

November 4, 2024

Jodi Schreiber
PFM Consulting LLC
1774 N. Cougar Drive
Pueblo West, CO 81007

RE: McClave Ranch Pit, File No. M-2024-038, 112 Construction Materials Reclamation Permit Application, Adequacy Review #3

Ms. Schreiber:

The Division of Reclamation, Mining and Safety (Division) has completed its adequacy review #3 of your 112 Construction Materials Reclamation Permit Application submitted for the McClave Ranch Pit located in Bent County. All comment and review periods for the application began on July 29, 2024, when the application was called complete for filing purposes. The decision date for the application is currently set for November 11, 2024.

The Division's review consisted of comparing the application content with the requirements of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. The Division has identified adequacy items in the application requiring clarification or additional information. These items are identified below under their respective exhibit heading and are numbered sequentially.

Exhibit D – Mining Plan (Rule 6.4.4):

- 1) Please provide an updated letter from the landowner stating their desire for the road to remain. The provided letter from the landowner is giving permission to Rocktran, this permission needs to be granted to Premium Pellets LLC who is the permittee of the proposed mining operation. Additionally, the email from the landowner refers to a "short access road" to remain for reclamation, which does not correlate with the approximately 2,000 foot long road the applicant is proposing to remain for reclamation, according to the Exhibit F Reclamation Plan Map provided. Please ensure the revised letter from the landowner acknowledges leaving the full length of the access road proposed. This could be accomplished by having the landowner acknowledge in the letter that they reviewed the Exhibit F Reclamation Plan Map submitted with the application and have no issues with the full road depicted on this map remaining after reclamation.

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

- 2) In reference to the applicant's response to item #17, while the Lamar Light and Power service poles are outside the 200 foot boundary, the utility powerline is within the 200 foot boundary. The Division considers all components of a utility to be a structure under Rule 6.4.19. Please provide a notarized



structure agreement with Lamar Light and Power. If this is unattainable, a notarized attempt for this agreement can be provided and then an appropriate engineering evaluation showing the structure shall not be damaged by mining activities must be submitted.

Additional Items:

- 3) In its response to item #20, the applicant stated “Please see the enclosed email confirmation of receipt of Adequacy Review #1 and #2”. However, the Division was unable to find this proof with the materials submitted. Please provide an affidavit or receipt indicating the date the revised application materials were placed with the local County Clerk and Recorder, per Rule 6.4.18.

This concludes the Division’s adequacy review #3 of your application. Please ensure the Division sufficient time to complete its review process by responding to these adequacy items prior to the decision date, by **November 11, 2024**. If additional time is needed to respond, you must submit an extension request to our office prior to the decision date.

If you have any questions, you may contact me by telephone at 720-793-3031, or by email at ursula.armstrong@state.co.us.

Sincerely,



Ursula Armstrong
Environmental Protection Specialist

Cc: Ron Peterson, Premium Pellets LLC
Amy Eschberger, DRMS