August 9, 2019

Mr. Eric Scott
Division of Reclamation, Mines, and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

RE: Adequacy Review 1 for 112 Construction Materials Reclamation Amendment 1 to the Permit, Bernhardt Gravel Mine, Permit M-2002-120; Response

Dear Mr. Scott:

This letter is being generated to satisfy the preliminary review dated June 4, 2019 for the Bernhardt Gravel Mine. The italicized items are the current comment and the bold text are the responses:

APPLICATION FORM:
Item 12: Primary Future (Post-mining) Land Use – Based on the submitted reclamation plan it appears that mined cells 2-5 will be reclaimed as lined water storage reservoirs. DRMS believes that it would be more appropriate to select Developed Water Resource as the post mining land use at this time. Please revise as necessary or identify the reasons for the currently selected post mining land use of pastureland.

That is correct but this just describes the amended parcel. The application has been updated to state that the entire site will be upland and reclaimed as water storage.

6.2 GENERAL REQUIREMENTS OF EXHIBITS
6.2.1 General Requirements
(1) This Rule provides for the guidelines for, and information requirements of, each Exhibit required to be submitted with the permit application, as specified according to Section 6.1.
(2) Maps and Exhibits Maps, except the index map, must conform to the following criteria:

(a) show name of Applicant; The applicant is shown.
(b) must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person; The maps are signed by a qualified representative.
(c) give date prepared; - The date prepared are shown on the maps.
(d) identify and outline the area which corresponds with the application; The permit boundary and amended area are clearly shown.
(e) with the exception of the map of the affected lands required in Section 34-32.5-112(2)(d), C.R.S. 1984, as amended, shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Also, that a map scale, appropriate legend, map title, date and a north arrow shall be included. The scales are within the appropriate range.

Please revise reclamation plan map so that scale and north arrow are not obscured. This has been updated.

EXHIBIT A - Legal Description (Rule 6.4.1): The legal description must identify all affected land and be wholly adequate for field location of the property. It can be in the form of metes and bounds survey or a description by reference to township, range and section to at least the nearest quarter/quarter section. Where applicable, the street address or lot numbers may be used. The legal description has been updated and attached to this response.

Please revise legal description to include all permitted area – not just the amended parcel. Please also verify if the parcel owned by the Town of Milliken on the west side of the permit area is actually intended to be included in the permit area. If it is actually to be included in the permit, then right of entry must be obtained and they must be listed in the surface and mineral owner exhibits as appropriate. If the Town of Milliken parcel is not included in the permit area, the total permitted acreage as well as the permit boundary shown on all maps will need to be corrected.

After doing some research it seems the Town parcel was included in the original permit boundary.

EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3): One or more maps may be necessary to legibly portray the following information:
(a) all immediately adjacent surface owners of record;
Property owner to the immediate SW of the permit (Vigil, Genevieve) has not been included. Also the property owner listed to the north of the permit area does not match the information on the Weld County Assessor's map, and a strip of property on the east side of the permit is not properly identified – Please update/revise as needed.

See updated map(s) including all the property owners.

As a general note, due to the density of information (structures/utilities/property owners/existing mine features/pre-mining contours/floodplain info, etc.), the provided maps are very difficult to read. DRMS asks that you separate some of these required items onto separate figures, or at least use color coded features to increase map legibility.

(b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area.

This information is included on all maps.

It appears that at least some gas/oil features have been removed/relocated (patina gas well in cell #3?) Please update maps as needed to accurately reflect current conditions. Also please show the locations of all mine features such the processing plant, product stockpiles, conveyor, etc.

(c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land; See updated maps.
(d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land"); This is shown on the updated maps.

Additional information will need to be provided as to how the amended area will be mined, if it will be mined such as proposed extents of excavation, etc. The amended area will not be mined and will only serve as an area for the conveyor to cross.

(e) the type of present vegetation covering the affected lands; and The vegetation is upland grasses and disturbed ground.
(f) in conjunction with Exhibit G -Water Information, Subsection 6.4.7, if required by the Office, further water resources information will be presented on a map in this section. All current water resources information is shown on the amps.
(g) Show the owner's name, type of structures, and location of all permanent or man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land. All known structure within 200' are shown on the maps.

Please revise as needed.

(h) In conjunction with Exhibit I - Soils Information, Subsection 6.4.9, soils information may be presented on a map in this section; The soils information is included on the maps.
(i) Aerial photos, if available, may be included in this section. See updated maps.

EXHIBIT D - Mining Plan (Rule 6.4.4): The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:
(a) description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands; Mine at a three Horizontal to 1 Vertical (3H:1V). Reclaim as water storage.
(b) earthmoving; All earth moving is done via scraper, excavator and haul truck. Or by a loader directly loading a conveyor belt.
(c) all water diversions and impoundments; and Currently Pond 2 is an approved water storage vessel.
(d) the size of area(s) to be worked at any one time.
You may want to revise this section - based on the current conditions more than 10-20 acres will be disturbed across this site. The disturbed area is:

- Pond 1: 27.76 acres, approximately 11 acres of this Pond is silt storage and fresh water pond.
- Pond 2: 25.8 acres, approximately 50-percent is water storage. Central Colorado Water Conservancy District owns the approved storage pond and stores their water rights in that pond.
- Pond 3: 3 acres of perimeter seeding and above water line seeding, otherwise this pond is nearing completion of reclamation below high water line. CCWCD installed a spillway in the northwest corner of the pond earlier in the year.
- Pond 4: 12.5 acres, which is overestimated as the slopes are reclaimed on the south side at 3:H1V.
- Typically during active mining the miner does not like to "open up" more than 10 to 20 acres at a time.

(e) An approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. You will not be required to meet specific dates for initiation, or completion of mining in a phase as may be identified in the timetable. This does not exempt you from complying with the performance standards of Section 3.1. Such timetable should include:

(i) an estimate of the periods of time which will be required for the various stages or phases of the operation; Pond 4 has approximately 400,000 tons of aggregate remaining and Pond 5 has approximately 1-miliion tons remaining. The miner is currently mining at 500,000 tons per year. So there is approximately 3 years of mining remaining onsite. Since the miner excavates the slope sat 3H to 1V the reclamation slopes are close to complete. Including an additional year to revegetate and finish grade the slopes, this would result in a completion around 2024.
(ii) a description of the size and location of each area to be worked during each phase; and As stated above, typical 10 to 20 acres will be worked at one time. The reclamation is ongoing
(iii) outlining the sequence in which each stage or phase of the operation will be carried out. (Timetables need not be separate and distinct from the mining plan, but may be incorporated therein.) – The next year or so the miner will continue to mine Pond 4, then move into Pond 5 around 2021.

(f) A map (in Exhibit C - Pre-Mining and Mining Plan Maps(s) of Affected Lands, Subsection 6.4.3) may be used along with a narrative to present the following information:

(i) nature, depth and thickness of the ore body or deposit to be mined and the thickness and type of overburden to be removed (may be marked "CONFIDENTIAL," as per Paragraph 1.3(3)); and The material is sand and gravel and is approximately fifteen to twenty feet deep. The overburden is five feet deep and is sandy clay material.

(ii) nature of the stratum immediately beneath the material to be mined in sedimentary deposits. NA

(g) Identify the primary and secondary commodities to be mined/extracted and describe the intended use; and The primary commodity is washed sand and gravel for use in building material and concrete.

(h) name and describe the intended use of all expected incidental products to be mined/extracted by the proposed operation. The intended use of the washed sand and gravel is for building materials and concrete production. The rock is crushed to ¾ size and shipped to local batch plants owned by the operator. The overburden is used as topsoil in reclamation projects.

Cell 2 is stated as being "mined out" in the text and on the provided map, but the existing configuration does not match the reclamation plan map. Please revise mine plan/reclamation plan to show additional mining and/or the proposed final configuration of Cell 2 when mining is complete (open water vs. upland). See updated map, but the amended area will be upland and the original permit boundary will be reclaimed water storage.

There is a phase "5A" shown on the mining plan map, but it is not addressed in the mining plan – please revise as necessary. This phase is also present on the reclamation plan map. Phase 5A is the same as Phase 5.

Additional information will need to be provided as to how the amended area will be mined, if it will be mined (proposed extents/depths/method etc.) The amended area will not be mined and will only be used as a location for the conveyor to cross.

Please acknowledge the existing stipulation for this permit regarding mining within 200' of the riverbank. (attached) The miner acknowledges the existing stipulation.

<u>An updated mining plan has been include in this response, many of the comment responses are similar to the text above.</u>

<u>EXHIBIT E - Reclamation Plan (Rule 6.4.5):</u>

(1) In preparing the Reclamation Plan, you should be specific in terms of addressing such items as final grading (including drainage), seeding, fertilizing, revegetation (trees, shrubs, etc.), and topsoiling. You are encouraged to allow flexibility in your plans by committing to ranges of numbers (e.g., 6"-12" of topsoil) rather than specific figures.

(2) The Reclamation Plan shall include provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by you. Reclamation shall be required on all the affected land. The Reclamation Plans shall include: The reclamation plans had been updated.

(a) A description of the type(s) of reclamation you propose to achieve in the reclamation of the affected land, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving; The reclamation plans had been updated.

(b) A comparison of the proposed post-mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs. In those instances where the post-mining land use is for industrial, residential, or commercial purposes and such use is not reasonably assured, a plan for revegetation shall be submitted. Appropriate evidence supporting such reasonable assurance shall be submitted; The immediate surrounding area contains a wastewater treatment plant to the south and east. A large powerline easement to the east, a concrete plant to the southeast and an industrial site to the east of the concrete plant. Further east are feed lots and a significant amount of agricultural

activity with heavy machinery running six to eight months out of the year. The mine has been active since 2004 and was annexed into the Town of Milliken around the same time. The reclaimed use will be water storage and upland grasses. This is well within Weld County's zoning and Milliken's zoning and reclaimed water storage along the river is an appropriate use for the Site.

(c) A description of how the Reclamation Plan will be implemented to meet each applicable requirement of Section 3.1; To date about 40% of the reclamation plan is complete. The site has been maintained, weeds have been sprayed and vegetative berms have been developed. The slurry walls have all been constructed, any flooding damage was repaired. Concerning the slurry walls; Pond 2 has been tested and is complete. Pond 3 has been tested and is complete. Pond 4 has been tested and is provisionally approved. Pond 5 is being tested and will be completed mid-summer 2019.

(d) Where applicable, plans for topsoil segregation, preservation, and replacement; for stabilization, compaction, and grading of spoil; and for revegetation. The revegetation plan shall contain a list of the preferred species of grass, legumes, forbs, shrubs or trees to be planted, the method and rates of seeding and planting, the estimated availability of viable seeds in sufficient quantities of the species proposed to be used, and the proposed time of seeding and planting; The seeding and rates are shown on the plans.

(e) A plan or schedule indicating how and when reclamation will be implemented. Such plan or schedule shall not be tied to any specific date but shall be tied to implementation or completion of different stages of the mining operation as described in Subparagraph 6.4.4(1)(e). The plan or schedule shall include:

(i) An estimate of the periods of time which will be required for the various stages or phases of reclamation; The reclamation is ongoing. To date: Pond 1 will be backfilled and remains open water for silt storage and fresh water. Pond 2 has been reclaimed approximately 70%, Pond 3 is approximately 80% reclaimed. Pond 4 is being mined and will be complete in the next year. Pond 5 has been disturbed slightly to begin the slurry wall leak test but will be backfilled and left unmined until Pond 4 is complete.

(ii) A description of the size and location of each area to be reclaimed during each phase; and Typically the mining is 3H to 1V and the pond/mining area is reclaimed as the miner continues. Fine grading and revegetation are also ongoing. Pond 2 has been a water storage area for some years and Pond 3 is in final reclamation. Pond 4 should be complete in a year and reclamation will continue shortly thereafter. Pond 5 will be mined after Pond 4 and is completed in a year. Reclamation takes approximately one year.

(iii) An outline of the sequence in which each stage or phase of reclamation will be carried out. (The schedule need not be separate and distinct from the Reclamation Plan, but may be incorporated therein.)

(f) A description of each of the following:

(i) Final grading - specify maximum anticipated slope gradient or expected ranges thereof; The range of slopes across the site will be 0.2% to 2% which is very close to the native/historic grade and 3H to 1V side slopes/excavation slopes for the reclaimed water storage reservoirs.

(ii) Seeding - specify types, mixtures, quantities, and expected time(s) of seeding and planting; See seed mixture on the updated maps.

(iii) Fertilization - if applicable, specify types, mixtures, quantities and time of application; There will be no fertilization.

(iv) Revegetation - specify types of trees, shrubs, etc., quantities, size and location; and There will be no trees planted.

(v) Topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced. Typically six-inches of topsoil is placed prior to seeding/revegetation.

Item (a) states that "the mined area will be reclaimed to existing grade, but that does not seem to match the plan for the majority of the site at this time. Please revise or clarify and provide additional detail as needed.

This was specific to the amended area. The amended area will not be mined and will only be used as a location for the conveyor to cross. The remainder of the site will be mined as discussed in this response and shown on the plans/maps.

Cell 2 is stated as being "mined out" in the text and on the provided map, but the existing configuration does not match the reclamation plan map. Please revise reclamation plan and map to show the proposed final configuration of Cell 2 when mining is complete (open water vs. upland). Cell 2 is reclaimed water storage and the areas shown on the reclamation plan show the area that will remain upland.

Cells 3,4 and 5 are located within the 100 year floodplain as well as the Weld County proposed floodway for the Big Thompson River. Permittee will need to provide design and construction of flood-control structures (armored spillway/inlet-outlet structures, etc.) for these cells to protect the long-term integrity of the slurry wall liners and prevent excessive erosion of the pit walls due to flood events. Cost for the design and installation of these features should be included in Exhibit L.

There is a phase "5A" shown on the reclamation plan map, but it is not addressed in the reclamation plan – please revise as necessary. 5a is incorrect and should all be referred to as 5.

Additional information will need to be provided as to how the amended area will be reclaimed, if it will be mined (proposed extents/depths/method etc.)

The amended area will not be mined and will only be used as a location for the conveyor to cross. The remainder of the site will be mined as discussed in this response and shown on the plans/maps. An updated reclamation plan has been included in this response.

EXHIBIT F - Reclamation Plan Map (Rule 6.4.6): The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:
(a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and - See attached maps.
(b) Portrayal of the proposed final land use for each portion of the affected lands. See the updated maps.

Please revise reclamation plan map for readability as previously described in the comments for Rule 6.2 and Exhibit C. Define area "5A" or remove from map.

See updated maps.

Reclamation map should show contours of proposed final reclamation topography, not pre-mining topography.

See updated maps.

Please revise reclamation plan map to show structures remaining within the permit area when mining and reclamation is complete. Features not remaining within the permitted area when reclamation is complete (topsoil stockpiles, conveyors, relocated utilities, etc.) should be removed from the map.

See updated maps.

Reclamation plan map should show areas of proposed upland reclamation, shoreline area, final shoreline/open water configuration, undisturbed areas, locations of existing and proposed slurry walls, and locations of flood control inlet/outlet structures.

See updated maps.

EXHIBIT G - Water Information (Rule 6.4.7):
(1) If the operation is not expected to directly affect surface or groundwater systems, a statement of that expectation shall be submitted. This response serves as the statement to that the mining and reclamation are not expected to directly affect the surface or groundwater systems. The operation has been slurry lined for approximately 15 years and has not affected the hydrologic cycle as there have been no filed complaints to the DRMS or the division of Water Resources or have there been discussion from surrounding property owners in-regards to wells or surface water. Slurry lining began in approximately 2004 with no reported impacts to surrounding wells or mounding reported from property owners with basements. Three of the four completed slurry walls have been tested and passed final or provisional leak testing. This is real time data, there has been no change in surrounding open water levels, such as Pond 2 or the Town Milliken's Waste Water Treatment Plant. The approved SWSP has been attached to this response under Exhibit G, along with the slurry wall leak tests.
(2) If the operation is expected to directly affect surface or groundwater systems, you shall:
(a) Locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations; All the water features are shown.
(b) Identify all known aquifers; and The area is within the South Platte Alluvial Aquifer.
(c) Submit a brief statement or plan showing how water from dewatering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation. All dewatering water is pumped from a sump to a settling pond and then to the river. The water is sampled quarterly per the CDPHE COG501549 Permit.

(3) You must provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project. The miner has continuously been up to date with the State Engineers Substitute Water Supply Plan requirements. The miner uses 1,000 gallons per day for dust suppression and 1,000 gallons per minute to wash gravel. The gravel wash water is recycled in a fresh water pond.
(4) You must indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation. The miner uses approximately 0.1 ac-ft of water for dust suppression and a acre-feet of water for washing aggregate.
(5) You must affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health, if necessary. The miner has obtained a CDPHE *COG501549* discharge permit, attached to this response.

Due to the density of information currently on the Mining Plan map, it may improve map clarity to summarize the features listed in 2(a) on a separate map for this exhibit. The maps have been updated.

In the approved permitting documents, Hall Irwin committed to installing nine groundwater monitoring wells and conducting monthly water level data monitoring for this site. Was this commitment ever satisfied, and if so, please provide well locations for any monitoring wells on site, corresponding well construction logs, and summarize any existing water level data for the site. There are 4 monitoring wells onsite (permits attached and locations show on the maps). The miner has checked the wells periodically during years of monitoring throughout the various leak tests for Pond 3, 4 and 5. The fresh water pond in the northwest part of the site has remained as is since 2004 with very little change in water surface elevation. During the Pond 3 leak test in 2015 an exposed drain to the south of the Pond 3 was used to compare the water level inside the Pond 3 and outside to show the slurry wall was not leaking

water faster than the state's leakage criteria. Subsequently Pond 4 and Pond 5 have been leak tested and the exterior water levels measured in the monitoring wells have been 6-feet to 12 feet below ground surface which is within the original water level depths measured approximately 17 years ago as compared to the initial drilling performed for the slurry wall investigation, attached to this response.

EXHIBIT H - Wildlife Information (Rule 6.4.8):
(1) In developing the wildlife information, you may wish to contact the local wildlife conservation officer. You must include in this Exhibit, a description of the game and non-game resources on and in the vicinity of the application area, including:

(a) a description of the significant wildlife resources on the affected land;
(b) seasonal use of the area;
(c) the presence and estimated population of threatened or endangered species from either federal or state lists; and

(d) a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.

DRMS has recently received a notice of concurrence stamped and dated by US Fish and Wildlife Service that disqualifies the permit area from further concerns regarding Preble's Jumping Mouse habitat. This notice has been added to the DRMS electronic site file.

This has been updated and Exhibit H is attached to this response.

EXHIBIT L - Reclamation Costs (Rule 6.4.12): All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. You must provide sufficient information to calculate the cost of reclamation that would be incurred by the state.

This has been updated, and Exhibit L has been attached to this response.

Reclamation costs provided will be reviewed by DRMS when all adequacy issues have been addressed. This Exhibit should be updated as needed to reflect changes made during the adequacy review process.

This has been updated.

EXHIBIT M - Other Permits and Licenses (Rule 6.4.13): A statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds or will be seeking in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, the State Historic Preservation Office clearance, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

All permits have been acquired.

Please list the current permits that have been obtained for the site, as well as those that are still be required for the operation.

Permits:

- DRMS Permit
- State Engineer SWSP Permits
- CDPHE Permits

EXHIBIT N - Source of Legal Right to Enter (Rule 6.4.14): You must provide the source of your legal right to enter and initiate a mining operation on the affected land.

If the Town of Milliken parcel on the west side of the permit is to be included, the Permittee will need to obtain legal right to enter for this area.

Source of legal right to enter has been submitted to Milliken and Bestway is awaiting comments from Milliken. The Milliken property on the west side of the permit has been in the permit boundary since the original permit was acquired and there have been no problems with entry onto that area or has that area seen any activity in quite some time.

EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.15): Please submit a complete list of all owners or show the owners on your map in Exhibit C.

If the Town of Milliken parcel on the west side of the permit is to be included, the Permittee will need include information from the Town of Milliken in this exhibit.

A list of all owners has been included on Map 2a.

EXHIBIT S - Permanent Man-Made Structures (Rule 6.4.19): Please note that roadways and above-ground or underground utilities (if present) within 200 feet of the proposed affected area are considered permanent man-made structures. In accordance with Rule 6.4.19, when mining operations will adversely affect the stability of any significant, valuable and permanent man-made structure located within 200 feet of the affected area, the applicant may 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. See response below.

Please provide evidence (certified letter to structure owners) that a notarized agreement between the structure owners and the applicant was pursued. See response below.
If an agreement is unable to be reached a geotechnical assessment may be provided to demonstrate that the structures shall not be damaged. See response below.
You must provide information sufficient to demonstrate that the stability of any structures located within two hundred (200) feet of the operation or affected land will not be adversely affected. See response below.

There are no records in the original permit application, or any subsequent revision, that structure damage agreements were provided to any structure owners within 200' of the mine site. In a letter to the site file dated March 6, 2003, the Division approved a 55 foot setback from all structures unless a written agreement had been obtained from the structure owner and subsequently reviewed and approved by the Division. No structure agreements were provided to the Division to date. See response below.

The Division notes that at this time it appears that mining has taken place well within the approved 55' of the overhead power line that runs through the Cell 2 area. Therefore, the permittee will be required to either immediately obtain an executed damage waiver agreement from the owner of the overhead lines, or backfill the excavation to a minimum distance of 55' from the overhead lines. Permittee should review the setback distance from other structures within and adjacent to the permit to ensure they are in compliance with the 55' required setback. See response below.

Please acknowledge that no excavation will be permitted closer than 55' from any structure until either a new geotechnical stability review is provided to the Division to modify the existing requirement, or an executed damage waiver agreement has been obtained from the structure owner and submitted to the Division.

All structure agreements were mailed out. Also an updated slope stability analysis was performed and is attached to this review.

Additional Information: You will also need to provide the Division with proof of notice publication as well as proof of notice to surrounding property owners within 200' of the permit. Any letters from other commenting agencies/entities received by the Division to date have been included with this correspondence for you to review.

All notices and mail return receipts are provided in this review. If they were not available by the time this review response was submitted they will be copied to the DRMS via email once they are received by Civil Resources.

All updates are on file with the Weld County Clerk. See attached confirmation.

This concludes the Division's preliminary adequacy review of this application. This letter shall not be construed to mean that there are no other technical deficiencies in your application. Other issues may arise as additional information is supplied. Please remember that the decision date for this amendment application is August 5, 2019. As previously mentioned, if you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. If there are still unresolved issues when the decision date arrives and no extension has been requested, the application will be denied. If you have any questions, please contact me at (303) 866-3567 x8140.

CIVIL RESOURCES, LLC

Andy Rodriguez, P.E

Bestway Concrete

Mark Johnson, Manager

Encl:
Maps
Application
Legal Description
Exhibit D, E, & G, H, L, O, R & S
200' Neighbor Return Receipts
Structure Agreement Mailings

UPDATED PLANS

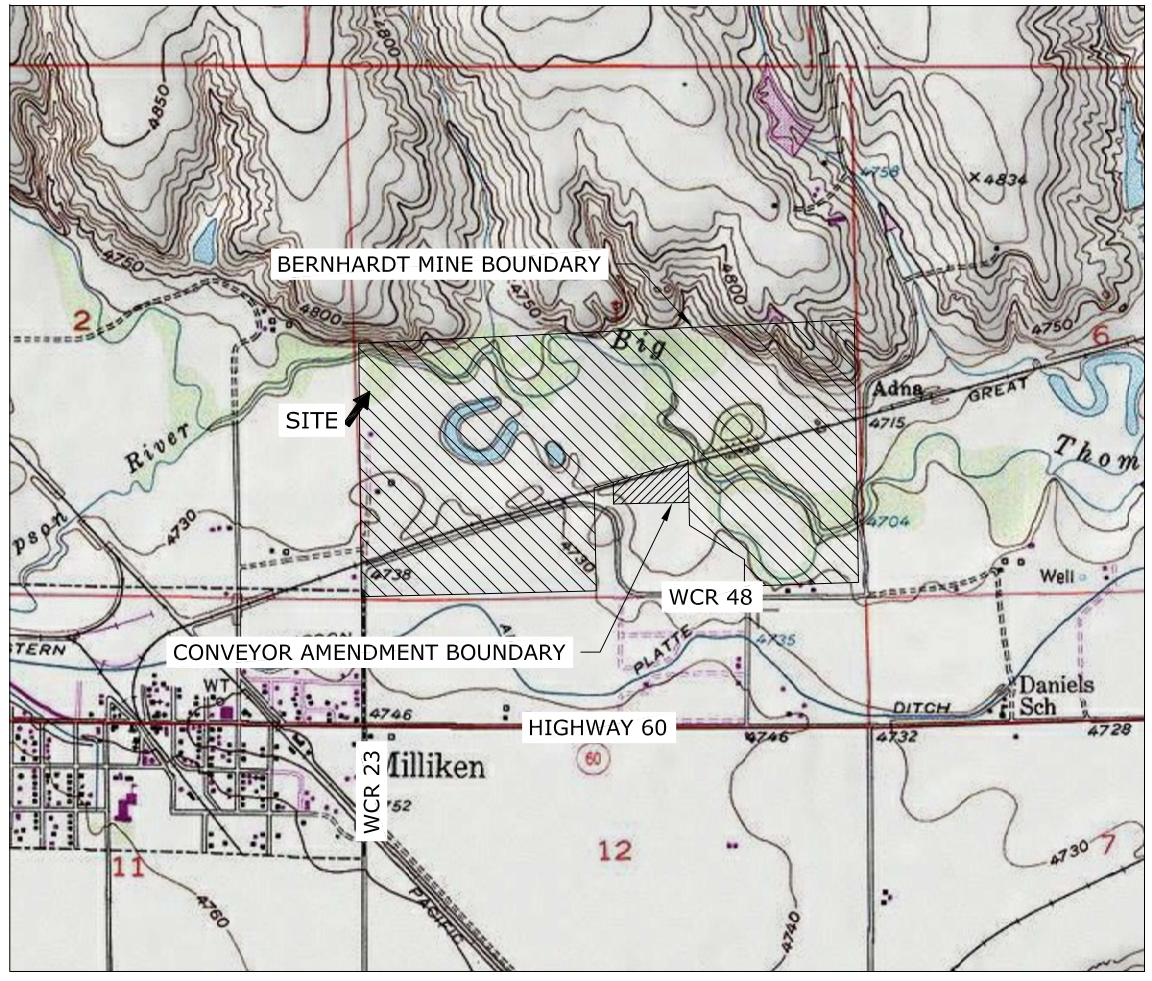
DIVISION OF RECLAMATION MINING AND SAFETY PERMIT M-2002-120-AM01

BESTWAY CONCRETE, INC.

BERNHARDT GRAVEL MINE AM01

WELD COUNTY, COLORADO

SET #:_____



NORTH

PROJECT LOCATION MAP

SCALE: 1" = 1000'

CERTIFICATION:

I HEREBY CERTIFY THAT THESE PLANS FOR THE DRMS PERMIT FOR THE --- WERE PREPARED UNDER MY DIRECT SUPERVISION FOR THE OWNERS THEREOF.

BY: _____ DATE: 04/26/19

ANDREW R. RODRIGUEZ, P.E.

BESTWAY CONCRETE, INC. DOES HEREBY ACCEPT AND APPROVE THESE PLANS FOR THE DRMS PERMIT.

BY: _____ DATE: 04/26/29

AUTHORIZED REPRESENTATIVE
BESTWAY CONCRETE, INC.

PREPARED FOR:

BESTWAY CONCRETE, INC.

301 Centennial Dr,
Milliken, CO 80543
970 587 7277

PREPARED BY:

CIVIL RESOURCES, LLC

323 5th STREET
P.O. BOX 680
FREDERICK, CO 80530
303 833 1416

811 Know what's below. Call before you dig.

REVISIONS				DATE:
NO.	DESCRIPTION	DATE	BY	10/24/2016
1	ADQ REVIEW	8/09/19	ARR	DWG: DRMS-Figs.dwg
				SHEET: 1

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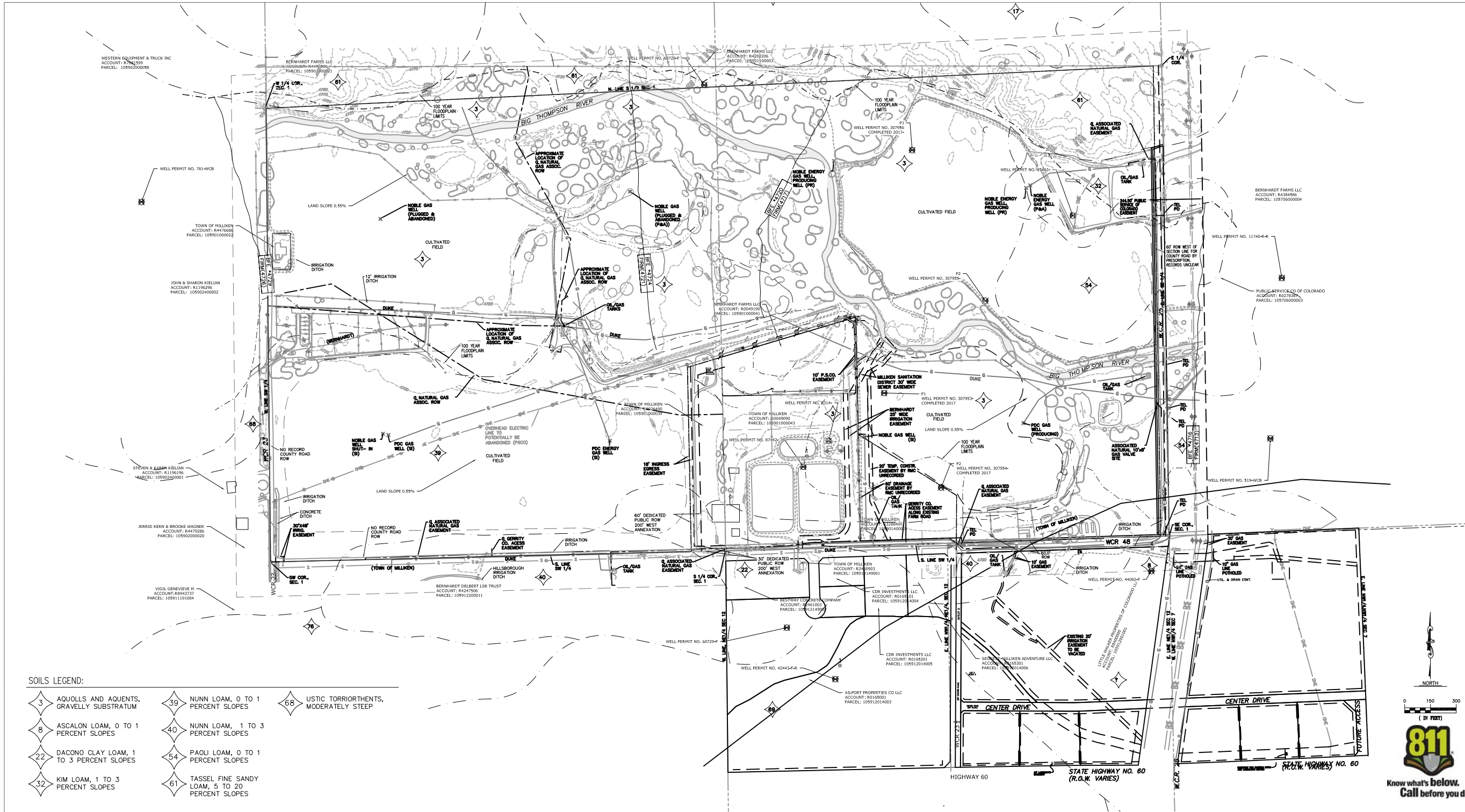

SOILS LEGEND:

3	AQUOLLS AND AQUENTS, GRAVELLY SUBSTRATUM	39	NUNN LOAM, 0 TO 1 PERCENT SLOPES	68	USTIC TORRIORTHENTS, MODERATELY STEEP
8	ASCALON LOAM, 0 TO 1 PERCENT SLOPES	40	NUNN LOAM, 1 TO 3 PERCENT SLOPES		
22	DACONO CLAY LOAM, 1 TO 3 PERCENT SLOPES	54	PAOLI LOAM, 0 TO 1 PERCENT SLOPES		
32	KIM LOAM, 1 TO 3 PERCENT SLOPES	61	TASSEL FINE SANDY LOAM, 5 TO 20 PERCENT SLOPES		

STRUCTURE INFO:

VARIOUS BUILDINGS OWNED BY LAND OWNER
OVERHEAD POWER (PUBLIC SERVICE OF COLORADO)
GAS LINES/FACILITY (PDC WELLS, NOBLE WELLS & DCP GASLINES)
BUILDINGS (TOWN OF MILLIKEN PROPERTIES)
GASLINE/FACILITY (BERNHARDT DELBERT LSR TRUST)
IRRIGATION DITCH/
HILLSBOROUGH DITCH (LITTLE WALKER PROPERTIES OF COLORADO)
IRRIGATION DITCH/HILLSBOROUGH DITCH
(BERNHARDT DELBERT LSR TRUST)
HOUSE/BUILDING (STEVEN & KAREN KIELAN)
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WCR 23 & ROW (WELD COUNTY PUBLIC WORKS)
HOUSE/BUILDING (JERRID KERN & BROOKE WAGNER)
HILLSBOROUGH DITCH

AFFECTED LANDS:

CONVEYOR PROPERTY: VARIOUS OUT BUILDINGS

FLOODPLAIN INFO:

FLOODPLAIN INFO IS FROM
FIRM FLOOD INSURANCE RATE MAP
PANEL NO. 0802660750C
EFFECTIVE DATE: SEPTEMBER 28, 1982

EXISTING VEGETATION:

FALLOWED AGRICULTURAL LAND

SURVEY INFO:

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: info@KingSurveyors.com

APPLICANT:

BESTWAY CONCRETE & AGGREGATE
301 CENTENNIAL DRIVE
MILLIKEN, CO 80543

NOTE:

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LEGEND:

- PERMIT BOUNDARY
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- STRUCTURES
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- WATER WELLS
- PROPOSED MONITORING WELLS

CIVIL RESOURCES, LLC
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WWW.CIVILRESOURCES.COM

BESTWAY CONCRETE, INC.
301 CENTENNIAL DR.
MILLIKEN, CO 80543
970.587.7277
CONTACT: MARK JOHNSON

CONVEYOR AMENDMENT TO M2002-120

REVISIONS

NO.	DESCRIPTION	DATE
1	ADQ REVIEW	7/18/19

DESIGNED BY: XXX	DATE: XXX XX, 2014
DRAWN BY: XXX	SCALE: AS NOTED
CHECKED BY: XXX	AS NOTED
JOB NO.: Value	
DWG NAME: DRMS-FIGS.DWG	

HISTORIC CONDITIONS

SHEET: 2a

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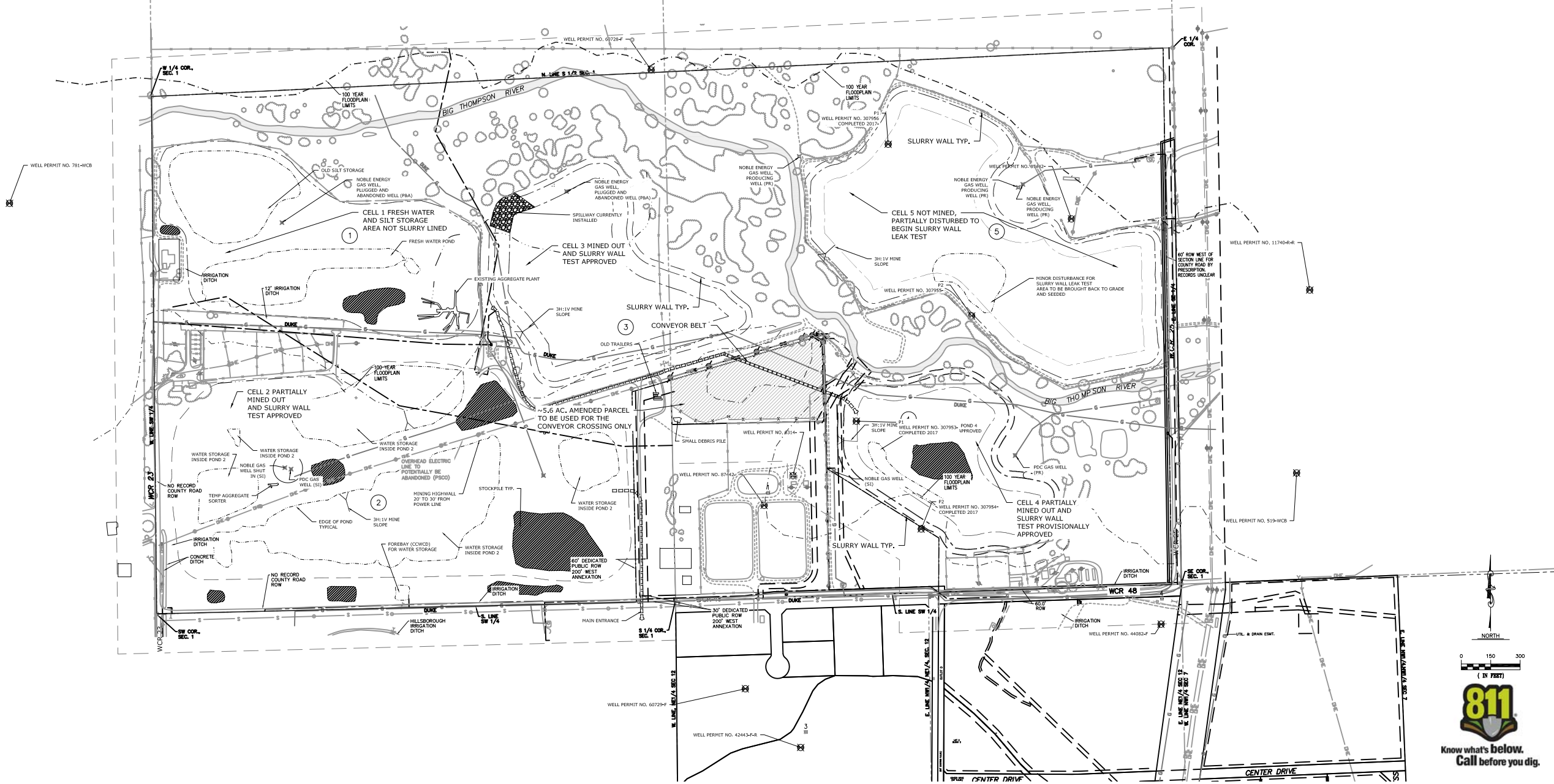

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CONTACT: MARK JOHNSON

CONVEYOR AMENDMENT TO M2002-120

REVISIONS

NO.	DESCRIPTION	DATE
1	ADQ REVIEW	7/15/19

Know what's below. Call before you dig.

DESIGNED BY: XXX | DATE: XXX XX, 2014
DRAWN BY: XXX | SCALE: AS NOTED
CHECKED BY: XXX | AS NOTED
JOB NO.: Value
DWG NAME: DRMS-FIGS.DWG

EXISTING CONDITIONS/ MINING PLAN

SHEET: 2

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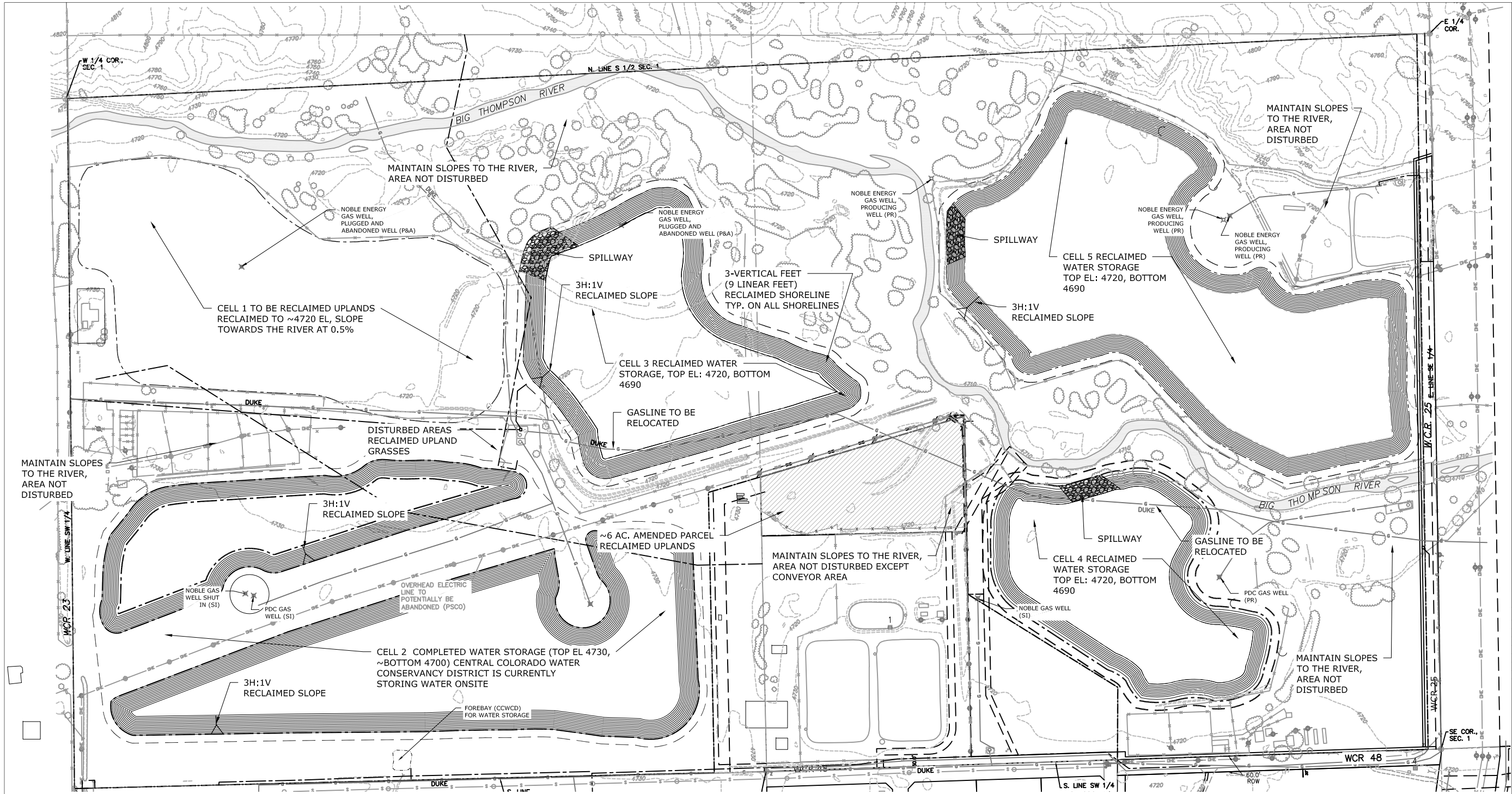

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SEEDING SPEC FOR UPLAND AREAS:

COMMON NAME (VARIETY)	SCIENTIFIC NAME	LBS PLS/ACRE
SAND BLUESTEM	(CHAMP, CHET)	1
SAND LOVEGRASS	(BEND, NATIVE, NE27)	2.5
INDIAN RICEGRASS	(NEZPAR, RIMROCK)	3
PRAIRIE SANDREED	(GOSHEN)	0.75
GREEN NEEDLEGRASS	(LODORM)	1.5
LITTLE BLUESTEM	(BLAZE, CIMARRON, CAMPER)	0.75
YELLOW INDIANGRASS	(CHEYENNE, HOLT, SCOUT)	0.5
SWITCHGRASS	(BLACKWELL, NEBRASKA 28)	1.5
SAND DROPSEED		0.5
	TOTAL LBS PER ACRE:	12.0

LEGEND:

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- 3 PROPOSED MONITORING WELLS
- BFE *4974 / FIRM (4971) BASE FLOOD ELEVATIONS

NORTH
0 100 200
(IN FEET)

Know what's below. Call before you dig.

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CONTACT: MARK JOHNSON

CONVEYOR AMENDMENT TO M2002-120

REVISIONS

NO.	DESCRIPTION	DATE
1	ADQ REVIEW	7/18/19

DESIGNED BY:	XXX	DATE: XXX XX, 2014
DRAWN BY:	XXX	SCALE: AS NOTED
CHECKED BY:	XXX	AS NOTED
JOB NO.:	Value	
DWG NAME:	DRMS-FIGS.DWG	

RECLAMATION PLAN

SHEET: 3

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UPDATED APPLICATION

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)

☐ **New** Application (Rule 1.4.5) ☑ **Amendment** Application (Rule 1.10)

☐ **Conversion** Application (Rule 1.11)

Permit # M-2002-120 (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) complete signed and notarized **ORIGINAL** 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 **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information requested below.

1. **Applicant/operator or company name (name to be used on permit)**: Bestway Concrete Company
   - 1.1 Type of organization (corporation, partnership, etc.): _____

2. **Operation name (pit, mine or site name)**: Conveyor Amendment to Bernhardt Gravel Mine

3. **Permitted acreage (new or existing site)**: 286.1 permitted acres
   - 3.1 Change in acreage (+) 5.6 acres
   - 3.2 Total acreage in Permit area 291.7 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 statute) $2,696.00 conversion fee

5. **Primary commoditie(s) to be mined**: sand gravel top soil general fill _____
   - 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 commoditie(s) to be mined: _____
   - 5.3 Anticipated end use of incidental commoditie(s) to be mined: _____

6. **Name of owner of subsurface rights of affected land**: Bernhardt Farms LLC
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land**: Bernhardt Farms LLC

8. **Type of mining operation**: ☑ Surface ☐ Underground

9. **Location Information**: The center of the area where the majority of mining will occur:

COUNTY: Weld County

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

SECTION (write number): S 1

TOWNSHIP (write number and check direction): T 4 ☑ North ☐ South

RANGE (write number and check direction): R 67 ☐ East ☑ West

QUARTER SECTION (check one): ☐ NE ☐ NW ☑ SE ☐ SW

QUARTER/QUARTER SECTION (check one): ☐ NE ☐ NW ☐ SE ☐ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation):
0.75 miles northwest of Milliken, el: 4716

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44′ 12.98″
(W) 104° 59′ 3.87″

Latitude (N): deg 40 min 20 sec 12.27 (2 decimal places)

Longitude (W): deg 104 min 50 sec 15.75 (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) _____ (5 decimal places)

Longitude(W) _____ (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) WGS 84 Zone 13

Easting _____

Northing _____

11. **Correspondence Information**:

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

Contact's Name: **Mark Johnson** Title: VP Aggregates

Company Name: Bestway Concrete Company

Street/P.O. Box: 301 Centennial Drive P.O. Box: _____

City: Milliken

State: Co Zip Code: 80543

Telephone Number: (970) - 587 7277

Fax Number: (970) - 587 7287

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Andy Rodriguez Title: Project Engineer

Company Name: Civil Resources, LLC

Street/P.O. Box: 323 5th Street P.O. Box: 680

City: Frederick

State: CO Zip Code: 80530

Telephone Number: (303) - 833 1416x202

Fax Number: ( ) - _____

INSPECTION CONTACT

Contact's Name: Same As Applicant Operator Title: _____

Company Name: _____

Street/P.O. Box: _____ P.O. Box: _____

City: _____

State: _____ Zip Code: _____

Telephone Number: ( ) - _____

Fax Number: ( ) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____

Street: _____

City: _____

State: _____ Zip Code: _____

Telephone Number: ( ) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____

Street: _____

City: _____

State: _____ Zip Code: _____

Telephone Number: ( ) - _____

12. **Primary future (Post-mining) land use (check one)**:

☐ Cropland(CR)	☑ Pastureland(PL)	☐ General Agriculture(GA)
☐ Rangeland(RL)	☐ Forestry(FR)	☐ Wildlife Habitat(WL)
☐ Residential(RS)	☐ Recreation(RC)	☐ Industrial/Commercial(IC)
☐ Developed Water Resources(WR)		☐ Solid Waste Disposal(WD)

13. **Primary present land use (check one)**:

☐ Cropland(CR)	☑ Pastureland(PL)	☐ General Agriculture(GA)
☐ Rangeland(RL)	☐ Forestry(FR)	☐ Wildlife Habitat(WL)
☐ Residential(RS)	☐ Recreation(RC)	☐ Industrial/Commercial(IC)
☐ Developed Water Resources(WR)		

14. **Method of Mining**: Briefly explain mining method (e.g. truck/shovel): wet mine

15. **On Site Processing**: ☑ Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): wet/dry mining with excavator and haul trucks

List any designated chemicals or acid-producing materials to be used or stored within permit area: 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).

Adding proposed "Bernhardt Farms LLC Property" to existing Bernhardt Mine. Material will be hauled to existing processing area.

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.

____ 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;

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;

3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;

4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;

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):

   a. the name of the operator;

   b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,

   c. the permit number.

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.

8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.

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.

10. <u>For joint venture/partnership operators</u>: 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.

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 1st day of May, 2019.

Bestway Concrete
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: Mark Johnson

Signed: [illegible]
Corporate Secretary or Equivalent
Town/City/County Clerk

Title: Mgr

State of Colorado)
) ss.
County of Weld)

The foregoing instrument was acknowledged before me this 1st day of May, 2019, by MARK JOHNSON as Mgr of BESTWAY Concrete

JAIMIE MICHAEL ADDY
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20184029403
MY COMMISSION EXPIRES JUL 19, 2022

Notary Public

My Commission expires: July 19, 2022

SIGNATURES MUST BE IN BLUE INK

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

EXHIBIT A - UPDATED LEGAL DESCRIPTION

EXHIBIT A – LEGAL DESCRIPTION –ADQ 1

This information provided in this Exhibit is intended to satisfy the requirements outlined in Section 6.4.1 of the Colorado Mined Land Reclamation Board Construction Material Rules and Regulations:

LAND PARCEL DESCRIPTION

ORGINAL PERMIT BOUNDARY:

NORTHWEST 1/4, SOUTHWEST 1/4, SECTION 1, TOWNSHIP 4 NORTH, RANGE 67 WEST OF 6TH P.M., SOUTHEAST 1/4, SECTION 1, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., SOUTH ½ OF THE SW 1/4, NE 1/4, SW 1/4, SECTION 1, TOWNSHIP 4 NORTH ,RANGE 67WEST OF 6TH P.M. (BERNHARDT ANNEX)

AMENDED PARCEL:

TRACT 2, OF PARCEL 2, BIG THOMPSON ANNEXATION TO THE TOWN OF MILLIKEN, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO. CONTIAINED WITHIN THE FENCE ON THE SOUTH SIDE, EXCLUDED ANY DEBRIS PILES.

SAID DESCRIBED PARCEL 1 CONTAINS 5.6 ACRES, MORE OR LESS (±).

EXHIBIT D & E - MINING PLAN & RECLAMATION PLAN

EXHIBIT D – MINING PLAN –ADQ RESPONSE 1

This information provided in this Exhibit is intended to satisfy the requirements outlined in Section 6.4.4 of the Colorado Mined Land Reclamation Board Construction Material Rules and Regulations:

(a) Description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands;

The proposed permit area includes a significant deposit of sand and gravel located in the alluvium of the Big Thompson River in Weld County. The site is located southwest of the Big Thompson River, north of WCR 48 and west of WCR 25. It encompasses 6.0 acres +/-.

Existing Conditions and Site Preparation:

Existing Conditions
The current Bernhardt Gravel Mine is actively being mined. The proposed amended property is a fallow piece of ground bounded on the north, east and west by the Bernhardt mine.

Site Preparation
Initial disturbance of the property will include: clearing the site of existing structures (with exception of the structures to remain), and stripping the topsoil and overburden. The parcel is too small to mine to bedrock.

Mining:
Cell 1 – mined out, silt storage and fresh water pond
Cell 2 – mined out – slurry wall approved and water currently stored
Cell 3 – mined out – slurry wall approved
Cell 4- partially mined – slurry wall provisionally approved
Cell 5 – minimum disturbance for provisional slurry wall test
Amended Area – minimum disturbance with conveyor going through – future silt storage if this area is partially mined out after conveyor is moved

The operator will develop and comply with a Stormwater Management Plan and Spill, Prevention, Control and Countermeasures Plan. The operator will notify the Division of Mine Safety and Reclamation in the event of a reportable spill.

Processing:
All material mined under this proposed application will be transported by conveyor or haul truck to the processing area.

Import Material:
Bestway Concrete & Aggregates may import material from and export material to other sites. The applicant is aware that in accordance with Rule 3.1.5(9) of the Construction Material Rules and Regulations, if any offsite material is used as backfill, a notarized

letter will be submitted to the Division indicating the materials are inert. The applicant will supply such a letter to the Division if, at the time of Reclamation, the applicant intends to use off-site material as backfill.

(b) Earthmoving;

Topsoil and overburden will be stripped with scrapers or bulldozers and stockpiled in segregated piles at the edge of the active mine. Excavators, front-end loaders, and bulldozers will be used to excavate the material. Conveyor belts or haul trucks will be utilized to transport the raw material from the active mine phase to the processing area. The amended parcel will not be mined.

(c) All water diversions and impoundments; and

The perimeter of the mined area will be dewatered by digging a trench to bedrock. The water will be pumped into a settling pond and discharged in accordance with a CDPS permit. Wash water for the processing area will be recycled through a series of small ponds within the processing area. The water required to operate the facility will likely be provided by the existing water rights associated with the property. No ditches will be disturbed without prior authorization of the appropriate ditch company.

(d) The size of area(s) to be worked at any one time.

Typically 10 to 20 acres areas are disturbed during mining.

(e) An approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation.

The Operator anticipates that mining will commence as soon as all permits are in place. The Operator anticipates extracting approximately 500,000 tons of aggregate per year, however, production rate may vary based on market demands.

Timetable for Mining and Reclamation

There is approximately 5 years of mining reserves remaining at the mine.

Pond 4 has approximately 400,000 tons of aggregate remaining and Pond 5 has approximately 1-miliion tons remaining. The miner is currently mining at 500,000 tons per year. So there is approximately 3 years of mining remaining onsite. Since the miner excavates the slope sat 3H to 1V the reclamation slopes are close to complete. Including an additional year to revegetate and finish grade the slopes, this would result in a completion around 2024.

Reclamation will begin immediately after mining is complete. When possible, concurrent reclamation practices will be used to minimize site disturbance and to limit material handling to the greatest extent possible. Please refer to the Mining Plan Map in Exhibit C for phase areas to be mined, locations and areas.

(f) Use Mining Plan Map in conjunction with narrative to present:

(i.) Nature, depth and thickness of the deposit and thickness and type of overburden to be removed

Exploratory borings were performed by Bestway Concrete. The bedrock depths in the proposed mine areas ranged from approximately 15 feet to 19 feet below the ground surface.

(ii.) Nature of the stratum immediately beneath the material to be mined in sedimentary deposits

The site is located approximately 15 miles east of the foothills of the Colorado Front Range on the western flank of the Denver Structural Basin. The basin is a downwarp of sedimentary strata that tends north-northwest, parallel to the mountain front. In the project area, the sedimentary bed dips gently eastward toward the axis of the basin east of the site. Based on regional geologic mapping (Colton, 1978), the near surface bedrock in the project area is the Paleocene and Upper Cretaceous Denver and Arapahoe Formations. The bedrock is overlain by upper Pleistocene and Holocene (Quarternary age) gravel deposits and eolian (wind blown) overburden soils. The gravel deposits exist primarily within the Broadway Alluvium deposit. The bedrock unit consists mainly of claystone and may contain lenses of siltstone and sandstone.

(g) Identify the primary and secondary commodities to be mined/extracted and describe the intended use.

The primary commodities are sand, gravel and fill; intended for construction materials.

(h) Name and describe the intended use of all expected incidental products to be mined/extracted by the proposed operation.

There are no expected incidental products to be mined.

(i) Specify if explosives will be used in conjunction with the mining (or reclamation)

No explosive material will be used on-site.

EXHIBIT E – RECLAMATION PLAN – ADQ 1

This information provided in this Exhibit is intended to satisfy the requirements outlined in Section 6.4.5 of the Colorado Mined Land Reclamation Board Construction Material Rules and Regulations: The proposed mining and reclamation plan focuses on minimizing the ecological impacts of mining, minimizing the length of time of impact, and maximizing long-term benefits.

The mine is currently:

Cell 1 – mined out, silt storage and fresh water pond – not reclaimed.
Cell 2 – mined out – slurry wall approved and water currently stored – partially reclaimed
Cell 3 – mined out – slurry wall approved – actively being reclaimed, finalizing slopes, cleaning the bottom, shoreline reclamation and perimeter seeding remain.
Cell 4- partially mined – slurry wall provisionally approved, actively being mined.
Cell 5 – minimum disturbance for provisional slurry wall test.
Amended Area – minimum disturbance with conveyor going through. Area will not be mined.

(a) *A description of the type(s) of reclamation the Operator proposes to achieve in the reclamation of the affected land, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving;*

The mined area will be reclaimed to existing grade around the buffer areas or perimeter of the Ponds. Each pond except for Pond 1 will be reclaimed water storage with an approved slurry wall. The amended area will not be mined and the minimal disturbed area where the conveyor passed through will be reclaimed as upland. The area will be fine graded back to existing grades, which is 0.5% towards the northwest/Big Thompson River.

- Pond 1: 27.76 acres, approximately 11 acres of this Pond is silt storage and fresh water pond.
- Pond 2: 25.8 acres, approximately 50-percent is water storage. Central Colorado Water Conservancy District owns the approved storage pond and stores their water rights in that pond.
- Pond 3: 3 acres of perimeter seeding and above water line seeding, otherwise this pond is nearing completion of reclamation below high water line. CCWCD installed a spillway in the northwest corner of the pond earlier in the year.
- Pond 4: 12.5 acres, which is overestimated as the slopes are reclaimed on the south side at 3:H1V.
- Typically during active mining the miner does anticipate like to "open up" more than 10 to 20 acres at a time.

Refer to Exhibit F for the acreages and additional details, including grades and pond configurations.

Earthmoving

The topsoil will be replaced by a scraper and generally graded with a blade or dozer. All grading will be done in a manner that controls erosion and siltation of the affected lands, to protect areas outside the affected land from slides and other damage. In addition, all backfilling and grading will be completed as soon as feasible after the mining process. All disturbed areas will be regraded and smoothed to a finished grade that is suitable for revegetation or the final land use.

As noted previously, the area will be reclaimed as mining commences. Finish grading, topsoil placement and seeding will occur once the resource is completely removed. A typical cross-section of the shoreline is included on the Reclamation Plan Map.

(b) A comparison of the proposed post-mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs.

Once returned to existing (pre-mined) grade, the site can return to being farmed. The water storage reservoirs will be compatible with the other land uses in the vicinity, which includes farmland, industrial land, and rural residential.

(c) A description of how the Reclamation Plan will be implemented to meet each applicable requirement of Section 3.1.

The Operator will carry reclamation to completion with reasonable diligence. Reclamation will be completed within one to two years from completion of mining, but not more than five years from the date the Operator informs the Board or Office that such phase has commenced.

The reclamation is ongoing.

To date: Pond 1 will be backfilled and remains open water for silt storage and fresh water. Pond 2 has been reclaimed approximately 70%, Pond 3 is approximately 80% reclaimed. Pond 4 is being mined and will be complete in the next year. Pond 5 has been disturbed slightly to begin the slurry wall leak test but will be backfilled and left unmined until Pond 4 is complete.

Typically the mining is 3H to 1V and the pond/mining area is reclaimed as the miner continues. Fine grading and revegetation are also ongoing. Pond 2 has been a water storage area for some years and Pond 3 is in final reclamation. Pond 4 should be complete in a year and reclamation will continue shortly thereafter. Pond 5 will be mined after Pond 4 and is completed in a year. Reclamation takes approximately one year.

The range of slopes across the site will be 0.2% to 2% which is very close to the native/historic grade and 3H to 1V side slopes/excavation slopes for the reclaimed water storage reservoirs.

Section 3.1.5 Reclamation Measures Material Handling: Grading will be performed to help control erosion and siltation of the affected lands through phased mining, implementing good operation techniques to handle material as little as possible, and vegetation of stockpiles remaining in place for more than one growing season. Although the use of erosion protection devices is not anticipated, if deemed necessary by the

operator at the time of excavation, silt fence and haybale dams will be installed to prevent erosion. Backfilling and grading will be completed as soon as feasible after the mining process is complete.

Maximum slopes and slope combinations will be compatible with the configuration of surrounding conditions and selected land use. Mining will occur at a slope that is stable. The site will be reclaimed to grades consistent with pre-mining elevations.

The operator will backfill using fill material generated on-site, or imported inert fill generated outside the permit area. If any inert off-site material is used as backfill, a notarized letter will be submitted to the Division as required by Section 3.1.5(9) of the MLRB Construction Material Rules and Regulations.

It is not anticipated that mining will uncover any refuse or acid-forming or toxic producing materials, however if any such materials are encountered the operator will take precaution to handle the materials in a manner that will control unsightliness and protect the drainage system.

Drill or auger holes that are part of the mining operation shall be plugged with non-combustible material, which shall prevent harmful or polluting drainage. Any test pits, soils boring holes, or monitoring wells not located within the mine excavation limits will be plugged as soon as it can be confirmed that they are no longer needed for the operation.

Mined material to be disposed of within the affected area will be handled in such a manner so as to prevent any unauthorized release of pollutants to the surface drainage system. No unauthorized release of pollutants to groundwater shall occur from any materials mined, handled or disposed of within the permit area.

Section 3.1.6 Water-General Requirements: The Operator will comply with applicable Colorado water laws governing injury to existing water rights and with applicable state and federal water quality and dredge and fill laws and regulations.

The operator will develop and comply with a stormwater management plan and will use best management practices (BMPs) to ensure groundwater and surface water are protected to the greatest possible extent. BMPs include schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution in runoff from the site.

Section 3.1.7 Groundwater - Specific Requirements: The Operator will comply with the applicable standards and conditions for classified and unclassified groundwater.

Section 3.1.8 Wildlife: The mining and reclamation plans have been designed to account for the safety and protection of wildlife on the mine site. The Operator will use concurrent reclamation methods to minimize the impact on wildlife. The proposed reclamation plan may improve wildlife habitat. The proposed seed mix and plantings will create improved cover, foraging, roosting, and nesting areas for wildlife. The water area within the reservoir will serve as habitat for waterfowl and other bird species and the fringes of the reservoir

will be used by mammal, bird, reptile and amphibian species. Control and/or removal of noxious and weedy species during the project and the replacement of desirable graminoid, forb, shrub and tree species during reclamation will result in enhancement of wildlife habitat on the project site.

Section 3.1.9 Topsoiling: Topsoil shall be removed and segregated from other spoil. Topsoil stockpiles shall be stored in places and configurations to minimize erosion and located in areas where disturbance by ongoing mining operations will be minimized. Once stockpiled, topsoil shall be rehandled as little as possible. Stockpiles that will remain in place for more than one growing season will receive vegetative cover, as outlined on the Reclamation Plan Map, as soon as possible to minimize erosion.

Section 3.1.10 Revegetation: In those areas where revegetation is part of the reclamation plan, the land shall be revegetated in a manner that establishes a diverse, effective, and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation or fertilizer and is at least equal in extent of cover to the natural vegetation of the surrounding area. The proposed seed-mix and plantings for reclamation are outlined on the Reclamation Plan included in Exhibit F of this application.

Section 3.1.11 Buildings and Structures: Please refer to the enclosed Reclamation Plan included in Exhibit F.

Section 3.1.12 Signs and Markers: The Operator will post appropriate signage at the entrance to the mine site. The permit area will be marked by existing fencing, or proximity to existing County roads.

(d) Plans for topsoil segregation, preservation and replacement; for stabilization, compaction and grading of spoil; and for revegetation.

Topsoil will be removed and segregated from other spoil. Topsoil not needed for reclamation may be sold or removed from the site. For reclamation, topsoil will be replaced by a scraper and generally graded with a blade. Grading shall be done in a manner that controls erosion and siltation of the affected land and protects areas outside the affected land from slides and other damage. In addition, backfilling and grading shall be completed as soon as feasible after the mining process.

Final grading will create a final topography that is appropriate for the final land use. For example, grades on the site will be returned to existing (pre-mining) grade. Topsoil will be uniformly placed and spread on areas disturbed by the mining. The minimum thickness shall be 6 inches above the surrounding finished grade, consistent with existing topsoil depths on-site. The topsoil shall be keyed to the underlying and surrounding material by the use of harrows, rollers or other equipment suitable for the purpose.

In those areas where revegetation is part of the reclamation plan, the Operator will revegetate the land in such a manner so as to establish a diverse, effective, and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation or fertilizer and is at least equal in extent of cover to the natural vegetation of the surrounding area. Seed will be drilled and mulched.

The revegetation seeding and plant list on the Reclamation Plan Map contains the preferred species of grasses, shrubs and trees to be planted.

Seeding will take place once final grading and replacement of topsoil have been completed. Timing of seeding will be consistent with standard horticultural practice for dryland applications - generally between late September and the middle of April to ensure there is adequate moisture for germination.

(e) A plan or schedule indicating how and when reclamation will be implemented. Include:

i. An estimate of the periods of time which will be required for the various stages or phases of reclamation.
Please refer to the Timetable for Mining and Reclamation in Section (e) of Exhibit D.

ii. A description of the size and location of each area to be reclaimed during each phase.
Please refer to the Reclamation Plan Map (Exhibit F).

iii. Outlining the sequence in which each stage or phase of reclamation will be carried out.
Please refer to the Timetable for Mining and Reclamation in Section (e) of Exhibit D.

(f) A description of:

i. Final grading – maximum anticipated slope gradient or expected ranges thereof;
The finished slopes of the reservoir will be 3 horizontal to 1 vertical. Any area reclaimed to native grade will match natural topography.

(a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and - See attached maps.
(b) Portrayal of the proposed final land use for each portion of the affected lands. See the updated maps.

ii. Seeding – types, mixtures, quantities and time of application;
Please refer to the Reclamation Plan Map for the list of plant materials and seeds to be utilized. The operator will seed during the appropriate season to ensure adequate moisture for germination and implement weed controls to allow the grasses to successfully establish. Additional plantings may be installed once the reservoirs are full of water and the grasses are established.

iii. Fertilization –types, mixtures, quantities, and time of application;
The type and application rate of fertilizer shall be determined based on a soil test at the time of final reclamation.

iv. Revegetation – types of trees, shrubs, etc.; and
Please refer to the Reclamation and Landscape Plan Maps for the types, quantities and location of trees and shrubs to be planted.

v. *Topsoiling – specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced.*
Topsoil will be uniformly placed and spread on all areas disturbed by the mining above the anticipated high water line. The minimum thickness shall be 6 inches above the surrounding finished grade.

WEED MANAGEMENT PLAN

Bestway Concrete & Aggregates has a full-time weed manager on staff. This person is responsible for monitoring and controlling noxious weeds as they appear. Bestway Concrete typically prefers to control weeds mechanically, by mowing and/or discing. If necessary, weeds will be killed with a contact herbicide. Bestway Concrete has all of the necessary equipment in house to perform these tasks.

EXHIBIT H – WILDLIFE

6.4.8 Exhibit H - Wildlife Information

Wildlife Assessment

Site Description: 2002

Savage and Savage initially conducted a wildlife assessment for the Hall-Irwin Bernhardt resource site project on July 14, 2002. The Bernhardt resource site is comprised of approximately 250 acres in the S½ of Section 1 in Township 4 North, Range 67 West of the 6th Prime Meridian in Milliken, Weld County, Colorado. The property is bounded on the north by the Big Thompson River and an agricultural field and field lot, the east by Weld County Road 25, south by Weld County Road 48, and west by Weld County Road 23 (see wildlife habitat map in original permit document). The property was accessed from Weld County Roads 23, 25, and 48.

Weather during our site investigation was hot, dry, and clear with a high temperature in the mid-90's (ºF). The topography of the site is dominated by the primary and secondary alluvial terraces of the Big Thompson River. Discontinuous sandstone outcrops form bluffs (up to 25 feet) along the north bank of the Big Thompson River adjacent to the property. The elevation of the study area averages 4730 feet and slopes gently to the north toward the Big Thompson River. The soils that dominate the site are formed from alluvium and consist of loams and clays underlain by sandy clay. The significant hydrologic feature on the site is the Big Thompson River. An unnamed irrigation ditch enters the site along the west edge of the property, traverses the center of the property, and flows into the Big Thompson River north of the Milliken Water Treatment Plant. Another swale/ditch complex originates northeast of the feedlot along Weld County Road 48 and flows northeast across Weld County Road 23 terminating at the Big Thompson River.

An open canopy of plains cottonwoods (*Populus deltoides*) dominates the riparian corridor immediately adjacent to the Big Thompson River. This open riparian corridor is dominated by mature cottonwoods with an open graminoid and forb understory. Other scattered trees along the riparian corridor include Russian olive (*Elaeagnus angustifolia*) and peach-leaf willow (*Salix amygdaloides*). Dominant understory graminoid species consist of western wheatgrass (*Agropyron smithii*), inland saltgrass (*Distichlis spicata*), smooth brome (*Bromus inermis*), fescue (*Festuca sp.*), and cheatgrass (*Bromus tectorum*). Several weedy species also dominated the understory including musk thistle (*Carduus nutans*), diffuse knapweed (*Centaurea diffusa*), and tansy mustard (*Descurainia pinnata*).

Agricultural areas dominate the remainder of the project site, with individual fields within the northwest, southwest, southeast and northeast quadrants of the project site. At the time of our investigation, the agricultural areas were planted to corn.

A central area through the project site has been reserved as pasture for livestock. These areas are dominated by a herbaceous graminoid community, comprised largely of inland

saltgrass and ruderal weed species. Scattered individual plains cottonwood trees are located along the boundaries of the pasture area.

Significant Wildlife Resources: 2002

Tables 1, 2, and 3 list wildlife species that potentially occur on-site according to the Colorado Distribution Latilong Studies (CDOW, 1981, 1990, 1998). The latilong studies address mammals, birds, reptiles, and amphibians.

During our site investigation we encountered a number of avian species within the Big Thompson River riparian corridor. Killdeer (*Charadrius vociferus*), western meadowlark (*Sturnella neglecta*), red-shafted flicker (*Colaptes auratus*), red-headed woodpecker (*Melanerpes erythrocephalus*), western kingbird (*Tyrannus verticalis*), mourning dove (*Zenaida macroura*), great blue heron (*Ardea herodias*), red-tail hawk (*Buteo jamaicensis*), and a great horned owl (*Bubo virginianus*) were all seen flying or soaring over the riparian corridor or upland fields. A blue jay (*Cyanocitta cristata*) was chasing a merlin (*Falco columbarius*) near the swale/ditch complex that traverses the southeast corner of the site. An American robin (*Turdus migratorius*) was seen perched in a willow tree. Cliff swallows (*Petrochelidon pyrrhonota*) and house sparrows (*Passer domesticus*) were seen occupying jug-shaped mud nests along a sandstone bluff face north of the Big Thompson River.

Several black-tailed prairie dog (*Cynomys ludovicianus*) colonies were identified adjacent to the unnamed ditch that traverses the center of the property. Coyote (*Canis latrans*) scat was identified near one of the prairie dog colonies. An American badger (*Taxidea taxus*) burrow was identified near a prairie dog colony north of the water treatment plant. A muskrat (*Ondatra zibethicus*) was observed in the Big Thompson River.

Seasonal Use: 2002

With the exception of bats, the mammals species encountered during the site inspection or that potentially occur on-site are expected to be year-round residents or users of the site. The carnivore and ungulate species are not restricted to this site and tend to have relatively large home ranges (up to several square miles). The majority of rodent and insectivore species can be expected to reside on-site throughout the year, though many may hibernate during the cold months. Avian species may be year-round, temporary migrants, or summer residents of the site. Year-round residents would include the waterfowl, raptors, gallinaceous birds, pigeons, owls, and woodpeckers. The majority of the shorebirds and passerines would use the site during the spring, summer, and fall for feeding or resting during migration. Amphibian and reptile species of the site are year-round residents.

Threatened and Endangered Species and Critical Habitat: 2002

Potential habitat for any identified species of special concern was evaluated. In particular, potential habitat for the Preble's meadow jumping mouse (*Zapus hudsonius*

preblei), Ute ladies'-tresses orchid (*Spiranthes diluvialis*), and bald eagle (*Haliaeetus leucocephalus*) was evaluated based on results of a database search of the general area by the Colorado Natural Heritage Program.

Potential habitat exists for the Preble's meadow jumping mouse within the cottonwood riparian corridor along the banks of the Big Thompson River. As potential habitat exists on the site, a trapping survey for the mouse would normally be required. Savage and Savage trapped a Preble's meadow jumping mouse approximately one-quarter mile west of the Bernhardt resource site along the Big Thompson River this year (2002). Given the proximity of the Bernhardt resource site to the site where the mouse was trapped, the U.S. Fish and Wildlife Service has indicated that a trapping survey is not necessary for the Bernhardt resource site. They consider the Bernhardt resource site to be within the dispersion corridor and range of this mouse population. Therefore, U.S. Fish and Wildlife Service will require a mouse mitigation plan be prepared and submitted for the Bernhardt resource site.

Potential habitat for the Ute ladies'-tresses orchid is present along the Big Thompson River primary alluvial floodplain that includes riverbanks and oxbows south of the river. Habitat is also present within other depressions and swales on the site. A pedestrian survey for the orchid was conducted August 2, 2002 during the normal blooming period. No orchids were encountered within the project site. The U.S. Fish and Wildlife Service concurred with the results of the survey.

No eagles or nests were observed during our investigation of the site. Based on our on-site investigation, the cottonwood trees throughout the riparian corridor are mature and some are senescent. It has been our observation that the majority of riparian corridors along the Front Range of Colorado consist primarily of mature cottonwood trees with little or no recruitment. This being the case, there will come a time when the mature cottonwood trees are gone and the overstory structure of the riparian corridor will be lost. Reclamation within the permit area and cottonwood riparian corridor could, in the long term, be of great benefit in maintaining the riparian corridor. Planting cottonwoods of varying ages throughout the riparian corridor as part of the reclamation would provide replacement trees for the mature cottonwoods, and enhance the overall existing riparian corridor habitat.

Project Effects to Wildlife: 2002

According to the proposed mineral extraction plan for the Bernhardt resource a large portion of the riparian corridor that includes the majority of the mature cottonwood trees and understory adjacent to the river will be undisturbed. Noise and air emissions during mining will cause a temporary disturbance to wildlife. Species such as raccoons, coyotes, beaver, deer, and raptors will continue to use the riparian corridor during mining operations and the site itself when operations are not active. Bird species will use the periphery of the site and the site itself opportunistically, if prey or food species are present.

The proposed project will extract material and leave cells within the site. Permanent reclamation of the site will entail grading, respreading topsoil, and seeding and planting perennial species that will support wildlife. The mining and reclamation will create a more diverse habitat than is currently present. Areas of open water will sustain additional species of reptiles and amphibians as well as shorebirds and waterfowl. The addition of the water will create fringe environments favorable to predatory mammals and raptors, as well as food and water sources for herbivores. With the planting of additional cottonwood trees and shrubs, additional strata and vegetation layers will be added to the site, creating improved cover, foraging, roosting, and nesting areas for wildlife.

Development of an acceptable Preble's meadow jumping mouse mitigation plan in conjunction with the U.S. Fish and Wildlife Service will entail additional measures designed to enhance and protect the critical habitat of the mouse within the site as well as wildlife in general. Past mitigation plans have addressed maintenance and enhancement of riparian corridors, pest and weed control, grazing by livestock, and planting and seeding of native grasses, forbs, shrubs, and trees to facilitate renewed vigor in the riparian corridor as well as ecotonal fringe areas between the riparian corridor and more mesic upland vegetation communities and wildlife habitats.

Wildlife Assessment Update: 2019

Significant Wildlife Resources: 2019

Tables 1, 2, and 3 list wildlife species that potentially occur on-site according to the Colorado Distribution Latilong Studies (CDOW, 1981, 1990, 1998). The latilong studies address mammals, birds, reptiles, and amphibians.

Seasonal Use: 2019

With the exception of bats, the mammals species encountered during the site inspection or that potentially occur on-site are expected to be year-round residents or users of the site. The carnivore and ungulate species are not restricted to this site and tend to have relatively large home ranges (up to several square miles). The majority of rodent and insectivore species can be expected to reside on-site throughout the year, though many may hibernate during the cold months. Avian species may be year-round, temporary migrants, or summer residents of the site. Year-round residents would include the waterfowl, raptors, gallinaceous birds, pigeons, owls, and woodpeckers. The majority of the shorebirds and passerines would use the site during the spring, summer, and fall for feeding or resting during migration. Amphibian and reptile species of the site are year-round residents.

The conclusions regarding seasonal use identified in 2002 above, remain a valid assessment in 2019.

Threatened and Endangered Species and Critical Habitat: 2019

Potential habitat for any identified species of special concern was evaluated in 2002. In particular, potential habitat for the Preble's meadow jumping mouse (*Zapus hudsonius preblei*), Ute ladies'-tresses orchid (*Spiranthes diluvialis*), and bald eagle (*Haliaeetus leucocephalus*) was evaluated based on results of a database search of the general area by the Colorado Natural Heritage Program.

Preble's Meadow Jumping Mouse

In 2006, prior to project initiation, U.S. Fish and Wildlife Service clearance was obtained for the Preble's meadow jumping mouse, with the agency concluding that there would be no adverse effect to the mouse. The U.S. Fish and Wildlife Service further determined no mitigation plan for the mouse was required for this project.

At the request of DRMS, Savage and Savage contacted the U.S. Fish and Wildlife Service in the spring of 2019 for a reverification and concurrence that the project would not adversely affect the Preble's meadow jumping mouse. In an e-mail dated April 11, 2019, the U.S. Fish and Wildlife Service indicated that they had "No Concerns" with disqualifying the site from potential adverse effects to the Preble's meadow jumping mouse.

Ute Ladies Tresses Orchid

Savage and Savage conducted a survey in potential habitat for the Ute Ladies Tresses Orchid in 2002 prior to project initiation. The U.S. Fish and Wildlife Service (letter dated September 12, 2002, included in original 2002 DRMS application) agreed with the conclusions of the survey and stated, *"the Service concurs with the determination that the proposed project is not likely to adversely affect the continued existence of the orchid."*

No additional surveys or determinations are required by the U.S. Fish and Wildlife Service for this project site as the project was implemented in a timely manner.

Bald Eagle

For this 2019 update, the Colorado Oil and Gas Conservation Commission web map (https://cogccmap.state.co.us/cogcc_gis_online/) of significant wildlife feature locations was consulted. Four regional bald eagle feature locations were identified; two bald eagle nests with accompanying restricted surface occupancy (RSO) and sensitive wildlife habitat (SWH) areas, and two bald eagle roosts and the accompanying SWH areas. The bald eagle nests are located 1.5 miles east and 2.25 miles west-northwest of the closest boundary of the project site, respectively. The bald eagle roosts are located 1.5 miles southeast and 2.25 miles west-northwest of the closest project boundary of the project site, respectively. All of these features are located outside of any potential impact area from the operation.

Project Effects to Wildlife: 2019

The mineral extraction plan for the Bernhardt resource project left a large portion of the riparian corridor that includes the majority of the mature cottonwood trees and understory adjacent to the river undisturbed. Noise and air emissions during mining will cause a temporary disturbance to wildlife. Species such as raccoons, coyotes, beaver, deer, and raptors will continue to use the riparian corridor during mining operations and the site itself when operations are not active. Bird species will use the periphery of the site and the site itself opportunistically, if prey or food species are present.

The proposed project will extract material and leave cells within the site. Permanent reclamation of the site will entail grading, respreading topsoil, and seeding and planting perennial species that will support wildlife. The mining and reclamation will create a more diverse habitat than is currently present. Areas of open water will sustain additional species of reptiles and amphibians as well as shorebirds and waterfowl. The addition of the water will create fringe environments favorable to predatory mammals and raptors, as well as food and water sources for herbivores. With the planting of additional cottonwood trees and shrubs, additional strata and vegetation layers will be added to the site, creating improved cover, foraging, roosting, and nesting areas for wildlife.

Based on comparisons of aerial imagery from 2002 and 2017 (latest available), the project disturbance has been as specified in the 2002 description of project effects to wildlife. Mineral extraction has been predominantly in the former agricultural fields within the northwest, southwest and southeast quadrants of the project site. A small area within the north central area of the project site was developed as an extraction cell with subsequent removal of scattered cottonwood trees within the boundary of the cell.

The significant wildlife habitat, located along the fringes of the Big Thompson River, remains largely the same in 2019 as it was in 2002, during initial wildlife investigations. The reclamation conducted to date has created open water areas within several cells, with subsequent development of fringe environments and food and water sources for wildlife.

Literature Cited

Colorado Division of Wildlife. 1981 Ed. Colorado Reptile and Amphibian Distribution Latilong Study.

Colorado Division of Wildlife and The Denver Museum of Natural History. 1990 Ed. Colorado Mammal Distribution Latilong Study.

Colorado Division of Wildlife in cooperation with the Colorado Field Ornithologists. 1998 Ed. Colorado Bird Distribution Latilong Study.

Colorado Oil and Gas Conservation Commission. 2019. Web Map. (https://cogccmap.state.co.us/cogcc_gis_online/)

Table 1.		
Mammal Species Potentially Inhabiting the Bernhardt Site		
Classification/Common Name	**Scientific Name**	**Preferred Habitat**
Marsupials		
Virginia Opossum	*Didelphis virginiana*	RpL, Ag, Cr
Carnivores		
Coyote	*Canis latrans*	All types
Swift Fox	*Vulpes velox*	SgP, Ag
Red Fox	*Vulpes vulpes*	Ag
Raccoon	*Procyon lotor*	RpL, Ag
Long-tailed Weasel	*Mustela nigripes*	All types except Ri
Mink	*Mustela vison*	RpL
Badger	*Taxidea taxus*	SgP
Striped Skunk	*Mephitis mephitis*	All types except Ri
Ungulates		
Mule Deer	*Odocoileus hemionus*	RpL, Ag
White-tailed Deer	*Odocoileus virginianus*	RpL, Cr, Ag
Antelope	*Antilocapra americana*	SgP
Lagomorphs		
Desert Cottontail	*Sylvilagus audubonii*	SgP, RpL
Eastern Cottontail	*Sylvilagus floridanus*	RpL
Black-tailed Jack Rabbit	*Lepus californicus*	SgP
White-tailed Jackrabbit	*Lepus townsendii*	SgP
Rodents		
Wyoming Ground Squirrel	*Spermophilus elegans*	Ag
Spotted Ground Squirrel	*Spermophilus spilosoma*	SgP
Thirteen-lined Ground Squirrel	*Spermophilus tridecemlineatus*	SgP
Black-tailed Prairie Dog	*Cynomys ludovicianus*	SgP, Ag
Fox Squirrel	*Sciurus niger*	RpL
Northern Pocket Gopher	*Thomomys talpoides*	SgP, Ag
Plains Pocket Gopher	*Geomys bursarius*	Ag
Olive-backed Pocket Mouse	*Perognathus fasciatus*	SgP
Plains Pocket Mouse	*Perognathus flavescens*	SgP
Silky Pocket Mouse	*Perognathus flavus*	SgP
Hispid Pocket Mouse	*Chaetodipus hispidus*	SgP, RpL
Ord's Kangaroo Rat	*Dipodomys ordii*	SgP, RpL
Beaver	*Castor canadensis*	Ri, RpL
Western Harvest Mouse	*Reithrodontomys megalotis*	SgP, RpL, Ag
Plains Harvest Mouse	*Reithrodontomys montanus*	SgP
Deer Mouse	*Peromyscus maniculatus*	All types
Northern Grasshopper Mouse	*Onychomys leucogaster*	SgP, Cr
Prairie Vole	*Microtus ochrogaster*	SgP, RpL, Ag
Meadow Vole	*Microtus pennsylvanicus*	RpL
Muskrat	*Ondatra zibethicus*	Ri

Classification/Common Name	Scientific Name	Preferred Habitat
Rodents		
Norway Rat	*Rattus norvegicus*	RpL, Cr
House Mouse	*Mus musculus*	RpL, Cr
Porcupine	*Erethizon dorsatum*	SgP, Ag, RpL
Insectivores		
Least Shrew	*Cryptotis parva*	RpL, roadsides
Bats		
Western Small-footed Myotis	*Myotis ciliolabrum*	SgP
Red Bat	*Lasiurus borealis*	RpL
Hoary Bat	*Lasurius cinereus*	RpL
Silver-haired Bat	*Lasionycteris noctivagans*	RpL
Big Brown Bat	*Eptesicus fuscus*	RpL
Habitat Types		
SgP Shortgrass-Prairie		
RpL Riparian Lowland		
W/OG Wet open ground		
Ri Open Water-Streams and Rivers		
Ag Agriculture		
Cr Croplands		

Table 2.		
Breeding Bird Species Potentially Inhabiting the Bernhardt Site		
Classification/Common Name	**Scientific Name**	**Preferred Habitat**
Pelicans and Allies		
Double-crested Cormorant	*Phalacrocorax auritus*	Ri, RpL
Herons		
Great Blue Heron	*Ardea herodias*	RpL
Great Egret	*Casmerodius albus*	RpL
Snowy Egret	*Egretta thula*	RpL
Cattle Egret	*Bubulcus ibis*	RpL
Black-crowned Night-Heron	*Nycticoras nycticorax*	RpL
Waterfowl		
Canada Goose	*Branta canadensis*	RpL
Wood Duck	*Aix sponsa*	Ri, RpL
Mallard	*Anas platyrhynchos*	Cr
Cinnamon Teal	*Anas cyanoptera*	W/OG
Hooded Merganser	*Lophodytes cucullatus*	RpL
Common Merganser	*Mergus merganser*	RpL
Vultures and Raptors		
Turkey Vulture	*Cathartes aura*	RpL
Osprey	*Pandion haliaetus*	Ri
Bald Eagle	*Haliaeetus leucocephalus*	Ri
Northern Harrier	*Circus cyaneus*	Cr
Cooper's Hawk	*Accipiter cooperii*	RpL
Swainson's Hawk	*Buteo swainsoni*	Ag, RpL
Red-tailed Hawk	*Buteo jamaicensis*	Ag
Ferruginous Hawk	*Buteo regalis*	Ag
Golden Eagle	*Aquila chrysaetos*	Ag
American Kestrel	*Falco sparverius*	Ag, RpL
Gallinaeous Birds		
Ring-necked Pheasent	*Phasianus colchinus*	Ag, RpL, Cr
Wild Turkey	*Meleagris gallopavo*	Ag
Northern Bobwhite	*Colinus virginianus*	Ag, RpL
Shorebirds		
Killdeer	*Charadrius vociferous*	Cr, Ag
Mountain Plover	*Charadrius montanus*	SgP
Upland Sandpiper	*Bartramia longicauda*	SgP
Long-billed Curlew	*Numenius americanus*	SgP, Cr
Shorebirds		
Common Snipe	*Gallinago gallinago*	W/OG
Wilson's Phalarope	*Phalaropus tricolor*	W/OG, Cr
Pigeons and Doves		
Rock Dove	*Columba livia*	Ag
Mourning Dove	*Zenaida macroura*	Ag, Cr, RpL
Cuckoos		
Yellow-billed Cuckoo	*Coccyzus americanus*	RpL

Classification/Common Name	Scientific Name	Preferred Habitat
Owls		
Common Barn-Owl	*Tyto alba*	Ag, RpL
Eastern Screech-Owl	*Otus asio*	RpL, Ag
Great Horned Owl	*Bubo virginianus*	Ag
Burrowing Owl	*Athene cunicularia*	rodent burrows
Long-eared Owl	*Asio otus*	RpL
Short-eared Owl	*Asio flammeus*	Ag
Hummingbirds		
Black-chinned Hummingbird	*Archilochus alexandri*	RpL
Kingfishers		
Belted Kingfisher	*Ceryle alcyon*	RpL, Ri
Woodpeckers		
Lewis' Woodpecker	*Melanerpes lewis*	RpL, Ag
Red-headed Woodpecker	*Melanerpes erythrocephalus*	Ag, RpL
Passerines		
Western Wood-Pewee	*Contopus sordidulus*	RpL
Say's Phoebe	*Sayornis saya*	Ag
Cassin's Kingbird	*Tyrannus vociferans*	Ag, RpL
Western Kingbird	*Tyrannus verticalis*	Ag, RpL
Eastern Kingbird	*Tyrannus tyrannus*	Ag, RpL
Tree Swallow	*Tachycineta bicolor*	RpL
Northern Rough-winged Swallow	*Stelgidopteryx serripennis*	Ag
Bank Swallow	*Riparia riparia*	Ag
Cliff Swallow	*Hirundo pyrrhonota*	Ag
Barn Swallow	*Hirundo rustica*	Ag
Blue Jay	*Cyanocitta cristate*	RpL, Ag
Black-billed Magpie	*Pica pica*	Ag
American Crow	*Corvus brachyrynchos*	Ag, RpL
Chihuahuan Raven	*Corvus cryptoleucus*	SgP
Black-capped Chickadee	*Parus altricapillus*	RpL, Ag
Eastern Bluebird	*Sialia sialis*	RpL
American Robin	*Turdus migratorius*	Ag
Gray Catbird	*Dumetella carolinensis*	RpL
Northern Mockingbird	*Mimus polyglottos*	Ag, RpL
Brown Thrasher	*Toxostoma rufum*	RpL, Ag
Cedar Waxwing	*Bombycilla cedorum*	Ag
Loggerhead Shrike	*Lanius ludovicianus*	RpL, SgP
European Starling	*Sturnus vulgaris*	Ag, RpL
Red-eyed Vireo	*Vireo olivaceus*	RpL
Yellow Warbler	*Dendroica petechia*	RpL, Ag
Blue Grosbeak	*Guiraca caerulea*	RpL
Lazuli Bunting	*Passerina amoena*	RpL
Indigo Bunting	*Passerina cyanea*	RpL
Cassin's Sparrow	*Aimophila cassinii*	SgP
Lark Sparrow	*Chondestes grammacus*	RpL
McCrown's Longspur	*Calcarius mccownii*	SgP
Chestnut-collared Longspur	*Calcarius ornatus*	SgP
Bobolink	*Dolichonyx oryzivorus*	Cr, hayfields
Red-Winged Blackbird	*Agelaius phoeniceus*	Ag

Classification/Common Name	Scientific Name	Preferred Habitat
Passerines		
Western Meadowlark	*Sturnella neglecta*	Cr
Brewer's Blackbird	*Euphagus cyanocephalus*	Ag
Common Grackle	*Quiscalus quiscula*	Ag
Brown-headed Cowbird	*Molothrus ater*	Ag
Orchard Oriole	*Icterus spurius*	RpL, Ag
Northern Oriole	*Icterus galbula*	RpL, Ag
American Goldfinch	*Carduelis tristis*	Ag
House Sparrow	*Passer domesticus*	Ag
Habitat Types		
SgP Shortgrass-Prairie		
RpL Riparian Lowland		
W/OG Wet open ground		
Ri Open Water-Streams and Rivers		
Ag Agriculture		
Cr Croplands		

Table 3.		
Reptile and Amphibian Species Potentially		
	Inhabiting the Bernhardt Site	
Classification/Common Name	**Scientific Name**	**Preferred Habitat**
Amphibians		
Salamanders		
Tiger Salamander	*Ambystoma tigrinum*	all types
Toads and Frogs		
Great Plains Toad	*Bufo Cognatus*	SgP, RpL, Ag
Woodhouse's Toad	*Bufo woodhousei woodhousei*	SgP, RpL, Ag
Blanchard's Cricket Frog	*Acris crepitans blanchardi*	RpL
Boreal Chorus Frog	*Pseudacris triseriata maculata*	RpL, Ag
Bull Frog	*Rana catesbiana*	RpL
Northern Leopard Frog	*Rana pipiens*	RpL
Plains Spadefoot	*Scaphiopus bombifrons*	SgP
Turtles		
Common Snapping Turtle	*Chelydra serpentina serpentina*	RpL, OW-St/Ri
Western Painted Turtle	*Chrysemys picta belli*	RpL, OW-St/Ri
Ornate Box Turtle	*Terrapene ornata ornata*	SgP, RpL
Western Spiny Softshell	*Trionys spiniferus hartwegi*	RpL, OW-St/Ri
Reptiles		
Lizards		
Northern Earless Lizard	*Holbrookia maculata maculata*	SgP, Ag
Short-horned Lizard	*Phrynosoma douglassi*	SgP
Red-lipped Prairie Lizard	*Sceloporus undulatus erythrocheilus*	SgP, RpL
Northern Prairie Lizard	*Sceloporus undulatus garmani*	SgP
Prairie-lined Racerunner	*Cnemidophorus sexlineatus viridis*	SgP, RpL
Skinks		
Northern Many-lined Skink	*Eumeces multivirgatus multivirgatus*	SgP, Ag
Snakes		
Eastern Yellowbelly Racer	*Coluber constrictor flaviventris*	SgP, RpL, Ag
Plains Hognose Snake	*Heterodon nasicus nasicus*	SgP, RpL, Ag
Milk Snake	*Lampropeltis triangulum*	SgP, RpL, Ag
Northern Water Snake	*Nerodia sipedon sipedon*	RpL, OW-St/Ri
Bullsnake	*Pituophis melanoleucus sayi*	SgP, RpL, Ag
Wandering Garter Snake	*Thamnophis elegans vagrans*	RpL
Western Plains Garter Snake	*Thamnophis radix haydeni*	RpL, SgP
Red-sided Garter Snake	*Thamnophis sirtalis parietalis*	RpL
Prairie Rattlesnake	*Crotalus viridis viridis*	SgP
Habitat Types		
SgP	Shortgrass-Prairie	
RpL	Riparian Lowland	
W/OG	Wet open ground	
OW-St/Ri	Open Water-Streams and Rivers	
Ag	Agriculture	
Cr	Croplands	

EXHIBIT L - BONDING COST

EXHIBIT L – RECLAMATION COSTS –UPDATE ADQ1

The information provided in this Exhibit is intended to satisfy the requirements outlined in Section 6.4.12 of the Colorado Mined Land Reclamation Board Construction Material Rules and Regulations:

The site would be 100% mined and 100% reclaimed. Mining will be complete for this site with mining occurring with the final slope (1H:1V). The mined volume would be replaced with inert fill. This site will require final grading, topsoil placement, seed and mulch.

Please refer to the attached table for estimates of quantities and associated costs.

Activity	Quantity	Units	Unit Costs	Cost
A. Phase 1 - 100% mined (settling pond)				
1 Backfill Settling Pond (5 acres/10 feet deep)	81,000	CY	$ 3.00	$ 243,000.00
			Subtotal	$ 243,000.00
B. Processing area. Processing equipment is portable and would be				
1 Move serge piles into settling pond	1,000	CY	$ 0.75	$ 750.00
2 Remove concrete pad for wash plant	15	CY	$ 65.00	$ 975.00
3 Demolish and remove shop	1	LS	$ 2,000.00	$ 2,000.00
4 Remove concrete footings for office	8	CY	$ 65.00	$ 520.00
5 Remove concrete base for scale	10	CY	$ 65.00	$ 650.00
6 Scarify ground	11	Acres	$ 150.00	$ 1,650.00
7 Spread 12" topsoil	17,743	CY	$ 0.75	$ 13,307.25
8 Seed and Mulch	11	Acres	$ 900.00	$ 9,900.00
9 Remove Conveyor Belt & Reclaim	1	LS	$ 15,000.00	$ 15,000.00
			Subtotal	$ 44,752.25
C. Settling Pond and Perimeter Seeding, including Amended Area & shorline				
1 Seed (all perimeters including 30 foot buffer and amended area)	37.00	Acres	$ 900.00	$ 33,300.00
D. Slurry Wall @ 100% Installation Cost ($5 per SF) per DMG Bonding Requirement. Assume 5086 LF * 40 average depth (including 3' key into bedrock)				
Cell 5 Only (Cell 2, 3 & 4 are all approved slurry walls)	203,440	SF	$ 4.70	$ 956,168.00
E. Rundown Spillway	3,586	TONS	$ 65.00	$ 233,090.00
Total Disturbance Costs				$ 1,510,310.25
Contractor Mobilization (8%)				$ 120,824.82
Overhead (18.5%)				$ 279,407.40
Administration (5%)				$ 95,527.12
Total Disturbance Costs				$ 1,510,310.25
Indirect Costs				
Overhead & Profit				
Performance Bond (2.02%) - Based on DRMS estimate				$ 30,508.27
Performance Bond (3.07%) - Based on DRMS estimate				$ 15,858.26
Job Superintendent (240 hours @ $75/hr) - Based on DRMS estimate				$ 18,000.00
Contractor Mob and DeMob (3%) - Based on DRMS estimate				$ 45,309.31
Contractor Overhead and Profit (10%) - Based on DRMS estimate				$ 151,031.03
			Subtotal	$ 260,706.86
Contract Amount (direct + O & P)				$ 1,771,017.11
Legal, Engineering & Project Management				
Financial warranty processing (legal/related costs) ($500)				$ 500.00
Engineering Work and/or contract/bid preparation (4.25%)				$ 75,268.23
Reclamation management and/or administration (5%) - Based on DRMS estimate				$ 88,550.86
Contingency (3%)				$ 45,309.31
			Subtotal	$ 209,628.39
Total Indirect Costs				$ 470,335.25
Total Bond Amount				$ 1,980,645.50

EXHIBIT O – OWNERS OF RECORD OF AFFECTED LAND (SURFACE AREA) AND OWNERS OF SUBSTANCE TO BE MINED

The information provided in this Exhibit is intended to satisfy the requirements outlined in Section 6.4.15 of the Colorado Mined Land Reclamation Board Construction Material Rules and regulations:

Owners of Surface Area and Owners of Substance to be mined

The property and the substance to be mined are owned by Bernhardt Farm, LLC

The following are Mineral Owners:

Bernhardt Farms, LLC

EXHIBIT Q - PROOF OF MAILING

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bernhardt David Lee
23809 County Rd 25
Milliken, Co 80543 9504

9590 9402 1875 6104 1242 85

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2457

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X David Bernhardt ☐ Agent ☐ Addressee

B. Received by (Printed Name) David Bernhardt | C. Date of Delivery 6-18-19

D. Is delivery address different from item 1? ☑ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Milliken Town of
PO Box 290
Milliken Co 80543 0290

9590 9402 1875 6104 1242 92

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2440

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) TV Stewart | C. Date of Delivery 6.21.19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Vigil Genevieve
PO Box 62
Milliken Co 80543

9590 9402 1875 6104 1243 46

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2396

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☑ Addressee

B. Received by (Printed Name) G. V. | C. Date of Delivery 6/25/19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bernhardt
11269 State Hwy 60
Milliken Co 80543

9590 9402 1875 6104 1244 21

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2365

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Patricia Bernhardt ☐ Agent ☐ Addressee

B. Received by (Printed Name) Patricia Bernhardt | C. Date of Delivery 6-17-19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
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1. Article Addressed to:

Bestway Concrete
301 Centennial Dr
Milliken Co 80543

9590 9402 1875 6104 1244 45

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2341

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery 6/17

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1. Article Addressed to:

Bernhardt Farms LLC
12281 State Highway 60
Milliken, Co 80543

9590 9402 1875 6104 1242 78

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2464

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) David Bernhardt | C. Date of Delivery 6-18-19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

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1. Article Addressed to:

Kielian Stevens Clemens
23085 WCR 23
Milliken Co 80543 9437

9590 9402 1875 6104 1243 39

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2402

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Kara Kielian ☑ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery 6/17

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

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1. Article Addressed to:

Wagner Brooke J Keen Jarid D
23081 WCR 23
Milliken Co 80543-9437

9590 9402 1875 6104 1243 22

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2419

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Brooke Keen | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

3. Service Type

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Domestic Return Receipt

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[illegible]t your name and address on the reverse
[illegible]hat we can return the card to you.
[illegible]ach this card to the back of the mailpiece,
[illegible]on the front if space permits.

[illegible]cle Addressed to:

[illegible]gnest Milliken
[illegible]21 Hwy 6 & 50
[illegible]UTA Co 81521-2624

9590 9402 1875 6104 1243 15

Article Number (Transfer from service label)

[illegible]013 2250 0000 7021 2426

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

3. Service Type

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1. Article Addressed to:

Kielian John
23064 County Rd 21 3/4
Milliken Co 80543 8206

9590 9402 1875 6104 1242 61

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2471

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X John K Kielian ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

3. Service Type
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1. Article Addressed to:

Public Service Co of Colorado
Tax Service Dept.
PO Box 1979
Denver Co 80201

9590 9402 1875 6104 1242 54

2. Article Number (Transfer from service label)

013 2250 0000 7021 2488

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Coretti Cisneros | C. Date of Delivery 6-18-19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

JUN 18 RECD DENVER DOMESTIC RETURN SERVICES DIVISION

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1. Article Addressed to:

Western Equip. Truck
2055 1st. Ave
Greley Co 80631 7219

9590 9402 1875 6104 1244 38

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2358

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

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. Article Addressed to:

CDR Investments
PO Box 425
Johnstown Co 80534

9590 9402 1875 6104 1243 53

2. Article Number (Transfer from service label)

013 2250 0000 7021 2389

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Clifford Rutt ☑ Agent ☐ Addressee

B. Received by (Printed Name) Clifford Rutt | C. Date of Delivery 6-18-19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

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1. Article Addressed to:

AllPort Properties
PO Box 1048
Glenrock WY 826371048

9590 9402 1875 6104 1243 60

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2372

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X R Redmon ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

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1. Article Addressed to:

Little Wakee Property
PO Box 2349
Gillette WY 827162349

9590 9402 1875 6104 1243 08

2. Article Number (Transfer from service label)

7013 2250 0000 7021 2433

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☑ Agent ☐ Addressee

B. Received by (Printed Name) Tom Colby | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

GILLETTE WY 82716 JUN 18 2019

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EXHIBIT R - PROOF OF DELIVERY CLERK

EXHIBIT S - SLOPE STABILITY

CIVIL RESOURCES, LLC
ENGINEERS & PLANNERS

August 5, 2019

VIA: Certified Mail

RE: Structure Owner Agreements

Dear Structure Owner/Representative:

Bestway Concrete and Aggregates is in the process of mining the Bernhardt Gravel Mine (DRMS, M2002-120). Bestway placed a conveyor on a six acre parcel of property that was owned by the land lord (Bernhardt Farms LLC) but not contained in the mine boundary. As a result of the area being outside the original mine boundary the miner is required to amend the piece of property into the mine boundary. See Figure 1 showing the boundary and the amended 6 –acre parcel.

As a result of this amendment and per the Colorado State Division of Reclamation, Mining and Safety (DRMS) Bestway Concrete and Aggregate is required to issue structure agreements to all structure owners within two-hundred feet of the mine boundary. It should be understood that there will be no mining in the amended area and the largest remaining area to be mined is in the northeast part of the site and is called out as Pond 5. The stability analysis has been updated to consider how the miner has mined the slopes and the minimum setbacks.

Please read the information attached and sign and return the agreement using the self-addressed stamped envelope. If you have any questions or require more information please contact Andy Rodriguez at 303 833 1416x202 or Mark Johnson at 970 587 7277.

Sincerely,

CIVIL RESOURCES, LLC

Andy Rodriguez, P.E.
Civil Engineer

attachments:
Stability Report Update
DRMS Figures
Structure Agreement

J:\Bestway-213\Winsdor\LA POUDRE AMENDMENT\Notices\structure agreements\structure owner letter.doc

June 17, 2019

Mr. Mark Johnson, Compliance Manager
Burnco Colorado, LLC
301 Centennial Drive
Milliken, Colorado 80543

Re: Stability Analysis, Pond 2, Bernhardt Mine

Dear Mr. Johnson:

This letter has been prepared to address the Mined Land Reclamation Board (MLRB) Construction Materials Rule 6, Section 4, Subsection 19, Exhibit S - Permanent Man-Made Structures (6.4.19, Exhibit S) for the Bernhardt Gravel Mine located north of Weld County Road 48 and east of Weld County Road 23 in Weld County, Colorado. This letter describes the project and slope stability analyses utilized to evaluate the minimum distance between the edge of mining and adjacent structures.

The site is located in part of the south half of Section 1, Township 4 North, Range 67 West of the 6th Principal Meridian in Wels County, Colorado. The mine consists of five (5) cells. Cells 1, 2, and 3 have been previously mined. Cell 4 is currently being mined. Cell 5 has yet to be mined. Cells 2, 3, 4, and 5 are lined with slurry walls and will be reclaimed as below grade, lined reservoirs. The mine is shown on Figure 1.

PREVIOUS STABILITY ANALYSES

Previous stability analyses performed by Tetra Tech were documented in a letter report dated November 19, 2002. Subsequent stability analyses were performed by DRMS staff and the mine permit was issued with the understanding that a setback of 55 feet would provide adequate stability for neighboring structures. The previous Tetra Tech analyses assumed mining would be at a slope of 0.5:1 (horizontal to vertical, h:v). The DRMS analyses assumed mining at vertical slopes. The mine operator mines with perimeter mine slopes of 3:1 (h:v).

STRUCTURE ENCROACHMENT

The original mine plans called for a power line located on the interior of Cell 2 to be removed. Thus the original mine plan did not provide a set back from the power line. The power line was never removed and the mine operator mined to within approximately 23 feet power line. Civil Resources performed new stability analyses (discussed herein) with the 3:1 perimeter mine slope used by the operator. The analyses indicate the power line is stable.

GEOLOGY

The site is located in the alluvial valley of the Big Thompson River approximately four (4) miles upstream of its confluence with the South Platte River. Geologic mapping by Colton (1978) indicates most of the mine will in the Post Piney Creek and Piney Creek Alluviums. A small part of Cell 4 may be in the Broadway Alluvium. The mapping indicates the near surface bedrock underlying the alluvium is either the Fox Hills Sandstone and/or claystones and sandstones of the Upper Transition Member of the Pierre Shale. Outcrops of the Fox Hills Sandstone form bluffs on the north side of the alluvial valley.

Data from drilling performed at the time of the original permit indicates the general subsurface profile consists of approximately two (2) to ten (10) feet of overburden sandy clay to clayey sand overlying approximately eight (8) to 35 feet of sand and gravel with local clayey and silty sand lenses on top of claystone and sandstone bedrock. The alluvial deposit is thickest in Cell two (2) and thinnest in the north parts of cells 1 and 5.

From a geotechnical standpoint, the sand and gravel will form most of the mine slope. These soils are generally strong and stable particularly when dewatered.

STABILITY ANALYSES

Recently, Division of Reclamation and Mining Safety (DRMS) staff drafted a policy regarding stability analyses of neighboring structures. The draft summarizes adequate factors of safety (FOS) for non-critical and critical structures. The power line is considered to be a critical structure. Discussions the author of the memo, Mr. Tim Cazier, indicate the FOS will be adopted by the MLRB. The FOS are for both static and seismic (from an earthquake) stability analyses. For generalized strength assumptions and critical structures, an FOS of 1.5 is considered sufficient for static conditions and an FOS of 1.3 is considered suitable for seismic conditions.

The stability of the power line in Cell 2 was evaluated at one section considered the most critical due to its height and the presence of thicker, weaker, overburden. The section modeled was 10 feet of overburden sandy clay overlying 32 feet of sand and gravel, on top of weathered sandy claystone and unweathered sandy claystone bedrock. Because Cell 2 is already mined and reclaimed as a reservoir with 3:1 (h:v) slopes, we modeled both full and empty reservoir conditions.

The computer program XSTABL was used for the analysis. The method for selecting the critical failure surface for each analyzed loading condition is the following. The Modified Bishop's Method of Analysis is used to find the critical failure surface by randomly searching with 20 termination points and 20 initiation points (400 failure circles) with 7 foot line segments over a broad range of the slope surface and at the power line. Both static stability under anticipated conditions and seismic stability under peak ground acceleration loads were performed. Seismic loading was obtained from the U.S.G.S. Unified Hazard Tool. Review of the Hazard Tool indicated a maximum horizontal acceleration of 0.085g with a return period of 2,475 years for the site.

MATERIAL PROPERTIES

The material index and engineering strengths assumed in this slope stability report are discussed below.

Overburden

The strength properties for the insitu sandy clay overburden were based on our engineering judgment; the following parameters have been used to model the overburden.

Dry Unit Weight (pcf)	*Moist Unit Weight (pcf)*	*Saturated Unit Weight (pcf)*	*Cohesion C' psf*	*Friction Angle Φ'°*
103	114	126	50	28

Alluvial Sand and Gravel

The sand and gravel is generally a fine to coarse-grained sand locally grading to sandy gravel and is the thickest unit in the mine highwall. The alluvial sand and gravel was modeled as follows:

Dry Unit Weight (pcf)	*Moist Unit Weight (pcf)*	*Saturated Unit Weight (pcf)*	*Cohesion C' psf*	*Friction Angle Φ'°*
119	130	137	0	35

Bedrock

Bedrock below the alluvium is sandy claystone, siltstone, and sandstone that is commonly interbedded and weathered in the top foot. Sandstone and siltstone are typically stronger than claystone. Claystone is generally a weak bedrock. Because of the common sandstone and siltstones and the interbedded nature of the bedrock, we modeled the bedrock as sandy claystone. For the sandy claystone bedrock both weathered and unweathered strength conditions were considered. Based on the borings at the site, the weathered bedrock was modeled with less cohesion and a slightly lower friction angle.

Dry Unit Weight (pcf)	***Moist Unit Weight (pcf)***	***Saturated Unit Weight (pcf)***	***Cohesion C' psf***	***Friction Angle Φ' °***
116	Unweathered = 124 Weathered = 120	Unweathered = 134 Weathered = 130	Unweathered = 100 Weathered = 50	Unweathered = 29 Weathered = 26

STABILITY ANALYSES RESULTS

The factor of safety shown below is the minimum factor of safety of the conditions listed above.

TABLE 1 - SLOPE STABILITY RESULTS AND SETBACKS

Condition	Location	Critical Structure	Structure Setback From Mine Limit (ft)	Static Factor of Safety at Structure	Seismic Factor of Safety at Structure (0.085g horizontal)	DRMS Draft FOS Requirement Static/Seismic
1	Center of Cell 2 Full Reservoir	Overhead Powerline	23	2.4	1.5	1.5/1.3
2	Center of Cell 2 Empty Reservoir	Overhead Power Line	23	2.1	1.6	1.5/1.3

CONCLUSIONS

The power line at Cell 2 is stable based on the most current DRMS requirements because the operator mines at a 3:1 (h:v) slope.

In addition, Civil resources reviewed the mine plan and found that no structures encroach within 55 feet of the planned mine limits and will be stable based on previous analyses and the conditions under the current permit..

LIMITATIONS

Our review is based on regional geologic mapping, present mining plans, and in part borehole data by Tetra Tech. Civil Resources is not responsible for work by others. Stability analyses were performed using typical strength parameters for the various strata in the critical section discussed above. Should the mining plans change or subsurface conditions vary from those portrayed in this letter, we should be contacted in order to re-evaluate the potential affects on permanent man-made structures. Stability analyses were run at the structure in question and were not run on failure surfaces closer to the highwall. Note also that surcharge loads due to temporary material stockpiles and overburden/topsoil berms were not considered in the analysis.

Please call with any questions or comments.

Sincerely,

Civil Resources, LLC

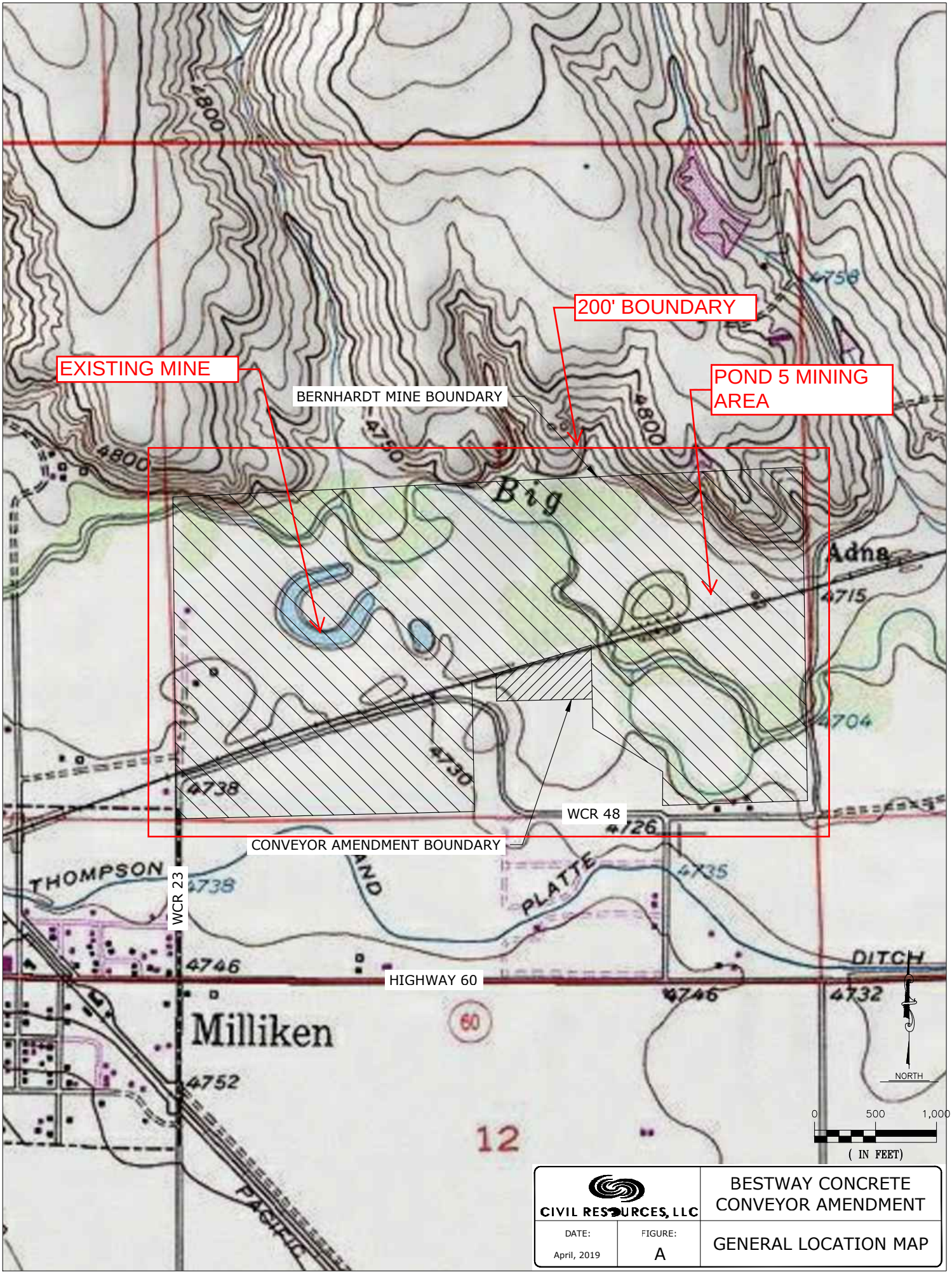
Gary Linden, P.G.
Senior Engineering Geologist

Attachments: Figure – Bernhardt Mine Plan
XSTABL Model Outputs

REFERENCES

Colton, R.B., 1978, "Geologic Map of the Boulder-Fort Collins-Greeley Area, Colorado", U.S.G.S. Map I-855-G.

Tetra Ech, 2002, "Stability Analysis, Bernhardt Mine", 2



CIVIL RESOURCES, LLC

BESTWAY CONCRETE CONVEYOR AMENDMENT

DATE: April, 2019

FIGURE: A

GENERAL LOCATION MAP

J:\Bestway-213\bernhardt\Drawings\Sheets\DRMS-Figs.dwg, 4/8/2019 10:15:19 AM

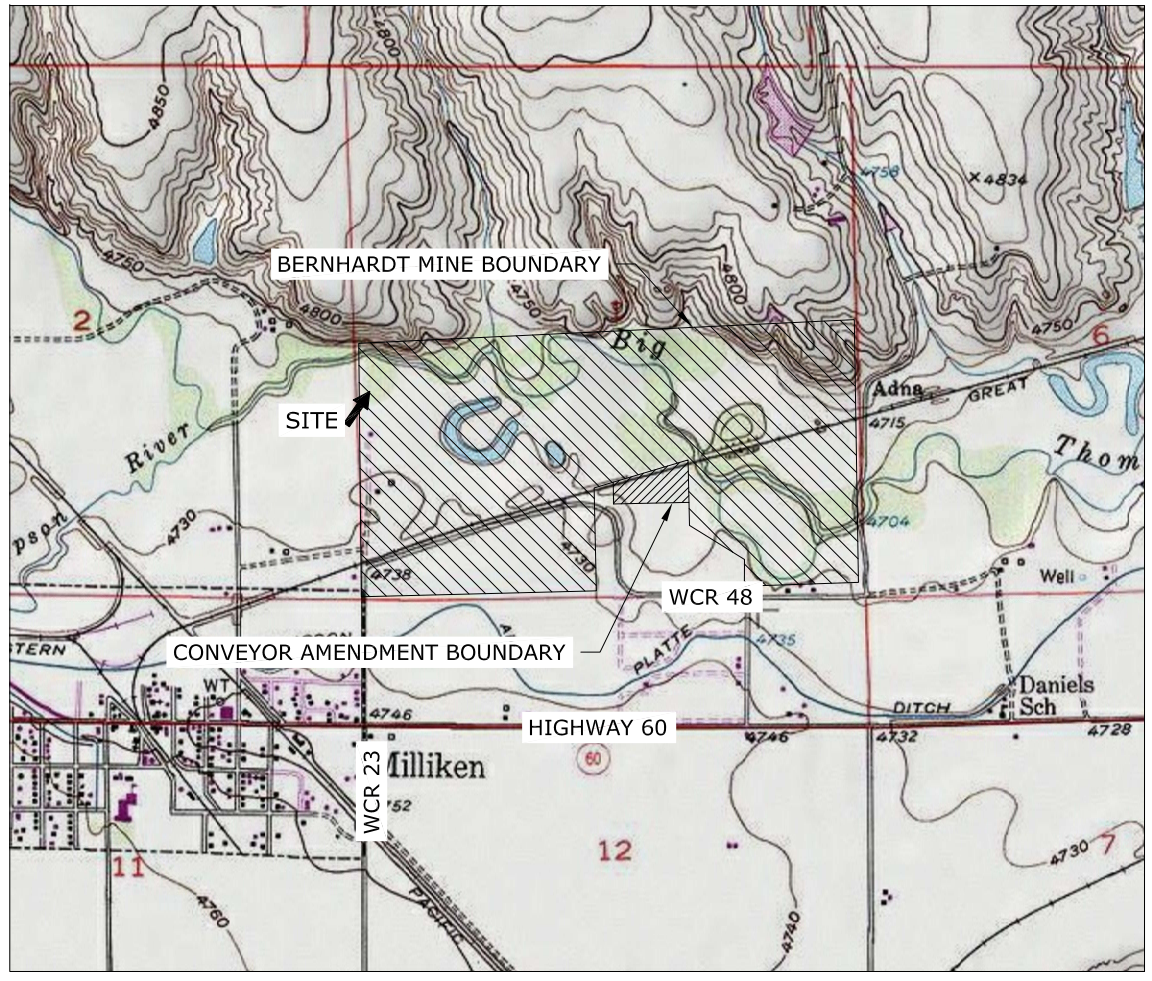
DIVISION OF RECLAMATION MINING AND SAFETY PERMIT M-2002-120-AM01

BESTWAY CONCRETE, INC.

BERNHARDT GRAVEL MINE AM01

WELD COUNTY, COLORADO

SET #:_____



NORTH

PROJECT LOCATION MAP

SCALE: 1" = 1000'

CERTIFICATION:

I HEREBY CERTIFY THAT THESE PLANS FOR THE DRMS PERMIT FOR THE --- WERE PREPARED UNDER MY DIRECT SUPERVISION FOR THE OWNERS THEREOF.

BY: _____ DATE: 04/26/19

ANDREW R. RODRIGUEZ, P.E.

BESTWAY CONCRETE, INC. DOES HEREBY ACCEPT AND APPROVE THESE PLANS FOR THE DRMS PERMIT.

BY: _____ DATE: 04/26/29

AUTHORIZED REPRESENTATIVE
BESTWAY CONCRETE, INC.

PREPARED FOR:

BESTWAY CONCRETE, INC.

301 Centennial Dr,
Milliken, CO 80543
970 587 7277

PREPARED BY:

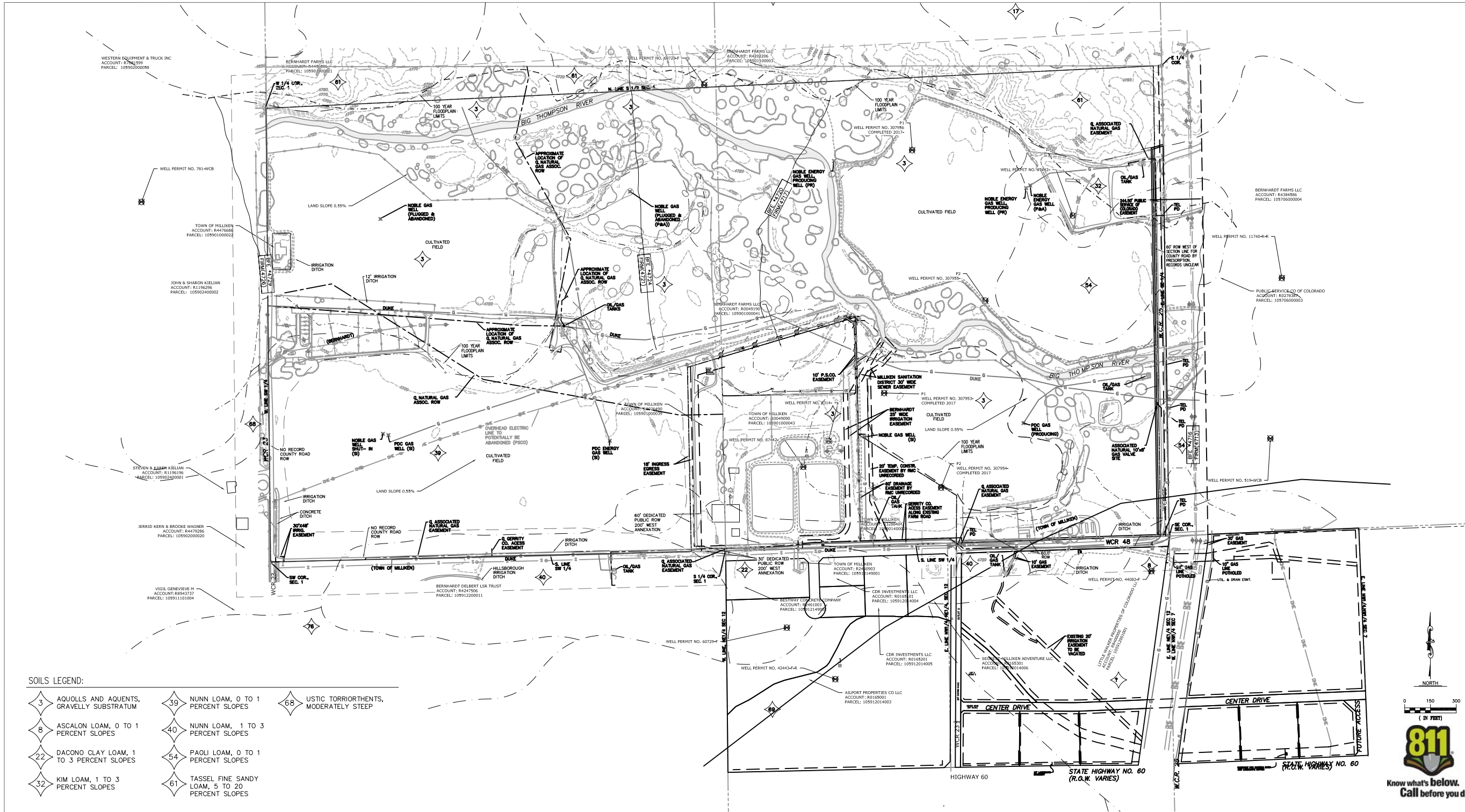
CIVIL RESOURCES, LLC

323 5th STREET
P.O. BOX 680
FREDERICK, CO 80530
303 833 1416

811 Know what's below. Call before you dig.

REVISIONS				DATE:
NO.	DESCRIPTION	DATE	BY	10/24/2016
1	ADQ REVIEW	8/09/19	ARR	DWG: DRMS-Figs.dwg
				SHEET: 1

J:\Bestway-213\permit\Drawings\Sheets\DRMS-Figs.dwg, Cover DRMS, 8/9/2019 2:25:55 PM, 1:2



SOILS LEGEND:

3	AQUOLLS AND AQUENTS, GRAVELLY SUBSTRATUM	39	NUNN LOAM, 0 TO 1 PERCENT SLOPES	68	USTIC TORRIORTHENTS, MODERATELY STEEP
8	ASCALON LOAM, 0 TO 1 PERCENT SLOPES	40	NUNN LOAM, 1 TO 3 PERCENT SLOPES		
22	DACONO CLAY LOAM, 1 TO 3 PERCENT SLOPES	54	PAOLI LOAM, 0 TO 1 PERCENT SLOPES		
32	KIM LOAM, 1 TO 3 PERCENT SLOPES	61	TASSEL FINE SANDY LOAM, 5 TO 20 PERCENT SLOPES		

STRUCTURE INFO:

VARIOUS BUILDINGS OWNED BY LAND OWNER
OVERHEAD POWER (PUBLIC SERVICE OF COLORADO)
GAS LINES/FACILITY (PDC WELLS, NOBLE WELLS & DCP GASLINES)
BUILDINGS (TOWN OF MILLIKEN PROPERTIES)
GASLINE/FACILITY (BERNHARDT DELBERT LSR TRUST)
IRRIGATION DITCH/
HILLSBOROUGH DITCH (LITTLE WALKER PROPERTIES OF COLORADO)
IRRIGATION DITCH/HILLSBOROUGH DITCH
(BERNHARDT DELBERT LSR TRUST)
HOUSE/BUILDING (STEVEN & KAREN KIELAN)
IRRIGATION DITCH/
HILLSBOROUGH DITCH (JOHN & SHARON KIELAN)
WCR 25 & ROW (WELD COUNTY PUBLIC WORKS)
WCR 48 & ROW (WELD COUNTY PUBLIC WORKS)
WCR 23 & ROW (WELD COUNTY PUBLIC WORKS)
HOUSE/BUILDING (JERRID KERN & BROOKE WAGNER)
HILLSBOROUGH DITCH

AFFECTED LANDS:

CONVEYOR PROPERTY: VARIOUS OUT BUILDINGS

FLOODPLAIN INFO:

FLOODPLAIN INFO IS FROM
FIRM FLOOD INSURANCE RATE MAP
PANEL NO. 0802660750C
EFFECTIVE DATE: SEPTEMBER 28, 1982

EXISTING VEGETATION:

FALLOWED AGRICULTURAL LAND

SURVEY INFO:

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: info@KingSurveyors.com

APPLICANT:

BESTWAY CONCRETE & AGGREGATE
301 CENTENNIAL DRIVE
MILLIKEN, CO 80543

NOTE:

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LEGEND:

- PERMIT BOUNDARY
- 100 YR. FLOODPLAIN
- EXISTING DITCH
- 4840 EXISTING 2' CONTOURS
- OHE EXISTING OVERHEAD POWER
- G EXISTING GAS LINE
- T EXISTING TELEPHONE LINE
- X EXISTING FENCE
- SECTION LINE
- EDGE OF UNPAVED ROAD
- EXISTING ROAD R.O.W.
- PROPOSED ROAD R.O.W.
- EXISTING TREE
- EXISTING GAS WELL (P&A, PR OR SI)
- EXISTING TANK BATTERY
- TESTHOLE NUMBER
- TH-6 (3.5/12.0) NUMBER OF FEET OF OVERBURDEN / NUMBER OF FEET OF GRAVEL RESOURCE
- BFE *4974 FIRM (4971) BASE FLOOD ELEVATIONS
- STRUCTURES
- SOILS CLASSIFICATION BOUNDARY
- MONITORING WELLS
- WATER WELLS
- PROPOSED MONITORING WELLS

CIVIL RESOURCES, LLC
323 5th STREET
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BESTWAY CONCRETE, INC.
301 CENTENNIAL DR.
MILLIKEN, CO 80543
970.587.7277
CONTACT: MARK JOHNSON

CONVEYOR AMENDMENT TO M2002-120

REVISIONS

NO.	DESCRIPTION	DATE
1	ADQ REVIEW	7/18/19

DESIGNED BY: XXX	DATE: XXX XX, 2014
DRAWN BY: XXX	SCALE: AS NOTED
CHECKED BY: XXX	AS NOTED
JOB NO.: Value	
DWG NAME: DRMS-FIGS.DWG	

HISTORIC CONDITIONS

SHEET: 2a

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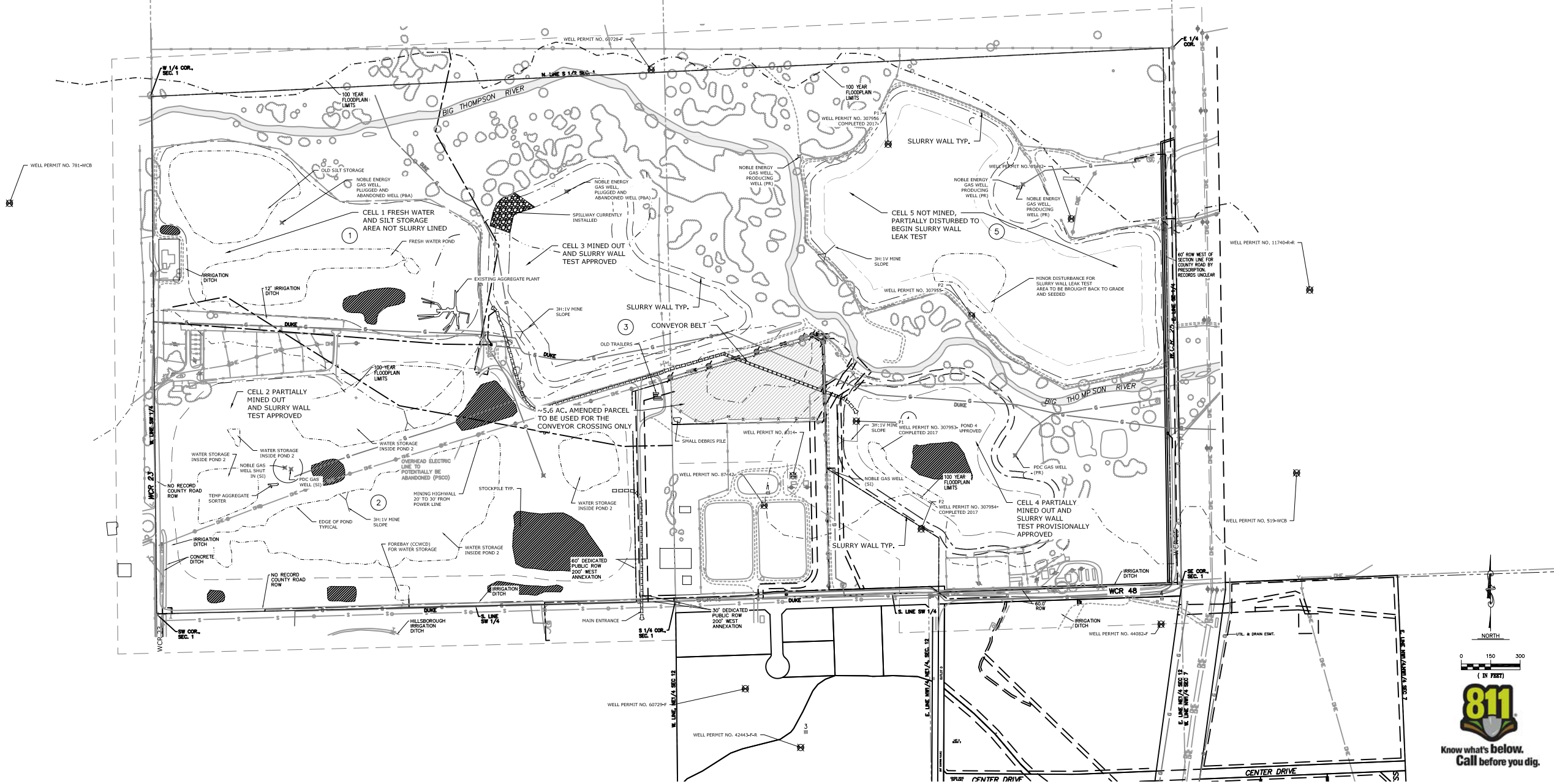

STRUCTURE INFO:

VARIOUS BUILDINGS OWNED BY LAND OWNER
OVERHEAD POWER (PUBLIC SERVICE OF COLORADO)
GAS LINES/FACILITY (PDC WELLS, NOBLE WELLS & DCP GASLINES)
BUILDINGS (TOWN OF MILLIKEN PROPERTIES)
GASLINE/FACILITY (BERNHARDT DELBERT LSR TRUST)
IRRIGATION DITCH/
HILLSBOROUGH DITCH (LITTLE WALKER PROPERTIES OF COLORADO)
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WCR 48 & ROW (WELD COUNTY PUBLIC WORKS)
WCR 23 & ROW (WELD COUNTY PUBLIC WORKS)
HOUSE/BUILDING (JERRID KERN & BROOKE WAGNER)
HILLSBOROUGH DITCH

AFFECTED LANDS:

CONVEYOR PROPERTY: VARIOUS OUT BUILDINGS

FLOODPLAIN INFO:

FLOODPLAIN INFO IS FROM
FIRM FLOOD INSURANCE RATE MAP
PANEL NO. 0802660750C
EFFECTIVE DATE: SEPTEMBER 28, 1982

EXISTING VEGETATION:

FALLOWED AGRICULTURAL LAND

SURVEY INFO:

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: info@KingSurveyors.com

APPLICANT:

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NOTE:

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LEGEND:

- PERMIT BOUNDARY
- 100 YR. FLOODPLAIN
- EXISTING DITCH
- 4840 EXISTING 2' CONTOURS
- OHE EXISTING OVERHEAD POWER
- G EXISTING GAS LINE
- T EXISTING TELEPHONE LINE
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- EDGE OF UNPAVED ROAD
- EXISTING ROAD R.O.W.
- PROPOSED ROAD R.O.W.
- EXISTING TREE
- EXISTING GAS WELL (P&A, PR OR SI)
- EXISTING TANK BATTERY
- TESTHOLE NUMBER
- TH-6 (35.7/2.0) NUMBER OF FEET OF OVERBURDEN / NUMBER OF FEET OF GRAVEL RESOURCE
- STRUCTURES
- SOILS CLASSIFICATION BOUNDARY
- MONITORING WELLS
- WATER WELLS
- PROPOSED MONITORING WELLS
- BFE *4974 FIRM (4971) BASE FLOOD ELEVATIONS

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970.587.7277
CONTACT: MARK JOHNSON

CONVEYOR AMENDMENT TO M2002-120

REVISIONS

NO.	DESCRIPTION	DATE
1	ADQ REVIEW	7/15/19

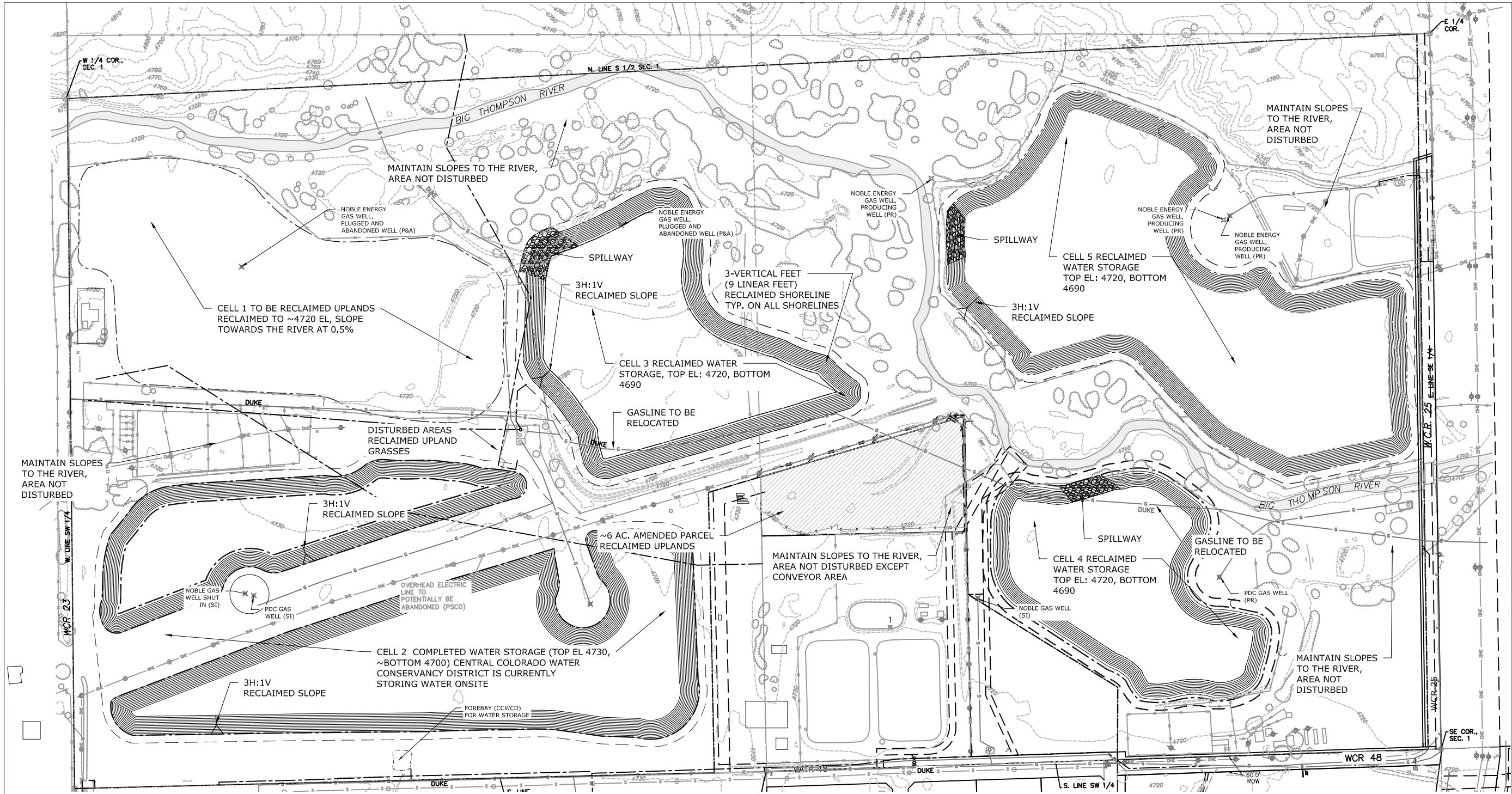
Know what's below. Call before you dig.

DESIGNED BY: XXX | DATE: XXX XX, 2014
DRAWN BY: XXX | SCALE: AS NOTED
CHECKED BY: XXX | AS NOTED
JOB NO.: Value
DWG NAME: DRMS-FIGS.DWG

EXISTING CONDITIONS/ MINING PLAN

SHEET: 2

J:\Bestway\2-13\permit\Drawings\Sheets\DRMS-Figs.dwg, 2b Existing Conditions, 8/9/2019 2:24:38 PM, 1:2



STRUCTURE INFO:

VARIOUS BUILDINGS OWNED BY LAND OWNER
OVERHEAD POWER (PUBLIC SERVICE OF COLORADO)
GAS LINES/FACILITY (PDC WELLS, NOBLE WELLS & DCP GASLINES)
BUILDINGS (TOWN OF MILLIKEN PROPERTIES)
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WCR 23 & ROW (WELD COUNTY PUBLIC WORKS)
HOUSE/BUILDING (JERRID KERN & BROOKE WAGNER)
HILLSBOROUGH DITCH

AFFECTED LANDS:

CONVEYOR PROPERTY: VARIOUS OUT BUILDINGS

FLOODPLAIN INFO:

FLOODPLAIN INFO IS FROM
FIRM FLOOD INSURANCE RATE MAP
PANEL NO. 0802660750C
EFFECTIVE DATE: SEPTEMBER 28, 1982

EXISTING VEGETATION:

FALLOWED AGRICULTURAL LAND

SURVEY INFO:

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SEEDING SPEC FOR UPLAND AREAS:

COMMON NAME (VARIETY)	SCIENTIFIC NAME	LBS PLS/ACRE
SAND BLUESTEM	(CHAMP, CHET)	1
SAND LOVEGRASS	(BEND, NATIVE, NE27)	2.5
INDIAN RICEGRASS	(NEZPAR, RIMROCK)	3
PRAIRIE SANDREED	(GOSHEN)	0.75
GREEN NEEDLEGRASS	(LODORM)	1.5
LITTLE BLUESTEM	(BLAZE, CIMARRON, CAMPER)	0.75
YELLOW INDIANGRASS	(CHEYENNE, HOLT, SCOUT)	0.5
SWITCHGRASS	(BLACKWELL, NEBRASKA 28)	1.5
SAND DROPSEED		0.5
	TOTAL LBS PER ACRE:	12.0

LEGEND:

- PERMIT BOUNDARY
- 100 YR. FLOODPLAIN
- EXISTING DITCH
- 4840 EXISTING 2' CONTOURS
- OHE EXISTING OVERHEAD POWER
- G EXISTING GAS LINE
- T EXISTING TELEPHONE LINE
- X EXISTING FENCE
- SECTION LINE
- EDGE OF UNPAVED ROAD
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- SOILS CLASSIFICATION BOUNDARY
- MONITORING WELLS
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- EXISTING TREE
- EXISTING GAS WELL
- EXISTING TANK BATTERY
- TESTHOLE NUMBER
- TH-5 (3.5/12.0) NUMBER OF FEET OF OVERBURDEN / NUMBER OF FEET OF GRAVEL RESOURCE
- 3 WATER WELLS
- 3 PROPOSED MONITORING WELLS
- BFE *4974 / FIRM (4971) BASE FLOOD ELEVATIONS

NORTH
0 100 200
(IN FEET)

Know what's below. Call before you dig.

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FREDERICK, CO 80530
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BESTWAY CONCRETE, INC.
301 CENTENNIAL DR.
MILLIKEN, CO 80543
970.587.7277
CONTACT: MARK JOHNSON

CONVEYOR AMENDMENT TO M2002-120

REVISIONS

NO.	DESCRIPTION	DATE
1	ADQ REVIEW	7/18/19

DESIGNED BY:	XXX	DATE: XXX XX, 2014
DRAWN BY:	XXX	SCALE: AS NOTED
CHECKED BY:	XXX	AS NOTED
JOB NO.:	Value	
DWG NAME:	DRMS-FIGS.DWG	

RECLAMATION PLAN

SHEET: 3

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XSTABL File: PLHIGHQU 6-17-19 9:28

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*****************************************
*              X S T A B L              *
*                                       *
*        Slope Stability Analysis       *
*                using the              *
*            Method of Slices           *
*                                       *
*        Copyright (C) 1992 - 2002      *
*   Interactive Software Designs, Inc.  *
*        Moscow, ID 83843, U.S.A.       *
*                                       *
*          All Rights Reserved          *
*                                       *
*  Ver. 5.206                96 - 1952  *
*****************************************
```

Problem Description : Bernhardt Power Line Seismic 42 ft

SEGMENT BOUNDARY COORDINATES
---

4 SURFACE boundary segments

Segment No.	x-left (ft)	y-left (ft)	x-right (ft)	y-right (ft)	Soil Unit Below Segment
1	.0	40.0	80.0	40.0	3
2	80.0	40.0	176.0	72.0	2
3	176.0	72.0	206.0	82.0	1
4	206.0	82.0	290.0	82.0	1

3 SUBSURFACE boundary segments

Segment No.	x-left (ft)	y-left (ft)	x-right (ft)	y-right (ft)	Soil Unit Below Segment
1	176.0	72.0	290.0	72.0	2
2	80.0	40.0	290.0	40.0	3
3	.0	38.0	290.0	38.0	4

ISOTROPIC Soil Parameters
---

4 Soil unit(s) specified

Soil Unit No.	Unit Weight Moist (pcf)	Unit Weight Sat. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Parameter Ru	Pore Pressure Constant (psf)	Water Surface No.
1	114.0	126.0	50.0	28.00	.000	.0	1
2	130.0	137.0	.0	35.00	.000	.0	1
3	120.0	130.0	50.0	26.00	.000	.0	1
4	124.0	134.0	100.0	29.00	.000	.0	1

1 Water surface(s) have been specified

Unit weight of water = 62.40 (pcf)

Water Surface No. 1 specified by 3 coordinate points

****
PHREATIC SURFACE,
****

Point No.	x-water (ft)	y-water (ft)
1	.00	82.00
2	210.00	82.00
3	290.00	77.00

A horizontal earthquake loading coefficient
of .085 has been assigned

A vertical earthquake loading coefficient
of .000 has been assigned

A critical failure surface searching method, using a random
technique for generating CIRCULAR surfaces has been specified.

400 trial surfaces will be generated and analyzed.

20 Surfaces initiate from each of 20 points equally spaced
along the ground surface between x = 45.0 ft
and x = 100.0 ft

Each surface terminates between x = 226.0 ft
and x = 236.0 ft

Unless further limitations were imposed, the minimum elevation
at which a surface extends is y = 20.0 ft

7.0 ft line segments define each trial failure surface.

ANGULAR RESTRICTIONS

The first segment of each failure surface will be inclined
within the angular range defined by :

Lower angular limit := -45.0 degrees

Upper angular limit := -5.0 degrees

Factors of safety have been calculated by the :

* * * * * SIMPLIFIED BISHOP METHOD * * * * *

The most critical circular failure surface
is specified by 25 coordinate points

Point No.	x-surf (ft)	y-surf (ft)
1	76.84	40.00
2	83.80	39.26
3	90.79	38.76
4	97.78	38.50
5	104.78	38.47
6	111.78	38.68
7	118.76	39.12
8	125.73	39.80
9	132.67	40.72
10	139.57	41.87
11	146.44	43.25
12	153.25	44.86
13	160.00	46.71
14	166.69	48.78
15	173.30	51.07
16	179.83	53.59
17	186.28	56.32
18	192.62	59.28
19	198.87	62.44
20	205.00	65.82
21	211.02	69.39
22	216.91	73.18
23	222.67	77.15
24	228.29	81.32
25	229.14	82.00

**** Simplified BISHOP FOS = 1.518 ****

The following is a summary of the TEN most critical surfaces

Problem Description : Bernhardt Power Line Seismic 42 ft

	FOS (BISHOP)	Circle Center x-coord (ft)	Circle Center y-coord (ft)	Radius (ft)	Initial x-coord (ft)	Terminal x-coord (ft)	Resisting Moment (ft-lb)
1.	1.518	102.11	245.58	207.12	76.84	229.14	1.975E+07
2.	1.521	101.97	244.61	205.81	79.74	228.09	1.908E+07
3.	1.525	111.95	218.44	179.97	82.63	229.26	1.804E+07
4.	1.528	97.15	263.26	224.78	71.05	230.07	2.117E+07

5.	1.533	90.64	276.10	238.15	59.47	228.58	2.192E+07
6.	1.533	88.93	284.58	246.02	62.37	228.53	2.158E+07
7.	1.534	88.50	274.78	236.94	56.58	226.21	2.106E+07
8.	1.535	81.82	300.18	261.70	53.68	226.31	2.132E+07
9.	1.544	96.07	269.88	231.94	65.26	232.04	2.306E+07
10.	1.547	120.48	195.58	157.66	85.53	229.78	1.696E+07

* * * END OF FILE * * *

XSTABL File: PLHIGHST 6-17-19 9:18

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*****************************************
*              X S T A B L              *
*                                       *
*        Slope Stability Analysis       *
*                using the              *
*            Method of Slices           *
*                                       *
*        Copyright (C) 1992 - 2002      *
*   Interactive Software Designs, Inc.  *
*        Moscow, ID 83843, U.S.A.       *
*                                       *
*          All Rights Reserved          *
*                                       *
*  Ver. 5.206                96 - 1952  *
*****************************************
```

Problem Description : Bernhardt Power Line Static 42 ft

SEGMENT BOUNDARY COORDINATES
---

4 SURFACE boundary segments

Segment No.	x-left (ft)	y-left (ft)	x-right (ft)	y-right (ft)	Soil Unit Below Segment
1	.0	40.0	80.0	40.0	3
2	80.0	40.0	176.0	72.0	2
3	176.0	72.0	206.0	82.0	1
4	206.0	82.0	290.0	82.0	1

3 SUBSURFACE boundary segments

Segment No.	x-left (ft)	y-left (ft)	x-right (ft)	y-right (ft)	Soil Unit Below Segment
1	176.0	72.0	290.0	72.0	2
2	80.0	40.0	290.0	40.0	3
3	.0	38.0	290.0	38.0	4

ISOTROPIC Soil Parameters
---

4 Soil unit(s) specified

Soil Unit No.	Unit Weight Moist (pcf)	Unit Weight Sat. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Parameter Ru	Pore Pressure Constant (psf)	Water Surface No.
1	114.0	126.0	50.0	28.00	.000	.0	1
2	130.0	137.0	.0	35.00	.000	.0	1
3	120.0	130.0	50.0	26.00	.000	.0	1
4	124.0	134.0	100.0	29.00	.000	.0	1

1 Water surface(s) have been specified

Unit weight of water = 62.40 (pcf)

Water Surface No. 1 specified by 3 coordinate points

****
PHREATIC SURFACE,
****

Point No.	x-water (ft)	y-water (ft)
1	.00	82.00
2	210.00	82.00
3	290.00	77.00

A critical failure surface searching method, using a random technique for generating CIRCULAR surfaces has been specified.

400 trial surfaces will be generated and analyzed.

20 Surfaces initiate from each of 20 points equally spaced along the ground surface between x = 45.0 ft
and x = 100.0 ft

Each surface terminates between x = 226.0 ft
and x = 236.0 ft

Unless further limitations were imposed, the minimum elevation at which a surface extends is y = 20.0 ft

7.0 ft line segments define each trial failure surface.

ANGULAR RESTRICTIONS

The first segment of each failure surface will be inclined within the angular range defined by :

Lower angular limit := -45.0 degrees
Upper angular limit := -5.0 degrees

Factors of safety have been calculated by the :

* * * * * SIMPLIFIED BISHOP METHOD * * * * *

The most critical circular failure surface
is specified by 25 coordinate points

Point No.	x-surf (ft)	y-surf (ft)
1	76.84	40.00
2	83.80	39.26
3	90.79	38.76
4	97.78	38.50
5	104.78	38.47
6	111.78	38.68
7	118.76	39.12
8	125.73	39.80
9	132.67	40.72
10	139.57	41.87
11	146.44	43.25
12	153.25	44.86
13	160.00	46.71
14	166.69	48.78
15	173.30	51.07
16	179.83	53.59
17	186.28	56.32
18	192.62	59.28
19	198.87	62.44
20	205.00	65.82
21	211.02	69.39
22	216.91	73.18
23	222.67	77.15
24	228.29	81.32
25	229.14	82.00

**** Simplified BISHOP FOS = 2.422 ****

The following is a summary of the TEN most critical surfaces

Problem Description : Bernhardt Power Line Static 42 ft

	FOS (BISHOP)	Circle Center x-coord (ft)	Circle Center y-coord (ft)	Radius (ft)	Initial x-coord (ft)	Terminal x-coord (ft)	Resisting Moment (ft-lb)
1.	2.422	102.11	245.58	207.12	76.84	229.14	2.065E+07
2.	2.423	101.97	244.61	205.81	79.74	228.09	1.995E+07
3.	2.436	111.95	218.44	179.97	82.63	229.26	1.886E+07
4.	2.439	88.50	274.78	236.94	56.58	226.21	2.199E+07
5.	2.443	97.15	263.26	224.78	71.05	230.07	2.212E+07
6.	2.445	81.82	300.18	261.70	53.68	226.31	2.227E+07
7.	2.446	90.64	276.10	238.15	59.47	228.58	2.289E+07
8.	2.447	88.93	284.58	246.02	62.37	228.53	2.254E+07
9.	2.460	103.87	228.82	192.17	68.16	227.80	2.130E+07
10.	2.474	120.48	195.58	157.66	85.53	229.78	1.771E+07

* * * END OF FILE * * *

XSTABL File: PLHINWQU 6-17-19 9:46

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*****************************************
*              X S T A B L              *
*                                       *
*        Slope Stability Analysis       *
*                using the              *
*            Method of Slices           *
*                                       *
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*                                       *
*          All Rights Reserved          *
*                                       *
*  Ver. 5.206                96 - 1952  *
*****************************************
```

Problem Description : Empt Res Seismic 42 Ft

SEGMENT BOUNDARY COORDINATES
---

4 SURFACE boundary segments

Segment No.	x-left (ft)	y-left (ft)	x-right (ft)	y-right (ft)	Soil Unit Below Segment
1	.0	40.0	80.0	40.0	3
2	80.0	40.0	176.0	72.0	2
3	176.0	72.0	206.0	82.0	1
4	206.0	82.0	290.0	82.0	1

3 SUBSURFACE boundary segments

Segment No.	x-left (ft)	y-left (ft)	x-right (ft)	y-right (ft)	Soil Unit Below Segment
1	176.0	72.0	290.0	72.0	2
2	80.0	40.0	290.0	40.0	3
3	.0	38.0	290.0	38.0	4

ISOTROPIC Soil Parameters
---

4 Soil unit(s) specified

Soil Unit No.	Unit Weight Moist (pcf)	Unit Weight Sat. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Parameter Ru	Pore Pressure Constant (psf)	Water Surface No.
1	114.0	126.0	50.0	28.00	.000	.0	1
2	130.0	137.0	.0	35.00	.000	.0	1
3	120.0	130.0	50.0	26.00	.000	.0	1
4	124.0	134.0	100.0	29.00	.000	.0	1

1 Water surface(s) have been specified

Unit weight of water = 62.40 (pcf)

Water Surface No. 1 specified by 3 coordinate points

****
PHREATIC SURFACE,
****

Point No.	x-water (ft)	y-water (ft)
1	.00	41.00
2	83.00	41.00
3	290.00	50.00

A horizontal earthquake loading coefficient
of .085 has been assigned

A vertical earthquake loading coefficient
of .000 has been assigned

A critical failure surface searching method, using a random
technique for generating CIRCULAR surfaces has been specified.

400 trial surfaces will be generated and analyzed.

20 Surfaces initiate from each of 20 points equally spaced
along the ground surface between x = 45.0 ft
and x = 100.0 ft

Each surface terminates between x = 226.0 ft
and x = 236.0 ft

Unless further limitations were imposed, the minimum elevation
at which a surface extends is y = 20.0 ft

7.0 ft line segments define each trial failure surface.

ANGULAR RESTRICTIONS

The first segment of each failure surface will be inclined
within the angular range defined by :

Lower angular limit := -45.0 degrees

Upper angular limit := -5.0 degrees

Factors of safety have been calculated by the :

* * * * * SIMPLIFIED BISHOP METHOD * * * * *

The most critical circular failure surface
is specified by 29 coordinate points

Point No.	x-surf (ft)	y-surf (ft)
1	50.79	40.00
2	57.14	37.05
3	63.62	34.42
4	70.23	32.12
5	76.95	30.14
6	83.76	28.50
7	90.63	27.21
8	97.57	26.25
9	104.54	25.64
10	111.54	25.38
11	118.54	25.47
12	125.52	25.90
13	132.48	26.68
14	139.39	27.80
15	146.23	29.27
16	153.00	31.08
17	159.66	33.21
18	166.21	35.68
19	172.63	38.47
20	178.91	41.57
21	185.02	44.98
22	190.96	48.70
23	196.70	52.70
24	202.24	56.98
25	207.56	61.53
26	212.64	66.34
27	217.48	71.40
28	222.06	76.69
29	226.22	82.00

**** Simplified BISHOP FOS = 1.582 ****

The following is a summary of the TEN most critical surfaces

Problem Description : Empt Res Seismic 42 Ft

FOS (BISHOP)	Circle Center x-coord (ft)	Circle Center y-coord (ft)	Radius (ft)	Initial x-coord (ft)	Terminal x-coord (ft)	Resisting Moment (ft-lb)

1.	1.582	113.31	166.27	140.90	50.79	226.22	3.478E+07
2.	1.588	115.95	157.00	133.92	50.79	226.84	3.550E+07
3.	1.592	115.98	161.45	137.84	50.79	228.57	3.667E+07
4.	1.593	118.14	155.91	131.25	56.58	226.54	3.335E+07
5.	1.594	110.35	181.18	155.57	45.00	230.17	3.965E+07
6.	1.594	115.50	166.52	142.11	50.79	229.68	3.741E+07
7.	1.595	111.08	179.83	154.65	45.00	230.81	4.019E+07
8.	1.596	116.21	156.10	134.71	47.89	228.67	3.799E+07
9.	1.596	108.07	188.67	161.49	45.00	229.30	3.894E+07
10.	1.598	116.60	147.84	127.87	47.89	226.18	3.650E+07

* * * END OF FILE * * *

XSTABL File: PLHINWST 6-17-19 9:40

```
*****************************************
*              X S T A B L              *
*                                       *
*        Slope Stability Analysis       *
*                using the              *
*            Method of Slices           *
*                                       *
*        Copyright (C) 1992 - 2002      *
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*****************************************
```

Problem Description : Empt Res Static 42 Ft

SEGMENT BOUNDARY COORDINATES
---

4 SURFACE boundary segments

Segment No.	x-left (ft)	y-left (ft)	x-right (ft)	y-right (ft)	Soil Unit Below Segment
1	.0	40.0	80.0	40.0	3
2	80.0	40.0	176.0	72.0	2
3	176.0	72.0	206.0	82.0	1
4	206.0	82.0	290.0	82.0	1

3 SUBSURFACE boundary segments

Segment No.	x-left (ft)	y-left (ft)	x-right (ft)	y-right (ft)	Soil Unit Below Segment
1	176.0	72.0	290.0	72.0	2
2	80.0	40.0	290.0	40.0	3
3	.0	38.0	290.0	38.0	4

ISOTROPIC Soil Parameters
---

4 Soil unit(s) specified

Soil Unit No.	Unit Weight Moist (pcf)	Unit Weight Sat. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Parameter Ru	Pore Pressure Constant (psf)	Water Surface No.
1	114.0	126.0	50.0	28.00	.000	.0	1
2	130.0	137.0	.0	35.00	.000	.0	1
3	120.0	130.0	50.0	26.00	.000	.0	1
4	124.0	134.0	100.0	29.00	.000	.0	1

1 Water surface(s) have been specified

Unit weight of water = 62.40 (pcf)

Water Surface No. 1 specified by 3 coordinate points

****
PHREATIC SURFACE,
****

Point No.	x-water (ft)	y-water (ft)
1	.00	41.00
2	83.00	41.00
3	290.00	50.00

A critical failure surface searching method, using a random technique for generating CIRCULAR surfaces has been specified.

400 trial surfaces will be generated and analyzed.

20 Surfaces initiate from each of 20 points equally spaced along the ground surface between x = 45.0 ft
and x = 100.0 ft

Each surface terminates between x = 226.0 ft
and x = 236.0 ft

Unless further limitations were imposed, the minimum elevation at which a surface extends is y = 20.0 ft

7.0 ft line segments define each trial failure surface.

ANGULAR RESTRICTIONS

The first segment of each failure surface will be inclined within the angular range defined by :

Lower angular limit := -45.0 degrees
Upper angular limit := -5.0 degrees

Factors of safety have been calculated by the :

* * * * * SIMPLIFIED BISHOP METHOD * * * * *

The most critical circular failure surface
is specified by 29 coordinate points

Point No.	x-surf (ft)	y-surf (ft)
1	50.79	40.00
2	57.14	37.05
3	63.62	34.42
4	70.23	32.12
5	76.95	30.14
6	83.76	28.50
7	90.63	27.21
8	97.57	26.25
9	104.54	25.64
10	111.54	25.38
11	118.54	25.47
12	125.52	25.90
13	132.48	26.68
14	139.39	27.80
15	146.23	29.27
16	153.00	31.08
17	159.66	33.21
18	166.21	35.68
19	172.63	38.47
20	178.91	41.57
21	185.02	44.98
22	190.96	48.70
23	196.70	52.70
24	202.24	56.98
25	207.56	61.53
26	212.64	66.34
27	217.48	71.40
28	222.06	76.69
29	226.22	82.00

**** Simplified BISHOP FOS = 2.104 ****

The following is a summary of the TEN most critical surfaces

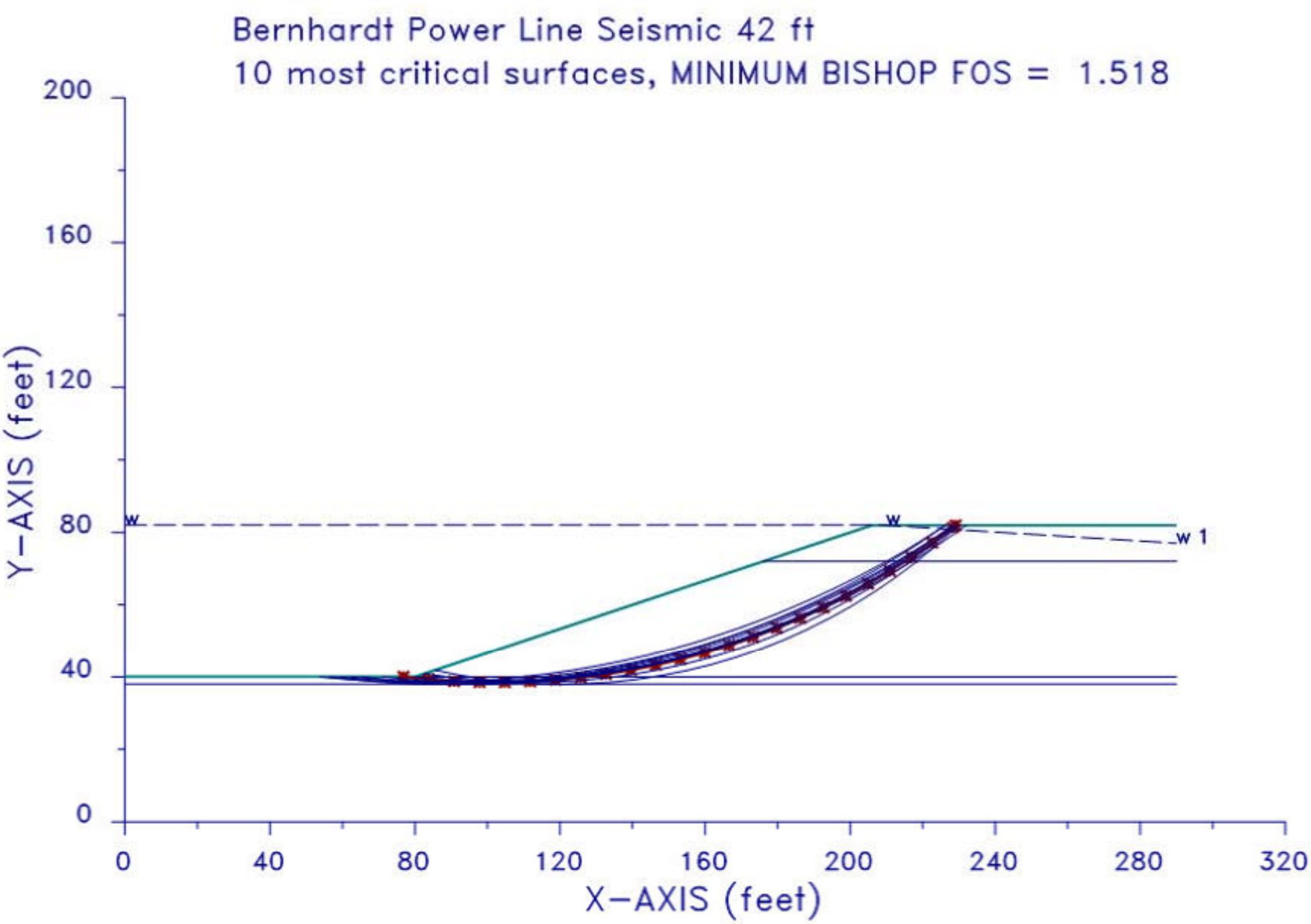
Problem Description : Empt Res Static 42 Ft

	FOS (BISHOP)	Circle Center x-coord (ft)	Circle Center y-coord (ft)	Radius (ft)	Initial x-coord (ft)	Terminal x-coord (ft)	Resisting Moment (ft-lb)
1.	2.104	113.31	166.27	140.90	50.79	226.22	3.579E+07
2.	2.111	118.14	155.91	131.25	56.58	226.54	3.429E+07
3.	2.114	115.95	157.00	133.92	50.79	226.84	3.651E+07
4.	2.121	119.91	149.05	126.11	56.58	226.66	3.456E+07
5.	2.122	115.98	161.45	137.84	50.79	228.57	3.771E+07
6.	2.122	112.80	179.72	150.61	56.58	227.37	3.486E+07
7.	2.124	118.80	158.49	133.83	56.58	228.57	3.574E+07
8.	2.127	115.50	166.52	142.11	50.79	229.68	3.847E+07

9.	2.127	120.73	144.11	122.29	56.58	226.03	3.430E+07
10.	2.130	116.60	147.84	127.87	47.89	226.18	3.752E+07

* * * END OF FILE * * *

PLHIGHQU 6-17-19 9:28



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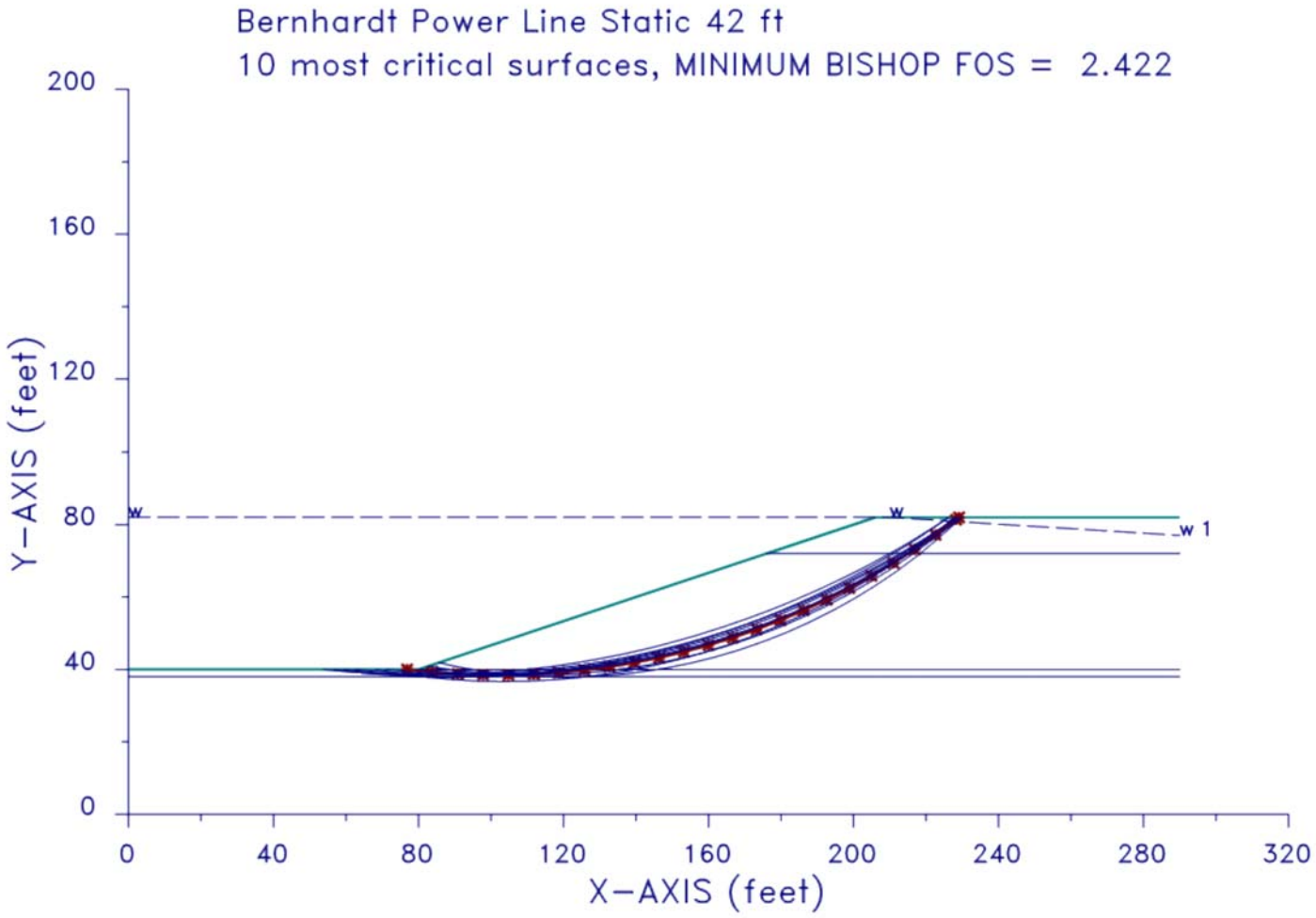

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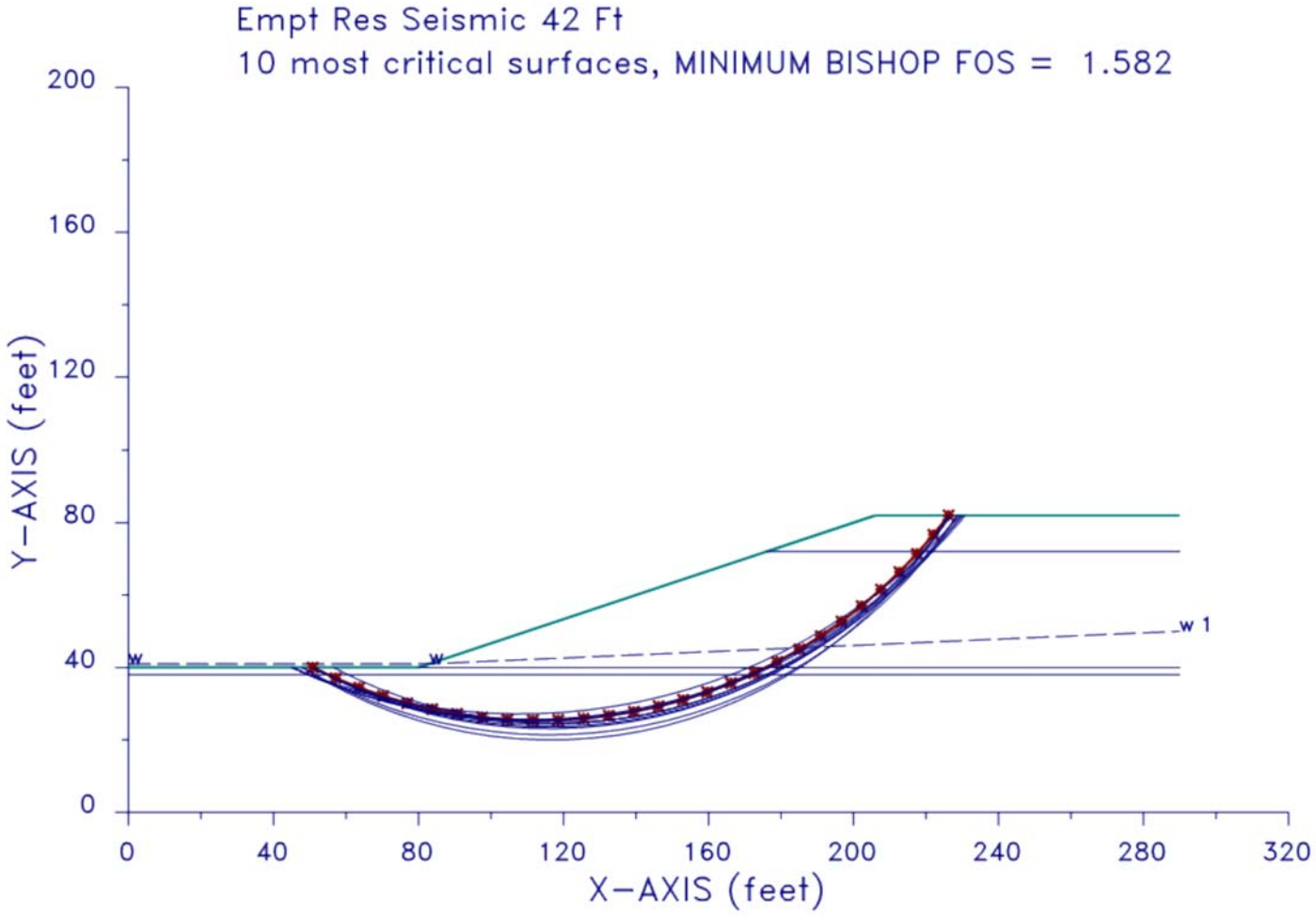
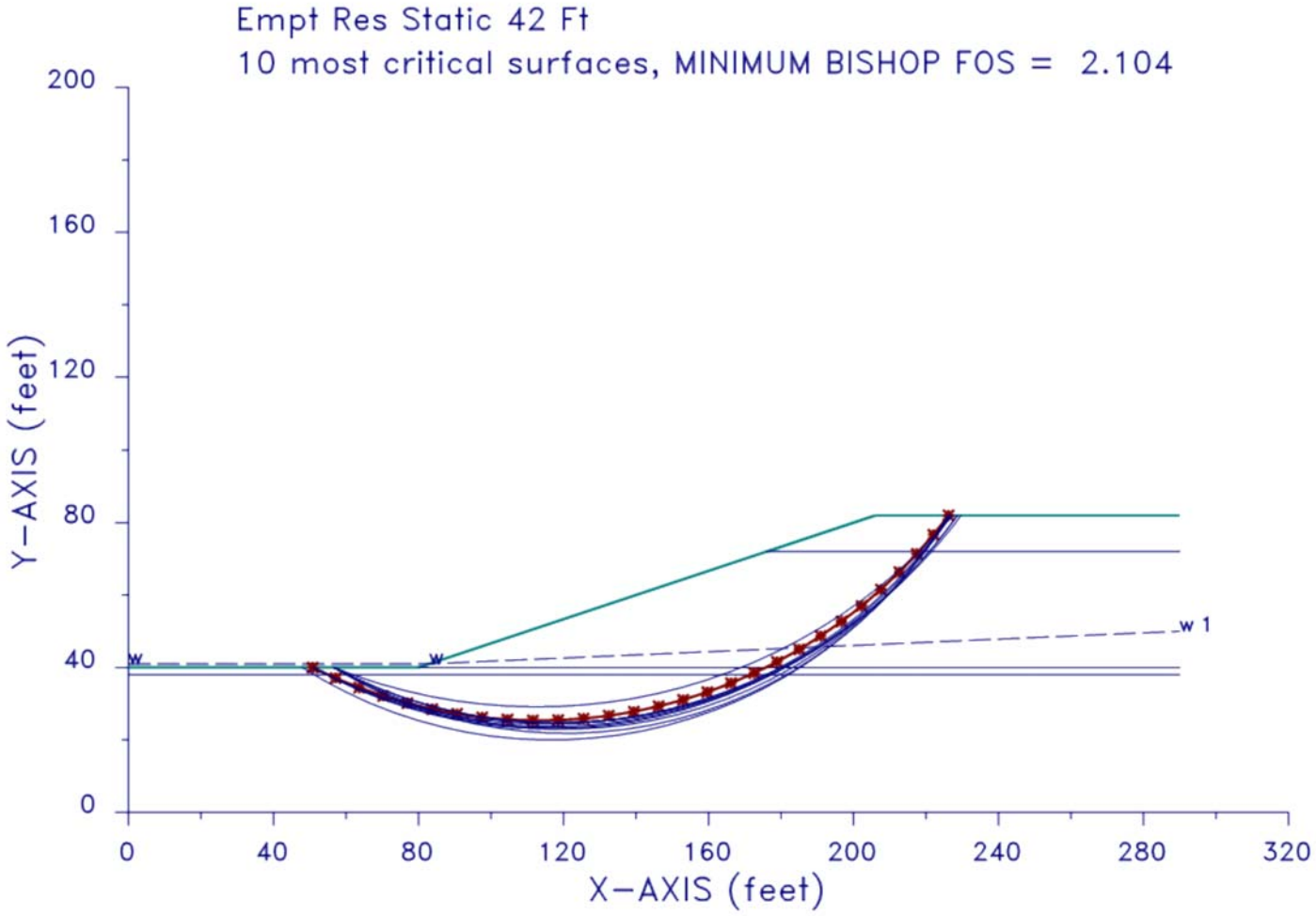


PLHINWST 6-17-19 9:40



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Tracking Number: 70132250000070214321 Town of Milliken

Remove ×

Your item was delivered to the front desk, reception area, or mail room at 1:32 pm on August 9, 2019 in MILLIKEN, CO 80543.

Feedback

Delivered

August 9, 2019 at 1:32 pm
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MILLIKEN, CO 80543

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Product Information

See Less

Tracking Number: 70132250000070214338 Little Walker Properties

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Delivered

August 9, 2019 at 11:22 am
Delivered
GILLETTE, WY 82717

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Feedback

Tracking Number: 70132250000070214314 Noble Energy

Remove ×

Your item was delivered to the front desk, reception area, or mail room at 12:21 pm on August 8, 2019 in DENVER, CO 80202.

Delivered

August 8, 2019 at 12:21 pm
Delivered, Front Desk/Reception/Mail Room
DENVER, CO 80202

Get Updates

See More

Tracking Number: 70132250000070214307 PDC Energy

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Expected Delivery by

FRIDAY

9 AUGUST 2019

8:00pm

In-Transit

August 9, 2019 at 12:16 am
Departed USPS Regional Facility
DENVER CO DISTRIBUTION CENTER

Get Updates

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Tracking Number: 70132250000070214291 Wagner Property

Remove ×

Feedback

Expected Delivery on

FRIDAY
9 AUGUST 2019 ⓘ
by
8:00pm ⓘ

Out for Delivery

August 9, 2019 at 10:03 am
Out for Delivery, Expected Delivery: Arrival by 8:00pm
MILLIKEN, CO 80543

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Feedback

Tracking Number: 70132250000070214284

Weld County
Public Works

Remove ×

Your item was delivered at 10:47 am on August 9, 2019 in GREELEY, CO 80632.

Delivered

August 9, 2019 at 10:47 am
Delivered
GREELEY, CO 80632

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Tracking Number: 70132250000070214277

Public Service Company

Remove ×

Expected Delivery on

FRIDAY

9 AUGUST 2019 ⓘ

by **8:00pm** ⓘ

Feedback

Out for Delivery

August 9, 2019 at 8:24 am
Out for Delivery, Expected Delivery: Arrival by 8:00pm
DENVER, CO 80223

Get Updates

See More

Tracking Number: 70132250000070214260

Hillsborough Ditch

Remove ×

Expected Delivery by

Expected Delivery by

FRIDAY

9 AUGUST 2019 ⓘ

8:00pm ⓘ

Alert

August 9, 2019 at 9:51 am
Forwarded
JOHNSTOWN, CO

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Text & Email Updates ⌄

Tracking History ⌄

Product Information ⌄

See Less ⌃

Feedback

Tracking Number: 70132250000070214253 Steve & Karen Kielian

Remove ×

Expected Delivery on

FRIDAY
9 AUGUST 2019

by
8:00pm

Out for Delivery

August 9, 2019 at 10:03 am

Out for Delivery, Expected Delivery: Arrival by 8:00pm
MILLIKEN, CO 80543

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Feedback

Tracking Number: 70132250000070214246 DCP

Remove

Your item was delivered to an individual at the address at 11:43 am on August 8, 2019 in GREELEY, CO 80631.

Delivered

August 8, 2019 at 11:43 am
Delivered, Left with Individual
GREELEY, CO 80631

Get Updates

See More

Tracking Number: 70132250000070214239 Bernhardt Delbert

Remove ×

Expected Delivery on

FRIDAY

9 AUGUST 2019 ⓘ

by

8:00pm ⓘ

Out for Delivery

August 9, 2019 at 10:03 am
Out for Delivery, Expected Delivery: Arrival by 8:00pm
MILLIKEN, CO 80543

Get Updates ⌄

Feedback

See More ⌄

Tracking Number: 70132250000070214222 John & Sharon Kielian

Remove ×

Expected Delivery on

FRIDAY

FRIDAY

9 AUGUST 2019

by
8:00pm

Out for Delivery

August 9, 2019 at 10:03 am
Out for Delivery, Expected Delivery: Arrival by 8:00pm
MILLIKEN, CO 80543

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FORT LUPTON PRESS
WELD COUNTY
STATE OF COLORADO

I, Steve Smith, do solemnly swear that I am the Publisher of the **Fort Lupton Press** the same is a weekly newspaper printed and published in the County of Weld, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said county of Weld for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of **FOUR consecutive insertion(s)** and that the first publication of said notice was in the issue of newspaper, dated **29th day of May, 2019** the last on the **19th day of June, 2019.**

Stephen D. Smith

Publisher, Subscribed and sworn before me,
this **19th day of June, 2019**

Notary Public.

CYNTHIA MARIE FITCH
Notary Public
State of Colorado
Notary ID # 20174043179
My Commission Expires 10-17-2021

PUBLIC NOTICE

Bestway Concrete & Aggregates; 301 Centennial Drive, Milliken, CO 80543, 970-587-7277; has filed an Amendment to their Bernhardt Pit M2002-120-AM01 for Construction Materials Operation Reclamation Permit under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The site is located southwest of the Big Thompson River. The site is within the southeast ¼ of Section 1, Township 4 North, Range 67 West of the 6th Principal Meridian. The site is generally bounded on the north and east by the existing Bernhardt mine, and on the west and south by Town of Milliken property. The project is located in Weld County, Colorado. The purpose of this notice is to add a small parcel to the mine permit boundary to allow for a conveyor crossing.

Active reclamation will be ongoing such as weed mitigation and seeding in the previously mined areas. The area is being added to allow for a conveyor belt to cross through the amended property.

The proposed date of commencement is concurrent, and the proposed date of completion is Winter 2025. The proposed future use of the land is pasture.

Additional information and tentative decision date may be obtained from the Division of Reclamation Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Weld County Clerk to the Board of County Commissioners, 915 10th Street, Greeley, CO, 970-304-6530, or the above named applicant.

Comments must be in writing and must be received by the Division of Reclamation Mining and Safety by 4:00 p.m. on July 9, 2019 (20th day after the 4th publication)

Please contact Andy Rodriguez with Civil Resources at (303) 833-1416 ex. 202 if you have any questions or comments regarding this application of Mark Johnson with Bestway Concrete & Aggregate at 970-587-7277. Scheduled to be published, May 29, June 5, June 12 and June 19.

Published in the Fort Lupton Press on May 29, June 05, 12, and 19, 2019.
#190544


WELCOME TO MILLIKEN-BERNHARDT OPERATIONS
This site is operated in compliance with APEN - 03 WE 0357 F, DRM M-2002-126, AIRS - 123-4312-001
THIS IS A VIDEO MONITORED LOCATION. Security: 1-877-628-7626
YOU ARE REQUIRED TO ABIDE BY OUR SAFETY RULES & POLICY.
DANGER INDUSTRIAL WORKSITE: NO UNAUTHORIZED ACCESS
VISITORS MUST REPORT TO THE OFFICE.
NOTICE
ATTENTION DRIVERS AND HAUL COMPANIES
NOTICE
This site is the location of a proposed construction materials operation. BESTWAY CONCRETE whose address and phone number is 301 Centennial Dr. Milliken, CO 80543, (970) 587 7277, has applied for an Amendment to their Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the Weld County Clerk to the Board of County Commissioners office, 1150 O Street, PO Box 758, Greeley CO 80631, and should send comments prior to the end of the public comment period to the
Division of Reclamation Mining & Safety, 1313 Sherman St. Room 215, Denver, Colorado 80203.
noble energy
BERNHARDT 1-1, 2
NE/4 SW/4 SEC.1-T4N-R67W
HWY 60 & RD 23, N 7/10, E 3/10 INTO
WELD COUNTY, CO.
IN CASE OF EMERGENCY CALL:
970-304-500