



April 17, 2023

Baxter Kirkland  
Siete, Inc.  
P.O. Box 202  
Rye, CO 81069

Jodi Schreiber  
PFM Consulting LLC  
1774 N Cougar Dr.  
Pueblo West, CO 81007

**Re: Third Adequacy Review, 111 Construction Materials New Permit Application Lascar Pit,  
Permit No. M-2023-005**

Dear Mr. Kirkland and Ms. Schreiber,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the following items for technical adequacy:

- The content of your 111 Reclamation Permit Application for the Lascar Pit File No. M-2023-005.
- Your responses to the Division's previous adequacy letters.
- Your Technical Revision to the application (TR-1).

Additionally, the Division has conducted a preoperational inspection on March 28, 2023. Upon review of the submitted materials and through on-site observations, the Division submits the following comments.

**The Division is required to make an approval or denial decision no later than May 2, 2023; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** In order to allow the Division adequate time to review your responses to the following items, please submit your adequacy responses to the Division no later than three days prior to the decision date.

Please respond to this adequacy review with the requested information as revised pages and summarize each response to the numbered items below, in a cover letter titled "Third Adequacy Review Responses; M-2023-005".

**Exhibit B**

1. On page two of Exhibit B, item "3. Structures", a fence, stock tank, water line, and County Road 650 are listed as the only structures within 200 feet of the permit boundary. Pursuant to Rule 6.3.2, please revise and include "windmill" and "cluster mailbox" within this list.



**Exhibit E “Lascar Pit Existing Conditions Exhibit E”:**

2. The water line location has been removed from this map. Also, the “water trough” is referenced as “stock tank” throughout the exhibit narratives. Please include the water line’s location back onto the map and change the location indicator for the ‘water trough’ to read ‘stock tank’.

The new entrance to the site is within 200 feet of a cluster mailbox. Pursuant to Rule 6.3.5(2)(b) and Rule 6.3.5(2)(e) , please include the mailboxes’ location on an Exhibit E map.

Additionally, in the “Notes” text box on the map please:

- a. List the owner of the water line
  - b. List the owner(s) of the cluster mailbox
  - c. Revise “water trough” to say “stock tank”
  - d. Explicitly list “Huerfano County” as the owner of County Road 650.
3. Please include contour lines to depict the topography of the entire permitted area, or alternatively, add contour elevations that indicate a contour interval onto Page 3 and Page 4 of the Exhibit A/B Maps.

**Exhibit E Mining and Reclamation Maps**

4. In the “Notes” text box on both the Exhibit E Mining Plan and Reclamation Plan maps, item #3 lists the entrance location for the originally proposed road entrance. Please update these items to provide the currently proposed entrance road location provided in TR1 (37.821610°, -104.831848°).

**Exhibit L:**

5. Please provide the Access Agreement with Huerfano County for County Road 650, or a signed structure damage agreement, or if the structure agreement cannot be obtained, provide an engineering evaluation that the county road will not be damaged by the mining operation. This documentation is required prior to the approval of the permit.
6. The new entrance to the site is within 200 feet of a cluster mailbox. Please identify the owner(s) of this structure and obtain a notarized structure agreement pursuant to Rule 6.3.12.
7. Please include the water line, windmill, and cluster mailbox located within 200 feet of the permit boundary in the Exhibit L narrative. Currently, Exhibit L states that “there is a stock tank, fence, and County Road 650 within 200’ of the permit boundary”. Please update the Exhibit L narrative to read “there is a windmill, water line, stock tank, fence, cluster mailbox, and County Road 650 within 200’ of the permit boundary”.
8. The structure agreement provided for Buzz William’s structures does not include the windmill in the narrative. Currently, the structure agreement lists “fence, stock tank, & water line” as structures located on or within 200 feet of the proposed affected area. Please provide a new

notarized structure agreement that lists the following structures “fence, stock tank, water line, and windmill”.

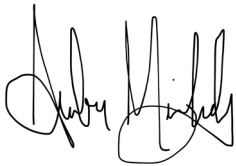
**Other:**

9. 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.
10. The Division received state agency comments from the Colorado Division of Water Resources and Colorado Parks and Wildlife. The letters are attached for review. Please revise the permit exhibits accordingly in response to their letter (if necessary).

The decision deadline for this application is May 2, 2023. 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 by telephone at (303) 866-3567 x8137, (720) 836-0967, or by email at [amber.michels@state.co.us](mailto:amber.michels@state.co.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Amber Michels', with a stylized, cursive script.

Amber Michels  
Environmental Protection Specialist

cc: Jared Ebert, DRMS

*Enclosures: DRMS Reclamation Cost Estimate  
Comments from the United States Army Corps of Engineers*



## Response to Reclamation Permit Conversion Application Consideration

DATE: March 23, 2023  
TO: Amber Michels  
CC: Division 2 Office; District 79 Water Commissioner  
FROM: Ivan Franco, P.E.  
RE: Lascar Pit, File No. M-2023-005  
Operator: Siete, Inc  
Contact: Baxter Kirkland, (719) 676-7777  
Sec. 36, Twp. 25S, Rng. 67W, 6<sup>th</sup> P.M., Huerfano 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.
- ☒ If storm water is contained on-site, the applicant should be aware that, unless the storm water detention structures 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* (available at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>) 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 online 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, Lenna Rauber, may be contacted at (719) 568-0489 or [Lenna.Rauber@state.co.us](mailto:Lenna.Rauber@state.co.us) regarding legal water supplies in the area.





**COLORADO**

**Parks and Wildlife**

Department of Natural Resources

Pueblo Service Center  
Pueblo, CO 81005  
P 719.561.5300 | F 719.561.5321

**RECEIVED**

**MAR 31 2023**

**DIVISION OF RECLAMATION  
MINING AND SAFETY**

March 24, 2023

Amber N. Michels  
Division of Reclamation, Mining & Safety  
1313 Sherman Street  
Room 215  
Denver, CO 80203

RE: Lascar Gravel Pit Review

Dear Ms. Michels,

Thank you for allowing Colorado Parks & Wildlife (CPW) the opportunity to review this application and discuss any wildlife concerns. The Lascar Gravel Pit site is located in an area with diverse wildlife populations. CPW species activity maps indicate that nearly 50 different wildlife species can be located in this general area. Notable big game species such as pronghorn, mule deer and elk are year round residents along with several small game & non-game species.

Possible impacts to Western burrowing owls is of concern. This project will occur within their breeding range. Burrowing owls utilize burrows created by other animals such as badgers or prairie dogs. If these types of burrows exist within the proposed project site, burrowing owls may be present. Federal and state laws prohibit the harming or killing of burrowing owls and the destruction of active nests.

Colorado Parks and Wildlife (CPW) recommends surveying for burrowing owl presence before potentially harmful activities start. Burrowing owls typically arrive on breeding grounds in Colorado in late March or early April, with nesting beginning a few weeks later. Active nesting is expected from late March through early August.

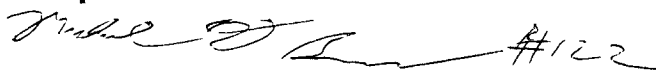
If burrowing owls are detected, we recommend taking these actions. If possible, wait until after October 31 of the year to initiate activities or until you can confirm the owls are have left. If you must initiate activity prior to this, CPW recommends a buffer of at least 660 feet from active nest



burrows. CPW recommends no surface disturbance within such buffers from March 15 through August 31.

Besides the potential impact to Burrowing owls, I do not believe this project will have any significant wildlife impacts. If you would like to further discuss this further, please feel free to contact me.

Sincerely,



Michael D Brown  
Area Wildlife Manager- Area 11  
Colorado Parks & Wildlife

