



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

1313 Sherman Street, Room 215
Denver, CO 80203

August 6, 2020

Christopher J Krumwiede
Kiewit Infrastructure Company
160 W. Inverness Dr. #110
Englewood, Co 80112

RE: Kiewit Carr Sand & Gravel, M-2020-029, 112c Construction Material Conversion Application, Adequacy Review

Dear Ms. Krumwiede,

The Colorado Division of Reclamation, Mining, and Safety (“DRMS” or “Division”), received the above referenced application on May 26, 2020. The application was deemed complete and filed for review on June 26, 2020. The Division is required to issue a decision on the application by September 6, 2020. The following adequacy review items will need to be addressed prior to the Division’s approval of the application:

Rule 6.4.1 Exhibit A – Legal Description

1. The permit application indicates the proposed permit area is 541 acres. Exhibit A indicates the operation contains 640 acres. Please revise this exhibit to indicate the operation contains 541 acres.
2. If available please update Exhibit A to specify the street address or lot number(s) for the proposed permit area.
3. Please update Exhibit A to specify the coordinates (latitude and longitude or UTM) of the main entrance to the site. Please see Rule 6.4.1(2) for details.

Rule 6.4.2 Exhibit B – Index Map

4. The road adjacent to the proposed permit has a label that is difficult to read. Please update this map to clearly indicate the adjacent county road west of the proposed permit area.

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

5. Please revise the Exhibit C Map(s) to conform to the requirements of Rule 6.2.1(2) by showing the name of the applicant and be signed by a registered land surveyor, professional engineer or other qualified person who prepared the map.
6. The label for County Road 23 is difficult to read on the Exhibit C map, please revise this map to clearly label this feature.



7. The Exhibit C Map depicts the permit boundary or “surveyed site boundary to encompass all of Section 36, and area of 640 acres. As discussed above the permit application indicated the permit area would be 541 acres. Please explain this discrepancy. Please be aware if the permit boundary was intended to be 640 acres, please know that applicant will need to file an amendment application.
8. The Pre-mining map labels a fence around the property boundary. Please show the owner’s name of the fence.
9. There appears to be a road or rail line loop adjacent to Cell 1 and County Road 124 adjacent to cell 12 that will be within 200 feet of the affected land. Please depict these structures and show the owner’s name of this structure on a revised Exhibit C Map.

Rule 6.4.4 Exhibit D – Mining Plan

10. The applicant indicates there is a buffer around existing cultural resources at the site. It is not clear on the Exhibit C map what the applicant is referring to. Please depict or clarify the location of these resourced and the associated buffer around them.
11. The location of the proposed crossing from the west side to the east side of the site is not clearly depicted on the Exhibit C (Sheet C-1) map. The affected land associated with this crossing will need to be included in the permit boundary. Given the discrepancy in the permit boundary noted above, please explain how this area will be defined and note any increase in the affected land/permit boundary will need to be addressed through an amendment to the application.
12. Please acknowledge that any new road built to access or haul mined material will be considered affected land in accordance with Rule 1.1(3) and any increase in affected land would require the operator to obtain approval of an amendment to include these proposed areas.
13. Please provide an estimated time period which will be required for each mining cell proposed in accordance with Rule 6.4.4(e)(i).
14. The Division assumes explosives will not be used during the mining operation, please clarify.
15. The creek crossing will require the installation of a culvert as discussed in the mining plan narrative. Please include sufficient information to evaluate the sizing of this culvert in accordance with Rule 6.4.4(j).

Rule 6.4.5 Exhibit E – Reclamation Plan

16. The reclamation plan indicates that topsoil material will be compacted to 90% of the standard proctor. Compaction of topsoil can negatively impact the establishment of the desired vegetation, please revise the reclamation plan to remove the provision to compact the replaced topsoil.
17. As discussed above there is a discrepancy in the permit boundary and affected area associated with the proposed creek crossing. This area may not be included in the currently proposed affected area/permit boundary. This issue will need to be addressed before the Division can consider the reclamation of this area.
18. Please revise Exhibit E to indicate the type of reclamation the operator/applicant proposes to achieve in the reclamation of the affected land (rangeland) and why each was chosen per Rule 6.4.5(2)(a).

19. Please provide a comparison of the proposed post-mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs per Rule 6.4.5(2)(a).
20. Please explain how the topsoil when stockpiled for later use in reclamation will be stabilized from wind and water erosion.
21. Please specify the type and amount of mulch that will be used to stabilize the reclaimed areas and specify if the mulch will be crimped into place.

Rule 6.4.6 Exhibit F – Reclamation Plan Map

22. The contours of the Exhibit C-2 Map (Mining Plan) and the F-1 map (Reclamation Plan) are the same. Please submit a revised Exhibit F map that depicts the expected physical appearance of the affected land with contours of sufficient detail to portray the direction and rate of slope of all reclaimed land.
23. Please submit a revised reclamation plan map that depicts the proposed final land use for each portion of the affected land.
24. Please revise the Exhibit C Map(s) to conform to the requirements of Rule 6.2.1(2) by showing the name of the applicant and be signed by a registered land surveyor, professional engineer or other qualified person who prepared the map.

Rule 6.4.7 Exhibit G – Water Information

25. If the operator is not expected to directly affect the surface and groundwater system, a statement to this effect needs to be included in the Exhibit G narrative. DRMS acknowledges the applicant states they will not mine below the groundwater table and that the operator intends on grading the site during the operation to keep surface flow directed toward the pits. Please revise the Exhibit G to include a narrative of the best management practices ("BMP") to protect the groundwater system from potential spills of equipment fuel, oil lubricant etc.
26. Please revise Exhibit G to provide a narrative of the BMP's to be implemented to show how water from run-off from the disturbed area, piled material, and operating surfaces will be managed to protect against pollution of either the surface and groundwater system both during and after the operation in accordance with Rule 6.4.7(1) and (2)(c).
27. The Division assumes the operator will not conduct dewatering operations, please acknowledge.
28. What is the source of water that will be used to supply the 20,000 gallons per day for dust control? Please revise Exhibit G to include this information.

Rule 6.4.8 Exhibit H – Wildlife Information

29. The applicant indicates the red-tailed hawk's nest will be monitored and that the CPW recommendation for buffer zones and seasonal restrictions will be adhered to. Please specify the frequency of monitoring


Rule 6.4.13 Exhibit M – Other Permit and Licenses

30. Ensure that the Operator has all necessary permits and licenses to include spill prevention and a counter measure permit.

This concludes the Division's preliminary review of the 112c application. The Division is required to issue a decision on the application by **September 6, 2020**. The adequacy issue listed above must be addressed to the Division's satisfaction prior to the decision date, please submit your adequacy response no later than three days prior to the decision date. If you need additional time to address these issues you must request an extension of the decision date. Please be aware that that the Division will deny the application if outstanding adequacy issues remain when the decision date arrives or inadequate time is provided for the Division to review the response to the adequacy items.

If you have any questions, please contact me at daniel.cunningham@state.co.us or (303) 866-3567 Ext. 8126.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Cunningham", is written in a cursive style.

Daniel J. Cunningham
Environmental Protection Specialist

EC: Jared Ebert, Division of Reclamation, Mining & Safety