



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

April 17, 2017

Bill Schenderlein
Blue Earth Solutions, LLC
P.O. Box 2427
Fort Collins, CO 80401

RE: Irwin/Thomas Mine; DRMS File No. M-2016-054; Adequacy Review No. 2

Dear Mr. Schenderlein,

The Division has identified several other comments and questions that must be addressed prior to the Division's decision due date. **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.**

6.4.4 Exhibit D – Mining Plan

1. The Applicant has indicated jurisdictional wetlands are likely to exist within MA3 and MA4. To date, the Applicant has not consulted with the Army Corps of Engineers (ACOE) to perform a wetland delineation. The Applicant will not be allowed to affect any portion of MA3 or MA4 until such time as the ACOE has been consulted and a wetland delineation has been conducted.

6.4.7 Exhibit G – Water Information

2. The Applicant has indicated impacts to the hydrologic balance, for the portions of the mine site located within the 100-year floodplain of the St. Vrain Creek, will be addressed through the City of Longmont's Floodplain Development Permit. The requirement to obtain a Floodplain Development Permit does not relieve the Applicant of the need to address flood impacts to the proposed operation. Pursuant to C.R.S. 34-32.5-116(4)(h), the Division has jurisdiction over impacts to the prevailing hydrologic balance of the affected land and of the surrounding area. Furthermore, the Floodplain Development Permit issued by the City of



April 17, 2017

Longmont does not appear to address post-mining flood storage, river stability, or the conveyance of flood waters through reclaimed lands.

The Applicant has proposed four different reclamation scenarios. The primary reclamation scenario will only involve mining within MA1. The Applicant will need to, at a minimum, demonstrate how flood waters within MA1 would be returned safely back to the main channel of the St. Vrain Creek. Preferably the Applicant will provide a flood impact analysis for MA2, MA3, and MA4 as well. However, if Applicant elects to not address the potential future mining areas at this time, then a flood impact analysis will need to be addressed through the appropriate permit revision prior to affecting those areas.

3. In addition to the floodplain impact analysis, the Division requests the Applicant provide a commitment to make the necessary repairs to the site following a flood event. Such measures could include repairing any pit walls which have been breached, reestablishing riverside and lateral berms, and returning the St. Vrain Creek to its historic channel. Please respond.
4. The Applicant has indicated the groundwater in the historic drainage pond on the Great Western Sugar property may have been exposed prior to 1981. Please either provide confirmation that groundwater was exposed prior to 1981 or commit to covering the evaporative depletions through the augmentation plan the Operator will obtain for the mining operation.

6.4.12 Exhibit L – Reclamation Costs

5. The cost estimate specifies the cost to install the slurry wall is \$5.50/ft². Please describe how this cost was arrived at. If the cost is based off of an estimate from a contractor, then please provide the Division with a copy of the estimate.
6. The cost estimate does not include a cost for dewatering the pit. In the event the Applicant installs a slurry wall, the pit will need to be continually dewatered until slurry wall installation is complete. Please revise the cost estimate to include a cost for dewatering the pit.

6.4.13 Exhibit M – Other Permits and Licenses

7. The Applicant has indicated a Floodplain Development Permit will be obtained once the property is annexed into the City of Longmont. Please commit to providing the Division with a copy of the Floodplain Development Permit once it has been obtained.

6.4.14 Exhibit N – Source of Legal Right to Enter

8. The Applicant has informed the Division that the property on which the proposed mine site is located is being annexed into the City of Longmont. Please commit to providing the Division with a copy of the Special Use Permit once the property has been annexed.


6.4.19 Exhibit S – Permanent Man-made Structures

9. Pursuant to Rule 6.4.19, where the mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within 200 feet of the affected land, the Applicant is to 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. Where such structures cannot be reached, the Applicant shall provide an engineering analysis to demonstrate that such structures shall not be damaged by activities occurring at the mining operation.

As previously mentioned, if you are unable to provide satisfactory responses to any inadequacies prior to April 21, 2017, 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 x8116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike C.", is positioned above the printed name of the sender.

Michael A. Cunningham
Environmental Protection Specialist

CC: Wally Erickson, DRMS
Amy Eschberger, DRMS