



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

October 18, 2017

David King
Eastern Colorado Aggregates, RLLLP
P.O. Box 580
Rye, CO 81069

**Re: Midwestern Farms, Permit No. M-1993-059, Surety Reduction Request, Revision No. SR-1,
Adequacy Review No. 1**

Mr. King:

On August 25, 2017, the Division of Reclamation, Mining and Safety (Division) called your Surety Reduction request (Revision No. SR-1) complete for filing purposes. On October 5, 2017, the Division conducted an inspection of the site and found that a significant amount of reclamation work has been completed, including all earthwork, excavation of material to connect the two ponds, and cover crop planting. However, the Division is unable to continue processing Revision No. SR-1 at this time due to an issue identified during the inspection.

The Division observed the eastern shoreline had been graded to the approved 3H:1V or flatter slope gradient, but is eroding rapidly due to the increased wave action that occurs in this portion of the pond. The eastern shoreline is not stable and appears to be migrating eastward toward an active agricultural water ditch that runs approximately parallel to the shoreline. In some areas, the shoreline is already within 20-25 feet of the ditch. The Division estimates approximately 2,000 feet of shoreline is eroding in this manner (see enclosed Google Earth image of site).

Therefore, the Division has determined the approved reclamation plan is not adequate for the eastern pond shoreline, and will need to be revised to address this issue. Additional stabilization measures will be required to protect this shoreline from erosion. These measures might include planting fast-growing, deep rooted wetland vegetation such as willows, placing rip rap and/or geotextile fabric, constructing structures that disperse the wave action, or a combination of techniques. The Division recommends the shoreline stabilization plan be consistent with the approved post-mining land use of wildlife habitat for pond areas.

The reclamation plan for the site may be revised to accommodate the shoreline stabilization plan through submittal of a Technical Revision. Through this process, the operator would need to submit a revised bond estimate that includes costs for implementing the proposed shoreline stabilization plan. The bond estimate need only include costs for reclamation work remaining at the site. After inspecting the site, the Division believes this would include revegetation, minor grading/erosion repair, weed control, and shoreline stabilization of the eastern pond shoreline. Once the Technical Revision is approved, the Division could then process a surety reduction for the site.



Given the situation, the Division recommends the operator do the following:

- 1) Submit an extension request for Revision No. SR-1 to allow sufficient time for submittal and review of a Technical Revision (typical turnaround for a Technical Revision is 30 days).
- 2) Submit a Technical Revision to address stabilization of the eastern pond shoreline.

Alternatively, the operator may withdraw Revision No. SR-1, and submit another Surety Reduction request after the Technical Revision has been approved. Regardless of how the Surety Reduction is handled, the Division considers the shoreline erosion to be a problem at this time pursuant to C.R.S. 34-32.5-116(4)(j), which requires submittal of a Technical Revision.

Please be advised, if the Division does not receive a response by the decision date of October 24, 2017, Revision No. SR-1 will be denied.

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

Enclosure: Google Earth image of site showing disturbed land south of railroad tracks with portion of eastern shoreline requiring additional stabilization measures identified

Cc: George Tempel
Midwestern Farms
P.O. Box 246
Wiley, CO 81092

Wally Erickson, DRMS



M 1993-059 / Midwestern Farms / Midwestern Farms

View of disturbed land south of railroad tracks

Red Outline = 1,479.2 acres = Approved permit area

Yellow line = 2,000 feet = Approximate length of pond shoreline requiring additional stabilization measures
(Image data from 6/12/2017)

