



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

December 22, 2020

Mr. Jerald Schnabel
Castle Concrete Aggregates
7250 Allegheny Drive
Colorado Springs, CO 80203

Mr. Dan Tucker
CWPDA
200 South Main Street
Fowler, CO 81039

**RE: Preliminary Adequacy Review; 112c Construction Materials Amendment Application (AM-05),
Pueblo East, Permit No. M-1986-015**

Messrs. Schnabel and Tucker:

On November 9, 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 February 8, 2021. The following items will need to be addressed to the Division's satisfaction prior to the February 8, 2021 decision 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-1986-015".

Application Page

1. Primary Mine Entrance Location. On page two, the coordinates of the mine entrance given do not match the mine entrance coordinates that were given by Dan Tucker in an email dated November 3, 2020. Please update with correct coordinates, 38°16'15.22" N, 104°32'58.60" W.
2. In the incompleteness response dated October 28, 2020, the operator states that no trucks will use the new mine entrance. Please clarify how heavy equipment will access the site given the amount of reclamation work remaining to be done at the site.



Exhibit A – Legal Description (Rule 6.4.1)

3. Please provide the missing mine entrance location coordinates.

Exhibit B – Index Map (Rule 6.4.2)

4. Please provide an updated Index Map that depicts the current approved permit boundary along with acreage. The map provided depicts the cement plant being in the permit boundary.

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

5. Please provide a map or maps, meeting the requirements specified in Rule 6.2.1(2), depicting the following:
 - all adjoining surface owners of record;
 - the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;
 - the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
 - the total area to be involved in the operation and the area of affected lands;
 - the type of present vegetation covering the affected lands;
 - in conjunction with Exhibit G - Water Information, Rule 6.4.7, if required by the Office, further water resources information will be presented on a map in this section;
 - Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land (i.e. Quonset hut, permanent conveyor belts, relic processing equipment, location and volumes of topsoil stockpiles) and;
 - In conjunction with Exhibit I - Soils Information, Rule 6.4.9, soils information may be presented on a map in this section.
6. It appears that the operator may have provided some of these details in maps E-01 through E-04 but the maps do not meet all the requirements of Rule 6.2.1(2) and the Division could not determine where these maps are referenced in the amendment application.

EXHIBIT D –Mining Plan (Rule 6.4.4)

7. Please confirm that no mining is expected to take place at the site but if mining does occur it will follow all relevant sections of the Mine Plan found throughout the approved amendments.

EXHIBIT E –Reclamation Plan (Rule 6.4.5)

8. Phase 2 Area – What is the estimated volume of topsoil needed to reclaim the slopes around the pond and what depth will topsoil be placed?

9. Phase 2 Area – Please clearly show on a map the areas that require grading and topsoil placement?
10. Phase 2 Area – Where is the proposed source of topsoil and what methods will be used to transport the topsoil.
11. Phase 2 Area - Does the operator anticipate that topsoil stockpiles located in the Phase 2 Area will be used for reclamation in other phases? If so, please describe how these areas will be reclaimed.
12. Phase 2 Area – During the 2019 inspection it was noted that there were areas that needed weed management and reseeding. What is the anticipated total area that will require initial seeding and reseeding in the Phase 2 Area?
13. Phase 2 Area – Will the areas that are seeded be crimped and mulched, if so at what rate?
14. Phase 1 Area – Has the Division of Water Resources (DWR) been consulted about pumping the water into the Arkansas River, if so, what were their comments? If they have not been consulted should they be, if not why?
15. Phase 1 Area – The material in the northwest corner of the phase consists of primarily of clean-out material from cement trucks and other large concrete debris. Please describe how this material will be broken up and used for backfill. What is the estimated volume of this material? The Division would like the operator to commit to removing any exposed rebar and disposing of it at an appropriate landfill.
16. Phase 1 Area – How does the operator plan on disposing of the relic processing plant near the Quonset hut along with permanent conveyor belt features? For bonding purposes the volume of material will have to be provided.
17. Phase 1 Area – What is the estimated volume of material needed to backfill the slopes of the dewatered pit area to a 3:1 slope?
18. Phase 1 Area – It is unclear what Drawing is being referenced in the description of the Phase 1 Area reclamation.
19. Phase 1 Area – If there is insufficient material in the northwest area of Phase 1 to grade the slopes to a 3:1 what other sources of material are available for backfill? If other sources of material is needed please provide details
20. Phase 1 Area – Please address the need for an emergency outfall since the proposed pond is located within the 100-year floodplain. If an outfall is required please show its proposed location along with relevant details.
21. Phase 1 Area – What areas will have to be topsoiled? What depth will topsoil be placed? What is the volume of topsoil estimated for Phase 1 reclamation? Please identify the sources of topsoil that will be

used to reclaim Phase 1? What equipment does the operator propose to use to complete topsoil placement?

- 22. Phase 1 Area – Will the areas that are seeded be crimped and mulched, if so at what rate?
- 23. Phase 1 Area – Please provide reclamation details on how the operator proposes to reclaim the settling basins between Phases 1 and 7.
- 24. Phase 1 Area – Please provide a summary of the proposed slurry wall in this exhibit as in Exhibit G.
- 25. Phase 7 Area – It is unclear to the Division what map is being referenced.
- 26. Phase 7 Area – What is the estimated volume of backfill needed for reclamation of this phase?
- 27. Phase 7 Area – There are numerous near vertical slopes around the Phase 7 Area that need to be graded to a 3:1 slope or shallower. What is the total length of slope that needs to be grade to a 3:1 slope, average height, and locations?
- 28. Phase 7 Area – What areas will have to be topsoiled? What is the volume of topsoil estimated for Phase 7 reclamation? Please identify the sources of topsoil that will be used to reclaim Phase 7? What equipment does the operator propose to use to complete topsoil placement?

EXHIBIT F –Reclamation Plan Map (Rule 6.4.6)

- 29. It appears that the operator may have provided some of these details in maps F-01 through F-04 but the maps do not meet all the requirements of Rule 6.2.1(2) and the Division could not determine where these maps are referenced in the amendment application.

EXHIBIT G – Water Information (Rule 6.4.7)

- 30. What is the current lagged depletion amount and what is the expected time frame the current SWSP will have to be renewed to satisfy the lagged depletions?
- 31. Please provide a groundwater monitoring well location map.
- 32. What is the expected schedule for installing the slurry wall? Please show the proposed slurry wall location in Exhibit F.
- 33. The Division was unable to find the Mining Plan map that depicts the locations of tributary water courses and wells. Please provide the missing map with these details, also see comment #5. The map provided at the end of this section was folded and could not be read in its entirety. However, it was noted that the map is dated from 2011. Please resubmit an updated version of this map.

- 34.** In item #4 the operator states the water obligations, inferred to be the SWSP, may migrate to CWPDA. Will this action be done before a Succession of Operators application is completed for the site? Commit to informing the Division of this change before the current operator begins that process.

EXHIBIT H – Wildlife Information (Rule 6.4.8)

- 35.** The note at the beginning of the exhibit is confusing. Please clarify from which amendment the information being reproduced. Please make a statement that site conditions have not changed from that amendment to Amendment 5.

EXHIBIT J – Vegetation Information (Rule 6.4.10)

- 36.** Please provide, as part of this section, Exhibit C-6 from Amendment 3 and Exhibit C-7 from Amendment 4(?) that depicts the locations of the wetlands. Please ensure the Phase 7 wetlands are depicted on the map.

EXHIBIT L – Reclamation Costs (Rule 6.4.12)

- 37.** Item #1 states there is no cost for reclaiming the former processing area located in the northeastern portion of Phase 1, south of the concrete batch plant, because those activities have been completed. During the November 2019 site inspection it was noted that the majority of this processing area was still intact and there was no plan, at that time, to reclaim the area. Has this area in Phase 1 been reclaimed since November 2019? If the area still remains, provide details such as the dimension of the slabs and how they are reinforced, the number and dimension of any footers, and any details pertaining to conveyors on site. If it has been reclaimed please provide a summary of where the material, that remained onsite, was placed.
- 38.** Item #4, the batch plant release was begun in 2006. Maps associated with Amendments 3 and 4 approved in 2007 and 2011, respectively, all clearly portray the batch plant outside the permit boundary. No further action is needed.
- 39.** Phase 1 Cost Estimate – Please clearly show on the Reclamation Plan Map where the 12 acre area is located that the operator proposes to source the fill material for the pit slope reconstruction, it is not clear to the Division where this area is located on the map provided to other proposed Phase 1 items.
- 40.** Please clearly depict on the Reclamation Plan Map the anticipated pit slope perimeter location along with the location of the slurry wall.
- 41.** Please ensure that the items listed on the Phase 1 Reclamation table are clearly depicted on the Reclamation Plan Map.
- 42.** Please review the cost estimate for Topsoil Replacement in the Phase 1 Reclamation table there appears to be an error please correct and update the table as needed.

43. Please ensure that the items listed on the Phase 2 Reclamation table are clearly depicted on the Reclamation Plan Map.
44. Please review the cost estimate for All Phases Ripping Roads and Compacted Areas in the Phase 2 Reclamation table there appears to be an error, please correct and update the table as needed.
45. Please provide a detailed summary from where the 200,000 cubic yards of material needed for the Phase 7 reclamation will be sourced.
46. Please provide details where and how the operator proposes to amend the existing soil to condition it to topsoil.
47. Please see comment #27.
48. Please review the cost estimate for Ripping and Backfill items in Phase 7 Reclamation table there appears to be an error, please correct and update the table as needed.
49. Please update the cost summary table, as it does not accurately reflect the Phase 7 Reclamation costs provided earlier.
50. Please provide the details for the concrete overflow structures listed in the cost summary table.
51. Please update the cost summary table with any new cost estimate totals.
52. Please verify the equipment listed in the spreadsheets is all the equipment that will be used for reclamation at the site.

EXHIBIT S – Permanent Man-Made Structures (Rule 6.4.19)

53. Pursuant to Rule 6.4.3(g), please show on a map the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land. The Division needs this information to verify that all structures are accurately accounted for and the 24 agreements that were sent out are sufficient. Note all maps must meet the requirements specified in Rule 6.2.1(2).

Operator Provided Tab W – Appendix B Offsite Drainage Channel Design Calculations

54. It is unclear why the Offsite Drainage Channel Design Calculations were included as part of this amendment. If the channel is part of the reclamation please clearly show on the Reclamation Plan Map where this structure is going to be built and provide a summary on why it is needed.

Operator Provided Tab V – Phase 1 Reclamation Amendments

55. It is unclear to the Division why this section was included in the Amendment 5 application. The Division acknowledges that the submittal is Exhibit E Reclamation Plan from Amendment 4. However it is not clear

what sections the operator would include in the current amendment application. Please clarify and explain why this section was included. For completeness the operator should include all exhibits, i.e. cross-sections and maps, which are referenced in this section.

56. The settling basins have not been used in a couple of years and photos from the 2019 inspection show small trees and weeds becoming established on the floor of the basins. The Division does not believe the reclamation plan of these basins outlined in this section reflect current site conditions. Please provide a detailed reclamation plan for the settling basins. Also see comment #23.

Operator Provided Tab W – Land Owners of Record

57. Pursuant to Rule 6.4.3(g), please show on a map the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land. The Division needs this information to verify that all land owners within 200 feet of the affected land have been properly notified. Note all maps must meet the requirements specified in Rule 6.2.1(2).

Other Permits and Licenses (Rule 6.3.6):

58. 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

Proof of Publication (Rule 1.6.5):

59. Please provide proof of the local newspaper publication as required by Rule 1.6.5(1)(g). Include a copy of the newspaper publication, for the Division's review, that includes the date published, and a notarized statement from the newspaper.

Please respond to these adequacy issues no later than two weeks before the decision date, to ensure ample time for the Division to complete its review. 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

Pueblo East, M1986-015
December 22, 2020
Preliminary Adequacy Review
Page 8 of 8
Environmental Protection Specialist

Attachment 1: SHPO Response to Reclamation Permit Application Consideration

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

ec: Jerald Schnabel, Castle Aggregates, Jerald_Schnabel@castleaggregate.com
Dan Tucker, CWPDA, dan@cwpga.org

Attachment 1



HISTORY Colorado

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

Re: Pueblo East Pit – File No. M-1986-015, Continental Materials Corporation Amendment Application (AM-5) (HC# 38250)

Dear Mr. Lennberg:

We received your correspondence dated November 09, 2020 on November 19, 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 one cultural resource inventory has been conducted in or near the proposed permit area. One cultural resource (SPE.7845) was identified in or near the permit area; this resource was determined to be not eligible for listing on the National and State Registers, and no other properties of historical significance have been recorded therein. 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