



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

March 24, 2023

Maxwell Ammann
Blattner Energy, LLC
392 County Road 50
Avon, MN 56310

**Re: Adequacy Review, 110c Construction Materials Application
Bronco Plains II Wind Farm, West Pit, File No. M-2023-004**

Dear Mr. Ammann,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of the Blattner Energy, LLC 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the proposed operation known as Bronco Plains II Wind Farm West Pit, File No. M-2023-004, and submits the following comments. **The Division is required to make an approval or denial decision no later than March 31, 2023; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible. If more time is needed to respond to this Adequacy Review, the Division can grant an extension of the decision date following a request by the Applicant.** Please respond to this Adequacy Review with the requested information and summarize each response to the numbered items below, in a cover letter titled “Adequacy Review Response; M-2023-004”.

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.3 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.

GENERAL APPLICATION PROCEDURES

1. As required by Rule 1.6.2(1)(g), please submit proof of publication of a public notice in a newspaper of general circulation in the locality of the proposed mining operation.
2. As required by Rule 1.6.2(1)(g), please submit proof that the public notice was provided to all owners of record of surface and mineral rights of the affected land and to the owners of record of all land surface within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a certified mailing or by proof of personal service.
3. The Division received a comment letter from History Colorado regarding the application. The letter is attached for your review. Please acknowledge and address any comments noted in the letters and make changes to the application as necessary.

6.3 SPECIFIC PERMIT APPLICATION EXHIBIT REQUIREMENTS –110 LIMITED OPERATIONS



EXHIBIT B – Site Description (Rule 6.3.2)

4. As required by Rule 6.3.2(a), please provide a description of the vegetation in the area of the proposed operation.
5. Exhibit B included a soil map and soil unit legend which appears to show the proposed operation is located on Ascalon sandy loam and Eckley-Wages complex soil units, however the soil description printouts for these units was not included. In accordance with Rule 6.3.2(a), please provide the description printouts for soil units within the proposed permit boundary.
6. As required by Rule 6.3.2(c), please provide a description of the water resources in the area of the proposed operation. Please identify any streams, springs, lakes, stock water ponds, ditches, reservoirs, and aquifers that would receive drainage directly from the affected area. Provide any information available from publications or monitoring data on flow rates, water table elevations and water quality conditions.

EXHIBIT C - Mining Plan (Rule 6.3.3)

7. In accordance with Rule 6.3.3(i), please state that groundwater is not expected to be encountered and if groundwater is encountered, please commit to immediately backfilling to 2 feet above the groundwater level.
8. Exhibit C did not include information regarding surface water. In accordance with Rule 6.3.3(i) and (l), please describe sediment-containment and storm water run-off controls to minimize disturbance to the hydrologic balance and prevent off-site damage. Additionally, in accordance with Rule 6.3.3(j), specify how you will comply with applicable Colorado water laws and regulations governing injury to existing water rights.
9. Exhibit C did not include information regarding if refuse and acid or toxic producing materials are expected to be exposed during mining. In accordance with Rule 6.3.3(k) please state that refuse and acid or toxic producing materials are not expected to be exposed during mining and if any are, mining activities will cease and appropriate agencies will be contacted for further guidance.
10. As required by Rule 6.3.3(m), please specify whether the deposit will be processed on-site. If the deposit will be processed, then describe the nature of the process, facilities and chemicals utilized. The process area and any structures must be described on Exhibit E – Map.

The Division will calculate a reclamation cost estimate based on the responses to this adequacy letter and will either provide you with a copy of the Division's cost estimate for review before the decision date or the Division will accept the estimate provided in Exhibit C. *-No further response needed.*

EXHIBIT D - Reclamation Plan (Rule 6.3.4)

11. Exhibit C specified that the depth of topsoil to be salvaged will be 6-12", however Exhibit D did not state how much would be replaced. As required by Rule 6.3.4(1)(c)(i), state the thickness of plant growth medium to be replaced.
12. As required by Rule 6.3.4(1)(c)(i), please provide the time of year when seeding will occur.
13. Exhibit D states the site will be de-compacted prior to seeding. As required by Rule 6.3.4(1)(c)(ii), please explain how the seedbed will be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced) and to what depth.
14. As required by Rule 6.3.4(1)(c)(ii), please state the type, application rate, and soil incorporation methods of fertilizer application, if any.
15. As required by Rule 6.3.4(1)(c)(iii), please provide the grass, forb, shrub and tree species to be planted and the applicable quantities. Specify the quantity of each grass and forb species as pounds of pure live seed per acre.
16. As required by Rule 6.3.4(1)(c)(v), please specify the kind, crimping method, and rate of application of mulch, if any.
17. The Reclamation Plan states per the landowner's request, some gravel will be left after reclamation is complete. The Reclamation Plan Map identifies the stockpile location of this material. Please provide the amount of material that will be left for the landowner. Please also provide a signed affidavit from the landowner requesting this material to remain and a statement that it will be used on the landowner's property and not given away or sold.
18. The aerial photos provided in the application materials show a two track road bisecting the proposed operation. Please provide details on if a road will remain through the site after reclamation is complete. If a road is to remain, please depict its location on the Exhibit E Reclamation Plan Map and include it as a part of the landowner's request discussed in Item 17.

EXHIBIT E – Map (Rule 6.3.5)

19. Both Exhibit E Mine Plan and Reclamation Plan Maps do not meet the general requirements outlined in Rule 6.2.1. Please resubmit the maps with a scale bar, date prepared, and signature.
20. As required by Rule 6.3.5(3)(a), show the gradient of all reclaimed slopes (horizontal:vertical) sufficient to describe the post mine topography on the Exhibit E Reclamation Plan Map; the Applicant may depict this by providing conceptual post mining contour lines or lines showing the top and bottom of final slopes with gradient arrows.

21. The Exhibit C Mine Plan states that no overburden is needed to be moved to mine the deposit, however, this information was not also included on the reclamation Plan Map. As required by Rule 6.3.5(3)(d), state the average thickness of replaced overburden by reclamation area or phase.

EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)

22. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this adequacy letter has been added to it.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on March 31, 2023, 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 31, 2023, and the request for additional time. This must be received no later than the deadline date.**

If you have any questions, please contact me at 303-866-3567 ext. 8132 or elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Enclosure: Comment Letter – History Colorado M2023004

Cc: Michael Cunningham, Division of Reclamation, Mining & Safety