

April 12, 2016

Ms. Laurie L Erwin
Town of La Veta
111 W. Moore Ave.
P.O. Box 174
La Veta, Co 81055

**Re: La Veta Town Gravel Pit, Permit No. M-2016-018,
110 Construction Materials Reclamation Permit Application Package
Preliminary Adequacy Review**

Dear Ms. Erwin:

On April 5, 2016, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4.6(1), the 30-day decision date for the application has been set for May 1, 2016. Please be advised on May 1, 2016, the application may be deemed inadequate and may be denied unless the following adequacy items are addressed to the Division's satisfaction. 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. In order to allow the Division adequate time to review your responses to any adequacy issues, please submit your adequacy responses to the Division no later than one week prior to the decision date. Subsequent to receipt and review of the Applicant's response to these items the Division may identify additional adequacy items.

The review consisted of comparing the application material with specific requirements of Rule 6.1, 6.2, 6.3 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. As with most applications there are a few items that will require clarification of the existing information. Any inadequacies are identified under the respective exhibit heading.

EXHIBIT B - Site Description Rule 6.3.2

- 1) Rule 1.1.48 defines Permanent Man-made structures as: a non portable improvement to real property which has defined, current and recognizable value of an economic nature; generally including but not limited to: buildings, houses, barns, fences, above or below ground utilities, irrigation ditches, maintained or public roads, bridges, railroad tracks, cemeteries, communication antennas, pipelines, water wells, water storage structures, discharge and conveyance structures,



etc. During a review of aerial photography of the proposed affected lands, there appears to be fence(s) around portions of the proposed site, a gravel road, and possibly a metal shop. Pursuant to Rule 6.3.2(b) please identify any permanent man-made structures within two hundred (200) feet of the affected area, including the access road within the affected land boundary delineated on the maps submitted with this application. Please identify the owner of each structure. Each structure should be located on one or all of the Exhibit E – Map(s).

EXHIBIT C - Mining Plan Rule 6.3.3

- 2) Pursuant to Rule 6.3.3(a), please specify the estimated dates that mining will commence and end. Please specify, if the operation is intended to be an intermittent operation as defined by C.R.S 34-32.5-103(11)(b) (conducting mining operations at least once a year but less than one hundred and eighty days a year).
- 3) Pursuant to Rule 6.3.3(b) please specify the estimated depth to which soil, suitable as a plant growth medium, will be salvaged for use in the reclamation process. The Division recommends a minimum salvage depth of 6 inches. Please commit to salvaging at a minimum the top 6 inches of soil, the Operator is encouraged to salvage more growth medium/topsoil in areas where the growth medium/topsoil is deeper.
- 4) Pursuant to Rule 6.3.3(c) please specify the thickness of overburden if any, to be removed to reach the deposit.
- 5) Pursuant to Rule 6.3.3(d) please specify the thickness of the deposit to be mined.
- 6) Pursuant to Rule 6.3.3(e) please describe the major components of the mining operation such as: roads and access routes, pit, office, shop/maintenance buildings, plant, and processing facilities. These components must be illustrated on one or more of the Exhibit E – Map(s).
- 7) It appears that portions of the access road located within the affected land boundary cross the northern portion of a historic gravel pit. Pursuant to Rule 6.3.3(f) please specify the dimensions of any significant disturbances to the land surface such as pit excavations, mine benches, impoundments, and/or stockpiles.
- 8) Pursuant to Rule 6.3.3(g) please specify the dimensions of any existing or proposed roads that will be used for the mining operation. Describe any improvements necessary on existing roads and the specifications to be used in the construction of new roads.
- 9) Pursuant to Rule 6.3.3(h) please specify how much water will be used in conjunction with the operation, and the source of this water.

- 10) Pursuant to Rule 6.3.3(i) please describe what measures will be taken to minimize disturbance to the hydrologic balance, prevent off-site damage, and provide for a stable configuration of the reclaimed area consistent with the proposed future land use.
- 11) Pursuant to Rule 6.3.3(p) please specify if explosives will be used in conjunction with the mining or reclamation. If yes, in consultation with the Office, the Applicant/Operator must demonstrate, pursuant to Rule 6.5(4), Geotechnical Stability Exhibit, that off-site areas will not be adversely affected by blasting during mining or reclamation operations.

EXHIBIT D - Reclamation Plan Rule 6.3.4

- 12) Along with the Reclamation Plan, the Applicant/Operator provided a reclamation recommendation prepared by the NRCS. The recommendations from the NRCS contained: a seed mix, a seedbed preparation method, seeding method, a fertilizer type and application rate (if needed), and a mulch type and application rate. It is the Division's understanding that the Applicant/Operator intends to conduct final reclamation using the methodology set forth by the NRCS, please confirm.
- 13) Please specify at what point in the mining plan and to what depth(s) overburden will be replaced in relation to ongoing extraction.
- 14) Please specify the maximum gradient of reclaimed slopes (horizontal:vertical). If the Application proposes slopes steeper than 3:1, the Operator/Applicant must include a justification that supports steeper slopes for the proposed post-mining land use. The 110c permit application describes the final reclaimed slopes in the NRCS recommendations as being graded to 3:1. Rule 6.3.4(b) defines slopes using a horizontal to vertical ratio. Please clarify, will all of the final reclaimed slopes be graded and configured to a final slope of 3Horizontal:1Vertical or flatter?
- 15) Please specify if ponds, streams, roads and buildings, if any, will remain after reclamation. These features must be shown on the Exhibit E – Reclamation Map.

EXHIBIT E – Map Rule 6.3.5

- 16) Mining Plan Map:
 - i. Please 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;
 - ii. indicate the direction that construction material extraction will proceed;

- iii. please note the location of any significant, valuable, and permanent man-made structures within two hundred (200) feet of the affected area. A narrative description must be provided in Exhibit B - Site Description; and
- iv. It appears that portions of the access road cross the northern portion of a historic gravel pit. Please outline and label existing disturbance within and/or adjacent to the permit boundary (e.g., previously mined areas, roads or excavations resulting from utility construction). Re-disturbance of previously disturbed areas, by the proposed mining operation, must be included in the permit area and addressed in Exhibit D - Reclamation Plan.

17) Reclamation Plan Map:

- v. please show the gradient of all reclaimed slopes (horizontal: vertical) sufficient to describe the post mine topography;
- vi. please indicate where vegetation will not be established and the general area(s) for shrub or tree planting;
- vii. 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;
- viii. please state the average thickness of replaced overburden by reclamation area or phase; and
- ix. please state the average thickness of replaced topsoil by reclamation area or phase.

EXHIBIT J - Proof of Mailing of Notices to Soil Conservation District Rule 6.3.10

- 18) The Huerfano County Conservation District was the recipient of the required notice, submitted in 110c the application package. The Division believes that the La Veta Town Gravel Pit is located within the Upper Huerfano County Conservation District. The Division made this determination based on maps available from the Colorado Department of Agriculture's website <https://www.colorado.gov/pacific/agconservation/conservationboard>. Please submit proof or confirmation of the actual delivery or proof of mailing by Certified Mail, return receipt requested, of Notice of the application to the Upper Huerfano County Conservation District. Proof that notice of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Soil Conservation District, to the Board of Supervisors of the local Soil Conservation District, pursuant to Subparagraph 1.6.2(1)(a)(ii).

EXHIBIT L - Permanent Man-Made Structures Rule 6.3.12

- 19) During a review of aerial photography of the proposed affected land, there appears to be fence(s) around portions of the proposed site, a gravel road, and possibly a metal shop. 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 shall 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

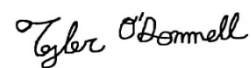
- 20) Please provide proof of the local newspaper publications required by Rule 1.6.5. Proof of publication may consist of either a copy of the last newspaper publication that includes the date published, or a notarized statement from the newspaper.
- 21) Please provide proof of mailing or serving a copy of the public newspaper notice, to 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).
- 22) Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review.

Ms. Laurie L Erwin
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Please respond to these adequacy issues no later than one week before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision deadline. The decision deadline on this application is May 1, 2016. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

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.

Sincerely,

A handwritten signature in black ink that reads "Tyler O'Donnell". The signature is written in a cursive, slightly slanted style.

Tyler O'Donnell
Environmental Protection Specialist

cc: Wally Erickson, DRMS