

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

May 30, 2013

Marvin Moore
Moffat County
1570 Ranney Street
Craig, CO 81625

**RE: Refuge Pit #1 ; DRMS File No. M-1989-112, 112c Conversion Application
Adequacy Review #1**

Dear Mr. Moore,

The Division of Reclamation, Mining and Safety has completed its preliminary adequacy review of your 112c construction materials reclamation permit application. The application was received on April 12, 2013 and called complete for review on April 14, 2013. The decision date for this application is July 15, 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 may deny this application.

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

6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112c 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:

6.4.4 EXHIBIT D – Mining Plan

- 1) While excavating, will a highwall be created? If so, please specify the maximum length and height the highwall will be at any given time during the operation. Please specify what angle the highwall will be (vertical, 1:1, 4:1 etc.).

- 2) Please describe what measures will be taken to ensure offsite areas are not disturbed by the mining operation.

6.4.5 EXHIBIT E – Reclamation Plan

- 3) Please describe how the seedbed will be prepared for seeding. Will the site be tilled to de-compact the soil?
- 4) Please provide a basis for the estimated volume to be used to backfill the pit slopes to a 4:1 horizontal to vertical ratio. What will be the maximum length and slope angle of the highwall at any given time during the operation?
- 5) Please state the Post Mining Land Use for the area once mining ceases.

6.4.13 EXHIBIT M- Other Permit and Licenses

- 6) Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by the SHPO. See enclosure.

This concludes the Division's preliminary adequacy of your 112c permit application. The decision date of the application is July 15, 2013. 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 may be denied. If you have any questions, please contact me at (970)242-5025.

Sincerely,



Stephanie Reigh
Environmental Protection Specialist

CC: Russ Means, DRMS
Billy Mack, Moffat County

Enc. SHPO comments dated April 22, 2013

CNΦ1



April 22, 2013

✓ Stephanie J. Reigh
Environmental Projection Specialist
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: Notice of 110 (c) to 112 (c) Construction Materials Reclamation Permit Application Conversion Application
Consideration Moffat County Refuge Pit, Permit No. M-1989-112 (HC #63911)

Dear Ms. Reigh:

Thank you for your correspondence dated April 16, 2013 (received by our office on April 18, 2013) regarding the subject project.

A search of the Colorado Cultural Resource Inventory database indicated three sites within the project area:

5MF.2746	Officially eligible	2010
5MF.6207	Officially need data	2008
5MF.7395.1	Officially not eligible	2001

There has been seven surveys in the project area:

MF.LMR883	2011
MF.CH.R9	2003
MF.FW.R6	2007
MF.LMNR934	2006
MF.LMNR992	2007
MF.LMR11	1986
MF.LMR79	1989

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 Dan Corson, Intergovernmental Services Director, at (303) 866-2673 or dan.corson@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Nichols".
Edward C. Nichols
State Historic Preservation Officer

RECEIVED

✓ APR 23 2013

✓ DIVISION OF RECLAMATION
MINING AND SAFETY