



March 2, 2020

Cita Cisse
CEMEX, Inc.
P.O. Box 529
Lyons, CO 80540

Re: Dowe Flats Mine, Permit No. M-1993-041, Technical Revision No. 4 (TR-04), Preliminary Adequacy Review

Mr. Cisse:

On February 10, 2020, the Division of Reclamation, Mining and Safety (Division) received your Technical Revision application (TR-04) for the Dowe Flats Mine, Permit No. M-1993-041, addressing the following:

Revise the mining and reclamation plans and maps, increase the maximum allowed disturbed area to 160 acres, and update the reclamation cost estimate to address existing disturbances including removal of the conveyor system.

After reviewing the materials submitted, the Division has identified the following adequacy items that must be addressed before an approval of TR-04 can be issued (and the reclamation bond can be calculated):

- 1) The Division estimated in its December 10, 2019 inspection report the total un-reclaimed disturbance on site to consist of approximately 385 acres (including active pit areas, crusher area, stockpile areas, office/maintenance shop area, fuel station, equipment storage areas, and conveyor system areas). In TR-04, the operator estimates total un-reclaimed disturbance to consist of 263.7 acres. The operator's estimate appears to exclude disturbance areas that were included in the Division's estimate, including areas disturbed by the conveyor system and its associated structures. Furthermore, in TR-04, the operator is proposing an increase in the maximum allowed disturbed area to 160 acres, which does not cover the amount of un-reclaimed disturbance on site as estimated by the Division or the operator.

Please be advised, the maximum disturbed area must include all land disturbed by the operation which will require reclamation (e.g., demolition/structure removal, grading, ripping, retopsoiling, revegetation), which has not already been fully reclaimed in accordance with the approved reclamation plan. Therefore, please revise the proposed maximum allowed disturbance to cover, at a minimum, all land disturbed by the operation which has not been fully reclaimed.



- 2) The affected area shown on all three maps submitted does not appear to include areas disturbed by the conveyor system and associated structures or areas disturbed by topsoil stockpiles along the eastern and northeastern edges of the site. The affected area must encompass all land surface which will be disturbed as a result of the operation. (The difference between affected area and maximum disturbed area is the affected area encompasses all land to ultimately be disturbed by the operation in some way, but not necessarily covered by the reclamation bond at any one point in time due to land within the affected area that is undisturbed or reclaimed.) Please revise the affected area depicted on all maps to include the total affected area for the site. Also, please be sure the affected area shown on the maps correlates with the proposed affected area (464.9 acres).
- 3) Please provide more details on how the proposed 20-acre wetland area will be reclaimed.
- 4) Please provide more details on how the crusher area will be reclaimed. During the recent site inspection, the Division observed the crusher facility and associated stockpiling area to be located on a large waste rock stockpile. Once the structures have been demolished and removed from this area for reclamation, will the waste rock material be used as reclamation backfill or reclaimed in place?
- 5) Please provide more details on how the stockpile area where the conveyor transports crushed material to the cement plant property will be reclaimed. Is reclamation of this area covered under the Lyons Quarry permit (M-1977-208)?
- 6) The revised Mining Plan Map depicts overhead powerlines that exist in the southern portion of the permit area. These powerlines are not shown on the revised Reclamation Plan Map. Please describe the reclamation plan for the powerlines/poles located within the permit area. If these structures will remain for reclamation, please add these structures to the Reclamation Plan Map. If these structures will be removed for reclamation, please include costs for their removal in the bond estimate.
- 7) The revised Reclamation Plan Map depicts what appears to be the existing topsoil stockpiles to remain along the eastern edge of the site for reclamation. Please clarify the reclamation plan for these stockpiles. If the operator is proposing to leave topsoil stockpiles in place for reclamation, please describe where topsoil needed for reclamation will be obtained.
- 8) Please revise the Mining Plan Map to include the following features:
 - a. Show total affected area for the operation.
 - b. Label the primary pit areas (e.g., Hi-Cal Ridge, 2nd Ridge, 3rd Ridge, 4th Ridge).
 - c. Label other prominent features of the mine site (e.g., crusher area, office/maintenance area, fuel station, material stockpiling areas, topsoil and overburden stockpiling areas, equipment storage areas).
 - d. Show any anticipated on-site disposal location(s) for demolished structures.

- e. Show any setbacks maintained by the operation.
 - f. Show all adjoining surface owners of record.
 - g. Show the owner's name, type of structure, and location of all significant, valuable, and permanent man-made structures located on the area of affected land and within 200 feet of the affected land (e.g., roads, railroads, power or communication lines, wells, buildings).
- 9) Please revise the Reclamation Plan Map to include the following features:
- a. Show total affected area for the operation.
 - b. Portray proposed final land use for portion of permit area located south of Hwy 66.
 - c. Show any structures to remain after reclamation (e.g., powerlines, roads).
- 10) The Division has the following comments regarding the bond estimate:
- a. Please be sure the bond estimate includes costs for reclaiming all disturbed areas (should correlate with proposed maximum disturbance).
 - b. Please separate the backfilling, grading, ripping, retopsoiling, and revegetation items by primary mine feature/disturbance area (e.g., Hi-Cal Ridge Pit, 2nd Ridge Pit, 3rd Ridge Pit, 4th Ridge Pit, crusher area, office/maintenance area, fuel station, stockpiling areas, conveyor system) so that proper haul distances, etc. can be calculated. Please be sure each primary mine feature/disturbance area includes all necessary information for the Division to calculate the required bond for reclaiming that area, including estimated acreages, pit depths, backfill volumes, push distances, and/or haul distances.
 - c. Please include the seed mixture and rates in PLS/acre to be used for reclaiming rangeland areas and for reclaiming the wetland area (if different).
 - d. Please be sure the demolition of structures section includes both demolition and disposal costs for each structure. For structures to be disposed of on-site, separate costs should be included for hauling/dumping the materials to/at the anticipated disposal location(s). For structures to be disposed of off-site (e.g., landfill or recycling facility), separate costs should be included for transporting the materials to the anticipated off-site location(s).
 - e. Please be sure all costs for reclaiming the conveyor system are incorporated into the estimate, including costs for removing the buried section of the conveyor, backfilling this area if necessary, and ripping, retopsoiling, and revegetating land disturbed by the conveyor and its associated structures.

This completes the Division's preliminary adequacy review of the materials submitted for TR-04. The decision date for TR-04 is currently set for **March 11, 2020**. If additional time is needed to address the adequacy items, an extension request must be received by our office prior to the decision date.

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Amy Eschberger".

Amy Eschberger
Environmental Protection Specialist

CC: Uwe Lubjuhn, CEMEX, Inc.
Scott Marcus, CEMEX, Inc.
Robin Bay, Habitat Management, Inc.
Michael Cunningham, DRMS