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# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106

M-2017-002



### CONSTRUCTION MATERIALS

### SPECIAL (111) OPERATION

### RECLAMATION PERMIT APPLICATION FORM

RECEIVED

FEB 09 2017

DIVISION OF RECLAMATION  
MINING & SAFETY

SCANNED

The application for a Construction Materials Special 111 Operation Reclamation Permit contains four major parts: (1) the application form; (2) Exhibits A-L, Addendum 1, and any sections of Exhibit 6.5 (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); (3) the application fee; (4) the Performance Warranty and if required a Financial Warranty. When you submit your application, be sure to include one (1) completed, signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-L, Addendum 1, appropriate sections of Exhibit 6.5 (Geotechnical Stability Exhibit), as required, a check for the application fee described under (4) below, and the fully executed Performance Warranty and Financial Warranty, if required. Exhibits should NOT be bound or in 3-ring binders; maps should be folded to 8 2" X 11" or 8 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 the permit):  
Ames Construction, Inc.
- 1.1 Type of organization (corporation, partnership, etc.): Corporation
2. Operation name (pit, mine or site name): Ard Property Borrow
3. Permitted acreage: 8 Permitted Acres
4. New Application: \$898.00 Application Fee
5. Primary commodity(ies) to be mined: Fill Dirt
6. Name of owner to the surface of affected land: Pamela K. Ard
7. Name of owner to the subsurface rights of affected land: Pamela K. Ard
8. Type of mining operation: ☒ Surface ☐ Underground ☒ In-situ
9. Location information: The center of the area where the majority of mining will occur:  
COUNTY: Weld County  
PRINCIPAL MERIDIAN (check one): ☒ 6th (Colorado) ☐ 10th (New Mexico) ☐ Utc  
SECTION (write number): S 6  
TOWNSHIP (write number and check direction): T 4 ☒ North ☐ South  
RANGE (write number and check direction): R 64 ☐ 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):  
24098 COUNTY ROAD 50 WELD- Agricultural 3.5 miles South of US34 and WCR 49

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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 20 sec 44 39 (2 decimal places)

Longitude (W): deg 104 min 35 sec 37 26 (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 12

Easting \_\_\_\_\_

Northing \_\_\_\_\_

11. **Primary Future (Post-mining) Land Use (check only one):**

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

12. **Primary Present Land Use (check only one):**

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

13. **Estimated Beginning Date of Contract:** 02/20/2017

13.1 Estimated completion date of contract: 11/30/2017

15. **Correspondence Information:**

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

Contact's Name: Robert Gillis Title: Senior Vice President  
Company Name: Ames Construction, Inc.  
Street/P.O. Box: 18450 E 28th Ave P.O. Box: \_\_\_\_\_  
City: Aurora  
State: CO Zip Code: 80011  
Telephone Number: ( 303 ) - 363-1000  
Fax Number: ( ) -

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

Contact's Name: Dustin Williams Title: Project Manager  
Company Name: Ames Construction, Inc.  
Street/P.O. Box: 18450 E 28th Ave P.O. Box: \_\_\_\_\_  
City: Aurora  
State: CO Zip Code: 80011  
Telephone Number: ( 303 ) - 363-1000  
Fax Number: ( ) -

**INSPECTION CONTACT**

Contact's Name: Dustin Williams Title: Project Manager  
Company Name: Ames Construction, Inc.  
Street/P.O. Box: 18450 E 28th Ave P.O. Box: \_\_\_\_\_  
City: Aurora  
State: CO Zip Code: 80011  
Telephone Number: ( 303 ) - 363-1000  
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: ( ) -


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14. **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
- 6.3.2 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
- 6.3.11 EXHIBIT K - Terms of Governmental Contract
- 6.3.12 EXHIBIT L - Permanent Man-made Structures
- 1.6.2(1)(b) ADDENDUM 1 - Notice Requirements
- 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 new permit application 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.

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 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 (\$504), 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 an operator, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

**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.

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**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 34-32.5-111(1)(a)(IX));
2. This entire mining operation will not affect more than 30 acres;
3. This mining operation will not adversely affect the stability of any significant, valuable and permanent man-made structure(s) located within two hundred (200) feet of the affected lands. (However, where there is an agreement between the applicant/operator and the persons having an interest in the structure that damage to the structure is to be compensated for by the applicant/operator (Section 34-32.5-115(4)(e), C.R.S. 1984, as amended), then mining may occur within 200 feet. Proof of an agreement must be submitted to the Office prior to the decision date.)
4. 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. 1984, as amended);
5. As the applicant/operator, I do not have any mining/exploration operations in this 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. 1984, as amended) as determined through a Board finding.
6. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S. 1984, as amended.

*This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-111, 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 6<sup>th</sup> day of February, 2017.

**Ames Construction, Inc.**

Applicant/Operator

By: [Signature]  
Title: Senior Vice President

If Corporation Attest (Seal)

By: [Signature]  
Corporate Secretary or Equivalent  
Town/City/County Clerk

State of COLORADO )  
County of ADAMS ) ss.

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of FEBRUARY, 2017.

by ROBERT P. GILTS as SENIOR V.P. of AMES CONSTRUCTION, INC.

CATHERINE ANN HARRISON  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID: 19974014716  
MY COMMISSION EXPIRES AUGUST 21, 2017

Catherine Ann Harrison  
Notary Public  
My Commission expires: 8/21/2017

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Applicant: Ames Construction, Inc.  
Name of Site: Ard Borrow  
Date: January 26, 2017

## **EXHIBIT A - Legal Description and Location Map**

See attached



# Pamela Ard

Section: 6 Township: 4N Range: 64W  
24098 COUNTY ROAD 50

Mine Entrance at 40° 20'44.39"N 104°35'37.26"W








Ard Borrow Location

WCB 50  
WCR 51  
WCR 49  
WCR 44

Scale  
1" = 20,000'  
20,000 ft

Ard Borrow  
Prepared by Ames Construction  
By Dustin Williams  
Project Manager  
01.26.2017

Property Owner  
Pam Ard  
Section: 6 Township: 4N Range: 64W  
24098 COUNTY ROAD 50  
Total Estimated Acreage = 8.0 Acres  
Permit: TBD



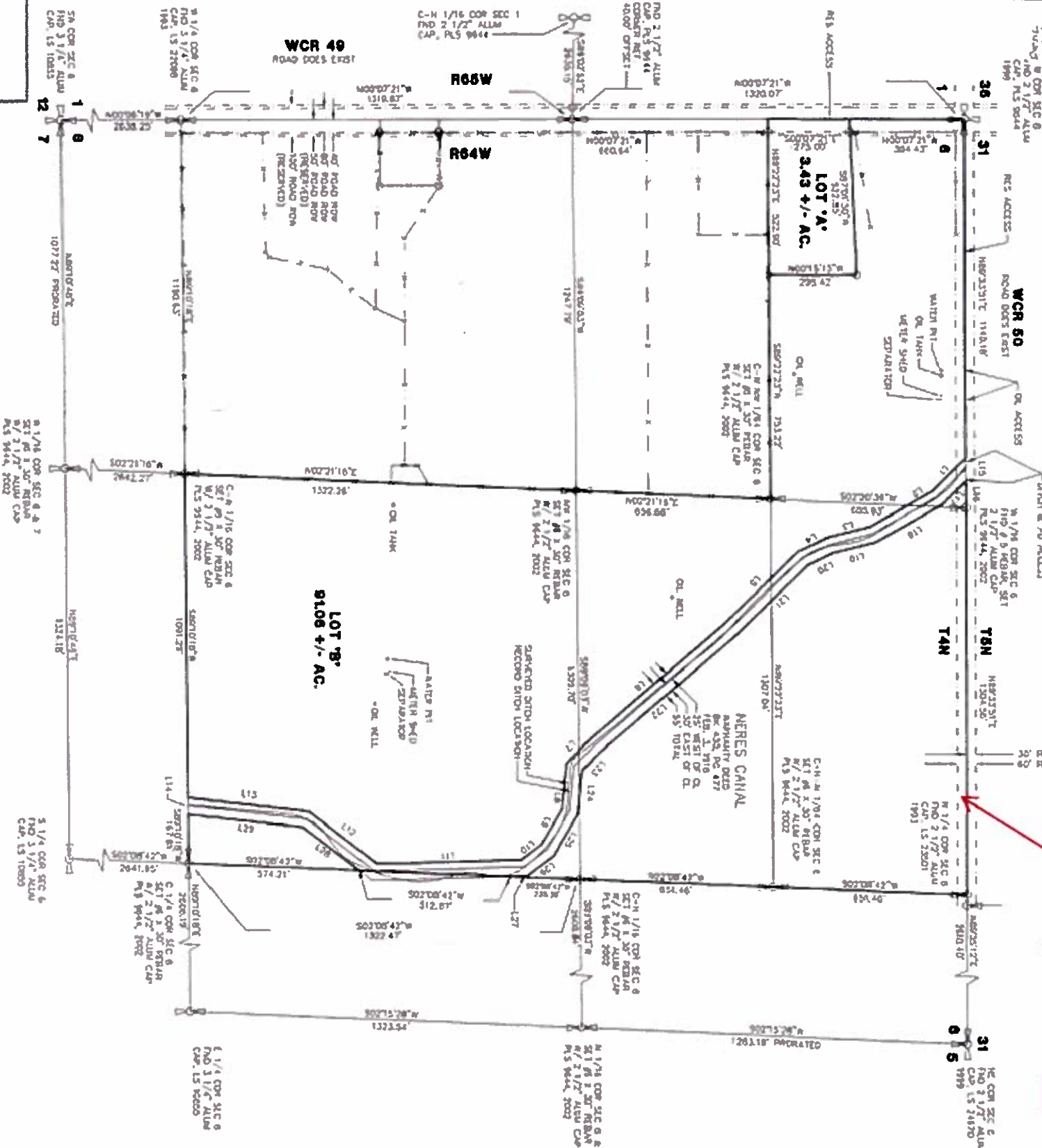
Ames Construction, Inc.



AMENDED RECORDED EXEMPTION NO. 1053-06-2 RE-3255  
PART N 1/2 NW 1/4 NW 1/4 & E 1/2 NW 1/4 SEC 6, T. 4 N., R. 64 W., 6TH P.M.

311  
RECORD EXEMPTION NO. 1053-06-2 RE-3255  
PART N 1/2 NW 1/4 NW 1/4 & E 1/2 NW 1/4 SEC 6, T. 4 N., R. 64 W., 6TH P.M.

Mine Site Entrance



LINE	LENGTH	BEARING
L1	153.33	S44°32'48\"/>
L2	242.03	S70°34'48\"/>
L3	149.30	S41°08'48\"/>
L4	106.10	S70°34'48\"/>
L5	333.27	S44°32'48\"/>
L6	400.19	S58°12'48\"/>
L7	500.00	S70°34'48\"/>
L8	177.00	S87°28'48\"/>
L9	400.00	S44°32'48\"/>
L10	400.00	S70°34'48\"/>
L11	200.00	S44°32'48\"/>
L12	400.00	S70°34'48\"/>
L13	400.00	S70°34'48\"/>
L14	400.00	S70°34'48\"/>
L15	400.00	S70°34'48\"/>
L16	400.00	S70°34'48\"/>
L17	400.00	S70°34'48\"/>
L18	400.00	S70°34'48\"/>
L19	400.00	S70°34'48\"/>
L20	400.00	S70°34'48\"/>
L21	400.00	S70°34'48\"/>
L22	400.00	S70°34'48\"/>
L23	400.00	S70°34'48\"/>
L24	400.00	S70°34'48\"/>
L25	400.00	S70°34'48\"/>
L26	400.00	S70°34'48\"/>
L27	400.00	S70°34'48\"/>
L28	400.00	S70°34'48\"/>
L29	400.00	S70°34'48\"/>
L30	400.00	S70°34'48\"/>

LEGEND

- SECTION CORNER
- 1/16 & 1/4 CORNER
- 1/16 & 1/4 CLOSING CORNER
- SECTION CLOSING CORNER
- SET AND 5 REBAR V/  
2\" ALUM CAP  
PLS 9644
- PROPERTY CORNER FOUND
- FENCE



PART N 1/2 NW 1/4 NW 1/4  
AND E 1/2 NW 1/4 SEC 6,  
T. 4 N., R. 64 W., 6TH P.M.  
WELD COUNTY, COLORADO