



STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

M. Larson Pit #1, DRMS 112c Application M-2018-006

Randy & Joy Schafer <rjschafer@haxtuntel.net>

Wed, May 2, 2018 at 8:07 PM

To: "Ebert - DNR, Jared" <jared.ebert@state.co.us>

Cc: Randy & Joy Schafer <rjschafer@haxtuntel.net>, Randy Schafer <randy.schafer@phillipscounty.co>

Jared,

I am attaching the response to your review letter dated April 12, 2018. I plan to put the hard copy in the mail tomorrow. If I recall, the decision date on this application is May 11. Please let me know if I need to request an extension to clear up any outstanding issues. Thanks.

Randy Schafer

970-520-0502



M. Larson Pit response 05 02 2018.pdf

5826K

Randy Schafer
40586 Co. Rd. 21
Haxtun, CO 80731

May 2, 2018

Mr. Jared Ebert
Environmental Protection Specialist III
Department of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

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

Dear Mr. Ebert,

We are in receipt of your adequacy review letter dated April 12, 2018. See our responses in bold after each of the adequacy concerns or comments.

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.

The Logan County Assessor's office provided the following ownerships for the property adjoining the east end of the road:

Dan & Dave Anderson, 10756 Co. Rd. 91, Haxtun, CO 80731. Notice has been sent to them. The map showing adjoining owners has been revised and is attached.

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, Rago 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.

There are two distinct areas where extraction will occur. Lands lying with Coyote Creek has no topsoil. No topsoil would be returned to that area except for any banks that have been disturbed. The current farm ground to the west of Coyote Creek does have soils horizon materials A and B which can be as deep as 30 inches. We will commit to salvaging the full depth of the A and B horizon material in those areas currently farmed and to disturbed banks.

3. Please commit to stripping topsoil along the access driveway and please indicate where this material will be stockpiled.

We prefer not to strip the topsoil on the access driveway. If we were stripping to a depth of 30", as previously indicated, we would be creating a deep hole for traversing back and forth to the pit. While our rainfall is limited, spring and summer rains will make it a mud bog, making it impassable. It would fill with snow in the winter, again making it impassable.

The access driveway will be returned to become part of the farm ground in the NE ¼ of Section 28, T6N, R48W when mining is complete. It will not be left for access. Mr. Larson plans to use a farm implements that will rip the soil to loosen it, opening it back to be farmed and prepared for regular tillage.

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.

The affected lands are to be used for less than 180 days per year.

5. Please describe the nature and thickness of the overburden to be removed in accordance with Rule 6.4.4(f)(i).

The overburden to be removed is described in the accompanying soil survey information. The two primary soils involved are rago loam and Chappell Sandy loam.

The rago loam area covering most of the farm ground has a grayish brown loam in the top 4"; the next 12" is a dark grayish brown clay loam over a day grayish brown clay loam; the thickness beneath down to 30" is a light gray, very pale brown and pale brown, calcareous loam and coarse sandy loam.

The Chappell Sandy loam covers the banks and creek area which has any overburden. That overburden shows the top 30" as being dark grayish brown sandy loam.

6. Please clarify what species of brome grass will be used to stabilize the topsoil stockpiles.

The brome grass will be smooth brome.

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.

The seeding plan provided in the original application is intended only for the banks of Coyote Creek that may be disturbed. The reclamation plan for all lands outside of Coyote Creek is to return them to farm ground.

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.

Since the majority of the pit is currently farm ground and will be returned to that use, the post mining use should remain as cropland.

9. Please revise the topsoil replacement plan based on your response to adequacy item No. 2 listed above.

As explained in the response to question #2, there are two distinct areas where extraction will occur. Lands lying within Coyote Creek have almost no topsoil. No topsoil would be returned to that area except for any banks that become disturbed. The current farm ground to the west of Coyote Creek does have up to 30" of overburden. We will replace all overburden removed to those areas currently farmed and to disturbed banks.

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?

The driveway will be returned to farm ground. It will not be left for access.

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.

I looked for the referenced NRCS standard practice 590 and 595 and did not find enough detail regarding fertilizer and weed control. I am attaching descriptions of planting, fertilizer decisions, and weed control in lieu of those standards.

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.

The majority of the surrounding land is farm ground. The land is zoned agriculture.

13. Please indicate the proposed time (season) the operator will conduct seeding.

Seeding of any disturbed banks will occur between November and April.

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.

We are willing to commit to a 5H:1V slope for the farm ground. The reclamation plan map is revised and attached.

15. Please explain what measures will be taken to stabilize the reclaimed stream channel side slopes while the desired vegetation establishes?

The banks of Coyote Creek that are disturbed will be reclaimed. Any topsoil removed will be spread over the banks. The slopes will be seeded according to the plan submitted. Depending on whether a drill can be used, seeding might occur by broadcasting.

16. Please explain how the seed bed will be prepared for planting.

The seed bed along any disturbed banks will have stockpiled top soil replaced. See attached description of 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.

A revised final contour map is attached.

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.

From time to time a number of different wildlife species exist in the farmed and grassy areas of northeast Colorado. Those species were enumerated in Exhibit H of the original application. Those species may use the area for habitat or as a food source depending on the time of year and availability of cover, water, and plants for food. There are literally thousands of acres in northeast Colorado available to wildlife of all types of species. There are several stretches of Coyote Creek above and below this site that are not farmed and available for wildlife habitat.

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.

I have reviewed a Colorado and a federal list of current endangered species. To the best of our knowledge, there are no threatened or endangered species that can be found in the vicinity of the site.

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

Logan County has a total of 1,183,360 acres. Information from the Logan County Soil Survey indicate that 48% of the total acreage in the county is currently cropland; 51% is currently rangeland. This pit is proposed to be 25.1 acres or an equivalent 0.0000212107 % of the total areas within Logan County that provide some availability for use by wildlife.

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.

The average yields taken from the NE ¼ of Section 28, T6N, R48W are 30 acres per bushel.

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).

The creek area has minimal coverage from trees (0.5%); grasses (50%); and forbs (45%). The remaining area in the creek does not have vegetation because of gravel deposits and periodic flooding that removes vegetation.

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.

We do wish to bond for one site phase at a time. We are committing 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.

The operator has decided to change the tract he will begin with. The mining plan map has been re-numbered according to his proposed plan. As the operator moves to a new tract, reclamation will begin on the previously mined tract.

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.

Tract 3 will be returned to crop land when mining in that area is complete. The cost for a millet crop is appropriate.

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

25. The gravel purchase agreement between Marlin Larson and Ritcheys' 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.

The gravel purchase agreement is being corrected and will be forwarded as soon as possible.

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).

A copy of the proof of publication is attached.

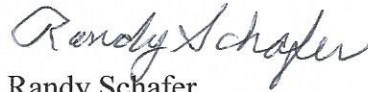
27. Please provide documentation the notice required by Rule 1.6.2(1)(d) was mailed or personally served to:

- 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.

Attached is proof of notice to adjoining landowners and the owner of record. The notice to those landowners adjoining the end of the access road was sent later.

I hope all the concerns or comments in your initial adequacy letter have been addressed. Please let me know if any additional information is needed.

Sincerely,



Randy Schafer

Attachments: Revised Site Map (adjoining landowners added)
Revised Mining Plan (re-numbered Tracts, correct slope)
Revised Reclamation Plan (re-numbered tracts, correct slope)
Revised Final Contour Plan
Proof of Publication
Proof of Notice to adjoining landowners
Description of Planting, Fertilizer, Weed control

cc: Jerry Ritchey
Marlin Larson
Logan County Clerk and Recorder

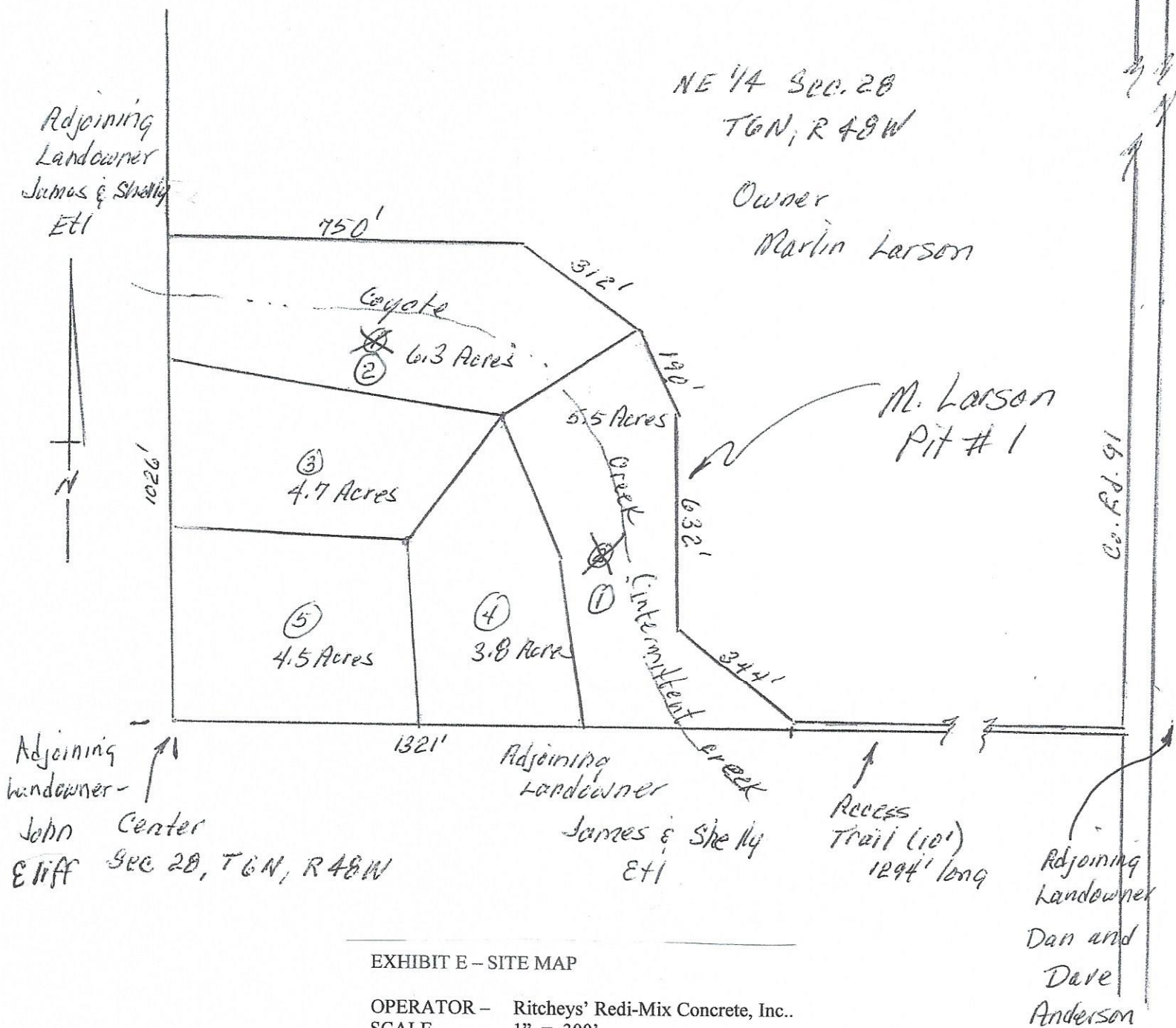


EXHIBIT E - SITE MAP

OPERATOR - Ritchey's Redi-Mix Concrete, Inc..
SCALE 1" = 300'
DATE January 19, 2018
SECTION 28, NE 1/4
TOWNSHIP 6N
RANGE 48W
COUNTY Logan County
PREPARED BY Randy Schofer
M. Larson Pit #1

Revised
4/29/18

Mining Plan

- Mining will be in phases beginning with Tract 1
- Tracts 1 & 2 will primarily remove gravel from Coyote Creek

Co. Rd. 6

- Gravel will be stockpiled in line with the drainage so as not to block any flows after a heavy rain
- Topsoil will be stockpiled for each tract during mining
- Topsoil stockpiles will be seeded

NE 1/4 Sec. 28

T6N, R48W

example
of
stockpiles in Tract 1
(Gravel or topsoil)

- Mining is expected to go 25' deep
 - Slopes no greater than ~~5~~ 1 for Tracts 3, 4, & 5
- M. Larson
Pit #1

Co. Rd. 91

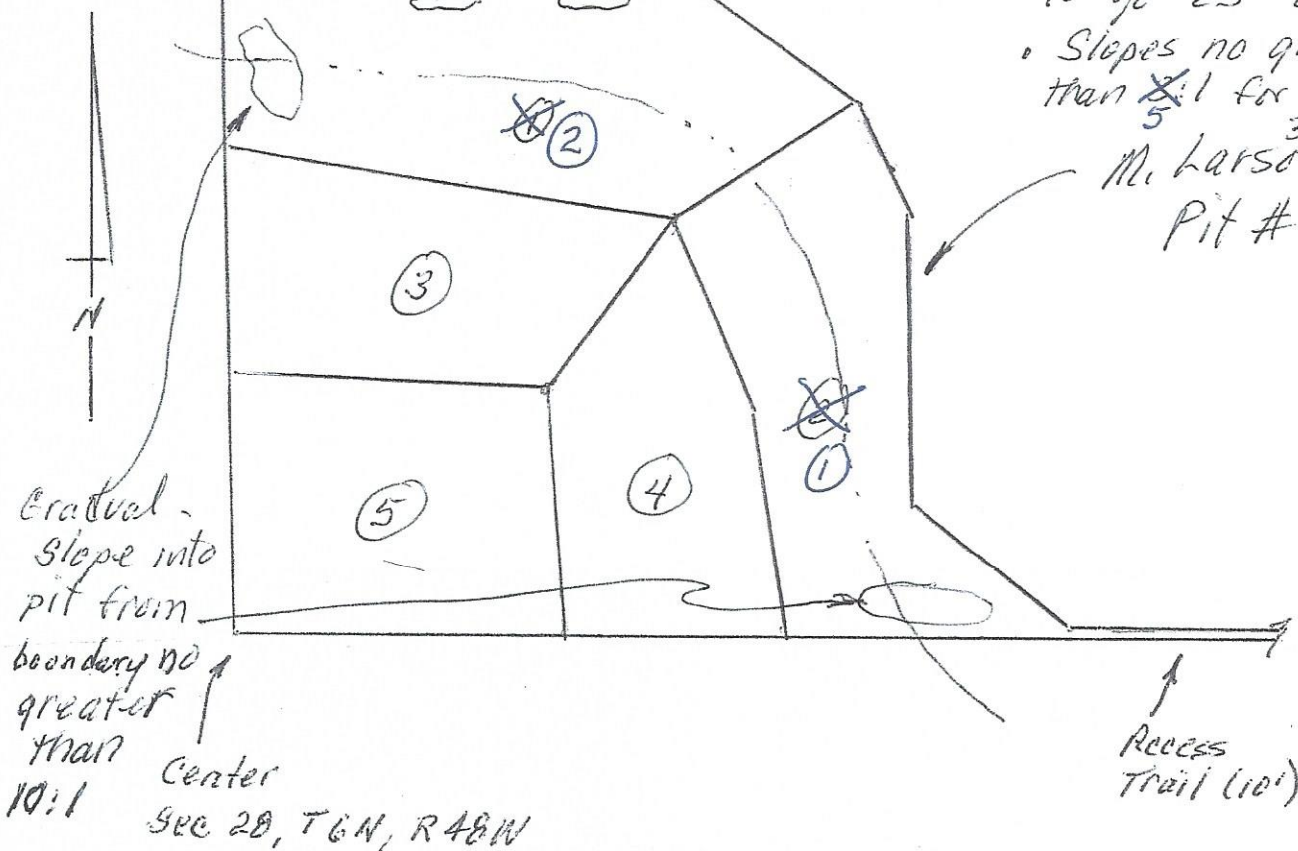


EXHIBIT E - MINING PLAN

OPERATOR - Ritchey's Redi-Mix Concrete, Inc..
 SCALE 1" = 300'
 DATE January 19, 2018
 SECTION 28, NE 1/4
 TOWNSHIP 6N
 RANGE 48W
 COUNTY Logan County
 PREPARED BY Randy Schaffer
 M. Larson Pit #1

Revised
4/29/18

Reclamation Plan

- Within Tracts 1 & 2, the primary reclamation plan is to allow the Flood waters of Coyote Creek to smooth out and reclaim the pit. Co. Rd. 6
 - Any disturbed banks will be left no greater than 2:1
 - Disturbed slopes will have top soil replaced and be seeded
- Tracts 3, 4, & 5 which lie outside the creek will be graded and sloped no greater than ~~3:1~~^{5:1}, have top soil replaced, and then returned to farming NE 1/4 Sec. 28
- Reclamation will begin on each Tract when mining has been completed and a new tract opened. T6N, R48W

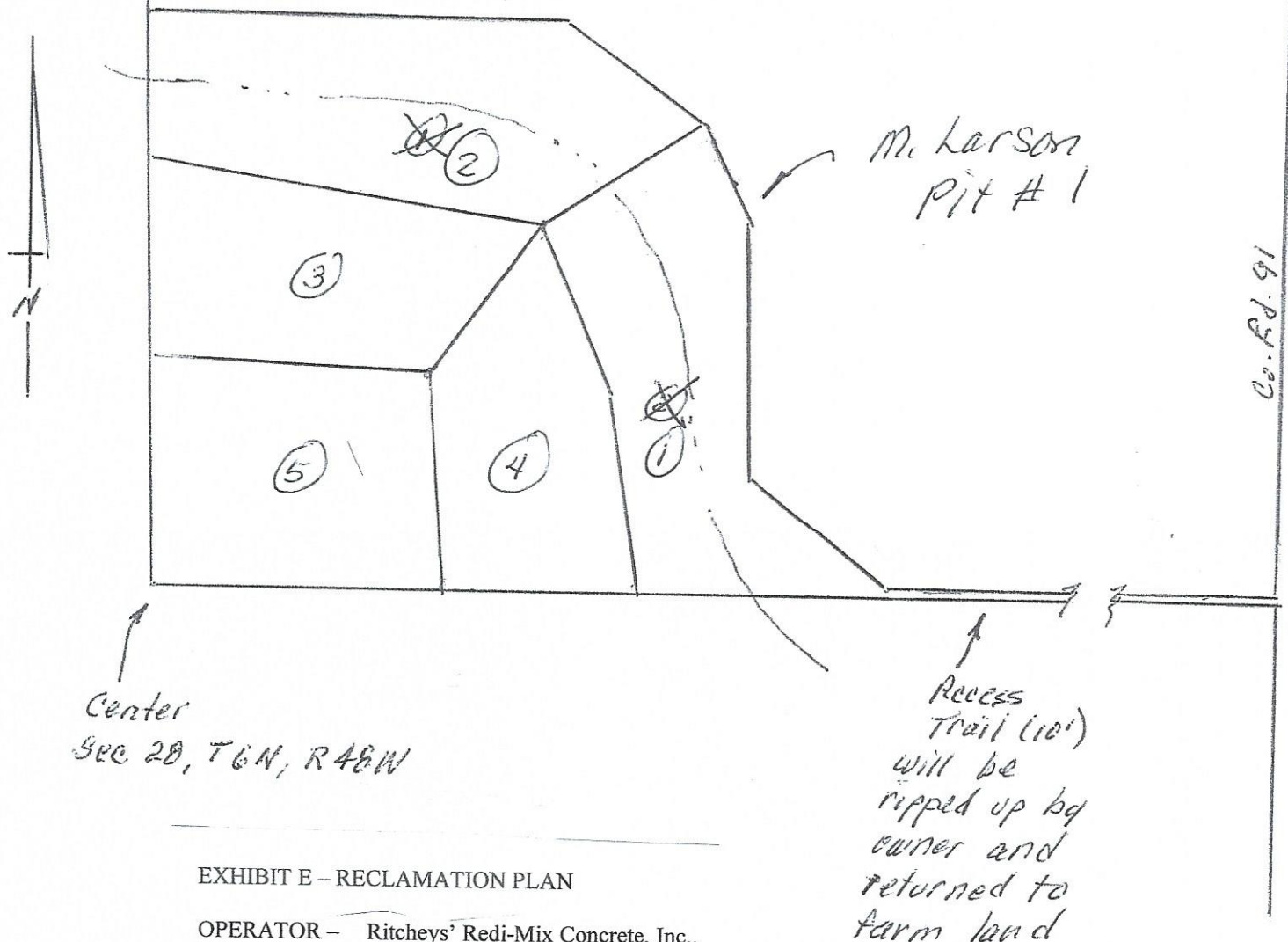


EXHIBIT E - RECLAMATION PLAN

OPERATOR - Ritchey's Redi-Mix Concrete, Inc..
SCALE 1" = 300'
DATE January 19, 2018
SECTION 28, NE 1/4
TOWNSHIP 6N
RANGE 48W
COUNTY Logan County
PREPARED BY Randy Schaefer
M. Larson Pit #1

Revised
4/29/18

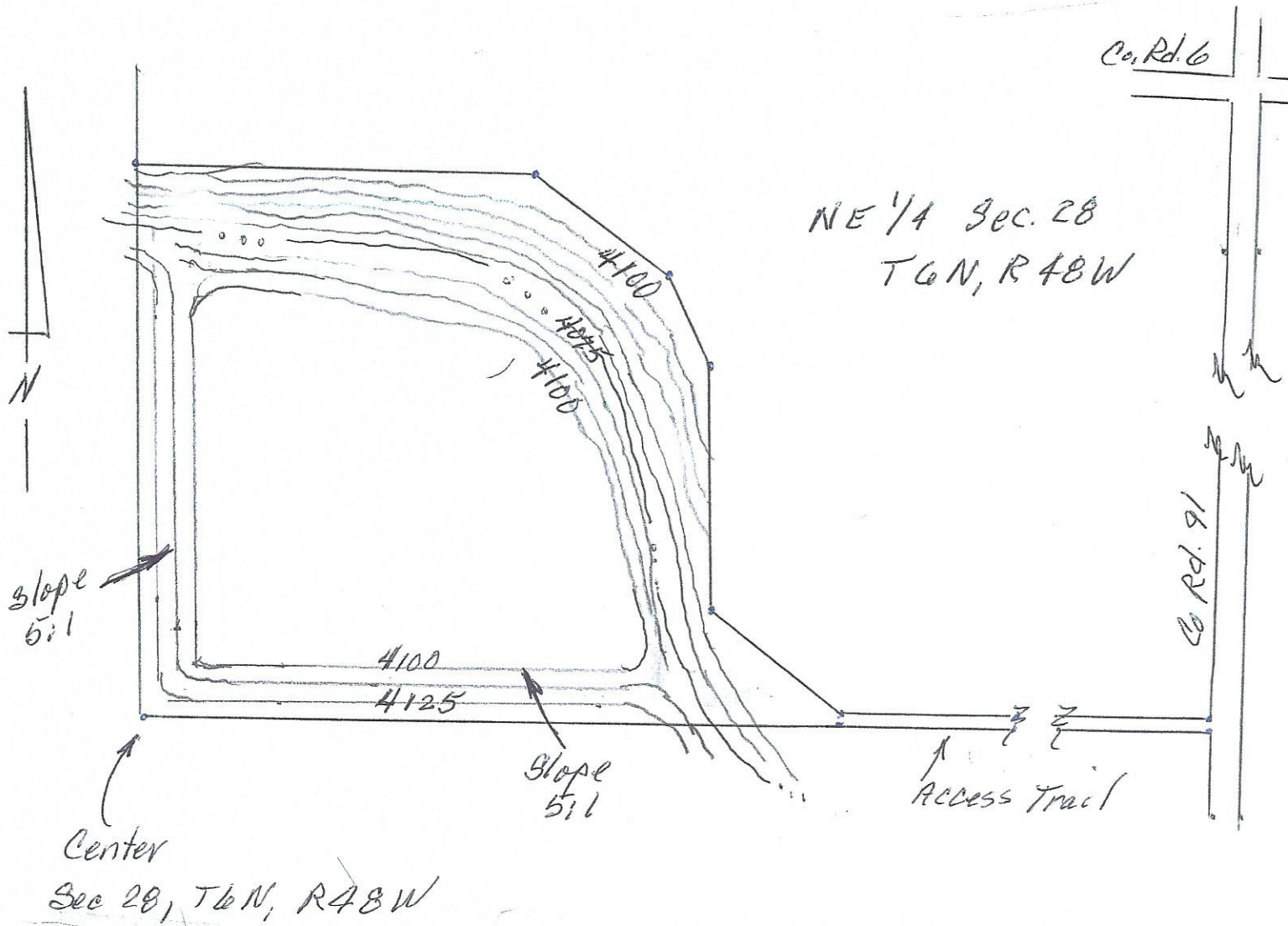


EXHIBIT E - FINAL CONTOUR PLAN

OPERATOR - Ritchey's Redi-Mix Concrete, Inc..

SCALE 1" = 300'

CONTOUR INTERVAL - 10'

DATE April 29, 2018

SECTION 28, NE 1/4

TOWNSHIP 6N

RANGE 48W

COUNTY Logan County

PREPARED BY Randy Schaffer

M. Larson Pit #1

PROOF OF PUBLICATION

HAXTUN-FLEMING HERALD
Haxtun, Colorado 80731

PUBLISHER'S FEE \$ 132.18

Legal Notice

Legal notice

Ritcheys' Red-Mix Concrete, Inc. 509 S. Idlewild Street, Yuma, CO (970) 848-5451, has filed an application for a Construction Materials Regular (112) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Mined Land Reclamation Act for the extraction of construction materials. The M. Larson Pit #1 is located in the SW 1/4 of the NE 1/4 of Section 28, T6N, R48W of the 6th P.M., Logan County, Colorado. The proposed date of commencement is as soon as possible and the proposed date of completion is 2025. The proposed future use of the land is for cropland. Additional information and tentative hearing date may be obtained from the Mined Land Reclamation Board, Room 215, 1313 Sherman Street, Denver, Colorado 80203 (303-866-3567), or the Logan County Clerk, Logan County Courthouse, 315 Main Street, Sterling CO 80751 or the above-named applicant.

Written comments must be filed with the Mined Land Reclamation Board by 4:00 p.m. on April 10, 2018.

First publication: Feb. 28, 2018.

Last publication: March 21, 2018.

Published in *The Haxtun-Fleming Herald*, Haxtun, Colo.

22-25c

STATE OF COLORADO)
County of Phillips)

I, Spring N. Atchison, do solemnly swear that I am publisher of the Haxtun-Fleming Herald, that the same is a weekly newspaper printed in whole or part, and published in the County of Phillips, State of Colorado, and has a general circulation therein; that said newspaper been published continuously and uninterruptedly in said County of Phillips for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal periodical matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

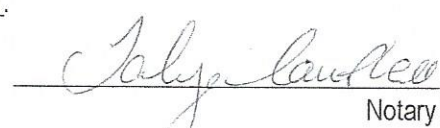
That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of four consecutive insertions; and that first publication of said notice was in issue of said newspaper dated Feb. 28, A.D. 2018 and that the last publication of said notice was in the issue of said newspaper dated March 21, A.D. 2018.

In witness whereof I have hereunto set my hand this 25th day of April A.D. 2018.



Publisher

Subscribed and sworn before me, a notary public in and for the County of Phillips, State of Colorado, this 25th day of April A.D. 2018.



Notary Public

My Commission expires 06-14-2020.

SS

TALYA CAMPBELL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20164022582
MY COMMISSION EXPIRES 06-14-2020

4/28/2018

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70171450000178861684

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26

APRIL
2018

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Postage \$0.50

Total Postage and Fees \$3.45

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Street and Apt. No., or PO Box No. 10756

City, State, ZIP+4® Haxton, CO 80731

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04/24/2018

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9 MARCH 2018
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03/07/2018

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9 MARCH 2018
by **8:00pm**

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Postage	\$0.50
Total Postage and Fees	\$3.95
Sent To <i>John E. Eliff, LLC</i> Street and Apt. No., or PO Box No. <i>118, 2nd St.</i> City, State, ZIP+4® <i>Sterling, CO 80751</i>	

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7016356000025339794

Your item was delivered to an individual at the address at 2:08 pm on March 23, 2018 in STERLING, CO 80751.

Delivered

March 23, 2018 at 2:08 pm
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STERLING, CO 80751

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RECLAMATION PLAN OF DISTURBED CREEK BANKS

The revegetation goal will be to return the creek banks to at least their present vegetative condition when reclamation is complete. Careful analysis of the salvageable soil will permit the operator to carry out a soil additive program and to monitor the prescribed seeding plan and to determine if the plan requires revision. Under normal weather conditions, an adequate moisture reserve will be present for establishment of the proposed seed mixture.

REVEGETATION PROGRAM FOR DISTURBED CREEK BANKS

Revegetation will be carried out in such a way so as to establish a diverse, effective and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizers. The plan is designed to create a vegetative cover that is at least equal in extent to the cover of the natural vegetation before mining. The use of species native to the area is included. The intended use of the reclaimed creek banks would be to enhance wildlife habitat. Slopes created will be commensurate with this final land use. Seed will be drilled wherever possible, when drilling is not possible, the seed will be broadcast. The revegetation plan provides for the greatest probability of success in plant establishment and vegetative development by considering environmental factors such as seasonal patterns of precipitation, temperatures and wind. Other considerations, such as soil texture, fertility, slope stability and the direction in which slopes face, will be considered.

FERTILIZER

Either manure or chemical fertilizer will be used on the seedbed just before seeding. The soils will be tested if chemical fertilizers are used to determine the application rates for this site. If manure is used, 10 tons per acres of aged manure will be spread on the seedbed and tilled in during seedbed preparation. The manure is readily available in the area and has wide spread use in the farming practices used in this area.

SEEDBED PREPARATION

When mining on an area is complete, reclamation will begin. Prior to spreading the top soil, the base soil will be ripped and scarified to create a deeper root zone under the re-soiled areas. During this ripping the manure may be spread and mixed with the soil if it is used instead of chemical fertilizers. The addition of this organic material to the root zone should aid in breaking down or slowing the compaction of the soil. This should improve the success rate of the revegetation. Once this is complete, the stockpiled soils will be spread, smoothed of large clods and worked until moderately fine. On the areas where seed is broadcast the surface will be left fairly rough to trap the seed and keep it from being affected by wind.

SEEDING TIME

The grass seed mixture will be planted from early fall thru mid-spring (November 1 to April 30). The time of planting will be controlled by when the re-soiled areas are ready for planting. If fall planting is convenient, the seeding will be done before the first freeze (about the time winter wheat is planted). If spring planting is called for, it will be done in March or April weather permitting after the last frost. Both periods assure there will be adequate residual ground moisture available for the newly planted seeds.

WEED CONTROL

The revegetated areas will be monitored closely each spring for the first two years to determine if noxious weeds are invading the area. Weed control will be initiated if the problem becomes serious or if an excessive weed cover is still present at the end of the second year. In no way should this be taken to

mean that we will try to eradicate all the weeds from the site. Some weeds are beneficial to the upland game species in the area, and they provide important protection from the elements during winter and nesting sites during the spring. Total eradication of weeds from the site is not necessarily desirable, so we will be using controls on the noxious weeds and letting the rest grow in select areas. Control of noxious weeds is important. If necessary, the Logan County Weed and Pest district can be contacted to provide control.

RECLAMATION OF AREAS TO BE FARMED

The majority of the defined pit, all land lying west of the creek bed, will be returned to farm ground. All stockpiled topsoil will be re-applied equally across the land before farming begins. Various farm implements be used to prepare the seedbed for planting. Assuming millet is planted, seeding would probably occur in late May or early June. If winter wheat was selected as the first crop, planting would be in the fall, usually September.