



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

April 5, 2021

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

**RE: Preliminary Adequacy Review; 112c Construction Materials Amendment Application (AM-01),  
Pueblo County Aggregate Project (PCAP), Permit No. M-2016-009**

Dear Ms. Schreiber:

On February 3, 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 May 4, 2021. 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 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-2016-009".

**APPLICATION:**

1. On page 1, question #3, the existing permit acreage does not match what the Division has on file, 1,517.0 acres. Please update the question to reflect what the Division currently has approved and update the total acres of AM-01.

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

2. Please incorporate comments made the Division of Water Resources, see Attachments, regarding the exposure of groundwater, storm water detention structures and source of water used for dust control into this section.



**EXHIBIT L – Reclamation Costs (Rule 6.4.12):**

3. Please state what the overall length of the new haul road will be, this length will be used in the Division's cost estimate as part of the review of AM-01.

**EXHIBIT N – Source of Legal Right to Enter (Rule 6.4.14):**

4. Provide documentation of the legal right to enter to conduct mining and reclamation, for Owners of Record described in Rule 1.6.2(1)(e)(i). This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

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

5. Please clarify if new or additional structure agreements are needed with the haul road realignment. Additionally, during the routine site inspection in 2020 it was mentioned that the operator may have purchased a property and therefore a structure agreement for that property is no longer needed. Please clarify if this is case and show on a map where this property is located.

**Other:**

6. Please provide proof of the local newspaper publication required by Rule 1.6.5. Proof of publication may consist of either a copy of the last newspaper publication that includes the date published, or a notarized statement from the newspaper.
7. Please provide proof that the Owners of Record of all land surface within 200 feet of the boundary of the affected lands received a copy of the notice in Rule 1.6.2(1)(d) immediately after the first publication.
8. 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 May 4, 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

Attachments: DWR Response to Reclamation Permit Amendment Application Consideration  
SHPO Response to Reclamation Permit Amendment Application Consideration

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

ec: Jodi Schreiber, Fremont Paving and Redi Mix, Inc., [jodi@arycorp.com](mailto:jodi@arycorp.com)

## **Attachments**



## Response to Reclamation Permit Application Consideration

DATE: February 8, 2021

TO: Patrick Lennberg, Environmental Protection Specialist

CC: Division 2 Office; District 14 Water Commissioner

FROM: Kate Fuller, PE

RE: Pueblo County Aggregate Project, File No. M-2016-009-AM-01  
Operator: Fremont Paving and Redi Mix  
Contact: Jerald Schnabel, (719) 491-0114  
Sec. 25, Twp. 21S, Rng. 63W, 6th P.M., Pueblo County

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### CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations.
- ☒ The application materials indicate that a storm water detention structure will be constructed as a part of this project. The applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, attached, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.
- ☒ Other: All water used on-site shall be a legal supply of water provided by an appropriate supplier. The applicant shall confirm the legality of any proposed source of water supply with the Division of Water Resources prior to use in the operation.

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**COMMENTS:** The local Water Commissioner, Steve Stratman, may be contacted at (719) 250-1657 or Steve.Stratman@state.co.us regarding legal water supplies in the area.





Patrick Lennberg  
Division of Reclamation, Mining and Safety  
Department of Natural Resources  
1313 Sherman St, Room 215  
Denver, CO 80203

Re: Pueblo County Aggregate Project - File No. M-2016-009, Fremont Paving & Redi-Mix, Inc. Amendment Application (AM-1) (HC #70448)

Dear Mr. Lennberg:

We received your correspondence dated February 3, 2021 requesting comment under the State Register of Historic Places Act (CRS 24-80-1 et seq.) for the proposed action.

A search of our database indicates that no properties of historical significance included or nominated for inclusion in the state register have been recorded within the proposed permit area. Please note, as most of Colorado has not been inventoried for cultural resources, our files contain incomplete information. Consequently there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. The requirements under CRS 24-80 part 13 apply and must be followed if human remains are discovered during ground disturbing activities.

We thank you for the opportunity to comment. If we may be of further assistance, please contact Mark Tobias, Intergovernmental Services Manager, at (303) 866-4674 or [mark.tobias@state.co.us](mailto:mark.tobias@state.co.us).

Sincerely,

Steve Turner, AIA  
State Historic Preservation Officer  
ST/mt