



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

May 10, 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. 2**

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.

The Division has reviewed your response to our first adequacy review letter. Your response was received on May 7, 2018. The adequacy items listed below were identified during the first adequacy review. The original adequacy review item is listed along the response that was provided, followed by the Division's response. Adequacy review items that were resolved to the Division's satisfaction are not listed. Please address the following adequacy review items:

### **Rule 6.4.5 – Exhibit E – Reclamation Plan**

15. Please explain what measures will be taken to stabilize the reclaimed stream channel side slopes while the desired vegetation establishes?
  - a. **Applicant Response:** 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.
  - b. **DRMS Response:** The Division acknowledges the topsoil and revegetation plan for the banks of Coyote Creek. However, according to the original reclamation plan narrative, the side slope of the creek shall be re-graded to a 2H:1V ratio and may be difficult to keep stable while the desired vegetation establishes especially during the time the creek may be flowing and/or during precipitation events. It may be necessary to use the mulching plan provided in the NRCS recommendation for the side slope of the reclaimed creek bank. Crimped mulch may help keep the replaced soil in place while the desired vegetation establishes.



Or, mesh matting or decomposable netting could also be installed on the creek side slopes. Please provide a plan for keeping the reclaimed creek slopes stable while the desired vegetation establishes.

**Rule 6.4.12 – Exhibit L – Reclamation Cost**

23. **DRMS Response to Item 23 and 24:** Based on your response, the Division will approve the bond to be set at a value to reclaim Phase 1 of the operation. A revised cost estimate is attached for your review. Please indicate if you concur with the Division's estimate.

**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 6<sup>th</sup> 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.
- a. **Applicant Response:** The gravel purchase agreement is being corrected and will be forwarded as soon as possible.
  - b. **DRMS Response:** Please forward the new agreement when it is available.

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

27. For the notice sent to Dan and Dave Anderson the adjacent landowner to the access road that was delivered on April 26, 2018, they should have been given at least 20 days to submit comments or objections to the Division. Did the notice you provided to them include a final date for submitting comments or objections in accordance with Rule 1.6.2(1)(d)(vi)? If so, what was the comment period end date that was provided to them? If the comment period end date was not specified or was inadequate, please send or hand deliver a new notice specifying a new twenty day comment period. Or, if they will sign a statement that they have received a notice regarding the application and have no comments or objections to the operations that could also be submitted in lieu of a new notice.

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

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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,

A handwritten signature in blue ink, appearing to read "Jared Ebert", with a stylized flourish at the end.

Jared Ebert  
Environmental Protection Specialist III

Enclosure:     *1.) CIRCES Reclamation Cost Estimate, M Larson Pit 1, M-2018-006, Dated May 10, 2018*

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