

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta E. Pineda  
Director

May 4, 2012

Thomas O'Rourke  
O'Rourke Excavating, Inc.  
2489 CR 15  
South Fork, CO 81154

**Re: O'Rourke Pit, File No. M-2012-007, Preliminary Adequacy Review Letter.**

Dear Mr. O'Rourke,

I have reviewed all of the permit application materials you have submitted in your initial application and in subsequent mailings. There are a few items still to be addressed, which I have listed below. Please respond to each item as indicated, and label the responses with the appropriate exhibit. Your responses will help me estimate the bond amount more closely.

The newspaper publication of the notice and the mailings to all owners of affected and adjoining land appears to be correct and contain all necessary information. Please note, however, that since the original decision date of April 26, 2012 fell before the end of the public comment period (due to late newspaper publication date) the Division extended the decision date by another 30 days. The current decision date is now set for May 28, 2012. The end of the public comment period is May 7, 2012. If this office receives any comments, they will be forwarded to you. (No response is needed at this time.)

### Exhibit C – Mining Plan

The mining is to begin in the northern end of the site, allowing sufficient area for topsoil stockpiling. Please commit to leaving sufficient setback of unmined land around the power poles to ensure stability of the poles.

You plan to place topsoil on the north or in a corner of the site. Please confirm that you will leave sufficient room of unmined land to the north of the pit, or the corner(s), for placing ongoing additions of topsoil to the stockpile. By mining too close to stockpile areas, topsoil is often degraded or lost, which is to be avoided.

Topsoil will be stripped to a depth of 12 inches and stockpiled until used for reclaiming the site back to rangeland. Please ensure that the topsoil is protected while it is stockpiled, by configuring the stockpile with sufficiently gentle slopes to allow revegetation, controlling weed growth, and

preventing erosion. Will you be using a scraper, loader only, or truck and loader?

You plan to disturb (by stripping and excavating) approximately five acres initially. This is a realistic amount of land, since it will encompass all equipment storage, topsoil and product stockpiling, vehicle maneuvering, and roadways. You also state that no reclamation will occur until five acres are disturbed, to which the Division has this comment: the pit will have northern, western and eastern pit walls in their final locations, possible sooner than the five-acre area has been disturbed. Since slopes are often harder to reclaim than pit floors, and you will not be redistributing the slopes as you will keep using the floor, it is recommended that you begin reclaiming the slopes as soon as you can. Please comment.

The pit will be a maximum of 15 feet deep, and at least a two-foot depth of material will be left above the groundwater level. If excavation goes deeper and some backfilling becomes necessary, do you wish to be allowed to backfill a byproduct of onsite processing, such as fines, or another inert material?

The active pit walls will be vertical, and final pit slopes will be a maximum of 3:1. You state that the minimum setback distance between the permit boundary and the (vertical) pit wall will be three times the height of the wall. It is understood that this will allow sufficient material to be dozed down to the final slope yet stay within the permit boundary. However, it is not clear exactly which method of highwall reduction is planned: to pull (or push) down and remove the entire wedge of material to create the 3:1 slope extending out to the boundary; or to cut and fill half of the amount of the wedge which will not extend out to the boundary? Please bear in mind that unless you are pulling down the material from below you must leave sufficient equipment maneuvering room inside the boundary if you are reducing the highwall from above. Please clarify.

You wish plan to allow import of materials generated from offsite sources, which can be approved. Please state an approximate maximum amount of imported materials that will be onsite at a time. Even if your plan is approved to import materials, it will be important to notify this office prior to each time you plan to import more materials. Therefore please refer to Construction Materials Rule 3.1.5(9) for the types of information that is required in the notices. Please confirm this need for providing notices.

#### Exhibit D - Reclamation Plan

The reclamation fits well with the mining plan and the post-mining land use. This office approves the proposed seed mix that you will use on reclaimed land as well as on stockpiled topsoil. Please be aware that sometimes seeding does not germinate the first time and a reseeding is required.

Your plan states that 12 inches of topsoil will be stripped but only four to eight inches of topsoil will be replaced. Please explain this.

The reclamation costs you provided will assist me in preparing a bond estimate. Please be aware that there will be several additional costs that must be added: ripping the pit floor, reseeding, mobilizing and demobilizing equipment, and the indirect costs (since this assumes that the state will

be hiring a reclamation contractor and administering the work). Your clear responses to the items above will help in determining more closely the bond amount. After I receive your responses I will prepare the bond estimate and send it to you.

The maps are all adequate now, and need no further changes.

Until this office receives adequate responses to the items above, the application cannot be considered for approval. Until a permit is issued no mining-related activity may occur on the site.

Finally, please be reminded that all responses from you constitute additions to the application, and must be reflected in the public review copy which has been placed with the Rio Grande County Clerk and Recorder. Please promptly file your materials there and submit to me the receipt you obtain for that filing.

If you have any questions, please contact me at the Division's Durango Field Office: 691 CR 233, Room A-2, Durango, CO 81301; telephone 970-247-5193.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bob Oswald", with a stylized, cursive script.

Bob Oswald  
Environmental Protection Specialist

Encl: Comment received from Division of Water Resources

Ec(w/o encl): Steve Shuey, DRMS Grand Junction

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