

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

---

## **Florence Sand & Gravel Pit, File No. M-1992-051, Amendment (AM-1) Adequacy Review**

1 message

---

**Carter - DNR, Jocelyn** <jocelyn.carter@state.co.us>  
To: mlangston@newlci.com, zlangston@newlci.com  
Cc: Amy Eschberger - DNR <amy.eschberger@state.co.us>

Wed, Dec 11, 2024 at 2:53 PM

Hello Mike and Zac,

Please see the attached adequacy review letter for the amendment application (AM-1). If you have any questions or concerns, please feel free to reach out.

Just a heads up, I do reference the conversion application (CN-1) a fair bit in this letter. I did not attach it with the letter, I can get you an electronic file of the CN-1 upon request.

Thanks,  
Jocelyn

--

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



---

**20241211\_M1992051\_AM1\_AdequacyReview.pdf**  
199K



December 11, 2024

Mike Langston  
Langston Concrete, Inc.  
902 South Union Street  
P.O. Box 279  
Florence, CO 81226

**RE: Florence Sand & Gravel Pit – File No. M-1992-051; Amendment (AM-1); Adequacy Review**

Dear Mr. Langston,

On October 8, 2024, the Division of Reclamation, Mining, and Safety (Division/DRMS) began the technical review of the amendment application (AM-1) for the Florence Sand & Gravel Pit, Permit No. M-1992-051, requesting to add 4.92 acres to the permit area. After the preliminary review of AM-1, the following deficiencies were found. Please provide further clarification and/or corrections to the AM-1 application with a cover letter addressing the deficiencies outlined in this letter. Several Exhibits in the AM-1 application point to existing information currently on file with the Division. According to a review of the permit file, the most recent application that contains the most current application Exhibits and information is the conversion application (CN-1), approved by the Division on May 19, 1997. Unless otherwise specified, the currently filed Exhibits with the Division that are referred to in this letter are sourced from the CN-1 application.

**Rule 6.4.1 Exhibit A – Legal Description**

1. The Exhibit A submitted points to previously submitted permit files. The location of the main entrance of the site is not provided in the current Exhibit A on file for this permit. Resubmit Exhibit A to include the complete required information for the location of the mine entrance. Rule 6.4.1(1) requires that the location of the main entrance of the site be provided in longitude and latitude or Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. Additionally, where available, the street address or lot number(s) shall be given. According to Rule 6.4.1(2), the location of the mine site entrance, when given in longitude and latitude, the Operator shall specify the coordinates in either degrees, minutes, and seconds, or in decimal degrees to an accuracy of five (5) decimal places. When given in UTM, specify North American Datum (NAD) 1927, NAD 1983, or WGS 84 and the applicable zone, measured in meters.

**Rule 6.4.2 Exhibit B – Index Map**

2. The AM-1 application points to the existing Exhibit B on file. The current Exhibit B does



not meet the requirements outlined by Rule 6.2.1(2)(a), which requires the map show the name of the Applicant. Resubmit the Index Map to meet the requirements of Rule 6.4.2 and the general requirements outlined in Rule 6.2.1(2).

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

3. There are two maps that were submitted for Exhibit C, one titled “Exh. C Pre-Mining Map” and one titled “Exh. C Mining Plan”. Both maps fall short in meeting the general requirements outlined in Rule 6.2.1(2). Resubmit both maps with the following items added:
  - a. The name of the Applicant, per Rule 6.2.1(2)(a).
  - b. The name and signature of the preparer, per Rule 6.2.1(2)(b). Maps must be prepared by a qualified land surveyor, professional engineer, or other qualified person.
  - c. The date prepared, per Rule 6.2.1(2)(c).
  - d. Identify and outline the area which corresponds with the application, per Rule 6.2.1(2)(d). Though the proposed permit boundary is present on both maps, it is not identified as such on the map with a label or a legend.
  - e. An acceptable scale, not larger than 1 inch = 50 feet and not smaller than 1 inch = 660 feet, and an appropriate legend, per Rule 6.2.1(2)(e).
4. Both or one of the maps must also include the following information to be in compliance with Rule 6.4.3.
  - a. All adjoining surface owners of record, per Rule 6.4.3(a).
  - b. The name and location of all creeks, 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, per Rule 6.4.3(b).
  - c. The existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope, per Rule 6.4.3(c).
  - d. The total area to be involved in the operation, including the area to be mined and the area of affected lands, per Rule 6.4.3(d).
  - e. Future water resources information in conjunction with Exhibit G – Water Information, per Rule 6.4.3(f). During the inspection conducted on December 5,

2024, the Operator stated that water will be brought in from the Minnequa Canal for the future wash plant. Additionally, Exhibit D – Mining Plan and Exhibit E – Reclamation Plan, also provide details about the proposed plan of pumping water from the Minnequa Canal through a pipeline to the wash plant. In Exhibit D – Mining Plan, it is stated that there is an existing settling pond. The location of the existing settling pond, the Minnequa Canal, the location of the proposed pump to extract water from the Minnequa Canal, the proposed water line, and the proposed settling pond need to be depicted on one of the Exhibit C maps.

- f. Show the owner's name, type of structures, and location of all valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land, per Rule 6.4.3(g).

#### **Rule 6.4.4 Exhibit D – Mining Plan**

5. It is mentioned in the Exhibit E – Reclamation Plan portion of the application that there will be a 40' highwall created during the mining operation. Please clarify the maximum length of the highwall that will be present at any one time and provide a statement in the Exhibit D - Mining Plan, per Rule 6.4.4(d).
6. Rule 6.4.4(d) requires the size and area(s) to be worked at any one time be provided. The most recent revision addressing the size of and area to be worked at any one time was the technical revision (TR-1) approved by the Division August 9, 2016. The approved TR-1 increased the acreage to be worked at one time from 35 acres to 50 acres. Please include a statement in the Exhibit D – Mining Plan a statement clarifying the acreage to be worked at any one time and identify the current area that is being worked within the updated Exhibit C – Pre-Mining and Mining Plan Map(s).
7. The map submitted titled “Exh. C Mining Plan” shows two areas, labeled as “Current Activity” and “Future deposit”. Please clarify if these labels identify two stages or phases of the mining operation. Additionally, provide an approximate timetable describing the mine operation per Rule 6.4.4(e). Be sure to include complete information outlined in Rule 6.4.4(e):
  - a. An estimate of the periods of time which will be required for the various work stages or phases of the operation, per Rule 6.4.4(e)(i).
  - b. A description of the size and location of each area to be worked during each phase, per Rule 6.4.4(e)(ii).
  - c. An outline of the sequence in which each stage or phase of the operation will be carried out, per Rule 6.4.4(e)(iii).

8. During the inspection of the site on December 5, 2024, it was stated that there are two target layers being extracted. The approximate total depth of the deposits is 32' – 50' with 15'-20' of overburden, the total sum of the two deposit layers is approximately 15' – 20': 5' – 10' of the upper deposit and about 10' of the lower deposit with 2'- 10' of a clay layer between the two deposit layers. These values conflict with the depth and thickness given in the current mining plan from CN-1, which is 23' – 47' in depth with the target material ranging between 15' – 35' in thickness and overburden ranging between 8' – 12'. Provide clarification and a full description of the deposits to be mined in Exhibit D – Mining Plan that clarifies the depth and thickness of both target material layers, per Rule 6.4.4(f)(i).
9. Per Rule 6.4.4(i), include a statement in Exhibit D – Mining Plan that specifies if explosives will be used in conjunction with the mining or reclamation operation.
10. Include the dimension of all roads, existing or proposed, located in the permit area in Exhibit D – Mining Plan, per Rule 6.4.4(j).

**Rule 6.4.5 Exhibit E – Reclamation Plan**

11. In accordance with Rule 3.1.6(1)(b) and Rule 6.4.5(2)(c), and addressing the comment submitted to the Division by the U.S. Army Corps of Engineers (USACE), please provide verification that the affected area associated with the permit is not considered Waters of the United States and therefore does not require additional permitting action with USACE. The comment submitted to the Division by the USACE is attached here.
12. Rule 3.1.10(6) requires the management of noxious weeds species on the affected areas. Provide a weed management plan in Exhibit E – Reclamation Plan, per Rule 3.1.10(6) and Rule 6.4.5(2)(c).
13. Submit a schedule indicating how and when reclamation will be implemented, per Rule 6.4.5(2)(e). The plan shall include the following:
  - a. An estimate of the periods of time which will be required for the various stages or phases of reclamation, per Rule 6.4.5(2)(e)(i).
  - b. A description of the size and location of each area to be reclaimed during each phase, per Rule 6.4.5(2)(e)(ii).
  - c. An outline of the sequence in which each stage or phase of reclamation will be carried out, per Rule 6.4.5(2)(e)(iii).

**Rule 6.4.6 Exhibit F – Reclamation Plan Map**

14. The map titled “Exh. F Reclamation Plan” does not meet all the requirements outlined in Rule 6.2.1(2). Resubmit the map to include the following items:
- a. Show the name of the Applicant, per Rule 6.2.1(2)(a).
  - b. The map must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person, per Rule 6.2.1(2)(b).
  - c. Give the date prepared, per Rule 6.2.1(2)(c).
  - d. The map shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and Rules. The acceptable range of map scales shall not be smaller than 1 inch = 660 feet and no larger than 1 inch = 50 feet, per Rule 6.2.1(2)(e).
15. The map titled “Exh. F Reclamation Plan” does not appear to meet the requirements of Rule 6.4.6(a). According to the Rule, the map must show the proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands. Resubmit a reclamation map with contour lines that clearly depict the proposed topography of the reclaimed lands.
16. The map titled “Exh. F Reclamation Plan” does not show the final land use for each portion of the affected lands. Please include information about the post mine land use for each stage or phase of the affected lands, per Rule 6.4.6(b).

**Rule 6.4.7 Exhibit G – Water Information**

17. The location of the Minnequa Canal, the settling pond, the location of the proposed pump to extract water from the Minnequa Canal, the proposed water line, and the proposed settling pond are not clearly given on the Exhibit C – Pre-mining and Mining Plan Maps submitted. Please update or add an additional map that clearly depicts the proposed locations of these water resources and structures and any additional water courses, wells, springs, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operation, per Rule 6.4.7(2)(a).
18. Include a statement identifying all known aquifers in Exhibit G – Water Information, per Rule 6.4.7(2)(b).
19. According to the Water Lease Agreement A-373 submitted with the application, the Applicant has access to 77 shares of water from the Union Ditch. It is unclear what the estimated water requirements will be for the project. Provide a statement that gives an

estimate of the project water requirements including flow rates and annual volumes for the development, mining, and reclamation phases of the project, per Rule 6.4.7(3).

**Rule 6.4.12 Exhibit L – Reclamation Costs**

20. At this time, there are a few items needed to calculate the reclamation costs. The maximum length of the highwall is not clear (see item #5 above), the size of the area to be worked at any one time is not clear (see item #6 above), and the full depth of the mining project is not clear (see item #8 above). These values are needed to calculate the estimated reclamation costs. Please keep in mind that the reclamation costs are an estimate of what it would cost for the Division to reclaim the site in the worst-case scenario.

This concludes the Division's first adequacy review of the AM-1 application. The Division reserves the right to further supplement this document with additional adequacy items and /or details necessary.

The decision date for the AM-1 application is January 6, 2025. At that time, if the issues identified are not resolved to the satisfaction of the Division, the application may be denied. Please respond with sufficient time to allow the Division to completely review the submitted responses to the above items. If additional time is needed, please submit an extension request in writing to the Division prior to the decision date.

If you have any questions or concerns, I can be reached by email at [Jocelyn.carter@state.co.us](mailto:Jocelyn.carter@state.co.us) or by phone at (720)666-1065.

Sincerely,



Jocelyn Carter  
Environmental Protection Specialist

Ec: Amy Eschberger, DRMS  
Zac Langston, Langston Concrete, Inc.

Enclosures: Comments received from the U.S. Army Corps of Engineers

STATE OF  
COLORADO

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

**RE: [Non-DoD Source] Notice of Complete Application for Permit: M1992051  
Revision: AM1**

2 messages

**SPA-RD-CO** <SPA-RD-CO@usace.army.mil>

Tue, Oct 8, 2024 at 10:05 AM

To: "jocelyn.carter@state.co.us" &lt;jocelyn.carter@state.co.us&gt;

Thank you for requesting comments from our office regarding the proposed subject project(s) or activity (ies) that may have the potential to impact aquatic resources. We appreciate that you are considering our potential regulatory role in the project, but we do not currently have the ability to provide project-specific comments. If the activity should have the potential to result in the discharge of dredged or fill material into waters of the United States, then the project proponent should work directly with our office to acquire necessary Corps permits, if applicable, as described in the following general comment:

Section 404 of the Clean Water Act requires a permit from us for the discharge of dredged or fill material into waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, lakes, ponds, wetlands, wet meadows, seeps, and some irrigation ditches. To ascertain the extent of waters on the project site, the applicant should prepare a delineation of aquatic resources, in accordance with the applicable standards, including the 1987 Wetland Delineation Manual and appropriate regional supplements. These standards can be found on our website at: <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Jurisdiction/>.

An aquatic resource delineation should be evaluated prior to designing a project to ensure the project proponent avoids and minimizes impacts to waters of the United States to the greatest practicable extent. The range of alternatives considered for this project should include alternatives that avoid and minimize impacts to wetlands, streams, or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to discharging dredged or fill material into waters of the United States, compensatory mitigation may be required.

For more information about our program or to locate a list of consultants that prepare aquatic resource delineations and permit application documents, please visit our website at <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits>.

U.S. Army Corps of Engineers

Albuquerque District - Regulatory Division

[4101 Jefferson Plaza, NE](#)



[Albuquerque, New Mexico 87109-3435](#)



<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

---

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

Tue, Oct 8, 2024 at 11:27 AM

To: zlangston@newlci.com

Cc: Amy Eschberger - DNR <amy.eschberger@state.co.us>, mlangston@newlci.com

Zac,

Please see the message sent to DRMS from the U.S. Army Corps of Engineers in response to the AM-1 application submitted to the Division for the Florence Sand & Gravel Pit, permit no. M-1992-051.

If you have any questions, please let me know.

Thanks,

Jocelyn

[Quoted text hidden]

--

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