



May 4, 2021

Perry Neil
Crossfire Aggregate Services, LLC
P.O. Box 352
Ignacio, CO 81137

RE: Toner Ranch Pit, File No. M-2021-011 , Construction Materials Limited Impact (110) Reclamation Permit Application Adequacy Review

Dear Neil:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Choose an item. (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before the application can be considered for approval.

1. Rule 6.3.2 Exhibit B Site Description:

- a. Not all structures identified in Exhibit B are depicted on Maps E1 and or E2. Please revise Maps E1 and E2 to reflect them including all irrigation laterals in or around the site. Please note a smaller scale or formatting a map for an 11x 17 sheet may be helpful to clarify this as well as other items in this review.
- b. Please provide an estimated depth to groundwater and any available information to support that estimate. The estimate should also include an approximate flow rate and direction of the groundwater.
- c. Please provide the Division with the GPS coordinates of the corner points of the Permit Boundaries. A digital KMZ file, transmitted via email, for use in Google Earth would Also be acceptable.

2. Rule 6.3.3 Exhibit C Mining Plan

- a. Please clarify the volume of topsoil to be salvaged from the access road, plant site and materials and loading area. In addition please clarify the volume of topsoil to be stripped from each phase prior to mining and address if they will be stored in separate locations. If so please depict those alternate storage locations on the revised map E1.
- b. Item 3 b of the application discusses the installation of a 36" culvert on the irrigation ditch as part of the construction of the access road. Please provide documentation of an agreement to modify the ditch.
- c. The construction of swales and retention basins to collect and direct storm water flow is discussed in Item 3 e of the application. Please provide more details of the storm water



control devices and indicate the locations of all necessary storm water control features on the revised map E1. In addition please clarify if a storm water discharge permit will be required, and include a commitment from the applicant to infiltrate or discharge any and all collected storm water within 72 hours in compliance with Colorado Law.

- d. In Exhibit C, item 3 I, the construction of a retention basin in the southwest corner of the pit to collect runoff and exposed groundwater is mentioned however item 12 suggests that ground water will not be intercepted. In addition to item 1, b of this review please indicate the estimated depth to groundwater. Furthermore, item I suggests that the pond will remain as a post reclamation feature. Please provide details on the ponds exact location, its volume and sloping. Also provide documentation of the applicable permit from the Division of Water resources. If permitting is not required for the pond please provide documentation of such on DWR letterhead. Please note that if documentation cannot be provided the backfilling of the pond will be included in the reclamation cost estimate until such time as documentation is received.
- e. Similarly, Exhibit c discusses that water used during the operation will be obtained from irrigation water rights owned by the landowner through a temporary Substitute Water Supply Plan. Please provide documentation that the surface irrigation water is authorized for use in the mining operations. If no SWSP is required, please provide documentation of such on DWR letterhead.

3. **Rule 6.3.4 Exhibit D Reclamation Plan**

- a. Exhibit D, section 3 discusses the use of fines and offsite inert fill to establish final topography of the site, however Exhibit C states that mining will be conducted at the final reclamation grade of 2H:1V to eliminate the need for backfilling of a highwall. Please clarify the mining method, and if backfilling will be required to establish the final topography of the site. Please note that back hauling of inert fill generated from offsite is allowed under Construction Materials Rule 3.1.5(9). If the applicant wishes to use offsite fill, documentation of the volume of material imported from a specific site, its placement and compaction will need to be documented and reported. Upon written commitment from the applicant could become a condition. Please review Rule 3.1.5(9) for the requirements for the importation of offsite fill.
- b. Details derived from Exhibit D suggest a maximum disturbance of 5.3 acres at any given time. Please clarify the maximum number of acres to be disturbed at any given time, and during concurrent reclamation please indicate the volume of topsoil to be replaced on each phased mining area.
- c. Item 4, c references Attachment 1 for details regarding revegetation, however Attachment 1 is distorted and unreadable. Please provide a clear legible copy of Attachment 1, also if the attachment doesn't include details on seedbed prep, fertilizer if desired, seed application method and mulching rate with application method please clarify those details as well.

- d. Item 4, d references the possibility of the landowner installing more culverts on irrigation ditches. Please clarify if those ditches are within the permit boundary, if so please indicate them on the revised Maps E1 and E2.
- e. Please specify if the access road to the site will remain as a post reclamation feature. If it is to remain please provide a signed agreement from the landowner that the road will remain and a statement of use of the road.
- f. Item f indicates that most storm water controls will be removed. Please indicate which features will remain post reclamation and update Map E2 to reflect those changes.
- g. Item g references the possibility of 2 ponds remaining post reclamation for exposed groundwater. Please clarify if 1 or 2 ponds will remain post reclamation, if it's 2 ponds the requirements of item 2, d of this review will apply to the second pond as well.

4. **6.3.5 Exhibit E Map**

- a. Based on the items in this review, please update maps E1 and 2. Please note that they should also include all required elements of Rule 6.3.5 and Rule 6.2.1(2). The maps may become cluttered in which case various maps, or maps of a smaller scale formatted to fit an 11 x 17 sheet may be appropriate.

5. **6.3.6 Exhibit F List of Other Permits and Licenses Required**

- a. Item EQ-04 suggests groundwater is not expected to be exposed, however other information in the application is contradictory. In addition to the other groundwater related items of this review please indicate what DWR permits will be necessary for the construction of the pond(s).

6. **6.3.7 Exhibit G Source of Legal Right to Enter**

- a. Discussions with the consultant indicate that it has been recently discovered that the sand and gravel mineral rights are owned by the Colorado State Land Board. Please provide the appropriate documentation of sale or lease of the material to be mined. Please also the information on Map E1 in accordance with Rule 6.3.5(2)(b).

7. **6.3.12 Exhibit L Permanent Man Made Structures**

- a. Please provide executed structure agreements for all permanent manmade structures identified in Exhibit B.

Please submit your responses to the above listed issues by Tuesday, June 01, 2021 in order to allow the Division sufficient time for review. If more time is needed to prepare responses to these items, please submit a Decision Date Extension Request, in writing, to the Division prior to the Decision Date for the application. 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 at the Division's Grand Junction Field Office, by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lucas West', with a stylized flourish at the end.

Lucas West

Environmental Protection Specialist
Division of Reclamation, Mining and Safety

Cc: Travis Marshall, Senior Environmental Protection Specialist

Ec: Nathan Barton, Wasteline Inc.