

STATE OF  
COLORADO

Ebert - DNR, Jared &lt;jared.ebert@state.co.us&gt;

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**M. Larson Pit, M-2018-006, Adequacy Review No. 2**

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**Randy & Joy Schafer** <rjschafer@haxtuntel.net>  
To: "Ebert - DNR, Jared" <jared.ebert@state.co.us>

Tue, May 29, 2018 at 7:42 PM

Jared,

I am sending an electronic copy of response #2. I will put the original in the mail in the morning. Please let me know if this will suffice to meet our decision deadline. I appreciate your patience.

Randy Schafer

**From:** Ebert - DNR, Jared <jared.ebert@state.co.us>  
**Sent:** Friday, May 25, 2018 3:15 PM  
**To:** Randy & Joy Schafer <rjschafer@haxtuntel.net>  
**Subject:** Re: FW: M. Larson Pit, M-2018-006, Adequacy Review No. 2

Hello Randy,

The Division has approved the extension request and has set the decision date to June 5th, 2018. You do not need to submit a hard copy extension request, e-mail is fine.

Thanks,

Jared

On Fri, May 25, 2018 at 12:00 PM, Randy & Joy Schafer <rjschafer@haxtuntel.net> wrote:

Jared,

I would like to request that the decision date be delayed one more week. They will get me the revised lease tomorrow, too late for the deadline of May 29. I will put a formal request in the mail today. Thank you. We appreciate your consideration.\

Randy Schafer

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Jared Ebert

Environmental Protection Specialist III



P 303.866.3567 ext. 8120 | F 303.832.8106 |

1313 Sherman St., Room 215, Denver, CO 80203

[jared.ebert@state.co.us](mailto:jared.ebert@state.co.us) | [mining.state.co.us](http://mining.state.co.us)

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**3 attachments**



**Response #2 05 28 2018 (2(.pdf**  
884K



**Revised lease agreement.pdf**  
557K



**Revised Mining and Reclamation Maps.pdf**  
623K

40586 Co. Rd. 21  
Haxtun, CO 80731

May 28, 2018

Mr. Jared Ebert  
Environmental Protection Specialist III  
Division 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. 2**

Dear Mr. Ebert,

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 desire 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.

**We will commit to using the mulching plan provided in the NRCS recommendation when reclaiming the side slopes of the creek bank.**

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.

**We had previously changed the order of mining. The operator wants to change his order of mining back to what was presented in the original application. I have re-numbered the mining plan map and the reclamation map (reverting back to the original numerical order). Since the size is slightly different, we are assuming your cost estimate will be revised higher. Assuming the increased cost is proportional, we are willing to accept the new 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 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.

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.

**A copy of the revised lease agreement is attached.**

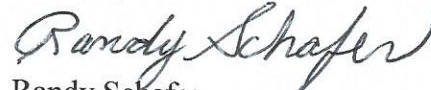
Rule 1.6.2(1)(d) and (e)

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.

**The notice to Dan and Dave Anderson indicated they would have 20 days from the date of the receipt to file any comments or objections to the Division. Based on the date of receipt, that should be May 16 and fall within the division requirements.**

This concludes our responses to the issues in adequacy review number 2. Please let us know if there are any other outstanding issues.

Sincerely,

  
Randy Schafer

Attachments: Re-numbered Mining Map  
Re-numbered Reclamation Map  
Revised lease agreement

Cc: Jerry Ritchey  
Ritchey's Redi-Mix Concrete, Inc.  
509 S. Idlewild Street,  
Yuma, Colorado 80759  
Logan County Clerk



## GRAVEL PURCHASE AGREEMENT

### Owner of Gravel

Marlin Larson  
3608 Co. Rd. 57  
Sterling, CO 80751

### Purchaser of Gravel and Permit Operator

Ritcheys' Redi-Mix Concrete, Inc.  
509 S. Idlewild Street  
Yuma, CO 80759

(m. 26)  
NE (CR)

Marlin Larson, owner of the gravel in the M Larson Pit #1 gravel pit located in the ~~NW~~ 1/4 of Section 28, T6N, R48W of the 6th P.M., Logan County, Colorado hereby agrees to sell gravel to Ritcheys' Redi-Mix, Concrete, Inc.

Ritcheys' Redi-Mix Concrete, Inc., as the purchaser, hereby agrees to obtain a mining permit from the State of Colorado and act as the operator of the pit. The plan for reclamation of the pit is hereby approved by the owner as this agreement is ratified.

Gravel will only be taken from the areas described in the permit unless both the owner and Ritcheys' Redi-Mix Concrete, Inc. agree to extend the area to be mined.

Research indicates that surface ownership of this land is held by Marlin Larson and that the mineral rights are owned by Marlin Larson.

Marlin Larson hereby certifies that payment should be made to Marlin Larson at the afore mentioned address.

Claims for payment for gravel made by any other parties concerning this pit shall not be the responsibility of Ritcheys' Redi-Mix Concrete, Inc.

Ritcheys' Redi-Mix Concrete, Inc. agrees to pay ~~500~~ a yard for the gravel. Payment will be made to Marlin Larson at the above addresses. This agreement is made for a period of 10 years and may be extended by mutual agreement or terminated with 60 days notice.

The property owner, Marlin Larson, shall not be responsible for any of the gravel pit operations. Ritcheys' Redi-Mix Concrete, Inc. assumes full liability for those operations and is covered under their current liability policy for the gravel pit operation.

The signatures below by the owner of the gravel and Ritcheys' Redi-Mix Concrete, Inc. signify acceptance of the conditions listed.

Marlin Larson  
Owner of Gravel

Gary Ritchey  
Purchaser of Gravel  
Ritcheys Redi-mix Concrete

1-5-2018  
Date

The foregoing instrument was acknowledged before me by Marlin Larson this 5<sup>th</sup> day of January 2021.

My commission expires 03-30-2021 Marie Mc  
Notary Public

Marie McCasland  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174013750  
MY COMMISSION EXPIRES MARCH 30, 2021

Jerry Ritchey  
Purchaser of Gravel

1-5-18  
Date

The foregoing instrument was acknowledged before me by Jerry Ritchey of Ritchey's Redi-Mix Concrete, Inc. Larson this 5<sup>th</sup> day of January, 2018.

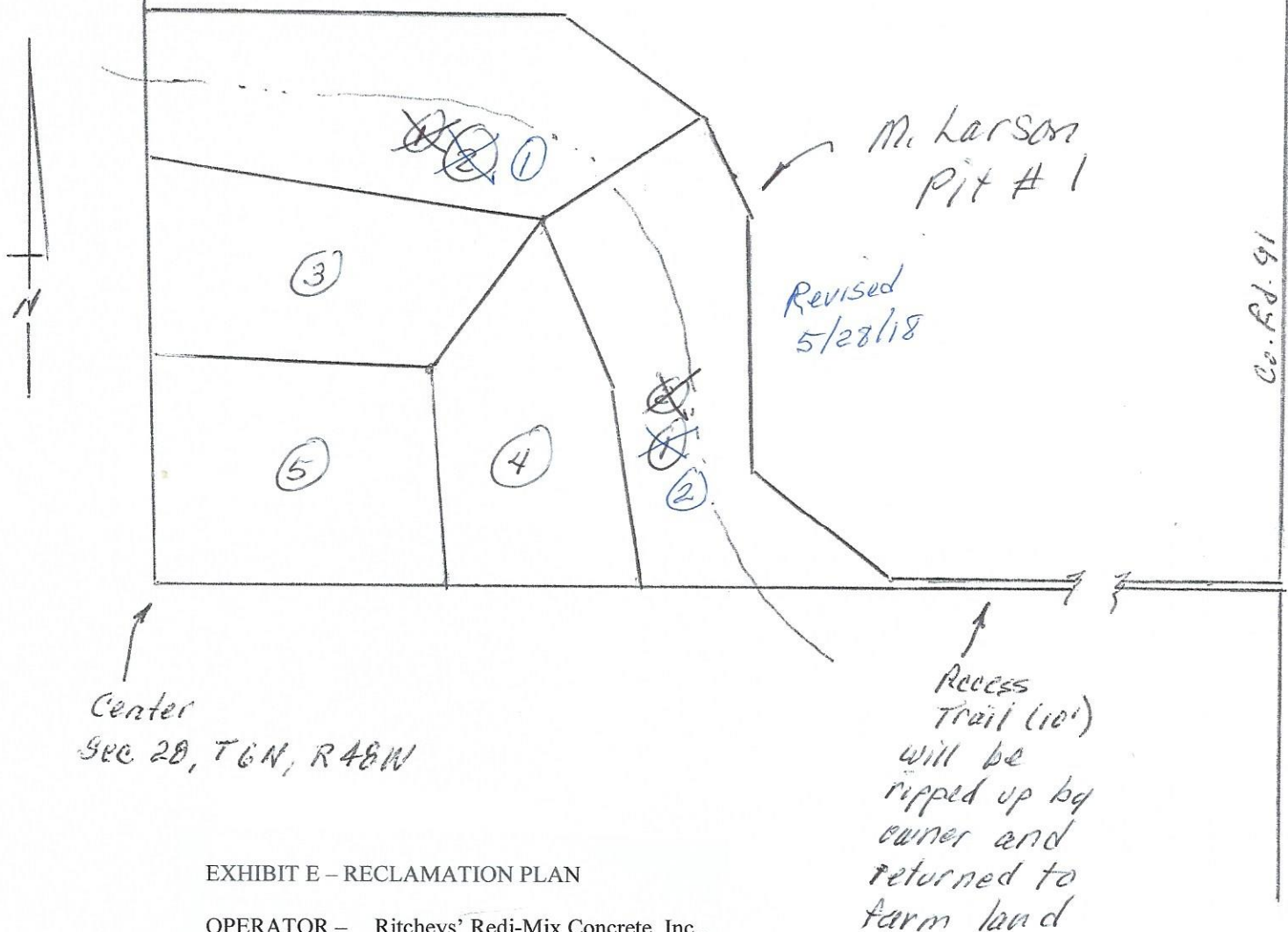
My commission expires 03-30-2021 Marie Mc  
Notary Public

Jerry Ritchey Ritchey's Redi-Mix Concrete  
Operator - Ritchey's Redi-Mix Concrete, Inc. Date 1-5-18

Marie McCasland  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174013750  
MY COMMISSION EXPIRES MARCH 30, 2021

## Reclamation Plan

- Within Tracts 1 & 2, the primary reclamation plan is to Co. Rd. 6 allow the flood waters of Coyote Creek to smooth out and reclaim the pit.
  - 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~~ <sup>5:1</sup>, have top soil replaced, and then returned to farming NE 1/4 Sec. 28
- Reclamation will begin on each T6N, R48W Tract when mining has been completed and a new tract opened.



### 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



# 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)

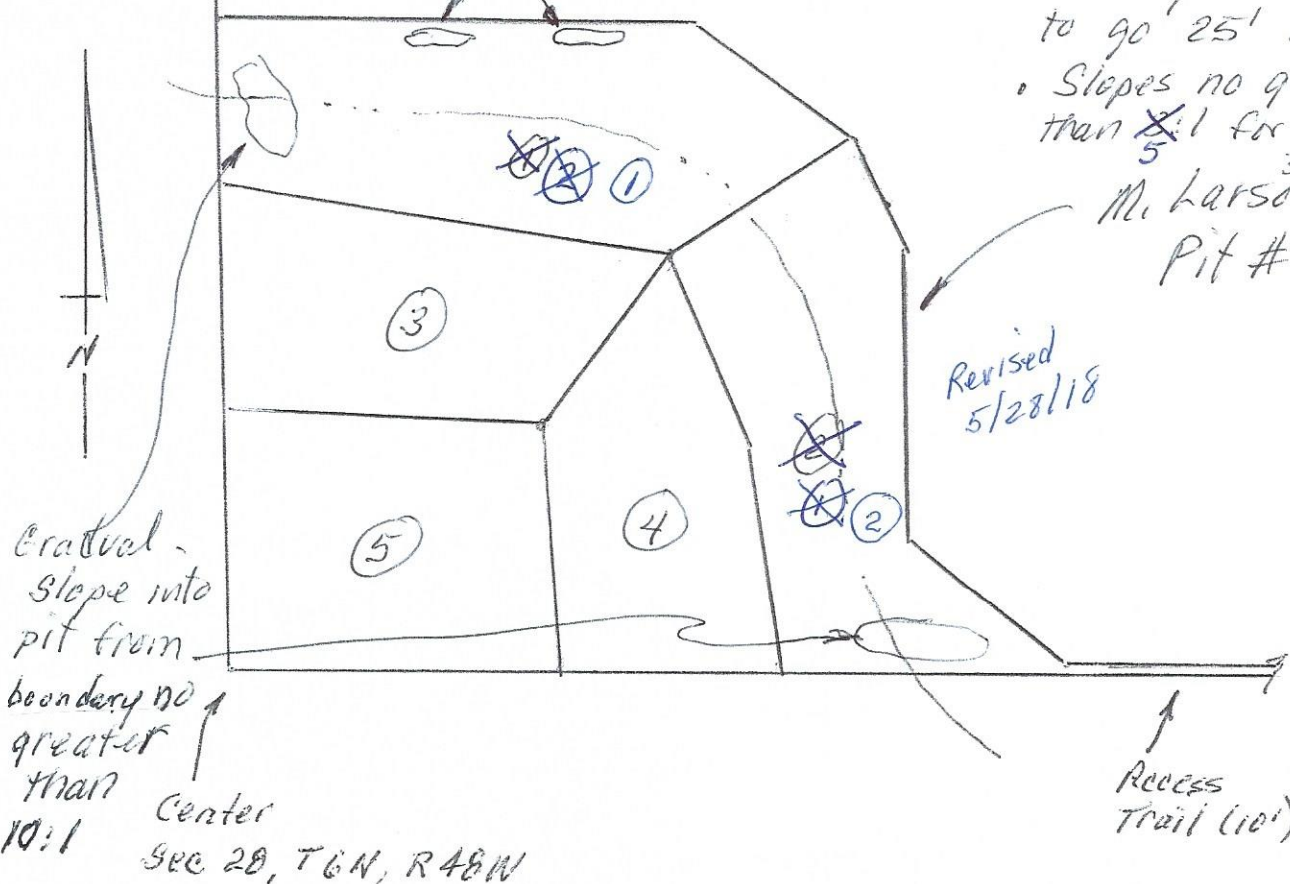
- Mining is expected to go 25' deep

- Slopes no greater than  $\frac{1}{5}$  for Tracts 3, 4, & 5

M. Larson  
Pit #1

Revised  
5/28/18

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 Schaefer  
 M. Larson Pit #1

Revised  
4/29/18