DIVISION OF RECLAMATION, MINING AND SAFETY Acreage Reduction (Partial Release) Notices Checklist

Date: Operato Mine Na	07-15-2014 r: Leone Sand & Gravel, LL me: Leone Gravel Pit	Specialist: C Permit Number:	Amy Eschber M-2004-026	AR Ø1
□ ◆	County Commissioners Specify County:	Las Animas		
•	Soil Conservation District Specify SCD:	Spanish Peaks-Purgatoire	River	
•	Land Owner(s) Name: Address:	Frank and Sophie Leone 2400 E. Main Street Trinidad, CO 81082		
		1 rinidad, CO 81082		

- □ ◆ Water Resources (If there is exposed groundwater) <u>EPS Circle One:</u>
- \overline{N}

Y

♦ - Receive one paper copy of Application form, Legal Description and Location Map



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

1313 Sherman Street, Room 215 Denver, CO 80203

Notice of 112c Construction Materials Reclamation Permit Partial Acreage Release Request Consideration

DATE: July 16, 2014

TO: Las Animas County Commissioners County Commissioner 200 East First Street, Room 104 Trinidad, CO 81082

FROM: Amy Eschberger, Environmental Protection Specialist AME/SMS

RE: Leone Sand & Gravel LLC, Leone Gravel Pit, Permit No. M-2004-026

Please be advised that on July 14, 2014, Leone Sand & Gravel LLC, whose address and telephone number are 2400 E Main Street, Trinidad, CO 81082; (719) 846-4170, submitted a request for partial acreage release for the Leone Gravel Pit, Permit No. M-2004-026. The construction materials extraction operation is located at or near Section 33, Township 32S, Range 63W, 06th Prime Meridian, in Las Animas County.

Written comments or objections to the release may be submitted to, and additional information obtained from, the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567. Comments or objections should be submitted as soon as possible. The Division is required to wait 30 days after the release decision is made to allow for comments or objections.





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

1313 Sherman Street, Room 215 Denver, CO 80203

Notice of 112c Construction Materials Reclamation Permit Partial Acreage Release Request Consideration

DATE: July 16, 2014

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

1313 Sherman Street, Room 215 Denver, CO 80203

Notice of 112c Construction Materials

Reclamation Permit Partial Acreage Release Request Consideration

DATE: July 16, 2014

TO: Natacha Dyess Board of Supervisors - Soil Conservation Dist Spanish Peaks-Purgatoire Rvr CD 3590 E. Main St. Trinidad, CO 81082

FROM: Amy Eschberger, Environmental Protection Specialist AME/SMS

RE: Leone Sand & Gravel LLC, Leone Gravel Pit, Permit No. M-2004-026

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REQUEST FOR FULL OR PARTIAL RELEASE OF PERMIT AREA

Please indicate if you are requesting:
ACREAGE REDUCTION (PARTIAL RELEASE) f you are requesting an acreage reduction, you will need to specify how many acres you wish to remove rom the existing permit under this revision. I wish to release <u>30.1</u> acres at this time. You will also need to submit updated mining and reclamation plan maps that accurately depict both the roposed acreage to be released from the current permit area, and the resulting new permit boundary.
Tile No.: M- 2004-026 Site Name: Leone Gravel Pit
County: Las Animas
ermittee: FRANK LEONE, JR. LEONE SAND& GRAVEL LLC
Operator (If Other than Permittee):
ermittee Representative:
Certified Mail# 7012-2920 0000 86522345
n accordance with Rule 4.17.1(2) the Operator shall include the names, addresses and phone numbers f all owners of record to the affected land. Please attach additional sheets for this information if
Equired. FBAMH Leure IR RECEIVED
JUL 102014 Division of Reclamation,
Supplie Leune Mining & Safety
ADDRESS AND TELEPHONE FOR ALL:
2400 E. MAIN ST.
TRINIDAD CO 81082
719-846-4170

In accordance with Rule 4.17.1(4) the Operator or their agent MUST sign that they have complied with the following statement: "All applicable portions of the Reclamation Plan requirements have been satisfied in accordance with these Rules and all applicable requirements under the Act."

<u>Inank Leare & Mangen</u> Signature of Permittee, Operator or their authorized agent <u>7-8-14</u> Date

Important: In accordance with Rule 4.17.1(3) This release request must be submitted to the Division via certified mail and separate from any other correspondence to the Division.



Leone Sand & Gravel LLC LEONE READY MIX LLC 2400 E. MAIN ST TRINIDAD CO 81082 FAX: 719-845-0605 BUSINESS OFFICE: 719-846-4170 PLANT/ORDERS 719-846-9349

JULY 8, 2014

TO: COLORADO DIVISION OF RECLAMATION, MINING & SAFETY ATTENTION: AMY ESCHBERGER

RE: PERMIT # M-2004-026

I AM REQUESTING PARTIAL RELEASE OF PERMIT AREA.

I WOULD LIKE TO HAVE THE GAS LINE AREA ALSO RELEASED WHICH ENCOMPASSES 2.1 ACRES AS PER -LAND SURVEY-MAP- INSPECTION DATE OF APRIL 25, 2014 . PARAGRAPH 2 ON YOUR OBSERVATIONS PAGE STATES TWO CIG GAS LINES- AND IN FACT AS PER ENCLOSED LAND SURVEY IT IS IN FACT THREE CIG GAS LINES. PLEASE NOTE THE THIRD PIPE LINE WAS INSTALLED IN PERMIT AREA ONE YEAR AFTER PERMIT WAS IN FORCE- THIS WOULD INCREASE TOTAL PARTIAL RELEASE TO 30.1 ACRES.

AGAIN, I AM REQUESTING PARTIAL RELEASE OF 30.1 ACRES.

THANK YOU FRANK LEONE

Frank Leon y



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	SION OF MINER/	ALS AND GEOLOGY									
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б.	Name of owner of subsurface rights of affected land: If 2 or more owners, "refer to Exhibit O".
7.	Name of owner of surface of affected land: FRANK L. LEONE JR. and SHOPIE LEONE, dbs LEONE SAND & GRAVEL
8.	Type of mining operation: XX Surface Underground
9 .	Location information: The center of the area where the majority of mining will occur.
	COUNTY: LAS ANIMAS
	PRINCIPAL MERIDIAN (check one): XX_6th (Colorado)10th (New Mexico) Ute
	SECTION (write tumber): S
	TOWNSHIP (write number and check direction): T_32North XX South
	RANGE (write number and check direction): R_{-63}^{-63} East XX West
	QUARTER SECTION (check one):NENW XX SESW
	QUARTER/QUARTER SECTION (check one):NENW XX SE SW
	GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation):
10.	Primary future (Post-mining) land use (check one):
10.	Cropland(CR) Pastureland(PL) General Agriculture(GA)
	XX Rangeland(RL) Forestry(FR) Wildlife Habitat(WL)
	Residential(RS)Recreation(RC)Industrial/Commercial(IC)
	Developed Water Resources(WR) Solid Waste Disposal(WD)
11.	Primary present land une (check one):
	Cropland(CR) Pastureland(PL) General Agriculture(GA)
	XX Rangelaad(RL) Forestry(FR) Wildlife Habitat(WL)
	Residential(RS)Recreation(RC)Industrial/Commercial(IC)
	Developed Water Resources(WR)
12.	Method of Mining: Briefly explain mining method (e.g. truck/sbovel): FRONT-END LOADERS, DOZERS, SCRAPERS, TRACKED EXCAVATORS, ALONG WITH HAUL UNITS (TRUCKS) TO TRANSPORT MATERIALS TO THE CRUSHER & SCREENING PLANT
13.	On Site Processing: 13.1 Briefly coplain mining method (e.g. truck/shovel): MATERIALS WILL BE EXCAVATED THEN HAUL TO THE CRUSHER FOR CRUSHING AND SCREENING AT THE PLANT THEN THE PRODUCT WILL BE STOCKPILED NEATLY FOR LOADING TO EXPORT.

List any designated chemicals or acid-producing materials to be used or stored within permit area; NONE WILL BE USED

-2-

14. Correspondence Information:

	(name, address, and phone of name to be used on permit) FRANK L. LEONE	Title: OPERATOR / GENERAL MANAGER
Contact's Name:		Title: Title:
Company Name:	LEONE SAND AND GRAVEL, LLC 502 S. WALNUT STREET	
Street/P.O. Box:		P.O. Box:
City:	TRINIDAD	01000
State:	COLORADO	Zip Code:81082
Telephone Number.	(<u>. 719</u>)- <u>848-4170</u>	
Fax Number:	(719)- 846-0805	
PERMITTING CONTACT	(if different from applicant/operator above)	
Contact's Name:		
Company Name:	L J DEVELOPMENT, INC.	
Street/P.O. Box:	189 TIFFANY CT.	P.O. Box:
City:	PUEBLO	
State:	COLORADO	Zip Code: 81008
Telephone Number:	(_719)	
Fax Number:	(719) - 583-0768	
INSPECTION CONTACT		
Contact's Name:	FRANK L. LEONE	Title: OPERATOR
Company Name:	LEONE SAND AND GRAVEL, LLC	والمتكافية المراجعة والمتحدة والمستعمل والمتعاد والمناصب والمتعاد والمتعاد والمتعاد والمتعاد والمتعاد والمتعاد
Street/P.O. Box:	502 S. WALNUT STREET	P.O. Box:
City:	TRINIDAD	
State:	COLORADO	Zip Code: 81082
Telephone Number:	042 A100	
Fax Number:	(719)- 846-0605	
CC: STATE OR FEDERA	L LANDOWNER (if any)	•
Agency:	NONE- N/A	
Street:		
City:		•
State:		Zip Code:
Telephone Number:)	
CC: STATE OR FEDERA		
Agency:	NONE- N/A	
Street:	g	
City:		
-		Zip Code:
State:	()-	only 400000
Telephone Number.	L * *	

15. Description of Amendment or Conversion:

If you are smeading or convexting an existing operation, provide a brief narrative describing the proposed change(s).

THIS IS NOT AN AMENDMENT OR A CONVERSION APPLICATION

Maps and Exhibits:

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

- 1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;
- F1. IR 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
- <u>FL</u> <u>G</u> 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
- <u>*F.L. 3*</u>? 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
- <u>F.1.</u> It is your responsibility to notify the Office of any changes in your address or phone number;
- EL $\preceq n$ 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
 - a. the name of the operator;
 - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
 - c. the permit number.
- F.L. 3. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.
- F1. 1. R. 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.

- E1. SR 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
- 10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

<u>Permit Condition</u>: <u>Please read and initial this condition</u>, in the space provided, to acknowledge that you understand your obligation. If you do not understand your obligation then please contact this Office for a full explanation.

F1. If A reportable spill is a spill of any toxic or hazardous substance (including spills of petroleum products) within the mined land permit area reportable to any Division of the Colorado Department of Public Health and the Environment, the National Response Center, the Colorado Emergency Planning Commission, any local Emergency Planning Commission, local Emergency Planning Committee, or the State Oil Inspector. The Mine Operator shall notify the Division of Minerals and Geology (DMG) of a reportable spill within the mined land permit area using the same timeframe required by the permit, license, notice, statute, rule or regulation governing the reporting of the spill to the other appropriate agency. Notice of a reportable spill shall be FAXed to: Minerals Program Supervisor, Division of Minerals and Geology, FAX (303) 832-8106. The FAX shall include a call-back number of a responsible company official for DMG staff to use as a contact.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office's review and decision or appeals process, you may contact the Office at (303) 866-3567.

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).

2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.;

3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.

4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

Signed and dated this 8th day of April	, 2004
LEONE SAND AND GRAVEL, LLC	If Corporation Attest (Seal)
Applicant/Operator or Company Name	
Signod: Lapphie Jeone	Signed: Remard J. Conzeles-County Cler
	Corporate Secretary or Equivalent
Title: Manager	Town/City/County Clerk
State of <u>Jolutsel</u> D) 55. County of <u>Jan Anina</u>) 55.	
The foregoing instrument was acknowledged before me this	day of <u>lefil</u> , 2004 , by
BERNARD J. GONZALLA - Les Ghinas (builty Cle County Clerk & Recorde: P. O. Box 115 Trinidad, CO 81082	Notary Public By Lyne Marg
	My Commission expires Irm & Office
SIGNATURES MUST J M'anin'element Construction 112.doc (10/15/2001)	BE IN BLUE INK

LEONE SAND & GRAVEL LEONE GRAVEL PIT MLRB 112 PERMIT APPLICATION

MARCH, 2004

STATE OF COLORADO CONSTRUCTION MATERIAL REGULAR 112 OPERATION RECLAMATION PERMIT APPLICATION PACKAGE

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

EXHIBIT "A"

Legal Description of Permit Boundary

EXHIBIT "A"

 <u>112c MLRB LEGAL DESCRIPTION</u> LOCATED IN PART OF THE SE1/4SE1/4, SECTION 33 AND PART OF SECTION 34, TOWNSHIP 32 SOUTH, RANGE 63 WEST OF THE 6th P.M., COUNTY OF LASANIMAS, STATE OF COLORADO. SAID TRACT ALSO LYING IN PART OF TRACT 3, LATUDA RANCH, MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT THE WEST POST OF THE 1st GATE P.O.B.;	36. A K
THENCE BEARING 153.0 DEGREES AZIMUTH. A DISTANCE OF 97.0 FEET THENCE BEARING 143.0 DEGREES AZIMUTH. A DISTANCE OF 129.0 FEET THENCE BEARING 122.0 DEGREES AZIMUTH. A DISTANCE OF 309.0 FEET THENCE BEARING 116.0 DEGREES AZIMUTH. A DISTANCE OF 224.0 FEET THENCE BEARING 143.0 DEGREES AZIMUTH. A DISTANCE OF 598.0 FEET THENCE BEARING 95.0 DEGREES AZIMUTH. A DISTANCE OF 337.4 FEET THENCE BEARING 154.0 DEGREES AZIMUTH. A DISTANCE OF 182.5 FEET THENCE BEARING 79.0 DEGREES AZIMUTH. A DISTANCE OF 182.5 FEET THENCE BEARING 208.0 DEGREES AZIMUTH. A DISTANCE OF 78.4 FEET THENCE BEARING 208.0 DEGREES AZIMUTH. A DISTANCE OF 78.4 FEET THENCE BEARING 269.0 DEGREES AZIMUTH. A DISTANCE OF 548.3 FEET THENCE BEARING 269.0 DEGREES AZIMUTH. A DISTANCE OF 56.0 FEET THENCE BEARING 269.0 DEGREES AZIMUTH. A DISTANCE OF 105.7 FEET THENCE BEARING 269.0 DEGREES AZIMUTH. A DISTANCE OF 156.0 FEET THENCE BEARING 269.0 DEGREES AZIMUTH. A DISTANCE OF 156.0 FEET THENCE BEARING 338.0 DEGREES AZIMUTH. A DISTANCE OF 516.0 FEET THENCE BEARING 338.0 DEGREES AZIMUTH. A DISTANCE OF 516.0 FEET THENCE BEARING 338.0 DEGREES AZIMUTH. A DISTANCE OF 516.0 FEET THENCE BEARING 338.0 DEGREES AZIMUTH. A DISTANCE OF 156.0 FEET THENCE BEARING 338.0 DEGREES AZIMUTH. A DISTANCE OF 156.0 FEET THENCE BEARING 338.0 DEGREES AZIMUTH. A DISTANCE OF 230.0 FEET THENCE BEARING 338.0 DEGREES AZIMUTH. A DISTANCE OF 156.0 FEET THENCE BEARING 338.0 DEGREES AZIMUTH. A DISTANCE OF 314.0 FEET THENCE BEARING 338.0 DEGREES AZIMUTH. A DISTANCE OF 230.0 FEET THENCE BEARING 338.0 DEGREES AZIMUTH. A DISTANCE OF 210.0 FEET THENCE BEARING 338.0 DEGREES AZIMUTH. A DISTANCE OF 210.0 FEET THENCE BEARING 60.0 DEGREES AZIMUTH. A DISTANCE OF 220.0 FEET THENCE BEARING 60.0 DEGREES AZIMUTH. A DISTANCE OF 220.0 FEET THENCE BEARING 60.0 DEGREES AZIMUTH. A DISTANCE OF 220.0 FEET THENCE BEARING 60.0 DEGREES AZIMUTH. A DISTANCE OF 220.0 FEET THENCE BEARING 60.0 DEGREES AZIMUTH. A DISTANCE OF 220.0 FEET THENCE BEARING 60.0 DEGREES AZIMUTH. A DISTANCE OF 415.0 FEET	9 8 8

EXHIBIT "B"

Index Map

