



January 27, 2023

Craig Rasmuson
Korwell Land Holdings, LLC
P.O. Box 337282
Greeley, CO 80633

**Re: Korwell Land Holdings, LLC, Korwell Dirt, File No. M-2022-034,
112c Permit Application Second Adequacy Review**

Mr. Rasmuson,

The Division of Reclamation, Mining and Safety (Division/DRMS/Office) reviewed the content of the Korwell Land Holdings, LLC adequacy response dated January 13, 2023 for the Korwell Dirt site 112c permit application, File No. M-2022-034, and submits the following comments. The Division is required to issue an approval or denial decision no later than February 5, 2023, therefore a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

Comments

1. The Applicant's response is adequate.

1.6 Public Notice

2. The Applicant's response is adequate.

3. Pursuant to Rule 1.6.2(e), please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land including all easement holders located on the affected land and within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.

The Applicant submitted Certified Mail Receipt tracking information for the following owners of record of all land surface within 200 feet of the boundary of the affected land, however the owners of record are not indicated on the Exhibit C map. Please explain these discrepancies and revise the Exhibit C- map accordingly.

- a. Edward and Heather Dascanio
- b. M&B Ag LLC



The Division did not receive proof of notice for the following owners of record of the surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the affected land, including all easement holders located on the affected land and within 200 feet of the boundary of the affected land. Please provide proof of notice pursuant to Rule 1.6.2(1)(f) for the following owners of record:

- a. Weld County – WCR 35 and WCR 40
- b. Xcel Energy

6.4.3 Exhibit C - Pre-Mining and Mining Plan Maps of Affected Land

- 4. The Applicant's response is adequate. Please provide a digital copy of the map for the Division's file.
- 5. The Applicant's response is adequate.
- 6. The Applicant's response is adequate.
- 7. The Applicant's response is adequate.
- 8. The Applicant's response is adequate.

6.4.4 Exhibit D - Mining Plan

- 9. The Applicant's response is adequate.
- 10. The Applicant's response is adequate.
- 11. The Applicant's response is adequate.
- 12. The Applicant states the topsoil on-site was measured between 14-18 inches in depth. Please provide a copy of the soils report or other documentation verifying the topsoil depth on-site.

The Applicant's response is incomplete and states, "Extraction will leave at least". Please provide a complete response to Item #12.

6.4.5 Exhibit E - Reclamation Plan

- 13. The Applicant's response is adequate.
- 14. The Applicant's response is adequate.
- 15. The Applicant's response is adequate.

16. The Applicant's response is adequate.

17. The Applicant's response is adequate.

6.4.5 Exhibit F - Reclamation Plan Map

18. The Exhibit F map provided by the Applicant is difficult to read. Please submit a large format (24" x 36") copy of the map.

The Applicant's response states, a 24"x36" is provide with this submittal. The Division did not receive a large format copy of the Reclamation Plan Map. Please submit a hard copy of the map and provide a digital copy of the map for the Division's file.

19. Rule 6.2.1(2)(b) requires maps to be signed by a registered land surveyor, professional engineer, or other qualified person. Please submit a signed copy of the Exhibit F map.

The Division did not receive a revised copy of the Reclamation Plan Map. Please submit a revised large format hard copy version of the map.

20. The Applicant informed the Division the oil and gas well located in the northeast corner of Cell 6 was abandoned and the well peninsula will be included in the Mining Plan. Please provide a revised copy of Exhibit F-1 indicating the revised reclamation plan for the cell.

The Division did not receive a revised copy of the Reclamation Plan Map. Please submit a revised large format hard copy version of the map.

6.4.10 Exhibit J - Vegetation Information

21. The Applicant's response is adequate.

6.4.12 Exhibit L - Reclamation Costs

22. The Applicant's response is adequate.

6.4.13 Exhibit M - Other Permit and Licenses

23. The Applicant's response is adequate.

6.4.16 Exhibit P - Municipalities Within Two Miles

24. The Applicant's response is adequate.

6.4.18 Exhibit R - Proof of Filing with County Clerk and Recorder

25. Please provide an affidavit or receipt indicating the date on which the revised application information required to address this adequacy letter was placed with the Weld County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

6.4.19 Exhibit S - Permanent Man-made Structures

Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structures, the Applicant may either:

- a. provide a notarized agreement between the Applicant and the person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

The Division will require the Applicant to demonstrate they attempted to obtain notarized structure agreements with all owners of the structures within 200 feet of the affected area of the proposed mine site, pursuant to Rule 6.4.19, prior to the Division's consideration of a stability analysis.

26. Please provide the Division with copies of all signed structure agreements with the owners of permanent man-made structures within 200 feet the proposed affected area boundary.

The Division did not receive proof of notification for the following permanent man-made structures owners within 200 feet of the boundary of the affected land as identified on the Exhibit C-3 map. Please provide proof of notification for the following owners of record:

- a. Weld County – WCR 35 and WCR 40
- b. Xcel Energy

27. Please provide a copy of the generic structure agreement sent by the Applicant to the structure owners within 200 feet of the proposed affected area boundary for Division review.

Please be advised the Korwell Dirt application may be deemed inadequate, and the application may be denied on February 5, 2023, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by February 5, 2023 and request for additional time. This must be received no later than the decision date.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,

A handwritten signature in blue ink, appearing to read 'P. Hays', with a long horizontal flourish extending to the right.

Peter S. Hays
Environmental Protection Specialist

Ec: Jared Ebert, Division of Reclamation, Mining & Safety
Will Charles, Baseline Engineering Corporation