



April 27, 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: Fourth 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 "Fourth Adequacy Review Responses; M-2023-005".

Exhibit B

1. On page two of Exhibit B, item "3. Structures", a fence, stock tank, water line, windmill, cluster mailbox 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 "power line" within this list.



Exhibit E “Lascar Pit Existing Conditions Exhibit E”:

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

Additionally, in the “Notes” text box on the map please list the owner of the power line.

Exhibit L:

3. The new entrance to the site is within 200 feet of a power line. Please identify the owner of this structure and obtain a notarized structure agreement pursuant to Rule 6.3.12(a). Alternatively pursuant to Rule 6.3.12(c), because this 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. If a structure damage agreement and/or a notarized letter on utility letterhead cannot be obtained, please provide an appropriate engineering evaluation that demonstrates the powerline shall not be damaged by the activities occurring at the mining operation pursuant to Rule 6.3.12(b).
4. Please include the power line located within 200 feet of the permit boundary in the Exhibit L narrative. Currently, Exhibit L states that “there is a stock tank, windmill, waterline, fence, cluster mailbox and County Road 650 within 200’ of the permit boundary”. Please update the Exhibit L narrative to read “there is a stock tank, windmill, waterline, fence, cluster mailbox, power line, and County Road 650 within 200’ of the permit boundary”.

Other:

5. 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.

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.

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