



July 22, 2022

Jodi Schreiber
All-Rite Paving and Redi Mix
839 Mackenzie Ave.
Canon City, CO 81212

Re: Wertz Pit, File No. M-2022-024; Preliminary Adequacy Review for 112 Construction Materials Reclamation Permit Application

Dear Ms. Schreiber,

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of the 112 Construction Materials Reclamation Permit Application for the Wertz Pit, Permit No. M-2022-024. The review consisted of comparing the application content with specific requirements of Rules 3.1, 6.3 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.

Overall, the application is well prepared. 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. Due to the recent sale of the property and the owners request to change the name of the pit, update the following information on the application:
 - a. Item 2, Page 1, Operation Name.
 - b. Item 6, Page 2, Name of owner of subsurface rights of affected land.
 - c. Item 7, Page 2, Name of owner of surface or affected land.

EXHIBIT C PRE-MINING AND MINING PLAN MAP

2. Due to the recent sale of the property, the Division received revised Mining Plan and Reclamation maps from All-Rite Paving and Redi Mix listing the new landowners Nathan and Megan Wertz. Please also resubmit the Existing Conditions map depicting the new landowners.
3. A processing area is described in the mining plan as located in the northeastern corner of the permit area. Show the location of the processing area on the Mining Plan map.
4. Add a note or arrows to the map indicating where overburden stockpiles will be located.



EXHIBIT D MINING PLAN

5. Per Rule 6.44 (f)(ii) please present a narrative identifying the nature of the stratum immediately beneath the material to be mined in sedimentary deposits.
6. Per Rule 6.44 (j) please specify the dimensions of the existing access road that will be used for the mining operation and describe any improvements necessary on the access road.
7. As a point of clarification, please include the details of mining activities in the vicinity of the power poles in the mining plan. The note at the bottom of the Mining Plan map in Exhibit C states there will be a 100' setback around all power poles. However, the text in paragraph four of the Mining Plan states "Mining will go to just outside the 25-foot guidance that was given on the engineer's report." Please clarify on the maps the text the proposed distance of the setback to the power poles and ensure this is consistent with the engineering drawing provided in Exhibit S.
8. Mining Plan, paragraph 1: Please edit the name of the pit to Wertz to match the revised application Item 2, Page 1, Operation Name.

EXHIBIT G WATER INFORMATION

9. Paragraph two states "the mining operation will only mine to a depth of 20 feet", however, the Mining Plan and Reclamation Maps indicate an average quarry depth of 23 feet and the text in paragraph four of the Mining Plan states 30 feet. For consistency, please update the text and/or maps to the correct average excavation depth.

EXHIBIT H WILDLIFE

10. Per Rule 6.4.8 please provide a description of the game and non-game resources on and in the vicinity of the application area, to include: a) a description of significant wildlife resources on the affected land, if any; b) the seasonal use of the area; c) the presence and estimated population of threatened or endangered species from either federal or state lists, if any; and d) a description of any general effect during and after the proposed operation on the existing wildlife of the area, if any.

EXHIBIT J VEGETATION

11. Per Rule 6.4.10(1)(a) please provide descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species.
12. Per Rule 6.4.10(1)(c) due to post mining use of range please discuss the carrying capacity of the range land on or in the vicinity of the affected land.

EXHIBIT L RECLAMATION COSTS

13. The Division acknowledges this site has been previously mined. Please provide an estimate of the amount of overburden to be removed and/or already stockpiled from the existing pit.

EXHIBIT O OWNER OF RECORD

14. Due to the recent sale of the property, please provide the new deed for the property.

EXHIBIT S PERMANENT MAN-MADE STRUCTURES

15. It is unclear on whether a 25 foot buffer will be sufficient to allow maintenance equipment to perform repairs as necessary. Additionally, it is stated in the notes section of the transmission drawing that, “[t]his plan may not be acceptable to the electric power company due to their access and maintenance needs.” It may be appropriate for All Rite to ensure this buffer will be sufficient in allowing maintenance to the power line with the electric power company. Please provide additional details or agreements with the electric power company that shows this buffer will be sufficient in allowing maintenance equipment to perform repairs as necessary.
16. Based on the provided drawing for the transmission pole cross section and Exhibit C – Mine Plan Map, that mining will be occurring on both sides of the power line. Please have confirm that the buffer will be placed from both sides of the power line and if so, please have this detailed on the provided transmission pole drawing.

ADDITIONAL INFORMATION

17. Per Rule 1.6.2(1)(e)(g) Please provide proof that the new Owners of Record, Nathan and Megan Wertz, received a copy of the notice in Rule 1.6.2(1)(d) immediately after the first publication.
18. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant’s response to these adequacy issues have been filed with the application materials previously placed with the County Clerk and Records Office, and made available for public review

Pursuant to Rule 1.4 the 90-day decision date for this application is August 29, 2022. 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 Division may deny this application.

Sincerely,



Nikie Gagnon
Environmental Protection Specialist

cc: Jason Musick, DRMS