



August 23, 2023

Marcy Brossman
Cheyenne County
P.O. Box 567
Cheyenne Wells, CO 80810

Re: Roberts Pit, File No. M-2023-014; Preliminary Adequacy Review for 112 Construction Materials Reclamation Permit Application

Dear Ms. Brossman,

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of the 112 Construction Materials Reclamation Permit Application for the Roberts Pit, Permit No. M-2023-014. The review consisted of comparing the application content with specific requirements of Rules 3.1, 6.3 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

The following items must be addressed by the applicant to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

Exhibits E & F Reclamation Plan

1. Page E-2 (a) Reclamation Description: The text states Cheyenne County will reclaim all disturbed land (23.47) acres upon completion of excavation..." The Reclamation Map in Exhibit F shows the access road remaining after reclamation. Please revise the text and/or the map to clarify the final plan for the access road, whether it will remain for use by the landowner or if the area will be regraded to conform with existing topography and seeded.
2. Page E-2 3.1.10 Revegetation: The text states "Cheyenne County will request the NRCS to prepare a comprehensive reclamation plan that addresses all conditions in this section." Please submit the NRCS revegetation plan to the Division. We understand you will be working with NRCS to develop a comprehensive reclamation plan upon closure; however the Division requires a revegetation plan (seed mixture, planting method, fertilizing) to be submitted with the application. Please keep in mind, if there are changes to the revegetation plan in the future, you may submit a Technical Revision to allow the Division to review the revised plan.



3. The Division of Water Resources requires any stormwater runoff intercepted by the operation that is not diverted or captured in priority to infiltrate into the ground or be released to the stream system within 72 hours. Otherwise, the Operator will need to make replacements for evaporation. Please describe how the final reclamation configuration of the site will comply with this requirement and not retain water in the pit without positive drainage.
4. The Exhibit F Reclamation Plan Map shows an elevation change of 10 feet or less between the creek channel and the final pit floor. This is not consistent with a proposed mining excavation of 30 feet. Please explain this discrepancy and/or revise the map to show the correct contour elevations.

Additional Information

5. Per Rule 1.6.2(d) and (e), please submit proof of publication once/week for 4 consecutive weeks.
6. Per Rule 1.6.2(1)(e)(g) Please provide proof that Owners of Record of the surface and minerals rights of the affected land, and all surface owners within 200 feet received a copy of the notice in Rule 1.6.2(1)(d) immediately after the first publication.
7. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been filed with the application materials previously placed with the County Clerk and Records Office and made available for public review.

Pursuant to Rule 1.4 the 90-day decision date for this application is September 24, 2023. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division may deny this application.

Sincerely,



Nikie Gagnon
Environmental Protection Specialist

cc: Amy Eschberger, DRMS