



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

January 17, 2019

Karl Nyquist
Prowers Aggregate Operators, LLC
7991 Shaffer Parkway, Suite 200
Littleton, CO 80127

Re: West Farm Pit, Permit No. M-2008-078, 112c Permit Amendment Application (Revision No. AM-01), Adequacy Review No. 2

Mr. Nyquist:

The Division of Reclamation, Mining and Safety (Division) has completed its second adequacy review of the above referenced amendment application submitted for the West Farm Pit. All comment and review periods for the application began on November 5, 2018, when the application was called complete for filing purposes. The decision date for the application is set for February 4, 2019.

The Division has identified additional adequacy items requiring clarification or additional information. These items are identified below under their respective exhibit heading, and are numbered sequentially. The item numbers referenced in this letter correlate with the Division's adequacy items identified in its preliminary adequacy review letter sent to the operator on November 21, 2018.

Exhibit E – Reclamation Plan (Rule 6.4.5):

- 1) The operator's response to item no. 21 states the post-mining land use for Parcel B will be agricultural. Will the reclamation seed mixture provided in Exhibit E also be used for Parcel B? If not, please provide the seed mixture that will be used for this parcel.
- 2) The operator's response to item no. 22 states the topsoil for reclamation of Parcel B has been stockpiled in a berm along the east edge of the parcel as a screening berm and buffer from the adjacent property to the east. Please include this topsoil stockpile on the Exhibit C – Mining Plan Map and the Exhibit L – Reclamation Phasing Map.

Exhibit G – Water Information (Rule 6.4.7):

- 3) The operator's response to item no. 32 provided more details on the groundwater monitoring plan, but did not specify the sampling points as requested. In the initial application submittal, the operator provided a Monitoring Well Location Map which shows six wells located on the property, including: GP MW-1, GP MW-P2, GP MW-3, GP MW-P2X2, GP MW-X1, and GP MW-X4. Are monthly water level measurements taken from all six wells? If not, please clarify which wells are regularly monitored for the operation.



- 4) The operator's response to item no. 32 proposes submitting groundwater measurement data to the Division on an annual basis. The Division accepts this reporting frequency, and recommends the groundwater data be submitted with the annual report. The operator's response further commits to notifying the Division if groundwater levels change significantly from historic seasonal levels. Please specify the length of time from learning of such a change that the Division will be notified.

Exhibit L – Reclamation Costs (Rule 6.4.12):

- 5) The operator's reclamation cost estimate does not include revegetation costs for Parcel B for which the operator proposes a post-mining agricultural use. Please add costs for revegetating Parcel B in the reclamation cost estimate.
- 6) The operator's reclamation cost estimate appears to cover a total disturbance of 272.58 acres. Therefore, the maximum disturbed area for this site will be set at this acreage amount. Please be advised, prior to disturbing additional acreage or to changing the type of disturbance on any portion of this acreage, the operator must first submit a Technical Revision that includes a revised reclamation cost estimate.

Exhibit S – Permanent Man-Made Structures (Rule 6.4.19):

- 7) The operator provided a copy of the structure agreement sent to Atchinson, Topeka, and Santa Fe Railroad. However, the Division could not find a Certified Mail Receipt demonstrating this agreement was mailed to the structure owner. There is a Certified Mail Receipt submitted on which the name is illegible and the address reads 4200 Buckingham Road, Suite 110, Fort Worth, TX 76155. This address is different than the one given on the structure agreement, 108 E. Beech St., Lamar, CO 81052. Please clarify whether the Certified Mail Receipt described above is for the Atchinson, Topeka, and Santa Fe Railroad.

Additional Item(s):

- 8) Please remember that, pursuant to Rule 1.6.2(1)(c), any changes or additions to the application on file in our office must also be reflected in the public review copy which was placed with the Prowers County Clerk and Recorder. Pursuant to Rule 6.4.18, you must provide our office with an affidavit or receipt indicating the date this was done.

This concludes the Division's second adequacy review of your amendment application. Please ensure the Division sufficient time to complete its review process by submitting your response no later than **January 25, 2019**. If more time is needed to address the adequacy items, it will be your responsibility to submit an extension request prior to the decision date, currently set for February 4, 2019.

If you have any questions, you may call me at (303) 866-3567, ext. 8129, or email me at amy.eschberger@state.co.us.



Sincerely,



Amy Eschberger
Environmental Protection Specialist

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