

# 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. Piñeda  
Director

June 4, 2012

Ralph Martinez  
Southway Construction Company, Inc.  
117 White Pine Dr.  
Alamosa, CO 81101

Re: Burton Pit, Permit M-1987-013, Conversion (CN-1), Preliminary Adequacy Review.

Dear Mr. Martinez,

This office has reviewed the materials for the conversion application named above submitted on your behalf by Joe Gagliano of LJ Development, Inc. A number of items are in need of clarification or revising, as explained below. Please provide responses to each of the following items, and identify them as to the exhibit to which they pertain.

### Application Form, Page 1

The permit number was entered incorrectly as "M-1987-013-C" but the letter C is not a part of the permit number. Fortunately this was not repeated elsewhere in the application materials. No replacement page is needed for this item, but this comment is made to avoid repeating this on future documents.

### Application Form, Page 1, Item 5

The anticipated end use of the primary commodity to be mined is clearly stated, but what is the primary commodity to be mined? In other words, what is the type of rock cropping out onsite?

### Application form, Page 2, Location, Item 9

The incorrect quarter quarter section is entered. The box for "SE" should be marked, not the box for "SW" since it is located in the NW quarter section. The full legal description elsewhere in the application is correct, however, and no replacement page is needed for this item.

### Exhibit C – Maps

All of the maps in this exhibit share some of the same features, and several errors are common to all of the maps, which warrants revising of all the maps. These items are described in the following paragraphs.

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The maps all show three different map scales, and as such, they all contain the same misleading or incorrect scales. Please choose one scale (a bar scale type is suggested, since it can be correct at any size the map is printed) and submit replacements for all the maps. Please remember to sign and date the maps.

Please label, delineate, and/or otherwise distinguish between "permit area boundary" and the "affected area boundary" on the Mining Plan Map. Please add the original 110c permit area boundary to the maps. Please delineate and label areas that will not be disturbed by mining-related activities.

Please review the depicted location of the existing road on the western side of the site, and revise its alignment as necessary. The map indicates that the road goes over the western end of the hill, rather than over the saddle. Aerial photos obtained independently by the Division clearly show the onsite road has a different alignment and relationship with the topography. This was double-checked during the onsite inspection dated May 25, 2012.

The application indicates that there are two affected landowners. The symbol for "landowners property line" is shown in the legend, but there is no line shown on the maps. Please provide property lines on the revised maps.

An irrigation canal passes within about 60 feet of the eastern corner of the permit boundary, but is not shown on the maps. Please include it and identify its owner.

Fencelines are shown on earlier permit maps and have been observed in recent inspections, but none are shown on the conversion maps. Please include them on the revised maps.

In the Mining Plan narrative (Exhibit D) reference is made to stormwater controls, which will become part of the approved plan under this permit, but they are not shown on the Mining Plan Map. Please provide better detail of the structures to be used, and add them to the map. You may want to refer to Rule 3.1.6(1)(d) regarding stormwater controls.

There are numerous stockpiles of various materials currently on the permit area, many of which have been there for many years with no change in location or configuration. Many of the mapped stockpile locations bear little resemblance to actual stockpile locations. (The mapped stockpiles do, however, closely match those shown on early 110c permit maps, though many of those mapped stockpile locations are incorrect.) Please provide revised maps showing correct stockpile locations, and identify the type of materials. (For example, the Pre-mining Map contains no topsoil stockpile, whereas the other two in the exhibit do contain it. This discrepancy begs the questions: Is there currently a topsoil stockpile? If so, is it in the permit boundary?)

The mining plan in Exhibit D describes the benched highwall resulting from the blasting and extraction of stone. The highwalls and benches are not depicted on the Mining Plan Map, and it is suggested that a cross-section (or series of cross-sections) be submitted to complement the

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narrative and map. It is suggested that depicting the gradual removal of the hill may also be clarified through use of more than one Mining Plan Map.

Exhibit D – Mining Plan

The narrative states that mining will proceed in a “northeasterly” direction, but it should actually state that it will be in a northwesterly direction.

The narrative is not clear about whether you propose to leave topsoil in place or strip it. Please clarify. You should review Rule 3.1.9(1) which deals with protecting topsoil stockpiles.

The site will include the bulk storage of hydrocarbons, within a designated containment structure, but it is not shown on the map. Please provide better description of the containment structure and show it on the map.

Exhibit E – Reclamation Plan

The post-mining land use is Rangeland, which appears to be compatible with surrounding uses. However, leaving a steep, benched highwall accessible to livestock may not be consistent with this land use or safe. If the hill is not fully mined down, as the map indicates, and a steep highwall configuration is to remain, how will livestock be prevented from accessing the top of the highwall and the ends of the benches? Please refer to Rule 3.1.5(7) which discusses the requirement for slopes to be compatible with the post-mining land use.

The narrative mentions revegetation of the site, but does not fully explain how outcrop areas will be prepared to accept topsoil or allow successful establishment of vegetation. Please review Rule 3.1.10(5) for your response.

What is intended by the term “such storage” that appears in the narrative under Rule 3.1.10(8)?

Please state which wheatgrass(es) you intend to put on stockpiled topsoil for protection.

The narrative of the reclamation plan under Rule 6.4.5 discusses reclamation on all 13.44 acres, though elsewhere the narrative separates rock areas which will not have topsoil replaced. Please clarify. Delineation between any areas that will not be disturbed and/or revegetated should be shown on the Exhibit C and Exhibit F maps also.

The fertilizer details include use of granular fertilizer (300#/ac of 18-46-0) which is acceptable, but also include barnyard manure. If you propose use of this type of fertilizer, please provide an application rate and application/incorporation method.

The narrative mentions “backsloping” to achieve 3:1 slopes. Please explain if this involves backfilling, such as pushing material against a slope from below; or cut and fill slope reduction; or something else. Please provide better description, plus material quantities, distances to be hauled, etc. (Again, a cross-section diagram may help with this description.)

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Exhibit F – Reclamation Map

This map also has several of the inadequacies described previously for the maps in Exhibit C, such as inclusion of multiple (different) map scales, onsite road over the hill top, lack of irrigation ditch, lack of property line, lack of fenceline(s), and lack of stormwater controls. Please provide a revised map that addresses these issues.

A benched highwall will be a predominant feature, but it is not depicted. Please provide a revised map showing the highwall and benches. If there are to be areas which will not be revegetated, these should be shown on the reclamation map.

Exhibit L – Reclamation Costs

The reclamation tasks and costs do not appear to include rough or final grading tasks, topsoil replacement, weed control, disposal of debris, and possibly fencing. The earthwork tasks provided do not include much detail, such as the model of reclamation equipment to be used, earthwork volumes, distances, grades, etc. Any additional information provided will help this office determine a better bond amount. Nevertheless, this office will perform a cost estimate also based on the reclamation plan and provide it to you for review.

Exhibit S – Significant Structures

Please provide information about any of the following that may be present on the affected area or within 200 feet: fencelines, irrigation ditches, above-ground or buried utilities, etc.

Geotechnical Stability Exhibit – Rule 6.5

Since the mining sequence begins by blasting competent bedrock to fracture it for excavation, and the reclamation includes a benched highwall that will be created by this method, please provide more detail about any special methods (such as cushion blasting) that will result in a stable configuration for final reclamation.

This office has received outside comments from two agencies: Colorado Office of the State Engineer and History Colorado (State Historic Preservation Officer). Copies of both comments are enclosed herewith for your information. There have been no other comments received during the public comment period. The public comment period closes on June 6, 2012, and if the Division receives any comments they will be forward to you promptly.

The newspaper notice has been forwarded to the Division by your agent Mr. Gagliano. The content of the notices appears correct, although a fifth publication date was shown in the notice's text. This is not an issue to be corrected.

The Division's decision date is still set for July 16, 2012. Please prepare and submit your adequacy response materials by that date. Please ensure that a full set of the same response materials is filed for public review at the Saguache County Clerk's Office, and that a receipt for that additional filing is sent to the Division. The response materials may be sent directly to me at the Division's Durango Field Office: 691 CR 233, Room A-2, Durango, CO 81301.

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The report of the Division's May 25, 2012 inspection will be sent under separate cover. I look forward to receiving the adequacy response materials.

Sincerely,



Bob Oswald

Environmental Protection Specialist

Encl: SEO comments; SHPO comments.

Ec(w/encl):     Steve Shuey, DRMS Grand Junction  
                         Joe Gagliano, LJ Development, Inc.

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HISTORY Colorado

"Comments"

CNØ1

RECEIVED

APR 27 2012

Division of Reclamation, Mining and Safety

April 27, 2012

Mr. Bob Oswald  
Environmental Projection Specialist  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

Re: Notice of 110(c) and 112(c) Construction Materials Reclamation Permit Conversion Application  
Consideration Southway Construction Company, Burton Pit, Permit No. M-1987-013 (CHS #61861)

Dear Mr. Oswald:

Thank you for your correspondence dated April 17, 2012 (received by our office on April 19, 2012) regarding the subject project.

A search of the Colorado Cultural Resource Inventory database indicated that no cultural resource inventories have taken place in the vicinity of the proposed permit area and no historic properties have been recorded therein. However, our files contain incomplete information for this area, as most of Colorado has not yet been inventoried for cultural resources. As a result, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area.

Should human remains be discovered during mining activities, the requirements under State law CRS 24-80 part 13 apply and must be followed.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Mark Tobias, Section 106 Compliance Manager, at (303) 866-4674 or [mark.tobias@state.co.us](mailto:mark.tobias@state.co.us).

Sincerely,



for Edward C. Nichols  
State Historic Preservation Officer  
ECN/MLT

WWW.HISTORYCOLORADO.ORG

HISTORY COLORADO CENTER 1200 BROADWAY DENVER COLORADO 80203



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

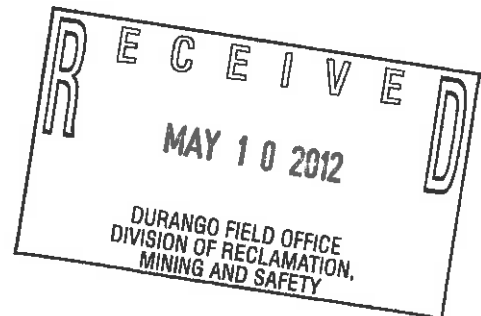
John W. Hickenlooper  
Governor

Mike King  
Executive Director

Dick Wolfe, P.E.  
Director/State Engineer

Response to Reclamation Permit Conversion Application Consideration

DATE: May 9, 2012  
TO: Bob Oswald, Environmental Protection Specialist  
CC: Division 3 Office; District 20 Water Commissioner  
FROM: Caleb Foy, E.I.T. CRF  
RE: Burton Pit, File No. M-1987-013  
Operator: Southway Construction Company, Inc.  
Contact: Ralph Martinez, (719) 589-5105  
Sec. 19, Twp. 40N, Rng. 6E, N.M.P.M., Rio Grande County



CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations. If stormwater is contained on-site, it must infiltrate into the ground or be released to the natural stream system within 72 hours, or all work must cease until a substitute water supply plan, or augmentation plan approved by water court, is obtained. Reclamation plans must ensure water will not be retained onsite for more than 72 hours unless an augmentation plan approved by water court is obtained.
- ☒ Other: The water hauled from offsite for dust control shall be a legal supply of water provided by an appropriate supplier.

**COMMENTS:** The local Water Commissioners, Steve Baer and Joe McCann, may be contacted regarding legal supplies of water in the area. Steve Baer may be contacted at (719) 588-3704 or [Steve.Baer@state.co.us](mailto:Steve.Baer@state.co.us) and Joe McCann may be contacted at (719) 852-4351 or [Joe.Mccann@state.co.us](mailto:Joe.Mccann@state.co.us).

Office of the State Engineer

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<http://water.state.co.us>