



16 November 2016

Peter Hays  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

Received

11/17/16

RSJ

**Re: Response to Second Adequacy Review, Valley's Edge Resource, M-2016-030**

Dear Mr. Hays:

On behalf of Applicant/Operator Brannan Sand and Gravel Company, L.L.C., this letter responds to the numbered items in the second adequacy letter for the above-referenced Regular 112 Reclamation Permit application.

1. The Applicant believes that all owners of record have been noticed in accordance with Rule 1.6.2(e). The most recent notice was mailed to owners of the Sack property on November 2, 2016, as explained in the Applicant's last (November 8) adequacy response. Thus, permit action may be taken as of November 22, 2016, twenty days after the postmark of that mailing.

The Division's most recent letter identified a number of parties as potentially entitled to notice. For the following reasons, there is no outstanding compliance issue with Rule 1.6.2(e) associated with these parties:

- a. Zayo Bandwidth is not an owner of record. As noted on Exhibit C-1, and in accordance with the common practice of co-locating telecommunications facilities, Zayo operates under agreement or license with the easement owner. In the instant case, Level 3 is the relevant easement owner and was properly noticed.
- b. Hunt Brothers Properties does not own property within 200 feet of the Affected Land. All property on the west side of the Union Pacific Railroad is outside the notice boundary, as the total railroad right-of-way creates a 400-foot offset between such property and the Affected Land.
- c. The southern boundary of the Affected Land is separated from Weld County Road 6 by approximately 1300 feet (one-quarter mile). In this general locale, the roadway is known as Crown Prince Boulevard and is maintained by the City of Brighton. No public or private facilities associated with this roadway are within the notification radius.
- d. See 1c, above. Note also that, to the extent that, with its access drive, the Affected Land extends north to Weld County Road 8, the right-of-way onto which the driveway will connect is owned