



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

April 5, 2021

John Paul Ary
Fremont Paving and Redi Mix
839 Mackenzie Ave.
Cañon City, CO 81212

Re: Penrose Pit, Permit No. M-1987-131; Preliminary Adequacy Review for 112 Construction Materials Reclamation Permit Amendment Application (AM-03)

Dear Mr. Ary:

The Division of Reclamation, Mining and Safety (DRMS) has completed its preliminary adequacy review of your 112 Construction Materials Reclamation Permit Amendment Application (AM-03) for the Penrose Pit, Permit No. M-1987-131. The application was received on January 14, 2021 and after receiving corrections, called complete for review on January 29, 2021. **The decision date for this application is April 29, 2021.** Please be advised that 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 DRMS may deny this application.

The review consisted of comparing the application content with specific requirements of Rules 3.1, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

The following items must be addressed by the applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

APPLICATION

1. Responsibilities as a Permittee, pp. 5-6: There are 10 items under the Responsibilities as a Permittee section that require being initialed by the Applicant/Operator listed at the top of p. 3 of the Application. Please provide corrected pp 5-6 with initials on all appropriate responsibilities (please be aware Item 10 is only for joint venture/partnership operators).
2. Certification, p. 8: There is a blank line on p. 8 for the Corporate Secretary or Equivalent to sign. Please provide a revised p.8 with the corporate secretary's signature and the president



and notary signatures and corporate seal as provided in the original application from December 2020.

3. Site Notice Posting Certification: A copy of the certification of posting the public notice at the location of the proposed mining operation was signed and dated by Jodi Schreiber, but the date the notice was posted was left blank. Please provide the DRMS with the date the notice was posted at the site.

6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS

6.4.1 & 2 EXHIBITS A and B - Legal Description and Index Map

4. Exhibits A and B: Depending on your responses to Comment 7 below, Exhibits A and B may require revisions.
5. Exhibit B: This map is intended to show the regional location of the affected land and all roads and other access to the area. The submitted map only shows the limits of the property boundary. Please resubmit this map with a minimum of highways 50, 67, 115 and 120 shown along with the city of Florence.

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

6. Exhibit Map Requirements: Rule 6.2.1(2) provides criteria all maps, with the exception of the Index Map in Exhibit B, must follow. Among these requirements, the following are missing on some or all the provided maps:
 - a. Show name of Applicant (missing on all maps);
 - b. Identify and outline the area which corresponds with the application (missing on some maps). This should include an Exhibit letter such as “B”, “C”, or “F”;
 - c. appropriate legend (missing on the Penrose Pit Phase Map); and
 - d. Map title (missing on some maps).

Comments below indicate which specific items are missing from which maps. *(The DRMS recommends items a, b, d and the required signature and date all be included in a title block on the drawing.)*

7. Exhibit C Maps: There were two maps submitted in Exhibit C. As indicated in Comment 6.b above, maps should be labeled as to what Exhibit they are intended and if multiple maps are included, they should be labeled accordingly such as “C-1”, “C-2”, etc. with titles signifying what information required by Rule 6.4.3 is to be found on a particular map. As discussed with site representatives during the March 30, 2021 inspection, the focus of the mining and reclamation plans is on the affected area (all areas proposed to be disturbed by mining related activities) and not the permit boundary. The affected area boundary should encompass all areas that will or could be mined and ancillary areas, such as process areas, topsoil and overburden stockpile areas and truck scales. The DRMS further encourages the Applicant to make the permit boundary and affected area boundary coincident to avoid potential confusion related to boundary issues. Please provide Exhibit C maps addressing the following:

- a. Rule 6.4.3(a) requires all adjoining surface owners of record be identified on the Exhibit C Map. No owners are identified on either of the Exhibit C maps. However, the DRMS acknowledges a map in Exhibit S identifies owners of the land to be mined as well as the adjacent landowners. A map is not required as part of Exhibit S. Please resubmit a map for Exhibit C showing adjoining surface owners of record.
- b. Rule 6.4.3(b) requires 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. Only the existing access road is shown. As the affected area boundaries are currently proposed, there are numerous structures on the south end of Phases 2 and 3 (e.g., power lines and a water diversion structure); and on the east side of Phase 4 (e.g., power lines, Hwy 115, out buildings east of Hwy 115, and a ditch) that need to be shown on Exhibit C maps and will require structure damage compensation agreements. Exhibit S states “There will not be any excavation activities occurring within 200 feet of the power poles.” Many of these power poles appear to be between 100 and 275 feet apart, thereby significantly limiting the amount of mineable material between power poles. Please provide an Exhibit C map identifying all structures within 200 feet of the proposed affected area boundaries, or modified affected boundaries with a 200-foot offset to the west of the powerlines as discussed during the March 30, 2021 on site visit. *(please be aware your response needs to be consistent with your response to Comment 7.d below)*
- c. Rule 6.4.3(c) requires contour lines of sufficient detail to portray the direction and rate of slope of the affected land. No contour elevations labels or contour intervals are provided. This is needed in order to understand existing slopes. The affected area boundaries shown on the Penrose Pit Phase Map show contours except in the exclusion areas owned by Fountain Hills Land & Equipment and Fremont Sanitation District. As the affected area indicates mining is proposed right up to the exclusion areas, contours need to be shown in the exclusion areas as these may affect grading plans. Also, concerns have been raised about protecting the Arkansas River from erosion off the mined area. Paragraph c in Exhibit D discusses a drainage collection area in the active pit. Showing this on an Exhibit C map would be useful in explain the proposed drainage collection and how it would help prevent offsite erosion impacts. Please provide an updated Exhibit C map with contour intervals, major contour elevation labels and contours in areas immediately adjacent to the affected areas; and a location or schematic of the drainage collection area, also mentioned in Exhibit G, paragraph 1.
- d. Rule 6.4.3(d) requires the total area to be involved in the operation, including the area to be mined and the area of affected lands be shown on the map. There are some conflicting areas with respect to recent permit revisions and the delineation of affected areas based on conversations with mine personnel:
 - i. The DRMS released Amendment 2 (AM-02) Phase 1 with the approval of acreage release request AR-01 in May 2020. As such, this is no longer part of the permit affected area. Portions of the AM-02 Phase 1 overlap what is

designated as “Current Affected Area” on the Penrose Pit Phase Map (please see attached **Figure 1** for reference).

- ii. The only way to release affected area from the permit without releasing the entire permit, is through an acre reduction request. Portions of AM-02 Phase 2 and all of AM-02 Phase 11 are no longer shown as affected area on the AM-03 Penrose Pit Phase Map (please see attached **Figure 1** for reference). If Fremont Paving wishes to remove these areas from the permit, a separate, but parallel request for acreage release will need to be processed.
- iii. The powerline discussed in Exhibit S runs through or within 200 feet of AM-02’s Phases 6, 8 and 9 (please see attached **Figure 2** for reference). Assuming Exhibit S is correct, portions of AM-02’s phases 6, 8 and 9 will need to be released through a separate, but parallel acreage release request, as well as having to re-delineate AM-03 Phases 3 and 4.
- iv. Based on conversations with site personnel, Fremont Paving does not intend to mine in Eightmile Creek. The east side of the AM-03 Phase 5 affected area makes it appear this drainage will be mined. If this is the case challenging and significant erosion controls will need to be implemented to prevent upstream head cutting and the discharge of significant sediment loads to Arkansas River. If Eightmile creek is not to be mined, phase 5 needs to be re-delineated. *(please be aware all access road creek crossings need to be included in the affected area boundary and will need to be removed and reclaimed after mining is completed)*
- v. Based on coordination with the Bureau of Land Management (BLM), there appears to be a roughly four-acre parcel in the southeast corner of the AM-03 proposed affected area managed by the BLM (please see attached **Figure 3** for reference). Mining in this area will require legal right of entry demonstration from the BLM.

Please submit a revised Exhibit C map to address these five issues. *(Note: the DRMS encourages Operators to have permit and affected area boundaries coincident unless there is an important reason not to do so.)*

- e. Rule 6.4.3(e) requires the type of present vegetation covering the affected lands be shown. No vegetation information is presented on any maps. A satellite image such as that presented as Exhibit B with notes on the drawing consistent with information presented in Exhibit J would be acceptable, or sometimes soil survey maps can be generated showing this information. Please provide an Exhibit C map with the required vegetation information.
- f. Rule 6.4.3(f) requires water resources information be presented in conjunction with Exhibit G. None of this information is presented in Exhibit C maps. Most of the required information is shown on one or the other of the two maps shown in Exhibit S (wells and ditches on the Penrose Pit map and the Arkansas River and Eightmile Creek on the Penrose Pit Land Owner Map). Not shown on either map is the

BLM/Grisenti diversion ditch (please see attached **Figure 2** for reference). Please include this information on an Exhibit C map, or reference where it can be found elsewhere in Exhibit C.

- g. Rule 6.4.3(g) requires all structures within 200 feet of the affected land be identified in Exhibit C. It appears most of these are shown on the Penrose Pit map in Exhibit S, with the exception of the BLM/Grisenti diversion ditch, some outbuildings on the east side of Hwy 115 on the Grisenti property; and the specific fence, building and pond associated with the Fremont Sanitary District Processing Facility. Please include all these structures on an Exhibit C map, or reference where it can be found elsewhere in Exhibit C. (*Note: structures that end up being more than 200 feet from the affected area based on revisions made in response to Comment 7.d above do not need to be shown.*)
- h. Rule 6.4.3(h) requires soils information be shown in Exhibit C or in Exhibit I. No soils map was included in the amendment application. A map can be generated using the USDA Natural Resources Conservation Service Web Soil Survey tool (<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>) and can be included in a revised Exhibit I.

6.4.4 EXHIBIT D – Mining Plan

- 8. **Batch Plant:** The last sentence in paragraph (a) of Exhibit D indicates an asphalt and/or a concrete batch plant is anticipated in this area. Please provide specifics as to whether this is a portable batch plant or to be permanent as placed on a fixed foundation or other setting requiring demolition upon reclamation. If it is permanent, please provide specific designs for foundations and facility sizes and volumes for the purpose of generating a demolition cost estimate.
- 9. **Mining Slopes:** The reclamation plan states slopes will be backfilled to 3H:1V. In order to determine the volume of material required for backfill and the associated reclamation cost, the DRMS needs to know the angle of the excavated slope and the maximum length of highwall not backfilled at a given time. Please indicate slope of the active face and the expected maximum length of the highwall.
- 10. **Active Mining Erosion Control:** During the March inspection, DRMS observed disturbed soils facing the Arkansas River from Hwy 119 and site personnel stated their Fremont County permit requires a visual berm. DRMS and site personnel discussed implementing erosion control best management practices (BMPs) such as silt fence at the toe of the outward facing visual berms. Paragraph (c) states “This operation is not expected to directly affect surface water”. Please describe in detail how the highly erosive soils will be kept from Eightmile Creek and the Arkansas River during active mining.
- 11. **Groundwater:** Paragraph (c) points to the lack of springs coming out of the bluff facing Eightmile Creek that the underlying aquifer is 40 to 50 feet below the ground surface. Not knowing the dip of the underlying shale that might direct groundwater flow south to the Arkansas River, are there also a lack of springs emanating from the bluff above the Arkansas River?

12. Wells: Paragraph (c) mentions “these wells”. Please describe these wells including their purpose, location and who owns them.
13. Wash Plant: Paragraph (e)(iii) states “The wash plant will require about 10 acres and will...” It appears this sentence was not completed. Please complete the description of the wash plant.
14. Clarification: Paragraph (f)(i) states “Phases one through five which overlook Eight Mile Creek will contain overburden”. Only the current affected area and phase five overlook Eightmile Creek. Was this sentence intended to describe overburden with respect to overlooking the Arkansas River or meant to include only the two phases overlooking Eightmile Creek?
15. New Access Roads: Rule 6.4.4(j) requires information on new access roads and any drainage structures needed. Given the remoteness of the majority of the site, combined with potential “pinch points” associated with the exclusion areas owned by Fountain Hills Land & Equipment and Fremont Sanitation District/BLM it is conceivable additional access roads that will not be mined may be needed. Drainage crossing(s) will also be necessary to access phases 5 through 7. Please provide the following:
 - a. If additional access roads are constructed, please indicate approximate locations and state whether they will be reclaimed or left for landowner access.
 - b. Describe any associated drainage and runoff conveyance structures needed for access to phases 5 through 7, to include sufficient information to evaluate structure sizing.

6.4.5 EXHIBIT E – Reclamation Plan

16. Topsoil Thickness: Paragraph (a) states “All the topsoil encountered will remain on the site for reclamation purposes.” Rule 6.4.5(1) requires committing to a range of topsoil thickness replacement. In order to estimate an appropriate reclamation cost, the DRMS needs to know depth of topsoil to be spread over reclaimed areas. Exhibit F indicates +/- 3 inches of topsoil and +/- 3 inches of overburden will be placed on reclaimed areas. Please provide an expected range of topsoil replacement thickness in Exhibit E. *(This should be consistent with other portions of the application and describe how topsoil and overburden are to be separated).*
17. Reclamation Performance Standards: Rule 6.4.5(2)(c) requires the applicant address reclamation performance standards in Rule 3.1. Please address the following:
 - a. Rules 3.1.5(3) and 3.1.6(3): Given the highly erosive nature of the site’s soils, how will sediment be prevented from reaching Eightmile Creek and the Arkansas River during reclamation?
 - b. Rule 3.1.6(1): The Phase 5 affected area in Exhibit C indicates mining will take place in Eightmile Creek. If this is not revised in the adequacy response, how will this activity meet water quality standards for sediment and will a 404 permit be required?
 - c. Rule 3.1.12(2) requires all affected area boundaries be marked. Given the size of each phase, the distance between phased boundary corners, and the propensity for cattle to knock down boundary markers; the DRMS recommends placing affected area boundary markers 200 feet or less apart in active mining areas.

6.4.6 EXHIBIT F – Reclamation Plan Map

18. Exhibit Map Requirements: Similarly to Comment 6 above, Rule 6.2.1(2) requires the Exhibit letter (i.e., “F” in this case) be labeled on the map and the Applicant name be on the map.
19. Exhibit F Proposed topography: Rule 6.4.6(a) requires topography and contours of the reclaimed areas. The map provided appears to be more of a mining plan map as it does not show final reclamation except the 3H:1V slopes adjacent to the Fountain Hills Land & Equipment parcel. No contours or grading are shown in the current affected area or phases 1 and 2. The rest of the site shows only existing contours rather than those for final reclamation. Please provide a revised Exhibit F showing post reclamation grading.
20. Exhibit F Final Land Use: Rule 6.4.6(b) requires showing the proposed final land use. Based on information in the application the DRMS understands the entire site is intended to be rangeland. If this is the case, please add a note on the Exhibit F map stating as much. If there are exceptions, please indicate what those are and where they are on the map.

6.4.6 EXHIBIT G – Water Information

21. Impact to surface water: The first sentence states the operation is not expected to directly affect surface water. As previously mentioned, Exhibit C indicates Phase 5 will mine in Eightmile Creek. If your adequacy response does not remove Eightmile Creek from the affected area, this statement will need to be revised and the means of protecting the creek and the Arkansas River will need to be described in detail. If the adequacy response does remove the creek from the affected area in Phase 5, this statement needs to be revised to describe how mining up to the edge of the bluff above the Arkansas River will not contribute sediment to the river.
22. Wells: Paragraph (1) mentions “these wells”. Please describe these wells including their purpose, location and who owns them.
23. Paragraph 2: Only “N/A” is provided. Assuming this is in response to Rule 6.4.7(2), the “wells”, Eightmile Creek, Arkansas River and various ditches need to be referenced and shown on a map (either Exhibit C or a new map in Exhibit G, meeting the requirements of Rule 6.2.1(2)).
24. Contradictions: Paragraph 3 appears to provide contradictory statements with respect to dust suppression water sources and whether or not a stormwater permit is required. The source of water for the wash plant is not clear. Please provide the following:
 - a. The first part of paragraph 3 indicates dust suppression water will be trucked from outside entities. The fifth sentence states dust suppression water will be diverted from Eightmile Creek and a copy of the lease will be submitted to DRMS prior to use of the Arkansas River Water. This implies three different sources for dust control water. Please provide clarification as to water being utilized now such as dust suppression and its source; as well as wash plant water that may not be used for some time and what its source will be. *(If water is to be leased, the DRMS will cite the intent to provide us with a copy of the lease as a documented Commitment, requiring a Technical Revision to the permit.)*

- b. The concrete aggregate washing plant is said to use recycled water with occasional replenishment of four acre-feet per year, but does not provide a source of the four acre-feet. Please provide a source of water for the wash plant.
- c. The second to last sentence states there will be no discharge of water and a stormwater permit is not required. However, Exhibit M states the Applicant has a current stormwater discharge permit and that it will be amended to reflect the new proposed permit boundary. Please revise Exhibits G and/or M to be consistent.

6.4.8 EXHIBIT H – Wildlife Information

25. Habitat Improvements: The DRMS has been made aware of habitat improvements made along the adjacent Arkansas River corridor. This raises questions as to whether the original permit information is current. Rule 3.1.8(1) requires “All aspects of the mining and reclamation plan shall take into account the safety and protection of wildlife on the mine site, at processing sites, and along all access roads to the mine site”. Whom has Fremont Paving consulted with (e.g., Colorado Parks and Wildlife or other experts) as to how this information should be updated from the original permit based on habitat improvements?

6.4.9 EXHIBIT I – Soils Information

26. Exhibit Label: The submitted exhibit is labeled “Exhibit H”, but otherwise cites the correct Rule and “Soils Information” title. The exhibit is adequate, no response is necessary.

6.4.10 EXHIBIT J – Vegetation Information

27. Carrying Capacity: As the post mine land use is rangeland, Rule 6.4.10(1)(c) requires an estimate of rangeland carrying capacity. This information can be obtained from the aforementioned USDA NRCS Web Soil Survey tool (<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>). Please provide a rangeland carrying capacity.

6.4.12 EXHIBIT L – Reclamation Costs

28. DRMS Estimate: The DRMS will generate a reclamation cost estimate based on this amendment application and responses to this adequacy review letter. Please be aware the bond estimate provided in Exhibit L may be modified based on our reclamation cost estimate. No response is necessary.

6.4.13 EXHIBIT M – Other Permits and Licenses

29. Conditional Use Permit: The exhibit indicates the County permit is good for the life of the mine. Please confirm the current CUP includes the proposed expanded area west of Eightmile Creek.
30. Stormwater Permit: Related to Comment 24.c above, please revise Exhibit M if a stormwater permit is not required.

6.4.14 EXHIBIT N – Source of Legal Right to Enter

31. Update required: The exhibit references the original permit for the source of a legal right to enter. The original permit was issued to R.E. Monks Construction Co. Please provide a current source for the legal right to enter.

6.4.15 EXHIBIT O – Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

32. Anne Emerson Trust: This owner could not be found on the Penrose Pit Land Owner Map included in Exhibit S. Is this the mineral owner? Please clarify this apparent omission and add the Anne Emerson Trust to the land owner map if appropriate.

6.4.16 EXHIBIT P – Municipalities Within a Two-mile Radius

33. Cañon City: It appears Cañon City is over four miles west of the proposed phase 7 affected area. Please clarify why Cañon City is included in Exhibit P, or submit a revised exhibit with Cañon City removed.

6.4.19 EXHIBIT S – Permanent Man-Made Structures

34. Eligible Structures: The purpose of Exhibit S is to provide damage compensation agreements, or where those cannot be obtained, engineering analyses demonstrating structures within 200 feet of the affected area will not be damaged by the proposed activity. The challenge with some of the structures shown on Penrose Pit 10/19/2020 is whether or not they meet the definition. The Dooley Ditch, Brush Hollow Ditch No. 1, Brush Hollow Ditch No. 2, and Bragg Ditch as described are questionable as meeting the structure definition. The latter three ditches are described as no longer existing or having records. If there is nothing left to damage and is not being used it may not meet the criteria of being current and having recognizable economic value. The Dooley Ditch and the Penrose (Pleasant Valley) Pueblo Res Exch are somewhat similar in that they are described as inactive and not having any diversion records. The scale house nearest Hwy 115 entrance may be left over from when RE Monks operated the pit. If no ownership can be established, it may not meet the intent for the requirement to obtain a damage compensation agreement. Structures that do require damage compensation agreements include the well owned by Castle Concrete; the diversion structure just west of Hwy 115 on the north side of the Arkansas River owned by the Grisentis and the Bureau of Land Management; and the building, fence and concrete apron associated with the Fremont Sanitary District Processing Facility. If the affected area boundary is not revised as discussed above, damage compensation agreements will be required for the powerline, Hwy 115, the irrigation ditch on the east side of Hwy 115, and two out buildings on the west side of the Grisenti property next to Hwy 115. By contrast, the pump apparently owned by Fremont Paving & Redi-Mix does meet the structure definition, but as it is owned by the Permittee, no damage compensation agreement (the only one provided with the application) is required. Please provide the following:

- a. As much information as possible, including photos of the Dooley Ditch, Brush Hollow Ditch No. 1, Brush Hollow Ditch No. 2, Bragg Ditch, and Penrose (Pleasant

Valley) Pueblo Res Exch for the purpose of determining whether or not these structures require damage compensation agreements.

- b. Ownership of the scale house nearest Hwy 115. If it cannot be determined, the DRMS will not require a damage compensation agreement and will expect it to be removed as part of the final reclamation plan.
- c. Damage compensation agreements for the well owned by Castle Concrete; the diversion structure just west of Hwy 115 on the north side of the Arkansas River owned by the Grisentis and the Bureau of Land Management; and the building, fence and concrete apron associated with the Fremont Sanitary District Processing Facility.
- d. If the affected area boundaries are not adjusted near the powerlines, damage compensation agreements are required for powerline, Hwy 115, the irrigation ditch on the east side of Hwy 115, and two out buildings on the west side of the Grisenti property next to Hwy 115.

6.5 GEOTECHNICAL STABILITY EXHIBIT

35. Geotechnical Stability Exhibit: Mining has progressed to very near the edge of the bluff above the Arkansas River and is proposed to continue near the edge of this steep geologic structure above the river on both sides of Eightmile Creek. Rule 6.5(3) requires where there is the potential for off-site impacts due to failure of any geologic structure which may be caused by mining or reclamation activities, the Applicant shall demonstrate through appropriate geotechnical and stability analyses that off-site areas will be protected with appropriate factors of safety incorporated into the analysis. The acceptable safety factors are presented in the Mined Land Reclamation Board Policy No. 30 (enclosed). Please provide appropriate stability analyses demonstrating mining and reclamation activities near the bluff can be accomplished while maintaining the required factor of safety. The analyses should include appropriate loads for all the equipment expected to be operating near the edge of the bluff at any given time.

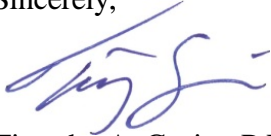
NOTICE TO MINERAL/SURFACE & OWNERS OF STRUCTURES WITHIN 200 FEET

36. Rule 1.6.2(1)(e) Notices: As stated in our January 29, 2021 letter and required by Rule 1.6.2(1)(e), proof of mailing a copy of the notice (identical to that in the newspaper notice published on February 5, 12, 19 and 26) to all owners of record of surface and mineral rights, holders of any recorded easements, and all owners of record of lands that are within 200 feet of the boundary of the affected land. Proof of these required mailings has not been received by the DRMS. Please submit the required proof of mailing (e.g., Certified Mail - Return Receipt Requested) these notices. *(Note: If these notices have not been mailed, the decision date may need to be extended in order allow sufficient time for comment from these owners.)*

Please remember that the decision date for this application is April 29, 2021. As previously mentioned if you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. If there are still unresolved issues when the decision date arrives and no extension has

been requested, the application may be denied. If you have any questions, please contact me at (303) 328-5229.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Timothy A. Cazier', with a stylized flourish at the end.

Timothy A. Cazier, P.E.
Environmental Protection Specialist

Enclosures: Figure 1, 2 and 3, MLRB Policy No. 30

ec: Michael Cunningham, DRMS
DRMS file
Jodi Schreiber, Fremont Paving & Redi-Mix
Stephanie Carter, BLM

Figure 1. Penrose Pit Affected Area Inconsistencies

AM-02 vs AM-03

Legend

- Building
- M-87-131 AM-2 Phase Boundary
- M-87-131 AM-3 Aff. Area -
- M-87-131 AM-3 Exclusion Area
- M-87-131 AM-3 Permit Boundary
- M-87-131 Phase 1 Released

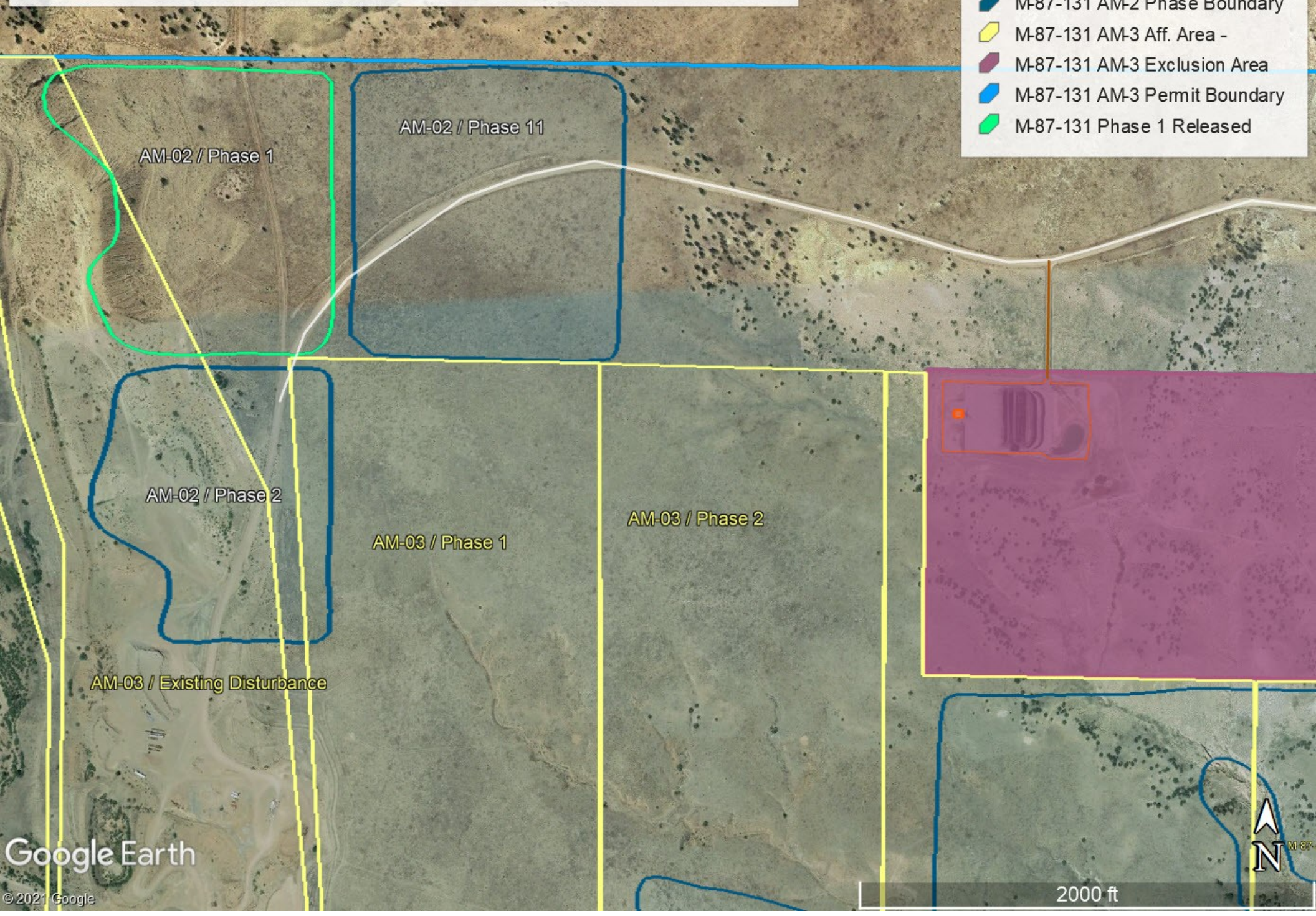


Figure 2. Penrose Pit Affected Area Challenges

AM-02 vs AM-03

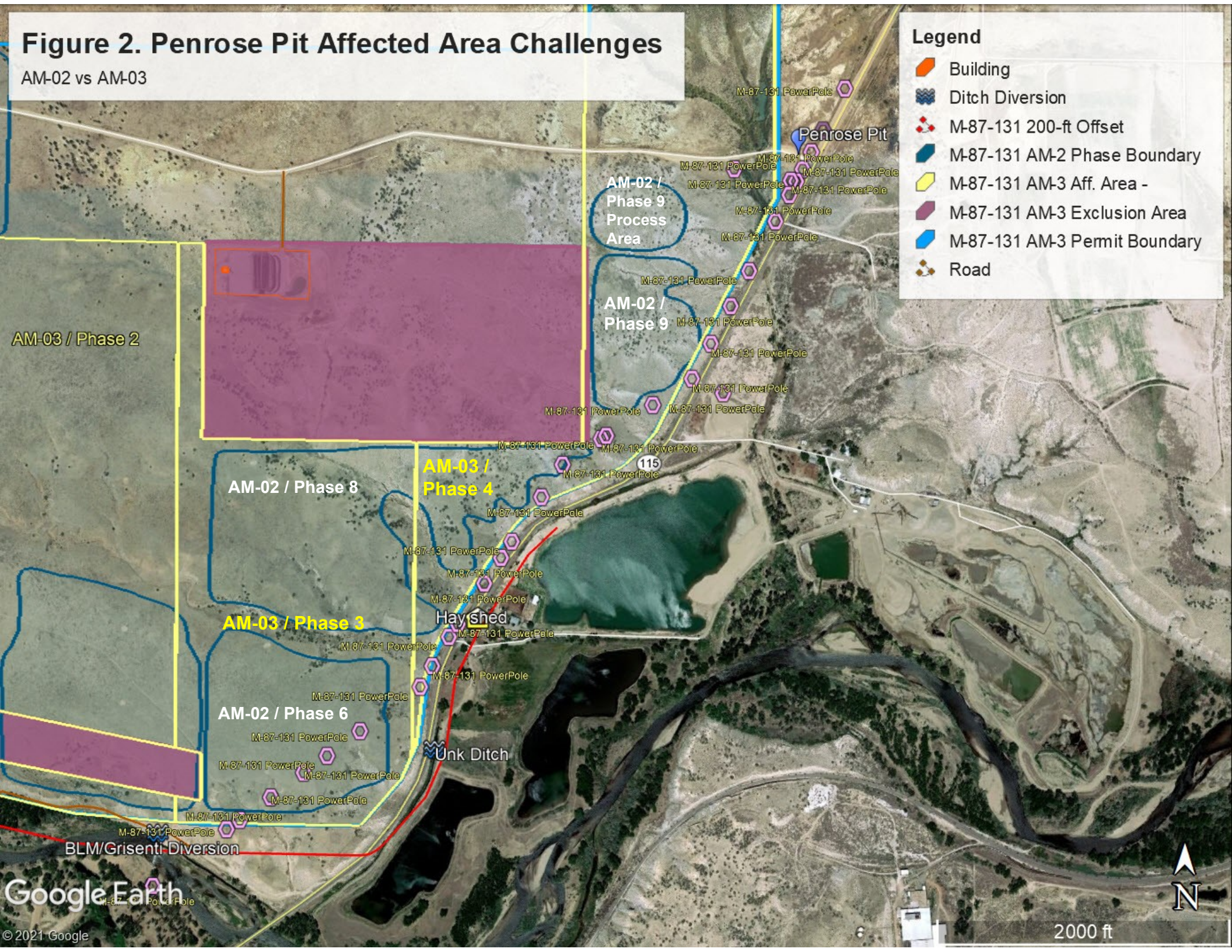


Figure 3. Penrose Pit Affected Area & BLM Area

AM-02 vs AM-03
Red Shaded Area is managed by BLM

