

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

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John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

October 11, 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;
Second Adequacy Review, Revision No. AM-01**

Dear Mr. Adamic:

The Division of Reclamation, Mining and Safety (Division) has reviewed the response to our preliminary adequacy review of your 110 construction materials reclamation permit application. Your response was received via email on October 10, 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.

APPLICATION

1. **Page 1, Item 2 – Operation name.** The response to this comment is adequate.

6.3.1 EXHIBIT A – Legal Description and Location Map

2. *There is a typographic error ...* The response to this comment is adequate.

6.3.2 EXHIBIT B – 6.3.4 EXHIBIT D

These sections were adequate in the original submittal.

6.3.5 EXHIBIT E – Map(s)

The Division noted that some changes to the maps were made to all three revised maps. As some revisions (namely reclamation clarification) are only needed on the reclamation plan map, the Division suggests that reclamation notes be limited to the reclamation plan map and left off the mine plan map and the property owners map to avoid inconsistencies and future confusion.

3. Mining Plan Map. (see comments 5a, i – iv, and 5b below)

- a. *Exhibit B (top of page 4) lists “Canterbury Ranch Road, fence lines and gates” ...* The response to this comment is adequate.
- b. *Pursuant to Rule 6.3.5(2)(d), the direction of extraction shall be indicated ...* The response to this comment is adequate.
- c. *“Cornerstone” is misspelled in Note 3.* The response to this comment is adequate.

4. Neighboring Landowners Map. (see comments 5a, i – iv, and 5b below)

- a. *Addendum 1 of the Amendment Application lists two landowners ...* The response to this comment is adequate.
- b. *There are heavy black lines within the permit boundary ...* The response to this comment is adequate.
- c. *Please provide property boundaries for adjacent landowners ...* The response to this comment is adequate.
- d. *Spelling errors:* The response to this comment is adequate.

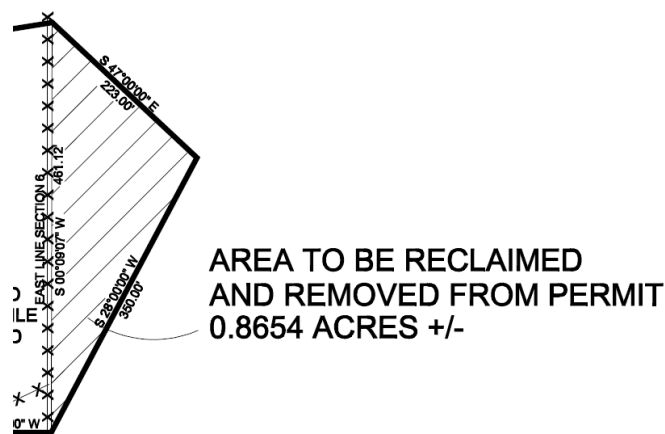
5. Reclamation Map.

- a. *Pursuant to Rule 6.3.5(3)(a), the direction of the gradient of all reclaimed slopes shall be shown.* The response to this comment is inadequate. The gradient for reclamation is only shown for the west end of the pit area. It also states the reclaimed gradient is between 2% and 4%. Based on previous inspections, the grading on these slopes is considerably steeper. Please:
 - i. Correct the reclamation gradient on the west end of the pit area,
 - ii. Indicate the direction and gradient of the proposed reclaimed slopes on the east end (active?) of the pit area,
 - iii. Indicate the direction and gradient of the proposed reclaimed slopes on the expansion area, and
 - iv. Indicate the direction and gradient of the proposed reclaimed slopes on the east “Area to be Reclaimed and Removed from Permit” area.
- b. *The label in the west portion of the permit area ...* The response to this comment is inadequate. The west pit area now states this area is reclaimed, but is also active. This is confusing. The east pit area states the area will be reclaimed used for stockpile of product and topsoil, thereby implying that stockpiles will remain after reclamation. The reclamation plan must be clear as to the intended reclamation approach with respect to grading and revegetation. If stockpiles are to remain, clearly state as much and provide a notarized statement from the landowner indicating this is acceptable. If not, state stockpiles will be removed. Please revise the reclamation plan to provide a clear indication of the reclamation intent.
- c. *Please provide clarification on the map as to whether the access road ...* The response to this comment is adequate.
- d. *Spelling errors:* ... The response to this comment is adequate.

6. General Map Comments.

- a. *Pursuant to Rule 6.2.1(2)(b), maps must be prepared and signed ...* The response to this comment is adequate. However, please have the preparer sign the revised maps.
- b. *The blue grid lines ...* The response to this comment is adequate.

7. Division Clarification on “Area to be Reclaimed and Removed from Permit”. During the preliminary adequacy review, the Division interpreted the note pointing to the hatched triangle (see captured image below) as an action that was to take place in the future. However, upon further review, the Division noted that this area is not included in the revised legal description, nor is the area included in the revised total 8.956 permit acres. Therefore, the Division concludes the County’s intent is to remove this area from the permit as part of this amendment (AM-01) application.



For the purpose of tracking the release of permitted area, the Division requires Operators to submit an Acreage Reduction (Partial Release) request (a form is attached). As such, there are two options to proceed:

- a. Request an Acreage Reduction using the attached form. This process can proceed in parallel with the amendment process. However, this option will require an extension request to the Decision Date because notifications, and a Division inspection are required to complete the release process. This option assumes the inspection by the Division would determine the area to be releaseable, which is not guaranteed.
- b. Revise the maps and lease to include the hatched area. The Division estimates the total area to be 9.8 acres \pm allowing the site to be less than the maximum 10 acres for a 110 construction reclamation permit. The area could then be released in the future after reclamation requirements are met.

6.3.6 EXHIBIT F – 6.3.12 EXHIBIT L

The updated/revised lease ... The response to this comment is adequate.

The Division has received additional comments from the Division of Water Resources (DWR) and Colorado Parks and Wildlife (CPW). Copies of these comments are enclosed.

Mr. Tony Adamic
October 11, 2013
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If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, reading "Timothy A. Cazier". The signature is written in a cursive style with a large initial 'T' and a long, sweeping underline.

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

Enclosures

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