



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

September 10, 2019

Jodi Schreiber
All Rite Paving and Redi Mix, Inc.
PO Box 841
839 Mackenzie Ave.
Canon City, CO 81212

**Re: Adequacy Review #2; 112 Construction Materials Amendment Application (AM-01)
Caldwell-Nesselhuf Pit No. 1, Permit No. M-1997-071**

Ms. Schreiber:

On July 22, 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 October 21, 2019. Please be advised on October 21, 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 Review #2 with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Adequacy #2 Response; M-1997-071".

Rule 1.6.2(d)

1. Please provide the Division proof of the local newspaper publication. 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.

EXHIBIT A – Legal Description (Rule 6.4.1)

2. The aerial map that was provided has a different permit boundary than the other maps provided in the application. Please revise the map with the proposed permit boundary.



3. Please indicate on the topographic map the location on of the mine entrance and specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places.

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

4. Please provide the coordinates of all permit boundary corners, these coordinates will be used to verify the total area to be involved with the operation.
5. Please provide the name of the owner of the two groundwater wells located at the south end of the permit area along with well permit numbers.
6. Please clarify if the proposed permit boundary extends into/across the Arkansas River.
7. Please update the Mining Plan Map to show the proposed 50 foot and 200 foot buffers mentioned in Exhibit D Mining Plan.
8. On the Existing Conditions and Mining Plan maps please revise the color of the text used to indicate the current permit boundary it is difficult to read.

EXHIBIT D – Mining Plan (Rule 6.4.4):

9. Please indicate the source of the water to be used in the washing operation at the site. If the water is located on-site, either from wells or the river, please provide suitable documentation that the appropriate water rights are in place and those rights allow for the indicated usage.
10. For bonding purposes please clarify the maximum area of disturbance anticipated at any one time including areas that are in reclamation.
11. Please clarify if topsoil at the site if 6-18 inches thick, this statement contradicts statements in Exhibit E indicating that topsoil at the site is only 5 inches thick.
12. 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):

13. Please clarify that all banks/slopes will be graded to 3H:1V or flatter not the 2H:1V indicated in the 1997 Reclamation Plan.

14. Please update the Reclamation Plan to include a statement about the proposed berm along the river for sediment control. Please discuss the dimensions of the berm, whether the berm will be removed, and if removed what is the criteria for removing the berm.
15. 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.

EXHIBIT G – Water Information (Rule 6.4.7):

16. Please review the DWR Comments letter, attached, and incorporate any comments into the application.
17. Exhibit G states that the mining operation will be a dry operation, this statement contradicts the statement in the Mining Plan. Please clarify whether or not the water will be used during mining and update both sections, Mining Plan and Exhibit G, to be consistent.

EXHIBIT L – Reclamation Costs (Rule 6.4.12):

18. In the Reclamation Plan there is a note that states provisions should be made to bring in suitable topsoil to reach the six inch depth. Please provide a unit cost estimate for importing suitable topsoil.

EXHIBIT S – Permanent Man-made Structures (Rule 6.4.19):

19. The fence and wells are missing from the list of man-made structures within 200 feet of the affected lands. Please update the list to include these structures and the name their owners as well as a notarized agreement.

Other Permits and Licenses (Rule 6.3.6):

20. 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 October 21, 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.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

Enclosures: Office of Archaeology and Historic Preservation Response to Consideration of
Amendment Application Application
DWR Response to Reclamation Permit Amendment Application Consideration

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

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JUL 29 2019

Scottie Tate
Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman St, Room 215
Denver, CO 80203

Re: Notice of 112 Construction Materials Reclamation Permit Amendment Application Consideration All-Rite Paving & Redi-Mix, Inc., Caldwell-Nesselhuf Pit No.1, Permit No. M-1997-071-AM01 (HC #26904)


Dear M. Tate:

We received your correspondence dated July 23, 2019 on July 25, 2019 requesting comment under the State Register of Historic Places Act (CRS 24-80-1 et seq.) for the proposed action.

A search of our database indicates that no cultural resource inventory has been conducted within the proposed permit area and no properties of historical significance have been recorded therein. Please note, as most of Colorado has not been inventoried for cultural resources, our files contain incomplete information. Consequently there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. The requirements under CRS 24-80 part 13 apply and must be followed if human remains are discovered during ground disturbing activities.

We thank you for the opportunity to comment. If we may be of further assistance, please contact Mark Tobias, Intergovernmental Services Manager, at (303) 866-4674 or mark.tobias@state.co.us.

Sincerely,


Steve Turner, AIA
State Historic Preservation Officer
ST/mt



COLORADO
Division of Water Resources
Department of Natural Resources

Response to Reclamation Permit Application Consideration

DATE: July 31, 2019

TO: Patrick Lennberg, Environmental Protection Specialist

CC: Division 2 Office; District 17 Water Commissioner

FROM: Kate Fuller, P.E.

RE: Caldwell-Nesselhuf Pit No. 1, File No. M-1997-071-AM01
Operator: All Rite Paving and Redi Mix, Inc.
Contact: Jodi Schreiber, (719) 275-3264
Sec. 24 and 13, Twp. 22S, Rng. 58W, 6th P.M., Crowley County

CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations.
- ☒ If storm water is contained on-site, the applicant should be aware that, unless the storm water detention structures can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado* (available at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>) to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located online at: <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.
- ☒ Other: All water used on-site shall be a legal supply of water provided by an appropriate supplier. The applicant shall confirm the legality of any proposed source of water supply with the Division of Water Resources prior to use in the operation.

COMMENTS: The local Water Commissioner, Lonnie Spady, may be contacted at (719) 384-1000 ext. 2201 or Lonnie.Spady@state.co.us regarding legal water supplies in the area.

