



February 15, 2024

Michael B. Toelle
Holcim (US) Inc.
3500 Highway 120
Florence, CO 81226

**Re: Portland Limestone Quarry - File No. M-1977-344;
Second Adequacy Review for 112 Construction Materials Reclamation Permit
Amendment Application (AM-2)**

Dear Mr. Toelle:

The Division of Reclamation, Mining and Safety (DRMS) has completed its review of your responses to our preliminary adequacy review of your 112 Construction Materials Reclamation Permit Amendment Application (AM-2) for the Portland Limestone Quarry, Permit No. M-1977-344. Your responses were submitted on January 31, 2024, but due to technical challenges related to transferring a large number (37) files, the DRMS did not receive the responses until February 2, 2024. **The current decision date for this application is February 15, 2024.** Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, **it will be your responsibility to request an extension of the review period.** If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the DRMS may deny this application.

The following items must be addressed by the applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 *et seq.* and the Mineral Rules and Regulations of the Mined Land Reclamation Board (*the original numbering convention is retained for tracking purposes*) :

GENERAL COMMENTS

1. **Proof of Required Notices:** The response was not adequate. The newspaper publication notice met the requirements of Rule 1.6.2(1)(d). However, Rule 1.6.2(1)(e)(ii) requires notice be sent to all owners of record of lands that are within 200 feet of the boundary of the affected land (*this includes the existing BCQ affected area, as well as the additional proposed affected RCQ area*). The submittal did not include a demonstration of having noticed landowners within 200 feet of the Bear Creek Quarry boundary. If these adjacent landowners have been notified, please submit Certified Mail Return Receipt Requested receipts. If they have not been notified, you will need to notify them, submit the Certified Mail Return Receipt



Requested receipts to the DRMS and request an extension to the DRMS decision date to be at least 20 calendar days after all these landowners have been sent notices, pursuant to Rule 1.7.1(2)(a), prior to the decision date.

APPLICATION

2. Permit Number: The response was adequate.
3. Change of Site Name: The response was adequate.
4. Location Elevation: The response was adequate.
5. Primary present land use: The response was adequate.
6. Responsibilities as a Permittee: The response was adequate.
7. Proof of Newspaper publication: The response was adequate.

6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS

6.4.1 EXHIBIT A - Legal Description

8. Affected Area Boundary: The response was not adequate. Typos were noted in the PLSS description for the RCQ. The excerpt below from the third page of Exhibit shows the necessary corrections:
 - Section 19, Section 20, Section 29, and Section 30, T20S, ~~R57W~~ **R67W** of the 5th **6th** P.M., County of Pueblo, State of Colorado, together with Section 24 and Section 25, T20S, R68W of the 5th **6th** P.M., County of Fremont, State of Colorado.

6.4.3 EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands

9. Exhibit C General Requirements: The response was adequate.
10. Boundary Buffer irregularities: The response requires additional information. The requested changes and edits were adequate. However, the new figures showing the Bear Creek Quarry portion of the permit did not include the identification of landowners within 200 feet of the affected area boundary. Pursuant to Rule 6.4.3(a), both adjoining surface owners of record and owners of the affected land must be shown on Exhibit C maps. Please make the necessary updates and resubmit Exhibit C maps.
11. Structure owners: The response requires additional information. The requested changes and edits were adequate. However, the new figures showing the Bear Creek Quarry portion of the permit did not include structures on the area of affected land nor those within two hundred (200) feet of those boundaries (the gas line that runs through the north end of the BCQ, for example). Pursuant to Rule 6.4.3(b), please make the necessary updates and resubmit Exhibit C maps.

12. KMZ Files: The response was adequate.

6.4.4 EXHIBIT D – Mining Plan

13. Bear Creek Quarry and Plant Area: The response was adequate.

14. Underlying Strata: The response was adequate.

15. MTAC Layout:

- a. Fence Placement. The response was adequate.
- b. Wildlife protection. The response was adequate. Please see related New Comment # 38.

16. Salvaged Growth Material: The response was adequate.

6.4.5 EXHIBIT E – Reclamation Plan

17. Bear Creek Quarry and Plant Area: The response was adequate.

18. Overburden use: The response was adequate.

19. Appropriate grading: The response was adequate. [The DRMS accepts Holcim's commitment to provide transition to the Arkansas River through the Technical Revision process prior to May 30, 2024.](#)

6.4.6 EXHIBIT F – Reclamation Plan Map

20. Exhibit F General Requirements: The response was adequate.

21. Drainage Concern: The response was adequate.

22. Canyon Walls: The response was adequate.

23. Bear Creek Quarry Diversion: The response was adequate. [The DRMS accepts Holcim's commitment to obtain an approval from DWR prior to exposing groundwater.](#)

6.4.7 EXHIBIT G – Water Information

24. PJD date clarification: The response was adequate.

25. Water impacts:

- a. SWSP. The response was adequate. [The DRMS accepts Holcim's commitment to address the BCQ Diversion transition to the Arkansas River through the Technical Revision process prior to May 30, 2024.](#)
- b. Response to Comment No. 19. The response was adequate.

26. Well Locations:

- a. Confirm the coordinates for Well Permits 326171 and 326172. The response was adequate.
- b. Provide a reference map. The response was adequate.

27. Groundwater and Surface Water Baseline Study: The response was adequate. *{Note: due to the baseline exceedances of WQCD Regulation 41 standards, the DRMS has scheduled a meeting with Holcim on February 15, 2024. We will discuss an appropriate path forward during the meeting}*

28. Sampling and Analysis Plan: The DRMS is continuing to review your responses to the SAP (App. 4.4) comments. Should there be any follow-up comments, we will provide them before February 23, 2024.

6.4.8 EXHIBIT H – Wildlife Information

29. Wildlife Impacts: The response was adequate.

6.4.10 EXHIBIT J – Vegetation Information

30. Appendix Reference: The response was adequate.

6.4.12 EXHIBIT L – Reclamation Costs

31. Reclamation cost omissions: The response was adequate.

32. Chain Linked Fence: The response was adequate. *{It should be noted that the response letter confirmed the total chain link fence length to be 13 miles (twice the MTAC length due to the proposed two parallel fences over 6.5 miles); but the length in the revised Exhibit L was only 10 miles; which was twice the 5-mile length in the original AM-2 submittal. The DRMS will use 13 miles for the chain link fence demolition cost estimate in our internal cost analysis}.*

6.4.13 EXHIBIT M – Other Permits and Licenses

33. Red Creek Crossing: The response was adequate. [The DRMS accepts Holcim's commitment to submit a technical revision upon final approval of the crossings from USACE.](#)

6.4.19 EXHIBIT S – Permanent Man-Made Structures

34. Hwy 96: The response was adequate.

RULE 6.5 GEOTECHNICAL STABILITY EXHIBIT

35. Blasting Impacts: The response was adequate.

ADDITIONAL AMENDMENT APPLICATION REVISIONS (from Holcim's Response Letter)

36. Permitted acreage (new or existing site): Thank you for updating Application Item 3 to reflect the recently approved Plant Area acreage reduction.
37. Exhibit A: Legal Description: Thank you for updating Exhibit A to reflect the recently approved Plant Area acreage reduction.

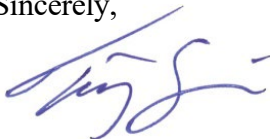
NEW COMMENTS (DRMS)

38. Vehicle and Wildlife Protection: Providing the KMZ file enabled a more detailed review of potential impacts related to the MTAC alignment. The proposed conveyor alignment crosses FCR 112, the access/haul road to Ranch Land Rock Pit #2 (Permit ID # M-2003-021), a few two-track ranch access roads, the Minnequa canal and over a dozen drainage wildlife crossings. The chain link fence terminates at all these locations to allow traffic and wildlife passage. Please describe or provide designs for how material transported on the conveyor is prevented from landing on vehicles or wildlife if it were to fall of the conveyor belt.
39. MTAC Road Culverts: The proposed wildlife crossings for the conveyor system appear to coincide with natural drainage ways. Will culverts be a part of these crossings to facilitate light truck traffic? If so, how will these culverts be adequately sized?

Please remember that the decision date for this application is February 15, 2024. As previously mentioned, if you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application.

If there are still unresolved issues when the decision date arrives and no extension has been requested, the application may be denied. If you have any questions, please contact me at (303) 328-5229.

Sincerely,



Timothy A. Cazier, P.E.
Environmental Protection Specialist

ec: Russ Means, DRMS
DRMS file
Patrick Lennberg, DRMS

Hunter Ridley, DRMS
Dr. Angela Bellantoni, EAI