



April 14, 2021

J. C. York  
J&T Consulting, Inc.  
305 Denver Ave, Suite D  
Fort Lupton, CO 80621

**RE: West Farm Pit (Permit No. M-2008-078)**  
**Amendment No. 2 (AM-02)**  
**Adequacy Review #2**

Dear Mr. York:

On April 2, 2021 the Division of Reclamation, Mining and Safety received your adequacy responses to the Division's adequacy questions of February 9, 2021 for the West Farm Pit, File No. M-2008-078. The following questions address adequacy issues and missing information that is needed to complete the application. This information needs to be addressed and/or received before the Division can approve the application.

Rule 6.2.1(2) Maps and Exhibits - Adequate as submitted.

Rule 6.4 - Specific Exhibit Requirements - 112 Reclamation Operation

6.4.1 EXHIBIT A - Legal Description - Adequate as submitted.

1. Item Resolved.

6.4.2 EXHIBIT B - Index Map - Adequate as submitted.

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

2. Item Resolved.
3. Item Resolved.
4. Item Resolved.
5. Item Resolved.
6. Item Resolved.
7. Item Resolved.
8. Item Resolved.
9. Item Resolved.
10. Item Resolved.
11. Item Resolved.

6.4.4 EXHIBIT D - Mining Plan



- 12. Item Resolved.
- 13. Item Resolved.
- 14. Item Resolved.
- 15. Item Resolved.
- 16. Item Resolved.
- 17. Item Resolved.
- 18. Item Resolved.

#### 6.4.5 EXHIBIT E - Reclamation Plan

- 19. Item Resolved.
- 20. PAO has committed to install a perimeter drain if one is needed. PAO has also determined that a perimeter drain was not need at this time. This determination was based on 3 months of water data collected in the vicinity of the proposed phase 3 & 8 slurry wall locations. However, as the slurry walls are constructed and more data is collected over time, the effects of the slurry wall on the ground water levels will be better understood. It may be determined at a later time that a perimeter drain is need. Please describe the event or measurement that will determine when the perimeter drain is needed and installed. DRMS proposes a trigger level of +/- 2 feet deviation for 2 consecutive months from the seasonal peak/low water level for each well prior to slurry wall installation. If a different trigger measurement/even is proposed by PAO, please provide the rationale for the proposal.

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

#### 6.4.7 EXHIBIT G - Water Information -

- 21. Item Resolved.
  - 22. Item Resolved.
  - 23. Item Resolved.
  - 24. The ground water model submitted for review utilized 3 months of data for wells adjacent to the proposed Phase 3 & 8 slurry walls. Although 3 months of background data is less than ideal, the Division understands that collecting data may have been challenging before the permit amendment process began. PAO has committed to a phased approach to install future monitoring wells 3-4 months prior to future slurry wall construction. In the Division's experience, 3-4 months of ground water data is insufficient to understand the full effects of a slurry wall because it does not capture seasonal fluctuations over the course of the entire water year. Therefore, please commit to 5 quarters of monthly ground water data and an updated ground water model submitted to the Division prior to construction of each slurry wall after phases 3 & 8. DRMS will also require that PAO install monitoring wells along the south side of the proposed operation as soon as possible. These well locations are needed to collect as much background data prior to slurry wall installation as possible, as well as monitor for the potential off-site shadowing impacts shown in the provided model after the proposed slurry walls are installed.
  - 25. Item Resolved.
  - 26. Item Resolved.
- 26-A) Almost the entire proposed mining area is within the 100 year flood plain and parts of Phases 1 and 6 are in the 100 year floodway. PAO provided data and justification in AM-01 concluding that "no

riverside or pit side protection is needed.” Please clarify if the data and justification provided in AM-01 is applicable to the mining plan proposed in AM-02.

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 -

27. Item Resolved.

6.4.11 EXHIBIT K - Climate- Adequate as submitted.

6.4.12 EXHIBIT L - Reclamation Costs –

28. Item Resolved.

29. The acres recorded on the Reclamation Cost Summary chart are not consistent with the Summary of Unit Costs worksheets and acreages listed on Maps in Exhibit C. Please update the acreages for consistency.

30. In phases 7 & 9, acres were credited to these tasks, lowering the cost of the task. The source of the credit is labeled as ‘credit from above’ but it is unclear where above is. The number of acres credited is greater than the number of acres in the phase being restored. Please clarify the source of the credits and explain why the number of acres credited is greater than the acres in the phase.

31. Item Resolved.

31-A. During the Feb 19 inspection, it was noted that several large overburden stockpiles were placed west of the scale house. PAO said these stockpiles will be used for the highway realignment project that has been proposed to go through the permit area between phases 8 & 9. CDOT submitted the grant proposal for the realignment project to the U.S.-DOT in April 2016. The status and timing of the project is unknown at this time. According to Rule 4.2.1(4), the Division sets the reclamation bond to not exceed the cost of fully reclaiming all lands affected in said year and all previous years. Since there is no clear timeline when the stockpiled material will be used or sold as a product, the stockpiles need to be bonded for disposal. Please submit the following information so an accurate cost estimate can be calculated:

- a) An estimate of the projected volume of material that will be stored west of the scale house,
- b) Acreage of the area disturbed for the stockpiles.

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 –

32. Item Resolved.

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 -

33. The following structure agreements were not included in the AM-02 application and were not found in the previous amendment application:
  - a. Item Resolved.
  - b. Item Resolved.
  - c. Inman fence
  - d. Item Resolved.
  - e. Item Resolved.
34. The structure agreement with Prowers County Road Dept. is from 2018 and covers the sections of CR HH.5 and HH8/10 that are in the current permit area. CR HH 8/10 and CR 11 are within the proposed AM-02 permit area. A structure agreement needs to be submitted that addresses these sections of road.
35. Item Resolved.
36. Item Resolved.
37. Item Resolved.

#### Exhibit A- Slope Stability Report

38. Item Resolved.
39. Item Resolved.
40. The operator is committing to the slope stability monitoring recommendations outlined on page 9 of the J&T Consulting, Inc. report. These commitments will be added to the terms and conditions of the permit upon final approval of the permit.

Please note that the decision date for this application is April 16, 2021. 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 Prowers County Clerk & Recorder.

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

Sincerely,



Brock Bowles  
Environmental Protection Specialist

CC: Michael Cunningham, DRMS  
Amy Eschberger, DRMS