



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

July 5, 2022

John Stoddard
Stoddard Construction, LLC
29111 CR V.5
La Junta, CO 81050

**Re: Preliminary Adequacy Review, 110c Construction Materials New Permit Application
Stoddard Pit, Permit No. M-2022-028**

Mr. Stoddard:

On June 27, 2022, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4.2 the 30-day decision date for the application was set for July 27, 2022.

The following items will need to be addressed to the Division's satisfaction prior to the decision date. 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. Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Preliminary Adequacy Review with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-2022-028".

EXHIBIT A – Site Description (Rule 6.3.1):

1. In Exhibit C the applicant states the mine will be accessed using an existing approach through Stoddard Construction's yard then along an existing dirt road into the south end of the proposed mine. This entrance into the proposed permit is the main mine entrance. Please provide the coordinates, pursuant to Rule 6.3.1(2), of this entrance.
2. Pursuant to Rule 6.3.1(3), please update the map provided to show the names of all immediately adjacent surface owners of record.



EXHIBIT B – Site Description (Rule 6.3.2):

3. In Exhibit C the applicant states the depth to shale rock is 30 feet below ground surface but in Exhibit B the applicant states the depth to shale rock is 6-12 inches below ground surface. Please clarify the discrepancy.

EXHIBIT C – Mining Plan (Rule 6.3.3):

4. The applicant mentions that a situation may arise where mined material needs to be crushed. Would processing occur onsite? If processing were to occur at the site would any additional permits be required, i.e. APEN or County permits?
5. The Division requests the applicant commit to planting native species as cover crop for topsoil/overburden stockpile stabilization, or utilize the final reclamation seed mix to help establish a beneficial seed bank or contact the local office of the Natural Resource Conservation Service (NRCS) to get a formal recommendation. Please provide the seed mixture, in pure live seed (PLS), per acre for the topsoil/overburden stockpile stabilization.
6. Please comment on the following, the applicant states mining will begin in the south and move north, the Division is concerned that truck traffic could inadvertently effect lands outside the permit boundary in avoiding the open pit area or in trying to turn around.
7. Please clarify if the road that joins the parking lot to the permit boundary is existing or not and, if it is existing, will it be substantially upgraded or just needing material for stabilization?

EXHIBIT D – Reclamation Plan (Rule 6.3.4):

8. The applicant is proposing to leave the floor of the mine as exposed shale. It has been the Division's experience that an exposed shale floor is prone to impounding storm water for longer than 72 hours. Impounding storm water for longer than 72 hours is not permitted unless the appropriate CDPHE permit is obtained. Does the operator plan on obtaining storm water detention permit?
9. Why is the applicant proposing to leave the shale floor exposed? Leaving the floor exposed in this manner is not commensurate with the post-mining land use of rangeland and is not in compliance Rules 3.1.9 Topsoiling and 3.1.10 Revegetation.

Other:

10. Please provide proof of the local newspaper publication required by Rule 1.6.3. Proof of publication may consist of either a copy of the last newspaper publication that includes the date published, or a notarized statement from the newspaper.
11. Please provide proof that the Owners of Record of all land surface within 200 feet of the boundary of the affected lands received a copy of the notice in Rule 1.6.2(1)(d) immediately after the first publication.
12. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review

The decision deadline on this application is July 27, 2022. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert, DRMS

ec: Levi Stoddard, Stoddard Construction, LLC, copilot701@gmail.com