



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

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Ben Langenfeld
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3375 W. Powers Circle
Littleton, CO 80123

27 April 2021

Re: Bunn Ranch Pit, Permit M1980131
DRMS Adequacy Review #3 of Technical Revision TR4

Dear Mr. Langenfeld:

The Division has completed its review of the Bunn Ranch Pit response to preliminary adequacy for Technical Revision TR4. The revision was received by the Division on 28 December 2020. The revision was considered filed for review on 28 December 2020. A request for an extension of the decision date was granted, and on 19 February 2021 The Division received from Greg Lewicki and Associates, PLLC the responses to the preliminary adequacy questions. On 8 April DRMS received adequacy responses comprising the second set of adequacy questions posed by DRMS on 16 March 2021. To facilitate the review the applicant requested an extension of the decision date to 30 April 2020.

The 8 April response comprised the following:

- A copy of the gravel well permit application submitted to the CDWR and the receipt.
- Responses to adequacy
- Map detail of Map F1; Attachment A
- Figure of spillway stabilization structure as per the Mile High Flood District
- Revised Reclamation Cost Estimate (Exhibit L)
- Attachment B: Bunn Ranch Pit Legal Description
- Attachment C: Water Diversions
- Attachment D Landowner Letters re 600 foot spacing



Applicable rules of the Minerals Rules and Regulations of the Mined Land Reclamation Board for the Extraction of Construction Materials (referenced by Rule and number), and Article 32.5 of the Colorado Land Reclamation Act for the Extraction of Construction Materials (referenced by act section, Act) were utilized in this review. The Division's review comprised the following rules:

3.1	6.4	Protection of Hydrologic Balance
Groundwater Exposure and Reclamation Liability		

The requested TR4 revision comprises the following topics:

- Changing the current reclamation plan/map to reflect an addition to the disturbed area
- Inlet and Outlet installations

Adequacy issues are numbered in italics below. Issues resolved through previous adequacies are not repeated below. The original numbering is carried forward.

Rule 6.4.3, Rule 6.4.4, Rule 6.4.5(2)(c)

Upon comparison of the 2020 Annual Reclamation map with Maps C2B and F1B submitted with the TR4 application, it appears to DRMS that the vegetated meander bend will be stripped and inundated as a result of extraction operations.

1. *Please specify what measures are being taken to minimize or prevent injury to existing water rights both during and after mining of the disturbance proposed in TR4. This narrative could comprise an addendum to the 1980 reclamation plan on file at DRMS and be titled: Protection of the Hydrologic Balance.*

Resolved

DRMS Response 2021 March

Please commit to not exposing groundwater in the proposed cell until you have an approved augmentation plan and well permit. If a TSWSP, will be obtained in the interim Elam Construction can expose groundwater as long as the Division is adequately bonded to address the exposed groundwater.

2. *Please provide an updated Mining Plan narrative.*

Resolved

3. *Please assure that Map C2B provides all information required as per Rule 6.4.3. This may mean a larger format map, or even two maps to insure all information is legible.*

Resolved

Rule 6.4.6

4. *Please assure that Map FB1 provides all information required as per the above mentioned rule.*

Resolved

Rule 6.4.5 Exhibit E Reclamation Plan, Rule 6.4.12 Exhibit L Reclamation Costs

DRMS has on file the 1980 Bunn Ranch Reclamation Plan. There is a need to update the reclamation plan with information appropriate to Technical Revision TR4, specifically in the areas of timing, hydrologic balance, and reclamation costs. DRMS understands that the Bunn Ranch site includes a total of 133 permitted acres with a maximum permitted disturbance of 50 acres. The requested new disturbance with TR4 is within the Bunn Ranch permit boundary however, the added disturbance acreage was not fully addressed in the application.

5. *Please provide the division the acreage for the requested additional disturbance.*

DRMS Response 2021 March

The revised mining and reclamation plan indicate the maximum disturbance will be limited to 50 acres. The annual reclamation report for 2020 indicates 92.5 acres have been affected of which 37.5 acres has been backfilled, graded and 27.5 acres have been seeded. Exhibit F-1B indicates Pond 5 is 33 acres of which a portion appears to have already been affected. Given this reporting, 50 acres does not cover the current level of disturbance or the proposed new area to be affected.

Please clarify as per above and as per question 6 as follows.

6. *Please peruse the 1980 reclamation plan on file at DRMS and for additional compliance requirements of Rule 3.1, updating the narrative with appropriate information addressing both Rule 6.4.5 and Rule 3.1 as they pertain to the activities associated with TR4 specifically addressing:*

- *timing associated with TR4*
- *mining processes*
- *reclamation measures*
- *permanent features that may be requested after mining the area associated with TR4 has been completed*
- *reclamation cost estimate as per Rule 6.4.12, Exhibit L.*

DRMS Response 2021 March 27 April unresolved

Table E-2 indicates the permit area is 236 acres. The approved permit area is 133 acres, please clarify this discrepancy.

6a *Please submit a revised page as appropriate.*

DRMS Response 2021 April

DRMS notes that a reclamation bond estimate was submitted for a disturbance limit of 75 acres.

6b. *How many cottonwoods will be replanted per acre? Please revise the reclamation plan narrative with this information.*

DRMS Response 2021 April

Adequacy question above regarding cottonwood plantings per acre, was not addressed in the 8 April response. This information was requested for bonding purposes. Please address question 6b.

6c. *Please specify the dimensions of permanent the following permanent features and provide as revised page in the reclamation plan.*

- *Office*
- *Scale House*
- *Scale*
- *Shop*

6c. Cost Estimate, Exhibit L states 36 acres are affected as of January 2021, this does not appear to be accurate given the last annual report submitted to the Division, please clarify.

DRMS Response 2021 April

Resolved

DRMS will calculate bonding requirements on the 75 acre disturbance stated in the April 2021 submittal.

6d. The applicant is requesting to bond for a maximum disturbance of 40 acres. This is in conflict with the proposed maximum disturbance of 50 acres and does not appear to account for all the current affected land at the site. Please update this reclamation cost estimate to be reflective of onsite conditions and the proposed expansion of Pond 5.

DRMS Response 2021 April

DRMS notes that in section 3 of the April 2021 response to adequacy; Revised Reclamation Cost Estimate a maximum disturbance of 75 acres is utilized for bonding calculations.

Resolved

6e. Given the uncertain nature of appropriations of water for the basin with the Division of Water Resources, the Division must hold a bond protective of current and future water rights. Please provide a cost estimate to backfill the proposed expansion of Pond 5 to cover the exposed groundwater with two feet of fill.

DRMS Response 2021 April

Resolved

Rule 6.4.7 Exhibit G Water Information

DRMS notes that the Yampa River is highly responsive to seasonal precipitation and snow melt. High water, prevalent during spring snow melt is often maintained into late spring or early summer followed by rapid drawdown. Under these hydrologic circumstances bank stability and flood mitigation protecting neighboring properties as well as water quality are essential components of DRMS's design review.

7. Please provide a narrative addressing sections (1) and (2) of the above mentioned rule.

Resolved

DRMS Response 2021 March

DRMS appreciates the clarification provided in the February 2021 response to DRMS's preliminary adequacy. The following additional questions pertain to questions 8 and 9 below:

8a. To what extent do control structures extend into the overbank?

9a. Please state the flood magnitude/flow velocities utilized for sizing the rip rap.

9b. Please provide information on the depth of the channel thalweg, both low flow and flood flow for the designed flood magnitude stated above.

DRMS Response 2021 April

DRMS notes the above items were adequately addressed the April 2021 adequacy response.

Resolved

Exposure of Ground Water and Reclamation Liability

DRMS is responsible for ensuring mining activities comply with Colorado statutes protecting water resources and water rights. In 2009 the Division of Water Resources updated guidelines for the replacement of depletions from sand and gravel mining. A DRMS letter informing operators of these changes and compliance options is included as part of this review. Two of the four options are described below for your information. Please review the enclosed letter for additional insight.

8. *It appears groundwater will be exposed in development of the requested expansion area. If ground water will be exposed please provide DRMS with either of the following items prior to exposing ground water:*
 - *A water court augmentation plan*
 - *Bonding estimation and monies to mitigate injurious stream depletions related to mining related exposure of ground water. This should include costs associated with backfilling of the pit to cover exposed ground water to a depth of two feet above the static ground water level.*
 - *If a slurry wall or clay liner will be installed, the applicant must file an Amendment application and receive DRMS approval of such a change.*

DRMS Response 2021 April

With the application for a well permit this topic is ***Resolved***.

DRMS Response 2021 March

DRMSs' conversations with Colorado Division of Water Resources (CDWR), suggests the following as the most appropriate path forward:

9. *Please demonstrate by mapping the relationships, that the Bun Ranch Pit site (M1980131), either falls within or outside of the Upper Yampa River Augmentation Plan district boundary. Please submit the mapping analysis to DRMS as revised permit pages.*
10. *Pursue as soon as possible a new gravel well permit from CDWR and provide documentation to DRMS that the well is in process of being applied for.*

By putting the well permit in process Bunn Ranch Pit will have ample time to construct and/or to apply for any extensions needed to complete the well should it be deemed advantageous for future development. This avoids the uncertainty with the 2021 Yampa River appropriation, protects the resource and satisfies the bonding requirements.

DRMS Response 2021 April

Resolved

Mr. Ben Langenfeld, P.E.

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If you require additional information, or have questions or concerns I'm available, please contact me by phone or via email as below.

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