



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

May 17, 2023

Mr. Blake Foerster
IHC Scott, Inc.
10303 E. Dry Creek, STE 300
Englewood, CO 80112

**Re: Preliminary Adequacy Review, New 111 Construction Materials Permit Application,
W. Max (Bill Nelson) Borrow Pit, Permit No. M-2023-010**

Mr. Foerster:

On May 16, 2023, the Division of Reclamation, Mining and Safety (Division/DRMS) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4.4 the 15-day decision date for the application was set for **May 31, 2023**.

The following items will need to be addressed to the Division's satisfaction prior to the decision date. If you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division may deny this application. In order to allow the Division sufficient time to review your responses to the adequacy issues, as soon as you are able. Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Preliminary Adequacy Review with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-2023-010".

EXHIBIT A – Legal Description and Location Map (Rule 6.3.1):

1. Pursuant to Rule 6.3.1(3) the names of all immediately adjacent surface owners of record need to be shown on the map. Additionally pursuant to Rule 6.2.1(2) all maps must meet the following requirements:

Maps, except the index map, must conform to the following criteria:

- (a) show name of Applicant;
- (b) must be prepared and signed by a registered land surveyor, professional engineer,



or other qualified person;

(c) give date prepared;

(d) identify and outline the area which corresponds with the application;

(e) with the exception of the map of the affected lands required in Section 34-32.5-

112(2)(d), C.R.S. 1984, as amended, shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Also, that a map scale, appropriate legend, map title, date and a north arrow shall be included.

Please update Exhibit A map according to the items mentioned above. Please note coordinates for points depicted on the map need to be complete and legible.

EXHIBIT B – Site Description (Rule 6.3.2):

2. Please provide a description of the vegetation and soil characteristics in the area of the proposed operation pursuant to Rule 6.3.2(a). A Soil Report can be obtained from <https://websoilsurvey.sc.egov.usda.gov/> for free. Please use the general area of the proposed mine site on the new soil report map. Please also provide the soil unit description printouts for any soil map units included within the proposed permit boundary.

EXHIBIT C – Mining Plan (Rule 6.3.3):

3. Please provide the estimated depth to which soil, suitable as a plant growth medium, will be salvaged for use in the reclamation process. This description must be consistent with information provided in Exhibit B. Sufficient soil must be salvaged to meet the vegetation establishment criteria of Rule 3.1.10.
4. Please specify the thickness of overburden or quantity of waste rock, if any, to be removed.
5. Please specify if explosives will be used in conjunction with the mining or reclamation operation.
6. In the Description of Mining Operation the applicant states that unsuitable geotechnical material will be used as backfill material at the borrow site. Please confirm that the material proposed to be used as backfill meets the definition of inert pursuant to Rule 1.1(22): "Inert Material" means non-water-soluble and non-putrescible solids together with such minor amounts and types of other materials, unless such materials are acid or toxic producing, as will not significantly affect the inert nature of such solids. The term includes, but is not limited to, earth, sand, gravel, rock, concrete which has been in a hardened state for at least sixty (60) days, masonry, asphalt paving fragments, and other inert solids.

EXHIBIT D – Reclamation Plan (Rule 6.3.4):

7. Pursuant to Rule 6.3.4(c) please provide the following:

Specify the measures that will be taken to revegetate the site, if applicable, including:

- (i) state the thickness of plant growth medium to be replaced. Sample and analyze available soils sufficiently to establish quantity and quality;
- (ii) state at what point in the mining plan the site will be seeded. Explain how the seedbed will be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced). State the type, application rate, and soil incorporation methods of fertilizer application, if any. NOTE: Soil amendments shall only be applied where soil tests indicate nutrient deficiencies for the plant species to be established;
- (iii) state 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;
- (iv) specify the application method for grass and forb seeding. If the seed is to be broadcast, the application rate shall be twice the rate required for seed drilling. If the seedbed has not been adequately roughened prior to seeding, the seed shall be raked or harrowed after broadcast application;
- (v) if a mulch is needed, specify the kind to be used, the crimping method, and rate of application; and
- (vi) explain the establishment methods for each species of shrub and/or tree, and state the number of each to be established per acre.

EXHIBIT E – Maps (Rule 6.3.5):

8. Please update and resubmit the Mining and Reclamation Plan maps to satisfy the criteria mentioned in item #1 above.

Other:

9. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review

Please respond to these adequacy issues before the decision due date. The decision due date for this application is **May 31, 2023**. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

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,

A handwritten signature in blue ink, appearing to read "Patrick Lennberg". The signature is fluid and cursive, with the first name "Patrick" written in a larger, more prominent script than the last name "Lennberg".

Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert, DRMS

ec: Blake Foerster, IHC Scott, Inc., bfoerster@ihcscott.com