

Law Offices of John R. Henderson, P.C.

308 E. Simpson St. Suite 103
Lafayette, CO 80026
jrhc law@comcast.net

M1996076

October 3, 2019

RECEIVED

OCT 04 2019

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Re: Fontanari Corrective Action Plan-Iteration 2- M1999-076

Amy Yeldell

Environmental Protection Specialist

Colorado Division of Reclamation, Mining and Safety

1313 Sherman St.-Room 215

Denver, CO 80203

Amy:

Attached please find the second iteration of Fontanari's Corrective Action Plan to address corrective actions 1 and 2 from the September 26, 2019 Board Order and the Resolution of August 21, 2019. I had forwarded a courtesy copy by pdf yesterday, October 2. We have attempted to fully address the questions raised in your letter of September 25, 2019, which addressed our initial draft.

If you have any further questions, Mr. Fox and I would be happy to address them.

With regards,

A handwritten signature in blue ink, appearing to read 'JRH', with a long, sweeping horizontal stroke extending to the right.

John R. Henderson

Law Offices of John R. Henderson, P.C.

Cc: Scott Schultz

Jeff Fugate (Has requested no mailed copy)

R-C-L-I-V-E-D

OCT 04 2019

**DIVISION OF RECLAMATION
MINING AND SAFETY**

**Western Slope Flagstaff Quarry No. 2
Permit No. M-1996-076**

**Corrective Action Plan
Requirements Nos. 1 & 2**

**Irrigation Pipeline & Ditch Lateral
Removal Project**

Prepared for:

***Mr. Rudy Fontanari
Western Slope Flagstone
3316 E ¾ Road Clifton,
Colorado 81520***

Date: October 2019

Prepared By:

Fox Engineering Solutions, Inc.

P.O. Box 413,
Fruita, CO 81521
Ph: (970) 250-5505
Email: coloradofox@bresnan.net



Introduction

The Colorado Division of Reclamation, Mining and Safety (DRMS) has stated that the Operator of the Western Slope Flagstaff Quarry No. 2, Permit #M-1977076, must submit a written plan for the removal of all water distribution lines, risers, and grade all ditches used to convey water within the permit boundary. This report provides a plan from the removal of the water distribution system and addresses concerns raised by the Division in their letter to Mr. Rudolph Fontanari signed by Amy Yeldell, dated September 25, 2019.

The approximate boundaries of Mining Permit #M-1977-076, delineated in red, are shown on the attached aerial photograph, titled "Water Conveyance Infrastructure", presented by DRMS during the Western Slope Flagstaff Quarry No. 2 hearing held August 21, 2019. The photograph indicates the location of the pipelines and laterals within the mine permit area. The permit area is generally located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T10S, R98W, in Mesa County, Colorado

NRCS classifies the soils in the disturbance area of both pipeline segments as Barx-Clapper complex. This complex consists of clay loam and very stony loam derived from eolian deposits and weathered glacial till. The topography in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34 slopes to the north at an average slope of 5.6%. The topography in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 34 slopes to the north at an average slope of 6.0%.

The following document outlines proposed actions to remove the pipeline and earthen irrigation laterals following the removal of the PVC pipeline and risers outlets and reclaim the disturbed areas.

The ultimate goal of the pipeline and earthen lateral reclamation project will be to restore the disturbed area in order to provide for a natural and sustainable vegetative community, naturally functioning hydrologic conditions, and desired wildlife habitats. Fontanari will ensure that the respective reclamation objectives are ultimately accomplished through activities/tasks outlined below.

Pipeline Dewatering and Removal

In the permit area where the water conveyance pipelines contain irrigation water, the water will be turned off at the source. Water trucks will be utilized to convey

water removed from the pipelines and placed on other irrigated lands owned by Mr. Fontanari outside of the permit area.

Within the permit area in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 34, T10S, R98W, the pipeline alignment is approximately 2640 ft. long and 10" in diameter. The volume of water within the pipeline, assuming it is full, is estimated to be 10,770 gallons.

Within the permit area in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T10S, R98W, the pipeline alignment is approximately 1500 ft. long and 10" in diameter. The volume of water within the pipeline, assuming it is full, is estimated to be 6,120 gallons.

As required in DRMS September 25, 2019 letter, water conveyance piping within the permit area shall be removed and transported to a location outside of the permit area.

The number of cubic yards of material excavated during the pipeline removal process in the permit area is estimated to 2300 cubic yards. This estimate is based on a trench depth of 3 ft. and a width of 5 ft. Earthen laterals will be filled with excavated material adjacent to the laterals.

Disturbed Areas

Within the permit area in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 34, T10S, R98W, the pipeline alignment is approximately 2640 ft. long with average disturbance width of 30 ft. equating to 79,200 ft.² or 1.81 acres. The disturbed areas will be graded and revegetated. There are no earthen irrigation channels or laterals off of the pipeline in this area.

Within the permit area in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T10S, R98W, the pipeline alignment is approximately 1500 ft. long with average disturbance width of 30 ft. equating to 45,000 ft.² or 1.17 acres. Earthen irrigation channels or laterals off of the pipeline have as estimated total length of 1940 ft. and vary in width from 1 to 3 ft. This equates to an estimated disturbed area of 3,880 ft.² or 0.09 acres.

The total disturbed area associated with the removal of the water conveyance system within the permit area is estimated to be 3.07 acres. This area will be graded prior to revegetation.

Trench Backfilling

Fill material will be returned to the pipeline trench and irrigation earthen laterals and compacted appropriately to reduce the likelihood of trench settling or erosion. Backfill shall be mechanically compacted by means of tamping or wheel rolling.

The pipeline trench will be monitored and maintained to minimize settling and/or erosion control.

Surface Grading

Grade all areas disturbed by the pipeline and lateral removal operations after completion of backfilling and compacting. Replace and repair any surface improvements damaged or removed. Grade all areas to match the existing ground lines.

Reclamation:

The disturbed areas associated with the removal of the water conveyance system in the permit areas will be reclaimed according to the original approved reclamation plan under Permit M-1996-076.