



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

June 10, 2022

Bruce Newell  
P.O. Box 37  
Divide, CO 80814

**RE: Adequacy Review 2, 110c Construction Materials Application  
Wellington Cattle Borrow Pit, File No. M-2021-025**

Dear Mr. Newell,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your responses to the Division's April 6, 2022 Adequacy Review Letter for your 110c Construction Materials Reclamation Permit Application known as Wellington Cattle Borrow Pit, File No. M-2021-025, and submits the following additional comments. **The Division is required to make an approval or denial decision no later than July 8, 2022.** Please respond to this Adequacy Review with the requested information and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Response 2; M-2021-025".

**GENERAL APPLICATION PROCEDURES**

1. In response to Item #2, the Applicant provided a certified mail receipt to demonstrate proof of noticing to CDOT who owns property within 200 feet of the proposed permit boundary. Upon review of the revised permit maps, the Forest Service is also an adjacent property owner within 200 feet. As required by Rule 1.6.2(1)(g), please submit proof that the public notice was provided to the Forest Service.

**EXHIBIT B – Site Description (Rule 6.3.2)**

2. In response to Item #7, the Applicant provided a soil report showing the entire site is Soil Unit 17 (Herbman). Please provide the soil characteristic printout for this soil unit. Additionally, as required by Rule 6.3.2(2), please provide a robust description of the vegetation in the area of the proposed operation.
3. In response to Item #9, the Applicant has provided an additional description of the water resources in the area of the proposed operation. As required by Rule 6.3.2(c), please also discuss any known or estimated ground water elevations within the area.

**EXHIBIT C - Mining Plan (Rule 6.3.3)**

4. In response to Items #9 and #14, the Applicant is proposing to utilize berms to control stormwater and prevent off-site sedimentation. Please provide specific details of these berms (height and width) and discuss how the berms will be handled during final reclamation.
5. The Division has now calculated a reclamation cost estimate based on the details set forth in the Application and the Applicant's Adequacy Review Responses. A copy of the reclamation cost summary is attached for the Applicant's review. At this time, upon approval of the application, the required financial warranty for the site will be set at \$4,000.00; please contact me prior to the decision date to discuss any questions regarding the cost estimate or if you identify any errors with this calculation.



**EXHIBIT D – Reclamation Plan (Rule 6.3.4)**

6. As required by Rule 6.3.4(1)(c), please explain how the seedbed will be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced).
7. The Applicant has provided a reclamation seed mixture, however the recommended seeding rate is 20-35 lbs/acre. Please specify what seeding application type the Applicant intends to use and provide the specific seeding rate for that application method. Please note, in the cost estimate above, the Division has selected broadcast seeding (this includes raking to incorporate the seed into the ground) based on seeding just 1 acre. Additionally, the Division used 20 lbs/acre as that amounts to ~100 seeds/sq.ft. which is an appropriate seeding rate for broadcast seeding.

**EXHIBIT E – Maps (Rule 6.3.5)**

8. A Reclamation Plan Map was not included in the original application nor the Adequacy Review Responses. Please submit a Reclamation Plan Map which depicts the proposed post-mine topography by either including slope gradients with directional arrows or show the approximate contour lines. The Reclamation plan map must also show where vegetation will be and will not be established. Lastly, please make a note on the map, stating the average thickness of replaced topsoil.

**EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)**

9. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this adequacy letter has been added to it.

This concludes the Division's second adequacy review of your application and your adequacy review responses. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on July 8, 2022, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by July 8, 2022, and the request for additional time. This must be received no later than the deadline date.**

If you have any questions, please contact me at 303-866-3567 x8132 or [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Enclosure: Reclamation Cost Estimate M2021025

ec: Jason Musick, Division of Reclamation, Mining & Safety