



COLORADO

Division of Reclamation,
Mining and Safety

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

October 19, 2018

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

**RE: Adequacy Review #3, Technical Revision TR-02
State Pit, Permit File No. M-1990-112**

Dear Mr. Ary,

The Division received the partial responses to the second adequacy review of Technical Revision TR-02 of the State Pit, Permit No. M-1990-112, on October 17, 2018. The Division reviewed the responses and the following items need to be addressed before the decision date, which is currently set for November 2, 2018. To allow the Division adequate time to review your responses to this adequacy review letter, please submit your responses no later than one week prior to the decision date (October 26, 2018). Subsequent to receipt and review of the Operator's responses to these items, the Division may identify additional items. **Please respond to these adequacy issues with a cover letter summarizing each response, to the numbered items below, in a cover letter titled "Adequacy Review Response #3, TR-02, M-1990-112".**

1. All six maps submitted on October 17, 2018 show James Higgs prepared the maps, however, Mr. Higgs did not sign the maps as required by Rule 6.2.1(2)(b). Please re-submit these six maps with the signature of the individual who prepared the maps.
2. Although the permit boundary (1,046 acres) is identified, the affected area boundary (755 acres) is not identified on the Exhibit C Existing Topo Map, Exhibit C Intermediate Topo Map, Exhibit C BMP Map, and the Exhibit F Reclamation Map. Please re-submit these four maps with the affected area boundary depicted as required by Rules 6.2.1(2)(d), 6.4.3(d) and 6.4.6.
3. The Exhibit F Reclamation Map depicts several flat, mined-out areas with "Grade to Drain" labels. In accordance with Rule 6.4.6(a), please depict the expected physical appearance of the affect land with either contour lines or arrows which portray direction and rate of slope of all reclaimed lands, including these flat areas.
4. The Operator didn't respond to Adequacy Item #4 in the second adequacy letter. The Operator has requested to have an acreage-limited bonding approach with 100 acres open at any given time and reclamation occurring on an additional 100 acres. For the Division to calculate the site's required financial warranty amount based on this bonding approach, please clarify which reclamation tasks are needed to be competed in the additional 100 acres in reclamation. Based on the Division's experience with sites with similar bonding approaches, the Operator may want to clarify that the 100-acre area in reclamation will consist of implementing only the revegetation tasks as this area will have already been backfilled/graded and topsoil replacement has occurred. Once clarified, the Division will calculate the required financial warranty for the site and the Operator will be provided an electronic copy of the reclamation cost estimate for review prior to the decision date.



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This concludes the Division's second adequacy review of TR-02. As a reminder, please be advised the State Pit Technical Revision may be deemed inadequate, and the request may be denied on **November 2, 2018**, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division.

If you need additional information or have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Russell", is positioned above the printed name.

Elliott R. Russell

Environmental Protection Specialist

CC: Michael Cunningham, Division of Reclamation, Mining & Safety