

October 30, 2017

Mr. Michael Cunningham  
Division of Reclamation, Mining and Safety  
Colorado Department of Natural Resources  
1313 Sherman St, Room 215  
Denver, CO 80203

**RECEIVED**

OCT 31 2017  
DIVISION OF RECLAMATION  
MINING AND SAFETY

RE: Permit #M-1983-139, Leyden Pit Corrective Actions

Dear Mr. Cunningham:

This letter serves as a response to the inspection report's sighted problems or possible violations, dated July 15, 2017. These issues are stated in more detail below. There are changes to the reclamation plan necessary in order to become in compliance with the Division of Reclamation Mining and Safety, not only due to the most recent inspection report, but also to continue the ongoing reclamation within the site and to close out the permit. These items will be documented in the form of a permit amendment, which will be submitted by the corrective action due date of November 14, 2017.

Corrective Actions

During the May 2017 Inspection, two topics with possible violations were recorded. These include availability of records and hydrologic balance.

- Availability of Records: The Division does not have a record that the current Operator has a structure agreement with the owner of the electrical line.
  - Attached is a letter dated 8/31/17 from Mark Staggs, the Area Engineer for Xcel Energy, stating that reclamation consisting of landscaping to redefine the slopes around the power poles is approved.
- Hydrologic Balance: The Division has no evidence the operator has a valid well permit, substitute water supply plan or approved water augmentation plan for the exposed groundwater at the site.
  - One pond, unofficially referred to as the 'triangle pond' is exempt to any issues within this corrective action due to §37-90-137(11)(b), C.R.S. The attached aerial photos dated 06/05/1980, 10/19/1981 and 10/04/1982 serve as evidence that no further work is required for this pond.
  - The other bodies of water on the east side of the property do not fall under the pre-81 category and must take measures to be in compliance. A formal request was submitted to the U.S Army Corps of Engineers on September 1, 2017 for jurisdictional determination of the ponds. The Corps determined the ponds to be not

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RE: Leyden Pit Corrective Actions  
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jurisdictional. Due to this determination, the ponds will be backfilled, described further in the amendment documentation.


- A map is attached to display these pond areas which were reviewed by the Corps.

To our knowledge, the corrective action due date of November 14, 2017 includes the actual action of pond backfilling. Due to coordination with the Army Corps of Engineers, City of Arvada and coordination with the City of Arvada and scheduling of contractors for the described project, we request an extension for this corrective action piece. Since the City must put projects out to bid, as well as the cold winter months ahead, an extension until March 1, 2018 is requested. This is also due to the desire to have all contracted work completed at once (backfilling, regrading, revegetating). For a timeline perspective:

- By November 14, 2017: submit complete corrective action of first problem, Availability of Records. For the second problem, hydrologic balance, a partial corrective action of submission including background information and a plan to complete this work. Submit amendment document, which includes technical revision pieces such as regrading and reseeding.
- By the end of 2017: aid City of Arvada in getting reclamation plans together and ready for obtaining bids.
- By February 2018: Have a contractor selected to complete newly established reclamation and pond backfilling. Have land use for Pioneer Sales Yard changed to commercial use and released from DRMS permit.
- By March 2018: all corrective actions complete and land regraded and revegetated.
- June 2018: Schedule a DRMS site visit to inspect reclamation activities and comment.
- Summer 2018: Pioneer Mine permit closed out and reclamation complete – allow two seasons for revegetation to occur.

If there are any questions regarding any provided information, please do not hesitate to contact me at (303) 452 6611 or [katybilisoly@applegategroup.com](mailto:katybilisoly@applegategroup.com).

Sincerely,  
**Applegate Group, Inc.**



Katy Bilisoly, E.I.  
Water Resource Engineer

KB/ta

cc: AG File No. 01-236



August 31, 2017

To whom it may concern:

In reference to the overhead electric power line in the vicinity of the property known as 7908 Highway 93, Golden, Colorado; or has otherwise been described as the Pioneer Mining Reclamation/Leyden Pit Site:

We believe the overhead 15 Kv class power line through this property we was installed pre-1980's at the invitation of the property owner at that time.

Since the installation of this pole line, the ground elevation in some areas has been lowered leaving some of the poles on islands above the general grade of the surrounding area. It is our understanding landscaping work is planned which is intended to redefine the slope on the perimeter of these islands.

Xcel does not have any issues and otherwise approves this landscaping work to redefine the slope on the perimeter of these islands as long as earth is added to achieve these goals, no substantial amount of earth is removed from these islands and proper clearances are maintained at all times.

Required minimum clearances:

Vertical clearance between overhead conductors and any surfaces - 18.5 feet

All equipment and persons must maintain a minimum 10 feet of separation between them and any extension of themselves (a hammer or 2x4 they may be holding) from any conductor at all times. (Touching these lines will kill)

Sincerely

A handwritten signature in blue ink, appearing to read 'Mark Staggs', with a horizontal line extending to the right.

Mark Staggs  
Area Engineer, North Denver Region  
303-425-3852 [mark.staggs@xcelenergy.com](mailto:mark.staggs@xcelenergy.com)



Photo Date: 06-05-80  
Approx. Scale: 1 in. = 700 ft.  
©2017 Colorado Aerial Photo Service

Photo Date: 10-19-81  
Approx. Scale: 1 in. = 700 ft.  
©2017 Colorado Aerial Photo Service

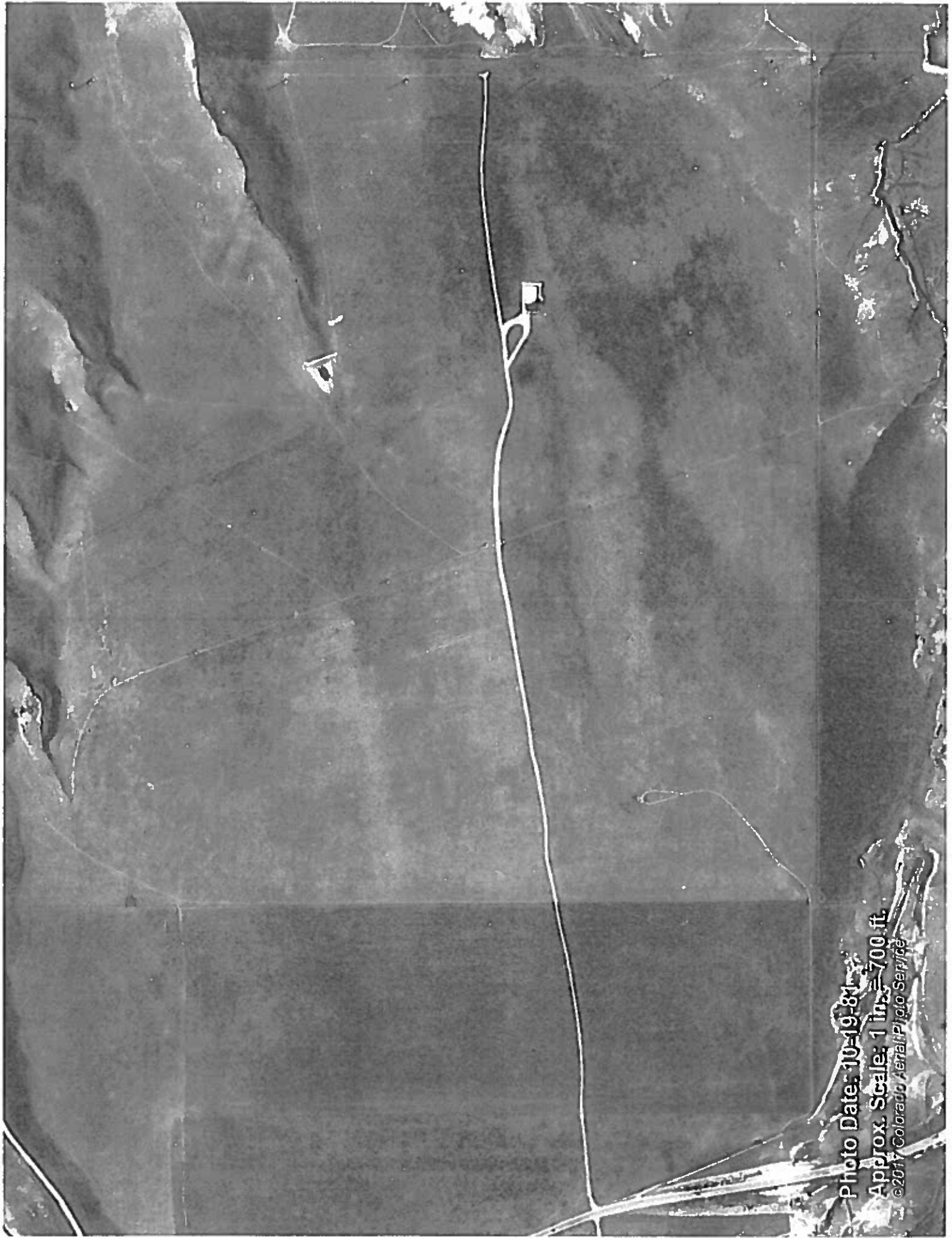






Photo Date: 10-04-82  
Approx. Scale: 1 in. = 700 ft.  
©2017 Colorado Aerial Photo Service



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD  
LITTLETON, COLORADO 80128-6901

RECEIVED  
10 OCT 10 2017  
BY: .....

October 5, 2017

**SUBJECT: File No. NWO-2017-01682-DEN, City of Arvada, Leyden Pit Mining Reclamation Project**

Bob Manwaring  
City of Arvada  
8101 Ralston Road  
Arvada, CO 80002

Dear Mr. Manwaring:

This letter is in response to your inquiring about the need for Section 404 permitting for the proposed project located at approximately latitude 39.838233, longitude -105.213444, in Jefferson County, Colorado.

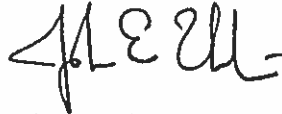
This site has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activity associated with a dredge and fill project in waters of the United States. Waters of the U.S. includes ephemeral, intermittent and perennial streams, their surface connected wetlands and adjacent wetlands, certain lakes, ponds, drainage ditches and irrigation ditches that have a nexus to interstate commerce.

Reference is made to the November 13, 1986 Federal Register (Page 41217), Part 328 (e) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States (as defined in 33 CFR 328.3(a)). The Corps of Engineers generally does not consider these types of aquatic resources waters of the U.S. except on a case-by-case basis. In this case, six man-made ponds were constructed in uplands during mining operations with no surface connection to waters of the U.S. As such these six ponds are not considered jurisdictional.

Based on the information provided, a Department of the Army (DA) Permit will not be required for the work at the above referenced site. Although a DA Permit will not be required for these areas, this does not eliminate the requirement that other applicable federal, state, and local permits be obtained as needed.

If there are any questions please feel free to contact Ellison Koonce at (303) 979-4120 or by e-mail at [Ellison.A.Koonce@usace.army.mil](mailto:Ellison.A.Koonce@usace.army.mil), and reference Corps File No. NWO-2017-01682-DEN.

Sincerely,

A handwritten signature in black ink, appearing to read "J. E. Urbanic".

John E. Urbanic  
Chief, Denver Regulatory Office

Copy Furnished:

Katy Bilisoly  
Applegate Group  
1490 W. 121st Ave., Suite 100  
Denver, CO 80234





**Legend**

- Jurisdictional Review Area (Green hatched box)
- Pioneer Parcel Body (Green outline box)
- Sections (Red outline box)
- Contours Elevation (Yellow line)

**Contours Elevation**

- 5790 - 5827
- 5827.1 - 5864
- 5864.1 - 5901
- 5901.1 - 5938
- 5938.1 - 5975

OF: 1	Figure: 1	Date: 30 Aug 2017			
		Job #: 01-236			
		Drawn By: KAB			
		No.	Rev. Date	Revision Description	

## Pioneer Mining Closeout Vicinity Map

### Ponds for Jurisdictional Review

**Applegate Group, Inc.**

Water Resource Advisors for the West

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 Denver, CO 80226-2728  
 www.applegategroup.com

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