

**STATE OF
COLORADO**

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M2024023, Brown Quarry Application, Third Adequacy Review

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Wed, Jul 16, 2025 at 6:07 PM

To: Robert Congdon <defiancestone11@gmail.com>

Cc: Ben Langenfeld <benl@lewicki.biz>, Jessica King <jess@lewicki.biz>, "Cocina, Brittany A" <bcocina@blm.gov>

Robert,

Please find attached the Division's third adequacy review of the Brown Quarry Application. There are now just two outstanding items to be resolved, but the decision date will need to be extended to allow time to address them.

Leigh Simmons
Environmental Protection Specialist



COLORADO
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leigh.simmons@state.co.us | <https://drms.colorado.gov>**M2024023_Application_AdequacyReview_3.pdf**

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Robert Congdon
Defiance Stone Company LLC.
1929 Dolores Way
Carbondale, CO, 81623

July 16, 2025

**Re: Brown Quarry Application (M-2024-023)
Third Adequacy Review**

Dear Mr. Congdon,

The Division has completed a review of your response to the second adequacy review. Comments are organized by rule citation. Please review the following comments and address the numbered items in bold.

Rule 6.3.1 Exhibit A - Legal Description and Location Map

1. Exhibit A was revised to describe a single contiguous permit area, including all lands to be affected by the operation. A table of coordinates with vertices of the permit area is given in the text. The permit boundary was digitized from the location map. The area described by the permit boundary is approximately 4.44 acres, which matches the area given on the application form.

The response is sufficient.

Rule 6.3.2 Exhibit B - Site Description

2. [Response is sufficient]
3. Exhibit B (c) describes two ephemeral drainage channels. The text refers to "Map G-1" and "Appendix 1". Corrections to the text were made and a full resolution copy of Map G-1 was provided.

The response is sufficient.

4. Comments from CPW were addressed in Exhibits B, C and D.

The response is sufficient.

Rule 6.3.3 Exhibit C - Mining Plan

5. [Response is sufficient]



6. [Response is sufficient]
7. [Response is sufficient]
8. [Response is sufficient]
9. [Response is sufficient]
10. [Response is sufficient]
11. [Response is sufficient]
12. Exhibit C (e) was updated to specify the number and volume of water storage tanks to be used at the yard (2 x 250 gallon, 1 x 2650 gallon, 1 x 750 gallon) and the quarry (2 x 500 gallon); and to detail how fuel will be handled on site. No fuel will be stored on site.

The response is sufficient.

13. [Response is sufficient]
14. [Response is sufficient]
15. Exhibit C (h) was updated to describe how sawing water will be contained and reused, and how fines will be handled.

The response is sufficient.

16. [Response is sufficient]
17. Natural drainages are shown on Map G-1. Surface water at the quarry will be directed toward the natural drainages on either side of the disturbed area through grading of the mining benches; flows will be directed into sediment traps made of anchored straw bales or other sediment trapping devices before discharging to the ephemeral drainage to the west. The ephemeral drainage itself will be diverted through a culvert (actually three parallel 18" diameter culverts) designed to pass the 100y24h event, under the access road. Finally, a rock check dam will be used to control sediment before leaving the site – design details are shown on a figure called "Exhibit C-2", which is given in Exhibit E, Maps.

Surface water at the yard will be contained by a berm and allowed to infiltrate; if infiltration does not occur within 24 hours it will be pumped and discharged through a CDPS outfall.

The response is sufficient.

- 18. [Response is sufficient]
- 19. [Response is sufficient]
- 20. [Response is sufficient]
- 21. [Response is sufficient]
- 22. The Geotechnical Stability Exhibit was revised to address the issues raised in the last adequacy review. Although the precise configuration of the post-mining slope is not modeled, the analysis assumes 100% backfill of each bench and finds that the slope stability exceeds the minimum required factor of safety, both for each bench and for the entire slope.

The response is sufficient.

Rule 6.3.4 Exhibit D – Reclamation Plan

- 23. [Response is sufficient]
- 24. Exhibit D was revised to clarify the differences in the reclamation plan with respect to post-mining topography between the yard and the quarry.

The response is sufficient.

- 25. [Response is sufficient]
- 26. [Response is sufficient]
- 27. A reclamation cost estimate is provided in Exhibit D (2). The Division will prepare its own reclamation cost estimate, based on standardized unit values for equipment, material, labor and indirect costs, and will seek concurrence of the BLM before finalizing. This process is ongoing, and will likely be the last item to be agreed before the permit can be approved. Specific questions to aid in the preparation of the cost estimate are listed below:
 - a. **Please describe the construction and dimensions of the fence to be installed at the Yard (materials, height, length, type of poles, spacing of poles, etc.)**
 - b. **Please clarify the number, height and location of power poles to be installed at the Yard**

Rule 6.3(5) Exhibit E – Maps

28. The general location map is adequate, however other maps provided in Exhibit E do not meet the requirements of the Rules. Maps must be in plan view and may be supplemented with section views; screenshots from Google Earth are not acceptable. Rules 6.2.1(2) and 6.3.5 specify the requirements for maps. For clarity the text of these rules is copied below in italics:

6.2 GENERAL REQUIREMENTS OF EXHIBITS

6.2.1 General Requirements

(1) This Rule provides for the guidelines for, and information requirements of, each Exhibit required to be submitted with the permit application, as specified according to Rule 6.1.

(2) Maps and Exhibits

Maps, except the index map, must conform to the following criteria:

- (a) show name of Applicant;*
- (b) must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;*
- (c) give date prepared;*
- (d) identify and outline the area which corresponds with the application;*
- (e) with the exception of the map of the affected lands required in Section 34-32.5-112(2)(d), C.R.S. 1984, as amended, shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Also, that a map scale, appropriate legend, map title, date and a north arrow shall be included.*

6.3.5 EXHIBIT E – Map

(1) In addition to the requirements of Rule 6.2.1(2), the Operator/Applicant must provide a map that clearly describes the features associated with the mining plan and the components of the Reclamation Plan. Include one (1) map for the mine plan and one (1) map for the Reclamation Plan. The map(s) must be drawn to a scale no smaller than appropriate to clearly show all elements that are required to be delineated by the Act and these Rules; show a north arrow, note any section corners adjacent to the proposed operation, and indicate the date illustrated. At a minimum, maps must include the following information:

(2) Mining Plan Map

- (a) outline and label the permit boundaries, described in Exhibit A – Legal Description; for all 110 Limited Impact and 111 Special Operations, the Office considers the area bounded by the permit boundary to be analogous to the affected area;*
- (b) label the names of owner(s) of record of the surface of the affected area and*

of the land within two hundred (200) feet of the affected area, identify the owner of the substance to be mined, and the type of structure and owners of record of any permanent or man-made structures within two hundred (200) feet of the affected area;

(c) outline and label all major surface features to be used in connection with the proposed operation such as: existing and proposed roads, pit boundary, topsoil stockpiles, overburden stockpiles, product stockpiles, waste rock fills, stream channels, buildings, processing plant, underground openings such as adits or ventilation facilities, ponds, impoundments, dewatering pumps, diversions or waste disposal areas;

(d) indicate the direction that construction material extraction will proceed;

(e) note the location of any significant, valuable, and permanent man-made structures within two hundred (200) feet of the affected area. A narrative description must be provided in Exhibit B - Site Description; and

(f) outline and label existing disturbance within and/or adjacent to the permit boundary (e.g., previously mined areas, roads or excavations resulting from utility construction). Re-disturbance of previously disturbed areas, by the proposed mining operation, must be included in the permit area and addressed in Exhibit D - Reclamation Plan.

(3) Reclamation Plan Map

(a) show the gradient of all reclaimed slopes (horizontal:vertical) sufficient to describe the post mine topography;

(b) indicate where vegetation will not be established and the general area(s) for shrub or tree planting;

(c) if ponds are a part of the Reclamation Plan, outline the final shore configuration of the ponds and shallow areas if the future land use is for wildlife;

(d) state the average thickness of replaced overburden by reclamation area or phase; and

(e) state the average thickness of replaced topsoil by reclamation area or phase.

Please provide a Mine Plan Map and Reclamation Plan to cover the Yard, the Quarry and the improved Road. Please include the following features on the maps:

- The permit boundary
- Topographic contour lines
- Topsoil storage piles
- Surface water control structures AND proposed discharge permit outfall locations (these may need to be updated if they are changed with the discharge permit)
- Existing and improved roads, with labels
- All facilities described in Exhibit C(e)
- All features discussed in item 27, above.

Rule 6.3(6) Exhibit F - Other permits

29. Exhibit F specifies that an Eagle County special use permit and a discharge permit from CDPHE will be required.

[Response is sufficient]

Rule 6.3(7) Exhibit G – Source of Legal Right to Enter

30. Exhibit G provides a BLM categorical exclusion number and a Serial number as the source of Legal Right to Enter. The Division met with the BLM and confirmed that the categorical exclusion is a valid source of Legal Right to Enter. Since the limestone to be mined is a "saleable mineral" the categorical exclusion is used in lieu of a Mine Plan of Operations (which would be typical for a "locatable mineral"). The BLM sales contract will not be finalized until after the DRMS permit is approved, the Reclamation Cost Estimate has been agreed, and the initial payment has been made.

The response is sufficient.

Rule 6.3(9) Exhibit I – Proof of Filing with County Clerk

31. **[Response is sufficient]**

Rule 6.3(12) Exhibit L – Permanent Man-Made Structures

32. **[Response is sufficient]**

The decision due date for the Brown Quarry application is July 22, 2025. Please request an extension to this date that will give you sufficient time to respond to this adequacy review, and for the Division to review your response.

Sincerely,



Leigh Simmons
Environmental Protection Specialist

cc: Ben Langenfeld; benl@lewicki.biz
Jessica King; jess@lewicki.biz
Brittany Cocina; bcocina@blm.gov