



Phillip Courtney
Land Manager

March 13, 2024

Ms. Hunter Ridley
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

By Electronic Mail

**RE: South Asphalt Plant – M-2009-004
Response to Inspection Report Dated February 20, 2024**

Dear Ms. Ridley:

We are in receipt of the Minerals Program Inspection Report from the Division of Reclamation, Mining and Safety (“Division”) dated February 20, 2024, which resulted from an inspection that was performed on August 29, 2024 by Mr. Tim Cazier.

The inspection noted a problem regarding a Notice of Temporary Cessation. More specifically, the Division noted that the first consecutive period of temporary cessation expired on February 5, 2024. The inspection report also provided some information regarding mining activity on September 30, 2021 that requires clarification.

Rocky Mountain Materials and Asphalt Inc., excavated approximately 0.5 acre within the permit area from September 13, 2021 through September 30, 2021. Over 9,000 cubic yards of material was excavated, including overburden and native sand. The sand that was encountered was subsequently blended and used to make asphalt mixes at the plant on the property. There was not previously a sediment pond at this location prior to September 2021. This excavation has been graded and sloped so it can remain as a sediment pond on the property to help manage stormwater. The inspection report incorrectly concluded that this activity was maintenance of an existing sediment pond, which was simply a misunderstanding.

Rocky Mountain Materials believes that the activity from September 13, 2021 through September 30, 2021 included the, “extraction of construction materials”, meeting the definition of, “mining” per Construction Materials Rule 1.

I have attached the map that was submitted along with the September 2022 annual report showing the location of this mining activity, along with a photo taken during the mining activity.

No mining activity has occurred since September 30, 2021. Rocky Mountain Materials believes that the current period of temporary cessation began September 30, 2021, and will run until September 30, 2026 unless additional mining activities take place prior to that date. We respectfully request the Division’s concurrence based on this additional information.

West Division

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Please let me know if you have any questions or need any additional information.

Sincerely,



Phillip J. Courtney
Land Manager



Photo 1: Area of mining activity, taken September 17, 2021. Native sand is visible in the lower part of the excavation.

2022 Reclamation Map

Martin Marietta South Asphalt Plant Site
El Paso County, Colorado
DRMS Permit No. M-2009-004

Legend

- 2018/2019 Reclaimed Area
- Permit Boundary
- Pre-2018 Reclaimed Area
- South Plant Site Boundary

Area Mined 2021-2022 ~0.5 acres

Google Earth

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700 ft