



January 30, 2023

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

RE: Mystic Soil, File No. M-2022-047, Construction Materials Regular (112) Application Adequacy Review

Dear Mr. Young:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before a decision can be rendered.

Exhibit D – Mining Plan, Rule 6.4.4

1. The depth to groundwater is stated to be at least 15 feet, however details in Exhibit G, Water Information, indicate it could be shallower and variable based on seasonal and climatological conditions. A contingency plan should groundwater be encountered was included in Exhibit G, however that information should be addressed in Exhibit D. Please provide a contingency plan, should groundwater be encountered.

Exhibit G- Water Information, Rule 6.4.7

2. Regarding the depth to groundwater at the site, the application materials are inconsistent and vary from 6.6 feet to 15 feet. Please provide more information, including supporting documentation if necessary, as to the depth of the groundwater at the site.

Exhibit S – Permanent Man-made Structures

3. Exhibit S states that proof of mailing of the structure agreements was attached to the exhibit, however no proof of mailings were included. Please provide the proof of mailings for all structure agreements.
4. Additionally, the list of permanent man-made structures, Table S-1, does not match the list of structures provided on Map C-1. Please identify all permanent man-made structures within 200 feet of the affected lands, provide the proof of mailing the structure agreement as identified in item 3 of this review, and update either Map C-1 or Table S-1 to accurately list the permanent manmade structures ensuring that Map C-1 and Table S-1 are consistent.



Addendum 1 – Notice Requirements – Affidavit of Posting Notice

5. Please provide photo documentation of the proper notice sign being posted on site. Please note that the sign must meet the requirements of Rule 1.6.2 (1) (b).

Other

6. Email correspondence indicate that the proper public notice was posted in the Center Post Dispatch in accordance with Rule 1.6.5 (1). Please provide the proof of publication received from the Center Post Dispatch newspaper.

Please submit your response(s) to the above listed issue(s) by Monday, March 06, 2023 in order to allow the Division sufficient time for review. The Division will continue to review your application and will contact you if additional information is needed.

If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us.

Sincerely,



Lucas West

Environmental Protection Specialist
Division of Reclamation, Mining and Safety

Cc: Travis Marshall, DRMS

Ec: Ben Langenfeld, Lewicki and Associates
Erwin Young, Colorado Gators, Inc.