



**Ames Construction**

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

May 12, 2021

Attn: Patrick Lennberg

**Re: Incompleteness Review Response; M-2021-031**

Dear Mr. Lennberg,

Please see Ames's responses to the incompleteness review letter dated May 12, 2021:

1. Exhibit B: Update the acreage to be consistent with the application acreage of 16 acres.
  - a. Ames has revised Exhibit B to reflect the correct new acreage of 16 acres.
2. Exhibit C: Update the acreage to be consistent with the application acreage of 16 acres.
  - a. Ames has revised Exhibit C to reflect the correct new acreage of 16 acres.
3. Exhibit D: Please indicate the rate that straw mulch will be applied.
  - a. Ames has revised Exhibit D to include the rate that straw mulch will be applied. The rate that mulch will be applied is two tons of mulch per acre.
4. 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 Wednesday May 12, 2021.
5. Exhibit J: Provide proof that notice of the new permit application was sent to the Board of County Commissioners and the local Conservation District.
  - a. Ames mailed out notice to the Weld County Commissioners, 1150 O Street, Greeley, CO 80632 on Wednesday May 12, 2021 and the FedEx tracking number for this transmittal is 773702417426.
  - b. Ames mailed out notice to the West Greeley Conservation District, 4302 9<sup>th</sup> Street, Greeley, CO 80634 on Wednesday May 12, 2021 and the FedEx tracking number for this transmittal is 773702483611.

Thank you,

Kirk Bergstrom  
Project Manager

An Equal Opportunity Employer  
Burnsville MN • Scottsdale AZ • Corona CA • Aurora CO • West Valley City UT • Carlin NV



Applicant: Ames Construction, Inc.  
Name of Site: Burnham Property Borrow  
Date: May 12, 2021

## **EXHIBIT B – Site Description**

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

The 16.0 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

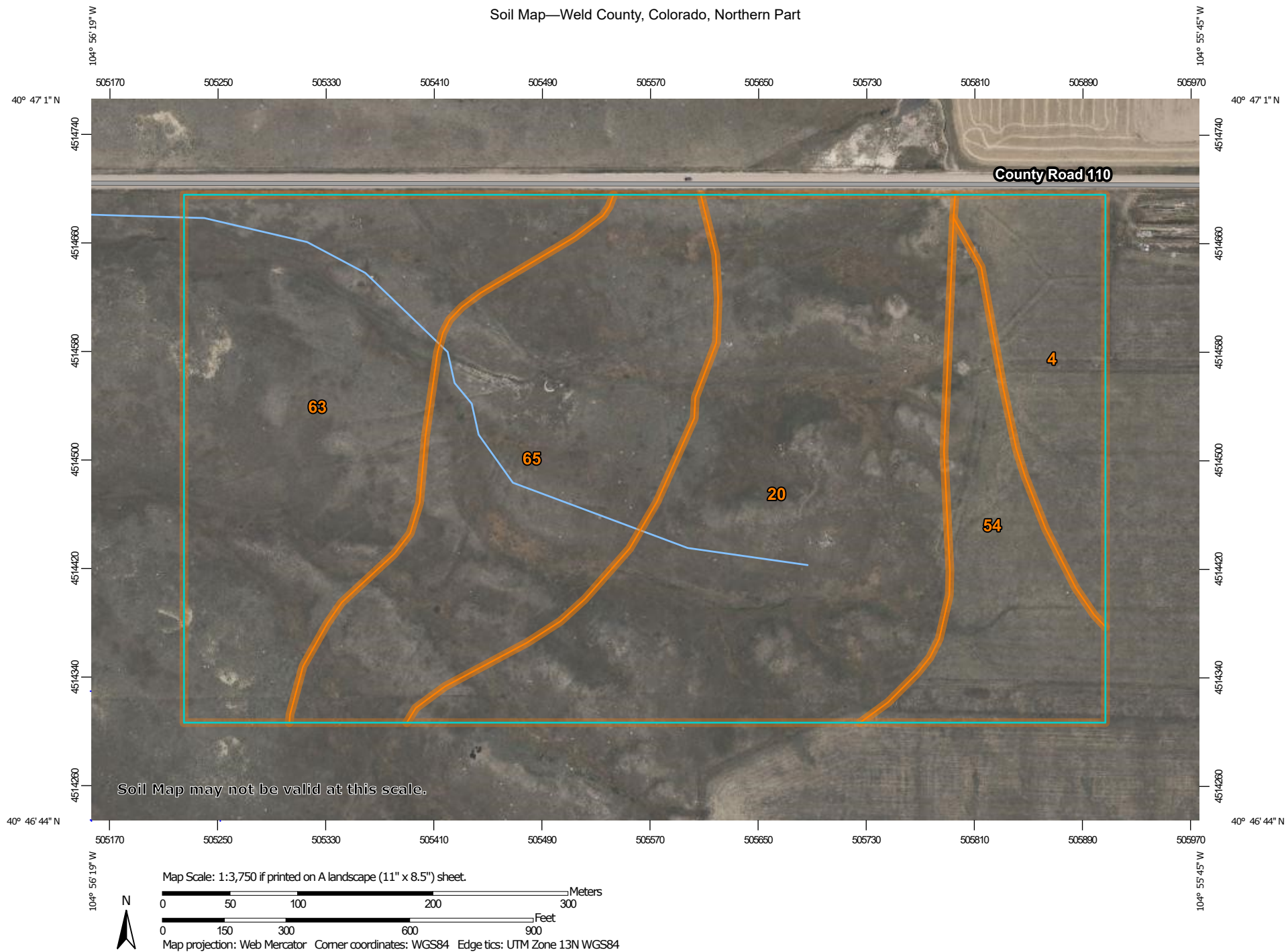
### **(c) Water resources in the area of the proposed borrow.**

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

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

Not required for 111 Special Operations.

# Soil Map—Weld County, Colorado, Northern Part




## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Weld County, Colorado, Northern Part

Survey Area Data: Version 15, Jun 5, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 19, 2018—Aug 10, 2018

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
4	Ascalon fine sandy loam, 0 to 6 percent slopes	5.3	8.0%
20	Cascajo gravelly sandy loam, 5 to 20 percent slopes	21.7	33.0%
54	Platner loam, 0 to 3 percent slopes	6.4	9.7%
63	Tassel loamy fine sand, 5 to 20 percent slopes	16.9	25.7%
65	Terry sandy loam, 3 to 9 percent slopes	15.5	23.6%
<b>Totals for Area of Interest</b>		<b>65.8</b>	<b>100.0%</b>

Applicant: Ames Construction, Inc.  
Name of Site: Burnham Property Borrow  
Date: May 12, 2021

## **EXHIBIT C – Mining plan**

### **(a) Commencement and Duration of Borrow Operation**

The borrow operation is for a single specific project. Operations would begin on April 5, 2021 and would be complete at or before December 23, 2021.

This time window includes the following phases:

1. Topsoil salvaging
2. Excavation and hauling of the borrow materials
3. Excavation from the existing road brought back into the borrow hole
4. Closing of the borrow – final grading of the slopes, topsoil placement, and completion of the reclamation plan.

### **(b) Topsoil replacement depth.**

The existing topsoil conditions in the area show an average of 8 inches. This topsoil will be stockpiled and respreads at the end at the depth or thicker.

### **(c) Overburden**

The borrow materials do not have any overlying overburden or waste materials.

### **(d) Thickness of deposit to be mined**

An fifty (50) foot thickness of borrow material will be removed.

(e) Major Components of the mining operation.

The entrance and exit for the permitted site and the area of borrow excavation are the only components of the mining operation.

Once the topsoil has been salvaged and the entrance and exit is constructed, excavation/hauling operations will begin. The borrow material will be excavated using large backhoes/loaders and placed directly into truck-trailer hauling units for transporting to the job site on Lemay Avenue.

Excavation of the borrow materials will proceed in an east to west direction. The side slopes of the final excavation are to be at a maximum gradient of 4:1 (horizontal to vertical). As the borrow material is being removed, the excavation in the area of the final slopes will be done at this 4:1 gradient.

(f) Dimensions of land disturbance.

The area of land disturbance is in a trapezoid configuration. The average width of the trapezoid is 780 feet running east to west and average length is 890 feet running north to south. These dimensions result in an area of 16.0 acres of active mining area.

(g) Water use.

The only water to be used in conjunction with the borrow site operation, will be water applied to the on-site roads for dust control. Approximately 8,000 gallons of water per day will be used for dust control. The source of this supply will be the same as the project's water source along Lemay Avenue in Fort Collins.

(h) Groundwater/surface water occurrence or disturbance.

Ground water will not be encountered during this operation based on borings.

(i) Existing water rights

Water rights will not be affected or impacted by the proposed borrow operation.

(j) Refuse and acid or toxic producing materials.

There are no known refuse, acid or toxic producing materials in the area of the proposed borrow. If they are encountered, borrow operations will cease and the materials will be contained in accordance with applicable laws and regulations.

(k) Measures to minimize disturbance to hydrologic balance, off-site damage and provide for a reclaimed area that has a stable configuration consistent with the proposed future land use.

Hydrologic balance - The proposed borrow operation impacts on the hydrologic balance will be minimal – groundwater should not be encountered (therefore, no dewatering). The reclaimed site will have a pervious cover of straw mulch which will not impact the pervious nature of the underlying sandy soils.

Off-site damage – The boundaries of the excavation area and haul road will be clearly marked to prevent off-site damage during the borrow activities. Through the use of perimeter berms and silt fence to prevent stormwater from running through the disturbed areas, off-site damage due to contaminated stormwater runoff will be prevented. Completion of the reclamation plan for the site will remove the potential for future off-site damage.

Stable configuration – The borrow area's slopes will be finished to a maximum 4:1 slope.



This slope gradient, the features of the reclamation plan and the natural properties of the site's soils will result in a stable configuration of the reclaimed site that be suitable for the intended future use – rangeland.

(l) On-site processing.

There will be no on-site processing of the borrow materials.

(m) Commodities to be extracted and their use

The only commodity to be extracted at this site is the sandy soil. The material will be used for fill purposes on a county highway improvement project along Lemay Avenue.

(n) No incidental products will be mined at the borrow site.

(o) No explosives will be used in the operations at the borrow site.

Applicant: Ames Construction, Inc.  
Name of Site: Burnham Property Borrow  
Date: May 12, 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 rate that straw mulch will be applied will be two tons 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 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.



101 East 4th Street Road  
Greeley, CO 80631

970.356.4710 Office  
800.421.4234 Toll Free  
970.356.1267 Fax

**BuffaloBrandSeed.com**  
**info@BuffaloBrandSeed.com**

*This letter is written to certify that the below listed seed mix is accurate to its label.*

*The seed contained in this mix has been duly tested by a fully accredited seed testing lab following rules authorized by the AOSA (Assoc. of Official Seed Analysts).  
Please find the specifications for the individual seed species listed below.*

# BUFFALO BRAND DRYLAND PASTURE MIX

Lot # **G-210031**

SPECIES - VARIETY	LOT #	Based on 25 bulk lbs per Acre		Individual Seed Species Info		
		PLS / Acre	BULK /Acre	PURITY %	GERM %	ORIGIN
Dahurian Wildrye, VNS	20-0080..	4.50	5.00	99.96%	90.00%	CAN
Perennial Ryegrass, Amazon	L165-20-400..	4.72	5.00	97.41%	97.00%	OR
Siberian Wheatgrass, Vavilov II	BTS-2036..	4.62	5.00	96.32%	96.00%	WY
Intermediate Wheatgrass, Rush	BTS-2041..	3.49	3.75	95.83%	97.00%	WY
Orchardgrass, Paiute	B38-20-OG22..	3.48	3.75	95.66%	97.00%	OR
Meadow Brome, Cache	BTS-2010..	2.38	2.50	97.32%	98.00%	WY
<b>TOTALS</b>		<b>23.20</b>	<b>25.00</b>			

***Please feel free to contact us directly if you have any questions or comments.  
We appreciate your business !!***

Applicant: Ames Construction, Inc.  
Name of Site: Burnham Property Borrow  
Date: May 12, 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

MAY 12 2021

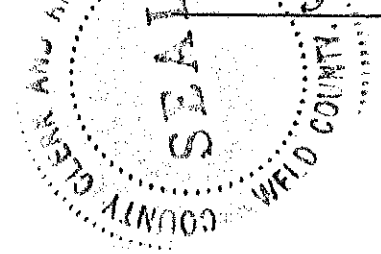
Received by Kimberly Ruff



### 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):**

Arnes 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:** 16.00 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 67 ☐ 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: May 12, 2021

## **EXHIBIT J – Proof of Mailing Notices of Permit Application**

Ames Construction Inc. has mailed notices of the permit application to the required parties and the tracking numbers of the submittals are below. (See attached)



NOTICE OF FILING APPLICATION  
FOR COLORADO MINED LAND RECLAMATION PERMIT  
FOR **SPECIAL 111 OPERATION**

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS  
Weld COUNTY

Ames Construction, Inc. (the “Applicant/Operator”) has applied for a Special 111 reclamation permit from the Colorado Mined Land Reclamation Board (the “Board”) to conduct the extraction of construction materials in Weld County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the “Division”) and the local county clerk or recorder.

The Applicant/Operator proposes to reclaim the affected land to Rangeland use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within five (5) working days after the application was filed with the Division.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman St., Room 215, Denver, Colorado 80203, (303) 866-3567.

**NOTE TO APPLICANT/OPERATOR:** You **must** attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the changes.



TRACK ANOTHER SHIPMENT

773702417426



ADD NICKNAME

Estimated delivery date:  
Thursday, May 13, 2021 by 4:30 pm

The delivery date may be updated when FedEx receives the package.



LABEL CREATED

Shipment information sent to FedEx

GET STATUS UPDATES

FROM

Aurora, CO US

TO

GREELEY, CO US

Travel History

TIME ZONE

Local Scan Time



Wednesday, May 12, 2021

10:08 AM

Shipment information sent to FedEx

Shipment Facts

TRACKING NUMBER

773702417426

SERVICE

FedEx Standard Overnight

WEIGHT

0.5 lbs / 0.23 kgs

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

ANTICIPATED SHIP DATE

5/12/21 ?

ESTIMATED DELIVERY DATE

5/13/21 by 4:30 pm ?

NOTICE OF FILING APPLICATION  
FOR COLORADO MINED LAND RECLAMATION PERMIT  
FOR **SPECIAL 111 OPERATION**

NOTICE TO THE BOARD OF SUPERVISORS  
OF THE LOCAL CONSERVATION DISTRICT  
West Greeley Conservation DISTRICT

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TRACK ANOTHER SHIPMENT

773702483611



ADD NICKNAME

Estimated delivery date:  
Thursday, May 13, 2021 by 4:30 pm

The delivery date may be updated when FedEx receives the package.



LABEL CREATED

Shipment information sent to FedEx

GET STATUS UPDATES

FROM

Aurora, CO US

TO

GREELEY, CO US

Travel History

TIME ZONE

Local Scan Time



Wednesday, May 12, 2021

10:12 AM

Shipment information sent to FedEx

Shipment Facts

TRACKING NUMBER

773702483611

SERVICE

FedEx Standard Overnight

WEIGHT

0.5 lbs / 0.23 kgs

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

ANTICIPATED SHIP DATE

5/12/21 ?

ESTIMATED DELIVERY DATE

5/13/21 by 4:30 pm ?



# Photos of Notices Posted at Mine Entrance

