

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

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March 1, 2013

Mr. Rob Mangone  
Rocky Mountain Materials & Asphalt, Inc  
1910 Rand Ave  
Colorado Springs, CO 80906

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta Piñeda  
Director

**Re: Red Canyon Quarry; DRMS File No. M-1985-043;  
Technical Revision (TR-02) Preliminary Adequacy Review**

Dear Mr. Mangone:

On February 15, 2013 the Division of Reclamation, Mining and Safety (Division) received a request for a Technical Revision (TR-02) addressing the following:

- *Modify the mine plan*

The submittal was called complete for the purpose of filing on February 15, 2013. The decision deadline for TR-02 is **March 17, 2013**. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, **it will be your responsibility to request an extension of the review period**. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this technical revision.

The following comments are based on the Division's review of the Request for Technical Revision TR-02:

- 1) Drawing, Reclamation Plan – The Division has identified the following items that need to be addressed in order to evaluate the reclamation plan:
  - a. There are no contour elevation labels. Please resubmit the drawing with elevation contour labels,
  - b. Unlike previous reclamation plans for this site, there are two areas that appear to have some capacity to retain stormwater after reclamation: 1) East central pit, labeled "Phase 1", and 2) Small north central pit between Phase 2 and Phase 3. Please explain why these two areas appear to be graded to retain stormwater and/or revise the reclamation grading plan to be free-draining,

Please be aware of the following active stipulations resulting from the approval of Amendment 2 (AM-02):

- Stipulation No. 2 - *The applicant shall be required to submit a technical revision, pursuant to the requirements of Rule 1.9, addressing hydrologic conditions and requirements of an approved SWMP, from areas outside the existing 55 acre stormwater runoff assessment area. The technical revision must be approved by the DMG prior to the Applicant disturbing any acreage outside the existing 55 acre study area. Such revision shall be prepared in consultation with the Colorado Water Conservation Board.*
- Stipulation No. 3 - *The applicant will conduct blasting operations only from dawn to dusk and place signs warning people of a threatened species in the area.*

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The February 5, 2013 submittal of the Federal Register 50 CFR Part 17 – “Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Mexican Spotted Owl; Final Rule” dated August 31, 2004 confirms that “... State and private lands are not essential to the species’ (*Mexican Spotted Owl*) recovery. We (*U.S. Fish and Wildlife Service*) have therefore, not included State and private lands in this designation of critical habitat for the owl.” Therefore, the requirements in Stipulation No. 1 from AM-02 have been met. The Division has determined the conditions under Stipulation No. 1 have been met and no further action is required to comply with Stipulation No. 1.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, reading "Timothy A. Cazier". The signature is fluid and cursive, with the first name "Timothy" being more prominent than the last name "Cazier".

Timothy A. Cazier, P.E.  
Environmental Protection Specialist

cc: Tom Kaldenbach, DRMS  
DRMS file