

# 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



### CONSTRUCTION MATERIALS

#### SPECIAL (111) OPERATION

#### RECLAMATION PERMIT APPLICATION FORM

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):** \_\_\_\_\_

1.1 Type of organization (corporation, partnership, etc.): \_\_\_\_\_

2. **Operation name (pit, mine or site name):** \_\_\_\_\_

3. **Permitted acreage:** \_\_\_\_\_ Permitted Acres

4. **New Application:** \$898.00 Application Fee

5. **Primary commodity(ies) to be mined:** \_\_\_\_\_

6. **Name of owner to the surface of affected land:** \_\_\_\_\_

7. **Name of owner to the subsurface rights of affected land:** \_\_\_\_\_

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: \_\_\_\_\_

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

SECTION (write number): S \_\_\_\_\_

TOWNSHIP (write number and check direction): T \_\_\_\_\_ North ☐ South ☐

RANGE (write number and check direction): R \_\_\_\_\_ 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): \_\_\_\_\_



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

John W. Hickenlooper  
Governor

Robert Randall  
Executive Director

Dick Wolfe, P.E.  
Director/State Engineer

## Response to Reclamation Permit Application Consideration

DATE: February 24, 2017  
TO: Peter Hays, Environmental Protection Specialist  
CC: Division 1 Office, District 2 Water Commissioner  
FROM: Ioana Comaniciu, P.E.  
RE: Ard Property Borrow, Permit No. M-2017-002  
Operator: Ames Construction, Inc.  
Contact: Dustin Williams, Ames Construction, Inc., (303) 363-1000  
Sec. 6, Twp. 4N, Rng. 64W, 6th P.M., Weld County

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### CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations.
- ☒ The applicant has indicated plans to use water for dust control purposes at the permit site. The source of water for this use has not been identified. Applicant needs to document that the source of water for dust control was diverted in priority under a water right decreed for such industrial use. Applicant should contact the water commissioner for further information.

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**COMMENTS:** If stormwater runoff is intercepted by this operation and is not diverted or captured in priority, it must be released to the stream system within 72 hours. This may require a discharge permit from CDPHE-WQCD. Otherwise, the operator will need to make replacements for evaporation.

[RECEIVED BY AMES  
2/24/17 JORP]



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

## **EXHIBIT B – Site Description**

### **(a) Existing Vegetation and soil characteristics of the site area.**

The 8 acres of the permit site are presently rangeland. Existing vegetation consists predominately of grasses.

The site soils have been classified by the United States Department of Agriculture as a Olney fine sandy loam in attached report.

### **(b)List of permanent man-made structures within 200 feet of affected area:**

Due to the site access road being considered as affected land, therefore Weld County Road 50 is a man-made structure located within 200 feet of the affected land.

### **(c)Water resources in the area of the proposed borrow.**

- East Neres Irrigation Canal borders the site to the west. The canal is 5-6 feet above the existing ground elevation of the mine site, so there should not be any concerns with run off to the canal. The canal is lined with clay so the mine site should not receive any ground water from the canal.
- Gilmore Irrigation Canal is more than a mile to the west and should not be a conflict.
- Lower Latham Reservoir is almost two miles to the west and should not be a conflict.

### **(d)Wildlife assessment.**

Not required for 111 Special Operations.

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

## **EXHIBIT C – Mining plan**

### **(a) Commencement and Duration of Borrow Operation**

The borrow operation is for a single specific project. Operations would begin on February 20, 2017 and would be complete by November 30, 2017.

This time window includes the following phases:

1. Topsoil salvaging and haul road construction;
2. Excavation and hauling of the borrow materials,
3. Excavation from the existing road brought back into the borrow hole
4. Closing of the borrow – final grading of the slopes, topsoil placement, and completion of the reclamation plan.

### **(b) Topsoil replacement depth.**

The existing topsoil conditions in the area show an average of 3 inches. This topsoil will be stockpiled and respreads at the end at the depth or thicker.

### **(c) Overburden**

The borrow materials do not have any overlying overburden or waste materials.

### **(d) Thickness of deposit to be mined**

A ten foot thickness of borrow material will be removed.

### **(e) Major Components of the mining operation.**

The haul road through the permitted site and the area of borrow excavation are the only components of the mining operation.

Once the topsoil has been salvaged and the haul road constructed, excavation/hauling operations will begin. The borrow material will be excavated using large backhoes/loaders and placed directly into truck-trailer hauling units for transporting to the job site on WCR 49 immediately next to the borrow site

Excavation of the borrow materials will proceed in a west to east direction. The side slopes of the final excavation are to be at a maximum gradient of 3:1 (horizontal to vertical). As the borrow material is being removed, the excavation in the area of the final slopes will be done at this 3:1 gradient.

(f) Dimensions of land disturbance.

The area of land disturbance is in a trapezoid configuration. The width of the ends of the trapezoid are 93 feet and 528 feet. The length of the trapezoid is 528 feet. These dimensions result in an area of 6.97 acres of active mining area. The permit boundary is an additional 1.03 acres of buffer space.

(g) Haul road dimensions.

A small haul road will be built for the mining area from WCR 50 and is already included in our permit boundary area. The haul road will be approximately 30 feet in width, constructed by stripping the organic topsoil from the roadway and using a motorgrader to smooth the land.

(h) Water use.

The only water to be used in conjunction with the borrow site operation, will be water applied to the on-site roads for dust control. Approximately 8,000 gallons of water per day will be used for dust control. The source of this supply will be the same as the project's water source along Weld County Road 49

(i) Groundwater/surface water occurrence or disturbance.

Ground water should not be encountered during this operation. If ground water is found the excavation will move away from the water, and we will make every effort to stay two (2) feet above the groundwater elevation. Ground water will not be pumped or moved from the site. Contamination of surface stormwater runoff will be controlled by diverting the runoff around the disturbed areas. This will be accomplished by perimeter berms of compacted soil around the excavation area.

(j) Existing water rights

Water rights will not be affected or impacted by the proposed borrow operation.

(k) Refuse and acid or toxic producing materials.

There are no known refuse, acid or toxic producing materials in the area of the proposed borrow. If they are encountered, borrow operations will cease and the materials will be contained in accordance with applicable laws and regulations.

(l) Measures to minimize disturbance to hydrologic balance, off-site damage and provide for a reclaimed area that has a stable configuration consistent with the proposed future land use.

Hydrologic balance - The proposed borrow operation impacts on the hydrologic balance will be minimal – groundwater should not be encountered (therefore, no dewatering). The reclaimed site will have a pervious cover of corn stalk and straw mulch which will not impact the pervious nature of the underlying sandy soils.

Off-site damage – The boundaries of the excavation area and haul road will be clearly marked to prevent off-site damage during the borrow activities. Through the use of perimeter

berms to prevent stormwater from running through the disturbed areas, off-site damage due to contaminated stormwater runoff will be prevented. By conducting the borrow operations during the low precipitation months and in view of the sandy nature of the soils and gentle slope of the land, increased runoff flows are not anticipated. Completion of the reclamation plan for the site will remove the potential for future off-site damage.

Stable configuration – The borrow area's slopes will be finished to a maximum 3:1 slope.

This slope gradient, the features of the reclamation plan and the natural properties of the site's soils will result in a stable configuration of the reclaimed site that be suitable for the intended future use – rangeland.

(m) On-site processing.

There will be no on-site processing of the borrow materials.

(n) Commodities to be extracted and their use

The only commodity to be extracted at this site is the sandy soil. The material will be used for fill purposes on a county highway improvement project along Weld County Road 49.

(o) No incidental products will be mined at the borrow site.

(p) No explosives will be used in the operations at the borrow site.

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

## **EXHIBIT D – Reclamation Plan & Noxious Weed Management Plan**

At the conclusion of the excavation activities, the site will be reclaimed by grading the excavation slopes to a final gradient and the excavation bottom to a uniform level. The vegetative growth support material, temporarily stored in the perimeter berms, will be placed on the excavation slopes and bottom. The constructed access road will be removed and its' disturbed area included in the reclamation activities – unless the property owner requests it be left for his future use.

A detailed description of the Reclamation Plan is as follows:

(1)

(a) Overburden replacement

There is no overburden to salvage and/or replace at this operation.

(b) Reclaimed slope gradient

The reclaimed slopes will be constructed to a 3:1 gradient.

(c) Revegetation measures to reclaim the site.

Ames will be utilizing Arnolds Agg to seed and we will have them follow the reclamation plans that will be utilized on the Weld County Road 49 Project.

Prior to the placement and incorporation of the soil amendments, the perimeter berm will be removed and the berm material (vegetative support materials) will be spread over the borrow slopes, bottom and site roadway

The revegetation measures would be performed in the fall of 2017.



(d) There will be no features such as ponds, streams, roads or buildings remaining on the borrow area after reclamation.

(e) All features have been previously addressed in the Reclamation Plan.

(2) Cost estimate to reclaim the site.

The point of maximum disturbance to site will be when the excavation activities are finished. Due to the configuration of the borrow, reclamation activities would not begin until that time.

Since the excavation slopes were left at a 3:1 gradient during the borrow removal process, the remaining reclamation work would consist of removing the perimeter berms and placing the topsoil materials over the disturbed areas followed by the application of the recommended soil amendments, seed and mulch.

1. Placement of salvaged topsoil:

Quantity = 4,260 cubic yards

Equipment: Self-loading scraper (similar to CAT 623)  
Dozer (similar to CAT D6)

Labor: 2 equipment operators and ½ time foreman

Production rate: 130 cubic yards per hour

Hours required to complete =  $4,260/150 = 28$  hours

Equipment costs per hour = \$ 240.00

Labor costs per hour = \$ 150.00

Total per hour = \$ 390.00

Equipment and Labor Total = 28 hours x \$ 390 = \$ 10,920

Mobilization: 2 pieces in and out = \$ 0.00 (Ames onsite for county road project already.

TOTAL for this item = \$ 10,020 or **\$ 2.35/cubic yard.**  
(No markup)

2. Seedbed preparation, application of soil amendments, seed and mulch.

The cost of performing these items, based on a quote from Arnold's Ag Group LLC is:

|             |                      |
|-------------|----------------------|
| Straw mulch | \$ 500/acre          |
| Tackifier   | \$ 1100/acre         |
| Seed :      | <u>\$ 375/acre</u>   |
| Total =     | <b>\$ 1,975/acre</b> |

TOTAL for this item = 8.0 acres x \$ 1,975/acre = \$ 15,800

**Total Cost to reclaim site = \$ 10,020 + \$ 15,800 = \$ 25,820.**

(3) Straw Mulch crimping method will be with a tractor disc with non-cutting blades so it will not cut the straw mulch. Application rate will be 2 TON (4000#) / ACRE.

(4) Soil Amendments - In speaking with Arnold's Ag Group, they believe that the ground at this site will grow without amendments, but if the need arises, they recommend 500#/ACRE of Richlawn 723 Fertilizer.

Hired Gun Weed & Pest Control  
 25307 CR 50  
 Kersey, CO 80644  
 (970)405-3249  
 www.hgwc.net sales@hgwc.net



# Estimate

| Date       | Estimate # |
|------------|------------|
| 11/16/2015 | 1138       |

## Name / Address

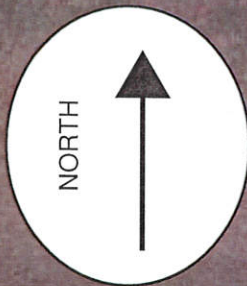
Ames Constuction  
 18450 E. 28th Ave.  
 Aurora, CO 80011

## Project

| Item               | Description  | Qty | U/M  | Rate   | Total    |
|--------------------|--|-----|------|--------|----------|
| Broadcast Appli... | <p>24 D DICAMBA AND MILESTONE CHEMICAL APPLICATION</p> <p>RECOMMEND A 3 TIME A YEAR APPLICATION TARGETING THISTLE, MULLEN, BINDWEED &amp; SPURGE</p> <p>APPLICATION DURING SPRING, SUMMER &amp; FALL SEASON</p> <p>PRICE IS PER APPLICATION</p> <p>Tech see map for details &amp; specific instructions. Price is per application. HG recommends an application every 4-6 weeks throughout the growing season, or as needed. Application will suppress most weeds. We will return later in the season for a repeat treatment when the customer requests an additional application. Due to environmental product characteristics, weed control is NOT guaranteed. Allow 4 hours to dry. Please inspect within 12-15 days for quality control &amp; contact office with concerns immediately.</p> <p>KEEP CHILDREN &amp; PETS OFF UNTIL DRY! Application is applied per product label.</p> | 8   | Acre | 105.00 | 840.00   |
| <b>Total</b>       |  |     |      |        | \$840.00 |



# Mining Map



Proposed Mining Area  
8.00 Acres // Bordered  
with Topsoil  
Berms/Stockpiles  
(within proposed area)

WELD COUNTY ROAD 50 (MANMADE)

New Access  
Road (30' Wide)  
- Connecting to  
WCR50

Property Line

Blue Arrows Indicate  
Direction of Extraction

Permit  
Boundary

East Neres Canal  
- FRICO

Property Line

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

Ames Construction, Inc.

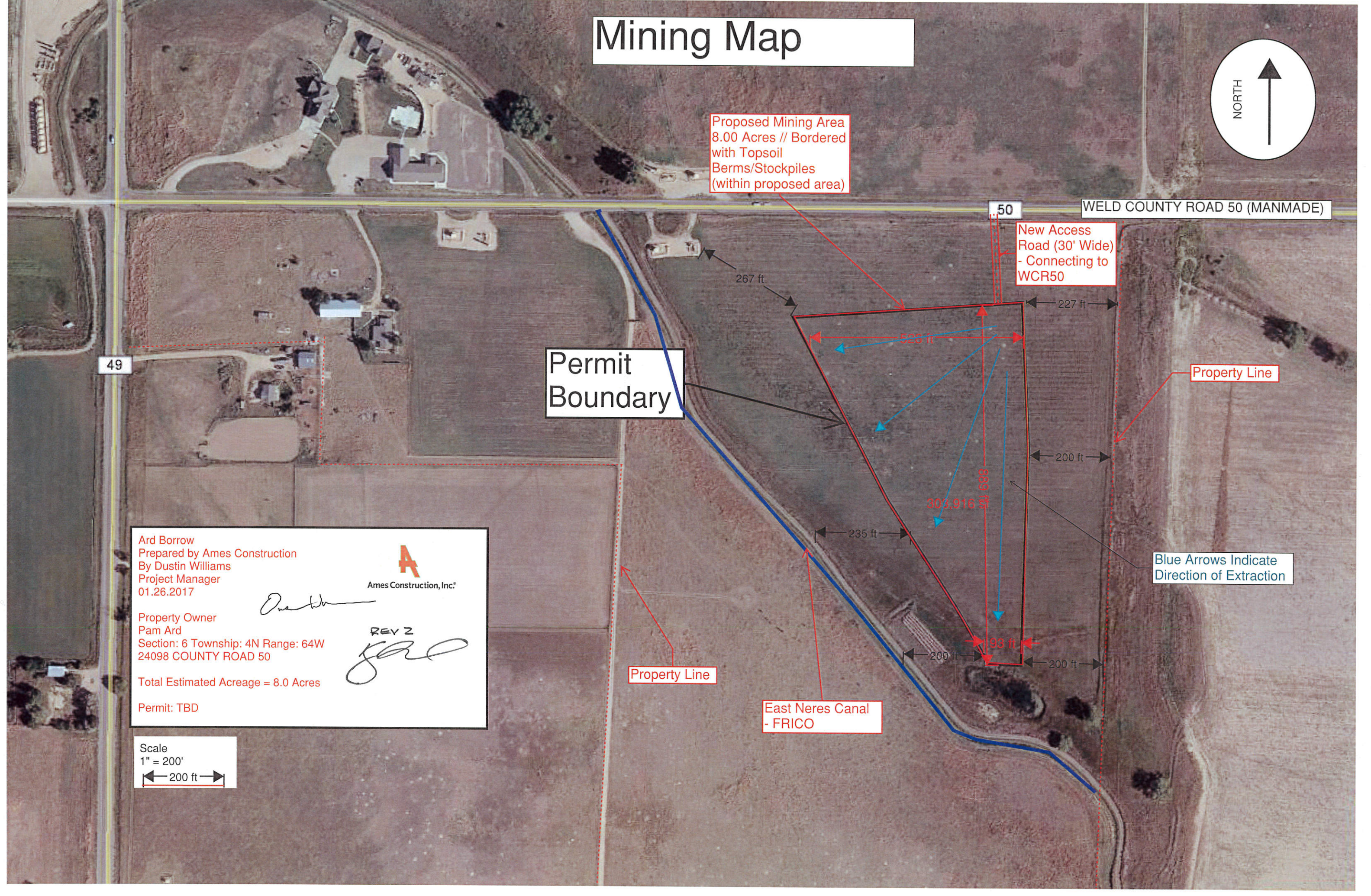
Property Owner  
Pam Ard  
Section: 6 Township: 4N Range: 64W  
24098 COUNTY ROAD 50

Total Estimated Acreage = 8.0 Acres

Permit: TBD

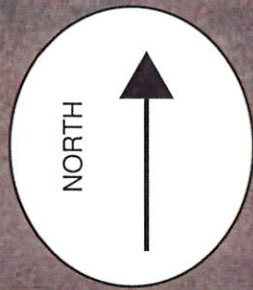
REV 2

Scale  
1" = 200'





# Reclamation Map



Areas disturbed will be re-topsoiled and then seeded with proposed Dryland Pasture Seed Mix. Replaced Topsoil will have average thickness of 4".

WELD COUNTY ROAD 50 (MANMADE)

New Haul Road (30' Wide, to be reclaimed)

Proposed Mining Area  
8.00 Acres

Permit  
Boundary

Property Line

Slopes for borrow will be 3:1 or flatter and by request of property owner will fall inwards.

East Neres Canal - FRICO

Property Line

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

Ames Construction, Inc.

Property Owner  
Pam Ard  
Section: 6 Township: 4N Range: 64W  
24098 COUNTY ROAD 50

Total Estimated Acreage = 8.0 Acres

Permit: TBD

REV 2

Scale  
1" = 200'



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

## **EXHIBIT F - Other Permits and Licenses.**

The following Permits and Licenses are being obtained for this borrow operation:

1. Permit for Stormwater Discharge Associated With Construction Activities from Colorado Department of Public Health and Environment – Water Quality Division.
2. Weld County – The Weld County Planning Department has determined that due to the short (less than six months), one time use of the borrow site, the standard Development Application process is inappropriate. Instead, subsequent to Ames Construction's application to Colorado Division of Reclamation, Mining and Safety for a Special Operations 111 Permit for the site, they will issue an 'Agreement' for the use of the site. This Agreement would stipulate that the site is to be operational for less than six months and that the conditions and requirements of the 111 Permit be followed.

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3367

FAX: (303) 832-8106



### CONSTRUCTION MATERIALS

#### SPECIAL (111) OPERATION

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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) ☐ Ute  
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

RECEIVED 2/27

Carly Skoppes



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## Ard Borrow Permit Application - Revision 2 Responses

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**Kyle Reinholt** <KyleReinholt@amesco.com>  
To: "Hays - DNR, Peter" <peter.hays@state.co.us>

Mon, Feb 27, 2017 at 12:21 PM

Peter

As noted last week, I went to the Weld County Clerk & Recorder this morning to place the revision in their hands.

Please find attached all requested revisions, according to the letter dated 2/22/2017.

- Page 1 of the application, revised to not include "In Situ".
- Exhibit B – revised to include WCR50 as a man-made structure.
- Exhibit C – access road details included, and commitment to stay clear of groundwater.
- Exhibit D – added a Noxious Weed Management Plan, as well as straw mulch method and rate, and soil amendment recommendation.
- Exhibit E – revised Mining & Reclamation Maps, including all requests in the letter, and signed as Rev 2.
- Exhibit F – revised to indicate a 111 Special Operations permit, rather than a 110 Limited Impact permit.
- Exhibit I – cover page of application, highlighted to show receipt this morning (all that she would give me, and Dustin said this would suffice).
- Addition of the SEO COMMENT letter, with mark of "RECEIVED" by Ames Construction.

Thanks Peter – that should be it, I think. Let me know if anything else pops up, otherwise, I think I will hear from you on 3/1 for the decision date.

Thanks!



**Ames Construction**

18450 E. 28th Ave.  
Aurora, CO 80011  
Rocky Mountain: 303-363-1000

**Kyle Reinholt**


Project Engineer  
[KyleReinholt@amesco.com](mailto:KyleReinholt@amesco.com)  
Mobile: 720-732-0424

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Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of the company.




 **Ard SEO Comments M-2017-002 Ard Borrow (RECEIVED).pdf**  
299K

 **Exhibit B - Ard - Site Description Rev2.pdf**  
48K

 **Exhibit C - Ard - Mining Plan Rev2.pdf**  
61K

 **Exhibit D - Ard Property - Reclamation Plan Rev2.pdf**  
146K

 **Exhibit E - Ard - Mining Map Rev2 (SIGNED).pdf**  
1145K

 **Exhibit E - Ard - Reclamation Map Rev2 (SIGNED).pdf**  
1162K

 **Exhibit F - Ard - Other Permits Rev2.pdf**  
32K

 **Exhibit I - Ard - Proof of Filing with County Clerk Rev2.pdf**  
425K

 **Page 1 Application - Rev2.pdf**  
176K