



August 9, 2022

Blake Bennetts
ACA Products, inc.
P.O. Box 1887
702 Gregg Drive
Buena Vista, CO 81211

RE: Avery Construction Pit, File No. M-1979-010 , Construction Materials Regular (112) Application Adequacy Review

Dear Mr. Bennetts:

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.

Exhibit C- Rule 6.4.3

1. Exhibit C identifies that are fence lines around the properties, two County Roads (CR321 and Gregg Drive) as well as underground electric and fiber optic lines within 200 feet of the affected lands boundaries. All of these are considered Permanent Man-Made Structures and will require structure agreements pursuant to Rule 6.4.19. Please execute structure agreements for the above listed structures and provide them under the Exhibit S section. Where such an agreement cannot be reached, an engineering evaluation demonstrating no adverse effect during mining and reclamation will suffice.
2. It is noted that all maps in both Exhibit C and F are not signed by the preparer. Please provide signed final copies of all applicable maps in accordance with Construction Materials Rule 6.2.1(2)(b).

Exhibit D- Rule 6.4.4

3. Exhibit D identifies that the depth of the pit will be 30-40 feet with a bench at 15 feet and mined using traditional highwall mining techniques. Please identify the estimated length of highwall to be exposed at any given time.
4. Please identify the stratum immediately beneath the material to be mined in accordance with Rule 6.4.4(f)(ii)

Exhibit E – Rule 6.4.5



5. The seed mix provided in the Permanent Seed Mix section is adequate however please provide the seeding rate in PLS/Acre of seed to be applied. Please also identify if any seed bed preparation method (discing, etc.) will be used, commit to a single seeding method and identify if mulch will be applied after seeding. If mulch will be applied please provide the type and rate at which it will be used.

Please submit your response(s) to the above listed issue(s) by Thursday, August 18, 2022 in order to allow the Division sufficient time for review. 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.

Sincerely,



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

CC: Travis Marshall, DRMS