



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

July 20, 2018

David L. Hornung
Kit Carson County
P.O. Box 160
Burlington, CO 80807

**RE: Adequacy Review, 110c Construction Materials Application
Jarnagin Pit, File No. M-2018-022**

Dear Mr. Hornung,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of the Kit Carson County 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the Jarnagin Pit operation, File No. M-2018-022, and submits the following comments. **The Division is required to make an approval or denial decision no later than July 24, 2018; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** Please respond to this Adequacy Review with a cover letter titled "Adequacy Review Response; M-2018-022" and summarizing each response to the numbered items below and attach additional/updated documents as necessary

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.3 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit.

GENERAL APPLICATION PROCEDURES

1. As required by Rule 1.6.2, please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation. *Adequate as submitted on July 19, 2018 – no further response needed.*
2. As required by Rule 1.6.2, please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service. *Adequate as submitted on July 19, 2018 – no further response needed.*
3. The Division received a comments from Division of Water Resources and from CoBank FCB regarding the application. The letters are attached for your review. Please acknowledge and address any comments noted in the letters and make changes to the application as necessary.



6.3 SPECIFIC PERMIT APPLICATION EXHIBIT REQUIREMENTS –110 LIMITED OPERATIONS

EXHIBIT B – Site Description (Rule 6.3.2)

5. Within Exhibit B, the Applicant provided a Custom Soil Resource Report. This report was associated with the W1/2 of Section 15 while the proposed operation is located in the E1/2 of Section 15. Please submit a new Exhibit B Soil Map and Custom Soil Resource Report for the affected lands.

EXHIBIT C - Mining Plan (Rule 6.3.3)

6. Within Exhibit C, the Applicant specified that any topsoil stockpile will be seeded with grass to prevent soil erosion. In accordance with Rule 3.1.9 and Rule 6.3.3(1)(b), if salvaged topsoil is not replaced on a backfilled area for reclamation within 180 days, please commit to seeding the topsoil stockpile(s) with the approved reclamation seed mixture for the purposes of stabilization and erosion control.
7. Within Exhibit C, the Applicant states the mining depth is anticipated to be around 20 feet, however the Exhibit E Mining Plan Map specifies mining will occur up to 25 feet deep. Please clarify this discrepancy and revise Exhibit C or the Exhibit E Mining Plan Map with the correct depth of the operation

EXHIBIT D - Reclamation Plan (Rule 6.3.5):

8. In accordance with Rule 6.3.4(1)(c)(ii), state at what time of the year the site will be seeded.
9. In accordance with Rule 6.3.4(1)(c)(ii), explain how the seedbed will be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced).
10. In accordance with Rule 6.3.4(1)(c)(ii), state the type, application rate, and soil incorporation methods of fertilizer application, if any.
11. In accordance with Rule 6.3.4(1)(c)(iii), state the grass, forb, shrub and tree species to be planted and the applicable quantities. Specify the quantity of each grass and forb species as pounds of pure live seed per acre. The Division recommends the Applicant contact the local NRCS office to obtain a recommend reclamation seed mixture for the proposed reclamation plan and post mining land use.
12. In accordance with Rule 6.3.4(1)(c)(iv), specify the application method for grass and forb seeding. If the seed is to be broadcast, the application rate shall be twice the rate required for seed drilling. If the seedbed has not been adequately roughened prior to seeding, the seed shall be raked or harrowed after broadcast application.
13. In accordance with Rule 6.3.4(1)(c)(v), specify the kind to be used, the crimping method, and rate of application for mulch, if needed.

14. In accordance with Rule 6.3.4(1)(c)(vi), explain the establishment methods for each species of shrub and/or tree, and state the number of each to be established per acre, if any.

EXHIBIT H – Municipalities Within a Two-mile Radius (Rule 6.3.8):

15. The Application did not include an Exhibit H. Please submit an Exhibit H confirm there are no municipalities within two miles of the proposed operation.

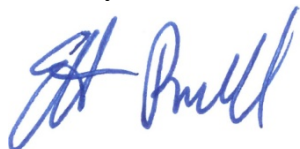
EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)

16. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this adequacy letter has been added to it.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on July 24, 2018, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by July 24, 2018, and the request for additional time. This must be received no later than the deadline date.**

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Enclosure: Comment Letter - Division of Water Resources M2018022
 Comment Letter – CoBank FCB M2018022

CC: Michael Cunningham with DRMS