

BOARD OF COUNTY COMMISSIONERS

KIT CARSON COUNTY
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Gary Koop,
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Cory Wall,
District 2 Commissioner
David L. Hornung,
District 3 Commissioner

August 21, 2018

Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO. 80203

Re: Adequacy Review Response #2; M-2018-022

To Whom It May Concern:

17. In response to Adequacy Item 6, we removed the section of the mining plan which discussed seeding stockpiles. After receiving Adequacy Review #2, we put the sentence back in that said Any topsoil stockpile that remains dormant for 180 days will be seeded with NRCS recommended grass mixture to prevent erosion.

18. We changed Exhibit D-d); There will be no fertilizer applied, only Milo cover crop as recommended by NRCS. Also, Exhibit D-g): No mulch will be used as a cover crop will be planted June 15-July 1 as recommended by NRCS. A new Exhibit D has also been added that came from NRCS.

19. We have a proof of filing dated August 21, 2018 with County Clerk that shows there have been changes to the Jarnagin Pit and that the public review copy has been updated. Also a copy of the response to this adequacy letter has been added to it.

Thank you for your attention to this matter. If you have any concerns or questions, please feel free to contact us.

Sincerely,

Peggy L. Dunlap, Deputy Administrator
Kit Carson County



COLORADO

Division of Reclamation,
Mining and Safety

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

August 20, 2018

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

**RE: Adequacy Review #2, 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 Adequacy Review Responses received on August 17, 2018, for the Jarnagin Pit operation, File No. M-2018-022, and submits the following additional comments. **The Division is required to make an approval or denial decision no later than August 23, 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 #2; M-2018-022" and summarizing each response to the numbered items below and attach additional/updated documents as necessary

EXHIBIT C - Mining Plan (Rule 6.3.3)

17. In response to Adequacy Item 6, the Applicant removed the section of the mining plan which discussed seeding topsoil stockpiles. The Division did not intend for this revision to the plan, only requesting the applicant to commit to using the reclamation seed mixture if the topsoil stockpile remains dormant for more than 180 days. Utilization of the reclamation seed mixture will help create a beneficial seed bank. 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.

EXHIBIT D - Reclamation Plan (Rule 6.3.5):

18. In response to Adequacy Items 10 and 13, the Applicant states a cover crop planted at 20 pounds per acre will be used instead of mulch. Please clarify the cover crop species. Please note, the NRCS recommendation sheets states 1000-1500 baled mulch is recommended.

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

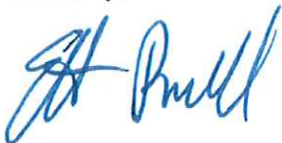
19. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this adequacy letter has been added to it.



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 August 23, 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 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

CC: Michael Cunningham with DRMS

d) Wildlife

Common species in eastern Colorado could include bird species of Cassin's sparrow, chestnut collared longspur, lark bunting, western meadowlark, ferruginous and Swainson's hawks, and pheasants. Small mammals that might be found include white-tailed and black-tailed jackrabbit, badger, pronghorn antelope, coyote, swift fox, plains pocket gopher, long-tailed weasel, and several species of mice. Reptiles might include the western rattlesnake, race snake, western box turtle, and six-lined racerunner. Other animals and birds common to Kit Carson County could also be found at the site from time to time. Based on several visits to the site, no wildlife has been observed. There are no known threatened or endangered species.

Exhibit C: Mining Plan

- a) The mining is expected to begin as soon as possible after a permit is obtained. The operation will provide material for construction projects and road building in the area. Anticipated life of the pit is indefinite. Since the County will only use material when they are working on roads in the area, the supply will undoubtedly last for a number of years.
- b) The mining plan is to begin removal of the material beginning at the top elevation of the pit area where an old disturbed area already exists. Mining will move down and around until the entire area is excavated. Excavation will continue as the need for material continues and as the supply remains available. There is topsoil in the area which averages about 4" in depth. The pit will have the topsoil stripped and stockpiled for re-application during reclamation. Any stockpile that remains dormant for 180 days will be seeded with NRCS recommended grass mixture to prevent erosion.
- c) There is no waste rock or material at the site.
- d) Mining is anticipated to a depth of around 25 feet below the outside perimeter of the pit boundaries. Mining depth will not be close to any existing groundwater. The mining plan is to begin at center where a peak exists at the site. The mining will simply move down the slope and around until the entire area is excavated. No final slopes will be left greater than 3:1.
- e) The pit will be accessed from Highway 59. A driveway already exists into the area that was created by the existing landowner when he took material in past years for his own use. The driveway is included in the 9.9 acres. There will be no shop, plant, or other facilities located at the mine site. The equipment that may be used to mine the gravel will be a scraper, front-end loader, dozer, and trucks. Some stockpiling of material may be done at the site, but most of the material will be utilized as it is mined. Any stockpiling that does occur will be placed in the immediate vicinity where mining is occurring. The anticipated stockpile area is shown on the mining plan map. No processing of material is anticipated.

- f) There is a small existing disturbance at the site. The current landowner has taken some material for his own use in past years.
- g) The site is small enough that any internal haul roads will be minimal. They would be reclaimed when the mine is closed. No new access road will be built since the landowner has one in place from Highway 59 to the site.
- h) No water is anticipated in conjunction with the operation. Mining will not be close to any groundwater. There could be instances when heavy rainfall makes the site too muddy to continue. At those times, mining will simply cease until the site becomes dry enough to mine again.
- i) Mining will not go into the groundwater at the site. A local stock well log shows that water is at least 140 feet below ground surface.
- j) Since no water is to be used, there should be no injury to existing water rights.
- k) No refuse, acid, or toxic producing materials are anticipated at the site. Other mining enterprises in this part of Kit Carson County have never yielded any such materials.
- l) The finished pit will be returned to pasture land. There should be no disturbance to the hydrologic balance.
- m) Processing of the material is not anticipated at this site.
- n) The commodities to be mined are gravel, clay, and sand.
- o) The mined materials will primarily be used for road material or other construction projects.
- p) No explosives will be used in this operation.

Exhibit D: Reclamation Plan

The primary reclamation plan for the pit is to slope all areas at a slope no steeper than 3:1. The entire pit area will have topsoil replaced, then be returned to pasture grazing land.

- a) The pit area has topsoil averaging 4" in depth. That topsoil will be stockpiled and returned during the reclamation process.
- b) Slopes no greater than 3:1 will be left in the completed pit.

- c) The pit will be reseeded, as recommended by the attached Kit Carson County NRCS seeding recommendation, when completed. Planting dates will be November 11th thru April 30th. The seedbed will be disced to eliminate compacted conditions.
- d) There will be no fertilizer applied only Milo cover crop as recommended by NRCS.
- e) The grass used will be a combination of Western Wheatgrass, Blue Gamma, Yellow Indiangrass, Little Bluestem, Switchgrass and Sideoats Grama per NRCS recommendations. The grass seed will be seeded by a ratio of 4.2 according to the Seed recommendations per NRCS.
- f) The application for grass seeding will be drilling
- g) No mulch will be used as a cover crop will be planted June 15-July 1 as recommended by NRCS.
- h) There will not be trees or shrubs planted at this site.
- i) There are no other reclamation treatments to note for this site.

A cost estimate for final reclamation has not been prepared since this pit is operated by a county government.

Exhibit E: Maps

Location Map
USGS Quad Map
Aerial Photo
Site Map
Mining Plan Map
Reclamation Plan Map
Final Contour Plan

Exhibit F: List of Other Permits and licenses required

We are checking with the Air Quality Control Commission, and the State Historical Preservation Office regarding necessary permits for the operation.

Exhibit G: Source of Legal Right-to-Enter

Kevin & Shirley Jarnagin and John & Sheldeana Dreher are the trustees of the Jarnagin Pit and have provided permission for Kit Carson County to apply for a permit and mine material from this pit.

Exhibit H: Municipalities within a Two-Mile Radius



CO-ECS-5

Colorado

April 2011

Planner: Producer: Primary soil type:	Kristi Gay - District Conservationist			Date:	2-Aug-18
	KCC --Jarnigan Gravel Pit E1/2 15-11-49				
		Contract/Agreement #:		Item Num:	
Seeding Operation:	Acres to be seeded:	9.9		Program:	Other
	Seedbed Prep:	Limited: less than 3 tillage operations		Land Use:	non-irrigated drilled
	Planting Dates:	11/1/ - 4/30/		Drill Type:	no-till grass
	Planting Depth (in.):	1/4-1/2"		Drill Spacing (in.):	7-12"
Fertilizer:	Pounds per acre recommended			<i>(requires completion of 590 Job Sheet)</i>	
	Nitrogen (N)	Phosphorus (P)	Potassium (K)		
Weed Control:	Dates:	June 15-July 1		<i>(may require completion of Pesticide Mitigation Worksheet / IPM 595 Job Sheet)</i>	
	Description:	mechanical			
Cover / Mulch:	Amount:	1000 - 1500			
	Description:	milo			
	Application Method:	N/A			

Species I = Introduced, N = Native		Variety/Sci. Name (table 6: PMTN 59)	PLS/Ac to use (100%)	% in mix	Rate (PLS lb/ac)	Acres to be seeded	Total PLS
Western wheatgrass	N	Arriba, Barton	8.0	20	1.60	9.9	15.84
Blue grama	N	Lovington, Hachita, Alma	1.5	20	0.30	9.9	2.97
Yellow indiangrass	N	Cheyenne, Holt, Llano	5.0	15	0.75	9.9	7.43
Little bluestem	N	Pastura	3.5	15	0.53	9.9	5.20
Switchgrass	N	Alamo, NE-28, Blackwell, Grenville	2.0	15	0.30	9.9	2.97
Sideoats grama	N	Vaughn, El Reno, Niner	4.5	15	0.68	9.9	6.68
Totals			24.5	100.0	4.2	9.9	41.1

NOTES: Order pure live seed amount as appropriate for grass drill. If using broadcast or hydro mulch seeder will need to double grass seed amount, see sheet 2 for broadcast rates. Typically, drilling grass is optimum as a dormant seeding application between November 1 - April 30th

Notes: Use adapted improved varieties and cultivars in the following order of preference, when available:

1. certified name varieties, 2. named varieties, 3. common seed

PLS = Pure Live Seed

When bare-root stock shrubs are planned: [1. Doument planting on Job Sheet 612, Tree and Shrub Establishment.](#)

- 2. Insert 0 in "% in Mix" column for calculations to function.**

Certified Planner:

Date:

Christ. Day

8/21/18

Grass Seeding: PART II - Applied

Checked by:			Date:	
Producer:				
Seeding Operation:	Acres Planted:		Program:	
	Seedbed Prep:		Land Use:	
	Drill Make / Type:		Drill Spacing:	
	Cover in Pounds:		Weed Control:	
	Cover Type:		Additional Info:	

Do not enter bare-root species in this section.

Species planted		Variety	Pounds Bulk	Germ. %	Purity %	PLS %	PLS Lbs
Switchgrass	N	blackwell	61.5	96	99.98	95.98	59.07
Alfalfa	I	ladak 65	282.3	87	96.19	83.69	236.28
Blue grama	N		275.9	96	83.63	80.28	221.51
Big bluestem	N	kaw	378.8	92	93.23	85.77	324.89
Sideoats grama	N	niner	179.4	96	77.17	74.08	132.91
Western wheatgrass	N	arriba	1354.0	91	95.88	87.25	1181.40
Green needlegrass	N	lodorm	671.3	66	99.99	65.99	443.03
Little bluestem	N	cimarron	206.0	83	60.45	50.17	103.37
Totals			3409.4			623.2	2702.45

Cost Information								
Species		PLS Lbs/Ac	PLS/Ac (100%)	PLS % of mix	Total Bulk Seed \$	Cost/PLS Lb.	PLS Cost/Ac	
Switchgrass	N	#DIV/0!	2.0	#DIV/0!			\$	
Alfalfa	I	#DIV/0!	4.0	#DIV/0!			\$	
Blue grama	N	#DIV/0!	1.5	#DIV/0!			\$	
Big bluestem	N	#DIV/0!	5.5	#DIV/0!			\$	
Sideoats grama	N	#DIV/0!	4.5	#DIV/0!			\$	
Western wheatgrass	N	#DIV/0!	8.0	#DIV/0!			\$	
Green needlegrass	N	#DIV/0!	5.0	#DIV/0!			\$	
Little bluestem	N	#DIV/0!	3.5	#DIV/0!			\$	
							\$	
							\$	
							\$	
							\$	
Totals		#DIV/0!		#DIV/0!			\$	-

Total Cost of Bulk Seed:	\$	-	
Seed Cost per Acre:	\$	-	
Max. Cost/Ac for CRP:	#DIV/0!		Max. Cost for CRP #DIV/0!
Max. Cost/Ac NRCS Programs:	#DIV/0!		Max. Cost NRCS Programs #DIV/0!

Seeding Comments:

Approved By: _____ Date: _____

EXHIBIT I

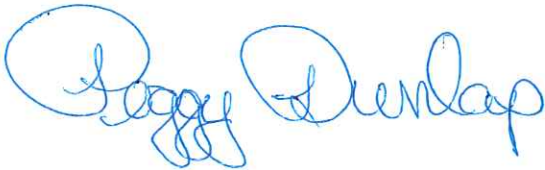
Kit Carson County Clerk & Recorder
Kit Carson County Courthouse
251 16th Street, Suite 201
Burlington, CP 80807

RE: Construction Materials Regular (110) Gravel Pit
Jarnagin Pit Adequacy Review Response #2: M-2018-022

Dear Susan or (Representative):

There are changes to the original application for a Construction Materials Regular (110) Operation Permit and copies of the application have been given to your office for public review. A copy of the adequacy review deficiencies #2 and our response are also being submitted to you to keep with the application you have on file. The application has been provided at this location so as to be available for public inspection prior to public hearings held by the Colorado Mined Land Reclamation Board concerning this permit request. Thank you for your help with this.

Sincerely,



Peggy Dunlap, Kit Carson County

I have received a copy of the above application on this 21st day of August, 2018.



Representative for Kit Carson County Clerk & Recorder