

December 12, 2025

Andy Azacarraga
M & D Enterprises, LLC
1058 23 Road
Grand Junction, CO 81505

**RE: C ½ Road Gravel Pit, File No. M-2025-049 , Construction Material Regular (112)
Operation Reclamation Permit, Adequacy Review-1**

Dear Mr. Azacarraga:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before the application can be considered for approval.

General

1. Acreages throughout the application are inconsistent. Please explicitly state the total area to be permitted and the total affected land acreage located within the permit boundary. Update the application form and all exhibits as necessary. Further adjustments later on in the permitting process may constitute an amendment to the application under Rule 1.8.1(3).
2. Ensure that all maps meet the requirements of Rule 6.2.1(2).
3. On December 9, 2025, the Division received a comment from the US Army Corps of Engineers stating that they cannot review each individually noticed project for comments. They direct the applicant to reach out to the Corps to verify if projects require a permit. Please confer with the Corps to verify if additional permits through them are required or not. Provide the Division with a statement of these findings.

6.4.1 Exhibit A – Legal Description

4. Rule 6.4.1(1) – Specify affected areas. The parcel information was provided but no description as to the boundary of the affected lands or total areas to be affected.
5. Rule 6.4.1(2) – Within Exhibit A please provide a map: The main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.

6.4.3 EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands

6. Rule 6.4.3(d) the acreage listed Map C-2 to be included within the permit does not match the application form. Acreages need to be consistently presented throughout the application package.
7. Please provide the Division with a minimum of two separate maps. One map to depict the pre-mining current site conditions. And a second map, the Mining Plan map, which shows how the land will change with the progression of mining.
 - a. Mining Plan mentions that 5-10 areas will be affected at a time, the Mining Plan Map shall include the phases that correlate to the Mining Plan. Please provide a map depicting the operation mid-mining or include mining phases.
 - b. In general map C-2 appears to include lots of information more specific to city planning and not specifically required under the Division's Rules. For ease of review please break this information up into several maps as relevant i.e. Pre mining, structures, mining phases, water, etc.
8. Rule 6.4.3(b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area.
 - a. A call out box includes utility and agency information however it is unclear where all of these features are that relate to the utility and agencies.
9. Rule 6.4.3(d) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
10. Map C-2 shows two separate parcels for Aussieloose Revocable Trust, Parcels 29-193-00-265 and 2943-193-00-215. This is incorrect, according to the Meas County Assessors website there is only one parcel and its number is 2943-193-00-273. Please update the Map C-2 and all other exhibits accordingly.
11. Overhead electrical is present on both the north and south sides of C ½ Road. Please update map.
12. Update Map C-2 to include all permanent man-made structures within 200 affected lands as defined under Rule 1.1(52)

13. If groundwater monitoring well are currently present they should be included on both the pre-mining and Mining Plan Maps.

6.4.4 Exhibit D – Mining Plan

14. Paragraph 3 of Exhibit D states “Before mining begins, a pre-mining stripping phase will occur across the entire site. An average 1.75 feet of topsoil will be stripped ... resulting in approximately 33,880 cubic yards.
- a. 21.5 ac @ 1.75’ (21”) = 60,702 CY The application only provides material from approximately 12 ac. Map C-2 states 18.49 ac and section (d) of the Mining Plan states 19.49 ac, both of which is still more than the stripped amount (12 ac @ 21” = 33,880 CY.
 - b. Similarly paragraph five mentions the total amount of gravel to be mined. The plan indicates that only 12 acres will be mined based on the anticipated volume. Please clarify the area to be excavated, vs those areas affected by stockpiling or other mining activities. Rule 6.4.4(d)
15. Per Rule 6.4.4(f)(i), state the quantitative nature, depth and thickness of overburden to be removed. Topsoil and overburden should be segregated.
16. Within section (b/c) of Exhibit D please further elaborate on how the pit will be dewatered during mining.
17. On page 2 of Exhibit D it states “with a maximum exposed height of approximately 18.16.5 feet, a face length of up to 300 feet, and an operational slope between 1.5H:1V and 2H:1V”
- a. The northern highwall is more than 300 feet long. Unless the highwall will be sloped to a 3H: 1V as mining progresses the maximum highwall length needs to be extended to cover the worst-case scenario.
 - b. As mining progresses and the highwall moves north will the east and west highwalls be contemporaneously reclaimed? Please also account for these highwall slopes in the worst-case scenario.
19. Per Rule 6.4.4(e) state if the operation will be intermittent. If the operation is intended to be an intermittent operation as defined in Section 34-32.5-103(11)(b), C.R.S., the Applicant should include in this exhibit a statement that conforms to the provisions of Section 34-32.5-103(11)(b), C.R.S.
20. Within the timetables (e) please include a description of the anticipated size of each area to be worked, Rule 6.4.4(e)(ii)
21. Will mining occur up to the affected lands boundary at a 1.5H:1V slope then be backfilled to a 3H:1V or will mining transition to a 3H: 1V slope at some distance away from the affected lands boundary. Clarify mining methodology around perimeter highwalls to be implemented.
22. Pursuant to Rule 6.4.4(f)(ii) state the nature of stratum immediately beneath the material to be mined in sedimentary deposits.
23. Information provided under section (k) Final Reclamation and Post-Mining Land Use is more appropriate under Exhibit E – Reclamation Plan. Additionally, this information is not consistent with other Exhibits.

24. The Mining plan only mentions screening and some washing. Please confirm that no crushing, asphalt or cement production will take place on site. If the Operator would like to conduct these types of operation(s) at a later date a Technical Revision will be required. Note: Map C-2 mentions a crushing setback, this is contradictory to information within the Mining Plan.
25. Will this site accept import fill material? If so, please address the requirements of Rule 3.1.5(9)

6.4.5 Exhibit E – Reclamation Plan

26. Please state the maximum number of unreclaimed acres to be present at any time.
27. Regarding the armored pond bank within the floodway
- Please clarify the thickness at which the D50 riprap will be placed on the slopes within the floodplain.
 - Please state the total required CY of material necessary.
 - Will this material be sourced from the pit or imported?
 - Explicitly state at what point within the Reclamation Plan armoring is to take place.
28. The Division requires all new applications adjacent to rivers to comply with the "Floodplain Protection Standards – February 2024"
- Please confirm which option (or a combination thereof) will be performed by the Applicant to ensure potential impacts from mining within or adjacent to the floodplains are limited.
 - The applicant appears to have selected Option 1- Table 1 Standard Setbacks. However, only Pitside Bank armoring is proposed however the setback within the Permit appears to be 150ft.
 - <https://drive.google.com/file/d/1GreTdf800T9gAlWgCGwPKI1COujlmYK-/view>
29. Use of irrigation is mentioned within the Reclamation Plan. Irrigation of temporary cover for topsoil berms is reasonable assuming sufficient water rights exist, and irrigation will be maintained throughout mining. The Division would highly advise against irrigation of the reclaimed upland areas unless irrigation is to be maintained until residential development. While irrigation of reclaimed areas will speed up or increase cover, it will not establish a self-sustainable plant community, Rule 3.1.10(1). Initial irrigation will lead to a false positive, when irrigation ceases a drastic die off of planted species will occur and weeds will take over. Think of an agricultural field being left fallow.
- Please further elaborate how irrigation will be responsibly applied for visual permits and Final Reclamation. What equipment is necessary, will it be permeant, etc.
 - State the anticipated volumes to be consumed by irrigation and demonstrate legal water rights for the water to be used.
30. (d) Reclamation Schedule is overly simplistic. In more detail, please address the requirements of Rule 6.4.5(2)(e)(i-iii).

31. Please revise the weed management plan to include a minimum of two surveys annually during the active growing season. Not all plants/weeds germinate or are active at the same time of year. Timing of treatments is critical for effective weed management, one survey a year is insufficient. The Applicant is encouraged to consult with Mesa County Noxious Weed and Pest Management.
32. Based on the maps it appears that the existing Riverfront Trail and new connection are outside of the affected lands boundary. The Reclamation plan describes the connection being constructed as part of Final Reclamation of the proposed permit area. If this disturbance is to be associated with the mining operation or reclamation of such, all disturbances need to be within the affected lands boundary (or that boundary increased). Alternatively, if these features are outside of the affected lands boundary to be completed independent of mining they need not be addressed within the permit and bonded for.
33. Volumetrics provided are not consistent.
 - a. Pond is up to 12 ac, upland is 5.38 ac, however total affected lands is 19.49 ac within the 21.5 ac permit. What is the remaining 2.11 ac of effective land to be reclaimed as?
 - b. 33,880 CY (stripped) applied over 5.38 ac is approximately 46.5" deep not the stated 3-12" to be reapplied.
34. Per Rule 6.4.5(2)(a), state the number of acres associated with each land type: upland, pond and trail.
35. A seed mix was provided however no specific varieties are listed. If Mesa County requires specific varieties for plant species, please include that information.
36. Will all fencing be removed upon complete of final reclamation? If so, please state the total liner foot of each fencing type and its disposal location.
37. Will any fertilizer or nursery crops be used in Final Reclamation?

6.4.6 Exhibit F – Reclamation Plan Map

38. On Map F-1 please include a legend which includes both the permit boundary and the affected lands boundary.
39. Map C-4 refers to the property line. Please clearly label the permit boundary and affected lands boundary.
40. Seed mix listed on map F-2 is different than what is stated in the Reclamation Plan.

6.4.7 Exhibit G – Water Information

41. Overburden and mineable commodity depths provided in paragraph one of Exhibit G are inconsistent with other Exhibits of this application. Please revise accordingly.
42. Please provide the Division with a copy of the approved well permits from OSE.
43. Are the groundwater monitoring permeant features or to be removed upon completion of mining?
44. Groundwater Monitoring Sampling and Analysis Plan
 - a. 1.2 Baseline Groundwater Characterization –

- i. Provide samples taken quarterly for analytical analysis. Only May of 2024 data has been provided.
 - ii. Provide water level data for all wells which should be collected at least monthly. Only May of 2024 data has been provided.
 - iii. The Divisions requires a minimum of five consecutive quarters of data. Only May of 2024 data has been provide.
 - iv. Include a statement from the Applicant to comply with 1.2 Baseline Groundwater Characterization – “It should be noted that once site groundwater characterization commences, it will be required that groundwater monitoring will continue for the life of the mine. Any modifications...”
- b. 1.2.2 Baseline Groundwater Quality – Provide a graph of the water level against time at each monitoring point.
 - c. 1.2.3 Baseline Groundwater Quality – quality data was sampled for the appropriate parameters. Table did not include the minimum, maximum and average values for each parameter and identified any exceedances of the standard.
45. Once a Discharge Permit has been obtained, please provide the Division with a copy for the record.
46. What is the anticipated pond inflow (recharge) rate.
47. As previously noted under the Reclamation Plan, demonstrate through a detailed hydrologic analysis that proposed pit banks will not be significantly eroded by a 100-year flood event during worst-case conditions of mining and reclamation.

6.4.12 Exhibit L – Reclamation Costs

48. If fencing is to be removed upon completion of mining, please include a removal task.
49. Irrigation is proposed during Final Reclamation, provide cost for installation of infrastructure, labor, equipment, materials, electrical/fuel consumption and maintenance.
50. What is the anticipated number of gallons to be pumped for dewatering under the worst-case scenario? Specify if total or initial plus recharge (question 46).

6.4.13 Exhibit M – Other Permits

51. Commit to not discharging until a Discharge Permit has been obtained from CDPHE and a copy has been provided to the Division.
52. Commit to not exposing groundwater until a Gravel Well Pond Permit has been obtained from DWR and a copy has been provided to the Division.
53. Update exhibit to include the four ground water monitoring wells.

6.4.15 Exhibit O – Owner(s) of Record

54. Sallee, Dana and McCollum, Janice G were listed as owners of record. However, neither party is listed on Map C-2 and based on the Mesa County Assessor's website does not appear to be an owner within 200 feet of the affected lands. Please clarify why their information was provided.

6.4.17 Exhibit Q – Proof of Mailing of Notices

55. Please provide an update notice to the Board of Count Commissioners which lists Residential as the post-mine land use. The notice copy provided to the Division stamped received October 15, 2025, lists Wildlife Habitat as the post-mine land use which is incorrect.
56. Provide a copy of the notice that was certified mailed to the Mesa Conservation District. The Divisions must verify the notice is accurate.

6.4.18 Exhibit Q – Proof of Filing with the County

Provide an updated receipt that the County's application file has been updated each time additional materials are submitted to the Division, per Rule 1.6.2(1)(c).

6.4.19 Exhibit S – Permanent Man-made Structures

57. A list of structures was provided however it is incomplete. All structures as defined under Rule 1.1(52) and located within 200 ft of the affected lands shall comply with Rule 6.4.19 regarding structure agreements.
- a. Please provide an updated table summarizing each structure owner and list all associated structures owned by that entity.
 - b. Ensure that Map C-2 or other maps that depict structures correlate to the features listed.
 - c. Note that structure may be owned by parties other than the surface landowner.
58. For features that appear to be near the 200 feet of the affected lands boundary but lies beyond please provide the distance to said structure and a statement that no structure agreement shall be required.
59. Per Rule 6.4.19(a) Send a structure agreement to each structure owner (listed in the table mentioned above) and provide the Division with documentation that an attempt to reach an agreement was made (certified mail).
- a. For all completed agreements provide the Division with a copy of the completed damage compensation waive, Rule 6.4.19(a).
 - b. For any structures listed in the above table that a completed agreement could not be completed explicitly mention them in the engineering evaluation and demonstrate that the structure will not be negatively affected by mining, Rule 6.4.19(b). The Geotechnical Stability Exhibit shall meet the requirements of Rule 6.5; cursory statements will not be accepted.

- c. Additionally, several of the structures appear to be Utilities or owned a municipality. For those specific structures the Utility or municipality may provide their own notarized form, Rule 6.4.19(c)

Rule 1.6.2 - Public Notice Requirements

- 60. Rule 1.6.2(1)(d) newspaper publication. The Division received a proof of publication that was initially published on 11/01/2025. This publication does not meet the requirement of Rule 1.6.2(1) for the following reasons:
 - a. The application was not deemed complete until December 1, 2025. Per Rule 1.6.5(2) publication shall begin within 10 days of an application being deemed complete, however not before
 - b. The proof of publication provided is incorrect.
 - i. The location description is missing the direction for township and range,
 - ii. The post-mine land use listed is incorrect and does not match the current application materials, should be Residential not Wildlife Habitat.
 - iii. The deadline for public comment listed in the notice is incorrect, it shall be 20 days from the last date of publication, so in this example it should have been December 12, 2025, not November 28, 2025.
- 61. A subsequent proof of publication was received on December 11, 2025. This notice provided the correct information.
 - a. The notice is only scheduled to be published on 12/6/2025. Under Rule 1.6.5(1) for 112 applications the public notice shall be posted weekly for four consecutive weeks. Additional publications shall take place on 12/3, 12/20, and 12/27 for this notice to meet the requirements of the Rules.
 - b. If additional publications do not take place a new publication will be required under Rule 1.6.6(a). Please update the close of comment period based on when the publication commences. See table below with sample dates. Feel free to provide the Division with a sample for review prior to publication.

<u>112 Public Notice</u>		
	(4 consecutive weeks)	(20 days after last)
Start Day	Last Day	Close Day
Saturday, December 20, 2025	Saturday, January 10, 2026	Friday, January 30, 2026
Start Day	Last Day	Close Date
Sunday, December 21, 2025	Sunday, January 11, 2026	Saturday, January 31, 2026
Monday, December 22, 2025	Monday, January 12, 2026	Sunday, February 1, 2026
Tuesday, December 23, 2025	Tuesday, January 13, 2026	Monday, February 2, 2026
Wednesday, December 24, 2025	Wednesday, January 14, 2026	Tuesday, February 3, 2026
Thursday, December 25, 2025	Thursday, January 15, 2026	Wednesday, February 4, 2026
Friday, December 26, 2025	Friday, January 16, 2026	Thursday, February 5, 2026
Saturday, December 27, 2025	Saturday, January 17, 2026	Friday, February 6, 2026
Sunday, December 28, 2025	Sunday, January 18, 2026	Saturday, February 7, 2026
Monday, December 29, 2025	Monday, January 19, 2026	Sunday, February 8, 2026
If close day is a weekend/holiday, then it rolls over to the next regular business day.		

Please submit your response(s) to the above listed issue(s) by Monday, January 19, 2026 in order to allow the Division sufficient time for review. The decision date for your application is scheduled for **March 2, 2026**.

The Division will continue to review your application and will contact you if additional information is needed.

If you require additional information, or have questions or concerns, please feel free to contact me.

Sincerely,



Amy C Yeldell
Environmental Protection Specialist III

Cc:
Travis Marsall, Senior EPS, DRMS