



**Ames Construction**

18450 E 28<sup>th</sup> Avenue  
Aurora, CO 80011  
T 303-363-1000 • F 303-363-4080

April 1, 2021

Attn: Patrick Lennberg

**Re: Incompleteness Review Response; M-2021-019**

Dear Mr. Lennberg,

Please see Ames's responses to the incompleteness review letter dated March 30, 2021:

1. Question #10 on the Application
  - a. Ames has revised the Primary Mine Entrance Location to match the coordinated on the Exhibit E maps.
    - i. Note, Ames has also included the ORIGINAL Corporate Seal crimp and Corporate Secretary signature from the first permit.
2. Exhibit B: list of man-made structures did not include AT&T Transmission fiber optic line
  - a. Ames has revised Exhibit B to reflect the fiber optic line shown in the Exhibit E maps. Please note, this fiber optic line belongs to Nunn Telephone Company and not AT&T, the Exhibit E maps have also been updated to no longer call this out as AT&T.
3. Exhibit D: rate that straw mulch will be applied
  - a. The straw mulch will be applied at a rate of two (2) tons of mulch per acre. Exhibit D has been revised to reflect this.
4. Exhibit D: does Ames plan on importing topsoil to the site for use in reclamation?
  - a. Yes, the new Lemay Ave Realignment project excess topsoil will be imported to the Burnham Property Borrow to aid in the reclamation process. The cost of importing this material will be charged to the Lemay Project.
5. Exhibit D: provide more information for the tackifier
  - a. The tackifier to be used is Chemstar StarTack 100. A material data sheet has been provided on this tackifier.
6. Exhibit E: clearly label a Mining Plan Map and a Reclamation Plan Map
  - a. These maps have been relabeled. Map 1 of 2 is the mining plan map and map 2 of 2 is the reclamation plan map, as shown in the title block on the lower right portion.
7. Exhibit E: please provide updated maps with signatures and dates
  - a. The new maps are signed by Micah Leadford, PE and are now dated 03/30/21.
8. Exhibit E: please show approximate location of the topsoil stockpile
  - a. The mining plan map has been updated to show the approximate topsoil stockpile locations. Please note, Ames plans to mine this site in two phases, which is why there are two stockpile locations. Ames plans to complete mining phase 1 and the

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spread the topsoil before beginning phase 2, which will utilize a different topsoil stockpile location.

9. Exhibit E: how close is the gas pipeline at its closest point to the proposed permit boundary
  - a. The gas pipeline is 318 feet at its closest point to the proposed permit boundary, the mining plan and reclamation plan maps now show this distance called out.
10. Exhibit E: please state the average thickness of replaced topsoil
  - a. The reclamation plan map has been revised to show the proposed eight inch average thickness of replaced topsoil.
11. Exhibit H: list the mailing address & telephone number for all municipalities within 2 miles
  - a. There are no municipalities within 2 miles of the proposed borrow site.
12. Exhibit I: provide affidavit or receipt indication the date which revised application documents were placed with the Weld County Clerk
  - a. Please see attached, Ames placed the revised application documents with the Weld County Clerk on Thursday April 1, 2021.
13. Exhibit L: provide the Division with copies of the notarized structure agreements
  - a. Please see the following for all permanent man-made structures:
    - i. Poudre Valley REA (overhead power lines and utility poles) – Ames has reached a structure agreement with PVREA, and is attached.
    - ii. Nunn Telephone Company (fiber optic line) – Ames has reached out to Nunn Telephone Company, but has not had any response yet. To suffice, Ames has obtained an engineering evaluation from Horrocks Engineers stating that the fiber optic line shall not be damaged by activities occurring at the mining operation.
    - iii. Weld County Public Works (County Road 110) – Ames and Weld County Public Works are currently working through obtaining a structural agreement. Ames and Weld County have a meeting setup for Monday April 5<sup>th</sup> to discuss the next step forward to reaching an agreement. Once an agreement is reached, Ames can provide you with the updated agreement.
      1. In the meantime, Ames has obtained an engineering evaluation from Horrocks Engineers stating that County Road 110 shall not be damaged by activities occurring at the mining operation.

Thank you,

Kirk Bergstrom  
Project Manager

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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 46 sec 59.76 (2 decimal places)

Longitude (W): deg 104 min 55 sec 49.17 (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) \_\_\_\_\_ Zone \_\_\_\_\_

Easting \_\_\_\_\_

Northing \_\_\_\_\_

11. **Primary Future (Post-mining) Land Use (check only one):**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Cropland(CR)                  | <input type="checkbox"/> Pastureland(PL)          | <input type="checkbox"/> General Agriculture(GA)   |
| <input checked="" type="checkbox"/> Rangeland(RL)      | <input type="checkbox"/> Forestry(FR)             | <input type="checkbox"/> Wildlife Habitat(WL)      |
| <input type="checkbox"/> Residential(RS)               | <input type="checkbox"/> Recreation(RC)           | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | <input type="checkbox"/> Solid Waste Disposal(WD) |  |

12. **Primary Present Land Use (check only one):**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Cropland(CR)                  | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA)   |
| <input checked="" type="checkbox"/> Rangeland(RL)      | <input type="checkbox"/> Forestry(FR)    | <input type="checkbox"/> Wildlife Habitat(WL)      |
| <input type="checkbox"/> Residential(RS)               | <input type="checkbox"/> Recreation(RC)  | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | <input type="checkbox"/> Mining(MN)      |  |

13. **Estimated Beginning Date of Contract:**

April 20, 2021

13.1 Estimated completion date of contract:

December 23, 2021

Applicant: Ames Construction, Inc.  
Name of Site: Burnham Property Borrow  
Date: April 1, 2021

## **EXHIBIT B – Site Description**

### **(a) Existing Vegetation and soil characteristics of the site area.**

The 15.5 acres of the permit site are presently rangeland. Existing vegetation consists predominately of grasses.

The site soils have been classified by the United States Department of Agriculture as a Cascajo gravelly sandy loam in the attached report.

### **(b) List of permanent man-made structures within 200 feet of affected area:**

- Weld County Road 110
- Overhead powerline and utilities poles belonging to Poudre Valley REA
- Nunn Telephone Company fiber optic line

### **(c) Water resources in the area of the proposed borrow.**

- Indian Creek Reservoir approximately 12,500 feet south east of the proposed borrow location.

### **(d) Wildlife assessment.**

Not required for 111 Special Operations.

Applicant: Ames Construction, Inc.  
Name of Site: Burnham Property Borrow  
Date: April 1, 2021

## **EXHIBIT D – Reclamation Plan**

At the conclusion of the excavation activities, the site will be reclaimed by grading the excavation slopes to a final gradient and the excavation bottom to a uniform level. The vegetative growth support material, temporarily stored in the southern valley, will be placed on the excavation slopes and bottom. The constructed entrance and exit will be removed and its' disturbed area included in the reclamation activities.

A detailed description of the Reclamation Plan is as follows:

(1)

(a) Overburden replacement

There is no overburden to salvage and/or replace at this operation.

(b) Reclaimed slope gradient

The reclaimed slopes will be constructed to a 4:1 gradient.

(c) Revegetation measures to reclaim the site.

Ames will be utilizing CDI to seed and we will have them follow the reclamation plans the will utilized on the Lemay Realignment.

Prior to the placement and incorporation of the soil amendments, topsoil will be spread over the borrow slopes, bottom and site roadway.

The thickness of the plant growth medium to be replaced is 8 inches. The seedbed will be prepared by utilizing a D6 dozer with rippers to rip the soil prior to seeding. The application method for grass and forb seeding will be

seed drilling. Straw mulch will be used and shall be crimped in two directions. The straw mulch shall be applied at a rate of two tons of mulch per acre.

The revegetation measures would be performed in the fall of 2021.

(d) There will be no features such as ponds, streams, roads or buildings remaining on the borrow area after reclamation.

(e) All features have been previously addressed in the Reclamation Plan.

(2) Cost estimate to reclaim the site.

The point of maximum disturbance to site will be when the excavation activities are finished. Due to the configuration of the borrow, reclamation activities would not begin until that time.

Since the excavation slopes were left at a 4:1 gradient during the borrow removal process, the remaining reclamation work would consist of removing the perimeter berms and placing the topsoil materials over the disturbed areas followed by the application of the recommended soil amendments, seed and mulch.

Topsoil placement will occur during borrow. Excess rangeland topsoil from new Lemay Alignment in Fort Collins will be imported and placed at an estimate of 16,000 CY additional over the final borrow. These costs will be charged to the new Lemay Alignment job.

1. Placement of salvaged topsoil:

Quantity = 42,000 cubic yards

Equipment: Self-loading scraper (similar to CAT 623)  
 Dozer (similar to CAT D6)  
 Labor: 2 equipment operators and ½ time foreman

Production rate: 150 cubic yards per hour  
 Hours required to complete =  $42,000/150 = 280$  hours

Equipment costs per hour = \$ 240.00  
 Labor costs per hour = \$ 150.00  
 Total per hour = \$ 390.00

Equipment and Labor Total = 280 hours x \$390 = \$109,200

Mobilization: 2 pieces in and out = \$ 1,200.00.

TOTAL for this item = \$ 110,400 or **\$ 2.63/cubic yard.**  
 (No markup)

2. Seedbed preparation, application of soil amendments, seed and mulch.

The cost of performing these items, based on a quote from CDI is:

Straw mulch	\$ 500/acre
Tackifier	\$ 1100/acre
Seed :	<u>\$ 375/acre</u>
Total =	<b>\$ 1,975/acre</b>

TOTAL for this item = 32.0 acres x \$1,975/acre = \$63,200

**Total Cost to reclaim site = \$110,400 + \$63,200 = \$173,600.**

Note: CDI will mobilize in a small tractor and a flatbed truck for this operation. The cost of mobilizing this

equipment is factored into the cost of CDI's estimate. Also, the tackifier used will be Chemstar StarTak 100 and a material data sheet for this tackifier is attached.



## **Chemstar Products Company**

3915 Hiawatha Avenue  
Minneapolis, Minnesota U.S.A. 55406-3203  
Phone: (612) 722-0079  
Fax: (612) 722-2473  
www.chemstar.com



## **Technical Data**

# **StarTak<sup>®</sup> 100**

StarTak<sup>®</sup> 100 is a cost effective, naturally occurring organic tackifier for use in revegetation and hydroseeding applications.

### **Features**

#### **Tackifying**

StarTak 100 acts as an adhesive to bind soil, fiber and seed particles together. Its adhesive properties help temporarily control the effects of wind and water erosion during seed germination and plant establishment.

#### **StarTak 100 can be used as a:**

- Hydroseeding mulch tackifier
- Straw/hay overspray binder
- Soil stabilization/dust abatement agent.

#### **Fertilizing**

Since StarTak 100 includes protein, a natural source of nitrogen, it acts as a slow-release fertilizer that helps increase the seed germination and plant establishment process. These natural fertilization characteristics are absent in synthetic tackifier products.

#### **Lubricant**

By lubricating the slurry mix, StarTak 100 helps reduce plugging problems and ultimately equipment wear and tear.

#### **Moisture Retention**

StarTak 100 helps improve seed germination rates and reduce irrigation frequency in mulch applications. The hydrophilic nature of its organic polymer allows the product to readily absorb and retain water.

#### **Maximum Mixing Ratio**

During use in hydromulch tanks, StarTak 100 can be pumped at a rate up to 12 bags of product per 3,000 gallons of water. This helps save valuable time and money.

#### **Cost Effective**

Offering a consistent price point year-round, StarTak 100 is one of the most economic tackifiers available on the market. It provides excellent performance at a fraction of the cost of other gum-based or synthetic products.

#### **Environmentally Safe**

Derived from 100% natural starch polymer, StarTak 100 is free of odors, contaminants, toxins and weed seed residue. In addition, its application is safe for the environment, plants and animals.

#### **Availability**

Unlike other imported polymer tackifiers, StarTak 100 is completely manufactured in the United States. For your convenience, it is packaged in 50 and 25 pound bags.

## Physical Properties

Density:	35-40 lbs/ft <sup>3</sup>
Ash:	< 2%
pH:	6.5-8.0
Size:	100% thru 850 microns (20 mesh)
Organic Nitrogen:	>5%
Moisture Content:	6-10%
Water Holding Capacity:	900%
Settleable Solids:	< 2%
Fiber:	< 4.5%

## Aquatic Toxicology

Pimephales promelas (Fathead Minnow)  
LC<sub>50</sub> > 19,200 mg/L

Ceriodaphnia dubia  
LC<sub>50</sub> > 19,200 mg/L

The LC<sub>50</sub> for StarTak 100 exceeds the maximum concentration tested. 19,200 mg/L equates to 400 lbs per acre. Recommended application rate of StarTak 100 does not exceed 125 lbs per acre.

## Application

### Fiber Mulch Binder

4:1 slopes and flatter	50-75 lbs/acre
2:1 slopes and flatter	75-100 lbs/acre
1:1 slopes and loose soils	100-125 lbs/acre

### Straw Tackifier

3:1 slopes and flatter	50 lbs/acre
2:1 slopes and greater	60 lbs/acre
High wind areas	80 lbs/acre

### Soil/Dust Control

Depending on the type of soil, usage varies  
50-100 lbs/acre.

To garner improved performance, add 200 lbs of fiber mulch.

### Lubricant

Add 1-2 lbs of StarTak 100 per 100 lbs of mulch fiber.

## Mixing Procedure

- 1) Fill tank with water to the bottom of the agitator.
- 2) Start the agitator and set it to the maximum RPM level.
- 3) Continue to fill the tank while slowly adding StarTak 100\*.  
\*Please Note: Rapid addition of the tackifier may cause excessive balling.
- 4) Add seed, fiber mulch and fertilizer.

Chemstar's natural tackifier products meet or exceed current California, Minnesota, Nevada, and New Hampshire Department of Transportation specifications for tackifiers. Approval is pending in several other states.

Applicant: Ames Construction, Inc.  
Name of Site: Burnham Property Borrow  
Date: April 1, 2021

## **EXHIBIT E –Maps**

Exhibit E (1) Mining Plan Map

Exhibit E (2) Reclamation Plan Map



LAND OWNER: DIEHL MJ & SONS INC  
C/O RODNEY A DIEHL  
14768 NE FRONTAGE RD  
CARR, CO  
80612-9703

OVERHEAD POWER  
OWNER: POUDRE VALLEY REA

UNDERGROUND FIBER OPTIC LINE  
OWNER: NUNN TELEPHONE COMPANY

LAND OWNER: K & A LAND INC.  
6932 COUNTY ROAD 110  
CARR, CO  
80612-8908

OVERHEAD POWER  
OWNER: POUDRE VALLEY REA

LAND OWNER: K & A LAND INC.  
6932 COUNTY ROAD 110  
CARR, CO  
80612-8908

LAND OWNER: BURNHAM ARLENE E  
6932 COUNTY ROAD 110  
CARR, CO  
80612-8908

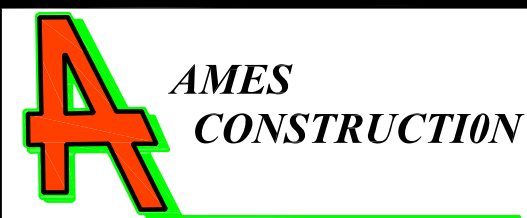
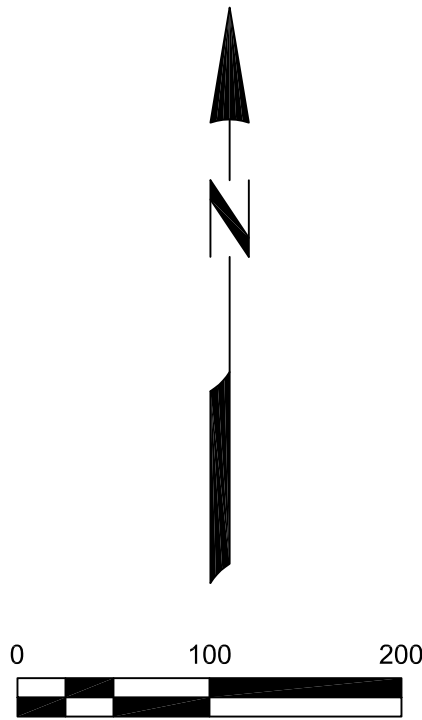
LAND OWNER: BURNHAM ARLENE E  
6932 COUNTY ROAD 110  
CARR, CO  
80612-8908

UNDERGROUND PETROLEUM LINE  
OWNER: MAGELLAN MILLSTREAM PARTNERS

NOTE 1: TOPSOIL WILL BE STRIPPED ON HALF OF THE MINING AREA IN PHASE 1 AND STOCKPILED IN LOCATION 1. ONCE PHASE 1 IS COMPLETE IT WILL BE RE-TOPSOILED. PHASE 2 WILL THEN BE STRIPPED AND STOCKPILED IN LOCATION 2.

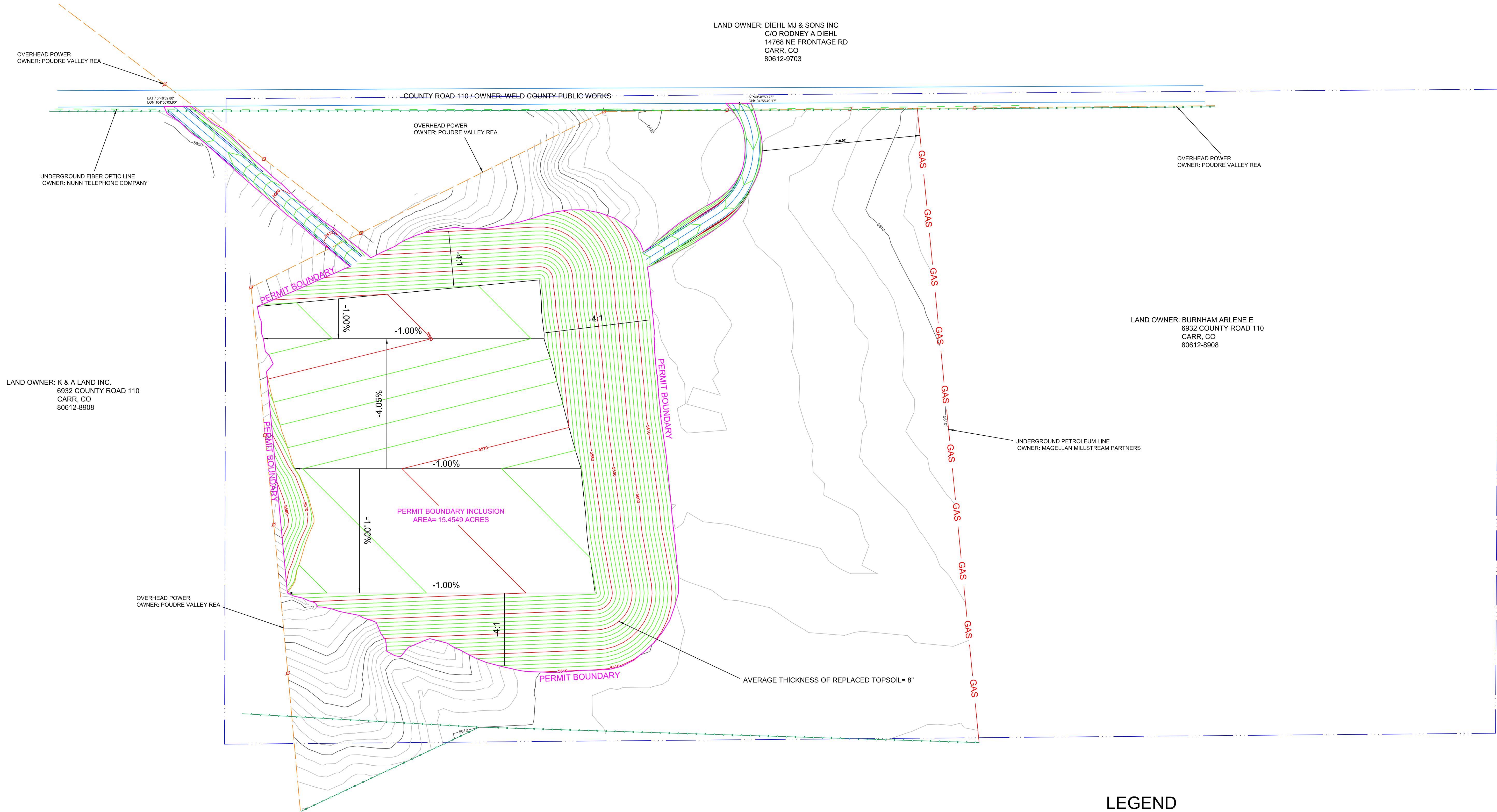
## LEGEND

- 5385— EXISTING INDEX CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED PERMIT BOUNDARY
- EDGE OF GRAVEL ROADWAY
- GAS — UNDERGROUND GAS LINE
- OVERHEAD ELECTRIC
- UNDERGROUND FIBER OPTIC
- EXISTING FENCELINE
- ⊕ POWER POLE
- PROPERTY LINE



Description: MINING PLAN MAP			
Drawing Description: EXISTING CONDITIONS			
Project: BURNHAM PROPERTY 6932 COUNTY RD 110			
Drawing Date: 03/30/2021	Drawing Scale: 1"=100'	Drawn By: BF	Checked By: SL
Prepared for: ARLENE E. BURNHAM		Drawing No. Page 1 of 2	
Sheet Revisions		Date	





LAND OWNER: K & A LAND INC.  
6932 COUNTY ROAD 110  
CARR, CO  
80612-8908

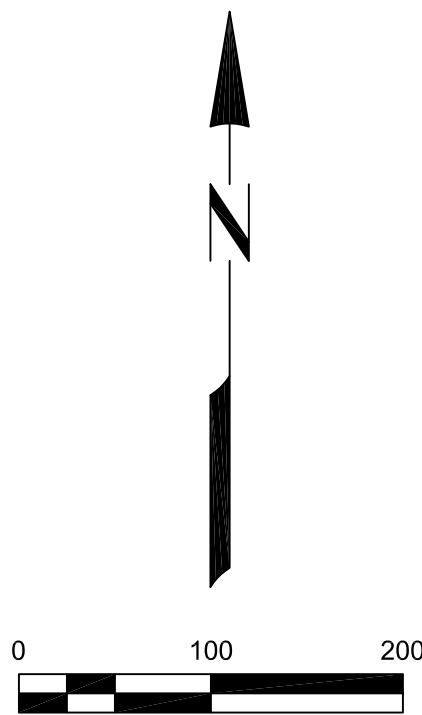
LAND OWNER: DIEHL MJ & SONS INC  
C/O RODNEY A DIEHL  
14768 NE FRONTAGE RD  
CARR, CO  
80612-9703


LAND OWNER: BURNHAM ARLENE E  
6932 COUNTY ROAD 110  
CARR, CO  
80612-8908

LAND OWNER: BURNHAM ARLENE E  
6932 COUNTY ROAD 110  
CARR, CO  
80612-8908

### LEGEND

- 5385 EXISTING INDEX CONTOUR
- EXISTING MINOR CONTOUR
- 5385 PROPOSED INDEX CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED PERMIT BOUNDARY
- EDGE OF GRAVEL ROADWAY
- GAS UNDERGROUND GAS LINE
- OVERHEAD ELECTRIC
- UNDERGROUND FIBER OPTIC
- EXISTING FENCELINE
- POWER POLE
- PROPERTY LINE



 <div>AMES CONSTRUCTION</div>		Description: <div>RECLAMATION PLAN MAP</div>			
		Drawing Description: <div>PROPOSED CONTOURS</div>			
		Project: <div>BURNHAM PROPERTY 6932 COUNTY RD 110</div>			
Sheet Revisions		Date			

Applicant: Ames Construction, Inc.  
Name of Site: Burnham Property Borrow  
Date: April 1, 2021

**EXHIBIT H - Municipalities Within a Two-mile Radius**

1. There are no municipalities within a two mile radius of the proposed borrow site.

Applicant: Ames Construction, Inc.  
Name of Site: Burnham Property Borrow  
Date: April 1, 2021

**EXHIBIT I – Proof of Filing with County Clerk**

See attached

# 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

Received

APR 01 2021

KP



### CONSTRUCTION MATERIALS

### SPECIAL (111) OPERATION

### RECLAMATION PERMIT APPLICATION FORM

The application for a Construction Materials Special 111 Operation Reclamation Permit contains four major parts: (1) the application form; (2) Exhibits A-L, Addendum 1, and any sections of Exhibit 6.5 (Geotechnical Stability Exhibit), as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.5, and 1.6.2(1)(b); (3) the application fee; (4) the Performance Warranty and if required a Financial Warranty. When you submit your application, be sure to include one (1) **completed, signed and notarized ORIGINAL** and one (1) copy of the completed application form, two (2) copies of Exhibits A-L, Addendum 1, appropriate sections of Exhibit 6.5 (Geotechnical Stability Exhibit), as required, a check for the application fee described under (4) below, and the fully executed Performance Warranty and Financial Warranty, if required. Exhibits should **NOT** be bound or in 3-ring binders; maps should be folded to 8 2" X 11" or 8 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 described below

1. **Applicant/operator or company name (name to be used on the permit):**  
Ames Construction, Inc.
- 1.1 Type of organization (corporation, partnership, etc.): Corporation
2. **Operation name (pit, mine or site name):** Burnham Property Borrow
3. **Permitted acreage:** 15.5 Permitted Acres
4. **New Application:** \$898.00 Application Fee
5. **Primary commodity(ies) to be mined:** Fill Dirt
6. **Name of owner to the surface of affected land:** Arlene Burnham
7. **Name of owner to the subsurface rights of affected land:** Arlene Burnham
8. **Type of mining operation:** ☒ Surface ☐ Underground ☐ In-situ
9. **Location information:** The **center** of the area where the majority of mining will occur:  
 COUNTY: Weld  
 PRINCIPAL MERIDIAN (check one): ☒ 6th (Colorado) ☐ 10th (New Mexico) ☐ Ute  
 SECTION (write number): S 6  
 TOWNSHIP (write number and check direction): T 9 ☒ North ☐ South  
 RANGE (write number and check direction): R 87 ☐ 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): 6.5 miles NE of Wellington, CO Approx Elevation 5600



Applicant: Ames Construction, Inc.  
Name of Site: Burnham Property Borrow  
Date: April 1, 2021

## **EXHIBIT L - Permanent Man-Made Structures**

There are three permanent man-made structures within 200 feet of the proposed mining operation. The first structure is County Road 110 that runs along the north side of the mining operation. The second is two power lines, belonging to Poudre Valley REA that run along County Road 110 and through the proposed mining pit. The final structure is a fiber optic line belonging to Nunn Telephone Company that runs in County Road 110.

Please see the attached attempts to reach a structural agreement. If a structural agreement cannot be reached in a timely fashion, Ames will get an engineering assessment stating that the proposed mine will have no negative effect on the permanent man-made structures.



**Ames Construction**

18450 E 28<sup>th</sup> Avenue  
Aurora, CO 80011  
T 303-363-1000 • F 303-363-4080

Attn: Poudre Valley REA, Inc.

To whom it may concern,

Ames Construction, Inc. has filed for a Special (111) Operation Reclamation Permit through the Colorado Division of Reclamation, Mining and Safety. This permit requires that the applicant (Ames Construction) reach out to all property owners of any permanent manmade structures that fall within 200 feet of the proposed mining site. Under this permit, the applicant is to provide compensation if any damage to the structure occurs from the mining operation.

The proposed mining site location can be found at 6932 County Road 110, Carr, CO 80612. Your property within 200 feet of the mining site is as follows:

1. Utility poles and power line running along Co Rd 110.
2. Utility poles and power line running SW through the proposed mine.
3. Utility poles and power line running south through the proposed mine.

Please find the attached proposed Structure Agreement certifying that you shall be compensated for any damage from the proposed mining operation to the above listed structures. If you do not take any exceptions, please sign, notarize, and mail back to Ames Construction 18450 E 28<sup>th</sup> Ave. Aurora, CO 80011. Once received, Ames will sign, notarize, and mail a copy back to you for your records.

Thank you,

Kirk Bergstrom

Project Manager

(720) 334 - 3680

[KirkBergstrom@Amesco.com](mailto:KirkBergstrom@Amesco.com)

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## Structure Agreement

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

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

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

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

1. Utility poles (as shown on the attached map) \_\_\_\_\_
2. Overhead electric lines (as shown on the attached map) \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

### CERTIFICATION

The Applicant, Ames Construction, Inc. (print applicant/company name),  
by Trent Irick (print representative's name), as Regional Vice President (print  
representative's title), does hereby certify that Poudre Valley REA (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for Burnham Property Borrow (operation name),  
File Number M- 2021 - 019.

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

### NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant AMES CONSTRUCTION, INC Representative Name Trent R. Irick

Date 4/1/2021 Title Regional Vice President

STATE OF COLORADO )  
 ) ss.

COUNTY OF ADAMS )

The foregoing was acknowledged before me this 1<sup>st</sup> day of April, 2021, by  
Trent R Irick as Regional Vice President of Ames Construction, Inc.

Catherine Ann Harrison My Commission Expires: 8/21/2021  
Notary Public

CATHERINE ANN HARRISON  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19974014716  
My Commission Expires August 21, 2021

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner John Bowerfind Name John Bowerfind

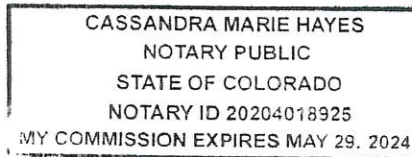
Date 3/30/2021 Title Vice President/COO

STATE OF Colorado )  
 ) ss.

COUNTY OF LARIMER )

The foregoing was acknowledged before me this 30 day of MARCH, 2021, by  
John Bowerfind as VP/COO of Poudre Valley Rural Electric Assoc., Inc.

Cassandra Hayes My Commission Expires: 05/29/2024  
Notary Public







**Ames Construction**

18450 E 28<sup>th</sup> Avenue  
Aurora, CO 80011  
T 303-363-1000 • F 303-363-4080

Attn: Nunn Telephone Company

To whom it may concern,

Ames Construction, Inc. has filed for a Special (111) Operation Reclamation Permit through the Colorado Division of Reclamation, Mining and Safety. This permit requires that the applicant (Ames Construction) reach out to all property owners of any permanent manmade structures that fall within 200 feet of the proposed mining site. Under this permit, the applicant is to provide compensation if any damage to the structure occurs from the mining operation.

The proposed mining site location can be found at 6932 County Road 110, Carr, CO 80612. Your property within 200 feet of the mining site is as follows:

1. Fiber optic line running in County Road 110

Please find the attached proposed Structure Agreement certifying that you shall be compensated for any damage from the proposed mining operation to the above listed structures. If you do not take any exceptions, please sign, notarize, and mail back to Ames Construction 18450 E 28<sup>th</sup> Ave. Aurora, CO 80011. Once received, Ames will sign, notarize, and mail a copy back to you for your records.

Thank you,

Kirk Bergstrom  
Project Manager

(720) 334 - 3680

[KirkBergstrom@Amesco.com](mailto:KirkBergstrom@Amesco.com)

An Equal Opportunity Employer

Burnsville MN • Scottsdale AZ • Corona CA • Aurora CO • West Valley City UT • Carlin NV



## Structure Agreement

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

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

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

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

Fiber optic line running in County Road 110

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

**CERTIFICATION**

The Applicant, Ames Construction, Inc. (print applicant/company name),  
by Trent Irick (print representative's name), as Regional Vice President (print  
representative's title), does hereby certify that Nunn Telephone Company (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for Burnham Property Borrow (operation name),  
File Number M- 2019 - 019.

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

**NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

Applicant \_\_\_\_\_ Representative Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_



**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



TRACK ANOTHER SHIPMENT

773310312131

[ADD NICKNAME](#)

Delivered  
Wednesday, March 31, 2021 at 4:25 pm

**DELIVERED**

Signature not required

[GET STATUS UPDATES](#)[OBTAIN PROOF OF DELIVERY](#)**FROM**

Aurora, CO US

**TO**

NUNN, CO US

## Travel History

**TIME ZONE**

Local Scan Time



Wednesday, March 31, 2021

4:25 PM	NUNN, CO	Delivered Package delivered to recipient address - release authorized
8:54 AM	FORT COLLINS, CO	On FedEx vehicle for delivery
7:55 AM	FORT COLLINS, CO	At local FedEx facility

Tuesday, March 30, 2021

11:22 PM	DENVER, CO	At local FedEx facility
8:20 PM	DENVER, CO	At destination sort facility
8:00 PM	DENVER, CO	Left FedEx origin facility
3:52 PM	DENVER, CO	Picked up
4:18 PM		Shipment information sent to FedEx

## Shipment Facts

**TRACKING NUMBER**

773310312131

**SERVICE**

FedEx Priority Overnight

**WEIGHT**

0.5 lbs / 0.23 kgs

**DELIVERED TO****TOTAL PIECES****TOTAL SHIPMENT WEIGHT**<https://www.fedex.com/fedextrack/?trknbr=773310312131&trkqual=2459304000~773310312131~FX>

4/1/2021

Detailed Tracking

Residence

1

0.5 lbs / 0.23 kgs

TERMS

PACKAGING

SPECIAL HANDLING SECTION

Shipper

FedEx Envelope

Deliver Weekday, Residential Delivery

SHIP DATE

STANDARD TRANSIT

ACTUAL DELIVERY

3/30/21 ⓘ

3/31/21 by 4:30 pm ⓘ

3/31/21 at 4:25 pm



## MEMORANDUM

**TO:** Ames Construction, Inc.  
18485 E 28<sup>th</sup> Ave.  
Aurora, CO 80011  
Attn: Kirk Bergstrom

**FROM:** Micah Leadford

**DATE:** March 31, 2021

**SUBJECT:** Burnham Property Borrow Pit  
Ames Project #210603 – Lemay Realignment over BNSF and Vine Drive  
Nunn Telephone Company- Fiber Optic

---

Dear Mr. Bergstrom:

In accordance with the State of Colorado, Division of Reclamation, Mining, and Safety Reclamation Permit Application Package, any structure within 200 feet of a proposed mine site shall either have a Structural Agreement between the structure owner and the applicant, or an appropriate engineering evaluation that demonstrates the structure shall not be damaged by activities occurring at the mine site.

The fiber optic line belonging to Nunn Telephone is within 200 feet of the planned limits of the borrow site. I have reviewed the proposed boundary limits within the application, the scope of work planned at the proposed mine site, and the permanent man-made structures. Based on your proposed mining method of mechanical excavation (blasting operations are not planned), planned mining depths, as-excavated and final slope ratio (4:1, H:V) and the horizontal separation from the mining limits to the structures, in my opinion the scope of work at the planned mine will have no adverse effect on nor would it damage the structure.

If you have any questions or would like additional information regarding this memorandum, please do not hesitate to contact me at 303-967-0353.

Sincerely,

Micah Leadford

Micah Leadford, PE  
Horrocks Project Manager

Digitally signed by Micah Leadford  
DN: cn=US,  
e=micah.leadford@horrocks.com,  
o=Horrocks Engineers, CN=Micah  
Leadford  
Reason: I am approving this document  
Date: 2021.03.31 15:37:20 -06'00'



**Ames Construction**

18450 E 28<sup>th</sup> Avenue  
Aurora, CO 80011  
T 303-363-1000 • F 303-363-4080

Attn: Weld County Public Works

To whom it may concern,

Ames Construction, Inc. has filed for a Special (111) Operation Reclamation Permit through the Colorado Division of Reclamation, Mining and Safety. This permit requires that the applicant (Ames Construction) reach out to all property owners of any permanent manmade structures that fall within 200 feet of the proposed mining site. Under this permit, the applicant is to provide compensation if any damage to the structure occurs from the mining operation.

The proposed mining site location can be found at 6932 County Road 110, Carr, CO 80612. Your property within 200 feet of the mining site is as follows:

1. County Road 110 (within 200 feet of the proposed mine).

Please find the attached proposed Structure Agreement certifying that you shall be compensated for any damage from the proposed mining operation to the above listed structures. If you do not take any exceptions, please sign, notarize, and mail back to Ames Construction 18450 E 28<sup>th</sup> Ave. Aurora, CO 80011. Once received, Ames will sign, notarize, and mail a copy back to you for your records.

Thank you,

Kirk Bergstrom  
Project Manager  
(720) 334 - 3680

[KirkBergstrom@Amesco.com](mailto:KirkBergstrom@Amesco.com)



## **Structure Agreement**

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

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

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

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

- 1. County Road 110 (within 200 feet of the proposed borrow pit)
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

## CERTIFICATION

The Applicant, Ames Construction, Inc. (print applicant/company name),  
by Trent Irick (print representative's name), as Senior Vice President (print  
representative's title), does hereby certify that Weld County Public Works (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for Burnham Property Borrow (operation name),  
File Number M-\_\_\_\_-\_\_\_\_.

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

## NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant	Representative Name
-----------	---------------------

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Notary Public \_\_\_\_\_

## NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner \_\_\_\_\_ Name \_\_\_\_\_

Date	Title
------	-------

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_





TRACK ANOTHER SHIPMENT

773196471887

[ADD NICKNAME](#)

Delivered  
Friday, March 19, 2021 at 9:24 am

**DELIVERED**

Signed for by: M.MEZA

[GET STATUS UPDATES](#)[OBTAIN PROOF OF DELIVERY](#)**FROM**

Aurora, CO US

**TO**

GREELEY, CO US

## Travel History

**TIME ZONE**

Local Scan Time



Friday, March 19, 2021

9:24 AM	GREELEY, CO	Delivered
9:15 AM	GREELEY, CO	On FedEx vehicle for delivery
7:27 AM	GREELEY, CO	At local FedEx facility

Thursday, March 18, 2021

10:11 PM	DENVER, CO	At local FedEx facility
8:22 PM	DENVER, CO	At destination sort facility
8:00 PM	DENVER, CO	Left FedEx origin facility
4:01 PM	DENVER, CO	Picked up
9:37 AM		Shipment information sent to FedEx

## Shipment Facts

**TRACKING NUMBER**

773196471887

**SERVICE**

FedEx Priority Overnight

**WEIGHT**

0.5 lbs / 0.23 kgs

**DELIVERED TO****TOTAL PIECES****TOTAL SHIPMENT WEIGHT**

4/1/2021

Detailed Tracking

Receptionist/Front Desk

1

0.5 lbs / 0.23 kgs

**TERMS**

Shipper

**PACKAGING**

FedEx Envelope

**SPECIAL HANDLING SECTION**

Deliver Weekday

**SHIP DATE**

3/18/21 ⓘ

**STANDARD TRANSIT**

3/19/21 by 10:30 am ⓘ

**ACTUAL DELIVERY**

3/19/21 at 9:24 am



## MEMORANDUM

**TO:** Ames Construction, Inc.  
18485 E 28<sup>th</sup> Ave.  
Aurora, CO 80011  
Attn: Kirk Bergstrom

**FROM:** Micah Leadford

**DATE:** March 31, 2021

**SUBJECT:** Burnham Property Borrow Pit  
Ames Project #210603 – Lemay Realignment over BNSF and Vine Drive  
Weld County Road 110

---

Dear Mr. Bergstrom:

In accordance with the State of Colorado, Division of Reclamation, Mining, and Safety Reclamation Permit Application Package, any structure within 200 feet of a proposed mine site shall either have a Structural Agreement between the structure owner and the applicant, or an appropriate engineering evaluation that demonstrates the structure shall not be damaged by activities occurring at the mine site.

Weld County Road 110 belonging to Weld County Public Works is within 200 feet of the planned limits of the borrow site. I have reviewed the proposed boundary limits within the application, the scope of work planned at the proposed mine site, and the permanent man-made structures. Based on your proposed mining method of mechanical excavation (blasting operations are not planned), planned mining depths, as-excavated and final slope ratio (4:1, H:V) and the horizontal separation from the mining limits to the structures, in my opinion the scope of work at the planned mine will have no adverse effect on nor would it damage the structure.

If you have any questions or would like additional information regarding this memorandum, please do not hesitate to contact me at 303-967-0353.

Sincerely,

Micah Leadford

Micah Leadford, PE  
Horrocks Project Manager

Digitally signed by Micah Leadford  
DN: c=US,  
e=micah.leadford@horrocks.com,  
o=Horrocks Engineers, CN=Micah  
Leadford  
Reason: I am approving this document  
Date: 2021.03.31 15:40:11 -0600