.2(1)(d)):**

Your 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 30 days** from the date of receipt and acceptance of all of the requested information. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application complete and filed; the Division will notify you when you should initiate publication of your notice. This notice must be published in a newspaper of general circulation one time, within ten (10) days of the date your application is considered filed. This notice shall be supplied to all surface and mineral owners as well as owners of record within 200 feet of the boundary of affected lands. The final date for receiving comments is the twentieth (10<sup>th</sup>) day after the notice is published.

Pursuant to **Rule 1.4.1(8)**, you have sixty (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 application and terminate the application file. Should additional time be required to submit all the necessary documents an extension request can be submitted in writing for the Division's consideration.

**The response to this Incompleteness Notice is due on or before 31 October 2022.**

**The decision date will be 30 days after the Division finds the application filed.**

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act 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 x8105**, or by email at [robin.reilley@state.co.us](mailto:robin.reilley@state.co.us)

Sincerely

A handwritten signature in blue ink that reads "Robin Reilley". The signature is cursive and fluid, with the first name "Robin" and last name "Reilley" clearly distinguishable.

Robin Reilley, M.S. GISP  
Environmental Protection Specialist II  
[Robin.reilley@state.co.us](mailto:Robin.reilley@state.co.us)

cc: Jared Ebert, DRMS