



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

August 29, 2016

John P. Ary  
Fremont Paving & Redi-Mix, Inc.  
839 MacKenzie Avenue  
P.O. Box 841  
Cañon City, CO 81212

**RE: Adequacy Review #2; 112c Construction Materials Reclamation Permit Application;  
Pueblo County Aggregate Project; DRMS File No. M-2016-009**

Dear Mr. Ary,

The Division of Reclamation, Mining and Safety (Division/DRMS) has reviewed the content of the Fremont Paving & Redi-mix, Inc. (Applicant) 112c permit application and amendment to the application for the Pueblo County Aggregate Project (formally known as the 44<sup>th</sup> Lane Project), File No. M-2016-009, and submits the following comments.

During the public comment period for the original application and the public comment period for the amendment to the application, the Division received timely objections. Pursuant to Rule 1.4.9(2)(a) and 1.7.4(2), the Division has scheduled the application for a Mined Land Reclamation Board Hearing for consideration during the September 28-29 Hearing. **Pursuant to Rule 1.4.9, on or before September 7, 2016, the Division shall issue its recommendation to the Board for approval, approval with conditions, or denial of the application; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** In order to allow the Division adequate time to review your responses to the adequacy issues, please submit your adequacy responses to the Division no later than one week prior on August 31, 2016. Please respond to this letter with the requested additional/updated information on permit replacement pages and/or exhibits and summarize each response in a cover letter titled "Adequacy Review Response #2; M-2016-009".

The review consisted of comparing the application and the amendment to the application content with specific requirements of Rules 1, 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. Any inadequacies are identified under the respective exhibit.

### **GENERAL**

1. Only page 1 of the amendment to the application was submitted. Please submit the entire application form with a new certification page.
2. As required by Rule 1.6.2(1)(d) and 1.6.5(2), submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.



3. As required by Rule 1.6.2(1)(e), submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.
4. The Division received comments from the History Colorado and Colorado Parks and Wildlife. The letters are attached for review. Please acknowledge the letters, address any comments within the letters, and make changes to the application, if necessary.
5. The amendment's Addendum A was not submitted with the amendment to the application. Note, the Addendum A for the original application was submitted with that application as Appendix A. Please provide the Addendum A for the amendment to the application which shall be a signed affidavit that the notices were posted in accordance with Rule 1.6.2(1)(b) for the amendment. Please provide a map showing the locations where the amendment's notices were posted.

#### **GENERAL - Maps**

6. None of the maps submitted with the application identify the Applicant. Rule 6.2.1(2) states that all maps, except the index map, must show the name of the Applicant. Please revise the maps in the application, make changes as necessary to comply with Rule 6.2.1(2), and re-submit these maps for further review.
7. Several maps contain lines which are not identified with labels or in the legend; these are straight lines with the "x" symbol in-line with them (i.e. -x-). Please revise all the maps in the application, add this line to the legend, and re-submit these maps for further review.
8. All land sections are not identified on the maps and the section lines are hard to determine or absent. Please revise the maps in the application, to consistently delineate and label all land sections, revise the legend, and re-submit these maps for further review. The Division recommends making the section lines a different color, weight, and/or dashing to distinguish it from other lines on the map.

#### **EXHIBIT A – Legal Description (Rule 6.4.1):**

9. The application indicates the operation is located in the Pueblo County 2016 Gravel Crushing Project Area #2, and states that this is identified in an Exhibit A figure. The figure was not included in Exhibit A. Please attach the figure to Exhibit A.
10. Exhibit A indicates the permit boundary will encompass approximately 1,471 acres. However, on page one of the application form, the permit boundary totals 1,517 acres. Please revise the Exhibit A and/or the application form to reflect a consistent and accurate permit boundary acreage.
11. Exhibit A lists the size of each portion of the identified parcels regarding the project mine permit boundary. These total 1,867.45 acres which does not match the proposed acreage on page 1 of the application form. Please revise Exhibit A to reflect a consistent and accurate permit acreage in each parcel that is identified. Additionally, please provide the permit acreage and road length associated with each parcel of the 60-foot wide North Haul Road and Southwest Haul Road.

**EXHIBIT B – Index Map (Rule 6.4.2):**

12. The Applicant provided an Exhibit B Vicinity Map which shows the permit boundary with the North Haul Road from U.S. Highway 50, and the Southwest Haul Road from 36<sup>th</sup> Lane. Rule 6.4.2 requires the map to show all roads and other access to the area. Exhibit A discusses that mine employees and vendors will access the site from Olsen Road along the North Haul Road and 40<sup>th</sup> Lane along the Southwest Haul Road. Olsen Road and 40<sup>th</sup> Lane are not identified on the Exhibit B Vicinity Map. Please revise this map to show all roads and other access to the area.
13. The permit boundary identified on Exhibit B Vicinity Map does not match the proposed permit boundary on other application materials. Please revise this map to reflect the accurate permit boundary and be consistent with all other application materials.

**EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):**

14. Although the road names are identified in Exhibit C materials, information regarding ownership of these lands are not shown for 36<sup>th</sup> Lane, 40<sup>th</sup> Lane, Olsen Road, McHarg Road, and U.S. Highway 50. These surface owners will need to be labeled on the Exhibit C-1a Map, added to the list of property owners on the Exhibit C-1b Map, and noticed per the requirements of Rule 1.6.2(1)(e).
15. The Exhibit C-1a Map appears to show that Thomas S & Mari L. Rusler are within 200 feet of the proposed permit boundary, but are not on the list of property owners on the Exhibit C-1b Map. Please clarify whether Thomas S & Mari L. Rusler are within 200 feet of the proposed permit boundary and revise the list of property owners on the Exhibit C-1b Map accordingly.
16. The Exhibit C-1a Map does not show the surface owner of record for the parcel of land located on the north side of U.S. Highway 50 where the North Haul Road intersects U.S. Highway 50. Please identify this surface owner on the Exhibit C-1a Map. If this surface owner is different than one already listed on the on the list of property owners on the Exhibit C-1b Map, they will need to be added to this list, as well as noticed per the requirements of Rule 1.6.2(1)(e).
17. The list of property owners on the Exhibit C-1b Map does not include Thomas J & Nancy L Bregar, but are adjoining surface owners of record as labeled on the Exhibit C-1a Map and Exhibit C-1b Map. Please revise this list and re-submit the map for further review.
18. The list of property owners on the Exhibit C-1b Map includes Gerald E + Winifred L Fowler, but it appears this property owner is more than 200 feet from the proposed permit boundary. Please revise this list or identify where this surface owner's property is within 200 feet.
19. The list of property owners on the Exhibit C-1b Map includes Don L. Berry, but it appears this property owner is not labeled on either Exhibit C-1a Map or Exhibit C-1b. Please revise this list or identify where this surface owner's property is located.
20. The list of property owners on the Exhibit C-1b Map includes Public Service Co of Colorado, but it is not labeled on the map where the property is located. The map has Overhead Electric

Transmission Lines (XCEL Energy) labeled. Please clarify that this company is one and the same and either combine the names, or have consistent nomenclature throughout the application. Additionally, the adjoining surface owners of record need to be identified (the easement in this case) in accordance with Rule 6.4.3(a), as well as the identification of structures and their owners (as labeled on the map currently), in accordance with Rule 6.4.3(g).

21. The Exhibit C-2 Soils Map's legend indicates the Mn and Mv soil units have the same hatch pattern. Please revise this legend to reflect the hatch patterns on the map.
22. The Exhibit C-3 Vegetation Map does not show the type of present vegetation covering the affected lands in a small portion immediately east of the area identified as the Inactive Golden Eagle Nest ½ Mile Buffer. Please revise this map to reflect the type of present vegetation covering the affected lands in this area.
23. The Exhibit C-4b Pre-Mining Map has a small dashed line, almost identical to a contour line, labeled Approximate Affected Limits. Please update this line to a different color, weight, and/or dashing. Please clarify if this line represents the Affected Land Boundary as defined in Rule 1.1(3). Please note, that the Affected Land Boundary is an enforceable boundary that will need to be delineated on the ground and all mining related disturbances (excavation, processing facilities, haul roads, etc.) must remain within this boundary.
24. The Exhibit C-5 Haul Road Map includes various information associated with haul road signs. Please note that the Division does not regulate haul road signage. Please commit to complying with all sign requirements associated with other government agencies, if applicable.
25. The Exhibit C-5 Haul Road Map includes a Typical Project Entrance diagram. This diagram references a proposed 15" CMP culvert, 3-strand wire fences, locked gate, double cattle guard, and asphalt paving from WCR 126 pavement to the scale house. The Division believes this diagram does not reflect the proposed activities for this site and is in error. Please clarify.
26. The Exhibit C-5 Haul Road Map includes information regarding 100 feet of asphalt paving of the North Haul Road on either side of Olson Road. Please confirm this and discuss the details in the Exhibit D Mining Plan, Exhibit F Reclamation Plan, and Exhibit L Reclamation Costs. Please discuss if this feature will only occur at the Olsen Road crossing.

**EXHIBIT D - Mining Plan (Rule 6.4.4):**

27. Exhibit D provides information on the North Haul Road and Southwest Haul Road and includes a typical construction diagram of the haul roads. Please discuss how the haul roads will be constructed to account for drainage on adjacent undisturbed lands, as well as the drainage of the haul road.
28. Please provide information regarding if topsoil/plant growth medium will be salvaged prior to the construction of the haul roads. To what depth will topsoil be salvaged and where will the material be stockpiled at for use during reclamation for the haul roads.

29. The Exhibit D Mining Plan includes a table outlining Total Affected Area by Phase. Please clarify what the category "Other Affected Area" consists of.
30. The Applicant proposes to have a phased mining/bonding operation. Please commit to contacting the Division for approval prior to disturbing any new phases. The request shall include the estimated reclamation costs that would be required for opening the additional phase. The Division will review and calculate a new Final Warranty amount, issuing a Surety Increase revision if necessary. Once the additional amount is posted the Operator will be approved for the new phase.
31. The Applicant states that various storm water best management practices (BMP) will be constructed of overburden and/or mining fines. The Division believes using fines to construct berms, swales, or detention basins will be inadequate and could cause the structure to wash out and spread fines to undisturbed lands. Please revise this statement and demonstrate how the BMPs will be constructed. Please also discuss the reclamation of these BMPs in the Exhibit E Reclamation Plan.
32. On the Mining Plan Map please identify the area where storm water best management practices will be located.
33. The Applicant states that Colorado Interstate Gas and XCEL Energy request specific setbacks from their utility line structures/easements. Please clarify if the Applicant commits to these setbacks.
34. The Applicant states no acid or toxic producing materials will be exposed during the operation. Please clarify how the Applicant will manage acid or toxic producing materials if they are exposed.
35. Please provide detailed plans and information regarding how the North Haul Road will cross the Bessemer Ditch.
36. Please provide information regarding if the processing plant and control van need temporary foundations. Additionally, please submit details if the Applicant intend to construct a scale house on-site.
37. Please indicate if fuel and oil will be stored on-site. If so, please clarify how all hydrocarbons will be stored. Additionally, specify the location of fueling tanks and indicate that there is a Spill Prevention Control and Countermeasure (SPCC) plan in place and that the SPCC plan will be implemented prior to storage of fuel or oil products. This can be done by submitting a letter to the Division, on company letterhead, affirmatively stating that the plan has been implemented. The Operator does not need to submit a SPCC plan to the Division; however, it must be available for review at the facility or the nearest field office during an inspection.
38. Please provide cross section diagrams showing the spatial relation between Bessemer Ditch and the proposed Operation. The diagrams need to at least illustrate the current topography, Bessemer Ditch, and the proposed depth of the mining operation; the Division requests at least one diagram for Phase I in the west-northwest direction, two diagrams for Phase II in the west and north directions, and one diagram for Phase IV in the north-northwest.

**EXHIBIT E - Reclamation Plan (Rule 6.4.5):**

39. The Applicant states that as topsoil and waste rock/overburden are removed from a working face, it will be placed on slopes and floors of the previously mined out area or stockpiled. Additionally the Applicant states that topsoil and waste rock/overburden stockpiles from the first working face will be used to reclaim the mine floor and slopes of previous disturbances. Please clarify where these previous disturbances are located. Please also clarify how the last working face of the operation will be reclaimed.
40. The Applicant commits to using available overburden and waste rock on the mine floor and slopes during reclamation. The revegetation plan prepared by Mr. Richard Rhoades of the Pueblo Office of the NRCS discusses that at least 18 inches of subsoil should remain on site prior to spreading the topsoil and additional subsoil will increase the success of the reclamation. Following the recommended revegetation, please commit to replacing no less than 18 inches of overburden or waste rock to serve as the valuable subsoil.
41. Upon the Division's further review of the revegetation plan prepared by the NRCS, it appear this plan was prepared for an operation of significantly smaller size and solely in Section 24. Please provide information and a demonstration from NRCS that the revegetation plan is suitable for this proposed project including the revegetation of lands associated with the haul roads.
42. The proposed Reclamation Plan states if broadcast seeded, the seeding rates will be doubled. Please clarify what criteria will determine the use of drill seeding or broadcast seeding. Please indicated the anticipated number of acres of each type of seeding.
43. The Applicant states that the Turkey Creek Conservation District (TCCD), Noxious Weed Control Program representatives do not recommend fertilizer application because it tends to stimulate growth of weeds. The revegetation plan prepared by the NRCS discusses that a soil test should be performed to determine the proper fertilizer requirement. Please clarify these contradictory statements.
44. The revegetation plan prepared by the NRCS discusses the mulching requirements. Please state that the Applicant commits to the recommended mulching requirements.
45. The Applicant states that during final grading and seed bed preparation, where potential exists for erosion and siltation of the affected land to areas outside the affected land, straw wattles or straw bales will be placed at the interface. Please commit to removing these after the vegetation has been established and the potential for erosion has been decreased.
46. The Plant Growth Medium Preservation section of the Reclamation Plan states that salvageable surface material will be removed with an excavator and stockpiled for use in final reclamation. Please clarify what type of excavator is intended to salvage topsoil.
47. The Weed Management Plan appears to be missing Page 1. Additionally, the plan didn't include the referenced Figure 1 and Figure 2. Please re-submit the Weed Management Plan with Page 1, Figure

1, and Figure 2. The plan also references the TCCD site inspection. Please include a copy of the October 9, 2012 TCCD letter within the Weed Management Plan.

48. Please specify if any non-noxious weeds were observed during the TCCD site inspection and identify those species.
49. Many weed species, both annual and noxious, thrive in disturbed areas such as a mine sites. Please revise the Weed Management Plan and include specific annual and noxious weed species that have a potential to develop within the Pueblo County Aggregate Project. The plan should include the following for each potential species: specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan.
50. Within the Weed Management Plan, the Applicant states that the IWM (unknown acronym) does not necessarily require the eradication of a weed species although this might be the objective in some cases. Please revise this statement and commit to, at a minimum, compliance with List A, B, C specific weed control goals.
51. Please discuss the reclamation of the North Haul Road and Southwest Haul Road.
52. The application indicates rangeland is the current and post-mining land use. Please provide information regarding when and how livestock will be excluded/re-introduced to reclaimed lands during revegetation efforts.

**EXHIBIT F - Reclamation Plan Map (Rule 6.4.6):**

53. The Exhibit F-1a Reclamation Plan Map and Exhibit F-1b Reclamation Plan Map both have sample cross section diagrams to explain how specific mine operation scenarios will be reclaimed. These diagrams show that 2 inches of topsoil will be replaced, but the Applicant has committed to replacing no less than 6 inches. Please correct this, as well as adding the subsoil replacement as discussed in adequacy issue #39.
54. Footnote #3 on Exhibit F-1a Reclamation Plan Map and footnote #2 on Exhibit F-1b Reclamation Plan Map discuss that reclaimed mine pit side slopes may be created by “cut and fill” so as to preserve overburden that will be used to establish plant growth material elsewhere in the reclamation. Please clarify that overburden will not be used to create plant growth medium (topsoil) but rather used as subsoil. Additionally, the “cut and fill” approach is not presented on the cross section diagrams. Please be aware that the “cut and fill” approach will extend past the mining limits if the mining highwall is advanced to the mining limits.
55. The Exhibit F-1a Reclamation Plan Map and Exhibit F-1b Reclamation Plan Map both contain post mining topography contour labels within the affected areas. The maps only show the contour labels of undisturbed lands between Phase I and Phase II. Please indicate contour labels of undisturbed lands around each phase.

**EXHIBIT G – Water Information (Rule 6.4.7):**

56. Please include the Exhibit G response from the April 15, 2016 adequacy letter into a replacement Exhibit G submittal.
57. Please specify the depth of the ground water in the vicinity of the operation. Please clarify if there is a shallow aquafer within the proposed operation.

**EXHIBIT H - Wildlife Information (Rule 6.4.8):**

58. The last sentence of the first paragraph of the Exhibit H Wildlife Information narrative states that a portion of the haul road is within the radius of impact of the golden eagle nest. The Division notes the amendment has modified the haul road to remain outside of this radius. Please clarify.
59. The wildlife information provided in the original application states pronghorn and various species of small mammals are found in the proposed area. In accordance with Rule 3.18, please clarify the safety and protective measures, if any, for these wildlife species in regards the amendment's haul roads.

**EXHIBIT I - Soils Information (Rule 6.4.9):**

60. The Applicant provided a map unit description and information print-outs in the original application for soil units CaE and MaB. As identified in the permit boundary associated with the amendment to the application, please provide these map unit description and information print-outs for soil units (Bc, He, RfB, RfA, Mpa, and Mv) within the permit boundary.

**EXHIBIT L – Reclamation Costs (Rule 6.4.12):**

61. The Division apologizes that the reclamation cost estimate was not attached to the first adequacy letter. The Division will calculate a new cost estimate based on the responses to this adequacy letter. The Applicant will be provided copy of that reclamation cost estimate for review before the decision date.
62. The Applicant submitted a cost estimate in Exhibit L of the original application, but did not provide a new cost estimate for the amendment. Please submit a new cost estimate for the Division's review. Additionally, Task 003 of the original cost estimate is to spread 4 inches of plant growth material on the affected lands of phase 1. The Applicant has committed to salvage as much topsoil/growth medium as possible with a minimum objective of 6 inches. Please revise this task.

**EXHIBIT N – Source of Legal Right to Enter (Rule 6.4.14):**

63. The Exhibit N Source of Legal Right to Enter narrative states that the proposed Bessemer Ditch crossing is west of 40<sup>th</sup> Lane and will either cross or circumvent the Bessemer structure. The Division believes the amendment has modified the haul road and there will be no crossing of the Bessemer Ditch west of 40<sup>th</sup> Lane. Please clarify.



64. Additionally, the Exhibit N Source of Legal Right to Enter narrative discusses that the proposed permit boundary is not within 200 feet of the Bessemer Ditch. The amendment has modified the permit boundary and it is now within 200 feet of the Bessemer Ditch and the North Haul Road crosses the ditch. Please clarify.
65. The Exhibit C-1a map appears to show the Southwest Haul Road between the parcel of Annette Sais and the parcels of Martin Valadez. The Exhibit N does not include an easement agreement for Annette Sais. Please clarify.
66. The Memorandum of Easement Agreements for the Henrichs Land and Cattle, LLC, BL&KJH, LLC, Thomas J. and Nancy L. Bregar, and Centa Land Co., LLC refer to an Exhibit A and the Easement Agreement. Please submit the Exhibit A and the Easement Agreement for each of the Memorandum of Easement Agreements so the Division can review these for compliance with Rule 6.4.14.
67. The legal description in section #1 of the Memorandum of Easement Agreement for the Henrichs Land and Cattle, LLC, does not include the Section number. Please submit an updated Memorandum of Easement Agreement for the Henrichs Land and Cattle, LLC with the correct Section noted and initialized by Dan Henrichs. Please note, if Exhibit A of the agreement contains the correct legal description then the revision to the memorandum is not needed.
68. The Division is concerned that there is not consistency with the names of individuals provided in the list and map of Owners of Record and the individuals involved with Legal Right to Enter documents. Please revise the application materials or demonstrate that the different names are one and the same entity.
69. The Legal Right to Enter documents regarding Purchase Agreements with Pikes Peak Home Center, Inc. and Martin Valadez do not comply with Rule 6.4.14. Please provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation for the property owned by Pikes Peak Home Center, Inc. and Martin Valadez. This may be a copy of access lease or a signed statement by the landowner and acknowledged by a Notary Public stating the Operator/Applicant has legal right to enter and mine. If the property is currently owned by the Applicant, you may submit a deed, abstract title, or current tax receipt.
70. The License Agreement with the Public Service Company of Colorado discusses an Exhibit A and B of the agreement. These were not provided with the License Agreement. Please provide these.
71. The License Agreement with the Public Service Company of Colorado includes a map known as Exhibit 1. This map shows an access location that is inconsistent with materials submitted with the amendment of the application. Please clarify and submit a revised Exhibit 1 showing the correct access location.
72. The State of Colorado Road Access Permit included with the original application is for access through Section 35. It appears that a section of land in Section 20 may be involved with the North

Haul Road. Please provide a new access permit for Section 20, the revised access permit initialized by a representative of the State of Colorado, or a demonstration that the permit boundary around the North Haul Road does not enter Section 20 lands.

73. Exhibit C-1a Map shows the permit boundary crossing 40<sup>th</sup> Lane, Bessemer Ditch, Olsen Road, and McHarg Road. There was no source of legal right to enter these lands. Please clarify.

**EXHIBIT R - Proof of Filing with County Clerk and Recorder (Rule 6.4.18):**

74. Please note that any changes or additions to the application on file in our office must also be reflected in the public review copy, which was placed with the Pueblo County Clerk and Recorder by the Applicant. Submit proof that the public review copy has been updated with a copy of the response to this adequacy letter.

**EXHIBIT S - Permanent Man-Made Structures (Rule 6.4.19):**

*In accordance with Rule 6.4.19, when mining operations will adversely affect the stability of any significant, valuable and permanent man-made structure located within 200 feet of the affected area, the applicant may either:*

- (a) Provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or*
- (b) Where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or*
- (c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.*

75. The Exhibit S Permanent Man-Made Structures contains a table of the associated structures. The natural gas line is listed as being owned by Kinder Morgan and the electrical distribution and transmission power lines are listed as being owned by Public Service Co. of Colorado. The Exhibit C-1b Map appears to list these structures as being owned by Colorado Interstate Gas and EXCEL Energy, respectively. Please clarify that this discrepancy is because the companies are one and the same and either combine the names, or have consistent nomenclature throughout the application.
76. The Applicant has submitted legal right to enter documents and structure agreements associated with the natural gas line and electrical distribution and transmission power lines. Please clarify if these documents allow the entering into the easements and crossing the structures as proposed in the application.
77. The fences identified in the Exhibit S Permanent Man-Made Structures table owned by Pritekel Brothers Farm LLC, Danny and Cindy Henrichs, and Fremont Paving are not identified on an Exhibit C map. Please include these on an Exhibit C Map in accordance with Rule 6.4.3(g).
78. The applicant provided an executed structure agreement between Fremont Paving and Redi-Mix, Inc. and Fremont Paving and Redi-Mix, Inc. Please clarify if there is a difference between these two

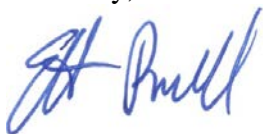
companies. Please note, any structure identified as being owned by the Applicant does not need a structure agreement.

- 79.** The Division considers the information provided regarding the Bessemer Ditch as the first portion of the requirements of Rule 6.4.19(b), for when an agreement cannot be reached. Please provide an appropriate engineering evaluation that demonstrates that the Bessemer Ditch shall not be damaged by activities occurring at the mining operation or comply with other sections of Rule 6.4.19.
- 80.** The Applicant did not provide information nor agreements for structures located within 200' of the affected land associated with the North Haul Road and Southwest Haul Road. Please clarify and submit information regarding the compliance with Rule 6.4.19 for any structure located within 200' of the haul roads. These structures will need to be included on an Exhibit C map in accordance with Rule 6.4.3(g).

This concludes the Division's adequacy review of this application and the amendment to the application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application the amendment to the application. Other issues may arise as additional information is supplied. Be advised that the 112c permit application for the Pueblo County Aggregate Project permit may be deemed inadequate, and the application may be recommended to be denied on September 7, 2016, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by September 7, 2016 and the request for a specific amount of additional time. This must be received no later than the deadline date.**

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Enclosure: History Colorado Comment Letter  
Colorado Parks and Wildlife Second Comment Letter

EC: Wally Erickson; Division of Reclamation, Mining & Safety

CC: Angela M. Bellantoni; Environmental Alternatives Inc.  
1107 Main Street, Cañon City, CO 81212