



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

March 16, 2015

Don Marr
Yuma County
1310 S. Blake St.
Wray, CO 80758

RE: 112c Application Adequacy Letter; Meeks Pit; DRMS Permit No. M-2015-049

Dear Mr. Marr,

The Division of Reclamation, Mining and Safety (Division/DRMS) has reviewed the content of your 112c permit application for the Meeks Pit, File No. M-2015-049, and submits the following comments. **The Division is required to make an approval or denial decision no later than April 18, 2016; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** In order to allow the Division adequate time to review your responses to the adequacy issues, please submit your adequacy responses to the Division no later than April 13th.

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.4 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.

GENERAL

1. As required by Rule 1.6.2(d) and 1.6.5(2), submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation. The Division received a copy of the public notice from the Applicant on February 23, 2015. Please submit a notarized statement from the newspaper stating which dates the notice was published.
2. As required by Rule 1.6.2(e), submit proof of the notice to all owners of record of 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 land; this includes all easement holders located on the affected land and within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.

Adequate as submitted on February 23, 2015.

3. The Division received comments from the Division of Water Resources. The letter is attached for review. Please acknowledge the letter, address any comments within the letter, and make changes to the application as necessary.
4. Rule 6.2.1(2) states that all maps, except the index map, must conform to the following criteria: show the name of the Applicant; must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person; give the date prepared; identify and outline the area which corresponds with the application; and shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act. Also, a map scale, appropriate legend, map title, date and a north arrow shall be included. Please



review all the maps in the application, make changes as necessary to comply with Rule 6.2.1(2), and re-submit these maps for further review.

The Division also recommends identifying a map by its title when referring to it in various exhibit narratives.

6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS

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:

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

5. During the Pre-operation Inspection conducted on March 8, 2015, the Division observed County Road 2, fence lines on either side of this road, and a buried fiber optic line on the south side of the road not identified on an Exhibit C Map as required by Rule 6.4.3(g). These structures are all located within 200 feet of the proposed permit boundary due to the entrance road connecting to County Road 2. Submit a map showing the owner's name, type of structure, and location of these identified structures as well as any other structure located within 200 feet of the affected land.

EXHIBIT D - Mining Plan (Rule 6.4.4):

6. Identify the approximate location(s) of overburden and topsoil stockpiles on the Mine Plan Map. Additionally, indicate the directing of mining on this map. The Applicant may want to submit separate maps for each mining plot in order to show specific detail involved with each plot.
7. Please clarify if topsoil will be stripped from the proposed overburden stockpile location(s).
8. The Applicant states in the paragraph lettered (d) of the Mining Plan, that the landowner will be able to run live stock on the undisturbed portions of the area. Please elaborate on this statement as if there will be livestock grazing within the permitted area or outside of the permitted area. The Applicant will need to address if there is a plan to exclude livestock from reclaimed lands.
9. Within the Reclamation Plan, the Applicant states that topsoil stockpiles will be seeded with winter wheat grass. The Division recommends that the Applicant commit to seeding topsoil stockpiles with the approved reclamation seed mixture to help build a potential seed bank and to prevent a monoculture from developing.

EXHIBIT E - Reclamation Plan (Rule 6.4.5):

10. In accordance with Rule 6.4.5(2)(b), compare the proposed post-mining land use to other land uses in the vicinity of the proposed operation.
11. The Applicant states that minor terraces will be established on final slopes to control the erosion of topsoil. Please further discuss the plan to establish these and identify their approximate location on the Exhibit F - Reclamation Plan Map. Please also submit a cross section diagram showing an example of a final slope with various terraces identified.
12. The Applicant states that the Natural Resource Conservation Service recommended a blend of grasses to re-seed with. The Division was not able to locate the NRCS recommendation sheet in the application packet; please submit the NRCS recommendation sheet for review.

13. The Applicant states that winter wheat and or oats will be mixed with the seed blend to get a quicker protective stand. Provide the Division with the seeding rate of these species.
14. In accordance with Rule 6.4.5(f)(iii), specify if fertilizer will be used during reclamation. If applicable, specify the types, mixtures, quantities and time of application.
15. In accordance with Rule 6.4.5(f)(iv), specify if trees or shrubs will be established as a part of the reclamation plan. If applicable, specify the species, quantities, size and location.

EXHIBIT F - Reclamation Plan Map (Rule 6.4.6):

16. Submit a Reclamation Plan Map that shows 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 portrayal of the proposed final land use for each portion of the affected lands.

EXHIBIT H - Wildlife Information (Rule 6.4.8):

17. Please clarify if there are any known presence of threaten or endangered species (federal or state listed) on the affected lands or in the vicinity of the proposed operation.
18. In accordance with Rule 6.4.8(1)(d), provide a description of the general effect during and after the proposed operation on the existing wildlife of the area.

EXHIBIT I - Soils Information (Rule 6.4.9):

19. The Applicant provided a soils map within the Exhibit C section of the application. It appears the permit boundary is not accurate on this map but indicates that at least Map Unit 15 and 41 soils are located within the proposed area. The Exhibit I section of the application only provides print out describing information of soil unit 15. Submit the print out for at least soil unit 41 and correct the soils map to have the correct permit boundary.

EXHIBIT J - Vegetation Information (Rule 6.4.10):

20. In accordance with Rule 6.4.10(1)(a), provide quantitative estimates of cover and height for the vegetation described in Exhibit J of the application.

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

21. Since the entrance and permit boundary connect to County Road 2, verify that there are no other owners of record within 200 feet of the permit boundary.

EXHIBIT R - Proof of Filing with County Clerk and Recorder (Rule 6.4.18):

22. Please note that any changes or additions to the application on file in our office must also be reflected in the public review copy, which was placed with the Yuma County Clerk and Recorder by the Applicant. Submit proof that the public review copy has been updated with a copy of the response to this adequacy letter.

EXHIBIT S - Permanent Man-Made Structures (Rule 6.4.19):

In accordance with Rule 6.4.19, when mining operations will adversely affect the stability of any significant, valuable and permanent man-made structure located within 200 feet of the affected area, the applicant may either:

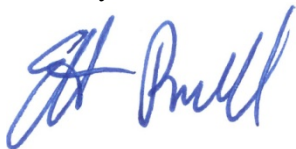
- (a) Provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or*
- (b) Where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation 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.*

23. During the Pre-operation Inspection conducted on March 8, 2015, the Division observed County Road 2, fence lines on either side of this road, and a buried fiber optic line on the south side of the road not identified as structures in Exhibit S of the application. Submit documentation to comply with Rule 6.4.19 regarding the structures observed during the Pre-operation Inspection. The application did include an executed structure agreement with the landowners, but no structure was identified on the first page; please submit a new first page of the Division's sample structure agreement identifying the landowner's structures, if applicable.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application. Other issues may arise as additional information is supplied. Be advised that the 112c permit application for the Meeks pit permit may be deemed inadequate, and the application may be denied on April 18, 2016, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by April 18, 2016 and the request for a specific amount of additional time. This must be received no later than the deadline date.**

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Enclosures: Division of Water Resources comment letter
 DRMS Sample Structure Agreement

CC: Wally Erickson, Division of Reclamation, Mining & Safety