

RPM, Inc.

November 6, 2024

Colorado Mined Land Reclamation Division
Attn: Mr. Benjamin Hammer, Env Protection Specialist
Room 215, 1001 E. 62nd Ave.,
Denver, CO 80216

Re: Harry Corkle Construction, Arapaho Pit, File No. M-2024-043, 112 C Permit Application, Adequacy Review #1

Dear Mr. Hammer,

The following are our responses to your Adequacy Review No. 1. Your “issues of concern” are in italic and our responses are in normal font. We will mail the map and narrative revisions to the Jackson County Clerk’s office. We will provide the green card as proof of mailing upon it receipt back to us.

Application From:

1. *On page six of the application, item 10 refers to operations where a joint venture or partnership is planned to occur between the operator and another entity. If this is not planned for this operation, please provide a corrected document without item 10 initialed.*

Response:

A joint venture is not anticipated at this time. We corrected item 10 and provided a corrected document.

2. *On page two of the application, please correct the typo present under the “general description” section of item 9.*

Response:

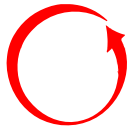
The correct spelling for the Arapaho Pit is no “e” on the end of Arapaho. We have included a new page two.

6.2 General Requirements of Exhibits:

3. *Please include the Applicant’s name on all maps pursuant to Rule 6.2.1(2)(a)*

Response:

Enclosed are a new set of maps with the Applicant’s name on the maps. We are also sending an electronic version of the corrected maps for your digital files.



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6.4.3 Exhibit C Pre-Mining and Mining Plan Maps of Affected Land

4. *A ditch, titled “Arapaho Ditch” by the operator, is labelled within the northern portion of the affected area. Please update the structure agreement between the operator and Arapaho Ranch, LLC to include this structure.*

Response:

Attached is a revised structure agreement which includes the Arapaho Ditch.

6.4.4 Exhibit D – Mining Plan

5. *On page 12 of the application, the applicant states that the operator plans to store “specialty materials” on-site. Please provide a more detailed description of what type of materials are proposed, and include labelled locations of the proposed stockpiles in Exhibit C.*

Response:

The “specialty materials” include different percentages of sand, and gravel as may be needed to fulfill customer specific needs. We have attached a replacement page 12. We also included a revised map on page 10.

6. *On page 12 of the application, the applicant states that portable processing equipment will be utilized. Please state if footers are planned to be constructed to support these structures or if they are planned to be placed as-is. Per conversations during the pre-operation inspection it is our understanding that footings are not planned, but please provide a statement regarding this in the application as well.*

Response:

We added to the narrative “No footers are planned.”, page 12 and have provided a replacement page 12.

7. *On page 13 of the application, the applicant states that phases A-1 and B-1 are planned to be completed first. Per rule 6.4.4(e), please clarify if phase A-1 is planned to be completed in its entirety before mining in phase B-1 will begin, or if they are planned to be mined simultaneously. This will affect the Division’s initial bond calculation.*

Response:

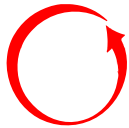
About one and one-half acres of Phase B-1 will be stripped for placement of the “specialty materials”. Phase A-1 is intended to be mined prior to entering B-1.

6.4.5 Exhibit E – Reclamation Plan

8. *On page 19 of the application, the applicant states that the reclamation plan is in support of the incorrect mine, the Lindsay Pit. Please update this heading to reference the Arapaho Pit.*

Response:

We made the correction and included a replacement page 19.



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9. On page 19 of the application, the applicant references “Table 1, above,” referring to the table included in Exhibit C of the application. Please reference an exact page number of the table to improve clarity of the application.

Response:

We made the correction and included a replacement page 19.

10. Table 1, referenced in the previous comment, includes estimated timeframes for each phase of the operation. Per Rule 6.4.5(2)(e), please state if these timeframes include reclamation. If they do not include reclamation, please include estimated timeframes, for reclamation in each phase.

Response:

We are allowed 5 years to complete site reclamation once we notify the Division that mining is complete. Therefore, we suggest we are allowed to apply the provisions of CRS 34-32.5-116 (4)(q)(I) to each phase of the operation.

11. As mentioned in item 6 of this letter, please clarify if phases A-1 and B-1 are intended to be performed simultaneously.

Response:

It depends on the placement of the processing site. If it remains as shown on the current mining map, then some of phase A-1 and B-1 will need to remain open to accommodate processing and material storage. Other parts of A-1 and B-1 will be able to initiate A-1 and B-1 reclamation if not needed for on-going mining operations. According to Table 1 on page 16, it will be roughly 5 years for A-1 and then 2.8 years for B-1. (Assumes mining five acres per year which depends on market demand.) We indicated in our response to item 6, A-1 then B-1 will be mined in that order and therefore reclaimed in that order.

12. On page 29 of the application, under the section labelled item 3, the operator refers to their seed mix. This section appears to be referring to the incorrect section of the Minerals Rules and Regulations, Rule 3.1.10(3), the section referenced in this item, states that the operator will ensure “the land shall be restored to slopes commensurate with the proposed land use and shall not be too steep to be traversed by livestock.” Please address this requirement in this section.

Response:

We corrected this item by adding “The steepest final slopes will be 3H:1V, or less which are suitable for the use by all classes of livestock.” A corrected page is attached.

6.4.5 Exhibit H – Wildlife information

13. Please see the attached timely comments provided by CPW. Per Rule 6.4.8(2), please provide the Division information regarding how the operator will consider the provided comments.



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The following are our responses to the CPW. We have numbered the CPW comments for ease of reference:

1. “CPW requests daily timing limitations on gravel haul trucks. Gravel haul trucks should be active between 9:00 am and 4:00 pm from December 1 to July 15 annually, to protect wildlife and humans from vehicle collisions.”

Response:

- We understand your concern. However, due to operational needs, we may need to operate the pit from sunup to sundown, Monday through Saturday. This does not mean pit activity will be loading out material or be a high-volume operation. Typically, we will open the pit to create product stockpiles of salable material. When a job needs material, we will open the pit for a brief period of time to load highway haul trucks for product delivery.
- “The proposed 112 Regular Mining operation will be an intermittent mining operation, mining less than 180 days per year, in any given year”. (Section 6.4.4 (a) of the permit application). In other words, there will be periods of time when no material is exported from the site and times when we may be active for most of the daylight hours.
- During the winter months, in that part of the State, the construction season is constrained by weather, i.e., the ability to manipulate the construction site earthen materials when not frozen. Weather conditions will limit the local construction to late spring through late fall. It will be an intermittent mining operation based on local needs.

2. “Wildlife exclusion fences should be installed around the perimeter of pits to exclude big game. If total exclusion fencing is not an option, wildlife escape ramps should be incorporated into all active pits utilizing the following recommendations:
 - Escape ramps or ladders should be installed at each end/corner of the pit and on each segment at 50 to 100-foot intervals.
 - Ramps/ladders should be 3:1 to 5:1 angle.
 - Ramps/ladders must be strong enough for a large animal, such as an elk, to gain purchase and use them to climb out of the pit. CPW suggest utilizing galvanized chain link fencing for each ramp (minimum 36” wide).

Response:

- Other than the existing Arapaho Ranch fences, and the highway right-of-way fence, we do not plan to install any fencing.
- The post mining slopes will be 3H:1V or less. The final 3:1 slope will occur during reclamation.
- The depth of mining is expected to vary from twenty inches to sixty inches, based on the National Resources Conservation soils map. We may mine deeper than the depth shown on the soils map if the resource is actually deeper. The resource appears to be an ancient gravel terrace with bedrock below the sand and gravel resource. Thus, no significant



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highwalls will be created which could limit wildlife access. (B-1 is only about two feet deep and A-1 is roughly five feet deep, with production being approximately 5 acres mined annually. (Dependent on market demand.)

3. "All fencing on the property should adhere to recommendations found in CPW's Fencing with Wildlife in Mind document."

Response:

- As stated above, no new fencing will occur. The existing fencing is with CDOT right-of-way fence or Arapaho Ranch fence.

4. "All lighting on the property should be turned off when unnecessary. All lighting should be downcast and capped from above to reduce night sky light pollution and disruption to lekking grouse."

Response:

- No night operations are planned. Therefore, no lights will be needed.

5. "IGBC-certified bear-resistant canisters should be used throughout the site to reduce the potential for human-black bear conflict."

Response:

- We suggest no such bear-resistant canisters should be needed. This will be an intermittent mining operation. Any trash produced in a day will be removed and disposed of in an approved offsite facility.

6. "Any dogs allowed on the site should be leashed to kennel when not within wildlife excursion fencing to reduce potential encounters with wildlife."

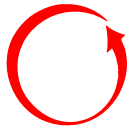
Response:

Given this will be an active mine site when occupied, no dogs will be allowed in order to protect the animals and staff. Mining equipment and trucks have limited visibility and the risk to animal harm is too great.

7. "CPW prefers that the reclamation utilize native seeds with landowner concurrence. The Colorado Seed Tool allows users to enter project management goals and site conditions to either produce a seed menu or candidate species for a seed mix or to verify if an existing seed mix will meet management goals and establish well in a location."

Response:

- I am not able to download the Colorado Seed Tool. We have included our proposed seed list which includes two native grass species and one native forb. It is mostly based on the Ecological Site Description for the major soil unit. It does include alfalfa



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and purple prairie clover (a native) to help build up the reapplied plant growth material.

- The intent of the seed mix is to stabilize the site and return the site to rangeland for domestic animals. To this end, it is our understanding the Owner may irrigate and hay the site once released. In addition, once the site is released, the Owner can modify the sites flora as they see fit.

Species	Variety(If available)	Lbs./Acre PLS*
Plants:	Variety (If available)	Lbs. PLS/Acre
Bluebunch Wheatgrass^	-	3.0
Western Wheatgrass**^	Rosana	2.0
Streambank Wheatgrass**	Critana	3.0
Arizona Fescue	Redondo	2.5
Russian Wildrye**	-	3.0
Sandberg Bluegrass	-	2.0
Smooth Brome	-	2.0
Alfalfa**	Ladak	.25
Purple Prairie Clover^	Kaneb	.25
Total		18.0

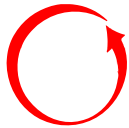
*Seeding rate is given in pounds of Pure Live Seed (PLS)

PLS = purity X germination

** Seed and rate to be used on topsoil stockpiles.

^ signifies a native species

8. "It is recommended that the topsoil pile be stored in windrows no more than 1.5 meters tall to maintain viability for the facilities life. Improper topsoil storage can lead to anaerobic conditions and render the topsoil inviable without amendments.



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The topsoil pile should be immediately seeded with desirable seeds to prevent noxious weeds from establishing.”

Response:

- Topsoil storage piles will follow the requirements of the Mined Land Reclamation Act for Construction Material (MLRACM).
 - ❖ Rule 3.1.9(1) of the MLRACM states, “Where it is necessary to remove overburden to mine construction material, topsoil shall be removed and segregated from the spoil. If such topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is protected from erosion, remains free of any contamination...and is in a useable condition for reclamation” We intend to comply with this regulation.
 - ❖ Typically, an area is stripped of topsoil for the construction season (in our case, roughly five acres). Seed would then be applied to the soil stockpile in the fall for spring germination. Noxious weed control will be conducted as needed.
 - ❖ We refer the commentor to Section 3.1.9 of the MLRACM as to the full list of regulations we are to comply with concerning the topsoil resource.
- We understand the issue concerning the effect on a topsoil pile and anaerobic effects on topsoil material. We intend to conduct a topsoil replacement quality evaluation as a part of the reclamation process. We will add amendments based on the topsoil analysis results. In addition, aged barnyard manure may also be applied, if a local source is available. (Please see Section 3.1.10(5) which requires amendments and fertilizer to the topsoil be applied, as necessary.)

6.4.12 Exhibit L - Reclamation Costs

14. Per rule 3.1.9(6), please verify there is an adequate volume of topsoil or plant growth material present within the planned Phase A-1 area to sufficiently reclaim that section assuming complete abandonment without interaction with the following Phase B-1. This will affect the Division’s initial bond calculation for phase A-1. If it is deemed to be inadequate an updated estimate will be provided.

Response:

- As stated on page 14 of the mining plan, “Within the Soils Unit Fo, the strippable topsoil Loam, four inches and clay loam, sixteen inches) is from the surface to twenty inches. In this unit, we propose to strip the upper twelve inches to obtain sufficient topsoil for site reclamation.”
- Based on the Mind Plan Map, Exhibit C-2, up to eight inches of topsoil will be replaced on Phase A-1. However, up to twelve inches will be stripped. Therefore, an excess of four inches of topsoil will be salvaged for Phase A-1.



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6.4.18 Exhibit S – Structure Agreements

15. Per Rule 6.4.19, please provide either:

- a. A notarized structure agreement pertaining to each structure located within two hundred feet of the permit boundary. In this case the document provided only mentioned the existing fences but failed to mention the existing ranch road and ditch and was not notarized.
- b. An engineering evaluation stating each structure shall not be damaged by activities occurring as part of the mining operation.

Response:

This appears to be a repeat of comment 6.4.3 above.

*Please be advised the McClave Ranch pit application may be deemed inadequate and the application may be denied on **November 12, 2024**, unless the above-mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by **November 12, 2024**, and request for additional time. This must be received no later than the decision date.*

Note: We believe you mean the Arapaho Pit and not the McClave Ranch Pit?

The decision date was revised to December 12, 2024.

Respectfully,

H. B. Humphries

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Consultant to Harry Corkle Construction

Encl: Existing Conditions Map, Mine Plan Map, and Reclamation Plan Map

Cc. Jackson County Clerk and Records Office