

Revision



QATESTOCR

Pine Bluffs Gravel & Excavating, Inc.

PO Box 609 ~ Pine Bluffs, WY 82082

CNØ1

tak, psh

November 10, 2014

Mr. Peter S. Hays
Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman St., Room 215

**RE: Pine Bluffs Gravel & Excavating Inc.
Harms Pit Reclamation Permit Application # M2013-018**

Dear Mr. Hays:

Attached please find two original, unbound copies of a Regular (112) Operation Reclamation Permit Application for Pine Bluffs Gravel & Excavating Inc. operations at the Harms Pit in Weld County, Colorado. The application is being submitted in response to the board order effective September 3, 2014. The permit will increase the permitted area from 9.98 acres to 32.2 acres.

We appreciate your assistance with compiling this application and look forward to working with you on the approval process. If you have any questions regarding this information, please contact me at (307)245-3676.

Sincerely,


Doug Keller
Project Manager
Pine Bluffs Gravel and Excavating Inc.

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NOV 10 2014

DIVISION OF RECLAMATION
MINING AND SAFETY

ORIGINAL

600 Parsons St
Pine Bluffs, WY 82082
Phone - 307-245-3676
Fax - 307-245-3748

~ LOCATIONS ~

1234 South Glendo Highway
Glendo, WY 82213
Phone - 307-735-4005
Fax - 307-735-4030

*HARMS GRAVEL MINE 112 APPLICATION
PINE BLUFFS GRAVEL AND EXCAVATING, INC.*

Weld County, Colorado

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**DIVISION OF RECLAMATION
MINING AND SAFETY**

October 2014

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



CONSTRUCTION MATERIAL REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION PACKAGE

APPLICABILITY:

This application package is for a construction materials operation which affects 10 acres or more. If you plan to conduct a construction materials extraction operation which meets these criteria, please follow the instructions provided in this package, in the Rules and Regulations, and in the Colorado Land Reclamation Act for the Extraction of Construction Materials, as required.

RECOMMENDATIONS PRIOR TO FILING:

The Construction Material Rules and Regulations (the Colorado Land Reclamation Act for the Extraction of Construction Materials, Section 34-32.5-101, *et seq.*, C.R.S., and 2 CCR 407-1) and the Colorado Mined Land Reclamation Board (the "Board") regulate the permitting, operational and reclamation requirements for all construction material extraction operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available for \$8.00 from the Division of Reclamation, Mining, and Safety (the "Office"). In order to submit your application properly, it is recommended that you review the Act and:

- Rule 1.1 Definitions;
- Rule 1.4.1 Application Review and Consideration Process;
- Rule 1.4.5 Specific Requirements for Regular 112 Operations;
- Rule 1.6 Public Notice Procedures;
- Rule 3.1 Reclamation Performance Standards;
- Rule 3.3.1 Operating without a Permit - Penalty;
- Rule 4 Performance Warranties and Financial Warranties;
- Rule 6 Permit Application Exhibit Requirements;
- Rule 6.2 General Requirements of Exhibits;
- Rule 6.4 Specific Permit Application Exhibit Requirements; and
- Rule 6.5 Geotechnical Stability Exhibit.

It is recommended that you contact the agencies listed in the application section titled "Compliance With Other Laws" prior to submitting the application to the Office .

FILING REQUIREMENTS:

In order to apply for a Reclamation Permit for a Regular 112 Operation, please provide:

- ☒ ° One (1) signed and notarized completed **ORIGINAL** and one (1) copy of the completed original Regular 112 Operation Application Form. **ORIGINAL SIGNATURES MUST BE DONE IN BLUE INK.**
- ☒ ° Two (2) copies of Exhibits A-S (required sections described in Rule 6).
- ☒ ° Two (2) copies of Addendum 1 - Notice requirements (described in Rule 1.6.2(1)(b)). A sample of this notice is attached for your use.
- ☒ ° The Geotechnical Stability Exhibit when required by the Division.
- ☒ ° The application fee.

The ninety (90) day period for review of the application and exhibits will **NOT** begin until all required information and fee are submitted. The Office will then review the submitted information for adequacy.

NOTICE REQUIREMENTS:

- ☒ 1. You **MUST** send a notice, on a form approved by the Board, to the local board of county commissioners. A copy of this "Notice of Filing Application" form is attached for your use.
- ☒ 2. If the mining operation is within the boundaries of a conservation district, send a notice to the board of supervisors of the conservation district, **PRIOR** to filing the application. A copy of this "Notice of Filing Application" form is attached for your use.
- ☒ 3. You **MUST** include proof of notice #1 and #2 above with the application at the time the application is submitted to the Office for filing (Rule 1.6.2(1)(g)).
- ☒ 4. **PRIOR** to filing the application, place for public review a copy of the application, less confidential items, with the clerk or recorder of the county or counties in which the affected land is located.
- ☒ 5. You **MUST** include an affidavit or receipt demonstrating that the application was filed with the county clerk or recorder at the time the application is submitted to the Office for filing.
- ☐ 6. Any changes or additions made to an application submittal **MUST** be filed with the county clerk or recorder. You **MUST** also provide the Office with an affidavit or receipt demonstrating that the change was filed with the county clerk or recorder no later than the close of business on the day the change was filed with the Office (Rule 1.8.1(2)).
- ☐ 7. Within ten (10) days after your application is considered filed, you must publish four times in a newspaper of general circulation, in the locality of the proposed mining operation, the notice described in Rule 1.6.2(1)(d).
- ☐ 8. In addition, after the first publication you must mail or personally serve a copy of the notice described in Rule 1.6.2(1)(d) to all owners of record of surface rights to the affected land and all owners of record of lands that are within 200 feet of the boundary of the affected land (Rule 1.6.2(1)(e)). A copy of a form which includes all required information for the notice is attached for your use.

9. Prior to the Office making a decision (consideration of the application), you MUST submit a copy of the proof of publication from the newspaper and proof of all required notices. Proof of the notices may be by submitting copies of return receipts of a certified mailing or by proof of personal service (Rules 1.4.1(4), 1.4.2(4)(c), 1.6.2(1)(a)(ii), and 1.6.2(1)(g)).

The copy of the application and any changes or additions placed at the office of the county clerk or recorder shall NOT be recorded, but shall be retained there for at least sixty (60) days after a decision on the application by the Office and be available for inspection during this period. At the end of this period, the application may be reclaimed by the applicant or destroyed (Rule 1.6.2(2)).

APPLICATION REVIEW PROCEDURES:

The Office shall approve or deny the application within ninety (90) days of filing unless the date for consideration by the Office is extended pursuant to Rule 1.8. The time for consideration shall not be extended beyond ninety (90) days after the last such change submitted. For complex applications, the review period may be extended an additional sixty (60) days. Please see Rule 1.1(10) for the definition of what constitutes a complex application.

APPLICATION APPROVAL/DENIAL:

If the requirements of the Act and Mineral Rules have been satisfied, the Office will approve the application. The Act also provides for automatic approval if no action is taken by the Office by the end of the review period.

If the Act and Regulation requirements have not been satisfied, the Office will deny the application. If the Office denies the application, you may appeal to the Board for a final determination by submitting a written request for administrative appeal to the Board within 60 days of the decision date (Rule 1.4.7).

PERFORMANCE AND FINANCIAL WARRANTIES:

A performance warranty, and a financial warranty dollar amount determined during the application review process, must be submitted and approved by the Office PRIOR to permit issuance. A financial warranty should NOT be submitted until a decision on the application has been made. If the applicant is a unit of state or county government, then ONLY a performance warranty is required.

Several different types of financial warranties are allowed by the law. Please review Rule 4.0 to determine which type of financial warranty you desire to use. You may obtain the appropriate warranty forms from the Office during the application review period.

Please note that an application approval DOES NOT convey a right to begin operations. You MUST submit, and have approval of your performance and financial warranties, and receive your copy of the signed permit document PRIOR to beginning on-site mining activity.

AUTOMATIC PERMIT APPROVAL:

An automatic approval will occur where the Office fails to notify the applicant/operator that the application has been denied. This decision must be made ninety (90) calendar days from the date the application was determined to have been filed. However, the performance and financial warranties must be submitted and approved by the Office before the permit will be issued even if you receive an automatic approval. NO MINING OPERATIONS SHALL BEGIN UNTIL A PERMIT IS ISSUED (Section 34-32.5-109(1), C.R.S.).

COMPLIANCE WITH OTHER LAWS:

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board DOES NOT relieve you of your responsibility to comply with all other applicable state and federal laws. We recommend that you contact the following agencies to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of historical significance including the need for an archeological survey, procedures for requesting a file search, and inventory forms to identify structures.
- Colorado Division of Water Resources with regard to water rights;
- Colorado Department of Health, Water Quality Control Division, with regard to the discharge of pollutants into the State waters;
- Colorado Department of Health, Air Pollution Control Division, with regard to the need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation will occur on federal lands;
- U. S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which your proposed operation is located. Section 34-32.5-109(3), C.R.S, requires a mining operator to be responsible for assuring that the mining operation and the post-mining land use comply with local land use regulations and any master plan for extraction adopted pursuant to Section 34-1-304, C.R.S.

COMPLETION OF MINING:

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and 4.16 for details on how to request a reclamation responsibility release from the Board.

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

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CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

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

Permit # M 2013 018 (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 2013 Q18 - (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 ORIGINAL and one (1) copy of the completed 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): Pine Bluffs Gravel & Excavating, Inc.

1.1 Type of organization (corporation, partnership, etc.): Corporation

2. Operation name (pit, mine or site name): Harms Pit

3. Permitted acreage (new or existing site):

3.1 Change in acreage (+)

3.2 Total acreage in Permit area

9.98

permitted acres

20.02

acres

32.2

acres

4. Fees:

4.1 New Application

4.2 New Quarry Application

4.4 Amendment Fee

4.5 Conversion to 112 operation (set by statute)

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DIVISION OF RECLAMATION
MINING AND SAFETY

\$2,696.00

application fee

\$3,342.00

quarry application

\$2,229.00

amendment fee

\$2,696.00

conversion fee

5. Primary commodity(ies) to be mined: sand gravel rock dirt

5.1 Incidental commodity(ies) to be mined: 1. - lbs/Tons/yr 2. / lbs/Tons/yr

3. / lbs/Tons/yr 4. / lbs/Tons/yr 5. / lbs/Tons/yr

5.2 Anticipated end use of primary commodity(ies) to be mined: aggregate materials for road projects for US Government

5.3 Anticipated end use of incidental commodity(ies) to be mined: N/A

6. **Name of owner of subsurface rights of affected land:** Ms. Janyce Harms
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** Ms. Janyce Harms

8. **Type of mining operation:** ☒ Surface ☐ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: Weld

PRINCIPAL MERIDIAN (check one): ☒ 6th (Colorado) ☐ 10th (New Mexico) ☐ Ute

SECTION (write number): S 34

TOWNSHIP (write number and check direction): T 11 ☒ North ☐ South

RANGE (write number and check direction): R 58 ☐ East ☒ West

QUARTER SECTION (check one): ☐ NE ☐ NW ☒ SE ☐ SW

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

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): _____
Located more than 20 miles east of Grover, CO, at an elevation of approximately 5,260 feet above msl.

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude OR UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg 40 min 52 sec 47.54 (2 decimal places)

Longitude (W): deg 103 min 51 sec 40.54 (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) _____ (5 decimal places)

Longitude (W) _____ (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) Nad 83 Zone 13

Easting _____

Northing _____

11. **Correspondence Information:**

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

Contact's Name: **Tyler E. Kimzey** Title: President
Company Name: Pine Bluffs Gravel & Excavating, Inc
Street/P.O. Box: 600 Parsons P.O. Box: PO Box 609
City: Pine Bluffs
State: WY Zip Code: 82082
Telephone Number: (307) - 245-3676
Fax Number: (307) - 245-3748

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Doug Keller Title: Project Manager
Company Name: Pine Bluffs Gravel & Excavating, Inc.
Street/P.O. Box: 600 Parsons P.O. Box: PO Box 609
City: Pine Bluffs
State: WY Zip Code: 82082
Telephone Number: (307) - 245-3676
Fax Number: (307) - 245-3748

INSPECTION CONTACT

Contact's Name: Doug Keller Title: Project Manager
Company Name: Pine Bluffs Gravel & Excavating, Inc.
Street/P.O. Box: 600 Parsons P.O. Box: PO Box 609
City: Pine Bluffs
State: WY Zip Code: 82082
Telephone Number: (307) - 245-3676
Fax Number: (307) - 245-3748

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

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

- | | | |
|--|--|--|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input checked="" type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | <input type="checkbox"/> Solid Waste Disposal(WD) |

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

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): _____
dozer/loader/excavator

15. **On Site Processing:** ☒ Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): _____
crusher/screen plant/conveyors

List any designated chemicals or acid-producing materials to be used or stored within permit area: _____
None

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

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

Enlarging permitted mining area from 9.98 acres to 32.2 acres. Converting from 110c permit to 112.

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;

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

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.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this 7 day of November, 2014.

Pine Bluffs Gravel & Excavating, Inc.

Applicant/Operator or Company Name

Signed: [Signature]

Title: President

If Corporation Attest (Seal)

Signed: [Signature]

Corporate Secretary or Equivalent

Town/City/County Clerk



State of Wyoming)
) ss.
County of Laramie)

The foregoing instrument was acknowledged before me this 7 day of November, 2014, by Tyler Kinzey as President of Pine Bluffs Gravel



[Signature]
Notary Public

My Commission expires: 12-31-15

SIGNATURES MUST BE IN BLUE INK

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

proposed mining operation. The following is a sample of the Notice required for Rule 1.6.2(1)(b) that you may wish to use.

NOTICE

This site is the location of a proposed construction materials operation. (Name of the Applicant/Operator) Pine Bluffs Gravel & Excavating, Inc., whose address and phone number is (Address and Phone Number of the Applicant/Operator) PO Box 609, Pine Bluffs, WY 82082, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) Weld County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) 1402 N. 17 Ave., Greeley, CO 80631, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining, and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203.

Certification:

I, Doug Keller, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) Harms Pit, on (Date Posted) Oct. 31, 2014.

Doug Keller
SIGNATURE

11-7-2014
DATE

Division of Reclamation, Mining, and Safety

Fee Receipt for M2013018

Pine Bluffs Gravel & Excavating, Inc.

000000000

Receipt #: 18520

Date: 11/10/2014

Permit: M2013018

Payment Method	Revenue Code	Fee Description/Notes	Amount
5231 jwd	4300-MCNV	Minerals Conversions M-2013-018	\$2,696.00
Receipt Total:			\$2,696.00

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR **REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION**

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS

Weld COUNTY

Pine Bluffs Gravel & Excavating, Inc. (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in Weld County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to grazing land/rangeland use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION

NOTICE TO THE BOARD OF SUPERVISORS
OF THE LOCAL CONSERVATION DISTRICT
West Greeley DISTRICT

Pine Bluffs Gravel & Excavating, Inc. (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in Weld County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to grazing land/rangeland use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Conservation Districts before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a 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 shall either:

- a) 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
- b) 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
- c) 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. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

- 1. pipeline _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Pine Bluffs Gravel & Excavating (print applicant/company name),
by _____ (print representative's name), as President (print
representative's title), does hereby certify that Trailblazer Pipeline (structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for Harms Pit (operation name),
File Number M-2013-018.

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.*

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY _____

Applicant Toby Kimzey Representative Name Toby Kimzey

Date 11-4-14 Title President

STATE OF Wyoming)
) ss.

COUNTY OF Laramie)

The foregoing was acknowledged before me this 4 day of November, 2014, by
Toby Kimzey as President of Pine Bluffs Gravel.

Deborah Morgan My Commission Expires: 12-31-15
Notary Public



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner Trailblazer Pipeline LLC Name M.D. Rafter

Date 11/4/14 Title VP Operations

STATE OF Colorado)
) ss.

COUNTY OF Jefferson)

The foregoing was acknowledged before me this 4 day of November, 2014, by
M.D. Rafter as VP-Operations of Trailblazer Pipeline LLC

[Signature] My Commission Expires: 12-13-16
Notary Public

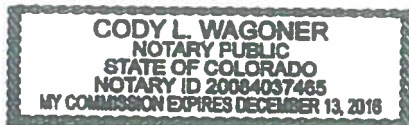


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112 6.4 SPECIFIC EXHIBIT REQUIREMENTS - 112 RECLAMATION OPERATION

6.4.1 EXHIBIT A - Legal Description

- (1) The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by (a), township, range, and section, to at least the nearest quarter-quarter section and (b), location of the main entrance to the site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. A metes and bounds survey description is acceptable in lieu of township, range, and section. Where available, the street address or lot number(s) shall be given. This information may be available from the County Assessor's office or U.S. Geological Survey (USGS) maps.

A tract of land being a portion of the South Half (S½) of Section 34, Township 11 North, Range 58 West of the 6th P.M., Weld County Colorado, more particularly described as follows:

Beginning at a point from which the east quarter corner of said Section 34 bears N.78°03'18"E., a distance of 1239.4 feet (when considering the east line of the SE¼ of Section 34 bears N.02°45'40"E.); thence S.00°00'00"E., a distance of 1304.89 feet; thence N.90°00'00"W., a distance of 1000.00 feet; thence N.00°00'00"E., a distance of 655.91 feet; thence N.87°56'50"W., a distance of 3219.32 feet to the west line of Section 34; thence N.03°44'38"E., along said line, a distance of 30.01 feet; thence S.87°56'50"E., a distance of 3217.36 feet; thence N.00°00'00"E., a distance of 618.96 feet; thence N.90°00'00"E., a distance of 1000.00 feet to the point of beginning. Containing 32.2 acres, more or less, and subject to easements, covenants and restrictions of record.

The survey plat is illustrated on Map A-1

- (2) The main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.

The location of the main entrance to the Harms Pit is illustrated on Map B-1, and is located at Latitude 40°52'47.54"N, Longitude 103°51'40.54"W.

6.4.2 EXHIBIT B - Index Map

An index map showing the regional location of the affected land and all roads and other access to the area. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. Scale criteria need not be followed for this map.

See Map B-1.

6.4.3 **EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands**

One or more maps may be necessary to legibly portray the following information:

The Harms Pit is located in Section 34, Township 11 North, Range 58 West near the intersection of County Road 124 and County Road 127 in Weld County, Colorado. The property has been used as a gravel mine under Colorado Division of Reclamation, Mining and Safety 110 (small mine) Permit M-2013-018. The operator intends to expand the mining area to include approximately 32.2 acres including the access road. Maps referenced below address the requirements of this 112 Reclamation Permit application for the expansion of the Harms pit.

- (a) all adjoining surface owners of record;

See Map C-1. Ms. Janyce Harms owns all of the permit and surrounding surface lands in Section 34. The U.S. Forest Service is an adjoining surface owner to the access road across County Road 127.

- (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;

See Map C-2.

- (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;

See Map C-2.

- (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land");

See Map C-2.

- (e) the type of present vegetation covering the affected lands; and

The aerial photograph used in the background of Map D-1 shows that the area to be disturbed by mining is currently in use as dryland cropland.

- (f) in conjunction with Exhibit G - Water Information, Subsection 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.

No natural water resources are located on or adjacent to the affected area. No further water resources information is required.

- 112(3)(c), 115(4)(e) (g) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.

See Map C-1. Janyce Harms is the owner of record of all of Section 34, T11N, R58W. No man-made structures are located within the affected area. A wind turbine (Tower N-9 of the Cedar Creek II Wind Farm) is located approximately 300 feet northeast of the affected area and is the closest man-made structure. Map C-1 illustrates the location of a Trailblazer Pipeline Company's 40' easement for a pipeline that crosses the access road. There are also utility lines associated with the nearby wind turbines.

- (h) In conjunction with Exhibit I - Soils Information, Subsection 6.4.9, soils information may be presented on a map in this section;

Soils information is presented on Map I-1.

- (i) Aerial photos, if available, may be included in this section.

See Map C-1.

6.4.4 **EXHIBIT D - Mining Plan**

The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:

- (a) description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands;

Mining equipment that will be employed in the gravel extraction process include dozer, payloader, an excavator with a three to six cubic yard bucket, crusher, screen plant and conveyors to transport aggregate. Mining will continue in the current pit located in the center of the affected area. Mining will then move to the north at a rate of approximately 1.1 acres per year. When the mining is completed in the northern portion of the permit area, mining will continue from the original mining pit to the south at an approximate rate of 1.1 acres per year.

- (b) earthmoving;

Earthmoving will be completed using a dozer, payloader, or excavator.

- (c) all water diversions and impoundments; and

No water diversions or impoundments will be constructed at the Harms Pit. Any water encountered in the mining process will drain back to the mined area. Because the pit is a depression, storm water will not drain away from the affected areas.

- (d) the size of area(s) to be worked at any one time.

See Map D-1.

- (e) An approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. An Operator/ Applicant shall not be required to meet specific dates for initiation, or completion of mining in a phase as may be identified in the timetable. This does not exempt an Operator/ Applicant from complying with the performance standards of Section 3.1. If the operation is intended to be an intermittent operation as defined in Section 34-32.5-103(11)(b), C.R.S., the Applicant should include in this exhibit a statement that conforms to the provisions of Section 34-32.5-103(11)(b), C.R.S. Such timetable should include:

Mining will progress in the approximate timetable illustrated on Map D-1 and indicated in the table below.

Year of Mining Progression	Acres
2013	6.5
Road	2.2
2015	3.5
2017	3.3
2020	3.3
2023	3.3
2025	3.3
2028	3.3
<u>2031</u>	<u>3.3</u>
Total	32.2

- (i) an estimate of the periods of time which will be required for the various stages or phases of the operation;

See Map D-1.

- (ii) a description of the size and location of each area to be worked during each phase; and

See Map D-1.

- (iii) outlining the sequence in which each stage or phase of the operation will be carried out.

See Map D-1.

(Timetables need not be separate and distinct from the mining plan, but may be incorporated therein.)

- (f) A map (in Exhibit C - Pre-Mining and Mining Plan Maps(s) of Affected Lands, Subsection 6.4.3) may be used along with a narrative to present the following information:

Responses to each requirement are presented below.

- (i) nature, depth and thickness of the deposit to be mined and the thickness and type of overburden to be removed (may be marked "CONFIDENTIAL," pursuant to Paragraph 1.3(3)); and

The mined material is predicted to range from sand similar to beach sand to nominal gravel up to 2 inches in size. Interviews with the landowner indicate that the deposit may be as deep as 20 feet from grade and generally increasingly coarse toward the bottom of the deposit. The overburden is quite sandy from 6 to 12 inches deep and sometimes hard to distinguish from the cleaner sand below it. The thickness of the deposit to be mined is expected to be up to 20 feet.

- (ii) nature of the stratum immediately beneath the material to be mined in sedimentary deposits.

Below the gravel deposit is a hard clay layer.

- (g) Identify the primary and secondary commodities to be mined/extracted and describe the intended use; and

The primary commodity to be produced is road surfacing gravel for highway construction and oilfield projects.

- (h) name and describe the intended use of all expected incidental products to be mined/extracted by the proposed operation.

No incidental products are expected to be produced as a result of mining operations at the Harms Pit.

- (i) Specify if explosives will be used in conjunction with the mining (or reclamation). In consultation with the Office, the Applicant must demonstrate pursuant to Subsection 6.5(4), Geotechnical Stability Exhibit, that offsite areas will not be adversely affected by blasting.

No explosives will be used at the Harms Pit. Since offsite areas will not be affected by blasting a Geotechnical Stability Exhibit has not been prepared for this permit application.

6.4.5 EXHIBIT E - Reclamation Plan

- (1) In preparing the Reclamation Plan, the Operator/Applicant should be specific in terms of addressing such items as final grading (including drainage), seeding, fertilizing, revegetation (trees, shrubs, etc.), and topsoiling. Operators/Applicants are encouraged to allow flexibility in their plans by committing themselves to ranges of numbers (e.g., 6"-12" of topsoil) rather than specific figures.

The post mining use for the entire affected area has been determined by the landowner to be rangeland grazing land. The current use is dryland cropland.

- (2) The Reclamation Plan shall include provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by the Operator/ Applicant. Reclamation shall be required on all the affected land. The Reclamation Plans shall include:

Proposed reclamation activities are discussed following the requirements of Section 6.4.5(2) below. Map E-1 illustrates the proposed reclamation progressions and Map F-1 illustrates the planned post mining topography.

- (a) A description of the type(s) of reclamation the Operator/Applicant proposes to achieve in the reclamation of the affected land, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving;

The proposed post-mining land use for the entire reclaimed area is rangeland grazing land as requested by the landowner. Surrounding land uses are rangeland grazing land used for agriculture or wildlife grazing. Reclamation will be completed using dozers to regrade spoil and scrapers to haul and replace topsoil.

- (b) A comparison of the proposed post-mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs. In those instances where the post-mining land use is for industrial, residential, or commercial purposes and such use is not reasonably assured, a plan for revegetation shall be submitted. Appropriate evidence supporting such reasonable assurance shall be submitted;

The surrounding land use is agricultural with significant oil and gas activity and wind energy production, or is used for wildlife grazing and public uses associated with the Pawnee National Grasslands. The proposed postmining land use of rangeland grazing is consistent with the surrounding land uses. Postmining plans do not include industrial, residential, or commercial uses.

- (c) A description of how the Reclamation Plan will be implemented to meet each applicable requirement of Section 3.1;

Section 3.1 requirements are listed here to facilitate a complete response.

3.1 RECLAMATION PERFORMANCE STANDARDS
3.1.1 Establishing Post-Mining Use

The landowner has requested rangeland grazing as the postmining land use.

3.1.2 Reclaiming Substituted Land

Areas affected by the mining operation will be reclaimed by the operator without substitution.

3.1.3 Time Limit and Phased Reclamation

Each phase of reclamation illustrated on Map E-1 will be completed within 18 months following completion of mining activities.

3.1.4 Public Use

Reclaimed lands are not owned by the operator. Public use of reclaimed areas will not be allowed during the reclamation process as they will not be fenced from the active mining areas.

3.1.5 Reclamation Measures - Materials Handling

Postmining pit walls will be graded to 3:1 slopes or less.

If overburden or waste materials are used for fill, they will be compacted to ensure stability. No toxic or acid-forming waste materials will be used for fill.

All highwalls will be eliminated by grading to 3:1 slopes or less to prevent erosion and siltation. Reclaimed lands will blend smoothly with native lands to prevent slides or other damage.

Final grading will be completed as soon as feasible following mining as indicated on Map E-1.

No acid-forming or toxic producing materials will be mined at the Harms Pit.

No drill or auger holes, adits or shafts will be developed or utilized at the Harms Pit.

Reclaimed lands will blend smoothly with native lands. No lakes or ponds will be constructed in the postmining landscape.

The pit will not be backfilled. Final topography will be achieved by grading pit walls to the appropriate slope.

Mined material that will be disposed within the affected area will be handled to prevent unauthorized release to the surface drainage system.

Groundwater will not be affected by mining or reclamation activities at the Harms Pit. Mining will be conducted a minimum of two feet above the groundwater table.

3.1.6 Water - General Requirements

Disturbances to the prevailing hydrologic balance will be minimized. No surface or groundwater rights will be injured as a result of mining at the Harms Pit. Stormwater runoff will be managed in accordance with the Stormwater Management Plan for the Harms Pit. No dredge and fill activities will occur. No large siltation structures will be constructed and none will require removal during reclamation.

No earth dams will be constructed.

All surface disturbed areas and spoil piles will be stabilized and protected to prevent erosion.

3.1.7 Groundwater - Specific Requirements

Groundwater will not be affected by mining or reclamation activities at the Harms Pit. Mining will be conducted a minimum of two feet above the groundwater table. The groundwater specific reclamation standards are not applicable.

3.1.8 Wildlife

Wildlife safety will be taken into account in all aspects of the mining and reclamation activities. Wildlife use of the site will resume following reclamation of the land as rangeland grazing.

3.1.9 Topsoiling

Topsoil will be removed and segregated from overburden or spoil, if present. Topsoil will be stockpiled with 3:1 slopes and silt fence placed at the foot of the pile. If the topsoil pile is expected to sit for periods greater than six (6) months, a summer annual plant may be broadcast to vegetate the pile in consultation with the landowner.

3.1.10 Revegetation

The seed mix selected for revegetation of reclaimed areas was selected following consultation with the NRCS local office. The blend of grasses will provide a self-regenerating and long lasting cover that is not dependent on irrigation, soil amendments or fertilizer. Discing, ripping, mulching and fertilizers may be used during the planting phase of the reclamation to insure establishment of planted vegetation.

Mine pit walls will be graded to slopes of 3:1 or less, allowing normal traversing of livestock and wildlife or any farm equipment that may be expected to be used on the reclaimed areas.

The grass will be seeded 0.5 inches deep using a grass drill. Seeding will occur within the next available November 1 to May 1 seeding period recommended by the NRCS.

The grasses included in seed mix are as follows per NRCS recommendation (USDA 2014) and are readily available from local suppliers:

- | | |
|------------------------|--------------|
| a) Switchgrass - | 0.4 PLS/acre |
| b) Sideoats grama - | 0.9 PLS/acre |
| c) Little Bluestem - | 0.7 PLS/acre |
| d) Green needlegrass - | 1.0 PLS/acre |
| e) Blue grama - | 0.3 PLS/acre |

Dry fertilizer will be spread before seeding using the USDA NRCS recommended application rate of 40 pounds nitrogen and 60 pounds phosphorous applied per acre of reclaimed land. The revegetation will only include drilling the above grass seed mix. There will be no trees, shrubs, or other plants planted in the reclaimed area. We plan to replace the mined areas with any available topsoil that is removed before the mining process. We are predicting topsoil depths of 6 to 12 inches, quickly transitioning to sand. Any noxious weeds encountered in the mining or reclamation process will be sprayed to prevent any noxious weed infestation.

No noxious weeds have been identified within the proposed mining area. According to Tina Booton at the Weld County Weed Division, noxious weeds that may occur in the mining area

include Canada Thistle, diffuse knapweed and bindweed. Junk weeds that may be found are kochia, sunflower, and bull thistle.

The onsite Gravel Pit Manager will be responsible for identifying noxious and junk weeds should they occur and monitoring their growth. If noxious and/or junk weeds occur at the site, the Gravel Pit Manager will arrange for spraying (contracting a licensed sprayer) or mowing of the weeds in accordance with Weld County recommendations.

According to the Weld County Weed Division, noxious weeds should be sprayed in the spring or fall before or during the rosette stage with Milestone or Tordon and a non ionic surfactant. The Weld County Weed Division also recommends adding 2 4 D if the weeds are very tall. Regular mowing would control any other junk type weeds.

Revegetation References

USDA

Natural Resources Conservation District, telephone conversation between Ann Dickey, ESI and Will. (970)330-0380 on September 23, 2014.

Weld County

Weed Division, Tina Booton 970 304 6496 x3770 per 110 permit for Pine Bluffs Gravel and Excavating Harms Pit Permit #M2013-18.

3.1.11 Buildings and Structures

No buildings or structures are present at the Harms Pit and none will be constructed for mining purposes.

3.1.12 Signs and Markers

A sign that is clearly visible from the access road shall be posted at the entrance to the mine that states the following:

- a. name of the Operator,
- b. a statement that a reclamation permit for operations has been issued by the Colorado Mine Land Reclamation Board; and
- c. the permit number.

The boundaries of the affected area will be marked by monuments or other markers that are clearly visible and adequately delineate the areas to be disturbed by mining operations.

3.1.13 Spill Reporting

Should a spill of toxic or hazardous substances occur at the minesite, the reporting requirements of Section 3.1.13 will be followed. The requirements are as follows:

The Mine Operator shall Notify the Office of a spill of any toxic or hazardous substance, including spills of petroleum products, that occurs within the mined land permit area or area encompassed by a Notice of Intent and which would be required to be reported 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 Operator shall:

1. within 24 hours of the time the spill is reported to any other agency(ies) with jurisdiction over the spill, notify any DRMG Minerals Program Field Office or the Minerals Program Denver Office, Division of Reclamation, Mining and Safety, via phone, facsimile, or email;
2. include in the notice any relevant information known at the time contact is made with the Office that would assist the Office in assessing spill seriousness, such as:
 - a. operation name, DRMS permit number and name of person reporting the spill,
 - b. telephone number of a responsible company official for the Office staff to use as a contact,
 - c. date and time of spill,
 - d. type of material spilled (CAS number if applicable, from the material safety data sheet (MSDS) form),
 - e. estimate of the amount spilled, whether any material has left the permit area, and where the spilled material went, and
 - f. initial measures taken to contain and clean up spill.
3. copy the Office on any correspondence and/or written reports provided to other agencies. Supplement those reports if necessary to include the information outlined in rule 3.1.13(2).

- (d) Where applicable, plans for topsoil segregation, preservation, and replacement; for stabilization, compaction, and grading of spoil; and for revegetation. The revegetation plan shall contain a list of the preferred species of grass, legumes, forbs, shrubs or trees to be planted, the method and rates of seeding and planting, the estimated availability of viable seeds in sufficient quantities of the species proposed to be used, and the proposed time of seeding and planting;

Seeding of topsoil and/or spoil piles was addressed under the requirements of Section 3.1.

- (e) A plan or schedule indicating how and when reclamation will be implemented. Such plan or schedule shall not be tied to any specific date but shall be tied to implementation or completion of different stages of the mining operation as described in Subparagraph 6.4.4(1)(e). The plan or schedule shall include:

- (i) An estimate of the periods of time

Reclamation activities will commence as soon as feasible following mining operations as indicated in Map E-1.

- (ii) A description of the size and location of each area to be reclaimed during each phase; and

See Map E-1.

- (iii) An outline of the sequence in which each stage or phase of reclamation will be carried out.

(The schedule need not be separate and distinct from the Reclamation Plan, but may be incorporated therein.)

See Map E-1.

- (f) A description of each of the following:

- (i) Final grading - specify maximum anticipated slope gradient or expected ranges thereof;

The pit slopes will be graded to a maximum postmining slope of 3:1.

- (ii) Seeding - specify types, mixtures, quantities, and expected time(s) of seeding and planting;

Revegetation and seeding procedures are discussed in detail in Section 3.1.10 of this Exhibit.

- (iii) Fertilization - if applicable, specify types, mixtures, quantities and time of application;

Dry fertilizer will be spread before seeding using the USDA NRCS recommended application rate of 40 pounds nitrogen and 60 pounds phosphorous applied per acre of reclaimed land. The revegetation will only include drilling the above grass seed mix. There will be no trees, shrubs, or other plants planted in the reclaimed area. Topsoil will be placed to a depth of six inches.

- (iv) Revegetation - specify types of trees, shrubs, etc., quantities, size and location; and

No trees or shrubs will be impacted by mining activities and none will be planted as part of the reclamation process.

- (v) Topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced.

Mined areas will be covered with all available topsoil that is salvaged before the mining process. Topsoil will be placed to a depth of six inches.

6.4.6 **EXHIBIT F - Reclamation Plan Map**

The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

- (a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and

See Map F-1.

- (b) Portrayal of the proposed final land use for each portion of the affected lands.

See Map F-1.

6.4.7 **EXHIBIT G - Water Information**

- (1) If the operation is not expected to directly affect surface or groundwater systems, a statement of that expectation shall be submitted.

No natural surface water features are located within the affected area. Mining will be limited to a depth of 20 feet, and will not expose or affect groundwater. Mining operations will remain at least two feet above the groundwater table. The following letter from Colorado Division of Water Resources dated June 6, 2013 state that they have no objection to the mining operations under the small mine Permit #M2013-018 for the Harms pit. Mr. Peter Hays from the Division of Reclamation and Mining indicated that this letter is applicable to the expanded mining operation when accompanied with the commitment to limit mining operations to the area a minimum of two feet above the groundwater table.

Topography within the permit boundary is quite flat. The area is within the South Platte River drainage basin, and the following tributary sequence was obtained using USGS 7.5 minute topographic sheets. Drainage from the permit area is to the east into an unnamed channel. After several miles of overland flow combined with intermittently defined unnamed channels, the confluence with Cottonwood Creek occurs in Section 4, T9N, R57W. Cottonwood Creek flows southeastward to the confluence with Pawnee Creek in Section 5, T8N, R55W, and Pawnee Creek flows to the South Platte River near Sterling, Colorado in Section 8, T7N, R52W.

- (2) If the operation is expected to directly affect surface or groundwater systems, the Operator/Applicant shall:

Not applicable.

- (a) Locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations;

Not applicable.

- (b) Identify all known aquifers; and

Not applicable.

- (c) Submit a brief statement or plan showing how water from de-watering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation.

Not applicable.

- (3) The Operator/Applicant shall provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.

There will be a very limited amount of water used in the mining operation. Any water used will be delivered using the operator's water trucks. Gravel mining activities will be maintained a minimum of two feet above groundwater levels.

- (4) The Operator/Applicant shall indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.

Limited water will be used at the site for dust control and will be trucked to the site. The water will be obtained from a permitted well owned by the landowner. The well is located approximately seven miles north of the Harms Pit.

- (5) The Operator/Applicant shall affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health, if necessary.

The proposed site for the gravel permit will be a dry pit and is far from a natural river; therefore, the ground water table should not be encountered by the operation. The mining operation will be maintained at a minimum of two feet above the groundwater table. There will not be any pollutants discharged into any State waters.



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: June 6, 2013
TO: Peter S. Hays, Environmental Protection Specialist
CC: Division 1 Office, District 64 Water Commissioner
FROM: Sarah Brucker, P.E. *SB*
RE: Harms Pit, File No. M-2013-018
Operator: Pine Bluffs Gravel & Excavating, Inc.
Contact: Doug Keller, (307) 245-3426
SE ¼ Section 34, Twp 11 North, Rng 58 West, 6th P.M., Weld County

CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations.

COMMENTS: This will be a surface mining operation on 9.98 permitted acres located approximately 20 miles east of Grover, Colorado. The primary commodities to be mined at the site are sand, gravel, rock, and dirt to be used as aggregate materials for road projects for the US Government.

This will be a dry mining operation that does not expect to encounter any ground water. There are no natural water resources within the proposed mining area. The applicant has indicated that any water used at the site will be delivered from the applicant's own water trucks. The site is proposed to be reclaimed to rangeland/grazing land after mining operations.

If stormwater runoff is intercepted by this operation and is not diverted or captured in priority, it must be released to the stream system or infiltrate into the ground within 72 hours. Otherwise, the operator will be required to make replacements for evaporation.

This office has no objection to the proposed mining operation. The applicant may contact the State Engineer's Office with any questions.

RECEIVED

JUN 06 2013

DIVISION OF RECLAMATION
MINING AND SAFETY

COPY

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

6.4.8 **EXHIBIT H - Wildlife Information**

- (1) In developing the wildlife information, the Operator/Applicant may wish to contact the local wildlife conservation officer. The Operator/Applicant shall include in this Exhibit, a description of the game and non-game resources on and in the vicinity of the application area, including:
 - (a) a description of the significant wildlife resources on the affected land;

The Harms Pit is located on private land within the boundaries of the Pawnee National Grasslands, a 30- by 60-mile area containing 193,060 acres of grasslands managed by the United States Forest Service (USFS). The rest of the land within the perimeter of the Pawnee National Grasslands is a checkerboard of private land, State of Colorado ownership and the Central Plains Experimental Range. Wildlife information for the area was obtained by reviewing the USFS website (USFS 2014) and the Bureau of Land Management (BLM) NEPA document, Pawnee National Grasslands (PNG) Oil and Gas Leasing Draft Environmental Impact Statement (BLM 2014).

The wildlife in the PNG is diverse, primarily due to the diverse habitat types available in the area and the proximity to the Rocky Mountains and the Great Plains. A total of 59 mammal species, 8 amphibian species, 14 reptile species and 13 fish species are known to use the Grassland for all or a part of their habitat. Commonly viewed animals in the PNG include pronghorn, mule deer, coyote, swift fox, snakes and prairie dogs. Wooded waterways and cliffs provide avian habitat in an area in close proximity to avian flyways and migration corridors. As a result, 301 species of birds are known to use the PNG, and the area is an internationally known birding area.

Much of the wildlife in the PNG are associated with the short grass prairie ecosystem and use prairie dog colonies to meet a variety of their needs.

The private lands and some of the public lands in the area are predominantly agricultural with moderate oil and gas and wind energy development and associated roads, pipelines, and other infrastructure. Wildlife is limited to those species that have adapted to the human activity in the area.

The diverse habitats that result in the diverse wildlife in the PNG are not present on the Harms Pit mine site. The affected area has been or is still used as dryland cropland or gravel mining. The prairie dog towns, surface water, wooded waterways, cliffs and tall trees, etc. that are critical to most of the PNG wildlife are not present within the Harms Pit permit boundary.

- (b) seasonal use of the area;

Public use of the PNG includes big game hunting, fishing, camping and bird watching, all activities that are seasonal in nature. The private ownership of Harms Pit permit area and adjacent lands as dryland cropland and gravel mining limit its use for any of the aforementioned activities.

Big game use the area for seasonal migration and fawning (CPW 2014). Deer migrate from the South Platte area prior to fawning. Pronghorn migrate north into Wyoming in the summer and return in the winter. Whooping cranes are casual migrants in the Eastern Plains.

- (c) the presence and estimated population of threatened or endangered species from either federal or state lists; and

The potential presence of threatened or endangered species in the vicinity of the Harms Pit was determined by utilizing the USFWS Information, Planning and Conservation System (IPAC) searchable website (USFWS 2014). The following species were identified using the map function and selecting all of Section 34, T11N, R58W:

Birds	Status	Potential Impact
Mexican Spotted Owl (<i>Strix occidentalis lucida</i>)	Threatened	Minor adverse. No habitat. Surface disturbance of an additional 22 acres could impact rodent habitat/food supply.
Least tern (<i>Sterna antillarum</i>)	Endangered	Negligible. The least tern typically stays in close proximity to river systems. The Harms Pit is more than 20 miles from the South Platte River.
Piping Plover (<i>Charadrius melodus</i>)	Threatened	Negligible. The gravel mining operations will not involve water-related activities/uses in the S. Platte River Basin.
Whooping Crane (<i>Grus americana</i>)	Endangered	Minor adverse. Although they use wetlands and marshes for nesting and primary habitat, whooping cranes utilize cropland for food during migration. Mining activities would affect 22 additional acres of cropland in the migration path.
Flowering Plants		
Colorado Butterfly Plant (<i>Gaura newmexicana</i> var. <i>coloradensis</i>)	Threatened	Negligible. No floodplain or drainage bottom habitat for the Colorado butterfly plant will be impacted as a result of mining activities.
Ute ladies'-tresses (<i>Spiranthes diluvialis</i>)	Threatened	Negligible. Ute ladies'-tresses require moist conditions, typically perennial stream terraces or moist meadows. There is no habitat for the Ute ladies'-tresses in the vicinity of the mine.
Western Prairie Fringed Orchid (<i>Platanthera praeclara</i>)	Threatened	Negligible. Potential habitat would have been destroyed when the area was converted to cropland.
Mammals		
Preble's meadow jumping mouse (<i>Zapus hudsonius preblei</i>)	Threatened	Negligible. Habitat is limited to within 100 meters of the 100-year flood plain.
Fishes		
Pallid sturgeon (<i>Scaphirhynchus albus</i>)	Threatened	Negligible. The mine is many miles from a creek with fish bearing capabilities.

- (d) 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.

The entire permit boundary has been altered by agricultural activity, and is currently used as dryland cropland and gravel mining. Wildlife in the area have become accustomed to noise and human activity associated with nearby oil and gas activities, wind turbines and roads and traffic associated with visitors to the Pawnee National Grasslands. The effects to wildlife of mining an additional 22 acres would be minor and temporary and include displacement, potential food supply loss, increased human activity, and additional noise disturbance in close proximity to mining. No permanent effects on wildlife are anticipated.

- (2) The application may be reviewed and commented upon by the State of Colorado Division of Wildlife (DOW). If the DOW has comments, they must be provided prior to the end of the public comment period specified in Subsection 1.7.1(2)(a) to be considered by the Board and Office.

Exhibit H References

Colorado Parks and Wildlife 2014

2014-2015 Big Game Hunting in Northeast Colorado accessed on September 11 at:
<http://cpw.state.co.us/Documents/Hunting/BigGame/HuntGuides/NEHuntGuide.pdf#search=pawnee>

BLM 2014

Pawnee National Grassland Oil and Gas Leasing Analysis, Draft Environmental Impact Statement, August 2014. 348 pages. Accessed on the internet on September 9, 2014 at:
http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/95573_F_SPLT3_2324299.pdf

USFS 2014

Accessed on the internet on September 9, 2014 at
http://www.fs.usda.gov/wps/portal/fsinternet!/ut/p/c/5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gjAwhwtDDw9_Al8zPwhQoY6leDdGCqCPOBqwDLG-AAjgb6fh75uan6BdnZaY6OiooA1tklQ!!/dl3/d3/L2dJQSEvUUt3QS9ZQnZ3LzZfMjAwMDAwMDBBODBPSEhWTjJNMDAwMDAwMDA!/?navtype=BROWSEBYSUBJECT&cid=fsm91_058278&navid=17000000000000&pnavid=null&ss=110210&position=Not%2520Yet%2520Determined.Html&ttype=detail&pname=Arapaho

USFWS 2014

<http://ecos.fws.gov/ipac> accessed on August 26, 2014.

6.4.9 **EXHIBIT I - Soils Information**

- (1) In consultation with the Soil Conservation Service or other qualified person, the Operator/Applicant shall indicate on a map (in Exhibit C) or by a statement, the general type, thickness and distribution of soil over the affected land. Such description will address suitability of topsoil (or other material) for establishment and maintenance of plant growth. The above information shall satisfy "completeness" requirements for purposes of determination of date of filing.

The US Department of Agriculture (USDA) National Resources Conservation Service (NRCS) Web Soil Survey was accessed at <http://websoilsurvey.nrcs.usda.gov> on August 21, 2014 to obtain soils information for the Harms Pit area. Map I-1 was developed using information obtained from the internet search tool.

Three soils types are present within the permit boundary. The majority of the permit area is Altvan fine sandy loam, 0 to 6 percent slopes. Approximately 3.6 acres in the northeast corner of the permit boundary is Rosebud fine sandy loam, 6 to 9 percent slopes and less than one acre in the northwest corner of the permit area is Nunn loam 0-6 percent slopes.

The soil for the Altvan sand is 0 to 6 inches fine sandy loam; 6 to 22 inches, sandy clay loam; 22 to 27 inches, sandy clay loam, and 27 to 60 inches, gravelly coarse sand. The down-slope shape and across-slope shape is linear.

The soil profile for the Rosebud fine sandy loam is 0 to 4 inches fine sandy loam, 4 to 16 inches, clay loam, 16 to 22 inches, sandy clay loam, 22 to 28 inches, sandy loam and 28 to 31 inches, weathered bedrock.

The soil profile for the Nunn loam is 0 to 7 inches: loam; 7 to 23 inches, clay loam; 23 to 60 inches clay loam; and 60 to 64 inches, sandy clay loam.

The topsoil with proper fertilization, mulching, and seed bed preparation is suitable for revegetation to the native grass species recommended by the local NRCS. Below the sandy loam topsoil is located a sand to gravel deposit estimated to be 6 to 10 feet deep.

Available water capacity is low. This unit is used as dryland cropland but will be reclaimed with native grass.

- (2) If necessary, at its discretion, the Board may require additional information on soils or other growth media to be stockpiled and used in revegetation to be submitted subsequent to the filing and notification of "completeness" of the application.

Additional information will be supplied, if requested.

6.4.10 EXHIBIT J - Vegetation Information

- (1) The Operator/Applicant shall include in this Exhibit a narrative of the following items:
- (a) descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs);

The premining vegetation is dryland cropland and is currently wheat stubble.

- (b) the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map; and

The entire affected area is covered by non-native dryland crop. Soils types are illustrated on Map I-1

- (c) estimates of average annual production for hay meadows and croplands, and carrying capacity for range lands on or in the vicinity of the affected land, if the choice of reclamation is for range or agriculture.
- (2) The Operator/Applicant shall show the relation of the types of vegetation to existing topography on a map in Exhibit C. In providing such information, the Operator/Applicant may want to contact the local Soil Conservation District.

Pre-mining topography is shown on Map C-2. As stated previously, the entire affected area is covered by non-native dryland crop.

6.4.11 **EXHIBIT K - Climate**

Provide a description of the significant climatological factors for the locality.

The Western Regional Climate Center website was accessed to obtain climate data for the Harms Pit area and is presented below. The closest active weather station to the mine is the Greeley UNC, Colorado site.

The average annual precipitation is 14 inches including about 40.4 inches of snowfall. The average frost-free period is 172 days.

The high plains in the area are somewhat sheltered from the winds by the nearby mountains to the west. The average annual wind speed is 6.8 mph with the northerly prevailing wind direction, shifting to easterly in the summer months. The consistent wind in the area makes it a preferable location for wind energy production.

GREELEY UNC, COLORADO (053553) **Period of Record Monthly Climate Summary** **Period of Record : 3/ 1/1967 to 3/31/2013**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	41.9	47.1	56.7	64.9	73.9	84.4	90.3	88.0	79.9	66.8	51.5	41.9	65.6
Average Min. Temperature (F)	15.5	19.8	27.0	34.8	44.1	52.9	58.5	56.3	47.0	35.5	24.7	16.5	36.0
Average Total Precipitation (in.)	0.46	0.37	1.02	1.79	2.43	1.86	1.51	1.36	1.08	1.06	0.75	0.51	14.20
Average Total SnowFall (in.)	5.7	4.3	7.1	4.7	0.8	0.0	0.0	0.0	0.6	3.3	6.7	6.6	39.7
Average Snow Depth (in.)	2	1	0	0	0	0	0	0	0	0	1	1	0

Percent of possible observations for period of record.

Max. Temp.: 100% Min. Temp.: 100% Precipitation: 100% Snowfall: 97.8% Snow Depth: 95.3%

Check [Station Metadata](#) or [Metadata graphics](#) for more detail about data completeness.

Source: <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?co3553>

6.4.12 **EXHIBIT L - Reclamation Costs**

- (1) All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. The information provided by the Operator/Applicant must be sufficient to calculate the cost of reclamation that would be incurred by the state.

Reclamation Costs Harms Pit				
Backfilling				
Acres	Topsoil thickness (ft)	Backfill volume (cy)	Cost/cy	Total Cost
32.2	0.5	25975	\$1.25	\$32,468.33
Grading Slopes to 3:1				
Hours Required			Cost/hr	Total Cost
90			\$125.00	\$11,250.00
Topsoil Preparation (chisel)				
Acres	Acres/hr	Total hours	Cost/hr	Total Cost
32.2	5	6.44	\$150.00	\$966.00
Seeding				
Acres			Cost/ac	Total Cost
32.2			\$250.00	\$8,050.00
Mulching				
Acres			Cost/ac	Total Cost
32.2			\$200.00	\$6,440.00
Fertilization at 40 lbs N and 60 lbs P				
Acres			Cost/ac	Total Cost
32.2			\$65.00	\$2,093.00
			Grand Total Cost	\$61,267.33

- (2) The Office may request the Operator/Applicant to provide additional, reasonable data to substantiate said Operator/Applicant's estimate of the cost of reclamation for all Affected Lands.

Additional information will be provided if requested.

6.4.13 EXHIBIT M - Other Permits and Licenses

A statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds or will be seeking in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, the State Historic Preservation Office clearance, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, explosives permits, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

1. Air Pollutant Emission Notice (APEN) and Application for Construction Permit And Fugitive Particulate Emissions Control Plan.
2. Access Permit Application for all points of ingress and egress onto County maintained roadways.
3. Colorado State Historical Preservation Office clearance (We have been informed that if there is no federal nexus for this project, but there is oversight from the Colorado Division of Reclamation Mining Safety (DRMS), that DRMS normally contacts the Colorado State Historical Preservation Office during the application review).
4. The proposed site for the gravel permit will be a dry pit and is far from a natural river, thence the ground water table should not be encountered by the operation. The mining operation will not expose any groundwater. There will not be any pollutants discharged into any State waters.
5. The proposed gravel site is not located on any federal lands or U.S. Forest Service.
6. Weld County Colorado Planning does not permit Section 110 Permits. Proof of evidence of the State permit will be submitted to the Planning office for their files.
7. Stormwater Management Plan permit from the Colorado Department of Public Health and Environment.
8. Any other permit that would be required that we have not identified at this time.

6.4.14 EXHIBIT N - Source of Legal Right to Enter

The source of the Operator's/Applicant's legal right to enter and initiate a mining operation on the affected land. (Same requirements as Rule 6.3.7).

[See attached lease agreement.](#)

This LEASE, made in duplicate, this 28th day of December, 2012, by and between Janyce Harms, hereinafter LESSOR, and PINE BLUFFS GRAVEL and EXCAVATING, Inc, hereinafter, LESSEE.

1. LEASED PREMISES AND TERM

LESSOR, in consideration of the rents, covenants and agreements of LESSEE, hereinafter set forth, and in consideration of each and every act to be done by the parties hereto, does by these presents exclusively let, lease and rent to LESSEE for a term of five (5) years from the date of this LEASE or until terminated as herein provided, a certain tract of land described as follows:

Section 34, township 11 North, range 58 West, 6th principle meridian, Weld County Colorado, hereinafter referred to as PREMISES, for the purpose of mining and storing dirt, sand, gravel, and rock, hereinafter MATERIAL. The LESSEE shall have the right to extend this LEASE for an additional term of five (5) years by giving the LESSOR a written notice of such extension sixty (60) days previous to the expiration of the original five year term of this LEASE.

2. LESSOR'S WARRANTIES

LESSOR warrants that she has marketable title to the PREMISES and authority to enter into this LEASE and so dispose of the MATERIAL deposits located on the PREMISES.

3. LESSOR'S COVENANTS

LESSOR agrees LESSEE may obtain a Title Search on the PREMISES. If the title search show there is a mortgage on the PREMISES, LESSOR shall furnish to the LESSEE a copy of the mortgage and agrees to obtain a signed mortgagee's waiver of royalty payments, or in lieu thereof, written instructions from the mortgagee and LESSOR for payment of the royalty.

4. LESSEE'S USE OF THE PREMISES

LESSEE shall have the exclusive right and authority to go upon said PREMISES with its employees, trucks and machinery and such other equipment as may be necessary for the purpose of mining and removing from the PREMISES all MATERIAL as LESSEE may desire.

LESSEE, shall have full and complete access to any sand, gravel, and rock pits over and across the PREMISES of the LESSOR, including the right of ingress and egress thereto and therefrom for only those activities directly related to the mining of aggregate materials from the PREMISES.

LESSEE shall have the further right, if it so desires, to erect and maintain on PREMISES, at its own cost and expense, such machinery and equipment as it shall deem necessary for the proper and economical working of said pit or pits and the removal of MATERIAL therefrom. LESSEE shall have the right to remove, if necessary, and where LESSEE may consider advisable, any soil, waste sand or overburden from such MATERIAL and to deposit the same on PREMISES.

5. ENVIRONMENTAL CARE OF PREMISES

LESSEE shall not bury or cause to be buried any trash or debris on the PREMISES. If the LESSEE should cause hazardous materials to be disposed of on the PREMISES, the LESSEE shall be responsible for cleanup of the contaminated area at LESSEE'S expense, regardless of the time frame which may be required by any governmental authorities supervising the elimination of the contamination, even though such elimination may extend beyond the term of this LEASE.

LESSEE shall remove all dirt, sand rock, or other material brought onto the PREMISES when LESSEE has completed its mining operations on the PREMISES.

6. TERMINATION

LESSEE may terminate this LEASE before the end of the LEASE term if LESSEE has completed its excavation operations on the PREMISES. LESSEE shall be deemed to have completed LESSEE'S operations when, in LESSEE'S sole discretion, further excavation of MATERIAL would no longer be economically desirable to LESSEE either because of the quantity or quality or location of the remaining deposits of the MATERIAL.

7. PAYMENT FOR MATERIAL

LESSEE shall pay or cause to be paid to the LESSOR an amount of Forty (0.40) cents per ton of MATERIAL removed from the PREMISES. Such payment will be made to the LESSOR or any other person or entity at a time or place as so designated by the LESSOR. Payment from the LESSEE to the LESSOR shall be made by the 10th day of the month following removal of the MATERIAL, from the PREMISES. Claims for payment for the MATERIAL made by other parties shall not be the responsibility of the LESSEE.

8. LESSEE ADDITIONAL PREMISES USE

LESSEE shall have the right to bring onto thereafter to remove from the PREMISES dirt, rock or other MATERIAL which may be used in the formulation of the final product produced. All tonnages of such product shall be separately accounted for when leaving the PREMISES. No royalty or any other compensation shall be paid by the LESSEE to the LESSOR for dirt, sand, rock or other MATERIAL which may be brought on the PREMISES. The LESSEE may require additional help from other contractors to fulfill aggregate mining requirements. The LESSOR does agree to allow LESSEE-approved contractors to enter and work on the PREMISES.

9. LESSOR USE OF THE PREMISES

LESSOR shall have the unrestricted use of the PREMISES for any and all purposes except for the production, stockpiling, processing and shipment of sand, gravel and rock therefrom during the term of this LEASE.

10. LESSEE'S REMOVAL OF EQUIPMENT

Upon the termination of this LEASE, whether by lapse of time or by termination because of completion of operation, or otherwise, LESSEE shall have the right and obligation to

take and remove from said PREMISES any and all machinery and equipment belonging to LESSEE within 90 days of termination.

11. TAXES

LESSOR agrees to pay before delinquency all taxes and special assessments levied with respect to the PREMISES during the term of the LEASE or any extension thereof.

12. WRITTEN MODIFICATION ONLY

No action of any of the parties hereto shall be construed as an extension of the term of this LEASE or creation of a new agreement unless the same is in writing and signed by the parties hereto.

13. INSURANCE AND INDEMNITY

LESSEE will at all times during the term of this LEASE, at their own cost and expense, insure and keep in effect on the real property such public liability insurance in the amount of \$1,000,000 to insure LESSOR and LESSEE against all claims, demand or actions for injuries to or death of any one person, and for injury to or death of more than one person in any one accident. Provided, however, LESSOR and LESSEE shall cross-indemnify, protect and hold each other and their successors, heirs and assigns harmless from and against all damages, claims, attorney fees and demands arising out of the use of the PREMISES.

14. RELATIONSHIP OF PARTIES

LESSEE shall in no event be construed for any purposes to be a partner, joint venture or associate of LESSOR or any sub-lessee, concessionaire, operator, or licensee of LESSOR with respect to the PREMISES.

15. LAND CONFORMATION AFTER MINING

No mining of the PREMISES shall occur closer than fifty (50) feet of the property line of the PREMISES. After mining is completed the PREMISES will be left in a physical condition, which is pleasing to the eye and shall not be a hazard to cattle or the use of the property by the LESSOR.

16. CONTINGENCY

LESSEE is not obligated to perform unless all of LESSOR'S obligations under the terms of this LEASE have been fulfilled.

17. SUCCESSORS AND ASSIGNS

This LEASE shall be binding upon and inure to the benefit of the respective heirs, representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties have executed and caused the due execution hereof respectively of duplicate copies, both of which shall be deemed originals as of the day and year above written.

LESSOR: *William Keller*
Pine Bluffs Gravel & Excavating, Inc.

LESSEE: *Janyce Harms*
Janyce Harms

- 1) If Lessee has not permitted and began operation of gravel pit within two years from date of lease, agreement is terminated. DK J. N.
- 2) Lessor retains right to remove unprocessed material for personal use at no charge. DK J. N.

6.4.15 EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

The complete list of all owners can be submitted as a list or on a map in Exhibit C.

Janyce Harms is the owner of all of Section 34, T11N, R58W and the sand/gravel to be mined.

6.4.16 EXHIBIT P - Municipalities Within Two Miles

A list of any municipality(s) within two miles of the proposed mining operation and address of the general office of each municipality.

There are no municipalities within two miles. The closest municipality to the proposed gravel pit is Grover, Colorado, located about 20 miles west of the Harms Pit.

AFFIDAVIT OF MAILING

In the Matter of the Limited Impact (112) Operation
Reclamation Permit Application

State of Wyoming)
County of Laramie) ss.

Doug Keller, of Pine Bluffs Gravel & Excavating, Inc., being duly sworn, deposes and says: That he is over the age of eighteen years; That on Nov. 7, 2014, by regular first class and/or certified mail properly enclosed in a sealed envelope with the prepaid postage thereon, he deposited in the United States mail, at 115 W. 4th Street, Pine Bluffs, WY, 82042, notices, a true and correct copy of which is hereunto attached and made a part hereof, address to the following:

West Greeley Conservation District
4302 W 9th St. Rd
Greeley, CO 80634

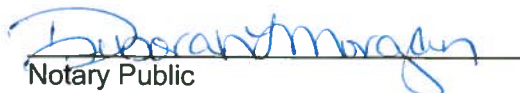
The receipts for certification of said letters are hereunto annexed and made a part hereof. I certify that the foregoing is true and correct.

Dated this 7 day of November, 2014.


Doug Keller, Project Manager
Affiant

Subscribed and sworn to before me this 7 day of November 2014.




Notary Public

7012 3460 0000 8332 7530

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL™



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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To
Street, Apt. No.,
or PO Box No. 4302 W 9th St. Rd
City, State, ZIP+4 Greeley, Colorado 80634

PS Form 3800, August 2006

See Reverse for Instructions

AFFIDAVIT OF MAILING

In the Matter of the Limited Impact (112) Operation
Reclamation Permit Application

State of Wyoming)
County of Laramie) ss.

Doug Keller, of Pine Bluffs Gravel & Excavating, Inc., being duly sworn, deposes and says: That he is over the age of eighteen years; That on Nov. 7, 2014, by regular first class and/or certified mail properly enclosed in a sealed envelope with the prepaid postage thereon, he deposited in the United States mail, at 115 W. 4th Street, Pine Bluffs, WY, 82042, notices, a true and correct copy of which is hereunto attached and made a part hereof, address to the following:

Weld County Commissioners
1150 O Street
P.O. Box 758
Greeley, CO 80632

The receipts for certification of said letters are hereunto annexed and made a part hereof. I certify that the foregoing is true and correct.

Dated this 7 day of November, 2014.


Doug Keller, Project Manager
Affiant

Subscribed and sworn to before me this 7 day of November, 2014




Notary Public

7008 2810 0001 0714 7527

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAILTM



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OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To	Weld County Commissioners
Street, Apt. No., or PO Box No.	1150 O Street
City, State, ZIP+4	Greeley, Colorado 80632

PS Form 3800, August 2006 See Reverse for Instructions

6.4.17 EXHIBIT O - Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District

Proof that notice, of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Soil Conservation District, to the Board of Supervisors of the local Soil Conservation District, pursuant to Subparagraph 1.6.2(1)(a)(ii).

Insert proof of notice to County Commissioners and SCS here

AFFIDAVIT OF MAILING

In the Matter of the Limited Impact (112) Operation
Reclamation Permit Application

State of Wyoming)
County of Laramie) ss.

Doug Keller, of Pine Bluffs Gravel & Excavating, Inc., being duly sworn, deposes and says: That he is over the age of eighteen years; That on Nov. 7, 2014, by regular first class and/or certified mail properly enclosed in a sealed envelope with the prepaid postage thereon, he deposited in the United States mail, at 115 W. 4th Street, Pine Bluffs, WY, 82042, notices, a true and correct copy of which is hereunto attached and made a part hereof, address to the following:

Weld County Clerk/Recorder
1420 N 17th Avenue
Greeley, CO 80632

The receipts for certification of said letters are hereunto annexed and made a part hereof. I certify that the foregoing is true and correct.

Dated this 7 day of November, 2014.


Doug Keller, Project Manager
Affiant

Subscribed and sworn to before me this 7 day of November, 2014


Notary Public



7008 2810 0001 0714 7534

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL™



7008 2810 0001 0714 7534

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent to

Weld County Clerk/Recorder
1420 N 17th Avenue
Greeley, Colorado 80632

PS Form 3800, August 2006

See Reverse for Instructions

7008 2610 0001 0714 7534

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

GREELEY CO 80632

Postage	\$	\$6.70
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$12.70

0860 NOV
02 7
Postmark
Here
LSPE
11/07/2014

Sent To	Weld County Clerk/Recorder
Street, Apt. No., or PO Box No.	1420 N 17 th Avenue
City, State, ZIP+4	Greeley, Colorado 80632

PS Form 3800, August 2006

See Reverse for Instructions

7012 3460 0000 8332 7530


U.S. Postal Service TM		
CERTIFIED MAIL TM RECEIPT		
(Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
GREELEY CO 80634		
Postage	\$ 6.70	0860 02 Postmark Here 11/07/2014
Certified Fee	\$3.30	
Return Receipt Fee (Endorsement Required)	\$2.70	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 12.70	
Sent To		
West Greeley Conservation District		
Street, Apt. No., or PO Box No. 4302 W 9th St. Rd		
City, State, ZIP+4 Greeley, Colorado 80634		
PS Form 3800, August 2006 See Reverse for Instructions		

7008 2810 0001 0714 7527

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

GREELEY CO 80632 **OFFICIAL USE**

Postage	\$	\$6.70	
Certified Fee		\$3.30	
Return Receipt Fee (Endorsement Required)		\$2.70	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$12.70	11/07/2014

Sent To Weld County Commissioners
Street, Apt. No.,
or PO Box No. 1150 O Street
City, State, ZIP+4 Greeley, Colorado 80632

PS Form 3800, August 2006 See Reverse for Instructions

6.4.18 EXHIBIT R - Proof of Filing with County Clerk and Recorder

An affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

Insert proof of notice to County Clerk and Recorder here

6.4.19 EXHIBITS - Permanent Man-made Structures

115(4)(e) 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 pipeline owned by Trailblazer Pipeline was installed across the existing access road within the last year. The pipeline is located about 480 feet from proposed mining operations, but all traffic to and from the mine will cross over the top of it.

- (a) 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

A notarized agreement between Trailblazer Pipeline and Pine Bluffs Gravel & Excavating is included on the following pages.

- (b) 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.
- (c) 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.

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a 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 shall either:

- a) 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
- b) 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
- c) 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. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

- 1. pipeline _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Pine Bluffs Gravel & Excavating (print applicant/company name),
by _____ (print representative's name), as President (print
representative's title), does hereby certify that Trailblazer Pipeline (structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for Harms Pit (operation name),
File Number M-2013-018.

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.*

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY

Applicant Toby Kimzey Representative Name Toby Kimzey
Date 11-4-14 Title President

STATE OF Wyoming) ss.
COUNTY OF Laramie)

The foregoing was acknowledged before me this 4 day of November, 2014, by
Toby Kimzey as President of Pine Bluffs Gravel.

Deborah Morgan My Commission Expires: 12-31-15
Notary Public



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

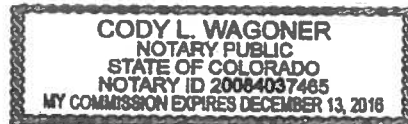
Structure Owner Trailblazer Pipeline LLC Name M.D. Rafter

Date 11/4/14 Title VP Operations

STATE OF Colorado)
) ss.
COUNTY OF Jefferson)

The foregoing was acknowledged before me this 4 day of November, 2014, by
M.D. Rafter as VP - Operations of Trailblazer Pipeline LLC

[Signature] My Commission Expires: 12-13-16
Notary Public



6.5 GEOTECHNICAL STABILITY EXHIBIT

- 116(4)(i) (1) On a site-specific basis, an Applicant shall be required to provide a geotechnical evaluation of all geologic hazards that have the potential to affect any proposed impoundment, slope, embankment, highwall, or waste pile within the affected area. The Applicant may also be required to provide a geotechnical evaluation of all geologic hazards, within or in the vicinity of the affected lands, that may be de-stabilized or exacerbated by mining or reclamation activities.
- On a site-specific basis, an Applicant shall be required to provide engineering stability analyses for proposed final reclaimed slopes, highwalls, waste piles and embankments. An Applicant may also be required to provide engineering stability analyses for certain slopes configuration as they will occur during operations, including, but not limited to embankments. Information for slope stability analyses may include, but would not be limited to, slope angles and configurations, compaction and density, physical characteristics of earthen materials, pore pressure information, slope height, post-placement use of site, and information on structures or facilities that could be adversely affected by slope failure.
- (3) Where there is the potential for off-site impacts due to failure of any geologic structure or constructed earthen facility, which may be caused by mining or reclamation activities, the Applicant shall demonstrate through appropriate geotechnical and stability analyses that off-site areas will be protected with appropriate factors of safety incorporated into the analysis. The minimum acceptable safety factors will be subject to approval by the Office, on a case- by-case basis, depending upon the degree of certainty of soil or rock strength determinations utilized in the stability analysis, depending upon the consequences associated with a potential failure, and depending upon the potential for seismic activity at each site.
- (4) At sites where blasting is part of the proposed mining or reclamation plan, the Applicant shall demonstrate through appropriate blasting, vibration, geotechnical, and structural engineering analyses, that off-site areas will not be adversely affected by blasting.

Blasting will not be necessary or utilized for mining operations at the Harms Pit. Additional stability information will be provided, if requested.