



STATE OF  
COLORADO

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

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## Watkins Mine, M2019-053 Preliminary Adequacy Review #2

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**Chas Irish** <Chas.Irish@kelleytruckinginc.com>  
To: "Lennberg - DNR, Patrick" <patrick.lennberg@state.co.us>  
Cc: Cal Kelley <cal.kelley@kelleytruckinginc.com>

Thu, Jul 1, 2021 at 5:35 PM

Hi Patrick,

Attached you will find the responses to the Preliminary Adequacy Review #2 for the Watkins Mine.

Thanks,

**Chas Irish**

Ph: 303.279.4150

Mbl: 720.926.8671

[6201 McIntyre St.](#)

[Golden, CO 80403](#)

[kelleytruckinginc.com](http://kelleytruckinginc.com)



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**Watkins Mine M-2019-053; Preliminary Adequacy #2.pdf**  
15378K

## Preliminary Adequacy Review No. 2 Response; M-2019-053

### General

- ❖ The affected land and the proposed permit boundary are the same.
- ❖ The map legends have been updated to show the Affected Land and the Proposed Permit Boundary.
- ❖ All legends have been reviewed and updated as necessary to properly delineate and define the boundaries.

### Exhibits

- ❖ Exhibit C – Pre-mining and Mining Plan Map(s) of affected Lands (Rule 6.4.3)
  - As requested, a 200' buffer has been added to the Pre-mining and Mining Plan Maps.
- ❖ Exhibit D – Mining Plan (Rule 6.4.4)
  - The paragraph describing the mine entrance has been revised to explain the entrance will be established and updated during the permit amendment process.
- ❖ Exhibit F – Reclamation Plan Map (Rule 6.4.6)
  - Anticipated locations of the check dams have been provided on the reclamation plan.
- ❖ Exhibit S – Permanent Man-made Structures (Rule 6.4.19)
  - An executed structure agreement with Xcel has been provided in this exhibit. No other structures are within 200' of the affected lands.
- ❖ Objection
  - Kelley Trucking has reached out to the Objector to open a line of communication regarding the future of the Watkins Rd and, if applicable, the legal right of entry.
- ❖ Other Permits and Licenses (Rule 6.3.6)
  - Proof of filing with the Adams County Clerk and Recorder has been included in this response. It is located immediately before the reclamation permit application.

## Timely Objection Response

The objection submitted by Danni Danko-Holloway (objector) is focused on the whether there is a public 30' Right of Way, as it pertains to her property, on the eastern section line of Section 1, Township 3, Range 65 West of the 6<sup>th</sup> Prime Meridian. On November 13, 2020 Adams County sent a position letter to the Division stating that the county determined there is no right of way dedication for Watkins Rd. between E. 72<sup>nd</sup> Avenue and E. 64<sup>th</sup> Ave.

Following the determination by Adams County, Kelley Trucking Inc. is exploring its options in order to access the proposed mine. Kelley Trucking Inc. will submit an amendment to the permit application to include information regarding means of access, and the future of the current Watkins Rd./access road will be addressed in the permit amendment.



**KelleyTrucking** inc.  
Earthmoving Contractors



6201 McIntyre Street • Golden, Colorado 80403  
Ph# (303) 279-4150 Fax# (303) 279-4799

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# 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



### **CONSTRUCTION MATERIAL**

### **REGULAR (112) OPERATION**

### **RECLAMATION PERMIT APPLICATION PACKAGE**

#### **APPLICABILITY:**

This application package is for a construction materials operation which affects 10 acres or more.

If you plan to conduct a construction materials extraction operation which meets these criteria, please follow the instructions provided in this package, in the Rules and Regulations, and in the Colorado Land Reclamation Act for the Extraction of Construction Materials, as required.

#### **RECOMMENDATIONS PRIOR TO FILING:**

The Construction Material Rules and Regulations (the Colorado Land Reclamation Act for the Extraction of Construction Materials, Section 34-32.5-101, *et seq.*, C.R.S., and 2 CCR 407-1) and the Colorado Mined Land Reclamation Board (the "Board") regulate the permitting, operational and reclamation requirements for all construction material extraction operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available for \$8.00 from the Division of Reclamation, Mining, and Safety (the "Office"). In order to submit your application properly, it is recommended that you review the Act and:

- Rule 1.1        Definitions;
- Rule 1.4.1     Application Review and Consideration Process;
- Rule 1.4.5     Specific Requirements for Regular 112 Operations;
- Rule 1.6        Public Notice Procedures;
- Rule 3.1        Reclamation Performance Standards;
- Rule 3.3.1     Operating without a Permit - Penalty;
- Rule 4          Performance Warranties and Financial Warranties;
- Rule 6          Permit Application Exhibit Requirements;
- Rule 6.2        General Requirements of Exhibits;
- Rule 6.4        Specific Permit Application Exhibit Requirements; and
- Rule 6.5        Geotechnical Stability Exhibit.

It is recommended that you contact the agencies listed in the application section titled "Compliance With Other Laws" prior to submitting the application to the Office .

**FILING REQUIREMENTS:**

In order to apply for a Reclamation Permit for a Regular 112 Operation, please provide:

- ☒ ◦ One (1) signed and notarized completed **ORIGINAL** and one (1) copy of the completed original Regular 112 Operation Application Form. **ORIGINAL SIGNATURES MUST BE DONE IN BLUE INK.**
- ☒ ◦ Two (2) copies of Exhibits A-S (required sections described in Rule 6).
- ☒ ◦ Two (2) copies of Addendum 1 - Notice requirements (described in Rule 1.6.2(1)(b)). A sample of this notice is attached for your use.
- ☐ ◦ The Geotechnical Stability Exhibit when required by the Division.
- ☒ ◦ The application fee.

The ninety (90) day period for review of the application and exhibits will **NOT** begin until all required information and fee are submitted. The Office will then review the submitted information for adequacy.

**NOTICE REQUIREMENTS:**

- ☒ 1. You **MUST** send a notice, on a form approved by the Board, to the local board of county commissioners. A copy of this "Notice of Filing Application" form is attached for your use.
- ☒ 2. If the mining operation is within the boundaries of a conservation district, send a notice to the board of supervisors of the conservation district, **PRIOR** to filing the application. A copy of this "Notice of Filing Application" form is attached for your use.
- ☒ 3. You **MUST** include proof of notice #1 and #2 above with the application at the time the application is submitted to the Office for filing (Rule 1.6.2(1)(g)).
- ☒ 4. **PRIOR** to filing the application, place for public review a copy of the application, less confidential items, with the clerk or recorder of the county or counties in which the affected land is located.
- ☒ 5. You **MUST** include an affidavit or receipt demonstrating that the application was filed with the county clerk or recorder at the time the application is submitted to the Office for filing.
- ☒ 6. Any changes or additions made to an application submittal **MUST** be filed with the county clerk or recorder. You **MUST** also provide the Office with an affidavit or receipt demonstrating that the change was filed with the county clerk or recorder no later than the close of business on the day the change was filed with the Office (Rule 1.8.1(2)).
- ☐ 7. Within ten (10) days after your application is considered filed, you must publish four times in a newspaper of general circulation, in the locality of the proposed mining operation, the notice described in Rule 1.6.2(1)(d).
- ☐ 8. In addition, after the first publication you must mail or personally serve a copy of the notice described in Rule 1.6.2(1)(d) to all owners of record of surface rights to the affected land and all owners of record of lands that are within 200 feet of the boundary of the affected land (Rule 1.6.2(1)(e)). A copy of a form which includes all required information for the notice is attached for your use.

- ☐ 9. Prior to the Office making a decision (consideration of the application), you MUST submit a copy of the proof of publication from the newspaper and proof of all required notices. Proof of the notices may be by submitting copies of return receipts of a certified mailing or by proof of personal service (Rules 1.4.1(4), 1.4.2(4)(c), 1.6.2(1)(a)(ii), and 1.6.2(1)(g)).

The copy of the application and any changes or additions placed at the office of the county clerk or recorder shall NOT be recorded, but shall be retained there for at least sixty (60) days after a decision on the application by the Office and be available for inspection during this period. At the end of this period, the application may be reclaimed by the applicant or destroyed (Rule 1.6.2(2)).

#### **APPLICATION REVIEW PROCEDURES:**

The Office shall approve or deny the application within ninety (90) days of filing unless the date for consideration by the Office is extended pursuant to Rule 1.8. The time for consideration shall not be extended beyond ninety (90) days after the last such change submitted. For complex applications, the review period may be extended an additional sixty (60) days. Please see Rule 1.1(10) for the definition of what constitutes a complex application.

#### **APPLICATION APPROVAL/DENIAL:**

If the requirements of the Act and Mineral Rules have been satisfied, the Office will approve the application. The Act also provides for automatic approval if no action is taken by the Office by the end of the review period.

If the Act and Regulation requirements have not been satisfied, the Office will deny the application. If the Office denies the application, you may appeal to the Board for a final determination by submitting a written request for administrative appeal to the Board within 60 days of the decision date (Rule 1.4.7).

#### **PERFORMANCE AND FINANCIAL WARRANTIES:**

A performance warranty, and a financial warranty dollar amount determined during the application review process, must be submitted and approved by the Office PRIOR to permit issuance. A financial warranty should NOT be submitted until a decision on the application has been made. If the applicant is a unit of state or county government, then ONLY a performance warranty is required.

Several different types of financial warranties are allowed by the law. Please review Rule 4.0 to determine which type of financial warranty you desire to use. You may obtain the appropriate warranty forms from the Office during the application review period.

Please note that an application approval DOES NOT convey a right to begin operations. You MUST submit, and have approval of your performance and financial warranties, and receive your copy of the signed permit document PRIOR to beginning on-site mining activity.

#### **AUTOMATIC PERMIT APPROVAL:**

An automatic approval will occur where the Office fails to notify the applicant/operator that the application has been denied. This decision must be made ninety (90) calendar days from the date the application was determined to have been filed. However, the performance and financial warranties must be submitted and approved by the Office before the permit will be issued even if you receive an automatic approval. NO MINING OPERATIONS SHALL BEGIN UNTIL A PERMIT IS ISSUED (Section 34-32.5-109(1), C.R.S.).

### **COMPLIANCE WITH OTHER LAWS:**

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board **DOES NOT** relieve you of your responsibility to comply with all other applicable state and federal laws. We recommend that you contact the following agencies to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of historical significance including the need for an archeological survey, procedures for requesting a file search, and inventory forms to identify structures.
- Colorado Division of Water Resources with regard to water rights;
- Colorado Department of Health, Water Quality Control Division, with regard to the discharge of pollutants into the State waters;
- Colorado Department of Health, Air Pollution Control Division, with regard to the need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation will occur on federal lands;
- U. S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which your proposed operation is located. Section 34-32.5-109(3), C.R.S., requires a mining operator to be responsible for assuring that the mining operation and the post-mining land use comply with local land use regulations and any master plan for extraction adopted pursuant to Section 34-1-304, C.R.S.

### **COMPLETION OF MINING:**

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and 4.16 for details on how to request a reclamation responsibility release from the Board.



This shipment is scheduled to be sent on 04/10/2020.

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

See "Preparing for Delivery" for helpful tips

Tracking # 770217965502

Anticipated ship date:  
Fri, 4/10/2020

**DOTTIE KELLEY**  
KELLEY TRUCKING INC.  
GOLDEN, CO 80403  
US



Initiated

Estimated delivery date:  
Mon, 4/13/2020 by 8:00 am

**PATRICK LENNBERG**  
COLORADO DIVISION OF  
RECLAMATION  
1313 SHERMAN STREET  
ROOM 215  
DENVER, CO 80203  
US

## Shipment Facts

Tracking number:	<a href="#">770217965502</a>
Service type:	FedEx First Overnight®
Packaging type:	FedEx® Envelope
Number of pieces:	1
Weight:	0.50 lb.
Special handling/Services:	Deliver Weekday

## Preparing for Delivery

To help ensure successful delivery of your shipment, please review the below.

### Won't be in?

You may be able to hold your delivery at a convenient FedEx World Service Center or FedEx Office location for pick up. Track your shipment to determine Hold at FedEx location availability.

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215  
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Phone: (303) 866-3567  
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### CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☐ There is a File Number Already Assigned to this Operation

Permit # M - 2019 - 053 - (Please reference the file number currently assigned to this operation)



New Application (Rule 1.4.5)



Amendment Application (Rule 1.10)



Conversion Application (Rule 1.11)

Permit # M -        -        -        (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" 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 requested below.

1. **Applicant/operator or company name (name to be used on permit):** Kelley Trucking Inc.
  - 1.1 Type of organization (corporation, partnership, etc.): Corporation
2. **Operation name (pit, mine or site name):** Watkins Mine
3. **Permitted acreage (new or existing site):** 116.02 permitted acres
  - 3.1 Change in acreage (+)                      acres
  - 3.2 Total acreage in Permit area 116.02 acres
4. **Fees:**

4.1 New Application	<u>\$2,696.00</u>	application fee
4.2 New Quarry Application	<u>\$3,342.00</u>	quarry application
4.4 Amendment Fee	<u>\$2,229.00</u>	amendment fee
4.5 Conversion to 112 operation (set by statute)	<u>\$2,696.00</u>	conversion fee
5. **Primary commoditie(s) to be mined:** Fill Dirt
  - 5.1 Incidental commoditie(s) to be mined:
    1. N/A - N/A lbs/Tons/yr
    2.        /        lbs/Tons/yr
    3.        /        lbs/Tons/yr
    4.        /        lbs/Tons/yr
    5.        /        lbs/Tons/yr
  - 5.2 Anticipated end use of primary commoditie(s) to be mined: Construction Material
  - 5.3 Anticipated end use of incidental commoditie(s) to be mined: N/A

6. **Name of owner of subsurface rights of affected land:** Kelley Trucking Inc.

If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** Kelley Trucking Inc.

8. **Type of mining operation:** ☒ Surface ☐ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: Adams

PRINCIPAL MERIDIAN (check one): ☒ 6th (Colorado) ☐ 10th (New Mexico) ☐ Ute

SECTION (write number): S 6

TOWNSHIP (write number and check direction): T 3 ☐ North ☒ South

RANGE (write number and check direction): R 64 ☐ 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): \_\_\_\_\_

Two miles west of Denver International Airport and four miles north of Watkins, CO at an elevation of 5445' MSL

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 39 min 49 sec 8 .20 (2 decimal places)

Longitude (W): deg 104 min 36 sec 9 .40 (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) Nad 83 Zone 13

Easting \_\_\_\_\_

Northing \_\_\_\_\_

11. **Correspondence Information:**

**APPLICANT/OPERATOR** (name, address, and phone of name to be used on permit)

Contact's Name: Cal Kelley Title: Vice President  
Company Name: Kelley Trucking Inc.  
Street/P.O. Box: 6201 McIntyre Street P.O. Box: \_\_\_\_\_  
City: Golden  
State: Colorado Zip Code: 80403  
Telephone Number: ( 303 ) - 279-4150  
Fax Number: ( 303 ) - 279-4799

**PERMITTING CONTACT** (if different from applicant/operator above)

Contact's Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Street/P.O. Box: \_\_\_\_\_ P.O. Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: ( ) -   
Fax Number: ( ) -

**INSPECTION CONTACT**

Contact's Name: Cal Kelley Title: Vice President  
Company Name: Kelley Trucking Inc.  
Street/P.O. Box: 6201 McIntyre Street P.O. Box: \_\_\_\_\_  
City: Golden  
State: Colorado Zip Code: 80403  
Telephone Number: ( 303 ) - 279-4150  
Fax Number: ( 303 ) - 279-4799

**CC: STATE OR FEDERAL LANDOWNER (if any)**

Agency: \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: ( ) -

**CC: STATE OR FEDERAL LANDOWNER (if any)**

Agency: \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: ( ) -



12. **Primary future (Post-mining) land use (check one):**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Cropland(CR)                  | <input type="checkbox"/> Pastureland(PL) | <input checked="" type="checkbox"/> General Agriculture(GA) |
| <input 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)           |

13. **Primary present land use (check one):**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Cropland(CR)                  | <input type="checkbox"/> Pastureland(PL) | <input checked="" type="checkbox"/> General Agriculture(GA) |
| <input 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) |  |   |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): \_\_\_\_\_  
Mining will be conducted by scrapers, tracked excavators, loaders and on highway tractor trailers.

15. **On Site Processing:** ☐ Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): \_\_\_\_\_  
The material will be loaded directly from its native state into on highway tractor trailers.

List any designated chemicals or acid-producing materials to be used or stored within permit area: \_\_\_\_\_  
N/A

16. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Maps and Exhibits:**

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

**Responsibilities as a Permittee:**

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

CK

1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;

CU

2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;

CU

3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;

CU

4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;

CU

5. It is your responsibility to notify the Office of any changes in your address or phone number;

CU

6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):

a. the name of the operator;

b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,

c. the permit number.

CU

7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.

CU

8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.

CU

9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

N/A

10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

**NOTE TO COMMENTORS/OBJECTORS:**

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office's review and decision or appeals process, you may contact the Office at (303) 866-3567.



**Certification:**

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.);
3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.
4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

*This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.*

Signed and dated this 10th day of April, 2020.



Kelley Trucking Inc.  
Applicant/Operator or Company Name

Signed: Cl. M. Kelly

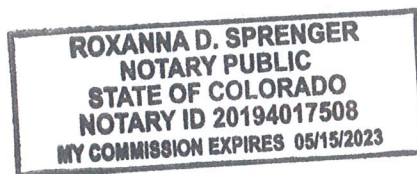
Title: Vice President

Signed: Kelley Kelley  
Corporate Secretary or Equivalent

Town/City/County Clerk

State of Colorado )  
 ) ss.  
County of Jefferson )

The foregoing instrument was acknowledged before me this 10th day of April, 2020  
, by Calvin Kelley as Vice President of Kelley Trucking Inc.



Roxanna D Sprenger  
Notary Public

My Commission expires: 05/15/2023

SIGNATURES MUST BE IN BLUE INK

**KELLEY TRUCKING INC.**  
**ANNUAL CORPORATE MEETING**  
**February 2-9, 2019**

John Kelley, acting Chairman, called the annual meeting of Kelley Trucking Inc. to order on February 2, 2019. Those present included Calvin M. Kelley, Luke H. Kelley, Kendra J. Aguilar, Kelly D. Kelley and John Kelley.

Upon motion duly made, seconded and unanimously carried, it was resolved that Calvin M. Kelley, Luke H. Kelley, Kendra J. Aguilar, Kelly D. Kelley, and John Kelley be elected to the Board of Directors for a one year term and that John Kelley be elected as Chairman of the Board and Kelly D. Kelley act as Secretary for the meeting.

The Board of Directors retained John Kelley as CEO of the Corporation and Kelly D. Kelley as Vice-President, Secretary/Treasurer of the Corporation, Luke Kelley as President of the Corporation, Calvin Kelley as Vice-President of the Corporation, and Kendra Aguilar as Vice-President of the Corporation for the term of one year. John E. Kelley and Kelly D. Kelley remain the only stockholders of Kelley Trucking Inc. Luke Kelley, Calvin Kelley and Kendra Aguilar were notified that themselves, and their spouses remain non-stockholders of Kelley Trucking Inc.

The Board of Directors authorized John Kelley and Kelly D. Kelley to sign notes payables for a line of credit, letter of credit or any equipment loans or leases necessary for the Corporation to function at maximum level. This authorization also includes the ability to negotiate and enter into contracts on behalf of the corporation. Luke Kelley and Calvin Kelley were also authorized to negotiate and enter into contracts on behalf of the corporation. Diane Amico and Kendra Aguilar were authorized to negotiate lines of credit and certain financial agreements on behalf of the corporation. Diane Amico and Mike Easley were authorized to be added to the signature cards at the banks for all Kelley Trucking Inc. accounts only during the simultaneous absences of all board members.

The Board of Directors agreed to continue the lease/rent with purchase option from 4K Equipment, LLC. All liability coverage and risk management will be provided by Kelley Trucking Inc.

The Board of Directors agreed to continue lease with 6K Properties and review capital expenditures and improvements on building and property. The Board of Directors authorized John Kelley to proceed with any necessary improvements.

As discussed in a meeting October 2016, the Board of Directors agreed to participate in the 401(k), Safe Harbor, company match program for 2019. The plan will be reviewed annually to determine the feasibility of continued participation.

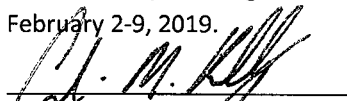
The current shareholders should continue to investigate recapitalization of Kelley Trucking Inc.

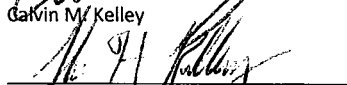
After discussion, the Board of Directors agreed to continue to use Hughes Wedgwood and Company, LLC. accounting firm.

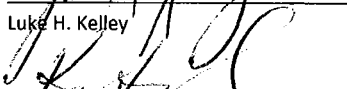
The Board of Directors agreed to continue regular meetings to be held to discuss day to day operations.

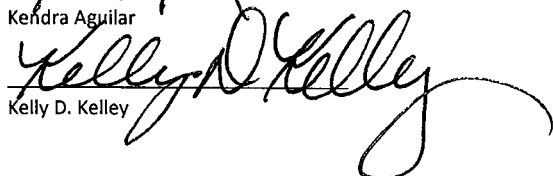
The Board of Directors agreed to hold the annual corporate meetings between January 1-February 28 each year. It was determined that the 2020 Board Meeting will be in Costa Rica. The Board of Directors agreed to have Kelley Trucking Inc. pay the expenses for offsite board meetings.

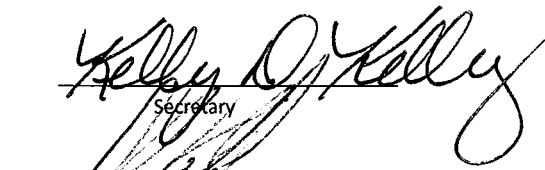
The preceding actions were approved and adopted by the Board of Directors at the annual corporate meeting held on February 2-9, 2019.

  
\_\_\_\_\_  
Calvin M. Kelley

  
\_\_\_\_\_  
Luke H. Kelley

  
\_\_\_\_\_  
Kendra Aguilar

  
\_\_\_\_\_  
Kelly D. Kelley

  
\_\_\_\_\_  
John E. Kelley



6201 McIntyre Street • Golden, Colorado 80403  
Ph# (303) 279-4150 Fax# (303) 279-4799

April 10, 2020

Division of Reclamation, Mining and Safety  
1313 Sherman St., Room 215  
Denver, Colorado 80203


To whom it may concern,

I, Cal Kelley, hereby certify that I posted a sign containing the notice below for the proposed permit area known as the Watkins Mine, on April 9, 2020.

**NOTICE**

This site is the location of a proposed construction materials operation. Kelley Trucking Inc., whose address and phone number is 6201 McIntyre St., Golden, CO 80403, (303) 279-4150, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the Adams County Clerk and Recorder's Office, 4430 S. Adams County PKWY, Brighton, CO 80601, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining, and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203.

<https://dnrweblink.state.co.us/drms/search.aspx?>

  
\_\_\_\_\_  
SIGNATURE

  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
TITLE







## Exhibit A – Legal Description

The SE ¼ of the SW ¼ of section 6, township 3 south, range 64 west of the sixth principal meridian, county of Adams, State of Colorado.

The main entrance of the mine site will be located at N 39° 49' 8.2" and W 104° 36' 9.4". This is approximately .5 miles south of the Watkins Rd. and E. 72<sup>nd</sup> Ave intersection in Adams County Colorado.

# Exhibit B - Index Map



U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY



MANILA QUADRANGLE  
COLORADO  
7.5-MINUTE SERIES

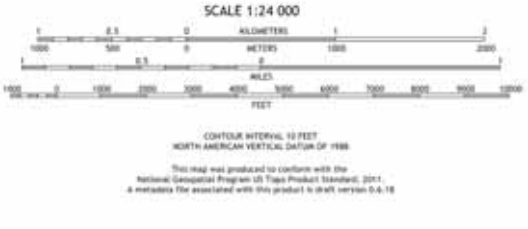
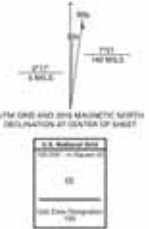


## Legend

Proposed Mine Location

Produced by the United States Geological Survey  
North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84) Projection and  
1 000-meter grid Universal Transverse Mercator, Zone 13B  
This map is not a legal document. Boundaries may be  
generalized for this map scale. Private lands within government  
reservations may not be shown. Obtain permission before  
entering private lands.

Feature	Source	Year
Hydrology	USGS, September 2017 - October 2017	2017
Roads	U.S. Census Bureau	2016
Names	USGS, 2018	2017
Hydrography	National Hydrography Dataset	2016
Contours	National Elevation Dataset	2015
Boundaries	Multiple sources	2017
Public Land Survey System	BLM	2018
Wetlands	FWS National Wetlands Inventory	2010



1	2	3
4	5	6
7	8	9

Manila, CO  
2019

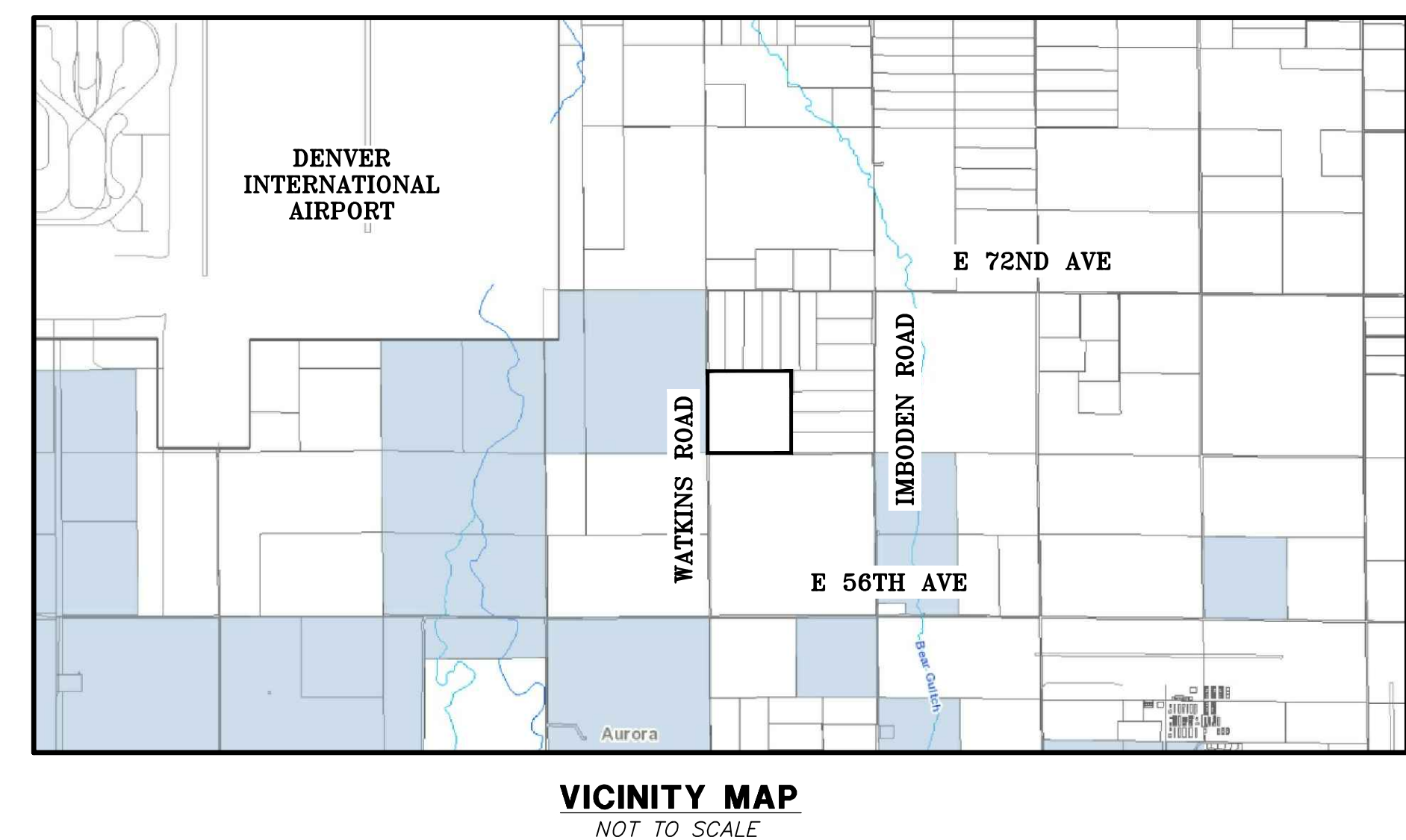
ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route



## Exhibit C – Pre-mining and Mining Plan Maps of Affected Lands



THE SOUTHWEST QUARTER OF SECTION 6,  
TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF ADAMS, STATE OF COLORADO



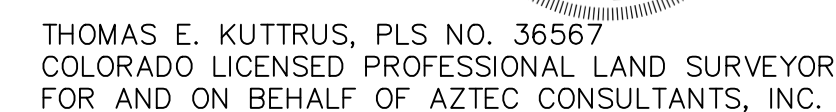
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4. THE ADAMS COUNTY WEB SITE SHOWS A ROAD ALONG THE SOUTH LINE OF THE QUARTER SECTION BUT THE CITY OF AURORA QUARTER SECTION MAPS DO NOT SHOW THIS ROAD.
5. NO TITLE COMMITMENT HAS BEEN PROVIDED TO THE SURVEYOR AT THIS TIME.
6. THE QUARTER SECTION CONTAINS 166.797 ACRES, MORE OR LESS, AS SURVEYED. THE POSSIBLE 30' RIGHT-OF-WAY FOR WATKINS ROAD CONTAINS 1.818 ACRES, MORE OR LESS, AS SURVEYED. THE POSSIBLE REMAINDER PORTION OF THE QUARTER SECTION CONTAINS 164.979 ACRES, MORE OR LESS, AS SURVEYED.

THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AS SHOWN HEREON, ASSUMED TO BEAR NORTH 00°25'31" WEST.

I, THOMAS E. KUTTRUS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THAT THIS PLAT REPRESENTS SAID SURVEY TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 6.2.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE IN ADAMS COUNTY, COLORADO, TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.



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**AZTEC**  
CONSULTANTS, INC.

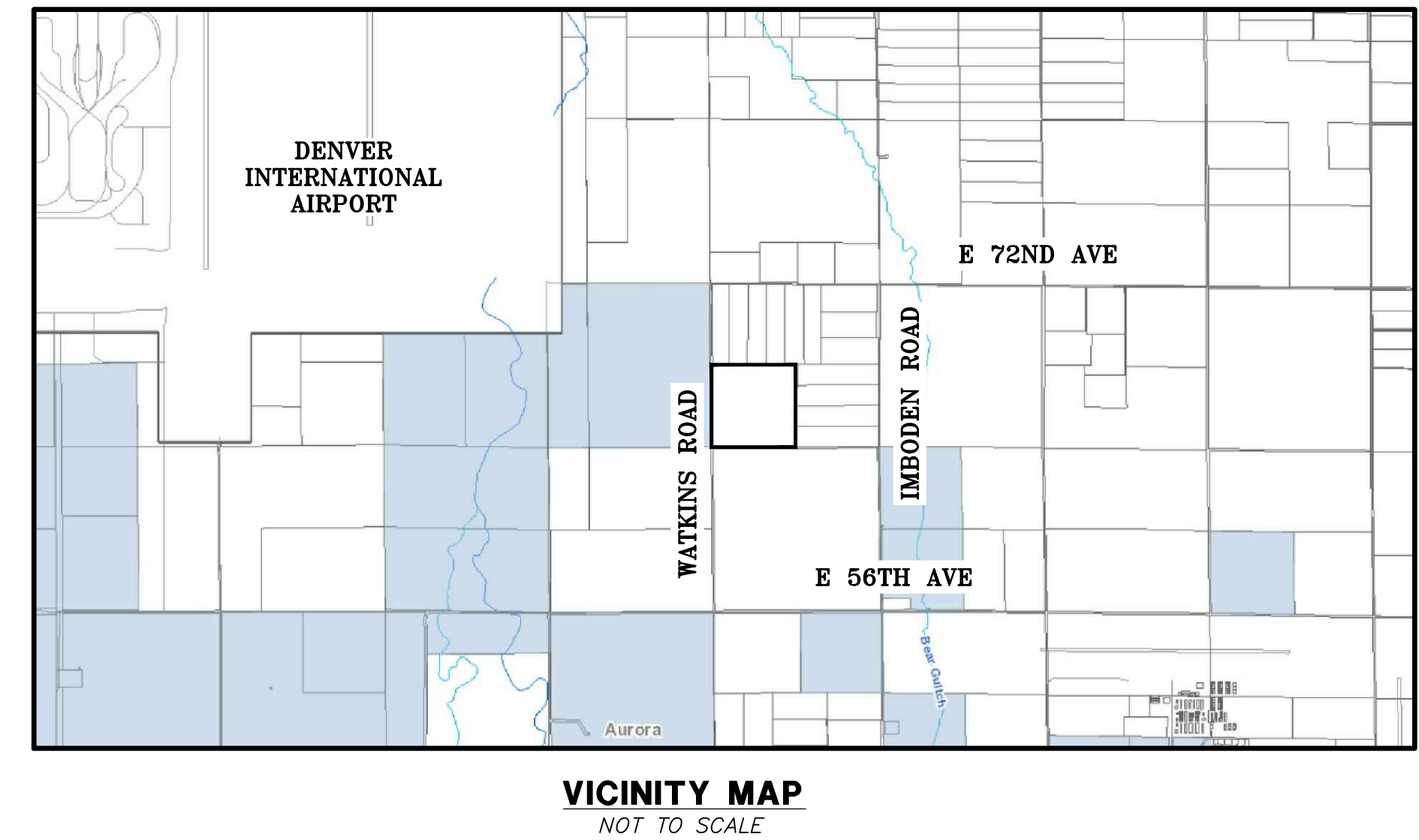
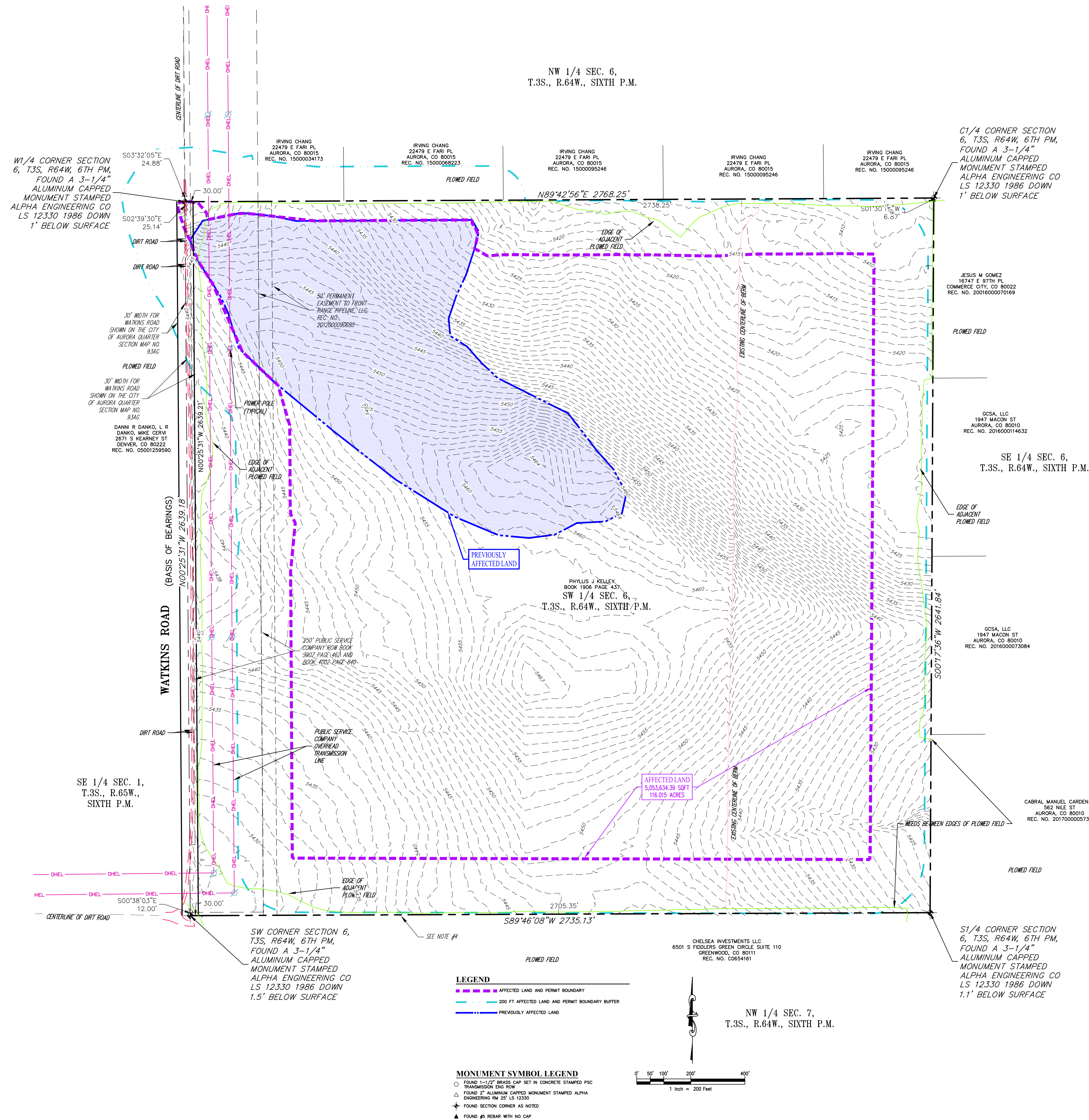
300 East Mineral Ave., Suite 1  
Littleton, Colorado 80122  
Phone: (303) 713-1898  
Fax: (303) 713-1897  
[www.aztecconsultants.com](http://www.aztecconsultants.com)

SHEET  
**1**  
OF 1 SHEETS  
53917-01  
JOB NO.



# EXHIBIT C – PRE MINING PLAN MAP

THE SOUTHWEST QUARTER OF SECTION 6,  
TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF ADAMS, STATE OF COLORADO



## LEGAL DESCRIPTION

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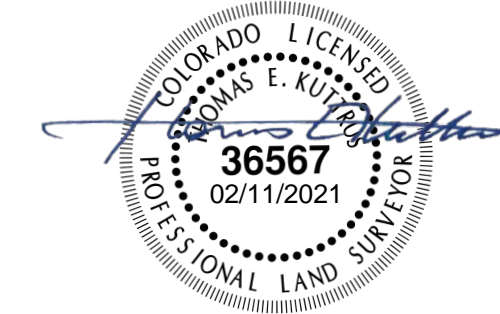
## BASIS OF BEARINGS

THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AS SHOWN HEREON, ASSUMED TO BEAR NORTH 00°25'31" WEST.

## SURVEYOR'S STATEMENT

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THOMAS E. KUTTRUS, PLS NO. 36567  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

## STATUTE OF LIMITATIONS

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SCALE 1"=200'	DATE 2021-02-10
BY	REVISION DESCRIPTION
DATE	

300 East Mineral Ave, Suite 1  
Littleton, Colorado 80122  
Phone: (303) 713-1898  
Fax: (303) 713-1897  
www.aztecconsultants.com

**AZTEC**  
CONSULTANTS, INC.

EXHIBIT C - PRE MINING PLAN MAP  
SW1/4 SEC 6, T3S, R64W, 6TH PM  
ADAMS COUNTY, COLORADO

PREPARED FOR  
Kelley Trucking, Inc.  
6201 McIntyre Street, Golden, CO 80403

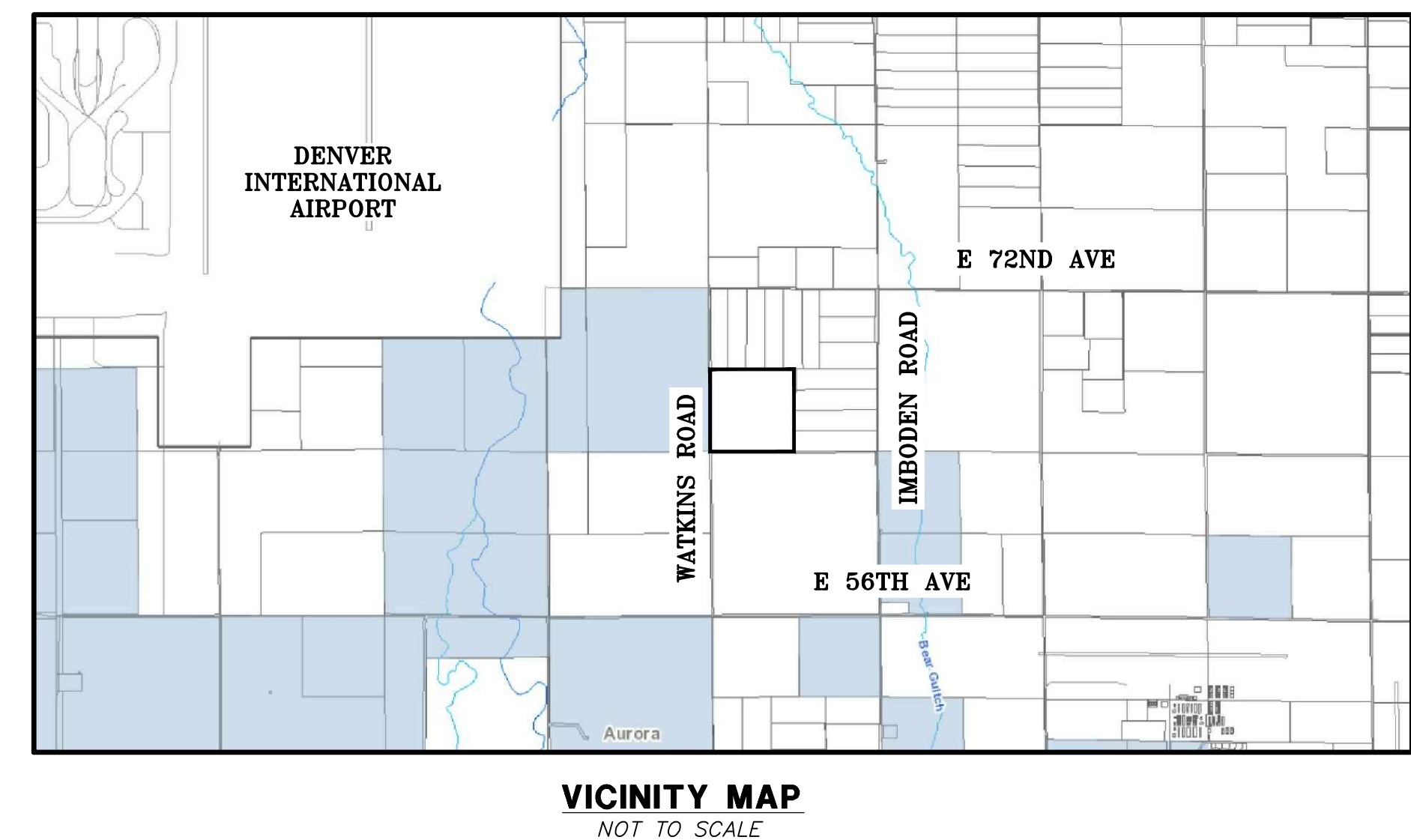
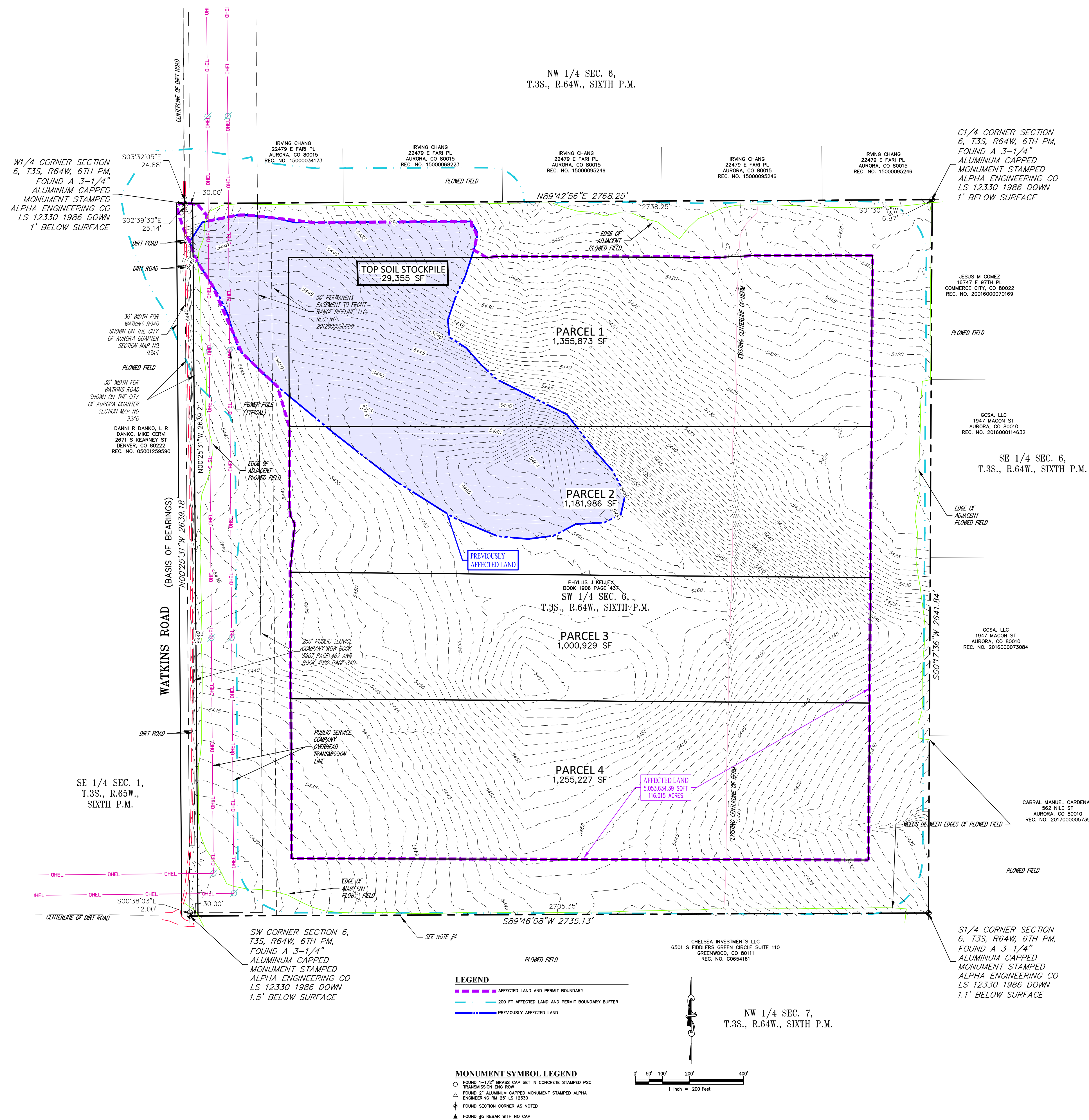
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OF 1 SHEETS

53917-01  
JOB NO.



EXHIBIT C – MINING PLAN MAP  
THE SOUTHWEST QUARTER OF SECTION 6,  
TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
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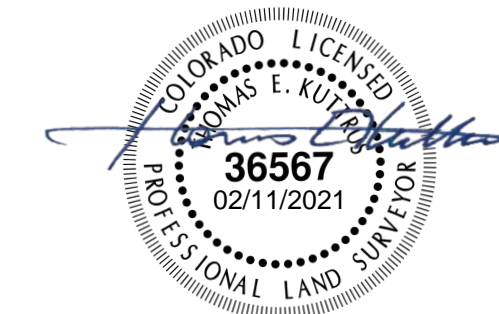
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SCALE  
1"=200'

DATE  
2021-02-10

BY

DATE

REVISION DESCRIPTION

300 East Mineral Ave, Suite 1  
Littleton, Colorado, 80122  
Phone: (303) 713-1898  
Fax: (303) 713-1897  
www.aztecconsultants.com

**AZTEC**  
CONSULTANTS, INC.

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ADAMS COUNTY, COLORADO

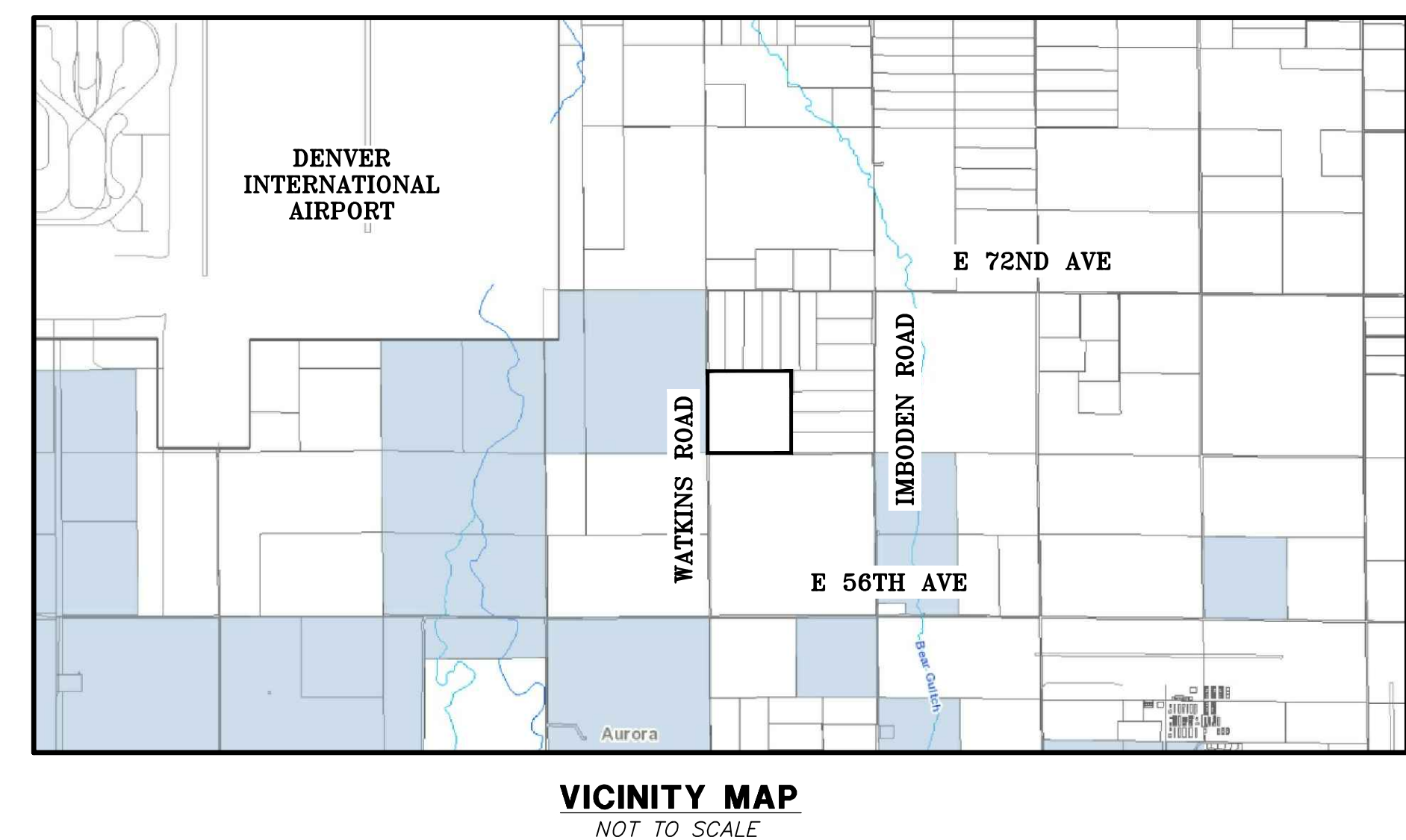
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SHEET  
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OF 1 SHEETS

53917-01  
JOB NO.



THE SOUTHWEST QUARTER OF SECTION 6,  
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SHEET  
1  
OF 1 SHEETS

53917-01

JOB NO.



## Exhibit D – Mining Plan

The proposed permit area is located in unincorporated Adams County and consists of an affected area of 116.02 acres of land that is currently covered with non-crop vegetation and is classified as Agricultural (A-3) by Adams County. The current topography of the land generally slopes down towards the North and North East. The direction of slope and path of drainage at the site will remain relatively the same after reclamation is complete. Prior to any mining taking place the topsoil will be stripped to a depth of 4"-12" and stockpiled onsite, location to be determined in field and SWMP amended as needed, to be relayed during the reclamation of the mine. The stockpile will be segregated from the mining activities to assure the integrity of topsoil is maintained until it is relayed. If the topsoil stockpile will not be disturbed for more than 14 days the stockpile will be properly stabilized in accordance with CDPHE permit regulations. In the event that a stockpile may be exposed for 120 days or longer, a seed mix consisting of native species, or the final reclamation seed mix, will be utilized to help establish a more beneficial seed bank. Topsoil will be stripped to allow for an area that will provide approximately 4-6 months of mining. Stripping of topsoil will begin on the north end of the site and once topsoil is stripped the extraction of the material will begin, and continue, moving toward the southern limits of the affected lands with reclamation and the stripping of topsoil happening concurrently. As more topsoil is stripped to maintain the 4-6 month mining zone, the reclamation of the area that has been mined will commence in order to maintain a minimal level of overall disturbance at the site. It is anticipated that the mine will work with an exposed area of 20-30 acres.

The material will be mined using conventional earthmoving equipment, such as excavators, graders, loaders and scrapers. No explosives, blasting or any means other than conventional earthmoving equipment throughout the life of the mine will be utilized, to include any type of mining fluids. Once extracted, the material will be directly loaded into on highway tractor trailers from its natural location. Other than the topsoil there will be no stockpiling of any materials onsite. The means and methods that are used to extract and export the material will remain the same throughout the life of the mine.

The environment at the mine will be constantly changing and the onsite haul routes will evolve just as often. This being the case the onsite haul roads will be compacted roads cut into the native material. Though the onsite haul routes will be changing the main entrance and exit to the site will remain the same. The entrance and the access to the mine has not been established and will be described in the upcoming permit amendment.

The mine is located in FEMA Flood Zone: X as shown and stated on the Adams County GIS map. There are no Waters of the United States located on site, or are there any within one mile of the site.



During the public comment period the Division of Water Resources submitted comments regarding groundwater. Groundwater is not anticipated to be encountered during the operation of the mine; therefore, operations will be a minimum of two feet above the groundwater table. If groundwater does happen to be exposed, the exposed area will be filled in with a minimum of two feet of cover from the elevation groundwater was encountered. Once adequate cover has been placed the area will be delineated as a no dig zone. No water impoundments will be needed onsite. Since there is a Stormwater Discharge Permit issued for the site BMP's will be in place and maintained per the SWMP plan.

The Nature of the material to be mined as defined by USCS is Silty Sand and is overlain with a 0 to 12 inch layer of topsoil. The thickness of deposit to be mined, as designed, is between 0 and 32 feet. Based on previously dug test holes at the property the vertical limits of the mine will not encounter any strata other than the material intended to be mined. All material being excavated at the mine will be considered a primary material and there is no secondary or incidental product. All material or strata within the design limits of the mine will be hauled offsite for use as construction material.

In areas mining depths can be up to 32' deep. In these areas no highwalls are going to be created. Every effort will be made to adhere to the phasing plan of the mine, but in areas of deep cuts preventing the creation of highwalls will take precedent over the phasing. The material will be mined in a manner that will assure the safety of employees working at the mine.

As stated previously the progression of mining operations will be in a north to south manner while operating with approximately 20-30 acres exposed at a time. The first cut will begin on the north side of the proposed mine with the operation making passes across the site in an east to west and west to east manner, moving further south with each pass.

Market conditions will ultimately dictate the timeline in which the mine operates and phases its activity, but the intent is to have the 20-30 acre mining zone exposed at any one time. As the operation progresses toward the limits of the 4-6 month area reclamation of the mined area will begin, and will be conducted following the same pattern as the mining operation. Concurrently a new 20-30 acre mining area will have its topsoil stripped and will be prepared to have mining operations begin in that area.

## Exhibit E – Reclamation Plan

The current land use of the proposed affected lands, as zoned by Adams County, is Agricultural (A-3), and following the completion of any phase, or mining activity as a whole, the affected lands will be reclaimed to have the same use as it had prior to any disturbance activity. The reasons to have the land use remain the same include the landowner wanting the land use to remain the same as it currently is and this land use is typical for the adjacent properties to the site, as well as the properties in the local area. All phases and affected areas will undergo the reclamation process stated in this exhibit.

The stockpiled topsoil, as discussed in Exhibit D, will be relayed on the completed phases of the mine at a depth of 6 inches, which will begin the reclamation process. Once the topsoil has been relayed it will be loosened to create an acceptable seed bed and then seed will be drill-seeded into the top ¼" of the soil using an agricultural tractor at the rate specified by the manufacturer. The seed mix that will be used is shown below (attachment 3) is commercially available and generally meets the specification recommended by Natural Resource Conservation Service (NRCS) Agronomy Technical Note No. 90 for a sandy loam surface soil texture. Following seeding the area will be mulched using a weed free straw mulch applied at a rate of two tons per acre. The straw will be crimped into the ground using a mechanical crimper, again by using an agricultural tractor with crimping elements. The area of reclamation will be reseeded following the recommended seeding dates for MLRA 67B as specified in NRCS Plant Materials Technical Note No. 59 (revised). No fertilizer will be utilized during the reclamation of the mine. No planting of trees, shrubs etc., is to occur during the reclamation process. The reclamation process will progress in the same manner as the Mining Plan.

The final grading for the mine was developed with the reclaimed land use in mind. The design is anticipated to increase the quality of the land and its use in agriculture. The final topography of the site will be flatter than the current conditions, the reclaimed grades will all be shallower than a 3h:1v. The design will still maintain adequate drainage but provide for a more reliable and consistent planting area.

Since the grading plan is making the affected area flatter the risk of siltation and offsite discharge is further mitigated. Although not eliminated the opportunity for discharge is decreased and effectiveness of best management practices is increased, which enhance the protection of the adjacent lands.

Since there is not going to be any imported fill material, or mining chemicals, brought to the mine there is no risk or threat for any toxic producing or acid forming materials to occur onsite. Therefore, no unauthorized release of pollutants into the drainage system or into groundwater. There is no anticipation that the mining will affect the hydrologic conditions because no groundwater had been encountered during the digging of any test holes at the site. However,

should there be an occurrence that the adversely impacts the hydrologic balance or conditions at the site the issue will be rectified according to Colorado Laws. For specific information concerning water and groundwater at the site please refer to Exhibit G.

Reclamation of the mine will require that the revegetated areas remain in compliance with state Noxious Weed regulations and the Adams county weed control plan (see attachments 1 and 2 of this exhibit for noxious weed lists). Not only required by regulation the control of noxious weeds is also of benefit to the landowner. By controlling and eradicating the noxious weeds the land will benefit economically, by being of higher quality cropland and rangeland. Basic actions will be taken to manage the noxious weeds. Weed management will begin before the reclamation process begins by properly salvaging the topsoil that will be stripped prior to mining taking place, reestablishing plants will be difficult otherwise. Information on topsoil stockpiling and its management can be found elsewhere in the permit application exhibits. During the course of the mining operations the disturbed area will be monitored for noxious weed growth, and as much as practicable, minimize the total disturbed area at any one time. Care will be taken to assure that the seed is planted properly, information on planting technique can be found in Exhibit E Reclamation Plan. In order to mitigate the possibility of noxious weed growth while the planted seed mix begins to establish itself the straw mulch will be verified to be free of any weeds and seed.

While the reclaimed portion(s) of the affected lands' seed begins to establish itself, the areas will be monitored for any noxious weed growth. If noxious weeds are found to be growing in the affected lands there are a number of strategies that can be implemented to control the weeds impact on the affected land. The main method of noxious weed control will be by mechanical means, which may include hand pulling, mowing and/or digging. If an area of noxious weeds has become too large or has passed a point that mechanical means will no longer be a viable option of weed control then chemical options will need to be explored. The type of herbicide will depend on the species trying to be controlled. If chemical means of weed control are deemed necessary then an individual, or entity, that is familiar with herbicides and weeds will be consulted for recommendations on herbicide type, application, safety and any other areas of concern in the use of chemical products.

Attached for reference to this exhibit, as attachment 4, is the detail of a check dam. The detail was obtained from the Urban Drainage and Flood Control District, Urban Storm Drainage Criteria Manual Volume 3. The check dams will be installed near the northwest corner of the proposed mine and at locations near the previous entrance to the site. Any future check dams will likely be in the vicinity of the mine entrance, dependent on the entrance grades, to slow down higher flows that may exist.

## Attachment 1

Colorado Noxious Weeds (including Watch List), effective June, 2020

### List A Species (25)

Common	Scientific
African rue	( <i>Peganum harmala</i> )
Bohemian knotweed	( <i>Fallopia x bohemicum</i> )
Camelthorn	( <i>Alhagi maurorum</i> )
Common crupina	( <i>Crupina vulgaris</i> )
Cypress spurge	( <i>Euphorbia cyparissias</i> )
Dyer's woad	( <i>Isatis tinctoria</i> )
Elongated mustard	( <i>Brassica elongata</i> )
Flowering rush	( <i>Butomus umbellatus</i> )
Giant knotweed	( <i>Fallopia sachalinensis</i> )
Giant reed	( <i>Arundo donax</i> )
Giant salvinia	( <i>Salvinia molesta</i> )
Hairy willow-herb	( <i>Epilobium hirsutum</i> )
Hydrilla	( <i>Hydrilla verticillata</i> )
Japanese knotweed	( <i>Fallopia japonica</i> )
Meadow knapweed	( <i>Centaurea x moncktonii</i> )
Mediterranean sage	( <i>Salvia aethiopis</i> )
Medusahead	( <i>Taeniatherum caput-medusae</i> )
Myrtle spurge	( <i>Euphorbia myrsinites</i> )
Orange hawkweed	( <i>Hieracium aurantiacum</i> )
Parrotfeather	( <i>Myriophyllum aquaticum</i> )
Purple loosestrife	( <i>Lythrum salicaria</i> )
Rush skeletonweed	( <i>Chondrilla juncea</i> )
Squarrose knapweed	( <i>Centaurea virgata</i> )
Tansy ragwort	( <i>Senecio jacobaea</i> )
Yellow starthistle	( <i>Centaurea solstitialis</i> )

### List B Species (38)

Common	Scientific
Absinth wormwood	( <i>Artemisia absinthium</i> )
Black henbane	( <i>Hyoscyamus niger</i> )
Bouncingbet	( <i>Saponaria officinalis</i> )
Bull thistle	( <i>Cirsium vulgare</i> )
Canada thistle	( <i>Cirsium arvense</i> )
Chinese clematis	( <i>Clematis orientalis</i> )
Common tansy	( <i>Tanacetum vulgare</i> )
Common teasel	( <i>Dipsacus fullonum</i> )
Cutleaf teasel	( <i>Dipsacus laciniatus</i> )
Dalmatian toadflax, broad-leaved	( <i>Linaria dalmatica</i> )
Dalmatian toadflax, narrow-leaved	( <i>Linaria genistifolia</i> )
Dame's rocket	( <i>Hesperis matronalis</i> )
Diffuse knapweed	( <i>Centaurea diffusa</i> )
Eurasian watermilfoil	( <i>Myriophyllum spicatum</i> )
Hoary cress	( <i>Cardaria draba</i> )
Houndstongue	( <i>Cynoglossum officinale</i> )

Colorado Noxious Weeds (including Watch List), effective June, 2020

### List B Species Continued (38)

Common	Scientific
Jointed goatgrass	( <i>Aegilops cylindrica</i> )
Leafy spurge	( <i>Euphorbia esula</i> )
Mayweed chamomile	( <i>Anthemis cotula</i> )
Moth mullein	( <i>Verbascum blattaria</i> )
Musk thistle	( <i>Carduus nutans</i> )
Oxeye daisy	( <i>Leucanthemum vulgare</i> )
Perennial pepperweed	( <i>Lepidium latifolium</i> )
Plumeless thistle	( <i>Carduus acanthoides</i> )
Russian knapweed	( <i>Rhapanticum repens</i> )
Russian-olive	( <i>Elaeagnus angustifolia</i> )
Salt cedar	( <i>Tamarix. ramosissima</i> )
Salt cedar	( <i>T. chinensis</i> )
Scentless chamomile	( <i>Tripleurospermum inodorum</i> )
Scotch thistle	( <i>Onopordum acanthium</i> )
Scotch thistle	( <i>O. tauricum</i> )
Spotted knapweed	( <i>Centaurea stoebe L. ssp. micranthos</i> )
Spotted x diffuse knapweed hybrid	( <i>Centaurea x psammogena</i> )
Sulfur cinquefoil	( <i>Potentilla recta</i> )
Wild caraway	( <i>Carum carvi</i> )
Yellow nutsedge	( <i>Cyperus esculentus</i> )
Yellow toadflax	( <i>Linaria vulgaris</i> )
Yellow x Dalmatian toadflax hybrid	( <i>Linaria vulgaris x L. dalmatica</i> )

### List C Species (16)

Common	Scientific
Bulbous bluegrass	( <i>Poa bulbosa</i> )
Chicory	( <i>Cichorium intybus</i> )
Common burdock	( <i>Arctium minus</i> )
Common mullein	( <i>Verbascum thapsus</i> )
Common St. Johnswort	( <i>Hypericum perforatum</i> )
Downy brome, cheatgrass	( <i>Bromus tectorum</i> )
Field bindweed	( <i>Convolvulus arvensis</i> )
Halogeton	( <i>Halogeton glomeratus</i> )
Johnsongrass	( <i>Sorghum halepense</i> )
Perennial sowthistle	( <i>Sonchus arvensis</i> )
Poison hemlock	( <i>Conium maculatum</i> )
Puncturevine	( <i>Tribulus terrestris</i> )
Quackgrass	( <i>Elymus repens</i> )
Redstem filaree	( <i>Erodium cicutarium</i> )
Velvetleaf	( <i>Abutilon theophrasti</i> )
Wild proso millet	( <i>Panicum miliaceum</i> )

## Attachment 2

Colorado Noxious Weeds (including Watch List), effective June, 2020

### Watch List Species (19)

Common	Scientific
Baby's breath	( <i>Gypsophila paniculata</i> )
Caucasian bluestem	( <i>Bothriochloa bladhii</i> )
Common bugloss	( <i>Anchusa officinalis</i> )
Common reed	( <i>Phragmites australis</i> )
Garden loosestrife	( <i>Lysimachia vulgaris</i> )
Garlic mustard	( <i>Alliaria petiolata</i> )
Himalayan blackberry	( <i>Rubus armeniacus</i> )
Hoary alyssum	( <i>Berteroa incana</i> L.)
Meadow hawkweed	( <i>Hieracium caespitosum</i> )
Onionweed	( <i>Asphodelus fistulosus</i> )
Siberian elm	( <i>Ulmus pumila</i> )
Scotch broom	( <i>Cytisus scoparius</i> )
Swainsonpea	( <i>Sphaerophysa salsula</i> )
Syrian beancaper	( <i>Zygophyllum fabago</i> )
Tree of Heaven	( <i>Ailanthus altissima</i> )
Ventenata grass	( <i>Ventenata dubia</i> )
White bryony	( <i>Bryonia alba</i> )
Yellow bluestem	( <i>Bothriochloa ischaemum</i> )
Yellow flag iris	( <i>Iris pseudacorus</i> )

Adams Colorado Noxious Weed Summary Statistics & Management Plans					
	Species Reported In County	Statewide Infested Acres			
	19	777,232			
Species	Total # of Acres Infested in the County	Total # of Acres Infested Statewide	Total # of Counties Impacted	Management Plan ( <a href="#">View Containment Map</a> )	Year Field Data Was Collected
Absinth wormwood	0	711	16	Eliminate by 2018	2013
Black henbane	0	206	18	Eliminate by 2018	2013
Bouncingbet	135	1,278	38	Eliminate by 2022	2016
Bull thistle	123	6,899	44	Contain: Figure 16.01	2015
Canada thistle	Not reported	129,572	55	Suppress	2015
Chamomiles**	15	2,139	42	Eliminate by 2022	2016
Chinese clematis	0	330	13	Eliminate by 2018	2013
Common tansy	1	266	29	Eliminate by 2022	2016
Common & Cutleaf teasel	210	3,222	23	Contain: Figure 21.01	2015
Dalmatian toadflax	0	18,360	32	Eliminate by 2019	2014
Dames rocket	10	591	32	Eliminate by 2022	2016
Diffuse knapweed	1	68,968	45	Contain: Figure 6.01	2014
Eurasian watermilfoil	6	1,966	11	Contain: Figure 17.01	2015
Hoary cress	13	30,044	54	Contain: Figure 13.01	2014
Houndstongue	0	73,598	41	Eliminate by 2018	2013
Jointed goatgrass	338	10,167	41	Contain: Figure 24.01	2010/2015
Leafy spurge	10	39,577	48	Contain: Figure 12.01	2014
Moth mullein	1	1,049	31	Eliminate by 2022	2016
Musk thistle	32	87,431	56	Eliminate by 2022	2015
Oxeye daisy	0	15,806	38	Eliminate by 2018	2013
Perennial pepperweed	2	21,739	39	Contain: Figure 10.01	2014
Plumeless thistle	0	1,182	13	Eliminate by 2018	2013
Russian knapweed	10	55,719	52	Contain: Figure 14.01	2014
Russian olive	78	65,979	36	Eliminate by 2022	2012
Salt cedar	15	27,963	46	Contain: Figure 4.01	2014
Scotch thistle	2870	56,510	38	Contain: Figure 20.01	2009/2015
Spotted knapweed	0	4,921	40	Eliminate by 2018	2013
Sulfur cinquefoil	0	768	30	Eliminate by 2022	2016
Wild caraway	0	1,690	30	Eliminate by 2022	2016
Yellow nutsedge	0	15,049	12	Eliminate by 2017	2012
Yellow toadflax	7	33,532	46	Eliminate by 2021	2014
Data Updated: 4/1/2017					

## Attachment 3

### Proposed Seed Mix

Common Name	% of Mixture	PLS per Acre
Big Bluestem	10	1.1
Yellow Indiangrass	10	1
Switchgrass	10	0.4
Sideoats Grama	10	0.9
Western Wheatgrass	10	1.6
Blue Grama	10	0.3
Thickspike Wheatgrass	10	1
Prairie Sandreed	10	0.7
Green Needlegrass	10	1
Slender Wheatgrass	5	0.6
Streambank Wheatgrass	5	0.6

Total PLS per Acre	9.2
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## Attachment 4

### Check Dams (CD)

### EC-12

#### Description

Check dams are temporary grade control structures placed in drainage channels to limit the erosivity of stormwater by reducing flow velocity. Check dams are typically constructed from rock, gravel bags, sand bags, or sometimes, proprietary devices. Reinforced check dams are typically constructed from rock and wire gabion. Although the primary function of check dams is to reduce the velocity of concentrated flows, a secondary benefit is sediment trapping upstream of the structure.



**Photograph CD-1:** Rock check dams in a roadside ditch. Photo courtesy of WWE.

#### Appropriate Uses

Use as a grade control for temporary drainage ditches or swales until final soil stabilization measures are established upstream and downstream. Check dams can be used on mild or moderately steep slopes. Check dams may be used under the following conditions:

- As temporary grade control facilities along waterways until final stabilization is established.
- Along permanent swales that need protection prior to installation of a non-erodible lining.
- Along temporary channels, ditches or swales that need protection where construction of a non-erodible lining is not practicable.
- Reinforced check dams should be used in areas subject to high flow velocities.

#### Design and Installation

Place check dams at regularly spaced intervals along the drainage swale or ditch. Check dams heights should allow for pools to develop upstream of each check dam, extending to the downstream toe of the check dam immediately upstream.

When rock is used for the check dam, place rock mechanically or by hand. Do not dump rocks into the drainage channel. Where multiple check dams are used, the top of the lower dam should be at the same elevation as the toe of the upper dam.

When reinforced check dams are used, install erosion control fabric under and around the check dam to prevent erosion on the upstream and downstream sides. Each section of the dam should be keyed in to reduce the potential for washout or undermining. A rock apron upstream and downstream of the dam may be necessary to further control erosion.

Check Dams	
Functions	
Erosion Control	Yes
Sediment Control	Moderate
Site/Material Management	No

### EC-12

### Check Dams (CD)

Design details with notes are provided for the following types of check dams:

- Rock Check Dams (CD-1)
- Reinforced Check Dams (CD-2)

Sediment control logs may also be used as check dams; however, silt fence is not appropriate for use as a check dam. Many jurisdictions also prohibit or discourage use of straw bales for this purpose.

#### Maintenance and Removal

Replace missing rocks causing voids in the check dam. If gravel bags or sandbags are used, replace or repair torn or displaced bags.

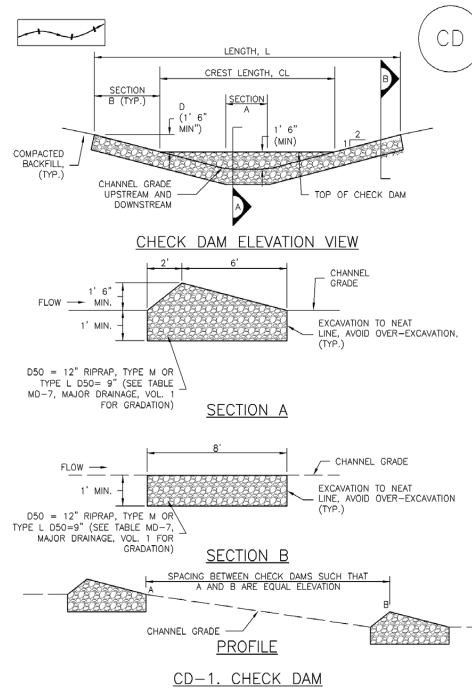
Remove accumulated sediment, as needed to maintain BMP effectiveness, typically before the sediment depth upstream of the check dam is within  $\frac{1}{2}$  of the crest height. Remove accumulated sediment prior to mulching, seeding, or chemical soil stabilization. Removed sediment can be incorporated into the earthwork with approval from the Project Engineer, or disposed of at an alternate location in accordance with the standard specifications.

Check dams constructed in permanent swales should be removed when perennial grasses have become established, or immediately prior to installation of a non-erodible lining. All of the rock and accumulated sediment should be removed, and the area seeded and mulched, or otherwise stabilized.

## Attachment 4

### Check Dams (CD)

EC-12



November 2010

Urban Drainage and Flood Control District  
Urban Storm Drainage Criteria Manual Volume 3

CD-3

### EC-12

### Check Dams (CD)

#### CHECK DAM INSTALLATION NOTES

- SEE PLAN VIEW FOR:  
-LOCATION OF CHECK DAMS.  
-CHECK DAM TYPE (CHECK DAM OR REINFORCED CHECK DAM).  
-LENGTH (L), CREST LENGTH (CL), AND DEPTH (D).
- CHECK DAMS INDICATED ON INITIAL SWMP SHALL BE INSTALLED AFTER CONSTRUCTION FENCE, BUT PRIOR TO ANY UPSTREAM LAND DISTURBING ACTIVITIES.
- RIPRAP UTILIZED FOR CHECK DAMS SHOULD BE OF APPROPRIATE SIZE FOR THE APPLICATION. TYPICAL TYPES OF RIPRAP USED FOR CHECK DAMS ARE TYPE M (D50 12") OR TYPE L (D50 9").
- RIPRAP PAD SHALL BE TRENCHED INTO THE GROUND A MINIMUM OF 1'.
- THE ENDS OF THE CHECK DAM SHALL BE A MINIMUM OF 1' 6" HIGHER THAN THE CENTER OF THE CHECK DAM.

#### CHECK DAM MAINTENANCE NOTES

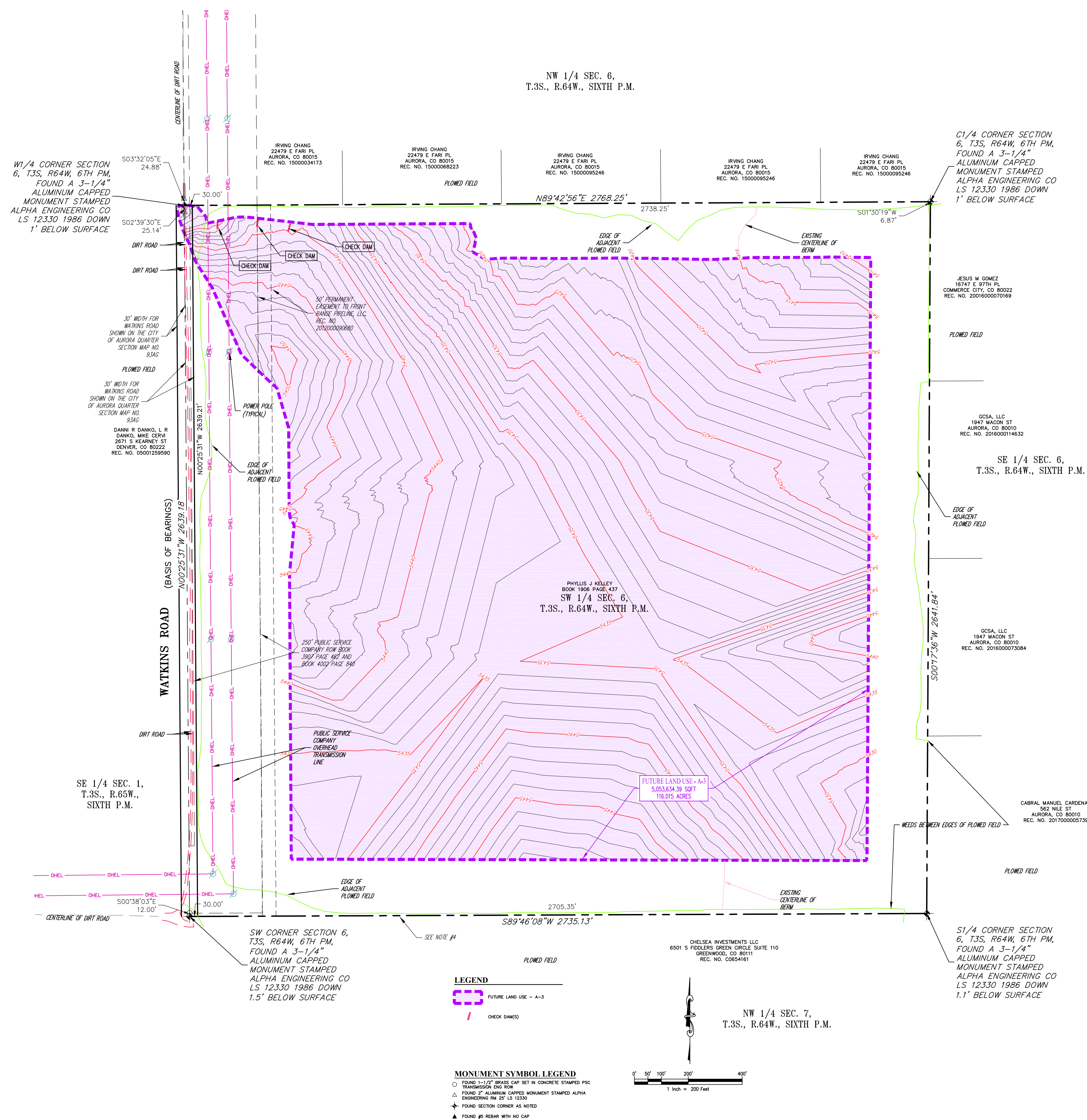
- INSPECT BMPs EACH WORKDAY, AND MAINTAIN THEM IN EFFECTIVE OPERATING CONDITION. MAINTENANCE OF BMPs SHOULD BE PROACTIVE, NOT REACTIVE. INSPECT BMPs AS SOON AS POSSIBLE (AND ALWAYS WITHIN 24 HOURS) FOLLOWING A STORM THAT CAUSES SURFACE EROSION, AND PERFORM NECESSARY MAINTENANCE.
- FREQUENT OBSERVATIONS AND MAINTENANCE ARE NECESSARY TO MAINTAIN BMPs IN EFFECTIVE OPERATING CONDITION. INSPECTIONS AND CORRECTIVE MEASURES SHOULD BE DOCUMENTED THOROUGHLY.
- WHERE BMPs HAVE FAILED, REPAIR OR REPLACEMENT SHOULD BE INITIATED UPON DISCOVERY OF THE FAILURE.
- SEDIMENT ACCUMULATED UPSTREAM OF THE CHECK DAMS SHALL BE REMOVED WHEN THE SEDIMENT DEPTH IS WITHIN 1/2 OF THE HEIGHT OF THE CREST.
- CHECK DAMS ARE TO REMAIN IN PLACE UNTIL THE UPSTREAM DISTURBED AREA IS STABILIZED AND APPROVED BY THE LOCAL JURISDICTION.
- WHEN CHECK DAMS ARE REMOVED, EXCAVATIONS SHALL BE FILLED WITH SUITABLE COMPACTED BACKFILL. DISTURBED AREA SHALL BE SEEDED AND MULCHED AND COVERED WITH GEOTEXTILE OR OTHERWISE STABILIZED IN A MANNER APPROVED BY THE LOCAL JURISDICTION.

(DETAILS ADAPTED FROM DOUGLAS COUNTY, COLORADO, NOT AVAILABLE IN AUTOCAD)

NOTE: MANY JURISDICTIONS HAVE BMP DETAILS THAT VARY FROM UFCD STANDARD DETAILS. CONSULT WITH LOCAL JURISDICTIONS AS TO WHICH DETAIL SHOULD BE USED WHEN DIFFERENCES ARE NOTED.



THE SOUTHWEST QUARTER OF SECTION 6,  
TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF ADAMS, STATE OF COLORADO



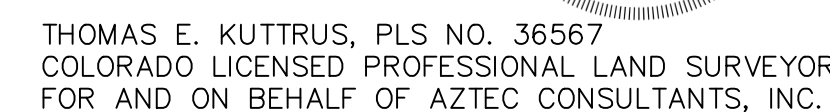
THE SW1/4 OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO. THIS LEGAL DESCRIPTION IS WHAT IS SHOWN ON THE ADAMS COUNTY ASSESSOR'S OFFICE WEB SITE.

1. THE FIELD WORK FOR THIS SURVEY WAS PERFORMED BY AN AZTEC CONSULTANTS, INC. SURVEY CREW ON JUNE 9, 2017.
2. PER C.R.S. 38-51-106, "ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37/12 U.S. SURVEY FEET, EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY."
3. WATKINS ROAD IS SHOWN BASED ON THE CITY OF AURORA QUARTER SECTION MAP NO. 93AG.
4. THE ADAMS COUNTY WEB SITE SHOWS A ROAD ALONG THE SOUTH LINE OF THE QUARTER SECTION BUT THE CITY OF AURORA QUARTER SECTION MAPS DO NOT SHOW THIS ROAD.
5. NO TITLE COMMITMENT HAS BEEN PROVIDED TO THE SURVEYOR AT THIS TIME.
6. THE QUARTER SECTION CONTAINS 166.797 ACRES, MORE OR LESS, AS SURVEYED. THE POSSIBLE 30' RIGHT-OF-WAY FOR WATKINS ROAD CONTAINS 1.818 ACRES, MORE OR LESS, AS SURVEYED. THE POSSIBLE REMAINDER PORTION OF THE QUARTER SECTION CONTAINS 164.979 ACRES, MORE OR LESS, AS SURVEYED.

THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AS SHOWN HEREON, ASSUMED TO BEAR NORTH 00°25'31" WEST.

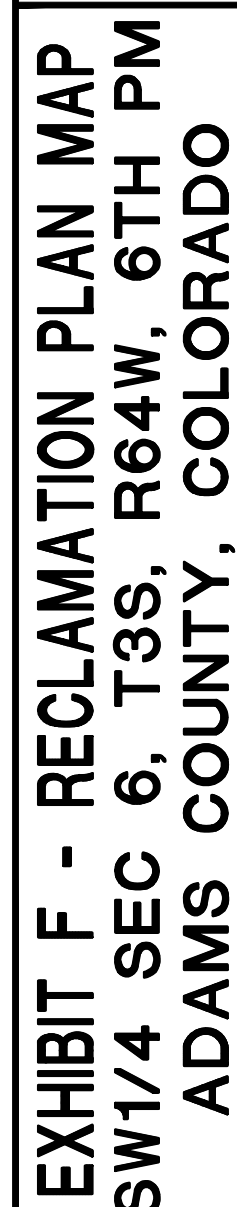
I, THOMAS E. KUTTRUS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THAT THIS PLAT REPRESENTS SAID SURVEY TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 6.2.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE IN ADAMS COUNTY, COLORADO, TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.



NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

**300 East Mineral Ave., Suite 1  
Littleton, Colorado 80122  
Phone: (303) 713-1898  
Fax: (303) 713-1897  
[www.aztecconsultants.com](http://www.aztecconsultants.com)**



PREPARED FOR  
Kelley Trucking, Inc.  
3201 McIntyre Street Golden, CO 80403

SHEET  
**1**  
OF 1 SHEETS  
53917-01  
JOB NO.



## Exhibit G – Water Information

A desktop survey was conducted utilizing the 'USGS National Water Information System: Mapper'. All wells within one mile, and a few outside of a mile, were analyzed for recorded groundwater readings. The lowest point on the property, existing or design, has an elevation of 5408 Ft. The highest groundwater reading of the surveyed wells was 5379 Ft, putting the lowest point 29 Ft above the measured groundwater. Worth noting is the well with the highest groundwater reading is the well furthest away to the southwest of the proposed affected land. The groundwater elevations decrease heading to the north and west making the groundwater elevation at the affected area lower than the highest elevation of 5379 Ft mentioned above. Test holes have been dug within the proposed affected land to an approximate depth of 10-15 Ft below existing ground elevations at various locations around the proposed affected land and no groundwater has been encountered. During the public comment period the Division of Water Resources submitted comments regarding groundwater. Groundwater is not anticipated to be encountered during the operation of the mine; therefore, operations will be a minimum of two feet above the groundwater table. If groundwater does happen to be exposed, the exposed area will be filled in with a minimum of two feet of cover from the elevation groundwater was encountered. Once adequate cover has been placed the area will be delineated as a no dig zone.

During the mining operation water will be needed for dust control. The water application rate is highly dependent on the capacity at which traffic is moving through the mine on a given day. Assuming 250 tractor trailers move through the site a day, an estimated 24,000 gallons of water will be needed to control the dust from the mining operations and the trucks hauling on and offsite. The water source for the mine will be from a local fire hydrant.

In the state of Colorado NPDES permits are issued from the EPA for permits on tribal lands and federal facilities. The authority to issue other permits has been delegated to the Colorado Department of Health and Environment. A CDPS General Permit COR400000 has already been issued for the proposed mine site by Colorado Water Quality Control Division. Pending approval of the Reclamation Permit Application the current permit will be amended to include the additional disturbance area shown in the application documents .

## Exhibit H – Wildlife Information

An Information for Planning and Consultation (IPaC) report (Service U. F., IPaC Explore Location, 2020), through the U.S. Fish and Wildlife Service (USFWS), was generated for the proposed affected area of the mine on March 9, 2020. The results of the search yielded a list of potentially impacted endangered or threatened species, migratory birds protected by the Migratory Bird Treaty Act and Bald and Golden Eagle Treaty Act. The results of the report are shown below.

Name	Scientific Name	Status	Notes
Prebles Meadow Jumping Mouse	<i>Zapus hudsonius preblei</i>	Threatened	Affected area outside critical habitat
Least Tern	<i>Sterna antillarum</i>	Endangered	Only needs to be considered if there will be water related activities/use in the N. Platte, S. Platte and Laramie River Basins
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	Threatened	Affected area outside critical habitat
Piping Plover	<i>Charadrius melodus</i>	Threatened	Only needs to be considered if there will be water related activities/use in the N. Platte, S. Platte and Laramie River Basins. Affected Area is outside critical habitat
Whooping Crane	<i>Grus americana</i>	Endangered	Only needs to be considered if there will be water related activities/use in the N. Platte, S. Platte and Laramie River Basins. Affected Area is outside critical habitat
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Protected under the Bald and Golden Eagle Protection Act	Not a bird of conservation concern in the area
Burrowing Owl	<i>Athene cucularia</i>	Not Listed	Not a bird of conservation concern in the area
Golden Eagle	<i>Aquila chrysaetos</i>	Protected under the Bald and Golden Eagle Protection Act	Not a bird of conservation concern in the area
Lark Bunting	<i>Calamospiza melanocorys</i>	Not Listed	Not a bird of conservation concern in the area

The Preble Meadow Jumping Mouse (PMJM) is not likely to be within the affected area due to the lack of a well-developed riparian habitat in the locality of the proposed mine site (Service U. F., Environmental Conservation Online System, 2020). Within the State of Colorado, the PMJM has multiple defined critical habitats, which primarily fall at the base of the foothills and within the foothills along major river corridors. The proposed affected area of the mine does not fall within, or near, the spatial extents of any critical habitat. No impacts to this species are anticipated.

The Least Tern is not known to have a population within Adams county (Service U. F., Environmental Conservation Online System, 2020). No impacts to this species are anticipated.

The USFWS ECOS describes spotted owls' habitat as consisting of mature forests that possess complex structural components or canyoned areas dominated by vertical walled cliffs that could contain areas that provide protected nest and roost sites usually in conjunction with a permanent source of water. Spotted Owl habitat in Colorado either consists of tall, vertical walled cliffs or mature, multi-storied canopied forests. Due to the lack of either of these habitat types within the proposed affected area, no impacts to this are anticipated.

USFWS lists Golden Eagle nesting habitat as large, vertical cliff faces or stands of mature trees (Service U. F., Environmental Conservation Online System, 2020). Neither of these habitat types occur within the proposed affected area. Impacts to Golden Eagles from the proposed project are not anticipated.

USFWS lists Bald Eagle nesting habitat as stands of large, mature trees (Service U. F., Environmental Conservation Online System, 2020). No stands of large, mature trees occur within the proposed project area, therefore impacts to the Bald Eagle are not anticipated.

The state of Colorado lists the Burrowing Owl as a threatened species. The Burrowing Owl is migratory and may nest within the burrows of a prairie dog colonies between March 15 and October 31. A survey has not yet been completed; the Colorado Division of Wildlife does not recommend any surveys be conducted outside of the previously mentioned dates because no owls are expected to be present. If land disturbing activities are to take place within those dates a survey will be conducted as outlined in the 'RECOMMENDED SURVEY PROTOCOL AND ACTIONS TO PROTECT NESTING BURROWING OWLS' published by the Colorado Division of Wildlife. Pending results of the survey the guidelines on actions moving forward will be taken into consideration. Impacts to Burrowing Owls from the proposed project are not anticipated. If the affected land is to be disturbed between March 15 and October 31 Kelley Trucking will provide a copy of the Burrowing Owl survey when completed.

The impact to local wildlife will be temporary and occur during while the mining operation is actively taking place. The impact includes the displacement of a Black Tailed Prairie Dog population that is currently within the affected area. Though the prairie dog's habitat may be lost while mining operations are taking place the prairie dog population will be temporarily displaced, at a minimum, until reclamation begins. Once mining operations are finished and the affected area is fully reclaimed it can be reasonably assumed that a population of prairie dogs will return. As stated above the prairie dog population may serve as a source of sustenance for the birds of prey local to the area, but this loss will most likely be temporary and lasting only until the reclamation of the mine has been completed. In summary no impacts the local wildlife is anticipated to be permanent, only lasting until the reclamation of the mine is complete.

## Exhibit I – Soils Information

A web soil survey was conducted with the Natural Resources Conservation Service (NRCS). The results of which are summarized in the table below. The NRCS web soil survey provided a .zip file containing GIS information which was used in the production of the Soils Information Map contained in Exhibit C.

<u>Name</u>	<u>NRCS Abbreviation</u>	<u>Percent of the Affected Land</u>
Truckton Loamy Sands	TtB	84.54%
Ascalon Sandy Loam, 0 to 3 Percent Slopes	AsB	10.63%
Platner Loam	PIB	4.12%
Ascalon Sandy Loam, 3 to 5 Percent Slopes	AsC	0.71%

A large majority of the affected lands, 98.09 of the 116.02 acres, is comprised of what the NRCS considers Truckton Loamy Sand (TtB). Truckton series are usually found as native pastureland but are used for dryland crops in some instances. The typical profile of this series is 60 inches thick and consists of either loamy sand or sandy loam. The suitability of the Truckton series as topsoil is described as poor to fair (Sampson & Thomas, 1974) and is a class 6e soil when non irrigated (National Cooperative Soil Survey, 2020).

The next most abundant area of soils is the Ascalon Series. The Ascalon Series covers approximately 17.11 of the 116.02 acres of the site. The typical usage of this series is for dry and irrigated croplands or for grazing with the native vegetation would mainly be short grasses. The typical profile of this series is 60 to 80 inches consisting of sandy loam or sandy clay loam. The suitability of the Ascalon Series as topsoil is described to be fair to poor (Sampson & Thomas, 1974) and is a class a 4c soil when non irrigated (National Cooperative Soil Survey, 2020).

The final soil that was shown to be present on the affected lands is the Platner Series. This series covers approximately 4.78 acres and is located completely on the south central portion of the affected land. The typical usage of this series is for dry and irrigated cropland or native pastureland. A typical profile of the Platner Series is 60 to 80 inches thick and consists of layers of loam, clay and sandy clay loam. The suitability of the material as topsoil is described as generally fair but good in the upper eight inches (Sampson & Thomas, 1974) and is a class 4s soil when non irrigated (National Cooperative Soil Survey, 2020).

## Exhibit J – Vegetation Information

The vegetative state of the proposed affected area can be described as being sparse regarding the amount of vegetative types that are present. There are no trees or tall shrubs and with sandy soils covering a vast majority of the proposed affected land there is not adequate opportunity for many forms of vegetation to grow. This, in part, is due to the limited water holding capacity.

Average annual production for cropland and rangeland is dependent on soil type, environmental and climatological factors. The reclaimed land will be non-irrigated, therefore the crop types that can be utilized are more limited. Based on NRCS data the local soils of sandy loam or loamy sand that have less than 3% slopes have the capacity to yield approximately 17.5 Bu of wheat per acre per year when non irrigated. Similarly, barley is estimated to yield 14.4-21.25 Bu per acre when non irrigated. Without the addition of an irrigation system, the combination of climatological factors such as annual rainfall and the low holding capacity, as it relates to water, of the sandy soils do not make the land an attractive location to grow hay or alfalfa. The carrying capacity for rangeland is estimated to be 50 animal use months. The carrying capacity estimate based on the average forage production of the region under normal climatic conditions, which is .43 AUM/Acre.

The principal forb located on the proposed affected lands is classified as the *Heterotheca villosa*, or hairy goldenaster. The hairy goldenaster is adapted to occupying the sandy soils of the site (Resources, 1998) and is estimated to cover approximately 80 acres of land, all located in the area exhibited as being Truckton Loamy Sand. The 23 acres previously affected lands were reclaimed following the end of operations with a Dryland pasture seed mix which has established itself very well since the affected area has been reclaimed.

## Exhibit K – Climate

Annual precipitation on the plains ranges from 12 to 18 inches per year with much of the moisture occurring in the winter and early spring or late in the summer (Resources, 1998). This precipitation mostly comes from widespread storms that can sometimes be extremely heavy. Localized rains can fall in excess of 4 inches (Nolan J. Doesken, 2003). It is common for the years to be drier than average and be on the verge of drought, receiving half or less of the long term rainfall average (Nolan J. Doesken, 2003).

The average daily maximum high temperature for the plains region in the summer is often 95°F or above, and the average low for that time of year is around 58°F. During the winter months the average high is 43°F with the average low being 17°F. The range of freeze free period for the MLRA 67B North is 120 and 160 days (Service N. R., 2012).

## Exhibit L – Reclamation Costs

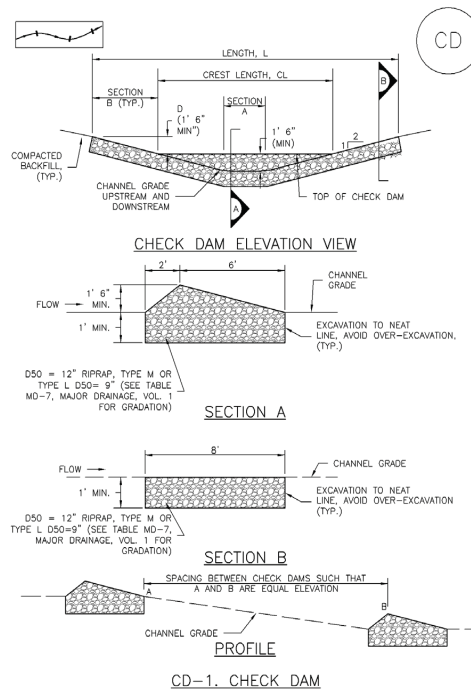
The total reclamation costs for reclamation costs are based on historical data for projects of similar size and scope. The cost chart below, considering current economic and market conditions, breakout what would be expected to reclaim the proposed affected land. The maximum affected land applied for in this permit is 116.02 acres and the maximum disturbed acreage for mining, not including the access road, will be 110.2 acres.

Reclamation Costs					
Item No.	Item	Unit	Installation Unit Cost	Quantity	Cost
1	Check Dam	LF	\$24.00	60.00	\$1,440.00
2	Permanent Seeding	Acre	\$600.00	116.00	\$69,600.00
3	Silt Fence	LF	\$1.00	1,000.00	\$1,000.00
4	Relay Topsoil @ 6"	CY	\$1.00	93,573.33	\$93,573.33
Total Cost					\$165,613.33



## Check Dams (CD)

EC-12



November 2010

Urban Drainage and Flood Control District  
Urban Storm Drainage Criteria Manual Volume 3

CD-3

EC-12

## Check Dams (CD)

### CHECK DAM INSTALLATION NOTES

- SEE PLAN VIEW FOR:
  - LOCATION OF CHECK DAMS.
  - CHECK DAM TYPE (CHECK DAM OR REINFORCED CHECK DAM).
  - LENGTH (L), CREST LENGTH (CL), AND DEPTH (D).
- CHECK DAMS INDICATED ON INITIAL SWMP SHALL BE INSTALLED AFTER CONSTRUCTION FENCE, BUT PRIOR TO ANY UPSTREAM LAND DISTURBING ACTIVITIES.
- RIPRAP UTILIZED FOR CHECK DAMS SHOULD BE OF APPROPRIATE SIZE FOR THE APPLICATION. TYPICAL TYPES OF RIPRAP USED FOR CHECK DAMS ARE TYPE M (D50 12") OR TYPE L (D50 9").
- RIPRAP PAD SHALL BE TRENCHED INTO THE GROUND A MINIMUM OF 1'.
- THE ENDS OF THE CHECK DAM SHALL BE A MINIMUM OF 1' 6" HIGHER THAN THE CENTER OF THE CHECK DAM.

### CHECK DAM MAINTENANCE NOTES

- INSPECT BMPs EACH WORKDAY, AND MAINTAIN THEM IN EFFECTIVE OPERATING CONDITION. MAINTENANCE OF BMPs SHOULD BE PROACTIVE, NOT REACTIVE. INSPECT BMPs AS SOON AS POSSIBLE (AND ALWAYS WITHIN 24 HOURS) FOLLOWING A STORM THAT CAUSES SURFACE EROSION, AND PERFORM NECESSARY MAINTENANCE.
- FREQUENT OBSERVATIONS AND MAINTENANCE ARE NECESSARY TO MAINTAIN BMPs IN EFFECTIVE OPERATING CONDITION. INSPECTIONS AND CORRECTIVE MEASURES SHOULD BE DOCUMENTED THOROUGHLY.
- WHERE BMPs HAVE FAILED, REPAIR OR REPLACEMENT SHOULD BE INITIATED UPON DISCOVERY OF THE FAILURE.
- SEDIMENT ACCUMULATED UPSTREAM OF THE CHECK DAMS SHALL BE REMOVED WHEN THE SEDIMENT DEPTH IS WITHIN 1/2 OF THE HEIGHT OF THE CREST.
- CHECK DAMS ARE TO REMAIN IN PLACE UNTIL THE UPSTREAM DISTURBED AREA IS STABILIZED AND APPROVED BY THE LOCAL JURISDICTION.
- WHEN CHECK DAMS ARE REMOVED, EXCAVATIONS SHALL BE FILLED WITH SUITABLE COMPACTED BACKFILL. DISTURBED AREA SHALL BE SEEDED AND MULCHED AND COVERED WITH GEOTEXTILE OR OTHERWISE STABILIZED IN A MANNER APPROVED BY THE LOCAL JURISDICTION.

(DETAILS ADAPTED FROM DOUGLAS COUNTY, COLORADO, NOT AVAILABLE IN AUTOCAD)

NOTE: MANY JURISDICTIONS HAVE BMP DETAILS THAT VARY FROM UFCD STANDARD DETAILS. CONSULT WITH LOCAL JURISDICTIONS AS TO WHICH DETAIL SHOULD BE USED WHEN DIFFERENCES ARE NOTED.

## Exhibit M – Other Permits and Licenses

The following permits have been obtained or will be sought regarding the proposed mining operation:

- Colorado Department of Health and Environment
  - Stormwater Discharge Permit
  - Air Pollution Emissions Notice
- Adams County
  - Construction of Facilities in Public Right of Way – Permit application submitted
  - Conditional Use Permit

The above-named permits will be provided to the Division of Reclamation and Mining Safety once they are approved.

## Exhibit N – Source of Legal Right to Enter

**COPY**



Certified to be a full, true and correct copy of the  
Recorded Document consisting of one pages  
In my custody.

Josh Zygielbaum, Adams County Clerk & Recorder

By Deann Andasa Date 06-26-2020

**PERSONAL REPRESENTATIVE'S  
DEED OF DISTRIBUTION**

THIS DEED is made by John E. Kelley as Personal Representative for the Estate of Phyllis Kelley aka Phyllis J. Kelley aka Phyllis Jean Kelley, deceased, Grantor, to Kelley Trucking, Inc., Grantee, whose legal address is 6201 McIntyre St., Golden, Colorado 80403 of the County of Jefferson, State of Colorado.

WHEREAS, the decedent died on the 8<sup>th</sup> day of November, 2018, and Grantor was duly appointed Personal Representative of said Estate by the District Court in and for the County of Jefferson, State of Colorado, Probate No. 19 PR 30027, on the 14<sup>th</sup> day of January, 2019, and is now qualified and acting in said capacity.

NOW, THEREFORE, pursuant to the powers conferred upon Grantor by the Colorado Probate Code, Grantor does hereby convey, assign, transfer and release unto Grantee, as the person entitled to distribution, the following described real property situate in the County of Adams, State of Colorado:

The Southwest quarter (SW1/4) of Section Six (6), Township 3 South, Range 64 West of  
the 6<sup>th</sup> P.M.  
County of Adams, State of Colorado

also known by street and number as: Vacant Land, Watkins, Colorado 80137

With all appurtenances.

As used herein, the singular includes the plural and the plural the singular.

Executed: 4/7/2020

[Signature]  
John E. Kelley, Personal Representative for the  
Estate of Phyllis Kelley aka Phyllis J. Kelley  
aka Phyllis Jean Kelley

STATE OF COLORADO :  
: ss.  
COUNTY OF JEFFERSON :

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of April,  
2020, by John E. Kelley as Personal Representative for the Estate of Phyllis Kelly aka Phyllis J. Kelley  
aka Phyllis Jean Kelley, Deceased.

My Commission expires: 05/15/2023

**ROXANNA D. SPRENGER**  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20194017508  
MY COMMISSION EXPIRES 05/15/2023

[Signature]  
Notary Public



**KelleyTrucking** inc.  
Earthmoving Contractors

6201 McIntyre Street • Golden, Colorado 80403  
Ph# (303) 279-4150 Fax# (303) 279-4799

April 9, 2020

Division of Reclamation, Mining and Safety  
1313 Sherman St., Room 215  
Denver, Colorado 80203

To whom it may concern,

The property described as the SW ¼ of section 6, township 3 south, range 64 west of the sixth principal meridian, county of Adams, State of Colorado is owned by Kelley Trucking Inc..

I, as Chief Executive Officer, grant Kelley Trucking Inc. permission to access the property and perform mining and reclamation activities.

Regards,

  
John Kelley  
Chief Executive Officer

State of Colorado

County of Jefferson

Signed and sworn to [or affirmed] before me on April 9, 2020

by Roxanna D. Sprenger (name(s) of individual(s) making statement).

  
(Notary's official signature)

Controller  
(Title of office)

March 15, 2023  
(Commission Expiration)

**ROXANNA D. SPRENGER**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20194017508**  
**MY COMMISSION EXPIRES 05/15/2023**

## Exhibit O – Owner of Record of Affected Land and Owner of Substance to be Mined

1. Kelley Trucking Inc. – See Exhibit N for Right to Enter

## Exhibit P – Municipalities Within Two Miles

The following are all municipalities within a two mile radius of the proposed mine site:

1. City and County of Denver
  - a. 201 W. Colfax Ave., Dept 205, Denver, CO 80202
2. City of Aurora
  - a. 15151 E Alameda Pkwy, Aurora, CO 80012

Exhibit Q – Proof of Mailing of Notices to Board of County  
Commissioners and Conservation District



NOTICE OF FILING APPLICATION  
FOR COLORADO MINED LAND RECLAMATION PERMIT  
FOR **REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION**

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS  
\_\_\_\_\_ Adams \_\_\_\_\_ COUNTY

\_\_\_\_\_ Kelley Trucking Inc. \_\_\_\_\_ (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in \_\_\_\_\_ Adams \_\_\_\_\_ 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 and recorder. Documents are available for review at the following link, <https://dnrweblink.state.co.us/drms/search.aspx?>

The applicant/operator proposes to reclaim the affected land to \_\_\_\_\_ General Agricultural (A-3) \_\_\_\_\_ 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 twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

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 Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

**IMPORTANT!**

We are continuing to respond to the impact of COVID-19 around the world. [See our latest updates](#). For COVID-19-related recipient closures, you can [redirect packages](#), [Ask FedEx](#), or contact the shipper.

Board of County Commissioners 

We made a delivery attempt: 04/11/2020 10:54 AM. Don't wait until the next business day for your delivery. Pick up your package(s) today after 02:00 PM at **FEDEX FACILITY: 2035 TAYLOR AVE.** . Click Manage Delivery below to take more control of your package(s).

Scheduled delivery:  
Monday 4/13/2020 by 12:00 pm

**IN TRANSIT**

At FedEx destination facility  
LOUISVILLE, CO

[GET STATUS UPDATES](#)

**FROM**  
GOLDEN, CO US

**TO**  
BRIGHTON, CO US

**Shipment Facts****TRACKING NUMBER**

391790083923

**SERVICE**

FedEx Priority 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**

Saturday Delivery

**STANDARD TRANSIT** 4/11/2020 by 1:30 pm**SHIP DATE** Fri 4/10/2020**SCHEDULED DELIVERY**

Mon 4/13/2020 by 12:00 pm

**Travel History**

Local Scan Time



Saturday, 4/11/2020

12:22 pm

LOUISVILLE, CO

At local FedEx facility

NOTICE OF FILING APPLICATION  
FOR COLORADO MINED LAND RECLAMATION PERMIT  
FOR **REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION**

NOTICE TO THE BOARD OF SUPERVISORS  
OF THE LOCAL CONSERVATION DISTRICT

East Adams DISTRICT

Kelley Trucking Inc. (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in Adams 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 and recorder.

The applicant/operator proposes to reclaim the affected land to General Agricultural (A-3) use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Conservation Districts 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 twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

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 Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

**IMPORTANT!**

We are continuing to respond to the impact of COVID-19 around the world. [See our latest updates.](#) For COVID-19-related recipient closures, you can [redirect packages](#), [Ask FedEx](#), or contact the shipper.

Conservation District 

Scheduled delivery:  
Monday 4/13/2020 by 4:30 pm

**IN TRANSIT**

At FedEx destination facility  
DENVER, CO

[GET STATUS UPDATES](#)

**FROM**  
GOLDEN, CO US

**TO**  
BYERS, CO US

**Shipment Facts****TRACKING NUMBER**

391790021970

**SERVICE**

FedEx Priority 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

**STANDARD TRANSIT** 4/13/2020 by 4:30 pm**SHIP DATE** Fri 4/10/2020**SCHEDULED DELIVERY**

Mon 4/13/2020 by 4:30 pm

**Travel History**[Local Scan Time](#)

Saturday, 4/11/2020

9:25 am	DENVER, CO	At local FedEx facility
8:13 am	DENVER, CO	At local FedEx facility Package not due for delivery

Friday, 4/10/2020

10:12 pm	DENVER, CO	At local FedEx facility
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6201 McIntyre Street • Golden, Colorado 80403  
Ph# (303) 279-4150 Fax# (303) 279-4799

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April 10, 2020

Division of Reclamation, Mining and Safety  
1313 Sherman St., Room 215  
Denver, Colorado 80203

To whom it may concern,

Social distancing and stay at home orders currently in place because of the ongoing COVID-19 pandemic have caused many government offices as well as non-essential businesses to temporarily close their doors. Adams County Clerk and Records office and the Board of Directors were contacted to find out information on how certified mail is being received, if at all. No contact was made with the Clerk and Records office, but contact was made with a secretary at the Board of Directors office. The conversation yielded no certain answer on the handling of certified mail. For the time being please accept the screenshot of the tracking number report in lieu of certified mail receipt as Exhibit Q of the application.

Regards,

A handwritten signature in blue ink, appearing to read 'Cal M. Kelley', is written over the printed name.

Cal Kelley  
Vice President  
Kelley Trucking Inc.

## Exhibit R – Proof of Filing with County Clerk and Recorder

**FedEx Priority Overnight**

391789956379 0.65 lb (S)

SDR Delivery

Declared Value 0

Recipient Address:

ADAMS COUNTY CLERK & RECORDER  
4430 S ADAMS COUNTY PKWY  
BRIGHTON, CO 80601  
7205236100

Scheduled Delivery Date 4/11/2020

Pricing option:

ONE RATE

Package Information:

FedEx Envelope

**FedEx Priority Overnight**

391790021970 0.20 lb (S)

Declared Value 0

Recipient Address:

East Adams Conservation Distri  
133 W BIJOU AVE  
BYERS, CO 80103-8316  
0000000000

Scheduled Delivery Date 4/13/2020

Pricing option:

STANDARD RATE

Package Information:

FedEx Envelope

**FedEx Priority Overnight**

391790083923 0.20 lb (S)

SDR Delivery

Declared Value 0

Recipient Address:

ADCO BOCC  
4430 S Adams County Pkwy  
5th Floor, STE C500A  
Brighton, CO 80601  
0000000000

Scheduled Delivery Date 4/11/2020

Pricing option:

STANDARD RATE

Package Information:

FedEx Envelope



**IMPORTANT!**

We are continuing to respond to the impact of COVID-19 around the world. [See our latest updates](#). For COVID-19-related recipient closures, you can [redirect packages](#), [Ask FedEx](#), or contact the shipper.



Adams County Recorder



We made a delivery attempt: 04/11/2020 10:54 AM. Don't wait until the next business day for your delivery. Pick up your package(s) today after 02:00 PM at **FEDEX FACILITY: 2035 TAYLOR AVE.** . Click Manage Delivery below to take more control of your package(s).

Scheduled delivery:  
Monday 4/13/2020 by 12:00 pm

**IN TRANSIT**

At FedEx destination facility  
LOUISVILLE, CO

[GET STATUS UPDATES](#)

**FROM**  
GOLDEN, CO US

**TO**  
BRIGHTON, CO US

**Shipment Facts****TRACKING NUMBER**

391789956379

**SERVICE**

FedEx Priority 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**

Saturday Delivery

**STANDARD TRANSIT**

4/11/2020 by 1:30 pm

**SHIP DATE**

Fri 4/10/2020

**SCHEDULED DELIVERY**

Mon 4/13/2020 by 12:00 pm

**Travel History**

Local Scan Time



Saturday, 4/11/2020

12:22 pm

LOUISVILLE, CO

At local FedEx facility



6201 McIntyre Street • Golden, Colorado 80403  
Ph# (303) 279-4150 Fax# (303) 279-4799

April 10, 2020

Division of Reclamation, Mining and Safety  
1313 Sherman St., Room 215  
Denver, Colorado 80203

To whom it may concern,

Social distancing and stay at home orders currently in place because of the ongoing COVID-19 pandemic have caused many government offices as well as non-essential businesses to temporarily close their doors. Adams County Clerk and Records office and the Board of Directors were contacted to find out information on how certified mail is being received, if at all. No contact was made with the Clerk and Records office, but contact was made with a secretary at the Board of Directors office. The conversation yielded no certain answer on the handling of certified mail. For the time being please accept the screenshot of the tracking number report in lieu of certified mail receipt as Exhibit R of the application.

Regards,

A handwritten signature in blue ink, appearing to read 'Cal M. Kelley', is written over the printed name.

Cal Kelley  
Vice President  
Kelley Trucking Inc.

## Exhibit S – Permanent and Man-Made Structures

## **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 as more particularly described on **Exhibit A** attached hereto and made a part hereof by reference. The State of Colorado, Division of Reclamation, Mining and Safety (the "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:

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

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

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 Reclamation Board (the "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 the 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:

Overhead electric distribution lines as more particularly described on **Exhibit A**.

The Applicant, Kelley Trucking, Inc., by Cal Kelley, as V.P., does hereby certify that Public Service Company of Colorado, a Colorado corporation hereinafter referred to as "PSCO," shall be compensated pursuant to the Compensation Agreement, hereinafter referred to as **Exhibit B**, for any damage from the proposed mining operation to the above listed structures located within 200 feet of the proposed affected area described on Exhibit A.

*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 subsequent alteration or modification to this form, other than as set forth herein, shall result in voiding this form.*

NOTARY FOR PERMIT APPLICANT

Acknowledged by:

Applicant: Kelley Trucking Inc.

Date: June 28, 2021

Representative Name: Cal Kelley

Title: Vice President

State of Colorado )  
 ) ss.

County of Jefferson )

The foregoing was acknowledged before me this 28 day of June, 2021,  
by Calvin M. Kelley as Vice President of Kelley Trucking Inc.

Lori E. Marcheso  
Notary Public

My Commission expires: 6/28/21

LORI E. MARCHESO  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19954014401  
MY COMMISSION EXPIRES 10/08/2023

NOTARY FOR STRUCTURE OWNER

Acknowledged by:

Structure Owner: Public Service Company of Colorado

Date: June 29, 2021

Representative Name: Nichole Miller  
Title: Manager, Siting and Land Rights  
Xcel Energy Services, Inc., as Authorized  
Agent for Public Service Company of  
Colorado

State of Colorado )  
 ) ss.

City and County of Denver )

The foregoing was acknowledged before me this 29<sup>th</sup> day of June, 2021, by  
Nichole Miller as Manager, Siting and Land Rights of Public Service Company of  
Colorado.

Edward Morris  
Notary Public

My Commission expires: 11/22/21

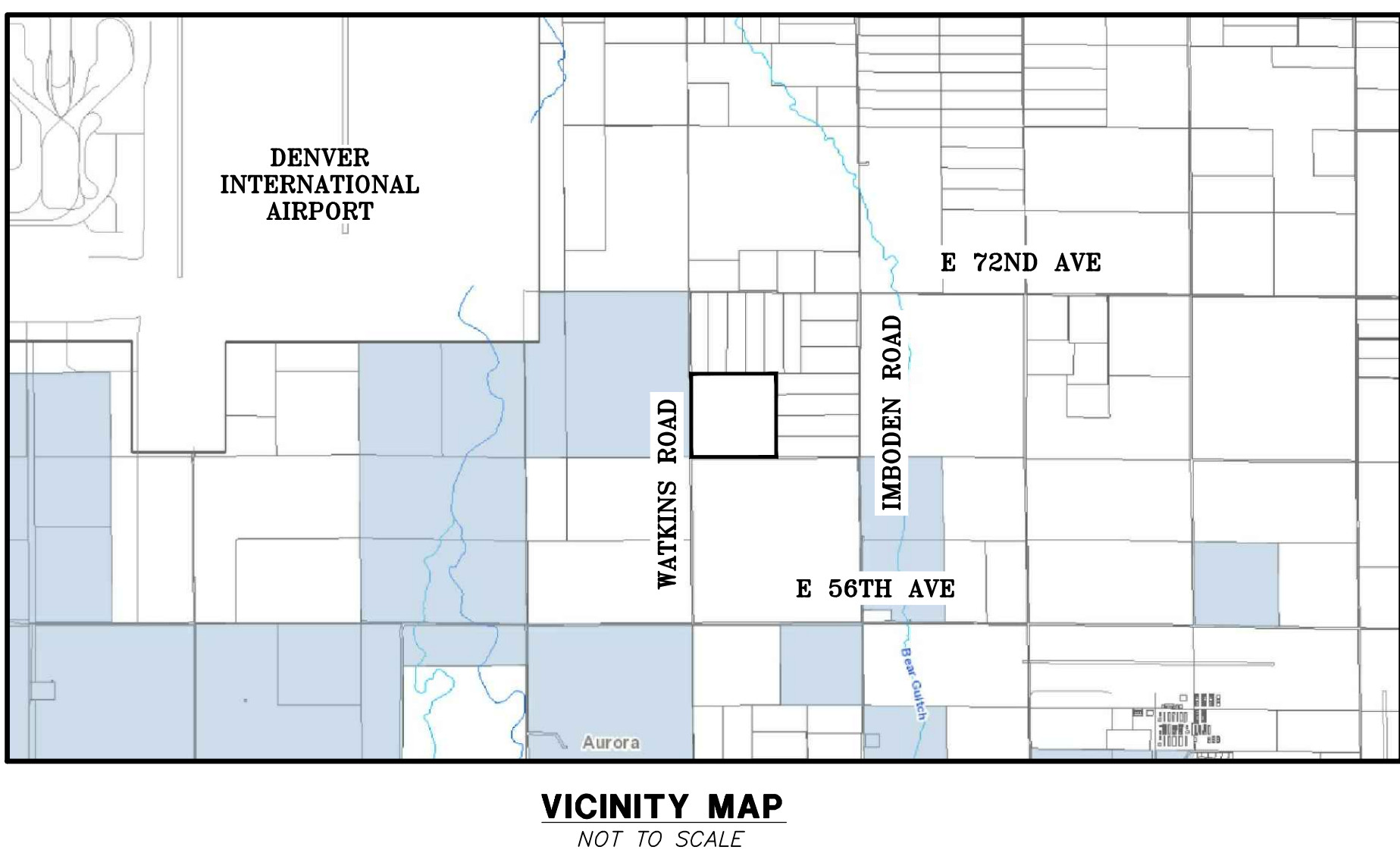
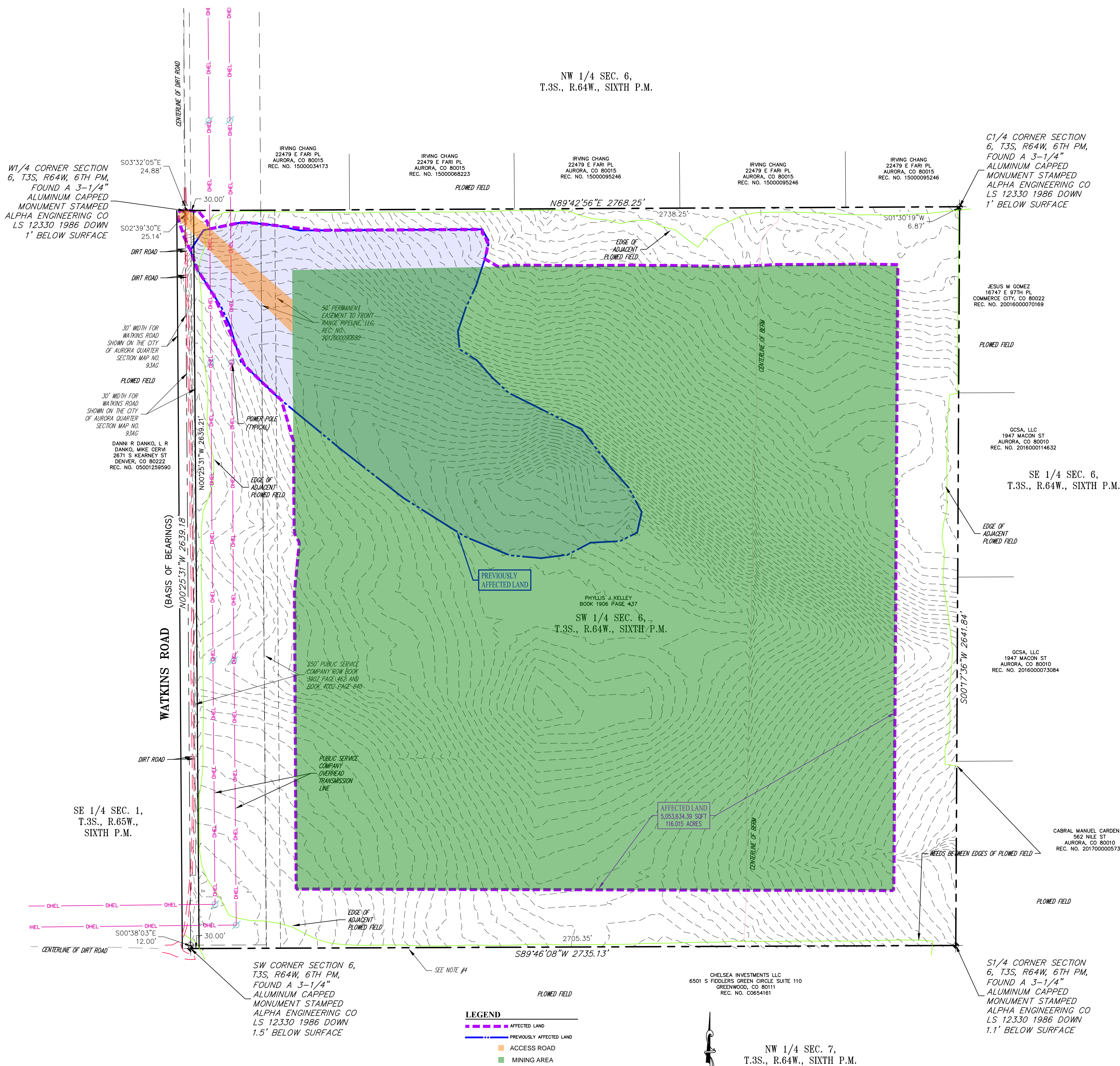
EDWARD MORRIS  
NOTARY PUBLIC - STATE OF COLORADO  
Notary ID #20174047891  
My Commission Expires 11/22/2021



EXHIBIT A

EXHIBIT X – PRE MINING PLAN MAP

THE SOUTHWEST QUARTER OF SECTION 6,  
TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF ADAMS, STATE OF COLORADO



LEGAL DESCRIPTION

THE SW1/4 OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO. THIS LEGAL DESCRIPTION IS WHAT IS SHOWN ON THE ADAMS COUNTY ASSESSOR'S OFFICE WEB SITE.

GENERAL NOTES

1. THE FIELD WORK FOR THIS SURVEY WAS PERFORMED BY AN AZTEC CONSULTANTS, INC. SURVEY CREW ON JUNE 9, 2017.
2. PER C.R.S. 38-51-106, "ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37/12 U.S. SURVEY FEET, EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY."
3. WATKINS ROAD IS SHOWN BASED ON THE CITY OF AURORA QUARTER SECTION MAP NO. 934G.
4. THE ADAMS COUNTY WEB SITE SHOWS A ROAD ALONG THE SOUTH LINE OF THE QUARTER SECTION BUT THE CITY OF AURORA QUARTER SECTION MAPS DO NOT SHOW THIS ROAD.
5. NO TITLE COMMITMENT HAS BEEN PROVIDED TO THE SURVEYOR AT THIS TIME.
6. THE QUARTER SECTION CONTAINS 166.797 ACRES, MORE OR LESS, AS SURVEYED. THE POSSIBLE 30' RIGHT-OF-WAY FOR WATKINS ROAD CONTAINS 1.818 ACRES, MORE OR LESS, AS SURVEYED. THE POSSIBLE REMAINDER PORTION OF THE QUARTER SECTION CONTAINS 164.979 ACRES, MORE OR LESS, AS SURVEYED.

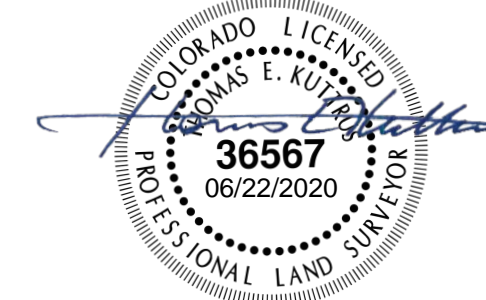
BASIS OF BEARINGS

THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AS SHOWN HEREON, ASSUMED TO BEAR NORTH 00°25'31" WEST.

SURVEYOR'S STATEMENT

I, THOMAS E. KUTTRUS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THAT THIS PLAT REPRESENTS SAID SURVEY TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 6.2.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE IN ADAMS COUNTY, COLORADO, TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.



THOMAS E. KUTTRUS, PLS NO. 36567  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

STATUTE OF LIMITATIONS

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

SCALE 1"=200'		DATE 2020-06-22	
BY		REVISION DESCRIPTION	
DATE			
<b>EXHIBIT C - PRE MINING PLAN MAP</b> <b>SW1/4 SEC 6, T3S, R64W, 6TH PM</b> <b>ADAMS COUNTY, COLORADO</b>			
PREPARED FOR Kelley Trucking, Inc. 6201 McIntyre Street, Golden, CO 80403			
SHEET 1		SHEETS 1	
53917-01 JOB NO.			

**AZTEC**  
CONSULTANTS, INC.  
300 East Mineral Ave, Suite 1  
Littleton, Colorado 80122  
Phone: (303) 713-1898  
Fax: (303) 713-1897  
www.aztecconsultants.com



## References

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