



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

November 14, 2018

Jeremy Deuto
GEI Consultants, Inc.
2625 Redwing Rd. STE 370
Ft. Collins CO 80526

**Re: Preliminary Review of a 112 Construction Materials Reclamation Permit Amendment Application
Package AM-06, Morrison Quarry, Permit M1973-021**

Mr. Deuto:

The Division of Reclamation, Mining, and Safety has completed its preliminary adequacy review of your 112 construction materials reclamation permit amendment application. The application was called complete for review on October 3, 2018. All comment and review periods began on October 3, 2018. **The decision date for this application is January 2, 2018. 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 (December 26, 2010).**

Please note that any changes or additions to the application on file in our office must also be reflected in the public review copy, which has been placed with the Jefferson County Clerk and Recorder.

The review consisted of comparing the application content with specific requirements of Rule 6.1, 6.2, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. In general the application was substantially adequate; however, as with most applications there are a few items that will require clarification of the existing information. Any inadequacies are identified under the respective exhibit heading.

Rule 6.2 General Requirements of Exhibits – All maps and figures submitted with AM06 (with the exception of the index map) are required to meet the criteria specified in Rule 6.2(2)(a)-(e). Please revise and resubmit maps and figures as needed to meet these requirements. Also, the graphic scales on some of the maps appear to be incorrect – please edit and correct as needed.

APPLICATION FORM: - Adequate as submitted, although correction of permit acreage will be required.

EXHIBIT A - Legal Description (Rule 6.4.1): The legal description must identify the affected land and be wholly adequate for field location of the property. It can be in the form of metes and bounds survey or a description by reference to township, range and section to at least the nearest quarter-quarter section. Where applicable, the street address or lot numbers may be used.

The legal description and permit boundary maps provided do not include the access road, scale and scale house features associated with this operation. These features meet the definition of “affected lands” and therefore the



amendment application should be amended, and the permit boundary/acreage modified as needed to include these areas. Adding acreage to an amendment application will require republication of public notice as required by Rule 1.6.6 and resubmittal of the amended application information with the County Clerk and Recorder as required by Rule 1.8.1(1) and 1.8.1(2)

DRMS would also like to have the applicant clarify the use of Permit Area (361.3 acres as provided) vs. disturbance limits (= affected area?) and/or mining limits. If the permittee wishes to specify an affected area less than the total permit area, then this distinction will need to be clearly made in the text of the amendment, on all provided maps, and the affected area will need to be accurately marked in the field as required by Rule 3.1.12(2). Generally speaking, making a distinction between permitted and affected area is not necessary, and only serves to complicate permitting and boundary issues on-site.

EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3): One or more maps may be necessary to legibly portray the following information:

- (a) all immediately adjacent surface owners of record; The Jefferson County assessor's office indicates that the North Pond is owned by Town of Morrison, however Figure C1 indicates that it is owned by A.I. – please clarify and correct if necessary. Also note that all property owners within 200' of the access road will also need to be properly notified
- (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area; The un-named drainages listed as UD1 and UD2 in the text are not shown on the current conditions or mining plan maps – please add these features to the maps.
- (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land"); Please see previous comment regarding permit vs. affected area.
- (g) Show the owner's name, type of structures, and location of all permanent or man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land. Who owns the overhead power lines shown on Figure C1? Are there any other utilities within the permit or within 200' that are not owned by A.I.? Please add the Town of Morrison water tank to Figure C1. Also note that all permanent structures and utilities within 200' of the access road will need to be included, both in this exhibit and for Exhibit S.

The stockpile location referred to in section 5.1 paragraph 3 is not shown on Figure F1

North reservoir elevation estimated to be 6000-6050' in text, but shown as 6396' on Fig F1. (Elevation was given as 6020-6080 in AM05). Please clarify.

EXHIBIT F - Reclamation Plan Map (Rule 6.4.6): The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

- (a) 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...

There are many features discussed in the text of the reclamation plan that are not depicted on the reclamation plan map including: proposed final bench configuration at 6676 and 6790', toe buttress, drains and drainage channels, and a proposed sediment basin. All reclamation elements required and discussed in the text should be shown on a reclamation map or maps of the appropriate scale.

-Final slope shown on Fig. F2 as 4V:5H, but text in 5.2.1 states 4:5 (H:V) above 7000'. Please correct as necessary

EXHIBIT G - Water Information (Rule 6.4.7):

(1) If the operation is not expected to directly affect surface or groundwater systems, a statement of that expectation shall be submitted.

(2) If the operation is expected to directly affect surface or groundwater systems, you shall:

(a) Locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations;

As previously stated the un-named drainages listed as UD1 and UD2 in the text are not shown on the current conditions or mining plan maps – please add these features to the maps.

(b) Identify all known aquifers; and

(c) Submit a brief statement or plan showing how water from dewatering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation.

(3) You must provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.

(4) You must indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.

(5) You must affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health, if necessary.

The State Engineers Office – Division of Water Resources (SEO) comment letter has been included with this adequacy letter for your review. Please fully address the concerns outlined in this letter including the development and implementation of a groundwater monitoring plan to demonstrate that groundwater has not been/will not be exposed during mining without the required approved well permit and substitute water supply plan, or a decreed plan for permanent augmentation, or that these requirements have already been met. If a well permit is required/issued this should be included in Exhibit M. This issue also relates to Stipulation #9 as issued in 1995.

EXHIBIT L - Reclamation Costs (Rule 6.4.12):

(1) All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. You must provide sufficient information to calculate the cost of reclamation that would be incurred by the state.

Exhibit L as submitted refers to reclamation costs included in AM05, however, AM05 was approved 20 years ago, the permit boundary will now be including the scale house and access road in AM06, and the mining and reclamation plans are being updated by AM06. Therefore, DRMS will require that an updated, detailed reclamation cost estimate be provided with AM06 that reflects these, and any other, relevant updates to the required reclamation cost that would be incurred by the state.

EXHIBIT M - Other Permits and Licenses (Rule 6.4.13):

A statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds or will be seeking in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, the State Historic Preservation Office clearance, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, 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.

Permitting required by SEO (if any) should be included in this exhibit.

EXHIBIT N - Source of Legal Right to Enter (Rule 6.4.14):

You must provide the source of your legal right to enter and initiate a mining operation on the affected land.

This exhibit will need to be updated to clarify ownership of North Lake, and also property containing the scale, scale house and access road that will need to be added to permit.

EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.15):

Please submit a complete list of all owners or show the owners on your map in Exhibit C.

See comment above for Exhibit N.

EXHIBIT S - Permanent Man-Made Structures (Rule 6.4.19):

Please note that roadways and above-ground or underground utilities (if present) within 200 feet of the proposed affected area are considered permanent man-made structures. In accordance with Rule 6.4.19, when mining operations will adversely affect the stability of any significant, valuable and permanent man-made structure located within 200 feet of the affected area, the applicant may 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 cannot 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.

Please provide evidence (certified letter to structure owners) that a notarized agreement between the structure owners and the applicant was pursued. If an agreement is unable to be reached a geotechnical assessment may be provided to demonstrate that the structures shall not be damaged.

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.

Exhibit S as submitted refers to AM05, however, since AM05 was approved 20 years ago, and the permit boundary will now be including the scale house and access road in AM06, it is reasonable to assume

ownership of structures may have changed since 1998, or additional structures may now be located within 200' of the permit. Therefore DRMS will require that current agreements be obtained as required above for all structures within 200' of the permit area.

Additional Information: You will also need to provide the Division with required proof of notice publication. Any letters from other commenting agencies/entities received by the Division to date have been included with this correspondence for you to review.

Please address the outstanding stipulations for the existing permit (included with this letter) and detail if they have been met, if they are no longer applicable, or if they will still apply. You will need to provide sufficient explanation/documentation to justify your rationale.

The geotechnical stability exhibit (Appendix A) submitted with AM06 is still under Division review, any adequacy comments regarding this portion of AM06, will be submitted in a separate letter.

This concludes the Division's initial adequacy review of this application. This letter shall not be construed to mean that there are no other technical deficiencies in your application. Other issues may arise as additional information is supplied. Please remember that the current decision date for this amendment application is January 2, 2019. As previously mentioned, if you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. If there are still unresolved issues when the decision date arrives and no extension has been requested, the application will be denied. If you have any questions, please contact me at (303) 866-3567 x8140.

Sincerely,

Eric Scott – Environmental Protection Specialist

CC:

Enclosures: Existing Stipulations for Permit M1973-021
Comment letter from SEO
Comment letter from History Colorado