

RECEIVED

FEB 14 2017

DIVISION OF RECLAMATION
MINING AND SAFETY

EASTERN COLORADO AGGREGATES, L.L.P.

Main Office: P.O. Box 580 • Rye, CO 81069
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Plant: P. O. Box 307 • Holly, CO 81047
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February 14, 2017

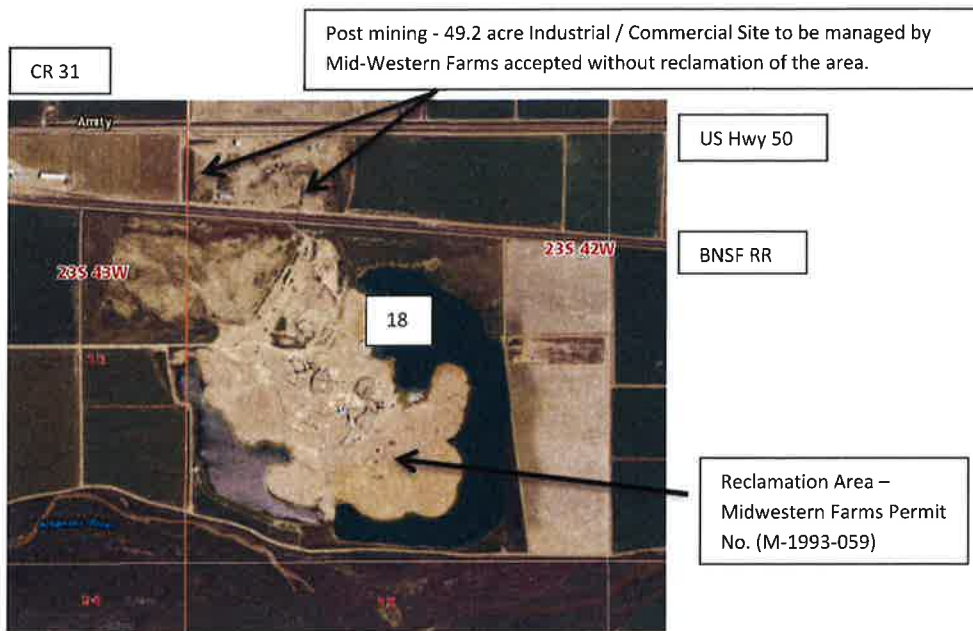
Ms. Amy Eschberger, Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman St., Room 215
Denver, Colorado 80203

Re: Midwestern Farms, Permit No. M-1993-059, Technical Revision No. 5, CPW Cancellation of Participation in project – Eastern Colorado Aggregates Response.

Dear Ms. Amy Eschberger,

In reaction to the cancellation of the Colorado Parks and Wildlife participation in this reclamation project, please see the following clarifications of our reclamation plan.

1. **Pond Surface Area** - Please revise the referenced sentence to say "The pond surface area shall ~~not be~~ increase from the existing 96.2 to 97.1 acres.
2. 97.1 acres, ~~except~~ by removing the material separating the two ponds as described below and creating one pond."
3. **Pond Slopes** - Pond slopes will be reclaimed per the attached Exhibit E-1, E-2, and Exhibit F – Reclamation Plan Map.
 - a. How does the operator intend to achieve these slope gradients below the water line? - The ponds will be will be excavated to the approved sections below the water line.
 - b. Will the lakes be dewatered? The ponds will not be partially drained for excavation of the slopes.
 - c. What equipment will be used to complete the final grading of the lake shorelines? The work will be accomplished with a possible combination of the following, survey equipment, pickup, service truck, transport truck and trailer, excavator, swamp mats, dozer and haul truck.
 - d. Please see our revised Exhibits E-1, E-2 cross sections and Exhibit F – Reclamation Plan Map which show the reclaimed shore line details.
4. **49.2 acre Industrial / Commercial post reclamation land use** – Please see the attached notarized letter from Mid-Western Farms which agrees to retain the 49.2 acre plant site in its current un-reclaimed condition for post mining industrial / commercial uses.



5. **Pond Area** - The sentence “~~Lakes will consist of 94 acres after full reclamation.~~”, should be deleted and revised as follows: “Final reclamation will be achieved by creating a single 97.1 acre pond.” To clarify one pond is achieved by breaching the dike between the two existing ponds.
6. **Pond Dike Breach** – The work will be accomplished with a possible combination of the following, survey equipment, pickup, service truck, transport truck and trailer, generator set, electric or diesel pumps, excavator, swamp mats, dozer, loader and haul truck.
 - a. **Regarding an increase in the exposed ground water.** Surface Water Increase – The parties have agreed that Midwestern will provide up to 15 more LAWMA preferred shares to cover this extra surface water which is sufficient to cover 98.5 acres of total water surface area. The two existing ponds water surface area is 96.2 acres. After the breach is constructed, the new single pond surface area will increase by 0.9 acres to a total water surface area of 97.1 acres. This final water surface area of 97.1 acres is 1.4 acres less than the 98.5 acres of available water surface area, and will not require additional water rights to complete the reclamation of this site.
7. **Top Soil** – No additional topsoil borrow is required to cover the site.
 - a. The approximate depth of top soil striping and replacement will be 6 inches.
 - b. Existing topsoil storage area will have a minimum of 6 inches topsoil after excavation.
8. **Exhibit F – Reclamation Plan Map** - Please see the revised and legible copy of the Exhibit F – Reclamation Plan Map.
9. **Technical Revision Cover** - Please see the revised Technical Revision Cover Sheet to include range land and recreation in the description.
 - a. Exhibit F – Reclamation Plan Map includes descriptions of the final land use of the affected lands.

10. **Suitable Fine Material** - "Any suitable fine material" refers clean overburden, excess fine sand from the aggregate washing operations and topsoil. Fine material will be used as required during the site grading operations to achieve positive drainage prior to placement of topsoil. The placement depth of material on the site will vary from an inch to approximately 2 feet of fill to achieve positive drainage and balance the material across the site. There is no additional cost for placement of this material which is included in site grading costs.

11. **Grading / Revegetation Schedule** - We plan to follow method 1 of the revegetation plan.

- The site grading and soil preparation will be complete by March 24, 2017
- The permanent seed drilling will be complete by May 1, 2017.

12. **Permanent Seed Mix Revision** - Please see the following revised rangeland seed mixture.

Product	UoM	#/AC	Pounds
Dropseed, Sand (<i>Sporobolus cryptandrus</i>)	PLS	2.00	700.00
Green Sprangletop, "Van Horn" (<i>Leptochloa dubia</i>)	PLS	2.00	700.00
Lovegrass Sand, "Bend" (<i>Eragrostis trichodes</i>)	PLS	1.00	350.00
Ryegrass Annual, "Gulf" (<i>Lolium multiflorum</i>)	Bulk	2.00	700.00
Totals:		7.00	2450.00

13. **Revegetation and Wildlife Habitat Review** - All text reference to tree planting, wetland planting and text stating that "additional plant species will be planted at a later date." are removed from the revised Exhibit E – Reclamation Plan and Exhibit F – Reclamation Plan Map.

14. **Explanation of Adequate Wildlife Reclamation** - Please see that attached letter from CPW which provides an explanation of the wildlife habitat as it relates to the revegetation plan and the shorelines.

15. **Regarding the 463.2 acre statement.**

- The current disturbed area with the industrial/commercial area = 426.9 acre, which is less than the 439.2 acres. The additional land is for the east side pond back slope area. Please refer to Exhibit F – Reclamation Plan Map and the following table.

MAP KEY	DESCRIPTION	DISTURBED AREA (Acres)	
A1	Plant Processing / Stockpile Area	221.5	
A2	Sand Beach Area between two ponds	36.5	
A3	SWx / S. Strip of disturbed land - South of Ponds	13.9	
A4	SEx of disturbed land - South of Ponds	8.7	
Subtotal Disturbed Area		280.6	
A5	East Pond Water Surface	23.7	
A6	West Pond Water Surface	72.5	
A7	Pond Dike Breach Water Surface Area	0.9	
Subtotal Water Surface Area		97.1	
A8	East Pond Additional Backslope Area	11.0	
Subtotal Additional Disturbed Land		11.0	
A9	Industrial Commercial Area (I/C)		49.2
Total Disturbed Area with and without I/C		388.7	437.9

MAP KEY	REQUIRED RECLAMATION SEEDING AREA	ACRES
A1	Plant Processing / Stockpile Area	221.5
A3	SWx / S. Strip of disturbed land - South of Ponds	13.9
A4	SEx of disturbed land - South of Ponds	8.7
A8	East Pond Additional Backslope Area	11.0
Total Seeding Area		255.1

16. Please see the revised and legible Exhibit F – Reclamation Plan Map.
17. Revise Exhibit L – Reclamation Cost with a statement, “The conveyor belt across the Burlington Northern Railroad tracks has been removed as of this date.” The conveyor crossing the railroad tracks has been demolished. The conveyor parts and equipment will be removed from the disturbed area south of the railroad and all associated costs of the removal have deleted from the reclamation costs.
18. Revise Exhibit L – Reclamation Cost includes the cost of planting the cover crop as a separate line item.
19. Revise Exhibit L – Reclamation Cost to include separate line items for 73 acres – ripping sand stockpile and processing area and 16.6 acres – ripping topsoil stockpile area.
20. Revise Exhibit L – Reclamation Cost to include a line item for re-top soiling and re-vegetating all of the 255.1 acres of disturbed land.
21. Exhibit L includes a line item for “Remove area between two ponds” volume was estimated as follows:
 Cut to breach pond dike = $\frac{1}{2}(\text{Depth of cut})(\text{width of bottom} + \text{width at top of bank})(\text{length of cut})$
 Cut to breach pond dike = $\frac{1}{2}(13 \text{ ft.})(196 \text{ ft} + 40 \text{ ft})(143 \text{ ft}) = 219,362 \text{ cf} / 27 \text{ cf/cy} = 8,124.5$
 bank cy x 1.35% swell = 10,933 loose cy

22. Revise Exhibit L – Reclamation Cost – The volume of shore line grading is estimated as follows:

Length of 3:1 shore line slope = 5,481 ft.

3:1 Shore line grading = (5,481 ft)(35 ft)(0.5 ft) = 95,917.5 cf/ 27 cf/cy = 3,552.5 cy

EXHIBIT L – RECLAMATION COST						
Midwestern Pit – Permit M1993-059 – TR005, REV NO. 2						
Map Key	Description	Unit	Quantity	Unit Price	Extension	Subtotal
A1	Processing / Stockpile Area / NW¼ Reseed Area					
A1	NW¼ Stockpile Area to Reseed					
	Re-Grade	Acre	64.0	\$146	\$9,344	
	Re-Topsoil	Acre		\$1,194	\$76,416	
		Acre		\$0	\$0	
	Re-seed Permanent Crop	Acre		\$661	\$42,304	\$128,064
A1	Stockpile Processing Area					
	Scarify / Grade	Acre	73.0	\$303	\$22,119	
	Topsoil	Acre	157.5	\$1,194	\$188,055	
	Permanent Seed	Acre		\$661	\$104,108	
						\$314,282
Delete any cost associated with conveyor removal						
A2	Sand Beach	Acre	36.5	No Reclamation		
A3	SW¼ of Disturbance					
	Scarify / Grade	Acre	13.9	\$303	\$4,212	
	Topsoil	Acre		\$1,194	\$16,597	
	Permanent Seed	Acre		\$661	\$9,188	
						\$29,996
A4	SE¼ of Disturbance					
	Scarify / Grade	Acre	8.7	\$303	\$2,636	
	Topsoil	Acre		\$1,194	\$10,388	
	Permanent Seed	Acre		\$661	\$5,751	
						\$18,775
A7	Dike Breach Between Two Ponds	LCY	10,933.0	\$0.136	\$1,487	\$1,487
	Shore Line Grading	LCY	3,552.0	\$0.136	\$483	\$483
	Plant Trees	na				
	Plant Wetlands	na				
	Fertilizer	na				
A8	East Pond – Additional Backslope Area					
	Scarify / Grade	Acre	11.0	\$303	\$3,333	
	Topsoil	Acre		\$1,194	\$13,134	
	Permanent Seed	Acre		\$661	\$7,271	
						\$23,738
A9	Industrial Commercial Area	Acre	49.2	No Reclamation		
	SUBTOTAL				\$516,824	\$516,824
INDIRECT COSTS	Liability Insurance				\$11,784	
	Job Supervision				\$2,687	
	Reclamation Management				\$33,128	
	Total Indirect Costs				\$47,600	\$47,600
	TOTAL RECLAMATION COST				\$564,424	\$564,424

23. Please disregard this statement “Disturbed outer edges 50 acres”. Please refer to revised Exhibit F – Reclamation Plan Map and Revised Exhibit L – Reclamation Cost for clarification of the existing disturbed areas, top soil borrow area and the eastern shore back slope area.
24. Refer to Exhibit E – Reclamation Plan revised cross sections E-1, E-2 and Exhibit F Reclamation Plan Map. The CPW has requested specific sections of pond shoreline to be left in their current condition. All other shoreline to be graded at 3:1 cross sections on the east side of the east pond area.

Sincerely

Eastern Colorado Aggregates, RLLLP

A handwritten signature in black ink, appearing to read "David A. King". The signature is written in a cursive, slightly slanted style.

David A. King

Attachments

Technical Revision Cover Sheet

Exhibit E-1 and E-2 – Revised Cross Sections

Exhibit L – Reclamation Costs – Revised 1/17/2017

Exhibit F – Reclamation Plan Map – Revised 1/17/2017 – 11"x17" exhibit

CPW Letter addressing Line Item 13 – trees and aquatic vegetation and item 14 – vegetation free shorelines dated 1/13/2017.

Midwestern Letter dated 12/5/16 regarding acceptance of plant site in current condition.

Email copy from Mel De Pra, Midwestern Farms manager accepting TR-05.



COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M- **1993-05** Site Name: **Midwestern Farms Pit**

County: **Powers** TR# _____ (DRMS Use only)

Permittee: **Midwestern Farms**

Operator (If Other than Permittee): **Eastern Colorado Aggregate (ECA)**

Permittee Representative: **David A. King**

Please provide a brief description of the proposed revision: _____

Reduce depth of top soil to six inches, eliminate tree planting, eliminate wetland planting, change post

mining land use for the 64 acre field to rangeland and recreation, increase the maximum disturbed area to 437.9 acres.

As defined by the Minerals Rules, a Technical Revision (TR) is: "a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan." The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered "filed for review" until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<u>Permit Type</u>	<u>Required TR Fee</u>	<u>Submitted (mark only one)</u>
110c, 111, 112 construction materials, and 112 quarries	\$216	<input checked="" type="checkbox"/>
112 hard rock (not DMO)	\$175	<input type="checkbox"/>
110d, 112d(1, 2 or 3)	\$1006	<input type="checkbox"/>

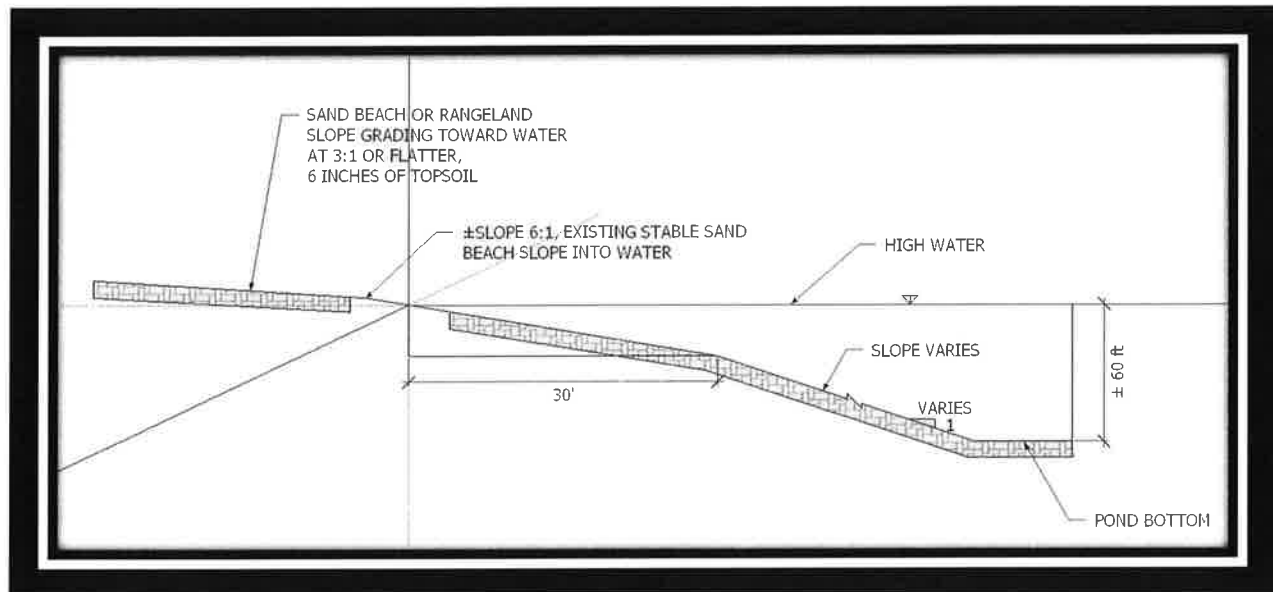


EXHIBIT E-1 (REVISED 6:1 CROSS SECTION)

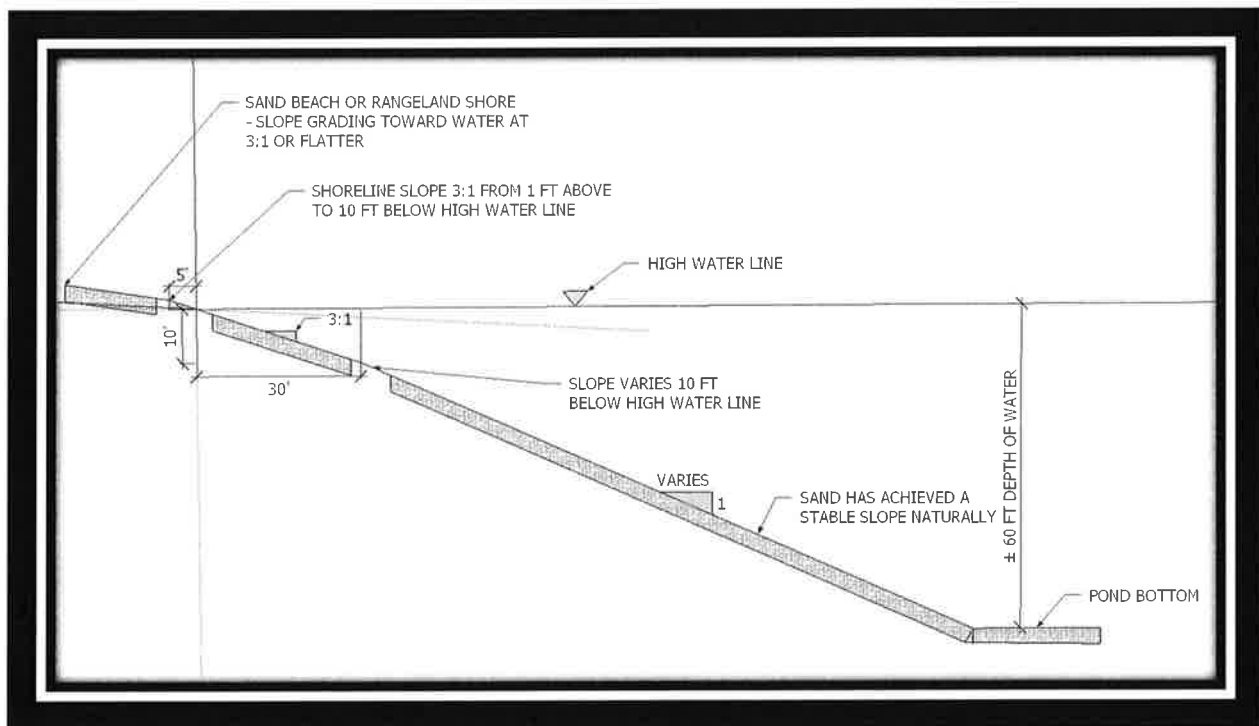


EXHIBIT E-2 (REVISED 3:1 CROSS SECTION)



COLORADO

Parks and Wildlife

Department of Natural Resources

Lamar Service Center
2500 South Main Street
Lamar, CO 81052
P 719.336.6600 • F 719.336.6623

Leonard Read
Eastern Colorado Aggregates, RLLLP
P.O. Box 580
Rye, CO 81069

January 13, 2017

RE: **Midwestern Farms, Permit No. M-1993-059, Technical Revision No. 5 (TR-05) Notice of Receipt, Adequacy Review No. 1**

Dear Mr. Read,

In Amy Eschberger's November 9, 2016 TR letter to you regarding the Midwestern Farms Permit, she recommended that you seek a letter from Colorado Parks and Wildlife supporting the proposed changes to the 1998 Reclamation Plan (e.g., removing wetland species, tree planting) and confirming that the revised plan would provide suitable wildlife habitat under the Technical Revision No. 5 (TR-05), Adequacy Review No. 1.

Please accept this letter supporting the proposed changes to Items number 13) and 14) in Amy Eschberger's TR letter.

~~Item Number 13), addresses the recommendation to not plant shoreline trees and aquatic vegetation as originally designed in the 1998 Reclamation Plan. The planting of trees along the shoreline can obstruct flight paths and visual corridors for waterfowl and shorebird species. These obstructions may discourage use of the water surface and shoreline areas. Trees also create roosting and hunting perches for raptors which prey on the shorebirds and waterfowl. CPW staff is of the opinion that planting trees in a more limited location as shown in "Exhibit F" near the south and north shorelines of the western pond would be beneficial to wildlife by providing cover and shelter belts for deer and upland birds as well as for smaller mammals, while minimizing visual obstructions and predator perches. CPW staff also believes that planting of aquatic vegetation is unnecessary if the grading recommendations are followed. Having variable grading slopes along the shoreline as recommended in "Exhibit F" will encourage desirable aquatic species to naturally vegetate creating a mosaic effect within the water column that is most beneficial to aquatic and terrestrial species. CPW therefore supports Eastern Colorado Aggregates' reclamation plan amendment request to not include tree plantings on the eastern pond shoreline areas, but does encourage trees planted as designated in "Exhibit F".~~

Item Number 14), addresses the issue of not re-vegetating certain areas of shoreline, particularly along the north-central shoreline area as denoted in "Exhibit F". A vegetation free shoreline is beneficial to many species of shorebirds for nesting, feeding and loafing areas, and waterfowl tend to prefer these clear areas for roosting/resting. Additionally, waterfowl species find the sandy/gravelly shorelines attractive for providing grit needed in their digestive process. Two threatened and endangered shoreline bird species, the Piping Plover (*Charadrius melodus*) and



Least Tern (*Sterna antillarum*), are known to nest in areas along the Arkansas River. A Least Tern nest has been observed on the mining site in the past, and CPW believes it important to continue managing for these species at the site. Both species nest in sandy gravel substrate free of vegetation. CPW staff therefore request leaving certain areas as designated on "Exhibit F" free of vegetation. This would be most beneficial to wildlife use of the site.

Please let us know if you need anything further.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Black". The signature is fluid and cursive, with the first name "Travis" and last name "Black" clearly distinguishable.

Travis Black

Area Wildlife Manager

Colorado Parks and Wildlife

DEC 07 2016

Re: **Midwestern Farms, Permit No. M-1993-059, Technical Revision No. 5 (TR-05) – Acceptance of post mining 49.2 Industrial / Commercial Land**

The owners of Mid-Western Farms agree to retain the 49.2 acre plant site in its current un-reclaimed condition for post mining industrial / commercial uses. This parcel is generally located north of Burlington Northern Santa Fe railroad and south of the US Highway 50 rights of ways in the NW¼, NW¼ and the E¼, NE¼, NW¼ of Section 18, T23S, R42W, 6th PM consisting of 49.2 acres more or less.

Signature

[illegible]

Witness my hand and official seal.

Kim Patton

KIM PATTON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164018035
MY COMMISSION EXPIRES APRIL 27, 2020

(Notary Seal)

David King

Subject: FW: FW: ECA TR 5 Review

From: Mel DePra [<mailto:mfdepra@gmail.com>]

Sent: Tuesday, February 14, 2017 8:11 AM

To: David King

Subject: Re: FW: ECA TR 5 Review

Dave, That looks fine to me. You may have problems selling the 6 in. top soil depth but the work done so far out at the site looks very nice
!!! MEL

On Mon, Feb 13, 2017 at 10:18 AM, David King <david@kirklandconstruction.us> wrote:
Hello Mr. DePra,

Please see the attached Midwestern TR for your review and comment. Once we receive your approval, the TR it will be forwarded to the State.

Please call with questions or comments.

All the best,

David

David A. King

Kirkland Construction

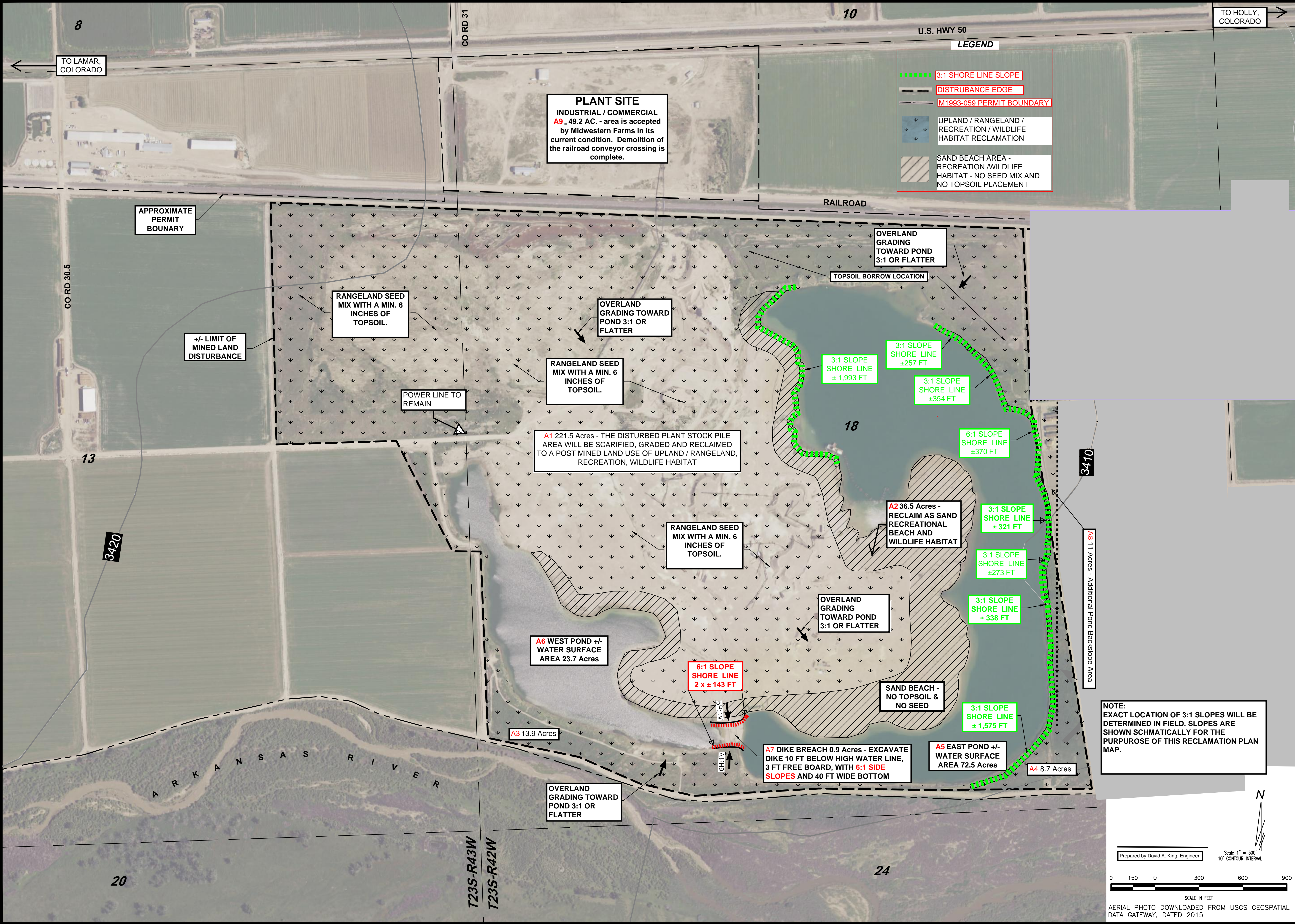
P.O. Box 580

Rye, Colorado 81069

david@kirklandconstruction.us

(719) 489-3385 (o)

(970) 903-4811 (c)



**Eastern Colorado
Aggregates, RLLP**
P.O. Box 580
Rye, Colorado 81069
(719) 489-3385

Exhibit F

RECLAMATION PLAN MAP

Permit Name - Midwestern Farms
Reclamation Permit No. M1993-059

REVISIONS				DESCRIPTION	
NO	DATE	BY	CHK'D		
1	2/10/17	DAK			

Date: 2/10/2017
Job No:
Drawn: DAK
Design: DAK
Checked:
Scale: 1" = 300'