October 14, 2024

Colorado Division of Reclamation, Mining, and Safety
1313 Sherman St, Rm 215
Denver, CO 80203

Carol Ann Pit – M-1997-026
Technical Revision – Incorporation of County Approved Closure Plan
Adequacy Response 2

Mr. Leigh Simmons

The permittee of the Carol Ann Pit has received and reviewed your adequacy questions for TR-04. They are quoted below:

1. *A copy of the Eagle County Special Use Permit was included with the TR-4 application; however, no update was made to Exhibit E of the Mining Permit, which describes the Reclamation Plan. The plan described in the Mining Permit will need to comply with the terms of the Eagle County SUP (and vice versa), but the two permits are separate.*

   Please submit a revised version of Exhibit E of the Mining Permit to describe the Reclamation Plan, in accordance with Rule 6.4.5.

2. *Exhibit F of the Mining Permit is the Reclamation Plan Map. It must show the post-mining land use of all land within the permit area, and the post-mining topography.*

   Please submit a revised version of Exhibit F – Reclamation Plan Map, in accordance with Rule 6.4.6.

Please see the attached revised Exhibit E and new Map F-2.

Regards,

Ben Langenfeld, P.E.
Lewicki & Associates, PLLC
(720) 842-5321, ex. 1
benl@lewicki.biz

EXHIBIT E RECLAMATION PLAN

1. Introduction

One of the purposes of this amendment is to change the primary future land use of the site from pastureland to industrial/commercial. This change will accommodate a planned asphalt and concrete recycling operation, Newby Aggregate Recycling. The project will consist of two main areas: the Production Area and the Storage Area. The Production Area (12 acres) will be on the west side of the site and is where material is delivered to the site and recycled. The Storage Area (14 acres) will be where long-term product storage of material will take place and will consist of stockpiles and a road for customers. There are currently five acres of disturbed ground in the permit area, with the remainder of the currently permitted 30 acres being undisturbed or already reclaimed. This is the worse-case reclamation scenario for the Newby Aggregate Recycling facility. The five acres of currently disturbed ground is within the foot print of the planned Production Area, therefore construction of the Production Area and conversion of that portion of the permit area from a primary final use of pastureland to a primary final use of industrial/commercial will not lead to an increase in the size of the permit area requiring revegetation.

This exhibit describes the plans and processes involved in reclaiming the site and transforming it to its ultimate post-mining use as an industrial/commercial area and rangeland as shown on Map F-1. Topsoil stripped in order to create the industrial/commercial area will be used to reclaim areas not yet fully revegetated if required. Final reclamation of the permit area will occur after the construction of all industrial/commercial activities. Current use of the permit area is that of a rangeland. Final use of the permit area, after this amendment is proposed to be rangeland and industrial/commercial. Pursuant to Rule 6.4.5.2.(b), the applicant evaluated the proposed post-mining land use in regard to adopted state and local land use plans for this area and land uses in the vicinity. The proposed post-mining use as a rangeland and an industrial/commercial area is compatible with the general character of the area. The use of the reclaimed portions of the permit area for an industrial/commercial purpose is that of an aggregate recycling center, approved through an Eagle County Special Use Permit (SUP). Therefore, a plan for rangeland revegetation of the industrial/commercial areas is not included.

The affected area of this site is the same as the permit area of this site, 30.0 acres, not all of which will be disturbed and require reclamation. The table below provides a summary of intended end uses within the affected area upon completion of reclamation as proposed on Map F-1.

Table E-1. Reclamation Areas

Description	Area (Acres)
Gravel Access Roads	2.0
Reclaimed to Industrial/commercial	26
Disturbed Area Total	28
Undisturbed Area within the Permit Area	2.0
Total Affected Area	30.0

Note: Undisturbed area includes setbacks and incidental areas within the permit where disturbance has not occurred. Portions of area reclaimed to industrial/commercial will include ground revegetated for erosion control and access roads.

2. General Reclamation Plan

Mining is complete and grading is taking place to the final topography and slopes as shown on Map F-1. Rangeland reclamation will be conducted on final graded areas by covering them with 7 inches of topsoil and seeding with the seed mix found in . . The entire industrial/commercial areas within the pits will be an aggregate recycling facility. For the industrial/commercial areas, portions of the ground will be covered with a gravel layer screened from material onsite. Other areas within the industrial/commercial areas of the permit site will be access roads and revegetated erosion control areas. Topsoil removed during construction of the industrial/commercial areas will be stored in existing topsoil berms as shown on Map C-2, used for rangeland reclamation, or sold as product. There are topsoil piles within the existing mined out pit that will be used in reclaiming slopes and areas to be vegetated within the recycling facility.

2.1. Alternative Reclamation Plan

In the event that the aggregate recycling facility is closed prior to the release of the CDRMS permit, the industrial/commercial area will be reclaimed to rangeland. This alternative reclamation plan can be seen on Map F-2. Reclaiming the industrial/commercial areas will include placing topsoil and seeding according to the rangeland plans outlined in this exhibit.

3. Topsoil and Overburden Handling

No overburden will be disturbed or handled at Newby Aggregate Recycling. No topsoil will need to be imported for the reclamation process, even at the point of greatest disturbance which is the current state of the site. Topsoil stripped during construction of the Production and Storage Areas and not required for reclamation will either be sold or stored in the existing topsoil berms. A small amount of topsoil will be used in the industrial/commercial final use are to facilitate revegetation for erosion control. Excess topsoil may also be used to augment topsoil thickness on final graded slopes to enhance vegetation success. Construction of the Processing and Storage Areas will occur within the current disturbance areas of the site

4. Final Use

The total affected area on the site is 30.0 acres, the same as the permit area. When the site is fully reclaimed, the final use of the affected area will be as listed in Table E-1 and as depicted on Map F-1: industrial/commercial.

5. Topsoil and Revegetation Plan

This section describes topsoil replacement and revegetation on interspersed portions of rangeland on the site. These areas can be seen within the industrial/commercial post mine land use on Map F-1.

Throughout the reclamation process, topsoil will be replaced to a depth of 0-24 inches (7 inches on average) on all disturbed areas reclaimed to rangeland or will be stored in the permanent topsoil berms. Topsoil available from stripping that is in excess of that needed for reclamation will be sold or permanently stored in the existing topsoil berms.

The seed mix chosen for rangeland revegetation of the site was selected because it will establish a diverse, effective, and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer, and provides equal or better coverage than the existing vegetation of the surrounding area.

The revegetation plan considers environmental factors such as seasonal patterns of precipitation; temperature and wind; soil texture and fertility; slope stability; and direction of slope faces to provide the greatest probability of success with plant establishment and vegetation development.

Revegetation will be accomplished using the seed mix that was approved for the Carol Ann Pit (see Table E-2)

Table E-2. Approved Seed Mixture

Species	Pounds Pure Live Seed per Acre (drilled rate)
Smooth Brome	**4.0**
Ephraim Crested Wheatgrass	**3.0**
Barton Western Wheatgrass	4.0
Indian Ricegrass	3.5
Streambank Wheatgrass	3.5
	18 pls/acre

Certified weed free hay, not straw mulch, will also be crimped in place at the rate of 3000 to 4000 lbs/acre. The disturbed area not converted to industrial/commercial use will be reclaimed to rangeland.

To ensure the establishment of a diverse and long-lasting vegetative cover, the Operator will employ site preparation techniques and protection. The soil shall be mechanically conditioned

using disks and rippers, mulch will be spread after seeding, and temporary irrigation may be employed to ensure germination of as many seedlings as possible. Drill seeding will be utilized throughout the site. In the even broadcast seeding is required, it will be at double the drill seeding rate.

Furrows from disking will be left in the topsoil to provide moisture concentration and shade areas to promote better conditions for successful vegetation establishment. Because dust mitigation is a primary concern of this project, seeding will occur immediately following the placement of topsoil. Temporary irrigation, either by water truck or surface irrigation system, will be employed if required.

The site will be prepared to provide the best chance of vegetation establishment by completing the following as recommended by the NRCS in the Plant materials Technical Note No. 59:

"The seedbed should be well settled and firm but friable enough that seed can be drilled at the recommended depth. Soils that have been compacted by traffic or other equipment should be tilled (deep-chisled or ripped if necessary) to break up restrictive or compacted layers and then harrowed and rolled or packed to prepare the required firm seedbed. Avoid seedbed preparation when the soil is wet to prevent compaction of the seedbed. Planting depth less than 1 inch."

6. Reclamation Timing

All reclamation activities will be completed when the industrial/commercial areas are completed, and all disturbed areas within the industrial/commercial areas are revegetated.

Table E-3 summarizes the timing of reclamation throughout the life of Newby Aggregate Recycling site. The anticipated timing is based on a two year site development timeline (including revegetation monitoring) and a closure date that is dependent upon market conditions and raw material availability.

Table E-3. Reclamation Timetable

Years	Activity
1	**Stripping of processing and stockpile areas, construction of industrial/commercial facilities, erosion control revegetation.**
2	**Revegetation monitoring**

7. Post-Reclamation Site Drainage

Map F-1 shows blue arrows indicating the approximate direction of drainage throughout the site within the affected area. Map F-1 also shows the drainage conditions after construction of the industrial/commercial areas in comparison to baseline conditions.

8. Weed Control

Measures will be employed for the control of noxious weeds. A Weed Control Plan will be utilized as follows:

1) Every April and October, a weed survey will be taken of the affected area to identify and map the presence of any noxious weeds listed by the county and the state.
2) If any patches or plants are identified, they will be controlled within 30 days. This may include mowing, tillage, or spraying them with an herbicide approved for use by the weed control staff of Eagle County. Other methods of weed control (ie: biological) may be employed from time to time depending on the nature and extent of the targeted species.
3) After reclamation, weed surveys and controls will continue until the perennial vegetation cover on the site meet CDRMS requirements and bond release is obtained.

9. Revegetation Success Criteria

Revegetation will be deemed adequate when erosion is controlled and vegetation is considered satisfactory according to Division standards. Reclamation is considered a success when a diverse and long-lasting vegetative cover is established and the site is free of prohibited noxious weed species that seriously threatens the continued development of the desired vegetation. Monitoring the reclamation on an ongoing basis will ensure its success. If problems arise, the permittee will consult with the local NRCS office to get input regarding how to resolve the problem. If minor changes or modifications are suggested by the local NRCS office to the seeding or reclamation plan, revision plans will be submitted to the CDRMS prior to their implementation. It is anticipated that the Division will provide assistance and feedback in evaluating the success of the ongoing reclamation process. Information on all areas disturbed and reclaimed as well as any other important items regarding the reclamation will be submitted in the annual reports to the Division.

EXHIBIT F RECLAMATION MAPS

Map F-1 Reclamation Plan
Map F-2 Alt. Reclamation Plan

LEGEND

SITE INFORMATION
- Recycling Facility Project Area
- Area Trees (Existing & Proposed)

SITE FEATURES
- Index Developed Contours
- Intermediate Developed Contours
- Vegetated Areas

BUILDINGS AND RELATED STRUCTURES
- Building
- Fence

BASELINE CONTOURS
- Index
  - Approximate of indefinite
- Intermediate
  - Approximate of indefinite
- Supplementary

LAND SURVEYS
- Mining claim or property boundary
- Mining claim or property monument

RIVERS, LAKES, SHORELINES, AND CANALS
- Perennial stream/ditch
- Perennial river
- Intermittent stream/ditch
- Perennial lake/pond
- Intermittent lake/pond
- Culvert
- Waterwell — Well Name
- Drainage Direction
- 100-YR Floodplain
- Ditch Maintenance Easement

ROADS AND RELATED FEATURES
- Highway
- Light duty road, paved
- Light duty road, gravel
- Road block, berm, or barrier
- Gate on road
- Railroad

Revegetation Seed Mix

Species	Pounds Loose Seed Per Acre (Drill Seeding)
Smooth Brome	4.0
Ephraim Crested Wheatgrass	3.0
Barton Western Wheatgrass	4.0
Indian Ricegrass	3.5
Streambank Wheatgrass	3.5
Total	18.0

EAGLE RIVER

NEWBY RESIDENCE

SUMP GRADED OUT

SUMP GRADED OUT

3H:1V SLOPES OR SHALLOWER

RANGELAND

RANGELAND

BIOMASS PLANT

ROADS REMAIN

LANDSCAPING REMAINS

SCALE REMAINS

REMOVE TOPSOIL BERM FOR RECLAMATION

REMOVE TOPSOIL BERM FOR RECLAMATION

GYPSUM RANCH PIT

STREMME GATES DITCH

UNION PACIFIC RAILROAD

US-6

STRATTON FLATS DRAINAGE POND

35427-MH
Depth to Water = 19'

F-2 - Alt. Reclamation Plan

Newby Aggregate Recycling

DRMS Permit Number: M1997026 — **Eagle River Materials, LLC**

Mine Entry Location:	Latitude: 39.64771	Longitude: -106.93046
State: CO	County: Eagle	Nearest Town: Gypsum
Section: 4	Township: 5S	Range: 85W PM: 6
Major Watershed:	Eagle River	MSHA ID: ###

Map Scale: 1"= 100'

0 100 200

N

Map Georeferencing Information: **Datum:** NAD83 **Projection:** CO CENTRAL

Survey Source: Eagle County LIDAR
Imagery Source: N/A
Survey Date: 2008
Imagery Date: N/A

Drawn by: BEL	Date: 09/29/21
Checked by: BEL	Date: 09/29/21
Approved by: BEL	Date: 09/29/21

File Name: Newby Recycling 221207

3375 West Powers Circle
Littleton, CO USA 80123
(303)-346-5196
info@lewicki.biz