

September 24, 2021

Mr. Patrick Lennberg
Division of Reclamation, Mines, and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

RE: Incompleteness Notice, Construction Materials Reclamation Permit Amendment Application
AM02, Aggregate Industries-CR, Permit M-2004-044 -AM02; Response

Dear Mr. Lennberg:

This letter is being generated to satisfy the incompleteness review dated September 16, 2021 for the Tucson South Gravel Mine. The italicized items are the current comment and the bold text are the responses:

APPLICATION FORM:

1. *Permitted acreage (new or existing site). Questions 3, 3.1 and 3.2 were left blank please fill in the missing information.*

Questions 3, 3.1, and 3.2 have been answered. Please see the attached document.

2. *Responsibilities. Question #10, on page six, is initialed, the question does not require initials. Please indicate "N/A" for the question.*

Question 10 now indicates "NA". Please see the attached document

3. *Certification. A review of the Colorado Secretary of State website indicates the applicant is a corporation. Please provide the corporate seal on page eight of the application form, if the corporation does not have a seal please indicate "No Seal".*

A hard copy of the corporate seal and the signature of the corporate secretary is provided on the attached document.

EXHIBIT R – Proof of Filing with County Clerk and Recorder (Rule 6.4.18):

4. *Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these incompleteness issues have been placed with the application materials previously placed with the County Clerks or Recorders Offices, and made available for public review.*

The updated documents were hand delivered to the Weld and Adams Counties Clerks and Recorders. Please see the attached "received" stamps.

ADDENDUM 1 – Notice Requirement (Rule 1.6.2(1)(b)):

5. *Please provide an affidavit indicating the date on which notices were posted at the mine site, as required by the Office, of sufficient size of a minimum size of sixteen (16) inches high by twelve (12) inches wide, with font sufficient to be readable at a reasonable distance, and number to clearly identify the site as the location of a proposed mining operation giving name, address, and phone number of the Applicant, and stating that (name of Applicant) has applied for a mining permit with the Colorado Mined Land Reclamation Board. Please include photo documentation of sign placement.*

The signs were placed on September 17, 2021. Please see the attached affidavits and photos of four (4) signs placed at the site.

Included in this response is:

- Answers to question 3.
- Question 10 no longer initialed now marked "NA"
- Corporate Seal and Certification of corporate secretary
- Delivery of documents to County Clerk and Records.
- Affidavits and photos of four (4) signs posted at the site.

If there are any questions, please do not hesitate to call or email me.

CIVIL RESOURCES, LLC



Gary Linden, P.G.

Encl:

J:\Aggregate Industries-297\Tucson South Permit Support\2021 amendment\DRMS\DRMS Responses\incomplete review\Inc_M2004044_AM2.doc

APPLICATION FORM

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.



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;

WCA

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;

WCA

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;

WCA

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;

WCA

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

WCA

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.

WCA

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.

WCA

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.

WCA

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.

NA

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.

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.

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 MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

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

Permit # M2004 - 044 (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 2004 - 044 (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): Aggregate Industries-WCR, Inc.
 - 1.1 Type of organization (corporation, partnership, etc.): Corporation
2. Operation name (pit, mine or site name): Tucson South Resource
3. Permitted acreage (new or existing site): 283.2 permitted acres
 - 3.1 Change in acreage (+) 4.4 acres
 - 3.2 Total acreage in Permit area 287.6 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 commodity(ies) to be mined: sand gravel
 - 5.1 Incidental commodity(ies) to be mined: 1. gold 5 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 commodity(ies) to be mined: construction materials
 - 5.3 Anticipated end use of incidental commodity(ies) to be mined: n/a

6. **Name of owner of subsurface rights of affected land:** See Exhibit O
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** See Exhibit O

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 1

TOWNSHIP (write number and check direction): T 1 ☐ North ☒ South

RANGE (write number and check direction): R 67 ☐ East ☒ West

QUARTER SECTION (check one):

☐ NE ☒ NW ☐ SE ☐ SW

QUARTER/QUARTER SECTION (check one): ☐ NE ☒ NW ☐ SE ☐ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): _____
approximately 1 mile west of Brighton, west of the South Platte River, on the north side of Hwy 7 at its intersection with Tucson St., Elev. 4060.

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 59 sec 37.68 (2 decimal places)

Longitude (W): deg 104 min 50 sec 14.14 (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: Chance Allen Title: Regional General Manager
Company Name: Aggregate Industries-WCR, Inc.
Street/P.O. Box: 1687 Cole Blvd., Suite 300 P.O. Box: _____
City: Golden
State: Colorado Zip Code: 80401
Telephone Number: (303) - 648-1175
Fax Number: () -

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Gary Linden Title: Sr. Engineering Geologist
Company Name: Civil Resources, LLC
Street/P.O. Box: 8308 Colorado Blvd., Suite 200 P.O. Box: _____
City: Firestone
State: Colorado Zip Code: 80504
Telephone Number: (720) - 684-7221
Fax Number: () -

INSPECTION CONTACT

Contact's Name: Kimberley Dennis Title: Environmental Director
Company Name: Aggregate Industries-WCR
Street/P.O. Box: 1687 Cole Blvd., Suite 300 P.O. Box: _____
City: Golden
State: Colorado Zip Code: 80401
Telephone Number: (214) - 213-7859
Fax Number: () -

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 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 checked="" 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): _____
Mine with excavation equipment, backhoes, front end loaders, material placed on conveyor, transported off-site.

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

13.1 Briefly explain mining method (e.g. truck/shovel): _____
No on-site processing

List any designated chemicals or acid-producing materials to be used or stored within permit area: _____
Petroleum products

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

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

Amend the existing permit to add approximately 7.7 acres as a conveyor route to transport
material off site for processing. Remove the former conveyor route part of the permit area from
affected lands. Match the Conditional Use Permit (CUP) obtained from Adams County.

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 20 day of September, 2021.

Aggregate Industries-usa, inc.
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: [Signature]

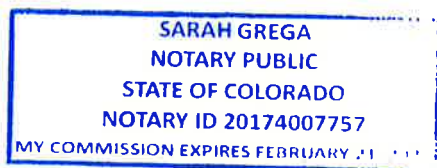
Signed: [Signature]
Corporate Secretary or Equivalent

Title: Regional General manager

Town/City/County Clerk
Dundee, Michigan

State of Colorado)
County of Jefferson) ss.

The foregoing instrument was acknowledged before me this 20 day of September, 2021, by W. Chance Allen as Regional General manager of Aggregate Industries-usa, inc



[Signature]
Notary Public

My Commission expires: 2/21/25

SIGNATURES MUST BE IN BLUE INK

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

EXHIBIT R PROOF OF FILING WITH COUNTY CLERK AND RECORDER

September 24, 2021

Adams County Clerk and Recorder
4430 South Adams County Pkwy.
Brighton, CO 80601

RE: Tucson South Gravel Mine

Dear Clerk and Recorder:

As a requirement of the Division of Reclamation Mining and Safety (DRMS), the complete Tucson South Gravel Mine application must be on file at the County Clerk's Office and be available for public viewing. A copy of the complete application on behalf of Aggregate Industries-WCR is attached. Please sign below to indicate that you have received the above-mentioned information and return this page to us by email at gary@civilresources.com.

As always, thank you for your assistance.

Sincerely,

Civil Resources, LLC



Gary Linden, P.G.
Engineering Geologist

Confirmation of Receipt:

I have received the above reference documents, and will put it on file for public viewing.

Adams County Clerk and Recorder

County Clerk and Recorder

Date

September 24, 2021

Clerk to the Board of Weld County Commissioners
1150 O Street
P.O. Box 758
Greeley, CO 80631

RE: Tucson South Gravel Mine

Dear Clerk to the Board:

As a requirement of the Division of Reclamation Mining and Safety (DRMS), the complete Tucson South Gravel Mine application must be on file at the County Clerk's Office and be available for public viewing. A copy of the complete application on behalf of Aggregate Industries-WCR is attached. Please sign below to indicate that you have received the above-mentioned information and return this page to us by email at gary@civilresources.com.

As always, thank you for your assistance.

Sincerely,

Civil Resources, LLC



Gary Linden, P.G.
Engineering Geologist

RECEIVED

SEP 24 2021

**WELD COUNTY
COMMISSIONERS**

Confirmation of Receipt:

I have received the above reference documents, and will put it on file for public viewing.

County Clerk to the Board

Date

ADDENDUM 1-NOTICE REQUIREMENT (RULE 1.6.2(1)(B))

Sign Posting Affidavit

DRMS – M-2004-044-AM02



Place signs pics here

I, Kyle Regan hereby certify that I posted a sign containing the Division of Reclamation Mining and Safety notice requirement information per Rule 1.6.2(1)(b) for the proposed permit area known as Tucson South Mine/Amendment on this 17th day of September, 20 21.



Signature of Owner or Owner's Representative

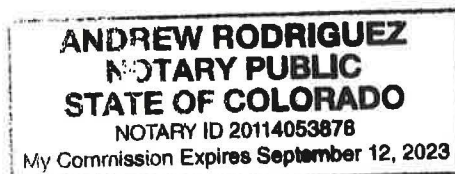
The foregoing instrument was acknowledged before me by Kyle Regan, this 20th day of September, 20 21. Witness my hand and seal.

My commission expires 9/12/2023.



Notary Public

(SEAL)



Sign Posting Affidavit

DRMS – M-2004-044-AM02



Place signs pics here

I, Kyle Regan hereby certify that I posted a sign containing the Division of Reclamation Mining and Safety notice requirement information per Rule 1.6.2(1)(b) for the proposed permit area known as Tucson South Mine/Amendment on this 17th day of September, 20 21.

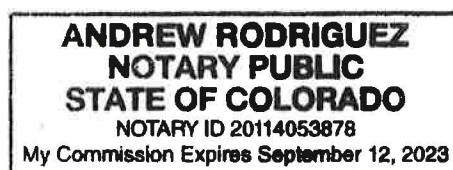
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Kyle Regan, this 20th day of September, 20 21. Witness my hand and seal.

My commission expires 9/12/23.

Notary Public

(SEAL)



Sign Posting Affidavit

DRMS – M-2004-044-AM02



Place signs pics here

I, Kyle Regan hereby certify that I posted a sign containing the Division of Reclamation Mining and Safety notice requirement information per Rule 1.6.2(1)(b) for the proposed permit area known as Tucson South Mine/Amendment on this 17th day of September, 20 21.



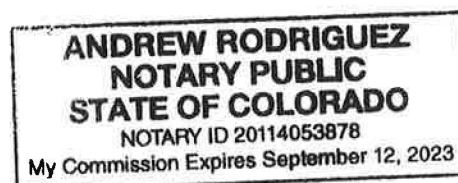
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Kyle Regan, this 20th day of September, 20 21. Witness my hand and seal.

My commission expires 9/12/2023.


Notary Public

(SEAL)




Sign Posting Affidavit

DRMS – M-2004-044-AM02



Place signs pics here

I, Kyle Regan hereby certify that I posted a sign containing the Division of Reclamation Mining and Safety notice requirement information per Rule 1.6.2(1)(b) for the proposed permit area known as Tucson South Mine/Amendment on this 17th day of September, 2021.



Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Kyle Regan, this 20th day of September, 2021. Witness my hand and seal.

My commission expires 9/12/2023.



Notary Public

(SEAL)

