



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

December 26, 2024

Kelsey Bruxvoort
AGPROfessionals
3050 67th Avenue
Greeley, CO 80634

**Re: Preliminary Adequacy Review, 112c Construction Materials New Permit Application,
LTS Topsoil Mine, Permit No. M-2024-055**

Ms. Bruxvoort:

On November 19, 2024, the Division of Reclamation, Mining and Safety (Division/DRMS) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4 the 90-day decision date for the application has been set for February 17, 2025.

The following items will need to be addressed to the Division's satisfaction prior to the decision date. If you are unable to satisfactorily address the concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division may deny this application. To allow the Division sufficient time to review your responses to the adequacy issues, please submit your adequacy responses to the Division no later than two weeks prior to the decision date. After receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Preliminary Adequacy Review with the requested additional/updated information and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-2024-055".

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

1. The map does not clearly indicate the proposed permit boundary. The permit boundary needs to be clearly and accurately depicted on the map pursuant to Rules 6.4.3(d) and 6.2.1(2).
2. In the Notes section it is stated that the Total Area = 133.9 acres. This area does not appear to correspond to the permit area, as the permit area is 132 acres. Please revise this area to clearly state what area the 133.9 acres is referring to. Also, a line item needs to be added for the permit boundary with acreage consistent with the permit application. Note the legend may need to be updated as well.



3. Pursuant to Rule 6.2.1(2)(b) the maps must be signed by a registered land surveyor, professional engineer or other qualified person. The Division's review of the Exhibit C map is missing the appropriate signature. Please sign and resubmit the map.
4. Please indicate the direction of mining within each mining phase.

EXHIBIT D – Mining Plan (Rule 6.4.4):

5. How will the operator verify that 3-6-inches of topsoil remain for reclamation?
6. Under Mine Phasing please clearly state the direction each phase will be mined.
7. While it is stated in the Reclamation Plan, Exhibit E, please update the Mining Plan to clearly state that the Staging Area will not be mined?
8. The Applicant states that the roadway along the northern portion of the site will be used for the mining activities. However, the roadway will not be improved as it currently supports heavy agriculture equipment. At the west end of this roadway there is a residence that appears to also use this roadway to access their property. Please describe how the applicant will ensure the residents have unrestricted access the structures on the property.

EXHIBIT E – Reclamation Plan (Rule 6.4.5):

9. Please clearly state if the roadway along the northern portion of the site will be reclaimed or not. If it will be reclaimed, please describe how this will occur.
10. Please commit to providing the Division with a copy of the soil sample results identifying any nutrient deficiencies and if any fertilizer or soil amendments (manure) will be needed.
11. Under the Seeding and Revegetation section it is stated that Phases 1 and 2 will be seeded to establish a diverse, effective and long-lasting vegetative cover. It then is stated, later in the paragraph, that corn will be planted. Planting of corn is neither diverse nor a long-lasting vegetative cover. Please update this section to clarify what is to be planted in the phases. Additionally, please provide the seed type and rate of application in pls/acre of what is to be planted.
12. The last paragraph of the Seeding and Revegetation section states that a one-time application of manure/compost mix will be applied in the Staging Area. Please confirm that this is the only area to receive manure/compost without taking a soil sample. Please state the rate, pounds/acre, that manure will be placed.

EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):

13. From items #1, #2 and #3 above, the Reclamation Plan Map must also be updated to address these items.
14. The text box General Seed Mix needs to be updated to match the description used in the legend for consistency.
15. The cropland seed mix needs to be added to the General Seed Mix text box.

EXHIBIT H – Wildlife Information (Rule 6.4.8):

16. Please respond the comments provided by the Colorado Parks and Wildlife sent to you in an email dated December 12, 2024.

EXHIBIT L – Reclamation Costs (Rule 6.4.12):

17. The cost estimate needs to be updated to reflect the cost of seeding and weed control for mining Phases 1 and 2.

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

18. Please clarify and/or provide a copy of what was sent to the owners of permanent man-made structures within 200 feet of the Affected Land Boundary via Certified Mail.
19. The Division reviewed the maps and there is a permanent man-made structure, which the Operator needs to obtain structure agreements for, within 200 feet of the affected land boundary. The structure is Weld County Road 27, along the eastern portion of the site. Pursuant to Rule 6.4.19, Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, 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.

20. If the Applicant has attempted to get structure agreements from structure owners within 200 feet of the affected land boundary but have not received signed agreements, then please perform an engineering evaluation for the structures pursuant to Rule 6.4.19(b).

Other:

21. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office and made available for public review.

Please respond to these adequacy issues no later than two weeks before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision date. **The decision date for this application is February 17, 2025.** If additional time is required to respond to these adequacy issues, please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information or have any questions, please contact me by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert, DRMS

ec: Kelsey Bruxvoort, AGPROfessionals, kbruxvoort@agpros.com