



July 11, 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-6

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.

* Only submit the revised exhibits in their entirety. Exhibits with no changes do NOT need to be resubmitted.

Application Form

- 1) Application form page 1. Excess topsoil and overburden are being sold as secondary commodities (per Section 1.3.1.3, etc.). Revise sections 5.1 and 5.3 of the application form to include these secondary commodities.
- 2) Application form page 3. Two names are listed under “Applicant/ Operator”. The intended Applicant/Operator name is illegible. Correct form.

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

- 3) Figure 3, Map C1 has been updated to depict the north and south fences. However the East side fence owned by Shidelerosa LLP is not depicted. Pursuant to Rule 6.4.3(b) and (g), please depict this feature on Figure 3, Map C1. Table 1 has been correctly updated to reflect all features.



6.4.4 EXHIBIT D - Mining Plan

- 4) Section 5.2.1.1 states berms will receive temporary seed mix. However they will not be redisturbed after revegetation during phase 1. Provide a justification as to why these areas are only temporarily reclaimed rather than final reclamation.
- 5) Mine Plan maps depict greenbelt (wetland) topsoil being applied by phase (contemporaneous reclamation). However Section 5.2.3.1 does not expressly state when topsoil will be applied by, mining phase (30%, 60%, 100%), or at Phase 4. It states “planted with wetlands reclamation species after mining activity is complete.” Please clarify within the Mining Plan how soon after mining concludes in an area will reclamation proceed.
- 6) Table 2 is hard to follow. Tasks are included within Phase 4 but noted as no cost because they are completed in a previous phase. Please revise table 2, only work to be completed in each phase should be referenced within that phase.

6.4.5 EXHIBIT E - Reclamation Plan

Several sub-reclamation categories have been created through the various revisions. Overall the Division needs to know the total number of acres to become pond, wetlands, upland, gravel and undisturbed. Within those categories provide the number of acres by phase to receive various reclamation treatments.

- 7) Provide details for the reclamation of the “Slope Area”.
 - a) When (what phase) will initial reclamation take place? Phase 4 mentions half of the 1.28 ac will receive incidental seeding/weed treatments.
 - b) What is the topsoil volume area and storage location?
 - c) What mix is used?
- 8) Section 6.6.2. states no reclamation will occur outside of the perimeter berm however Table 2 and Table 7 account for 1.5 acres requiring reclamation (incidental seeding and weed treatments). When is initial seeding to take place? This should be clarified within both the Mining and Reclamation Plans.
- 9) A temporary seed mix is referenced several times in the Mining and Reclamation Plans, however section 6.3.3.1 explicitly states that no temporary seed mix will be used. Please update for consistency between exhibits. Per section 6.1.1.2 the temporary seed mix is the same as the upland mix minus Rabbitbrush. Please include this information on Figure 14.
- 10) 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 (Section 6.3.2), state how slope grades will be verified when inundated. Information must be contained within the Reclamation Plan, not just referenced in another exhibit.
- 11) Requirements of Rule 6.4.5(2)(e) have been sufficiently addressed under Table 2. However this information must be provided under the Reclamation Plan to sufficiently meet the requirements of that Rule. (Previously Adequacy Review #5 question #9)
- 12) 11.18 acres will be stripped. Neither Figure 14 nor the Mining/Reclamation Plan narratives clarify what land beyond the excavated pond (9.55 ac most recent revision) will be stripped of

topsoil. Identify all areas in which topsoil will be stripped. And consistently provide this information across referenced exhibits. (Previously Adequacy Review #5 question #14)

- 13) What is the anticipated failure rate for container stock? No anticipated failure rate for container stock was provided within the Adequacy Review #5 response. (Previously Adequacy Review #5 question #17)

6.4.6 EXHIBIT F - Reclamation Plan Map

- 14) Figure 16 identifies most areas by name, however it does not state which areas will be upland, wetlands or pond for all areas names (undisturbed, Greenbelt, Slope area, berm and outside perimeter). Per Rule 6.4.6(b) revise the legend to sufficiently portray the proposed final land use for each portion of the affected lands.
- 15) The permit boundary is not clearly identified on the Figures 15 and 16 as required by Rule 6.2.1(d).

6.4.11 EXHIBIT L - Reclamation Costs

- 16) During Phase 1 of the mining plan 11.118 acres is proposed to be stripped of topsoil and overburden, however the 9.55 acre pond is not proposed to be completed until phase 3. Pursuant to Rule 4.2.1(4), the Division must take into account the reclamation of all affected lands that are not currently at the final reclamation configuration in the event of cessation of mining activity mid project. Therefore, sufficient materials (topsoil and overburden) must be retained on site to reclaim all affected lands which do not meet the final reclamation configuration (pond) back to rangeland. Topsoil and overburden may be sold after the completion of final reclamation of the current phase of the mining operation
- a) Please revise both the Mining and Reclamation Plans to include a statement that sufficient material will be retained until no longer needed for final reclamation. State the volume by mining phase (Initial strip, 30%, and 60%) required to be replaced.
 - b) Commit to stabilizing all stored topsoil with a temporary mix.
 - c) Include the cost of replacing topsoil and overburden for all affected lands not yet a pond and reseeded as an upland mix.
- 17) With regards to GPS slope verification, is it \$3,500 per mining phase plus the \$2,500 one-time set up? Or \$3,500 each time they come out and you anticipate needing services for each mining phase plus once for final reclamation?

6.4.19 EXHIBIT S - Permanent Man-made Structures

The updated structure agreement for CDOT is not valid. The signature dates and notary dates for CDOT's portion are different dates and therefore invalid. However because this structure is covered under the Geotechnical Stability Analysis a completed agreement is not necessary.

Please submit your response(s) to the above listed issue(s) by **Monday, July 17, 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,

A handwritten signature in blue ink that reads "Amy Yeldell". The signature is written in a cursive, flowing style.

Amy Yeldell
Environmental Protection Specialist

Cc:
Travis Marshall, Senior EPS, DRMS