

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

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April 9, 2012

Chester W. Gebauer
CLG Farms, LLC
37951 Hwy 34
Otis, CO 80743

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

RE: CLG Farms, LLC; DRMS File No. M-2008-060; Receipt of 110 Construction Materials Reclamation Permit Amendment Application Package

Dear Mr. Gebauer,

On April 4, 2012, the Division of Reclamation, Mining and Safety (Division) received your 110 Construction Materials Reclamation Permit Amendment Application package for the CLG Farms, LLC site, File No. M-2008-060. Preliminary review of the information received determined that the following items must be received before the Division can consider your application as being submitted and technical review can begin:

Application Form

1. The company name has been incorrectly listed throughout the Application Form. The company name must be listed *exactly* as it is registered with the Colorado Secretary of State, including commas and other punctuation. The Operator is listed with the Colorado Secretary of State as '**CLG Farms, LLC**'. Please correct all highlighted portions of the original application (enclosed) on a new application. All places where the company name is mentioned must appear of '**CLG Farms, LLC**'.
2. On Page 1 of the Application Form, the Applicant has indicated that the permitted acreage will increase by 2 acres for a total of 9.76 acres. However, the Applicant has stated on Page 4 that the permitted acreage is to be increased by 2.2 acres for a total of 9.3 acres. Please clarify if the permitted acreage will be increased by 2 acres or 2.2 acres and revise the Application Form as necessary.
3. On Page 1 of the Application Form, the Applicant has not identified the anticipated use of the primary commodities to be mined. Please revise No. 5.2 of the Application Form to include the end use of the primary commodities to be mined.

4. Under No. 9 of Page 3 of the Application Form, the Applicant has listed the type of mining operation as 'underground'. Please submit a replacement page with the type of mining operation listed as 'surface'.

6.3.1 Exhibit A – Legal Description and Location Map

5. Please provide a legal description for the amended permit area. The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by township, range, and section, to at least the nearest quarter-quarter section. A metes and bounds survey description is also acceptable. Also, the street address or lot number(s) may be used. The Applicant is not required to submit information which duplicates information in previous submittals. However, the Applicant shall clearly describe where, in the original application and supporting documents, the information not included in the amendment application may be found.

6.3.2 Exhibit B – Site Description

6. Please provide a description of the vegetation and soil characteristics in the area of the proposed operation and provide a description of water resources in the area. In addition, identify any permanent man-made structures within two hundred feet of the affected area and the owner of each structure. The Applicant is not required to submit information which duplicates information in previous submittals. However, the Applicant shall clearly describe where, in the original application and supporting documents, the information not included in the amendment application may be found.

6.3.3 Exhibit C – Mining Plan

7. Please provide the Division with a Mining Plan. The Applicant is not required to submit information which duplicates information in previous submittals. However, the Applicant shall clearly describe where, in the original application and supporting documents, the information not included in the amendment application may be found.

6.3.4 Exhibit D – Reclamation Plan

8. Please provide the Division with Reclamation Plan. The Applicant is not required to submit information which duplicates information in previous submittals. However, the Applicant shall clearly describe where, in the original application and supporting documents, the information not included in the amendment application may be found.

6.3.5 Exhibit E – Map

No comment.

6.3.6 Exhibit F – List of Other Permits and Licenses Required

9. Please provide the Division with a statement identifying which permits, licenses and approvals which are held or will be sought in order to conduct the proposed mining operation.

6.3.7 Exhibit G – Source of Legal Right-to-Enter

10. Provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation, for the Owners of Record described in Subparagraph 1.6.2(1)(e)(i). This may be a copy of access lease, deed, abstract of title, or a current tax receipt. A signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter and mine is also acceptable.

6.3.8 Exhibit H – Municipalities Within a Two-mile Radius

No comment.

6.3.9 Exhibit I – Proof of Filing with County Clerk

11. Provide an affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder. Also, refer to Rule 1.6.2(1)(c).

6.3.10 Exhibit J – Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District

12. Provide proof that notice of the amendment application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Soil Conservation District, to the Board of Supervisors of the local Soil Conservation District, pursuant to Subparagraph 1.6.2(1)(a)(ii).

6.3.12 Exhibit L – Permanent Man-Made Structures

13. You must provide information sufficient to demonstrate that the stability of any structures located within two hundred (200) feet of the operation or affected land will not be adversely affected. The Applicant is not required to submit information which duplicates information in previous submittals. However, the Applicant shall clearly describe where, in the original application and supporting documents, the information not included in the amendment application may be found.

ADDENDUM 1 - Notice Requirements - Affidavit of Posting Notice (Sign) (Rule 1.6.2(1)(b)):

14. Prior to filing the application, post notices (signs) at the location of the proposed mine site, as required by the Office, of sufficient size and number to clearly identify the site as the location of a proposed mining operation giving name, address, and phone number of the Applicant, and

stating that (name of Applicant) has applied for a mining permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the County Clerk's or Recorder's office and should send comments prior to the end of the public comment period to the Colorado Mined Land Reclamation Office, at the address given on the cover of these Rules and Regulations. Any class of Limited Impact 110 or Special 111 operation need only post notice (sign) at the location of the proposed access to the site. After having posted such notice (sign), failure by an Applicant to maintain such notice shall not constitute just cause to deny approval of the application. At the time the application is filed with the Office, the Applicant shall provide a signed affidavit that such notice (sign) was posted according to the provisions of this Rule. A sample notice is enclosed for your use.

Your application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt of all of the requested information. Additionally, if you have already published notice you will need to republish notice, after the Division considers the application submitted. Republication must occur once within ten (10) days of the submittal date. We will notify you when you should initiate republication of your notice. The final date for receiving comments is ten (10) days after the date of publication or the next regular business day.

You have sixty (60) days from the above date to submit all necessary documents that the Office needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Office, the Office shall deny the application and terminate the application file.

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

Sincerely,



Michael A. Cunningham
Environmental Protection Specialist

Enclosures (2)