



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

September 8, 2023

Raul Vasquez  
Blue Mountain Stone, Inc.  
4168 Ute Hwy.  
Longmont, CO 80503

**Re: Adequacy Review No. 2, Conversion Application (CN-1),  
Phillips Stone Company, Permit No. M-1981-075**

Mr. Vasquez:

On September 1, 2023, the Division of Reclamation, Mining and Safety (Division/DRMS) received your responses to some of the items in the Division's Preliminary Adequacy Review letter dated October 19, 2022. After review of your responses the Division has identified the additional items that need to be addressed.

Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Adequacy Review No. 2 with the requested additional/updated information and summarize each response in a cover letter titled "Adequacy Review No. 2 Response; M-1981-075".

**EXHIBIT A – Legal Description (Rule 6.4.1):**

1. The coordinates given (lat: 40.25506, long: 105.25692) for the primary mine entrance do not appear to be correct. It appears the Applicant meant the coordinates to be lat: 40.25506 long:-105.25692 (this coordinate should have a negative sign in front of it), please verify.

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

2. The Division acknowledges that the Applicant is still working on providing most of the maps as required by this Rule and will submit them for review under a separate cover letter.
3. The Legal Description of the land owned by Blue Mountain Stone states the property is 51.45 acres in area. The map from 1987 states the acreage of the area labeled Robert Phillips is 52.386 acres. The difference in area appears to be due to the road. The older map includes the road where the legal description does not. Does Blue Mountain Stone own part of the road or is the road owned by the



County? A review of the Boulder County Assessor site indicates the road is not part of the property owned by Blue Mountain Stone.

**EXHIBIT E – Reclamation Plan (Rule 6.4.5):**

4. The Applicant has indicated that topsoil will not salvaged due to limited, if any, topsoil that is found at the site. Please confirm it is the intent of the Applicant to salvage any overburden material and use that material to reclaimed mined areas.
5. The Applicant has indicated they will use a native bunch grass seed mixture at a rate of 24 pounds/acres. Please specify the quantity of each grass species as pounds of Pure Live Seed (PLS) per acre. PLS is a means of expressing seed quality. PLS is the percentage of seed (i.e. good viable seed) that has the potential to germinate within a measured one pound weight of any seed lot. Nearly all species recommended for conservation plantings by NRCS uses Pure Live Seed (PLS) expressed in pounds per acre as the basis for the calculation of seeding rates. PLS provides a basis for comparing the quality of seed lots of the same species that differ in purity and germination. The use of PLS guarantees that the same amount of viable seed per acre is planted even though different seed lots with varying quality may be used.

**EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):**

6. The Division acknowledges that the Applicant is still working on providing the maps as required by this Rule and will submit them for review under a separate cover letter.

**EXHIBIT L – Reclamation Costs (Rule 6.4.12):**

7. The Division acknowledges that the Applicant is still working on providing the information required by this Rule and will submit the information for review under a separate cover letter.

**EXHIBIT M – Other Permits and Licenses (Rule 6.4.13):**

8. The Division acknowledges the Applicant is working with Boulder County to determine if additional permitting is required. Please commit to providing documentation regarding the County's final determination.

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

9. Since Blue Mountain Stone, Inc. owns the property the source of the Legal Right to Enter would be a copy of the property records supplied as part of Exhibit A provided in the original application submittal. As Mr. Phillips just owns the mobile home then the supplied documentation would serve more as a structure agreement. Until the requested maps are submitted the Division is assuming the

mobile home is either within the proposed permit boundary or within 200 feet of the proposed affected land boundary. Please comment on whether or not this is the case.

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

10. The Division will wait for the requested maps to verify the locations of the power lines and poles and fence lines relative to the permit and affected land boundaries.

**Other:**

11. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review. Additionally, the Division is waiting for the same demonstration for the responses to the Preliminary Adequacy Review.

The decision deadline on this application is September 27, 2023.

If you need additional information or have any questions, please contact me by telephone at **303-866-3567 x8114**, or by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,



Patrick Lennberg  
Environmental Protection Specialist

cc: Jared Ebert; DRMS

ec: Raul Vasquez, Blue Mountain Stone, Inc., [bluemtnstone@gmail.com](mailto:bluemtnstone@gmail.com)