

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



January 2, 2014

Mr. Neil G. Thomson
Director of Engineering and Roadway Maintenance
E-470 Public Highway Authority
22470 E. 6th Parkway, Suite 100
Aurora, CO 80018

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Pineda
Director

Re: Henderson Development, Permit No. M-1980-110 (Sandy Acres Pit)
Adequacy comments regarding Technical Revision Application No. TR-02 (TR-02)

Mr. Thomson:

DRMS received the application for TR-02 on December 12, 2013. The decision deadline for approving or denying TR-02 is January 11, 2014. DRMS cannot approve the application until you have provided adequate responses to the following comments.

1. **Rule 1.1(6), Technical Revision versus Amendment** – Work proposed in TR-02 includes installing a conveyor belt system underneath the access ramp that extends from U.S. 85 to E-470. The conveyor will transport wash fines from Pit 29 (owned by Brannan Sand and Gravel, Inc.) to the Sandy Acres Pit (owned by E-470 Public Highway Authority). Will installation of the conveyor belt system require excavation or other land disturbance outside the currently approved affected area of the Sandy Acres Pit? Excavation or other land disturbance outside the approved affected area would require prior approval in a Permit Amendment, rather than a Technical Revision (please see the definition of "Amendment" in Construction Materials Rule 1.1(6)). If a Permit Amendment is required, then responses to the following comments should be addressed in the Amendment application.
2. **Rule 3.1.5(9)(c), Inert fill certification** – Please provide a notarized affidavit certifying the imported material is clean and inert, as defined in Rule 1.1(20). A copy of an acceptable form of such a notarized affidavit is attached.
3. **Rule 6.4.3, Exhibit C – Pre-mining and Mining Plan Map(s) of Affected Lands** – If the proposed work will increase the acreage of the affected land, then please update Exhibit C of the permit application with the information required by Rule 6.4.3 regarding man-made structures.
4. **Rule 6.4.19, Exhibit S, Permanent Man-made Structures** – If installation of the conveyor belt system will affect the stability of the U.S. 85 access ramp or any other significant, valuable and permanent man-made structure, then the damage mitigation requirements of Rule 6.4.19 must be met. Please explain how you will ensure compliance with Rule 6.4.19.
5. **Rule 6.4.5(e)(i), Exhibit E, Reclamation Plan** - Please provide historical document number 2 ("Part of the 1995 M-1980-110 Permit Exhibit E – Reclamation Plan") that is mentioned in your TR-02 submittal letter of December 5, 2013. A copy of that document was not enclosed with your letter.
6. **Rule 6.4.5(e)(i), Exhibit E, Reclamation Plan or Schedule** - How long will it take to complete backfilling of the Sandy Acres lake using the proposed conveyor system?

7. **Exhibit F, Reclamation Plan Map** - Please provide a revised Reclamation Plan map which shows the conveyor crossing underneath the access ramp.
8. **Rule 6.4.13, Other Permits and Licenses** - Do the activities proposed in TR-02 comply with other permits and licenses; for example, county zoning and the mine's county special use permit?
9. **Rule 6.4.13, Other Permits and Licenses** - Has a Certificate of Designation been obtained for the inert filling of the lake, as mentioned in the attached letter, dated January 10, 1994, from Adco Consulting to the Division.

The current decision deadline for this application is January 11, 2014. If additional review time is needed for beyond that deadline, it is your responsibility to request an extension prior to the deadline, or the application may be denied.

Sincerely,



Tom Kaldenbach
Senior Environmental Protection Specialist

DRAFT

August 9, 2013

Mr. Tom Kaldenbach
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street Room 215
Denver, CO 80203
303-866-3567

**Re: Affidavit of Inert Fill: Debetz Sand and Gravel Pit, Adams County Colorado –
Mine Permit No. M-1977283**

Dear Mr. Kaldenbach,

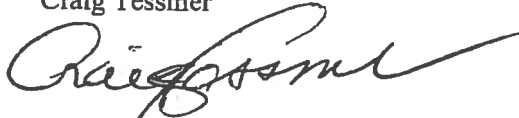
A request for technical revision to the reclamation plan for the Debetz Sand and Gravel Pit was submitted to you on July 1, 2013. The purpose of the technical revision is to perform minor modifications to the approved reclamation plan by placing approximately 75,000 cubic yards of inert fill into the pond thereby reducing the acreage of the pond by approximately 6.0 acres.

As a condition of the December 2012 Intergovernmental Agreement (IGA) between Adams County and the Metro Wastewater Reclamation District (MWRD), MWRD is required to provide up to 75,000 cubic yards of trench spoils to Adams County at the Debetz pit from the construction of the South Platte Interceptor (SPI) pipeline for the Northern Treatment Plant. MWRD will deliver the trench spoils to Debetz Pit and the County's Public Works Department will place the spoils in Debetz Pit.

The purpose of this letter is to certify that the trench spoils placed into Debetz Pit shall meet the definition of "inert material" as defined in Rule 1.1(20) of the DRMS Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Visual inspections of the trench spoils will be performed prior to delivery and placement into Debetz Pit to ensure continued compliance with the Rules. This signed affidavit is being provided in accordance with Rule 3.1.5(9)(c).

Feel free to contact me at 720-523-6841 or ctessmer@adcogov.org if you have any questions.

Craig Tessmer



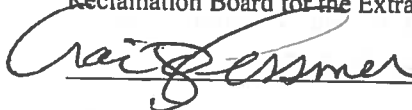
Environmental Analyst
Adams County Planning and
Development Department

Affidavit


State of Colo.)) SS: County of Adams)

Before me, the undersigned notary public, this day, personally, appeared Craig Tessmer
to me known, who being duly sworn according to law, deposes the following:

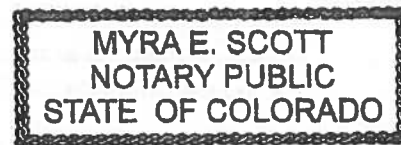
"Trench spoils placed into Debetz Pit shall meet the definition of "inert material" as defined
in Rule 1.1(20) of the DRMS Mineral Rules and Regulations of the Colorado Mined Land
Reclamation Board for the Extraction of Construction Materials."

 (Signature of Affiant)

Subscribed and sworn to before me this 16th day of August, 2013

 Notary Public

My Commission Expires: 11/30/13



My Commission Expires Nov. 30, 2013



ADCO CONSULTING

January 10, 1994

Mr Allen Sorenson, Reclamation Specialist
Division of Minerals and Geology
1313 Sherman Street, Room #215
Denver, Colorado 80203

CHEROKEE INVESTMENTS, INC.
2090 EAST 104TH AVENUE, SUITE 305
THORNTON, COLORADO 80233
(303) 450-2204

RECEIVED
JAN 13 1995 250-9848 FAX
Division of Minerals & Geology

Re: Reclamation Plan and Bond Amount, Sandy Acres Pit
Permit M-80-110, Request for Technical Revision

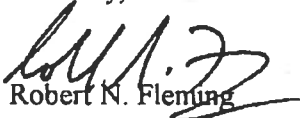
Dear Mr. Sorenson:

The Colorado Sand and Gravel Co. would hereby request a technical revision to the above permit. The technical revision is to allow the option of leaving the lake as a permanent afteruse. This was the original plan, but was changed to clean filling with inert fill, when such filling was allowed without a Certificate of Designation.

Since that time, the Colorado Department of Health has determined that a Certificate of Designation would be required for such inert filling. This may affect the feasibility of such filling, and the Colorado Sand and Gravel Co. would like the option of leaving a permanent lake as the prior plan envisioned. In order to do this, the Colorado Sand and Gravel Co. commit to filing of a permanent augmentation plan, if this lake option is followed. The Colorado Sand and Gravel Co. and the lessee, the Cooley Gravel Company, agree to maintain the present permit for exposure of groundwater until a permanent augmentation plan is developed, if this option is pursued. A copy of the existing gravel well permit is attached. Also attached, is the original water report that was submitted with the original application showing that the Colorado Sand and Gravel Co. has sufficient water rights to file and follow a permanent augmentation plan. The replacement water would be combination of Fulton Ditch shares and shallow irrigation well rights owned by the Colorado Sand and Gravel Co.

A copy of the previous reclamation plan map is attached as the optional reclamation plan. I realize that Russian Olive trees are now out of favor, so if you want to require a different drought resistant species in their place, we would have no objection. The required \$875 fee and an estimate of reclamation costs also accompany this request. If this submittal isn't sufficient, please consider this letter a request to extend the submittal deadline of January 20th for two weeks to February 3. I will be out of town between January 12 and 25, and if anything else is needed, this extension would give me a week when I get back to get whatever is necessary back to you.

Sincerely,


Robert N. Fleming

cc: Cooley Gravel Company, c/o Mike Reefer
Colorado Sand and Gravel Co., c/o Robert Siegrist

TR-001

RECLAMATION COSTS FOR OPTIONAL PLAN

The proposed reclamation will consist of a lake with seeded shoreline grasses. Sand spoils and overburden from on-site will be utilized to build the necessary shores. Along the west side of the property, buffalo grass and blue gram mixture will be planted for ground cover, and along the eastern property line crested wheatgrass will be planted. In addition, a row of seedling Russian Olive trees on 6' centers and a row of 5 gallon Junipers will be planted along the fence on the east side abutting U.S. 85. The reclamation costs will therefore be based on the following assumptions:

1. No import of topsoil, overburden, or sand spoils will be necessary, since sufficient material will be kept on site.
2. Grading to achieve final slopes will be with unspecified material. Surface preparation includes respreading of topsoil/overburden where required.
3. No respreading of topsoil or reseeding will be performed below the water surface elevation of 5,005'. The depth of the lake will be approximately 4,980'.
4. Slopes to be graded to a ratio of 2 to 1 (horizontal to vertical), except from 5' above to 10' below water line surface along south and east sides where 3 to 1 will be employed and 5 to 1 on west and north sides of lake. Total area required slope construction and general grading to the depth of the lake therefore is 30 acres. Total area required for revegetation above the water surface elevation is therefore 22 acres.
5. Total Russian Tree seedlings will be 230; total Junipers, 5 gallon containers, will be 140.

Table of Estimate Reclamation Costs

<u>Activity</u>	<u>Amount</u>	<u>Units</u>	<u>Cost/Unit</u>	<u>Total Cost</u>
Mobilization (Dozers and Dragline)	1	LS	\$ 2,000	\$ 2,000
Trees and Shrubs	370	Each	\$ 10	\$ 3,700
Grading and Sloping	48,000	CY	\$.75	\$ 36,000
Surface Prep	36,000	CY	\$.75	\$ 27,000
Drill Seed Revegetation Areas	36,000	CY	\$.75	\$ 27,000
Sub-Total				\$ 95,700
16% administrative Cost				\$ 15,300
5% Bond Forfeiture Charge				\$ 4,800
Total				\$115,800