



March 2, 2022

Robert Solberg  
Solberg Gravel LLC  
13745 Garrett Rd  
Peyton, CO 80831-7620

**Re: Solberg Pit, Permit No. M-1981-044; Second Adequacy Review for 112 Construction Materials Reclamation Permit Amendment Application (AM-3)**

Dear Mr. Solberg:

The Division of Reclamation, Mining and Safety (DRMS) has reviewed your responses to our January 13, 2022 preliminary adequacy review letter for your 112 Construction Materials Reclamation Permit Amendment Application (AM-3) for the Solberg Pit, Permit No. M-1981-044. Your response letter was received on February 24, 2022. **The decision date for this application is March 15, 2022.** Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, **it will be your responsibility to request an extension of the review period.** If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the DRMS may deny this application.

The following items must be addressed by the applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

**GENERAL COMMENTS**

1. Proof of Required Notices: The response is adequate.

**APPLICATION**

2. Location Information: The response is adequate.
3. Inspection Contact: The response is adequate.
4. Post-mining land use: The response is adequate.
5. On Site Processing: The response is adequate.



## **6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS**

### **6.4.1 EXHIBIT A - Legal Description**

6. Exhibit A: Your response requires additional corrections. The Exhibit A legal description was not revised to include the entire site. Please submit a revised Exhibit A to include a legal description of the entire site. The revised entrance location coordinates are adequate. Please submit a revised Exhibit A.

### **6.4.2 EXHIBIT B - Index Map**

7. Exhibit B: The response is adequate.

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

8. Adjoining surface owners: The response is adequate.
9. Reduction of existing affected area: The response is adequate.
10. Unidentified structures: The response is adequate.
11. Topsoil Stockpiles: The response is adequate.

### **6.4.4 EXHIBIT D – Mining Plan**

12. Affected Area: The response requires additional clarification. All text responses were revised to a consistent 286 acres of affected area. However, the revised Exhibit C and F maps were revised to include the previously excluded SW corner in the proposed expansion area (roughly 17 acres). Please provide Exhibit C and F maps consistent with the revised 286 acres of affected area.
13. Perimeter slopes: The response requires additional clarification. As discussed with Dr. Bellatoni on March 1<sup>st</sup> during a telephone call it became clear the DRMS needs additional clarification on the mining method for the purpose of estimating an appropriate bond. The flattening or rebuilding of highwalls requires significant earthwork. Perimeter highwalls near the affected area boundary will need to be backfilled from the bottom, up. Whereas perimeter faces a sufficient distance from the affected area boundary (e.g., interior working faces) can be flattened using dozers to push down material from the crest, a significantly less expensive approach. If highwalls are mined at 3H:1V, then no backfill is required. The DRMS has observed vertical highwalls on working faces during previous inspections. Please provide a limit of the expected maximum length of vertical highwalls at any one time; and indicate how much will be interior working faces that could be re-sloped from the crest, and how much will be too close to the affected area boundary and require a bottom, up backfill approach.
14. Bonding: The response is adequate.

### **6.4.5 EXHIBIT E – Reclamation Plan**

15. Post-mine land use: The response is adequate.
16. Vegetated depression: The response is adequate.

- 17. Side slopes: The response is adequate.
- 18. Recycle water pond: The response is adequate.
- 19. Topsoil replacement: The response is adequate.
- 20. Seeding method: The response is adequate.
- 21. Access road: The response is adequate.

#### **6.4.6 EXHIBIT F – Reclamation Plan Map**

- 22. Drainage: The response is adequate.
- 23. Affected Area Boundary: Please see Comment 12. Please revise Exhibit F to be consistent with the response to Comment 12.

#### **6.4.6 EXHIBIT G – Water Information**

- 24. Treatment chemicals: The response is adequate.

#### **6.4.12 EXHIBIT L – Reclamation Costs**

- 25. Task 001C: Please see Comment 13. The DRMS bond estimate will depend on the response to Comment 13.
- 26. Task 005: Please see Comment 12.
- 27. Tasks 006 and 010: Please see Comment 12.
- 28. Task 011: The response is adequate.
- 29. Task 012: The response is adequate.

#### **6.4.13 EXHIBIT M – Other Permits and Licenses**

- 30. Update required: During the February 4, 2022 site representatives indicated two wells were being used to supply water for operations. Division of Water Resources map records show permits for both 85275-F and 85276-F. Please provide clarification on the number of wells used and the status of 85275-F.

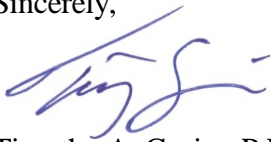
#### **6.4.19 EXHIBIT S – Permanent Man-Made Structures**

- 31. Eligible Structures: The response is adequate.
- 32. Utility lines/poles not addressed: The response is not adequate. First, pursuant to Rule 6.4.19, the Applicant needs to demonstrate a damage compensation agreement was attempted to be obtained. Only after attempting to obtain a damage compensation agreement, can the DRMS accept an engineering evaluation. No documentation was provided demonstrating a structure damage compensation agreement was sought from either Nextera Energy or Mountain Valley Electric. Second, the two letters provided from Haley & Aldrich do not adequately demonstrate the utility lines will not be damaged by the operation. The intent of Rule 6.4.19 is to ensure a failure of steep highwall excavations will not lead to the damage of valuable

manmade structures. The 200-foot offset for including structures in this Rule is typically sufficient for a slope failure to avoid potentially damaging structures. The Rule is not typically concerned with equipment traffic. In order for a letter such as these to be deemed acceptable as an engineering evaluation, the narrative must demonstrate there will always be an effective 3H:1V slope between the structure of interest and the toe of an active excavation. For example, if a highwall is 40 feet in height, the toe of the highwall needs to be no closer to the structure than 120 feet. If the Applicant cannot commit to this condition, a geotechnical slope stability analysis is required to meet Rule 6.4.19(b).

**Please remember that the decision date for this application is March 15, 2022.** As previously mentioned if you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. If there are still unresolved issues when the decision date arrives and no extension has been requested, the application may be denied. If you have any questions, please contact me at (303) 328-5229.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Cazier', with a stylized flourish at the end.

Timothy A. Cazier, P.E.  
Environmental Protection Specialist

ec: Michael Cunningham, DRMS  
DRMS file  
Angela Bellantoni, PhD, Pioneer Landscaping Materials