

Carter - DNR, Jocelyn <jocelyn.carter@state.co.us>

# Pueblo East Pit M-2000-041 TR-8 Adequacy Review #3

1 message

**Carter - DNR, Jocelyn** <jocelyn.carter@state.co.us> To: Jodi Schreiber <jodi@arycorp.com> Cc: John Paul Ary <Jp@arycorp.com>, "Ebert - DNR, Jared" <jared.ebert@state.co.us> Thu, Mar 28, 2024 at 9:14 AM

Hi Jodi,

Please see the attached adequacy review letter for the TR-8 request.

Thank you, Jocelyn

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Jocelyn Carter Environmental Protection Specialist Division of Reclamation, Mining, and Safety 1313 Sherman St Suite 215 Denver, CO 80203 office: (303) 866-3567 x 8110 cell: (720) 666-1065

20240328\_AdequacyLetter#3\_TR8\_M2000041.pdf 905K



March 28, 2024

Jodi Schreiber Fremont Paving & Redi-Mix, Inc. 839 Mackenzie Ave P.O. Box 841 Conon City, CO 81215

### RE: Pueblo East Pit, M-2000-041, Technical Revision No. 8 (TR-8), Adequacy Review No. 3

Dear Ms. Schreiber

On February 16, 2024, the Division of Reclamation, Mining, and Safety (the Division/DRMS) received the Technical Revision (TR-8) application to update the phase plan to the Pueblo East Pit, permit number M-2000-041. The application requests that overburden from Phase 2D be removed and used in Phases 2B and 2C for reclamation purposes. A preliminary adequacy letter was sent by the Division on March 6, 2024, a reply from the permittee was received on March 13, 2024. The Division reviewed the response to the second adequacy review, received on March 14, 2024, and the details of TR-6, approved October 21, 2020. The following issues remain unresolved with the TR-8 application. The current decision date for TR-8 is March 31, 2024. Please provide a cover letter with a response to the following issues and any updated maps or Exhibits that are required.

- 1. There was no updated "Existing Conditions Map" submitted in the second adequacy response. The map does not meet requirements. Please revise the map to address the following issues:
  - a. A signature of the preparer is required, per Rule 6.2.1(2)(b).
  - b. The date of when the map was prepared/revised needs to be included on the map, per Rule 6.2.1(c).
  - c. The location and name of the Arkansas River is required as it is within two hundred (200) feet of the affected area, per Rule 6.4.3(b)
  - d. Include the total area of each phase, per Rule 6.4.3(b).
- 2. There was no updated "East Pit Reclamation Map" submitted in the second adequacy response. The map does not meet the requirements. Please revise the map to address the following issues:
  - a. The map must include the preparer's signature, per Rule 6.2.1(2)(b).
  - b. The date of when the map was prepared/revised needs to be included on the map, per Rule 6.2.1(2)(c).
  - c. The area identified needs to correspond to the applicable permit area, per Rule 6.2.1(2)(d). Remove the area to the north of the permit boundary. Revise the map with the northern section removed; please see the below image.





- d. Include an approved scale, per Rule 6.2.1(2)(e).
- e. Phase 3 has future land-use of "Wet Lands" shown on the map differs from the approved land use of developed water resources that was provided in TR-6. Please clarify.
- 3. There was no updated "East Pit Future Mining Phase 2" map submitted in the second adequacy response. The map does not meet requirements. Please revise the map addressing the following issues:
  - a. The map must include the preparer's signature, per Rule 6.2.1(2)(b).
  - b. The date of when the map was prepared/revised needs to be included on the map, per Rule 6.2.1(c).
  - c. The area identified needs to correspond to the applicable permit area, Rule 6.2.1(2)(d). Remove the area to the north of the permit boundary. Revise the map with the northern section removed; please see the below image.



d. Revise the map with an appropriate scale according to Rule 6.2.1(2)(e).

- 4. The seed mixture used in TR-6 cost estimate is not sufficient to establish wetlands. As stated before, the approved TR-6 shows that Phase 3 will be reclaimed to water storage. Verify the change in postmining land use for the Phase 3 area and please submit information about the reclamation plan regarding the wetland seed mix, quantities, and rate of seeding per Rule 6.4.5(2)(f)(ii). The Division understands the applicant may want to revise the seed mixture in the future. However, the Division must hold a financial warranty to cover the cost of the reclamation proposed per Rule 4.2.1(1) and the current seed mixture is not sufficient to establish wetlands. The Division should not have approved previous permitting actions (AM1 or TR6) without a defined seed mixture conducive to completing the reclamation plan.
- 5. Please see the attached cost estimate, calculated with the current seed mixture. This estimate will need to be updated based on your response to the seed mixture question above.

This concludes the Division second adequacy review of the TR-8 application. The Division reserves the right to further supplement this document with additional adequacy items and/or details as necessary.

The decision date for the TR-8 application is March 31, 2024. Any issues that are left unresolved will be grounds for the Division to deny the TR-8 application. It is recommended that an extension request is sent to the Division before the decision date.

If you have any question or concerns, I can be reached by email at <u>Jocelyn.carter@state.co.us</u> or by phone at (720) 666-1065. Please don't hesitate to contact me.

Sincerely,

Jocelyn Carter Environmental Protection Specialist

Ec: Jared Ebert, DRMSCc: John Ary, Fremont Paving & Redi-Mix, Inc.

Attachments: Cost Estimate

### COST SUMMARY WORK

Task description:

Site: Pueblo East Pit	Permit Action:	TR-8	Permit/Job#:	M2000041
PROJECT IDENTIFICATION				

#### **PROJECT IDENTIFICATION**

Task #:	000	State:	Colorado	Abbreviation:	None
Date:	3/27/2024	County:	Pueblo	Filename:	M041-000
User:	JLC				

Agency or organization name: DRMS

### TASK LIST (DIRECT COSTS)

Task	Description	Form Used	Fleet Size	Task Hours	Cost
001	Backfill Open Water (ave 4 acres 13 feet deep)	SCRAPER1	1	31.30	\$73,951
002	Spread Topsoil 4-inches over 52 acres	SCRAPER1	1	10.43	\$43,868
003	Revegetation of 52 acres	REVEGE	1	40.00	\$81,997
		<u>SUBTOTALS:</u>		81.73	\$199,816

## **INDIRECT COSTS**

#### OVERHEAD AND PROFIT:

Liability insurance:	2.02	Total =	\$4,036
Performance bond:	1.05	Total =	\$2,098
Job superintendent:	40.86	Total =	\$2,659
Profit:	10.00	Total =	\$19,982
		TOTAL O & P =	\$28,775
		CONTRACT AMOUNT (direct + O & P) =	\$228,591

#### LEGAL - ENGINEERING - PROJECT MANAGEMENT:

Financial warranty processing (legal/related costs):	\$500	Total =	\$500
Engineering work and/or contract/bid preparation:	4.25	Total =	\$9,715
Reclamation management and/or administration:	5.00		\$11,430
CONTINGENCY:	0.00	Total =	\$0
	Т	OTAL INDIRECT COST =	\$50,420
TOTAL BO	\$250,236		