

July 18, 2016

Russell Larsen
Elam Construction, Inc.
556 Struthers Ave
Grand Junction, CO 81501



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

***RE: 5 Mile Pit, File No. M-2016-026, Construction Material Regular (112) Operation
Reclamation Permit Application Adequacy Review-1***

Dear Mr. Larsen:

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.

Exhibit A - Legal Description

1. Please specify the location of the main entrance to the site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map.
2. No Exhibit A map was included. 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.

Exhibit B - Index Map

3. Map does not depict all roads and other access to the mine area. May need several maps at varying scales. Please label the mine site.

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

4. Clarify that the parcel in the southwest corner where the engineers stamp is also owned by Vanhooose, Donald & Eva L Trust. Or if owned by other label accordingly. (Map C-1)
5. Clarify who the owner of the easement is. (Map C-1)
6. Clarify who the owner is in the northeast corner where section 27 begins. It appears to be a different land owner. If it's the same as Strong Lot Owners Association, Inc. please specify. (Map C-1)



7. Please update map to include the name of all creeks (intermittent stream/ditch), roads, well number and utility lines. (Map C-1)
8. Identify the type of present vegetation covering the affected lands. Only delineated wetlands and woodlands are identified. You may wish to state in a textbox that all non-labeled areas are dry rangeland rather than shading the entire area to delineate that vegetation type. Likewise a vegetation distribution map may be included in with Exhibit J.
9. Clarify who owns the fences, culverts, powerlines and well. (Map C-1)
10. Please designate which stockpiles will be topsoil verses overburden.
11. Clarify if the unlabeled permanent building is a fuel containment area, or what type of building it is. (Map C-2)
12. Depict the affected area boundary. The 51 acre area that contains all mining, stockpiles roads and other disturbances. Currently only the mining phases area delineated. (Map C-2)
13. If no soils map is presented for Exhibit I please include the soil information on Map C-1 or C-2.

Exhibit D - Mining Plan

1. Please describe the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands.
2. What equipment will be used for earthmoving?
3. If not addressed in Exhibit G, please describe all water diversions and impoundments. This includes any ditches or berms for stormwater.
4. The nature, depth and thickness of the deposit to be mined and the thickness and type of overburden to be removed (may be marked "CONFIDENTIAL," pursuant to Paragraph 1.3(3));
5. The nature of the stratum immediately beneath the material to be mined in sedimentary deposits
6. Topsoil and overburden piles need to be included in affected acreage. Introduction differs from exhibits. Total maximum affected is 51 acres.
7. Please specify the maximum height of highwalls and maximum slope. Map C-3 states 1.5:1 while mining, please state this in the narrative portion.
8. Clarify that according to the reclamation plan a maximum of 1400 ft. of un-reclaimed slope may exist. Which is up to 1000 ft. maybe un-backfilled. And up to 400 ft. of graded slope maybe un-topsoiled at any given time. Which means a total of 1400 ft. of slope will require topsoil.
9. No inert fill form was attached. Please attached the referenced form. Also please include a statement that fill will meet the definition of Rule 1.1(20)
10. Please clarify in the narrative portion which buildings are what (temporary/permanent). Specify construction material (building and foundation type), dimensions for all permanent structures.
11. How you will address reject material generated from the asphalt and cement plants.

12. Please address SPCC measures. Please state that all hazardous materials will be kept in a secondary containment.
13. Will any of the existing roads depicted in your maps be upgraded to support this activity?
14. Will any additional utilities be brought in to support the site?
15. Please clarify that any topsoil stockpiled for more than 180 days will be stabilized by seeding with the temporary mix listed in table E-2.

Exhibit E – Reclamation Plan

16. A comparison of the proposed post-mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs.
17. Will any soil testing be done?
18. Please clarify if trees, shrubs, etc. will be planted. If so please specify the types, quantities, size and location.
19. Roads and processing areas will be compacted and require ripping. Please state that compacted areas will be ripped a minimum of 18 inches and include the anticipated number of acres to be ripped in Exhibit L.
20. What features/buildings will require demolition?
21. A single annual treatment/survey of weeds in April is inadequate. Treatment type and timing differ for each species. Please revise your weed management plan to effectively treat all noxious weeds on an as needed basis (as dictated by Garfield County's ordinances). You may wish to consult the Garfield County Weed Specialist to aid you in developing this plan. Also the Colorado DOA has a summary of required treatment type by county and species. The Division would advise against relying on noxious weeds as a cover crop to facilitate establishment desirable plants for reclamation.
22. In E-1 please break down the timing for each task by phase. Specifically upon final reclamation L-1
23. Clarify upon final reclamation the acres associated with reclaiming the processing area and roads within each phase.
24. Will broadcast seed be raked or tilled into the soil after applying seed? Successful seed germination requires good soil to seed contact. If no roughening after seeding will be used please justify.
25. The Division recommends that forbs are include in the seed mix.
26. Will the same dry rangeland mix be used along the water's edge (riparian areas)? The Division encourages the operator to consider a different seed mix for theses fringe areas. If different mixes are to be used be specify the acres requiring each mix and differentiate on maps.

Exhibit F – Reclamation Plan Map

27. Please specify the surface area of each lake
28. The dry rangeland and woodland areas are the same color. Please adjust so that each area can be differentiated between.

29. The reclamation plan states that the access road will remain post reclamation but no road is depicted on the map.

Exhibit G – Water Information

30. Creek names and well numbers need to be depicted on map C-1.
31. Please identify all known aquifers that mining may encounter.
32. What are the dimensions and capacity of the detention pond? How will it be constructed? Will a liner be used, how will it be disposed of?
33. How much lower below the pit grade will the de-watering ditches be placed? And how deep is the dewatering pump anticipated to be placed?
34. Please clarify the sources of water to supply the project water requirements for the mining operation and reclamation.
35. Please provide the Division with a copy of the approved/application for a National Pollutant Discharge Elimination System (NPDES) permit.
36. How will you monitor to see if the well owned by RTZ Industrial is being affected by dewatering?
37. A portion of the southern lake appears to be within the 100 yr flood plain. How will the potential for a 100 yr. flood event be mitigated? The Division recommends that you build engineered inlet and outlet structures for areas within the 100 yr. flood plain. Otherwise please demonstrate that no potential hydrologic imbalance will occur.

Exhibit H – Wildlife Information

38. Adequate

Exhibit I – Soils Information

39. Please provide the complete NRCS report for each unit contained within the permit boundary.

Exhibit J – Vegetation Information

40. Information included was qualitative and not specific enough. Please describe the present vegetation types, which includes quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs). If vegetation varies throughout the site please characterize areas individually and include a map delineating areas.
41. Describe the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map.
42. Show the relation of the types of vegetation to existing topography on a map in Exhibit C. Only woodlands and wetlands are currently delineated. In providing such information, the Operator/Applicant may want to contact the local Soil Conservation District.

Exhibit K – Climate

43. Information included is out dated (at least 16 years old). Quality of information submitted meets the requirements. Please provide a more recent data set or state that none is available.

Exhibit L – Reclamation Costs

44. What is the recharge rate of ground water? The total pond inflow rate to be pumped in addition to dewatering the 87.6 acre feet.
45. The reclamation plan and map show two ponds to remain post mining. Unless the Division receives a copy of the well permit/application we will be required to bond for backfilling of the ponds. *Or commit to not exposing ground water until a permit is obtained.
 - a. Number two indicated that the pit would be backfilled to the water level.
 - b. Number 5 calls for topsoiling everything, even the bottom of the ponds.
 - c. Number 7 excludes seeding and mulching the bottom of the ponds
 - d. This is contradictory. If no ponds are to exist then all areas should be topsoil and seeded. If ponds will exist, then all but below the waterline will require topsoil and seed.
 - e. Please clarify your plan moving forward.
46. Is there 159,528 CY (141,328 + 12,000 + 6,200) of backfill material available on site or will it have to be imported? If imported please account for purchasing of this material in your reclamation costs.
47. Please provide average push distances for backfill of slopes by in phase 1, push distances for backfilling the detention pond, push distances for topsoil in phase 1. Average push distances should be centroid to centroid. Please specify push grade for each action as well.
48. To accurately calculate demolition costs please specify building materials, foundation type, and dimensions of each permanent structure to be removed. (In Exhibit D)

Exhibit M – Other Permits and Licenses

49. Provide a copy of your gravel well pond permit/application.
50. Please clarify if a stormwater permit will be required for this site.

Exhibit N – Source of Legal Right to Enter

51. Adequate

Exhibit O – Owner(s) of Record of Affected land (Surface Areas) and Owners of Substance to be Mined

52. In the application packet #6, it states if multiple list in Exhibit O. Only one name is listed in exhibit O is this correct?

Exhibit P – Municipalities within Two Miles

53. Do not leave blank, please state there are no municipalities within two miles of the site.

Exhibit Q – Proof of Mailing of Notices to the Board of County Commissioners and Soil Conservation District

54. Adequate

Exhibit R – Proof of Filing with County Clerk and Recorder

55. Adequate

Exhibit S – Permanent Man-made Structures

56. No agreements are attached. Please submit the referenced agreements.

57. Please list the culverts and easement on the structure list.

Addendum 1 – Notice Requirements – Affidavit of Posting Notice

58. Adequate

Geotechnical Stability Exhibit

59. Adequate

Public Notice

60. On July 14, 2016 the Division notified you that your newspaper publication was incorrect. You were instructed to republish. Please provide the Division with a new publication affidavit.

61. Provide the Division with proof that all owners of record were properly noticed. Per Rule 1.6.2(1)(d)

- a. Which property does the notice to Nicholas Pysio go with?
- b. Please notice whoever owns the easement southeast of the site.
- c. Please notice whoever owns the power transition line; pole; tower east of the site.
- d. Please notice the Department of Transportation for US HWY 6.
- e. Please notice the Union Pacific Railroad ROW.

Please submit your response(s) to the above listed issue(s) by **Monday, August 01, 2016** in order to allow the Division sufficient time for review. Currently the decision due date has been set for August 31, 2016.

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

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

Environmental Protection Specialist
Department of Natural Resources
Division of Reclamation, Mining and Safety
Phone: (970) 254-8511

Ec:
Russ Means, Senior EPS, Grand Junction DRMS
Jon Muller, Elam Construction, Inc.