



COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

January 19, 2018

Katy Bilisoly  
Applegate Group, Inc.  
1490 West 121<sup>st</sup> Ave., Suite 100  
Denver, CO 80234

RE: Leyden Pit; DRMS File No. M-1983-139; Preliminary Adequacy Review (AM01)

Dear Ms. Bilisoly,

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of your 112 Construction Materials Reclamation Permit Amendment Application. The application was received on November 8, 2017 and was called complete for review on December 1, 2017. The decision date for this application is March 1, 2018. **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.**

The review consisted of comparing the application content with specific requirements of Rule 6.1, 6.2, 6.4, and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. In general the application was substantially adequate, however, as with most applications there are a few items that will require the submittal of additional information or clarification of the existing information. Inadequacies are identified under the respective exhibit heading along with suggested corrective actions to correct them.

1. The Division received comments from History Colorado, the Colorado Division of Water Resources, and the Army Corps of Engineers. The letters are attached for your review. Please address the comments noted in the letters and make any changes to the application as necessary.

#### 6.4.5 Exhibit E – Reclamation Plan

3. The Reclamation Plan specifies the seed mix approved in Technical Revision No. 3 (TR03) will be used to revegetate the site. Please note that only the seed mix was



changed through TR03. In accordance with the original Reclamation Plan, the Operator shall apply mulch at a rate of 2 tons per acre. Please respond.

4. The revised Reclamation Plan addresses the reclamation of several small detention dams which serve to attenuate flooding of the residential properties to the east of the mine. The original Reclamation Plan Map (Sheet 3 of 7, dated 6/14/1983) shows the ponds will be graded to direct runoff toward Leyden Gulch. Pursuant to Rule 3.1.6(1), disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quantity or quality of water in surface and groundwater systems both during and after the mining operation and during reclamation shall be minimized. Please describe where surface runoff will be directed after the detention ponds have been reclaimed and demonstrate the residential properties to the east of the mine will be protected from flooding.
5. Please clarify if the large stockpiles identified in the revised Reclamation Plan will be graded in place, or if the stockpiles will be eliminated and used for reclamation of other areas.
6. There are several product stockpiles located west of the Pioneer retail sales yard. The Reclamation Plan Map does not identify the stockpiles as being within areas which will be regraded. Please describe how the stockpiles will be reclaimed.
7. The Reclamation Plan states grade control structures may be required. Please describe what type of grade control structures may be necessary.
8. Please describe what topsoil resources are available for reclamation of the detention ponds. In addition, confirm topsoil will be replaced to a depth of 2 to 4 inches as approved under Technical Revision No. 3.

#### **6.4.6 Exhibit F – Reclamation Plan Map**

9. The Legend of the Reclamation Plan Map contains a label for 'New Permit Boundary'. The permit boundary is not being altered through the Amendment Application. Please remove this label from the Reclamation Plan Map and include a label which identifies the Pioneer sales yard as the Industrial/Commercial portion of the site.
10. As required by Rule 6.2.1(2)(e), the acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Please revise the Reclamation Plan Map to meet the acceptable range of map scales.
11. Please revise the Reclamation Plan Map to include a labeled permit boundary which encompasses 320 acres.

12. As required by Rule 6.4.6(a), the Reclamation Plan Map must show the proposed topography with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands. It is not clear if the contour lines in the area of the detention ponds represent the current slope of the land or the slope of the land after reclamation is performed. Please ensure the revised Reclamation Plan Map contains contour lines reflecting the post-reclamation topography, such that the Division can determine stormwater drainage pathways.

#### **6.4.7 Exhibit G – Water Information**

13. Please specify how you will comply with the Division of Water Resources requirements outlined in the attached letter dated December 13, 2017.

This concludes the Division's preliminary adequacy review of this application. Please remember that the decision date for this application is March 1, 2018. As previously mentioned, if you are unable to provide satisfactory responses to any inadequacies prior to this date, **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 written over a light blue horizontal line.

Michael A. Cunningham  
Environmental Protection Specialist

Enclosures (3)

CC: Wally Erickson, DRMS



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

John W. Hickenlooper  
Governor

Robert Randall  
Executive Director

Kevin G. Rein, P.E.  
Director/State Engineer

DATE: December 13, 2017  
TO: Michael A. Cunningham, Environmental Protection Specialist  
CC: Division 1 Office, District 7 Water Commissioner  
FROM: Ioana Comaniciu, P.E.  
RE: Leyden Pit, Permit No. M-1983-139-AM1  
Operator: Pioneer Sand Company, Inc.  
Contact: James Sullivan-City of Arvada - 720-898-7760  
Section 34, Twp 2 South, Rng 70 West, 6th P.M., Jefferson County

**RECEIVED**

DEC 13 2017

**DIVISION OF RECLAMATION  
MINING AND SAFETY**

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**CONDITIONS FOR APPROVAL**

The purpose of this amendment is to change the post-mining land use from 320 acres of affected land to be reclaimed into grazing/ranchland to 20 acres of commercial/industrial land use and 300 acres of grazing/ranchland. There are currently 1.5 acres of exposed ground water at the site which are being proposed to be backfilled. The 1.5 acres were exposed after 1980.

The proposed backfilling of the site will continue to consume ground water through evaporation until such time as the entire site has been backfilled. Note that Section 37-90-137 (11), C.R.S., requires that any gravel pit that exposed ground water to the atmosphere after December 31, 1981 to replace all out of priority depletions of water to the local stream, including evaporation. Therefore, until such time as the site has been completely backfilled the operator will need to obtain a well permit for the site. However a well permit will not be issued until a substitute water supply plan is approved by the State Engineer. In addition, after reclamation replacements of lagged depletions shall continue until there is no longer an effect on stream flow.

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The applicant may contact the State Engineer's Office with any questions.





OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

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DEC 27 2017 DEC 21 2017

DIVISION OF RECLAMATION  
MINING AND SAFETY

Michael A. Cunningham  
Environmental Protection Specialist  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

Re: Notice of 112 Construction Materials Reclamation Permit Amendment Application  
Consideration – City of Arvada, Leyden Pit, Permit No. M-1983-139 – AM01 (HC #73249)

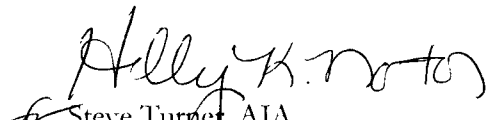
Dear Mr. Cunningham:

We received your correspondence dated December 1, 2017 on December 5, 2017 initiating consultation with our office under the State Register of Historic Places Act (CRS 24-80-1 et seq.) for the above referenced permit application.

A search of our database indicates that no cultural resource inventory has been conducted within the proposed permit area and no properties of historical significance have been recorded therein. As most of Colorado has not been inventoried for cultural resources, our files contain incomplete information. Consequently there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. The requirements under CRS 24-80 part 13 apply and must be followed if human remains are discovered.

We thank you for the opportunity to comment. If we may be of further assistance, please contact Bob Cronk, Section 106 Compliance Manager, at (303) 866-4608 or [robert.cronk@state.co.us](mailto:robert.cronk@state.co.us).

Sincerely,

  
Steve Turner, AIA  
State Historic Preservation Officer  
1200 Broadway  
Denver, CO 80203



HISTORY Colorado

Office of Archaeology and Historic Preservation  
1200 Broadway  
Denver, CO 80203

270130170

**RETURN SERVICE REQUESTED**

Michael A. Cunningham  
Environmental Protection Specialist  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

**KIT-TAB 80203**



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DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD  
LITTLETON, COLORADO 80128-69

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DIVISION OF RECLAMATION  
MINING AND SAFETY

M.1983.139  
Am01

**RE: Section 404 of the Clean Water Act Initial Comments**

To whom it concerns:

In accordance with Section 404 of the Clean Water Act, the Corps of Engineers regulates the discharge of dredged or fill material, either temporary or permanent, within waters of the United States (WOUS). WOUS may include ephemeral and/or perennial streams, wetlands, lakes, ponds, drainage ditches and irrigation ditches. This office should be notified by a proponent of the project for Department of the Army permits, changes in permit requirements or jurisdictional determinations pursuant to Section 404 of the Clean Water Act.

If there is a discharge of fill material within WOUS, a Department of the Army Section 404 permit is required. A wetland delineation must be conducted using the methods outlined in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*: (using applicable Regional Supplement) to determine wetlands based on the presence of three wetland indicators: hydrophytic vegetation, hydric soils, and wetland hydrology. Wetland delineations must be conducted in the field by a qualified individual, and any aquatic resource boundaries must be identified accordingly. Once the aquatic resources have been identified, only this office can determine if they are WOUS. Please note that development of the upland areas, avoiding stream and wetland resources, does not require authorization from this office.

Nationwide Permits (NWP) authorize common types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 54 types of nationwide permit activities and their general conditions can be found on our website:

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>.

Some fill activities require notifying the Corps before starting work. Also, some types/sizes of work may require additional information or mitigation.

Regional General Permits (RGP) authorize specific types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 4 types of regional general permit activities and their general conditions can be found on our website:

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado/RegionalGeneralPermits.aspx>. These fill activities require notifying the Corps before starting work, and possibly other

local or state agencies. Also, some types/sizes of work may require additional information or mitigation. Please note several of the RGP's are applicant and location specific.

Individual permits may authorize fill activities that are not covered under the NWP or Regional General Permits (RGP's). This permit will be processed through the public interest review procedures, including public notice and receipt of comments. An alternative analysis (AA) must be provided with this permit action. The AA must contain an evaluation of environmental impacts for a range of alternatives which should include the preferred action, no action alternative, and other action alternatives that would be the identified project purpose. Other action alternatives should include other practicable with regards to cost, logistics, and technology that meet the overall project purpose. The alternatives could include offsite alternatives and alternative designs. When evaluating individual permit applications, the Corps can only issue a permit for the least environmentally damaging practicable alternative (LEDPA) to issue, in some cases, this may not be the desired preferred action. The individual permit application form and form instructions can be found on our website:  
<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>.

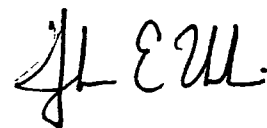
If the activity requires a Department of the Army permit as a result of any impacts to WOUS or any earth disturbances within that resource, a federal action will occur. For the Corps to make a permit decision, the applicant must provide enough information to demonstrate compliance with Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA).

The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to WOUS to the maximum extent practicable at the project site. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal. Any loss of an aquatic site may require mitigation. Mitigation requirements will be determined during the Department of the Army permitting review.

If the information that was submitted could impact WOUS, which are jurisdictional resources, this office should be notified. If a section 404 permit is required, work in an aquatic site should be identified by the proponent of the project and be shown on a map identifying the Quarter Section, Township, Range and County, Latitude and Longitude, Decimal Degrees (example 39.55555; -104.55555) and the dimensions of work in each aquatic site.

If there are any questions, please call the Denver Regulatory Office at **303-979-4120**.

Sincerely,

A handwritten signature in black ink, appearing to read "JL Urbanic", written in a cursive style.

John Urbanic  
Chief, Denver Regulatory Office

Enclosures:  
-PCN requirements





## **Pre-Construction Notification (PCN) Requirements**

(Nationwide Permit General Condition No. 32  
from the January 6, 2017 Federal Register)

**US Army Corps of Engineers, Omaha District, Denver Regulatory Office**  
**9307 South Wadsworth Blvd, Littleton, CO 80128**  
**Phone: (303) 979-4120**

### **Contents of Pre-Construction Notification:**

The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) Identify the specific NWP or NWP(s) the prospective permittee want to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.
- (7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must

include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman St. Room 215  
Denver, CO 80203

Ellison - Any work



### MEMORANDUM

December 1, 2017

TO: U.S. Army Corps of Engineers  
NE Omaha District  
1616 Capitol Ave.  
Omaha, NE 68102

FROM: Michael A. Cunningham, Environmental Protection Specialist *MAC/mn*

RE: **Notice of 112 Construction Materials Reclamation Permit Amendment Application  
Consideration City of Arvada, Leyden Pit, Permit No. M-1983-139 – AM01**

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Please be advised that on December 1, 2017, City of Arvada, whose address and telephone number are 8101 Ralston Rd., Arvada, CO 80002; (720) 898-7761, filed an Amendment application to M-1983-139, Leyden Pit, which is located at or near Section 34, Township 2S, Range 70W, 6<sup>th</sup> Principle Meridian, in Jefferson County. The application decision is scheduled for March 1, 2018.

A copy of the application is available for review, unless you receive a CD, at the Jefferson County Clerk & Recorder's office and at the office of the Division of Reclamation, Mining and Safety, Room 215, 1313 Sherman Street, Denver, Colorado 80203.

If you desire to make comments or objections of the mine plan and/or the reclamation plan, they must be submitted within twenty (20) days of the date of the last newspaper public notice to be considered in the application review process by the Division. You should contact the applicant for the newspaper publication date. If we do not receive your comments or any objection by the end of the public comment period, the Office will assume you have no objection or comment to the proposed activity.

If you have any questions, please contact me.

M-AR-08



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

DENVER  
CO SEC  
06 JAN '18  
PM 5 L

MICHAEL CUNNINGHAM  
COLORADO DIVISION OF RECLAMATION,  
MINING AND SAFETY  
1313 SHERMAN ST. RM 215  
DENVER CO 80203

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