# 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 REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: There is a File Number Already Assigned to this Operation	
Permit # M (Please reference the file number currently assigned to this operation	tion)
New Application (Rule 1.4.5)       Amendment Application (Rule 1.10)         ✓       Conversion Application (Rule 1.11)	
Permit # _M _ 2016_022 (provide for Amendments and Conversions of existing permits	)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) <u>complete signed and notarized **ORIGINAL**</u> and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit; and a check for the application fee described under Section (4) below. Exhibits should <u>NOT</u> 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, <u>ALL</u> information requested below.

## 1. Applicant/operator or company name (name to be used on permit): Arnolds Custom Seeding, LLC

1.1 Type of organization (corporation, partnership, etc.): Limited Liability Company

### 2. Operation name (pit, mine or site name): Arnold Pit No. 1

3.	Peri	mitted acreage (new or existing site):					9.99	permitted acres
	3.1	Change in acreage (+)					150.01	acres
	3.2	Total acreage in Permit area					160	acres
4.	Fees	-						
	4.1	New Application					\$2,696.00	application fee
	4.2	New Quarry Application					\$3,342.00	quarry application
	4.4	Amendment Fee					\$2,229.00	amendment fee
	4.5	Conversion to 112 operation (set by st	atute)				\$2,696.00	conversion fee
5.	<u>Prin</u>	nary commoditie(s) to be mined:	p Soil	1.00				
	5.1	Incidental commoditie(s) to be mined:	1	-	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 comm	oditie(s) t	o be mined:	Top soil use on	constru	uction location	ns
	5.3	Anticipated end use of incidental com	moditie(s)	) to be mined	none			

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6.	Name of owner of subsurface rights of affected land: Rich and Patricia Huwa If 2 or more owners, "refer to Exhibit O".
7.	Name of owner of surface of affected land: Rich and Patricia Huwa
8.	Type of mining operation:
9.	Location Information: The center of the area where the majority of mining will occur:
	COUNTY: Weld
	PRINCIPAL MERIDIAN (check one):
	SECTION (write number): S 35
	TOWNSHIP (write number and check direction): $T \ge 10^{-10}$ North South
	RANGE (write number and check direction): R <u>63</u> East West
	QUARTER SECTION (check one):
	QUARTER/QUARTER SECTION (check one):
	GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation):
	Site is approximately 4.25 miles east of Keenesburg, CO. Approximate elevation 4,813.
10.	Primary Mine Entrance Location (report in either Latitude/Longitude OR UTM):
	Latitude/Longitude:
	Example: (N) $39^{\circ} 44' 12.98''$ (W) $104^{\circ} 59' 3.87''$
	Latitude (N): deg <u>40</u> min <u>6</u> sec <u>7.59</u> (2 decimal places)
	Longitude (W): deg <u>104</u> min <u>24</u> sec <u>33 . 36</u> (2 decimal places)
	OR
	Example: (N) 39.73691° (W) -104.98449°
	Latitude (N) 40 (5 decimal places)
	Longitude(W) <u>-104</u> .409300 (5 decimal places)
	OR
	Universal Tranverse Mercator (UTM)
	Example: 201336.3 E NAD27 Zone 13 4398351.2 N
	UTM Datum (specify NAD27, NAD83 or WGS 84) Zone
	Easting
	NY 11

Northing \_\_\_\_\_

### 11. Correspondence Information:

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

Contact's Name:	Tyrun Huwa	Title: Director
Company Name:	Arnolds Custom Seeding, LLC	
Street/P.O. Box:	4626 WCR 65	P.O. Box:
City:	Keenesburg	
State:	Colorado	Zip Code: 80643
Telephone Number:	(720) - 463-9837	
Fax Number:	() <i>-</i>	
PERMITTING CONTACT	(if different from applicant/operator above)	
Contact's Name:	Ronald Spears	Title: Project Manager
Company Name:	Duraroot, LLC	
Street/P.O. Box:	810 Brickyard Cir. #4	P.O. Box:
City:	Golden	
State:	Colorado	Zip Code: <u>80401</u>
Telephone Number:	(720) - 346-4301	
Fax Number:	()	
INSPECTION CONTACT		
Contact's Name:	Darren Dever	Title: Superintendent
Company Name:	H2 Enterprises	
Street/P.O. Box:	4626 WCR 65	P.O. Box:
City:	Keenesburg	
State:	Colorado	Zip Code: 80643
Telephone Number:	(202 ) 722 0510	
Fax Number:	()	
CC: STATE OR FEDERA	L LANDOWNER (if any)	
Agency:	2	
Street:		
City:	3	
State:		Zip Code:
Telephone Number:	()	
CC: STATE OR FEDERA	L LANDOWNER (if any)	
Agency:		1167.00
Street:		
City:		2-145
State:		Zip Code:
Telephone Number:	()	



14. <u>Method of Mining</u>: Briefly explain mining method (e.g. truck/shovel): <u>The top 4 inches of the top soil will be stripped and piled for</u> reclamation using a CAT D6 dozer. The remaining 8 inches of top soil will be stripped and piled using a CAT D6 dozer and front end loader.

15. On Site Processing:

Crushing/Screening

 13.1 Briefly explain mining method (e.g. truck/shovel):

None

### 16. Description of Amendment or Conversion:

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

Converting from 110 permit to a 112 permit for increased production.

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#### Maps and Exhibits:

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

#### **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.

TH

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;

- TH 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;
- 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;
- Any modification to the approved mining and reclamation plan from those described in your approved <u>\_</u> application requires you to submit a permit modification and obtain approval from the Board or Office;
- 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- 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):
  - the name of the operator; a.
  - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
  - the permit number. c.
- 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.
- It is a provision of this permit that the operations will be conducted in accordance with the terms and 8. conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.
- +4 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.

TH

10. For joint venture/partnership operators: the signing representative is authorized to sign this 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's 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. 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.).

2. 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.;

3. As the applicant/operator, I do not have any extraction/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.) as determined through a Board finding.

4. 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.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, 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	2845	day of Ma	Y.	,2019 .
-				and the second sec

molds Custom Seeding LLC

If Corporation Attest (Seal)

Applicant/Operator or Company Name

Signed: *virector* Title:

State of ) ss. County of

Signed:

Corporate Secretary or Equivalent Town/City/County Clerk

The foregoing instrument was acknowled	lged before me this $\frac{284}{2}$	_ day of May	
2019, by Typen Huna	as Director	of ampla	r Custom Seeding LL
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Notary Public

My Commission expires: \_\_\_\_\_



proposed mining operation. The following is a sample of the Notice required for Rule 1.6.2(1)(b) that you may wish to use.

### **NOTICE**

This site is the location of a proposed construction materials operation. (Name of the Applicant/Operator) <u>Arnolds Custom Seeding LLC</u>, whose address and phone number is (Address and Phone Number of the Applicant/Operator) <u>4626 WCR 65 Keenesburg, Co 80643</u>, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) <u>Weld</u> County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) <u>1402 N. 17th Avenue Greeley, CO 80631</u>, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining, and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203.

### **Certification:**

I, <u>Tyrun Huwa</u>, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) <u>Arnold Pit No. 1</u>, on (Date Posted) <u>4/15/2019</u>,

SIGNATURE

4/15/19

## **Exhibit A – Legal Description**

The mining area is located in the Northwest quarter, of the Northwest quarter of Section 35, Township 2 North, and Range 63 West, in Southeast Weld County. Physical address of the property is 34216 County Road 16, Keenesburg CO 80643. The nearest intersection is County Road 69 and County Road 16. From the point of the intersection drive east on County Road 16 approximately 1,360 feet to the entrance of the Arnold Pit No. 1. The entrance access is on the south side of County Road 16 located at 40.102110°, - 104.409300°.

Buried utilities and overhead power lines are located within the 200-foot buffer of the proposed boundary. Structure agreements have been drafted and mailed to all interested parties. Receipts included in Exhibit S.

# Exhibit B – Index Map

Figure B-1 presents the regional location and local access roads to the site.



# Exhibit C – Pre-Mining and Mining Plan Maps

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**S** 











# Exhibit D – Mine Plan

Arnolds Custom Seeding is applying for a (112) Reclamation Permit to mine 310,000 tons of top soil from 150 acres of land located in the Northwest quarter of Section 35, Township 2 North, Range 63 West in Weld County, Colorado.

Mining of the Arnold Pit No. 1 will begin as soon as DRMS approves the (112) Reclamation Permit. Mining will be completed by December 31, 2021. The estimated top soil depth in the mining area is 12 inches. The top four inches of top soil will be salvaged for reclamation using a CAT D6 dozer and stockpiled on site. Erosional BMPs will be employed around the stockpile to limit runoff.

The remaining eight inches of top soil will be stripped and piled using a CAT D6 dozer and frontend loader. It will then be loaded into trucks using a frontend loader and hauled offsite. The total disturbance depth will not exceed 24 inches.

Mining will be undertaken year-round during the mine life. Excavation will occur 2-3 days per week, and the remainder of the week, the material will be transported off-site.

Once mining is complete, the sub soil will be graded as shown in Figure F-1 (Exhibit F) and covered with salvaged top soil. The area will be de-compacted and prepared for crop production (Exhibit E - Reclamation Plan).

# **Exhibit E – Reclamation Plan**

The current, pre-disturbed land use of the Arnold Pit No 1 location is agricultural, primarily cropping. According to NRCS soil survey data (Exhibit I) the location soils are primarily medium textured loam soils, with grades less than 3-percent. Soils are predominately neutral to moderately alkaline (pH 7.0 to 7.9). Soils are moderately deep to deep (> 24-inches) and typically moderately-well to well drained. Soils are neither saline, nor sodic. Following mining activities, the land will be returned to productive cropland.

Soil and nutrient amendments will be based on surface owner requests at the time of reclamation. Upon request of the surface owner, location soils may be sampled and analyzed to establish current soil physicochemical properties for further reclamation planning. Soil sample analytical data would be used to develop site-specific amendment recommendations based on the current soil chemistry.

The following recommended seedbed preparation steps will aid in successful reclamation. Steps may be omitted, conducted in different order, or changed to optimize success and efficiency depending on field conditions, sub-soil properties, and local terrain.

• At the completion of mining activities, the site will be regraded to approximate pre-disturbance contours as shown in Figure F-1 (Exhibit F).

• Prior to topsoil re-spreading, the subsurface soil will be deep ripped to a minimum depth of 16inches to reduce soil compaction and improve drainage. Ripping will be conducted using a double pass with a straight-shank agricultural ripper or parabolic ripper. The shanks on the back of a grader or dozer should NOT be used to alleviate soil compaction due to outcome inadequacies. During ripping operations, the surface will be left rough and irregular to help tie the topsoil and subsoil horizons together. Tillage can be used to break soil clods apart prior to topsoil application.

• Re-apply stockpiled topsoil and incorporate requested soil amendments to improve the soil's physical and chemical characteristics and to supplement any soil nutrient deficiencies.

• Finally, till the site to a depth of 4.0 to 6.0-inches to incorporate applied soil amendments and to create a seedbed conducive to seedling establishment using a disk and harrow, field cultivator, vibrashank, or other alternative suitable for site conditions.

Planting will be determined by reclamation timing and consists of the following options:

• Cropping Season: The site will be handed directly to the surface owner to be used for cropping production.

• Non-cropping Season: A cover crop should be seeded when establishment of the crop will not occur within 45-days or less of reclamation activities. A cover crop will protect the soil from wind and water erosion, increase soil stabilization, improve soil structure, suppress weed establishment, and improve overall reclamation success. The cover crop seed mix (Table E-1) was developed to provide quick cover due to a rapid germination rate and to aid in accelerated soil stabilization by helping to prevent the migration of topsoil during periods of freeze/thaw and rain events. Cover crop seeding should be conducted using a drill seeder suitable for the location's soils and capable of direct seed placement. Drill seeding should occur on the contour using a drill equipped with a double disc opener, wheel press, and depth bands to ensure proper seeding depth. Seed should be planted to the depth specified by the vendor to ensure proper germination and emergence. It is recommended that grain seed be placed 0.50 to 1.0-inch deep.

Common Name	Scientific Name	# PLS/acre	PLS/sq ft	% of Mix
Triticale	Triticosecale	60	18	90%
Nitro Radish	Raphanus sativus	3.5	2.0	10%
Total		64	20	100%

Table E-1. Arnold Pit No 1 recommended cover crop seed mix.

# Exhibit F – Reclamation Plan Map

DURAROUT



# **Exhibit G – Water Information**

#### Impact to Surface and Groundwater

The operation of the proposed topsoil mine is not anticipated to have any effects to surface or groundwater systems.

The nearest surface water feature is Lowline Canal located approximately 1,000 feet to the north (Figure C-4, Exhibit C). No surface water feature is present on the Affected Land. An Approved Jurisdictional Determination has been received from the United States Army Corps of Engineers (USACE), Omaha District, stating "a Department of the Army permit will not be required for the discharge of fill material on this site under section 404." However, the USACE has requested that approximately one acre of depressed area be removed from the southeast corner of the permit area. These changes are reflected in figures presented in Exhibit C. A copy of the letter is provided as an attachment to this Exhibit. The Affected Land is bound by a 4 to 6-inch berm and is anticipated to prevent discharge form the site.

There are four groundwater wells located within the 200-foot buffer zone of the affected area. Permit numbers and owners of record are provided in Table 1 below. Review of the well permits indicate that the wells are constructed within alluvium of the Lost Creek Basin. Based on an aquifer recharge and storage study prepared for the Lost Creek Ground Water Management District (CGS, 2011), groundwater is located within the Pleistocene Gravel and Alluvium at a depth of approximately 50 feet below ground surface. As the maximum depth of impact within the Affected Land will be less than 2 feet below ground surface, groundwater will not be impacted. Operational dewatering will not be undertaken.

Owner	Permit Number	
Prospect Valley Farms	97151-VE	
Stanley Gingerich	7203-FP	
Stanley Gingerich	7201-RFP	
Elaine and Frederick Hepner	247209	

#### Table 1: Groundwater Wells within 200 Feet of the Mine Permit Boundary

During preparation of the 110 Permit application, Colorado Division of Water Resources indicated no impact to groundwater resource (letter appended to this Exhibit).

#### Estimated Water Usage and Sources

Currently, no water is anticipated to be utilized during the topsoil mining efforts.

Primary dust control will be through increasing soil surface roughness in areas not actively being mined for topsoil and in areas that have been mined. Water may be used infrequently for dust control during mining activities. Water will be sourced from municipal water sources and transported to the site by a water tanker vehicle if needed.

#### **Discharge Permit Requirements**

As the mining operational plan involves no water usage, no discharge will occur at the site and a NPDES discharge permit is not required.

#### Reference

CGS (2011) Lost Creek Basin Aquifer Recharge and Storage Study. Colorado Geological Survey report prepared for Lost Creek Ground Water Management District dated December 2011..



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25 MARCH by 8:00pm (i)

# **⊘** Delivered

March 25, 2019 at 3:02 pm Delivered, Left with Individual LITTLETON, CO 80128

Get Updates 🗸

Text & Email Updates

**Return Receipt Electronic** 

**Tracking History** 

March 25, 2019, 3:02 pm Delivered, Left with Individual LITTLETON, CO 80128 Your item was delivered to an individual at the address at 3:02 pm on March 25, 2019 in LITTLETON, CO 80128. Feedback

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Remove X



March 22, 2019

Mr. John Urbanic U.S. Army Corps of Engineers Omaha District 9307 South Wadsworth Blvd. Littleton, CO 80128

### RE: Topsoil Mine (Arnold Pit No. 1) - Exhibit G – Water Information

To Whom it May Concern,

At the request of Arnold's Custom Seeding, LLC, Duraroot, LLC (Duraroot) has been retained to assist in preparing supporting documentation for a State of Colorado, Division of Reclamation, Mining, and Safety: Construction Materials Regular (112) Operation permit.

#### **Site Description**

The proposed mining area is in the NW quarter section of Section 35, Township 2 North, and Range 63 West. The location is in southeast Weld County. Nearest intersection is CR 69 and CR 16. From the point of the intersection drive East approximately 1360 feet to the entrance of the Arnold Pit No. 1. The entrance access is on the south side of CR 16.

The total area to be mined will be roughly 160 acres. The current existing land use of the area is cropland. Upon completion of mining, reclamation of the disturbed area will take place putting it back into cropland production.

### Regulatory

Jurisdictional wetlands are defined by 33 CFR 328.3(b) and are protected by Section 404(f) of the Clean Water Act (CWA) (33 U.S.C. 1344), which is administered and enforced in Colorado by the U.S. Army Corps of Engineers (USACE), Omaha District. Jurisdictional wetlands are defined in the field as areas that have positive evidence of three environmental parameters:

- Hydrophytic vegetation (vegetation typically adapted for life in saturated soil conditions),
- Wetland hydrology (substrate that is inundated or saturated to the surface at some time during the growing season),
- Hydric soils (soils that possess characteristics that are associated with reducing/anaerobic soil conditions).

#### Methods

Potential wetlands on the subject site were to be determined using the Routine On-Site Determination Method as defined in the U.S. Army Corps of Engineers (2010) Wetlands Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region



(Version 2.0).

#### **Field investigation**

Biologists from Duraroot visited the project area on March 18, 2019, to investigate the possible presence of potentially jurisdictional waters of the U.S. No wetlands, streams, or other Waters of the U.S. were identified during our assessment. Accordingly, we conclude that the proposed topsoil mine will have no effect on any water resources and is therefore exempt under Section 404(f) of the CWA.

#### Closing

Please provide comments on any possible issues that might emerge with respect to water resources from the construction of the proposed mine. We request concurrence with our determination. Please provide any comments regarding associated laws or any information relevant to this project at the current time.

We thank you in advance for your timely response and cooperation. Please feel free to contact us with any questions that you may have concerning the extent of site disturbance associated with this project. Should you have any questions or concerns, please do not hesitate to contact the undersigned at (720) 346-4301 or rspears@duraroot.com.

Best Regards,

Rouid E. Sum

Ronald E. Spears Senior Biological Scientist -- DURAROOT, LLC

Attachments: Location Maps, Site Photographs



**Exhibit 1**: Location Maps







Exhibit 2: Site Photos

WWW.DURAROOT.COM | OFFICE: 720.772.1228 | INFO@DURAROOT.COM

#### Arnold's Custom Seeding, LLC Photolog Arnold's Pit #1, Weld County, Colorado Topsoil Mine Permit Application



#### Arnold's Custom Seeding, LLC Photolog Arnold's Pit #1, Weld County, Colorado Topsoil Mine Permit Application



#### Arnold's Custom Seeding, LLC Photolog Arnold's Pit #1, Weld County, Colorado Topsoil Mine Permit Application







COLORADO

Division of Water Resources Department of Natural Resources

1313 Sherman St., Room 821 Denver, CO 80203 ✓ OCT 042016

DIVISION OF RECLAMATION MINING AND SAFETY

Response to Construction Materials Reclamation Permit Application Consideration

- To: Peter Hays, Division of Reclamation, Mining and Safety
- From: Neelha Mudigonda, Division of Water Resources

Date: October 4, 2016

Re: File No. M-2016-022 Mine Name: Arnold Pit No. 1 Operator: Arnold Custom Seeding, LLC Section 35, Township 2 N, Range 63 W, 6<sup>th</sup> P.M., County: Weld

### 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 not identified any proposed use of water at the permit site. If water will be used for any purpose at this site, the applicant will need to document that the water was obtained from a legal source that allows such industrial use.
- The proposed operation will expose and consume ground water by: evaporation, dust control, reclamation, water removed in the mined product, processing, other: Prior to exposure of and initiation of these uses of ground water, the applicant will need to obtain either a gravel pit or other type of well permit, as applicable. However, prior to obtaining a permit, an approved replacement plan is required.
- The applicant has indicated plans to use other water for \_\_purposes at the permit site. The source of other water for this use is proposed to be obtained from \_. The applicant will need to document that the water was obtained from a legal source that allows such industrial use.

**COMMENTS:** If the Cropland post-mining land is used to irrigate in the future, all well permits must be submitted to the Division of Water Resources.



1313 Sherman Street, Room 821, Denver, CO 80203 P 303.866.3581 🥳 John W. Hickenlooper, Governor J Robert Randall, Executive Director J Dick Wolfe, State Engineer 🦄



#### DEPARTMENT OF THE ARMY CORPS OF ENGINEERS, OMAHA DISTRICT DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD LITTLETON, COLORADO 80128-6901

May 3, 2019

# SUBJECT: Approved Jurisdictional Determination, Topsoil Mine (Arnold Pit No.1), Corps File No. NWO-2019-00515-DEN, Weld County, Colorado

Mr. Ronald Spears Duraroot Environmental Consulting 4626 WCR 65 Keenesburg, Colorado 80643

Dear Mr. Spears:

This letter is in response to the March 25, 2019 approved jurisdictional determination (AJD) request on behalf of Arnold's Custom Seeding, LLC for an 160-acre project site proposed for a topsoil mine. On May 2, 2019 the project boundary was revised to approximately 159 acres. The project site is located at 40.102110°N, -104.409300 °W, southeast of the WCR 16 and WCR 69 intersection, in Weld County, Colorado.

The project site has been reviewed in accordance with Section 404 of the Clean Water Act (Section 404) under which the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material, and any excavation activity associated with a dredge and fill project in waters of the United States. Based on the review of available information and an April 24, 2019 site visit, we have determined that the project site does not contain waters of the United States. As such, a Department of the Army permit will not be required for the discharge of fill material on this site under Section 404.

At your request, an AJD has been completed for the aquatic resources within the project area. The AJD is attached to this letter. If you are not in agreement with the AJD decision, you may request an administrative appeal under regulation 33 CFR 331, by using the attached Appeal Form and Administrative Appeal Process form. The request for appeal must be received within 60 days from the date of this letter. If you would like more information on the jurisdictional appeal process, contact this office. It is not necessary to submit a Request for Appeal if you do not object to the AJD.

This AJD is valid for a period of five years from the date of this letter, unless new information warrants revisions of the AJDs before the expiration date, or unless the Corps has identified, after a possible public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.
If there are any additional questions or concerns, please contact Ms. Celena Cui of my office at 303-979-4120 or by email at Celena.H.Cui@usace.army.mil and reference Corps File No. NWO-2019-00515-DEN.

Sincerely,

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John Urbanic Chief, Denver Regulatory Office

Attachments: Approved Jurisdictional Determination (May 3, 2019) Approved Jurisdictional Determination Appeal Form Approved Jurisdictional Determination Appeal Form Instruction Sheet

#### DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup> U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

#### SECTION I: BACKGROUND INFORMATION

#### A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 3, 2019

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Omaha District- Denver Regulatory Office, Topsoil Mine (Arnold Pit No.1), Corps File No. NWO-2019-00515-DEN

#### C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Colorado County/parish/borough: Weld County City: Center coordinates of site (lat/long in degree decimal format): Lat. 40.102110°, Long. 104.409300° Universal Transverse Mercator: Zone 13T, 5036.9E, 39257.7N

Name of nearest waterbody: Sand Creek

Name of watershed or Hydrologic Unit Code (HUC): 10190003

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

#### D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: May 3, 2019
- Field Determination. Date(s): April 24, 2019

#### SECTION II: SUMMARY OF FINDINGS

#### A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

#### B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

#### SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Received 25 March 2019
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Confice concurs with data sheets/delineation report.
  - [] Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- [7] U.S. Geological Survey Hydrologic Atlas-
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- July U.S. Geological Survey map(s). Cite scale & quad name: 1950 Photorevised 1978, Prospect Valley, Colorado 1:24000
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- [] National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- [100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: 7 Aerial (Name & Date): Google Earth 14 June 2016
- or [ Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- [ Applicable/supporting scientific literature:
- J7 Other information (please specify): Figure 2: Aerial View 1 May 2019

# B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: The project site is an agricultural field in the uplands. During the site visit, the western field was bare and the eastern field was seeded with western wheatgrass. There are no aquatic resources within the approximate 159-acre project site.

<sup>&</sup>lt;sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

#### NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

	REQUEST FOR AFFEAL	
Appli	cant: Arnold's Custom Seeding, LLC File Number: NWO-2019-00515-DEN	Date: May 3, 2019
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	А
	PROFFERED PERMIT (Standard Permit or Letter of permission)	В
	PERMIT DENIAL	С
Х	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	Е
decisi http:// A: IN	TON I - The following identifies your rights and options regarding an administrative ion. Additional information may be found in Corps regulations at 33 CFR Part 331 o /www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalR NITIAL PROFFERED PERMIT: You may accept or object to the permit. CCEPT: If you received a Standard Permit, you may sign the permit document and return it to the dist	r at egulation.aspx
au sig	thorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is gnature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entire appeal the permit, including its terms and conditions, and approved jurisdictional determinations asso	authorized. Your ty, and waive all rights
the Yo to the	BJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein e permit be modified accordingly. You must complete Section II of this form and return the form to the our objections must be received by the district engineer within 60 days of the date of this notice, or you appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your ob- odify the permit to address all of your concerns, (b) modify the permit to address some of your objection e permit having determined that the permit should be issued as previously written. After evaluating you strict engineer will send you a proffered permit for your reconsideration, as indicated in Section B below	ne district engineer. u will forfeit your right jections and may: (a) ons, or (c) not modify our objections, the
B: PI	ROFFERED PERMIT: You may accept or appeal the permit	
au sig	CCEPT: If you received a Standard Permit, you may sign the permit document and return it to the dis thorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is gnature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entire appeal the permit, including its terms and conditions, and approved jurisdictional determinations asso	authorized. Your ty, and waive all rights
m fo	PPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and ay appeal the declined permit under the Corps of Engineers Administrative Appeal Process by comple rm and sending the form to the division engineer. This form must be received by the division engineer ate of this notice.	ting Section II of this
comple	ERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administ eting Section II of this form and sending the form to the division engineer. This form must be receive the within 60 days of the date of this notice.	
	PPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the de new information.	e approved JD or
• A of	CCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps v f this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the a	vithin 60 days of the date pproved JD.
A	PPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of E ppeal Process by completing Section II of this form and sending the form to the division engineer. The the division engineer within 60 days of the date of this notice.	Engineers Administrative his form must be received
regar appro	RELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respo ding the preliminary JD. The Preliminary JD is not appealable. If you wish, you ma oved JD (which may be appealed), by contacting the Corps district for further instruc- ide new information for further consideration by the Corps to reevaluate the JD.	y request an



### **Exhibit H – Wildlife Information**

The proponent has submitted letters to Colorado Parks and Wildlife (CPW) and the United States Fish and Wildlife Service for concurrence of our findings that no apparent impacts to state or federally threatened and endangered species would occur due to mining operations on the subject property. Copies of the letters and responses have been provided as attachments to this Exhibit.

Based on wildlife information reviewed for the preparation of the attached letter, the following findings were made:

- No significant wildlife resources are anticipated to exist within the proposed mine area.
- Seasonal use of the area includes farming activities producing crops between spring and fall. During the winter the site remains fallow. Wildlife may utilize the area for access to other sites. However, the site contains no forage or cover for long-term use.
- No threatened and endangered state or federal wildlife species are anticipated to occur.
- The subject property and adjacent land consist of cropland. As such, there is a lack of habitat for listed Threatened and Endangered Species on the Affected Lands.
- Existing land use and the proposed mine may affect both small and big game due to land use, potential for collision with automobiles, and temporary activity and noise from the infrequent operation of heavy equipment.
- There are no anticipated permanent loss of food or habitat because of the proposed mine operations.
- Temporary impacts to small mammals and birds (e.g. field mice, rabbits, crow) could affect raptors during high activity levels but are not anticipated to have significant effects.

The project proponent understands that the application may be reviewed and commented on by CPW and that additional information may be required. Copies of correspondence with CPW is provided as an attachment to this Exhibit.



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**\**/



March 22, 2019

Ms. Sara Backsen United States Fish and Wildlife Service 134 Union Boulevard, Suite 650 Lakewood, CO 80228

RE: Topsoil Mine (Arnold Pit No. 1) - Exhibit H – Wildlife Information

Dear Ms. Backsen,

At the request of Arnold's Custom Seeding, LLC, Duraroot, LLC (Duraroot) has been retained to assist in preparing supporting documentation for a State of Colorado, Division of Reclamation, Mining, and Safety: Construction Materials Regular (112) Operation permit.

#### Site Description

The proposed mining area is in the NW quarter section of Section 35, Township 2 North, and Range 63 West. The location is in southeast Weld County. Nearest intersection is CR 69 and CR 16. From the point of the intersection drive East approximately 1360 feet to the entrance of the Arnold Pit No. 1. The entrance access is on the south side of CR 16.

The total area to be mined will be roughly 160 acres. The current existing land use of the area is cropland. Upon completion of mining, reclamation of the disturbed area will take place putting it back into cropland production.

#### **Threatened and Endangered Species**

Prior to conducting the field assessment, Duraroot accessed the United States Fish and Wildlife Service's Information for Planning and Consultation (IPaC) to determine the threatened and endangered species potentially impacted by the mine operations for Weld County. The following species were identified:

#### **Mammals**

Preble's Meadow Jumping Mouse (<u>Zapus hudsonius preblei</u>) <u>Birds</u> Least Tern (Sterna antillarum) Mexican Spotted Owl (Strix occidentalis lucida) Piping Plover (Charadrius melodus) Whooping Crane (Grus Americana) <u>Fish</u> Pallid Sturgeon (Scaphirhynchus albus) <u>Plants</u> Colorado Butterfly Plant (Gaura neomexicana var. coloradensis)

#### Ute Ladies' Tresses (*Spiranthes diluvialis*) Western Prairie Fringed Orchid (*Platanthera praeclara*)

#### **Field investigation**

Biologists from Duraroot visited the project area on March 18, 2019, to investigate the possible presence of listed species and confirmed the lack of suitable habitat for listed species given the onsite and adjacent land use. Accordingly, we conclude that the proposed topsoil mine will have no effect on any of the listed species due to lack of habitat.

#### Closing

Please provide comments on any possible issues that might emerge with respect to threatened or endangered species or other resources from the construction of the proposed mine. We request concurrence with our determination. Please provide any comments regarding associated laws or any information relevant to this project at the current time.

We thank you in advance for your timely response and cooperation. Please feel free to contact us with any questions that you may have concerning the extent of site disturbance associated with this project. Should you have any questions or concerns, please do not hesitate to contact the undersigned at (720) 346-4301 or rspears@duraroot.com.

Best Regards,

Roud E. Sum

Ronald E. Spears Senior Biological Scientist – DURAROOT, LLC

Attachments: Location Maps, Site Photographs

Exhibit 1: Location Maps

WWW.DURAROOT.COM | OFF... 720.711.3228 | INFO@BURAROOT.COM





Exhibit 2: Site Photos

WWW.DURAROOT.COM | OFFICE 720.772.1228 | INFO@DURAROOT.COM













Parks and Wildlife

Department of Natural Resources

Area 2 - Lon Hagler State Wildlife Area 4207 W CR 16E Loveland, CO 80537 P 970-472-4461 | F 970-472-4468

April 19, 2019

Ronald Spears, Duraroot, LLC 4626 County Road 65 Keenesburg, CO 80643 rspears@duraroot.com

Re: Topsoil Mine (Arnold Pit No. 1)- Exhibit H - Wildlife Information

Dear Mr. Spears,

We have received your request for comment on the Arnold Pit No. 1 mining pit located in the NW quarter section of Section 35, Township 2 North, and Range 63 West in southeastern Weld County. The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

Colorado Parks and Wildlife has performed a site visit and assessed the impacts of this project to any threatened and endangered wildlife and to other wildlife in the area. The assessment of the site found that the property is bare ground cropland with little to no habitat for wildlife. In addition, there was no wildlife observed on the property. Therefore we concur with your assessment that there is no impact to any threatened or endangered wildlife species.

Colorado Parks and Wildlife does recommend that during and after the mining process that all noxious weeds be controlled to prevent the spread of weeds to neighboring properties and impacting other areas where wildlife habitat can be found. Mining equipment should be cleaned prior to arrival and departure to and from the property to help prevent the spread of noxious weeds.

If you have any questions or concerns, please contact District Wildlife Manager Chris Mettenbrink at (303) 906-1979.

Thank you,

Kristin Cannon Area Wildlife Manager

2.1

Cc M. Leslie, T. Kroening, C. Mettenbrink

Jeffrey M. Ver Steeg, Acting Director, Colorado Parks and Wildlife • Parks and Wildlife Commission: Taishya Adams • Robert W. Bray • Charles Garcia • Marie Haskett Carrie Besnette Hauser • John Howard, Chair • Marvin McDaniel • Luke Schafer • Eden Vardy • James Vigil, Secretary • Michelle Zimmerman, Vice-Chair





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March 22, 2019

Colorado Parks and Wildlife Northeast Region Office 6060 Broadway Denver, Colorado 80216

RE: Topsoil Mine (Arnold Pit No. 1) - Exhibit H - Wildlife Information

To Whom it May Concern,

At the request of Arnold's Custom Seeding, LLC, Duraroot, LLC (Duraroot) has been retained to assist in preparing supporting documentation for a State of Colorado, Division of Reclamation, Mining, and Safety: Construction Materials Regular (112) Operation permit.

#### **Site Description**

The proposed mining area is in the NW quarter section of Section 35, Township 2 North, and Range 63 West. The location is in southeast Weld County. Nearest intersection is CR 69 and CR 16. From the point of the intersection drive East approximately 1360 feet to the entrance of the Arnold Pit No. 1. The entrance access is on the south side of CR 16.

The total area to be mined will be roughly 160 acres. The current existing land use of the area is cropland. Upon completion of mining, reclamation of the disturbed area will take place putting it back into cropland production.

#### **Threatened and Endangered Species**

Prior to conducting the field assessment, Duraroot accessed Colorado Parks and Wildlife's (CPW) list of state threatened, state endangered, and state species of concern. We also accessed the United States Fish and Wildlife Service's Information for Planning and Consultation (IPaC) to determine the threatened and endangered species potentially impacted by the mine operations for Weld County. The following federally listed species were identified:

#### **Mammals**

Preble's Meadow Jumping Mouse (<u>Zapus hudsonius preblei</u>) <u>Birds</u> Least Tern (Sterna antillarum) Mexican Spotted Owl (Strix occidentalis lucida) Piping Plover (Charadrius melodus) Whooping Crane (Grus Americana) <u>Fish</u> Pallid Sturgeon (Scaphirhynchus albus) <u>Plants</u>



Colorado Butterfly Plant (*Gaura neomexicana* var. *coloradensis*) Ute Ladies' Tresses (*Spiranthes diluvialis*) Western Prairie Fringed Orchid (*Platanthera praeclara*)

#### **Field investigation**

Biologists from Duraroot visited the project area on March 18, 2019, to investigate the possible presence of listed species and confirmed the lack of suitable habitat given the onsite and adjacent land use. Accordingly, we conclude that the proposed topsoil mine will have no effect on any of the listed species due to lack of habitat.

#### Closing

Please provide comments on any possible issues that might emerge with respect to threatened or endangered species or other resources from the construction of the proposed mine. We request concurrence with our determination. Please provide any comments regarding associated laws or any information relevant to this project at the current time.

We thank you in advance for your timely response and cooperation. Please feel free to contact us with any questions that you may have concerning the extent of site disturbance associated with this project. Should you have any questions or concerns, please do not hesitate to contact the undersigned at (720) 346-4301 or rspears@duraroot.com.

Best Regards,

Ruid E. Sum

Ronald E. Spears Senior Biological Scientist – DURAROOT, LLC

Attachments: Location Maps, Site Photographs



Exhibit 1: Location Maps







Exhibit 2: Site Photos







### **Exhibit I – Soils Information**

Soils within the affected lands are mapped primarily as the Colby (Fine-silty, mixed, superactive, calcareous, mesic Aridic Ustorthents) and Weld (Fine, smectitic, mesic Aridic Argiustolls) soil series. The Colby and Weld soil series comprises approximately 65% and 35% of the soils within the prepared location, respectively. The Colby soil series is predominantly along the western border of the location and within the northeast and southeast quadrants of section 35. The Weld soil series is primarily located within the central portions of the northwest and southwest quadrants of section 35.

A desktop review of NRCS soil survey was used to describe location soils on the proposed Arnold Pit No 1 and is appended to this Exhibit. Site specific soils were not sampled and analyzed to establish current soil physiochemical properties. Surface horizon depths range from 0 to 9 inches across the location. The depth of the soil profile extends to a maximum depth of 80 inches below the ground surface. Soils within the location are very deep, well drained with 0 to 3 percent slopes. According to the NRCS, surface soils have silt loam soil textures with a granular soil structure. A noticeable increase in clay content may be found in the Weld soil series at a depth of 5.0 to 10 inches. Soils have low lime content (<5%) in the surface horizon. Lime content increases (>5%) at the 7.0-inch depth in the Colby series and at the 28-inch depth of the Weld series. Soil chemical properties of the location soils indicate soil pH is neutral to moderately alkaline. Soil electrical conductivity and SAR are below 1 percent. According to the USDA-NRSC soils are neither saline, nor sodic.

NRCS soil survey data was reviewed to assess chemical and physical soil properties that may limit reclamation success. A summary of the chemical and physical soil properties is as follows:

• **pH**: Soil pH of the proposed location ranges from 7.0 to 7.9. Soil pH is suitable for reclamation.

• **Salinity:** Soil electrical conductivity (EC) of the proposed location soils is approximately 0.1 dS/m. Soil salinity is suitable for reclamation.

- **Sodicity:** Soil sodium adsorption ratio (SAR) of the proposed salvage material is approximately 0. Soil sodicity is suitable for reclamation.
- **Texture:** The proposed location soil has a silt loam soil texture. Soil texture is suitable for reclamation success.

• **Percent Lime:** Lime content of the proposed soil material is ranges from 0 to 3 percent. Lime content increases at 7.0 inches to approximately 10 percent. Elevated lime content may limit phosphorous availability.

• **Coarse Fragments:** Coarse fragments (coarse gravels - 20 to 76 mm diameter) compose 5.0 percent or less of the proposed location soils. Coarse fragment content is suitable for reclamation.



United States Department of Agriculture

Natural Resources Conservation Service A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants Custom Soil Resource Report for Weld County, Colorado, Southern Part



### Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/? cid=nrcs142p2\_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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## **How Soil Surveys Are Made**

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

#### Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.
# Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.



#### Custom Soil Resource Report

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MAP LE	GEND	MAP INFORMATION
Area of Interest (AOI) Area of Interest (AOI) Soils	<ul><li>Spoil Area</li><li>Stony Spot</li></ul>	The soil surveys that comprise your AOI were mapped at 1:24,000.
Soil Map Unit Polygons Soil Map Unit Lines Soil Map Unit Points Special Point Features Blowout	Very Stony Spot     Very Stony Spot     Vet Spot     Other     Special Line Features  Water Features	Warning: Soil Map may not be valid at this scale. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.
☑       Borrow Pit         ☑       Clay Spot         ☑       Closed Depression         ☑       Gravel Pit         ☑       Gravel Pit         ☑       Landfill         ▲       Marsh or swamp         ☑       Mine or Quarry         ☑       Miscellaneous Water         ☑       Perennial Water         ☑       Rock Outcrop         ➡       Saline Spot         ☑       Sandy Spot	Streams and Canals  Transportation  H  Rails  US Routes  Kajor Roads  Local Roads  Background  Aerial Photography	Please rely on the bar scale on each map sheet for map measurements. Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857) Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required. This product is generated from the USDA-NRCS certified data as of the version date(s) listed below. Soil Survey Area: Weld County, Colorado, Southern Part Survey Area Data: Version 17, Sep 10, 2018 Soil map units are labeled (as space allows) for map scales
<ul> <li>Severely Eroded Spot</li> <li>Sinkhole</li> <li>Slide or Slip</li> <li>Sodic Spot</li> </ul>		1:50,000 or larger. Date(s) aerial images were photographed: Jul 17, 2015—Oct 2, 2017 The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

#### 10

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
14	Colby loam, 0 to 1 percent slopes	109.6	62.1%
15	Colby loam, 1 to 3 percent slopes	5.6	3.2%
25	Haverson loam, 0 to 1 percent slopes	1.8	1.0%
78	Weld loam, 0 to 1 percent slopes	59.5	33.7%
Totals for Area of Interest	·····	176.5	100.0%

# **Map Unit Legend**

# **Map Unit Descriptions**

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An association is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

# Weld County, Colorado, Southern Part

## 14—Colby loam, 0 to 1 percent slopes

#### **Map Unit Setting**

National map unit symbol: 361p Elevation: 4,850 to 5,050 feet Mean annual precipitation: 12 to 16 inches Mean annual air temperature: 48 to 50 degrees F Frost-free period: 135 to 155 days Farmland classification: Prime farmland if irrigated

#### Map Unit Composition

Colby and similar soils: 85 percent Minor components: 15 percent Estimates are based on observations, descriptions, and transects of the mapunit.

#### **Description of Colby**

## Setting

Down-slope shape: Linear Across-slope shape: Linear Parent material: Calcareous eolian deposits

#### **Typical profile**

*H1 - 0 to 7 inches:* loam *H2 - 7 to 60 inches:* silt loam

## **Properties and qualities**

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: High (about 10.6 inches)

#### Interpretive groups

Land capability classification (irrigated): 3e Land capability classification (nonirrigated): 4c Hydrologic Soil Group: B Ecological site: Loamy Plains (R067BY002CO) Hydric soil rating: No

#### **Minor Components**

#### Wiley

Percent of map unit: 6 percent Hydric soil rating: No

#### Keith

Percent of map unit: 5 percent

#### **Custom Soil Resource Report**

Hydric soil rating: No

Weld

Percent of map unit: 4 percent Hydric soil rating: No

# 15—Colby loam, 1 to 3 percent slopes

#### **Map Unit Setting**

National map unit symbol: 361q Elevation: 4,850 to 5,050 feet Mean annual precipitation: 12 to 16 inches Mean annual air temperature: 48 to 50 degrees F Frost-free period: 135 to 155 days Farmland classification: Prime farmland if irrigated

## **Map Unit Composition**

Colby and similar soils: 85 percent Minor components: 15 percent Estimates are based on observations, descriptions, and transects of the mapunit.

#### **Description of Colby**

#### Setting

Down-slope shape: Linear Across-slope shape: Linear Parent material: Calcareous eolian deposits

#### **Typical profile**

H1 - 0 to 7 inches: loam H2 - 7 to 60 inches: silt loam

#### **Properties and qualities**

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: High (about 10.6 inches)

#### Interpretive groups

Land capability classification (irrigated): 3e Land capability classification (nonirrigated): 4e Hydrologic Soil Group: B Ecological site: Loamy Plains (R067BY002CO) Hydric soil rating: No

#### **Minor Components**

## Wiley

Percent of map unit: 9 percent Hydric soil rating: No

#### Keith

Percent of map unit: 6 percent Hydric soil rating: No

#### 25—Haverson loam, 0 to 1 percent slopes

#### **Map Unit Setting**

National map unit symbol: 3622 Elevation: 4,500 to 4,800 feet Mean annual precipitation: 12 to 17 inches Mean annual air temperature: 46 to 54 degrees F Frost-free period: 125 to 180 days Farmland classification: Prime farmland if irrigated

#### **Map Unit Composition**

Haverson and similar soils: 85 percent Minor components: 15 percent Estimates are based on observations, descriptions, and transects of the mapunit.

#### **Description of Haverson**

#### Setting

Landform: Flood plains, stream terraces Down-slope shape: Linear Across-slope shape: Linear Parent material: Stratified, calcareous alluvium

#### **Typical profile**

H1 - 0 to 4 inches: loam H2 - 4 to 60 inches: stratified loamy sand to loam to clay loam

#### **Properties and qualities**

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Gypsum, maximum in profile: 1 percent

#### **Custom Soil Resource Report**

Salinity, maximum in profile: Nonsaline to moderately saline (0.0 to 8.0 mmhos/cm)

Available water storage in profile: High (about 9.6 inches)

## Interpretive groups

Land capability classification (irrigated): 3w Hydrologic Soil Group: B Ecological site: Loamy Plains (R067BY002CO) Hydric soil rating: No

#### **Minor Components**

## Vona

Percent of map unit: 8 percent Hydric soil rating: No

#### Fluvaquentic haplustolls

Percent of map unit: 4 percent Landform: Terraces Hydric soil rating: Yes

#### Other soils

Percent of map unit: 3 percent Hydric soil rating: No

# 78—Weld loam, 0 to 1 percent slopes

#### Map Unit Setting

National map unit symbol: 2x0hy Elevation: 3,600 to 5,750 feet Mean annual precipitation: 12 to 17 inches Mean annual air temperature: 46 to 54 degrees F Frost-free period: 115 to 155 days Farmland classification: Prime farmland if irrigated

# **Map Unit Composition**

Weld and similar soils: 80 percent Minor components: 20 percent Estimates are based on observations, descriptions, and transects of the mapunit.

#### **Description of Weld**

#### Setting

Landform: Interfluves Landform position (two-dimensional): Summit Landform position (three-dimensional): Interfluve Down-slope shape: Linear Across-slope shape: Linear Parent material: Calcareous loess

#### **Typical profile**

Ap - 0 to 8 inches: loam

Bt1 - 8 to 12 inches: clay Bt2 - 12 to 15 inches: clay loam Btk - 15 to 28 inches: loam Bk - 28 to 60 inches: silt loam C - 60 to 80 inches: silt loam

#### **Properties and qualities**

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 14 percent
Salinity, maximum in profile: Nonsaline to very slightly saline (0.1 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 5.0
Available water storage in profile: High (about 11.3 inches)

#### Interpretive groups

Land capability classification (irrigated): 2c Land capability classification (nonirrigated): 3c Hydrologic Soil Group: C Ecological site: Loamy Plains (R067BY002CO) Hydric soil rating: No

#### **Minor Components**

#### Colby

Percent of map unit: 8 percent Landform: Hillslopes Landform position (two-dimensional): Backslope Landform position (three-dimensional): Side slope Down-slope shape: Convex Across-slope shape: Convex Ecological site: Loamy Plains (R067BY002CO) Hydric soil rating: No

#### Wiley

Percent of map unit: 7 percent Landform: Interfluves Landform position (two-dimensional): Shoulder Landform position (three-dimensional): Side slope Down-slope shape: Convex Across-slope shape: Convex Ecological site: Loamy Plains (R067BY002CO) Hydric soil rating: No

#### Keith

Percent of map unit: 3 percent Landform: Interfluves Landform position (two-dimensional): Summit Landform position (three-dimensional): Interfluve Down-slope shape: Linear

# Custom Soil Resource Report

Across-slope shape: Linear Ecological site: Loamy Plains (R067BY002CO) Hydric soil rating: No

#### Baca

Percent of map unit: 2 percent Landform: Interfluves Landform position (two-dimensional): Summit, shoulder Landform position (three-dimensional): Interfluve Down-slope shape: Linear, convex Across-slope shape: Linear, convex Ecological site: Loamy Plains (R067BY002CO) Hydric soil rating: No

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# **Exhibit J – Vegetation**

# **Present Vegetation**

The Affected Land will occupy approximately 160 acres of an existing agricultural/crop field. The location is devoid of vegetation as it is routinely tilled and prepared for crop production. The site does contain sporadic mound forming grass species such as western wheat grass (*Pascopyrum smithii*). Vegetation cover for the site is less than 0.10 acre for the entire site. No trees or shrubs were identified during the site walk. Typical surface vegetation conditions are shown in Figure C-4, Exhibit C and in Exhibit G.

# **Relationship to Soils**

There is no specific relationship of vegetation to the soils of the site due to cropping land use.

# **Production**

Following construction, the land will be returned to productive cropland as described in Exhibit E.

## Relationship to Topography

The Affected Land has a slope of <3% and is thus suited for cropping land use. Existing topography is shown in Figure C-4, Exhibit C.

# Exhibit K – Climate

The climate of the site is local steppe climate with hot summers and mild, cold winters. The area receives most of its rainfall between April and September with the highest average rainfall in May. The temperatures average between 17 degrees Fahrenheit (°F) in the winter and to 89°F in the summer. Although normally mild, extreme weather is possible and has been the cause of below freezing temperatures in the winter, over 100 °F days in summer and less commonly, tornadoes. Climate in this area would allow for year-round mining operation.

# **Exhibit L– Reclamation Costs**

Reclamation costs were assembled using the Standard Reclamation Cost Estimator (SRCE) version 1.4.1. The bond amount is \$318,901.00. A breakdown of the reclamation costs is attached to this Exhibit.

#### Closure Cost Estimate Cost Summary

#### Project Name: Arnold Pit No. 1 Project Date: 4/12/2019 Model Version: Version 1.4.1 File Name: SRCE\_Version\_1\_4\_1\_017\_MinePermit.xIsm

A. Earthwork/Recontouring	Labor <sup>(1)</sup>	Equipment (2)	Materials	Total
Exploration	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0
Exploration Roads & Drill Pads Roads	\$0	\$0	\$0	\$0
Well Abandonment	\$0	\$0	\$0	\$0
Pits	\$0	\$0	N/A	\$(
Quarries & Borrow Areas	\$54,466	\$143,516	\$0	\$197,982
Underground Openings Process Ponds	\$0 \$0	\$0 \$0	\$0 \$0	\$(
Heaps	\$0	\$0	\$0	\$(
Waste Rock Dumps	\$0	\$0	\$0	\$0
Landfills	\$0	\$0	\$0	\$(
Tailings	\$0	\$0	\$0	\$(
Foundation & Buildings Areas	\$0	\$0	\$0	\$(
Yards, Etc. Drainage & Sediment Control	\$0 \$0	\$0 \$0	\$0 \$0	\$0
Generic Material Hauling	\$0	\$0	\$0	\$0
Other User Costs (from Other User sheet)	\$0	\$0	\$0	\$0
Other**				\$0
Subtotal	\$54,466	\$143,516	\$0	\$197,982
Mob/Demob if included in Other User sheet	\$0	\$0	\$0	\$0
Mob/Demob	\$0	\$0	30	\$0
Subtotal "A"	\$54,466	\$143,516	\$0	\$197,982
Subiotal A	\$34,400	\$145,510	φυ	\$107,00 <b>1</b>
B. Revegetation/Stabilization	Labor <sup>(1)</sup>	Equipment (2)	Materials	Total
Exploration		Equipment	\$0	\$0
Exploration Exploration Roads & Drill Pads	\$0	\$0 \$0	\$0	\$0
Roads	\$0	\$0	\$0	\$0
Well Abandonment				N/A
Pits	\$0	\$0	\$0	\$0
Quarries & Borrow Areas	\$15,000	\$5,700	\$6,750	\$27,450
Underground Openings	\$0	\$0	\$0	N/A \$0
Process Ponds Heaps	\$0	\$0	\$0	\$0
Waste Rock Dumps	\$0	\$0	\$0	\$0
Landfills	\$0	\$0	\$0	\$0
Tailings	\$0	\$0	\$0	\$0
Foundation & Buildings Areas	\$0	\$0	\$0	\$0
Yards, Etc.	\$0	\$0	\$0	\$0
Drainage & Sediment Control Generic Material Hauling	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0
Other User Costs (from Other User sheet)	\$0	\$0	\$0	\$0
Other**				\$0
Subtotal "B"	\$15,000	\$5,700	\$6,750	\$27,450
		<b>v</b> 0,000	¢0,000	+=-,
C. Detoxification/Water Treatment/Disposal of Wastes**	Labor <sup>(1)</sup>	Equipment (2)	Materials	Total
Process Ponds/Sludge				\$0
Heaps				¢/
• · · · · · · · · ·				\$0
Dumps (Waste & Landfill)				\$0
Dumps (Waste & Landfill) Tailings				\$0
Dumps (Waste & Landfill) Tailings Surplus Water Disposal				\$0 \$0 \$0
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring				\$( \$) \$) \$) \$) \$)
Dumps (Waste & Landfill) Tallings Surplus Water Disposal Monitoring Miscellaneous	\$0	\$0	N/A	\$( \$( \$) \$( \$) \$( \$) \$(
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring	\$0	\$0	N/A	\$( \$( \$( \$( \$( \$( \$( \$( \$( \$( \$( \$( \$( \$
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Off Site Hazardous Materials				\$( \$) \$() \$(
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - Of Site Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Solls	\$0	\$0	\$0	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Solls Other User Costs (from Other User sheet)				\$ 50 \$ 50 \$ 50 \$ 50 \$ 50 \$ 50 \$ 50 \$ 50
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Soils Other User Costs (from Other User sheet) Other*	\$0 \$0	\$0 \$0	\$0 \$0	\$2 \$2 \$3 \$3 \$3 \$3 \$3 \$3 \$3 \$3 \$3 \$3 \$3 \$3 \$3
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Solls Other User Costs (from Other User sheet)	\$0	\$0	\$0	\$ 50 \$ 50 \$ 50 \$ 50 \$ 50 \$ 50 \$ 50 \$ 50
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Solis Other User Costs (from Other User sheet) Other" Subtotal "C"	\$0 \$0 <b>\$0</b>	\$0 \$0 <b>\$0</b>	\$0 \$0 <b>\$0</b>	\$( \$) \$() \$(
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Solid Waste - On Site Solid Waste - Off Site Hzardous Materials Hydrocarbon Contaminated Solls Other User Costs (from Other User sheet) Other*  Subtotal "C" D. Structure, Equipment and Facility Removal, and Misc.	\$0 \$0 \$0 Labor <sup>(1)</sup>	\$0 \$0 \$0 Equipment <sup>(2)</sup>	\$0 \$0 \$0 Materials	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Solis Other User Costs (from Other User sheet) Other" Subtotal "C" D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas	\$0 \$0 \$0 Labor <sup>(1)</sup> \$0	50 50 <b>Equipment</b> <sup>(2)</sup> 50	\$0 \$0 <b>\$0</b> Materials \$0	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Of Site Hazardous Materials Hydrocarbon Contaminated Sols Other User Costs (from Other User sheet) Other* Subtotal "C" D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas Other Demoliton	\$0 \$0 Labor <sup>(1)</sup> \$0 \$0	\$0 \$0 <b>\$0</b> <b>Equipment</b> <sup>(2)</sup> \$0 \$0 \$0	\$0 \$0 <b>\$0</b> Materials \$0 \$0	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Solis Other User Costs (from Other User sheet) Other" Subtotal "C" D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas	\$0 \$0 \$0 Labor <sup>(1)</sup> \$0	\$0 \$0 <b>\$0</b> <b>Equipment</b> <sup>(2)</sup> \$0 \$0 \$0	\$0 \$0 \$0 Materials \$0 \$0 \$0 \$0 \$0	50 51 51 52 52 53 54 54 54 54 54 55 55 55 55 55 55 55 55
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Solls Other User Costs (from Other User sheet) Other ' Subtotal "C" D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas Other Demotion Equipment Removal Fence Installation	\$0 \$0 <b>Labor</b> <sup>(1)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 <b>Equipment</b> <sup>(2)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 <b>\$0</b> <b>Materials</b> \$0 \$0 \$0 \$0 \$0 \$0	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Dumps (Waste & Landfill) Tailings Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - Off Site Hazardous Materials Other User Costs (from Other User sheet) Other" Subtotal "C" D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas Other Demolition Equipment Removal Fence Installation Cutvert Removal Fence Installation Cutvert Removal	\$0 \$0 <b>Labor</b> <sup>(1)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 Equipment <sup>(2)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 <b>\$0</b> <b>Materials</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
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Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Of Site Hazardous Materials Hydrocarbon Contaminated Solis Other User Costs (from Other User sheet) Other** <b>Subtotal</b> "C" <b>D. Structure, Equipment and Facility Removal, and Misc.</b> Foundation & Buildings Areas Other Demoition Equipment Removal Fence Removal Fence Installation Culvert Removal Pipe Removal Powerline Removal Powerline Removal	\$0 \$0 <b>Labor</b> (1) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 <b>Equipment</b> <sup>(2)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 <b>\$0</b> <b>Materials</b> \$0 \$0 \$0 \$0 N/A N/A	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Solls Other User Costs (from Other User sheet) Other ' <b>D. Structure, Equipment and Facility Removal, and Misc.</b> Foundation & Buildings Areas Other Demolition Equipment Removal Fence Rentallation Culvert Removal Pipe Removal Pipe Removal Powerline Removal Pipe Removal Powerline Removal	\$0 \$0 <b>Labor</b> <sup>(1)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 Equipment <sup>(2)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 <b>Materials</b> \$0 \$0 \$0 \$0 \$0 N/A N/A N/A \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Of Site Hazardous Materials Hydrocarbon Contaminated Solls Other User Costs (from Other User sheet) Other*  D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas Other Demotilion Equipment Removal Fence Installation Culvert Removal Fence Installation Culvert Removal Transformer Removal Rip-rap. rock liming. gabions Other Visc. Costs Other User Sheet)	\$0 \$0 <b>Labor</b> <sup>(1)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 Equipment <sup>(2)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 <b>\$0</b> <b>Materials</b> \$0 \$0 \$0 \$0 N/A N/A N/A \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Si Si Si Si Si Si Si Si Si Si Si Si Si S
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Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Of Site Hazardous Materials Hydrocarbon Contaminated Solls Other User Costs (from Other User sheet) Other*  D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas Other Demotilion Equipment Removal Fence Installation Culvert Removal Fence Installation Culvert Removal Transformer Removal Rip-rap. rock liming. gabions Other Visc. Costs Other User Sheet)	\$0 \$0 <b>Labor</b> <sup>(1)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 Equipment <sup>(2)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 <b>\$0</b> <b>Materials</b> \$0 \$0 \$0 \$0 N/A N/A \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Si Si Si Si Si Si Si Si Si Si Si Si Si S
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Of Site Hazardous Materials Hydrocarbon Contaminated Solls Other User Costs (from Other User sheet) Other*  D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas Other Demoition Equipment Removal Fence Removal Fence Installation Culvert Removal Pipe Removal Rip-tap, rock Ining, gabions Other User sheet) Other* Subtotal "C"	\$0 \$0 <b>Labor</b> <sup>(1)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 <b>Equipment</b> <sup>(2)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 <b>\$0</b> <b>Materials</b> \$0 \$0 \$0 \$0 N/A N/A \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Si Si Si Si Si Si Si Si Si Si Si Si Si S
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Solls Other User Costs (from Other User sheet) Other*  D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas Other User Removal Equipment Removal Fence Installation Culvert Removal Pipe Removal Powerline Removal Rpi-rap, rock Ining, gabions Other Wisc. Costs Other User sheet) Other*  Subtotal "D" E. Monitoring	\$0           \$0	\$0 \$0 Equipment <sup>(2)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 Materials \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Si Si Si Si Si Si Si Si Si Si Si Si Si S
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Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Of Site Hazardous Materials Hydrocarbon Contaminated Solls Other User Costs (from Other User sheet) Other**  D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas Other User Solts Foundation & Buildings Areas Other Demoval Fence Removal Fence Installation Culvert Removal Pipe Removal Rip-rap, tock lining, gabions Other Wisc. Costs Other User sheet) Other**  Subtotal "D" E. Monitoring Maintenance Ground and Surface Water Monitoring	\$0 \$0 \$0 Labor (1) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 Equipment <sup>(2)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 <b>Materials</b> \$0 \$0 \$0 \$0 N/A N/A \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$         \$ <td< td=""></td<>
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Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Of Site Hazardous Materials Hydrocarbon Contaminated Solls Other User Costs (from Other User sheet) Other**  D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas Other User Solts Foundation & Buildings Areas Other Demoval Fence Removal Fence Installation Culvert Removal Pipe Removal Rip-rap, tock lining, gabions Other Wisc. Costs Other User sheet) Other**  Subtotal "D" E. Monitoring Maintenance Ground and Surface Water Monitoring	\$0 \$0 \$0 Labor (1) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 50 Equipment <sup>(2)</sup> 50 50 50 50 50 50 50 50 50 50	\$0 \$0 <b>Materials</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Of Site Hazardous Materials Hydrocarbon Contaminated Sols Other User Costs (from Other User sheet) Other** <b>D. Structure, Equipment and Facility Removal, and Misc.</b> Foundation & Buildings Areas Other User Costs Other User Costs Other User Sola (Cost) Fence Removal Fence Installation Culvert Removal Fence Installation Culvert Removal Rip-tap, rock lining gabions Other User Costs Other User sheet) Other** <b>Subtotal "D" E. Monitoring</b> Other User Sheet) Subtotal "E"	\$0 \$0 \$0 <b>Labor</b> (1) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 Equipment <sup>(2)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 Materials \$0 \$0 \$0 \$0 N/A N/A \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
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Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Soils Other User Costs (from Other User sheet) Other**  D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas Other User Costs (from Other User sheet) Pipe Removal Powerline Removal Piper Amoval Piper Subtotal "D"  E. Monitoring Reclamation Monitoring and Maintenance Ground and Surface Water Monitoring Other**  Subtotal "D"  F. Construction Management & Support Construction Support	\$0           \$0	\$0 50 Equipment <sup>(2)</sup> 50 50 50 50 50 50 50 50 Equipment <sup>(2)</sup> 50 50 50 50 50 50 50 50 50 50	\$0 \$0 <b>Materials</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s s s s s s s s s s s s s s s s s s s
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Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Of Site Hazardous Materials Hydrocarbon Contaminated Soils Other User Costs (from Other User sheet) Other** <b>D. Structure, Equipment and Facility Removal, and Misc.</b> Foundation & Buildings Areas Other User Costs Conter User Costs Diter Demoval Fence Removal Fence Installation Culvert Removal Pipe Removal Pipe Removal Pipe Removal Rip-rap, rock liming, gabions Other User Costs (from Other User sheet) Other** Subtotal "C" <b>E. Monitoring</b> Reclamation Monitoring and Maintenance Ground and Surface Water Monitoring Other User Costs (from Other User sheet) Subtotal "E" <b>F. Construction Management &amp; Support</b> Construction Support Road Maintenance Other User Costs (from Other User sheet) Other "	\$0           \$0	\$0 \$0 Equipment <sup>(2)</sup> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 Materials \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s s s s s s s s s s s s s s
Dumps (Waste & Landfill) Tailings Surplus Water Disposal Monitoring Miscellaneous Solid Waste - On Site Solid Waste - Off Site Hazardous Materials Hydrocarbon Contaminated Solis Other User Costs (from Other User sheet) Other** D. Structure, Equipment and Facility Removal, and Misc. Foundation & Buildings Areas Other User Costs (from Other User sheet) Price Removal Fence Removal Fence Installation Culvert Removal Rip-rap. rock lining, gabions Other User Costs (from Other User sheet) Other** Subtotal "D" E. Monitoring Reclamation Monitoring and Maintenance Ground and Surface Water Monitoring Other User Costs (from Other User sheet) Subtotal "E" F. Construction Management & Support Road Maintenance Construction Management Construction	\$0           \$0	\$0 50 Equipment <sup>(2)</sup> 50 50 50 50 50 50 50 50 Equipment <sup>(2)</sup> 50 50 50 50 50 50 50 50 50 50	\$0           \$0	Si Si Si Si Si Si Si Si Si Si Si Si Si S

\*\* Other Operator supplied costs - additional documentation required.

#### **Closure Cost Estimate Cost Summary**

#### Project Name: Arnold Pit No. 1 Project Date: 4/12/2019 Model Version: Version 1.4.1 File Name: SRCE\_Version\_1\_4\_1\_017\_MinePermit.xIsm

ndirect Costs				Include?	Total
1. Engineering, Design and Construction (ED&C) Plan (7)					\$18,03
2. Contingency (8)					\$22,54
3. Insurance (9)		\$1,042			\$1,043
4. Performance Bond (10)					\$6,76
5. Contractor Profit (11)					\$22,54
6. Contract Administration (12)					\$22,54
7. Government Indirect Cost (13)					N/A
Subtotal Add-On Costs					\$93,469
Total Indirect Costs as % of Direct Cost					419
SRAND TOTAL					\$318,901
Administrative Cost Rates (%)				L	
		Cost Rang	es for Indirect Cos	t Percentages	
	<=	Cost Rang	es for Indirect Cos	t Percentages	
		<=			
Administrative Cost Rates (%)	<= \$1,000,000 8%	<= \$25,000,000		>	Small Pla
Administrative Cost Rates (%)  1. Engineering, Design and Construction (ED&C) Plan (7)	\$1,000,000	<= \$25,000,000		> \$25,000,000	Small Pla
Administrative Cost Rates (%)  1. Engineering, Design and Construction (ED&C) Plan (7)	\$1,000,000 8%	<= \$25,000,000 6% <=	<=	> \$25,000,000 4%	Small Pla 09 Small Pla
Administrative Cost Rates (%) 1. Engineering, Design and Construction (ED&C) Plan (7) Variable Rate	\$1,000,000 8% <= \$500,000 10%	<= \$25,000,000 6% <= \$5,000,000 8%	<=	> \$25,000,000 4% >	Small Pla 0% Small Pla
Administrative Cost Rates (%)  1. Engineering, Design and Construction (ED&C) Plan (7) Variable Rate 2. Contingency (8)	\$1,000,000 8% <= \$500,000 10% 1.5%	<= \$25,000,000 6% <= \$5,000,000 8% of labor costs	<= <= \$50,000,000 6%	> \$25,000,000 4% > \$50,000,000	Small Pla 09 Small Pla
Administrative Cost Rates (%)  1. Engineering, Design and Construction (ED&C) Plan (7) Variable Rate 2. Contingency (8) Variable Rate	\$1,000,000 8% <= \$500,000 10% 1.5%	<= \$25,000,000 6% <= \$5,000,000 8% of labor costs	<= <= \$50,000,000	> \$25,000,000 4% > \$50,000,000	Small Pla 0% Small Pla
Administrative Cost Rates (%)  1. Engineering, Design and Construction (ED&C) Plan (7) Variable Rate 2. Contingency (8) 3. Insurance (9)	\$1,000,000 8% <= \$500,000 10% 1.5% 3.0%	<= \$25,000,000 6% <= \$5,000,000 8% of labor costs	<= <= \$50,000,000 6%	> \$25,000,000 4% > \$50,000,000	Small Pla 09 Small Pla
Administrative Cost Rates (%)  1. Engineering, Design and Construction (ED&C) Plan (7) Variable Rate 2. Contingency (8) 3. Insurance (9) 4. Bond (10) 5. Contractor Profit (11)	\$1,000,000 8% <= \$500,000 1.0% 1.5% 3.0% 1.0% <=	<= \$25,000,000 6% <= \$5,000,000 8% of labor costs of the O&M costs if C of the O&M costs <=	<= <= \$50,000,000 6%	> \$25,000,000 4% \$50,000,000 4% >	Small Pla 0%
Administrative Cost Rates (%)  1. Engineering, Design and Construction (ED&C) Plan (7) Variable Rate 2. Contingency (8) Variable Rate 3. Insurance (9) 4. Bond (10) 5. Contractor Profit (11) 6. Contract Administration (12)	\$1,000,000 8% <= \$500,000 10% 1.5% 3.0% 10% <= \$1,000,000	<= \$25,000,000 6% <= \$5,000,000 6% 6% 6% 6% 6% 6% 6%	<= <= \$50,000,000 6% D&M costs are >\$100,000	> \$25,000,000 4% \$50,000,000 4% > \$25,000,000	Small Pla 0% Small Pla
Administrative Cost Rates (%)  1. Engineering, Design and Construction (ED&C) Plan (7) Variable Rate 2. Contingency (8) 3. Insurance (9) 4. Bond (10) 5. Contractor Profit (11)	\$1,000,000 8% <= \$500,000 10% 1.5% 3.0% 10% <= \$1,000,000 10%	<= \$25,000,000 6% <= \$5,000,000 6% 6% 6% 6% 6% 6% 6%	<= <= \$50.000 000 6% D&M costs are >\$100,000 <=	> \$25,000,000 4% \$50,000,000 4% >	Small Pl. 0 Small Pl.

RECLAMATION COST ESTIMATION SUMMARY SHEET FOOTNOTES

RECLAMATION COST ESTIMATION SUMMARY SHEET FOOTNOTES
 Federal construction contracts require Davis-Bacon wage rates for contracts over \$2,000. Wage rate estimates may include base pay, payroll loading,
 The reclamation cost estimate must include the estimated plugging cost of at least one diil hole for each active drill rig in the project area. Where the submitted
 Miscellaneous items should be itemized on accompanying worksheets.
 Fluid management should be calculated only when mineral processing activities are involved. Fluid management represents the costs of maintaining proper
 Handling of hazardous materials includes the cost of decontaminating, neutralizing, disposing, treating and/or isolating all hazardous materials used, produced,
 Any mitigation measures required in the Plan of Operations must be included in the reclamation cost estimate. Mitigation may include measures to avoid,
 Engineering, design and construction (ED&C) plans are often necessary to provide details on the reclamation needed to contract for the required work. To
 A contingency cost is included in the reclamation costs. Enter the premium amount if liability insurance is not included in the itemized unit costs.
 Federal construction contracts, use 10% of settimated OAM cost for the contractor's profit.
 For Federal construction contracts, use 10% of the tost of the contractor's profit.
 To estimate the contract administration cost, use 61 to 10% of the operational and maintenance (O&M) cost. Calculate the contract administration cost as a 13. Government indirect cost rate is 21% of the contract administration cost.

# Exhibit M – Other Permits and Licenses

The following agencies have been contacted regarding applicable permits:

- Colorado State Historical Preservation Office have indicated that they will provide guidance following filing of the Permit Application.
- The Colorado Division of Water Resources have not been contacted regarding water rights as no water will be used for operations.
- As for the existing 110 Permit, the operation has no potential to discharge stormwater, and no Stormwater Discharge Permit is required from CDPHE.
- U.S. Bureau of Land Management and U.S. Forest Service have not been contacted as the Affected Lands are entirely on private lands.
- A Jurisdictional Determination has been requested from the U.S. Army Corps of Engineers (Exhibit G).
- A Use by Special Review may be required by Weld County Planning and Zoning. A Pre-Application Review has been completed and is attached to this exhibit.
- A Weld County Public Works Department Access Permit is in place (attached).
- An Air Pollution Emission Notice (APEN) has been submitted and is attached to this exhibit.

# WELD COUNTY ACCESS PERMIT



Weld County Public Works Dept. 1111 H Street P.O. Box 758 Greeley, CO 80632



Phone: (970) 304-6496 After Hours: (970) 356-4000 Emergency Services: (970) 304-6500 x 2700 Inspection: (970) 304-6480

Expiration date:

Name:

Phone:

Email:

Proposed Use:

Temporary: Single Residential:

Industrial:

Oil & Gas:

Subdivision:

Small Commercial:

Large Commercial:

Field (Agricultural Only)/Exempt:

**Property Owner Information:** 

Company: Richard Huwa

**Richard Huwa** 

970-381-3257

 $\square$ 

# Permit Number: AP16-00226

Issuance of this permit binds applicant and its contractors to all requirements, provisions, and ordinances of Weld County, Colorado.

Project Name: Res. upgrade to Industrial

#### Applicant Information:

Name: Darren Dever Company: Arnold's Custom Seeding LLC Phone: 970-324-5123 Email: ddever@acsseeding.com

#### Location:

Access is on WCR:	16		
Nearest Intersection WCR:	16	& WCR:	69
Distance From Intersection:	1350		
Number of Existing Accesses:	6		

Planning Process:

#### Road Surface Type & Construction Information:

Road Surface: Asphalt

Culvert Size & Type: 15" CMP/RCP min. if req.

Start Date: Finish Date:

Materials to Construct Access: roadbase/gravel

#### **Required Attached Documents Submitted:**

Traffic Control Plan: Yes Certificate of Insurance: Yes Access Pictures: Yes

A copy of this permit must be on site at all times during construction hours Daily work hours are Monday through Friday DAYLIGHT to ½ HOUR BEFORE DARK (applies to weekends if approved) Approved MUTCD traffic control/warning devices are required before work begins and must remain until completion of work

#### Special Requirements or Comments

Parcel 130335000003. Utilize existing upgraded access point on CR 16 (1-Industrial) located approx. 1350 ft. East of CR 69. Note: CR 16 is a Collector roadway with a 60 ft. setback from centerline.

Approved by: MyolthA		County Public Works	Date:	5/31/2016
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# PRE APPLICATION REVIEW REQUEST

- The first meeting with the County's Development Review Team is a Pre-Application review meeting. Anyone
  with a development idea can schedule a Pre-Application review meeting to get feedback on their idea. PreApplication meetings are free and are meant to assist property owners and applicants in understanding what
  is required during development review.
- At the Pre-Application meeting, staff from various departments will provide comments on the development proposal. Based on the input from the meeting the applicant can then decide if they would like to move forward with a formal Land Use application.
- <u>Submit the Pre-Application Review Request form, questionnaire, and map to the Planning Department.</u> The application can be emailed to Tom Parko (tparko@weldgov.com); mailed/dropped off at the Planning Department: 1555 N. 17<sup>th</sup> Ave, Greeley, CO, 80631; or faxed to 970-304-6498
- The Pre-Application will be assigned to a planner and a planner will contact you and set up a date and time for the Pre-Application meeting. Pre-Application reviews are typically held Thursdays and Fridays of any given week at the Planning Department offices at the address at the bottom of this form.
- The week following the Pre-Application meeting, the applicant will receive meeting minutes summarizing the requirements that are specific to the project discussed during the meeting. The comments from the meeting minutes assist you in preparing the detailed components of your formal Land Use application.

		OFFICE USE ONLY			
		Case Number:			
		Planner:			
Contact Information:		Date and time of meet	ting:		
Name Ronald Spears					
Phone	720-346-4301		Fax		
Email	rspears@duraroot.com				
Address	4626 CR 65, Keenesbu	1626 CR 65, Keenesburg, CO 80643			
Project Description	Topsoil extraction expar	opsoil extraction expansion from 10 acres to 160 acres total.			

# **Property Information:**

Section-Township-Range	Section 35, Township 2 North, and Range 63 West	Zone District	13N
Parcel Number	130335000003	Acreage	160
Site Address	34216 County Road 16, Keenesburg CO 80643	Water Source	None
Legal Description	Northwest quarter of Section 35, Township 2 North, and Range 63 West	Sewer\Septic	Portable Toilets
Owner Name	Patricia and Richard Huwa		

Is this property currently in violation?

Case Number

Thursday (a.m.)

a.m. or p.m.

• View the Weld County Code https://www.weldgov.com/

Preferred date and time for meeting (Thursday or Friday):

- View the Weld County Property Portal <u>https://www.co.weld.co.us/maps/propertyportal/</u>
- View other Weld County Planning Cases E-permit center https://accela-aca.co.weld.co.us/citizenaccess/



# PRE APPLICATION REVIEW REQUEST

# QUESTIONNAIRE:

Answer the following questions on a separate sheet. If a question does not pertain to your use, please respond with "not applicable".

## Planning Questions: Planner on Call 970-400-6100

- 1. Explain in detail, the proposed use of the property.
- 2. What are the hours and days of operation? (e.g. Monday thru Friday 8:00 a.m. to 5:00 p.m.)
- 3. List the number of full-time and/or part-time employees proposed to work at this site.
- 4. If shift work is proposed include the number of employees per shift.
- 5. List the number of people who will use this site. Include contractors, truck drivers, customers, volunteers, etc.
- 6. If this is a dairy, livestock confinement operation, kennel, etc., list the number and type of animals.
- 7. Describe the type of lot surface and the square footage of each type. (e.g. asphalt, gravel, landscaping, dirt, grass, buildings)
- 8. Is this site in a Regional Urbanizing Area (RUA)?

## Public Works Questions: 970-304-6496

- 1. Describe how many roundtrips/day are expected for each vehicle type: Passenger Cars/Pickups, Tandem Trucks, Semi-Truck/Trailer/RV (Roundtrip = 1 trip in and 1 trip out of site)
- 2. Describe the expected travel routes for site traffic.
- 3. Describe the travel distribution along the routes (e.g. 50% of traffic will come from the north, 20% from the south, 30% from the east, etc.)
- 4. Describe the time of day that you expect the highest traffic volumes from above.
- 5. Describe where the access to the site is planned.
- 6. Describe the plans or containment for the stormwater runoff.

#### Environmental Health Questions: 970-304-6415

- 1. What is the drinking water source on the property? If utilizing a drinking water well include the well permit number.
- 2. What type of sewage disposal system is on the property? If utilizing an existing septic system provide the septic permit number.
- 3. If storage or warehousing is proposed, what type of items will be stored?

#### Building Questions: 970-400-6100

- 1. List the type, size (square footage), and number of existing and proposed structures.
- 2. Explain how the existing structures will be used for this USR.
- 3. List the proposed use(s) of each structure.

# MAP:

Show and label the following items:

- 1. Existing and proposed structures, sizes and uses
- 2. Existing and proposed parking with dimensions
- 3. Nearest public roads
- 4. Proposed and existing access points
- 5. Property boundary

Development Review Staff are available to assist applicants through this process. For questions, please visit us or call The Department of Planning Services at (970) 400-6100.

9/2018

# Planning Questions: 970-400-6100

## 1. Explain in detail, the proposed use of the property.

The property will be used to remove 310,000 tons of topsoil. The top four inches of top soil will be stripped and piled for reclamation using a CAT D6 dozer. The remaining eight inches of top soil will be stripped and piled using a CAT D6 dozer and frontend loader. It will then be loaded into trucks using a frontend loader and hauled offsite. The total disturbance depth will not exceed 24 inches. Following disturance, the property will be reclaimed and restored to it's current use as cropland.

# 2. What are the hours and days of operation? (e.g. Monday thru Friday 8:00 a.m. to 5:00 p.m.)

Monday through Friday, 7am to 5pm

## 3. List the number of full-time and/or part-time employees proposed to work at this site.

Three full time employees will be onsite at a given time. Seventeen total employees will be utilized for this operation. One operator for the scraper, one operator for the loader, and 15 semi-truck drivers for hauling.

## 4. If shift work is proposed include the number of employees per shift.

N/A

5. List the number of people who will use this site. Include contractors, truck drivers, customers, volunteers, etc.

The site will be used by the following:

- 1 operator for the scraper;
- 1 operator for the loader; and
- 15 Semi-truck drivers (at various times throughout the day).

6. If this is a dairy, livestock confinement operation, kennel, etc., list the number and type of animals.

N/A

7. Describe the type of lot surface and the square footage of each type. (e.g. asphalt, gravel, landscaping, dirt, grass, buildings)

Cropland covering approximately 6,970,000 sq ft (160 acres)

8. Is this site in a Regional Urbanizing Area (RUA)?

No

# Public Works Questions: 970-304-6496

1. Describe how many roundtrips/day are expected for each vehicle type: Passenger Cars/Pickups, Tandem Trucks, Semi-Truck/Trailer/RV (Roundtrip = 1 trip in and 1 trip out of site)

One round trip per day will be expected for each of 15 semi trucks.

## 2. Describe the expected travel routes for site traffic.

Travel from the site will occur on County Road 16 to the east for approximately 3.1 miles, County Road 63 to the north for approximately 0.3 miles and County Road 16 ½ for approximately 2.0 miles.

# 3. Describe the travel distribution along the routes (e.g. 50% of traffic will come from the north, 20% from the south, 30% from the east, etc.)

100% of traffic will come from the East via County Roads 16 ½, 63, and 16.

## 4. Describe the time of day that you expect the highest traffic volumes from above.

The highest traffic volume will occur between 7am to 5pm with semi trucks hauling material offsite.

## 5. Describe where the access to the site is planned.

Access to the site will be via CR 16 approximately 1,360 feet east of the intersection of CR 69 and CR16. The access road is on the south side of CR 16 located at 40.102110°, - 104.409300°

## 6. Describe the plans or containment for the stormwater runoff.

An eight-inch berm will be constructed around the property to prevent run-off.

## Environmental Health Questions: 970-304-6415

1. What is the drinking water source on the property? If utilizing a drinking water well include the well permit number.

No water source

# 2. What type of sewage disposal system is on the property? If utilizing an existing septic system provide the septic permit number.

Portable toilets will be provided on site for all mine personnel.

# 3. If storage or warehousing is proposed, what type of items will be stored?

N/A

#### Building Questions: 970-400-6100

# 1. List the type, size (square footage), and number of existing and proposed structures.

There are three outbuildings currently existing onsite and are 4,000 square feet, 1,000 square feet, and 1,000 square feet. There are no additional structures proposed for this site.

# 2. Explain how the existing structures will be used for this USR.

Existing structures will not be used for this project.

# 3. List the proposed use(s) of each structure.

N/A

# MAP

Figure 1: Property Boundary, Access and Nearest Public Roads

Figure 2: Existing Structures, Sizes and Uses







# Mining Operations APEN – Form APCD-222 Air Pollutant Emission Notice (APEN) and Application for Construction Permit

All sections of this APEN and application must be completed for both new and existing facilities, including APEN updates. Incomplete APENs will be rejected and will require re-submittal. Your APEN will be rejected if it is filled out incorrectly, is missing information, or lacks payment for the filing fee. The re-submittal will require payment for a new filing fee.

This APEN is to be used for mining operations (i.e. quarries, pits, or mines). This APEN may also be used to report haul road activities at non-mining facilities. Additional APENs may be required for process equipment located at the mine. A specialty APEN may be available for the process equipment (e.g. asphalt plant, crusher/screen, concrete batch plant, engines, etc.). In addition, the General APEN (Form APCD-200) is available if the specialty APEN options will not satisfy your reporting needs. A list of all available APEN forms can be found on the Air Pollution Control Division (APCD) website at: <a href="http://www.colorado.gov/cdphe/apcd">www.colorado.gov/cdphe/apcd</a>.

This emission notice is valid for five (5) years. Submission of a revised APEN is required 30 days prior to expiration of the five-year term, or when a reportable change is made (significant emissions increase, increase production, new equipment, change in fuel type, etc.). See Regulation No. 3, Part A, II.C. for revised APEN requirements.

Permit Number:		AIRS ID Number:	/ /	
	[Leave blank unless APCD has already ass	igned a permit # and AIRS ID]		
Section 1 - Adm	ninistrative Information			
Company Name <sup>1</sup> :	Arnolds Custom Seeding, LLC			
Mine/Pit Name:	Arnold Pit No. 1			
Mine/Pit Location:	34216 County Road 16	Mine/Pit Location County:	Weld	
	Keenesburg CO 80643			
		NAICS or SIC Code:		
Mailing Address: (Include Zip Code)	4626 WCR 65			
	Keenesburg, CO 80643	Contact Person:	Ron Spears	
		Phone Number:	720-346-4301	
		E-Mail Address <sup>2</sup> :	rspears@duraroot.co	m

<sup>1</sup> Use the full, legal company name registered with the Colorado Secretary of State. This is the company name that will appear on all documents issued by the APCD. Any changes will require additional paperwork.

<sup>2</sup> Permits, exemption letters, and any processing invoices will be issued by the APCD via e-mail to the address provided.



Permit	Number:
--------	---------

AIRS ID Number:

1

1

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section	2 -	Requested	Action	
---------	-----	-----------	--------	--

×	NEW permit OR newly-reported emission source							
	- OR -							
	MODIFICATION to existing permit (check each box below that applies)							
		Change fuel or equipment		Change company name <sup>3</sup>		Add point to existing permit		
		Change permit limit		Transfer of ownership <sup>4</sup>		Other (describe below)		
				- OR -				
	APEN	submittal for update only (No	ote blank	APENs will not be accept	ed)			
			- Ad	DITIONAL PERMIT ACTIONS -				
	APEN submittal for permit exempt/grandfathered source							
Addi	tional I	nfo & Notes:						

<sup>3</sup> For company name change, a completed Company Name Change Certification Form (Form APCD-106) must be submitted.

<sup>4</sup> For transfer of ownership, a completed Transfer of Ownership Certification Form (Form APCD-104) must be submitted.

# Section 3 - General Information

General description of the activity (additionally, provide a topographic site map):

The top four inches of top soil will be salvaged for reclamation using a CAT D6 dozer and stockpiled on site.

The remaining eight inches of top soil will be stripped and piled using a CAT D6 dozer and frontend loader.

It will then be loaded into trucks using a frontend loader and hauled offsite via paved County Road 16.

For existing sources, operation began on:

For new or reconstructed s	ources, the	e projecteo	d start-up da	te is: Au	gust 2019	5	
Normal Hours of Source Op	eration:	10	hours	/day 4	days/week	52	weeks/year
Seasonal use percentage:	Dec-Feb:	100	Mar-May:	100	Jun-Aug: 100	Sep-Nov	: 100
Commodity Produced: (chec	k each box be	low that appl	— lies - as indicate	d on the appl	- icable Division of Minerals	and Geology Perm	nit)

×	Aggregate / Sand and Gravel
	Stone
	Coal
	Minerals or Metals (type):
	Other (describe):



[Leave blank unless APCD has already assigned a permit # and AIRS ID]

## Section 4 - Processing/Manufacturing Information & Material Use

Check this box if APEN is for Haul Roads only (not located at a mining site) and complete the applicable sections, <u>Section 4H - Raw Material Transport</u> and/or <u>Section 4I - Finished Product Transport</u> on pages 6 and 7. Otherwise complete all of Section 4.

From what year is the actual annual amount? \_\_\_\_

Actual Annual Production (tons)	
Requested Annual Production <sup>5</sup> (tons)	123,500

<sup>5</sup> Requested values will become permit limitations. Requested limit(s) should consider future process growth.

Contion 44 Toncoll

	Section 4A -	Topson
Remo	val	Stockpile(s)
Topsoil removed daily (tons)	200	Maximum stored on site (tons) 41,600
Topsoil removed annual (tons)	41,600	Proposed controls for topsoil stockpile
Proposed controls for topsoil re	moval	Watering
Moist Material		Chemical Stabilizer
Water Spray		Compacting of Piles
Other (specify)		Enclosures (choose one option from below)
		Complete Partial
		Revegetation (must occur within one year of site disturbance)
		Other (specify)
Remo	<u>Section 4B - Ove</u>	Stockpile(s)
Equipment used for removal	N/A	Maximum stored on site (tons) 0
Tons removed by dragline (daily	<i>"</i> 0	Proposed controls for overburden stockpile
Tons removed by dragline (annu	ual) ()	Watering
Dragline drop height (feet)	0	Chemical stabilizer
Hours scraper operated (daily)	0	Compacting of piles
Hours scraper operated (annual)	0	Enclosures (choose one option from below)
Proposed controls for overburd	en removal	Complete Partial
Moist material		Revegetation (must occur within one year of site disturbance)
Water Spray		Other (specify)
Other (specify)		

Form APCD-222 Mining Operations APEN - Revision 3/2019

Permit Number:	AIRS ID Number: / /
[Leave blank unless APCI	D has already assigned a permit # and AIRS ID}
Section 4	C - Drilling and Blasting
Drilling	Blasting
Number of holes drilled (daily) 0	Blast area (acres)
Number of holes drilled (annual)	Number of blasts (daily)
Proposed controls for drilling	Number of blasts (annual)
Water injection	Type of blasting material N/A
Bag collectors	Blasting material used (daily) 0
Other (specify)	Blasting material used (annual)
<b>6</b>	
Section	<u>4D - Raw Material</u>
Removal	Stockpile(s)
Material removed daily (tons)	Maximum stored on site (tons)
Material removed annual (tons)	Proposed control for raw material stockpile
Maximum drop height (feet)	Watering
Specific moisture content (%) N/A	Chemical stabilizer
Proposed controls for raw material removal	Compacting of piles
Moist material	Enclosures (choose one option from below)
Water spray	Complete Partial
Other (specify)	Other (specify)
Section 4E - Conveyors and Tran	nsfer Points (not assigned to process equipment)
Include a map detailing the conveyor system layou	ut within the site.

Conveying		Transfer Points		
Material conveyed daily (tons)	0	Number of transfer points	N/A	
Material conveyed annual (tons)	0	Proposed controls for tr	ansfer points	
Proposed controls for conveyors		Watering		
Enclosures (choose one opt	tion from below)	Chemical stab	ilizer	
Complete Pa	artial	Enclosures (ch	oose one option from below)	
Other (specify)		Complete	Partial	
		Other (specify)		



1

1

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

#### Section 4F - Processing Equipment

Will processing (i.e., crushing, screening, etc.) occur on site? (yes/no) No

If you answered "No" above (i.e. no processing/manufacturing equipment will be located on site) check the box below and skip to page 6, <u>Section 4G - Finished Product</u>.

Check this box if no process equipment is located on site.

Permit Number:

List any additional emission sources and related controls (e.g. concrete batch plants, crushers/screens, engines, conveyors and transfer points associated with process equipment, asphalt plants, etc.). Additional APENs for any such equipment may be required. The following specialty APENs are available: Form APCD-224 Concrete Batch Plant APEN, Form APCD-221 Crusher/Screen APEN, Form APCD-233 Compression Ignition Engine APEN. If a specialty APEN is not appropriate for the additional equipment, use Form APCD-200 General APEN.

Additionally, complete the section below regarding crushing and screening performed on site.

Emission Source (or equipment type)	Control Equipment Description	Permit Number (If available)

Primary Crushing	Screening/Classifying		
Maximum crushed per year (tons)	Maximum screened per year (tons)		
Design process rate (tons/hour)	Design process rate (tons/hour)		
Duration of daily crushing (hours)	Duration of daily screening (hours)		
Secondary Crushing	Secondary Screening/Classifying		
Maximum crushed per year (tons)	Maximum screened per year (tons)		
Design process rate (tons/hour)	Design process rate (tons/hour)		
Proposed control for crushing	Proposed control for screening		
Moist material	Moist material		
Water spray	Water spray		
Enclosures (choose one option from below)	Enclosures (choose one option from below)		
Complete Partial	Complete Partial		
Other (specify)	Other (specify)		

Note: Completion of this section does not relieve the applicant from the requirement to submit APEN forms for process equipment subject to APEN or permitting requirements.



Permit Number:		AIRS ID Number:	1 1
[Leave bla	onk unless APCD has already assign	ned a permit $\neq$ and AIRS ID]	
	Section 4G - Finishe	ed Product	
Stockpile(s)			
Maximum stored on site (tons) 594			
Proposed control for finished product sto	ockpile		
Watering			
Chemical stabilizer			
Compacting of piles			
Enclosures (choose one option from	i below)		
Complete Partial			
Revegetation (must occur within or	ne year of site disturbance)		
Other (specify)			
Section 4	4H - Raw Material Transport	(raw material removal to stoc	<u>kpiles)</u>
Annual on-site transfer: 0	tons -		
	Haul Vehicle 1 Haul	Vehicle 2 Haul	/ehicle 3
Haul vehicle capacity:			tons
Haul vehicle empty weight:	·		tons
Max number of trips per day:			
Haul road length (avg. one way):			feet
Posted speed limit on haul road:	mph		
List all air pollution controls used for the	e haul roads:		
Paved Surface			
Street sweeping:	No Yes		
Unpaved Surface			
Watering:	None As neede	d 🗌 Frequent	5:times/day
Surface is graveled:	No Yes		
Chemical stabilizer applied:	No Yes	Туре:	
		(e.g	. mag chloride, resin, etc.)

<sup>6</sup> If "Frequent" is selected, your permit may include a requirement to water haul roads daily as often as listed in this APEN.



Permit Number:

AIRS ID Number:

1

1

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

# Section 4I - Finished Product Transport

Annual off-site transfer: 123,50	0 tons			
	Haul Vehicle 1	Haul Vehicle 2	Haul Vehicle 3	
Haul vehicle capacity:	22	22	22	tons
Haul vehicle empty weight:	16,000	16,000	16,000	tons
Max number of trips per day:	9	9	9	
Haul road length (avg. one way):	2,600	2,600	2,600	feet
Posted speed limit on haul road:	20	mph		
List all air pollution controls used for	the haul roads:	In CE224		
Paved Surface				
Street sweeping:	No No	Yes		
Unpaved Surface				
Watering:	None None	As needed	Frequent <sup>6</sup> :	times/day
Surface is graveled:	No No	Yes	-	
Chemical stabilizer applied:	No No	Yes Type:		
			(e.g. mag chloride, r	esin. etc.)

<sup>6</sup> If "Frequent" is selected, your permit may include a requirement to water haul roads daily as often as listed in this APEN.

Section 5 - Site Informat	ion
	Geographical Coordinates (Latitude/Longitude or UTM)
	40.102110, -104.409300
	Attach a topographic site map indicating location.
Total site area (acres): 160	
Total disturbed site area (acres):	160
Proposed site controls	
Watering (choose one option	n from below)
Frequent (2 or more t	mes per day)
As needed	
Chemical stabilizer	
Revegetation (must occur v	vithin one year of site disturbance)
Seeding with mulch	
Seeding without mul	ch
Other (specify)	



Permit	Number:
--------	---------

1

#### Section 6 - Applicant Certification

I hereby certify that all information contained herein and information submitted with this application is complete, true, and correct.

Name (print)	Title
Tyrun Huwa	Director
Signature of Legally Authorized Person (not a vendor or co	nsultant) Date
TV	5/28/19

Check the appropriate box to request a copy of the:

Draft permit prior to issuance Draft permit prior to public notice

(Checking any of these boxes may result in an increased fee and/or processing time)

This emission notice is valid for five (5) years. Submission of a revised APEN is required 30 days prior to expiration of the five-year term, or when a reportable change is made (significant emissions increase, increase production, new equipment, change in fuel type, etc.). See Regulation No. 3, Part A, II.C. for revised APEN requirements.

Send this form along with \$191.13 to:

Colorado Department of Public Health and Environment Air Pollution Control Division APCD-SS-B1 4300 Cherry Creek Drive South Denver, CO 80246-1530

Make check payable to:

Colorado Department of Public Health and Environment

For more information or assistance call:

Small Business Assistance Program (303) 692-3175 or (303) 692-3148

APCD Main Phone Number (303) 692-3150

Or visit the APCD website at:

https://www.colorado.gov/cdphe/apcd








May 11, 2016

Rick Gillan, Vice President Arnolds Custom Seeding LLC 4626 CR 65 Keenesburg, Colorado 80643

Dear Rick,

I Rich Huwa am the recorded surface owner of the property located in North West ¼ of Section 35, Township 2 North, Range 63 West of the Sixth Principal Meridian, Weld County, Colorado.

Pursuant to your recent request, this is to confirm that I, Rich Huwa, have authorized Arnolds Custom Seeding LLC to enter the subject property for the purpose of mining construction materials from an area located on the North West portion of the section, provided, that Arnolds Custom Seeding LLC applies for and obtains all necessary permits and approvals from the State of Colorado and any other agency having jurisdiction over such activity. I also authorize Arnolds Custom Seeding LLC to use the existing access road to West of the permit area.

Should you require any additional statement from myself, Rich Huwa regarding Arnolds Custom Seeding LLC legal right to enter this property to mine, please contact me. Thank you.

Sincerely yours,

Rich Hura

**Rich Huwa** 

ACKNOWLEDGMENT



State of Colorado

County of Weld

The letter regarding legal right to enter property to mine construction materials was acknowledged before me this is day of June, 2016 by Rich Huwa, surface owner of property proposed to be mined.

MONICA PODLE Notary Signature

2127/18

Commission Expiration

MONICA POOLE NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20064049340 MY COMMISSION EXPIRES FEBRUARY 27 201

# Exhibit O – Owners of Record of Affected Land and Owners of Substance to be Mined

Owner of record is Patricia and Richard Huwa as shown on Figure C-1, Exhibit C.

# **Exhibit P – Municipalities within Two Miles**

Prospect Valley, an unincorporated community of Weld County, is the sole municipality located within two miles of the affected land (Figure P-1). There is no general office, with the township of Keenesburg serving as the Prospect Valley postal address.



# Exhibit Q – Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District



1. Proof of Notification Mailing to Weld County Commissioners Office



2. Proof of Notification Mailing to Southeast Weld County Conservation District



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

Domestic Return Receipt



April 12, 2019

Weld County Commissioners 1150 O Street Greeley, CO 80631

To Whom it May Concern:

The Enclosed Notice is being sent to you because Arnolds Custom Seeding LLC, 4626 CR65, Keenesburg, CO 80643, 303-732-4021, is applying for a Construction Materials Regular (112) Operation Reclamation Permit. As a requirement for the permit acceptance, a Notice of Filing Application must be sent to the County Conservation District. Please respond with a signature on the Receipt and Proof of Filing and return to the above Arnolds address Attn: Ronald Spears (return envelope enclosed). If you have any questions, please give me a call directly at 720-346-4301 or email me at <u>rspears@duraroot.com</u>. Thank you for your time and I look forward to receiving your receipt.

Sincerely,

Rud E. Sum

Ronald Spears Senior Biologist

CERTIFIED MAIL Return Receipt Requested





April 1, 2019

Southeast Weld Conservation District Po Box 381 Keenesburg, Co 80643

To Whom it May Concern:

The Enclosed Notice is being sent to you because Arnolds Custom Seeding LLC, 4626 CR65, Keenesburg, CO 80643, 303-732-4021, is applying for a Construction Materials Regular (112) Operation Reclamation Permit. As a requirement for the permit acceptance, a Notice of Filing Application must be sent to the County Conservation District. Please respond with a signature on the Receipt and Proof of Filing and return to the above Arnolds address Attn: Ronald Spears (return envelope enclosed). If you have any questions, please give me a call directly at 720-346-4301 or email me at <a href="mailto:rspears@duraroot.com">rspears@duraroot.com</a>. Thank you for your time and I look forward to receiving your receipt.

Sincerely,

Ruid E. Sum

Ronald Spears Senior Biologist

CERTIFIED MAIL Return Receipt Requested

## **Receipt and Proof of Filing**

# Arnold Pit No. 1, Construction Material Regular (112) Operation **Reclamation Permit**

\_\_\_\_\_, with the Southeast Weld County Conservation District, hereby acknowledge receipt of the following:

- "Notice of Filing Application for the Colorado Mined Land **Reclamation Permit**"
- Arnold Pit No. 1, Arnold Pit No. 1, Construction Material Regular (112) Operation Reclamation Permit Application Form

Wall

Signature

4/18/19

## **Receipt and Proof of Filing**

# Arnold Pit No. 1, Construction Material Regular (112) Operation Reclamation Permit

I, <u>Bethany</u> Ford \_\_\_\_, with the Weld County Commissioners office, hereby acknowledge receipt of the following:

- "Notice of Filing Application for the Colorado Mined Land Reclamation Permit"
- Arnold Pit No. 1, 112 Reclamation Permit Application Form

# RECEIVED

MAY 3 0 2019

WELD COUNTY COMMISSIONERS

Signature

Date

# Exhibit R – Proof of Filing with County Clerk and Recorder

# STATE OF COLORADO

		RECLAMATION, I	MINING AND SAFE						
1313 Denv Phor		St., Room 215 Io 80203 6-3567	WELD COUNT 1402 NORTH P O BOX 459 GREELEY, COL	CLERK &	NUE	DER			COLORADO DIVISION OF RECLAMATION MINING
			APR	7- <del>2018</del>	+201	9 TT	<del>18</del>		SAFETY
						IATERIALS			<u></u>
			R	EGULAR	(112) 0	PERATION			
			RECLAMA	TION PE	RMIT A	PPLICATION FC	RM		
CHE	ECK ONE	: There i	s a File Number A	lready As	signed to	this Operation			
	I	Permit # <u>M</u>	(Ple	ase referen	ce the file	number currently	assigned t	o this operatio	n)
			ication (Rule 1.4.5) on Application (Ru			Amendment Appl	ication (F	ule 1.10)	
		<b>L</b>							
	Permit	# <u>M</u> _2016_	022 (pro	vide for Ar	mendmer	its and Conversion	s of exist	ing permits)	
the a	application	n fee described und or 8 1/2" X 14" size	ler Section (4) belo . To expedite proce	w. Exhibit essing, plea RAL OPE	ts should ase provid RATION	<u>NOT</u> be bound or le the information in INFORMATION	in a 3-rin n the form	g binder; maps at and order de	hibit, and a check for should be folded to escribed in this form.
1.	<u>Applica</u>	nt/operator or co	mpany name (nan	e to be us	ed on per	mit): Arnolds C	Custom S	eeding LLC	
	1.1 Ty	pe of organization	(corporation, partn	ership, etc	.): <u>Arno</u>	old Pit No. 1			
2.	<u>Operati</u>	on name (pit, min	e or site name):	Arnold Pi	it No. 1				
3.	<u>Permitt</u>	ed acreage (new o	or existing site):					9.99	permitted acres
	3.1 Cl	nange in acreage (+	·)					150.01	acres
	3.2 To	otal acreage in Perr	nit area					160	acres
4.	4.2 No 4.4 Au	ew Application ew Quarry Applica nendment Fee onversion to 112 op	peration (set by stat					\$2.696.00 \$3.342.00 \$2.229.00 \$2.696.00	application fee quarry application amendment fee conversion fee
5.	Primary	v commoditie(s) to	be mined: Top	Soil					
	5.1 In	cidental commodit	ie(s) to be mined:	1		lbs/Tons/yr	2		lbs/Tons/yr
	3.	1	lbs/Tons/vr	4.	1	lbs/Tons/yr	5		lbs/Tons/yr
	5.2 Aı	nticipated end use	of primary commo	litie(s) to b	e mined:	Top soil use or	n constru	ction location	S

5.3 Anticipated end use of incidental commoditie(s) to be mined: none

## **Receipt and Proof of Filing**

# Arnold Pit No. 1, Construction Materials Regular (112) Operation Reclamation Permit

1, Jules Anlibau Martinez, with the Weld County Planning Commission office, hereby acknowledge receipt of the following:

- "Notice of Filing Application for the Colorado Mined Land Reclamation Permit"
- Arnold Pit No. 1, Construction Materials Regular (112) Operation Reclamation Permit Application Form

eltone or lector Signature

Date

# Exhibit S – Permanent Man-Made Structures



1

## **Exhibit S - Permanent Man-Made Structures**

Buried utilities, overhead power lines and individually owned water wells are located within the 200-foot buffer of the proposed boundary. Arnolds Custom Seeding has opted for option (a) under section 6.4.19 of the Code of Colorado Regulations that states:

The applicant may provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure.

Existing man-made structures within 200 ft of the mining area include:

- Water wells owned by:
  - o Mark Arnusch;
  - Stanley Gingerich;
  - o Elaine and Frederick Hepner;
  - o Keene Storage; and
  - o Prospect Valley Farms
- Buildings owned by:

٠

- o Mark Arnusch;
- Elaine and Frederick Hepner;
- Rich and Patricia Huwa;
- Stanley Gingerich;
- Sarah Petty; and
- o Turnpike LLC.
- An electrical substation owned by USA;
- An overhead powerline owned by Morgan County REA;
- A high-pressure gas line owned by Xcel Energy;
- A fiber optic owned by Century Link; and
- An underground waterline owned by Noble Midstream.

Structure agreements have been drafted and mailed to all interested parties except for Century Link and Prospect Valley Farms. A point of contact was identified and numerous attempts to contact have been left unanswered. They are both assumed to be non-responsive and a physical address for mailing cannot be obtained.

Return receipts for all certified mailings have been received except for landowner Sarah Petty, Morgan County REA. A return receipt has been received for Noble Midstream. Copies of correspondence and certified mail return receipts are attached to this exhibit.



March 27, 2019

Mark Arnusch 33521 WCR 16 Keenesburg, CO 80643

#### Subject: Structure Agreement - Mine Permit Application for Arnolds Custom Seeding

Dear Mark Arnusch,

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

The enclosed Notice is being sent to you because it is our understanding you own an actively permitted water well within 200 feet of Arnolds Custom Seeding's proposed mining operation known as Arnold Pit No. 1. The location of the of subject property is part of the Northwest ¼ of the Northwest¼ of Section 35, Township 2 North, Range 63 West in Weld County, Colorado. Arnolds Custom Seeding LLC is in the process of filing a 112 Reclamation Permit Application with the Colorado Division of Reclamation, Mining and Safety. The Arnold Pit No. 1 reclamation plan is to return the area disturbance back to crop production.

The water well(s) is located on the North side of County Road 16. The area to be mined is located on the South side of County Road 16. The mine boundary will be staked. There will be no reason the water well should be disturbed during the mine process.

Enclosed with this letter is a "Structure Agreement" whereby Arnolds Custom Seeding LLC agrees to provide compensation for any damages to the referenced water well as the result of mining top soil from the subject property (see map attached). If the enclosed Structure Agreement is acceptable to you please complete the portion of the agreement identified as "Notary for Structure Owner" and return same to Mackenzie Fernald, Duraroot, LLC, 810 Brickyard Circle #4, Golden, Colorado 80401.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Mackenzie Fernald at (970) 729-2421 for further information.

Sincerely,

Mackenzie Fernald

### Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires the where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either;

- a. Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

Water Well	 		 
·		 	 
	 		 12.0.004

(Please list additional structures on a separate page)

and an excited and a

## CERTIFICATION

The Applicant, Arnolds	Custom Seeding LLC	(print applicant/company name),		
by Tyrun Huwa	(print representative's name), as Dire	ector (print		
representative's title),	does hereby certify that Mark Arnusch	(structure owner) shall		
be compensated for a	ny damage from the proposed mining operati	on to the above listed structure(s)		
located on or within 2	00 feet of the proposed affected area describ	ed within Exhibit A, of the		
<b>Reclamation Permit A</b>	pplication for <u>Arnold Pit No. 1</u>	(operation name),		
File Number M- 2016	022 .			

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

#### NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:	
Applicant Arnolds Custom Seeding LLC	Representative Name Tyrun Huwa
Date March 26, 2019	_Title Director
STATE OF COlovado)	JK.
COUNTY OF Werd)	
The foregoing was acknowledged before me this Tyrun Huwan as Divetor	all day of March , 2019 by of Arnold's austim Seeding LLC
Jamo Peobe My Co	ommission Expires: April 18, 2022
·	JAMSIE C PEAKE Notary Public State of Coloredo Notary ID # 20144016730 My Commission Expires 04-18-2022

### NOTARY FOR STRUCTURE OWNER

Structure Owner	Name
STATE OF)	
)ss. COUNTY OF )	
The foregoing was acknowledged before me this	a day of, by
as	of

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON I	DELIVERY
<ul> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature Wheee Car B. Received by (Printed Name)	C. Date of Delivery
1. Article Addressed to: MARK ARNUSCH 33521 WILL 16 KEENESBURG, W Soby 3	D. Is delivery address different from If YES, enter delivery address i	
9590 9402 4301 8190 8221 21	Service Type     Adult Signature     Adult Signature     Adult Signature Restricted Delivery     Certified Mail®     Certified Mail®     Collect on Delivery     Collect on Delivery     Collect on Delivery     Adult     Ad	Priority Mail Express:     Registered Mail <sup>™</sup> Registered Mail <sup>™</sup> Registered Mail <sup>®</sup> Restricted     Delivery     Return Receipt for     Merchandise     Dignature Confirmation <sup>™</sup> Signature Confirmation     Restricted Delivery

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March 27, 2019

Stanley Gingerich 120 W Nelson Avenue PO Box 316 Keenesburg, CO 80643

#### Subject: Structure Agreement - Mine Permit Application for Arnolds Custom Seeding

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

The enclosed Notice is being sent to you because it is our understanding you own an actively permitted water well and buildings within 200 feet of Arnolds Custom Seeding's proposed mining operation known as Arnold Pit No. 1. The location of the of subject property is part of the Northwest ¼ of the Northwest¼ of Section 35, Township 2 North, Range 63 West in Weld County, Colorado. Arnolds Custom Seeding LLC is in the process of filing a 112 Reclamation Permit Application with the Colorado Division of Reclamation, Mining and Safety. The Arnold Pit No. 1 reclamation plan is to return the area disturbance back to crop production.

The water well(s) is located east of the mine boundary and between roughly 1,300 feet to 2,500 feet south of County Road 16. The area to be mined is located on the South side of County Road 16. The mine boundary will be staked. There will be no reason the water well should be disturbed during the mine process.

Enclosed with this letter is a "Structure Agreement" whereby Arnolds Custom Seeding LLC agrees to provide compensation for any damages to the referenced water well as the result of mining top soil from the subject property (see map attached). If the enclosed Structure Agreement is acceptable to you please complete the portion of the agreement identified as "Notary for Structure Owner" and return same to Mackenzie Fernald, Duraroot, LLC, 810 Brickyard Circle #4, Golden, Colorado 80401.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Mackenzie Fernald at (970) 729-2421 for further information.

Sincerely,

Mackenzie Fernald

### Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires the where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either;

- a. Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1.	Water Well				
2.	Building(s)				
3.	a da mais			1	-1994 1994 1994 1994 1994 1994 1994 1994 1994 1994 1994 199
1.	lan an a				
5.			* 7 7		

(Please list additional structures on a separate page)

### CERTIFICATION

The Applicant, Arnolds	Custom Seeding LLC	<pre>(print applicant/company name),</pre>
by Tyrun Iluwa	(print representative's name), as Direc	ctor (print
representative's title),	does hereby certify that Stanley Gingerich	(structure owner) shall
	ny damage from the proposed mining operatio	on to the above listed structure(s)
	00 feet of the proposed affected area describe	
	oplication for Arnold Pit No 1	(operation name),
File Number M- 2016	022	

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

#### NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:	
Applicant Arnolds Custom Seeding LLC	Representative Name Tyrun Huwa
Date March 27, 2019	Title Director
STATE OF CO lo Lado )	J
COUNTY OF WE U	
The foregoing was acknowledged before m TYMN HUWA as Divise	this and day of March 2019 by Seveling
Jams Rabe	My Commission Expires: $4 - 18 - 23$
AMSIE C PEAKE Notary Public tore of Colorado 2010 2420144016730 My Commission Expires 04-18 2022	

#### NOTARY FOR STRUCTURE OWNER

Structure Owner	Name	
Date	Title	
STATE OF	) )ss.	
COUNTY OF		
The foregoing was acknow	ledged before me this day of	by
	asof	

Notary Public

•



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



March 27, 2019

Elaine and Frederick Hepner 6846 County Road 71 Keenesburg, CO 80643

#### Subject: Structure Agreement - Mine Permit Application for Arnolds Custom Seeding

Dear Elaine and Frederick Hepner,

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

The enclosed Notice is being sent to you because it is our understanding you own an actively permitted water well and buildings within 200 feet of Arnolds Custom Seeding's proposed mining operation known as Arnold Pit No. 1. The location of the of subject property is part of the Northwest ¼ of the Northwest¼ of Section 35, Township 2 North, Range 63 West in Weld County, Colorado. Arnolds Custom Seeding LLC is in the process of filing a 112 Reclamation Permit Application with the Colorado Division of Reclamation, Mining and Safety. The Arnold Pit No. 1 reclamation plan is to return the area disturbance back to crop production.

The water well(s) is located on the Northside of County Road 16 and to the Northeast of the permitted area. The area to be mined is located on the South side of County Road 16. The mine boundary will be staked. There will be no reason the water well should be disturbed during the mine process.

Enclosed with this letter is a "Structure Agreement" whereby Arnolds Custom Seeding LLC agrees to provide compensation for any damages to the referenced water well as the result of mining top soil from the subject property (see map attached). If the enclosed Structure Agreement is acceptable to you please complete the portion of the agreement identified as "Notary for Structure Owner" and return same to Mackenzie Fernald, Duraroot, LLC, 810 Brickyard Circle #4, Golden, Colorado 80401.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Mackenzie Fernald at (970) 729-2421 for further information.

Sincerely,

Mackenzie Fernald

### Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires the where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either;

- a. Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:



(Please list additional structures on a separate page)

::

## CERTIFICATION

The Applicant, Arnolds	int applicant/company name),	
by Tyrun Huwa	(print representative's name), as Director	(print
representative's title),	does hereby certify that Elaine and Frederick Hepner	(structure owner) shall
be compensated for an	ny damage from the proposed mining operation to t	he above listed structure(s)
located on or within 20	00 feet of the proposed affected area described with	in Exhibit A, of the
Reclamation Permit Application for Arnold Pit No. 1 (operation		
File Number M 2016	022 .	

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

#### NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:	
Applicant Arnolds Custom Seeding LLC	Representative Name Tyrun Huwa
Date March 27, 2019	Title Director
STATE OF CONTACTO)	TV
COUNTY OF WELD) )SS.	J
The foregoing was acknowledged before me Tyrun Huwa as Dive to	this 27 day of March 20 Aby of Amelds alston Secling
Hamo Pecker_My	Commission Expires: 4-18-22
AMSIE C PEAKE Notary Public Este of Colorado Notary 'D # 20144016730 My Commission Expires 04-18-2022	

#### NOTARY FOR STRUCTURE OWNER

Structure Owner	Name	
Date	Title	
STATE OF		
COUNTY OF	)ss. )	
The foregoing was ackn	owledged before me this day of	,by
	as of	

Notary Public



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



March 27, 2019

Keene Storage 120 W Nelson Ave PO Box 316 Keenesburg, CO 80643

#### Subject: Structure Agreement - Mine Permit Application for Arnolds Custom Seeding

To Whom it May Concern,

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

The enclosed Notice is being sent to you because it is our understanding Keene Storage owns an actively permitted water well 200 feet of Arnolds Custom Seeding's proposed mining operation known as Arnold Pit No. 1. The location of the of subject property is part of the Northwest ¼ of the Northwest¼ of Section 35, Township 2 North, Range 63 West in Weld County, Colorado. Arnolds Custom Seeding LLC is in the process of filing a 112 Reclamation Permit Application with the Colorado Division of Reclamation, Mining and Safety. The Arnold Pit No. 1 reclamation plan is to return the area disturbance back to crop production.

The water well(s) is located approximately 0.5 miles south of County Road 16 and near the southeast corner of the mine boundary. The area to be mined is located on the south side of County Road 16. The mine boundary will be staked. There will be no reason the water well should be disturbed during the mine process.

Enclosed with this letter is a "Structure Agreement" whereby Arnolds Custom Seeding LLC agrees to provide compensation for any damages to the referenced water well as the result of mining top soil from the subject property (see map attached). If the enclosed Structure Agreement is acceptable to you please complete the portion of the agreement identified as "Notary for Structure Owner" and return same to Mackenzie Fernald, Duraroot, LLC, 810 Brickyard Circle #4, Golden, Colorado 80401.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Mackenzie Fernald at (970) 729-2421 for further information.

Sincerely,

Mackenzie Fernald

4626 WCR 65 Keenesburg, CO 80643

## **Structure Agreement**

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires the where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either;

- a. Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:



(Please list additional structures on a separate page)
The Applicant, Arnolds Custom Seeding LLC		(print applicant/company name),
by Tyrun Huwa	(print representative's name), as Director	r (print
representative's title),	(structure owner) shall	
	ny damage from the proposed mining operation t	to the above listed structure(s)
	00 feet of the proposed affected area described v	
Reclamation Permit A	pplication for Arnold Pit No. 1	(operation name),
File Number M- 2016	022	

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

ACKNOWLEDGED BY:	
Applicant Arnolds Custom Seeding LLC	Representative Name Tyrun Huwa
Date March 27, 2019	Title Director
STATE OF (cbade)	T
COUNTY OF WELD) )SS.	Ye
The foregoing was acknowledged before r TYNUN HULLIOL as Direct	ne this 27 day of March 2019 by or Amalds Custom Scilling
Jamos Riche	My Commission Expires:
Notary Public	
MS'E C PEAKE Notary Public Inte of Colorado Inte St Colorado Inte St 20144016730 My Contrinssion Expirien 04-18-2022	

Structure Owner	Name	
Dale	Tille	
STATE OF)		
)ss. COUNTY OF )		
The foregoing was acknowledged before me thi	isday of, by	
as	of	

· .

.





March 27, 2019

Sarah Petty Keenesburg, CO 80643

#### Subject: Structure Agreement - Mine Permit Application for Arnolds Custom Seeding

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

The enclosed Notice is being sent to you because it is our understanding you own a building within 200 feet of Arnolds Custom Seeding's proposed mining operation known as Arnold Pit No. 1. The location of the of subject property is part of the Northwest¼ of Section 35, Township 2 North, Range 63 West in Weld County, Colorado. Arnolds Custom Seeding LLC is in the process of filing a 112 Reclamation Permit Application with the Colorado Division of Reclamation, Mining and Safety. The Arnold Pit No. 1 reclamation plan is to return the area disturbance back to crop production.

The building is located near the northwest corner of the mine boundary near the intersection of County Road 16 and County Road 69. The area to be mined is located on the South side of County Road 16. The mine boundary will be staked. There will be no reason the water well should be disturbed during the mine process.

Enclosed with this letter is a "Structure Agreement" whereby Arnolds Custom Seeding LLC agrees to provide compensation for any damages to the referenced building as a result of mining top soil from the subject property (see map attached). If the enclosed Structure Agreement is acceptable to you please complete the portion of the agreement identified as "Notary for Structure Owner" and return same to Mackenzie Fernald, Duraroot, LLC, 810 Brickyard Circle #4, Golden, Colorado 80401.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Mackenzie Fernald at (970) 729-2421 for further information.

Sincerely,

Mackenzie Fernald

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires the where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either;

- a. Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:



The Applicant, Arnolds Custom Seeding LLC		_(print applicant/company name),
by Tyrun Huwa	(print representative's name), as Directed	or (print
representative's title), does hereby certify that Sarah Petty		(structure owner) shall
be compensated for a	ny damage from the proposed mining operation	to the above listed structure(s)
located on or within 2	00 feet of the proposed affected area described	within Exhibit A, of the
Reclamation Permit A	pplication for Arnold Pit No. 1	(operation name),
File Number M- 2016	022	

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

ACKNOWLEDGED BY:	
Applicant Arnolds Custom Seeding LLC	Representative Name Tyrun Huwa
Date March 27, 2019	Title Director
STATE OF CO 10 vado )	J
COUNTY OF WED)	
The foregoing was acknowledged before r TYMN HUWA as DIVIC	tor of Amolas Weston Seeding
Jams Rabe	My Commission Expires: 4-18-22
AMSIE C PEAKE Notary Public tote of Colorado	
My Commiss C. Exp. res 64-18-2022	1

Structure Owner		Nama		
Structure Owner				
Date		Title		
STATE OF	_)			
	)ss.			
COUNTY OF	_)			
The foregoing was acknowl	edged before me this	day of	I	ру
	My Cor	nmission Expires:		
Notary Public				





March 27, 2019

Turnpike LLC Keenesburg, CO 80643

#### Subject: Structure Agreement - Mine Permit Application for Arnolds Custom Seeding

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

The enclosed Notice is being sent to you because it is our understanding you own a building(s) within 200 feet of Arnolds Custom Seeding's proposed mining operation known as Arnold Pit No. 1. The location of the of subject property is part of the Northwest ¼ of Section 35, Township 2 North, Range 63 West in Weld County, Colorado. Arnolds Custom Seeding LLC is in the process of filing a 112 Reclamation Permit Application with the Colorado Division of Reclamation, Mining and Safety. The Arnold Pit No. 1 reclamation plan is to return the area disturbance back to crop production.

The building(s) is located near the northwest corner of the mine boundary near the intersection of County Road 16 and County Road 69. The area to be mined is located on the South side of County Road 16. The mine boundary will be staked. There will be no reason the water well should be disturbed during the mine process.

Enclosed with this letter is a "Structure Agreement" whereby Arnolds Custom Seeding LLC agrees to provide compensation for any damages to the referenced building as a result of mining top soil from the subject property (see map attached). If the enclosed Structure Agreement is acceptable to you please complete the portion of the agreement identified as "Notary for Structure Owner" and return same to Mackenzie Fernald, Duraroot, LLC, 810 Brickyard Circle #4, Golden, Colorado 80401.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Mackenzie Fernald at (970) 729-2421 for further information.

Sincerely,

Mackenzie Fernald

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires the where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either;

- a. Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:



The Applicant, Arnolds Custom Seeding LLC		<pre>(print applicant/company name)</pre>	
by Tyrun Huwa	(print representative's name), as Direct	ctor (print	
representative's title),	does hereby certify that Turnpike, LLC	(structure owner) shall	
	ny damage from the proposed mining operation	on to the above listed structure(s)	
located on or within 2	00 feet of the proposed affected area describe	ed within Exhibit A, of the	
Reclamation Permit A	oplication for Arnold Pit No. 1	(operation name),	
File Number M- 2016	022		

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

ACKNOWLEDGED BY:	
Applicant Arnolds Custom Seeding LLC	Representative Name Tyrun Huwa
Date March 27, 2019	Title Director
STATE OF CO 10 LOCO )	J
COUNTY OF WE U )	K
The foregoing was acknowledged before m TYMN HUWA as DIVLC	tor of Anolas Weston Sculling
Jamssflabe	My Commission Expires: <u>4-18-2</u>
AMSIE C PEAKE Notary Public Itale of Colorado In Fry To # 20144016730 My Commission Expires 04-18-2022	

Structure Owner	Name			
HE PRODUCTION FOR THE HELPERS				
Date	Title	100000000000000000000000000000000000000		
STATE OF )				
100				
)ss. COUNTY OF)				
The foregoing was acknowledged before	me this day of		bv	
as				
	_ My Commission Expires:			
Notary Public				





March 27, 2019

Morgan County REA 17800 Co Rd 20 Fort Morgan, CO 80701

Subject: Structure Agreement - Mine Permit Application for Arnolds Custom Seeding

Dear Mr. Martens,

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

The enclosed Notice is being sent to you because Morgan County REA owns the overhead power line along County Road 16 which is located within 200 feet of Arnolds Custom Seeding's proposed mining operation known as Arnold Pit No. 1. The location of the of the subject property is part of the Northwest% of the Northwest% of Section 35, Township 2 North, Range 63 West in Weld County, Colorado. Arnolds Custom Seeding LLC is in the process of filing a 112 Reclamation Permit Application with the Colorado Division of Reclamation, Mining and Safety. The Arnold Pit No. I reclamation plan is to return the area disturbance back to crop production.

Enclosed with this letter is a "Structure Agreement" whereby Arnolds Custom Seeding LLC agrees to provide compensation for any damages to the referenced water well as the result of mining top soil from the subject property (see map attached). If the enclosed Structure Agreement is acceptable to you please complete the portion of the agreement identified as "Notary for Structure Owner" and return same to Mackenzie Fernald, Duraroot, LLC, 810 Brickyard Circle #4, Golden, Colorado 80401.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Mackenzie Fernald at (970) 729-2421 for further information.

Sincerely,

**Mackenzie Fernald** 

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires the where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either;

- a. Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is far the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1.	Overhead Power line, Morgan County REA
2.	
3.	
4.	
5.	

The Applicant, Arnolds Custom Seeding LLC		(print applicant/company name),	
by Tyrun Huwa	(print representative's name), as Director	(print	
representative's title),	does hereby certify that Overhead Power Line, Morgan County	REA_(structure owner) shall	
	ny damage from the proposed mining operation to th		
located on or within 2	00 feet of the proposed affected area described with	in Exhibit A, of the	
<b>Reclamation Permit A</b>	pplication for Arnold Pit No. 1	(operation name),	
File Number M- 2016	022 .		

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

ACKNOWLEDGED BY:	
Applicant Arnolds Custom Seeding LLC	Representative Name Tyrun Huwa
Date March 27, 2019	Title Director
STATE OF (01010.dv)	JE
COUNTY OF WUG	
The foregoing was acknowledged before m Tyrun Huma as Diveto	ethis 21 day of March 2019 by or of the Arritob Custom Suding
$\land$	My Commission Expires: <u>L</u> ] - 18-22-

JAMSIE C PEAKE
Notary Public
Cierte of Colorado
10 # 201AA018730
My Commission Expires 04-18-2022

ACKNOWLEDGED BY:	1
Structure Owner MCREA	Name Kevin Martens
Date 41-8-19	Title Field Engineet
STATE OF COLOROD )	-
COUNTY OF MOLGAN )	
The foregoing was acknowledged before me Kevin Moriens as Fueld E	this 8 day of AQRIL 2019 by namer of Morgan Doundy REH
Cherge Sews M	ly Commission Expires: 5-18-19





March 27, 2019

Xcel Energy 1123 West 3<sup>rd</sup> Ave Denver, CO 80223

#### Subject: Structure Agreement - Mine Permit Application for Arnolds Custom Seeding

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

The enclosed Notice is being sent to you because Xcel Energy owns an underground High Pressure Gas Line along County Road 16 which is located within 200 feet of Arnolds Custom Seeding's proposed mining operation known as Arnold Pit No. 1. The location of the of subject property is part of the Northwest¼ of the Northwest¼ of Section 35, Township 2 North, Range 63 West in Weld County, Colorado. Arnolds Custom Seeding LLC is in the process of filing for a 112 Reclamation Permit Application with the Colorado Division of Reclamation, Mining and Safety. The Arnold Pit No. 1 reclamation plan is to return the area disturbance back to crop production.

The underground High Pressure Gas Line that Xcel Energy owns is located on the North side of County Road 16. The area to be mined is located on the South side of County Road 16. The mine boundary will be staked. The closest boundary to the High Pressure Gas line is 65 feet away. There will be no reason the High Pressure Gas Line should be disturbed during the mine process. Upon approval of the Mine Permit an 811 locate will be called in.

Enclosed with this letter is a "Structure Agreement" whereby Arnolds Custom Seeding LLC agrees to provide compensation for any damages to the referenced water well as the result of mining top soil from the subject property (see map attached). If the enclosed Structure Agreement is acceptable to you please complete the portion of the agreement identified as "Notary for Structure Owner" and return same to Mackenzie Fernald, Duraroot, LLC, 810 Brickyard Circle #4, Golden, Colorado 80401.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Mackenzie Fernald at (970) 729-2421 for further information.

Sincerely,

Mackenzie Fernald

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires the where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either;

- a. Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

	ligh Pressure Gas Line, Xo	Ser Eller By	
_	10		
_			 

The Applicant, Arnolds	(print applicant/company name)	
by <u>Tyrun Huwa</u>	(print representative's name), as	as Director (print
representative's title),	does hereby certify that High Pressure G	as Line, Xcel Energy (structure owner) shall
be compensated for a	ny damage from the proposed mining op	peration to the above listed structure(s)
located on or within 2	00 feet of the proposed affected area de	escribed within Exhibit A, of the
<b>Reclamation Permit Ap</b>	oplication for Arnold Pit No. 1	(operation name),
File Number M- 2016	022	

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

ACKNOWLEDGED BY:	
Applicant Arnolds Custom Seeding LLC	Representative Name Tyrun Huwa
Date March 26, 2019	_ Title _ Director
STATE OF COLOVOLOD)	J.V.
COUNTY OF WELL )	
The foregoing was acknowledged before me this Tynun Huwa as Divector	ale day of March 2019 by of Ano Ids austom Secoling LLC
Jamo Robe My co Notery Public	mmission Expires: April 18, 2022

	Name	uti i i i i i i i i i i i i i i i i i i	
	Title		
)			
)ss.			
laad before me this	day of	ŀ	
	and the second	10.00 C C C C C C C C C C C C C C C C C C	
	)ss. Iged before me this _	Title )ss. Iged before me this day of	Title



May 29, 2019

Noble Midstream 2115 117<sup>th</sup> Ave Greeley CO, 80631

# Subject: Resend of Structure Agreement for Certification Filing – Mine Permit Application for Arnolds Custom Seeding

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

The enclosed Notice is being sent to you because Noble Midstream owns an underground waterline underlying the mine property in the northwestern corner. The location of the subject property is part of the Northwest¼ of the Northwest¼ of Section 35, Township 2 North, Range 63 West in Weld County, Colorado. Arnolds Custom Seeding, LLC is in the process of filing for a 112 Reclamation Permit Application with the Colorado Division of Reclamation, Mining and Safety. The Arnold Pit No. 1 reclamation plan is to return the area disturbance back to crop production.

The underground waterline that Noble owns is located in the southwest corner of the mine property. The area to be mined is located over the waterline. Mining will take place within the top 12 inches of topsoil and will be staked prior to disturbance. There will be no reason the waterline should be disturbed during the mine process. Upon approval of the Mine Permit an 811 locate will be called in.

Enclosed with this letter is a "Structure Agreement" whereby Arnolds Custom Seeding, LLC agrees to provide compensation for any damages to the referenced waterline as the result of mining top soil from the subject property (see map attached). If the enclosed Structure Agreement is acceptable to you please complete the portion of the agreement identified as "Notary for Structure Owner" and return same to Mackenzie Fernald, Duraroot, LLC, 810 Brickyard Circle #4, Golden, Colorado 80401.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Mackenzie Fernald at (970) 729-2421 for further information.

Sincerely,

Mackenzie Fernald

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires the where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either;

- a. Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

#### The following structures are located on or within 200 feet of the proposed affected area:

Underground Waterline, Noble Midstream

The Applicant, Arnolds	Custom Seeding, LLC (print a	(print applicant/company name),	
by <u>Tyrun Huwa</u>	(print representative's name), as Director	(print	
representative's title),	does hereby certify that Underground Waterline, Noble Midstream	(structure owner) shall	
be compensated for an	ny damage from the proposed mining operation to the a	bove listed structure(s)	
located on or within 20	00 feet of the proposed affected area described within E	xhibit A, of the	
Reclamation Permit Ap	pplication for Arnold Pit No. 1	(operation name),	
File Number M- 2016	022		

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

#### NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:	
Applicant Arnolds Custom Seeding LLC	Representative Name Tyrun Huwa
Date May 29, 2019	Title Director
STATE OF)	
COUNTY OF Weld )ss.	
The foregoing was acknowledged before me this Tyrun Huwa as Director	of <u>Currolds</u> Custom Seeding LLC.
Monica Rlike My co	mmission Expires:
Notary Public	
	MONICA L. VICKERS NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20034011009 MY COMMISSION EXPIRES JUNE 10, 2019

Ň

Structure Owner		Name	
Date		Title	
STATE OF			
COUNTY OF	)ss. )		
The foregoing was ackno	wledged before me this _	day of	, by
	as	of	





August 20, 2019

USA 2850 Youngfield St Lakewood, CO 80215

#### Subject: Notice to Adjacent Owners of Land - Mine Permit Application for Arnolds Custom Seeding

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

The enclosed Notice is being sent to you because it is our understanding you own structures within 200 feet of Arnolds Custom Seeding's proposed mining operation known as Arnold Pit No. 1. The location of the of subject property is part of the Northwest ¼ of the Northwest¼ of Section 35, Township 2 North, Range 63 West in Weld County, Colorado. Arnolds Custom Seeding LLC is in the process of filing a 112 Reclamation Permit Application with the Colorado Division of Reclamation, Mining and Safety. The Arnold Pit No. 1 reclamation plan is to return the area disturbance back to crop production.

The property is located to the northwest of the mine boundary. The area to be mined is located on the South side of County Road 16. The mine boundary will be staked. There will be no reason the structures should be disturbed during the mine process.

Enclosed with this letter is a "Structure Agreement" whereby Arnolds Custom Seeding LLC agrees to provide compensation for any damages to the referenced structure as the result of mining top soil from the subject property. If the enclosed Structure Agreement is acceptable to you please complete the portion of the agreement identified as "Notary for Structure Owner" and return same to Ron Spears, Duraroot LLC, 810 Brickyard Circle #4, Golden Colorado 80401.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Ron Spears at (720) 346-4301 for further information.

Sincerely,

**Ron Spears** 

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires the where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either;

- a. Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

#### The following structures are located on or within 200 feet of the proposed affected area:

1.	Underground Waterline, Noble Midstream
2.	
3.	
4.	
5.	

The Applicant, Arnolds	Custom Seeding LLC	(print applicant/company name),
by Tyrun Huwa	(print representative's name), as Directo	r (print
representative's title),	does hereby certify that USA	(structure owner) shall
be compensated for an	ny damage from the proposed mining operation	to the above listed structure(s)
located on or within 20	00 feet of the proposed affected area described v	within Exhibit A, of the
Reclamation Permit Ap	pplication for Arnold Pit No. 1	(operation name),
File Number M- 2016	022	

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

Applicant Arnolds Custom Seeding LLC	Representative Name Tyrun Huwa
Date August 20, 2019	Title Director
STATE OF (D)	
COUNTY OF Weld) )ss.	
The foregoing was acknowledged be	efore me this 20th day of august, 2019 by Director of arnolds Custom Seeding LLC
U,	My Commission Expires:
Notary Public	MONICA L VICKERS NOTARY PUBLIC

Name
_day of by
of



ì



August 20, 2019

Mark Arnusch 33521 WCR 16 Keenesburg, CO 80643

#### Subject: Structure Agreement - Mine Permit Application for Arnolds Custom Seeding

Dear Mark Arnusch,

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

The enclosed Notice is being sent to you because it is our understanding you own structures within 200 feet of Arnolds Custom Seeding's proposed mining operation known as Arnold Pit No. 1. The location of the of subject property is part of the Northwest ¼ of the Northwest¼ of Section 35, Township 2 North, Range 63 West in Weld County, Colorado. Arnolds Custom Seeding LLC is in the process of filing a 112 Reclamation Permit Application with the Colorado Division of Reclamation, Mining and Safety. The Arnold Pit No. 1 reclamation plan is to return the area disturbance back to crop production.

The water well(s) is located on the North side of County Road 16. The area to be mined is located on the South side of County Road 16. The mine boundary will be staked. There will be no reason the water well should be disturbed during the mine process.

Enclosed with this letter is a "Structure Agreement" whereby Arnolds Custom Seeding LLC agrees to provide compensation for any damages to the referenced water well as the result of mining top soil from the subject property (see map attached). If the enclosed Structure Agreement is acceptable to you please complete the portion of the agreement identified as "Notary for Structure Owner" and return same to Mackenzie Fernald, Duraroot, LLC, 810 Brickyard Circle #4, Golden, Colorado 80401.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Ron Spears at (720) 346-4301 for further information.

Sincerely,

**Ron Spears** 

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires the where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either;

- a. Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

#### The following structures are located on or within 200 feet of the proposed affected area:

1.	Underground Waterline, Noble Midstream
2.	
3.	
4.	
5.	

The Applicant, Arnolds Custom Seeding LLC		(print applicant/company name),
by Tyrun Huwa	(print representative's name), as	(print
representative's title),	does hereby certify that Mark Arnusch	(structure owner) shall
be compensated for a	ny damage from the proposed mining operat	ion to the above listed structure(s)
located on or within 2	00 feet of the proposed affected area describ	ed within Exhibit A, of the
Reclamation Permit A	pplication for Arnold Pit No. 1	(operation name),
File Number M- 2016	022	

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

ACKNOWLEDGED BY:	
Applicant Arnolds Custom Seeding LLC	Representative Name Tyrun Huwa
Date August 20, 2019	Title Director
STATE OF <u>Colorado</u> )	
)ss.	
COUNTY OF Adams )	
in the la	of unofits Custom Sending
	nmission Expires:
Notary Public	MONICA L VICKERS NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20034011009 MY COMMISSION EXPIRES 6/10/2023

Proof of attempt to provide notification (attached) to:

Mark Arnusch 33521 WCR 16 Keenesburg, CO 80643




# NOTARY FOR STRUCTURE OWNER

Structure Owner	Name
Date	_ Title
STATE OF )	
)ss. COUNTY OF )	
The foregoing was acknowledged before me this	s day of, by
as	of

Please send receipt to clo Moneco Vickers at address on check

dropped off by: Ron Geors 720-3464301 · J questions on moed to talk to

# **Attachment 1.6 Public Notice**





Rupple Farms, LLC 29020 E 163<sup>rd</sup> Pl Brighton, CO 80603

#### Subject: Notice of Publication for Public Announcement of Mine Permit Application for Arnolds Custom Seeding

To Whom it May Concern,

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

As per instruction from the Colorado Division of Reclamation, Mining and Safety, the enclosed publication is being sent to you because it is our understanding you own a structure(s) within 200 feet of the mine permit boundary.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Ron Spears at (720) 346-4301 for further information.

Sincerely,

**Ron Spears** 

Duraroot Environmental, LLC

4626 WCR 65 Keenesburg, CO 80643

B12 TRIBUNE Wednesday, June 12, 2019 PUBLIC NOTICE Arnolds Custom Seedin PUBLIC HOTICE doith Brendra, LLC, H21 CR-LL, Kommenburg, Ce 723-4721, H31, Har Lare La sponder for a floquer (11) Hard Hard Hard Hard In Dear Lare (11) Hard Lard Restance In Dear Lare (11) Hard Hard Hard Hard Hard Hard (11) Hard Hard Hard Hard Hard (11) Hard Hard Hard Hard Hard (11) Hard Hard Hard Hard (11) Hard PUBLIC NOTICE NOTICE TO CREDITORS DISTRICT COURT, WELE NOTICE TO CREDITIONS DISTRICT COURT, WELD NOTICE TO EREDITORS DISTANT COURT, WELD NOTICE TO CREDITORS DISTINCT COURT, WELD unstruct COBINT WELD CASE HOL 18 HD 30554 CASE HOL 18 HD 30554 Events of FINLA HAAS, AND Source and AM Desharts having charas against the adores that against the adores that the second second second charas against the personal District Coult, William Call Boy (1977) Call Boy (1978) Faller and Boy (1978) Faller and Call Call Thomas (1978) Deceased, All persons having admine spaints for the persons named reases are required to present from to the persons called a start of the start Council Webl Coulty, Council Council Council Council Council Council Webl Coulty, Council C Contracting Company, 165 Company, 165 Company, 165 Company, 165 Company, 165 Company, 165 Company, 169 Compan BRTHELT COURT, WILD COURTY CASE NO. 2019 PR 2014 Envice at COURTA GAY BURGAUER AS periods Laving Declared: AS periods Laving Lawing Scalar as Houring to Anabed relate are Houring to Presentative are Houring to County from the To To Date County first County, County first County, Colorady, min ethorse Opt-Software, may before Opt-ber 5, 2015, or the chorse may be largery bunch. 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Haas oras Representation 439 Lusta Drive Emina, CO 80820 Flapresentative T10 11th Avenue, Suite 305 One key, CO Abit1 These rate that under the pro-bains of C.R.S. 34-323-101 of <u>125</u> Charmonia related to hove, hove buffer, how all open-ficing and provide the second second second and the relation of the second second second second second and the hove the second s not create derivative works, or in any way exploit or repurpose any Der Feburie June 8, 12, 16, 2019 The Tellung June 5, 12, 15, 2019 7he 7mbune June 12, 18, 76, July 3 2018 Antoniny lar Personal Attorney lar Personal Representative 2314 VK 17th Street Greeley, CD 50434 Weld Courty, Colondo, Courty Coast, 901 BN Armae, Gravity, CD 80631, 976-473-2400 In the Matter of Pas Determination of Nelts or Devisors or Both and al Islamsta in Property of TRED R. 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Bioconstruct at Proverly - Locasian of Proventy - Description 10 Description 12, New Service County, Cobinster - Monetal University Pange G3 West, ED PJM. nformation please email legals@greeleytribune.com or call 970-392-4425 A seal of the search with the seal of the search with the sear 545104 24: 646 1 04.33, 2 (12.50, 3 (0.70, 4 (21.80, 5 1)42 
 Publication Date:
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 This E-Sheet(r) is provided as conclusive evidence that the ad appeared in Greeley Tribune on the date and page indicated. You may indicated in the date and page indicated. You may indicated the second se antinas, Bennista, MJ 20714 Las D. Ver Bennista, MJ 20714 The Free Street Stree ontaining 200 40 more or le Name of each intervaled pr 11 - Elle Unition 11 - Set Unition 213 Process, WY 87511, 2918 213 - Protes, WY 87511, 2918 213 - Protes, WY 82511 the Linetus, Bring, MT 50105, 518 Lewigton Court, Caten, AJ 81254 an Ream IM of Age, Relationship (e.g. species, partner in a soly of civil union, ched, brothier, grundlan ter Mirror service, stc.) Name death Dr.masci. & 600 fan Emooi fan Kan Emooi fan 96 34 Southers Dax Silvert, Natogotomes, TX 494-7152 31, Mayleki Dine, Grans Junckat, CO **Public Notices** 2x22.00 HE Fars DaugNet-In-Law (Merr Daugnten-In-Law dilue Kanyi E, Fara Japin Esther Fara Golane L, Fara arki Rotaro Leich Fara Welley J, Fara Netly Fara Mauch Nancy Mason Inter Too Screen Foo Sures Rave Water A state
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RONALD SPEARES

Client Name:

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Ad Number:

Advertiser:





Richard and Patricia Huwa 4202 County Road 65 Keenesburg, CO 80643

Subject: Notice of Publication for Public Announcement of Mine Permit Application for Arnolds Custom Seeding

Dear Mr. and Mrs. Huwa,

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

As per instruction from the Colorado Division of Reclamation, Mining and Safety, the enclosed publication is being sent to you because it is our understanding you own a structure(s) within 200 feet of the mine permit boundary.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Ron Spears at (720) 346-4301 for further information.

Sincerely,

**Ron Spears** 

Duraroot Environmental, LLC

4626 WCR 65 Keenesburg, CO 80643

**B12 TRIBUNE** Wednesday, June 12, 2019 NOTICE TO CREDITORS DEFINITY COURT, WELD COURTY CASE NO. 15 PR 2013 Errar of HUNTER CNT Deriver, All persons having latere aparters the approach representations or be personally representations or be personally representations or be before company, and a before the approach of the before Company, and a before the approach of the before company. The approach of the person of the person of the approach of the person of the NOTICE Arnolds Custom Seedin PUBLIC NDTICE entrol Smodrag, LLG, HBB (SD 15, Kennenburg, Co 272-247), Na Lin, Na Ling Angeline (112) on Marinaki Operatori Anderbardun Panel entrol Need Luck Restation Read under providents of the Luck Restansion All for the Urbasian of Construction The proposed minist from as to genderal profile search or anal Section 33, Taenahy 316, Ruage News Marine Land NOTICE TO CHEDITORS DISTRCT COURT, WELL COUNTY CASE NO. 2019 PR 30014 Extend of LORINA XXY BUAM, Document, AS persons having claims appoint for bloom family final are mouled to presentative or 10 Mo Date Gaint Well Courty, Colourado, and to before Tools PUBLIC NOTICE J3 Contracting Company: 105 Contracts Co Calific CO 80/20, 975-529-059, has here o Provide 101 Contraction Materials Openan Provide of the Coston Schwart Land Recision provides of the Coston Schwart Land Recision of an Construction Materials. The proposed NOTICE TO CREDITORS NOTICE TO CALD/TORS Dari Neti Coluti, WLD COURTY CALE NO. 18 PR 3054 Cale at CNAR ALSS, also hyper as ERIA L KAG, be preased. 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HC, + 33560 Adorwy for Pentonia Representations P.D Box 214 Kernesburg, CO 80643 Converse must be in writing and must be received by the Des-sion of Reclamation, Mining, and Safety by 450 p.m. on July 23 2019. te in writing and illust be received by the Dre-on, Mering, and Satety by 4:00 p.m. on July 23. Geerley, CD 86431 Bran W. Maas Personal Representative 403 Lutto Diver Evens, CO 80520 Ruberh M. Wolto, # 3413 Ademay to Perindra Bayespiritative 2014 W. 17h Based Greeley, CO 80531 2018. The second The Tribut # Jane 5, 12, 19, 2019 The Tobune Jone 5, 12, 19, 2019 The Topons June 12, 19, 25, July 5 2018 Werd Guyrby, Dolunaki, Bourby Court, Rill Bin Anynue, Garyery, CO (NSS). 8104/75-2120 In Wei Martian of tex Ginterminetisen af Netri on Daviseus in Both and of Internation Programy of Intel R. 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Witson, #12538 Attorney for Petsoner The Tobure Jone 12, 19, 26, 2018 7ne Tidune Jane 12, 18, 26, 2018 nell'ribur SELL YOUR CAR FOR ONLY FLACE YOUR AD TODAY GREELEVIRIBUNE.COM OB CALL 970.8924999 Publication Date: TheTribune

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### Subject: Notice of Publication for Public Announcement of Mine Permit Application for Arnolds Custom Seeding

To Whom it May Concern,

Duraroot, LLC, on behalf of Arnolds Custom Seeding, is converting the existing 110 Mine Permit M-2106-022 to a 112 Mine Permit due to the expanded operation.

As per instruction from the Colorado Division of Reclamation, Mining and Safety, the enclosed publication is being sent to you because it is our understanding you own a structure(s) within 200 feet of the mine permit boundary.

If you have any questions about Arnolds Custom Seeding LLC Reclamation Permit Application please contact the Colorado Division of Reclamation, Mining and Safety at (303)-866-3567, or you can call me, Ron Spears at (720) 346-4301 for further information.

Sincerely,

**Ron Spears** 

Duraroot Environmental, LLC

4626 WCR 65 Keenesburg, CO 80643



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Bet Personal Representative P.O. box 496 Matiburg, Colorado 80643 Conserts must be in writing and must be received by the Dak sion of Restamation, Writing, and Earley by 400 p.m. on July 23, 2019 Altorney for Fersona Representative TID 11th Avenue, Suite 201 One-iny, CO 80631 Enan W, Mass nat Rapresentative 420 Lucca Drive Evans, CO 80020 Piceter note that under the provisions (12), Comments related to note The Engune Auto 5, 12, 15, 2019 Anters, Cosreduit/0643 Janees R. Hill, r. 33640 Aborrey ker Persteal Factoristation P.O. Box 204 Keenesburg, CO 83643 Der Tellune June 12, 18, 36, Juny 3 2018 The Tribune June 5, 12, 19, 2019 ert M. Walto, e. 8813 Alterity for Fernonal Representative 2314 W. 17th Breet Gree by, CO Abibit audressen inness a n er finstemplion, slav kimsten Besid Weak County, Calcrister, County Count IK1 film Anexue, Creater, CC 80C31, 970-473, 2400 In the Mantur of the Determination of Trains or Devicess or Bath and of Mannesta in Proper FRED B. 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4626 WCR 65 Keenesburg, CO 80643

B12 TRIBUNE Wednesday, June 12, 2019 PUBLIC NOTICE Arnolds Custom Seedin PUBLIC NOTICE Amoto Control Endoy, LLC, KED CR 5, Manustry, G 8043, 233 204 / An Find an application for a Regue (11 Control More Lund Rectowards of the Amoto Ath Control More Lund Rectowards and uncer and the Second Lund Requestion Att the Vision of Construction Markah. The proposed minit is induced at Construction Markah. The proposed minit is induced at Construction Markah. The proposed minit is induced at the (Ready Affection Markah. The proposed minit is induced at the Induced Professional Markah. The proposed minit is induced at the Induced Profession Markah. The proposed minit is induced at the Induced Profession Markah. The proposed minit is induced at the Induced Profession Markah. The proposed minit is induced at the Induced Profession Markah. The proposed minit is induced at the Induced Profession Markah. The proposed minit is induced at the Induced Profession Markah. 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MAAS, Detrained, AI persona having Detrained, AI persona having NOTICE TO CREDITORS NOTICE TO CREDITIONS DESTRICT COUNT, WELD COUNTY CASE NO. 2019 FA 30163 Exten of Walliam Exten of Walliam Exten of Walliam Extension Walliam Extension Walliam Bell, AXA BELL AXA December 100 Bells COUNTY CASE NO. 19 PR 50120 Exter of U MONTER-CRIT 12/0014, Decrease: At persons having thema against the above-named attable are excited to present them in the personal Detrained, All persona have claime against the allowe ramed estate the allowe prevent listers to be personal rejus renduce or to be togo Court of Wild Courty, Solar ado, or or Jahoer Octo-Nav. 2020, avri 2052. The propos support, Ad Sir rough for Deceased. All persons haven users applied bit allows haved astatic are impared to present been to the personal present been to the personal court of Web County. recreations in to the Datret Court of Weld County, Colorado, on or before Octo-ber 6, 2019, or the elisites may be transmissed a September 2019, and sember 51, 2021. The pro-Installing decision data may be observed to the sense introduce, Monog, and Early to observe for the introduce, Monog, and Early, 1313 Eventue 213, Dervier, Culorado 80003, (203) 868 3567, or county Certy and Recorder's office, 1130 D Street, 80031, or the above-named applicant. or in any way exploit or repurpose any content. 1313 Share 1313 Share Brynne T. Dans, e. 46642 Rapp, Manzer & Menerop, LUP Attorney for Pendonal Reg resentative TID 11th Avenue, Suite 320 Gaveley, CO 80431 Ant or believe Deter 019. or the clarine travel batted John W. Godde, et 6821 Lytons Godde, Rafin Hall Jeffers Dworsk & Grant Pe, Adorroy for Pancosi Representative PO Ber 825 Longmans, CIO 80502-0018 Comments must be in wrang and must be received by the Dev-sion of Reclamation, Mering, and Safety by 4:30 p.m. on July 23 2018 Fonest M. Bez Persona Representative P.D. Box 496 resturg, Coloradu \$2643 ting and musi be received by the Diving, and Backty by 4:00 p.m. on July 23. Errenies, CO 60631 Bran VC, Hass rongt Representative 2031.Lettos Drive Evens, CO 60629 lett U, Visco, e 4413 Atomety Ro Fantonal Representative 2314 W TPh Direct Greeky, CO 80634 Press non-real water the provision of C.R.S. 34-323-101 of (<u>12)</u>. Conversal exhibits that, total follow may of open-tion of any provision conversal and the state, non-real-tion of the provision conversal and the state of the state of the the state of the state of the state of the state of the the state of the state of the state of the state of the the state of t Jerren R. Hil, e. 33680 Albrier Nr. Penona Representative P.O. Box 244 Kentesburg, CO 80643 The Tribune June 5, 12, 19, 2019 The Taburs June 5, 12, 18, 2018 The Toburs June 12, 18, 26, July 3 2019 RONALD SPEARES with Delevada. County Court 901 Bth Avenue. Overary: CD 80031 \$10-451-5400 The Tables June 12, 19, 76, 7019 nation of Nalis or Devisees or Both and of Interests in Pro Decement In the Malter of the Daters FRED R. GRAX. 100 Johnson June 12, 19, 25, July 3, 2018 Ize Jobure June 3, 12, 15, 2018 NOTICE TO CREDITORS DISTRICT COURT, WELD DOWNTY GASE NO. 2019 PR 20225 State of ECTTY SINGETS, Antested, Af persons hanking https://www.hanking.cov-Case humber 2018 PR3211 Decision HOTICE OF FILMS OF PETITION PURSUANT TO C.R.S. §15-13-1013 NOTICE TO CREDITIONS BOTTINET COURT, VELD COUNTY CASE NO. 2019 FM 2020 CASE NO. 2019 FM 2020 County Case of Jamy E Instrument Perspective. Destinate Advances Destina The Pertitioner, an interested party pursued to C.R.S. \$18-12-1301(i), pr C.H.S. \$10-17-1302 and 1323, and states as follows: Check Out about. All parsons hanks the spainal the above-ned estate are neared to sent them to the personal desmalatory or to the Disto-int of Weld County. 1. The name of Decedent is Fired R. Gray The Dece -The Goods! Want the Phone to Ring? Disordial of Property set fuels a Disordialism of Property East to of the Non to Section 16, T115, Abuty of the tim P.V. F each internet Location of Freparty Everyday in Determine bleren 14, 2019, or before t 14, 2019, or the chill the loweer barred present them to be an up the Diethot Gould of Weld County, Colorado, on or before Dido-ber 1, 2018, or the claims may be forever barriet. West Courty Colorado 100 % The Classifieds B/B012/ Vidty Schuttmer Personal Peters sentative 7208 W. 22nd Street Road Greeky, CD 80634 mp Jag. speuse, shild, pedian for apouse, etc.) SUPERSIZE IT! was for dale of deale Darp Oerdes, # 50944 Adurary Sor Persone Representative 1635 Factual Dear #339 Lowand, CO 80538 SUPERSIZE IT! Add borders, bold type, highlights and graphics to get your ad noticed! tota. Wilson F Carcin, Esc. Goon, Payton & Payne, LLC Alternation Streams 10.004 and the second SSB6 W 1945 SL. STE 2000 Gree Wy. CO BOLM The Totoma May 29, June 5, 12, 2019 Section/Page/Zone: And the Care Operand And the Care Operand Care of the Care of th The Tilbuna Juna 12, 19, 25, 2018 This E-Sheet(r) is provided as conclusive evidence that the ad appeared in Greeley Tribune on the date and page Indicated. You may not create dorivative works, en Obrante of Freida Gran 1716 Dan Free Part All 715 Columnia (1917) Barry Str. (1917) Columnia (1917) Barry Str. (1917) Columnia (1917) Barry Str. (1917) 195-1297 An Dray Man Coon, stangetter of Pearling prop WHO County Colorado, County Court, 801 Bit Avenue Granity, CC 80631, 975-475-2400 Lashatte Rose Cack tak option of Fear to Ame Les Coon staugener of Fear by proter at the Dater Bangan Bang Care Land, N. Da dan Mithanh Charles (C. 1997) DOC Domain Gares, Care Science, N. Da dan Mithanh Charles DOC Domain Gares, Care Sci. Tomari, Y. Da dan Mithanh Charles District Landon Rese, Care Sci. Tomari, Y. Da dan Mithanh Charles District Care Sci. Tomari, J. M. 2000 District Care Sci. Tomari, J. 2000 Dis Description: enterin W. Hauptie Advertiser: RIS HAVE CARL L. FARIE WAVE CARL FARIS. CAME NUMBER 2018FR32340 D-BOT NOTICE OF FILMS OF PETITION PUNCULART TO C.R.S. \$15-12-130 THE LOU Arnest Distant relicons, an interested party parametels C.R.S. \$16-12-130 (dt. prevides the indexeq e of Filey of Petition pursuant in C.R.S. \$15-12-1307 and 1325, and states as informa- The flame of Decedent is Car"Layd Fare alive Cart's Fare alive Cart Fare. The Dec in January, 1983 In Cheynner, WY and resided in Cheynnia, WY. Care Bots Macalette Boseper Montanners Gan Charte Orie 2. Description of poperty set look in Petices. Description of Property Lection Towards United Property Nett County Parge EL West, 60, FM. S28945 - Balle of Angen NA West Johnston Avenue, Woest and Ciencia Gra Lacution al Broperty wet Coverty Colorado Decedent's Inserval 101 111, hanne WY (11) W7 114, rouge WY (11) 141, copy WY (11) 141, copy WY (11) information please email legals@greeleytribune.com or call 970-392-4425 Section Nr. Lats 1 04.342, 1 02.542, 5 00.701, 4 04.943, 5 00.701, 4 1922 History, Betrade Ur (1911 Ken Dille Breverier, Vik Brit om Hoffman, Beerges, PT (1914 Annoral Fire Annoral Fire Anno Vene Anno Vene Anno Vene Anno Vene Anno Vene Elle at Vices Constant We Light Const Annual We Light Const Annual We Light Const Annual We Light Const Annual Const Const A2 Marsh mind parts.

Addresser data / App.

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Client Name:

437719-01

Ad Number







"PLANTING THE GEEDS OF GAFETY 90 DANGER NEVER GROWS"

May 14, 2019

Mr. Peter Hays Environmental Protection Specialist Colorado Division of Reclamation, Mining and Safety 1313 Sherman St, Room 215 Denver, CO 80203

#### Subject: Letter of Authorization for Duraroot, LLC to Act on Behalf of Arnolds Custom Seeding, LLC

Dear Mr. Hays

I, <u>COLEY M. HUWA</u>, hereby authorize Tyrun Huwa to sign on behalf of Arnolds Custom Seeding, LLC for all documents pertaining to the 112 Construction Materials Reclamation Permit Conversion for Arnold Pit No. 1, Permit ID M-2016-022, located in Weld County, Colorado.

This authorization is valid for the duration of the permitting process, expiring at anticipated end of mine life.

Authorizer of Arnolds Custom Seeding,

mythy Signature

ACKNOWLEDGED BY:
company and s Custom Seeding Namie Corey M. Huwa
Date 5/22/19 Title Owner
STATE OF)
)ss.
COUNTY OF Weld )
The foregoing was acknowledged before me this $22$ day of May, $2019$ by
Covey M. Huwa as Owner of arnolds Custom Seeding LLC.
Monta AVikers My Commission Expires MONICAL, VICKERS
Notary Public STATE OF COLORADO NOTARY ID 20034011009 MY COMMISSION EXPIRES JUNE 10, 2019





"PLANTING THE GEEDS OF GAFETY 90 DANGER NEVER GROWS"

May 14, 2019

Mr. Peter Hays Environmental Protection Specialist Colorado Division of Reclamation, Mining and Safety 1313 Sherman St, Room 215 Denver, CO 80203

### Subject: Letter of Authorization for Duraroot, LLC to Act on Behalf of Arnolds Custom Seeding, LLC

Dear Mr. Hays

I, <u>COYEMM</u>, HWWW, hereby authorize Duraroot, LLC to act on behalf of Arnolds Custom Seeding, LLC for all contractual items pertaining to the assembly and submittal of the 112 Construction Materials Reclamation Permit Conversion for Arnold Pit No. 1, Permit ID M-2016-022, located in Weld County, Colorado.

This authorization is valid for the duration of the permitting process, expiring at anticipated end of mine life.

Authorizer of Arnolds Custom Seeding, Signature ACKNOWLEDGED BY: tom Seeding LLC Name (Orey M tuwa Company Date 522 Title iner STATE OF )ss. COUNTY OF The foregoing was acknowledged before me this  $23^{\circ}$  day of Nlau 2019 by Leding LLC. of as My Commission Expires Notary Public MONICA L. VICKERS NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20034011009 MY COMMISSION EXPIRES JUNE 10, 2019