

January 18, 2021

Elliott Russell Colorado Division of Reclamation, Mining, and Safety 1313 Sherman St, Rm 215 Denver, CO 80203

RE: Adequacy Review, 110c Construction Materials Application London Mill Cobble, File No. M-2020-054 – Applicant Response

Mr. Russell

Advantage Mining and Reclamation LLC is providing the Division with this letter in response to the Division's January 14, 2021 adequacy review of London Cobble Mine. Each specific item is responded to directly.

Additionally, the applicant requests an extension of the decision date until January 31, 2021.

GENERAL APPLICATION PROCEDURES

As required by Rule 1.6.2(1)(g), please submit proof of publication of a public notice in a newspaper of general circulation in the locality of the proposed mining operation.

As required by Rule 1.6.2(1)(g), please submit proof that the public notice was provided to all owners of record of surface and mineral rights of the affected land and to the owners of record of all land surface within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a certified mailing or by proof of personal service.

The Division received a comment letter from Division of Water Resources regarding the application. The letter is attached for your review. Please acknowledge and address any comments noted in the letters and make changes to the application as necessary.

Proof of publication from The Flume is attached. Proof of public notice to neighbors is attached.

The Applicant acknowledges the Division of Water Resources comments. No revisions to the application are needed with regards to this letter.

6.3 SPECIFIC PERMIT APPLICATION EXHIBIT REQUIREMENTS –110 LIMITED OPERATIONS EXHIBIT B – Site Description (Rule 6.3.2)

Within Exhibit B – Section 1, the Applicant states Mosquito Creek is approximately 300 feet north and over 500 feet to the east of the active mining area. Upon review of the Exhibit E maps and a Google Earth aerial image, it appears Mosquito Creek is less than 100 feet north



and approximately 300 feet east of the mining area. Please revise Exhibit B by providing a more accurate description of the proximity of Mosquito Creek to the mining area.

See the revised Exhibit B pages that are attached.

EXHIBIT C - Mining Plan (Rule 6.3.3)

Within Exhibit C, the Applicant states there is an attached affidavit from the landowner requesting the main ~ 10 foot-wide northeast-southwest trending road will be kept in place for the landowners use. This affidavit was not provided in the permit materials. Please provide the landowner affidavit. Please also ensure Map E-4 Reclamation Plan reflects the proposed location of this remaining road.

The applicant will provide the required affidavit under separate cover. Map E-4 Reclamation Plan accurately shows all roads to remain following reclamation.

Pursuant to Rule 3.1.9(2), woody vegetation at the site shall be removed from or appropriately incorporated into the existing topsoil prior to excavation within the affected areas and that Applicant should make a reasonable effort to ensure that existing vegetation is put to a beneficial use such as firewood, mulching, lumber, etc. Please specify if trees will need to be removed as a part of the mining operation and describe how the Applicant will comply with Rule 3.1.9(2).

There will be tree removal within the western portion of the site. The Applicant will make a reasonable effort to put this existing vegetation to a beneficial use such as mulch, lumber, or firewood. The Applicant will also not remove any more trees than necessary.

The Division has calculated the total required financial warranty for the site to be \$9,000.00. A copy of the reclamation cost summary is attached for the Applicant's review. At this time, upon approval of the application, the required financial warranty for the proposed operation will be set at \$9,000.00; please contact me prior to the decision date to discuss any questions regarding the cost estimate or if you identify any errors with this calculation.

The Applicant accepts the proposed financial warranty.

EXHIBIT E – Map (Rule 6.3.5)

Map E-2 Mining Plan shows a 20-foot setback from the eastern property line to the excavation. The map also contains a note along the northern limits of the mining pit which states No Mining in Floodplain. Please commit to having this eastern setback and northern limit delineated prior to salvaging topsoil in the vicinity to ensure these commitments are followed. The Applicant may also propose to construct the stormwater berm first and use it as the delineation in these areas.

The stormwater berm will be built around a disturbance area before mining commences. The north limit of mining and eastern setback will be staked in the field prior to mining.

The permit maps submitted contain a scale bar which appears to be inaccurate. The scale bars show a distance from 0 to 200 feet while dimensions on the maps reflect these scale bars should be approximately 0 to 100 feet. Please revise the maps accordingly.



The scale of each map has been corrected. Please note that it is 1"=50'.

EXHIBIT F – List of Other Permits and Licenses Required (Rule 6.3.6)

Park County informed the Division that they are initiating a Wildlife and Mining 1041 process for the operation and that the property needs to be rezoned and a legal access procured. Please note, although the Division may approve the 110c permit application, it is the Applicant's duty ensure compliance with all other applicable federal, state, and local permits, licenses and approvals prior to commencement of mining in accordance with C.R.S 34-32.5-109(2)(a), C.R.S 34-32.5-109(3), and C.R.S 34-32.5-115(4)(c) and Rule 6.3.6.

The Applicant will ensure it is in compliance with all federal, state, and local permits.

EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9)

Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this adequacy letter has been added to it.

A copy of this adequacy response has been posted at Park County. Proof of placement will be supplied under separate cover.

EXHIBIT L – Permanent Man-Made Structures (Rule 6.3.12)

Within Exhibit L, the Applicant has identified transmission power lines and Looney Lane as two structures within 200 feet of the permit boundary and Exhibit B states that damage wavers are included in Exhibit L. The damage waivers were not included in Exhibit L. Please comply with Rule 6.3.12 regarding these two structures and submit appropriate documentation.

Copies of the certified mailing receipts for these structure agreements are attached.

Based on a review of a Google Earth aerial image, it appears there are additional structures within 200 feet of the permit boundary that are not accounted for in Exhibit L nor shown on an Exhibit E map. There appears to be a buildings located on properties the Applicant has identified as Michael M Kyes and Steve Todd Nilson to the west of the operation and Leach Jean Ann Trust DTD to the north of the operation. Please revise Exhibit L and Map E-1, as appropriate, to include all structures within 200 feet of the permit boundary in accordance with Rule 6.3.2(b), 6.3.5(2)(e), and 6.3.12.

Map E-1 has been revised to show the location of ownership of the identified structures. Exhibit L has been revised to include them as well. Structure agreements have been mailed and the certified receipts of these are attached.

OTHER

As Adequacy Items #9 and #13 will require revisions to one or all Exhibit E maps, the Division requests that at least one map provide the latitude/longitude coordinates of each permit boundary corner. This information will assist the Division in conducting future inspections of the operation and provide a more thorough permit file. The Applicant may also provide a simple table with the requested coordinates in lieu of updating one of the maps.



Latitude and longitude of each permit boundary corner has been incorporated into the maps.

Table 1 - Attachments

Text	Maps	
Pg B-1	E-1	
Exhibit L	E-2	
Newspaper Proof of Publication	E-4	
Neighbor Notice Certified Mailing Receipts		
Additional Structure Agreement Certified Mailing Receipts		

Please contact me if you have any further questions or concerns.

Sincerely,

g-flyt

Ben Langenfeld, P.E. Greg Lewicki and Associates



EXHIBIT B

SITE DESCRIPTION

1. Location and General Land Use Information

The site is located along Looney Lane and is composed of and surrounded by dry rangeland. The Mosquito Creek is approximately 100 feet north and over 350 feet to the east of the active mining area. The site is approximately 0.5 miles south southeast of alma, Colorado.

2. Site Geology

Site geology consists of 0-4 inches of topsoil over glaciofluvial deposits (upper Pleistocene). Quaternary aged alluvium and terrace gravels. These deposits consist of subrounded to rounded pebbles, cobbles, and boulders in a sandy matrix. Some material may have been deposited by meltwater flowing within or under glaciers, but most are probably outwash (stratified drift deposited by meltwater beyond glacier margins). Clasts make up a larger percentage of these deposits than are found in nearby glacial units. Estimated thickness is 3 to 65 ft. There are no hazardous or acid forming materials expected to be encountered during excavation.

1.1 Mine Tailings

Two areas of known mine tailings dumps have been identified on site. One makes up the southwest portion of the site and includes the rubble of some sort of processing facility (Figure B-1). Slag metal is present in small portion of this dump. A second dump of tailings can be seen in the old grade that runs north-south through the site. This dump is readily identifiable by the material color and sulfur smell emanating from it. Disturbance areas for cobble and the storage yard will stay at least 50' from these dumps and the dumps will **not** be disturbed by activities in this permit. Map E-1 shows the location of the old dumps and associated material. Map E-2 shows the setbacks maintained from this material.



EXHIBIT L PERMANENT MAN-MADE STRUCTURES

The following is an inventory of man-made structures within 200 feet of the disturbed area. All of these structures are shown on Map E-1.

- 1. Public Service Company of Colorado Power Transmission Lines
- 2. Park County Road Looney Lane
- 3. Buildings on properties to the west and north



U.S. Postal Service Certified Mail Receipt

OUTBOUND TRACKING NUMBER 9415 5118 9956 0864 1241 47 RETURN RECEIPT TRACKING NUMBER 9490 9118 9956 0864 1241 84

Leach Jean Ann Trust

Ketchum ID 83340-2761

ARTICLE ADDRESS TO:

PO Box 2768

FEES

Postage per piece Certified Fee Return Receipt Fee Total Postage & Fees: \$2.200 \$3.550 \$2.850 \$8.600 \$8.600

Postmark Here

Certified Mail Receipt U.S. Postal Service OUTBOUND TRACKING NUMBER 9415 5118 9956 0864 4449 24 FEES Postage per piece \$2.200 \$3.550 RETURN RECEIPT TRACKING NUMBER 9490 9118 9956 0864 4449 09 Certified Fee **Return Receipt Fee** \$2.850 Total Postage & Fees: \$8.600 ARTICLE ADDRESS TO: 1802 0 2 NAL 800 Steve Nilson 5 Postmark 405 W 115th Ave 8n Here Northglenn CO 80234-3097

January 19, 2021

I, Dustin Ballard, owner of Advantage Mining and Reclamation and owner of the parcel in Park County to contain the London Mill Cobble mine, will be keeping intact all roads shown within the mining and reclamation plan maps onsite following mining.

Dut Bolland L

1-19-21

Date

CERTIFICATE OF PUBLICATION SS **STATE OF COLORADO County of Park**

MERLE J. BARANCZYK.

Being first duly sworn according to law, on oath depose and say, that I am, and at all the times herein mentioned, was the publisher of the Park County Republican and Fairplay Flume and that said Park County Republican and Fairplay Flume is a weekly newspaper of general circulation, in said County and State, printed and published in the County of Park and State of Colorado, and that copies of each number thereof are, and at all the times herein mentioned were, regularly distributed and delivered, by carrier or mail, to each of the subscribers said newspaper, in accordance with the customary method of business in newspaper offices.

That the annexed

PUBLIC NOTICE

FROM

COLORADO LAND RECLAMATION BOARD In the matter of ADVANTAGE MINING & RECLAMATION LLC, APPLICATION FOR A CONSTRUCTION MATERIALS LIMITED IMPACT (110) RECLAMATION PERMIT/ LONDON MILL COBBLE

This a true copy of the original, and the same was regularly published in the newspaper proper and not in a supplement, for the full period of ONE (1) INSERTIONS of said newspaper, and that the first publication was in the issue dated JANUARY 1ST, 2021 and that the last publication of the same was in the issue dated JANUARY 1ST, 2021 and the said Park County Republican and Fairplay Flume has been established, printed and published for the full period of fifty-two consecutive weeks, and continuously and uninterruptedly prior to the said date of the first publication of the notice aforesaid, in the County of Park and State of Colorado, and is a newspaper duly qualified for the publishing of said notice within the meaning of an Act of the General Assembly of the State of Colorado, approved May 30th, 1923, and entitled "An act to Amend an Act Entitled 'An Act Concerning Legal Notices, Advertisements and Publications and the Fees of Printers and Publishers thereof, and to Repeal all Acts and Parts of Acts in Conflict with the Provisions of this Act'," and within the meaning of an Act amendatory thereof, approved May 18th, 1931 and entitled "An Act to Amend Section 4, of Chapter 139, Session Laws 'of Colorado, 1923, relating to Legal Notices and Advertisements." and within the meaning of any and all other Acts amendatory thereof or supplemental thereto. And further affiant saith not.

Pursuant to C.R.S. 24-70-103(5) this notice has also been posted online and available at:

Colorado Press Association Network-Colorado Public Notice Database at:

https://www.publicnoticecolorado.com

The above certificate of publication was subscribed and sworn to before me by the above named Merle J. Baranczyk who is personally known to me to be the identical person described in the above certificate, on the 1ST Day of JANUARY 2021 A.D. FEIN # 84-0718607

oma PP asunc Tomalee Young

NOTARY PUBLIC My Commission Expires: July 15, 2023



PROOF OF PUBLICATION

PUBLIC NOTICE Advantage Mining & Reclamation LLC, whose address and phone number is PO Box 1211, Fairplay, CO 80440, (970) 390-0261, has filed an application for a Con-struction Materials Limited Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under pro-visions of the Colorado Land Reclama-tion Act for the Extraction of Construction Materials. The proposed mine is known as the London Mill Cobble, and is located at or near Section 13, Township 9 South, Range 78 West, the 6th Prime Meridian. The proposed date of commencement is March 2021 and the proposed date of completion is October 2026. The proposed future use of the land is rangeland. Additional information and tentative deci-sion date may be obtained from the Divi-

future use of the land is rangeland. Additional information and tentative deci-sion date may be obtained from the Divi-sion of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Park County Clerk and Recorder's office 856 Castello Avenue, Fairplay, CO 80440, or the abovenamed applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office. Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. 10 days after the publication of this notice. *Please note that under the provisions of C.R.S.* 34-32.5-101 et seq. Comments relat-ed to noise, truck traffic, hours of opera-tion, visual impacts, effects on property values and other social or economic con-cerns are issues not subject to this Office's jurisdiction. These subjects, and Similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board. As published in the Park County Republi-can and Fairplay Flume on Jan. 1, 2021 (PUBLIC NOTICE)









London Mill Cobble Adequacy Response

Ben Langenfeld <benl@lewicki.biz> To: "Russell - DNR, Elliott" <elliott.russell@state.co.us> Cc: Dustin Ballard <dustin.advantagex@gmail.com> Wed, Jan 20, 2021 at 9:59 AM

Elliott

Attached is a digital copy of the London Mill Cobble Adequacy Response. It includes an extension request for the decision date until January 31. This is to facilitate getting a receipt back from Park County that the adequacy response is added to the public copy.

A hard copy is headed to downtown.

Ben Langenfeld, P.E.

Greg Lewicki and Associates

benl@lewicki.biz

Office: (720) 842-5321

Cell: (303) 960-5613

LMC Adequacy Response COMBINED 210119.pdf 6380K



January 19, 2021

Park County Clerk and Recorder 856 Castello Ave P.O. Box 220 Fairplay, CO 80440

London Mill Cobble 110 Limited Impact Reclamation Permit Application, County Copy Adequacy Response



To Whom It May Concern

A 110 application for the operation known as London Mill Cobble to the Colorado Division of Reclamation, Mining, and Safety has been supplied to your office for public viewing. The applicant is Advantage Mining & Reclamation LLC. Please add the attached documents to that binder.

The Colorado Division of Reclamation, Mining, and Safety requires evidence that the attached documents have been filed with your office. Therefore, please sign and date the box below and return this document either by scan and email (<u>benl@lewicki.biz</u>) or by fax (303 346-6934). Thank you.

Please contact me if you have any further questions or concerns at (720) 842-5321 ex. 1.

Sincerely,

Ben Langenfeld, P.E. Greg Lewicki and Associates

The application was received on the following date: \sim Anuai

London Mill Cobble

Greg Lewicki and Associates, PLLA



FW: Application receipt

Elliott

Here is the county clerk receipt for London Mill Cobble. The adequacy items have been posted.

Ben Langenfeld, P.E.

Greg Lewicki and Associates

benl@lewicki.biz

Office: (720) 842-5321

Cell: (303) 960-5613

From: Lori Jaidinger <LJaidinger@parkco.us> Sent: Wednesday, January 20, 2021 4:47 PM To: Ben Langenfeld <benl@lewicki.biz> Subject: Application receipt

Sincerely,

Lori Jaidinger

Recording Supervisor

Park County Clerk and Recorder

PO Box 220

Fairplay, CO 80440

719-836-4225

www.parkco.us

Office Hours – Monday thru Thursday 7:00am to 6:00pm – Motor Vehicle closes at 5:00 pm COUNTY OFFICES CLOSED ON FRIDAYS

RECORDING FEES:

Recording fees are \$13.00 for the first page of each document and \$5.00 per page for each additional page of the same document. Documentary fees are based on the selling price of any deed transferring property. The fee is \$0.01 per \$100 of the selling price over \$500.00. Please make checks payable to Park County Clerk.

Russell - DNR, Elliott <elliott.russell@state.co.us>

Wed, Jan 20, 2021 at 5:49 PM

What day is it?" asked Pooh. "It's today," squeaked Piglet. "My favorite day," said Pooh." — A.A. Milne



Discrete Content of Sector 2007 International Co