



January 9, 2024

Andy Azcarraga  
M.A. Concrete Construction, Inc.  
2323 River Road  
Grand Junction, CO 81505

**RE: Rolling Hills Gravel Pit, File No. M-2023-040 , 112c Construction Materials Application, Adequacy Review-1**

Dear Mr. Azcarraga:

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.

**6.2 General Requirements of Exhibits**

1. Please update the Applicant's name on all maps pursuant to Rule 6.2.1(2)(a).
2. Please ensure that all maps are signed as required by Rule 6.2.1(b).
3. Map C-1 does not meet the scale requirement per Rule 6.2.1(2)(e).

**6.4.1 EXHIBIT A - Legal Description**

4. Pursuant to Rule 6.4.1(1)(a), please provide the quarter-quarter section description of the proposed affected lands location.
5. Within Exhibit A please provide the street address or lot number.
6. Please provide a USGS topographic map depicting the mine site including the main entrance to the mine, per Rule 6.4.1(2).

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

7. On all mining maps please bold or change the permit boundary color to make it more distinctive and clearly labeled.



8. The total affected land is not differentiated from the permit boundary on any maps. Please address Rule 6.4.3(d). Note that the 200 ft buffer should be from the affected lands not the permit boundary.
9. Map C-1 includes a 'Mining Area Acreage Table', none of the features included in this table are described on the map.
10. Map C-1 has a table "Structures", but no structures are included on the actual map. The referenced structures are identified on Map C-2. Please include the name and location of all features on one map Pursuant to Rules 6.4.3(b) and (g). It is recommended that this map be separate from the topographic map for legibility.
11. Please provide vegetation information for the affected lands on a map within Exhibit C per Rule 6.4.3(e).
12. Maps C-3 and C-4 include a small key map which includes information pertaining to mining phases. This information should be included as its own stand-alone map and include other key details of the Mining Plan such as stockpile locations, scales, roads, etc.
13. On the Mine Plan Map please depict the fuel storage location(s).

#### 6.4.4 EXHIBIT D - Mining Plan

14. Exhibit D-1 is the Mine Plan Map and should be included under Exhibit C, the map section.
15. Please clarify that the total affected land is 83.4 ac while the maximum disturbance at any given time (max reclamation liability) is 19 acres.
16. Pursuant to Rule 6.4.4(c) please describe all water diversion and impoundment within Exhibit C or affirm if not applicable.
17. Most mining phase are broken up into sub-phase, please provide the acres associated with each sub-phases mining area, Rule 6.4.4(e)(ii) and clarify the sequence of each sub-phase within the greater mining phase, Rule 6.4.4(e)(iii).
18. Per 6.4.4(f)(ii) be more descriptive than "bedrock" when describing the nature of the stratum immediately beneath the material to be mined.
19. Please identify the primary and secondary commodities to be mined per Rule 6.4.4(g). Overburden should be listed as a secondary commodity to be sold (Page 2 Mine Plan).
20. As required by Rule 6.4.4(i) clarify if explosives will be used in conjunction with this mining operation.
21. The mine plan only discusses stockpiling topsoil and overburden from the four mining phases however an additional 11.7 acres will be affected by mining through the creation of roads, stockpile storage and the hot plant area. Will topsoil and overburden from these areas be salvaged? If not provide a justification.
22. In order to import inert material for use as structural backfill please submit an inert fill affidavit per Rule 3.1.5(9). Ensure that all concrete is hardened for at least 60 days and free from any protruding rebar and buried a min of 3 ft from surface.
23. Please designate where imported materials to be reprocessed and sold will be stored.

24. Please state the average depth for which topsoil will be salvaged. Section 4 - Topsoil and Overburden Handling indicates that topsoil is 0-3" deep due to the rocky nature of the site. Please commit to segregating and salvaging all available topsoil encountered while mining. The specified depth should correlate to the minimum depth to be replaced stated in the Reclamation Plan.
25. Table D-3 does not clearly demonstrate that sufficient volumes of material will be available for reclamation purposes. Please include other key information like acreage per phase, stripped volume, replacement depth, required volume for reclamation and any excess volume not required for reclamation (amount eligible to be sold).
26. Section 5 states that production will occur year-round. Within Exhibit H, both H-1 and H-2 state that activity within 0.25 miles of the Active Bald Eagle site, located within the southwest quadrant, should be limited/avoided from January 1<sup>st</sup> to July 31<sup>st</sup>. Please describe how mining impacts will be mitigated given this guidance, Rule 3.1.8(1).
27. Will the stormwater berms be removed between mining sub-phases or are they to remain until the completion of the entire mining phase and reclamation commences?
28. The mine plan indicates that a hot plant may be used on site. Please provide the details for this activity.
29. Confirm that no washing of material will take place on site.
30. What is the maximum highwall configuration to be present while mining? Height, length, at 1H:1V slope?

#### 6.4.5 EXHIBIT E - Reclamation Plan

31. Topsoil application range cannot be 0 inches. Please state a minimum depth of topsoil to be applied.
  - a. Page 1 of the reclamation plan states "Topsoil material will be spread to provide a minimum depth of four inches." Explain how 4" of topsoil can be applied if 0-3" is salvage? Will you be purchasing and importing soil?
  - b. Topsoil ranges salvaged and re-applied for reclamation are inconsistent throughout the application. Please ensure consistency, Rule 6.4.5(1) and (2)(f)(v)
32. State the minimum depth of overburden to be replaced.
33. Reclamation Plan states topsoil will be distributed over all affected lands however the Mine Plan does not indicate if topsoil will be stripped from all affected lands prior to disturbances, please ensure consistency between exhibits.
34. What is the maximum highwall configuration of 1H: 1V slope in phase 3 that will be reclaimed to a 3H: 1V? Highwall max height, and length? This information will be used in Exhibit L for bonding.
35. The reclamation Plan states that Phase 3 reclaimed slopes will be a 3H: 1V. What will the other mining phase slopes be reclaimed to? What is the maximum slope gradient per Rule 6.4.5(2)(f)(i).
36. Will the stockpile, scale or hot plant areas require any reclamation or grading?

37. The Reclamation Plan states that “all internal site gravel haul road...will be removed” however the Reclamation Plan Map F-1 depicts haul roads remaining and page 3 states they will remain. Please make sure these coincide with each other.
38. Given that some roads are to remain, please state the total affected land acreage that will require revegetation pursuant to Rule 6.4.5(2)(a).
39. The reclamation plan describes applying topsoil, then applying mulch, crimping into place before seeding. This is impractical. Will the mulch be mixed into the soil to provide organic matter rather than to provide erosion control? Clarify the purpose of the mulch being utilized on site.
  - a. Rule 6.4.5(2)(e)(iii) the sequence of reclamation phase described doesn’t make sense. Should be grading, overburden replacement, decompaction, topsoil replacement, fertilizer, light disk, seed, then apply mulch.
40. The use of fertilizers is proposed. Has the soil been tested and shown a deficiency? The Division would advise against applications of fertilizers unless soil testing indicates it being necessary.
41. Expand table E-1 to include the mining sub-phases.
42. Include a description of how the Reclamation Plan will be implemented to meet each applicable requirement of Rule 3.1 per Rule 6.4.5(c).

#### 6.4.6 EXHIBIT F - Reclamation Plan Map

43. On the reclamation plan map please depict the outline of the affected lands to be reclaimed.
44. Remove the current topography lines and only depict the proposed land topography where grading will occur. This is to more clearly address Rule 6.4.6(a).
45. Pursuant to Rule 6.4.6(b), portray the proposed final land use for each portion of the affected lands (Depict the areas where revegetation will occur).

#### 6.4.7 EXHIBIT G - Water Information

46. Section 2. 3) states that “oats will be immediately watered to provide quick vegetative cover.” Under the reclamation plan it states that no irrigation will occur. Please make these statements coincide.
  - a. If the cover crop is to be irrigated what is the estimated volume and source of water to be used? Rule 6.4.7(3) and (4).
47. Please identify the source of water to supply the project water needs per Rule 6.4.7(4).
48. Please commit to not spraying topsoil and overburden stockpiles with magnesium chloride as a means of dust suppression. The magnesium chloride could inhibit reclamation success and should be avoided.

#### 6.4.8 EXHIBIT H - Wildlife Information

49. In the letter from CPW (Exhibit H-1) they identify the southwest quadrant of the project area to be within 0.25 miles of an Active Bald Eagle site. Please identify on a map all phases and sub-phases that are within 0.25 miles of the Active Bald Eagle site. Figure 3 of Exhibit H-2 is of insufficient detail to determine the overlap.

Note that Section 3.3 of Exhibit H-2 states that 0.5-mile nest avoidance buffer should be utilized.

50. CPW recommends that any surface disturbance should be avoided within 0.25 miles of the Active Bald Eagle site December 1<sup>st</sup> to July 31<sup>st</sup>. The Mine plan indicates that activities will occur year-round, and no mitigations have been made. Section 4.3 of Exhibit H-2 also echoes this avoidance time as a mitigation measure. It continues to expand that vegetation clearing should be limited May 1<sup>st</sup> to July 31<sup>st</sup> for nesting migratory birds. Please commit to avoiding those areas as recommended by CPW.

#### 6.4.9 EXHIBIT I - Soils Information

51. The NRCS Wed Soil Survey indicates that though the site is rocky, topsoil may be located up to 5" deep. Please commit to salvaging all topsoil encountered, pursuant to Rule 6.4.9(1).

#### 6.4.10 EXHIBIT J - Vegetation Information

52. The information provided under Exhibit J-1 is not representative of site conditions. The report appears to be an overly generic ecotype, vegetation composition and soil types identified in the report are not representative of the proposed mine site. Within the report provided by WestWater Engineering (Exhibit H-2) the site is classified as a desert grassland and shrubland made up of primarily Cheatgrass, Annual Wheatgrass, Shadscale Saltbush and Greasewood. This information though generic is representative of the site. Please address all requirements of Rule 6.4.10(1).
- a. Include quantitate estimates of cover and height for the principal species.
  - b. Describe the relationship between vegetation types and soil.
53. As required by Rule 6.4.10(2) show the relation of the types of vegetation to existing topography on a map in Exhibit C.

#### 6.4.11 EXHIBIT K – Climate

Adequate

#### 6.4.12 EXHIBIT L - Reclamation Costs

54. What equipment is covered under the \$10,000 lump sum for equipment removal. Typically, the Division does not bond for mobile (roadable) equipment. Only demolition of permanent features is bonded for.
55. The Mining and Reclamation Plans state that 18-24" of overburden will be replaced while Exhibit L only accounts for 12". Please bond for replacing a minimum of 18" of overburden on all stripped/affected lands.
56. If 19 ac is the maximum disturbance and only 5 acres will be under reclamation the Reclamation Cost Estimate needs to account for reclaiming (including topsoil and overburden replacement) the remaining 14 acres. And secondary seeding for the failure of the 5 ac previously reclaimed.

57. Phase 3 will have a 3H: 1V highwall remain post reclamation, additionally the active mining highwall will be a1H: 1V. Please include a task for highwall reduction(s) if mining were to cease mid-production. State the maximum highwall configuration(s) that would need to be graded? Provide the maximum grade, height and length for any point during mining.
58. Include a reclamation task for decompaction of soils (ripping).
59. What is the average centroid to centroid haul and/or push distance from the stockpile to placement for overburden and topsoil?
60. The reclamation cost estimate Exhibit L states that 3 inches of topsoil will be replaced. Please use whatever depth is committed to being salvaged (Mine Plan) and reapplied (Rec Plan).

#### 6.4.13 EXHIBIT M - Other Permits and Licenses

Adequate

#### 6.4.14 EXHIBIT N - Source of Legal Right to Enter

61. The Sheriff Sale Confirmation Deed states that M & D Enterprises LLC is the owner of the property. No information was provided stating that they are doing business as M. A. Concrete Construction, Inc. Provide documentation of the dba. OR provide Legal Right to Enter per Rule 6.4.14.

#### 6.4.15 EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined.

62. According to the Mesa County Assessors website the property is owned by M & D Enterprises, LLC, but not dba M. A. Concrete Construction, Inc. Please provide documentation showing M & D Enterprises LLC's relationship to M. A. Concrete Construction, Inc.
63. Please identify all owners of record within 200 feet of the affected lands. This list should match those who are noticed under Rule 1.6.2(1)(e).

#### 6.4.16 EXHIBIT P - Municipalities Within Two Miles

64. Exhibit A states that in addition to Whitewater, the City of Grand Junction is located within 2 miles. Please update the exhibit.

#### 6.4.17 EXHIBIT Q - Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District

Adequate

#### 6.4.18 EXHIBIT R - Proof of Filing with County Clerk and Recorder

Adequate

6.4.19 EXHIBIT S - Permanent Man-made Structures

- 65. Structure agreements completed are incorrect. The applicant's name should be listed as M. A. Concrete Construction, Inc. for all applicable sections and the representatives title should be consistent throughout the agreements. Please resubmit the structure agreements.
- 66. No completed structure agreement was submitted for Black Hills Energy – Gas line. Address the requirements of Rule 6.4.19(a), (b) or (c).
- 67. No completed structure agreement was submitted for Mesa County – Coffman Road. Address the requirements of Rule 6.4.19(a) or (b).

Public Notice

A copy of the news Paper Publication has been received. Rule 1.6.2(1)(d).

- 68. The applicant's name listed on the notice sign is incorrect please provide an updated Affidavit of Posting Notice per Rule 1.6.2(1)(b).
- 69. Pursuant to Rule 1.6.2(1)(e) the applicant shall mail or personally serve a copy of the notice in Rule 1.6.2(1)(d) immediately after the first publication to the Owners of Record of surface and mineral rights and to all land surface within 200 feet of the boundary of affected lands.
  - a. Based on your maps it looks like potentially; M and D Enterprises, LLC, BLM, Mesa County, Whitewater Building Materials, and Mean Kitty Investments, LLC should have been noticed.
  - b. Provide the Division with proof that all notices were sent per Rule 1.6.2(1)(g).
  - c. Given that the normal comment period closes on February 18, 2024, the Division will open a special comment period for those who were not originally notices. The special comment period window will close 20 days after the date of receipt to be consistent with Rule 1.7.1(2)(a).

Please submit your response(s) to the above listed issue(s) by Friday, February 02, 2024 in order to allow the Division sufficient time for review. Please place a copy of your adequacy response at the County Clerk or Recorder per Rule 1.6.2(2). The decision date for your application is scheduled for February 29, 2024. If any deficiencies remain by the decision due date the Division will deny the application. If additional time is needed to address adequacy issues please request an extension prior to the decision due date.

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

Ec:  
Travis Marshall, Senior EPS, DRMS  
Ivan Geer, River City Consultants  
Megan Orloff, River City Consultants