



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

October 23, 2024

Kasie Smith
KS Land, LLC
11822 Kristi Lane
Overbrook, OK 73453

**Re: Preliminary Adequacy Review, 112c Construction Materials Amendment Application (AM-1)
Four X Ranch Gravel Pit, Permit No. M-2014-033**

Ms. Smith:

On September 5, 2024, the Division of Reclamation, Mining and Safety (Division/DRMS) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4 the 90-day decision date for the application has been set for December 4, 2024.

The following items will need to be addressed to the Division's satisfaction prior to the decision date. If you are unable to satisfactorily address the concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division may deny this application. In order to allow the Division sufficient time to review your responses to the adequacy issues, please submit your adequacy responses to the Division no later than two weeks prior to the decision date. Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Preliminary Adequacy Review with the requested additional/updated information and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-2014-033".

GENERAL REQUIREMENTS OF EXHIBITS (Rule 6.2.1):

1. Pursuant to Rule 6.2.1(2) all maps and figures submitted must comply with the following requirements:

Maps, except the index map, must conform to the following criteria:

- (a) show name of Applicant;
- (b) must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
- (c) give date prepared;
- (d) identify and outline the area which corresponds with the application;



(e) with the exception of the map of the affected lands required in Section 34-32.5-1 12(2)(d), C.R.S. 1984, as amended, shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. **Also, that a map scale, appropriate legend, map title, date and a north arrow shall be included.**

All the maps are missing a north arrow and some of the maps are missing a scale.

Please also note that the reclamation map must also "show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands" as required by Rule 6.4.6(a).

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

2. Pursuant to Rule 6.4.3(d) please clearly indicate the total area of affected land proposed in the AM-1. The Division recommends that the affected area be equal to the permit area.
3. In review of the permit boundary coordinates given there are some clarifications needed. The haul road leading to the pit from Morgan County Road 21 is stated to be 1.7 acres in size. However, the Division estimates the area for this road to be 2.4 acres. The coordinates for the haul road joining Mining Areas A and B and the primary haul road need to be provided, see Rule 6.4.4(j). The Division, using the coordinates provided, calculated the area for Mining Area A to be 59.1 acres not the stated 59 acres and for Mining Area B the area is 16.2 acres not the stated 16 acres. These Division area calculations indicate the proposed permit area should be 78.1 acres not the stated 77.1 acres. Please provide an explanation or clarification on these discrepancies.

EXHIBIT D – Mining Plan (Rule 6.4.4):

4. The Mining Plan states that Mining Area A East will be mined first and then mining will begin in Mining Area A West and then only in 10 acre increments. The narrative needs to be updated to account for the disturbed area that already exists in the West section.
5. Please update the Mining Plan Map to show the anticipated locations of the topsoil and product stockpiles. Please note that pursuant to Rule 3.1.9 topsoil piles shall be separated from other spoil piles. The locations of these piles will factor into the Division's reclamation cost estimate.
6. While a phased mining approach is desirable to mitigate reclamation bond costs it has been the Division's experience that permit holders need to be aware that complete reclamation for mined areas takes 2 to 5 years to get suitable vegetation established prior to the getting credit for reclamation. Any area planned to be disturbed beyond the 33.5-acre limit would require approval of

a Technical Revision increasing the allowed disturbed acreage prior to affecting new areas. Please acknowledge understanding of this requirement.

7. The haul road leading from Mining Area A to B goes through what appears to an ephemeral drainage. Please provide how the applicant plans on crossing this drainage and whether any culverts will be installed. The applicant is reminded that per DWR regulations an operator cannot impound storm water for longer than 72 hours after a storm event without appropriate augmentation.

EXHIBIT E – Reclamation Plan (Rule 6.4.5):

8. Stabilization of the topsoil stockpiles with manure is not sufficient to prevent erosion. The Division does not recommend the use of manure due to the salt concentrations and potential to harbor a significant noxious weed seed bank. Please propose a grading plan for the stockpiles and seeding with an appropriate cover crop to prevent erosion and insure long-term viability of the topsoil.
9. Please confirm that the roads will be reclaimed.
10. On September 10, 2024, the Division received a comment letter, forwarded to the Operator on the same day, from the Morgan Conservation District with recommendations on revegetation and weed management. Please provide a response to those comments. The Division will require a Weed Management Plan for the permit.

EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):

11. From item #1 above, the reclamation map must also "show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands" as required by Rule 6.4.6(a) Please update the map according to item #7 above.

EXHIBIT L – Reclamation Costs (Rule 6.4.12):

12. Please provide the details of the equipment that will be used for backfilling including but not limited to, the average haul/push distances and types and sizes of equipment to be used.

Other:

13. Pursuant to Rule 1.6.2(1)(e), please provide proof that all Owners of Record of all land surface within 200 feet of the boundary of the affected lands received a copy of the notice in Rule 1.6.2(1)(d) immediately after the first publication.
14. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office and made available for public review.

Please respond to these adequacy issues no later than two weeks before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision date. **The decision date for this application is December 4, 2024.** If additional time is required to respond to these adequacy issues, please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information or have any questions, please contact me by email at patrick.lennberg@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Lennberg".

Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert, DRMS

ec: Kasie Smith, KS Land, LLC, kasielsmith@gmail.com