



July 7, 2023

Stevan O'Brian
Environment, Inc.
7985 Vance Drive, Suite 205A
Arvada, CO 80003

RE: East Sand Canyon Mine (Permit No. M-2023-021)
New Permit Application
Adequacy Review #1

Dear Mr. O'Brian:

On June 20, 2023, the Division of Reclamation, Mining and Safety received your 110 Construction Materials Limited Impact Operation Reclamation Application package for the East Sand Canyon Mine, File No. M-2023-021. The following questions address adequacy issues and missing information that is needed to complete the application. This information needs to be addressed and/or received before the Division can approve the application.

Rule 6.4 - Specific Exhibit Requirements - 112 Reclamation Operation

Rule 6.4.1 EXHIBIT A - Legal Description - Adequate as submitted.

Rule 6.4.2 EXHIBIT B – Index Map - Adequate as submitted.

Rule 6.4.3 EXHIBIT C – Pre-mining and Mining Plan Map - Adequate as submitted.

6.4.4 EXHIBIT D – Mining Plan - Adequate as submitted.

6.4.5 EXHIBIT E – Reclamation Plan –

1. The reclamation plan states that final slopes will be graded to 2h:1v. This slope gradient is steeper than the recommended 3h:1v. The shallower 3h:1v is usually a better choice because vegetation establishes better, it reduces the potential for erosion and the tractor and seeder can drive along the contour and not tip over. Please clarify why a 2h:1v slope is being proposed.

6.4.6 EXHIBIT F - Reclamation Plan Map - Adequate as submitted.

6.4.7 EXHIBIT G - Water Information - Adequate as submitted.



6.4.8 EXHIBIT H - Wildlife Information - Adequate as submitted.

6.4.9 EXHIBIT I - Soils Information - Adequate as submitted.

6.4.10 EXHIBIT J - Vegetation Information - Adequate as submitted.

6.4.11 EXHIBIT K - Climate - Adequate as submitted.

6.4.12 EXHIBIT L - Reclamation Costs

1. The reclamation cost estimate was submitted with the application as required by Rule 6.4.12. The Division agrees with the cost estimate of \$17,600 suggested in the application.

6.4.13 EXHIBIT M - List of Other Permits and Licenses Required - Adequate as submitted.

6.4.14 EXHIBIT N - Source of Legal Right-to-Enter - Adequate as submitted.

6.4.15 EXHIBIT O Owner(s) of Record of Affected Land and Substance to be Mined – Adequate as submitted.

6.4.16 EXHIBIT P - Municipalities Within a Two-Mile Radius: Adequate as submitted.

6.4.17 EXHIBIT Q - Proof of Mailing of Notices to Board of County Commissioners and Conservation District- Adequate as submitted.

6.4.18 EXHIBIT R - Proof of Filing with County Clerk and Recorder - Adequate as submitted

6.4.19 EXHIBIT S - Permanent Man-made Structures - Adequate as submitted.

1.6.2(1)(e) – Adjacent Landowner Notification - Please also submit proof that adjacent landowners within 200 feet of the boundary of the affected lands have been served a copy of the notice required by Rule 1.6.2(1)(d).

1.6.2(1)(g) – The comment period is currently open until ten (10) days after the last day of newspaper publication. The close of comment period be determined when the proof of publication is submitted to the Division. Any comments received in the meantime will be forwarded to you.

The Division received comments from the Army Corp of Engineers (attached). Please address any additional comments raised by the ACOE.

The decision date for this application is July 27, 2023. If you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an

extension of time to allow for continued review of this application. Also, the comment period for this application is still open and any comments or objections received may initiate new adequacy questions. Please submit the proof of newspaper publication that is required by Rule 1.6.5(2).

All corrected pages must be provided to the Baca County Clerk & Recorder.

If you have any questions, please contact me at (720) 774-0040 or brock.bowles@state.co.us.

Sincerely,



Brock Bowles
Environmental Protection Specialist

Enclosures: USACOE comments, 6/28/2023



East Sand Canyon Mine, File No. M-2023-021

1 message

SPA-RD-CO <SPA-RD-CO@usace.army.mil>

Wed, Jun 28, 2023 at 3:41 PM

To: "brock.bowles@state.co.us" <brock.bowles@state.co.us>

Thank you for requesting comments from our office regarding the proposed subject project or activity that may have the potential to impact aquatic resources. We appreciate that you are considering our potential regulatory role in the project, but we do not currently have the ability to provide project-specific comments. If the activity should have the potential to result in the discharge of dredged or fill material into waters of the United States, then the project proponent should work directly with our office to acquire necessary Corps permits, if applicable, as described in the following general comment:

Section 404 of the Clean Water Act requires a permit from us for the discharge of dredged or fill material into waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, lakes, ponds, wetlands, wet meadows, seeps, and some irrigation ditches. To ascertain the extent of waters on the project site, the applicant should prepare a delineation of aquatic resources, in accordance with the applicable standards, including the 1987 Wetland Delineation Manual and appropriate regional supplements. These standards can be found on our website at: <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Jurisdiction/>.

An aquatic resource delineation should be evaluated prior to designing a project to ensure the project proponent avoids and minimizes impacts to waters of the United States to the greatest practicable extent. The range of alternatives considered for this project should include alternatives that avoid and minimize impacts to wetlands, streams, or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to discharging dredged or fill material into waters of the United States, compensatory mitigation may be required.

For more information about our program or to locate a list of consultants that prepare aquatic resource delineations and permit application documents, please visit our website at <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits>.

U.S. Army Corps of Engineers

Albuquerque District - Regulatory Division

4101 Jefferson Plaza, NE

Albuquerque, New Mexico 87109-3435



<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>