



STATE OF
COLORADO

Armstrong - DNR, Ursula <ursula.armstrong@state.co.us>

McClave Ranch Pit (M-2024-038) - Preliminary Adequacy Review

1 message

Armstrong - DNR, Ursula <ursula.armstrong@state.co.us>

Mon, Sep 30, 2024 at 10:24 AM

To: PFM Consulting <pfmconsultingcompany@gmail.com>

Cc: ron@rocktran.com, "Eschberger - DNR, Amy" <amy.eschberger@state.co.us>

Good Morning Jodi,

Attached is the Preliminary Adequacy Review for the 112C Materials Reclamation Permit Application Package submitted on behalf of Premium Pellets LLC (File No. M-2024-038), as well as the comment submitted by the Division of Water Resources.

If you have any questions or concerns, please let me know.

Best Regards,

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Ursula Armstrong
Environmental Protection Specialist
Active Mines Program



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

P: 720.793.3031

Physical Address: 1313 Sherman Street, Room 215, Denver, CO 80203

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M2024-038_Preliminary-Adequacy-Review_2024-09-30.pdf

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September 30, 2024

Jodi Schreiber
PFM Consulting LLC
1774 N. Cougar Drive
Pueblo West, CO 81007

RE: McClave Ranch Pit, File No. M-2024-038, 112 Construction Materials Reclamation Permit Application, Preliminary Adequacy Review

Ms. Schreiber:

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of your 112 Construction Materials Reclamation Permit Application submitted for the McClave Ranch Pit located in Bent County. All comment and review periods for the application began on July 29, 2024, when the application was called complete for filing purposes. The decision date for the application is currently set for October 27, 2024.

The Division's review consisted of comparing the application content with the requirements of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. The Division has identified adequacy items in the application requiring clarification or additional information. These items are identified below under their respective exhibit heading and are numbered sequentially.

Exhibit A – Legal Description (Rule 6.4.1):

- 1) Please provide a revised township, range, and legal description. Based on the mine entrance coordinates provided in the application form (38.0994771°, -102.887744°) as well as the mine coordinates provided in Exhibits A and B, the township should be T22S, not T25S. The provided location was looked at in PLSS 6th Principal Meridian grid.
- 2) There appears to be crossover into Section 34 to the west of the proposed operation based on the provided mine coordinates for the proposed permit boundary. If this is not a coordinate mistake, Section 34 needs to be included in the legal description and reflected throughout the permit application. Otherwise, please correct the mine coordinates to reflect the actual proposed permit boundary.

Exhibit B – Index Map (Rule 6.4.2):

- 3) Please provide a revised Exhibit A/B map that describes what the green outline is intended to portray (assumed to represent the proposed permit boundary).
- 4) As mentioned above (under Exhibit A), the legal description needs to be updated:



- a. The township should be corrected to T22S.
- b. There appears to be crossover into Section 34, so please add this to the legal description. If this was a mistake, the mine coordinates need to be corrected.

Exhibit C – Pre-Mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):

For the Existing Conditions (Pre-Mining) Map:

- 5) Please change the label “Mine Outline” in the map legend to “Permit Boundary”.
- 6) In the map legend, it states “Mine Outline (118 Acres) original”. The permit application is proposing a permit area of 112 acres. Please correct the 118 acres to reflect the rest of the application.
- 7) Please show the structure owner’s name for CR JJ.
- 8) Please identify and show the structure owner’s name for any fencing that exists on or within 200 feet of the proposed permit area. (According to aerial imagery of the site available in Google Earth, fencing exists within 200 feet of the proposed western and southern permit boundaries.)

For the Mining Plan Map:

- 9) Please show the following:
 - a. The proposed location(s) of any topsoil stockpiles.
 - b. The proposed location(s) for material stockpiling.
 - c. The proposed location(s) of any fuel/oil storage.
 - d. The proposed location(s) of the scale, scale house, and any office/shop buildings.
 - e. The proposed location(s) of any water management structures including sediment ponds, sumps, ditches, culverts, and discharge locations required for the operation.
 - f. The estimated acreage for the proposed Phase 1 Area.
 - g. The proposed direction of mining for the Phase 1 Area.
 - h. Any proposed mining setbacks from existing structures (e.g., fences) or the permit boundary.
 - i. The name of the existing access road (CR JJ).
- 10) The mining plan map annotations show that contours (3 ft lines) should be found on the map. There are no contours on the map submitted. Please remove this annotation or correct the map to show the contours.
- 11) On the mining plan map, the green line correlates to the processing area. The remaining portion of the site is outlined in the same green colored line. Please change the color of the symbol representing the processing area to eliminate confusion, and label the permit boundary in the map legend.
- 12) The mining plan map delineates a Phase 1 Area, and the “Direction of phased mining” south of the Phase 1 Area. Please show any other planned mining phases for the operation on this map. If this

information is not known at this time, please commit to submitting a Technical Revision to provide a revised mining plan map with this information prior to disturbing land outside of the Phase 1 Area.

Exhibit D – Mining Plan (Rule 6.4.4):

- 13) Please provide an approximate timetable to describe the following about the mining operation:
 - a. An estimate of the period of time required for each phase of mining.
 - b. Approximately how many phases of mining will be completed during the life of the mine.
(Please ensure the mining plan map correlates with the mine phasing described in this exhibit.)
- 14) Please clarify if the proposed 20-acre mine phase 1 is the proposed maximum disturbance at any time (to be associated with the required financial warranty), including all disturbances related to the operation (e.g., pits, waste rock areas, stockpile areas, processing areas, equipment storage areas, parking areas, facilities, roads). If the applicant is proposing to set the maximum allowed disturbance at 20 acres, please commit to submitting a Technical Revision to increase the maximum allowed disturbance and update the bond estimate accordingly prior to moving into another phase (or disturbing more than 20 acres). Please ensure the proposed maximum disturbance (and corresponding mine phase) in this exhibit correlates with the bond estimate provided in Exhibit L.
- 15) The exhibit explains reclamation will occur concurrently to mining. Please clarify if the phase 1 processing area will continue to be utilized as such during mine phase 2, and so forth. If not, please elaborate where materials processing will occur after the phase 1 processing area can no longer be used due to reclamation.
- 16) Please provide the seed mixture that will be used to stabilize any temporary topsoil and overburden stockpiles.
- 17) The proposed access to the site does not appear to be an existing road. The mining plan map shows a haul road from County Road JJ to the proposed permit area. Per Rule 1.1(3), any roads that are constructed or need to be substantially upgraded to support the mining operation need to be included in the affected lands. Please clarify if there is an existing road in the area where the haul road is depicted on the mining plan map. If there is, please provide a description of this road, including its approximate dimensions and surfacing, and state whether this road will need to be upgraded to support the mining operation.
- 18) Please provide the approximate dimensions of all proposed roads to be constructed for the operation and describe how they will be surfaced, if at all (e.g., paved, graveled). Please ensure the reclamation of any roads not proposed to remain for reclamation is addressed in Exhibit E and also in the Exhibit L bond estimate.
- 19) Please provide a description, including the approximate dimensions, of any proposed structures that will require demolition and/or removal for reclamation (e.g., scale, buildings with concrete foundations, conveyors with footings, stormwater management structures).

- 20) Please clarify if the applicant is proposing the affected area (all land to be disturbed at some point throughout the life of mine) be set equal to the permit area of 112 acres.
- 21) Please state if this will be an intermittent operation, operating for less than 180 days per year.

Exhibit E – Reclamation Plan (Rule 6.4.5):

- 22) The exhibit states that 3 inches of topsoil will be placed on affected surfaces. Please explain how replacing only 3 inches of topsoil will be sufficient to achieve successful revegetation at the site. Based on the Division's experience, a topsoil replacement depth of less than 6 inches is typically not sufficient to achieve successful revegetation.
- 23) Please confirm if fertilizer will be needed once revegetation efforts commence. If so, please provide a suitable fertilizer type and application rate for the site.
- 24) In Exhibit L – Reclamation Costs, there is a row for mulch, under the seeding direct task. Mulch is not mentioned in the reclamation plan. Since a mulch task is included in the cost estimate, please provide in this exhibit the type of mulch that will be used, the application method and rate, and specify whether it will be crimped.
- 25) The exhibit states the seed mixture will be broadcast seeded. Is this correct? Larger areas with relatively flat topography, such as that proposed, are typically drill-seeded. If this was an error, please correct the seeding method and provide updated seeding rates in the proposed seed mixture (typically halved for drill-seeding).
- 26) Please confirm the applicant is proposing to be bonded only for mine phase 1 (20 acres) disturbance at this time. Additionally, please provide a description of the size and location of each area requiring reclamation under this scenario, including:
 - a. The approximate maximum acreage of disturbance requiring retopsoiling and/or revegetation.
 - b. The approximate maximum acreage of compacted areas (e.g., pit floor, roads, temporary stockpile and/or equipment storage areas) requiring ripping.
- 27) The exhibit states "if necessary, surfaces will be roughened prior to seeding", please elaborate if this will be completed using a ripper, or another piece of equipment.
- 28) Please describe how any structures constructed for the operation (e.g., scale, buildings with concrete foundations, conveyors with footings, stormwater management structures) will be reclaimed, and describe any structures that will remain after reclamation.
- 29) Please clarify if the proposed haul road within the phase 1 area will remain for reclamation. If it will remain, please include the approximate dimensions and type of surfacing if applicable (e.g., gravel, paved). Please provide this information in this exhibit and ensure the Exhibit F reclamation plan map

shows the location of any roads proposed to remain for reclamation. If the landowner later requests changes to the final road configurations, these changes can be proposed through a Technical Revision.

- 30) The exhibit states that slopes will be returned to a 3H:1V slope or flatter. Please specify whether slopes will be graded using cut and fill methods or backfill methods. If the applicant is proposing to utilize cut and fill methods, an appropriate mining setback must be proposed in the mining plan and shown on the mining plan map. For example, to achieve a 3H:1V slope from a 10-foot tall highwall, a minimum 30-foot setback would be necessary to allow sufficient space to knock down the crest of the highwall to fill the slope to a 3H:1V gradient. If the applicant is proposing to utilize backfilling methods, please confirm there will be a sufficient amount of overburden on site to backfill all proposed highwalls.
- 31) On page 10 of the permit application narrative, Exhibit H – Wildlife Information (Rule 6.4.8) mentions utilizing a weed management plan to mitigate impacts to wildlife. Please clarify the proposed weed management plan for the site, in conjunction with Exhibit H.

Exhibit F – Reclamation Plan Map (Rule 6.4.6):

- 32) Please provide a revised reclamation plan map that includes a legend describing all symbols and outlines shown on the map.
- 33) Please ensure the revised map shows any structures proposed to remain for reclamation (e.g., roads).

Exhibit G – Water Information (Rule 6.4.7):

- 34) Please provide an estimate of the project water requirements, including flow rates and annual volumes for the development, mining, and reclamation phases of the project, as required by Rule 6.4.7(3).
- 35) Please indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation, as required by Rule 6.4.7(4).
- 36) The application states the operation will use water from a nearby source and haul onsite for dust suppression. Please identify the proposed well permit number(s) and/or decreed water source(s).
- 37) Please clarify if the projected amount of water needed would include gravel washing.
- 38) Given the location of the proposed operation along the southern and southeastern edges of a terrace that drains to Limestone Creek and the Arkansas River, please describe how runoff from disturbed areas, piled material, and operating surfaces will be managed to protect against surface water pollution both during and after the operation.

Exhibit H – Wildlife Information (Rule 6.4.8):

- 39) The exhibit mentions impacts to wildlife will be mitigated with a weed management plan. Please elaborate on the mentioned weed management plan in Exhibit E – Reclamation Plan (Rule 6.4.5).

Exhibit J – Vegetation Information (Rule 6.4.10):

- 40) In addition to the present vegetation types, please include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., tall shrubs, low shrubs, grasses, forbs) to address the requirements of Rule 6.4.10(1)(a).
- 41) Please describe the relationship of present vegetation types to soil types, per the requirements of Rule 6.4.10(1)(b). Alternatively, this information can be presented on a map.
- 42) Since the choice of reclamation is for rangeland, please describe the carrying capacity for range lands on or in the vicinity of the affected land, per the requirements of Rule 6.4.10(1)(c).

Exhibit K – Climate (Rule 6.4.11):

- 43) In addition to the provided climate data for Bent County, Colorado, please include wind data.

Exhibit L – Reclamation Costs (Rule 6.4.12):

- 44) The exhibit states “reclamation cost estimates were calculated on a per acre basis and applied to a maximum active mining area of 112 acres”, but the direct tasks column shows the area reclaimed is 20 acres. Please revise this statement to specify that the reclamation costs are for the proposed 20 acre mine phase 1. (If the applicant is proposing to be bonded for 112 acres of disturbance, this should be reflected in the cost estimate, and in other applicable exhibits.)
- 45) Under the Grading Highwalls task, please provide the approximate height and linear length of the proposed active highwall and the approximate volume of material required to backfill the highwall slope to 3H:1V.
- 46) Under the Placing Topsoil/Fines task, please provide the approximate acreage that will require retopsoiling, the replacement depth, and the approximate volume of topsoil needed.
- 47) Please provide the approximate haul distance from the topsoil and overburden stockpiles to the pit when undergoing reclamation.
- 48) Please add a task for ripping compacted areas (e.g., pit floor, roads, stockpiling areas, processing areas, equipment storage areas), including the approximate acreage to be ripped.
- 49) Under the Seeding task, please change broadcasting to drill-seeding, which is more appropriate for a large, relatively flat area.
- 50) Under the Seeding task, only one acre is included for seeding and mulching. This conflicts with the proposed 20 acres of disturbance and the reclamation plan that specifies that all affected lands will be reclaimed to rangeland. Please revise the acreage to match the proposed disturbance.

- 51) If applying fertilizer will be required, please add this cost under the seeding task.
- 52) If any structures will require reclamation (e.g., scale, stormwater management structures, buildings with concrete foundations, conveyors with footings), please ensure costs for demolishing and/or removing these structures are included in the estimate.
- 53) Please specify the closest location to the proposed operation which rents out the type of equipment that could be used to reclaim the site.
- 54) Please ensure the mining plan map, which correlates with the proposed reclamation bond, includes all necessary information in order for the Division to calculate the bond, including proposed topsoil and overburden stockpiles, any proposed material stockpiles to be used for reclamation backfill, estimated acreages for each disturbance area which correlates with the information provided in this exhibit, etc. Alternatively, the applicant may wish to provide this information on a separate Exhibit L map which correlates with the reclamation bond estimate.

Exhibit M – Other Permits and Licenses (Rule 6.4.13):

- 55) The exhibit only includes “Bent County Special Use Permit”. Are there no other permits, licenses, or approvals required for the proposed operation? For example, similar applications typically include an APEN from the Colorado Department of Public Health and Environment’s (CDPHE) Air Pollution Control Division, a Stormwater Discharge permit from the CDPHE, Water Quality Control Division, and a well permit and/or Substitute Water Supply Plan from the Division of Water Resources. Please ensure this exhibit includes a list of all permits, licenses, and approvals that are required for the proposed operation.

Exhibit Q – Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District (Rule 6.4.17):

- 56) The application included an email chain between the applicant and Caroline Morlan, Civil Engineering Tech. at 760 Bent Ave, Las Animas, CO 81054. This email chain includes a response from Ms. Morlan that she forwarded the notice of the application to the soil conservation district. Please confirm that Ms. Morlan is the listed contact for the appropriate soil conservation district or that she forwarded the notice to the correct contact.

Additional Items:

- 57) On August 13, 2024, the Division received comments on the application from the Division of Water Resources (DWR; see enclosed). Please inform the Division of how the applicant intends to address any concerns expressed by DWR.
- 58) Pursuant to Rule 1.6.2(1)(c) and (2), 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 local County Clerk and

Recorder. Pursuant to Rule 6.4.18, you must provide our office with an affidavit or receipt (with the revised application/adequacy response) indicating the date this was done.

This concludes the Division's preliminary adequacy review of your application. Please ensure the Division sufficient time to complete its review process by responding to these adequacy items no later than two weeks prior to the decision date, by **October 27, 2024**. If additional time is needed to respond, you must submit an extension request to our office prior to the decision date.

If you have any questions, you may contact me by telephone at 720-793-3031, or by email at ursula.armstrong@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ursula Armstrong', is written above the printed name.

Ursula Armstrong
Environmental Protection Specialist

Encl(s): Comment Letter from Division of Water Resources, received on August 13, 2024

Cc: Ron Peterson, Premium Pellets LLC
Amy Eschberger, DRMS



Response to Reclamation Permit Application Consideration

DATE: August 13, 2024

TO: Ursula E. Armstrong

CC: Division 2 Office; District 67 Water Commissioner

FROM: Katharine Anderson

RE: McClave Ranch Pit, File No. M-2024-038
Operator: Premium Pellets, LLC
Contact: Ron Peterson, (719) 688-3668
Sec. 35, Twp. 22S, Rng. 49W, 6th P.M., Bent County

CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations.
- ☒ The applicant must identify the proposed well permit number(s) and/or decreed water source(s) permitting dust suppression as a water use on the parcel of McClave Ranch Pit.
- ☒ If storm water is contained on-site, the applicant should be aware that, unless the storm water detention structures can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado* (available at: <https://dnrweblink.state.co.us/dwr/ElectronicFile.aspx?docid=3576581&dbid=0>) to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located online at: <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.
- ☒ Other: All water used on-site shall be a legal supply of water provided by an appropriate supplier. The applicant shall confirm the legality of any proposed source of water supply with the Division of Water Resources prior to use in the operation.

COMMENTS: DWR office identified the location of the parcel of land for the pit to span across portions of section 34 and 35, which conflicts with the section location claimed on portions of the application.

The local Lead Water Commissioner, Brandy Cole, may be contacted at (719) 688-6711 or brandy.cole@state.co.us regarding legal water supplies in the area.

