



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

February 18, 2021

Randy Snare
Snare Construction, Inc
13619 County Road 1
Florissant, CO 80816

**RE: Adequacy Review, 110c Construction Materials Application
Snare Construction, Inc. and Materials, File No. M-2020-055**

Dear Mr. Snare,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of the Snare Construction, Inc 110c Construction Materials Reclamation Permit Application for the proposed operation known as Snare Construction, Inc and Materials, File No. M-2020-055, and submits the following comments. **The Division is required to make an approval or denial decision no later than February 25, 2021; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** If more time is needed to respond to this Adequacy Review, the Division can grant an extension of the decision date following a request by the Applicant. Please respond to this Adequacy Review with the requested information and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Response; M-2020-055".

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.3 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit.

GENERAL APPLICATION PROCEDURES

1. As required by Rule 1.6.2(1)(g), please submit proof of publication of a public notice in a newspaper of general circulation in the locality of the proposed mining operation.
2. As required by Rule 1.6.2(1)(g), please submit proof that the public notice was provided to all owners of record of surface and mineral rights of the affected land and to the owners of record of all land surface within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a certified mailing or by proof of personal service.
3. The Division received a comment letters from Division of Water Resources and History Colorado regarding the application. The letters are attached for your review. Please acknowledge and address any comments noted in the letters and make changes to the application as necessary.

EXHIBIT B – Site Description (Rule 6.3.2)

4. Within Exhibit B, as required by Rule 6.3.2(c), the Applicant has indicated there are no permanent man-made structures located within 200 feet of the affected lands. Upon review of the Exhibit E Mine Plan Map, a fence line is located along a portion of the proposed southern permit boundary. Additionally, based on a Google Earth aerial image there appears to be an overhead utility line located along a portion of the proposed northern permit boundary. Please verify these structures are located within 200 feet of the proposed permit boundary and revise Exhibit B accordingly and provide the owners of the structures.



5. Within Exhibit B, the Applicant has indicated there are no water resources within the area of the proposed operation. The Division has identified an upper tributary of Grape Creek is located adjacent to the proposed northern permit boundary. Please note, the Division considers the area of the proposed operation as the vicinity which could receive drainage from the mine and this is not restricted to within the proposed permit boundary. Please revise Exhibit B to reflect this water resource as required by Rule 6.3.2(c).

EXHIBIT C - Mining Plan (Rule 6.3.3)

6. Within Exhibit C, the Applicant describes all storm water will be directed into a settlement pond (with 3H:1V slopes) and this pond will be utilized after final reclamation as a part of the proposed cattle feedlot/corrals post mining land use. Please provide the dimensions and capacity of this proposed sediment pond. Please also provide details regarding the bottom of the pond versus the depth of groundwater in the area. Please describe the outlet/overflow of this pond.
7. Based on a review of the topography of the proposed permit boundary, a large portion of the site slopes to the north toward an upper tributary of Grape Creek. In accordance with Rule 6.3.3(i) and Rule 3.1.6(3), please describe how storm water will be controlled along the northern permit boundary (berms, silt fences, ditches, etc) to protect off-site lands from sedimentation.
8. Within Exhibit C, the Applicant has specified the depth of the deposit to be 95 feet however, the reclamation plan map identifies a “40-foot cut” along the eastern permit boundary. Please discuss this discrepancy and revise the application accordingly.
9. Pursuant to Rule 3.1.9(2), woody vegetation at the site shall be removed from or appropriately incorporated into the existing topsoil prior to excavation within the affected areas and that Applicant should make a reasonable effort to ensure that existing vegetation is put to a beneficial use such as firewood, mulching, lumber, etc. Please clarify that the woody vegetation which will be removed as a part of the mining operation will be removed from the permit boundary and describe how the Applicant will comply with Rule 3.1.9(2) regarding the beneficial use of this material.
10. Please discuss the maximum mining slopes during the operation (e.g. near vertical highwall, a 3H:1V slope which matches the final slope along the eastern boundary or somewhere between).
11. The Division will calculate a reclamation bond cost estimate based on the responses to this adequacy letter. You will be provided copy of that reclamation cost estimate for review before the decision date.
No further response needed.

EXHIBIT D – Reclamation Plan (Rule 6.3.4)

12. After several conversations with the Applicant, the Division is aware of the Applicant’s plans to one day possibly expand the permit to continue mining east leaving one large flat area for the proposed cattle feedlot/corrals post mining land use, but is starting the operation as a 9.9-acre 110c permit. As the Division has discussed the proposed plan needs to reflect how the site would be reclaimed with the current size of permit. The application was revised during the filing deficiency review and now proposes the eastern portion of the site to have a 3H:1V slope upon completion which may not be necessary with a future expansion of the permit, however, the application needs to contain further details of the current reclamation plan as the permit is being proposed today. Please provide details on how this eastern slope will be stabilized to control erosion during final reclamation. As discussed, the most common method would be to replace growth medium (topsoil) on the slope and seed with a native seed mixture. The Division estimates the area of the slope to be approximately 2.4 acres. Based on the soil profile of the Rofork Unit the A1

horizon is 0-5 inches and based on the Division's experience with similar operations in the vicinity of the area, the Applicant should likely salvage the top 3-6 inches for use of growth medium replacement on this slope. At least 971 CY of growth medium would need to be salvaged, stockpiled, and protected from wind and water erosion (typically achieved by seeding with the approved final seed mixture). Please also provide the reclamation seed mixture and seeding rate of the eastern slope area. The Division recommends you contact the Teller Park Conservation District for assistance with a recommended reclamation seed mixture.

EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)

13. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this adequacy letter has been added to it.

EXHIBIT L – Permanent Man-Made Structures (Rule 6.3.12)

14. Within Adequacy Item #4, the Division has identified a fence and utility line are located adjacent to the proposed permit boundary. Where the permit boundary is within 200 feet of any permanent man-made structure, the applicant shall: (a) provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or (b) 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; or (c) where such structure is a utility, the applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. Please comply with Rule 6.3.12 regarding these structures.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on February 25, 2021, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by February 25, 2021, and the request for additional time. This must be received no later than the deadline date.**

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 x8132**, or by email at elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Enclosure: Comment Letter - Division of Water Resources M2020055
 Comment Letter - History Colorado M2020055

ec: Jason Musick with DRMS, jason.musick@state.co.us