



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

December 16, 2020

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

**RE: Adequacy Review No. 2; 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 was set for October 26, 2020. On October 6, 2020 the Division approved an extension request to extend the decision date to January 6, 2021. Please be advised on January 6, 2021, the application may be deemed inadequate and may be denied unless the following adequacy items are addressed to the Division's satisfaction. On December 10, 2020 the Operator responded to the Division's Preliminary Adequacy Review dated September 10, 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 Operator'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-1977-321".

**EXHIBIT L – Reclamation Cost Estimate (Rule 6.4.12):**

1. The Division reviewed the updated cost estimate and concurs that the financial warranty be set at \$26,900 with approval of the application.

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

2. Please provide the SLOPE/W slope stability analysis data from the Jesik Consulting report to allow the Division to duplicate the analysis with Clover Technology's Galena software for verification purposes.
3. Please provide the geotechnical borehole data and location map for Division review.



4. Please provide the laboratory strength tests for the Pierre Shale and Native Clay as described in Table 1 of the report.

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

5. Pursuant to Rule 1.6.2(2), please demonstrate that the Operator'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 one week 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 January 6, 2021. 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

ec: Matt Welte, Summit Brick, [mrwelte@summitbrick.com](mailto:mrwelte@summitbrick.com)  
Julie Welte, Summit Brick, [julie.welte@summitbrick.com](mailto:julie.welte@summitbrick.com)  
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