



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

June 9, 2023

Ben Langenfeld
Greg Lewicki and Associates
3375 W Powers Circle
Littleton, CO 80123

RE: Hayden Gravel Pit, AM-04, Permit No. M-1987-164; AM-04 Application Adequacy Response

Dear Mr. Langenfeld,

On June 2, 2023, the Division of Reclamation, Mining and Safety (Division) received your adequacy response letter for the Hayden Gravel Pit Amendment 4 (AM-04), File No. M-1987-164. The Division has reviewed the above referenced amendment adequacy review response letter and material submitted. The following is a list of the adequacy review items from the Division's April 7, 2023 first adequacy review letter followed by the response provided by Oldcastle SW Group, Inc. dba United Companies (UC). If additional information or revision is required it will be noted. If an item is resolved, that will be indicated.

1. The Division found the application for AM4 complete on January 5, 2023. Pursuant to Rule 1.6.2(1)(g), upon completeness Oldcastle SW Group dba United Companies is required to publish a Public Notice for four consecutive weeks which will initiate a 20 day comment period from the date of the last publication. As of the date of this letter, the Division has yet to receive a proof of publication of the public notice for AM4. Please provide the Division with a copy of the public notice to ensure that the Public Notice was published as required. Please also provide proof of service to the entities listed under Rule 1.6.2(1)(e).
 - a. **UC Response:** This notice had been posted with proof being delivered via email to the Division on April 25, 2023.
 - b. **Division Response: Resolved**

6.2 General Requirements of Exhibits

1. For clarity, please make transmission lines more visible across all maps provided. Consider using a different color to delineate between this feature and others.
 - c. **UC Response:** Please refer to the updated maps for the requested change in color of the transmission lines.
 - d. **Division Response: Resolved**



6.4.3 Exhibit C - Pre-mining and Mining Plan Map(s) of Affected Land

2. On Map C-1B Baseline Conditions, there are discrepancies between the Parcel Numbers shown and the list of all adjoining surface owners of record. The following Parcel ID Numbers are listed in the table but not shown on the map: 939063005, 940123001, and 939073001. Please ensure that these parcels are listed on Map C-1B. If these parcels do not belong to adjoining surface owners of record, please remove them from the table.
 - a. **UC Response:** Please refer to the updated Map C-1B with the corrected neighboring parcel information. All parcels not adjoining the subject property were removed from the table.
 - b. **Division Response: Resolved**
3. The following Parcel ID Numbers are shown on the map but not listed in the table on Map C-1B: 940112001, 940014002, 940014005, and 939063002. Please ensure that ownership information is listed on Map C-1B for these parcels.
 - a. **UC Response:** Please refer to the updated Map C-1B with the corrected neighboring parcel information. All parcels with ID's shown on the map have listed ownership information in the table.
 - b. **Division Response: Resolved**
4. On Map C-1B Current Conditions it is unclear who owns several of the identified buildings which are within 200 feet of the affected land. Please revise Map C-1 to more clearly identify which Parcel ID belongs to which building(s) and add Parcel IDs to those buildings which are not currently marked with a Parcel ID.
 - a. **UC Response:** All structures and owners are listed in the Structure Owners table on the original and new Map C-1B. These structures are identified with a blue identifier number, and each structure listed per owner is described. It would be ineffective to label the structures with the parcel numbers as some owners may possess multiple structures in various places, and some structures do not directly correspond with a structure such as those on easements or roads. The structure labels were double checked for accuracy and completeness in the updated Map C-1B. Additional labels were added for clarity on the map. All of those listed in the Structure Owners table are listed under the same name in the Parcel Owners table, when applicable, where their parcel ID is identified.
 - b. **Division Response: Resolved**
5. Throughout the Mining Plan, mining slopes are referred to as highwalls. However, page D-1 of the Mining Plan states that "All final mining slopes will be at a maximum 2H:1V slope where mining does not daylight". Please clarify if this means that in areas where mining is not intended to daylight, that all other slopes are only mined to a 2H:1V. If this is the case, please inform the Division if and how this alters the current plan for backfilling slopes to final grade, which mentions both a cut and fill and backfill-pushup method.

- a. Related to the above question, please clarify text in the Mining Plan to distinguish between mining slopes which will be highwalls and mining slopes that will be at 2H:1V and clarify the proposed backfill plan for each type of slope. The Division will assume that highwalls are vertical for the purpose of bond calculation unless additional information is provided.

- i. **UC Response:** When the term highwall is used in the text, it generally means the active highwall, which will be mined at a near vertical slope. After these active highwalls near their final condition, as shown on the maps, they will be backfilled and graded to a 2H:1V slope. More specifically, when the highwall reaches the halfway point of the toe and crest of mining (horizontally), mining will stop and the highwall will be regraded to a 2H:1V slope. This will occur by pushing the in-situ material from the highwall down via dozer. This is the same mining and grading method that is currently being used for the existing mining operation. Therefore, there are no changes to the current plan for backfilling slopes.

Please refer to the revised Exhibit D with clarification of highwall and final mining slope language (primarily in paragraph 5). Slopes where mining has been completed will be regraded to 2H:1V such that the only reclamation work for slopes will be to backfill to a 3H:1V slope. Please use this assumption for the bond calculation, similarly to what is calculated in Exhibit L.

- ii. **Division Response: The suggested method of backfilling and grading, which includes both cut and fill and push up methods, is not part of the currently approved reclamation plan. In order to appropriately bond for this plan of mining and backfill method, the Division will require the operator to update the mining plan to include a commitment to maintaining specific lengths (in linear feet) of highwall and 2H:1V slopes at any given time. This creates a more trackable mining plan and allows the Division to bond for the appropriate amount of material needed to complete backfill and grading activities. If no such commitment is provided or agreed upon, the Division will bond for the worst case scenario which, in this case, would be the presence of highwalls in Pod 3. Please note that the current bond amount is based on this scenario of backfilling highwalls to 3H:1V.**

6. Figures on the C-3 Cross Sections Map indicate that the mining slope will be a 2H:1V slope. Please provide reasoning as to why these mining slopes are represented at a 2H:1V as opposed to being shown as a highwall as suggested in the text. This information is relevant in our review of the application's Geotechnical Stability Report.

- a. **UC Response:** The cross sections on Map C-3 show the final configuration of each pod of mining, where the final mining slopes, not active highwall, are at a 2H:1V slope. For the purposes of the geotechnical stability report, these 2H:1V slopes are used as they are the closest to surrounding structures. Any highwall

where mining has reached its maximum extents will be regraded to 2H:1V as soon as possible for slope stability purposes. This is completed as described in the previous question and in Exhibit D of the text.

b. Division Response: Resolved

7. Rule 6.4.3(d) requires maps to portray “the total area involved in the operation, including the area to be mined and the area of affected lands”. Maps C-1 Current Conditions, C-2 Mining Plan, and F-1 Reclamation Plan do not show the western most portion of the permit boundary which includes the reclaimed but not yet released old Camilletti Pit. While undisturbed, this area is still ‘affected land’ and should be included in all relevant maps and acreage totals that are mentioned in text and on maps. Please update maps to include this area and ensure that accurate counts of acreage are depicted on maps, in the text, and on relevant tables.

- a. **UC Response:** Please refer to the updated Maps C-1, C-2, and F-1 which include the western portion of the permit area. The acreage was accurate and included the entire permit area on all maps, text, and tables.

b. Division Response: Resolved

6.4.4 Exhibit D - Mining Plan

8. Section one states that fill dirt may be incidentally produced during the operation. Is overburden currently being held onsite in product stockpiles? If so, please provide the Division with an approximate figure for how much is being stored for reclamation and how much is being used as product. The Division encourages the use of separate stockpiles of material to be used for reclamation vs product to allow for ease of estimating reclamation stockpile volumes during inspections.

- a. **UC Response:** Overburden will be stored in separate stockpiles and reserved for reclamation. No overburden will be sold as product or stored in product stockpile as this unnecessarily dilutes the product. The same applies for topsoil storage and use in reclamation. The total amount of overburden was identified in Table D-2 as 2,447,265 cubic yards, while the typical stockpile location and configuration was shown on Map C-2 as the ‘Topsoil and Overburden Stockpile Area’. Overburden and topsoil will be stockpiled separately, and apart from products to be sold. It is not possible to estimate how much would be stored at a time or a configuration of this stockpile as the stored overburden quantity will constantly be fluctuating. Slopes will be reclaimed when possible as areas are completed with mining. Topsoil and overburden will be stripped throughout mining to expose only the areas that will be immediately mined. There will always be more than enough overburden and topsoil stored in various stockpiles to backfill and reclaim the pit(s) at any point in time. This is because there is an excess of over 2 million cubic yards of the 81,700 cubic yards of material required to backfill all the pit slopes.

b. Division Response: Resolved

9. Page D-2 of the Mining Plan references Figure D-1. Please clarify the meaning of this figure. Will both cut and fill and backfill-pushup activities be part of this reclamation activity? Will all mining slopes follow this same plan for backfilling? The Division encourages these figures to be represented to scale for clarity.
- a. **UC Response:** The purpose of Figure D-1 is to visually depict the various slopes that are discussed in the text, rather than the method of achieving these slopes. As described in Adequacy Item #5 and in Exhibit D, the active highwall will be graded to 2H:1V after it has reached its final extents using the existing material for the cut and fill method. Mining slopes at 2H:1V will then be regraded to reclaimed slopes at 3H:1V using backfill push-up methods. This figure has been edited to scale based on the typical highwall height, which will be the case as the highwall height varies throughout the mining pods. The labels have also been edited for clarity. Refer to the revised Exhibit D for the edited figure.
 - b. **Division Response: Resolved**
10. Page D-2 states that the total disturbance area at the site will be no more than 72.9 acres at a time. The most recent annual report cites 89.9 acres as being currently disturbed on the site. Please explain this difference of 17 acres or revise the total disturbance acreage cited in the Mining Plan.
- a. **UC Response:** The 2022 annual report that is referred to also states that 44.26 acres have been partially reclaimed to date, leaving 45.64 acres of actively disturbed ground. At the time of the report, this area had already been regraded and revegetated, and was in the vegetation monitoring stage of reclamation. This area is not included in the future total disturbance projection as it is not actively disturbed, and will be fully reclaimed by the time that mining in Pod 2 starts. The 72.9 maximum acres of disturbance is an accurate reflection of the projected maximum disturbance.
 - b. **Division Response: Item #10 has been resolved. As a follow up, please clarify how much of this 44.26 acres of partially reclaimed area is the Old Camilletti Pit Area. The Division encourages UC to seek release of any areas where reclamation is complete.**
11. The Division could not locate Division of Water Resources data on the two wells referenced on page D-2 of the Mining Plan (Wells 92353 & 287407). Please provide evidence that groundwater is not likely to be exposed during mining by, for example, providing a record of the wells located within the permit boundary which are referenced in the Mining Plan or providing static water level data for the permit area. Additionally, please update Mining Plan maps to clearly portray the location of these wells.
- a. **UC Response:** Data for these wells is available with the Colorado Division of Water Resources. However, no static water level data is provided for the wells. Well 287407 was drilled to 20 feet deep, while well 92353 was drilled to 45 feet. Both start at an approximate collar elevation of 6415' above sea level. The lowest point of mining is 6440' in Pod #1, which is 25' above the collar elevation of the two wells. Therefore, it is safe to assume that groundwater will not be

encountered. Nonetheless, as stated in Exhibit D, if groundwater is encountered, the mining depth will be adjusted to 2' above where it is found. Please refer to the revised Map C-2 with these wells labeled. They are located to just to the north of the mining areas near the residences.

b. Division Response: Resolved

12. Please provide additional detail with regards to what appears to be intermittent streams or intermittent rivers in the proposed expansion area (Pod 2 & 3).

a. Please specify if this area is intended to be mined, how this stream will be protected, if there will be a crossing and culvert added. Please provide details on proposed reclamation with regard to this resource. Additionally, will involvement with USACE be required in this wetland area? Consider changing the color of either the 'Disturbed Area' or 'Berm/Windrow' lines on mining maps to make the two features more easily distinguished from each other.

i. **UC Response:** The streams are to be left undisturbed except for the crossing for haulage access as indicated in the first paragraph on page i-2. There will be three crossings of these drainages for the haul road which were shown on Map C-2: two from Pod 1 / the processing area to Pod 3, and one from Pod 3 to Pod 2. Culverts will be installed under all crossings to maintain the intermittent flow of water through the drainage ways. Details of these culverts have been added to the revised Map C-2.

These crossings and haul roads will remain after reclamation to facilitate site access. The fill slopes for the haul roads will be revegetated immediately upon construction to prevent erosion. Therefore, no reclamation work will be required on these roads.

The intermittent drainages and surrounding wetlands will be protected through the surface water discharge protection measures defined in Exhibit G Section 2. These measures will also be defined in the site's SWMP. These measures include erosion control BMP's such as the use of wattles, stormwater berms, and revegetation on or around all disturbances to prevent erosion and subsequent sediment pollution of the drainages.

Involvement with the USACE through a Nationwide Permit (NWP) was already addressed in Exhibit G Section 4. The NWP is currently being acquired and will be provided to the Division after it has been obtained. This permit will facilitate the disturbance of the required acreage of wetlands for the haul road crossings.

The color of the berm/windrow has been changed on the updated Map C-2 as requested.

- ii. **Division Response:** Map C-2 Mining Map labels four drainage crossings instead of three as stated in this response: one from Pod 3 to Pod 2 and three from Pod 1 to Pod 3. Please clarify if there will be three or four crossings present during mining. This response also states that all crossings and haul roads will remain after reclamation. In contrast, Map F-1 Reclamation Plan labels the permanent retention of only three crossings: three from Pod 1 to Pod 3 and none from Pod 3 to Pod 2. Please revise text and maps to clarify how many crossings will be present during mining and how many will remain after reclamation.

The above response states that all crossings and haul roads will remain after reclamation. However, the F-1 Reclamation Map shows conflicting labels which state that road surfaces will be reclaimed *and* the internal haul road will be maintained in reclamation. Section 3 of Exhibit E states that “All haul roads will be reclaimed following the completion of mining”. Please revise either the relevant maps or text to clearly explain if haul roads will be reclaimed or will remain after mining.

13. The Division requests more information to clarify the Mining Timetable. As per Rules 6.4.4(d) and 6.4.4(e)(ii) please provide information on the size of areas to be worked at any one time and a description of the size and location of each area to be worked during each phase. Will any simultaneous mining of Pods occur? Specifically, clarify if all of Pod 1 mining and reclamation, aside from the 20 acres of processing plant, will be completed prior to beginning work on Pod 2. Please also clarify if all of Pod 2 mining and reclamation will be completed prior to beginning work on Pod 3.
 - a. **UC Response:** Refer to the revised Exhibit D with more information on mine timing. To summarize, there are no particular phases, but mining will progress through the pods in 10-20 acre increments. Mining will continue in Pod 1 until completion. After Pod 1 of mining is complete, mining of Pod 2 will begin. Portions Pod 1 will remain disturbed and used as the processing area. Simultaneous mining in the current pod and stripping in the next pod will only occur for a short period of time between the end and beginning of a new pod to allow for continuous production. Reclamation of previous areas will be completed during the first 3-4 years of the beginning of mining in a new pod. The same will occur during the transition of mining in Pod 2 to Pod 3.
 - b. **Division Response: Resolved**
14. Please revise text on page D-2 which states “Throughout mining of the site, reclamation will be occurring incrementally as mining progresses” to be more specific in terms of the mining and reclamation sequence and timeline.
 - a. **UC Response:** Please refer to the revised Exhibit D with the requested change.
 - b. **Division Response: Resolved**

15. Page D-4 Section 4 of the Mining Plan states that “Pod 1 is nearly mined out”, please use more specific, numerical language to explain how much of Pod 1 is left to be mined. This information is required for calculation of the financial warranty.
- a. **UC Response:** Please refer to the revised Exhibit D with the requested information. It has been added to page D-2 as the information is more pertinent to that section of Exhibit D.
 - b. **Division Response: Resolved**
16. Page D-4 Section 4 of the Mining Plan states “Topsoil will be used to augment the replaced topsoil on all disturbed areas and slopes.” Please clarify the meaning of this statement and revise the text to be more specific and clear.
- a. **UC Response:** This statement means that the topsoil stripped prior to mining will be used for the replacement of topsoil that will occur during reclamation. The language in this section was edited for clarity on topsoil handling and replacement.
 - b. **Division Response: Resolved**
17. Please specify if the list on page D-3 ‘Mine Facilities and Operation’ is describing existing or proposed new additions to the mine plan. Specify which facilities and equipment are new and which are pre-existing.
- a. **UC Response:** All equipment and facilities listed in Exhibit D Section 3 are pre-existing and required for the current mining operation. As the mining and processing methods aren’t changing, the same equipment will be used for the amended operation. A note has been added to this section to clarify.
 - b. **Division Response: Resolved**
18. As per Rule 6.4.5(1), Operators/Applicants are encouraged to allow flexibility in their plans by committing themselves to ranges of numbers (e.g., 6"-12" of topsoil) rather than specific figures. Section 4 ‘Topsoil and Overburden Handling’ on page D-4 states that topsoil will be replaced in a single 12-inch lift across areas. Consider revising this number to be a range rather than a specific figure to allow for variability during reclamation without need for a future revision.
- a. **UC Response:** The text has been edited to give a topsoil range of 6-12” which matches the pre-mine topsoil conditions. Please refer to the updated text for these changes.
 - b. **Division Response: Resolved**
19. There appears to be an error in acreage volumes used to calculate material generated volumes and reclamation volumes in Table D-2 of the Mining Plan and Table E-2 of the Reclamation Plan, respectively. Please clarify and justify the 137.9 acres amount used to calculate these volumes. Please also ensure these volumes and acreages include material generated during the final mining out of Pod 1. This information is relevant for calculation of the financial warranty.

- a. **UC Response:** The acreage of 137.9 is accurate as the total acreage of all disturbances: 43.6 acres in Pod 1, 41.4 acres in Pod 2, plus 52.9 acres in Pod 3. This does not include disturbances from haul roads as topsoil will not be stripped and stored for reclamation from these areas. These acreages are identified on Map C-2 and on Table E-2. The calculation did include topsoil volumes from Pod 1, as reflected in the total acreage for the calculation. Refer to Table E-2 for more details on the calculation of stripped topsoil and overburden volumes.
- b. **Division Response:** Table D-2 of the updated response application incorrectly shows that 15' of overburden will produce 2,447,265 CY of material. The given volume in this table was calculated using 11' of overburden. Using 15' as the depth of overburden gives 3,337,180 CY of material. Please update the table to reflect a corrected volume of overburden used or a corrected volume of overburden generated.

The above response suggests that topsoil will *not* be removed from haul roads and thus, topsoil volumes for haul roads would not need to be included in topsoil required volumes listed in Table E-2 Reclamation Volumes. However, Table E-2 states that topsoil volumes needed for reclamation *include* topsoil required for haul roads (at 4.2 acres in area). Additionally, Reclamation Map F-1 labels the reclamation of haul roads as including ripping, topsoiling, and seeding. Please clarify for the Division if reclamation of haul roads will occur or not. If haul roads are to be reclaimed, the Division requires that topsoil be stripped from these surfaces and stored. Please also clarify how haul road slopes will be revegetated, i.e. will this include ripping, topsoiling, and seeding? The appropriate text and maps, specifically those which reference total disturbance at any one time as 72.9 acres, will need to be updated to reflect a plan to reclaim 4.2 acres of haul road (as shown in Table E-2), bringing the total disturbance acreage at any one time to 77.1 acres.

Table E-2 Reclamation Volumes contains calculation errors. The column titled 'Topsoil Required (CY)' incorrectly lists the sum of Pod 1-3 topsoil requirements as 159,320 CY. The sum of numbers listed in the column is equal to 222,400 CY at 12 inches or 166,859 CY at 9 inches depth. Please correct this volume total and specify on the table what depth of topsoil has been chosen to calculate this total. Otherwise, please clarify how the sum of 159,320 CY of topsoil required was calculated.

Further, the asterisk in this same column indicates that the 159,320 volume includes topsoil required for haul roads and Pod 1-3 areas at an average 9 inches across a total of 142.1 acres. Meaning, this volume should be greater than the sum of topsoil required for Pod 1-3 to account for additional acres of haul road to be reclaimed. However, the given volume of needed material is less than the combined volume of Pod 1-3 using either 12 inches or 9 inches of average topsoil depth. The volume of material needed to cover 142.1 acres

with average 9 inches of topsoil would equal at least 171,941 CY. Please clarify the calculations, volumes, and topsoil depths used in this table and apply more descriptive labels to Table E-2.

In Table E-2, the volumes in the column titled ‘Overburden Backfill Required (CY)’ is mislabeled as cubic yards (CY). The volumes given in this column are in cubic feet. Please correct this column to show volumes in cubic yards.

20. Please show your work to describe how ‘Overburden Backfill Required (CY)’ volumes listed in Table E-2 Reclamation Volumes were calculated.
- a. UC Response:** Please refer to the revised Exhibit D for the requested changes.
 - b. Division Response: Resolved**

6.4.5 Exhibit E –Reclamation Plan

21. Page E-1 of the Reclamation Plan states that Routt County Land Development Code dedicated land areas “includes grounds within the property but not within the permit and affected area boundaries”. Please clarify this statement and describe if or how it affects the required amendment to Routt County Special Use Permit PL-18-114.
- a. UC Response:** Please disregard any reference to Routt County dedicated land areas that were mentioned in the amendment initially submitted. United Companies is pursuing a different approach to fulfill this Routt County requirement. An agreement will be reached between United Companies and Routt County which will not affect the mining or reclamation of the site, or any other aspect DRMS permitting. The text and maps have been revised
 - b. Division Response: The ‘Land Dedication Area’ label is still found on C-2 Mining Map. Please revise this map to remove this label as is stated in your response to the Division.**
22. Describe the difference between ‘dedicated land’ and ‘designated land’ shown in Map F-1. Please update the legend to include this ‘designated land’ feature.
- a. UC Response:** See the response provided above.
 - b. Division Response: Resolved**
23. The Reclamation Map F-1 and other maps provided depict a southern portion of the proposed permit boundary (Figure 1) which appears to overlap with land which is currently permitted under another DRMS permit (Figure 2) held by Routt County, the Funk and Hooker Pit (M-1979-058). Please clarify if this boundary (Figure 1) is drawn in its intended location. DRMS will not permit over the county’s existing permit if this is the case. Please revise all permit boundaries shown on maps to reflect either a corrected or new permit boundary line.

- a. **UC Response:** United Companies is pursuing an agreement with Routt County Road and Bridge to release this overlapping area for the haul road. This agreement will be provided to the DRMS once it has been obtained.
- b. **Division Response:** This Division will accept this arrangement. However, this agreement and its required revision must be completed through the Division by the decision deadline date of August 11, 2023, unless otherwise extended, in order for AM-04 to be approved.



Figure 1: Reclamation Map F-1 for the Hayden Gravel Pit which depict new permit boundary lines as part of AM4. Red box highlights the portion of the southern boundary line referenced above.

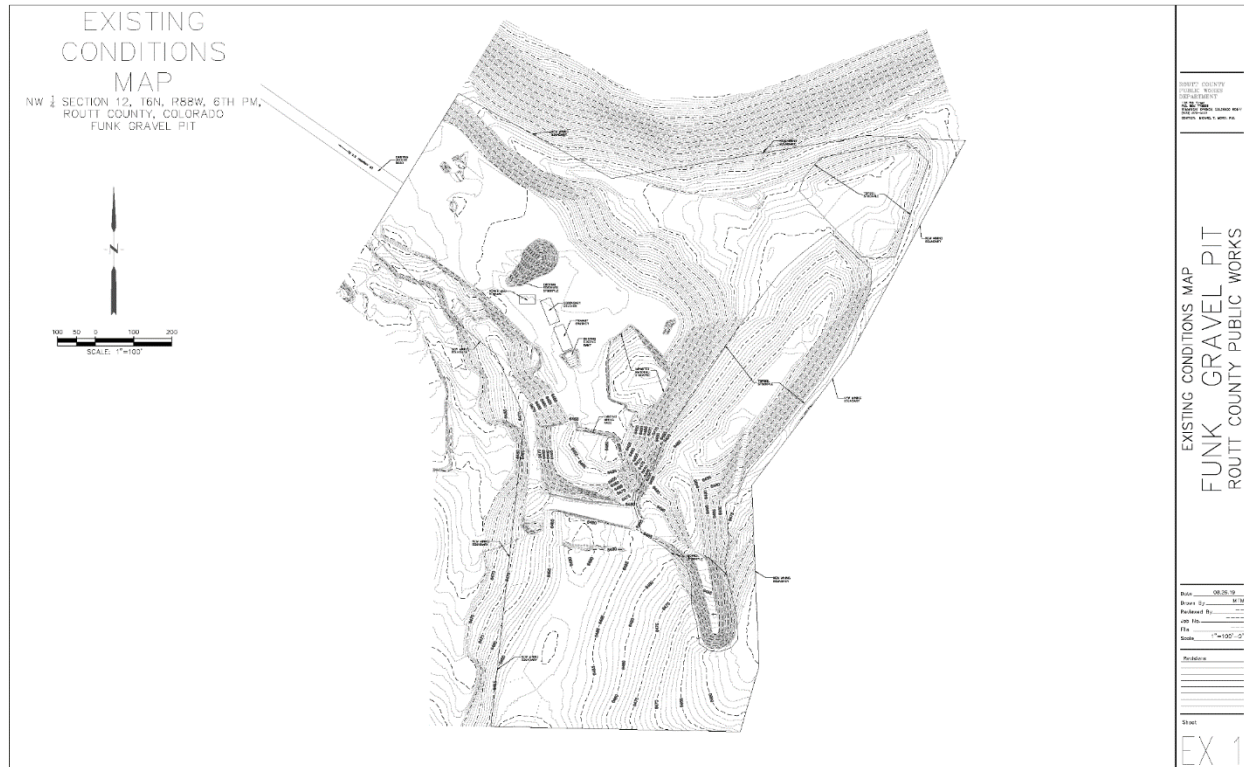


Figure 2: 2022 Annual Report Map for the Funk and Hooker Pit (M-1979-058) which depicts currently existing permit boundary lines.

24. The given list of species in the proposed seed mix contains a typing error, i.e. 'Four-winged Saltbrush' instead of 'Four-winged Saltbush'. Please provide an updated Rangeland Seed Mix Table with this revised information.
 - a. **UC Response:** Please see the revised Rangeland Seed mix provided on the attached page E-3.
 - b. **Division Response: Resolved**

25. While the stated agreement between Routt County and Oldcastle SW Group, LLC dba United Companies allows for the permanent retention of proposed haul roads referenced in Section 3, a signed letter from the appropriate landowner(s) which states acceptance of the permanent retention of this haul road is also required as per Rule 3.1.11. Additionally, please add clear delineation of all permanent haul roads to the appropriate maps and legends, including map F-1 Reclamation Plan.
 - a. **UC Response:** The maps and text have been revised to describe the reclamation of these haul roads. While the fill slopes should already be reclaimed and vegetated at the end of mining, the road surface will require reclamation. This will be completed by ripping and topsoiling the road surface, then seeding to re-establish vegetation. Please refer to the revised Exhibit E and Map F-1 for more details.

- b. Division Response:** This response states that haul road surfaces will require reclamation. The response to Item #12 states that no reclamation will be necessary for haul roads. Please clarify which scenario is planned for haul roads at this site.

Should haul roads remain after reclamation, a signed letter from the appropriate landowner(s) which states acceptance of the permanent retention of haul roads is required by Rule 3.1.11. If this scenario is already covered in the lease with CWH Properties LLC, please point this section of the lease out to the Division.

- 26. As per Rule 6.4.5(e)(iii), please update the Reclamation Timetable and Sequence to include a description of the size and location of each area to be reclaimed during each phase.

- a. UC Response:** Refer to the revised Exhibit E with the corrected reclamation timetable.

- b. Division Response: Resolved**

- 27. Section 8 of Exhibit E, Monitoring Reclamation Success, states “the plan does not contemplate total weed removal on the property”. Please revise this statement or add another which clarifies that weeds will be treated in the appropriate manner as required by Department of Agriculture Noxious Weed Species lists. This ensures proper weed management in the case of, for example, A list noxious weed species which are required by law to be completely removed.

- a. UC Response:** This statement was revised to clarify that List B or lesser weed species, and total weed removal on the property would be impractical, particularly in the drainages and wetlands that will remain undisturbed. This is consistent with the Routt County Weed Management goals identified in their weed management guide. Please refer to the first paragraph of Section 8 which already stated that all List A weed species will be eradicated in accordance with the Colorado Noxious Weed Act and Routt County Noxious Weed List.

- b. Division Response: Resolved**

6.4.7 Exhibit G – Water Information

- 28. Section 1 of Exhibit G mentions local wells which are far enough away to be unaffected by mining operations. Please provide the Division with additional evidence to support that these wells will not be impacted. Additional evidence may include information related to the distance between the mine and the wells, as well as the total depth of the wells and the current static water levels within the wells.

- a. UC Response:** Please refer to Table G-3 added to the revised Exhibit G. As shown by the data in this table, mining is both well above and at a large enough distance from groundwater and surrounding wells as to cause no impact to the water quality. Refer to Item 11 above for more details.

b. Division Response: Resolved

29. Section 2 of Exhibit G along with Maps C-2 and G-1 reference berms which will be constructed as storm water control methods. Please describe how sediment will be controlled for the period of time after these berms are graded, but before vegetation has been established over the reclaimed area.

a. UC Response: Exhibit G Section 2 has been revised to address this item.

b. Division Response: Resolved

30. The Division is currently reviewing this section for technical adequacy. Additional comments may follow in separate adequacy letters.

a. UC Response: These comments are addressed below.

b. Division Response: The Division is currently in review of materials submitted for this adequacy item. The Division will send these responses to UC when they become available.

31. Please see the Division's additional hydrologic review memo attached with this letter.

a. UC Response: These comments are addressed below.

b. Division Response: The Division is currently in review of materials submitted for this adequacy item. The Division will send these responses to UC when they become available.

6.4.8 Wildlife Information

32. Section 1 of Exhibit H states "The CPW will be consulted as part of the county and amendment permitting processes." Please inform the Division if this process is separate from the Division sending a completeness notice to CPW. Or, if this is a separate process, has it already been initiated?

a. UC Response: CPW has been contacted but has not yet provided a comment to Lewicki & Associated or United Companies on the proposed amendment. However, they have responded to the DRMS notice stating that they have no concerns with the application at this time.

b. Division Response: Resolved

6.4.10 Exhibit J - Vegetation Information

33. Pursuant to Rule 6.4.10(1)(c), additional information about the site's vegetation will need to be provided which estimates average annual production for hay meadows and croplands and carrying capacity for rangelands on or in the vicinity of the affected land, since the choice of reclamation is for rangeland.

a. UC Response: Refer to the revised Exhibit J which provides this information.

b. Division Response: Resolved

6.4.12 Reclamation Costs

34. The Division requests more information related to the provided Reclamation Cost Estimate. The unit costs should include estimates for the following activities as appropriate to the operation:

- a. backfilling, grading, topsoil application, seeding, mulching, fertilization, and labor to complete reclamation. Determine and specify the point during the operation when the site has reached a point of maximum disturbance. The cost to reclaim the site to the specifications of the Reclamation Plan at this point must be estimated. Unit costs (cost per cubic yard), volumes, haul or push distances, and grades must be included when backfilling and grading are part of the Reclamation Plan. Volume and unit costs for finish grading, subsoil and topsoil application must be provided in terms of cost per cubic yard. The estimated cost for fertilizer, seed and mulch acquisition and application must be provided as cost per acre.
- b. All items referenced in the Reclamation Plan must be included in the cost calculation. These items in addition to earthwork, such as building demolition, fencing, monitoring well sealing or stream channel reconstruction must also be included in the reclamation cost estimate.

i. **UC Response:** The worst-case reclamation scenario was identified in the original Exhibit L as when Pod 3 is fully mined out. Additionally, the items listed in 34. a. were already included in the cost calculation shown in Table L-1. Backfilling, topsoiling, seeding, and mulching were already included in the original Exhibit L. Grading costs are included in the unit cost for backfilling and topsoiling; wording in the revised Exhibit L has been edited to reflect this. Similarly, fertilizing costs are included with mulching. All item costs were already listed in the same units specified. Labor costs for each activity are included in the unit costs per activity. In general, the unit costs in the bond calculation are derived from CIRCES, calculations from the Division, and client experience. The ownership and operating costs per hour are factored in along with other activity costs to identify a unit cost in dollars per cubic yards, acres, etc. The unit costs used in the Table L-1 calculation roughly correspond to unit costs used in DRMS bond calculations. These items have been clarified in the revised Exhibit L.

None of the items listed in item 34.b. were mentioned in the reclamation plan or will be completed for reclamation. All fences are already existing and will not be altered for reclamation, excluding the fencing removed to facilitate access to Pods 2 and 3 which will not be replaced. All buildings are portable and will not be demolished, rather removed from the site. Costs for this are already reflected as a unit cost in the original Exhibit L. No monitoring wells will be installed or require sealing. All work required for reclamation is already listed in Table L-1 with costs provided.

ii. **Division Response: Resolved**

35. The Division is currently updating the reclamation cost estimate for the Hayden Gravel Pit Amendment, AM4. This updated estimate will be provided to Oldcastle SW Group dba United Companies upon completion and may be revised based on adequacy responses provided through this review process.
- a. **UC Response:** United Companies awaits your reclamation cost estimate based on the updated information provided.
 - b. **Division Response: Resolved**

6.4.14 Exhibit N Source of Legal Right to Enter

36. Exhibit N references a lease agreement which lists a CWH Properties LLC (CWH) as the owner of parcels 940122001 and 940124001. It also lists Connell Resources, LLC as an owner of subsurface mineral rights through Sand & Gravel Lease No. GL 3467. Exhibit O identifies United Companies as the only owners of record of affected land and substance to be mined. Please update Exhibit O to reflect the accurate list of all owners of both affected land and substance to be mined.
- a. This same lease agreement also references a Mining Pod #4 of which is not currently listed on Mining Plan maps presented to the Division. Please expound on what Mining Pod #4 is and how it relates to the current operation under Permit m-1987-164.
 - i. **UC Response:** Mining Pod #4 is depicted in Exhibit B of the Memorandum of Lease as the area directly south of the currently proposed Pod #3. While this Pod is referenced in the lease, it should be ignored as it is not currently being proposed to mine within this amendment. An amendment will be pursued in the future if this pod is to be mined.
 - ii. **Division Response: Item number 36(a) is resolved. However, Rule 6.4.15 requires that all owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined must be listed in Exhibit O. Therefore, CWH Properties LLC (CWH) and Connell Resources, LLC still need to be listed in the updated Exhibit O.**
37. The Statement of Ownership and Grant of Right of Entry document included in Exhibit N states that one Jocko Camilletti is the owner of land within Permit m-1987-164. Their name will also need to be added to the list of owners of subsurface and mineral rights given in Exhibit O.
- a. **UC Response:** Please refer to the revised Exhibit O for the requested changes.
 - b. **Division Response: Resolved**
38. Please clarify for the Division the necessity of the all three agreements included in Exhibit N i.e. lease agreement, memorandum of lease, and statement of ownership and grant of right of entry. Which documents pertain to which parcels of land within the permit and proposed expansion area? Do the documents provided give Right of Entry proof for all permitted areas, just the proposed expansion area, or both?

- a. **UC Response:** The Lease Agreement and the Memorandum of Lease prove the right of entry for United Companies to the properties owned by CWH Properties LLC. This property is identified as Parcel ID 940122001 on Map C-1, and is the larger eastern parcel that contains Pod 1, 2 and 3. The Statement of Ownership and Grant of Right of Entry proves the right of entry for the property owned by Jocko Camilletti under Parcel ID's 940111003 and 940111001. These parcels are the smaller two to the west which contain the area labeled 'Old Camilletti Pit Area' on Map C-1 and the access road from County Road 51-A. These documents provide proof of Right of Entry for both the currently permitted and proposed expansion area.
- b. **Division Response: Resolved**

39. In order to assist the Division in understanding the relationship between surface ownership and leasing agreements of the currently permitted and proposed expansion areas, please provide the Division with a map of surface ownership which portrays all permitted and proposed areas.

- a. **UC Response:** The requested map is provided with this letter titled 'Land Ownership Map'.
- b. **Division Response:** The 'Land Ownership Map' provided lists Todd Camilletti as the owner of the two parcels to the west (940111003 and 940111001, 'Old Camilletti Pit Area'). Routt County Assessor lists Todd Camilletti as the owner of only the western most parcel (940111003). The owners of parcel 940111001 are listed on the Routt County Assessor website as Camilletti, Giacomo D. & Colleen Kim. Please update the 'Land Ownership Map' to reflect accurate parcel ownership and update Exhibit O to list Todd Camilletti as an owner of record. Please also clarify if Camilletti, Giacomo D. & Colleen Kim is the same entity named 'Jocko Camilletti' in the Statement of Ownership and Grant of Right of Entry included with the original amendment application. If so, please provide clarification of this either in Exhibit O or on the 'Land Ownership Map'. If not, please provide the Division with a legal right of entry agreement for the legal owner of this parcel (940111001).

40. The copy provided to the Division of 'Exhibit B Memorandum of Lease' included in Exhibit N has not been signed or notarized. Please provide the Division with a signed and notarized copy of this document.

- a. **UC Response:** The notarized lease is provided with this letter.
- b. **Division Response: Resolved**

41. The Division has been informed that Untied Companies does not have legal right of access to mine the SENW portion of Section 12 which is included in the expansion for AM4 (Figure 3 attached below). Per correspondence with the State Land Board, the only lease held is for the SWNW portion of Section 12, which includes the extent of the

current operation. Please provide the Division with the appropriate documents to demonstrate legal right of entry for the SENW portion of Section 12.

- a. **UC Response:** The State Land Board mineral ownership covers the S1/2NW1/4 of Section 12. United Companies, through Connell Resources, has a lease with the State Land Board for the SWNW1/16 of Section 12, also known as Pod 1. No mining will take place in the SENW1/16 of Section 12; only a haul road connecting Pods 2 & 3 to Pod 1. This can be seen on Map C-2. Right of entry for disturbance of the surface of that area is provided via the lease between United Companies and CWH, the landowner. For clarity, the state land board mineral estate extents have been added to Map C-2.
- b. **Division Response:** Pursuant to Rule 6.4.14 and Rule 1.6.2(1)(e)(i), the Operator is required to obtain legal right of entry agreements for all owners of Record of the surface *and mineral rights* of the affected land. This includes the State Land Boards's mineral ownership in SENW1/16 of Section 12 since it is within your permit boundary. Please provide the Division with an updated agreement with the State Land Board which gives right of entry to SENW1/16 of Section 12.

Exhibit O: Surface Owners of Record

- 42. Exhibit O states that United Companies is the owner of both the affected land (surface area) and substance to be mined. However, page 3 of the application indicates that the State Land Board is an additional landowner. Please submit a revised Exhibit O which accurately lists all owners of record.
 - a. **UC Response:** Please refer to the revised Exhibit O for the requested change.
 - b. **Division Response: Resolved**

6.4.19 Permanent Man-made Structures

- 43. Rule 6.4.19 requires operators to provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure. Please provide the Division with all available signed agreements in accordance with this rule.
 - a. **UC Response:** The structure agreements that have been returned are attached to this letter. Any agreements received in the future will be provided to the Division promptly. For structures that do not obtain this agreement, default to the geotechnical stability report proving that these structures will not be impacted by the operations at the Hayden Gravel Pit as described in Rule 6.4.19 (b).
 - b. **Division Response: Resolved**

6.5 Geotechnical Stability Exhibit

- 44. Please see the Division's geotechnical review memo attached with this letter.

- a. **UC Response:** Below are responses to the adequacy comments from Mr. Tim Cazier.
- b. **Division Response:** The Division is currently in review of materials submitted for this adequacy item. The Division will send these responses to UC when they become available.

This concludes the Division's review of this adequacy response. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on August 11, 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 August 11, 2023, and the request for additional time. This must be received no later than the deadline date.

If you have any questions, please contact me at (303)866-3567 x8176 or (720)868-7757.

Sincerely,
Hunter C. Ridley



Environmental Protection Specialist
CC: Michael Cunningham, DRMS