



August 21, 2024

Jordan Power  
P B & S Sand and Gravel LLC  
P.O. Box 863  
Rye, CO 81069

**RE: Ghost River Gravel Pit, File No. # M-2024-029, New 112c Application,  
Adequacy Review-1**

Dear Jordan Power,

The Division of Reclamation, Mining and Safety (Division/DRMS) is in the process of reviewing the above referenced application to ensure that it adequately satisfies the requirements of the Colorado Mined Land Reclamation Act (§ § 34-32.5-101-34-32.5-125) (Act) and the associated Rules and Regulations for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issues of concern shall be adequately addressed before the application can be considered for approval.

**Application Pages:**

On the third page of the re-submitted application pages (included in the Incompleteness Responses) Jordan Power is listed as both the Applicant/Operator and the Inspection Contact. The city provided in the Applicant/Operator section says “Rye” and in the Inspection Contact section, “Colorado City”.

1. Please clarify which city is correct.

**Exhibit A – Legal Description**

In the first sentence, and after “Entrance”, the longitude measurement is given as a positive coordinate (104.749247°).



2. Please update the longitude coordinates provided on the Exhibit A narrative page to reflect “-104.749247°” and resubmit the page.

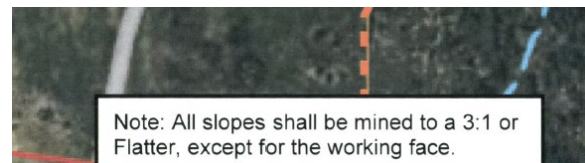
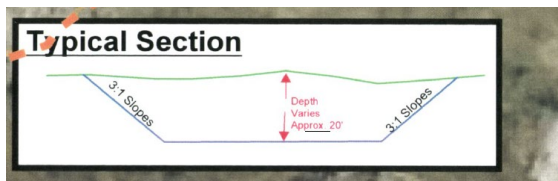
**Exhibit C – Pre-mining and Mining Plan Map(s) of Affected Lands**

3. The scale is cut off on the Exhibit C – Existing Conditions map and on the Exhibit D – Mining Plan Map.  
→ Please include a scale bar that meets the requirements of Rule 6.2.1(2)(e) on both maps.
4. On the Exhibit C – Existing Conditions map and the Exhibit D – Mining Plan Map, at least two property parcels (located south-east and adjacent to the Applicant's property) do not indicate the property owner(s). Additionally, the Applicant's southern property boundary is not shown on the map (see yellow arrows on the image below).  
→ Please provide the names of all adjoining surface owners of record, pursuant to Rule 6.4.3(a).



### **Exhibit D – Mining Plan**

5. As a protective measure, and to aid in clarification, please include a description of the disturbance caused as a result of mining from the previously permitted application in the Mining Plan narrative. Please also outline the current disturbance on and around the proposed site that had occurred during the previous mining operation, on a new map or on the Exhibit C - Existing Conditions Map.
6. Rule 6.4.4(a) requires the Applicant to provide a “description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands”. On the Exhibit D – Mining Plan Map, the Applicant provides a “Typical Section” view of the site (see images below). The cross section depicts the sides of the pit being sloped at a 3H:1V, up to the permit boundary. Additionally, a note on the map states that “All slopes shall be mined to a 3:1 or flatter, except for the working face”.
- Please clarify whether the Applicant intends for all the highwalls to be within the pit, and away from the perimeter of the affected area against the permit boundary. This meaning that no highwalls would occur along the permit boundary to ensure that all side slopes are not mined at a slope angle greater than 3H:1V.



7. On the Exhibit D – Mining Plan Map, the Applicant provides a “Typical Section” view of the site (see images above), that states that the depth of the pit varies and is approximately 20 feet.
- Please clarify whether 20 feet will be the maximum depth of the pit, or if it is the average depth of the pit. If it is the later, please provide a maximum depth measurement.
8. Rule 6.4.4(d) requires the Applicant to provide the “the size of area(s) to be worked at any one time”.
- Pursuant to Rules 6.4.4(d-e), please provide an estimate of the amount of time required to mine each Phase of the operation.
9. The Applicant states that the operation will likely take between 3-5 years, total.

- Pursuant to Rule 6.4.4(e)(ii), please clarify the sequence of the phases and clarify the following inquiries:
- i. Will Phase I be completed before proceeding to Phase II?
  - ii. What is the amount of reclamation planned to be completed prior to entering into the second Phase?
  - iii. How will mining occur at the juxtaposition of the two phases? Will processing and storage remain in the Phase I area while mining is occurring in Phase II?
  - iv. At what point during the duration of the permit will be the point of maximum disturbance? Explain what this disturbance would involve.
10. Pursuant to Rule 6.4.4(f)(i), please indicate the thickness of the deposit to be mined and describe the type of overburden to be removed.
11. Pursuant to Rule 6.4.4(f)(ii), please provide justification as to why shale is anticipated to be the stratum immediately beneath the material to be mined.
12. Pursuant to Rule 6.4.4(g), please state whether there will be any secondary commodities to be mined at this site.
13. Within the Mining Plan, the Applicant states that all interior haul roads will be temporary and will be reclaimed after mining has been completed. On the Mining Plan Map, the haul road is shown extending from the entrance of the mine to the northeast corner. On the cross section (see image pasted with Item #6 above), it indicates that there will be a 3H:1V slope along the east side.
- Please clarify whether the road will be sloped at a 3H:1V, or if the cross section is incorrect? If it is the latter, please provide an updated cross-section.
14. Additionally, the Reclamation Plan map indicates that the new haul road will remain after reclamation.
- Pursuant to Rule 6.4.4(j), please specify the dimensions of the proposed road.
- Please update and clarify this information on the Mining and Reclamation plan maps and in the mining and reclamation plan narrative, as needed.

#### **Exhibit E – Reclamation Plan**

15. Pursuant to Rules 6.4.5(2)(a-b), the Applicant shall provide a description of the reclamation all the affected land. In the Exhibit E - Reclamation Plan, the Applicant states that 7.0 acres of land will be converted to a Residential post-mining land use.

The Exhibit E - Reclamation Plan map indicates that within the 7.0 acre area, there will be a gravel area, gravel road, house, garage, barn, roping arena, and corrals.

→ Please specify how the ground will be prepared in those areas, *and* how the rest of the 7.0 acre area will be reclaimed – outside of the structures.

16. Pursuant to Rule 6.4.5(2)(c) and Rule 3.1.5(9), please specify as to whether there will be any imported inert structural fill used for backfill material. If so, please provide the Division with the information required in Rule 3.1.5(9)(a-f). If not, please state that inert backfill will not be imported and/or commit to notifying the Division via submitting the information required by Rule 3.1.5(9)(a-f) if that were to change in the future.
17. In compliance with Rules 6.4.5(2)(c-d), 3.1.9(1), and 3.1.9(3):
  - Please commit to seeding topsoil stockpiles if they are not used for reclamation for greater than 180 days.
  - Additionally, per Rule 3.1.9(4), please concur that once stockpiled, the topsoil stockpiles will not be relocated without the Division's prior approval of a Technical Revision.
18. The Applicant states that "upon commencement of reclamation, the area will be monitored for noxious weeds".
  - Please provide a weed control plan that describes the expected types of noxious weeds that will be monitored on site and the methods to eradicate these species if/when they're observed.
19. The seed rates provided in the Applicant's Reclamation Plan were replicated from the previous Ghost River Gravel Pit permit, and are in quantities required for seeding 10 acres.
  - Please update these quantities to reflect the acres that will be seeded in the currently proposed operation.
20. Pursuant to Rule 6.4.5(f)(ii), please specify the expected times of seeding and planting.
21. Pursuant to Rule 6.4.5(f)(v), please specify the depth, or depth range, that topsoil will be replaced throughout the site upon reclamation.

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

22. Per Rule 6.2.1(2)(e), please:

- Add a scale to the map that is not larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet.
- Either add a legend to the map or explain what the unlabeled faint blue arrows indicate.

#### **Exhibit G – Water Information**

23. In Exhibit G: Water Information, the Applicant states that stormwater will not leave the site. However, if shale is anticipated to be the underlying material below the depth of deposit, there is the possibility to create impounded water. As a reminder, per the Division of Water Resources, water must not be impounded for greater than 72 hours.

- Please state within the narrative that no stormwater will be impounded for longer than 72 hours after a storm event without prior written approval from the Division of Water Resources.

#### **Exhibit H – Wildlife Information**

24. The Applicant states in the Exhibit H narrative, included with the Incompleteness Response, that the CPW Area Wildlife Manager was contacted for comment during the previous permit's conversion application process. The Applicant included the letter from the CPW Area Wildlife Manager, which at that time, stated that the proposed mining activities would not have negative impacts on wildlife. However, the letter states that there will not be an expansion of the gravel pit compared to the current operating levels, as part of the justification as to why wildlife will not be negatively affected. With the current application, the gravel pit will now be expanded.

- Please provide the Division evidence that the opening and operating on the new area of approximately 11.7 acres will not negatively affect wildlife. Additionally, clarify whether the other justifications for not negatively affecting wildlife given in the letter, relating to traffic and disruption, are still valid for the proposed operation.

#### **Exhibit I – Soils Information**

25. The soil survey and map, provided with the application, only encompass the current pre-permit-disturbance. Please provide a soil survey/map for the entire area currently proposed to be affected by mining disturbance.

### **Exhibit J – Vegetation Information**

26. Please provide all of the information required by Rule 6.4.10(1) as listed below:

“(1) The Operator/Applicant shall include in this Exhibit a narrative of the following items:

(a) descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs);

(b) the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map; and

(c) estimates of average annual production for hay meadows and croplands, and carrying capacity for range lands on or in the vicinity of the affected land, if the choice of reclamation is for range or agriculture.”

27. Please provide the information required by Rule 6.4.10(2) as listed below:

“(2) The Operator/Applicant shall show the relation of the types of vegetation to existing topography on a map in Exhibit C. In providing such information, the Operator/Applicant may want to contact the local Conservation District.”

### **Exhibit S: Permanent and man-made structures**

28. On the Mining Plan Map, fences (both owned by the Applicant and by adjacent landowners) appear to be within 200 feet of the proposed affected area.

→ Pursuant to Rule 6.4.19, please:

“(a) provide notarized agreements between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or

(b) where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

(c) where such structure is a utility, 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.”

### **Publication Requirements**

29. Pursuant to Rules 1.6.2(1)(d) and 1.6.5:

→ Please provide the Division with Proof of Publication.

30. Pursuant to Rule 1.6.2(1)(e):

→ Please provide the Division with proof of notice to the Owners of Record of surface and mineral rights of the affected land, and to Owners of Record of all land surface within 200 feet of the boundary of the affected land.

31. Pursuant to Rule 1.6.2(1)(c):

→ Any changes or additions to the application on file in our office must also be reflected in the public review copy which was placed with the Huerfano County Clerk and Recorder.

i. Pursuant to Rule 6.4.18, you must provide our office with an affidavit or receipt indicating the date this was done.

Please submit your responses to the above listed issues **by September 11, 2024** in order to allow the Division sufficient time for review. The decision date for your application is scheduled for September 29, 2024. If more time is required to respond, please send an email request for an extension to the decision date.

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 feel free to contact me at [amber.gibson@state.co.us](mailto:amber.gibson@state.co.us) or at 720-836-0967.

Sincerely,



**Amber M. Gibson**  
Environmental Protection Specialist I

Ec: Jodi Schreiber, PFM Consulting LLC  
Jared Ebert, Senior EPS, DRMS