



14 March 2025

Mr. Todd Jesse, Environmental Protection Specialist
Minerals Program, Grand Junction Field Office
Colorado Division of Reclamation Mining and Safety
Room 215, 1011 E 62nd Avenue
Denver, CO 80216

VIA E-MAIL (hard copy to follow)

SUBJECT: LINE CAMP PIT M-2001-001 AM-2 Response to Comments #1

Dear Mr. Jesse:

Here is a partial response to the comments letter of 31 January 2025. Thank you for sending that again. Some items are not fully addressed or incomplete, but I wanted to get you the relatively easy ones first, and to determine if we have some options available due to the history and situation with the Line Camp Pit.

1. All three men are members and managers with authorization to act for the LLC. If ONLY a single name can be listed, it can be Grant. However, all three have authority to work with DRMS and other agencies.
2. This information for the entire property (both in and out of the current and expanded permitted area) had been provided in the original and AM-01 application. I did not repeat them, based on guidance. I understand that the Division is exercising the option found in Rule 6.4.3(f) to provide additional information in Exhibit C maps.
Briefly: there are no tributary water courses, wells, springs, or reservoirs on the property or adjacent properties within any distance where those structures might be affected by the proposed mining operations. The only ditch in the area is the Home Ditch. The only water course in the area is the Dolores River. The nearest recorded well upstream is 1400 feet north from the proposed permit boundary.
The location of nearby wells (though with no potential impact from operations) is shown in figure D.2 (from CDSS well map). The nearest recorded well to the south (downstream) is 930 feet to the south on the same side of the river, and 650 feet to the south on the opposite side of the river. These wells were analyzed in the application for AM-01 and there was no potential impact on those wells. These well are outside the area shown in the Exhibit C maps. Please let me know if I need to revise or add another map to Exhibit C.
3. Figure D.2 has been updated and is attached. This map is taken from the CDSS map, which did not have a north arrow. I have added that and also added the location of the Home Ditch, in dark blue and also darkened the line of the Dolores River, as it seems to be a bit light after being scanned (the copy in the Laserfiche). Attached is a replacement page 26.
4. Figure D.1 has two parts and should have been printed on the same page but got overlooked in final formatting. To clarify, these should be Figures D.1a (Cross-section along highway (west edge of pit looking north) and D.1b Cross-section east-west looking north.

5. This information was provided in Paragraph 16 of Exhibit D (page 24) in accordance with rule 6.4.6.(I). The detail you have requested was not provided in Exhibit D as it is not one of the items of information specified by Rule 6.3.4 to be included in that Exhibit. Reference is made to Exhibit G in the introduction to Exhibit C (on page 13). This additional information is now provided as Paragraph 25 of Exhibit D, as page 27-1 (attached)
6. Amounts of acreage of each reclamation type: this information is already provided in various locations, but I have summarized and clarified that information. That summary data is now in Paragraphs 8 to 12 of Exhibit D, as page 32-1 (attached) with that data.
7. Off-site backfill. There is no way to estimate the amount of clean fill that may be brought to the site during the life of the project. This is entirely dependent on customer and project needs, and other uses of the material. It will vary significantly from year to year and season to season. Such materials normally come to the pit as backhaul for trucks that would come to the site to pick up construction materials. If we must provide a ballpark number, I estimate 5,000 loose cubic yards of earth and other materials per year.
8. This is not a discrepancy but was not clear. The 4± inches is a minimum amount, averaged for all areas not having a water surface. Exhibit E, Paragraph 6.d.i. states 4 ± inches and probably should be stated as “minimum 4 ±” of soil on areas. The 12 inches or more in Exhibit I Paragraph 5.h. is for those generally flat areas above the basins (and the ordinary high water mark) of the ponds/water basins, as stated. Rather than referring to the OHWM, this sentence should have stated “above the maximum anticipated level of the ponds.” Of course, soil would not be placed on access roads, or on perimeter berms and undisturbed areas (which already have soil). Please note that we specified soil, not topsoil. We do not want to waste soil by placing it in the portions of the ponds that are almost always covered by water, and only a minimum amount of soil in the portions of the ponds/basins that are likely to have water part of the time and thus be subject to erosion resulting in sedimentation in the ponds. But we want to maximize the depth of the rooting zone soil in areas that will not have standing water and therefore make better pasture.
9. Map F-3 shows spot elevations (including anticipated water surface elevations, and not the floor or bed of ponds) because the terrain is so complex that drawing contours creates an unreadable jumble regardless of the map scale. Would it be acceptable (as has been the case in the past) to use arrows to show the direction of slope and flow, and annotate the slopes at key, representative points? This has not been required of other recent permit exhibits: we request an exemption for this situation, provided we show slope and flow directions as has been acceptable for other locations.
10. SWSP or Water Court decree. I provided the information on this matter in the extension request letter. I am unsure of why the Division’s records do not have copies of the Water Court decrees 11CW32 and 11CW33, as these were provided in 2014, and were necessary to allow the Division to reduce the financial warranty from some \$200,000 or so down to \$40,000 as calculated by Kate Pickford on 7/28/2014. (The previous amount was due to the need to backfill all ponds and basins since a SWSP is of limited jurisdiction.) Like I am sure you have, I’ve searched for those in the Laserfiche but have not found them. The water

attorney who presented that case to the Water Court has retired, closing his practice, and may have died since then. I have requested the Water Court Division 7 (Durango) to provide those in electronic copy, as they are not on the DWR Laserfiche and I haven't been able to find anyone at DWR Division 7 or Denver who remembers the case.

11. The logical option is #3 using the 3rd bullet point. HEC-RAS is not really designed or suitable for a situation like this, and would produce inaccurate and conflicting results. However:
 - a. The entire expansion area to the north is more than 400 feet from the riverbank.
 - b. The northern half of the present permit area is also more than 400 feet from the riverbank.
 - c. There is a length of 1,070 feet of excavation (only about 900 feet of pond bank) within 400 feet of the riverbank. This is the area that needs a detailed study. This area has been reclaimed (but not released) and no further excavation or disturbance is proposed.

Given this information, we request a waiver for a limited period of time, possibly 3 months, to allow for time to prepare and submit to the Division a detailed soil study, including the discussion of erosion between the riverbank and the top of the pit excavations (basins). We would therefore be able to do shallow excavation in the expansion area to produce material while staying 400+ feet from the riverbank and not exposing additional groundwater.

12. The outfall discharge is allowed under CDPHE WQCD General Permit # COG500403 as discharge 001A (I do not know why WQCD adds the "A") to the outfall, as the application back in 2001 or 2002 called it simply 001. They are the same outfall.)

13. A copy of the affidavit of publication is attached.

I realize this is requesting waivers, at least temporarily, and that I still need to revise Map F-3 if the waiver is approved by the Division.

I assume that the information provided in the earlier letter regarding CPW and DWR comments does not need to be restated. Please let me know if that is not the case.

Thank you for your help in this. Please let me know of any questions/additional information needed.

Respectfully submitted,



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