

November 15, 2016

Derek Duran
Duran & Pearce Contractors
PO Box 1331
Craig, CO 81626



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

1313 Sherman Street, Room 215
Denver, CO 80203

***RE: Martin Pit 1-A, Permit/File No. M-1990-140, Comments Regarding Construction
Material Regular (112) Operation Reclamation Conversion Application (CN-1)***

Dear Mr. Duran:

On July 12, 2016 the Division of Reclamation, Mining and Safety (Division) received an objection to the above referenced application from The State Land Board (SLB). On November 14, 2016 the Division received a letter from the SLB withdrawing their objection to your permit application (enclosed). This matter is now considered resolved.

Please be aware that there are several adequacy issues that need to be resolved prior to your permit being approved. Attached is a copy of Adequacy Review #1 sent out on July 21, 2016. To date none of these items have been addressed. Please provide the Division with responses to all items identified in the July 21, 2016 letter by **no later than December 19, 2016**. Keep in mind that the Division needs time to review your responses prior to the decision due date of January 3, 2017. You may also need time to address additional adequacy issues based on that review.

Per the Act and Rules a decision must be made within 365 days or it may be denied. The permit must be approved and the bond in place no later than February 25, 2017. If you require additional time beyond that, an applicant must request an extension from the Mined Land Reclamation Board at a hearing as staff does not have the authority to grant an extension beyond 365 days.

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





COLORADO

State Land Board

Department of Natural Resources

November 14, 2016

Ms. Amy C. Yeldell
Department of Natural Resources
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

**RE: Notice of 110(c) to 112(c) Construction Materials Permit Conversion
Duran & Pearce Contractors, Inc., Martin Pit 1-A
Permit No. M-1990-140 - Withdrawal of State Land Board Objection**

By letter of July 11, 2016, the State Land Board objected to the mine plan proposed in the above mentioned permit conversion application.

Since filing the objection, the State Land Board has executed a mineral lease with Duran & Pearce Contractors to allow extraction of the sand & gravel resources owned by the State of Colorado that were included in the permit conversion application. Therefore, the State Land Board withdraws its objection to the permit amendment application.

If you have any questions, please contact me at 303-866-3454 x3313 or phillip.courtney@state.co.us. Thank you for your assistance.

Sincerely,

Phillip J. Courtney
Solid Minerals Leasing Manager

RECEIVED

NOV 14 2016

GRAND JUNCTION FIELD OFFICE
DIVISION OF
RECLAMATION MINING & SAFETY

Via email



July 21, 2016

Derek Duran
Duran & Pearce Contractors
PO Box 1331
Craig, CO 81626



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

1313 Sherman Street, Room 215
Denver, CO 80203

***RE: Martin Pit 1-A, File No. M-1990-140 , Construction Material Regular (112) Operation
Reclamation Permit Application Adequacy Review-1***

Dear Mr. Duran:

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.

Application form

1. Please update the application form to show the State Land Board as the subsurface owner

Exhibit A - Legal Description

2. Please include a topographic map which shows the permit boundary and mine entrance. 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.
 - a. A map was submitted as Exhibit B. Please submit an additional map labeled Exhibit A that meets the requirements listed above.

Exhibit B - Index Map

3. Adequate

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

4. It is the Divisions understanding that map C submitted on June 2, 2016 replaces all other exhibit c maps. Please clarify this.



5. The total affected area should be cumulative over the life of the mine. It should include pre-existing 110c acreage and equipment storage areas. Please amend the narrative box on Map C.
6. Map C serves as your pre-mining map. It shows 110c disturbance and future proposed 112c boundary. Please make sure the map meets the Standards of Rule 6.2.1.
 - a. Surveyors signature
 - b. Depict permit boundary or state that the fence is the boundary where applicable
7. Areas with different vegetation need to be delineated on a map and labeled Exhibit C. Can be the same as Exhibit J, please indicate if one map is serving multiple requirements.
8. All features within 200 ft. of the affected land should be depicted on a map (C-B). All structures shown on the map should match what is listed on Exhibit S. Please be sure to include the owner's name of the structure. Label that the fence is a shared structure
9. In conjunction with Exhibit I - Soils Information, Subsection 6.4.9, soils information may be presented on a map in this section. The NRCS web soil survey map is also adequate.
10. Does the mine access road have a name? If so please label the road on the map.

Exhibit D – Mining Plan

13. Please clarify that there will be no crushing, screening, asphalt or concrete production at this site. If in the future you would like to do this type of production a technical revision will need to be submitted if not specified now.
14. Please clarify if there will be any water diversions or impoundments? This includes stormwater features, drainage ditches or catchment ponds.
15. Based on the maps a buffer area is depicted, so it appears that the entire 80 ac site will not be affected. It is stated that 55 addition acres will be affected. Please clarify the total number of acres to be affected throughout the life of the mine. This should include all land previously disturbed under the current 110 permit. State the total number of acres to be permitted. You may wish to specify the number of undisturbed acres within the permit boundary.
16. In Section D it was stated that no less than 5 acres will be affected and in Section E it was stated that 2 acres will be affected. Please clarify so these match. For example: mining will progress at approximate 2 acres per year until all of the 10 acre phase is mined out. Each phase is estimated to take approximately 5 years. Then the phase will be completely reclaimed prior to advancing to the next 10 acre phase. We will notify the Division in the form of a technical revision when each phase is complete and mining of a new phase commences. Please note disturbances include mining, stockpiles, equipment storage and processing areas.
17. Please include a table that summarizes the order that phase will be worked, their acreage, and estimated length of operation. Also clarify if the processing and storage areas will remain in place or move with the operation by phases.
18. Please indicate if you wish to remain an intermittent operator. Please make a statement that you will be active annually however do not operate more than 180 days annually. 1.13.5 (6)

19. Please describe in a narrative or on a map in Exhibit C: 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)).
20. Please describe the stratum immediately beneath the material to be mined.
21. Will there be any fuel or other hazardous material stored at the site? If so please describe the manner in which it will be stored.
22. What is the maximum slope of highwalls and its maximum height while mining? Will there be a maximum length of highwall to be exposed at any given time?
 - You can greatly decrease your liability by; limiting the amount of ungraded/backfilled highwall and untopsoiled but graded slopes.
23. Will any permanent structures/features be erected such as offices, scale houses, etc? If so these features should be depicted on your mining map. Please clarify if they will be removed upon final reclamation. If none please state that all equipment will be portable. If permanent structures will exist please state their dimensions and building materials.
24. The attached Western Area Power Administration structure agreements only stipulates that a 14 ft. overhead clearance must be maintained. The agreement also states that Western is not liable for damages within the 75 ft. easement. What sort of a buffer will be maintained around the base of the transition lines to protect them from damage while mining? (Map C has a narrative but it must also be explicitly stated in the mining plan) If no structure agreement is in place than a 200 foot buffer must be in place unless a geotechnical survey proves otherwise.

Exhibit E – Reclamation Plan

20. "There shall not be more than a few acres open at a single time" Please use specific terms. State that no more than the phased 10 acre max disturbance shall need to be reclaimed at any given time. And that within each phase reclamation will be concurrent and more likely only 2-3 acres of reclamation will be done as mining progresses.
21. Please include in the reclamation plan a commitment to rip all compacted areas to a depth of 2 ft. prior to soil replacement. Please include in the cost estimate (Exhibit L) the anticipated acre average requiring ripping over each of the 10 ac phase.
22. According to NRCS web soil survey is 6-8" of topsoil representative of the site and available? Please consistently list the range of topsoil to be replaced.
23. Where will the stockpiles of topsoil and overburden be stored while mining each phase? Is there a central location or will it be dependent of each phase. These features should also be depicted on your mining plan map.
24. Will you be mulching? Is there a threat of wind or water erosion that needs protection?
25. Will stockpiled material be seeded while stored? Same or different mix? How large of piles will be stored? It is recommended that to prevent topsoil degradation that piles be less than 4' tall, windrowing is ideal. Per Rule 3.1.9 Please make a commitment that any topsoil that is not reapplied within 180 days will be seeded.

26. Revise seed mix accordingly. *Pure live seed (PLS) is not a type or species it's a measurement so 5 lbs. /ac isn't applicable. As mentioned earlier the mix needs to be both ecologically diverse and sustainable. You may wish to contact the NRCS for help developing a seed mix.
27. Will different seed mixes be used for the rangeland vs cropland areas? The Division will not approve a seed mix that is not ecologically sustainable and diverse. For the native rangeland areas the seed mix needs to be comprised of several species of varying seasons and families (i.e. not all wheatgrasses or one species), the mix should also include forb and/or shrub species to be representative of adjacent undisturbed areas. In the cropland areas single species planting will be permitted if it is a species of agricultural value (i.e. Alfalfa, winter wheat, hay). Please distinguish how many acres within each phase will be reclaimed using which seed mix.
28. Clarify the estimated time required for each stage of reclamation (grading, topsoiling, seeding, monitoring...) and the total anticipated time from when mining ends that land can be released.
29. Please clarify seeding timing. Propose time to be seasonal is not descriptive enough. For example spring and fall seeding after September 15 or before April 15.
30. Previously it was mentioned that only grasses will be seeded and shrub species such as sage will naturally encroach. If so then under shrub revegetation it's also N/A. Only mention shrubs if you plan on seeding/transplanting them. If so you will need to clarify species, container size if not seeds, quantity (plants/seed per acre) and location if not randomly throughout entire property.
31. Please specify that no fertilization is anticipated to be necessary at this time. However if upon seeding, reclamation success is poor the soil will be tested and if deemed necessary fertilizer will be applied. This will require a technical revision if in the future fertilizer is applied.
32. Please make a commitment that all noxious weeds will be treated on an as needed basis rather than just annually.

Exhibit F – Reclamation Plan Map

32. The contours depicted on the reclamation map appear to be the same as the pre-mining map. Please revise the reclamation map to show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands.
33. Portrayal of the proposed final land use for each portion of the affected lands. Delineate which areas will be rangeland versus cropland and undisturbed.

Exhibit G - Water Information

34. Please state that no water is to be used for mining (washing) or reclamation.

Exhibit H - Wildlife Information

35. Colorado Parks & Wildlife (CPW) letter States only 15 acres would be added through the expansion of this permit. Please clarify what information was provided to CPW. Are they aware that though each phase is 10 ac max disturbance that a much larger area will be affected over the life of the mine?
36. A description of the significant wildlife (game and non-game) resources on the affected land; seasonal use of the area.
37. Is there the presence of and estimated population of threatened or endangered species from either federal or state lists
38. a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.

Exhibit I – Soils Information

39. Indicate on a map (in Exhibit C) or by a statement, the general type, thickness and distribution of soil over the affected land. Such description will address suitability of topsoil (or other material) for establishment and maintenance of plant growth. The operator may wish to consult the Soil Conservation Service's website for a web soil survey.

Exhibit J – Vegetation Information

40. Descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs). Rangeland and cropland areas should be addressed individually.
41. Estimates of average annual production for hay meadows and croplands, and carrying capacity for rangelands on or in the vicinity of the affected land. Clarify that production values are for 30 acres not the entire 60 acre of cropland since half of the cropland is left fallow.
42. Show the relation of the types of vegetation to existing topography on a map in Exhibit C. Map C does not differentiate cropland verses rangeland for the entire permitted area.

Exhibit K - Climate

43. Provide a description of the significant climatological factors for this site. Please consult NOAA or other repeatable source for regional information such as seasonal average temperatures and precipitation measurement.

Exhibit L – Reclamation Costs

44. Please include additional information not on the cost summary sheet such as: average push distances of overburden and topsoil piles, anticipated length of highwalls and max slope while mining, cu.yds of material to be moved etc.

Exhibit M – Other Permits and Licenses

- 45. Is a stormwater permit required?
- 46. Please add to the list a lease agreement with the State Land Board

Exhibit N – Source of Legal Right to Enter

- 47. Please provide the Division with proof that you have legal access to the surface minerals.

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

- 48. Please update to show the State Land Board as the subsurface owner

Exhibit P – Municipalities within Two Miles

- 49. Adequate

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

- 50. Adequate

Exhibit R – Proof of Filing with County Clerk and Recorder

- 51. Please supply update receipt for additional items submitted on May 30th, 2016

Exhibit S – Permanent Man-made Structures

- 52. Please update the structure list. Should include the fence and all powerlines/utilities depicted on Map C.

Addendum 1 – Notice Requirements – Affidavit of Posting Notice

- 53. Adequate

Geotechnical Stability Exhibit

- 54. None attached. Please submit an exhibit if you wish to excavate within 200 ft. of a structure without having an agreement in place.

Public Notice

- 55. Please provide the Division with a newspaper publication affidavit.

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

Please submit your response(s) to the above listed issue(s) by **Monday, August 08, 2016** in order to allow the Division sufficient time for review. Currently the decision due date has been set for September 6, 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

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Cc:
Russ Means, Senior EPS, Grand Junction DRMS