



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

May 3, 2024

Nicole Martin  
Colorado Quarries  
270 15<sup>th</sup> St  
Cañon City, CO  
81212

**RE: Siskin, File No. #M-1987-116, Conversion Application No. 1 (CN1), Adequacy Review-1**

Dear Nicole Martin:

The Division of Reclamation, Mining and Safety (Division/DRMS) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Mined Land Reclamation Act (§ § 34-32.5-101-34-32.5-125) (Act) and the associated Rules and Regulations for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before the application can be considered for approval.

Exhibit A:

- In the introduction page, prior to Exhibit A, the location is described as being three miles southeast of Silver Cliff city center. In the first paragraph of Exhibit A, the location is described as being four miles east-southeast of the Westcliffe city center. In the second paragraph of Exhibit A, it is described as being 2.5 miles southeast of the center of Silver Cliff and three miles southeast of Westcliffe.
  1. Please edit these descriptions to be consistent throughout the location descriptions in the Introduction and Exhibit A portions of the application and resubmit these pages.

Exhibit B:

- The physical copy of the Exhibit B Index Map is very faint and difficult to see.
  2. Please resubmit this page as a PDF file that clearly illustrates the vicinity of the proposed site on a map that is compliant with Rule 6.4.2.



Exhibit C:

- Maps C-1, C-2, C-3, and C-4 are not signed.
  3. Pursuant to Rule 6.2.1(2)(b), the Applicant shall submit maps that have been signed by a registered land surveyor, professional engineer, or other qualified person.
- Parcel number 0010187100 is listed twice in the Property Owners table on Map C-1, but has different information for each entry.
  4. Please describe this reasoning for this discrepancy to the Division or correct this on Map C-1 and any map including this parcel number.
- Exhibit D and the Introduction section describes the access road area totaling 8.2 acres. On Map C-2, the Access Road Permit & Affected area label states that this is approximately 8.7 acres.
  5. Please update map C-1 to reflect the Access Road Permit & Affected area as being comprised of approximately 8.2 acres.
- In Exhibit S of the application, the Applicant states that there are fences owned by Silver Cliff Land and Cattle Co within 200 feet of the disturbed area. However, these structures are not depicted on the map. Additionally, in Exhibit S the Applicant states that structures owned wholly or partly by Colorado Quarries, Inc. are not included in Exhibit S. However, these structures must be listed and also included on the map. During the Division's pre-operational inspection, on May 1, 2024, several fences in varying condition were identified throughout and adjacent to the proposed permit area.
  6. Please ensure all man-made structures, owned by outside parties and/or by the Applicant, are depicted on the map pursuant to Rule 6.4.3(g).

Exhibit D:

- In Section 6.4.4(a) of Exhibit D, the Applicant states that the processing and stockpiling areas will move throughout the mine's life to optimize operations. This section also states that because stockpiles will be portable throughout the life of the mine, they have not been shown on Map C-3.
  7. Please clarify to the Division if the stockpiles mentioned in this sentence include the topsoil stockpiles. Per Rule 3.1.9(4) topsoil stockpiles, once stabilized, should be handled a little as possible until they are to be used for reclamation.
  8. Additionally, please include topsoil locations for each Phase on the Mining Plan maps.
- Table 1 lists the acres to be disturbed in each mining phase. The total for the acres provided in Table 1 equals 52.9 acres.
  9. Please describe the type of disturbance expected to occur within the remaining 24.6 acres of the 77.5 acre mining area.

- Section 6.4.4(c) of the application, the Applicant states that safety and stormwater berms will be composed of overburden and topsoil material. Pursuant to Rules 3.1.9(1) and 3.1.9(3) topsoil must be stockpiled separately, and must be out of the way of ongoing mining operations.  
**10.** Please revise the plan for the topsoil piles in the narrative and resubmit the page.

Exhibit E:

- In Exhibit E, Section 6.4.5(2)(a) of the application, the Applicant states that the overburden at the site ranges from 0-24", with an average of 12" across the site. The Applicant then states that the majority of the site includes little to no overburden.  
**11.** If the plan is to replace overburden at a depth of 8" throughout the site, please clarify where the majority of the overburden will be salvaged from. Will the Operator/Applicant be able to salvage enough overburden in the first few phases to replace the overburden at this depth in the initial reclaimed phases?
- In Section 6.4.5(2)(c) please;  
**12.** Clarify to the Division whether acid-forming or toxic producing materials will be minded at the site, pursuant to Rule 3.1.5(5).  
**13.** Clarify if the Operator intends to import structural fill to be used as backfill, pursuant to Rule 3.1.5(9).
  - a. If so, please include a narrative and affidavit describing the information required in Rule 3.1.5.(9)(a-f).**14.** Describe how the 2' tall stormwater berms will be stabilized and protected to effectively control erosion pursuant to Rule 3.1.6(3).
- In Section 6.4.5(2)(d) of the application, the Applicant provides an example native dry rangeland seed mix in Table 4. The Applicant states that the final seed mix will be comparable and may be slightly altered from the example list.  
**15.** The Applicant shall commit to a specific seed list and seeding rates. This information will be reviewed for the requirements of Rule 3.1.10 and used for reclamation cost estimating purposes. If the mix needs to be altered at a later date, the Operator shall submit a Technical Revision (per Rule 1.1(53)) in order to do so.

Exhibit F:

- Map F-1 is not signed.  
**16.** Pursuant to Rule 6.2.1(2)(b), the Applicant shall submit maps that have been signed by a registered land surveyor, professional engineer, or other qualified person.

Exhibit G:

- The current pit floor elevation, shown on Map C-2, appears to indicate that it slopes east to west from an elevation around 8,405' to 8,398'. The final mining elevation in Map C-3, the reclaimed floor elevation shown on Map F-1 for Phases 1-4, and the final elevation provided in Tables 2 and 3 in Exhibit D of the Application, indicate that the Pit floors will be at an elevation of 8,300'. In Exhibit G of the application, under the *Groundwater* section heading, the Applicant states that expected groundwater levels are known to be 80' below the current mine floor. If the applicant intends to drop the current mine floor approximately 100 feet in Phases 1 and 2, and approximately 80 feet in Phases 3 and 4 (see Tables 2 and 3 in Exhibit D of the Application) it appears that groundwater would be expected to be encountered.  
**17.** Please explain this discrepancy, and clarify to the Division how groundwater will not be encountered at this site.
- In Section 6.4.7(3) of the application, the Applicant states that dust control measures will be employed during mining operations, and that water will be used as needed.  
**18.** Pursuant to Rule 6.4.7(3) The Operator/Applicant shall provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.

Exhibit J:

- The Applicant provides an aerial image and a photo of the site, indicating the general vegetation in the pre-mining and surrounding portions of the proposed permit area. The Applicant also provides a general yield of unspecified vegetation in the areas corresponding with the provided NRCS Soil Report map. However, the Division requires additional vegetation information (below).  
**19.** Pursuant to Rule 6.4.10(1)(a), please provide descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs).
  - a. The Division recommends that the Applicant contacts their local Conservation District for assistance. The Custer County Conservation District can be contacted by phone at 719-783-2481 Ext. 100 or by email at custercountycd@gmail.com.
- Per Rule 6.4.10(1)(b) and Rule 6.4.10(2) information pertaining to the soil types in the affected area, and vegetation, may be addressed in the narrative of Exhibit J, or on a map. The soils map included in Appendix 3 of the application does not include information for the access road, and thus does not correlate completely with the Vegetation information in Exhibit J.  
**20.** Please include a corresponding map for the access area portion of the permit boundary.

Exhibit L:

- Exhibit L states that the “worst-case scenario” is presently based on mining and reclamation for the extent of Phase 1.
- 21.** Please clarify the following to the Division;
- a. Does the maximum disturbance provided in Exhibit L for Phase I include—the total mining and processing areas, roads to be reclaimed, equipment storage, and any un-released reclaimed acres? If the Applicant intends to be initially only bonded for Phase 1, then the information provided in Exhibit L (plus any additional information mentioned above) will be sufficient for the Division to calculate the bond for the initial operations. However, prior to beginning disturbance in the next Phase, the Operator shall commit to notifying the Division so that the reclamation responsibility can be re-calculated and sufficiently bonded for prior to initiating new disturbance at the site.

Exhibit N:

- In Exhibit N, the Applicant states that “Areas included within the permit area but outside the affected area are owned by Our Lady of the Assumption Roman Catholic Church and the Silver Cliff Land and Cattle Company and are limited to the site access road that will not be reclaimed following the completion of mining”. The maps indicate that the permitted boundary and the affected boundary are synonymous at this site.
- 22.** Please clarify whether the statement about the access road is actually referring to the area outside of the ‘mined area’, rather than ‘affected area’.

Exhibit R:

- No proof of filing with the County Clerk and Recorder was provided with the application.
- 23.** Pursuant to Rule 6.4.18, please provide the Division with an affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c).

Exhibit S:

- The narrative in Exhibit S lists Our Lady of the Assumption Catholic Church as the structure owner for CR-344. In the Structure Agreement notice submitted with the application, the Applicant lists fences and CR-344 on the Our Lady of the Assumption Catholic Church’s agreement.
- 24.** Please update Exhibit S to reflect all of the structures within 200 feet of the affected land and their corresponding owners.

6.5 Geotechnical Stability Exhibit:

- In the Blasting Plan, submitted as Appendix 2 with the Application, various residences, wells, and structures are listed within one mile of the permit boundary.

The Applicant states that structure agreements signed by the Operator were either hand delivered to and signed by the recipient or delivered via certified mail.

- 25. Please provide evidence to the Division that these have been sent to the listed structure owners within one mile of the permit boundary.
- 26. Pursuant to Rules 6.4.4(i) and 6.5(4), please demonstrate through appropriate blasting, vibration, geotechnical, and structural engineering analyses, that offsite areas will not be adversely affected by blasting.

Publication Requirements:

- 27. Pursuant to Rules 1.6.2(1)(d) and 1.6.5, please provide the Division with Proof of Publication.
- 28. Please provide the Division with proof of notice to the Owners of Record of surface and mineral rights of the affected land, and to Owners of Record of all land surface within 200 feet of the boundary of the affected land per Rule 1.6.2(1)(e).
- 29. Please remember that pursuant to Rule 1.6.2(1)(c), any changes or additions to the application on file in our office must also be reflected in the public review copy which was placed with the Las Animas County Clerk and Recorder. Pursuant to Rule 6.4.18, you must provide our office with an affidavit or receipt indicating the date this was done.

Please submit your responses to the above listed issues by **May 13, 2024** in order to allow the Division sufficient time for review. The decision date for your application is scheduled for May 20, 2024. The Division will continue to review your application and will contact you if additional information is needed.

If you require additional time to respond to the Division's adequacy concerns, please send a decision date extension request to the Division via email at [amber.gibson@state.co.us](mailto:amber.gibson@state.co.us).

If you would like additional information, or have questions or concerns, please feel free to contact me at [amber.gibson@state.co.us](mailto:amber.gibson@state.co.us) or at 720-836-0967.

Sincerely,



**Amber M. Gibson**

Environmental Protection Specialist

Cc: Ben Miller, Principal Consultant, Lewicki and Associates, PLLC  
Jared Ebert, Senior EPS, DRMS