

DIVISION OF RECLAMATION, MINING AND SAFETY

Surety Reduction Notices Checklist

SR02

Date: 07-15-2014 Specialist: Amy Eschberger
Operator: Leone Sand & Gravel, LLC Permit Number: M-2004-026
Mine Name: Leone Gravel Pit

- ☐ ♦ County Commissioners
Specify County: Las Animas
- ☐ ♦ Soil Conservation District
Specify SCD: Spanish Peaks-Purgatoire River
- ☐ ♦ Land Owner(s)
Name: Frank and Sophie Leone
Address: 2400 E. Main Street
Trinidad, CO 81082

☐ ♦ Water Resources (*If there is exposed groundwater*) EPS Circle One: Y (N)

♦ - 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
Financial Warranty Reduction 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

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 financial warranty reduction 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 financial warranty reduction 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 within 15 days. The Division is required to wait 30 days after the release decision is made to allow for appeals.





COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

Notice of 112c Construction Materials
Financial Warranty Reduction 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

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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
Financial Warranty Reduction Request Consideration

DATE: July 16, 2014

TO: Frank and Sophie Leone
2400 E. Main Street
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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STATE OF COLORADO

DIVISION OF MINERALS AND GEOLOGY
Department of Natural Resources

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

**FILE COPY
FOR SCANNING**

**CONSTRUCTION MATERIALS
REGULAR (112) OPERATION
RECLAMATION PERMIT APPLICATION FORM**

RECEIVED

APR 13 2004

Division of Minerals & Geology



Bill Owens
Governor

Greg E. Walcher
Executive Director

Ronald W. Cattary
Division Director
Natural Resource Trustee

CHECK ONE: ☐ There is a File Number Already Assigned to this Operation

Permit # M-2004-026 (Please reference the file number currently assigned to this operation)

☒ New Application (Rule 1.4.5)

☐ Amendment Application (Rule 1.10)

☐ Conversion Application (Rule 1.11)

Permit # M- - - - - (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit); and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized IVORY ORIGINAL and one (1) copy of the completed ivory application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit), and a check for the application fee described under Section (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, **ALL** information requested below.

1. **Applicant/operator or company name (name to be used on permit):** LEONE SAND and GRAVEL, LLC
 - 1.1 Type of organization (corporation, partnership, etc.): LIMITED LIABILITY COMPANY
 - 1.2 I.R.S. Tax ID. No. or Social Security Number: 84-1664228
2. **Operation name (pit, mine or site name):** LEONE GRAVEL PIT
3. **Permitted acreage (new or existing site):**

	<u>66.0</u>	permitted acres
3.1 Change in acreage (+)	<u>0</u>	acres
3.2 Total acreage in Permit area	<u>66.0</u>	acres
4. **Fees:**

4.1 New Application	<u>\$2,344.00</u>	application fee
4.2 New Quarry Application	<u>\$2,906.00</u>	quarry application
4.4 Amendment Fee	<u>\$1,938.00</u>	amendment fee
4.5 Conversion to 112 operation (set by statute)	<u>\$2,344.00</u>	conversion fee
5. **Primary commodity(ies) to be mined:** SAND GRAVEL CONSTRUCTION AGGREGATES ROAD BASE/ STRUCT. FILL
 - 5.1 Incidental commodity(ies) to be mined:

1. <u>N/A</u>	<u>lbs/Tons/yr</u>	2. <u>N/A</u>	<u>lbs/Tons/yr</u>
3. <u>N/A</u>	<u>lbs/Tons/yr</u>	4. <u>N/A</u>	<u>lbs/Tons/yr</u>
5. <u>N/A</u>	<u>lbs/Tons/yr</u>		
 - 5.2 Anticipated end use of primary commodity(ies) to be mined: CONCRETE / ASPHALT AGGREGATES, and ROAD BASE
 - 5.3 Anticipated end use of incidental commodity(ies) to be mined: NONE

Office of
Mined Land Reclamation

Office of
Active and Inactive Mines

Colorado
Geological Survey

6. **Name of owner of subsurface rights of affected land:** FRANK L. LEONE JR. and SHOPIE LEONE, dba LEONE SAND & GRAVEL
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, dba 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 number): S 33

TOWNSHIP (write number and check direction): T 32 North XX South

RANGE (write number and check direction): R 63 East XX West

QUARTER SECTION (check one): NE NW XX SE SW

QUARTER/QUARTER SECTION (check one): NE NW XX SE SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation):
NEAREST CITY IS TRINIDAD, COLORADO (6) MILES WEST ON HWY 160, ELEVATION IS APPROX. 8000 FT. ABOVE SEA LEVEL.

10. **Primary future (Post-mining) land use (check one):**

<u> </u> Cropland(CR)	<u> </u> Pastureland(PL)	<u> </u> General Agriculture(GA)
<u>XX</u> Rangeland(RL)	<u> </u> Forestry(FR)	<u> </u> Wildlife Habitat(WL)
<u> </u> Residential(RS)	<u> </u> Recreation(RC)	<u> </u> Industrial/Commercial(IC)
<u> </u> Developed Water Resources(WR)	<u> </u> Solid Waste Disposal(WD)	

11. **Primary present land use (check one):**

<u> </u> Cropland(CR)	<u> </u> Pastureland(PL)	<u> </u> General Agriculture(GA)
<u>XX</u> Rangeland(RL)	<u> </u> Forestry(FR)	<u> </u> Wildlife Habitat(WL)
<u> </u> Residential(RS)	<u> </u> Recreation(RC)	<u> </u> Industrial/Commercial(IC)
<u> </u> Developed Water Resources(WR)		

12. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): FRONT-END LOADERS, DOZERS, SCRAPERS,
TRACKED EXCAVATORS, ALONG WITH HAUL UNITS (TRUCKS) TO TRANSPORT MATERIALS TO THE CRUSHER & SCREENING PLANT.

13. **On Site Processing:** XX Crushing/Screening

13.1 Briefly explain 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

14. Correspondence Information:

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: FRANK L. LEONE Title: OPERATOR / GENERAL MANAGER
Company Name: LEONE SAND AND GRAVEL, LLC
Street/P.O. Box: 502 S. WALNUT STREET P.O. Box: _____
City: TRINIDAD
State: COLORADO Zip Code: 81082
Telephone Number: (719) - 846-4170
Fax Number: (719) - 846-0805

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: JOE GAGLIANO Title: CONSULTANT
Company Name: L J DEVELOPMENT, INC.
Street/P.O. Box: 159 TIFFANY CT. P.O. Box: _____
City: PUEBLO
State: COLORADO Zip Code: 81008
Telephone Number: (719) - 240-9424
Fax Number: (719) - 583-0788

INSPECTION CONTACT

Contact's Name: FRANK L. LEONE Title: OPERATOR
Company Name: LEONE SAND AND GRAVEL, LLC
Street/P.O. Box: 502 S. WALNUT STREET P.O. Box: _____
City: TRINIDAD
State: COLORADO Zip Code: 81082
Telephone Number: (719) - 846-4170
Fax Number: (719) - 846-0805

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: NONE- N/A
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: NONE- N/A
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

15. **Description of Amendment or Conversion:**

If you are amending or converting 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.

- F.L. JR 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;
- F.L. JR 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;
- F.L. JR 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;
- F.L. JR 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;
- F.L. JR 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- F.L. JR 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. JR 7. 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.
- F.L. JR 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.

FL JR 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.

NA 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.

Permit Condition: Please read and initial this condition, 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.

FL JR 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 18-6-503, C.R.S.

Signed and dated this 8th day of April, 2004

LEONE SAND AND GRAVEL, LLC

Applicant/Operator or Company Name

Signed: Sophie Leone

Title: Manager

State of Colorado

County of San Juan

) ss.

The foregoing instrument was acknowledged before me this 8th day of April, 2004, by _____ as _____ of _____

BERNARD J. GONZALEZ

County Clerk & Recorder

P. O. Box 115

Trinidad, CO 81082

San Juan County Clerk
Leander

If Corporation Attest (Seal)

Signed: Bernard J. Gonzalez

Corporate Secretary or Equivalent Mary

Town/City/County Clerk

Bernard J. Gonzalez County Clerk

Notary Public By Sophie Leone

My Commission expires Term of Office

SIGNATURES MUST 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

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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"

112c MLRB LEGAL DESCRIPTION

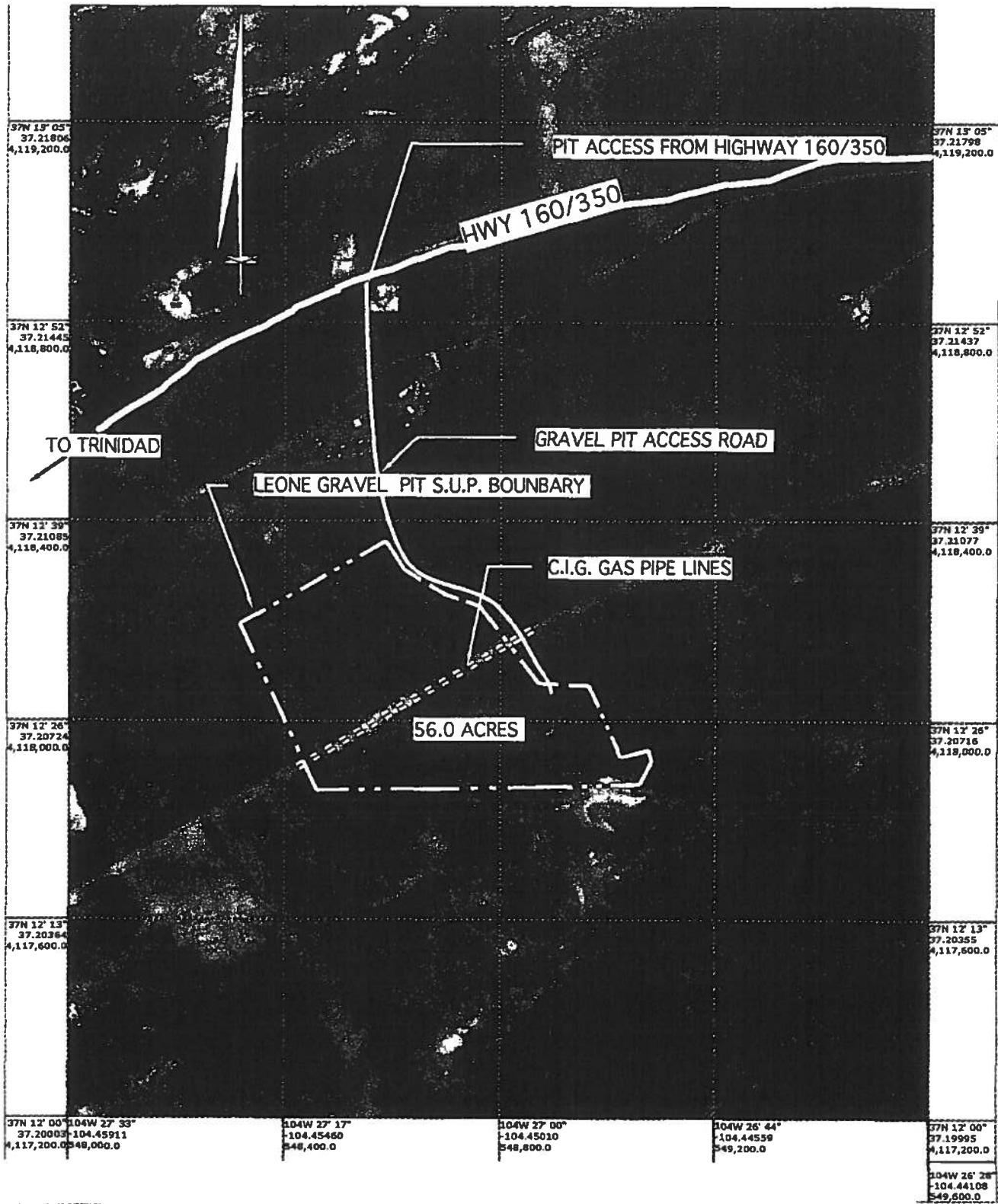
LOCATED IN PART OF THE SE1/4SE1/4, SECTION 33
AND PART OF SECTION 34, TOWNSHIP 32 SOUTH,
RANGE 63 WEST OF THE 6th P.M., COUNTY OF
LASANIMAS, STATE OF COLORADO. SAID TRACT
ALSO LYING IN PART OF TRACT 3, LATUDA RANCH,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:
STARTING AT THE WEST POST OF THE 1st GATE
P.O.B.;

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 484.0 FEET
THENCE BEARING 79.0 DEGREES AZIMUTH, A DISTANCE OF 182.5 FEET
THENCE BEARING 159.0 DEGREES AZIMUTH, A DISTANCE OF 78.4 FEET
THENCE BEARING 208.0 DEGREES AZIMUTH, A DISTANCE OF 252.4 FEET
THENCE BEARING 269.0 DEGREES AZIMUTH, A DISTANCE OF 548.3 FEET
THENCE BEARING 269.0 DEGREES AZIMUTH, A DISTANCE OF 105.7 FEET
THENCE BEARING 269.0 DEGREES AZIMUTH, A DISTANCE OF 756.0 FEET
THENCE BEARING 269.0 DEGREES AZIMUTH, A DISTANCE OF 678.0 FEET
THENCE BEARING 338.0 DEGREES AZIMUTH, A DISTANCE OF 418.0 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 314.0 FEET
THENCE BEARING 338.0 DEGREES AZIMUTH, A DISTANCE OF 32.0 FEET
THENCE BEARING 60.0 DEGREES AZIMUTH, A DISTANCE OF 271.0 FEET
THENCE BEARING 60.0 DEGREES AZIMUTH, A DISTANCE OF 170.0 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
BACK TO THE POINT OF BEGINNING (P.O.B.) CONTAINING 56.0 ACRES +/-

EXHIBIT "B"

Index Map

NORTH



VICINITY MAP LEONE GRAVEL PIT

LEONE SAND & GRAVEL TRINIDAD, COLORADO

SR02



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

THIS IS TO REQUEST A SURETY REDUCTION AND ASK THAT THE BOND BE REDUCED TO ACCOUNT FOR RE-SEEDING ONLY OF A SECTION OF LAND SOUTH OF GAS LINES DOWN TO BASE OF HILL THAT RISES TO THE UPPER LEVEL OF THE PERMITTED AREA. REASON IS, ALL EARTH WORK HAS BEEN DONE IN THIS AREA AND THE SLOPES DO CONFORM, THEREFORE I SUBMIT THIS REQUEST FOR APPROXIMATELY 15 ACRES

THANK YOU

FRANK LEONE

RECEIVED
JUL 10 2014
DIVISION OF RECLAMATION
MINING AND SAFETY