



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

May 10, 2022

Michael Krauth
KrauthCo Inc
800 Garden Park Road
Cañon City, CO 81212

**Re: J&J Stone Pit #1, Permit No. M-2011-004, Amendment (AM-2);
Preliminary Adequacy Review**

Mr. Krauth:

The Division of Reclamation, Mining and Safety (DRMS) has completed its preliminary adequacy review of your 112 construction materials reclamation permit amendment application. The application was received on March 17, 2022 and called complete for review on March 24, 2022. **The decision date for this application is June 23, 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 will deny this application.

The review consisted of comparing the application content with specific requirements of Rules 3.1, 6.4 and 6.5 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 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:

APPLICATION

- 1) Location Information: Item No. 9 is intended to indicate where the center of the majority of mining will occur. The indicated Section is 10, further defined as the NE quarter of the NE quarter in Section 10. This appears to be where the mine entrance is located, rather than the center of mining activity, which would appear to be in the SW quarter of the SW quarter of Section 2. Please resubmit p. 2 of the application with the corrected center of mining location.
- 2) Primary Mine Entrance Location: There is a discrepancy in the coordinates given for the mine entrance in Item 10 of the Application when compared to the entrance coordinates provided in Exhibit A. The coordinates in Item 10 reflect the center of the original pit, not the entrance location. In order to be consistent with the entrance coordinates in Exhibit A, "Amended Legal Description 03/16/2022" the Item 10 coordinates should be 38°30'16.96"N; 105°12'13.64"W (*Note: the coordinates in the amended Exhibit A are in decimal degrees, rather than degree/minute/seconds as for Item 10*). Please resubmit p. 2 of the application with the corrected entrance coordinates.



EXHIBIT A Legal Description

- 3) Mine entrance location and Amended Area: The submittal included two Exhibit A's: the first providing entrance coordinates identical to that provided in the initial AM-1 Exhibit A (in degree/minute/seconds, near the current center of the pit); the second in decimal degrees describing the entrance on the southwest corner of the permit boundary, in the aforementioned Exhibit A, "Amended Legal Description 03/16/2022". The first Exhibit A also includes a total permit area of 122.36 acres (consistent with adding 7.36 acres to the current approved 115 acres). The second Exhibit A only mentions adding 7.4 acres (*see Comment #4 below*) to the permit, resulting in a total area of 122.4 acres. Please explain why there are two Exhibit A's and if the first one is necessary, provide a revised set of entrance coordinates consistent with the entrance on the southwest corner of the permit boundary. As the second, amended Exhibit A appears necessary as it includes the amended legal description, please also revise the 7.4 acres to 7.36 acres to be consistent with the number in Item 3.1 of the Application Form.

EXHIBIT C Mining Plan Map

- 4) Amendment Boundary Area: There is a discrepancy between the proposed amended area on the Exhibit C (7.4 acres) vs. that on p. 1 of the Application (7.36 acres). The DRMS acknowledges this is likely due to rounding in one instance and not the other, but the proposed numbers need to be consistent in order to avoid potential issues if partial release requests are submitted in the future. Please resubmit Exhibit C with a consistent 7.36 acres of amended area. [*Note: normally required by Rules 6.4.3(c), (e), and (h); existing topography contours, type of present vegetation and soils information which are not presented on Exhibit C, have not changed since AM-1 and do not need to be resubmitted with Exhibit C in AM-2*].

EXHIBIT D Mining Plan

- 5) Water Diversion: The second page of Exhibit D states "An armored stormwater diversion channel will convey surface flow to the south infiltration pond near the natural ravine should the mine floor elevation become lower than the stream bed elevation." The DRMS considers this to be a future commitment should the mine floor elevation become lower than the stream bed elevation. Please formally acknowledge this commitment in writing.

EXHIBIT E Reclamation Plan

- 6) Topsoil Stockpiles: The third paragraph states topsoil stockpiles are located in the proposed amended area. Pursuant to Rule 3.1.9(1), how will the stockpiled topsoil be protected from erosion?
- 7) Topsoil replacement: Along with Comment #10 below, please clarify how much area is proposed for topsoil replacement: 5.9, 6, or 10 acres.
- 8) Weed Management Plan: The last sentence of Exhibit E states "The inspection report and recommended weed management plan is provided herein." The DRMS could not locate either of these documents in the AM-2 submittal. Please provide copies of the inspection report and recommended weed management plan.

EXHIBIT F Reclamation Plan Map

- 9) Amendment Boundary Area: There is a discrepancy between the proposed amended area on the Exhibit F (7.4 acres) vs. that on p. 1 of the Application (7.36 acres). The DRMS acknowledges this is likely due to rounding in one instance and not the other, but the proposed numbers need to be

consistent in order to avoid potential issues if partial release requests are submitted in the future. Please resubmit Exhibit F with a consistent 7.36 acres of amended area.

EXHIBIT L Reclamation Costs

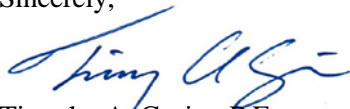
- 10) Topsoil Volume: Exhibit E states topsoil will be replaced at a depth of 6 to 8 inches. The DRMS uses an average depth when a thickness range is proposed. In this case, seven inches has been used in previous cost estimates. The first page of the Reclamation Cost Summary states only 6 inches of growth material will be placed on 10 acres. The task description for Task # 002 on the third page of Exhibit L states 7 inches will be spread on up to 10 acres, but the material quantities description on the same page states only 6 inches will be spread over 6 acres. Furthermore, Exhibit F indicates 5.9 acres will require topsoil replacement, while Exhibit E is silent on how much area will require topsoil/growth media replacement. Please provide consistent values for the proposed topsoil replacement. *[Note: the DRMS will generate a reclamation cost estimate after all reclamation adequacy issues have been addressed]*

GENERAL COMMENTS

- 11) Proof of Required Notices: Newspaper publication of a notice (published once a week for four consecutive weeks) regarding the filing of your application and transmittal of a copy of the notice to all owners of record of surface and mineral rights, holders of any recorded easements, and all owners of record of lands that are within 200 feet of the boundary of the affected land (this includes the additional proposed affected area, as well as the existing affected area) is required within 10 days of submittal. You must submit proof of the notice and mailings, such as Certified Mail Return Receipt Requested, to the Division prior to the decision date. Please provide this documentation.

Please remember that the decision date for this application is June 23, 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,



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

ec: DRMS file
Angela Bellantoni, PhD