



**COLORADO**  
**Division of Reclamation,  
Mining and Safety**  
Department of Natural Resources

June 17, 2019

Robert Christian  
Christian Construction Inc.  
16230 Reata Rd.  
Peyton, CO 80831

**RE: Preliminary Adequacy Review; 112c Construction Materials Amendment Application (AM-02)  
Elbert County Pit, Permit No. M-1985-129**

Dear Mr. Christian:

On April 25, 2019, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4 the 90-day decision date for the application has been set for July 24, 2019. Please be advised on July 24, 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 two weeks 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 Preliminary Adequacy Review with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-1985-129".

**EXHIBIT C – Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3)**

1. On the map provided the location of the topsoil stockpiles, for each phase are not shown. Please provide an updated map that shows the proposed location of the topsoil stockpiles and any overburden stockpiles.
2. Please update the map to show the inclusion of the haul road and scale house into the permit boundary.
3. Please update the map to show the current boundary of affected lands as it relates to the proposed mine phases.
4. Please show where the proposed product stockpile will be located, whether centrally located or the approximate location through each phase of mining.

**EXHIBIT D – Mining Plan (Rule 6.4.4):**

5. Please describe the depth and thickness of the deposit to be mined.



6. For bonding purposes please clarify the maximum area of disturbance anticipated at any one time including areas that are in reclamation.
7. The Division would like the Operator to commit to notifying the Division 60 days before affecting a new phase and submit an updated cost estimate for reclamation for that phase before posting the bond for the new phase.
8. In the application the Operator indicates that the final slopes will be mined to a 3H:1V slope but during active mining does the Operator expect to have slopes that are steeper than 3H:1V?

**EXHIBIT E – Reclamation Plan (Rule 6.4.5):**

9. Please provide the Division a copy of the approval to import inert fill.
10. Please clarify the statement made in section 3.1.5 (9)(a) that states no structural fill will be imported with the statement made earlier wishing to maintain the option to import inert fill.
11. Please provide the Division with a copy of the updated Stormwater Management Plan.
12. The Division would like the Operator to commit to seeding the topsoil stockpiles within one growing season to protect from erosion and begin building up the seed bank for revegetation later.
13. Please provide the Division with a copy of the Noxious Weed Control Program that the Operator proposes to follow.
14. Please provide a statement about how the mulch will be crimped.
15. The Operator proposes to mark out the permit boundary which is proposed to be 68.47 acres. Please commit to marking out both the permit boundary as well as placing monuments to delineate the phase(s) that are being affected.
16. Please clarify if the Operator plans on replanting any trees or shrubs.

**EXHIBIT G – Water Information (Rule 6.4.7):**

17. Please review the DWR Comments letter, attached, and incorporate comments into the application.

**EXHIBIT M – Other Permits and Licenses (Rule 6.4.13):**

18. Please commit to providing a copy of all the permits that are in progress once they are approved.

**Other Permits and Licenses (Rule 6.3.6):**

19. 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 July 24, 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.

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](mailto:patrick.lennberg@state.co.us).

Sincerely,



Patrick Lennberg  
Environmental Protection Specialist

Enclosure:      Office of Archaeology and Historic Preservation Response to Consideration of Amendment  
Application Application  
US Army Corps of Engineers Response to Consideration of Amendment Application Application  
DWR Response to Reclamation Permit Amendment Application Consideration

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



OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

RECEIVED

MAY 09 2019

DIVISION OF RECLAMATION  
MINING AND SAFETY

MAY 02 2019

5PL  
Attn: Scottie Tate  
Environmental Protection Specialist  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

Re: Notice of 112 Construction Materials Reclamation Permit Amendment Application Consideration Christian Construction Inc.,  
Elbert County Pit Permit No. M-1985-129-AM02 (HIC #37214)

Dear Scottie Tate,

We received your correspondence dated April 25, 2019 and received by our office on April 29, 2019 initiating consultation with our office. Our comments are provided in accordance with the Colorado State Register Act (Colorado Revised Statute (C.R.S.) 24-80.1).

A search of the Colorado Cultural Resource Inventory database indicated that no cultural resource inventories have been conducted in the specific proposed permit area, and no historic properties have been recorded therein. Please keep in mind that our files contain incomplete information for this area, as most of Colorado has not yet been inventoried for cultural resources. As a result, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. Should human remains be discovered during mining activities, the requirements under State law CRS 24-80 part 13 apply and must be followed.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Todd McMahon, Staff Archaeologist at (303) 866-4607/ [todd.mcmahon@state.co.us](mailto:todd.mcmahon@state.co.us)

Sincerely,

Steve Turner, AIA  
State Historic Preservation Officer  
ST/TCM



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
1616 CAPITOL AVENUE  
OMAHA NE 68102-4901

**RECEIVED**

MAY 13 2019

**MAY 07 2019**

Planning, Programs, and Project Management Division

**DIVISION OF RECLAMATION  
MINING AND SAFETY**

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

Dear Mr. Tate:

The U.S. Army Corps of Engineers, Omaha District (Corps) has reviewed your letter dated April 25, 2019 (received April 29, 2019) regarding the environmental review of the Construction Materials Reclamation Permit Amendment Application filed by Christian Construction Inc., for the Elbert County Pit, (Permit No. M-1985-129AM02), in Elbert County, Colorado. It is understood that the proposed surface mining and reclamation operation has requested to increase the permit area from 38.69 acres to 68.46 acres, located in Township 9S, Range 64W, Section 27 SE/SW, 6th Principle Meridian. The site is proposed to be reclaimed to its current rangeland use upon completion of mining. We offer the following comments for your consideration:

Your plans should be coordinated with the state water quality office that has jurisdiction within the area where the project is located to ensure compliance with federal and state water quality standards and regulations mandated by the Clean Water Act and administered by the U.S. Environmental Protection Agency. Please coordinate with the Colorado Department of Public Health and Environment concerning state water quality programs.

If you have not already done so, it is recommended you consult with the U.S. Fish and Wildlife Service and the Colorado Division of Wildlife regarding fish and wildlife resources. In addition, the Colorado State Historic Preservation Office should be contacted for information and recommendations on potential cultural resources in the project area.

Since the proposed project does not appear to be located within Corps owned or operated lands, your plans should be submitted to the local floodplain administrator for review and approval prior to construction. It should be ensured that the proposed project is in compliance with the floodplain management criteria of Elbert County and the State of Colorado. In addition, please coordinate with the following floodplain management office:

Colorado Water Conservation Board  
Attention: Ms. Jamie Prochno  
1313 Sherman Street, Room 721  
Denver, Colorado 80203  
Telephone: 303-866-3441 ext. 3215  
Fax: 303-866-4474  
Email: [jamie.prochno@state.co.us](mailto:jamie.prochno@state.co.us)

Any proposed placement of dredged or fill material into waters of the United States (including jurisdictional wetlands) requires Department of the Army authorization under Section 404 of the Clean Water Act. You can visit the Omaha District's Regulatory website for permit applications and related information. Please review the information on the provided website (<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram.aspx>) to determine if this project requires a 404 permit. For a detailed review of the permit requirements, preliminary and final project plans should be sent to:

U.S. Army Corps of Engineers  
Denver Regulatory Office  
Attention: Mr. Kiel Downing, CENWO-ODR-CO  
9307 South Wadsworth Boulevard  
Denver, Colorado 80128

In addition, please update your records with our current mailing address:

U.S. Army Corps of Engineers, Omaha District  
Planning Branch  
Attention: Mr. Eric Laux, CENWO-PMA-C  
1616 Capitol Ave.  
Omaha, Nebraska 68102-4901

If you have any questions, please contact Ms. Amee Rief of my staff at (402) 995-2544 or [amee.l.rief@usace.army.mil](mailto:amee.l.rief@usace.army.mil) and reference PD# 8183 in the subject line.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Laux", with a stylized flourish at the end.

Eric A. Laux. PMP  
Chief, Environmental & Cultural Resources

Response to Reclamation Permit Amendment Application Consideration

DATE: May 16, 2019

TO: Patrick Lennberg, Environmental Protection Specialist  
([patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us))

CC: Keith Vander Horst, P.E., Chief of Water Supply - Inside Basins  
Chris Grimes Ground Water Commission Staff

FROM: Ioana Comaniciu, P.E.

RE: Elbert County Pit, Permit No. M-1985-129-AM02  
Operator: Christian Construction Inc.  
Contact: Robert Christian, Christian Construction Inc., (719) 352-6625  
Sec. 27, Twp. 9S, Rng. 64W, 6th P.M., Elbert County  
Kiowa Bijou Designated Ground Water Basin

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**CONDITIONS FOR APPROVAL**

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations. The Applicant must ensure that mining will stay at least 2 feet above the ground water table throughout the proposed mining operations.
- ☒ The applicant has indicated plans to use water for dust control and potable water for sanitary needs in the amount of 1.8 acre-feet/year. The water needs for these uses will be hauled to the site. The applicant must ensure that the water hauled to the site is from a legal source that may be used for the proposed uses.
- ☒ If storm water runoff is intercepted by this operation and is not diverted or captured in priority, it must be released to the stream system within 72 hours. This may require a discharge permit from CDPHE-WQCD. Otherwise, the operator will need a Ground Water Commission approved replacement plan to replace evaporation losses.

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**COMMENTS:** The purpose of this amendment is to add 29.77 acres to the existing 38.69 permitted acres. The amended permit boundary will encompass a total of 68.46 acres. The mining plan calls for dry mining operation. The primary commodities to be mined at the site are sand and gravel materials as the area to be mined consists of eolian sand deposits with decomposed bedrock in some places. As mentioned above under the "Conditions of Approval" section the Applicant must ensure that mining will stay at least 2 feet above the ground water table throughout the proposed mining operation.

The applicant may contact the State Engineer's Office with any questions.

