



**COLORADO**

**Division of Reclamation,  
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

July 2, 2014

Melanie Bounds  
Huerfano County  
401 Main St, Suite 105  
Walsenburg, CO 81089

**Re: Peak View Pit, DRMS Permit No. M-2014-028  
112 Construction Materials Reclamation Permit  
Preliminary Adequacy Review**

Dear Ms. Bounds:

The Division of Reclamation, Mining and Safety (Division/DRMS), has completed a preliminary review of the 112 Construction Materials Reclamation Permit application, and has the following comments.

**APPLICATION FORM:**

- 1) Please post a notice at the entrance of the mine site that displays the information required by Rule 1.6.2(1)(b). After posting the notice, please provide a signed affidavit stating the notice has been posted and/or include a photograph of the notice. Please see the attached affidavit.

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

- 2) Please have the maps signed by a registered land surveyor, professional engineer, or other qualified person as required by Rule 6.2.1(2)(b)

**6.4.4 EXHIBIT D - Mining Plan**

- 3) Part a: The Division would request that the Operator/applicant commit to seeding any topsoil stockpile that will remain in one location for longer than a growing season.
- 4) Part e: Please remove or clarify the statement about a 23 acres floating bond.
- 5) Please specify if explosives will be used in conjunction with the mining (or reclamation). In consultation with the Office, the Applicant must demonstrate pursuant to Subsection 6.5(4), Geotechnical Stability Exhibit, that offsite areas will not be adversely affected by blasting.1



#### **6.4.6 EXHIBIT F - Reclamation Plan Map**

- 6) Please have the map signed by a registered land surveyor, professional engineer, or other qualified person as required by Rule 6.2.1(2)(b).

#### **6.4.19 EXHIBIT S - Permanent Man-made Structures**

- 7) Where the 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 may 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.

#### **General Comments and Questions**

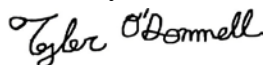
- 8) Please provide proof of publication in the local newspaper as required by Rule 1.6.5. Proof of publication may consist of either a copy of the last newspaper publication, to include the date published, or a notarized statement from the paper. An application may not be approved until such proof has been obtained.
- 9) Please provide proof of mailing or serving 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, as required by Rule 1.6.2(1)(e).
- 10) Please address the attached comments from the State Historic Preservation Officer.
- 11) Please address the attached comments from the Colorado Division of Water Resources.
- 12) Please see the attached comments for the Colorado Parks and Wildlife.

Melanie Bounds  
Huerfano County  
Page 3  
July 2, 2014

The current decision deadline is August 20, 2014. Please provide responses to the above comments soon enough for the Division to review the responses and complete a follow-up exchange of comments and responses prior to the decision deadline. If you are unable to provide satisfactory responses to any inadequacies prior to the decision deadline, **it will be your responsibility to request an extension of time to allow for continued review of the permit application.** If there are still unresolved issues when the decision date arrives and no extension has been requested, the permit application will be denied.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at [tyler.odonnell@state.co.us](mailto:tyler.odonnell@state.co.us).

Sincerely,



Tyler O'Donnell  
Environmental Protection Specialist

Enclosures: Letter from the State Historic Preservation Officer  
Letter from the Colorado Parks and Wildlife  
Letter from the Colorado Division of Water Resources  
Affidavit for Rule 1.6.2(1)(b)

CC: Tom Kaldenbach, DRMS

Joesheph V. Gagliano  
Gagliano Engineering, Inc.  
1740 Eagleridge Blvd.  
P.O. Box 2520  
Pueblo, CO 81008

TOD



May 21, 2014

Tyler V. O'Donnell  
Environmental Protection Specialist  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

✓ Re: Notice of 112 Hard Rock/Metal Mining Reclamation Permit Application Consideration  
Huerfano County, Peak View Pit, File No. M-2014-028 (SHPO Project #66027)

Dear Mr. O'Donnell:

Thank you for your correspondence dated May 22, 2014 (received by our office on May 27, 2014) regarding the subject project.

A search of the Colorado Cultural Resource Inventory database indicated that no cultural resource inventories have taken place in the vicinity of the proposed project area and no historic properties have been recorded within the subject property. However, our files contain incomplete information for this area, as most of Colorado has not been inventoried for cultural resources. As a result, there is the possibility that as yet unidentified cultural resources exist within the proposed project area.

Should human remains be discovered during the proposed project activities, the requirements under State law C.R.S. 24-80 (part 13) apply and must be followed.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Todd McMahon, Staff Archaeologist at (303) 866-4607/ [todd.mcmahon@state.co.us](mailto:todd.mcmahon@state.co.us) or Dan Corson, Intergovernmental Services Director at (303) 866-2673/ [dan.corson@state.co.us](mailto:dan.corson@state.co.us).

Sincerely,

Edward C. Nichols  
State Historic Preservation Officer  
ECN/TCM

RECEIVED  
JUN 03 2014  
DIVISION OF RECLAMATION  
MINING AND SAFETY



DEPARTMENT OF NATURAL RESOURCES

*R*

## DIVISION OF WATER RESOURCES

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Dick Wolfe, P.E.  
Director/State Engineer

### Response to Reclamation Permit Application Consideration

DATE: ✓ June 16, 2014  
TO: ✓ Tyler V. O'Donnell, Environmental Protection Specialist  
CC: Division 2 Office; District 16 Water Commissioner  
FROM: Caleb Foy, E.I.T. *CRF*  
RE: Peak View Pit, File No. M-2014-028 ✓  
Operator: Huerfano County  
Contact: Joseph Gagliano, (719) 547-7073  
Sec. 8, Twp. 29S, Rng. 68W, 6<sup>TH</sup> P.M., Huerfano County

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#### CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations. If stormwater is contained on-site, it must infiltrate into the ground or be released to the natural stream system within 72 hours, or all work must cease until a substitute water supply plan, or augmentation plan approved by water court, is obtained. Reclamation plans must ensure water will not be retained onsite for more than 72 hours unless an augmentation plan approved by water court is obtained.

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**COMMENTS:** According to the application, no water will be used and no ground water or surface water will be disturbed during mining operations.

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

<http://water.state.co.us>





**COLORADO**

**Parks and Wildlife**

Department of Natural Resources

600 Reservoir Road  
Pueblo, Colorado 81005  
(719) 561-5300 • Fax (719) 561-5321

**RECEIVED**

JUN 24 2014

**DIVISION OF RECLAMATION  
MINING AND SAFETY**

June 20, 2014

Tyler V. O'Donnell  
1313 Sherman St. Room 215  
Denver, CO 80203

Michael Trujillo, Area Wildlife Manager  
Colorado Parks and Wildlife (CPW)  
600 Pueblo Reservoir Road  
Pueblo, CO 81005

Re: Regular 112 Operation Application, Peak View Gravel Pit: M2014-028

Dear Mr. O'Donnell:

Thank you for the opportunity to comment regarding the application from Huerfano County Government for the proposed Peak View Gravel Pit. The proposed gravel pit will consist of 40 acres and is located in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  Section 9 and in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 8, T29 S, R 68 W, 6<sup>th</sup> P.M., Huerfano County, State of Colorado.

After visiting the site it appears that the current use of this land is for grazing of livestock. There are no riparian corridors in close proximity to the proposed site. Colorado State Highway 160 and Huerfano County Road 520 are heavily traveled and border the proposed site on the south and west.

Big game species that frequent the area include elk, mule deer, black bears, mountain lions, and pronghorns. A resident herd of pronghorns use this area for reproduction purposes, feeding, and travel corridors. A herd of 400 plus elk winter on Silver Mountain Preserve and calf along County Road 520 in late May and June. Numerous small game animals are found in this area, which include but are not limited to, red fox, swift fox, coyotes, bobcat, cottontail rabbits, black-tailed prairie dogs, and badgers. Various songbirds, raptors, and reptiles are also present in the vicinity of the proposed Peak View Gravel Pit.

After reviewing the maps and document for the proposed site CPW does not foresee significant impacts to wildlife or wildlife habitat. Highway 160 and County Road 520 produce large volumes of traffic and noise. The loss of grasses for feed and the interference of travel corridors for pronghorn and elk will have minimal impact with a site 40 acres in size. To our knowledge there are no known Threatened or Endangered species within or in close proximity to the project site. We would suggest that any ground disturbance be reclaimed to native grass species, and recommend using NRCS seeding guidelines.



Once again, thank you for the opportunity to comment on this issue. Please feel free to contact our office at 719-561-5300, if you have any questions regarding this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Trujillo", is written over the printed name.

Michael Trujillo

Area Wildlife Manager

Colorado Parks and Wildlife

## **NOTICE**

This site is the location of a proposed construction materials operation. (Name of the Applicant/Operator) HUERFANO COUNTY GOVERNMENT, whose address and phone number is (Address and Phone Number of the Applicant/Operator) Huerfano County Courthouse 401 Main St. Ste. 201 Walsenburg, CO 81089-2045 Phone: 719-738-2370 Fax: 719-738-3996, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) HUERFANO County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) 401 Main St. Ste.204, Walsenburg, Colorado 81089, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining, and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203.

### **Certification:**

I, \_\_\_\_\_, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) PEAK VIEW PIT, \_\_\_\_\_ on (Date Posted), \_\_\_\_\_.

SIGNATURE

DATE\_\_\_\_\_