

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 8, 2013

Ms. Melanie Bounds
Huerfano County
401 Main St., Ste. 105
Walsenburg, CO 81089

**RE: Orphan View Gravel Pit, Permit No. M-2013-16
Preliminary Adequacy Review**

Dear Ms. Bounds:

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of your 112 construction materials reclamation permit application. The application was received on March 11, 2013 and called complete for review on March 22, 2013. The decision date for this application is June 20, 2013. 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 Rules 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 (Rule). Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

APPLICATION

1. Item 3 and 3.2, Permitted Acreage – There is a discrepancy between the 40 acres stated on the Application and the 31 acres stated on Exhibits A, B, C, and F. Please correct the Application or the aforementioned exhibits to be consistent. (Note: based on the legal description in the exhibits, the Division estimates the area to be slightly less than 31 acres.)
2. Item 9, General Description – The description states “12 miles north approx 1 mile west of I-25”. No reference is provided for the “12 miles north”. Please clarify what the geographic reference is for the 12 miles north.
3. The Division notes that the Applicant has requested Intermittent Status. No response is necessary.

6.4 SPECIFIC EXHIBIT REQUIREMENTS – 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

Please see Comment 1 above.

6.4.2 EXHIBIT B – Index Map

Please see Comment 1 above.

6.4.3 EXHIBIT C – Pre-mining & Mining Plan Maps

Please see Comment 1 above.

4. Exhibit C, Mining Map – The Phase I boundary includes a portion of the San Isabel Electric Association's (SIEA) overhead power line. As a result of discussions during the April 30, 2013 inspection, the Division understood there was no planned excavation near the power line. This is not evident from a review of the Mining Map. Please clarify the Division's understanding, and if no mining excavation is planned in this area, indicate as much on the Mining Map.

6.4.4 EXHIBIT D – Mining Plan

5. 2nd page, paragraph (e)(i) – There is a discrepancy with respect to the estimated periods of time: "... which is sated above of ten (5) years per phase, ...". Please clarify whether the estimated time frame is five (5) or ten (10) years.

6.4.5 EXHIBIT E - Reclamation Plan

6. Section 3.1.8 Wildlife – There is a reference to a statement made by "Mr. Gallegos". The referenced letter was signed by Michael Trujillo. Who is Mr. Gallegos and how does he represent Colorado Parks and Wildlife (CPW)?

6.4.6 EXHIBIT F - Reclamation Plan Map

Please see Comment 1 above.

6.4.7 EXHIBIT G - Water Information

7. Paragraphs (3) & (4) – These paragraphs indicate there are no water requirements for the mine operation. Please provide an explanation on how dust is to be controlled on site, and if water is required, please state the source of the water.

6.4.8 EXHIBIT H - Wildlife Information

8. The Division notes that the letter dated December 11, 2012 to Michael Trujillo; Division of Wildlife (DOW) from L J Development, Inc. lists the longitude for the project gate to be -140° 51' 17.034". The longitude should be -104° 51' 17.034". The aforementioned letter included attached maps with the correct longitude. Please provide some discussion to assure the CPW/DOW investigated the correct area.

6.4.10 EXHIBIT J – Vegetation Information

9. The post mine land use is stated to be rangeland. Rule 6.4.10(1)(c) requires "estimates of average annual production for hay meadows and croplands, and carrying capacity for range lands on or in the vicinity of the affected land, if the choice of reclamation is for range or agriculture". The Division could not find the carrying capacity for range lands in Exhibit I or J. Please provide this information.

Financial Warranty:

No Financial Warranty is required as the Operator is Huerfano County (pursuant to Rule 4.1.2(2)).

Please be advised the Orphan View Gravel Pit Application may be deemed inadequate and the application may be denied on **June 20, 2013** unless the abovementioned adequacy review items are addressed to the satisfaction of the Division. If you feel more time is needed to complete your reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of your right to a decision by **June 20, 2013** and request for additional time. This must be received no later than the deadline date.

May 8, 2013
Melanie Bounds
M-2013-016 Preliminary Adequacy Review

Page 3 of 3

Enclosed are comments received by the Division from the Colorado Division of Water Resources and the Colorado State Historic Preservation Officer.

If you have any questions, please contact me (303-866-3567 ext. 8169).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Cazier', with a stylized flourish at the end.

Timothy A. Cazier, P.E.
Environmental Protection Specialist

Enclosures

cc: Tom Kaldenbach, DRMS (w/o enclosures)
DRMS file (w/o enclosures)
Joe Gagliano, LJ Development, Inc. (via email)