



January 4, 2021

Colorado Division of Reclamation, Mining and Safety
Attn: Patrick Lennberg, Environmental Protection Specialist
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Fillmore Pit M1990-144 Amendment, Incompleteness Notice Response

Mr. Lennberg,

Thank you for your response to the amendment application. I believe all items have been corrected as requested. The $\frac{1}{4}$ and $\frac{1}{4}$ $\frac{1}{4}$ sections have been added to Question 9, and the mine entrance coordinates in Question 10 have been updated. Questions 11, 12 and 13 have also been updated. The corresponding pages have been attached for your review. The updated responses were also submitted to the Pueblo County Clerk and Records Office, as evidenced by the signature dated 12/30/2020 on page one of this submission.

If additional information is necessary, please feel free to contact me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jodi Schreiber", written over the printed name.

Jodi Schreiber
Chief of Operations
719-275-3264
719-529-0916
jodi@arycorp.com

ARY CORPORATION

A&S Construction Co.
Fremont Paving and Redi-Mix, Inc.
Ary Brothers Trucking, Inc.
All-Rite Paving & Redi-Mix, Inc.
Hard Rock Paving and Redi-Mix, Inc.

839 Mackenzie Ave.
Cañon City, CO 81212
719.275.3264

6. **Name of owner of subsurface rights of affected land:** R. Lewis Fillmore
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** R. Lewis Fillmore

8. **Type of mining operation:** ☒ Surface ☐ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: Pueblo

PRINCIPAL MERIDIAN (check one): ☒ 6th (Colorado) ☐ 10th (New Mexico) ☐ Ute

SECTION (write number): S 24

TOWNSHIP (write number and check direction): T 21 ☐ North ☒ South

RANGE (write number and check direction): R 61 ☐ East ☒ West

QUARTER SECTION (check one): ☐ NE ☐ NW ☒ SE ☐ SW

QUARTER/QUARTER SECTION (check one): ☐ NE ☐ NW ☒ SE ☐ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): _____
The site is roughly 5.45 miles east of Boone, Colorado and has an elevation of approximately 4443 feet

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg _____ min _____ sec _____ (2 decimal places)

Longitude (W): deg _____ min _____ sec _____ (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) 38 201223 (5 decimal places)

Longitude (W) -104 168049 (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) Nad 83 Zone 13

Easting _____

Northing _____

DMV
Jalani Torrey
Jalani Torrey
12/30/2020

11. **Correspondence Information:**

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: R. Lewis Fillmore Title: Landowner
Company Name: _____
Street/P.O. Box: 63985 Highway 96 East P.O. Box: 258
City: Boone
State: Colorado Zip Code: 81025
Telephone Number: (719) - 568-6712
Fax Number: () -

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Jodi Schreiber Title: Chief of Operations
Company Name: Fremont Paving and Redi Mix
Street/P.O. Box: 839 Mackenzie Ave. P.O. Box: 841
City: Canon City
State: Colorado Zip Code: 81212
Telephone Number: (719) - 529-0916
Fax Number: () -

INSPECTION CONTACT

Contact's Name: Jodi Schreiber Title: Chief of Operations
Company Name: Fremont Paving and Redi Mix
Street/P.O. Box: 839 Mackenzie Ave. P.O. Box: 841
City: Canon City
State: CO Zip Code: 81212
Telephone Number: (719) - 529-0916
Fax Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

12. **Primary future (Post-mining) land use (check one):**

- | | | |
|--|--|--|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input checked="" type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | <input type="checkbox"/> Solid Waste Disposal(WD) |

13. **Primary present land use (check one):**

- | | | |
|--|--|--|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input checked="" type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel):
Scrapers, Front End Loads will remove material and load into portable crushing unit for processing.

15. **On Site Processing:** ☒ Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel):
Screening/Crushing will occur onsite using a portable plant.

List any designated chemicals or acid-producing materials to be used or stored within permit area:
NA

16. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

This amendment adds acreage to the site and updates the mining and reclamation plans accordingly.

2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;

 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;

 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;

 5. It is your responsibility to notify the Office of any changes in your address or phone number;

 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):

a. the name of the operator;

b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,

c. the permit number.

 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.

 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.

 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

 10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.