



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

August 20, 2025

Tom Andersen  
Yuma County  
1310 Blake Street  
Wray, CO 80758

**Re: Newton Pit, File No. M-2025-024, New Permit Application, Preliminary Adequacy Review**

Dear Mr. Andersen:

The Division of Reclamation, Mining and Safety (Division) completed its preliminary adequacy review of your New 110c Permit Application submitted for the Newton Pit, File No. M2025-024, in Yuma County. The application was filed with our office on July 30, 2025. The current decision date is set for August 29, 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 the following adequacy items in the revision application which require clarification or additional information:

**General Requirements**

1. None of the maps provided in the application satisfies the Divisions requirements in Rule 6.2.1(2). Please update all maps in accordance with the Rule. Maps, except the index map, must conform to the following criteria:
  - (a) show name of Applicant;
  - (b) must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
  - (c) give date prepared;
  - (d) identify and outline the area which corresponds with the application;
  - (e) with the exception of the map of the affected lands required in Section 34-32.5-112(2)(d), C.R.S. 1984, as amended, shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Also, that a map scale, appropriate legend, map title, date and a north arrow shall be included.

**Rule 6.3.1 Exhibit A – Legal Description and Location Map**

2. The mine entrance location is unclear and doesn't appear to be shown on any maps. Please specify the mine entrance coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places



3. In this exhibit, the legal description must be precise to at least the nearest quarter-quarter section, as required in Rule 6.3.1(1). Currently, only the township and range are specified. Please provide the nearest quarter-quarter section.
4. As required in Rule 6.3.1, please provide a map showing information sufficient to determine the location of the affected land on the ground and existing and proposed roads or access routes to be used in connection with the mining operation. Names of all immediately adjacent surface owners of record shall also be shown. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. The location of the proposed operation shall be shown and labeled with the mine site name.

### **Rule 6.3.2 Exhibit B – Site Description**

5. Exhibit B does not contain sufficient information as required in Rule 6.3.2. At a minimum, the following must be addressed in this Exhibit:
  - (a) a description of the vegetation and soil characteristics in the area of the proposed operation. The local office of the Natural Resources Conservation Service (NRCS) may provide you with this information as well as recommendations for Exhibit D - Reclamation Plan;
  - (b) identify any permanent man-made structures within two hundred (200) feet of the affected area and the owner of each structure. Each structure should be located on Exhibit E - Map;
  - (c) a description of the water resources in the area of the proposed operation. Identify any streams, springs, lakes, stock water ponds, ditches, reservoirs, and aquifers that would receive drainage directly from the affected area. Provide any information available from publications or monitoring data on flow rates, water table elevations and water quality conditions

### **Rule 6.3.3 Exhibit C – Mining Plan**

6. It is stated that topsoil will be stockpiled along the southside of the boundary and overburden material will be placed along the west side of the working area. Please make sure these stockpiles are shown on the mining plan map as well.
7. Additionally, please show the direction of mining in the mine plan map, as well as the location of timed phases for mining, if there are any.
8. Will any water be used in this operation? If so, how much will be used and where will it be sourced from?
9. Will any material processing occur on-site?

### **Rule 6.3.4 Exhibit D – Reclamation Plan**



10. How will the seedbed be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced) per Rule 6.3.4(c)(ii)?
11. Considering the site is proposed to be under 10 acres of disturbance, please clarify what is meant by “As each 10+/- acre plot is mined out”. Is this referring to the 2 acres that will be worked on at a time, as referenced in the mining plan?
12. The construction of a dike to divert stormwater is mentioned in the mining plan, but there is no plan in place to reclaim this feature. Please describe how it will be reclaimed.

#### **Rule 6.3.5 Exhibit E – Map**

13. In addition to the requirements for Rule 6.2.1(2), one (1) map must be provided to describe features associated with the mine plan, and one (1) map must be provided to describe features associated with the reclamation plan. Please provide:
14. A Mining Plan Map that shows the requirements outlined in Rule 6.3.5(2).
15. A Reclamation Plan Map that shows the requirements outlined in Rule 6.3.5(3).

#### **Rule 6.3.8 Exhibit H – Municipalities Within a Two-mile Radius**

16. The Rule specifies that the mailing address and telephone number of the governing body for all municipalities within a two (2) mile radius of the proposed mining operation must be listed in this Exhibit. Please list this information for the town of Eckley.

#### **Rule 6.3.12 Exhibit L – Permanent Man-Made Structures**

17. A fence surrounding a pasture, which was identified as being owned by Tri-State Generation & Transmission Association Inc., is within 200 feet of the permit boundary. If there are any additional structures located inside the proposed permit boundary and also within 200 feet of the proposed permit boundary, please list those structures as well.
18. Please provide copies of any executed structure agreements that have been obtained thus far. Please note, the agreement form must be fully filled out and properly executed by both the applicant and the structure owner.
19. For any structures for which agreements have not yet been obtained, please provide a demonstration that the applicant has attempted to obtain an agreement with the owner(s) of each structure. This demonstration must include copies of the structure agreement forms (see enclosed form) that were filled out and executed by the applicant and sent to the structure owner, along with return receipts of Certified Mailing or proof of personal service showing the form was delivered.

#### **Additional Items**



20. Pursuant to Rule 1.6.2(e), please submit proof of the notice sent to all owners of record of the surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected lands (including all easement owners located on the affected land and within 200 feet of the boundary of the affected lands). Proof of notice may be by submitting return receipts of a Certified Mailing or by proof of personal service.
21. Pursuant to Rule 1.6.2(1)(c) and (2), any changes or additions to the application on file in our office must also be reflected in the public review copy which was placed with the local County Clerk and Recorder. Pursuant to Rule 6.3.9, you must provide our office with an affidavit or receipt indicating the date on which the revised application/adequacy response was placed with the local County Clerk and Recorder
22. So the Division can effectively and efficiently review your application and response to this letter, please submit a copy of the application that will be updated for public review with the County Clerk and Recorder, along with your response to this adequacy letter.
23. Please respond to each of these adequacy items as well, and indicate whether they have been addressed and where in the application these items have been updated.

This concludes the Division's preliminary adequacy review of your application. The decision date is currently set for **August 29, 2025**. If additional time is needed to respond, you must submit an extension request to our office prior to the decision date. Please note, your application may be determined as inadequate and the application denied if all adequacy items identified by the Division are not addressed to the satisfaction of the Division by the decision date.

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review any additional materials submitted to determine whether the application is adequate to meet all requirements of the Act and Rules.

If you require additional information, or have questions, please feel free to contact me by phone at (720) 812-2002, or by email at [joel.renfro@state.co.us](mailto:joel.renfro@state.co.us).

Sincerely,



Joel Renfro  
Environmental Protection Specialist

Encl: DRMS Structure Agreement Form

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

**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