



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 27, 2015

Dr. Angela M. Bellantoni
Environmental Alternatives, Inc.
1107 Main St.
Cañon City, CO 81212

**Re: Phillips Ranch Property Gravel Pit #2, File No. M-2000-046,
Preliminary Adequacy Review for Conversion to 112c (CN-01)**

Dear Dr. Bellantoni:

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of your 112 construction materials reclamation permit conversion application. The application was received on March 11, 2015 and called complete for review on March 13, 2015. **The decision date for this application is June 11, 2015.** Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, **it will be your responsibility to request an extension of the review period.** If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this application.

The review consisted of comparing the application content with specific requirements of Rules 3.1, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

The primary objective of this amendment is to provide the Division with a comprehensive understanding of the mining and reclamation plans for this project for the purpose of documenting these plans for the Division, the Operator and the Land Owner; and establishing sufficient financial warranties in the event the State may be required to complete reclamation. As such, the majority of the comments are aimed at providing additional clarification of these plans.

The following items must be addressed by the applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

APPLICATION

1. Item 6, p. 2 requires the name of owner(s) of subsurface rights of affected land. On April 6, 2015, the Division received a letter from the State Land Board indicating the mineral estate under the portion of the proposed expansion located in the SE ¼, Section 36, T19S, R69W is owned by the State of Colorado. Please re-submit page 2 of the Application to include the State Land Board.



2. Item 11, p. 3 requires correspondence information for State landowners (when applicable). Based on Item No. 1, please re-submit page 3 of the Application with the pertinent State Land Board correspondence information included.
3. Certification, p. 8. The Division is aware Pioneer Sand Company has a corporate seal. Neither the corporate seal or the corporate secretary (or equivalent) is included in the signature section on p. 8. Please re-submit p. 8 of the Application with the corporate seal and the corporate secretary (or equivalent) signature.

6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS

6.4.1 EXHIBIT A – Legal Description

This exhibit is adequate as submitted.

6.4.2 EXHIBIT B – Index Map

This exhibit is adequate as submitted.

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

4. There are “- X -” lines on the drawing that are not identified in the legend or by text. If these are fences, they need to be identified as fences are described in the Exhibit N lease. Please identify these lines on the drawing.
5. Exhibit D indicates this will be a phased mine operation. The Division requires these phases be delineated for the purpose of assuring the appropriate bond is in place at any given time during the mine operation. If long term phases are unknown at this time, indicate as much and delineate at least the first four mining phases and commit to submitting a Technical Revision to update the mine plan map prior to disturbing any area outside the delineated phases. Please re-submit the map with the mine phases delineated, as described in Exhibit D.
6. Based on the information provided in Exhibits E, F and H, Low Back Creek is to have a buffer zone. As Exhibit C is a “Mining Plan Map”, the Low Back Creek setback should be identified on Exhibit C and labeled as an area not to be disturbed. The same should be indicated for Hardscrabble Creek where the permit boundary encroaches on the required setback indicated by the agreement with Colorado Parks and Wildlife (CPW) in Exhibit H. Please re-submit this map showing the required setbacks.

6.4.4 EXHIBIT D – Mining Plan

7. Pursuant to Rule 6.4.4(f)(ii) the nature of the stratum immediately beneath the material to be mine is required. Please describe the underlying stratum.
8. The fourth paragraph indicates the mining area will be characterized by a “perimeter berm of undisturbed native material”. Please indicate how a berm will be “constructed” without disturbing the native material.

9. Pursuant to Rule 6.4.4(e), an approximate timetable to describe the mining operation is required for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. The Division assumes the Operator wishes to implement a phased bonding approach to the required reclamation financial warranty.
 - a. Please confirm the desire for a phased bonding approach.
 - b. If the phased bonding approach is desired, please provide specifics with respect to the concurrent reclamation approach. For example, if the maximum allowed disturbance is 20 acres, how much of that area will be active mining and how much under reclamation, keeping in mind the Division considers an area disturbed until final vegetation is established, a release is requested by the Operator and granted by the Division. This distinction is critical when the Division calculates an appropriate bond.
 - c. Please provide a time table for various phases of the operation, or define events, milestones, etc. so that it is clear to both the Operator and the Division when the reclamation bond needs to be reviewed and increased prior to proceeding with the next phase of the operation.

6.4.5 EXHIBIT E – Reclamation Plan

10. Table 1 NRCS Recommended Seed Mix. The Division acknowledges this seed mix is identical to that approved in original application. However, the estimated number of seeds per square foot (39.2) appears low. Further, the February 18, 1997 “Soils and Vegetation Report” includes a statement from the Soil Conservationist indicating he had developed a “seed plan” for this site. The seed plan was not included in the original application or this conversion application. Please comment on the relatively low seed rate.
11. Pursuant to Rule 6.4.5(2)(c), a description of how the reclamation plan will be implemented to meet each applicable requirement of Rule 3.1. Please address the following:
 - a. Rule 3.1.3. Assuming a phased mine/reclamation plan is desired, please commit to completing reclamation for each phase within five years of completing mining in each phase.
 - b. Rule 3.1.9(1). Please commit to vegetating topsoil/growth media stockpiles if they are not to be “replaced on backfill area within a time short enough to avoid deterioration of the topsoil.

6.4.6 EXHIBIT F – Reclamation Plan Map

12. Map scale: This appears to be a reduced scale drawing. The scale states 1” = 200 ft. It’s closer to 1” = 450 ft. Please correct the scale and/or submit a full size drawing.
13. The Details for Slope Reclamation Zones B and C don’t reflect the contours shown on the drawing. There are areas near Low Back Creek showing final reclamation contours 15 feet below the existing creek bed elevations. The Zone B and C Details imply the final reclamation surface would be some height above the creek bed. Please correct and resubmit the drawing.

14. The Zone A and B Details show backfill material to achieve the proposed 3H:1V slopes. Both the mine and reclamation plans (Exhibits D and E) state slopes will be kept at 3H:1V. As such, not backfill would be required. Please clarify whether slopes will be kept to 3H:1V or backfill will be required.

a. If backfill is required, please correct Exhibits D and E accordingly.

6.4.7 EXHIBIT G – Water Information

15. Second paragraph: The last line states “Mining is limited to the top soil terrace at least 40 feet above the normal high water mark of the creek beds.” This statement conflicts with the final reclamation contours on the Exhibit F map, and indicates the Zone B and C Details on Exhibit F should at the minimum state this 40-foot elevation difference. Please make appropriate corrections to Exhibit G and/or Exhibit F.

6.4.8 EXHIBIT H – Wildlife Information

This exhibit is adequate as submitted.

6.4.9 EXHIBIT I – Soils Information

16. Pursuant to Rule 6.4.9(1), a description of the thickness of the soil above the affected land shall be provided. This is typically part of the NRCS soils report, but has not been provided in this case. Please provide cover soil thickness(es).

6.4.10 EXHIBIT J – Vegetation Information

17. Pursuant to Rule 6.4.10(1)(b) and (c), a relationship between the vegetation type and the soil type is required, and for rangeland, the carrying capacity of the area in the vicinity of the affected land is required. Both of these can typically be included in the soils report generated from the NRCS Web Soil Survey.
- a. Please provide a map showing the relationship between the vegetation type and the soil type; and
- b. Please provide the carrying capacity of the area in the vicinity of the affected land.

6.4.11 EXHIBIT K – Climate

This exhibit is adequate as submitted.

6.4.12 EXHIBIT L – Reclamation Costs

18. Some quantities appear to be missing depending on the responses to Item Nos. 8 and 14 above. The total length of berms for stormwater protection and volumes of backfill material need to be addressed in the reclamation costs. Please provide this information as appropriate.

19. Referencing your response to Item No. 9.a above, please provide specifics on how much area of the maximum disturbed area in a given phase will at one time, require: grading, topsoiling, revegetation, etc.

6.4.13 EXHIBIT M – Other Permits and Licenses

This exhibit is adequate as submitted.

6.4.14 EXHIBIT N – Source of Legal Right to Enter

20. As a portion of the area to be mined includes minerals owned by the State Land Board, please provide the source of the Operator's legal right to enter and initiate a mining operation on that portion of the affected land.

6.4.15 EXHIBIT O – Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

21. Please update Exhibit O to include the State Land Board as the owner of the substance to be mined in the designated area of Section 36.

6.4.16 EXHIBIT P – Municipalities within Two Miles

This exhibit is adequate as submitted.

6.4.17 EXHIBIT Q – Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District

This exhibit is adequate as submitted.

6.4.18 EXHIBIT R – Proof of Filing with County Clerk and Recorder

This exhibit is adequate as submitted.

6.4.19 EXHIBIT S – Permanent Man-Made Structures

22. The agreement provided for the overhead electric lines is between the landowner, J.R. Phillips and San Isabel Electric Association. The Division requires the agreement be between the Operator and the utility. Please provide such an agreement.

6.5 Geotechnical Stability Exhibit

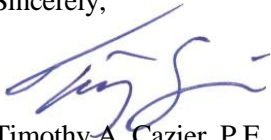
Not required at this time.

Other Concerns

23. Please confirm whether or not the Operator is applying for intermittent status for this site.

Please remember that the decision date for this application is June 11, 2015. As previously mentioned 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 application. If there are still unresolved issues when the decision date arrives and no extension has been requested, the application will be denied. If you have any questions, please contact me at (303) 866-3567, ext. 8169.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Cazier', with a stylized flourish at the end.

Timothy A. Cazier, P.E.
Environmental Protection Specialist

ec: Wally Erickson, DRMS
DRMS file