



June 8, 2023

Chris Hurley  
IHC Scott, Inc.  
10303 East Dry Creek Rd, Suite 300  
Englewood, CO 80112

**RE: Rifle Gravel Pit #1, File No. M-2021-052 , 112c Construction Materials Regular Operation – Amended Application AM-1, Adequacy Review-5**

Dear Mr. Hurley:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before the application can be considered for approval.

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**6.4.2 EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands**

- 1) There is a wire fence the on south side of the property separating it from CR 346. Pursuant to Rule 6.4.3(b) and (g), please depict this feature on Figure 3, Map C1 and update Table 1 as necessary.
- 2) Figure 3, Map C1 depicts the CDOT wildlife fence going between the east and westbound lanes of I-70, this is incorrect. The fence is between CR 346 and Westbound I-70. Please correct Figure 3, Map C1, pursuant to Rule 6.4.3(g).

**6.4.4 EXHIBIT D - Mining Plan**

- 3) On Figure 14, Exhibit E1, 4.02 acres have been identified as a buffer area between the permit boundary and the berms. Exhibit L estimates that 1 ac of incidental seeding for this area will be required. Describe within the narrative portion of the Mining Plan when this area is expected to be disturbed. Update Table 2 to include this disturbance accordingly.
- 4) How will the Operator ensure that slopes are reclaimed to the proper grade if they cannot be visually inspected, per Rule 3.1.5(7)? Adequacy Review #4 Response #31 was sufficient. Please include grading verification explanation within the narrative portions of Mining and Reclamation Plans.



- 5) Figure 14, Exhibit E1 depicts topsoil removal from all affected lands, but the narrative section 5.2.1.1 states that only 11.18 acres will be stripped. Explicitly state within the mine plan the number of acres that topsoil will be stripped from. Clarify and consistently present information across exhibits.

#### **6.4.5 EXHIBIT E - Reclamation Plan**

- 6) Adequacy Review #4, Response #38 is incorrect. Several maps depict a piezometer within the affected lands boundary on the east side of the affected lands, within the permit boundary. Clarify if this is a permanent feature or provide reclamation details within Exhibit E and an associated cost provided under Exhibit L - Reclamation Cost Estimate.
- 7) Pursuant to Rule 3.1.5(7) slopes shall be no steeper than a 3H: 1V, 5 feet above the water and 10 feet below the expected water line. Within the narrative portion of the Reclamation Plan, explain how slope grades will be verified when inundated. Also see question #4.
- 8) Please commit to providing the Division with slope configuration data as part of the annual report. OR include a reclamation task item to verify sloping at the end of mining.
- 9) Per Rule 6.4.5(2)(e)(i), (ii) and (iii), Provide a plan or schedule indicating how and when reclamation will be implemented. This plan shall be included within Exhibit E- Reclamation Plan.
- a) This estimate shall be specific to the various stages or phase of reclamation (ripping, topsoil application, seeding, etc.). The time to complete each task associated with reclamation (by phase and task)
  - b) Include a description of the size and location of each area to be reclaimed during each mining phase. Describe when the buffer area (~1 ac) will receive reclamation
  - c) State within each mining stage the number of acres associated with each reclamation land type. Site wide information has been provided on Figure 15. How many acres by phase will be upland, wetland, gravel, undisturbed, and a pond?
- 10) Clarify if mulch will be applied to both the wetlands and upland areas? Adequacy Review #4 Response #45 is sufficient. Within the narrative section 6.1.1.3 clarify that mulching will only be done on the upland areas, not wetlands.
- 11) The Division disagrees that because the site is being wet mined there is no need for decompaction. Slopes/banks will be compacted while excavations occur and therefore should be decompacted prior to topsoil application. Similarly if the Operations area is to be reclaimed it too shall be decompacted. Please revise the reclamation plan to commit to decompacting all affected lands prior to topsoil application and seeding per Rule 6.4.5(2)(d). Adequacy Review # 4, Response #50 is sufficient. Within the narrative portion of the Reclamation Plan include a statement that all affected lands will be decompacted prior to topsoil application.
- 12) Section 6.1.1.2 states "A tarp will cover topsoil to avoid deterioration of the material...so it can be used for reclamation." Though tarping topsoil will keep it from blowing or washing away, it will ruin the topsoil. The heat from the tarp and the lack of vegetation while stockpiled will injure the soil microbiome which overall will degrade the topsoil. Tarping the topsoil is an unacceptable means of soil handling. Pursuant to Rule 3.1.9, please commit to revegetation (temporary seeding) of all topsoil that is not reapplied within 180 days of salvaging.

- 13) Section 6.3.3.2 commits to seeding the excess topsoil that will be sold. Under section 6.1.1.2 IHC Scott commit to having all topsoil sold/ removed within 180 days, thus no requirement for stabilization. Please provide consistent information across all Exhibits.
- 14) Figure 14, Exhibit E1 depicts topsoil removal from all affected lands, this is contradictory to section 5.2.1.1 which states that only 11.18 acres will be stripped. Update as necessary and consistently present information across exhibits. \*\*also in mining plan question # 5\*\*
- a) Under section 5.2.1.1, during phase 1, 11.18 acres of topsoil will be stripped. The total mined land is 10.43 ac., (pond will be 9.77 and wetlands are 0.7). What additional land is being stripped of topsoil and how will it be reclaimed?
- 15) Within the mine plan Table 2, it is mentioned that the affected lands buffer area needs upland revegetation as well. Exhibit L estimates that approximate 1 ac of the 4.02 ac will require touch up reclamation.
- a) Clarify within the Reclamation Plan when and how much buffer area will be revegetated.
- b) Clearly state if this area will receive the same or different reclamation treatments than the upland revegetation of the berms.
- 16) By stripping (topsoil and overburden) the entire site all at once, if mining is not completed these lands would require reclamation (revegetation).
- a) Commit to retaining enough topsoil and overburden on site to reclaim all affected lands which are not permanently inundated or graveled.
- b) Provide the volume of material necessary and acres requiring wetlands revegetation by phase.
- 17) What is the estimated failure rate of the Wetlands Seeding and Planting Mix? Does container stock have a higher failure rate than seed stock?
- 18) Section 6.1.1.4 does not address if any newly erected structures will remain post mining. I.e. will the scale or scale house remain?

#### **6.4.6 EXHIBIT F - Reclamation Plan Map**

- 19) Figure 14, Exhibit E1 does not depict which areas will be reclaimed to upland areas, wetlands or remain graveled. Please shade or otherwise note the final land use for all areas, per Rule 6.4.6(b). Note that the map states "Reclaimed pond water surface (solid Blue line) and Reclaimed wetland slope area (solid Green Hatch)", no areas are shaded or otherwise delineated to differentiate various reclamation methods.
- 20) Figure 14 Exhibit E1, the legend does not specifically relate to reclamation of the affected lands. Legend describes other land types/features not related to the reclamation treatments of the affected lands. Per Rule 6.4.6(b) revise the legend to sufficiently portray the proposed final land use for each portion of the affected lands.
- 21) The permit boundary is not clearly identified on the map as required by Rule 6.2.1(d)
- 22) Within the mine plan, it is mentioned that the affected lands buffer area 4.02 ac needs upland revegetation as well. Please depict this on Figure 14, Exhibit E1.

#### **6.4.7 EXHIBIT G - Water Information**

- 23) Commit to providing the Division with all necessary water rights documentation for mining and reclamation once approved/ issued.
- 24) The Adequacy Response #36 stated that per Section 8.3 it a Substitute Water Supply Plan (SWSP) was filed on June 13, 2022. However this language is not actually contained within the revised Exhibit G, Section 8.3. Neither is language stating that a Gravel Well Pond Permit has been applied for. Please update the narrative language and include application documentation for both permits until such time the permit is issued.
- 25) Per Rule 6.4.7(5) The Operator/Applicant shall affirmatively state that the Operator/Applicant **has acquired (or has applied for)** a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health and Environment, if necessary. Committing to apply for the permit prior to operations does not meet the minimum requirements of the Rules.
- 26) Please state within the narrative section of Exhibit G the source and estimated volume of water to be consumed while washing of material (processing) per Rule 6.4.7(3). During Mining, Section 8.7.1, only addresses loss from evaporation from the pond, material trucked off site (which contains ~4% water) and that used for dust suppression. Water consumption will occur while processing/ washing of material. Also, amend Exhibit G, Table 3 as necessary.
- 27) Attachment C does not include a copy of the DWR Well Permit application as referenced within Exhibit G.

#### **6.4.11 EXHIBIT L - Reclamation Costs**

- 28) Based on the response to Question 8, include as task for verifying below water slope grades.
- 29) Based on application maps, one piezometer on the east side is within the affected lands boundary. Unless explicitly stated within the reclamation plan that all piezometers will be permanent features, a task needs to be included for its removal.
- 30) The total of Exhibit L, Table 7 is incorrect. The total cost should be \$71,727.36
- 31) As mentioned within the Reclamation Plan Question 16, By stripping (topsoil and overburden) the entire site all at once, if mining is not completed these lands would require reclamation (revegetation). Include a task by mine phase to reclaim all affected lands which have been stripped but not yet mined. The Division will assume revegetation will be wetlands as this area is subject to seasonal groundwater fluctuation unless overburden is replaced to restore the site to original contours.
- 32) Provide the average (centroid to centroid) haul and grading push distances for overburden and topsoil placement to construct the berms during Phase 1.
- 33) Provide the average (centroid to centroid) haul and grading push distances for topsoil placement to construct the wetlands bench during Phase 4.
- 34) What type of equipment will be used to haul overburden and topsoil for the berm construction and wetlands bench?

- 35) Per Question 22, if the scale and scale house are to be removed upon completion of mining include a task item for their demolition/removal. Include dimensions and building materials for each. Alternatively if they are mobile/portable (no foundations, on trailers) please explicitly state that in both the Mining and Reclamation Plans.

#### **6.4.13 EXHIBIT M - Other Permits and Licenses**

- 36) Commit to providing the Division with a copy of the approved CDPS prior to commencement pursuant to Rule 3.1.6(1)
- 37) Attachment C does not include a copy of the DWR Well Permit application as stated within Exhibit M per Rule 3.1.6(1)
- 38) Adequacy Review #4, Response #73 mentions a SWSP being included under Attachment C. The SWSP is not included under the list of permits within Exhibit M, nor is it included within attachment C.

#### **6.4.18 Exhibit R – Proof of Filing with the County Clerk and Recorder**

- 39) Provide proof that adequacy responses have been included in the file that the County Clerk and Recorder has on file. Note these responses (Review #5) in addition to Adequacy Review #4 will be required.

#### **6.4.19 EXHIBIT S - Permanent Man-made Structures**

- 40) The structure agreement for CDOT is not updated. The copy include within Attachment B is for a previous application (wrong permit number) and is not an original. Additionally the Westbound Wildlife fence is not included as a feature (addressed under the Geo-Tech). Please submit an updated structure agreement with original notary signatures.
- 41) Include a statement that all other permanent man-made structures within 200 ft. of the affected lands for which a Structure Agreement or Engineering Evaluation have not been provided are owned by the Applicant.
- 42) Pursuant to 6.4.19(b) provide documentation that an attempt was made to obtain a completed agreement, prior completing the engineering evaluation.

#### **6.5 GEOTECHNICAL STABILITY EXHIBIT**

- 43) Section 1.1 states that “Our analysis was conducted....for Hard Rock, Metal and Designated Mining Operations.” This is a Construction Materials permit application and subject to C.R.S. § 34-32.5-101 *et seq.* not Hard Rock C.R.S. § 34-32-101 *et seq.* Please correct this statement.
- 44) Section 3.0 of the Geo-Tech States incorrect information. “Based on our review of the plans, we believe the final reclamation grading would be the more conservative evaluation. The addition of the berm to the top of the slope will increase driving forces, which would not be present during mining operations, and reduce the global factor of safety for the slope.” The Berm will be placed during phase 1 and exist through phase 4 (final reclamation). Please correct this statement.

- 45) Figure 1 depicts that the CDOT wildlife fencing is the closes feature at 112'. This is incorrect, the nearest feature is the underground gas line. Figure 2 also makes the same error stating the CDOT wildlife fence is at 116' when that feature is the underground Gas line. Please correct this figure.
- 46) Summary 4.0 states that "Per DRMS section 6.3.12(b), our analysis indicate that all permanent...." That citation does not exist, please remove or correct citation.

### **1.6.2 Public Notice**

- 47) Documentation provided under attachment E is insufficient. The zoomed in picture provided is of the County notice requirement, not DRMS'. As noted in the Division's April 12, 2023 inspection report, though a sign was posted it depicted incorrect information and therefore does not meet the requirements of Rule 1.6.2(1)(b). Please correct the sign and provide documentation.
- a) "The Applicant name and phone number does not match the application materials. The address listed is no longer current. The application type listed is incorrect, the application is for a Construction Materials Regular 112c Operation Reclamation Permit, not a Regular (112) Hard Rock/Metals Mining Reclamation Permit. The site name does not match the application materials. Lastly the comment period date referenced is for a different application, not the amended application (AM-1) currently under review. To date the Division has yet to receive an affidavit that such notice was posted. This was identified as a deficiency item number 72 of adequacy review #4. When addressing this requirement please provide the Division with documentation that a corrected sign which meets the requirements of Rule 1.6.2(1)(b) was posted."

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Please submit your response(s) to the above listed issue(s) by **Friday, June 30, 2023** in order to allow the Division sufficient time for review. The decision date for your application is scheduled for **July 28, 2023**.

The Division will continue to review your application and will contact you if additional information is needed. If you require additional information, or have questions or concerns, please feel free to contact me.

Sincerely,



Amy Yeldell  
Environmental Protection Specialist

Cc:  
Travis Marshall, Senior EPS, DRMS  
Tony Roberts, IHC Scott, Inc.