



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

January 8, 2021

Jodi Schreiber
Fremont Paving and Redi Mix, Inc.
PO Box 841
839 Mackenzie Ave
Canon City, CO 81215

**Re: Incompleteness Notice, 112c Construction Materials Amendment Application (AM-01)
Pueblo County Aggregate Project, Permit No. M-2016-009**

Ms. Schreiber:

On December 22, 2020, the Division of Reclamation, Mining and Safety (Division) received the 112 Construction Materials Amendment Application for the Pueblo County Aggregate Project, File No. M-2016-009. Preliminary review of this application determined the following items must be received before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice with the requested additional/updated information on permit application replacement pages and summarize each response in a cover letter titled "Incompleteness Response; M-2016-009".

APPLICATION FORM:

1. Operation Name. The Division wants to clarify that the applicant wants to change the name of the operation from what is currently on file from Pueblo County Aggregate Project to 44th Lane Project. The name of the mine was changed during the amendment submitted during the permit application process from 44th Lane Project to Pueblo County Aggregate Project.
2. Primary Commodity(ies) to be Mined. Questions 5.2 and 5.3 were left blank please fill in the information.
3. Location Information. Question #9, on page two, the boxes for the ¼ section, ¼-¼ sections were not marked. Please mark one box for each where the majority of the mining will occur for each. Please submit a replacement page two of the application form.
4. Primary Mine Entrance Location. Question #10, page two, a review of the mine entrance coordinates using aerial imagery in Google Earth Pro do not accurately mark the proposed mine entrance. Please update with the correct coordinates.



5. Description of Amendment or Conversion. Question #16, page four, please provide a brief description of the amendment.
6. Responsibilities. Question #10, on page six, is initialed, the question does not require initials. Please indicate "N/A" for the question.

EXHIBIT A – Legal Description (Rule 6.4.1):

7. Pursuant to Rule 1.4.1(3) all information submitted in an application must be accurate and complete. The Division acknowledges that there is a legal description provided on SUP Exhibit 3 sheet 1 of 4 but is not clearly labeled as Exhibit A. Additionally, coordinates of the primary mine entrance is missing. Please update, clearly label and resubmit Exhibit A.

EXHIBIT B – Index Map (Rule 6.4.2):

8. Pursuant to Rule 1.4.1(3) all information submitted in an application must be accurate and complete. The Division acknowledges that there is a map provided as SUP Exhibit 3 sheet 2 of 4 that could be construed as an Index Map but is not clearly labeled as Exhibit B. Please resubmit an Index Map and clearly label as Exhibit B.

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

9. Pursuant to Rule 1.10.1(1) the Applicant shall clearly describe where in the original application and supporting documents the information not included in the amendment application, but necessary to render the amendment technically adequate, may be found. The Division understands the purpose of this amendment is a realignment the haul road and as such only a portion of the existing Mining Plan Map needs to be updated. However, the Division could not determine where the existing Mining Plan Map, or those portions not changing, is located in the provided supporting documentation nor was an updated portion of the Mining Plan Map clearly labeled as such. Please provide a complete Mining Plan Map.

EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):

10. Pursuant to Rule 1.10.1(1) the Applicant shall clearly describe where in the original application and supporting documents the information not included in the amendment application, but necessary to render the amendment technically adequate, may be found. The Division understands the purpose of this amendment is a realignment the haul road and as such only a portion of the existing Reclamation Plan Map needs to be updated. However, the Division could not determine where the existing Reclamation Plan Map, or those portions not changing, is located in the provided supporting documentation nor was an updated portion of the Reclamation Plan Map clearly labeled as such. Please provide a complete Reclamation Plan Map.

Other:

11. The supplied compiled permit documentation is incomplete and does not match the compiled permit application and maps submitted by the applicant's consultant on November 4, 2016 prior to the board hearing. The Division recommends withdrawing the supporting permit documentation and provide a copy of the finalized complied application that was approved or follow guidance given Rule 1.10.1(1).
12. It is unclear from the supplied maps if Route A will enter the State Pit (M1990-112) coincident with the approved affected land boundary of the State Pit. The State Pit's affected land boundary in the area of Route B is approximately 770 feet west of the permit boundary. The haul routes will need to be extended so they cross the affect land boundary or an amendment to the State Pit increasing the affected land boundary will need to be approved prior to either haul route being accessible.

EXHIBIT R – Proof of Filing with County Clerk and Recorder (Rule 6.4.18):

13. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these incompleteness issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review.

Your Amendment Application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt and acceptance of all of the requested information. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application complete and filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once a week for four (4) consecutive weeks, starting ten (10) days of the date your application is considered filed. The final date for receiving comments is the twentieth (20th) day after the fourth publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division may deny the application and terminate the application file. Should additional time be required to submit all the necessary documents an extension request can be submitted in writing for the Division's consideration.

The response to this Incompleteness Notice is due on or before March 9, 2021.

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

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,

A handwritten signature in blue ink, appearing to read "Patrick Lennberg". The signature is fluid and cursive, with the first name "Patrick" and last name "Lennberg" clearly distinguishable.

Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert, DRMS

ec: Jodi Schreiber, Fremont Paving and Redi Mix, Inc., jodi@arycorp.com