

October 29, 2024

Andy Azcarraga
M.A. Concrete Construction, Inc.
2323 River Road
Grand Junction, CO 81505

RE: Rolling Hills Gravel Pit, File No. M-2023-040 , 112c Construction Materials Application, Adequacy Review-2

Dear Mr. Azcarraga:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before the application can be considered for approval.

**It appears that the original application materials which was deemed incomplete was re-submitted rather than the complete response submitted on November 28, 2023.

Application Form

1. Application form needs to state the applicants full legal name M.A. Concrete Constitution, Inc. Questions 1, 6, 7 and 11. **
2. Old notarized page 8 include. **

Response: Correct application with correct name has been included in this submittal package, as well as updated notarized page 8.

Rule 6.2 General Map Requirements

3. Please ensure that all maps are signed as required by Rule 6.2.1(b).

Response: All maps have been signed and stamped by Ivan Geer.

Rule 6.4.4 Exhibit D – Mining Plan

4. The entirety of the Mine Plan- Exhibit D was marked as confidential. Pursuant to Rule 1.3(1) the Division must make all applications and other information required under law or Rules available to the public for review. Only a portion of the information marked as "CONFIDENTIAL" meets the criteria of Rule 1.3.(3) and Rule 6.4.4(f)(i). **

Response: The confidential watermark has been removed from the documents.

- a. As necessary update the application with the Clerk and Recorder to reflect the current non-confidential materials, pursuant to Rule 1.6.(1)(c) and Rule 6.4.18. And provide the Board of County Commissioners and Soil Conservation Districts all non-confidential information per Rule 6.4.17.

Response: A copy of the submittal has been delivered to the Mesa County Clerk & Recorder's Office without the confidential watermark.

5. On table D-1 please include the Phase 3 and Phase 4 Sub-phase acreages per Rule 6.4.4(e)(ii).

Response: Included in table.

6. For the temporary seed mix, specify which variety of oats will be utilized as a cover crop and the seeding method utilized at the specified rate.

Response: Monida oats will be utilized, broadcast seeding at 80 lbs/acre. This is spelled out in the mining plan.

7. Page 1 of the Mining Plan says equipment will establish a vertical wall along the outer edges. While page 2 states 1V: 1H for internal highwalls. Does this mean external highwalls will require backfill, while internal walls may be cut/fill?

Response: Language revised to create a 1:1 slope not completely vertical. The only 1:1 slope that will require backfill is phase 3. All other phases will be handled with cut/fill.

8. Page 3 Phase 3. Please clarify this language "There will be no highwall given the maximum mining slope will be 1H: 1V." If the final highwall grade will be 3H: 1V slope then additional grading to the existing highwall will be required. A wall need not be vertical to be considered a highwall.

Response: Language changed to propose a 1:1 slope and not a vertical wall. There is also a line item in the bonding that represents worst case scenario reclamation to bring one of these 1:1 walls back to a 3:1.

9. Please clarify during Phase 3 what is the maximum length and height of a 1H: 1V slope that would need to be regraded to a 3H: 1V. Also, will this slope be graded using cut/fill or backfill?

Response: The longest 1:1 slope in phase 3 is ~563' but the longest 1:1 slope to be reclaimed would be the east side of phase 1B at ~915'. The 915' will be incorporated into the bond for reclamation purposes.

10. If this site will have excess overburden since highwall reductions are only necessary in Phase 3, why is additional overburden being imported? Shouldn't the excess material be removed from site or spread out? Should the 28,314 cy imported overburden be topsoil?

Response: Overburden requirements have been updated so no overburden is exported or imported. Phase 3 will have 1:1 slopes but other phases will as well. This was discussed in our meeting and language has been revised.

Reclamation

11. The timetable presented in Table E-1 is not consistent with Table D-1 despite being identical information.

- a. Specifically, the times presented for Phases 2, 3, and 4 are shorter in Exhibit D.

Response: We talked about this. These are different tables and time column was added to D-1. Overall timetable info should be taken from E-1.

12. Per Rule 6.4.5(2)(f)(iii) expressly state that no fertilizers will be used for reclamation on site.

Response: Noted in Exhibit E.

13. Page 1 of the Reclamation Plan states "For Mining Phase 3, mining headwalls with 1H:1V slopes will be reclaimed to 3H:1V slopes using stockpiled overburden, no other mining phases include 3H:1V reclamation slopes, they all will have temporary 1H:1V slopes in between subphases and will be reclaimed to 2% slopes. Overburden. The Division is interpreting this as all other phases will daylight on all sides and effectively "top" the hill. Please clarify this language.

Response: Your assumption is correct, and language is added to the Rec plan.

Bonding

14. In table L-1 volumetrics are incorrect

- a. The CY of overburden for phase 4B: 5 acres at 18" is 12,100 CY not 8,067 CY.
- b. Final 14 ac of overburden: 14 ac at 18" is 33,880 CY, not 22,587 CY

Response: Both numbers are now updated to reflect this.

15. Why is additional overburden being imported if sufficient quantities exist on site? Based on table D-3 excess quantities (173,514 CY) will be stripped while only 45,980 CY are required for reclamation.

Response: As discussed in our meeting, a range for overburden placement is provided. This allows the generated overburden onsite to be utilized in reclamation without the requirement of import. The 45k of required overburden is for 19 acres and as reclamation continues, sufficient quantities are available onsite; providing a range of 10-18" allows for this.

16. Base on the table provided it is anticipated that 1" site wide (19ac) will be required to be imported. Please provide the cost of purchase and transport per CY of topsoil to site. \$5 per CY is unrealistic for purchase and transport.

Response: Price increased.

17. The worst case scenario would occur during Phase 3 when a 1H: 1V highwall is present that needs to be reduced to a 3H: 1V. Please include a cost for reducing this slope and clarify if its cut/fill or backfill.

Response: Highwall slope reduction cost is included in bonding calcs. This price was calculated based on the longest highwall (1:1 Slope) that could remain which is 915'. This is a cut/fill calc on how much material would be moved to achieve a 3:1 slope.

Please submit your response(s) to the above listed issue(s) by Friday, November 15, 2024 in order to allow the Division sufficient time for review. Please place a copy of your adequacy response at the County Clerk or Recorder per Rule 1.6.2(2). The decision date for your application is scheduled for November 29, 2024. Unless an extension is granted by the MLRB, if any deficiencies remain by the decision due date the Division will deny the application.

The Division will continue to review your application 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.

Sincerely,



Amy Yeldell
Environmental Protection Specialist

Ec:

Travis Marshall, Senior EPS, DRMS

Ivan Geer, River City Consultants

Courtney Patch,, River City Consultants

Responses to Comments:
November 15, 2024



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