

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

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October 1, 2013

Mr. Tony Adamic
Fremont County Board Of Commissioners
1170 Red Canyon Road
Cañon City, CO 81212

**Re: Howard Pit #1 & #2, Permit No. M-1999-033;
Preliminary Adequacy Review, Revision No. AM-01**

Dear Mr. Adamic:

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of your 110 construction materials reclamation permit application. The application was received on September 11, 2013 and called complete for review on September 18, 2013. The decision date for this application is October 18, 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, 6.3 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

APPLICATION

- 1. Page 1, Item 2 – Operation name.** The Division has “Howard Pit #1 & #2” listed as the name of the operation. The revised page 1 of the Application received via email on September 17, 2013 lists the Operation name as “Howard Creek Pit #1 & #2”. This name is consistent with the Operation name shown on the permit sign posted at the site (as seen in photos provided with the Amendment Application). Please confirm you wish to change the Operation name to “Howard Creek Pit #1 & #2”.

6.3 SPECIFIC EXHIBIT REQUIREMENTS – 110 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:

6.3.1 EXHIBIT A – Legal Description and Location Map

2. There is a typographic error in the second line of the legal description: "... bears S 00°09'07" E, 43.68" ..." indicating 43.68 inches. Based on the maps provided in the application, this should be 43.68' (feet). Please be aware this error is also in the legal description stated in the provided lease as part of Exhibit G.

6.3.2 EXHIBIT B – 6.3.4 EXHIBIT D

These sections are adequate as submitted.

6.3.5 EXHIBIT E – Map(s)

3. Mining Plan Map.

- a. Exhibit B (top of page 4) lists "Canterbury Ranch Road, fence lines and gates" as permanent man-made structures and states they are shown on the mine plan map. Pursuant to Rule 6.3.5(2)(b), these structures are to be identified on Exhibit E map(s). The Division could not locate labels for these features on the maps. Please identify these features on the Mining Plan Map and/or the Neighboring Landowners Map.
- b. Pursuant to Rule 6.3.5(2)(d), the direction of extraction shall be indicated on the map(s). There is a heavy black line paralleling the southwest boundary of the expansion area. If this is the direction of mining, please label it so and make the direction arrow more obvious. If this heavy black line is something else, please label it and indicate the direction of mining on the Mining Plan Map.
- c. "Cornerstone" is misspelled in Note 3.

4. Neighboring Landowners Map.

- a. Addendum 1 of the Amendment Application lists two landowners that the Division could not locate on the map: 1) Cavallo Mary Jane, and 2) Fowler John E and Mary J. The Division could not locate these landowners on the map. Please indicate on the map where these lands are located on the map.
- b. There are heavy black lines within the permit boundary: 1) paralleling the southwest boundary of the expansion area, 2) inside the west permit boundary, and 3) inside the east permit boundary. Please identify these lines.
- c. Please provide property boundaries for adjacent landowners, at least within 200 feet of the proposed permit boundary.
- d. Spelling errors: 1) "Cornerstone" is misspelled in Note 3, 2) "Reclaimed" is misspelled in both the east and west pit areas.

5. Reclamation Map.

- a. Pursuant to Rule 6.3.5(3)(a), the direction of the gradient of all reclaimed slopes shall be shown. Please indicate the direction and gradient of the reclaimed slopes on the Reclamation Map.
- b. The label in the west portion of the permit area indicates the area will be "used for stockpile" after reclamation. If the intent of the County is to have stockpiles located here after the Division releases the permit, a letter from the landowner indicating it is acceptable to have material stockpiled on site as part of the post-mine land use will

be required. Please clarify this is the County's intent and provide a letter from the landowner as described.

- c. Please provide clarification on the map as to whether the access road running through the permit area is to be reclaimed or remain in place.
- d. Spelling errors: 1) "Cornerstone" is misspelled in Note 3, 2) "Reclaimed" is misspelled in both the east and west pit areas.

6. General Map Comments.

- a. Pursuant to Rule 6.2.1(2)(b), maps must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person. None of the three maps have been signed. Please have the preparer sign the revised maps.
- b. The blue grid lines are not part of the USGS Quad map referenced in Note 2. Please identify the blue grid lines.

6.3.6 EXHIBIT F – 6.3.12 EXHIBIT L

These sections are adequate as submitted. However, if as pointed out in Comment 2 above, the lease is updated/revised to correct the legal description, please provide the Division with the updated version for **Exhibit G**.

6.5 GEOTECHNICAL STABILITY EXHIBIT

The Division believes a stability analysis is not necessary at this time. Therefore, this exhibit is not currently required.

The Division has received comments from the State Historic Preservation Office (SHPO) and the US Army Corps of Engineers (USACE). Copies of these comments are enclosed.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, reading "Timothy A. Cazier".

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

Enclosures

ec: Tom Kaldenbach, DRMS
Annette Ortega, FCDOT
DRMS file