



## COLORADO

Division of Reclamation,  
Mining and Safety

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

March 20, 2018

Daniel J. Gaudreault and Barbara J. Gaudreault  
P.O. Box 69  
Elizabeth, CO 80107

**RE: Adequacy Review, 112c Construction Materials Amendment Application (AM-01)  
Big “G” Gravel Pit, Permit No. M-2006-081**

Dear Mr. and Mrs. Gaudreault,

The Division of Reclamation, Mining and Safety (Division) has reviewed the content of the Construction Materials 112c Permit Amendment Application (AM-01) for the Big “G” Gravel Pit, File No. M-2006-081, operated by Daniel J. Gaudreault and Barbara J. Gaudreault (Applicant), and submits the following comments.

**The Division is required to make an approval or denial decision no later than March 26, 2018; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** Please respond to this letter with the requested additional/updated information on permit replacement pages and/or exhibits and summarize each response in a cover letter titled “Adequacy Review Response, AM-01, M-2006-081”.

The review consisted of comparing the application with specific requirements of Rules 1, 3, and 6 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit.

### **GENERAL**

1. As required by Rule 1.6.2(1)(d) and 1.6.5(2), submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.
2. As required by Rule 1.6.2(1)(e), submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.
3. The Division received comments from the History Colorado, Colorado Parks and Wildlife, and the Division of Water Resource. The letters are attached for review. Please acknowledge the letters, address any comments within the letters, and make changes to the application, if necessary.

### **GENERAL - Maps**

4. Several maps (Exhibit C Pre-Mining Plan Map, Exhibit C Soil & Vegetation Map, Exhibit C Mining Map, and Exhibit F Exhibit F Reclamation Plan Map) submitted in AM-01 depicts a liner feature which crosses into the permit boundary in the northeast portion of the permit. The legend identifies this as a public road. The Division believes this is the Rocky Ford Highland Canal’s access road which runs on the north side of the canal and is in the wrong location compared to the background image on the maps. Please depict the correct location of this canal road and re-submit these maps.



**EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):**

5. None of the Exhibit C Maps contain information regarding structures as required by Rule 6.4.3(g). Please revise one of the Exhibit C Maps or submit a new Exhibit C Map which identifies the location of all permanent man-made structures contained on the area of affected lands and within 200 feet of the affected lands. The structure owner's name and type of structure must also be identified on the map.

**EXHIBIT D - Mining Plan (Rule 6.4.4):**

6. The Applicant proposes to have a phased mining/bonding operation. Please commit to contacting the Division for approval prior to advancing into an un-bonded phase. The request will include the estimated reclamation costs that would be required for opening the additional phase. The Division will review and calculate a new final warranty amount, issuing a Surety Increase revision if necessary. Once the additional amount is posted the Operator will be approved for the new phase. Please note, the Applicant may submit a Surety Reduction request for specific reclamation tasks completed in previous or an Acreage Reduction request for portions of the affected lands where final reclamation has been achieved. Released amounts of financial warranty from these requests could be used to help off-set reclamation costs associated with the new phase.

**EXHIBIT E - Reclamation Plan (Rule 6.4.5):**

7. The Applicant states the proposed reclamation plan is based on the Reclamation Plan developed by the District Conservationist of the NRCS Pueblo Field Office. After a review of the proposed reclamation plan and the NRCS Plan, the Division has discovered a discrepancy between the plans regarding subsoil. The proposed reclamation plan is silent on the subsoil replacement while the NRCS Plan recommends at least 18 inches of subsoil to be replaced prior to topsoil replacement. Typically, the Division has approved reclamation plans for similar operations in the area which utilize overburden and processing fines as the subsoil component. Please address this discrepancy and either commit to implementing the NRCS recommendations or submit an appropriate technical justification for the deviation in the plan.
8. Similar to Adequacy Item No. 7, the Division discovered a discrepancy between the plans regarding topsoil replacement. The proposed reclamation plan states topsoil will be replaced at a depth of 1" to 6" while the NRCS plan recommends at least 6" of topsoil is replaced. Please address this discrepancy and either commit to implementing the NRCS recommendations or submit an appropriate technical justification for the deviation in the plan.
9. Within Exhibit F, under the 3.1.12 Signs & Markers subsection, the Applicant states this is a 112 operation, therefore the permit boundary and the affected boundary are not the same. However, the application materials appear to not show a difference in affected and permitted areas. Please clarify this application's permit boundary and affected lands boundary are one in the same and revise the subsection 3.1.12 within Exhibit F.
10. Within Exhibit F, under subsection 6.5.4(e)(i), the Applicant describes the concurrent reclamation process whereby the Operator advances the mining operation into Phase 2 while starting reclamation on the mined-out Phase 1. In this process, the Division should hold appropriate financial warranty for both Phase 1 and Phase 2, however, the Exhibit L materials only include the Phase 1 reclamation costs. Please clarify and update Exhibit L to also include Phase 2 reclamation costs.

**EXHIBIT L – Reclamation Costs (Rule 6.4.12):**

- 11.** The Division will calculate a cost estimate after applicable adequacy items are addressed. The Applicant will be provided copy of the cost estimate for review before the decision date.

**EXHIBIT R - Proof of Filing with County Clerk and Recorder (Rule 6.4.18):**

- 12.** Any changes or additions to the application on file in our office must also be reflected in the public review copy. Please submit proof that the public review copy has been updated with a copy of the response to this adequacy letter.

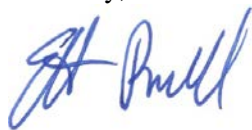
**EXHIBIT S - Permanent Man-Made Structures (Rule 6.4.19):**

- 13.** The Applicant lists the only structures on the affected lands or within 200 feet of the affected lands are the landowner's ranch fences. The Applicant is the landowner, therefore, no structure agreements are necessary. However, based on application materials, site inspections, and review of a Google Earth aerial, the Division has identified there are at least three additional structures. Please review the site and identify all permanent man-made structures within 200 feet of the affected lands. The Applicant will need to comply with Rule 6.4.19 for US Highway 50, the overhead powerline across the access road, and the Rocky Ford Highline Canal and road. Please also ensure all range fence lines within 200 feet of the affected lands are solely owned by the Applicant. Please note, the State Highway Permit referenced in Exhibit M materials may contain the necessary language to comply with Rule 6.4.19 for US Highway 50.

This concludes the Division's adequacy review of AM-01. This letter shall not be interpreted to mean that there are no other technical deficiencies in AM-01, as other issues may arise when additional information is supplied. Be advised that the 112c permit amendment application for the Big "G" Gravel Pit may be deemed inadequate, and the application may be denied on March 26, 2018, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by March 26, 2018 and the request for a specific amount of additional time. This must be received no later than the deadline date.**

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Enclosures: Comment Letters from History Colorado, Colorado Parks and Wildlife, and Division of Water Resources

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