

**STATE OF
COLORADO**

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

Chambers Pit (M-1980-136) Technical Revision 05 Extension Request

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

Fri, Aug 4, 2023 at 1:03 PM

To: Ben Langenfeld <benl@lewicki.biz>

Cc: "Bartuska, Tyra L (United Companies)" <tyra.bartuska@unitedco.com>, "Burkey, Jason K (CRH Americas Materials)" <jason.burkey@na.crh.com>

Ben, Tyra, Jason,

The second adequacy review letter for TR-5 is attached. No response is necessary.

As you'll see in item 3 of the letter, I will need to complete an inspection of the site to verify the topography before re-evaluating the Reclamation Cost Estimate and approving TR-5. I plan to survey the site with a drone. I'd like to do the inspection during the week of August 15, ideally on Monday afternoon (say 1PM) or on Tuesday morning (say 8AM), but if necessary I can delay it until Wednesday afternoon or Thursday morning. It may be possible to meet the decision due date of August 18 if no issues arise during the inspection, but it would be preferable to have a buffer of a week to allow time to process and analyse the drone data and to complete the inspection report.

Do you concur with extending the decision due date to August 25?

Please let me know what time/date would work for you for the inspection.

Leigh Simmons
Environmental Protection Specialist**COLORADO**
Division of Reclamation,
Mining and Safety
Department of Natural Resources

P 303.866.3567 x 8121 | C 720.220.1180 | F 303.832.8106

1313 Sherman Street, Room 215, Denver, CO 80203

leigh.simmons@state.co.us | <https://drms.colorado.gov>

[Quoted text hidden]

**M1980136_TR5_AdequacyReview_2.pdf**
832K



Jason Burkey
Oldcastle SW Group, Inc. dba United
Companies of Mesa County
2273 River Road
Grand Junction, CO 81502

August 4, 2023

Re: Chambers Pit (M-1980-136)
TR-5, Second Adequacy Review

Dear Mr. Burkey,

The Division has reviewed the response to the initial adequacy review of the TR-5 application, sent to the Division by Ben Langenfeld of Lewicki & Associates on July 27, 2023. Please see the comments below (older text is italicized).

1. [Mine Plan – this item has been addressed]
2. *Exhibit E has been updated to clarify the reclamation plan. The proposed text of Exhibit E states that the total disturbed area to be reclaimed is 78.3 acres. This is inconsistent with the most recent Annual Report for the site, which states that a total of 90 acres is currently affected (mining + incomplete and or unreleased reclamation). Please clarify the total number of affected acres.*

The total affected area is 78.3 acres – the annual report can be corrected to reflect the next time it is submitted. No further response is necessary at this time.

3. *The proposed text of Exhibit E states that backfilling and grading is complete at the site. Again, this seems to be inconsistent with the most recent Annual Report, which states that 35 acres have been backfilled and graded. Please clarify the status of backfilling and grading at the site.*

Per the July 27th letter, backfilling and grading has been completed. In order to remove this task from the cost estimate the Division will need to verify the final topography. An inspection will be scheduled for this purpose during the week of August 15. Since the Reclamation Cost Estimate will need to be updated with TR-5, and the largest item in the current cost estimate (2010) is for backfilling and grading, the approval of TR-5 will be delayed until after the inspection has been completed.

4. [Topsoil – this item has been addressed]
5. *A seed mix is proposed in Table 5.1. The proposed seed mix comprises 4 grass species:*



- *Luna Pubescent Wheatgrass*
- *Barton Western Wheatgrass*
- *Vinall Russian Wildrye*
- *Fairway Wheatgrass* (presumably this is a crested wheatgrass)

The stated goal of reseeding is for erosion control to stabilize the area while the landowner, Eagle County, finalizes plans for the site following release. In addition to permit commitments, the vegetation will also need satisfy the requirements of Rule 3.1.10(1) which calls for the establishment of "...a diverse, effective, and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer..."

Although the diversity standard in the rule is not explicitly defined, three wheatgrasses and a rye grass would not satisfy the Division's typical understanding of "diverse", which would normally include several forbs at least.

The proposed species should be well suited to the environment and will likely establish cover fairly quickly under favorable conditions. The proposed seeding rate is typically around half the recommended rate for a monoculture of each species, which is reasonable.

'Vinall' Russian wildrye is no longer recommended and has been replaced by 'Mankota'. (Reference: <https://www.nrcs.usda.gov/plantmaterials/idpmispq5773.pdf>)

Please review the proposed seed mix. Please update Table 5.1 to replace Vinall Russian Wildrye, and to clarify the total pounds of live seed per acre.

An updated seed mix has been proposed in Exhibit E, Section 5.1. The new seed mix includes four perennial grasses (Luna Pubescent Wheatgrass, Barton Western Wheatgrass, Mankota Russian Wildrye and Fairway Wheatgrass) and three forbs (Bottlebrush, Rabbitbrush and Four-Winged Saltbush), with a seeding rate for each. No further response is necessary at this time.

6. *Landowner approval will expedite final bond release.
Has Eagle County been consulted on the proposed seed mix?*

[See below]

7. *The proposed revegetation success criteria ("control erosion, match neighboring areas, and satisfactory to the Division") are rather vague and subjective. Although the rules don't discuss revegetation success criteria explicitly, it is often helpful at bond release if objective criteria have been established ahead of time.
Please consider establishing objective revegetation success criteria, such as a numerical cover standard, based on some defensible method such as sampling of a reference area or the application of the Revised Universal Soil Loss Equation.*

Eagle County has future plans to develop the property, so the goal of revegetating the site is to establish erosion resistant slopes until those plans can be implemented. No

objective revegetation success criteria have been proposed. No further response is necessary at this time.

The decision due date for TR-5 is August 18, 2023.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Simmons".

Leigh Simmons
Environmental Protection Specialist

cc: Ben Langenfeld; benl@lewicki.biz