



March 7, 2024

Thomas M. Eve  
Butala Construction Company  
9000 CR 152  
P.O. Box 907  
Salida, CO 81201-9519

***RE: Butala Gravel Pit, File No. M-1977-170 , Amendment Application (AM-2), Adequacy Review***

Dear Mr. Eve:

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 a decision can be rendered.

**Exhibit C- Pre-mining and Mining Plan Map(s) of Affected Area- Rule 6.4.3**

1. The application exhibits submitted including the maps show the Affected Lands as only including the Northern Permitted Area, with updated nomenclature as Phases A-F, However the Permit Documents show the Affected Lands to include the Southern Pit Area including the Sand Wash Plant area, settling ponds and ditches. Please update all Maps, and applicable exhibits (i.e. Mining Plan, Reclamation Plan, Adjacent Landowners, Permanent Man-Made Structures, etc.) to reflect the correct Affected Lands Boundary.
2. In addition to the corrected Affected Lands Boundary, Map C-1 does not include the required material. Please provide a Revised Mine Plan Map showing the depth and direction of mining, including all areas yet to be mined, all storm water control structures, outfalls, ditches, and major components of the mining operation such as stockpiles, scales, offices, etc. pursuant to Rules 6.4.3 (d) and 6.4.4 (f). Please note that multiple maps may be required to show the information required by rules and specifically called out in this review.



#### **Exhibit D - Mining Plan – Rule 6.4.4**

3. For the currently mined areas and anticipated future mining areas, please update the narrative and specify the height and linear feet of highwall currently exposed as well as commit to a maximum height and length of highwall to be exposed at any given time during the mining operation in accordance with Rule 6.4.4(a). This information will ensure an accurate Reclamation Cost Estimate.
4. Pursuant to Rule 6.4.4(f)(ii), please identify the nature of the stratum immediately beneath the material to be mined.
5. The “Restrictions” section of the Mining Plan details the Mining Restricted Area (MRA) and Buffer Area (BA). Please provide all documentation related to the covenants and restrictions including maps of the area to officially incorporate them into the DRMS Permit as agreed to in the Stipulated Agreement dated June 16, 2023. Additionally, it is stated that a reevaluation of OU2 is pending between the associated parties. Please commit to providing documentation of that reevaluation at the conclusion of that process.

#### **Exhibit E – Reclamation Plan – Rule 6.4.5**

6. The Reclamation Plan as submitted does not adequately address the requirements of Rule 6.4.5. Please review this section and submit a revised Reclamation Plan. The revised reclamation plan, at a minimum must include: the total cubic yardage of material to be backfilled or placed to achieve the final reclamation topography as well as demonstration that sufficient material exists on site to achieve reclamation; The total volume of topsoil to be replaced and it’s current location; the type and application rate of soil amendment (manure) to be used as proposed; any seed bed preparation methods such as tilling, harrowing, etc.; the specific seed mix to be used, including application rate in PLS/Acre; the type and application rate of the fertilizer proposed in the application; the type and application rate of mulch to be placed after seeding has been conducted; the total number of acres to be backfilled, sloped and revegetated as well as all other details required by Rule 6.4.5.

#### **Exhibit F – Reclamation Plan Map – Rule 6.4.6**

7. In conjunction with Item 1 of this review, the Reclamation Plan Map only shows the Northern Extents of the Disturbed Area. Please provide a site wide Reclamation Plan Map with accurate final contours. For areas slated to remain as Industrial/Commercial please identify those areas, along with any roads, buildings or other infrastructure necessary to support that Post Mining Land Use. Also, any surface water control structures including ditches, ponds, etc. should be identified.

#### **Exhibit G – Water Information – Rule 6.4.7**

8. The Water Information as submitted does not adequately address the requirements of Rule 6.4.7. Please review this section and submit a revised Exhibit H with a more detailed narrative and supported by a Map in the revised Exhibit C. The revised narrative must address how runoff from disturbed areas, piled materials and operating surfaces will be managed to protect against pollution of either surface or Groundwater (and where

applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation Pursuant to Rule 6.4.7(2)(c).

9. Additionally, please include in the revised narrative an estimate of water requirements for the operation including flow rates, annual volumes for mining and reclamation as well as the source of that water pursuant to Rule 6.4.7(3) and (4).

Please note that this narrative should be supported by a map in Exhibit C, Pursuant to Rule 6.4.7(1)(a). In conjunction with item 1 of this review, please submit a revised or additional map depicting the required water information.

#### **Exhibit I – Soils Information – Rule 6.4.9**

10. The maps included in Exhibit C did not include a soils map. In conjunction with Item 1 of this review, please submit a soils map as well as the soil survey data available through the Web Soil Survey service offered by the Soil Conservation Service in accordance with Rule 6.4.9(1)

#### **Exhibit M- Other Permits and Licenses – Rule 6.4.13**

11. The application materials list only the CDPHE discharge permit for other permits required. Please verify that is the only other State, Local or Federal permit required. If more permits exist or are required please provide that updated list pursuant to Rule 6.4.13.

#### **Exhibit N – Source of Legal Right to Enter – Rule 6.4.14**

12. Please provide documentation that Butala Construction Company owns the property that includes the Permitted and Affected Lands. Documentation may be in the form of a screen shot of the County Assessor's GIS system, deed, abstract of title or current tax receipt in accordance with Rule 6.4.13 and Rule 6.3.7.

#### **Exhibit S – Permanent Man-made Structures – Rule 6.4.19**

13. In conjunction with item 1 of this review and as depicted on Map C-2 it appears to show multiple Permanent Man-made Structures within 200 feet of the entire affected lands boundary, most notably structures associated with Red Smiley Storage and Pavement Maintenance Services Inc. Please submit a complete list of all Permanent Man-made Structures within 200 feet of all sides of the Affected Lands boundary, including structures owned or controlled by Butala Construction Company. Additionally, for those structures within 200 feet of the Affected Lands, please provide an executed and notarized structure agreement for each structure pursuant to Rule 6.4.19.

Please submit your responses to the above listed issues by Wednesday, April 17, 2024 in order to allow the Division sufficient time for review. The Division will continue to review your application and will contact you if additional information is needed. The current Decision Date for your application is Monday May 6, 2024. If more time is required to respond to the above listed items

please submit a Decision Date Extension Request no later than Wednesday April 17, 2024. If an extension request or Decision Date Extension Request is not received by the current Decision Date your application may be denied. If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office.

Sincerely,



**Lucas West**

Environmental Protection Specialist  
Division of Reclamation, Mining and Safety

CC: Travis Marshall, DRMS

EC: Tomas Eve, Butala Construction Company  
Chuck Kellerman, Butala Construction Company  
Peter Jaacks, BFW Law  
Scott Clark, BFW Law