



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

August 4, 2023

Alec Cortez
CoProp LLC
3613 N Lafayette Street
Denver, CO 80205

**Re: Notice of Filing Deficiencies, 110c Construction Materials Application
CoProp Pit No. 1, File No. M-2023-022**

Dear Mr. Cortez,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of the 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the proposed CoProp Pit No. 1, File No. M-2023-022 submitted by CoProp LLC (Applicant), and submits the following comments. **The Division is required to make a decision on the application no later than August 9, 2023, therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** If more time is needed to respond to this Adequacy Review, the Division can grant an extension of the decision date deadline following a request by the Applicant. Please respond to this Adequacy Review with the requested information by summarizing each response to the numbered items below, in a cover letter titled “Adequacy Review Response; M-2023-022” and providing replacement exhibits as necessary.

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.
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 letters from Colorado Parks and Wildlife, Division of Water Resources, and History Colorado 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.

EXHIBIT A – Legal Description and Location Map (Rule 6.3.1)

4. Within Exhibit A, the Applicant states the site will be accessed from Highway 34 by the Existing Access Road that is located on the subject property and will be used for the private use of Cervi Enterprise Inc. (Landowner) and permitted pit activities. Upon review of the Weld County Assessor Map Viewer, and as identified on the Exhibit A-5: Adjacent Landowner Map, this Existing Access Road crosses State of Colorado land north of the site. Please demonstrate the Applicant has the authority to utilize this Existing Access Road across this parcel. It is noted the remainder of the 8.66 mile-long Existing Access Road is located on parcels owned by the Landowner.



EXHIBIT B – Site Description (Rule 6.3.2)

5. Within Exhibit B – Section (b), the Applicant lists three permanent man-made structures that are within 200 feet of the affected lands boundary. The Applicant has identified the Landowner as the owner of the Existing Access Road however, the Applicant has not identified the owner of the dirt two-track powerline trail and fences within Exhibit B. Please note, Exhibit L provides a structure agreement for all three of these structures between the Landowner and the Applicant. Pursuant to Rule 6.3.2(b), within Exhibit B, please identify the owner of the dirt two-track powerline trail and fences. Additionally, pursuant to Rule 6.3.5(2)(e), please update one of the Exhibit E map to note the location of these other two structures.
6. Pursuant to Rule 6.3.2(c), please provide the approximate water table elevation at the site. This information could be approximated by obtaining the details of the six issued well permits for the three nearby well sites identified on the Exhibit B-3: Water Resource Map.

EXHIBIT C – Mining Plan (Rule 6.3.3)

7. Within Exhibit C – Section (c), the Applicant states there will be a by-product from screening that will be replaced on the excavated site prior to topsoil replacement. Please provide the maximum estimated quantity (cubic yards) of this by-product that will be stockpiled at any one time.
8. Within Exhibit C – Section (e), the Applicant discusses the facilities/equipment that will be involved in the mining and processing operations. Please provide further details (description, diagram, figures, components, waste streams, materials, etc.) on the following facilities/equipment: rotary dryer/baghouse, scale, and covered storage for the finished product.
9. Please provide the size of the total area where topsoil will be salvaged in the extraction area. Please also provide the size of the total area where topsoil will be salvaged in the processing/stockpile area.
10. Please discuss if fuel and oil will be stored on-site and the measures taken to ensure impacts to the prevailing hydrologic balance are minimized.

EXHIBIT D – Reclamation Plan (Rule 6.3.4)

11. Within Exhibit D – Section (c)(ii), the Applicant states that soil amendments will only be utilized if testing indicates deficiencies. Please commit to providing the soil test results and soil amendment recommendations to the Division for review as a Technical Revision to the Reclamation Plan prior to implementing the soil amendment recommendations.

The Division will calculate the total required financial warranty for the site after the responses to this review letter are received. The Division will either accept the Applicant's reclamation cost estimate in Exhibit D or the Applicant will be provided a copy of the Division's reclamation cost estimate for review prior to the decision on the application. *No response needed.*

EXHIBIT E – Map (Rule 6.3.5)

12. In accordance with Rule 6.2.1(2)(d), the Division requests that at least one map provide the latitude/longitude coordinates of each permit boundary corners. This information will be utilized in the review of the permit application, assist the Division in conducting future inspections of the operation, and provide a more thorough permit file. The Applicant may also provide a simple table with the requested coordinates in lieu of updating one of the maps.

EXHIBIT F – List of Other Permits and Licenses Required (Rule 6.3.6)

13. The Division has been contacted by the Colorado Department of Transportation regarding the site and has indicated that an access permit may be needed for the Applicant to access Highway 34 from the Existing Access Road. Please address the CDOT access permit issue and make changes to the application as necessary.

EXHIBIT G – Source of Legal Right-to-Enter (Rule 6.3.7)

14. The legal right to enter documentation provided in Exhibit G references the operation as being subject to the Division's Notice of Intent to Conduct Exploration Operations Application. Although the operation is exploratory in nature, the application is for a mining operation and therefore the Applicant should revise or replace this document to reflect the actual permit which is being sought for on the Landowners property.

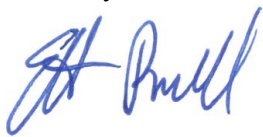
EXHIBIT I – Proof of Filing with County Clerk (Rule 6.3.9)

15. 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 with a copy of the response to this adequacy letter.

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 August 9, 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 deadline. This will be done upon receipt of a written waiver of the Applicant's right to a decision by August 9, 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 – Colorado Parks and Wildlife M2023022
 Comment Letter - Division of Water Resources M2023022
 Comment Letter – History Colorado M2023022

Cc: Michael Cunningham, Division of Reclamation, Mining & Safety
 Tony Waldron, Holsinger Law, LLC
 Sarah Ostby, Holsinger Law, LLC