



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

August 17, 2021

Calvin Feik
Bent County
725 Bent Ave
Las Animas, Co 81054

RE: Bent Co State Pit, M-2021-005, 112c Construction Material Permit Application, Adequacy Review No. 2

Dear Mr. Feik,

The Colorado Division of Reclamation, Mining, and Safety (“DRMS” or “Division”), received the above referenced application on February 01, 2021. The application was deemed complete and filed for review on February 12, 2021. The Division’s first adequacy review letter was sent on April 1, 2021, and the Division received a response to the adequacy review letter on August 10, 2021. The Division is required to issue a decision on the application by November 1, 2021. Below is a list of the Division’s original adequacy review questions followed by a brief description of your response. If the adequacy item has been resolved it is deleted from the list, if additional information is required for an item, it is discussed below. New adequacy items are also listed below. Please respond to this letter with a cover letter addressing each of these items and provide revised exhibits as appropriate. The following adequacy review items will need to be addressed prior to the Division’s approval of the application:

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

- A. Please update the Exhibit C2 – Mining Plan Map to depict the location the topsoil and overburden piles that will be stockpiled at the site during the operation.
- B. Please revise the Exhibit C2 map to include:
 - i. The name of the applicant.
 - ii. Signature of the person who prepared the map.
 - iii. The date the map was prepared.

6.4.4 EXHIBIT D – Mining Plan

5. Rule 6.4.4(a), requires a description of the methods of mining. This should include information on how the area will be mined such as; whether or not mining will include a highwall or the slopes will be mine in such a way as to not leave a highwall. Please revise the Mining plan to include the necessary information.
 - a. **Bent County Response:** An updated mining plan was provided with additional information on the method of mining.
 - b. **DRMS Response:** The mining plan indicates the mined area will be sloped to prevent highwall formation or rainwater collection. Please clarify at what angle the excavation will occur?
6. Rule 6.4.4(d) requires the size to be worked at any one time. Please provide a statement.
 - a. **Bent County Response:** An updated mining plan exhibit indicates one acre will be affected per year.



- b. **DRMS Response 1:** Will the entire permit area be disturbed by mining during the life of the mine? If not, what will be the maximum area that will be affected? Please update the mining plan exhibit with this information.
 - c. **DRMS Response 2:** The Division encourages concurrent reclamation as the mining operation progresses. For example, the applicant may complete mining in one acre and then begin reclamation as additional acres are mined so that only one acre is actively being mined at one time. In accordance with Rule 3.1.5(4), all backfilling and grading shall be completed as soon as feasible after the mining process. Please establish a reasonable plan to complete backfilling and grading, topsoiling and seeding as areas are mined out and no longer going to be affected by the mining operation. Please update the mining plan exhibit with this information.
7. Rule 6.44(e), requires a description of the timetable of the mining Operation. Please provide a statement explaining the approximate timetable establishing a relationship between mining and reclamation.
- a. **Bent County Response:** The updated mining plan states that reclamation may be performed as mining progresses and that mining will occur at a rate of one acre per year.
 - b. **DRMS Response:** Similar to the item above, please provide a timetable describing when reclamation will begin in an area as mining progresses. Please update the mining plan exhibit with this information.
9. Topsoil and overburden must be separated and stored in separate areas. According to Exhibit I topsoil may range from three to ten inches. Please revise the Mining plan with the necessary information in accordance with Rule 6.4.4.
- a. **Bent County Response:** The revised mining plan indicates that topsoil and overburden will be stripped and stockpiled on site during mining and then will be used for reclamation. Further the plan indicates these stockpiles will be stabilized.
 - b. **DRMS Response:** Please explain how these stockpiles will be stabilized. The Division recommends seeding the stockpiles with an appropriate grass seed mixture if the stockpiles will be in place for longer than 180 days. Please revise the mining plan to indicate how the stockpiles of topsoil and overburden will be stabilized and protected from wind and water erosion.

6.4.5 EXHIBIT E – Reclamation Plan

15. Rule 6.4.5(2)(c), requires a description of how the Reclamation Plan will be implemented to meet each applicable requirement of Section 3.1. Please update the reclamation plan narrative with the following required information;
- a. What is the post-mining land use?
 - b. Will reclamation occur in phases or be done after all mining has been completed?
 - c. What is the plan for revegetation? What is the seed mixture to be used for the site?
 - i. **Bent County Response:** The revised reclamation plan indicates the post mine land use will be rangeland. The applicant states reclamation is anticipated upon completion of the mining activity. The species to be drill seeded were provided.
 - ii. **DRMS Response 1:** Similar to the items discussed above, please provide a reasonable plan for when reclamation will be initiated as mining is completed in areas within the proposed permit boundary. This should be as concurrently as possible as areas are mined out during the operation.
 - iii. **DRMS Response 2:** Please specify the pounds of live seed per acre to be planted for each of the species identified in the seed mixture.
16. The application states that there will be 3 inches of overburden placed down, how much topsoil will be placed down? Exhibit I states that there is between 3 to 10 inches of topsoil available. Please provide all necessary information required by Rule 6.4.5 for topsoil. If there is no plan to place topsoil during reclamation please provide a statement as to what will be used to ensure a sufficient growth medium in the area.

- a. **Bent County Response:** The revised reclamation plan indicates overburden will be replaced on the affected land to bring it to the appropriate grade and that topsoil will be replaced at a depth of 3 inches.
- b. **DRMS Response:** According to the soils information provided with the application, 3 to 10 inches of topsoil exist at the site. Please revise the reclamation plan to indicate 3 to 10 inches of topsoil will be replaced over the affected area. Also please explain how the seedbed will be prepared for seeding.

6.4.6 EXHIBIT F – Reclamation Plan Map

18. Rule 6.4.6(b), requires the portrayal of the proposed final land use of the affected land. Please resubmit the map with the required information.
- a. **Bent County Response:** A revised reclamation plan map was submitted.
 - b. **DRMS Response:** Please revise the map to include:
 - i. A statement that the post mine land use is rangeland.
 - ii. The name of the applicant.
 - iii. Signature of the person who prepared the map.
 - iv. The date the map was prepared.

Publication and notice

- C. In accordance with Rule 1.6.2(1)(e) the applicant shall mail or personally serve a copy of the notice required by Rule 1.6.2(1)(d) immediately after the first publication to all owners of record of the surface and mineral rights of the affected land AND the owners of record of all land surface within 200 feet of the boundary of the affected land. Please provide documentation these notices were sent to the required entities.

This concludes the Division's second adequacy review of application. The Division is required to issue a decision on the application by **November 1, 2021**. The adequacy items listed above must be addressed to the Division's satisfaction prior to the decision date, please submit your adequacy response no later than three days prior to the decision date. If you need additional time to address these issues you must request an extension of the decision date. Please be aware that that the Division will deny the application if outstanding adequacy issues remain when the decision date arrives or inadequate time is provided for the Division to review the response to the adequacy items.

If you have any questions, please contact me at Jared.Ebert@state.co.us or at (303)-866-3567 ext. 8120.

Sincerely,



Jared Ebert
Senior Environmental Protection Specialist