



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

April 2, 2021

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

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

Dear Mr. Bergstrom,

On April 2, 2021, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4 the 15-day decision date for the application was set for April 17, 2021. The following items will need to be addressed to the Division's satisfaction prior to the decision date. If you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division may deny this application. Subsequent to receipt and review of the Applicant's response to these items the Division may identify additional adequacy items. Please respond to this Preliminary Adequacy Review with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-2021-019".

EXHIBIT D – Reclamation Plan (Rule 6.3.4):

1. The Applicant stated in the response to incompleteness that topsoil from outside the proposed permit boundary will be brought onsite and used for reclamation. Please clarify that the topsoil brought onsite will be in addition the 8-inches of topsoil that will be spread once mining is complete.
2. Topsoil being brought into the permit boundary meets the definition of inert fill pursuant to Rule 1.1(22). In accordance with Rule 3.1.5(9) please complete a signed affidavit certifying that the material is clean and inert. A template affidavit has been attached to this letter for your convenience.

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.
3. It is the understanding of the Division that the Applicant is in the process of trying to obtain structure agreements with Nunn Telephone Company (fiber optic line) and Weld County for CR 110. If agreements cannot be obtained the Applicant has supplied an engineering opinion that the structures will not be damaged by mining activities. The Division requires a demonstration that the structures shall not be damaged by mining activities.

Other:

4. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review.

The decision date of this application is April 17, 2021. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

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

Attachment 1 Affidavit to Import Inert Fill Material

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

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

Attachment 1



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

Rule 1.1(22) "Inert Material" means non-water-soluble and non-putrescible solids together with such minor amounts and types of other materials, unless such materials are acid or toxic producing, as will not significantly affect the inert nature of such solids. The term includes, but is not limited to, earth, sand, gravel, rock, concrete which has been in a hardened state for at least sixty days, masonry, asphalt paving fragments, and other inert solids.

**Rebar or other protruding reinforcements must be removed prior to placement. All material must be buried to a minimum of 3 feet below final surface grade.

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1. General Description of material to be imported: _____

 2. Approximate volume of inert material to be backfilled: _____
 3. Estimated dates of commencement: _____ and completion: _____
 4. Use/purpose of imported material: _____

 5. A general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids. _____

Enclosed is a map showing the proposed location of the inert material.

3.1.5(9)(c) - Affidavit

I _____ of _____ hereby
certify that only clean and inert material will be imported at
_____. All material will adhere to the Division's definition of Inert
Material as defined in Rule 1.1(22).

Signature: _____

Date: _____