



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

August 06, 2014

Mr. Joe C. Baxter
Midwestern Farms Resource dba Eastern Colorado Aggregates
P.O. Box 580
Rye, CO 81069

**Re: Midwestern Farms, DRMS Permit No. M-1993-059
Technical Revision (TR-03), Adequacy Review -01**

Mr. Baxter,

The Division of Reclamation, Mining and Safety (Division) has completed its adequacy review of your technical revision. The technical revision was called complete for review on August 05, 2014. The decision date for this technical revision is **September 04, 2014**.

Preliminary review of the information received determined that the following additional information or clarification will be required before the Division can consider your technical revision as being adequate:

- 1.) The mining plan map for this site needs to be updated (per the 04/04/2014 inspection report). The mining plan map that was submitted with the Amendment approved on 02/02/1999 is enclosed with this letter for your reference. Please update this map to reflect any differences in the mining plan for this site. The mining plan map should include all information required by Rule 6.2.1(2) and Rule 6.4.3 (see below).

General Requirements (Rule 6.2.1(2)): Maps and Exhibits - 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 operation;
- (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.



Pre-Mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3): One or more maps may be necessary to legibly portray the following information:

- (a) all immediately adjacent surface owners of record;
- (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;
- (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
- (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands;
- (e) the type of present vegetation covering the affected lands; and
- (f) in conjunction with Exhibit G - Water Information, Subsection 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.
- (g) Show the owner's name, type of structures, and location of all permanent or man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
- (h) In conjunction with Exhibit I - Soils Information, Subsection 6.4.9, soils information may be presented on a map in this section;
- (i) Aerial photos, if available, may be included in this section.

- 2.) The reclamation plan map for this site needs to be updated (per the 04/04/2014 inspection report). The reclamation plan map that was submitted with the Amendment approved on 02/02/1999 is enclosed for your reference. Please update this map to reflect any differences in the reclamation plan for this site. The reclamation plan map should include all information required by Rule 6.2.1(2) (see above) and Rule 6.4.6 (see below).

If the map submitted with this technical revision was intended to be an updated reclamation plan map, it does not include the information required.

Reclamation Plan Map (Rule 6.4.6): The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

- (a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and
- (b) Portrayal of the proposed final land use for each portion of the affected lands.

- 3.) The Operator is requesting that the maximum allowed affected acreage be increased from 141.8 acres to 230 acres (not including the two ponds or the 64.2-acre area intended for release). However, per Rule 34-32.5-103(1), affected land shall include all surface area disturbed as a result of the operation. This includes affected land and areas of exposed groundwater (ponds) that have not been released. Because the Division estimates the current affected area of the site to be 387 acres, the maximum allowed affected acreage will need to be at least this amount in order for the site to be in compliance.

This concludes the Division's preliminary adequacy review of your technical revision. Please remember that the decision date for this technical revision is **September 04, 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 this date, **it will be your responsibility to request an extension of time to allow for continued review of this technical revision.** If there are still unresolved issues when the decision date arrives and no extension has been requested, the technical revision will be denied.

If you have any questions, please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303-866-3567, x8129 or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

CERTIFIED Mail No. 7012 3460 0000 6384 8208
Return Receipt Request

CC: Leonard Read
Eastern Colorado Aggregates, LLLP
P.O. Box 580
Rye, CO 81069

Tom Kaldenbach, DRMS

