



September 3, 2025

Dustin Hribar  
Huerfano County  
1038 Russell Ave  
Walsenburg, CO 81089

**RE: ORPHAN VIEW GRAVEL PIT, PERMIT NO. M-2013-016, TECHNICAL REVISION NO. 2 (TR2), ADEQUACY REVIEW 1**

Dear Mr. Hribar,

The Division of Reclamation, Mining and Safety (Division/DRMS) is in the process of reviewing the above referenced Technical Revision in order to ensure that it adequately satisfies the requirements of the Colorado Mined Land Reclamation Act (§ § 34-32.5-101-34-32.5-125) (Act) and the Rules and Regulations for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issues of concern need to be adequately addressed before the Technical Revision can be considered for approval. Please provide the following:

1. On the Technical Revision no. 2 (TR2) form, under “provide a brief description of the proposed revision”, the applicant stated, “Revision to pit map and mining plan”.
  - a. For the record, please confirm that the intent of the technical revision was to correct the issues cited in the Division’s February 2025 inspection report by revising the mining plan to allow for the use of highwalls, correcting boundary adjustments and acreages approved through Acreage Reduction no. 1 (AR1) and Technical Revision no. 1 (TR1), and providing corrected mining and reclamation plan maps to accompany the boundary adjustments.
2. On the revised Mining Plan narrative, submitted with the TR2 application, the Applicant has removed the time frames outlined under 6.4.4(e) from the currently approved application and moved them to a new item (f). Please see the screenshot of Rule 6.4.4(e) below.
  - a. Please update the mining plan to include updated information required by Rule 6.4.4(e) under item (e).
  - b. Please place the new information following (e) in the revised mine plan, with item (h).
  - c. Please also describe how these materials will be stored onsite, and how they will be disposed of/leave the site. For example, will there be any mixing of materials with product? Will material be hauled to a landfill? Etc.



- (e) An approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. An Operator/Applicant shall not be required to meet specific dates for initiation, or completion of mining in a phase as may be identified in the timetable. This does not exempt an Operator/Applicant from complying with the performance standards of Rule 3.1. If the operation is intended to be an intermittent operation as defined in Section 34-32.5-103(11)(b), C.R.S., the Applicant should include in this exhibit a statement that conforms to the provisions of Section 34-32.5-103(11)(b), C.R.S. Such timetable should include:
- (i) an estimate of the periods of time which will be required for the various stages or phases of the operation;
  - (ii) a description of the size and location of each area to be worked during each phase; and
  - (iii) outlining the sequence in which each stage or phase of the operation will be carried out.

(Timetables need not be separate and distinct from the mining plan, but may be incorporated therein.)

3. In addition to changing item “(f)” back to item “(e)” in the application, please also update the information in this item. For example, please remove the sentence stating that ‘it is proposed to use a floating bond...’etc. as this site does not require a bond. Additionally, where the permit acreage is referenced as 31 acres, please update this to read 16.8 acres as this was reduced through the AR1 and TR1 revisions. Also, as this site is no longer phased with the approval of TR1, please remove any language that discusses phasing.
4. With the edits to adequacy items 2 and 3 above, please also revise item 6.4.4 “(g)” on the application mining plan back to 6.4.4 “(f)”.
5. The last couple pages of the mining plan that include items 6.4.4(f)(ii), 6.4.4(g), 6.4.4(h), 6.4.4(i), and Exhibit D Supplemental material were not included in the revised application attachment. I have attached a copy of these pages to the email that this notice has been sent by. Please review those pages, and if there are any updates, please revise them and send them back with your adequacy responses.
6. Throughout the mining plan, 12.8 acres is mentioned as the maximum area to be disturbed at any one time. However, this acreage was initially outlined in the original application, and the approval of AR1 and TR1 inadvertently altered this original expected boundary. Please choose an option from the following:
  - a. Please clarify whether you intend to adhere to disturbing no more than 12.8 acres at

any one time.

- b. Alternatively, because the phases have been removed, and the original phase and maximum disturbance boundaries have shifted, you may instead wish to change the maximum disturbance to be less than or equal the currently approved 16.8 acre affected acreage remaining in the permit. If so, please revise and clarify this change in your mining plan.
  - c. Otherwise, you may suggest any alternative to the two options above if you wish to commit to only disturbing a small portion of the site at any one time. If so, please clarify this change in your mining plan.
7. Please revise the reclamation plan to account for changes to the site approved through AR1 and TR1, changes proposed through TR2, and to accurately reflect how the site is being operated and reclaimed. Please either turn on 'track changes' or change changes in the text to blue font when you submit your responses.
8. The current reclamation plan states that the haul road will remain after reclamation. The haul road has changed orientation since the site was first permitted. Please provide an updated Reclamation Plan map with both the revised permit boundary and the final planned orientation of the haul road.
9. Please both revise the Mining Plan map submitted with the TR2 application, and include a Reclamation Plan Map, that meets all the requirements of Rule 6.2.1(2) (see below).

## **6.2 GENERAL REQUIREMENTS OF EXHIBITS**

### **6.2.1 General Requirements**

- (1) This Rule provides for the guidelines for, and information requirements of, each Exhibit required to be submitted with the permit application, as specified according to Rule 6.1.
- (2) Maps and Exhibits  
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 34-32.5-112(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.

10. In addition to the requirements of Rule 6.2.1, please ensure the Mining Plan Map includes all the information Required by Rule 6.4.3 (see below).

**6.4.3 EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands**

One or more maps may be necessary to legibly portray the following information:

- (a) all adjoining surface owners of record;
- (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;
- (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
- (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land");
- (e) the type of present vegetation covering the affected lands; and
- (f) in conjunction with Exhibit G - Water Information, Rule 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.
- (g) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
- (h) In conjunction with Exhibit I - Soils Information, Rule 6.4.9, soils information may be presented on a map in this section.
- (i) Aerial photos, if available, may be included in this section.

11. In addition to the requirements of Rule 6.2.1, please ensure the Reclamation Plan Map includes all the information Required by Rule 6.4.6 (see below).

**6.4.6 EXHIBIT F - Reclamation Plan Map**

The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

- (a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and
- (b) Portrayal of the proposed final land use for each portion of the affected lands.

Please submit your responses to the above listed issues by **September 19, 2025** in order to allow the Division sufficient time for review. If you cannot address the above issues by September 19, 2025 please request an extension to the decision due date to ensure adequate time for the Division to review materials. A decision due date of **September 26, 2025** has been set. If any adequacy issues remain by the decision due date the Division may deny your request. The Division will continue to review your Technical Revision 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 by email at [amber.gibson@state.co.us](mailto:amber.gibson@state.co.us) or by phone at (720) 836-0967.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amber M. Gibson".

**Amber M. Gibson**  
Environmental Protection Specialist

CC: Jared Ebert, Senior EPS, DRMS