



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

March 17, 2016

Mr. Ed Lyons Lucky
Lucky VI Quarry LLC
P.O. Box 875
Westcliffe, CO 81252

**Re: Buffalo Hunter Load, Permit No. M-2016-015,
110 Construction Materials Reclamation Permit Application Package
Preliminary Adequacy Review**

Dear Mr. Lyons:

On February 23, 2016, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4.6(1), the 30-day decision date for the application has been set at March 27, 2016. Please be advised on March 27, 2016, the application may be deemed inadequate and may be denied unless the following adequacy items are addressed to the Division's satisfaction. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this application. In order to allow the Division adequate time to review your responses to any adequacy issues, please submit your adequacy responses to the Division no later than one week prior to the decision date. Subsequent to receipt and review of the Applicant's response to these items the Division may identify additional adequacy items.

The review consisted of comparing the application material with specific requirements of Rule 6.1, 6.2, 6.3 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. As with most applications there are a few items that will require clarification of the existing information. Any inadequacies are identified under the respective exhibit heading.

APPLICATION FORM:

- 1) On page, 7 of the application, the Applicant/Operator submitted the application with the "Applicant/Operator" name as "Ed Lyons". However, after checking other portions of the application and the registration with the Secretary of State, the Division understands that the "Applicant/Operator's name is "Lucky VI Quarry". Please re-submit the 110c permit application,



the application will need to be filed with the Applicant/Operator's company name spelled exactly the same as the entity is registered with the Secretary of State, " Lucky VI Quarry".

EXHIBIT B - Site Description Rule 6.3.2

- 2) In several portions of the application the Applicant/Operator states there are mine tailings on the site. After conducting the pre operation inspection on March 15, 2016, it is the Division's understanding that the Applicant/Operator may be miss using the term tailings. Tailings are processing waste after material has been processed in a mill. It is the Division's understanding that the Applicant/Operator is using the term tailings to refer to overburden or waste rock. During the pre-operation inspection the Division observed large stockpiles of waste rock/overburden, no mine tailings were observed during the inspection. Please clarify, are there tailings on the site or are there just stockpiles of waste rock/overburden stockpiles?

EXHIBIT C - Mining Plan Rule 6.3.3

- 3) To prevent erosion of the topsoil stockpiles, please commit to seeding the topsoil stockpiles either during the growing season that the topsoil was stockpiled or no later than the following growing season after the topsoil was stockpiled.
- 4) Please commit to salvaging at a minimum the top 6 inches of soil, the Operator is encouraged to salvage more growth medium/ topsoil in areas where the topsoil is deeper.
- 5) Pursuant to Rule 6.3.3(d) please specify the dimensions of any existing or proposed roads that will be used for the mining operation. Describe any improvements necessary on existing roads and the specifications to be used in the construction of new roads. New or improved roads must be included as part of the permitted acreage.

EXHIBIT D - Reclamation Plan Rule 6.3.4

- 6) The 110c permit application describes the final reclaimed slopes as being graded to 3-1. Rule 6.3.4(b) defines slopes using a horizontal to vertical ratio. Please clarify, will all of the final reclaimed slopes be graded and configured to a final slope of 3Horizontal:1Vertical?
- 7) Throughout the Reclamation Plan it states that a few trees will be planted as part of the final reclamation. Please specify the approximate number of trees that will be planted during final reclamation and please specify the species of trees that will be planted.
- 8) Along with the Reclamation Plan, the Applicant/Operator provided a reclamation recommendation prepared by the NRCS. The recommendations from the NRCS contained: a seed mix, a seedbed preparation method, seeding method, a fertilizer type and application rate, and a mulch type and

application rate. It is the Division's understanding that the Applicant/Operator intends to conduct final reclamation using the methodology set forth by the NRCS, please confirm.

- 9) Please see the enclosed reclamation cost estimate. Please review the enclosed cost estimate, and provide any comments you may have. The Division will set the required Financial Warranty for this operation at \$32,800.

EXHIBIT E – Map Rule 6.3.5

- 10) During the pre-operation inspection which was conducted on March 15, 2016, the Division noticed that significant road improvements would have to be made to a two track road that runs north-south and intersects an east-west Bureau of Land Management (BLM) road to the north of the mine site. The BLM road runs roughly east west and connects to County Road 255. Based on observations made during the inspection, the Applicant/Operator will need to dramatically improve the north-south road to service the proposed mining operation. The proposed improvements to the north-south road meet the definition of Affected Land as defined by Rule 1.1(3); therefore, the north-south road will need to be included within the affected land boundary. Pursuant to Rule 6.3.3(d) and the definition of affected land, the Applicant/Operator will need to include the footprint of the north-south road within the affected land boundary. The Applicant/Operator will need to file an Amendment to a 110c Permit Application in Review, there is no fee for an amendment to an application in review. The Amendment to a 110c Permit Application in Review will need to include a new Mine Plan Map and a new Reclamation Plan Map, the new maps shall depict the affected land boundary including the north-south road. The Amendment application will need to reflect the new total affected area. The Division estimated the proposed affected area of the north-south road to be 0.3 acres (approximately 500 feet long and 25 feet wide). If the Applicant/Operator does not change the current proposed affected area (the 9.5 acres described in the application) and just adds the 0.3 acres, the amended permit area will be 9.9 acres. Please submit an Amendment Application to the 110c Permit Application in Review included the amended Mine Plan Map and Reclamation Plan Map illustrating the amended affected land boundary including the north-south road. The amended maps shall include the following:

- a. Mining Plan Map:

- i. outline and label the permit boundaries, described in Exhibit A - Legal Description; for all 110 Limited Impact and 111 Special Operations, the Office considers the area bounded by the permit boundary to be analogous to the affected area;
- ii. label the names of owner(s) of record of the surface of the affected area and of the land within two hundred (200) feet of the affected area, identify the owner of the substance to be mined, and the type of structure and owners of record of any permanent or man-made structures within 200 feet of the affected area;

- iii. outline and label all major surface features to be used in connection with the proposed operation such as: existing and proposed roads, pit boundary, topsoil stockpiles, overburden stockpiles, product stockpiles, waste rock fills, stream channels, buildings, processing plant, underground openings such as adits or ventilation facilities, ponds, impoundments, dewatering pumps, diversions or waste disposal areas;
- iv. indicate the direction that construction material extraction will proceed;
- v. note the location of any significant, valuable, and permanent man-made structures within two hundred (200) feet of the affected area. A narrative description must be provided in Exhibit B - Site Description; and
- vi. outline and label existing disturbance within and/or adjacent to the permit boundary (e.g., previously mined areas, roads or excavations resulting from utility construction). Re-disturbance of previously disturbed areas, by the proposed mining operation, must be included in the permit area and addressed in Exhibit D - Reclamation Plan.

b. Reclamation Plan Map:

- i. show the gradient of all reclaimed slopes (horizontal: vertical) sufficient to describe the post mine topography;
- ii. indicate where vegetation will not be established and the general area(s) for shrub or tree planting;
- iii. if ponds are a part of the Reclamation Plan, outline the final shore configuration of the ponds and shallow areas if the future land use is for wildlife;
- iv. state the average thickness of replaced overburden by reclamation area or phase; and
- v. state the average thickness of replaced topsoil by reclamation area or phase.

Note: Please have the Mine Plan Map and Reclamation Plan Map signed by a registered land surveyor, professional engineer, or other qualified person, and dated as required by Rule 6.2.1.

Note: the Applicant/Operator may need to update several of the other exhibits to reflect change in affected area.

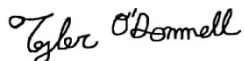
General Comments and Questions

- 11) Please provide proof of the local newspaper publications required by Rule 1.6.5. Proof of publication may consist of either a copy of the last newspaper publication that includes the date published, or a notarized statement from the newspaper.
- 12) Please provide proof of mailing or serving a copy of the public newspaper notice, to all owners of record of the surface and mineral rights of the affected land; and the owners of record of all land surface within 200 feet of the boundary of the affected lands, as required by Rule 1.6.2(1)(e).
- 13) Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review.
- 14) Please address the attached comment from the State Historic Preservation Officer.

Please respond to these adequacy issues no later than one week before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision deadline. The decision deadline on this application is March 27, 2016. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at Tyler.ODonnell@state.co.us.

Sincerely,



Tyler O'Donnell
Environmental Protection Specialist

Enclosure: DRMS reclamation cost estimate
Comment letter from the State Historic Preservation Officer
110c Application Form

cc: Wally Erickson, DRMS

COST SUMMARY WORK

Task description: Reclaim Buffalo Hunter

Site: Buffalo Hunter Load

Permit Action: 2016 PreOP

Permit/Job#: M2016015

PROJECT IDENTIFICATION

Task #: 999

State: Colorado

Abbreviation: None

Date: 3/17/2016

County: Custer

Filename: M015-999

User: TOD

Agency or organization name: DRMS

TASK LIST (DIRECT COSTS)

Task	Description	Form Used	Fleet Size	Task Hours	Cost
001	Grade Slot to 3H:1V	EXCAVATE	1	126.91	\$13,778.00
002	Spread Topsoil over 5 acres 6 inches deep	DOZER	1	15.90	\$2,121.00
003	Revegetation of 5 acres	REVEGE	1	40.00	\$6,612.00
004	Mobilization/Demobilization	MOBILIZE	1	3.60	\$3,474.00
<u>SUBTOTALS:</u>				186.41	\$25,985

INDIRECT COSTS

OVERHEAD AND PROFIT:

Liability insurance: 2.02
Performance bond: 1.05
Job superintendent: 25.00
Profit: 10.00

Total = \$524.90

Total = \$272.84

Total = \$1,862.00

Total = \$2,598.50

TOTAL O & P = \$5,258.24

CONTRACT AMOUNT (direct + O & P) = \$31,243.24

LEGAL - ENGINEERING - PROJECT MANAGEMENT:

Financial warranty processing (legal/related costs): 0.00

Total = 0.00

Engineering work and/or contract/bid preparation: 0.00

Total = \$0.00

Reclamation management and/or administration: 5.00

\$1,562.16

CONTINGENCY: 0.00

Total = \$0.00

TOTAL INDIRECT COST = \$6,820.40

TOTAL BOND AMOUNT (direct + indirect) = \$32,805.40

HYDRAULIC EXCAVATOR WORK

Task description: Grade Slot to 3H:1V

Site: Buffalo Hunter Load

Permit Action: 2016 PreOP

Permit/Job#: M2016015

PROJECT IDENTIFICATION

Task #: 001

State: Colorado

Abbreviation: None

Date: 3/17/2016

County: Custer

Filename: M015-001

User: TOD

Agency or organization name: DRMS

HOURLY EQUIPMENT COST

Basic Machine: Cat 320D LRR 9'-6"

Stick

Horsepower: 148

Attachment 1: ROPS Cab

Weight (MT): 21.55

Shift Basis: 1 per day

Data Source: (CRG)

Cost Breakdown:

		Utilization %
Ownership Cost/Hour:	\$27.05	NA
Operating Cost/Hour:	\$46.14	100
Operator Cost/Hour:	\$35.36	NA
Total Unit Cost/Hour:	\$108.56	
Total Fleet Cost/Hour:	\$108.56	

MATERIAL QUANTITIES

Initial volume: 10,500

CCY

Swell factor: 1.430

Loose volume: 15,015

LCY

Source of estimated volume: Dimensions of slot from original application

Source of estimated swell factor: Cat Handbook

HOURLY PRODUCTION

Excavator Cycle Time (load bucket, swing loaded, dump bucket, swing empty):

Basic Job Condition Description: BELOW AVERAGE

Secondary Job Condition within Basic Description: AVERAGE

Cycle Time Value: 0.323 minutes

Load Bucket Capacity

Bucket Size Class: Small

Rated Capacity: 0.98 LCY (heaped)

Bucket Fill Factor: 0.900 Rock - Poorly Blasted (85%-95%) 0.900

Adjusted Capacity: 0.88 LCY

Job Condition Correction Factors

Site Altitude: 8100 feet

		Source
Altitude Adj:	0.87	(CAT HB)
Job Efficiency:	0.83	(1 shift/day)
Net Correction:	0.72	multiplier

Unadjusted Hourly Unit Production: 163.84 LCY/Hour

Adjusted Hourly Unit Production: 118.31 LCY/Hour

Adjusted Hourly Fleet Production: 118.31 LCY/Hour

JOB TIME AND COST

Fleet size: 1 Excavator Total job time: 126.91 Hours

Unit cost: \$0.918 /LCY Total job cost: \$13,778

BULLDOZER WORKTask description: Spread Topsoil over 5 acres 6 inches deepSite: Buffalo Hunter LoadPermit Action: 2016 PreOpPermit/Job#: M2016015**PROJECT IDENTIFICATION**Task #: 002State: ColoradoAbbreviation: NoneDate: 3/17/2016County: CusterFilename: M015-002User: TODAgency or organization name: DRMS**HOURLY EQUIPMENT COST**Basic Machine: Cat D6T XLHorsepower: 185Blade Type: Semi-UniversalAttachment: NAShift Basis: 1 per dayData Source: (CRG)**Cost Breakdown:**

		<u>Utilization %</u>
Ownership Cost/Hour:	\$35.99	NA
Operating Cost/Hour:	\$58.55	100
Ripper op. Cost/Hour:	\$0.00	0
Operator Cost/Hour:	\$38.89	NA

Total unit Cost/Hour: \$133.43Total Fleet Cost/Hour: **\$133.43****MATERIAL QUANTITIES**Initial Volume: 4,033Swell factor: 1.000Loose volume: **4,033** LCYSource of estimated volume: DRMS estimate of foot print need to mine the slotSource of estimated swell factor: Cat Handbook**HOURLY PRODUCTION**Average push distance: 125 feetUnadjusted hourly production: 255.4 LCY/hrMaterials consistency description: Partly consolidated stockpile 1.1Average push gradient: -5 %Average site altitude: 8,100 feetMaterial weight: 2,100 lbs/LCYWeight description: Earth - Loam**Job Condition Correction Factor**

		<u>Source</u>
Operator Skill:	0.900	(AB.AVG.)
Material consistency:	1.100	(CAT HB)
Dozing method:	1.100	(50% SL)

Visibility:	1.000	(AVG.)
Job efficiency:	0.830	(1 SHIFT/DAY)
Spoil pile:	0.900	(SSD-FC)
Push gradient:	1.115	(CAT HB)
Altitude:	1.000	(CAT HB)
Material Weight:	1.095	(CAT HB)
Blade type:	1.000	(PAT)

Net correction: 0.9932

Adjusted unit production: 253.66 LCY/hr

Adjusted fleet production: **253.66** LCY/hr

JOB TIME AND COST

Fleet size: 1 Dozer(s)

Unit cost: \$0.526/LCY

Total job time: **15.90** Hours

Total job cost: **\$2,121**

REVEGETATION WORKTask description: Revegetation of 5 acresSite: Buffalo Hunter LoadPermit Action: 2016 PreOPPermit/Job#: M2016015PROJECT IDENTIFICATIONTask #: 003State: ColoradoAbbreviation: NoneDate: 3/17/2016County: CusterFilename: M015-003User: TODAgency or organization name: DRMSFERTILIZING**Materials**

Description	Units / Acre	Unit	Cost / Unit	Cost /Acre
			\$	\$
			Total Fertilizer Materials Cost/Acre	\$0.00

Application

Description	Cost /Acre
	\$
Total Fertilizer Application Cost/Acre	\$0.00

TILLING

Description	Cost /Acre
Disc harrowing, 6" deep (MEANS 32 91 13.23 6100)	\$107.59
Total Tilling Cost/Acre	\$107.59

SEEDING

Seed Mix	Rate – PLS LBS / Acre	Seeds per SQ. FT	Cost /Acre
Indiangrass - Cheyenne	1.48	4.51	\$13.63
Arizona Fescue - Redondo	0.84	9.64	\$9.28
Blue Grama - Native	0.75	12.24	\$7.78
Slender Wheatgrass - Native	3.27	11.94	\$7.36
Western Wheatgrass - Native	8.00	20.20	\$24.40
Needlegrass, Green - Lodorm	3.84	15.96	\$20.74
Prairie Junegrass	0.08	4.25	\$2.76
Totals Seed Mix	18.26	78.74	\$85.94

Application

Application	
Description	Cost /Acre
Broadcast seeding [DMG]	\$261.80
Total Seed Application Cost/Acre	\$261.80

MULCHING and MISCELLANEOUS

Materials

Description	Units / Acre	Unit	Cost / Unit	Cost /Acre
Hay, delivered {MEANS 31 25 14.16 1200}	2.00	TON	\$265.00	\$530.00
Total Mulch Materials Cost/Acre				\$530.00

Application

Description	Cost /Acre
Crimping, with tractor {DMG survey data}	\$66.02
Power mulcher (MEANS 32 91 13.16 0350)	\$97.14
Total Mulch Application Cost/Acre	\$163.16

NURSERY STOCK PLANTING

Common Name	No / Acre	Type and Size	Planting Cost	Fertilizer Pellet Cost	Cost /Acre
					\$
Totals Nursery Stock Cost / Acre					\$0.00

JOB TIME AND COST

No. of Acres:	5	Cost /Acre:	\$1,148.49
Estimated Failure Rate:	50%	Cost /Acre*:	\$347.74
*Selected Replanting Work Items:	SEEDING		
Initial Job Cost:	\$5,742.45		
Reseeding Job Cost:	\$869.35		
Total Job Cost:	\$6,612		
Job Hours:	40.00		

EQUIPMENT MOBILIZATION/DEMOBILIZATIONTask description: **Mobilization/Demobilization**Site: **Buffalo Hunter Load**Permit Action: **2016 PreOp**Permit/Job#: **M2016015****PROJECT IDENTIFICATION**Task #: **004**State: **Colorado**Abbreviation: **None**Date: **3/17/2016**County: **Custer**Filename: **M015-004**User: **TOD**Agency or organization name: **DRMS****EQUIPMENT TRANSPORT RIG COST**Shift basis: **1 per day**Cost Data Source: **CRG Data**Truck Tractor Description: **GENERIC ON-HIGHWAY TRUCK TRACTOR, 6X4, DIESEL POWERED,
400 HP (2ND HALF, 2006)**Truck Trailer Description: **GENERIC FOLDING GOOSENECK, DROP DECK EQUIPMENT
TRAILER (25T, 50T, AND 100T)****Cost Breakdown:**

Available Rig Capacities	0-25 Tons	26-50 Tons	51+ Tons
Ownership Cost/Hour:	\$16.63	\$18.37	\$22.33
Operating Cost/Hour:	\$44.38	\$46.13	\$50.07
Operator Cost/Hour:	\$27.66	\$27.66	\$27.66
Helper Cost/Hour:	\$0.00	\$25.39	\$25.39
Total Unit Cost/Hour:	\$88.67	\$117.55	\$125.45

NON ROADABLE EQUIPMENT:

Machine Description	Weight/ Unit (TONS)	Owner ship Cost/hr/ unit	Haul Rig Cost/hr/unit	Fleet Size	Haul Trip Cost/hr/ fleet	Return Trip Cost/hr/ fleet	DOT Permit Cost/ fleet
Cat D6T XL	23.25	\$35.99	\$88.67	1	\$124.66	\$88.67	\$250.00
Cat 320D LRR 9'-6" Stick	23.70	\$27.05	\$88.67	1	\$115.72	\$88.67	\$250.00
Drill/Broadcast Seeder with Tractor	25.00	\$39.59	\$88.67	1	\$128.26	\$88.67	\$250.00
Power Mulcher (Reinco M90)	6.00	\$7.03	\$88.67	1	\$95.70	\$88.67	\$250.00

Subtotals: **\$464.34** **\$354.68** **\$1,000.00****ROADABLE EQUIPMENT:**

Machine Description	Total Cost/hr/ unit	Fleet Size	Haul Trip Cost/hr/ fleet	Return Trip Cost/hr/ fleet
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Subtotals: **\$0.00** **\$0.00**

EQUIPMENT HAUL DISTANCE and Time

Nearest Major City or Town within project area region:	<u>PUEBLO</u>	
Total one-way travel distance:	<u>45.00</u>	miles
Average Travel Speed:	<u>50.00</u>	mph

Total Non-Roadable Mob/Demob Cost *	<u>\$3,474.24</u>
'* two round trips with haul rig:	
Total Roadable Mob/Demob Cost **	<u>\$0.00</u>
** one round trip, no haul rig:	

Transportation Cycle Time:

	Non-Roadable Equipment	Roadable Equipment
Haul Time (Hours):	<u>0.90</u>	<u>0.90</u>
Return Time (Hours):	<u>0.90</u>	<u>0.90</u>
Loading Time (Hours):	<u>0.00</u>	<u>NA</u>
Unloading Time (Hours):	<u>0.00</u>	<u>NA</u>
Subtotals:	<u>1.80</u>	<u>1.80</u>

JOB TIME AND COST

Total job time:	<u>3.60</u>	Hours
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Total job cost:	<u>\$3,474</u>
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700



RECEIVED

MAR 15 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

March 10, 2016

Tyler V. O' Donnell
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Re: Notice of 110 Construction Materials Reclamation Permit Application Consideration Lucky VI Quarry LLC, Buffalo Hunter Load, File No. M-2016-015 (SHPO Project #69795)

Dear Mr. O'Donnell:

Thank you for your correspondence dated February 29, 2016 (received by our office on March 4, 2016) regarding the above subject project.

A search of the Colorado cultural resource inventory database indicated two previously recorded sites in the project area:

Site No.:	National Register Eligibility:	Name/Type:	Recording or Assessment:
5CR230	Officially not eligible	BOULDER	1995 (assessment)
5CR231	Officially not eligible	SHARP OR BUFFALO HUNTER	1995 (assessment)
5CR242	Officially not eligible	SITTING BULL OR BLACKSTONE	1995 (assessment)

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

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

Thank you for the opportunity to comment. If we may be of further assistance, please contact Todd McMahon, Staff Archaeologist at (303) 866-4607/todd.mcmahon@state.co.us or Amy Pallante, Intergovernmental Services Director at (303) 866-4678 amy.pallante@state.co.us

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer
ECN/TCM

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



CONSTRUCTION MATERIAL LIMITED IMPACT (110) OPERATION RECLAMATION PERMIT APPLICATION PACKAGE

APPLICABILITY:

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

RECOMMENDATIONS PRIOR TO FILING:

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

- | | |
|------------|---|
| Rule 1.1 | Definitions; |
| Rule 1.4 | Application Review and Consideration Process; |
| 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 6.3 | Specific Permit Application Exhibit Requirements; |
| Rule 6.5 | Geotechnical Stability Exhibit (as required). |

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

FILING REQUIREMENTS:

In order to apply for a Reclamation Permit for a Limited Impact Operation, please provide:

- _____ ° One (1) signed and notarized completed **ORIGINAL** and one (1) copy of the completed original Limited Impact Operation (110) Application Form. **ORIGINAL SIGNATURES MUST BE IN BLUE INK.**
- _____ ° Two (2) copies of Exhibits A-J and Exhibit L (required sections described in Rule 6).
- _____ ° Two (2) copies of Addendum 1 - Notice requirements (described in Rule 1.6.2(1)(b)). A sample of this notice is attached for your use.
- _____ ° The Geotechnical Stability Exhibit when required by the Division.
- _____ ° The application fee.

The thirty (30) day period for review of the application and exhibits will **NOT** begin until all required information and fee are submitted. The Office will then review the submitted information for adequacy.

NOTICE REQUIREMENTS:

- _____ 1. You **MUST** send a notice, on a form approved by the Board, to the local board of county commissioners. A copy of this "Notice of Filing Application" form is attached for your use.
- _____ 2. If the mining operation is within the boundaries of a conservation district, send a notice to the board of supervisors of the conservation district, **PRIOR** to filing the application. A copy of this "Notice of Filing Application" form is attached for your use.
- _____ 3. You **MUST** include proof of notice #1 and #2 above with the application at the time the application is submitted to the Office for filing (Rule 1.6.2(1)(g)).
- _____ 4. **PRIOR** to filing the application, place for public review a copy of the application, less confidential items, with the clerk or recorder of the county or counties in which the affected land is located.
- _____ 5. You **MUST** include an affidavit or receipt demonstrating that the application was filed with the county clerk or recorder at the time the application is submitted to the Office for filing.
- _____ 6. Any changes or additions made to an application submittal **MUST** be filed with the county clerk or recorder. You **MUST** also provide the Office with an affidavit or receipt demonstrating that the change was filed with the county clerk or recorder no later than the close of business on the day the change was filed with the Office (Rule 1.8.1(2)).
- _____ 7. Within ten (10) days after your application is considered filed, you must publish once in a newspaper of general circulation, in the locality of the proposed mining operation, the notice described in Rule 1.6.2(1)(d). A copy of a form which includes all required information for the notice has been attached for your use.
- _____ 8. In addition, after the publication you must mail or personally serve a copy of the notice described in Rule 1.6.2(1)(d) to all owners of record of surface rights to the affected land and all owners of lands that are within 200 feet of the boundary of the affected land (Rule 1.6.2(1)(e)).
- _____ 9. **Prior** to the Office making a decision (consideration of the application), you **MUST** submit a copy of the proof of publication from the newspaper and proof of all required notices. Proof of the notices may be by submitting copies of return receipts of a certified mailing or by proof of personal service (Rules 1.4.1(4), 1.4.2(4)(c), 1.6.2(1)(a)(ii), and 1.6.2(1)(g)).

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

APPLICATION REVIEW PROCEDURES:

The Office shall approve or deny the application within thirty (30) days of filing unless the date for consideration by the Office is extended pursuant to Rule 1.8. The time for consideration shall not be extended beyond thirty (30) days after the last such change submitted. For complex applications, the review period may be extended an additional sixty (60) days. Please see Rule 1.1(10) for the definition of what constitutes a complex application.

APPLICATION APPROVAL/DENIAL:

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

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

PERFORMANCE AND FINANCIAL WARRANTIES:

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

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

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

AUTOMATIC PERMIT APPROVAL:

An automatic approval will occur where the Office fails to notify the applicant/operator that the application has been denied. This decision must be made thirty (30) calendar days from the date the application was determined to have been filed. However, the performance and financial warranties must be submitted and approved by the Office before the permit will be issued even if you receive an automatic approval. NO MINING OPERATIONS SHALL BEGIN UNTIL A PERMIT IS ISSUED (Section 34-32.5-109(1), C.R.S.).

COMPLIANCE WITH OTHER LAWS:

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

- The Colorado State Historical Preservation Office regarding properties of historical significance including the need for an archeological survey, procedures for requesting a file search, and inventory forms to identify structures.
- Colorado Division of Water Resources with regard to water rights;
- Colorado Department of Health, Water Quality Control Division, with regard to the discharge of pollutants into the State waters;
- Colorado Department of Health, Air Pollution Control Division, with regard to the need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation will occur on federal lands;
- U. S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which your proposed operation is located.

Section 34-32.5-109(3), C.R.S. requires a mining operator to be responsible for assuring that the mining operation and the post-mining land use comply with local land use regulations and any master plan for extraction adopted pursuant to Section 34-1-304, C.R.S.

COMPLETION OF MINING:

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

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



CONSTRUCTION MATERIALS

LIMITED IMPACT (110) OPERATION

RECLAMATION PERMIT APPLICATION FORM

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

Permit # M - - - (Please reference the file number currently assigned to this operation)

_____ **New Application** (Rule 1.4.5) _____ **Amendment Application** (Rule 1.10)

_____ **Conversion Application** (Rule 1.11)

Permit # M - - - (provide for **Amendments** and **Conversions** of existing permits)

The application for a Construction Materials Limited Impact (110) Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-J, Exhibit L, Addendum 1, any sections of Exhibit 6.5 and Geotechnical Stability Exhibit, as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.5, and 1.6.2(1)(b); and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-J, Exhibit L, Addendum 1, and appropriate sections of 6.5 (Geotechnical Stability Exhibit), as required, and a check for the application fee described under (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 or company name (name to be used on permit):** _____
 - 1.1 Type of organization (corporation, partnership, etc.): _____
2. **Operation name (pit, mine or site name):** _____
3. **Permitted acreage (new or existing site):** _____ permitted acres
 - 3.1 Change in acreage (+) _____ acres
 - 3.2 Total Acreage in Permit Area _____ acres
4. **Fees:**
 - 4.1 New Application: \$1258.00 application fee
 - Amendment Fee (C.R.S. 34-32.5-125(II)): \$827.00 application fee
5. **Primary commoditie(s) to be mined:** _____
 - 5.1 Incidental commoditie(s) to be mined: 1. _____ / _____ lbs/Tons/yr 2. _____ / _____ lbs/Tons/yr 3. _____ / _____ lbs/Tons/yr
4. _____ / _____ lbs/Tons/yr 5. _____ / _____ lbs/Tons/yr
 - 5.2 Anticipated end use of primary commoditie(s) to be mined: _____
Anticipated end use of incidental commoditie(s) to be mined: _____

11. **Correspondence Information:**

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

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

PERMITTING CONTACT (if different from applicant/operator above)

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

INSPECTION CONTACT

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

CC: STATE OR FEDERAL LANDOWNER (if any)

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

CC: STATE OR FEDERAL LANDOWNER (if any)

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

7. **Name of owner of the subsurface rights of affected land:** _____

8. **Name of owner of the surface of affected land:** _____

9. **Type of mining operation:** _____ Surface _____ Underground _____ In-situ

10. **Location information:** The center of the area where the majority of mining will occur:

COUNTY: _____

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

SECTION (write number): S _____

TOWNSHIP (write number and check direction): T _____ North _____ South

RANGE (write number and check direction): R _____ East _____ West

QUARTER SECTION (check one): _____ NE _____ NW _____ SE _____ SW

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

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): _____

11. **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) _____._____ (5 decimal places)

Longitude(W) _____._____ (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) _____ Zone _____

Easting _____

Northing _____

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

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

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

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

14. If this operation will use designated chemicals, or will result, or presently has acid mine drainage - you cannot use this application form. You must submit either a 110d or 112d application form for Designated Mining Operations. In either case, you must list any acidic or toxic-forming materials, exposed or disturbed as a result of the mining operation, and whether the operation will result in or presently has acid mine drainage:

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

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

Maps & Exhibits:

Submit two (2) complete, unbound copies of the following application exhibits:

- 6.3.1 EXHIBIT A - Legal Description and Location Map
- 6.3.2 EXHIBIT B - Site Description
- 6.3.3 EXHIBIT C - Mining Plan
- 6.3.4 EXHIBIT D - Reclamation Plan
- 6.3.5 EXHIBIT E - Maps, to include the location of any recorded easements
- 6.3.6 EXHIBIT F - List of Other Permits and Licenses Required
- 6.3.7 EXHIBIT G - Source of Legal Right-to-Enter
- 6.3.8 EXHIBIT H - Municipalities Within a Two-mile Radius
- 6.3.9 EXHIBIT I - Proof of Filing with County Clerk
- 6.3.10 EXHIBIT J - Proof of Mailing Notices of Permit Application
- 6.3.12 EXHIBIT L - Permanent Man-Made Structures
- 1.6.2(1)(b) ADDENDUM 1 - Notice Requirements (sample enclosed)
- 6.5 Geotechnical Stability Exhibit (as required)

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 as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
- _____ 10. For joint venture/partnership permittee: the signing representative is authorized to sign when 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.

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. All necessary approvals from local government have been applied for (Section 34-32.5-110(1)(a)(VIII).
2. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.). (NOTE: For 110 operations, the affected area includes all lands delineated by the permit boundary.)
3. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.).
4. As the applicant/operator, I do not have any mining/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.).
5. 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.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-110, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this _____ day of _____, _____.

Applicant/Operator

If Corporation Attest (Seal)

Signed: _____

Signed: _____

Corporate Secretary or Equivalent

Title: _____

Town/City/County Clerk

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
, by _____ as _____ of _____.

Notary Public

My Commission expires: _____

SIGNATURES MUST BE IN BLUE INK

The following is an example that you may wish to use for the Notice required for Rule 1.6.2(1)(b).

NOTICE

This site is the location of a proposed mining operation. (Name of the Applicant/Operator) _____, whose address and phone number is (Address and Phone Number of the Applicant/Operator) _____, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) _____ County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) _____, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, Colorado 80203.

Certification:

I, _____, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) _____, on (Date Posted) _____.

SIGNATURE

DATE

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR **CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION**

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS
_____ COUNTY

_____ (the "Applicant/Operator") has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in _____ 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 _____ 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 ten (10) days after the date of the applicant's newspaper publication.

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

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

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION

NOTICE TO THE BOARD OF SUPERVISORS
OF THE LOCAL CONSERVATION DISTRICT
_____ DISTRICT

_____ (the "Applicant/Operator") has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in _____ 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 _____ use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Conservation Districts before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within ten (10) days after the date of the applicant's newspaper publication.

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

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

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 Limited Impact (110) types of operations, this notice must be published once 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 ten (10) days after the date of 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 Construction Materials 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. 34-32.5-110(7)(c), 114 and 115.

PUBLIC NOTICE

(Operator Name) _____; (Address and Phone Number) _____, has filed an application for a Construction Materials Limited Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the (Name of the Mine) _____, and is located at or near Section _____, Township _____, Range _____, _____ Prime Meridian.

The proposed date of commencement is _____. _____, and the proposed date of completion is _____. _____. The proposed future use of the land is (Future Landuse) _____.

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) _____, 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. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, _____ (print applicant/company name),
by _____ (print representative's name), as _____ (print
representative's title), does hereby certify that _____ (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 _____ (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 _____ Representative Name _____

Date _____ Title _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of _____.

Notary Public My Commission Expires: _____

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner _____ Name _____

Date _____ Title _____

STATE OF _____)

) ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of _____.

_____ My Commission Expires: _____

Notary Public