

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 Piñeda
Director

August 17, 2012

Gary R. Webber
NWCC
2580 Copper Ridge Drive
Steamboat Spring, CO 80487

Re: WRC Gravel Pit, Permit No. M-2008-070, Receipt of 112 Construction Materials Reclamation Permit Amendment Application Package, AM - 1

Jonathan Joy:

On August 17, 2012, the Division of Reclamation, Mining and Safety (DRMS) received your 112 Construction Materials Reclamation Permit Amendment Application package for the WRC Gravel Pit, Permit No. M-2008-070. Preliminary review of the information received determined that the following items must be received before the Division can consider your application as being submitted and technical review can begin:

APPLICATION FEE: The Division did not receive the \$2,229.00 application fee with the application package. DRMS contacted the applicant's bank and was advised to get a current check to replace the originally submitted check dated August 28, 2011. Check submitted August 28, 2011 is enclosed.

APPLICATION FORM: The amendment application submitted August 16, 2012 did not include the required 112c Application form. A copy of the application form is enclosed. Also be sure that on the application form that the post mine land use has been changed from "rangeland" to "industrial/commercial".

The amendment application submitted contains an assortment of information regarding the proposed changes to the reclamation of the site. However, the information submitted is not in a format that mirrors the order of the Construction Material Rules and Regulations. Please submit the proposed changes in the order listed below.

EXHIBIT E - Reclamation Plan (Rule 6.4.5): (1) In preparing the Reclamation Plan, you should be specific in terms of addressing such items as final grading (including drainage), seeding, fertilizing, revegetation (trees, shrubs, etc.), and topsoiling. You are encouraged to allow flexibility in your plans by committing to ranges of numbers (e.g., 6"-12" of topsoil) rather than specific figures.

(2) The Reclamation Plan shall include provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by you. Reclamation shall be required on all the affected land. The Reclamation Plans shall include:

(a) A description of the type(s) of reclamation you propose to achieve in the reclamation of the affected land, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving;

(b) A comparison of the proposed post-mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs. In those instances where the post-mining land use is for industrial, residential, or commercial purposes and such use is not reasonably assured, a plan for revegetation shall be submitted. Appropriate evidence supporting such reasonable assurance shall be submitted;

(c) A description of how the Reclamation Plan will be implemented to meet each applicable requirement of Section 3.1;

(d) Where applicable, plans for topsoil segregation, preservation, and replacement; for stabilization, compaction, and grading of spoil; and for revegetation. The revegetation plan shall contain a list of the preferred species of grass, legumes, forbs, shrubs or trees to be planted, the method and rates of seeding and planting, the estimated availability of viable seeds in sufficient quantities of the species proposed to be used, and the proposed time of seeding and planting;

(e) A plan or schedule indicating how and when reclamation will be implemented. Such plan or schedule shall not be tied to any specific date but shall be tied to implementation or completion of different stages of the mining operation as described in Subparagraph 6.4.4(1)(e). The plan or schedule shall include:

(i) An estimate of the periods of time which will be required for the various stages or phases of reclamation;

(ii) A description of the size and location of each area to be reclaimed during each phase; and

(iii) An outline of the sequence in which each stage or phase of reclamation will be carried out.

(The schedule need not be separate and distinct from the Reclamation Plan, but may be incorporated therein.)

(f) A description of each of the following:

(i) Final grading - specify maximum anticipated slope gradient or expected ranges thereof;

(ii) Seeding - specify types, mixtures, quantities, and expected time(s) of seeding and planting;

(iii) Fertilization - if applicable, specify types, mixtures, quantities and time of application;

(iv) Revegetation - specify types of trees, shrubs, etc., quantities, size and location; and

(v) Topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced.

EXHIBIT F - Reclamation Plan Map (Rule 6.4.6): 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.

Also, please be sure to sign and date the maps submitted as specified in Rule 6.2.1(2).

EXHIBIT G - Water Information (Rule 6.4.7): (1) If the operation is not expected to directly affect surface or groundwater systems, a statement of that expectation shall be submitted.

(2) If the operation is expected to directly affect surface or groundwater systems, you shall:

(a) Locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations;

(b) Identify all known aquifers; and

(c) Submit a brief statement or plan showing how water from dewatering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation.

(3) You must provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.

(4) You must indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.

(5) You must affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health, if necessary.

EXHIBIT H - Wildlife Information (Rule 6.4.8): (1) In developing the wildlife information, you may wish to contact the local wildlife conservation officer. You must include in this Exhibit, a description of the game and non-game resources on and in the vicinity of the application area, including:

(a) a description of the significant wildlife resources on the affected land;

(b) seasonal use of the area;

(c) the presence and estimated population of threatened or endangered species from either federal or state lists; and

(d) a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.

EXHIBIT L - Reclamation Costs (Rule 6.4.12): (1) All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. You must provide sufficient information to calculate the cost of reclamation that would be incurred by the state.

EXHIBIT M - Other Permits and Licenses (Rule 6.4.13): A statement identifying which of the following permits, licenses and approvals the Operator Applicant holds or will be seeking in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, the State Historic Preservation Office clearance, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

EXHIBIT N - Source of Legal Right to Enter (Rule 6.4.14): You must provide the source of your legal right to enter and initiate a mining operation on the affected land.

EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.15): Please submit a complete list of all owners or show the owners on your map in Exhibit C.

EXHIBIT Q - Proof of Mailing of Notices to County Commissioners and Soil Conservation District (Rule 6.4.17): Please submit proof of actual delivery or proof of mailing by Certified Mail, return receipt requested, of Notice of the Application to the local Board of County Commissioners and, if the mining operation is within the boundaries of a Soil Conservation District, to the Board of Supervisors of the Soil Conservation District.

EXHIBIT R - Proof of Filing with County Clerk and Recorder (Rule 6.4.18): You must submit an affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder.

EXHIBIT S - Permanent Man-Made Structures (Rule 6.4.19): You must provide information sufficient to demonstrate that the stability of any structures located within two hundred (200) feet of the operation or affected land will not be adversely affected.

ADDENDUM 1 - Notice Requirements - Affidavit of Posting Notice (Sign) (Rule 1.6.2(1)(b)): Prior to filing the application, post notices (signs) at the location of the proposed mine site, as required by the Office, of sufficient size and number to clearly identify the site as the location of a proposed mining operation giving name, address, and phone number of the Applicant, and stating that (name of Applicant) has applied for a mining permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the County Clerk's or Recorder's office and should send comments prior to the end of the public comment period to the Colorado Mined Land Reclamation Office, at the address given on the cover of these Rules and Regulations. Any class of Limited Impact 110 or 110d operation need only post notice (sign) at the location of the proposed access to the site. After having posted such notice (sign), failure by an Applicant to maintain such notice shall not constitute just cause to deny approval of the application. At the time the application is filed with the Office, the Applicant shall provide a signed affidavit that such notice (sign) was posted according to the provisions of this Rule.

A sample notice is enclosed for your use.

Your application will not be considered submitted until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt of all of the requested information. Additionally, if you have already published notice you will need to republish notice, after the Division considers the application submitted. This notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date your application is considered submitted. We will notify you when you should initiate republication of your notice. The final date for receiving comments is the 20th day after the fourth publication or the next regular business day.

You have sixty (60) days from the above date to submit all necessary documents that the Office needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Office, the Office shall deny the application and terminate the application file.

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

Sincerely,

A handwritten signature in dark ink, appearing to read "Travis H. Marshall", is written over a horizontal line.

Travis H. Marshall
Environmental Protection Specialist

Enclosures – 112c Application Form; August 28, 2011 check for \$2,229.00

ec: Russ Means, DRMS

