



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 28, 2014

Mr. Neil Thomson
E-470 Public Highway Authority
22470 E. 6th Parkway
Aurora, CO 80018

**Re: Henderson Development (Sandy Acres Pit), DRMS Permit No. M-1980-110
112 Construction Materials Reclamation Permit Amendment Application AM-06
Preliminary Adequacy Review**

Dear Mr. Thomson:

The Division of Reclamation, Mining and Safety (Division/DRMS), has completed a preliminary review of the AM-06, and has the following comments.

6.4.5 EXHIBIT E - Reclamation Plan

- 1) Please provide the following to satisfy the requirements of Rule 3.1.5(9):
 - a. A signed affidavit certifying that the backfill material is clean and inert, please see the attached example.
 - b. An explanation of how the backfilled site will result in a post-mining configuration that is compatible with the approved post-mining land use; and
 - c. A general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids.

6.4.8 EXHIBIT H - Wildlife Information

- 2) Please provide any and all correspondences that the Operator has had with Colorado Parks and Wildlife (CPW) regarding the permitted mine site.



- 3) Please provide the presence and estimated population of threatened or endangered species from either federal or state lists, if there are no threatened or endangered species please specify in the text that there are no threatened or endangered species ; and
 - a. Please provide a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.

6.4.14 EXHIBIT N - Source of Legal Right to Enter

- 4) Provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation, for Owners of Record described in Rule 1.6.2 (1)(e)(i). This may be a copy of access lease, deed, abstract of title, or a current tax receipt. A signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter and mine is also acceptable.

6.4.19 EXHIBIT S - Permanent Man-made Structures

- 5) Where the mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the applicant may either:
 - a. Please provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or
 - i. Where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
 - ii. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

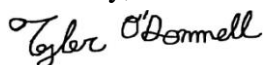
General Comments and questions

- 6) It is the Division's understanding that the amended permit boundary will border the permit boundary of the Brannan Sand and Gravel Company, L.L.C.'s pit (DRMS Permit No. M-1980-183).
- 7) Please address the attached comments from the State Historic Preservation Officer.
- 8) Please address the attached comments from the U. S. Army Corps of Engineers.
- 9) Please address the attached comments from the Colorado Division of Water Resources.

The current decision deadline for AM-01 is July 14, 2014. Please provide responses to the above comments soon enough for the Division to review the responses and complete a follow-up exchange of comments and responses prior to the decision deadline. If you are unable to provide satisfactory responses to any inadequacies prior to the decision deadline, **it will be your responsibility to request an extension of time to allow for continued review of AM-01.** If there are still unresolved issues when the decision date arrives and no extension has been requested, AM-01 will be denied.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at tyler.odonnell@state.co.us.

Sincerely,



Tyler O'Donnell
Environmental Protection Specialist

Enclosures: Letter from the State Historic Preservation Officer
Letter from the U. S. Army Corps of Engineers
Letter from the Colorado Division of Water Resources
Example of an affidavit of Inert fills

CC: Tom Kaldenbach, DRMS

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APR 23 2014

DIVISION OF RECLAMATION
MINING AND SAFETY

HISTORY *Colorado*

April 18, 2014

Tyler V. O'Donnell
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Response

Re: Notice of 112 Construction Materials Reclamation Permit Amendment Application Consideration E-470 Public Highway Authority Henderson Development, Permit No. M-1980-110 (SHPO Project #65813)

Dear Mr. O'Donnell:

Thank you for your correspondence dated April 14, 2014 (received by our office on April 16, 2014) regarding the subject project.

A search of the Colorado Cultural Resource Inventory database indicated one previously recorded sites within the project area:

Site No.:	Name	National Register Eligibility:	Recording or Assessment Year:
5AM1237	Gummersall Houses	Officially Not Eligible	1998 (Assessment)

In addition three previous surveys with report numbers: MC.CH.R3 (1988), AM.CH.R4 (1998) and MC.CH.R157 (1998) covered most of the permit area.

Our files contain incomplete information for this area, as most of Colorado has not been inventoried for cultural resources. As a result, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area.

Should human remains be discovered during mining activities, the requirements under State law C.R.S. 24-80 (part 13) apply and must be followed.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Todd McMahon, Staff Archaeologist at (303) 866-4607/ todd.mcmahon@state.co.us or Dan Corson, Intergovernmental Services Director at (303) 866-2673/ dan.corson@state.co.us.

Sincerely,



Edward C. Nichols
State Historic Preservation Officer
ECN/TCM

TOD



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

April 17, 2014

Mr. Tyler O'Donnell
Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman St., Room 215
Denver, CO 80203

RE: E-470 Public Highway Authority, Henderson Development, Permit No. M-1980-11

Dear Mr. O'Donnell:

Reference is made to the above mentioned project located at or near Section 35, T1S, R67W, Adams County, Colorado.

If any work requires the discharge of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent in an aquatic site, which may include ephemeral and perennial streams, wetlands, lakes, ponds, drainage ditches and irrigation ditches, this office should be notified by a proponent of the project for Department of the Army permits, changes in permit requirements or jurisdictional determinations pursuant to Section 404 of the Clean Water Act.

Work in an aquatic site should be identified by the proponent of the project and be shown on a map identifying the Quarter Section, Township, Range and County, Latitude and Longitude in Decimal Degrees (example 39.55555; -104.55555) and the dimensions of work in each aquatic site. Any loss of an aquatic site may require mitigation. Mitigation requirements will be determined during the Department of the Army permitting review.

If there are any questions call **Mr. Terry McKee** of my office at **720-922-3851**.

Sincerely,

A handwritten signature in black ink, appearing to read "Kiel Downing", is written over the typed name.

Kiel Downing
Chief, Denver Regulatory Office



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

Response to Reclamation Permit Application Consideration

DATE: May 7, 2014
TO: Tyler V. O'Donnell, Environmental Protection Specialist
CC: Division 1 Office, District 2 Water Commissioner
FROM: Ioana Comaniciu, P.E.
RE: Sandy Acres Pit, Permit No. M-1980-110
Operator: E-470 Public Highway Authority
Contact: Neil Thomson – 303-537-3712
Section 26, Twp 1 South, Rng 67 West, 6th P.M., Adams County

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Division of Reclamation
Mining & Safety

CONDITIONS FOR APPROVAL

The purpose of this amendment is to expand the permit boundary and to change the post-mining land use from a ground water pond to pasture land. The operator proposes to run a box culvert underneath a portion of E-470. The box culvert will contain a conveyor belt allowing the operator of the adjoining gravel pit (Pit 29 M1980-183) to transport wash fines underneath E-470 into the ground water pond located within the Sandy Acres Pit. Thus the operator will use the wash fines to backfill the Sandy Acres Pit.

The proposed backfilling of the site will continue to consume ground water through evaporation until such time as the entire site has been backfilled. Note that Section 37-90-137 (11), C.R.S., requires that any gravel pit that exposed ground water to the atmosphere after December 31, 1981 to replace all out of priority depletions of water to the local stream, including evaporation. Therefore, until such time as the site has been completely backfilled the operator will need to obtain a well permit for the site. However a well permit will not be issued until a substitute water supply plan is approved by the State Engineer. In addition, after reclamation replacements of lagged depletions shall continue until there is no longer an effect on stream flow.

The applicant may contact the State Engineer's Office with any questions.

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589
www.water.state.co.us

DENVER WATER ^{fr}

1600 West 12th Avenue • Denver, Colorado 80204-3412
Phone 303-628-6000 • Fax No. 303-628-6199 • denverwater.org



December 9, 2009

RECEIVED

✓ DEC 10 2009

to Division of Reclamation,
Mining and Safety

David Bird ✓
Colorado Division of Reclamation Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: M-1990-031 ✓ York Street Pit, Notice of Intent to Fill With Imported Material ✓

Dear Mr. Bird,

Denver Water is completing the reclamation of the York Street Pit, M-1990-031, as a water storage facility. In order to complete the reclamation activities included in our approved plan, we need to import fill and various construction materials. Pursuant to Rule 3.1.5 (9) of the Construction Materials Rules and Regulations, we are providing the Division of Reclamation Mining and Safety (DRMS) with notification of our intent to use imported fill. In accordance with the Rules, the required information is presented for your review.

(a) Narrative that describes the approximate location of the proposed activity:

The reclamation activities requiring fill are located on the west side of the former pit. They are the re-grading and surface water management activities listed in our Plan. Surface water management is a significant issue due to the hill west of the reservoir. In order to control runoff entering the property, we need to improve the carrying capacity of the Gardeners Ditch (owned by Denver Water), as well as install drainage structures such as catch basins, culvert pipe and manholes. Fill is needed to backfill these drainage structures and for existing wash-out locations. Fill will also be used to raise low areas in order to drain properly. Riprap and bedding material will be imported and placed to control erosion control at culvert outlets and designed overflow areas.

(b) The approximate volume of inert material to be placed.

Name	Use	Quantity	Source
Common (Clean) Fill	Filling in low areas for proper drainage, reinforcing banks of Gardeners Ditch	2,000 cy	Drainage project at Valmont and 28 th Street in Boulder, Colorado
Structural Fill	Raising an 800 foot portion of the access road that was left too low by the miner	1,000 ton	Aggregate Industries, Morrison, Colorado
Recycled Concrete Base Course	Surfacing of the entrance road and road around reservoir	3,500 ton	Allied Recycled Aggregates, Commerce City, Colorado
No. 67 Bedding	Bedding around concrete drainage pipe and below manhole structures	180 ton	Aggregate Industries, Morrison, Colorado
Riprap	Overflow structures along Gardeners Ditch, erosion protection at culverts	1,200 ton	Aggregate Industries, Morrison, Colorado
Riprap bedding	Placed below riprap for stabilization	190 ton	Aggregate Industries, Morrison, Colorado

(c) A signed affidavit certifying that the material is clean and inert as defined in Rule 1.1.(20)

See Attached.

(d) The approximate dates the proposed activity will commence and end

The proposed fill activity will start as soon as approval is received from DRMS. All fill activity is expected to be completed by April 30, 2010.

(e) Explanation of how the backfilled site will result in a post-mining configuration that is compatible with the approved post-mining land use

The approved post-mining land use is a water storage reservoir. The reservoir site is at the base of a hill and as a result it collects runoff. Since urban runoff carries sediment and other pollutants that affect water quality, such runoff should be rerouted around the reservoir to the extent practical. To do this, fill is needed to raise the existing low areas to drain correctly. Since the pit area has already been converted to water storage, no further fill materials can be excavated and imported fill must be used. Fill is also needed to backfill and stabilize areas prone to erosion and to flatten the ditch banks to allow for mowing. Finally, fill in the form of road

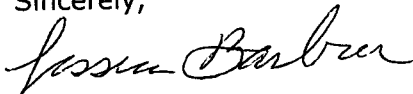
base will be added to provide a reliable driving surface for operations and maintenance activities at the reservoir site.

- (f) A general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids.

Fill will be placed in lifts and compacted. In general, the depth and shape of the fill areas precludes mass dumping of the fill which causes voids and leads to settlement. The grade raises in most of the low lying drainage areas require small lift thicknesses and will be compacted by construction traffic. Tightest control will be made in road areas. Structural fill will be placed in low areas of the access roads that need to be raised. The road fill will be placed in lifts and compacted to 95% of the maximum dry density according to ASTM D 698 (Standard Proctor Test). Denver Water will provide testing and quality control. Road base will also be placed in lifts, compacted and tested for compliance with the written project specifications.

If you have any further questions with respect to this Notice, please give me a call at 303-628-6605 or email me at jessica.barbier@denverwater.org.

Sincerely,



Jessica Barbier, PE
Project Engineer


cc: Walker
E&C file PT 14846

enclosure

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

This Affidavit is provided in accordance with Rule 3.1.5(a) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board.

The material which is being imported to the site is more fully described in the attached letter from Jessica Barbier, Project Engineer, dated December 9, 2009. The materials which are to be imported meet the definition of "Inert Material" as set forth in Rule 1.1(20) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board promulgated October 1995, as amended.


John H. Bambei, Jr.
Chief of Engineering
Denver Water
1600 West 12th Avenue
Denver Colorado 80204

Witness my hand and official seal.

My commission expires: 2/13/2010

Judy A. Wheeler
Notary Public

