



June 5, 2020

Re: Supplement to Rationale for Recommendation to Approve a 112c Permit Amendment Application with an Objection Amendment No. 4 (AM-04) Application for the Pikeview Quarry, File No. M-1977-211

Introduction

Herein, all references to the Act and Rules refer to the Colorado Land Reclamation Act for the Extraction of Construction Materials, 34-32.5-101 et seq., C.R.S. (Act), and to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials, 2 C.C.R. 407-4 (the Rules or Rule). Copy of the Act and Rules are available through the Division's website at <https://www.colorado.gov/drms>.

This document is intended to supplement the *Rationale for Recommendation to Approve a 112c Permit Amendment Application with an Objection Amendment No. 4 (AM-04) Application for the Pikeview Quarry, File No. M-1977-211* issued by the Division of Reclamation, Mining and Safety (Division or Office) on March 6, 2020. Board consideration on Technical Revision 20 (TR20) will occur during the public hearing for consideration of AM04.

Summary of the Review Process

On May 13, 2020 Continental Materials Corporation (Permittee or CMC) filed a Technical Revision to the 112c Permit Amendment Application (AM04) with an objection for the Pikeview Quarry. Pursuant to Rule 1.8.1, an Applicant may amend or make technical revisions to an application for a permit under consideration by the Office. The Technical Revision Application (TR20) proposes a change in the post-mining land use applicable to AM04. The existing post-mining land use for the Pikeview Quarry is wildlife habitat. CMC is proposing to include recreation for portions of affected land that are privately owned (113.36 acres), and the portions of affected land that are owned by the United States Forest Service (25.74 acres) will have a post-mining land use of wildlife habitat and recreation.

Pursuant to Rule 1.8.1(5), if the Operator notifies the Office of a proposed change in the post-mining land use, the Office shall decide, within its expertise and discretion, whether such change in post-mining land use requires a change in the Reclamation Plan and whether such change shall require a Technical Revision or Permit Amendment.¹

¹ Pursuant to Rule 1.1(6), an Amendment is a change in the permit or an application which increases the acreage of affected land, or which has a significant effect upon the approved or proposed Reclamation Plan. Pursuant to Rule 1.1(53), a Technical Revision means a change in the permit or an application, which does not have more than a minor effect upon the approved or proposed Reclamation Plan.



As required by Rule 1.8.1(5), the Division evaluated TR20 to determine if including a post-mining land use of recreation was appropriately submitted as a technical revision. The inclusion of recreation as a post-mining land use does not require any change to the Reclamation Plan considered by the Division under AM04. The substantive components of the Reclamation Plan such as backfilling, grading, revegetation and the stability analysis are not altered by TR20. The affected area is not increased by TR20 and remains at 240.5 acres. Additionally, including recreation as a post-mining land use further aligns the Reclamation Plan with the goals of the City of Colorado Springs, who have indicated an intent to develop recreational opportunities at the Pikeview Quarry. The Division also considered whether the proposed change under TR20 related to any of the issues raised by the Objector to AM04. The Division found the proposed change to the post-mining land use did not directly relate to any of the five categories of issues raised by the Objector, nor did it alter the Division's responses to the Objector's identified concerns.

Therefore, the Division determined the inclusion of recreation as a post-mining land use (for 139.1 acres) does not have more than a minor effect upon the Reclamation Plan proposed under AM04 and is properly considered as a technical revision.

Division's Recommendation

On June 5, 2020, the Division determined the Technical Revision to the 112c Permit Amendment Application (AM04) satisfied the requirements of Rule 1.1(53) and Rule 1.8. The Division hereby recommends approval of the Technical Revision to the 112c Permit Amendment Application to include recreation as a post-mining land use.