



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

March 17, 2023

Russell Van Egmond
546 Doe Valley Rd.
Guffey, CO 80820

**Re: Adequacy Review, 110c to 112c Conversion Application CN1
Van Egmond Stone Pit, File No. M-1991-080**

Dear Mr. Van Egmond,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your 110c to 112c Construction Materials Reclamation Permit Conversion Application (CN1) for the Van Egmond Stone Pit, Permit No. M-1991-080, and submits the following comments. **The Division is required to make an approval or denial decision no later than March 29, 2023; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** Please respond to this Adequacy Review with the requested information and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Response CN1; M-1991-080".

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.4 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit.

GENERAL APPLICATION PROCEDURES

1. As required by Rule 1.6.2(1)(g), please submit proof of publication of a public notice in a newspaper of general circulation in the locality of the proposed mining operation.
Proof of publication received on February 16, 2023 is adequate. No further responses needed.
2. As required by Rule 1.6.2(1)(g), please submit proof that the public notice was provided to all owners of record of surface and mineral rights of the affected land and to the owners of record of all land surface 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.
3. The Division received a comment letter from History Colorado and Colorado Parks and Wildlife regarding the application. The letters are attached for your review. Please acknowledge and address any comments noted in the letters and make changes to the application as necessary.

6.4 SPECIFIC PERMIT APPLICATION EXHIBIT REQUIREMENTS – 112 OPERATIONS

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

4. As required by Rule 6.4.3(c), please provide a map which contains the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected lands.
5. Your Exhibit C Maps contain the coordinates of the SW, NW, and NE corners of the western 10-acre CN1 expansion area and the NE corner of the original 10-acre permit area. Roughly 10 corners of the 20-



acre permit boundary are not labeled with the coordinates. Please provide an updated map showing the remaining boundary coordinates or provide a coordinate table for the record.

EXHIBIT D - Mining Plan (Rule 6.4.4)

6. In accordance with Rule 6.4.4(f)(i), please provide the nature, depth, and thickness of the deposit to be mined and information regarding if overburden will need to be removed to access the deposit.
7. As required by Rule 6.4.4(f)(ii), please provide the nature of the stratum immediately beneath the material to be mined.
8. You have indicated that the name and intended use of all expected incidental products to be mined is the same as the identified primary commodities. The Division believes this statement is in error. Please state that the material to be mined is for roadbase and sized gravel/rocks and that no incidental products are expected to be mined.
9. Please discuss and/or show where topsoil will be stockpiled at for use in reclamation.
10. During the March 13, 2023 pre-operational site inspection, you described your ultimate vision for the site where you will mine down to the elevation of the rock yard area located immediately northeast of the permit area, creating one large flat pad for a future horse boarding facility. Upon review of the proposed permit maps and boundary coordinates provided in CN1, there appears to be up to 90' of material (approximately 20-25 feet high) between the rock yard and the northern permit boundary, thus the pit floor cannot be day-lighted out to the rock yard as this material is outside of the proposed permit boundary. The Division recommend you evaluate and verify the current proposed permit boundary to ensure your plans can be achieved and then make revisions to your permit application as necessary.

EXHIBIT E - Reclamation Plan (Rule 6.4.5)

11. Within Exhibit E you have stated that the southern slope will be backfilled to 5H:1V. Within TR2 documents, the reclamation plan was revised in 2015 allowing the southern slope to be reclaimed to 3H:1V. Please verify the maximum gradient of the backfilled southern slope.
12. Your Mine Plan does not contain enough details for the Division to determine how the site will be mined and then reclaimed in order to calculate the reclamation cost estimate. Please discuss what the maximum gradient of the slopes during mining will be as the Division will need to calculate how much material will need to be backfilled to achieve the approved reclamation slope. To reduce the reclamation liability, you may make formal commitments discussing what the maximum sized mining slope (length, height, and gradient) will be at any one time.
13. As required by Rule 6.4.5(2)(e), please provide a plan or schedule indicating how and when reclamation will be implemented. Such plan or schedule shall not be tied to any specific date but shall be tied to implementation or completion of different stages of the mining operation. Please provide a description of the size and location of each area to be reclaimed during each phase and an outline of the sequence in which each stage or phase of reclamation will be carried out.
14. Your selected post-mining land use on the application form is "General Agriculture" as you intend to create a large level surface to allow for the construction of a future horse boarding and training facility. The Reclamation Plan also includes details of backfilling the southern slope, replacing topsoil, and planting a native seed mixture, which mirrors the typical "Rangeland" post-mining land use. As the site

will consist of two areas which involve two different land uses, please confirm “Rangeland” is also intended to be included as an approved post mining-land use. Please note, this can also be “Forestry” if you intend plant trees on this southern slope.

15. Please provide the elevation of the large flat area that will be created for the future horse boarding and training facility. Please discuss if this flat area will daylight on the entire north side of the site or if there will be a topographical difference between lands immediately north of the permit area (either set below grade with a southern facing slope up to off-site or set above grade with and a northern facing slope down to off-site).
16. You have stated you will revegetate the sloped areas with a Mountain Meadow seed mixture from the Teller/Park Soil Conservation District. As required by Rule 6.4.5(2)(f)(ii), please provide the seed mixture. Please either include the PLS/acre rate for each species within the mix or the total PLS/acre seeding rate with a percentage of each species in the mix. Lastly, please provide the seeding type/method (drill, broadcast, hydroseed, etc.).
17. As required by 6.4.5(2)(f)(iii), please provide details on if the slope areas will be fertilized and if so, please specify the types, mixtures, quantities, and time of application.
18. If you intend to plant shrubs and/or trees on the slope areas, please specify the types of shrubs/trees, quantities, and size.

EXHIBIT F – Reclamation Plan Map (Rule 6.4.6)

19. No Exhibit F Reclamation Plan Map was submitted with the application materials. A cutoff map labeled Exhibit L shows a zoomed in portion of an Exhibit C Map with 5H:1V arrows drawn on it, however this map does not meet the requirements Rules. As required by Rule 6.4.6(a), please provide a map which shows the expected physical appearance of the area of the affected land by showing the proposed topography of the area with contour lines. In accordance with Rule 6.4.6(b), this map must also portray the proposed final land use for each portion of the affected lands and the size of each area (flat pad vs slope areas).

As a reminder, in accordance with Rule 6.2.1(2), maps must:

- Show name of Applicant;
- Be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
- Give the date the map was prepared;
- Identify and outline the permit boundary;
- Show the map scale and scale bar. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet; and
- Include an appropriate legend, map title, and north arrow.

EXHIBIT L – Reclamation Costs (Rule 6.4.12)

20. The Division will calculate a reclamation cost estimate based on the responses to this adequacy letter and will provide you with a copy of the Division’s cost estimate for review before the decision date.
No further response needed.

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

21. You have stated you are the legal owners of the property. As required by Rule 6.4.14, please provide a deed, abstract of title, a current tax receipt to demonstrate ownership.

EXHIBIT R - Proof of Filing with County Clerk and Recorder (Rule 6.4.18)

22. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this adequacy letter has been added to it.


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

23. The map titled Exhibit C(a) identifying all adjoining surface owners shows two parcels (Epifanio & Leticia Mora and Cornelius & Delia Neal) located within 200 feet of the southern permit boundary. Your application materials were not clear whether a fence is located along your parcel and these two neighboring parcels and if so, who owns these fence lines. If the fence is shared ownership or owned by the adjoining landowners, please comply with Rule 6.4.19 regarding these permanent man made structures located within 200 feet of the permit boundary.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on March 29, 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 your right to a decision by March 29, 2023, and the request for additional time. This must be received no later than the deadline date.**

If you have any questions, please contact me at 303-866-3567 ext. 8132 or elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell

Environmental Protection Specialist

Enclosure: Comment Letter HC CN1 M1991080
 Comment Letter CPW CN1 M1991080

Cc: Michael Cunningham, Division of Reclamation, Mining & Safety