



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

April 12, 2018

Randy Schafer
40586 Co. Road 21
Haxtun, Colorado 80731

**RE: M. Larson Pit #1, DRMS 112c Application No. M-2018-006
Adequacy Review No. 1**

Dear Mr. Schafer,

The Colorado Division of Reclamation, Mining, and Safety (DRMS or Division) received the above referenced application on February 2, 2018 and deemed the application complete and filed on February 21, 2018. The Division is required to issue a decision on the application by May 22, 2018. Please address the following adequacy review items:

Rule 6.4.3 – Exhibit C – Pre-mining and Mining Plan Maps(s) of Affected Land

1. The access road into the site is considered affected land. The landowner of the land adjacent to the east end of the access road is not shown on the map. Please revise the map to include this information.

Rule 6.4.4 – Exhibit D – Mining Plan

2. Subpart (b) of the mining plan indicates the topsoil in the area is 4 inches to 6 inches in depth which does not appear to be accurate. Upon review of the soils data submitted with the application; the Chappell Sandy Loam, Rango Loam, Platner Loam and Ascalon Sandy Loam have viable A and B horizons for topsoil. The A horizon material ranges in depth between 4 to 7 inches and the B horizon material can be found to depths between 21 and 30 inches. The A and B horizon material will be required to be salvaged for reclamation. Please commit to salvaging the A and B horizon material to a depth between 21 and 30 inches.
3. Please commit to stripping topsoil along the access driveway and please indicate where this material will be stockpiled.
4. In accordance with Rule 6.4.4(e), since the mining operation will be intermittent as stated in the application, the applicant must make the statement that the affected lands



are to be used for less than 180 days per year pursuant to C.R.S. 34-32.5-103(11)(b). If this is not the case, please affirm that the operation will not be an intermittent operation.

5. Please describe the nature and thickness of the overburden to be removed in accordance with Rule 6.4.4(f)(i).
6. Please clarify what species of brome grass will be used to stabilize the topsoil stockpiles.

Rule 6.4.5 – Exhibit E – Reclamation Plan

7. The post mining land use proposed by the applicant is cropland. However the revegetation plan will establish a diverse mixture of native grasses more akin to a post mining land use of rangeland. If the landowner's intent is to farm the ground outside of the creek when reclamation is complete, will they not wish to establish crops they are currently growing? Please clarify and revise the reclamation plan if necessary. The proposed seed mixture should be used to reclaim the slopes of the Coyote Creek channel.
8. If the Operator would like to change the post mining land use to rangeland, please indicate this and revise Page 4 of the 112c permit application page to designate this.
9. Please revise the topsoil replacement plan based on your response to adequacy item No. 2 listed above.
10. The mining plan narrative under (g) indicates the driveway will be farmed once the mining and reclamation efforts are complete and the Reclamation Plan Map indicates the driveway will be returned to farm land. However, the reclamation plan narrative indicates the access trail driveway will remain for use by the landowner but then says under subpart (c) that the access road will be returned to farm ground. Please clarify, will the access driveway be reclaimed to cropland?
11. The reclamation plan narrative states the seeding will utilize NRCS standard practice 590 and 595 regarding fertilizer and weed control. Please clarify what "standard practice 590 and 595" is and how they will be utilized to determine fertilizer rates and weed control practices? Please provide these documents.
12. Please provide a comparison of the proposed post-mining land use to the other land uses in the vicinity and to the adopted state and local land used plans and programs if applicable.

13. Please indicate the proposed time (season) the operator will conduct seeding.
14. In accordance with Rule 3.1.5(8), if the Operator's choice of reclamation is for agricultural or horticultural crops which will require the use of farm equipment, the Operator will need to grade the site so that the area can be traversed with farm machinery. Generally a 3H:1V slope is too steep for farm machinery. The Division believes a 5H:1V slope would be more appropriate. If the applicant wishes to maintain cropland as the post mining land use, please commit to grading the side slopes of the pit excavation to a minimum 5H:1V slope and revise the Reclamation Plan Map accordingly.
15. Please explain what measures will be taken to stabilize the reclaimed stream channel side slopes while the desired vegetation establishes?
16. Please explain how the seed bed will be prepared for planting.

Rule 6.4.6 – Exhibit F – Reclamation Plan Map

17. The contour lines on the "Exhibit E – Final Contour Map" submitted with the application depict pit slopes graded to approximately a 1.2H:1V ratio which is much steeper than the proposed final contours discussed in the reclamation plan narrative. Please revise this map to accurately depict the proposed topography of the area with contour line of sufficient detail to portray the direction and rate of slope of all reclaimed lands.

Rule 6.4.8 – Exhibit H – Wildlife Information

18. Please describe the seasonal use of the area for both game and non-game species on and in the vicinity of the application area.
19. Please provide a description of the presence and estimated population of threatened or endangered species that could be found within the affected area and in the vicinity from either federal or state lists.
20. Please provide justification for your statement that no significant impacts to local wildlife species or wildlife habitats will occur because of the existence of this pit.

Rule 6.4.10 – Exhibit J – Vegetation Information

21. Please provide an estimate of the average annual production of the crops grown within the proposed affected land.
22. For the creek area, please provide a quantitative estimate of the cover and height for the principle species in each life form (i.e. trees, grasses and forbs).

Rule 6.4.12 – Exhibit L – Reclamation Cost

23. The application included a cost estimate for reclaiming Tract/Phase 1 and 3 of the mining area. The Division has conducted a reclamation cost estimate including reclamation of both of these phases. The Division's estimate is attached. Please clarify if the applicant wishes to bond for the site one phase at a time. If so, please commit to submitting an updated reclamation cost estimate to the Division prior to initiating mining operations in the next phase and submitting the required increase in financial warranty for the next phase. If the applicant would like to bond for both Tract 1 and 3, please indicate if you concur with the Division's estimate.
24. For the Tract 3 area, the Division's estimate included a cost for establishing a millet crop, however if the applicant desires to change the post mining land use to rangeland and would prefer the reclamation seed mixture proposed in the application, the Division's cost estimate will need to be updated to account for this.

Rule 6.4.14 – Exhibit N- Source of Legal Right to Enter

25. The gravel purchase agreement between Marlin Larson and Ritchey's Redi-Mix Concrete, Inc. indicates the pit will be located in the Northwest quarter of Section 28, Township 6 North, and Range 48 West of the 6th Principal Meridian. The proposed permit area is located in the Northeast quarter of Section 28 of the above referenced township and range. Please revise the gravel purchase agreement with the correct location of the pit.

Rule 1.6.2(1)(d) and (e)

26. Please provide a copy of the proof of publication of the notice required by Rule 1.6.2(1)(d).

27. Please provide documentation the notice required by Rule 1.6.2(1)(d) was mailed or personally served to:
- a. All Owners of Record of the surface and mineral rights of the affect land; and
 - b. The Owners of Record of all surface within 200 feet of the boundary of the affected lands.

This concludes the Division's review of the application. As indicated above the Division is required to issue a decision to approve, approve with conditions or deny the application by May 22, 2018. All of the adequacy review issues listed above will need to be addressed to the Division's satisfaction prior to the decision date. If you need additional time to address the Division's concerns, please request an extension of the decision date. If you have any questions feel free to contact me at (303) 866-3567, extension 8120.

Sincerely,



Jared Ebert
Environmental Protection Specialist III

Enclosure: *1.) CIRCES Reclamation Cost Estimate, M Larson Pit 1, M-2018-006, Dated April 13, 2018*

CC: Jerry Ritchey
Ritchey's Redi-Mix Concrete, Inc.
509 S. Idlewild Street,
Yuma, Colorado 80759