

April 13, 2023

Barbara Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

RE: Adequacy Review No. 3; Technical Revision (TR-1) – Revise Mining and Reclamation Plans and Maps to Account for Acreage Release Areas in AR-1; Irwin/Thomas Mine, Permit No. M-2016-054

Dear Ms. Brunk,

On March 30, 2023, the Division of Reclamation, Mining and Safety (Division/DRMS) received your responses to the Division's preliminary adequacy review dated March 14, 2023. After review of your responses the Division has identified the additional items that need to be addressed.

1. On the maps provided it appears there is an inconsistency between the originally approved permit maps and the maps that were recently submitted. Specifically, on the Boundary Exhibit Map corners 60 through 67 do not appear to be within the currently approved permit boundary. Please clarify these differences and make necessary adjustments to the all the maps as needed. Please note the permit boundary is different between the Mining Plan and Reclamation Plan Maps while the Reclamation Plan Map is consistent with what has been previously approved.
2. The table below is an accounting of the permit acres from the original approved permit through TR-1:

Mining Area	Original Permit Acres	Acres Released through AR1	Reported Acres in TR1	DRMS Acreage Accounting	Difference between TR1 Acres and DRMS Acres
MA1	211.3	62.96	127.13	148.34	21.21
MA2	37.7		37.39	37.7	0.31
MA3	28.4		28.72	28.4	-0.32
MA4	18.4		18.51	18.4	-0.11
Total	295.8	-	211.75	232.84	21.09

From the table above there is an overall difference of approximately 21 acres between what the Operator has calculated and what the Division has calculated. Please see Attachment 1 for a map the Division used to estimate the areas. It appears AR-1 did not fully account for the acres intended to be



released. The Division estimates the area to be released in AR-1 should have been approximately 84.8 acres not the 62.96 acres that were released. The Operator may have to submit another acreage release request before TR-1 can be approved. Please provide a discussion on the discrepancies reflected in the table above.

3. Additional clarification is needed regarding what order the cells of MA-1 will be mined? While it is stated in the Mining Sequence Notes of Map C-4 that Cell 1A will be mined first, does the Operator intend to wait until next year, as mining of Cell 1A is restricted to be between October and April, to begin mining at the site or does the Operator want to mine Cell 1 prior to mining Cell 1A. Please update the notes section according to the clarification given.
4. While the Operator did commit to the phased bonding approach, disturbing only 35 acres at any one time, it does not appear that this scenario will work for the site. Based on this approach the Operator would exceed the 35 acre limit by mining Cells 1, 1A and 2. Additionally, this acreage accounting does not include site berms, internal roads, and other support facilities that the PUD may not consider mining disturbance but the Division does. The cost estimate provided accounts for backfilling with all available onsite material but does account for the importation of backfill to complete reclamation of Cells 4 and 5. The Operator shall either provide a cost estimate for importing 527,000 loose cubic yards of material to the site or propose an alternate method for bonding for the importation of fill material.

This concludes the Division's Adequacy Review No. 3 of TR-1. The Division reserves the right to further supplement this document with additional items and/or details as necessary.

The decision date for this revision is currently set for **May 18, 2023**. If additional time is needed to address any adequacy items, an extension request must be received by our Office prior to the decision date.

If you need additional information or have any questions, please contact me by telephone at **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

Attachment: 1. Google Earth Map of Permit Area and Mining Areas

ec: Barbara Brunk, Resource Conservation Partners, LLC, barbb@dgmllc.com
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Attachment 1

Irwin/Thomas Mine

M2016-054

TR-1 Adequacy Review No. 3

Legend

- AR 1 = 84.8 acres
- M2016-054_Irwin/Thomas-Mine
- M2016-054_Perm it-Area_MA2 = 37.9 acres
- M2016-054_Perm it-Area_MA3 and 4 = 46.9 acres
- MA-1 = 126 acres

