



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

March 9, 2021

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

**RE: Adequacy Review No. 2; 112c Construction Materials Amendment Application (AM-02),  
Boone-Fillmore Pit, Permit No. M-1990-144**

Dear Ms. Schreiber:

On January 6, 2021, 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 April 6, 2021. On February 24, 2021 the Operator responded to the Division's Preliminary Adequacy Review dated February 11, 2021. After review of the responses the Division has additional items that need to be addressed or clarified. The following items will need to be addressed to the Division's satisfaction prior to the 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 Adequacy Review No. 2 with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Adequacy Response No. 2; M-1990-144".

**APPLICATION:**

1. Permitted Acreage, question #3: Please update the change in acreage and total acreage to be reflective of the proposed acreage of 194 acres.

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

2. Please update the Existing Conditions map to show the scale bar.



**EXHIBIT D – Mining Plan (Rule 6.4.4):**

3. Please update the Mining Plan Map to include a scale bar.
4. What is the approximate area of the haul road that leads to site? Since this road is already in existence and will not be upgraded as part of mining its area should be removed from the affected area total.
5. Please clarify what the maximum disturbed acreage will be at any one time with the haul road area removed.
6. Please clarify what is the proposed affected acreage area with the haul road area removed?

**EXHIBIT E – Reclamation Plan (Rule 6.4.5):**

7. Please update the Reclamation Plan Map to include a scale bar.
8. The Division acknowledges that the land owner may request wind breaks be left onsite after mining for ranching operations. Please commit to submitting a Technical Revision to update the Reclamation Plan to reflect the location of these piles if they are constructed.
9. The Division estimates the combined area of the processing and stockpile areas are about 10 acres, is this consistent with Operators estimates?

**EXHIBIT G – Water Information (Rule 6.4.7):**

10. Please update the Well Location Plan Map to include a scale bar.
11. What is the distance from the wells to the permit boundary? If the wells are within 200 feet of the affected land/permit boundary structure agreements need to be submitted for these wells.
12. The Division notes that the lease agreement with AGUA is good for 24 months beginning March 1, 2020. Please commit to submitting a copy of the updated agreement for the water lease if and when it is renewed.

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

13. The Division reviewed the updated cost estimate and concurs that the financial warranty be set at \$128,262 with approval of the application.

**Other:**

14. 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.

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. The decision deadline on this application is April 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: Ron Fillmore, [ronfill@hotmail.com](mailto:ronfill@hotmail.com)  
Jodi Schreiber, Fremont Paving and Redi Mix, Inc., [jodi@arycorp.com](mailto:jodi@arycorp.com)