

# 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

**M-2015-045**

**HARD ROCK/METAL MINING**

**REGULAR OPERATION (112)**

**RECLAMATION PERMIT APPLICATION FORM**



**RECEIVED**

NOV 23 2015

**DIVISION OF RECLAMATION  
MINING AND SAFETY**

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



New Application (Rule 1.4.5)



Amendment Application (Rule 1.10)



Conversion Application (Rule 1.11)

Permit # M- \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ (provide for amendments and conversions of existing permits)

The application for a Regular Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Geotechnical Stability Exhibit and Addendum 1; and, (3) the application fee. When you submit your application, be sure to include one (1) completed, signed and notarized gray original and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, the Geotechnical Stability Exhibit, and Addendum 1, 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 described below.

1. **Applicant/operator name:** Weld County Public Works
  - 1.1 Type of organization (corporation, partnership, etc.): County Government
2. **Operation name (pit, mine or site name):** Peters 313 Pit
3. **Permitted acreage (new or existing site):**

|                                  |                           |
|----------------------------------|---------------------------|
|                                  | <u>80</u> permitted acres |
| 3.1 Change in acreage (+ or -)   | <u>NA</u> acres           |
| 3.2 Total acreage in Permit area | <u>NA</u> acres           |
4. **Fees:**

|  |                                       |
|--|---------------------------------------|
| 4.1 New Application                              | <u>\$2,156.00</u> application fee     |
| 4.2 New Quarry Application                       | <u>\$2,674.00</u> quarry application  |
| 4.3 Milling Application (Non-DMO)                | <u>\$3,565.00</u> milling application |
| 4.4 Amendment Fee                                | <u>\$1,783.00</u> amendment fee       |
| 4.5 Conversion to 112 operation (set by statute) | <u>\$1,725.00</u> conversion fee      |
5. **Primary commodity(ies) to be mined:** Sand and Gravel
6. **Name of owner of surface of affected land:** John L. Peters
7. **Name of owner of subsurface rights of affected land:** John L. Peters  
If 2 or more owners, refer to Exhibit O.
8. **Type of mining operation:** X Surface            Underground            In-situ

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

COUNTY: Weld

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

SECTION (write number):

S 26

TOWNSHIP (write number and check direction):

T 12N

☒ North

☐ South

RANGE (write number and check direction):

R 63W

☐ East

☒ West

QUARTER SECTION (check one):

☐ NE

☐ NW

☐ SE

☒ SW

QUARTER/QUARTER SECTION (check one):

☐ NE

☐ NW

☐ SE

☐ SW

GENERAL DESCRIPTION (miles and direction from nearest town and approximate elevation): \_\_\_\_\_

Located approximately five miles West of the town of Hereford at an elevation of approximately 5280 feet.

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 \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_ (2 decimal places)

Longitude (W): deg \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_ (2 decimal places)

OR

Example: (N) 39.73691°

(W) -104.98449°

Latitude (N) 40 \_\_\_\_\_ . 979960 (5 decimal places)

Longitude (W) -104 \_\_\_\_\_ . 409158 (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. **Primary future (Post-mining) land use (check one):**

☐

Cropland (CR)

☐

Pastureland (PL)

☐

General Agriculture (GA)

☒

Rangeland (RL)

☐

Forestry (FR)

☐

Wildlife Habitat (WL)

☐

Residential (RS)

☐

Recreation (RC)

☐

Industrial/Commercial (IC)

☐

Developed Water Resources (WR)

☐

Solid Waste Disposal (WD)

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

☐

Cropland (CR)

☐

Pastureland (PL)

☐

General Agriculture (GA)

☒

Rangeland (RL)

☐

Forestry (FR)

☐

Wildlife Habitat (WL)

☐

Residential (RS)

☐

Recreation (RC)

☐

Industrial/Commercial (IC)

☐

Developed Water Resources (WR)

13. **Correspondence Information:**

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

Individual's Name: Jay McDonald Title: Director of Public Works  
Company Name: Weld County Public Works  
Street/P.O. Box: 1111 H Street P.O. Box: 758  
City: Greeley  
State: Colorado Zip Code: 80632  
Area Code: ( 970 ) Telephone: 304-6496  
Fax Number: ( 970 ) Telephone: 304-6497

**PERMITTING CONTACT** (if different from applicant/operator above)

Individual's Name: Clay Kimmi Title: Senior Engineer  
Company Name: Weld County Public Works  
Street/P.O. Box: 1111 H. Street P.O. Box: 758  
City: Greeley  
State: Colorado Zip Code: 80632  
Area Code: ( 970 ) Telephone: 304-6496 ext. 3741  
Fax Number: ( 970 ) Telephone: 304-6497

**INSPECTION CONTACT**

Individual's Name: Same as Permitting Contact Title: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Street/P.O. Box: \_\_\_\_\_ P.O. Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Area Code: ( ) Telephone: \_\_\_\_\_  
Fax Number: ( ) Telephone: \_\_\_\_\_

**CC: STATE OR FEDERAL LANDOWNER (if any)**

Agency: NA  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Area Code: ( ) Telephone: \_\_\_\_\_

**CC: STATE OR FEDERAL LANDOWNER (if any)**

Agency: NA  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Area Code: ( ) Telephone: \_\_\_\_\_

14. **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)  |

15. **Primary present 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) |   |   |

16. **Method of Mining:** ☒ Quarry (QR) ☐ Solution (SO)

16.1 Other: Briefly explain mining method (e.g. Placer, truck/shovel). \_\_\_\_\_

Material will be pushed into a stockpile by an excavator, loader, or dozer. A haul truck may be used to take material to the crusher.

17. **On Site Processing:** ☐ Solution (SO) ☐ Chemical (CH) ☐ Thermal (TH)  
☐ Heap Leach (HL) ☐ Vat Leach (VL)

List any designated chemicals or acid-producing materials to be used or stored within permit area: \_\_\_\_\_

none

**Description of Amendment or Conversion:**

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

NA



**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. This mining operation will not adversely affect the stability of any significant, valuable and permanent man-made structure(s) located within two hundred (200) feet of the affected lands. (However, where there is an agreement between the applicant/operator and the persons having an interest in the structure that damage to the structure is to be compensated for by the applicant/operator (Section 34-32-115(4)(d), C.R.S. 1984, as amended), then mining may occur within 200 feet. Proof of an agreement must be submitted to the Office prior to the decision date.)
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32-115(4)(f), C.R.S. 1984, as amended);
3. As the applicant/operator, I do not have any mining/prospecting operations in this state of Colorado currently in violation of the provisions of the Mined Land Reclamation Act (Section 34-32-120, C.R.S. 1984, as amended) 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. 1984, as amended.

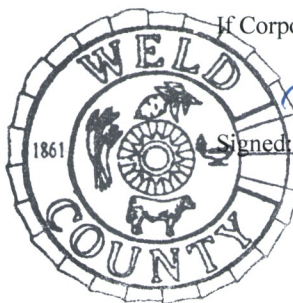
***This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-112, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32-123, C.R.S.***

Signed and dated this 28<sup>th</sup> day of October, 2015.

**Weld County Public Works**

Applicant/Operator or Company Name

Signed: Larry McDonald



If Corporation Attest (Seal)

Signed: Rayela A. Harting

Corporate Secretary or Equivalent  
Town/City/County Clerk

Title: Director of Public Works

State of Colorado)

County of Weld) ss.

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of October, 2015.  
by Larry McDonald as Director of Public Works.

Jacqueline Hernandez-Barrow  
Notary Public

My Commission expires: 8/12/17

**SIGNATURES MUST BE IN BLUE INK**



**Maps and Exhibits:**

Two (2) complete, unbound application packages must be submitted. One complete application package consists of the signed original application form and the set of maps and exhibits referenced below as Exhibits A-S 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 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 to include the location of any recorded easements                               |
| 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 [See Subparagraph 6.3.7]   |
| EXHIBIT O        | Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined, to include holders of any recorded easements. |
| EXHIBIT P        | Municipalities Within Two Miles   |
| EXHIBIT Q        | Proof of Mailing of Notices to County Commissioners and Soil Conservation District  |
| EXHIBIT R        | Proof of Filing with County Clerk and 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  |

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4, 6.5, and Rule 1.6.(2)(1)(b) of the Mineral 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 Mineral 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 (**\$633**), 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 or Environmental Protection Plans 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 an operator, 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 review and decision or appeals process, you may contact the Office at (303) 866-3567.

NOTICE OF FILING APPLICATION  
FOR COLORADO MINED LAND RECLAMATION PERMIT  
FOR **HARD ROCK/METAL MINING REGULAR (112) OPERATION**

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_ Weld \_\_\_\_\_ COUNTY

Weld County Public Works \_\_\_\_\_ (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct hard rock/metal mining 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 \_\_\_\_\_ rangeland \_\_\_\_\_ use. Pursuant to Section 34-32-116(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 34-32-112(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 Mine4rals and Geology, 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 **HARD ROCK/METAL MINING REGULAR (112) OPERATION**

NOTICE TO THE BOARD OF SUPERVISORS  
OF THE LOCAL SOIL CONSERVATION DISTRICT  
West Greeley Soil Conservation DISTRICT

Weld County Public Works (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct hard rock/metal mining 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 rangeland use. Pursuant to Section 34-32-116(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 34-32-112(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 Mine4rals and Geology, 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.



An example Public Notice which meets the requirements of the Statutes is shown below. The blanks, which require dates, will need to be filled in according to the following instructions. **PLEASE READ CAREFULLY.**

**Publication Instructions:**

Date of commencement and date of completion should represent the dates which you feel most accurately describe the life of the operation.

For all Regular (112) types of operations, this notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date the application is considered submitted to the Division of Reclamation, Mining and Safety (the "Division"). The final date for receiving comments is the 20th day after the fourth publication or the next regular business day.

All notices must be published in a newspaper of general circulation in the locality of the proposed mining operation and mailed to the landowners as set forth in the Colorado Mined Land Reclamation Rules and Regulations. Since the date for consideration of your application may change, DO NOT include it in this notice.

For a complete discussion of the notice procedures and objections, please refer to C.R.S. 34-32.5-112(10), 114 and 115.

\*\*\*\*\*

**PUBLIC NOTICE**

(Operator Name) Weld County Public Works; (Address and Phone Number) 1111 H Street, Greeley, CO 80526, has filed an application for a Regular (112) Hard Rock/Metal Mining Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Mined Land Reclamation Act. The proposed mine is known as the (Name of the Mine) Peters 313 Pit, and is located at or near Section 26, Township 12N, Range 63W, Prime Meridian.

The proposed date of commencement is October, 2016, and the proposed date of completion is October, 2021. The proposed future use of the land is (Future Landuse) rangeland.

Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the (County Name) County Clerk and Recorder's office; (Clerk and Recorder's Address) 1150 O Street, Greeley, CO 80632, or the above-named applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining and Safety by 4:00 p.m. on (Final Date for Comments) \_\_\_\_\_.

*Please note that under the provisions of C.R.S. 34-32.5-101 et seq., comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining and Safety or the Mined Land Reclamation Board.*

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. fence and private road to tank battery - owned by John Peters  
\_\_\_\_\_
2. cattle guard - owned by EOG  
\_\_\_\_\_
3. County Road 136.5 with cattle guard - owned by Weld County  
\_\_\_\_\_
4. pipeline with easement - owned by Oneok Bakken  
\_\_\_\_\_
5. pipelines owned by Kinder Morgan and Rockies Express will be crossed by the access road.  
\_\_\_\_\_

*(Please list additional structures on a separate page)*



**CERTIFICATION**

The Applicant, Weld County Public Works (print applicant/company name),  
by Jay McDonald (print representative's name), as Director of Public Works (print  
representative's title), does hereby certify that John Peters (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 Peters 313 Pit (operation name),  
File Number M-\_\_\_\_-\_\_\_\_.

*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**

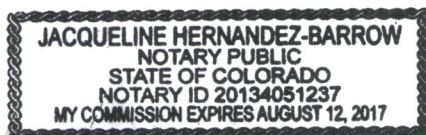
ACKNOWLEDGED BY:

Applicant Weld County Representative Name Jay McDonald  
Date 10-28-15 Title Director of Public Works

STATE OF Colorado )  
 ) ss.  
COUNTY OF Weld )

The foregoing was acknowledged before me this 28 day of Oct., 2015, by  
Jay McDonald as Director of Public Works.

Jacqueline Hernandez-Barrow My Commission Expires: 8/12/17  
Notary Public



EC  
WHL  
(BTH)

# 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



### HARD ROCK/METAL MINING REGULAR (112) OPERATION

DIVISION OF RECLAMATION  
MINING AND SAFETY

### RECLAMATION PERMIT APPLICATION PACKAGE

#### APPLICABILITY:

**M-2015-045**

This application package is for a mining operation that will not be a Designated Mining Operation, which affects 10 acres or more, or extracts 70,000 tons or more of mineral, overburden or combination of the two per calendar year. If you plan to conduct a mining operation which meets these criteria, please follow the instructions provided in this package and Rules 1.4.1, 1.4.5, 6, 7 and 8, as required, of the Mineral Rules and Regulations. See Rule 1.1(12) for a definition of "Designated Mining" operation.

#### FILING REQUIREMENTS

The Mineral Rules and Regulations (the Mined Land Reclamation Act, Section 34-32-101, et seq., C.R.S., and 2 CCR 407-1) of the Colorado Mined Land Reclamation Board (the "Board") regulate the permitting, operational and reclamation requirements for all non-coal mining 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 General Provisions of the Application Review and Consideration Process;
- Rule 1.4.5 Specific Requirements for Regular 112 and 112d Mining 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.

pmj

To apply for a Reclamation Permit for a Regular Operation, one (1) completed signed and notarized **gray original** and **one (1) copy of the gray original** (Section 34-32-112(1)(a), C.R.S. 1984, as amended) of the Regular Operation (112) Application Form, **two (2) copies of Exhibits A-S** and Geotechnical Stability Exhibit (Rule 6.5), **two (2) copies of Addendum 1** - Notice requirements (described in Rule 1.6.2(1)(b)), and an **application fee MUST** be submitted to the Office. Review of the application and exhibits will **NOT** begin until all required information is submitted. The Office will then review the submitted information for adequacy. This package contains the required application form and directions for preparing Exhibits as outlined and described in Rules 6.4 and 6.5.

It is recommended that you contact the agencies listed under "**Compliance With Other Laws**" prior to submitting the application to the Office. You must send a notice, on a form approved by the Board, to the local 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 soil conservation district, prior to filing the application. A copy of these "Notice of Filing Application" forms have been attached for your use. You must include proof of such mailings with the application at the time the application is submitted to the Office for filing (Rules 1.6.2 and 1.6.5).

Upon filing the application, place for public review a copy of the application, less confidential items, with the clerk and recorder of the county or counties in which the affected land is located. Any changes or additions made to an application following submittal must be filed with the county clerk and recorder. You must also provide the Office with an affidavit or receipt demonstrating that the change was filed with the county clerk and recorder no later than the close of business on the day the change was filed with the Office (Rule 1.8.1). The copy of the application and any changes or additions placed at the office of the county clerk and 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)).

Prior to the Office making an approval decision (consideration of the application), you must submit proof of publication and proof of all required notices. Proof of notice may be by submitting return receipts of a certified mailing or by proof of personal service (Rules 1.6.2 and 1.6.5).

#### **APPLICATION REVIEW PROCEDURES:**

When the Office receives the application form, all required exhibits and the application fee, the Office will set a date for consideration of the application. This date will be within 90 days of the date of submittal. The date set for consideration may be extended, pursuant to Rule 1.4.5(3), if you change or make additions to the application (Rule 1.8).

The Office may schedule an informal conference on the application. You may also request an informal conference. Please consult Rule 1.4.6 for the procedures on informal conferences.

During the 90-day review period, the Office will review your application to determine if it is technically adequate and meets the requirements of the Act and Mineral Rules and Regulations. You will be notified if any deficiencies exist and will be asked to respond prior to the date set for consideration of the application.

The Office will issue its decision on or before the date set for consideration of the application. The decision will be either to: (1) approve; (2) approve with conditions; (3) deny; or, (4) set the application for a hearing before the Board. Any conditions upon approval, unless agreed to by the applicant, shall be treated as a denial. The grounds for denial, approval with conditions, or approval over an objection will be set forth in writing (Rule 1.4.8).

A hearing will automatically be scheduled if the Office's decision is: (1) denial; (2) approval when objections have been received; (3) approval with conditions when these are unacceptable to the applicant; or, (4) the Office chooses to set a hearing because of a decision requiring Board policy.

In the event the Office sets an application for a hearing without issuing a decision, the Office will issue a recommendation to the Board and will identify the issues raised in the adequacy review or by objections filed with the Office. The Office will mail a copy of the recommendation to all parties to the hearing (Rule 1.4.5(6)).

#### **PERFORMANCE AND FINANCIAL WARRANTIES:**

A performance warranty and a financial warranty, in an amount determined as a part of the application review, must be submitted to the Office prior to permit issuance. 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 to determine which type of financial warranty you desire to use. You may obtain the appropriate forms during the application review period. A financial warranty should NOT be submitted until a decision on the application has been made.

#### **COMPLIANCE WITH OTHER LAWS:**

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board does not in any way relieve you of the responsibility to comply with all other applicable state and federal laws (Section 34-32-115(4)(c) and 109(5), C.R.S. 1984, as amended). At a minimum, you MUST contact the following agencies to determine whether or not you need to comply with their legal requirements:

- The Colorado Historical Society 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 the administration of water rights;
- Colorado Department of Health, Water Quality Control Division, with regard to the discharge of pollutants into the water of the State;
- 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 for proposed operations 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 the proposed operation is located (Section 34-32-109(6), C.R.S.1984, as amended) 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.

#### **PERMIT APPROVAL:**

An applicant will not be issued a reclamation permit until notified by the Office that this application and the required performance and financial warranties have been approved. Alternatively, 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 one hundred twenty (120) calendar days from the date the application was submitted. 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 (Rule 4.1(2)).

**NOTICE REQUIREMENTS:**

Within ten (10) days after filing, mail or personally serve a copy of the notice described in Rule 1.6.2(1)(c) 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)(d)(I) and (ii)). In addition, you must publish four consecutive times in a newspaper of general circulation, in the locality of the proposed mining operation, the notice described in Rule 1.6.5. A copy of a form which includes all required information for the notice has been attached for your use. You will need to provide the Office proof of notice prior to the decision date. Proof of notice may be by submitting return receipts of a certified mailing or by proof of personal service (Rules 1.4.1(4), 1.4.2(4)(c) and 1.6.2(1)(d)).

**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.

**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.

## **List of Exhibits**

|                  |   |
|------------------|---|
| <b>Exhibit A</b> | <b>Legal Description</b>  |
| <b>Exhibit B</b> | <b>Index Map</b>  |
| <b>Exhibit C</b> | <b>Pre-Mining and Mining Plan Maps</b>  |
| <b>Exhibit D</b> | <b>Mining Plan</b>  |
| <b>Exhibit E</b> | <b>Reclamation Plan</b>   |
| <b>Exhibit F</b> | <b>Reclamation Plan Map</b>   |
| <b>Exhibit G</b> | <b>Water Information</b>  |
| <b>Exhibit H</b> | <b>Wildlife Information</b>   |
| <b>Exhibit I</b> | <b>Soils Information</b>  |
| <b>Exhibit J</b> | <b>Vegetation Information</b>   |
| <b>Exhibit K</b> | <b>Climate Information</b>  |
| <b>Exhibit L</b> | <b>Reclamation Costs</b>  |
| <b>Exhibit M</b> | <b>Other Permits and Licenses</b>   |
| <b>Exhibit N</b> | <b>Source of Legal Right-to-Enter</b>   |
| <b>Exhibit O</b> | <b>Owners of Record of Affected Land (surface) and Owners of Substance to be mined</b>        |
| <b>Exhibit P</b> | <b>Municipalities within Two Miles</b>  |
| <b>Exhibit Q</b> | <b>Proof of Mailing of Notices to the County Commissioners and Soil Conservation District</b> |
| <b>Exhibit R</b> | <b>Proof of Filing with the County Clerk and Recorder</b>                                     |
| <b>Exhibit S</b> | <b>Permanent Man-Made Structures</b>  |

## **Exhibit A**

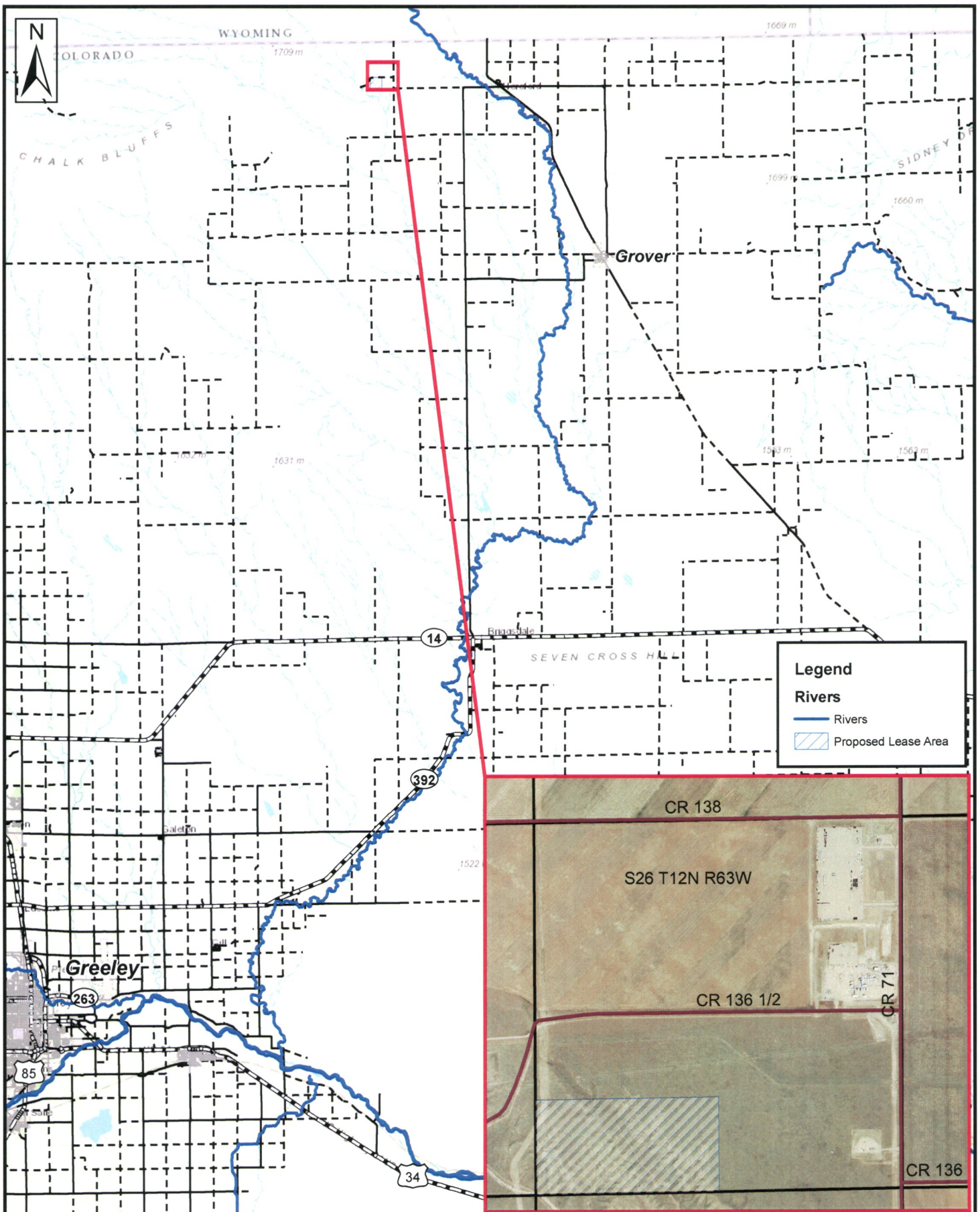
### **Legal Property Description**

The proposed Peters 313 Pit consists of approximately 80 acres, located in the South half of the Southwest quarter (S  $\frac{1}{2}$  of SW  $\frac{1}{4}$ ), of Section 26, Township 12 North, Range 63 West, of the 6<sup>th</sup> P.M, Weld County, Colorado.

The proposed primary entrance location will be located on County Road 136.5 at Latitude (N): 40 deg 58 min 47.75 sec, Longitude (W): -104 min 24 min 33.29 sec

There is no street address for this property.





November 6, 2015

## Exhibit B - Index Map

Peters 313 Pit DRMS Permit

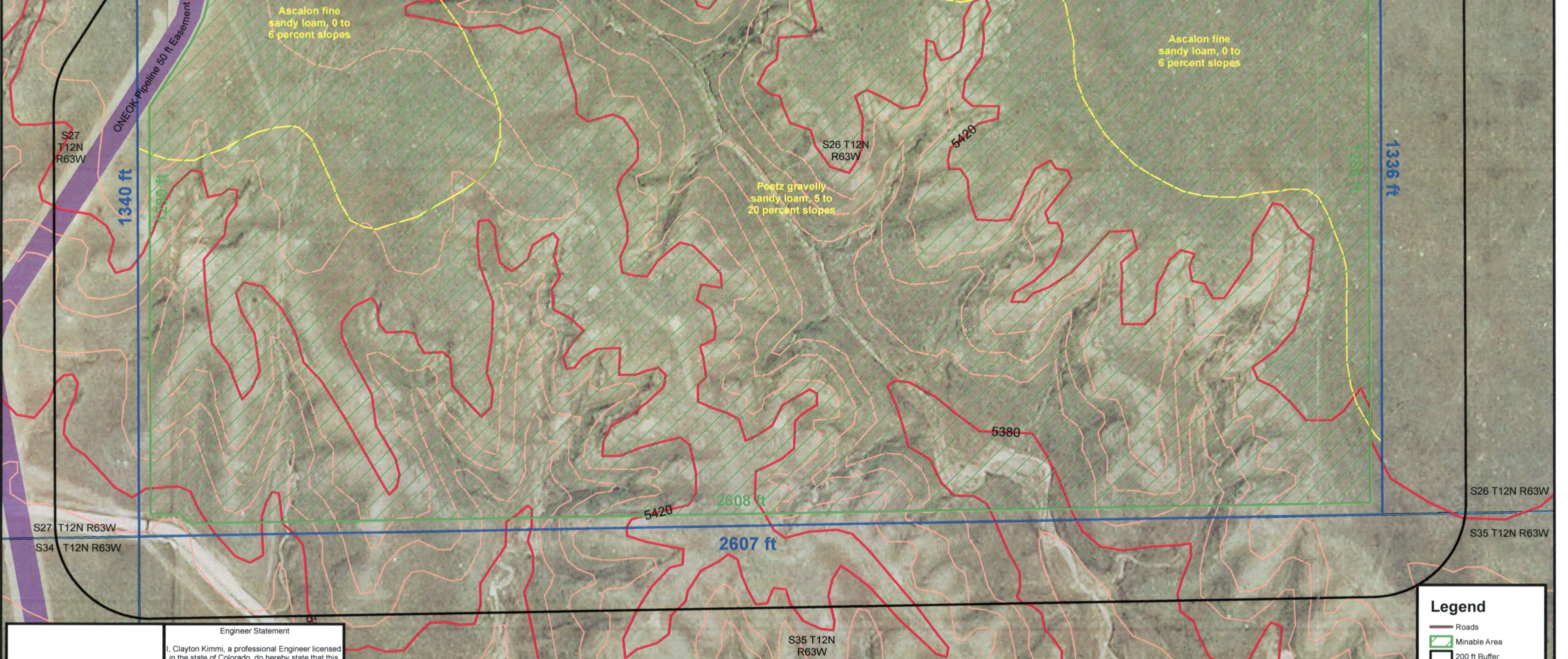




**Exhibit C**  
**Pre-mining and Mining Plan Maps**



All  
surrounding  
land owned  
by  
John Peters



Engineer Statement

I, Clayton Kimmi, a professional Engineer licensed in the state of Colorado, do hereby state that this map was prepared by me, or by someone under my direct supervision, in accordance with the provisions defined by the Division of Reclamation, Mining and Safety. This statement is not a guaranty or warranty, either expressed or implied.

P.E. No. 40739

Prepared by: Valerie Mino

September 22, 2015



# Exhibit C1 - Pre-mining Map

Peters 313 Pit DRMS Permit

0 62.5 125 250 Feet

Mine Permit Area: 80 acres  
Minable Area: 75 acres

Current Land Use: Rangeland

All adjoining land is owned by John Peters

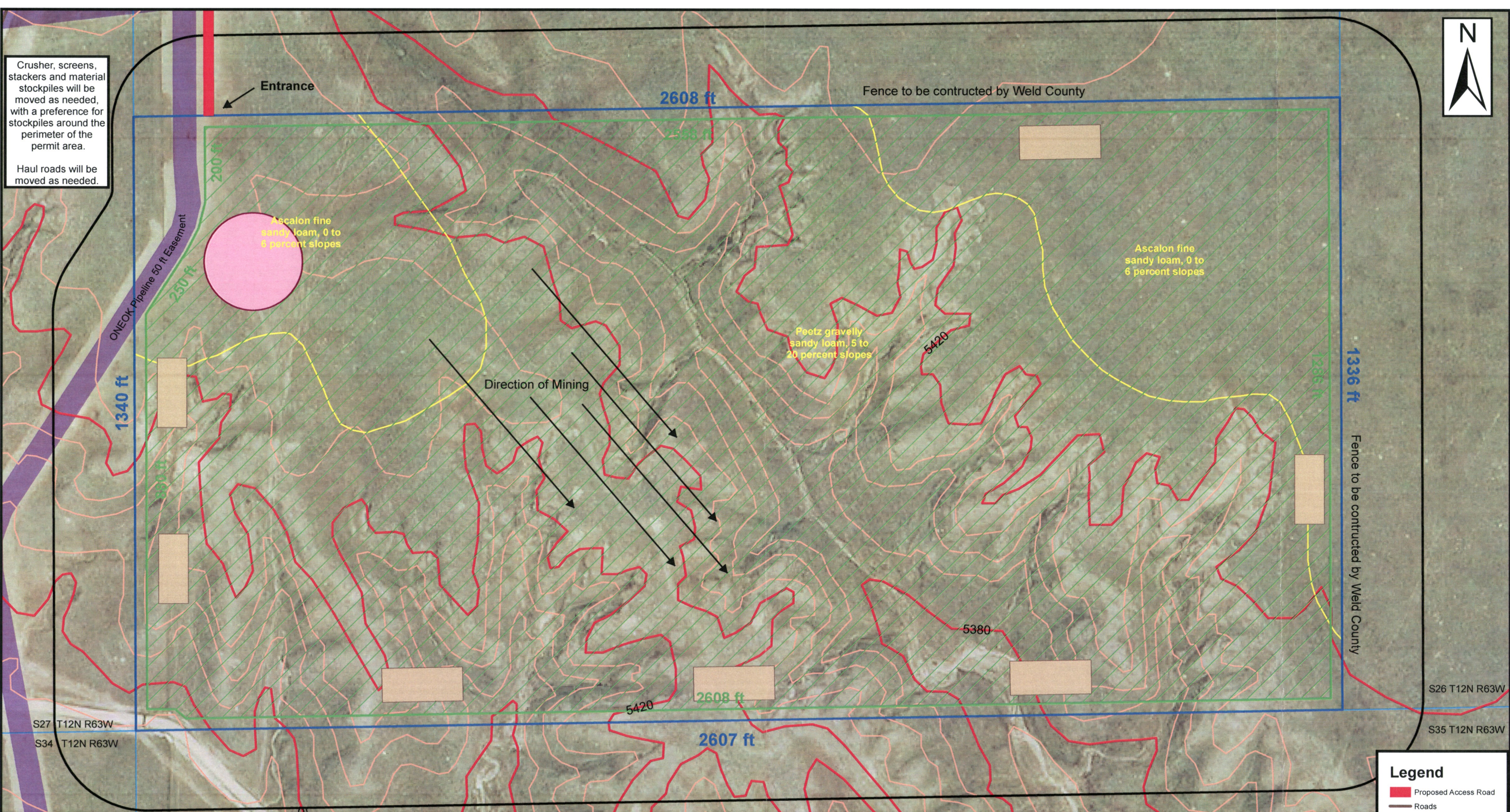
DISCLAIMER:  
The GIS database and data in this product is subject to constant change, and the accuracy and completeness cannot be and is not guaranteed. The designation of lots, parcels or land uses in the database does not imply that the lots or parcels were created or that the land uses comply with applicable State or Local Law. WELD COUNTY MAKES NO WARRANTIES OR GUARANTEES, EITHER EXPRESSED OR IMPLIED, AS TO THE COMPLETENESS, ACCURACY OR CORRECTNESS OF SUCH PRODUCT, NOR ACCEPTS ANY LIABILITY ARISING FROM ANY INCORRECT INCOMPLETE, OR MISLEADING INFORMATION CONTAINED THEREIN.

- Legend**
- Roads
  - Minable Area
  - 200 ft Buffer
  - Proposed Lease Area
  - NRCS Soil Data
  - NRCS Contours
  - Easements
  - Sections



Crusher, screens, stackers and material stockpiles will be moved as needed, with a preference for stockpiles around the perimeter of the permit area.

Haul roads will be moved as needed.



**Engineer Statement**

I, Clayton Kimmi, a professional Engineer licensed in the state of Colorado, do hereby state that this map was prepared by me, or by someone under my direct supervision, in accordance with the provisions defined by the Division of Reclamation, Mining and Safety. This statement is not a guaranty or warranty, either expressed or implied.

P.E. No. 40739

Prepared by: Valerie Mino

November 6, 2015



## Exhibit C2 - Mining Plan Map

Peters 313 Pit DRMS Permit

0 62.5 125 250 Feet

**Mine Permit Area: 80 acres**  
**Minable Area: 75 acres**

**Depth of Mining: Approximately 15 ft**  
**Topsoil Depth: less than 12 inches**  
**No overburden to be removed**  
**Resource: Sand and Gravel**

**DISCLAIMER:**  
The GIS database and data in this product is subject to constant change, and the accuracy and completeness cannot be and is not guaranteed. The designation of lots, parcels or land uses in the database does not imply that the lots or parcels were created or that the land uses comply with applicable State or Local Law. WELD COUNTY MAKES NO WARRANTIES OR GUARANTEES, EITHER EXPRESSED OR IMPLIED, AS TO THE COMPLETENESS, ACCURACY OR CORRECTNESS OF SUCH PRODUCT, NOR ACCEPTS ANY LIABILITY ARISING FROM ANY INCORRECT INCOMPLETE, OR MISLEADING INFORMATION CONTAINED THEREIN.

- Legend**
- Proposed Access Road
  - Roads
  - Crusher Location
  - Topsoil/Overburden
  - Minable Area
  - 200 ft Buffer
  - Proposed Lease Area
  - NRCS Soil Data
  - NRCS Contours**
  - Easements



## **Exhibit D**

### **Peters 313 Site Mining Plan**

a) Mining Methods

The area will be stripped so that the crushing and screen plants can be set up on the northwestern portion of the permitted area. It is anticipated that mining will be done using excavators, front end loaders, dozers, scrapers, and haul trucks.

Weld County Road 136.5 extends east-west along the north edge of the Peters 313 site (see Exhibit C2). An access road will be constructed from Weld County Road 136.5 to the Peters 313 site. Gravel excavation and processing areas will be accessed from that road.

Any trash generated will be collected in an on-site dumpster and disposed of at the County landfill. No chemicals are anticipated to be utilized at the site.

b) Earth Moving

Excavation and stockpiling volumes are anticipated to be approximately 100,000 tons per year. The excavation of gravel and sand reserves is estimated to take 5 years or less. Approximately 20 to 25 acres (15 acres for stockpiling and processing and 5 to 10 acres for mining) will be disturbed during the initial phase of the mining operation.

MSHA approved open excavation and fall protection safety measures including fencing and berms will be installed as needed. During, and following mining, the side slopes of the pit will be graded for stability and will be re-vegetated as needed to meet the reclamation plan.

There is typically less than twelve inches of topsoil at the Peters 313 site. Topsoil will be stockpiled around the perimeter of the permit area as shown on the mine plan map (see Exhibit C2). The topsoil piles will be seeded to prevent erosion and loss of soil.

c) Water Diversions and Impoundments

The Peters 313 property is tributary to Porter Creek which is an intermittent stream that is typically dry most months of the year. Berms will be constructed around the perimeter of the permit area to retain onsite surface water runoff. Additionally, the pit floor will be sloped back into the pit in order to minimize the amount of water running down the unmined slopes located below the mining operation.

There are no irrigation structures or surface water impoundments existing or planned at the site. Water needs for gravel mining and processing operations are expected to be minimal. Water for dust control can be obtained and hauled from existing County-owned wells that have been decreed for dust control and industrial uses. Water used in mining and crushing operations and for dust control is estimated to not exceed 4,000 gallons per month during operations.

It is anticipated that sand and gravel excavation, crushing, and stockpiling at the site will not disturb surface water or ground water quality. Erosion control measures (Best Management Practices) will be installed along the perimeter of disturbed areas. A Colorado Department of Public Health and Environment Stormwater Construction Permit will be obtained prior to the start of mining operations.

Previous test pitting performed by others at the Peters 313 site shows the water table is located more than 15 feet below the surface; therefore, it is anticipated that no groundwater will be encountered at the site. Weld County will ensure the pit excavation will not expose groundwater in the event that mining exceeds 15 feet by staying a minimum of two feet above groundwater. According to information obtained from the Colorado Division of Water Resources GIS files, the Peters 313 site is not located within a designated groundwater basin.

d) Work Area Size

Minimal stockpiling of overburden is anticipated. Mined soils unsuitable for construction use will be separated from the mined gravels and may be stockpiled at the site. These soil stockpiles will be utilized for excavation backfill and site reclamation. The active mining work area at any time will be approximately 5 to 10 acres in size. The active crushing work area at any time will be approximately 10 to 15 acres in size.

e) Operation Time Table

It is anticipated that sand and gravel excavation, processing (rock crushing and screening), and stockpiling at the Peters 313 site will commence upon receipt of approval from the Colorado Division of Mining and Geology, and receipt of other necessary permits.

Mining will start on the northwest portion of the permitted area and progress to the southeast.

Gravel excavation and processing will be seasonal with stockpiling of gravel for future uses depending upon local road repair and construction needs. The material in stockpiles may be hauled out of the site at any time. The Peters site should not be considered an intermittent operation.

f) Mined and Unmined Stratum on the Site

Alluvial material will be mined to bedrock. The estimated thickness of gravel-bearing zones varies from 0 to 20 feet thick. No high wall mining is anticipated.

The sand and gravel deposits to be mined are stream channel deposits associated with Porter Creek, an ephemeral stream that flows from Wyoming into Colorado and eventually joins Crow Creek. Therefore, the thickness of overburden to be removed during gravel extraction is expected to be minimal.

g) Commodities to be Extracted

Sand and gravel are the primary commodities that will be extracted at the Peters 313 site. The enclosed mine plan map (Exhibit C2) shows the proposed locations for the haul road, gravel processing (crusher) location, and soil and gravel product stockpile areas.

A mobile rock crusher and screen plant will be installed in the crusher location shown on the enclosed mine plan map (Exhibit C2) during intermittent crushing operations. It is anticipated the crusher and other equipment will be located on the site for 6 to 12 months at a time. Once approximately 100,000 tons of material have been crushed, the crusher and other equipment will be moved to other County-operated gravel processing sites. The County will haul material from the stockpiles for its construction and roadbuilding activities. Once the stockpiles are depleted, the County will move the crusher back into the site and start the cycle over again.

No secondary commodities are anticipated to be extracted or produced at the Peters 313 site, and no asphalt plants or concrete batch plants will be utilized.

h) Intended Use of Extracted Products

Gravel and sand extracted from the site will be utilized by Weld County Public Works Department for repair and maintenance of local County roads and other County construction projects. Soils and mined materials unsuitable for road construction may be stockpiled at the site. These soil stockpiles may be used for excavation backfill and site reclamation on County-operated projects. The sale of commercial gravel or sand is not anticipated.

i) Explosive Use

Explosives will not be used at this site.

## **Exhibit E**

### **Peters 313 Site Reclamation Plan**

Post-mining Land Use: The post-mining land use will be rangeland. The land included in this permit is owned by Mr. Peters, and the pre-mining land use was rangeland. The permit area is surrounded by rangeland also owned by Mr. Peters.

Regrading:

Reclaimed areas will be stabilized by concurrent regrading on areas of the site where excavation has been completed. Reclaimed slopes will be graded at a maximum of three to one (3:1) horizontal to vertical in a pattern similar to the pre-mining slopes. The final pit floor configuration will be graded so that any storm water will be directed along its historical flow path. See Exhibit F. The mining area access road will be removed unless the property owner requests otherwise.

Seeding:

Disturbed areas will be reclaimed with a native grass mixture. The proposed seed mix for the disturbed areas is as follows:

|   |                  |
|---|------------------|
| Buffalo grass (Texoka, Sharps Improved)                     | 2.5 lbs. / acre  |
| Little Bluestem   | 1.5 lbs./acre    |
| Sideoats grama (Vaughn, Butte, Niner, El Reno, Haskell)     | 2 lbs. / acre    |
| Blue Grama (Hachital, Lovington)                            | 3 lbs./acre      |
| Western wheatgrass (Arriba, Barton, Rosana)                 | 3 lbs. / acre    |
| Switchgrass (Grenville, Nebraska 28, Blackwell, Pathfinder) | 2 lbs. / acre    |
| Sand dropseed   | 0.25 lbs. / acre |
| Total:  | 14.5 lbs./acre   |

Seeding of the disturbed areas will be completed between December 1 and May 1. The area will be monitored until 70% of the original ground cover level is achieved.

Depending on ambient conditions, the application method for those areas being seeded may be hand broadcast, hydro-seeded, or drilled and crimped. Mulch application at the rate of 2 tons/ac may be concurrent with seeding. Mulch may include hay, straw and tackifier. All hay or straw mulch shall be certified noxious weed free grass hay or crop straw. At least 70% of the mulch by weight shall be 10 inches or more in length. Mulch shall not contain any noxious weeds, mold, must, cake, or decay. Straw mulch shall not contain excessive viable grain (wheat, barley, or oat seed.)

Weed Control: Noxious weeds on the site will be controlled by Weld County. Noxious weeds are Canada thistle, field bindweed, Dalmatian toadflax and diffuse knapweed.

- i. Canada thistle will be sprayed with Milestone at 7 oz/ac or Tordon 22K at 32 oz/ac when the plant is 6 to 10 inches tall up to the bud stage and/or in the fall as needed.
- ii. Field bindweed will be sprayed with Perspective at 5 oz/ac or Tordon 22K and 2,4D each at 32 oz/ac when the plant is in the flower stage and/or in the fall as needed.
- iii. Dalmatian toadflax will be sprayed with Tordon at 32 oz/ac and Telar at 2 oz/ac in the early flower stage and/or in the fall as needed.
- iv. Diffuse knapweed will be sprayed with Milestone at 7 oz/acre or Tordon 22 K and 2,4-D each at 32 oz /ac when the plant is in the rosette to early bolting stage.
- iv. If needed, one or two mowing treatments per year may be utilized to help suppress other vegetation that may compete with grass establishment in the disturbed areas outside of the areas that are returned to cropland.
- v. The property will be monitored once a month from May through October, providing adequate time to implement the spraying program as described above.

Fertilizers: No fertilizers will be used.

Trees and Shrubs: No trees, shrubs, or forbs will be planted.

Topsoil Replacement: Topsoil will be stockpiled around the perimeter of the permit area, as shown on the mine plan map (see Exhibit C2). Piles will be seeded to prevent erosion and loss of soil. Topsoil will be replaced in a thicknesses equal to or exceeding (minimum 4 inches) the original topsoil depths found at the site.

Reclamation, backfill, and seeding estimated costs: Under \$60,000.



All land will be reclaimed as rangeland

Haul road removed by Weld County.

Fence to be removed by Weld County



ONEOK Pipeline 50 ft Easement

Direction of Drainage

1336 ft

Fence to be removed by Weld County

RECEIVED

NOV 23 2015

DIVISION OF RECLAMATION  
MINING AND SAFETY

S26 T12N R63W

S35 T12N R63W

S27 T12N R63W

S34 T12N R63W

Engineer Statement

I, Clayton Kimmi, a professional Engineer licensed in the state of Colorado, do hereby state that this map was prepared by me, or by someone under my direct supervision, in accordance with the provisions defined by the Division of Reclamation, Mining and Safety. This statement is not a guaranty or warranty, either expressed or implied.

P.E. No. 40739

Prepared by: Valerie Mino

November 6, 2015



## Exhibit F - Reclamation Map

Peters 313 Pit DRMS Permit

0 62.5 125 250 Feet

Mine Permit Area: 80 acres  
Reclaimed Area: 75 acres  
Slopes: 4:1 or less

Estimated Topsoil Depth:  
6 to 12 inches  
Reclaimed Land Use: Rangeland

DISCLAIMER:  
The GIS database and data in this product is subject to constant change, and the accuracy and completeness cannot be and is not guaranteed. The designation of lots, parcels or land uses in the database does not imply that the lots or parcels were created or that the land uses comply with applicable State or Local Law. WELD COUNTY MAKES NO WARRANTIES OR GUARANTEES, EITHER EXPRESSED OR IMPLIED, AS TO THE COMPLETENESS, ACCURACY OR CORRECTNESS OF SUCH PRODUCT, NOR ACCEPTS ANY LIABILITY ARISING FROM ANY INCORRECT INCOMPLETE, OR MISLEADING INFORMATION CONTAINED THEREIN.

### Legend

- Proposed Access Road
- Roads
- Reclaimed Area
- Proposed Lease Area
- NRCS Contours
- Easements



## **Exhibit G**

### **Peters 313 Site Water Information**

- 1) The Peters 313 mining operation is not expected to directly affect surface or groundwater systems.
- 2) The Peters 313 property is located about half of a mile to the northeast of Porter Creek; an intermittent stream that is typically dry most months of the year. Berms will be constructed around the perimeter of the permit area to retain onsite surface water runoff. Erosion control measures (Best Management Practices) will be installed along the perimeter of disturbed areas. A Colorado Department of Public Health and Environment Stormwater Construction Permit will be obtained prior to the start of mining operations.

Previous test pitting performed by others at the Peters site showed no indication of water above a depth of 15 feet below the surface; therefore, it is anticipated that no groundwater will be encountered at the site. Weld County will ensure the pit excavation will not expose groundwater in the event that mining exceeds 15 feet by staying a minimum of two feet above groundwater. According to information obtained from the Colorado Division of Water Resources GIS files, the Peters 313 site is not located within a designated groundwater basin.

- 3) Water needs for gravel mining and processing operations are expected to be minimal. Water used in mining and crushing operations and for dust control is estimated to not exceed 4000 gallons per month during operations.
- 4) Water for dust control purposes will be hauled from one of the County's water wells that are decreed for dust control and industrial purposes.
- 5) A National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health will not be necessary on this site because no water from the site will be discharged directly to surface waters.

## **Exhibit H**

### **Peters 313 Site Wildlife Information**

The Division of Wildlife was contacted on October 20, 2015. Their comments and recommendations are included.

Significant wildlife resources: This area serves as nesting ground for various species of migratory ground nesting birds in the spring and early summer months. Initial ground breaking in the area will commence at a time when nesting is not occurring (before April if possible). If the initial ground breaking should be projected to start near these times, the division of wildlife is able to complete a nest survey of the area to make sure no nests will be disturbed.

Wildlife Species in the Area:

Pronghorn Antelope  
Horned Larks  
Golden Eagle  
Mountain Ptarmigan

Endangered/Critical Species:

None

Critical Habitats impacted:

None

Weed Control: Noxious weeds on the site will be controlled by Weld County. Noxious weeds are Canada thistle, field bindweed, Dalmatian toadflax and diffuse knapweed.

- i. Canada thistle will be sprayed with Milestone at 7 oz/ac or Tordon 22K at 32 oz/ac when the plant is 6 to 10 inches tall up to the bud stage and/or in the fall as needed.
- ii. Field bindweed will be sprayed with Perspective at 5 oz/ac or Tordon 22K and 2,4D each at 32 oz/ac when the plant is in the flower stage and/or in the fall as needed.
- iii. Dalmatian toadflax will be sprayed with Tordon at 32 oz/ac and Telar at 2 oz/ac in the early flower stage and/or in the fall as needed.
- iv. Diffuse knapweed will be sprayed with Milestone at 7 oz/acre or Tordon 22 K and 2,4-D each at 32 oz /ac when the plant is in the rosette to early bolting stage.
- iv. If needed, one or two mowing treatments per year may be utilized to help suppress other vegetation that may compete with grass establishment in the disturbed areas outside of the areas that are returned to cropland.
- v. The property will be monitored once a month from May through October, providing adequate time to implement the spraying program as described above.

Reclamation:

Disturbed areas will be reclaimed with a native grass mixture. The proposed seed mix for the disturbed areas is as follows:

|   |                  |
|---|------------------|
| Buffalo grass (Texoka, Sharps Improved)                     | 2.5 lbs. / acre  |
| Little Bluestem   | 1.5 lbs./acre    |
| Sideoats grama (Vaughn, Butte, Niner, El Reno, Haskell)     | 2 lbs. / acre    |
| Blue Grama (Hachital, Lovington)                            | 3 lbs./acre      |
| Western wheatgrass (Arriba, Barton, Rosana)                 | 3 lbs. / acre    |
| Switchgrass (Grenville, Nebraska 28, Blackwell, Pathfinder) | 2 lbs. / acre    |
| Sand dropseed   | 0.25 lbs. / acre |
| Total:  | 14.5 lbs./acre   |

Seeding of the disturbed areas will be completed between December 1 and May 1. The area will be monitored until 70% of the original ground cover level is achieved.

Depending on ambient conditions, the application method for those areas being seeded may be hand broadcast, hydro-seeded, or drilled and crimped. Mulch application at the rate of 2 tons/ac may be concurrent with seeding. Mulch may include hay, straw and tackifer. All hay or straw mulch shall be certified noxious weed free grass hay or crop straw. At least 70% of the mulch by weight shall be 10 inches or more in length. Mulch shall not contain any noxious weeds, mold, must, cake, or decay. Straw mulch shall not contain excessive viable grain (wheat, barley, or oat seed.)

## **Exhibit I**

### **Peters 313 Soil Information**

Soils at the Peters 313 site are described on Sheets 13 and 36 in the Soil Survey of Weld County, Colorado – Northern Part published in 1981 by the Soil Conservation Service.

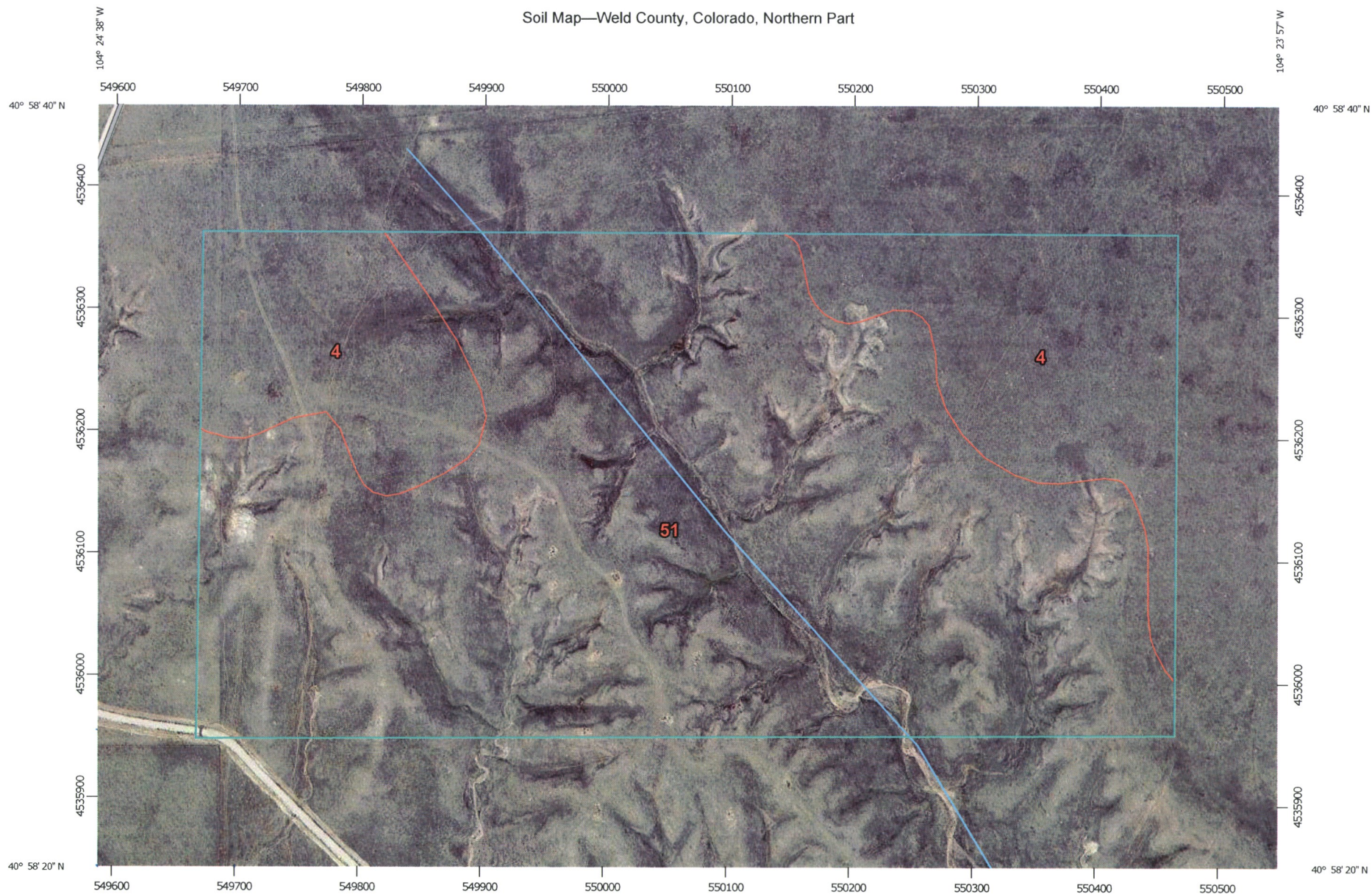
Soils at the site include gravelly, and sandy loamy alluviums (Aridic Calciustolls and Aridic Argiustolls) associated with the terraces of Porter Creek. These areas are shown on Exhibit C2, and on the map on the following page.

The site contains approximately 20 acres of Ascalon fine sandy loam (unit 4) and 60 acres of Peetz gravelly sandy loam (unit 51).

The 1981 soil survey identifies the areas of Peetz gravelly sandy loam as a deep, somewhat excessively drained soil. The surface layer (topsoil) is greyish brown gravelly sandy loam 4 inches thick, and the lower part is brown very gravelly loamy sand 4 inches thick. The underlying material, to a depth of 60 inches or more, is calcareous very gravelly sand. Most areas of this unit are used as rangeland. A few areas are used as a source of gravel.

The description given for Ascalon fine sandy loam describes a deep, well-drained soil, with a fine sandy loam surface layer 8 inches thick (topsoil). Substratum to a depth of 60 inches or more is calcareous sandy loam. This unit is used as non-irrigated cropland and rangeland.

# Soil Map—Weld County, Colorado, Northern Part



Map Scale: 1:4,390 if printed on A landscape (11" x 8.5") sheet.

0 50 100 200 300 Meters

0 200 400 800 1200 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84



**Natural Resources  
Conservation Service**


Web Soil Survey  
National Cooperative Soil Survey

9/21/2015  
Page 1 of 3



## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Weld County, Colorado, Northern Part  
Survey Area Data: Version 10, Sep 23, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 22, 2011—Oct 19, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

| Weld County, Colorado, Northern Part (CO617) |   |              |                |
|--|---|--------------|----------------|
| Map Unit Symbol                              | Map Unit Name                                     | Acres in AOI | Percent of AOI |
| 4  | Ascalon fine sandy loam, 0 to 6 percent slopes    | 21.0         | 25.8%          |
| 51   | Peetz gravelly sandy loam, 5 to 20 percent slopes | 60.2         | 74.2%          |
| Totals for Area of Interest                  |   | 81.2         | 100.0%         |



## **Exhibit J**

### **Peters 313 Vegetation Information**

The Weld County Weeds department identified the following vegetation in the area:

Marestail  
Hairy Golden Aster  
Grama, blue  
Sand Dropseed  
Native Thistle, Platte  
Sunflower  
Ragweed  
Russian Thistle  
Prickly Poppy  
Switchgrass  
Tumble Mustard  
Cheatgrass  
Fescue

## **Exhibit K**

### **Peters 313 Climate Information**

The climate at the Peters 313 site is classified as semi-arid. Summers are characterized by daily high temperatures of over 90 degrees Fahrenheit dropping to 50 degrees Fahrenheit at night. Winters are characterized by daytime temperatures near 32 degrees Fahrenheit with nighttime temperatures dropping to 10 to 20 degrees Fahrenheit. Annual precipitation is approximately 12 to 14 inches, with summer precipitation coming from localized convection cell thunderstorms. Winter precipitation comes in the form of snow and rain.

## **Exhibit L**

### **Peters 313 Reclamation Costs**

See the attached mine reclamation map (Exhibit F) showing the proposed gradient of all disturbed slopes and the location of revegetation areas. It is anticipated that no ponds will be constructed or remain on site. The average thickness of overburden is minimal; however, overburden and excavated soil materials unsuitable for road construction will be used to backfill excavated areas and for site re-grading to stable slopes. Stockpiled topsoil will be placed on re-graded areas prior to re-seeding with approved plant type seed mixes. Final site reclamation costs include the cost of native dry land grass seed and mulch application.

The mining plan includes concurrent regrading of mined areas. It is anticipated that final grading and placement of topsoil from on-site stockpiles, followed by re-seeding, will cost less than \$60,000.

No financial warranty is required because Weld County is a County entity. A written guarantee will be provided stating that the affected lands will be reclaimed in accordance with the terms of the permit.

## **Exhibit M**

### **Peters 313 Other Permits and Licenses**

Other permits required for the Peters 313 operation:

1. The proposed Peters 313 Pit Gravel Pit operation will comply with Weld County zoning regulations.
  - a. Use by Special Review (USR) permit – approved by the Weld County Board of County Commissioners
2. Permits will be applied for from the Colorado Department of Public Health and Environment (CDPHE)
  - a. CDPHE – Water Quality Control Division (WQCD) for a storm water discharge permit
  - b. Air Pollution Control Division (APCD) for air pollution emission notice (APEN) permit

When this application is complete, letters of notification will be sent to the National Resources Conservation Service (NRCS), Colorado Department of Wildlife (DOW) and the Colorado State Historical Society.

**Exhibit N**  
**Peters 313 Source of Legal Right to Enter**

Weld County has entered into a long term lease agreement with the owner of the Peters 313 property, John L. Peters. Please see the attached Right to Enter form.

**RIGHT TO ENTER AGREEMENT  
TO OBTAIN SOIL AND/OR GRAVEL  
FOR ROAD PURPOSES**

THIS AGREEMENT is made and entered into this 19<sup>th</sup> day of Oct, 2015, by, and between the Board of County Commissioners of the County of Weld, State of Colorado, 1150 "O" Street, Greeley, Colorado 80631, (hereinafter referred to as "County"), and John L. Peters, P.O. Box 37, Hereford, CO 80732, (hereinafter referred to as "Owner")

WITNESSETH:

WHEREAS, Owner is in possession of certain property located in:

SW Quarter of Section 26, Township 12 North, Range 63 West of the 6<sup>th</sup> P.M.,  
(hereinafter referred to as "Owner's Property"), and

WHEREAS, County intends to engage in one or more road improvements project(s) within Weld County, (hereinafter referred to as the "Project") and is in need of sand, soil, and/or gravel in order to complete said Project, and

WHEREAS, Owner's Property contains sand, soil and/or gravel which County deems appropriate for use in the Project and which Owner desires to sell to County, and

WHEREAS, Owner and County desire to enter into a Lease Agreement to permit County to enter onto a designated portion of Owner's Property (hereinafter referred to as the "Leased Area") for the purpose of extracting soil/gravel.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, County and Owner agree as follows:

1. **Property Description:** Owner's Property, which is subject to the terms of this Agreement, is the real property described and shown in attached, Exhibit "A," which consists of a legal description and maps. The Leased Area to be mined for gravel is depicted in the attached Exhibit "B" by a diagram. (Exhibits A and B are attached hereto and made a part hereof by this reference.
2. **Term of Agreement:** The Term of this Agreement shall begin on the date of approval of the Section 112c Permit from the Colorado Division of Reclamation, Mining and Safety (hereinafter "DRMS") for the mining of Owner's Property, and shall continue until and through the date of final release of the permit by DRMS, except that this Agreement shall be enforceable upon execution. Each party agrees to a lease period of five, 1-year periods. After the initial 5-year lease period, Owner will have the option of extending the lease with additional 1-year periods to be added automatically until mining is complete. If the Owner does not wish to extend the lease, Weld County will commence with reclamation activities. Should the Owner want to keep the pit open but not lease it to Weld County, the County will transfer the

permit to the Owner. Owner will be responsible for posting the reclamation bonds required by DRMS. The parties specifically acknowledge that a temporary or permanent cessation of mining activities does not terminate the Agreement; the Agreement extends to the DRMS release of the permit.

3. **Royalty Payments:** During the first five 1-year periods, County shall pay to Owner a royalty of seventy-five cents (\$0.75) per ton for all soil/gravel material removed from the Leased Area described in Paragraph 1 above. Said royalty payment shall be made on or before the last day of the month following the month after which the soil, sand and/or gravel is removed. After the first five, 1-year periods and every five, 1-year periods after that, Owner may renegotiate the royalty amount with County. Owner shall provide 30 days written notice to County that he would like to renegotiate the royalty payment rate.
4. **Owner's Obligations:** Owner agrees to the following terms and conditions:
  - a. Owner grants to County the exclusive right to enter access and/or use the Leased Area throughout the Term of this Agreement for all purposes related to the removal, processing and crushing of soil, sand and/or gravel and to conduct reclamation activities following the cessation of mining activities.
  - b. Owner grants to County the right to bring equipment onto the Leased Area which is deemed necessary by County to remove the soil, sand and/or gravel and to crush said gravel as required by County for its Project(s), and also to complete its reclamation activities after mining activities have ceased.
  - c. Owner shall provide land for a haul route from a public road directly to the Leased Area. The haul route is depicted on Exhibit B and has been accepted by both parties.
  - d. Owner shall not engage in any activity on or related to the Leased Area throughout the Term of the Agreement which interferes with County's mining activities, with its efforts to secure a mining permit, or with its efforts to reclaim the property following the cessation of mining activities without the express written consent of County.
  - e. Owner shall cooperate with County in its efforts to secure all required mining permits, and agrees to execute any documents required to be executed by the Owner of the mined property in relation to said permits. Any expenses associated with the permitting process shall be paid by County.
  - f. Owner shall provide his social security number or tax identification number to the Weld County Controller, and County will annually issue to Owner an IRS tax form 1099 to report the royalties paid and/or taken in kind pursuant to the terms of this Agreement.
5. **County's Obligations:** County agrees to the following terms and conditions:
  - a. County shall construct and maintain the haul route described in Paragraph 4.c. above, in good condition, and shall remove said haul route and restore it to its original condition upon the termination of this Agreement if requested to do so by Owner.
  - b. County shall maintain accurate records of all soil, sand and/or gravel removed from the property described in Paragraph 1 above, and shall make said records available

to Owner for inspection in its offices located at 1111 H Street, Greeley, Colorado, during normal business hours, Monday through Friday, except during holidays recognized by Weld County. Each royalty payment made to Owner shall be accompanied by a statement of the amount of gravel mined by County since the close of the previous mining period for which the previous royalty payment was made.

- c. County shall be responsible for obtaining all necessary State, County and Federal permits, which shall not include permits for asphalt and/or concrete batch plants. County shall pay the entire cost of necessary surveying for the mining operation. County shall consult with Owner during the permitting process and shall exercise due diligence in obtaining all required permits in a timely fashion. County shall conduct the mining and extraction activities in compliance with the terms of each permit, specifically including the permit issued by the Colorado Division of Reclamation, Mining and Safety.
  - d. County shall be responsible for the construction and maintenance of any improvements required by the terms of the permit. Following cessation of its mining activities, County shall remove the improvements, unless Owner requests that such improvements remain. If County constructs a temporary entrance/exit on the leased area, said temporary entrance/exit may be left intact for Owner's use only if an access permit can be issued to Owner consistent with Weld County policy concerning such permits.
  - e. County shall notify Owner thirty (30) days prior to the commencement of mining activities.
  - f. County shall notify Owner thirty (30) days prior to the cessation of mining activities. The term of this Agreement, however, will extend to the date of the release of the permit by the Colorado Division of Reclamation, Mining and Safety.
6. **Notices:** All notices of Termination or other demands by Owner or by County shall be made in writing and sent by Certified Mail, Return Receipt, or by E-mail, with a Confirmation of Receipt, as follows:

OWNER: John L. Peters  
ADDRESS: P.O. Box 37,  
Hereford, CO 80732

COUNTY: Jay McDonald, Director of Public Works  
ADDRESS: P.O. Box 758  
Greeley, Colorado 80632  
EMAIL: [jmcdonald@co.weld.co.us](mailto:jmcdonald@co.weld.co.us)

7. **Non-Assignment:** This Agreement shall not be assigned by either party without the express written consent of the other party. Such consent shall not be unreasonably withheld.



8. **Recitals:** Each of the Recitals set forth in the introduction of this Agreement forms a part of this Agreement and is expressly incorporated into this Agreement of the parties.
9. **Approval by the Board of County Commissioners of Weld County:** This Agreement shall not be valid until it has been first approved by the Board of County Commissioners of Weld County, Colorado or its designee.
10. **Governmental Immunity:** No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections or other provisions, of the Colorado Governmental Immunity Act §§24-10-101 et seq., as applicable now or hereafter amended.
11. **No Third Party Beneficiary Enforcement:** It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in this Agreement. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this Agreement shall be an incidental beneficiary only.
12. **Entire Agreement/Modifications:** This Agreement contains the entire agreement between the parties hereto and supersedes any other agreements concerning the subject matter addressed in this Agreement. No modifications, amendments, notations, renewals or other alteration of or to this Agreement shall be deemed valid or of any force or effect whatsoever, unless mutually agreed upon in writing by the parties to this Agreement. This Agreement may be changed or supplemented only by a written instrument signed by both parties.
13. **Acceptance not Waiver:** No breach of any term, provision or clause of this Agreement shall be deemed waived or excused, unless a waiver or consent shall be made in writing and signed by the party claimed to have waived or consented to the breach. Any consent by any party hereto, or waiver of a breach by the other party, whether express or implied, shall not constitute a consent to, waiver of, or excuse for any other different or subsequent breach.
14. **Interruptions:** Neither party to this Agreement shall be liable to the other for delays in delivery or failure to deliver or otherwise to perform any obligation under this Agreement, where such failure is due to any cause beyond its reasonable control, including, but not limited to Acts of God, fires, strikes, war, flood, earthquakes or Governmental actions.
15. **No Conflict.** During the term of this Agreement, no employee of Owner nor any member of Owner's family shall serve on a County Board, committee or hold any such position which either by rule, practice or action nominates, recommends, or supervises County's activities of Owner's property.
16. **Severability.** If any term or condition of this Agreement shall be held to be invalid,

illegal, or unenforceable, this Agreement shall be construed and enforced without such provision, to the extent that this Agreement is then capable of execution within the original intent of the parties.

**17. Attorney's Fees/Legal Costs:** In the event of a dispute between County and Owner concerning this Agreement, the parties agree that County shall not be liable to or responsible for the payment of attorney fees and/or legal costs incurred by or on behalf of Owner.

**18. Fund Availability:** Financial obligations of County, payable after the current fiscal year, are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available. By execution of this Agreement, County does not warrant that funds will be available to fund this Agreement beyond the current fiscal year. No portion of this Agreement shall be deemed to create an obligation on the part of County to expend funds not otherwise appropriated or budgeted for. County will not engage in mining and/or crushing activities unless funds for such activities have been appropriated, budgeted or otherwise been made available for such activities.

**IN WITNESS WHEREOF,** the parties have duly executed this Agreement as of the date first stated above.

Owner Signature: John Peters  
Printed Name: John Peters

Date: Sept. 29 - 2015

WELD COUNTY:  
ATTEST: Barbara Kirkmeyer  
Weld County Clerk to the Board

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

BY: Cheryl Woychik  
Deputy Clerk to the Board

Barbara Kirkmeyer  
Barbara Kirkmeyer, Chair  
OCT 19 2015

APPROVED AS TO FUNDING:  
Barbara Kirkmeyer  
Controller

APPROVED AS TO SUBSTANCE:  
[Signature]  
Elected Official or Department Head

APPROVED AS TO FORM:  
B.B. Cheate  
County Attorney

N/A  
Director of General Services

## **Exhibit A**

### **Legal Property Description**

Approximately 80 acres, located in the South half of the Southwest quarter (S ½ of SW ¼), of Township 12 North, Range 63 West, of the 6<sup>th</sup> P.M, Weld County, Colorado.

A 24 foot wide access road, located outside of the 50 ft pipeline easement, extending from CR 136.5 south to the northern boundary of the described mining permit area as follows:

Beginning at a point which is located 2464 feet north of the Southwest corner of Section 26, Township 12 North, Range 63 West, of the 6<sup>th</sup> P.M. and commencing thence S00°37'14"W a distance of 1124 feet.



S26 T12N R63W

CR 136 1/2

2608 ft







ONEOK Pipeline 50 ft Easement

1340 ft

1336 ft

2607 ft

### Legend

-  Proposed Access Road
-  Roads
-  Easements
-  Proposed Lease Area
-  Owner's Property
-  Sections

0 250 500 1,000 Feet

**DISCLAIMER**  
The GIS data and data of this project is being to conduct  
analysis and/or planning and is not intended for use in  
any other manner. The data is provided as is and is not  
warranted. The user assumes all responsibility for the  
accuracy and completeness of the data. The user  
acknowledges that the data is not intended to be used  
for any purpose other than the one for which it was  
provided. The user agrees to hold the provider harmless  
from any and all claims, damages, losses, and expenses,  
including reasonable attorneys' fees, that may be  
incurred by the user or any third party as a result of  
the use of the data.

August 2015

## Exhibit B

Peters 313 Pit Lease Agreement



**Exhibit O**  
**Peters 313 Owners of Record of Affected Land (surface area) and**  
**Owners of Substance to be Mined**

The land owner of the Peters 313 site is: John Peters

The owner of the sand and gravel under the Peters 313 site is: John Peters

In addition, John Peters owns all adjoining land.

**Exhibit P**  
**Peters 313 Municipalities within Two Miles**

The proposed Peters 313 site lies in unincorporated Weld County. There are no municipalities within a 2 mile radius of the proposed Peters gravel mine site. The unincorporated town of Hereford is approximately 5 miles east of the site, and the town of Grover is approximately 12 miles southeast of the site.

**Exhibit Q**

**Peters 313 - Proof of Mailing of Notices to the Board of County  
Commissioners and the Soil Conservation District**



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 SOIL CONSERVATION DISTRICT

Weld County Public Works (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 to be utilized in operations in the County. The attached application file 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 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.

You may also contact the applicant directly at the number below.

Weld County Public Works  
Attention: Valerie Mino  
970-304-6496 ext. 3773

|  |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
|--|---|------------------------|----|-------------------------------------|--|--|--|---|--|-----------------------------------|----|------------------|--|
| <b>U.S. Postal Service</b>   |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| <b>CERTIFIED MAIL RECEIPT</b>  |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| <small>(Domestic Mail Only; No Insurance Coverage Provided)</small>  |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| <small>For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a></small>  |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| <b>OFFICIAL USE</b>  |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| 7011 2970 0002 2028 3527   | <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="width:50%;">Postage</td><td style="width:50%;">\$</td></tr><tr><td>Certified Fee</td><td></td></tr><tr><td>Return Receipt Fee<br/>(Endorsement Required)</td><td></td></tr><tr><td>Restricted Delivery Fee<br/>(Endorsement Required)</td><td></td></tr><tr><td>Total Postage &amp; Fees</td><td>\$</td></tr></table> | Postage                | \$ | Certified Fee                       |  | Return Receipt Fee<br>(Endorsement Required)       |  | Restricted Delivery Fee<br>(Endorsement Required) |  | Total Postage & Fees              | \$ |                  |  |
| Postage  | \$  |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| Certified Fee  |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| Return Receipt Fee<br>(Endorsement Required)   |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| Restricted Delivery Fee<br>(Endorsement Required)  |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| Total Postage & Fees   | \$  |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| <table border="1" style="width:100%; border-collapse: collapse;"><tr><td colspan="2" style="text-align:center;"><small>Sent To</small></td></tr><tr><td colspan="2" style="text-align:center;">WEST GREELEY SOIL CONSERVATION DIST</td></tr><tr><td colspan="2" style="text-align:center;"><small>Street, Apt. No.,<br/>or PO Box No.</small></td></tr><tr><td colspan="2" style="text-align:center;">4302 WEST 9th STREET ROAD</td></tr><tr><td colspan="2" style="text-align:center;"><small>City, State, ZIP+4</small></td></tr><tr><td colspan="2" style="text-align:center;">GREELEY CO 80634</td></tr></table> |   | <small>Sent To</small> |    | WEST GREELEY SOIL CONSERVATION DIST |  | <small>Street, Apt. No.,<br/>or PO Box No.</small> |  | 4302 WEST 9th STREET ROAD                         |  | <small>City, State, ZIP+4</small> |    | GREELEY CO 80634 |  |
| <small>Sent To</small>   |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| WEST GREELEY SOIL CONSERVATION DIST  |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| <small>Street, Apt. No.,<br/>or PO Box No.</small>   |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| 4302 WEST 9th STREET ROAD  |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| <small>City, State, ZIP+4</small>  |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| GREELEY CO 80634   |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |
| <small>PS Form 3800, August 2005      See Reverse for Instructions</small>   |   |                        |    |                                     |  |  |  |   |  |                                   |    |                  |  |



**PUBLIC WORKS DEPARTMENT**  
1111 H STREET, P.O. BOX 758  
GREELEY, COLORADO 80632  
WEBSITE: [WWW.CO.WELD.CO.US](http://WWW.CO.WELD.CO.US)  
PHONE: (970) 304-6496  
FAX: (970) 304-6497

November 18, 2015

Weld County Clerk to the Board  
Weld County Board of County Commissioners  
1150 O St  
Greeley, CO 80631

Re: Peters Pit DRMS Application

Dear Sir/Madam,

We are delivering to you herewith, an application for a Division of Reclamation, Mining, and Safety (DRMS) mine permit for the Peters 313 Pit to be operated by Weld County Public Works. Two copies of the application are on file with the DRMS.

This copy of the application is delivered to you pursuant to 34-32.5-112(9)(a), C.R.S. 1995, as amended, which states in part:

"... the applicant shall place a copy of such application for public inspection at the office of the Board and Office of the County Clerk and Recorder of the county in which the affected land is located."

The attached application must be kept for public review until the permit has been approved by the DRMS. We will contact you once the permit is approved and make arrangements to pickup this copy.

Please acknowledge receipt of the copy of the permit application by signing in the appropriate space provided below and returning one copy of this letter to the person delivering the application. This letter will be submitted to the DRMS to prove the application was delivered to your office.

Sincerely,

Valerie Mino M.S.  
**Water Engineer**  
**Weld County Public Works**

Enclosure:

**RECEIVED**

**NOV 18 2015**

**WELD COUNTY  
COMMISSIONERS**

RECEIVED THIS 18th DAY OF November, 2015, on copy of  
the application packet for the above referenced mine.

**WELD COUNTY CLERK TO THE BOARD**

BY: Rayaela A. Harting

**Exhibit R**

**Peters 313 Proof of Filing with the County Clerk and Recorder**

## **Exhibit S**

### **Peters 313 Permanent Man-made Structures**

John Peters owns a fence along the western boundary of the permit boundary. He also owns a private gravel road leading to a tank battery.

While the tank battery is more than 200 feet from the permit boundary, the fence around the battery and the cattle guard at the battery entrance is owned by EOG.

Weld County owns CR 136.5 and a cattle guard adjacent to the permit boundary.

The Oneok Bakken Pipeline is within 200 feet of the permit boundary.

In addition, the proposed haul road will cross over three gas pipeline easements owned by Kinder Morgan, Bear Tracker Energy, and K N Interstate Gas Transmission Co.

Agreements will be mailed via certified mail to each structure owner. Proof of mailing and any agreements received are attached.



**PUBLIC WORKS DEPARTMENT**  
1111 H STREET, P.O. BOX 758  
GREELEY, COLORADO 80632  
WEBSITE: [WWW.CO.WELD.CO.US](http://WWW.CO.WELD.CO.US)  
PHONE: (970) 304-6496  
FAX: (970) 304-6497

**RECEIVED**

NOV 23 2015

DIVISION OF RECLAMATION  
MINING AND SAFETY

November 18, 2015

Division of Reclamation Mining & Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

Re: New Mine Permit Application

Colorado Division of Reclamation Mining and Safety,

Enclosed are two copies of a new mine permit application for the proposed Peters 313 Pit.  
Please let us know when we can proceed with public notice.

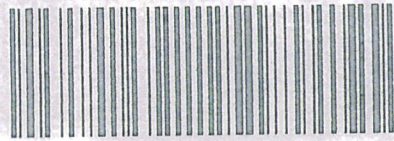
Sincerely,

Valerie Mino M.S.  
*Water Engineer*  
Weld County Public Works  
1111 H Street  
PO Box 758  
Greeley, CO 80632-0758

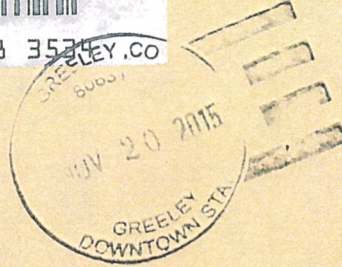
O: 970-304-6496 x 3773  
C: 970-381-6596  
[vmينو@weldgov.com](mailto:vmينو@weldgov.com)



WELD COUNTY PUBLIC WORKS DEPT  
1111 H STREET  
P O BOX 758  
GREELEY CO 80632



7011 2970 0002 2028 3520



DIVISION OF RECLAMATION  
MINING AND SAFETY  
1313 SHERMAN STREET ROOM 215  
DENVER CO 80203