



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

February 7, 2023

Vic Girardi
Hidden Mesa Ranch, LLC
3183 D Road
Grand Junction, CO 81504

Steve Baker
3B Enterprises, LLC
P.O. Box 1665
Craig, CO 81626

**Re: Hidden Pit, File No. M-2022-040,
Preliminary Adequacy Review of a 112c Construction Materials Permit Application**

Dear Sirs:

On September 9, 2022, the Division of Reclamation, Mining and Safety (Division or DRMS) received your 112c Construction Materials Reclamation Permit Application package for the Hidden Pit, File No. M-2022-040. The Division found this application complete on November 7, 2022. The Division reviewed the contents of the 112c permit application for the Hidden Pit and submits the following comments. The Division is required to issue an approval or denial decision no later than March 10, 2023. A response to the following adequacy review concerns should be submitted to the Division as soon as possible.

The review consisted of comparing the application contents with the specific requirements of Rules 1, 3, 6.1, 6.2, 6.4 and 6.5 of the *Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials* (effective date July 15, 2019). Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

General Comments

- 1) The application (including the Mining Plan Map, Exhibit C) includes references to a processing area. However, this area is not shown within the permit boundary on the Mining Plan Map or other maps. Furthermore, the total acres value listed on the application form (187 acres) does not appear to include this area. Hidden Mesa Ranch, LLC must do one of two things:**



- a) **Submit an amendment to the application, per Rule 1.8, and include the processing area in appropriate maps, text, and the cost estimate.**
 - b) **Remove all references to the processing area in revised exhibits. The processing area can be to the permit at a later date using a permit amendment (Rule 1.10).**
- 2) The Division received state agency comments from History Colorado. This letter is included as an enclosure with this adequacy review letter. Please review it and provide comments, as necessary.
 - 3) Please provide a proof of publication from the newspaper (Delta County Independent).

1.6 Public Notice

- 4) Pursuant to Rule 1.6.2(e), please submit proof of the notice to all owners of record of surface and mineral rights of the land surface within 200 feet of the boundary of the permit, including all easement holders. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.

6.2 General Requirements of Exhibits

- 5) Rule 6.2.1(2)(b) requires maps be signed by a registered land surveyor, professional engineer, or other qualified person. Please provide a description of the credentials of the person who signs the Exhibit C and Exhibit F maps.

6.4.3 Exhibit C - Pre-Mining and Mining Plan Maps of Affected Land

- 6) A Pre-Mining Map should be added to Exhibit C, and it should illustrate (with hatching or other symbolism) any areas that are currently undisturbed as well as current structures and land uses.
- 7) The Mining Plan Maps should show areas that will be mined, areas that will be impacted by other mining-related activities (such as facilities and roads), and areas that will not be impacted by mining operations. In particular, the processing area must be shown on the map. For the sake of clarity, the Division recommends that the entire permit area be permitted to be affected, and this should be stated in Exhibit C and Exhibit D.
- 8) Please add all planned structures to the Mining Plan Maps, including soil piles.

6.4.4 Exhibit D - Mining Plan

- 9) In the paragraph about the size of area to be mined at any one time, please elaborate on the phases of mining, the respective areas, and the estimated schedule for each phase. If applicable, add a statement that the Financial Warranty will be increased to reflect all of the phases being mined.
- 10) Regarding the discussion on topsoil and overburden stockpiles, more detail is needed regarding the storage volumes and locations of the piles (the discussion on location can be a reference to a map).
- 11) The Mining Plan should state that topsoil will be stripped and salvaged from the areas where soil will be stockpiled.
- 12) The Mining Plan needs to include a discussion of stabilization of topsoil stockpiles. Reference Exhibit E, as appropriate.
- 13) Exhibit D should include a discussion of the structures that will be constructed for the mining operation, including dimensions and general construction methods. (For example, will foundations include rebar reinforcement?)
- 14) Provide a discussion of existing buildings, other structures, and easements within the disturbance area. This should indicate if structures and easements will be relocated or removed.

6.4.5 Exhibit E - Reclamation Plan

- 15) The text needs to include details for seed bed preparation (e.g., mulching) as applicable, application method (drill seeding or other), and the time of seeding.
- 16) Please commit to seeding soil stockpiles which have been in place for 180 days and provide a seed mixture, including pounds of pure live seed (PLS) per acre.
- 17) Please add additional text to Exhibit E explaining the process to backfill and compact the mined slopes to the reclaimed 3:1 slope. This explanation should include the type of equipment used. The text should state that construction methods will insure stability of the slopes.

6.4.6 Exhibit F - Reclamation Plan Map

- 18) Please add additional information to the map, showing any buffer between the pits and the permit boundary.

6.4.7 Exhibit G - Water Information

- 19) This exhibit needs to discuss the surface water tributaries in the vicinity of the site, which can be seen on the map in Exhibit B. It should also discuss the plan for ongoing irrigation practices at the site.
- 20) This exhibit needs to discuss how surface water runoff at the site shall be managed to limit erosion and sediment loading from impacting offsite areas.
- 21) This exhibit needs to include a commitment that extraction will cease, and pertinent areas will be backfilled, if groundwater is encountered.

Exhibit K - Climate

- 22) Provide more details on temperatures and precipitation for the site, including averages and ranges, by season.

6.4.12 Exhibit L - Reclamation Costs

- 23) This exhibit should provide more detail on structures, including dimensions and types of construction, and plans for removal and demolition.
- 24) The cost estimate should include a task (or tasks) to reclaim the areas where overburden and topsoil will be stored.

6.4.13 Exhibit M - Other Permit and Licenses

- 25) Please commit to providing copies of all applicable permits and licenses to the Division when available.

Please be advised that the Hidden Pit application may be deemed inadequate, and the application may be denied 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 March 10, 2023 and a request for additional time. This must be received no later than the decision date.

If you have any questions, please contact me by telephone at 720-601-2276, or by email at Rob.zuber@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert D. Zuber".

Robert D. Zuber, P.E.
Environmental Protection Specialist

Enclosure

Cc: Michael Cunningham, DRMS



Robert D. Zuber
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: Hidden Pit, File No. M-2022-040 (HC#82226)

Dear Mr. Zuber:

We received your letter dated November 7, 2022 on November 8, 2022 initiating consultation with our office on the subject action pursuant to the Colorado State Register Act – Colorado Revised Statute (CRS) 24-80.1 et. seq.

A search of our database indicates that no properties of historical significance included or nominated for inclusion in the state register have been recorded within the proposed permit area. Please note, as most of Colorado has not been inventoried for cultural resources, our files contain incomplete information. Consequently, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. The requirements under CRS 24-80 part 13 apply and must be followed if human remains are discovered during ground disturbing activities.

Please note that if the fill or disposal site location is associated with a Federal undertaking, it is the responsibility of the federal agency to meet the requirements of Section 106 as set forth in 36 CFR Part 800 titled “Protection of Historic Properties”. This includes not only reasonable and good faith identification efforts of any historic properties located within the area of potential effects, but determining whether the undertaking will have an effect upon such properties. The State Historic Preservation Office, Native American tribes, representatives of local governments, and applicants for federal permits are entitled to consultative roles in this process.

We thank you for the opportunity to comment. If we may be of further assistance, please contact Holly McKee-Huth, Cultural Resource Information/Section 106 Compliance at (303) 866-4670 or holly.mckee@state.co.us.

Sincerely,

Dawn DiPrince
State Historic Preservation Officer