



April 26, 2024

JC York
J&T Consulting, Inc.
c/o Ogilvy River Farms, LLC
305 Denver Ave – Suite D
Fort Lupton, CO 80621

**RE: Ogilvy River Farm Pit (Permit No. M-2024-006)
Adequacy Review #1**

Dear Mr. York:

On March 5, 2024, the Division of Reclamation, Mining and Safety received your 112 Construction Materials Application package for the Ogilvy River Farm Pit, File No. M-2024-006. The application was deemed complete on March 11, 2024. The following questions address adequacy issues and missing information that is needed to complete the application. This information needs to be addressed and/or received before the Division can approve the application.

Rule 6.4 - Specific Exhibit Requirements - 112 Reclamation Operation

Rule 6.4.1 EXHIBIT A - Legal Description- Adequate as submitted.

Rule 6.4.2 EXHIBIT B – Index Map - Adequate as submitted.

Rule 6.4.3 EXHIBIT C – Pre-mining and Mining Plan Map- Adequate as submitted.

6.4.4 EXHIBIT D – Mining Plan

1. The chart on page D1 shows that 45.06 acres will be mined, 2.34 acres as roads the remaining 24.51 acres as disturbed. Can you describe how the 24.51 acres will be disturbed? The type of disturbance in this area needs to be described in clear detail because of its proximity to the South Platte River.
2. The mining plan shows that the mining faces will be mined to 2h:1v. After mining is complete, the mining faces will be backfilled to 4.5h:1v. Where is the backfill material coming from? What is the volume of the backfill material?

6.4.5 EXHIBIT E – Reclamation Plan – Adequate as submitted.

6.4.6 EXHIBIT F - Reclamation Plan Map –



3. The area south of the access road is shown as being topsoiled and seeded, although no mine related disturbance is proposed in this area. Please clarify why this area is being topsoiled and seeded.
4. The area south of the access road is shown as being completely covered with topsoil and seeded. Exhibit C1 shows that a large portion of the area contains buildings, paddocks, driveways, and easements. Are all these areas intended to be topsoiled also?

6.4.7 EXHIBIT G - Water Information-

5. The text on page G-1 states that the reservoir surface area will be 44.71 once reclamation is complete. The chart on page E-1 shows that the water surface area will be 37.63 for final land use. Please clarify the final surface water area of the reservoir.
6. The Piezometer Location Map was not included with the application. Please submit the Piezometer Location Map for review.
7. The baseline data provided from SGS Laboratories test results are for MW-1 and MW-3, not MW-1 and MW-4 as suggested in the Operators plan for establishing baseline. Please clarify as needed.
8. The results also show that the water tested was not filtered as required by Reg. 41. Benchmark concentrations for metals listed in Reg. 41 are for dissolved metal concentrations, not total metals. Therefore, the results provided from November 17, 2023, are not suitable for comparison to the standards in Reg. 41 and will not contribute to the necessary 5 consecutive quarters of required testing to establish baseline.
9. The Division suggests that to better establish baseline the Operator should sample all four monitoring wells for a minimum of 5 consecutive quarters and have the samples filtered as required before testing for the specified analytes from Tables 1-4 of Reg. 41.
10. The Operator should be required to collect water levels of the monitoring wells monthly and collect analytical data quarterly before and after establishing the baseline. This plan should be maintained until baseline data is provided and approved by DRMS and any proposed modifications to this sampling plan are approved by DRMS
11. The Operator should provide graphs to accompany a data table showing the depth of water versus time.
12. The Operator should clarify if the samples are filtered in the lab by SGS Laboratories.
13. The Division suggests that the Operator uses the northwest monitoring well as a background water quality sampling location and the remaining three monitoring wells as points of compliance (POC) for the long-term groundwater monitoring plan. The Division is open to reducing the number of POC wells for the operation over time if a subsequent request, submitted as a Technical Revision, and supported by the provided data is approved by the Division.

6.4.8 EXHIBIT H - Wildlife Information -

14. The very western portion of the pit area is within ½ mile radius of a bald eagle's nest. The text states that no activity should occur in this area from December 1 through July 31. Activity proposed during this time requires prior consultation with CPW and/or USFWS.

Will slurry wall construction and mine development take place outside of this timeframe to protect the bald eagle's nest?

15. The southern end of the permit area is within the 1/3 mile radius of a red-tailed hawk nest. It is recommended that no activity occurs within this area February 15 through July 15. Any ongoing activities need to happen outside of this time period. Activity proposed during this time requires prior consultation with CPW. Will slurry wall construction and mine development take place outside of this timeframe to protect the red-tailed hawk's nest?

6.4.9 EXHIBIT I - Soils Information - Adequate as submitted.

6.4.10 EXHIBIT J - Vegetation Information - Adequate as submitted.

6.4.11 EXHIBIT K - Climate - Adequate as submitted.

6.4.12 EXHIBIT L - Reclamation Costs

16. A cost estimate was not completed at this time because a significant amount of information needed to complete an estimate was requested in this adequacy review. A cost estimate will be completed when the information is received, and J&T Consulting will have an opportunity to review/comment on it.

6.4.13 EXHIBIT M - List of Other Permits and Licenses Required - Adequate as submitted.

6.4.14 EXHIBIT N - Source of Legal Right-to-Enter - Adequate as submitted.

6.4.15 EXHIBIT O Owner(s) of Record of Affected Land and Substance to be Mined – Adequate as submitted.

6.4.16 EXHIBIT P - Municipalities Within a Two-Mile Radius: Adequate as submitted.

6.4.17 EXHIBIT Q - Proof of Mailing of Notices to Board of County Commissioners and Conservation District- Adequate as submitted.

6.4.18 EXHIBIT R - Proof of Filing with County Clerk and Recorder - Adequate as submitted.

6.4.19 EXHIBIT S - Permanent Man-made Structures

17. A setback of 59 feet from the mining limit to the gravel road was demonstrated as meeting the MLRB requirements for Case SS-2. Can you clarify the distance from the mining limit to the irrigation canal?
18. A setback of 39 feet from the mining limit to the gravel road was demonstrated as meeting the MLRB requirements for Case SS-3. Can you clarify the distance from the mining limit to the fence line?
19. A setback of 36 feet from the mining limit to the gravel road was demonstrated as meeting the MLRB requirements for Case SS-4. Can you clarify the distance from the mining limit

to the fence line?

20. A setback of 59 feet from the mining limit to the gravel road was demonstrated as meeting the MLRB requirements for Case SS-2 during mining conditions. The reclaimed condition proposes a 45-foot setback. How will a 45-foot setback be achieved if a 59-foot setback is required for mining?

The comment period for the Ogilvy River Farms Pit closes on May 9, 2024. All comments received will be forwarded to J&T Consulting as they are received. Any jurisdictional issues raised by commenters will be addressed in subsequent adequacy review questions. The comments already received from DWR and CPW have already been forwarded to J&T Consulting.

The decision date for this application is June 9, 2024. If you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application.

All corrected pages must be provided to the Weld County Clerk & Recorder.

If you have any questions, please contact me at (720) 774-0040 or brock.bowles@state.co.us.

Sincerely,



Brock Bowles
Environmental Protection Specialist