

STATE OF  
COLORADO

Reilley - DNR, Robin &lt;robin.reilley@state.co.us&gt;

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## Adequacy #2

1 message

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**Reilley - DNR, Robin** <robin.reilley@state.co.us>

Tue, Jun 24, 2025 at 4:47 PM

To: Summit Engineering Co &lt;summitengco@gmail.com&gt;, Robin Reilley - DNR &lt;robin.reilley@state.co.us&gt;

Good Afternoon Scott,

Thank you for sending over the affidavit of publication this morning. I've entered it into the record. Some outstanding issues addressed in the attached adequacy.

- Acreage discrepancy remains outstanding.
- Notice to landowners of the extension area remains outstanding. There is a comment period associated with notice. The following need to be notified and there may be others:

### SUMMIT ENGINEERING CO

1. WSQ Solar
2. Quinlan, Wane and Sue
3. Cumbers and Toltec Railroad
4. Mountain Tower and Land
5. Robbins, Daniel and Renee
6. Valdez, Demetrian and Olive

- The entity seems to have changed between the original application in June of 2024 and the completeness response. This is problematic.

Please find DRMS's second round of adequacy in response to your 27 May submittal. Also, please request an extension so we can get these items worked out.

Thank you

**Robin Reilley, M.S. GISP**  
Environmental Protection Specialist II

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[robin.reilley@state.co.us](mailto:robin.reilley@state.co.us) | <http://mining.state.co.us>**ADQ\_prelimDRMS\_responsetoAdq.pdf**

114K

Mr. Scott Johnson  
Summit Engineering  
1317 State Ave.  
P.O. Box 1897  
Alamosa, Co 81101

24 June 2025

**Re: Robins Consolidated Expansion Pit; Permit M1991133**  
**DRMS Review of Summit Engineerings' Response to Preliminary Adequacy**

Dear Mr. Robins,

The Division completed its preliminary adequacy review of **Robins Consolidated Expansion Pit, a 112 amendment** request received by the Division on 13 June 2024. DRMS found the proposed application incomplete 27 June 2024 and received a response to completeness on 14 February 2025. The Division sent preliminary adequacy on 24 March 2025 and received the response to preliminary adequacy 27 May 2025. The Division received the affidavit of publication and water augmentation information on 24 June 2025 from Summit engineering. The decision date has been extended a number of times and is scheduled for 27 June 2025. Given that needed documentaion remains outstanding the decision date should be extended.

Adequacy questions are numbered coinciding with the completeness numbers of the 27 June 2024 Completeness document. Completeness items adequately addressed in the 14 February 2025 and 27 May responses submitted do not appear in the adequacy items below.

Please update the text as detailed below and resubmit the application in its entirety paying close attention to the following formatting details:

***Application issues***

1. *The original application, (June 2024) was requested by Robins Construction.*
2. *The acreage in the application for the current permit area is incorrect.*
3. *The revised application (February 2025) as a result of completeness, was requested by Robbins Construction Real Estate.*

**The Division can only approve an application requested by the original applicant and as registered by the Secretary of State.**

***DRMS: June 2025***

**Rule 1.6.2(d) General Procedures**

The applicant shall mail or personally serve a copy of the notice in Rule 1.6.2(1)(d) immediately after the first publication to:

- (i) all Owners of Record of the surface and mineral rights of the affected land; and
- (ii) the Owners of Record of all land surface within 200 feet of the boundary of the affected lands.

(f) As soon as designated by the Office, mail a copy of the Notice provided for in Rule 1.6.2(1)(d) to any other Owners of Record who might be affected by the proposed mining operation. The Office shall designate such owners, if any, during its adequacy review process.

DRMS finds the following person should be notified with respect to the expansion area, there may be others. There some time after notification that slows for public comment. Please provide DRMS with the certified mail notifications or other indication that notice has been provided.

1. WSQ Solar
2. Quinlan, Wane and Sue
3. Cumbers and Toltec Railroad
4. Mountain Tower and Land
5. Robbins, Daniel and Renee
6. Valdez, Demetrion and Olive

### **Rule 6.4.3**

*An overriding and continuing question DRMS has is the acreage requested and referenced in the application. The application requested 50 acres of expansion area. However, it appears that numerous exhibits reference 68 +/-acres. The application also states that the current permitted acres are 64.2. DRMS records show the current permitted acres as 45.85. The application utilizes incorrect acreage for the current permitted acreage.*

### **27 May Summittal Response from Summitt:**

The original Consolidated Pit has an acreage 68.45 Acres and the expanded area has an acreage of 46 acres totaling 114 Acres. The expanded area has been partitioned into 9 phases totaling 59 acres and an augmentation recharge pond of about 9 acres which will not be mined. The original plant area is expected to be completely mined out this year and reclamation has been started on the east and south perimeters of the pit. Reclamation of the original consolidated Pit will be completed in 2026. A timetable for Mining and Reclamation of each of the 9 phases (i-IX) is shown on the Exhibit maps.

### **DRMS: June 2025**

*DRMS files indicate a permit area of 45.85 acres as of AM1 (2017) amendment , where 15.85 acres were added bringing the total acres for the permit to the 45.85 acres on file at this time. This information was corroborated in DRMS's inspection of August 2022. There is no record in DRMS files that the permit acreage is or ever was 68.45 acres. If mining has been occurring on acreage outside of the 45.85 permit area that would constitute a violation of the approved permit.*

#### **Robins Consolidated Pit Boundary Map 1**

- Affected land Batch Plant acreage of 45.85 acres
- Expansion Area affected land 68.47acres

#### **Robins Consolidated Pit Boundary Map 2**

- Affected land Batch Plant acreage of 45.85 acres
- Expansion Area affected land 59.87 acres

**Please explain the difference in the existing pit boundary and the Robins consolidated pit boundary between the two maps.**

#### **Premining and Mine Plan Map**

- Affected land Batch Plant acreage of 45.85 acres
- Expansion Area affected land 59.87 acres
- No acreage stated for quadrant comprised of recharge Pit. This appears to be additional acreage above the affected area stated as 59.87 acres

Please explain the acreage discrepancy between the batch plant and the expansion area. **Provide DRMS decimal degree coordinates of each corner for each area:**

- a. **1: the current permit**
- b. **2: the expansion area**

**DRMS: June 2025**

**Rule 6.4.4 Exhibit D: Mine Plan**

Topsoil stockpiles are not depicted on the Mine Plan Map. DRMS understands that topsoil piles will be located in each phased quadrant on the south and east perimeter of the quadrant. It remains unclear that adequate space is available for topsoil storage. Please locate, to scale the topsoil pile on the map.

**7..Please verify that DRMS's understanding is correct or locate topsoil stockpiles on the Mine Plan Map.**

**DRMS: June 2025**

**12. Please update the reclamation plan text to indicate that the current land use is Industrial/Commercial and that a proposed change to Rangeland is requested.**

Topsoil depths have been stated as 12 inches as well as 6 inches. Page 22 appears to have outdated information please either remove this page or update to the correct information.

The reclamation plan references the establishment of small trees as recommended by the NRCS. The costs for small trees, and irrigation are not detailed in the reclamation plan.

Please remove this information from the reclamation plan and resubmit the application with the updated information. **DRMS understands that small trees will not be utilized. Please update the reclamation plan accordingly.**

**27 May Summitt Response**

12C and 12 D. Topsoil is very shallow over the original Consolidated Pit being an estimated 3 to 6 inches in depth. In selected areas as reclamation is performed topsoil may be mixed with fine byproducts prior to mulching and seeding.

**DRMS: June 2025**

**12 C and 12D. Please update the reclamation plan and the mine plan with the correct topsoil information and resubmit the application with the updated plans.**

**12E Site description pg. 23 and pg. 25 utilizes incorrect acreage please correct.**

**DRMS: June 2025**

**Exhibits Q, R Proof of Mailing**

**These exhibits comprised no information, just header pages. They should have the certified mail receipts to each entity. Please submit this information.**

Public notice is required once the application is deemed complete, commencing a public comment period of 20 (twenty) calendar days as per Rule 1.6.5. This notice must be provided to DRMS.

The Decision due date is **27 June 2025** and will require an extension as DRMS only received publication information on 24 June 2025. Please provide responses to adequacy well in advance of the next decision due date so DRMS can prepare a reclamation cost estimate and conduct an inspection.

Thank you