



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

December 20, 2022

Erwin Young
Colorado Gators, Inc.
9187 Pyrite Circle
Mosca, CO 81146

Re: Mystic Soil, File No. M-2022-047, Comments Forwarded to Applicant

On November 29, 2022 The Division of Reclamation, Mining and Safety (Division) deemed your above listed application complete for the purposes of filing and sent the appropriate notifications. To date, the Division has received two comment letters. The timely comments received, so far, are listed below, and enclosed with this letter.

Timely Comments Received

1. Division of Water Resources, Received December 5, 2022
2. History of Colorado, Received December 13, 2022

Through separate correspondence the Division is informed that the last date of publication as required by Construction Materials Rule 1.6.5 is January 5, 2023. Therefore pursuant to Construction Materials Rule 1.7.1(2)(a) the final date of the Public Comment Period is Monday January 23, 2023. Any further comments or objections to your application will be sent under a separate cover. If you have any questions, comments or concerns, please feel free to contact me at the Division's Grand Junction Field Office, by phone at 303-866-3567 Extension 8187 or by email at lucas.west@state.co.us.

Sincerely,

Lucas J. West
Environmental Protection Specialist

Encl: DWR Comment Received
HOC Comment Received

Cc: Travis Marshall, Senior Environmental Protection Specialist

Ec: Ben Langenfeld, Lewicki & Associates.





Response to Reclamation Permit Application Consideration

DATE: December 5, 2022

TO: Clayton C Wein, Environmental Protection Specialist

CC: Division 3 Office; District 27 Water Commissioner

FROM: Kate Fuller, P.E.

RE: Mystic Soil, File No. M-2022-047
Operator: Colorado Gators, Inc
Contact: Erwin Young, (719) 580-2306
Sec. 22, Twp. 41N, Rng. 10E, N.M. P.M., Saguache County

CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations.
- ☒ The application materials indicate that a storm water detention structure will be constructed as a part of this project. The applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, attached, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.
- ☒ Other: All water used on-site shall be a legal supply of water provided by an appropriate supplier. The applicant shall confirm the legality of any proposed source of water supply with the Division of Water Resources prior to use in the operation.

COMMENTS: The local Water Commissioner, Cody Redden, may be contacted at (719) 655-2039 or William.Redden@state.co.us regarding legal water supplies in the area.





History Colorado

Clayton C. Wein
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: Mystic Soil, File No. M-2022-047 (HC# 82305)

Dear Mr. Wein:

We received your letter dated November 29, 2022 initiating consultation with our office on the subject action pursuant to the Colorado State Register Act – Colorado Revised Statute (CRS) 24-80.1 et. seq.

A search of our database indicates that no properties of historical significance included or nominated for inclusion in the state register have been recorded within the proposed permit area. Please note, as most of Colorado has not been inventoried for cultural resources, our files contain incomplete information. Consequently, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. The requirements under CRS 24-80 part 13 apply and must be followed if human remains are discovered during ground disturbing activities.

Please note that 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 Holly McKee-Huth, Cultural Resource Information/Section 106 Compliance at (303) 866-4670 or holly.mckee@state.co.us.

Sincerely,

Dawn DiPrince
State Historic Preservation Officer