



Colorado Gravel M-2022-053 Second Adequacy Letter

1 message

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>
To: PFM Consulting <pfmconsultingcompany@gmail.com>

Wed, Jun 21, 2023 at 3:50 PM

Hello Jodi.

Please find attached to this email a copy of the Division's Second Adequacy Review Letter for the Colorado Gravel Pit application (M-2022-053).

Please review the deficiency items and reach out to me if you have any questions. I'll be in training next week, but I should be able to respond to emails, or you can call Amy Eschberger at 303.866.3567 x 8129 if you have any urgent questions.

Kind regards,

--

Nikie Gagnon
Environmental Protection Specialist



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

P 303.866.3567 x8126 | C 720.527.1640 | F 303.832.8106
Physical: 1313 Sherman Street, Room 215, Denver, CO 80203
Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216
nikie.gagnon@state.co.us | <https://www.drms.colorado.gov>

2 attachments



2010 Exposed Groundwater Mailer.pdf

46K



M2022053 CO Gravel 2nd Adequacy Review.pdf

265K



June 21, 2023

Jodi Schreiber
PFM Consulting LLC
1774 N. Cougar Drive
Pueblo West, CO 81073

Re: Colorado Gravel LLC Pit, File No. M-2022-053; Second Adequacy Review for 112 Construction Materials Reclamation Permit Application

Dear Ms. Schreiber,

The Division of Reclamation, Mining and Safety (Division) reviewed the content of the Colorado Gravel LLC 112 permit application first adequacy response dated May 17, 2023 for the Colorado Gravel LLC Pit, Permit No. M-2022-053 and submits the following comments. The Division is required to issue an approval or denial decision no later than July 18, 2023, therefore a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

The review consisted of comparing the application content with the specific requirements of Rules 1, 3, 6.1, 6.2, 6.4, and 6.5 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials effective date July 15, 2019. Any inadequacies are identified below with suggested actions to correct them.

1. Rule 1.4.1 states all information submitted in an application must be accurate and complete, and acknowledged as such by the signature of an authorized agent. Please submit a notarized letter signed by an officer of KICT LLC, on company letterhead, granting William Osborn authority to sign for KICT LLC. Please also submit a notarized letter(s) signed by an officer of Colorado Gravel LLC, on company letterhead, granting William Osborn and Ron Peterson authority to sign for Colorado Gravel LLC.
2. On Page 8 of the application, "Ron Peterson, Manager" is typed on the line for Applicant/Operator or Company name. Please resubmit a notarized page 8 listing Colorado Gravel LLC as the Applicant/Operator. Based on the response to Question 1 above, Ron Peterson may sign the revised application page if a letter granting him authority to sign for Colorado Gravel LLC is also submitted, otherwise an authorized representative for Colorado Gravel must sign the application.
3. Adequacy Response #7. Of the 54.5 acres proposed for the permit area, the applicant is proposing to have 13.7 acres around the home and barn remain unaffected by mining activities. Please acknowledge that an approved Amendment to the permit would be required prior to disturbing any portion of the 13.7 acres of undisturbed land in the permit area since this is not part of your proposed affected area of 40.8 acres.
4. Adequacy Response #8. The proposed maximum disturbed area at any time is 20.5 acres which



includes approximately 10 acres of pit disturbance + 10 acres stockpiling/processing/wash ponds and road + 0.5 acre settling pond. The applicant states, “before the final 20 acres are disturbed, the first 20 acres will be backfilled and prepared for seeding.” Please acknowledge that all land disturbed by the operation, regardless of any reclamation work done in those areas, is considered part of the max allowed disturbance at any time until it has been fully reclaimed and released from the permit. Please commit to submitting a Technical Revision to increase the maximum disturbed area and provide an updated bond estimate *prior* to moving into the new area (in this case, prior to disturbing more than 20.5 acres).

5. Adequacy Response #12. The applicant states they will follow any guidelines by FEMA and Prowers County for flood protection/bank stability requirements and that no stormwater protection structures will remain for reclamation unless required by FEMA and/or Prowers County. Please commit to submitting a Technical Revision with design details of any proposed flood protection/bank stability structures for the pond (once this information is known), an updated reclamation plan map showing the location of any such structures to remain, and an updated bond estimate for installing the structures.
6. Adequacy Response #16. The applicant states that two wash ponds will be constructed to recirculate water for material processing. Please provide approximate dimensions for these ponds for reclamation/bonding purposes since they will need to be backfilled for reclamation.
7. The reclamation plan states that all slopes will be graded to 3H:1V or flatter. However, adequacy response item #20 states the 10-acre pond will have a 2H:1V slope. Rule 3.1.5(7) requires pond slopes to be no steeper than 2H:1V, except from 5 feet above to 10 feet below the expected static water line, where slopes shall be no steeper than 3H:1V. Please clarify in the reclamation plan and on the map in Exhibit F that pond slopes will be no steeper than 3H:1V from 5 feet above to 10 feet below the expected static water line.
8. Adequacy Response #23, the applicant states a weed management plan will be submitted upon approval of the permit. Please commit to submitting a Technical Revision with details of the weed management plan for review and approval.
9. Adequacy Response #25. The applicant commits to obtaining a well permit and a Substitute Water Supply Plan from the Division of Water Resources in the applicant's name and that no groundwater will be exposed until these items are in place. Based on the answer to #26, please submit a letter from the Division of Water Resources confirming that the LAWMA preferred water shares being used for the site will comply with the State Engineer’s requirements pursuant to Section 37-90-137(11) C.R.S (see attached DRMS April 2010 mailer). Until the applicant obtains approval from the Division of Water Resources acknowledging compliance with the SEO's requirements, or obtains a water court approved augmentation plan, the financial warranty must include the cost of backfilling to two feet above groundwater.
10. Exhibits C, D, E. The revised maps have the 8/2/22 signature date by James Higgs which was on the initial maps submitted. These maps have been revised and should include an updated date to comply with Rule 6.2.1(2), and to prevent any confusion this may cause in the future.
11. Exhibit L. Rule 6.4.12 requires the applicant to provide a sufficient estimate of reclamation costs that includes all necessary information for our calculation to be completed and be broken down



into the various major phases of reclamation. Please update Exhibit L to show separate tasks and approximate volumes for grading, ripping and topsoil spreading. Please also add lines and costs for the following missing tasks: backfilling the two wash ponds in the processing area, backfilling the 10-acre pit to two feet above the static water level, backfilling the sediment pond (close to the river), and reclamation of the proposed gravel haul road.

12. Pursuant to Rule 6.4.19(b), please provide and appropriate engineering evaluation that demonstrates all structures shall not be damaged by activities occurring at the mining operation. The engineering evaluation from Kidd Engineering does not match the mine plan. Please submit an updated evaluation based on a 45-50 foot deep dewatered pit 50 feet from the structures. Please also update the mine plan in Exhibit D to be consistent with the design (i.e. slope and buffer distance) described in the final engineering evaluation.

Please be advised the Colorado Gravel LLC Pit application may be deemed inadequate, and the application may be denied on July 18, 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 July 18, 2023 and request for additional time. This may be received no later than the decision date.

If you have any questions, please contact me at nikie.gagnon@state.co.us or 303-866-3567 Ext. 8126.

Sincerely,

Nikie Gagnon

Nikie Gagnon
Environmental Protection Specialist

Enclosure: DRMS April 2010 Groundwater Mailer

cc: Amy Eschberger, Senior EPS, DRMS

