



November 20, 2023

Frank Leone Jr.
2400 E Main St
Trinidad, CO
81082

Re: Inspection Problem Abatement Adequacy Review, Missing Affected Land Boundaries, Leone Gravel Pit #2, M-2006-085

On November 20, 2023, the Division of Reclamation, Mining and Safety (Division) received the enclosed responses to the following inspection problems cited in the Division's inspection report for the September 6, 2023 inspection of the Leone Gravel Pit #2:

1. **PROBLEM:** The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). The Operator must provide sufficient information to describe or identify how the Operator intends to conduct the operation.
2. **PROBLEM:** The affected area boundary markers are missing. This is a problem for failure to maintain boundary markers around the affected area as required by Section 3.1.12(2) of the Rule.

Via email, the application page for a Technical Revision was received as a response to Problem #1. However, a Technical Revision is not considered submitted until the application page and fee are received by the Division. Per our phone conversation following your email, the fastest way to submit this is through e-permitting. Until the Technical Revision is submitted, this inspection problem is still considered **outstanding**, and is due on November 26, 2023.

Also via email, the Division received a map of the permit boundary with corners marked for the Biber Parcel Area. However, following the approval of the Acreage Reduction 1 (AR1) the 14.65 acre "Topsoil Area" and 31.14 acre "Unmined Area" in the Howell Parcel still remain within the permit as well. To abate this issue, please verify in writing, via email, to the Division that affected land boundary markers have also been placed around these areas in addition to those in the Biber Parcel by the November 26, 2023 due date. If markers are not in place in the remaining Howell Parcel areas, and additional time is required to place these boundary markers, please submit an extension request to the Division via email.

If you have any questions, please send me an email at amber.gibson@state.co.us, or call me at 720-836-0967.

Sincerely,





Amber M. Gibson
Environmental Protection Specialist I

Enclosure: Inspection Problem Responses from Operator

Cc: Jared Ebert, DRMS

STATE OF
COLORADO

Gibson - DNR, Amber <amber.gibson@state.co.us>

REVISION

1 message

LEONE SAND AND GRAVEL LLC <leonesrg@live.com>
To: "Gibson - DNR, Amber" <amber.gibson@state.co.us>

Mon, Nov 20, 2023 at 2:16 PM

Good afternoon Amber,

Here is the revision and photos. Please let me know if this will suffice or if we need to send anything else. Please let me know as soon as possible. If there is anything else we need, would you please call Frank as the deadline is Wednesday for us.

Thank you,

Chrissy Whalen
Office Manager



Leone Sand & Gravel LLC
Leone Ready Mix LLC

2400 E Main St

Trinidad, CO 81082

719-846-4170 Office 719-845-0605 Fax

12 attachments

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IMG_1531.jpg
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COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M- 2006-085 Site Name: Leone Pit #2

County Las Animas TR# _____ (DRMS Use only)

Permittee: Leone Sand & Gravel LLC

Operator (If Other than Permittee): _____

Permittee Representative: Frank & Wayne Leone

Please provide a brief description of the proposed revision: I would like to increase the maximum disturbed area from the current 60 acres to the 87 acres and bond the 87 acres. (MAPS, corners enclosed.)

As defined by the Minerals Rules, a Technical Revision (TR) is: "a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan." The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered "filed for review" until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<u>Permit Type</u>	<u>Required TR Fee</u>	<u>Submitted</u> (mark only one)
110c, 111, 112 construction materials, and 112 quarries	\$216	<input checked="" type="checkbox"/>
112 hard rock (not DMO)	\$175	<input type="checkbox"/>
110d, 112d(1, 2 or 3)	\$1006	<input type="checkbox"/>

CORNER LOCATIONS

Amendment Mine area (Biber ownership)

Located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31. The NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Parts of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 32 South, Range 62 West, and Parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, Township 33 South, Range 62 West, 6th Prime Meridian, Las Animas County, Colorado.

The following description is based on bearings and distances found on the BLM Township plat for Township 32 South, Range 62 West, dated Dec., 1st, 1869 and Township 33 South Range 33 West, dated Dec., 1st, 1869 and is not a legal survey of the area.

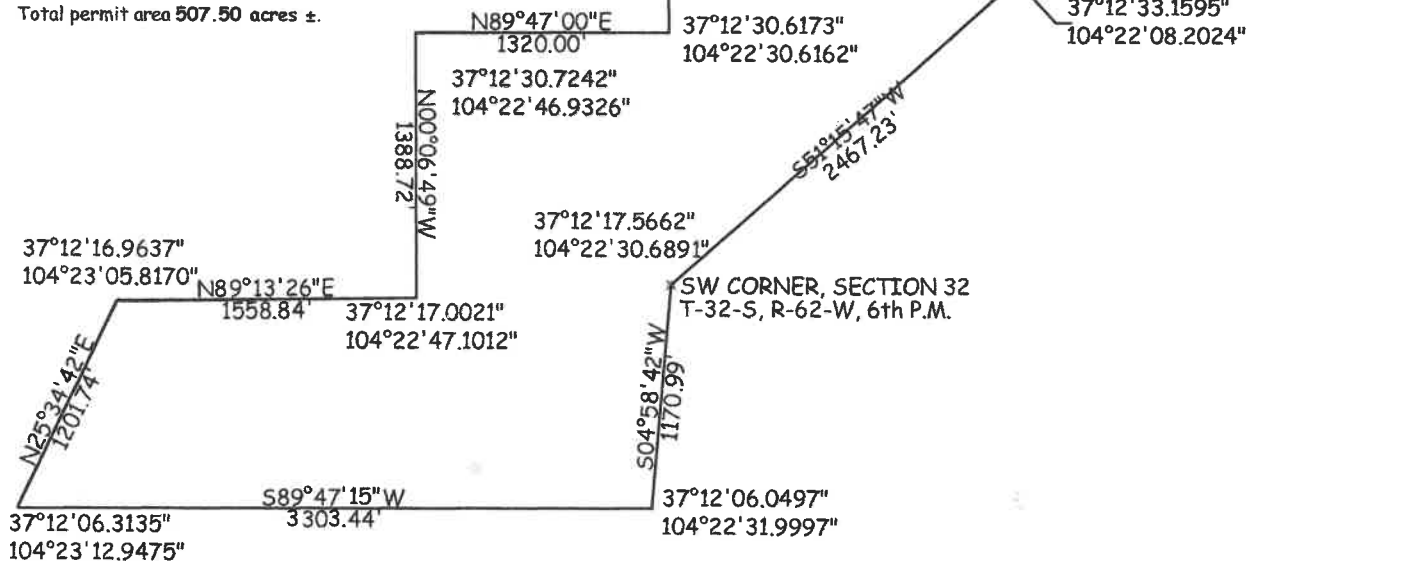
Beginning at the Northwest corner of Section 32, T-32-S, R-62-W, 6th PM, marked with a 3/4" by 30" rebar with a 2 $\frac{1}{2}$ " cap marked IME, 2002, LS 18263; Thence south along the west line of Section 32, S00°07'22"E, 1510.64 feet to the true Point of Beginning (POB);

Thence S89°55'00"E, 3234.91 feet; Thence S09°29'38"E, 1543.26; Thence S59°25'26"W, 1781.64 feet; Thence S51°15'47"W, 2467.23 feet; to the southwest corner of said Section 32, also being the northeast corner of Section 6, T-33-S, R-62-W, 6TH P.M., marked with a 3/4" by 30" rebar with a 2 $\frac{1}{2}$ " cap marked, 2000, LS 12160.

Thence south, S04°58'42"W, 1170.99 feet; thence S89°47'15"W, 3303.44 feet; thence N25°34'42"E, 1201.74 feet, to a point on the north line of said Section 6; thence east along said north line N89°13'26"E, 1558.84 feet, thence N00°06'29"W, 1388.30 feet; thence N89°47'00"E, 1320.00 feet to a point on the west line of Section 32, T-32-S, R-62-W.

Thence north along said west line N00°27'00"W, 2647.69 feet to the True Point of Beginning. Said area containing 327.50 acres \pm .

Total permit area 507.50 acres \pm .



PREPARED BY: **ENVIRONMENT, INC.**
7500 YANCEY BLVD., SUITE 200A
ARVADA, CO 80003
PH: 303-423-7297
FAX: 303-423-7298

LEONE SAND & GRAVEL, LLC
2400 East Main St. | Trinidad, Colorado 81082
phone: (719) 240-9424 | fax: (719) 583-0883

112 MLRB PERMIT FOR
LEONE PIT #2
M-2006-085



















12:18

◀ Camera

LTE 



Today
11:00 AM

Edit



