

April 24, 2020

Jim McCormick
McCormick Excavation & Paving, LLC
30887 US Highway 24
Stratton, CO 80836

**RE: Adequacy Review, 110c Construction Materials Application
McCormick Pit 1, File No. M-2020-017**

Dear Mr. McCormick,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of the Kit Carson County 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the McCormick Pit 1 operation, File No. M-2020-017, and submits the following comments. **The Division is required to make an approval or denial decision no later than May 6, 2020; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** Please respond to this Adequacy Review with a cover letter titled “Adequacy Review Response; M-2020-017” and summarizing each response to the numbered items below and attach additional/updated documents as necessary.

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.3 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit.

GENERAL APPLICATION PROCEDURES

1. As required by Rule 1.6.2, please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.
2. As required by Rule 1.6.2, please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.
3. The Division received a comments from Division of Water Resources regarding the application. The letter is attached for your review. Please acknowledge and address any comments noted in the letter and make changes to the application as necessary.

EXHIBIT A – Legal Description and Map (Rule 6.3.1)

4. Within the Response to Deficiencies, the Applicant provided Exhibit A.2, an aerial image map with boundary coordinates. Please revise this map to include the four boundary corner coordinates of the entrance haul road area.



EXHIBIT C - Mining Plan (Rule 6.3.3)

5. Within Exhibit C, the Applicant specified that topsoil will be stripped and placed in stockpile until needed for reclamation. In accordance with Rule 3.1.6, Rule 3.1.9, and Rule 6.3.3(1)(b), if salvaged topsoil is not replaced on a backfilled area for reclamation within 180 days, please commit to seeding the topsoil stockpile(s) with the approved reclamation seed mixture for the purposes of stabilization and erosion control.
6. Exhibit C Item E, has added a statement that there might be a portable mobile concrete or asphalt plant setup. Please provide additional information on the scope of this aspect of the mining plan. Please also update Exhibit D Reclamation plan, to reflect this addition including updating the anticipated reclamation cost estimate so that the Division may prepare an accurate bond estimate. Please also update Exhibit E Mine Plan Map to depict the location of these processing plants on the affected lands. The Applicant may also revise Exhibit C Item E to remove this statement, understanding that these details could be submitted as a Technical Revision in the future if a concrete or asphalt plant is needed at that time.
7. Exhibit C Item L, states that there will be berms around the outside edge of the pit that direct run off away from the pit and that there may be times during high precipitation that a berm may fail and enter the pit or outside of the permit area toward Landsmen Creek. In accordance with Rule 3.1.5(10) and Rule 3.1.6(3), please revise the size and configuration of the perimeter berms to ensure these berms will not fail during high precipitation.
8. From the Exhibit E map it appears that the stripped topsoil is planned to be used as the material for the berms around the pit. In accordance with Rule 3.1.9(3), this is not an appropriate means of protecting the topsoil resource. As approximately 9,000 – 35,000 CY of overburden will be stripped, the Applicant may want to consider using overburden as the material used for the stormwater berms. Please revise the material planned to construct the berms or demonstrate how the topsoil resource will be protected. Please provide a new map updating the berm information and specifying the location of the topsoil stockpile.
9. Disturbance dimensions are not clear. Required dimensions including those of stockpiles and berms. Please identify if stockpiles will be compacted. Rule 6.3.3(f).
10. Please provide more detailed information on the existing road including how and if it will be used in the mining operation. Please refer to Rule 6.3.3(g)

EXHIBIT D - Reclamation Plan (Rule 6.3.5):

11. Exhibit D Item C states compost will be spread over the reclamation area if needed. In accordance with Rule 6.3.4(1)(c)(ii), state the type, application rate, and soil incorporation methods of fertilizer application, if any.
12. Exhibit D Item C states Blue Gramma, Western Wheat Grass, and Buffalo Grass will be seeded at 25 lbs per acre with a disk drill. In accordance with Rule 6.3.4(1)(c)(iii), specify the quantity of each grass as pounds of pure live seed per acre.

13. In accordance with Rule 6.3.4(1)(c)(v), specify the kind to be used, the crimping method, and rate of application for mulch, if needed.
14. Exhibit C Item G states the entrance haul road will be left in operation when the pit is closed for a safer entrance for the landowner. Please add this information to Exhibit D and provide a signed and notarized letter from the landowner requesting the entrance haul road to remain after reclamation for their use.
15. The Division will calculate the total required financial warranty for the site following the responses to this adequacy letter. A copy of the Division reclamation cost summary will be forwarded to you for review prior to the decision date or the Division will accept the reclamation cost estimate you provided in Exhibit D. *No response is needed.*

EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)

16. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this adequacy letter has been added to it.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on May 6, 2020, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by May 6, 2020, and the request for additional time. This must be received no later than the deadline date.**

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 **720-618-0860**, or by email at tabetha.lynch@state.co.us.

Sincerely,



Tabetha Lynch
Environmental Protection Specialist

Enclosure: Comment Letter - Division of Water Resources M2020017

CC: Jason Musick with DRMS