



September 14, 2023

Jodi Schreiber  
Fremont Paving & Redi-Mix, Inc.  
839 MacKenzie Avenue  
Canon City, CO 81212

**Re: Division's Second Response to Inspection Report Problem Submissions for the Pueblo County Aggregate Project (PCAP), M-2016-009**

On September 13, 2023, the Division of Reclamation, Mining and Safety (Division) received your updated problem responses for the items addressed in the Division's initial Inspection Problem Response letter, dated September 8, 2023. The following addresses the problem citation and the responses submitted:

Inspection Problem

- **INSPECTION TOPIC:** Gen. Compliance With Mine Plan  
**PROBLEM:** The currently approved mine plan map submitted with Technical Revision 1 appears to indicate that land will be affected within a buffer area not approved for mining. Additionally, a mining plan map encompassing all approved changes since Amendment 1 and current conditions is required. The current mine plan map 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 an updated map that clarifies the currently approved mine plan and reflects existing and proposed activities by the corrective action date.

Operator's Second Response

- "Fremont agrees with the Division's assessment that the following maps depict the current mine plan and conditions:"
  - [See Operator's Second response dated September 13, 2023 and the Division's initial response dated September 8, 2023]

Division Determination

- The Division considers this problem: **resolved.**

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Inspection Problem

- **INSPECTION TOPIC:** Signs & Markers  
**PROBLEM:** Buffer zones intersect the approved affected area. Buffer zone markers were not observed during the inspection. The buffer zone markers within the affected area appear to be missing or incorrectly placed. This is a problem for failure to maintain boundary markers around the affected area as required by Section 3.1.12(2) of the rule.



CORRECTIVE ACTIONS: Upon approval of the detailed mine plan map, the Operator shall either provide evidence that markers are installed, or conduct a survey and install the buffer zone markers. The Operator shall provide proof to the Division that this has been done by the corrective action date.

Operator's Second Response

- A map provided with icons indicating boundary marker locations with photos of the buffer zone boundary markers in place now includes a scale bar.

Division Determination

- Using the scale bar provided in the recent submission of the buffer zone around the CIG gas line, the Division agrees that the markers are in place and located 50' or greater both above and below the centerline of the pipeline.
- The Division considers this problem: **abated**.

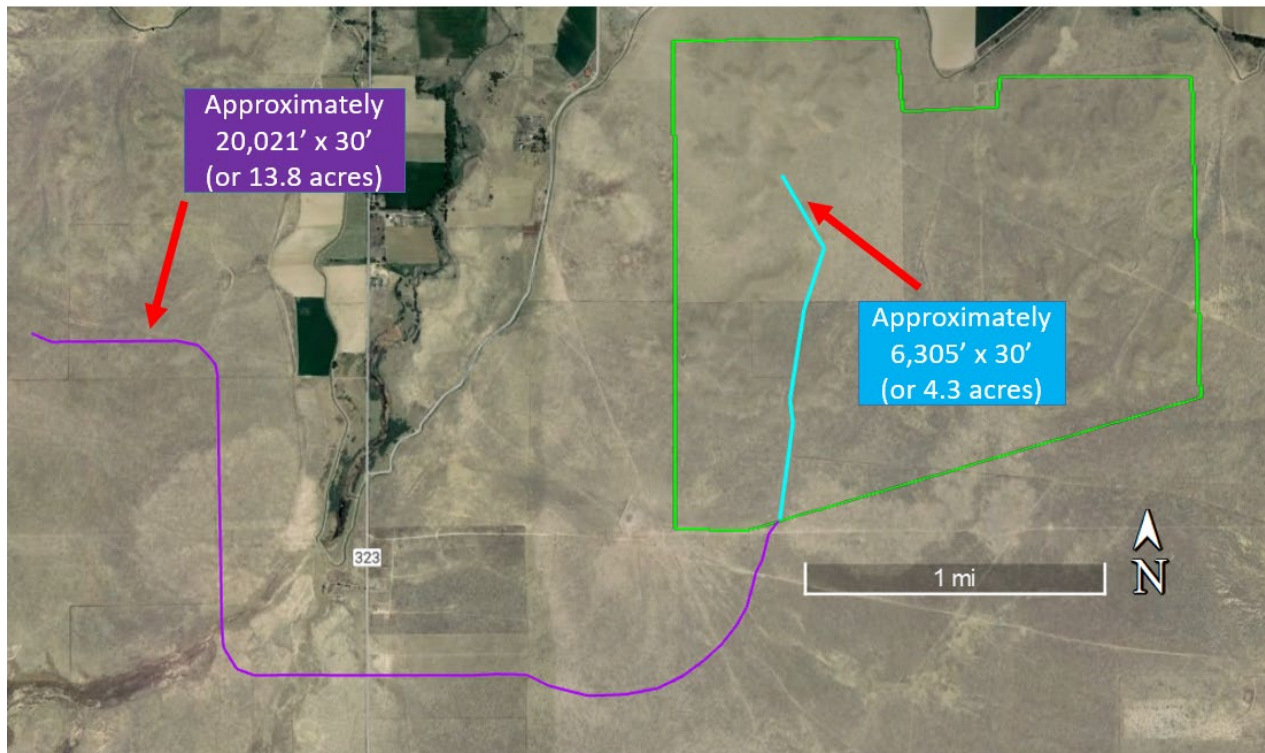
Updates to the Operator's Request to Re-evaluate the Reclamation Cost Estimate

Operator's Second Response

- "As for the bond, Fremont would like to submit a Technical Revision and Surety Reduction request and will commit to keeping the active mine area to 15 acres, plus 14 acres for the haul road. It is Fremont's understanding, as described in the first response to this inspection that 15 acres will be actively mined following the reclamation of the previous 15 acres. However, full vegetation need not be accomplished prior to moving to the next 15 acres."

Division's Response

- The Division's preliminary cost estimates provided in the previous response letter dated September 8, 2023 estimated reclamation responsibility for 15 acres of active mining, haul road acreages, and 25% of the currently affected but un-released reclaimed land. Until this land is released either through final bond release, an acreage reduction, or a surety reduction, the Division must hold a bond for this area to cover liability for at least some reseeding and weed control.
  - To clarify, the Division estimates the haul road acreages for the South Haul road and the Phase 1 internal haul road to equate to approximately 18.1 acres for the duration of mining in Phase 1 (see below).



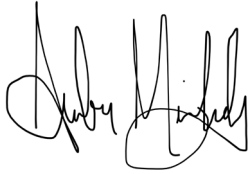
- Given the information provided above in the Operator's response, upon receipt of a surety reduction request, an updated reclamation cost estimate will be conducted at that time. The Operator will be asked to clarify what reclamation work will be required to be completed (back filling, grading, topsoiling, seeding, etc.) prior to initiating mining in a new 15 acre area. The tasks not required to be completed prior to moving to the new area will need to be included in the Division's cost estimate. This may result in the reclamation cost estimate accounting for reclaiming the active 15 acres, haul road acres, and the remaining tasks in the un-released partially reclaimed acres. The Division will also ask the Operator to clarify the maximum amount of acres that will be disturbed at one time in each Phase (this being the 15 acres to be actively mined, the haul roads, plus any un-released reclaimed areas).

#### Division Determination

- The Division will not issue a surety increase at this time due to the Operator's intentions to submit a Technical Revision to revise the mine plan. The Operator shall submit the Technical Revision to the mine plan by **October 8, 2023**.

If you have any questions regarding the Division's responses, please, send me an email at [amber.michels@state.co.us](mailto:amber.michels@state.co.us) or call me at 720-836-0967.

Sincerely,

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

Amber Michels  
Environmental Protection Specialist

Ec: Jared Ebert, DRMS  
Brock Bowles, DRMS