



COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M- 2019-027 Site Name: Keenesburg Mine

County Weld TR# _____ (DRMS Use only)

Permittee: Colorado Sand Company LLC

Operator (If Other than Permittee): _____

Permittee Representative: Schedio Group LLC

Please provide a brief description of the proposed revision: _____

Retention of West Product Storage Building and Immediate Surrounds

As defined by the Minerals Rules, a Technical Revision (TR) is: “a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan.” The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered “filed for review” until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<u>Permit Type</u>	<u>Required TR Fee</u>	<u>Submitted</u> (mark only one)
110c, 111, 112 construction materials, and 112 quarries	\$216	<input checked="" type="checkbox"/>
112 hard rock (not DMO)	\$175	<input type="checkbox"/>
110d, 112d(1, 2 or 3)	\$1006	<input type="checkbox"/>

August 27, 2020

Mr. Peter Hayes, Environmental Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street – Room 215
Denver, Colorado 80203

**RE: Technical Revision #1: Request for Minor Modification to Reclamation Plan
Retention of West Product Storage Building and Immediate Surrounds
Colorado Sand Corporation LLC – Keenesburg Mine (Permit No. 2019-027)**

Dear Mr. Hayes:

Colorado Sand Corporation LLC (CSC) herein respectfully requests that the Division of Reclamation, Mining, and Safety (the Division) consider and approve a Technical Revision to Permit No. 2019-027 to reflect a minor modification to the proposed/approved Keenesburg Mine Reclamation Plan.

Due to unanticipated scheduling complications that evolved as a result of the COVID-19 pandemic, site reclamation activities at the Keenesburg Mine have been unexpectedly delayed to date. In the interim, the underlying property owner (Guttersen Ranches LLC) has expressed an interest in retaining one of the former plant structures (please see attached **Guttersen Ranches Letter** dated August 19, 2020), namely the west product storage building and its immediate surrounds, in order to support restored ranching activities at the site. More specifically, the structure and immediately surrounding area are depicted in the accompanying **Exhibit E-2 (Revision 2): Revised Reclamation Plan Map – Retention of Structure**, wherein an approximately 1.4-acre sub-area (inclusive of the structure footprint) would be excluded or removed from the approved 9.9-acre Permit Area, in which case the sub-area would no longer be subject to the prescribed/approved demolition and reclamation obligations.

CSC is, however, poised to commence reclamation activities this week. Accordingly, Division approval of the Technical Revision becomes somewhat “time-critical”, in that CSC wishes to avoid the potential for reclamation completion to be followed by a need to later re-mobilize equipment and crews to address structure demolition, should the Technical Revision not be approved. Thus, pending a Division decision, initial reclamation activities are currently being focused on facilities/areas other than the west product storage building and its immediate surrounds.

Conveyance of the structure would occur in its current (post-mining) condition, as a structural shell only, and subject to the removal of all personal property to include appurtenant mining and/or processing-related equipment and materials. In conjunction with the structure conveyance, Guttersen Ranches LLC would also retain the so-depicted entrance road (which pre-existed the mining operation and which is not a part of the “affected” or permit area) and an associated parking lot area (which was constructed as part of the mining operation, and is included in the “affected” or permit area).

We note that the Guttersen Ranches LLC ranch operations in and around this portion of the ranch are dedicated to grazing uses (rangeland), the primary use which Guttersen Ranches LLC indicates would continue subsequent to completion of mine closure and reclamation relative to the remainder (non-excluded areas) of the mine site. Thus, there is no proposed change to the designated and approved post-mining land use designation, that being “rangeland”.

If the Division approves this Technical Revision No. 1 request, the otherwise outstanding (i.e., the remaining 8.5-acres of “non-excluded” area) reclamation obligations will still be carried out in full conformance with the reclamation plan, as approved (and subject to this Technical Revision). However, should the Division not approve the Technical Revision, CSC will formally acknowledge such (by written communication) and continue to prosecute all reclamation obligations (for the full 9.9-acre Permit Area) in a manner consistent with the approved Reclamation Plan. The sole

basis for this request to modify the approved Reclamation Plan is to accommodate the needs of the underlying landowner, while doing so in a manner consistent with Division requirements.

Please note that at this time CSC is not requesting any modification to the current reclamation bond amount. We do, however, anticipate that a formal (partial) bond release request will be submitted subsequent to completion of the forthcoming reclamation activities, reflective of a full release for the (to-be-excluded) 1.4-acre portion of the permit area, and completion of all other reclamation obligations, exclusive of those amounts to be retained by the Division relative to CSC's five-year duration post-closure monitoring and maintenance obligations.

Both CSC and Gutteresen Ranches LLC acknowledge that there may be certain zoning and/or building-related considerations which must be dealt with through the Weld County Planning Department. Based on preliminary discussions with the County in this regard, both CSC and Gutteresen Ranches LLC envision Weld County approval (subject to DRMS approval of the Technical Revision) to be an administrative formality. However, in the event County approval cannot be secured, CSC will retain all liabilities and obligations relative to structure demolition and related site restoration activities, as per the approved Reclamation Plan (for which the full bond amount will have remained in-place). Thus, there would at no time be any Division exposure to any outstanding site restoration obligation by means of default; all costs, liabilities, and obligations would reside solely with CSC, as the permittee.

Inasmuch as reclamation activities are slated to commence this week, time is of the essence. Therefore, CSC respectfully requests an expedited response to this request, if at all possible, in order to minimize the potential for a need to re-mobilize equipment and crews to address structure demolition, should the Technical Revision not be approved.

We trust that the foregoing proposed Technical Revision adequately addresses all Division concerns; and, we respectfully await a timely decision. If any further information is required, please do not hesitate to contact the undersigned at (303) 968-7677, or via email at tmccarthy@schediogroup.com.

Best regards,

Timothy A. McCarthy, PE (on behalf of Colorado Sand Company LLC)
Schedio Group LLC

cc: M. Cunningham - DRMS
S. Gutteresen – Gutteresen Ranches LLC
D. Patterson – CSC LLC
J. Beck – J.M. Beck & Associates



Guttersen Ranches

3050 67th West Avenue - Suite 100 - Greeley, Colorado 80634

August 19, 2020

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

RE: Colorado Sand Company, LLC - Keenesburg Project (Permit No. M-2019-027)
Weld County, CO

Dear Mr. Hays:

Guttersen Ranches LLC is the owner (and lessor) of certain land areas incorporated into the Keenesburg Project "Permit Area", as specifically identified, described, and otherwise depicted within the approved Construction Materials Limited Impact (110) permit, Permit No. M-2019-027.

Per the Reclamation Plan approved by the Division for Permit No. M-2019-027, CSC committed to remove all the equipment from the site and reclaim the entire 9.9 acres to the standards required by the Division.

It is the Guttersen Ranches LLC desire to have CSC leave one of the storage buildings intact and leave unreclaimed some of the grounds surrounding said building, depicted in Exhibit A herein. Guttersen Ranches LLC would like to keep the building and grounds in place for the foreseeable future. The expected use of the building and grounds would be for general ranching purposes.

Should the Division approve this alteration to the Permit, Colorado Sand Company, LLC will convey ownership of the building to Guttersen Ranches LLC.

If the Division has any further questions or requirements in this regard, please feel free to contact the undersigned at (707) 265-0500 .

Sincerely,
Guttersen Ranches

Shawn Guttersen

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

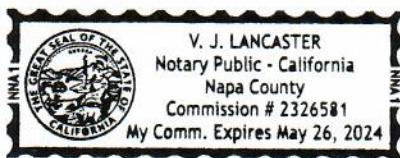
State of California)

County of NAPA)On AUGUST 19, 2020 before me, V. J. LANCASTER, NOTARY PUBLIC,
Date Here Insert Name and Title of the Officerpersonally appeared SHAWN GUTTERSEN
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature V. J. Lancaster
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Exhibit A

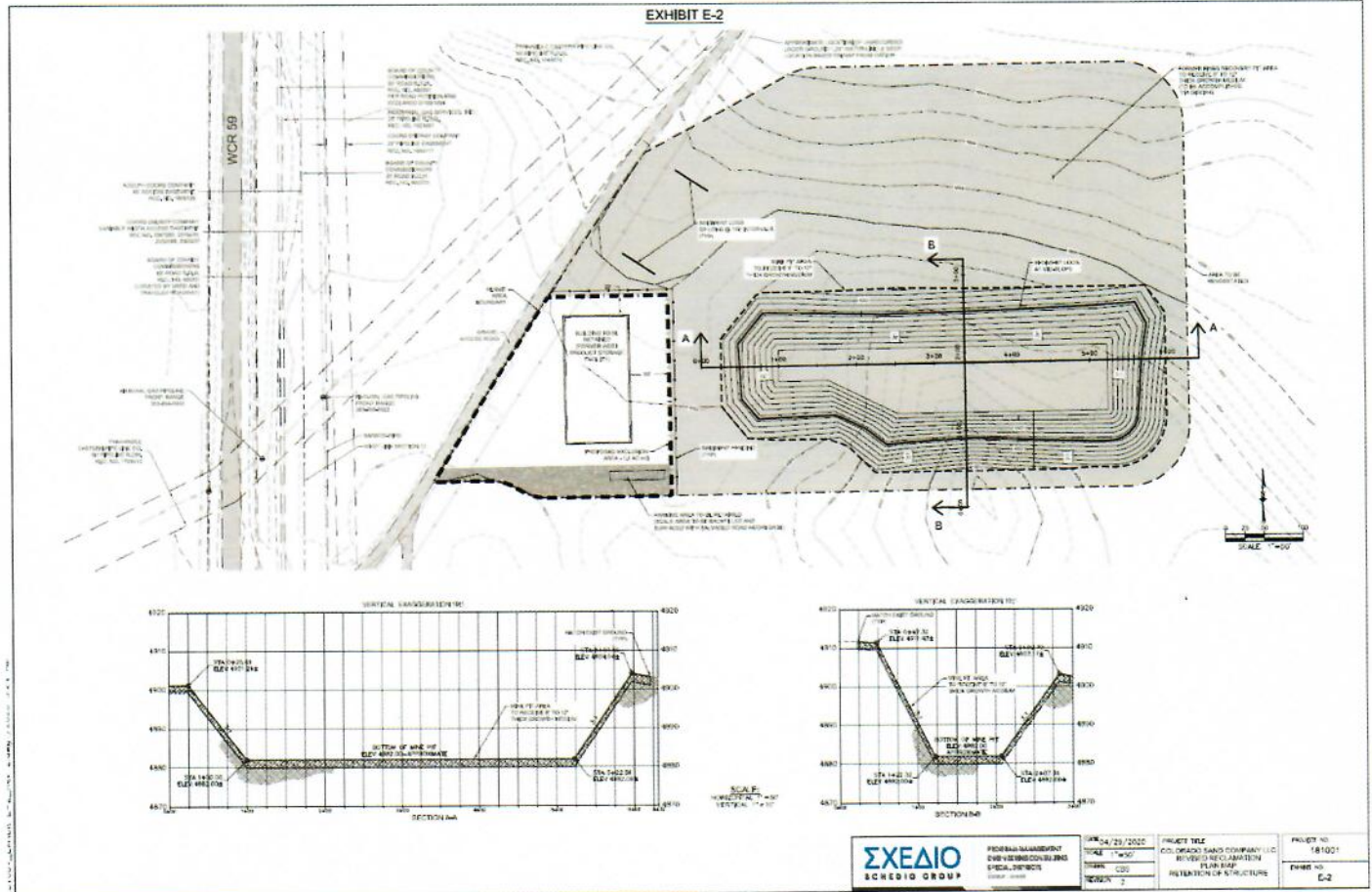
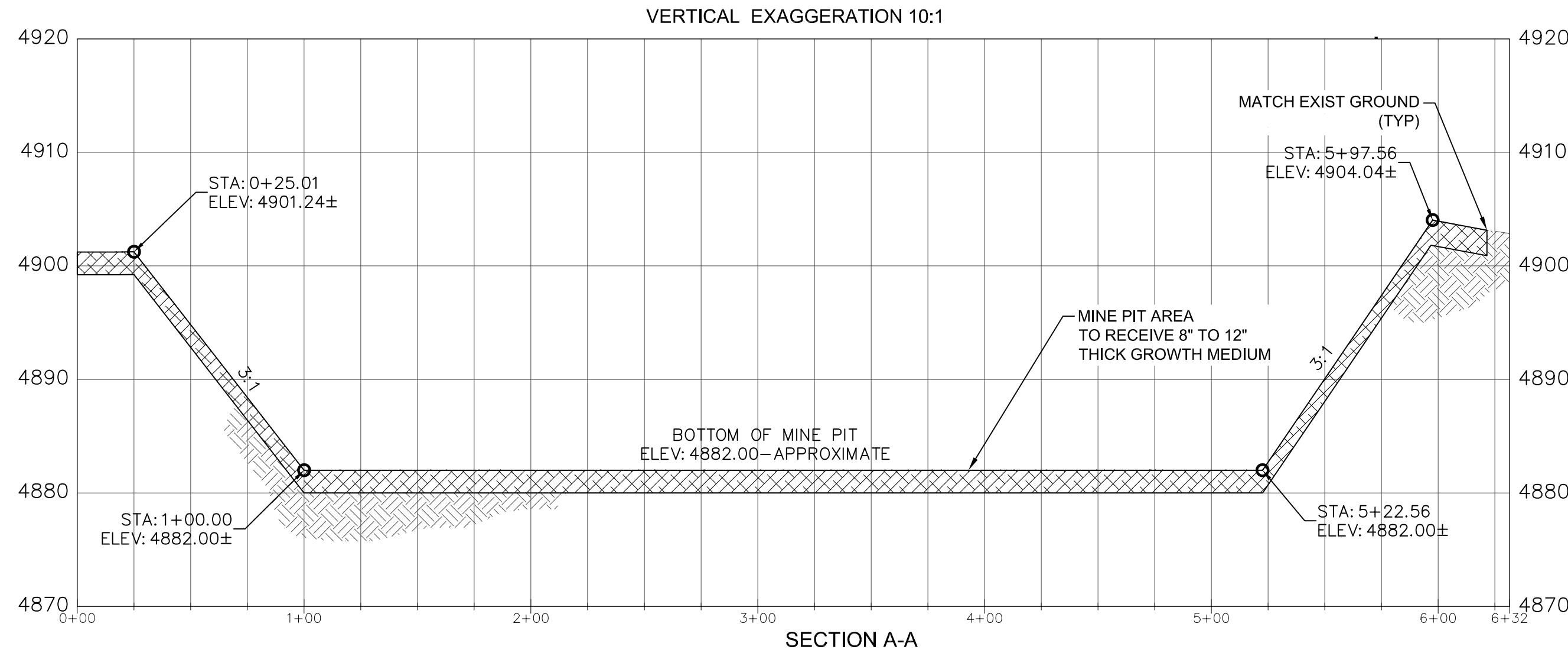
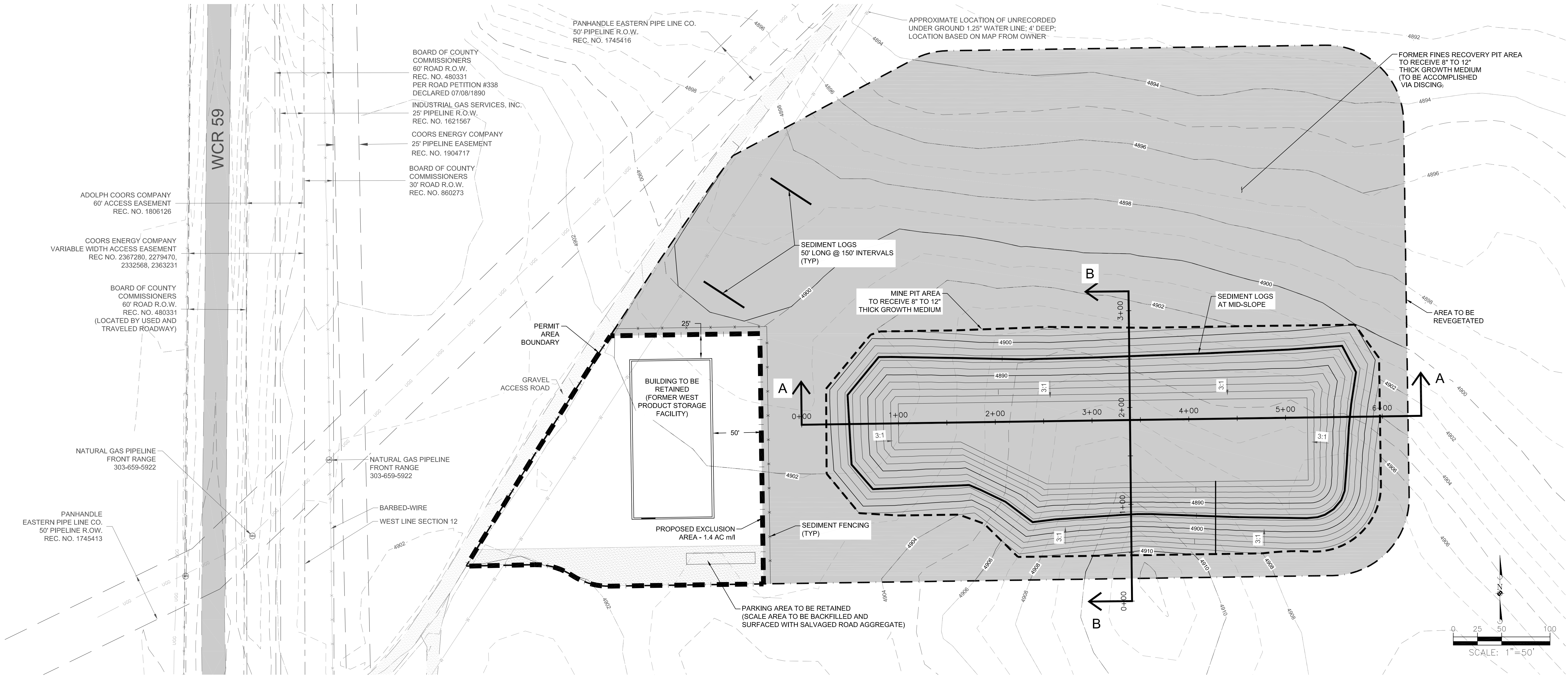
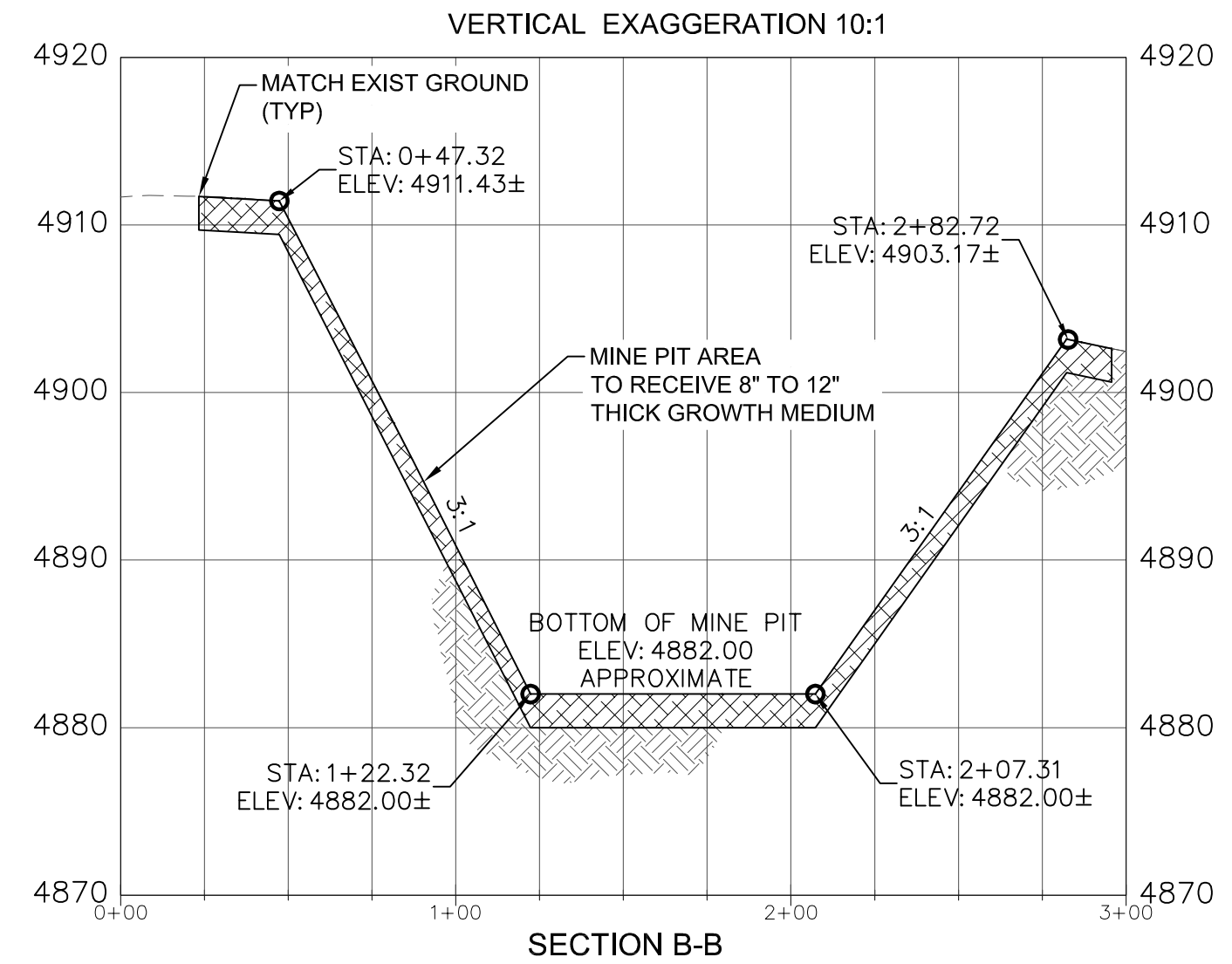


EXHIBIT E-2



SCALE:
HORIZONTAL 1" = 50'
VERTICAL 1" = 10'



	PROGRAM MANAGEMENT ENGINEERING CONSULTING SPECIAL DISTRICTS GREELEY DENVER	DATE 04/29/2020	PROJECT TITLE COLORADO SAND COMPANY LLC REVISED RECLAMATION PLAN MAP RETENTION OF STRUCTURE	PROJECT NO. 181001
	SCALE 1"=50'	DRAWN CBS		EXHIBIT NO. E-2
	REVISION 2			

SCHEDIO GROUP LLC

808 9TH ST.
GREELEY, CO 80631-1104Date August 27, 2020

23-101/1020

Pay to the order of Colorado Division of Reclamation, Mining and Safety \$ 216⁰⁰
Two hundred and sixteen and ⁰⁰/₁₀₀ dollars

JPMorgan Chase Bank, N.A.
www.Chase.com

for M-209-027/Kennedburg Mine

MP

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Security Features
Included.
Details on Back.