



August 4, 2023

Jodi Schreiber
Fremont Paving and Redi Mix, Inc.
839 Mackenzie Ave, PO Box 841
Canon City, CO 81215

RE: Two Rivers Pit, Permit No. M-1998-038, Amendment Deadline and Associated Inspection Problem Deadlines

Dear Ms. Schreiber,

On August 3, 2023 the Division of Reclamation, Mining and Safety (DRMS/Division) received your letter requesting to withdraw the Technical Revision 7 (TR-7) application submitted in response to Inspection Problem Item 1 from the Division's *"Two Rivers Pit, Permit No. M-1998-038, Inspection Problem Updated Deadlines"* document uploaded June 26, 2023. The letter also requested a six month extension on the remaining inspection problems to allow the Operator time to address outstanding issues with an amendment application.

On August 4, 2023 the Division adjusted the inspection problem deadlines cited in the March and April 2023 inspection reports for the Two Rivers Pit to allow Fremont Paving and Redi Mix, Inc. time to compile outstanding issues together, and address and provide solutions for them within the amendment application. The outstanding problems to be addressed are as follows:

1. **INSPECTION TOPIC:** Gen. Compliance With Mine Plan

PROBLEM: There are highwalls present in both the Phase 2 and Phase 3 areas of the site. The currently approved mining plan does not allow for the existence of highwalls. Also, the current mine plan allows for 99 acres to be affected at one time. The Division estimates that approximately 112 acres (excluding the access road) are currently affected. The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112(1)(c)(VI). The Operator must provide sufficient information to describe or identify how the Operator intends to conduct the operation.

CORRECTIVE ACTIONS: The Operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mine plan to reflect existing and proposed activities by the corrective action date.

2. **INSPECTION TOPIC:** Off-site Damage

PROBLEM: The Operator has affected land within a defined 200 foot buffer zone area without prior approval. This is a problem at this time pursuant to C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

CORRECTIVE ACTIONS: The current Operator or the prospective Successor will be required to back-fill the highwalls that currently exist in the off-site area to the original elevation.

Additionally, the current Operator or prospective Successor will be responsible for spreading and



seeding topsoil over the 200 foot buffer area that was affected by mining. The current Operator or prospective Successor will have 60 days from the date of this letter to bring this area in compliance. Or, the Operator shall submit a technical revision to revise the buffer zone area as discussed in the body of the report by the corrective action date.

3. **INSPECTION TOPIC:** Topsoil

PROBLEM: The topsoil pile is located in an area not approved to be affected by mining. Additionally, the topsoil stockpile does not have established vegetation on it and is therefore susceptible to erosion and appears to have been affected by the mining operation. This is a problem for failure to protect the topsoil stockpile from erosion in accordance with Rule 3.1.9(1). Also, this is a problem for failure to minimize disturbance to the stockpiled topsoil from the mining operation in accordance with Rule 3.1.9(3)

CORRECTIVE ACTIONS: The Operator shall relocate the stockpile into an area approved for mining and in a location that it will be unaffected by ongoing mining operations, or revise the approved mining plan to reflect the storage of topsoil at this location. Once relocated or repaired, the Operator shall seed the stockpile with the seed mix that was submitted as part of the approved Reclamation Plan. The Operator shall demonstrate compliance by submitting seed tags, a bill of sale or photographs of seeding activities.

4. **INSPECTION TOPIC:** Backfilling & Grading

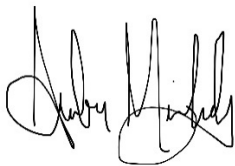
PROBLEM: An erosion gully was observed on-site. This is a problem at this time for failure to protect the affected land from erosion pursuant to C.R.S. 34-32.5-116 (4) (j).

CORRECTIVE ACTIONS: The operator shall provide photo documentation to the Division verifying the erosion gully has been repaired, and that the site has have been reconstructed and stabilized to prevent erosion damage by the corrective action date.

The Division has granted your request to withdraw the TR-7 application. A copy of the withdrawal notice is enclosed within this notice. Additionally, the Division **approves** the six month extension for the remaining inspection problems. The amendment application shall address all of the outstanding problems, and shall be submitted by **January 22, 2024**.

If you need additional information or have any questions, please contact me by telephone at **303-866-3567 x8137**, 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

Enclosure: Technical Revision 7 (TR-7) Withdrawal

ec: John P. Ary, Fremont Paving and Redi Mix, Inc.
Jared Ebert, DRMS



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

August 4, 2023

Jodi Schreiber
Fremont Paving & Redi-Mix, Inc.
839 Mackenzie Ave,
PO Box 841
Canon City, CO 81215

**Re: Two Rivers - File No. M-1998-038
Fremont Paving & Redi-Mix, Inc.
Technical Revision (TR-7)
Update Mine Plan**

Dear Jodi Schreiber:

On August 4, 2023 the Division of Reclamation, Mining and Safety concluded its review of the Technical Revision application submitted to the Division on July 12, 2023, addressing the following:

Update the mine plan to allow for highwalls to be present at the site and to increase the affected area to be updated from 99 acres to 150 acres.

The decision reached by the Division is: withdraw.

If you have any questions, please contact me by telephone at (303) 866-3567 x 8137, or by email at Amber.michels@state.co.us.

Sincerely,

Amber N. Michels
Environmental Protection Specialist

M-GR-04

