

# 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) 832-8466

**RECEIVED**

DEC 27 2016

DIVISION OF RECLAMATION  
MINING & SAFETY



**M-2016-085**

CONSTRUCTION MATERIALS  
REGULAR (112) 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 Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should NOT be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

## GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information requested below.

1. **Applicant/operator or company name (name to be used on permit):** Northern Colorado Constructors, Inc.
  - 1.1 Type of organization (corporation, partnership, etc.): Corporation
2. **Operation name (pit, mine or site name):** Bennett Pit
3. **Permitted acreage (new or existing site):**

	<u>163.32</u>	permitted acres
3.1 Change in acreage (+)	<u>163.32</u>	acres
3.2 Total acreage in Permit area	<u>163.32</u>	acres
4. **Fees:**

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

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

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6. Name of owner of subsurface rights of affected land: Pioneer Land Company, LLC  
If 2 or more owners, "refer to Exhibit O".

7. Name of owner of surface of affected land: Pioneer Land Company, LLC

8. Type of mining operation: ☒ Surface ☐ Underground

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

COUNTY: Weld

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

SECTION (write number):

S 12

TOWNSHIP (write number and check direction): T 2 ☒ North ☐ South

RANGE (write number and check direction): R 67 ☐ 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):  
3 miles SSW of Platteville, CO. Elevation = 4835

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 40 min 09 sec 34.78 (2 decimal places)

Longitude (W): deg 104 min 50 sec 54.39 (2 decimal places)

OR

Example: (N) 39.73691°  
(W) -104.98449°

Latitude (N) \_\_\_\_\_ (5 decimal places)

Longitude (W) \_\_\_\_\_ (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13  
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) Nad 83 Zone 13

Easting \_\_\_\_\_

Northing \_\_\_\_\_

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

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

- |  |  |  |
|--|--|--|
| <input checked="" 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) |  |  |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel):  
Excavation by Excavator, Loader, or Dozer and taken to processing area via haul trucks and/or conveyor.

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

13.1 Briefly explain mining method (e.g. truck/shovel):  
On-site crushing/screening fed by loader.

List any designated chemicals or acid-producing materials to be used or stored within permit area:  
N/A

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

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

N/A

**Maps and Exhibits:**

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, 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 two (2) 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
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
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or 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 (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the 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.

- 12 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;

1/20/17

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- J2 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;
- J2 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;
- J2 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;
- J2 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- J2 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.
- J2 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.
- J2 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 Construction Material Rules and Regulations in effect at the time the permit is issued.
- J2 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.
- J2 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's 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. 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.).
2. 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.);
3. As the applicant/operator, I do not have any extraction/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.) 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.

*This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, 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 22<sup>nd</sup> day of December, 2016.

Northern Colorado Constructors, Inc.

Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: John M. Zadel

Signed: Ben Zadel

Corporate Secretary or Equivalent

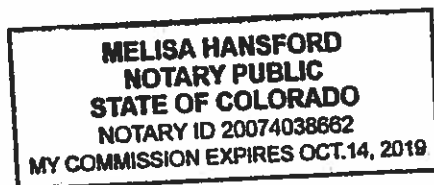
Title: President

Town/City/County Clerk

State of Colorado )

County of Weld ) ss.

The foregoing instrument was acknowledged before me this 22nd day of December, 2016 by John M. Zadel as President of Northern Colorado Constructors, Inc.



Melissa Hansford  
Notary Public

My Commission expires: 10/14/19

**SIGNATURES MUST BE IN BLUE INK**

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

## EXHIBIT A

### Legal Description

The permit boundary is located in the SE quarter of Section 1 and North 1/2 of Section 12, Township 2 North, Range 67 West of the Sixth P.M. in Weld County, Colorado as described below.

The TRUE POINT OF BEGINNING being the NW corner of Section 12, Township 2 North, Range 67 West of the 6<sup>th</sup> P.M.;

Thence along the north line of Section 12, S 88° 55' 48.64" E for a distance of 2623.10 feet to the SW corner of the SW ¼ of the SE ¼, Section 1, Township 2 North, Range 67 West of the 6<sup>th</sup> P.M.;

Thence along the west line of the SW ¼ of the SE ¼, Section 1, N 00° 13' 17.41" E for a distance of 1330.46 feet to the NW corner of the SW ¼ of the SE ¼, Section 1;

Thence along the north line of the SW ¼ of the SE ¼, Section 1, S 89° 00' 32.02" E for a distance of 1311.89 feet to the NE corner of the SW ¼ of the SE ¼, Section 1;

Thence along the east line of the SW ¼ of the SE ¼, Section 1, S 00° 14' 02.00" W for a distance of 1332.22 feet to the NE corner of the NW ¼ of the NE ¼, Section 12, Township 2 North, Range 67 West of the Sixth P.M.;

Thence along the east line of the NW ¼ of the NE ¼, and the east line of the SW ¼ of the NE ¼, Section 12, S 00° 05' 20.86" E for a distance of 2616.53 feet to the SE corner of the SW ¼ of the NE ¼, Section 12;

Thence along the south line of the SW ¼ of the NE ¼, and the south line of the SE ¼ of the NW ¼, Section 12, N 89° 13' 33.57" W for a distance of 1798.13 feet to a point on the south line of the SE ¼ of the NW ¼, Section 12;

Thence, N 07° 54' 52.00" W for a distance of 561.90 feet to the beginning of a curve;

Said curve turning to the right through an angle of 01° 09' 00.20", having a radius of 11,459.30 feet, and whose long chord bears N 07° 20' 22.00" W for a distance of 230.01 feet to a point of intersection with a non-tangential line;

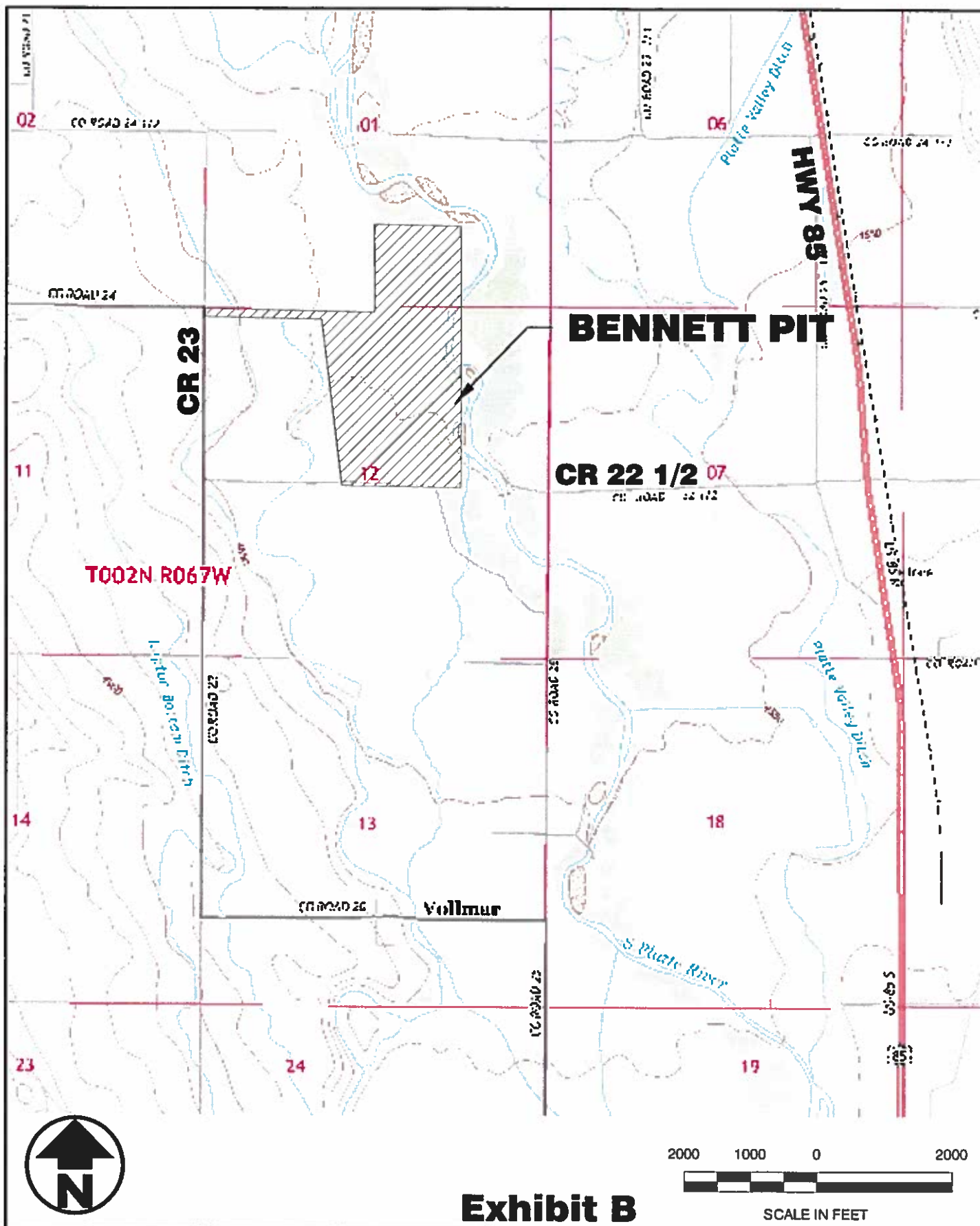
Thence, N 06° 48' 52.00" W for a distance of 1739.33 feet to a point on a line;

Thence N 88° 56' 03.65" W a distance of 1827.00 feet to a point on the west line of the NW ¼, Section 12;

Thence, N 00° 09' 16.80" W for a distance of 119.96 feet to the TRUE POINT OF BEGINNING.

Said permit boundary includes 163.32 acres +/-.





## Exhibit B



**J&T Consulting, Inc.**

305 Denver Avenue - Suite D  
Fort Lupton, CO 80621  
303-857-6222

**Northern Colorado Constructors, Inc.**

**Bennett Pit  
Vicinity Map**

Date:	07.14.16
Job No:	16116
Drawn:	CMSH
Scale:	1" = 2000'
Sheet:	1 Of: 1