

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY Department of Natural Resources

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March 22, 2012

Mr. Bill Tezak
Colorado Quarries Inc
270 S 15th St
Cañon City, CO 81212

RE: Mica White Conversion Application, M-1992-058 (CN01); Preliminary Adequacy Review

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of your 112 construction materials reclamation permit conversion application. The initial application was received on January 13, 2013. Preliminary incomplete information was address and the application was called complete for review on February 17, 2012. The decision date for this application is May 17, 2012. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, **it will be your responsibility to request an extension of the review period.** If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this application.

The review consisted of comparing the application content with specific requirements of Rule 3, 6.1, 6.2, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

General Comments

1. There are eight different names used for the two separate sites included in the permit application, specifically in Exhibits A, B, E and various map exhibits. The different names include: "Mining Pit", "Pit Area", "Mine Pit", "Mine Site", "Staging Area", "Stockpile Area", "Stockpiling & Processing Area", "Stockpile Site". Please select a single name for each of the two sites in the project area and use them consistently throughout the permit application in order to avoid confusion.
2. Maps – Rule 6.2.1(2) states all maps (with the exception of the index map) must:
 - 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; and
- e. show all required elements including a map scale, appropriate legend, map title, date and a north arrow.

6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS

The following items must be addressed by the applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

6.4.1 EXHIBIT A - Legal Description

- 3. The legal description for both sites does not match the survey data describing the boundary for the two sites on the page 6 map prepared by J.J. Sullivan. Both the “Mining Pit” and the “Stockpiling & Processing Area” descriptions specify square or nearly square four sided boundaries. The map shows a six-sided “diamond shape for the “Pit Area” and 39 line segments for the “Stockpile Area”. If the difference between the legal descriptions is intended to differentiate the permit boundary from the affected area, please provide a statement to that effect. If not, please use consistent legal descriptions on all Exhibits.

6.4.2 EXHIBIT B - Index Map

This section is adequate as submitted.

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

- 4. Rule 6.2.1(2)e provides the acceptable range of map scales as no larger than 1 inch = 50 feet and no smaller than 1 inch = 660 feet. Please label the two maps as Exhibit C-1 and Exhibit C-2 or something similar so they can be referenced properly from other Exhibits, and include all aforementioned appropriate information and signatures listed in Comment #2 above.
 - a. The map labeled “Exhibit C” does not have a legend, north arrow or scale. The large format map using the aerial photo has a scale and north arrow, but does not show adjoining surface owners of record, legend, date or map title. Please provide a map at an appropriate scale with the permit boundaries, scale, appropriate legend, map title, date and a north arrow included.
 - b. Rule 6.4.3(b) requires naming creeks within 200 feet of the permit boundaries. Based on the Exhibit B index map, it appears Alkali Gulch is within 200 feet of both the “Mine Site” and the “Stockpile Site”. Please verify the Alkali Gulch offset distance from both sites and provide a statement indicating whether or not it is within 200 feet of either one or both of the permit sites.
 - c. This section is adequate as submitted.
 - d. Please indicate the affected area acreage for each of the two sites on Exhibit C-2, the large format drawing prepared by J. J. Sullivan.
 - e. Sections e through h are adequate as submitted.

6.4.4 EXHIBIT D - Mining Plan

5. Please revise the Mine Plan to address the following:
- Section (A) should include a discussion on what means are to be used, what material, and how often material will be moved to the "Stockpile Area".
 - Exhibit A provides a legal description for "Stockpiling & Processing Area". Section (B) suggests processing is to occur on the pit floor. Provide clarification on where processing is to take place.
 - Provide additional narrative on stormwater control for the "Stockpile Area".
 - Does the 20 acres of maximum disturbance include the "Stockpile Area"?
 - This section is adequate as submitted.
 - Indicate which map in the application shows the depth of the deposit to be mined and indicate if the schist type material expected to be encountered is overburden, interspersed in the deposit, and/or the stratum below the deposit to be mined.
 - Sections g through i are adequate as submitted.

6.4.5 EXHIBIT E – Reclamation Plan

6. Please provide clarification for the following:
- The cover letter from Rick Romano (NRCS District Conservationist) references the "seed mix recommended for the upper site...". Is this the same seed mix Mr. Romano provided in a May 11, 1992 letter to Mr. Bill Tezak?
 - Will the pit area sediment pond remain after reclamation?
 - Will the 20-foot high "Stockpile Area" retention berm remain after reclamation?

6.4.6 EXHIBIT F – Reclamation Plan Map

7. This section is adequate as submitted. However, if any changes are made to this map as a result of using consistent site names (reference Comment #1 above) or final topography (reference Comment #10, below), please label the map as "Exhibit F – Reclamation Plan Map" before submitting it.

6.4.7 EXHIBIT G – Water Information

This section is adequate as submitted.

6.4.8 EXHIBIT H – Wildlife Information

This section is adequate as submitted.

6.4.9 EXHIBIT I – Soils Information

8. The Exhibit B and Exhibit C maps suggest the “Stockpile Site” is located between the “Mica Mine Road” (reference Exhibit C – also labeled “Ogden Loop” in Google Earth) and Alkali Gulch. However, the maps with the red-shaded area on the “Topsoil Source-Fremont County Area, Colorado, Stockpile Site (reference page 1 of 4 in the NRCS report) and the yellow-shaded area on the “Source of Reclamation Material-Fremont County Area, Colorado, Stockpile Site (reference page 1 of 4 in the NRCS report) indicate the “Stockpile Site” is north of the “Mica Mine Road”. Please verify the location of the “Stockpile Site” on the referenced maps and provide corrections as necessary.

6.4.10 EXHIBIT J – Vegetation Information

9. The Exhibit I cover letter from the District Conservationist, Rick Romano references “the original seed plan”.
- If the answer to Comment # 6i, above is “yes”, please commit to using this seed plan for reclamation. If the answer is “no” please provide a seed plan for review by the Division.
 - The application lists both rangeland and wildlife habitat as the post-mining land uses. The “original seed plan” recommends adding “true mountain mahogany, skunkbush sumac, gooseberry currant, or fourwing saltbush at a rate of 0.5# PLS per acre to the grass mix”. Please commit to including this recommendation in the seed plan.

6.4.11 EXHIBIT K – Climate Information

This section is adequate as submitted.

6.4.12 EXHIBIT L – Reclamation Costs

10. All reclamation costs are required to be presented in Exhibit L. Please clarify whether the “Stockpile Site” reclamation costs presented on page 10, following Exhibit D are included in Exhibit L or not. If not, please revise Exhibit L to include the “Stockpile Site” reclamation costs.

6.4.13 EXHIBIT M – Other Permits and Licenses

This section is adequate as submitted.

6.4.14 EXHIBIT N – Source of Legal Right to Enter

This section is adequate as submitted.

6.4.15 EXHIBIT O – Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

This section is adequate as submitted.

6.4.16 EXHIBIT P – Municipalities Within Two Miles

This section is adequate as submitted.

6.4.17 EXHIBIT Q – Proof of Mailing of Notices to County Commissioners and Soil Conservation District

This section is adequate as submitted.

6.4.18 EXHIBIT R – Proof of Filing with County Clerk and Recorder

This section is adequate as submitted.

6.4.19 EXHIBIT S – Permanent Man-Made Structures

This section is adequate as submitted.

6.5 Geotechnical Stability EXHIBIT

11. The Division has a responsibility to ensure the final pit walls are stable after reclamation (reference Rule 6.5(2)). The previous two inspections (August 28, 2006 and February 10, 2010) have noted the failed pit slope in the southeast end of the pit. Please provide slope stability analyses for the proposed final pit slopes shown on the map in Exhibit C. A separate analysis should be provided for:

- a. The 1:1 slope on the southeast pit wall;
- b. The 1:1 slope on the east pit wall; and
- c. The 2:1 slope on the north and/or northeast pit wall(s) depending on whether the material differs significantly.

Other Concerns

An email was received from Ms. Stephanie Carter (BLM) in regards to the conversion application and it is enclosed with this letter. Please address the status of the stormwater discharge permit for the “staging area”.

Please remember that the decision date for this application is May 17, 2012. As previously mentioned if you are unable to provide satisfactory responses to any inadequacies prior to this date, **it will be your responsibility to request an extension of time to allow for continued review of this application.** If there are still unresolved issues when the decision date arrives and no extension has been requested, the application will be denied. If you have any questions, please contact me at (303) 866-3567 x8169.

Sincerely,



Tim Cazier, P.E.
Environmental Protection Specialist

Enclosure

cc: Tom Kaldenbach, DRMS
Stephanie Carter, BLM w/o enclosure