



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

September 3, 2020

Peter Hurt
Arkansas Valley Ranch, LLC.
8351 E. Walker Springs Lane
Knoxville, TN 37923

**RE: Preliminary Adequacy Review; 112c Construction Materials Amendment Application (AM-01),
Ordway Pit, Permit No. M-2006-054**

Dear Mr. Hurt:

On June 29, 2020, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4 the 90-day decision date for the application was set for September 28, 2020. The Division noted during its Preliminary Adequacy Review research that the adjoining neighbors to the north of the permit boundary were not properly noticed. The Operator, Arkansas Valley Ranch, requested and received approval to extend the decision date to October 31, 2020 to allow for noticing the adjoining neighbors and adequate comment period. The following items will need to be addressed to the Division's satisfaction prior to the October 31, 2020 decision date. 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 may deny this application. In order to allow the Division sufficient time to review your responses to the adequacy issues, please submit your adequacy responses to the Division no later than two weeks prior to the decision date. Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Preliminary Adequacy Review with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-2006-054".

APPLICATION FORM:

1. Primary Mine Entrance Location. On page two, the coordinates of the mine entrance given do not match the mine entrance coordinates give in Exhibit A. Please update with correct coordinates.

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

2. Please provide the GPS coordinates (decimal degrees) of the primary corners of the proposed amended permit boundary in a table on the proposed Mining Plan Map C-1, this will aid in future inspections.
3. Provide the areas of Lots 1 thru 4 on the maps.



4. On Map C-2, it indicates that the truck scale is 4.5 feet west of the proposed amendment permit boundary. The Division is concerned that the scale house building may be located outside the permit boundary. Additionally, in the 2019 inspection it was noted that there was a semi-trailer, located east of the scales, being used in conjunction with the scales and thus meeting the definition of affected lands. Please provide an aerial view of Map C-2 to show how the proposed amendment permit boundary relates to structures on the ground. The proposed amendment permit boundary may need to be adjusted to incorporate these affected lands.
5. Map C-3 does not appear to reflect the large stockpiles of material in the amendment area. Please update the map to include the stockpiles.
6. Please clearly depict on the Mining Plan Map the general area where topsoil and or overburden stockpiles will be located during the mining.

EXHIBIT D – Mining Plan (Rule 6.4.4):

7. The area to be amended into the current permit and the total area of the proposed permit are different than those proposed in other exhibits and on the application page. Please revise with the correct acreages.
8. Please clarify what the maximum disturbed acreage will be at any one time. The Division would like to mention that as reclamation proceeds there may be a number acres that are in final reclamation but have yet to meet Division release standards.
9. Please clarify what is the proposed affected acreage area?
10. If topsoil stockpiles are exposed for longer than 120 days the Division requests the Operator commit to planting native species as cover crop for stabilization, or utilize the final reclamation seed mix to help establish a beneficial seed bank for future reclamation success.
11. The Operator indicates that mine face may be developed during extraction. Does the Operator expect that there will be any highwalls created? If so, please give the approximate dimensions of the highwall, the Division will use the dimensions in its bond calculation.
12. Please show the 20 acre planned mining areas and the operations area on the Mining Plan Map.
13. Please describe how the large stockpiles of material generated by the previous Operator will be managed.

EXHIBIT E – Reclamation Plan (Rule 6.4.5):

14. Please clarify what degree and manner of compacting the stockpiles is proposed. Please see the Division's comment #10 above.
15. Please indicate how many tons per acre of manure is proposed.

16. The Division requests a copy of the weed control program for the site or include a section that describes the methods of weed control that will be employed for all prohibited noxious weed species, pursuant to Rule 3.1.10(8).

EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):

17. In the response to the Division's incompleteness notice the map that was supplied was mislabeled as the Mining Plan Map. Please update the map accordingly.
18. The map that was included in the incompleteness response has a different permit boundary than the other maps and exhibits, please clarify the difference.
19. It is difficult to determine what are pre-mine and reclamation contours, please update to provide clarity.
20. In the SE corner of the overview map (Sheet 1) it appears to show affected lands outside the proposed permit boundary, see comment #4 above.

EXHIBIT G – Water Information (Rule 6.4.7):

21. Please provide a copy of the District Court, Water Division No. 2, Case No. 18CW3045 ruling.

EXHIBIT J – Vegetation Information (Rule 6.4.10):

22. Please provide the estimates of average annual production for hay meadows and croplands, and carrying capacity for range lands on or in the vicinity of the affected land pursuant to Rule 6.4.10(1)(c).

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

23. Are there any additional permits that have been or will be applied for with change of mining using water storage ponds?

EXHIBIT S – Permanent Man-made Structures (Rule 6.4.19):

24. Who owns the ranch fences along the northern permit boundary?

Other Permits and Licenses (Rule 6.3.6):

25. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review

Please respond to these adequacy issues no later than two weeks before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision deadline. The decision deadline on this application is October 31, 2020. If additional time is required to respond to these adequacy issues please

submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

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 **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert; Division of Reclamation, Mining & Safety

ec: Peter Hurt, Arkansas Valley Ranch, LLC, peter@arkansasvalleyranch.com
Angela Bellantoni Ph.D., Environmental Alternatives, Inc., angela@envalternatives.com