



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

April 17, 2018

Jodi Schreiber
Fremont Paving and Readi-Mix, Inc.
P.O. Box 841
839 Mackenzie Ave
Canon City, CO 81212

**RE: Mask Ranch No. 2, File No. M-2018-015 , 111 Special Operation Reclamation Permit
Application Adequacy Review**

Dear Ms. Schreiber:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before the application can be considered for approval.

1. Exhibit B – Site Description

- a- Within the site description narrative, a document title “Preliminary Flood Impact and Mitigation Evaluation” was included. Flood mitigation measures are discussed in this document that include 2 Flood Inflow Stabilization Structures and 1 Flood Outflow Stabilization Structure. While it is understood that the exact specifications of those structures are being finalized, please submit conceptual drawings and approximate construction specifications of the structures. The final details of the structures can be included in the as build certifications that will be submitted after construction of the structures is complete.

Also, during preliminary discussions, it was determined that no permit from the Army Corps of Engineers would be required for the flood mitigation measures and work to be conducted. Please include documentation from the Army Corps of Engineers stating that no permit will be required from their office.

2. Exhibit C- Mining Plan

- a- In the Mining Plan, the details of onsite processing the Gencore Ultra-2 burner Asphalt Hot plant is discussed. The Spill Prevention, Control and Countermeasures Plan (SPCC) and associated APEN were referenced to be included as an attachment however they



were not included. Please provide copies of both the APEN and the SPCC that are associated with the mobile hot plant.

- b- In Exhibit E, specifically the Mining and Reclamation Maps, it appears the location of the existing power line is planned to take place. Please provide details of the relocation of the La Plata Electric Association (LPEA) power poles and lines which include but are not limited to; A letter from the LPEA detailing the schedule for the movement of the lines, agreement that the line will be relocated to the location that is shown in Exhibit E, Reclamation Plan and the resulting easement that will be associated with the moved lines. If the poles and lines are not to be moved until after the commencement of Mining Activities please include details about the set-backs that will be maintained around the poles to preserve their structural integrity. Similarly, Structure Agreements should be executed for the lines and poles that are within 200 feet of the Affected Lands, these signed agreements should be included in Exhibit L- Permanent Man Made Structures.
- c- Mining operations will extend into the North Pond on site, at which time the pond will need to be dewatered. Please provide details of the dewatering including the approximate pumping system to be used and estimated recharge rate of the pond.

3. **Exhibit D- Reclamation Plan**

- a- While it is discussed in Exhibit C –Mining Plan please specify that the pond slopes will be mined to a final configuration of no steeper than 3H: 1V and also include the linear feet of new shoreline to be created, upon final reclamation.
- b- While some details of the revegetation efforts of the reclamation plan is included further clarifications are needed. Please submit a narrative including the total area in Acres that will be revegetated, the total volume of Topsoil that will be replaced over that area in cubic yards, and please specify the seed mix to be used. Several options of seed mixes were provided in the email correspondence from the NRCS however please provide a table with the chosen seed mix that includes the species name, variety and rate to be seeded in PLS/Acre not as a percentage of the Mix.

4. **Exhibit G- Source of Legal Right to Enter**

- a- The lease agreement between the landowner and the operator is included in Exhibit G, however on page 12 of the agreement, the document was not properly executed. Please include a new lease agreement with all original signatures that has been signed and notarized by the landowner and the operator.

5. **Exhibit K- Terms of Government Contract**

- a- It is understood that due to the recent cyber security issues with the Colorado Department of Transportation the full terms of the contract are unavailable at this time.



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Date
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The Notice to Proceed document will be sufficient for now, but please provide a copy of the contract as soon as it becomes available.

6. Exhibit L- Permanent Man-Made Structures

- a- In addition to the details of the movement of the LPEA Power Lines and Poles being included in Exhibit C- Mining Plan, please provide an executed structure agreement for all Lines and Poles that will be relocated.

Please submit your responses to the above listed issues within **60 days** of the date of this letter. All responses must be received by the Division's Denver office no later than **Monday, June 18, 2018** in order to allow the Division sufficient time for review.

The Division will continue to review your application and will contact you if additional information is needed. If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office, by phone at (970)-243-6368 or by email at lucas.west@state.co.us.

Sincerely,



Lucas West

Environmental Protection Specialist
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203
Phone: (970)-243-6368

Cc: Russ Means, Senior Environmental Protection Specialist

Ec: Jodi Schreiber, Fremont Paving and Read-Mix, Inc.

