

March 5, 2021

Zane Luttrell
Cornerstone Materials LLC
23628 Uncompahgre Road
Montrose, CO 81403



1313 Sherman Street, Room 215
Denver, CO 80203

RE: Blue Creek Staging Area, File No. M-2021-016, Special (111) Operation, Notice of Incomplete Application

Mr. Luttrell:

The Division of Reclamation, Mining and Safety (Division) has performed an initial review of your application in order to determine whether it contains all the permit application information required for filing by the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). Our review has determined the following items must be submitted before the application can be considered filed.

6.3.2 EXHIBIT B - Site Description

Items listed below must be addressed to the extent necessary to demonstrate compliance with the applicable performance standard requirements of Rule 3. ***At a minimum, the Operator/Applicant shall include the following information:***

- (a) a description of the vegetation and soil characteristics in the area of the proposed operation. The local office of the Soil Conservation Service (SCS) may provide you with this information as well as recommendations for Exhibit D - Reclamation Plan;
- (b) identify any permanent man-made structures within two hundred (200) feet of the affected area and the owner of each structure. Each structure should be located on Exhibit E - Map.

6.3.3 EXHIBIT C - Mining Plan

The purpose of the mining plan is to describe how mining will affect the permit area for the duration of the operation. This plan must be correlated to Exhibit E - Map. The description of the mining plan must be adequate to satisfy the requirements of Section 3.1 and demonstrate compliance with Rule 3. ***At a minimum, the Operator/Applicant must include the following information:***

- (b) the estimated depth to which soil, suitable as a plant growth medium, will be salvaged for use in the reclamation process. This description must be consistent with information provided in Exhibit B. Sufficient soil must be salvaged to meet the vegetation establishment criteria of Rule 3.1.10. If plant growth medium is not reapplied on a graded area immediately after salvage, then the



Operator/Applicant must specify how the topsoil will be stockpiled and stabilized with a vegetative cover or other means until used in reclamation. Plant growth medium stockpiles must be located separate from other stockpiles, out of the way of mine traffic and out of stream channels or drainageways. The location of plant growth medium stockpiles must be shown on Exhibit E - Map;

(c) specify the thickness of overburden or quantity of waste rock, if any, to be removed to reach the deposit. The location of any overburden stockpiles or waste rock fills must be shown on Exhibit E - Map;

(d) specify the thickness of the deposit to be mined;

(e) describe the major components of the mining operation such as: roads and access routes, pit, office, shop/maintenance buildings, plant, processing facilities, and any underground openings such as adits or ventilation facilities. These components must be located on Exhibit E - Map;

(f) specify the dimensions of any significant disturbances to the land surface such as pit excavations, mine benches, impoundments, stockpiles, waste rock disposal areas, etc;

(g) specify the dimensions of any existing or proposed roads that will be used for the mining operation. Describe any improvements necessary on existing roads and the specifications to be used in the construction of new roads. New or improved roads must be included as part of the permitted acreage. Describe any associated drainage and runoff conveyance structures to include sufficient information to evaluate structure sizing;

(m) specify whether the deposit will be processed on-site. If the deposit will be processed, then describe the nature of the process, facilities and chemicals utilized. The process area and any structures must be described on Exhibit E - Map;

(p) Specify if explosives will be used in conjunction with the mining or reclamation. In consultation with the Office, the Applicant must demonstrate, pursuant to Subsection 6.5(4), Geotechnical Stability Exhibit, that off site areas will not be adversely affected by blasting during mining or reclamation operations.

6.3.4 EXHIBIT D - Reclamation Plan

The purpose of the Reclamation Plan is to describe the timing, procedures, criteria and materials that will be used to reclaim the affected land to the proposed future land use. This plan must be correlated to Exhibit E - Map. The description of the Reclamation Plan must be adequate to satisfy the requirements of Section 3.1 and demonstrate compliance with Rule 3. ***At a minimum, the Application shall include the following information:***

(c) specify the measures that will be taken to revegetate the site, if applicable, including:

(i) state the thickness of plant growth medium to be replaced. Sample and analyze available soils sufficiently to establish quantity and quality;

(ii) state at what point in the mining plan the site will be seeded. Explain how the seedbed will be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced). State the type, application rate, and soil incorporation methods of fertilizer application, if any. NOTE: Soil amendments shall only be applied where soil tests indicate nutrient deficiencies for the plant species to be established;

(iii) state the grass, forb, shrub and tree species to be planted and the applicable quantities. Specify the quantity of each grass and forb species as pounds of pure live seed per acre;

(iv) specify the application method for grass and forb seeding. If the seed is to be broadcast, the application rate shall be twice the rate required for seed drilling. If the seedbed has not been adequately roughened prior to seeding, the seed shall be raked or harrowed after broadcast application;

(v) if a mulch is needed, specify the kind to be used, the crimping method, and rate of application; and

(vi) explain the establishment methods for each species of shrub and/or tree, and state the number of each to be established per acre.

(d) Specify which roads and buildings, if any, will remain after reclamation. These features must be shown on the Exhibit E - Map.

6.3.11 EXHIBIT K - Terms of Governmental Contract

For Special 111 Operation, provide a **copy of the signed government contract** verifying the necessity of a Special 111 Operation permit.

6.3.12 EXHIBIT L - Permanent Man-Made Structures

Where the affected lands are within two hundred (200) feet of any significant, valuable and 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;

The above structure agreement must be submitted for any structures, including fences, located within 200 feet of the permit boundary.

(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;

(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.

The above notarized letter must be submitted for the powerlines located within 200 feet of the permit boundary.

Please submit the above listed items within 60 days pursuant to Rule 1.4.1 (8).

The Division will continue to review your application and will contact you if additional information is needed.

If you require additional information, or have questions or concerns, please contact me.

Sincerely,



Dustin Czapla

Environmental Protection Specialist
Division of Reclamation, Mining and Safety
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