

August 19, 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-2***

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. Per Rule 6.4.1(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 indicate on the Exhibit-A Map the location of the entrance to the mine site given the submitted coordinates.

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

2. One map C-1 please label both the power line and the easement as being owned by Xcel.
3. Delineate the Union Pacific railroad right of way on map C-1. It shall include the railroad and culverts owned by UP.

Exhibit D - Mining Plan

4. Specify the maximum highwall height anticipated during mining. Will you mine all 30ft to bedrock?

Exhibit E - Reclamation Plan

5. Based on Exhibit L the Division will be bonding for backfill of ponds until the necessary water rights are obtained. Please provide a reclamation map depicting no ponds in the instance that upon final reclamation water rights have not been secured and ground water



cannot be exposed. If no groundwater is exposed no fringe areas will be necessary. Label F-2

6. Make a notation in the narrative portion of the reclamation plan that if water rights are not secured then no ponds will be constructed and land will appear as in Map F-2.
7. Until water rights are obtained the Division will calculate the bond using only the dry rangeland mix as the fringe mix would be impractical if not ponds are created.

#### Exhibit F – Reclamation Plan Map

8. See comment #4

#### Exhibit G – Water Information

9. During the inspection on August 3, 2016 the referenced well was observed. It appeared to still be open. Please address.
10. Your previous response was inadequate. Recently the Division has emphasized mediation measures for pits that reside in high liability flood plain areas to prevent pit captures by rivers. The Division is concerned that during high water (100 yr. flood events) that the water will overtop the banks and the pit will become inundated. During the inspection several of the areas depicted to be within a mining phases showed evidence of flooding or adjacent to riparian area that floods. Likewise google earth images (specifically 6/2014) show areas underwater that were observed above water at the time of the inspection. Please address how you will mitigate for a 100 yr flood event and maintain hydrologic balance.

#### Exhibit M – Other Permits and Licenses

11. Adequate-Please be reminded that the Division will need a copy of your well permit prior to exposing ground water.

#### Exhibit S – Permanent Man-made Structures

12. No agreements are attached. Please submit the referenced agreements as available. Without an agreement no mining may occur within 200 ft of a feature or as stated in the geotechnical survey.
13. Rephrase items 1 and 2 to include the Union Pacific right of way (railroad and culverts) and Excel easement (power poles) on the structure list.

#### Geotechnical Stability Exhibit

14. Please clarify paragraph one of the exhibit. The two instances appear to be contradictory. In instances where the permit boundary and the property line are the same will a 30 ft or 100ft setback be used?
15. Where no structure agreements can be obtained what setback from features will be used?

#### Public Notice

16. 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, September 05, 2016** in order to allow the Division sufficient time for review. Currently the decision due date has been set for September 16, 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.