



May 13, 2025

Jodi Schreiber
John P. Ary
Fremont Paving & Redi-Mix, Inc.
P.O. Box 841
Cañon City, CO 81215

RE: Ted Franciscotti Pit #1, Permit No. M-2007-006, Technical Revision (TR2), Adequacy Review-1

Dear Ms. Schreiber,

The Division of Reclamation, Mining and Safety (Division/DRMS) is in the process of reviewing the above referenced Technical Revision 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 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 need to be adequately addressed before the Technical Revision can be considered for approval. Please provide the following:

Mining Plan and Mining Maps

1. The permit boundary depicted on the Mining Map appears to have a different shape in comparison with the currently approved boundary (see Figures 1-2 below). Additionally, the Applicant's TR2 form states that the permit acreage is the same as what is currently approved (282 acres) but the TR2 Reclamation Map states that it is 277 acres.

The Division recommends the following options:

- a. It appears that the boundary may have been shifted to more closely follow property fence lines than what was previously depicted. If that is the case, and if that is what's causing the 5-acre difference, the Applicant must first apply for an acreage reduction to request the removal of the excess acreage.
- b. The Applicant may instead reformat the maps to align with the original orientation – and include a separate affected area boundary that matches the 277 acres. Per Rule 3.1.12(2) the affected area boundary is what must be marked in the field.



* Please inform the Division of your preference regarding how to proceed.

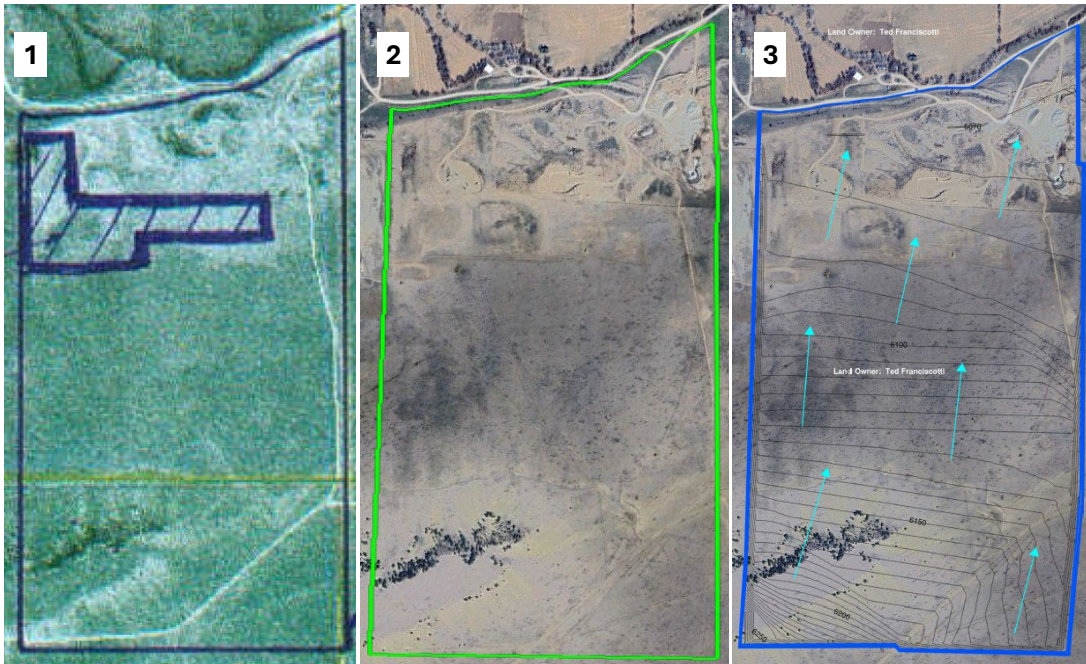


Figure 1: (1) Depiction of the permit boundary over aerial imagery from the original permit. (2) The Division's estimation of the permit boundary. (3) The permit boundary depicted on the TR2 Reclamation Map.

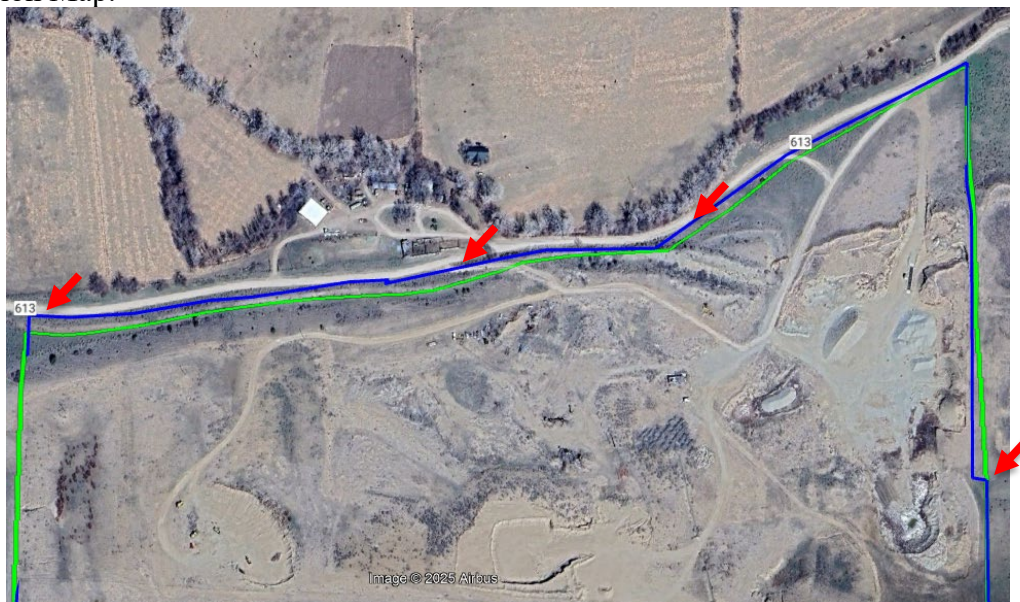


Figure 2: The green polygon indicates the Division's approximation of the permit boundary. The blue polygon indicates the approximate location of the TR2 boundary. The TR2 boundary

appears to follow the property fencing more closely. The red arrows highlight some of the differences. Also, see the southern boundary differences in the images in Figure 1.

2. In section 6. General Mine Conditions in the TR2 Mining Plan, the Applicant states that “the unmined areas and the reject pile within Phase 1 will all be mined out and all current and future mined areas will be sloped to 3H:1V. Mining will continue on the eastern edge of the site and will proceed westerly until all unmined areas have been mined through”. As much of the Phase I area includes previously mined, partially reclaimed, and areas disturbed by the Landowner, please clarify whether the Applicant is referring to all areas not mined by the current operator as “unmined” or if they are strictly referring to areas that have not previously been mined. If it is the latter, please clarify the mining and reclamation plans for these various areas.
3. Along with the question posed in adequacy item #2, please clarify whether the Applicant intends to mine through the +/- 18 acres of the 32-acre 111 area that are mostly reclaimed? On the TR2 Mine Map, the Applicant depicts the topsoil stockpile/berm as lining the south and southwest portion of the Phase 1 boundary – indicting the mining will occur throughout the entirety of the ‘111 area’. However, if this was not the intent, please clarify the plan for these areas in the mining plan, reclamation plan, and on the maps.
4. The TR2 Mining Plan narrative, section 5. Structures states “There is a San Isabel Electric Line and County Road 613 that lie within 200’ of the permit boundary”. Please see the following excerpt from the currently approved permit package. If the Applicant agrees that the structures listed in the original permit are accurate, please concur. If not, please clarify.

EXHIBIT S – Permanent Man - Made Structures

The following man-made structures are within two (200) hundred feet of the proposed area to be affected. Locations may be found on the Exhibit C and F Maps.

- Huerfano County Road - 613 R.O.W. (including any fencing, culverts and/or CMP) on the north side of the proposed permit area. Damage Agreement is attached
- San Isabel Electric transmission poles and wires, Damage Agreement is attached.

The below listed structures are owned and located on property owned by the landowner Mr. Ted L. Franciscotti and are shown on the Exhibit C and Exhibit F Maps. A Damage agreement is attached.

The other Man-Made Structures located within the proposed permit area and/or closer than 200 ft. from the proposed permit area boundary are as follows:

- Wire fences/gates
- Roads/driveway/gates (internal roads all dirt, 2-track field and/or ditch maintenance access roads)
- headgates and irrigation ditches (north of County Road R.O.W. in irrigated river bottom to north).
- Concrete Water cistern and 2 and 4 inch PVC piping to stock areas
- Power utility poles, wires and transformer
- Old scale-house and scale

Reclamation Plan and Reclamation Map

5. The Reclamation Plan states that the maximum affected acreage will be 92 acres. However, it also states that upon entering Phase II, re-seeding in Phase I may still be required. The Division must hold a bond for re-seeding costs until the vegetation qualifies for a surety release. Therefore, please clarify the following:
 - a. As Phase II consists of 31.00 acres, will the entire 31 acres be bonded to be affected while all 92 acres of Phase I will need to be bonded for reseeding? Or will 61 acres or less be all that will still require re-seeding in Phase I once Phase II is open?
 - b. If item 'a' above is the Applicant's intent, please confirm that during Phase I – the bond will be calculated to include the entirety of reclamation tasks, but upon entering Phase II – a maximum of 61 acres will be calculated for re-seeding costs only.

6. Will 92 acres be the maximum affected acreage for the life of the operation? If not, please clarify what the maximum affected acreage will be once mining enters the remaining phases.
7. The Reclamation Plan states that no internal roads will remain after reclamation. Please clarify whether this includes the new haul road fork that leads to the truck scale.
8. Please clarify whether the visual berm constructed in the Northeast portion of the site planned to remain post-reclamation?
9. The Applicant states that topsoil onsite is anticipated to be three inches deep. However, the current reclamation plan and soils exhibit from the original application states that there are approximately 6 – 10 inches of topsoil across the site, and that that amount will be salvaged. The Division requires that at least 6 inches of topsoil is salvaged and replaced. On the TR2 Reclamation Plan Map a Typical Section graphic is provided that indicates that approximately 6 inches of overburden will be placed on the pit floor and side slopes, with 3 inches of topsoil placed over it. The TR2 Mining Map only indicates the location of topsoil stockpiles. Please clarify the following:
 - a. Is the Applicant salvaging the overburden shown on the Typical Section graphic separately from topsoil?
 - * The Mining Plan states that topsoil and overburden piles will be placed around the permitter. These piles are not currently depicted on the map. Will there be overburden piles in a permitter berm and in the stockpile areas?
 - Or
 - b. Is the 9 inches of material shown in the Typical Section graphic separate from the overburden used to grade the site, and is actually consisting of soil within the upper A horizons – and may be classified and stockpiled as topsoil?
 - Or
 - c. If neither of the above are the Applicant's intention, and the overburden will instead only be used for backfilling and grading slopes, please commit to salvaging at least 6 inches of topsoil material to be spread over the disturbed areas and update the typical section graphic.
10. The current Mining Map indicates that there will be a 30-foot buffer area around the permit

area that will be used for topsoil stockpiling (see Figure 3 below). The Applicant's TR2 Mining Map appears to place the topsoil around this area in Phase I as well. Please clarify if the 30-foot buffer areas are to be maintained around where they are currently depicted – or if the Applicant instead intends to just ensure that topsoil is located outside of the ongoing mining activities in a perimeter configuration.

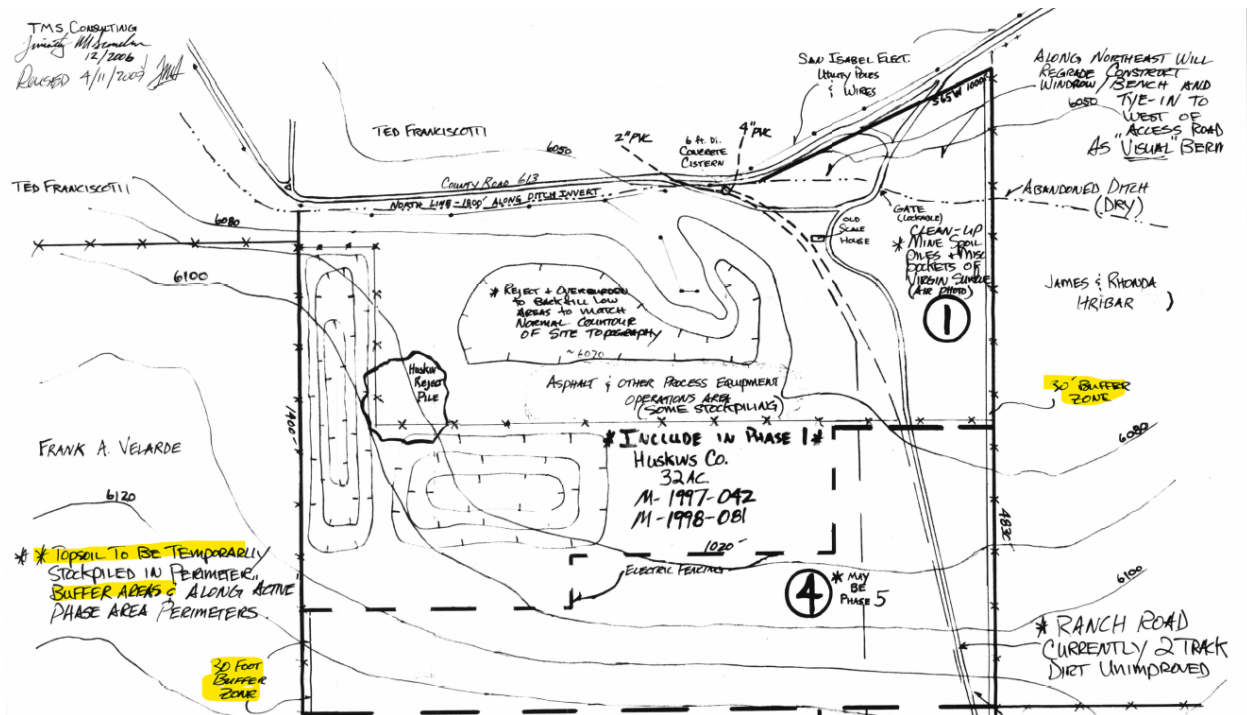


Figure 3: Screenshot from the original/currently approved Mining Plan Map. The highlighted text indicates where a 30-foot buffer zone was planned around the boundaries.

Please submit your responses to the above listed issues by May 15 in order to allow the Division sufficient time for review. If you cannot address the above issues by May 15 please request an extension to the decision due date to ensure adequate time for the Division to review materials. A decision due date of **May 18, 2025** has been set. If any adequacy issues remain by the decision due date the Division may deny your request.

The Division will continue to review your Technical Revision and will contact you if additional information is needed. If you require additional information, or have questions or concerns, please feel free to contact me at amber.gibson@state.co.us or at (720) 836-0967.

Sincerely,



Amber M. Gibson
Environmental Protection Specialist

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