



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

April 8, 2022

John M. Warren
Connell Resources, Inc.
7785 Highland Meadows Parkway, Suite 100
Fort Collins, CO 80528

Re: Carr Pit East, Permit No. M-2022-005; 112 Construction Materials Reclamation Permit Application Package Adequacy Review

Dear Mr. Warren;

The Division of Reclamation, Mining and Safety (Division) has completed its adequacy review of your 112 construction materials reclamation permit application package. The application was received on February 7, 2022 and called complete for review on February 17, 2022. **The decision date for this application is May 18, 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 Division may deny this application.

The review consisted of comparing the application content with specific requirements of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them. The Division requests the applicant provide a cover letter that responds to each of the adequacy items listed below and copies of the updated permit application exhibits as necessary.

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:

1.6 PUBLIC NOTICE PROCEDURES

1.6.2 General Applicant Procedures

1. Please provide proof of notice 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 affected lands in accordance with Rule 1.6.2(1)(e).



1.6.5 Specific Provisions – 112 Reclamation Permit Application

2. Please provide proof of publication in accordance with Rules, 1.6.2(1)(d)/(g), and 1.6.5(2).

3.1 RECLAMATION PERFORMANCE STANDARDS

3.1.8 Wildlife

3. Colorado Parks and Wildlife (CPW) requests lands within 500 feet of Lone Tree Creek's Ordinary High Water Mark (OHWM) to not be affected. CPW requests this because:

"Lone Tree Creek is likely an important corridor for Northern Leopard Frog (Tier 1 SGCN). We also have recent documentation of Brassy Minnow (Tier 1 SGCN) not too far downstream and an introduced population of Northern Redbelly Dace (Tier 1 SGCN) not too far upstream." – CPW

Please respond to CPW's request to implement a buffer to not affect lands within 500 feet of Lone Tree Creek OHWM.

6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS

6.4.1 EXHIBIT A – Legal Description

4. Please provide a legal description to the nearest quarter-quarter section in accordance with Rule 6.4.1(1). E.g. SW¹/₄ in SW¹/₄ in Section 22, Township 11 North, Range 67 West of the Sixth Principal Meridian, Weld County, State of Colorado.

6.4.2 EXHIBIT B – Index Map

5. Please revise the index map to depict the access road to the affected area. On the index map, please indicate the access road is part of the adjacent Connell Car Pit (M-2014-001).
6. The Index Map is difficult to read, please provide a map that labels the major roads around the mine site.

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

7. The mining plan map shows the mining limits encompass Lone Tree Creek. Based on your analysis and response to item #3 above and/or item #9 below, please revise these maps to depict any buffer zone to be established to protect the creek channel.
8. Please update map C-5 to list the thickness and type of overburden to be removed.

6.4.4 EXHIBIT D - Mining Plan

9. The applicant proposes to affect the entire permit boundary which includes the riparian area of Lone Tree Creek. However, page 7 of the mining plan indicates a variable buffer will be implemented to not disturb the creek channel where the riparian area is located. Please depict this buffer zone area on the Exhibit C mining plan map.
10. Are there any jurisdictional wetlands located within the permit boundary? If so, please identify them on the Exhibit C map and please indicate how these areas will be protected from impact from the mining and reclamation operation. If these areas will be impacted, please commit to providing DRMS a copy of the approved 404 permit allowing these areas to be affected prior to disturbance.
11. Please explain how the riparian area and stream channel will be protected from erosion and siltation resulting from excavating up to and through the Lone Tree Creek's embankment?
12. Page 5 of the mining plan indicates under the "Land Use" section that the Poudre Valley REA powerline is located on the edges of the property immediately adjacent to the proposed permit boundary, based on the C-5 map, it appears this structure is within the mining limits of the Phase 2 area. Please revise this exhibit to reflect this.
13. Please specify the range of depth of overburden material that exists at the site.
14. The Phase 1 mining area is projected to be 102.7 acres in size. The worst case maximum mining disturbance depicted on the table on page 9 of the application accounts for 28.3 acres. This acreage difference is not clear, if the active mine area will advance through the entire first phase with concurrent reclamation, would not the worst case disturbance occur during the end of mining in Phase 1 with about 102.7 acres affected? Please clarify or revise this table to reflect 102.7 acres of disturbance. Or, please commit to submitting a surety increase to cover the liability prior to affecting more than 28.3 acres of land at any one time.
15. Please estimate the amount of time that will be required for each phase of the operation.
16. How will the south mining phase be accessed? If a new or improved road will be used for the mining operation, please revise Exhibit D and provide the information required by Rule 6.4.4(j). If Lone Tree Creek will be crossed, please explain what measures will be taken to protect the creek channel, and allow for flow.

6.4.5 EXHIBIT E – Reclamation Plan

17. The reclamation plan proposes to spread 6 inches of topsoil/overburden over the pit floor and one foot of growth medium on pit slopes. The long-term success of the revegetation

of the affected land is dependent on the desired species ability to establish and survive. The limited amount of growth medium spread over the shale/sandstone parent material will not provide an adequate root depth for the desired species. Based on the soils information, the soil horizons (which include topsoil and overburden) extend to a depth of 48 to 60 inches. Please commit to retaining at least enough overburden material to replace 48 inches of material on top of the shale/sandstone parent material. Please update the reclamation plan, maps and reclamation cost estimate accordingly.

18. Page 14 of the reclamation plan states non-noxious weeds do not need to be controlled. Please revise this to indicate, that non-noxious weeds may be controlled if they impact the development of the desired reclamation species.
19. Page 15 of the reclamation plan explains how the pit floor configuration is expected to limit rapid erosion and how sediment control best management techniques will be installed in significant drainages within 50 feet of the edge of the affected land. Please explain further how the pit floor configurations will be managed to prevent rapid erosion and how water discharged from the affected land will comply with surface water quality standards? It appears the operator will need to obtain a CDPS discharge permit since water will discharge from the mine area into Lone Tree Creek. Please describe and show how the water will be managed to comply with the CDPS permit standards. If erosion and sediment control structures such as silt fence, berms, sediment ponds/basins, etc. will be used, please provide design plans for these features and show where these features will be used on the mining plan map.
20. Please provide a plan or schedule indicating how and when reclamation will be implemented in accordance with Rule 6.4.5(2)(e).
21. Please state that all inactive stockpiles will be seeded within 180 days.
22. The reclamation plan indicates mulching and fertilizer is not being proposed but then goes on to indicate that mulch and fertilizer may be used. Please clarify this discrepancy and provide a clear plan for when mulch and fertilizer will be used. Otherwise, please commit to mulching and fertilizing the affected area and revise the reclamation plan and cost estimate accordingly. Please specify the fertilizer type, mixture, quantities and times of application.
23. Please revise the reclamation plan to explain the expected time(s) of seeding and planting per Rule 6.4.5(2)(f)(ii).
24. Please indicate which roads will be left as necessary for post reclamation access.

6.4.7 EXHIBIT G – Water Information

25. Known aquifers are not identified in accordance with Rule 6.4.7(2)(b). Please specify if there are any known aquifers such as the South Platte Aquifer the proposed permit area drains to within Exhibit G – Water Information in accordance with Rule 6.4.7(2)(b).
26. Please provide an estimate of the project water requirements for each water source including annual volumes for the development, mining and reclamation operations. If another water source, other than the permitted well, is used please identify what that source of water will be.

6.4.8 EXHIBIT H – Wildlife Information

27. Please respond to Colorado Parks and Wildlife’s (CPW) comments regarding item #3 above and update Exhibit H as necessary.
28. Page 20 of the application states “It could be expected that most mammals common or abundant in Weld County would not be found near or within the proposed permit area.” Please explain why this is the case? It would seem these species would be found near or within the proposed permit area. Please revise Exhibit H as necessary.
29. Please note the seasonal use of the area for wildlife species. According to CPW the affected land is within the winter concentration areas for deer and pronghorn. Please explain what measures will be taken to protect these wildlife species?

6.4.9 EXHIBIT I – Soils Information

30. According to the Web Soil Survey results another major soil type will be affected by the mining operation, the Cascajo gravelly sandy loam. Please update the Exhibit I narrative accordingly.

6.4.10 EXHIBIT J – Vegetation Information

31. Please estimate the carrying capacity for the rangelands that currently exist at the site in accordance with Rule 6.4.10(1)(c).

6.4.12 EXHIBIT L – Reclamation Cost Estimate

32. Please revise the reclamation cost estimate based on your responses to the above adequacy review questions.

6.4.19 EXHIBIT S – Permanent Man-made Structures

33. Where the mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant may either:

- (a) provide a notarized agreement between the Applicant and the person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- (b) 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; or
- (c) where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

The Division will require the Applicant to demonstrate they attempted to obtain notarized structure agreements with all owners of the structures on and within 200 feet of the affected area of the proposed mine site, pursuant to Rule 6.4.19, prior to the Division's consideration of a stability analysis. If documentation of compliance with subpart (a) and/or (c) cannot be provided, please provide an appropriate engineering evaluation that demonstrates that such structures shall not be damaged by activities occurring at the mining operation.

Additional Comments

34. The Division received comments from the Colorado Parks and Wildlife, Colorado Division of Water Resources and History Colorado. Copies of these comment letters are enclosed for your review. Please respond to the concerns identified by these agencies and make sure every response is resubmitted to the county clerk and recorder.

Please remember the decision date for this application is May 18, 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 connor.drinkard@state.co.us or (720) 836-0967.

Sincerely,



Connor J. Drinkard,
Environmental Protection Specialist Intern

Ec: Jared Ebert; Division of Reclamation, Mining & Safety