



December 30, 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 1b

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. The preliminary adequacy review was completed and sent to the Operator on December 11, 2024. The following are additional items that require clarification and can be addressed in the Operator's response to the initial adequacy review. Item numbers pick up where the first letter left off.

Rule 6.2.1 General Requirements

21. After reviewing the application and maps, it was discovered that the proposed permit boundary does not incorporate the small piece of land where the operation will access the Minnequa Canal. This area is considered Affected Lands, according to Rule 1.1.(3), and is required to be included in the permit. Please update all maps and exhibits to include this area of land in the permit.

Rule 6.4.5 Exhibit E – Reclamation Plan

22. The reclamation plan for the proposed water line for the wash plant is to abandon the pipe in place and cap the ends with concrete. The pipeline would be considered a backfill material in this case and is a material generated off site. As such, please provide the approximate volume of the pipeline material, per Rule 3.1.5(9)(b), and a signed affidavit certifying that the material is clean and inert, as defined in Rule 1.1(22), per Rule 3.1.5(9)(c), and in accordance with Rule 6.4.5(2)(c).

Rule 6.4.14 Exhibit N – Source of Legal Right to Enter

23. The additional land that needs to be included in the permit boundary discussed in item #21 is on private land not owned by the Operator. The water lease agreement document does not



explicitly state that the Operator has rights to ingress/egress on the land for the purpose of mining and reclamation. Please provide documentation showing the Operator's legal right to access this land in accordance with Rule 6.4.14. According to the rule, "This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation."

Rule 6.4.15 Exhibit O – Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

24. Update Exhibit O to include the owners of record for the land where the Minnequa Canal will be accessed for the operation. This information can be given on the map for Exhibit C – Pre-mining and Mining Plan Map.

Rule 6.4.19 Exhibit S – Permanent Man-made Structures

25. After including the additional land where the Minnequa Canal will be accessed for the operation, if there are any significant, valuable and permanent man-made structure within two hundred (200) feet of the affected lands, provide a structure agreement between the applicant and person(s) having an interest in the structure(s), that the applicant is to provide compensation for any damage to the structure, per Rule 6.4.19(a). If an agreement cannot be reached, provide an appropriate engineering evaluation that demonstrates that such structure(s) shall not be damaged by activities occurring at the mining operation, per Rule 6.4.19(b). In the case that such structure(s) is a utility, provide a notarized letter, on utility letterhead, from the owner(s) that the mining and reclamation activities will have "no negative effect" on their utility, per Rule 6.4.29(c). If there are no additional structures, please provide a statement clarifying this within Exhibit S.

This concludes the Division's Adequacy Review 1b 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 or by phone at (720)666-1065.

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Mike Langston
Langston Concrete, Inc.
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Sincerely,

A handwritten signature in blue ink, appearing to read "Jocelyn Carter", with a long horizontal flourish extending to the right.

Jocelyn Carter
Environmental Protection Specialist

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