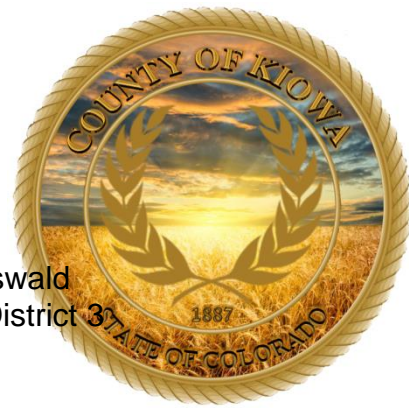


# KIOWA COUNTY COLORADO



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June 28, 2021

Colorado Division of Reclamation, Mining & Safety  
Rob Zuber  
1313 Sherman St. # 215  
Denver, CO 80203

**RE: Harris Pit, Permit No. M-2021-015, 112 Construction Materials Application,  
Preliminary Adequacy Review**

Dear Rob,

Below are our responses to the June 2, 2021 Adequacy Review letter that we received.  
Please let us know if any of the answers are incomplete or if you need more information.

**Application Form**

1. It appears to the Division that a new access road from County Road J will need to be constructed for the Harris Pit. If this is correct, several items will need to be revised from the original application.  
We will be using an existing trail road that was only used on occasion for access to the field and was occasionally planted over. We will maintain the road when needed but there are no culverts, ditches or major improvements being made.
  - a. The amount of total acreage will need to be increased from 40 acres to include the area for the entire length of road, including any new segments of road and any road segment that are widened or otherwise significantly improved for access to this mine. Please revise the first page of the application from 40 acres to the new acreage value.  
Not applicable
  - b. Per Rule 6.4.4(j), the Mining Plan should specify the dimensions of the access road and describe the drainage control structures (e.g., ditches, culverts). Information related to the method of structure sizing should also be included in the plan.  
Not applicable
  - c. All maps illustrating the extent of the permit area need to be revised to show the road  
Not applicable
  - d. All application materials that reference the permit area value of 40 acres must be updated with the new acreage.  
Not applicable
  - e. The Reclamation Plan must include the reclamation of the road. Alternatively, Kiowa County can submit letters from landowners saying that they want the road to remain permanent.  
Reclaiming the road will consist of the landowner turning it back into farmland

- f. The lease agreement (which currently lists 40 acres) needs to be revised or a new one must be created to reflect the larger acreage. The revised document must be submitted to the Division.  
Not applicable

#### **Exhibit C – Pre-Mining and Mining Plan Maps**

2. The maps (Current Conditions Map and Mining Plan Map) have the incorrect permit number (should be M-2021-015 not M-2020-015).

Has been corrected and re-submitted

3. Please check the scale on the two maps and make revisions as necessary. It appears that the scales may not be accurate. For example, the sides of the permit area are approximately 1,600 feet long, per the scale (which is approximately 300 feet too long).

Has been corrected and re-submitted

4. On the two maps, there appears to be a discrepancy with the name of a landowner. The name "Spiller" is sometimes used, and the name "Splitter" is sometimes used. Please clarify this, and confirm that the correct name is used on the Adjacent Surface Owner Notice.

The correct spelling is Splitter. It has been corrected and re-submitted.

#### **Exhibit D - Mining Plan (Rule 6.4.4)**

5. Please provide more detail to the Mining Plan per Rule 6.4.4. Specify the anticipated maximum dimensions of highwalls (height, length) and the grade for access ramps. Specify the minimum distance of surface disturbance from the permit boundary and explain how the mining process will avoid off-site impacts.

The height will be 20 feet by length of 200 feet, access ramps 10' to 1, surface disturbed 600 feet, the area will be watered as needed.

6. Please state the anticipated depth of mining and describe the material below the mined material. (Pursuant to Rule 6.4.4(f).)

The depth is 30 feet. The material below the mined material is sandstone.

7. Please describe the seed mix to be used to stabilize the topsoil stockpile.

30% Blue Grama, 50% Side Oats Grama, 20% Little Blue Stem

8. Please specify the dimensions of the road(s) used in the mining operation as access and haul roads (Pursuant to Rule 6.4.4(j).)

24 feet wide

#### **Exhibit E - Reclamation Plan (Rule 6.4.5)**

9. Please explain why the depth of topsoil in this exhibit is not consistent with the depth in Exhibit D and make revisions as necessary.

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10. The Division recommends that a Weed Control Plan be developed and incorporated into the permit application. The Weed Control Plan should be developed in consultation with the county extension agency, or weed control district office and should include; a list of noxious weeds present (or anticipated to be present) at the site, the specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan. (This recommendation is related to Rule 3.1.10(6).)

Not applicable

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11. Please provide more detail on the Reclamation Plan (pursuant to Rule 6.4.5). Will highwalls be knocked down or backfilled? Please explain how the reclamation process will avoid off- site disturbance.

The highwalls will be backfilled, once backfilled and bladed we will seed site. Landowner would like to put it back into planted crops.

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12. Please specify the seeding rate as pounds of pure live seed per acre and specify the timing of planting (based on experience in similar areas, the Division recommends planting during the fall).

8 lbs per acre, to be planted in the fall (November through mid December)

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13. Please specify how much mulch will be applied to reclaimed areas. The Division recommends applying mulch at a rate of two tons per acre.

Two tons per acre.

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14. Pursuant to Rule 3.1.10(4), the Division in consultation with the Landowner and the local Conservation District shall determine when grazing may start. Exhibit E in the application states that the area will be protected from grazing and disturbance until it is stabilized; please elaborate on the methods for this protection.

We will fence the site.

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15. Please provide more detail on the timeline for reclamation (Rule 6.4.5(2)(e)). State how soon reclamation will begin after mining has ceased. Also, state the approximate size of reclamation parcels (that is, how much area will be reclaimed in a given season}. Also, describe the approximate time frames to complete each reclamation task (e.g., grading, topsoil replacement, seeding) for a given parcel or area.

We will backfill soon after mining is ceased. Mining parcels will depend on the activity of the pit, likely one acre parcels. Once mined, it will take 6 to 8 months for each task depending on timing with the fall.

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16. The word "certified" was included in the first paragraph , and this appears to be a typographical error. Please revise the text as necessary. (Note that the word "roughened" is used in Rule 6.3.4(1)(c)(iv) in the context of seedbed preparation. Perhaps this word is appropriate to replace "certified.")

Replace the word certified with roughened.

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17. Please elaborate in this section regarding the topography of the reclaimed site. Will the 10-foot low area be conducive to the post-mining land use of agriculture? (Pursuant to Rule 3.1.5(1).)

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#### **Exhibit F - Reclamation Plan Map**

18. The Reclamation Plan Map has the incorrect permit number (should be M-2021-015 not M-2020-015).

Has been corrected and re-submitted

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19. Please check the scale on this map and make revisions as necessary. See Item 3 above

Has been corrected and re-submitted

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20. There appears to be a discrepancy with the name of a landowner on the map.  
See Item 4 above.

Correct spelling is Splitter

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#### **Exhibit G- Water Information (Rule 6.4.7)**

21. Please provide a statement that stormwater runoff detained by the 10-foot low area created by the topography after reclamation (southwest corner of site) will likely infiltrate in approximately two days, and that it is not likely that runoff detention will hinder downstream water users. (Pursuant to Rules 3.1.6(1) and 6.3.3(j).)

The water soaks in fairly fast and is very unlikely to hinder downstream water users.

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22. Please provide more detail on the water diversion structures. This includes the height of the berm and how it was determined that the height will be sufficient to adequately control the runoff.

There will be a berm on the east and west sides with a height of 3 to 4 feet. Water mainly comes from the north side so the berm on the north will be 4 to 5 feet high. This should be sufficient considering the history of the area.

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23. Please provide the estimated depth to groundwater in the area of the proposed mine (and include the source of information), and compare this depth to the mining depth. (Pursuant to Rule 6.4.7(1).)

Per the local landowners the area's groundwater depth should be from 90 to 100 feet. This is substantially deeper than our proposed mining depth.

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24. Please state that an NPDES permit has or has not been applied for. If not, is this due to the lack of discharge or based on a finding of the Water Quality Control Division? (Pursuant to Rule 6.4.7(5).)

Not applicable

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#### **Exhibit S - Permanent Man-made Structures (Rule 6.4.19)**

25. For each applicable owner, a structure agreement must be written and notarized for the road and fences. 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. (Pursuant to Rule 6.4.19)

Structure agreements have been submitted

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This concludes the Division's preliminary adequacy review. Please ensure the Division has sufficient time to complete its review process by responding to these adequacy items no later than one week prior to the decision date. If additional time is needed to respond, you must submit an extension request to our office prior to the decision date.

Please let us know if there are any more revisions that are needed to complete the application. All revised maps were supposed to be resubmitted to you by Steve O'Brian of Environmental Inc.. Once you are satisfied with the document I will record it again with the Clerk & Records office.

Sincerely,

Tina Adamson  
Kiowa County Administrator