



October 1, 2024

Jerry Carson
5A Aggregate LLC
1741 W 112th Ave
Westminster, CO 8234

RE: Deer Trail Pit – File No. M-1988-090, Technical Revision (TR-1), Update to mining and reclamation plan in response to Board Order, Adequacy Review #2

Jerry Carson:

On September 26, 2024 the Division of Reclamation, Mining and Safety (Division) received your response to the Division's first adequacy review, issued August 9, 2024. During review of the material submitted, the Division determined that the following issue(s) of concern need to be adequately addressed before the Technical Revision can be considered for approval. Please provide the following:

1. Rule 6.4.6 states that the Exhibit F Reclamation Plan Map needs to portray “(a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and (b) Portrayal of the proposed final land use for each portion of the affected lands”. The Exhibit F map submitted does not show proposed topography of the permit area in final reclamation and does not state the proposed post-mining land use of pastureland. Additionally, Exhibit F must show the full extent of the permit boundary, which it currently does not show. Please revise and resubmit Exhibit F Reclamation Plan map to comply these requirements of Rule 6.4.6.
2. Rule 6.2.1(2)(b) states that all maps and Exhibits “must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;”. Exhibit F does not contain a signature from a qualified individual as Exhibits C and C-1 contain. Please update Exhibit F to include this requirement.
3. Exhibit F Reclamation Plan Map delineates a ‘Permit 111 release area’. As discussed, the 111 Permit was converted to a 112 Permit in 1996 with the Division's approval of CN-1 and this acreage was thus incorporated into the current 112 Permit for the Deer Trail Pit. For clarity, Exhibit F should not refer to this area as the 111 Permit but can simply label this as a previously reclaimed area. Further, it is unclear what the thin, red lines within this area on the map are meant to delineate. Please revise Exhibit F to reflect these changes and



provide clarity.

4. In reference to Item No. 3 in the Division's first adequacy review, the Division requires additional clarification and confirmation that the Operator understands that all reclaimed but not yet formally released permit acreage is still considered disturbed acreage. Affected acreage refers to the combined amount of permit acreage both currently disturbed and planned to be disturbed by the Operation. In this case, 60 acres. An additional, detailed explanation of the Division's understanding of disturbed vs. affect acreage is provided below. As such, stating that 'A maximum of fifteen (15) acres will be in a state of disturbance at any one time. All future mining and reclamation is to be conducted within 15 acres of affected land' is incongruent with the site's current situation. Please revise the mining plan narrative to reflect the Operator's understanding of affected vs disturbed acreage and clarify the total number of disturbed acres currently on site. The Division suggests a version of the following: 'The number of acres currently affected onsite is 22 acres, which includes 'x' acres which have already been reclaimed but are not yet formally released by the Division. TR-1 proposes to advance mining in a phased operation approach, which will see five (5) acres of active mining, five (5) acres of replacement of overburden and construction of final slopes, and five (5) acres of reclamation with revegetation grown at one time. This pattern will continue in phased increments as contemporaneous reclamation occurs.'
5. In reference to Item No. 5 in the Division's first adequacy review, it is still unclear to the Division at what grade slopes are to be mined. Will slopes be mined at the final 3:1 slope? Or will highwalls exist on site during the Operation and then be backfilled to the Reclamation Plan's stated 3:1 slopes? If highwalls are to exist at any time during the mining or reclamation period, please commit to a maximum length of highwall that will need to be reclaimed at any one time.
6. The Division is in the process of calculating a reclamation cost estimate for the proposed Operation and will provide this for the Operator's review under separate cover. If the Operator intends to commit to a phased operation and only wishes to be bonded for a portion of those phases at one time, the Division will require a commitment from the Operator to alert the Division when such new phase has been entered by the Operator. Thus, prompting a revaluation of the bond.

Please submit your response(s) to the above listed issue(s) by **October 10, 2024**, in order to allow the Division sufficient time for review. If you cannot address the above issues by such date, please request an extension to the decision due date in order to ensure adequate time for the Division to review the materials. A decision due date of October 10, 2024 has been set. If any adequacy issues remain by the decision due date the Division may deny your request.

The Division will continue to review your Technical Revision 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 720-868-7757 or hunter.ridley@state.co.us

Sincerely,
Hunter C. Ridley

A handwritten signature in blue ink that reads "Hunter Ridley". The signature is written in a cursive style with a large initial "H" and a stylized "R".

Environmental Protection Specialist

CC: Zach Trujillo, DRMS



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

MEMORANDUM

Date: April 17, 2024

Re: Area Definitions for the Minerals Program

The Minerals Program operates under two Acts, the Colorado Mined Land Reclamation Act and the Colorado Land Reclamation Act for the Extraction of Construction Materials, and two sets of Rules, including the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations and for the Extraction of Construction Materials. These Acts and Rules use and reference several area definitions for the purpose of regulating mining operations. These terms are frequently used during site inspections, and in inspection reports and permitting review letters issued by DRMS staff. The following definitions and explanations are presented to assist mine operators and DRMS staff in understanding what is meant by each term. A common understanding of terms will promote consistency in DRMS's regulatory oversight. The bullets below each definition provide the applicable Act and Rule references and context for the definition.

Affected Land (Area): means the surface of an area within the state where a mining operation is being or will be conducted, which surface is disturbed as a result of such operation. Affected lands include, but shall not be limited to, private ways, roads [except those roads excluded by (this definition)], and railroad lines appurtenant to any such area; land excavations; prospecting/exploration sites; drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; leaching dumps; placer areas; tailings ponds or dumps; work, parking, storage or waste discharge areas; and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in such operations are situated. All lands shall be excluded that would be otherwise included as land affected but which have been reclaimed in accordance with an approved plan or otherwise, as may be approved by the Board. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the office and which were

constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation or off-site groundwater monitoring wells.

- Hard Rock references: C.R.S 34-32-103(1.5) and Rule 1.1(4)
- Construction Materials references: C.R.S. 34-32.5-103(1) and Rule 1.1(3)
- This is the area for which DRMS holds a reclamation bond. All land intended to be eventually disturbed by the mining operation must be included in the Affected Area Boundary. However, if the permit is approved for a “phased bond”, a bond will only be held for the lands which have been and are being disturbed, and are not yet released from the permit, also referred to as the “Disturbed Area” or “Maximum Disturbed Area”.
- The Affected Area is the area which must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries [reference Rule 3.1.12(2) for both Construction Materials and Hard Rock].
- For lands outside of the Affected Area to be disturbed by a mining operation, these lands must first be incorporated into an approved Affected Area, either by submitting an Amendment or Conversion application (for an existing operation) or a new permit application (for a new operation). Note that a Technical Revision cannot be submitted to increase the Affected Area, even if the lands are included in the approved Permit Area.

Disturbed Area: means land that has been altered in some way by mining or mining related activities as described in the Affected Land definition above. This includes reclaimed areas, unless DRMS has received and approved an Acreage Reduction/Partial Release request to release these areas from the Affected Area. It does not include land that is to be disturbed in the future but has not yet been impacted by mining or mining related activities, unless the operation has been approved for a Maximum Allowed Disturbed Area at any time with respect to the reclamation bond held with DRMS. In this case, the operation chooses to be bonded for a maximum disturbance amount which could take several years to reach.

Permit Area: for 110 Limited Impact Operations and Special 111 Operations, the Permit Area is considered the same as the Affected Area.

- Reference Rule 3.1.12(2)(a) for both Construction Materials and Hard Rock
- There is no definition for “Permit Area” relative to 112 Regular Operations and 112 Designated Mining Operations; despite references made to “permit area” under the “Acid Mine Drainage” and “Designated Chemicals” definitions, under “In situ leach”, “Structural fill”, and “Spill Reporting” sections, as well as under “Mining Plan” and “Environmental Protection Plan” exhibits, and other Rules. The Permit Area for these operations can be set equal to or greater than the Affected Area.

Reclaimed Area: refers to the portion of Affected Land for which reclamation has been completed in accordance with the approved reclamation plan. DRMS will continue to hold a bond for reclaimed areas throughout the life of the mine (e.g., re-seeding, weed control, erosion repair, stormwater control, facility repair and/or maintenance) until such time as an Acreage Reduction/Partial Release request has been received and approved by DRMS to remove these areas from the Affected Area.

- “Reclamation” means the employment during and after a mining operation of procedures reasonably designed to minimize as much as practicable the disruption from the mining operation and to provide for the establishment of plant cover, stabilization of soil, the protection of water resources, or other measures appropriate to the subsequent beneficial use of such affected lands. Reclamation shall be conducted in accordance with the performance standards of the Act.
 - Hard Rock references: C.R.S 34-32-103(13) and Rule 1.1(59)
 - Construction Materials references: C.R.S. 34-32.5-103(19) and Rule 1.1(45)

Released Area: refers to the portion of land released from the Affected Area through the DRMS revision process by submitting a formal “Request for Full or Partial Release of Permit Area/Surety Reduction”, and DRMS approves the request, subsequent to an inspection and public comment period. Areas released from the Affected Area are no longer under DRMS jurisdiction and cannot be re-disturbed by mining-related activities without first amending the permit to add the areas back into the Affected Area (or obtaining a new permit to cover the areas).