



December 14, 2020

Gary L. Steen
Fountain Mutual Irrigation Company
P.O. Box 75292
Colorado Springs, CO 80970

RE: Big Johnson Reservoir, File No. M-2020-028, 111(1)(b) Construction Materials Reclamation Permit Application, Preliminary Adequacy Review

Mr. Steen:

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of your 111(1)(b) Construction Materials Reclamation Permit Application submitted for the Big Johnson Reservoir in El Paso County. All comment and review periods for the application began on December 10, 2020, when the application was called complete for filing purposes.

The Division has identified adequacy items in the application requiring clarification or additional information. These items are identified below under their respective exhibit heading, and are numbered sequentially.

Exhibit B – Site Description (Rule 6.3.2):

- 1) Under Item #4, the applicant lists one permanent man-made structure located within 200 feet of the proposed permit boundary, a fence owned by the applicant. However, the reservoir located within the proposed permit boundary is also considered a permanent, man-made structure. Therefore, please add the reservoir and its owner to this list.
- 2) Under Item #5, the applicant checked the “No” box, which indicates there are no streams, springs, lakes, stock water ponds, ditches, reservoirs, or aquifers that would receive drainage directly from the mine. However, the proposed mine operation is located within the Big Johnson Reservoir, which would receive drainage directly from the mine. Therefore, please add the reservoir to this list.

Exhibit C – Mining Plan (Rule 6.3.3):

- 3) Please clarify whether the applicant proposes disturbing the entire 30-acre permit area, and if not, please specify the maximum disturbance (in acres) proposed.
- 4) Under Item #2, the applicant checked the “N/A” box, which indicates no topsoil will be salvaged by the operation. However, in its inspection report signed on June 5, 2020, the Division states “scrapers had been used to stockpile topsoil” and the report includes a photo of a topsoil stockpile stored



adjacent to the haul road. Please explain and/or correct this discrepancy. Will any topsoil be salvaged by the operation for reclamation? If so, please check the appropriate box under this item.

- 5) Under Item #3, no information was provided on how topsoil will be stockpiled and stabilized. If topsoil will be stockpiled for use in reclaiming the site, please provide a description under this item.
- 6) Under Item #9, please provide the following information on the proposed Mining Plan:
 - a) Does the applicant propose extracting material only from the bottom of the reservoir or will the reservoir be expanded in any way?
 - b) Please describe how the reservoir shorelines will be disturbed by the operation.
 - c) Please describe any disturbances to occur outside of the reservoir, including any temporary stockpiling areas (e.g., topsoil, mined material, waste). Please ensure all proposed disturbances, including any stockpile areas are shown on the Exhibit E Mining Plan Map.
 - d) In its inspection report signed on June 5, 2020, the Division mentions some clay had been found and was being stockpiled on site for use in lining an irrigation ditch owned by the applicant. Please provide more details on this material, including where the clay will be temporarily stockpiled on site, and whether the applicant expects to use this material for the ditch project prior to reclamation of the mine site. Please ensure any proposed stockpile areas are shown on the Exhibit E Mining Plan Map.

Exhibit D – Reclamation Plan (Rule 6.3.4):

- 7) Under Item #4, the applicant states the final grade of the reclaimed slopes will be 6H:1V. Please explain if this includes the reservoir bottom and/or the shorelines of the reservoir.
- 8) Please provide the approximate acreage requiring grading for reclamation.
- 9) Under Item #5, the applicant checked the “N/A” box which indicates no topsoil will be replaced on affected land for reclamation. However, in its inspection report signed on June 5, 2020, the Division states “scrapers had been used to stockpile topsoil” and the report includes a photo of a topsoil stockpile stored adjacent to the haul road. Please explain and/or correct this discrepancy. Will any topsoil be salvaged by the operation? Will any portion of the affected lands (e.g., reservoir shorelines, disturbances outside of reservoir) require topsoil placement for reclamation? If so, please check the appropriate box under this item for replacement depth.
- 10) Please provide the approximate acreage requiring topsoil placement and revegetation for reclamation, if any.
- 11) If any portion of the affected lands will be retopsoiled and revegetated for reclamation, please provide information under Item #6 describing how the seedbed will be prepared to eliminate compacted conditions.

- 12) Under Items #7-11, the applicant did not provide any information for revegetation. Please clarify whether any portion of the affected lands (e.g., reservoir shorelines, disturbances outside of reservoir) will require revegetation for reclamation. If revegetation will be required, please be sure to provide the applicable information under Items #7-11.
- 13) Under Item #12, please provide the following information on the proposed Reclamation Plan:
- a) Please describe how any disturbances to occur on the reservoir shorelines and outside of the reservoir will be reclaimed. Please ensure the proposed reclamation plan for all disturbances are shown on the Exhibit E Reclamation Plan Map.
 - b) Please describe the water rights in place for the reservoir.

Exhibit E – Maps (Rule 6.3.5):

- 14) Please add the following information to the Mining Plan Map:
- a) Add a map label of “Exhibit E – Mining Plan Map”.
 - b) Show the location of the fence owned by the applicant (listed in Exhibit B).
 - c) Outline and label the proposed access road(s) and the location of any temporary stockpiling areas (e.g., topsoil, product, waste).

If the scale of the map submitted is not adequate to legibly portray all the required information, please submit a separate Exhibit E - Mining Plan Map with a closer view of the proposed permit area.

- 15) Please add the following information to the Reclamation Plan Map:
- a) Add a map label of “Exhibit E – Reclamation Plan Map”.
 - b) Show the gradient of all reclaimed slopes (horizontal:vertical) sufficient to describe the post-mine topography (e.g., reservoir floor, shorelines, disturbed areas outside of reservoir).
 - c) Indicate any areas which will be retopsoiled and revegetated for reclamation, stating the average thickness of replaced topsoil.
 - d) Outline the final shore configuration of the reservoir (within the proposed permit area).
 - e) Show the anticipated location for the road to remain after reclamation.

If the scale of the map submitted is not adequate to legibly portray all the required information, please submit a separate Exhibit E - Reclamation Plan Map with a closer view of the proposed permit area.

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This concludes the Division's preliminary adequacy review of your application. The decision date for your application is scheduled for December 25, 2020. However, please ensure the Division sufficient time to complete its review and calculate the required financial warranty by responding to these adequacy items no later than Friday, **December 18, 2020**. If more time is needed to address these items, please submit an extension request to our office no later than December 18, 2020.

Please remember that, pursuant to Rule 1.6.2(1)(c), any changes or additions to the application on file in our office must also be reflected in the public review copy which was placed with the County Clerk and Recorder. Pursuant to Rule 6.4.18, you must submit to our office (with your adequacy response) an affidavit or receipt indicating the date this was done.

If you have any questions, you may contact me by telephone at (303) 866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

Cc: Tim Cazier, DRMS
Michael Cunningham, DRMS