



STATE OF
COLORADO

Gibson - DNR, Amber <amber.gibson@state.co.us>

Fwd: Follow-up Incompleteness Notice Bradford Mesa Quarry M2019-046

1 message

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>
To: Amber Gibson - DNR <amber.gibson@state.co.us>

Thu, Apr 10, 2025 at 2:11 PM

Patrick Lennberg
Environmental Protection Specialist



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

P 720.665.0836 | F 303.832.8106

Physical Address: [1313 Sherman Street, Room 215, Denver, CO 80203](#)

Address for FedEx, UPS, or hand delivery:

[1001 E 62nd Ave, Denver, CO 80216](#)

Patrick.Lennberg@state.co.us | <https://drms.colorado.gov>

----- Forwarded message -----

From: **Katie Todt** <katie@lewicki.biz>

Date: Tue, Sep 24, 2019 at 5:17 PM

Subject: RE: Follow-up Incompleteness Notice Bradford Mesa Quarry M2019-046

To: Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

CC: Ben Miller <ben@lewicki.biz>

Patrick:

See the attached 'Bradford Follow-Up Incompleteness Response 190924.pdf.'

Additional attachments include:

- Construction112App - Bradford Mesa 190924.pdf
- DRMS Bradford Mesa Quarry 190924 Follow-up Incompleteness D12.pdf
- Clerk Letter - signed 190918.pdf

Let me know if I should send these as hard copy to Denver. A signed hard copy original application form is en route to DRMS Denver from the Operator. Please do not hesitate to get a hold of me with any other questions etc.

Cheers,

Katie Todt, P.G.

Consultant/Geologist

Greg Lewicki and Associates, PLLC

(314) 704-4505

From: Lennberg - DNR, Patrick [mailto:patrick.lennberg@state.co.us]

Sent: Monday, September 23, 2019 4:01 PM

To: Katie Todt <katie@lewicki.biz>

Subject: Follow-up Incompleteness Notice Bradford Mesa Quarry M2019-046

Good Afternoon Katie,

Please find attached to this email a copy of the Division's Follow-up Incompleteness Notice for the Bradford Mesa Quarry permit number M2019-046.

A hard copy will be mailed to your attention to the address on file.

If you have any questions please feel free to contact me.

Thank you,

Patrick

--

Patrick Lennberg

Environmental Protection Specialist



P 303.866.3567 x8114 | F 303.832.8106

[1313 Sherman Street, Room 215, Denver, CO 80203](#)

Patrick.Lennberg@state.co.us | [DRMS Home Page](#)

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Patrick Lennberg

Environmental Protection Specialist



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Patrick.Lennberg@state.co.us | [DRMS Home Page](#)

4 attachments



DRMS Bradford Mesa Quarry 190924 Follow-up Incompleteness D12.pdf
314K



Clerk Letter - signed 190918.pdf
34K



Construction112App - Bradford Mesa 190924.pdf
257K



Bradford Follow-Up Incompleteness Response 190924.pdf
177K



Greg Lewicki And Associates, PLLC

3375 W. Powers Circle
Littleton, CO 80123

Phone: (720) 842-5321
E-mail: info@lewicki.biz

Fax (303) 346-6934

September 24, 2019

Patrick Lennberg
Colorado Department of Natural Resources
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Bradford Mesa Quarry, File No. M-2019-046, 112c Construction Materials New Permit Application, Follow-up Incompleteness Response

Patrick:

Please see the following responses to your Follow-Up Incompleteness Notice concerns of September 23, 2019.

1. Items 5.1/5.3. On page one the incidental commodities to be mined was incorrectly filled out. Please indicate the type and volume of incidental commodities to be mined (5.1) or if no incidental commodities will be mined, please indicate "N/A" on 5.1 and "N/A" on the associated line on 5.3. Please submit a replacement page one of the application form.

Please see the attached and updated 'Construction112App – Bradford Mesa 190924.pdf.'

2. Item 10. On page two the mine entrance location given does not match the mine entrance coordinates given in Exhibit A. Please update the information with the coordinate given in Exhibit A and submit a replacement page two of the application form.

Please see the attached and updated 'Construction112App – Bradford Mesa 190924.pdf.' The incorrect mine entry location was a relic from before your Incompleteness Notice dated August 27, 2019 where the haul road was entered into the permit boundary.

3. Certification. The notary section does not contain the complete company name, Southway Construction Company, Inc. of Alamosa, but instead lists Southway Const. Co. Inc. Please update this section with the complete company name and submit a replacement Certification page.

An original signed and notarized application form 'Construction112App – Bradford Mesa 190924' is en route to the DRMS Denver office in hard copy.

4. The applicant revised the permit boundary to include existing ranch roads that will be utilized to transport material to CR 120/121. In Figure 3 on page D-12 there is a portion of a road that leads to the boulder pick-up area that was excluded from the revised permit boundary. Please revise the permit boundary to include this road or provide a suitable explanation for not including this segment of road into the permit boundary.

Please see the attached and updated 'DRMS Bradford Mesa Quarry 190924 Follow-up Incompleteness D12.pdf.' The previous orange outline of the boulder pick-up road was incorrectly placed outside the permit boundary due to the resolution of the image used during haul road tracing; the mileage labels of all haul roads are still correct. Regardless, maps C-1, C-2, C-3 and F-1 of the August 28, 2019 submittal resulting from your Incompleteness Notice dated August 27, 2019 all show the boulder pick-up road as within the permit boundary.

5. Please provide an affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c).

This receipt was shared with you via email on September 19, 2019 where you responded that the receipt would be included in the package you received the day before. Regardless, please find the attached 'Clerk Letter – signed 190918.pdf.'

Please do not hesitate to contact me with questions or concerns.

Regards,

A handwritten signature in black ink, appearing to read 'Katie Todt', with a stylized, cursive script.

Katie Todt, PG
(314) 704-4505
Greg Lewicki and Associates

Attachments:

- Construction112App - Bradford Mesa 190924.pdf
- DRMS Bradford Mesa Quarry 190924 Follow-up Incompleteness D12.pdf
- Clerk Letter - signed 190918.pdf

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: _____ **There is a File Number Already Assigned to this Operation**

Permit # M - - - (Please reference the file number currently assigned to this operation)

_____ **New Application** (Rule 1.4.5)

_____ **Amendment Application** (Rule 1.10)

_____ **Conversion Application** (Rule 1.11)

Permit # M - - - (provide for **Amendments** and **Conversions** of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, **ALL** information requested below.

1. **Applicant/operator or company name (name to be used on permit):** _____

1.1 Type of organization (corporation, partnership, etc.): _____

2. **Operation name (pit, mine or site name):** _____

3. **Permitted acreage (new or existing site):** _____ permitted acres

3.1 Change in acreage (+) _____ acres

3.2 Total acreage in Permit area _____ acres

4. **Fees:**

4.1 New Application \$2,696.00 application fee

4.2 New Quarry Application \$3,342.00 quarry application

4.4 Amendment Fee \$2,229.00 amendment fee

4.5 Conversion to 112 operation (set by statute) \$2,696.00 conversion fee

5. **Primary commoditie(s) to be mined:** _____

5.1 Incidental commoditie(s) to be mined: 1. _____ lbs/Tons/yr 2. _____ / _____ lbs/Tons/yr

3. _____ / _____ lbs/Tons/yr 4. _____ / _____ lbs/Tons/yr 5. _____ / _____ lbs/Tons/yr

5.2 Anticipated end use of primary commoditie(s) to be mined: _____

5.3 Anticipated end use of incidental commoditie(s) to be mined: _____

6. **Name of owner of subsurface rights of affected land:** _____
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** _____

8. **Type of mining operation:** _____ Surface _____ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: _____

PRINCIPAL MERIDIAN (check one): _____ 6th (Colorado) _____ 10th (New Mexico) _____ Ute

SECTION (write number): _____ S _____

TOWNSHIP (write number and check direction): T _____ North _____ South

RANGE (write number and check direction): R _____ East _____ West

QUARTER SECTION (check one): _____ NE _____ NW _____ SE _____ SW

QUARTER/QUARTER SECTION (check one): _____ NE _____ NW _____ SE _____ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): _____

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg _____ min _____ sec _____ (2 decimal places)

Longitude (W): deg _____ min _____ sec _____ (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) _____ (5 decimal places)

Longitude(W) _____ (5 decimal places)

OR

Universal Tranverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) _____ Zone _____

Easting _____

Northing _____

11. **Correspondence Information:**

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

INSPECTION CONTACT

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

12. **Primary future (Post-mining) land use (check one):**

- | | | |
|--|---|--|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | <input type="checkbox"/> Solid Waste Disposal(WD) | |

13. **Primary present land use (check one):**

- | | | |
|--|--|--|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): _____

15. **On Site Processing:** ☐ Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): _____

List any designated chemicals or acid-producing materials to be used or stored within permit area: _____

16. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

Maps and Exhibits:

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

-
1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;

- _____ 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
- _____ 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
- _____ 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
- _____ 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- _____ 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
- a. the name of the operator;
 - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
 - c. the permit number.
- _____ 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.
- _____ 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.
- _____ 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
- _____ 10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office's review and decision or appeals process, you may contact the Office at (303) 866-3567.

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.;
3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.
4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this _____ day of _____, _____.

Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: _____

Signed: _____

Corporate Secretary or Equivalent

Title: _____

Town/City/County Clerk

State of _____)
_____) ss.

County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
_____, by _____ as _____ of _____

Notary Public

My Commission expires: _____

SIGNATURES MUST BE IN BLUE INK

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

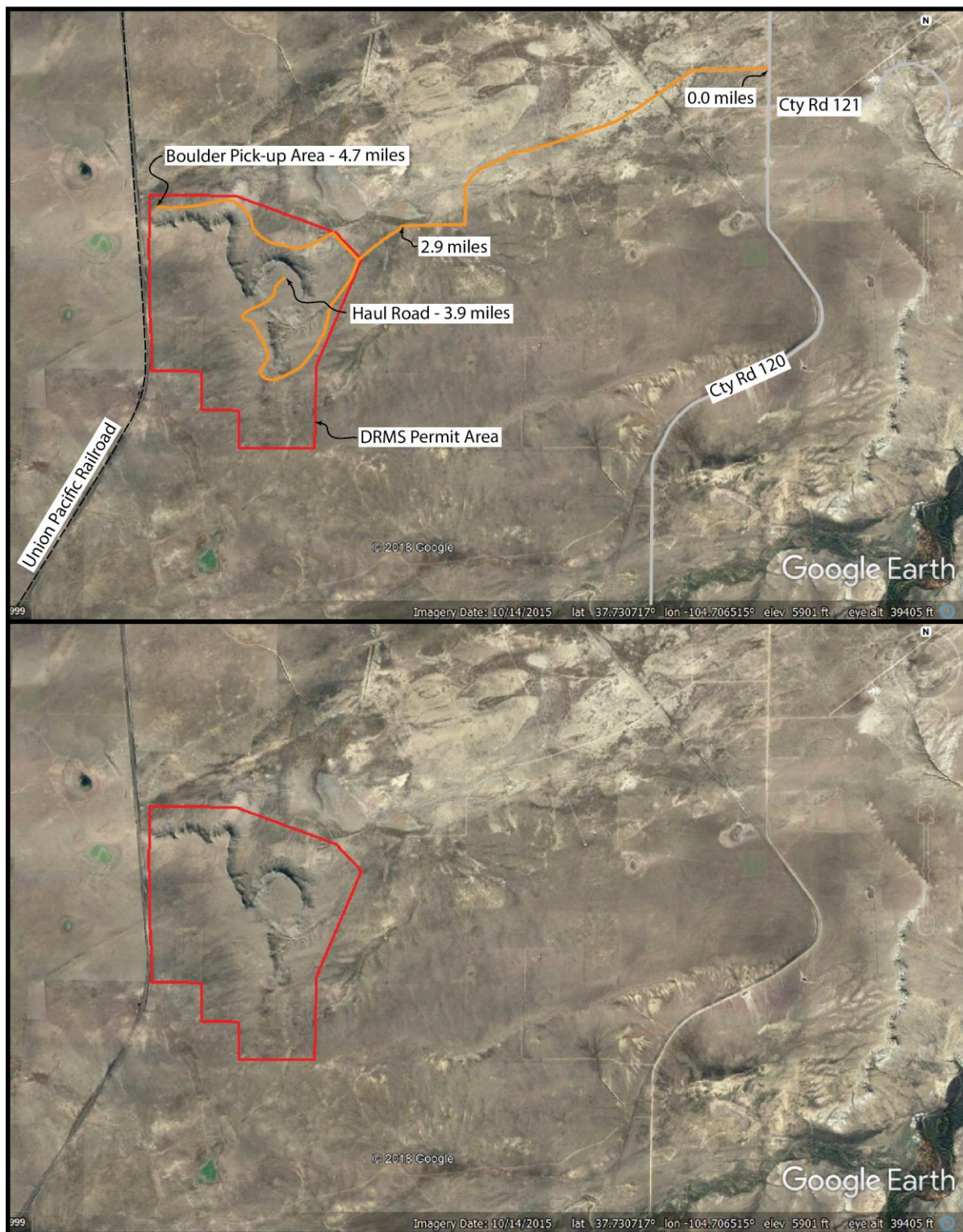


Figure 3. Map of the Edmundson Ranch haul road and Boulder Pick-up roads shown in orange. County Road 120 is shown in gray. Lower image is unannotated. Imagery dated 151014 from GoogleEarth.



Greg Lewicki And Associates, PLLC

3375 W. Powers Circle
Littleton, CO 80123

Phone: (720) 842-5321
E-mail: info@lewicki.biz

Fax (303) 346-6934

August 28, 2019

Nancy Cruz
Huerfano County Clerk and Recorder
401 Main Street, Suite 204
Walsenburg, CO 81089
(719) 738-2380

Dear Ms. Cruz:

A previous version of the Bradford Mesa Quarry DRMS Application package was delivered and signed for by your offices on or near August 20, 2019. Thank you for your prompt return of this signed application receipt. However, change were made to the permit file and the DRMS requested a new submittal; therefore, please discard the first application you received dated August 8, 2019.

Enclosed is a notice for an amendment application to the Colorado Division of Reclamation, Mining, and Safety for the Regular 112 Hard Rock/Metal Mine Reclamation Permit for the quarry known as the Bradford Mesa Quarry, located approximately 7 miles northeast of Walsenburg, CO off County Road 120, Huerfano County, CO. The applicant is Southway Construction Company, Inc. The Colorado Division of Reclamation, Mining, and Safety (DRMS) requires evidence that the application has been filed with your office. Therefore, please sign and date the box below. Return via mail, email or fax your signed acknowledgement of this application and we will forward your acknowledgement to the DRMS. Thank you.

Sincerely,

Katie Todt
Greg Lewicki and Associates, PLLC
(314) 704-4505
katie@lewicki.biz
Fax: (303) 346-6934

The application was received on the following date:

 ncc

by: Nancy C. Cruz