



September 8, 2020

Tony Roberts
Scott Contracting, Inc.
9200 E Mineral Ave
Suite 400
Centennial, CO 80112

RE: Rifle Pit #1, File No. M-2020-008 , Construction Materials Regular 112 Application Third Adequacy Review

Dear Mr. Roberts:

On August 5, 2020 The Division of Reclamation, Mining and Safety (Division) received your Adequacy Review Response. During review of the material submitted, the Division determined that the following issues need to be addressed before a decision can be rendered.

1. Maps

- a. In accordance with Rule 6.21.1(2) all maps must show; the name of the applicant; must be prepared and signed by a registered land surveyor, professional engineer or other qualified person; give the date prepared; and identify and outline the area which corresponds with the application. While new maps were submitted titled C1-C5 the maps were not signed by the individual who prepared the maps. Please submit signed copies of Maps C1- C5.

2. Exhibit A- Legal Description

- a. In the Division's Preliminary Adequacy Review dated March 2, 2020 the issue was raised regarding the acreage of the parcel. The application package and all exhibits depict the Permit Area, which is synonymous with the Parcel Boundary at 58.7 Acres, however the Garfield County Accessor's website lists the parcel at 57.9 acres. This issue was not addressed in the Adequacy Review Response, Please clarify this discrepancy and submit documentation of which is the accurate number of Acres. If changes are required to the other exhibits or maps please update them accordingly.

3. Exhibit D- Mining Plan; Rule 6.4.4

- a. Item 2 (f) of the Adequacy Review Response, which also corresponds to item 2(f) of the Division's adequacy review dated March 27, 2020 addresses a discussion in regards to the legal right to use the ditch across the neighboring properties to convey the water generated from dewatering operations. Also, the discharge point was shown on Map C2 of Exhibit B of the Adequacy Review Response. The submitted materials however did not depict the flow path from the permit boundary to the Colorado River nor did it include a hydrologic



demonstration that the receiving ditch has sufficient capacity to include the increased flow from dewatering operations. Please provide a map depicting the flow path of the water from the discharge point to the Colorado River and include a hydrologic demonstration that discusses the volume of water discharged from dewatering operations and that the receiving ditch has sufficient capacity to include that increased flow. Similarly, correspondence with the Division of Water Resources indicate that in order to discharge waters from the dewatering operations and rerouted waters from tail water return ditch located on the property, an easement is required to convey the water through the adjacent properties back to the Colorado River. Please provide documentation of a legal easement to convey the discharged waters from the Permitted Area, across the adjoining property or properties, back to the Colorado River pursuant to Rules 3.1.6 (1) and 6.4.14.

Also included in Item 2(f) of the Adequacy Review Response was the reference to Exhibit D of the response titled "Supplement to Hahn Water Resources Letter Report of August 2, 2019 on an Evaluation of the Impacts of Dewatering at the Rifle Pit No. 1". This exhibit details that the dewatering operations plan has been modified and now includes a series of 8 wells accompanied with perimeter drains surrounding the pit. Please submit a copy of the revised dewatering plans including locations of the proposed dewatering wells, rates of production, flow path of the water to the discharge point and a narrative detailing if the wells will all be installed simultaneously or if they will be staged as the mining operations progress. Please also include a demonstration of the hydrologic cone of depression that will be created by the use of the increased number of wells to dewater the property. As it is noted in Exhibit D of the response it may be necessary to engage a dewatering contractor who would make further investigation of subsurface conditions, design the dewatering system and refine estimates of the timing and rates of inflow to be expected during dewatering activities. Please submit all requested materials as well as any supplemental materials that may be necessary to address the above listed items pursuant to Rule 3.1.6 (1).

4. Exhibit E- Reclamation Plan; Rule 6.4.5

- a. Based on the details of item 3 (c) of the Adequacy Review Response it is inferred that the slopes around the pond upon final reclamation will be broadcast seeded and the upland areas will be drill seeded. Based on Map C3 Reclamation Plan Map, please indicated the number of acres to be drill seeded and the number of acres to be broadcast seeded. Where such information is not provided the Division will use broadcast seeding as the standard method of seeding while performing the Reclamation Cost Estimate.
- b. In items 3 (d) and (f) of the Adequacy Review Response Exhibit F is referenced to contain the updated seed mixes, seed bed prep method as well as the amount and type of mulch to be used on the revegetated areas. However Exhibit F only contains the seed mixes for the two types. Please submit a revised Seed Mix including the seed bed preparation method, seed mix, amount and type of mulch to be used for both the "upland" and "wetland slope seed mix". Also, item 3(f) of the Division's Adequacy Review dated March 27, 2020 requested documentation that the proposed seed mix for the upland areas was recommended by the

NRCS. Please submit that documentation. Consultation on with the NRCS in regards to the wetland seed mix is also recommended.

In addition to the above listed items, please clarify the seeding rate for the Chairmaker's Bulrush. Alternatively, a substitute for that species including the seeding rate can be made.

5. Exhibit G- Water Information; Rule 6.4.7

- a. Item 4 (a) of the Division's Adequacy Review dated March 27, 2020 requested more information regarding the receiving ditch of the proposed dewatering operations. More details have been requested in Item 3 (a) of this review. Please include those details in a Revised Exhibit G.
- b. While the Summary of Environmental (Wetland) Findings for the Rifle Gravel Pit #1 Property report does address the location, size and depth of the hydraulic cone of depression, details in the dewatering portion of that report indicate that the models of the hydraulic cone depression were based on dewatering the pit by way of a perimeter ground water intercept ditch and not the use of dewatering well. Conversely, the Supplement to Hahn Water Resources Letter included in Exhibit D of the Adequacy Review Response shows a very different set of figures that are based on a series of 8 dewatering wells located around the perimeter of the property. It is stated in that letter that water level lowering will be laterally extensive. It is also stated that by re-routing the tail water ditch located on the property and simultaneously developing the eastern portion of the property will result in the loss of wetland conditions on the property and therefore fall outside the jurisdiction of the US Army Corps of Engineers (USACOE) suggesting that all wetlands located on and adjacent to the property are fed solely by irrigation waters.

Based on this information the Division has determined that this information does not demonstrate that lowering the groundwater by the dewatering operations will not cause injury to the wetlands both on and off the property and the applicant has not demonstrated the impacts to the prevailing hydrologic balance will be minimized in compliance with Rule 3.1.6. Also, the Division has determined that the information provided does not demonstrate the wetlands located within the proposed Permit Boundary as well as on adjacent lands are fed solely by irrigation and non-jurisdictional for the USACOE. Please provide a revised Exhibit G that clearly identifies the plan for dewatering operations before and during the proposed mining operations. Please also include an updated hydrologic model that shows the accurate cone of depression based on the clearly identified dewatering plan. Furthermore, please provide any and all documentation, vegetative and hydraulic surveys and verification in writing from the USACOE necessary to demonstrate that the wetlands located on the property are non-jurisdictional and that dewatering operations associated with the mining activity will not injure wetlands on the adjacent properties.

6. Exhibit L – Reclamation Costs; Rule 6.4.12

- a. In conjunction with Item 3 (a) and 5 (b) of this review please provide detailed information on the dewatering operations including the pump size, discharge point, flow of effluent in Gallons per Minute (GPM) and estimated Ground Water Recharge Rate. This information will be used to factor in dewatering operations to the reclamation cost estimate.
- b. In conjunction with Items 4 (a) and (b) of this review please include the updated revegetation information including number of acres to be seeded with each seed mix, as well as the seed bed preparation methods, seeding methods and rates as well as any erosion control measure to be used such as straw mulch, blankets or straw wattles for both the upland and wetland revegetation areas. This information will be duplicative but should be copied in both exhibits to ensure an accurate reclamation cost estimate.

7. Exhibit Q- Proof of Mailing Notices to Board of County Commissioners and Soil Conservation District; Rule 6.4.17

- a. While proof of mailing the notices was submitted, a copy of the notice that depicts the accurate post mining land use was not. Please submit a copy of the notice that was sent which should depict the accurate post mining land use.

Please note that for all notices that have been sent via Certified Mail, confirmation of delivery by way of a returned signature card will be required before a decision can be rendered on the application pursuant to Rule 1.6.2(1)(g).

8. Exhibit S- Permanent Man-made Structures; Rules 6.4.19

- a. The structure agreements from the Colorado Department of Transportation and Shidelerosa LLP have been noted. For all other permanent man-made structures please refer to Rule 6.4.19 (a), which states "Where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation". Please perform and submit an appropriate engineering evaluation for each of the structures where an agreement cannot be reached.

Please submit your responses to the above listed issues by Thursday, October 01, 2020 in order to allow the Division sufficient time for review. The current Decision Date for the application is Friday October 23, 2020. If you require additional time to respond to the above listed issues please submit a Decision Date Extension Request in writing, to the Division's Denver Office. Please note that Pursuant to Rule 1.4.1 (9) the review time may be extended and the decision date reset, not to exceed three hundred and sixty-five (365) days from the date the application was filed. If at the end of the three hundred and sixty-five (365) day period, the application has outstanding adequacy issues, the Office may set the matter for a Board Hearing. In this case the Rifle Pit #1 application was considered filed on February 4, 2020.

If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office, by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us.

Sincerely,



Lucas West

Environmental Protection Specialist
Division of Reclamation, Mining and Safety

Cc: Travis Marshall, Senior Environmental Protection Specialist

Ec: Tony Roberts, Scott Contracting, Inc.
Doug Grant, Grant Bros. Construction, LLC
Michael Sawyer, Karp, Neu, Hanlon, PC
Travis Morse, US Army Corps of Engineers