



COLORADO
**Division of Reclamation,
Mining and Safety**
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

May 28, 2019

Ms. Jodi Schreiber
Fremont Paving and Redi Mix, Inc.
PO Box 841
Cañon City, CO 81215

**RE: Buss Barrow Pit, File No. M-2019-021;
Preliminary Adequacy Review**

Dear Ms. Schreiber:

The Division of Reclamation, Mining and Safety (DRMS) has completed its preliminary adequacy review of your Special 111 Construction Materials Reclamation Permit Application package for the Buss Barrow Pit, File No. M-2019-021. The application was received on May 6, 2019 and called complete for review on May 20, 2019. The decision date for this application is June 4, 2019. **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 (Rule). Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

APPLICATION

The Application form is adequate as corrected in the response to our May 7, 2019 Incompleteness Notice.

6.3.1 EXHIBIT A – Legal Description

1. Mine Entrance Location – The mine entrance location coordinates stated in the second paragraph appear to be decimal degrees changed to degrees, minute and seconds without doing the necessary mathematical conversions, and simply placing minute symbols (') and second symbols (") in positions in the decimal degree location shown on legal description map. Please either correct the mine entrance location in the second paragraph of Exhibit A to the correct degrees, minutes, and seconds; or use consistent decimal degrees.



6.3.2 EXHIBIT B – Site Description

2. Well Permit 1208054 – The fifth paragraph of Exhibit B discusses well permit 1208054 and states it appears to be outside the proposed permit boundary. The “111 Buss Pit Existing Conditions” map shows the “Approximate Location of Well #12639” near the eastern proposed permit boundary adjacent to Hwy 50. The locator arrow for this well indicates Well #12639 is inside the proposed permit boundary. There are two issues here:
 - a) Is this a typo and should the well labeled 12639 on the map be 1208054; or is there a third well not shown on the map?
 - b) If this well (12639 and/or 1208054) is within 200 feet of the proposed permit boundary, a structures agreement is required. Please clarify the location(s).

6.3.3 EXHIBIT C – Mining Plan

3. Overburden Thickness – The fourth paragraph states the overburden thickness is four feet. However the first paragraph in Exhibit D states the overburden is 12 feet thick. Please clarify the overburden thickness.
4. Roads – Please indicate whether new internal road is to be reclaimed. If not, a letter from the landowner granting permission to leave the road and stating the reason for it to remain is required.
5. Refuse, Toxic Materials – Please confirm no refuse, acid or toxic producing materials are expected to be exposed during mining, or if there is potential to expose these materials, describe how they shall be handled and disposed as required by Rule 6.3.3(k).
6. Processing – Please specify whether the mined material will be processed on site as required by Rule 6.3.3(m).
7. Explosives – Please clarify if there will be any incidental products and what their use may be as required by Rule 6.3.3(o).
8. Explosives – Please confirm no explosives are to be used during mining as required by Rule 6.3.3(p).

6.3.4 EXHIBIT D – Reclamation Plan

9. Seeding – Pursuant to Rules 3.1.10(1) and 6.3.4(c)(iv) please provide the specific proposed seed mix rate and ensure it states whether the seed rate is intended for drilling or broadcast seeding.

Please be advised the Buss Barrow Pit 111 Application may be deemed inadequate and the application may be denied on **June 4, 2019** unless the abovementioned adequacy review items are addressed to the satisfaction of the DRMS. If you feel more time is needed to complete your reply, the DRMS can grant an extension to the decision date. This will be done upon receipt of a written waiver of your

Ms. Jodi Schreiber

May 28, 2019

Page 3

right to a decision by June 4, 2019 and request for additional time. This must be received no later than the deadline date.

If you have any questions, please contact me at (303) 866-3567 x 8169 or Michael Cunningham at (303) 866-3567 x 8116.

Sincerely,



Timothy A. Cazier, P.E.

Environmental Protection Specialist

ec: Michael Cunningham, DRMS
DRMS file