



January 24, 2024

John P. Ary  
Fremont Paving & Redi-Mix, Inc.  
P.O. Box 841  
Cañon City, CO 81215

**RE: McCumber Hill Pit, File No. M-2000-151, Technical Revision (TR-2), Adequacy Review #2**

Dear John P. Ary:

On January 18, 2024 the Division of Reclamation, Mining and Safety (Division received your responses to the Division's Adequacy Review letter dated January 12, 2024 for Technical Revision 5 (TR-5). After review of the responses the Division has the following list of items that need to be addressed by the Operator.

1. The Division acknowledges the Operator's emailed clarification of Item No. 3 in the original adequacy letter (attached). Exhibit A of the permit application states that the legal description covers "the land to be affected by the planned operation". This legal description covers all of the 231.12 acres permitted. However, Exhibits C and F maps are misleading in that the phased boundary and affected area boundary lines on these maps seem to suggest that not all of the permitted area is considered affected area (maps attached). Please update these maps to more clearly show that the affected acreage boundary aligns with the permit boundary.

Please submit your response(s) to the above listed issue(s) by **February 1, 2024**, in order to allow the Division sufficient time for review. If you cannot address the above issues by **February 1, 2024**, please request an extension to the decision due date in order to ensure adequate time for the Division to review the materials. A decision due date of February 12, 2024 has been set. If any adequacy issues remain by the decision due date the Division may deny your request.

The Division will continue to review your Technical Revision and will contact you if additional information is needed.

If you require additional information, or have questions or concerns, please feel free to contact me at 720-868-7757 or [hunter.rildey@state.co.us](mailto:hunter.rildey@state.co.us)



Sincerely,  
Hunter C. Ridley

A handwritten signature in blue ink that reads "Hunter Ridley". The signature is written in a cursive style with a large initial "H" and a stylized "R".

Environmental Protection Specialist  
CC: Michael Cunningham, DRMS

STATE OF  
COLORADO

Ridley - DNR, Hunter &lt;hunter.ridley@state.co.us&gt;

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## McCumber Hill Pit M2000-151 TR2 Adequacy Review

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**Jodi Schreiber** <jodi@arycorp.com>

Fri, Jan 19, 2024 at 6:07 PM

To: "Ridley - DNR, Hunter" &lt;hunter.ridley@state.co.us&gt;

Cc: John Paul Ary &lt;jp@arycorp.com&gt;, Jodi Schreiber &lt;jodi@arycorp.com&gt;

Hunter,

We checked the legal description, and it matches the permit boundary. Since there is no secondary boundary listed or any details given on the map or in the narrative of any offset or the distance of such, we stand that the permit boundary and the affected area boundary are the same. The phase boundary that you highlighted is a completely different boundary within the permit and again doesn't delineate any decrease in affected or permitted area but is a section of such.

Please let me know if you have any further questions.

Thank you,



Jodi Schreiber

839 Mackenzie Ave., Canon City, CO 81212

Office (719) 275-3264 | Mobile (719) 529-0916

jodi@arycorp.com

**"Success is not final, failure is not fatal; it is the courage to continue that counts. "**

**-Winston Churchill**

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**From:** Ridley - DNR, Hunter <hunter.ridley@state.co.us>**Sent:** Thursday, January 18, 2024 2:40 PM**To:** Jodi Schreiber <jodi@arycorp.com>**Cc:** John Paul Ary <jp@arycorp.com>

[Quoted text hidden]

[Quoted text hidden]



# EXHIBIT C, PRE-MINE AND MINE PLAN MAP FOR THE MCCUMBER HILL PIT- A SAND, GRAVEL AND ROCK OPERATION

**APPLICANT:**  
FREMONT PAVING & REDI-MIX, INC.  
839 MACKENZIE AVENUE  
P.O. BOX 841  
CANON CITY, CO 81212

**OWNER:**  
JOHN L. ARY AND JOHN P. ARY  
839 MACKENZIE AVENUE  
P.O. BOX 1720  
CANON CITY, CO 81212

PERMIT BOUNDARY  
AFFECTED LAND  
MINING PHASE BOUNDARY  
SOIL TYPE BOUNDARY

SOIL TYPE	TYPICAL VEGETATION
(101)	GRASSES WITH SCATTERED PINYON AND JUNIPER
(118)	PINYON AND JUNIPER
(64)	PINYON AND JUNIPER
(49)	GRASSES

## DESCRIPTION, THIS REQUEST:

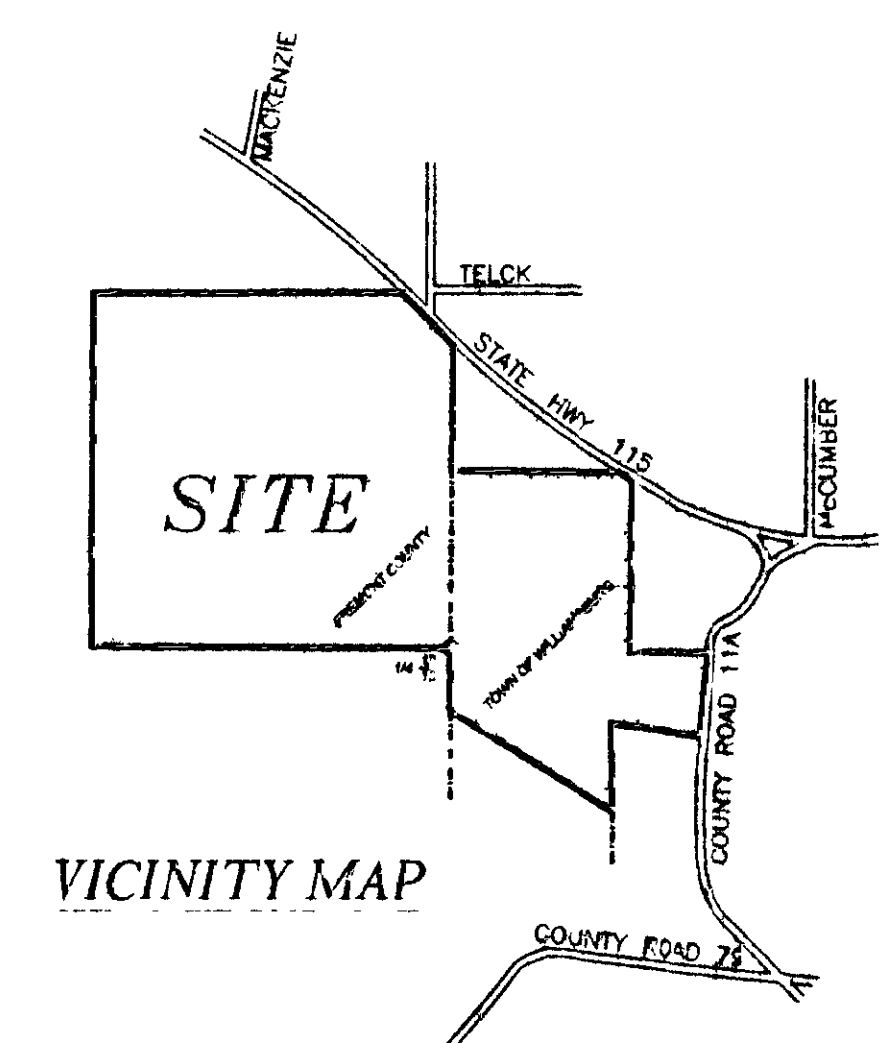
A Tract of land in the S1/2 of Section 12 and in the NE1/4 of Section 13, T19S, R70W of 6th P.M., Fremont County, Colorado, described as follows:

### SECTION 12:

- All of the SW1/4 located Southwesterly of Colorado State Highway 115 (County)
- All of the SW1/4SE1/4 located Southwesterly of Colorado State Highway 115 (Williamsburg)

### SECTION 13:

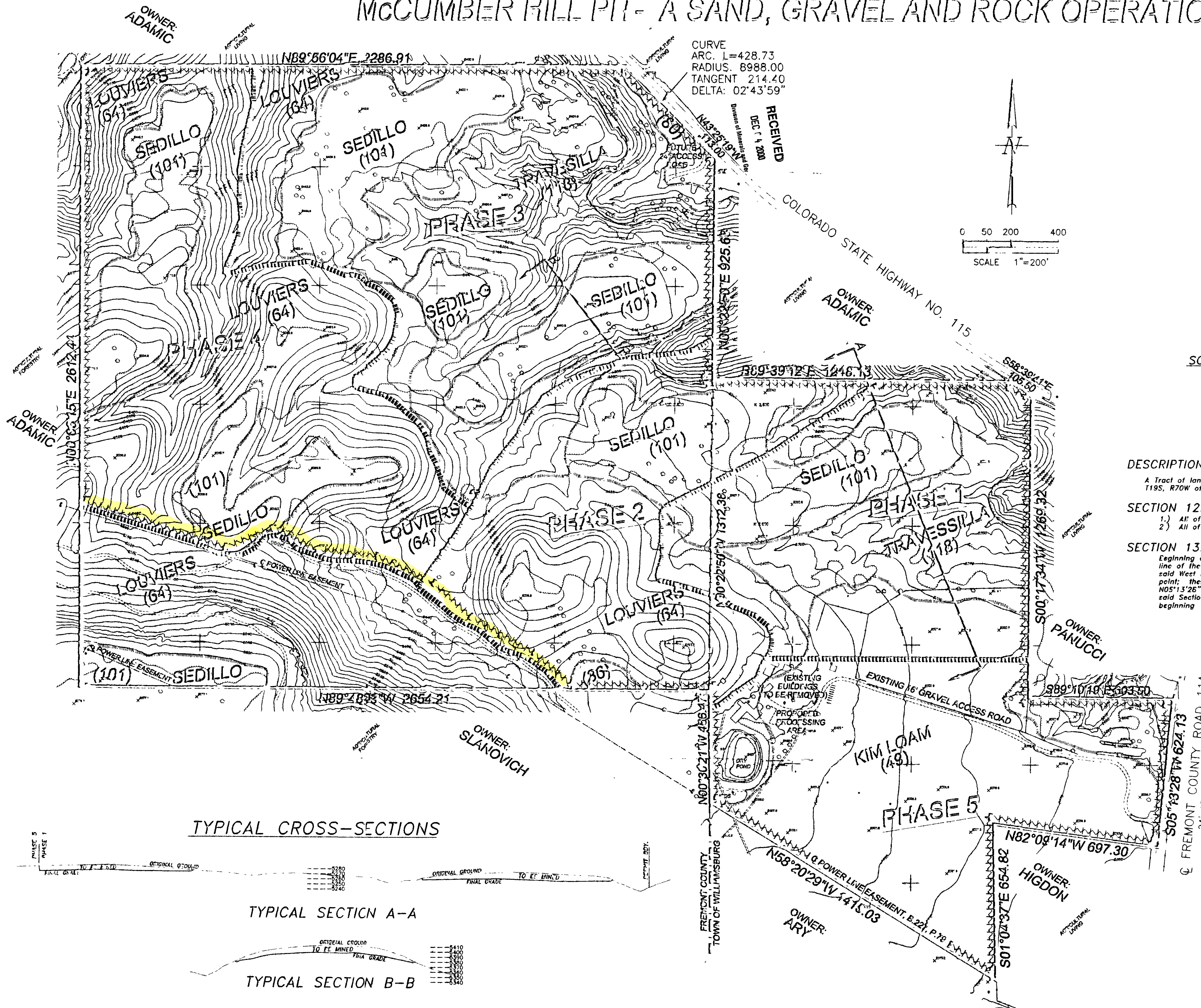
Beginning at the Northwest corner of the NE1/4 of said Section 13; thence S00°30'21"E along the West line of the NW1/4NE1/4 of said Section 13 a distance of 466.47 feet to an angle point, thence leaving said West line, S56°20'29"E, 1415.03 feet to an angle point, thence N01°04'37"W, 654.62 feet to an angle point; thence S52°08'14"E, 697.30 feet to a point on the centerline of Fremont County Road 11A; thence N05°13'26"E along said centerline a distance of 124.13 feet to a point on the North line of the NE1/4 of said Section 13, thence N69°10'19"W along said North line a distance of 1544.06 feet to the point of beginning (Williamsburg)



VICINITY MAP

Prepared August 3, 2000 by:  
**Ponderosa Engineering**  
310 Dozier Avenue  
Canon City, Colorado  
(719) 275-7434  
Revised: November 20, 2000

CS060DIFG.DWG





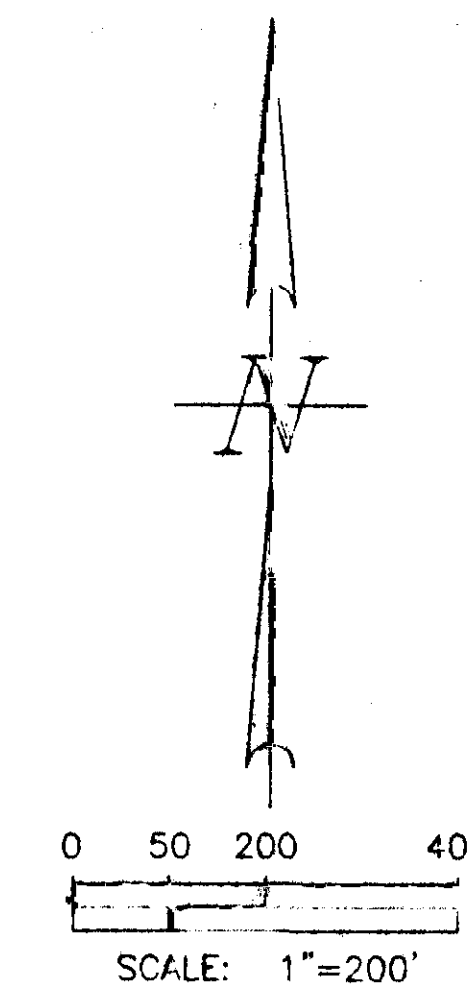
# EXHIBIT F, RECLAMATION PLAN MAP

## FOR THE

### MCCUMBER HILL PIT- A SAND, GRAVEL AND ROCK OPERATION

CURVE:  
ARC: L=428.73  
RADIUS: 8988.00  
TANGENT: 214.40  
DELTA: 02°43'59"

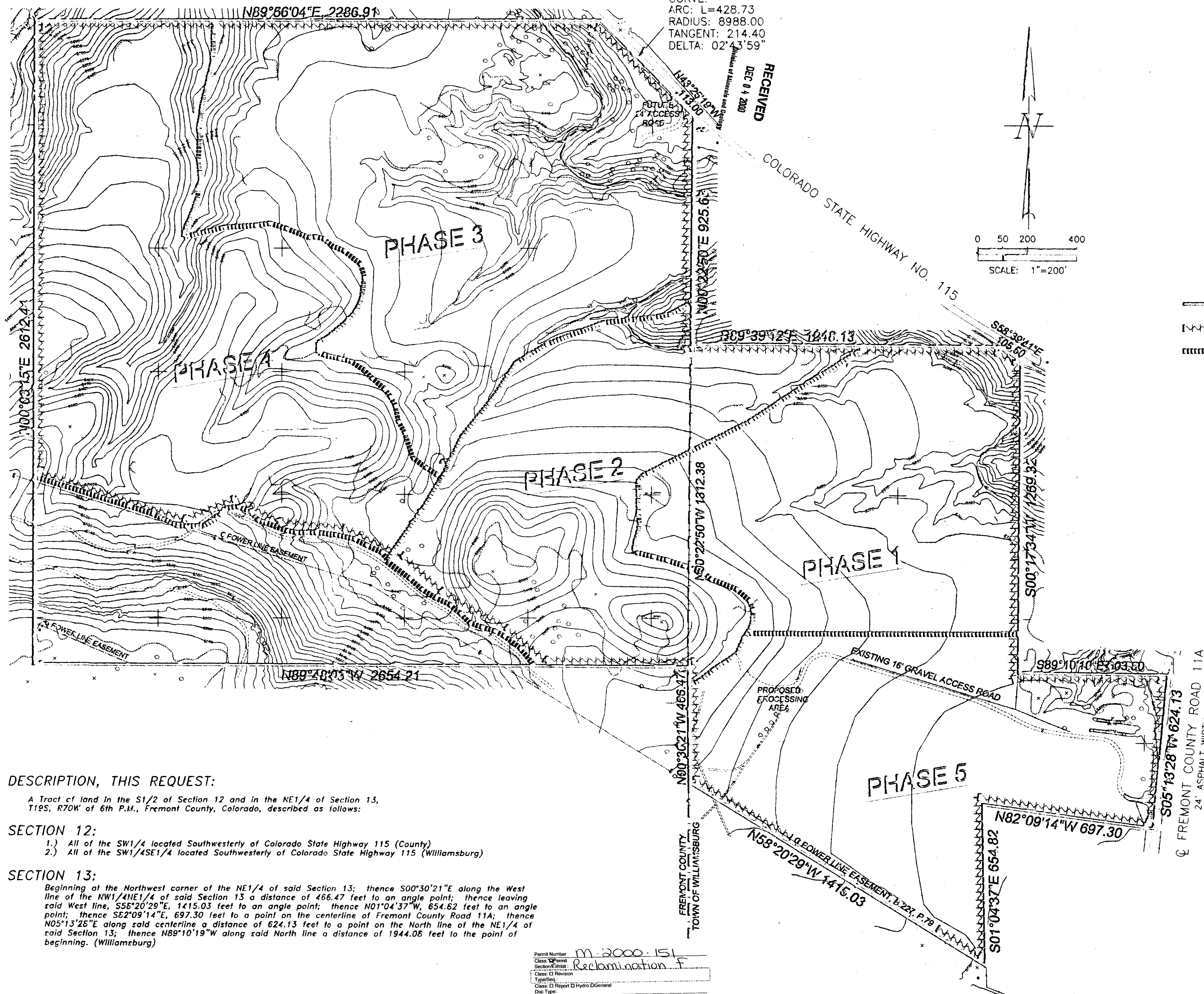
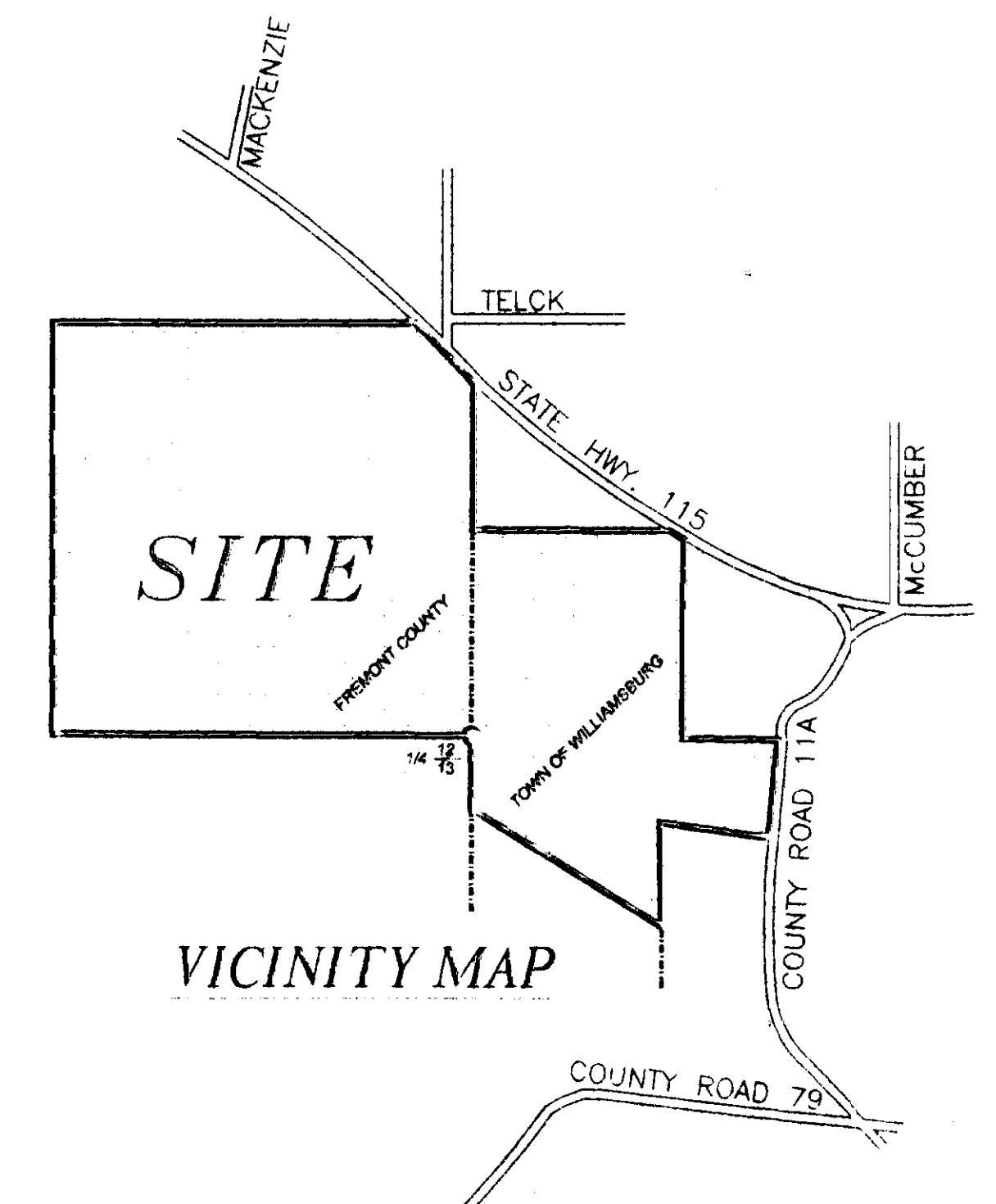
RECEIVED  
DEC 04 2000



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JOHN L. ARY AND JOHN P. ARY  
839 MACKENZIE AVENUE  
P.O. BOX 1720  
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———— PERMIT BOUNDARY  
~~~~~ AFFECTED LAND  
===== MINING PHASE BOUNDARY



#### DESCRIPTION, THIS REQUEST:

A Tract of land in the S1/2 of Section 12 and in the NE1/4 of Section 13, T19S, R70W of 6th P.M., Fremont County, Colorado, described as follows:

#### SECTION 12:

- 1.) All of the SW1/4 located Southwesterly of Colorado State Highway 115 (County)
- 2.) All of the SW1/4SE1/4 located Southwesterly of Colorado State Highway 115 (Williamsburg)

#### SECTION 13:

Beginning at the Northwest corner of the NE1/4 of said Section 13; thence S00°30'21"E along the West line of the NW1/4NE1/4 of said Section 13 a distance of 466.47 feet to an angle point; thence leaving said West line, S56°20'29"E, 1415.03 feet to an angle point; thence N01°04'37"W, 654.62 feet to an angle point; thence S62°09'14"E, 697.30 feet to a point on the centerline of Fremont County Road 11A; thence N05°13'26"E along said centerline a distance of 624.13 feet to a point on the North line of the NE1/4 of said Section 13; thence N89°10'19"W along said North line a distance of 1944.08 feet to the point of beginning. (Williamsburg)

Permit Number: M-2000-151  
Class: Reclamation  
Section/Exhibit: F  
Class: Revision  
Type: General  
Class: Report  
Doc Type: Hydro General  
Application (Coal only) ☐ Bond ☐ Enforcement ☐ Inspection

Prepared November 10, 2000 by:  
**Ponderosa Engineering**  
310 Dozier Avenue  
Canon City, Colorado  
(719) 275-7434

Revised: November 20, 2000

99060REC.DFC