



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

August 12, 2021

Cory Kaufman
Zak Dirt, Inc.
14290 Hilltop Rd
Longmont, CO 80504

**RE: Adequacy Review, Special 111 Construction Materials Application
Borrow Pit, File No. M-2021-048**

Dear Mr. Kaufman,

The Division of Reclamation, Mining and Safety (Division) has reviewed the content of the Zak Dirt, Inc. Special 111 Construction Materials Operation Reclamation Permit Application for the site known as Borrow Pit, File No. M-2021-048, and submits the following comments. **The Division is required to make an approval or denial decision no later than August 18, 2021; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** In order to allow the Division adequate time to review your responses to the following items, please submit your adequacy responses to the Division no later than three days prior to the decision date. Please respond to this Adequacy Review with the requested information and summarize each response to the numbered items below, in a cover letter titled “Adequacy Review Response, M-2021-048”. If portions of an exhibit is revised, the Applicant may want to submit an entire replacement exhibit to help maintain a clear and concise permit record.

EXHIBIT B - Site Description (Rule 6.3.2)

1. Please further describe the vegetation characteristics in the area of the proposed operation in accordance with Rule 6.3.2(1). The Applicant states the site vegetation is similar to that of the surrounding area, but does not describe or provide specifics regarding the existing vegetation in the area of the proposed operation. The Division recommends you contact the local Natural Resource Conservation Service (NRCS) office for assistance with this item.
2. Please further describe the soil characteristics in the area of the proposed operation in accordance with Rule 6.3.2(1). The application states the soil characteristics are similar to other soils in the area, but does not describe or provide specifics regarding the existing soil in the area of the proposed operation. To address this item, you may submit a Soil Report obtained from <https://websoilsurvey.sc.egov.usda.gov/> which will need to identify the proposed permit boundary and include the appropriate soil unit description printouts.
3. The Applicant states there are no permanent man-made structures within 200 feet of the proposed permit boundary, however, after review of the submitted maps, a fence line is located along the northern permit boundary and an underground utility line is located south of the southern permit boundary. As required by Rule 6.3.2(b), please revise Exhibit B to identify all permanent man-made structures within 200 feet of the permit boundary.
4. As required by Rule 6.3.2(c), please provide information regarding the known or anticipated depth to the water table within the permit boundary.



EXHIBIT C - Mining Plan (Rule 6.3.3)

5. On August 6, 2021, the Applicant informed the Division that the bridge construction project has likely been delayed by CDOT because Highway 285 is currently being used as one of the main detours associated with the Interstate 70 flood damage closure. As required by Rule 6.3.3(a), please formally provide the new estimated dates that mining will commence and end.
6. The Applicant has specified a road will be constructed to access the borrow pit and identifies its length as 350 feet. In accordance the Rule 6.3.3(g), please provide the width of this road. Please confirm the access road and the permit boundary begin at the current highway right-of-way fence and that the area just west is planned for further disturbance as a part of the CDOT contract. In accordance with Rule 6.3.3(l), please also provide details regarding how stormwater will be control along the access road to ensure there are no off-site impacts.
7. In accordance with Rule 6.3.3(j) and (i), please discuss the estimated elevation difference between the bottom of the proposed excavation and the groundwater table. Please commit to not exposing groundwater and if groundwater is encountered, commit to backfilling the exposure with at least 2 feet of material.
8. In accordance with Rule 3.1.9, please discuss how the topsoil stockpile will be protected from erosion.

EXHIBIT D - Reclamation Plan (Rule 6.3.4)

9. In accordance with Rule 3.1.5 and Rule 6.3.4, please discuss how the bottom of the excavation will be shaped/graded to ensure stormwater does not accumulate and pond on the reclaimed lands.
10. The Applicant will need to further clarify what measures will be taken to revegetate the site in accordance with Rule 6.3.4(1)(c). Please address the following:
 - a. State the thickness of plant growth medium to be replaced.
 - b. Provide what time(s) of year can seeding occur.
 - c. Explain how the seedbed will be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced).
 - d. State the type, application rate, and soil incorporation methods of fertilizer application, if any.
 - e. If a mulch is needed, specify the kind to be used, the crimping method, and rate of application.

The Division will calculate a reclamation cost estimate based on the responses to this adequacy letter. If the reclamation cost estimate exceeds the current \$5,000.00 financial warranty currently held for the application, you will be provided copy of the estimate for review before the decision date. *No further response needed at this time.*

EXHIBIT E - Map (Rule 6.3.5)

11. On July 23, 2021, the Applicant provided a revised Mine Plan Map. The map needs to be further revised to address the following:
 - a. As required by Rule 6.3.5(2)(b) and (e), identify the location, type of structure, and the owner of structure for the fence line and underground utility as discussed in Item #3.
 - b. As required by Rule 6.3.5(2)(d), indicate the direction that construction material extraction will proceed.
 - c. Either provide a table or label the proposed permit boundary corners with the latitude and longitude coordinates. The Division will use these coordinates to verify the proposed 2.0 acre permit boundary. These coordinates, provided within the record, could also be utilized in the event a permit boundary marker/monument (Rule 3.1.12) is missing in the future and needs to be reestablished.

12. A Reclamation Plan Map was not submitted with the application as required by Rule 6.3.5(3). Please provide a map which shows the gradient of all reclaimed slopes (horizontal:vertical and direction) sufficient to describe the post mine topography. On the map, please state the average thickness of overburden to be replaced and the average thickness of topsoil to be replaced in accordance with Rule 6.3.5(3)(d) and (e).
13. Both the revised Mine Plan Map and the Reclamation Plan Map will need to comply with Rule 6.2.1(2), whereas maps must conform to the following:
- Show the name of the applicant.
 - Must be prepared, dated, and signed by a registered land surveyor, professional engineer, or other qualified person.
 - Identify and outline the permit boundary.
 - Shall include an appropriate legend, map title, date, north arrow, and be prepared at a scale that is appropriate (1"=50' to 1"=660') to clearly show all elements that are required to be delineated by the Act and Rules.

EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)

14. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this adequacy letter has been added to it.

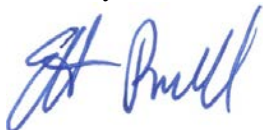
EXHIBIT L - Permanent Man-Made Structures (Rule 6.3.12)

15. A fence line and an underground utility line is within 200 feet of the proposed permit boundary. On August 5, 2021, the Applicant provided a structure agreement in accordance with 6.3.12(a) for the fence line. The Applicant is required to comply with Rule 6.3.12 for the underground utility line.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on August 18, 2021, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the responses, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by August 18, 2021, and the request for additional time. This must be received no later than the deadline date.**

If you have any questions, please contact me by telephone at 303-866-3567 x8132, or by email at elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Cc: Zach Trujillo, Division of Reclamation, Mining & Safety
Jason Musick, Division of Reclamation, Mining & Safety