

December 17, 2015

Steve Baker
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Craig, CO 81625



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

RE: Vermillion Creek Barrow Area, File No. M-2015-027, Construction Material Limited Impact (110) Reclamation Only Permit Application, Adequacy Review-2

Dear Mr. Baker:

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.

<u>Per Rule</u>			
6.2.1	General Requirements		
(1)			This Rule provides for the guidelines for, and information requirements of, each Exhibit required to be submitted with the permit application, as specified according to Section 6.1.
(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 application;
	(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.
If one map serves for multiple exhibits please clearly label which requirements are being addressed.			



6.3.1	EXHIBIT A - Legal Description and Location Map		
(2)			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.
Please identify the actual shape of the permit area on the map. State highway 318 needs to be visible for reference to the site.			
(3)			A map showing information sufficient to determine the location of the affected land on the ground and existing and proposed roads or access routes to be used in connection with the mining operation. Names of all immediately adjacent surface owners of record shall also be shown. The operation location map shall be a standard 1:24,000 scale U.S. Geological Survey map. The location of the proposed operation shall be shown and labeled with the mine site name.
Please provide an additional map similar to the existing contour map and reclamation map that includes the names of owners of record. The map must be drawn at a larger scale showing permit boundary proximity in the riparian area flood plain, surrounding uplands and highway access. Map needs to meet the scale requirements listed above and include all major features.			
6.3.2	EXHIBIT B - Site Description		
	(a)		a description of the vegetation and soil characteristics in the area of the proposed operation. The local office of the Soil Conservation Service (SCS) may provide you with this information as well as recommendations for Exhibit D - Reclamation Plan;
List vegetation species present within the proposed permit area. Please indicate where on the NRCS map the site is located and include the full NRCS soil description for all units within the permitted area.			
	(c)		a description of the water resources in the area of the proposed operation. Identify any streams, springs, lakes, stock water ponds, ditches, reservoirs, and aquifers that would receive drainage directly from the affected area. Provide any information available from publications or monitoring data on flow rates, water table elevations and water quality conditions; and
Describe Vermillion creek that runs through the permit boundary, specifically pre-disturbance data. Provide any information available from publications or monitoring data on flow rates, water table elevations and water quality conditions.			
6.3.3	EXHIBIT C - Mining Plan		
	(b)		the estimated depth to which soil, suitable as a plant growth medium, will be salvaged for use in the reclamation process. This description must be consistent with information provided in Exhibit B. Sufficient soil must be salvaged to meet the vegetation establishment criteria of Rule 3.1.10. If plant growth medium is not reapplied on a graded area immediately after salvage, then the

			Operator/Applicant must specify how the topsoil will be stockpiled and stabilized with a vegetative cover or other means until used in reclamation. Plant growth medium stockpiles must be located separate from other stockpiles, out of the way of mine traffic and out of stream channels or drainage ways. The location of plant growth medium stockpiles must be shown on Exhibit E - Map;
<p>Will any additional topsoil be encountered throughout reclamation, if so describe as listed above.</p> <p>Please redact the comment "If any topsoil is needed to complete the reclamation it will be obtained from private property off site." That would constitute as mining and require a permit for the private land. If the operator needs to 'make' additional topsoil that will be addressed in the reclamation plan regarding amendments.</p>			
6.3.4		EXHIBIT D - Reclamation Plan	
(1)	(c)		specify the measures that will be taken to revegetate the site, if applicable, including:
		(i)	state the thickness of plant growth medium to be replaced. Sample and analyze available soils sufficiently to establish quantity and quality;
<p>If no viable plant medium was salvaged what material will seeding occur in. The Division recommends that soil is not imported to avoid another permitting issue, instead that amendments are used to make existing soil of a higher quality if needed.</p> <p>Please characterize the soil medium to be seeded if different than Exhibit B.</p>			
		(ii)	state at what point in the mining plan the site will be seeded. Explain how the seedbed will be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced). State the type, application rate, and soil incorporation methods of fertilizer application, if any. NOTE: Soil amendments shall only be applied where soil tests indicate nutrient deficiencies for the plant species to be established;
<p>Please clarify what fertilizer(s) will be use and in what amounts. Please specify timing and how the fertilizer will be applied.</p>			
	(e)		Specify the reclamation treatment of any waste rock dumps, underground mine openings, ditches, sediment control facilities, buildings and other features specified in your mine plan but not previously addressed in the Reclamation Plan narrative. These features must be shown on Exhibit E - Map. This should describe the measures taken to minimize disturbance to the hydrologic balance, prevent off-site damage, and provide for a stable configuration consistent with the proposed future land use.
<p>If no mulching is used and silt fence BMPS are removed, how will the ground be stabilized prior to vegetation establishment, specifically the sloped areas?</p>			
(2)			All 110 Limited Impact applications must provide an estimate of the actual costs to reclaim the site based on what it would cost the State of Colorado using an independent contractor to complete reclamation. (Such estimates are not required for activities contemplated by the operator and approved by the Office to be outside the scope of the proposed reclamation plan.) The unit costs should

		include estimates for the following activities as appropriate to the operation: backfilling, grading, topsoil application, seeding, mulching, fertilization, and labor to complete reclamation. Determine and specify the point during the operation when the site has reached a point of maximum disturbance. The cost to reclaim the site to the specifications of the Reclamation Plan at this point must be estimated. Unit costs (cost per cubic yard), volumes, haul or push distances, and grades must be included when backfilling and grading are part of the Reclamation Plan. Volume and unit costs for finish grading, subsoil and topsoil application must be provided in terms of cost per cubic yard. The estimated cost for fertilizer, seed and mulch acquisition and application must be provided as cost per acre.
	(a)	Equipment costs must include such factors as equipment operator wages and benefits, fuel and lubricant consumption and depreciation. The cost to mobilize and demobilize the equipment from the nearest population center known to have the required equipment availability should be estimated.
Remove the mention of outside topsoil source. The top 6" of soil be will be treated as topsoil.		
	(b)	All items referenced in the Reclamation Plan must be included in the cost calculation. These items in addition to earthwork, such as building demolition, fencing, monitoring well sealing or stream channel reconstruction must also be included in the reclamation cost estimate.
Please provide an estimate cost of annual site maintenance such as weed spraying until released?		
6.3.5	EXHIBIT E – Map	
(1)		In addition to the requirements of 6.2.1(2), the Operator/Applicant must provide a map that clearly describes the features associated with the mining plan and the components of the Reclamation Plan. Include one map for the mine plan and one map for the Reclamation Plan. The map(s) must be drawn to a scale no smaller than appropriate to clearly show all elements that are required to be delineated by the Act and these Rules; show a north arrow, note any section corners adjacent to the proposed operation, and indicate the date illustrated. At a minimum, maps must include the following information:
(2)		Mining Plan Map
<p>Please clarify that the existing contour map is your mining plan map.</p> <p>Please remove the statement "no mining has been done in this area" the land has been affected by mining according to the board order. Please include the existing contours on map to depict excavated area and surrounding contours.</p> <p>If necessary you may use several maps to depict the items below.</p>		
	(b)	label the names of owner(s) of record of the surface of the affected area and of the land within two hundred (200) feet of the affected area, identify the owner of the substance to be mined, and the type of structure and owners of record of any permanent or man-made structures within 200 feet of the affected area;
The existing contour map needs surface owners labeled as well. Include the owner of the fence/stack yard.		

	(c)	outline and label all major surface features to be used in connection with the proposed operation such as: existing and proposed roads, pit boundary, topsoil stockpiles, overburden stockpiles, product stockpiles, waste rock fills, stream channels, buildings, processing plant, underground openings such as adits or ventilation facilities, ponds, impoundments, dewatering pumps, diversions or waste disposal areas;
Please show creeks path outside of permit boundary.		
	(d)	indicate the direction that construction material extraction will proceed;
Please show where material was cut from and deposited within the permit boundary.		
(3)		Reclamation Plan Map
	(a)	show the gradient of all reclaimed slopes (horizontal:vertical) sufficient to describe the post mine topography;
Include contours of phase 2.		
	(b)	indicate where vegetation will not be established and the general area(s) for shrub or tree planting;
No areas are mentioned therefore the entire permit boundary will be seeded unless the Division is otherwise notified. Please make a note on the map indicated the entire permit area will be seeded.		
	(c)	if ponds are a part of the Reclamation Plan, outline the final shore configuration of the ponds and shallow areas if the future land use is for wildlife;
Identify the preliminary creek path and note that final configuration will be pending COPR/EPA permit approval. Upon approval maps will need to be revised to show any changes.		
	(e)	state the average thickness of replaced topsoil by reclamation area or phase.
Please address this item.		
6.3.6	EXHIBIT F - List of Other Permits and Licenses Required	
		Provide a statement identifying which of the following permits, licenses and approvals which are held or will be sought in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source materials licenses, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, explosives permits, State Historic Preservation Office clearance, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.
Are there any county requirements?		

Please submit your response(s) to the above listed issue(s) by **Monday, December 28, 2015** in order to allow the Division sufficient time for review. Please note that according to the board order

the permit must be approved by December 21, 2015, an extension is pending with a required approval date of January 20th, 2016

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

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.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,



Amy Yeldell

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Cc:

Russ Means, Senior EPS / Field Office Supervisor, Grand Junction DRMS
Jennifer Maiolo, BLM-Little Snake Field Office