

January 19, 2016

Donald R Corson Jr.
C&B Sand and Gravel Inc.
P.O. box 147
Baggs, WY 82321



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

RE: Sheehan Pit, File No. M-2007-058, Construction Material Limited Impact (110) Exhibit L-Structure Agreement

Dear Mr. Corson:

The Division of Reclamation, Mining and Safety (Division) is in the process of final review of the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act). During review of the material submitted, the Division determined that the following issue of concern shall be adequately addressed.

The original permit application submitted in 2007 included a structure agreement and conditional use permit between Moffat County and J&D Sand and Gravel. The referenced documents are attached. In 2009 that permit was transferred to C&B Sand and Gravel, Inc. without renewing/updating the structure agreement and conditional use permit. It is the Divisions understanding that impacts on the road will not greatly change as the result of this amendment approval and will generally conform to the previously approved agreements.

The Division acknowledges that the permittee has diligently been working to resolve this matter and this is the only outstanding item remaining in the amendment application. Please provide the Division with the weight ratings for Moffat County Roads 1& 2 R.O.W. features and bridge. Please submit a written commitment that C&B will adhere to the damage agreement in place for the permit under J&D Gravel and mining operations will not run trucks over the approved GW rating of the above mentioned features. A stipulation of approval will be that the permittee will provide the Division with an updated structure agreement and conditional use permit from Moffat County by March 1st, 2016 or provide a written update on the progress towards resolution.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,

Amy Yeldell
Environmental Protection Specialist



Department of Natural Resources
Division of Reclamation, Mining and Safety
Phone: (970) 254-8511
Fax: (970) 241-1516

Cc:
Russ Means, Senior EPS / Field Office Supervisor, Grand Junction DRMS

EXHIBIT L – Permanent Man-Made Structures

The following man-made structures are within two (200) hundred feet of the area to be affected and/or adjacent to the site access road. Damage Agreements for all man-made-structures are attached. Locations of these structures may be found on the Exhibit E and L Maps.

- Moffat County Roads 1 & 2 R.O.W. features and Bridge.
- Dubois Telephone Exchange service line is within 200 feet of the proposed permit area. Line is buried along the east side of the County Road R.O.W. Proposed operations will not affect the telephone service line.
- U.S.G.S. Slater Creek Gaging Station – AKA: Slater Fork Gage
- Landowners (Sheehan) Various gates and fences/irrigation ditches and gates

Timothy M. Scanlon
TMS Consulting
46125 County Road T.
P.O. Box 53
Saguache, Colorado 81149
(719) 655-2709
E mail: scanlon@amigo.net

June 4, 2007

Moffat County BOCC
221 W. Victory Way
Craig CO., 81625

RE: Proposed Sheehan Pit Project – Special Use Permit and DRM&S 110 Permit Application for J. & D Sand and Gravel, Slater, Moffat County, Colorado - Standard DRM&S Damage Agreement for Man-Made-Structures within 200 feet of Proposed Project Area – Moffat County Road # 1 R.O.W.

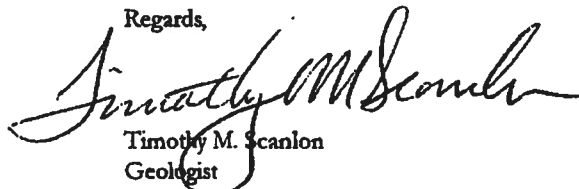
Dear Sirs:

The attached Damage Agreement is part of the standard Division of Reclamation, Mining & Safety (DRM&S) 110 Reclamation Permit Application Process. Please sign, copy for your file and return the attached **Damage Agreement** in the enclosed stamped/addressed envelope. The damage agreement is a requirement for any man-made-structure within 200 feet of the proposed permit area. The man-made structures owned by Moffat County are the County Road # 1&2 R.O.W. and bridge on the eastside of the proposed site area. (The site is located on an 8.14 ac in the NE/4 of Section 21, T12N, R89W; map attached).

J. & S. Sand and Gravel will be applying for a Moffat County Special Use Permit through the County Planning Office and process for the site and will also contact Moffat County Road and Bridge Department concerning site access. A smaller 3 acre pit has/had operated since 1994 at the same site.

Please expedite this document as-soon-as possible as I cannot file my application with the DRM&S without this agreement attached. The Landowner (Sheehan), Dubois Telephone Exchange and The USGS will also be required to provide similar agreements for their structures (ie: fences, ditches, gates, communication cable and the USGS Gage Station). Please contact me at (719) 655-2709 if you have any questions or comments. Thank you.

Regards,



Timothy M. Scanlon
Geologist

Damage Agreement

J. & D. Sand and Gravel is applying for a Limited Impact (110) Operation Reclamation Permit for the mining and extraction of rock, sand, gravel and backfill material on the J. & Glynda Sheehan property, located in the NE/4, Section 21; T12N, R89W, in Moffat County, Colorado amounting to 8.14 acres or less.

Permanent structures owned by Moffat County are within 200 feet of the land to be affected. These structures consist of the following:

- Moffat County Rd. #1 & 2 R.O.W. and bridge
- Road ditches and pipes (CMP's), road signs and delineators

Pursuant to Rule 6.3.12 of the Construction Materials Rules and Regulations, State of Colorado, Division of Minerals and Geology, the applicant will 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 said structure.

This damage agreement is entered into by and between the "Owner": Moffat County Colorado (BOCC), whose mailing address is 221 W. Victory Way, Suite #130, Craig, CO., 81625, and J. & D. Sand and Gravel, whose address is P.O. Box 85, Baggs, Wyoming 82321.

J. & D. Sand and Gravel agrees to provide compensation for any damage to structures related to the mining of the above described property including damage repairs to man-made structures within 200 feet of the affected area.

The terms hereof shall be binding upon and inure to the benefit of the heirs, executors, administrators and assigns of the respective parties hereto.

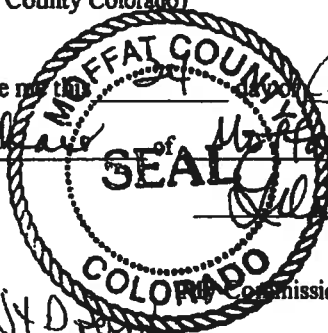
SPECIAL CONDITIONS:

None

Thomas Mathers
Owner (Moffat County Colorado)

The foregoing instrument was acknowledged before me this July, 2007, by

Thomas Mathers as the Vice-Chair of Moffat County BOCC.



Notary public

Jack Corson President J & D Sand and Gravel
J. & D. Sand and Gravel

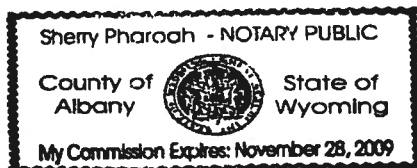
Commission Expires, W/term

The foregoing instrument was acknowledged before me this 19 day of June, 2007, by

Jack Corson as the President of J & D Sand + Gravel

Sherry Pharoah
Notary public

My Commission Expires, Nov 28, 2009



Moffat County Planning Department
221 West Victory Way, Suite 110
Craig, CO 81625
(970) 824-9148

NO. C- _____
Fee: \$200.00
Date Paid _____

APPLICATION FOR CONDITIONAL USE

Applicant: J & D SAND AND GRAVEL Phone: Home-Business-Cell: (307) 383-6908
Address: P.O. Box 85 BAGGS, WY. 82321
Landowner: J. DOUGLAS SHEEHAN Phone: Home-Business-Cell: (970) 583-7321
Address: P.O. Box 55 SLATER, CO. 81653
Agent, if any: TIMOTHY M. SCAMMON Phone: Home-Business-Cell: (719) 655-2709
Address: P.O. Box 53 SAGUACHE CO. 81149
Acreage: 8.14 Zoned: AGRICULTURE

Legal Description and Driving Directions:

SW 1/4 of NE 1/4 SECTION 21 T12N, R89W.
DRIVE EAST ON HWY 70 FROM BAGGS WY ~ 20 miles
to junction with MOFFAT CO ROAD #1 1/2 mile S. SLATER, CO.

Proposed Use (Describe in Detail): DRM'S 110 8.14 ACRE PERMIT AREA
FOR AGGREGATE MATERIAL MINING & PROCESSING; Site
will produce materials for stream restoration,
restoration & road construction base fill & gravels

Proposed Starting Date: 9-1-2007 Proposed Completion Date: 2027

Attach copies of state and / or federal permit applications, if applicable.
Attach copies of state and / or federal reclamation bonds, if applicable.

*Copy DRM'S 110
RECLAMATION APPLICATION
ATTACHED

Indicate type of water system: Public () Private () Existing ()

Indicate type of sewage system: Public () Private () Existing ()

N/A - NONE

Indicate any plans for buildings and structures (permanent or temporary) to be located on this land. Include any applicable site plans and elevation plans.

No STRUCTURES CURRENT OR PLANNED

Include a map, drawn to scale, showing the general location of the property, the location of the proposed use, the existing and proposed roads and easements, and the names and mailing addresses of adjacent property owners. The map should include at least a 200 foot perimeter and show access to the property from a public road.

Applicant / Agent Signature: Timothy M. Scammon

Date: 7/27/2007

Landowner Signature: *

Date: _____

Or copy of lease contract.

* AGREEMENT ATTACHED

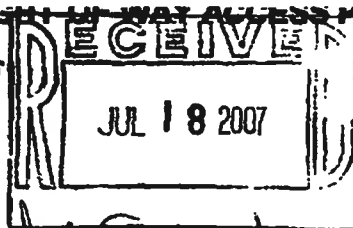
The above signing hereby authorizes the Moffat County Commissioners or their designate, to conduct an off-site inspection of the property described herein when necessary to make an informed evaluation of the proposed conditional use.

RIGHT-OF-WAY ACCESS PERMIT

9x D Sand & Gravel

MOFFAT COUNTY ROAD DEPARTMENT
P. O. BOX 867, 822 E. 1ST STREET
CRAIG, CO 81626

FEE: \$100.00



Permit No. 2007-0048
Road No. CR 1
Date Issued _____
Property Address 8938 CR 1

THE PERMITTEE: J & D Sand & Gravel

MAILING ADDRESS: PO Box 85 Dags, WY 82321

TELEPHONE 307-561-0090 CS
307-383-6908 HUM

Permittee hereby requests permission and authority from the Moffat County Road Department to construct a driveway approach on the right-of-way of Moffat County Road Number 1. Permittee shall submit a sketch for the construction and approval showing all necessary specification detail including (1) frontage of lot along road, (2) distance from centerline of road to property line, (3) width of proposed driveway, (4) angle of approach (5) distance from driveway to road intersection, if any, (6) setback distance of building(s).

The Intersection of Moffat Co Road 1 & 2 Slater Creek Canyon
LOCATION (Please indicate county road and nearest mile post or address if one exists)

Business (Excavate rock for ripoff, Big Rocks Stream control, & gr)
PURPOSE OF THIS ACCESS (Residence, Business, Utility Location, etc.)

SKETCH: This permit shall be made available at the site where and when work is being done. A work sketch or drawing of the proposed driveway must accompany application. No application will be considered for permit granted, without the required specification sketch plan.

PROPOSED LOCATION MUST BE MARKED OR FLAGGED BEFORE SUBMITTING THIS FORM.

Refer to map - Frontage along Moffat County Roads 1 & 2.
sight distance south 360' north 495'

The issuing authority may revoke this permit if at any time the permitted access and its use violate any of the terms and conditions of this permit.

GENERAL PROVISIONS:

1. Applicant represents all parties in interest and affirms that the driveway approach is to be constructed by them for the bona fide purpose of securing access to their property and not for the purpose of doing business or servicing vehicles on the road right-of-way.
2. Applicant shall furnish all labor and materials, perform all work, and pay all costs in connection with the construction of the driveway and its appurtenances on the right-of-way. All work shall be completed within 45 days of the Permit date.
3. The type of construction shall be as designated and/or approved by the Road Department and all materials used shall be of satisfactory quality and subject to inspection and approval of the Department.
4. The traveling public shall be protected during the installation with proper warning signs and signals and the Department and its duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the Permit.
5. Applicant shall assume responsibility for the removal or clearance of snow, ice or sleet upon any portion of the driveway approach even though deposited on the driveway in the course of the Department's snow removal operations.
6. All driveways permitted must have 6" of 3/4" road base on the surface from the point it intersects the County road to the edge of the County road right-of-way. Depending on location, greater distance may be required.
7. No revisions or additions shall be made to the driveway or its appurtenances on the right-of-way without the written permission of the Road Department.
8. Provisions and specifications outlined herein shall apply on all roads under the jurisdiction of the Department.
9. This permit does not allow any damage to occur on the existing right-of-way. If Permittee causes damage to the county road, Permittee shall repair road to the Road Department's satisfaction.
10. This permit is good for one access only.

SPECIAL CONDITIONS

DRIVEWAY MUST SLOPE AWAY FROM COUNTY ROAD FOR 6 FT. AT A MINIMUM OF 2% AND A MAXIMUM OF 8%.

In signing this application and upon receiving Road Department authorization and permission to install the driveway approach described herein, the Applicant signifies they have read, understand and accept the foregoing provisions and conditions and agree to construct the driveway in accordance with the accompanying specification sketch plan reviewed and approved by the Road Department. The Permittee shall notify the Moffat County Road Department immediately upon completion of the installation. At that

time, a representative will inspect access for compliance. If construction is not to the specification herein required, the County, notify the Permittee and corrections shall be made immediately. If corrections are not made to the satisfaction of the County, the access shall be removed. The person signing as the Permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and all its terms and conditions.

Permittee J & D Sand & Gravel Date May 11, 07

APPROVAL GRANTED TO CONSTRUCT ACCESS ACCORDING TO THE SPECIFICATIONS ABOVE:

By Billy L. Muhl Date 7-19-07 Title Director R & B
Authorized County Representative

This permit is not valid until signed by a duly authorized representative of the Moffat County Road Department.
THIS PERMIT IS VOID AFTER 45 DAYS FROM DATE ISSUED.

SPECIFICATIONS

DEFINITION

A driveway approach is understood to be that portion of the highway right-of-way between the traveled roadway and the property line, which is designed and used for the interchange of traffic between the roadway and the abutting property.

INTERSECTION CLEARANCE

At any intersection, a driveway shall be restricted for a sufficient distance from the intersection to preserve the normal and safe movement of traffic. (It is recommended for rural residence entrances that a minimum intersection clearance of 50 feet be provided and for rural commercial entrances a minimum of 100 feet be provided.)

SIGHT DISTANCE

All entrances and exits shall be so located and constructed that vehicles approaching or using them will be able to obtain adequate sight distance in both directions along the highway in order to maneuver safely and without interfering with highway traffic. Decision sight distance is the distance required for a driver to perceive an unexpected or complex situation, arrive at a decision regarding a course of action, and execute that decision in a reasonable manner.

Moffat County has, in the interest of safety, adopted a minimum decision sight distance. The following chart may be used for reference:

Speed MPH	30	35	40	45	50	55	60	65
Minimum Decision Sight Distance (feet)	300'	300'	345'	420'	500'	590'	680'	740'

Based on road conditions and traffic count, decision sight distance requirements may vary from the above given distances.

CONTROL DEVICES

The Applicant shall not be permitted to erect any sign or display material, either fixed or movable, on or extending over any portion of the highway right-of-way.

NUMBER OF DRIVEWAYS

Generally no more than one approach shall be allowed any parcel of property. Additional entrances or exits for parcels of property shall be permitted only after showing of actual necessity. Additional permits will be required for each access.

PROPERTY LINE OFFSET

All driveways shall be so located that the flared portion adjacent to the traveled way will not encroach upon adjoining property.

DRIVEWAY WIDTH

No commercial driveway shall have a width greater than thirty (30) feet measured at right angles to the centerline of the driveway, except as increased by permissible radii. No non-commercial driveway shall have a width greater than twenty (20) feet measured at right angles to the centerline of the driveway, except as increased by permissible radii.

APPROACH ANGLE

The axis of an approach to the road may be at a right angle to the centerline of the highway and of any angle between ninety (90) degrees and sixty (60) degrees but shall not be less than sixty (60) degrees. Adjustment will be made according to the type of traffic to be served and other physical conditions.

PARKING

The construction of parking or servicing areas on the highway right-of-way is specifically prohibited. Off-the-road parking facilities should be provided by commercial establishments for customers' vehicles.

SLOPE OF DRIVE

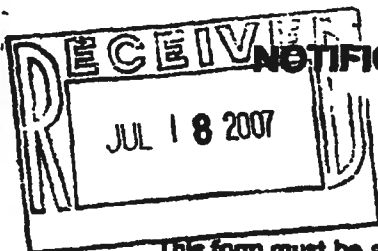
The grade of entrance and exit shall slope downward and away from the road surface at the same rate as the normal shoulder slope and for a distance equal to the width of the shoulder but in no case less than six (6) feet from the roadway edge. Approach grades are restricted to not more than 8%.

DRAINAGE

All driveways and approaches shall be so constructed that they shall not interfere with the drainage system of the street or highway. The Applicant will be required to provide, at their own expense, drainage structures at entrances and exits, which will become an integral part of the existing drainage system. The dimensions of all drainage structures must be approved by the Road Department representative prior to installation. The minimum size on culverts is 18 inches by 20 feet unless special permission is granted.

DIAMETER IN INCHES	SQ. FT. AREA OF WATER WAY OPENING	ACRES OF MOUNTAINOUS COUNTRY	ACRES OF ROLLING COUNTRY	ACRES OF LEVEL COUNTRY
18"	1.8	2	9	18
24"	3.1	5	20	39
30"	4.9	8	36	71
36"	7.1	14	69	115
42"	9.8	20	89	175
48"	12.6	29	125	250
54"	15.9	40	175	345
60"	19.6	55	230	455
66"	23.8	70	295	585
72"	28.3	85	375	735
78"	33.2	105	460	910
84"	38.5	130	560	1110

THIS CHART IS BASED ON TALBOT'S FORMULA FOR DETERMINING CULVERT SIZES FOR THE AREA TO BE DRAINED.



NOTIFICATION OF ROAD MAINTENANCE CLASSIFICATION

MOFFAT COUNTY ROAD DEPARTMENT

This form must be approved and attached to the Moffat County Road Department Right-of-Way Access Permit Application prior to consideration of approval of access construction.

APPLICANT
NAME:

J & D Sand & Gravel

LOCATION OF
ACCESS:

Intersection of Moffat County Roads 142

CHECK APPROPRIATE BOX AND SIGN:

☐

This access location is located on a year-round maintained county road. This does not guarantee that the county road accessing the access location is maintained on a regular basis or that snow is plowed on the same day it occurs.

Date: _____

Land Owner or Legal Representative Signature

☐

I understand this access location is on a "NO WINTER MAINTENANCE" section of County road. Moffat County will not maintain or plow this section of road from approximately November 1st through June 1st or later depending upon conditions. The County does not allow private individuals to plow or maintain County roads without a permit. I understand and agree that no winter maintenance of this road may affect my use of my property during winter months.

Date: _____

Land Owner or Legal Representative Signature

☒

Before construction begins, applicant must receive a Right-of-Way Access Permit from the Moffat County Road Department. Permits are not always granted due to conditions of specific locations (i.e. blind curves, steep grades, etc.). You must contact the Road Department and obtain your access permit before beginning construction. Applicant understands that no final inspection of the construction site will occur or certificate of occupancy issued until the terms and conditions of the Right-of-Way Access Permit have been completed.

J Douglas Shuehr
Land Owner or Legal Representative Signature

Date: May 11/07

Signature: Jack Carson J & D Sand & Gravel Date: May 11, 07
Witness: _____ Date: _____