



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

October 11, 2021

Tony Roberts
IHC Scott, Inc. dba Scott Contracting, Inc.
9200 E. Mineral Ave, Suite 400
Centennial, CO 80112

RE: Rifle Pit #1, File No. M-2021-052 , 112 Construction Materials, Adequacy Review-1

Dear Mr. Roberts:

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 Choose an item. (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.

Application Form

Permit No. is M-2021-052, not M-2021-021-052

1. Answer questions 5.1, 5.2 and 5.3
2. Answer question 13.1 under #15 On site processing

6.4.1 EXHIBIT A - Legal Description

3. The narrative portion of Section 2.0 which addresses Rule 6.4.1 does not provide the location of the mine entrance to the site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. This is required by Rule 6.4.1(1)(b).
4. Neither maps Figure 1 (Exhibit A1) or Figure 2 (Exhibit A2) depict the mine entrance with coordinates, as required by Rule 6.4.1(2).
5. Figure 2 Exhibit A2 Map is not signed per Rule 6.2.1(b)

6.4.2 EXHIBIT B - Index Map

6. Figure 3 Exhibit B Map is not signed per Rule 6.2.1(b)

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

7. Figures 4, 5 and 6 Exhibit C1, C2 and C3 Map is not signed per Rule 6.2.1(b)



8. Based on the narrative of section 4.1 and the structures listed on Figure 4 (Exhibit C1) it is unclear if all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines have been identified within two hundred (200) feet of the affected lands. Similarly it is unclear which significant, valuable, and permanent man-made structures are located within 200 feet of the affected lands and which are not. Please adequately address Rule 6.4.3(b) and (g).
 - a. Provide a table listing all creeks, roads, buildings, oil and gas wells and lines, power and communication lines or other permanent man-made structures (features) located within 200 feet of the affected lands and their respective owners. For features just beyond 200 ft clearly identify them.
 - b. The information presented in the table should then be depicted on Figure 4. Depending on scale or the number of features in a particular area several maps may be needed to clearly locate each feature and owners name.
9. Section 4.1.3-Dewatering Pipeline notes "Scott Contracting Inc. has requested copies of this documentation from Mr. Shideler; however, the agreements have not yet been received." The dewatering pipeline cannot be included in the permit boundary if you do not have legal right of entry. Provide the Division with proof of legal Right of Entry for the pipeline, if it cannot be provided the plans will need to be revised.
10. In section 4.5.2 it is noted that surveys for the Ute ladies' tresses would need to be completed in August when they bloom. Was a survey conducted? If so what were the findings?

Pursuant to Rule 6.4.3(f) further water resources information shall be presented on map(s) in Exhibit G.

6.4.4 EXHIBIT D - Mining Plan

11. In general all mining plan maps included in Exhibit D should be included in Exhibit C
12. Figures 11, 12, 13 - D2, D3, D4 Maps.
 - a. No legend is included on the maps. "LDA" appears to be synonymous with the permit boundary. Please properly label the permit boundary and/or affected lands pursuant to Rule 6.2.1(d).
13. Figure 13- D4 Mining stage 2 states that material from Stage 2 will be transported to stage 1 via conveyor. Will this be one continuous conveyor or several chained together? Ensure that all material is transported within the permit boundary. A conveyor may not extend over the ditch in areas outside of the permit boundary. This methodology is not described in the narrative portion of the mining plan.
14. In Section 5.2.3 there appears to be a typo in reference to mining stage 2. Should the mine cut area being referenced be 8.7 acres rather than 18 acres?
15. Describe in greater detail the low water crossing (Section 5.2.1.2) that will be constructed to access stage 2 from stage 1.
16. What is the nature of the stratum immediately beneath the material to be mined in sedimentary deposits. This information is also not depicted on Figure 10-Exhibit D1 Mining Plan. Required under Rule 6.4.4(f)(ii)
17. Will fuel or other hydrocarbons be stored on site? If so please describe how they will be stored, spill prevention and general measures to protect the hydrologic balance.

18. Describe in more detail the installation of the dewatering pipeline and vault.
19. Provide a general diagram/well configuration of the dewatering wells and details of how they connect into the dewatering pipeline.
20. What are the anticipated highwall slopes to occur during mining?
21. What is the maximum/anticipated total length highwall to be exposed at any given time?
22. The typical section detail Figure 10- D1 depicted in exhibit D3 and D4, Figures 12 and 13. only depicts a berm at the top of the highwalls. It does not explicitly state which berms will be made of topsoil or overburden and where they will be stored respectively.

6.4.5 EXHIBIT E - Reclamation Plan

Several references are made to the Garfield County Land Use Permit, the Division was made aware that this application has been withdrawn and that a new application will need to be submitted. Rather than referring to another agencies permit standard, especially one that is not approved the Division recommends the applicant simply state the standards.

23. Both the mining and reclamation plans state that the dewatering pipeline will be reclaimed immediately after installation. Does this mean that once installed the pipeline is a permanent site feature? What is the rationale for it to remain post mining? Is this a part of the agreement with Schideler?
 - a. Provide details regarding reclamation of the pipeline.
24. Section 6.2 states "The post mining land use will be a pond." This would indicate a use as a water resource however according to the application form the post-mining land use is "recreation". Please clarify.
 - a. The comparison of the proposed post-mining land use to other land uses in the vicinity is inadequate per Rule 6.4.5(2)(b).
25. If berms are made up of stripped topsoil and overburden which are to be reapplied upon final reclamation why are they depicted in the final reclamation configuration, shouldn't they been re-applied during final reclamation?
26. Section 6.1.1.5 states "The topsoil piles stockpiles are depicted in exhibit D3 and D4, Figures 12 and 13. " The typical section detail only depicts a berm at the top of the highwalls. It does not explicitly state which berms will be made of which materials and where the topsoil necessary for final reclamation will be stored.
27. Commit to revegetating all topsoil stockpiles that are stored for more than 180 days per Rule 3.1.9.
 - a. What is the temporary seed mix mentioned in Section 6.3.3.1? Provide the species, variety, rate (# PLS/Ac), application methods and mulching rates and methods if applicable.
28. Section 6.3.2 "The site will need to take on fill dirt for a source of a disposal area for clean dirt and to fill part of the pit, minimizing the size of the pond and reducing evaporation potential." This statement is unclear as to what it's trying to be communicate.
 - a. Section 6.1.1.1 states "No inert structural fill generated outside of the approved permit will be backfilled into the mining pit." If the statement in section 6.3.2 is intending to say that imported material will be used to backfill slopes and decrease

overall pond size the statement in 6.1.1.1 is contradictory as it does not allow for the importation of inert material.

29. Figure 10 Exhibit D1 topsoil is stated to be 6-12". Section 6.3.1 states that 4-6" of topsoil will be reapplied during final reclamation.
 - a. Why is less topsoil being applied than what was striped and stockpiled?
 - b. Pursuant to Rule 6.4.5(2)(f)(v) state what is the anticipated depth of topsoil to be reapplied?
30. "Conveyance of ephemeral flows through the site." is stated in section 6.3.2. Will inlet/outlet structures be installed to facilitate water flowing through the site?
31. Details of the reclamation plan required under Rule 6.4.5 shall be provided within the narrative of Exhibit E and not dependent on supplemental maps. Information required under Rule 6.4.6 the Reclamation Plan Map shall be included within that exhibit as a stand-alone map not dependent on information provided in other exhibits.
32. Per Rule 6.4.5(2)(a) no discussion was provided as to the various types of reclamation, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving.
 - a. Explicitly state the number of acres to be reclaimed as various types of land. Note all affected lands must be reclaimed (if not water).
 - b. State the specific equipment type to be employed to achieve each task of reclamation from cessation of mining to completion of final reclamation.
33. The need for soil decompaction is not addressed in the reclamation plan per Rule 6.4.5(2)(d). State the total number of acres by mining phase that will require soil decompaction. Note that areas under stockpiles to be revegetated shall be decompacted prior to topsoil application and revegetation.
34. Per Rule 6.4.5(2)(e)(i), (ii) and (iii), Provide a plan or schedule indicating how and when reclamation will be implemented.
 - a. This estimate shall be specific to the various stages or phase of reclamation.
 - b. Include a description of the size and location of each area to be reclaimed during each mining phase. State within each mining stage and site wide the number of acres associated with each reclamation land type.
 - c. Outline which tasks within each mining phase can be completed immediately after completion of mining and which tasks are associated with project completion and will remain until the entire site is reclaimed.
35. Narrative states that slopes will be 5H: 1V or less. Figure 16 Exhibit E2 depicts portions of the slopes that appear to be a 3H: 1V. Clarify if different portions of the slopes will be made up of different grades. Per Rule 6.4.5(2)(f)(i)
36. Provide the seed mix for each land type within the narrative portion of Exhibit E per Rule 6.4.5(2)(f)(ii).
37. Who developed the seed mixes on Figure 16 Exhibit E2? The Division has concerns regarding the appropriateness of species selected and their application rated.
 - a. Specifically the upland seed mix on Table 1 only contains one overlapping species with Section 4.4.1 Upland pasture. Similarly Table 2 also only has one overlapping species for Section 4.4.2 Herbaceous Emergent Wetlands

38. Detailed text on Figure 15, 16 Exhibit E1, E2 is too small/pixelated to read. Provide larger legible maps.
39. Figure 16 Exhibit E2 states that hydromulching will be used.
 - a. At what rate will it be applied and specifically what type of material will be utilized.
 - b. Will hydromulch be used on all reclamation land types?
40. In the mining plan the installation of dewatering wells is stated. The removal of said wells is not addressed in the reclamation plan. Please provide these details.

6.4.6 EXHIBIT F - Reclamation Plan Map

41. Figure 17 Exhibit F Map is not signed per Rule 6.2.1(b).
42. Figure 17 Exhibit F Map is labeled as both the Reclamation Map and in the title block as Exhibit C Topography map
43. Figure 17 Exhibit F Map does not address Rule 6.4.6(a) and (b). It should depict (a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and (b) Portrayal of the proposed final land use for each portion of the affected lands.
 - a. The areas which will be revegetated with the respective mixes or which areas will remain as water need to be clearly differentiated.
 - b. Topography/relief of slopes is unclear. Map scale is insufficient.

6.4.7 EXHIBIT G - Water Information

44. Per 6.4.7(2)(a) all tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations; should be depicted on a map in Exhibit C.
 - a. Map C1 Figure 4 is of insufficient scale to determine if Rule 6.4.3(f) is adequately addressed.
45. Please address Rule 6.4.7(2)(c)
46. Provide inflow calculation (recharge) rates per Rule 6.4.7(3)
47. Revise the evaporative loss figures presented in Section 8.6.6 and Table 4 to reflect the proposed total pond area of 18.4 acres that is located within the proposed permit area of 27.70 ac. It is inappropriate to reference areas that are outside of the Division's jurisdictional boundaries (permit area), a 53 ac lake is not being reviewed at this time.
48. Please address Rule 6.4.7(5)
49. Please provide of all necessary water rights to cover the mine site both during and after completion of mining, such as. Substitute Water Supply Plan, water decree, Augmentation, Gravel well pond permit, etc.
50. What is the term of the temporary license agreement for the dewatering pipeline mentioned in Section 8.1.? An agreement shall remain in place as long as the pipeline exists which at a minimum extends through final reclamation and permit termination.
51. When will the wetlands delineation be submitted to the ACOE?

- a. Objections received from Karp Neu Hanlon state that the application as presented “will run afoul of the Army Corps of Engineers’ process”. Please address these concerns.
- 52. In section 8.3 it is stated that some wells depicted in Figure 4 Exhibit C1 are operating while others are not. Please provide a table or some other form of differentiation between operational and inactive wells.
- 53. In Attachment A, drawing C11 an “Energy Dissipation Manhole” is depicted. Please provide more information on this feature including its location, and purpose.
- 54. Figure 14 shows a draw down from dewatering of 4+ feet in the fields on the other side of the I-70. Explain how impact to the hydrologic balance has been minimized.

6.4.8 EXHIBIT H - Wildlife Information

- 55. Section 9.4 states “After reclamation the property will be converted back to irrigated pasture.” This is contradictory to the reclamation plan and the post-mining land use of recreation.
- 56. Section 9.4 and 9.5 states “will leave the construction perimeter berm in place” based on the section details of the mining maps these berms are 2H: 1V. Wouldn’t this further detour wildlife use of the property post-reclamation?
- 57. Per Rule 6.4.8(1)(c) state the estimated populations of threatened or endangered species.

6.4.9 EXHIBIT I - Soils Information

Adequate

6.4.10 EXHIBIT J - Vegetation Information

- 58. Specific vegetation information required by Rule 6.4.10 shall be included within this exhibit.
- 59. The vegetation descriptions provided in Section 4.4 do not fully address the requirements of Rule 6.4.10(1)(a). In addition to species present provide quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs);
- 60. Please address Rule 6.4.10(1)(b)
- 61. Section 11.2 states “After reclamation, land use would revert the non-pond areas irrigated pastureland.” This is contradictory to Exhibit C and E. The site was not describe as an irrigated pastureland as current (pre-mining) site conditions. And in Exhibit E areas not pond are to be reclaimed as dry rangeland, irrigation was not stated to be used.

6.4.11 EXHIBIT K - Climate

Adequate

6.4.12 EXHIBIT L - Reclamation Costs

- 62. Describe the methodology for well abandonment.
- 63. Address dewatering necessary to complete pit backfill

- a. What is the average inflow (recharge) rate for pond 1
- b. What is the average inflow (recharge) rate for pond 2
- 64. Backfill of Stage 1
 - a. How many linear feet of highwall make up this calculation? I.e what is the maximum linear feet of highwall requiring grading at any given time.
 - b. What is the average push distance and grade for material to be placed?
- 65. Dewatering trench, what piece/size equipment is anticipated to be used for grading?
- 66. Include a task for decompaction (ripping) of areas prior to topsoil application.
- 67. Topsoil application
 - a. How many acres within stage 1 will receive topsoil? This should be all disturbed areas not inundated
 - b. How many acres within stage 2 will receive topsoil application?
 - c. Note if berms are to remain, they will also require topsoil application.
- 68. Revegetation
 - a. Total number of acres to receive each type of reclamation in stage 1
 - b. Total number of acres to receive each type of reclamation in stage 2
 - c. Clarify the seed mix to be used on the dewatering pipeline and berms

6.4.13 EXHIBIT M - Other Permits and Licenses

Adequate- upon approval of other required permits must be obtain prior to commencement of mining. Please provide the Division with documentation as it becomes available.

6.4.14 EXHIBIT N - Source of Legal Right to Enter

- 69. Attachment B- Dewatering pipeline
 - a. #5 Contingencies states that the license period shall automatically terminate if the Licensee (Scott Contracting, LLC) is not granted their County or DRMS permit within one year of the Commencement Date (October 1, 2020). DRMS cannot render an application decision by the commencement date. Which in term means Scott Contracting LLC may lose Legal Right to Enter for the property utilized for the dewatering pipeline. Please address this issue.
 - b. #18 A determination as to whether the pipeline will or will not remain post-reclamation needs to be determined in the Exhibit E and correlate to this document.

6.4.15 EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

- 70. Attachment B (title agreement) Schedule B, Part II (exceptions) #16 states “Reservation of all oil shale, kerogen, shale oil, coal, oil, gas, fissionable material an all other minerals of any kind or nature...” Does this exclusion include sand and gravel deposits? And if so who is the referenced owner?
 - a. The Disclosure Statements pursuant to CRS 10-11-123 also state that that a mineral estate has been severed from the surface estate.
 - b. General Warranty Deed between Malone Ranch, LLC Exhibit B Permitted Exclusion has similar mineral exclusions mentioned.

6.4.16 EXHIBIT P - Municipalities Within Two Miles

Adequate

The Applicant need not notice municipalities. That is a requirement of the Division under Rule 1.6.1(2)(c)

6.4.17 EXHIBIT Q - Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District

Adequate - Conservation District

Adequate - County Commissioners

6.4.18 EXHIBIT R - Proof of Filing with County Clerk and Recorder

Adequate

6.4.19 EXHIBIT S - Permanent Man-made Structures

71. Individual agreements for each Owner must be signed by the Operator and Structure(s) Owner. A blanket statement cannot be submitted in lieu of a completed agreement. Where an agreement cannot be reached an engineering evaluation may be submitted (Exhibit 6.5 Geotechnical Stability analysis) per Rule 6.4.19(b).

- a. Century Link-Fiber and Telephone
- b. Holy Cross Energy – Electric
- c. URSA Operating Company, LLC (if successor identify company) – Gas, steam, and non-potable water
- d. Wells within 200 feet of pipeline
- e. CDOT – County Road 346, culverts and East bound I-70
 - i. A new agreement for the current permit application (File No. M-2021-052 not M-2020-008) needs to be submitted

72. Last Chance Ditch should be considered a permanent man-made structure

Public Notice

Proof of newspaper publication has been received.

73. Proof that a copy of the notice in Rule 1.6.2(1)(d) was provided to the surface and mineral rights owners pursuant to Rule 1.6.2(1)(e)(i)

74. Proof that a copy of the notice in Rule 1.6.2(1)(d) was provided to all Owners of Record within 200 ft of the affected lands pursuant to Rule 1.6.2(1)(e)(ii)

75. Certification portion of Notice (sign) was not completed. Rule 1.6.2(1)(b)

6.5 GEOTECHNICAL STABILITY EXHIBIT-Optional

76. Cursory statement has been provided. If a Geotechnical Stability analysis is required because structure agreements cannot be obtained additional information including an engineering evaluation will need to be provided.

Please submit your response(s) to the above listed issue(s) by Monday, November 15, 2021 in order to allow the Division sufficient time for review. The decision date for your application is scheduled for November 22, 2021. 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 feel free to contact me.

Sincerely,



Amy C Yeldell

Environmental Protection Specialist

Cc:

Travis Marshall, Senior EPS, DRMS
Chris Hurley, Counsel for Applicant
Angie Fowler, Consultant, SGM