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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

RECEIVED

FEB 04 2015

DIVISION OF RECLAMATION
MINING AND SAFETY



*Adequacy
Review
Response*

CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

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

Permit # M - 2010 080 (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 - 2010 080 (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):** Riverside Aggregates, LLC
 - 1.1 Type of organization (corporation, partnership, etc.): Limited Liability Company
2. **Operation name (pit, mine or site name):** Existing (Friederichs Pit) Proposed (Friederichs Pit 112)
3. **Permitted acreage (new or existing site):**

	<u>9.9</u> permitted acres
3.1 Change in acreage (+)	<u>4.61</u> acres
3.2 Total acreage in Permit area	<u>14.5</u> acres
4. **Fees:**

4.1 New Application	<u>\$2,696.00</u> application fee
4.2 New Quarry Application	<u>\$3,342.00</u> quarry application
4.4 Amendment Fee	<u>\$2,229.00</u> amendment fee
4.5 Conversion to 112 operation (set by statute)	<u>\$2,696.00</u> conversion fee
5. **Primary commodity(ies) to be mined:** Gravel Sand
 - 5.1 Incidental commodity(ies) to be mined:

1. <u>-</u> lbs/Tons/yr	2. <u>/</u> lbs/Tons/yr
3. <u>/</u> lbs/Tons/yr	4. <u>/</u> lbs/Tons/yr
5. <u>/</u> lbs/Tons/yr	
 - 5.2 Anticipated end use of primary commodity(ies) to be mined: Construction Material
 - 5.3 Anticipated end use of incidental commodity(ies) to be mined: _____

✓ AF & Report

Violations:

MV2014009 5/21/2014

6. **Name of owner of subsurface rights of affected land:** Hans and JoLeyne Friederichs
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** Hans and JoLeyne Friederichs

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

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

COUNTY: Prowers

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

SECTION (write number): S 18

TOWNSHIP (write number and check direction): T 22 ☐ North ☒ South

RANGE (write number and check direction): R 47 ☐ 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): _____
1.5 miles SW of Wiley, CO. Elevation = approximately 3785'

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 38 min 7 sec 45.25 (2 decimal places)

Longitude (W): deg 102 min 43 sec 58.64 (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: Rudy Torres Title: Member
Company Name: Riverside Aggregates, LLC
Street/P.O. Box: 1750 County Road HH P.O. Box: _____
City: Lamar
State: Colorado Zip Code: 81052
Telephone Number: (719) - 336-7361
Fax Number: () -

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -
Fax Number: () -

INSPECTION CONTACT

Contact's Name: Rudy Torres Title: Member
Company Name: Riverside Aggregates, LLC
Street/P.O. Box: 1750 County Road HH P.O. Box: _____
City: Lamar
State: _____ Zip Code: 81052
Telephone Number: (719) - 336-7361
Fax Number: () -

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 checked="" 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) | | <input type="checkbox"/> Solid Waste Disposal(WD) |

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

- | | | |
|--|---|--|
| <input type="checkbox"/> Cropland(CR) | <input checked="" 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): _____
Mining methods include using Excavator, Front Loader equipment to extract and transport to processing equipment

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

13.1 Briefly explain mining method (e.g. truck/shovel): _____
Processing includes using Front Loader to drop material into on-site screening/seperating equipment and stockpiling material

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).

Converting an existing mining operation: The proposed change converts an existing 9.9 acre
110 operating permit to an 14.5 acre 112 Construction Materials Operation Reclamation Permit.
The proposal increases the existing mining operation by 4.6 acres.

An example Structure Agreement which meets the requirements of the Statutes is shown below.

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:

Southwest 3 wire fence

1. _____
2. _____
3. _____
4. _____
5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Riverside Aggregates, LLC (print applicant/company name),
by Rudy Torres (print representative's name), as Member (print
representative's title), does hereby certify that Hans Friederichs (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 Friederichs Pit 112 (operation name),
File Number M-2010-080.

*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 RIVERSIDE AGGREGATES, LLC Representative Name RUDY TORRES

Date 1-21-15 Title OWNER / MEMBER

STATE OF COLORADO)
) ss.

COUNTY OF PROWERS

The foregoing was acknowledged before me this 21st day of January, 2015, by
Rudy Torres as Owner / Member of Riverside Aggregates LLC

[Signature]
Notary Public

My Commission Expires: 7/22/15



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner HAUS FRIEDERICH Name [Signature]

Date 1-21-15 Title LANDOWNER

STATE OF COLORADO)
) ss.
COUNTY OF PROWERS

The foregoing was acknowledged before me this 21st day of January, 20 15, by
Haus Friedrich as landowner of property

[Signature]
Notary Public

My Commission Expires: 7/22/15



An example Structure Agreement which meets the requirements of the Statutes is shown below.

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. East utility access dirt road. Owner: Jack Evans
2. _____
3. _____
4. _____
5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Riverside Aggregates, LLC (print applicant/company name),
by Rudy Torres (print representative's name), as Member (print
representative's title), does hereby certify that Jack Evans (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 Friederichs Pit 112 (operation name),
File Number M-2010-080.

*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 RIVERSIDE AGGREGATES, LLC Representative Name RUDY TORRES

Date 1-21-15 Title OWNER / MEMBER

STATE OF COLORADO)
) ss.

COUNTY OF PROWERS)

The foregoing was acknowledged before me this 21st day of January, 2015, by
Rudy Torres as Owner / Member of Riverside Aggregates, LLC.

[Signature]
Notary Public

My Commission Expires: 7/22/15



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner JACK EVANS Name Jack Evans

Date 1/28/15 Title LANDOWNER

STATE OF COLORADO)
COUNTY OF PROWERS) ss.

The foregoing was acknowledged before me this 22nd day of January, 2015, by
Jack Evans as landowner of property

Christine M. Sanchez My Commission Expires: 11/14/2017
Notary Public

CHRISTINE M SANCHEZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134071369
MY COMMISSION EXPIRES 11/14/2017

DELIVERY NOTICE

Date: January 27, 2015

To: Prowers County Clerk/Recorder
Prowers County Courthouse
301 S. Main St Suite 215
Lamar, CO 81052


FROM: Riverside Aggregates, LLC
1750 County Road HH
Lamar, CO 81052

RE: Notice of Filing Application
Colorado Mined Land Reclamation Permit
Construction Materials 112 Operation

REVISED APPLICATION

NOTICE TO THE PROWERS COUNTY CLERK/RECORDER AND BOARD OF COUNTY COMMISSIONERS

Please acknowledge the delivery and receipt of the attached **revised** notice of filing by signing below.



Prowers County Clerk/Recorder
301 S. Main St Suite 215
Lamar, CO 81052

Date: Jan. 30, 2015

January 21, 2015

Amy Eschberger,
Environmental Protection Specialist
State of Colorado
Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman St. Room 215
Denver, CO 80203

**RE: Friederichs Pit, Permit No. M-2010-080, 110 to 112 Construction Materials Reclamation
Permit Conversion Application (CN-01), Adequacy Review - 01.**

Ms. Eschberger,

Enclosed are revised documents pertaining to the Construction Materials Reclamation Permit Conversion Application package for the Friederichs Pit, Permit No. M-2010-080.

Complete clarification and changes to the inadequate items are included in the revised narrative and maps provided with this packet.

Please see the explanation for clarification of inadequate items labeled "Exhibit Headings" shown below.

Exhibit Headings:

- 1) Please see clarification provided in narrative and/or maps related to Exhibit C:
 - c. The pre- mining map indicates contour lines approximating the existing topographical elevations for the area surrounding the proposed mining area.
 - d. Please note that the proposed permit boundary has been revised to 14.5 acres. The operator does not intend to include a buffer zone inset from the mining boundaries.
 - g. The private road located east of the proposed boundary has been revised to 170'-0" and has been included as a permanent man-made structure in the narrative and maps. Additionally, a signed structure agreement is included with this revised packet.
- 2) Please see clarification provided in narrative and/or maps related to Exhibit D:
 - b. The revised narrative and map(s) indicate that topsoil will be placed on existing topsoil piles on north, northeast and northwest boundaries of the mining area.
 - d. The proposed permit boundary has been revised to 14.5 acres. The Operator understands that the maximum allowed disturbed area is the same as permit area and that the required Financial Warranty will include costs to reclaim the proposed maximum disturbed area of 14.5 acres.
 - e. The revised narrative states the mining operation will be an Intermittent Operation.
 - (i) The deposit to be mined is revised to 15 feet thick including minimum the removal of minimum overburden. The estimated maximum depth of mining is 15 feet. A high wall will be created up to 15 feet in height and 944 feet in length at, or, very near the existing north end high wall.
- 3) Please see clarification provided in narrative and/or maps related to Exhibit E:
 - 2) (a) Overburden is expected to be minimal and shall be placed on existing topsoil/overburden stockpiles located at perimeter north/northwest boundaries.
 - 2) (d) Stockpiles that sit for more than a growing season shall be stabilized by naturally occurring weed and grass vegetative cover.
 - 2) (v) Average anticipated topsoil salvaged for reclamation will be 6". Mulch will be utilized in accordance with the NRCS plan submitted with this application request.

- 4) Please see clarification provided in narrative and/or maps related to Exhibit F:
 - a. Please note maps submitted with this revision have been changed to reflect corrections, changes or clarifications described in the revised narrative.
- 5) Please see clarification provided in narrative and/or maps related to Exhibit G:
 - 1) The estimated maximum depth of mining is 15 feet and is not expected to directly affect surface or groundwater systems.
- 6) Please see clarification provided in narrative and/or maps related to Exhibit J:
 - 1) Please see the attached narrative pertaining to Exhibit J items.
- 7) Please see clarification provided in narrative and/or maps related to Exhibit L:
 - 1) 6 inches of topsoil will be replaced on 14.5 acres for reclamation. Topsoil, manure, preparation and seed application breakdowns are included in this application revision.
- 8) Please see clarification provided in narrative and/or maps related to Exhibit S:
 - 1) The private road located east of the permit boundary and a wire fence located southwest of the southwest boundary are located with-in 200 feet of the proposed affected area. Notarized structure agreements with the owner of the wire fence and private road are included with this revision.
- 9) Please see clarification provided for Addendum 1 – Notice Requirements:
 - 1) Please see proof of publication and notice sent to Owners of Record as required.

Please note:

The Applicant intends to publish public notices in a timely manner only as directed by the Division.

The Applicant is aware that mining can commence only after the permit has been issued.

The Applicant intends to publish notices and final date for comments in a timely manner only as directed by the Division.

Please see signed receipts of Delivery Notice for this revised application with the County Clerk/Recorder.

Please see the updated Construction Materials Regular (112) Operation Reclamation Permit Application Form describing the change in acreage (4.6) and total acreage (14.5).

Respectfully Submitted,

Rudy Torres,
Riverside Aggregates, LLC
1750 County Road HH
Lamar, CO 81052

RIVERSIDE AGGREGATES, LLC.
1750 COUNTY ROAD HH
LAMAR, CO. 81052

Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman St., Room 215
Denver, CO 80203

RE: Construction Materials Limited Impact Operation (112)
112 Reclamation Permit Operations Application form
Rule 6: Permit Application Exhibit Requirements revised 1/24/2015 per Adequacy Review - 01

INTRODUCTION:

This 112 conversion application shall be referenced as "Friederichs Pit 112".

6.4 SPECIFIC EXHIBIT REQUIREMENTS – 112 RECLAMATION OPERATION

6.4.1 EXHIBIT A - Legal Description

1. Legal Description:

- 1 This tract of land is located on Prowers County Road LL described legally as the SW ¼ of Section 18 Township 22 South Range 47 West of the 6th principal Meridian.
 - a. Latitude (N) degrees 38 min 07' sec 54.43
 - b. Longitude (W) degrees 102 min 44' sec 6.32
- 2 The Main Entrance to the Friederichs Pit 112 is located on County Road LL at:
 - a. Latitude (N) degrees 38 min 07' sec 45.25
 - b. Longitude (W) degrees 102 min 43' sec 58.64

6.4.2 EXHIBIT B – Index Map

An Index Map showing the regional location of the affected land is labeled "Exhibit B" and included with this application in "Maps". **Please see the attached Maps:**
Specifically a, not to scale, USGS "Wiley Quadrangle Colorado, 7.5 Minute Series (Topographic)". **Please see the attached Maps:**

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

- (a) **Adjoining surface owners of record are Hans and JoLeyne Friederichs.**
- (b) **THE SITE INCLUDES WIRE FENCE ON THE EAST AND SOUTHWEST BORDERS OF THE PROPERTY AND A UTILITY ACCESS DIRT ROAD ON THE PROPERTY LINE EAST OF THE MINING AREA. THE FENCE IS OWNED BY FRIEDERICHS AND THE UTILITY DIRT ROAD IS OWNED BY JACK EVANS. BOTH ARE LOCATED WITH-200 FEET OF THE FRIEDERICHS PIT 112 AFFECTED MINING AREA. There are no creeks, buildings, oil or gas wells, power or communication lines on the area of affected land or with-in 200 feet of the proposed boundaries.**
- (c) **The existing topography consists of Potter and Nihill Gravelly soils at approximately 1 – 5 percent slopes and Rocky Ford Clay Loam at 1 to 3 percent slope. It is indicative of the Plains landscape at elevations between 3000 and 6000 feet. The mean annual precipitation is approximately 11 – 14 inches. An existing 110 Mining Operation consisting of 9.9 acres is located with-in the proposed 112 Mining Operation. The areas currently disturbed by the 110 Mining Operation shall be incorporated into the proposed 112 Mining Operation Affected Area. **Please see the attached Soils Inventory Report:****
- (d) **The total area involved in the operation including the area to be mined is expected to be 14.5 acres M/L.**

- (e) The existing vegetation on the proposed site is minimal and includes salt grass, cactus, and prairie grass. It is indicative of the Plains landscape at elevations between 3000 and 6000 feet. The mean annual precipitation is approximately 11 – 14 inches.
- (f) There are no streams, springs, lakes, stock water ponds, ditches, reservoirs or aquifers that would receive drainage directly from the affected mining area.

f.1 Water used for the operation of the Friederichs Pit 112 will be minimal and sporadic. Any water used in the operation of the pit will originate off-site per the operators current source(s) of non-potable water, be loaded into tanker(s) and trucked onto the site to be used as needed.

f.2 If ground water is encountered during mining operations every effort will be made to stop flow and mitigate any future seep.

f.3 The FriederichsPit112 site includes no historic water rights either conveyed, or assumed. Riverside Aggregates, LLC has not been made aware of any existing water rights associated with this tract of land and the pit will operate exclusive of any historic water right identified by legal right or decree specific to the 14.5 acres M/L in the affected mining area. Because there are no historic water rights included in the application for the operation of this mining pit and there are no anticipated injuries to any existing water rights, or water share owners.

Additionally, Friederichs Pit 112 includes no historic water rights either conveyed, or assumed. Riverside Aggregates, LLC has not been made aware of any existing water rights associated with this tract of land and the pit will operate exclusive of any historic water right identified by legal right or decree specific to the 14.5 acres in the affected mining area. Because there are no historic water rights included in the application for the operation of this mining pit; there are no anticipated injuries to any existing water rights, or water share owners.

- (g) The Property Owners Name is Hans and JoLeyne Friederichs. Existing wire fences, owned by the Friederichs', and shared access road, owned by Jack Evans, are located with-in 200 feet of the affected mining area. There are no other valuable or permanent man-made structures contained on the area of affected land and with-in two hundred (200) feet of the affected land. Please see the attached notarized Structure Agreements:

- (h) Soils information describes Potter and Nihill Gravelly soils at approximately 1 – 5 percent slopes and Rocky Ford Clay Loam at 1 to 3 percent slope. It is indicative of the Plains landscape at elevations between 3000 and 6000 feet. The mean annual precipitation is approximately 11 – 14 inches. An existing 110 Mining Operation consisting of 9.9 acres is located with-in the proposed 112 Mining Operation. The areas currently disturbed by the 110 Mining Operation shall be incorporated into the proposed 112 Mining Operation Affected Area. The affected mining area is bordered to the east with an existing brush pile area. The Operator and Land Owner intend to work together to clear and level this area.

This brush pile area is not in the affected mining area, therefore, is not included in the mining or reclamation plans. No mining shall take place in this area.

Please see the attached Soils Inventory Report:

- (i) Please see aerial photo included with Soils Inventory Report.

6.4.4 **EXHIBIT D- Mining Plan**

1. Mining Plan:

Friederichs Pit 112 will remain active throughout the life of the mining period based on production activity, stockpile inventory and demand. Boundary markers will be located at each corner and at intervals. A wire fence shall be placed on North, South, East and West boundaries to ensure offsite areas will not be disturbed by mining operations. The product extracted will be processed on-site and may include gravel, sand, road base, and crusher fine materials.

- (a) The existing approximately 40'x 550' access road does not require modification or improvement.

No new roads or road improvement are required or included in this application.

The main mining site entrance/exit is located at the Southeast corner of the affected mining area and is accessed from the property owner's existing, well maintained, dirt and gravel pasture access road. The existing pasture access connects to the south with existing County Road LL. The affected mining area includes portable pit office & toilet facilities.

Material screener(s) or crusher(s) are located on the Southern area of the site. Pit run material will be extracted by Excavator then transported and fed (dumped) into the screener or crusher by Front End Loader. Screeners will separate the product by conveyor into processed material piles which are transported by Front End Loader to waiting trucks and/or stockpiles located on site. There are no planned underground openings or ventilation facilities on site.

- (b) Earthmoving shall commence with the removal and stockpile of minimal existing topsoil as the majority of topsoil and over burden have been removed in the existing 110 mining operation. The method used for removing the topsoil shall include, but not be limited to, the use of carryalls, dozers, front end loaders, and trucks to scrape, push and haul the topsoil to the existing stockpile area located at the north end of the affected mining area. The estimated depth of topsoil in the affected mining area is 6". The topsoil and overburden shall be separated and placed in an existing stockpile independent of mining activities and stabilized with vegetative cover if necessary.
- (c) The boundaries established for the affected mining area shall be enforced in an effort to minimize any detrimental disturbances to the existing hydrologic balance within the permitted area. Storm water shall be captured on-site with the use of a storm water rock filter established on the Southwest center boundary of the affected mining area. The planned filter includes, but not limited to, an approximately 100'-0" long x 3'-0" wide cleaned and screened 1 1/2" gravel berm approximately 18" to 24" high. The berm will be located approximately 3 to 6' inside the south permit boundary line and is intended to mitigate and prevent storm run-off by allowing storm water to be immobilized then filter and evaporate naturally. If ground water is encountered during mining operations every effort will be made to stop flow and mitigate any future seep.
- (d) The pit excavation area, stockpiles, drive area dimensions and other disturbances to the land surface shall vary, however, will incorporate, and be limited to, approximately 14.5 acres M/L as permitted. **See Exhibit D "Mining Plan Map" for excavation, extraction, stockpile and drive descriptions.**
- (e) **The approximate timetable for mining operations** define an estimated date of commencement for excavation, processing, and sales of materials on, or around, April 1, 2015. With an estimated end date on, or before April 1, 2022 The site will be prepared and planted as one contiguous area and not in phases. Mining activities are expected to occur for less than 180 days a year. This 112 Mining Operation shall be designated as an **Intermittent Operation.**
- (f) The estimated thickness of the deposit to be mined is 15 feet. The anticipated direction of material extraction shall be South to Southwest as shown on the Mining Plan Map. While excavating the deposit a high-wall shall be created. The wall will be approximately 15'-0" high based on the anticipated product thickness, at 1:1 slope and approximately 944 ft. in length along the North, Northwest Boundary lines at any given time during mining operations. Technical Review may be requested as necessary.
Deposits will be processed: excavated, screened, and crushed on-site. Material screener(s) and crusher(s) are located on the Southwest area of the site. Pit run material will be extracted by Excavator then transported and fed (dumped) into the crusher and screener by Front End Loader. Screeners will separate the product by conveyor into processed material piles which are transported by Front End Loader to waiting trucks and/or existing stockpiles located on site.

The operator will use no chemicals in processing the deposits. No refuse or acid forming or

toxins should be mined. **Any additional overburden** is expected to be minimal and shall be separated and placed in existing stockpiles on the north end of the affected mining area. The estimated thickness of 112 operation overburden is 12". The nature of stratum immediately beneath the material mined appears to be Rocky Ford Clay Loam. See Exhibit D "Mining Plan Map".

- (g) **The primary commodities** extracted include gravel, road base, and crusher fine material. Primary commodities are intended for use on county road projects, commercial and/or residential construction projects and state hi-way construction projects. **Secondary commodities**, if encountered, may include sand and large rock and may have diverse uses including light construction and landscape applications.
- (h) Incidental products extracted by the operation will be intended for use as construction fill material.
- (i) **Not applicable.** No explosives will be used in the mining operation.

6.4.5 **EXHIBIT E- Reclamation Plan**

(1) **Reclamation Plan:**

The Friederichs Pit 112 is expected to end operation March 1, 2022. At that time the affected mining area is scheduled for reclamation to the proposed future use of the land as Pasture Land. The plan for reclamation includes specificity for the seeding, methods and equipment used to achieve satisfactory re-vegetation on the affected land.

(2) **The reclamation plan proposal:**

(a) **Type and method of reclamation:**

Reclamation seeding is expected to include the proposed 14.5 acres of affected area in one fall 2022 planting. The site will be prepared and planted as one contiguous area and not in phases in an effort to achieve continuity in the reclamation of the affected area. During the mining operation minimal overburden will be extracted and placed on the existing overburden stockpile located at the perimeter North/northwest boundary at an approximate depth of 12". Reclaimed slopes are anticipated to be 4:1 throughout the pit area and the direction of slope is expected to be North to South/Southwest. Slope is expected to be achieved using loader, dozer, tractor and grading equipment as needed. The site will be re-vegetated in accordance to the grass seeding plan prepared May 2008 by Ben Berlinger, Certified Professional Rangeland Management, NRCS, CO. See attached Grass Seeding Plan.

(b) **Comparison:**

The existing mining area is pasture land. The post-mining plan is intended to restore similar conditions for use as pasture land. There are no plans for reclaiming the affected area for use as commercial, residential, industrial or other purposes rather than pasture land. The post-mining area seeding shall be comparable to the existing pasture land grasses. There are no shrubs and/or trees included in the post-mining plan.

(c) **Section 3:1**

The post-mining affected land is intended to be reclaimed as pasture land as specified in the subsections of this permit application. The Operator intends to implement the proposed reclamation plan in cooperation with applicable general requirements for timelines, materials handling, water, wildlife, top soiling, and seeding established in Section 3:1. It is further understood that all required compliance for signage, markers, reporting, fees, inspections and monitoring procedures shall be followed wherever applicable.

(d) **Proposed species of grass and method of planting:**

- d1. Plant thickness is anticipated to be 4" – the actual grass seeding preparation and variety of grass planted shall be in accordance with the established seed plan. It is anticipated that all seed varieties will be available in sufficient quantities at the time of seeding.
- d2. The species scheduled for planting include Western wheatgrass, Blue grama, Indian Ricegrass, Little bluestem and Side oats Grama. The quantity of grass seed, pounds of pure

live seed per acre, application rates and percentage mixes are specifically outlined in the grass seed plan.

d3. The soil preparation shall take place in the summer month's preceding fall 2022 when the grass seeding will commence.

d4. Topsoil piles that sit for more than a growing season shall be stabilized by naturally occurring weed or grass vegetative cover.

See attached Grass Seeding Plan.

(e) Schedule

(i) The soil preparation shall take place in the summer month's preceding fall 2022 when the grass seeding will commence. Fall 2022 seeding will be done using tractor and drill where possible and hand broadcast where unsafe tractor conditions exist. The soil will be include intensive seed preparation of up to 3 tillage operations then disked as needed to mitigate compacted conditions prior to seeding.

(ii,iii) Reclamation seeding is expected to include the proposed 14.5 acres of affected area in One fall 2022 planting. The site will be prepared and planted as one contiguous area and not in phases.

(f) Reclamation description(s)

(i) Reclaimed slopes are anticipated to be 4:1 throughout the pit area and the direction of slope is expected to be South/Southwest. Slope is expected to be achieved using loader, dozer, tractor and grading equipment as needed.

(ii) The species scheduled for planting include Western wheatgrass, Blue grama, Indian Ricegrass, Little bluestem and Side oats Grama. The quantity of grass seed, pounds of pure live seed per acre, application rates and percentage mixes are specifically outlined in the grass seed plan. The soil preparation shall take place in the summer month's preceding fall 2022 when the grass seeding will commence.

(iii) Not applicable.

(iv) **Not applicable.** The reclamation plan does not include shrub and tree planting, therefore, the plan does not identify any area where vegetation will not be established.

(v) The average anticipated minimum depth of topsoil salvaged for reclamation is 6".

Note:

Mulch will be used in accordance with the NRCS plan for re-vegetating the site.

No trees or shrubs will be planted in reclamation.

No ponds currently exist and **no** ponds will be part of the reclamation plan.

There are **no** waste rock dumps, underground mine openings, ditches, sediment control facilities, buildings, or any other features not previously addressed in the reclamation plan narrative.

6.4.7 EXHIBIT G— Water information:

The proposed operation is not expected to directly affect surface or groundwater systems.

There **are no** known streams, springs, lakes, stock water ponds, ditches, reservoirs or aquifers that would receive drainage directly from the affected mining area.

- *If water used for the operation of the Friederichs Pit 112 it will be minimal and sporadic.*
- *Any water used in the operation of the pit will originate off-site per the operators current source(s) of non-potable water, be loaded into tanker(s) and trucked onto the site to be used as needed.*
- *If ground water is encountered during mining operations every effort will be made to stop flow and mitigate any future seep.*

The Friederichs Pit112 site **includes no historic water rights either conveyed, or assumed.**

Riverside Aggregates, LLC has not been made aware of any existing water rights associated with this tract of land and the pit will operate exclusive of any historic water

right identified by legal right or decree specific to the 14.5 acres M/L in the affected mining area. Because there are no historic water rights included in the application for the operation of this mining pit and there are no anticipated injuries to any existing water rights, or water share owners.

Additionally, Friederichs Pit 112 includes no historic water rights either conveyed, or assumed. Riverside Aggregates, LLC has not been made aware of any existing water rights associated with this tract of land and the pit will operate exclusive of any historic water right identified by legal right or decree specific to the 14.5 acres in the affected mining area. Because there are no historic water rights included in the application for the operation of this mining pit; there are no anticipated injuries to any existing water rights, or water share owners.

6.4.8 EXHIBIT H – Wildlife information:

A statement prepared by the Colorado Department of Wildlife verifying no critical or important wildlife habitats or wildlife species will be impacted by the proposed operation is attached. Please see the attached Wildlife Statement:

6.4.10 EXHIBIT J – Vegetation Information:

(a) The site is devoid of trees and low or tall shrubs. The present vegetation on the site is minimal and includes a combination of salt grass, cactus and prairie grass growing sporadically to heights averaging an estimated 6" to 12". The vegetation present on the site is indicative of Plains landscape at elevations between 3000 and 6000 feet and has been negatively impacted by 14 years of drought conditions.

(b) The present vegetation is indicative of the type and density of salt/prairie grasses and cactus found growing in the topography associated with Potter and Nihill Gravelly and Rocky Ford Clay Loam soil types. Low growing grasses and shallow rooted cactus thrive in the relatively gravelly soil types and dry conditions such as these.

(c) The choice for reclamation is Pasture Land. It is anticipated that the re-seeding plan will provide effective re-vegetation to the affected area sufficient to simulate this regions vegetation.

6.4.11 EXHIBIT K – Climate:

According to an excerpt from:

Climatology of the United States No. 60

(updated January 2003) by:

Nolan J. Doesken

Roger A. Pielke, Sr.

Odilia A.P. Bliss

The climate of the plains is comparatively uniform from place to place, with characteristic features of low relative humidity, abundant sunshine, infrequent rains and snow, moderate to high wind movement, and a large daily and seasonal range in temperature. Summer daily maximum temperatures are often 95°F or above, and 100°F temperatures have been observed at all plain stations. Such temperatures are not infrequent at altitudes below 5,000 feet; above that elevation they are comparatively rare. The highest temperatures in Colorado occur in the Arkansas Valley and lower elevations of South Platte and Republican Rivers. The hottest temperature ever recorded in Colorado was 114°F at Las Animas in July 1, 1933 and at Sedgwick on July 11, 1954. Because of the very low relative humidity accompanying these high temperatures, hot days cause less discomfort than in more humid areas. The usual winter extremes in the plains are from zero to -10°F to -15°F but have reached extraordinarily low readings of -30 to -40°F during some of the most extreme cold waves.

An important feature of the precipitation in the plains is the seasonal cycle. A very large proportion (70 to 80 percent of the annual total) falls during the growing season from April through September. Cool season precipitation can be important for soil moisture recharge, but midwinter precipitation is light and infrequent. More often, winter brings dry air and strong winds contributing to the aridity of the area. From early March through early June, periodic widespread storms bring

soaking beneficial moisture that helps crops and grasslands. Summer precipitation over the plains comes largely from thunderstorm activity and is sometimes extremely heavy. Localized rains in excess of 4" sometimes fall in just a few hours contributing to local flooding. In late May 1935 nearly two feet of rain fell along the Republican River in eastern Colorado causing one of the worst floods in state history. June flash floods in 1965 were also devastating. The weather station at Holly in southeast Colorado measured 18.81" of rainfall in that extraordinarily wet month. It is more common, however, to be too dry. Annual average precipitation ranges from less than 12 inches in the Arkansas Valley between Pueblo and Las Animas to almost 18 inches in extreme northeastern and southeastern corners of the state. Many years are drier than average, and some years receive only half or less the long-term average. The region seems almost always in or on the verge of drought. Multi-year drought is common to the area such as the decade-long drought of the 1930s, the severe drought of the mid 1950s and 1970s and the recent intense widespread drought of the early 2000s.

6.4.12 EXHIBIT L – Reclamation Costs:

- (1) The total estimated volume used to backfill the pit for reclamation is based on a proposed slope equal to 4:1 slope with variance to 4:1 slope beginning at the north boundary line of the mining area and sloping to the existing elevation on the south, southwestern and eastern, boundaries.

COST BREAKDOWN:

- i. Riverside Aggregates, LLC plans to apply 6" topsoil to the site and estimates approximately 11,700 C.Y. of topsoil will be needed to reclaim the 14.5 acres in the affected area. The estimated cost for material is \$900.00 per acre for a total of \$13,050.00.
- ii. The estimated cost to transport and spread manure equal to 25 ton per acre. 363 total tons at \$4.00 per ton is estimated to be \$1,450.00 or \$100.00 per acre.
- iii. The costs to prepare the seed bed and plant are estimated at approximately \$1000.00 per acre for a total of \$14,500.00.
- iv. The total estimated cost for reclamation is estimated to be approximately \$2000.00 per acre or approximately \$29,000.00.

6.4.13 EXHIBIT M- Other permits and licenses

- (1) An existing Clean Water Permit (#COR341590) currently provides permitting for the existing "Friederichs Pit". Upon approval by the State of Colorado Division of Reclamation, Mining and Safety for "Friederichs Pit 112" the operator, Riverside Aggregates, shall secure Clean Water Permitting associated with Sand and Gravel Mining and Processing.
- (2) Prowers County Special Use Permit #2014-05.

NOTE: Revised Application Document(s) will be placed with Prowers County Land Use and with Prowers County Clerk and Recorder as required by the Division of Reclamation, Mining and Safety.

6.4.14 EXHIBIT N- Source of Legal Right to Enter

The legal basis for legal right of entry to the site and to conduct mining and reclamation for Owners of Record is described in the attached current tax receipt(s) and a signed and notarized statement by the Land Owner.

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

Owners of Record are Hans and Joleyne Friederichs. Please see attached tax receipts.

6.4.16 EXHIBIT P- Municipalities within two miles

The Town of Wiley, CO is situated within two miles of the proposed mining operation. The address of the Town Clerk's office is: 304 Main Street Wiley, CO 81092.

6.4.17 EXHIBIT Q- Proof of Mailing of Notices to Board of County commissioners and Soil Conservation District

Proof of delivery of notices to Board of County commissioners and Soil Conservation District are attached.

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

Proof of delivery of proof of filing with the County clerk and Recorder is attached.

6.4.19 EXHIBIT S- Permanent Man-made Structures

1. There is a man-made structure (wire fence) on the east and southwest property line with-in two hundred feet of the affected mining area. The wire fence owner is Hans Friederichs. A notarized structure agreement between Riverside Aggregates and Hans Friederichs certifies that the owner shall be compensated for any damage to the structure. Please see attached Structure Agreements.

2. There is a man-made structure (utility access dirt road) on the east property line with-in two hundred feet of the affected mining area. The dirt road is located on property owned by Jack Evans. A notarized structure agreement between Riverside Aggregates and Jack Evans certifies that the owner shall be compensated for any damage to the structure. Please see attached Structure Agreement.

Maps

Mining Plan Maps:

The operator has included 3 map pages including maps describing features associated with the site, mining plan, reclamation plan, and index map. The map(s) are separated and identified as:

Page 1 – Site description, map legend, notations, north arrow, property owners with-in 200 feet, dates and site access road(s)

Page 2 – Mining and reclamation plans including Site description, map legend, notations, north arrow, property owners with-in 200 feet, dates and site access road(s)

Page 3 – Index map showing contour lines, town of Wiley, and other topographical Features.



COLORADO
**Division of Reclamation,
Mining and Safety**
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

November 24, 2014

Rudy Torres
Riverside Aggregates, LLC
1750 County Road HH
Lamar, CO 81052

Re: Friederichs Pit 112, Permit No. M-2010-080, 110 to 112 Construction Materials Reclamation Permit Conversion Application (CN-01), Adequacy Review -01

Mr. Torres,

The Division of Reclamation, Mining, and Safety (Division) has completed its preliminary adequacy review of your 110 to 112 Construction Materials Reclamation Permit Conversion application. The application was called complete for review on October 28, 2014, which is when all comment and review periods began. The decision date for this application is January 26, 2015. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this application. In order to allow the Division adequate time to review your responses to any adequacy issues, please submit your adequacy responses to the Division no later than two weeks prior to the decision date (January 26, 2015).

Please note that any changes or additions to the application in our office must also be reflected in the public review copy which has been placed with the County Clerk and Recorder.

The review consisted of comparing the application content with specific requirements of Rules 6.1, 6.2, 6.3 (for 110c or 111c permit applications), 6.4 (for 112c permit applications), and 6.5 (if required) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. As with most applications, there are some items that will require clarification. Any inadequacies are identified under the respective exhibit heading.

APPLICATION FEE: Adequate as submitted

APPLICATION FORM: Adequate as submitted

EXHIBIT A - Legal Description (Rule 6.4.1): Adequate as submitted

EXHIBIT B - Index Map (Rule 6.4.2): Adequate as submitted



EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3): One or more maps may be necessary to legibly portray the following information:

- (a) Adequate as submitted
- (b) Adequate as submitted
- (c) *Please include on the map the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land.*
- (d) *The maps submitted show the proposed mining area to be the same as the proposed permit boundary (19.0 acres). If no buffer zone is maintained between the mining area and the permit boundary, the operation is likely to affect land outside of the permit area. If the Operator intends to add a buffer zone, this should be updated on the mining plan map to show the proposed mining area inset from the proposed permit boundary.*
- (e) Adequate as submitted
- (f) Adequate as submitted
- (g) *The private road located approximately 30 feet east from the proposed permit boundary is considered a permanent or man-made structure located within 200 feet of the affected land. Please label this structure on the map and include the owner's name.*
- (h) Adequate as submitted

EXHIBIT D - Mining Plan (Rule 6.4.4): The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:

- (a) Adequate as submitted
- (b) *The mining plan submitted states that topsoil will be stored on the southern end of the mining area. However, on the mining plan map submitted, the proposed location for storing topsoil is shown on the eastern end of the permit area. Please correct this discrepancy either in the text or on the map to indicate where the topsoil will be stored until it is used in reclamation of the site.*
- (c) Adequate as submitted
- (d) *It is our understanding the Operator is proposing that the size of the area to be affected at any given time will be 19 acres. If this is correct, the maximum allowed disturbed area will be the same as the permit area, as submitted. This means the required Financial Warranty will include costs to reclaim the proposed maximum disturbed area of 19 acres.*
- (e) *If mining activities at this site are expected to occur for less than 180 days per year, it is considered an intermittent operation. If this will be the case, please state here that this will be an intermittent operation.*
- (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:

- (i) *The Operator states the deposit to be mined is approximately 40 feet thick, with approximately 1-2 feet of overburden. This means the maximum depth of mining could be 42 feet. The Operator also states that mining could potentially go deeper than 40 feet to extract material. Please indicate the estimated maximum depth of mining (since it appears that this number is greater than 40 feet).*

The Operator states that a highwall will be created that is up to 40 feet in height and 1,100 feet in length, with a slope of approximately 1H:1V. The Operator should be aware that the required Financial Warranty will need to include costs for backfilling this highwall to a 4H:1V slope (as indicated in the proposed reclamation plan submitted). According to the dimensions you provided, backfilling will require approximately 97,778 CY of fill material to get to a 4H:1V slope. If there was a minimum setback of 80 feet from the highwall and the permit boundary, it is possible that the cut and fill method could be used instead, which would require approximately 24,444 CY of fill material. However, the maps submitted show the highwall in very close proximity to the permit boundary. Therefore, unless the mining area will be kept a minimum of 80 feet from the permit boundary, the Division's bond calculation will need to include costs for backfilling rather than the cut and fill method.

- (ii) Adequate as submitted
- (g) Adequate as submitted
- (h) Adequate as submitted
- (i) Adequate as submitted

EXHIBIT E - Reclamation Plan (Rule 6.4.5):

- 1) Adequate as submitted
- 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 Applicant. Reclamation shall be required on all the affected land. The Reclamation Plan shall include:

- (a) *The Operator states that overburden will be extracted and placed on the perimeter northwest boundary in a berm/stockpile up to 4-5 feet in height. However, in the mining plan submitted [6.4.4(f)], the Operator states that overburden will be stockpiled on the eastern end of the affected area. On the mining plan map submitted, the location of overburden stockpile(s) is not indicated. Please correct/explain this discrepancy in the text submitted, indicating where the overburden will be stored during the operation. This information is needed for the bond calculation.*

- (b) Adequate as submitted
- (c) Adequate as submitted

- (d) *Please state what vegetative cover (e.g., grass species, seeding rate) will be used to stabilize topsoil stockpiles that sit for more than a growing season.*



(e) Adequate as submitted

(f) A description of each of the following:

(i) Adequate as submitted

(ii) Adequate as submitted

(iii) Adequate as submitted

(iv) Adequate as submitted

(v) *The Operator states here that a minimum of 4 inches of topsoil will be salvaged. However, the Division requires that a minimum of 6 inches of topsoil be salvaged for reclamation. Please indicate that a minimum of 6 inches of topsoil will be salvaged.*

The Operator states here that no mulch will be used in reclamation. However, the NRCS plan submitted includes the use of oat straw, grass hay, or manure applied to achieve 60% ground cover. If the Operator intends to use the NRCS plan for revegetating the site, please indicate here that mulch will be used in accordance with this plan.

EXHIBIT F - Reclamation Plan Map (Rule 6.4.6): The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

(a) Adequate as submitted. *However, some changes to the map may be necessary after making corrections and/or clarifications to this application. Please correct any discrepancies on the map that may result from changes made in response to this review (e.g., average depth of topsoil replaced, maximum height of highwall to be backfilled).*

EXHIBIT G - Water Information (Rule 6.4.7):

1) *The Operator states that the proposed operation is not expected to directly affect surface or groundwater systems. However, because mining is proposed to occur to depths of 40 feet or deeper, it may be likely that groundwater is encountered by the operation. Please provide the average groundwater levels in the area.*

2) Adequate as submitted

3) Adequate as submitted

4) Adequate as submitted

5) Adequate as submitted

EXHIBIT H - Wildlife Information (Rule 6.4.8):

1) Adequate as submitted

EXHIBIT I - Soils Information (Rule 6.4.9):

1) Adequate as submitted



EXHIBIT J - Vegetation Information (Rule 6.4.10):

- 1) *No Exhibit J was submitted with the application. The Division understands that much of the proposed mining area is currently a mine site. However, please provide an Exhibit J, and include any applicable information from the following requirements:*

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

EXHIBIT K - Climate (Rule 6.4.11): Adequate as submitted

EXHIBIT L - Reclamation Costs (Rule 6.4.12):

- 1) *The Operator states that 6-12 inches of topsoil will be replaced on 19 acres for reclamation, and that approximately 20,440 CY of topsoil will be required. This topsoil volume is based on the application of approximately 8 inches of topsoil. Unless the Operator indicates otherwise, this will be the topsoil volume used for the Division's bond calculation.*

The Operator did not break down the proposed reclamation costs into the major phases of reclamation. For instance, the Operator states that the costs to prepare the seed bed and planting are estimated at \$16,570.00. However, the Operator does not show how this figure was calculated. Therefore, unless the Operator submits a more detailed estimate of reclamation costs, the Division's bond calculation will be based on measurements provided in the application submitted, and on the revegetation plan recommended by the NRCS.

EXHIBIT M - Other Permits and Licenses (Rule 6.4.13): Adequate as submitted

EXHIBIT N - Source of Legal Right to Enter (Rule 6.4.14): Adequate as submitted

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

EXHIBIT P - Municipalities Within Two Miles (Rule 6.4.16): Adequate as submitted

EXHIBIT Q - Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District (Rule 6.4.17): Adequate as submitted

EXHIBIT R - Proof of Filing with County Clerk and Recorder (Rule 6.4.18): Adequate as submitted



EXHIBIT S - Permanent Man-Made Structures (Rule 6.4.19):

- 1) *A shared private road is located approximately 30 feet from the proposed eastern permit boundary. Because this structure is located within two hundred (200) feet of the proposed affected land, the Operator will need to submit a notarized structure agreement with the owner(s) for this private road.*

ADDENDUM 1 - Notice Requirements - Affidavit of Posting Notice (Sign) (Rule 1.6.2(1)(b)):

Adequate as submitted.

Additional Information:

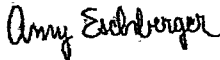
- 1) *Pursuant to Rule 1.6.2(1)(g), prior to the decision due date, the Operator will need to submit to the Division proof of publication, and proof of all required notices (publication sent to all Owners of Record of the proposed affected area and of all land surfaces within 200 feet of the proposed permit boundary). Requirements for the publication and required notices can be found in Rule 1.6.2(1)(d), (e), and (f).*

Any letters from other commenting agencies/entities received by the Division to date have been included with this correspondence for your review.

This concludes the Division's preliminary adequacy review of this application. Please remember that the decision date for this application is **January 26, 2015**. As previously mentioned, if you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. If there are still unresolved issues when the decision date arrives and no extension has been requested, the application will be denied.

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

Sincerely,



Amy Eschberger
Environmental Protection Specialist

Enclosure(s): Comment from State Historic Preservation Officer, received on 11/04/2014

CC: Tom Kaldenbach, DRMS



CNØ1

ame



RECEIVED

NOV 14 2014

DIVISION OF RECLAMATION
MINING AND SAFETY

November 3, 2014

✓ To Amy Eschberger
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

✓ Re: Notice of 110 (c) To 112 (c) Construction Materials Reclamation Permit Conversion Application
Consideration Riverside Aggregates, LLC, Friederichs Pit, Permit No. M-2010-080 (SHPO Project
#66910)

Dear Ms. Eschberger:

Thank you for your correspondence dated October 28, 2014 (received by our office on October 30, 2014) regarding the subject project.

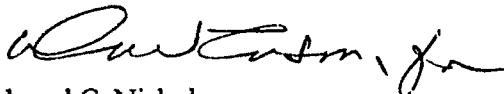
A search of the Colorado Cultural Resource Inventory database indicated that no historic properties have been recorded within the subject property. One previous survey, (PW.SC.NR57), did cover a small portion of the permit area.

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

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

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

Sincerely,



Edward C. Nichols
State Historic Preservation Officer
ECN/TCM

RECEIVED

✓ NOV 14 2014

DIVISION OF RECLAMATION
MINING AND SAFETY



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

June 11, 2014

Rudy Torres
Riverside Aggregates, LLC
1750 County Road HH
Lamar, CO 801052

**Re: Findings of Fact, Conclusions of Law and Order,
Riverside Aggregates, LLC, File No. M-2010-080, MV-2014-009**

On June 11, 2014 the Mined Land Reclamation Board signed the enclosed Board Order for the above captioned operation. We strongly advise that you read this document carefully since it may contain provisions which must be satisfied by specific dates to avoid future Board actions.

Failure to submit payment for the unsuspended portion of the civil penalty, by the date specified in the attached MLRB Order, will result in immediate submittal of those penalties to Central Collection Services for further processing and the addition of collection fees.

Sincerely,

Johnie Abad
Board Secretary

Enclosure(s)

Certified Mail

7012 3460 0000 6385 2427

Cc's

Amy Escheberger
Tom Kaldenbach
John Roberts



**BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO**

Notice of Violation No. MV-2014-009

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

IN THE MATTER OF A POSSIBLE VIOLATION BY RIVERSIDE AGGREGATES, LLC, CEASE AND DESIST ORDER, CORRECTIVE ACTIONS, AND CIVIL PENALTIES FOR FAILING TO PROTECT AREAS OUTSIDE OF THE AFFECTED LAND FROM SLIDES OR DAMAGE, File No. M-2010-080

THIS MATTER came before the Mined Land Reclamation Board ("Board") on May 21, 2014 in Denver, Colorado as a consent agenda item to consider a possible violation by Riverside Aggregates, LLC ("Operator"), cease and desist order, corrective actions, and civil penalties for failing to protect areas outside of the affected land from slides or damage, file number M-2010-080.

The Board, having considered the materials presented with this consent agenda item and having been otherwise fully informed of the facts in the matter, enters the following:

FINDINGS OF FACT

1. The Operator holds a 110(c) permit for an 9.9-acre sand and gravel operation located in Section 18, Township 22 South, Range 47 West, 6th Principal Meridian, Prowers County, Colorado, permit number M-2010-080. The site, located southwest of Wiley, Colorado, is known as the Friederichs Pit.
2. On April 04, 2014, the Division of Reclamation, Mining and Safety ("Division") inspected the site. The Operator and the landowner's son attended the inspection. The Division found, among other things, that the Operator affected approximately 1.5 acres outside the approved permit area.
3. On April 14, 2014, the Division sent the Operator a copy of the inspection report and a Reason to Believe a Violation Exists letter. The Division's letter provided notice regarding the alleged violations and information about the May 21, 2014 hearing.
4. On May 16, 2014, the Operator admitted the violation and agreed to the Division's recommendations.

CONCLUSIONS OF LAW

5. The Board has jurisdiction over this matter pursuant to the Colorado Mined Land Reclamation Act, Article 32 of Title 34, C.R.S. (2013) ("Act").

6. Under section 34-32.5-116(4)(i), C.R.S., operators are required to protect areas outside of the affected land from slides or damage occurring during the mining operation and reclamation. The Operator affected approximately 1.5 acres outside the approved permit boundary, in violation of section 34-32.5-116(4)(i), C.R.S.

7. The Board may issue a cease and desist order if it determines that any provision of the Act was violated. C.R.S. § 34-32-124(2)(a) (2013). The Operator violated section 34-32.5-116(4)(i), C.R.S.

8. The Board may impose a civil penalty of not less than \$100 per day nor more than \$1,000 per day for each day during which a violation occurs. Here, the Board may impose a penalty based on 47 days of violation (from the date of the April 04, 2014 inspection to the May 21, 2014 Board) at \$100 to \$1,000 per day for a civil penalty of \$4,700 to \$47,000.

ORDER

Based on the foregoing findings of fact and conclusions of law, the Board finds the Operator in violation of section 34-32.5-116(4)(i), C.R.S. for failing to protect areas outside the affected land from slides or damage occurring during the mining operation or reclamation.

The Operator shall **CEASE AND DESIST** any further activity on lands affected outside the approved permit boundary, with the exception of environmental maintenance, reclamation, or corrective actions, until violations have been resolved to the satisfaction of the Division and the Board.

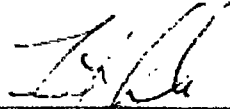
The Board imposes against the Operator the following **CORRECTIVE ACTION**: the Operator shall, within 90 days of the effective date of this Order, submit a conversion application to change permit number M-2010-080 to a 112 Reclamation Permit. The Operator shall submit a conversion application, with all material in an approvable form within 180 days of the effective date of this Order.

The Board imposes a **CIVIL PENALTY** for 47 days of violation at \$100 per day for a total civil penalty of \$4,700. All but \$500 of the penalty is suspended if the Operator complies with the corrective actions in the time specified. The portion of the civil penalty not suspended, \$500, shall be due and payable within thirty (30) days of the effective date of this Order. If the Operator does not comply with the

corrective action, then the full civil penalties (unsuspended and suspended) shall be due and payable within 30 days of the deadline for corrective actions set forth in this Order.

DONE AND ORDERED this 11th day of June 2014.

FOR THE COLORADO MINED LAND
RECLAMATION BOARD



Forrest Luke, Chair

NOTICE OF APPEAL RIGHTS

This order becomes effective and final upon mailing. Any party adversely affected or aggrieved by agency action may commence an action for judicial review by filing a notice of appeal with the district court within thirty-five (35) days after the effective date of this order, pursuant to section 24-4-106, C.R.S. (2013). In the event that an appeal is filed, designations of record made in accordance with section 24-4-106(6), C.R.S. should be served on the Board at: 1313 Sherman Street, Room 215, Denver, CO 80203, Attention: Sitira Pope.

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 11th day of June, 2014 addressed as follows:

Rudy Torres
Riverside Aggregates, LLC
1750 County Road HH
Lamar, CO 81052

By inter-office or electronic mail to:

Amy Eschberger
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

By intra-office or electronic mail to:

Tom Kaldenbach
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

By intra-office or electronic mail to:

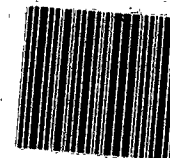
John Roberts
Senior Assistant Attorney General
Department of Law
Business and Licensing Section
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 8th floor
Denver, CO 80203


Johnnie Abad, Board Secretary

Riverside Aggregates, LLC
Friederichs Pit, M-2010-080
MV-2014-009

Riverside
1750 County Rd. A N
Lamar, Colorado
81052

7013 3020 0002 3419 8854



U.S. POST
PAID
LAMAR, CO
81052
FEB 03, 11
AMOUNT

\$8.81
00083102

RETURN RECEIPT
REQUESTED

RECEIVED

FEB 04 2015

DIVISION OF RECLAMATION
MINING AND SAFETY

Division of Reclamation, Mining & Safety
1313 Sherman St., Room #215
Denver, Colorado
80203

Attn: Amy Eshberger