



March 5, 2025

Jodi Schreiber  
PFM Consulting LLC  
1774 N. Couger Drive  
Pueblo West, CO 81007

**Re: Preliminary Adequacy Review, 112c Regular Operation Construction  
Materials Permit Application Lascar Pit, Permit No. M-2025-004**

Dear Ms. Schreiber,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your 112c Reclamation Permit Application for the Lascar Pit, File No. M-2025-004, and submits the following comments. **The Division is required to make an approval or denial decision no later than May 8, 2025; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** To allow the Division adequate time to review your responses to the following items, please submit your adequacy responses to the Division no later than five days prior to the decision date.

Please respond to this adequacy review with the requested information as revised pages and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Responses; M-2025-004".

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.4 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading.

## **INTRODUCTION**

The permit introduction paragraph states that the elevation of the site is at 6503 feet. On page 2 of the application, under General Description, it states that the elevation is at 6093 feet.

1. Please revise the incorrect elevation and re-submit the relevant page.



The introduction states that “This application is for a Conversion to a Regular 112 Operation reclamation permit.

2. Please revise this portion of the Introduction to state that the application is proposing to re-permit the current 111 permit as a new 112c Regular Operation Construction Materials permit and re-submit the page.

### **EXHIBIT C: Pre-Mining and Mining Plan Map of Affected Lands**

There is no indication on the Exhibit C Existing Conditions Map that mining has begun.

3. Pursuant to Rule 6.4.3(a and i) in addition to updating the map to show the current conditions of the area, please also show the existing topography of the area with contour lines in sufficient detail to portray the direction and rate of slope of the affected land and provide aerial photos (if available) of the current site conditions.
4. Per Rules 6.4.3(e) and 6.4.10(2) please also either show on this map ,or a separate map, the type of vegetation covering the affected land.

An additional stock tank/water line is shown on the north side of the Existing Conditions map that is not present on the Applicant’s Legal Exhibit A/B map.

5. Please clarify whether there are two separate stock tank/water lines near this site. If so, please update the Exhibit A/B map, and the narratives in Exhibits D(5) and S to indicate that there are multiple of these items, and re-submit the exhibits.

The Mining Plan Map: Exhibit D, shows the ‘Approximate Processing Area’ and ‘Approximate Stockpile Area’.

6. Since these areas have already been established, please update the map to reflect the actual locations of these features and re-submit the exhibit.
7. Additionally, Exhibit D – 6. General Mine Conditions, the Applicant states ‘This area, as well as the stockpile and processing areas, will be prepped by removing and stockpiling topsoil for later reclamation. Because this has already been accomplished, please update the narrative in Exhibit D to reflect the current conditions of the processing areas.

### **EXHIBIT D: Mining Plan**

In Exhibit D, under 3. Surface Hydrology, 6. General Mining Plan, 9. Topsoil and Overburden Handling, the Applicant states that topsoil and overburden berms will be stored around the perimeter of the permit boundary for later use in reclamation. On the map titled "Lascar Pit-Siete INC Mining Map Exhibit D", topsoil and overburden are shown as separate perimeter berms. Pursuant to Rule 6.3.3(b), plant growth medium stockpiles (topsoil) must be located separate from other stockpiles, out of the way of mine traffic and out of stream channels or drainage ways.

8. I have attached the exhibits B, C, and D submitted during the adequacy process of the original 111 application that include highlighted language indicating that the piles will be segregated. Please revise the current mining and reclamation plans to account for storing topsoil in a separate location from the overburden stockpiles and re-submit the exhibits.
9. During the 2024 inspection of the current 111, M-2023-005 permit, topsoil stockpiles were observed to the east of the pit. If there will continue to also be topsoil stockpiles not in permitter berms, please describe how and where they will be placed and used throughout the mining operation and re-submit the exhibit.
10. During the 2024 inspection of the current 111, M-2023-005 permit, the Operator stated that an additional topsoil stockpile was created through sorting overburden material. Please clarify whether this will be common practice throughout the operation. If so, please include this information in Exhibit C and re-submit the exhibit.

In Exhibit D, under 5. Structures, the Applicant lists the structures as fence, stock tank, water line, and County Road 650.

11. Please update this list to include a windmill, power line, and cluster mailbox, and re-submit the exhibit.

In Exhibit D, under 6. General Mining Plan, the Applicant states that the current operation under the 111 permit has disturbed approximately 6 acres of the 30-acre permit area.

12. Please provide more information as to what the current disturbance includes (i.e. access/haul road, processing areas, silt fences, stockpiles, etc.) Please also be sure to highlight these features on the revised Existing Conditions map.

The Applicant states that all 30 acres are planned to be affected throughout the life of the operation.

13. Per Rule 6.4.4(d), please update the narrative to describe the size of area(s) to be worked at any one time and re-submit the exhibit.

The Applicant states in Exhibit D that the overburden is approximately 18-30" thick, and in Exhibit L that it is approximately 1-3' thick. The Applicant also states throughout the application that the depth of the minable deposit is approximately 20 feet deep.

14. Per Rule 6.4.4(f)(i), please update the narrative to describe the type of overburden to be removed/stockpiled/replaced.

15. Per Rule 6.4.4(f)(ii), please update the narrative to describe the nature of the stratum immediately beneath the material to be mined.

In Exhibit D, under 8. Mine Facilities and Operation, the mining method states that "except for the highwall, which will not exceed 200 feet in length and 20 feet in height, slopes will be maintained at a 3H:1V or shallower".

16. The current 111 operation has a maximum highwall length of 700'. Please clarify whether this was intentionally reduced to 200'. If not, please update this section of Exhibit C and the cost estimate in Exhibit L.

In Exhibit D, 9. Topsoil and Overburden Handling, the Applicant provides the width of the haul road as being approximately 30 feet wide.

17. Per Rule 6.4.4(j) please also specify the length of the haul road and resubmit the exhibit.

#### **EXHIBIT E: Reclamation Plan**

In Exhibit E, under 1. General Reclamation Plan and 3. Haul Roads and Access, the Applicant states that no internal haul roads will remain following reclamation.

18. For clarity, please consider updating these to instead say that "no roads" will remain following reclamation to clarify that road reclamation will encompass both the internal roads and the access/haul road and re-submit the exhibit.

In Exhibit E, under 2. Topsoil Replacement, the Applicant states that the site has a range of 3-4 inches of topsoil. This section also again states that the topsoil will be located in a permitter berm. The 'Typical Section' figure on the Reclamation Plan map appears to indicate that overburden will be replaced at a depth of approximately 6" and topsoil at a depth of approximately 3" on the slopes and pit floors.

19. Please clarify in the narrative to what depth the topsoil and overburden will be replaced. Please also include the updated information asked in adequacy item no. 9 above to include other topsoil pile locations and re-submit the exhibit.

In Exhibit E, under 4. Reclamation Timetable, the Applicant gives a brief estimation of the total life of mine. In Exhibit E, under 1. General Reclamation Plan, the Applicant states that reclamation will occur concurrently with mining.

20. Per Rule 6.4.5(2)(e), please provide more information pertaining to the plan/schedule indicating how and when reclamation will be implemented. Will areas be reclaimed after a certain acreage has been deemed mined out? After a certain period of time? What will be involved in the concurrent reclamation steps? Will the processing area remain in the southwest corner until mining has finished? Please update the narrative and re-submit the exhibit.

#### **EXHIBIT F: Reclamation Plan Map**

21. Please provide an additional Reclamation Plan Map that encompasses the entire affected area to include the reclamation plan for the access/haul road.

#### **EXHIBIT G: Water Information**

The Applicant states that the site will discharge stormwater or process drainage.

22. Per Rule 6.4.7(5), the Applicant shall affirmatively state that the Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health and Environment. Please state this in the narrative and re-submit the exhibit.

#### **EXHIBIT H: Wildlife Information**

The Division received state agency comments from Colorado Parks and Wildlife, per Rule 6.4.8(2). The letter addresses concerns over the protection of migratory burrowing owls.

The letter is attached for review.

23. Per Rules 6.4.8(1)(b-d), please indicate in the narrative; the potential for burrowing owls and a description of the general effects expected during and after the proposed operation on existing wildlife in the area including but not limited to interference with migratory routes and re-submit the exhibit.

*\*\*Note: DRMS has requested additional clarification from CPW as to whether the owl surveys conducted prior to the 111 permit's issuance mitigate these concerns or if they are recommending that new surveys be conducted. DRMS will forward the response from CPW to the Applicant once it is received.*

#### **EXHIBIT J: Vegetation Information**

24. As mentioned in adequacy item no. 4 above, and per Rule 6.4.10(2), the Applicant shall show the relation of the types of vegetation to existing topography on a map in Exhibit C. Again, this may instead be supplied as a separate map.

#### **EXHIBIT S: Permanent Man-made Structures**

In Exhibit S the Applicant lists the structures as stock tank, fence, and County Road 650.

25. Please update this list to include a waterline(s), windmill, power line, and cluster mailbox, and re-submit the exhibit.

The structure agreements provided by the Applicant with Exhibit S are those acquired during the 111 application process. However, because this is now proposed as a 112c operation, with a new permit number, new structure agreements for the structures (except for the County Road) need to be acquired.

26. Please provide the Division with new structure agreements for the fence, waterline(s)/stock tanks(s), windmill, power line, and cluster mailbox with the new permit number listed.

#### **PUBLICATION REQUIREMENTS**

27. Pursuant to Rules 1.6.2(1)(d) and 1.6.5:  
→ Please provide the Division with Proof of Publication.

28. Pursuant to Rule 1.6.2(1)(e):

- 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.

29. 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 Huerfano County Clerk and Recorder.
  - i. Pursuant to Rule 6.4.18, you must provide our office with an affidavit or receipt indicating the date this was done.

The decision deadline on this application is May 8, 2025. If additional time is required to respond to these adequacy issues please submit a written request for an extension of the decision date. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information or have any questions, please contact by telephone at (720) 836-0967, or by email at [amber.gibson@state.co.us](mailto:amber.gibson@state.co.us).

Sincerely,



Amber M. Gibson  
Environmental Protection Specialist

Cc: Baxter Kirkland, President, Siete, Inc.  
Jared Ebert, DRMS

*Enclosures: Comments from the Colorado Parks and Wildlife  
Exhibits supplied through the 111 adequacy review process with highlighted  
sections pertinent to this 112c application*



**COLORADO**

**Parks and Wildlife**

Department of Natural Resources

Pueblo Service Center  
600 Pueblo Reservoir Road  
Pueblo, CO 81005  
P 719-561-5300 | F 719-561-5321

February 14, 2025

Amber M. Gibson  
Division of Reclamation, Mining and Safety  
1313 Sherman Street Room 215  
Denver, CO 80203

**RECEIVED**

**FEB 27 2025**

**Colorado Division of Reclamation,  
Mining and Safety**

RE: Lascar Gravel Pit Review

Dear Ms. Gibson,

Thank you for allowing Colorado Parks & Wildlife, (CPW) the opportunity to review this application to discuss any fish and wildlife concerns. The Lascar Gravel Pit site is located in an area with diverse wildlife populations. CPW species activity maps indicate that nearly 50 different wildlife species can be located in this general area. Notable big game species such as pronghorn, mule deer, and elk utilize the area throughout the year. Several small game and non-game species also utilize the area.

Tom Branch creek is a dry creek bed/arroyo that runs through the project site and potentially carries water during periods of heavy rainfall. We conducted a site visit along Tom Branch creek in the proposed project site on May 26, 2023. The arroyo was dry even though the area had received significant rainfall in the months prior. At the time of the inspection, no aquatic species were present. CPW's local aquatic biologist was consulted on this project. CPW's aquatic biologist did not believe the area contains any fish or aquatic wildlife species associated with the drainage. Given the area is a consistent dry arroyo without any established aquatic wildlife, this project should not have any impacts to aquatic species.

CPW would like to highlight potential impacts to burrowing owls as this project does occur within their breeding range. Burrowing owls utilize burrows created by other animals such as prairie dogs and badgers. If these types of burrows exist within the proposed project site, burrowing owls may be present. Federal and state laws prohibit the harming or killing of burrowing owls and the destruction of active nests.

Colorado Parks and Wildlife (CPW) recommends surveying for burrowing owl presence before potentially harmful activities start. The migration of burrowing owls depends on numerous factors including weather. This can result in burrowing owls being present prior to March 15<sup>th</sup>. Burrowing owls typically arrive on breeding grounds in Colorado in late March or early April, with nesting beginning a few weeks later. Active nesting is expected from late March through early August.



Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu  
Mane Haskett • Tai Jacober • Jack Murphy • Gabriel Otero • Murphy Robinson • James Jay Tutchton • Eden Vardy




To best avoid and minimize impacts to burrowing owls within the project area, CPW recommends the following:

- If development is proposed to occur in a prairie dog colony that has been active within the past 10 years, CPW recommends the adherence to CPW's Burrowing Owl survey protocol.
- CPW recommends that targeted surveys should be conducted for any activities resulting in ground disturbance between March 15<sup>th</sup> and October 31<sup>st</sup>.
- If nesting burrowing owls are present, no human encroachment or surface disturbance should occur within a 200-meter buffer of nesting burrowing owls from March 15<sup>th</sup> to August 15<sup>th</sup>.
- If burrowing owls occupy the site, CPW recommends that earthmoving and other disturbance activities be delayed until late fall after the owls migrate.

Aside from potential impact to Burrowing owls, this project should not have any significant wildlife impacts. CPW would like to thank you for including our agency on the commenting process for this project. Please contact District Wildlife Manager, Cody Purcell at (719)-424-2106 or via email at [cody.purcell@state.co.us](mailto:cody.purcell@state.co.us) if you have any further questions.

Sincerely,

 #122

Michael D Brown  
Area Wildlife Manager  
Area 11-Pueblo



Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu  
Marie Haskett • Tai Jacober • Jack Murphy • Gabriel Otero • Murphy Robinson • James Jay Tutchton • Eden Vardy

## **6.3.2 EXHIBIT B**

### **SITE DESCRIPTION**

#### **1. Location and General Land Use Information**

The site is located along Huerfano County Road 650 and Interstate 25 and is composed of dry rangeland. The parcel is currently leased for agricultural operations by the Colorado State Land Board.

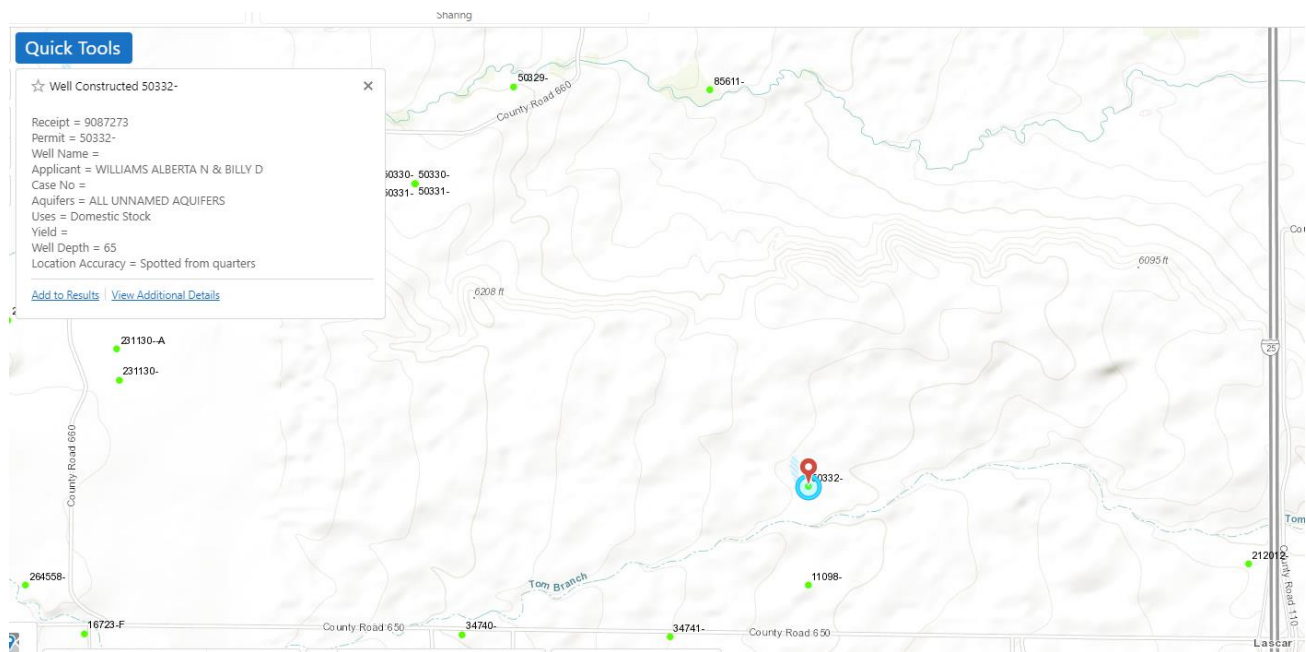
#### **2. Site Geology**

Site geology consists of 3-4 inches of topsoil. Mining will occur to a depth of approximately 20 feet. There are no hazardous or acid forming materials expected to be encountered during excavation. See the enclosed Natural Resources Conservation Service (NRCS) soil report for more details on surface composition. A majority of the site is composed of Baca Silt Loam. This material is well drained with slow to medium runoff and moderately slow permeability. These soils are used for both rangeland and for irrigated cropland. Native vegetation is blue grama, buffalograss, western wheatgrass, broom snakeweed and cactus. Samsil-chicosa complex is also on the property and is found in rangeland. The main native vegetation and includes little bluestem, western wheatgrass, sideoats grama, blue grama, green needlegrass, sedges and forbs. It is well drained and has a medium to high surface runoff. Permeability is slow.

#### **3. Surface Hydrology**

Pre-mining topography is shown on the Existing Conditions Map. All runoff on the undisturbed site runs to the south. Stormwater will be kept from leaving the site by using topsoil and overburden stockpiles which will surround the site following the perimeter. The stockpiles will be first developed on the western edge of the site and will encircle the full area over the mine's life. This perimeter topsoil berm is shown on the Mining Map. Stormwater that occurs on site will remain on site; however, the soils should allow for stormwater to infiltrate the site and pit floor within 72 hours. **Topsoil and Overburden Stockpiles will be segregated.** Topsoil Stockpiles will be seeded within 180 days of its stockpiling, if reclamation has not started at that time.

Based on data from the Division of Water Resources Well Permit Search map, groundwater is not anticipated to be encountered during any phase of mining. A structure depicted on the map below shows the well depth at 65 feet. Mining is not anticipated deeper than 20 feet. If groundwater is encountered, excavation will be stopped. The area will then be backfilled with at least two feet of material and no mining will occur beyond that depth.



## 1. Vegetation

Vegetation at this site is typical rangeland grasses for this area and covers approximately 30-60% of the site.

## 2. Wildlife

Environmental conditions, such as food and cover availability, is limited due to the climate. Small animals (rabbits, coyotes, etc.) are found in the surrounding environment. The site may also see white tail deer, antelope, prairie dog, various snakes and lizards. Impacts to wildlife will be mitigated through a weed management plan and reseeding all mined areas with a native rangeland seed mix.

## 3. Structures

### 3. **Structures**

There is a fence, stock tank, water line, windmill, cluster mailbox, power line and County Road 650 that all lie within 200' of the permit boundary.

### 4. **Soils**

The NRCS soil map is included. The site contains two main soil types:

- Baca Silt Loam – 61.9%, Well-drained with slow to medium runoff
- Samsil-Chicosa Complex – 16.3%, Well-drained with medium to high runoff

### **6.3.3 EXHIBIT C MINING PLAN**

#### **1. General Mining Plan**

The Existing Conditions Map shows the current conditions of the Lascar Pit. The pit will provide aggregate for road construction work on Colorado Project No. FBR 025A-045 and Federal Highway Administration Project 6982AF23C000001. Mining will disturb up to 30 acres as shown on the Mining Map.

Mine access is via County Road 650 with access from Interstate 25. Mining of the gravel deposit will progress from the west side of the permit boundary and move to the east of the site. Stockpile and processing areas will be in the southwest corner of the site. The pit will be sloped to a 3H:1V or shallower to restore the site's previous drainage pattern.

A portable asphalt hot plant or concrete plant may be located at the site and will be located inside of the processing area as shown on the Mining Map. This area, as well as the stockpile and processing areas, will be prepped by removing and stockpiling topsoil for later reclamation. Mined and processed aggregate will be stored surrounding the portable processing plant(s). Topsoil and overburden berms will be stored around the perimeter of the permit boundary for later use in reclamation. Topsoil and Overburden Stockpiles will be segregated. Topsoil Stockpiles will be seeded within 180 days of its stockpiling, if reclamation has not started at that time.

#### **2. Mining Timetable**

The construction project is anticipated to February 2023, depending on weather. Mining is planned to finish by Fall 2023.

#### **3. Mine Facilities and Operation**

Toxic or acid-producing materials will not be encountered during the mining operation. No blasting or explosives will occur/be used during mining nor on site. Bulk storage of fuel and small amounts of lubricants may be stored on site and will be either double walled or housed

wide and will be constructed as with any gravel road, by removing the topsoil to a width of 30 feet.

## **5. Schedule of Operations**

Mining, screening, and processing will be conducted with portable equipment between February and September 2023. Mining operations will be dictated by the project schedule. Mining may take place 6 days per week for the duration of the project.

## **6. Huerfano County Impacts and Environmental Impacts**

The impacts to Huerfano County will be limited. Minimal dust is expected from the operation as the pit and roads are watered as needed. Water used is purchased and brought on site and applied on an as-needed basis to control dust on haul roads and within the mine area.

### **6.3.4 EXHIBIT D RECLAMATION PLAN**

#### **1. General Reclamation Plan**

The maximum disturbed area to be reclaimed under this permit is ~30.0 acres. Post-mining land use will return the site back to dry rangeland with native grasses. All areas of the site including will be reclaimed to 3H:1V or shallower. As described in the mining plan, reclamation will occur concurrently with mining. No interior haul roads will remain following reclamation. All reclaimed areas will be sloped, topsoil replaced and seeded with the approved seed mix.

#### **2. Topsoil Replacement**

Topsoil onsite is anticipated to range from 3-4 inches thick. During mining, all topsoil will be stored in the site perimeter berm of the site and are shown on the Reclamation Map. **Topsoil and Overburden Stockpiles will be segregated. Topsoil Stockpiles will be seeded within 180 days of its stockpiling, if reclamation has not started at that time.**

#### **3. Haul Roads and Access**

One entrance road will connect the site to County Road 650. Onsite haul roads will move as



## **SMITH ENVIRONMENTAL & ENGINEERING**

*Delivering Smart Solutions for Planning, Permitting, & Design*

### MEMORANDUM

TO: Aurion Dransfield  
Project Manager  
Siete, Inc.

FROM: Cooper Pierce  
Environmental Scientist I  
Smith Environmental and Engineering (SMITH)

DATE: April 10, 2023

RE: Burrowing Owl Survey Results at Lascar Pit, Huerfano County, CO

The Burrowing Owl (*Athene cunicularia*) is a State of Colorado Threatened species and is protected under the Migratory Bird Treaty Act (MBTA) of 1918, as amended. Burrowing Owls primarily use abandoned prairie dog burrows for nesting and refuge in Colorado from mid-March through October of each year.

SMITH completed surveys following CPW guidelines to determine if Burrowing Owls are present at the proposed Lascar Pit development site and access road (Figure 1) prior to any prairie dog mitigation activities. Surveys were completed on April 5, 7, and 10, 2023 within two hours of sunrise during optimal weather conditions (i.e., little to no wind, no precipitation, and sunny skies). SMITH utilized recorded owl calls to increase the probability of detection. No owls were observed during the surveys, and SMITH believes prairie dog management activities, including clearing and grubbing, can proceed without negatively impacting Burrowing Owls.

### **6.3.12 EXHIBIT L**

#### **PERMANENT MAN-MADE STUCTURES**

There is a stock tank, windmill, waterline, fence, cluster mailbox, power line and County Road 650 within 200' of the permit boundary. A Structure Agreement for the stock tank, fence, windmill and water line is attached for review. Huerfano County has supplied the agreement for use of County Road 650. A Structure Agreement for the mailbox owned by the U.S. Post Office is attached for review. A Structure Agreement for the power line owned by San Isabel Electric Association Inc. is attached for review.