

June 13, 2017

Jay Wagner
Wagner Construction, Inc.
1850 E 1st Street
Craig, CO 81625



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

1313 Sherman Street, Room 215
Denver, CO 80203

***RE: Wagner Rock Pit, File No. M-1999-018, Construction Material Regular (112) Operation
Reclamation Permit Conversion Application Package-Adequacy Review #2***

Dear Mr. Wagner:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced conversion 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.

<u>APPLICATION PACKAGE:</u>				
<u>Per Rule</u>				
6.4.1	EXHIBIT A - Legal Description			
	(1)			(b), location of the main entrance to the site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map.
				In the narrative portion of Exhibit A include the GPS location of the mine entrance.
				Please depict the original 110c permit boundary, and the proposed permit boundary. Ideally on your topography map include an inset polygon to represent the currently permitted 110c boundary in comparison to the proposed permit boundary.
				The attached 110c map is outdated. More than 3.48 has been disturbed. See comment above for depicting affected lands to date.
6.4.3	EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands			
Additional Questions:		Several different polygons are included on your mining area detailed map. Please clearly label each of them, this may require arrows with descriptions to the side (I.e. current 9.74 ac permit boundary, current		



	affected land to date, proposed affected lands, proposed permit boundary).		
	The mining detailed area map includes the excavated daylighted pit boundary. This line should match up with the total affected land polygon. Likewise acreages will need to be updated to reflect the larger disturbed area. (Total proposed disturbance map correctly depicts this 16.42ac)		
	Include the proposed permit boundary and a north arrow on your water control features map.		
	Depict where stockpiles (both topsoil and processed materials) will be stored on your mining plan map.		
6.4.4	EXHIBIT D - Mining Plan		
	The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:		
		(e)	An approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. An Operator/Applicant shall not be required to meet specific dates for initiation, or completion of mining in a phase as may be identified in the timetable. This does not exempt an Operator/Applicant from complying with the performance standards of Section 3.1. If the operation is intended to be an intermittent operation as defined in Section 34-32.5-103(11)(b), C.R.S., the Applicant should include in this exhibit a statement that conforms to the provisions of Section 34-32.5-103(11)(b), C.R.S. Such timetable should include:
			If no phases are being used please describe the following with regard to the maximum affected land. Also state that no phase will be used.
			(i) an estimate of the periods of time which will be required for the various stages or phases of the operation;
			Ie. Topsoil stripping, mining, reclamation (grading, topsoil replacement, seeding). Only progress of mining is described.
Additional questions		Describe where stockpiled material will be stored. Topsoil has been adequacy described.	
		Please state the total highwall length to be exposed at a 2:1 not just the north facing slope. Based on the maps and reclamation plan with 4.6 acres of slope approx. 1500 lft will be exposed by end of mining. Note	

				you have committed to a maximum of 400 lft of unreclaimed highwall while mining.
6.4.5	EXHIBIT E - Reclamation Plan			
(2)		(e)	(i)	An estimate of the periods of time which will be required for the various stages or phases of reclamation;
				Need to be more specific then saying competed within 5 years. Should be specific for each stage/step within each of the post mining types. (ie. Topsoil replacement will take 2 mo, grading hay storage area 2 weeks, etc.)
		(f)		A description of each of the following:
Additional Questions				Hay storage area-please give an estimate of the volume and/or depth of graveled material that will be graded on the pit floor. Also clarify if this material will constantly reside on the pit floor or if upon final reclamation it will be transported from stockpiles to the pit floor and graded.
				Graveled storage area-please give an estimate of the volume and/or depth of graveled material that will be graded on the in the storage area. It is the Division's assumption that nearby existing stockpiles will be utilized for areas where residual gravel is already not present.
6.4.6	EXHIBIT F - Reclamation Plan Map			
	The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:			
		(a)		The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and
				Include a separate topo map or label the approx. elevation of key areas.
6.4.7	EXHIBIT G - Water Information			
				On the north side where the pit floor daylights out, will additional berms be installed? If so please include a statement in your narrative and depict such features on your erosion control map.

				On your erosion control map please include the proposed permit boundary, a north arrow and scale bar. Also note the permit number in the title box has a typo.
				On your Murphy/Biscup Spring map-Please include the distance from the well to the western proposed permit boundary line. Please clearly label each of polygon shapes depicted. Also note the permit number in the title box has a typo.
6.4.12	EXHIBIT L - Reclamation Costs			
	All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. The information provided by the Operator/Applicant must be sufficient to calculate the cost of reclamation that would be incurred by the state. Reference previous DRMS bond calcs for examples.			
General Agriculture			Include ripping cost. Provide acreage required. Volume of overburden/fill material necessary to create 2:1 slopes (400 lft mid-mining) also include centroid distance to be hauled and push distance. Please provide the volume of topsoil to be applied, centroid distance to be hauled (if necessary), push distance and slope. Reclamation plan states approx. 9 acres to be seeded. Reveg application is only for 5 acres but buying 9 acres of seed. These two need to match.	
Hay storage			Volume (or depth and areas) of material needing to be moved to create drain. Volume of gravel to be trucked in and graded if not already present on pit floor.	
Graveled Equipment storage			Volume (or depth and areas) of material needing to be moved to create drain.	
			Include indirect cost (approx. 23.5% of total direct costs)	
6.4.13	EXHIBIT M - Other Permits and Licenses			
	A statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds or will be seeking in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, the State Historic Preservation Office clearance, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, explosives permits, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.			

	Is a stormwater permit required for this operation?			
	Please be aware that as your operation increases in size it is your responsibility to revise or obtain new county permits if necessary.			
	Public Notice			
				<p>In addition, after the first publication you must mail or personally serve a copy of the notice described in Rule 1.6.2(1)(d) to all owners of record of surface rights to the affected land and all owners of record of lands that are within 200 feet of the boundary of the affected land (Rule 1.6.2(1)(e),(f))</p> <ul style="list-style-type: none">• Nancy Lyn Ranch

Please submit your response(s) to the above listed issue(s) by **Monday, June 26, 2017** in order to allow the Division sufficient time for review. Currently the decision due date has been set for August 24, 2017. Please note that the application needs to be in an approvable form before this deadline to allow for the objection process deadlines to be met.

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,



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Ec:
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