



July 7, 2022

Amy Brooks
Castle Rock Construction Company of Colorado, LLC
6374 South Racine Circle
Centennial, CO 80111

Re: Orton Borrow Pit, File No. M-2022-031; Preliminary Adequacy Review for 111 Construction Materials Special Operation Reclamation Permit Application

Dear Ms. Brooks:

The Division of Reclamation, Mining and Safety (DRMS) has completed its preliminary adequacy review of your 111 Special Operation Reclamation Permit Application for the Orton Borrow Pit, Permit No. M-2022-031. The application was received on March 22, 2021 and after receiving corrections, called complete for review on June 21, 2022 and deemed complete for the purpose of filing on June 30, 2022 after receiving documentation demonstrating the posting of a properly sized notice at the site. **The decision date for this application is July 15, 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 may deny this application.

The review consisted of comparing the application content with specific requirements of Rules 3.1, 6.3 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. Item 9, Page 1, Location information: The General Description line requires an “approximate elevation”. No elevation was provide on p. 1 of the Application. Please resubmit page 1 with an approximate elevation listed in Item 9.



6.3 SPECIFIC EXHIBIT REQUIREMENTS – LIMITED IMPACT OPERATIONS

6.3.2 EXHIBIT B – Site Description

2. Permanent manmade structures: Item 4 of Exhibit B specifically includes roads as manmade structures. State Highway 115 is shown on the Application maps, but is not listed in Item 4. Please resubmit Exhibit B listing Hwy 115 as a structure within 200 feet of the permit boundary and the Colorado Dept. of Transportation as the owner.

6.3.3 EXHIBIT C - Mining Plan

3. Access roads: Item 6.b of Exhibit C states the two track road will be widened for access. Rule 6.3.3(e) requires the dimensions of the access roads be provided. Please provide dimensions of the improved access road.
4. Water usage: Item 7.a of Exhibit C specifically requests how much water will be used. Please provide an estimate of how much water will be used for dust suppression (reference Rule 6.3.3(h)).
5. Blasting: Please confirm there are no plans for blasting operations on this project.
6. Mine plan: The sixth paragraph under Item 9 states “All final slopes will be 4:1 or shallower...” The DRMs need to factor reclamation backfill into the bond estimate. Please address the following:
 - a. Will the site be mined at 4:1 (active face), such that no backfill grading is required, or will the highwalls be more vertical?
 - b. If not mining at 4:1, what is the maximum expected length of the new vertical highwall at any given time?
 - c. If not mining at 4:1, what will be the source of the backfill; and will it be a push down (cut/fill balance) from the highwall crest (leaving room for additional disturbance inside the permit boundary), or a backfill from the bottom up?

6.3.4 EXHIBIT D – Reclamation Plan

7. Noxious Weed Plan: There is no discussion in the Application regarding a noxious weed plan. Rule 3.1.10(6) requires control of noxious weeds and the DRMS will need to review and approve a site weed control plan if noxious weeds become a site problem. You may submit a weed control plan for review with your response to this letter or commit in writing to submitting a weed control plan through a technical revision to this permit accompanied by the required \$216 fee, should it become necessary.
8. Existing Roads: Item 3 of Exhibit D states all existing roads will remain following reclamation. As the access road is proposed to be substantially improved, the DRMS requires a written statement from the landowner indicating they wish a substantially improved access road remain after reclamation.

9. Reclamation costs: Rule 6.3.4(2) requires the Applicant provide both direct and indirect costs. No indirect costs were provided under Item 12 of Exhibit D. No mobilization costs were included either. Finally, depending on your response to Comment 6 above, the DRMS may need to add a reclamation backfill task to the reclamation cost estimate. Enclosed as **Attachment A** is a “preliminary” DRMS reclamation cost estimate summary sheet (which includes a placeholder for reclamation backfill per Comment 6) and the detailed estimate for mobilizations costs for your review. If you have comments, or wish to clarify any reclamation tasks, please do so as a response to this Comment 9. A final reclamation cost estimate will be generated when the DRMS receives responses to this Preliminary Adequacy Review letter.

6.3.5 EXHIBIT E - Map

10. Existing depression: Item 7 of Exhibit B states “There is an existing depression from a historic borrow operation located west of the state highway 115 at mile post 27.7.” Please indicate the location of this depression on the existing condition mine map.
11. Reclamation Features: Related to Comment 8 above, if the improved access road is to remain and a letter from the landowner expressing a desire for the road to remain can be provided to the DRMS, please resubmit the Exhibit E Final Condition/Reclamation map clearly stating the “Hall Route” will remain after reclamation.

6.3.8 EXHIBIT H - Municipalities within Two Miles

12. Clarification: The intent of Exhibit H is to provide a list of all municipalities and their addresses within two miles of the proposed operation in order for the town officials to be noticed of the proposed operation. The Application listed El Paso County, which is not a municipality. The DRMS acknowledges there are no municipalities within two miles of the proposed site. For future reference, state there are no municipalities within two miles of the proposed operation. No response is necessary.

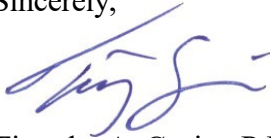
6.3.12 EXHIBIT L – Permanent Man-Made Structures

13. Eligible Structures: The purpose of Exhibit L is to provide damage compensation agreements, or where those cannot be obtained, engineering analyses demonstrating structures within 200 feet of the affected area will not be damaged by the proposed activity. The only signed agreement provided is for the Black Hills Energy overhead power line. Based on information presented elsewhere in the Application, damage compensation agreements need to be obtained for State Hwy 115, and the Lumen communications line. Please provide the required documentation for these two structures, or in lieu of being able to obtain signed agreements, provide an engineering evaluation demonstrating these structures will not be negatively impacted. Please contact me if you have specific questions on this item.

Please remember to file your response to this letter with El Paso County Clerk and provide the DRMS with documentation demonstrating as much.

The decision date for this application is July 15, 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,

A handwritten signature in blue ink, appearing to read 'Tim Cazier', with a stylized flourish at the end.

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

Enclosure: Preliminary Reclamation Cost Summary

cc: Michael Cunningham, DRMS
DRMS file
Travis Bell, Castle Rock Construction Company of Colorado

ATTACHMENT A

COST SUMMARY WORK - PRELIMINARY

Task description: Cost Summary

Site: Orton Borrow Pit

Permit Action: New Permit

Permit/Job#: M2022031

PROJECT IDENTIFICATION

Task #: 000

State: Colorado

Abbreviation: None

Date: 7/7/2022

County: El Paso

Filename: M031-000

User: TC1

Agency or organization name: DRMS

TASK LIST (DIRECT COSTS)

Task	Description	Form Used	Fleet Size	Task Hours	Cost
001	Placeholder for potential backfill grading (see PAR comment #6)	NA	1	10.00	\$2,500
002	Replace 6" topsoil over 10.24 Acres	SCRAPER1	1	18.24	\$14,251
003	Reveg 10.24 acres	REVEGE	1	25.00	\$17,295
005	Mob/Demob Equipment	MOBILIZE	1	2.77	\$3,626
<u>SUBTOTALS:</u>				56.01	\$37,672

INDIRECT COSTS

OVERHEAD AND PROFIT:

Liability insurance: 2.02

Total = \$761

Performance bond: 1.05

Total = \$396

Job superintendent: 28.01

Total = \$2,104

Profit: 10.00

Total = \$3,767

TOTAL O & P = \$7,028

CONTRACT AMOUNT (direct + O & P) = \$44,700

LEGAL - ENGINEERING - PROJECT MANAGEMENT:

Financial warranty processing (legal/related costs): \$0

Total = \$0

Engineering work and/or contract/bid preparation: 4.25

Total = \$1,900

Reclamation management and/or administration: 5.00

\$2,235

CONTINGENCY: 0.00

Total = \$0

TOTAL INDIRECT COST = \$11,162

TOTAL BOND AMOUNT (direct + indirect) = \$48,834

EQUIPMENT MOBILIZATION/DEMOBILIZATIONTask description: **Mob/Demob Equipment**Site: **Orton Borrow Pit**Permit Action: **New Permit**Permit/Job#: **M2022031****PROJECT IDENTIFICATION**Task #: **005**State: **Colorado**Abbreviation: **None**Date: **7/7/2022**County: **El Paso**Filename: **Yes**User: **TC1**Agency or organization name: **DRMS****EQUIPMENT TRANSPORT RIG COST**Shift basis: **1 per day**Cost Data Source: **CRG Data**Truck Tractor Description: **GENERIC ON-HIGHWAY TRUCK TRACTOR, 6X4, DIESEL POWERED,
400 HP (2ND HALF, 2006)**Truck Trailer Description: **GENERIC FOLDING GOOSENECK, DROP DECK EQUIPMENT
TRAILER (25T, 50T, AND 100T)****Cost Breakdown:**

Available Rig Capacities	0-25 Tons	26-50 Tons	51+ Tons
Ownership Cost/Hour:	\$15.25	\$23.06	\$37.58
Operating Cost/Hour:	\$25.26	\$30.83	\$51.41
Operator Cost/Hour:	\$27.71	\$27.71	\$27.71
Helper Cost/Hour:	\$0.00	\$20.22	\$20.22
Total Unit Cost/Hour:	\$68.22	\$101.82	\$136.92

NON ROADABLE EQUIPMENT:

Machine Description	Weight/ Unit (TONS)	Owner ship Cost/hr/ unit	Haul Rig Cost/hr/unit	Fleet Size	Haul Trip Cost/hr/ fleet	Return Trip Cost/hr/ fleet	DOT Permit Cost/ fleet
CAT 14M	23.57	\$114.80	\$68.22	1	\$183.02	\$68.22	\$250.00
Water Tanker, 5,000 Gal.	15.00	\$37.19	\$68.22	1	\$105.41	\$68.22	\$250.00
Cat 631G	52.50	\$200.41	\$136.92	1	\$337.33	\$136.92	\$250.00
Drill/Broadcast Seeder with Tractor	25.00	\$6.25	\$68.22	1	\$74.47	\$68.22	\$250.00

Subtotals: **\$700.23** **\$341.58** **\$1,000.00****ROADABLE EQUIPMENT:**

Machine Description	Total Cost/hr/ unit	Fleet Size	Haul Trip Cost/hr/ fleet	Return Trip Cost/hr/ fleet
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Subtotals: **\$0.00** **\$0.00**

EQUIPMENT HAUL DISTANCE and Time

Nearest Major City or Town within project area region:	<u>COLORADO SPRINGS</u>	
Total one-way travel distance:	<u>20.00</u>	miles
Average Travel Speed:	<u>45.00</u>	mph

Total Non-Roadable Mob/Demob Cost *	<u>\$3,626.28</u>
'* two round trips with haul rig:	
Total Roadable Mob/Demob Cost **	<u>\$0.00</u>
** one round trip, no haul rig:	

Transportation Cycle Time:

	Non-Roadable Equipment	Roadable Equipment
Haul Time (Hours):	<u>0.44</u>	<u>0.44</u>
Return Time (Hours):	<u>0.44</u>	<u>0.44</u>
Loading Time (Hours):	<u>0.25</u>	<u>NA</u>
Unloading Time (Hours):	<u>0.25</u>	<u>NA</u>
Subtotals:	<u>1.39</u>	<u>0.89</u>

JOB TIME AND COST

Total job time:	<u>2.78</u>	Hours
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Total job cost:	<u>\$3,626</u>
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