

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

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Governor

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Executive Director

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Director

October 16, 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;
Third Adequacy Review, Revision No. AM-01**

Dear Mr. Adamic:

The Division of Reclamation, Mining and Safety (Division) has reviewed the response to our second adequacy review of your 110 construction materials reclamation permit application. Your response was received via email on October 15, 2013. The Division received your request for a decision date extension. **The decision date for this application is now October 25, 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 responses received addressed most of the Division's concerns. However, based on the latest submittal and informal telephone conversations, the following three items require clarification:

- I. **Revised Permit Boundary Legal Description vs. Approved Permit Boundary** – The Division is aware the triangular shaped portion of the existing Division approved permit boundary is no longer leased by Fremont County. However, this area must remain in the legal description of the permit boundary until the County requests a release and the Division approves such a release. As such, the Division approved permit boundary legal description as reflected in the permit boundary shown on each of the three maps (Mining Plan Map, Neighboring Landowners, and Reclamation Map) must be reflected in the legal description. The Division suggests appending the legal description as written on the three maps with an additional legal description on each map using text below the last line: "461.12' TO THE POINT OF BEGINNING" to indicate the three-line-segment portion on the Avenger Productions property is also included in the permit boundary. This would allow the Avenger Productions property to be easily separated from the lease with the Canterburys provided previously. Please resubmit the three maps with the appended legal description to include the permitted portion of the Avenger Productions property.

- II. **Reclamation Map** – The map is missing arrows indicating the direction of “Reclaimed Gradient” for the portion between the Avenger Productions property and the Expansion Area. Please revise the Reclamation Map to indicate the direction of the reclaimed gradient in this area.
- III. **Reclamation Map vs. Mining Plan Map** – The note “Mining Area Used for Stockpile of Product and Topsoil” in the area between the Avenger Productions property and the Expansion Area indicates these two stockpiles are to remain after reclamation is complete. Based on telephone conversations with Fremont County, the Division understands this is not the intent and that this note is more appropriate for the same area on the Mining Plan Map. Please revise the Reclamation Map and the Mining Plan Map such that this note is only on the Mining Plan Map.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, reading "Timothy A. Cazier". The signature is fluid and cursive, with the first name being the most prominent.

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

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