



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

May 17, 2024

Owen Robertson  
Twin Buttes Land Co., LLC  
PO Box 190  
Rangely, CO 81648

**Re: Wagner Pit, File No. M-2023-038, Construction Material Limited Impact (110) Reclamation Permit, Adequacy Review #1**

Dear Robertson:

On Tuesday, April 30, 2024, the Division of Reclamation, Mining and Safety received the Construction Material Limited Impact (110) Reclamation Permit Application package for the Wagner Pit, File No. M-2023-038. The application was filed on May 13, 2024. 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.

1. Per Rule 6.3.2, is any monitoring data available for the two streams within 200 feet of the affected lands? What is the estimated depth to groundwater?
2. Please state the current bench configuration. What is the anticipated benching configuration moving forward? Rule 6.3.3(f)
3. Will any additional road improvements specifically for mining be required in support of the operation? Rule 6.3.3(g)
4. Please state within the Mining Plan if fuel or other hydrocarbons will be stored on-site.  
\*Mining Plan - Note the ability to crush at a future date will first require a Technical Revision to the Mining Plan if this activity is not specifically addressed at this time.
5. Table C-1 proposed a temporary seed mix for salvaged topsoil. Please include two additional grasses (needle and thread, bottlebrush squirreltail, Indian ricegrass, etc.). Additionally, the Division request that yellow sweet clover be omitted given its tendency to be invasive. Alfalfa is a suitable alternative.



6. The Reclamation Plan states that reclamation will be incremental, approximately 1 acre at a time. What is the maximum number of unreclaimed acres to be affected at any time?
7. The Division acknowledges the lack of topsoil and overburden due to historical mining at the site. What is the minimum amount of overburden the operator commits to replacing site wide come final reclamation? Alternatively, if thickness will vary over the site please explain. Rule 6.3.4(1)(a)
8. Per Rule 6.3.4(c) clarify if any nursery stock will be utilized.
9. Area 2 (B-2 Line #4-9) are described as having an average slope of 1.23H: 1V. Per Rule 6.3.4(1)(b) if the application proposes slopes steeper than 3:1, the Operator/Applicant must include a justification that supports steeper slopes for the proposed post-mining land use, and demonstrates compliance with the applicable performance standards of Section 3.1. Sufficient rationale has not been provided.
10. Rule 6.3.4(2) Reclamation costs only account for revegetation on 6 acres of the site. Is the remaining land anticipated to be a rock face? Please clarify the number of acres currently associated with the highwall that might never be revegetated. Note that all lands affected by mining are expected to be stabilized. Similar to the question above provide a justification as to why the highwall area will not be reclaimed.
11. Per Rule 6.2.1(2)(b), all maps must be signed. Please resubmit a signed copy of the Mining and Reclamation Plan Maps.
12. Pursuant to Rule 1.6.2(1)(g) please provide proof of publication (d) and proof of all required notice(s).

Please submit your response(s) to the above listed issue(s) by Monday, June 03, 2024 in order to allow the Division sufficient time for review. The decision date for your application is scheduled for June 16, 2024. If you require additional time, please file a written request for an extension.

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 don't hesitate to contact me at [amy.yeldell@state.co.us](mailto:amy.yeldell@state.co.us) or 970-210-1272.

Sincerely,



**Amy Yeldell**  
Environmental Protection Specialist

Cc: Travis Marshall, Senior EPS, Grand Junction DRMS