



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

February 22, 2017

Mr. Dustin Williams
Ames Construction, Inc.
18450 E 28th Ave.
Aurora, CO 80011

**Re: Ames Construction, Inc.; Ard Property Borrow; File No. M-2017-002;
111 Construction Materials Permit Application Adequacy Review**

Mr. Williams:

The Division of Reclamation, Mining and Safety (Division/DRMS) has reviewed the content of the Ames Construction, Inc. 111 Special Operations permit application for the Ard Property Borrow, File No. M-2017-002 and submits the following comments. The Division is required to make an approval or denial decision no later than March 1, 2017 therefore; a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 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. Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

6.3 Specific Exhibit Requirements - 111 Special Operations

The following items must be addressed by the Applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

1. The Division did not receive comment letters for the Ard Property Borrow application by the end of the agency comment period on February 19, 2017.

Application Form

2. Item #8, on Page 1 of the application form indicates the type of mining operation as "Surface" and "In-situ". Based on review of the application exhibits, the Division does not believe the proposed mining operation is an "In-situ" operation. Please review the application and revise the permit application form as needed.



6.3.2 Exhibit B - Site Description

3. The Applicant states there are no permanent man-made structures within 200 feet of the affected area. Pursuant to Rule 1.1(3), the site access road is considered affect land, therefore Weld County Road 50 is a structure located within 200 feet of the affected land. Please revise Exhibit B to included WCR 50 as a permanent man-made structure within 200 feet of the affected area.
4. Please verify there are no permanent man-made structure, including fences, located within 200 feet east of the affected land boundary.

6.3.3 Exhibit C - Mining Plan

5. Please provide the dimensions and construction details for the access road from WCR 50 to the mining area. Please update Exhibit E to indicate the road dimensions and confirm the access road will be reclaimed during final reclamation of the site.
6. The Applicant states groundwater should not be encountered during the operation. Please commit to staying a minimum of two (2) feet above the groundwater elevation during the mining operation.

6.3.4 Exhibit D - Reclamation Plan

7. Please provide a Noxious Weed Management Plan for the proposed mining operation with the following information:
 - a. A list of potential noxious weed species (target species).
 - b. The control methods and treatment window for each target species.
 - c. A monitoring plan and follow-up plan for the site (i.e. when the "local weed control expert" will inspect the property during the year and how follow-up treatments will be implemented following the inspection.)

The Division recommends the Applicant contact the appropriate local weed control authority to assist with the weed control plan.

8. The Applicant indicates straw mulch will be used to reclaim the site. Please specify the crimping method and rate of application of the mulch.
9. The Applicant states soil amendments will be utilized to reclaim the site. Please specify the soil amendments proposed to be used during reclamation.
10. The Division has reviewed and will accept the reclamation cost estimate provided by the Applicant. The Division will set the required financial warranty at \$25,820.00 upon approval of the permit application.

6.3.5 Exhibit E - Maps

11. As required in Item #3 above, please update the Exhibit E maps to indicate the road dimensions.
12. Please confirm the topsoil stockpiles will be located within the proposed 8 acre permit boundary. Additionally, Per Rule 6.3.5(2)(c) please update the Mine Plan Map to indicate the location of the topsoil stockpiles.
13. Per Rule 6.3.5(2)(d), please update the Mine Plan Map to indicate the direction of extraction.
14. Please update the Exhibit E maps as required in response to Item #4 above and per Rule 6.3.5(2)(e).
15. Per Rule 6.3.5(3)(e), please update the Reclamation Plan Map to state the average thickness of the replaced topsoil.

6.3.6 Exhibit F - List of Other Permits and Licenses Required

16. Please update Exhibit F, Item #2 to indicate Ames Construction is applying for a 111 Special Operations permit, not a 110 Limited Impact permit.

6.3.9 Exhibit I - Proof of Filing with County Clerk

17. Please provide an affidavit or receipt indicating the date on which the revised application documents were placed with the Weld County Clerk and Recorder in response to this letter.

Please be advised the Ard Property Borrow application may be deemed inadequate, and the application may be denied on March 1, 2017, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by March 1, 2017 and request for additional time. This must be received no later than the deadline date.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,


Peter S. Hays
Environmental Protection Specialist

Ec: Wally Erickson, DRMS