

Adequacy Review Letter M2023004

Maxwell Ammann <MAmmann@blattnerenergy.com>
To: "Russell - DNR, Elliott" <elliott.russell@state.co.us>

Fri, Apr 14, 2023 at 11:20 AM

Elliott,

Thank you for the call today. Attached is the response to everything regarding the Adequacy review. The only things I am still missing will be answered once I meet with the landowner tomorrow. Due to this I will need one more extension on the review phase of the permit. Can we extend it an additional 30days? Thank you!

[Quoted text hidden]



Adequacy Review Responce.zip 5062K

- 1.) Please see attached "Public Notice".
- 2.) Please see attached "Certified Mail to the Bledsoes".
- 3.) No properties of historical significance included or nominated for inclusion in the state register have been recorded within the proposed permit area. The requirements under CRS 24-80 part 13 will apply and be followed if human remains are discovered during ground disturbing activities.

CRS 24-80 part 13:

- (1) Prior to the commencement of an anthropological investigation in which it is probable that skeletal remains will be discovered, the anthropologists conducting such an investigation shall apply to the state archaeologist for an excavation permit issued under the authority of section 24-80-405 (1)(g). Upon receipt of said permit by a qualified applicant, he shall notify the coroner and sheriff of the county in which the investigation shall be conducted.
- (2) When skeletal remains are discovered during such an investigation, the anthropologists shall determine whether such skeletal remains are human remains, and, if such remains are determined to be human remains, the anthropologists shall determine, whenever possible, the age and cultural affiliation of the individual. Based on such determinations, the anthropologists shall proceed as follows:
 - (a) If it is determined that the human remains are of an individual who has been dead less than one hundred years, the anthropologists shall notify the coroner of the discovery and shall offer an opinion as to the forensic significance of the human remains. The coroner shall respond to such notification within twenty-four hours, during which time all activity which could disturb such human remains shall cease. If, on the basis of the anthropologists' opinion or on an independent on-site inquiry, the coroner determines that the human remains are of no forensic significance, the anthropologists shall notify either the state archaeologist, if the human remains are those of a Native American, or the Colorado state anatomical board, if the human remains are those of a human being who was not a Native American.
 - (b) If it is determined that the skeletal remains are human remains but of an individual who has been dead for more than one hundred years, notwithstanding the provisions of section 30-10-606 (1.2), C.R.S., the anthropologists need not notify the coroner but shall notify either the state archaeologist, if the human remains are those of a Native American, or the Colorado state anatomical board, if the remains are of a non-Native American.
- (3) Upon notification by the anthropologists of the discovery of the human remains of a Native American, the state archaeologist shall notify the commission and shall thereafter proceed in accordance with the provisions of section 24-80-1302 (4).
- 4.) The vegetation in the area is Range land. There is only natural grass and weeds in the area.
- 5.) Please see attached "EXHIBIT B".
- 6.) Just to the North of the mining area, approximately 350' there is a small no named Tributary body of water that feeds SE towards the town of Kit Karson. Eventually running into Big Sandy Creek

approximately 26mi SE. There is no concern with the water table being 100+ feet deep. Please see the attached "2023-03-28_13-35-33" "DWR_1038621" DWR well permit documents about a nearby well for the water table level.

- 7.) Ground water is not expected to be exposed.
- 8.) Storm water is expected to drain into the ground. If this changes and storm water drains off the site, then straw wattle will be installed to help mitigate any contamination.
- 9.) 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.) The deposit will not be processed on-site. There will not be any crushing or screening onsite.
- 11.) All of the topsoil that will be removed (6-12") will also be replaced during reclaim.
- 12.) We will be expecting to seed into late fall (October/November).
- 13.) We will be de-compacting the subgrade approx. 12" deep and we are expecting there to be approx. 6" of topsoil. (18" total)
- 14.) We will not be fertilizing the site. We will be performing drill seeding.
- 15.) We will be getting the seed mix design after we meet with the landowner on 4/15
- 16.) We will not be using mulch during the seeding process.
- 17.) We will be meeting with the landowner to receive the signed affidavits on 4/15
- 18.) We will not be reclaiming the two track. This is only here due to that being the rout the landowner took through their property.
- 19.) Please see attached "EXHIBIT E 1" "EXHIBIT E 2".
- 20.) Please see attached "EXHIBIT E 2".
- 21.) There will be no overburden material to replace. Please see attached "EXHIBIT E 2".
- 22.) We will send all of the documents into the county after we meet with the landowner on 4/15.

--- of of D-- bli -- 4!

Proof of Publication
STATE OF COLORADO)
County of Kit Carson) ss.
Thomas E. Bredehoft
being duty sworn, deposes and says:
1. That he is publisher of The Flagler News, a weekly newspaper printed and published in the town of Flagler, County of Kit Carson and State of Colorado.
2. That the said The Flagler News is printed and published at regular intervals, one time each week on Thursday, and that it has a general circulation in the County of Kit Carson and elsewhere.
3. That the said The Flagler News was established and has been printed and published in said County uninterruptedly and continuously during a period of at least fifty-two consecutive weeks next prior to the first issue thereof in which was published a legal notice entitled
Public Notice Blattner Energy
, a copy of which is hereto attached.
4. That the said The Flagler News is a weekly newspaper of general circulation, and is printed and published in whole or in part in the said County of Kit Carson in which said notice is required by law to be published, a copy of which is hereunto attached.
5. That the said The Flagler News is a weekly newspaper within the meaning of "An Act Concerning Legal Notices, Advertisements and Publications and Fees of Printers and Publishers Thereof and to Repeal being Chapter 139 of the Session Laws of Colorado of 1923 as amended by Chapter 113 of the Session Laws of Colorado of 1931. The act amended and repeated by Chapter 139 of the Session Laws of Colorado of 1921, the same being sections 5392 to 5400, both inclusive, of the Compiled Laws of the State of Colorado of 1921.
That the said annexed notice was published in the regular and entire edition of The Flagler News, a duly qualified weekly newspaper for that purpose, within the terms and meanings of the above named Acts.
7. That the said annexed notice is a full, true and correct copy of the original which was regularly published in each of the regular and entire issues of said newspaper, a legally qualified paper for that purpose,
once each week, on the same day of the week for1
successive weeks by1 insertions and that the first
publication thereof was in the issue dated March 9, 2023 and
that the last publication was in the issue dated March 9, 2023 Norman & Beelekle Publisher.
Subscribed and sworn to before me this
day of march 2023.
day of March 2023. Cagatha to auch Notary Public.
2 2 . 2

My commission expires

"BECAUSE THE PEOPLE MUST KNOW"

PUBLIC NOTICE

Blattner Energy, 392 County Road 50 Avon, MN 56310, (320)356-7351, has filed an application for a Construction Materials Limited Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Bronco Plains II (West Pit), and is located at or near Section 33, Township 11, Range 51, West of the Prime Meridian.

The proposed date of commencement is Apr. 1, 2023, and the proposed date of completion is May 1, 2024. The proposed future use of the land

is Range Land.

Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Kit Carson County Clerk and Recorder's office; 251 16th St, Burlington, CO 80807, or the above-named applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on March 19th, 2023.

> Published In The Flagier News March 9, 2023

CYNTHIA HAWKS NOTARY PUBLIC - STATE OF COLORADO NOTARY ID 20184038648 MY COMMISSION EXPIRES DEC 29, 2026

USPS TRACKING#

DENVER CO 602

13 MAR 2023PM 7



First-Class Mail Postage & Fees Paid USPS Permit No. G-10

9590 9402 7346 2028 4546 32

United States Postal Service Sender: Please print your name, address, and ZIP+4° in this box.

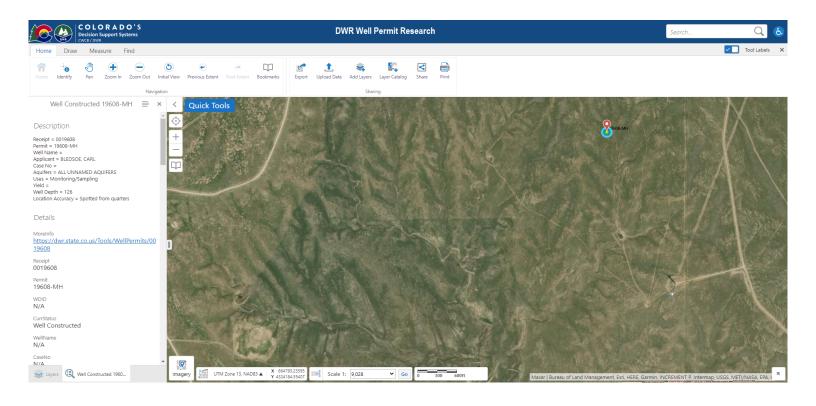
Maxwell Ammann

7481 CR. N Z100

West Union, IL 62477

ՈՒՈՒՈՐՈՐԻ ԱՐՈՒՈՐՈՐԻ ԱՐՈՒՈՐԻ ԱՐՈՒ ԱՐՈՒՐԻ ԱՐՈՒՐԻ ԱՐՈՒՐԻ ԱՐՈՒՐԻ ԱՐՈՒՐԻ ԱՐՈՒՐԻ ԱՐՈՒՐԻ ԱՐՈՒՐԻ ԱՐՈՒՐԻ ԱՐՈՒՐ

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X Addressee B. Received by (Printed Name) C. Date of Delivery Addressee 3-13-23
1. Article Addressed to: Robert + Catherine Bled See	D. Is delivery address different from item 1? Yes If YES, enter delivery address below:
PO Box 435	
Hugo, CO 80821	
9590 9402 7346 2028 4546 32	3. Service Type □ Adult Signature □ Adult Signature Restricted Delivery □ Certified Mail® □ Certified Mail Restricted Delivery □ Certified Mail Restricted Delivery □ Collect on Delivery □ Collect on Delivery
2. Article Number (Transfer from service label)	Collect on Delivery Restricted Delivery Restricted Delivery
7022 2410 0002 8148 8 PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receipt



FORM NO. GW3-31, STATE OF COLORADO, OFFICE OF THE STATE	REPORT For Office Use only RECEIVED			
1. WELL PERMIT NUMBER MH-19608	SEP 30 '92			
2. OWNER NAME(S) Carl Bledsoe Mailing Address 3374 Rd. D City, St. Zip Flagler, Co. 8081 Phone (719) 765-4450	WATER RESOURCES STATE SHARLER COLO.			
3. WELL LOCATION AS DRILLED: 1/4 NE 1/4, Sec DISTANCES FROM SEC. LINES: 660 ft. from North Sec. line. and 660 (north or south) SUBDIVISION: STREET ADDRESS AT WELL LOCATION:	ft. from East Sec. line. OR (east or west) LOT BLOCK FILING(UNIT)			
4. GROUND SURFACE ELEVATIONft. DRI	'			
DATE COMPLETED 8-28-92 TOTAL D	T			
5. GEOLOGIC LOG: Depth Description of Material (Type, Size, Color, Water Location)	6. HOLE DIAM. (in.) From (ft) To (ft) 8" 0 126'			
REMARKS: Mo AGU: Rev.	7. PLAIN CASING OD (In) Kind Wall Size From(ft) To(ft) 5,5 PVC .227 0 106' PERF. CASING: Screen Slot Size: .030 5.5 PVC .227 /04 /24 8. FILTER PACK: 9. PACKER PLACEMENT: Material Silica Sand Size 8-(2-Interval Depth Depth Depth 10. GROUTING RECORD: Material Amount Density Interval Placement 25AC 0-20 (24 174) EIL Sand 20-126			
11 DISINFECTION: Type	Amt. Used			
WELL TEST DATA: Check box if Test Data is submitted on Supplemental Form. TESTING METHOD Submitation Fig. 1. Date/Time measured pumping level ft. Date/Time ft. Date/Time measured pumping level ft. Date/Time ft.				
CONTRACTOR Schaal Drilling, Co. Mailing Address PO Box 416/Burlington, Co				
Name/Title (Please type or print) Schaal Drilling, Co. Ruben Schaal/ Owner	Date 9-24-92			

,

.

,



HAROLD (HAL) D. SIMPSON State Engineer

STATE ENGINEER FILE COPY

OFFICE OF THE STATE ENGINEER DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 818 Denver, Colorado 80203 (303) 866-3581 FAX [303] 866-3589

August 25, 1992

Ruben Schaal Schaal Drilling Co. P.O. Box 416 Burlington, CO 80807 Lic. No. 803 I.D. 2 County 09 67 Basin M.D.

RE:

Monitoring and Observation Hole(s)

File No. MH- 19608

NE 1/4 Township 11S Section 34 Range 51W

Dear Mr. Schaal:

Owner: Carl Bledsoe

Thank you for your letter of August 17, 1992, notifying this office of your intent to construct the subject monitoring and observation hole(s). The construction of the hole(s) must be completed within three (3) months of the date of this acknowledgement. Testing and/or pumping shall not exceed a total of seven (7) days unless prior written approval is obtained from the State Engineer. The water diverted during testing shall not be used for beneficial purposes. The well owner or his agent shall be responsible for obtaining permits and complying with all rules and regulations pertaining to the discharge of all fluids produced during testing. The hole(s) must be plugged within one (1) year after construction unless a well permit has been obtained from the State Engineer.

A copy of this acknowledgement must accompany the drilling rig. All work must be in compliance with the Water Well and Pump Installation Rules. Construction details, geologic logs, and test data, in the form of well construction and test reports (form GWS-31), must be submitted to this office within sixty (60) days of the completion of the work by the licensed contractor or authorized individual. In addition, the well owner should maintain records of any water quality testing and submit this data to the Division upon plugging of the hole or our request. Please refer to the above file number and owner to identify the documents when submitted. Upon completion of plugging, abandonment reports (form GWS-9) must be submitted affirming the dates the holes were plugged, the intervals and types of materials used, and by whom the holes were plugged.

Acknowledgement of this monitoring and observation hole notice does not indicate that well permits can be approved. If you have any questions, contact this office.

Sincerely,

Fred M. Loo

Water Resources Engineer

FML:cq

cc DIVI 2

Schaal.FML/FORM MONHOLE

Schaal Drilling Co.

RUBEN T. SCHAAL JR. • PHONE NO. (719) 346-8032 • P.O. BOX 416 • BURLINGTON, COLORADO 80807

August 17, 1992

RECEIVED

AUG 19'92

WATER RESOURCES STATE ENGINEER

COLO.

State of Colorado Division of Water Resources 1313 Sherman Street Denver, Co. 80203

To: Rick Nielsen

RE: Colorado Division of Water Resources, Rules and Regulations 6.3. Notice of Intent to Construct

Landowner's name: Carl Beverley Bledsoe

Well owner's name: Carl Beverley Bledsoe

Approximate date of constructions: August 26, 1992

Location 1/4 section: NE-34

Township and Range: 11S-51W

Number and type of holes or wells: One or more Observation and Monitoring

Holes.

Estimated total depths: 200'

Purpose: Monitoring and observation of ground water availability

and observation of Geological Formation.

Thank you for your prompt attention.

Ruben T. Schaal

RTS/jw

CC

SITE DESCRIPTION EXHIBIT B

Soils Information

The below chart was obtained from the basic soils and vegetation information found through the USDA's National Soils information page and the Soil Survey of Kit Carson County.



Map Unit Legend





Kit Carson County, Colorado (CO063)

Kit Carson County, Colorado (CO063)



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
4	Ascalon sandy loam, 0 to 3 percent slopes	18.9	41.8%
22	Eckley-Wages complex, 4 to 20 percent slopes	26.3	58.2%
Totals for	or Area of	45.2	100.0%

Map Unit Description



Printable Version

Report — Map Unit Description



Kit Carson County, Colorado

4-Ascalon sandy loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2swl3 Elevation: 3,870 to 5,960 feet

Mean annual precipitation: 12 to 16 inches Mean annual air temperature: 46 to 57 degrees F

Frost-free period: 135 to 160 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Ascalon and similar soils: 85 percent Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ascalon

Setting

Landform: Interfluves

Landform position (two-dimensional): Summit

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Wind-reworked alluvium and/or calcareous sandy

eolian deposits

Typical profile

Ap - 0 to 6 inches: sandy loam
Bt1 - 6 to 12 inches: sandy clay loam
Bt2 - 12 to 19 inches: sandy clay loam
Bk - 19 to 35 inches: sandy clay loam
C - 35 to 80 inches: sandy loam

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Runoff class: Low

Capacity of the most limiting layer to transmit water (Ksat):

Moderately high to high (0.60 to 2.00 in/hr) Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Calcium carbonate, maximum content: 10 percent

Maximum salinity: Nonsaline to very slightly saline (0.1 to 2.0

mmhos/cm)

Sodium adsorption ratio, maximum: 1.0

Moderately high to high (0.60 to 2.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Calcium carbonate, maximum content: 10 percent

Maximum salinity: Nonsaline to very slightly saline (0.1 to 2.0

mmhos/cm)

Sodium adsorption ratio, maximum: 1.0

Available water supply, 0 to 60 inches: Moderate (about 7.7 inches)

Interpretive groups

Land capability classification (irrigated): 3e Land capability classification (nonirrigated): 4c

Hydrologic Soil Group: B

Ecological site: R067BY024CO - Sandy Plains

Hydric soil rating: No

Minor Components

Olnest

Percent of map unit: 10 percent

Landform: Interfluves

Landform position (two-dimensional): Summit Landform position (three-dimensional): Tread

Down-slope shape: Linear Across-slope shape: Linear

Ecological site: R067BY024CO - Sandy Plains

Hydric soil rating: No

Vona

Percent of map unit: 5 percent

Landform: Interfluves

Landform position (two-dimensional): Summit

Down-slope shape: Linear Across-slope shape: Linear

Ecological site: R067BY024CO - Sandy Plains

Hydric soil rating: No

Description — Map Unit Description



Report — Map Unit Description



Kit Carson County, Colorado

22—Eckley-Wages complex, 4 to 20 percent slopes

Map Unit Setting

National map unit symbol: 37r0 Elevation: 4,300 to 5,200 feet

Mean annual precipitation: 13 to 17 inches Mean annual air temperature: 45 to 50 degrees F

Frost-free period: 145 to 148 days

Farmland classification: Not prime farmland

Map Unit Composition

Eckley and similar soils: 40 percent Wages and similar soils: 30 percent Minor components: 30 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Eckley

Setting

Landform: Hills

Landform position (two-dimensional): Shoulder

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Fine-loamy eolian deposits over sandy and gravelly

alluvium

Typical profile

A - 0 to 4 inches: gravelly sandy loam Bt - 4 to 12 inches: gravelly sandy clay loam BC - 12 to 15 inches: gravelly sandy loam 2C1 - 15 to 22 inches: gravelly sand 2C2 - 22 to 60 inches: gravelly sand

Properties and qualities

Slope: 4 to 20 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Runoff class: Medium

Capacity of the most limiting layer to transmit water (Ksat):

Moderately high to high (0.60 to 2.00 in/hr) Depth to water table: More than 80 inches Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Calcium carbonate, maximum content: 5 percent

Available water supply, 0 to 60 inches: Very low (about 1.7 inches)

Interpretive groups

Land capability classification (irrigated): 6e Land capability classification (nonirrigated): 6e

Hydrologic Soil Group: B

Ecological site: R067BY063CO - Gravel Breaks

Hydric soil rating: No

Description of Wages

Setting

Landform: Hills

Landform position (three-dimensional): Side slope

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Fine-loamy eolian deposits over fine-loamy alluvium

Typical profile

A - 0 to 5 inches: loam Bt - 5 to 12 inches: loam Bk - 12 to 17 inches: loam C - 17 to 60 inches: loam

Properties and qualities

Slope: 4 to 12 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Runoff class: Medium

Capacity of the most limiting layer to transmit water (Ksat):

Moderately high to high (0.57 to 2.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Calcium carbonate, maximum content: 15 percent

Available water supply, 0 to 60 inches: Moderate (about 9.0 inches)

Interpretive groups

Land capability classification (irrigated): 6e Land capability classification (nonirrigated): 6e

Hydrologic Soil Group: B

Ecological site: R067BY002CO - Loamy Plains

Hydric soil rating: No

Minor Components

Ascalon

Percent of map unit: 10 percent

Landform: Hills

Landform position (three-dimensional): Side slope Ecological site: R067BY024CO - Sandy Plains

Other vegetative classification: SANDY PLAINS (067XY024CO 1)

Hydric soil rating: No

Hydric soil rating: No

Minor Components

Ascalon

Percent of map unit: 10 percent

Landform: Hills

Landform position (three-dimensional): Side slope Ecological site: R067BY024CO - Sandy Plains

Other vegetative classification: SANDY PLAINS (067XY024CO_1)

Hydric soil rating: No

Rock outcrop

Percent of map unit: 5 percent

Landform: Hills

Landform position (three-dimensional): Side slope

Hydric soil rating: No

Altvan

Percent of map unit: 5 percent

Landform: Hills

Landform position (three-dimensional): Side slope Ecological site: R067BY063CO - Gravel Breaks

Other vegetative classification: LOAMY PLAINS (072XY001CO_1)

Hydric soil rating: No

Sampson

Percent of map unit: 5 percent

Landform: Drainageways

Ecological site: R067BY036CO - Overflow

Hydric soil rating: No

Manter

Percent of map unit: 5 percent

Landform: Hills

Landform position (three-dimensional): Side slope Ecological site: R067BY024CO - Sandy Plains

Hydric soil rating: No

Description — Map Unit Description

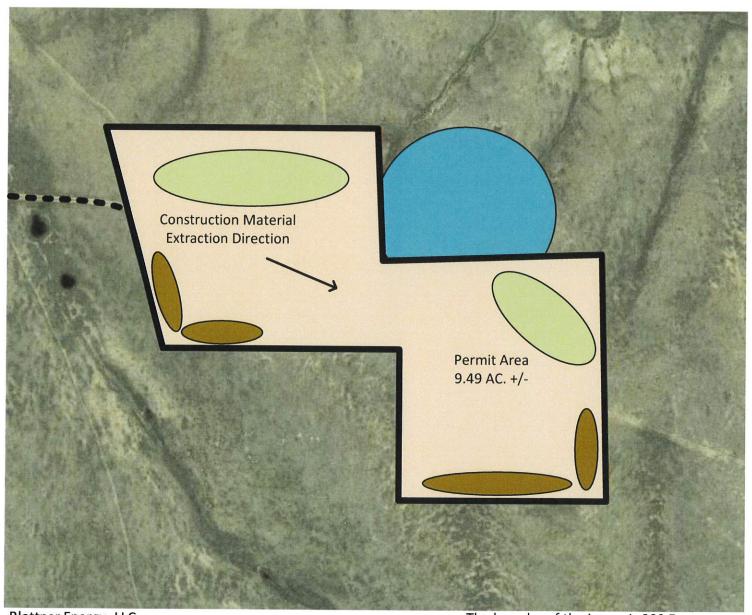


Permanent Man-Made Structures

There are no existing man-made structures within 200 feet of the pit.

Water Resources

There are no substantial water sources near the area of operation. The only one of note is North of the mining area, approximately 350' there is a small no named Tributary body of water that feeds SE towards the town of Kit Karson. Eventually running into Big Sandy Creek approximately 26mi SE. There is no concern with the water table being 100+ feet deep. Please see the attached DWR well permit documents about a nearby well for the water table level.



Blattner Energy, LLC Bronco Plains II West Pit Map Exhibit E-1 Mining Plan Prepared on 3/31/2023

Legend:

Mine Setbacks (15ft) / Permit Boundaries

Mine Area Access Road Topsoil Piles Gravel Stockpile

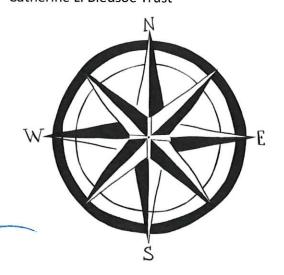
Previously mined areas

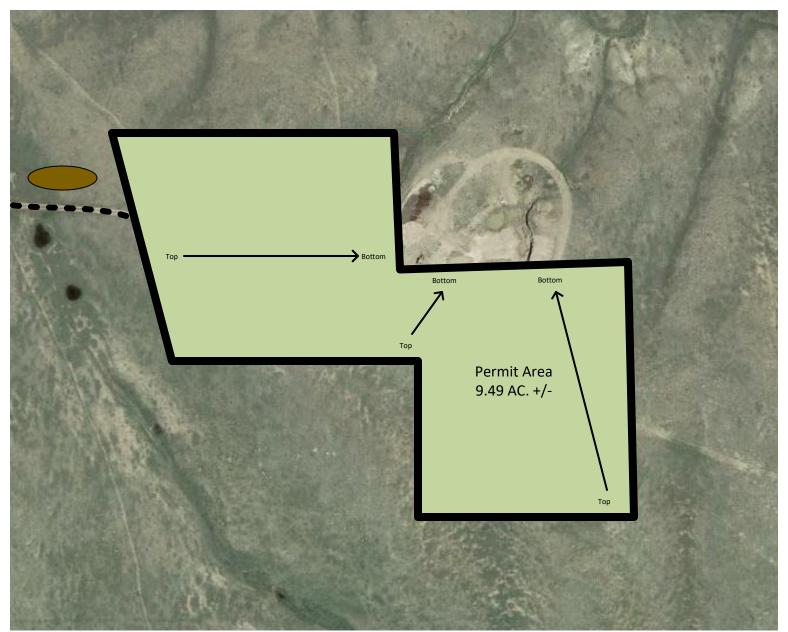
Scale: Approx. 1"= 200'

Section: 33 Township: 11 Range: 51 Section: SE

Quarter/Quatyer Section: SW

The boarder of the image is 200 Feet or more from the Pit boarder. The only land owner of the afected property or 200 Feet away is "Robert C. Bledsoe Trust and Catherine L. Bledsoe Trust"





Blattner Energy, LLC Bronco Plains II West Pit Map Exhibit E-2 Reclamation Plan Map Prepared on 3/31/2023

Legend:

 \longrightarrow

4:1 Slope Reclaimed Area



Access Road Gravel Left behind

Scale: Approx. 1"= 200'

Section: 33 Township: 11 Range: 51 Section: SE

Quarter/Quatyer Section: SW

0 50 100 200 400

We will be replacing the topsoil over the entire pit returning the land to Range Land. The plan is to slope the grade at a 4:1 towered the previously mined area. There will be a small amount or gravel left behind for the land owner per there request. There will be no shrub or trees planted. We are expecting 6-12" of topsoil. There will be no overburden material to replace.

