



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

Date: November 4, 2022

**RE: *Need for State Reclamation Permit: "Is It Mining?"***

Name: Weld County Public Works, Attention: Clay Kimmi, P.E.

Mailing Address: PO Box 758 City: Greeley State: CO Zip Code: 80632

Telephone: (970)400-3741 Cell: ( ) -

Email: [ckimmi@weldgov.com](mailto:ckimmi@weldgov.com)

Enclosed are pertinent sections of the Colorado Mined Land Reclamation Board (Board) Rules governing activities that do not require a reclamation permit. To determine if you need a permit for your proposed activity, first check Rule 1.2 which describes activities the Board has determined do not require state reclamation permits. If you find a match, you can proceed based on your interpretation of the rule, but at your own risk. If you are uncertain how the Rule may apply to your activity, you should answer the list of questions below with as much detail as possible. Please feel free to use additional paper, maps, and attachments to explain your project.

Please include in your determination request answers to the following questions:

1. Please provide the legal location of the proposed project and submit a site map that clearly delineates the location of the proposed extraction site and the location of the nearest city, town, and county location name.  
Section 20; Township 06N; Range 65W; PM 6<sup>th</sup>; County Weld Or NAD27 GPS X UTM \_\_\_\_\_; Y UTM \_\_\_\_\_  
  
Direction and miles to nearest town/city Highway 85 north out of Greeley to Weld CR 66, turn right on WCR 66 and go east to WCR 41
2. Is the site of material extraction on public or privately owned property? Public Right of Way
3. What type(s) of material or metal is/are proposed to be extracted and describe the physical nature of the site i.e., river terrace, rocky knob, in-stream gravel deposit, etc.? Unsuitable construction materials such as muck from the bar ditches.
4. What processing or extraction method(s) will be used on site? Include any equipment or chemical(s) that will be used in the processing and extraction of the materials. Front end loaders, excavators, and dump trucks
5. Will the extracted material be hauled offsite or used on the same parcel of property where the material is extracted? Both, approximately 3/4 of the material will be used onsite and the remaining materials will be removed from the site
6. How will the extracted material be used on site? Since the material has an elevated amount of organics in it, it can be used to supplement the topsoil. During construction, the unsuitable materials will be stockpiled. When the topsoiling and seeding operations begin (near the end of the project), the stockpiled unsuitable materials will be mixed with the topsoil, to the extent possible and incorporated back into the project.
7. If the material is hauled offsite, where will it be hauled to and what is the intended use? All excess materials become the property of the contractor and the contractor is responsible for its removal from the site.

8. What is the approximate areal extent of the proposed extraction in acres? The overall roadway construction project encompasses approximately 11.7 acres. However, the unsuitable materials are expected to be located in the existing bar ditches. Therefore, the area that is covered by the unsuitable materials will be between 0.06 and 0.10 acres. The rest of the material used to construct the project will be imported from permitted sites
9. To what approximate depth will the extraction extend? Two to three feet
10. In cubic yards, approximately how much material will be removed? 7,430 CY of which approximately 5,573 CY will be used within the construction project and 1,857 CY will be removed from the project.
11. Will material extraction involve the use of explosives? No
12. Will site of extraction result in the exposure of tributary ground water? No
13. Will either the landowner or the mine site operator receive any type of compensation, i.e., monetary, in-kind, haulage fees, etc., from the proposed material extraction? Weld County is the landowner and will not receive compensation for unsuitable materials. As part of the overall construction contract, the Contractor will be paid for the removal of the unsuitable materials up to 7,430 CY under the "Unsuitable Materials" pay item.
14. Please supply a copy of any documents that will ensure that the area of extraction will be reclaimed to some beneficial land use once extraction activities have been completed. See the SWMP Plans that are attached. The SWMP Plans show the entire extent of the project not just the areas where the unsuitable materials will be removed from.
15. Do you have permits for this activity from any other governmental agencies such as building, construction, or grading permits, and if so, what are they? There will be a CDPHE Stormwater Permit and building permits for the construction trailers. An Army Corps of Engineers Nationwide 14 permit has been obtained. Grading permits are not required by the Weld County Code for road construction projects located within the right of way
16. Are there state/federal/local agency participants in terms of funding (yes)-(no), design (yes)-(no). What are the percentages? Construction – DOLA Energy Impact Grant - \$700,000 which is 0.06% of the entire construction budget.
17. What *post mining* uses will be made of the site of extraction and why? (This question helps us determine the intent of the activity) Right of Way and County Road.
18. What types and sizes of equipment will be used in the extraction? Front end loaders, motor graders, excavators, tandem and side dump trucks, pavers, rollers, skidsters, etc.

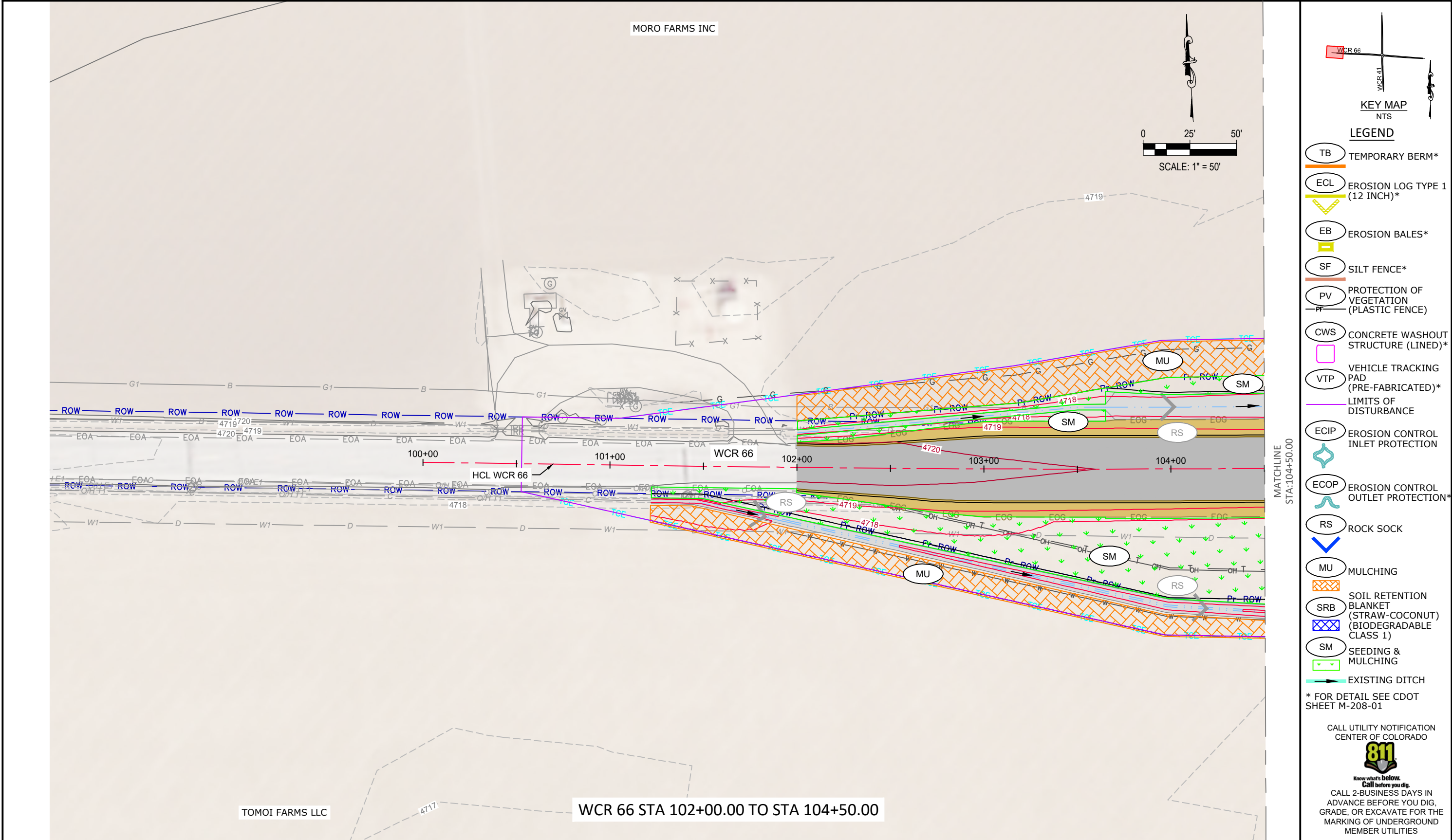
Please send the completed questionnaire to the Division at the address above for review. The Board has directed the Division to make a decision based on the information you have supplied. We trust that the activities will be performed as represented. If we receive a complaint, we are required by law to conduct an inspection of the site. Which could result in a violation, a cease and desist order, and other corrective actions including submittal of a permit application.



If you have any question, please contact Wally Erickson for Eastern Colorado sites at (303)866-3567, ext. 8176, or Russ Means for Western Colorado sites at (303)866-3567, ext. 8185. If you are unsure which area your project lies, please feel free to contact either for further guidance and assistance. Please feel free to visit our web site at: [www.mining.state.co.us](http://www.mining.state.co.us) for further access to the full Act and Rules governing extraction of metals, non-metals, and construction materials in the State of Colorado.

Sincerely,

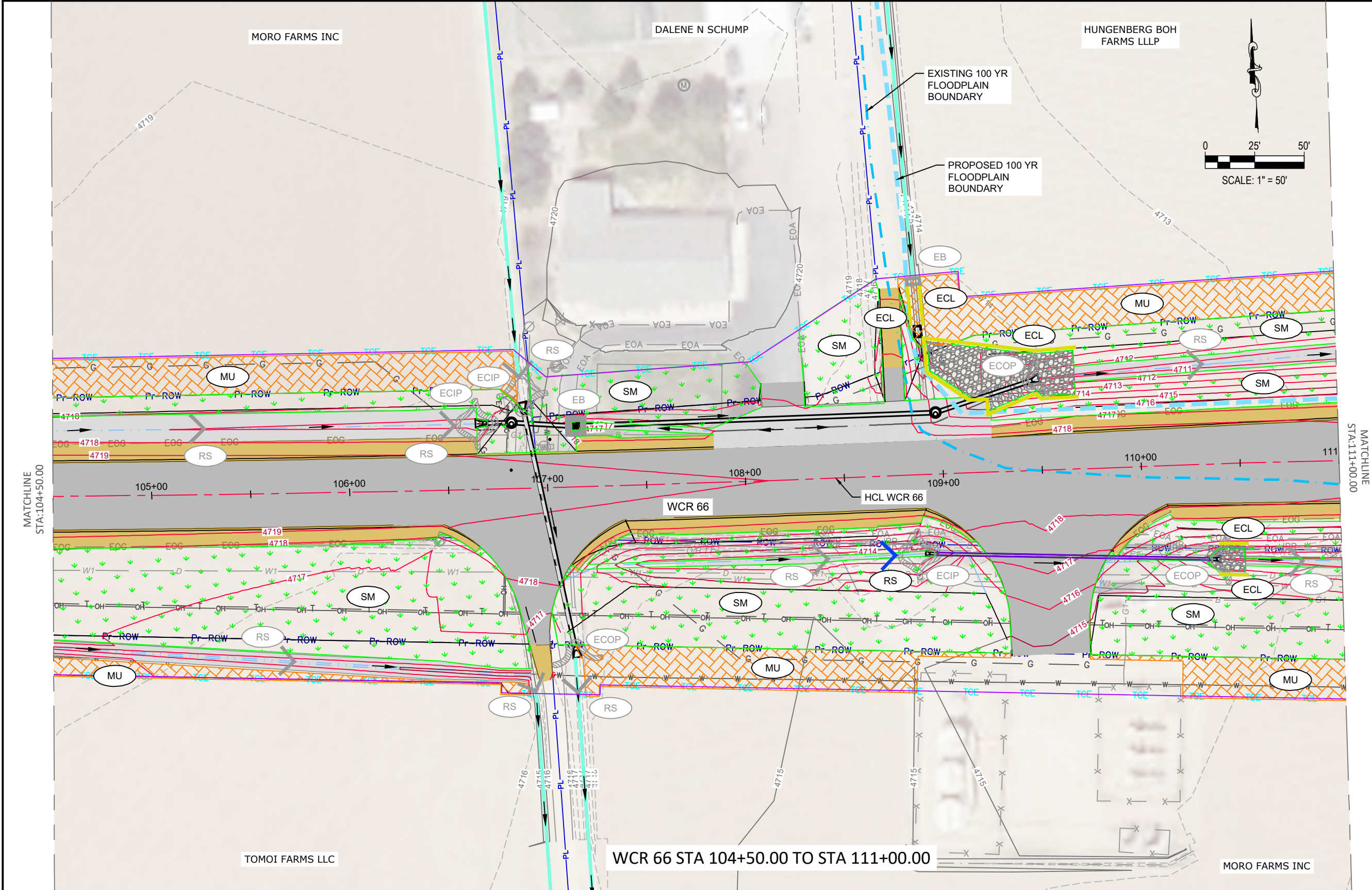
Division of Reclamation, Mining and Safety Staff

Enclosure: Rule 1.2.1 for both Hard Rock Metal Mines and Construction Materials



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AutoCAD Version:	2018	Scale: AS NOTED Units: English	-	-	--												





KEY MAP  
NTS

LEGEND

- TB TEMPORARY BERM\*
- ECL EROSION LOG TYPE 1 (12 INCH)\*
- EB EROSION BALES\*
- SF SILT FENCE\*
- PV PROTECTION OF VEGETATION (PLASTIC FENCE)
- CWS CONCRETE WASHOUT STRUCTURE (LINED)\*
- VTP VEHICLE TRACKING PAD (PRE-FABRICATED)\*
- LIMITS OF DISTURBANCE
- ECIP EROSION CONTROL INLET PROTECTION
- ECOP EROSION CONTROL OUTLET PROTECTION\*
- RS ROCK SOCK
- MU MULCHING
- SRB SOIL RETENTION BLANKET (STRAW-COCONUT) (BIODEGRADABLE CLASS 1)
- SM SEEDING & MULCHING
- EXISTING DITCH



\* FOR DETAIL SEE CDOT SHEET M-208-01

CALL UTILITY NOTIFICATION CENTER OF COLORADO

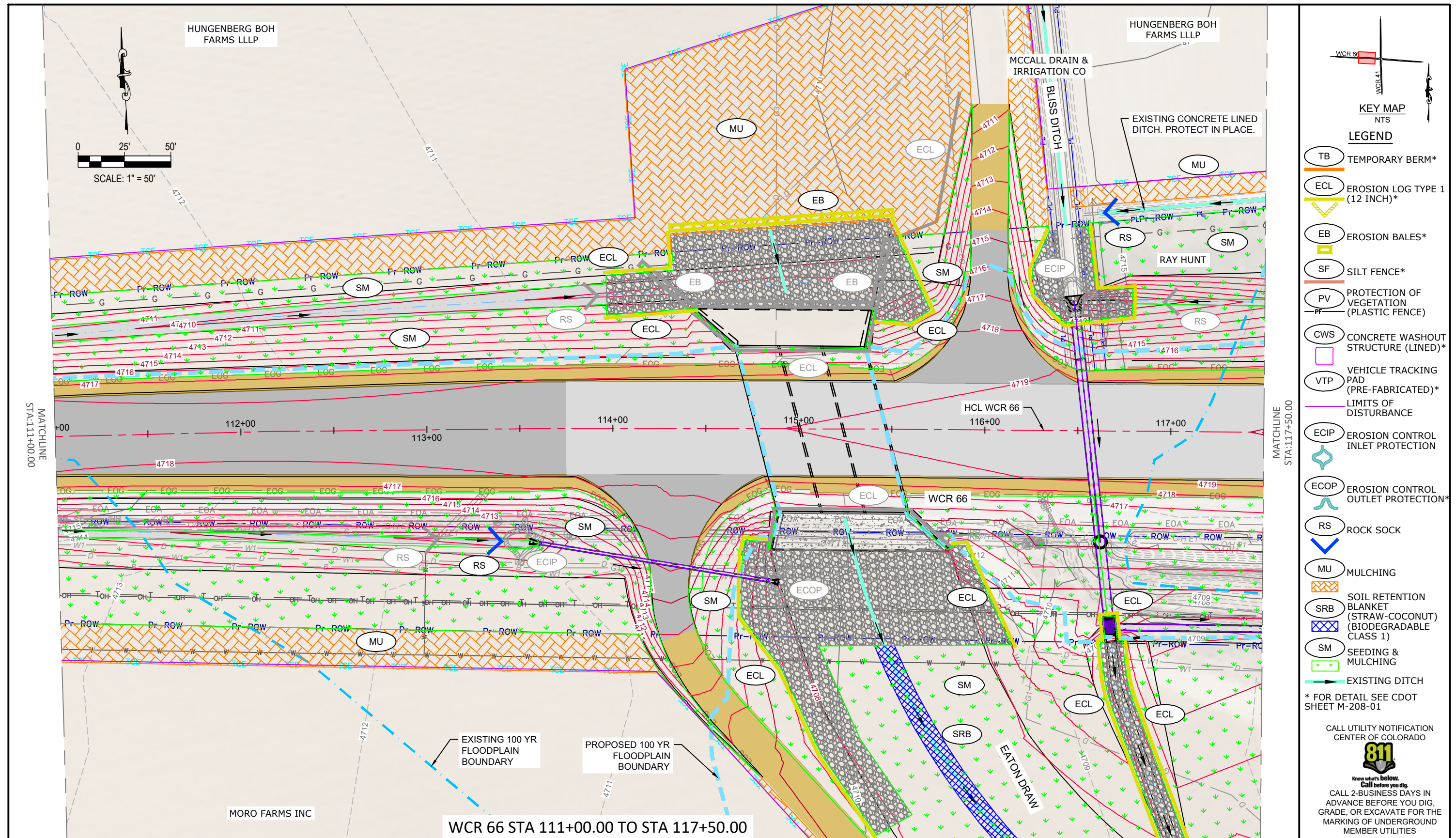
**811**

Know what's below. Call before you dig.

CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES

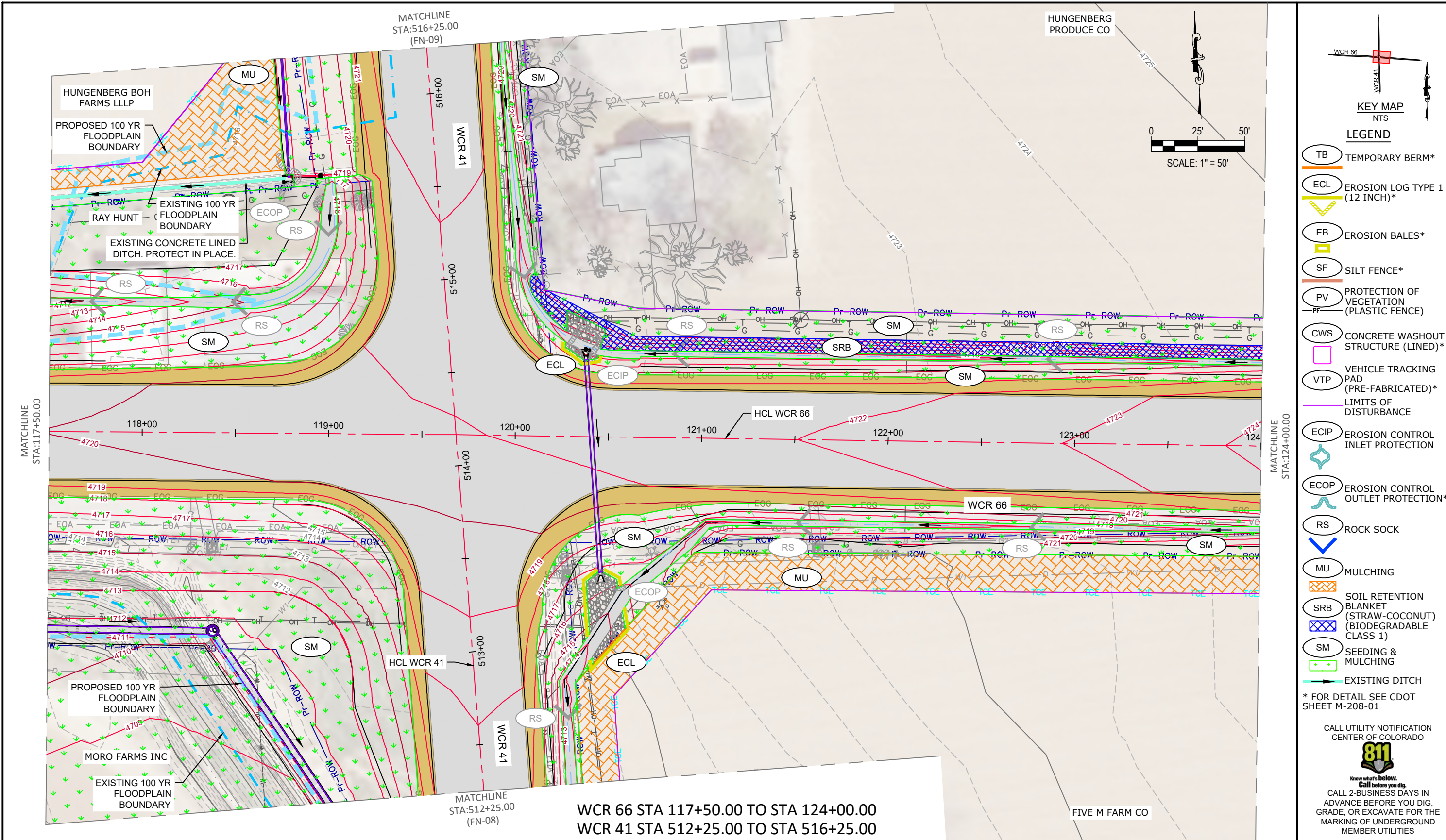
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**KEY MAP**  
NTS

**LEGEND**



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- ECL EROSION LOG TYPE 1 (12 INCH)\*
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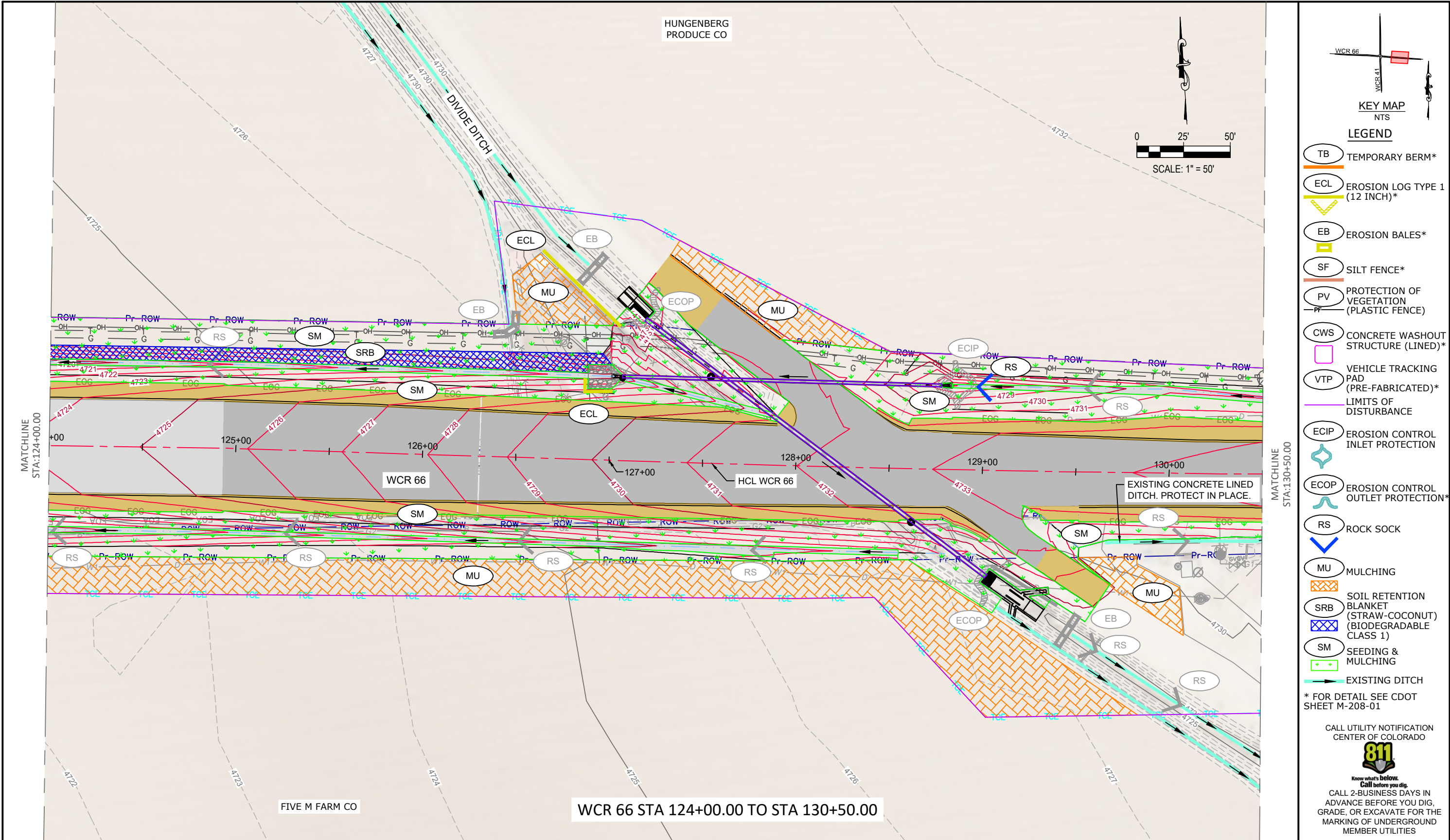
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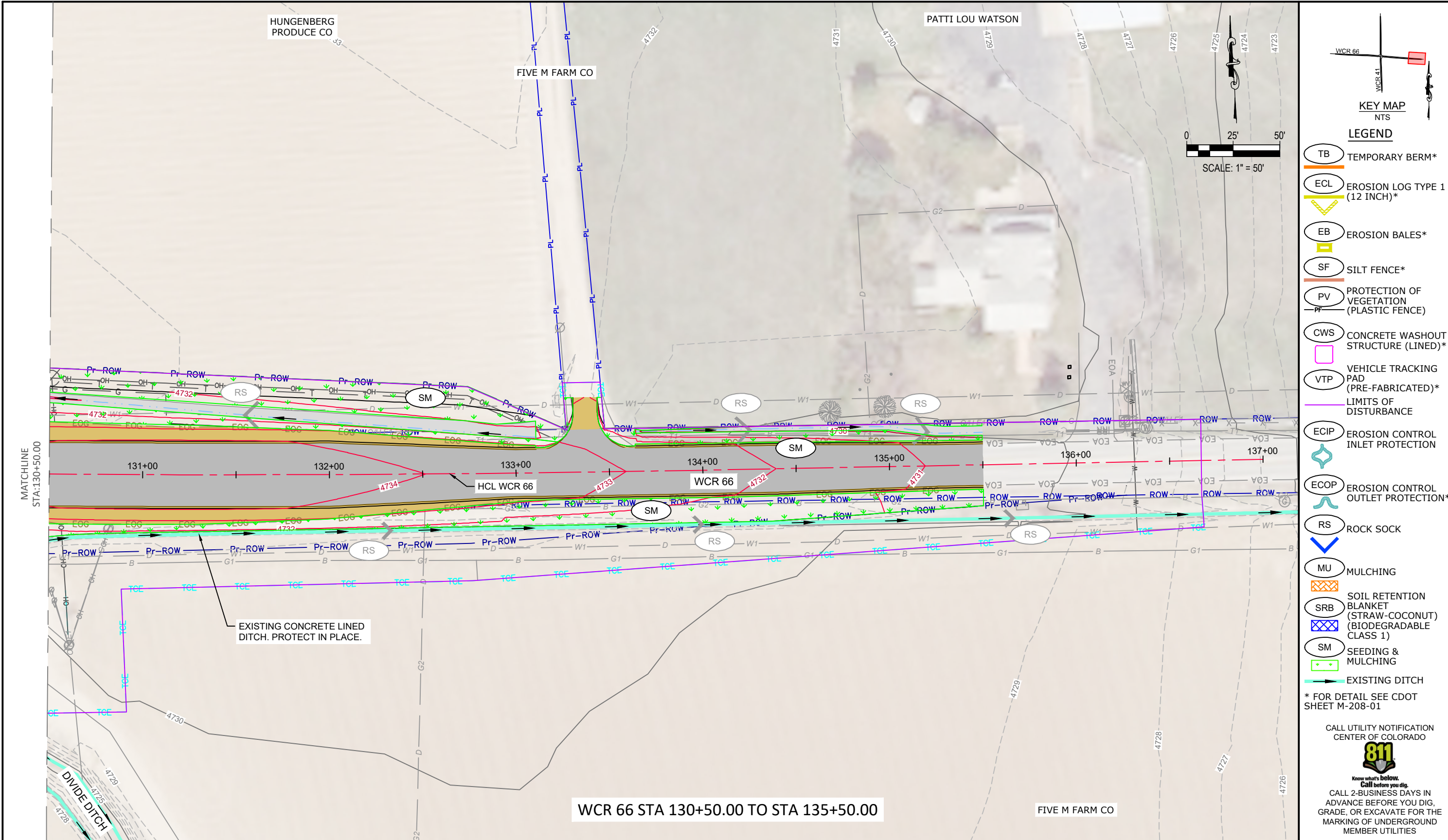
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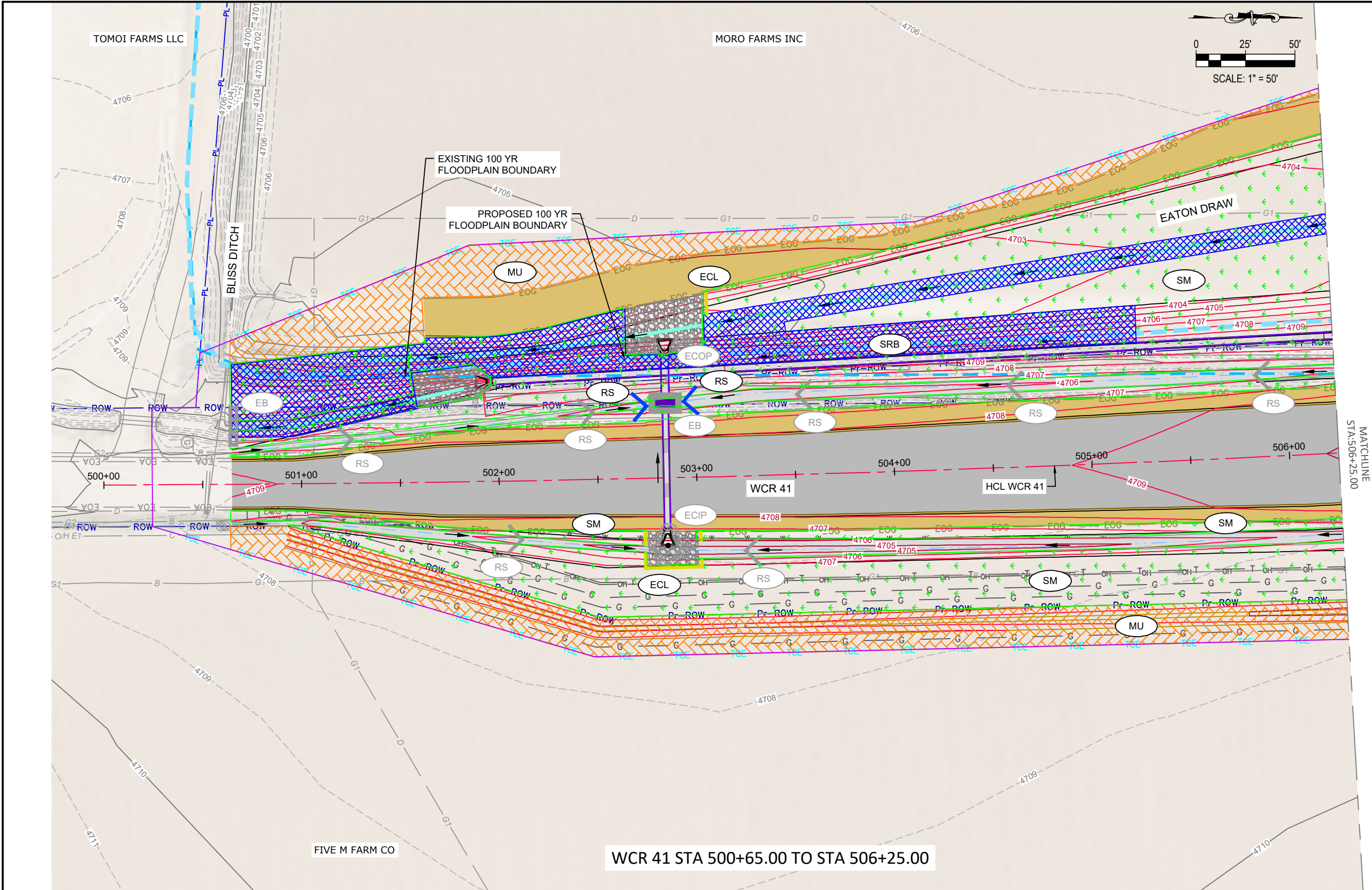
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WCR 66

WCR 41

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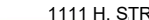
\* FOR DETAIL SEE CDOT SHEET M-208-01

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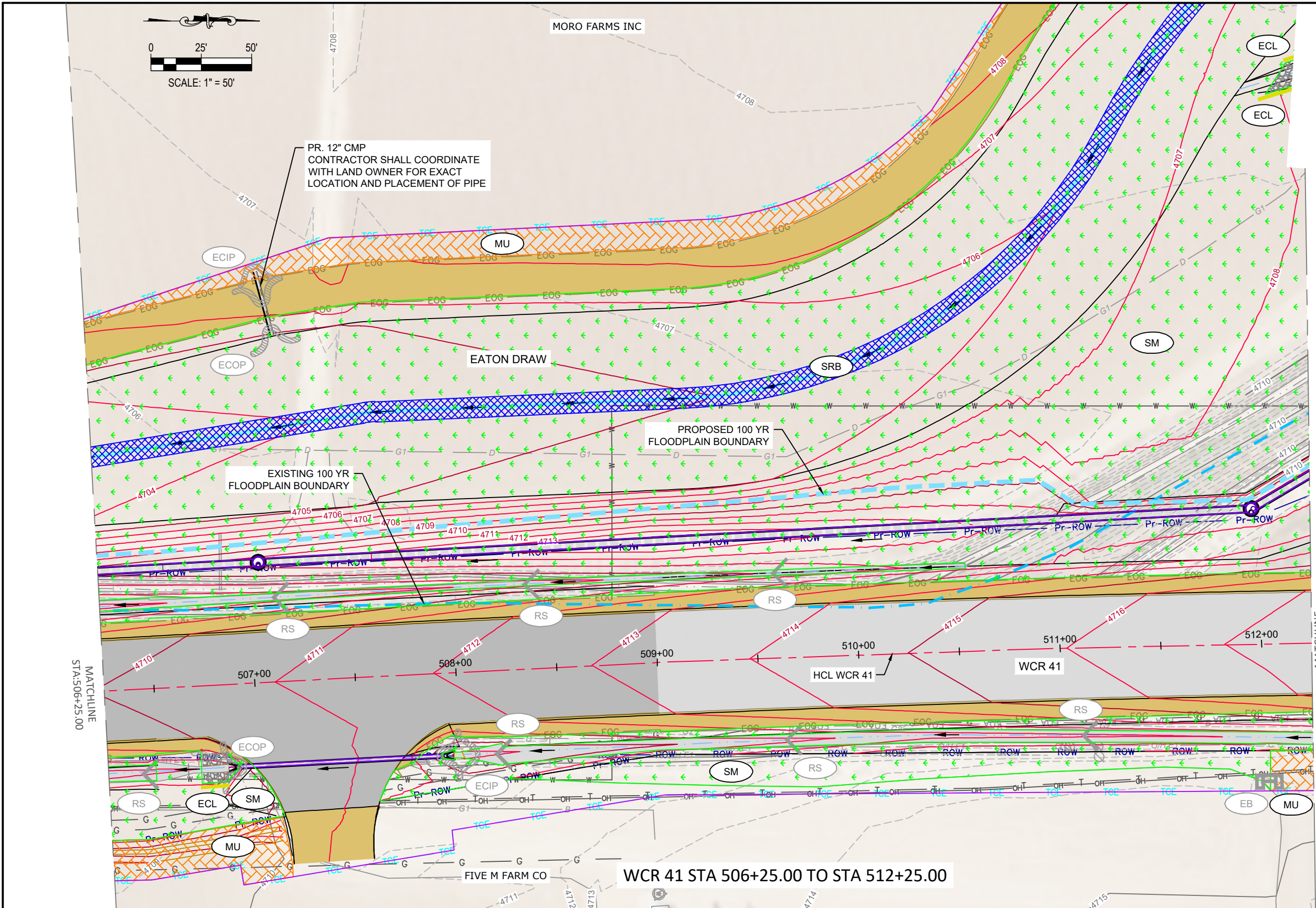
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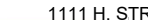

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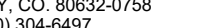

- CALL UTILITY NOTIFICATION  
CENTER OF COLORADO



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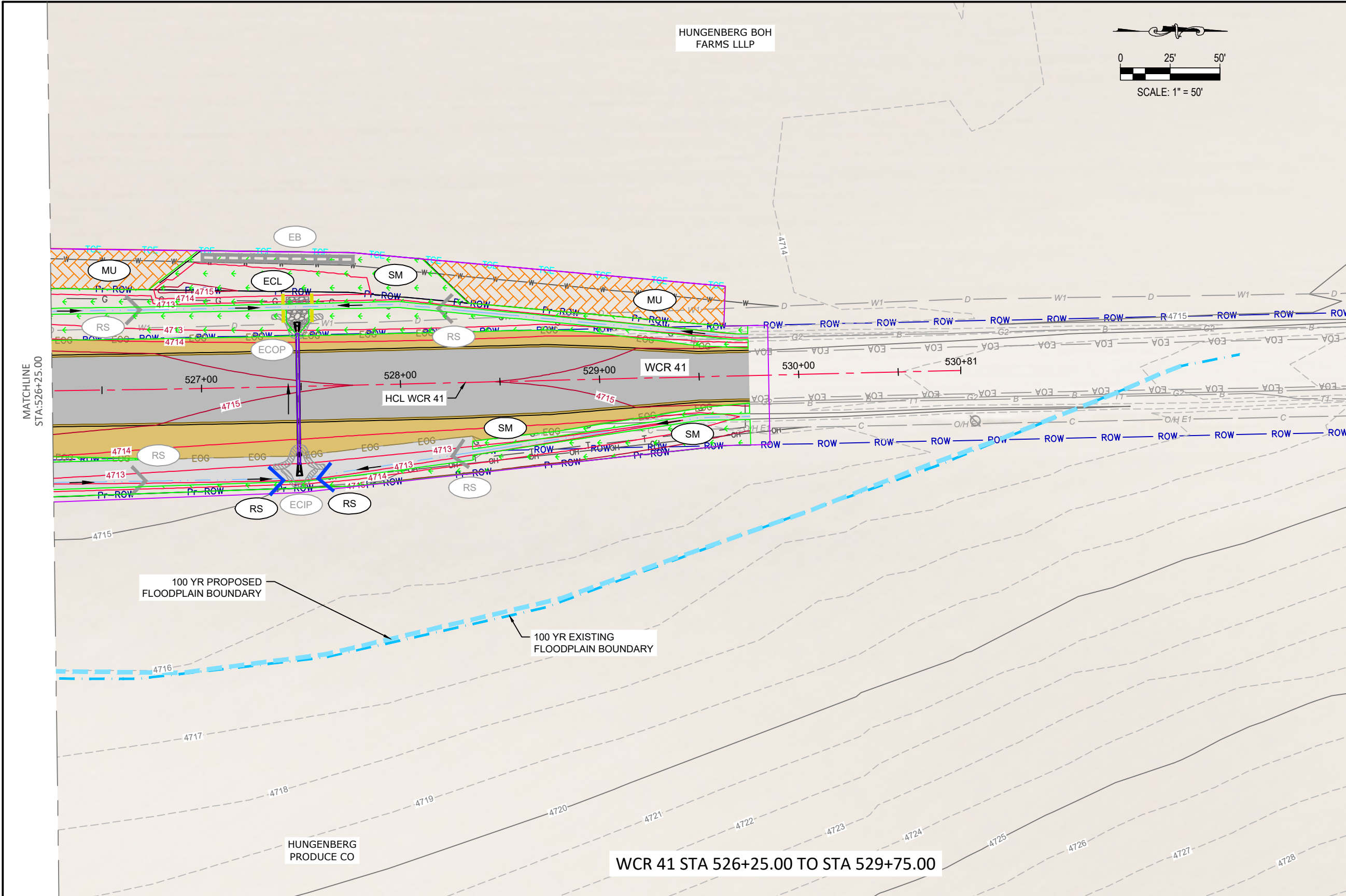
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KEY MAP  
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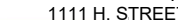

**LEGEND**

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