



STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

McAtee Green Brothers #2 Pit Adequacy response.

4 messages

Environment-Inc <Environment-inc@outdrs.net>

Fri, Aug 4, 2017 at 2:15 PM

To: Jared Ebert <Jared.Ebert@state.co.us>

Cc: Ken Lambert <klambert@simoncontractors.com>, Darren Gebhart <dgebhart@simoncontractors.com>

Jared,

Here is the adrqacy response packet that I mailed today.

Regards,

Steve

Steve O'Brian
Environment, Inc.
7985 Vance Dr., #205A
Arvada, CO 80003
(303) 423-7297
(303) 423-7599 Fax
Environment-inc@outdrs.net

This e-mail is covered by the Electronic Communications Privacy Act. If you have received this communication in error, please delete this message from all media and notify me immediately. Thank you for your cooperation.

Ebert - DNR, Jared <jared.ebert@state.co.us>

Mon, Aug 7, 2017 at 8:55 AM

To: Environment-Inc <Environment-inc@outdrs.net>

Cc: Ken Lambert <klambert@simoncontractors.com>, Darren Gebhart <dgebhart@simoncontractors.com>

Hey Steve, there was nothing attached.

[Quoted text hidden]

--

Jared Ebert

Environmental Protection Specialist III



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

P [303.866.3567](tel:303.866.3567) ext. 8120 | F [303.832.8106](tel:303.832.8106) |

1313 Sherman St., Room 215, Denver, CO 80203

jared.ebert@state.co.us | mining.state.co.us

Environment-Inc <Environment-inc@outdrs.net>

Mon, Aug 7, 2017 at 9:25 AM

8/8/2017

State.co.us Executive Branch Mail - McAtee Green Brothers #2 Pit Adequacy response.

To: "Ebert - DNR, Jared" <jared.ebert@state.co.us>

Cc: Ken Lambert <klambert@simoncontractors.com>, Darren Gebhart <dgebhart@simoncontractors.com>

Sorry about that Jared,

I must have got in a hurry and forgot to attach the file. Let's try again.

Steve

Steve O'Brian
Environment, Inc.
7985 Vance Dr., #205A
Arvada, CO 80003
(303) 423-7297
(303) 423-7599 Fax
Environment-inc@outdrs.net

This e-mail is covered by the Electronic Communications Privacy Act. If you have received this communication in error, please delete this message from all media and notify me immediately. Thank you for your cooperation.

[Quoted text hidden]



Green Bros #2- ADEQ-resp-1-2017.pdf

531K

Ebert - DNR, Jared <jared.ebert@state.co.us>

Tue, Aug 8, 2017 at 3:12 PM

To: Environment-Inc <Environment-inc@outdrs.net>

Thanks Steve, I will review it soon.

Thank you,

Jared

[Quoted text hidden]

Environment, Inc.

LARRY E. O'BRIAN
FOUNDER

STEVEN L. O'BRIAN
PRESIDENT

7985 VANCE DRIVE, SUITE 205A
ARVADA, COLORADO 80003
303-423-7297
FAX 303-423-7599

August 4, 2017

Mr. Jared Ebert
Division of Reclamation, Mining and Safety
1313 Sherman St, Suite 215
Denver, CO 80203

Dear Jared;

Re: McAtee Construction Company. Inc. - Green Brother Pit #2
Permit # M-1995-030 - Adequacy Response #1

On behalf of our client McAtee Construction Company. Inc., I will respond to your July 31, 2017 adequacy review letter in the order and number format presented in that document. I have added each point to be addressed from your letter so when reviewing our response we do not have to keep referring back to your adequacy letter.

As part of this response I have revised the appropriate places in the application text that needed to be corrected and have enclosed the replacement pages for the application packet. If the Division wishes, I can supply a new electronic version of the entire application packet with the changes incorporated in it so everything is in one file.

Exhibit D – Mine Plan

1. Page 5 of the revised mine plan indicates "Along the east side we have included a larger portion of the old mined area to have room to expand the Plant Site if needed and to better define the west line." The Division believes the applicant meant that they included additional area to the west. Please confirm.

That is a typographical error and as you suggest it should have been "west side". A revised page 5 is attached with this response.

Exhibit E – Reclamation Plan

2. Page 7 of the reclamation plan indicates that 46.65 ± acres will be disturbed by the mining operation. Page 6 of the mining plan indicates that 42.18 acres will be affected by the mining operation. Please clarify this discrepancy.

The 46.65 acres \pm on page 7 is correct. I'm not sure where the 42.18 acres came from. I have attached a corrected page 6 for the file.

3. The reclamation plan indicates the above water area includes a 3.36 acre area that will need resoiling and revegetation. The Exhibit F maps indicated the area needing revegetation (not including the 9.4 acre Plant Site) is 7.87 acres. Please explain this discrepancy.

The Reclamation Plan Map is correct. The number should be 7.87 acres \pm . I'm not sure where it came from, but I have attached a corrected page 7 for the file.

Exhibit L /- Reclamation Costs

4. The applicant has submitted a reclamation cost estimate that includes the cost to reclaim the site at the greatest level of disturbance. The Division has reevaluated the reclamation cost at the site based on the information submitted and the additional area proposed for disturbance with AM01.

The Division's reclamation cost estimate is enclosed for your review. The applicant used the division's cost estimate conducted in January of 2017 as a basis for the unit costs for the estimate. The January 2017 cost estimate was based on a little over 13 acres of surface disturbance to be reclaimed. The applicants cost estimate included with the AM01 application was for 16 acres of disturbance. Overall, the unit costs used in the applicants estimate have changed slightly and the unit costs for revegetation were not consistent with the Division's January 2017 cost estimate. Please review the updated reclamation cost estimate and please let the Division know if you concur with the estimate.

McAtee Construction Company concurs with your estimate. In my review it appears as you note that our revegetation costs differed and I notice that I forgot to account for the return trip in the mobilization estimate.

Other issues:

5. Please provide documentation that the publication required by Rule 1.6.2(1)(d) and 1.6.5 was published.

A copy of the Proof of Publication from the Fort Morgan times is attached.

6. In accordance with Rule 1.6.2(1)(e), please provide documentation that the applicant mailed or personally served a copy of the notice required by Rule 1.6.2(1)(d) to all Owners of Record of the surface and mineral rights of the affected land; and the Owners of Record of all land surface within 200 feet of the boundary of the affected lands.

Copies of the Return Receipts are attached for 4 of the adjoining owners. The return receipt did not come back from CDOT so a copy of the proof of delivery from the USPS WEB site is provided to prove it was received by them.

On July 11, 2017, the Division received a comment letter for the Office of Archaeology and Historic Preservation. This letter is enclosed for your review. The Division also received a comment letter from the Division of Water Resources dated July 5, 2017 and an e-mail comment from Morgan County on June 28, 2017. These two correspondences were forwarded to you via e-mail.

History Colorado

Thank you for the information and if human remains are found when mining is taking place the Morgan County Sheriff will be contacted.

Colorado Division of Water Resources.

We concur with the DWR's assessment and understand that before exceeding the 5.10 acres of exposed water that McAtee Construction Company will need to provide additional water for makeup.

Morgan County

McAtee Construction Company has contacted the Morgan County Planning Department to resolve their concerns. A Special Use Permit was issued for the mining area in 1994 and at that time no Drainage Permit was required.

I hope these responses have addressed the adequacy questions you had. I will place a copy of this packet with the Morgan County Clerk's office as required and provide proof of placement as soon as I have it. If you have any questions please call.

LIST OF ATTACHMENTS TO THIS RESPONSE:

Revised Mining Plan Page 5
Revised Mining Plan Page 6
Revised Reclamation Plan Page 7

Adjoining Landowner Notice Receipts
Proof of Publication

Sincerely,
Environment, Inc.



Stevan L. O'Brian
President

cc McAtee Construction Company, Inc. .
Jared Evert - via e-mail
Morgan County Clerk
file

enclosures

MINING PLAN AND TIMETABLE

Unless specifically discussed below, the methods described and approved in the original 2012 permit application, including the parts of the mining and reclamation plans will remain unchanged. The current bond is \$25,500. Mining will continue to be done with a dredge, using a wet mining technique. As discussed in the existing Mining Plan some blasting may take place on this mine.

We have revised Map Exhibits C - Current Conditions Map to show the new permit boundary and updated the current conditions at the mine. The existing lake area has increased as mining has progressed since the original approval. Map Exhibit C-1 Mining Plan Map was updated to show the new area only.

Proposed changes.

The primary reason for this Amendment is to increase the permit/affected Land area by 4.34 acres to include additional area around the north and west sides of the existing of the mine. This is needed on the north side to provide adequate area for the setbacks so the slopes into the excavated area can be graded as approved in the **Mining Plan**. This amendment is to complete the commitment McAtee Construction Company. made during our response to the problems noted in a January 12, 2017, inspection report.

A section of the north line actually crosses diagonally a portion of the northwest corner of an old lake area mined prior to 1976 by another party. Much of the sloping in this area is steeper then 3h:1v but is a stable "pre-existing" slope.

Along the west side we have included a larger portion of the old mined area to have room to expand the Plant Site if needed and to better define the west line. We will not reclaim any of the area in the old mined areas unless it is redisturbed by our activities. The revisions to the Mining Plan include increasing the total mine area and an update to the Mining Timetable to account for the permit area increase.

MINING PLAN

There are 51.16 acres ± in the affected lands, 46.67 acres ± will be disturbed as part of the mining operation. Please refer to the **Mining Timetable** for the estimated acreage of each area associated with the mining part of this operation.

As a reminder all setbacks around the mine will be used as areas to stockpile growth medium and will contain, access roads around the mined area. Some stockpiling of raw and finished material may also be stored in the areas around the Plant Site and the Northwest corner of the existing lake where it is placed to drain after being mined. The setback lines on **Map Exhibits F & F-1** are the indication of the mining limits, i.e. the top of the slope into the lake area. Once the bank slopes are established and we are assured the setbacks will no longer be disturbed they will be reclaimed in the prescribed manner

MINING TIMETABLE.

The continuing uncertainty of economic conditions in the construction materials industry precludes an accurate forecast of demand during the life of the mine. We therefore, elect to estimate the mining timetable based on an average year and expect a specific year to vary widely from the average.

Table D-1 MINING TIMETABLE (revised 4/19/17)

AREA	YEARS	TOTAL AREA (ACRES)	MINED AREA (ACRES)	AVERAGE YEARLY PRODUCTION (TONS)
Stage I	25-33	27.11	21.84	70,000
Stage II	9-11	14.65	10.16	70,000
Phase III (Plant site)	LIFE OF MINE	9.40	0.00	0
Totals		51.16	32.00	

RECLAMATION PLAN AND TIMETABLE

Unless specifically discussed below, the methods described and approved in the original 2012 permit application, including the parts of the reclamation plan will remain unchanged.

We have revised Map Exhibit F - Reclamation Plan(option 1) and Map Exhibit F-1 - Reclamation Plan(option 2) to show the new permit boundary and update the Reclamation Plans to include the area being added. The existing lake area will increase by 0.14 acres that is pre-1981 water area in an existing lake. The overall designs have not changed from what was submitted in 2012.

RECLAMATION PLAN

As approved in original 112 permit, the proposed future use is to be rangeland surrounding two ponds and while not specifically designated wildlife habitat it may eventually be used for that purpose. A second option would to leave the Plant Site as industrial/commercial. McAtee Construction Co. may eventually sell the property to be used for recreational purposes.

Of the 51.16 acres ± in the permitted area, 46.65 acres±, will be disturbed by the mining operation, 0.14 acres will be left in the pre-1981 lake area and 4.37 acres ± will be left in its natural state along the Edwards-Gill drainage ditch. Within the area to be mined, the two ponds created will cover approximately 28.28 surface acres and the remaining 13.90 acres ± will be above water. The above water area will have 1.14 acres of road, 9.40 acres of Plant Site and 7.87 acres ± that will need resoiling (average 8") and revegetation. If Option 2 is used then the plant site will be resoiled and revegetated too increasing the total to 17.27 acres.

RECLAMATION TIMETABLE

This timetable is updated to include the new area added. The pre 1981 lake areas are included in the Misc. column. The lake area remained unchanged in this amendment and the other area increased accordingly.

McAtee Construction Co.
Permit # M-1995-030
Proof of Publication - 2017
August 3, 2017

Green Brothers Pit #2

**PUBLISHED NOTICE OF APPLICATION AMENDMENT FILING FOR
A REGULAR (112) CONSTRUCTION MATERIALS RECLAMATION PERMIT**
McAtee Construction Co whose address and phone number are P.O. Box 1908, Sterling, CO 80751, (970) 521-0651 has filed an amendment application for a Regular (112) Reclamation Permit with the Colorado Mined Land Reclamation Board under the provisions of the Colorado Mined Land Reclamation Act for the extraction of construction materials. The mine is known as the Green Bros Gravel Pit No 2 (permit # M-1995-030) and is located in parts of NW/4SE/4, SW/4SE/4 and NE/4SW/4, Section 33, T-4-N, R-57-W, 6th Principal Meridian, Morgan County, Colorado.
The date of commencement for this mine was 1995 and the proposed date of completion December 2056. The proposed future use of the land is rangeland & lake area.

Additional information and the tentative decision date may be obtained from the Division of Reclamation, Mining & Safety, 1313 Sherman St., Suite 215, Denver, CO 80203 (303) 866-3567, or at the Morgan County Clerk to the Board's office, 231 Ensign Street, Fort Morgan, CO. 80701, or the above named applicant.

Comments must be in writing and must be received by the Division of Minerals and Geology by 4:00 p.m. on August 8, 2017.

Please note that comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining & Safety or the Mined Land Reclamation Board.

McAtee Construction Co
Sterling, Colorado
Published: Fort Morgan Times June 28, July 5, 12, 19, 2017 -1327377

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Morgan
State of Colorado

The undersigned, Terry Love, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the Fort Morgan Times.
2. The Fort Morgan Times is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the Fort Morgan Times in Morgan County on the following date(s):

Jun 28 and Jul 5, 12, 19, 2017

TERRY LOVE

Signature

Subscribed and sworn to me before me this

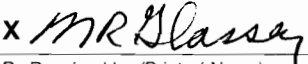

19th day of July, 2017.

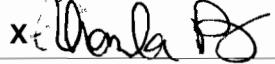

Melissa L. Najera
Notary Public

MELISSA L. NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064049936
MY COMMISSION EXPIRES DEC 11, 2018

(SEAL)

Account: 1069318
Ad Number: 1327377
Fee: \$250.56

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Glassey, Family Farm 21750 Spirit Mountain Dr. Aguilar, CO 81020	B. Received by (Printed Name) Maxine Glassey C. Date of Delivery 7/25/17
 9590 9401 0111 5225 9983 89	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label) 7010 2780 0002 2063 2561	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Dorn Ready-Mix Corp. P O. Box 636 Fort Morgan, CO 80701	B. Received by (Printed Name) Rhonda Dowling C. Date of Delivery 7/21/17
 9590 9401 0111 5225 9983 72	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label) 7010 2780 0002 2063 2554	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt

McAtee Construction Co.
PERMIT # M-1995-030
PROOF OF DELIVERY - Adjoining owners
July 26, 2017

Green Brothers Gravel Pit #2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Morgan County REA
P.O. Box 738
Fort Morgan, CO 80701



9590 9401 0111 5225 9983 58

2. Article Number (Transfer from service label)

7010 2780 0002 2063 2585

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Amanda Green*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Amanda Green

C. Date of Delivery

7/20/17

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

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☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

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1. Article Addressed to:

City of Fort Morgan
Mr. Jeffery Wells
710 Railroad Ave.
Fort Morgan, CO 80701



9590 9401 0111 5225 9983 41

2. Article Number (Transfer from service label)

7010 2780 0002 2063 2592

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *John Wells*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

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☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS Tracking® Results

Tracking Number: 70102780000220632578



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Product & Tracking Information

[See Available Actions](#)

Postal
Product: Certified Mail™
First-Class Return Receipt
Mail®

See tracking for related item: 9590940101115225998365
(/go/TrackConfirmAction?tLabels=9590940101115225998365)

DATE & TIME

STATUS OF ITEM

LOCATION

June 30, 2017, 12:07 pm

Delivered, To Mail Room

DENVER, CO 80222



Your item has been delivered to the mail room at 12:07 pm on June 30, 2017 in DENVER, CO 80222.

June 29, 2017, 6:10 pm

Departed Post Office

ARVADA, CO 80003

June 29, 2017, 9:04 am

USPS in possession of
item

ARVADA, CO 80003

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
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For delivery information visit our website at www.usps.com	
DENVER, CO 80222	
OFFICIAL USE	
Postage	\$3.35
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59
Postmark Here JUN 29 2017	
06/29/2017	
Sent To	
Street, Apt. No., or PO Box No.	Colorado Department of Highways
City, State, ZIP+4	4201 E. Arkansas Ave. Denver, CO 80222
PS Form 3800, August 2006 See Reverse for Instructions	