



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

May 6, 2024

Kasie Smith  
KS Land, LLC  
11822 Kristi Lane  
Overbrook, OK 73453

**Re: Incompleteness Notice, 112c Construction Materials Amendment Application No. 1 (AM-1),  
Four X Ranch Gravel Pit, Permit No. M-2014-033**

Ms. Smith:

On May 3, 2024, the Division of Reclamation, Mining and Safety (Division/DRMS) received the 112 Construction Materials Amendment Application (AM-1) for the Four X Ranch Gravel Pit, Permit No. M-2014-033. Preliminary review of the application determined the following items must be received before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice with the requested additional/updated information on permit application replacement pages and summarize each response in a cover letter titled "Incompleteness Response; M-2014-033".

The Applicant is reminded that pursuant to Rule 1.10.1(1) the Applicant shall clearly describe where in the original application and supporting documents the information not included in the amendment application may be found.

**APPLICATION FORM:**

1. While the Applicant did submit the AM-1 online, completed the DRMS Minerals Revision Application Form, and paid the required fee the Applicant still has to submit a completed copies of the Application Form and Exhibits A-S, Addendum 1, and any relevant sections of Exhibit 6.5 Geotechnical Stability Exhibit. Please submit a completed Application Form, attached.

**EXHIBIT A - Legal Description (Rule 6.4.1):**

2. The legal description must identify the affected land and be wholly adequate for field location of the property. It can be in the form of metes and bounds survey or a description by reference to township, range and section to at least the nearest quarter-quarter section. Where applicable, the street address or lot numbers may be used. Please clearly mark and submit an Exhibit A.



**EXHIBIT B – Index Map (Rule 6.4.2):**

3. An index map showing the regional location of the affected land and all roads and other access to the area. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. Scale criteria need not be followed for this map. Please clearly mark and submit an Exhibit B.

**EXHIBIT C – Pre-Mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):**

4. One or more maps may be necessary to legibly portray the following information:
  - (a) all immediately adjacent surface owners of record;
  - (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;
  - (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
  - (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land");
  - (e) the type of present vegetation covering the affected lands; and
  - (f) in conjunction with Exhibit G - Water Information, Subsection 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.
  - (g) Show the owner's name, type of structures, and location of all permanent or man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
  - (h) In conjunction with Exhibit I - Soils Information, Subsection 6.4.9, soils information may be presented on a map in this section;
  - (i) Aerial photos, if available, may be included in this section.

Please clearly mark and submit an Exhibit C.

**EXHIBIT D – Mining Plan (Rule 6.4.4):**

5. The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:
- (a) description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands;
  - (b) earthmoving;
  - (c) all water diversions and impoundments; and
  - (d) the size of area(s) to be worked at any one time.
  - (e) an approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. You will not be required to meet specific dates for initiation, or completion of mining in a phase as may be identified in the timetable. This does not exempt you from complying with the performance standards of Section 3.1. Such timetable should include:
    - (i) an estimate of the periods of time which will be required for the various stages or phases of the operation;
    - (ii) a description of the size and location of each area to be worked during each phase; and
    - (iii) outlining the sequence in which each stage or phase of the operation will be carried out.
    - (iv) (Timetables need not be separate and distinct from the mining plan, but may be incorporated therein.)
  - (f) a map (in Exhibit C - Pre-Mining and Mining Plan Maps(s) of Affected Lands, Subsection 6.4.3) may be used along with a narrative to present the following information:
    - (i) nature, depth and thickness of the ore body or deposit to be mined and the thickness and type of overburden to be removed (may be marked "CONFIDENTIAL," as per Paragraph 1.3(3)); and
    - (ii) nature of the stratum immediately beneath the material to be mined in sedimentary deposits.
  - (g) identify the primary and secondary commodities to be mined/extracted and describe the intended use; and

- (h) name and describe the intended use of all expected incidental products to be mined/extracted by the proposed operation.

Please clearly mark and submit an Exhibit D.

**EXHIBIT E – Reclamation Plan (Rule 6.4.5):**

6. (1) In preparing the Reclamation Plan, you should be specific in terms of addressing such items as final grading (including drainage), seeding, fertilizing, revegetation (trees, shrubs, etc.), and topsoiling. You are encouraged to allow flexibility in your plans by committing to ranges of numbers (e.g., 6" 12" of topsoil) rather than specific figures.
- (2) The Reclamation Plan shall include provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by you. Reclamation shall be required on all the affected land. The Reclamation Plans shall include:
- (a) a description of the type(s) of reclamation you propose to achieve in the reclamation of the affected land, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving;
  - (b) a comparison of the proposed post mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs. In those instances where the post mining land use is for industrial, residential, or commercial purposes and such use is not reasonably assured, a plan for revegetation shall be submitted. Appropriate evidence supporting such reasonable assurance shall be submitted;
  - (c) a description of how the Reclamation Plan will be implemented to meet each applicable requirement of Rule 3.1;
  - (d) where applicable, plans for topsoil segregation, preservation, and replacement; for stabilization, compaction, and grading of spoil; and for revegetation. The revegetation plan shall contain a list of the preferred species of grass, legumes, forbs, shrubs or trees to be planted, the method and rates of seeding and planting, the estimated availability of viable seeds in sufficient quantities of the species proposed to be used, and the proposed time of seeding and planting;
  - (e) a plan or schedule indicating how and when reclamation will be implemented. Such plan or schedule shall not be tied to any specific date but shall be tied to implementation or completion of different stages of the mining operation as described in Subparagraph 6.4.4(1)(e). The plan or schedule shall include:

- (i) an estimate of the periods of time which will be required for the various stages or phases of reclamation;
- (ii) a description of the size and location of each area to be reclaimed during each phase; and
- (iii) an outline of the sequence in which each stage or phase of reclamation will be carried out.

(The schedule need not be separate and distinct from the Reclamation Plan, but may be incorporated therein.)

(f) a description of each of the following:

- (i) final grading - specify maximum anticipated slope gradient or expected ranges thereof;
- (ii) seeding - specify types, mixtures, quantities, and expected time(s) of seeding and planting;
- (iii) fertilization - if applicable, specify types, mixtures, quantities and time of application;
- (iv) revegetation - specify types of trees, shrubs, etc., quantities, size and location; and
- (v) topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced.

Please clearly mark and submit an Exhibit E.

**EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):**

7. The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

- (a) the expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and
- (b) portrayal of the proposed final land use for each portion of the affected lands.

Please clearly mark and submit an Exhibit F.

**EXHIBIT G – Water Information (Rule 6.4.7):**

8. (1) If the operation is not expected to directly affect surface or groundwater systems, a statement of that expectation shall be submitted.

(2) If the operation is expected to directly affect surface or groundwater systems, you shall:

- (a) locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations;
- (b) identify all known aquifers; and
- (c) submit a brief statement or plan showing how water from dewatering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation.

(3) You must provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.

(4) You must indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.

(5) You must affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health, if necessary.

Please clearly mark and submit an Exhibit G.

**EXHIBIT H – Wildlife Information (Rule 6.4.8):**

9. In developing the wildlife information, you may wish to contact the local wildlife conservation officer. You must include in this Exhibit, a description of the game and non-game resources on and in the vicinity of the application area, including:
- (a) a description of the significant wildlife resources on the affected land;
  - (b) seasonal use of the area;
  - (c) the presence and estimated population of threatened or endangered species from either federal or state lists; and

- (d) a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.

Please clearly mark and submit an Exhibit H.

**EXHIBIT I – Soils Information (Rule 6.4.9):**

- 10. In consultation with the Soil Conservation Service or other qualified person, you must indicate on a map (in Exhibit C) or by a statement, the general type, thickness and distribution of soil over the affected land. Such description will address suitability of topsoil (or other material) for establishment and maintenance of plant growth. The above information shall satisfy "completeness" requirements for purposes of determination of date of filing.

Please clearly mark and submit an Exhibit I.

**EXHIBIT J – Vegetation Information (Rule 6.4.10):**

- 11. (1) You must include in this Exhibit a narrative of the following items:
  - (a) descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs);
  - (b) the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map; and
  - (c) estimates of average annual production for hay meadows and croplands, and carrying capacity for range lands on or in the vicinity of the affected land, if the choice of reclamation is for range or agriculture.
- (2) You must show the relation of the types of vegetation to existing topography on a map in Exhibit C. In providing such information, you may want to contact the local Soil Conservation District.

Please clearly mark and submit an Exhibit J.

**EXHIBIT K – Climate Information (Rule 6.4.11):**

- 12. Please provide a description of the significant climatological factors for the locality, clearly mark and submit an Exhibit K.

**EXHIBIT L – Reclamation Costs (Rule 6.4.12):**

- 13.** All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. You must provide sufficient information to calculate the cost of reclamation that would be incurred by the state.

Please clearly mark and submit an Exhibit L.

**EXHIBIT M – Other Permits and Licenses (Rule 6.4.13):**

- 14.** A statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds or will be seeking in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, the State Historic Preservation Office clearance, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

Please clearly mark and submit an Exhibit M.

**EXHIBIT N – Source of Legal Right-To-Enter (Rule 6.4.14):**

- 15.** Provide documentation of the legal right to enter to conduct mining and reclamation, for Owners of Record described in Rule 1.6.2(1)(e)(i). This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation. Please clearly mark and submit an Exhibit N.

**EXHIBIT O – Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.15):**

- 16.** Please submit a complete list of all owners or show the owners on your map in Exhibit C, clearly mark and submit an Exhibit O.

**EXHIBIT P – Municipalities Within Two Miles (Rule 6.4.16):**

- 17.** Please list any municipality(s) within two miles of the proposed mining operation and address of the general office of each municipality, clearly mark and submit an Exhibit P.

**EXHIBIT Q – Proof of Mailing of Notices to Board of County Commissioners and Conservation District (Rule 6.4.17):**



**18.** Pursuant to Rule 1.6.2(1)(ii) Proof that notice of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local Conservation District.

**EXHIBIT R - Proof of Filing with County Clerk (Rule 6.3.18):**

**19.** An affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c). Also, please demonstrate that the Applicant's response to these incompleteness items have been placed with the application materials previously placed with the County Clerks or Records Offices, and made available for public review.

**EXHIBIT S – Permanent Man-made Structures (Rule 6.4.19):**

**20.** Pursuant to Rule 6.4.19, where the affect lands are within 200 feet of any significant, valuable and permanent man-made structures, the Applicant shall:

- a. Provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure\*; or
- b. Where such an agreement cannot be reached, the applicant shall provide an engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

\* Structure agreements shall be sent by a trackable method, i.e. certified mail. In addition, the individual structure agreements shall be labeled with the certified mail number or other tracking number.

**6.5 GEOTECHNICAL STABILITY EXHIBIT**

**21.** Please be aware one or more of the following may be applicable to the Site.

(1) On a site-specific basis, an Applicant shall be required to provide a geotechnical evaluation all geologic hazards that have the potential to affect any proposed impoundment, slope, embankment, highwall, or waste pile within the affected area. A geologic hazard is one of several types of adverse geologic conditions capable of causing damage or loss of property and life. The Applicant may also be required to provide a geotechnical evaluation of all geologic hazards, within or in the vicinity of the affected lands, which may be de-stabilized or exacerbated by mining or reclamation activities.

(2) On a site-specific basis, an Applicant shall be required to provide engineering stability analyses for proposed final reclaimed slopes, highwalls, waste piles and embankments. An Applicant may also be required to provide engineering stability analyses for certain slopes configuration as they will occur during operations, including, but not limited to embankments. Information for slope stability analyses may include, but would not be limited to, slope angles and configurations, compaction and density, physical characteristics of earthen materials, pore pressure information, slope height, post placement use of site, and information on structures or facilities that could be adversely affected by slope failure.

(3) Where there is the potential for off-site impacts due to failure of any geologic structure or constructed earthen facility, which may be caused by mining or reclamation activities, the Applicant shall demonstrate through appropriate geotechnical and stability analyses that off-site areas will be protected with appropriate factors of safety incorporated into the analysis. The minimum acceptable safety factors will be subject to approval by the Office, on a case-by-case basis, depending upon the degree of certainty of soil or rock strength determinations utilized in the stability analysis, depending upon the consequences associated with a potential failure, and depending upon the potential for seismic activity at each site.

(4) At sites where blasting is part of the proposed mining or reclamation plan, the Applicant shall demonstrate through appropriate blasting, vibration, geotechnical, and structural engineering analyses, that off-site areas will not be adversely affected by blasting.

Your 112c AM-1 Application will not be considered submitted/filed until the information listed above is received and found sufficient to begin our review. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application submitted; the Division will notify you when you should initiate publication of your notice. This notice must be published for four consecutive weeks, starting within ten (10) days of the date your application is considered submitted. The final date for receiving comments is the 20th day after the last publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division may deny the application and terminate the application file. Should additional time be required to submit all the necessary documents an extension request can be submitted in writing for the Divisions consideration of extending the deadline.

**The response to this Incompleteness Notice is due on or before July 5, 2024.**

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you need additional information or have any questions, please contact me by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Lennberg". The signature is stylized with a large, looped "L" and a cursive "B".

Patrick Lennberg  
Environmental Protection Specialist

Attachment: Construction Material Regular (112) Operation Reclamation Permit Application Package

cc: Jared Ebert, DRMS

ec: Kasie Smith, KS Land, LLC, [kasielsmith@gmail.com](mailto:kasielsmith@gmail.com)

## **Attachments**

# 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 MATERIAL**

### **REGULAR (112) OPERATION**

### **RECLAMATION PERMIT APPLICATION PACKAGE**

#### **APPLICABILITY:**

This application package is for a construction materials operation which affects 10 acres or more.

If you plan to conduct a construction materials extraction operation which meets these criteria, please follow the instructions provided in this package, in the Rules and Regulations, and in the Colorado Land Reclamation Act for the Extraction of Construction Materials, as required.

#### **RECOMMENDATIONS PRIOR TO FILING:**

The Construction Material Rules and Regulations (the Colorado Land Reclamation Act for the Extraction of Construction Materials, Section 34-32.5-101, *et seq.*, C.R.S., and 2 CCR 407-1) and the Colorado Mined Land Reclamation Board (the "Board") regulate the permitting, operational and reclamation requirements for all construction material extraction operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available for \$8.00 from the Division of Reclamation, Mining, and Safety (the "Office"). In order to submit your application properly, it is recommended that you review the Act and:

- Rule 1.1        Definitions;
- Rule 1.4.1     Application Review and Consideration Process;
- Rule 1.4.5     Specific Requirements for Regular 112 Operations;
- Rule 1.6        Public Notice Procedures;
- Rule 3.1        Reclamation Performance Standards;
- Rule 3.3.1     Operating without a Permit - Penalty;
- Rule 4          Performance Warranties and Financial Warranties;
- Rule 6          Permit Application Exhibit Requirements;
- Rule 6.2        General Requirements of Exhibits;
- Rule 6.4        Specific Permit Application Exhibit Requirements; and
- Rule 6.5        Geotechnical Stability Exhibit.

It is recommended that you contact the agencies listed in the application section titled "Compliance With Other Laws" prior to submitting the application to the Office .

**FILING REQUIREMENTS:**

In order to apply for a Reclamation Permit for a Regular 112 Operation, please provide:

- \_\_\_\_\_ ° One (1) signed and notarized completed **ORIGINAL** and one (1) copy of the completed original Regular 112 Operation Application Form. **ORIGINAL SIGNATURES MUST BE DONE IN BLUE INK.**
- \_\_\_\_\_ ° Two (2) copies of Exhibits A-S (required sections described in Rule 6).
- \_\_\_\_\_ ° Two (2) copies of Addendum 1 - Notice requirements (described in Rule 1.6.2(1)(b)). A sample of this notice is attached for your use.
- \_\_\_\_\_ ° The Geotechnical Stability Exhibit when required by the Division.
- \_\_\_\_\_ ° The application fee.

The ninety (90) day period for review of the application and exhibits will **NOT** begin until all required information and fee are submitted. The Office will then review the submitted information for adequacy.

**NOTICE REQUIREMENTS:**

- \_\_\_\_\_ 1. You **MUST** send a notice, on a form approved by the Board, to the local board of county commissioners. A copy of this "Notice of Filing Application" form is attached for your use.
- \_\_\_\_\_ 2. If the mining operation is within the boundaries of a conservation district, send a notice to the board of supervisors of the conservation district, **PRIOR** to filing the application. A copy of this "Notice of Filing Application" form is attached for your use.
- \_\_\_\_\_ 3. You **MUST** include proof of notice #1 and #2 above with the application at the time the application is submitted to the Office for filing (Rule 1.6.2(1)(g)).
- \_\_\_\_\_ 4. **PRIOR** to filing the application, place for public review a copy of the application, less confidential items, with the clerk or recorder of the county or counties in which the affected land is located.
- \_\_\_\_\_ 5. You **MUST** include an affidavit or receipt demonstrating that the application was filed with the county clerk or recorder at the time the application is submitted to the Office for filing.
- \_\_\_\_\_ 6. Any changes or additions made to an application submittal **MUST** be filed with the county clerk or recorder. You **MUST** also provide the Office with an affidavit or receipt demonstrating that the change was filed with the county clerk or recorder no later than the close of business on the day the change was filed with the Office (Rule 1.8.1(2)).
- \_\_\_\_\_ 7. Within ten (10) days after your application is considered filed, you must publish four times in a newspaper of general circulation, in the locality of the proposed mining operation, the notice described in Rule 1.6.2(1)(d).
- \_\_\_\_\_ 8. In addition, after the first publication you must mail or personally serve a copy of the notice described in Rule 1.6.2(1)(d) to all owners of record of surface rights to the affected land and all owners of record of lands that are within 200 feet of the boundary of the affected land (Rule 1.6.2(1)(e)). A copy of a form which includes all required information for the notice is attached for your use.

9. Prior to the Office making a decision (consideration of the application), you MUST submit a copy of the proof of publication from the newspaper and proof of all required notices. Proof of the notices may be by submitting copies of return receipts of a certified mailing or by proof of personal service (Rules 1.4.1(4), 1.4.2(4)(c), 1.6.2(1)(a)(ii), and 1.6.2(1)(g)).

The copy of the application and any changes or additions placed at the office of the county clerk or recorder shall NOT be recorded, but shall be retained there for at least sixty (60) days after a decision on the application by the Office and be available for inspection during this period. At the end of this period, the application may be reclaimed by the applicant or destroyed (Rule 1.6.2(2)).

#### **APPLICATION REVIEW PROCEDURES:**

The Office shall approve or deny the application within ninety (90) days of filing unless the date for consideration by the Office is extended pursuant to Rule 1.8. The time for consideration shall not be extended beyond ninety (90) days after the last such change submitted. For complex applications, the review period may be extended an additional sixty (60) days. Please see Rule 1.1(10) for the definition of what constitutes a complex application.

#### **APPLICATION APPROVAL/DENIAL:**

If the requirements of the Act and Mineral Rules have been satisfied, the Office will approve the application. The Act also provides for automatic approval if no action is taken by the Office by the end of the review period.

If the Act and Regulation requirements have not been satisfied, the Office will deny the application. If the Office denies the application, you may appeal to the Board for a final determination by submitting a written request for administrative appeal to the Board within 60 days of the decision date (Rule 1.4.7).

#### **PERFORMANCE AND FINANCIAL WARRANTIES:**

A performance warranty, and a financial warranty dollar amount determined during the application review process, must be submitted and approved by the Office PRIOR to permit issuance. A financial warranty should NOT be submitted until a decision on the application has been made. If the applicant is a unit of state or county government, then ONLY a performance warranty is required.

Several different types of financial warranties are allowed by the law. Please review Rule 4.0 to determine which type of financial warranty you desire to use. You may obtain the appropriate warranty forms from the Office during the application review period.

Please note that an application approval DOES NOT convey a right to begin operations. You MUST submit, and have approval of your performance and financial warranties, and receive your copy of the signed permit document PRIOR to beginning on-site mining activity.

#### **AUTOMATIC PERMIT APPROVAL:**

An automatic approval will occur where the Office fails to notify the applicant/operator that the application has been denied. This decision must be made ninety (90) calendar days from the date the application was determined to have been filed. However, the performance and financial warranties must be submitted and approved by the Office before the permit will be issued even if you receive an automatic approval. NO MINING OPERATIONS SHALL BEGIN UNTIL A PERMIT IS ISSUED (Section 34-32.5-109(1), C.R.S.).

### **COMPLIANCE WITH OTHER LAWS:**

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board **DOES NOT** relieve you of your responsibility to comply with all other applicable state and federal laws. We recommend that you contact the following agencies to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of historical significance including the need for an archeological survey, procedures for requesting a file search, and inventory forms to identify structures.
- Colorado Division of Water Resources with regard to water rights;
- Colorado Department of Health, Water Quality Control Division, with regard to the discharge of pollutants into the State waters;
- Colorado Department of Health, Air Pollution Control Division, with regard to the need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation will occur on federal lands;
- U. S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which your proposed operation is located. Section 34-32.5-109(3), C.R.S., requires a mining operator to be responsible for assuring that the mining operation and the post-mining land use comply with local land use regulations and any master plan for extraction adopted pursuant to Section 34-1-304, C.R.S.

### **COMPLETION OF MINING:**

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and 4.16 for details on how to request a reclamation responsibility release from the Board.



# 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   -        -        -        (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):** \_\_\_\_\_

1.1 Type of organization (corporation, partnership, etc.): \_\_\_\_\_

2. **Operation name (pit, mine or site name):** \_\_\_\_\_

3. **Permitted acreage (new or existing site):** \_\_\_\_\_ permitted acres

3.1 Change in acreage (+) \_\_\_\_\_ acres

3.2 Total acreage in Permit area \_\_\_\_\_ 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 commoditie(s) to be mined:** \_\_\_\_\_

5.1 Incidental commoditie(s) 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 commoditie(s) to be mined: \_\_\_\_\_

5.3 Anticipated end use of incidental commoditie(s) to be mined: \_\_\_\_\_

6. **Name of owner of subsurface rights of affected land:** \_\_\_\_\_  
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** \_\_\_\_\_

8. **Type of mining operation:** \_\_\_\_\_ Surface \_\_\_\_\_ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: \_\_\_\_\_

PRINCIPAL MERIDIAN (check one): \_\_\_\_\_ 6th (Colorado) \_\_\_\_\_ 10th (New Mexico) \_\_\_\_\_ Ute

SECTION (write number): \_\_\_\_\_ S \_\_\_\_\_

TOWNSHIP (write number and check direction): T \_\_\_\_\_ North \_\_\_\_\_ South

RANGE (write number and check direction): R \_\_\_\_\_ East \_\_\_\_\_ West

QUARTER SECTION (check one): \_\_\_\_\_ NE \_\_\_\_\_ NW \_\_\_\_\_ SE \_\_\_\_\_ SW

QUARTER/QUARTER SECTION (check one): \_\_\_\_\_ NE \_\_\_\_\_ NW \_\_\_\_\_ SE \_\_\_\_\_ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): \_\_\_\_\_

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"  
(W) 104° 59' 3.87"

Latitude (N): deg \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_.\_\_\_\_\_ (2 decimal places)

Longitude (W): deg \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_.\_\_\_\_\_ (2 decimal places)

OR

Example: (N) 39.73691°  
(W) -104.98449°

Latitude (N) \_\_\_\_\_.\_\_\_\_\_ (5 decimal places)

Longitude(W) \_\_\_\_\_.\_\_\_\_\_ (5 decimal places)

OR

Universal Tranverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13  
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) \_\_\_\_\_ Zone \_\_\_\_\_

Easting \_\_\_\_\_

Northing \_\_\_\_\_

11. **Correspondence Information:**

**APPLICANT/OPERATOR** (name, address, and phone of name to be used on permit)

Contact's Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Street/P.O. Box: \_\_\_\_\_ P.O. Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: (\_\_\_\_\_) - \_\_\_\_\_  
Fax Number: (\_\_\_\_\_) - \_\_\_\_\_

**PERMITTING CONTACT** (if different from applicant/operator above)

Contact's Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Street/P.O. Box: \_\_\_\_\_ P.O. Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: (\_\_\_\_\_) - \_\_\_\_\_  
Fax Number: (\_\_\_\_\_) - \_\_\_\_\_

**INSPECTION CONTACT**

Contact's Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Street/P.O. Box: \_\_\_\_\_ P.O. Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: (\_\_\_\_\_) - \_\_\_\_\_  
Fax Number: (\_\_\_\_\_) - \_\_\_\_\_

**CC: STATE OR FEDERAL LANDOWNER (if any)**

Agency: \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: (\_\_\_\_\_) - \_\_\_\_\_

**CC: STATE OR FEDERAL LANDOWNER (if any)**

Agency: \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: (\_\_\_\_\_) - \_\_\_\_\_

12. **Primary future (Post-mining) land use (check one):**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Cropland(CR)                  | <input type="checkbox"/> Pastureland(PL)          | <input type="checkbox"/> General Agriculture(GA)   |
| <input type="checkbox"/> Rangeland(RL)                 | <input type="checkbox"/> Forestry(FR)             | <input type="checkbox"/> Wildlife Habitat(WL)      |
| <input type="checkbox"/> Residential(RS)               | <input type="checkbox"/> Recreation(RC)           | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | <input type="checkbox"/> Solid Waste Disposal(WD) |  |

13. **Primary present land use (check one):**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Cropland(CR)                  | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA)   |
| <input type="checkbox"/> Rangeland(RL)                 | <input type="checkbox"/> Forestry(FR)    | <input type="checkbox"/> Wildlife Habitat(WL)      |
| <input type="checkbox"/> Residential(RS)               | <input type="checkbox"/> Recreation(RC)  | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) |  |  |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): \_\_\_\_\_

\_\_\_\_\_

15. **On Site Processing:** ☐ Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): \_\_\_\_\_

\_\_\_\_\_

List any designated chemicals or acid-producing materials to be used or stored within permit area: \_\_\_\_\_

\_\_\_\_\_

16. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Maps and Exhibits:**

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

**Responsibilities as a Permittee:**

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

- 
1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;

- \_\_\_\_\_ 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
- \_\_\_\_\_ 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
- \_\_\_\_\_ 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
- \_\_\_\_\_ 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- \_\_\_\_\_ 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
- a. the name of the operator;
  - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
  - c. the permit number.
- \_\_\_\_\_ 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.
- \_\_\_\_\_ 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.
- \_\_\_\_\_ 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
- \_\_\_\_\_ 10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

**NOTE TO COMMENTORS/OBJECTORS:**

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office's review and decision or appeals process, you may contact the Office at (303) 866-3567.

**Certification:**

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.;
3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.
4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

*This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.*

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

Corporate Secretary or Equivalent

Title: \_\_\_\_\_

Town/City/County Clerk

State of \_\_\_\_\_ )  
 ) ss.

County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

**SIGNATURES MUST BE IN BLUE INK**

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a



proposed mining operation. The following is a sample of the Notice required for Rule 1.6.2(1)(b) that you may wish to use.

### **NOTICE**

This site is the location of a proposed construction materials operation. (Name of the Applicant/Operator) \_\_\_\_\_, whose address and phone number is (Address and Phone Number of the Applicant/Operator) \_\_\_\_\_, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) \_\_\_\_\_ County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) \_\_\_\_\_, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining, and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203.

### **Certification:**

I, \_\_\_\_\_, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) \_\_\_\_\_, on (Date Posted) \_\_\_\_\_, .

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

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

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS  
\_\_\_\_\_ COUNTY

\_\_\_\_\_ (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 \_\_\_\_\_ 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 \_\_\_\_\_ 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.

**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.

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

NOTICE TO THE BOARD OF SUPERVISORS  
OF THE LOCAL CONSERVATION DISTRICT  
\_\_\_\_\_ DISTRICT

\_\_\_\_\_ (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 \_\_\_\_\_ 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 \_\_\_\_\_ use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Conservation Districts 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.

**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.

AN EXAMPLE PUBLIC NOTICE WHICH MEETS THE REQUIREMENTS OF THE STATUTES IS SHOWN BELOW. THE BLANKS WHICH REQUIRE DATES WILL NEED TO BE FILLED IN ACCORDING TO THE FOLLOWING INSTRUCTIONS. PLEASE READ CAREFULLY.

PUBLICATION INSTRUCTIONS:

Date of commencement and date of completion should represent the dates which you feel most accurately describe the life of the operation.

For all Regular (112) types of operations, this notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date the application is considered to be submitted to the Division. The final date for receiving comments is the 20th day after the fourth publication or the next regular business day.

All notices must be published in a newspaper of general circulation in the locality of the proposed mining operation and mailed to the landowners as set forth in the Colorado Mined Land Reclamation Rules and Regulations. Since the date for consideration of your application may change, DO NOT include it in this notice.

For a complete discussion of the notice procedures and objections, please refer to C.R.S. 34-32.5-112(10), 114 and 115.

\*\*\*\*\*  
\*\*\*\*\*

PUBLIC NOTICE

(Operator Name) \_\_\_\_\_; (Address and Phone Number) \_\_\_\_\_,  
has filed an application for a Regular (112) Construction Materials Operation Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the (Name of the Mine) \_\_\_\_\_, and is located at or near Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, \_\_\_\_\_ Prime Meridian.

The proposed date of commencement is \_\_\_\_\_, \_\_\_\_\_, and the proposed date of completion is \_\_\_\_\_. The proposed future use of the land is (Future Landuse) \_\_\_\_\_. Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the (County Name) \_\_\_\_\_ County Clerk and Recorder's office; (Clerk and Recorder's Address) \_\_\_\_\_, or the above-named applicant.

Comments must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on (Final Date for Comments) \_\_\_\_\_.

*Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.*

An example Structure Agreement which meets the requirements of the Statutes is shown below.

\*\*\*\*\*

## **Structure Agreement**

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. ( *Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

**The following structures are located on or within 200 feet of the proposed affected area:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

## **CERTIFICATION**

The Applicant, \_\_\_\_\_ (print applicant/company name),  
by \_\_\_\_\_ (print representative's name), as \_\_\_\_\_ (print  
representative's title), does hereby certify that \_\_\_\_\_ (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for \_\_\_\_\_ (operation name),  
File Number M-\_\_\_\_-\_\_\_\_\_.

***This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its  
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and  
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.  
Any alteration or modification to this form shall result in voiding this form.***

## **NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

Applicant \_\_\_\_\_ Representative Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_

**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )

) ss.

COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Notary Public