

**STATE OF
COLORADO****Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>**

Notice of Decision Larsen Pit M-2023036

1 message

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

Mon, Jan 29, 2024 at 10:25 AM

To: Marcy Brossman <ccadmin@rebeltec.net>

Hi Marcy.

Please see the attached decision notice for the Larsen Pit 112c Construction Materials Permit Application. The included performance warranty form should be signed and notarized by an appropriate official and mailed to our office. Once the Division receives the original notarized form, the permit will be issued.

If you have any questions, please reach out to me.

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>

**Larsen Pit_M2023036_Notice of Decision.pdf**

192K



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

January 29, 2024

Marcy L. Brosman
Cheyenne County
51 South 1st Street
P.O. Box 567
Cheyenne Wells, CO 80810

Re: Larsen Pit – File No. M-2023-036
Cheyenne County
112c Construction Materials
Reclamation Application

Dear Marcy L. Brosman:

On January 29, 2024 the Division of Reclamation, Mining and Safety concluded its review of the Construction Materials Reclamation Permit Application submitted to the Division on October 6, 2023. The decision reached by the Division is: Awaiting warranty. No financial warranty was set by the Division for this operation. However, you must submit a performance warranty in order for us to issue a permit. We have enclosed a performance warranty form with this letter for your use. Please have the performance warranty signed by an appropriate official and notarized, and return it to us.

PLEASE NOTE THAT MINING OPERATIONS MAY NOT COMMENCE UNTIL A PERMIT HAS BEEN ISSUED BY THE DIVISION AFTER RECEIPT OF YOUR PERFORMANCE WARRANTY. A PERMIT CANNOT BE ISSUED UNTIL WE HAVE VERIFIED THE ADEQUACY OF YOUR PERFORMANCE WARRANTY.

M-2023-036: Approved Surety and Acreage	
Reclamation Liability (Required Surety):	\$0.00
Approved Permit Acreage:	32.37
Approved Affected Acreage:	32.37

If you have any questions, please contact me by telephone at (303) 866-3567 x 8126, or by email at Nikie.gagnon@state.co.us

Sincerely,

Nikie C. Gagnon
Environmental Protection Specialist





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

PERFORMANCE WARRANTY

Permittee/Operator: Cheyenne County
Operation known as: Larsen Pit

Permit Number: M-2023-036

This form is approved by the Colorado Mined Land Reclamation Board (“Board”) pursuant to C.R.S. 34-32-117 of the Colorado Mined Land Reclamation Act and C.R.S. 34-32.5-117 of the Colorado Land Reclamation Act for the Extraction of Construction Materials.

All parties are on Notice from this Document that:

The above listed Operator provides this warranty to the Board in conjunction with a reclamation Permit to conduct the above described mining operation on certain lands in Colorado. The “Affected Lands” are described in the above listed reclamation Permit, and include any Permit Amendment(s) approved by the Division of Reclamation Mining and Safety (“Division”).

The Colorado Mined Land Reclamation Act, C.R.S. 34-32-101 et seq. ("Hard Rock Act"), and the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-101 et seq. ("Construction Materials Act"), both require a permit issued by the Board to include a written promise by the Operator to comply with all requirements of the Hard Rock and Construction Materials Acts (referred to herein together as “Acts”).

Through the terms and conditions of this performance warranty and Permit, the Operator agrees to be bound by all requirements of the Acts and all Mineral Rules and Regulations of the Board for Hard Rock, Metal, and Designated Mining Operations (2 C.C.R. 407-1) and all Mineral Rules and Regulations of the Board for the Extraction of Construction Materials (2 C.C.R. 407-4) (referred to herein together as “Rules”).

The Operator hereby provides the Board warranties of performance pursuant to C.R.S. 34-32-117(2), (3), and (4)/C.R.S. 34-32.5-117(2), (3), and (4), and promises the Board it will comply with all applicable requirements of the Acts and Rules.

The Operator hereby promises the Board it will comply with all of the terms of the reclamation Permit, including any Permit Amendment(s) approved by the Division. This performance warranty obligation of the Operator shall continue until the Operator’s liability is released by the Board.

The Operator promises to be responsible for reclamation costs up to the amount established by the Board and incorporates its financial warranty to this performance warranty. The Operator agrees to maintain a financial warranty (or warranties) in good standing for the reclamation costs for the entire

life of the Permit. The amount of the financial warranty shall be sufficient to assure the completion of reclamation of affected lands if the Division has to complete such reclamation due to forfeiture. If the Board determines the Operator is in default under this performance warranty and the Operator fails to cure such default, the Operator's financial warranty shall be subject to forfeiture pursuant to C.R.S. 34-32-118/34-32.5-118.

This performance warranty by the Operator is perpetual and shall remain in full force and effect until all obligations have been met and all associated financial warranty is released by the Board. Any release of liability in a succession of Operators shall comply with C.R.S. 34-32-119/34-32.5-119.

The provisions hereof shall bind and inure to the benefit of the parties hereto and their successors and assigns.

SIGNED, SEALED AND

DATED this _____ day of _____ , _____
(date) (month) (year)

Operator: Cheyenne County

Signature:

Name: _____

Title: _____

NOTARIZATION OF OPERATOR'S ACKNOWLEDGEMENT

STATE OF _____)
_____) ss.

COUNTY OF _____)

The foregoing instrument was _____ day
acknowledged before me this _____ of _____ , _____
(date) (month) (year)

by: _____ as _____ of Cheyenne County
(name) (title) (Operator)

Notary Public: _____

My Commission Expires _____



APPROVED:

State of Colorado

Mined Land Reclamation Board

Division of Reclamation, Mining and Safety

By: Michael A.

Cunningham (Acting)

Division Director

Date

Executed: _____