



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215

Denver, Colorado 80203

March 11, 2019

John Higgins
Smithburg Family Partnership, LLLP
27451 County Road 3H
Genoa, CO 80818

**RE: Preliminary Adequacy Review; 112 Construction Materials Amendment Application (AM-02);
Higgins Pit II; Permit No. M-2012-013**

Dear Mr. Higgins,

On February 12, 2019, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced amendment application complete for the purposes of filing. Pursuant to Rule 1.4 the 90-day decision date for the application has been set for May 13, 2019. Please be advised on May 13, 2019, the application may be deemed inadequate and may be denied unless the following adequacy items are addressed to the Division's satisfaction. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this application. In order to allow the Division adequate time to review your responses to any adequacy issues, please submit your adequacy responses to the Division no later than one week prior to the decision date. Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Adequacy Notice with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Adequacy Response; M-2012-013".

EXHIBIT A Legal Description (6.4.1)

1. Please provide the coordinates of the main entrance to the mine site in latitude and longitude or Universal Transverse Mercator (UTM). Specify if the coordinates of latitude and longitude are in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.

EXHIBIT C Pre-Mining and Mining Plan Map(s) of Affected Lands (6.4.3)

2. The Pre-Mining and Mining Plan Maps need to be revised to show the correct alignment of the access road and the entire permit boundary needs to have the 200 foot buffer marked out (including the area that is to be released that is still part of the permit area). The locations of the topsoil and overburden stockpiles need to be shown on the Mining Plan Map. Please revise the map with the mentioned items or provide an explanation for not including the revisions. Please revise the maps addressing these items.



3. Exhibit C.4 does not provide suitable soils information, the information provided was used to describe the deposit to be mined. The Division recommends you contact the local NRCS office for assistance with this item. Please note, a Soil Report can be obtained from <https://websoilsurvey.sc.egov.usda.gov/> for free. Please identify the proposed permit boundary on the new soil report map. Please also provide the soil unit description print outs for any soil map units included within the proposed permit boundary.

EXHIBIT D – Mining Plan (Rule 6.4.4)

4. Neither the Mine Plan nor the Mine Plan Maps identified the location(s) where topsoil stockpiles will be stored and how the topsoil stockpiles will be protected from erosion. Pursuant to Rule 3.1.9(3), topsoil stockpiles shall be stored in places and configurations to minimize erosion and located in areas where disturbance by ongoing mining operations will be minimized. Such stockpile areas must be included in the affected area and are subject to all reclamation requirements. The Division may require immediate planting of an annual and/or perennial plant(s) on topsoil stockpiles for the purpose of stabilization. Rule 3.1.9 states, where it is necessary to remove overburden in order to mine the construction material, topsoil shall be removed and segregated from other spoil. If such topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is protected from erosion, remains free of any contamination by toxic material, and is in a usable condition for reclamation. To prevent erosion of the topsoil stockpiles the Division recommends seeding the topsoil stockpiles either during the growing season that the topsoil was stockpiled or no later than the following growing season after the topsoil was stockpiled. In conjunction with the Mine Plan Map(s), please identify in the Mine Plan the location(s) where topsoil will be stockpiled and stored during mining. Please also identify in the Mine Plan, how topsoil stockpiles will be protected as to affectively control erosion. Please provide a seed mix and application rate that will be used to seed the topsoil stockpiles. Please clarify the time of year when topsoil stockpiles will be seeded with a vegetative cover to protect the topsoil from erosion.
5. Please clarify or indicate how far away the topsoil stockpiles are proposed to be in relation to active mining activities, this haul distance will aid in bonding calculations.
6. To effectively reestablish vegetative cover, please commit to salvaging at a minimum the top 6 inches of topsoil, the Operator is encouraged to salvage more topsoil in areas where the topsoil is deeper
7. Please provide a more detailed description on how mining will be conducted. Will the Operator have exposed highwalls and if so how many linear feet? Does the Operator plan on a phased approach of mining only 8 acres at a time? If this is a phased operation please indicate the order of the phases to be mined. This information will be used to calculate the bond for the site.
8. Pursuant to Rule 6.4.4(f)(i), please describe the depth and thickness of the deposit to be mined and the thickness and type of overburden to be removed.
9. Pursuant to Rule 6.4.4(f)(ii), please describe the nature of the stratum immediately beneath the material to be mined.
10. Pursuant to Rule 6.4.4(a)(i), please specify if explosives will be used in conjunction with the mining or reclamation.

EXHIBIT E – Reclamation Plan (Rule 6.4.5):

11. Please describe the volume of overburden that will be replaced and indicate on a map where the overburden stockpiles will be located.
12. The depth of topsoil to be replaced is indicated to be 6-12 inches, this is more than the 4-6 inches that are quoted in the currently approved permit. The soils that are quoted to be present at the site do not appear to have 12 inches of topsoil available for salvage. Please explain the discrepancy.
13. Section 6.4.5(f)(iii), please explain the change in seeding mixture and rates from the NRCS recommended mixture and rates already approved.

EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):

14. The Reclamation Plan Map appears to be a topographic map of the just the central portion of the permit area. Please provide a Reclamation Plan Map of the proposed affected land, by all phases of the total scope of the mining operation. The Map shall indicate the following: The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and portrayal of the proposed final land use for each portion of the affected lands.

EXHIBIT H – Wildlife Information (Rule 6.4.8):

15. Please forward any recommendations from Colorado Department of Wildlife to the Division if/when any are received.

EXHIBIT I – Soils Information (Rule 6.4.9):

16. As mentioned in number 3 above the information provided describes the material to be mined not the soil. The Division recommends you contact the local NRCS office for assistance with this item. Please note, a Soil Report can be obtained from <https://websoilsurvey.sc.egov.usda.gov/> for free. Please identify the proposed permit boundary on the new soil report map. Please also provide the soil unit description print outs for any soil map units included within the proposed permit boundary.

EXHIBIT J – Vegetation Information (Rule 6.4.10):

17. As part of Rule 6.4.10(a) please provide the qualitative estimate of cover for the principle species represented.
18. As part of Rule 6.4.10(b) please provide the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map.

EXHIBIT L – Reclamation Costs (Rule 6.4.12):

19. Please clarify how thick the overburden is at the site, where the overburden stock piles will be located and the estimated grade the slopes will be mined at. The Division will use this information to calculate the bond for the site.

General Comments and Questions

- 20.** Please provide proof of the local newspaper publication required by Rule 1.6.5. Proof of publication may consist of either a copy of the last newspaper publication that includes the date published, or a notarized statement from the newspaper.
- 21.** Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review.

Please respond to these adequacy issues no later than one week before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision deadline. The decision deadline on this application is May 13, 2019. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

The Applicant should be aware that pursuant to Rule 1.10.1(1) the Applicant will not be required to submit any information which duplicates applicable previous submittals. However, the Applicant shall clearly describe where in the original application and supporting documents the information not included in the amendment application may be found.

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 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

Cc: Michael Cunningham; Division of Reclamation, Mining & Safety