



September 25, 2020

Steve Williams
Washington County Road and Bridge District 3
11920 CR CC
Anton, CO 80801

RE: Nelson Pit (Permit No. M-2020-040)
Incomplete Application

Dear Mr. Williams:

On August 6, 2020, the Division of Reclamation, Mining and Safety received your 112 Construction Materials Reclamation Application package for the Nelson Pit, File No. M-2020-040. The permit application submitted is for a 112c permit and the correct application fee was also submitted. However, the Exhibits submitted with the application follow the format for a 110c application. The following questions will address adequacy issues and any missing information that is need to complete the 112c application. This information needs to be addressed and/or received before the Division can approve the application:

Rule 6.4 - Specific Exhibit Requirements - 112 Reclamation Operation

6.4.1 EXHIBIT A - Legal Description - Adequate as submitted.

6.4.2 EXHIBIT B - Index Map – Adequate as submitted.

6.4.3 EXHIBIT C - Pre-mining & Mining Plan Map(s) of Affected Lands

1. Please submit a map showing the locations of the powerlines, barbed wire fences and the abandoned residence that were listed in Exhibit B of the application, Rule 6.4.3(g).

6.4.4 EXHIBIT D - Mining Plan

2. Please specify if explosives will be used in conjunction with the mining operations at this site, Rule 6.4.4(i).
3. The property owner to the west of the proposed mine site, Mr. Saadatkah, was unavailable to sign a structure agreement for the fenceline on his property. Washington County has committed to stay 50 feet lateral from his fence and have 4h:1v slope (Exhibit O) to prevent damage to the fence. The Division agrees that this is an adequate plan to protect the fence as long as the pit does not exceed the 15 foot depth proposed in Exhibit C and the western side of the pit is mined at a slope no greater than 4h:1v. Please commit to these conditions to protect Mr. Saadatkah's fence line.

6.4.5 EXHIBIT E - Reclamation Plan



4. Bullet #3 states that 6-12 inches of topsoil will be used to cover the slopes. In Exhibit C it states that approximately 7 inches of topsoil will be salvaged. Please clarify how much topsoil will be replaced.
5. Please clarify if topsoil is available in the bottom of the creek bed and if topsoil will be replaced on the creek bed during reclamation.
6. Bullet #4 states that cow manure will be used for fertilizer and spread at a rate of 20 tons per acre. The permit is 52 acres in size and this would mean a 1,040 tons of manure. The NRCS letter in the application calls for 800 lbs/acre of straw. Please clarify which amendment you will use for reclamation.
7. Bullet #5 lists a reclamation seed mix and a NRCS seed mix is also included on page 37. Please clarify which seed mix will be used for reclamation.

6.4.6 EXHIBIT F - Reclamation Plan Map - Adequate as submitted.

6.4.7 EXHIBIT G - Water Information

8. A statement needs to be included in the application if the operation will directly affect surface or groundwater systems, Rule 6.4.7(1). Surface water will be affected as described in Exhibit D and a commitment was made to not interfere with the natural flow of Vega Creek. A statement needs to be made if the operation is expected to encounter ground water.
9. Soils data was submitted showing the Depth of Water Table to be greater than 200 cm or about 6.5 feet. Mining is anticipated to be about 15 feet deep. Please provide evidence in greater detail of the anticipate depth of water table. Local, residential wells on the State Engineer's Office can be a source of information.
10. If ground water is encountered, please commit to leaving 24 inches of soil above the water table.

6.4.8 EXHIBIT H - Wildlife Information - Adequate as submitted.

6.4.9 EXHIBIT I - Soils Information - Adequate as submitted.

6.4.10 EXHIBIT J - Vegetation Information - Adequate as submitted.

6.4.11 EXHIBIT K - Climate

11. Exhibit K was not included with the application. Please submit a description of the significant climatological factors for the Nelson Pit, Rule 6.4.11.

6.4.12 EXHIBIT L - Reclamation Costs

12. The Nelson Pit will be operated by Washington County. A cost estimate is not required for a county operation.

6.4.13 EXHIBIT M - Other Permits and Licenses (Statement Req'd) - Adequate as submitted.

6.4.14 EXHIBIT N - Source of Legal Right to Enter - Adequate as submitted.

6.4.15 EXHIBIT O - Owner(s) of Record of Affected Land and Substance to be Mined - Adequate as submitted.

6.4.16 EXHIBIT P - Municipalities Within Two Miles - Adequate as submitted.

6.4.17 EXHIBIT Q - Proof of Mailing of Notices to Board of County - Adequate as submitted.

6.4.18 EXHIBIT R - Proof of Filing with County Clerk and Recorder - Adequate as submitted.

6.4.19 EXHIBIT S - Permanent Man-made Structures Adequate as submitted.

Please note that the decision date for this application is November 11, 2020. If you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. Also, the comment period for this application is still open and any comments or objections received may initiate new adequacy questions.

All corrected pages must also be provided to Washington County Clerk & Recorder.

If you have any questions, please contact me at (720) 774-0040 or brock.bowles@state.co.us.

Sincerely,



Brock Bowles
Environmental Protection Specialist

CC: Michael Cunningham, DRMS