



November 18, 2024

Jordan Power
P B & S Sand and Gravel LLC
P.O. Box 863
Rye, CO 81069

**RE: Ghost River Gravel Pit, File No. # M-2024-029, New 112c Application,
Adequacy Review No. 2**

Dear Jordan Power,

The Division of Reclamation, Mining and Safety (Division/DRMS) is in the process of reviewing the above referenced application and the adequacy responses received by the Division on October 25, 2024 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.

Items numbered 1-31 address the responses to the initial adequacy review. Portions in **bold text** require additional action/clarification. Item **number 32** is a new adequacy item to be addressed.

Application Pages:

- ~~1. On the third page of the re-submitted application pages (included in the Incompleteness Responses) Jordan Power is listed as both the Applicant/Operator and the Inspection Contact. The city provided in the Applicant/Operator section says "Rye" and in the Inspection Contact section, "Colorado City".~~
~~→ Please clarify which city is correct.~~

Item #1: This has been adequately addressed.



Exhibit A – Legal Description

2. *In the first sentence, and after “Entrance”, the longitude measurement is given as a positive coordinate (104.749247°).*
→ *Please update the longitude coordinates provided on the Exhibit A narrative page to reflect “-104.749247°” and resubmit the page.*

Item #2:

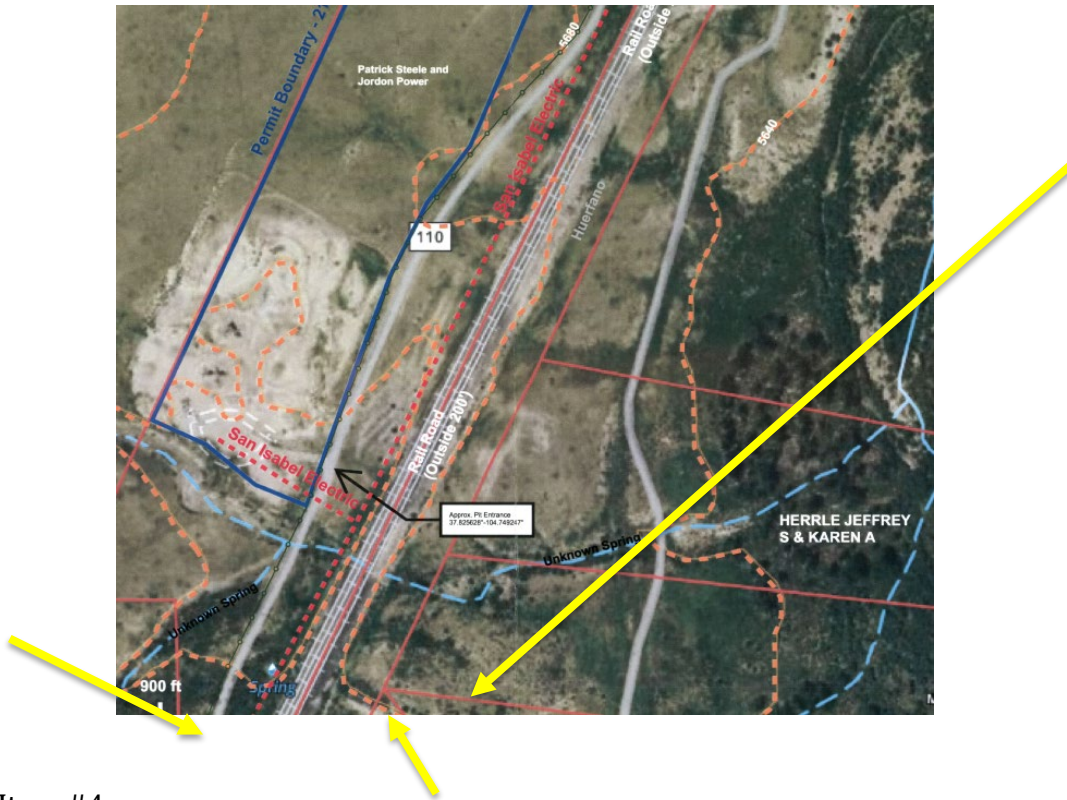
- The longitude coordinate after “Entrance” was corrected on the re-submitted Exhibit A: Legal Description page included in the adequacy responses.
- **Please update the first sentence on the Legal Description page to reflect a negative longitude coordinate “-104.749247°” and resubmit Exhibit A.**

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

- ~~3. The scale is cut off on the Exhibit C – Existing Conditions map and on the Exhibit D – Mining Plan Map.~~
→ ~~Please include a scale bar that meets the requirements of Rule 6.2.1(2)(e) on both maps.~~

Item #3: This has been adequately addressed.

4. *On the Exhibit C – Existing Conditions map and the Exhibit D – Mining Plan Map, at least two property parcels (located south-east and adjacent to the Applicant’s property) do not indicate the property owner(s). Additionally, the Applicant’s southern property boundary is not shown on the map (see yellow arrows on the image below).*
→ *Please provide the names of all adjoining surface owners of record, pursuant to Rule 6.4.3(a).*

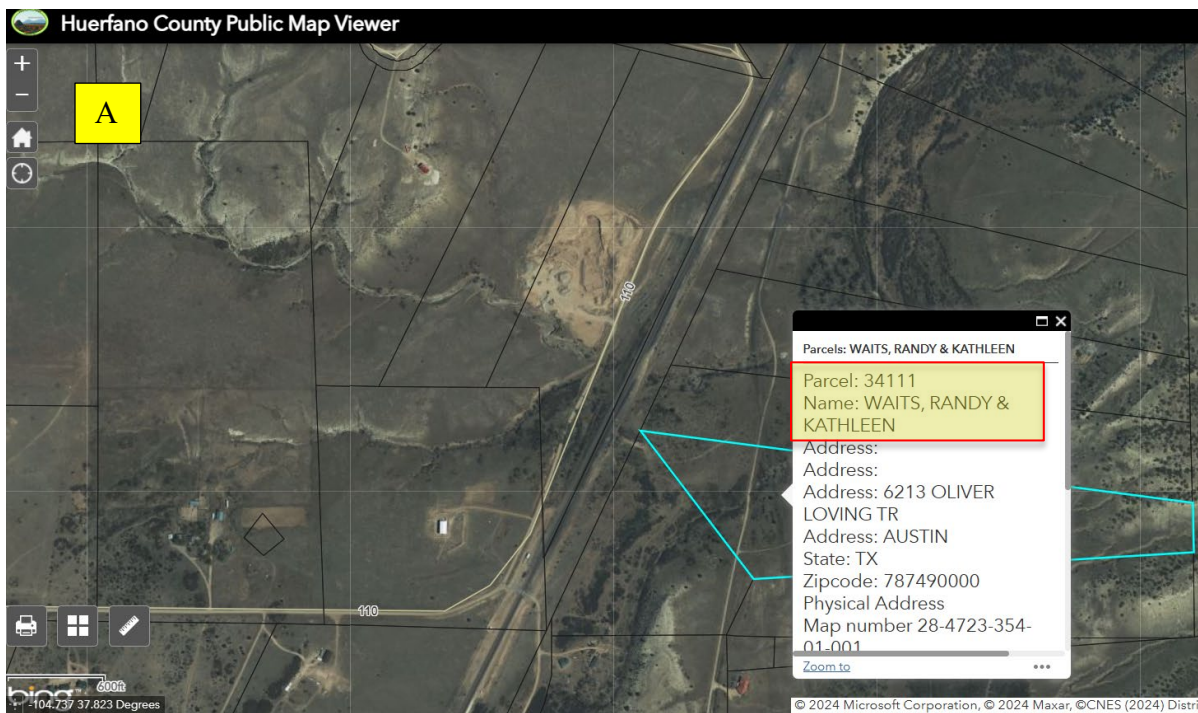


Item #4:

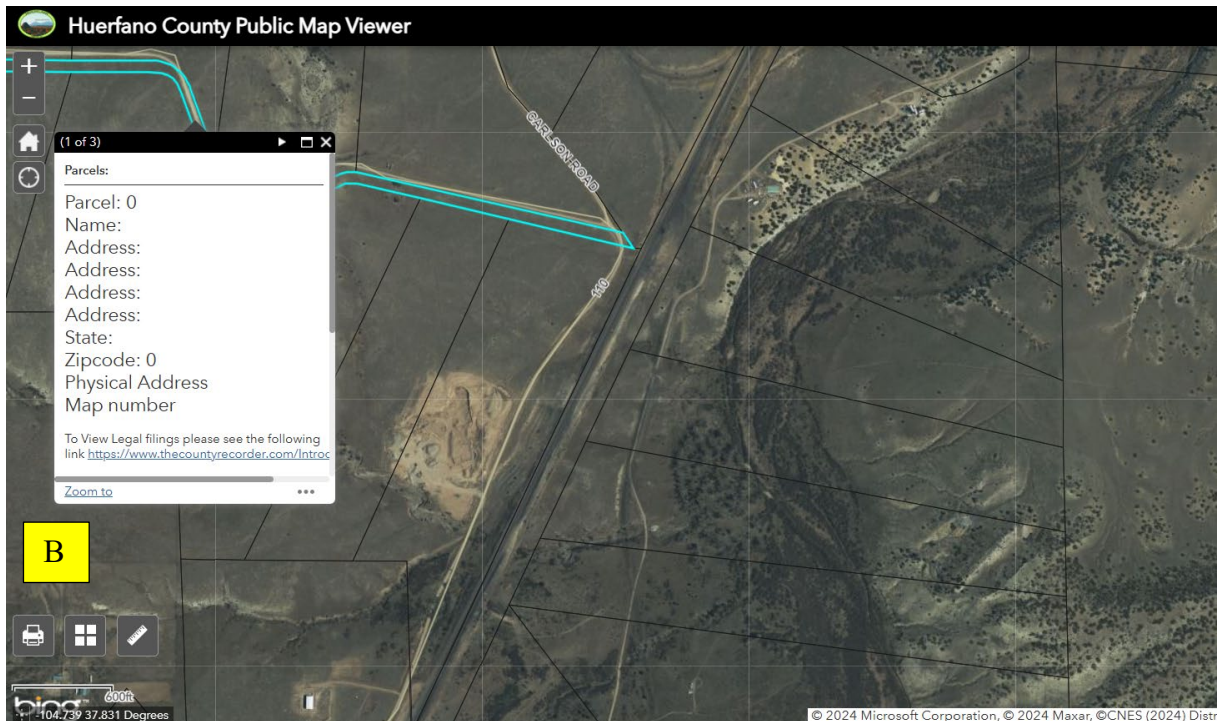
"..at least two property parcels (located south-east and adjacent to the Applicant's property) do not indicate the property owner(s)."

- The Applicant provided the updated names for these two parcels (shown below). However, in image 'A' below (sourced from the Huerfano County assessor site) there appears to be a discrepancy regarding the owners for parcel no. 34111.

--Please determine which is correct, clarify the owner information with the Division, and resubmit the map if the recent submission is incorrect.



- According to the parcel map on the Huerfano County Assessor site, there appears to be an additional partial to the north of the parcel owned by the applicant (see 'B' below). However, no parcel information is provided on the site.
--Please determine which is correct, clarify the owner information with the Division, and resubmit the map if the recent submission is incorrect.



"Additionally, the Applicant's southern property boundary is not shown on the map"

- The map submitted with the adequacy responses does not show the southern boundary of the map. In image 'C' below, it appears that the Applicant's parcel abuts only two parcels on its south end with the west belonging to 'Villard, Sean M' and the east to the Railroad.
--Please confirm whether this information is correct and if so, the map does not need to include the southern tip of the parcel.

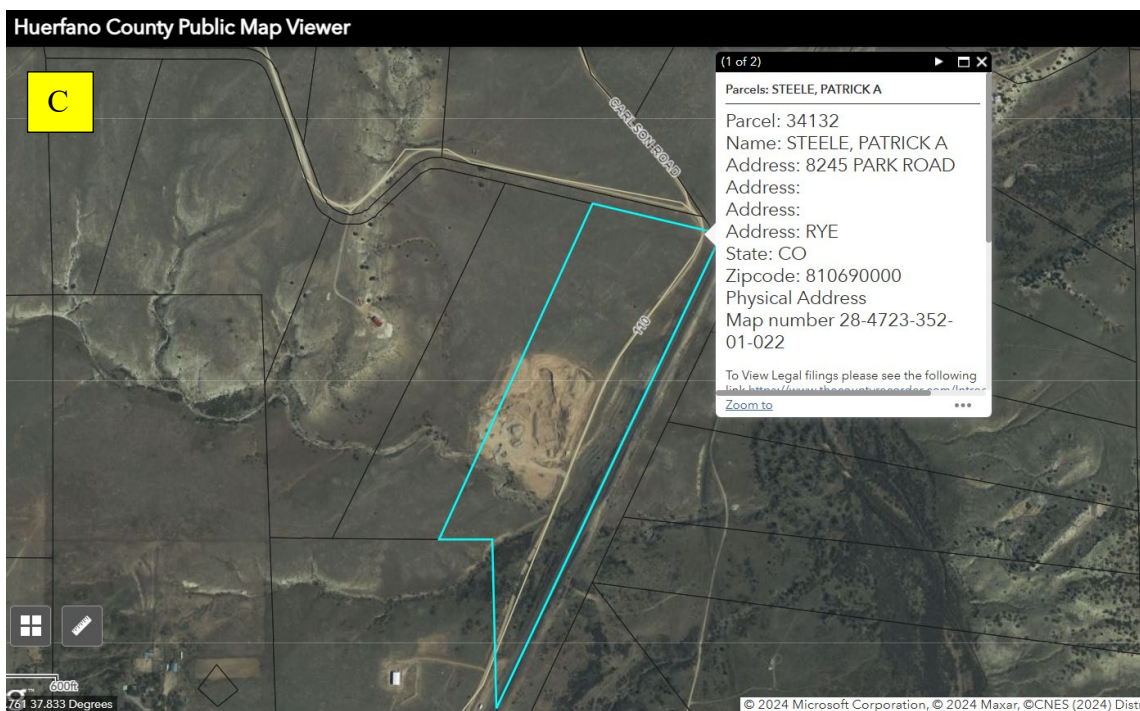


Exhibit D – Mining Plan

5. *As a protective measure, and to aid in clarification, please include a description of the disturbance caused as a result of mining from the previously permitted application in the Mining Plan narrative. Please also outline the current disturbance on and around the proposed site that had occurred during the previous mining operation, on a new map or on the Exhibit C - Existing Conditions Map.*

Item #5:

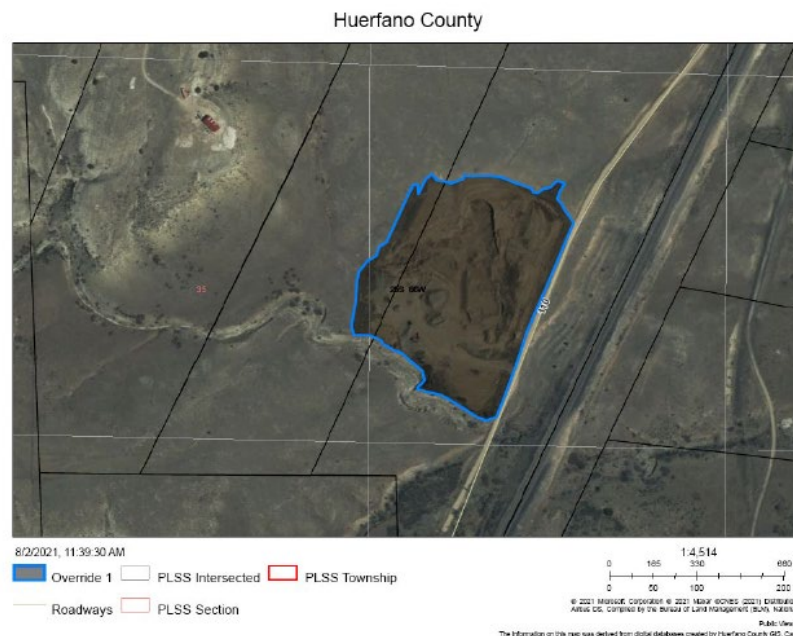
- The Applicant added a figure and a couple corresponding sentences above the figure to briefly outline the disturbance caused by the previous permitted operation.
--Please provide a more detailed description of the current/pre-existing disturbance onsite (highwall, stockpiles, access road(s), etc.).
--Please describe what disturbance exists adjacent to the newly proposed permit area that is not to be re-disturbed during this operation.

6.4.4 Exhibit D

Mining Plan

(permit no. M-2003-002)

The Ghost River Gravel Pit was a construction aggregate site of 9.9 acres. The previous mining disturbed the following **based upon DRMS' calculations on 8/2/2021** and encompassed approximately **11.3 acres**. This is also outlined in the Exhibit C Existing Conditions Map to show the previously mined area, and the proposed new permit boundary.



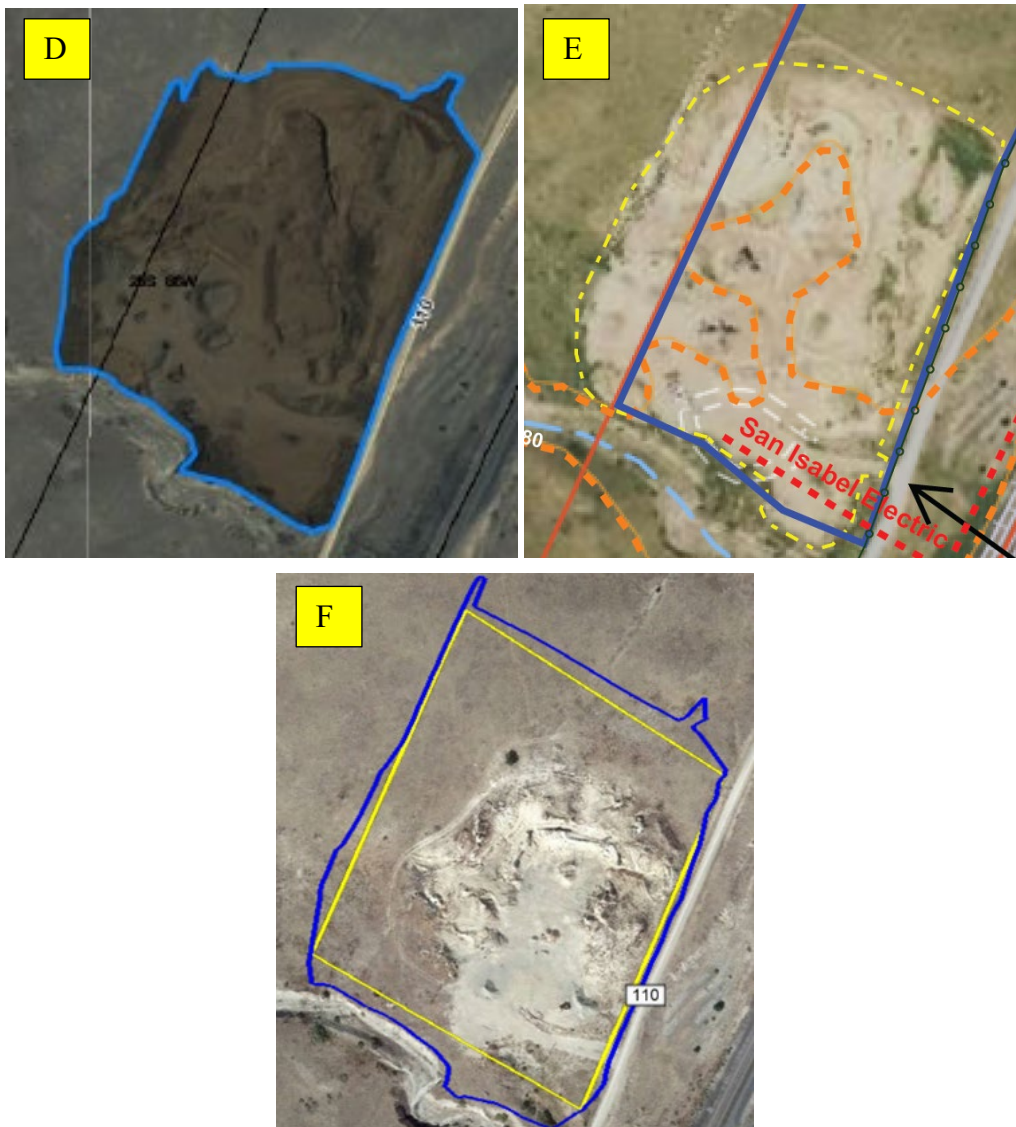
This application package will re-permit the site with a new operator, P B & S Gravel LLC. In addition, 11.7 acres will be added to the permit to incorporate areas to the north of the previous permit boundary. Access to the site will be from Huerfano County Road 110 at the southeast corner of the site.

'is for a separate operation by the same name, and'

******The text boxes above, added to a picture of the Applicant's resubmitted page, are only suggestions to further aid in clarification and the distinguishing between the revoked permitted operation and the newly proposed operation.

******The highlighted sections correspond with the bullet point below.

- The figure added to the Exhibit D: Mining Plan Narrative (D) differs from the pre-existing disturbance outline added to the Exhibit D: Mining Map (E) and from the Division's inspection map included in the Division's July 28, 2021 report (F). [Bullet item continued below images]



--The Applicant's image (D) is also from the Division's July 28, 2021 inspection report, as there were two approximations of the affected acreage mentioned in the report. The figure showing 11.3 acres of disturbance was included in the report to show more recent aerial imagery than what was available in Google Earth at that time. The 11.8 acre disturbance boundary was sourced from the Division walking along the actual disturbance onsite, and therefore was the reference for the affected land outside of the permit boundary violation found by the Mined Land Reclamation Board (Board).

For your convenience, and so that the records more closely match, I have included in the email copy of this review a KML file of the Division's 11.8 acre disturbance boundary to incorporate on your maps.

--Please update the Exhibit D Mining Plan to reflect that the existing disturbance is 11.8 acres.

--Please update the Exhibit D Mining Map with the pre-existing disturbance boundary and resubmit the exhibits.

6. Rule 6.4.4(a) requires the Applicant to provide 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". On the Exhibit D – Mining Plan Map, the Applicant provides a "Typical Section" view of the site (see images below). The cross section depicts the sides of the pit being sloped at a 3H:1V, up to the permit boundary. Additionally, a note on the map states that "All slopes shall be mined to a 3:1 or flatter, except for the working face".
- Please clarify whether the Applicant intends for all the highwalls to be within the pit, and away from the perimeter of the affected area against the permit boundary. This meaning that no highwalls would occur along the permit boundary to ensure that all side slopes are not mined at a slope angle greater than 3H:1V.



Item #6:

- The Applicant clarified that "all highwalls to be within the pit and away from the perimeter of the affected area against the permit boundary. No highwall will occur along the permit boundary and ensures that all side slopes will not be mined at a slope greater than 3H:1V."

--Please include this information in the Exhibit D Mine Plan narrative and resubmit the exhibit.

7. *On the Exhibit D – Mining Plan Map, the Applicant provides a “Typical Section” view of the site (see images above), that states that the depth of the pit varies and is approximately 20 feet.*

→ *Please clarify whether 20 feet will be the maximum depth of the pit, or if it is the average depth of the pit. If it is the later, please provide a maximum depth measurement.*

Item #7:

- The Applicant clarified that “the maximum mining depth will be 20 feet”.
--Please include this information in the Exhibit D Mine Plan narrative and resubmit the exhibit.

8. *Rule 6.4.4(d) requires the Applicant to provide the “the size of area(s) to be worked at any one time”.*

→ *Pursuant to Rules 6.4.4(d-e), please provide an estimate of the amount of time required to mine each Phase of the operation.*

Item #8:

- The Applicant clarified that “each phase is estimated to take 2-3 years to mine out, but is dependent on aggregate quality and local economic factors.”.
--Please include this information in the Exhibit D Mine Plan narrative and resubmit the exhibit.

9. *The Applicant states that the operation will likely take between 3-5 years, total.*

→ *Pursuant to Rule 6.4.4(e)(ii), please clarify the sequence of the phases and clarify the following inquiries:*

- Will Phase I be completed before proceeding to Phase II?*
- What is the amount of reclamation planned to be completed prior to entering into the second Phase?*
- How will mining occur at the juxtaposition of the two phases? Will processing and storage remain in the Phase I area while mining is occurring in Phase II?*
- At what point during the duration of the permit will be the point of maximum disturbance? Explain what this disturbance would involve.*

Item #9:

- The Applicant clarified that “Phase I will be completed prior to moving into Phase II. Phase I reclamation will occur concurrently to mining operations, so that when mining is finished, all slopes will be graded to a 3H:1V slope, except for the highwall which will then migrate into Phase II. Processing and storage will remain in the reclaimed floor of Phase I while mining occurs in Phase II. As such, Phase I will be reclaimed except for topsoil and seeding while Phase II is being actively mined. This will constitute the maximum disturbance; Phase I being used for processing and storage while Phase II is being actively mined”.

--Please provide a maximum disturbance acreage.

-> From the description, it appears that at the point of maximum disturbance, all of the site will be disturbed in varying degrees of reclamation and active mining? If this assumption is correct, please state that the maximum disturbance onsite during Phase I will be 10 acres, and during Phase II it will be 21.6 acres. If this is not correct, please clarify to the Division the maximum disturbance acreage for each Phase.

--Please include the information provided in the Applicant’s response, and the answer to the maximum disturbance item above, in the Exhibit D Mine Plan narrative and resubmit the exhibit.

- 10. Pursuant to Rule 6.4.4(f)(i), please indicate the thickness of the deposit to be mined and describe the type of overburden to be removed.**

Item #10:

- The Applicant clarified that “topsoil will account for the first 6” of the pit area, followed by 18”-8’ of overburden. The target material will therefore be found between 2-10’ deep and run 10-18’ in thickness”.

--Please include this information in the Exhibit D Mine Plan narrative and resubmit the exhibit.

- ~~**11. Pursuant to Rule 6.4.4(f)(ii), please provide justification as to why shale is anticipated to be the stratum immediately beneath the material to be mined.**~~

Item #11:

The Applicant stated that “The Applicant has done exploratory excavation onsite and found such during their work”.

This has been adequately addressed.

~~12. Pursuant to Rule 6.4.4(g), please state whether there will be any secondary commodities to be mined at this site.~~

Item #12:

The Applicant stated that "There will be no secondary commodities, as indicated in the application page 1 question 5."

This has been adequately addressed.

13. Within the Mining Plan, the Applicant states that all interior haul roads will be temporary and will be reclaimed after mining has been completed. On the Mining Plan Map, the haul road is shown extending from the entrance of the mine to the northeast corner. On the cross section (see image pasted with Item #6 above), it indicates that there will be a 3H:1V slope along the east side.

→ Please clarify whether the road will be sloped at a 3H:1V, or if the cross section is incorrect? If it is the latter, please provide an updated cross-section.

Item #13:

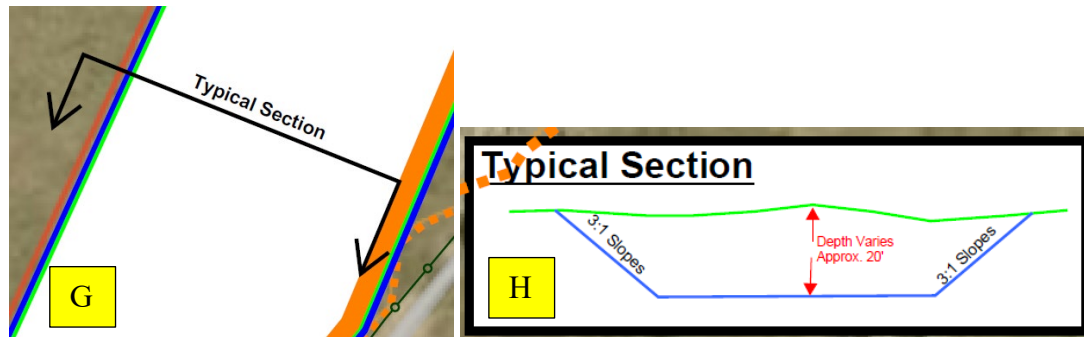
- The Applicant clarified that "the Mine Plan has been updated to state that the interior haul road will remain. The cross-section on Exhibit D Map has been updated as well".
- The reference for the cross section on maps (see image (G) below) does not correspond with the cross section (see image (H)). The east side of the reference abuts the haul road, therefore the right side should end at the top of the blue slope – unless there is to be some additional surface area between the top of the pit slope and the haul road.

--Please either:

1. Include the haul road in the reference section (G), and on the cross section (H) itself.

2. Erase the green surface portion on the right/east side of the cross section (H).

3. Clarify in the Exhibit D Mining Plan that there will be additional area left between the top of the pit slopes on the east side and the west side of the haul road and resubmit the exhibit.



14. Additionally, the Reclamation Plan map indicates that the new haul road will remain after reclamation.

- Pursuant to Rule 6.4.4(j), please specify the dimensions of the proposed road.
- Please update and clarify this information on the Mining and Reclamation plan maps and in the mining and reclamation plan narrative, as needed.

Item #14:

- The Applicant clarified that “the Mine Plan has been updated to state that the interior haul road will remain. The cross-section on Exhibit D Map has been updated as well”.
 - In the originally submitted Exhibit D Mining Plan narrative, the applicant states that “the current haul road is approximately 20 feet wide”. In the updated Exhibit D Mining Plan narrative submitted with the adequacy responses, it states that “the current haul road is approximately 30 feet wide”. The Exhibit F: Reclamation Map submitted with the adequacy responses now shows that the dimensions of the haul road upon reclamation will be “30' x 1,700 LF”.
 - When looking at the Exhibit F: Reclamation Map, it appears that the access portion of the haul road will be moved from its current location (see image (I) below).
 - **If the current dimensions of the haul road were changed in error, please edit the Exhibit D narrative and resubmit the page. If not, please disregard this point.**
 - **Please clarify the final expected dimensions of the haul road in the Exhibit D and Exhibit F narratives and resubmit the exhibits.**
 - **If the entrance to the current haul road is to be changed from its current location, please mention it in the Exhibit D Mining Plan exhibit and resubmit the page; However, if the access portion of the current haul road is to remain**

in its original configuration, please edit the maps to portray the correct orientation of the road.



Exhibit E – Reclamation Plan

15. Pursuant to Rules 6.4.5(2)(a-b), the Applicant shall provide a description of the reclamation all the affected land. In the Exhibit E - Reclamation Plan, the Applicant states that 7.0 acres of land will be converted to a Residential post-mining land use. The Exhibit E - Reclamation Plan map indicates that within the 7.0 acre area, there will be a gravel area, gravel road, house, garage, barn, roping arena, and corrals.

→ Please specify how the ground will be prepared in those areas, and how the rest of the 7.0 acre area will be reclaimed – outside of the structures.

Item #15:

- The Applicant stated that “The Applicant will prepare the gravel area outside the residential structures with a waste gravel material or a road base from the site that will reduce weeds and allow for ease of travel for the residents between structures”.
- When asked via email to clarify the depth at which the gravel in ‘Gravel Area’ will be replaced, the Applicant clarified that gravel will be replaced at a depth of 3 inches.
- In an email, the Division also asked the Applicant to clarify;

- “what is the plan for the ground preparation for the areas around the structures? (Everything I've crudely highlighted in yellow below)”(see Image (J) below)
- and “If the surrounding areas are to be seeded, will they be seeded with the same seed mix proposed for the rangeland portion? If not, please provide the seed mix and quantities for the residential area”.
 - To which the Applicant clarified that the seed mix will be the same as the reclamation mix and the ground preparation will be the same as the entirety of the pit.



--Please include the dimensions planned for each structure in the Exhibit F Reclamation Plan narrative and resubmit the exhibit.

--Please include all clarifications addressed in the cover letter and in the emails in the Exhibit F Reclamation Plan narrative and resubmit the exhibit.

--Please provide the Division with the total area calculation for the ground remaining outside of the gravel area, structures, and haul road within the 7.0 acre residential portion of the operation, include this in the Exhibit F, and resubmit the exhibit.

- 16.** Pursuant to Rule 6.4.5(2)(c) and Rule 3.1.5(9), please specify as to whether there will be any imported inert structural fill used for backfill material. If so, please provide the Division with the information required in Rule 3.1.5(9)(a-f). If not, please state that inert backfill will not be imported and/or commit to notifying the Division via submitting the information required by Rule 3.1.5(9)(a-f) if that were to change in the future.

Item #16:

- The Applicant clarified that “there will be no material imported to be used as backfill”.
--Please include this clarification in the Exhibit F: Reclamation Plan narrative and resubmit the exhibit.

- 17.** In compliance with Rules 6.4.5(2)(c-d), 3.1.9(1), and 3.1.9(3):

- Please commit to seeding topsoil stockpiles if they are not used for reclamation for greater than 180 days.
- Additionally, per Rule 3.1.9(4), please concur that once stockpiled, the topsoil stockpiles will not be relocated without the Division’s prior approval of a Technical Revision.

Item #17:

- The Applicant clarified that “the Applicant commits to seeding the topsoil piles if they are not used for greater than 180 days and that if the topsoil stockpiles are to be relocated, a Technical Revision will be sent to request that relocation.”.
--Please include this clarification in the Exhibit F: Reclamation Plan narrative and resubmit the exhibit.

- ~~**18.** The Applicant states that “upon commencement of reclamation, the area will be monitored for noxious weeds”.~~

- ~~→ Please provide a weed control plan that describes the expected types of noxious weeds that will be monitored on site and the methods to eradicate these species if/when they’re observed.~~

Item #18: This has been adequately addressed.

19. *The seed rates provided in the Applicant's Reclamation Plan were replicated from the previous Ghost River Gravel Pit permit, and are in quantities required for seeding 10 acres.*

→ *Please update these quantities to reflect the acres that will be seeded in the currently proposed operation.*

Item #19:

- The Applicant updated the seed quantities to the following:
 - Western Wheatgrass-Arriba – 16 pls x 14.6 acres = 233.6 pounds
 - Blue Grama – 1.2 pls x 14.6 acres = 17.52 pounds
 - Galleta – 1.6 pls x 14.6 acres = 23.36 pounds
 - Sand Dropseed – 0.1 pls x 14.6 acres = 1.46 pounds
 - Winter Fat – 0.1 pls x 14.6 acres = 1.46 pounds

--Please include this clarification in the Exhibit F: Reclamation Plan narrative and resubmit the exhibit.

20. *Pursuant to Rule 6.4.5(f)(ii), please specify the expected times of seeding and planting.*

Item #20:

- The Applicant clarified that “expected times of planting would be spring or fall of any year”.

--Please include this clarification in the Exhibit F: Reclamation Plan narrative and resubmit the exhibit.

21. *Pursuant to Rule 6.4.5(f)(v), please specify the depth, or depth range, that topsoil will be replaced throughout the site upon reclamation.*

Item #21:

- The Applicant clarified that “topsoil will be replaced at a depth of 6 inches during reclamation.”

--Please include this clarification in the Exhibit F: Reclamation Plan narrative and resubmit the exhibit.

Exhibit F – Reclamation Plan Map

22. *Per Rule 6.2.1(2)(e), please:*

→ *Add a scale to the map that is not larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet.*

~~→ Either add a legend to the map or explain what the unlabeled faint blue arrows indicate. This has been addressed.~~

Item #22:

- The Applicant resubmitted the Exhibit F Reclamation Map and added an explanation for the faint blue arrows (resolved) and a scale. However, upon measuring the items on the map using the scale, the Division discovered that the scale is too large for the map that it represents. Also, the residential structures do not appear to be to-scale in reference to other features on the map.
--Please revise the map to include a scale that corresponds to the features on the map and resubmit the Exhibit F map.
--Please represent the residential structures on the map to scale and resubmit the Exhibit F map.

Exhibit G – Water Information

~~23. In Exhibit G: Water Information, the Applicant states that stormwater will not leave the site. However, if shale is anticipated to be the underlying material below the depth of deposit, there is the possibility to create impounded water. As a reminder, per the Division of Water Resources, water must not be impounded for greater than 72 hours.
→ Please state within the narrative that no stormwater will be impounded for longer than 72 hours after a storm event without prior written approval from the Division of Water Resources.~~

Item #23: This has been adequately addressed.

Exhibit H – Wildlife Information

24. The Applicant states in the Exhibit H narrative, included with the Incompleteness Response, that the CPW Area Wildlife Manager was contacted for comment during the previous permit's conversion application process. The Applicant included the letter from the CPW Area Wildlife Manager, which at that time, stated that the proposed mining activities would not have negative impacts on wildlife. However, the letter states that there will not be an expansion of the gravel pit compared to the current operating levels, as part of the justification as to why wildlife will not be negatively affected. With the current application, the gravel pit will now be expanded.
→ Please provide the Division evidence that the opening and operating on the new area of approximately 11.7 acres will not negatively affect wildlife. Additionally, clarify

whether the other justifications for not negatively affecting wildlife given in the letter, relating to traffic and disruption, are still valid for the proposed operation.

Item #24:

- In the cover letter for the adequacy responses, the Applicant stated “Please see the updated statement from the Department of Wildlife. As for the other justifications for not negatively impacting wildlife, the additional acreage does not constitute a larger mining operation, increase in traffic, etc. from the last permitted operation. In fact, this site will be mined in two phases, which are smaller than the original permitted mine. Additionally, mining operations are controlled by the local demand for the product and not by the size of the permit boundary. If there is a local need for aggregate, the site will be used to that capacity. Since the site is in the same location with the same economic conditions and aggregate demand as the previous operation, the operator anticipates no increase in impact that could be extrapolated from the additional acreage in this permit package”.
--Please include this clarification in the Exhibit H: Wildlife Information narrative and resubmit the exhibit.

Exhibit I – Soils Information

~~25. The soil survey and map, provided with the application, only encompass the current pre-permit disturbance. Please provide a soil survey/map for the entire area currently proposed to be affected by mining disturbance.~~

Item #25: This has been adequately addressed.

Exhibit J – Vegetation Information

26. Please provide all of the information required by Rule 6.4.10(1) as listed below:

“(1) The Operator/Applicant shall 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~~ 1(a) and 1(b) have been addressed.

(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."

Item #26:

- The Applicant clarified that "There are two small trees onsite currently, with the rest of the acreage being covered by low shrubs and grasses. The Applicant believes that the carrying capacity for the rangeland area would be approximately 3 small grazing livestock per acre, such as goats".
--Please include this clarification in the Exhibit J: Vegetation Information narrative and resubmit the exhibit.

~~27. Please provide the information required by Rule 6.4.10(2) as listed below:~~

~~"(2) The Operator/Applicant shall show the relation of the types of vegetation to existing topography on a map in Exhibit C. In providing such information, the Operator/Applicant may want to contact the local Conservation District."~~

Item #27: This has been adequately addressed.

Exhibit S: Permanent and man-made structures

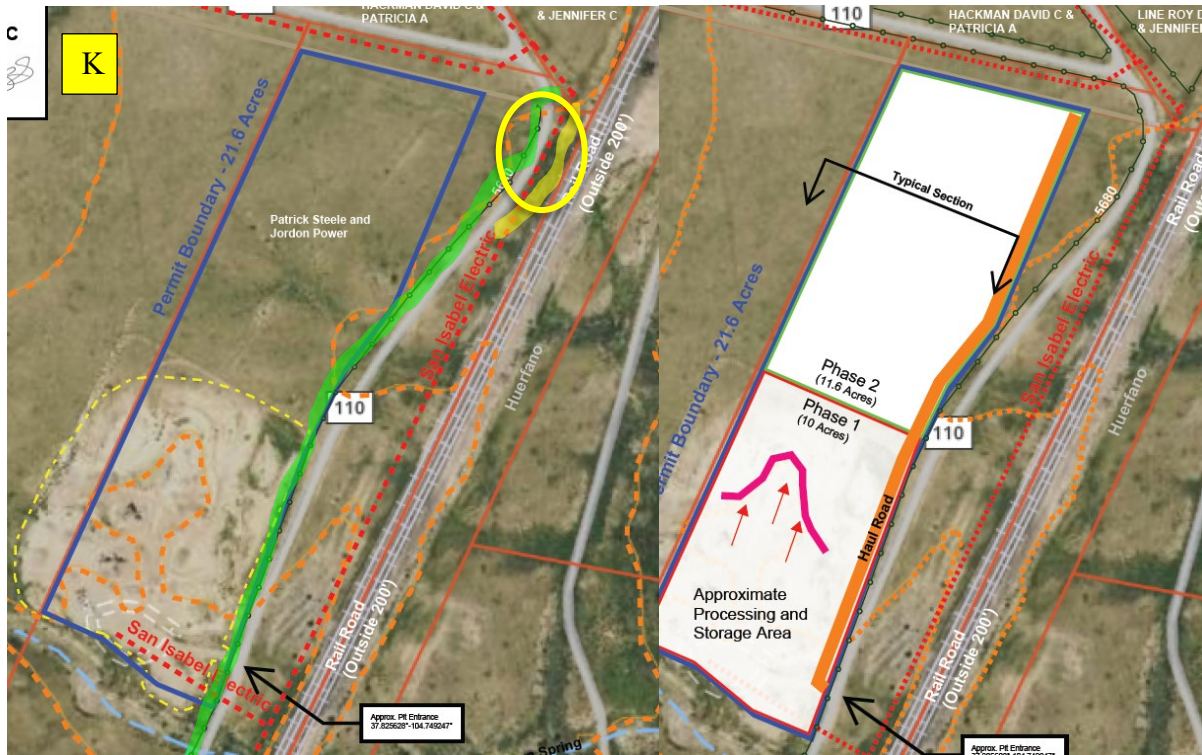
28. *On the Mining Plan Map, fences (both owned by the Applicant and by adjacent landowners) appear to be within 200 feet of the proposed affected area.*

→ Pursuant to Rule 6.4.19, please:

- "(a) provide notarized agreements 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."*

Item #28:

- The Applicant stated that “During the site inspection, it was found that no structures that are not already accounted for, are within 200’ of the permit boundary, and thus no additional structure agreements are needed”.
- The maps submitted with the adequacy responses still indicate that there is a fence along the east side of the permit boundary (see the green highlighted fence in Image (K) below), although we found that this fence no longer exists.
--Please remove this fence from the Exhibit C maps and resubmit the maps.



- During the pre-operation inspection, the Division observed a fence along the east side of County Road 110, that the Applicant stated (during the inspection) belonged to the railroad (see circle in Image (K) above and approximate corresponding location to the fence in Image (L) below).
--Please clarify whether the fence extends southward along the east side of County Road 110, or if it follows the red dotted line on the map. If it's the former, please provide the Division with a required document pursuant to Rule 6.4.19 (see Adequacy Concern 28 above). If it's the latter, please confirm that the entire length of the Railroad's fence is at least 200' away from the permit boundary.



Publication Requirements

29. Pursuant to Rules 1.6.2(1)(d) and 1.6.5:

→ Please provide the Division with Proof of Publication.

30. Pursuant to Rule 1.6.2(1)(e):

→ 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.

31. 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 Huerfano County Clerk and Recorder.

- i. Pursuant to Rule 6.4.18, you must provide our office with an affidavit or receipt indicating the date this was done.

***Items 29 – 31 have not yet been received by the Division and are required prior to the consideration of the application's approval.**

32. In the Exhibit D Mining Plan narrative, the Applicant states that they will stay at least 25 feet from the San Isabel Power Pole that's located within the permit boundary.

→ **Please indicate the locations of the setbacks on the Exhibit D Mining Map and resubmit the map.**

Please request an extension to the current **November 22, 2024** decision date in order to allow the Division sufficient time for review responses to this review. If the Division does not receive an extension request prior to the decision date, the Division may deny the application.

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: Jodi Schreiber, PFM Consulting LLC
Jared Ebert, Senior EPS, DRMS