



July 19, 2024

Via Email to nikie.gagnon@state.co.us

Nikie Gagnon
Division of Reclamation, Mining and Safety
1313 Sherman Street, Suite 215
Denver, CO 80203

RE: Inspection Report 5/20/2024 Follow Up

Dear Ms. Gagnon:

The purpose of this correspondence is to provide responses to the two items in your June 20, 2024, inspection report.

1. INSPECTION TOPIC: *Hydrologic Balance*

PROBLEM: *The Division has no evidence that the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed groundwater at the site. This is a problem related to 34- 32.5-116(4)(h) of the Colorado Revised Statutes and 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights.*

CORRECTIVE ACTIONS: *The operator shall demonstrate that the operation is in compliance with the Office of the State Engineer, show evidence that the operator is taking measures to bring the site into compliance with the SEO, or backfill the pits to at least two feet above the groundwater surface by the corrective action date specified.*

The pit has been mined above the water table in the last several years however in June 2023 and May 2024 significant amounts of rainfall fell in the area causing Kiowa Creek to flow (the creek is normally dry) and the water table to rise several feet such that there is standing water inside the south end of the pit. The water table is falling naturally however there is still 7.8 acres of surface area. Our plan is to use a combination of backfilling the pit and augmenting for exposed groundwater to maintain compliance with the SEO. In order to address evaporation from exposed groundwater, on July 19, 2024, Martin Marietta submitted the attached Gravel Pit Well Permit Application and Application for a Replacement Plan within a Designated Ground Water Basin. All exposed groundwater will be augmented as needed by pumping water from well permit 83410-F for groundwater recharge as further detailed in the attached document.

2. INSPECTION TOPIC: Signs & Markers

PROBLEM: The mine identification sign was not posted at the entrance of the mine site. This is a problem for failure to post a mine identification sign as required by Section 3.1.12(1) of the rule. The Operator shall, at the entrance of the mine site post a sign, which shall be clearly visible from the access road, with a minimum size equaling one hundred and eighty-seven (187) square inches, such as eleven (11) inches in height and seventeen (17) inches in width, with appropriate font size, with the following: the name of the Operator, a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and the permit number.

CORRECTIVE ACTIONS: The operator shall, at the entrance of the mine site, post a sign which shall be clearly visible from the access road with the following: the name of the operator, a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and the permit number. The operator shall submit photo documentation that a proper sign has been posted by the corrective action date.

The sign has been fabricated, see attached picture and will be installed on Monday July 22 and an additional picture will be sent on Tuesday July 23rd showing the sign installed in the Bennett Pit gate entrance area.

Please contact me at 303-913-6583 with any questions.

Sincerely,
Martin Marietta



Joel Bolduc
Land Manager

Encl:

Bennett Mine Replacement Plan including GWS-27 and GWS-69

