



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

May 12, 2020

Ms. Jodi Schreiber  
Fremont Paving and Redi Mix, Inc.  
PO Box 841  
839 MacKenzie Avenue  
Canon City, CO 81212

**RE: Adequacy Review No. 2; 112c Construction Materials New Permit Application,  
SPN Pit, Permit No. M-2020-006**

Dear Ms. Schreiber:

On February 12, 2020, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4 the 90-day decision date for the application was set for May 12, 2020. On May 7, 2020 the Division approved an extension request to extend the decision date to June 11, 2020. Please be advised on June 11, 2020, the application may be deemed inadequate and may be denied unless the following adequacy items are addressed to the Division's satisfaction. On April 28, 2020 the Applicant responded to the Division's Preliminary Adequacy Review dated March 27, 2020. After review of the responses the Division has additional items that need to be addressed or clarified. 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. Subsequent to receipt and review of the Applicant's response to these items the Division may identify additional adequacy items. Please respond to this Adequacy Review No. 2 with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Adequacy Review No. 2 Response; M-2020-006".

**INTRODUCTION**

1. It appears that the introduction was correct in identifying the permit acreage as 36.8 acres and the application page was updated to reflect this acreage. However, the application pages that were resubmitted need to be updated to reflect changes made during incompleteness, specifically questions 5.1, 5.3, 9 (quarter and quarter-quarter boxes are blank), the responsibilities as a permittee were blank as was the certification page. Please update these items to be consistent with previous submittals.



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

2. All maps must meet the minimum requirements of Rules 6.2.1(2), 6.4.3, 6.4.4, and 6.4.6. It is difficult to verify that the scale of the maps meet the requirements. Please check that the scale and size of the maps is appropriate for the size of the paper the maps would be printed from the electronic submittal. The size of the maps that would be printed from the submittal would default to 8.5"x11" and it appears that the scale on the map would be incorrect.
3. All maps need to signed and dated by qualified person. Please sign and date both the pre-mining and mining plan maps.
4. On the mining plan map please include a table that provides the coordinates for each permit boundary corner, this will aid in future inspections.

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

5. Please clarify if there will be a highwall as indicated on the mining plan map or if mining will occur in a manner, dozer push down, that results in no highwall being created (paragraph 5 mining plan).
6. The Applicant states that topsoil will be replaced at a 6-inch depth across the disturbed areas. The volume quoted, 16,785 CY, is only enough to cover 31.2 acres with 4 inches of topsoil, please clarify the discrepancy. The Division recommends the Applicant commit to replacing topsoil at 4 to 6 inches across the disturbed areas.

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

7. Please commit to following CPW's recommendation regarding fencing at the site. If fencing is replaced at the site CPW recommends fencing should be a maximum top height of 42" with at least 12" spacing between the top two wires of rail and a bottom wire or rail at least 16" above the ground to allow passage of young animals and pronghorn. Additional recommendations are that the top and bottom wires be twisted barless type of smooth wire or rail construction.

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

8. Depending on the answer to question number 6 above the cross-section may need to be updated.
9. Please show the cattle guard that will be installed after mining is complete.
10. Please verify the scale of the map, see question number 2 above.
11. All maps need to signed and dated by qualified person. Please sign and date the reclamation plan map.

12. Please show the arrows indicating the anticipated direction of drainage as indicated in Exhibit E section 4 or revise the text to be consistent with the map.

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

13. The Applicant states that there is a domestic well (#278326) that is within 700 feet of the permit boundary and its location was spotted by section lines so the actual location of the well is not known. The Division was able to locate more accurate coordinates from a review of the Drillers Log. The coordinates of the well are Easting 505339, Northing 4176555 UTM Zone 13. Plotting these coordinates in Google Earth indicates that the well is within 200 feet of the permit boundary. If the well is located at the given coordinates a new structure agreement shall be obtained for the well and all maps will need to be updated to show the location of the well.

**Other Permits and Licenses (Rule 6.3.6):**

14. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review. Demonstration shall be in the form of a Certified Mail Receipt, signed affidavit, or other mail tracking receipt.

Please respond to these adequacy issues no later than two weeks before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision deadline. The decision deadline on this application is June 11, 2020. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

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 x8114**, or by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,



Patrick Lennberg  
Environmental Protection Specialist

cc: Jared Ebert; Division of Reclamation, Mining & Safety