



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman St. Room 215
Denver, CO 80203

March 5, 2019

John Kuijvenhoven
6124 County Road 5
Ridgway, CO 81432

Re Horsefly Rock Source, File No. M-2019-010, Receipt of 110 Construction Materials Reclamation Permit Application Package

Dear Mr. Kuijvenhoven:

On February 22, 2019, the Division of Reclamation, Mining and Safety received your Special 111 Construction Materials Reclamation Permit Application package for the Horsefly Rock Source, File No. M-2019-010. Preliminary review of the information received determined that the additional information must be received before the Division can consider your application as being submitted and technical review can begin.

EXHIBIT A - Location Map (Rule 6.3.1(2)): A map showing information sufficient to determine the location of the affected land on the ground and existing and proposed roads or access routes to be used in connection with the mining operation. Names of all immediately adjacent surface owners of record shall also be shown. The operation location map shall be a standard 1:24,000 scale U.S. Geological Survey map. The location of the proposed operation shall be shown and labeled with the mine site name.

Maps were submitted under "Exhibit B" but they must be labeled "Exhibit A" to be in compliance with the requirements of Rule 6.3.1(2).

EXHIBIT B - Site Description (Rule 6.3.2(a)): You must address Item (a) to the extent necessary to demonstrate compliance with the applicable performance standard requirements of Rule 3. At a minimum, you must include a description of the vegetation and soil characteristics in the area of the proposed operation. The local office of the Natural Resources Conservation Service (NRCS) may provide you with this information as well as recommendations for Exhibit D - Reclamation Plan;

EXHIBIT B - Site Description (Rule 6.3.2(b)): You must address Item (b) to the extent necessary to demonstrate compliance with the applicable performance standard requirements of Rule 3. At a minimum, you must identify any permanent man-made



structures within two hundred (200) feet of the affected area and the owner of each structure. Permanent man-made structures include houses, barns, fences, above or below ground utilities, irrigation ditches, maintained or public roads, bridges, wells, pipelines, water storage impoundments, railroad tracks, cemeteries, and communication antennas, etc. Each structure should be located on Exhibit E - Map;

EXHIBIT B - Site Description (Rule 6.3.2(c)): You must address Item (c) to the extent necessary to demonstrate compliance with the applicable performance standard requirements of Rule 3. At a minimum, you must give a description of the water resources in the area of the proposed operation. Identify any streams, springs, lakes, stock water ponds, ditches, reservoirs, and aquifers which would receive drainage directly from the affected area. Provide any information available from publications or monitoring data on flow rates, water table elevations and water quality conditions.

EXHIBIT D - Reclamation Plan (Rule 6.3.4):

(f) All Limited Impact 110 applications must provide an estimate of the actual costs to reclaim the site based on what it would cost the State of Colorado using an independent contractor to complete reclamation. Include the unit costs for the following activities as appropriate to the operation: backfilling, grading, topsoil application, seeding, mulching, fertilization, and labor to complete reclamation. Determine and specify the point during the operation when the site has reached a point of maximum disturbance. The cost to reclaim the site to the specifications of the Reclamation Plan at this point must be estimated. Unit costs (cost per cubic yard), volumes, haul or push distances, and grades must be included when backfilling and grading is part of the Reclamation Plan. Volume and unit costs for finish grading, subsoil and topsoil application must be provided in terms of cost per cubic yard. The estimated cost for fertilizer, seed and mulch acquisition and application must be provided as cost per acre.

(2) Equipment costs must include such factors as equipment operator wages and benefits, fuel and lubricant consumption and depreciation. The cost to mobilize and demobilize the equipment from the nearest population center should be estimated.

(3) All items referenced in the Reclamation Plan must be included in the cost calculation. These items in addition to earthwork, such as detoxification, building demolition, fencing, monitoring well sealing or stream channel reconstruction must also be included in the reclamation cost estimate.

(4) After the direct costs noted above have been estimated, the Office may add up to an additional maximum eighteen and one-half (18.5%) percent of that total, which includes private contract, typical overhead costs. This additional cost is required to cover indirect costs that an independent contractor would incur when performing reclamation of the site. Five (5%) percent additional cost shall be added to cover Office administration cost in the event of bond forfeiture and permit revocation.

A reclamation cost estimate was submitted under "Exhibit J" but must be submitted

under “Exhibit D” in order to be in compliance with Rule 6.3.4.

EXHIBIT E - Map (Rule 6.3.5): (1) In addition to the requirements of 6.2.1(2), you must provide a map that clearly describes the features associated with the mining plan and the components of the Reclamation Plan. Include one map for the mine plan and one map for the Reclamation Plan. The map(s) must be drawn to a scale no smaller than appropriate to clearly show all elements that are required to be delineated by the Act and these Rules; show a north arrow, note any section corners adjacent to the proposed operation, and indicate the date illustrated. At a minimum, maps must include the following information:

(2) **Mining Plan Map**

(a) outline and label the permit boundaries, described in Exhibit A - Legal Description; for all Limited Impact 110 and Special 111 Operations, the Office considers the area bounded by the permit boundary to be analogous to the affected area;

(b) label the names of owner(s) of record of the surface of the affected area, of the land within two hundred (200) feet of the affected area, identify the owner of the substance to be mined, and the type of structure and owners of record of any permanent or man-made structures within 200 feet of the affected area;

(c) outline and label all major surface features to be used in connection with the proposed operation such as: existing and proposed roads, pit boundary, topsoil stockpiles, overburden stockpiles, product stockpiles, waste rock fills, stream channels, buildings, processing plant, underground openings such as adits or ventilation facilities, ponds, impoundments, dewatering pumps, diversions, tail or waste disposal areas;

(d) indicate the direction that mineral extraction will proceed;

(e) note the location of any significant, valuable, and permanent man-made structures within two hundred (200) feet of the affected area such as houses, barns, fences, above or below ground utilities, irrigation ditches, maintained or public roads, bridges, wells, pipelines, water storage impoundments, railroad tracks, cemeteries, and communication antennas. A narrative description must be provided in Exhibit B - Site Description; and

(f) outline and label existing disturbance within and/or adjacent to the permit boundary (e.g., previously mined areas, roads or excavations resulting from utility construction). Re-disturbance of previously disturbed areas, by the proposed mining operation, must be included in the permit area and addressed in Exhibit D - Reclamation Plan.

(3) **Reclamation Plan Map**

(a) show the gradient of all reclaimed slopes (horizontal:vertical) sufficient to describe the post mine topography;

(b) indicate where vegetation will not be established and the general area(s) for shrub or tree planting;

(c) if ponds are a part of the Reclamation Plan, outline the final shore configuration of the ponds and shallow areas if the future land use is for wildlife;

(d) state the average thickness of replaced overburden by reclamation area or phase; and

(e) state the average thickness of replaced topsoil by reclamation area or phase.

EXHIBIT F - List of Other Permits and Licenses Required (Rule 6.3.6): Provide a statement identifying which of the following permits, licenses and approvals which are held or will be sought in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source materials licenses, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, State Historic Preservation Office clearance, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

EXHIBIT G - Source of Legal Right-to-Enter (Rule 6.3.7): Provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation, for the Owners of Record described in Subparagraph 1.6.2(1)(e)(i). This may be a copy of access lease, deed, abstract of title, or a current tax receipt. A signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter and mine is also acceptable.

EXHIBIT H - Municipalities Within a Two-Mile Radius (Rule 6.3.8): List the mailing address and telephone number of the governing body for all municipalities within a 2-mile radius of the proposed mining operation.

EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9): Provide an affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder. Also, refer to Rule 1.6.2(1)(c).

EXHIBIT J - Proof of Mailing Notices of Permit Application (Rule 6.3.10): Include proof of mailings of the "Notice of Permit Application" sent to the County Board of Commissioners and Board of Supervisors of the local Soil Conservation District, in the application, by submitting the date-stamped receipt for Certified Mailing or a date-stamped copy of the notice form with signature acknowledging personal service and receipt by the appropriate board. Also, refer to Rule 1.6.2(1)(a).

EXHIBIT L - Permanent Man-Made Structures (Rule 6.3.12): You must provide information sufficient to demonstrate that the stability of any structures located within two hundred (200) feet of the operation or affected land will not be adversely affected. If the Office determines that such information is inadequate to demonstrate that the operation will not adversely affect the stability of any significant, valuable or permanent man-made structure, the Applicant shall either:

(a) provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or

(b) where such an agreement can not be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation.

Your application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt of all of the requested information. Additionally, if you have already published notice you will need to republish notice, after the Division considers the application submitted. Republication must occur once within ten (10) days of the submittal date. We will notify you when you should initiate republication of your notice. The final date for receiving comments is ten (10) days after the date of publication or the next regular business day.

You have sixty (60) days from the above date to submit all necessary documents that the Office needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Office, the Office shall deny the application and terminate the application file.

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you need additional information, please contact me at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 S. 3rd St., Suite 301, Grand Junction, Colorado 81501, telephone no. 970.241.2042.

Sincerely,



Travis Marshall
Environmental Protection Specialist