



April 23, 2024

Brent Tamburelli
Tamrock Gravel, LLC
137 East Plum St.
Trinidad, CO 81082

**RE: Shot Rock Pit, File No. #M-2012-023, Amendment Application No. 1 (AM1),
Adequacy Review-1**

Dear Mr. Tamburelli,

The Division of Reclamation, Mining and Safety (Division/DRMS) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Mined Land Reclamation Act (§ § 34-32.5-101-34-32.5-125) (Act) and the associated Rules and Regulations for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issues of concern shall be adequately addressed before the application can be considered for approval.

Exhibit A – Legal Description

On the map titled 'Exhibit A-1 – Permit Corner Locations' coordinates are provided for select locations along the proposed permit boundary. The illustration appears to encompass all of the currently affected land, and the input of the coordinates into ArcGIS seems to be in agreement with the coordinates provided around the mining area on top of the hill (See below).





Figure 1: Division's ArcGIS Online map, drawn from the coordinates provided in Exhibit A-1 of the AM1 application (green dots). The proposed permit boundary was extrapolated from the points provided (yellow polygon). The red polygon was extrapolated by the original permit boundary coordinates.

Table 1: The table below is the excel data used to input coordinates into the GIS system to create the boundary marker point layer in ArcGIS Pro and ArcGIS Online. The coordinates were copied from the Map in Exhibit A of the AM1 application.

Points	Latitude	Longitude
1a	37.199	-104.65517
2	37.19843	-104.656538
4	37.19832	-104.657806
5	37.19821	-104.658285
6a	37.19834	-104.65862
7a	37.19853	-104.6591
8	37.19867	-104.659433
9	37.19881	-104.65971
H	37.19915	-104.659671
I	37.19948	-104.659407
10	37.19966	-104.658992
11	37.20002	-104.658182
12	37.20043	-104.65737
A	37.20041	-104.656313
B	37.2004	-104.656117
C	37.20042	-104.654452
13	37.20045	-104.65358

D	37.19999	-104.653561
14	37.19966	-104.653616
E	37.19932	-104.654523
R-1	37.19004	-104.659151
R-2	37.18997	-104.659148
R-3	37.18984	-104.65965
R-4	37.19005	-104.65982
R-5	37.19018	-104.659608
R-6	37.19225	-104.659396
R-7	37.19095	-104.659137

However, the coordinates along the roadside do not appear to be accurate, as the shape depicted is different than the illustration, and the boundary does not encompass the entire road (see below).

1. Please provide the Division with edited coordinates for the markers in the road area to ensure that the markers reflect the area encompassed in the map illustration.



Figure 2: Division's ArcGIS Online map, drawn from the coordinates provided in Exhibit A-1 of the AM1 application (green dots). The proposed permit boundary was extrapolated from the points provided (yellow polygon).

2. Pursuant to Rule 6.2.1, please include on the Exhibit A-1-Permit Corner Locations Map:
 - a. The name of the Applicant
 - b. A scale bar that meets the requirements of Rule 6.2.1(2)(e)

Exhibit C – Pre-mining and Mining Plan Map(s) of Affected Lands

3. Pursuant to Rule 6.2.1, please include on the Pre-Mining Plan Map – Exhibit C:
 - a. The name of the Applicant
 - b. A scale bar that meets the requirements of Rule 6.2.1(2)(e)
4. On the Pre-mining Plan Map, the Estate of Brian Tamburelli is listed as surface/adjacent owner “B”. Additionally, Brian Tamburelli is listed as the owner of 2-3 strand wire fences, and a portion of the access road. Please clarify to the Division the property owner of the areas encompassed in ‘B’ and the structures listed above, and edit them to match throughout the application.

Exhibit E – Reclamation Plan

5. Pursuant to Rule 6.4.5(1), please address any plans for drainage control on the reclaimed areas.

Exhibit F – Reclamation Plan Map

6. Pursuant to Rule 6.2.1, please include on the Reclamation Plan Map – Exhibit F:
 - a. The name of the Applicant
 - b. A scale bar that meets the requirements of Rule 6.2.1(2)(e)

Exhibit H – Wildlife Statement

Please see the following statement made in the 2012 CPW comment letter from the original application, and attached in the AM1 application:

“Although the permit application indicates there will be no new roads and utilize existing gas well roads for access/ haul it should be noted that during the visit Mr. Tamburelli indicated that he was planning ingress/ egress to the Shot Rock Pit via State Highway 238 Reilly Canyon Road) across an intermittent stream/ wetland area which is not addressed on this application. Should that occur protect wetlands, drainages, and riparian areas from erosion, sedimentation and spills. Map wetlands prior to development to identify and properly permit

these sensitive areas. Consider wetland banking if feasible and maintain compliance with all state and federal environmental regulations and necessary.”

7. The 2012 statement from CPW (above) appears to address the area being proposed as the ‘road area’ in the amendment application. Please address how the permittee will protect the wetlands, drainages, and riparian areas from erosion, sedimentation, and spills throughout and beyond the reclamation process in this area.

Exhibit N – Source of Legal Right to Enter

The application states that there is a legal right of entry agreement between the Permittee and the Estate of Brian C. Tamburelli on-file with DRMS, and attached to the application. However, the agreement is between Nicole Tamburelli and Tamrock Gravel, LLC.

8. Please clarify to the Division whether Nicole Tamburelli is the surface/subsurface owner, instead of the Estate of Brian C. Tamburelli, or whether she is the executor of the estate.

Exhibit O – Owners of Record of Affected Land

9. See item #8 above and clarify the information provided in Exhibit O for surface and subsurface ownership. Additionally, make any needed clarifications on the Application page under items #6 and #7 regarding surface and subsurface ownership.

Exhibit S: Permanent and man-made structures

10. Exhibit S in the application, states that the Division has a structure agreement on-file for the fences and the access road on the east side of the mining area on-top of the hill with the Estate of Brian Tamburelli. The application also states that this agreement is attached, however, the agreement is from the original permit and is with Brian Tamburelli.
 - a. Please provide proof to the Division that a new structure agreement has been sent to the current owner of these structures.

Publication Requirements

11. Pursuant to Rules 1.6.2(1)(d) and 1.6.5, please provide the Division with Proof of Publication.
12. Please provide the Division with proof of notice to the Owners of Record of surface and mineral rights of the affected land, and to Owners of Record of all land surface within 200 feet of the boundary of the affected land per Rule 1.6.2(1)(e).

13. Please remember that pursuant to Rule 1.6.2(1)(c), any changes or additions to the application on file in our office must also be reflected in the public review copy which was placed with the Las Animas County Clerk and Recorder. Pursuant to Rule 6.4.18, you must provide our office with an affidavit or receipt indicating the date this was done.

Please submit your responses to the above listed issues by June 1, 2024 in order to allow the Division sufficient time for review. The decision date for your application is scheduled for July 1, 2024. The Division will continue to review your application and will contact you if additional information is needed. If you require additional information, or have questions or concerns, please feel free to contact me at amber.gibson@state.co.us or at 720-836-0967.

Sincerely,



Amber M. Gibson

Environmental Protection Specialist I

Ec: Stevan O'Brian, Environment, Inc.
Jared Ebert, Senior EPS, DRMS