



August 15, 2023

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

RE: Colorado Gravel LLC Pit, File No. M-2022-053, 112 Construction Materials Reclamation Permit Application, Adequacy Review No. 4

Ms. Schreiber:

The Division of Reclamation, Mining and Safety (Division) has completed its 4th adequacy review of your 112 Construction Materials Reclamation Permit Application submitted for the Colorado Gravel LLC Pit located in Prowers County. All comment and review periods for the application began on January 19, 2023, when the application was called complete for filing purposes.

After reviewing the applicant's adequacy response received on August 10, 2023, the Division has identified the following adequacy items in the application requiring additional information or clarification:

- 1) The applicant is proposing a permit area of 54.5 acres, with an affected area of 45.5 acres (54.5 acres – 9 acres unaffected). The Division understands the operator does not plan on mining the southern 6.3 acres; however, based on the revised reclamation plan map, it appears this area will require reclamation, meaning it may be disturbed in some way by the operation, and therefore, should be part of the maximum allowed disturbance. Accordingly, the proposed maximum disturbance for this operation will be set equal to the proposed affected area, 45.5 acres. If this is not accurate, please specify the proposed maximum disturbance and update the application and maps accordingly.
- 2) The applicant commits to not mining within 400 feet of the river until a Technical Revision detailing the required pit slope protection measures and inlet/outlet structure(s) has been approved. Based on this commitment, the applicant requested that 15 acres be considered unmined and therefore not counted in the backfill quantities for the bond estimate. The applicant should be aware, the Division is not proposing to hold costs for backfilling the entire pit to be mined at the site, since the applicant is proposing to backfill the pit as mining advances, and the Division accepted the applicant's estimate that sufficient backfill material will be available on site. Because the operator has committed to a maximum pit size of 10 acres at any time, the Division is only requiring backfill costs associated with the 10 acres. Therefore, unless the applicant is proposing a maximum pit size of less than 10 acres at any time, the portion of the bond estimate associated with pit backfilling will not be impacted by the river buffer. It should be noted, the bond estimate will need to include costs for reclaiming any other types of disturbances to occur within the river buffer (e.g., structures associated with dewatering). If the applicant wishes to revise the proposed maximum pit size, please update the application and maps accordingly.
- 3) The applicant stated the groundwater well that will be utilized by the operation is an existing well, the location of which, was identified on the Existing Conditions map. The Division reviewed the updated



Exhibit C – Existing Conditions map received on July 17, 2023, and could not find a well located within the proposed affected lands. There are three wells identified on the map, two of which are owned by KICT LLC, the landowner of the proposed affected lands. These wells are all located outside of the proposed affected land boundary. Please specify which well will be utilized by the operation. If the applicant is proposing to utilize an off-site well for the operation, please explain how this will be done in a manner that does not create additional affected lands per C.R.S. 34-32.5-103(1), which includes any areas in which structures, facilities, equipment, machines, tools, or other materials or property that are used in the operation are situated.

- 4) Please revise the mining plan map to include the following:
 - a. The anticipated use(s) of the southern 6.3 acre portion of the permit area (e.g., stockpiling, processing, equipment storage, parking), if this area is expected to be disturbed for uses other than construction of the access road.
 - b. The approximate location of the two wash ponds.
 - c. The 400 foot mining buffer from the river.
 - d. The existing well proposed to be utilized by the operation.
 - e. Ensure the affected lands boundary correlates with the area to be reclaimed as shown on the reclamation plan map. Please be aware, the affected lands boundary can overlap the 400 foot mining buffer, as other mining-related disturbances are allowed to occur within this buffer. The affected lands boundary should include all portions of the permit area that may be disturbed at some point in time during the life of mine. Based on the information submitted thus far, the Division interprets the proposed affected lands to be 45.5 acres.
- 5) Please revise the reclamation plan map to include the following:
 - a. The main access road proposed to remain for reclamation.
 - b. Any other structures (e.g., wells) proposed to remain for reclamation.
 - c. Move the location of the proposed 10 acre pond to remain for reclamation, based on the 400 foot mining buffer.
 - d. Ensure the affected lands boundary correlates with the affected lands boundary shown on the mining plan map.
- 6) Please revise the mining plan exhibit to include the following:
 - a. Specify all proposed mining buffers that will be maintained by the operation, including from the river, from the western permit boundary, from the North Granada Ditch, etc.
 - b. Specify the proposed mining slope gradient (horizontal:vertical) and the proposed maximum length of the active pit wall at any time.
 - c. Specify the proposed maximum disturbance. Based on the information submitted thus far, it appears the applicant is proposing a maximum disturbance equal to the proposed affected area of 45.5 acres.
 - d. Specify the total size of the pit to be mined at the site (including portions to be backfilled).
 - e. State the commitment to maintain a 400 foot mining buffer from the river until a Technical Revision addressing pit slope stabilization and flood protection measures is approved by the Division.
 - f. Describe the types of disturbances that will occur within the 400 foot mining buffer.

- g. State if the proposed operation is intended to be an intermittent operation (active for less than 180 days per year).
- 7) Please revise the reclamation plan exhibit to include the following:
- a. Ensure the proposed slope gradient (horizontal:vertical) for the final 10 acre pond is consistent with what is shown on the reclamation plan map.
 - b. Describe how the mined pit will be backfilled to a minimum of two feet above the static groundwater level as the operation advances.
 - c. Describe the source(s) of material to be used for reclamation backfill.
 - d. State the main access road will remain for reclamation (and include any other structures that will remain for reclamation).
 - e. Provide the revised seed mixture specifying each grass species and the seeding rate (in PLS/acre) for each species.
 - f. State the final 10 acre pond will be left no less than 400 feet from the river.
- 8) The applicant is choosing not to submit a groundwater monitoring plan for the site, but noted that pre-mining water levels of nearby wells is being ascertained to ensure that if any concerns arise in the future, this data will be available. Please commit to providing this data to the Division once it is available.
- 9) Pursuant to Rule 1.6.2(1)(c) and (2), any changes or additions to the application on file in our office must also be reflected in the public review copy which was placed with the local County Clerk and Recorder. Pursuant to Rule 6.4.18, you must provide our office with an affidavit or receipt indicating the date this was done. Please ensure the revised application submitted to the Prowers County Clerk and Recorder office includes all revised materials submitted to the Division.

This concludes the Division's 4th adequacy review of your application. The decision date for the application is currently set for August 22, 2023. Please ensure the Division sufficient time to complete its review process and calculate the required financial warranty by responding to these items no later than **August 18, 2023**. If additional time is needed, an extension request must be received by our Office by the decision date.

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129 or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Senior Environmental Protection Specialist

Cc: Ron Peterson, Colorado Gravel LLC
Nikie Gagnon, DRMS