



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

March 26, 2018

Mr. Tony Adamic
Fremont County Board of Commissioners
1170 Red Canyon Road
Cañon City, CO 81212

**RE: SH 69 Gravel Pit, Permit No. M-2018-010;
Preliminary Adequacy Review**

Dear Mr. Adamic:

The Division of Reclamation, Mining and Safety has completed its preliminary adequacy review of your 110 construction materials reclamation permit application for the SH 69 Gravel Pit, File No. M-2018-010. The application was received on March 8, 2018 and called complete for review on March 12, 2018. The decision date for this application is April 10, 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 may deny this application.**

The review consisted of comparing the application content with specific requirements of Rules 3, 6.1, 6.2, 6.3 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rule). Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

APPLICATION FORM

The application form is adequate.

6.3.1 EXHIBIT A – Legal Description

1. Typographic error – Based on comparison with the three full size maps with metes and bounds, as well as the distances and bearings on those drawings, there appears to be an error in the distance from the GLO WC to the Point of Beginning. Exhibit A lists this distance as 328.08 feet, whereas all other instances on the three maps state this distance is 324.08 feet. Please correct Exhibit A and resubmit it.

6.3.3 EXHIBIT C – Mining Plan

2. Topsoil vs. overburden – Rules 6.3.3(b) and (c) request a distinction between topsoil/growth media and overburden. The text indicates “2” to a foot of soil” will be stockpiled. Please



clarify if there is any overburden or if all this “soil” is to be stockpiled for use as growth media. If there is overburden, please estimate the thickness and whether it will be stockpiled for reclamation (i.e., backfill).

3. Water use – Rule 6.3.3(h) requires the amount of water to be used in the operation be specified. Please indicate how much water will be used (e.g., dust control product washing, etc.) and from where the water will be obtained.
4. Groundwater/surface water interception – Pursuant to Rule 6.3.3(i), describe how mining will affect the quantity and quality of the surface or groundwater and the methods to be used to minimize disturbance to the surface and groundwater systems.
5. Applicable Colorado water laws - Pursuant to Rule 6.3.3(j), specify how you will comply with applicable Colorado water laws and regulations governing injury to existing water rights.
6. Refuse, acid or toxic producing materials – Pursuant to Rule 6.3.3(k), please describe how refuse, acid or toxic producing materials shall be handled and disposed of in a manner that will control unsightliness and protect the drainage system from pollution.
7. Explosives - Pursuant to Rule 6.3.3(p), specify if explosives will be used in conjunction with the mining or reclamation.

6.3.4 EXHIBIT D – Reclamation Plan

8. Overburden replacement, 6.3.4(1)(a) – In consideration of your response to Comments #2, #9, #12 and #13, please clarify if any overburden will be replaced for the purpose of reclamation.
9. Minimum slopes, 6.3.4(1)(b) – The Division recommends reclaimed slopes be 3H:1V or flatter in order to be erosionally stable and better support revegetation. Fremont County is proposing 2H:1V slopes for reclamation. Please provide a demonstration that reclaimed slopes steeper than 3H:1V will be stable from an erosion standpoint and will support revegetation.
10. Revegetation measures, 6.3.4(1)(c) – Pursuant to Rule 6.3.4(1)(c), please provide the following:
 - a) The thickness of plant growth material to be replaced,
 - b) How the seed be will be prepared (to include the breakup of compacted soil and fertilizer application rates, if necessary),
 - c) Specify the quantity of each grass, forb and shrub species listed in the reclamation plan in pounds of pure live seed per acre,
 - d) Specify the rate of mulch application (typically in tons per acre).
11. Existing road – Pursuant to Rule 6.3.4(1)(d), please clarify if the road on the railroad grade is to remain after reclamation, and if so, a letter from the BLM indicating acceptance of keeping the road after reclamation..

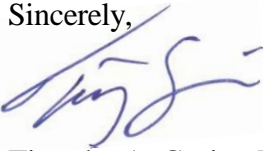
6.3.5 EXHIBIT E – Map

12. Reclamation Map, gradient – Rule 6.3.5(2)(d) requires the gradient of all reclaimed slopes sufficient to describe the post mine topography. The map has arrows indicating slopes will generally be to the north. However, the Mine Plan (2nd paragraph) states the depth of the pit will not be greater than 15 feet below the existing railroad grade. Considering your response to Comment #8 above, please indicate how positive drainage will be achieved if the pit is deeper than the railroad grade.
13. Reclamation Map, overburden and topsoil thickness – Pursuant to Rule 6.3.5(3)(d) & (e), Considering your response to Comment #8 above, please revise the map to state the average thickness of replaced overburden (if applicable) and topsoil.

Pursuant to Rule 1.4.6(1), please be advised the SH 69 110c Application may be deemed inadequate and the application may be denied on **April 10, 2018** unless the abovementioned adequacy review items are addressed to the satisfaction of the Division. If you feel more time is needed to complete your reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of your right to a decision by **April 10, 2018** and request for additional time. This must be received no later than the deadline date.

If you have any questions, please contact me at (303) 866-3567 x 8169 or Wally Erickson at (303) 866-3567 x 8176. Be advised I will be out of the office April 13 through April 23, returning on the 24th.

Sincerely,



Timothy A. Cazier, P.E.
Environmental Protection Specialist

ec: Wally Erickson, DRMS
DRMS file
Annette Ortega, Fremont County
Stephanie Carter, BLM