



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

March 8, 2024

Michael Brown
289 Highpoint
Divide, CO 80414

**Re: Adequacy Review, 110c Construction Materials Application
Wildcat Claim, File No. M-1982-044**

Dear Michael Brown,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your 110c Construction Materials Reclamation Permit Application for the proposed operation known as Wildcat Claim, File No. M-2023-031, and submits the following comments. **The Division is required to make an approval or denial decision no later than March 15, 2024; 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 following a request by the Applicant. Please respond to this Adequacy Review with the requested information and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Response; M-2023-031".

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.3 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit.

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.
Proof of publication was provided on February 24, 2024. No further response needed.
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.
Proof of noticing was provided on February 24, 2024. No further response needed.
3. The Division received three comment letters from the US Army Corps of Engineers, Colorado Parks & Wildlife, and the Division of Water Resources. 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.
4. The Division received two objections to the permit application. One by Lynn Engle and the other by Gary Archuleta, both on March 3, 2024. The objections are attached for your review. Please inform the Division how the Applicant intends to address the jurisdictional issues raised by the Objectors.



EXHIBIT B – Site Description (Rule 6.3.2)

5. Rule 6.3.2(a) requires Applicants to provide a description of the vegetation and soil characteristics in the area of the proposed operation. Within Exhibit B, you have provided specific details on the soil characteristics in the area, however no information was provided on the vegetation. Please provide a description of existing vegetation in the area of the proposed operation.
6. As required by Rule 6.3.2(c), please provide a description of the water resources in the area of the proposed operation. This description is not limited to within the permit boundary. Please discuss the small drainage and pond on the south side of the permit area and West Beaver Creek to the east of the permit area.

EXHIBIT C - Mining Plan (Rule 6.3.3)

7. Within Exhibit C, you have stated that storm water will be retained onsite in a retention pond that is designed to contain the 10-year 24-hour storm event. To ensure protection of onsite and off-site lands, please discuss design details (size, material, location on the Exhibit E-1 Map, etc.) of the retention pond's overflow/emergency spillway in event that the pond's capacity is exceeded.
8. Please describe the measures (BMPs, berms, etc.) that will be taken to ensure storm water is retained on-site and off-site sedimentation is prevented.
9. Based on details within the Mining and Reclamation Plans and depicted on the Exhibit E-1 Map, the Applicant intends to leave a large flat surface which appears to slope to the east. Please provide the approximate slope of this area to ensure positive drainage.
10. Within Exhibit C, you have stated that if any crushing or screening is found to be necessary or useful, it will be done on an as-needed basis with portable equipment. Additionally, although explosives are not anticipated to be used or considered necessary for this operation, you have stated that in the unlikely event they are needed, it will be done by a properly licensed contractor. In the event these additional measures are needed, please commit to contacting the Division prior to incorporating them into the mining operation to determine if additional permitting is required.

EXHIBIT D – Reclamation Plan (Rule 6.3.4)

11. Based on the Exhibit E Maps, it appears the access road will be slightly relocated upon completion of the mining and reclamation plans. Please discuss the reclamation details of the original alignment of the access road and provide the approximate acreage of the reclaimed road.

The Division will calculate a reclamation bond cost estimate based on the responses to this adequacy letter. You will be provided copy of that reclamation cost estimate for review before the decision date.

No response needed.

EXHIBIT E – Map (Rule 6.3.5)

12. In accordance with Rule 6.3.5(2)(c), please update the Exhibit E Map to include the pit boundary, topsoil stockpiles, product stockpiles, and stormwater control features. Additionally, as required by Rule 6.3.5(2)(d), please update the map to also show the direction that construction material extraction will proceed.

13. 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.

Cc: Russ Means, Division of Reclamation, Mining & Safety
Art Braun, Braun Environmental, Inc.