



June 15, 2022

Ben Langenfeld
Lewicki & Associates
3375 W. Powers Circle
Littleton, CO 80123

RE: Skelton Pit, File No. M-2022-019 , Construction Materials Regular (112), Application Adequacy Review

Dear Mr. Langenfeld:

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 Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before a decision can be rendered.

1. **Introduction:** The introduction lists the Proposed Permit Area at 26.7 Acres, however most other materials including the application form and maps list the Proposed Permit Area as 25 Acres. Please correct the introduction to coincide with all other application materials and references.
2. **Exhibit C- Pre Mining and Mining Plan Map(s)-Rule 6.4.3:** Map C-1 "Baseline Condition" did not include the type of vegetation covering the affected lands. Though discussed and documented with photographs in Exhibit J, Please revise Map C-1 to include this information pursuant to Construction Materials Rule 6.4.3(e).
3. **Exhibit D- Mining Plan- Rule 6.4.4:** It is stated that mining will occur in 13 Acre phases with concurrent reclamation. Within the 13 acre phases please identify the average height and length of highwall to exposed at any given time in accordance with Construction Materials Rule 6.4.4(e)(ii).
4. **Exhibit E- Reclamation Plan- Rule 6.4.5**
 - a. In conjunction with Item 1 of this review, the introduction to the Reclamation Plan lists the total Proposed Permit Area as 26.7 Acres whereas the application form, maps and other references state the Area at 25 Acres. Please clarify the total Proposed Permit Area and update all applicable references to ensure consistency.



- b. Section 4 of the Reclamation Plan identifies the possibility of drill, broadcast or hydroseeding. Please specify which seed application method will be used to ensure an accurate Reclamation Cost Estimate. Also it is stated that mulch will be applied at a rate of 2,000 lbs./acre. Please specify the type of mulch proposed, if the seed application method is to be hydroseeding, a hydro mulch application may be appropriate.
- 5. **Exhibit F- Reclamation Plan Map- Rule 6.4.6:** Map F-1 appears to show 3 post-reclamation drainage basins however no such details are included in the narrative of Exhibit E. Please discuss these features in the narrative including their use, size and location. If these features are incorrectly included in the Reclamation Plan Map and are not to be considered post-reclamation features, please revise Map F-1 to remove them.
- 6. **Exhibit S- Permanent Man-Made Structures- Rule 6.4.19:** Three Permanent Man-Made Structures are listed but no signed structure agreements were included. A reference is made to the Geotechnical Stability Exhibit however that exhibit provides a demonstration of the Factor of Safety of the slopes and is not applicable to the structures. Pursuant to Construction Materials Rule 6.4.19, please provide a notarized structure agreement for each of the listed structures. Also please provide documentation of delivery of the Structure Agreement, so that in the event the agreement cannot be obtained, and engineering evaluation of each structure can be performed in accordance with Construction Materials Rule 6.4.19(b). In the instance of the buried pipeline owned by San Miguel County, please see Rule 6.4.19(c) for requirements pertaining to buried utilities.

Please submit your response(s) to the above listed issue(s) by Monday, July 25, 2022 in order to allow the Division sufficient time for review. A Decision Date for your application has been set at August 1, 2022. If you should require additional time to address the above listed items please submit a Decision Date Extension Request in writing to the Division prior to your Decision Date. 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 contact me at the Division's Grand Junction Field Office, by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us.

Sincerely,



Lucas West
Environmental Protection Specialist
Division of Reclamation, Mining and Safety

Cc: Travis Marshall, DRMS

Ec: Ben Lanenfeld, Lewicki and Associates