

STATE OF
COLORADO

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Re: M-2006042 AM1 Preliminary Adequacy

1 message

Mark Kokes <mdkokes@gmail.com>

Wed, Nov 8, 2023 at 8:43 PM

To: "Gagnon - DNR, Nikie" <nikie.gagnon@state.co.us>

Nikie,

Thank you for your recent review of the amendment application for MMM Partnership gravel pit. I have completed the proposed changes as addressed in the adequacy review. You will note that all changes made to the text of the document have been initialed and dated for cross reference efficiency. I revisited the maps and included your suggestions in all of them. As suggested I created a bold boarder around the actual permit boundaries and noted the released areas. I welcome your review and will do my best to meet the requirements of the division.

Sincerely,

Mark Kokes

On Mon, Nov 6, 2023 at 12:04 PM Gagnon - DNR, Nikie <nikie.gagnon@state.co.us> wrote:

Hello Mark.

Please see the attached Preliminary Adequacy Review letter for the MMM Partnership Gravel Pit Amendment (AM1). As you will see in the letter, there are a few minor issues with the maps and the application that need to be addressed. The primary issue is that the amendment application was submitted prior to the acreage release approval. These revisions can happen consecutively (release then an amendment) but should not overlap before a decision is reached on the first revision. It's too confusing to have the release acres in this application. Therefore, the first page of the application and the maps need to be corrected to show only the current acres in the permit area, after the release.

I confirmed with my supervisor that we can accept the hand drawn maps; however, the maps submitted are missing required information as noted in Question 3 in the attached adequacy letter. If you take a look at the maps submitted with the conversion application in 2014, prepared by Randy Schafer, you'll see an example of the information we require on every map.

Feel free to call me if you have any questions about the letter.

Kind regards,

--

Nikie Gagnon
Environmental Protection Specialist**COLORADO**
Division of Reclamation,
Mining and Safety
Department of Natural Resources

P 303.866.3567 x8126 | C 720.527.1640 | F 303.832.8106
Physical: 1313 Sherman Street, Room 215, Denver, CO 80203
Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216
nikie.gagnon@state.co.us | <https://www.drms.colorado.gov>

**Adequacy Review Revisions 11 8 2023.pdf**
5584K

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☒ There is a File Number Already Assigned to this Operation

Permit # M - - - - (Please reference the file number currently assigned to this operation)

☐ New Application (Rule 1.4.5)

☒ Amendment Application (Rule 1.10)

☐ Conversion Application (Rule 1.11)

Permit # M - 2006- Q42 (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information requested below.

1. **Applicant/operator or company name (name to be used on permit):** MMM Partnership Gravel Pit
 - 1.1 Type of organization (corporation, partnership, etc.): MMM Partnership LLP
2. **Operation name (pit, mine or site name):** MMM Partnership Gravel Pit
3. **Permitted acreage (new or existing site):**

	* Revised 11-7-23	14.2 permitted acres
3.1 Change in acreage (+)		31.4 acres
3.2 Total acreage in Permit area		45.6 acres
4. **Fees:**

4.1 New Application	\$2,696.00	application fee
4.2 New Quarry Application	\$3,342.00	quarry application
4.4 Amendment Fee	\$2,229.00	amendment fee
4.5 Conversion to 112 operation (set by statute)	\$2,696.00	conversion fee
5. **Primary commodity(ies) to be mined:** Sand Gravel Rock Clay
 - 5.1 Incidental commodity(ies) to be mined:
 1. - lbs/Tons/yr
 2. / lbs/Tons/yr
 3. / lbs/Tons/yr
 4. / lbs/Tons/yr
 5. / lbs/Tons/yr
 - 5.2 Anticipated end use of primary commodity(ies) to be mined: Roads, Construction Fill and Base
 - 5.3 Anticipated end use of incidental commodity(ies) to be mined:

EXHIBIT A- Legal Description

That portion of the S1/2 of the NW ¼ Section 34 Township 12 North Range 49 west of the 6th principle meridian Logan County Colorado Containing 59.2 acres more or less. Entrance is located 1280 feet south of the intersection of Co Rd. 76 and Co. Rd. 79. The pit lays east of Co. Rd. 79. Delineator boundary Posts will be set to mark the expanded pit areas as shown on the map.

A 15 foot buffer will be maintained around the entire pit, effectively reducing the total number of disturbed acres.

EXHIBIT B - Index Map

Exhibit B shows a regional map of the area and a notation of where the expanded and existing pit lies.

EXHIBIT C – Pre-mining and Mining Plan Map(s) of the affected area

The MMM Partnership Pit mining plan maps show the following information:

- a) Adjoining Surface owners of record as of the date of this application
- b) The name and location of creeks and roads, buildings, oil and gas lines and power communication lines in the pit area and within 200 feet of the pit boundaries
- c) The existing topography of the pit areas, including contour lines which portray the direction of the slop of the affected land
- d) The total area to be involved in the operation including contour lines, which portray the direction and rate of slop of the affected land.
- e) The type of vegetation covering the affected lands
- f) Water information
- g) The owner's name, type of structures and location of all significant, valuable, and permanent man-made structures contained on the area of affected lands and within 200 feet of the affected lands.
- h) Soils information at the site; and
- i) An aerial photo

Exhibit B

Existing Pit boundaries and new expansion noted in Blue

- Legend**
- Feature 1
 - Gravel pit boundary
 - North Topsoil
 - proposed pit*

Applicant:
Mark Kates
mmmm Partnership
Date: 11-1-23
Scale: 1" = 1.33 mi.
Prepared By:
Michael Kates
Owner/Operator

Proposed Pit



Exhibit B(2)

Lat/Lon hddd°mm.mmm' WGS 84

W102° 49.400'

W102° 49.300'

W102° 49.200'

40° 58.600'

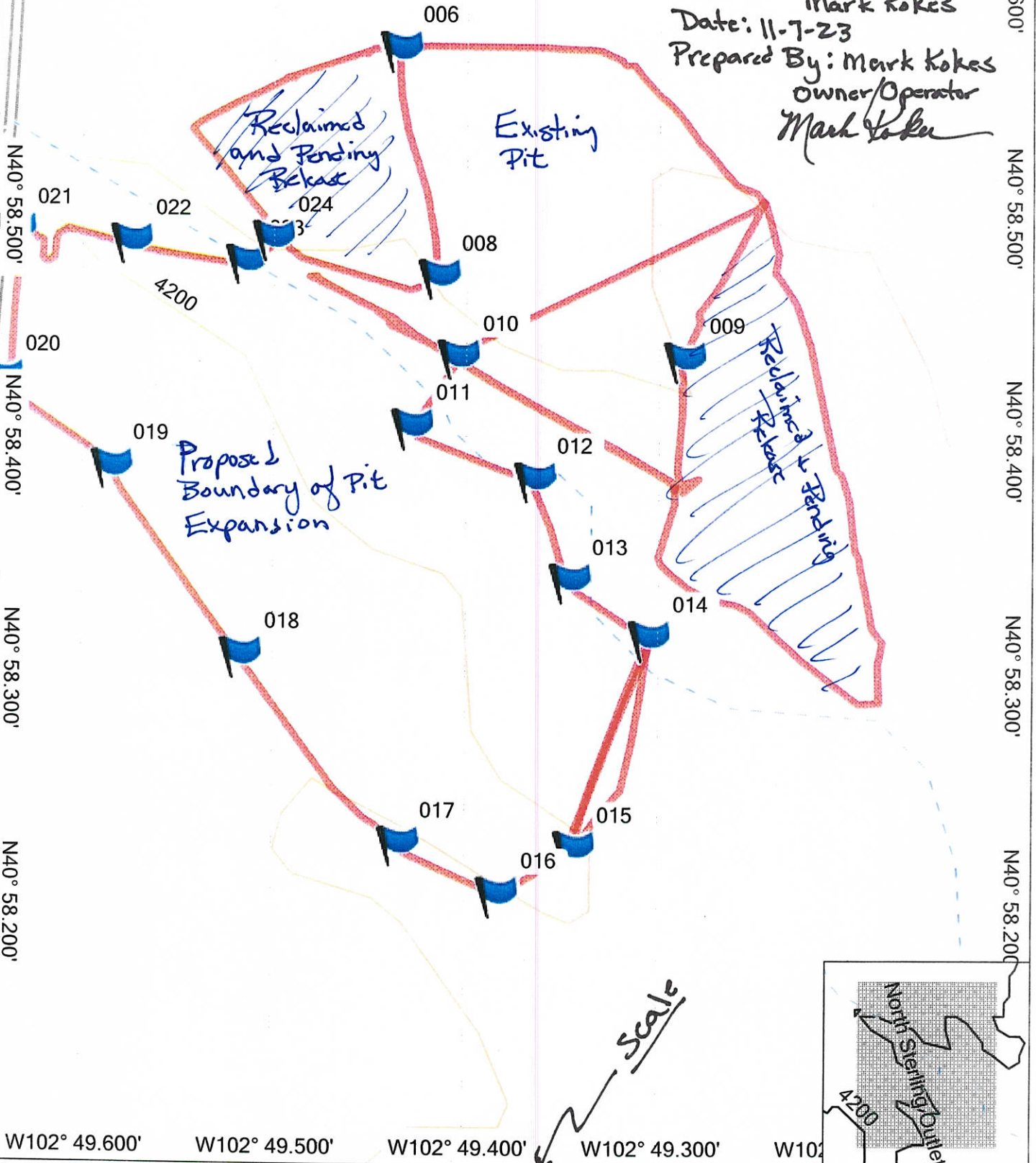
40° 58.500'

40° 58.400'

40° 58.300'

40° 58.200'

Applicant: Mmm Partnership
Mark Kokes
Date: 11-7-23
Prepared By: Mark Kokes
Owner/Operator
Mark Kokes



W102° 49.600'

W102° 49.500'

W102° 49.400'

W102° 49.300'

W102° 49.200'

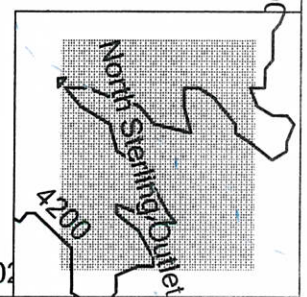
TOPO U.S. 100K v5.01

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Administration / National Ocean Service 2013
© Garmin Ltd. and Its Subsidiaries 2013
© Navteq 2010. All rights reserved
© Navteq All rights reserved. 2008

My Collection

Scale

0 ft 250 ft 500 ft 750 ft 1000 ft

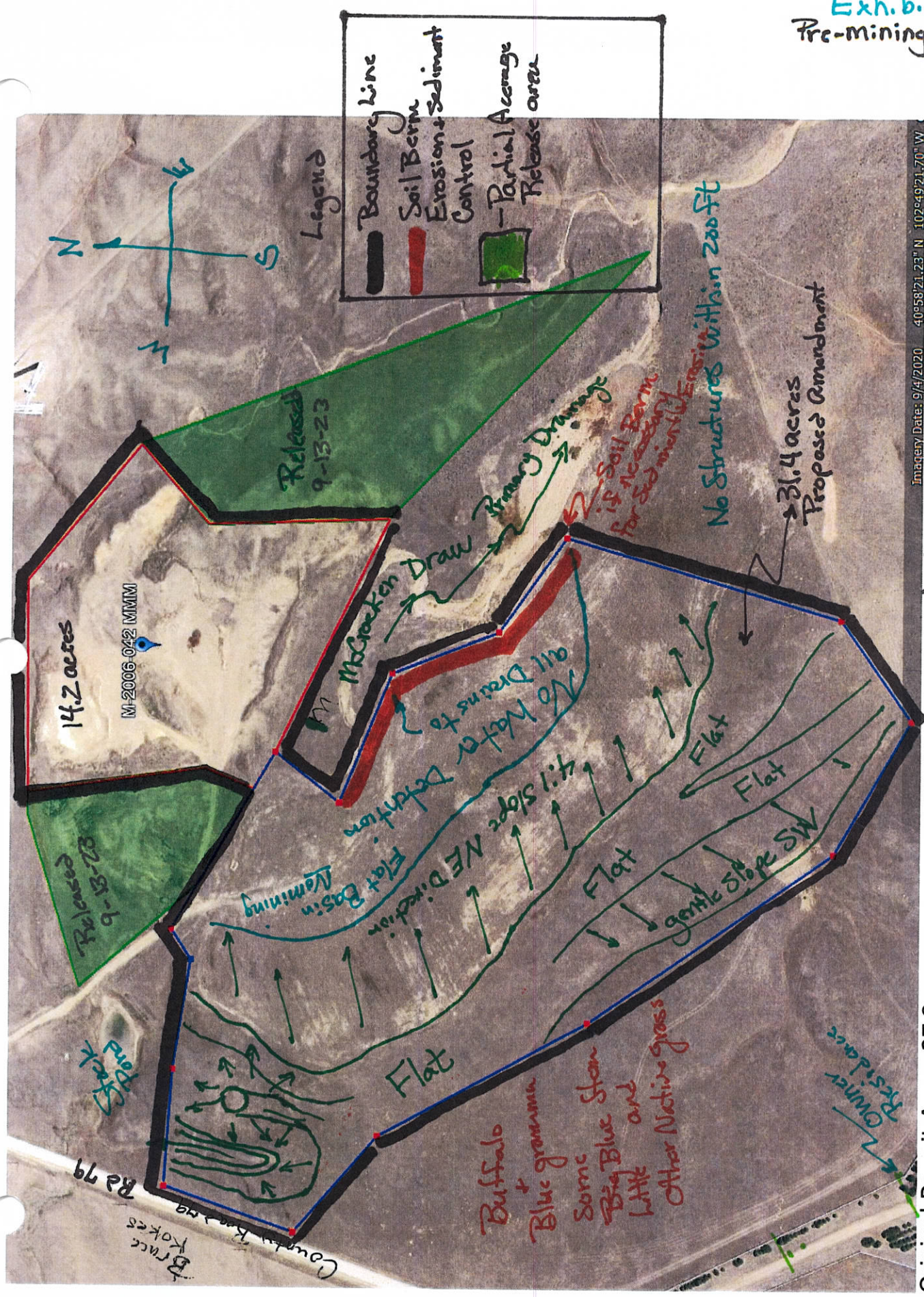


TN MN
7.9°
1/1/2010

GARMIN.

Proposed boundary GPS Coordinates for
MMM Partnership Gravel Pit expansion

ID #	GPS Coordinates	Additional Description
10	N40° 58.435 W102° 49.405	
11	N40° 58.406 W102° 49.428	
12	N40° 58.383 W102° 49.365	
13	N40° 58.340 W102° 49.346	
14	N40° 58.315 W102° 49.305	
15	N40° 58.225 W102° 49.343	
16	N40° 58.205 W102° 49.382	
17	N40° 58.227 W102° 49.435	
18	N40° 58.307 W102° 49.516	
19	N40° 58.388 W102° 49.585	
20	N40° 58.425 W102° 49.462	
21	N40° 58.489 W102° 49.636	
22	N40° 58.485 W102° 49.574	
23	N40° 58.476 W102° 49.515	
24	N40° 58.487 W102° 49.500	



Original Permit Area: 27.8 acres
Release Area (green): 13.6 acres
Remaining Permit Area (red boundary) = 14.2 acres
Proposed Amendment Area (blue boundary) = 31.4 acres
Applicant: Mark Kokes mmm Partnership
Date: 11-7-23
Scale: 1" = 250'
Prepared By Mark Kokes owner/operator
Mark Kokes

Imagery Date: 9/4/2020 40°58'21.23"N 102°49'21.70"W

EXHIBIT D – Mining Plan

This is an expansion of an existing 27.8 acre open pit mine. To Access the pit from Crook Colorado, take County Road 81 (paved) 3 ½ miles north to the first stop sign. Turn left and travel 1 mile west on Co. Rd 66 to County Road 79, then travel 4 ¾ miles north to the pit entrance on the east.

We anticipate the life of this expanded mine to be 10 – 20 years depending on the amount of material available and the demand for gravel in the market area. Mining in the expanded area will commence as early as a permit can be acquired and end upon exhaustion of the material supply. The material will be used primarily to supply demand for the existing wind generation units and road construction material for the State of Colorado projects. Additionally the permit will remain active to accommodate any additional needs for repair and maintenance of the established roads and other markets that may be revealed later. The pit should be classified as an intermittent pit. It will be utilized as the need occurs.

This site is covered by a gravelly deposit designated as the Dix-Eckley Complex (5-25% slope) soil series in the Soils Conservation report for Logan County. This deposit is typically found in northern Logan County along the gravel breaks of the Peetz Table. This soil series has not unique characteristics but is suitable for the use when reclamation begins. When mining ends, the area will be graded to the appropriate slopes. The stockpiled top soil will be re-applied prior to seeding. When reclamation is complete, the site will be returned to its current use as a dryland pasture.

A mining setback of at least 15 feet will be maintained around the site. All Slopes created will be excavated at their final stage as mining progresses similar to the surrounding topography. Of the additional 31.4 acres in the permitted area, approximately 22 acres will be mined and the remaining area will be used for setbacks, Stockpiles and Access. We also note that approximately 13.6 acres in the original pit have been mined, revegetated and Released by DRMS. The remaining 14.2 acres of the existing pit will be undergoing reclamation as soon as extracted material and stockpiles are removed. This site is a series of gravelly fingers that feed the sand drainage and travel Southeast. Mining will first be completed within the original 112 permit boundaries then move to areas south into the proposed new boundary area. Mining efforts will level out the top of ridges creating a flatter area with gentle slopes flowing north and east. Mining will be done in such a way not to create benches or impoundments.

mk
11-7-23

The site will be mined in the direction shown on the mining map. There is already an existing road into the site that has historically been used by the Kokes Ranch. There will be additional internal haul roads created as mining occurs. The product will enter onto County Road 79 and use existing county roads to transport to the construction sites. A portion of the site will be used to stockpile topsoil and mined product until it is needed.

The Material is a gravel cobble deposit suitable for making roads and construction bases. The upper 2-3 inches of the material will be stockpiled for use in reclamation and placed either in the setbacks around the mined area or on the floor of the excavated area. If the soil stockpiles remain undisturbed for more

than one growing season, a cover crop of native grasses recommended by the NRCS will be used to prevent excess erosion of topsoil stockpiles.

The material beneath the topsoil will be used for the construction project. This may include coarse gravel, sandy clay, and rock that will serve the needs of the projects very well. We do not anticipate significant overburden or rock in this area. Overburden will be treated the same as topsoil and be replaced prior to topsoil being applied.

The nature of the stratum in this area has been established by the material mined in the adjacent gravel permit and previous permits operated by Logan County since 1978. The mining operation will remove gravel not to exceed the natural drainage of the surrounding area. In the event the gravel supply is depleted in a given areas, we will move into the permit to maintain adequate subsoil to accommodate future root development and plant growth. The mining area will not exceed 8 acres of active mining and 2 acres of staging before sloping and top soiling of depleted areas. This allows for revegetation to begin far in advance of the entire pit being depleted managing reclamation cost over longer periods and minimizes the bond liability.

When mining is complete, the site will be sloped to preserve the natural drainage similar to what currently exists. As illustrated in the Reclamation plan map, the mining will commence in the Northeast portion of the new permit area and flow west / northwest. Special attention will be given to the elevation of the initial digging area so not to exceed the depth. There will be a natural slope maintained to prevent the containment of any run-off from rain events. Any runoff will flow naturally back to McCracken Draw as it has always done in the past. The floor of the mined area will be graded to approximate the slopes in the surrounding topography. Front-end loaders and dozers will primarily used to deliver material to the trucks.

On site equipment may include, but is not limited to, front end loader, dozer, scraper, dump trucks water trucks and screener/ stockpiler. We do not anticipate the need for water, but in the event that water must be used for dust control, the water will be secured from an approved source and documented.

There will be no shop, plant, or other facilities permanently located at the mine site. Equipment will be maintained at the site only when mining is occurring. This will be on a periodic basis since material will only be mined on an as needed basis. Equipment will typically be filled with fuel from portable fuel tanks. Any portable tanks at the site will be placed out of the drainage area and out of the active working area to prevent fuel spills or related hazards. These factors and good housekeeping will minimize the potential of any contamination. Equipment will be serviced out of the mining area. No explosives will be used in this mining enterprise.

GPS Coordinates of Boundary

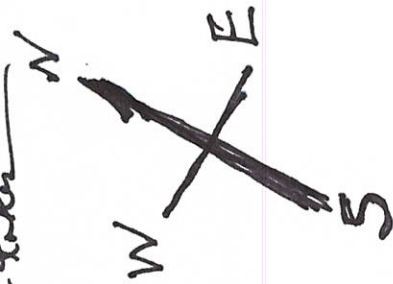
Exhibit D - Mining Plan

Applicant: Mark Kokes mmm Partnership

Date: 11-7-23

Scale: 1" = 300'

Prepared By Mark Kokes
Owner/Operator
Mark Kokes



of boundaries
not of permit

Release
9-13-2023

-102.821944
40.976134

-102.824132
40.976156

-102.825663
40.975619



Flat Basin Area

Proposed

Release
9-13-2023

Soil Berm Segment
to prevent erosion
into Draw

Proposed New
Bridges

* Note - Phase 4
Stockpiles
may change
product on
quantity

Phase 1
Phase 2
Phase 3
Phase 4

Stockpiles of Topsoil

Slope 1
Slope 2
Slope 3

EXHIBIT E- Reclamation Plan

Final grading will be such that the topography is appropriate to the reclaimed use of the property; i.e., as dryland pasture. Any slopes created will be graded to 3h:1v or flatter to be compatible with the configuration of surrounding conditions and the selected post mining rangeland use. The floor of the mine will have a gentle slope to the North so it is consistent with the existing grades on the site. The reclamation Plan map shows how we think the area will look when it is fully reclaimed.

MK
11-7-23

As mining occurs stockpiles will be located around the inner perimeter of the permit to minimize the distance need to push and reclaim the area.

Once mining is complete in an area of 8 acres the area will be shaped, graded and stockpiled soil will be reapplied in the amount of 6 inches to provide for adequate root development medium. A fertilizer mix of 10 tons manure / acre will be spread on the disturbed area tilled in. The area will be seeded with the recommended seed mixture. The area will then be mulched using clean straw. The straw mulch will be crimped in to prevent erosion. Continued reclamation in this manner insures adequate time for revegetation of the depleted areas while adjacent area are being mined.

MK
11-7-23

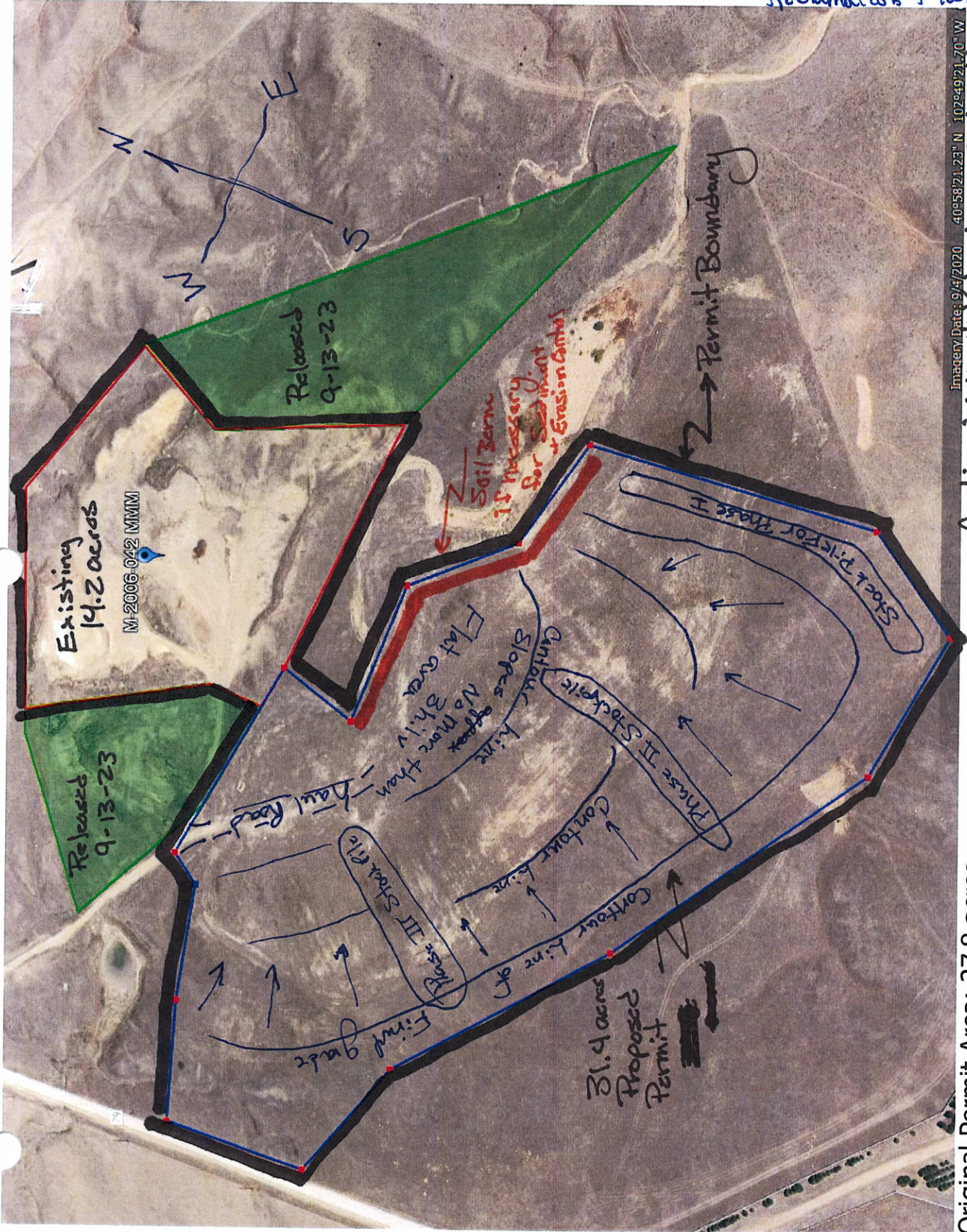
Seeding will occur between November and April, before first frost in the fall or after last frost in the spring. The seed will be drilled to insure maximum germination and most rapid cover establishment. The seeding mix and species of grasses for the area are shown in the NRCS recommendation. Oats may be used in the mix to reduce the amount to weed cover and still give the benefit of creating a quick vegetative cover until the grasses are established. We also expect to see a natural invasion of forbs and woody plants from surrounding areas. Only inaccessible areas if any will be broad cast seeded. If the seed is broadcast, the seed rates will be doubled. No trees or shrubs will be planted in the mine area. Re-vegetation will be carried out to establish a diverse, effective and long lasting vegetative cover that is capable of self-regeneration, without continued dependence upon irrigation soil amendments, or fertilizers. The plan is to create vegetative cover that is at least equal in extent to the cover of the natural vegetation before mining.

The reclaimed area will not be grazed during the first two years after seeding is re-established. This may require temporary fencing. After the Second growing season, the site will be assessed for success of the re-vegetation. If the assessment shows additional work is needed, it will be done that fall.

Weed control will be implemented prior to and during re-vegetation activities. This does not mean we will attempt to kill all weeds, since some provide natural ground cover and shade for emerging grasses. We will concentrate on controlling the noxious weeds on the reclaimed area, following normal NRCS recommendations if a problem occurs.

Any internal haul roads used during the life of the mine will be reclaimed.

Exhibit E + F Reclamation Plan Map



Imagery Date: 9/4/2020 40°58'21.23" N 102°49'21.70" W
Applicant: Mark Kokes / MMM Partnership

Date: 11-7-23
Scale: 1" = 250'

Prepared By: MARK KOKES Owner/operator
Mark Kokes

Original Permit Area: 27.8 acres
Release Area (green): 13.6 acres
Remaining Permit Area (red boundary) = 14.2 acres
Proposed Amendment Area (blue boundary) = 31.4 acres

EXHIBIT G – Water Information

This is a Dry mining operation. There are no water structures on the site. An ephemeral drainage runs along the Northern edge of the site, no water has been observed in this drainage. Applicant will employ best management practices which include soil berms to prevent excess erosion into McCracken Draw. Detention areas will be identified and managed appropriately as mining commences. The Northern floor of the permit will maintain vegetation to prevent excess sediment from eroding into the said drainage. No water will be detained for longer than the specified hours.

MK
11-7-23

EXHIBIT H – Wildlife Information

We anticipate no significant impacts to local wildlife species or habitats. There are no changes to this exhibit from previous approvals

EXHIBIT I – Soils information

Soils remain consistent with previous application exhibits

EXHIBIT J – Vegetation information

The site currently has a mix of native grasses. The site is a ridge located in a Gravel Breaks Range site typically found in norther Logan County along the Peetz table. It is a dryland site with no special or unique characteristic with mostly grasses, sand sage, and forbs covering the area. Blue Gramma and buffalo grass make up a greater portion of the vegetative cover. There are other minor grasses and forbs along with Sagebrush.

The area is part of a larger dryland pasture owned by MMM partnership, Mark Kokes, primary partner. It has not been overly stressed by grazing; however cattle will be on the property. The mined area will be open range that is consistent with the gravel pit previously operated by Logan county and the MMM Partnership since 2006.

EXHIBIT L – Reclamation Costs

The expanded MMM Partnership Pit will have a total of 45.6 acres. This includes 14.2 acres of the original 112 permit and an additional 31.4 acres in the proposed area.

MK
11-7-23

- 1) The area of excavation will be mined as close to a 3:1 slope as possible and finished at no less than 3h:1v.
- 2) All topsoil will be re-applied to the excavations lying outside of the sand drainage. No significant overburden is anticipated.
- 3) The slopes will be prepared and seeded as recommended by the Natural Resource Conservation Service.
- 4) A per acre estimate of reclamation costs is attached.
- 5) The pit will be mined in phases not to exceed 10 acres of mining before sloping, top soiling and seeding will be performed. This includes approximately 8 acres of excavation and 2 acres of product stockpiles where minimal disturbances will occur. This is an effort to practice good stewardship of the property by allowing the depleted areas a greater period of time to revegetate during the mining process. Thus, reducing the long-term bonding liability of the permit.

LOGAN COUNTY

NOV 09 2023

CLERK & REC

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS

Logan COUNTY

MMM Partnership / Mark Kokes (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in Logan County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to Pastureland use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

Reference: Response to Adequacy Review For Amendment Application
Am1

NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

Pamela M. Bacon
Authorized Signature

11-9-2023
Date

Pamela M. Bacon
Print Name

Clerk to the Board of Commissioners
Logan County Clerk &
Title