



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

September 10, 2020

Mathew Welte
Summit Brick & Tile Co.
P.O. Box 533
601 East 13th Street
Pueblo, CO 81001

**RE: Preliminary Adequacy Review; Conversion Application (CN-01), Native/Pierre Mine,
Permit No. M-1977-321**

Dear Mr. Welte:

On July 27, 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 has been set for October 26, 2020. The Division has received an objection to the application and in accordance with Rule 1.4.9 will scheduled a hearing before the Mined Land Reclamation Board (MLRB or Board) during the November 18 and 19, 2020 MLRB meeting for consideration of the application. The Division will set a date for a pre-hearing conference sometime during the week of November 2, 2020. The details of the pre-hearing conference will be provided to you as soon as possible. The Division is required to issue a recommendation to approve, approve with conditions or to deny the application to the Board no later than October 26, 2020. The following items will need to be addressed to the Division's satisfaction prior to the October 26, 2020 recommendation date. 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 may deny this application. In order to allow the Division sufficient time to review your responses to the adequacy issues, please submit your adequacy responses to the Division no later than two weeks prior to the decision date. Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Preliminary Adequacy Review with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-1977-321".

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

1. It is unclear where the current permit boundary for the eastern 6.52 acre area is located, please better define the permit boundary?
2. There appears to be growth medium that is located outside the proposed permit boundary. How does the operator propose to use this material without affecting lands outside the permit boundary?
3. Please show on the Mining Plan Map the anticipated location of the sediment basin.



4. Please clearly depict on the Mining Plan Map the general area where topsoil stockpiles will be located during the mining of one of the 10 acre parcels.

EXHIBIT D – Mining Plan (Rule 6.4.4):

5. If topsoil stockpiles are exposed for longer than 120 days the Division requests the operator commit to planting native species as cover crop for stabilization, or utilize the final reclamation seed mix to help establish a beneficial seed bank for future reclamation success.
6. Please clarify if processing will occur at the site, question #15 of the application indicates no processing will occur. If processing will occur please update the application page and briefly describe the processing in the Mining Plan.
7. Please describe the dimensions of the isolation/safety berm located along the alley or alternatively show dimensions on a cross-sectional view on the Mining Plan Map.
8. On page 6, second to last paragraph, there is a reference to a released reclaimed area, please clarify that this area will be released in the future when it meets the appropriate standards.
9. Please clarify what the maximum affected acreage and maximum disturbed acreage, at any one time, will be for the mine.

EXHIBIT E – Reclamation Plan (Rule 6.4.5):

10. Please provide a signed affidavit certifying that the discarded brick factory materials and processing waste materials, that will be used as backfill material, are clean and inert pursuant to Rule 3.1.5(9)(c).
11. The post-mining land use is stated to be Residential but on question #13 of the application the post-mining land use is marked Industrial/Commercial, please clarify.
12. Does the operator intend to use fertilizer or mulching as part of the reclamation?
13. The Division requests a copy of the weed control program for the site or include a section that describes the methods of weed control that will be employed for all prohibited noxious weed species, pursuant to Rule 3.1.10(8).
14. Please provide the missing seed mix provided by the NRCS that was supposed to follow the Reclamation Timetable.
15. Please clarify if the operator intends to use broadcast seeding methods.

EXHIBIT G – Water Information (Rule 6.4.7):

16. Please incorporate comments made the Division of Water Resources, see Attachment 1, regarding the exposure of groundwater, storm water detention structures and source of water used for dust control into this section.

EXHIBIT J – Vegetation Information (Rule 6.4.10):

17. Please provide the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map pursuant to Rule 6.4.10(1)(b).

EXHIBIT M – Other Permits and Licenses (Rule 6.4.13):

18. In item #2, it is stated that the area covered by the Pueblo County Exemption is shown on Map Exhibit C yet the Division does not see where this is indicated, please show this area.
19. Please commit to providing copies of all the new and or updated permits once they are approved.

EXHIBIT S – Permanent Man-made Structures (Rule 6.4.19):

20. Please provide the complete structure agreements for the utilities, roads, and any other structures (including fences) where the affected lands are within 200 feet of permanent man-made structures in the permit area. The Applicant may either:
- a. provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or
 - b. where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
 - c. where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

Objection

21. The Division received a timely objection, in accordance with Rule 1.7.1(2)(a), from Barbara Britton on September 1, 2020, the objection is attached to this adequacy letter (Attachment 2). Please respond to the objection from Ms. Britton.

Other Permits and Licenses (Rule 6.3.6):

- 22.** 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

As indicated above, the Division is required to issue a recommendation to the Board regarding the application by October 26, 2020. 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. 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.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

Attachment 1: DWR Response to Reclamation Permit Application Consideration
 SHPO Response to Reclamation Permit Application Consideration
 City of Pueblo Response to Reclamation Permit Application Consideration

Attachment 2: Objection Letter from Barbara Britton

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

ec: Matt Welte, Summit Brick, mrwelte@summitbrick.com
 Julie Welte, Summit Brick, julie.welte@summitbrick.com
 Steve O'Brian, Environment Inc., Environment-inc@outdrs.net

Attachment 1



Response to Reclamation Permit Application Consideration

DATE: August 10, 2020

TO: Patrick Lennberg, Environmental Protection Specialist

CC: Division 2 Office; District 10 Water Commissioner

FROM: Ivan Franco, PE

RE: Native/Pierre Mine, File No. M-1977-321 (CN01)
Operator: Summit Brick & Tile Co.
Contact: Julie Welte, (303) 592-7080
Sec. 30, Twp. 20S, Rng. 64W, 6th P.M., Pueblo County

CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations.
- ☒ If storm water is contained on-site, the applicant should be aware that, unless the storm water detention structures can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado* (available at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>) to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located online at: <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.
- ☒ Other: All water used on-site shall be a legal supply of water provided by an appropriate supplier. The applicant shall confirm the legality of any proposed source of water supply with the Division of Water Resources prior to use in the operation.

COMMENTS: The local Water Commissioner, Doug Hollister, may be contacted at (719) 338-2012 or Doug.Hollister@state.co.us regarding legal water supplies in the area.





HISTORY *Colorado*

Patrick Lennberg
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: Native/Pierre Mine – File No. M-1977-321, Summit Brick & Tile Co. Permit Conversion Application (CN-01) (HC# 78319)

Dear Mr. Lennberg:

We received your correspondence dated July 27, 2020 on August 04, 2020 initiating consultation with our office in accordance with the Colorado State Register Act (Colorado Revised Statute (CRS) 24-80.1).

A search of the Colorado Cultural Resource Inventory database indicates that four cultural resource inventories have been conducted in or near the proposed permit area. The database also indicated that one previously recorded site (5PE.7981) encompasses the permit area. This site was determined to be officially eligible and a potential district. Please keep in mind that our files contain incomplete information for this area, as most of Colorado has not yet been inventoried for cultural resources. As a result, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. Should human remains be discovered during mining activities, the requirements under State law CRS 24-80 part 13 apply and must be followed.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Holly McKee-Huth, Cultural Resource Information/106 Compliance at (303) 866-4670/
holly.mckee@state.co.us.

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer



STATE OF
COLORADO

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

comment from City Planning, CN-01, Native/Pierre Mine, M1977-321

Alan Lamberg <ALamberg@pueblo.us>

Wed, Aug 19, 2020 at 4:16 PM

To: "patrick.lennberg@state.co.us" <patrick.lennberg@state.co.us>

Good afternoon, Mr. Lennberg. I shared your invitation to comment with our land use team, including our director, Scott Hobson.

Questions

When the mine eventually becomes inactive, will the State require a reclamation plan?

And is there a reclamation plan available?

Comments

The City of Pueblo Department of Planning and Community Development is concerned with the future land use of the site and impacts to surrounding residential neighborhoods.

The existing housing to the east and south of the site are predominantly single-family detached housing constructed the in early 20th Century. To the north are single-family detached housing constructed in the mid 20th Century. To the northwest is a commercial center. To the west are industries set apart from Fountain Creek.

The *Pueblo Regional Development Plan* Future Land Use Map depicts "Urban Residential" for the site east of Hudson Avenue. This land use designation identifies traditional residential neighborhoods with densities from 4 to 7 units an acre spread along square blocks along urban streets.

To the west of Hudson Avenue the Land Use Map depicts "Special Development Area" for the site west of Hudson Avenue. This land use designation identifies areas where multiple possibilities for development that would require a master plan.

The Pueblo Regional Development Plan (Comprehensive Plan) is available on the Internet:

<https://www.pueblo.us/101/Planning-Community-Development>

Thank you,

Alan Lamberg, SENIOR PLANNER

Planning & Community Development Department

[211 East D Street](#)

[Pueblo, Colorado 81003](#)

Main (719) 553-2259

Direct (719) 553-2241 ALAMBERG@PUEBLO.US

From: Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>
Sent: Tuesday, August 18, 2020 4:15 PM
To: Planning Land Use <planninglanduse@pueblo.us>
Subject: [External] Notice of Completeness, CN-01, Native/Pierre Mine, M1977-321

Good Afternoon,

I am following up to ensure that you received the attached Notice.

Thank you,

Patrick

--

Patrick Lennberg

Environmental Protection Specialist



P 303.866.3567 x8114 | F 303.832.8106

[1313 Sherman Street, Room 215, Denver, CO 80203](#)

Patrick.Lennberg@state.co.us | [DRMS Home Page](#)

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Attachment 2

RECEIVED

SEP 01 2020

DIVISION OF RECLAMATION
MINING AND SAFETY

August 26, 2020

To: Mining & Reclamation

This letter is in reference to the application of Summit Brick & Tile CO for mining & extraction of construction material from the Native / Pierre Mine. Permit # M-1977-321. I am recommending denial of permit to Summit Brick & Tile for mining & extraction since it is next to my home & has damaged my home with cracks to my walls & ceilings & now falling pictures from the walls. I have sent a letter to Summit Brick & Tile & CO on August 26 to tell them of all the damage to my home @ 1224 Ruppel St. in the last few months. Their Engineer attributes this damage to the age of my house, but this is the first time in 25 years that I have lived here that I have noticed the damage. I have made calls to Summit with no response.

Thank you for any information
you can give me.

Sincerely,

Barbara A. Bilton

B

Barbara Britton
1224 Ruppel St
Pueblo CO 81001

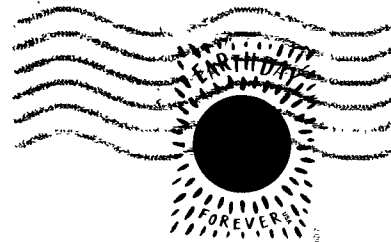
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SEP 01 2020

DIVISION OF RECLAMATION
MINING AND SAFETY

DENVER CO 802

SEP 01 2020 PM 2:11



Division of Reclamation, Mining & Safety
1313 Sherman St. Suite 215
Denver, CO 80203

80203-224365

