



March 7, 2023

Baxter Kirkland
Siete, Inc.
P.O. Box 202
Rye, CO 81069

Jodi Schreiber
PFM Consulting LLC
1774 N Cougar Dr.
Pueblo West, CO 81007

Re: Preliminary Adequacy Review, 111 Construction Materials New Permit Application Lascar Pit, Permit No. M-2023-005

Dear Mr. Kirkland and Ms. Schreiber,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your 111 Reclamation Permit Application for the Lascar Pit, File No. M-2023-005, and submits the following comments. **The Division is required to make an approval or denial decision no later than March 16, 2023; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** In order to allow the Division adequate time to review your responses to the following items, please submit your adequacy responses to the Division no later than three days prior to the decision date.

Please respond to this adequacy review with the requested information as revised pages and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Responses; M-2023-005".

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, 6.3, and 6.5 (if applicable) of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading.

EXHIBIT A

1. The map titled "Lascar Pit – Siete INC Legal Exhibit A/B PG 3" has a north arrow that is actually facing east. Please rotate this map so that the north arrow is oriented north.

EXHIBIT B



2. Pursuant to Rule 6.3.2(b) the names of the structure owners for any permanent man-made structures within 200 feet of the affected area should be located on an Exhibit E – Map. In Exhibit L, the Applicant states that a stock tank, fence, water line, and County Road 650 are within 200 feet of the proposed site. Exhibit L states that Buzz Williams is the owner of the stock tank, water line, and fence. Exhibit L also states that Huerfano County is in the process of approving a Conditional Use Permit and will provide a Road Access Agreement upon approval.

On the map titled “Lascair Pit Existing Conditions Exhibit E”, the location of the stock tank and water line are not provided. Additionally, a wind mill/water trough is located on the map within 200 feet of the affected land boundary and a note is provided stating Buzz Williams owns all fences, the wind mill, and the water trough within “200”.

- Please update the notes to say within “200 feet”.
- Please clarify if the water trough/wind mill is being used interchangeably with ‘water line’ or ‘stock tank’.
- Also, on map “Lascair Pit Existing Conditions Exhibit E”, please include the location of the stock tank and water line. Also please list the owners of these structures and indicate Huerfano County as the owner of County Road 650.
- Upon approval, please provide the Division with a copy of the Road Access Agreement with Huerfano County. If this cannot be obtained, please provide a signed structure agreement or provide an engineering evaluation demonstrating that County Road 650 will not be damaged by activities at the mining operation.

EXHIBIT C

3. In Exhibit C, under General Mining Plan, the Applicant states that “topsoil and overburden berms will be stored around the perimeter of the permit boundary for later use in reclamation”. On the map titled “Lascair Pit-Siete INC Mining Map Exhibit E”, topsoil and overburden are combined within one continuous berm. Pursuant to Rule 6.3.3(b), plant growth medium stockpiles (topsoil) must be located separate from other stockpiles, out of the way of mine traffic and out of stream channels or drainage ways.
 - a. Please revise the mining and reclamation plans to account for storing topsoil in a separate location from the overburden stockpiles.
 - b. Please update the applicable sections of Exhibit B, C, and D pertaining to topsoil and overburden stockpiles.
4. In Exhibits B, C, and D, the Applicant states that stockpiled topsoil will be stored in a site perimeter berm. Rule 6.3.3(b) requires topsoil that will be stockpiled to be stabilized with a vegetative cover or other means until used in reclamation. Please revise the mining plan narrative to include a plan for stabilizing the topsoil stockpile prior to use in reclamation and commit to seeding the topsoil pile if it is stockpiled longer than 180 days without being used for reclamation.
5. Upon restructuring the stockpile plans, pursuant to Rule 6.3.3(f), please specify the dimensions of

the stockpiles.

6. In Item #3: Mine Facilities and Operation, the mining method states that “except for the highwall, slopes will be maintained at a 3H:1V or shallower”. Please provide the Division with an estimate of the maximum length of the highwall.

EXHIBIT D

7. Item #8: Reclamation Bond, the Applicant provides a reclamation cost estimate. In the estimate, under seeding, broadcasting is the seeding method provided. In Item #5: Revegetation Plan, the Applicant states that the seed will be drilled, and the seeding rates provided are for drill seeding. Please update the cost estimate to reflect the cost of drill seeding as the seeding method.

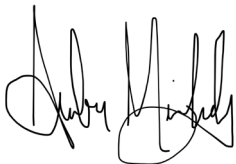
Other:

8. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant’s response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review.
9. The Division received state agency comments from the United States Army Corps of Engineers. The letter is attached for review. Please revise the permit exhibits accordingly in response to their letter.

The decision deadline on this application is March 16, 2023. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information or have any questions, please contact by telephone at (303) 866-3567 x8137, (720) 836-0967, or by email at amber.michels@state.co.us.

Sincerely,



Amber Michels
Environmental Protection Specialist

cc: Jared Ebert, DRMS

Enclosures: Comments from the United States Army Corps of Engineers



STATE OF
COLORADO

Michels - DNR, Amber <amber.michels@state.co.us>

Notice of Application Consideration for Permit: M2023005

DRMS_PermitAdmin - DNR, DNR_ <dnr_drms_permitadmin@state.co.us>

Thu, Mar 2, 2023 at 9:38
AM

To: Amber Michels - DNR <amber.michels@state.co.us>, Jared Ebert - DNR <jared.ebert@state.co.us>

Susan L. Burgmaier
Business Process Technical Specialist



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

P 303.866.3567 x 8111 | F 303.832.8106
Physical: [1313 Sherman Street, Room 215, Denver, CO 80203](#)
Mailing: DRMS Room 215, [1001 E 62nd Ave, Denver, CO 80216](#)
dnr_drms_permitadmin@state.co.us | <https://drms.colorado.gov>

ePermitting Login

----- Forwarded message -----

From: **SPA-RD-CO** <SPA-RD-CO@usace.army.mil>

Date: Thu, Mar 2, 2023 at 8:57 AM

Subject: Re: [Non-DoD Source] Notice of Application Consideration for Permit: M2023005

To: Division of Reclamation, Mining and Safety <dnr_drms_permitadmin@state.co.us>

Thank you for requesting comments from our office regarding the proposed subject project(s) or activity (ies) that may have the potential to impact aquatic resources. We appreciate that you are considering our potential regulatory role in the project, but we do not currently have the ability to provide project specific comments. If the activity should have the potential to result in the discharge of dredged or fill material into waters of the United States, then the project proponent should work directly with our office to acquire necessary Corps permits, if applicable, as described in following general comment.

Section 404 of the Clean Water Act requires a permit from us for the discharge of dredged or fill material into waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, lakes, ponds, wetlands, wet meadows, and seeps. To ascertain the extent of waters on the project site, the applicant should prepare a delineation of aquatic resources, in accordance with the applicable standards, including the 1987 Wetland Delineation Manual and the South Pacific Division Minimum Standards for Acceptance of Preliminary Wetlands Delineations. These standards can be found on our website at: <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Jurisdiction/>.

An aquatic resource delineation should be evaluated prior to developing a be part of a range of alternatives that meet the project purpose. The range of alternatives considered for this project should include alternatives that avoid and minimize impacts to wetlands, streams, or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to discharging dredged or fill material into waters of the United States, compensatory mitigation may be required.

For more information about our program or to locate a list of consultants that prepare aquatic resource delineations and permit application documents, please visit our website at <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits>.

Respectfully,
Lexi Hamous
Regulatory Specialist
Southern Colorado Branch

From: Division of Reclamation, Mining and Safety <dnr_drms_permitadmin@state.co.us>
Sent: Wednesday, March 1, 2023 3:37 PM
To: SPA-RD-CO <SPA-RD-CO@usace.army.mil>
Cc: amber.michels@state.co.us <amber.michels@state.co.us>
Subject: [Non-DoD Source] Notice of Application Consideration for Permit: M2023005

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