

May 1, 2017

RECEIVED

MAY 02 2017

DIVISION OF RECLAMATION
MINING AND SAFETY

Peter S. Hays
Colorado Division of Reclamation Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

**RE: Van Valkenburg Quarry, File No. M-2016-033, Jackson County,
Colorado
Request for Release of Reclamation Responsibility**

Dear Peter:

The purpose of this letter is to request a release of reclamation responsibility for a portion of the above described permit in accordance with Section 4.17 of the DRMS Rules and Regulations for the Extraction of Construction Materials. The Operator, Van Valkenburg Cattle Co., LLC, is the only owner of record of the affected land. The address and phone number of Van Valkenburg Cattle Co., LLC is:

12353 Hwy 14
Walden, Colorado 80480
(970) 723-4346

The reduction of acreage consists of a reduction in the width of the permitted access road from 18 feet to 16 feet. This reduction, multiplied by the length of the access road of 7255 feet results in a reduction of 14,510 square feet or .333 acres. This reduction to the Van Valkenburg Quarry is necessary so that the Operator may thereafter amend its permitted boundaries for the addition of acreage to accommodate a material loading and unloading area along the access road. The contemplated loading area has been surveyed at .6199 acres, and therefore its addition to the permitted area *without* the acreage reduction proposed herein would result in the total permitted acreage exceeding 10 acres in violation of the 110 Limited Impact Permit requirements. The Van Valkenburg Quarry is currently permitted at 9.668 acres. Reduction of .333 acres as requested herein will bring the permitted area to 9.335 acres, which will allow the Operator to later amend the permit to add .6199 acres while staying below 10 acres of total permitted area. Upon further inspection of the permitted site, the Operator believes that 16 feet is sufficiently wide for the Van Valkenburg Quarry operations.

Kent Holsinger
Jack Silver, *Of Counsel*

Alyson Meyer Gould
D. Austin Rueschhoff

P: (303) 722-2828
F: (303) 496-1025
www.holsingerlaw.com

1800 Glenarm Place, Suite 500
Denver, CO 80202



Holsinger Law, LLC

May 1, 2017
Page 2

We request DRMS process the release of acreage without the need for inspection of the released lands. As noted in the Van Valkenburg Quarry permit application, the access road was in existence prior to the initiation of the permit application or mining operation. The Van Valkenburg Quarry permit was issued on August 31, 2016. The Operator was unable to begin significant work on the site prior to winter weather. Therefore, no improvements or changes have been made to the access road that would require reclamation. Moreover, DRMS approved the Operator's plan to leave the access road in existence for the landowner's use after mining and reclamation is complete. Because the Operator has not altered or improved the access road, and the Permit approved the access road to remain in existence following mining activities, there is no reclamation necessary for the released acreage. A signed statement reflecting the same is enclosed herewith by the Operator's agent, in accordance with Section 4.17.1(4) of the DRMS Rules and Regulations for the Extraction of Construction Materials.

Therefore, we request that DRMS release the subject .333 acres from reclamation responsibility, as soon as reasonably possible without the need for an inspection. We believe that in this case, proceeding without an inspection is in the best interest of agency efficiency and promotes the goal of the Colorado Land Reclamation Act for the Extraction of Construction Materials that the "economic costs of reclamation measures shall bear a reasonable relationship to the environment benefits derived from such measures." C.R.S. § 34-32.5-102(2). In order to help facilitate the release, the Operator waives its right to receive a reduction in its financial warranty for the reduced acreage at this time. After the release of acreage is complete, the Operator will seek an amendment and addition of acreage, and we request any necessary adjustment to the financial warranty be completed at that time.

We recognize that the foregoing is a rather unusual request, and we sincerely thank DRMS for its cooperation and flexibility in this matter. Please do not hesitate to contact us with any questions.

Sincerely,

HOLSINGER LAW, LLC

A handwritten signature in black ink, appearing to read "D. Austin Rueschhoff".

Austin Rueschhoff, *Attorney*

cc: Tony Waldron, Colorado Division of Reclamation Mining and Safety
Enclosure

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

RECEIVED

JUL 14 2016

DIVISION OF RECLAMATION
MINING AND SAFETY



CONSTRUCTION MATERIALS
LIMITED IMPACT (110) OPERATION
RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☐ There is a File Number Already Assigned to this Operation
Permit # **M-2016-033** 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 Limited Impact (110) Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-J, Exhibit L, Addendum 1, any sections of Exhibit 6.5 and 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); 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-J, Exhibit L, Addendum 1, and appropriate sections of 6.5 (Geotechnical Stability Exhibit), as required, and a check for the application fee described under (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 described below.

1. **Applicant/operator or company name (name to be used on permit):** Van Valkenburg Cattle Co., LLC
 - 1.1 Type of organization (corporation, partnership, etc.): LLC
2. **Operation name (pit, mine or site name):** Van Valkenburg Quarry
3. **Permitted acreage (new or existing site):** 9.668 permitted acres
 - 3.1 Change in acreage (+) 0 acres
 - 3.2 Total Acreage in Permit Area 9.668 acres
4. **Fees:**
 - 4.1 New Application: \$1258.00 application fee
 - Amendment Fee (C.R.S. 34-32.5-125(II)): \$827.00 application fee
5. **Primary commodity(ies) to be mined:** Basalt Rock
 - 5.1 Incidental commodity(ies) to be mined: 1. N/A / lbs/Tons/yr 2. / lbs/Tons/yr 3. / lbs/Tons/yr
4. / lbs/Tons/yr 5. / lbs/Tons/yr
 - 5.2 Anticipated end use of primary commodity(ies) to be mined: Construction material
Anticipated end use of incidental commodity(ies) to be mined: N/A

11. Correspondence Information:

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

Contact's Name: William Van Valkenburg Title: _____
Company Name: Van Valkenburg Cattle Co., LLC
Street/P.O. Box: 12353 Hwy 14 P.O. Box: _____
City: Walden
State: CO Zip Code: 80480
Telephone Number: (970) - 723-4346
Fax Number: () -

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Kent Holsinger Title: _____
Company Name: Holsinger Law, LLC
Street/P.O. Box: 1800 Glenarm Place, Suite 500 P.O. Box: _____
City: Denver
State: CO Zip Code: 80202
Telephone Number: (3037222828) -
Fax Number: (3034961025) -

INSPECTION CONTACT

Contact's Name: William Van Valkenburg Title: Manager
Company Name: Van Valkenburg Cattle Co., LLC
Street/P.O. Box: 12353 Hwy 14 P.O. Box: _____
City: Walden
State: CO Zip Code: 80480
Telephone Number: (970) - 723-4346
Fax Number: (970) - 723-4346

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: () -

WKE

M. 2016033

COPY

- 3 -

7. Name of owner of the subsurface rights of affected land: Van Valkenburg Cattle Co., LLC

8. Name of owner of the surface of affected land: William Van Valkenburg

9. Type of mining operation: ☒ Surface ☐ Underground ☐ In-situ

10. Location information: The center of the area where the majority of mining will occur:

COUNTY: Jackson

PRINCIPAL MERIDIAN (check one):



6th (Colorado)



10th (New Mexico)



Ute

SECTION (write number):

S 11

TOWNSHIP (write number and check direction):

T 5.0



North



South

RANGE (write number and check direction):

R 81.0



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):

Approximately 25 miles Southwest of Walden, Colorado via Hwy 14. Elevation Approximately 8901 ft.

11. 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 _____ min _____ sec _____ (2 decimal places)

Longitude (W): deg _____ min _____ sec _____ (2 decimal places)

OR

Example: (N) 39.73691°

(W) -104.98449°

Latitude (N) 40 42,227.00000 (5 decimal places)

Longitude(W) -106 46,312.00000 (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) NAD83

Zone 13

Easting _____

Northing _____

RECEIVED

JUL 20 2016

DIVISION OF RECLAMATION
MINING & SAFETY

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 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)

13. **Primary present land use (check 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)

14. If this operation will use designated chemicals, or will result, or presently has acid mine drainage - you cannot use this application form. You must submit either a 110d or 112d application form for Designated Mining Operations. In either case, you must list any acidic or toxic-forming materials, exposed or disturbed as a result of the mining operation, and whether the operation will result in or presently has acid mine drainage:

None

15. **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 & 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
- 6.3.3 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
- 6.3.12 EXHIBIT L - Permanent Man-Made Structures
- 1.6.2(1)(b) ADDENDUM 1 - Notice Requirements (sample enclosed)
- 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.

WVV

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;

WVV

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;

WVV

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;

WVV

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;

WVV

5. It is your responsibility to notify the Office of any changes in your address or phone number;

WVV

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.

WVV

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;

WVV

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.

WVV

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.

WVV

10. For joint venture/partnership permittee: the signing representative is authorized to sign when 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 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. All necessary approvals from local government have been applied for (Section 34-32.5-110(1)(a)(VIII).
2. 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.). (NOTE: For 110 operations, the affected area includes all lands delineated by the permit boundary.)
3. 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.).
4. As the applicant/operator, I do not have any mining/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.).
5. 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.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-110, 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 5th day of July, 2016.

Van Valkenburg Cattle Co., LLC
Van Valkenburg Cattle Co., LLC
Applicant/Operator

If Corporation Attest (Seal)

Signed: William Van Valkenburg
William Van Valkenburg

Signed: _____

Corporate Secretary or Equivalent

Title: Manager

Town/City/County Clerk

State of COLORADO)
) ss.
County of JACKSON)

The foregoing instrument was acknowledged before me this 5th day of July, 2016, by William Van Valkenburg as Manager of Van Valkenburg Cattle Co., LLC.

STORMY R. FOLLETT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20024021005
My Commission Expires April 23, 2017

Stormy R. Follett
Notary Public

My Commission expires: April 23, 2017

SIGNATURES MUST BE IN BLUE INK

EXHIBIT A
Rule 6.3.1
Legal Description and Location Maps

Legal Description:

A parcel of land located in the North Half of the Northeast Quarter of Section 11, Township 5 North, Range 81 West, 6th P.M., Jackson County, Colorado, more particularly described as follows:

Beginning at the west most corner of the proposed pit, whence the CN 1/16 corner of said Section 11 bears South 84° 52' 25" West, a distance of 867.11; thence North 36° 30' 14" East, a distance of 696.15 feet; thence South 53° 29' 46" East, a distance of 571.90 feet; thence South 36° 30' 14" West, a distance of 319.88 feet; thence North 86° 50' 17" West, a distance of 684.58 feet to the point of beginning. Containing 6.670 acres, more or less.

The basis of bearings of this description is the Colorado State Plane Coordinate System, 0501 North, Grid.

The parcel also includes the access road depicted on the attached Exhibit A-1. The access road is 7255 linear feet and contains 2.998 acres.

The total proposed permitted area is 9.668 acres.

Main Entrance to Gravel Pit Site:

Latitude: 40.422269 N
Longitude: -106.463122 W

Access to the site will be by existing private road owned by applicant and connecting to Jackson County Road 53, which connects to State Highway 14. The private access road is approximately 7255 feet from its intersection with Jackson County Road 53 to the extraction site, as shown on the attached map. The road can/will be used for other farm/ranch operations by the owner as well as for the permitted gravel pit activities. The road will be maintained by the landowner as part of the landowner's overall farm/ranch activities and it will be included as part of the total permitted area. The road will be permanent and will remain after reclamation as access for the parcel. The road will be repaired and maintained as necessary. The road will have a gravel surface. Road gravel for this road may or may not be produced at the site.

Adjacent landowners:

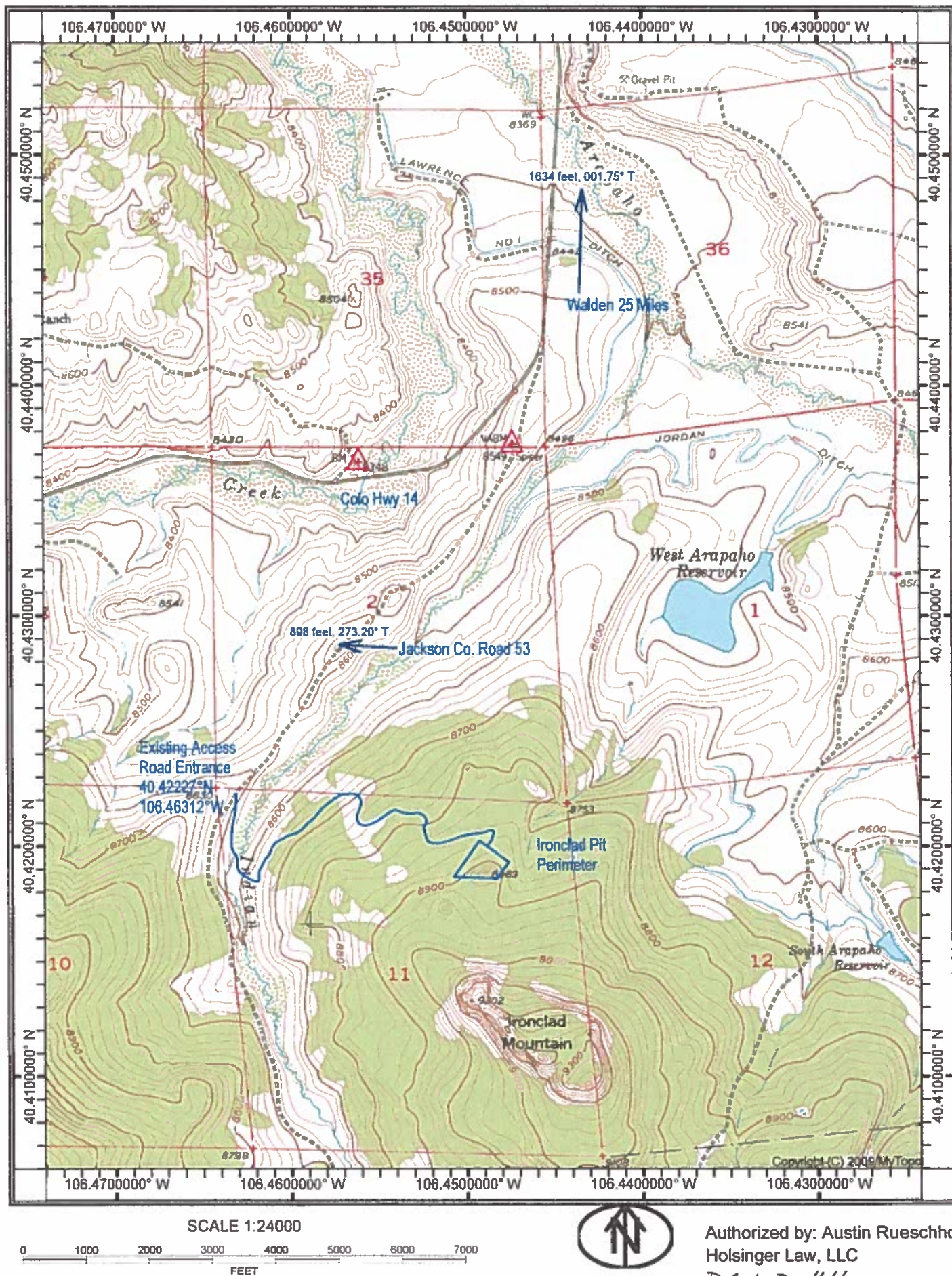
The attached map depicts the landownership of all adjacent lands. Aside from the lands owned by the applicant, Van Valkenburg Cattle Co., LLC, all other adjacent lands are owned by the United States Bureau of Land Management.

EXHIBIT A
Rule 6.3.1
Legal Description and Location Maps

Attachments:

- EXHIBIT A-1 – Van Valkenburg Quarry Survey
- EXHIBIT A-2 – Van Valkenburg Quarry Location Map
- EXHIBIT A-3 – Van Valkenburg Quarry Aerial Map

Exhibit A-2
Van Valkenburg Quarry: Location Map



Authorized by: Austin Rueschhoff
Holsinger Law, LLC

D. Austin Rueschhoff

EXHIBIT A-3
Van Valkenburg Quarry Access

