



January 12, 2024

Craig Sparrow
Western Equipment & Truck Inc.
2055 1st Avenue
Greeley, CO 80631

RE: Western Equipment & Truck Mine #1, File No. M-2023-043, Receipt of 112c Construction Materials Reclamation Permit Application Package; Preliminary Adequacy Review

Dear Craig Sparrow:

The Division of Reclamation, Mining, and Safety (Division) has completed its preliminary adequacy review of the content of the 112 Construction Materials Reclamation Permit Application for the Western Equipment & Truck Mine #1, File No. M-2023-042. The application was called complete for review on December 21, 2023. The Division is required to make an approval or denial decision no later than March 20, 2024; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible. Please supply adequacy responses in the form of a formal letter and include all revised pages of the permit application package.

Responsibilities as a Permittee

1. Item No. 10 under this subsection of the Application Form on page 6 is initialed to indicate that this operation represents a joint venture/partnership. If this item was initialed in error, please submit a revised page 6 of the application which does not have Item No. 10 initialed. If No. 10 was not initialed in error, please submit with a revised Application Form, the appropriate power of attorney document which authorizes the signature of joint operators.

Certification

2. A company seal must be present on the Application Form. If no company seal exists, please write 'no seal' on a revised page 8 of the Application Form under the company seal section.



6.2 General Requirements of Exhibits

3. Please add features to maps C-1 and F and to their legends which delineate between the proposed permit boundary, parcel area outline, and the area of minable acreage.
4. Pursuant to Rule 3.1.12(2), boundaries of the affected area will be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries. Please provide the Division with GPS locations for each of these boundary markers and / or a kmz file which outlines the exact permit boundary.
5. Please add a label and line to all site maps to outline where any transmission or utility lines as referenced in Exhibit C are located. Please also outline and label the location of the southern oil and gas facility on all maps. Ensure that a proper legend accompanies these features.

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

6. Please identify the structure located in the northeast corner of the 70.25 acre Raptor Materials LLC parcel which is south of the proposed operation area. If this is a structure within 200 feet of the proposed permit boundary, please obtain a structures agreement for this feature pursuant to Rule 6.4.19.
7. Pursuant to Rule 6.4.3(g), please update the label for the parcel owned by Van Maanen to state what type of structure is located in the parcel. Ensure that any additional structures outlined on the map through this adequacy review also indicate the type of structure present.

6.4.4 Exhibit D - Mining Plan

8. The proposed mining plan states that the area to be mined has ~24 – 26 inches of topsoil available and that mining activity would strip ~10 – 12 inches of topsoil. Using conservative estimates, this would leave ~ 12 inches of topsoil still on the mined area. If this is the case, please clarify for the Division why the proposed plan only commits to leaving a minimum of 2 inches of topsoil over the gravely sand subsoil. Please also update Exhibit E to include this clarification.
9. Should transportation of recently mined ‘live’ topsoil be halted or prolonged for any reason, please provide a statement within the mining plan which indicates that topsoil which will not be moved within a short enough timeframe to avoid deterioration of the topsoil and/ or erosion will be appropriately seeded pursuant to Rule 3.1.9(1).

6.4.5 Exhibit E –Reclamation Plan

10. Is the buffalograss seed application rate of “10 pounds of seed per acre” referenced in Section 4.0 of the Reclamation Plan the PLS (pure live seed) per acres measurement for the intended revegetation? If not, please provide this figure in terms of PLS.
11. Pursuant to Rule 6.4.5(e), please provide an approximate timetable reference to when reclamation activities will begin and end. In an effort to protect topsoil to be used for onsite reclamation, the Division encourages concurrent reclamation and immediate reseeding of areas once they have been stripped of topsoil product. Please address this within the narrative of Exhibit E.
12. Pursuant to Rule 6.4.5(f)(ii), please suggest an expected time(s) of seeding and planting of buffalograss.

6.4.7 Exhibit G – Water Information

13. Section 2.0 and 3.0 of Exhibit G state that 8-10 inches of topsoil will be removed during mining operations. Exhibits D and E state that 10-12 inches of topsoil will be removed. Please revise the relevant sections to be consistent with each other.
14. Pursuant to Rule 6.4.7(3), The Operator/Applicant shall provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project. Please provide these approximations regarding the proposed use of a 2,000 gallon water truck.
15. Please update Section 4.0 of this Exhibit to include a specific reference to which municipal water sources will be used to fulfill the needs of the operation.

6.4.9 Exhibit I – Soils Information

16. Please provide the Division with a copy of the full Web Soil Survey report done for the proposed operation site area.

6.4.10 Exhibit J - Vegetation Information

17. This section states that the proposed post-mining land use is as a recreational vehicle storage facility. All previous sections of the permit state that the post-mining land use is general agriculture. Will the post-mining land use be general agriculture or recreational storage? Please update the relevant text to include this clarification.

6.4.12 Exhibit L - Reclamation Costs

18. The Division is currently calculating a reclamation cost estimate for the Western Equipment & Truck Mine #1. This estimate will be provided to Western Equipment & Truck Inc. upon completion and may be revised based on adequacy responses provided through this review process.

6. 4.19 Permanent Man-made Structures

19. Please ensure that a structures agreement is obtained for all utilities within 200 feet of the proposed permit boundary. Aerial imagery suggests that this would include the overhead power lines to the north, south, and west as referenced in Exhibit C. The applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have 'no negative effect' on their utility.
20. Please obtain a structures agreement for the Oil & Gas facilities to the south of the proposed operation, Highway 34, and CR 49 since these structures lie within 200 feet of the proposed permit boundary.

This concludes the Division's preliminary adequacy review of this application. 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 March 20, 2024, 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 March 20, 2024, 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 (720) 868-7757 or by email at hunter.ridley@state.co.us.

Sincerely,
Hunter C. Ridley



Environmental Protection Specialist
CC: Michael Cunningham, DRMS