



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

January 13, 2017

Mr. Michael D. Krauth
KrauthCo Inc
1068 Red Canyon Road
Cañon City, CO 81212

**Re: J&J Stone Pit #1, File No. M-2011-004;
Preliminary Adequacy Review for Amendment 1 (AM-01)**

Dear Mr. Krauth:

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of your 112 construction materials reclamation permit amendment application. The application was received on October 25, 2016 and called complete for review on November 2, 2016. **The decision date for this application is January 31, 2017.** 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.

The review consisted of comparing the application content with specific requirements of Rules 3.1, 6.4 and 6.5 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 heading along with suggested actions to correct them.

The primary objective of this amendment is to provide the Division with a comprehensive understanding of the mining and reclamation plans for this project for the purpose of documenting these plans for the Division, the Operator and the Land Owner; and establishing sufficient financial warranties in the event the State may be required to complete reclamation. As such, the majority of the comments are aimed at providing additional clarification of these plans.

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:

APPLICATION

1. Item 11, p. 3: The telephone number listed for the "Permitting Contact" and the "Inspection Contact" are identical, yet the contact and company names are different. Please submit a corrected p. 3.



6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS

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

2. View Shed Buffer Area: The SE ¼ of Section 2 is labeled “View Shed Buffer Area”. Is this area to be mined? The Division assumes all area within the “Proposed Mine Boundary Amendment” is to be affected area unless otherwise delineated. Please provide specific delineations for areas within the “Proposed Mine Boundary Amendment” which are intended to be affected by the mining operation.
3. Water Information: Exhibit D, last paragraph references an “armored stormwater diversion channel” and the “south infiltration pond”. Neither of these features are shown on Exhibit C. Pursuant to Rule 6.4.3(f) please show all water features on Exhibit C.
4. Structures: There is no discussion on structures (fences, utilities, buildings, etc.) in this exhibit. Please verify there are no structures within the affected area or within a 200-foot buffer of the affected area.

6.4.4 EXHIBIT D – Mining Plan

5. Intermittent Status: The second paragraph indicates the mine may operate up to “nine months of the year”, suggesting the mine may operate less than 180 days per year. If this is the case, please confirm you are requesting Intermittent Status (IS) for this operation.
6. Size of Area to be Worked at One Time: The third to last sentence in the third paragraph states “Future phases will be presented to the Division in Annual Reports”. Unless a phase is delineated on the Exhibit C map as part of this application review, the only way to be approved for a new phase is to submit a Technical Revision (TR) if it is in the delineated affected area, or via the Amendment process if it is to be outside the delineated affected area. Please review Comment No. 2 above and delineate as many phases as practical and/or commit to submitting the appropriate revision application to the Division prior to beginning a new mine phase.
7. Diversion Channel/Hydrologic Balance: The fourth paragraph states “Mining will not occur within any ravines.” During the Division’s September 30, 2015 inspection, it was observed that mining was occurring very near the unnamed drainage in the vicinity of 38° 30’ 23.8” and 105° 11’ 56.0”. The last paragraph on p. 4 references an armored stormwater diversion channel (as discussed in Comment No. 3 above). Please explain why a diversion channel is proposed if no mining is to occur in “ravines” and describe how mining in this drainage is to be avoided.
8. Phased Bonding: Pursuant to Rule 6.4.4(e), an approximate timetable to describe the mining operation is required for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. The Division assumes the Operator wishes to implement a phased bonding approach to the required reclamation financial warranty. Please confirm the desire for a phased bonding approach.

6.4.5 EXHIBIT E – Reclamation Plan

9. Open Space Public Lands: The first paragraph references “open space public lands”. Please identify these land on Exhibit C and indicate what agency manages these lands.
10. Grading: Based on the Division’s observations of the mining operation during the September 2015 inspection, we are concerned about the highwall bench configuration (10’ x 8’ on Exhibit F) and their potential to trap water. Please provide a cross-section detail of the proposed bench to demonstrate precipitation will not be intercepted and trapped by these benches.
11. Growth Media Compaction: The second paragraph indicates the six to eight inches of growth media are to be compacted. Compacted soil typically interferes with seed germination. Please explain and justify the intent to compact the growth media.

6.4.6 EXHIBIT F – Reclamation Plan Map

12. Proposed topography: Pursuant to Rule 6.4.6(a), Exhibit F is required to show the proposed reclamation topography. No contours or graded slopes are shown. Please show the proposed topography on Exhibit F.
13. Incomplete Map: The submitted Exhibit F only shows the current permit boundary. No portions of the area to be amended are shown. Please include the entire affected area in the reclamation plan map.

6.4.12 EXHIBIT L – Reclamation Costs

14. Graded Slopes: Task 001 is for graded slopes (measured in linear feet). Please show these slopes in Exhibit F. The Division will need an area to confirm the Task 001 cost estimate.
15. Growth Media: Task 002 states 4 inches of growth media will be spread. The reclamation plan (Exhibit E) says 6 to 8 inches will be spread. Please adjust this cost for an average of 7 inches of growth media placement.
16. Area: Tasks 002, 003 and 004 indicate 1 to 3 acres are included. No area for reclamation is shown on Exhibit F to identify the 1 to 3 acres and the cost to work the variation in area varies by a factor of three. Please show the area to be reclaimed on Exhibit F and adjust the area in Tasks 002, 003, and 004 to be consistent with a fixed area of reclamation.

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

17. Public Lands: Please update Exhibit O to include the agency managing the public land discussed in Comment No. 9 above.

Please remember that the decision date for this application is January 31, 2017. As previously mentioned if you are unable to provide satisfactory responses to any inadequacies prior to this date, it will

be your responsibility to request an extension of time to allow for continued review of this application. If there are still unresolved issues when the decision date arrives and no extension has been requested, the application will be denied. If you have any questions, please contact me at (303) 866-3567, ext. 8169.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Timothy A. Cazier', with a stylized flourish at the end.

Timothy A. Cazier, P.E.
Environmental Protection Specialist

ec: Wally Erickson, DRMS
DRMS file
Angela Bellantoni, EAI