

STATE OF  
COLORADO

Carter - DNR, Jocelyn &lt;jocelyn.carter@state.co.us&gt;

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**Falk Pit #1 M-2010-043 CN-1 Adequacy Review**

1 message

**Carter - DNR, Jocelyn** <jocelyn.carter@state.co.us>

Fri, Oct 4, 2024 at 2:50 PM

To: masonchamberlain@yahoo.com

Cc: Amy Eschberger - DNR &lt;amy.eschberger@state.co.us&gt;, Corie Flores &lt;corieflores@gmail.com&gt;, Ursula Armstrong - DNR &lt;ursula.armstrong@state.co.us&gt;

Good afternoon Mr. Chamberlain,

Please see the attached adequacy letter for the conversion application for this permit. The decision date for this application is November 18, 2024. If more time is needed to address the items listed in the attached letter, an extension request must be submitted to the Division in writing prior to the decision date.

Prior to the Division making a decision, it is required to conduct an inspection of the site in accordance with Rule 3.2(7). Please let me know if you will be available October 22, 2024, for an inspection of the Falk Pit #1.

I also noticed that the annual report, map, and fee for this permit are past due; the due date was September 22, 2024. Please log onto the [ePermitting](#) system and complete the annual report, upload the current map (not the proposed permit maps associated with the CN-1 application), and pay the annual fee as soon as possible to avoid enforcement action. You can use the hyperlink provided or the site url provided at the end of this email to access the portal.

If you have any questions or concerns, please let me know.

Enjoy your weekend.

~Jocelyn

ePermitting site: [https://dnrlaserfiche.state.co.us/Forms/DRMSeForms\\_LandingPage](https://dnrlaserfiche.state.co.us/Forms/DRMSeForms_LandingPage)

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Jocelyn Carter  
Environmental Protection Specialist  
Division of Reclamation, Mining, and Safety  
1313 Sherman St Suite 215  
Denver, CO 80203  
cell: (720) 666-1065



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194K



October 4, 2024

Mason Chamberlain  
Chamberlain Concrete  
36415 U. S. Highway 385  
P.O. Box 425  
Wray, CO 80758

**RE: Falk Pit #1 - File No. M-2010-043,  
Permit Conversion Application (CN-1)  
Adequacy Review**

Dear Mason Chamberlain:

On August 20, 2024, the Division of Reclamation, Mining and Safety (Division/DRMS) considered the Construction Materials Reclamation Permit Conversion application (CN-1) for the Falk Pit #1, located in Phillips County, complete and filed. Upon review of the application there are some items that require further clarification and/or information. Please address the following adequacy items in a letter and provide any additional supplementary items required:

**Exhibit A – Legal Description**

1. Provide the latitude and longitude of the main entrance as outlined in Rule 6.4.1(2).

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

2. The map titled “Mining Plan Map – Exhibit C1” shows the permit area of 13.19 and there is a section denoted as “ACTIVE MINED AREA”. The description provided in Exhibit A – Legal Description states that the pit is 11.9 acres. Please clarify if the area labeled as “ACTIVE MINED AREA” is the pit being described in Exhibit A – Legal Description in accordance with Rule 6.4.3(d).
3. Rule 6.4.3(d) requires that “the total area to be involved in the operation, including the area to be mined and the area of affected land” be provided on the mining plan map. The “Mining Plan Map – Exhibit C1” shows the permitted area and the active mined area but does not specify any areas of future mining. Please clarify if there are any areas that will be mined in the future. For any such areas, please provide the size(s) and shape(s) on the “Mining Plan Map – Exhibit C1”.
4. On the map titled “Mining Plan Map – Exhibit C1”, there are arrows showing the direction of mining. The arrow in the southeastern portion of the “ACTIVE MINED AREA” points to the southeast which is contrary to what is stated in Exhibit D – Mining Plan. Please clarify the movement of the mining operation so that the narrative provided



in Exhibit D – Mining Plan and what is shown on Exhibit C – Pre-mining and Mining Plan Map of Affected Lands are in agreeance.

5. Rule 6.4.3(e) requires that the type of vegetation covering the affected lands be provided on the Exhibit C – Pre-mining and Mining Plan Map of Affected Lands. Please provide information about the current vegetative cover of the affected area. Rule 6.4.3(i) allows aerial photos to be provided in this section to satisfy requirements outlined within Rule 6.4.3.

#### **Exhibit D – Mining Plan**

6. Under item ‘e’ of the Exhibit D – Mining Plan narrative submitted it states that a screen will be utilized if sorting occurs on site while item ‘m’ states that no processing of material will occur on site. These two statements contradict each other. Please clarify if any processing will occur on site, and if so, provide details about the type and size of equipment that will be used for processing in accordance with Rule 6.4.4(a).
7. Please clarify the size of the area to be worked at any one time in accordance with Rule 6.4.4(d).
8. Rule 6.4.4(f)(ii) requires information about the nature of the stratum immediately below the material to be mined. Please provide this information in the narrative of Exhibit D – Mining Plan.
9. According to the map titled “Mining Plan Map – Exhibit C1”, there is a small road at the entrance of the permit area that stems off a pre-existing farm road. Provide the dimension of the road in accordance with Rule 6.4.4(j).
10. Item ‘f’ of the submitted Exhibit D – Mining plan states “There are no existing disturbances to describe at the site.” This statement contradicts the information given in Exhibit A – Legal Description of a pit already in existence and the map titled “Mining Plan Map – Exhibit C1” with the area described as “ACTIVE MINED AREA”. Please provide a description of the area marked as “ACTIVE MINED AREA” in the mining plan narrative.

#### **Exhibit E – Reclamation Plan**

11. It is understood by the Division that topsoiling will not occur in the affected areas of the Patent Creek bed as the topsoil would be washed away during times of heavy rain. The affected areas outside of the creek bed will be topsoiled to its original approximate depth. Provide the acreage associated with the two areas in accordance with Rule 6.4.5(2)(a).
12. The post-mining land use for the site is wildlife habitat. Provide a statement comparing

the post-mining land use to the land uses in the vicinity in accordance with Rule 6.4.5(2)(b).

13. The location of the topsoil stockpiles is within Patent Creek according to what is shown on the map titled “Mining Map Plan – Exhibit C1”. It is stated in the Exhibit E – Reclamation Plan submitted that topsoil will not be placed in the creek bed because it would be washed away during heavy rainfall. Rule 3.1.9(3) and Rule 6.4.5(2)(d) require that the location of the topsoil stockpile be placed within the permit area where it will be protected and properly preserved for use during reclamation operations. Please reconsider the location of the topsoil stockpiles and update the location on the Exhibit C – Pre-mining and Mining Plan Map.
14. Provide more details about the seed mixture and recommendations the Operator has received from the Haxtun Natural Resource Conservation Service. Specify the seed types, mixtures, quantities, and expected times of seeding and planting in accordance with Rule 6.4.5(f)(ii).

#### **Exhibit F – Reclamation Plan Map**

15. The map titled “Reclamation Plan Map – Exhibit F” shows that the permit area is categorized into two different reclamation types, “REVEGETATED” and “CREEK BED (NO SEEDING)”. Please provide the acreages associated with each category on the map.

#### **Exhibit I – Soil Information**

16. The soils map provided is not legible, please provide an updated soils map in accordance with Rule 6.4.9(1).

#### **Exhibit J – Vegetation Information**

17. The information submitted in Exhibit J – Vegetation is limited and does not provide full information required by Rule 6.4.10(1). Please provide more information about the vegetation that addresses the principal species present on the affected lands to satisfy Rule 6.4.10(1)(a). A soils map accompanied with a satellite image of the permit area would be sufficient to satisfy Rule 6.4.10(1)(b) and Rule 6.4.10(2).

#### **Exhibit L – Reclamation Costs**

18. At this time, the Division cannot calculate the reclamation costs of the proposed operation because of insufficient information about the disturbances and the sizes of the areas that will be topsoiled and the anticipated revegetation plan. Information about the seed mix, rate of seeding, and the size of the area(s) to be seeded are unclear. Please refer to items #3, #11, #14, and #15 above. Upon receiving this required information, the

Division will calculate the reclamation cost estimate and provide the Operator with the estimate during the process of reviewing the CN-1 application.

**General Application**

19. The Division has not received proof of publication for the public notice as required by Rule 1.6.2(1)(d) and Rule 1.6.5(2). Please submit proof of publication for the public notification of the CN-1 application submitted and the dates of the publications as outlined in Rule 1.6.5(2). The notification should have been made public in a local newspaper publication.

This concludes the Division's first adequacy review of the CN-1 application for the Falk Pit #1. The decision date for the CN-1 application is scheduled for **November 18, 2024**. Please respond in a timely manner to allow the Division about two weeks to review the responses to the issues outlined in this letter. If more time is required to address the items above, provide a written request for an extension of the decision date before **November 18, 2024**.

If you have any questions, please contact me by telephone at (720) 666-1065, or by email at [Jocelyn.carter@state.co.us](mailto:Jocelyn.carter@state.co.us).

Sincerely,



Jocelyn L. Carter  
Environmental Protection Specialist

Ec: Amy Eschberger, DRMS  
Ursula Armstrong, DRMS  
Corie Flores, Chamberlain Enterprises, LLC