



COLORADO

Division of Reclamation, Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

August 25, 2014

Mr. Joe C. Baxter
Midwestern Farms Resource dba Eastern Colorado Aggregates
P.O. Box 580
Rye, CO 81069

Re: Midwestern Farms, Permit No. M-1993-059, Acreage Reduction Denial, Revision No. AR-01

Mr. Baxter,

On August 25, 2014 the Division of Reclamation, Mining, and Safety (Division) considered your request for a permit acreage reduction (AR-01) to release 64.2 acres of land from the Midwestern Farms permit area. The Division found that reclamation of this area has not been accomplished in accordance with its post-mining land use, and denied this request.

The inspection report from April 04, 2014 (Page 3 of this report is enclosed) states that before this area of land can be released, the Operator must first initiate a crop rotation to demonstrate the post-mining land use as dryland farmland (general agriculture). The acreage reduction request states that the 64.2 acres will be seeded by the end of this October, weather permitting. This means that the land is not currently releasable.

The Division recommends that the Operator re-submit the acreage reduction request once substantial germination of the seed planted this Fall has occurred.

If you need additional information, please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8129, or by email at amy.eschberger@state.co.us.

Sincerely,

Amy Eschberger
Environmental Protection Specialist

CERTIFIED MAIL No. 7012 3460 0000 6385 4339
Return Receipt Request

Enclosure: Page 3 of Inspection Report from April 04, 2014

CC: Leonard Read
Eastern Colorado Aggregates, LLLP
P.O. Box 580
Rye, CO 81069

Tom Kaldenbach, DRMS



pond to be approximately 71 acres, with a perimeter of approximately 13,421 feet. The eastern and southern banks of this pond have a 1H:1V slope, rising approximately 6 feet above the water line.

The approved post-mining land use of this site was for industrial, general agriculture, rangeland, and wildlife habitat. A Technical Revision was approved by the Division on April 25, 2012 that changed the post-mining land use of 64.2 acres located on the northwestern portion of the permit area to dryland farmland. During inspection, the Division observed this area to have been topsoiled with weedy vegetation growing (Photo 12). The Operator believes this area has been released from the permit, but no records of that release were found in the Division's file or permit system. If the Operator would like to release the 64.2 acres, he must first initiate a crop rotation to demonstrate the post-mining land use as dryland farmland. Once this has been achieved, the Operator must fill out and submit to the Division the attached Request for Full or Partial Release of Permit Area form.

The permit area is recorded as being 1,479.2 acres, with approximately 141 acres reported as being currently affected. However, after inspection, the Division believes the currently affected area to be more than the maximum of 141.8 acres allowed to be disturbed at any one time per the approved Mining Plan. During inspection, the Operator estimated the currently affected area to be approximately 150 acres; however, he agreed to allow the Division to determine actual affected acreage using aerial images of the site. In doing this (Figures 1 and 2), the Division estimates the total affected area to be approximately 387 acres, of which, approximately 94 acres consist of surface area of exposed groundwater (the two ponds), and approximately 293 acres consist of affected land. Of the 293 acres of affected land, 64.2 acres are the topsoiled dryland farmland, approximately 179 acres are in use by the operation and will require reworking and topsoil replacement, and approximately 50 acres (located around the outer edges of the affected area) should not require topsoil replacement, but will require seeding. The Division has recalculated the bond estimate to account for this increase in affected area (Figure 3) from 141.8 acres to 387 acres (an increase of approximately 245 acres), with a new bond amount of \$1,583,000.00. This new estimate is \$864,248, more than the current bond amount of \$718,752; therefore, the Operator shall submit a new financial warranty with the Division in the amount of \$864,248.

The approved Reclamation Plan for this site states that each mining phase will have two lakes, one left after approximately ½ of each phase is mined, and the other after final reclamation of the phase. The lakes will have a maximum depth of approximately 60 feet, and will receive water through the alluvium in the floodplain. The side slopes of the lakes shall be no steeper than 2H:1V in all portions, and a shallow shelf area 40 feet wide will be created along the shoreline of each lake. This shelf will be installed at a 6H:1V slope.

Also, all grading shall be conducted to create a final site topography consistent with the wildlife habitat and dryland farmland (agricultural) use. Grading will be done in a manner to control erosion and siltation and to protect areas outside the affected land from slides and other damage. There will be no highwalls left within the site. Backfilling and grading will be completed as soon as possible during or after the mining process for each phase of mining. The Operator will make every reasonable "good faith" effort to minimize overburden stockpiling and exposed, unreclaimed mine areas.