



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

March 30, 2021

Kirk Bergstrom
Ames Construction, Inc.
18450 E 28th Ave
Aurora, CO 80011

RE: Incompleteness Review of Special 111 Operation Construction Materials Reclamation Permit Application; Ames Construction Inc., Burnham Property Borrow; Permit No. M-2021-019

Dear Mr. Bergstrom,

On March 24, 2021, the Division of Reclamation, Mining and Safety (Division) received your Special 111 Operation Construction Materials Reclamation Permit Application package for the Burnham Property Borrow pit, File No. M-2021-019. Preliminary review of the information received determined the following items must be received before the Division can consider the application as being submitted and technical review can begin. Please respond to this Incompleteness Review with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Incompleteness Review Response; M-2021-019".

APPLICATION:

1. Question #10, Primary Mine Entrance Location, the coordinates given to not match the coordinates given for either of the mine entrances on the Existing Conditions or Proposed Contours maps. Please update the coordinates to be consistent with the maps.

EXHIBIT B – Site Description (Rule 6.3.2):

2. The list of man-made structures within 200 feet of the affected area does not list the fiber optic line owned by AT&T Transmission as shown on the maps. Please update the list to reflect the fiber optic line.

EXHIBIT D – Reclamation Plan (Rule 6.3.4):

3. Please indicate the rate that straw mulch will be applied. Based on the Division's experience with mulching rates two (2) tons of mulch per acre is recommended.
4. The applicant states in the mining plan that topsoil will be salvaged and stockpiled prior to mining and when mining is completed that topsoil will be spread 8-inches over the disturbed area. On page 2



of 3 of the reclamation plan the applicant states that “excess rangeland topsoil from the new Lemay Alignment...will be placed at an estimated of 16,000 CY.” Please clarify, does the applicant plan on importing topsoil to the site for use in reclamation?

5. The applicant states drill seeding will be used to plant the seeding mixture. In the cost estimate there is a line item for tackifier, please provide more information for the tackifier (i.e. brand name, uses, and application rates).

EXHIBIT E – Map (Rule 6.3.5):

6. Please clearly label a Mining Plan Map and a Reclamation Plan Map.
7. Pursuant to Rule 6.2.1(2)(b) and (c), all maps must be signed by a qualified person and dated. Please provide updated maps with signatures and dates.
8. On the Mining Plan Map please show the approximate location of the topsoil stockpile per Rule 6.3.5(2)(c) and the direction of mining per Rule 6.3.5(2)(d).
9. How close is the gas pipeline at its closest point to the proposed permit boundary? The Division estimates that it is within 200 feet of the eastern most point of the eastern access road. Please note if the pipeline is within 200 feet of the permit boundary Exhibit B will need to be updated and a structure agreement obtained.
10. On the Reclamation Plan Map please state the average thickness of replaced topsoil, pursuant to Rule 6.3.5(2)(e).

EXHIBIT H – Municipalities Within a Two-mile Radius (Rule 6.3.8):

11. List the mailing address and telephone number of the governing body for all municipalities within a two (2) mile radius of the proposed mining operation. If there are no municipalities within a two-mile radius please indicate there are none.

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

12. Please provide an affidavit or receipt indicating the date on which the revised application documents were placed with the Weld County Clerk in response to this letter. Please note, the application documents are not required to be recorded by the county clerk, however the documents must be available for public review at the county clerk’s office.

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

Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall:

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

13. Please provide the Division with copies of the notarized structure agreements with all owners of the structures, including the fiber optic line and gas pipeline (if needed), on and within 200 feet of the affected area of the proposed mine site or comply with Rule 6.3.12(b) or (c) as appropriate.

The application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 15 days from the date of receipt of all of the requested information.

You have sixty (60) days from the above date to submit all necessary documents the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division shall deny the application and terminate the application file. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary

The response due date is May 29, 2021.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert, Division of Reclamation, Mining & Safety

ec: Kirk Bergstrom, Ames Construction, Inc., kirkbergstrom@amesco.com