



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

May 28, 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 No. 2**

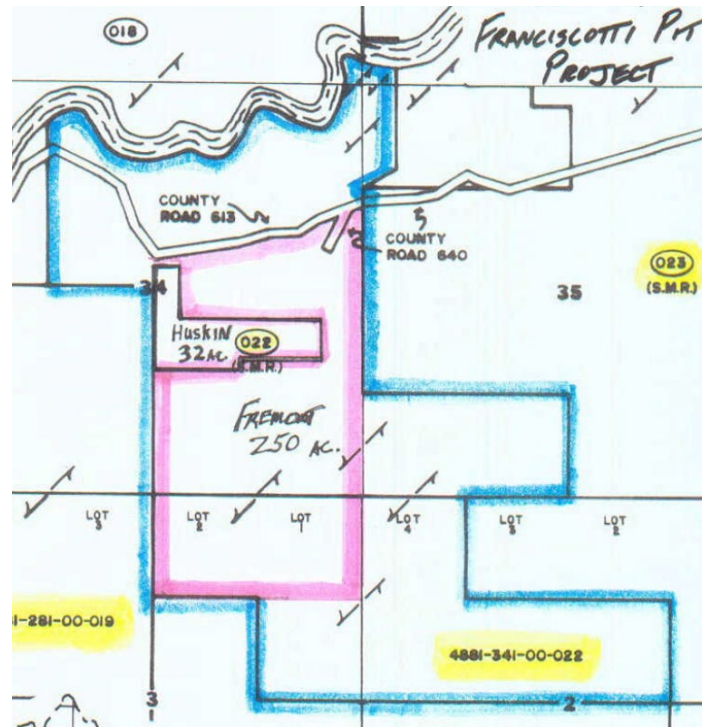
Dear Ms. Schreiber,

The Division of Reclamation, Mining and Safety (Division/DRMS) is in the process of reviewing the above referenced Technical Revision and your adequacy responses received on May 28, 2025 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:

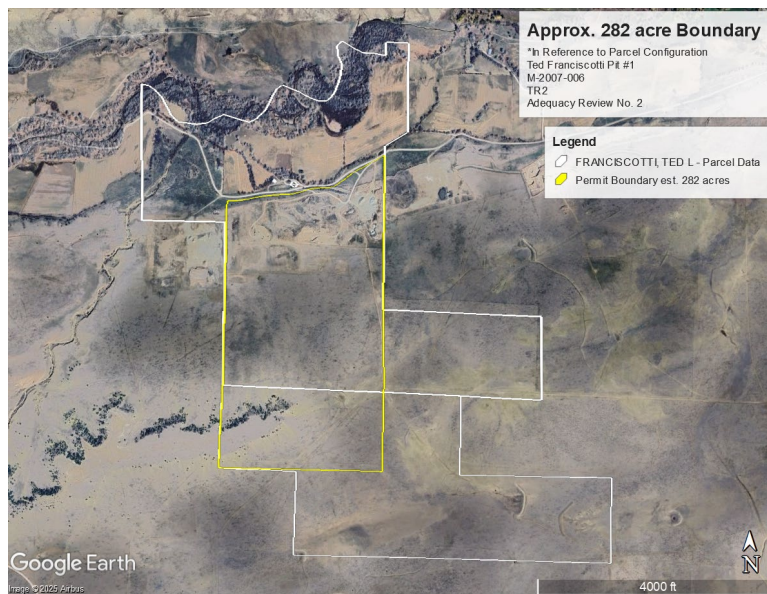
**Maps and Mining Plan**

1.
  - a. Upon further review of the permit boundary submitted with the Adequacy No. 1 responses, it appears that it may need to be re-aligned. When comparing it to the Huerfano County Parcel data and to the original applicant's depiction of the permit area and the parcel boundaries, it appears that it was intended to be located solely on Mr. Franciscotti's land (see Figure 1). Please see Figure 2's depiction of the Division's estimate of the permit boundary based on the 282 approved acres, the parcel boundaries, and the shape depicted on the original applicant's maps. I have attached the KML file for the parcel boundaries and the Division's estimate within an email to the Applicant. If you concur with the boundary, please update and resubmit the maps.
  - b. Additionally, the Mining Map and Phase map state that the permit boundary is 281 acres, and the Reclamation Map states that it is 282 acres. Please ensure that they both reflect the currently approved 282 acreage.





**Figure 1:** Permit boundary orientation depicted within Mr. Franciscotti's parcels in the original permit application (before the 111 Huskin areas were added through adequacy conversations).



**Figure 2:** The Division's estimate of the permit boundary lain within the parcel boundary information sourced from the Huerfano County Assessor's parcel data web page.

2. **DRMS Adq. 1:** 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.

**Applicant Adq. 1 Resp:** The operator would like to clarify the meaning of “unmined areas”. These areas are those that have not previously been mined through other operators or currently through this operator.

**DRMS Adq. 2:** After a phone conversation with the Applicant, the Division clarified that the “unmined areas” essentially includes all of the area within the Phase 1 Stockpile and Phase I Mining areas (including historical disturbance and the Landowner’s projects within this area) and the area within the Phase 1 – Historical that has not been previously mined. Please concur for the record if this assessment is accurate.

3. **DRMS Adq. 1:** 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.

**Applicant Adq. 1 Resp:** The operator will only mine previously unmined areas in Phase 1. However, berms may or may not be stockpiled near the previously mined portion of the 111. The operator will not be mining in this reclaimed area but may use areas around it for operational and stockpile needs.

**DRMS Adq. 2:** As the Applicant has indicated that portions of the permitter around the previously reclaimed 111 areas may be used for topsoil stockpiling, the Division asks that the Applicant clarifies whether the Applicant/Operator intends to haul the topsoil material from those locations to reclaim Phase I areas, or if there will be separate topsoil locations for Phase I reclamation. Please see Figures 3 and 4 below.



**Figure 3:** The line measure provides an example haul distance for hauling topsoil through the previously reclaimed 111 areas from the topsoil pile locations, to reclamation areas within Phase I. (Haul distances would be averaged across the site for the cost estimate).



**Figure 4:** The line measure provides an example haul distance for hauling topsoil around the previously reclaimed reclamation areas from the topsoil pile locations, to reclamation areas within Phase I. (Haul distances would be averaged across the site for the cost estimate).



- a. Figure 3 depicts an example haul distance for Phase I reclamation if the Operator were to cut through the previously reclaimed 111 areas. This would allow for a shorter haul distance, but would cause new disturbance that would likely require both topsoiling and reseeding.
- b. Figure 4 depicts an example haul distance for Phase I reclamation if the Operator were to go around the previously reclaimed 111 areas and take the road leading through the Phases to conduct reclamation in the Phase I areas. This would result in further haul distances but would reduce the amount of remaining reclamation needed in the previously reclaimed 111 areas.
- c. Alternatively, the Applicant may consider additional topsoil piles closer to the areas that will be used for reclamation in Phase I in addition to the topsoil stockpile areas within the 111 areas that may be better used for Phase II reclamation.

Please clarify to the Division, which option best illustrates the Applicant's intent, or provide an alternative option. If option 'c' is chosen, please provide an updated map showing topsoil locations that will be used for reclamation of Phase I areas.

4. **DRMS Adq. 1:** 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.

**Applicant Adq. 1 Resp:** The operator concurs with the previously submitted Exhibit S.

**DRMS Adq. 2:** This has been adequately addressed.

### **Reclamation Plan and Reclamation Map**

5. **DRMS Adq. 1:** 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.

**Applicant Adq. 1 Resp:** It is anticipated that through reseeding efforts that will take place in Phase I as mining continues, there will be 61 acres or less that may require reseeding once Phase II commences. The statement is 5b. is accurate and confirmed.

**DRMS Adq. 2:**

- a. The current disturbance at the site exceeds the proposed 200' highwall estimate provided in the Mining Plan and Reclamation Cost Estimate exhibits. During the 2024 inspection, the current length of slopes that will need to be backfilled and graded in the Operator's disturbance is composed of 2H:1V slopes at 1559' L x 15'H and the slopes that need to be backfilled and graded in the Landowner's pit is composed of highwalls at 742.23' L x 10'H. The bond calculation was also calculated for the currently approved 25-acre at-any-one-time disturbance maximum. As the reclamation liability for the amount of area to be affected at-any-one-time will increase significantly to account for an increase from 25-acres to 92-acres in Phase I, the Division wants to clarify whether it should account for topsoiling and seeding in the previously reclaimed 111 areas, or if those will only require re-seeding? Please ensure your response corresponds to your response to adequacy item # 3.
  - b. The Applicant's reclamation cost estimate accounts for placing topsoil/fines over 30 acres instead of 92 acres. Please update the exhibit to reflect the previously agreed upon 92 acres or to reflect your response to adequacy item #5a above.
6. **DRMS Adq. 1:** 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.

**Applicant Adq. 1 Resp:** Yes, 92 acres will be the maximum affected acreage for the life of the operation, unless an updated mine and reclamation plan is submitted for approval through the division.

**DRMS Adq. 2:** This has been adequately addressed.

7. **DRMS Adq. 1:** 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.

**Applicant Adq. 1 Resp:** All roads, including the new haul road fork, will be reclaimed upon closing of the mine.

**DRMS Adq. 2:** This has been adequately addressed.

8. **DRMS Adq. 1:** Please clarify whether the visual berm constructed in the Northeast portion of the site planned to remain post-reclamation?

**Applicant Adq. 1 Resp:** The visual berm will be removed, and the material will be used for reclamation activities.

**DRMS Adq. 2:** This has been adequately addressed.

9. **DRMS Adq. 1:** 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.

**Applicant Adq. 1 Resp:** Overburden will be used for backfilling and grading slopes. The operator commits to salvaging 6 inches of topsoil to spread over the disturbed areas. The

Mining and Reclamation Plans have been updated and are attached.

**DRMS Adq. 2:**

- a. Is the central location of the overburden depiction accurately represented on the Applicant's Mining Map? If so, the average haul distance estimate for the upper Phase I area is approximately 700 feet. Will there be any overburden stockpiles closer to the pit disturbance, like what is currently seen at the site? Please clarify whether or not there will be additional piles to use for backfilling and grading, or if it will only be stored in the single location shown on the Mining Map. If there are additional piles, please either provide an updated map with those locations, or describe the configuration of additional piles and provide the average overburden haul distances across the site.
  - b. The Applicant states in the response that overburden will be used for backfilling and grading. The Typical Section shown on the Applicant's Reclamation Map indicates that 6" will be spread on the pit floors as well. Please clarify whether the Applicant also intends to use the overburden to cover the pit floors as this will be accounted for in the cost estimate.
10. **DRMS Adq. 1:** 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.



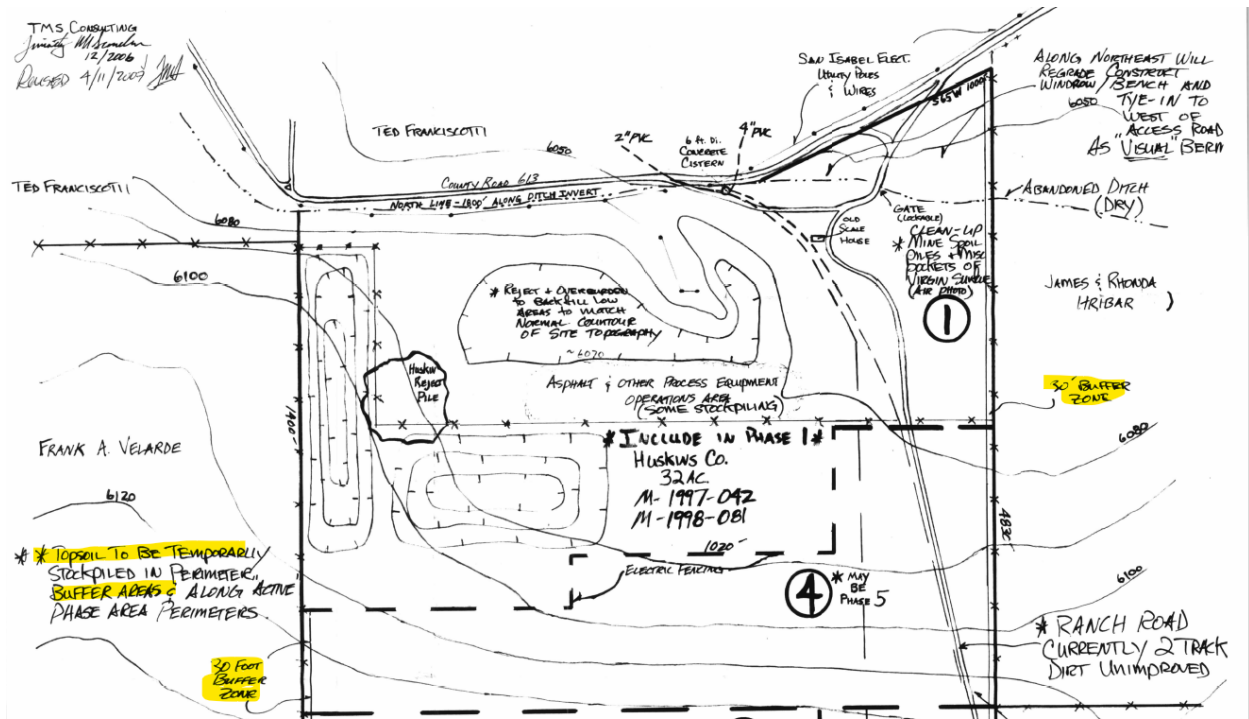


Figure 5: Screenshot from the original/currently approved Mining Plan Map. The highlighted text indicates where a 30-foot buffer zone was planned around the boundaries.

**Applicant Adq. 1 Resp:** The applicant intends to ensure that topsoil is located outside of the ongoing mining activities in a perimeter configuration.

**DRMS Adq. 2:** This may be further addressed in the Applicant's response to Adequacy item # 3 above.

## Right of Entry

11. The Applicant informed the Division that the property owner has passed. Please provide an updated right of entry agreement with the current landowner(s), and update any exhibits and maps to reflect the current landowner information.

Please submit your responses to the above listed issues as soon as possible to allow the Division sufficient time for review. If you will require additional time to submit responses to be reviewed, please request an extension to the decision due date to ensure adequate time for the Division to review materials. A decision due date of **June 2, 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](mailto: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