

July 16, 2018

Chuck Whiteman
Puckett Land Company
5460 S Quebec St., Suite 250
Greenwood Village, CO 80111



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

RE: Nolte Pit #1, File No. M-2012-016, Technical Revision (TR-4) Adequacy Review

Dear Mr. Whiteman:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced Technical Revision request. During review of the material submitted, the Division determined that the following issue(s) of concern need to be adequately addressed before the Technical Revision can be considered for approval. Please address the following:

Reclamation Schedule

1. The Division requires specific dates by which each task will be completed rather than an end deadline. Please specify explicit windows of time when each task will be completed to ensure the proper sequence of activities.
2. The Division initially gave a 60-day deadline to complete the BMP requirements of TR-3. That would mean that all BMP's need to be installed by September 9, 2018 rather than October 18, 2018. If you require additional time, please request an extension with a deadline that matches the schedule mentioned above.
3. Furthermore please submit an as-build diagram for each rip-rap structure that is installed. Each diagram needs to be a minimum of 8.5" x 11". Also submit an as-built map depicting where straw waddles were installed and the total linear feet used.

Reseeding

4. Please state the specific seeding window when disturbed areas will be reseeded.
5. Note that broadcast seeding rates shall be double the drill seed rate. You are also encouraged to seed all bare areas, specifically the pit floor, not just those areas being disturbed.

Noxious Weed Management Plan

6. Please submit a noxious weed management plan. This plan needs to identify specific species of target, method(s) for their treatment and timing of treatment(s).
7. This sites management of noxious weeds should not be dependent on another operator maintaining their right of way. Treatment of noxious weeds is required by Rule 3.1.10(6).

Please submit your response(s) to the above listed issue(s) **by Monday, August 06, 2018** in order to allow the Division sufficient time for review. A decision due date of August 13, 2018 has been set.



The Division will continue to review your Technical Revision and will contact you if additional information is needed.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,



Amy Yeldell

Environmental Protection Specialist

Enclosure:

Failure to Complete Reclamation per Rule 3.1.3- June 11, 2018
Inspection Report – July 2, 2018

Ec:

Wally Erickson, Senior EPS, Grand Junction DRMS
Ray Anderson, Puckett Land Company



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

June 11, 2018

Chuck Whiteman
Puckett Land Company
P.O. Box 957
Meeker, CO 81641

RE: Nolte Pit #1, File No. M-2012-016, Failure to Complete Reclamation per Rule 3.1.3

Dear Mr. Whiteman:

On June 27, 2013 the Division of Reclamation Mining and Safety (Division) received your annual report where it was declared that final reclamation had commenced. In the annual report it was indicated that mining concluded on September 30, 2012. Per Rule 3.1.3 reclamation shall be completed within 5 years from the date the Operator informs the Board or Office that such phase has commenced, unless an extended by the Board or Office. To date no extension to the reclamation completion deadline has been requested or granted.

The Division acknowledges that several seeding attempts have been made, as well as revisions to the reclamation plan to facilitate successful reclamation. Most recently TR-3 was approved on April 20, 2018. TR-3 revised the reclamation plan and added stormwater features to the final reclamation plan. The Division was notified via email that seeding was to occur on or around May 10th, 2018. It does not appear that stormwater features have been installed. The addition of stormwater features to the reclamation plan was required as the result of previously cited inspection problems.

Failure to comply with the approved reclamation plan is cited as a problem. Corrective actions require that the operator submit a schedule of the remaining reclamation items to be completed by the end of this construction season (October 31, 2018). The schedules should be submitted in the form of a technical revision with the required \$216 fee. Items that need to be addressed on the reclamation schedule are; installation of 5 rip-rap structures and straw waddles (within 60 days), reseeding of disturbed areas (when timing is appropriate) and treatment of noxious weeds. The technical revision request needs to be submitted to the Division by July 11, 2018.



If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,

Amy Yeldell

Environmental Protection Specialist

Ec:

Wally Erickson, Senior EPS, Grand Junction DRMS

Cc:


Ray Anderson, Puckett Land Company
Puckett Land Company
5460 S. Quebec St., Suite 250
Greenwood Village, CO 80111





MINERALS PROGRAM INSPECTION REPORT
PHONE: (303) 866-3567

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

MINE NAME: Nolte Pit #1	MINE/PROSPECTING ID#: M-2012-016	MINERAL: Borrow site	COUNTY: Garfield
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy C. Yeldell	INSP. DATE: June 20, 2018	INSP. TIME: 11:45
OPERATOR: Puckett Land Company	OPERATOR REPRESENTATIVE: Craig Kohles	TYPE OF OPERATION: 111 - Government Contract	
REASON FOR INSPECTION: Priority	BOND CALCULATION TYPE: None	BOND AMOUNT: \$36,250.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: July 2, 2018	

GENERAL INSPECTION TOPICS

Inspection topics with a **PB** were identified as a problem, which require timely corrective action from the Operator to ensure compliance with conditions of the permit and Act and Rules. Inspection topics with a **PV** were identified as a possible violation, which will be scheduled for hearing before the Mined Land Reclamation Board. Official notice of the date(s), time and location of the Board hearing for the possible violation (**PV**) will be provided under separate cover.

(AR) RECORDS----- <u>Y</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING----- <u>NA</u>	(SF) PROCESSING FACILITIES----- <u>NA</u>	(TS) TOPSOIL----- <u>NA</u>
(MP) GENL MINE PLAN COMPLIANCE----- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION----- PB
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN----- <u>Y</u>	(RS) RECL PLAN/COMP----- PB
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION----- PB	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <u>NA</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem / PV = Possible Violation

INSPECTION TOPIC: Reclamation Success

PROBLEM: Failure to implement the approved reclamation plan in an orderly manner to promote reclamation success. Reclamation tasks were either not implemented or completed out of sequence. Pursuant to Rule 3.1.3, the five year deadline whereby reclamation was to be completed occurred on September 29, 2017.

CORRECTIVE ACTIONS: This problem and corrective action deadline were previously identified by the Division in its correspondence dated June 11, 2018. The Operator shall submit a reclamation schedule for Division review through the Technical Revision process, due July 11, 2018. The reclamation schedule shall address the timing and sequence of the remaining tasks necessary to complete reclamation in an orderly manner.

CORRECTIVE ACTION DUE DATE: July 11, 2018

INSPECTION TOPIC: Revegetation

PROBLEM: There are state-listed noxious weeds present on site. This is a problem for failure to employ weed control methods for all prohibited noxious weed species within the permitted area, and to reduce the proliferation of weeds to nearby areas as required by Rule 3.1.10(6).

CORRECTIVE ACTIONS: This problem and corrective action deadline were previously identified by the Division in its correspondence dated June 11, 2018. The Operator shall develop a weed control plan in accordance with Rule 3.1.10(6). This plan should be developed in consultation with the county extension agency, or weed control district office and should include specific control measures to be applied, a schedule for implementation of the control measures, and a post-treatment monitoring plan. This weed control plan shall be submitted for review by the Division through the Technical Revision process, due July 11, 2018.

CORRECTIVE ACTION DUE DATE: July 11, 2018

INSPECTION TOPIC: Erosion/Sediment Control

PROBLEM: Erosion, gullies and ruts have routinely been observed on-site. TR-3 requires the installation of five rip-rap structures and straw waddles as a means to combat excessive erosion and protect reclamation efforts. Failure to follow approved reclamation plan, to C.R.S. 34-32.5-116 (1).

CORRECTIVE ACTIONS: The operator shall provide photo documentation to the Division that the approved stormwater BMP structures have been installed as per the approved reclamation plan. Include a signed statement that all gullies and ruts have been repaired, and that the site has been reconstructed and stabilized to prevent erosion damage by the corrective action date.

CORRECTIVE ACTION DUE DATE: July 11, 2018

OBSERVATIONS

This inspection was conducted in accordance with the Division's monitoring program for permitted operations and to evaluate the implementation of the approved reclamation plan. Craig and Cindy Kohles represented Puckett Land Company (Operator) during the inspection. The Nolte Pit #1 is a Special 111c type operation, permitted to affect 22.34 acres. Affected lands will be reclaimed to support rangeland post-mining land use. The Division holds \$36,250 financial warranty to ensure the completion of reclamation. To date, reclamation has not been completed and no acreage has been released.

According to the annual reports submitted each year by the Operator, mining permanently ceased on September 30, 2012. Pursuant to Rule 3.1.3, the five year period for completion of reclamation closed on September 29, 2017. The reclamation plan was updated through TR-03, approved April 20, 2018. The plans

approved through TR-03 were not implemented in an orderly manner. In a correspondence dated June 11, 2018, the Division identified reclamation deficiencies and imposed a corrective action deadline of July 11, 2018 to establish a schedule whereby reclamation will be completed. A copy of this letter is enclosed.

Mr. Kohles gave a summary of the recent reclamation activity on site. The majority of the hillsides were pocketed with an excavator and/or manually for steep slope areas. The site was seeded on May 10-11, 2018 by D & D Hydroseeding in consultation with Triton Environmental. Seeding measures included hand broadcasting of slopes first. Soil amendments, fertilizer and additional seed were applied hydraulically in one mixture. Then a tackifier was applied separately. Mrs. Kohles estimated that approximately 2.5 acres was seeded. Most recently on June 11, 2018 approximately 10,000-20,000 gallons of water was applied over the reclamation since no rain had occurred since the seeding. It has since rained once and the Operator indicated additional water may be applied at a later date.

In discussions with Mr. and Mrs. Kohles it was indicated that they were unaware of the approved reclamation plan. Their maps, shown during the inspection, were outdated. Mr. Kohles was unaware of several key items in the recently revised reclamation plan. This miscommunication between the permittee and the land manager may have led to deficiencies in the implementation of the approved reclamation plan. TR-3 is attached for future reference.

During the inspection, staff verified that none of the stormwater rip-rap structures or straw waddles, approved through TR-03, had been installed. Furthermore several areas with excessive erosion were not repaired or properly graded prior to seeding. Only the slopes were seeded despite the reclamation plan requirement for revegetation of the pit floor and slopes. The application of hydroseeding arbitrarily stopped short of all disturbed areas where vegetation was inadequate. Lastly seeding once again occurred outside of the seeding window identified in the reclamation plan, however Triton felt it would still be appropriate.

Noxious weeds were present during the inspection, specifically Halogeton, Kochia, Russian Thistle, Bull Thistle and Tamarisk. Mr. Kohles stated that he last sprayed for weeds in 2014. Failure to treat noxious weeds is cited as a problem. Details of the correction action deadline are provided on page two of this report.

This pit is bisected by a Careus gas pad. Under TR-02 the boundary of the gas pad was established. At the time of the inspection a trailer that was presumed to be in support of Careus' operation was parked outside of the gas pad boundary. Evidence of excessive and/or uncontrolled vehicle traffic was observed within the pit area. The Operator is encouraged to work with Careus to ensure reclamation efforts are not adversely affected by Careus.

Inspection Contact Address

Chuck Whiteman
Puckett Land Company
P.O. Box 957
Meeker, CO 81641

Enclosure: Division correspondence dated June 11, 2018 and 13 photographs
EC w/enclosure: Ray Anderson, Puckett Land Company
Craig Kohles, Puckett Land Company

PHOTOGRAPHS



