

STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

Penrose Pit M 1987-131 Third Adequacy Review Response

1 message

Jodi Schreiber <jodi@arycorp.com>
To: "Cazier - DNR, Tim" <tim.cazier@state.co.us>
Cc: Jodi Schreiber <jodi@arycorp.com>

Wed, Nov 10, 2021 at 6:49 AM

Tim,

Please see attached the updated maps addressing the adequacy items, structure agreements and the formal letter of submission. Please let me know if I have overlooked any issue that needs to be addressed.

Thank you,



Jodi Schreiber

839 Mackenzie Ave., Canon City, CO 81212

Office (719) 275-3264 | Mobile (719) 529-0916

jodi@arycorp.com

"Success is not final, failure is not fatal; it is the courage to continue that counts."

-Winston Churchill

7 attachments **R 4- Exhibit C.10.pdf**
622K **R4 - Exhibit C.pdf**
376K **R4 - Exhibit D.pdf**
392K **R4 - Exhibit E.pdf**
432K **R4 - Phase map C.2.pdf**
349K **IMG_20211109_0004.pdf**
835K **IMG_20211109_0003.pdf**
2922K



November 9, 2021

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

RE: Penrose Pit M 1987-131 Third Adequacy Review Response

Mr. Cazier,

To address Items 7 g. and 28, Fremont Paving and Redi Mix, Inc. has submitted an Acreage Reduction Request to remove the portion of the permit area that is within 200' of the electric line on the east side of the permit. Attached are Structure Agreements with the Fremont Sanitation District and the Bureau of Land Management.

Attached are updated maps which address the acreage reduction mentioned above, as well as address Items 19 and 20. Fremont commits to submit a Technical Revision along with the requisite fee to show final grading contours for each mining phase at least 30 days prior to initiating mining the next phase.

Fremont does not see any errors or have issue with the cost estimate.

Fremont has begun work on the Geotechnical Stability Exhibit. This will be submitted upon it's completion.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jodi Schreiber".

Jodi Schreiber

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

An example Structure Agreement which meets the requirements of the Statutes is shown below.

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. Barbed wire fence located on BLM public lands, south and east of Penrose pit boundaries..
2. _____
3. _____
4. _____
5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Fremont Paving and Redi Mix (print applicant/company name),
by John Ary (print representative's name), as owner (print
representative's title), does hereby certify that U.S. BLM (structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for Penrose Pit (operation name),
File Number M-1987-131.

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.*

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant Fremont Paving & Redi mix Inc. Representative Name John Ary
Date 11/5/2021 Title President

STATE OF Colorado)
) ss.
COUNTY OF Fremont)

The foregoing was acknowledged before me this 5 day of November, 2021, by
John P. Ary as President of Fremont Paving & Redi mix Inc.

Jodi D Schreiber
Notary Public

My Commission Expires: 10/6/22

JODI D SCHREIBER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064001792
MY COMMISSION EXPIRES OCTOBER 6, 2022

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner U.S. BLM Name KEITH BERGER Digitally signed by KEITH BERGER
Date: 2021.10.28 09:30:07 -06'00'

Date _____ Title Field Manager

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20____, by
_____ as _____ of _____.

Notary Public My Commission Expires: _____

An example Structure Agreement which meets the requirements of the Statutes is shown below.

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. Building
2. Chain Link Fence
3. Access Road
4. Process Pond
5. Concrete Apron

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Fremont Paving & Redi Mix Inc. (print applicant/company name),
by John P. Amy (print representative's name), as President (print
representative's title), does hereby certify that Fremont Sanitation District (structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for Penrose Pit (operation name),
File Number M-1987-131

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.*

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant Fremont Paving & Redi Mix, Inc. Representative Name John P. Amy
Date 11/5/2021 Title President

STATE OF Colorado)

COUNTY OF Fremont) ss.

The foregoing was acknowledged before me this 5 day of November, 2021, by
John P. Amy as President of Fremont Paving & Redi Mix

Jodi D. Schreiber My Commission Expires: 10/01/2022
Notary Public

JODI D SCHREIBER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064001792
MY COMMISSION EXPIRES OCTOBER 6, 2022

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner Fremont Sanitation Name JEFFREY A BLUE, Jeffrey A Blue

Date 11/04/2021 Title District Manager

STATE OF Colorado)

COUNTY OF Fremont) ss.

The foregoing was acknowledged before me this 4th day of November, 2021, by
Jeffrey A Blue as District Manager of Fremont Sanitation District


Notary Public

My Commission Expires: 06-15-2025

