



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

March 12, 2020

Mike Toelle
Holcim (US) Inc.
3500 Highway 120
Florence, CO 81226

RE: Boettcher Limestone Quarry, Permit No. M-1977-348, Acreage Reduction Request No. 4 (AR-04), Notice of Objection Received

Mr. Bennett:

On February 24, 2020, the Division of Reclamation, Mining and Safety (Division) received your Acreage Reduction request (AR-04) to release 411 acres from the northern portion of the permit area, leaving a permit area of 451 acres. The comment period for AR-04 closed on March 12, 2020. Within this comment period, the Division received a letter from the Division of Water Resources (DWR) objecting to AR-04 because the two ponds located within the area proposed for release (Ponds B3 and A) are not in compliance with their office (see enclosed comment).

Please be advised, the Division cannot approve the release of any pits at the site with ponded water until our office has received a demonstration of compliance with the DWR for this water. Therefore, with regard to AR-04, there are two options available at this time:

- 1) Submit a revised proposal and associated maps which exclude any pits with ponded water from the area proposed for release.
- 2) Submit a request to withdraw AR-04.

The decision date for AR-04 is **April 24, 2020**. Please allow the Division sufficient time to review your response by submitting it no later than two weeks prior to the decision date, by April 10, 2020. If, by the decision date, the Division has not received your response, AR-04 will be denied.

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,

Amy Eschberger
Environmental Protection Specialist



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Encl: Comment from DWR, received on March 12, 2020

Cc: Travis Bennett, Holcim (US) Inc.
Sara Harkins, Golder Associates, Inc.
Javier Vargas-Johnson, DWR
Michael Cunningham, DRMS



STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

M-1977-348 Boettcher Limestone Quarry, Response to Acreage Release Request Application

Vargas-Johnson - DNR, Javier <javier.vargasjohnson@state.co.us>

Thu, Mar 12, 2020 at 8:57 AM

To: Amy Eschberger - DNR <amy.eschberger@state.co.us>

Dear Ms. Eschberger,

Please see the attached letter for comments regarding the partial acreage release request for the Boettcher Limestone Quarry, File No. M-1977-348. Please add the electronic file to your Laserfiche files.

Thank you,

Javier Vargas-Johnson
Water Resources Engineer



COLORADO
Division of Water Resources
Department of Natural Resources

P 303.866.3581x8227

1313 Sherman St., Suite 821 Denver CO 80203

javier.vargasjohnson@state.co.us | www.colorado.gov/water



M_1977_348 Boettcher Limestone Quarry.pdf

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Response to Reclamation Permit Partial Acreage Release Request Consideration

DATE: March 11, 2020
TO: Amy Eschberger, Environmental Protection Specialist
FROM: Javier Vargas-Johnson
RE: Boettcher Limestone Quarry, File No. M-1977-348
Applicant/Operator: Holcim (US) Inc.
Phone Number: (719) 288-1402
Pt. W ½ of Townships 8 and 9 North, Range 69 West, 6th P.M., Larimer County
Water Division 1, Water District 3

COMMENTS: The applicant has submitted a request for the partial acreage release of 411 acres from the 862 acre permit area. A total of 451 acres will remain within the permit boundary.

The area subject to the acreage release request contains two ponds visible on aerial imagery. One of the two ponds, Pond B3, is included in the applicant's pending Water Court application, Case No. 20CW3000. A partial acreage release that includes Pond B3 should not be granted until the plan for augmentation has been decreed by the Water Court.

The other pond, located north of Pond B3 and referred to as Pond A in correspondence between the applicant and this office, is not included in the pending water court application. A partial acreage release that includes this pond should not be granted until the applicant has either demonstrated that this pond is not intercepting and retaining water out-of-priority, has backfilled the pond, or has included the pond in a decreed augmentation plan.

Based on the above, this office asks that the requested partial acreage release request be denied. The Division of Reclamation, Mining and Safety and/or the applicant may contact the State Engineer's Office with any questions.