



April 6, 2021

Trent Irick  
Ames Construction, Inc.  
18450 E 28th Ave  
Aurora, CO 80011

**Re: Hofacker Property Borrow, Permit M-2021-013;  
Second Adequacy Review**

Dear Mr. Irick,

The Division of Reclamation, Mining and Safety (DRMS) has reviewed your responses to our March 3, 2021 preliminary adequacy review of your Special 111 Construction Materials Reclamation Permit Application package for the Hofacker Property Borrow, File No. M-2021-013. The decision date for this application has been extended to April 9, 2021. **Please be advised that 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 will deny this application.**

The following provides the status of the comments provided in our Preliminary Adequacy Review.

### **APPLICATION**

1. P. iii, Performance and Financial Warranties. Responses for b) and c) were not adequate.
  - a) The DRMS received the Financial Warranty with original signatures – no additional response required,
  - b) The Performance Warranty received is a copy. Please provide the version with original signatures,
  - c) A signed Affidavit of Authority to Execute Financial Warranty Documents with original signatures has not been received. Please provide this document.
2. P. 1, Item 9 Location Information. The response was adequate.
3. P. 6, Corporate Secretary Signature. The response was adequate.



### **6.3.1 EXHIBIT A – Legal Description and Location Map**

4. Entrance Location. The response was adequate.
5. Adjacent Property Owners. The response was adequate.

### **6.3.2 EXHIBIT B – Site Description**

6. Permanent man-made structures. The response is not adequate. Additional clarification is required. As stated in the March 1<sup>st</sup> preliminary adequacy review letter, all of the structures listed in Exhibit B, must be identified on the Exhibit E map and an attempt to obtain structure damage compensation agreements must be demonstrated. The following structures in Exhibit B are not shown explicitly on Exhibit E or structures shown on Exhibit E are not listed in in Exhibit B:
  - a) Eugene Hofacker's garage (there are four garages labeled on Exhibit E. If there are no other distinctions, please list on Exhibit E and in Exhibit B as Garage A, B, etc.).
  - b) Eugene Hofacker's shed (there is no shed labeled on Exhibit E).
  - c) White hogshed belonging to the property of 12021 N. County Rd 5J (there is no hogshed labeled on Exhibit E).
  - d) Barbed wire fence belonging to property of 12021 N. County Rd 5J (only inferred by comparing line work with the drawing legend – it must be explicitly labeled).
  - e) Centurylink underground Fiber Optic line (not labeled on Exhibit E).
  - f) Underground waterline belonging to Northern Colorado Water Association (not labeled on Exhibit E).
  - g) 1-2S Northbound Roadway belonging to CDOT Region 4 (not shown on Exhibit E).
  - h) 1-25 Median and west ditch belonging to CDOT Region 4 (not shown on Exhibit E).
  - i) 1-25 CDOT Fiber Optic line belonging to CDOT (not shown on Exhibit E).

### **6.3.3 EXHIBIT C – Mining Plan**

7. Dimensions of land disturbance. The response was adequate.
8. Haul road dimensions. The response was adequate.
9. Surface water disturbance. The response was adequate.

### **6.3.4 EXHIBIT D – Reclamation Plan**

10. Site revegetation. The response was adequate. The DRMS noted the grass species presented in the Buffalo Brand Dryland Pasture Mix seed rate table (Lot# G-210031) differed slightly from the 2020 “Pasture Mix” provided originally. We used the Lot# G-210031 seed rates for our reclamation cost estimate.
11. Cost Estimate. The response was adequate. Based on your responses, the DRMS developed the reclamation cost estimate presented in **Attachment A**. Please review this estimate. The amount of financial warranty set by the DRMS for this operation is \$47,729.00. You submitted \$22,500.00 with the 111 Permit Application. An additional \$25,229.00 financial warranty must be submitted in order for us to issue a permit. The additional financial warranty may be submitted as a rider to that already submitted, or you may select an alternate type of financial warranty from Rule 4.3. Then contact us so that we can provide you with the appropriate warranty form.
12. CDI quote. The response was adequate.
13. Dryland Pasture Mix. The response was adequate.

### **6.3.5 EXHIBIT E – Map**

14. Map requirements. The response was adequate.
15. Map information. Exhibit E maps must include the following:
- a) A labeled permit boundary... The response was adequate.
  - b) Label the names ... The response was adequate.
  - c) Outline and label all major surface features ... The response is not adequate. Additional information is required. The mining and reclamation plans state approximately 6 inches of topsoil will be salvaged. Please indicate on Exhibit E where the salvaged topsoil will be stockpiled.
  - d) Indicate the direction ... The response was not adequate. Neither map in Exhibit E indicates the direction of mining. Please indicate the direction construction material extraction will proceed on at least one of the two drawings.
  - e) The permit boundary ... The response was adequate.

### **6.3.6 EXHIBIT F – Other Permits and Licenses**

16. Larimer County Permit. The response was adequate.

### **6.3.11 EXHIBIT K – Terms of Governmental Contract**

17. Government Contract. No response was required.

### **6.3.11 EXHIBIT L – Permanent Man-made Structures**

18. Permanent Man-Made Structures. The response is not adequate. Additional information is required:
- i. Hofacker Structures: There are discrepancies between the number and type of structures owned by Eugene Hofacker. Exhibits B and L list three structures: one house, one shed, and one garage. However, Exhibit E shows five structures: one house and four garages. The number and type of structures need to be consistent across all three exhibits.
  - ii. North Poudre Irrigation Ditch: The ditch itself (not just the box culvert) is considered a structure, but the damage compensation agreement and provided engineering analysis only mentions the box culvert. The irrigation ditch must also be addressed in a similar way.
  - iii. Underground Waterline: The response included a note that a structure damage compensation agreement has been reached, but that it was awaiting Ames' vice president signature. Please provide a fully signed copy of this agreement.
  - iv. Poudre Valley REA Structures: The response included a note that a structure damage compensation agreement has been reached and also included poles and utility lines on the southeast side of the pit, but that Ames was awaiting a signed version from Poudre Valley REA. Please provide a fully signed copy of this agreement.

Please be advised the Hofacker Property Borrow 111 Application may be deemed inadequate and the application may be denied on **April 9, 2021** unless the abovementioned adequacy review items are addressed to the satisfaction of the DRMS. If you feel more time is needed to complete your

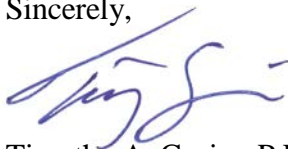
Mr. Trent Irick  
April 6, 2021

Page 4

reply, the DRMS can grant an extension to the decision date. This must be received no later than the current decision date.

If you have any questions, please contact me at (303) 328-5229 [cell].

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Cazier", with a stylized flourish at the end.

Timothy A. Cazier, P.E.  
Environmental Protection Specialist

Enclosure: Draft Reclamation Cost Estimate

ec: Sara Stevenson-Benn, DRMS  
DRMS file  
Kirk Bergstrom, Ames Construction

**ATTACHMENT A**  
**COST SUMMARY WORK**

Task description: Cost Summary

Site: Hofacker Property Borrow

Permit Action: New Permit

Permit/Job#: M2021013

**PROJECT IDENTIFICATION**

Task #: 000

State: Colorado

Abbreviation: None

Date: 3/11/2021

County: Larimer

Filename: M013-000

User: TC1

Agency or organization name: DRMS

**TASK LIST (DIRECT COSTS)**

Task	Description	Form Used	Fleet Size	Task Hours	Cost
001	Place 8" topsoil over 8.7 acres	SCRAPER1	1	28.87	\$15,276
002	Reveg 8.7 acres	REVEGE	1	20.00	\$18,622
003	Mob/Demob Equipment	MOBILIZE	1	3.90	\$3,117
<b><u>SUBTOTALS:</u></b>				<b>52.77</b>	<b>\$37,015</b>

**INDIRECT COSTS**

**OVERHEAD AND PROFIT:**

Liability insurance: 2.02  
Performance bond: 1.05  
Job superintendent: 26.38  
Profit: 10.00

Total = \$748  
Total = \$389  
Total = \$1,835  
Total = \$3,702

TOTAL O & P = \$6,673

CONTRACT AMOUNT (direct + O & P) = \$43,688

**LEGAL - ENGINEERING - PROJECT MANAGEMENT:**

Financial warranty processing (legal/related costs): \$0  
Engineering work and/or contract/bid preparation: 4.25  
Reclamation management and/or administration: 5.00

Total = \$0  
Total = \$1,857  
Total = \$2,184

CONTINGENCY: 0.00

Total = \$0

TOTAL INDIRECT COST = \$10,714

**TOTAL BOND AMOUNT (direct + indirect) = \$47,729**

**SCRAPER TEAM WORK**Task description: Place 8" topsoil over 8.7 acresSite: Hofacker Property BorrowPermit Action: New PermitPermit/Job#: M2021013**PROJECT IDENTIFICATION**Task #: 001State: ColoradoAbbreviation: NoneDate: 3/11/2021County: LarimerFilename: M013-001User: TC1Agency or organization name: DRMS**HOURLY EQUIPMENT**COSTShift basis: 1 per day

Equipment Description	
-Scraper:	Cat 623G
-Dozer:	NA
Support Equipment -Load Area:	NA
-Dump Area:	Cat D6T XL
Road Maintenance -Motor Grader:	NA
-Water Truck:	NA

**Cost Breakdown:**

	Scraper Work Team		Support Equipment		Maintenance Equipment	
	Scraper	Dozer	Load Area	Dump Area	Motor Grader	Water Truck
%Utilization-machine:	100	NA	NA	100	NA	NA
Ownership cost/hour:	\$168.20	NA	NA	\$68.78	NA	NA
Operating cost/hour:	\$137.66	NA	NA	\$58.85	NA	NA
%Utilization-ripper:	NA	NA	NA	100	NA	NA
Ripper own. cost/hour:	NA	NA	NA	\$4.86	NA	NA
Ripper op. cost/hour:	NA	NA	NA	\$3.70	NA	NA
Operator cost/hour:	\$47.07	NA	NA	\$40.04	NA	NA
Unit Subtotals:	\$352.92	NA	NA	\$176.22	NA	NA
Number of Units:	1	0	0	1	0	0
Group Subtotals:	Work: \$352.92		Support: \$176.22		Maint: \$0.00	

Total work team cost/hour: **\$529.14****MATERIAL QUANTITIES**Initial volume: 9,360

CCY

Swell factor: 1.230Loose volume: **11,513**

LCY

Source of estimated volume: 8 inches over 8.7 acresSource of estimated swell factor: Cat Handbook**HOURLY PRODUCTION****Scraper Bowl (volume) Basis:**

Material weight:	<u>2,100 lbs/LCY</u>	Struck Volume:	<u>18.00</u>	LCY
Material description:	<u>Earth - Loam</u>	Heaped Volume:	<u>23.00</u>	LCY
Rated Payload:	<u>55,200 pounds</u>	Average Volume:	<u>20.50</u>	LCY
Payload Capacity:	<u>26.29 LCY</u>	Adjusted Capacity:	<b><u>20.50</u></b>	LCY

Cycle Time:

Scraper Loading Time: 0.90 Minutes  
 Maneuver and Spread Time: 0.70 Minutes

Job Condition Correction:

Site Altitude: 5375 feet

	Scraper	Push Dozer	Source
Altitude Adj:	1.000	1.000	(CAT HB)
Job Efficiency:	0.830	0.830	(CAT HB)
Net Correction:	0.830	0.830	

Travel Time:Road Condition: Rutted dirt, little maintenance, no water, 2" tire penetration 5.0Haul Route:

Seg #	Haul Distance (Ft)	Grade (%)	Roll. Res (%)	Total Res (%)	Velocity (fpm)	Travel Time (min)
1	500.00	2.00	5.00	7.00	944	0.57

Haul Time: 0.57 minutesReturn Route:

Seg #	Haul Distance (Ft)	Grade (%)	Roll. Res (%)	Total Res (%)	Velocity (fpm)	Travel Time (min)
1	500.00	-2.00	5.00	3.00	2666	0.39

Return Time: 0.39 minutesTotal Scraper team cycle time: 2.56 minutesAdjusted for job conditions: 398.79 LCY/HourSelected Number of Scrapers: 1 Scraper(s)Adjusted single scraper team (unit) hourly production: 398.79 LCY/HourAdjusted multiple scraper team (fleet) hourly production: 398.79 LCY/HourUnadjusted unit production/hour: 480.47 LCY/Hour

Optimal Number of Scrapers per push dozer: \_\_\_\_\_

JOB TIME AND COSTFleet size: 1 Team(s)Total job time: 28.87 HoursUnit cost: \$1.327 /LCYTotal job cost: \$15,276

**REVEGETATION WORK**Task description: Reveg 8.7 acresSite: Hofacker Property BorrowPermit Action: New PermitPermit/Job#: M2021013**PROJECT IDENTIFICATION**Task #: 002  
Date: 3/11/2021  
User: TC1State: Colorado  
County: LarimerAbbreviation: None  
Filename: M013-002Agency or organization name: DRMS**FERTILIZING****Materials**

Description	Units / Acre	Unit	Cost / Unit	Cost /Acre
			\$	\$
			<b>Total Fertilizer Materials Cost/Acre</b>	<b>\$0.00</b>

**Application**

Description	Cost /Acre
	\$
<b>Total Fertilizer Application Cost/Acre</b>	<b>\$0.00</b>

**TILLING**

Description	Cost /Acre
	\$
<b>Total Tilling Cost/Acre</b>	<b>\$0.00</b>

**SEEDING**

Seed Mix	Rate – PLS LBS / Acre	Seeds per SQ. FT	Cost /Acre
Meadow Brome - Paddock	2.38	2.19	\$9.46
Orchardgrass - Paiute	3.48	43.14	\$14.18
Ryegrass, Perennial - Belramo	4.72	26.76	\$8.50
Intermediate Wheatgrass - Rush	3.49	7.45	\$9.77
Siberian Wheatgrass	4.62	11.67	\$26.45
Dahurian Wildrye	4.50	18.08	\$18.18
<b>Totals Seed Mix</b>	<b>23.19</b>	<b>109.29</b>	<b>\$86.54</b>



**Application**

Description	Cost /Acre
Drill Seeding (DRMS Survey Cost)	\$232.00
<b>Total Seed Application Cost/Acre</b>	<b>\$232.00</b>

**MULCHING and MISCELLANEOUS****Materials**

Description	Units / Acre	Unit	Cost / Unit	Cost /Acre
Straw, delivered {MEANS 31 25 14.16 1200}	2.00	TON	\$301.00	\$602.00
Tackifier, <10 acres {Materials Only}	2.00	ACRE	\$527.08	\$1,054.16
<b>Total Mulch Materials Cost/Acre</b>				<b>\$1,656.16</b>

**Application**

Description	Cost /Acre
Crimping, with tractor {DMG survey data}	\$70.17
<b>Total Mulch Application Cost/Acre</b>	<b>\$70.17</b>

**NURSERY STOCK PLANTING**

Common Name	No / Acre	Type and Size	Planting Cost	Fertilizer Pellet Cost	Cost /Acre
					\$
<b>Totals Nursery Stock Cost / Acre</b>					<b>\$0.00</b>

**JOB TIME AND COST**

No. of Acres: 8.7                      Cost /Acre: \$2,044.87  
 Estimated Failure Rate: 30%                      Cost /Acre\*: \$318.54  
 \*Selected Replanting Work Items: SEEDING

Initial Job Cost: **\$17,790.37**  
 Reseeding Job Cost: **\$831.39**  
 Total Job Cost: **\$18,622**  
 Job Hours: **20.00**

**EQUIPMENT MOBILIZATION/DEMOBILIZATION**Task description: **Mob/Demob Equipment**Site: **Hofacker Property Borrow**Permit Action: New PermitPermit/Job#: M2021013**PROJECT IDENTIFICATION**Task #: 003State: ColoradoAbbreviation: NoneDate: 3/11/2021County: LarimerFilename: M013-003User: TC1Agency or organization name: DRMS**EQUIPMENT TRANSPORT RIG COST**Shift basis: 1 per dayCost Data Source: CRG DataTruck Tractor Description: GENERIC ON-HIGHWAY TRUCK TRACTOR, 6X4, DIESEL POWERED,  
400 HP (2ND HALF, 2006)Truck Trailer Description: GENERIC FOLDING GOOSENECK, DROP DECK EQUIPMENT  
TRAILER (25T, 50T, AND 100T)**Cost Breakdown:**

<b>Available Rig Capacities</b>	<b>0-25 Tons</b>	<b>26-50 Tons</b>	<b>51+ Tons</b>
Ownership Cost/Hour:	\$17.20	\$29.63	\$38.69
Operating Cost/Hour:	\$26.56	\$47.02	\$55.69
Operator Cost/Hour:	\$23.63	\$23.63	\$23.63
Helper Cost/Hour:	\$0.00	\$23.53	\$23.53
Total Unit Cost/Hour:	\$67.39	\$123.81	\$141.54

**NON ROADABLE EQUIPMENT:**

Machine Description	Weight/ Unit (TONS)	Owner ship Cost/hr/ unit	Haul Rig Cost/hr/unit	Fleet Size	Haul Trip Cost/hr/ fleet	Return Trip Cost/hr/ fleet	DOT Permit Cost/ fleet
Cat 623G	41.35	\$168.20	\$123.81	1	\$292.01	\$123.81	\$250.00
Cat D6T XL	25.01	\$73.64	\$67.39	1	\$141.03	\$67.39	\$250.00
Drill/Broadcast Seeder with Tractor	25.00	\$6.72	\$67.39	1	\$74.11	\$67.39	\$250.00

Subtotals: **\$507.15** **\$258.59** **\$750.00****ROADABLE EQUIPMENT:**

Machine Description	Total Cost/hr/ unit	Fleet Size	Haul Trip Cost/hr/ fleet	Return Trip Cost/hr/ fleet
---------------------	------------------------	------------	-----------------------------	-------------------------------

Subtotals: **\$0.00** **\$0.00**

**EQUIPMENT HAUL DISTANCE and Time**

Nearest Major City or Town within project area region:	<u>FT COLLINS</u>	
Total one-way travel distance:	<u>29.00</u>	miles
Average Travel Speed:	<u>40.00</u>	mph

Total Non-Roadable Mob/Demob Cost *	<u>\$3,117.47</u>
** two round trips with haul rig:	
Total Roadable Mob/Demob Cost **	<u>\$0.00</u>
** one round trip, no haul rig:	

**Transportation Cycle Time:**

	Non-Roadable Equipment	Roadable Equipment
Haul Time (Hours):	<u>0.73</u>	<u>0.73</u>
Return Time (Hours):	<u>0.73</u>	<u>0.73</u>
Loading Time (Hours):	<u>0.25</u>	<u>NA</u>
Unloading Time (Hours):	<u>0.25</u>	<u>NA</u>
Subtotals:	<u>1.95</u>	<u>1.45</u>

**JOB TIME AND COST**

Total job time:	<u>3.90</u>	Hours
-----------------	-------------	-------

Total job cost:	<u>\$3,117</u>
-----------------	----------------