



STATE OF
COLORADO

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

Builder's Aggregate Mining Permit #M-1981-112 - Technical Revision No. 1 Adequacy Review No. 1

Leila Behnampour <lcb@vrlaw.com>

Thu, Aug 30, 2018 at 10:04 AM

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

Cc: Stuart Corbridge <sbc@vrlaw.com>, "jminer149@hotmail.com" <jminer149@hotmail.com>, Cindy McMurl <cmc@vrlaw.com>

Jared,

We have received the attached letter from you concerning the Technical Revision No. 1, Adequacy Review No. 1 for the Builder's Aggregate Mining Permit, M-1981-112. The letter states that DRMS is required to issue a decision on the TR01 application on September 3, 2018. Builder's Aggregate is in the process of determining whether it will hire a consultant to assist in responding to the Adequacy Review No. 1, and needs additional time to continue that process. In addition, the owner of Builder's Aggregate, Jim Miner, is having some health issues, which will impact his ability to respond before September 3, 2018.

By this email, we request a ninety (90) day extension from today's date to respond to the adequacy review items set forth in the attached letter.

Thank you, and please let us know if you have any questions.

Leila

Leila C. Behnampour, Esq.

Vranesh and Raisch, LLP

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Ltr fr J. Ebert re AdequacyReview No1 (8.16.18).pdf
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COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

August 16, 2018

Leila C. Behnampour, Esq.
Varnesh and Raisch, LLP
1720 14th Street, Suite 200
Boulder, Colorado 80302

**RE: Builder's Aggregate, M-1981-112
Technical Revision No. 1 (TR01), Adequacy Review No. 1**

Dear Mrs. Behnampour,

The Colorado Division of Reclamation, Mining, and Safety (DRMS or Division), received the above referenced technical revision application (TR01) for the Builders Aggr Pit, DRMS Permit No. M-1981-112 on August 2, 2018. The following items will need to be addressed prior to the approval of the Technical Revision:

Exhibit A – Rule 6.4.1 – Legal Description

1. There is a discrepancy in the narrative provided regarding the location of the site. Based on the topographic Project Location map submitted with the application, the site is located in the South ½ of the Northwest ¼ of Section 31, Township 4 North, Range 57 W of the 6th Principle Meridian. Please affirm.

Exhibit C – Rule 6.4.3 – Pre-Mining and Mining Plan Map

2. Please provide a map or maps that meet the requirements of Rule 6.4.3 and 6.2.1(2).

Exhibit D – Rule 6.4.4 - Mining Plan

3. The revised mining plan indicates the operation is a “Limited Impact Operation”. DRMS recognizes this language has been in the permit for some time, however this term applies to 110c permits where less than ten acres are affected for the life of the mine. Permit M-1981-112 is a 112c permit for greater than 10 acres of affected land, so technically the permit issued for this site is not considered a “Limited Impact Operation”. Please acknowledge.
4. Based on the part-time nature of the operation, it appears this site could be classified as an “intermittent operation” as defined by C.R.S. 34-32.5-103(11)(b), meaning there is a potential for the affected lands to be used for less than 180 days. If this is a potential, please specifically state that the affected lands are planned to be used for less than 180 days and the operation should be considered an “Intermittent Operation” in accordance with Rule 6.4.4(e).



5. Please provide the information required by Rule 6.4.4(f). This information can be either presented as a narrative or provided on the revised Exhibit C map discussed above.

Rule 6.4.5 – Exhibit E – Reclamation Plan

6. The revised reclamation plan indicates the “buffer” area adjacent to the river will be planted with native grass materials proposed and approved by the County Extension Agent. Please provide the grass seed mixture. Please specify the types, mixtures, quantities and expected times for seeding and planting. The Division recommends contacting the local Natural Resource Conservation Service office for assistance in developing the seed mixture and species to be planted. Given the nature of the area, riparian shrubs species could help stabilize the buffer zone. The Division recommends planting shrub species within the buffer zone area.

Rule 6.4.6 – Exhibit F – Reclamation Plan Map

7. In accordance with Rule 6.2.1(2), please revise the reclamation plan map to add the following:
 - a. The name of the Applicant (Builder’s Aggregate, Inc.)
 - b. Signature of the qualified person who prepared the map
 - c. The date the map was prepared
8. The reclamation plan narrative indicates the south boundary area will be graded to a 4 to 1 slope and covered with rip-rap. Please revise the reclamation plan map to depict this area.
9. Please revise the map to portray the final land use for the affected land. This may be a simple notation the property will be reclaimed for industrial/commercial use.

Rule 6.4.12 – Exhibit L – Reclamation Cost

10. Please provide a reclamation cost estimate as required by the above referenced rule. Please provide an estimate of the cost to conduct the following:
 - a. Backfilling the migrating 1.5 acre pond to an elevation above the water table. Please provide an estimate of the volume of material that will be needed to completely backfill this excavation. Please indicate what the source of the material will be for this backfilling operation.
 - b. Final site grading.
 - c. Placing rip-rap on the south boundary. Please indicate the size and volume of rip-rap needed and the source of the rip-rap to be used.
 - d. Revegetation costs for the 25 foot buffer zone.

August 16, 2018

The Division is required to issue a decision on this TR01 application on September 3, 2018. If you need additional time to address the adequacy review items noted above, please request an extension of the decision date. If you have any questions feel free to contact me at (303) 866-3567, extension 8120.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Ebert", with a stylized flourish at the end.

Jared Ebert

Environmental Protection Specialist III

CC: Jim Miner
Builder's Aggregate, Inc.
510 Dahlia Street
Fort Morgan, Colorado 80701