



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 22, 2017

Joe C. Baxter
Midway Aggregates, RLLP
P.O. Box 580
Rye, CO 81069

Re: Midway Pit, Permit No. M-1988-018 Technical Revision Application TR-2

Mr. Baxter:

On April 25, 2017, the Division of Reclamation, Mining and Safety received the fee for the Technical Revision application **TR-2** received on March 27, 2017. The revision requested addresses the following items:

Update mining and reclamation plans, and Mine Plan and Reclamation Plan Maps

The submittal was called complete for the purpose of filing on April 25, 2017. The decision date for TR-02 is May 25, 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 may deny this TR.

The following comments are based on the Division's review of the request for TR-02:

General Comments.

- 1) The submittal included a seven-page cover letter with no page numbers. This makes referencing specific text more challenging and less specific. Please number pages (the cover page may be excluded) in future submittals.

Exhibit E – Reclamation Plan.

- 2) Section 2.e discusses drill and broad cast seeding, indicating there may be limited broadcast seeding for small areas. The Division's updated bond estimate (attached) breaks out an area for broadcast seeding as it requires doubling the seed rate. The estimate assumes one acre of the 22-acre phased disturbance will be broadcast seeded. Please address the following:
 - a. Is a one acre area an appropriate assumption for broadcast seeding?



- b. Will the seed bed prep and mulching require different methods than for the other area to be drill seeded?
- 3) Section 4 discusses knocking down the highwalls to a slope graded to “3:1 or greater”. The use of the word “greater” in this context is somewhat ambiguous and has led to confusion between the Division and the permittee in the past. Please confirm the highwalls are intended to be graded to a slope 3H:1V or flatter.
- 4) Section 6 discusses seeding, stating that “When drilling is not possible, seed will be broadcast planted at 1½ times the recommended drill seed rate.” The Division requires seed be broadcast at twice the rate specified for drill seeding. This is reflected in the attached revised bond estimate and mentioned in Comment 2 above. No response is necessary.

Attachment A – Cost Summary Update.

- 5) Pond backfill. The Division has revised the push distance to 75 feet. However, as the cost estimate is based on what it would cost the State to reclaim the site if the permittee was unable to do so, we cannot assume the dozer operator is above average. We need to stick with an average equipment operator.
- 6) Knocking down highwalls. The Division has revised the volume estimates based on the proposed push down/cut to fill (and accounted for the in-situ volume already in place at the base of the highwalls) to reduce the volume needed to flatten the highwalls. However, as stated in Comment 5 above, we need to assume the equipment operator has average skills.
- 7) DRMS Bond estimate. The attached bond estimate uses updated costs and equipment and is based on the Division’s previous estimate but modified where appropriate to reflect your reclamation plan as submitted in TR-02. The only significant cost increase is that associated with the Job Superintendent. In comparing the old and new estimates, the Division noted the previous estimate did not properly calculate the job superintendent hours which should have been 50 percent of the task hours instead of the approximately 10 percent as shown on the previous estimate (note the Division had some infrequent problems several years ago with this number not always being properly calculated in the software). Please review the TR-02 bond estimate. It is consistent with the Division’s typical reclamation cost estimate of around \$3,000 per acre for aggregate pits. If you have questions about the estimate, please provide them in your response to these adequacy questions.

Legal Description / Index Maps.

- 8) Reclaimed area. The hatched area identified on the drawing as “Reclaimed Area 28.27 acres m/l” is identified as not requiring reclamation. The Division investigated this area using Google Earth history and found no disturbance in this area since 1999 and believes that it may not have been mined based on topography observed during the September 25, 2014 inspection. As such we concur that it is likely this area was intended to be released during previous release requests (AR-01 in 1996 or AR-02 in 2006) for which the Division has no maps on file. Please confirm you have no intent to mine this area and we will remove it from the permitted area.

Exhibit F – Reclamation Plan Map.

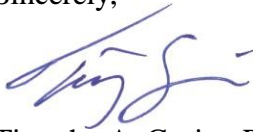
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- 9) Note A. As discussed in Comment 3, please confirm the highwalls are intended to be graded to a slope 3H:1V or flatter.

The decision date for TR-02 is May 25, 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 may deny this Technical Revision.

If you have any questions, please contact me (303-866-3567 ext. 8169).

Sincerely,

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

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

Enclosure

ec: DRMS file
David King, Midway Aggregates

M-TR-02