

January 10, 2025

Patrick Mason  
City of Lamar  
102 E Parmenter St  
Lamar, CO 81052

**RE: Lamar Park Grav Pit, Permit No. M-1987-078, 110 Construction Materials Reclamation Permit Application Amendment, Adequacy Review #2**

Mr. Mason:

The Division of Reclamation, Mining and Safety (Division) has completed its adequacy review #1 of your 110 Construction Materials Reclamation Permit Application Amendment (AM-1) submitted for the Lamar Park Grav Pit located in Prowers County. All comment and review periods for the amendment began on November 19, 2024, when the application was called complete for filing purposes. The decision date for the amendment is currently set for January 15, 2025.

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 L – Permanent Man-made Structures (Rule 6.3.12):**

- 1) The provided engineering evaluation from JVA, Inc. has been deemed acceptable, but there is an issue with the demonstration that a structure agreement was attempted with Southeast Colorado Power Association (SECPA).
  - a. It appears a copy of the public notice was sent to SECPA rather than a structure agreement form (attached) for the power line, with the applicable structure(s) listed, and the Certification and Notary for Permit Applicant sections filled out by the operator.
  - b. Please provide proof that a filled-out structure agreement form was sent to SECPA. This will provide proper demonstration that the structure agreement was attempted in accordance with Rule 6.3.12. This demonstration must include a copy of the notarized structure agreement form that was sent to the structure owner and a return receipt of the Certified Mailing (or proof of personal service).

This concludes the Division's adequacy review #1 of your application amendment. Please ensure the Division sufficient time to complete its review process by responding to these adequacy items prior to the decision date, by **January 14, 2025**. If additional time is needed to respond, you must submit an extension request to our office prior to the decision date.



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Page 2 of 2

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Ursula Armstrong", is positioned above the typed name.

Ursula Armstrong  
Environmental Protection Specialist

Cc: Mike Machone, City of Lamar  
Amy Eschberger, DRMS

An example Structure Agreement which meets the requirements of the Statutes is shown below.

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## **Structure Agreement**

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- 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 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. ( *Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

**The following structures are located on or within 200 feet of the proposed affected area:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

## CERTIFICATION

The Applicant, \_\_\_\_\_ (print applicant/company name),  
by \_\_\_\_\_ (print representative's name), as \_\_\_\_\_ (print  
representative's title), does hereby certify that \_\_\_\_\_ (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for \_\_\_\_\_ (operation name),  
File Number M-\_\_\_\_-\_\_\_\_.

***This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.***

**NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

Applicant \_\_\_\_\_ Representative Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )

) ss.

COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Notary Public