

May 9, 2022

Sent via email to: clayton.wein@state.co.us

Attn: Clayton Wein, Environmental Protection Specialist
Minerals Regulatory Program
Colorado Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman Street, Rm. 215
Denver, CO 80203

**Re: Preliminary Adequacy Response
Burton Farms Gravel Pit, File No. M-2022-012 (110c Construction Materials
Application)**

Dear Clayton:

On behalf of Burton Farms LLLP, the Applicant, we hereby provide the Applicant's responses to the DRMS Adequacy Review letter dated April 26, 2022. Below, we have copied the text of each issue identified in the Adequacy Review. The Applicant's responses are provided in blue below each issue.

Rule 6.3.4(2) – Reclamation Cost Estimate

1. Rule 6.3.4(2) requires unit costs (cost per cubic yard), volumes, haul or push distances, and grades must be included when backfilling and grading are part of the Reclamation Plan. Please provide the Division with the approved above unit costs for the tasks submitted under the "Grading Tasks" on P. 5 of Exhibit D (Reclamation Cost Estimate).

Unit costs (and volumes) used to calculate this reclamation cost estimate are included in the middle column of the Reclamation Cost Estimate. These values are based on the best estimates of regional costs to perform the various tasks using push distances of 250 feet or less, with mostly downhill or neutral grades. The type of equipment to be used for grading was not specified but it is anticipated that a standard D-6 or similar sized dozer will be used to conduct the grading. Likewise, medium sized front-end loaders, graders and trucks will be used to perform the rest of the tasks included in the cost estimate.

2. Rule 6.3.4(2)(b) states all items referenced in the Reclamation Plan must be included in the cost calculation. These items in addition to earthwork, such as building demolition, fencing, monitoring well sealing or stream channel reconstruction must also be included in the

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reclamation cost estimate. Please provide the Division the specifications of the scale house to calculate the cost of demolishing the scale house and the removal of the concrete pad.

Upon further discussion with the proposed operator as to the requirements for setting up a scale facility, it was clarified that the scale will be a fully portable unit that will be removed at the end of mining. The requirements to set up a portable unit will likely only require a shallow excavation to place the scale along with minimal dirt approach ramps constructed out of the excavated material. As a result of using this type of portable scale, the only reclamation associated with its removal will be to grade the approaches back into the shallow excavation followed by grading, ripping and seeding in conjunction with reclamation of the surrounding area. Therefore, there will be no requirement for concrete foundations or the necessity to remove such foundations at the end of mining and the cost to reclaim the excavation is easily absorbed within the existing estimated cost of reclaiming the surrounding area.

Rule 6.3.5(2)(b) - Mine Plan Map

3. The Mine Plan Map (Exhibit C-1) is required by Rule 6.3.5(2)(b) to label the names of owner(s) of record of the surface of the affected area and of the land within two hundred (200) feet of the affected area. Please revise Exhibit C-1 to include the names of the surface owners of record for the affected area and lands within 200 feet of the affected area.

An updated version of the Mine Plan Map (Exhibit C-1) is attached. The owners of record of the surface of the affected area and of the land within 200 feet of the affected area have been added, labeled in red for visibility.

Please advise as to any other information needed.

Thank you,

HOLSINGER LAW, LLC

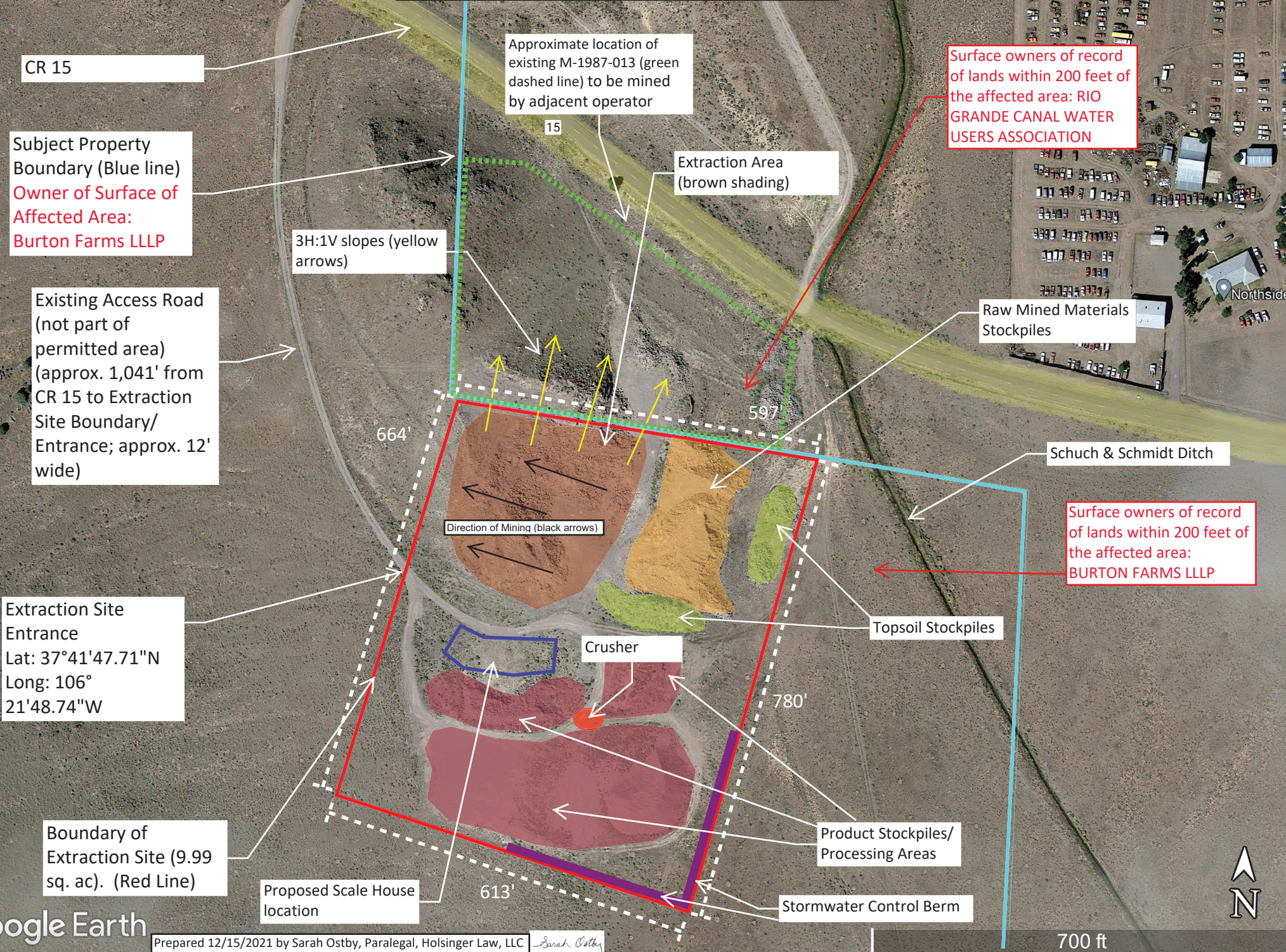


Sarah Ostby, Paralegal

cc: Tony Waldron
Kent Holsinger
Burton Farms, LLLP




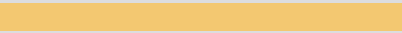







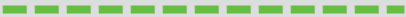
Burton Farms Gravel Pit: Exhibit C-1: Mining Plan Map*

*All distances approximate.
See next page for legend.



Sarah Ostby

Mining Plan Map Legend:

	Boundary of Subject Property in proximity of Extraction Site
	Boundary of Proposed Extraction Site
	Extraction Area
	Raw Mined Materials Stockpiles
	Topsoil Stockpiles
	Product Stockpiles/Processing Areas
	Stormwater Control Berm
	Proposed Scale House Location
	Crusher
	Direction of mining within Extraction Area
	3H:1V slopes north of Extraction Area
	Approximate location of existing M-1987-013